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200. CONFIDENTIAL ITEMS
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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, 18 July 2011, commencing at 7.00 pm.

PRESENT
His Worship the Mayor, Allan Arbon, OAM
Cr Bob England
Cr Barry Laubsch
Cr Clem Schubert
Cr Sharon Secker
Cr Keith Simmons
Cr Theo Weinmann

IN ATTENDANCE
Mr Damien Moloney, Chief Executive Officer
Mr Wayne Wright, Executive Manager Corporate & Community Services
Mr Peter Bond, Executive Manager Sustainable Development
Ms Ros Kruger, Minute Taker

183. 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.

184. RECOGNITION OF TRADITIONAL CUSTODIAN
We acknowledge the Ngarrindjeri people as the traditional owners of this land on which we meet and work. We respect and acknowledge their spiritual connection as the custodians of this land and that their cultural heritage beliefs are still important to the living people today.

185. APOLOGIES
Cr Phillips – leave of absence (sick leave)
Cr Weinert – leave of absence (sick leave)
Cr Wilson

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186. MAYORAL COMMUNICATIONS

27 June  Council briefing and meeting
30 June  RDA Murraylands/Riverland general meeting
2 July   Attended Rotary Club of Mobilong received a cheque for $3000 for Town Hall foyer
4 July   NAIDOC events
5 July   Meeting with Foreign Affairs and Trade representatives
         Meet with OPAL Program Manager
         Community Development and Capacity Building committee
6 July   Inspection of Orland Road and Drulat Bore Road
7 July   Meeting regarding railway bypass at RDA
12 July  Imagine “Small Wins” Arts and Cultural Action group meeting

Recommendation
That item 186 on Council agenda of 18 July 2011 be received and noted.

Cr England moved
That the recommendation be adopted – namely,
That item 186 on Council agenda of 18 July 2011 be received and noted.

Seconded by Cr Schubert and CARRIED

NEXT ITEM

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187. CONFIRMATION OF MINUTES

Recommendation:
That the minutes of the Meeting of Council held on the 27 June 2011 as circulated to Members, be taken as read and confirmed.

Cr Secker moved
That the recommendation be adopted – namely,
That the minutes of the Meeting of Council held on the 27 June 2011 as circulated to Members, be taken as read and confirmed.

Seconded by Cr Simmons and CARRIED

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188. CONFLICT OF INTEREST DECLARATIONS (SF1464)

In line with Section 74 of the Local Government Act, 1999
(1) A member of a council who has an interest in a matter before the council must disclose the interest to the council.
(2) A member in making a disclosure under subsection (1) must provide full and accurate details of the relevant interest.
(3) A disclosure made under subsection (1) must be recorded in the minutes of the council (including details of the relevant interest).

Members to advise of any Conflict of Interest Declarations

200.1 Confidential Item - Staff, Occupational Safety and Associated Matters - reimbursement of CEO legal fees
Cr Weinmann declared a conflict of interest in accordance with section 74 of the Local Government Act because he had a personal interest in the matter which is for decision before the Council in that he was referred to in a document.

NEXT ITEM
189. DEPUTATIONS (SF1294)
In line with Council policy G15 Deputations to Council, if a decision is required, a report will be presented to the next meeting of Council to allow Council to make a determination. Deputations will be allocated up to 10 minutes to present their case to Council followed by questions from Elected Members.

Nil

NEXT ITEM
190. REPORTS OF DELEGATES (SF296)

190.1 CR ENGLAND

1st June MEE Breakfast
4th June Murray Bridge Business and Tourism Award ceremony
6th June Murray Darling Authority consultation with Chair Craig Knowles at Wine Centre Adelaide
10th June Finding Workable Solutions opening of Brinkley facility
17th, 18th June Travel to Canberra
20th-22nd June ALGA National General Assembly (Personal observations circulated)
24th June MDA Region 6 AGM new Chair Alan Oliver (Alexandrina Council) Intercouncil gathering at Mt Barker
27th June RCMB Workshop and Council meeting

190.2 CR LAUBSCH

18th April Elected members inspection tour
Council briefing and council meeting
21st April Adelaide Hills Regional Waste Management Authority meeting at Mt Barker
25th April Attended Anzac Day dawn service and RSL breakfast
28th April
29th April Attended Local Government Association Annual Conference and AGM
9th May Council briefing and meeting
16th May Code of Ethics workshop at LGC
19th May Audit Committee meeting at LGC
24th May Attend Community Lifestyles Biggest Morning Tea at The Cottage
26th May Represent Council at The Standard sponsored Murray Bridge race meeting
30th May Council briefing and meeting
1st June Attend Small Wins Action Group meeting in Jervois
3rd June Murray and Mallee LGA meeting at Mannum
Careers Expo at the Racecourse
10th June Opening of Brinkley Salvage and Save recycling depot
16th June Attend Certificate 3 presentation to Aboriginal agricultural students at Meningie
Adelaide Hills Regional Waste Management Board meeting at Mt Barker
Community Lifestyles presentation at Murray Bridge HQ
17th June CEO Review committee meeting
Open 2011 Regional Gallery programme and Mark Goddard Exhibition
23rd June Attend the opening of the Community House for Aboriginal Elders at 11a Standen Street
24th June
Attend the Mayor’s Prayer Breakfast at Auchendarroch House Mt Barker
Attend Mt Barker Mayor Ann Ferguson’s Get to Know You dinner at LGC Mt Barker

25th June
Represent the Mayor at the Lions Handover Dinner at the Italian Club

27th June
Special Council meeting re Budget submissions Council meeting

Recommendation:
That item numbers 190.1 and 190.2 on Council agenda of 18 July 2011 be received and noted.

Cr Weinmann moved
That the recommendation be adopted – namely,
That item numbers 190.1 and 190.2 on Council agenda of 18 July 2011 be received and noted

Seconded by Cr Schubert and CARRIED

NEXT ITEM
191. MOTIONS ON NOTICE (SF83)

Nil
192. OFFICE OF CHIEF EXECUTIVE REPORTS

192.1 CEO ACTIVITIES (SF1462)

27 June Strategic Project Group meeting regarding Gifford Hill.
Meeting regarding Murray Bridge Railway precinct with DTEI representatives.
Council briefing and meeting
28 June Leadership Team workshop
29 June Staff meeting
1 July Meeting with prospective new developer for Murray Bridge
Meeting with facilitator Leadership Team workshop
4 July NAIDOC events
Welcome representatives from Bunbury Council to view “Camms” products
5 July Meeting with Foreign Affairs and Trade representatives
Attended Community Development and Capacity Building Committee meeting.
6 July Visit Tindyri Childrens Centre
Meeting regarding Education Precinct with RDA CEO
Attended Strategic Planning and Policy Committee meeting - first meeting
7 July Meeting with RDA CEO and Chair re rail bypass for Adelaide.
11 July Prepare 2010/2011 CEO performance review
12 July ELT meeting
14 July MMLGA Local Government Excellence Program workshop

Recommendation:
That item number 192.1 on Council agenda of 18 July 2011 be received and noted.

Cr Laubsch moved
That the recommendation be adopted – namely,
That item number 192.1 on Council agenda of 18 July 2011 be received and noted.

Seconded by Cr Simmons and CARRIED

NEXT ITEM

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192.2 2011 LGA AGM, ASSOCIATED SESSIONS AND LOCAL GOVERNMENT FINANCE AUTHORITY – ANNUAL GENERAL MEETING (SF 96)

Legislative ( ) Corporate (X) Other ( )

Purpose
To inform Members that the LGA Annual General Meeting and associated sessions will be held on the 27 and 28 October 2011 and the Annual General Meeting of the Local Government Finance Authority of South Australia (LGFA) will be held on the 28 October 2011 in the Convention Centre.

Background
Council has previously appointed Mayor Arbon, OAM as its delegate/representative to these meetings.

Proposal
Notices of Motion can be provided but must follow the criteria set by both bodies and received by the LGFA by 26 August and the LGA by 12 noon on the 16 September 2011.

Mayor Arbon and the CEO have been registered to attend.

Recommendation
1. That item number 192.2 on Council agenda of 18 July 2011 be received and noted.
2. That Council reaffirm its appointment of Mayor Arbon OAM as its delegate to the Local Government Association meeting and its representative to the Local Government Finance Authority meeting.

Cr Weinmann moved
That the recommendation be adopted – namely,
1. That item number 192.2 on Council agenda of 18 July 2011 be received and noted.
2. That Council reaffirm its appointment of Mayor Arbon OAM as its delegate to the Local Government Association meeting and its representative to the Local Government Finance Authority meeting.

Seconded by Cr Secker and CARRIED

NEXT ITEM

Go to Index
193. CORPORATE AND COMMUNITY SERVICES DIVISION REPORTS

193.1 OCCUPATIONAL HEALTH, SAFETY AND WELFARE POLICY  (SF1263)
Author: Robert Shipp

Legislative ( )  Corporate (P)  Other ( )

Purpose
For Council to adopt a new Corporate Policy – Occupational Health, Safety and Welfare, attached as Appendix 193.1.

Background
The Local Government Association Workers Compensation Scheme has introduced a OHS&W ‘One System’ concept for councils to adopt in relation to their OHS&W policies and procedures structure. Council has adopted this principle and is working towards an OHS&W policy and procedure structure.

Proposal
The Rural City of Murray Bridge is committed to providing and maintaining a safe and healthy environment for employees, contractors and visitors. As part of this commitment, Council’s goal is to continually improve its OHS&W management programs and injury management strategies.

Legislative Requirements
Section 20 of the Occupational Health, Safety and Welfare Act 1986, requires employers to have policies and procedures relating to Occupational Health, Safety and Welfare at the workplace.

Council Policy
To be finalised with the adoption of this report.

Strategic Management Plan
Objective 4.7 of Council’s Strategic Management Plan 2011-2015 – Improve staff human resource management practices and support to volunteers.

Financial Implications - Nil

Implementation Strategy
The Rural City of Murray Bridge is implementing the LGAWC OHS&W ‘One System’ concept in respect to OHS&W Policies and Procedures, which have been adapted to reflect the Rural City of Murray Bridge processes.

Communication Strategy
The Rural City of Murray Bridge will communicate its Occupational Health, Safety and Welfare Corporate Policy to all key stakeholders.

Recommendation
1. That item number 193.1 on Council agenda of 18 July 2011 be received.

Cr Weinmann moved
That the recommendation be adopted – namely,
1. That item number 193.1 on Council agenda of 18 July 2011 be received.

Seconded by Cr Secker and CARRIED
POLICY

OCCUPATIONAL HEALTH, SAFETY and WELFARE

Policy No. CP-000

POLICY STATEMENT

The Rural City of Murray Bridge is committed to providing and maintaining a safe and healthy environment for employees, contractors and visitors, and to the continuous improvement of injury prevention and OHS&W management programs with the goal of achieving the highest possible standards.

This policy applies to all Council employees in the course of their employment, and to all other persons undertaking work (paid or unpaid) on behalf of Council.


Through a management systems approach to OHS&W and Injury Management, employees, contractors and visitors, will be provided with a safe and healthy environment by:

- Management’s commitment to OHS&W and Injury Management in accordance with Council’s corporate objectives
- Development of programs and action plans to implement policy objectives and procedural requirements
- Implementation of individual elements defined in the OHS&W and Injury Management plan, defined programs and actions plans
- Measurement and evaluation of Council’s OHS&W and Injury management Plan against defined objectives, targets and performance indicators
- Reviewing management systems to identify scope for improvement in OHS&W and Injury Management.

References that may be applicable to this policy

Council ‘One System’ OHS&W Policies:
- OHS&W and Injury Management Policy
- Injury Management Procedure
- Hazard Management Policy
- Administration of the OHS Management System Policy
- Communication and Consultation Policy
- OHS Contractor Management Policy
- Emergency Management Policy
- Hazardous Work Policy

Council 'One System' OHS&W Procedures:
OHS&W Procedure Manual

Delegated Authorities:
Authority No.

Legislation and Other References:
Occupational Health, Safety and Welfare Act, 1986
Workers Rehabilitation and Compensation Act, 1986
Performance Standards for Self Insurers, (PSSI's)
AS4801 OHS&W Management System
Rural City of Murray Bridge Strategic Management Plan 2011-2015 (Objective 4.7.3)

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Reviews
Ordinary Meeting of Council xx/xx/xxxx
193.2 ADOPTION OF STRATEGIC MANAGEMENT PLAN 2011 - 2015 (SF171)

**Priority**
1 - (P) Legislative
2 - ( ) Corporate
3 - ( ) Other

**Purpose**
To adopt Council’s Strategic Management Plan 2011-2015.

**Priority**
In accordance with Section 122 of the Local Government Act 1999, a Council must adopt a Strategic Management Plan for a period of at least four years.

**Discussion**
The Strategic Management Plan 2011 - 2015 (attached as [Appendix 193.2](#)) was approved for public consultation on 30 May 2011. The public consultation period was from 2 to 23 June 2011. A Special Meeting was held on 27 June 2011 to hear submissions from the public consultation process, however no submissions or objections were received.

**Council Policy**
Not applicable

**Strategic Management Plan**
Goals 1 - 4 of the Strategic Management Plan and the objectives and strategies contained within the document.

**Financial Implications**
Not applicable

**Implementation Strategy**
The Strategic Management Plan 2011 - 2015 will be implemented immediately following its adoption by Council.

**Communication Strategy**

**Recommendation**
1. That Item 193.2 on Council Agenda of 18 July 2011 be received.
2. That Council adopt the Strategic Management Plan 2011 - 2015 as presented in [Appendix 193.2](#)

Cr England moved
That the recommendation be adopted – namely,
1. That Item 193.2 on Council Agenda of 18 July 2011 be received.
2. That Council adopt the Strategic Management Plan 2011 - 2015 as presented in [Appendix 193.2](#)

Seconded by Cr Secker and CARRIED
Draft Strategic Plan

Objectives

2011 to 2015

11 July, 2011
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Foreword

Situated on traditional Ngarrindjeri land, next to Australia’s largest river, the Council area offers an ideal location for urban, rural, commercial, tourism and industrial growth and prosperity. True to Council’s vision, the Council area provides a ‘Bridge to Opportunity’.

Economic assets include close proximity Adelaide and state and national markets, world-class transport routes, availability of key industrial and commercial land at reasonable prices, and access to a reliable and trained workforce.

Social and environmental assets include Murray Bridge (which is the regional centre of the Murraylands) and other townships, the River Murray and strong community spirit.

Council’s Strategic Plan is based on our Community Plan and which sets out a vision for the Council area for the next 20 years. This long-term vision will provide clear direction for Council and its community.

This Plan outlines our strategic objectives for the next four years, and states how Council proposes to achieve its vision. Our strategic objectives will be reviewed annually by Council providing a rolling four-year action plan. The Strategic Plan will be underpinned by a Long Term Financial Plan that will also be reviewed annually by Council.

One key consideration for Council in the next twenty years will be to prepare for and manage growth. This growth will take the form of new and expanded industry and housing which in turn will attract more retail, business and community investment to the area. Council’s Strategic Plan has been prepared in the context of the significant population growth expected within the Council area and the need to manage this growth.

Another key consideration for Council in the next five to twenty years is to work with the community to raise the standard of several recreation, sporting and community facilities within the area. Key projects Council will actively focus on will be the completion of Council’s new library, improvements to Council’s road network and development of a regional sport and recreation facility. Strategic financial planning will be required for these projects to come to fruition; this will be achieved ensuring responsible management of public funds.

Council’s objectives complement those at the regional and State level and Council is committed to working in partnership with the State Government, other Councils and key stakeholders to achieve it’s vision.

Extensive consultation has occurred through our "Imagine Your Rural City 2020" program to determine the vision, strategic objectives and key actions for the future with over 500 people attending workshops at Monarto, Murray Bridge, Jervois and Mypolonga.

I take this opportunity to thank the community, business and industry for your involvement to date and invite you to read the draft Strategic Plan and submit your comments prior to finalisation of the document.

Allan Arbon, OAM
Mayor
Introduction

The purpose of the Strategic Plan is to provide for the management of the Council area having regard to the council's roles and responsibilities under the Local Government Act, 1999 other Acts and the council’s objectives for its area.

The Strategic Plan has been prepared following comprehensive consultation with the local community, regional and state level stakeholders. In addition this plan has been prepared having regard to regional, state and national objectives and strategies relevant to economic, social, environmental and physical development and management of the area.

This document is based on the Rural City of Murray Bridge Community Plan and supported by Council's Financial and Asset Management Plans. Together these documents meet requirements for the preparation of a Strategic Management Plan as required by section 122 of the Local Government Act, 1999.

Who do we work with?

Partnerships and relationships are critical to achieving the objectives outlined in this plan. Council is committed to building and maintaining positive working relationships with all stakeholders and we will encourage participation from our urban and rural communities.

Stakeholders include:

Customers
* Businesses - Industrial
* Businesses - Primary Producer
* Businesses - Retail and Commercial
* Businesses - Transport
* Community - Groups
* Community - Organisations
* Community - Ratepayers
* Community - Residents

Suppliers
* Contractors / Businesses - Industrial
* Contractors / Businesses - Retail
* Government Agencies - Federal
* Government Agencies - State
* Partner Organisations
* Regional Subsidiaries
* Volunteers

Other
* Elected Members
* Employees
* Politicians - Federal
* Politicians - State
* Unions
* Industry Associations
* Society
South Australia's Strategic Plan

In 2007, the State Government released the updated Strategic Plan. This plan sets high level targets that aim to improve the well being of all South Australians. The State Plan seeks to achieve alignment with Local Government Strategic Management Plans to focus efforts and resources in a consistent manner.

Council has reviewed the South Australian Strategic Plan and identified where council has opportunities to build stronger partnerships.

These include:

**Objective 1 - Growing Prosperity**
Jobs, youth employment, economic growth, tourism, strategic infrastructure, economic growth.

**Objective 2 - Improving Wellbeing**
Improving quality of life, healthy South Australians, reducing community's psychological distress, addressing increase in obesity, sport and recreation, reducing crime rates.

**Objective 3 - Attaining Sustainability**
Reducing reliance on River Murray, reducing greenhouse gas emissions, increasing land and marine biodiversity, increasing native vegetation coverage, increasing level of public transport usage, reducing ecological footprint and contributing to zero waste.

**Objective 4 - Fostering Creativity and Innovation**
Improve community ability to participate in creative education.

**Objective 5 - Building Communities**
Maintaining and increasing volunteers, improving State and Local Government relations, addressing regional crime rates, improving regional infrastructure.

**Objective 6 - Expanding Opportunity**
Improving aboriginal wellbeing, improving opportunities for people with disabilities, encouraging provision of sustainable housing.

**Related State-wide and Regional Plans and Strategies**

- The 30 Year Plan for Greater Adelaide (2010)
- Strategic Infrastructure Plan for South Australia
- Murraylands and Riverland Regional Infrastructure Plan
- Housing Plan for South Australia (2005)
- Tackling Climate Change, South Australia’s Greenhouse Strategy 2007-2020
- Water for Good: A Plan to Ensure Our Water Future to 2050
- South Australia's Waste Strategy 2005-2010
- Local Government Association Strategic Plan 2007-2010
Our Planning Framework

Council’s strategic management planning documents include:
- Strategic Plan Objectives 2011 to 2015
- Strategic Plan Actions 2011 to 2015
- Long Term 10 Year Financial Plan 2011 to 2021
- Asset Management Plan 2011 to 2021 (Not yet completed)

The following diagram depicts our strategic planning and performance management framework and describes the linkages between all relevant planning documents.

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[Diagram showing the Community Sustainability Planning and Performance Management Framework]
Consultation and Engagement

"Imagine Your Rural City Murray Bridge 2020" is a collaborative community engagement and planning initiative that has underpinned the development of this plan and has helped shape the future of Murray Bridge and surrounding rural communities as they approach what is anticipated to be an unprecedented period of growth.

Residents of the Rural City of Murray Bridge were asked to imagine what the places they live in could look like in ten years time and what people want in their communities.

The Council conducted a series of workshops facilitated by "Village Well" with the outcomes of these workshops combined with previous planning studies forming the basis for development of strategic objectives and actions outlined in Council's strategic management planning documents.

The region is poised for significant growth in coming decades and the Council and its community partners are committed to ensuring that consultation and engagement is a vibrant and successful process. "Imagine Your Rural City Murray Bridge 2020" is about responding to growth opportunities outlined in the State Government's 30 Year Plan for Greater Adelaide in a positive manner and connecting the region's proud past with its future.

Ongoing workshops will be undertaken during the life of this plan to ensure continuing input from all stakeholders.

"The future is not some place we are going to but one we are creating"
Context

The Council area is extensive, yet strategically located east of the Adelaide Hills with ready access to Adelaide via the South Eastern Freeway. A key feature of the Council area is the River Murray Valley, which divides the area in two.

As a major agricultural district, the Council area supports irrigated horticulture and dairying along the River Murray and cropping and intensive animal keeping in appropriate rural areas. Industry including a range of primary and secondary industries is clustered around Murray Bridge and Monarto and significant opportunity exists for the area to expand outside of metropolitan Adelaide.

The town of Murray Bridge is the Regional Centre of the Murraylands Region. In addition Murray Bridge services parts of the Adelaide Hills and Fleurieu Regions. A bustling vibrant regional centre, Murray Bridge offers a wide range of facilities and services to the local and regional community.

The townships of Callington, Jervois, Monarto, Mypolonga and Wellington provide for a diversity of housing and community support services. The Council area has a rich heritage and has excellent National transport infrastructure with respect to road and rail access to the eastern states.

The Monarto Zoological Park is a key tourist attraction, while water based activities and houseboating on the River Murray are key attractions for locals and visitors to the area.

Strong economic growth, lower unemployment levels, high levels of accessibility, together with heritage character and amenity continue to drive population growth of around 3% per annum.
Vision

‘BRIDGE TO OPPORTUNITY’

A vibrant regional centre on the river with an urban and rural heart featuring:

- a diverse and welcoming community;
- thriving tourism based on our strategic location, environment, heritage and diverse culture;
- the natural beauty of our river and country landscapes;
- well planned opportunities for sustainable growth, enjoyment and quality of life; and
- a great place to live, work, relax and do business.

Mission

The Rural City of Murray Bridge will provide excellent governance and a range of services that will contribute to achieving long term community sustainability

Core Values

We have identified the following corporate values that will contribute towards achieving our vision:

- Accountable - Effective, equitable, open, honest governance and administration
- Respectful - Respect and support for the diversity of our ideas and culture
- Innovative - Strong commitment to continuous improvement in all business processes
- Collaborative - Focus on teamwork within our organisation and create external partnerships to achieve our vision
- Inclusive - Value and incorporate local knowledge and viewpoints through effective community engagement
- Integrity - Being open and honest in all our dealings and maintaining the highest ethical standards at all times
Objectives and Performance Measures

Goal 1  Economic
A developing economic base and increased employment supported by strong urban and rural business enterprises and a growing population.

Our Intent
The performance of our economy continues to be a major driver in maintaining and improving our quality of life. Our economy needs diversity, a high level of employment with quality jobs, tourism growth that does not impact negatively on our lifestyles, infrastructure that supports urban and rural growth, and innovative approaches to attracting and retaining businesses.

Objective 1.1  Attract new enterprises and increase support for existing commercial, retail, construction and manufacturing, primary industry and tourism enterprises
A vibrant regional and local economy is required to sustain our local community. Local employment is highly desirable as it minimises personal and environmental impacts such as work related travel. When people live and work locally they become embedded in our local community and are more inclined to contribute to the social life of the community and spending is retained locally.

Growth in the number and diversity of businesses is critical to our long term sustainability of our communities

State Strategic Plan Linkages:

T1.5 - Business Investment - exceed Australia’s ratio of business investment as a percentage of the economy by 2014.

T1.10 - Employment - better the Australian average employment growth rate by 2014.

Performance Measures:

Businesses satisfied with level of Council and Regional Development Australia's Murraylands and Riverland support (%)

Rateable Capital Values - Total (000’s dollars)

Business entities in the region (number)

Business establishment enquiries (number)

Employment level in region (number)

Residential dwellings constructed (number)
Objectives and Performance Measures

Goal 1  Economic

Objective 1.2  Improve regional and local infrastructure

Quality infrastructure with potential for growth will be essential to support our thriving local economy. Council acknowledges the need to provide the necessary infrastructure to achieve urban growth within Murray Bridge, surrounding townships and rural communities.

Council will lobby for, coordinate and implement necessary infrastructure development in partnership with Regional Development Australia Murraylands and Riverland, Private Enterprise, State and Federal Governments and other Councils in the region.

State Strategic Plan Linkages:

T1.21 - Strategic infrastructure - match the national average in terms of investment in key economic and social infrastructure

Performance Measures:

Regional infrastructure projects in planning phase (number)

External funding gained for regional and local initiatives (dollars)

Value of approved regional infrastructure projects (dollars)
Objectives and Performance Measures

Goal 1 Economic

Objective 1.3 Develop vibrant and sustainable business and education precincts

High quality business (commercial and retail) precincts are essential to attracting sustainable business investment and encouraging local retail spending.

Extensive industrial development opportunities providing exceptional rail and road transport linkages

Accessible high quality learning opportunities are the key to achieving a well educated and skilled community to meet the needs of existing and new business enterprises.

Council will continue to work in partnership with key stakeholders to establish vibrant and sustainable business and education precincts to ensure Murray Bridge continues to develop as a major regional centre.

Performance Measures:

Area of commercially zoned land available for development (square metres)

Education courses available in region (number)

Education places available in the region (number)

Education course enrolments (number)

Area of industrially zoned land available for development (square metres)
Objectives and Performance Measures

Goal 2 Environment

A sustainable natural and built environment that meets current and future community needs.

Our Intent

The Rural City of Murray Bridge faces the challenge of balancing urban and rural development, economic growth and protection of the environment. Our natural and built environment supports our economy and our recreational and leisure pursuits.

We need to protect the environment from the negative effects of human activities, continue to educate the community and visitors to the region about respecting and appreciating the environment, implement effective water and waste water recycling and waste management practices, introduce innovative energy efficient practices, protect biodiversity and endangered species, support nature tourism and respond to climate change impacts.

Objective
Objectives and Performance Measures

Goal 2 Environment

Objective 2.1 Improve conservation and enhancement of natural environs and manage for climate change

It is important to ensure that economic development and growth does not come at a significant cost to the environment and lifestyle that our community values.

A community that values the environment must minimise environmental impacts, use resources wisely and protect biodiversity. It is critical that we have an informed community caring for the environment and protecting it from the effects of human activities.

Council will recognise, support and work with conservation groups, environmental agencies and other stakeholders to ensure their views are heard and local activities are coordinated to maximise the efficient use of physical, financial and natural resources.

State Strategic Plan Linkages:

T3.5 - Greenhouse gas emissions reduction - Achieve the Kyoto target by limiting the state's greenhouse gas emissions to 108% of 1990 levels during 2008-2012, as a first step towards reducing emissions by 60% (to 40% of 1990 levels) by 2050

Performance Measures:

Community satisfaction with conservation and natural environmental management (%)

Organisation carbon emissions (number)

Effort to maintain environmentally significant areas (days)

Community carbon emissions (number)

Area of natural environment reserves as a percentage of Council area (%)
Goal 2  Environment

Objective  2.2 Improve the quality and diversity of the built environment

Protecting and managing our built environment is vital to our economic and social well-being. Having a built environment and infrastructure that supports our community is important if we are going to develop and grow without detrimental affects to our productive land and the natural beauty of our region.

Council will provide consistency in how local regulation's and by-laws effect the built environment, are interpreted and implemented

Performance Measures:
- Community satisfaction with the quality and diversity of public and community facilities (%)

2.3 Preserve local heritage and the character of built environs

Council will ensure that attributes valued by the community for heritage in the built environment are identified and protected and risks to the built environment from natural hazards are minimised.

