



ORDINARY COUNCIL MEETING

NOTICE OF MEETING

To: Mayor Bill Spragg

Councillors	Ward
Councillor Ron Nelson Councillor Jan-Claire Wisdom	Manoah
Councillor Ian Bailey Councillor Jan Loveday	Marble Hill
Councillor Kirrilee Boyd Councillor Nathan Daniell Councillor John Kemp	Mt Lofty
Councillor Lynton Vonow Councillor Andrew Stratford	Onkaparinga Valley
Councillor Linda Green Councillor Malcolm Herrmann	Torrens Valley

Notice is hereby given pursuant to the provisions under Section 83 of the *Local Government Act 1999* that the next meeting of the Council will be held on:

Tuesday 28 August 2018
6.30pm
63 Mt Barker Road Stirling

A copy of the Agenda for this meeting is supplied under Section 83 of the Act.

Meetings of the Council are open to the public and members of the community are welcome to attend. Public notice of the Agenda for this meeting is supplied under Section 84 of the Act.

Andrew Aitken
Chief Executive Officer



ORDINARY COUNCIL MEETING

AGENDA FOR MEETING
Tuesday 28 August 2018
6.30pm
63 Mt Barker Road Stirling

ORDER OF BUSINESS

Council Vision

Nurturing our unique place and people

Council Mission

Delivering activities and services which build a resilient community, sustain our built and natural environment and promote a vibrant economy

1. COMMENCEMENT

2. OPENING STATEMENT

“Council acknowledges that we meet on the traditional lands of the Peramangk and Kurna people and we recognise their connection with the land.

We understand that we do not inherit the land from our ancestors but borrow it from our children and in this context the decisions we make should be guided by the principle that nothing we do should decrease our children’s ability to live on this land.”

3. APOLOGIES/LEAVE OF ABSENCE

3.1. Apology

Apologies were received from

3.2. Leave of Absence

3.3. Absent

4. MINUTES OF PREVIOUS MEETINGS

Council Meeting – 24 July 2018

That the minutes of the Council meeting held on 24 July 2018 as supplied, be confirmed as an accurate record of the proceedings of that meeting.

Special Council Meeting – 17 July 2018

That the minutes of the Council meeting held on 17 July 2018 as supplied, be confirmed as an accurate record of the proceedings of that meeting.

Special Council Meeting – 1 August 2018

That the minutes of the Council meeting held on 1 August 2018 as supplied, be confirmed as an accurate record of the proceedings of that meeting.

Special Council Meeting – 14 August 2018

That the minutes of the Council meeting held on 14 August 2018 as supplied, be confirmed as an accurate record of the proceedings of that meeting.

5. DECLARATION OF CONFLICT OF INTEREST BY MEMBERS OF COUNCIL

6. PRESIDING MEMBER'S OPENING REMARKS

7. QUESTIONS ADJOURNED/LYING ON THE TABLE

7.1. Questions Adjourned

Nil

7.2. Questions Lying on the Table

Nil

8. PETITIONS / DEPUTATIONS / PUBLIC FORUM

8.1. Petitions

8.1.1. Review of Suitability of construction of Deloraine Road Kersbrook

Council resolves that the petition signed by 11 signatories, about the condition of Deloraine Road Kersbrook, be received and noted.

8.2. Deputations

- Tim Possingham , Sporting Car Club of South Australia re Rally
- Joe Frank, road closures for conduct of racing car activities on public roads

8.3. Public Forum

9. PRESENTATIONS (by exception)

10. QUESTIONS ON NOTICE

10.1. Footpath Merrion Tce Stirling

The footpath adjacent to the service station at this intersection has not been available for use for many months and it appears there is no progress being made to make it usable. What power does Council have to rectify this situation?

11. MOTIONS ON NOTICE

11.1. Footpath Assessment & Renewal

- 1. In supporting its adopted Asset Management Policy, the Council gives priority to the renewal of footpaths in areas of high utilisation (utilising Council Priority Map Rating - High to Low) and low condition rating.*
- 2. When considering new/upgraded footpaths that priority be given to locations of high utilisation (utilising Council Priority Map Rating - High to Low) with locations having no footpath being the highest priority.*
- 3. When prioritising footpath investment utilises the principles above which align and support Council's Policies and Strategic documents.*

11.2. Kangaroos in Reserves

That the CEO writes to the Minister for Primary Industries and Regional Development (The Hon. Tim Whetstone MP) and the Minister for the Environment and Water (The Hon. David Speirs MP) seeking advice on what the government policy is on the management of kangaroos on public land.

11.3. Kenton Valley Memorial Park

That the CEO, in consultation with residents and community groups, investigates and provides a report by 31 March 2019, on future management options for the Kenton Valley Memorial Park.

11.4. Randell's Workers' Cottages

I move that the CEO, in consultation with residents and interest groups, investigates and provides a report by 31 March 2019 on future management options for Randell's Workers' Cottages, 1 Beavis Court Gumeracha.

11.5. Traditional Aboriginal Names of Localities and Places

*That Council requests that the Administration prepare a report on the potential for dual naming, incorporating traditional Aboriginal place names alongside existing place names, of localities and places in the district.
That, considering the report, resourcing for signage be considered for the 2019-20 budget.*

12. OFFICER REPORTS – DECISION ITEMS

12.1. Shannons Adelaide Rally Support for Road Closure

Refer to agenda

12.2. Household Hazardous Waste Disposal

1. *That the report be received and noted.*
2. *That the Council supports, in principle, acceptance of funding from Green Industries SA to establish and operate a Household Chemical and Paint Drop-off Facility at the Heathfield Resource Recovery Centre.*
3. *That delegation is given to the CEO to negotiate and if to their satisfaction, enter into a funding agreement between Green Industries SA and the Adelaide Hills Region Waste Management Authority and Adelaide Hills Council for a Household Chemical and Paint Drop-off Facility at the Heathfield Resource Recovery Centre.*
4. *A future report to be provided to Council on the outcome of the negotiation with Green Industries SA, the Adelaide Hills Region Waste Management Authority and Adelaide Hills Council.*

12.3. Community Grants 2018 – 2019

Refer to Agenda Report

12.4. Reconciliation Action Plan Working Group

1. *That the report be received and noted.*
2. *To endorse a regional approach to the establishment of a Reconciliation Action Plan Working Group in partnership with Mount Barker District Council.*
3. *Subject to a commitment to the same effect by the Mount Barker District Council, adopt the draft Terms of Reference as contained in Appendix 1.*
4. *To authorise the Chief Executive Officer to make any minor alterations to the Terms of Reference as may be required.*
5. *To appoint _____ (Council Member) to the Reconciliation Action Plan Working Group for the remainder of the current term of Council.*

12.5. Proposal to enter 11 AHC Reserves into Heritage Agreements 2018

1. *That the report be received and noted.*
2. *That the Biodiversity Officer be authorised to enter:*
 - a. *Doris Coulls Reserve,*
 - b. *Heathfield Waste Facility,*
 - c. *Kiley Reserve,*
 - d. *Shanks Reserve,*
 - e. *Stock Reserve,*
 - f. *Leslie Creek Reserve,*
 - g. *Mi Mi Reserve,*
 - h. *“Aldgate Valley 2” Reserve,*
 - i. *Kyle Road Nature Reserve,*
 - j. *Carey Gully Water Reserve and*
 - k. *Heathfield Stone Reserve, all being of significant biodiversity value, into Heritage Agreements.*
3. *That the Heritage Agreements retain the existing dog access arrangements in place for each of those reserves.*

- 12.6. Community & Recreation Facility Grants**
1. *That the report be received and noted*
 2. *That Council approve the 14 Community & Recreation Facility Grant application recommendations, totalling \$97,741 as recommended in App 1.*
- 12.7. CWMS Review**
- Refer to Agenda Report*
- 12.8. Mobile Food Vending**
1. *That the report be received and noted.*
 2. *That Council adopt the Mobile Food Vending Business Location Rules contained in Appendix 1 of this report with an effective date of 1 September 2018.*
 3. *That Council adopt the Mobile Food Vending Business pre-approved sites and site specific rules contained in Appendix 2 of this report with an effective date of 1 September 2018.*
 4. *That the Chief Executive Officer be authorised to approve, in accordance with the Location Rules, new sites for the pre-approved sites list and make any formatting or non-significant grammatical and/or content changes to the Mobile Food Vending Business Location Rules for publication purposes during the period of its currency.*
- 12.9. Regional Transport Study Funding Request**
1. *That the report be received and noted.*
 2. *To endorse the provision of \$10,000 from the Chief Executive Officer's contingency allocation to contribute to the regional transport study into passenger transport linkages between Adelaide and Mount Barker and beyond.*
- 12.10. Road Closures Young Driver Awareness Course 2018-2019**
1. *That the report be received and noted.*
 2. *That pursuant to Section 33(1) of the Road Traffic Act 1961 and Clause G of the Instrument of General Approval of the Minister dated 22 August 2013, to:*
 - a. *Declare that the Driver Education Program that is to take place on Newman Road, Charleston is an event to which Section 33 of the Road Traffic Act 1961 applies.*
 - b. *Make an order directing that a section of Newman Road, Charleston, between Five Lanes Road and Lewis Road, be closed to traffic for the period between 9.00am and 6.00pm on Thursday 11 October 2018, and 9.00am and 6.00pm Wednesday 17 April 2019.*
 - c. *Make an order directing that persons taking part in the event be exempt from the duty to observe the Australian Road Rules Rule 238 (Pedestrians travelling along a road)*
 - d. *Make an order directing that all vehicles except emergency and participant vehicles and local residents living at the named section of Newman Road, be excluded from the closed section of road for the period of the closure.*

12.11. Road Widening Oakwood Road Oakbank

1. *That the report be received and noted*
2. *To purchase the area of land, being 104.6m², identified in red on the plan attached as Appendix 2 ("Land") from the owners of the adjoining land at 2 Oakwood Road Oakbank in consideration of fencing and asphalt works with an estimated value of \$5,285 plus all reasonable costs to vest the land as public road, including lodgement fees and stamp duty costs totalling approximately \$3,000 (and thus a total value of approximately \$8,285).*
3. *That the Mayor and CEO be authorised to sign all necessary documentation to effect this resolution.*

12.12. Revocation of Community Land Lobethal Retirement Village

1. *That the report be received and noted*
2. *That the community land classification over the land comprised in Certificate of Title Volume 6017 Folio 705 being Allotment 202 in Deposited Plan No. 75850 be revoked.*

12.13. OmbudsmanSA – Final Investigation Report – Cr Herrmann

1. *That the report be received and noted*
2. *To note that having investigated the alleged breach of the Code of Conduct for Council Members, the Ombudsman finds that Cr Malcolm Herrmann has breached the provisions of section 63 of the Local Government Act 1999 and clause 3.2 of Part 3 of the Code of Conduct for Council Members and further, that Cr Herrmann acted in a manner that appears to be contrary to law within the meaning of section 25(1)(a) of the Ombudsman Act 1972.*
3. *To require Cr Herrmann to attend training on Council's Records & Information Management Policy and the State Records Act 1997 by (date) (month), 2018*
4. *To revise clause 4.1.1 of Council's Records & Information Management for Council Members Procedure to read as follows: 'Email correspondence is to be conducted via the Council Member's corporate email account.'*

12.14. Status Report – Council Resolutions Update

Refer to Agenda Report

13. OFFICER REPORTS – INFORMATION ITEMS

13.1. Service Standards

14. MISCELLANEOUS ITEMS

Nil

15. QUESTIONS WITHOUT NOTICE

16. MOTIONS WITHOUT NOTICE

17. REPORTS

17.1. Council Member Reports

17.2. Reports of Members as Council/Committee Representatives on External Organisations

17.3. CEO Report

18. REPORTS OF COMMITTEES

18.1. Council Assessment Panel – 8 August 2018

That the minutes of the CAP meeting held on 8 August 2018 as supplied, be received and noted.

18.2. Special Strategic Planning & Development Policy Committee – 14 August 2018

That the minutes of the Special SPDPC meeting held on 14 August 2018 as supplied, be received and noted.

18.3. Audit Committee - 13 August 2018

That the minutes of the Audit Committee meeting held on 13 August 2018 as supplied, be received and noted

18.4. CEO Performance Review Panel – 9 August 2018

That the minutes of the CEO Performance Review Panel meeting held on 9 August 2018 as supplied, be received and noted.

19. CONFIDENTIAL ITEMS

19.1. CEO Performance & Remuneration Review

20. NEXT MEETING

Tuesday 25 September 2018, 6.30pm, 63 Mt Barker Road, Stirling

21. CLOSE MEETING

Council Meeting/Workshop Venues 2018

DATE	TYPE	LOCATION	MINUTE TAKER
SEPTEMBER 2018			
Tues 11 September	Workshop	Woodside	N/A
Wed 12 September	Council Assessment Panel	TBA	Karen Savage
<i>Caretaker Period begins 18 September until conclusion of Local Government elections in November</i>			
Tues 18 September	Professional Development	Stirling	TBA
Tues 25 September	Council	Stirling	Pam Williams
OCTOBER 2018			
Mon 8 October	Audit	TBA	TBA
Tues 9 October	Workshop	Woodside	N/A
Wed 10 October	Council Assessment Panel	TBA	Karen Savage
Tues 16 October	Professional Development	Stirling	N/A
Tues 23 October	Council	Stirling	Pam Williams
NOVEMBER 2018			
Mon 5 November	Audit	Stirling	TBA
Tues 6 November	CEO PRP	Stirling	TBA

Caretaker Period

Meetings are subject to change, please check agendas for times and venues. All meetings (except Elected Member Professional Development) are open to the public.

Community Forums 2018

DATE	LOCATION
Tuesday 13 March 2018	Kersbrook
Tuesday 1 May 2018	Bradbury/Longwood
Tuesday 7 August 2018	Montacute

Conflict of Interest Disclosure Form

CONFLICTS MUST BE DECLARED VERBALLY DURING MEETINGS

Councillor:

Date:

Meeting name:

Agenda item no:

1. I have identified a conflict of interest as:

MATERIAL ACTUAL PERCEIVED

MATERIAL: Conflict arises when a council member or a nominated person will gain a benefit or suffer a loss (whether directly or indirectly and whether pecuniary or personal) if the matter is decided in a particular manner. If declaring a material conflict of interest, Councillors must declare the conflict and leave the meeting at any time the item is discussed.

ACTUAL: Conflict arises when there is a conflict between a council member's interests (whether direct or indirect, personal or pecuniary) and the public interest, which might lead to decision that, is contrary to the public interest.

PERCEIVED: Conflict arises in relation to a matter to be discussed at a meeting of council, if a council member could reasonably be taken, from the perspective of an impartial, fair-minded person, to have a conflict of interest in the matter – whether or not this is in fact the case.

2. The nature of my conflict of interest is as follows:

(Describe the nature of the interest, including whether the interest is direct or indirect and personal or pecuniary)

3. I intend to deal with my conflict of interest in the following transparent and accountable way:

I intend to **leave** the meeting (*mandatory if you intend to declare a Material conflict of interest*)

OR

I intend to **stay** in the meeting (**complete part 4**) (*only applicable if you intend to declare a Perceived (Actual conflict of interest)*)

4. The reason I intend to stay in the meeting and consider this matter is as follows:

(This section must be filled in. Ensure sufficient detail is recorded of the specific circumstances of your interest.)

and that I will receive no benefit or detriment direct or indirect, personal or pecuniary from considering and voting on this matter.

CONFLICTS MUST ALSO BE DECLARED VERBALLY DURING MEETINGS

Governance use only: Member voted FOR/AGAINST the motion.

Ordinary Business Matters

A **material, actual or perceived** Conflict of Interest does not apply to a matter of ordinary business of the council of a kind prescribed by regulation.

The following ordinary business matters are prescribed under Regulation 8AAA of the Local Government (General) Regulations 2013.

- (a) the preparation, discussion, conduct, consideration or determination of a review under section 12 of the Act
 - (b) the preparation, discussion, adoption or revision of a policy relating to allowances and benefits payable to members if the policy relates to allowances and benefits payable equally to each member (rather than allowances and benefits payable to particular members or particular office holders)
 - (c) the preparation, discussion, adoption or alteration of a training and development policy under section 80A of the Act
 - (d) the preparation, discussion, adoption or amendment of a strategic management plan under section 122 of the Act
 - (e) the adoption or revision of an annual business plan
 - (f) the adoption or revision of a budget
 - (g) the declaration of rates (other than a separate rate) or a charge with the character of a rate, and any preparation or discussion in relation to such a declaration
 - (h) a discussion or decision of a matter at a meeting of a council if the matter—
 - (i) relates to a matter that was discussed before a meeting of a subsidiary or committee of the council
 - (ii) the relevant interest in the matter is the interest of the council that established the committee or which appointed, or nominated for appointment, a member of the board of management of the council subsidiary or regional subsidiary.
- (2) For the purposes of section 75(3)(b) of the Act, a member of a council who is a member, officer or employee of an agency or instrumentality of the Crown (within the meaning of section 73(4) of the Act) will not be regarded as having an interest in a matter before the council by virtue of being a member, officer or employee.

Engagement and membership with groups and organisations exemption

A member will not be regarded as having a conflict of interest **actual or perceived** in a matter to be discussed at a meeting of council by reason only of:

- an engagement with a community group, sporting club or similar organisation undertaken by the member in his or her capacity as a member; or membership of a political party
- membership of a community group, sporting club or similar organisation (as long as the member **is not** an office holder for the group, club or organisation)
- the member having been a student of a particular school or his or her involvement with a school as parent of a student at the school
- a nomination or appointment as a member of a board of a corporation or other association, if the member was nominated for appointment by a Council.

However, the member will still be required to give careful consideration to the nature of their association with the above bodies. Refer Conflict of Interest Guidelines.

