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Minutes of the Meeting of Council held in the Council Chamber, Local Government Centre, 2 Seventh Street, Murray Bridge, on Monday, 11 December, 2006, commencing at 7.05 pm.

PRESENT
His Worship the Mayor, Allan Arbon
Cr Bob England
Cr Barry Laubsch
Cr Phil Nutt
Cr June Phillips
Cr Clem Schubert
Cr Milton Weinert
Cr Theo Weinmann
Cr Jerry Wilson

IN ATTENDANCE
Mr David Altmann, Chief Executive Officer
Mr Kym Miller, Manager Corporate & Community Services
Mr Martin Waddington, Manager, Infrastructure & Technical Services
Mr Reginald Budarick, Manager, Lerwin
Ms Gloria Booker, Manager, Development & Environmental Services
Ms Ros Kruger, Minute Taker

25 CIVIC PRAYER
Almighty God, we humbly beseech Thee to grant thy blessing upon the work of this Council. Direct and prosper its deliberations to the advancement of Thy Glory, and the true welfare of the People of this District. Amen.

26 APOLOGIES
Cr Simmons - attending the Murray Bridge High School Presentation night on Council's behalf to present the Mayoral prize.
27 CONFIRMATION OF MINUTES

**Recommendation:**
That the minutes of the Meeting of Council held on the 20th November, 2006 and the Special Council meeting held on the 21st November, 2006 as circulated to Members, be taken as read and confirmed.

*Cr Weinert moved*
That the minutes of the Meeting of Council held on the 20th November, 2006 and the Special Council meeting held on the 21st November, 2006 as circulated to Members, be taken as read and confirmed.

*Seconded by Cr England and CARRIED*
28 MAYORAL COMMUNICATIONS

9 October
Attended briefing from Peter Severin, CEO of Correctional Services.
Attended Council meeting.

10 October
Attended opening of Rotary Shed at Council Depot.

13 October
Attended St Joseph’s Primary School night of nights dinner.

14 October
Officially opened the Speedway for season 2006.

17 October
Attended Murray & Mallee LGA Broadband Committee Meeting.

18 October
Attended DAP meeting.
Attended the Murray Bridge Gold Cup at the Race course.
Attended Norman Waterhouse Country CEO & Principal Members dinner in association with LGA AGM.

19 October
Attended Provincial Cities Meeting.

20 October
Attended Day 1 of LGA conference and AGM
Attended Day 2 of LGA conference and AGM.
Conducted Citizenship ceremony for Paul Appleby.
Attended commemoration of the 50th anniversary of the 1956 Floods at Wharf Hill.
Attended Xtreme Leadership Presentation for the Murraylands Regional Development Board at Dundees.

21 October
Attended the Now and Then Fair for the commemoration of the 50th anniversary of the 1956 Floods.

22 October
Attended the CFS brigade’s 50th birthday celebrations and commissioning of their new Pumper.
Attended the 2006 / 2007 season opening for the Murray Bridge Rowing Club.

23 October
Attended Murray & Mallee LGA Waste Management Committee at Karoonda.
Attended Council Briefing where Elected Members wives attended for the last Council meeting for the 2003/2006 term.
Attended Council Meeting.

24 October
Officially launched Daphne Neville’s embroidery CD at Pomberuk Cultural Centre.
Welcomed Dr J. Mustard, Adelaide Thinker in Residence to the community discussion “Early Childhood and Community Futures” at Unity College.

25 October
Attended the Murraylands Regional Development Board Coorong Wilderness.
Attended the Racing Club meeting.

27 October
Celebrated Mypolonga Primary School’s 90th Birthday / 1956 Flood Anniversary at the school.
Went to depot to thank staff for the help with the 1956 flood fair.
Rang Minister Gago’s office regarding the crown land.
Attended the Mypolonga School Ball.

29 October
Attended Callington Show.

30 October
Attended opening of walking trail at Wellington Marina.

31 October
Attended Murray & Mallee LGA Broadband steering committee meeting at Karoonda.
1 November
Attended the Regional Facilitators Group Exceptional Circumstances Drought meeting.
Attended Rural Business Forum conducted by Adrian Pederick at Ramblers Clubrooms.

2 November
Attended official opening of Solar Panels at Jervois Primary School.

3 November
Attended State Strategic Plan Update at the Murraylands Regional Development Board.
Spoke at the presentation of Community Lifestyles Murray Magpies uniforms.

4 November
Attended and spoke at National Heart Foundation Dinner.

5 November
Attended the combined services 50 year celebrations.
Attended the Murray Bridge Community Centre Fundraiser.

6 November
Interviewed by Ros Nelson regarding the Prison development.
Met with Adrian Pederick regarding bringing Regional Parliament to Murray Bridge.
Attended dinner with Elected Members at Murray Bridge Hotel.

8 November
Attended Murray and Mallee Strategic Task Force meeting.

9 November
Attended opening of Rural Press Printing building on Adelaide Road.
Spoke to Premier Rann about Crown land.

11 November
Attended the Country Labor Conference.
Gave Minister Rann a letter about the crown land.

14 November
Met with Minister Karlene Maywald.
Met with Kevin Smith, CEO and Gloria Booker at Narooma Boulevard.

15 November
Attended SAROC Meeting.

16 November
Attended Local Government State Executive Committee Meeting.

18 November
Attended Christmas Pageant and handed out trophies.

20 November
Attended Council briefing and Council Meeting.

21 November
Attended Urban Growth Management Steering Committee meeting.
Attended special Council meeting.

22 November
Attended Small Business Breakfast at the Balcony.
Attended the National Press Club of Australia for the Regional and Interstate Address.
Attended opening of Rotary Shed at the Council depot.

23 November
Attended the South Central Area Consultative Committee conference at Kangaroo Island.

24 November
Attended the South Central Area Consultative Committee conference at Kangaroo Island.

25 November
Drove to Shepparton and met with organisers of Spring Nats.
Great hosts and had a ride in a 2000 hp falcon ute.

27 November
Travelled to Canberra to attend the ALGA National General Assembly.

28 November
Attended the ALGA National General Assembly in Canberra

29 November
Attended the ALGA National General Assembly in Canberra
Met with Minister Jim Lloyd with delegation about fair funding for FAGS and R2R funding.

3 December
Attended the T&R Christmas Cup at Murray Bridge Racing Club.
4 December
Attended the Murraylands Youth Sector Network Christmas Celebrations.
Attended meeting regarding Spring Nats with David Altmann, Kym Miller, Alison Hancock, Dave Allen and Peter Mertin.

5 December
Conducted citizenship ceremony
Attended HACC Carers Christmas celebrations lunch.
Attended the official opening of the Career Development centre.

6 December
Attended the Urban Growth Steering Committee meeting.
Attended the SA Great Regional Awards Presentation night in Renmark with Councillor Bob England.

7 December
Spoke on 5MU radio.
Met with Neville Belling of TPY.
Attended the volunteers Christmas party.

8 December
Attended Murray & Mallee LGA meeting in Tailem Bend.

10 December
Attended South Central Area Consultative Committee Christmas function at Longview Vineyard.

11 December
Attended the Murray Bridge Community Centre Inc. Christmas celebrations.
Met with Neville Belling of TPY, Adrian Pederick & Patrick Secker.

Recommendation:
That item number 29 on Council agenda of 11 December, 2006 be received and noted.

Cr Nutt moved
That item number 29 on Council agenda of 11 December, 2006 be received and noted.

Seconded by Cr Weinmann and CARRIED
29 DEPUTATIONS
Nil
30 REPORTS OF DELEGATES

Cr Barry Laubsch - Period since 24th October 2006

24th Oct Representation from ratepayer re roads and traffic matters in the Unity College area
25th Oct Attended Open Day at the Visitor Information Centre
26th Oct Representation from ratepayer concerning the state of roads other council matters in the Long Island Estate area
27th Oct Attended the Southern Hills Local Government Association meeting at Victor Harbor (with Councillor England)
28th Oct Attended 1956 Flood Celebrations and demonstrations at Sturt Reserve
3 Nov Attended Community Lifestyles Games Uniform presentation
6 Nov Thank you dinner – Murray Bridge Hotel
9 Nov Invited guest at the opening of the Rural Press expansion (Murray Valley Standard)

11/12 Nov Participant in the Relay for Life – Cancer Council – 19 hour relay walk.
18th Nov With my wife, we judged the Clown section of the Murray Bridge Christmas pageant

20th Nov Attended the meeting for Council to recognise White Ribbon Day
21st Nov Murray Bridge Urban Growth Management Plan and Riverfront Management Study Meeting

Special Council meeting – Adoption of Audited Financial Statements
30th Nov Murraylands Economic Outlook Report Launch – Unity College
1 Dec Accessibility Advisory Committee – BBQ lunch Sturt Res
8th Dec Southern Hills Local Govt Assn – Murray Bridge
9th Dec Christmas Function – Golf Club

Ken Coventry
The following is my final list of activities as Councillor for Mobilong Ward up to 10th November, 2006.

21/10 to 1/11 attendance daily [part of day at times] at 50th. Flood event to support the volunteers at Sturt Reserve, and across other sites at the Gallery, Town Hall, Roundhouse and Captain's Cottage Museum;
23 Oct Council briefing and light meal prior to Council;
24 Oct attendance at Unity College for a community discussion with Dr. J. Fraser Mustard concerning 'Early Childhood and Community Futures';
25 Oct Big Breakfast Opening of School functions over 2 days for the Flood event;
25 Oct attendance at Visitor Information Centre open day;
26 Oct chaired meeting of 1956 Flood Committee;
26 Oct meeting with reps. of the Friends of the Library re recent inspections of Library Facilities in other communities;
26 Oct meeting of the Sports Committee of the Regional Masters Games;
27 Oct am Mypolonga School - 90th. anniversary celebrations;
27 Oct pm Council depot re LG Award celebrations;
27 Oct evening - Flood Ball at the Mypolonga Institute;
28 Oct Now and Then Fair including METOO Concert and Freemason's Kids Afternoon;
29 Oct Now and Then Fair including 'Pleasant Sunday Afternoon' event;
31 Oct  meeting with Sarah re Regional Masters Games;
1 Nov  Rural Business Forum - hosted by Member for Hammond at Ramblers;
2 Nov  assist in dismantling Flood marquee, display, etc;
3 Nov  meeting at MRDB re State Strategic Plan update;
3 Nov  Community Lifestyles Inc re presentation of sponsors and the Murray Magpie Uniform for the forthcoming Games;
5 Nov  Murray Bridge 110 Ski event;
6 Nov  members and partners dinner - Murray Bridge Hotel;
8 Nov  Murray Mallee Strategic Task Force meeting;
8 Nov  meeting of the Regional Masters Games committee;
9 Nov  Murray Valley / Bridge Print Official Opening.

**Recommendation:**
That item number 30 on Council agenda of 11 December, 2006 be received and noted.

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**Cr Weinmann moved**
That item number 30 on Council agenda of 11 December, 2006 be received and noted.

Seconded by Cr Schubert and CARRIED

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**30.3 Letter of thanks – Ken Coventry**

Cr England moved
That a letter of thanks be forwarded to Ken Coventry for his successful leadership role in the recent commemoration of the 1956 flood activities.

Seconded by Cr Weinmann and CARRIED
31 MOTIONS ON NOTICE

31.1 Ward Inspections – Cr England
I, Councillor Bob England, having complied with the requirements of Regulation 13 of the Local Government (Procedures at Meetings) Regulations 2000, hereby give Notice of the following motion to be submitted at the meeting of the Council of the Rural City of Murray Bridge to be held on 11 December, 2006 at 7 pm, move

That Ward inspection tours be considered for Elected Members and Managers during the months of February, April and June with comprehensive itineraries developed by Ward Councillors and Managers. These inspections should focus on the widest range of issues and opportunities with road and footpaths only a minor part.

CEO: Should this be adopted by Council the following potential dates have been identified:
- Tues 6 February, 2-4pm commencing at 1pm
- Tues 17 April, 2-4pm
- Tues 19 June, 2-4 pm

Cr England moved
That Ward inspection tours be considered for Elected Members and Managers during the months of February, April and June with comprehensive itineraries developed by Ward Councillors and Managers. These inspections should focus on the widest range of issues and opportunities with road and footpaths only a minor part

Seconded by Cr Weinmann and CARRIED
31.2  **Swanport Road/Owl Drive Intersection – Cr England**
I, Councillor Bob England, having complied with the requirements of Regulation 13 of the Local Government (Procedures at Meetings) Regulations 2000, hereby give Notice of the following motion to be submitted at the meeting of the Council of the Rural City of Murray Bridge to be held on 11 December, 2006 at 7 pm, move

*That the traffic issues at the junction of Owl Drive and Swanport Road be documented and urgent negotiations occur with Transport SA to address safety issues associated with:*
- Use of Swanport Plaza carpark as a thoroughfare
- Right turn vehicles travelling north totally obstructing Swanport Road traffic which in the near future will include ambulance

**Cr England moved**
That the traffic issues at the junction of Owl Drive and Swanport Road be documented and urgent negotiations occur with Department of Transport, Energy & Infrastructure (formerly Transport SA) to address safety issues associated with:
- Use of Swanport Plaza carpark as a thoroughfare
- Right turn vehicles travelling north totally obstructing Swanport Road traffic which in the near future will include ambulance.
- That SAPOL be advised of Council’s concerns.

*Seconded by Cr Laubsch and CARRIED*
31.3 Madam Jade – Cr Wilson

I, Councillor Jerry Wilson, having complied with the requirements of Regulation 13 of the Local Government (Procedures at Meetings) Regulations 2000, hereby give Notice of the following motion to be submitted at the meeting of the Council of the Rural City of Murray Bridge to be held on 11 December 2006 at 7.00 pm.

I will move:

That Council, in reference to motion 781.3.2 (iv) requests that upon the expiry of the initial six month term (in March 2007) of the Licence granted to PS Madam Jade, that any decision in relation to the granting of any further licenses be returned to Council for consideration and deliberation, and that any extension via delegation is not to be exercised by the Chief Executive Officer pursuant to 781.3.2(iv).

Cr Wilson moved

That Council, in reference to motion 781.3.2 (iv) requests that upon the expiry of the initial six month term (in March 2007) of the Licence granted to PS Madam Jade, that any decision in relation to the granting of any further licenses be returned to Council for consideration and deliberation, and that any extension via delegation is not to be exercised by the Chief Executive Officer pursuant to 781.3.2(iv).

Seconded by Cr Weinmann and CARRIED
31.4 Charging Regimes – River Users – Cr Wilson
I, Councillor Jerry Wilson, having complied with the requirements of Regulation 13 of the Local Government (Procedures at Meetings) Regulations 2000, hereby give Notice of the following motion to be submitted at the meeting of the Council of the Rural City of Murray Bridge to be held on 20 December 2006 at 7.00 pm.

I will move:
That Council request through the Chief Executive Officer, to the Asset Services Unit, to conduct an investigation into all charging regimes by other river Council’s in South Australia for commercial mooring craft, and a report be forwarded to Council for consideration and deliberation in respect to the Mooring Service Fee as set by Council in its Fees and Charges Schedule in respect of its relevancy for commercial business rentals.

Cr Wilson moved
That Council request through the Chief Executive Officer, to the Asset Services Unit, to conduct an investigation into all charging regimes by other river Council’s in South Australia for commercial mooring craft, and a report be forwarded to Council for consideration and deliberation in respect to the Mooring Service Fee as set by Council in its Fees and Charges Schedule in respect of its relevancy for commercial business rentals.

Information also be sought from marinas in adjoining Councils regarding commercial hiring fees to allow comparison between Council charges and commercial charges.

Seconded by Cr Nutt and CARRIED
32 **OFFICER’S REPORTS**

32.1 **CHIEF EXECUTIVE OFFICER**

32.1.1 **CEO MONTHLY REPORT**

1. Conduct of weekly meeting with Senior Management Team.
2. Conduct of monthly staff meetings across organization.
4. Successfully sourced $40,000 grant from Correctional Services to assist with Prison study via Urban Growth Management Plan – decided by Urban Growth Management Committee to appoint QED consultants as an adjunct to the Urban Growth Management Plan project. QED will also be engaged on the Dairy Flat project as presented to Urban Growth Management Committee for fee of $18,000 for which CEO has sourced $15,000 of external funding with balance to be committed via existing budgeted funds.
5. Attendance at internal OHS&W Committee meeting.
6. Various meeting with Shane Thompson as part of the Emerging Leaders program via the LGMA.
7. Attendance at RCMB Gold Cup function at Murray Bridge Race Course.
8. Attendance at Norman Waterhouse Annual function in city with Mayor Arbon on 18 October.
9. Attendance at day 1 of State LGA Conference in City preceded by representation on State Stormwater Management Committee and Provincial Cities Association on same day.
10. MC and attendance at official opening on 1956 flood celebration and attendance on various days during the event and also the Now and Then Fair – sincere thanks to organizing committee and staff for a great event on behalf of Council.
11. Various liaison with State Electoral Commission during conduct of Local Government election process – thank you to Andy Wilson AEC and Ros Kruger Council Liaison Officer for assistance during the process.
12. Meeting with at National Foods with Mayor and Brenton Lewis with regard to development issues and future operations.
13. Meeting with Martin Waddington and Rachel Hamilton regarding Council’s recycling project in preparation of briefing on December 11 of Council.
14. Council meeting 23 October, preceded by CEO briefing and invitation to Elected Members partners to attend.
15. Conduct of Senior Management & team leader planning day with regard to future strategic direction, budget processes, induction of new Council, 10 year financial plan, strategic plan review and new administrative initiatives.
16. Personal attendance at financial management training session conducted for senior staff at Lerwin, including training on financial performance indicators.
17. Liaison with Chris Walsh with regard to finalization of Woodlane jetty matter.
18. Meeting with Ann Herraman, Murraylands Regional Development Board regarding RIO project.
19. Attendance at Mypolonga Primary School for 1956 flood and school anniversary celebration.
20. Meeting with MRDB, SATC and representatives regarding potential project for signage improvement and conduct of regional signage audit – further information to follow once grants are sourced.
21. Assistance to planning staff on various issues on absence of Gloria Booker during leave and finalization of DAP terms of reference and interviewing of new panel candidates.

22. Various meetings with Kerry Medlow to finalise grant submission for Small Township strategic planning exercise as previously supported and resolved by Council.

23. Three (3) major awards presented to Rural City of Murray Bridge including State OHSW award via the LGA Mutual Liability Scheme for waste oil disposal system at depot and prize of $15,000, also the State Planning Institute of Australia Award for Council’s management initiative for planning cadetships and mentoring scheme and the Kesab awards.


25. Preparation of Fast Facts and various induction material for Elected Members with assistance from Ros Kruger and management team.

26. Meeting with Bronwyn Halliday, Planning SA with regard to regional population strategy and urban growth initiatives which will complement Council’s urban growth management strategy.

27. Attendance at opening of walking trail, east Wellington on 30 October.

28. Attendance at regional flu pandemic meeting to consider putting in place a regional taskforce to address pandemic issues.

29. Finalisation of development applications for town entry signage to be erected within next couple of months.

30. Meeting with Darryl Webb, Business Adviser, MRDB, with regard to various development investment and business advisory matters.

31. Various internal meetings with staff on office renovation project and project now being put to tender as per Council resolution of 20 November, 2006.

32. Meeting with representatives of the Rockleigh Fire Group and have requested they place an application before the Community Grants Committee for assistance.

33. Various internal meetings on 10 year infrastructure and asset management plan and the commencement of our data gathering and investigation phase as reported to Council on 20th November, 2006 and prior reports.

34. General meetings with Kym Miller, Manager Corporate & Community Services with regard to internal administrative issues arising from resignation of Sarah McCallum and Barry Gale – note presently seeking replacement of Sarah McCallum on a temporary basis prior to seeking full time replacement and engaged McArthur Management to assist in recruitment for a new Financial Controller – sincere thank you to Barry Gale and Sarah McCallum for their outstanding contribution to Council and the community.

35. Attendance at 110 ski race as observer.

36. Attendance at Men’s Shed function; Sturt Reserve, 6 November.

37. Meeting with Transport SA and Alison Hancock in relation to Council’s business case on railway precinct and note support from Minister to endorse Council’s approach with the Minister engaging the private sector to find suitable economic development opportunities for tourist accommodation, conference facilities, cultural & community development of the site in consultation with Council.

38. Meeting with Adrian Pederick, Mayor Arbon, Brian O’Riley, Ken Coventry, Naomi Gleeson with regard to proposal to attract Regional Parliament to Murray Bridge.

39. Attendance at Elected Member and partner Council function as thank you to the outgoing Council.
40. Conduct of joint senior management team and team leader session focusing on AAS27 financial standards, budget process improvements and 10 year financial plan.
41. Attendance at staff social club AGM at depot, 8 November.
42. Attendance at Murray Valley Standard and Rural Press opening on 9 November with Premier Rann undertaking opening.
43. Ongoing conduct of management team performance reviews.
44. Site inspection of Brinkley waste management facility with Martin Waddington to note progress on cell construction – further briefing and update by Martin Waddington and Rachel Hamilton, Trade Waste/Environment Officer, DC Mt Barker on 11 December.
45. Conduct of Council election count of 11 November.
46. Assistance towards EC submission to Federal Government and attendance at various related meetings.
47. One on one discussions with various Elected Members following appointment of new Council.
48. Conduct of pedal prix debrief meeting with representatives of pedal prix, Council administration and Mayor Arbon on 14 November – pedal prix report no major issues to be addressed with various minor matters to be addressed to improve project for 2007 – pedal prix have agreed to terms of new agreement in its legal form subject to some minor amendments.
49. Meeting with Ken Coventry on 14 November with regard to various matters.
50. Meeting with Narooma residents regarding Narooma LMA – see separate report on this on 11 December agenda.
51. Attendance at Southern & Hills CEO meeting, Alexandrina Council 15 November.
52. Meeting with internal risk management committee on risk management issues and audits.
53. Meeting with Karen Varga, Murray Bridge Regional Gallery on gallery affairs.
54. Meeting with Terry Banks with regards to opportunities for NRM funding.
55. Meeting with Sherryn Jeffrey regarding Waterford Estate and development opportunities.
56. Meeting with North School representatives to address carparking issues associated with the school with a report from the Engineer to be brought forward to Council in new year on possible parking improvements depending on budget position.
57. Attendance at Murray Bridge pageant as a marshall and parent.
59. Urban Growth Management and Riverfront Management Plan committee followed by full briefing of QED consultants on the 2 projects, followed by Special Council meeting to adopt audited financial statements on 21 November.
60. Attendance at Collins Anderson 10 year anniversary function, Adelaide, 22 November.
61. New initiative with regard to development of business plans across organization for each area of responsibility and review of such business plans as work in progress at internal meeting on 23 November.
62. Attendance at manual handling training.
63. Represented Council at Murray Bridge High School Success for Boys launch 23 November.
64. Attendance at ALGA National Congress, Canberra with Mayor Arbon and Cr Phillips. Report to be presented to January 2007 meeting.
65. MC of Physical Activity Showcase and the International Day of People with a Disability Day, Sturt Reserve.
66. Attendance at Unity College with regard to panel presentation from year 10 students.
67. Attendance at meeting with Adelaide Hills Waste representatives on strategic plan.
68. Meeting with Brenton Lewis with regard to regional development matters.
69. Attendance at carers lunch with Helen March and Kylie Cornish.
70. Walk at Sturt Reserve with Kym Miller with regard to initiating potential project for upgrading signage at Sturt Reserve.
71. Attendance at State Stormwater Management Committee as Ministerial appointee.
72. Meeting with Chris Rann marketing consultant with regard to potential marketing initiatives to assist the Rural City of Murray Bridge.
73. Attendance at Rural City of Murray Bridge Volunteer Christmas show.
74. 8 December – various matters including Southern & Hills LGA; Murray & Mallee LGA, Provincial Cities, farewell to Sarah McCallum & Barry Gale; Work Choices seminar in City and emerging leader program Unley Council with Shane Thompson.
75. 9 December – annual Council Christmas show.
76. Meeting with ABC TV producers regarding ABC mini series to be filmed in Callington area in January/February 2007, entitled RainShadow, further information to follow and we have offered assistance where needed.

Recommendation:
That item number 32.1.1 on Council agenda of 11 December, 2006 be received and noted.

Cr Weinmann moved
That item number 32.1.1 on Council agenda of 11 December, 2006 be received and noted.

Seconded by Cr Laubsch and CARRIED
32.1.2 MURRAY & MALLEE LGA CHARTER

Purpose
The Murray & Mallee Local Government Association, a Regional Subsidiary of the Council, has been required to alter its existing Charter to reflect compliance with the Local Government Act 1999.

Business
Member Councils have also provided recommended changes and this have been incorporated where possible. The Office of the State/Local Government Relations has perused the document and advised that no further alterations are required.

The proposed Charter is attached as appendix 32.1.2 for Members perusal. The proposed Charter is supported.

Recommendation:
1. That item number 32.1.1 on Council agenda of 11 December, 2006 be received.

2. That Pursuant to Clause 17 of the Charter the Council resolves that the amended Charter attached as appendix 32.1.2 to the report be adopted.

3. That Pursuant to Section 44 of the Local Government Act 1999 the Council hereby:
   3.1 revokes previous delegations to the Murray and Mallee Local Government Association; and
   3.2 delegates to the Murray and Mallee Local Government Association those powers and/or functions (together with the responsibility to observe the stipulated duties) set out in the Charter and, in particular, but without derogating from the generality of this delegation, those powers, functions and duties set out at clause 1.6 of the Charter.

4. Pursuant to Clause 19(5) of Schedule 2 to the Local Government Act 1999 the Council authorises the Chief Executive Officer of the Murray and Mallee Local Government Association to:
   4.1 furnish a copy of the Charter, as amended, to the Minister; and
   4.2 cause a copy of the Charter, as amended, to be published in the Gazette.

5. Without limiting paragraph 3 of this resolution, pursuant to Section 44 of the Local Government Act 1999 the Council delegates the power to the Chief Executive Officer of the Council, in consultation with the Principal Member, to determine all associated issues and to execute all relevant documentation on behalf of the Council for the purpose of giving effect to this resolution.

Cr England moved
1. That the recommendation be adopted, namely: item number 32.1.1 on Council agenda of 11 December, 2006 be received.
2. That Pursuant to Clause 17 of the Charter the Council resolves that the amended Charter attached as appendix 32.1.2 to the report be adopted.

3. That Pursuant to Section 44 of the Local Government Act 1999 the Council hereby:
   3.1 revokes previous delegations to the Murray and Mallee Local Government Association; and
   3.2 delegates to the Murray and Mallee Local Government Association those powers and/or functions (together with the responsibility to observe the stipulated duties) set out in the Charter and, in particular, but without derogating from the generality of this delegation, those powers, functions and duties set out at clause 1.6 of the Charter.

4. Pursuant to Clause 19(5) of Schedule 2 to the Local Government Act 1999 the Council authorises the Chief Executive Officer of the Murray and Mallee Local Government Association to:
   4.1 furnish a copy of the Charter, as amended, to the Minister; and
   4.2 cause a copy of the Charter, as amended, to be published in the Gazette.

5. Without limiting paragraph 3 of this resolution, pursuant to Section 44 of the Local Government Act 1999 the Council delegates the power to the Chief Executive Officer of the Council, in consultation with the Principal Member, to determine all associated issues and to execute all relevant documentation on behalf of the Council for the purpose of giving effect to this resolution.

   Seconded by Cr Laubsch and CARRIED
Appendix 32.1.2

MURRAY AND MALLEE

LOCAL GOVERNMENT ASSOCIATION

CHARTER FOR A REGIONAL SUBSIDIARY

MURRAY AND MALLEE LOCAL GOVERNMENT

ASSOCIATION

CHARTER FOR A REGIONAL SUBSIDIARY


1. INTRODUCTION

1.1 Name

The name of the subsidiary is the Murray and Mallee Local Government Association (referred to as “the Subsidiary” in this Charter).

1.2 Definitions

In this Charter:

1.2.1 “absolute majority” means a majority of the whole number of the Board members of the Constituent Councils as the case may be;

1.2.2 “Act” means the Local Government Act 1999 and all relevant Regulations made thereunder;

1.2.3 “Board” means the Board of Management established under Clause 4;

1.2.4 “Board member” means a person who has been appointed to the Board by a Constituent Council in accordance with Clause 4.2.1;

1.2.5 “Chairperson” means a person elected as Chairperson of the Board pursuant to Clause 4.4.1 and includes a person authorised by this Charter to act in place of the Chairperson;

1.2.6 “Constituent Council” means those Councils named in Clause 1.3;

1.2.7 “Council” means a Council constituted under the Local Government Act, 1999;

1.2.8 “deliberative vote” means a vote cast by each member of the Board (including the Chairperson) for the purpose of deciding a matter under deliberation;

1.2.9 “elected member” means a Mayor, Chairman or Councillor of a Council who has been elected pursuant to the Local Government (Elections) Act 1999 and the Local Government Act 1999;

1.2.10 “financial year” means a year beginning on 1 July in each year and ending on 30 June of the following year;

1.2.11 “meeting” includes an ordinary meeting and a special meeting of the Board;

1.2.12 “Minister” means the Minister for the time being responsible for the administration of the Local Government Act 1999;
1.2.13 "Regional Local Government Association" means a grouping of Councils which share a common geographic region and which have formed a body recognised under a law of the State of South Australia; and

1.2.14 "special resolution" means a resolution passed by a two thirds majority of all Board members entitled to vote on the issue.

1.3 Establishment

The Subsidiary is a regional subsidiary established pursuant to Section 43 of the Act by the following Councils:

1.3.1 The Berri Barmera Council,
1.3.2 The Coorong District Council,
1.3.3 The District Council of Karoonda East Murray,
1.3.4 District Council of Loxton Waikerie,
1.3.5 The Mid Murray Council,
1.3.6 The Rural City of Murray Bridge,
1.3.7 The Renmark Paringa Council, and
1.3.8 The Southern Mallee District Council.

1.4 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 Schedule 2 to the Act except as modified by this Charter in a manner permitted by Schedule 2.

1.5 Objects and Purposes

The Subsidiary is established to:

1.5.1 as the Subsidiary is a Regional Association of Councils under Part 4 of the Constitution of the Local Government Association of South Australia, to work with that Association in achieving its aims and objectives;
1.5.2 associate, collaborate and work in conjunction with other local government bodies for the advancement of any common interest;
1.5.3 undertake coordinating, advocacy and representational roles for its Constituent Councils at a regional level;
1.5.4 facilitate and coordinate activities of local government at a regional level related to community and economic development with the object of achieving continual improvement for the benefit of the communities of its Constituent Councils;
1.5.5 develop, encourage, promote, foster and maintain consultation and cooperation with other levels of government, private enterprise and the community;
1.5.6 strengthen the representation and status of local government when dealing with other levels of government, private enterprise and the community;
1.5.7 develop further cooperation between its constituent Councils for the benefit of the communities of the region;

1.5.8 develop and manage policies which guide the conduct of programs and projects in the region with the objective of securing the best outcomes for the communities of the region; and

1.5.9 undertake projects that benefit the region and its communities.

1.6 Powers, Functions and Duties

The powers, functions and duties of the Subsidiary are to be exercised in the performance of the Subsidiary's objects and purposes. The Subsidiary shall have those powers, functions and duties delegated to it by the Constituent Councils from time to time which include but are not limited to:

1.6.1 becoming a member of or cooperating or contracting with any other association or organisation, whether within or outside of the area of the Constituent Councils, which shares similar objects and purposes to those of the Subsidiary;

1.6.2 entering into contracts or arrangements with any Government agency or authority that are incidental or conducive to the attainment of the objects and the exercise of the powers of the Subsidiary;

1.6.3 entering into contracts with any person or body for the acquisition or supply of goods and services;

1.6.4 appointing, employing, remunerating, removing or suspending officers, managers, employees and agents subject to Clause 6;

1.6.5 raising revenue by:

1.6.5.1 charging the Constituent Councils fees incurred by the Subsidiary in undertaking and carrying out the Subsidiary's objects and purposes;

1.6.5.2 arrangement with sponsor organisations;

1.6.5.3 arrangement or contract with any other person or body, and

1.6.5.4 any other means not inconsistent with the objects of the Subsidiary;

1.6.6 printing and publishing any newspapers, periodicals, books, leaflets, or other like writing;

1.6.7 appointing such committees as it deems necessary and to define the duties of such committees provided that the acts of any such committee shall be submitted before execution or discharge thereof for the approval of the Subsidiary and appointing persons to such a committee which may consist partly of persons who are not representatives of Constituent Councils;

1.6.8 delegating any of the Subsidiary's powers, functions and duties to persons or committees and altering or revoking such delegations;

1.6.9 co-opting to any duly appointed committee, any elected representatives, any officer of a Constituent Council, or any other appropriate person as deemed desirable for the efficient function of that committee;
1.6.10 subject to Clause 8.9, acquiring, holding, dealing with and disposing of any real or personal property of the Subsidiary;

1.6.11 opening and operating bank accounts;

1.6.12 investing monies in any security in which trust monies may, by Act of Parliament, be invested or in any other manner approved by the Constituent Councils;

1.6.13 borrowing money;

1.6.14 giving security for the discharge of liabilities of the Subsidiary; and

1.6.15 doing all other things that are necessary or convenient for or incidental or conducive to the attainment of the objects and purposes, and the exercise, performance or discharge of the powers, functions and duties of the Subsidiary.

2. STRUCTURE OF THE SUBSIDIARY

2.1 The Subsidiary is a body corporate and, subject to the Act, is governed by its Charter. Its Board has responsibility for the management of the business and other affairs of the Subsidiary ensuring that the Subsidiary acts in accordance with this Charter, with any relevant State legislation and with any conditions attached to grants received from the Commonwealth or South Australian Government or other parties.

2.2 All meetings of the Subsidiary shall be meetings of the Board.

2.3 The Board will be entitled to make decisions in accordance with the powers and functions of the Subsidiary established in this Charter.

3. MEMBERSHIP

3.1 Initial Constituent Councils

All those Councils which are Constituent Councils upon establishment of the Subsidiary under this Charter (as set out in Clause 1.3) are known as the initial Constituent Councils.

3.2 New Members

Subject to the provisions of the Act, including but not limited to Ministerial approval, this Charter may be amended by a resolution of the Constituent Councils to provide for the admission of a new Constituent Council or Councils, with or without conditions of membership, such conditions to be determined by the Board.

3.3 Withdrawal

3.3.1 A Constituent Council may not withdraw from the Subsidiary except with the approval of the Minister and subject to the Act and this Charter.

3.3.2 A Constituent Council which intends to withdraw from the Subsidiary shall give to the Chief Executive Officer of the Subsidiary written notice of such intention, specifying the date of intended withdrawal. The notice shall be a minimum of three months.

3.3.3 The withdrawal of the Constituent Council does not extinguish the liability of that Constituent Council to make payment of its budgeted
contribution for the financial year in which it gives notices and any other amounts outstanding.

3.4 Equity Shares

3.4.1 Upon establishment of the Subsidiary, each initial Constituent Council will have an equity share in the Subsidiary as set out in the table contained in Schedule 1 to this Charter.

3.4.2 The only time that the equity share of the Constituent Councils in the Subsidiary will vary is where a new Constituent Council is admitted to or an existing Constituent Council withdraws from the Subsidiary in accordance with this Charter.

3.5 Funding

3.5.1 Each Constituent Council shall be liable to contribute funds to the Subsidiary each financial year in accordance with the amount specified in the budget adopted under Clause 7.4 and in proportion to its equity share.

3.5.2 Such funds will be due and payable within one month of the date that the budget is adopted.

3.5.3 If Constituent Council status is granted to a Council after the first day of July in any year the Subsidiary may, with the approval of the Constituent Councils, amend its budget to provide for the contribution of funds by that Council, provided that the funds to be contributed shall not exceed the equity share of that Council and shall be calculated on a pro-rata basis according to the number of full months remaining in the financial year.

4. BOARD OF MANAGEMENT

The Board shall have the responsibility to manage the business and other affairs of the Subsidiary ensuring that the Subsidiary acts in accordance with this Charter.

4.1 Functions of the Board

4.1.1 The formulation of strategic plans and strategies aimed at improving the activities of the Subsidiary.

4.1.2 To provide professional input and policy direction to the Subsidiary.

4.1.3 Monitoring, overseeing and evaluating the performance of the Chief Executive Officer of the Subsidiary.

4.1.4 Ensuring that ethical behaviour and integrity is established and maintained by the Subsidiary and its Board Members in all activities undertaken by the Subsidiary.

4.1.5 Subject to Clause 4.6.11 ensuring that the activities of the Subsidiary are undertaken in an open and transparent manner.

4.1.6 The preparation and development of Business Plans to be considered in consultation with the Constituent Councils.

4.1.7 Exercising the care, diligence and skill required by the Act and in any event such that a prudent person of business would exercise in managing the affairs of other persons.
4.2 Membership of the Board

4.2.1 Subject to Clause 4.2.2, the Board shall consist of two (2) persons from each Constituent Council appointed by the Constituent Council.

4.2.2 Each Constituent Council shall, following every periodic Local Government election, appoint, in writing to the Chief Executive Officer of the Subsidiary, those persons to act as Board members, of whom one shall be an elected member of the Constituent Council and one may be the Chief Executive Officer or such other officer of the Constituent Council.

4.2.3 Subject to Clause 4.2.4, a Board member shall be appointed for a term not exceeding the term that the Board member continues as an elected member or officer of the Constituent Council or until the conclusion of the next periodic Local Government Election following their appointment, whichever term is the lesser, at which time they shall be eligible to be reappointed by the Constituent Council.

4.2.4 Notwithstanding Clause 4.2.3, the Constituent Council may appoint either or both of its Board members for a lesser period by nominating the period in the written appointment provided to the Chief Executive Officer of the Subsidiary. In such circumstances, any continuation of appointment following the expiry of the initial period nominated shall be in writing addressed to the Chief Executive Officer of the Subsidiary.

4.2.5 Each Board member shall be entitled to one vote.

4.2.6 Notwithstanding Clause 4.2.1, each Constituent Council may appoint two persons, at least one of whom must be an elected member, to act as deputy where either or both Board members of that Constituent Council will not be present at a meeting of the Board.

4.2.7 Division 2, Part 4, Chapter 5 of the Local Government Act (Register of Interests) will not apply to this Subsidiary.

4.3 Termination of Membership of the Board

4.3.1 Notwithstanding Clause 4.2.3, the appointment of a Board member shall terminate upon any of the grounds set out at Clause 20(3) of Schedule 2 to the Act arising, or otherwise:

4.3.1.1 if the Board member has been appointed under Clause 4.2:

(a) upon the Council who appointed him/her ceasing to be a Constituent Council; or

(b) if the Board member is an elected member of a Constituent Council upon ceasing to be an elected member; or

(c) if the Board member is an officer of a Constituent Council upon ceasing to be employed by the Council which employed him/her;

4.3.2 The Board may, by special resolution, make a recommendation to the Constituent Council which appointed a Board member under Clause 4.2
requesting the Constituent Council to terminate the appointment of that
Board member for:

4.3.2.1 any behaviour of the Board member which in the opinion of
the Board amounts to impropriety;

4.3.2.2 serious neglect of duty in attending to his/her responsibilities
as a Board member;

4.3.2.3 breach of fiduciary duties to the Subsidiary or the Constituent
Council(s);

4.3.2.4 breach of the duty of confidentiality to the Subsidiary and the
Constituent Council(s);

4.3.2.5 breach of the conflict of interest provisions; or

4.3.2.6 any other behaviour which may discredit the Subsidiary or
the Constituent Councils.

4.3.3 Notwithstanding any other Clause of this Charter, a Board member may
be removed from office as a Board member by special resolution of the
Board prior to the expiration of a term of appointment.

4.3.4 If any vacancy occurs in the membership of the Board it must be filled in
the same manner as the original appointment under Clause 4.2. The
person appointed to the Board to fill a 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 re-appointment.

4.4 Chairperson of the Board

4.4.1 The Chairperson of the Board shall be appointed by the Board from
amongst its members and shall hold office for a term of one year, unless
he/she resigns or is removed from office pursuant to a resolution of the
Board or until he/she is no longer eligible to act as a Board member.

4.4.2 There shall also be a Deputy Chairperson of the Board appointed by the
Board from amongst its members and shall hold office for a term of one
year unless he/she resigns or is removed from office pursuant to a
resolution of the Board or until he/she is no longer eligible to act as a
Board member.

4.4.3 The Chairperson and Deputy Chairperson shall be eligible for re-
appointment upon their term of office expiring.

4.4.4 The Chairperson and Deputy Chairperson elected in a year immediately
preceding the year in which a periodic Local Government election is to
be held shall hold office until the conclusion of the next ordinary meeting
that is held immediately following the conclusion of the periodic election,
at which meeting both the positions of Chairperson and Deputy
Chairperson of the Board shall be elected in accordance with Clause
4.4.1.

4.4.5 If the Chairperson either resigns or is no longer eligible to act as a
Board member prior to the expiry of his/her term as Chairperson, the
Deputy Chairperson shall act in that office. In the event of the Deputy
Chairperson refusing or being unable to act, the Board shall elect from
amongst their own number a new Chairperson who shall hold office until
the conclusion of the original term.
4.5 **Powers of the Chairperson and the Deputy Chairperson**

4.5.1 The Chairperson and Deputy Chairperson shall preside at all meetings of the Board.

4.5.2 In the event that the Chairperson is absent from a meeting, the Deputy Chairperson shall preside at that meeting, and in the event that both the Chairperson and Deputy Chairperson are absent from the meeting, the Board shall appoint a member from amongst them who shall preside at that meeting or until the Chairperson or Deputy Chairperson is present.

4.6 **Meetings of the Board**

4.6.1 The Board may determine procedures in addition to but not inconsistent with those specified in this Charter to apply at or in relation to its meetings.

4.6.2 The Board shall meet:

4.6.2.1 for ordinary meetings at such times and places as may be fixed by the Board from time to time provided that there will be not less than four ordinary meetings each financial year; and

4.6.2.2 for special meetings if demanded in writing by the Chairperson or by both Board members appointed by any three (3) Constituent Councils.

4.6.3 An ordinary meeting of the Board will constitute an ordinary meeting of the Subsidiary. The Board shall administer the business of an ordinary meeting.

4.6.4 For the purposes of this sub-clause, the contemporary linking together by telephone, audio-visual or other instantaneous means ("telecommunications meeting") of a number of the Board members, provided that at least a quorum is present, is deemed to constitute a meeting of the Board. Each of the Board members taking part in a 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. At the commencement of the meeting each Board member must announce his/her presence to all other Board members taking part in the meeting. 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.

4.6.5 Except as otherwise provided in this Charter, notice of ordinary meetings will be forwarded by the Chief Executive Officer of the Subsidiary to the Board members and the Chief Executive Officers of the Constituent and Affiliate Councils at least 28 days prior to the date of the meeting, either by post to the Council’s address or by post to any other location, or via any other means of giving notice (eg. facsimile or email) as nominated by the Board member in writing addressed to the Chief Executive Officer of the Subsidiary.

4.6.6 Notice of special meetings will be sent by the Chief Executive Officer of the Subsidiary to the Board members and the Chief Executive Officers of the Constituent and Affiliate Councils at least three (3) days prior to the date of the meeting in the manner provided for at Clause 4.6.5.