Performance Measures:
- Buildings with local or state heritage values (number)

2.4 Improve the management and use of water and energy resources

The establishment of wetlands and implementation of water reuse initiatives in partnership with State Government, Federal Government and the private sector will facilitate economic growth and create a sustainable natural and build environment.

Energy efficiency will be promoted within the organisation and across the community

State Strategic Plan Linkages:

- T3.9 - Sustainable water supply - South Australia's water resources are managed within sustainable limits by 2018
- T3.12 - Renewable energy - support the development of renewable energy so that it comprises 20% of the state's electricity production and consumption by 2014

Performance Measures:
- Energy consumed through Council operations
- Volume of stormwater harvested (megalitres)
Objectives and Performance Measures

Goal 2 Environment

Objective 2.5 Minimise the environmental impact of waste and waste water disposal

Effective waste collection and disposal services will continue to be a high priority and Council will advocate for improvements in waste water disposal including adoption of innovative approaches that provide opportunities for waste water reuse.

State Strategic Plan Linkages:

T3.8 - Zero waste - reduce waste to landfill by 25% by 2014

Performance Measures:

- Community satisfaction with waste collection and disposal services (%)
- Waste diverted from landfill (Tonnes)
- Volume of waste water reused (megalitres)

Objective 2.6 Improve the management and use of the River Murray flood plain

A decline in dairying activity within the flood plain has resulted in significant areas of land lying dormant.

These areas will require ongoing active management to ensure that they continue to provide ongoing regional economic benefits into the future.

Performance Measures:
Objectives and Performance Measures

**Goal 3 Social**

A healthy and safe community enjoying an affordable high quality of life together with vibrant and connected communities celebrating diversity and heritage through recreation, sport, arts and culture.

**Our Intent**

Our social wellbeing and quality of life is dominated by issues of health, education, housing and law and order. State Government continues to be the main provider of these services in the region and it is critical that we work in partnership to achieve desired community outcomes.

Our rich cultural heritage makes us a unique and diverse group of people. Our cultural and heritage sites, leisure and recreational opportunities contribute to a rich and vibrant community.

We will continue to celebrate our local successes in innovative ways including the proactive use of media, local publications and providing events that are easy to access, low-cost and family friendly, providing opportunities for our youth and mature aged residents and guests, and continue to foster and promote a spirit of community.

**Objective 3.1 Maintain adequate and appropriate open space for present and future generations**

The provision of adequate conservation areas and development of quality open spaces in our urban and rural communities will be based on partnerships between conservation groups, State and Federal Governments and involve local communities in the "hands-on" maintenance and improvement of public places and facilities.

Council will work with key stakeholders to improve the appearance of urban and rural areas through community driven beautification projects.

**Performance Measures:**

- Actively managed public open space (percentage)
- Public open space area (square metres)
- Community satisfaction with public open space (%)

**Performance Measures:**

- Public open space per person (square metres)
Goal 3  Social

3.2 Increase participation in leisure, recreation and sporting activities

Collaboration with a wide range of stakeholders will be required to provide infrastructure that supports outdoor activities such as cycling, walking and jogging.

Local community events will be actively supported and our unique history and heritage promoted through arts, cultural and sports events and exhibitions.

Performance Measures:
- Estimated population participating in structured leisure, recreation and sporting activities (number)
- Recreational trails (metres)
- Programs established to increase participation in leisure, recreation and sporting activities (number)
- Sporting events held in the region (number)

3.3 Foster cohesive and self supporting urban and rural communities

Community Group activities and events that promote community development and engage local communities will be encouraged and supported.

Performance Measures:
- Community groups and associations supported (number)
- Community groups or associations working within the region (number)
- Estimated population engaged in community groups or associations within the region (number)
Objectives and Performance Measures

Goal 3 Social

Objective 3.4 Improve community health, safety and well-being

Nothing is more important than health, safety and well-being as measures of quality of life.

Many factors affect an individuals well-being including education, employment, income, housing, lifestyle and the built environment they live in.

Council will actively support activities and projects that make a positive contribution to community health, safety and well-being and will develop and maintain facilities that support health outcomes by providing affordable, safe and attractive venues for physical activity, sports and leisure pursuits.

State Strategic Plan Linkages:

T2.8 - Statewide crime rates - Reduce victim reported crime by 12% by 2014

T2.4 - Increase the healthy life expectancy of South Australians by 5% for males and 3% for females by 2014.

Performance Measures:

- Incidence of local crime (number)
- Community satisfaction with health, safety and well being programs (%)
- Community satisfaction with management and control of public hazards (%)
- Events held for young people (number)
Objectives and Performance Measures

Goal 3 Social

Objective 3.5 Maintain support for the establishment of appropriate land use and transport options that achieve community sustainability

Development of a broad range of housing options will be actively promoted and supported through the adoption of appropriate development regulations and guidelines.

Council will actively lobby for and support improvements in public and community based transport systems

State Strategic Plan Linkages:

T3.6 - Use of public transport - increase the use of public transport to 10% of metropolitan weekday passenger vehicle kilometres travelled by 2018.

Performance Measures:

Community satisfaction with transport services (%)

Extent of vacant residential allotments in the region (number)

Extent of undeveloped residentially zoned land (square metres)

Community satisfaction with extent of housing options (%)

Objective 3.6 Recognise and celebrate our cultural heritage

Cultural diversity shapes our community's identity and provides opportunities to strengthen communities. Events that recognise and celebrate our heritage will be actively supported.

State Strategic Plan Linkages:

T4.5 - Understanding of Aboriginal culture - Aboriginal cultural studies included in school curriculum by 2014 with involvement of Aboriginal people in design and delivery

T5.8 - Multiculturalism - increase the percentage of South Australians who accept cultural diversity as a positive influence in the community

Performance Measures:

Attendance at cultural events and programs in the region (number)

Cultural and heritage events and programs established (number)
Objectives and Performance Measures

Goal 3  Social

Objective 3.7 Enhance regional identity through recreation, culture and the arts

Our culture and leisure activities shape our community identity. A culturally rich community supports the arts, protects heritage sites, preserves social knowledge and provides opportunities to participate in sport and recreational activities

State Strategic Plan Linkages:

T4.4 - Cultural engagement - arts activities - Increase the number of attendances at selected arts activities by 40% by 2014.

Performance Measures:

- Estimated attendance at festivals, events and cultural activities (number)
- Festivals, events and cultural activities held (number)
- Community satisfaction with festivals, events and cultural activities (%)
Objectives and Performance Measures

Goal 4  Governance

Leadership with community engagement to ensure the effective use of our physical, financial and human resources.

Our Intent

We will enhance opportunities for residents and guests to participate in civic life and facilitate partnerships with government, business and local community organisation's to capitalise on local knowledge and problem solving collectively

We will focus on positively influencing the perceptions and profile of Council and the region, internally and externally

We will plan for the efficient and effective delivery of services in accordance with identified and affordable community priorities

A key focus will be given to the fulfilment of our statutory responsibilities under the Local Government Act and other relevant legislation

Objective 4.1 Improve community and stakeholder engagement

Council is committed to maintaining and improving community and stakeholder engagement and actively encourages people to participate in decision-making. Strategic relationships form the basis for collaboration's that delivery positive community benefits

Performance Measures:

Level of voter participation in Council elections %

Population actively engaged in our household panel (number)

Community perceptions about opportunities for involvement in local decision making (%)
Objectives and Performance Measures

Goal 4 Governance

Objective 4.2 Maintain a high standard of governance, accountability and support for Elected Members

Council consults with the community on significant issues and provides feedback on the impact and effect of their ideas and contribution.

Up-to-date and accurate information informs Council decision making processes and decisions are communicated in a prompt and user-friendly manner.

Candidates from all walks of life and backgrounds are encouraged to participate in local government at a council, community board or public consultation level.

Performance Measures:

- Council agenda items (number)
- Elected member satisfaction with overall administrative support (percentage)
- Elected member attendance at training and development events (number)
- Elected member participation in Council and Committee meetings (%)
- Council agenda items considered "in confidence" (number)
- Freedom of information (FOI) requests (number)
- Investigations undertaken by external organisations (number)

4.3 Improve organisational performance and the quality of service delivery

The organisation has clearly defined objectives and a commitment to measuring and reporting on service delivery performance.

Performance Measures:

- Community satisfaction with organisational performance (%)
- Community satisfaction with quality of service delivery (%)
Objectives and Performance Measures

Goal 4 Governance

Objective 4.4 Maintain the organisation’s long-term financial viability

Financial performance is monitored on a regular basis and decisions are made to ensure long term financial sustainability

Performance Measures:

- Net Financial Liabilities (dollars)
- Net Financial Liabilities Ratio (%)
- Operating Surplus Ratio (%)
- Interest Cover Ratio (%)
- Operating Surplus/Deficit (number)

4.5 Improve information management practices

Information informs the decision-making process and is easy to access and properly managed

Performance Measures:

- Stakeholder perceptions of accessibility to corporate information (%)

4.6 Improve asset management practices

Asset management practices support service delivery in a cost effective manner

Performance Measures:

- Asset Sustainability Ratio (%)
- Asset Consumption Ratio (%)

4.7 Improve staff human resource management practices and support to volunteers

Council is seen as an employer of choice and pro actively encourages volunteer participation

Performance Measures:

- Employee satisfaction with the organisation (%)
- Employee attendance at training and development events (number)
- Volunteers actively engaged in Council service delivery (number)
Objectives and Performance Measures

Goal 4 Governance

Objective 4.8 Improve supplier and contract management practices

Suppliers relationships are managed in a responsible manner and contract are let through open and transparent quotation and tendering processes.

Performance Measures:
Supplier satisfaction with tender and payment processes (%)
Council has developed a structured approach to the definition of services and processes as a key part of its strategic and business planning framework.

A business process model has been developed to describe all Council activities using the following structure:

**Core Processes:**
- Corporate Governance
- Service Delivery
- Commercial Projects
- Partnerships and Relationships
- Legislation and Regulation
- Advice and Advocacy

**Enabler Processes:**
- Financial Resources
- Physical Resources (Land, Buildings, Plant, Infrastructure)
- Human Resources
- Partnerships and Relationships
- Information and Technology
- Suppliers and Contracts

The following pages provide a listing of all services and processes and their relationship to the objectives outlined in this plan.
Services and Processes

Corporate Governance

Administrative Support - Sustainable Development

Objective: 4.2 Maintain a high standard of governance, accountability and support for Elected Members

Business Management - Building Health and Compliance

Objective: 4.3 Improve organisational performance and the quality of service delivery

Business Management - Business Planning

Objective: 4.3 Improve organisational performance and the quality of service delivery

Business Management - Civil Operations

Objective: 4.6 Improve asset management practices

Business Management - Community Care

Objective: 3.4 Improve community health, safety and well-being

Business Management - Community Development

Objective: 3.7 Enhance regional identity through recreation, culture and the arts

Business Management - Contracts and Property

Objective: 4.3 Improve organisational performance and the quality of service delivery

Business Management - Customer Relations

Objective: 4.3 Improve organisational performance and the quality of service delivery

Business Management - Development Planning and Assessment

Objective: 4.3 Improve organisational performance and the quality of service delivery

Business Management - Finance and Asset Strategy

Objective: 4.3 Improve organisational performance and the quality of service delivery

Business Management - Fleet Depot and Trade Operation's

Objective: 4.6 Improve asset management practices
Services and Processes

Corporate Governance

Business Management - Human Resources

Objective: 4.7 Improve staff human resource management practices and support to volunteers

Business Management - Information Services

Objective: 4.2 Maintain a high standard of governance, accountability and support for Elected Members

Business Management - Open Space Operations

Objective: 4.6 Improve asset management practices

Business Management - Residential Care

Objective: 3.4 Improve community health, safety and well-being

Business Management - Risk Management

Objective: 4.3 Improve organisational performance and the quality of service delivery

Business Management - Strategic Projects

Objective: 4.3 Improve organisational performance and the quality of service delivery

Corporate Administration Legislation and Compliance

Objective: 4.2 Maintain a high standard of governance, accountability and support for Elected Members

Corporate Project Management

Objective: 4.3 Improve organisational performance and the quality of service delivery

Emergency and Disaster Response

Objective: 4.3 Improve organisational performance and the quality of service delivery

Executive Leadership - Corporate and Community

Objective: 4.2 Maintain a high standard of governance, accountability and support for Elected Members

Executive Leadership - Organisation

Objective: 4.1 Improve community and stakeholder engagement
Executive Leadership - Sustainable Development

**Objective:** 4.2 Maintain a high standard of governance, accountability and support for Elected Members

Governance (Elected Members)

**Objective:** 4.2 Maintain a high standard of governance, accountability and support for Elected Members

Occupational Health and Safety

**Objective:** 4.2 Maintain a high standard of governance, accountability and support for Elected Members

Operational Risk Assessment

**Objective:** 4.2 Maintain a high standard of governance, accountability and support for Elected Members

Strategic Planning and Corporate Performance

**Objective:** 4.2 Maintain a high standard of governance, accountability and support for Elected Members

Strategic Risk Assessment and Internal Audit

**Objective:** 4.2 Maintain a high standard of governance, accountability and support for Elected Members
Services and Processes

Service Delivery

Arts Development and Support

Objective:  3.7 Enhance regional identity through recreation, culture and the arts

Cemetery Administration

Objective:  3.4 Improve community health, safety and well-being

Community Aged Care and Support

Objective:  3.4 Improve community health, safety and well-being

Community Liaison and Support

Objective:  3.3 Foster cohesive and self supporting urban and rural communities

Community Safety

Objective:  3.4 Improve community health, safety and well-being

Disability Support

Objective:  3.3 Foster cohesive and self supporting urban and rural communities

Economic Development

Objective:  1.1 Attract new enterprises and increase support for existing commercial, retail, construction and manufacturing, primary industry and tourism enterprises

Heritage and Cultural Development and Support

Objective:  3.6 Recognise and celebrate our cultural heritage

Library Operations

Objective:  3.7 Enhance regional identity through recreation, culture and the arts

Recreation and Sport Programs and Support

Objective:  3.2 Increase participation in leisure, recreation and sporting activities

Residential Care

Objective:  3.4 Improve community health, safety and well-being
Services and Processes

Service Delivery

Road Opening and Closure Administration

Objective: 3.5 Maintain support for the establishment of appropriate land use and transport options that achieve community sustainability

Tourism Development and Support

Objective: 1.1 Attract new enterprises and increase support for existing commercial, retail, construction and manufacturing, primary industry and tourism enterprises

Tourism Major Event Development and Support

Objective: 3.4 Improve community health, safety and well-being

Tourism Visitor Information Centre Operations

Objective: 1.1 Attract new enterprises and increase support for existing commercial, retail, construction and manufacturing, primary industry and tourism enterprises

Transport and Traffic Planning

Objective: 3.5 Maintain support for the establishment of appropriate land use and transport options that achieve community sustainability

Waste Management Operations

Objective: 2.5 Minimise the environmental impact of waste and waste water disposal

Youth Development and Support

Objective: 3.7 Enhance regional identity through recreation, culture and the arts
Services and Processes

Commercial Projects

Civil Commercial Projects

Objective: 4.4 Maintain the organisation's long-term financial viability
Services and Processes

Partnerships and Relationships

Corporate Marketing and Communications

Objective: 4.1 Improve community and stakeholder engagement

Customer Support

Objective: 4.1 Improve community and stakeholder engagement

Relationship and Partnership Development

Objective: 4.1 Improve community and stakeholder engagement
Services and Processes

Legislation and Regulation

By-Law Compliance

Objective: 3.4 Improve community health, safety and well-being

Development Compliance

Objective: 3.4 Improve community health, safety and well-being

Event Administration

Objective: 4.2 Maintain a high standard of governance, accountability and support for Elected Members

Planning and Development Assessment

Objective: 2.2 Improve the quality and diversity of the built environment

Planning and Development Policy

Objective: 2.2 Improve the quality and diversity of the built environment

Public and Environmental Health Compliance

Objective: 3.4 Improve community health, safety and well-being
Advice and Advocacy

Objective: 4.1 Improve community and stakeholder engagement
Financial Resource Management

Balance Sheet - Current Assets
   Objective: 4.4 Maintain the organisation's long-term financial viability

Balance Sheet - Current Liabilities
   Objective: 4.4 Maintain the organisation's long-term financial viability

Balance Sheet - Equity Management
   Objective: 4.4 Maintain the organisation's long-term financial viability

Balance Sheet - Non Current Assets
   Objective: 4.4 Maintain the organisation's long-term financial viability

Balance Sheet - Non Current Liabilities
   Objective: 4.4 Maintain the organisation's long-term financial viability

Financial Accounting
   Objective: 4.4 Maintain the organisation's long-term financial viability

Financial Planning Monitoring and Reporting
   Objective: 4.2 Maintain a high standard of governance, accountability and support for Elected Members

General Council Income
   Objective: 4.4 Maintain the organisation's long-term financial viability
Services and Processes

Physical Resource Management

Asset Depreciation
   Objective: 4.6 Improve asset management practices

Asset Disposal
   Objective: 4.6 Improve asset management practices

Asset Planning
   Objective: 4.6 Improve asset management practices

Business Management - Infrastructure and Environment
   Objective: 4.6 Improve asset management practices

Cemetery Asset Acquisition Upgrade and Renewal
   Objective: 4.6 Improve asset management practices

Community Asset Acquisition Upgrade and Renewal
   Objective: 3.7 Enhance regional identity through recreation, culture and the arts

Community Asset Maintenance
   Objective: 4.6 Improve asset management practices

Corporate and Community Building Acquisition Upgrade and Renewal
   Objective: 4.6 Improve asset management practices

Corporate and Community Building Maintenance
   Objective: 4.6 Improve asset management practices

Corporate and Community Land Acquisition Upgrade and Renewal
   Objective: 2.2 Improve the quality and diversity of the built environment

Corporate and Community Land Maintenance
   Objective: 4.6 Improve asset management practices
Services and Processes

Physical Resource Management

Corporate Equipment Acquisition Upgrade and Renewal

**Objective:** 4.6 Improve asset management practices

Corporate Equipment Maintenance

**Objective:** 4.6 Improve asset management practices

Drainage Catchment Planning

**Objective:** 2.4 Improve the management and use of water and energy resources

Drainage Infrastructure Acquisition Upgrade and Renewal

**Objective:** 4.6 Improve asset management practices

Drainage Infrastructure Maintenance

**Objective:** 4.6 Improve asset management practices

Engineering Investigations, Survey and Design

**Objective:** 4.6 Improve asset management practices

Natural Resource Planning

**Objective:** 2.1 Improve conservation and enhancement of natural environs and manage for climate change

Open Space Asset Acquisition Upgrade and Renewal

**Objective:** 3.1 Maintain adequate and appropriate open space for present and future generations

Open Space Asset Maintenance (excluding land)

**Objective:** 4.6 Improve asset management practices

Plant and Vehicle Acquisition Upgrade and Renewal

**Objective:** 4.3 Improve organisational performance and the quality of service delivery

Plant and Vehicle Maintenance

**Objective:** 4.6 Improve asset management practices


**Physical Resource Management**

Tourism Asset Acquisition Upgrade and Renewal

Objective: 4.6 Improve asset management practices

Transport and Traffic Equipment - Acquisition Upgrade and Renewal

Objective: 2.2 Improve the quality and diversity of the built environment

Transport Infrastructure Acquisition Upgrade and Renewal

Objective: 2.2 Improve the quality and diversity of the built environment

Transport Infrastructure Maintenance

Objective: 4.6 Improve asset management practices

Water and Waste Water and Waste Infrastructure Acquisition Upgrade and Renewal

Objective: 4.6 Improve asset management practices

Water and Waste Water Infrastructure Maintenance

Objective: 2.2 Improve the quality and diversity of the built environment

Water, Waste Water and Waste Management Planning

Objective: 2.5 Minimise the environmental impact of waste and waste water disposal
Services and Processes

Human Resource Management

Employee Recruitment and Support

Objective: 4.7 Improve staff human resource management practices and support to volunteers

Employee Training and Development

Objective: 4.7 Improve staff human resource management practices and support to volunteers

Industrial Relations

Objective: 4.7 Improve staff human resource management practices and support to volunteers

Payroll Administration

Objective: 4.7 Improve staff human resource management practices and support to volunteers

Volunteer Support

Objective: 4.7 Improve staff human resource management practices and support to volunteers
Services and Processes

Information and Technology Management

Business System Acquisition Upgrade and Renewal
- Objective: 4.3 Improve organisational performance and the quality of service delivery

Business System Maintenance
- Objective: 4.3 Improve organisational performance and the quality of service delivery

Corporate Records
- Objective: 4.2 Maintain a high standard of governance, accountability and support for Elected Members

Information System and Technology Support
- Objective: 4.3 Improve organisational performance and the quality of service delivery
Services and Processes

Supplier and Contract Management

Contract Administration

Objective: 4.2 Maintain a high standard of governance, accountability and support for Elected Members

Procurement

Objective: 4.2 Maintain a high standard of governance, accountability and support for Elected Members
193.3 FACILITATING THE ESTABLISHMENT OF THE MURRAY BRIDGE FARMERS’ MARKET (SF886)

Officer: Mildy Raveane

Purpose
The purpose of this report is to seek Council’s endorsement for the establishment of a Farmers’ Market in Murray Bridge and detail the role Council will play in its formation.

Background
In response to a high level of interest for a Farmers’ Market expressed by participants of the Imagine Your Rural City 2020 Community Consultation workshops the Rural City of Murray Bridge proposes to facilitate the establishment of a Farmers’ Market in Murray Bridge.

The Australian Farmers Markets Association defines a Farmers’ Market as “a predominately fresh food market that operates regularly within a community, at a focal public location that provides a suitable environment for farmers and food producers to sell farm-origin and associated value added processed food products directly to customers.

Farmers’ Markets have enjoyed an upsurge in popularity over the past ten years being valued for the significant benefits they provide consumers, farmers/producers and the region they serve.

They offer consumers choice, freshness, low price goods and a relationship with the people who grow their food. Farmers and producers get a direct injection of cash, rewards for extra care and more environmentally friendly farming methods, and learn exactly what it is their customers want. Communities and town centres regain vitality both socially and economically.

Proposal
It is proposed that a regular Farmers’ Market be established in an accessible location in Murray Bridge that is a reflection of the community and its regional produce.

To achieve this Council will initially host a preliminary planning workshop for producers and community stakeholders with the aim to gauge the level of support for a market in terms of supply and demand and to establish a framework for the development of the market.

From this meeting it is anticipated that a coordination group will be formed that will be responsible for:

• developing the vision, goals and objectives that reflect the identity of the proposed Farmers’ Market;
• determining the resources required to ensure the efficient coordination of
market activities;
• establishing an appropriate management model and organisational
structure to administer the operations of a Farmers’ Market;
• identifying and securing a suitable location that can meet the needs of
the proposed Farmers’ Market in the medium and long term;
• developing a market charter that reflects Farmers’ Market principals and
ensures the proposed Farmers’ Market maintains authenticity;
• developing a realistic business plan that includes marketing, operations
and financial considerations; and
• ensuring that there is a critical mass of producers and an appealing
product mix that reflects the seasonal product of the Murraylands.

It is proposed that the Rural City of Murray Bridge support this group by:

• offering expertise to assist in the development of an appropriate
governance model, market charter (rules), business plan and operational
processes;
• providing seed funding to allow the market to support comprehensive
business planning, promotion communications and operations; and
• ensuring that the coordination group is aware of all legislative
requirements

**Legislative Requirements**
The Farmers’ Market will be required to obtain development approval and will
have obligations pursuant to the Public Environmental Health Act, 1987 and
Dependent on its location and adopted governance model the proposed
Farmers’ Market may need to refer to the Associations Incorporation Act,
1985, Road Traffic Act, 1995, the requirements of the Dog and Cat
Management Act, 1995 and road closure procedures.

**Council Policy**
Not applicable

**Strategic Management Plan**
This project relates to the following objectives within the Strategic
Management Plan:

**Objective 1.1**
Attract new enterprises and increase support existing commercial, retail,
construction and manufacturing, primary industry and tourism enterprises

**Objective 3.3**
Foster cohesive and self supporting urban and rural communities

**Objective 3.4**
Improve community health, safety and well being

**Objective 4.1**
Improve community and stakeholder engagement
Financial Implications
It is proposed that Council provide appropriate seed funding to allow the market to support comprehensive business planning, promotion and communications, insurances and operations. Funding in the amount of $20,000 for this project (PR-1349) has been identified in the 2011/12 Budget.

Implementation Strategy
In order to develop and maintain a viable Farmers’ Market, an organized and well thought out process needs to be implemented. A proven Action Plan has been developed that documents a step by step process covering all requirements. An outline of the process is detailed in Appendix 193.3.

It is anticipated that the Coordination Group will work through this process with some assistance from Council.

Communication Strategy
The success of the Farmers’ Market requires:

- the engagement of producers and consumers
- that we provide all stakeholders accurate information.
- that we offer all stakeholders the opportunity to communicate their ideas and considerations.
- that all relevant Council officers are aware of the proposal and offer advice on legislative requirements.

A comprehensive communication plan has been developed that identifies all internal and external stakeholders, establishes their information requirements and the means of delivery.

Recommendation
1. That Item 193.3 on Council Agenda of 18 July 2011 be received.
2. That Council support the establishment of a Farmers’ Market in Murray Bridge.

Cr Secker moved
That the recommendation be adopted – namely,
1. That Item 193.3 on Council Agenda of 18 July 2011 be received.
2. That Council support the establishment of a Farmers’ Market in Murray Bridge.

Seconded by Cr England and CARRIED

NEXT ITEM
Farmers’ Market Establishment Process

Aims & objectives
- What do we want to do and why?

Consultation
- Are others on board and if not can we get them on board?

Audit
- Do we have the supply and the way with all?

Resources
- What is required and do we have the resources to provide it?

Site Selection
- Where will we do it and does it fit the bill?

Governance
- Who will coordinate, manage and maintain?

Marketing & promotion
- How will we communicate to our potential customers?
193.4 OUTDOOR DINING PERMITS – ADOPTION OF REVISED POLICY (SF482)

Officer: Malcolm Downie

Purpose
To seek Council approval for the adoption of the revised Outdoor Dining Policy.

Background
The revised Outdoor Dining Policy was briefed to Elected Members in May 2010. Council’s lawyers reviewed the existing policy and revised it to make the policy more user friendly. Council staff visited businesses with Outdoor Dining permits and provided a copy of the proposed policy to most of the business owner/tenants. No comments were received on the wording or intent of the revised policy although there is naturally some concern regarding the compliance of existing structures with the revised policy. All business owner/tenants found the policy easier to read and commented that the applicable fees were more in line with the rural setting.

Proposal
For Council to adopt the revised Outdoor Dining Policy and for Council staff to implement the revised policy in conjunction with existing permit holders and businesses who apply for outdoor dining permits in the future.

Legislative Requirements
Local Government Act 1999 – Sections 200, 202, 221-225
Development Act 1993
Liquor Licensing Act 1997
Retail and Commercial Lease’s Act 1995
Disability Discrimination Act 1992 (C’wth)
Equal Opportunities Act 1984 (SA)

Council Policy
Existing Outdoor Dining Policy – Council meeting 29 June 2009 – 891.3.5

Strategic Management Plan
The policy supports the Economic and Social goals within the Strategic Management Plan.

Financial Implications
Fees charged as per Council’s fees and charges schedule – each permitted area will be different depending on the extent of outdoor dining infrastructure.

Costs associated with installation of bollards and other infrastructure are borne by the applicant.
**Implementation Strategy**
Application forms to be filled out by the business.
Consultation with SAPOL and adjoining businesses.
Permits written and executed by both parties.
Fees charged as per Fees and Charges Schedule.

**Communication Strategy**
Written Letter with application form - verbal follow up if not received
Consultation by Written form.
Permits posted or emailed.
Invoice posted to applicant.