For example: *If your **only** involvement with a group is in your role as a Council appointed liaison as outlined in the Council appointed liaison policy, you will not be regarded as having a conflict of interest actual or perceived in a matter, and are NOT required to declare your interest.*

8. DEPUTATIONS

For full details, see Code of Practice for Meeting Procedures on www.ahc.sa.gov.au

1. A request to make a deputation should be made by submitting a Deputation Request Form, (available on Council's website and at Service and Community Centres) to the CEO seven clear days prior to the Council meeting for inclusion in the agenda.
2. Each deputation is to be no longer than ten (10) minutes in duration, excluding questions from Members.
3. Deputations will be limited to a maximum of two per meeting.
4. In determining whether a deputation is allowed the following considerations will be taken into account:
 - the subject matter of the proposed deputation;
 - whether it is within the powers of the Council;
 - relevance to the Council agenda nominated – and if not, relevance to the Council's powers or purpose;
 - the integrity of the request; and
 - the size and extent of the agenda for the particular meeting.

8.3 PUBLIC FORUM

For full details, see Code of Practice for Meeting Procedures on www.ahc.sa.gov.au

1. The public may be permitted to address or ask questions of the Council on a relevant and/or timely topic.
2. The Presiding Member will determine if an answer is to be provided.
3. People wishing to speak in the public forum must advise the Presiding Member of their intention at the beginning of this section of the meeting.
4. Each presentation in the Public Forum is to be no longer than five (5) minutes (including questions), except with leave from the Council.
5. The total time allocation for the Public Forum will be ten (10) minutes, except with leave from the Council.
6. If a large number of presentations have been requested, with leave from the Council, the time allocation of five (5) minutes may be reduced.
7. Any comments that may amount to a criticism of individual Council Members or staff must not be made. As identified in the Deputation Conduct section above, the normal laws of defamation will apply to statements made during the Public Forum.
8. Members may ask questions of all persons appearing relating to the subject of their presentation.

Item 4 Minutes of Council

**ADELAIDE HILLS COUNCIL
MINUTES OF SPECIAL COUNCIL MEETING
TUESDAY 17 JULY 2018
63 MT BARKER ROAD STIRLING**

In Attendance:

Presiding Member: Acting Mayor Jan-Claire Wisdom

Members:

Councillor	Ward
Councillor Ron Nelson	Manoah
Councillor Ian Bailey	Marble Hill
Councillor Nathan Daniell Councillor John Kemp	Mt Lofty
Councillor Lynton Vonow Councillor Andrew Stratford	Onkaparinga Valley
Councillor Linda Green	Torrens Valley

In Attendance:

Andrew Aitken	Chief Executive Officer
Peter Bice	Director Engineering & Assets
Marc Salver	Director Strategy & Development
Natalie Westover	Acting Director Community & Customer Service
Lachlan Miller	Executive Manager Governance & Performance
John McArthur	Manager Waste & Emergency Management
Sharon Leith	Sustainability Officer
Steven Watson	Governance & Risk Coordinator Minute Secretary

1. COMMENCEMENT

The special council meeting commenced at 6:32pm.

2. OPENING STATEMENT

“Council acknowledges that we meet on the traditional lands of the Peramangk and Kurna people and we recognise their connection with the land.

We understand that we do not inherit the land from our ancestors but borrow it from our children and in this context the decisions we make should be guided by the principle that nothing we do should decrease our children’s ability to live on this land.”

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3. APOLOGIES/LEAVE OF ABSENCE

3.1 Apology

Cr Malcolm Herrmann
Cr Kirrilee Boyd
Cr Jan Loveday

3.2 Leave of Absence

Mayor Bill Spragg (14 July to 28 July 2018) approved 26 June 2018

3.3 Absent

Nil

4. DECLARATION OF INTEREST BY MEMBERS OF COUNCIL

Under Section 75 of the Local Government Act 1999 Cr Green disclosed a Perceived Conflict of Interest in Item 6.5 the nature of which is as follows:

- I live opposite the development and believe that I may receive a benefit or suffer a loss of a direct or indirect nature depending on the outcome of the matter.

Cr Green intends to participate in discussions and vote.

5. PUBLIC FORUM

Nil

6. BUSINESS OF THE MEETING

6.1 Bott Adelaide Hills Rally – Road Closure Consent

Andrew Admiraal, Event Director, Bott Adelaide Hills Rally addressed Council.

Cr Daniell sought and was granted leave of the meeting to speak again to the matter.

Moved Cr Linda Green

153/18

S/- Cr Nathan Daniell

Council resolves:

1. That the report be received and noted.
2. That, in relation to the 2018 Bott Adelaide Hills Rally, Council's support of the event is contingent on UME, to the satisfaction of the CEO:

**ADELAIDE HILLS COUNCIL
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- a. Entering into a road repair agreement with Council to cover any rectification works required as a result of damage caused by the event;
- b. Providing satisfactory financial security to the Council of their ability to meet any obligations under the road repair agreement;
- c. Agreeing to undertake road dilapidation reports of the route prior to and subsequent to the event at their cost;
- d. Providing evidence of satisfactory insurance to cover any damage to third party property caused by the event;
- e. Providing written confirmation from affected business owners, including Anderson Hill Wines, Pike & Joyce Wines and Arkaba Kennels, that they are aware of the road closures and do not oppose the event;
- f. Providing written confirmation to confirm that the concerns raised by affected residents have been addressed and that arrangements for egress and regress from those properties can be managed within the event;
- g. Written confirmation from ASIC that UME is registered beyond 3 August 2018; and
- h. Written confirmation from UME that they will erect advance notices of road closures on the affected roads, in locations advised by Council, at least 2 weeks prior to the event.

That subject to the requirements of 2. being undertaken, Council provides consent for road closure orders in relation to the 2018 Bott Adelaide Hills Rally, to be held on Sunday 23 September 2018 as follows:

- a. Mt Torrens Stage
Sunday 23 September 2018
Approximate closure 8:10am – 2:40pm
 - i. Boundary Farm Road, Mount Torrens - from Terlinga Road to Black Heath Road
 - ii. Black Heath Road, Mount Torrens – from Boundary Road to Warmington Run
 - iii. Warmington Run, Mount Torrens – from Black Heath Road to Hollows Road

NB – this is a boundary road with Mount Barker District Council.

- b. Mawson Road Stage
Sunday 23 September 2018
Approximate closure 12:30pm – 5:30pm
 - i. Mawson Road, Lenswood - from 19 Mawson Road to 237 Croft Road
 - ii. Croft Road, Lenswood - from Mawson Road to Fox Creek Road
- c. Retreat Valley Stage
Sunday 23 September 2018
Approximate closure 1:40pm – 5:40pm

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- i. Retreat Valley Road, Gumeracha - from Gorge Road to Odea Road
- ii. Odea Road, Gumeracha - from Retreat Valley Road to Berry Hill Road
- iii. Berry Hill Road, Kenton Valley - from Odea Road to Langley Road
- iv. Langley Road, Cudlee Creek - from Berry Hill Road to Cudlee Creek Road

That the Chief Executive Officer be authorised to negotiate and execute the agreements identified in 2. and sign all necessary documentation to give effect to these agreements. That the Chief Executive Officer be authorised to consider and respond to requests for consent to minor changes to the timing and extent of the road closures listed in this resolution.

VARIATION

The mover with the consent of the seconder sought and was granted leave of the meeting to vary the motion as follows:

Council resolves:

1. That the report be received and noted.
2. That, in relation to the 2018 Bott Adelaide Hills Rally, Council's support of the event is contingent on UME, to the satisfaction of the CEO:
 - a. Entering into a road repair agreement with Council to cover any rectification works required as a result of damage caused by the event;
 - b. Providing satisfactory financial security to the Council of their ability to meet any obligations under the road repair agreement;
 - c. Agreeing to undertake road dilapidation reports of the route prior to and subsequent to the event at their cost;
 - d. Prior to 23 August 2018:
 - i. Provide evidence of satisfactory insurance to cover any damage to 3rd party property caused by the event;
 - ii. Provide written confirmation from Anderson Hill Wines, Pike & Joyce Wines and Arkaba Kennels, that they are aware of the road closures and the event;
 - iii. Provide written confirmation to confirm that the concerns raised by affected residents have been addressed and that arrangements for egress and regress from those properties can be managed within the event;
 - iv. Written confirmation from ASIC that UME is registered beyond 3 August 2018; and
 - e. Written confirmation from UME that they will erect advance notices of road closures on the affected roads, in locations advised by Council, at least 3 weeks prior to the event.

**ADELAIDE HILLS COUNCIL
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- f. **Written notification be provided to land owners along the route confirming the event and suggesting measures be put in place to manage livestock during the event.**
3. **That subject to the requirements of 2. being undertaken, Council provides consent for road closure orders in relation to the 2018 Bott Adelaide Hills Rally, to be held on Sunday 23 September 2018 as follows:**
- a. **Mt Torrens Stage**
Sunday 23 September 2018
Approximate closure 8:10am – 2:40pm
- b. **Boundary Farm Road, Mount Torrens - from Terlinga Road to Black Heath Road**
- c. **Black Heath Road, Mount Torrens – from Boundary Road to Warmington Run**
- d. **Warmington Run, Mount Torrens – from Black Heath Road to Hollows Road**
- e. **Mawson Road Stage**
Sunday 23 September 2018
Approximate closure 12:30pm – 5:30pm
- i. **Mawson Road, Lenswood** - from 19 Mawson Road to 237 Croft Road
- ii. **Croft Road, Lenswood** - from Mawson Road to Fox Creek Road.
- f. **Retreat Valley Stage**
Sunday 23 September 2018
Approximate closure 1:40pm – 5:40pm
- i. **Retreat Valley Road, Gumeracha** - from Gorge Road to Odea Road
- ii. **Odea Road, Gumeracha** - from Retreat Valley Road to Berry Hill Road
- iii. **Berry Hill Road, Kenton Valley** - from Odea Road to Langley Road
- iv. **Langley Road, Cudlee Creek** - from Berry Hill Road to Cudlee Creek Road.
4. **That the Chief Executive Officer be authorised to negotiate and execute the agreements identified in 2. and sign all necessary documentation to give effect to these agreements.**
5. **That the Chief Executive Officer be authorised to consider and respond to requests for consent to minor changes to the timing and extent of the road closures listed in this resolution.**

	Carried Unanimously
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**ADELAIDE HILLS COUNCIL
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6.2 By-law Consultation Submissions

Moved Cr John Kemp **154/18**
S/- Cr Ron Nelson

Council resolves:

- 1. That the report be received and noted**
- 2. Notes that the comments and results of the Agency and Community Consultation have been considered in finalising the Draft By-laws which will be reported to Council to consider for adoption at its 24 July 2018 Ordinary meeting.**

	Carried Unanimously
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6.3 Cat Registration Scheme

Moved Cr John Kemp **155/18**
S/- Cr Ian Bailey

Council resolves that the report be received and noted.

	Carried Unanimously
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6.4 LED Street Lighting Program

Moved Cr Ian Bailey **156/18**
S/- Cr Ron Nelson

Council resolves:

- 1. That the report be received and noted**
- 2. That further investigation is undertaken to understand the best approach and tariff structure for transitioning to LED street lighting as soon as practicable.**

	Carried Unanimously
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**ADELAIDE HILLS COUNCIL
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63 MT BARKER ROAD STIRLING**

Under Section 74 and 75 of the Local Government Act 1999 Cr Linda Green amended her Conflict of Interest from Perceived to a Material Conflict of Interest in Item 6.5, Revocation of Community Land – Dunnfield Development Mt Torrens, the nature of which is as follows:

- I live opposite the development and believe that I may receive a benefit or suffer a loss of a direct or indirect nature depending on the outcome of the matter.

Cr Linda Green intends to leave the chamber when this item is discussed.

7:50pm Cr Linda Green declared a Material Conflict of Interest and left the Chamber.

6.5 Revocation of Community Land – Dunnfield Development Mt Torrens

Moved Cr John Kemp

157/18

S/- Cr Andrew Stratford

Council resolves:

- 1. That the report be received and noted.**
- 2. That the community land classification over the land comprised in Certificate of Title Volume 6192 Folio 572 being Allotment 1 in Filed Plan No. 252674 be revoked.**

	Carried Unanimously
--	----------------------------

7:51pm Cr Linda Green returned to the Chamber.

7. CLOSE SPECIAL COUNCIL MEETING

The meeting closed at 7:51pm.

**ADELAIDE HILLS COUNCIL
MINUTES OF ORDINARY COUNCIL MEETING
TUESDAY 24 JULY 2018
63 MT BARKER ROAD STIRLING**

In Attendance:

Presiding Member: Cr Jan-Claire Wisdom

Members:

Councillor	Ward
Councillor Ron Nelson	Manoah
Councillor Ian Bailey Councillor Jan Loveday	Marble Hill
Councillor Kirrilee Boyd Councillor Nathan Daniell Councillor John Kemp	Mt Lofty
Councillor Lynton Vonow Councillor Andrew Stratford	Onkaparinga Valley
Councillor Linda Green Councillor Malcolm Herrmann	Torrens Valley

In Attendance:

Andrew Aitken	Chief Executive Officer
Terry Crackett	Director Corporate Services
Peter Bice	Director Infrastructure & Operations
Marc Salver	Director Development & Regulatory Services
David Waters	Director Community & Capacity
Lachlan Miller	Executive Manager Governance & Performance
David Collins	Manager Sustainable Assets
John McArthur	Manager Waste & Emergency Management
Ashley Curtis	Manager Civil Services
Dennis Rainsford	Team Leader Regulatory Services
Renee O'Connor	Sport & Recreation Planner
Steven Watson	Governance & Risk Coordinator
Sharon Leith	Sustainability Officer
Pam Williams	Minute Secretary

1. COMMENCEMENT

The meeting commenced at 6.31pm.

2. OPENING STATEMENT

“Council acknowledges that we meet on the traditional lands of the Peramangk and Kurna people and we recognise their connection with the land.

We understand that we do not inherit the land from our ancestors but borrow it from our children and in this context the decisions we make should be guided by the principle that nothing we do should decrease our children’s ability to live on this land.”

**ADELAIDE HILLS COUNCIL
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3. APOLOGIES/LEAVE OF ABSENCE

3.1. Apology
Nil

3.2. Leave of Absence

Leave of the meeting was granted for the following Leave of Absence:

- Mayor Bill Spragg (14 July to 28 July 2018) approved 26 June 2018

3.3. Absent
Nil

4. MINUTES OF PREVIOUS MEETINGS

4.1. Council Meeting – 26 June 2018

Moved Cr Malcolm Herrmann
S/- Cr Nathan Daniell

158/18

That the minutes of the ordinary meeting held on 26 June 2018 as supplied, be confirmed as an accurate record of the proceedings of that meeting.

Carried Unanimously

4.2. Special Council Meeting – 19 June 2018

Moved Cr Linda Green
S/- Cr Ron Nelson

159/18

That the minutes of the special meeting held on 19 June 2018 as supplied, be confirmed as an accurate record of the proceedings of that meeting.

Carried Unanimously

**ADELAIDE HILLS COUNCIL
MINUTES OF ORDINARY COUNCIL MEETING
TUESDAY 24 JULY 2018
63 MT BARKER ROAD STIRLING**

5. DECLARATION OF CONFLICT OF INTEREST BY MEMBERS OF COUNCIL

5.1. Perceived Conflict of Interest, Cr Jan Loveday Item 12.1, By-laws

Under Section 75A of the *Local Government Act 1999* Cr Jan Loveday disclosed a Perceived Conflict of Interest in Item 12.1, By-laws, the nature of which is as follows:

- I am on the Dog & Cat Management Board

Cr Jan Loveday intends to participate in discussions and vote.

6. PRESIDING MEMBER'S OPENING REMARKS

The Acting Mayor briefed Council on the LGA Special Meeting re Rate Capping.

7. QUESTIONS ADJOURNED/LYING ON THE TABLE

7.1. Questions Adjourned

Nil

7.2. Questions Lying on the Table

Nil

8. PETITIONS / DEPUTATIONS / PUBLIC FORUM

8.1. Petitions

8.1.1. Skatepark near Lobethal

Moved Cr Lynton Vonow
S/- Cr Andrew Stratford

160/18

Council resolves that the petition signed by 304 signatories, requesting a skate park in the Lobethal area, be received and noted.

Carried Unanimously

8.2. Deputations

Nil

8.3. Public Forum

Tom Doherty, flooding in Woodside

**ADELAIDE HILLS COUNCIL
MINUTES OF ORDINARY COUNCIL MEETING
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9. PRESENTATIONS

Nil

10. QUESTIONS ON NOTICE

10.1. Historic Watering Troughs – Cr Malcolm Herrmann

Which authority owns and is responsible for the repairs and maintenance of historic watering troughs situated near 249 Torrens Valley Road Gumeracha and Mount Bera, Gorge Road Cudlee Creek?

OFFICER'S RESPONSE – David Collins, Manager Sustainable Assets

The watering troughs are located adjacent Gorge Road and Torrens Valley Road within the road reserve. Whilst the roads come under the care and control of the Department for Planning Transport and Infrastructure, the adjacent road reserve and items within the road reserve that are not associated with the traffic function of the road, fall under the care and control of Local Government.

In this instance, the water troughs are not associated with the traffic function of the road, and are the responsibility of the Council.

A search of the State Government State Heritage register and the Council Development Plan does not highlight these water troughs as heritage items. In addition, the water troughs are not on Council's asset registers.

Council subsequently has no maintenance regime in place for these assets as they currently do not have a functional purpose. A Council officer will need to arrange for a subsequent inspection to assess the condition and what, if any, maintenance is required. Given the potential age of the structures, specialist advice may be required to assess and develop a maintenance plan should Council deem that it wishes to maintain these items. Note that there is no current funding allocated in Council's Budget for this inspection or subsequent maintenance.