4.6.7 Notice of a meeting for the purpose of making a recommendation to wind up the Subsidiary shall be sent to the Board members and the
Chief Executive Officers of the Constituent Councils at least eight (8) weeks before the date of the meeting in the manner provided for at Clause 4.6.5.

4.6.8 A majority of the Board members present at a meeting of the Board may adjourn the meeting from time to time and from place to place.

4.6.9 Subject to Clause 4.6.11, all meetings of the Board will be conducted in a place open to the public.

4.6.10 All Board members must keep confidential all documents and any information provided to them on a confidential basis for their consideration prior to a meeting of the Board.

4.6.11 The Board may order that the public be excluded from attendance at any meeting in order to enable the Board to consider in confidence any information or matter listed in Section 50(3) of the Act (after taking into account any relevant consideration under that subsection).

The exercise of this power does not exclude Board members and any other person permitted by the Board to remain in the room.

4.6.12 Where an order is made under Clause 4.6.11, a note must be made in the minutes of the making of the order and of the grounds on which it was made.

4.6.13 Where the Board has considered any information or a matter in confidence under Clause 4.6.11 it may subsequently resolve to keep minutes and/or any other documents considered during that part of the meeting confidential in accordance with Section 91 of the Act.

4.6.14 The Chief Executive Officer of the Subsidiary must cause minutes to be kept of the proceedings at every meeting of the Board and ensure that the minutes are presented to the next ordinary meeting of the Board for confirmation and adoption.

4.6.15 Where the Chief Executive Officer of the Subsidiary is excluded from attendance at a meeting of the Board pursuant to Clause 4.6.11, the person presiding at the meeting shall cause the minutes to be kept.

4.6.16 The Board may invite any person to attend at a meeting of the Board to act in an advisory capacity.

4.7 Quorum

4.7.1 The quorum for an ordinary meeting of the Board is a majority of the number of Board members in office, being a number ascertained by dividing the total number of Board members for the time being in office by two (2), ignoring any fraction, and adding one (1). No business will be transacted at a meeting of the Board unless a quorum is present.

4.7.2 The quorum for a meeting of the Board other than an ordinary meeting shall be the number of Board members appointed by the Board to attend that meeting divided by two (2), ignoring any fraction, and adding one (1). No business shall be transacted at such a meeting unless a quorum is present.

4.8 Voting

4.8.1 Questions arising for decision at meetings of the Board will be decided by a simple majority of eligible votes on the basis of one (1) vote per
Board member present at the meeting. The Chairperson shall not, in the event of equality of votes, have a second or casting vote. In the event of equality of votes the matter will lapse.

4.8.2 Subject to a conflict of interest, each Board member validly present at a meeting must vote on a question arising for a decision at the meeting. Failure by any Board member to vote in situations other than where a conflict of interest arises will be deemed to be a negative vote in relation to the question for decision.

4.8.3 Subject to any express contrary provision in this Charter, the Local Government (Procedures at Meetings) Regulations 33 of 2000 Parts 1, 2 and 4, will apply to all meetings of the Board. Procedures not specifically addressed by those Regulations or by this Charter will be as determined by the Board.

5. DISQUALIFICATION

5.1 A Council which fails to make payment of any amount due to the Subsidiary within six months from the date upon which the amount becomes due and payable shall, subject to Ministerial approval, cease to be a Constituent Council or, as the case may be, an Affiliate Council.

5.2 The Chief Executive Officer of the Subsidiary will give notice in writing to the Council that its status as a Constituent Council or, as the case may be, an Affiliate Council, has been terminated. Termination will not be effective until approved by the Minister.

6. EMPLOYEES OF THE SUBSIDIARY

6.1 The Board must appoint a Chief Executive Officer of the Subsidiary to manage the business of the Subsidiary on terms agreed between the Chief Executive Officer and the Board. The Chief Executive Officer of the Subsidiary may be a natural person or a body corporate approved by the Board.

6.2 The Chief Executive Officer of the Subsidiary shall cause records to be kept of the business and financial affairs of the Subsidiary in accordance with this Charter, in addition to other duties provided for by this Charter and those specified in the terms and conditions of appointment.

6.3 In the absence of the Chief Executive Officer of the Subsidiary for any period exceeding four weeks a suitable person to act in the position of Chief Executive Officer of the Subsidiary must be appointed by the Board.

6.4 The Board shall delegate responsibility for the day to day management of the Subsidiary to the Chief Executive Officer of the Subsidiary, 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.

6.5 The functions of the Chief Executive Officer of the Subsidiary shall be specified in the terms and conditions of appointment and shall include but are not limited to:

6.5.1 appointing, managing, suspending and dismissing employees of the Subsidiary;

6.5.2 determining the conditions of employment of employees of the Subsidiary within the budgetary constraints set by the Board;

6.5.3 attending at all meetings of the Board unless excluded by resolution of the Board.
6.5.4 ensuring that the decisions of the Board are implemented in a timely
and efficient manner;

6.5.5 providing information to assist the Board to assess the Subsidiary's
performance against its Strategic and Business Plans;

6.5.6 providing advice and reports to the Board on the exercise and
performance of its powers and functions under this Charter or any Act;

6.5.7 ensuring that the Subsidiary is at all times complying with Schedule 2 to
the Act;

6.5.8 ensuring that the Subsidiary’s annual report in accordance with Clause
28 to Schedule 2 to the Act is distributed to the Constituent Councils in
time to be incorporated in their annual reports;

6.5.9 co-ordinating and initiating proposals for consideration of the Board
including but not limited to continuing improvement of the operations of
the Subsidiary;

6.5.10 ensuring that the assets and resources of the Subsidiary are properly
managed and maintained;

6.5.11 exercising, performing or discharging other powers, functions or duties
conferred on the Chief Executive Officer of the Subsidiary by or under
the Act or any other Act, and performing other functions lawfully directed
by the Board, and

6.5.12 inviting any person to attend at a meeting to act in an advisory capacity.

6.6 The Chief Executive Officer of the Subsidiary shall provide a report on his/her
activities to the Board at every ordinary meeting.

7. MANAGEMENT

7.1 Financial Management

7.1.1 The Subsidiary shall keep proper books of accounts in accordance with
the requirements of the Local Government (Financial Management)
Regulations 1999.

7.1.2 The Subsidiary must reconsider its budget at least three times in each
Financial Year at intervals of not less than three months between 30
September and 31 May (inclusive) in accordance with the requirements

7.1.3 The Subsidiary's books of account must be available for inspection by
any Board member or authorised representative of any Constituent
Council at any reasonable time on request.

7.1.4 The Subsidiary must establish and maintain a bank account at a bank
and with such bank facilities to be determined by the Board.

7.1.5 The Subsidiary shall appoint no less than two Board members, the Chief
Executive Officer of the Subsidiary, the Chairperson and Deputy
Chairperson as authorised operators of the bank accounts. A minimum
of two authorised operators must be required to deal with the bank
account at any one time.

7.1.6 All cheques must be signed by two persons authorised by resolution of
the Board.
7.1.7 Any payments made by electronic funds transfer must be made in accordance with procedures which have received the prior approval of the Auditor.

The Chief Executive Officer of the Subsidiary must act prudently in the handling of all financial transactions for the Subsidiary and must provide quarterly financial and corporate reports to the Board and, if requested, the Constituent Councils.

7.2 Audit

7.2.1 The Board shall appoint an auditor in accordance with the Local Government (Financial Management) Regulations 1999.

7.2.2 The Auditor shall hold office until the appointment is rescinded by a resolution of the Board at an ordinary meeting.

7.2.3 The Auditor will have the same powers and responsibilities as set out in the Act in relation to a Council.

7.2.4 The audit of financial statements of the Subsidiary, together with the accompanying report from the Auditor, shall be submitted to both the Board and the Constituent Councils.

7.2.5 The books of account and financial statements shall be audited at least once per year.

7.2.6 The Subsidiary is not required to establish an audit committee, unless the Board resolves otherwise.

7.3 Business Plan

7.3.1 The Subsidiary shall prepare a Business Plan every three (3) years consequent upon Clause 7.3.2.

7.3.2 The initial Business Plan must be prepared within six months of establishment of the Subsidiary.

7.3.3 The Business Plan must:

7.3.3.1 link the core activities of the Subsidiary to strategic, operational and organisational requirements with supporting financial projections setting out the estimates of revenue and expenditure as necessary for the period;

7.3.3.2 include the performance targets of the Subsidiary, and

7.3.3.3 include those measures to be employed to monitor and assess performance and achievement of targets;

7.3.4 The Board shall:

7.3.4.1 compare the Business Plan against performance targets at least twice every Financial Year;

7.3.4.2 review the contents of the Business Plan annually; and

7.3.4.3 undertake reasonable consultation with the Constituent Councils prior to adopting or amending the Business Plan.
7.4 Annual Program and Budget

7.4.1 Before 31 October in each Financial Year in accordance with the Local Government (Financial Management) Regulations 1999 a proposed annual program and budget detailing the estimated revenues and costs for the forthcoming Financial Year shall be submitted by the Chief Executive Officer of the Subsidiary to the Board.

7.4.2 The proposed annual program and the budget must be referred to the Constituent Councils at the same time as the Chief Executive Officer of the Subsidiary submits them to the Board members.

7.4.3 A Constituent Council may comment in writing to the Chief Executive Officer of the Subsidiary on the annual program and the budget at least three (3) business days before the meeting at which they will be considered by the Board or, alternatively, may comment through its Board members at the meeting of the Board.

7.4.4 The Board must provide a copy of the adopted budget to the Chief Executive Officer of each Constituent Council within five (5) business days after the adoption.

7.4.5 Reports summarising the financial position and performance of the Subsidiary against the annual budget shall be prepared and presented to the Board every three (3) calendar months and copies provided to the Constituent Councils within five (5) days of the Board meeting to which they have been presented.

7.5 Reporting

7.5.1 The Chief Executive Officer of the Subsidiary shall ensure the Chief Executive Officer and the Principal Member of each Constituent Council shall receive a copy of the minutes from each Board meeting for distribution to the elected members of the Constituent Councils.

7.5.2 The Board must submit to the Constituent Councils by 31 October in each Financial Year a report in accordance with Clause 28 to Schedule 2 of the Act on the work and operations of the Subsidiary detailing achievement of the aims and objectives of its Business Plan and incorporating the audited Financial Statements of the Subsidiary and any other information or reports required by the Constituent Councils.

7.5.3 The Board shall present financial statements in accordance with the Local Government (Financial Management) Regulations 1999 to the Constituent Councils at the end of each Financial Year.

8. MISCELLANEOUS

8.1 Insurance and Superannuation requirements

8.1.1 The Subsidiary shall register with the Local Government Mutual Liability Scheme and comply with the Rules of that Scheme.

8.1.2 If the Subsidiary employs any person it shall register with the Local Government Superannuation Scheme and the Local Government Workers Compensation Scheme and comply with the Rules of those Schemes.
8.2 **Winding Up**

8.2.1 The Subsidiary may be wound up by the Minister acting upon a unanimous resolution of the Constituent Councils or by the Minister in accordance with Clause 33(1)(b) of Schedule 2 to the Act.

8.2.2 In the event of a winding up of the Subsidiary, any surplus assets after fulfilment of the Subsidiary's liabilities shall be returned to Constituent Councils in proportion to the equity share of the Constituent Councils prior to the resolution to wind up being passed.

8.2.3 If there are insufficient funds to fulfil all of the Subsidiary's liabilities on winding up, a levy shall be imposed on all Constituent Councils in proportion to the equity share of the Constituent Councils in the financial year prior to the resolution to wind up being passed.

8.3 **Non-Derogation and Direction by Constituent Councils**

8.3.1 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.

8.3.2 Provided that the Constituent Councils have all first agreed unanimously as to the action to be taken, the Constituent Councils may direct and control the Subsidiary.

8.3.3 For the purpose of Clause 8.3.1, any decision of the Constituent Councils under Clause 8.3.2 and/or direction given or control exercised by the Constituent Councils must be given in writing to the Chief Executive Officer of the Subsidiary.

8.4 **Alteration and Review of Charter**

8.4.1 This Charter will be reviewed by the Constituent Councils acting in concurrence at least once in every three (3) years.

8.4.2 This Charter may be amended by a resolution passed by each of the Constituent Councils.

8.4.3 The Chief Executive Officer of the Subsidiary must ensure that the amended Charter is published in the Gazette and a copy of the amended Charter is provided to the Minister and to all the Constituent Councils.

8.5 **Disputes between Constituent Councils**

8.5.1 The Constituent Councils agree to work together in good faith to resolve any matter requiring their direction or resolution.

8.5.2 Where the Constituent Councils are unable to resolve a matter within sixty (60) days of the matter being presented to them, the matter will be referred by the Chief Executive Officer of the Subsidiary to the Institute of Arbitrators and Mediators Australia for arbitration by its President (or his/her nominee).

8.5.3 Notwithstanding Clause 8.5.2 of this Charter the Constituent Councils agree to be bound by the decision of the appointed arbitrator (except in relation to any decision relating to the acquisition or disposal of any real property) and will endeavour to work together in good faith in the implementation of that decision.
8.5.4 The costs of arbitration shall be borne equally by the Constituent Councils involved in the arbitration.

8.6 **Committees**

8.6.1 The Board may establish a committee of Board members for the purposes of:

8.6.1.1 enquiring into and reporting to the Board on any matter within the Subsidiary’s functions and powers and as detailed in the terms of reference given by the Board to the committee,

8.6.1.2 exercising, performing or discharging delegated powers, functions or duties.

8.6.2 A member of the committee established under Clause 8.6.1 of this Charter holds office at the pleasure of the Board.

8.6.3 The Board may establish advisory committees consisting of or including persons who are not Board members for enquiring into and reporting to the Board on any matter within the Subsidiary’s functions and powers and as detailed in the terms of reference which must be given by the Board to the advisory committee.

8.6.4 The Chairperson of the Board is an ex-officio member of any committee or advisory committee established by the Board.

8.7 **Common Seal**

8.7.1 The Subsidiary shall have a common seal upon which its corporate name shall appear in legible characters.

8.7.2 The common seal shall not be used without the express authorisation of a resolution of the Board and every use of the common seal shall be recorded in the minute book of the Subsidiary.

8.7.3 The affixing of the common seal shall be witnessed by the Chairperson or the Deputy Chairperson and the Chief Executive Officer of the Subsidiary or such other person as the Board may appoint for the purpose.

8.7.4 The common seal shall be kept in the custody of the Chief Executive Officer of the Subsidiary or such other person as the Board may from time to time decide.

8.8 **Standing Orders or Rules**

8.8.1 Subject to Clause 21 of Schedule 2 of the Act and to the direction of the Constituent Councils, the Board may pass, alter or rescind standing orders, policies or rules for the due management and regulation of meetings of the Subsidiary.

8.8.2 Standing orders, policies or rules made pursuant to this Clause 8.8 shall be entered in a record which will be kept for the information of the Board members and may be printed and/or circulated at the discretion of the Board.

8.8.3 The standing orders, policies and rules in existence shall remain in operation for a period of one (1) year, at which time they shall be
reviewed by the Board and confirmed, varied or discontinued by resolution of the Board.

8.9 **Property of the Subsidiary**

8.9.1 All property held by the Subsidiary is held for and on behalf of the Constituent Councils in accordance with their respective equity shares.

8.9.2 No person may sell, encumber or otherwise deal with any property of the Subsidiary except in accordance with this Charter and with the prior written approval of the Constituent Councils.

8.10 **Circumstances not provided for**

8.10.1 If any circumstance arises on which this Charter is silent, incapable of taking effect or being implemented according to its strict provisions, the Chairperson may decide the action to be taken to ensure achievement of the objects of the Subsidiary and its effective administration.

8.10.2 The Chairperson shall report any such decision at the next general meeting.
### SCHEDULE 1

#### EQUITY SHARES

<table>
<thead>
<tr>
<th>Constituent Council</th>
<th>Equity Share</th>
</tr>
</thead>
<tbody>
<tr>
<td>Berri Barmera Council</td>
<td>15.4%</td>
</tr>
<tr>
<td>Coorong District Council</td>
<td>10.2%</td>
</tr>
<tr>
<td>District Council of Karoonda East Murray</td>
<td>5.4%</td>
</tr>
<tr>
<td>District Council of Loxton Waikere</td>
<td>16.3%</td>
</tr>
<tr>
<td>Mid Murray Council</td>
<td>12.2%</td>
</tr>
<tr>
<td>Rural City of Murray Bridge</td>
<td>20.4%</td>
</tr>
<tr>
<td>Renmark Paringa Council</td>
<td>13.7%</td>
</tr>
<tr>
<td>Southern Mallee District Council</td>
<td>6.4%</td>
</tr>
</tbody>
</table>
32.1.3 SOUTHERN & HILLS LOCAL GOVERNMENT ASSOCIATION CHARTER

Purpose
The Southern & Hills Local Government Association, a Regional Subsidiary of the Council, has been required to alter its existing Charter to reflect compliance with the Local Government Act 1999.

Business
Member Councils have also provided recommended changes and this have been incorporated where possible. The Office of the State/Local Government Relations has perused the document and advised that no further alterations are required.

A copy of the suggested amendments and proposed Charter is attached as appendix 32.1.3 for Members perusal. The proposed Charter is supported.

Recommendation:
1. That item number 32.1.3 on Council agenda of 11 December, 2006 be received.

2. That Pursuant to Clause 17 of the Charter the Council resolves that the amended Charter attached as appendix 32.1.3 to the report be adopted.

3. That Pursuant to Section 44 of the Local Government Act 1999 the Council hereby:
   3.1 revokes previous delegations to the Southern & Hills Local Government Association; and
   3.2 delegates to the Southern & Hills Government Association those powers and/or functions (together with the responsibility to observe the stipulated duties) set out in the Charter.

4. Pursuant to Clause 19(5) of Schedule 2 to the Local Government Act 1999 the Council authorises the Chief Executive Officer of the Southern & Hills Local Government Association to:
   4.1 furnish a copy of the Charter, as amended, to the Minister; and
   4.2 cause a copy of the Charter, as amended, to be published in the Gazette.

5. Without limiting paragraph 3 of this resolution, pursuant to Section 44 of the Local Government Act 1999 the Council delegates the power to the Chief Executive Officer of the Council, in consultation with the Principal Member, to determine all associated issues and to execute all relevant documentation on behalf of the Council for the purpose of giving effect to this resolution.

Cr Laubsch moved
1. That the recommendation be adopted, namely: that item number 32.1.3 on Council agenda of 11 December, 2006 be received.

2. That Pursuant to Clause 17 of the Charter the Council resolves that the amended Charter attached as appendix 32.1.3 to the report be adopted.
3. That Pursuant to Section 44 of the Local Government Act 1999 the Council hereby:
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4. Pursuant to Clause 19(5) of Schedule 2 to the Local Government Act 1999 the Council authorises the Chief Executive Officer of the Southern & Hills Local Government Association to:
   4.1 furnish a copy of the Charter, as amended, to the Minister; and
   4.2 cause a copy of the Charter, as amended, to be published in the Gazette.

5. Without limiting paragraph 3 of this resolution, pursuant to Section 44 of the Local Government Act 1999 the Council delegates the power to the Chief Executive Officer of the Council, in consultation with the Principal Member, to determine all associated issues and to execute all relevant documentation on behalf of the Council for the purpose of giving effect to this resolution.

   Seconded by Cr Nutt and CARRIED
3 November 2006

Mr David Altman
Chief Executive Officer
Rural City of Murray Bridge
PO Box 421
Murray Bridge SA 5253

Dear David,

**RE: REVIEW OF CHARTER**

The meeting of the S&HLGA held on 27th October 2006 received a Draft Review Report to Review the Charter of the Southern & Hills Local Government Association and directed that it be submitted for comment to the Constituent Councils.

**Draft Review Report**

The Charter of the S&HLGA was published in The South Australian Government Gazette on 29th August 2002 at pages 3232 to 3239 that followed an operational review undertaken earlier that year.

The Charter is outside of the time for a review to be undertaken prescribed by Schedule 2 Part 2 of the Local Government Act 1999:

19 (4) The charter must be reviewed by the constituent councils at least once in every three years.

(5) The constituent councils must, if they amend a charter—

(a) furnish a copy of the charter, as amended, to the Minister; and

(b) ensure that a copy of the charter, as amended, is published in the Gazette.

It should also be noted that the Local Government (Financial Management and Rating) Amendment Act 2005 was passed by the Parliament on 21 November 2005 and will come into operation in stages, by proclamation. Clause 32(1a) of this Act will amend the maximum time for the review of a Charter from three to four years. LGA Circular 48.4 of 30th November 2005 proposed a timetable that will see this provision proclaimed on 1st January 2007 (in line with four year terms of office for Elected Members).
The review of the Charter was referred to the CEO’s Forum to undertake a review and make recommendations to the Executive Committee on amendments as considered appropriate (S&H 06/0020 of 21st April 2006).

The CEO’s Forum considered this matter at the September Forum and noted the following:

- A number of aspects of the Charter do not comply with the prescribed provisions of the Local Government Act 1999. (Act)
- The governance structure in the Charter is modelled on how the Southern & Hills use to be run 15 to 20 years ago and provides for:
  - An Annual General Meeting to be held in August each year
  - At least one more General Meeting to be held in February each year (not held in the last 10 years)
  - Provision for Special General meetings, (not held in the last 10 years)
  - Provision for Urgent General Meetings (like a Special Meeting with no minimum notice) (not held in the last 10 years)
  - An Executive Committee (that has all the powers of a General Meeting) that must meet not less than once every two months.
  - Council appoints Delegates.
  - Charter can be amended at an Annual General Meeting.

The Review proposes that much of the current Charter be replaced with a governance model that reflects the provisions of the Act.

**The purpose of the S&HLGA would not change.** (Existing Clause 3 new Clause 4)

However the following changes are proposed:

- The Executive Committee would be replaced by a Board
- Delegates would be Board Members
- There would be no Annual General Meeting – the Annual Report and the receipt of the audited Annual Financial Statements would be the normal cycle of annual business at the August meeting.
- The election of offices be aligned with the Local Government Periodical Election timetable proposing:
  - Offices = proposed that there be a President, Deputy President and an Immediate Past President.
  - Offices elected for a two year term.
- 3 -

- Elections be held at the February meeting following the Local Government Periodical Election i.e. February 2007, and then every two years in February. (note that the sitting President was elected for a one year term that will terminate in August 2007. The offices of Senior Vice President and Junior Vice President are currently vacant)

- The President and Vice President would be Chairman and Deputy Chairman of the Board respectively.

  - There be no reference to the appointment of Delegates to the State Executive Committee and SAROC as these appointments are under the Constitution of the Local Government Association.

The following table has been prepared as a cross reference to the matters that must be addressed in the Charter as prescribed by Clause 19 Part 2 Schedule 2 of the Local Government act 1999.

<table>
<thead>
<tr>
<th>Section 19 Part 2 Schedule 2 Local Government Act 1999. Charter must address</th>
<th>Clause</th>
</tr>
</thead>
<tbody>
<tr>
<td>(a) the purpose for which the subsidiary is established;</td>
<td>4</td>
</tr>
<tr>
<td>(b) the constitution of a board of management as the subsidiary’s governing body and, in respect of the board of management—</td>
<td>7</td>
</tr>
<tr>
<td>(i) the method by which board members will be appointed, and their terms of office determined;</td>
<td>7.3, 8</td>
</tr>
<tr>
<td>(ii) the conditions of appointment, or the method by which those conditions will be determined;</td>
<td>7</td>
</tr>
<tr>
<td>(iii) the appointment of a board member to chair meetings;</td>
<td>7.5 to 7.7</td>
</tr>
<tr>
<td>(iv) the appointment of deputies to board members;</td>
<td>7.3.2</td>
</tr>
<tr>
<td>(c) whether board members will be required to submit returns under Chapter 5, Part 4, Division 2.</td>
<td>11.2</td>
</tr>
<tr>
<td>(d) the powers, functions and duties of the subsidiary.</td>
<td>5</td>
</tr>
<tr>
<td>(e) the nature and scope of any activities that will be undertaken outside the area of the constituent councils;</td>
<td>5.1 to 5.4</td>
</tr>
<tr>
<td>(f) staffing issues, including whether the subsidiary may employ staff and, if so, the process by which conditions of employment will be determined;</td>
<td>12</td>
</tr>
<tr>
<td>(g) whether the subsidiary is intended to be partially or fully self-funding, or to have the ability to raise revenue, and other relevant arrangements relating to costs and funding, including the financial contributions to be made by the constituent councils;</td>
<td>6</td>
</tr>
<tr>
<td>(h) any special accounting, internal auditing or financial systems or practices to be established or observed by the subsidiary;</td>
<td>15, 16, 17</td>
</tr>
<tr>
<td>(i) the acquisition or disposal of assets;</td>
<td>5.5</td>
</tr>
<tr>
<td>(j) the manner in which surplus revenue is to be dealt with by the subsidiary.</td>
<td>14.2.3</td>
</tr>
<tr>
<td>(k) the nature and scope of any investment which may be undertaken by the subsidiary.</td>
<td>16.4</td>
</tr>
<tr>
<td>(l) the subsidiary’s obligations to report on its operations, financial position and other relevant issues, and processes for other forms of reporting to the constituent councils;</td>
<td>18</td>
</tr>
<tr>
<td>(m) the process or mechanism by which the subsidiary will be subject to direction by the constituent councils;</td>
<td>3</td>
</tr>
<tr>
<td>(n) the manner in which disputes between the constituent councils relating to the subsidiary will be resolved;</td>
<td>20</td>
</tr>
<tr>
<td>(o) issues surrounding a council becoming a constituent council, or ceasing to be a constituent council;</td>
<td>22, 23</td>
</tr>
</tbody>
</table>
Section 19 Part 2 Schedule 2 Local Government Act 1999. Charter must address:

<table>
<thead>
<tr>
<th>Clause</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>25.2</td>
<td>the manner in which the property of the subsidiary is to be distributed in the event of a winding up.</td>
</tr>
<tr>
<td>25.3</td>
<td>the proportions in which the constituent councils are to be responsible for the liabilities of the subsidiary in the event of its insolvency.</td>
</tr>
<tr>
<td>9.2</td>
<td>other matters contemplated by this Part or prescribed by the regulations. (Clause 21(1) determination of quorum)</td>
</tr>
<tr>
<td>21.2</td>
<td>The constituent councils must, if they amend a charter— (b) ensure that a copy of the charter, as amended, is published in the Gazette</td>
</tr>
</tbody>
</table>

A draft of the current Charter, in table format, ‘side by side’ with the proposed Charter is attached for comment.

Please place this matter before your Council for comment.

Yours faithfully,

Fred Pedler  
EXECUTIVE OFFICER
Southern & Hills Local Government Association – Review of Charter

<table>
<thead>
<tr>
<th>Current Charter 29th August 2002</th>
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</table>

**LOCAL GOVERNMENT ACT 1999**
**SOUTHERN & HILLS LOCAL GOVERNMENT ASSOCIATION**

Charters

PURSUANT to Clause 26 of the Charter, and Clause 19, Part 2, Schedule 2 of the Local Government Act 1999, the Charter adopted on 25 August 2000, was amended by adopting the following Charter by an absolute majority of the delegates at the Annual General Meeting of the Southern & Hills Local Government Association held on Friday, 25 August 2002, at which delegates of all constituent councils were present.

1. **INTERPRETATION**
   - ‘absolute majority’ means a majority of the whole number of the members.
   - ‘AGM’ means the Annual General Meeting.
   - ‘Council’ means a council as constituted under the Local Government Act 1999.
   - ‘delegate’ means a person appointed by a constituent council.
   - ‘Executive Committee’ means the committee formed by the appointment of delegates by the constituent councils under this charter.

2. **NAME**
The Regional Subsidiary will be called the Southern & Hills Local Government Association.

**LOCAL GOVERNMENT ACT 1999**
**SOUTHERN & HILLS LOCAL GOVERNMENT ASSOCIATION**

Notice of Alteration to the Charter

PURSUANT to Clause 21 of the Charter, and Clause 19, Part 2, Schedule 2 of the Local Government Act 1999, the Charter published in the Gazette on 29 August 2002 at pages 3232 to 3239 was amended by unanimous resolution of the Rural City of Murray Bridge on date, the District Council of Mount Barker on date, City of Victor Harbor on date, District Council of Yankalilla on date, Adelaide Hills Council on date, Alexandrina Council on date, Kangaroo Island Council on date and The Barossa Council on date.

The Charter, as amended, of the Southern & Hills Local Government Association is set out below.

1. **INTERPRETATION**
   - ‘absolute majority’ means a majority of the whole number of the members.
   - ‘AGM’ means the Annual General Meeting.
   - ‘Council’ means a council as constituted under the Local Government Act 1999.
   - ‘delegate’ means a person appointed by a constituent council.
   - ‘LGA’ means Local Government Association of South Australia.
   - ‘Executive Committee’ means the committee formed by the appointment of delegates by the constituent councils under this charter.

2. **ESTABLISHMENT**
The S&HLGA is established by the Constituent Councils as a regional subsidiary pursuant to section 43 and Schedule 2 (‘the Schedule’) of the Local Government Act 1999 (‘the Act’).

This Charter governs the affairs of the S&HLGA.
### Southern & Hills Local Government Association – Review of Charter

<table>
<thead>
<tr>
<th>Current Charter 29th August 2002</th>
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</tr>
</thead>
</table>

3. **PURPOSE OF THE ASSOCIATION**

The purpose of the S&HILGA shall be:

3.1 As the Association is a Regional Association of Councils under Part 4 of the Constitution and Rules of the Local Government Association of South Australia, and as such will work with that Association in achieving its aims and objectives.

3.2 To encourage, promote, protect, and foster an efficient, and effective autonomous, democratic system of local government elected by and responsible to local communities.

3.3 To identify available resources within the region and to co-ordinate or assist in co-ordinating the management of these resources for the betterment of their region’s community.

3.4 To encourage, assist, seek out, determine, assess and respond to the needs and aspirations of the region’s constituents.

3.5 To develop, encourage, promote, foster and maintain consultation and cooperation between local government authorities, State and Commonwealth Governments and their instrumentalities.

3.6 To develop, encourage, promote, foster and maintain the financial and economic well-being and advancement of the region and if desirable for such purpose to undertake, establish, acquire, conduct or dispose of any business, enterprise, undertaking or venture which in the opinion of S&HILGA is necessary, desirable or convenient.

3.7 To effectively liaise and work with the State and Commonwealth Governments and their instrumentalities on a regional basis for the general enhancement of the region.

3. **CONSTITUENT COUNCILS**

The Authority is established by the Rural City of Murray Bridge, the District Council of Mount Barker, City of Victor Harbor, District Council of Yankalilla, Adelaide Hills Council, Alexandrina Council, Kangaroo Island Council and The Barossa Council (the Constituent Councils).

The Authority is subject to the joint direction of the Constituent Councils.

This statement could be misleading.

The Sixth Schedule of the LGA Constitution lists Alexandrina Council, Kangaroo Island Council, District Council of Mount Barker, City of Victor Harbor, and District Council of Yankalilla as primary members of the Southern and Hills. Adelaide Hills Council is a primary member of the Metropolitan Local Government Group. Rural City of Murray Bridge is officially affiliated with the River Murray Zone and The Barossa Council is a member of the central Zone.

Propose that Clause 3.1 be reworded.

4 **PURPOSE OF THE ASSOCIATION**

4.1 To work collaboratively with the LGA to achieve the aims and objectives of the LGA.

4.2 To encourage, promote, protect, and foster an efficient, and effective autonomous, democratic system of local government elected by and responsible to local communities.

4.3 To identify available resources within the region and to co-ordinate or assist in co-ordinating the management of these resources for the betterment of their region’s community.

4.4 To encourage, assist, seek out, determine, assess and respond to the needs and aspirations of the region’s constituents.

4.5 To develop, encourage, promote, foster and maintain consultation and cooperation between local government authorities, State and Commonwealth Governments and their instrumentalities.

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<tbody>
<tr>
<td>S&amp;HLGA is necessary, desirable or convenient.</td>
<td>4.7 To effectively liaise and work with the State and Commonwealth Governments and their instrumentalities on a regional basis for the general enhancement of the region.</td>
</tr>
<tr>
<td><strong>5. POWERS</strong></td>
<td></td>
</tr>
<tr>
<td>S&amp;HLGA will have the following powers (in addition to and without prejudice to any other powers herein expressed or implied or by virtue of any other legislation applicable):</td>
<td></td>
</tr>
<tr>
<td>5.1 To subscribe to, become a member of and/or co-operate with any other association or organisation whose objects are altogether or in part similar or complementary to those of S&amp;HLGA and on such terms as S&amp;HLGA deems appropriate.</td>
<td></td>
</tr>
<tr>
<td>5.2 To enter into any arrangements with any Government or authority that are incidental or conducive to the attainment of the objects and the exercise of the powers of S&amp;HLGA.</td>
<td></td>
</tr>
<tr>
<td>5.3 To raise revenue through subscriptions or levies from constituent councils. To apply for grants from Government Agencies and to seek sponsorship from business enterprise.</td>
<td></td>
</tr>
<tr>
<td>5.4 To print or publish any newspapers, periodicals, books, leaflets, treatise, or other writing that S&amp;HLGA may think desirable for the promotion of its objects.</td>
<td></td>
</tr>
<tr>
<td>5.5 To acquire, deal with and dispose of real and personal property (wherever situated) and rights in relation to real and personal property;</td>
<td></td>
</tr>
<tr>
<td>5.6 To enter into any kind of contract or arrangement;</td>
<td></td>
</tr>
<tr>
<td>5.7 To invest funds and in doing so to take into account Part 4 of Chapter 9 of the Act;</td>
<td></td>
</tr>
<tr>
<td>5.8 To establish committees for the following purposes:</td>
<td></td>
</tr>
<tr>
<td>5.8.1 inquiring into and reporting on any matter within the terms of reference determined by the Board;</td>
<td></td>
</tr>
<tr>
<td>5.8.2 exercising, performing and discharging delegated powers, functions or duties;</td>
<td></td>
</tr>
<tr>
<td>5.8.3 investigating opportunities for resource sharing within the region and implementing strategies to take advantage of any such opportunities.</td>
<td></td>
</tr>
</tbody>
</table>
Southern & Hills Local Government Association – Review of Charter

Current Charter 29th August 2002

<table>
<thead>
<tr>
<th>Comments and Proposed Charter</th>
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</thead>
<tbody>
<tr>
<td>5.84  A member of a committee established in accordance with clause 10.8 holds office at the pleasure of the Board.</td>
</tr>
<tr>
<td>5.85  The President of the S&amp;HLGA shall be ex officio a member of all committees.</td>
</tr>
<tr>
<td>5.9   To delegate any function or duty except for any of the powers set out in section 44 of the Local Government Act 1999, (where such powers are applicable to a Subsidiary); and</td>
</tr>
<tr>
<td>5.10  To do anything else necessary or convenient for, or incidental to, the exercise, performance or discharge of its powers, functions or duties.</td>
</tr>
</tbody>
</table>

6. SOURCES OF REVENUE

The sources of revenue of the S&HLGA may include,

6.1  Subscriptions to be applied equally from Constituent Councils under such terms and conditions determined by the Board.

6.2  Service charges for services to Constituent Councils under such terms and conditions determined by the Board.

6.3  Grants from Government Agencies

6.4  Sponsorship from business enterprise

6.5  Loan funds or overdraft, on such conditions as the S&HLGA sees fit for the purpose of the S&HLGA.

6.51  A proposal for borrowing by the S&HLGA must be provided to each Constituent Council.

6.52  The proposal to borrow must be approved by an absolute majority of the Constituent Councils in writing before it can be considered by the Board.

6.53  An Order to Borrow must be approved an absolute majority of the Board

6.6  Interest from the investment of funds.

4. POWERS

S&HLGA will have the following powers (in addition to and without prejudice to any other powers herein expressed or implied or by virtue of any other legislation)

See new Clause 5

7. THE BOARD—ROLE AND MEMBERSHIP
### Current Charter 29th August 2002

<table>
<thead>
<tr>
<th>Current Charter 29th August 2002</th>
</tr>
</thead>
<tbody>
<tr>
<td>4.1 To subscribe to, become a member of and/or co-operate with any other association or organisation whose objects are altogether or in part similar or complementary to those of S&amp;HLAGA and on such terms as S&amp;HLAGA deems appropriate.</td>
</tr>
<tr>
<td>4.2 To enter into any arrangements with any Government or authority that are incidental or conducive to the attainment of the objects and the exercise of the powers of S&amp;HLAGA.</td>
</tr>
<tr>
<td>4.3 To appoint, employ, remunerate, remove or suspend such officers, managers, agents and employees as necessary for the purposes of S&amp;HLAGA.</td>
</tr>
<tr>
<td>4.4 To raise revenue through subscriptions or levies from constituent councils to apply for grants from Government Agencies and to seek sponsorship from business enterprises.</td>
</tr>
<tr>
<td>4.5 To print or publish any newspapers, periodicals, books, leaflets, treatise or other writing that S&amp;HLAGA may think desirable for the promotion of its objects.</td>
</tr>
<tr>
<td>4.6 To appoint such committees as it deems necessary and to define the duties of such committees but the acts of any such committee shall be submitted before execution or discharge thereof for approval to S&amp;HLAGA provided that S&amp;HLAGA may delegate the power of action in a single issue to a committee. Such a committee may consist partly of persons who are not representatives of constituent councils.</td>
</tr>
<tr>
<td>4.7 To co-opt to any duly appointed committee, any elected representatives, any officer of a constituent council, or any other appropriate person as deemed desirable for the efficient function of that committee.</td>
</tr>
<tr>
<td>4.8 To appoint, from time to time, a solicitor or solicitors to provide the legal services required by S&amp;HLAGA and may engage such other consultants as may be necessary or desirable to achieve the objectives of S&amp;HLAGA.</td>
</tr>
<tr>
<td>4.9 To acquire, hold, deal with, and dispose of any real or personal property.</td>
</tr>
<tr>
<td>4.10 To open and operate bank accounts.</td>
</tr>
<tr>
<td>4.11 To invest its funds to the best advantage and to use the accumulated moneys to carry out its functions prescribed by these rules provided that the S&amp;HLAGA acts in accordance with Part 4 Chapter 9 of the Local Government Act 1999.</td>
</tr>
<tr>
<td>To return to the constituent councils at any time it deems fit any surplus funds by resolution.</td>
</tr>
<tr>
<td>4.12 To borrow money, by loan funds or overdraft, on such conditions as the</td>
</tr>
</tbody>
</table>

### Comments and Proposed Charter

<table>
<thead>
<tr>
<th>Comments and Proposed Charter</th>
</tr>
</thead>
<tbody>
<tr>
<td>7.1 The S&amp;HLAGA will be governed by a Board.</td>
</tr>
<tr>
<td>7.2 The Board is responsible for the administration of the affairs of the S&amp;HLAGA. The Board must ensure insofar as it is practicable, that the Authority observes the objectives set out in this Charter, that information provided to the Constituent Councils is accurate and that Constituent Councils are kept informed of the solvency of the S&amp;HLAGA as well as any material developments which may affect the operating capacity and financial affairs of the S&amp;HLAGA.</td>
</tr>
<tr>
<td>7.3 7.3.1 Each of the Constituent Councils will appoint two persons to the Board. The Constituent Councils’ appointees shall be not less than one elected member of the Constituent Council and the other appointee may be a council officer.</td>
</tr>
<tr>
<td>7.3.2 Each Constituent Council may appoint either an Elected Member or a Council Officer as Deputy Board Member who may attend Board Meetings in the place of a Council Board Member who is absent.</td>
</tr>
<tr>
<td>7.3.3 Each Constituent Council may appoint either an Elected Member or a Council Officer as Deputy Board Member who may attend Board Meetings in the place of a Council Board Member who is absent.</td>
</tr>
<tr>
<td>7.3.4 A certificate signed by the Chief Executive Officer of the appointing Constituent Council will be sufficient evidence of appointment.</td>
</tr>
<tr>
<td>7.5 The President shall preside over all meetings of the Board.</td>
</tr>
<tr>
<td>7.6 In the absence of the President, the Deputy President will preside over meetings of the Board.</td>
</tr>
<tr>
<td>7.7 In the absence of the President and Deputy President, the Board will elect a temporary acting Chairperson from amongst their members.</td>
</tr>
</tbody>
</table>
## Current Charter 29th August 2002

<table>
<thead>
<tr>
<th>Comments and Proposed Charter</th>
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</thead>
<tbody>
<tr>
<td><strong>SOHGLA</strong> seen fit for the purpose of the Association.</td>
</tr>
<tr>
<td>An Order to Borrow by the SOHGLA can only be made by an absolute majority vote of the voting delegates of constituent councils, indicated in writing, after each council has been presented with a proposal for borrowing by the SOHGLA.</td>
</tr>
<tr>
<td>4.13 To give such security for the discharge of liabilities incurred by SOHGLA as SOHGLA thinks fit.</td>
</tr>
<tr>
<td>4.14 To enter into other contracts that SOHGLA considers necessary or desirable for the attainment of its objectives.</td>
</tr>
<tr>
<td>4.15 To do all such things as are incidental or conducive to the attainment of the objects, the furtherance of the interests and the exercise of the powers of SOHGLA.</td>
</tr>
<tr>
<td>4.16 To delegate all or any of SOHGLA’s powers to the executive as hereinafter prescribed subject to such limitations and conditions as may be determined by SOHGLA and such delegation is revocable by SOHGLA and does not derogate from the power of SOHGLA to act itself in any matter.</td>
</tr>
<tr>
<td>4.17 The SOHGLA may establish a committee of its members for the purpose of:</td>
</tr>
<tr>
<td>(a) inquiring into and reporting to the Executive Committee on any matter within the SOHGLA’s terms of reference given by the Executive Committee to the committee;</td>
</tr>
<tr>
<td>(b) exercising, performing and discharging delegated powers, functions or duties;</td>
</tr>
<tr>
<td>(c) investigating opportunities for resource sharing within the region and implementing strategies to take advantage of any such opportunities.</td>
</tr>
<tr>
<td>4.18 A member of a committee established in accordance with clause 4.17 holds office at the pleasure of the Executive Committee.</td>
</tr>
<tr>
<td>4.19 The President of the Association shall be ex officio a member of all committees.</td>
</tr>
</tbody>
</table>

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**Proposed new clause**

## 8. TERM OF OFFICE—THE BOARD

8.1 Subject only to the following subclauses, the term of office of each member of the Board will be as determined by the Constituent Council responsible for the appointment of the member.

8.2 The Board may by a two-thirds majority vote of the members present (excluding the member subject to this clause).
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<tbody>
<tr>
<td></td>
<td>8.2.1 make a recommendation to the Constituent Council responsible for the appointment of the relevant member, seeking the appointing body’s approval to terminate the appointment of the member.</td>
</tr>
<tr>
<td>8.3</td>
<td>The Constituent Council which appointed the member whose term of office has become vacant will be responsible to appoint the replacement member.</td>
</tr>
</tbody>
</table>

### Proposed new Clause

9. **PROCEEDINGS OF THE BOARD**

9.1 Subject only to the extent that they are modified by this clause, the proceedings of the Board will be the same as those for committees of Council as defined in Part 2 of Chapter 6 of the Act and in accordance with the Regulations for ‘Other Committees’ comprised in Parts 1, 3 and 4 of the Local Government (Proceedings at Meetings) Regulations 2000.