**Recommendation**
1. That Item Number 193.4 on Council Agenda of 18 July 2011 be received.
2. That Council adopt the revised Outdoor Dining Policy attached as **Appendix 193.4**

**Cr Weinmann moved**
That the recommendation be adopted – namely,
1. That Item Number 193.4 on Council Agenda of 18 July 2011 be received.
2. That Council adopt the revised Outdoor Dining Policy attached as **Appendix 193.4**

**Seconded by Cr Laubsch and CARRIED**

**NEXT ITEM**

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### OUTDOOR DINING POLICY

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**Responsible Officer**: Manager Corporate & Community Services

**Previous Revisions**:
- 891.3.5-29/6/09
- 348.2-29/1/08
- 332.3.7-10/12/07
- 733.1.6-24/7/06
- 20/1/04

**Applicable Legislation**:
- Local Government Act 1999
- Rural City of Murray Bridge Development Plan
- Development Act 1993
- Disability Discrimination Act 1992

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PART 1 - ABOUT THIS POLICY

1. This policy states Council's requirements in granting, renewing and managing a Permit that allows a business to use a footpath (or other Council land, as applicable) for outdoor dining adjacent to the business' premises.

2. Council supports outdoor dining as a means to enhance the social and cultural life of the City.

3. Most usually, this policy would apply to use of a footpath under a Local Government Act 1999 section 222 permit from Council. The policy however, is also to apply to use of community land under a lease or licence, so far as can be made applicable.

4. Some elements of this policy appear in the Application Form in Part 11 or in the template Permit in Part 12.

5. The official copy of this policy will be held within Council's electronic records system. A PDF copy will be downloadable from Council's web site. A member of the public may inspect this policy at Council's principal office during business hours, and may purchase a copy upon payment of a fee as fixed by Council in its Fees & Charges Schedule.

6. This policy will be reviewed annually, and at the first meeting following a periodic election of elected members. Council may revise this policy at any time, however.

7. An applicant or prospective applicant for a Permit is entitled to put submissions to Council on how a deviation from this policy should apply in their particular case. Council must give fair consideration to any such submissions, while endeavouring to maintain policy consistency across the whole City.

8. In this policy:

   "enclosed" means an enclosed area or place that is, except for doorways, passageways and internal wall openings, completely or substantially enclosed by a solid permanent ceiling or roof and solid permanent walls or windows, plastic awnings, whether the ceiling, roof, walls or windows awnings are fixed or movable and open or closed.

   "Operator" means a person holding a Permit.

   "outdoor dining" means tables and chairs placed on Council's land for the purpose of increasing the capacity of a hotel, café, delicatessen, restaurant, dining or similar option for the use by the Operator and customers.

   "Permit" means an authority from Council entitling a person to establish and use an outdoor dining area upon Council's land. Where a road is to be used, it means a permit under Local Government Act 1999 section 222; where community land is to be used, it means a lease or licence to occupy under Local Government Act 1999 section 202.

   "road" is defined in the Local Government Act 1999.
PART 2 – REGULATORY FRAMEWORK

9. Various statutes operate on the establishment or operation of an outdoor dining area, whether temporary or permanent.

**Local Government Act 1999**

Community Land (excludes a road)

10. Section 200: A person must not use community land for a business purpose* unless the use is approved by Council. An approval must not be contrary to a management plan for that community land. An approval may be given on conditions Council considers appropriate.

11. Section 202: Council may grant a lease or licence over community land (including a park or reserve). Public consultation is required unless the lease or licence is authorised in a relevant management plan and its term is 5 years or less. The term cannot exceed 21 years. The lease or licence must be consistent with any relevant management plan.

* Section 5 is that land may be used for a business purpose even if it is not intended to make a profit.

Roads (includes a footpath)

12. Section 221: With limited exceptions, a person must not make an alteration (as defined) to a public road unless authorised by Council. The term of the authorisation cannot exceed 42 years.

Unless otherwise agreed, a fixture or equipment installed in, on, across, under or over a public road under an authorisation or permit remains the property of the holder of the authorisation or permit. At any time, Council may order that owner to carry out maintenance or repair work, or move the thing to allow Council to carry out roadwork: Sections 209 & 217.

13. Section 222: A person must not use a public road for business purposes* unless authorised to do so by a permit. The term of the permit cannot exceed 5 years.

14. Section 223: Public consultation is required if an authorisation or permit would result in any part of a road being fenced, enclosed or partitioned so as to impede the passage of traffic to a material degree.

15. Section 224: Council may grant an authorisation or permit on conditions Council considers appropriate.

16. Section 225: Subject to due process, Council may cancel an authorisation or permit for breach of a condition.

* Section 5 is that land may be used for a business purpose even if it is not intended to make a profit.

**Development Act 1993**

17. This Act operates if the proposed outdoor dining area involves either:

17.1 a change in land use - required to be assessed against the Development Plan.

17.2 installation of items of fixed street furniture (such as bollards, safety screens) - requiring building consent; or

17.3 the display of 3rd party signage on items of fixed street furniture - requiring Development Plan consent.
**Liquor Licensing Act 1997**

18. Where the proposed dining area is to be used to serve or consume liquor, liquor may only be consumed with or ancillary to a meal. The Operator is required to comply with this term so far as the consumption of liquor is concerned when applying for a liquor licence the terms of which allow the area to be used for that purpose and in the manner specified.

19. An applicant for a Permit who already holds a liquor licence would need to apply under section 69 of this Act for an extension of the trading area of the licence.

20. Where an applicant is to apply for a new liquor licence, Council reserves its separate rights under the **Liquor Licensing Act 1997** to comment, interfere or object to a licence application on the merits of the application - even if Council is otherwise amenable to grant a Permit under the **Local Government Act 1999** and consents under the **Development Act 1993**.

21. Where an applicant is to apply to extend the trading area of an existing liquor licence, section 69(3)(e) of this Act would require Council to approve the Outdoor Dining Permit **before** the Commissioner will assess the applicant's request to extend the liquor licence. Council will not give that approval under the **Liquor Licensing Act 1997** unless it is satisfied with the terms of the said Permit under the **Local Government Act 1999** and that those terms and conditions will be adhered to.

22. A Permit should not be inconsistent with conditions imposed on the liquor licence by the liquor licensing authority. It is unlikely that the liquor licensing authority would grant a liquor licence that contravenes the intentions of Council's Permit.

23. A 24/7 dry area exists within Council's Central Business Area and Hume and Sturt Reserve areas, except any areas covered by a liquor licence, as set out in Section 131 of the **Liquor Licensing Act 1997**.

**Retail and Commercial Leases Act 1995**

24. Legal advice to Council is this Act does not apply to:

- **24.1** an outdoor dining permit over a footpath granted under **Local Government Act 1999** section 222; or

- **24.2** a lease / licence of community land that is unimproved at the time the lease / licence is granted.

25. In other cases the Act may apply, bringing with it need of a formal disclosure statement, minimum 5 year term (unless waived in proper form), and various statutory rights and obligations of the parties.

26. In case of doubt, an employee should seek particular legal advice on the application of the Act.


27. An Operator needs to ensure the layout and operation of the outdoor dining area does not contravene anti-discrimination legislation, particularly the above Acts.

28. In layout, the outdoor dining area needs to accommodate persons in wheelchairs.
PART 3 – PLACEMENT OF THE OUTDOOR DINING AREA

29. An outdoor dining area must operate within a defined area.

30. The defined area must allow for safe pedestrian circulation and access, improve or maintain the existing amenity of the locality, provide for convenient use, and not compromise sight lines for motorists.

31. As a rule, the placement of an outdoor dining area must accord with one of the diagrams in Part 10 of this policy.

32. As can been seen in the following diagram:
   - A clear 1.8 metres should exist for pedestrian circulation along the footpath.
   - The dining area should be set back at least 0.6 metres from the face of the kerb (also set back at least 3.0 metres from an intersection, unless located on a designated protuberance).
   - Minimum cross fall of footpath should be 1:40.

33. The placement of the outdoor dining area, and the proposed outdoor fixtures and furniture, should compliment or improve the character and amenity of the street. Regard may be had to other street...
elements, such as existing street furniture, trees, garden beds, light poles, fire hydrants, building entrances, service pits and roadside signage.

34. The use of a public car park as an outdoor dining area would be exceptional.
PART 4 – STREET ELEMENTS

35. An outdoor dining area must be clearly defined - to provide a safe environment for patrons and pedestrians. This can be achieved through appropriate placement of tables, seats, safety screens, bollards and / or planter boxes, while maintaining an open, accessible environment that enhances the amenity of the street.

36. The selection and placement of street furniture must conform to Council’s requirements.

Advertising and Signage

37. Furniture used in outdoor dining areas may only display the name or logo of the Operator’s business. Markings should be a minor element in the design.

38. A-frame signs are not allowed within the outdoor dining area or the 1.8 metre clear pedestrian zone adjacent to the dining area.

Awnings, verandahs and shade structures

39. If to be new, these must be designed to fit in with the existing buildings and street character, and must be connected to the public stormwater system, in accordance with approval from Council.

40. Existing awnings, verandahs or shade structures over or attached to Council’s land must be checked by a structural engineer to ensure those items are structurally sound and safe.

41. A report on these kinds of items should be provided to Council every 5 years from when a Permit was first granted for the outdoor dining area and prior to renewal of the Permit (whether or not used by the same Operator).

Bollards

42. The Operator at its cost must install pedestrian bollards and / or fixed safety screens that protect an outdoor dining area from impact by a slow-moving vehicle where either:

42.1 the outdoor dining area is on a footpath extension (protuberance); or

42.2 a risk assessment by Council’s Works Manager determines the need; or

42.3 additional visual definition of the dining area is thought necessary.

43. Bollard placement depends on:

43.1 Distance from kerb line (minimum 600mm)

43.2 Spacing with regard to buildings, trees and other elements of public street furniture.

Lighting

44. To ensure safety and amenity for pedestrians and patrons, adequate lighting (supplied by the Operator if needed) must operate where outdoor dining occurs outside daylight hours.

45. Flashing or chasing lights are not allowed, and lights must not create unreasonable “spill” into properties.

46. The design of lighting must not distract road users from safe operation of their vehicles.
Planter Boxes

47. Based on Council’s risk assessment, planter boxes may provide further definition to outdoor dining areas, as well as add variety and colour to the street.

48. The design requirements for planter boxes:

48.1 Form and structural strength must be adequate to meet functional requirements, including resistance to vandalism and impact from pedestrians.

48.2 No sharp corners or edges.

48.3 Physical appearance, including materials and style, must be consistent with the streetscape character including other street elements.

48.4 Durable materials able to withstand harsh use should be used.

48.5 Logos and other forms of advertising are not allowed on planter boxes.

48.6 Plant material may be planted directly into planter boxes, or contained within plastic pots for ease of replacement.

48.7 Where irrigation is provided, the water supply lines must be concealed underneath the footpath.

48.8 Drainage may also be provided and permission gained to connect direct to the street’s stormwater system.

48.9 Overflow from irrigation systems or hand-watering must not stain pavements or cause a safety hazard for pedestrians.

48.10 A minimum width of 500mm per planter box is recommended.

48.11 Planter boxes must not exceed 1200mm in length in any one unit.

49. Location and placement requirements for planter boxes:

49.1 Planter boxes must not be placed where they present a barrier and subsequent danger to pedestrians crossing the street.

49.2 Where a number of planter boxes are proposed, a minimum gap of 600mm must exist between units.

49.3 Planter boxes must not be placed on top of service covers or where they interfere with existing services.

49.4 The placement of planter boxes depends on:

49.4.1 Distance from kerb line (minimum 600 mm);

49.4.2 Spacing with regard to buildings, trees and other elements of public street furniture;

49.4.3 Positioning which allows for pedestrian amenity, including refuge from traffic;

49.4.4 Existing kerbside use (e.g., car parking, loading zones).

50. Plant species must be suitable in terms of form, shape, hardiness and ability to be maintained.
Tables & chairs

51. Outdoor furniture types are subject to Council’s approval.

52. Furniture should be of a style that enhances local amenity and provides a well-designed practical suite that is durable, attractive and fits within the existing street character.

53. Furniture must be of durable materials and colours, able to withstand harsh use.

54. Chairs must be of sufficient weight as not to be blown about by strong winds.

Safety Screens

55. An Operator may be required at their cost to install fixed safety screens (of glass or plastic) where either:

55.1 the outdoor dining area is on a footpath extension (protuberance); or
55.2 a risk assessment by Council’s Works Manager determines the need; or
55.3 additional visual definition of the dining area is thought necessary.

56. An Operator may also provide fixed safety screens as protection from noise and wind.

57. Design requirements for fixed safety screens:

57.1 Form and structural strength must be adequate to meet functional requirements, including wind loads, resistance to vandalism and impact from pedestrians.

57.2 Simple design, and not appear as a decorative element in the street.

57.3 Logos and other decorative elements are not allowed unless discreet and imbedded into glass or plastic and do not impact sightlines for pedestrians or vehicles.

57.4 Screens may be laid out in a variety of configurations.

58. Location and placement requirements for fixed safety screens:

58.1 Screen placement depends on:

58.1.1 Distance from kerb line (minimum 600 mm).

58.1.2 Spacing with regard to buildings, trees and other elements of public street furniture.

58.1.3 Positioning which allows for pedestrian amenity, including refuge from traffic.

58.1.4 Existing kerb side use (i.e. car parking, loading zones, etc.).

58.2 Screens must not be placed where they present a barrier and subsequent danger to pedestrians crossing the street.

58.3 A single screen along the street frontage must not exceed 10 metres in length.

58.4 Where adjacent screens are up to a maximum of 6 metres along the street frontage, the gap between screens must be at least 1.5 metres.
58.5 Screens must not be placed on top of service covers or where they interfere with existing services.

59. Approval for any particular screen would be site-specific.

Umbrellas

60. Umbrellas may provide shade, and shelter from wind and rain.

61. Umbrellas must be securely fixed to prevent blowing over in strong winds - the fixing must be into a concrete footing underneath the footpath pavement. In sheltered locations, sandbags placed on top of a moveable and wide umbrella base may be approved.

62. No part of a fixed umbrella stand should protrude above the pavement level, because it might present a hazard to pedestrians when the umbrella is removed. That fixed stand should also have a cap (flush with the footpath) to cover the hole when an umbrella is not installed.

63. Umbrellas must achieve a minimum of 2 metres height clearance from the pavement when in use.
PART 5 – PROCESSING AN APPLICATION

Application Form

64. The required Application Form is in Part 11 of this policy.

65. A copy of the form must be freely available to any member of the public on request.

Preliminary assessment

66. On receipt of an application, a Council employee should check the application is fully completed, all documents the form requires are attached and is signed and dated.

67. A problem with the form should be promptly advised to the applicant.

68. Any amendment to the form as first submitted must be initialled by the applicant, or a fresh form used.

Consultation

69. The Local Government Act 1999 requires Council comply with its public consultation policy for either:

   69.1 a lease or licence over community land – unless the lease or licence is authorised in an approved management plan and the term of the proposed lease or licence is 5 years or less (s. 202(2) & (3)); or

   69.2 an authorisation or permit over a public road that would result in any part of a road being fenced, enclosed or partitioned so as to materially impeded traffic (s. 223(1)).

70. In any event, SAPOL and adjoining building owners / occupiers must be given opportunity to comment on the application. This will be by way of letters sent by Council to all parties.

71. Other persons may also have opportunity to comment on the application via any Development Application and / or liquor licensing processes.

Risk assessment

72. Council should undertake a risk assessment of the proposed outdoor dining area, with the outcome recorded on the file.

Fee

73. The rent payable under a lease or licence over community land is to be negotiated with the applicant.

74. The fees payable under a Permit will be calculated against the numbers and kinds of street furniture allowed, and will be of amounts stated in the Fees and Charges Schedule. Such fees are payable annually in advance. If a Permit is voluntarily surrendered during the year, the Chief Executive Officer (or delegate) may approve a pro rata refund of the fee paid.

Terms and conditions of a Permit

75. A Permit must be on the terms and conditions of the template in Part 12 of this policy, subject to any changes negotiated with the applicant.

76. Where changes from the template are agreed, they should appear as “special conditions” (that prevail over usual terms and conditions), without edit to the body of the usual terms and conditions.

77. Reasons for agreeing to a special condition should either be obvious from a reading of the special condition, or noted on the file.
Period of the Permit

78. A new Permit must have an initial period of 12 months or until the next 30th June.

79. On or about the end of the initial period, Council must undertake a review and risk assessment of the Operator’s operations and, if the review and assessment have satisfactory outcomes, Council may extend the initial period for up to a further 24 months or until the second next 30th June.

80. When the above renewal period expires, the existing Permit terminates and the Operator needs to make a fresh application for a replacement Permit. A replacement Permit would be subject to the same initial period, review and risk assessment, possibility of extension as for the original Permit.
PART 6 – GRANT OF A PERMIT

81. An employee holding a sufficient delegation under Council’s Delegation Register may issue a Permit.

82. More complex applications involving public infrastructure alterations and / or use of public car parking space, must be referred to Council for consideration.

83. A Permit must not be granted unless and until:

   83.1 any requisite Local Government Act 1999 section 221 authorisation to alter the road (by the installation of fixed items on or under the road) has issued (as approved by Council’s Manager Infrastructure & Technical Services);

   83.2 any requisite Development Act 1993 consents are granted;

   83.3 Council is provided a copy of any prior Liquor Licensing Act 1997 consents that were issued within the last 24 months;

   83.4 Council is provided with evidence of current insurance the Permit would require of the Operator;

   83.5 Council is paid the applicable fee.

84. A Permit is not to become effective until the Operator has counter-signed and returned to Council a copy of the Permit.

85. The fully signed Permit must be placed in safe custody, with a copy in the file.
PART 7 – RENEWAL OF A PERMIT

86. If an Operator desires to extend their Permit, they must apply to Council using the Application Form.

87. Refer to clause 79 and clause 80 of this policy.
PART 8 – TRANSFER OF A PERMIT

88. A Permit is not transferable. Any new occupier of the relevant business premises would need to make their own application for a Permit, and pay fees as per Council’s Fees and Charges Schedule.
PART 9 – BREACH OF A PERMIT

89. Authorised Officers of Council will monitor outdoor dining areas.

90. Steps to be taken if an Operator breaches a condition of the Permit:

• 1st breach - verbal warning + a notation is made on the Operator’s file
• 2nd breach – issue an expiation notice + a letter of warning
• 3rd breach - issue an expiation notice + and a letter advising that Council intends to cancel the Permit upon grounds stated in the letter and that the Operator has a reasonable period (at least 28 days, less if necessary to protect health or safety of the public, or otherwise to protect the public interest), to make representations to Council on why the proposed cancellation should not proceed
• If within the above period the Operator fails to either:
  o rectify previous breaches to the satisfaction of Council, or
  o take steps to ensure no further breach,

issue a letter advising the Permit is cancelled, and that an application for a replacement Permit cannot be made for 3 months.
PART 10 – DEFINED AREAS DIAGRAMS

DIAGRAM 1

Indicative layout for furniture with 2 chairs per table. Chairs must not back kerb.
DIAGRAM 2

Indicative layout for furniture with 3 chairs per table. Chairs must not back kerb
DIAGRAM 3

Indicative layout for furniture with 4 chairs per table. Chairs must not back kerb.

Kerb Line

0.6 minimum  Safety Zone

2.0 minimum  Dining Zone

1.8 minimum  Footpath

Front of building
DIAGRAM 4

Outdoor dining adjacent to kerb and close to intersection. Chairs must not back kerb.
DIAGRAM 5
Planter Boxes

Kerb Line

0.6m minimum

1.8m minimum

.5 minimum

1.2 minimum

Front Wall
DIAGRAM 6

Outdoor dining screens
DIAGRAM 7

Protuberance
DIAGRAM 8

Safety Zone

[Diagram of a safety zone showing kerb face, footpath (crossfall 1:40 maximum), carriageway, and water table.]
PART 11 – APPLICATION FORM
LOCAL GOVERNMENT ACT 1999

APPLICATION FOR AN OUTDOOR DINING AREA PERMIT

Council: The Rural City of Murray Bridge ABN 90 501 266 817
Council’s contact: Contract Manager, Ph: (08) 8539 1100, Email: council@murraybridge.sa.gov.au
Applicant/s: Legal name: ABN:
Trading name:
Mailing address:

Applicant’s contact: Mr/Ms
Ph: Email:

Area’s street address:

Is liquor being served? YES/NO.
If Yes you understand that you must also apply for a Liquor Licence under the Liquor Licensing Act 1997.

Proposed working hours: (If the Applicant proposes to use the outdoor area with benefit of a liquor licence, please note that the working hours for the Outdoor Permit will not necessarily be the same as for the liquor licence hours for the main indoor dining area - otherwise the proposed working hours are as below.)

Monday: ..... a.m. to ...... p.m. Tuesday: ..... a.m. to ...... p.m.
Wednesday: ..... a.m. to ...... p.m. Thursday: ..... a.m. to ...... p.m.
Friday: ..... a.m. to ...... p.m. Saturday: ..... a.m. to ...... p.m.
Sunday: ..... a.m. to ...... p.m.

Proposed street furniture:

☐ Tables (fixed) x .......
☐ Chairs x ............
☐ Umbrellas x .......
☐ Bollards x .......
☐ Litter bins x ............
☐ Tables (moveable) x .......
☐ Planter boxes x ......
☐ Awnings / shade structures
☐ Fixed safety glass / plastic screen
☐ Other: are toilets available?
Attachments: (The application might not be considered until each of following is provided.)

☐ Application fee: $ .................... (If a permit is granted, the annual fee will be calculated against the kinds and number of approved street furniture to be used, and the application fee paid will be set off against the first year’s annual fee. The application fee is not refundable if the application is withdrawn or declined. If a permit is granted, a bond is also payable.)

☐ Map of the Area (scaled 1:100 minimum), showing the placement of proposed street furniture (fixed or moveable). Should also show: entrance to premises, position of any verandah posts, litter bins or other structures and proposed signage. (Council’s Outdoor Dining Policy sets out Council’s requirements).

☐ Photographs / pamphlets of each item of proposed street furniture. (Design, size, appearance, colour, other characteristics and placement must conform to Council’s requirements.)

☐ Evidence (certificate of currency) the Applicant is insured for:
  • public liability re the Area (at least $20 million)
  • product / service liability (at least $5 million)
  • loss / damage of its property upon the Area (full replacement value)
  • worker’s compensation for its workers upon the Area (if required by law)

☐ Engineer’s report as to the structural soundness of any existing awning, verandah or proposed structure within the Area and over / attached to Council’s land.

☐ Detailed plans and specifications prepared by a qualified person for any alteration of a road (or footpath) applied for – including a change to underground services / erecting or installing pipes, wires, cables, fixtures, fittings.

☐ List of plant species proposed to be used in any planter boxes.

☐ Letters of support from adjoining building owners / occupiers.

☐ Any changes to the template form of Permit set out in Council’s Outdoor Dining Policy that the Applicant may propose.

Information for the Applicant:

• You need to make separate application to Council (and pay separate fees) for consents under the Development Act 1993 if either:
  o use of the Area for outdoor dining would be a change in use under the applicable Development Plan (including intensification of use),
  o a bollard, planter box, fixed safety screen, fixed umbrella stand, an awning or shade structure, lighting is to be located on the Area, or if utilities services are to be installed, or
  o any 3rd party advertising / signage is to be displayed on any proposed street furniture.

• If you are to serve or allow consumption of alcohol upon the Area, you need to make separate application to the Liquor and Gambling Commissioner for the grant / extension of the trading area of the requisite liquor licence under the Liquor Licensing Act 1997 following the grant of the Permit. A copy of that application should be sent to Council’s Development and Environmental Services Department, telephone 8539 1100 for record keeping purposes. Council reserves its separate rights under that Act.
to comment, interfere or object to a licence application on the merits of the application.

- This application is subject to Council's approval and, if relevant, the Applicant obtaining requisite Development Act 1993 / Licensing Act 1997 consents or approvals in conformity with this application. Council will not be bound and makes no firm commitment until such time as the Permit document is signed by both parties.

- If a permit results, you agree to pay for any costs Council incurs in altering public infrastructure to accommodate your permit.

The Applicant applies to Council for a permit to occupy and use the Area as stated in this application. The Applicant also applies for an authorisation to alter a road as may be required. A person signing this Application on behalf of the Applicant warrants they have authority for that purpose.

Signed by / for the Applicant:

..................................................................................................................

Print Name:                                                            Date:

OFFICE USE ONLY:

<p>| ☐ | A clear 1.8 metres exist for pedestrian circulation along the footpath |
| ☐ | The dining area set back at least 0.6 metres from the face of the kerb |
| ☐ | The dining area set back at least 3.0 metres from an intersection, unless located on a designated protuberance |
| ☐ | Minimum cross fall of footpath 1:40 |
| ☐ | Proposed layout conforms to policy |
| ☐ | Plans &amp; specifications to alter a road approved, and costs agreed with the Applicant |
| ☐ | Risk assessment complete and satisfactory |
| ☐ | Letter issued to SAPOL |
| ☐ | Letters issued to owners / occupiers of adjoining properties |
| ☐ | Public consultation not required, or completed |
| ☐ | Development Act consents in hand |
| ☐ | Acknowledgement that a Liquor Licensing Act licence / extension of trading application will be made - has a letter of support been issued to the successful Applicant? |
| ☐ | SAPOL have no objection |
| ☐ | Kinds and quantities of street furniture approved |
| ☐ | Evidence of current insurances the Applicant must hold |
| ☐ | Annual fee paid |
| ☐ | Bond (security) paid |</p>
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<th>Council’s tax invoice issued</th>
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<td>Permit signed for the Applicant</td>
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<td>Original Permit signed by and held by Council</td>
</tr>
<tr>
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<td>Copy of the fully signed Permit sent to the Operator</td>
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PART 12 – TEMPLATE FORM OF PERMIT

LOCAL GOVERNMENT ACT 1999

OUTDOOR DINING AREA PERMIT

Council: The Rural City of Murray Bridge ABN 90 501 266 817

Council’s contact: Contract Manager, Ph: (08) 8539 1100, Email: council@murraybridge.sa.gov.au

Operator/s: Name: ABN:

Address:

Operator’s contact: Mr/Ms

Ph: Email:

Annual Fee: (Pro rata 12 months, payable in advance and before GST ) (non-refundable)

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<td>Dining table (fixed)</td>
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<tr>
<td>Canvas/plastic/glass screen</td>
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<tr>
<td>Awnings</td>
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<td>Total</td>
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Minus Application Fee paid

Amount now payable

Capacity: The maximum number of patrons/customers that will be utilise the Area will be __________

Security: $ __________ as cash / irrevocable unconditional bank guarantee

Area: As per map attached (If no map – sufficiently identify the area by reference to adjoining properties or road intersections, and linear metres, and show placement of Street Furniture)

Period: Initially / __/20__ to 30/6/20__
**Working hours:** (If the Operator uses the area with benefit of a liquor licence, working hours for this authorisation may not be the same as for the indoor dining element of that liquor licence - otherwise working hours are as below.)

<table>
<thead>
<tr>
<th>Day</th>
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<tr>
<td>Monday</td>
<td>a.m. to ...... p.m.</td>
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<td>Tuesday</td>
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<td>Saturday</td>
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<tr>
<td>Sunday</td>
<td>a.m. to ...... p.m.</td>
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</tbody>
</table>

**Street Furniture:** (Design, size, appearance, colour, other characteristics and placement must conform to Council’s requirements)

- [ ] Tables (fixed) x .......
- [ ] Tables (moveable) x .......
- [ ] Chairs x ........
- [ ] Planter boxes x ....
- [ ] Umbrellas x .......
- [ ] Awnings / shade structures
- [ ] Bollards x .......
- [ ] Fixed safety glass / plastic screen
- [ ] Litter bins x ........
- [ ] Other:

**Pre-requisites:** (The authorisation is not effective until each of the following is satisfied)

- [ ] A copy of this Permit, signed by Council, is returned to the Operator.
- [ ] Other: .................................................................................................................................