**ADELAIDE HILLS COUNCIL
MINUTES OF ORDINARY COUNCIL MEETING
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10.2. Green Organic Waste – Cr Malcolm Herrmann

For the years 2016/2017 and 2017/2018:

1. How many days at each site were made available to public for Green Organic Waste drop offs?
2. For each site, how many tonnes of Green Organic Waste were received?
3. What was the budgeted amount and what was the actual expenditure?

For 2018/19:

1. What funds have been provided in the budget?
2. What Green Organic Waste Drop off days are proposed?

OFFICER'S RESPONSE – Aliza Fuller, Waste Management Coordinator

For the years 2016/2017 and 2017/2018:

1. How many days at each site were made available to public for Green Organic Waste drop offs?
2. For each site, how many tonnes of Green Organic Waste were received?
3. What was the budgeted amount and what was the actual expenditure?

2016/2017

Green Organic Drop Off Days	Number of days	Tonnes	Budgeted amount	Actual Amount
Gumeracha	8	156	\$75,000	\$74,390
Woodside	8	219		
Heathfield	14	1402		
TOTAL	30	1777		

The large tonnages of green organic material received for 2016/17 were a result of storms that occurred in late 2016 and early 2017. The tonnages of green organics received during the January/February 2017 collections were high as a direct result of the storm damage and the resident's response to clearing away debris.

2017/2018

Green Organic Drop Off Days	Number of days	Tonnes	Budgeted amount	Actual Amount
Gumeracha	8	52.5	\$65,000	\$54,675
Woodside	7	64		
Heathfield	12	379		
TOTAL	27	495		

**ADELAIDE HILLS COUNCIL
MINUTES OF ORDINARY COUNCIL MEETING
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For 2018/19:

1. What funds have been provided in the budget?
2. What Green Organic Waste Drop off days are proposed?

The budget for Green Organic Drop Off days for 2018/19 is \$65,000.

Planning for the green organic drop off days in 2018/2019 is still underway and therefore dates have not yet been set. It is anticipated the dates will be made public at the end of August 2018 with the first drop off days scheduled in October 2018.

It is intended that the scheduling will be similar to previous years where the days will be scheduled around the bushfire season, weather conditions and large events being held within the Council area and prior to the winter months. Collection days will be provided on weekends as well as providing weekday options for residents. Weekday options have proven to be popular during the 2017/2018 collection period and have been set in response to customer feedback.

11. MOTIONS ON NOTICE

11.1. Stormwater, Henry Street, Woodside

**Moved Cr Malcolm Herrmann
S/- Cr Ian Bailey**

161/18

I move that the CEO provide a report as part of Budget Review 1, on a request to advance proposed expenditure for "Henry Street Stormwater" scheduled for 2019/20 to 2018/19.

Carried Unanimously

7.01pm Cr Malcolm Herrmann left the Chamber

7.01pm Cr Malcolm Herrmann returned to the Chamber

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11.2. Use of Recycled Material in Capital Works

**Moved Cr Linda Green
S/- Cr John Kemp**

162/18

I move that Council measures, and reports on, the amount of recycled material it uses in Council's Capital works programs.

1st VARIATION, with the leave of the meeting

I move that Council measures, and reports on, the amount and origin of recycled material it uses in Council's Capital works programs.

2nd VARIATION, with the leave of the meeting

I move that Council measures, and reports on, the amount and origin of recycled material it uses in Council's Capital works programs, at least annually.

Carried

11.3. Magarey Road Access

**Moved Cr Malcolm Herrmann
S/- Cr Linda Green**

163/18

That, before the commencement of the bushfire season, the CEO, in consultation with residents and the Bushfire Advisory Committee, provides a report on possibilities to improve access by fire-fighting appliances and other emergency vehicles to properties on Magarey Road, Mount Torrens.

Carried Unanimously

12. OFFICER REPORTS – DECISION ITEMS

Cr Jan Loveday declared a Perceived Conflict of Interest at Agenda Item 5 'Declaration of Interest by Members of the Council' in relation to Item 12.1, By-laws.

**ADELAIDE HILLS COUNCIL
MINUTES OF ORDINARY COUNCIL MEETING
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12.1. By-Laws

Cimon Burke, Kelledy Jones Lawyers, was present to respond to questions from Council Members.

Moved Cr Linda Green
S/- Cr Kirrilee Boyd

164/18

1. That the report be received and noted.
2. In exercise of the powers contained in section 246 of the *Local Government Act 1999*, having satisfied the consultation requirements of the Act and having regard to the submissions received from the public, the National Competition Policy Report, the Certificates of Validity provided by the Council's legal practitioner and the comments from the Dog and Cat Management Board in relation to By-laws number 5 and 6, the majority of Council in the presence of at least two thirds of its members, hereby makes and passes the following By-laws as attached and marked as *Appendices 1 to 6* of this report.
3. That the Chief Executive officer be authorised to undertake all steps necessary to finalise the By-law review process and to give effect to the newly adopted By-laws.

Carried Unanimously

Cr Jan Loveday voted FOR the motion.

12.2. Volunteer Management Policy

7.53pm Cr Lynton Vonow left the Chamber
7.56pm Cr Lynton Vonow returned to the Chamber

Moved Cr Andrew Stratford
S/- Cr Jan Loveday

165/18

Council resolves:

1. That the report be received and noted.
2. With an effective date of 7 August 2018, to revoke the 25 August 2014 Volunteers Policy and to approve the Volunteer Management Policy as contained in Appendix 1, with a change in nomenclature to the Volunteer Engagement Policy.

Carried Unanimously

**ADELAIDE HILLS COUNCIL
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12.3. Cities Power Partnership Membership Application

Moved Cr Kirrilee Boyd
S/- Cr Ron Nelson

166/18

Council resolves:

1. That the report be received and noted
2. That Council resolves to proceed with the application for Cities Power Partnership membership and that the Mayor be authorised to sign the letter on behalf of Council.

Carried Unanimously

12.4. Road Widening - Edward Avenue, Crafers

Moved Cr Malcolm Herrmann
S/- Cr John Kemp

167/18

Council resolves:

1. That the report be received and noted
2. To purchase the area of land, being 45m², identified in red on the plan attached as Appendix 1 ("Land") from Zara Marina Parent and Guy Damien Parent for the consideration of \$9,500 (excl GST) plus all reasonable costs to vest the Land as public road.
3. That the Mayor and CEO be authorised to sign all necessary documentation to effect this resolution.

Carried Unanimously

12.5. Street Lighting Policy Review

Moved Cr Ron Nelson
S/- Cr Jan Loveday

168/18

Council resolves:

1. That the report be received and noted
2. With an effective date of 7 August 2018, to revoke the 28 July 2015 Street Lighting Policy and to adopt the 7 August 2018 Street Lighting Policy in Appendix 1.

Carried Unanimously

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12.6. Flags & Tributes Policy

Moved Cr John Kemp
S/- Cr Jan Loveday

169/18

Council resolves:

1. That the report be received and noted.
2. That with an effective date of 7 August 2018 to revoke the 14 July 2015 Flags Policy and adopt the Flags Policy contained in Appendix 1.
3. That with an effective date of 7 August 2018 to revoke the 14 July 2015 Tributes for Commemorative Services Policy and adopt the Tributes for Commemorative Services Policy contained in Appendix 2.

Carried Unanimously

12.7. Review of Physical Models for Major Development Policy

Moved Cr John Kemp
S/- Cr Linda Green

170/18

Council resolves:

1. That the report be received and noted
2. With an effective date of 7 August 2018, to revoke the 14 July 2015 Policy for Provision of Physical Models or other Visual Representation Tools for Major Development Proposals which require Public Notification, and adopt the Policy for Provision of Physical Models or other Visual Representation Tools for Major Development Proposals which require Public Notification, as contained in Appendix 1 of this report.

Carried Unanimously

8.48pm With Leave of the Meeting, a short adjournment was granted.

9.02pm The meeting resumed.

9.02pm Cr Loveday left the Chamber during the adjournment, and did not return.

**ADELAIDE HILLS COUNCIL
MINUTES OF ORDINARY COUNCIL MEETING
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12.8. Council Member Training & Development Policy

Moved Cr John Kemp
S/- Cr Linda Green

171/18

Council resolves:

- 1. That the report be received and noted**
- 2. With an effective date of 7 August 2018, to revoke the 8 September 2015 Council Member Training and Development Policy and to adopt the Council Member Training and Development Policy, as contained in Appendix 1.**

Carried Unanimously

12.9. Status Report – Council Resolutions Update

Moved Cr Malcolm Herrmann
S/- Cr Lynton Vonow

172/18

Council resolves:

- 1. The Council Action List be received and noted**
- 2. The following completed items be removed from the Action List:**

Date	Meeting	No	Heading
27/09/2016	Ordinary Council	183/16	MON Undergrounding Power in Gumeracha
28/03/2017	Ordinary Council	71/17	Celebrating 20 Years of AHC
12/12/2017	Ordinary Council	301b/17	Determination of Time and Place of Council Meetings, Workshop Sessions, Professional Development Sessions & Community Forums in 2018
20/02/2018	Audit Committee	AC18/15	Internal Audit Actions Implementation - Release of Confidentiality Order
27/02/2018	Ordinary Council	32/18	AHBTC Plan of Division & Divestment

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27/03/2018	Ordinary Council	67/18	Revocation of Community Land - Lobethal Retirement Village
24/04/2018	Ordinary Council	93/18	Draft 2018/19 Fees & Charges
22/05/2018	Ordinary Council	108/18	Supporting Volunteers in Community Groups and Organisations
19/06/2018	Special Council	127/18	Revocation of Community Land - Lobethal Retirement Village
19/06/2018	Special Council	128/18	Corporate Planning & Reporting Framework
19/06/2018	Special Council	129/18	Gawler River Floodplain Management Authority - Northern Floodway Project
26/06/2018	Ordinary Council	137/18	Draft Annual Business Plan 2018 2019 Community Consultation Outcomes
26/06/2018	Ordinary Council	139/18	Enforcement Policy
26/06/2018	Ordinary Council	140/18	Review of Confidential Items Register
26/06/2018	Ordinary Council	141/18	CEO Performance Targets
26/06/2018	Ordinary Council	143/18	Delegations

Carried Unanimously

13. OFFICER REPORTS – INFORMATION ITEMS

13.1. Sport & Recreation Masterplans Status Report

Moved Cr Ian Bailey
S/- Cr Lynton Vonow

173/18

Council resolves that the report be received and noted.

Carried Unanimously

**ADELAIDE HILLS COUNCIL
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13.2. Sport & Recreation Strategy Progress Report

Moved Cr Ian Bailey
S/- Cr John Kemp

174/18

Council resolves that the report be received and noted.

Carried Unanimously

13.3. Climate Change Adaptation Plan Status Report

Moved Cr John Kemp
S/- Cr Linda Green

175/18

Council resolves that the report be received and noted.

Carried Unanimously

14. MISCELLANEOUS ITEMS

Nil

15. QUESTIONS WITHOUT NOTICE

Nil

16. MOTIONS WITHOUT NOTICE

Having taken into account the Guiding Principles, the Acting Mayor accepted the following Motion Without Notice.

16.1. Mobile Skate Ramp

Moved Cr Andrew Stratford
S/- Cr Malcolm Herrmann

176/18

That the Council considers placing the mobile skate ramp in Lobethal, along with any other requests, at the conclusion of its time in Birdwood.

Carried Unanimously

**ADELAIDE HILLS COUNCIL
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17. REPORTS

17.1. Council Member Activities

Cr Jan-Claire Wisdom, Acting Mayor, advised Council of a new Bridge Club in Stirling, the opening of the new Church of Epiphany Hall at Crafers, the LGA Special Meeting 13 July and the launch of the Koala Centre of Excellence.

Cr Jan-Claire Wisdom

- 29 June, Meeting with LGA re public libraries, Adelaide
- 29 June, Farewell for LGA member, Adelaide
- 29 June, Rotary Club of Stirling dinner, Stirling
- 5 July, Hills Bridge Club launch, Stirling
- 6 July, Opening of new hall at Church of the Epiphany, Crafers
- 7 July, Lions Club East Torrens lunch, Kensington
- 11 July, MLGG lunch, Hallett Cove
- 11 July, World Heritage PSG presentation, Stirling
- 13 July, launch of Koala Centre of Excellence, Adelaide Oval
- 19 July, Meals on Wheels AGM, Lobethal

Media

- 27 June, Hills Radio 88.9FM radio chat segment on Disability and employment
- 7 July, Article for Weekender Herald on 'A disability service - for those more than capable'

Cr Malcolm Herrmann

- 29 June, meeting with John Gardner MP and Richard Harvey MP, Cudlee Creek
- 12 July, Residents Association meeting, Kersbrook

Cr Kirrilee Boyd

- 16 July, Adelaide Hills Climate Action Group - Federal Candidates "Meet the Candidates Forum"

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17.2. Reports of Members as Council/Committee Representatives on External Organisations

Cr Malcolm Herrmann

- 5 July, Gawler River Flood Management Authority, Gawler

Cr Jan-Claire Wisdom

- 13 June, Special Meeting Local Government Association SA (LGASA) Board, Adelaide
- 22 June, Southern and Hills LGA (SHLGA) Board meeting
- 4 July, LGA SA Special Board Meeting, Adelaide
- 13 July, LGA SA Special General Meeting, Adelaide
- 16 July, SLSA, Adelaide
- 19 July, LGA SA Board Meeting, Adelaide

17.3. CEO Report

Andrew Aitken, CEO, provided Council with a verbal Corporate Update.

- Footpath construction Lobethal, Bridgewater
- Drainage works Aldgate, Crafers, Uraidla
- System integration
- WHS Safety video
- Zone Emergency Management Committee
- Welcome to new Director Arts & Heritage Hub

18. REPORTS OF COMMITTEES

18.1. Council Assessment Panel – 11 July, 2018

Moved Cr John Kemp
S/- Cr Ian Bailey

177/18

That the minutes of the Council Assessment Panel meeting of 11 July, 2018 as distributed, be received and noted.

Carried Unanimously

18.2. Strategic Planning & Development Policy Committee

Nil

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18.3. Audit Committee
Nil

18.4. CEO Performance Review Panel
Nil

19. CONFIDENTIAL ITEMS
Nil

20. NEXT MEETING
The next ordinary meeting of the Adelaide Hills Council will be held on Tuesday 28 August 2018 from 6.30pm at 63 Mt Barker Road, Stirling.

21. CLOSE MEETING
The meeting closed at 9.58pm.

**ADELAIDE HILLS COUNCIL
MINUTES OF SPECIAL COUNCIL MEETING
WEDNESDAY 1 AUGUST 2018
63 MT BARKER ROAD STIRLING**

In Attendance:

Presiding Member: Mayor Bill Spragg

Members:

Councillor	Ward
Councillor Jan-Claire Wisdom	Manoah
Councillor Ian Bailey Councillor Jan Loveday	Marble Hill
Councillor Kirrilee Boyd Councillor Nathan Daniell Councillor John Kemp	Mt Lofty
Councillor Lynton Vonow	Onkaparinga Valley
Councillor Linda Green Councillor Malcolm Herrmann	Torrens Valley

In Attendance:

Andrew Aitken	Chief Executive Officer
Terry Crackett	Director Corporate Services
Peter Bice	Director Infrastructure & Operations
Marc Salver	Director Development & Regulatory Services
David Waters	Director Community & Capacity
Lachlan Miller	Executive Manager Governance & Performance
Natalie Westover	Manager Property Services
John McArthur	Manager Waste & Emergency Management
Chris Janssan	Manager Open Space
David Collins	Manager Sustainable Assets
Renee O'Connor	Sport & Recreation Planner
Steven Watson	Governance & Risk Coordinator Minute Taker

1. COMMENCEMENT

The special council meeting commenced at 7.00pm.

2. OPENING STATEMENT

“Council acknowledges that we meet on the traditional lands of the Peramangk and Kurna people and we recognise their connection with the land.

We understand that we do not inherit the land from our ancestors but borrow it from our children and in this context the decisions we make should be guided by the principle that nothing we do should decrease our children’s ability to live on this land.”

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3. APOLOGIES/LEAVE OF ABSENCE

3.1 Apology

Cr Ron Nelson
Cr Andrew Stratford

3.2 Leave of Absence

Nil

3.3 Absent

Nil

4. DECLARATION OF INTEREST BY MEMBERS OF THE COMMITTEE

Under Section 75A of the Local Government Act 1999 Cr Kemp disclosed a Perceived Conflict of Interest in Item 7.1, Stonehenge Reserve Masterplan Update, the nature of which is as follows:

- 'I'm a social member of the Stirling Tennis Club'.

Cr John Kemp intends to: participate in discussions and vote when this item is discussed.

Under Section 75A of the Local Government Act 1999 Cr Loveday disclosed a Perceived Conflict of Interest in Item 7.1, Stonehenge Reserve Masterplan Update, the nature of which is as follows:

- 'I know personally and have worked with a resident who has an interest in Stonehenge'.

Cr Jan Loveday intends to: participate in discussions and vote when this item is discussed.

Under Section 74 of the Local Government Act 1999 Cr Wisdom disclosed a Material Conflict of Interest in Item 6.1 Local Government (Rate Oversight) Amendment Bill 2018 the nature of which is as follows:

- 'Depending on the outcome of the final board decision, dependant partly on the decision, the LGA could suffer a material gain/loss'.

Cr Jan-Claire Wisdom intends to leave the chamber when this item is discussed.