References in Part 2 of Chapter 6 of the Act to the ‘Chief Executive Officer’ shall be read as if they were references to the Executive Officer of the Authority and references to ‘the Council’ or ‘the committee’ shall be read as if they were references to the Authority.

To the extent that this Charter and the Act and its associated Regulations are silent, the Board may determine its own meeting procedures.

9.2 Subject only to the special provisions of this clause, no meeting of the Board will commence until a quorum of members is present and no meeting may continue unless there is a quorum of members present. A quorum of members will comprise half the members plus one. A time limit of 30 minutes shall apply from the advertised time of the meeting in which to reach a quorum. Failure to reach a quorum within this time limit shall result in a failed meeting.

9.3 For the purpose of this clause, the contemporaneous linking together by a audio-visual or other interactive means, but excluding telephones (‘telecommunication meeting’) of a number of members of the Board provided that at least a quorum is present, is deemed to constitute a meeting of the Board. Each of the Board members taking part in the telecommunications meeting, must be able to hear and be heard by each of the other Board members present. At the commencement of the meeting, each Board member must announce his/her presence to all other Board members taking part in the meeting. A Board member must not leave a telecommunication meeting by disconnecting his/her audio visual or other communication equipment, unless that Board member has previously
### Current Charter 26th August 2002

<table>
<thead>
<tr>
<th>Comments and Proposed Charter</th>
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</thead>
<tbody>
<tr>
<td>notified the Chairperson of the meeting.</td>
</tr>
<tr>
<td>9.4 In the event that there is not a quorum present at two consecutive meetings of the Board, then an extraordinary meeting of the Board may be convened in the same manner as for a special meeting (see Clause 6.1), at which the business which was on the agenda for the two previous but failed meetings may be transacted at the extraordinary meeting of the Board where the requirement for a quorum is that there be at least one member representing each of the Constituent Councils in attendance. Decisions made at such a meeting will be binding on the subsidiary and all members of the Board and the Constituent Councils.</td>
</tr>
<tr>
<td>9.5 Subject only to any specific requirement of this Charter, all matters for decision at a meeting of the Board will be decided by a simple majority of the members present and entitled to vote on the matter. Both members from each Constituent Council present are entitled to vote on a matter. Voting members are entitled only to a deliberative vote. Board members may not vote by proxy.</td>
</tr>
<tr>
<td>9.6 In the event of equality of votes, the Chairperson will not have a casting vote and the matter will be deemed to have lapsed and may at some later time be reconsidered.</td>
</tr>
<tr>
<td>9.7 Meetings of the Board will be held at such time and such place as the Board decides subject only to the requirement that there will be at least one meeting in every two calendar months.</td>
</tr>
<tr>
<td>9.8 A special meeting of the Board may be held at any time and may be called at the request of the Chairperson or at the written request of eight members of the Board representing all of the Constituent Councils.</td>
</tr>
<tr>
<td>9.9 Notice of all meetings will be given in accordance with the provisions applicable to a committee meeting under Part 2 of Chapter 6 of the Act and the associated Regulations.</td>
</tr>
<tr>
<td>9.10 Meetings of the Board will be open to the public unless the Board so resolves to exclude the public pursuant to section 90 of the Act.</td>
</tr>
<tr>
<td>9.11 All members must keep confidential all documents and any information provided to them in confidence for their consideration prior to a meeting of the Board.</td>
</tr>
<tr>
<td>9.12 The Board must ensure that accurate written minutes of its proceedings are kept and are produced for verification at the subsequent meeting of the Board.</td>
</tr>
<tr>
<td>Proposed new Clause</td>
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<tr>
<td>---------------------</td>
</tr>
<tr>
<td><strong>10 OFFICES OF THE BOARD</strong></td>
</tr>
<tr>
<td>10.1 The Board shall elect, from the elected member Board members of different constituent councils, at the February meeting following the Local Government periodical elections, and then every two years thereafter, the following offices for a period of two years.</td>
</tr>
<tr>
<td>10.1.1 President, who shall be the Chairman of the Board</td>
</tr>
<tr>
<td>10.1.2 Immediate Past President</td>
</tr>
<tr>
<td>10.1.3 Deputy President, who shall be the Deputy Chairman of the Board</td>
</tr>
<tr>
<td>10.2 A Board member cannot be elected to the same office, with the exception of the office of Immediate Past President, for more than two consecutive terms</td>
</tr>
<tr>
<td><strong>11 PROPERITY OF MEMBERS OF THE BOARD</strong></td>
</tr>
<tr>
<td>11.1 The principles regarding conflict of interest prescribed in the Act will apply to all members of the Board as if they were elected members of a Council.</td>
</tr>
<tr>
<td>11.2 The members of the Board will not be required to comply with Division 2, Chapter 5 (Register of Interests) of the Act.</td>
</tr>
<tr>
<td>11.3 The members of the Board will at all times act in accordance with their duties of confidence and confidentiality and individual fiduciary duties including honesty and the exercise of reasonable care and diligence with respect to the Board as required by Part 4, Division 1, Chapter 5 of the Act and Clause 23 of Part 2 of Schedule 2.</td>
</tr>
<tr>
<td><strong>12 ADMINISTRATIVE MATTERS</strong></td>
</tr>
<tr>
<td>12.1 There will be an Executive Officer of the S&amp;HLGA appointed by the Board on terms and conditions to be determined by the Board.</td>
</tr>
<tr>
<td>12.2 The Executive Officer will be responsible to the Board:</td>
</tr>
<tr>
<td>12.2.1 to ensure that the policies and lawful decisions of the S&amp;HLGA are implemented in a timely manner;</td>
</tr>
<tr>
<td>12.2.2 for the efficient and effective management of the operations and</td>
</tr>
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### Current Charter 29th August 2002

<table>
<thead>
<tr>
<th>5. CONSTITUENT COUNCILS</th>
</tr>
</thead>
<tbody>
<tr>
<td>5.1 The constituent councils of S&amp;HLGA shall comprise the Rural City of Murray Bridge, the District Council of Mount Barker, City of Victor Harbor, District Council of Yankalilla, Adelaide Hills Council, Alexandrina Council, Kangaroo Island Council and The Barossa Council or their successors.</td>
</tr>
<tr>
<td>5.2 Any other council may apply in writing to the Executive Officer setting out the reasons why the council wishes to become a constituent council of S&amp;HLGA.</td>
</tr>
<tr>
<td>5.3 The Executive Officer shall forward the application to every constituent council not less than four weeks prior to the general meeting of the Association at which it is to be considered.</td>
</tr>
<tr>
<td>5.4 A council is recommended to become a constituent council if an absolute majority vote of the constituent councils so resolve.</td>
</tr>
<tr>
<td>5.5 The S&amp;HLGA shall then put its recommendation for the council to become a constituent council to the Minister in accordance with Clause 29 of Schedule 2 of the Act.</td>
</tr>
</tbody>
</table>

### Comments and Proposed Charter

- **12.2.3** to provide advice and reports to the Board on the exercise and performance of the S&HLGA powers and functions; and

- **12.2.4** to give effect to the principles of human resource management generally applicable within the local government industry.

12.3 The Executive Officer has such powers, functions and duties prescribed by this clause and as determined necessary by the Board from time to time to ensure the efficient and effective management of the operations and affairs of the S&HLGA.

12.4 The Board may employ other officers and it may authorise the Executive Officer to employ such other officers on its behalf as are required for the efficient and effective management of the operations and affairs of the Authority.

12.5 The Board may engage professional consultants and it may authorise the Executive Officer to engage professional consultants to provide services to the S&HLGA to ensure the proper execution of its decisions, the efficient and effective management of the operations and affairs of the S&HLGA and for giving effect to the general management objectives and principles of personal management prescribed by this Charter.

Proposed new C 22
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<tr>
<td><strong>5.6</strong> On the granting of the approval of the Minister the council shall become a constituent council.</td>
<td><strong>Proposed new C 23</strong></td>
</tr>
<tr>
<td><strong>6. CEASING AS A CONSTITUENT COUNCIL</strong></td>
<td></td>
</tr>
<tr>
<td><strong>6.1</strong> Subject to first having obtained the approval of the Minister in accordance with Clause 29 of Schedule 2 of the Act, any constituent council may resign from the S&amp;HLGAs at any time by giving three months written notice of such resignation to the Executive Officer, provided that its subscription for the current year and any other moneys outstanding prior to the date of its giving notice of resignation has been paid to the S&amp;HLGAs.</td>
<td></td>
</tr>
<tr>
<td><strong>6.2</strong> The withdrawal of any constituent council shall not extinguish the liability of that council for the payment of all contributions towards the total income of the S&amp;HLGAs for the financial year in which such withdrawal shall take place regardless of whether such contributions fall due for payment after the date of such withdrawal.</td>
<td></td>
</tr>
<tr>
<td><strong>6.3</strong> The withdrawal of any constituent council shall not extinguish the ability of such council for the payment of its contribution towards any actual or contingent deficiency in the net assets of the S&amp;HLGAs at the end of the financial year in which such withdrawal shall occur.</td>
<td></td>
</tr>
<tr>
<td><strong>6.4</strong> The withdrawal of any constituent council shall not extinguish the liability of such council to contribute to any loss or liability incurred by S&amp;HLGAs at any time before or after such withdrawal in respect of any act or omission by the S&amp;HLGAs prior to such withdrawal.</td>
<td></td>
</tr>
<tr>
<td><strong>6.5</strong> Any constituent council that withdraws shall have the right, upon resignation, to make the submission to the Association seeking compensation for their prior contribution to any assets of the S&amp;HLGAs.</td>
<td></td>
</tr>
<tr>
<td><strong>7. SOURCES OF REVENUE</strong></td>
<td><strong>Proposed new C 6</strong></td>
</tr>
<tr>
<td><strong>7.1</strong> Every constituent council shall be liable to contribute moneys to S&amp;HLGAs in each financial year.</td>
<td></td>
</tr>
<tr>
<td><strong>7.2</strong> Each constituent council is required to pay an identical subscription as determined at the AGM which will be due and payable within one month from written request for payment from S&amp;HLGAs.</td>
<td></td>
</tr>
<tr>
<td><strong>7.3</strong> If a council becomes a constituent council after the first day of July in any year, its subscription payable for that year will be on a pro rata basis.</td>
<td></td>
</tr>
<tr>
<td><strong>7.4</strong> A pro rata subscription will be calculated as from the first day of the month following that in which constituent council membership was granted and will be due and payable one calendar month thereafter.</td>
<td></td>
</tr>
<tr>
<td><strong>7.5</strong> The constituent councils shall not be required to contribute additional levies</td>
<td></td>
</tr>
<tr>
<td>Current Charter 26&lt;sup&gt;th&lt;/sup&gt; August 2002</td>
<td>Comments and Proposed Charter</td>
</tr>
<tr>
<td>-----------------------------------------</td>
<td>---------------------------------</td>
</tr>
<tr>
<td>7.6 The S&amp;HLGA may borrow funds for specific projects in accordance with clause 4.12 of this Charter.</td>
<td>Deleted</td>
</tr>
<tr>
<td>8. INSURANCE OF MEMBERS AND OFFICERS</td>
<td>Deleted</td>
</tr>
<tr>
<td>The S&amp;HLGA must effect and maintain sufficient insurance cover to indemnify the S&amp;HLGA and its constituent councils as well as its own members and officers against claims for public liability and professional indemnity arising out of the operation of S&amp;HLGA.</td>
<td></td>
</tr>
<tr>
<td>9. DISQUALIFICATION</td>
<td></td>
</tr>
<tr>
<td>9.1 If any constituent council shall fail to pay its annual subscriptions or any other moneys which are due and payable to the S&amp;HLGA, the Executive Officer shall give written notice of default thereof to the council demanding payment of the same.</td>
<td></td>
</tr>
<tr>
<td>9.2 Any constituent council which fails to pay its annual subscription or any other moneys within three months from the date upon which the same is due and payable may be removed from the Register of Members by the Executive Committee and shall thereupon cease to be a constituent council subject to any legislative requirements, and not precluding its liability which may accrue in terms of clauses 6.3 and 6.4 as hereinbefore provided.</td>
<td></td>
</tr>
<tr>
<td>9.3 The Executive Officer will give notice in writing to the council that its status as a constituent council of S&amp;HLGA has been terminated.</td>
<td></td>
</tr>
<tr>
<td>10. DELEGATES</td>
<td></td>
</tr>
<tr>
<td>10.1 Prior to the AGM of the S&amp;HLGA each constituent council will appoint two persons, at least one of whom shall be an elected member of council, to be a delegate to the S&amp;HLGA. In making that appointment a constituent council shall appoint the following office holders of the S&amp;HLGA as the elected representative of their respective constituent council.</td>
<td></td>
</tr>
<tr>
<td>• President;</td>
<td>Propose that the structure be reviewed</td>
</tr>
<tr>
<td>• Senior Vice-President;</td>
<td>The Charter provides that the S&amp;HLGA hold at least two general meetings</td>
</tr>
<tr>
<td>• Junior Vice-President;</td>
<td>The Annual General Meeting – held in August (C 13.1.1)</td>
</tr>
<tr>
<td>• Representative to the Local Government Association of South Australia (elected in accordance with clause 17(d));</td>
<td>At least one general meeting in February (C 13.1.2)</td>
</tr>
<tr>
<td>• Immediate Past President.</td>
<td>and there is provision for Special General Meetings (C13.1.3)</td>
</tr>
<tr>
<td>Such appointment, which may be altered at any time, and subsequent</td>
<td>as well as urgent General Meetings (C13.1.4)</td>
</tr>
<tr>
<td></td>
<td>And that there shall be an Executive Committee (Clause 11)</td>
</tr>
<tr>
<td></td>
<td>The practice for at least the last 10 years has been that the S&amp;HLGA meets as the Executive Committee and once a year holds an Annual General Meeting.</td>
</tr>
<tr>
<td></td>
<td>Clause 19(1)(b) of Schedule 2 “the constitution of a board of management as the subsidiary’s governing body...”</td>
</tr>
</tbody>
</table>
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10.2 Delegates of the S&HLLGA shall be eligible for such allowances from the funds of the S&HLLGA determined from time to time by resolution.

10.3 Should any extraordinary vacancy occur in the office of delegate to S&HLLGA, such vacancy is to be filled by a nomination from the constituent council which originally appointed the delegate to the vacant office.

10.4 Each delegate and proxy delegate shall hold office until:

That person is removed from that office by the constituent council. Each delegate and proxy delegate is eligible for re-appointment.

10.5 Delegates and proxy delegates shall not be required to comply with the provisions of Chapter 3 Part 4 Division 2 of the Act.

### Comments and Proposed Charter

- **subsidiary's governing body:**
  - Proposed that the Executive Committee be renamed to ‘Board of Management’ as in reality that is what it is and is required to be.
  - Propose that Delegates be renamed Board Members

11. **EXECUTIVE COMMITTEE**

11.1 The S&HLLGA shall have an Executive Committee which shall comprise all delegates and have the full delegated powers of S&HLLGA to make all decisions and will, subject to any direction given by the AGM, be responsible for the management of the S&HLLGA.

11.2 Business may be conducted by the Executive Committee to include that as delegated by a general meeting or any matter deemed to be of an urgent nature or of expediency by the President.

12. **PROXY DELEGATES**

12.1 Each constituent council is entitled to appoint one of its elected members or a staff member as proxy delegate for any of its members that cannot attend any meeting of the S&HLLGA or its committees who may exercise all rights, privileges and obligations of the delegate during the absence of the delegate.

12.2 A proxy delegate shall have the voting rights of each delegate that the proxy delegate represents.

12.3 Unless representing a delegate, a proxy delegate shall be entitled to attend meetings, but not entitled to vote.

13. **MEETINGS**

13.1 The President shall preside over meetings of the S&HLLGA which shall be held at such times and places as determined at the previous general meeting:

13.1.1 The AGM which shall be held during the month of August.

13.1.2 General meetings, at least one of which shall be held during the
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</thead>
<tbody>
<tr>
<td>13.1.3 Special general meetings may be held at such times and places as determined by the Executive Committee or by requisition in writing of any three members of the S&amp;HLGA. One week’s notice, in writing shall be given to all members for the date, time, place and reason for any special general meeting.</td>
<td></td>
</tr>
<tr>
<td>13.1.4 Urgent general meetings, should he/she deem such a meeting necessary upon. Such notice will include the date, time, place and reason for any urgent general meeting.</td>
<td></td>
</tr>
<tr>
<td>13.1.5 All meetings of the Executive Committee.</td>
<td></td>
</tr>
<tr>
<td>13.2 The Executive Officer shall give notice of all meetings of the S&amp;HLGA and the business to be transacted thereat, to each member and Chief Executive Officer of constituent councils:</td>
<td></td>
</tr>
<tr>
<td>13.2.1 Three weeks notice for the AGM which shall include the President’s report and the Draft Budget for the ensuing year.</td>
<td></td>
</tr>
<tr>
<td>13.2.2 Three weeks notice for general meetings.</td>
<td></td>
</tr>
<tr>
<td>13.2.3 Two weeks notice for Executive Committee meetings.</td>
<td></td>
</tr>
<tr>
<td>13.2.4 Reasonable notice given by post or fax to the Chief Executive Officer of each constituent council for urgent general meetings.</td>
<td></td>
</tr>
<tr>
<td>13.2.5 Four weeks notice in the case of winding up the Association.</td>
<td></td>
</tr>
<tr>
<td>13.3 The President will chair all meetings. In the absence of the President, the Senior Vice-President or in his/her absence the Junior Vice-President assumes the responsibilities of the President and in the absence of the above office holders, an Acting Chairperson for that meeting only shall be elected from the members present.</td>
<td></td>
</tr>
<tr>
<td>13.4 All decisions regarding real property, investing or borrowing money and securities for discharge of liabilities will be made at a duly constituted general meeting of S&amp;HLGA having due regard for clause 4.12.</td>
<td></td>
</tr>
<tr>
<td>13.5 Items for the agenda of a general meeting must be submitted, in writing, to the Executive Officer at least four weeks before the date of the general meeting.</td>
<td></td>
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</tbody>
</table>

14. QUORUM

14.1 A quorum at the AGM and any meeting will be ascertained by dividing the total number of Board Members for the time being in office by two, ignoring any fraction resulting from the division and adding one.

14.2 A quorum at a meeting in the case of winding up will be constituted by the
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</thead>
<tbody>
<tr>
<td>personal attendance of not less than 100% of the Board Members at that particular time.</td>
<td>Deleted</td>
</tr>
<tr>
<td><strong>15. VOTING</strong>&lt;br&gt;15.1 Questions arising at all meetings of S&amp;HLGA except for winding up (in accordance with clauses 15.3 and 28) will be decided by the votes of the majority of members present.</td>
<td>15.2 The President will be entitled to a deliberative vote only.</td>
</tr>
<tr>
<td>15.3 A question regarding the winding up of S&amp;HLGA will be decided by an absolute majority of constituent councils present at the meeting voting on the basis of two votes per constituent council present at the meeting and such votes will be evidenced by two delegates from each constituent council holding a voting card.</td>
<td>15.4 Any question requiring a decision, having an equal number of votes, shall be held to be a negative vote.</td>
</tr>
<tr>
<td>16. ADJOURNMENTS&lt;br&gt;16.1 The President may adjourn a meeting at any time.</td>
<td>Deleted</td>
</tr>
<tr>
<td>16.2 The members present at any meeting may from time to time resolve to adjourn such meeting.</td>
<td>Deleted</td>
</tr>
<tr>
<td><strong>17. ANNUAL GENERAL MEETING</strong>&lt;br&gt;The AGM will:</td>
<td>Deleted</td>
</tr>
<tr>
<td>(a) Confirm the minutes of the previous AGM.</td>
<td>17.2 Elect and appoint the following officers (all shall be elected members of different constituent councils and members of the Association and shall hold office for a one year term, but shall be eligible for re-election):&lt;br&gt;• President;&lt;br&gt;• Immediate Past President;&lt;br&gt;• Senior Vice-President;&lt;br&gt;• Junior Vice-President;</td>
</tr>
<tr>
<td>(b) Receive the Annual Report. The report shall include details of achievements of the aims and objectives of the Association's annual program and shall include the documents described in Clause 19.4.</td>
<td></td>
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<tr>
<td>Current Charter 29th August 2002</td>
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<tr>
<td>--------------------------------</td>
<td></td>
</tr>
<tr>
<td>• Delegate to the State Executive of the Local Government Association.</td>
<td></td>
</tr>
<tr>
<td>• Proxy delegate to the State Executive of the Local Government Association.</td>
<td></td>
</tr>
<tr>
<td>(a) Receive nominations from constituent councils and elect members of the Executive Committee for the ensuing year in accordance with clause 11.1.</td>
<td></td>
</tr>
<tr>
<td>(b) Appoint a suitably qualified person to the position of Auditor.</td>
<td></td>
</tr>
<tr>
<td>(g) Appoint an Executive Officer in accordance with clause 20.</td>
<td></td>
</tr>
<tr>
<td>(h) Fix remuneration to be paid to the Executive Officer.</td>
<td></td>
</tr>
<tr>
<td>(i) Fix subscriptions and or levies from constituent councils for the ensuing year in accordance with clauses 7 and 19.</td>
<td></td>
</tr>
<tr>
<td>(j) Appoint bank signatories in accordance with clause 24.1.</td>
<td></td>
</tr>
<tr>
<td>(k) Appoint any committees (other than the Executive Committee).</td>
<td></td>
</tr>
<tr>
<td>(l) Consider the draft Business Plan prepared in accordance with Clause 24 of Schedule 2 of the Act and, following any amendments, adopt the Business Plan and make recommendations on the implementation of that plan.</td>
<td></td>
</tr>
<tr>
<td>(m) Review and consider comments from constituent councils and adopt the budget for the following year.</td>
<td></td>
</tr>
<tr>
<td>(n) Consider any other matters of which due notice has been given in accordance with clause 13.5.</td>
<td></td>
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<tr>
<th>Comments and Proposed Charter</th>
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### Proposed new Clause

<table>
<thead>
<tr>
<th>13. BUSINESS PLAN</th>
</tr>
</thead>
<tbody>
<tr>
<td>13.1 The S&amp;HLGA shall have a rolling Business Plan in respect of the ensuing three years.</td>
</tr>
<tr>
<td>13.2 The Business Plan must:</td>
</tr>
<tr>
<td>13.2.1 state the services to be provided by the S&amp;HLGA;</td>
</tr>
<tr>
<td>13.2.2 identify how the S&amp;HLGA intends to manage service delivery;</td>
</tr>
<tr>
<td>13.2.3 identify the performance targets which the S&amp;HLGA is to pursue;</td>
</tr>
<tr>
<td>13.2.4 provide a statement of financial and other resources and internal processes that will be required to achieve the performance targets and objectives of the S&amp;HLGA; and</td>
</tr>
<tr>
<td>13.2.5 specify the performance measures that are to be used to monitor and assess performance against targets.</td>
</tr>
</tbody>
</table>
### Southern & Hills Local Government Association – Review of Charter

**Current Charter 29th August 2002**

<table>
<thead>
<tr>
<th>19. REFFERAL OF BUDGET AND PROGRAM TO MEMBER COUNCILS</th>
</tr>
</thead>
<tbody>
<tr>
<td>19.1 The Executive Officer shall prepare a Draft Budget as an appendix to the Business Plan in accordance with the provisions of Clause 25 of schedule 2 of the Act for consideration by the Executive Committee.</td>
</tr>
<tr>
<td>19.2 The Executive Committee shall recommend a Draft Budget prior to the AGM. The Draft Budget shall include a schedule showing the amount of subscription and/or levies required to be paid by constituent councils for the ensuing year.</td>
</tr>
<tr>
<td>19.3 For second and subsequent years during its implementation the Executive Committee shall adopt a report showing the performance of the S&amp;HLGA against the targets set for the year in the Business Plan.</td>
</tr>
<tr>
<td>19.4 The following documents shall be included in the Agenda papers for the AGM:</td>
</tr>
<tr>
<td>19.4.1 S&amp;HLGA Strategic Plan.</td>
</tr>
<tr>
<td>19.4.2 Business Plan recommended by the Executive Committee.</td>
</tr>
<tr>
<td>19.4.3 Draft Budget recommended by the Executive Committee.</td>
</tr>
<tr>
<td>19.4.4 For second and subsequent years, a report showing the performance of the S&amp;HLGA against the targets set for the year in the Business Plan.</td>
</tr>
<tr>
<td>19.5 The Annual Report of the Association shall be distributed to constituent councils by 30 September following its adoption by the AGM.</td>
</tr>
<tr>
<td>19.6 A constituent council that adopts a position which is contrary to the recommendations of the Executive Committee has the opportunity to debate the issue on the floor of the AGM.</td>
</tr>
<tr>
<td>19.7 A constituent council is not able to direct the S&amp;HLGA.</td>
</tr>
<tr>
<td>19.8 A resolution passed by all constituent councils to the S&amp;HLGA binds the S&amp;HLGA.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Comments and Proposed Charter</th>
</tr>
</thead>
<tbody>
<tr>
<td>13.3 Prior to setting the draft budget each year the S&amp;HLGA must review the Business Plan in conjunction with the Constituent Councils. The Business Plan must be updated to ensure it presents a plan for the ensuing three years.</td>
</tr>
</tbody>
</table>

**Proposed new Clause**

<table>
<thead>
<tr>
<th>14. BUDGET</th>
</tr>
</thead>
<tbody>
<tr>
<td>14.1 The S&amp;HLGA must prepare a budget for the forthcoming financial year.</td>
</tr>
<tr>
<td>14.2 The budget must:</td>
</tr>
<tr>
<td>14.2.1 deal with each principal activity of the S&amp;HLGA on a separate basis;</td>
</tr>
<tr>
<td>14.2.2 be consistent with and account for activities and circumstances referred to in the S&amp;HLGA’s business plan;</td>
</tr>
<tr>
<td>14.2.3 identify the amount of surplus (deficit) brought forward from the previous year;</td>
</tr>
<tr>
<td>14.2.4 identify the amount of subscription to be made by each Constituent Council;</td>
</tr>
<tr>
<td>14.2.5 be submitted in draft form to each Constituent Council before 30 April for information of its proposed contribution for the ensuing year; and</td>
</tr>
<tr>
<td>14.2.6 not be adopted by the Authority until after 31 May but before 30 September;</td>
</tr>
<tr>
<td>14.3 The adoption of the budget requires a two-thirds majority of the Board members present.</td>
</tr>
<tr>
<td>14.4 The S&amp;HLGA must provide a copy of its budget to each Constituent Council within five business days after adoption.</td>
</tr>
<tr>
<td>14.5 The S&amp;HLGA must reconsider its budget in accordance with Regulation 7 of the Local Government (Financial Management) Regulations 1999.</td>
</tr>
<tr>
<td>14.6 The S&amp;HLGA must submit to each Constituent Council for approval, any proposed amendment to the budget that provides for an additional financial contribution by the Constituent Councils.</td>
</tr>
</tbody>
</table>
**Current Charter 29th August 2002**

<table>
<thead>
<tr>
<th>Proposed new Clause</th>
<th>Comments and Proposed Charter</th>
</tr>
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</table>

### 15. ACCOUNTING

The S&HLAGA must ensure that its accounting records, accounts and financial statements are prepared and maintained in accordance with all relevant Australian Accounting Standards. See Regulations 8 and 9, Local Government (Financial Management) Regulations 1999, in relation to particular accounting practices.

### 16. FINANCIAL MANAGEMENT

16.1 The S&HLAGA shall maintain an operations bank account and such other accounts as it may determine from time to time. The operators of all bank accounts shall be the President and Executive Officer and not less than two members appointed at the AGM where any two of the bank operators are required to operate the accounts.

16.2 The Executive Officer shall cause adequate and proper books of account to be kept in relation to all affairs of the S&HLAGA.

16.3 The Executive Officer shall prepare a draft Operations Manual for the Executive Committee and, following any amendment, shall adopt the Operations Manual and make recommendations on the implementation of the manual.

16.4 The S&HLAGA shall give due regard to Chapter 9 Part 4 of the Act when investing funds.

16.5 The financial year for the S&HLAGA is from 1 July to 30 June.

### Proposed new Clause

#### 17. AUDIT

17.1 The S&HLAGA must appoint an auditor.

17.2 The S&HLAGA must provide its audited financial statements to the Chief Executive Officer of each Constituent Council by 30 September. See Part 5, Local Government (Financial Management) Regulations 1999, in relation to the S&HLAGA’s audit responsibilities.

17.3 The S&HLAGA is exempted from the requirement to establish an audit committee, but may do so if determined by the Board.
20. EXECUTIVE OFFICER

20.1 The S&HLGGA shall appoint a Chief Executive Officer, who shall have the title of Executive Officer, under such terms and conditions as the parties may agree.

20.2 The Executive Officer, shall be the Public Officer of the S&HLGGA.

20.3 The Executive Officer shall be responsible for the general administration of the S&HLGGA in accordance with the Act and Regulations of that Act and the general law of the State and Commonwealth.

20.4 Where the Executive Officer is employed under a contract with the S&HLGGA, the S&HLGGA shall appoint one of the constituent council Chief Executive Officers to be the Contract Supervisor.

21. THE SEAL

21.1 The S&HLGGA shall have a common seal upon which its corporate name shall appear in legible characters which shall only be used in accordance with Clause 37 of Schedule 2 of the Act.

21.2 The seal shall not be used without the express authorisation of a resolution of the Association and every use of the seal shall be recorded in the minutes of the meeting. The affixing of the seal shall be witnessed by the Executive Officer and the President, or in the absence of the President, the presiding member, or two members present at the meeting.

21.3 The seal shall be kept in the custody of the Executive Officer or such person as the Board may appoint.
## Current Charter 29th August 2002

<table>
<thead>
<tr>
<th>Comments and Proposed Charter</th>
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</thead>
<tbody>
<tr>
<td>as the S&amp;HHLGA may from time to time decide.</td>
</tr>
<tr>
<td>22. STANDING ORDERS</td>
</tr>
<tr>
<td>22.1 Subject to this Charter the provisions of the Local Government (Procedures at Meetings) Regulations 2000, shall apply to the rules of debate and conduct of all meetings of the S&amp;HHLGA.</td>
</tr>
<tr>
<td>22.2 Any question as to the inconsistency of the conduct of a meeting with the meeting regulations and or with this Charter at any meeting of the S&amp;HHLGA shall be determined at that meeting by the chair-person of the meeting.</td>
</tr>
<tr>
<td>23. PROPERTY</td>
</tr>
<tr>
<td>23.1 All property held by S&amp;HHLGA will be held by it on behalf of the constituent councils.</td>
</tr>
<tr>
<td>23.2 No person may without the approval of the S&amp;HHLGA sell, encumber or otherwise deal with any property of the S&amp;HHLGA.</td>
</tr>
<tr>
<td>24. FINANCIAL MANAGEMENT</td>
</tr>
<tr>
<td>24.1 The S&amp;HHLGA shall maintain an operations bank account and such other accounts as it may determine from time to time. The operators of all bank accounts shall be the President and Executive Officer and not less than two members appointed at the AGM where any two of the bank operators are required to operate the accounts.</td>
</tr>
<tr>
<td>24.2 The Executive Officer shall cause adequate and proper books of account to be kept in relation to all affairs of the S&amp;HHLGA.</td>
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<tr>
<td>24.3 The Executive Officer shall prepare a draft Operations Manual for the Executive Committee and, following any amendment, shall adopt the Operations Manual and make recommendations on the implementation of the manual.</td>
</tr>
<tr>
<td>24.4 The S&amp;HHLGA shall give due regard to Chapter 9 Part 4 of the Act when investing funds.</td>
</tr>
<tr>
<td>24.5 The financial year for the S&amp;HHLGA is from 1 July to 30 June.</td>
</tr>
</tbody>
</table>

19.3 The Board may by instrument under seal authorise a person to execute documents on behalf of the S&HHLGA. The Executive Officer will maintain a register of such resolutions and details of any documents executed in this way, together with particulars of the person executing the document.

Deleted

Deleted

No Change renumbered to C 16

C:\Documents\RED\Ship\EXECU\Charter review 2006\1027.doc
25. DISPUTE RESOLUTION

It is anticipated that there will be occasions when the views of constituent councils will differ on issues relating to the development and implementation of policy of the S&HGLA. It is legitimate that there will be differing views and constituent councils, through their delegates are urged to use the processes of investigation, consultation and debate within the meetings of the S&HGLA to achieve the best collective outcome for the S&HGLA.

25.1 Where a dispute situation arises:

25.1.1 Between constituent councils regarding the development or implementation of policy of the S&HGLA to the point that in the opinion of the Executive Committee the successful operation of S&HGLA is in jeopardy.

25.1.2 Between a constituent council and the S&HGLA regarding the development or implementation of policy to the point that in the opinion of the Executive Committee the successful operation of S&HGLA is in jeopardy.

Then the disputing parties are required to submit their dispute to an independent arbitrator.

25.2 The independent arbitrator shall be the President of the Local Government Association of South Australia or nominee.

25.3 The constituent councils and/or S&HGLA in dispute shall have the opportunity to put their views both in writing and verbally to the independent arbitrator.

25.4 The determination of the independent arbitrator shall be binding on the constituent councils and/or S&HGLA in dispute.

25.5 All costs of the arbitration process will be at the cost of the constituent councils involved in the dispute.

26. ALTERATION TO CHARTER

26.1 Any proposed alterations to this Charter will be approved at the AGM or at a special general meeting called for the purpose and must be carried by an absolute majority of the delegates.

26.2 Four weeks prior notice shall be given by the Executive Officer to all constituent councils setting out the nature of the proposed alteration.

Proposed new Clause

21. ALTERATION TO THE CHARTER

21.1 This Charter may be amended by unanimous resolution of the Constituent Councils.

21.2 The Executive Officer of the S&HGLA must ensure that the amended Charter is published in the Gazette.

21.3 Before the Constituent Councils vote on a proposal to alter this Charter they must take into account any recommendations of the Board.
Southern & Hills Local Government Association – Review of Charter

| Current Charter 20th August 2002 | Comments and Proposed Charter |

22. ADDITION OF NEW MEMBER
   22.1 The Board may consider the addition of a new member to the S&HLGA.
   22.2 The Constituent Councils must resolve unanimously to approve the addition of a new member to the S&HLGA and must obtain Ministerial approval.
   22.3 The Charter shall be amended in accordance with the provisions of this Charter to address any new addition.

23. WITHDRAWAL OF A CONSTITUENT COUNCIL
   23.1 Subject to the approval of the Minister, a Constituent Council may withdraw from the S&HLGA by giving not less than six months notice of its intention to do so to all other Constituent Councils and the Executive Officer.
   23.2 In any event a withdrawal cannot become effective until 30 June following the expiry of the six months in the preceding subclause. Until withdrawal becomes effective, the Constituent Council proposing withdrawal from the Authority will remain liable for all financial contributions in the remaining period and through its members on the Board, the responsibility of ensuring the continued proper conduct of the affairs of the Authority.
   23.3 A withdrawing Constituent Council is not entitled to any refunds of any contributions made.

No Change

24. CIRCUMSTANCES NOT PROVIDED FOR
   24.1 If any circumstances arise to which this Charter is silent, incapable of taking effect or being implemented according to its strict provisions, S&HLGA will have the power to determine what action may be taken to ensure the effective administration and objectives of S&HLGA provided that such action will be determined at a meeting of S&HLGA.

No change

25. WINDING UP
   25.1 In addition to the provisions of Clause 33 of Schedule 2 of the Act, the S&HLGA may be wound up by the constituent councils.
   25.2 In the event of dissolution and after payment of all expenses any surplus assets shall be returned to constituent councils in proportion to the subscription paid in the financial year prior to the passing of the resolution to
<table>
<thead>
<tr>
<th>Current Charter 29th August 2002</th>
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<tr>
<td>28.3 In the event of dissolution where there are insufficient funds to pay all expenses due by S&amp;HLGA a levy shall be struck to cover the deficiency, such levy being in proportion to the subscription payable in the financial year prior to dissolution.</td>
<td>assets shall be returned to constituent councils in proportion to the subscription paid in the financial year prior to the passing of the resolution to dissolve.</td>
</tr>
<tr>
<td>29. INSOLVENCY In the event of the insolvency of the S&amp;HLGA each constituent council shall be responsible for the liabilities of the Association in proportion to the subscription payable in the financial year prior to its insolvency.</td>
<td>25.3 In the event of dissolution where there are insufficient funds to pay all expenses due by S&amp;HLGA a levy shall be struck to cover the deficiency, such levy being in proportion to the subscription payable in the financial year prior to dissolution.</td>
</tr>
<tr>
<td>F. PEDLER, Executive Officer</td>
<td>26. INSOLVENCY In the event of the insolvency of the S&amp;HLGA each constituent council shall be responsible for the liabilities of the Association in proportion to the subscription payable in the financial year prior to its insolvency.</td>
</tr>
</tbody>
</table>
33.1.4 COUNCIL ELECTION POLICY - CHANGES

Purpose
To update Council’s Election Policy (G8) following the recent periodical Council election.

Business
The following additions/amendments are suggested, following the recent Council election. The suggested policy is attached as appendix 33.1.4.

Suggested changes include:

7. Council Voter’s Roll
Add – Candidates purchasing a Voters Roll are required to complete a declaration form attached as appendix. (this ensures the confidentiality of the Voters Roll)

Add – Voters Roll will only include rateable address details, not postal addresses for privacy issues, consistent with the State Electoral Commission. (clarifies situation)

Add – Council Members will also make no bids for expenditure of unbudgeted funds or discretionary funds, during the election period unless deemed by the majority of Members as an emergency expenditure.

11. Election Signs
Add – However Council does not require an application to place a sign, as signs are simply to comply with the policy.

No advertising will occur on any Council owned property.

These changes are suggested to ensure clarity in future election processes.

Recommendation:
That item number 33.1.4 on Council agenda of 11 December 2006 be received and the amended Council Elections Policy (G8) attached as appendix 33.1.4 be adopted.

Cr England moved
That the recommendation be adopted, namely: that item number 33.1.4 on Council agenda of 11 December 2006 be received and the amended Council Elections Policy (G8) attached as appendix 33.1.4 be adopted

Seconded by Cr Weinmann and CARRIED
Appendix 33.1.4

COUNCIL ELECTIONS

<table>
<thead>
<tr>
<th>Responsible Officer</th>
<th>Policy Number</th>
<th>G:8</th>
</tr>
</thead>
<tbody>
<tr>
<td>Chief Executive Officer</td>
<td>Council Resolution Number</td>
<td>733.1.3</td>
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</tbody>
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<table>
<thead>
<tr>
<th>Date Approved:</th>
<th>Previous Revision Date:</th>
<th>Date of Next Review</th>
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<tbody>
<tr>
<td>24 July 2006</td>
<td></td>
<td>May 07</td>
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<thead>
<tr>
<th>Applicable Legislation</th>
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<tr>
<td>Local Government Act 1999</td>
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</table>

1. **Policy objectives**
   The Rural City of Murray Bridge will ensure that the convening of Local Government Elections, (General or Supplementary), are conducted in an accountable and transparent manner, in accordance with the Local Government Act 1999 and the Local Government (General) Regulations 1999 and the Local Government (Elections) Act 1999 and the Local Government (Elections) Regulations 1999.

2. **Principles**

   2.1 This policy is underpinned by the following principles:

   2.1.1 As Council Members make a range of important decisions and contribute to the shaping the sort of place the Council area will be in the future, Council will ensure the running of elections are conducted in an accountable and transparent manner through promotion and publicity of Elections.

   2.1.2 The Chief Executive Officer will engage the State Electoral Office, as required under the Act, to assist in the conduct of Council elections.

   2.1.3 The Executive Assistance and Governance Officer will be the Council Contact Officer for Election enquiries.

   2.1.4 Council will join with the Local Government Association of South Australian in promoting and publicising Elections.

3. **Introduction**

   3.1 This policy summarises the provisions of the Act and Regulations in respect to the conduct of Local Government General or Supplementary Elections.
This policy will also apply to the conduct of Council Referendums and/or Polls required by Council resolution.

4. **The Local Government (Elections) Act 1999 (“the Act”)**

4.2 This policy relates to Section of 12(b) of the Act to promote Council elections.

5. **Policy Statement**

5.1 This policy will apply to the conduct of all Council Elections – General or Supplementary.

5.2 This policy will also apply to the conduct of Council Referendums and/or Polls.

5.2 The Chief Executive Officer is responsible for ensuring the transparent and accountable conduct of all Elections.

6. **State Electoral Commission**

The Chief Executive Officer will engage the services of the State Electoral Commission, as appropriate as required under the Act, in the conducting of General or Supplementary Elections.

7. **Council Voters' Roll**

The Council Voters' Roll will be compiled in accordance with prescribed roll closure dates and in conduction with the requirements of the State Electoral Commission as set out in the Acts and Regulations.

Council’s Voters’ Roll may be viewed at the Local Government Centre without cost. Copies of the Council’s Voters’ Roll may be purchased by Candidates, in paper form (hard copy) only, fees are set out in Council's Fees & Charges Schedule. Candidates purchasing a voters roll are required to complete a declaration form attached as appendix 1.

Under no circumstances will Council’s Voters’ Roll be distributed electronically to sitting Elected Members and/or candidates or any other party, with the exception of the State Electoral Commission, at any time. The Voter’s roll will only include rateable address details, not postal addresses for privacy issues, consistent with State Electoral Commission policy.

8. **Council's Web Site**

Council's Web Site will have an entry for Local Government Elections. This will assist in promotion and publicity and will be kept up to date by Council's Executive Assistance & Governance Officer.

The site will include information on:
- How to Enrol to Vote
- Key dates
- How to nominate as an Elected Member
- Becoming an Elected Member
- Links to relevant sites
Other information deemed relevant by the Chief Executive Officer

Sitting Elected Members and/or Candidates will not have access to Council's web site to market and/or promote themselves or others in any Council election.

9. **Elected Members – Local Government Elections & Use of Council Facilities** *(also refer to Elected Members’ Allowances and Benefits)*
   In order to address openness, fairness and transparency issues at the time of Council elections, Council supports that any actual or perceived advantage that sitting Members may have over other candidates will be minimised.

   This will incorporate, but not be limited to – no use of Council’s logo; facsimile machine for circulating information as part of their campaign; photocopying; free use of meeting rooms; telephones; Council stationery.

   Council Members will also make no bids for expenditure of unbudgeted funds or discretionary funds during the election period unless deemed by the majority of Members as an emergency expenditure.

10. **Publicity & Promotion**
    Council is responsible for the provision of information, education and publicity designed to promote public participation in the electoral processes for its area. It is also responsible 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.

    To achieve this responsibility Council will undertake publicity and promotion through its website, articles in the Rural City Review and press releases and articles in the Murray Valley Standard and segments on Radio 5MU. Council will join the Local Government Association of South Australia in publicity promotions as appropriate.

    Education programs will also be conducted in liaison with the Local Government Association of South Australia and the State Electoral Office.

11. **Election Signs**
    Council will refer in part to the Control of Elections Signs – for Federal, State and Local Government Elections, Referenda and Polls LGA Model Guidelines, attached as appendix 2 to this document. However Council does not require an application to place a sign, as signs are simply to comply with policy. No advertising will occur on any Council owned property.