**Special conditions:**

1. ..................................................................................................................................................
2. ..................................................................................................................................................
3. ..................................................................................................................................................

**Dated:** The day of 20

Council permits the Operator to occupy and use the Area as detailed above and subject to the conditions following and the Operator agrees to those conditions.

**Signed** for Council: **Signed** by / for the Operator:

...........................................................................................................................
...........................................................................................................................

Print Name: Print Name:
CONDITIONS

SECTION A - PRELIMINARY

1. **Pre-requisites:** The permit is not effective unless and until the stated pre-requisites are satisfied or waived in writing by Council.

2. **Limitations:** Once effective, the permit is limited to the particulars stated earlier. A variation to any such limitation is at Council’s discretion and may require the Operator to make application for a replacement permit.

3. **Nature of the permit:** The permit is not a lease or tenancy. The area remains a public place and the Operator and their patrons do not have exclusive use of the area.

SECTION B - PERIOD

4. **Initial period:** The initial period of the permit is as stated.

5. **Extension of the period:** On or about the end of the initial period, Council must undertake a review and risk assessment of the Operator’s operations and, if the review and assessment have satisfactory outcomes, Council may extend the initial period for up to a further 24 months or until the second next 30th June.

6. **Expiry:** When the above renewal period expires, the existing permit terminates and the Operator needs to make a fresh application for a replacement permit. A replacement permit would be subject to the same initial period, review and risk assessment, and possibility of extension as for the original permit.

7. **Cancellation:** Council may cancel this permit in circumstances Local Government Act 1999 section 225 allows. In addition, on at least 3 months' notice Council may cancel this permit if Council or utilities providers require access to the area to perform roadwork or other work.

SECTION C – ANNUAL FEES

8. **Payment:** The Operator must pay annual fees to Council.

9. **Initial fee:** The initial annual fee is as stated.

10. **Later fees:** On and from each 1 July, the annual fee is as calculated under Council’s Fees and Charges Schedule as applicable to the coming financial year and notified to the Operator. A new annual fee is payable in advance and within 30 days after being notified, in exchange for a tax invoice from Council.

11. **About fees:** An annual fee is calculated on the kind and number of the Operator’s street furniture. A fee paid is not refundable.

SECTION D – SET UP

12. **Inputs:** Council is not obliged to supply any information, materials, plant, equipment or other goods or services for the purposes of the permit. If Council agrees to and does supply any such things, it may recover a reasonable fee.

13. **The area must be well defined:** For safety and amenity reasons, the boundaries of the area must be clearly defined by appropriate placement of the street furniture, while allowing for safe pedestrian circulation and access.

14. **Layout:** A design, comprising of approved layouts, of the area now attached, the area must be and remain laid out in conformity with the map. The area must be laid out with at least the clearances and set backs from buildings / kerbs Council’s policy then requires.
SECTION E – STREET FURNITURE

15. **Supply:** The Operator at its cost must supply and install the stated street furniture & other structures that the Council requires.

16. **Ownership:** The Operator remains the owner of its street furniture, including any fixed to or under the area - see *Local Government Act 1999* s. 209.

17. **Placement:** Street furniture must remain within the boundaries of the area.

18. **Bump out:** All moveable street furniture must be removed from the area at the close of business on each day.

19. **Maintenance of street furniture:** All street furniture must be maintained in presentable, clean, safe and good condition. Any graffiti upon street furniture must be covered up or removed promptly.

20. **Making good:** Within 5 working days after the end of the permit from any cause (unless extended or renewed), the Operator must remove its street furniture and restore the area to at least the same condition that existed before the Operator (or its predecessor) first occupied the area.

SECTION F – PLANTS IN PLANTER BOXES

21. **Plant species:** Plants in planter boxes must be suitable and of a species that conforms to any requirements of Council.

22. **Maintenance of plants:** Plants in planter boxes must be kept presentable, and dead plants promptly removed and replaced with healthy specimens.

SECTION G – BUSINESS ACTIVITIES UPON THE AREA

23. **Serving customers:** All staff, equipment and activities associated with the operation of the area must remain wholly within the area, except when conveying of food, drink, tableware and furniture between the area and the Operator’s premises.

24. **Kitchenware:** Cutlery, crockery and glassware must be laid out only when a meal is ordered, and be promptly removed when no longer in use.

25. **Service delivery:** Food and drinks to be consumed upon the area must be prepared in the Operator’s premises and not upon the area. Covered containers must be used between the preparation area and the area, if so required by an Environmental Health Officer of Council.

26. **Trolleys:** Trolleys may be used to transport food and drinks between the Operator’s premises and the area, but must not remain upon the area for longer than necessary.

27. **Smoking:** The Operator may prohibit smoking upon the area. If the Operator allows smoking upon the area, ashtrays must be provided and must be emptied and replaced on a regular basis; ash and cigarette butts must not be allowed to litter the area.

28. **Standards of behaviour:** The Operator must not suffer upon the area any disorderly conduct or a public nuisance.

29. **Lighting:** Where dining upon the area occurs outside daylight hours, the Operator must supply adequate lighting for the safety of customers and passers-by.

30. **Animals:** Animals must be managed effectively within the area. Dogs must be on a leash at all times. The State Government has exempted dogs in approved outdoor dining areas from *Food Safety Standard* clause 3.2.2, sub-clause 24(1)(b) in dining areas, providing the area is not enclosed. Nevertheless, animals must be under the control of their owners and must not cause a nuisance to
other diners or passers-by. The Operator may deny an animal entry to sections of the area containing furniture, but may not prevent animals from passing by on the footpath or dogs that are required for persons with impaired vision or hearing (guide dogs). Animals must not be provided with food or permitted to seek and take food anywhere in or near to the area. One water dish may be provided for animals, providing it is on the perimeter of the area and is at least 1 metre away from customers seated at tables.

SECTION H – CLEANING THE AREA

31. **Upkeep:** The Operator must keep the area and adjacent footpath reasonably clean and free of rubbish. Blowers or similar must not be used. Use of a hose may be subject to SA Water restrictions. Where the Operator has supplied a litter bin for use upon the area, the Operator must not allow the bin to attract insects or vermin.

32. **Spills:** In particular, any food or sugary drinks falling to the pavement must be cleaned up promptly, as not to present a slipping hazard to customers or passers-by or give rise to unhygienic conditions.

33. **Disposal:** Rubbish and sweepings must not be disposed of into the street gutter or into public litter bins, but rather disposed of in the appropriate manner.

SECTION I – AWNINGS & SHADE STRUCTURES

34. **Awnings and shade structures:** A report on these structures should be provided to Council every 5 years from when a permit was first granted for the area (whether or not used by the same Operator). Should remedial work be required, it must not be carried out unless first approved by Council.

SECTION J – MAINTENANCE OF THE AREA

35. **Area maintenance:** The Operator bears the cost of all pavement repairs carried out by Council within the area which in the opinion of Council have been caused by the activities upon the area. This may include the replacement of jointing material removed from brickwork / paving, in sweeping and washing down of the pavement.

36. **Refurbishment of the area:** Upon 21 days’ notice (or less, in case of an emergency), Council may require any planter boxes or fixed screens to be removed so Council can replace, resurface or repave the footpath. The Operator bears the costs of removing, storing and re-installing those items.

SECTION K – GENERAL OBLIGATIONS

37. **Standards of care:** When upon the area, the Operator and its workers must comply with (in descending priority):
   
   37.1 applicable laws, codes of practice and guidelines including those for OH&S, public health, road safety, protection of the environment;
   
   37.2 any liquor licence for the area under the **Liquor Licensing Act 1997** held by the Operator;
   
   37.3 any reasonable directions as may be given by an Authorised Officer of Council – particularly as to food and health-related matters;
   
   37.4 applicable Australian Standards; and
   
   37.5 the exercise of reasonable care, skill and diligence.

38. **Reports:** At any time, Council may require the Operator to provide promptly any reasonable information as relates to activities upon the area. On the same day as occurs or, if that is not practicable, on the next working day, the Operator must report to Council:
   
   38.1 any injury to an individual upon the area requiring off-site medical treatment;
38.2 any loss, damage or defect in property under Council's care, control and management of which the Operator becomes aware;

38.3 any Police attendance in response to a complaint;

38.4 a material variation, suspension, revocation or expiry of insurance or a 3rd party consent, licence, permit or approval the authorisation requires.

SECTION L – RISK

39. Insurance: At any time during the permit, if Council so requires, within 7 days the Operator must provide to Council evidence of any insurance now required of the Operator.

40. Indemnity: As a continuing obligation, the Operator indemnifies Council against any loss, damage, cost or expense incurred by Council in relation to property or persons to the extent caused by the Operator either:

40.1 having use of the area;

40.2 bringing on or using on the area any materials / plant / equipment;

40.3 breaching a condition of this permit; or

40.4 being negligent.

Liability to indemnify reduces proportionally to the extent Council's wilful default or negligence contributed to the loss, damage, cost or expense.

41. Council's insurance: If by reason of the Operator's (or its worker's) default or negligence Council claims under insurance held by Council, the Operator bears any excess or deductible for that claim.

42. No duty of care: If Council gives a consent, approval or direction, accepts any work or inspects anything for the permit:

42.1 Council does not have a duty of care to the Operator for that thing; and

42.2 the Operator is not to any extent relieved from its obligations to comply with these conditions.

SECTION M – REMEDIES OF COUNCIL

43. Suspension of activities: Without liability for Council, if Council has reason to believe work practices upon the area do not comply with these conditions, an Authorised Officer of Council may require operations upon the area to be interrupted or suspended.

44. Step-in rights: In addition to its other remedies, if Council has reason to believe the Operator is in default under these conditions, upon 21 days' notice (or less, in case of an emergency) Council may take steps to rectify the problem and recover the costs from the Operator.

45. Recourse to security: Council may have recourse to the security for any loss or damage caused by the Operator's breach of a condition, any unpaid fee and / or an amount for which Council is entitled to be indemnified. The Operator's liability is not limited to the security.

SECTION N – OTHER MATTERS

46. About the permit: The permit:

46.1 is not transferable;
46.2 may be surrendered at any time, by so notifying Council;

46.3 is revocable by Council as *Local Government Act 1999* s. 225 allows.

A copy of this permit must be kept upon the Operator’s adjoining premises, and upon demand produced to an Authorised Officer of Council.

47. **New Operators:** A permit is not transferable, and a new application from any new occupier of the business premises would be required, together with payment of applicable fees. Pending a new permit being issued to a new occupier, the Operator remains liable for the performance of this present permit.

48. **About Council:** Council grants the permit under *Local Government Act 1999* s. 222 and not in any other capacity. The permit does not preclude or pre-empt the exercise by Council of any other regulatory function or power.

49. **About the Operator:** If the Operator is more than one person, each of them is bound jointly and also severally. The Operator is liable to Council for anything done or not done by its contractor or worker that if done or not done by the Operator would breach a condition. A person signing this permit for an Operator warrants they have authority for that purpose. The Operator’s contact person is taken to have authority to give and receive notices and make decisions for the Operator.

50. **Special conditions:** Any stated special conditions prevail over other conditions to the extent of any inconsistency.

Notes: *Local Government Act 1999* makes it an offence for a person:

1. to make an alteration to a public road not authorised by the Council nor acting under some statutory authority (s. 221(1));

2. authorised to carry out work on a road not to carry out the work as expeditiously as is practicable in the circumstances (s. 228(a));

3. authorised to carry out work on a road not to take action that is reasonably practicable in the circumstances to minimise obstruction of the road and inconvenience to road users (s. 228(b));

4. authorised to carry out work on a road not to restore the road to at least the condition that existed immediately before the action was taken (s. 229);

5. to use community land for a business purpose unless the use is approved by the Council (s.200(1)); or

6. to use a public road for a business purpose unless authorised to do so by a permit (s. 222(1)).
193.5 BOGGY LAKE RESERVE COMMUNITY LAND MANAGEMENT PLAN (SF749)

Officer: Malcolm Downie

Priority 1 - ( ) Legislative 2 ( ) Corporate 3 ( )

Other

Purpose
To inform Council of the results of the consultation undertaken on the proposed Community Land Management Plan for the Boggy Lake Reserve and to obtain Council adoption of the proposed Plan in accordance with Section 196 of the Local Government Act 1999. Refer to previous report item 134.1 of 9 May 2011.

Priority - Legislative
Section 196 of the Local Government Act 1999 requires Council to prepare and adopt a CLMP for its community land.

Background
Under Section 196(1) of the Local Government Act 1999 a management plan must:

- identify the land;
- state the purpose for which the land is held;
- state Council’s objectives, policies (if any) and proposals for the management of the land;
- state performance targets and how the Council proposes to measure its performance against its objectives and performance targets, and
- be consistent with other relevant official plans about conservation, development and use of the land.

The Plan provides a description and location of the land and sets out the purpose of the plan, its objectives, permitted activities and the performance measures that would be in place to ensure that the Boggy Lake Reserve is well managed through adherence to the Plan.

Boggy Lake Reserve is an ideal location for the windsurfing and kite-surfing community with competition events being run from this location. The management plan reflects this passive recreational activity that will be held on community land and will minimise the times that Council has to consult with the community about activities or events that alienate the community land.

In accordance with Section 197(1) of the Act, before Council adopts the management plan for the Boggy Lake Reserve, it must make copies of the proposed plan available for public inspection or purchase at the Local
Discussion

By resolution 134.1 at its meeting held on 9 May 2011 Council endorsed the draft Community Land Management Plan for the Boggy Lake Reserve subject to public consultation. Consultation on the proposed Plan has now been completed in accordance with the Local Government Act 1999 and Council’s Public Consultation Policy.

Public consultation took place over a 21 day period commencing 19 May 2011 and concluded 9 June 2011. A public notice was placed in the Murray Valley Standard and on the Council’s website. Copies of the draft Community Land Management Plan were made available at Customer Service and copies of the Plan were posted to neighbouring residents.

A total of two (2) submissions were received (refer Appendix 193.5a). One submission was received within the required time frame (Goolwa to Wellington LAP) and the other was received after the closing date and time as arranged (Ben Page). Both were supportive of the draft Community Land Management Plan with advice on what other things can be done to enhance the Reserve and protect the natural environment.

The first from Goolwa to Wellington Local Action Planning Association requested interpretive signage be erected to provide advice and education on the flora, fauna and cultural heritage of the area. They also requested an indigenous heritage and biological survey. These requests will be developed as a project for funding by Council. The Goolwa to Wellington LAP also requested that Council not allow cattle to graze within the area that has been freshly planted by ensuring adequate fencing is erected and maintained.

The submission from Ben Page was on behalf of the wind-surfing and kite-surfing community. They had some concerns over the location of trees that could create a risk depending on the height of the trees and proximity to the recreation area; the fence that protrudes into the water; prohibited campfires and included a request for a BBQ and other structures.

Administration has responded to both submissions, reiterating the Plan’s intent and that the trees are only to be planted within the designated areas, therefore not hindering activity within the passive recreation area. The structures, toilets, signs and BBQ are budget bids and will be provided as funds become available. Camping is allowed within the Reserve but no campfires are allowed.

The process for changing the dedications on the Crown Land titles to Flora and Fauna Reserve has commenced and is now awaiting approval from the Minister for the Environment and Heritage.
Summary
As a result of the consultation process it is proposed that the draft Community Land Management Plan for the Boggy Lake Reserve submitted to Council on 9 May 2011 remains unchanged (refer Appendix 193.5b).

Recommendation
1. That Item 193.5 on Council Agenda of 18 July 2011 be received.
2. That Council adopt the Community Land Management Plan for Boggy Lake Reserve attached as Appendix 193.5b.

Cr Simmons moved
That the recommendation be adopted – namely,
1. That Item 193.5 on Council Agenda of 18 July 2011 be received.
2. That Council adopt the Community Land Management Plan for Boggy Lake Reserve attached as Appendix 193.5b.

Seconded by Cr Weinmann and CARRIED

NEXT ITEM

Go to Index
Public Consultation
Boggy Lake Reserve Community Land Management Plan
Chief Executive Officer
Rural City of Murray Bridge
PO Box 421
MURRAY BRIDGE SA 5253

8th June 2011

Dear Sir,

The Goolwa to Wellington Local Action Planning (GWLAP) Association is a not for profit community based organisation with the primary role of managing natural resources and supporting community involvement in natural resource management across the South Western Corner of the Murray Darling Basin. The GWLAP management area covers approximately 265,000 ha and encompasses the Ramsar Listed water bodies and wetlands of Lake Alexandrina and Lake Albert, and all the plains and catchments adjoining and terminating in Lake Alexandrina between the towns of Goolwa and Wellington. The administrative boundaries include the Alexandrina Council, large parts of the District Council of Mount Barker, The Coorong Districts Council, and the Rural City of Murray Bridge Council, and small areas of the Adelaide Hills Council and Barossa Council municipalities.

The GWLAP has played a key role in the management and conservation actions undertaken upon and around Lakes Alexandrina and Albert over the past decade through the implementation of large scale environmental restoration programs that have incorporated remnant vegetation protection, wetlands management, revegetation programs and erosion control works. We have also had significant involvement in actions to improve water quality, and have undertaken numerous monitoring and evaluation programs to assess water resources, and aquatic and terrestrial habitats. In addition we have initiated and conducted several trials in the area to determine the most appropriate and complimentary grazing management practices for lands adjoining the Lakes. In undertaking these programs we have worked very closely with a range of Government Departments, Local Indigenous Communities, Local Government authorities (detailed above), Community Landcare and Environmental Management Groups, and individual Landholders. It is for this reason we wish to make comment on the Boggy Lake Reserve Community Land Management Plan.
We agree with Council's position that the reserve be set aside for the primary purpose of flora and fauna conservation and that a small segment be set aside for passive recreation, indeed this is effectively the current use of the reserve. Council should be made aware however that these two uses could come into conflict if passive recreational users undertake non-passive recreational pursuits in particular, 4WDing and trail biking. We believe that it is therefore necessary to have some form of monitoring to ensure the reserve is used for its intended purposes and to limit any damage that might otherwise be caused through inappropriate activities.

We believe that interpretive signage should be erected to provide advice and education on the flora and fauna, the cultural heritage, and the ecological significance of the area to recreational users of the site. We believe this is important in developing public appreciation for the site and in turn reducing the incidence of vandalism and damage to flora and fauna.

It is a credit to council that environmental buffers are being considered for the protection of water quality, and also that council is intending to undertake weed management in the area. These are significant issues for the reserve, and indeed the whole Lakes System, and as such need to be addressed by all with land holdings on and around the Lakes. It is also great that Council intends to work with the Ngarrindjeri people to develop and further the reserve plan.

We understand that there is a significant amount of revegetation being undertaken upon the reserve this year and as such, an indigenous heritage survey would have been completed for the site. This information would be invaluable to council in future planning for and management of the site.

We have some concerns with Council's intent to allow livestock on the reserve as this could be damaging to the primary purpose of the reserve in flora and fauna management, in particular the flora management aspect. Livestock are well known to eat native vegetation around the lakes and in doing so, reduce the diversity of plants that would otherwise be found on a site. GWLAP trials on grazing management suggest that limited grazing may be beneficial in some instances as a means to manage weeds and in turn enhance biodiversity. This needs to be managed carefully however in order to achieve a desired biodiversity outcome that is beneficial to native flora.

Given the revegetation activities being undertaken this year, we would advise Council to exclude livestock for a number of years until the revegetation has had time to become suitably established. It is our experience that livestock will often preferentially eat seedlings planted in revegetation projects when allowed to forage across these sites.
As part of the revegetation, we also ask Council to consider undertaking a biological survey of the reserve so that a baseline inventory of flora and fauna is known, thereby providing a benchmark upon which to assess if future actions and activities undertaken upon the reserve are beneficial or otherwise to achieving the primary purpose of the reserve which is flora and fauna conservation.

We would like to thank you for the opportunity to comment on the Boggy Lake Reserve Community Land Management Plan and would like to offer any assistance that Council may require in the implementation of this plan.

Yours Sincerely,

[Signature]

Tony Randall
Program Manager
Goolwa to Wellington Local Action Planning Association Inc.
Hi Sharon,

to follow up from my previous email, there has been some discussion in an online-forum around the Boggy Lake Reserve Development Plan, the details of which I’ve summarised below.
The discussion forum is freely available for anyone to use at the website seabreeze.com.au. While it’s likely that only a fraction of the Boggy Lake windsurfers and kite-surfers use the discussion forum, it’s fair to assume the majority has a similar interest in the development.
Comments regarding the proposal were chiefly in support of the development. Specifically, these comments made reference to:

1. Installation of Toilets.
2. Installation of a BBQ.
3. The maintenance of roads to improve access.
4. The installation of designated car parking space to separate vehicles from the grassed area.
5. The removal of a fence extending to the water.
6. The removal of a fence intersecting Zone D (the recreational 'zone').

Some concerns were raised over the following items;

1. The planting of trees, depending upon height and proximity to the recreation area (relating to 'wind-shadows' created by trees and the risk of entanglement with kite-surfing equipment when launching and retrieving).
2. The issue of the fence in the water at the present time.
3. Prohibiting campfires.
4. The specific location of facilities such as BBQ, toilets and other structures in the recreation area.
5. It was mentioned that the a portion of Zone D (west of the intersecting fence) floods during strong southerly winds and is therefore not suitable for vehicles, but would otherwise provide a useful area for launching and beaching craft, should it become accessible.

May I request that yourself or a council representative make comment in relation to the numbered items presented above, so that I may relay those comments to the discussion forum.

The local windsurfing community - as significant users of Boggy Lake Reserve - has a keen interest in this development and its potential to benefit the sport. As such, I believe it would be beneficial to engage them during the planning to ensure the best outcome for the Reserve and its users.

- Could you please make comment on how best this may occur.

Thanks again and I look forward to hearing from you.

ps, for your interest, I’ve attached a photo of the reserve. You can see by the large number of cars, that on occasion it can get quite busy at Boggy Reserve.
Best regards,
Ben Page

On Tue, Jun 14, 2011 at 11:34 AM, Ben Page <pageme@benpage.me> wrote:
Hi Sharon,

thanks for taking the time to discuss the development plan.

As I mentioned during our phone call, a number of people who use the Boggy Lake reserve for windsurfing have expressed an interest in learning more detail of the development plan. I have also received some comments regarding the details of the published draft plan available at your website. I will - at the next opportunity - forward via email the comments I have received through an online discussion forum.

Regarding the tree planting, could you please provide detail of the location, type and number of trees to be planted. The ability to safely launch and retrieve recreational craft (kite-boards in particular) may be affected by the location of trees.

I understand that tree-planting is the first action in the development and that further works (including the installation of facilities) have not been allocated funds for the current or next financial year (2011/2012). Is my understanding correct?

I would also like to mention that I run a website that provides awareness of Boggy Lake as a windsurfing location (www.boggylake.org). I would like to publish public-information regarding this development. Could you please indicate if the information you provide me is suitable for publishing. I would also like to update the website with accurate information regarding the use of the land for recreational purposes. For example;

- Details of ownership of the land (private or public).
- Is camping permitted?
- Are campfires permitted?
- Are pets allowed?
- Any other relevant information.

Thanks for your time and I look forward to your response.

Best regards,
Ben Page.
Boggy Lake Reserve

Community Land Management Plan

April 2011
Introduction

Pursuant to Section 199 of the *Local Government Act 1999*, the Rural City of Murray Bridge has prepared this Land Management Plan for the community land comprising of Boggy Lake Reserve. A Management Plan must be prepared and adopted if:

- the land falls within the ambit of Section 194 (1) (b) or (c); or
- the land is, or is to be, occupied under a lease or licence; or
- the land has been, or is to be, specifically modified or adapted for the benefit and enjoyment of the community.

Description & Location

The land to which this management plan relates is depicted and zoned in Attachment A and is described as:

- Allotment 6, in deposited plan 19133, West Creek Road, Mulgundawah – CT 5539/857 – Dedicated as a Reserve – Council Freehold
- Allotment 7, in deposited plan 19133, West Creek Road, Mulgundawah – CT 5539/855 – Dedicated as a Reserve – Council Freehold
- Section 1276, Hundred of Brinkley, Langhorne Creek Road, Mulgundawah – CR5759/627 – Dedicated for stone purposes pursuant to the Crown Lands Act, 1929 – Crown Lands
- Allotment 27, in filed plan 52722, Langhorne Creek Road, Mulgundawah – CR6048/985 – Dedicated for travelling stock purposes pursuant to the Crown Lands Act, 1929. – Crown Lands

The Boggy Lake Reserve is located off of Langhorne Creek Road at Mulgundawah and is for the purposes of this land management plan classified as community land.

The Reserve abuts Lake Alexandrina and has sandfire, lignums and succulents lining the water edge on the left hand side, with a small sandy beach in the middle and grasses on the right hand side.

The Middle of the Reserve consists of sandfire and is classified as a flood plain.

The Top of the Reserve is earmarked for planting of native trees to enhance the Flora and Fauna of this Reserve.

Boggy Lake Reserve also consists of several unmade road reserves as depicted in Attachment A.
Purpose

The purpose of these land parcels is to conserve the flora and fauna while setting aside a small segment for passive reaction to benefit the local community and the many visitors to the location.

Council aims to provide an accessible lake frontage for passive recreational activities, such as sailing and kayaking, while protecting and enhancing the native flora and fauna in the area.

Objectives

1. Provide appropriate facilities that cater for passive sporting and recreational activities;
2. To ensure the Boggy Lake Reserve is aesthetically pleasing, welcoming and practical;
3. Ensure the Boggy Lake Reserve is accessible, convenient and available for use by all;
4. Regularly maintain the Boggy Lake Reserve in accordance with usage to ensure safety and functionality;
5. Monitor the usage for upgrade and installation of new facilities;
6. Protect & enhance the environmental character of the Reserve;
7. Provide suitable buffers for the protection of water quality as required by Legislation;
8. Ensure efficiencies in the processing of legislative requirements under the Local Government Act 1999; and
9. Provide for appropriate weed control to prevent the risk of fire.

Plans, Policies and By-laws

Following is a list of plans, policies and By-laws that may be relevant to this Land Management Plan and should be read in conjunction with this Land Management Plan. Where there is a conflict or inconsistency between the provisions of a land management plan under the Local Government Act 1999, and the provisions of an official plan or policy under a different Act, the latter will override this Land Management Plan to the extent of the inconsistency.

Council Plans

- Rural City of Murray Bridge Strategic Plan
- Rural City of Murray Bridge Development Plan
- Environmental Management Plan
- Asset Management Plans
- Riverfront Management Plan
- Event Management Plan
Council Policies
- Leasing and Licensing Policy (currently being developed)
- Riverfront Structures and Mooring Policy (currently being reviewed)

Council By-Laws
- By-Law No. 1 – Permits and Penalties
- By-Law No. 2 – Local Government Land
- By-Law No. 3 – Roads
- By-Law No. 4 – Moveable Signs

The above plans, policies and By-laws can be viewed at the Local Government Centre, 2 Seventh Street, Murray Bridge or on the Rural City of Murray Bridge website at www.murraybridge.sa.gov.au. They are subject to review and amendment from time to time as required.

Leases / Licences

Legislative requirements under Section 201, 202, 221 and 222 of the Local Government Act 1999.

- Allow the lease / licence of the whole or any portion of the land to which this Land Management Plan relates including any improvements to any lease / licence as deemed appropriate by Council.
- Allow Council to provide permits under Councils By-laws so that the land or a portion of the land, may be used by specified permit holders.
- Ensure any lessee / licensee or permit holder meets the terms and conditions of their agreement.