5. PUBLIC FORUM

Nil

**ADELAIDE HILLS COUNCIL
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6. BUSINESS OF THE MEETING

Cr Jan-Claire Wisdom declared a Material Conflict of Interest at Agenda Item 6.1 Local Government (Rate Oversight) Amendment Bill 2018, 'Declaration of Interest by Members of the Council' in relation to Item 6.1.

7.07pm Cr Jan-Claire Wisdom left the chamber.

6.1 Local Government (Rate Oversight) Amendment Bill 2018

7.16pm Cr Lynton Vonow left the chamber.

7.19pm Cr Lynton Vonow returned to the chamber.

7.34pm Cr Lynton Vonow left the chamber.

7.36pm Cr Lynton Vonow returned to the chamber.

Moved Cr Ian Bailey
S/- Cr John Kemp

178/18

Council resolves:

1. That the report be received and noted.
2. That the Adelaide Hills Council opposes the *Local Government (Rate Oversight) Amendment Bill 2018* given the research into the effects of rate capping on councils and their communities and the detrimental impact experienced by councils in New South Wales and Victoria, including increasing the burden of 'red tape' as well as the impact on service delivery, long term financial planning and asset sustainability.
3. To note that this research leads the Adelaide Hills Council to conclude that rate capping is associated with higher levels of debt; lower levels of infrastructure maintenance; and reveals no evidence of higher levels of efficiency.
4. That it prefers, and would welcome, the State Government instead taking a more constructive partnering approach with Local Government to further enhance the capability of councils to achieve efficiencies and to limit the detrimental impact of cost shifting and other financial burdens by State Government on local councils (e.g. the Waste Levy, which the State Government increased by 15% for all councils this financial year).
5. That it recognises the long, challenging and successful period of adjustment made by South Australian councils following the Local Government Association's Financial Sustainability Review in 2006.
6. To highlight the responsible approach already being taken by South Australian councils, including Adelaide Hills Council, in long term financial planning, asset

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management planning and achieving annual budgeted efficiencies (e.g. approximately \$450,000 of efficiencies in its 2018-19 Adelaide Hills Council Annual Business Plan & Budget), despite the cumulative impact of State Government cost shifting and other financial burdens.

7. That it recognises and supports the transparency, benefits and socio-economic prosperity that currently arise from decisions being made at a local level by democratically elected councils, especially those made following extensive consultation with local communities relating to council strategies, plans, services, annual budgets and rate rises.
8. To support the LGA using its best endeavours to secure the best possible outcome for local government and the communities they serve.
9. To note that the LGA Board will hold a special meeting to consider the endorsed positions of member councils, and
10. To note that the LGA Board will consider the matter on the basis of both a 'one vote, one value' counting method and a weighted voting method (using the same weighting system applied at LGA General Meetings) and notes that the LGA Board will also use identified criteria to inform and resolve a position.

Carried Unanimously

7.50pm Cr Jan-Claire Wisdom returned to the chamber

7. CONFIDENTIAL ITEMS

7.1 Stonehenge Reserve Masterplan Update - Exclusion of the Public

Cr John Kemp declared a Perceived Conflict of Interest at Agenda Item 7.1, Stonehenge Reserve Masterplan Update, 'Declaration of Interest by Members of the Council' in relation to Item 7.1.

Cr John Kemp remained in the chamber and voted.

Cr Jan Loveday declared a Perceived Conflict of Interest at Agenda Item 7.1, Stonehenge Reserve Masterplan Update, 'Declaration of Interest by Members of the Council' in relation to Item 7.1.

Cr Jan Loveday remained in the chamber and voted.

The majority of persons who were entitled to vote at the meeting voted in favour of the motion.

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Moved Cr Ian Bailey
S/- Cr Linda Green

179/18

Pursuant to section 90(2) of the *Local Government Act 1999* the Council orders that all members of the public, except:

- CEO, Andrew Aitken
- Director Infrastructure & Operations, Peter Bice
- Director Development & Regulatory Services, Marc Salver
- Director Corporate Services, Terry Crackett
- Director Community Capacity, David Waters
- Executive Manager Governance & Performance, Lachlan Miller
- Manager Property Services, Natalie Westover
- Manager Open Space, Chris Janssan
- Sport & Recreation Planner, Renee O'Connor
- Sport & Recreation Planning – Project Officer, Andrew Gehling
- Governance & Risk Coordinator, Steven Watson

be excluded from attendance at the meeting for Agenda Item 7.1: (Stonehenge Reserve Masterplan Update) in confidence.

The Council is satisfied that it is necessary that the public, with the exception of Council staff in attendance as specified above, be excluded to enable Council to consider the report at the meeting on the following grounds:

Section 90(3) (b) of the *Local Government Act 1999*, the information to be received, discussed or considered in relation to this Agenda Item is information the disclosure of which could reasonably be expected to confer a commercial advantage on a person with whom the council is conducting, or proposing to conduct business, or to prejudice the commercial position of the council and would, on balance, be contrary to the public interest.

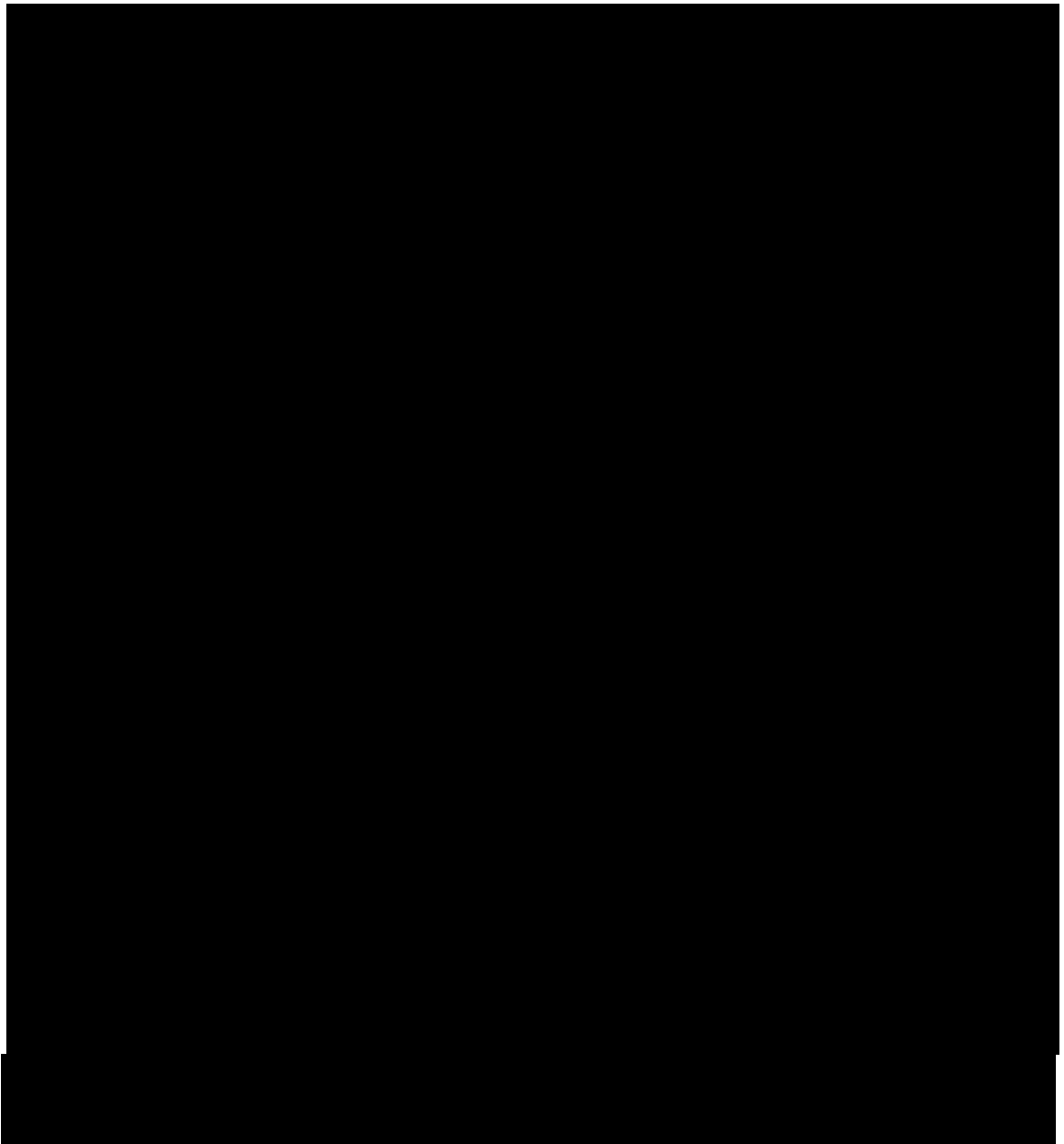
Accordingly, on this basis the principle that meetings of the Council should be conducted in a place open to the public has been outweighed by the need to keep the information and discussion confidential.

Carried Unanimously

Cr John Kemp voted "for" the motion.
Cr Jan Loveday voted "for" the motion.

**ADELAIDE HILLS COUNCIL
MINUTES OF SPECIAL COUNCIL MEETING
WEDNESDAY 1 AUGUST 2018
63 MT BARKER ROAD STIRLING**

7.1.1 Stonehenge Reserve Masterplan Update – Confidential Item



**ADELAIDE HILLS COUNCIL
MINUTES OF SPECIAL COUNCIL MEETING
WEDNESDAY 1 AUGUST 2018
63 MT BARKER ROAD STIRLING**

7.1.2 Stonehenge Reserve Masterplan Update – Period of Confidentiality

Moved Cr John Kemp **181/18**
S/- Cr Jan Loveday

Subject to the CEO, or his delegate, disclosing information or any document (in whole or in part) for the purpose of implementing Council's decision(s) in this matter in the performance of the duties and responsibilities of office, Council, having considered Agenda Item 7.1 in confidence under sections 90(2) and 90(3)(b) of the *Local Government Act 1999*, resolves that an order be made under the provisions of sections 91(7) and (9) of the *Local Government Act 1999* that the report, related attachments and the minutes of Council and the discussion and considerations of the subject matter be retained in confidence until the consultation has concluded.

Pursuant to section 91(9)(c) of the *Local Government Act 1999*, Council delegates the power to revoke the confidentiality order either partially or in full to the Chief Executive Officer.

Carried Unanimously

Cr John Kemp voted "for" the motion.
Cr Jan Loveday voted "for" the motion.

7.2 Retirement Village Review – Exclusion of the Public

Moved Cr Linda Green **182/18**
S/- Cr John Kemp

Pursuant to section 90(2) of the *Local Government Act 1999* the Council orders that all members of the public, except:

- CEO, Andrew Aitken
- Director infrastructure & Operations, Peter Bice
- Director Development & Regulatory Services, Marc Salver
- Director Corporate Services, Terry Crackett
- Director Community Capacity, David Waters
- Executive Manager Governance & Performance, Lachlan Miller
- Manager Property Services, Natalie Westover
- Consultant, Justin Hazell, Colliers International
- Governance & Risk Coordinator, Steven Watson

**ADELAIDE HILLS COUNCIL
MINUTES OF SPECIAL COUNCIL MEETING
WEDNESDAY 1 AUGUST 2018
63 MT BARKER ROAD STIRLING**

be excluded from attendance at the meeting for Agenda Item 7.2: (Retirement Village Review) in confidence.

The Council is satisfied that it is necessary that the public, with the exception of Council staff and contractors in attendance as specified above, be excluded to enable Council to consider the report at the meeting on the following grounds:

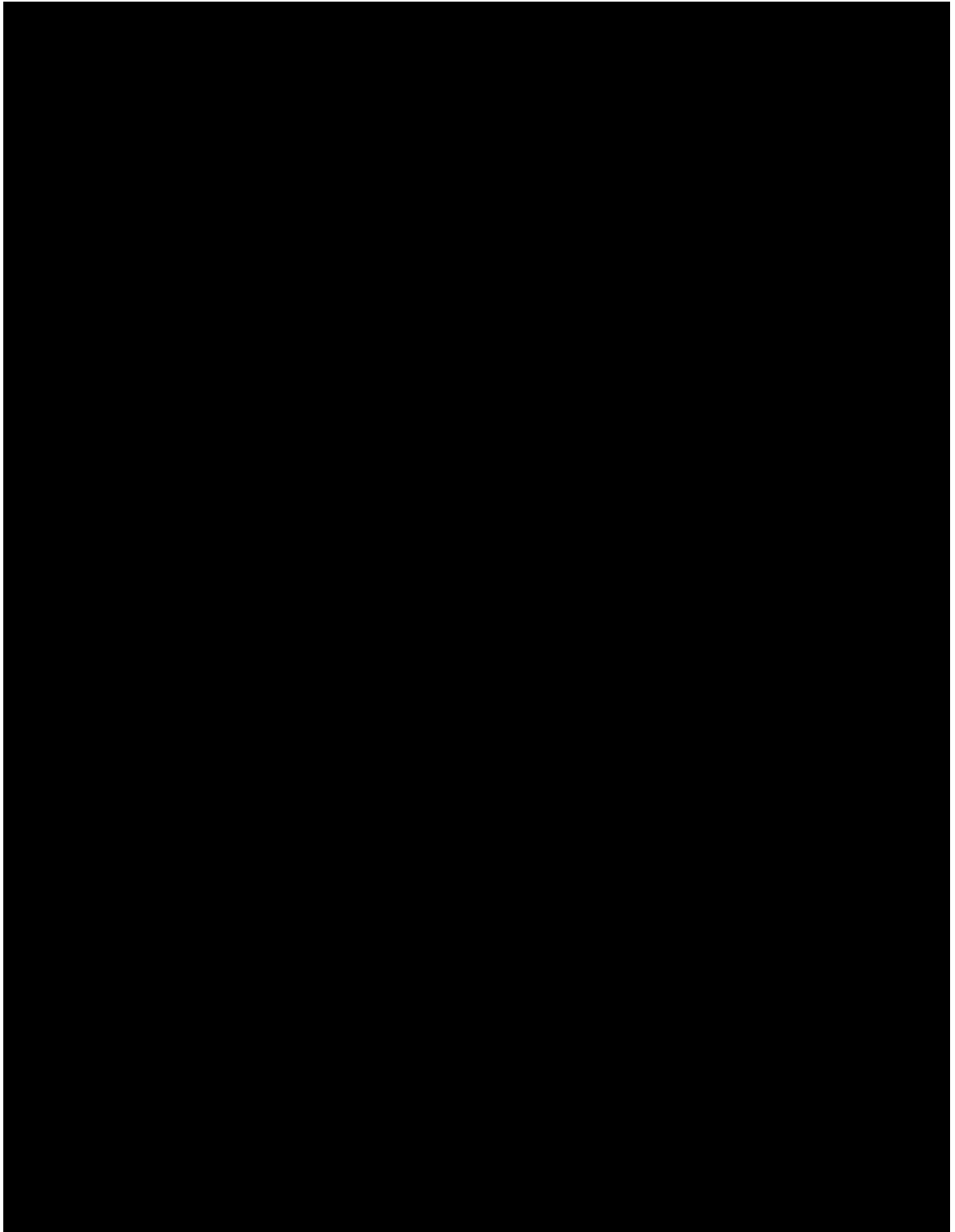
Section 90(3) (b) of the *Local Government Act 1999*, the information to be received, discussed or considered in relation to this Agenda Item is information the disclosure of which could reasonably be expected to confer a commercial advantage on a person with whom the council is conducting, or proposing to conduct, business, or to prejudice the commercial position of the council and would, on balance, be contrary to the public interest.

Accordingly, on this basis the principle that meetings of the Council should be conducted in a place open to the public has been outweighed by the need to keep the information and discussion confidential.