12. **Budget**
    Council will ensure that adequate funds are included in Council’s budget to ensure the accountable and transparent conduct of Elections. This will include, but not limited to, the compilation of Council’s Voters’ Roll; engaging State Electoral Commission as required, participating in appropriate Publicity and Promotion to meet the requirements of the Act.
13. **Review and Evaluation**

13.1 The effectiveness of the Policy will be reviewed and evaluated in May of each year.

14. **Post Implementation Action**

14.1 Following approval by the Council the original signed version of this policy will be kept within the Council adopted policy filing cabinet by the Executive Assistance and Governance Officer for referral by any staff member who wishes to do so.

14.2 Electronic PDF versions will also be kept as the Rural City of Murray Bridge web site for public to view.

14.3 This policy will be reviewed on an annual basis in the month of May. Council may revise or review this policy at any time.

Endorsed by Council on. 24 July, 2006

.......................................................... ..........................................................
Mayor                                      Chief Executive Officer
DECLARATION BY CANDIDATE

OBTAINING COPY OF VOTERS ROLL

I, .......................................................... ........................................
(name of applicant)

Of, .......................................................... ........................................

Understand that the Voters Roll for the Rural City of Murray Bridge has been supplied by the Council to the Returning Officer in confidence for the purposes of the election only.

I hereby declare that the copy of the Voters Roll supplied to me will be used for the purposes of the election only and not for any other purpose.

Signed. .......................................................... ........................................
Candidate

Date: ...........................................
CONTROL OF ELECTION SIGNS
for
FEDERAL, STATE, LOCAL GOVERNMENT ELECTIONS
REFERENDA & POLLS

OBJECTIVES

The objectives of these guidelines are to:

1. achieve clarity of the policy position and approach of Council, and to incorporate issues of ETSA Utilities and Transport Services Division of the Department for Transport, Energy and Infrastructure (DTEI) as they relate to their respective interests, thereby enabling a single approval (from Council) covering the interests of all three parties;
2. establish a policy which is to be applied consistently and equitably to all political parties and candidates;
3. achieve consistency of approach within a Council area, whilst recognising that some variation will occur from one Council area to another;
4. provide a summary of the legal position;
5. minimise any threat to public safety from the placement of signs.

INTERPRETATION

References in this document to:

“Elections” is to be interpreted to include Periodic and General Elections, By-elections and Supplementary Elections, Referenda and Polls.

“Road” is to be interpreted within the definition of road under the Local Government Act 1999 and for the purposes of clarification extends from property boundary to property boundary.

“Signs” includes moveable signs where appropriate and also includes posters that comprise an advertisement for a candidate or party in the election, or for a referendum or poll whether held for Federal, State or Local government purposes.

SUMMARY OF LEGAL POSITION RELATING TO ELECTION SIGNS

LOCAL GOVERNMENT ACT 1999

It is an offence to interfere with any structure on a public road or to erect or install a structure (“structure” includes pipes, poles, fixtures, fitting or other objects) in, on, across, over or under a public road without authorisation from Council (Sect. 221 (2)(b) & (2) (d)). A maximum penalty of $5,000 applies.
A Council may remove and dispose of any structure or object (*which does not includes an election sign*) which has been erected, placed or deposited on a public road without authorisation, and recover the cost of doing so from the person who erected, placed or deposited the structure or object (Sect. 234).

A Council can make a by-law to regulate moveable signs (defined in the Act as a moveable advertisement or sign and is sufficiently broad to include an election sign). A person may place and maintain a moveable sign on a road without authorisation provided:

- the sign is related to a State or Commonwealth election and is displayed during the period commencing with the issuing of the writ(s) for the election and ending at the close of polls on polling day, or
- the sign is related to a local government election and is displayed during the period commencing 4 weeks before the date set for polling day and ending at the close of voting on polling day, or
- the design and structure, the positioning of the sign and any other relevant requirements of the by-law are complied with.

A moveable sign must not unreasonably restrict the use of the road or endanger the safety of the public (Sect. 226). Where a moveable sign fails to satisfy these requirements, a person authorised by Council may order the owner to remove the sign, or if the owner is unknown or fails to comply immediately with the order, may remove and dispose of the sign (Sect. 227).

Council has the power to make by-laws prohibiting the posting of bills, advertisements or other papers or items on a building or structure on a road, other local government land or other public place, without the permission of the Council (Sect. 240). By-laws which implement controls for signs *other than moveable signs* on roads ordinarily provide exemptions for election signs authorised by a candidate during a Commonwealth, State or Local Government election and when a referendum is being held.

A person who deposits rubbish (which includes litter) on a public road without authorisation or permit commits an offence. An expiation fee of $315 applies, with a maximum fine of $5,000 (Sect. 235).

**LOCAL GOVERNMENT (ELECTIONS) ACT, 1999** (Applicable to Council elections only)

A person who publishes electoral material must include the name and address of the person who authorises the publication and in the case of printed material, the name and address of the printer or other person responsible for its production. A maximum fine of $2,500 applies (Sect. 27).

It is an offence to publish electoral material that purports to be a statement of fact and yet is inaccurate and misleading to a material extent. A maximum fine of $5,000 applies (Sect. 28).
The Development Regulations provide that an advertisement in relation to an election/referendum is excluded from the definition of “development” (and hence does not require authorisation under the Development Act) if the total area on one building or site is not more than two square metres and the display does not move, flash, reflect light so as to cause undue distraction to motorists nor is internally illuminated.

If an advertisement or hoarding disfigures the natural beauty of a locality, detracts from the amenity of a locality or is contrary to the character desired from the locality under the Development Plan, the Council may serve notice on the owner or occupier of the land (on which it is located) to remove or obliterate it unless it is authorised under the Local Government Act 1999, the Electoral Act 1985 or the Local Government (Elections) Act 1999 (Sect. 74 of the Development Act 1993).

ELECTORAL ACT (STATE)

Councils do not have the power to regulate the content of electoral signs.

Queries in relation to the provisions of the Electoral Act 1985 should be directed to the State Electoral Office, telephone (08) 8401 4300.

COMMONWEALTH ELECTORAL ACT

Queries in relation to the provisions of the Commonwealth Electoral Act should be directed to the Australian Electoral Commission, telephone (08) 8237 6555.

CRIMINAL LAW CONSOLIDATION ACT

It is an offence under this Act to steal or deface an electoral sign or poster. Any alleged offence will be referred to the SA Police for their attention.

COUNCIL POLICY

ELECTION SIGNS IN PUBLIC PLACES

Council consent is given for the place of election signs under the following terms and conditions which must be complied with:

1. **Signs must:**

   1.1 not be more than 1 square metre in area and be limited to one sign per site/pole. A back to back sign facing two directions is considered to be one sign for this purpose. (For private fences a larger area is permissible – please refer to point 4 below).

Please note: Places designated as polling booths/places for Federal and State Elections and Referenda will not be subject to this requirement on polling day only.
1.2 only be displayed, in the case of State and Commonwealth elections during the period commencing on the issue of the writ or writs for the election and ending at the close of polls on polling day. Should they not be removed within two days (48 hours of the close of voting) they will be considered illegal signs/posters and Council will implement the provisions of this policy (please refer below to D: Illegal Signs);

1.3 only be displayed, in the case of local government elections, during the period commencing 4 weeks immediately before the date set for polling day and ending at the close of voting on polling day. Should they not be removed within 2 days (48 hours of the close of voting) they will be considered illegal signs/posters and Council will implement the provisions of this Policy (please refer below to D: Illegal Signs);

1.4 be securely fixed or posted and maintained in good repair and condition at all times;

1.5 be designed, made, and presented in a quality manner (the intent is that signs must not tear apart and become a danger to road users and end up as litter);

1.6 contain clear and legible writing or symbols;

1.7 contain the name and address of both the person authorising the promotional material and the printer of it, along with a phone contact number of the authorising person or party, and

1.8 be fastened securely so that they cannot become detached in high winds and endanger Council, ETSA Utilities or DTEI property or equipment or pose a danger to the public.

2 Signs must not:

2.1 be illuminated (internally or indirectly), move, flash, rotate, or reflect so as to be an undue distraction to drivers;

2.2 be self adhesive. All individual promotional material affixed under the terms of this consent may only be affixed by non-invasive means that do not cause damage of any type to the structure to which the material is affixed. If a paste is to be used, it must be of a water based/wallpaper type (or similar);

2.3 be affixed under any circumstances to trees, shrubs, or other plants or at any location that may cause damage to Council, ETSA or DTEI property;

2.4 be placed on a carriageway, dividing strip, traffic island, roundabout, or within 50 metres of a signalised intersection or pedestrian activated crossing, or on the South-Eastern Freeway, the Southern Expressway or the Port River Expressway;

2.5 be placed within 6 metres of an intersection or junction, or in any other location that may pose a hazard to pedestrians or road users;

2.6 be attached to any street name, traffic direction or parking sign or to the associated pole;

2.7 be erected on poles or towers carrying electricity transmission lines (these can generally be identified as all poles, which are taller than 11 metres);

2.8 be attached to ETSA Utilities padmounted transformers or switching cubicles;

2.9 be attached to the fence or other enclosure of any sub-station of ETSA Utilities;
2.10 be placed so as to cover any Council, ETSA or DTEI signs or markings;
2.11 be placed on DTEI structures with the exception of “gooseneck” light poles belonging to DTEI. Structures which belong to DTEI, include road bridges on arterial roads, traffic control boxes, traffic signal poles, signal boxes, traffic signs and other traffic control devices, guide posts and pedestrian fences located within the road reserve.
2.12 be placed in a location on a pole or fence so as to aid the climbing of the pole or fence.
2.13 be placed so as to restrict the sight distance for road users and pedestrians crossing the road;
2.14 compete with or reduce the effectiveness of other signs and traffic control devices;
2.15 resemble a traffic control device, or reasonably be capable of being mistaken as a traffic control device;
2.16 advertise any organisation other than a registered political party or candidate.

3. Where signs are fixed or posted on poles adjacent to footpaths or roadways such signs shall only be between a height of 2 to 3 metres from the ground with nothing above the sign to affix it or anything else to the pole. There is a total prohibition on any part of the sign being higher than 3 metres from the ground.

4. Signs on private fences, including those adjoining Council land, shall have a total advertisement area of not more than 2 square metres and be limited to one sign per candidate/party per site/location.

5. The person or party responsible for the sign must maintain the sign. The person or party is also responsible for ensuring that safety is maintained (and the Australian Road Rules complied with) whilst the sign is being installed, maintained or removed and no traffic disruption is to occur during the installation, maintenance or removal process.

6. This authority does not cover railway or tramline structures such as level or pedestrian crossings, bridges, stations, signalling equipment or fences adjacent to railway and tram lines. In this regard, information on the various rules and if appropriate, permission to enter or erect signs in these areas must be obtained from the relevant rail authority. In metropolitan Adelaide, this is (in most instances) either TransAdelaide or the Australian Rail Track Corporation.

7. Where properties of Council are managed by others, Council will not allow election advertising to occur.

8. The person(s) to whom consent is granted and any persons acting on their behalf, accept full responsibility for any personal injury, damage or loss in any way arising out of or consequent upon the display of election material and acknowledge(s) that the Council, ETSA Utilities or DTEI have no liability or responsibility in relation to such matters whatsoever.

9. It is a condition precedent to the granting of consent that if any breach occurs which results in action by or on behalf of the Council to enforce the conditions of this policy and thereby results in costs and expenses for the Council, then
such costs and expenses will be recovered by the Council from the person(s) responsible. These costs will include removal and/or destruction of the offending material by an officer or agent of the Council.

10. Should the applicant propose to use property belonging to any party - other than Council, ETSA Utilities or DTEI - they must firstly obtain the written consent of that third party. Upon request by the Council, the applicant must produce such written consent. In cases where there is property involved belonging to any other party, Council approval will be subject to all of the relevant matters contained in this policy.

11. The person or party responsible for the sign must remove all parts of the sign and fixtures from the site in complying with 1.2 or 1.3 of this Part D.

12. Installing, maintaining and removing signs must not be carried out between 7.00am and 9.00am or between 4.00pm and 6.00pm Monday to Friday on a peak flow traffic lane.

A breach of, or non-compliance with, any of the conditions of the policy will invalidate the consent and may result in a report being prepared for consideration by Council with a view to prosecuting the offender.

ILLEGAL SIGNS

Council is totally opposed to illegal signs as a form of advertising.

If advice is received that signs have been affixed that restrict the use of a road, or endanger the safety of the public, or without Council consent or remain in place after the deadline for removal, the following procedure will be followed by Council staff:

1. The relevant officer will notify the organisation/persons by phone/facsimile, requesting removal of the signs within 24 hours.

2. If the signs are not removed within 24 hours, instructions will be given to immediately remove or paint over the offending signs and Council will charge the resultant cost to the parties responsible.

3. If evidence can be obtained of persons affixing the offending sign, this information will be referred to the relevant officer for possible legal proceedings.

E) GRIEVANCES

Any grievances in relation to these guidelines should be forwarded in writing addressed to the Chief Executive Officer of Council.

PROMOTION

The availability of these guidelines will be actively promoted within the community and to candidates and political parties.
33.1.5 COUNCIL SEAL – PLACING OF

Members are advised that His Worship the Mayor and the CEO have placed Council’s seal on the following documents:

Home & Community Care 3 year Funding and Service Agreement
The negotiated agreement continues the recurrent funding Council receives for this program. Conditions and grant amounts are substantially unchanged from previous years.

Extinguishment of an Existing Drainage Easement which is to be encompassed as part of a drainage reserve at Irena Court, Murray Bridge.
Deals with the requisition from the Lands Titles Office for the extinguishment of an existing drainage easement which will become part of a larger drainage reserve at Irena Court, Murray Bridge.

A 4 metre wide drainage easement existed over allotment 22 in DP 67243 of Sec 64. However as part of the development of the Irena Court sub division off Old Swan port Road, the whole of allotment 22 has been created as a drainage reserve. As such the Lands Titles Office has requested an extinguishment of the existing drainage easement as it now lies within the larger the newly created larger drainage reserve area.

Both documents were signed and sealed due to their urgency and straightforward requirements.

Recommendation:
That item number 33.1.5 on Council agenda of 11 December, 2006 be received and the signing and placing of Council’s seal on the:
• Home & Community Care 3 year funding and service agreement, and the
• Extinguishment of an existing drainage easement which is to be encompassed as part of a drainage reserve at Irena Court, Murray Bridge.
Be endorsed.

Cr Weinmann moved
That the recommendation be adopted, namely: that item number 33.1.5 on Council agenda of 11 December, 2006 be received and the signing and placing of Council’s seal on the:
• Home & Community Care 3 year funding and service agreement, and the
• Extinguishment of an existing drainage easement which is to be encompassed as part of a drainage reserve at Irena Court, Murray Bridge.
Be endorsed.

Seconded by Cr England and CARRIED
33.1.6 PROVINCIAL CITIES INSURANCE COVERAGE

The Provincial Cities Association has now been established as a Regional Subsidiary under the provision of the Local Government Act.

Council also belongs to other Regional Subsidiaries, as follows:
- Murray & Mallee Local Government Association
- Southern & Hills Local Government Association

The Provincial Cities Association are now required to become a member of the Local Government Association Mutual Liability Scheme to 'safeguard' the future interests of the Provincial Cities and Constituent Members.

There are 8 Councils belong to the Association, namely:
- City of Port Augusta
- City of Mount Gambier
- City of Port Lincoln
- City of Whyalla
- City of Victor Harbor
- Port Pirie Regional Council
- Rural City of Murray Bridge
- The Riverland

The costs involved are $11,000 with a previous budget allocation of $2,500 existing within the Association funds. Each Member Council has been asked to contribute $1000 to this cost. No objections are raised to this and the funds can be allocated via a budget review.

Recommendation:
That item number 33.1.6 on Council agenda of 11 December, 2006 be received and that Council contribute $1000 to the Provincial Cities Association for payment to the LGA Mutual Liability Scheme.

Cr Laubsch moved
That the recommendation be adopted, namely: that item number 33.1.6 on Council agenda of 11 December, 2006 be received and that Council contribute $1000 to the Provincial Cities Association for payment to the LGA Mutual Liability Scheme.

Seconded by Cr Weinmann and CARRIED
33.1.7 CONCORDIA KINDERGARTEN – REDEVELOPMENT

Members will recall attendance by representatives of the Concordia Kindergarten at a briefing on the 25 September giving a background to their proposed development.

Following that presentation Concordia Kindergarten have provided a summary of their development for a request for funding from Council, attach as appendix 33.1.7.

The CEO intends to advise the Concordia Kindergarten that Council support the project in principle, however that this request will be formally considered by Council during the budget cycle in order for it to be measured against Council’s full range of Community projects.

Recommendation:
That item number 33.1.7 on Council agenda of 11 December, 2006 be received and that Concordia Kindergarten be advised their request will be formally considered by Council during the budget cycle (2006/07) in order for it to be measured against Council’s full range of Community projects.

Cr Schubert moved
That the recommendation be adopted, namely: that item number 33.1.7 on Council agenda of 11 December, 2006 be received and that Concordia Kindergarten be advised their request will be formally considered by Council during the budget cycle (2006/07) in order for it to be measured against Council’s full range of Community projects.

Seconded by Cr Wilson

AMENDMENT
Cr England moved
That item number 33.1.7 on Council agenda of 11 December, 2006 be received and that Concordia Kindergarten be advised their request will be formally considered by Council during the budget cycle (2006/07) in order for it to be measured against Council’s full range of Community projects and that we indicate that such requests are usually deemed as outside our funding policy but it is potentially eligible for a community grant up to $3000.

Seconded by Cr Phillips

The Amendment was Put and Carried

The Amendment became the Substantive Motion and was Put and Carried
That item number 33.1.7 on Council agenda of 11 December, 2006 be received and that Concordia Kindergarten be advised their request will be formally considered by Council during the budget cycle (2006/07) in order for it to be measured against Council’s full range of Community projects and that we indicate that such requests are usually deemed as outside our funding policy but it is potentially eligible for a community grant up to $3000.
Re: Redevelopment of the Concordia Pre-school Kindergarten

Thank you for the opportunity to present at the September 2006 Rural City of Murray Bridge briefing session. Further to our presentation we follow advice from Councillor England to formally request a financial partnership of $10,000 with Council.

Concordia Kindergarten is proposing a $317,665 building extension to address overcrowding issues and respond to the Murraylands need for community programs for families with young children. Concordia has maximum enrolments set until 2010, requiring parents to enrol their child within their first few months of age to ensure a position. The Centre has a significantly high proportion of children with special needs (18%). Concordia is unique within Murray Bridge by providing a full-day program for rural children, with lunch care supervised by a specific lunch-care worker (12% of enrolments). The proposed extension will ensure a specific, designated space for programming for children with special needs, rural lunch-care, playgroup and better meet the general developmental needs of all children who attend.

Concordia Kindergarten recognises that it is a key site for families with young children to develop social networks. It is also recognised that many of these families are from disadvantaged backgrounds, including lower socio-economic status, rural isolation and single-parent families.

The proposed upgrade will provide for a "Community and Family Support Centre", enabling greater access to playgroup sessions and community based programs. At present, space is restricting the ability of the Centre to respond to community program requests and need.
Concordia Kindergarten is a not-for-profit and self-funded Centre. It has an affiliation with the Department of Education and Children's Services (DECS), but it is not able to access capital works funding. To address the funding required for the building extension, many avenues have been sought, including fundraising, partnerships with service clubs and small businesses, and grant applications. As part of our presentation to Council we outlined the potential major funding source as the Regional Partnerships Australia grant. This is a Federal grant, which matches dollar for dollar, based on the community partnerships established. A financial partnership with the Rural City of Murray Bridge is imperative to the success of our application.

Concordia Kindergarten is seeking a financial commitment of $10,000 towards our extension project for the 2006/2007 financial year. In so doing, the Rural City of Murray Bridge is established as a regional partner in the project.

Thank you for considering our application to Council. We look forward to your response.

Yours sincerely,

Mrs Lynette Schiller
Director, Concordia Kindergarten
33.1.8 ROAD TRAFFIC AUTHORISATIONS

Council has delegated certain authority to the Chief Executive Officer under the Road Traffic Act 1961 (SA) Road Traffic (Misc) Regulations 1999 and Road Traffic (Road Rules – Ancillary & Misc Provisions) Regulations 1999.

On 23 October 2006, report no 805.1.1, Council gave delegations under Section 11 and 12 in line a notice issued by the Minister dated 12 March 2001. We have now received an updated Notice from the Minister dated 17 June, 2006 which precedes the 2001 notice.

The major change in the Notice is that it complements the recent amendments to Section 33 of the Road Traffic Act relating to road closing and exemptions for certain events. In addition to closing roads on which the event is to be held, the amendment now enables roads to be closed that are affected by the event.

Other noteworthy areas included in the Notice are:
- Wombat Crossings are not listed as an excluded traffic control device but Council will still need to install the 40km/h speed limit sign. This requirement will be reviewed at the next update to the Notice.
- Council must ensure that those working on their behalf are made aware of, and comply with, the conditions contained within the document title, Notice from the Commission of Highways for the temporary use of Traffic Control Devices by persons other than Road Authorities.
- Ensure records are kept of any authorisations made under the relevant section.

A copy of the notice and delegations are attached as appendix 33.1.8a. A copy of the Minister’s notice is attached as appendix 33.1.8b.

Recommendation:
That item number 33.1.8 on Council agenda of 11 December, 2006 be received and that, in accordance with the Notice to the Council dated 17 June, 2006 from the Minister for Transport and Urban Planning (“the Minister’s Notice”), the Council authorises the following officers to exercise, for, and on behalf of the Council, the power conferred on the Council pursuant to the following clauses of the Minister’s Notice in relation to the Road Traffic Act 1961:

Clause 2.3 – Chief Executive Officer; Manager Infrastructure & Technical Services, Infrastructure Engineer and Overseer

Clause 2.4 – Chief Executive Officer; Manager Infrastructure & Technical Services, Infrastructure Engineer and Overseer

Clause 3.3 – Chief Executive Officer; Manager Infrastructure & Technical Services, Infrastructure Engineer and Overseer

Clause 4.3 – Chief Executive Officer; Manager Infrastructure & Technical Services, Infrastructure Engineer and Overseer.
Clause 5.1 – Chief Executive Officer; Manager Infrastructure & Technical Services, Infrastructure Engineer, Overseer, Manager Development & Environmental Services and Rangers.

Clause 6.1 – Chief Executive Officer; Manager Infrastructure & Technical Services, Infrastructure Engineer and Overseer

Clause 7.1 – Chief Executive Officer; Manager Infrastructure & Technical Services, Manager Corporate & Community Services and Overseer

subject to –

(i) the conditions contained in the Minister’s Notice; and
(ii) any conditions contained in this Resolution or in such instrument; and
(iii) the creation of a separate instrument in writing reflecting such authorisations under the Minister’s Notice and this Resolution.

The said instrument shall be in substantially the same form as the proposed instrument of authorisation attached as appendix 33.8.1a.

Cr Nutt moved
That the recommendation be adopted, namely: that item number 33.1.8 on Council agenda of 11 December, 2006 be received and that, in accordance with the Notice to the Council dated 17 June, 2006 from the Minister for Transport and Urban Planning (“the Minister’s Notice”), the Council authorises the following officers to exercise, for, and on behalf of the Council, the power conferred on the Council pursuant to the following clauses of the Minister’s Notice in relation to the Road Traffic Act 1961:

Clause 2.3 – Chief Executive Officer; Manager Infrastructure & Technical Services, Infrastructure Engineer and Overseer

Clause 2.4 – Chief Executive Officer; Manager Infrastructure & Technical Services, Infrastructure Engineer and Overseer

Clause 3.3 – Chief Executive Officer; Manager Infrastructure & Technical Services, Infrastructure Engineer and Overseer

Clause 4.3 – Chief Executive Officer; Manager Infrastructure & Technical Services, Infrastructure Engineer and Overseer.

Clause 5.1 – Chief Executive Officer; Manager Infrastructure & Technical Services, Infrastructure Engineer, Overseer, Manager Development & Environmental Services and Rangers.

Clause 6.1 – Chief Executive Officer; Manager Infrastructure & Technical Services, Infrastructure Engineer and Overseer

Clause 7.1 – Chief Executive Officer; Manager Infrastructure & Technical Services, Manager Corporate & Community Services and Overseer
subject to –
(iv) the conditions contained in the Minister’s Notice; and
(v) any conditions contained in this Resolution or in such instrument; and
(vi) the creation of a separate instrument in writing reflecting such authorisations under the Minister’s Notice and this Resolution.

The said instrument shall be in substantially the same form as the proposed instrument of authorisation attached as appendix 33.8.1a.

Seconded by Cr Laubsch and CARRIED
BACKGROUND

1. On the 17th day of June 2006 the Minster for Transport issued a notice to Council (the “notice”) containing:

   (i) General Approvals by the Minister to the Council in accordance with Section 12 of the Road Traffic Act 1961 (the “Act”) for the purposes of the Act; and

   (ii) Delegations pursuant to Section 11 of the Act, by the Minister to the Council for the purposes of the Act.

This document contains Authorisations made by the Council to Officers of the Council, pursuant to the terms of the Notice. The Notice contains certain exceptions and requirements, and this document must be read in conjunction with the Notice.

AUTHORISATIONS

2. TRAFFIC CONTROL DEVICES

2.1 Pursuant to Clause A of the Notice the Minister granted the Council approval, for the purposes of Section 17 of the Act, to install, maintain, alter, operate, remove or display, or cause such action, any traffic control device, other than those specified in Clause A.8 of the Notice, or those dealt with in other Clauses of the Notice, on a road-related area (as defined in the Act) which is under the Council’s care, control and management.

2.2 Pursuant to Clause A.1 of the Notice, the Council may authorise any Officer to exercise, for and on behalf of the Council, the powers conferred on the Council pursuant to Clause A of the Notice, provided that such authorisation is made by instrument in writing and is pursuant to a resolution passed by the Council.

2.3 In accordance with Clause A.1 of the Notice, and the resolution made by the Council on the 11 December, 2006 the following Officer(s) are AUTHORISED to exercise, for and on behalf of the Council, the powers conferred on the Council pursuant to Clause A of the Notice, subject to the conditions specified in the Notice in relation to Clause A of the Notice:
2.4 In accordance with Clause A.7 of the Notice, the following Officer(s) and other person(s) are authorised to endorse Traffic Impact Statements for the purposes of Clause A of the Notice, provided that such Officer(s) or person(s) (as the case may be) shall take into account the comments in Clause A.7 of the Notice in respect of the Traffic Impact Statement

Chief Executive Officer; Manager Infrastructure & Technical Services, Infrastructure Engineer and Overseer.

3. Speed Limits at Works on Road

3.1 Pursuant to Clause B of the Notice, the Minister granted the Council approval, for the purposes of Section 20 of the Act, to place or cause to be placed signs for the purpose of indicating the maximum speed as stated in the Act to be observed by drivers while driving on a portion of a road on or near which workers are engaged or works are in progress.

3.2 Pursuant to Clause B.1 of the Notice, the Council may authorise any Officer to exercise, for and on behalf of the Council, the powers conferred on the Council pursuant to Clause B of the Notice, provided that such authorisation is made by instrument in writing and is pursuant to a resolution passed by the Council.

3.3 Pursuant to Clause B.1 of the Notice, and the resolution of Council made on the 11 December, 2006 the following Officer(s) are AUTHOURISED to act for and on behalf of the Council in the exercise of the powers conferred on the Council pursuant to Clause B of the Notice, subject to the conditions specified in the Notice in relation to Clause B of the Notice:

Chief Executive Officer; Manager Infrastructure & Technical Services, Infrastructure Engineer and Overseer.

4. Traffic Control Devices signs at works on roads

4.1 Pursuant to Clause C of the Notice, the Minister granted the Council approval for the purposes of Section 17(3) of the Act, to install, display, alter, operate or remove or cause to be installed, displayed, altered, operated or removed any temporary traffic control device as necessary for roadworks, including stop signs for the purpose of requiring drivers to stop before entering a part of a road on or near which workers are engaged or works are in progress.

4.2 Pursuant to Clause C.1 of the Notice, the Council may authorise any Officer to exercise, on the Council’s behalf, the powers conferred on the Council pursuant to Clause C of the Notice, provided that such authorisation is made by instrument in writing and is pursuant to a resolution passed by the Council.
4.3 Pursuant to Clause C.1 of the Notice, and the resolution of Council made on the 11 December, 2006 the following Officer(s) are AUTHORISED to act for and on behalf of the Council in the exercise of the powers conferred on the Council pursuant to Clause C of the Notice, subject to the conditions specified in the Notice in relation to Clause C of the Notice:

Chief Executive Officer; Manager Infrastructure & Technical Services, Infrastructure Engineer and Overseer.

5. Temporary Parking Controls

5.1 Pursuant to Clause D of the Notice the Minister granted the Council approval for the purposes of Section 17(3) of the Act, to install, display, alter, operate or remove or cause to be installed, displayed, altered, operated or removed any traffic control device for the purposes of imposing, varying or abolishing a parking control on a temporary basis on a road or road or related area (as defined in the Act) which is under the Council’s care, control or management.

5.2 Pursuant to Clause D.1 of the Notice, the Council may authorise any Officer to exercise, for and behalf of the Council, the powers conferred on the Council in Clause D of the Notice, provided that such authorisation is made by instrument in writing and is pursuant to a resolution passed by the Council.

5.3 Pursuant to Clause D.1 of the Notice, and the resolution of Council made on the 11 December, 2006 the following Officers are AUTHORISED to act for and on behalf of the Council in the exercise of the powers conferred on the Council pursuant to Clause D of the Notice, subject to the conditions specified in the Notice in relation to Clause D of the Notice:

Chief Executive Officer; Manager Infrastructure & Technical Services, Infrastructure Engineer and Overseer; Manager Development & Environmental Services; Rangers.

6. Specific Approval for installation, maintenance, operation, alteration or removal of traffic control devices by another authority

6.1 Pursuant to Clause E of the Notice the Minister delegated to the Council the power conferred on the Minister pursuant to Section 17 of the Act to specifically approve the alteration, maintenance, operation, display, alteration or removal of a traffic control device in the municipality or district of the Council by an Authority, as defined in Section 16(1)(e) of the Act, on, above, or near a road or road-related area under the care control or management of the said Authority, subject to the conditions specified in the Notice relation to Clause E of the Notice.

6.2 Pursuant to Clause E.1 of the Notice to Council, the Council may authorise any Officer to exercise, for and behalf of the Council, the powers conferred on the Council in Clause E of the Notice, provided
that such authorisation is made by instrument in writing and is pursuant
to a resolution passed by the Council.

6.3 Pursuant to Clause E.1 of the Notice, and the resolution of Council
made on the 11 December, 2006 the following Officer(s) are
AUTHORISED to exercise, for and on behalf of the Council, the powers
conferred on the Council pursuant to Clause E of the Notice, subject to
the conditions specified in the Notice in relation to Clause E of the
Notice:.

    Chief Executive Officer; Manager Infrastructure & Technical
    Services, Infrastructure Engineer and Overseer

7. Power to close roads & grant exemption for road events

7.1 Pursuant to Clause F of the Notice the Minister delegated to the Council
the power conferred on the Minister pursuant to Section 33 (1) of the
Act to declare that an event that is to take place on a road or road-
related area is an event to which Section 33 of the Act applies and to
make an order directing either or both of the following:

(a) that specified roads (being roads on which the event is to be
    held or roads that, in the opinion of the Council, should be closed
    for the purposes of the event) be closed to traffic for a specified
    period; and

(b) that persons taking part in the event be exempted, in relation to
    the specified roads, from the duty to observe the Australian
    Road Rules specified in Clause F.4 of the Notice, subject to the
    conditions in Clause F.5 of the Notice.

7.2 Pursuant to Clause F.1 of the Notice, the Council may sub-delegate the
power delegated to the Council pursuant to Clause F of this Notice,
subject to the conditions set out in Clause F.1 of the Notice.

7.3 Pursuant to Clause F.1 of the Notice, and the resolution of Council
made on the 11 December, 2006, the Council SUBDELEGATES to the
following officers:

    Chief Executive Officer; Manager Infrastructure & Technical
    Services, Infrastructure Engineer and Overseer

    the powers conferred on the Council pursuant to Clause F of the Notice,
    subject to the conditions specified in Clause F.1 of the Notice and to any
    other conditions specified below and imposed by the Council on the
    sub-delegates in relation to closing roads and granting exemptions to
    road events:
NOTICE TO COUNCIL TO USE TRAFFIC CONTROL DEVICES AND TO CLOSE ROADS AND GRANT EXEMPTIONS FOR EVENTS.

ROAD TRAFFIC ACT, 1961 (SA) sections 17, 20 & 22

REVOCATION OF PREVIOUS NOTICES

I, Patrick Conlon, Minister for Transport, in accordance with the powers conferred on me by the Road Traffic Act 1961, REVOKE the previous notice issued by the Minister, entitled ‘Notice to Council – Road Traffic Act 1961 – Traffic Control Devices and Road Events – General Approvals and Delegations’, dated 15 November 2005.

INSTRUMENT OF GENERAL APPROVAL

I, Patrick Conlon, Minister for Transport, in accordance with the powers conferred on me pursuant to section 12 of the Road Traffic Act 1961 (‘the Act’), grant GENERAL APPROVAL to Council for the installation, maintenance, alteration, operation, removal or display of any traffic control device, as detailed in the following clauses:

A. TRAFFIC CONTROL DEVICES

Pursuant to section 17 of the Act, I grant to Council, GENERAL APPROVAL to install, maintain, alter, operate, remove or display, or cause such action, any traffic control device, other than those specified in clause A.8 or those dealt with in other clauses of this notice, on a road or road-related area (as defined in the Act) which is under its care, control and management.

This grant of approval is subject to the following conditions:

A.1 Authorisation of other Officers

The Council may authorise any Officer to exercise the powers conferred on it pursuant to Clause A of this Notice. Any Authorisations to any Officer should be made by instrument in writing and passed by resolution of Council. All actions carried out by that officer in accordance with Clause A must be done so “for, and on behalf of the Council”.

Records must be kept of any authorisations made pursuant to this section.

A.2 Conformity with the Road Traffic Act

All traffic control devices used pursuant to clause A must conform to the requirements of the Act and associated Rules and Regulations.
A.3 Conformity with the Code

All traffic control devices must conform to the requirements of, and be installed in accordance with, the provisions contained in the Code of Technical Requirements for the Legal Use of Traffic Control Devices ("the Code").

The Code refers to and invokes the Australian Standards. The Code must be read together with, but takes precedence over, all Australian Standards.

A.4 Notification to adjoining Councils

Council must notify an adjoining Council before installing, altering or removing a traffic control device on a road that runs into or intersects with, or otherwise is likely to affect traffic (including its flow, speed and composition) on a road that is under the care, control and management of another Council.

Where a Council uses a traffic control device to effect section 32 of the Act, that is, closing a road for traffic management purposes, and the road runs into the area, or along the boundary, of another Council, each affected Council must concur with the road closure or part road closure.

A.5 Notification to the Commissioner of Highways

Council must notify the Commissioner of Highways before installing, altering or removing a traffic control device on a road that runs into or intersects with, or otherwise is likely to affect traffic (including its flow, speed and composition) on a road that is under the care, control and management of the Commissioner of Highways.

A.6 Consultation on traffic signals

If Council wishes the Commissioner of Highways to maintain Council’s:
(a) traffic signals at intersections;
(b) emergency services traffic signals;
(c) mid-block traffic signals (pedestrian actuated crossings);
(d) signals at Koala crossings; or
(e) signals at Wombat crossings with flashing lights

then Council must consult with the Commissioner of Highways when proposing to install the said signals for the purpose of standardising the equipment and establishing a uniform maintenance program.

A.7 Traffic Impact Statement

Before any traffic control device is installed, altered or removed, a Traffic Impact Statement must be prepared by a person, who in the Council’s opinion, is an experienced traffic engineering practitioner.
Notice to Council to use traffic control devices and to close roads and grant exemptions for road events

The Traffic Impact Statement must be endorsed by a person authorised by Council.

The Traffic Impact Statement summarises the investigations undertaken to justify the installation, alteration or removal of traffic control devices and must address road safety issues and the traffic management effects for all road users, including cyclists and pedestrians. It need not be a lengthy document.

A Traffic Impact Statement is not required for the installation, alteration or removal of traffic control devices on road related areas that do not constitute a public place.

A.8 Excluded Traffic Control Devices

General approval does not apply to the traffic control devices specified below:

1. Centre lines;
2. Mini roundabouts;
3. Access places;
4. Shared zones;
5. Clearways;
6. Bus lanes;
7. Dog-bone roundabouts;
8. Speed-limit signs (except for works on roads [see Clause B], School zones, Koala crossings and Wombat Crossings in off-street areas);
9. T-intersection re-arrangements;
10. Right turn from left only signs;
11. No hook turn by bicycle signs;
12. U-turn permitted signs;
13. Left turn on red permitted after stopping signs;
14. Traffic light stop signs;
15. Safety zone signs;
16. Median turning lane signs;
17. Pedestrians may cross diagonally signs;
18. Keep left unless overtaking signs;
19. Trucks and buses must use low gear signs;
20. Freeway and end freeway signs;
21. No wheeled recreational devices and end no wheeled recreational devices signs;
22. Any traffic control device not contained or referred to in the Code; and
23. Any traffic control device where the proposed use is non-standard.

Council must obtain separate approval to install, alter or remove, or cause to install, alter or remove, any traffic control device specified in this clause.
Council must address applications for approval under this clause to the Commissioner of Highways. The Commissioner of Highways will consider Council’s application as the Minister’s authorised delegate. The application must include a Traffic Impact Statement and any plans and relevant supporting documentation.

B. SPEED LIMITS AT WORKS ON ROADS

In relation to section 20 of the Act, I grant Council approval to place, or cause to be placed, signs for the purpose of indicating the maximum speed as stated in the Act to be observed by drivers while driving on a portion of a road on or near which workers are engaged or works are in progress.

This grant of approval is subject to the following conditions:

B.1 Authorisation of other Officers

The Council may authorise any Officer to exercise the powers conferred on it pursuant to clause B of this Notice. Any authorisations to any Officer should be made by instrument in writing and passed by resolution of Council. All actions carried out by that officer in accordance with clause B must be done "for and on behalf of the Council".

Records must be kept of any authorisation made pursuant to this section.

B.2 Conformity with the Code

All road work speed limits and speed limit signs must conform to the requirements of and be installed in accordance with the provisions contained in the Code.

The Code refers to and invokes the Australian Standards. The Code must be read together with, but takes precedence over, all Australian Standards.

B.3 Conformity with the Road Traffic Act

All road work speed limits and speed limit signs must conform to the requirements of and be installed in accordance with section 20 of the Act.

B.4 Persons who may act on behalf of Council

For the purposes of this clause, the following people may act on behalf of Council:
(a) an employee of Council, or
(b) an employee of a contractor or sub-contractor engaged to carry out works on a road on behalf of Council.

Council must ensure that those working on their behalf are made aware of and comply with the conditions contained within the Notice from the
Commissioner of Highways for the temporary use of Traffic Control Devices by persons other than Road Authorities, dated 8 April 2002, as amended from time to time.

B.5 Training and Accreditation Card

At all times that a worker is present at a work site, at least one worker must:

(a) have gained accreditation in the Transport SA approved Work Zone Traffic Management Training Program; and

(b) carry a card or certificate certifying accreditation in this course when engaged at a work area or work site; and

(c) undertake re-training in the Transport SA approved Work Zone Traffic Management Training Program every 5 years; and

(d) undertake annual re-training in Transport SA’s interactive CD-Rom, entitled “The Road to Worker Safety”, as amended from time to time.

Note: If no trained worker is present at a work site, you may all be liable to the same penalty for breaching condition of this approval.

B.6 Record Keeping

Any person acting on behalf of Council pursuant to clause B must comply with Appendix A of the Australian Standard entitled Traffic Control Devices for Works on Roads (1742.3) as amended. This Standard outlines the procedures and guidelines for record keeping required for the overall safety and smooth operation of a traffic guidance scheme.

C. TRAFFIC CONTROL DEVICES AT WORKS ON ROADS

In relation to sub-section 17(3) of the Act, I grant Council approval to install, display, alter, operate, or remove, or cause to be installed, displayed, altered, operated, or removed any temporary traffic control device as necessary for road works. This approval includes stop signs for the purpose of requiring drivers to stop before entering a part of a road on or near which workers are engaged or works are in progress.

This grant of approval is subject to the following conditions:

C.1 Authorisation of other Officers

The Council may authorise any Officers to exercise the powers conferred on it pursuant to clause C of this Notice. Any Authorisations to any officer should be by instrument in writing and passed by resolution of Council. All actions carried out by that officer in accordance with clause C must be done so “for, and on behalf of the Council”.

Records must be kept of any authorisation made pursuant to this section.
C.2 Conformity with the Code

All road work speed limits and speed limit signs must conform to the requirements of and be installed in accordance with the provisions contained in the Code.

The Code refers to and invokes the Australian Standards. The Code must be read together with, but takes precedence over, all Australian Standards.

C.3 Conformity with the Road Traffic Act

All traffic control devices used pursuant to clause C must conform to the requirements of the Act and associated Rules and Regulations.

C.4 Persons who may act on behalf of Council

For the purposes of this clause, the following people may act on behalf of Council:
(a) an employee of Council; or
(b) an employee of a contractor or sub-contractor engaged to carry out works on a road on behalf of Council.

C.5 Training and Accreditation Card

At all times that a worker is present at a work site, at least one worker must:
(a) have gained accreditation in the Transport SA approved Work Zone Traffic Management Training Program; and
(b) carry a card or certificate certifying accreditation in this course when engaged at a work area or work site; and
(c) undertake re-training in the Transport SA approved Work Zone Traffic Management Training Program every 5 years; and
(d) undertake annual re-training in Transport SA’s interactive CD-ROM, entitled “The Road to Worker Safety”, as amended from time to time.

Note: If no trained worker is present at a work site, you may all be liable to the same penalty for breaching condition of this approval.

C.6 Record Keeping

Any person acting on behalf of Council pursuant to clause C must comply with Appendix A of the Australian Standard entitled Traffic Control Devices for Works on Roads (1742.3) as amended. This standard outlines the procedures and guidelines for record keeping required for the overall safety and smooth operation of a traffic guidance scheme.

D. TEMPORARY PARKING CONTROLS
In relation to sub-section 17(3) of the Act, I grant Council approval to install, display, alter, operate, or remove, or cause to be installed, displayed, altered, operated, or removed, any traffic control device for the purposes of imposing, varying or abolishing a parking control on a temporary basis on a road or road-related area (as defined in the Act) which is under its care, control and management.

This grant of approval is subject to the following conditions:

D.1 Authorisation of other Officers

The Council may authorise any Officers to exercise the powers conferred on it pursuant to clause D of this Notice. Any Authorisations to any Officer should be made by instrument in writing and passed by resolution of Council. All actions carried out by that officer in accordance with clause D must be done so “for and on behalf of the Council”. Records must be kept of any authorisation made pursuant to this section.

D.2 Limitation of Temporary Parking Controls

A temporary parking control installed, displayed, altered, operated, or removed under clause D cannot have effect for a period exceeding 35 days.

D.3 Records of Temporary Parking Controls

Council must keep records of any use of temporary parking controls.