Permitted Activities

Below is a list of permitted activities that may typically be undertaken on the land in accordance with this land management plan (but not limited to):
- Passive recreation and sporting activities (such as sailing, kayaking, walking etc)
- Planting and maintenance of flora
- Moving / grazing of livestock
- Camping (No Camp Fires)
- Installation and maintenance of fencing
- Monitor the native fauna
- Maintenance to internal roadways and pathways
- Activities associated with weed control.
<table>
<thead>
<tr>
<th>Management Issue</th>
<th>Objectives</th>
<th>Actions</th>
</tr>
</thead>
</table>
| Use / Activities | Provide appropriate facilities that can cater for passive sporting activities. | - Use as per “Permitted Activities” above  
- Future provision of safe and clean toilet facilities  
- Future provision of rubbish receptacles |
| Maintenance      | Regularly maintain the Boggy Lake Reserve in accordance with its usage to ensure safety and functionality,  
Monitor the usage for upgrade and installation of new facilities  
Provide for appropriate weed control to prevent the risk of fire | - Future installation of facilities such as reserve furniture  
- Future design, build and maintain minor building and structures such as shelters and BBQ's  
- Protect and preserve the indigenous culture and heritage  
- Regularly maintain grounds and landscaped areas including grass, trees through scheduled maintenance programs (i.e. lawn mowing, pruning)  
- Frequent weed control through combination of options (Eg cattle grazing, spraying, mowing etc)  
- Zone A – Lignums and Succulents – graze as required to keep weeds under control  
- Zone C - Plant, maintain and monitor the progress of new trees. |
| Environment      | To ensure the Boggy Lake Reserve is aesthetically pleasing, welcoming and practical. | - Protect and enhance the native flora and fauna.  
- Work with the Ngarrindjeri people, in accordance with the Aboriginal Heritage Act and Native Title Act 1999, in the spirit of reconciliation. |
<table>
<thead>
<tr>
<th><strong>Access</strong></th>
<th><strong>Management</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Protect &amp; enhance the ecological character of the Reserve.</strong></td>
<td><strong>To ensure efficiencies in the processes of legislative requirements under the Local Government Act 1999.</strong></td>
</tr>
<tr>
<td>- Utilise the resources of other government departments to protect and enhance the native flora and fauna.</td>
<td>- Use of zones to portion different activities (Attachment A)</td>
</tr>
<tr>
<td></td>
<td>- Undertake and regularly update a risk management plan for the Boggy Lake Reserve.</td>
</tr>
<tr>
<td></td>
<td>- Regular removal of waste and litter</td>
</tr>
<tr>
<td></td>
<td>- Dogs to be &quot;On Leash&quot; at all times</td>
</tr>
<tr>
<td></td>
<td>- Update through Crown Lands the dedications to reflect Flora and Fauna Reserve.</td>
</tr>
<tr>
<td></td>
<td>- New trees that will be planted in the area are to be indigenous to the area</td>
</tr>
<tr>
<td></td>
<td>- Trees planted in Zone C &amp; D will be appropriate heights as to not interfere with the views of the Lake for the local houses in the area.</td>
</tr>
<tr>
<td></td>
<td>- Physical and safe access is provided from the roadway to the lakefront</td>
</tr>
<tr>
<td></td>
<td>- Paths, trails are provided (where appropriate) and maintained</td>
</tr>
<tr>
<td></td>
<td>- Maintain effective car parking and vehicular access that caters for lakefront passive recreational activities</td>
</tr>
<tr>
<td></td>
<td>- Parking of vehicles is only permissible on designated road and carpark area.</td>
</tr>
<tr>
<td></td>
<td>- Appropriate signage</td>
</tr>
<tr>
<td>Water Management</td>
<td>Provide suitable buffers for the protection of water quality as required by legislation</td>
</tr>
</tbody>
</table>

**Performance Measures**

- Feedback from local community
- Feedback from visitors
- Re-vegetation programs
- Sites identified and managed in accordance with local indigenous peoples and the Aboriginal Heritage Act
- Committees or consultative groups sharing information regarding important cultural and recreational elements
- The protection and preservation of native flora and fauna
- Appropriate signage
- Lessees/licensees renewed in accordance with legislation and Land Management Plan
- Risk Management Plan
Attachment A – MAP with Zones

ZONE A
This zone is dedicated for Flora and Fauna and is full of sandfire bushes, lignums and other succulents which lines the waterfront. This portion of land also houses a wide variety of fauna, including a variety of birdlife, frogs, snakes, etc.

ZONE B
This zone is dedicated for Flora and Fauna and is full of sand-fire bushes and is classified as a flood plain. The soil is very salty and limits what can grow in this area. This zone also houses a wide variety of fauna.

ZONE C
This zone is dedicated for Flora and Fauna and is earmarked for re-vegetation. Currently this area is full of weed grasses and will require weed control. The new plantings will be trees that are indigenous to the area and the height will be determined so as to not restrict the views of neighboring houses.

ZONE D
This zone is dedicated for passive recreation. It consists of a vehicular track and beach area for the launching of non-motorised watercraft. This area can be used for camping but camp fires are prohibited.

ZONE E
This zone is dedicated for Flora and Fauna and is under water at certain times of the year. The area does contain some sand-fire bushes and a few lignums. Because it is in a flood zone, there is very little natural flora other than weeds.

PLEASE NOTE:
Boggy Lake Reserve also consists of several unmade road reserves as follows:
- Segment 370
- Segment 288
- Segment 287
- Segment 286
- Segment 285
- Segment 284
- Segment 283
- Segment 282
193.6 PROPOSED LEASE OF A ROAD/DRAINAGE RESERVE TO THE MYPOLONGA PRIMARY SCHOOL (SF301)

Officer: Malcolm Downie

Priority 1 - ( ) Legislative 2 ( ) Corporate 3 ( ) Other

Purpose
To seek Council approval for the granting of a lease to the Mypolonga Primary School over the use of a Council Road/Drainage Reserve located at the corner of William St and North Bokara Road Mypolonga.

Background
The Mypolonga Primary School is an award winning School which prides itself on delivering the best education possible for its students through the latest teaching techniques and programs presented by dedicated staff and backed by great community support. Due to increased growth in the local area and interest in the School from other areas, the School is running into a problem of not having enough room.

Council received a request from the School to purchase a triangle shaped piece of land at the southern end of the School bordered by William Street and North Bokara Road as shown in Appendix 193.6. The land is adjacent to the oval and will increase the School's open space area giving the students extra room for outdoor activities.

The portion of land in question is a designated Council road reserve which is currently used for drainage purposes as shown in (refer Appendix 193.6).

Proposal
As the portion of land in question is a designated road/drainage reserve, outright sale of the land would not be in Council’s best interest. The preferred option is to lease the land to the School on terms and conditions to be negotiated with the School.

A five year lease is proposed with a further five year right of renewal to provide the School with some stability and certainty.

Legislative Requirements
Legislative – Section 201 (2c), Local Government Act, 1999 is relevant as the lease will result in the alienation of local government land. However, because Council owns the land freehold, there is no requirement to consult with the community on this lease.

Council Policy
There are no relevant policies, but Council retains the authority to grant leases.

Strategic Management Plan
The proposal supports both environmental and social objectives of the Council’s Strategic Plan.

Financial Implications
Council has programmed remediation work on the site under its general storm water maintenance budget to deal with excessive water pooling after rainfall. This work was funded as part of the 2010-11 budget and will be completed during July. The work involves the installation of a drainage pipe from headwall 00 to side entry pit 00 shown in Appendix 193.6 and the placement of fill on site to bring it to an acceptable level and to cover the installed pipe work. Anticipated cost of the works is $3000.00. An added benefit will be that the works will ensure the land is safe and accessible by the School at all times.

Recommendation
1. That Item 193.6 on Council Agenda of 18 July 2011 be received.
2. That Council approve the granting of a five year lease with one right of renewal to the Mypolonga Primary School over the use of a road/drainage reserve at the corner of William Street and North Bokara Road.
3. That the annual lease fee will be $1/per annum paid to the Rural City of Murray Bridge.
4. That the granting of the lease be subject to the School accepting the terms and conditions of the lease which will include the installation of boundary fencing being the responsibility of the School.

Cr Laubsch moved
That the recommendation be adopted – namely,
1. That Item 193.6 on Council Agenda of 18 July 2011 be received.
2. That Council approve the granting of a five year lease with one right of renewal to the Mypolonga Primary School over the use of a road/drainage reserve at the corner of William Street and North Bokara Road.
3. That the annual lease fee will be $1/per annum paid to the Rural City of Murray Bridge.
4. That the granting of the lease be subject to the School accepting the terms and conditions of the lease which will include the installation of boundary fencing being the responsibility of the School.

Seconded by Cr Weinmann and CARRIED

NEXT ITEM
Proposed Lease Area Over Drainage Reserve

Map

Map Scale: 1:808.1

Disclaimer

This map has been created for the purpose of showing basic locality information over The Rural City of Murray Bridge. Parcel and Property boundary lines and topographic data are supplied by the Department for Environment & Natural Resources. Aerial Photography is supplied by AeroMetrex Pty Ltd. Any error should be reported to the GIS Section, The Rural City of Murray Bridge.

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 on copyright laws.
194. SUSTAINABLE DEVELOPMENT DIVISION REPORTS

194.1 LAND MANAGEMENT AGREEMENT VOLUME 5612 FOLIO 592 BEING SECTION 7 ROCK AND ROLL ROAD (LOT 103 ROCK AND ROLL ROAD – WALKER) APPLICATION NUMBER: 415/D014/2010

Author: Mark Kwiatkowski

Legislative (P) Corporate ( ) Other ( )

Purpose
For Council to affix the common seal of the Rural City of Murray Bridge to the Land Management Agreement (LMA) over the land comprised in Certificate of Title Register Book Volume 5612 Folio 592 being Section 7 Rock and Roll Road in the Hundred of Ettrick (Lot 103 Rock and Roll Road – Walker).

Proposal
The approved Land Division (415/D014/2010) is for the creation of seven allotments (an additional six allotments) from one allotment. The Development Assessment Panel at its meeting on 20 April 2011 recommended that the Applicant enter into a Land Management Agreement to achieve the following:

‘The applicant agreeing to the continuance of an existing land management agreement for the subject land incorporating the identification of building envelopes ensuring any building being positioned not less than a minimum distance of 30 metres from the first line of vegetation to the satisfaction of Council, such amended land management agreement being applied to and registered upon subsequent certificates of title of the proposed allotments, and compliance with the matters addressed therein to the satisfaction of Council, in the first instance’.

The purpose of the LMA is to allow the developer to the identification of building envelopes ensuring any building being positioned not less than a minimum distance of 30 metres from the first line of vegetation to the satisfaction of Council. This will then allow Council to issue Section 51 Clearance for application 415/D014/2010.

Copies of the land division plan and proposed LMA can be found in Appendix 194.1 A.

Legislative Requirements
The approval of Council to enter into a LMA is required pursuant to Section 57A of the Development Act 1993.

Council Policy Not applicable

Strategic Management Plan
2.2.3 Support co-ordinated expansion of orderly and sustainable urban development.
Financial Implications
Nil – LMA is at the cost of the developer.

Implementation Strategy
Not applicable

Communication Strategy
Negotiations in relation to the LMA were commenced at the suggestion of the DAP. The LMA provides Council the surety that the native vegetation will be retained and building envelopes will be outside of these areas.

Recommendation
1. That item number 194.1 on Council agenda of 18 July 2011 be received.

2. That the Council affixes the common seal of the Rural City of Murray Bridge to the land comprised in Certificate of Title Register Book Volume 5612 Folio 592 being Section 7 Rock and Roll Road in the Hundred of Ettrick (Lot 103 Rock and Roll Road – Walker).

Cr England moved
That the recommendation be adopted – namely,

1. That item number 194.1 on Council agenda of 18 July 2011 be received.

2. That the Council affixes the common seal of the Rural City of Murray Bridge to the land comprised in Certificate of Title Register Book Volume 5612 Folio 592 being Section 7 Rock and Roll Road in the Hundred of Ettrick (Lot 103 Rock and Roll Road – Walker).

Seconded by Cr Weinmann and CARRIED

NEXT ITEM

Go to Index
THIS DEED is made the day of

BETWEEN: THE RURAL CITY OF MURRAY BRIDGE of 2 Seventh Street, Murray Bridge, South Australia, 5253 ("the Council") of the one part

AND: ANNE PERRIE WALKER of PO Box 3181 Salisbury East SA 5109 (hereinafter with its successors and assigns, as the case may be, referred to as "the Owner") of the other part

RECITALS

A. The Owner is the registered proprietor of an estate in fee simple in the whole of the land comprised in Certificate of Title Register Book Volume 5612 Folio 592 being Section 7 Rock and Roll Road in the Hundred of Ettrick otherwise known as ("the Land").

B. Save and except the Owner and Permanent Custodians Ltd as at the date of entering into this Deed no other person has any legal or equitable interest in the Land.

C. The Land is situated within the Hundred of Ettrick within the area of the Council described in the Development Plan authorised by the Development Act 1993 ("the Act").

D. By Development Application No 415/0014/10 ("the Application") the Owner has sought to divide the land pursuant to the provisions of the Act to create an additional six (6) allotments ("the Development") as depicted in the Plan of Division contained in Schedule 1 to this Deed.

E. The Owner and the Council wish to ensure that the development proceeds.

F. Pursuant to the provisions of section 57 (2) of the Act the Owner has agreed with the Council to enter into this Deed relating to the future development, management, preservation and conservation of the Land subject to the terms and conditions that follow.

NOW THIS DEED WITNESSES:

INTERPRETATION

1. The parties acknowledge that the matters recited above are true and accurate and agree that they form part of the terms of this Deed.

2. In the interpretation of this Deed unless the context shall otherwise require or admits:

(a) Words and phrases used in this Deed that are defined in the Act, or in the regulations made under the Act, have the meanings ascribed to them by the Act or the regulations as the case may be;
(b) References to any statute or subordinate legislation include all statutes and subordinate legislation amending, consolidating or replacing the statute or subordinate legislation referred to;

(c) The term "the Owner" where it is a company includes its successors, assigns and transferees and where it is a person includes his or her heirs, executors, administrators and transferees and where it consists of more than one person or company the term includes each and every one or more of such persons or companies jointly and each of them severally and their respective successors, assigns, heirs, executors, administrators and transferees of the companies or persons for the time being registered or entitled to be registered as the proprietor of an estate in fee simple of the Land;

(d) The term "person" includes a corporate body;

(e) The term "the Land" shall include any part or part of the Land;

(f) The term "native fauna" means an animal or animals of a species indigenous to South Australia.

(g) The term "native flora" means a plant or tree species indigenous to South Australia.

(h) Any term which is defined in the statement of the names and descriptions of the parties or in the Recitals has the meaning there defined;

(i) Words importing the singular number of plural number are to be taken to include the plural number and the singular number respectively;

(j) Words importing any gender include both genders;

(k) Where two or more persons are bound hereunder to observe or perform any obligation or Deed whether express or implied they are bound jointly and each of them severally.

3. Clause headings are provided for reference purposes only and are not to be resorted to in the interpretation of this Deed.

4. The requirements of this Deed are at all times to be construed as additional to the requirements of the Act and any other legislation affecting the Land.

5. Nothing contained in this Deed shall fetter the Council in the exercise of its discretion as the Relevant Authority under the Act.

RESCISSATION OF PREVIOUS LMA

6. Consequent upon the noting of this Deed against the relevant Certificate of Title, the Council agrees to rescind the previous LMA at the request of the Owner and the reasonable costs of and incidental to the preparation and stamping of the Deed of Rescission and the noting of the rescission against the relevant Certificate of Title shall be borne by the Owner.
UNDEARTAKING OF OWNER

7. The Owner shall not, without the written consent of Council, undertake or permit on the subject land -

(a) the clearance of native vegetation;
(b) the planting of vegetation, whether native or exotic;
(c) the construction of a building or other structure outside of the designated building envelopes shown on the Plan of Division set out in Schedule 1;
(d) the grazing of livestock;
(e) any other activity that, in the opinion of Council, is likely to damage, injure or endanger the native vegetation or native fauna on the subject land. Other than to:
(f) plant seed or individuals of plant species indigenous to the subject land provided that:

(i) seed is collected from healthy plants that have neighbours within 20 metres; and from five or more plants of the same species, spread at least 100 metres apart in order to maximise genetic diversity.

(ii) no more than 10% of the seed is removed from any one plant.

8. (a) The Owner must at the Owner's expense and to the satisfaction of Council construct and maintain all boundary fences of the subject land to the standard outlined in Schedule 2 attached to this Agreement; and
(b) perform on those fences major repair work required as the result of damage by fire or any other causes, to the standard outlined in Schedule 2 attached to this Agreement;

9. The owner shall control the proliferation of weeds and pests found upon the subject land to the satisfaction of Council.

10. The Owner shall give to any intending purchaser of the Land written notice of this Deed.

11. The Owner shall not sell, offer to sell or enter into any contract for sale or disposal of the Land without first notifying the Council in writing.

OPERATION OF THIS DEED

12. The parties expressly declare and agree that the provisions of this Deed shall not be binding or impose any obligation upon them unless and until the Deed is registered and a memorial thereof entered on the Certificate of Title for the Land pursuant to the provisions of section 57 (5) of the Act in priority to any other registrable interest in the land save and except for the estate and interest of the Owner therein.
RESCISSION

13. If any development authorisation obtained for the Development is not granted, or if
granted, lapses or expires by virtue of the provisions of the Act without being
implemented by the Owner, the Council agrees to rescind this Deed at the request of
the Owner and the reasonable costs of and incidental to the preparation, stamping
and registration of the Deed of Rescission shall be borne by the Owner.

COUNCIL’S POWERS OF ENTRY

14. The Council or any employee or authorised officer of the Council may at any time
enter into or upon the Land for the purposes of:

(a) inspecting the Land or any building thereon;

(b) exercising any other powers of the Council under this Deed or pursuant to
law.

VARIATION AND WAIVER

15. This Deed may not be varied except by a supplementary Deed signed by the Council
and the Owner.

16. The Council may waive compliance by the Owner with the whole or any part of the
obligations of the Owner herein contained but no such waiver is effective unless
expressed in writing and signed by the Council.

NOTICES

17. Notice for the purposes of this Deed is to be taken to be properly served on the
Owner if it is:

(a) posted to the Owner at the last address known to the Council; or

(b) affixed in a prominent position on the Land.

NOTING OF THIS DEED

18. Each party must do and execute all such acts, documents and things as are
necessary to ensure that as soon as is possible after the execution of this Deed by all
necessary parties, this Deed is noted by the Registrar-General against the Certificate
of Title for the Land pursuant to Section 57(5) of the Act.

COSTS

19. The owner shall bear all costs of and incidental to the negotiation and preparation of
this Deed and incidental to the stamping and the noting of this Deed on the
Certificate of Title to the Land.

20. The Owner hereby agrees to indemnify the Council and keep the Council forever
indemnified in respect to the whole of its costs and expenses (including without
limitation legal costs and expenses) of and incidental to the implementation of this
Deed including the enforcement of its terms.
GOVERNING LAW

21. The law governing the interpretation and implementation of the provisions of this Deed is the law of South Australia.

GENERAL PROVISIONS

22. If any provision of this Deed shall be found by a court of competent jurisdiction to be invalid or unenforceable in law then and in such case the parties hereby record that it is their intention that such provision be severed from this Deed and that the remaining provisions are to be effective and enforceable according to their terms.

23. This Deed contains the whole Deed between the parties in respect of the matters referred to herein.

EXECUTED as a Deed

THE COMMON SEAL of the CITY OF THE RURAL CITY OF MURRAY BRIDGE was hereunto affixed in the presence of:

Mayor

Chief Executive Officer

EXECUTED by ANNE PERRIE WALKER in the presence of

Signature of witness

Full name of witness

Anne Perrie Walker
Permanent Custodians Ltd. (ACN 001 426 384) of 34 Clarence Street Sydney NSW 2000 as Mortgagee under and by virtue of Mortgage No. 10118879 hereby consents to the Owners entering into this Deed.

THE OWNER HEREBY CERTIFIES pursuant to Section 57(4) of the Act that no other person has a legal interest in the land.

EXECUTED by ANNE PERRIE WALKER in the presence of

Signature of witness

Full name of witness

Anne Perrie Walker
SCHEDULE 1

PLAN OF DIVISION
SCHEDULE 2
BOUNDARY POST AND WIRE FENCE SPECIFICATION

FENCE SPECIFICATION

Posts:
- Treated pine posts (cambio) [1.8m X 75-100mm], 20 metres minimum apart, 1.1 m out of the ground.
- Distance between posts can be altered to suit conditions (min 18m)
- 1.56m star droppers can be substituted for posts in limestone. In this case posts to be 80m apart with three star droppers equally spaced between

Spacers:
- Two or three spacers equally spaced between each pair of posts depending on conditions.
- Spacers may be either:
  - galvanised pressed steel
  - poly droppers

Strainer assemblies:
- Box assembly made of treated pine posts (cambio) [2.4m X 150-200mm] with treated pine post rail (cambio) [3.0m X 100-125mm] and a diagonal stay of steel rod or high tensile wire.
- Wherever possible box assemblies shall bisect the fence angle.
- Strains should be as long as possible, up to 1500m.

Wire:
- The bottom wire 150mm above the ground, two bottom wires 150mm apart, four top wires 175mm apart. Total height 1000mm (approx).
- Height and distances between wires may be varied subject to mutual agreement.
- The wires shall be 2.5mm high tensile wire (eg "tyeasy").
- All wires shall be properly secured to spacers with galvanised 2.5mm tie wire or clips.
- If the fence is located within 50km of the coast all wires shall be heavily galvanised.
- Wires shall be stapled to posts with galvanised 50mm barbed fence staples.
- All wires to be strained to manufacturer's specifications.
  (1.8kN for "tyeasy").

Gates:
- Gates at agreed locations shall be 3.6 metres wide standard field gates (galvanised with weldmesh panel).
DATED 2011

DEED

BETWEEN

THE RURAL CITY OF MURRAY BRIDGE

AND

ANNE PERRIE WALKER

DEED

BOTTEN LEVINSON
140 South Terrace
ADELAIDE SA 5000
Telephone: 08 8212 9777
Facsimile: 08 8212 8099
FDN
SOUTH AUSTRALIA
IN THE ENVIRONMENT, RESOURCES AND DEVELOPMENT COURT
No. 278 of 2010

BETWEEN

ROBERT WALKER
Appellant

and

RURAL CITY OF MURRAY BRIDGE
Respondent

MINUTES OF ORDER

Date of document: June 2011

Filed on behalf of the Appellant, Robert Walker by:
Botten Levinson
140 South Terrace
ADELAIDE SA 5000
Telephone: 8212 9777
Facsimile: 8212 8099
Email: mdd@blawyers.com.au

L1234
P5272

Settled by: Marc Duncan

Date and time of filing or transmission: June 2011
Judge: Commissioner Hodgson
Date of Hearing: 2 May 2011
Appearances: Mr Marc Duncan, Counsel for the Appellant
Mark Kwiatkowski, for the Respondent

THE COURT ORDERS that:

DEVELOPMENT PLAN CONSENT CONDITIONS:

1. The Development shall be undertaken in accordance with the plans and details submitted with the application and contained in Development Application 415/D014/10 (415/209/2010), except where varied by the following conditions:

LAND DIVISION CONSENT CONDITIONS:

DEVELOPMENT ASSESSMENT COMMISSION CONDITIONS:

(1) A copy of a certified survey plan shall be lodged for Certificate purposes.

..........................
REGISTRAR
EXTRACT FROM DAP MINUTES – 20 APRIL 2011

ITEM No 28.5

Date of Panel Meeting: 20 April 2011

LOCATION: LOT 103 ROCK & ROLL ROAD, HD EITRICK

Application Number: 415/D014/2010
Proposal: Land Division – 1 allotment into 7 allotments
Applicant: Mr R Walker
Zone/Policy area/Precinct: Primary Production Zone - East Policy Area 4
Nature of development: Merit/Complying/Non-complying
Public notification category: Category 1
Representations: Nill
Agency consultations: DAC, SA Water, CFS, Native Vegetation & Council's Engineering Department
Internal referrals: None
Author: Mark Kwiatkowski
Attachments: a. Previous application documents, DAP report and DAP minutes.
          b. Correspondence from Applicant's Lawyers.
Development Plan: 17 December 2009
Recommendation: Advise the ERD Court of recommendation of Approval with Amended Conditions

DISCUSSION
The applicant's representative Mr Marc Duncan was present at the meeting and invited to address the Panel in relation to the amendments made to the proposed development.

DECISION
The Development Assessment Panel request that Council's CEO advise the Environment Resources and Development Court of CDAF's decision to accept a compromise that has been reached in relation to ERD matter 278 of 2010 namely:

A. The applicant agreeing to the continuance of an existing land management agreement for the subject land incorporating the identification of building envelopes ensuring any building being positioned not less than a minimum distance of 30 metres from the first line of vegetation to the satisfaction of Council, such amended land management agreement being applied to and registered upon subsequent certificates of title of the proposed allotments, and compliance with the matters addressed therein to the satisfaction of Council, in the first instance, and subsequently:

B.) Following a detailed assessment of the Amended proposal against the relevant provisions of the Rural City of Murray Bridge Development Plan the Development Assessment Panel supports the following conditions being applied to the planning consent for application 415/D014/10 (415/209/2010) at Lot 103 Rock and Roll Road, Murray Bridge:

DEVELOPMENT PLAN CONSENT CONDITIONS:

(1) The development may proceed in accordance with the plans and details submitted with the application and contained in Development Application 415/D014/10 (415/209/2010), except where varied by the following conditions
LAND DIVISION CONSENT CONDITIONS:

DEVELOPMENT ASSESSMENT COMMISSION CONDIUTIONS:

(1) A copy of a certified survey plan shall be lodged for Certificate purposes.

NOTES:

(1) The development must be substantially commenced or application for certificate made to the Development Assessment Commission within 12 months of the date of this Notification, unless this period has been extended by the Council.

(2) You are also advised that the final land division certificate must be obtained from the Development Assessment Commission to complete the development within 3 years of the date of the Notification unless this period is extended by the Council.

(3) Native Vegetation Council - Future building envelopes should be located in existing cleared land at least 20 metres from native vegetation, but preferably up to 50 metres away if room permits.

(4) Future access tracks should be located at least 5 metres from any native vegetation.

(5) Fence lines should be constructed to avoid removal of vegetation. Note that clearance of vegetation for a fence line is not exempt if another suitable, already cleared location is available. Similarly, clearance within 5 metres of an existing fence is not exempt if the vegetation does not impede reasonable access.

(6) Any proposal to clear remnant native vegetation on the property must be consistent with the Native Vegetation Regulations, and/or have the written approval of the Native Vegetation Council.

(7) CFS Notes - Clearance of Native Vegetation can only occur when Planning Approval and Native Vegetation Council consent is granted.

(8) Compliance with the fire protection requirements is not a guarantee the dwelling will not burn, but its intent is to provide a ‘refuge’ for the approach, impact and passing of a bushfire.

(9) The existing LMA (Land Management Agreement) must be amended to reflect the allotments created in this division and registered on each Certificate of Title so created prior to the issue of Section 51 Clearance.
Background

Delegations
A review of the Development Assessment Panel’s delegations has determined that the CDAP currently do not have delegations to consider compromises in appeals in the ERD Court. After consultation with Council’s Lawyers, the following response was received on how CDAP should consider appeals until the CDAP’s Delegations are reviewed.

Whilst there is an argument that the CDAP has implied power to consider compromise proposals as part of its broader assessment powers under the Development Act 1993, it is best practice for a formal resolution to be made by the Council granting this express power.