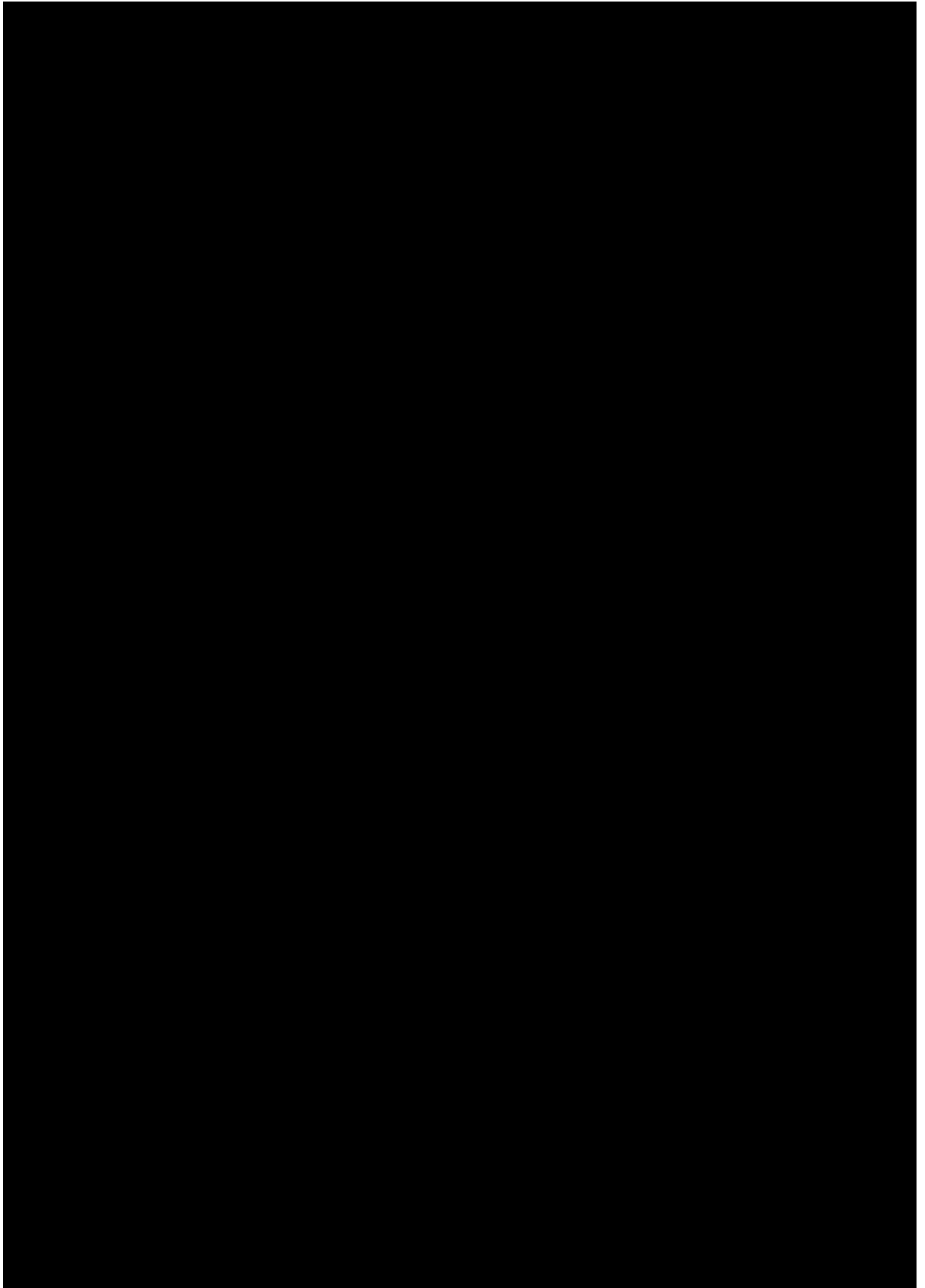
Carried Unanimously

**ADELAIDE HILLS COUNCIL
MINUTES OF SPECIAL COUNCIL MEETING
WEDNESDAY 1 AUGUST 2018
63 MT BARKER ROAD STIRLING**

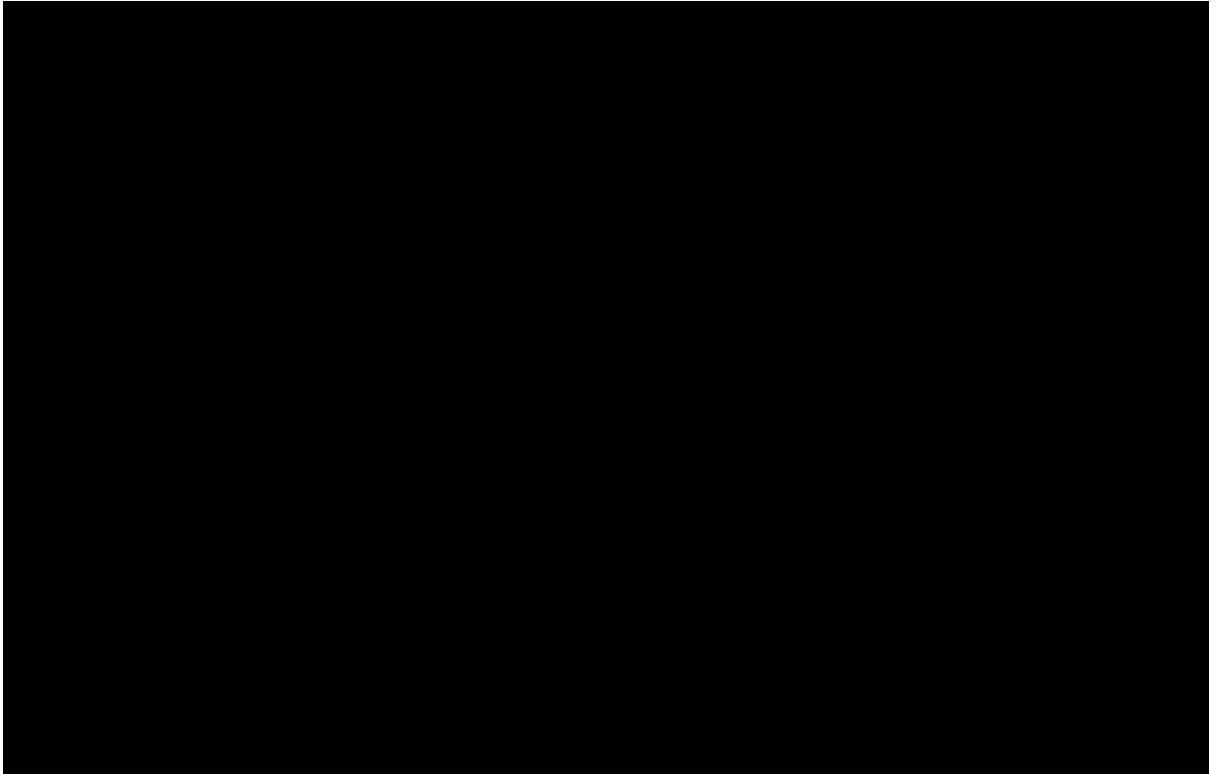
7.2.1 Retirement Village Review – Confidential Item



**ADELAIDE HILLS COUNCIL
MINUTES OF SPECIAL COUNCIL MEETING
WEDNESDAY 1 AUGUST 2018
63 MT BARKER ROAD STIRLING**



**ADELAIDE HILLS COUNCIL
MINUTES OF SPECIAL COUNCIL MEETING
WEDNESDAY 1 AUGUST 2018
63 MT BARKER ROAD STIRLING**



**ADELAIDE HILLS COUNCIL
MINUTES OF SPECIAL COUNCIL MEETING
WEDNESDAY 1 AUGUST 2018
63 MT BARKER ROAD STIRLING**

9.08pm Cr John Kemp left the chamber and did not return

7.2.2 Retirement Village Review – Period of Confidentiality

Moved Cr Malcolm Herrmann
S/- Cr Linda Green

184/18

Subject to the CEO, or his delegate, disclosing information or any document (in whole or in part) for the purpose of implementing Council's decision(s) in this matter in the performance of the duties and responsibilities of office, Council, having considered Agenda Item 7.2 in confidence under sections 90(2) and 90(3)(b) of the *Local Government Act 1999*, resolves that an order be made under the provisions of sections 91(7) and (9) of the *Local Government Act 1999* that the report, related attachments and the minutes of Council and the discussion and considerations of the subject matter be retained in confidence until settlement with the exception of Clause 8 and Appendix 2 which shall be retained in confidence until 31 July 2023.

Pursuant to section 91(9)(c) of the *Local Government Act 1999*, Council delegates the power to revoke the confidentiality order either partially or in full to the Chief Executive Officer.

Carried Unanimously

8. CLOSE SPECIAL COUNCIL MEETING

The meeting closed at 9.19pm

**ADELAIDE HILLS COUNCIL
MINUTES OF SPECIAL COUNCIL MEETING
TUESDAY 14 AUGUST 2018
36 NAIRNE ROAD WOODSIDE**

In Attendance:

Presiding Member: Mayor Bill Spragg

Members:

Councillor	Ward
Councillor Ron Nelson	Manoah
Councillor Ian Bailey	Marble Hill
Councillor Kirrilee Boyd Councillor Nathan Daniell Councillor John Kemp	Mt Lofty
Councillor Lynton Vonow Councillor Andrew Stratford	Onkaparinga Valley
Councillor Linda Green Councillor Malcolm Herrmann	Torrens Valley

In Attendance:

Andrew Aitken	Chief Executive Officer
Terry Crackett	Director Corporate Services
Peter Bice	Director Infrastructure & Operations
Marc Salver	Director Development & Regulatory Services
David Waters	Director Community Capacity
Lachlan Miller	Executive Manager Governance & Performance
Pam Williams	Minute Secretary

1. COMMENCEMENT

The special council meeting commenced at 8.18pm.

2. OPENING STATEMENT

“Council acknowledges that we meet on the traditional lands of the Peramangk and Kurna people and we recognise their connection with the land.

We understand that we do not inherit the land from our ancestors but borrow it from our children and in this context the decisions we make should be guided by the principle that nothing we do should decrease our children’s ability to live on this land.”

**ADELAIDE HILLS COUNCIL
MINUTES OF SPECIAL COUNCIL MEETING
TUESDAY 14 AUGUST 2018
36 NAIRNE ROAD WOODSIDE**

3. APOLOGIES/LEAVE OF ABSENCE

3.1. Apology

Cr Jan Loveday & Cr Jan-Claire Wisdom

3.2. Leave of Absence

Nil

3.3. Absent

Nil

4. DECLARATION OF INTEREST BY MEMBERS OF THE COMMITTEE

Nil

5. PUBLIC FORUM

Mr Joe Frank re lawful use of roads and rallies

6. BUSINESS OF THE MEETING

6.1. SAROC Nomination

Moved Cr John Kemp

185/18

S/- Cr Lynton Vonow

Council resolves that the report be received and noted.

Carried Unanimously

7. CLOSE SPECIAL COUNCIL MEETING

The meeting closed at 8.35pm.

**ADELAIDE HILLS COUNCIL
ORDINARY COUNCIL MEETING
Tuesday 28 August 2018
AGENDA BUSINESS ITEM**

Item: 8.1.1

Originating Officer: Lachlan Miller, Executive Manager Governance & Risk

Responsible Director: Andrew Aitken, Chief Executive Officer

Subject: Petition – Review of Suitability of Construction of Deloraine Road Kersbrook

For: Decision

SUMMARY

A petition has been received with 11 signatories stating:

“We the undersigned consider Deloraine Road Kersbrook to be in an unsatisfactory condition for use as a road for the types and volume of traffic that use the road. We request the Adelaide Hills Council improve the condition of Deloraine Road by changing the manner in which it is constructed and maintained.”

RECOMMENDATION

Council resolves that the petition signed by 11 signatories, about the condition of Deloraine Road Kersbrook, be received and noted.

Council has received a petition organised by Jon & Jane Alton of Kersbrook, and signed by 11 signatories.

Following Council’s consideration, the head petitioner will be advised of Council’s noting of the petition and of any other resolutions arising from the matter.

The petition states:

“We the undersigned consider Deloraine Road Kersbrook to be in an unsatisfactory condition for use as a road for the types and volume of traffic that use the road. We request the Adelaide Hills Council improve the condition of Deloraine Road by changing the manner in which it is constructed and maintained.”

Background / Context – Peter Bice – Director Infrastructure & Operations

Deloraine Road was last resurfaced in 2011/12 and Council staff will conduct a further assessment of the road and undertake any necessary maintenance to maintain its functional requirements for a road with the current volume and type of traffic.

**ADELAIDE HILLS COUNCIL
ORDINARY COUNCIL MEETING
Tuesday 28 August 2018
AGENDA BUSINESS ITEM**

Item: 10.1 Question on Notice

Originating from: Cr John Kemp

Subject: Footpath North Eastern Corner Merrion Tce & Mt Barker Road
Stirling

1. QUESTION

The footpath adjacent to the service station at this intersection has not been available for use for many months and it appears there is no progress being made to make it usable. What power does Council have to rectify this situation?

2. OFFICER'S RESPONSE – Peter Bice, Director Infrastructure & Operations

A contractor was engaged by Council Staff on 16 August 2018 with a view to rectification works being undertaken week beginning 27 August 2018.

**ADELAIDE HILLS COUNCIL
ORDINARY COUNCIL MEETING
Tuesday 28 August 2018
AGENDA BUSINESS ITEM**

Item: 11.1 Motion on Notice

Originating from: Cr Linda Green

Subject: Footpath Assessment & Renewal

1. MOTION

That Council;

- 1. In supporting its adopted Asset Management Policy, the Council gives priority to the renewal of footpaths in areas of high utilisation (utilising Council Priority Map Rating - High to Low) and low condition rating.**
- 2. When considering new/upgraded footpaths that priority be given to locations of high utilisation (utilising Council Priority Map Rating - High to Low) with locations having no footpath being the highest priority.**
- 3. When prioritising footpath investment utilises the principles above which align and support Council's Policies and Strategic documents.**

2. BACKGROUND

In replacing the existing footpath on the east side of Murray St, Gumeracha, residents have raised why the footpath on the west side of Murray St is not being installed. Murray St, Gumeracha is in the 'red zone', see attached map for Gumeracha.

One resident said they have been asking for 40 years for a footpath to be installed.

Concerns raised included:

- people using Murray St instead of the Main St of Gumeracha, in particular service vehicles from the hospital
- rubbish bins being left on footpath longer than rubbish pick up day
- existing footpath looked like it had life left in it

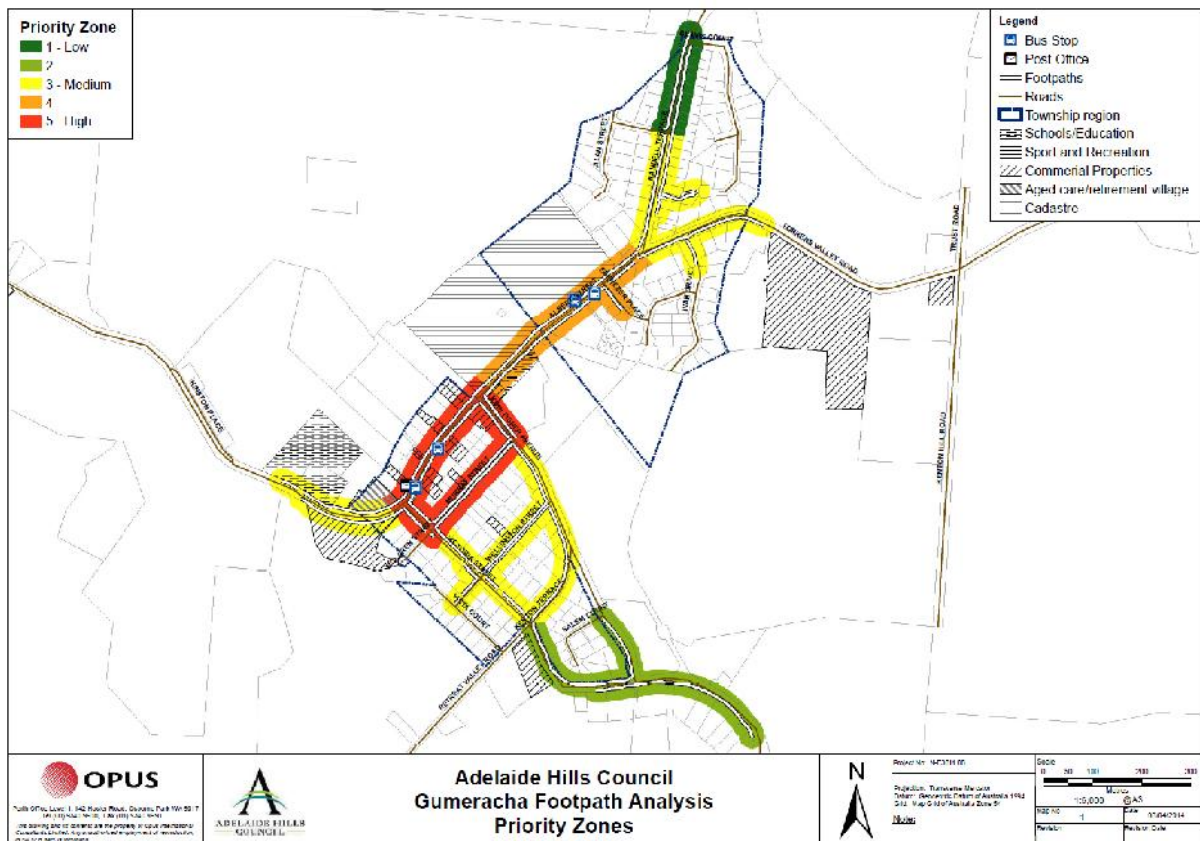
The intent of the motion is one of transparency, communicating what is in Council's Annual Business Plan, and has been discussed at Council workshops, plus also raising residents' expectation of both sides of the road having a footpath in through traffic areas.

Council has assessed its footpaths including utilising heatseeking maps, considering goals in Council's Strategic Plan and plan to manage the shortfall in footpaths identified as follows:

- a) Achieve a consistent level of service and have at least one side of the street in our high pedestrian areas, the 'red areas' on heat seeking maps, as a sealed footpath by:
 - i) footpath priority be towards renewal of existing footpath in the 'red areas' highest priority starting with the condition 5 (worst)
 - ii) where the gradient of an existing footpath is too steep and the footpath is near elderly accommodation it be considered a high priority for renewal
 - iii) where there is unsealed footpath on both sides of the road, and these are in the 'red areas', they would be considered a high priority
- b) before considering putting a new footpath on a road in the 'red zone', that has an existing footpath, staff provide a report to Council on the impact of putting a footpath on both sides of the 'red zone' and the impact on the delay of a consistent network of footpaths to more residents.
- c) communication with neighbouring residents where footpaths are being replaced/installed occur

3. OFFICER'S RESPONSE – David Collins, Manager Sustainable Assets

The Administration supports the motion. The current development of the rolling program is adopting this approach for footpath investment. This is reflected in future intended years within the current Annual Business Plan.



**ADELAIDE HILLS COUNCIL
ORDINARY COUNCIL MEETING
Tuesday 28 August 2018
AGENDA BUSINESS ITEM**

Item: 11.2 Motion on Notice

Originating from: Cr Malcolm Herrmann

Subject: Kangaroo Management on Public Lands

1. MOTION

That the CEO writes to the Minister for Primary Industries and Regional Development (The Hon. Tim Whetstone MP) and the Minister for the Environment and Water (The Hon. David Speirs MP) seeking advice on what the government policy is on the management of kangaroos on public land.

2. BACKGROUND

Both Ministers are responsible for large areas of public land (ForestrySA and SA Water) in the Adelaide Hills Council area.

Residents who live nearby are concerned that, while they are able to obtain permits to reduce the number of kangaroos, they are unaware of the management policy and practices of the government.