D.4 Conformity with Code

All temporary parking controls must conform to the requirements, and be installed in accordance with, the provisions contained in the Code.

The Code refers to and invokes the Australian Standards. The Code must be read together with, but takes precedence over, all Australian Standards.

D.5 Information on Signs

A temporary parking control used in accordance with clause D must display the words "TEMPORARY PARKING CONTROL" in a prominent position.
INSTRUMENT OF DELEGATION

Notice is hereby given that I, Patrick Conlon, Minister for Transport in the State of South Australia, in accordance with the powers conferred on the Minister pursuant to section 11 of the Road Traffic Act, 1951 ("the Act"). DELEGATE power to Council as detailed in the following clauses.

E. DELEGATION OF POWER TO GRANT SPECIFIC APPROVAL FOR THE INSTALLATION, MAINTENANCE, OPERATION, ALTERATION OR REMOVAL OF TRAFFIC CONTROL DEVICES BY ANOTHER AUTHORITY

I, DELEGATE to Council the power conferred on the Minister, pursuant to section 17 of the Act, to SPECIFICALLY APPROVE the installation, maintenance, operation, display, alteration or removal of a traffic control device in the municipality or district of Council by an Authority as defined in section 16(1)(e) of the Act on, above or near a road or road-related area under the care, control and management of the said Authority subject to the following conditions.

E.1 Sub-Delegation and Authorisation to other Officers

This delegation cannot be sub-delegated without my express approval. Council may, however, authorise any officers to exercise the powers conferred on Council pursuant to clause E of this Notice.

Any authorisations to any officer should be made by instrument in writing upon the resolution of Council and all actions carried out by that officer in accordance with clause E must be done so "for, and on behalf of the Council".

Records must be kept of any authorisation made pursuant to this section.

E.2 Conformity with the Code

All traffic control devices must conform to the requirements of and be installed in accordance with the provisions contained in the Code.

The Code refers to and invokes the Australian Standards. The Code must be read together with, but takes precedence over, all Australian Standards.

E.3 Traffic control devices that Council may approve

Council may only approve traffic control devices specified in the part of the Code entitled "Off-street Traffic Control".

E.4 Power of approval subject to same Conditions in Clauses A.1 to A.7 inclusive
The power of Council to grant approvals under clause E is limited by the same conditions that apply to Council under clause A where Council itself is the road authority.

E.5 Record Keeping

Council must keep accurate records of any approval granted to another Authority pursuant to Clause E of this Notice.

F. DELEGATION OF POWER TO CLOSE ROADS AND GRANT EXEMPTIONS FOR ROAD EVENTS

I DELEGATE to Council the power conferred on the Minister, pursuant to subsection 33(1) of the Act, to declare an event to be an event to which this section applies and may make an order directing:

(a) that specified roads (being roads on which the event is to be held or roads that, in the opinion of the Council, should be closed for the purposes of the event) be closed to traffic for a specified period; and

(b) that persons taking part in the event be exempted, in relation to the specified roads, from the duty to observe the Australian Road Rules specified in clause F.4 subject to the conditions in clause F.5

F.1 Sub Delegation of other Officers

I hereby give express approval for Council to sub-delegate the power delegated to Council pursuant to clause F of this Notice, subject to the following conditions:

1. Council may only sub-delegate the power to close roads and grant exemptions for road events to the person for the time being occupying the position of chief executive officer of Council; and

2. Any such sub-delegation must be made by instrument in writing by Council resolution; and

3. The sub-delegate cannot close roads and grant exemptions for road events on a road that runs into or intersects with, or is otherwise likely to affect traffic (including its flow, speed and composition) on a road that is under the care, control and management of another Council or the Commissioner for Highways; and

4. Council’s sub-delegate is subject to all conditions that are imposed on Council under clause F, in relation to closing roads and granting exemptions for road events; and

5. Council may impose any other conditions deemed necessary on its sub-delegate in relation to closing roads and granting exemptions for road events; and
6. Council cannot authorise others to exercise the powers conferred on Council, pursuant to clause F of this Notice.

F.2 Roads and Road-Related Areas to which delegation applies

Council may only exercise the powers of the Minister in sub-section 33(1) of the Act on roads and road-related areas under its care, control and management.

F.3 Conformity with the Road Traffic Act

Council may only exercise the powers of the Minister in sub-section 33(1) of the Act subject to the requirements of and in accordance with section 33 of the Act.

F.4 Exemption from Australian Road Rules

Council may only grant exemptions from the following Australian Road Rules and subject to the conditions listed in Clause F.5:

1. Rule 221: Using hazard warning lights;
2. Rule 230: Crossing a road — general;
3. Rule 231: Crossing a road at pedestrian lights;
4. Rule 232: Crossing a road at traffic lights;
5. Rule 234: Crossing a road on or near a crossing for pedestrians;
6. Rule 237: Getting on or into a moving vehicle;
7. Rule 238: Pedestrians travelling along a road (except in or on a wheeled recreational device or toy);
8. Rule 250: Riding on a footpath or shared path;
9. Rule 264: Wearing of seat belts by drivers;
10. Rule 265: Wearing of seat belts by passengers 16 years old, or older;
11. Rule 266: Wearing of seat belts by passengers under 16 years old;
12. Rule 268: How persons must travel in or on a motor vehicle;
13. Rule 269: Opening doors and getting out of a vehicle etc;

F.5 Conditions on Exemptions from Australian Road Rules

Council may only grant exemption from the following Australian Road Rules provided any such exemption contains the following minimum conditions:

1. Rule 237: Getting on or into a moving vehicle — provided the speed of the vehicle does not exceed 5 km/h;
2. Rule 264: Wearing of seat belts by drivers — provided the speed of the vehicle does not exceed 25 km/h;
3. Rule 264: Wearing of seat belts by passengers 16 years old, or older — provided the speed of the vehicle does not exceed 25 km/h;
4. Rule 265: Wearing of seat belts by passengers under 16 years old — provided the speed of the vehicle does not exceed 25 km/h;
5. Rule 268: How persons must travel in or on a motor vehicle — provided the speed of the vehicle does not exceed 25 km/h;
G. APPROVAL TO USE TRAFFIC CONTROL DEVICES FOR THE PURPOSE OF AN EVENT

Pursuant to section 17 of the Act, I grant to Council, GENERAL APPROVAL, to install, maintain, alter, operate, remove or display, or cause such action, any traffic control device for the purpose of an Event, other than those specified in clause A.8 of this notice, on a road or road-related area (as defined in the Act) which is under its the care, control and management.

This grant of approval is subject to the following conditions:

Council must ensure that:

G.1. Conformity with the Act

All traffic control devices used pursuant to Clause G must conform to the requirements of the Act.

G.2. Conformity with Plan

All traffic control devices be installed in accordance with a Traffic Management Plan prepared by a person, who in the opinion of the Council has an appropriate level of knowledge and expertise in the preparation of traffic management plans.

Council need not comply with condition A.7 of clause A of this Notice where using a traffic control device for the purpose of an event.

G.3. Notification to adjoining Councils

Council must notify an adjoining Council before installing, altering or removing a traffic control device on a road that runs into or intersects with, or otherwise is likely to affect traffic (including its flow, speed and composition) on a road that is under the care, control and management of another Council.

H. GLOSSARY OF TERMS

For the purposes of this Notice:

Code means the 'Code of Technical Requirements for the Legal Use of Traffic Control Devices', dated December 1999 (this document is subject to amendment from time to time);

Department refers to the Department for Transport, Energy and Infrastructure

Event refers to the meaning of event as prescribed in section 33 of the Road Traffic Act, 1961 (SA) and means an organised sporting, recreational, political, artistic, cultural or other activity, and includes a street party;
Public place refers to the meaning of public place as prescribed in regulation 4 of the Road Traffic (Miscellaneous) Regulations 1999;

Transport SA means the Department for Transport, Energy and Infrastructure.

I. FUTURE VARIATIONS TO THIS NOTICE

This Notice may be revoked or varied by me at any time by a subsequent Notice in writing.

Patrick Conlon MP
MINISTER FOR TRANSPORT

Dated this 17 day of June 2006
33.1.9 S41 COMMITTEE; WORKING PARTY; COUNCIL DELEGATES

Further to reports submitted to the 20 November, 2006 meeting, the following appointments are listed for endorsement.

Murray Bridge Regional Gallery Management Committee (S41 Committee)
Add as voting members:
- Team Leader Corporate & Community Services
- Arts & Community Cultural Development Officer

Town Hall Project Working Party (working party)
Add as voting member:
- Tracey Curl

Murray Bridge Soldiers Memorial Hospital
Advice has been received that there is no provision for a proxy delegate.

MB Show Society – Cr Weinert
A request has been received from the Show Society for a Council delegate. Cr Weinert has indicated his willingness to be involved.

Recommendation:
1. That item number 33.1.9 on Council agenda of 11 December, 2006 be received.
2. That the Team Leader Corporate & Community Services and the Arts & Community Cultural Development Officer be appointed to the Murray Bridge Regional Gallery Management Committee with voting rights until September 2008.
4. That the inability to appoint a proxy to the Murray Bridge Soldiers Memorial Hospital Board be noted.
5. That Cr Weinert be appointed to the Murray Bridge Society Society as Council’s delegate for this Council term.

Cr Weinert moved
1. That the recommendation be adopted, namely that item number 33.1.9 on Council agenda of 11 December, 2006 be received.
2. That the Team Leader Corporate & Community Services and the Arts & Community Cultural Development Officer be appointed to the Murray Bridge Regional Gallery Management Committee with voting rights until September 2008.

4. That the inability to appoint a proxy to the Murray Bridge Soldiers Memorial Hospital Board be noted.

5. That Cr Weinert be appointed to the Murray Bridge Society Society as Council’s delegate for this Council term.

Seconded by Cr Weinmann and CARRIED
32.2 MANAGER, INFRASTRUCTURE & TECHNICAL SERVICES

32.2.1 URGENT MEASURES TAKEN TO ADDRESS THE REDUCTION IN WATER LICENCE ALLOCATION AND PROPOSED WATER RESOURCE WORKING PARTY (SF474)

Officers; Martin Waddington and Glenn Dean

Purpose:
To provide Elected Members with an assessment of a 50% reduction in water allocation on Council Reserves through licence restrictions for the 2006/2007 watering season.
To propose that a Water Resource Working Party be formed with the task of setting Council’s policy with respect to Water Resources with the broad aim of preserving our precious water resources.

Background:
Over the past few years many parts of Australia including the Murray Darling Basin have experienced an unprecedented and extended drought. This last winter saw record low inflows of water runoff to the Murray River which has resulted in a critical shortage of available water for irrigation and other uses. The South Australian State Government has responded by imposing a 40% reduction on the total allocation of water under existing licenses as of the 31st October. There is a possibility that a further 10% reduction may occur in January 2007.

Council full water allocation under licence is 249,500 kL. The 40% reduction results in a drop in available water under this licence to 149,700 kL. Should a further 10% reduction be imposed, Council’s allocation would drop to 124,750 kL. As of the 15th November 2006, Council has consumed 58,000 kL for the 2006/07 irrigation season which equates to 38% of our reduced total allocation for the year. By comparison, at the same time last year our usage was nearly zero. This elevated usage can be attributed to the earlier than normal start to the irrigation season which commenced as early as September 2006.

From the years 2000 to 2005, Council used, in some cases, more than 100% of its water allocation. To meet the shortfall Council leased additional water. However, Council reduced its water use by 27% last season due to better irrigation management techniques and above average summer rains.

Council’s water licence usage has steadily increased in recent years due to the expansion of its parks and gardens (Sturt Reserve, Wharf Area etc) combined with transferring irrigation sources from SA Water mains to our River Murray pumping systems (Swimming Pool, Simms Park, Overall Park). Consequently, it is becoming increasingly difficult to stay under the allocation, particularly in years such as this where rainfall has been scarce, yet public expectations concerning the presentation of parks and gardens are perceived to remain high.

Council has a number of reserves that are irrigated by SA Water meters. These reserves are watered utilising the current level 2 water restrictions.

Discussion:
The water restriction is the result of a drastic situation and forces everyone to think hard at ways to reduce the amount of water they use, in particular for irrigation.
Consequently, Council is faced with a number of options in responding to the restrictions viz:

1) Cut back current water usage by identifying ovals, parks and reserves which it no longer wishes to be irrigated during the summer;

2) Cut back current water usage by reducing the water used on parks and gardens, thereby converting “lush green” parks into a “green tinge” effect.

3) Purchase additional water license at the current cost of around $2.40+ per kilolitre to maintain current standards.

4) Lease spare capacity from other licence holders

Due to the urgency of the matter, Options 1 and 2 have been partially implemented. Option 3 and 4 are not recommended in the short term as they do not provide real relief for the River Murray and goes against the spirit of water restrictions.

Clearly from a cost, environmental and social responsibility point of view, Council cannot continue to irrigate at the levels it has been able to in the past and will need to review its service levels which in turn will need to be sensitive to available water supplies. This will be subject to a further report in due course however for now staff have taken urgent steps to reduce irrigation.

Given that Council uses its water licence to irrigate many of its parks and gardens and that the full licence allocation of 249,500 kL has been reduced by 40% to 149,700 kL. And a further 10% reduction on top of that would reduce the allocation to 124,750 kL, it would seem prudent that Council assumes that there will be a 50% reduction in the allocation and irrigate accordingly. If there were to be further reductions imposed (possible but unlikely), Council would then have to reassess the situation at that time.

The financial consequences of exceeding the allocation (no matter what level is finally declared) is that any usage exceeding the allocation of between 0% and 10% above the reduced allocation (be it 149,000 kL or other future reduced allocation) will be charged at the rate of $1.00 per kL. Any use exceeding 10% over the allocation will be charged at the rate of $2.00 per kL. These represent significant costs and other penalties could be possible in the future (e.g. fines)

Drastic measures must be taken due to these cuts which include reducing irrigation on portions of reserves and complete turn off of others reserves with occasional watering to keep the turf alive. This will have some ramifications on community groups and the public.

In overcoming the current situation a number of steps can be (and in some cases have already been) undertaken as follows:

- Installation of rain sensors on all automatic sprinkler controllers (cost $5,000);
- Reduction of the amount of water irrigated onto all lawns resulting in a “brown tingeing” of lawns in summer.
- Not to water some reserves at all to keep other reserves at a higher standard.
- Aquifer recharge and using dams for water harvesting.
• Installation of Central Control Irrigation System

The following table lists the various reserves and parks that are currently irrigated and indicates the current action taken:

<table>
<thead>
<tr>
<th>Reserves watered partially and marginally</th>
<th>Reserves completely turned off</th>
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<tbody>
<tr>
<td>• Diamond Park</td>
<td>• Pony Club</td>
</tr>
<tr>
<td>• Edward Square</td>
<td>• Show Dog</td>
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<tr>
<td>• Pine Park</td>
<td>• Homburg Oval</td>
</tr>
<tr>
<td>• Fifth Street Park</td>
<td>• Adelaide Road medians</td>
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<td>• Bridgeport Park</td>
<td>• Southern Farmers</td>
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<tr>
<td>• All riverfronts (20 meter)</td>
<td>• Olympic Drive</td>
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<tr>
<td>• Johnstone Park Oval</td>
<td>• Wharf Lawn</td>
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<tr>
<td>• Le Messurier Oval</td>
<td>• Overall Park</td>
</tr>
<tr>
<td>• Jaensch Soccer Pitch</td>
<td>• Memorial Park</td>
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<tr>
<td>• Woodlane Reserve</td>
<td>• Totness Park</td>
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<tr>
<td>• Avoca Dell Reserve</td>
<td>• Local Government Centre under pines</td>
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<tr>
<td>• Sturt Reserve</td>
<td>• Johnstone Park Show Dog Arena</td>
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<td>• Long Island Reserve</td>
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<td>• Swanport Reserve</td>
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<td>• Baker Reserve</td>
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<td>• Court House Reserve</td>
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<td>• Swimming Pool</td>
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<tr>
<td>• MB Cemetery</td>
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<tr>
<td>• Museum</td>
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<tr>
<td>• River Glenn Reserve</td>
<td></td>
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<tr>
<td>• Showgrounds Oval</td>
<td></td>
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<tr>
<td>• Tumbella Drive</td>
<td></td>
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<tr>
<td><strong>Watered By dam</strong></td>
<td></td>
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<tr>
<td>• Bremer Road Cemetery</td>
<td></td>
</tr>
</tbody>
</table>

**SA Watered Reserves**

• Baden Powell Park
• Ritter Street Reserve
• White Park
• Weigall Park
• Homburg Park
• Simms Reserve
• Rolland Reserve
• Raymond Reserve
• Parish Crescent Reserve
• Knight Street Reserve
• Magpie Reserve
• Johnstone Avenue Reserve
These may need reviewing as demand for their various uses change. For example the Showgrounds may need some water prior to the Masters Games in March to provide a suitable surface for events.

**Water Resources Working Party**

Historically speaking we are experiencing the worse drought conditions on record, exceeding the conditions experienced pre 1950’s. In the past 50 years rainfall has been relatively high or ‘average’ in the Murray Darling Basin which has led to a false sense of security not only in this state but others states who access the water resources of the Murray Darling Basin.

There are many skilled staff, elected members and members of the community who collectively posses a vast amount of knowledge in the area of water resource management. In order to tap into this resource it is proposed to form a Water Resource Working Party whose role it will be to firstly formulate a Water Resource policy which will articulate Councils position with respect to how it intends to utilise water resources in the future, where the water resources will be sourced, what level of conservations targets should be aimed for and what role it will take in encouraging the general public to conserve water themselves. The working party will also provide a forum to discuss a wide range of water projects and could specifically evaluate and drive ideas which deliver improvements in water resource usage with the aim of preserving our precious water resources. Some projects that are currently under way or been recently completed that specifically address water reuse for instance are:

- ASR evaluation
- Water tanks at Depot
- Central irrigation control
- Greenlands Road dam

Some possible future projects are

- Involvement with ICLEI water campaign in association with NRM
- STEDS and Sewer reuse
- Public incentive and support programmes
- Determining Maintenance Service Levels for Parks and Gardens with respect to irrigation.

A suggested terms of reference for such a group are attached in **Appendix 32.2.1**. In short the group will have a 12 month life initially to be reviewed at the end of 12 months to ascertain whether a continuance of the group should occur either in a similar or different form.

**Policy implications:**

1. **Financial/budget**
   
   To continue to maintain its parks and gardens at the same level of ‘lushness’ as in the past, Council could purchase an additional 180,000 KL of licence at a cost of $432,000 which would top up the amount of water to our 100% allocation plus an additional amount on top of that to cater for the additional water required to address the early season needs. Obviously this would be hard to achieve from a financial point of view.
Any use beyond the final licence allocation from between 0% and 10% will be charged at the rate of $1.00 per kL. Any use over and above 10% will be charged at the rate of $2.00 per kL. This will be substantial sum if Council chooses to exceed the limits imposed on the licence.

2. **Legal**
Councils water licenses is issued by the Department of Land Water and Biodiversity and is subject to alteration in terms of year to year allocation depending on the prevailing water supplies.

Council adheres to SA Water level 2 restrictions as advertised. (No water 8am to 8pm etc.)

3. **Staffing/Work Plans**
Some additional supervision will be required. (Alterations to sprinkler routines etc.)

4. **Environmental**
The future viability and health of the River Murray is dependent on, among many other factors, a reduction in extraction by users along its length and Council needs to show leadership in this area. Salisbury Council is a leader in the metropolitan area for instigating water conservation schemes and techniques. The Rural City of Murray Bridge could become the leader on the River Murray and be the first Council to become almost completely self sufficient without relying on the River Murray as a source of water for irrigation.

5. **Social**
Access to reliable clean water is essential for society. The Murray River provides us with that resource and consequently must be cared for accordingly. The measures taken to reduce avoidable extraction from the river will help ensure the sustainability of the river environment. The establishment of a Council Water Resource Working Party will help Council champion some of these efforts in the future.

6. **Strategic Plan**
One of Council Measures of Performance in its Strategic Management Plan includes "*Heightened awareness and support for best practice water management*"

7. **Community Consultation**
Council will monitor and inform the public through The Rural City Review as required on all of these issues. Water restrictions are becoming well known throughout the community.

**Recommendation:**

1. That item number 32.2.1 on Council agenda of 11 December 2006 be received.

2. *Endorse the measures taken to reduce Councils Water consumption via its water licence to 50% of its total allocation namely 124,750 kL, and in so doing notes that many traditionally irrigated parks and gardens will be stressed and will not look as lush as in past years due to the reduction in irrigation.*

3. *Endorse the concept of forming a Water Resources Working Group along the lines as outlined in this report and proposed terms of reference (Appendix*
32.2.1). with membership being Mayor Arbon and the following 3 Elected Members………..

Cr Weinmann moved
1. That item number 32.2.1 on Council agenda of 11 December 2006 be received.

2. Endorse the measures taken to reduce Councils Water consumption via its water licence to 50% of its total allocation namely 124,750 kL, and in so doing notes that many traditionally irrigated parks and gardens will be stressed and will not look as lush as in past years due to the reduction in irrigation.

3. Endorse the concept of forming a Water Resources Working Group along the lines as outlined in this report and proposed terms of reference (Appendix 32.2.1). with membership being Mayor Arbon and the following Elected Members – Cr Wilson; Cr Schubert; Cr Nutt, Cr Weinert.

Seconded by Cr Nutt

Cr England moved
That the motion be Put.

Motion lapsed for the want of a Seconder.

It was noted that the Showgrounds Oval and Tumbella Drive should have been listed under Reserves watered partially and marginally and has been amended accordingly.

THE MOTION WAS CARRIED
32.2.1 APPENDIX A

WATER RESOURCES WORKING PARTY
TERMS OF REFERENCE

1. Establishment of the Water Resources Working Party
   In line with Council’s policy - Council Committees (G2) the Council has appointed a Water Resources working party with the task of setting Council’s policy with respect to Water Resources and the broad aim of preserving our precious water resources. The working group will also become an important step in the process of investigating, evaluating and recommending to Council worthwhile projects that fulfil and promote the policy.

2. Membership
   Membership of the Working Party shall consist of:
   - Mayor,
   - Cr
   - Cr
   - Manager Infrastructure & Technical Services, Martin Waddington
   - Environmental Engineer (NRM), Terry Banks
   - Supervisor Parks and Gardens, Glenn Dean
   - Interested member of the public 1
   - Interested member of the public 2

   Council has appointed the Mayor as Presiding Member for the term of this project.

3. Terms of Reference
   The Terms of Reference for the Working Party are as follows -

   3.1 The Working Party does not enjoy the delegation of any powers, functions and duties of the Working Party. All decisions of the Working Party will, therefore, constitute only recommendations to the Council.

   3.2 Ordinary meetings of the Working Party will be held as required with 3 days notice of any meeting given.

   3.3 The Working Party will perform the following functions
   3.3.1 Develop policies for Council that address water resource issues within Council’s jurisdiction
   3.3.2 Investigate and evaluate water saving projects and initiatives
   3.3.3 Oversee the inception and monitor the performance of supported projects and initiatives

4. Life of the Working Party
   The Working Party will continue to exist at the pleasure of Council.
32.2.2 PEDESTRIAN ACCESS AND SAFETY – SWANPORT ROAD BETWEEN BRIDGE STREET AND SOUTH TERRACE.

Officer: Sundra Nadaraja

Purpose:
This report responds to Council resolution No. 722.3.2 that requested a report to Council in consultation with the Department of Transport, Energy and Infrastructure on “issues related to public safety associated with pedestrian access crossing Swanport Road from the Edwards Square entrance to the Woolworths ramp”.

Background:
Dorrestyn &Co Pty Ltd, Traffic and Transport Consultants where engaged to look at issues related to public safety associated with pedestrians crossing Swanport Road from Edwards Square to the Woolworths ramp South of the Bridge Street intersection.

Dorrestyn identified that Swanport Road is divided by a Pavement Bar median at this location. Observations carried out at the pedestrian crossing indicated that traffic speeds were generally low as a result of Swanport Road traffic having to wait at the traffic signals at the Bridge Street intersection. The report also looked at collision reports here with only one reported ‘hit pedestrian’ collision at this location and two others at the traffic signals at the intersection of Bridge Street and Swanport Road.

Discussion:
Dorrestyn recommends that a pedestrian crossing could be facilitated with appropriate treatments such as a centre island pedestrian refuge and associated kerb ramp and path adjustments. Appendix 32.2.2. However, the report points out that only a narrow pedestrian refuge could be implemented at this location given the inherent constraints. Furthermore, to enable this to be implemented, the bicycle lanes on Swanport Road will have to be terminated further to the southeast.

Given the obvious high use of this crossing location it is appropriate to progress a formal crossing as described. To progress this, Council will need to develop concept plans and engage DTEI in further consultation. The agreed solution would then be detailed and costed and brought back to Council for final approval in time to be included in the 2007/08 budget deliberations.

Policy Implications:

1. Financial/budget
All cost associated with the preparation of this report and associated investigative work has been absorbed in the current budget. The cost to construct any crossing as a result of this process may be included in the 2007/08 budget deliberations following a further report to Council outlining final plans and costs.

2. Legal
Swanport Road is under the care and control of Department for Transport, Energy & Infrastructure (DTEI). Accordingly, any adjustments to the road layout could only occur with the approval of the Department.

3. Risk Management
There would be an overall improvement in terms of pedestrian safety with the implementation of a formal pedestrian crossing here.
4. Consultation

Some preliminary discussions have been held with DTEI and there appears to be no objection to the proposal as a result. Further discussions will be held once Council has confirmed its intentions to proceed further.

Recommendation:
1. That item number 32.2.2 on Council Agenda of 11 December 2006 be received as well as the associated attachments.

2. That Council progress the notion of a formal pedestrian crossing along the lines as recommended by Dorrestyn in (Appendix 32.2.2).

3. That Council receive a further report once consultation with DTEI has occurred and a fully agreed and costed plan is available for consideration and possible inclusion in Councils 2007/08 budget deliberations.

Cr Weinert moved
1. That item number 32.2.2 on Council Agenda of 11 December 2006 be received as well as the associated attachments.

2. That Council progress the notion of a formal pedestrian crossing along the lines as recommended by Dorrestyn in (Appendix 32.2.2).

3. That Council receive a further report once consultation with DTEI has occurred and a fully agreed and costed plan is available for consideration and possible inclusion in Councils 2007/08 budget deliberations.

Seconded by Cr England and LOST

Cr Laubsch moved
That item number 32.2.2 on Council agenda of 11 December, 2006 be received and noted.

Seconded by Cr Wilson and CARRIED
PEDESTRIAN ACCESS AND SAFETY

SWANPORT ROAD BETWEEN BRIDGE ST AND SOUTH TCE

As instructed, and further to the Motion on Notice of 24 July 2006 (Council Minute 722.3.2) a review has been carried out in relation to pedestrian safety and access at Swanport Road, adjacent to the Woolworths Shopping Centre at Murray Bridge. Specifically the Council minute requested the preparation of a report on “the issue of public safety associated with pedestrian access crossing Swanport Road from the Edwards Square entrance to the Woolworths ramp”.

Locality / Road Conditions
A path exists through Edward Square that intersects with Swanport Road approximately 50 metres south-east of Bridge Street. This path is located directly opposite a pedestrian ramp within the Woolworths car park on the west side of the Swanport Road.
Kerb ramps do not exist in this location which would otherwise assist wheelchair users and ‘less able’ walkers. In addition the ramp within the Woolworths car park is relatively narrow (1.2 metres wall-to-wall) and steep (approximately 10%).
In this location, Swanport Road in general has one travel lane (4.1m wide) and one bicycle lane (1.5m wide) in either direction, and is divided by a Pavement Bar median. Between the pedestrian crossing location and the Bridge Street intersection, the bicycle lane is terminated and there are two general traffic lanes in either direction along Swanport Road.
Swanport Road carries approximately 12,000 vehicles per day in this location. Traffic volumes are likely to increase along the road over the next decade due to the development around Swanport Road, further to the south.
Swanport Road is under the care and control of Department for Transport, Energy & Infrastructure.

Observations
Observations of the location of interest were carried out from 3.30 – 4.15 PM on a Friday afternoon (22 September 06), in weather conditions that were not ideal but certainly reasonable for walking.
During the period of observation, pedestrians were observed crossing the road in this location on a regular basis (constantly at times). In general pedestrians were walking to or from Edward Square. The pedestrians were generally adults and otherwise varied widely in age.
In the location of interest, where pedestrians cross, it was noticeable that traffic speeds were generally low as a result of Swanport Road traffic having to wait at the traffic signals, at the Bridge Street intersection.

Collision History
A review of collision reports received by SAPOL during the years from 1994 to 2005, indicates that a single ‘hit pedestrian’ collision occurred in the location of interest. It involved a westbound pedestrian being struck by a southbound car, and occurred at approximately 2PM on a Thursday afternoon during May 1997. In this instance responsibility for the incident was assigned to the pedestrian and the cause was
designated as ‘inattention’. From a cursory assessment of the standard report details, there were no special circumstances of note. It is noted also that during the period, two ‘hit pedestrian’ crashes occurred at the traffic signals at the intersection of Bridge Street and Swanport Road.

Discussion
In the subject location, in relation to pedestrian access and safety, authorities have a choice to:

1. Ignore pedestrian activity in this location as either routine or minor.
2. Facilitate access with appropriate treatments, or
3. Prevent access in view of the likelihood of any undue consequences resulting from pedestrian crossing movements here.

There is no reason to prevent pedestrian crossing activity here under existing conditions. Traffic volumes are significant, but not particularly high by arterial road standards. Traffic speeds are generally low and also, collision records do not highlight any particular issues. Traffic volumes will increase in the future due to town development and this may affect the appropriateness of establishing an 'uncontrolled' (e.g. unsignalised) crossing in this location. However it will be number of years before this concern is relevant.

The Pavement Bar median and kerbing (without ramps) represent trip hazards, and hence conditions are somewhat inadequate for the level of pedestrian use.

Given that a pedestrian signal crossing exists at Bridge Street, i.e. within 50 metres of the location of interest, it would be inappropriate to establish another signalised crossing. Consequently a pedestrian refuge and associated kerb ramp / path adjustments would be ideal treatments in this location.

Only a narrow pedestrian refuge could be implemented in this location. To enable this to be constructed, the bicycle lanes in Swanport Road will have to be terminated further to the southeast. There may also be some impact on queuing conditions for traffic waiting to clear the traffic signals at Bridge Street, but in general that should only have a negligible impact on the traffic signals.

Summary
An obvious and regular pedestrian crossing movement exists at Swanport Road between Bridge Street and South Terrace, and hence it is appropriate to assess the standard of accessibility and safety of pedestrians here.

Whilst traffic volumes are significant, traffic speeds are generally low and collision records do not highlight any particular issues. However, the physical conditions for pedestrians are poor in the absence of kerb ramps, and with a Pavement Bar median to cross, which provides limited refuge within the road carriageway.

As such a pedestrian refuge crossing would be an appropriate and worthwhile treatment in this location. Whilst subject to detailed design, a narrow median refuge is possible and would have limited impact on the Bridge Street traffic signals. Such a treatment would provide the following benefits in this location:
• convenient access for pedestrians through kerb ramps and an opening at the median;

• a refuge for pedestrians who are unable to cross the road in a single movement, as result of their own physical capacity, or traffic conditions;

• more uniform and predictable pedestrian movements in the location of interest;

• efficient access between the shopping centre and the town centre, in terms of the direction of paths and the fact that pedestrians would otherwise be forced to wait at the traffic signals;

• assist pedestrians to avoid walking across the service station driveways (at the intersection of Swanport Road and Bridge Street), or through sections of the shopping centre car park.

In the longer term, an alternative arrangement may have to be facilitated.

Swanport Road is under the care and control of Department for Transport, Energy & Infrastructure. Accordingly, any adjustments to the road layout could only occur with the approval of the Department. The Consultant did discuss this issue with a representative of the Eastern Region of the Department. Subject to Council’s support, it is recommended a detailed design be prepared and submitted to the Department for further consideration and approval.

I trust the above advice is satisfactory. I would be pleased to discuss this matter further with you if required.

Yours faithfully,
Dorrestyn & Co Pty Ltd

Kym Dorrestyn, FAITPM, CPEng
Director
32.2.3 TRAFFIC CONTROL AT SECOND STREET / SEVENTH STREET, MURRAY BRIDGE

Officer: Sundra Nadaraja

Purpose:
This report responds to Council resolution No. 722.1 that requested an assessment of the “implications of changing traffic flow on Seventh Street by repositioning the give way signs on Seventh and Second Streets, Murray Bridge”.

Background:
Dorrestyn &Co Pty Ltd, Traffic and Transport Consultants were engaged to look at the issue of repositioning the give way signs on Seventh and Second Streets. The consultants report enclosed herewith as Appendix 32.2.3 deals with the existing traffic environment of this intersection. The report also identifies the existing traffic controls on adjoining streets to give way in relation to Seventh Street. There were no collision reports for the Seventh and Second Streets.

Discussion:
Good traffic engineering principles dictate that intersection controls should generally favour the major flow of traffic. The results of the traffic survey indicated that the major traffic flow at the intersection occurred along Seventh Street. Therefore a change of control at the intersection is warranted, i.e. the give way controls at the approaches on Seventh Street be relocated to the approaches on Second Street. Dorrestyn warns that increases may be expected in traffic speeds and traffic volumes along Seventh Street as a result of these changes. However, given that only modest increases are anticipated in general, it is recommended conditions be monitored for a period of time after the change in control, and if necessary further action can be considered then.

Should Council agree to pursue the changes as outlined in this report then the work could commence with little delay as staff do not envisage any significant impediments.

Policy implications:

1. Financial/budget
The cost for the exercise in changing the give way control at the intersection of Seventh and Second Streets is expected to be minor and can be accommodated in the current traffic management budget.

2. Legal
Council has delegated authority to relocate the give way controls from Seventh Street to Second Street, at the intersection.

3. Risk Management
It is anticipated that modest increases in traffic speeds and volumes along Seventh Street is anticipated increase as a result of the proposed change in the give way controls.

4. Staffing/Work Plans
All proposed works are to be within existing staffing resources.
5. **Community Consultation**

It is recommended that consultation is carried out with the affected residents/ratepayers from within the local area. SAPOL too will be consulted so they are aware of the possible changes to speeding behaviour.

**Recommendation:**

1. That item number 32.2.3 and appendix 32.2.3 on Council Agenda of 11 December 2006, be received.

2. That Council endorses the adjustments to give way controls at the Seventh Street and Second Street intersection namely the give way control on the approach on Seventh Street be relocated to the approach on Second Street.

3. That Council advise affected residents/ratepayers from within the local area of the change.

4. That Council erect and maintain for a period of at least 3 months appropriate warning signs at approaches to the intersection.

5. That Council ensures that the proposed changes are adequately announced in the local newspaper well in advance of the proposed changes taking place.

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**Cr Weinert moved**

1. That the recommendation be adopted, namely, that item number 32.2.3 and appendix 32.2.3 on Council Agenda of 11 December 2006, be received.

2. That Council endorses the adjustments to give way controls at the Seventh Street and Second Street intersection namely the give way control on the approach on Seventh Street be relocated to the approach on Second Street.

3. That Council advise affected residents/ratepayers from within the local area of the change.

4. That Council erect and maintain for a period of at least 3 months appropriate warning signs at approaches to the intersection.

5. That Council ensures that the proposed changes are adequately announced in the local newspaper well in advance of the proposed changes taking place.  

   *Seconded by Cr Laubsch and CARRIED*
ITEM 32.2.3  APPENDIX A

TRAFFIC CONDITIONS AT SECOND STREET / SEVENTH STREET, MURRAY BRIDGE

As instructed, and further to the Motion on Notice of 24 July 2006 (Council Minute 722.1) a review has been carried out in relation to the above intersection at Murray Bridge.

Specifically the Council minute requested an assessment of the “implications of changing traffic flow on Seventh Street by repositioning the give way signs on Seventh and Second Streets, Murray Bridge”.

Local Road Conditions
The local area precinct in which the intersection is located is bounded by Bridge Street, Mannum Road, and the River Murray.

Third Street at Mannum Road is designated for one-way traffic flow in a southerly direction, and West Terrace at Bridge Street is designated for one-way flow in a north-west direction. Hence the only means of entering the precinct from Mannum Road is via First Street.

The surrounding road network is based on a grid network. The Murray Bridge Primary School is located on the west side of North Terrace, on the western extremity of the precinct.

The area is located close to the Murray Bridge central business district along Bridge Street.

There is a mix of commercial and residential land use in the local precinct. Accordingly efficiency and amenity represent important objectives in relation to local traffic operations.

In relation to the Seventh Street, the existing controls require traffic travelling along the following streets to give way:

- Seventh Street, at the First Street intersection
- Seventh Street, at the Second Street intersection
- Fourth Street / Third Street, at the Seventh Street intersection
- Fifth Street, at the Seventh Street intersection.

Surveys
Traffic classifier surveys were carried out for a period of a week in five locations within the precinct, in early October 2006. The results were as follows:

<table>
<thead>
<tr>
<th>Street</th>
<th>Location</th>
<th>Weekday Traffic Volume (vehicles, two way)</th>
<th>85th Percentile Speed (km/h)</th>
</tr>
</thead>
<tbody>
<tr>
<td>First Street</td>
<td>Seventh - West</td>
<td>1695</td>
<td>49</td>
</tr>
<tr>
<td>First Street</td>
<td>Seventh - Railway</td>
<td>555</td>
<td>45</td>
</tr>
<tr>
<td>Second Street</td>
<td>Seventh - Railway</td>
<td>410</td>
<td>36</td>
</tr>
<tr>
<td>Seventh Street</td>
<td>North - First</td>
<td>335</td>
<td>37</td>
</tr>
<tr>
<td>Seventh Street</td>
<td>Second - Fourth</td>
<td>1520</td>
<td>35</td>
</tr>
</tbody>
</table>
Note, 85th percentile speed is a common measure in traffic engineering. It is the speed below which 85% of traffic travels.

The traffic survey results indicate that the highest traffic volumes in the area exist along First Street and Seventh Street. These streets would be used for access to the school, but it is also anticipated that some traffic accesses the Bridge Street shopping precinct via the route comprising Mannum Road, First Street and Seventh Street, to avoid traffic signal delays at the intersection of Bridge Street and Mannum Road.

**Collision History**
A review of collision reports received by SAPOL was carried out for the local area, for the period from 1994 – 2005.

There were no reports for the intersection of Seventh Street and Second Street.

A single ‘property damage only’ incident occurred at the intersection of Seventh Street and First Street in 2002, where a vehicle disobeyed the give way controls. There were no other notable characteristics in relation to this incident.

In summary collision records did not highlight any particular problems that may be of interest in relation to this assessment.

**Discussion**
It is an important principle of traffic engineering, that intersection controls should generally favour the major flow of traffic. For example, it is inappropriate for drivers approaching an intersection on a road with the major flow of traffic, to be required to stop or give way to traffic on a lesser road. When this occurs, drivers tend to ignore the intersection controls - that is, inappropriate give way controls promote ‘non-observance’.

Despite this principle, there are often complexities at a given site or within a given area and consideration needs to be given to the overall circumstance.

Another issue that needs to be considered is consistency of control at consecutive intersections. That is, the form of control at the intersection of Second Street and Seventh Street should ideally be consistent with that at the intersection of First Street and Seventh Street. However, this principle can be difficult to apply.

Also, traffic speeds and the implications for area traffic flows also need to be considered.
Not least, consideration needs to be given to the fact that the act of changing controls does present risks, and hence good reasons are needed to adjust traffic controls.

**Appropriate Control**
From the traffic survey details above, there is no doubt that the major traffic flow at the intersection occurs along Seventh Street. Therefore a change of control at the intersection should be considered.

As discussed above, a ‘traffic route’ may exist in the area, along First Street between Seventh Street and Mannum Road, and along Seventh Street between First Street and Bridge Street. Hence it would appear the major flow along Seventh Street at the First Street intersection, is along First Street south of Seventh Street and along
Seventh Street east of First Street. Whilst there are circumstances where priority can be assigned to adjacent intersection legs, in this instance that would be inappropriate.

**Traffic Speeds**
Currently traffic speeds are relatively low along streets in the vicinity of the intersection.
A change of priority at the intersection of Second Street and Seventh Street will have implications for traffic speeds.

It could be argued that the impact on speeds of a change of control at the Seventh / Second intersection, would be balanced given the uncontrolled street length will reduce on one street and increase on the other. However Second Street is not a 'through road' and much of the traffic that uses the street is likely to travel to and from Seventh Street. Therefore in relation to traffic speeds it is expected Second Street would remain relatively unchanged whereas speeds on Seventh Street are likely to increase.

With a change of priority, the uncontrolled length along Seventh Street will increase from 240 to 340 metres (approximately). Whilst very much dependent on the exact location, maximum 85th percentile speeds could increase by 5-10%, whereas speeds within 50 m of the intersection will increase by at least 50%.

**Area Traffic Flows**
It is anticipated that the route between Mannum Road and Bridge Street, via First Street and Seventh Street, would be further facilitated by a change of control at the Seventh Street / Second Street intersection. However, only a small increase in traffic is anticipated along this route.

**Summary**
To conform to the principle of favouring the major traffic flow at intersections, it would be appropriate for the give way controls at the Seventh Street / Second Street intersection to be relocated to the Second Street approaches. In terms of consistency of control along Seventh Street, there is insufficient reason to change the controls at the intersection of First Street and Seventh Street.

On this basis, increases are expected in traffic speeds and traffic volumes along Seventh Street. However, given that only modest increases are anticipated in general, it is recommended conditions be monitored for a period of time after the change in control, and if necessary further action can be considered then.

Also, in association with this adjustment in give way control at the intersection, it is recommended:

a) Consultation is carried out with affected residents/ratepayers from within the local area.

b) Appropriate warning signs are installed at approaches to the intersection (and maintained for a period of at least 3 months), and that a local newspaper notice also be prepared, in advance of the change.

The monitoring should comprise traffic classifier surveys in Seventh Street, between Second Street and Fourth Street, after 3 months of the change in control, and a review of collision reports after 12 months.
Officers of the Council would be aware of the requirements of the “Minister for Transport and Urban Planning Notice to Council - Traffic Control Devices and Road Events under the Road Traffic Act 1961 (12 March 2001)”, in relation to statutory requirements. It is required that a Traffic Impact Statement is prepared, and this report could serve that purpose. Otherwise the Council has delegated authority to relocate the give way controls from Seventh Street to Second Street, at the intersection.

I trust the above advice is satisfactory. I would be pleased to discuss this matter further with you if required.

Yours faithfully,
Dorrestyn & Co Pty Ltd

Kym Dorrestyn, FAITPM, CPEng
Director
32.2.4 IMPLICATIONS OF THE HEAVY ACCESS VEHICLE FRAMEWORK (HVAF) FOR THE GAZETTAL OF COUNCIL ROADS AS APPROVED ROUTES FOR B – DOUBLE AND HIGHER MASS LIMIT (HML) VEHICLES.