Section 56A (2) (c) of the Development Act 1993 provides that the functions of a CDAP are “to perform other functions...assigned to the panel by the Council”. Therefore, the Council must delegate to the CDAP the power pursuant to Section 56A (2) (c) of the Development Act 1993 to consider compromise proposals which are submitted to Council for its consideration as part of an appeal before the ERD Court and the power to enter into consent orders so as to settle appeals which are before the ERD Court. I think that would cover it.

In the meantime, the CEO does have broad delegated power under section 36(1)(c) of the Local Government Act 1999 to do anything necessary, expedient or incidental to performing or discharging the functions or duties of the Council or to achieving its objectives, which would, in my opinion, include resolving litigation including the consideration of compromise proposals etc. So, if there is no express delegation to the CDAP at present, it would be possible for the CDAP to consider the compromise proposal and then make a recommendation to the CEO who can then either accept that recommendation or reject it.”
On this basis until the CDAP Delegations are amended, the approach that will be taken is that CDAP consider the compromise proposal and make a recommendation to the CEO who will then either accept the recommendation or reject it. The wording of the recommendation will reflect this.

Previous Consideration of the Application by CDAP

At the Development Assessment Panel meeting on the 15th December 2010, the Panel considered the application for the Land Division at Lot 103 Rock and Roll Road, Hdb Ettrick.

The Panel noted the ERD Court process for an appeal related to the application previously refused by Council. The CDAP in its deliberations considered matters of bushfire protection, trends to the minimum lot size in an area where intensive animal keeping is anticipated by the zoning, long term viability of rural zoned land, the possible impact the proposed sub-division would have on the subject land and surrounding area and noted the particulars of the land management agreement existing over the subject land. The Panel dealt with the application in a public forum and not in confidence and made the following recommendation.

A. That the DAP resolve to advise the Environment Resources and Development Court that a compromise has been reached in relation to ERD matter 278 of 2010 subject to:

(a) The applicant agreeing to the continuance of an existing land management agreement for the subject land registered on subsequent certificates of title of the proposed allotments, and compliance with the matters addressed therein to the satisfaction of council; and

(b) The following conditions being applied to the planning consent for application 415/D014/10 at Lot 103 Rock and Roll Road, Murray Bridge:

DEVELOPMENT PLAN CONSENT CONDITIONS:

(1) The development may proceed in accordance with the plans and details submitted with the application and contained in Development Application 415/D014/10, except where varied by the following conditions.

(2) The existing LMA (Land Management Agreement) must be amended to reflect the allotments created in this division and registered on eachCertificate of Title so created prior to the issue of Section 51 Clearance.

(3) Private roads and access tracks must provide safe and convenient access/egress for bushfire fighting vehicles to the satisfaction of Council.

(4) Access to Lots 304 and 306 must have single carriageway roads passing bays, with a minimum formed road surface width of 3 metres and a minimum length of 17 metres, constructed as near as practicable to 200 metre intervals to the satisfaction of Council.

(5) A supply of water independent of reticulated mains supply must be available at all times for fire-fighting purposes for the allotments proposed. A minimum supply of 30,000 (thirty thousand) litres of water shall be available, with adequate access, for bushfire fighting purposes at all times.

(6) Building envelopes shall be identified ensuring any building shall be positioned not less than a minimum distance of 30 metres from the first line of vegetation to the satisfaction of Council.
Reasons for above conditions: consistency with Development Plan provisions

General Section Land Division Principles 1, 3, 18, 19, Native Vegetation Objectives 8, Principle 28, Natural Resources Principle 28, Hazards, Objective 5, PDC 15 (a).

LAND DIVISION CONSENT CONDITIONS

DEVELOPMENT ASSESSMENT COMMISSION CONDITIONS:

(1) A copy of a certified survey plan shall be lodged for Certificate purposes.

NOTES:

(1) The development must be substantially commenced or application for certificate made to the Development Assessment Commission within 12 months of the date of this Notification, unless this period has been extended by the Council.

(2) You are also advised that the final land division certificate must be obtained from the Development Assessment commission to complete the development within 3 years of the date of the Notification unless this period is extended by the Council.

(3) Native Vegetation Council - Future building envelopes should be located in existing cleared land at least 20 metres from native vegetation, but preferably up to 50 metres away if room permits.

(4) Future access tracks should be located at least 5 metres from any native vegetation.

(5) Fence lines should be constructed to avoid removal of vegetation. Note that clearance of vegetation for a fence line is not exempt if another suitable, already cleared location is available. Similarly, clearance within 5 metres of an existing fence is not exempt if the vegetation does not impede reasonable access.

(6) Any proposal to clear remnant native vegetation on the property must be consistent with the Native Vegetation Regulations, and/or have the written approval of the Native Vegetation Council.

(7) FS Notes - Clearance of Native Vegetation can only occur when Planning Approval and Native Vegetation council consent is granted.

(8) Compliance with the fire protection requirements is not a guarantee the dwelling will not burn, but its intent is to provide a ‘refuge’ for the approach, impact and passing of a bushfire.

A copy of the DAP report, DAP minutes and application details are contained within APPENDIX 28.5A.

Discussion

On the 2 May, 2011, a compulsory conference was held in relation to the CDAP’s decision. At the conference the Applicants Lawyers advised that the conditions proposed by the DAP were invalid and can not be imposed on a land division application. The Applicant’s Lawyers requested that the CDAP reconsider the conditions imposed, more specifically conditions 2, 3, 4 and 5 which relate to land use rather than land division. The Applicants Lawyers have advised:

'The first issue is in relation to the LMA. The Applicant has agreed to amend the LMA to reflect the amended plans. This will be finalised prior to the ERD Court Conference as the Commissioner will not agree to the orders unless the LMA is finalised rather than dealing with the matter through a condition.'
The second issue is the conditions. With respect, they are plainly invalid and cannot be imposed on a land division application. Furthermore, they are absolutely unnecessary – there is no warrant for them in the Development Plan or any other source of relevance under the Act. From a practical perspective, they are futile, given that the future development of the land will govern what access and fire protection is needed (e.g., it will depend on what dwellings are constructed, where and how). That future development will also be subject to the Minister’s Code.

Otherwise it will be necessary to bring the conference back on and get the matter listed for trial.1

After review of the legal correspondence (refer to APPENDIX 28.5B), it is considered that conditions proposed by the CDAP in relation to the bushfire protection requirements are invalid on a Land Division Application. Further discussions with Council lawyers have confirmed that only Conditions relating to the Land Division in accordance with Section 33(1C) of the Development Act and Regulations 51 to 54 of the Development Regulations 2008 should be imposed on a Land Division application. The conditions relating to bushfire protection fall outside the scope of the Development Act and Regulations for land division applications. Any conditions in relation to bushfire protection requirements will be applied to any subsequent Land use application.

The Applicant has advised that the LMA will be amended in accordance with the recommendation reflecting the changes as per the previous recommendation.

On this basis it is recommended that the CDAP reconsider the previously imposed conditions in light of the further legal opinions.

RECOMMENDATION

Following a detailed assessment of the Amended proposal against the relevant provisions of the Rural City of Murray Bridge Development Plan the Development Assessment Panel request that Council’s CEO advise the Environment Resources and Development Court of CDAP’s decision that a compromise has been reached in relation to ERD matter 278 of 2010 subject to:

(a) The applicant agreeing to the continuance of an existing land management agreement for the subject land registered on subsequent certificates of title of the proposed allotments, and compliance with the matters addressed therein to the satisfaction of council; and

(b) The following conditions being applied to the planning consent for application 415/D014/10 (415/209/2010) at Lot 103 Rock and Roll Road, Murray Bridge:

DEVELOPMENT PLAN CONSENT CONDITIONS:

(1) The development may proceed in accordance with the plans and details submitted with the application and contained in Development Application 415/D014/10 (415/209/2010), except where varied by the following conditions

(2) Building envelopes shall be identified ensuring any building shall be positioned not less than a minimum distance of 30 metres from the first line of vegetation to the satisfaction of Council.
LAND DIVISION CONSENT CONDITIONS:

DEVELOPMENT ASSESSMENT COMMISSION CONDITIONS:

(1) A copy of a certified survey plan shall be lodged for Certificate purposes.

NOTES:

(1) The development must be substantially commenced or application for certificate made to the Development Assessment Commission within 12 months of the date of this Notification, unless this period has been extended by the Council.

(2) You are also advised that the final land division certificate must be obtained from the Development Assessment commission to complete the development within 3 years of the date of the Notification unless this period is extended by the Council.

(3) Native Vegetation Council - Future building envelopes should be located in existing cleared land at least 20 metres from native vegetation, but preferably up to 50 metres away if room permits.

(4) Future access tracks should be located at least 5 metres from any native vegetation.

(5) Fence lines should be constructed to avoid removal of vegetation. Note that clearance of vegetation for a fence line is not exempt if another suitable, already cleared location is available. Similarly, clearance within 5 metres of an existing fence is not exempt if the vegetation does not impede reasonable access.

(6) Any proposal to clear remnant native vegetation on the property must be consistent with the Native Vegetation Regulations, and/or have the written approval of the Native Vegetation Council.

(7) CFS Notes - Clearance of Native Vegetation can only occur when Planning Approval and Native Vegetation council consent is granted.

(8) Compliance with the fire protection requirements is not a guarantee the dwelling will not burn, but its intent is to provide a ‘refuge’ for the approach, impact and passing of a bushfire.

(9) The existing LMA (Land Management Agreement) must be amended to reflect the allotments created in this division and registered on each Certificate of Title so created prior to the issue of Section 31 Clearance.
EXTRACT FROM COUNCIL MINUTES – 15 DECEMBER 2008

709.4.2 LMA – ROCK & ROLL ROAD HD ETTRICK

Officer: Gloria Booker
File Reference: 415/D084/05

Purpose
To advise the members of Council of a request for a Land Management Agreement (LMA) over land comprised in Certificate of Title Register Book Volume 5612, Folio 592, being Section 7 Rock and Roll Road, Hd Ettrick.

Background
As part of a subdivision requirement approved 19 May 2006 for three allotments (415/D084/05), condition of approval required the applicant to have the native vegetation on site registered under a Heritage agreement on the titles. This requirement was suggested by the Native Vegetation Council. The applicants have advised that this process is extremely tedious by way of time and cost and have requested that the native vegetation be preserved by a Land Management Agreement. Notwithstanding the recommendation of the Native Vegetation Council and by way as a compromise, it is suggested that Council enter into a LMA which will require the land owner and future owners of the land to undertake a number of measures to preserve the native vegetation.

Copies of the approved land division, and proposed LMA can be found in Appendix 709.4.2.

Discussion
The land division is located in a Primary Industry Zone where land divisions can occur provided the minimum allotment size is 40 hectares. In this case all of the allotments are greater than 40 hectares and have extensive native vegetation on them. The Land Division has identified building envelopes and this plan will form part of the Land Management Agreement appendices. Provisions for protection of the vegetation listed in the LMA include:

- No clearance of native vegetation
- No planting of vegetation whether native of exotic (other than plants indigenous to the locality)
- No construction of building or other structure outside of the building envelopes
- No grazing of livestock
- No activities that will endanger native fauna and/or flora
- Boundary fences are to be kept in good order at all times and must be constructed of post and wire no higher that 1.1 metres above ground level (specific dimensions and construction detail can be found in Schedule 2 of the LMA)
- Future owners will be required to keep the properties free of weeds and pests.

The applicants have agreed to undertake the preparation and lodgement of the LMA at their own cost.

Summary
The LMA sets out a comprehensive management regime for future owners which will hopefully attract purchasers who are genuinely interested in the preservation of the
native fauna and flora of this area. The LMA will achieve the same results as would a
heritage agreement listed on the titles of the proposed new allotments.

Recommendation
That:
 i. Item 709.4.2 on the Council Agenda of 15 December, 2008, be noted and received
 ii. Council agrees to accept the Land Management Agreement for Section 7 Rock
 and Roll Road, Hd Ettrick CT 5612/592 and subsequent land division
 415/D084/05, subject to the owner paying all associated costs.

Cr Simmons moved
That:
 i. Item 709.4.2 on the Council Agenda of 15 December, 2008, be noted and received
 ii. Council agrees to accept the Land Management Agreement for Section 7 Rock
 and Roll Road, Hd Ettrick CT 5612/592 and subsequent land division
 415/D084/05, subject to the owner paying all associated costs.

Seconded by Cr Phillips and CARRIED
194.2 LAND MANAGEMENT AGREEMENT – 24-26 SWANPORT RD, MURRAY BRIDGE 415/C025/10  
Author: Cherry Getsom

**Legislative (P)  Corporate ( )  Other ( )**

**Purpose**
For Council to affix the common seal of the Rural City of Murray Bridge to the Land Management Agreement (LMA) over the land comprised in Certificate of Title Register Book Volume 5840 Folio 46 being Allotments 14 and 15 Deposited Plan 1438 in the area named Murray Bridge Hundred of Mobilong and Volume 6057 Folio 274, being Closed Road marked A Road Plan 3037 in the area named Murray Bridge Hundred of Mobilong.

**Proposal**
The approved Community Title land division (415/C025/2010) realigns three existing title boundaries to create two allotments: 11 and 12 being 412m² and 378m² respectively and both having frontage to Swanport Road. The third parcel is Common Property which separates allotments 11 and 12 and provides a 7m frontage to Swanport Road and extends for a length of 23 metres before extending in a T shape to a width of 38 metres.

Allotment 11 contains an existing property which has approval for use as consulting rooms (DA 415/79/2010). Allotment 12 is the subject of a current application for two shops and associated car parking (DA 415/284/10). The Common Property is to provide access and car parking for Allotments 11 and 12.

Application 415/C025/10 was approved under delegated authority on 27/07/2010 subject to three conditions. The applicants, Adnan and Sema Sert then lodged an application two shops and associated car parking on Allotment 12 (DA415/284/10). This application is currently being assessed however cannot be finalised until the appropriate titles relating to the subject land have been created.

Conditions on the Community Title application (DA 415/C025/10) related to infrastructure, in particular stormwater runoff, construction of a kerb crossover and entrance way and the DTEI requirement to include a raised seagull island to ensure that vehicles can only enter and exit the site by turning left. Under the provisions of the Development Act Section 51 Clearance to issue the new titles cannot be granted until Council are satisfied all conditions have been met.

The Development Act (1993) does not provide for bonding for Community Title Divisions and the applicant has requested that an LMA be entered into to cover the required works. Additionally it is considered that construction of the required raised seagull island prior to the construction of any new buildings would serve no purpose as it would likely be damaged during the building phase.
The purpose of the LMA is to allow the developer to construct the required infrastructure after the construction of the building and to ensure that all infrastructure and proposed landscaping is constructed in strict accordance with any approved design, prior to the occupation of the building. This will then allow Council to issue Section 51 Clearance for application 415/C025/10 and finalise the assessment of Development Application 415/284/2010.

Copies of the land division plan and proposed LMA can be found in Appendix 194.2 A.

Legislative Requirements
The approval of Council to enter into a LMA is required pursuant to Section 57A of the Development Act 1993.

Council Policy
Not applicable

Strategic Management Plan
2.2.3 Support co-ordinated expansion of orderly and sustainable urban development.

Financial Implications
Nil – LMA is at the cost of the developer

Implementation Strategy
Not applicable

Communication Strategy
Negotiations in relation to the LMA were commenced at the suggestion of the applicant as a means of managing the requirement for infrastructure. DTEI and Council’s Engineering Department have been consulted and are satisfied that the works be undertaken after the new structures have been completed. The LMA provides Council the surety that this work will occur.

Recommendation
1. That item number 194.2 on Council agenda of 18 July 2011 be received.
2. That the Council affixes the common seal of the Rural City of Murray Bridge to the Land Management Agreement over the land comprised in Certificate of Title Register Book Volume 5840 Folio 46 being Allotments 14 and 15 Deposited Plan 1438 in the area named Murray Bridge Hundred of Mobilong and Volume 6057 Folio 274, being Closed Road marked A Road Plan 3037 in the area named Murray Bridge Hundred of Mobilong. (Appendix 194.2 A attached to report)

Cr England moved
That the recommendation be adopted – namely,
1. That item number 194.2 on Council agenda of 18 July 2011 be received.
2. That the Council affixes the common seal of the Rural City of Murray Bridge to the Land Management Agreement over the land comprised
in Certificate of Title Register Book Volume 5840 Folio 46 being Allotments 14 and 15 Deposited Plan 1438 in the area named Murray Bridge Hundred of Mobilong and Volume 6057 Folio 274, being Closed Road marked A Road Plan 3037 in the area named Murray Bridge Hundred of Mobilong. (Appendix 194.2 A attached to report)

Seconded by Cr Laubsch and CARRIED

NEXT ITEM

Go to Index
LAND MANAGEMENT AGREEMENT
BY DEED

RURAL CITY OF MURRAY BRIDGE
ADNAN SERT AND SEMA SERT
PARTIES

Rural City of Murray Bridge of 2 Seventh Street, Murray Bridge SA 5253 (Council)

Adnan Sert and Sema Sert both of 4 Limerick Court, Roxburgh Park, Victoria, 3064 (Owner)

BACKGROUND

A. The Owner is the proprietor of an estate in fee simple in the Land.

B. On 27 July 2010 the Owner obtained development approval for a Community Title division to create 2 allotments and common property (DA:415/C025/2010) in accordance with the plan of division annexed hereto and marked "A1" subject to the following conditions requiring infrastructure:

1. The stormwater runoff from the common property (driveway and Carpark) together with the overflow from the rainwater tank is to be detained on site and discharged to the existing side entry pit at the corner of Murray Lane and Beatty Terrace in such a way so as to not cause nuisance to adjoining properties. The 100 year ARI runoff from the sites is to be detained to a maximum flow rate equivalent to a 50% site impervious coverage for the site. The site lies within the Narooma catchment of Council’s stormwater management plan (refer page 46 of the SWMP) and the requirements of that plan are to be met.

2. The applicant is to construct a kerb crossover and entranceway to Council’s standards and requirements where the internal driveway joins Swanport Road. This entrance is to include a raised seagull island to ensure that vehicles can only enter and leave the site by turning left as required by Department for Transport Energy and Infrastructure. The applicant is to make good the footpath and verge area to Council requirements and satisfaction.

3. The common property (driveway) is to be minimum 6 metres wide between faces of kerb, is to have concrete kerb and gutter on each side and is to have a sealed surface.

C. By Development Application numbered DA:415/284/2010 and dated 8 June 2010, the Owner sought from the Council development plan consent pursuant to the Act to develop the Land by the construction of a commercial building on Lot 12 as shown on the plan of division marked “A1” (the Building).

D. Council’s engineers have approved an infrastructure design ‘Driveway and Stormwater Layout 24/08/2010’ prepared by Pocius and Associates Pty Ltd annexed hereto and marked “A2” (the Approved Design).

E. The owner has submitted that the erection of the Building will entail access and movement of heavy vehicle traffic and so to avoid damage to the infrastructure, proposes to construct the infrastructure after the construction of the Building.
F. Council seeks to ensure that the all infrastructure and proposed landscaping is constructed in strict accordance with the Approved Design prior to the occupation of the Building.

G. The Council and the Owner agree that the obligations under this deed are intended to be complied with by all occupiers and persons having enjoyment from time to time of the Land and that it is the Owner's responsibility to ensure that all such persons comply with the terms of this deed.

H. Pursuant to section 57(2) of the Act the Owner has agreed with the Council to enter into this deed relating to the development, management, preservation or conservation of the Land.

AGREED TERMS

1. DEFINITIONS AND INTERPRETATION

1.1 Definitions

In this deed:

**Act** means the *Development Act 1993* (SA).

**Business Day** means a day that is not a Saturday, Sunday or public holiday in South Australia.

**Land** means the whole of the land comprised in Certificates of Title Volume 5480 Folio 46 and Volume 6057 Folio 274 and includes any part or parts of it.

1.2 Interpretation

In this deed, unless the context otherwise requires:

1.2.1 headings do not affect interpretation;

1.2.2 singular includes plural and plural includes singular;

1.2.3 words of one gender include any gender;

1.2.4 a reference to a party includes its executors, administrators, successors and permitted assigns;

1.2.5 a reference to the Owner includes each person registered or entitled to be registered as a proprietor of an estate in fee simple of the Land;

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

1.2.7 an agreement, representation, warranty or indemnity by two or more parties (including where two or more persons are included in the same defined term) binds them jointly and severally;

1.2.8 an agreement, representation, warranty or indemnity in favour of two or more parties (including where two or more persons are included in the same defined term) is for the benefit of them jointly and severally;
1.2.9 a reference to legislation includes any amendment to it, any legislation substituted for it, and any subordinate legislation made under it;

1.2.10 a provision is not construed against a party only because that party drafted it;

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

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

1.2.13 an expression defined in the Act has the meaning given by the Act at the date of this deed.

1.3 Background

The Background forms part of this deed and is correct at the date of this deed.

1.4 Legislation

The requirements of this deed are to be construed as additional to the requirements of the Act and any other legislation affecting the Land.

2. OWNER'S OBLIGATIONS

The Owner must:

2.1.1 complete the construction of the stormwater infrastructure;

2.1.2 complete the landscaping; and

2.1.3 complete the car parking and accessway

in strict accordance with the civil engineering drawing Driveway and Stormwater Layout 24/08/2010 prepared by Pocius and Associates Pty Ltd annexed hereto and marked “A2” all prior to the occupation of the Building.

2.2 provide a copy of this deed to any person commencing occupation of the Land before commencement of that occupation.

3. RESTRICTION ON LEASING AND OTHER DEALINGS

The Owner must not grant any lease licence easement or other right which may give any person the right to possession or control of or entry on to the Land which right would enable such person to breach any of the obligations imposed on the Owner by this deed unless such grant:

3.1 is expressed in writing;

3.2 is made with the previous written consent of the Council; and

3.3 contains as an essential term a covenant by the grantee not to do or omit to do (or suffer or permit any other person to do or omit to do) any act matter or thing
which would constitute a breach by the Owner of the Owner's obligations under this deed.

4. **COUNCIL'S POWERS OF ENTRY**

   4.1 The Council and any employee or agent of the Council authorised by the Council may at any reasonable time enter the Land for the purpose of:

   4.1.1 inspecting the Land and any building or structure on the Land;

   4.1.2 exercising any other powers of the Council under this deed or pursuant to law.

4.2 If the Owner is in breach of any provision of this deed, the Council may, by notice served on the Owner, specify the nature of the breach and require the Owner to remedy the breach within such time as may be nominated by the Council in the notice (being at least 28 days from the date of service of the notice).

4.3 The Council may delegate any of its powers under this deed to any person.

5. **NOTATION OF THIS DEED**

Each party must do and execute all acts documents and things necessary to ensure that as soon as possible after the execution of this deed by all necessary parties this deed is noted by the Registrar-General on the Certificate of Title for the Land pursuant to section 57(5) of the Act.

6. **MISCELLANEOUS**

   6.1 **Alteration**

   This deed may be altered only by a supplementary deed signed by the Council and the Owner.

   6.2 **Approvals and consents**

   Unless otherwise provided, a party may in its discretion give (conditionally or unconditionally) or withhold any approval or consent under this deed.

   6.3 ** Entire agreement**

   This deed:

   6.3.1 constitutes the entire agreement between the parties about its subject matter;

   6.3.2 supersedes any prior understanding, agreement, condition, warranty, indemnity or representation about its subject matter.

   6.4 **Waiver**

   A waiver of a provision of or right under this deed:

   6.4.1 must be in writing signed by the party giving the waiver;
6.4.2 is effective only to the extent set out in the written waiver.

6.5 Exercise of power

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

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

6.6 Survival

Each indemnity, obligation of confidence and other term capable of taking effect after the expiration or termination of this deed, remains in force after the expiration or termination of this deed.

6.7 Governing law

6.7.1 This deed is governed by the law in South Australia.

6.7.2 The parties irrevocably submit to the non-exclusive jurisdiction of the courts in South Australia.

7. NOTICES

7.1 A notice, demand, consent, approval or communication under this deed (Notice) must be:

7.1.1 in writing, in English and signed by a person authorised by the sender; and

7.1.2 hand delivered or sent by prepaid post or facsimile to the recipient's address or facsimile number specified below, as varied by any Notice given by the recipient to the sender, or affixed in a prominent position on the Land.

7.2 At the date of this deed, the address and facsimile number for Notices to the Owner are:

Adnan Sert and Sema Sert
Address: 4 Limerick Court, Roxburgh Park, SA, 3064
Facsimile no: 03 93088042

Attention:

7.3 A Notice is deemed to be received:

7.3.1 if hand delivered or affixed in a prominent position on the Land, on delivery or affixing;

7.3.2 if sent by prepaid mail, two Business Days after posting (or seven Business Days after posting if posting to or from a place outside Australia);
7.3.3 If sent by facsimile, at the time and on the day shown in the sender's transmission report, if it shows that the entire Notice was sent to the recipient's facsimile number last notified by the recipient to the sender.

However if the Notice is deemed to be received on a day that is not a Business Day or after 5:00pm, the Notice is deemed to be received at 9:00am on the next Business Day.

7.4 If two or more persons comprise a party, Notice to one is effective Notice to all.

8. **COSTS**

The Owner must pay to the Council on demand the Council's costs and expenses (including legal costs and expenses) of preparing, stamping and noting this deed.

**EXECUTED** as a deed

The common seal of Rural City of Murray Bridge was affixed in the presence of:

- [ ] Signature of Mayor
- [ ] Name of Mayor (print)

Signed by Adnan Sert and Sema Sert in the presence of:

- [ ] Signature of witness
- [ ] Name of witness (print)
- [ ] Signature of witness
- [ ] Name of witness (print)

Signature of Chief Executive Officer/City Manager (Please delete as applicable)

- [ ] Name of Chief Executive Officer/City Manager (print)
Australia & New Zealand Banking Group Ltd being a person with a legal interest in the Land by registered Mortgage No. 11107557 consents to the Owner entering into this deed.

SIGNED
BY
Nazima Davis

As Attorney for AUSTRALIA AND NEW ZEALAND BANKING GROUP LIMITED in the presence of

12 Grenell Street, Adelaide
Bank Officer

1L9 11-29 Waymouth Street Adelaide 5000
Phone 1(05) 7218 8131

AUSTRALIA AND NEW ZEALAND BANKING GROUP LIMITED
BY ITS ATTORNEY

P/A No.

AUSTRALIA AND NEW ZEALAND BANKING GROUP LIMITED
BY ITS ATTORNEY

OF L19 11-29 WAYMOUTH STREET
ADELAIDE 5000
P/A No. 9480683
and Substitutionary Power No. 10215538

The Owner certifies pursuant to section 57(4) of the Act that no other person has a legal interest in the Land.

Adnan Sert

Sema Sert
PLAN OF COMMUNITY DIVISION

ALLOTMENTS 14 & 15 IN D1438 & CLOSED ROAD A IN RP3037
OF SEC 68 AND SEC 250

RURAL CITY OF MURRAY BRIDGE
APPROVED PLANS
FOR DEVELOPMENT PLAN CONSENT
DA 415 13025 112
PAGE 1 OF 1

SIGNED: 
DATED: 26.7.10

STEEDE & POHL
LICENSED SURVEYORS
23 SYDENHAM ROAD NORWOOD 5067
PHONE: 8339 7800
FAX: 8363 5134
MURRUNDI BUILDING 30 SEVENTH STREET
MURRAY BRIDGE, 5253 PHONE: 8552 5200
REF: 10200_100528-mm

ATTACHMENT A2
APPLICATION TO NOTE LAND MANAGEMENT AGREEMENT
(Pursuant to s 57(5) of the Development Act 1993)

To the Registrar-General:

1. Rural City of Murray Bridge (Council) of 2 Seventh Street, Murray Bridge SA 5253 has entered into the attached Land Management Agreement dated (Agreement) with Adnan Sert and Sema Sert both of 4 Limerick Court Roxburgh Park, Victoria, 3064 pursuant to s 57(2) of the Development Act 1993 (SA) (Act).