3. OFFICER'S RESPONSE – Marc Salver, Director Development and Regulatory Services

A map of the Government owned land in our Council area is provided in **Appendix 1**. As can be seen from the aforementioned map, the State Government owns extensive amounts of land in the District which provide habitat for native fauna and flora.

However, Council has no jurisdiction over the management of kangaroos from either a Regulatory Services or Natural Resource Management point of view, and this is the sole responsibility of the State Department of Environment and Water (DEW).

DEW has established a Kangaroo Management Reference Group (KMRG) which provides advice to the Department on implementing the South Australian Commercial Kangaroo Management Plan 2018 – 2022.

It is noted from the DEW website that the KMRG advises on quota setting, regulation and compliance, policy and the role of kangaroo harvesting when managing total grazing pressure.

The KMRG consists of members from the kangaroo industry, pastoralism, primary production, Aboriginal, animal welfare and conservation organisations, and relevant government departments. It is noted that all members of the Group have knowledge of, or experience in, managing commercially harvested kangaroo species and that scientific support is provided by DEW staff.

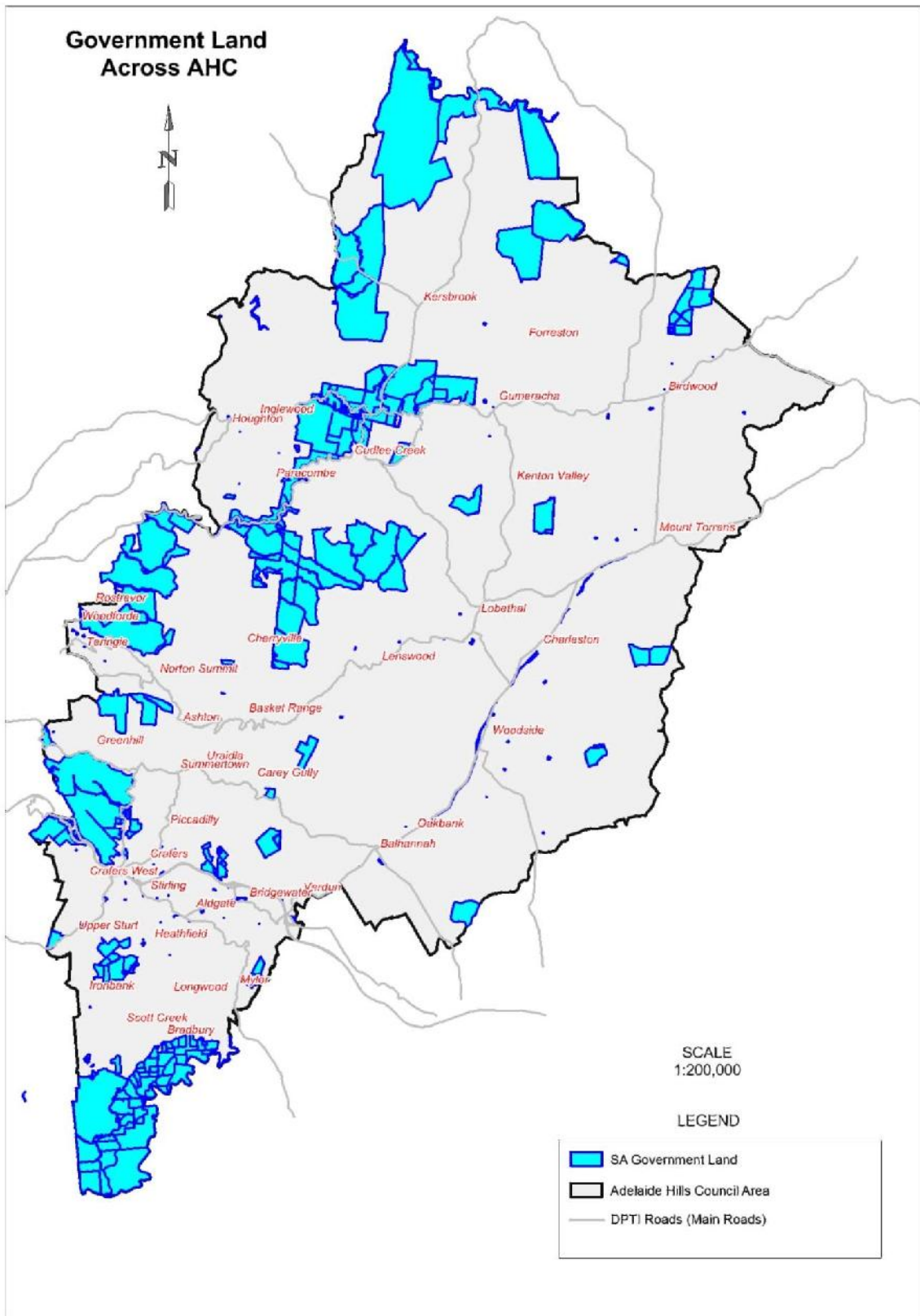
Note that landowners can apply to DEW for permits to reduce kangaroo numbers on their properties.

Administration supports the motion as it intends to seek advice and clarification from the relevant Ministers as to what the government's policy is with regard to management of kangaroos on public land.

Appendix 1

State Government owned land in the Adelaide Hills

APPENDIX 1



**ADELAIDE HILLS COUNCIL
ORDINARY COUNCIL MEETING
Tuesday 28 August 2018
AGENDA BUSINESS ITEM**

Item: 11.3 Motion on Notice

Originating from: Cr Malcolm Herrmann

Subject: Kenton Valley Memorial Park

1. MOTION

That the CEO, in consultation with residents and community groups, investigates and provides a report by 31 March 2019, on future management options for the Kenton Valley Memorial Park.

2. BACKGROUND

Kenton Valley Memorial Park is located on the Corner of Burford Hill and Kenton Valley Road, Kenton Valley (C/T 5718/775). It is listed on the Community Land Register within the Category of Recreation and Sport. The title may also have other encumbrances over it.

It was used at some stage as the Kenton Valley Tennis courts, but has fallen into disrepair in more recent years. Very little visible maintenance is undertaken.

The site did have a steel war memorial arch but this has disappeared over time.

3. OFFICER'S RESPONSE – Natalie Westover, Manager Property Services

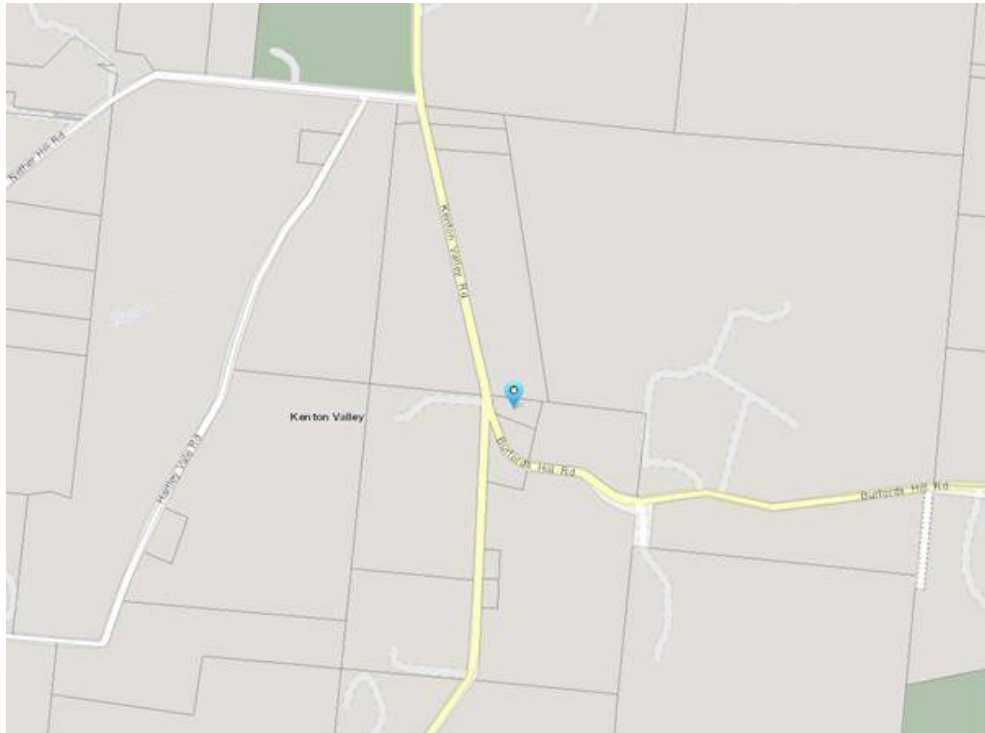
This matter has been discussed with the Property Advisory Group over a number of months.

There has been some community interest in either disposing of the land or reinvigorating it as a memorial park. The land is located at the intersection of Kenton Valley and Burfords Hill Road and has difficult access due to the location.

The land was previously part of the Kenton Valley School and then upon closure of the school, used as a recreation space for the Kenton Valley Community.

Historic searches of the land holding indicate that there may be a charitable trust that exists over the land with it being transferred to The District Council of Gumeracha in 1986 to be maintained as memorial grounds however further investigations need to be undertaken to determine that position.

Once determined, we can then engage with community groups and residents to understand what the community would like to see happen in that space or if the community would be better placed if the land was sold and proceeds applied to an alternate purpose (subject to limitations if a charitable trust exists).



**ADELAIDE HILLS COUNCIL
ORDINARY COUNCIL MEETING
Tuesday 28 August 2018
AGENDA BUSINESS ITEM**

Item: 11.4 Motion on Notice

Originating from: Cr Malcolm Herrmann

Subject: Randell's Workers' Cottages

1. MOTION

I move that the CEO, in consultation with residents and interest groups, investigates and provides a report by 31 March 2019 on future management options for Randell's Workers' Cottages, 1 Beavis Court Gumeracha.

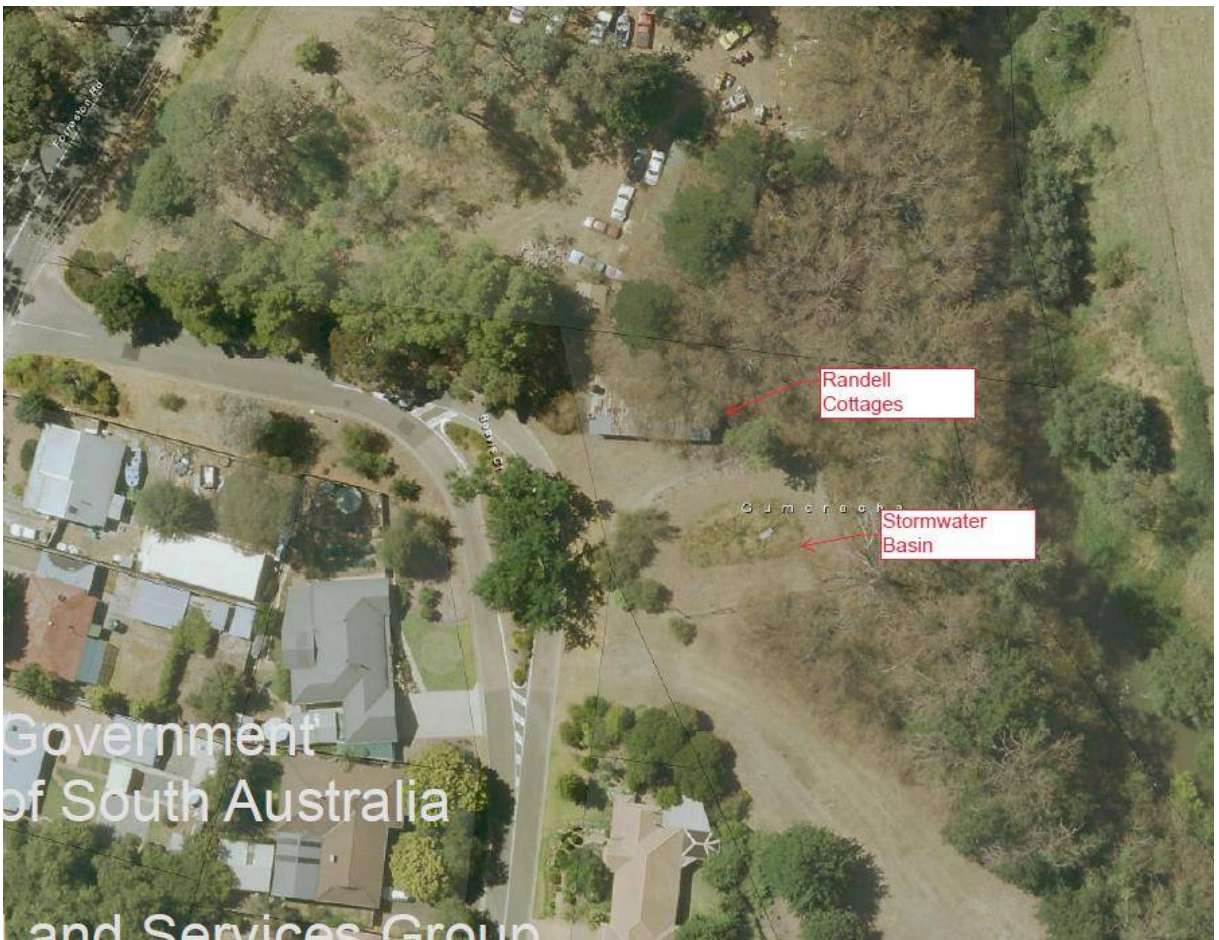
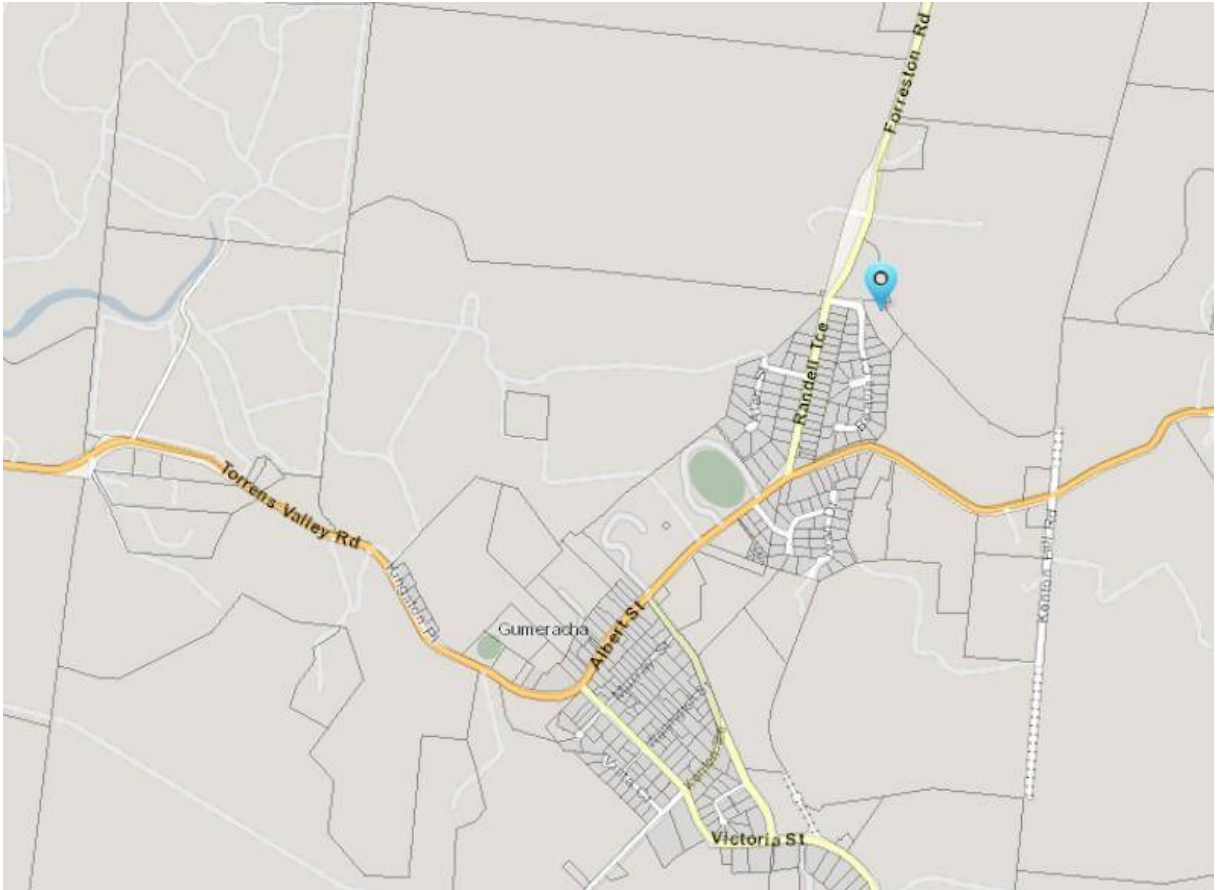
2. BACKGROUND

The most significant figure in the early history and establishment of the town of Gumeracha was William Beavis Randell. Randell arrived in SA in 1837, soon after Proclamation Day. He was granted sections of land by Governor Gawler in area around the River Torrens, now known as Gumeracha.

Randell constructed a pair of workers' cottages probably between 1846 and 1848. These cottages are currently disused and sit near to the entrance of the Beavis Court housing development.

They are a significant example of early construction techniques in the area and have important associations with the life and work of William Randell, the founder of Gumeracha. Residents understand that the council administration has a "maintain only" policy on this building.

The SPDPC, on 14 August 2018, approved the cottages being forwarded to the Minister for Planning for approval to be included on the Local Heritage Register. The building is also on the Community Land Register.





3. OFFICER'S RESPONSE – Natalie Westover, Manager Property Services

Council received an approach in early 2018 from a community member to ascertain if there was any possibility of Council selling the Randell Cottages as they are interested in investigating if the building would be feasible for restoration and use as tourist accommodation/B&B.