Officer: Sundra Nadaraja

Purpose
To advise elected members on the implications to Councils of the Heavy Vehicle Access Framework (HVAF) recently approved by the Minister of Transport for implementation and to consider the request from the Department of Transport, Energy and Infrastructure (DTEI) for the gazettal of the following Council roads for B – Double and Higher Mass Limit (HML) usage prior to signing off of the HVAF; the roads being:

(i) Brinkley Road (from Old Swanport Road to Strathalbyn – Wellington Road)
(ii) Old Swanport Road (from Adelaide Road, White Hill to Murray Bridge – Wellington Road)

Background
Council has received a request from the Traffic and Access Standards Section (TASS) of the Department of Transport, Energy and Infrastructure (DTEI) for the gazettal of the above mentioned Council roads for B-Double and Higher Mass Limit (HML) access usage.

Brinkley Road is currently an approved B-Double route by permit only for the section from Old Swanport Road to Maurice Road while Old Swanport Road is an approved B-Double route from the intersection of Adelaide Road at White Hill to the intersection at Hindmarsh Road. Currently the use of Council roads by B-Double and HML vehicles (which is very limited) is based on a permit system whereby the transport company applies to Council for permission to use a particular route. These roads which are termed as approved B-Double routes are well defined routes based on an assessment of their suitability from the aspects of strategic linkage, road condition and safety. Under the current arrangement, the transporters are then required to, with the clearance from Council, obtain a permit from DTEI to operate along those routes which is generally for a maximum duration of 12 months whereupon the permit has to be renewed.

Separate from this particular request, DTEI has been looking to do away with the permit system and introduce a network of gazetted B-Double and HML routes across the whole of South Australia. The request from DTEI regarding the two roads is premature and is made well ahead of any general agreement being reached.

Discussion
The current permit system although onerous accords Councils good control of the restricted access vehicle (RAV) operators on its roads. However, should the gazettal of these routes be approved as B-Double and HML routes, Councils will have no control over the operators of these restricted access vehicles (RAV) while still being responsible for the maintenance of these roads.
The Minister of Transport has recently approved the Heavy Vehicle Access Framework (HVAF) for implementation. The document amongst others looks at formalising a Route Network Structure across the state for Key, General and Commodity Freight Routes. However, DTEI has advised that Local Government routes will not be approved and gazetted (B-Doubles, HML and Road Trains) without the agreement of the relevant Councils.

The Local Government Association (LGA) has provided the following comments to the Department of Transport, Energy and Infrastructure (DTEI) on the Heavy Vehicle Access Framework (HVAF) as a result of outcomes from SAROC on the 15th November 2006:

- There is general support for the introduction of simpler and more efficient provisions for heavy vehicle access on local roads;
- While commodity routes progress the issue of seasonal transport the proposed draft has practical and compliance issues (i.e. the routes will be used by RAV operators outside of the terms of the gazettal and non authorised use will not be able to be ‘policed’);
- The principle of user pays is supported, however there are concerns that it will have limited application and will not be sufficient to meet the cost of road construction and maintenance;
- Local Government will not have the resources to undertake route assessment requirements and require new funding sources;
- Local Government has concerns with any implied additional risk associated with administering the HVAF;
- There are anomalies with the application of the HVAF, particularly with respect to 19 metre B Doubles;
- Implied Local Government responsibility for rail crossings is not supported.

Additionally the LGA has recommended to the Department of Transport, Energy and Infrastructure (DTEI) that suitable good practice HVAF documentation templates be developed to assist with the application and assessment process. Development of a model framework to assist Councils with their negotiation with the transport industry and other relevant stakeholders has also been recommended.

The Department of Transport has set an ambitious time frame of mid 2007 when the new system of gazetted roads is intended to be implemented and the existing clearance/permit system discontinued. However, there are quite a number of issues with HVAF Framework as highlighted by the response from the Local Government Association that has to be worked through and resolved for acceptance by Councils.

**Appendix 32.2.4** indicates all the roads within the Murray Bridge Council that are proposed to be gazetted as approved B-Double routes in line with the Heavy Vehicle Access Framework (HVAF) and again the request from DTEI regarding the two roads is premature and is made well ahead of any general agreement being reached.
Policy implications

1. Financial/budget
The imposition of the gazettal system could have a major impact on the road maintenance budgets of Councils as currently there are concerns that the principle of user pays, although acceptable, is likely to have limited application and will not be adequate to meet the cost of road construction and maintenance.

2. Legal
Currently all Council roads are under the care and control of their respective Council and as such the Council has the right to repeal/cancel a permit issued to a Restricted Access Vehicle (RAV) operator if it is deemed necessary (e.g. public complaints or road becoming unduly stressed). However, under the gazettal system, Councils would lose this control.

3. Risk Management
Currently there are concerns of implied additional risk on Councils with regard to the administering of the HVA Framework when it is implemented in terms of increased wear and tear on the road infrastructure and larger vehicles increasingly occupying roads of a more residential nature.

4. Staffing/Work Plans
The HVA Framework talks about route assessments to be conducted by authorised assessors who will be trained specifically for this purpose. It is envisaged that each Council will have at least one authorised route assessor within its organisation in order to perform the task within the guidelines of the HVA Framework.

5. Consultation
Preliminary consultation of the HVA Framework by the Road Transport Policy and Investment Division of the Department of Transport, Energy and Infrastructure (DTEI) has occurred with member Councils of the Southern & Hills Local Government Association where the department has indicated that one-on-one consultation will be carried out with Councils to consider existing route networks.

Recommendation
1. That item No. 32.2.4 and Appendix 32.2.4 on Councils agenda of the 11th of December 2006 be received.

2. That Council advise the Department of Transport, Energy and Infrastructure (DTEI) that the various issues raised by the Local Government Association (LGA) with regard to the Heavy Vehicle Access Framework (HVAF) need to be resolved to the satisfaction of member Councils of the Southern & Hills Local Government Association (S&HLGA) prior to any consideration being given to the request for gazetting roads for B-Double and Higher Mass Vehicle (HML) access including Brinkley Road from Old Swanport Road to Strathalbyn – Wellington Road and Old Swanport Road, White Hill from Adelaide Road to Murray Bridge – Wellington Road.
Cr England moved
1. That the recommendation be adopted, namely, that item No. 32.2.4 and Appendix 32.2.4 on Councils agenda of the 11th of December 2006 be received.

2. That Council advise the Department of Transport, Energy and Infrastructure (DTEI) that the various issues raised by the Local Government Association (LGA) with regard to the Heavy Vehicle Access Framework (HVAF) need to be resolved to the satisfaction of member Councils of the Southern & Hills Local Government Association (S&HLGA) prior to any consideration being given to the request for gazetting roads for B-Double and Higher Mass Vehicle (HML) access including Brinkley Road from Old Swanport Road to Strathalbyn – Wellington Road and Old Swanport Road, White Hill from Adelaide Road to Murray Bridge – Wellington Road

Seconded by Cr Laubsch and CARRIED
32.2.5 KERBSIDE RECYCLING COMMUNITY SURVEY

Officer: Rachael Hamilton

Purpose:
To provide an overview of the proposal to undertake a district wide community survey on kerbside recycling;

To seek endorsement of the content of the survey and the proposed process for community consultation.

Background
At its meeting on the 12th February 2006, Council resolved that:

“Council consider and look into the possibilities of having a recycle waste pick up within its area.”

At a further meeting on the 27th March 2006, Council resolved to:

“Engage a consultant or appropriate person to prepare a public consultation agenda with a view to obtaining and assessing opinions on the needs for such a service and how best the service may be delivered to the community.”

These resolutions are consistent with Council’s 2005 - 2010 Strategic Management Plan which under Strategic Priorities, Section 4.2 states for Council to:

“Identify resource recycling and waste management opportunities”

The Rural City of Murray Bridge (RCMB) currently does not offer a kerbside recycling service but instead relies on residents transporting their recyclables and green wastes to facilities such as the Brinkley Waste Depot and other recycling depots located within Murray Bridge.

The recently released State Waste Strategy 2005 – 2010 has among others, the following objective:

“All Council’s to provide high performance kerbside or equivalent systems servicing householders throughout South Australia by 2010”

The Rural City of Murray Bridge is currently a member of the Murray and Mallee Regional Waste Group and council contributed towards the development of the Murray and Mallee Region Waste Management Plan which was completed in February 2006. This plan provides an overview of existing waste and recycling facilities and services from a regional perspective including recommendations for possible future direction for the region. The Plan also identified RCMB as a Council where a kerbside recycling service would be viable due to adequate utilisation of the additional vehicle required.

Council has also been successful in obtaining grant funding from Zero Waste SA of $80 000 towards the implementation of a ‘high performance’ kerbside recycling system. Demonstrated high performance systems include both the two-bin waste and recycling system (comprising of a 140L waste bin collected weekly and a 240L recycling bin collected fortnightly) or a weekly 50/50 split 240L bin system (providing that the weekly Zero Waste SA recycling targets can be met). Many Councils are
moving towards the two-bin kerbside waste and recycling system due to increased flexibility in areas such as transportation, slightly larger capacity for bulky recyclable materials and clearer distinction for residents regarding waste and recycling receptacles.

**DRIVERS FOR CHANGE**

**Zero Waste SA**
A key external driver is the emergence of Zero Waste SA (ZWSA) a state government agency established on 1 July 2003 to promote waste management practices that “eliminate waste and it’s consignment to landfill and advance the development of resource recovery and recycling”. Zero Waste SA recently released the State Waste Strategy in 2005 – the first state wide waste strategy for South Australia. Within this strategy are key targets and goals for waste management for local government.

**Zero Waste SA State Waste Strategy Targets**

<table>
<thead>
<tr>
<th>Waste Stream</th>
<th>By 2006</th>
<th>By 2008</th>
<th>By 2010</th>
</tr>
</thead>
<tbody>
<tr>
<td>Municipal Solid Waste</td>
<td>At least 25% of all material presented at the kerbside is recycled</td>
<td>50% of all material presented at the kerbside is recycled</td>
<td>75% of all material presented at the kerbside is recycled</td>
</tr>
</tbody>
</table>

**Environment Protection (Waste to Resources) Policy (draft)**
A draft Environment Protection (Waste to Resources) Policy (EPP) is due to be released for public consultation in 2007. This is a legal policy under the Environment Protection Act 1994. The EPP will be consistent with the principles of the State Waste Strategy but also have a regulatory component. The push towards regional waste management will be further strengthened through the EPP. The proposed EPP is likely to have implications for Councils due to proposed mandatory requirements such as potentially banning material from landfill or prescribing service provision requirements for particular local government regions.

**Environment Protection Authority (EPA) Licensing and Levies**
The EPA recently issued a discussion paper and report for consultation regarding proposed changes to the licensed fee structure due to commence on 1 July 2007. The implications of the proposed changes will mean a significant increase in annual fees payable for licensed premises relating to waste depots and landfills.

In addition to this the current levy paid to the EPA per tonne of waste sent to landfill (currently $5.25 for rural councils) will double in the 2007/2008 financial year.

**EPA Landfill Guidelines**
The draft EPA Landfill Guidelines represent a number of separate guideline documents previously consulted on by the EPA that has now been consolidated into a single Guideline document.

In general terms the focus of the Guidelines are to:
- Encourage a focus on waste avoidance and minimisation.
• Improve the environmental management of landfills by eliminating or mitigating their environmental impact.
• Increase/improve the operational efficiency of landfills.
• Prevent or limit post closure issues, and,
• Encourage a rationalisation in the number of landfill sites.

The Guidelines do this by addressing all aspects of the planning, design, implementation, operation, management, closure and post closure of a waste landfill facility.

In summary, sending waste to landfill is increasingly becoming a more expensive exercise and it is worthwhile for Council to investigate implementing kerbside recycling programs which can divert between 20%-30% of the waste stream from landfill, depending on factors such as the extent of education campaigns etc. Whilst the Rural City of Murray Bridge does not pay a gate fee as such per tonne of waste, it does currently pay per truckload. This cost does not currently cover the cost to operate the landfill in accordance with the new EPA landfill guidelines. The overall cost to manage landfill is increasing and preserving this as a resource will place the council in good stead for continued use into the future. If each household produced as little as 2kg of recyclables per week, this would equate to potentially 1000 tonnes of recyclable material diverted from landfill in one year. Based on the current growth rate estimated to be 5%, the additional population base generated would continue to add an additional 695 tonnes of waste to be disposed of per annum.

Community Expectations
The purpose of the survey is to quantify the level of community demand regarding kerbside recycling as well as the potential to introduce a service charge. Council can then make a decision on the future direction for kerbside recycling services when the results of the survey are presented to Council in early 2007.

Discussion
Council recently met with the District Council of Mount Barker (DCMB) to discuss opportunities and common issues for waste management at a regional level. DCMB recently undertook a comprehensive community consultation process in April 2006 as part of a review of waste and recycling provisions leading up to the preparation of a new kerbside waste and recycling collection contract.

As a result of these discussions, and having recently undertaken a similar process, The District Council of Mount Barker has agreed to provide assistance to the Rural City of Murray Bridge to project manage the community consultation process regarding the introduction of a kerbside recycling service, namely the district wide community survey. The assistance would be primarily through the utilisation of human resources, in particular the Council’s Waste Management Officer.

Proposed kerbside waste & recycling system
The proposed kerbside waste and recycling system that Council would consult the community on would comprise of:

• 140L waste bin collected weekly;
• 240L recycling bin collected fortnightly.
Council would retrofit the existing 240L waste bin with a new recycling lid (including recycling information stamped onto the lid) to become the recycling bin and provide the additional 140L waste bin to the ratepayer.

**Proposed survey content and methodology**

Information about the proposed service as well as an estimated cost for the service would be provided to the ratepayer so that the community can make an informed decision when completing the survey.

To keep it simple, it is proposed that the survey comprise of 2 postcards the size of a DL envelope (refer attachment 1), one card providing general information about the service, the rationale for the survey and the service charge and the other would be the reply paid survey. Ratepayers can simply fill out the survey and place it in the post at no cost to them. The purpose of having the two card inserts was so that the survey could be sent back to Council reply paid and the other people could keep if they wish for information purposes.

It is proposed that the survey will be distributed to all ratepayers within the Council area via a mail out through Australia Post. There is a provision to mark whether the respondent is a residential or commercial/industrial premises to differentiate the responses from varying sectors of the community that may have varying requirements for waste management.

**Policy implications**

1. **Financial/budget**

   It is expected that the cost of the survey including development, printing, distribution and analysis will be approximately $10,000 including human resources. This money has been allocated for in the current budget.

   **Service Charge**

   The potential financial implication for ratepayers for the new service is that they will pay an annual service charge of approximately $55 - $65 depending on a number of variables such as whether the existing contractor provides the service and where the recyclable material is processed. This is the amount required per ratepayer to cover the cost of new waste bins, additional fortnightly collection, as well as transport and processing of the recyclable material. With this price, Council is still subsidising the cost of the overall total waste collection and disposal and the true cost of the total kerbside waste and recycling service would not reflected in the service charge. The potential problem with this is that ratepayers may interpret the service charge as the entire cost of providing the service when in fact it is at least double this amount. It depends whether the intention of introducing the service charge is to provide a true reflection of the cost of the service or simply to enable the new service to be adequately funded.

   Under Section 155 (2) of the Local Government Act 1999, Council may impose an annual service charge on rateable (and non-rateable) land within its area to which it provides, or makes available a prescribed service. The collection, treatment or disposal (including recycling) of waste is a prescribed service under Section 155 (1) (b). The requirement for this service charge is that 100% of the revenue raised must be used for that service. Any amounts excess to operating in any given year must be placed into a reserve for future works or unknown expenditures relating to that
service. This results in a dedicated fund for providing that particular service to ratepayers.

**Other Cost Reductions/Assumptions**

Assuming 1000 tonnes of recycling is diverted from landfill per annum, based on the standard kerbside recycling figures from Zero Waste SA kerbside waste and recycling audits, Council would save approximately $30 000 per annum in sending waste to landfill in gate fees alone and $11 000 in EPA landfill levies in the next financial year. This cost does not include the savings in the extended amount of time to fill a landfill cell and consequently pay for the additional construction of a new cell to deposit waste material as this is currently not fully quantified.

It is important to note that the costing used is based on the assumption that recyclable material is transported to a processing facility in town because of the lack of a local recycling facility currently established for this purpose. The Murray and Mallee Region Waste Management Plan recommended the establishment of a facility in the region and the cost would likely to be reduced in the instance that a facility was established. In addition to this, there may be an opportunity for a local recycler to set itself up to accommodate kerbside recyclable material, in which case a separate costing would need to be undertaken.

Other assumptions used in the costing include:

- 7 year contract term
- New vehicle(s) required
- Sorting costs at the standard rate including disposal of contamination
- Supply of 140L waste bin district wide
- Existing 240L bin lids replaced

**Zero Waste SA Grant**

Council has received a grant of $80 000 from Zero Waste SA to put towards the implementation of a kerbside recycling service. It is proposed that the grant would be put towards the retrofitting of the existing 240L waste bins into recycling bins and the community education program.

2. **Legal**

To receive the Zero Waste SA grant money, Council is required to sign a legal agreement to put the funds towards a ‘high performance’ kerbside recycling program. This has now been done.

3. **Risk Management**

The greatest risk to Council is that the community may not be in favour of the idea of introducing a kerbside recycling service based on a perception of additional cost despite a well informed public consultation process.

4. **Staffing/Work Plans**

The community consultation process will be co-ordinated by Rachael Hamilton, Waste Management Officer at the District Council of Mount Barker in conjunction with Rural City of Murray Bridge Staff under an agreement between the two Councils.

It is important to note that the timeframe to commence a kerbside recycling service usually requires between 6-9 months for the tender process, contract negotiation, roll out of bins and community education program, therefore it may not be feasible to
commence this service as of 1 July 2007, but may need to commence in September 2007 instead.

5. Environmental
The recommendation will potentially contribute to improving recycling rates in the Council area which will ultimately reduce waste to landfill.

6. Social
The community survey will provide the opportunity for all ratepayers within the Council area to have their say about the proposed service to the community, as it will potentially impact on the entire community.

In addition to this it will also provide information about the proposed service and the advantages of providing a kerbside recycling service, not only to the individual ratepayer, but the community as a whole.

Council has also contacted local stakeholders in the recycling industry separately to communicate the process that Council is embarking on and to ensure they are kept informed of the process and have the opportunity to discuss any concerns early in the process.

7. Strategic Plans
The kerbside recycling community survey is consistent with the 2005 – 2010 Strategic Management Plan. The following action is documented in the plan under Strategic Priorities, Section 4.2, Environmental Improvements viz;

"Identify resource recycling and waste management opportunities."

8. Community Consultation
It is imperative that Council undertakes a community consultation process that not only seeks feedback on the proposal to introduce a kerbside recycling service, but also provides relevant information for the ratepayer to understand the advantages of introducing such a service. This is particularly important considering that Council is considering introducing a service charge to cover the cost of the new service. The proposed community survey has been designed with regard to these issues.

A media release is also proposed for the local radio station 5MU and the Murray Valley Standard to promote the survey and explain the details of the new service proposed.

In addition to this, it is imperative that Customer Service staff are well informed to adequately field enquiries from the public and act as the first point of contact to clarify any concerns. A briefing session with customer service can be arranged.

Summary
There are many external drivers for the introduction of a district wide kerbside recycling collection system including the increasing cost of sending waste to landfill. The emergence of Zero Waste SA and the State Waste Strategy have outlined clear targets and goals for Councils to aim for in regards to minimising waste to landfill. The introduction of a kerbside recycling system could divert as much as 1000 tonnes of material per annum from landfill and instead reprocess into another product.
The proposed kerbside waste and recycling system that Council would consult the community on would comprise of:

- 140L waste bin collected weekly;
- 240L recycling bin collected fortnightly.

Council would retrofit the existing 240L waste bin with a new recycling lid (including recycling information stamped into the lid) to become the recycling bin and provide the additional 140L waste bin to the ratepayer.

It is proposed to introduce an annual service charge to pay for the cost of the new service which has been estimated to cost in the order of $55-$65 for the service ratepayer per annum, dependent on a number of variables such as where the material is taken to be recycled etc. This cost was derived on various assumptions outlined in the contents of this report for the purposes of going out for community consultation.

It is imperative to consult the community about the proposed new service and the potential introduction of a service charge to quantify the demand for a kerbside recycling service. A district wide community survey provides an effective method for the entire community to have an opportunity to have their say about changes to service provision. **Appendix 32.2.5a and 32.2.5b** outlines the draft concept and content of the survey to be sent out to the community.

### Proposed Community Consultation Process

<table>
<thead>
<tr>
<th>ACTION</th>
<th>PROPOSED TIMEFRAME</th>
</tr>
</thead>
<tbody>
<tr>
<td>Community Survey - development</td>
<td>Mid November – Mid December</td>
</tr>
<tr>
<td>Council report – endorsement of community survey content and methodology.</td>
<td>11th December 2006</td>
</tr>
<tr>
<td>Community survey – printing, sorting etc</td>
<td>12th – 27th December 2006</td>
</tr>
<tr>
<td>Community Survey – distribution, collation &amp; analysis</td>
<td>Early January – Mid February 2007</td>
</tr>
</tbody>
</table>

### Recommendation

1. That item No.32.2.5 and associated attachments (**Appendix 32.2.5a & 32.2.5b**) on the Council agenda of 11th December 2006 be received and that Council notes the information contained within this report and in doing so;
2. That Council endorse the content of the community survey outlined in **appendix 32.2.5a and appendix 32.2.5b** of this report.
3. That Council proceeds with the community consultation process as outlined in the content of this report.
4. That Council considers a further report submitted to Council in early 2007 detailing the outcomes of the community consultation process.
Cr Nutt moved
1. That item No.32.2.5 and associated attachments (Appendix32.2.5a & 32.2.5B) on the Council agenda of 11th December 2006 be received and that Council notes the information contained within this report and in doing so;
2. That Council endorse the style of the community survey outlined in appendix 32.2.5a and appendix 32.2.5b of this report with the CEO being delegated approval to finalise the survey.
3. That Council proceeds with the community consultation process as outlined in the content of this report.
4. That Council considers a further report submitted to Council in early 2007 detailing the outcomes of the community consultation process.

Seconded by Cr Weinert

Cr Nutt left his chair at 8.40 pm
Cr Nutt resumed his seat at 8.41pm

THE MOTION WAS PUT AND CARRIED.
Appendix 32.2.5 A

**DELIVERY ADDRESS:**
PO BOX 421
MURRAY BRIDGE
SA 5253

Rural City of Murray Bridge
REPLY PAID 421
MURRAY BRIDGE SA 5253

---

**Have your say about waste and recycling services in the Rural City of Murray Bridge**

**Simply fill out the survey on this card and place it straight in the post!**

**TO MAKE SURE YOUR FEEDBACK COUNTS PLEASE ENSURE THAT YOU FILL OUT ALL PARTS OF THE SURVEY.**

---

**Township:**

**Postcode:**

<table>
<thead>
<tr>
<th>Name (Surname)</th>
<th>Sex: 0 Male 1 Female</th>
</tr>
</thead>
<tbody>
<tr>
<td>Age: 0 Under 18 1 18-24 2 25-34 3 35-44 4 45-54 5 55-64 6 65+ 7</td>
<td></td>
</tr>
</tbody>
</table>

1. What is your primary: 0 Residential 1 Commercial 2 Industrial 3 Schools/Church

2. Do you currently recycle any of the following materials? (please tick all that apply)

<table>
<thead>
<tr>
<th>Item</th>
<th>Recycle</th>
<th>Waste Bin</th>
</tr>
</thead>
<tbody>
<tr>
<td>Newspaper/magazines</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>Cartons/boxes</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>Old clothing</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>Junk mail</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>Egg cartons</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>Telephone books</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>Milk &amp; juice cartons</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>Envelopes</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>Dentures</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>Pulp, paper, toilet tissue</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>Plastic milk containers</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>Yoghurt containers</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>Plastic drink containers</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>Jars, tins</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>Mason &amp; jam jars</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>Shampoo bottles</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>Other plastic containers</td>
<td>☐</td>
<td>☐</td>
</tr>
</tbody>
</table>

3. Do you support Council introducing a non-refundable waste & recycling collector system for an annual service charge of approximately $35.00 (per property)? ☐ Yes ☐ No

Thank you for completing this survey. Please return to Council by 31 January 2007 by simply placing this reply paid card in the post!
Appendix 32.2.5B

**Important Information about the proposed New Kerbside Waste and Recycling Service.**

The Rural City of Murray Bridge is considering the introduction of a district wide kerbside waste & recycling service and would like your feedback!

**Why is council considering the introduction of a kerbside recycling service?**

1. The cost of landfill is continuing to increase. This is mainly due to increased EPA requirements and levies per tonne of waste sent to landfill. By reducing waste to landfill, it will ultimately help to reduce the amount spent on waste disposal.
2. Recycling materials rather than sending them to landfill also has a positive impact on the environment by making new products out of old cans, bottles, newspaper etc., meaning less reliance on raw materials such as trees for paper or steel for cans.
3. To provide an improved level of service to residents.

**On average up to 30% of a household’s waste stream can be recycled through a kerbside recycling collection system. That’s more than 1000 tonnes of material that can be recycled per year!**

Recyclable materials include paper, cardboard, plastic containers (i.e. Drink bottles, juice containers etc), glass jars and bottles, steel and aluminium cans. All of these items can be recycled into another product.

The proposed new kerbside waste and recycling service that is being considered consists of:
- **140L waste bin collected weekly;**
- **240 Recycling bin collected fortnightly.**
Council would convert the existing 240L waste bin into a recycling bin and provide an additional 140L waste bin to all households in the council area.

How would the service be funded?

Council does not currently have sufficient money in general rate revenue to be able to provide the new kerbside waste and recycling service. Therefore, council is proposing to fund the new kerbside waste and recycling service via the introduction of a service charge.

Council can only apply a service charge to a particular service where 100% of the revenue pays for the operation of that service. The proposed kerbside waste and recycling service would cost approximately $35 per annum (or $1 per week) for all ratepayers in the district.

It is not proposed that the kerbside recycling system would replace existing local recycling facilities, merely provide additional opportunities for the community to recycle materials that otherwise would be sent to landfill. Council will continue to encourage and support local recycling facilities wherever possible.
32.3 MANAGER CORPORATE & COMMUNITY SERVICES

32.3.1 ACTUAL RESULT FOR 2005/2006 FINANCIAL YEAR AND END OF YEAR BUDGET REVIEW

Officer: Kym Miller

Purpose
To present to Council the actual result against budget for 2005/2006 and seek approval for the budget variations arising from that report to be carried forward to the 2006/2007 budget.

Background
It is a requirement of the Local Government Act 1999 that budget reviews be carried out at the end of each financial year and at least once per quarter during the year. This is the Budget Review resulting from declaring the end of year result.

Discussion
The Budget Comparison (Appendix 32.3.1(a)) shows a surplus of $3,337,666. Once this result is adjusted by the budget variations as identified and detailed on (Appendix 32.3.1(b)) and summarised below, the final result is a $636,398 surplus compared to a forecast surplus of $209,913.

Provisional Result $3,337,666 surplus

Budget to be carried forward
Expenses $3,052,513
Income
  • Reserve Transfer $165,225
  • Grants $148,020
  • Other $38,000

Net expense to be carried forward $2,701,268

Actual Result $636,398 surplus

Policy implications
1. Legal
Adoption of these reports is a requirement of the Local Government Act 1999 and the Local Government (Financial Management) Regulations 1999 and Accounting Concepts and applicable Accounting Standards.

Summary
The final result for 2005/2006 of $636,398 surplus being $426,485 better than the final forecast. At the time of adopting the forecast Council resolved to use the surplus ($209,913) to offset the loan borrowings for Brinkley in the 2006/2007 Budget.

Recommendation
That item number on 32.3.1 on Council agenda of 11 December, 2006, be received with the Budget Comparison for 2005/2006 showing a surplus of $636,398; and
(ii) adopt the Budget Review and carry the net budget variations of $2,701,268 as detailed in Appendix 32.3.1 (a & b) forward to the 2006/2007 budget; and

(iii) use $210,000 of the surplus to offset the requirement for loan borrowings for cell construction at the Brinkley landfill and the balance of the surplus be quarantined in the Strategic Development Fund for future major projects.

Cr Weinert moved
That item number on 32.3.1 on Council agenda of 11 December, 2006, be received with the Budget Comparison for 2005/2006 showing a surplus of $636,398; and

(i) adopt the Budget Review and carry the net budget variations of $2,701,268 as detailed in Appendix 32.3.1 (a & b) forward to the 2006/2007 budget; and

(ii) use $210,000 of the surplus to offset the requirement for loan borrowings for cell construction at the Brinkley landfill and the balance of the surplus be quarantined in the Strategic Development Fund for future major projects.

(iii) that a one page summary be provided with future financial statements giving an overall overview of the current financial status.

Seconded by Cr Laubsch and CARRIED
32.3.2 INTERNAL LEASE DEPARTMENT – REPORT AS AT 30 JUNE 2006

Officer: Kym Miller

Purpose
To present to Council the annual report for the Internal Lease Department as at 30/06/06.

Background
When Council gave approval to set up the Internal Lease Department outside of the normal Council budget, it was on the understanding that half yearly reports be presented to council. This report represents the trading of the department for its first full year of trading as at 30/06/06.

Discussion
This quarterly report of the Internal Lease Department consists of a summary of trading for the 2005/2006 financial year (Appendix 32.3.2) which shows a profit for the year of $50,064.

Policy implications

1. Financial/budget
   The introduction of the Internal Lease Department will have little effect on this year’s budget, but the benefits to future budgets will be significant.

Summary
The profit in this year of trading is $50,064 which has been used to reduce the amount of the cash advance required to fund this department

Recommendation
That Item 32.3.2 on Council agenda of 11 December 2006 be received and noted.

Cr Laubsch moved
That the recommendation be adopted, namely; that Item 32.3.2 on Council agenda of 11 December 2006 be received and noted.

Seconded by Cr Nutt and CARRIED
32.3.3 PROPOSED KIDMAN TRAIL (SF423)

Officer: Desma Fraser

Purpose
The Kidman Trail is a proposed high quality, international profile horse trail extending from the McLaren Vale region to Barossa Valley. The trail is expected to become one of South Australia’s iconic trails, similar to the Heysen, Mawson, Riesling, Yurebilla and River Torrens Linear Trails. Just as the Heysen is primarily marketed for walkers and the Mawson for cyclists, the Kidman Trail will provide opportunities for people wishing to go horse trail riding and so further enhance the State trail network. Horse SA has approached Council to utilise already constructed roads for the trail.

This report presents the draft development and management plan (Appendix 32.3.3(a)) for the entire trail and details of the proposed route within the Rural City of Murray Bridge.

Background
In July 2000 the State Government, through the Office for Recreation and Sport (ORS), released the South Australian Recreation and Sport Horse Strategy. The Strategy included a recommendation that a review of the Tom Roberts Trail Network occur and as part of this that the potential for expanding the trail north and south to the tourist areas of the Fleurieu Peninsula and the Barossa Valley would be investigated.

Officers from Horse SA and the ORS commenced these investigations and determined that a new trail, with a separate route and identity for marketing purposes, was the most appropriate option for a major tourist trail between the Barossa Valley and McLaren Vale region. At the time the trail was unofficially titled the International Bethany to Bethany Horse Trail. The trail was officially named in 2003 as the Kidman Trail by the ORS and Horse SA, in honour of Sir Sidney Kidman, a prominent pastoralist and horse breeder.

Horse SA, through Executive Officer, Julie Fielder and Kidman Trails Project Officer, Ms Pam Brookman, have been working with a range of land managers to investigate the most appropriate route options. The City of Onkaparinga has endorsed a section from Willunga to their boundary on Range Road. The District Council of Mount Barker and Barossa Valley Council have also fully endorsed the project.

Discussion
The Rural City of Murray Bridge was initially approached on May 8 2006 (Appendix 32.3.3(b) and (c)). Julie Fielder met with CEO David Altmann with the purpose of planning an alternate route around the town of Harrogate. The writer, together with Asset Maintenance Officer Peter Mertin, drove over the proposed route on 28 September 2006. The writer raised concerns with Julie Fielder regarding the surface of Harrogate Road which is quite loose and have large stones on it. A further drive over the proposed route with Pam Brookman occurred on 30 October 2006 which resulted in further minor changes being made (Appendix 32.3.3(d)). In Pam’s opinion as an experienced trail rider, the road surfaces and proposed route were acceptable.

At present, the Horse SA requires from Council permission to incorporate Council roads in the Kidman Trail and the placement of markers along the route. Once this
has been established Horse SA will begin discussions to finalise a Development and Management Plan with Council.

Policy implications

1. **Financial/budget**

   It is expected that there will be minimal impact to the 2006/2007 budget as the route through the Council area is quite minimal at approximately 15 -16 kilometres. Council may need to provide labour to install route markers and posts which are to be supplied by Horse SA. However, Horse SA can install the markers and posts dependant upon Council’s policy.

   It must be viewed as an opportunity for economic development as staff from the SA Tourism Commission are participating in the project and intend to promote travel packages in association with the trail upon its substantial completion.

2. **Legal**

   Section 221 of the Local Government Act allows Council to authorise alterations of its roads for appropriate purposes.

   In consideration of granting an Authorisation under this Section the Council must have regard to;

   Before the council authorises the erection or installation of a structure under subsection (2)(b), the council must give consideration to whether the structure will—
   
   (a) unduly obstruct the use of the road; or
   
   (b) unduly interfere with the construction of the road; or
   
   (c) have an adverse effect on road safety.

   The writer has consulted with the Council’s Roads Overseer to ensure that the installation of the markers meets or exceeds the requirements required of this section.

   An Authorisation under this Act can be granted by a Council for a period of up to 42 years. The Council may cancel the Authorisation for any breach of condition after giving reasonable notice. In the event of a threat to public safety, no notice period is required.

   The Council may choose to impose conditions on any such Authorisation as it deems fit for the purpose. Such conditions may relate to ongoing insurance coverage and maintenance requirements of the markers.

3. **Risk Management**

   Any project risk will be borne by the Office of Recreation and Sport and Horse SA. It will be mandatory that Council be furnished with a copy of the Certificate of Currency which will limit or exclude Council’s exposure to liability for this particular use.
Unless and until this evidence is provided to Council, the interests of the Council are best served withholding its agreement to allow its roads to be utilised for such purpose.

The requirement for the provision of ongoing evidence in accordance with this activity will be placed on Council's register of agreements which is audited annually for compliance to insurance requirements.

It would also be required to seek assurances from the proposing authority that any act of the Council to install the markers is not constituted as a positive act that would negate or reduce the Council’s immunity under Section 221, but merely that the Council is acting as ‘agents’ for the proposing authority.

Another area of risk is the conflict between horse and vehicular traffic utilising the same route. Council would require assurance under the proposed Management Plan that this issue would be addressed.

4. **Staffing/Work Plans**

   The Kidman Trail will install route markers and posts along the proposed route. The long term plan is to establish a “Friends of the Kidman Trail” group to assist with trail maintenance, as the management authority for the trail.

   In accordance with Council’s requirements under its insurance environment, any persons undertaking works on Council land are either required to have a permit to do so, or must be approved as Council volunteers and appropriately trained for the task required.

   Until such time as an incorporated body is established to maintain ‘the trail’, the Council will have to consider the most appropriate mechanism under which to manage persons undertaking works such as vegetation trimming upon its roads.

   If the Council is to take part in any additional works as a result of this additional use, appropriate budgetary allocations may be required.

5. **Environmental**

   The availability of the Kidman Trail as a sustainable horse trail should assist in reducing the risk of negative impacts in other less appropriate areas for horse activity by offering a more suitable alternative.

6. **Social**

   Well planned trails provide positive opportunities for community interaction and physical activity resulting in a range of personal and communal benefits

7. **Strategic Plans**

   3.5- Community, Recreational and Tourist events and opportunities.

8. **Community Consultation**

   Adjoining owners will be informed by the writer.
Summary
The Rural City of Murray Bridge has an opportunity to capitalise on the increased popularity of horse trail riding as a recreational sport. This project stands to receive attention from the SA Tourism Commission and thus there are benefits for the profile of the area and for local tourism and support industries.

The proposed route, forming part of this report, utilises an existing road carriageway and road verges, horse riders are currently legally entitled to ride along the full length of the proposed trail.

Recommendation
That
(i) Item 32.3.3 on Council agenda of 11 December 2006 be received;
(ii) Council support in principle the proposed Kidman Trail Route within the Rural City of Murray Bridge utilising Council roads between Military Road to Rockleigh Road;
(iii) Council enter into an authorisation pursuant to Section 221 of the Local Government Act 1999 for a period of ten years, subject to Council establishing conditions that satisfy issues raised in this report and that these conditions are acceptable to both parties;
(iv) Council support the placement of the provided posts and markers by the Kidman Trail group/Horse SA along the route; and
(v) Council request that a copy of the proposed draft Management Plan be forwarded to Council for consideration prior to adoption and public release.

Cr England moved
That the recommendation be adopted, namely:
(i) Item 32.3.3 on Council agenda of 11 December 2006 be received;
(ii) Council support in principle the proposed Kidman Trail Route within the Rural City of Murray Bridge utilising Council roads between Military Road to Rockleigh Road;
(iii) Council enter into an authorisation pursuant to Section 221 of the Local Government Act 1999 for a period of ten years, subject to Council establishing conditions that satisfy issues raised in this report and that these conditions are acceptable to both parties;
(iv) Council support the placement of the provided posts and markers by the Kidman Trail group/Horse SA along the route; and
(v) Council request that a copy of the proposed draft Management Plan be forwarded to Council for consideration prior to adoption and public release.

Seconded by Cr Wilson and CARRIED
APPENDIX 32.3.3(a)

The Kidman Trail Concept and Trail Description

The Kidman Trail concept will provide a range of horse trail riding experiences linking the Southern Vales to the Barossa Valley. Named after Sir Sidney Kidman, a prominent local pastoralist and horse breeder, the trail will become one of the South Australia's iconic trails, similar to the Heysen, Mawson, Riesling, Yurrebilla Trails and the River Torrens Linear Trail. As these trails are designed for walkers and/or cyclists, the Kidman Trail will provide opportunities for people wanting to go horse trail riding and so enhance our State trail network.

The planning, development and management of the trail is a partnership project between the Office for Recreation and Sport, Horse SA, ForestrySA, local Councils and the horse community.

The Kidman Trail will utilise existing tracks and trails through Forest Reserves and other accessible public land, minor roads and unmade road reserves. The planning of the trail is designed to link areas of existing horse-keeping and horse activity where possible. Parts of the route currently experience horse use on a regular basis.

It is planned that the southern trailhead for the Kidman Trail will be at Willunga. The trail will then follow the Marino to Willunga Rail Trail before heading eastwards along minor roads to Kuitpo Forest. Once out of the forest, the trail will link the townships of Echunga and Macclesfield to Mt Barker. When a crossing of the freeway has been formalised the trail will then follow minor roads and road reserves through the Onkaparinga Valley to Mt Torrens. From here the trail plans to follow the Torrens Valley to Mt Pleasant and then through sections of Mt Crawford Forest to the Barossa Valley and Kapunda.

Riders may use sections, loops, links or on some occasions the full 200 kilometres of trail. It would take between 5 and 7 days to ride the trail from start to finish. Some sections of the trail may see only one or two riders per day, others are more likely to attract a greater number of regular users. The Kidman Trail will also provide opportunities for other trail users including, walkers and mountain bike riders.

Suitable sections of the trail may be promoted for groups, commercial activities and organised events. It will also provide commercial opportunities for local businesses and tourism providers through increased visitation to regional areas.
The Kidman Trail – Concept to Plan

Getting it Right – Planning the Trail

Horse SA and the Office for Recreation and Sport are working closely with Councils to find a suitable and safe route through each Council jurisdiction.

- The trail route is primarily on rural roads, road reserves, forestry land and public land where access for horse riding currently exists.
- Access over private land, if required will be negotiated with landowners.
- Consultation or Communication will take place with the community and in particular where residents/landowners adjacent to the trail have concerns.
- As a requirement the trail route will seek the approval of Transport SA and local Councils road traffic sections, with road safety inspections/evaluations being conducted at major road crossings.
- The sections through Kuitpo and Mt Crawford Forest Reserves will use existing trails at the approval of ForestrySA.

Caring for the Environment

Information from native vegetation audits will be used in planning of the trail route.

- Site-specific audits will be conducted as required.
- Horse SA and the Office for Recreation and Sport have completed a Trail code.
- Horse SA has completed a project with the Environmental Protection Authority on developing sustainable land management practices (www.horseslandwater.com) of which the principles will be applied
- An “Action Planner for Shared Use Trails” has also been completed by Horse SA, which is available for download from www.horses.asn.au link to trails.
- Horse SA is also active in biosecurity with PIRSA. A draft document is currently online at www.horses.asn.au for comment in relation to event venues.

Traffic & Road Safety

The planning of the trail route is designed to provide as much ‘off road’ travel as possible.

- When it is necessary to travel on roads, those of low vehicle usage, preferably unsealed and with a wide verge would be selected.
- Special consideration will been given to road crossings, with sight lines and signage included in planning.
- Safety for trail users is a priority and the road safety strategy developed by Horse SA with the assistance of Transport SA will guide education programs for trail users. These education programs include:
  - “Horse Riding & Road Safety” booklet. Online at www.horses.asn.au under Road Safety. Printed copies are soon to be delivered and will be broadly distributed.
  - Training days are available for clubs or organised events.
  - The City of Onkaparinga is currently working on a road safety brochure with Horse SA, which is due for completion by December 2006.
Public Risk and Liability

As much of the proposed trail would traverse land to which the public has access rights, the current status for the responsibility of public liability will remain.

- Where the trail traverses sections of roads and road reserves, under the management of local Councils, partnering with Councils is a priority to assist in the management of their risk and public liability.
- Where a private landowner agrees for the trail to traverse their land a Trail Licence Agreement can be used by the Office for Recreation and Sport to assist in the management of risk and public liability for both the landowner and the trail user.
- Horse SA has worked closely with the Australian Horse Industry Council to produce a National Code of Practice, which is aimed at minimizing public liability risks. “HorseSafe” and also with Recreation SA on the “Adventure Activity Standards – Horse Riding” There is also a draft code sitting with the Office for Consumer & Business Affairs in relation to trail riding and the Recreational Services (Limitation of Liability) Act 2000
- Horse SA promotes safe riding practices through their communication programs.

Trail Development

Classifications and Standards

It is important that trails are planned and designed to recognised standards such as the Australian Standards used for walking trails. South Australia through the Office for Recreation and Sport is leading the national agenda in the development of standards for horse riding and mountain bike trails.

- The Interim SA Mountain Bike and Horse Riding Trail Classifications and Standards approved by the SA Trails Coordinating Committee are being used for the planning and development of the Kidman Trail. These standards have been developed based on the principle of sustainability to reduce the impact of trails on our natural environment.
- Most of the trail will be Class 1 Easy with some sections Class 2 Intermediate.

Class 1 Easy Trails are most suitable for novices; social groups and others seeking a relatively short distance trail requiring a basic level of skill and horse & rider fitness.

Easy Trails are most likely to be fire roads or wide single tracks (bridlepaths) with a gentle grade (not exceeding 10%) and a relatively obstacle free, hardened natural surface.
Class 2 Intermediate Trails are most suitable for individuals and smaller social groups seeking a short to medium distance trail requiring a moderate level of skill and fitness.

Intermediate Trails are most likely to be a combination single trail and/or fire road with obstacles, variable surface, and a moderate slope.