2. The Agreement relates to the whole of the land comprised in Certificates of Title Volume 5480 Folio 46 and Volume 6057 Folio 274 (Land).

3. The Council applies pursuant to s 57(5) of the Act to note the Agreement against the Land.

Date:

The common seal of Rural City of Murray Bridge was affixed in the presence of:

✓ Signature of Mayor

✓ Name of Mayor (print)

✓ Signature of Chief Executive Officer/City Manager (Please delete as applicable)

✓ Name of Chief Executive Officer/City Manager (print)

NB: This form may be used only when no panel form is suitable. A penalty of up to $2000 or 6 months imprisonment applies for improper witnessing.
BELOW THIS LINE FOR AGENT USE ONLY

CERTIFIED CORRECT FOR THE PURPOSES
OF THE REAL PROPERTY ACT 1888

______________________________
Solicitor/Registered Conveyancer/Applicant

AGENT CODE

Lodged by: NORMAN WATERHOUSE NWAM
Correction to: NORMAN WATERHOUSE NWAM
272351MTS01725108

TITLES, CROWN LEASES, DECLARATIONS ETC. LODGED WITH INSTRUMENT (TO BE FILLED IN BY PERSON LODGING)

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PLEASE ISSUE NEW CERTIFICATE(S) OF TITLE AS FOLLOWS

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DELIVERY INSTRUCTIONS (Agent to complete)
PLEASE DELIVER THE FOLLOWING ITEM(S) TO THE UNDERMENTIONED AGENT(S)

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CORRECTION

REGISTERED

REGISTRAR-GENERAL
195. REPORTS FROM S41 COMMITTEES

195.1 COMMUNITY DEVELOPMENT AND CAPACITY BUILDING ADVISORY COMMITTEE MINUTES – 5/7/2011 (SF1796)

Legislative (P) Corporate ( ) Other ( )

Purpose
To seek Council’s endorsement of the minutes of the Community Development and Capacity Building Advisory Committee meeting held on 5 July 2011. The minutes are attached as Appendix 195.1

Legislation
The Committee has been established under Section 41 of the Local Government Act, 1999.

Financial Implications Nil

Recommendation
1. That Item 195.1 on Council Agenda of 18 July 2011 be received.
2. That the recommendations of the Community Development and Capacity Building Advisory Committee be endorsed as follows –

2.1 Future Directions for the Community Development and Capacity Building Advisory Committee
That the Committee generate a prioritised list of future reports for consideration relating to the areas of responsibility described in Section 1.1 of the Terms of Reference.

Cr Laubsch moved
That the recommendation be adopted – namely,
1. That Item 195.1 on Council Agenda of 18 July 2011 be received.
2. That the recommendations of the Community Development and Capacity Building Advisory Committee be endorsed as follows –

2.1 Future Directions for the Community Development and Capacity Building Advisory Committee
That the Committee generate a prioritised list of future reports for consideration relating to the areas of responsibility described in Section 1.1 of the Terms of Reference.

Seconded by Cr Weinmann and CARRIED
Unconfirmed
COMMUNITY
DEVELOPMENT AND
CAPACITY BUILDING
ADVISORY COMMITTEE
MINUTES

5th July, 2011
Minutes of the Meeting of the Community Development and Capacity Building Advisory Committee held in the Conference Room, Town Hall, 13a Bridge Street, Murray Bridge on Tuesday, 5th July 2011, commencing at 5.30 pm.

PRESENT
Mayor Allan Arbon OAM (ex officio)
Damien Moloney, CEO (ex officio)
Wayne Wright, Executive Manager, Corporate and Community Services (ex officio)
Cr Sharon Secker
Cr Keith Simmons
Saskia Davidson
Wendy Gaborit
Cr Clem Schubert

IN ATTENDANCE
Reg Budarick
Faith Box
Simone Duke

APOLOGIES
Cr Phillips
David Altmann
Renee Moss
Sarah Lance

12. Welcome and Apologies
12.1 Apologies received from Cr Phillips, David Altmann, Sarah Lance and Renee Moss

13.1 Nil

14. Confirmation of Minutes

Recommendation:

That the minutes of the Community Development and Capacity Building Advisory Committee meeting held on Tuesday 3rd of May 2011 as circulated to committee members, be taken as read and confirmed.
Mayor Allan Arbon moved

That the recommendation be adopted - namely,

That the minutes of the Community Development and Capacity Building Advisory Committee meeting held on Tuesday 3rd of May 2011 as circulated to committee members, be taken as read and confirmed.

Seconded by Cr Shubert and CARRIED

15. **Presentation - Obesity Prevention and Lifestyle Program (OPAL)**

Reg Budarick, Manager Community Services and Development of the Rural City of Murray Bridge commenced his presentation at 5.40pm, completed at 5.55pm.

A combined State and Federally funded program based on a European model. The aim is to improve the eating and activities of youth aged from 0-18 to improve the average healthy weight range and to encourage sustainable healthy lifestyles. The program is hoped to rollout to 20 South Australian Councils.

The funding has been committed for 5 years and a Program Manager is will be employed by the 25th of August, along with a Project Officer at a later date.

16. **Presentation - Healthy Communities Initiative**

Reg Budarick, Manager Community Services and Development of the Rural City of Murray Bridge commenced his presentation at 5.50pm and completed at 6.05pm.

A project lead by Mid Murray Council partnered with the Rural City of Murray Bridge, Karoona East Murray, Southern Mallee and Coorong. The target is to increase the physical activity in the unemployed and under employed. This is a two year program with a substantial budget of $750,000.

The project will employ two salary positions, a Program Manager and Project Officer who will be situated at Mid Murray (Mannum).
17. Officers Reports

17.1 PROGRESS UPDATE ‘IMAGINE’ SMALL WINS PROJECT (Youth, Arts and Cultural Action Groups)

Officer: Faith Box

Legislative ( ) Corporate (✓) Other ( )

Purpose
To update the Community Development Capacity Building Advisory Committee on the progress of the Youth, Arts and Cultural ‘Imagine’ Small Wins Action Groups.

Background
Imagine Your Rural City Murray Bridge 2020 is about creating a people driven plan for the future while simultaneously embracing the previous 10 years of planning, research and consultation the Rural City of Murray Bridge has had with its community.

Will it be vibrant, proud, ambitious and connected to its magnificent river? Will it be a place that recognises its rich heritage as being a basis for its success? A place where visitors want to come and enjoy pleasures of the region? This is what ‘Imagine Your Rural City Murray Bridge 2020’ is all about.

Gilbert Rochecouste, Director from Village Well facilities intensive workshops with a broad range of our Community. The information was collated and presented back to the Rural City of Murray Bridge and the community.

The information and ideas generated from each workshop were separated and several Action Groups were created to drive and progress the ‘Small Wins’ projects.

Progress Update

Arts and Cultural Action Group Progress
Two Arts and Cultural Action Group meetings have now been conducted very successfully.

The first meeting was conducted on the 31st May in the Upstairs Conference Room of the Town Hall. 22 people from a variety of backgrounds including heritage, visual arts and performing arts attended.

The first meeting was dedicated to the logistics and organisation of the action group including a discussion surrounding the ideas generated from the workshops.

The second meeting held recently on the 14th June was dedicated to determining sub working groups and assessing the 21 ideas put forward by the community.
The Groups were categorised into four suitable areas which was decided by consensus.

- Visual Arts - Elizabeth DeKoke, John Dekoke, Sue Foster, Cr England and Di Gordon (Team Leader - Sue Foster)
- Performing Arts - Chris and Ken Melville, Mac MacFarlane & Hakim, Avis Hartle, Jesse Budel and Don Watts (Team Leader - Jesse Budel)
- Heritage/Historical - Ken Wells, Maureen Stones, Sue Job, Steve Mortiz, Reg Budarick and Heather Courtney (Team Leader - Ken Wells)
- Community/Other - Ian Zadow, Detlauf Baumer, Saskia Davidson, Wendy Gaborit, Lorrie O’Neil, Faith Box and Olga Johnson (Team Leader Ian Zadow)

The assessment sheets were collated and allocated to the 4 sub groups as per above. Please find the 21 ideas being considered.

1. Busking (Performing Arts)
2. Cottages (Heritage/Historical)
3. Main Street Awnings, Tree planting (Community/Other)
4. Street stalls, all cultures (Arts/Culture)
5. Regular Events (Community/Other)
6. Events Manager (Performing Arts)
7. Main Street (Community/Other)
8. Alfresco dining Sixth Street (Community/Other)
9. Improving linear park area, entrance ways (Community/Other)
10. Walking trails and tracks (Community/Other)
11. Recognition through Media (Performing Arts)
12. Form Working party – small win completed this meeting
13. Regain Railway (Heritage/Historical)
14. Art Trail (Visual Arts)
15. Shell Depot etc cleanup (Heritage/History)
16. Rail Carriage (Heritage/History)
17. Walkway and Interpretive signage (Heritage/History)
18. Food Fair Town Hall 100 years (Performing Arts)
19. Weigh Bridge/Railway lines – Heritage/History
20. Clean up weeds in the Railway cutting and Roundhouse (Heritage/History)
21. Concert, Wharf Hill (Performing Arts)

Each group then reported and presented their selected ‘small win’ project (as listed below) back to the main action group.

Performing Arts
This group selected three ‘small wins’ they deemed to be achievable.
• 1911-2011 Town Hall 100 years celebration. Youth performing arts, stalls and dressing in period costume.
• Menagerie of Music - a classical concert planned for Town Hall.
• A Media promotion of Cultural events including youth, music and busking.

Community/Cultural
• Improved Town entrance (Linear Park). This team is investigating Councils plans and how they can contribute.

Heritage and History
• Clean up Shell Depot and signage
• Clean up the Railway Cutting and signage

Visual Arts
• Main Street arts and busking, chalk artists etc. Council waive fees (or nominal fee)
• Arts Venue and Arts Tourist map
• Railway cottage - Artists meeting place / workshop / retail outlet

The sub groups will now meet as required to progress their individual projects. The Team Leader is responsible for managing and organising their groups, including setting of meeting dates.

‘Imagine’ Small Wins Youth Action Group
Two Youth Action Group meetings have now been conducted very successfully.

The first meeting was conducted on the 10th June at The Station – Youth Centre. The meeting was encouraging, with great ideas and enthusiasm from the 10 people who attended. The meeting gave the members an opportunity to revisit and discuss the ideas generated from the workshop and look at the small wins in detail and what they meant.

The second meeting held recently on the 24th June was dedicated to narrowing down the group’s ideas into concise small wins and determining the scope of the projects and how the group would implement them.

The two small wins identified during this meeting included -

- **Small Win: Imagine Murray Bridge Competition for Youth**
  **Idea:** Create an ‘Iron Man Competition’ at the Murray Bridge Swimming Pool. Including diving, triathlon, and water based competitions, with local musicians invited to perform at the event as entertainment.

- **Small Win: Youth Consultation – Workshop with Council**
Idea: Approach the Mayor to run a mock ‘Youth Council’ meeting, enabling members to gain a better understanding of Council’s processes and how decisions are made. The event would conclude with a challenge between the group and the Elected Members to enable everyone to meet, similar to the YAC vs Council events run during National Youth Week.

The group will continue to meet fortnightly to progress with identifying the small wins until all have been identified, then it is expected the group will meet as required to implement the small wins.

It is anticipated that the ‘Imagine’ Small Wins Youth Action Group will eventually meet together with MYGEN to proceed with the small wins.

The selected ‘Small Wins’ project briefs from both the Youth and Arts and Cultural Action Groups will be forwarded to the Executive Leadership Team for their appraisal prior to any project implementation.

**Legislative Requirements**
Not applicable

**Council Policy**
Not applicable

**Strategic Management Plan**
Democracy and Governance

**Financial Implications**
Not applicable

**Implementation Strategy**
Recommendation to Council

**Communication Strategy**
Minutes of the Community Development and Capacity Building Advisory Committee submitted to Council.

**Recommendation**

1. That Item Number 17.1 on the Community Development and Capacity Building Advisory Committee Agenda of Tuesday 5th July be received and noted.
Cr Simmons MOVED

That the recommendation be adopted - namely,

1. That Item Number 17.1 on the Community Development and Capacity Building Advisory Committee Agenda of Tuesday 5th July be received and noted.

Seconded Cr Schubert and CARRIED
17.2 PARENTAL AND COMMUNITY ENGAGEMENT PROJECT (SF1682)

Author: Simone Duke, Olga Johnson, Faith Box

Legislative ( ) Corporate (X) Other ( )

Purpose
The purpose of this report is to provide background and current status information to the Committee regarding the PaCE program.

Background
The Parental and Community Engagement (PaCE) Project supports activities that create opportunities for parents and caregivers to participate in;

developing partnerships with education providers,

- educational decision making, and

- Improving educational outcomes for Aboriginal and Torres Strait Islander young people.

The Parental and Community Engagement (PaCE) Program is funded by the Australian Government through the Office of the Department of Education, Employment and Workplace Relations (DEEWR). It is a community driven program for parents and caregivers of Aboriginal and Torres Strait Islander young people aged 0-19 years.

The intent of PaCE is to focus on enhancing Indigenous parental engagement, rather than on activities for students. The aims are to support activities that help parents/caregivers to participate in educational decision making, developing partnerships with education providers and improve education outcomes for their children. Research shows that high levels of parental and community involvement is strongly related to improved student outcomes and that family and community involvement can have a major impact on student learning, regardless of social or cultural background of the family. PaCE Projects must be able to demonstrate Indigenous parent and community demand. Projects are also encouraged to develop linkages with other departments, programs and organisations to see how they can be of value in the PaCE project. All PaCE projects are monitored by State and District DEEWR offices.

The Rural City of Murray Bridge, as lead agency, co-ordinates the PaCE project in Murray Bridge. As the Lead Agency for the PaCE project, The Rural City of Murray Bridge receives over $122,000 each year for the duration of the 3 year project, which commenced in earnest in 2010. The PaCE Officer forms part of the Community and Cultural Development Team and resides upstairs in the Town Hall.
The funding body’s (DEEWR) primary role is to guide and monitor the progress of the project outline as follows:

- Review and monitor performance indicators and evaluation methods;
- Approve projects and funding amounts;
- Prepare funding agreement/schedules;
- Review and monitor milestone activity;
- Ensure compliance with reporting and acquittal requirements.

Update

Simone Duke, the new PaCE Officer replacing Clyde Rigney Junior began employment with the Rural City of Murray Bridge on June 14, 2011.

Several projects are currently underway with new ideas being generated by the Steering Group regularly.

PaCE projects can vary from a one day workshop to a project with a duration of 1 to 2 years. It is expected that parents, caregivers and schools involved in the project will work closely with the PaCE Officer.

Current Projects and Aims:

Steering Group:
The Steering Group, consisting of Aboriginal Community Educations Officers (ACEO), Department of Education and Children’s Services (DECS), DEEWR personnel, Parents and the PaCE officer.

Recently the Steering Group has attracted four parents to attend meetings along with a high attendance of ACEO’s. The Steering Group is chaired by the PaCE officer and meets monthly to:

- submit proposed projects for approval,
- monitor project progress,
- gather information on the current situation within schools,
- develop skills, knowledge and capacity of the Steering Group Members to establish a sustaining impact beyond the PaCE Project, and
- Provide another lever of collaboration and accountability.

Projects in progress are:

Fraser Park Primary School – Garden Project:

- Develop a culturally appropriate and welcoming meeting space that is owned and built by the Aboriginal community of the School.
- Extend Aboriginal parents, carers and family members to increase their cultural knowledge.
- Facilitate and implement the school Partnership Agreements which outline families, staff and student’s commitment to working together.
Murray Bridge North Primary School – Bush Tucker Garden and Place Making Project:
- Develop a culturally significant place.
- Create a permanent teaching and learning point of reference for children from birth to Year 7.
- Create an awareness of Aboriginal culture and technology through the wider School Learning Community.
- Develop interactive iPad Learning technology focused on literacy, numeracy related to Pulgi (traditional shelter) design and construction.
- Construction of a traditional Pulgi and translate into a permanent metal structure with Hughie’s Engineering.
- Progress the school theme of developing a strong traditional and contemporary understanding of Indigenous perspectives with a culturally inclusive play space.

Fraser Park Primary School – Scrapbooking:
- To engage Aboriginal parents, carers and family members.
- To deliver skills development in arts and crafts, particularly scrapbooking.
- Develop a forum for Aboriginal parents, carers and family members to share information around school and education.
- Encourage Aboriginal parents, carers and family members to be comfortable in the school environment.
- Up to 30 parents have attended this group at one time. The group meets weekly on a Wednesday morning. The School, ACEO and staff are very encouraging and welcome parents into the staffroom and scrapbooking room in an incredibly positive way.

Proposed Projects:

Murray Bridge South Primary School – IT/Computing Course:
- Support Aboriginal parents and carers to gain skills in the area of basic IT and computing.
- Provide opportunities for participants to engage positively with the School.
- Raise parents’ awareness of “Safe IT/Cyber” practices, for themselves and their children.

Murray Bridge South Primary School – Literacy Program:
- Work with Aboriginal parents and carers to develop readers based on their lives and storylines that they can relate to.
- Publish readers for families to keep and to circulate throughout the school.
- Work with Lisa Rigney from Riggles Books who has developed readers with her husband, Clyde Rigney, and her children using English and Ngarrindjeri Language.

Combined Schools Parent Coffee Club – Term 4 - Transition from Primary School to High School:
- Introduce parents, carers and families of year 7 students to Murray Bridge High School.
- Enable parents, carers and families to support each other through their children’s transition process.
- To enable ACEO’s to assist with the transition of parents, carers and families.
- To encourage parents, carers and families to become a part of Murray Bridge High School through meeting staff, learning about the school environment and how they can become involved.

**Legislative Requirements**
Not applicable

**Council Policy**
Not applicable

**Strategic Management Plan**
Objective 3.3: Foster cohesive and self supporting urban and rural communities

Strategy 3.3.9 Encourage and support opportunities for school based programs.

**Financial Implications**
A project funded by Department of Education, Employment and Workplace Relations (DEEWR)

**Implementation Strategy**
Not applicable

**Communication Strategy**
Minutes of the Community Development and Capacity Building Advisory Committee submitted to Council.

**Recommendation**
1. That item number 17.2 on the Community Development and Capacity Building Advisory Committee Agenda of Tuesday 5th July be received and noted.

**Wayne Wright MOVED**

That the recommendation be adopted – namely,

1. That item number 17.2 on the Community Development and Capacity Building Advisory Committee Agenda of Tuesday 5th July be received and noted.

**Seconded Saskia Davidson and CARRIED**
17.3 FUTURE DIRECTIONS FOR THE COMMUNITY DEVELOPMENT and CAPACITY BUILDING COMMITTEE (SF1796)

Officer: Faith Box

Legislative ( ) Corporate (✓) Other ( )

Purpose
The purpose of this report is to stimulate discussion by members regarding future directions and the type of reports that the committee would like submitted at future meetings for consideration.

Background
The Community Development Capacity Building Committee’s purpose is to develop strategies for consideration by Council in relation to its budget, strategic planning processes in the following areas:

- Community Grants, Events and Donations
- Arts Promotion
- History – Preservation and Promotion
- Multiculturalism – Services Required
- Tourism – Promotion
- Youth – Activities and Services Required
- Community Safety
- Social Inclusion

A considerable amount of work is currently underway as a result of the ‘Imagine 2020’ Small Wins Campaign. Now that the ‘small wins’ planning is underway measures must be implemented to address a more ‘strategic’ planning approach.

The main purpose of the Community Development Capacity Building Committee is to advise Council on strategic planning processes as described in the Terms of Reference (as listed above).

To allow this to occur, time needs to be allocated for the Committee to discuss and consider the ‘bigger picture’ subjects and types of reports that need to be submitted by Council Administration for consideration.

For example:-
- Arts and Cultural Heritage
- Railway Lands Future
- Sporting Club Relocation to Gifford Hill
- Open Space Strategy
- A Strategy around offering community space
Proposal
The committee generate a prioritised list of future reports for consideration relating to the areas of responsibility described in section 1.1 of the Terms of Reference.

Legislative Requirements
Not applicable

Council Policy
Not applicable

Strategic Management Plan
Democracy and Governance

Financial Implications
Not applicable

Implementation Strategy
Recommendation to Council

Communication Strategy
Minutes of the Community Development and Capacity Building Advisory Committee submitted to Council.

Recommendation
1. That Item Number 17.3 on the Community Development and Capacity Building Advisory Committee Agenda of 5th July be received and noted.

Mayor Allan Arbon MOVED

That the recommendation be adopted - namely,

1. That Item Number 17.3 on the Community Development and Capacity Building Advisory Committee Agenda of 5th July be received and noted.

2. The Committee generate a prioritised list of future reports for consideration relating to the areas of responsibility described in Section 1.1 of the Terms of Reference.

Seconded Cr Simmons and CARRIED
18. **Date of Next Meeting**

Tuesday, 27th September 2011 – 5.30 pm Town Hall Upstairs Conference Room

Meeting closed at 7:00 p.m.

Minutes taken as read and confirmed this day of 2011.

.........................................................
Chairperson
196. REPORTS FROM COUNCIL SUBSIDIARIES

196.1 ADELAIDE HILLS REGIONAL WASTE AUTHORITY - (SF205)

Legislative (P) Corporate () Other ( )

Purpose
To provide Elected Members with a copy the minutes of the ordinary meeting and annual general meeting of the Adelaide Hills Region Waste Management Authority Committee held on 16 June 2011 for their information. A copy of the minutes are attached as Appendix 196.1A.

Legislation
Section 42 of the Local Government Act 1999.

Recommendation:
That Item 196.1 on Council Agenda of 18 July 2011 be received and noted.

Cr Simmons moved
That the recommendation be adopted – namely, That Item 196.1 on Council Agenda of 18 July 2011 be received and noted. Seconded by Cr Secker and CARRIED

NEXT ITEM

Go to Index
MINUTES

Present: Michael Lorenz, Cr Lyn Stokes (Mt Barker), Cr Barry Laubsch (Murray Bridge), Leah Maxwell, Peter Bond, Peter Peppin, Cr Alan Oliver (Alexandrina), Marc Salver, Andrew Stuart, Simon Grenfell, Erin Gillespie (Minutes Secretary)

1. Commencement and Welcome
   Start time 4.00pm

2. Apologies: Madeleine Walker, Ian Bailey

3. Confirmation of Minutes of the Special Meeting held on Thursday 21 April 2011 (Attached Item 3.1).
   Moved: Alan Oliver
   Seconded: Peter Peppin CARRIED

4. Business arising from previous Minutes – 1

5 Reports for Discussion
5.1 Management and Operations Committee Minutes
   Minutes tabled and accepted
   Recommendation: that minutes of M&O meeting be amended to expand on Committee discussion held regarding decision to award $4.50 per tonne Reduction based on increased efficiencies.
   Moved: Alan Oliver
   Seconded: Marc Salver CARRIED

5.2 May 2011 YTD Financials
   Reports tabled and accepted.
   Moved: Simon Grenfell
   Seconded: Barry Laubsch CARRIED

5.3 Performance Report
   Report tabled and discussion followed.
   Moved: Alan Oliver
   Seconded: Peter Bond CARRIED

5.4 Proposed Charter Revision – discussion on proposed future workshop
   Action: Michael Lorenz to arrange workshop in July and distribute reading Material for information prior to that workshop.
5.5 Land Tenure Update – verbal report given by Michael Lorenz. Harveys have rejected our offer to purchase stating that land is “Not for Sale”.

**Action:** M Lorenz to prepare clear set of options for board to consider, being lease arrangement, purchase nearby land or move to Brinkley.

6. **Correspondence**

Nil

7. **Any Other Business**

Chair raised the issue that contract for Michael Lorenz has expired and is currently doing performance review.

Recommendation to approve extension of 3 months to enable review to be completed.

Moved: Barry Laubsch  
Seconded: Peter Bond  
CARRIED

Moved that CEOs of all four participating council (or proxy) plus Chair to evaluate performance review.

Moved: Peter Bond  
Seconded: Alan Oliver  
CARRIED

7. **Next Ordinary Meeting Thursday 25 August 2011 at The District Council of Mount Barker (Council Chambers) commencing at 3.00pm.**

Meeting Closed:

Chairman ___________________________  
Date ___________________________
Minutes of the Adelaide Hills Region Waste Management Authority Board ‘AGM’ held at the District Council of Mount Barker, 6 Dutton Road, Mount Barker on Thursday 16 June 2011

MINUTES

Present: Cr Lyn Stokes, Michael Lorenz, Erin Gillespie (Minutes Secretary), Cr Alan Oliver, Cr Barry Laubsch, Peter Bond, Peter Peppin, Leah Maxwell, Andrew Stuart (entered meeting 3.25pm), Simon Grenfell (entered meeting 3.50pm)

1. Commencement and Welcome
   Start Time 3.12pm

2. Apologies - Cr Ian Bailey,

   Cr Lyn Stokes tabled the Chairperson’s report.
   That the Chairperson’s Report 10/11 be received and accepted.
   Moved: A Oliver
   Seconded: Barry Laubsch CARRIED

4. Elections
   Term of office for both of the positions below is until the next AGM.
   In accordance with the revised Charter, the only Board Members who are eligible for the positions below are those who are elected members of a constituent Council; i.e. Council employee Board Members are not eligible.

   Cr Lyn Stokes stepped down as the current Chairperson.
   Michael Lorenz called for nominations.

   Position 1. Chairperson
   Alan Oliver moved for Lyn Stokes be reappointed to position of Chair
   No further nominations. CARRIED unanimously

   Position 2. Deputy Chairperson
   Alan Oliver moved for Barry Laubsch for deputy Chairperson
   No further nominations. CARRIED unanimously

5. Appointment of Auditor (Attached Item 5.1)
   Recommendation: That the Authority appoint Dean Newberry and Associates to audit the financial statements and provide other reports in accordance with Part 5 of the Local Government (Financial Management) Regulations 1999.

   Moved: Alan Oliver
   Seconded: Peter Peppin. CARRIED
6. **Adoption of Annual Budget for the financial year 11/12** (Attached Item 6.1)
   That the Annual Business Plan and Budget 2011-12 be adopted.
   Moved: Peter Bond
   Seconded: Peter Peppin
   CARRIED

   **Note to minutes:** The reduction in disposal fee by $4.50 per tonne to member
councils reflected in the budget, has been calculated on the basis of better
efficiencies and is approved for the forthcoming financial year only.
   Moved: Andrew Stuart
   Seconded: Alan Oliver
   CARRIED

7. **Any Other Business**
   Nil

8. **Next Meeting**
   The next AGM of the Adelaide Hills Regional Waste Management Authority is
   scheduled to be held in June 2012 on a date and at a venue to be advised.

Meeting Closed: 4.00pm

__________________________
Chairman

__________________________
Date
196.2 PROVINCIAL CITIES ASSOCIATION – 16 June 2011 (SF98)

Attached as appendix 196.2 is a copy of the minutes of the Provincial Cities Association meeting held on the 16 June 2011 in Whyalla.

Mayor Arbon OAM and the CEO attended.

Recommendation:
That item 196.2 on Council 18 July 2011 be received and noted.

Cr Weinmann moved
That the recommendation be adopted – namely,
That item 196.2 on Council 18 July 2011 be received and noted.