This matter has been discussed with the Property Advisory Group over a couple of meetings.

On initial investigation, there does not appear to be anything prohibiting a possible sale of the cottages, subject to a land division separating the cottages from the remainder of the reserve, approval by Council, revocation of community land and a process being undertaken to comply with Council's Disposal of Land Policy.

The land on which the cottages are located is owned by Council and forms part of a larger parcel of land vested in Council as a reserve as part of a land division process.

There is an old stormwater basin immediately in front of the cottages which requires further investigation as to its use and future requirement and the feasibility of relocating it.

**ADELAIDE HILLS COUNCIL
ORDINARY COUNCIL MEETING
Tuesday 28 August 2018
AGENDA BUSINESS ITEM**

Item: 11.5 Motion on Notice

Originating from: Cr Lynton Vonow

Subject: Traditional Aboriginal Names of Localities and Places

1. MOTION

I move that Council requests that the Administration prepare a report on the potential for dual naming, incorporating traditional Aboriginal place names alongside existing place names, of localities and places in the district.

That, considering the report, resourcing for signage be considered for the 2019-20 budget.

2. BACKGROUND

Many localities and landscape features had Peramangk and Kaurna names before European settlement. Some of these names are still known but are rarely used. Others are used but are not widely known to be Aboriginal names. Reinstating usage of these names is a concrete way to show respect for the traditional owners. Doing so would also develop interest, education and tourism factors.

3. OFFICER'S RESPONSE – David Waters, Director Community Capacity

The report contemplated by the motion can be prepared. It will cover the feasibility of dual naming and the potential scope of such a project. It will also examine where this initiative may sit in the Council's reconciliation and cultural recognition journey.

Members will note a report at this Council Meeting concerning the creation of a Reconciliation Action Plan Working Group. It is anticipated that initiatives such as dual place naming would be discussed with that group.

**ADELAIDE HILLS COUNCIL
ORDINARY COUNCIL MEETING
Tuesday 28 August 2018
AGENDA BUSINESS ITEM**

Item: 12.1.

Originating Officer: Anisa Cadd, Events Administrator

Responsible Director: David Waters, Director Community Capacity

Subject: Support for Road Closures – Shannons Adelaide Rally 2018

For: Decision

SUMMARY

The purpose of this report is to seek the Council's consent to a proposed road closure order for the conduct of the 2018 Shannons Adelaide Rally 2018 (formerly known as the Classic Adelaide Car Rally).

The Rally is proposed to run on sealed roads within the Adelaide Hills Council District between Wednesday 28 November and Saturday 1 December 2018. The event is organised by Tim Possingham of Soon Marketing in partnership with the Sporting Car Club of SA.

For the Shannons Adelaide Rally to run successfully throughout the Adelaide Hills, a number of full road closures are required. Before a road closure order can be issued by the Commissioner of Police, consent must be obtained from the applicable local council(s). The full list of proposed closures is included under Section 3 of this report (Analysis). Several stages are proposed to be closed twice during the day for a maximum total duration of 8 hours with a 15-45 minute break for resident access/egress. No road closures are intended to run longer than 4.5 hours without a break for resident access/egress.

RECOMMENDATION

Council resolves:

1. That the report be received and noted.
2. That, in relation to the Shannons Adelaide Rally 2018, Council's support of the event is contingent on the organisers, to the satisfaction of the Chief Executive Officer:
 - a. Providing evidence of satisfactory insurance to cover any damage to 3rd party property caused by the event;
 - b. Providing confirmation that affected business owners are aware of the road closures;
 - c. Providing written confirmation to confirm that the concerns raised by affected residents have been addressed and that arrangements for egress and regress from those properties can be managed within the event;
 - d. Written confirmation from the organisers that they will erect advance notices of road closures on the affected roads, at least 3 weeks prior to the event.

3. **That subject to the requirements of 2. being undertaken, Council provides consent for road closure orders in relation to the Shannons Adelaide Rally 2018, to be held between Wednesday 28 November and Saturday 1 December 2018 as follows:**

Wednesday 28 November

a. Stage 4 – Summit Road

Approximate closure 3:00pm-6:30pm

Summit Road - from Greenhill Road, Summertown to Cleland Wildlife Park entrance, Crafers.

Friday 30 November

b. Stage 16 & 20 – Chain of Ponds

Approximate closure 9:15am-1:15pm & 1:45pm-5:30pm

North East Road - from Fidlers Hill Road, Millbrook to Tippet Road, Chain of Ponds.

c. Stage 17 & 21 – Mt Bera Reverse

Approximate closure 9:45am-1:30pm & 2:00pm-5:45pm

Gorge Road - from Cudlee Creek Road, Cudlee Creek to North East Road, Gumeracha.

d. Stage 18 & 22 – Castambul

Approximate closure 10:00am-1:45pm & 2:30-5:45pm

Gorge Road, Corkscrew Road & Montacute Road – from Torrens Hill Road, Cudlee Creek to 503 Gorge Road, Montacute.

e. Stage 23 – Gorge Road

Approximate closure 2:30pm-6:55pm

Gorge Road – from Range Road South and Greenhill Road intersection to Torrens Hill Road and Gorge Road Intersection.

Saturday 1 December

f. Stage 24 – Mt Lofty

Approximate closure 8:30am-12:30pm

Greenhill Road and Summit Road – from Greenhill Recreation Park, Greenhill Road Council boundary to Cleland Wildlife Park entrance, Crafers.

g. Stage 29 – Mt Lofty Short

Approximate closure 1:00-4:45pm

Greenhill Road and Summit Road – from Yanagin Road and Greenhill Road intersection to Cleland Wildlife Park entrance, Crafers.

h. Stage 25 & 30 – Ironbank

Approximate closure 9:30am-1:15pm & 1:45pm-5:30pm

Morgan Road and Scott Creek Road – From Evans Drive, Heathfield to Ironbank Road, Ironbank.

i. Stage 26 & 31 – Stirling

Approximate closure 9:45am-1:45pm & 2:00pm-5:45pm

Sturt Valley Road and Ironbank Road – From Evans Drive, Ironbank to Longwood Road, Heathfield.

j. Stage 28 – Basket Range Reversed

Approximate closure 10:15am-2:15pm

Lobethal Road – From 376 Lobethal Road, Ashton to Basket Range Road, Basket Range.

k. Stage 27 – Old Basket Range Reversed

Approximate closure 10:00am-2:00pm

Lobethal Road and Deviation Road – From Fernglen Road to Boundary Drive (South).

l. Stage 32 – Norton Summit

Approximate closure 2:15pm-6:30pm

New Norton Summit Road – From Glen Stuart Road, Magill to Lobethal Road, Norton Summit.

4. **That the Chief Executive Officer be authorised to negotiate and execute the agreements identified in 2. and sign all necessary documentation to give effect to these agreements.**
 5. **That the Chief Executive Officer be authorised to consider and respond to requests for consent to minor changes to the timing and extent of the road closures listed in this resolution.**
-

1. GOVERNANCE

➤ **Strategic Management Plan/Council Policy**

Goal 1 People and business prosper
Strategy 1.3 We will work towards making the Adelaide Hills the favoured tourism destination in the State.

Goal 2 Activities and opportunities to connect
Strategy 2.6 We will seek to bring events to our district that have social, cultural, environmental and economic benefits.

Council's Strategic Plan recognises that events are an important contributor to economic and social prosperity. They offer an opportunity to bring communities together, welcome visitors to the area, and build community spirit.

The Council's *Festivals & Events Policy* contains a specific appendix with guidelines for Competitive Motoring Events wherein road closures are considered by Council on a case by case basis.

Consideration of road closures is a matter of good governance. Some events rely on road closures to proceed. If Council does not consent to road closures, the event may be jeopardised. It follows that the Council needs to consider the impact of the road closures on the community and balance that against the benefits of the event going ahead.

➤ **Legal Implications**

Section 33 of the *Road Traffic Act 1961* (the Act) allows the Minister to declare events to be events to which the Section applies, and then to declare road closures, part closures and exemptions to the Road Rules for that event.

The Minister has delegated this power to the Commissioner of Police (as well as to Council for local roads).

In the case of Shannons Adelaide Rally 2018, SA Police will issue the applicable road orders.

However, and importantly, subsection 33(2) of the Act states “An order to close a road under subsection (1) can only be made with the consent of every Council within whose area a road intended to be closed by the order is situated.”

While the Chief Executive Officer has delegation to act under subsection 33(2), the Chief Executive Officer’s practice is to only use that delegation for regular and non-controversial events.

➤ **Risk Management Implications**

The consent to full road closures for the Shannons Adelaide Rally 2018 will assist in mitigating the risk of:

Conflicts between event participants, residents, business owners and road users leading to injuries and/or property/vehicle damage and/or financial loss to those affected parties.

Inherent Risk	Residual Risk	Target Risk
Extreme (4B)	High (4C)	Medium (4E)

The residual risk rating takes into consideration the provision of organisers’ risk management plans, public liability insurance and on-site traffic marshals, with the event run adverse to expectation, and action taken to mitigate resident and business concerns following public consultation. The target risk rating is with full road closures as requested and the event run as intended.

➤ **Financial and Resource Implications**

There is no financial cost to the Adelaide Hills Council for the delivery of this event, which is part funded by the South Australian Tourism Commission.

An amount of staff time has been dedicated to working with the event organiser in the interests of achieving good outcomes for the community. This has been accommodated within normal operational resourcing.

➤ **Customer Service and Community/Cultural Implications**

The Shannons Adelaide Rally will have a direct effect on some residents, businesses and visitors through the closure of several roads over the four day event. In line with the Council's Festivals and Events Policy, people on roads which are closed, or on roads which have no other access but onto closed roads, were given the opportunity to comment on the proposal. Their feedback on the road closures as detailed in the Engagement/Consultation segment of this report.

The business community is also affected by increased tourists to the area during the event, and the organisers have included local businesses and community groups in planning to ensure they receive maximum benefit from this influx.

There has been some negative feedback regarding the road closures and the organisers have said they are working with the concerned parties to mitigate their concerns including shortening the second run of the Mt Lofty stage detailed in Section 3 Analysis.

➤ **Environmental Implications**

There is potential for the event to impact the environment of residents and businesses as follows:

- Noise nuisance;
- Litter from spectators; and
- Damage to roads, trees and other flora and fauna.

The cars involved in the Rally are required to meet certain noise standards and, while there will be some level of noise associated with the event, it will be limited. In addition to this, it has been confirmed that the official event media and organisers are not utilising any helicopters for the event, reducing air noise. Drones may be utilised for part of the rally in those areas with less tree coverage (and therefore greater exposure to the participants) and will be operated by a licenced operator within Confederation of Australian Motorsport regulations and Civil Aviation Safety Authority requirements. Local news helicopters cannot be regulated by event organisers, however it is expected that if any attend the event, they will remain at height.

➤ **Engagement/Consultation conducted with Council Committee, Regional Subsidiary, Advisory Group, the Administration and Community**

Event organisers have been in contact with Adelaide Hills Council staff about a November/December 2018 event since the conclusion of the event in 2017.

Council Committees: Not Applicable

Council Workshops: Not Applicable, however, the organisers of the event made a deputation to the Council at its meeting held on 26 June 2018.

Advisory Groups: Not applicable

Administration: Coordinator Communications and Events

Manager Civil Services
Manager Economic Development

Community:

The organisers have undertaken consultation with affected residents which, for the purposes of the *Festivals and Events Policy*, are those properties that lie directly along the proposed rally routes, or along roads that exit exclusively onto a proposed race route. A Council approved consultation letter as contained in **Appendix 2**, was sent in June to the ratepayers of these properties by event organisers and encouraged feedback about the proposal to be submitted before 17 July 2018.

SA Police have also been engaged and are currently in the process of assessing the proposition and negotiating logistical support.

Council Members will be aware of the unsolicited submission made by a resident from Basket Range through his address in the Public Forum section of the Special Council Meeting held on 14 August 2018. The resident contends that “people’s rights” have not been properly taken into consideration in the Council’s *Festivals and Events Policy*. He argues that people have substantive rights to use public roads at all times, unless there are extenuating circumstances. He further contends that because there is no compelling case to do so, there should be no road closures for this event permitted at Basket Range. The resident is aware that his road is not directly affected by the proposed closures, but maintains his objection.

2. BACKGROUND

The Shannons Adelaide Rally 2018 is a predominantly nostalgic, classic themed motoring event that is supported by The South Australian Tourism Commission. The event is based on the Classic Adelaide Rally of 1995-2005. This event was run as the Classic Adelaide Rally in 2015 and 2016 and underwent a name change in 2017, primarily due to the growing involvement of international car brands interested in launching and showcasing modern vehicles.

This event will be a run under the jurisdiction and rules of CAMS (Confederation of Australian Motor Sport) and carries the appropriate insurances and permits.

The Council’s *Festivals & Events Policy* contains a specific appendix with guidelines for Competitive Motoring Events. These guidelines provide for road closures to be considered by Council on a case by case basis. The Policy requires six months’ notice of the event, as well as provision of reasonable traffic detour information including maps. Standard warning and detour signage is to be placed in appropriate locations at least two weeks before the event is conducted.

Community consultation needs to be conducted four months ahead of the proposed event.

The potential national and international exposure of a Motorsport event will be taken into consideration alongside community support when assessing the impact of multiple or repeated road closures.

The Shannons Adelaide Rally actively works to minimise impact to residents and accommodate resident complaints/requests. Routes are rotated annually, minimising repeated resident exposure. Of the roads proposed for the 2018 route, 50% were not used in 2017. These roads were used in 2016 with the exception of Mt Bera Stage which has not been used for over 3 years.

Following consultation with the Stirling Business Association the organiser has moved the lunch stop on Saturday 1 December to the Stirling oval in order to minimise disruption to traders in Mt Barker Road, Stirling.

3. ANALYSIS

For motorsport events covering a number of roads across multiple council areas, the road closure order is normally made by a sub-delegate of the Commissioner of Police, who acts under ministerial delegation. The Council's role, albeit a critical one, is limited to providing or withholding consent to the road closure. The actual order is not made by the Council.

Operational staff have advised that they have no general objections to the route proposed, and that no significant wear or damage is expected to the sealed roads. Any significant, accidental damage to the roads, boundaries, public or private property will be covered by the event's insurance with the Confederation of Australian Motor Sport (CAMS).

Temporary closure of roads during the rally is requested to ensure the safety of event participants and the public in the area at the time. The event organiser is working with Council staff to communicate how they are mitigating issues with affected residents. The organisers have made route, race format and timing changes where possible in response to staff and resident feedback.

The Shannons Adelaide Rally has reported that the event is deliberately designed to benefit small towns and regional areas, with planned rest stops for crews to spend on fuel and food. It is not possible to ascertain the dispersal of benefits throughout the region, however based on anecdotal evidence the event is being supported and catered for by local businesses. For example, Deviation Road is planning to leverage the event by providing spectators a stop at the cellar door to view the event.

Road closure requests:

Wednesday 28 November

a. Stage 4 – Summit Road

Approximate closure 3:00pm-6:30pm.

Summit Road - from Greenhill Road, Summertown to Cleland Wildlife Park entrance, Crafers.

Friday 30 November

b. Stage 16 & 20 – Chain of Ponds

Approximate closure 9:15am-1:15pm & 1:45pm-5:30pm

North East Road - from Fidlers Hill Road, Millbrook to Tippet Road, Chain of Ponds.

- c. Stage 17 & 21 – Mt Bera Reverse**
Approximate closure 9:45am-1:30pm & 2:00pm-5:45pm
Gorge Road - from Cudlee Creek Road, Cudlee Creek to North East Road, Gumeracha.
- d. Stage 18 & 22 – Castambul**
Approximate closure 10:00am-1:45pm & 2:30-5:45pm
Gorge Road, Corkscrew Road & Montacute Road – from Torrens Hill Road, Cudlee Creek to 503 Gorge Road, Montacute.
- e. Stage 23 – Gorge Road**
Approximate closure 2:30pm-6:55pm
Gorge Road – from Range Road South and Greenhill Road intersection to Torrens Hill Road and Gorge Road Intersection.

Saturday 1 December

- f. Stage 24 – Mt Lofty**
Approximate closure 8:30am-12:30pm
Greenhill Road and Summit Road – from Greenhill Recreation Park, Greenhill Road Council boundary to Cleland Wildlife Park entrance, Crafers.
- g. Stage 29 – Mt Lofty Short**
Approximate closure 1:00-4:45pm
Greenhill Road and Summit Road – from Yanagin Road and Greenhill Road intersection to Cleland Wildlife Park entrance, Crafers.
- h. Stage 25 & 30 – Ironbank**
Approximate closure 9:30am-1:15pm & 1:45pm-5:30pm
Morgan Road and Scott Creek Road – From Evans Drive, Heathfield to Ironbank Road, Ironbank.
- i. Stage 26 & 31 – Stirling**
Approximate closure 9:45am-1:45pm & 2:00pm-5:45pm
Sturt Valley Road and Ironbank Road – From Evans Drive, Ironbank to Longwood Road, Heathfield.
- j. Stage 28 – Basket Range Reversed**
Approximate closure 10:15am-2:15pm
Lobethal Road – From 376 Lobethal Road, Ashton to Basket Range Road, Basket Range.
- k. Stage 27 – Old Basket Range Reversed**
Approximate closure 10:00am-2:00pm
Lobethal Road and Deviation Road – From Fernglen Road to Boundary Drive (South).
- l. Stage 32 – Norton Summit**
Approximate closure 2:15pm-6:30pm
New Norton Summit Road – From Glen Stuart Road, Magill to Lobethal Road, Norton Summit.