These trails are likely to be multi-use and frequent encounters with other users including cyclists, walkers, runners and horse riders can be expected.

Refer Attachment 1 Horse Trail Classifications - Easy/Intermediate/Advanced

Trail Signage and Infrastructure

The Kidman Trail signage is consistent with the other iconic trails under the management of the ORS eg Mawson Trail, Riesling Trail and the Trails Signage Guidelines of the SA Trails Coordinating Committee (SATCC).

<table>
<thead>
<tr>
<th></th>
<th>Production Funding</th>
<th>Installation</th>
<th>Maintenance</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Directional Signs</strong></td>
<td>ORS</td>
<td>Council or Horse SA to be negotiated</td>
<td>Horse SA or Council. Agreement to be negotiated</td>
</tr>
<tr>
<td><strong>Information Signs</strong></td>
<td>ORS</td>
<td>Council or Horse SA to be negotiated</td>
<td>Horse SA or Council. Agreement to be negotiated</td>
</tr>
<tr>
<td><strong>Interpretive Signs</strong></td>
<td>ORS &amp; project partners</td>
<td>Council or Horse SA to be negotiated</td>
<td>Horse SA or Council. Agreement to be negotiated</td>
</tr>
<tr>
<td><strong>Trailhead Signs</strong></td>
<td>ORS &amp; project partners</td>
<td>Council or Horse SA to be negotiated</td>
<td>Horse SA or Council. Agreement to be negotiated</td>
</tr>
<tr>
<td><strong>Regulatory/Behavioural/Safety</strong></td>
<td>Land managers Authorities</td>
<td>Authorities</td>
<td>Authorities</td>
</tr>
<tr>
<td><strong>Trail Infrastructure</strong></td>
<td>ORS, project partners</td>
<td>Project Partners, Horse SA</td>
<td>Land managers or Horse SA</td>
</tr>
</tbody>
</table>
Refer to Attachment 2 - *Proposed formats/Examples of Trail signage*

**Trail Management**

It is envisaged that The Kidman Trail will become one of the state's iconic trails under the Trails SA brand. The Office for Recreation and Sport will be responsible for the management and maintenance of the trail in partnership with Horse SA, land managers, Councils and the community.

Consistent with the Draft Recreational Trails Strategy for SA 2004 -2010 a management plan will be developed to provide guidelines for the ongoing management of the trail and identify the responsibilities of all stakeholders. The template for the management plan is outlined below, this will be tailored to the Kidman trail.

Horse SA will be establishing a ‘Friends’ group who can assist with the monitoring and care of the trail and its promotion.
### TRAIL MANAGEMENT PLAN OUTLINE

#### STRATEGIC VISION

<table>
<thead>
<tr>
<th>Output</th>
<th>Details</th>
<th>Lead</th>
<th>Time frame</th>
<th>How</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Brief outline of local &amp; regional trail settings</td>
<td></td>
<td></td>
<td></td>
<td>Desk &amp; regional research</td>
</tr>
<tr>
<td>2. Trail Vision</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>3. Brief history of the trail if required</td>
<td>Tom Roberts, concept</td>
<td></td>
<td></td>
<td>Research</td>
</tr>
<tr>
<td>4. Trail master plan</td>
<td></td>
<td></td>
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<tr>
<td>5. Future trail direction</td>
<td></td>
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</tr>
<tr>
<td>6. Links to Strategies</td>
<td>ORS</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>7. Statement about guiding principles for the trail</td>
<td>ORS</td>
<td>Trails Strategy</td>
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</table>

#### TRAIL MANAGEMENT

<table>
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<th>Lead</th>
<th>Time frame</th>
<th>How</th>
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<tbody>
<tr>
<td>8. Management structure &amp; roles &amp; responsibilities Management agreements Community clusters and their role</td>
<td>Roles/Responsibilities Management Structure Partnership Agreements</td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>9. Land tenure details</td>
<td>Map/GIS Trail Licence Agreements Public Liability – land managers</td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>10. Contact details of key stakeholders &amp; their roles</td>
<td></td>
<td></td>
<td>Consultation</td>
<td></td>
</tr>
<tr>
<td>11. Research/Monitoring processes – Social, Economic, Environmental</td>
<td></td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>12. Events &amp; event management</td>
<td>Links with community events</td>
<td></td>
<td></td>
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<tr>
<td>13. Project plans for loop trails</td>
<td>Maps and rationale</td>
<td></td>
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</table>

**Trail Policies and Regulations**

<table>
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<th>Lead</th>
<th>Time frame</th>
<th>How</th>
</tr>
</thead>
<tbody>
<tr>
<td>14. Trail standards - technical specifications - National Standards</td>
<td>Sustainability Environmental best practice</td>
<td></td>
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<tr>
<td>15. Risk management strategy</td>
<td></td>
<td></td>
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<td></td>
</tr>
<tr>
<td>16. Signage strategy</td>
<td>Plan, budget</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>17. Fire Management strategy</td>
<td>Meet with local CFS</td>
<td></td>
<td>Regional Fire Management Strategy?</td>
<td></td>
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<tr>
<td>18. Communication strategy</td>
<td></td>
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<td></td>
</tr>
<tr>
<td>19. Marketing &amp; promotion strategy - Mapping concepts &amp; guidelines - International/National/Regional</td>
<td>Websites, trail guide, brochure, map Co promotion</td>
<td></td>
<td>Consultation</td>
<td></td>
</tr>
<tr>
<td>20. Shared use policy</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>21. Trail policy considerations eg checklist – NVC, Mistletoe, adjacent land managers,</td>
<td></td>
<td></td>
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</tr>
</tbody>
</table>

Printed 14 December 2006
<table>
<thead>
<tr>
<th>Output</th>
<th>Details</th>
<th>Lead</th>
<th>Time frame</th>
<th>How</th>
</tr>
</thead>
<tbody>
<tr>
<td>23. Maintenance schedule and works program</td>
<td>Reporting system for trail users</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>- Weed and pest control schedule</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>24. Trail inspections</td>
<td>Reports, maps, photos, Recommendations as to frequency of inspections,</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>- Audit of built infrastructure - bridges and culverts</td>
<td>include in budget, replacements and timeframes</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>- Audit of road crossings</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>- Safety Audit of all other infrastructures - signage, shelters, carparks</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>25. Budget</td>
<td>planning and budgeting</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>- Breakdown of recurrent costs – annual</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>- Breakdown of capital development costs – next 3 years</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>- Include an asset replacement schedule – over next 3 years</td>
<td></td>
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</tbody>
</table>
HORSE TRAIL CLASSIFICATIONS

**EASY** *(Class 1)*

<table>
<thead>
<tr>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Easy Trails are most suitable for novices; social groups and others seeking a relatively short distance trail requiring a basic level of skill and horse &amp; rider fitness.</td>
</tr>
<tr>
<td>Easy Trails are most likely to be fire roads or wide single tracks (bridlepaths) with a gentle grade (not exceeding 10%) and a relatively obstacle free, hardened natural surface.</td>
</tr>
<tr>
<td>Easy Trails are likely to be multi-use and frequent encounters with other users including cyclists, walkers &amp; runners can be expected.</td>
</tr>
</tbody>
</table>

### Elements for classification

<table>
<thead>
<tr>
<th>Element</th>
<th>Requirement</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Corridor</strong></td>
<td></td>
</tr>
<tr>
<td>(Width)</td>
<td>*(Min.) 3 m</td>
</tr>
<tr>
<td>(Height)</td>
<td>*(Min.) 3.7 m</td>
</tr>
<tr>
<td><strong>Tread</strong></td>
<td>1.5 m</td>
</tr>
<tr>
<td><strong>Surface</strong></td>
<td>Generally a natural surface (topped with dolomite or compacted surface if desired).</td>
</tr>
<tr>
<td></td>
<td>Hardened surfaces like concrete or asphalt to be avoided due to concussion on horse legs and poor traction with metal horseshoes.</td>
</tr>
<tr>
<td></td>
<td>Hardened surfaces may be utilised on Rail Trails or other tracks where horses would generally only walk.</td>
</tr>
<tr>
<td><strong>Distance</strong></td>
<td>0 – <strong>14 km</strong></td>
</tr>
<tr>
<td><strong>Gradient</strong></td>
<td>Desired gradient 0 - 10%</td>
</tr>
<tr>
<td></td>
<td>Maximum 10%</td>
</tr>
<tr>
<td></td>
<td>Maximum sustained pitch 5%</td>
</tr>
<tr>
<td></td>
<td>Out slope 4% maximum</td>
</tr>
<tr>
<td><strong>Minimum turning radius</strong></td>
<td>N/a</td>
</tr>
<tr>
<td><strong>Level of skill / experience</strong></td>
<td>Novices will require a basic level of riding skill and fitness is required coupled with riding on a trained, experienced horse.</td>
</tr>
<tr>
<td><strong>On-trail facilities</strong></td>
<td>Facilities along the trail may include mounting blocks, step overs, shallow fords, bridges, watering points, interpretative and/or management signs.</td>
</tr>
</tbody>
</table>
### Trailhead facilities

| Trailhead facilities | The trailhead will be marked with a sign, specifying the name, distance, classification, multi-use code of conduct and other relevant information. Trailhead facilities may include car and separate horse float parking, manure receptacle, map dispensers, toilets, drinking water and information shelters. Trailhead facilities may include overnight yarning for horses. (Facilities will be dependent on the number of visitors using the trail or other attractions in the area.) |

### Recommended trail flow

| Recommended trail flow | Open and Flowing |

* There may be circumstances where trails with a surface and slope similar to Class 1 exceed the suggested distance. These trails should be upgraded to Class 2 or 3.
HORSE TRAIL CLASSIFICATIONS

**INTERMEDIATE (Class 2)**

<table>
<thead>
<tr>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Overview</strong></td>
</tr>
<tr>
<td>Intermediate Trails are most suitable for individuals and smaller social groups seeking a short to medium distance trail requiring a moderate level of skill and fitness.</td>
</tr>
<tr>
<td>Intermediate Trails are most likely to be a combination single trail and/or fire road with obstacles, variable surface, and a moderate slope.</td>
</tr>
<tr>
<td>Intermediate Trails are likely to be multi-use so encounters with other users including cyclists, walkers, runners and horse riders should be expected.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Elements for classification</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Clearing</strong> (Width) (Height)</td>
</tr>
<tr>
<td><strong>Tread</strong> (Minimum Width)</td>
</tr>
<tr>
<td>Note: Short sections of narrower tread (.60 m to 1.2 m) are acceptable at ground level however 1.5 metres is required at the height of the riders stirrups.</td>
</tr>
<tr>
<td><strong>Surface</strong></td>
</tr>
<tr>
<td>Generally a natural surface is desired and may include sections of rocky ground, sand, clay or gravel. Obstacles such as rocks, logs and gates that require dismounting are likely. Shallow ford crossings are acceptable. (Note: SA rainfall conditions vary widely - seasonal conditions may water depths significantly)</td>
</tr>
<tr>
<td><strong>Distance</strong></td>
</tr>
<tr>
<td>Maximum 40 km</td>
</tr>
<tr>
<td><strong>Gradient</strong></td>
</tr>
<tr>
<td>Maximum 15%</td>
</tr>
<tr>
<td>Maximum sustained pitch 10%.</td>
</tr>
<tr>
<td>Out slope 4% maximum</td>
</tr>
<tr>
<td><strong>Minimum turning radius</strong></td>
</tr>
<tr>
<td>Na</td>
</tr>
<tr>
<td><strong>Level of skill / experience</strong></td>
</tr>
<tr>
<td>An intermediate level of riding skill &amp; fitness is required, and a horse with some trail experience &amp; training is recommended. Knowledge of Basic horse health including first aid and conditioning requirements is highly desirable.</td>
</tr>
<tr>
<td><strong>On-trail facilities</strong></td>
</tr>
<tr>
<td>Facilities along the trail may include lookouts, bridges, watering points, interpretative and/or management signs, step overs, shallow ford crossings.</td>
</tr>
<tr>
<td><strong>Trailhead facilities</strong></td>
</tr>
<tr>
<td>The trailhead will be marked with a sign, specifying the name, distance, classification, multi-use code of conduct and other relevant information. Trailhead facilities may include car parking and separate horse float parking, toilets, drinking water, map dispensers and information shelters. (Facilities will be dependent on the number of visitors using the trail or other attractions in the area.)</td>
</tr>
<tr>
<td><strong>Recommended trail flow</strong></td>
</tr>
<tr>
<td>Generally flowing with some more challenging sections</td>
</tr>
</tbody>
</table>

* There may be circumstances where trails with a surface and gradient similar to Class 2 exceed the suggested distance. These trails should be upgraded to Class 3.
## HORSE TRAIL CLASSIFICATIONS

### ADVANCED (Class 3)

<table>
<thead>
<tr>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Overview</strong></td>
</tr>
<tr>
<td>Advanced Trails are suitable for individuals and small social groups seeking a very challenging trail requiring a high level of skill, fitness, and basic navigation skills. Advanced Trails are most likely to consist of challenging single trail and/or fire road with many obstacles, variable surface, and steep sections. Some trail routes may not be marked at all. Advanced Trails may possibly be multi-use so encounters with other users possibly including cyclists, walkers, vehicles and other stock should be expected, however, many of these trails may be located in remote areas and encounters with others is expected to be minimal.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Elements for classification</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Clearing (Width)</strong></td>
</tr>
<tr>
<td>Min. 1.5m</td>
</tr>
<tr>
<td><strong>Clearing (Height)</strong></td>
</tr>
<tr>
<td>Min. 2.5m</td>
</tr>
<tr>
<td><strong>Tread (Width)</strong></td>
</tr>
<tr>
<td>Min. 30 cm</td>
</tr>
<tr>
<td><strong>Surface</strong></td>
</tr>
<tr>
<td>Usually a variable surface with sections of rock, sand, clay gravel, etc. Obstacles may include challenging rocks, logs, Fording creeks</td>
</tr>
<tr>
<td><strong>Distance</strong></td>
</tr>
<tr>
<td>Advanced Trails can be any length.</td>
</tr>
<tr>
<td><strong>Gradient</strong></td>
</tr>
<tr>
<td>Maximum 20% (Max. sustained pitch 10%).</td>
</tr>
<tr>
<td><strong>Minimum turning radius</strong></td>
</tr>
<tr>
<td>N/A</td>
</tr>
<tr>
<td><strong>Level of skill / experience</strong></td>
</tr>
<tr>
<td>A higher level of skill and fitness is required. Navigation and personal survival skills are highly desirable. Previous riding experience essential. Packing skills may be required. Map reading skills and horse health knowledge is essential. An experience guide is recommended for riders with limited remote area experience</td>
</tr>
<tr>
<td><strong>On-trail facilities</strong></td>
</tr>
<tr>
<td>Generally facilities are not provided except in relation to specific safety or environmental considerations. Stock holding yards and watering points will be identified on maps but may not necessarily be specifically provided as part of the trail. Permission to access these facilities may be required.</td>
</tr>
<tr>
<td><strong>Trailhead facilities</strong></td>
</tr>
<tr>
<td>The trailhead will be marked with a sign, specifying the name, distance, classification, multi-use code of conduct (if relevant) and possibly management information. Trailhead facilities may include car and float parking, drinking water. (Facilities will be dependent on the number of visitors using the trail or other attractions in the area.)</td>
</tr>
<tr>
<td><strong>Recommended trail flow</strong></td>
</tr>
<tr>
<td>None</td>
</tr>
</tbody>
</table>
Attachment 2 - Trail Signage

Proposed format of the Directional Sign for the Kidman Trail
Information Signs - example from the Riesling Trail, Clare & Gilbert Valleys
Interpretive Signs – example from the Heritage Trail at Port Elliot
Trailhead Sign – example from the Mawson Trail, Cudlee Creek
Proposed format of Road Safety Signage for the Kidman Trail
Mr David Altman  
Chief Executive Officer  
The Rural City of Murray Bridge  
PO Box 421  
Murray Bridge SA 5253  

Monday May 8th, 2006  

Dear Sir,  

I am writing to ask for an opportunity to meet with yourself and relevant staff in relation to the potential for placing some of the Kidman Horse Trail within your district council area.  

The Kidman Trail is an iconic shared use trail, which permits horse use, to go from Willunga to Kapunda.  

Currently there are marked sections from Willunga to Echunga and from Keyneton through the Barossa to Kapunda. Sections in Mid Murray Council have been approved, and are soon to be marked.  

We would like to meet with you to discuss the potential for swinging the trail out wider from Dawskley towards Mid-Murray /Barossa as our first choice route through the town of Harrogate has not been well accepted by some residents. It may be that the issues can be addressed, but we are also considering our options as our funding agreement for implementation has timelines.  

It would be appreciated if you can make your time available to discuss options. It may be also prudent to utilise your valuable time to briefly discuss any other general horse related issues in planning, road safety and the proposed sale of land outside the town boundary towards Monarto. We can also show you soon to be released work related to good land management practices on small properties.
I can be contacted on Mobile 0402 488 306 or will ring Council to follow up if I have not heard by next week.

Thank you for your time and consideration.

With thanks,

Julie Fadler
Executive Officer
APPENDIX 32.3.3(d)
32.3.4 PROPOSED RELOCATION OF THE LOWER MURRAY VINTAGE ENGINE CLUB

Officer: Alison Hancock

Purpose
To seek Council's ‘in principle’ support for a proposed co-location of the Lower Murray Vintage Engine Club to the grounds of the Captains Cottage.

Background
The Lower Murray Vintage Engine Club for some time has been looking for a permanent home in which to house and operate its activities on behalf of its members.

Currently, the members of the Club utilise their own private homes for the restoration of vintage engines.

The Club has in the past, utilised several locations, which for a variety of reasons has not transformed into long term tenure arrangements.

The LMVEC has been in active discussions with Council and the former Captains Cottage Management Committee with a view to co-sharing the current Captains Cottage site.

Several meetings have been held both on site and within Council's offices, in conjunction with both parties, David Altmann, Cr Weinmann and the writer to discuss whether an opportunity exists for any form of co-location.

Unfortunately, the present operations and facilities within the actual Captains Cottage site do not allow any opportunity to utilise existing facilities. This means that purpose built facilities need to be constructed to house any proposed relocation.

Discussion
During the meetings held thus far, the parties have concluded that the only position that would facilitate a cohesive development of the site, would have to encroach over the current access track that exists between the present Captains Cottage site and the Dog Obedience grounds (see attached aerial photograph Appendix 32.3.4).

The track was utilised in the past to allow for access to the entities on the eastern side of Johnstone Park when the local football games are restricting access through the main gate.

The writer has discussed any proposed removal of this access with the Council's Parks and Gardens Supervisor who has commented that he sees no detrimental aspects of this proposal.

The Council will remember that it received an application from the Johnstone Park Combined Clubs last year to have this access opened permanently to allow for ease of access to the Clubrooms particularly on RMFL game days. Following this, the writer worked with the football club and the Combined Clubrooms to allow for seamless access to these affiliate members on game days without the need for providing an alternative access route.
If this proposed encroachment of buildings are allowed to be constructed over this access roadway (formally a piece of land within Johnstone Park and not a legal ‘road’), it would deny Council any flexibility in the future to make this decision to alter access and egress to the site.

Policy implications

1. Financial/budget
   It is currently unclear on how the LMVEC will fund the proposed construction of the facilities. The desired facilities have been conservatively valued at approx. $75,000 - $100,000. The LMVEC has made representations that it is not in a financial position to fund the entire development, and would be looking at Council or grant funding opportunities to fund the construction.

   As Council is aware in accordance with the current focus on Asset Management and Financial sustainability, Council should be very aware of the implications and the future obligations (both physical and financial) that Capital Asset Construction places upon a Council.

   In the next few months, Council will be advised on the current levels of financial contributions that are required to maintain its existing asset portfolios. In order, to also fund additional capital growth to its asset portfolio will mean additional financial and physical resources will be required to maintain and fund asset renewal based on depreciation allocations.

2. Legal
   To enable an effective relationship to operate from the site between the two entities, both groups will require stringent guidelines on their individual rights and responsibilities.

   The main point of difference between the two entities is that Captains Cottage has recently moved from being a formal Section 41 Management Committee to a volunteer based operating group on behalf of Council and therefore Council formally manages the legal, financial and risk responsibilities of the site.

   On the other hand, the LMVEC is a third party which is separate from Council and would operate from the site under a lease arrangement. There would be a lease formulated which outlines the rights and responsibilities/obligations of the Club, who amongst other things would be responsible for payment of building insurance reimbursement, electricity and water in accordance with Council’s standard lease conditions.

3. Risk Management
   Risk management principles would be covered within the Volunteer guidelines and lease documents of the respective parties.

4. Staffing/Work Plans
   The staff have been involved with numerous meetings thus far to try and facilitate this proposal. The difficulty faced thus far has been the lack, of availability of space at the site to location the size of the proposed purpose built shed.
The decision of Council will give some assurance to the parties on a definitive direction.

5. **Social**
The LMVEC area growing club with a buoyant membership. The Club is well recognised in the State and it has been advised to the Council to allow the club to stabilise it requires a premises to be able to centralise its activities.

6. **Community Consultation**
Not required, as Johnstone Park has been excluded from the classification as Community Land, although it is recommended that formal notification/consultation occur with the other site users.

**Summary**
This report seeks Council’s direction on a proposed co-location of the Lower Murray Vintage Engine Club with the Captains Cottage Museum site, which requires an expansion of the current museum site. The activities of the two entities blend, and would allow an increased experience for visitors to the site, to see working models of by-gone machinery.

**Recommendation**
That item number 32.3.4 on Council agenda of 11 December, 2006 be received and that Council:

(i) support in principle the co location of the Lower Murray Vintage Engine Club to the site of the Captain’s Cottage;

(ii) support in principle the utilisation of the access track that currently exists between the museum site and the Dog Obedience Club for this purpose, subject to

(a) the LMVEC providing Council with a business case on how it intends to source funds for the project, for Council’s consideration; and

(b) Council seeking formal submissions from other users of the site in relation to the proposal.

**Cr Laubsch moved**
That the recommendation be adopted, namely: that item number 32.3.4 on Council agenda of 11 December, 2006 be received and that Council:

(i) support in principle the co location of the Lower Murray Vintage Engine Club to the site of the Captain’s Cottage;

(ii) support in principle the utilisation of the access track that currently exists between the museum site and the Dog Obedience Club for this purpose, subject to

(a) the LMVEC providing Council with a business case on how it intends to source funds for the project, for Council’s consideration; and

(b) Council seeking formal submissions from other users of the site in relation to the proposal.

Seconded by Cr Weinert and CARRIED
Appendix 32.3.4

Proposed site for expansion of merged facilities (in yellow)

Map Zoom: 0.2798 km
Created by: alisonhancock   Printed: Wednesday, 6 December 2006

DISCLAIMER NOTE:
Whilst every effort is made to ensure the information provided is accurate Council accepts no responsibility for inaccuracies that may occur. Where appropriate, Council advises that a licensed surveyor be engaged to determine exact parcel boundaries. This map data is subject to copyright. Reproduction or on selling without written permission from the Rural City of Murray Bridge is an infringement of copyright laws.
32.3.5 LICENCE FOR MURRAY VALLEY KENNEL CLUB

Officer: Desma Fraser

**Purpose**
To gain Council approval for the issue of a two (2) year licence to the Murray Valley Kennel Club for use of land at the Showgrounds

**Introduction**
The Murray Valley Kennel Club has requested a licence renewal on a portion of land at the Showgrounds (see attached aerial photograph – appendix 32.3.5. The club has held a licence agreement with Council over the aforementioned land since 2002 for the purpose of holding dog shows and has been an excellent licensee to date.

The land in question does not encroach on the lease arrangement with the Show Society or with other users of land at the complex.

As per Council’s normal conditions, Council may terminate the licence at any time by giving the Kennel Club three (3) months notice, for a strategic or extraordinary reason.

1. **Financial/budget**
The licensee will be responsible for paying an annual licence fee to be set by Council.

   The Club’s 2005/06 licence fee was $562.10 as it includes a portion of reimbursement for water and turf management based on Council’s per square metre rate as well as a portion for electricity reimbursement. Upon the installation of an electricity sub metre the Kennel Club will be responsible for 100% of the electricity tariff.

2. **Legal**
The licence document will cover all legal aspects of this arrangement for use of this area.

   The Murray Valley Kennel Club must carry their own public liability insurance policy under the terms and conditions of the Licence document.

3. **Risk Management**
Risk will be mitigated to the fullest extent by the Licence document.

4. **Social**
Will allow the participation of a recreational activity and assist the growth of this activity within the region.

   As per the current Licence agreement, the site will be available to the Show Society for utilisation for passive activities in accordance with the annual Murray Bridge Show.

7. **Strategic Plans**
3.5- Community, Recreational and Tourist events and opportunities.
Summary
This report seeks Council’s approval to continue to license a portion of the Showgrounds to the Murray Valley Kennel Club

Recommendation:
That item number on 32.2.5 on Council agenda of 11 December, 2006 be received that Council approves the issue of a two (2) year licence to the Murray Valley Kennel Club for use of land at the Showgrounds for $575 incl GST (based on 2005/06 fee plus CPI) for the first year and adjusted by CPI for the second and any subsequent years.

Cr Weinert moved
That the recommendation be adopted, namely: that item number on 32.2.5 on Council agenda of 11 December, 2006 be received that Council approves the issue of a two (2) year licence to the Murray Valley Kennel Club for use of land at the Showgrounds for $575 incl GST (based on 2005/06 fee plus CPI) for the first year and adjusted by CPI for the second and any subsequent years.

Seconded by Cr Phillips and CARRIED
32.3.6 LOWER MURRAY BASEBALL LEAGUE INC - LICENCE

Officer: Desma Fraser

Purpose
To seek Council’s approval to grant the Lower Murray Baseball League Inc a Licence over the oval at the Showgrounds.

Background
The Lower Murray Baseball League Inc has held a seasonal licence over the Showgrounds Oval since 2005. The Club has recently verbally requested that we negotiate Licence terms for this current season (Appendix 32.3.6)

Discussion
The Club requires the oval from mid October to early March with training on Tuesday and Wednesday nights and all matches played on Friday nights.

The Club, and the other users of the oval, will co-ordinate together to enable use by all parties.

Council staff have requested that the Baseball League offer up a realistic lease fee for this period so as to stay viable and continue to be able to supply sports within the community. The Baseball League has answered our request offering us a total of $400 (GST inclusive) for the season. This is made of up charging their senior players $10 for the season, with an estimate of 40 senior players.

Policy implications

1. Financial/budget
   The Licence fee will in part help Council to recover some expenses related to this facility.

2. Legal
   The Licence document will form a legally binding contract between the two parties. Council’s Legal advisers have overseen the original Licence document used by Council staff and have endorsed its contents.

3. Risk Management
   To enter into a formal agreement with the club will ensure that Council’s risk exposure is minimised.

4. Staffing/Work Plans
   Within current work flows.

5. Environmental
   This Licence will not change the current use of the site.

6. Social
   To furnish the Lower Murray Baseball League with the Licence will enable the community to participate in Sport and Recreation in the Murray Bridge region.

7. Strategic Plans
3.5- Community, Recreational and Tourist events and opportunities.

8. **Community Consultation**
Council may undertake public consultation on this licence if it wishes to. There are no plans to change the land use and the land has been excluded from the classification of community land so there is no legal or policy requirement to undertake public consultation.

**Summary**
The Lower Murray Baseball League has held a Licence over the Showgrounds oval in the past. There have been no lodged or verbal complaints arising from the use of the site by the Lower Murray Baseball League. The Club has verbally requested a Licence over the site.

**Recommendation**
"That item number 32.3.6 on Council agenda of 11 December, 2006 be received, and that Council grant a licence to the Lower Murray Baseball League, for the purpose of playing and practising baseball and related activities, for a term commencing on 1\textsuperscript{st} October 2006 and expiring on 15\textsuperscript{th} March 2007, for a fee of $400 (GST inclusive) for the term stated as above, subject that the terms and conditions being agreeable to both parties.

**Cr Wilson moved**
That item number 32.3.6 on Council agenda of 11 December, 2006 be received, and that Council grant a licence to the Lower Murray Baseball League, for the purpose of playing and practising baseball and related activities, for a term commencing on 1\textsuperscript{st} October 2006 and expiring on 15\textsuperscript{th} March 2007, for a fee of $400 (GST inclusive) for the term stated as above, subject that the terms and conditions being agreeable to both parties; the issue of light charges being finalised and the issue of Show Society rights of land use being resolved.

*Seconded by Cr England* and CARRIED
32.4 MANAGER, DEVELOPMENT & ENVIRONMENTAL SERVICES

32.4.1 REPEAL OF BY-LAW 7 - TAXIS

Purpose
To repeal Council's current By-Law regulating Taxi operations in the Council district.

Status
The repeal of By-Law 7 – ‘Taxis’ (‘the current By-Law’) complies with the requirements of the revised ‘Clause 7 Statement on the Application of Competition Principles to Local Government under the Competition Principles Agreement’ of September 2002.

Discussion

Does the by-Law Restrict Competition?
The revocation of Council’s current By-Law regulating the operation of Taxis is unlikely to restrict competition to any material degree and may in fact provide for increased competition.

Council’s current Taxi By-Law allows any person to obtain an authorisation from Council to operate a Taxi service upon satisfying the requirements contained in the By-Law. This allows Taxis to operate in accordance with the exemption provided in Section 45(2) of the Passenger Transport Act (‘the Act’).

The revocation of the By-Law will mean that all current and future Taxi operators will need to obtain licences in respect of their Taxis and comply with the requirement and Codes of Practice specified in the Act and associated Regulations. Current Taxi Operators that do not obtain the requisite approvals from the Taxi Accreditation Branch of the Department of Transport, Energy and Infrastructure (‘DTEI’) will be prohibited from operating as a marked ‘Taxi’ but may operate as a provider of Passenger Transport Services upon meeting other requirements of the Act.

Alternative Means of Achieving the Same Result
An alternative to the making a By-Law to revoke the current By-Law would be to allow the current By-Law to expire on the 1st of January following the 7th anniversary of its publication in the South Australian Government Gazette. This would require Council to continue to administer the current By-Law until 1 January, 2011. This is not recommended in view of Council's current resourcing and capabilities.

Is the By-Law an Appropriate Method of Control?
The repeal of the current taxi By-Law will remove Council’s oversight of taxi operators within its district placing it in the hands of the DTEI.

Do the Benefits Outweigh Costs to the Community?
Pursuant to Clause 4 of the current By-Law, Taxi fares are set at a level approved by the Council. Upon the revocation of the By-Law, fares should be charged in accordance with Regulation 54 of the Passenger Transport (General) Regulations however Schedule 2 of the regulations do not prescribe rates for fares starting and terminating outside the Metropolitan area. This may result in an increase in the level of current fares, which may be adjusted to reflect market conditions.
The largest potential cost to the community will be the increase in passenger service costs in the event that the current Taxi operator fails to obtain requisite approvals from DTEI. In the event existing Taxi operators refuse or fail to obtain such approvals, the provision of passenger transport services in the district will be subject to operators meeting the requisite standards and obtaining requisite approvals from DTEI.

The cost of obtaining the requisite licence to operate a Taxi are prescribed in the Schedule 4 or the Regulations. Which also prescribes ongoing fees charged in respect of inspections of vehicles and the periodic renewal of licences. The revocation of the current By-Law will see a reduction in costs incurred by operators currently charged by Council in respect of the administration of the By-Law.

Summary
The repeal of Council’s existing By-Law governing taxi operators is unlikely to result in any restrictions to competition that offends the provisions of the National Competition Policy. Whilst there are some potential costs for Taxi operators in obtaining accreditation under State legislation, this does not result in any unfair advantage to current or potential Taxi operators.

Whilst there is a risk that the current Taxi operator may not obtain the requisite approvals from DTEI, resulting in a reduction in the provision of passenger transport services in the district. It is not recommended that Council enter into any agreement for the exclusive provision of Taxi services in the district, as it may potentially offend the provision of the National Competition Policy.

An absolute majority of members of Council is required to resolve to make the By-Law at the meeting, being no less than two-thirds of Council.

Put simply, this should not be a Council regulated services.

Recommendation:
That item number 32.4.1 on Council agenda of 11 December, 2006 be received and that Council having considered this report in respect of the National Competition Policy, adopt By-Law 7 – ‘Taxis’ to repeal the existing By-Law by an absolute majority of member of Council, being no less than two-thirds of Council.

Cr England moved
That the recommendation be adopted, namely: that item number 32.4.1 on Council agenda of 11 December, 2006 be received and that Council having considered this report in respect of the National Competition Policy, adopt By-Law 7 – ‘Taxis’ to repeal the existing By-Law by an absolute majority of member of Council, being no less than two-thirds of Council.

Seconded by Cr Laubsch and CARRIED Unanimously
APPENDIX 32.4.1a

Council meeting 14 March 2006
611.3 REPEAL OF BY LAW 7-TAXIS

Purpose
To advise Council of the status of repealing Councils By Law 7 Taxis

Background
In April 2004 Council resolved
1. Council repeal its By Law 7 effective from the first notice in the Government Gazette following this meeting;

Following that meeting Council received legal advice detailing 3 options.
1. Let the bylaw expire naturally, eg 7 years after its was put in place. (2010)
2. Let the bylaw expire naturally if there has been a change in circumstances, eg bylaw becomes in conflict with other statutory rules of regulation.
3. Make a repealing bylaw.

Discussion
Advice was received that the taxi company would prefer to come under the Passenger Transport Board as they no longer wished to be licenced by Council.

Advice was then sought from our legal advisors regarding the repeal of the By Law, the procedure was provided however we were informed if the taxi company wished to operate outside of Councils jurisdiction and the PTB took over control of licencing the taxis the By Law could be allowed to expire without cost to Council.

On the 25th of May 2004 we advised the Office of Public Transport of our discussions with the taxi company and that in the circumstances that the Office of Public Transport take over responsibility of licencing and control of the taxi cab operation.

The resolution of Council to repeal the By Law was never carried through, whilst done with good intent to avoid the very expensive procedure to repeal the By Law it now appears the PTB have not taken over the licencing of the taxis in Murray Bridge and will not do so until the By Law is repealed. This procedure is now being put into place with public consultation commencing within the next two weeks.

1. Financial/budget
   *There will be costs incurred for public consultation, publicity, legal fees and administration costs.*

2. Legal
   Repeal of the By Law will allow the Passenger Transport Board to control the licencing of taxis, they already licence the smart cars and mini bus owned by the taxi company to which Councils By Law does not apply.

   Information on the process is attached in, appendix 611.3 is that there is no specific process stated within the Local Government Act for the purpose of repealing a By Law. This means the process to be followed is the same as that for making a by-law as set out in section 249 of the Act.
In plain language Council will make a by-law which will repeal another by-law, the usual process for forming a by-law, public notification and passing through Council is then followed.

3 Risk Management
Currently Council’s liability may be exposed as the taxi By Law is not being enforced.

4 Staffing/Work Plans
Preparation of the By Law to repeal the current By Law is complicated and requires reports to the Legislative Review Committee, solicitors certification and gazettal, this will be many hours work for staff.

5 Community Consultation
To be undertaken as soon as possible.

Summary
The failure by staff to follow the instruction of Council was unintentional and confusion over the procedure to repeal the By Law contributed to the motion not being finalised by the previous administration.

Circumstances now require us to avoid any responsibility for the current state of the taxi service and Councils staff have asked the Office of Public Transport to investigate Murray Bridge Taxi Service in relation to current licencing, condition of vehicles and other safety matters.

Recommendation
That Council authorizes the repealing of By-law 7 – Taxis, via endorsing the By-law 7 – Repeal of By-law 7 as contained in appendix 611.3 and authorizes the process as detailed in Norman Waterhouse advice dated 11 January 2006 as contained in item number 606.4.1 in Council agenda dated 14th March 2006 be commenced by advising the public of the draft By-law to repeal By-Law 7 - Taxis.

Cr Coventry moved
That Council authorizes the repealing of By-law 7 – Taxis, via endorsing the By-law 7 – Repeal of By-law 7 as contained in appendix 611.3 and authorizes the process as detailed in Norman Waterhouse advice dated 11 January 2006 as contained in item number 611.3 in Council agenda dated 14th March 2006 be commenced by advising the public of the draft By-law to repeal By-Law 7 - Taxis.

Seconded by Cr Laubsch and CARRIED
APPENDIX 32.4.1 b

Rural City of Murray Bridge

REASONS, OBJECTIVES AND IMPLEMENTATION

By-law No. 7 - Taxis

Report to: The Legislative Review Committee

Objectives
A by-law to revoke By-law 7 - ‘Taxis’.

Reasons
Council's Taxi by-law was examined and reviewed in light of the Rural City of Murray Bridge's ('Council') resources and requirements and with recognition of changes to the Local Government Act 1999 ('the Act') and the Passenger Transport Act 1994 ('PT Act').

By-law 7 'Taxis' will not be replaced by any further by-law and the regulation of Taxi operations will largely be governed by the PT Act and associated Regulations.

Administrative and Policing Strategies
Council will no longer administer by-laws governing the operation of Taxi operations in its area, this role resuming to the Department of Transport, Energy and Infrastructures ('DTEI') Taxi Licensing Division at Netley.

National Competition Policy
The Council has considered and assessed the aims and objectives of the repealing by-law and is satisfied that it will not unduly restrict competition. Any restriction on a Taxi Operator's ability to operate will result from a need to comply with the statutory scheme applying to most Taxi Operators.

Consultation
The by-law was advertised for public comment in accordance with Section 249 of the Local Government Act 1999.

Submissions were received from Bridge Taxi Services ('BTS') with respect to the potential impact the revocation of Council's current by-law may have on BTS, in particular its ability to continue to operate as a market taxi. Having considered the submissions and the relevant provisions of the PT Act, Council is of the opinion that the benefits associated with the repeal of the current by-law outweigh any potential disadvantages to BTS who will be required to obtain a licences and comply with the provisions of the PT Act.

Mr. David Attmann
Chief Executive Officer

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Printed 14 December 2006
Appendix 32.4.1c

SECTION 240 LOCAL GOVERNMENT ACT 1999

CERTIFICATE OF VALIDITY

J. TIMOTHY DAVID GRIFFIN of 45 Pirie Street, Adelaide SA 5000, being a legal practitioner within the meaning of the Legal Practitioners Act 1981, declare that I have examined the following by-law which the Rural City of Murray Bridge intends to make, and do certify that in my opinion:

(a) the said Council has power to make the by-law by virtue of the following statutory provisions:
   Local Government Act 1934, Section 667(1) 3XX to XLI and 667(2);
   Local Government Act 1999, Section 246(1)(b), 247, 248;
   Acts Interpretation Act, 1915, Section 39;

(b) the by-law is not in conflict with the Local Government Act 1999 or any other Act.

DATED the 18th day of September 2006

Timothy David Griffin, Legal Practitioner

THE RURAL CITY OF MURRAY BRIDGE

By-law made under the Local Government Act 1999

By-Law No. 7 – Taxis

To repeal Council by-law 7- Taxis

By-Law 7- 'Taxis' (as appears in the South Australian Government Gazette on 6 February 2003) is hereby repealed.

This By-law will come into operation on the date of its publication in the South Australian Government Gazette and will expire 28 days after it comes into operation, without reviving the by-law it repeals.

The foregoing by-law was duly made and passed at a meeting of the Council of the Rural City of Murray Bridge held on the 18th day of September 2006 by an absolute majority of the members for the time being constituting the Council, there being at least two thirds of the members present.

David Altman
Chief Executive Officer
32.4.2 DEVELOPMENT ASSESSMENT PANEL ANNUAL REVIEW 2005/2006

Purpose
To advise members of the required annual review of the Council’s Development Assessment Panel, pursuant to the Development Act 1993, for the financial year 2005/2006.

As resolved at the Council meeting held on 20 November, 2006, a new Panel has been appointed.

Background
The Development Act requires Council to review its delegations to the Development Assessment Panel annually, having regard to the Development Act requirement of Section 56A(2)(a) to determine the extent to which it will delegate its powers and functions in order to facilitate the expeditious assessment of applications made to the Council as the relevant authority. The extent and form of the review is entirely at Council’s discretion.


The Development Act stipulates that a Panel may consist of, or include, persons who are not members of Council. This section of the Act enabled the membership of the Panel to be constituted by the Elected Members. The membership was as follows:

2005/2006 PANEL MEMBERSHIP

Presiding Member: Doug Wallace – QED
Mayor: Allan Arbon
Councillor representing Brinkley Ward: Bob England
Councillor representing Mobilong Ward: Clem Schubert
Councillor representing Monarto Ward: Milton Weinert
Suitably qualified person (preferably with formal planning, building or environmental management qualifications) and not being a paid employee of Council: Vacant
Community Development Officer, RCMB: Faith Box
Resident & Member of Local Community: Des Warner

Pursuant to the recent adopted of Development (Panel) Amendment Bill, Councils are required to re-assess the composition of the Panel. New membership is to include, three (3) members of Council, three (3) member with specific qualification, one (1) Presiding Member with qualifications in Urban and Regional Planning or similar.

The new Panel for a two year period from November, 2006 to November, 2008 consists of:

Presiding Member: Doug Wallace
Elected Members: Cr Bob England
Cr Clem Schubert
Cr Milton Weinert
Community Representatives: Mr Barry Gleeson  
Mr Brenton Strauss  
Mr Des Warner

The establishment of the Panel sets the development assessment role aside as a unique function undertaken by the Council. This function is to act as a planning authority and to assess and decide upon development applications, having regard solely to the Development Plan and any other referral advice to determine the merits of the proposals. The Panel does not act as a policy making body.

The relationship between the Panel and Council staff is similar to the relationship between a Committee of Council and Council staff. That is, the role of Council staff is to assist the Panel to undertake its tasks under the Development Act, within certain limitations. This includes preparing planning reports on each application to:

- inform the Panel of the background, details and documents associated with the development application;
- provide an assessment against the relevant provisions of the Development Plan; and
- provide a recommendation on an appropriate decision for the Panel to consider.

The Panel does however have the power to disagree with the recommendation and/or suggested conditions of approval made by Council staff.

The Panel also has a number of responsibilities to the community, the extent of which is decided primarily by each Council when establishing its Panel or determining the Panel’s terms of reference. Importantly, it is to be noted that the relationship between the Panel and the Development Plan constrains the extent to which the Panel may be able to satisfy the community.

During 2005/2006 three new planning staff were employed on a full time basis. One of these has since left Council. The Planning staff now consist of a Building Inspector, two cadet Planners (one who is on maternity leave), one full-time Planner, Manager, who is a qualified Planner, and two part-time Administration Officer/Para Planners and one vacant planning position, to which a Senior Planner has been appointed, and will commence with Council on the 2 January, 2007.

Discussion
The spirit and intent of the changes to the Development Act, which facilitated the establishment of Panels, was to eliminate the influence that local politics and community pressure (e.g. social issues, lobby groups, cultural impacts, conflicts of interest) was having on planning decisions across South Australia. A mix of Elected Members and Non-Elected Panel participants was strongly encouraged.

Since the inception of DAPs it has been obvious that those Councils who have adopted the recommended membership structure have been much more successful in depoliticising the development assessment process. Council's Panel has been very effective in making decisions on development applications in an apolitical manner, managing to divorce itself from the elected members' obligations under the Local Government Act. Decisions have been made in accordance with the Development Act and in consideration of the requirements of the Development Plan.
The ongoing success of Council’s Panel, and reflection of its quality decisions, is demonstrated through the limited number of appeals having been lodged with the Environment, Resources and Development Court for applications determined by the Panel during 2005/2006.