Seconded by Cr Schubert and CARRIED

NEXT ITEM

Go to Index
Meeting #47

Minutes of Meeting Held
Whyalla Council Chambers
16th June 2011

PRESENT

There were present:

City of Port Augusta
Mayor Joy Baluch (Chairperson)
Mr Greg Perkin (City Manager)

City of Mount Gambier
Cr Mervyn White
Mr Greg Muller (CEO)

Rural City of Murray Bridge
Mayor Allan Arbon
Mr Damien Moloney (CEO)

City of Port Lincoln
Mayor Bruce Green

Provincial City of Port Pirie
Mayor Brenton Vanstone

City of Whyalla
Mayor Jim Pollock
Mr Ian Burfitt (CEO)

Also in attendance were:

Mr Michael O'Neil, Executive Director,
South Australian Centre for Economic Studies

Ms Cate Atkinson, Acting Chief Executive Officer,
Local Government Association of South Australia

Ms Emily White, Regional Development Policy Officer,
Local Government Association of South Australia

Mr Ian McSporran, Executive Officer,
Provincial Cities Association of South Australia

OPENING

The meeting was opened by Mayor Baluch at 9.35am.
Mayor Pollock welcomed delegates and guests to Whyalla and commented that it was a privilege to have the Provincial Cities Association meet in Whyalla and for the Council to be able to showcase the City by way of the “roadshow conducted during the previous afternoon.”

Mayor Pollock then invited the Chief Executive Officer Mr Ian Burfitt to explain the Council’s proposals to “green the City.”

Mr Burfitt advised that the Council was about to embark on a major “greening up” of all major medians within the City as part of the water proofing of the City of Whyalla and to assist in the reduction of the “red dust problems,” which had been a major problem for the City and its residents.

The “greening up” project was:-

- The flagship project in Council’s 2011/2012 budget
- The first stage of a major greening of Whyalla
- Able to commence due to:-
  - Receipt of Commonwealth funding of $2.5 million.
  - Reaching agreement with SA Water to reuse waste water from the sewerage treatment works (Class 'B' water).
- All installations would be for subsurface irrigation due to the water quality.
- A further application for Commonwealth funding had been lodged, with the aim of at least 50% of the total project cost of $10.5 million “being funded externally.”
- Council’s contribution for Stage 1 of the Project would be met as part of a proposed 6.5% rate rise in 2011/2012.
- Full details of the Project will be provided to the community at a public presentation on the 20th June, 2011.

Mr Burfitt also spoke about the new Public Library being constructed by the Council near Westlands and the projected opening of the facility in August of this year.

The Provincial Cities Association resolved to receive and note the following apologies:

Mr Geoff Dodd (CEO, Port Lincoln)
Dr Andrew Johnson (CEO, Port Pirie)
Mr Ian Nightingale (CEO, Dept. of Planning and Local Govt)

Moved: Port Pirie
Seconded: Mount Gambier
CARRIED

The Provincial Cities Association resolved to receive and note the Minutes of Association Meeting (#46) held on 30th March, 2011.

Moved: Port Lincoln
Seconded: Mount Gambier
CARRIED

The Provincial Cities Association resolved to note with extreme disappointment that Mr Ian Nightingale, Chief Executive Officer, Department of Planning and Local Government, was unable to attend the Whyalla meeting of the Association and that particularly in view of the expected mining and associated developments which will be taking place in the north and west of South Australia and the need for the undertaking of significant regional planning initiatives to accommodate the expected demands of these developments, invitations be extended to the Hon John Rau, Deputy Premier, Minister for Urban Development, Planning and City of Adelaide, and Mr Nightingale to attend the next Association meeting in Adelaide on the 21st September, 2011.
Moved: Port Pirie  
Seconded: Port Lincoln

CARRIED

**BUDGET SUSTAINABILITY COMMISSION**

The Provincial Cities Association resolved to note the comments of the Executive Officer on the SACES Report on the Budget Sustainability Commission’s Report.

Moved: Whyalla  
Seconded: Port Pirie

CARRIED

**REGIONAL DEVELOPMENT STRATEGY**

Mayor Baluch welcomed Ms Atkinson and Ms White to the meeting, and invited them to address the meeting regarding the Local Government Association’s actions on the Provincial Cities Association resolution of December 2010, regarding a lack of a “State Regional Development Strategy.”

Ms Atkinson and Ms White thanked Mayor Baluch for the welcome to the meeting and Ms White then provided a brief resume of her employment background prior to her recent appointment as the Regional Development Policy Officer with the Local Government Association. She indicated that:

- Today is only “day 10” of her employment.
- She has been charged with developing policy in the area of Regional Development.
- Each Council and Regional Local Government Association will be visited to discuss issues which may be considered to be important locally/regionally.
- There was a need to ensure that the LGA did not compete with Regional Development Australia Organisations or cause any duplication of effort.
- The key actions which she will be undertaking immediately include:
  1. Identify and promote the current contribution that regions make to the economic, social and environmental growth of SA and the key projects for each region that reflect the future opportunities for growth. (It is recognised that the work that Councils are undertaking with their RDAs along with the strategic plans of Regional LGAs/Metropolitan Local Government Group will contribute to the preparation of this document. The LGA to adopt a promotional strategy to highlight issues for the regions).
  2. Prepare a discussion paper, to be provided to State and Federal governments, that highlights the key issues for partnering with Local Government to deliver regional outcomes. The paper to address issues such as:
      - The policy and decision making approaches sought by Local Government to support regional development in SA;
      - Issues related to regional boundaries that can be applied to all aspects of regional co-operation and development; and
      - Aspects of the role of Local Government regional structures that are different to that of already established statutory and other regional bodies, hence demonstrating an ongoing role of community elected representative Local Government.
  3. Appropriate resource and formalise a regional portfolio role within the LGA to assist in achieving the aims and objectives of regional South Australia in association with the Regional LGA’s, RDA’s and the State and Federal Governments.
      - It was very important that “regions drive the process to establish the policy”.
In response to Ms White’s comments, Mayor Baluch said that:
- The Provincial Cities Association’s commitment is to the Regions.
- The Regional Development Task Force Report of the late 1990’s clearly showed the problems being faced by the Regions and she believed little has changed since the Report was delivered to the Government of the day.

Mr O’Neil, offered the support of SACES in the development of the Policy detail, through the offices of the Provincial Cities Association. He also commented on:
- The considerable amount of duplication of time and effort being spent by the Government through various Departments eg. three (3) Departments were undertaking similar work in the regions but were not aware of this fact, until informed by him.
- The lack of acknowledgement of regions in the State Strategic Plan.

Comment was also made by Ms Atkinson about the issue of “regional boundaries” and the need to be talking common data sets between the Commonwealth, State and LGA Regional Associations.

Following further discussion the Provincial Cities Association resolved to:
1. Congratulate Ms Emily White on her appointment by the Local Government Association of South Australia “to flesh out the Local Government Association (LGA) Policy document on Regional Development” initiated for the benefit of the State’s Regions.
2. Indicate the willingness of Constituent Members to work with Ms White to ensure the wishes and aspirations of the people living in regional and rural areas of South Australia are clearly stated and enunciated in the final Regional Development Policy of the LGA, with the aim of developing a 30 year plan for Regional South Australia taking into account individual regional needs and plans of the respective regions/areas.
3. Request the LGA to expand its Terms of Reference to include the absolute necessity that the State Government Department’s are influenced, challenged and embrace the Policy’s development and its outcomes and aspirations.

Moved: Mount Gambier
Seconded: Whyalla

CARRIED

Regional Structure Planning

The Provincial Cities Association resolved to raise as a matter of urgency, the current status of the promised blueprint for the more efficient and effective authorisation of Development Plan Amendments (DPA’s) by Local Government Authorities with Mr Ian Nightingale, Chief Executive Officer of the Department of Planning and Local Government.

Moved: Mount Gambier
Seconded: Whyalla

CARRIED

Forward Selling of Plantation Harvest Rights of Forestry SA

Constituent Members had been provided with copies of the following documents relating to this issue:-
- The City of Mount Gambier submission to the Senate Inquiry into the Sale of Timber Assets by the South Australian Government (provided 6th April, 2011).
- The Community Impact Statement that was commissioned by the Forestry Stakeholder Group (provided 6th April, 2011).
- Correspondence form Mayor Richard Sage from the District Council of Grant, relating to the ACTIL Tasman Report (provided with Agenda).
In commenting on the current status of the “Forward Selling of Plantation Rights of Forestry SA”, Mr Muller advised that:-

- Treasurer has announced that the sale will proceed but has agreed to establish a “Roundtable” to enable local input to be made into the sale process.
- The community of the South East recognises that “we have a serious problem” but are now putting their faith in influencing the Treasurer about the details which should be included in the “tender process” to protect local employment.
- There are many issues unresolved in relation to the “tender process” and the community is looking for answers and some influence in dealing with these issues via the “Roundtable”.
- The ACTIL Tasman document was not a “Regional Economic Impact Statement” and many of the issues to be resolved emanated from the questions which the document raised and/or did not address eg economic, social impacts of the sale on the local economy and employment and the “ripple effect”.
- The community was very grateful for the support being provided to their endeavours by Organisations such as the PCA.
- The situation relating to the “sale process” has changed in recent times as a result of the decision By “Gunns” to also sell their forestry estate including mills in the South East to meet some of their expected costs for the development of a Pulp Mill etc near Launceston in Tasmania.
- Problems existed in the region with Blue Gum Forests which had become victims of the Financial Crisis, with the proponents of the various Schemes being placed in Liquidation with little prospect of a return to Investors and uncertainty regarding the future of the standing timber. Penola Pulp Mill also unlikely to proceed.
- There were challenges before the Region in much the same way as other Regions have had to face changing circumstances in the past, but it was possible that from the required readjustment of Business Activities that surviving Companies would become stronger and that positive outcomes could be achieved if the correct processes were now put in place to address the current Regional concerns.
- The Treasurer has advised as follows (letter to Mount Gambier Council dated 3rd May, 2011):
  "I am taking these steps to ensure the interest of the South East are protected.
  a. Establish a South East Forest Industry Roundtable to be chaired by the prominent former Construction, Forestry, Mining and Energy Union National President Trevor Smith and comprising key interested parties. This will give advice to Government on the conditions of any forward sale before going to market.
  b. Provide millers who have existing log supply contracts with FSA an option to extend their current contracts by up to a further five years. This will assist to protect job security.
  c. Ensure any sale condition includes the new purchaser agreeing to target rotation length at FSA’s current or planned levels. This will assist in keeping the integrity of the standard of forest product coming out of the region.
  d. Ensure there is an obligation on the new purchaser to match FSA’s current level of planned viable domestic supply. This will guarantee a future local timber industry.
  e. Place a condition on the successful purchaser to report yearly to the Government. This will ensure they are meeting the conditions of their lease.
  f. In addition, the South Australian Government will retain ownership over the land, water allocations and carbon rights of the Green Triangle forests, with the successful purchaser of the forward sale of forest rotations paying a lease fee to the State for the use of that land."
g. If the successful purchaser does not replant, they will have to return the rights to use the land to the State as the "land owner".

The Provincial Cities Association resolved to receive and note the written and verbal advice provided regarding the "Forward Selling of Plantation Rights of Forestry SA".

Moved: Mount Gambier
Seconded: Murray Bridge

CARRIED

ADELAIDE OVAL REDEVELOPMENT

The Provincial Cities Association resolved to receive and note the Executive Officer’s comments regarding the Association’s resolution on the Adelaide Oval Redevelopment.

Moved: Whyalla
Seconded: Port Pirie

CARRIED

SHARED SERVICES PROGRAM

The Provincial Cities Association resolved to request the Executive Officer to write to The Advertiser commenting on the failure of the State Government’s Shared Services Program to provide the financial benefits to the State as claimed by the former Treasurer.

Moved: Whyalla
Seconded: Port Augusta

CARRIED

CORRESPONDENCE

The Provincial Cities Association resolved to receive the following items of correspondence:

- Advertiser article of 14th June, 2011 re:- Cost of “Shared Services Program”.
- Australian article of 2nd June, 2011 re:- Carbon tax impact on steel and electricity business/industries in Upper Spencer Gulf
- Hon Dennis Hood MLC re:- Regional Impact Statements for Marine Parks
- Ms Jenny Johnson, CEO, Rural Doctors Association of Australia re:- Australian Standard Geographic Classification – Remoteness Areas System.
- Wendy Campana, CEO, Local Govt Association re:- State Budget impacts on Local Government.

Moved: Mount Gambier
Seconded: Whyalla

CARRIED

RURAL DOCTORS ASSOCIATION

The Provincial Cities Association resolved to indicate its support for the concerns expressed by the Rural Doctors Association of Australia regarding the "Australian Standard Geographic Classification – Remoteness Areas System” and seek comment from constituent members on whether they have additional anecdotal evidence to support the Rural Doctors Association of Australia.

Moved: Port Lincoln
Seconded: Whyalla

CARRIED
EXECUTIVE OFFICER ACTIVITIES
The Provincial Cities Association resolved to receive and note the Executive Officer’s Report dated 1st June, 2011.

Moved: Port Pirie
Seconded: Murray Bridge

CARRIED

FINANCIAL ISSUES
The Provincial Cities Association resolved to:-
2. Adopt the Draft Budget Statement as the Budget for 2011/2012 and the Subscription Level per Member Council of $15,500 plus GST to fund the Association’s projected activities.

Moved: Port Pirie
Seconded: Port Lincoln

CARRIED

LOCAL GOVT. ASSOCIATION PRESENTATION
Ms Atkinson tabled a “Topical Report” (copy attached), in relation to various issues.
Following a number of questions being raised and issues being discussed The Provincial Cities Association resolved to receive and note the “Provincial Cities Topical Report for June 2011.”

Moved: Whyalla
Seconded: Port Lincoln

CARRIED

MEMBERSHIP
The Provincial Cities Association resolved to extend an invitation to the Riverland Councils and the City of Victor Harbor to consider rejoining the Association.

Moved: Whyalla
Seconded: Port Pirie

CARRIED

NEXT MEETING
It was agreed that the next meeting of the Provincial Cities Association would be held in Adelaide on the 21st September, 2011.

CLOSURE
Mayor Baluch thanked delegates and guests for their input to the meeting and particularly thanked the City of Whyalla for hosting the Association’s 47th Meeting.
Mayor Baluch declared the meeting closed at 12:00 noon.
Provincial Cities Topical Report for June 2011
In attendance: Cate Atkinson

Supplementary Road Funding Success
The Federal Budget has delivered for SA with a further three-year extension of Supplementary Local Road Funding for Councils. This will deliver more than $50m to SA in the next three years and bring to $120m the total funding since Councils and the LGA finally gained recognition that the 5.5% allocated in legislation is well below a "fair share" for SA. The Budget also contained a long-awaited announcement of a review of Financial Assistance Grants – creating the opportunity to permanently fix the formula for road funding and beyond that to address the unfair distribution of general purpose grants.

Acting LGA President
Wakefield Mayor James Maitland is Acting President of the LGA. Nominations for the position of President have been called and nominations have been received from Mayors Maitland, Mayor Kym McHugh (Alexandrina), Allan Arbon (Murray Bridge) and Allan Aughey (Clare and Gilbert Valleys). Postal votes must be returned to the LGA by close of business on Friday 24 June and the vote will be counted on Monday 27 June 2011.

The State Executive Committee and Vice Presidents have been appointed as follows:
Vice Presidents: Mayors David O'Loughlin (Prospect), John Trainer (WestTorrens) Allan Aughey (Clare and Gilbert Valleys) James Maitland (Wakefield), Metropolitan Members: Mayors David O'Loughlin (Prospect), John Trainer (West Torrens), Brian Sambell (Gawler), Lorraine Rosenberg (Onkaparinga), Miriam Smith (Tea Tree Gully), Gillian Aldridge (Salisbury), Lachlan Clyne (Unley) and Cr Peter Jamieson (Port Adelaide Enfield).
Metropolitan Proxy Members: Mayor Michael Ploton (Mitcham) and Councillors Michael Llewellyn-Smith (Adelaide), Jill Whittaker (Campbelltown) and Carolyn Wigg (Walkerville).
Regional Members: Mayors James Maitland (Wakefield), Ann Ferguson (Mt Barker), Richard Vickery (Tatiara), Bruce Green (Port Lincoln), Julie Low (Lower Eyre Peninsula), Leon Stasinowsky (Loxton Walkerie), Dave Burgess (Mid Murray) and Allan Aughey (Clare and Gilbert Valleys).
Regional Proxy Members: Mayors Ray Agnew (Yorke Peninsula), Allan Arbon OAM (Murray Bridge), Jayne Bates (Kangaroo Island), Evan Flint (Kingston), Eddie Ellaway (Franklin Harbour).

Local Excellence Program
The roll out of the Local Excellence Program has been endorsed by the State Executive Committee. The "Local Excellence – Councils Working Together for Communities" program has four key themes which will be further developed in consultation with Councils and stakeholders:
- community engagement
- functional reform and management
- efficiency and effectiveness
- governance

The Australian Centre for Excellence in Local Government (ACELG) Research Report on Consolidation in Local Government has now been released and sent electronically to all Councils (19 May 2011) and is available at LGA Circular 20.14. The ACELG Report was commissioned by the LGA and Local Government New Zealand.

Minister for State Local Government Relations Forum
The Minister's Forum was held on 14 April at Local Government House. The Minister for Planning and Development John Rau attended with representatives from the Office of State Local Government Relations, Department of trade and Economic Development, Department of Premier and Cabinet and the Department of Planning and Local Government. The Federal Member for Makin, Tony Zappia MP, also attended to brief the Forum on the Regional Development Australia Fund. The priority issues for the Minister’s Forum in 2011 are planning and development, water security and management, regional investment and development, constitutional recognition of Local Government, *Building Regional
Collaboration Capacity’ (a component of the Local Government Reform Fund Project ‘SA Improving SA Councils Asset and Financial Management Practices’); and progressing the joint Australian Council of Excellence in Local Government and LGA’s project on policies for structural reform and consolidation. The Forum focused on planning and development reform, regional development and investment and Constitutional recognition of Local Government. Accessing Federal funding for regions damaged in the December/January floods was also discussed.

Ministerial meetings
The Acting President, Mayor James Maltland, Chief Executive Officer and senior LGA staff members continued to meet with a wide range of Ministers and senior political figures including Minister Tom Kenyon, Parliamentary Secretary, Tony Piccolo, Minister Paul Caica and Local Government Advisor to the Minister for State Local Government Relations, Megan Hackett. Minister Patrick Conlon has indicated that he is keen to continue to meet regularly and meetings are being scheduled.

Joint State-LGA Working Group
The first meeting of a joint working group (Treasury, Premiers, OSLGR and LGA) was held in mid March to consider efficiencies and improvements between the Government sectors. The priority matters for attention are:- contracts between State agencies and Councils/LGA; Local Government fees and charges set by statute; new opportunities for ‘shared services’ between Councils and State and Local Government; and securing/targeting additional Federal Government funding. The LGA is currently seeking copies of State-Local contracts, particularly examples of good and poor practices. LGA contact is Lee-ann Vincenzi (PH 8224 203 or E: leeann.vincenzi@lga.sa.gov.au).

Emergency Management
1. Council Flooding Events and Disaster Assessment Model
Arrangements for assessing flood damage in the Clare and Gilbert Valleys have been completed and repair work has begun. A Project Manager to oversee the work has been engaged and as part of the brief a Project Management Model for the assessment and remediation of flood damaged infrastructure will be produced and will become a resource for Councils. Ongoing negotiations are occurring with the LGDF for the release of funds to assist Councils affected by recent flooding events.

2. Review of Emergency Management Act
A position paper has been endorsed by the Senior Executive Committee and forwarded to a special committee of the State Emergency Management Committee for consideration. The primary recommendation is that a section be included under the “umbrella” of the Emergency Management Act, requiring a Council to prepare and maintain an emergency management plan for its area based on an “all hazards” approach incorporating the framework of prevention, preparedness, response and recovery.

3. Review of Disaster Insurance Issues for Local Government
The ALGA has engaged John Comrie and Associates to conduct a National review. The LGA Secretariat has contributed an information paper to this review.

Regional Development and Supporting Country SA
The recent General Meeting endorsed the framework LGA Policy on Regional Development and Growing Country Communities. The finalised policy will be considered at the October Annual General Meeting. The next key actions for the LGA are to establish a whole of State Government engagement strategy at Premier and Cabinet level to gain a commitment to development within the regions and to seek an assurance from the Premier that the SA Strategic Plan will include regional chapters and the regional LGAs will be consulted on the information and targets within these chapters.

Constitutional Recognition
The Gillard Government has committed to a referendum to recognise Local Government in the Australian Constitution within the next three years. Nationally Local Government has defined the precise nature of the amendment wanted in the Australian Constitution. The ALGA and LGA have asked Councils to consider motions of support for this position and many Councils have advised the LGA that they have carried motions of support.
We are pleased that the State Government offered “broad support” and that the Coalition nationally has given ALGA’s proposal clear public support in the Senate. The ALGA and LGA are giving consideration to the sort of public education process which will be required if a referendum proceeds.

Libraries issues
The LGA is continuing to negotiate with the Government regarding State subsidy for public libraries and is continuing to work on the One Library Management System project on the basis that it will need to proceed notwithstanding the proposed cuts.

Planning Reforms Update
The State Government is currently in the process of establishing ‘Regional Planning Forums’ to assist in the development of a regional approach to delivering the Planning Strategy and will bring together Councils, Regional LGAs, State Agencies, Regional Development Boards and Natural Resources Management Boards. The Forums should provide an effective tool for aligning Development Plans with the Planning Strategy, and help to identify potential Development Plan changes to be included in future Strategic Directions Reports. Councils in the Greater Adelaide Region are currently preparing Strategic Directions Reports in response to the finalisation of the Plan for Greater Adelaide and the update of the South Australian Strategic Plan.

Work is continuing in relation to governance and implementation processes under the Plan for Greater Adelaide; the review of the Development Plan Amendment process; and updating of the planning policy library which builds on the Better Development Plans Project begun in 2007. Legislative reforms include a joint LGA/DPLG review of the Residential Development Code, and a re-evaluation of the system indicator data currently required to be collected by Councils, State Agencies and the ERD Court. The LGA is currently developing a survey for Councils in relation to Development Plan Amendments, which will be sent to all Councils shortly.

Mayors’ and Chairpersons’ Residential Seminar
A Mayors’ and Chairpersons’ Residential Seminar will be held on Friday 29 and Saturday 30 July 2011 at the Arkaba Hotel, 150 Glen Osmond Road, Fullarton. All Council Mayors and Chairpersons are urged to attend. This event provides a unique opportunity for Mayors and Chairpersons across the State to hear from expert speakers on a range of key issues currently facing Local Government and to share views with colleagues from other Councils. Please see Circular 21.8 for further information and the draft program.

LGA Training Courses/Seminars
The LGA Education and Training Service is offering a variety of training courses and seminars for Council Members and Staff in 2011. The Program is available on the Education & Training page of the LGA website at www.lga.sa.gov.au/goto/training. Councils are encouraged to register their Council Members and Staff online at www.lga.sa.gov.au/goto/registertraining. A July 2011 to June 2012 Program will be provided in June 2011. Mini Programs for specialist areas/groups are also available on the Education and Training page. For further information contact Patricia Coonan, on 8224 2044 or patricia.cooran@lga.sa.gov.au.

Online Training Modules for Council Members
The LGA has six online training modules available to assist Council Members. The modules have been designed to complement the face to face training programs run by the LGA Education and Training Service and Council in-house induction programs. For further information on this training please see LGA Circular 50.7 or contact your CEO and/or Governance Manager.

Regional Training Sessions
The LGA Education and Training Service has scheduled training sessions in regional areas for various courses. Could you please encourage your Council Members and Staff to register? We need a minimum of 10 participants for the sessions to go ahead. Session information is available on the LGA website at www.lga.sa.gov.au
197. QUESTIONS ON NOTICE (SF1458)

Local Government (Procedures at Meetings) Regulations 2000 - Regulation 10 Questions

(1) A member may ask a question on notice by giving the chief executive officer written notice of the question at least five clear days before the date of the meeting at which the question is to be asked.

(2) If notice of a question is given under subregulation (1)—
   (a) the chief executive officer must ensure that the question is placed on the agenda for the meeting at which the question is to be asked; and
   (b) the question and the reply must be entered in the minutes of the relevant meeting.

Nil

NEXT ITEM

Go to Index
198. QUESTIONS WITHOUT NOTICE (SF1458)

Local Government (Procedures at Meetings) Regulation 2000
Regulation 10—Questions

(3) A member may ask a question without notice at a meeting.

(4) The presiding member may allow the reply to a question without notice to be given at the next meeting.

(5) A question without notice and the reply will not be entered in the minutes of the relevant meeting unless the members present at the meeting resolve that an entry should be made.

(6) The presiding member may rule that a question with or without notice not be answered if the presiding member considers that the question is vague, irrelevant, insulting or improper.

Nil
199. URGENT BUSINESS APPROVED BY MAYOR
Nil

NEXT ITEM

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200.  **CONFIDENTIAL ITEMS**

Section 83(5) of the Local Government Act states that the chief executive officer may indicate on a document or report provided to members of the council under subsection (4) (or on a separate notice) any information or matter contained in or arising from a document or report that may, if the council so determines, be considered in confidence under Part 3, provided that the chief executive officer at the same time specifies the basis on which an order could be made under that Part.
200.1 CONFIDENTIAL ITEM - STAFF, OCCUPATIONAL SAFETY AND ASSOCIATED MATTERS - REIMBURSEMENT OF CEO LEGAL FEES

Recommendation 1
Pursuant to Section 90(2) of the Local Government Act 1999 the Council orders that all persons, except (Mr Wayne Wright, Acting Chief Executive Officer and Ms Ros Kruger Minute Secretary) be excluded from attendance at the meeting held on 18 July 2011 for Agenda item 200.1 - Staff, Occupational Safety and Associated Matters - Reimbursement of CEO Legal Fees.

This Council is satisfied that pursuant to Section 90(3)(a) of the Act, the information to be received, discussed or considered in relation to this agenda item (item 200.1) is information the disclosure of which would involve the unreasonable disclosure of information concerning the person affairs of any person (living or dead) being the Chief Executive Officer.

This Council is satisfied that pursuant to Section 90(3)(g) of the Act, the information to be received, discussed or considered in relation to this agenda item (item 200.1) is information concerning the matters that must be considered in confidence in order to ensure that the Council does not breach any other legal obligation on duty.

The Council is satisfied that the principle that the meeting be conducted in a place open to the public has been outweighed in the circumstances.

Cr England moved
That the recommendation be adopted – namely,
Pursuant to Section 90(2) of the Local Government Act 1999 the Council orders that all persons, except (Mr Wayne Wright, Acting Chief Executive Officer and Ms Ros Kruger Minute Secretary) be excluded from attendance at the meeting held on 18 July 2011 for Agenda item 200.1 - Staff, Occupational Safety and Associated Matters - Reimbursement of CEO Legal Fees.

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The Council is satisfied that the principle that the meeting be conducted in a place open to the public has been outweighed in the circumstances.

Seconded by Cr Laubsch and CARRIED
Conflict of Interest Declarations

CEO declared a conflict of interest in accordance with section 74 of the Local Government Act because he had a personal interest in the matter which is for decision before the Council in that he was referred to in a document and left the Chamber at 7.54 pm.

Cr Weinmann declared a conflict of interest in accordance with section 74 of the Local Government Act because he had a personal interest in the matter which is for decision before the Council in that he was referred to in a document and left the Chamber at 7.54 pm.

Cr Schubert declared a conflict of interest in accordance with section 74 of the Local Government Act because he had a personal interest in the matter which is for decision before the Council in that he was referred to in a document and left the Chamber at 7.54 pm.

With the departure of the above Members from the Chamber the following Members remained in the Chamber:

- Mayor Arbon, OAM
- Cr Laubsch
- Cr England
- Cr Simmons
- Cr Secker

The number required to achieve a quorum is 6 therefore the meeting was unable to continue and would be resumed at a point in time when a quorum could be achieved.

Meeting closed at 7.55 p.m.

Minutes taken as read and confirmed this day of 2011.

.................................................................
MAYOR