Representors and applicants have been given the opportunity to address the Panel. Being a less formal forum than Council, individuals have found the DAP to be less daunting and have therefore been more prepared to make representation.

Key recurring issues that Council should consider by refinement to planning policies in Council’s Development Plan:-

• Minimum lot sizes and road widths, particularly for Community Title applications.
• Stormwater management, especially for small sites.
• Land division re-arrangements particularly former dairy “dry land” lots eg Jervois.
• Siting sheds/carports on corner allotments.
• Industry outside Industry zones.
• Native Vegetation

Further policy changes may be identified during the process for the Urban Growth Study which has commenced.

A copy of the current terms of reference, delegations and meeting procedures of the Panel were adopted by Council at the last meeting.

The Panel currently meets on the third Wednesday of every month at 10:00am in the Committee Room of the LGC (subject to its availability), however the DAP does not meet if there are no development applications to be considered in that month. As required, pre-meeting site inspections are undertaken.

The current makeup of the Panel’s membership has resulted in a broad cross section of ideas and approaches to applications and their issues. The membership of Council’s Panel has come to the attention of many other Councils and the LGA as an innovative example of what the amendments to the Development Act aim to achieve.

The assessment panel in 2005 and 2006 allowed the vacant position to remain until the legislative change in the form of the Sustainable Development Bill was enacted. In April, 2006, Minister Holloway advised Parliament that he was introducing three separate Bills (to be renamed) which would deal with Development Assessment Panels, Major Assessment Panel and PAR’s and Significant Trees and other miscellaneous matters, which thereby created the new “Development (Panels) Amendment Bill 2006”.

At its meeting on 13 June, 2006, Council resolved that it held the following position with regard to the Development (Panels) Amendment Bill 2006, presently before Parliament:

“Council having the power to determine the level of delegation to a Panel. Councils to determine the number and nature of membership of their Development Assessment Panels (in other words – no Ministerial involvement but that the choice be left to Councils as to whether they appoint independent members to their panel)."
Support the requirements for a register of interests; strengthening the conflict of interest provisions; and training for Panel Members.”

This position was conveyed to Minister Holloway; Member for Hammond, Adrian Pederick; and all members of the Legislative Council urging their support for the positions outlined above. A copy was also sent to the Local Government Association.

**Statistics**
From 1 July 2005 to 31 June, 2006 there have been 813 Development Applications received by Council. This figure includes all land use, land division and Crown developments. This figure is only slightly down on last year.

The Panel met 12 times in the last financial year. Thirty four (39) reports were presented to the panel between July, 2005, and June, 2006. Twenty-two (22) approvals were granted, six (6) applications were refused and eleven (11) were deferred generally asking the applicant to provide further information before a decision was reached. The Panel therefore assessed approximately 5% of all development applications received.

Of the decision reached by the Panel, four (4) were appealed through the Environment, Resources and Development Court, these applications had been refused by the Panel. The Court decision in each case was to overturn DAP’s decision.

The applications have been composed of Category 1, 2 and 3 forms of public notification. Representors and applicants have been heard for both Category 2 and 3 applications where applicable.

In most cases when the applicant is present at the meeting, the Panel gives them the opportunity to be heard, as a courtesy rather than a requirement under the Act.

**Policy implications**

1. **Financial/budget**
   $15,000 was budgeted for 2005/2006 financial year and in anticipation of the Panel being constituted again in a similar manner, $15,000 has been allocated within the 2006/2007 budget.

2. **Legal**
   There was some legal expenses incurred by Council in relation to appeals lodged with the Environment, Resources and Development Court in relation to DAP’s decisions. Provisions for these expenses have been included in the current budget.

3. **Risk Management**
   Will have direct impact upon the quality of development assessment decisions and therefore potential environmental risk and also upon ERD Court appeals and other legal action arising from the development assessment function.

4. **Staffing/Work Plans**
   Directly affects the operating parameters for planning assessment staff.
5. **Environmental**
Indirect flow-on effect to the environment as all planning decisions will ultimately have an impact upon the environment.

6. **Social**
Indirect flow-on effect upon social and cultural issues as all planning decisions will ultimately have an impact upon the community.

7. **Strategic Plans**
Ensure equity and consistency in decision making, develop clear policies and plans to guide effective decision making for the future.

8. **Community Consultation**
Consultation undertaken as part of the development assessment processes in accordance with Legislative requirements.

**Summary**
The current Panel configuration of part Elected Member representation and part external members and staff has proven to be effective and efficient. It is therefore recommended that the Panel continue to operate in accordance with the terms of reference, delegations, policies and procedures as detailed in the Development (Panel) Amendment Bill, 2006.

**Recommendation**
That item number 32.4.2 on Council agenda of 11 December, 2006 be received and that the ‘review’ be submitted to the Minister accordingly and the new Panel membership be publicly notified to the Community as required by the Development Act.

**Cr Weinert moved**
That the recommendation be adopted, namely: that item number 32.4.2 on Council agenda of 11 December, 2006 be received and that the ‘review’ be submitted to the Minister accordingly and the new Panel membership be publicly notified to the Community as required by the Development Act.

*Seconded by Cr Wilson and CARRIED*
32.4.3 ENDORSEMENT OF THE ANIMAL MANAGEMENT PLAN

Officer: A. Nicol

Purpose
To seek Council’s endorsement of the Animal Management Plan which recently completed public notification.

Discussion:
Recent reviews of the Dog and Cat Management Act, 1995, have highlighted the importance of an Animal Management Plan and as a result of this review it was decided to make it mandatory for all Councils to develop a five year management plan by 2007. Pursuant to Section 26A of the Dog and Cat Management Act 1995 it states –

(1) Each council must, in accordance with this section, prepare a plan relating to the management of dogs and cats within its area.

(2) A plan of management must include provisions for parks where dogs may be exercised off-leash and for parks where dogs must be under effective control by means of physical restraint, and may include provisions for parks where dogs are prohibited.

(3) A plan of management must be prepared and presented to the Board as follows:
   (a) the first plan must cover a 5 year period and be prepared and presented within 3 years after the commencement of this section;
   (b) subsequent plans must cover subsequent 5 year periods and each plan must be prepared and presented at least 6 months before it is to take effect.

(4) A plan of management must be approved by the Board before it takes effect.

(5) A council may, with the approval of the Board, amend a plan of management at any time during the course of the 5 year period covered by the plan.

With the assistance of local organisations, Council’s Animal Management Officers has developed the attached plan (refer to Appendix 32.4.3) and now as a Committee seeks the approval of Council to endorse this document.

Once the document has the endorsement of Council it will be forwarded to the Dog and Cat Management Board seeking their endorsement. At this time it is envisaged that the plan will be reviewed every 2 to 5 years.

Once the Animal Management Plan has been endorsed by both Council and the Dog & Cat Management Board it will be displayed on Council’s website and at the Library and Council Offices.

Policy Implications:

1. Financial/budget
   The costs involved have already been included in budget of day to day duties.
2. **Legal**
   Requirements under Section 26A of the Dog and Cat Management Act, 1995 (as detailed above).

4. **Staffing/Work Plans**
   As per usual.

5. **Social/Economic**
   Council’s Animal Management Plan will give Council, other agencies and the public a guide on how animal management is carried out within this district.

6. **Community Consultation**
   Public consultation was conducted and no public comments were received.

**Summary**
A Committee of persons from varying organisations have developed Council’s Animal Management Plan over a period of time and have now reached a stage for the plan to be presented to Council for approval and then forwarded to the Dog and Cat Management Board for endorsement.

**Recommendation**
That item number 34.4.3 on Council agenda of 11th December, 2006 be received and that the Dog and Cat Management Plan, as attached in Appendix 32.4.3, be endorsed by Council and forwarded to the Dog & Cat Management Board seeking their endorsement.

---

**Cr England moved**
That item number 34.4.3 on Council agenda of 11th December, 2006 be received and participating Committee Members be thanked and that the Dog and Cat Management Plan, as attached in Appendix 32.4.3, be endorsed by Council and forwarded to the Dog & Cat Management Board seeking their endorsement.  
*Seconded by Cr Laubsch and CARRIED*
32.4.4 NAROOMA LMA BUILDING HEIGHTS

Purpose
To advise the members of Council of a meeting held between the residents of Narooma Boulevard and Council staff and in relation to LMA.

Background
Council has entered into a legally binding Land Management Agreement with the developer (binds Council and landowners) to restrict the height of dwellings to the levels authorized in the LMA.

The land located opposite the Narooma Boulevard residences on Narooma Way, was subdivided subject to a Land Management Agreement (LMA). The LMA ensured that the houses to be constructed on the new allotments number 7 to 18 would have the appearance of single storey as seen from Narooma Way. Recently two dwellings have been approved with one currently under construction.

Discussion
A letter of concern re building layouts from the Narooma Boulevard residents requesting an onsite inspection was received by Council. As a result of the letter, David Altmann (CEO), Trevor Smith, (Building Inspector) and Gloria Booker, (Manager, Development and Environmental Services) attended a meeting at the home of Garry Fisher, on the afternoon of 14 November 2006. Also in attendance were Garry Fisher and his wife, Kevin Smith, Jeffery Wilson, John Roney, Colin Elix, Milton Weinert, and Allan Arbon.

The residents’ main concern was the height of the new building and whether there was any possibility of having the LMA altered to further reduce the height and impact on their properties. It was explained that the LMA is an agreement between the developer/owner of the land and Council and would require agreement of all parties including those who has subsequently purchased the subject allotments. It was acknowledged that the building height was lower than the agreed height and that it would be very difficult to alter the clauses contained in the LMA to further reduce the heights.

Another of the concerns raised was the use of reflective roof materials. The meeting was advised that this matter can be controlled by condition to subsequent development approvals as there were no clauses in the LMA reflecting which roofing materials may be used. The Manager of Development and Environmental Services agreed to speak with prospective builders and/or owners to try an achieve lower building heights in future, however there is no requirement that this advice will be adhered to.

Council made a previous policy decision on this matter, and has authorized and endorsed the LMA which is now legally binding.

Policy implications

Staffing/Work Plans
Council Planning staff will endeavour to seek lower housing profiles at the time of lodgement of a development application, where possible.
Summary
The meeting was finalised with the following assurances:
1. That Council will write to the original developers advising of the residents concerns seeking consideration be given to voluntarily lowering the building heights for future development on Narooma Way.
2. That Council staff place a condition of approval on all future development application, requiring non reflective roofs and cladding.
3. That Council will keep the residents informed should any changes to the LMA occur.

Recommendation
That item number 32.4.4 on Council agenda of 11 December, 2006 be received and noted, noting that Council has already entered into a legally binding Land Management Agreement.

Cr Weinert declared a conflict of interest under the Local Government Act and left the Chamber at 9.18 pm

Cr England moved
That the recommendation be adopted, namely: that item number 32.4.4 on Council agenda of 11 December, 2006 be received and noted, noting that Council has already entered into a legally binding Land Management Agreement.

Seconded by Cr Wilson and CARRIED

Cr Weinert resumed his seat at 9.29 pm
32.4.5 GLASSHOUSE BURNING & GLASSHOUSE WASTE PASSES  

Officer: R Baker  
File Reference: 230/23/11-06

Purpose  
For Council to decide on future glasshouse burning permits.

Background  
Council moved towards banning burning within the city limits in February 2004, which then became law on 11 May when Murray Bridge became a party to Schedule 1 of the Environment Protection Act’s Domestic Burning Policy. Council’s authorised officers are now working towards reducing the amount of burning permits issued and further improving air quality.

Passes for depositing glasshouse waste at Brinkley were introduced in 2004 on a trial basis and Council recommended a review of this practise in 2005.

The ban on backyard burning is resulting in cleaner air quality in the city. Whilst some permits to burn are still being issued at this stage, the long-term plan is to discourage any burning at all. The disposal of glasshouse waste should form part of the long term management of the industry business.

Glasshouse waste burning (non-domestic) has always required a permit, however, with the amount of waste being burnt by glasshouse owners the residents abutting glasshouses complain about the smoke from smouldering heaps of glasshouse waste. This year 160 passes have been issued.

The growth of Murray Bridge has resulted in new residential development in what was the agricultural fringe particularly around the western areas where a large number of glasshouses exist. Some glasshouse properties have now been subdivided and houses are being built close to remaining glasshouses which could result in an increase in complaints. The growth of the residential development has resulted in increased conflict between producers and residents.

Discussion  
It is suggested that Council staff no longer issue permits or passes for glasshouses to burn waste and that until the 31st of March 2007 passes will be issued to glasshouse growers to dispose of their waste free of charge at the Brinkley Waste Depot. Normal dumping fees will apply after this date.

This action will allow growers a period of time to seek alternative means of disposing of their waste other than by fire and serve to reinforce Council’s commitment to improving air quality in the district.

Policy implications  

1. Financial/budget  
Some impact on fees for using the waste depot will occur, however at $10.00 or up to $25.00 for a full (heaped) trailer of green waste, it is estimated some 150 tons would be dumped. Last financial year 160 passes were issued at an estimated cost of $3000. For the currently financial year it is estimated that the cost of passes for dumping will be $3500.
2. **Risk Management**
   Should Council resolve not to issue permits to burn greenhouse waste nor give free passes to dump rubbish at Brinkley in the interim period to 31st March 2007, there is a risk of the spread of diseases, roadside dumping, fire hazard and rodent infestation.

3. **Staffing/Work Plans**
   Some increase in workload for Council’s General Inspectors during the period, but no more than would be spent investigating smoke complaints.

4. **Environmental**
   Obvious benefit is cleaner air and a noticeable improvement for those residents who suffer from breathing and allergy problems.

5. **Community Consultation**
   Consultation and education with the tomato growers and PIRSA regarding the transportation of waste and potential for disease spreading is required and will be undertaken during the interim period.

**Summary**
With the new burning policy now in force residents will expect burning restrictions to be applied to all properties equally within the city boundaries. Removing glasshouse emissions and smoke from backyard burning can only make Murray Bridge a healthier and more attractive place to reside in.

Whilst it is understood that green waste disposal is an inherent part of glasshouse operations, the cost to dispose of such waste should also be regarded as part of the cost of running such businesses. Operators should no longer expect to be able to burn off, causing environmental and social nuisance in an effort to avoid disposal costs.

**Recommendation**
1. That item number 32.4.5 on Council agenda of 11 December, 2006 be received.
2. That Council agrees not to provide free access for glasshouse owners for the disposal of glasshouse waste at the Brinkley Landfill after 31st March 2007.
3. That the glasshouse owners be advised of the phasing out of permits accordingly.

---

**Cr Wilson moved**
That item number 32.4.5 on Council agenda of 11 December, 2006 be received and be deferred pending a report in the new year which incorporates all burning issues.

*Seconded by Cr Weinmann and CARRIED*
32.4.6 ROAD MAINTENANCE (MANURE ON ROADS) POLICY

Officer: Gloria Booker

Purpose
To advise Council on the progress of the Road Maintenance (Manure on Roads) Policy and to recommend its endorsement.

Background
The draft policy document was formulated in March of 2005. Since that time comments have be sought from EPA, dairy farmers and road haulage companies. Following the Council meeting of 11 September, 2006, the policy document was placed on public exhibition. Two submissions were received; both responses were supportive of its implementation and did not suggest any changes.

Appendix 32.4.6A : Proposed Policy
Appendix 32.4.6B: Submissions from the public
Appendix 32.4.6C: Council agenda Item of 11 September, 2006
Appendix 32.4.6D: Letter from the EPA dated 24 August 2006

A letter from the EPA was received on 24 August 2006 reaffirming that dairy farmers are responsible for preventing pollution on roads and bridges and that the EPA will be conducting inspections to ensure compliance with regard to pollution, particularly on public road bridges. The proposed actions of the EPA will further support and reinforce Council’s policy position.

Discussion
Several meetings have been conducted over the past 18 months. Representatives at the meetings have indicated support for the policy.

The policy document has been through a very rigorous consultation process and is considered to be in a position to be endorsed so that Council can take action against non compliance.

Policing of the roads, issuing notices and/or undertaking cleaning may have financial and staffing resources may have negative implication for Council, however it is considered that only a minority of dairy farmers do not keep the roads in a reasonable state. Once the policy is implemented and farmers are notified, most will comply with the requirement to undertake regular cleaning of the public roads.

Policy Implications

1. Financial/Budget
There are no direct budget implications, however there is likely to be a cost neutral situation where Council undertake the work of cleaning the road and seek recovery costs from the relevant person or organization.

2. Legal
There is a legal obligation to ensure that Council does not knowingly allow the accumulation of mud manure or foreign materials on roads.

3. Risk Management
As stated above, there is a need to minimize risk to all users of the roads where possible.
4. **Staffing/Work Plans**  
Staff will be required to undertake periodic inspections of the roads and to issue notices for any non-compliance with the proposed policy once adopted.

5. **Environmental**  
Environmental issues are addressed within the license issued by EPA. Where applicable Council should seek to deposit any materials taken from the roads on to the owners property in line with the EPA guidelines.

6. **Social**  
Improved safety for all users of the roads should result from the implementation of the policy.

7. **Community Consultation**  
It is recommended that letters, containing a copy of the policy, be forwarded to farmers with properties abutting public roads.

**Summary**  
As a result of the newspaper consultation process there were only two responses, and both were positive. The policy document as found in Appendix 32.4.6A, is in a state ready for the full endorsement of Council.

**Recommendation:**  
1. That item number 32.4.6 on Council agenda of 11 December, 2006 be received and that the Council formally adopts the Road Maintenance (Manure on Roads) Policy, attached as **appendix 32.4.6a**

2. That letters, and a copy of the policy, are forwarded to dairy farmers with properties abutting public roads to advise them of the policy as adopted by Council.

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**Cr Nutt moved**

1. That the recommendation be adopted, namely: that item number 32.4.6 on Council agenda of 11 December, 2006 be received and that the Council formally adopts the Road Maintenance (Manure on Roads) Policy, attached as **appendix 32.4.6a**

2. That letters, and a copy of the policy, are forwarded to dairy farmers with properties abutting public roads to advise them of the policy as adopted by Council.

Seconded by Cr Weinmann and CARRIED
**APPENDIX 32.4.6 a**

Road Maintenance (Manure on Roads) Policy

<table>
<thead>
<tr>
<th>Responsible Officer</th>
<th>Manager Development &amp; Environmental Services</th>
<th>Policy Number</th>
</tr>
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<tr>
<td>Date Approved:</td>
<td>Council Resolution Number</td>
<td></td>
</tr>
<tr>
<td>Previous Revision Date:</td>
<td>Date of Next Review</td>
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<tr>
<td>Applicable Legislation</td>
<td>Local Government Act (1999); Environmental Protection Act</td>
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**Introduction**

Council is required to ensure that its roads are kept in a safe and trafficable condition at all times.

The conduct of dairying operations in close proximity to public roads often leads to foreign material such as cow manure and mud being deposited on the carriageway. This may create unsafe road conditions especially in wet weather with vehicles losing traction on surfaces made slippery by accumulated foreign materials.

The purpose of this policy is to outline the expectations of Council for road maintenance by dairy farm operators who may be responsible for the deposit of materials on public roadways.

**Policy**

Council requires that public roadways be kept in a safe and trafficable condition at all times.

Any deposit of materials on a council road is an offence under Section 235 (1) of the Local Government Act 1999.

Council therefore requires that any foreign material deposited on a roadway be removed immediately and that no accumulation of material be allowed to occur.

Foreign materials such as cow manure and mud deposited as a result of dairy cow / stock crossings or other related dairy farming operations must be removed from the roadway, stored and then disposed of in accordance with environmental requirements as set down by the Environment Protection Agency or any other relevant agency.

Council may inspect public roadways at anytime.

Council will ensure appropriate signage is in place to warn drivers of the potential for slippery road conditions in the vicinity of dairy precincts.
Council will, in the first instance, request that a property owner(s) clean materials from a public road on any occasion in which a complaint is received or when upon inspection the road is deemed to create a road safety risk. This request will be in the form of a letter to property owner(s) and will indicate the methods of clean-up and disposal (or refer them to the appropriate authority) that are acceptable and the timeframe in which compliance is required.

If the road is not cleaned to a sufficient standard within the required timeframe, Council may issue a notice instructing that road cleaning must occur immediately and that Council may at anytime from the date of the letter commence road cleaning itself with all costs associated for the cleaning and disposal of the material being charged to the land owner(s).

Cleaning and disposal costs when undertaken by Council shall be charged at the rate stipulated in Council’s Fees and Charges document and shall be payable within 30 days of an invoice being sent to the responsible persons.

In the event that payment for such costs is not made, or in the event that repeated road safety risks are being generated by the same offenders, Council may avail itself of legal proceedings via prosecution of the parties under the provisions of the Local Government Act 1999. Council reserves the right to take such proceedings notwithstanding that previous breaches of this provision may have been addressed through the issuing of road cleaning instructions and / or Council undertaking the cleaning of the roadway on behalf of a property owner(s).

**Post Implementation Action**

Following approval by the Council the original signed version of this policy will be kept within the Council adopted policy filing cabinet by the Executive Assistance and Governance Officer for referral by any staff member who wishes to do so.

Electronic PDF versions will also be kept on the Rural City of Murray Bridge web site for public to view.

This policy will be reviewed on an annual basis in the month of May and at the first meeting of a Council following a periodic election. Council may revise or review this policy at any time.

Endorsed by Council on

.................................................................................  ............................................................
Mayor Chief Executive Officer
APPENDIX 32.4.6 b

A.F. Wood
26 Carsten Drive
Murray Bridge

To C.E.O. Murray Bridge Council,

We were very grateful to read Council's Policy on Road Maintenance (Manure on Roads.) But are extremely disappointed that there has been no change on Bells Rd, Monarto after many months of discussion. We regularly visit our family in Kellett St, & find it not only inconvenient wasteful of water to need to wash our car when we come home, but it is dangerous. The road can be quite slippery & residents & visitors that are not used to the area can find themselves in bother, especially after dark, as a fibred drain runs parallel & close to the road.

Regarding health, when we walk our dog we make sure we carry plastic bags to dispose of her faeces, yet cow manure can permanently pollute some public roads.

Would you please let us know if this problem is taken seriously & will be attended to.

A. F. Wood

Printed 14 December 2006
APPENDIX 32.4.6 c

Lot 14 Kellett St
Monteith
SA 5254
Ph: 8531 3607
25/10/06

Mr. David Altmann
Chief Executive Officer
Rural City of Murray Bridge
PO Box 421
MURRAY BRIDGE SA 5253

Dear David,

We are pleased that council has made the draft of the “Road Maintenance (manure on roads) Policy” available for public comment and wish to take up this opportunity.

We agree with the comments made in the introduction and the policy statement and are glad that council recognizes the problems presented to members of the public, such as ourselves, who regularly use these roads,

We look forward to the local dairy farmers taking this policy seriously and make the necessary changes to their regular practice and not chance that there will be an inspection or complaint. If this were to be the case it would be necessary for us to make a daily objection, as each time the cows cross over or are walked up the road there is copious amounts of wet slippery faecal matter as well as mud deposited and driving through it is unavoidable.

We request that council implements the contents of this policy as soon as possible to ensure that the public can drive under cleaner, safer and healthier conditions.

With Regards,

Chris & Jan Rowney
APPENDIX 32.4.6 d

769.4.3 UPDATE – ROAD MAINTENANCE (MANURE ON ROADS) POLICY
Officer: Gloria Booker
File Reference 115/2/35-1

Purpose
To update the Council on the Road Safety (Manure on Roads) Committee on the progress regarding the development of a policy document for the maintenance of public roads within the dairying precincts.

Background
The original Committee held its first meeting on 6 February 2004, at that time sixteen people from various related industries and interest groups were appointed as members. The terms of reference determined that the Committee should inquire into and report to Council on potential solutions to address the road safety and environmental issues associated with cow manure on roads throughout the district.

Information on the management of roads in similar dairy industry areas interstate was obtained via the Committee. The EPA send letters to affected parties outlining the responsibilities under the Environmental Water Protection Policy and Council advised the dairy farmers of the proposal to develop a policy document to set guidelines for the standard of roads and the community via media releases. These actions were completed in October 2004.

The draft policy was made available to all members of the committee at the convened meeting on 14 March 2005. The committee recommendations were:

That the “draft” watermark be added to the Road Maintenance (Manure on Road) Policy document.

That the EPA be asked to contribute to the draft Road Maintenance (Manure on Roads) Policy document with regard to the Water Quality Environmental Protection Policy and with specific requirements for mud and manure storage and disposal.

That Council officers produce a fee schedule for road cleaning works undertaken on behalf of property owners.

That a report to Council be drafted to accompany the Road Maintenance (Manure on Roads) Policy and that appropriate explanatory information be forwarded with it that would be included in the targeted public consultation process.

That Council be asked to endorse a targeted public consultation process with dairy operators, state agencies, dairy industry groups and milk haulage representatives to seek feedback on the draft Road Maintenance (Manure on Roads) Policy and that the Road Safety (Manure on Roads) Committee receive the consultation submissions and prepare further recommendations for Council at that time.

In April 2006, a notice of a meeting, together with the draft the policy document, was sent to 23 people who were deemed to have an interest in the policy formulation. At
the meeting held on 4 May 2006, eight people attended and three apologies were received. A copy of the draft minutes are attached for your information (refer to Appendix 769.4.3a). The recommendation from that meeting was that we arrange on site meetings with dairy farmers to discuss the proposed policy. In June letters were sent to three dairy farmers requesting on site meetings to discuss the implications of the proposed policy, to date no response has been received.

**Discussion**

Prior to leaving Council the former Manager, Development & Environmental Services, wrote the draft policy documentation and a report on the investigations. Excerpts of this report are as follows:

* A number of interstate Council (shire) have been contacted with the assumption that similar problems exist. However the feedback has been that whilst the problems are or have been similar, the only long term solution proven to be effective has been the establishment of permanent infrastructure such as hard stand raceways, road overpasses and underpasses with associated drainage. This has been funded through once off grant funding supplied via transport authorities.

* However the issue of road maintenance in places where the use of public roads cannot be avoided still remains one which requires regular attention by all parties.

* None of the shires contacted had documented any standards or policies which outlined acceptable maintenance practices but rather they relied upon powers afforded them under the provisions of their local government act or equivalent legislation.

* Instances of clean-up orders being issued and action being taken by the relevant shire were complaints driven and generally reactionary in nature.

* Advice from the Local Government Mutual Liability Scheme was that Council may not knowingly allow any accumulation of mud, manure or other foreign material on our roads. Therefore, any policy produced must clearly state that roads are to be kept in a safe and trafficable condition at all times.

The draft policy document has been forwarded to the EPA for comments and to provide guidelines to direct dairy farmers and Council as to the appropriate method of waste storage and disposal. To date, there has not been a response, either verbally at the meeting that they have attended or in writing. It is understood that there are provisions in the EPA licenses, required for dairy farms, for the storage and disposal of waste materials.

**Policy Implications**

1. **Financial/Budget**

   There are no direct budget implications, however there is likely to be a cost neutral situation where Council undertake the work of cleaning the road and seek recovery costs from the relevant person or organization.
2. **Legal**
   There is a legal obligation to ensure that Council does not knowingly allow the accumulation of mud manure or foreign materials on roads.

3. **Risk Management**
   As stated above, there is a need to minimize risk to the users of the roads where possible.

4. **Staffing/Work Plans**
   Staff will be required to undertake periodic inspections of the roads and to issue notices for any non-compliance with the proposed policy once adopted.

5. **Environmental**
   Environmental issues are addressed within the license issued by EPA. Where applicable Council should seek to deposit any materials taken from the roads on to the owners property in line with the EPA guidelines.

6. **Social**
   Improved safety for all users of the roads should result from the implantation of the policy.

7. **Community Consultation**
   It is recommended that selected consultation together with a Public Notice in the Newspaper be implemented with a twenty business day timeframe for written responses.

**Summary**
The Draft documentation has been discussed at a meeting of the Road Safety (Manure on Roads) Committee on 4 May 2006. The recommendation to undertake site inspections with dairy farmers has not taken place due to a lack of response. It is now suggested that the Council endorse the draft policy documentation (refer to Appendix 769.4.3b) for selected public consultation, including a notice in the Standard and pending adjustments resulting from written submission, consider formally adopting the policy at a future meeting of Council. Should several written submission be received, the sub committee of the Road Safety (Manure on Roads) Committee, will reconvene to consider any changes that may need to be considered prior to seeking Council's adoption of the Policy.

**Recommendation:**
1. That item number 769.4.3 on Council agenda of 11 September, 2006 be received and that Council endorse the draft Road Maintenance (Manure on Roads) Policy for selected consultation and notice in the Standard, as attached as appendix 769.4.3 b.

2. That the closing date for written submissions be 20 business days after the newspaper notice; and

3. That the sub committee of Road Safety (Manure on Roads) Committee reconvene to discuss appropriate changes that may need to be considered following receipt of written submissions prior to its adoption by Council.
Cr Coventry moved
1. That item number 769.4.3 on Council agenda of 11 September, 2006 be received and that Council endorse the draft Road Maintenance (Manure on Roads) Policy for selected consultation and notice in the Standard, as attached as appendix 769.4.3 b.

2. That the closing date for written submissions be 20 business days after the newspaper notice; and

3. That the sub committee of Road Safety (Manure on Roads) Committee reconvene to discuss appropriate changes that may need to be considered following receipt of written submissions prior to its adoption by Council.

Seconded by Cr England and CARRIED
APPENDIX 32.4.6 e

EPA 05/11522

Mr David Altmann
CEO Rural City of Murray Bridge
2 Seventh Street
MURRAY BRIDGE SA 5253

Dear David

The Department of Water, Land and Biodiversity Conservation are funding a major rehabilitation project of the Lower Murray Reclaimed Irrigation Areas (LMRIA). The project is funding mandatory on farm works such as new supply inlets to prevent leaks, meters and reuse systems to capture and manage flood irrigation and stormwater excess on properties. All farms have agreed to an Environmental Improvement and Management Program with the EPA for works such as laser grading and watering point installations. The EPA is also seeking that all bridges used for stock crossings be bunded to prevent effluent from entering the salt drains and thus return to the river.

We understand there are bridges used for cattle crossings that are part of the public road network of the Rural City of Murray Bridge.

From the EPA perspective the person conducting the activity e.g. dairy farming, takes responsibility for preventing pollution, and in this case would generally involve modifying the bridge sides to prevent and/or manage runoff from entering the salt drain. However, as these are public road bridges we encourage the Rural City of Murray Bridge to take an active role in working with the user to develop the most appropriate method to avoid potential for effluent runoff and consequently water pollution to occur.

The EPA is conducting inspections of irrigators and swamp owners to ensure compliance with the funded works and in the process will monitor the bridge works undertaken to avoid the pollution that may occur.

We have asked the land managers who have council bridges which they use to move stock between paddocks and or milking shods to speak to local government staff with respect to meeting the environmental requirements.

For further information on any of these matters, please contact Stephen Packer on 08 85392134 or stephen.packer@epa.sa.gov.au.

Yours sincerely

John Riggs
MANAGER MURRAYLANDS OFFICE
SCIENCE AND SUSTAINABILITY DIVISION
ENVIRONMENT PROTECTION AUTHORITY
Date: 24 August 2006
32.4.7 PRIMARY INDUSTRY ZONE PAR

Officer: Gloria Booker

Purpose
To advise members of Council that the statutory requirements of the Primary Industry PAR has concluded and to seek endorsement for referral to the Minister for authorisation.

Background
Following the first round of submissions relating to the PAR and past discussions with Planning SA and industry representatives from late 2004 to early 2005, the PAR has since been revised inline with agreements with Planning SA and accordance with the Planning Bulletin for Development in Rural Areas. It underwent a second consultation period ending in February for the proposed amendments. A number of submissions were received as a result of this consultation. A copy of the Primary Industry Zone PAR has been attached as Appendix 32.4.7a. The summary of the submissions can be found in Appendix 32.4.7b.

A Special Council Meeting to hear the representations was held on 6 March 2006, at which the Council resolved:

1. That the report and the submissions for the Primary Industry PAR be noted;
2. That Council acknowledge the submissions heard at the Public Hearing on 6 March 2006;
3. That following the Public Hearing that a further report be prepared for Council on the submissions and making recommendations on any amendments to the Primary Industry PAR;
4. That a further report and PAR provisions incorporate for the consideration of Council, the principle of incorporating existing use and expansion rights for rural industries;
5. Present the completed documentation at the next available Council meeting;
6. Make the necessary minor amendments as suggested by some of the government agencies.

Discussion
Recommendations and changes have been incorporated into the PAR inline with the summary of submissions in Appendix 32.4.7b.

The exclusion area for dwellings has been retained at 1000m on all sides and particular the southern side of the mushroom farm. One of the submissions requested a lessor buffer area, however, the distance of 1000m is part of an agreement signed between the Council and the owners of the mushroom farm.

Established intensive animal keeping farmers concerned with development that is likely to conflict with their operation have been addressed with requirements for Category 2 notification for both their expansion and for dwellings. Policies in the PAR with prescribed distances should allay farmers’ fear that urban growth and dwellings will not adversely affect their livelihood and future of intensive animal production industries.

Summary
The PAR has now advanced through the consultation period and Public Hearing process. Following detailed consideration of issues raised from the consultation
processes, Council’s staff and consultants have prepared a detailed summary of the submissions and the amendments that have been included in the final draft of the PAR. It is now considered that the PAR is ready for submission to the Minister for authorisation.

**Recommendation:-**
That item number 32.4.7 on Council agenda of 11 December, 2006 be received and, the Primary Industry PAR attached as **appendix 32.4.7a** be approved by Council for submission to the Minister for final authorization.

**Cr England moved**
That the recommendation be adopted, namely: that item number 32.4.7 on Council agenda of 11 December, 2006 be received and, the Primary Industry PAR attached as **appendix 32.4.7a** be approved by Council for submission to the Minister for final authorization.

*Seconded by Cr Weinmann*

**Cr Laubsch moved**
That the motion be put.
*Seconded by Cr Nutt and CARRIED*

**THE MOTION WAS THEN PUT AND CARRIED**

**Cr Schubert called for a Division, and the decision was set aside.**

For
Cr Weinert; Cr England; Cr Laubsch; Cr Wilson; Cr Weinmann; Cr Phillips; Cr Nutt

Against
Cr Schubert

**THE MOTION WAS DECLARED CARRIED.**
That the recommendation be adopted, namely: that item number 32.4.7 on Council agenda of 11 December, 2006 be received and, the Primary Industry PAR attached as **appendix 32.4.7a** be approved by Council for submission to the Minister for final authorization.
32.5 MANAGER, LERWIN
Nil

33 REPORTS FROM COMMITTEES
Nil
34 QUESTIONS ON NOTICE
Nil
35 URGENT BUSINESS

35.1 CLOSURE OF ROADS – MURRAY BRIDGE AUTOFEST

Cr Wilson moved
That Council close the following roads on 27 January, 2007 from 9 am to 10am for a street parade for the entrants in the Murray Bridge Auto Fest:

- Sturt Reserve Road
- Olympic Drive
- East Terrace on the western side
- Bridge Street – the left hand lane on southern side from East Terrace to West Terrace
- West Terrace from Bridge Street to South Terrace
- South Terrace from West Terrace to Seventh Street
- Seventh Street from South Terrace to Sturt Reserve Road

Seconded by Cr England and CARRIED

35.3 USE OF RECYCLING WATER

Cr Weinert moved
That Council, investigate as a matter of urgency, the use of recycled sewerage water through its own irrigation infrastructure to water parks, ovals and gardens etc were possible.

Seconded by Cr Schubert and CARRIED

35.4 SEALING OF DIRT ROAD BETWEEN AGRICULTURAL DRIVE & OLD SWANPORT ROAD

Cr Nutt moved
That Council supports the sealing of the dirt road between Agricultural Drive and Old Swanport Road (parallel to Adelaide Road) as part of the Catchment 21 drainage works to help prevent erosion into the pipe systems.

Seconded by Cr Wilson and CARRIED
36 CONFIDENTIAL ITEMS

36.1 – Confidentiality Clause

Item 36.1 – Confidentiality Clause

90(3)(k) – tenders for the supply of goods, the provision of services or the carrying out of works

Recommendation 1:

“That:

(i) Item 36.1 in the Agenda for this meeting of the Council of the Rural City of Murray Bridge be considered under Section 90(3)(k); and

(ii) pursuant to Section 90(2) of the Local Government Act, 1999, an order be made to exclude the public (with the exception of staff of the Rural City of Murray Bridge who are permitted to remain) from attendance at so much of this meeting as is necessary to receive, discuss or consider in confidence any information or matter listed as an item to be considered in Section 90(3)(k).”

Cr England moved

“That:

(i) Item 36.1 in the Agenda for this meeting of the Council of the Rural City of Murray Bridge be considered under Section 90(3)(k); and

(ii) pursuant to Section 90(2) of the Local Government Act, 1999, an order be made to exclude the public (with the exception of staff of the Rural City of Murray Bridge who are permitted to remain) from attendance at so much of this meeting as is necessary to receive, discuss or consider in confidence any information or matter listed as an item to be considered in Section 90(3)(k).”

Seconded by Cr Laubsch and CARRIED

Members of the public and staff left the Chamber at 9.46 p.m.

Mr David Altmann, Chief Executive Officer, Mr Kym Miller, Manager, Corporate & Community Services, Mr Martin Waddington, Manager, Infrastructure and Technical Services, Mr Reginald Budarick, Manager, Lerwin, Ms Gloria Booker, Manager, Development & Environmental Services and Ms Ros Kruger, Minute Taker, being members of staff, remained in the Chamber.

Printed 14 December 2006
Recommendation 3.
“That pursuant to Section 91 (7) & (9) of the Local Government Act, 1999, and on the
grounds that Item No.36.1 listed on the Agenda for the meeting of Council of the
Rural City of Murray Bridge held on 11 December 2006 was received, discussed and
considered in confidence pursuant to Section 90 (3) (k) of the Local Government Act,
1999, this meeting of Council do order that the:

(i) Resolution, report, appendices, discussion and any other associated
information submitted to this meeting and the minutes of this meeting in
relation to the matter remain confidential and not be available to the public
until March 2007.

(ii) the exception to (i) of this resolution being those required to have knowledge
of the resolution in order to execute said resolution;

(iii) the confidentiality of the matter be reviewed annually in accordance with
Section 91 Clause (9) (a) of the Local Government Act 1999; and

(iv) Chief Executive Officer be delegated the authority to review and revoke all or
part of the order herein and directed to present a report containing the Item
for which the confidentiality order has been revoked.”

Cr Nutt  moved
“That pursuant to Section 91 (7) & (9) of the Local Government Act, 1999, and on the
grounds that Item No.36.1 listed on the Agenda for the meeting of Council of the
Rural City of Murray Bridge held on 11 December 2006 was received, discussed and
considered in confidence pursuant to Section 90 (3) (k) of the Local Government Act,
1999, this meeting of Council do order that the:

(i) Resolution, report, appendices, discussion and any other associated
information submitted to this meeting and the minutes of this meeting in
relation to the matter remain confidential and not be available to the public
until March 2007.

(ii) the exception to (i) of this resolution being those required to have knowledge
of the resolution in order to execute said resolution;

(iii) the confidentiality of the matter be reviewed annually in accordance with
Section 91 Clause (9) (a) of the Local Government Act 1999; and

(iv) Chief Executive Officer be delegated the authority to review and revoke all or
part of the order herein and directed to present a report containing the Item
for which the confidentiality order has been revoked.”

Seconded by Cr Laubsch  and CARRIED
Item 36.2 – Confidentiality Clause

90(3)(e) - Matters affecting the security of the council, members or employees of the council, or council property, or the safety of any person

Recommendation 1:
“That:

(i) Item 36.2 in the Agenda for this meeting of the Council of the Rural City of Murray Bridge be considered under Section 90(3)(e); and

(ii) pursuant to Section 90(2) of the Local Government Act, 1999, an order be made to exclude the public (with the exception of staff of the Rural City of Murray Bridge who are permitted to remain) from attendance at so much of this meeting as is necessary to receive, discuss or consider in confidence any information or matter listed as an item to be considered in Section 90(3)(e).”

Cr Weinert moved
“That:

(i) Item 36.2 in the Agenda for this meeting of the Council of the Rural City of Murray Bridge be considered under Section 90(3)(e); and

(ii) pursuant to Section 90(2) of the Local Government Act, 1999, an order be made to exclude the public (with the exception of staff of the Rural City of Murray Bridge who are permitted to remain) from attendance at so much of this meeting as is necessary to receive, discuss or consider in confidence any information or matter listed as an item to be considered in Section 90(3)(e).”

Seconded by Cr Nutt and CARRIED

Members of the public and staff left the Chamber at 9.59 p.m.

Mr David Altmann, Chief Executive Officer, Mr Kym Miller, Manager, Corporate & Community Services, Mr Martin Waddington, Manager, Infrastructure and Technical Services, Mr Reginald Budarick, Manager, Lerwin, Ms Gloria Booker, Manager, Development & Environmental Services and Ms Ros Kruger, Minute Taker, being members of staff, remained in the Chamber.
Recommendation 3.
“That pursuant to Section 91 (7) & (9) of the Local Government Act, 1999, and on the grounds that Item No.36.2 listed on the Agenda for the meeting of Council of the Rural City of Murray Bridge held on 11 December 2006 was received, discussed and considered in confidence pursuant to Section 90 (3) (e) of the Local Government Act, 1999, this meeting of Council do order that the:

(i) Resolution, report, appendices, discussion and any other associated information submitted to this meeting and the minutes of this meeting in relation to the matter remain confidential and not be available to the public until March 2007..

(ii) the exception to (i) of this resolution being those required to have knowledge of the resolution in order to execute said resolution;

(iii) the confidentiality of the matter be reviewed annually in accordance with Section 91 Clause (9) (a) of the Local Government Act 1999 ; and

(iv) Chief Executive Officer be delegated the authority to review and revoke all or part of the order herein and directed to present a report containing the Item for which the confidentiality order has been revoked.”

Cr Laubsch moved
“That pursuant to Section 91 (7) & (9) of the Local Government Act, 1999, and on the grounds that Item No.36.2 listed on the Agenda for the meeting of Council of the Rural City of Murray Bridge held on 11 December 2006 was received, discussed and considered in confidence pursuant to Section 90 (3) (e) of the Local Government Act, 1999, this meeting of Council do order that the:

(i) Resolution, report, appendices, discussion and any other associated information submitted to this meeting and the minutes of this meeting in relation to the matter remain confidential and not be available to the public until March 2007..

(ii) the exception to (i) of this resolution being those required to have knowledge of the resolution in order to execute said resolution;

(iii) the confidentiality of the matter be reviewed annually in accordance with Section 91 Clause (9) (a) of the Local Government Act 1999 ; and

(iv) Chief Executive Officer be delegated the authority to review and revoke all or part of the order herein and directed to present a report containing the Item for which the confidentiality order has been revoked.”

Seconded by Cr England and CARRIED
Mayor Arbon wished all Members and Staff Season’s Greetings.

Meeting closed at 10 p.m.

Minutes taken as read and confirmed this 22nd day of January, 2007.

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MAYOR