The longest consecutive road closure runs for 8 hours with a 15 minute break in between.

Consultation Summary

As detailed in **Appendix 3**, the event organiser has advised Council that a total of 10 responses were received as part of the resident consultation, five of which were negative, three which requested further information and two in support of the event. Based on these figures, less than 1% of all affected residents have expressed opposition to the event.

In response to the feedback received, Stage 29 – Mt Lofty Short was reduced in length, halving the total time of road closures affecting residents of Yarabee Road and Yanagin Road, Greenhill.

Under the Council's *Festivals & Events Policy*, Council's position is to consider support to road closures in consecutive years where a high level of community support is evident. This is interpreted in the Policy as being the case where there is less than 25% opposition.

4. OPTIONS

Council has the following options:

- I. Receive the report and resolve to consent for the road closures contemplated in this report (Recommended).
- II. Resolve not to provide consent for the road closures contemplated in this report. Should the Council not consent to some or all road closures proposed for this event, significant parts of the event, or the event in its entirety, would be unable to proceed as intended (Not Recommended).

5. APPENDICES

- (1) Shannons Adelaide Rally - event application information
- (2) Shannons Adelaide Rally - resident consultation letter Stirling
- (3) Shannons Adelaide Rally - resident consultation feedback report 2018.

Appendix 1

*Shannons Adelaide Rally – Event Application
Information*



Shannons Adelaide Rally 2018

Application for Motorsport Rally in the Adelaide Hills Council region

**Application from The Sporting Car Club of South Australia and
Rally One P/L**

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Event Overview

The Shannons Adelaide Rally 2018 is a predominantly nostalgic, classic themed motoring event that is supported by The South Australian Tourism Commission. The event is based on the Classic Adelaide Rally of 1995-2005 which was an iconic South Australian Major Event of international note.

This event was run as the Classic Adelaide Rally in 2015 and 2016 and underwent a name change in 2017, primarily due to the growing involvement of Marques such as Ferrari, Aston Martin, Audi and BMW which launch brand new vehicles to the public via the event.

The event will be televised nationally, promoted heavily and shall showcase the region, its produce and it's people. Although the event has a speed limited competitive element it is primarily focused on touring, tourism, vibrancy and cultural diversity.

This event aims to allow spectators to get up close to both drivers and their vehicles through creating dedicated lunch and rest points throughout the rally route. Further, given the events large spectator following, it provides significant opportunity to increase local business by targeting spectators and competitor service crews between stages.

This event will be a run under the jurisdiction and rules of CAMS (Confederation of Australian Motor Sport) and carries the appropriate insurances and permits.

Changes since 2017 event

The Adelaide Rally 2018 continues to maintain a low resident impact as has been seen in recent years. This is achieved by implementing a mix of short and long closed road sections held mostly in areas with low resident numbers. This format provided better detouring options in 2017 around the shorter closures and will continue to be used in 2018.

The event has now expanded to a four day event

The event is delivered by a South Australian based company called Rally One Pty Ltd

A lunch stop in Stirling at the Stirling Oval is planned for Saturday 1st December

Part A

Public Consultation Brief

Public consultation will commence via postal mailout when affected residents postal addresses are received. A sample letter is attached ([Attachment C](#))

Proposed Dates

Wednesday 28th November to Saturday December 1st (18 stages within the Adelaide Hills Council Region that involve just 11 road closures over the 3 days. This being a reduced number of closed road stages compared to 2017

Road Closure Proposal

Please see the following maps and information in relation to the proposed road closures

Note: Only Stages within the Adelaide Hills Council Region are listed in this document.

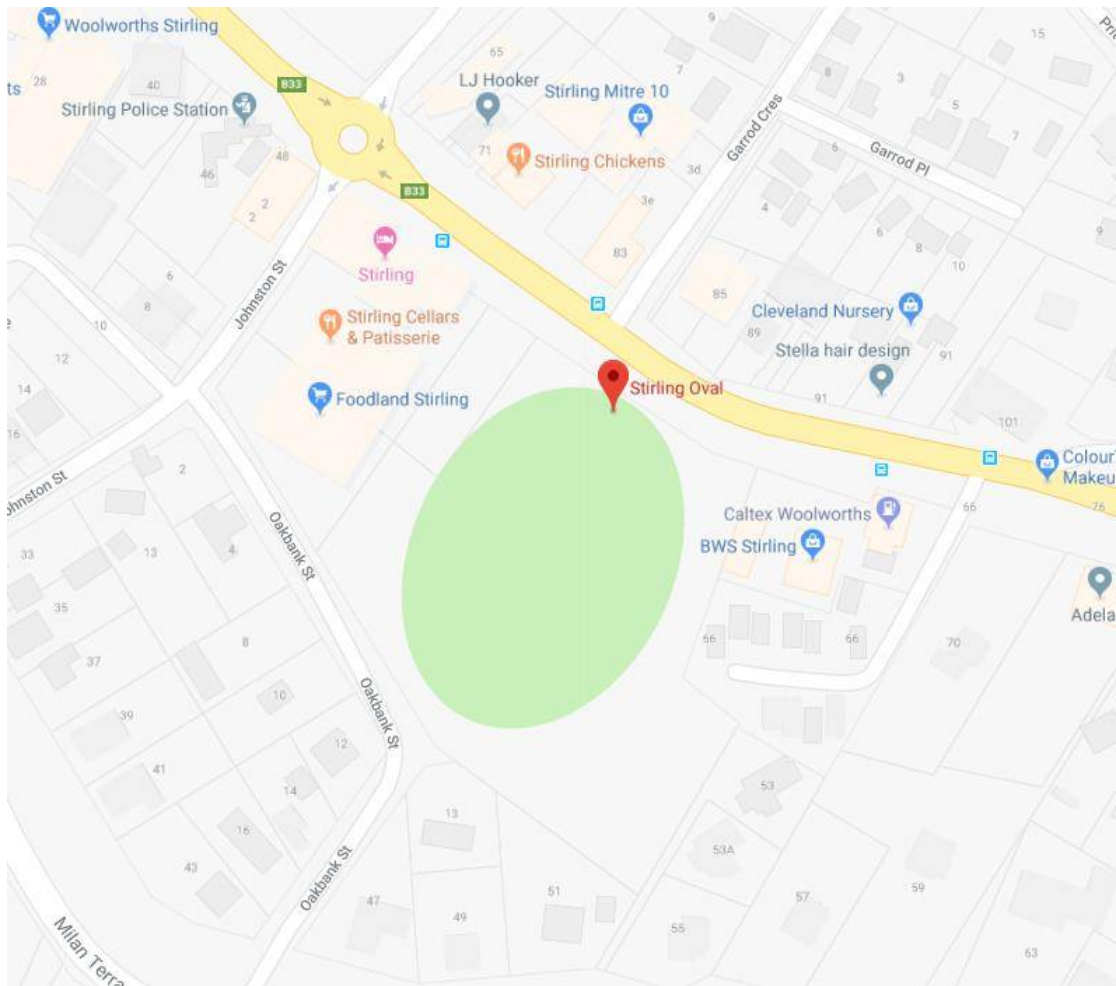


Community Event

Stirling Oval

Road Closed:
None

Day: Saturday 1st December





Stage 4 – Summit Rd

Road Closed:
Summit Road

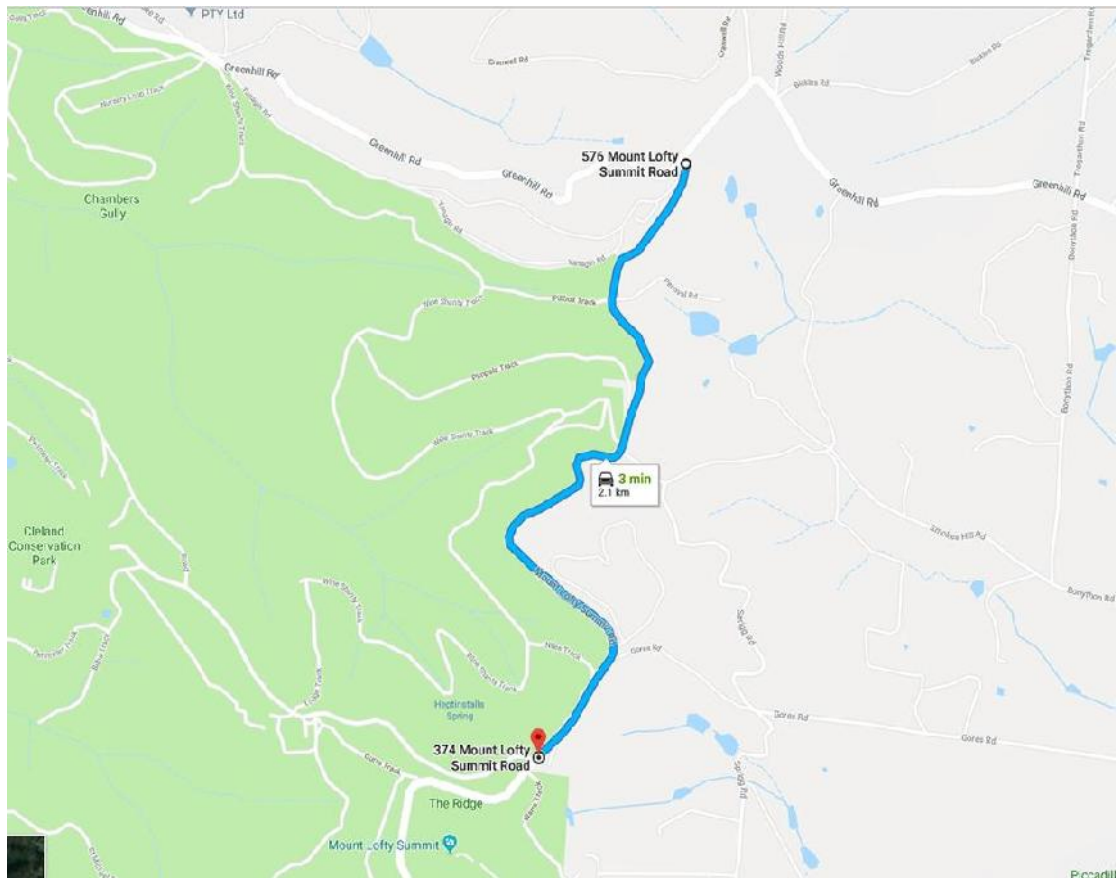
Closure Start:
Greenhill Rd

Closure Finish:
Cleland Wildlife Park Entry Road

Intersections along Stage:
Gores Rd, Sprigg Rd

Day: **Wednesday 28th November**

Approximate Road Closure Times **3:00pm -6:30pm**





Stage 16 and 20 – Chain of Ponds

Run Twice During the day

Road Closed:

North East Rd

Closure Start:

Fiddlers Hill Rd

Closure Finish:

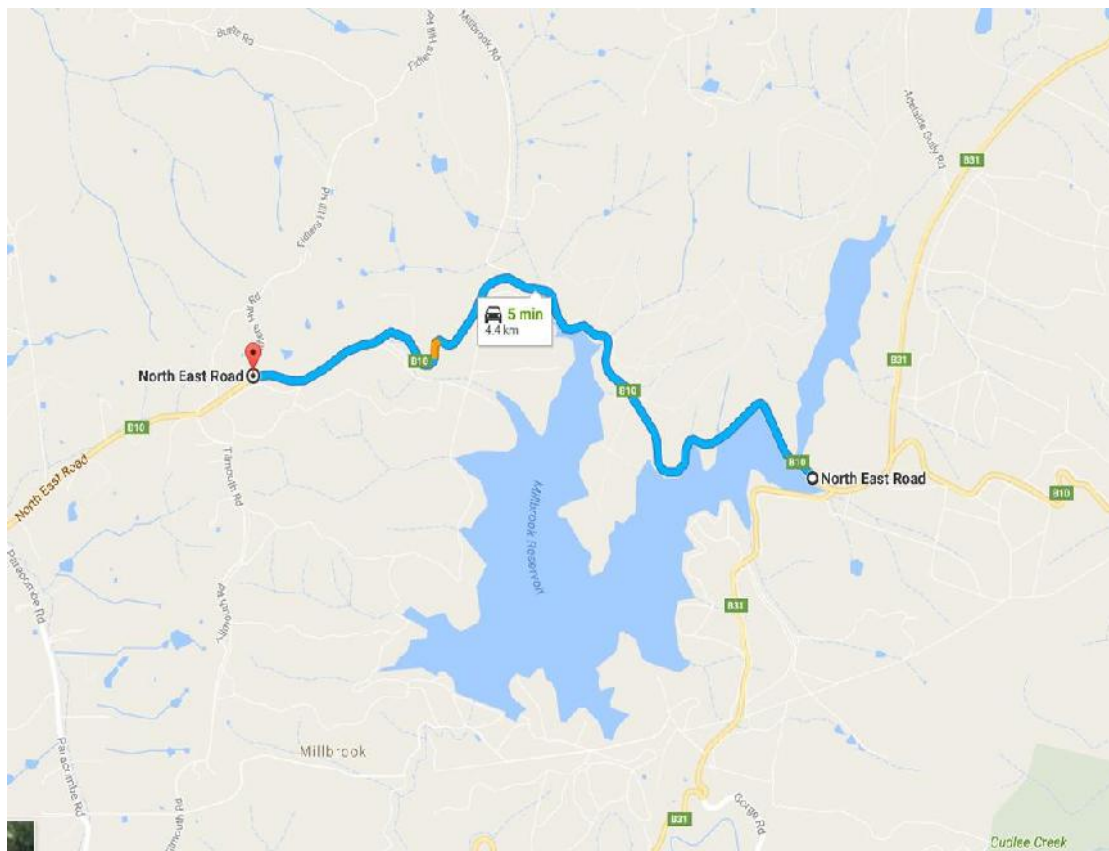
Tippett Road

Intersections along Stage:

Millbrook Road

Day: **Friday 30th November**

Approximate Road Closure Times : 9:30am -1:15pm &
1:45pm and 5:30pm





Stage 17 & 21 – Mt Bera Reverse

Run Twice during the day

Road Closed:

Gorge Rd

Closure Start:

Cudlee Creek Rd and Gorge Rd Intersection

Closure Finish:

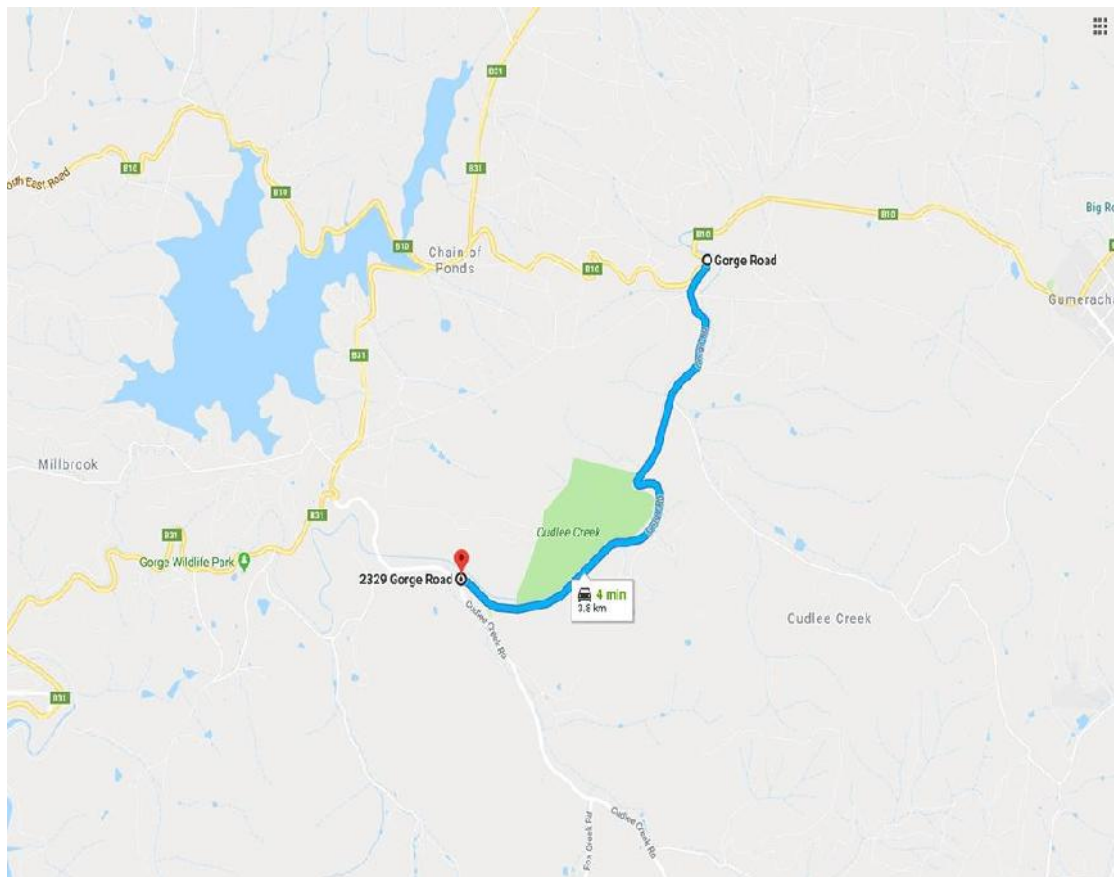
Gorge Rd and North East Rd Intersection

Intersections along Stage:

Retreat Valley Rd

Day: **Friday 30th November**

Approximate Road Closure Times **TBC:** 9:45am until 1:30pm
2:00pm until 5:45pm





Stage 18 & 22 – Castambul

Run Twice during the day as Castambul 1 and 2

Road Closed:

Gorge Rd, Corkscrew Rd, Montacute Rds

Closure Start:

Torrens Hill Rd /Gorge Rd Intersection

Closure Finish:

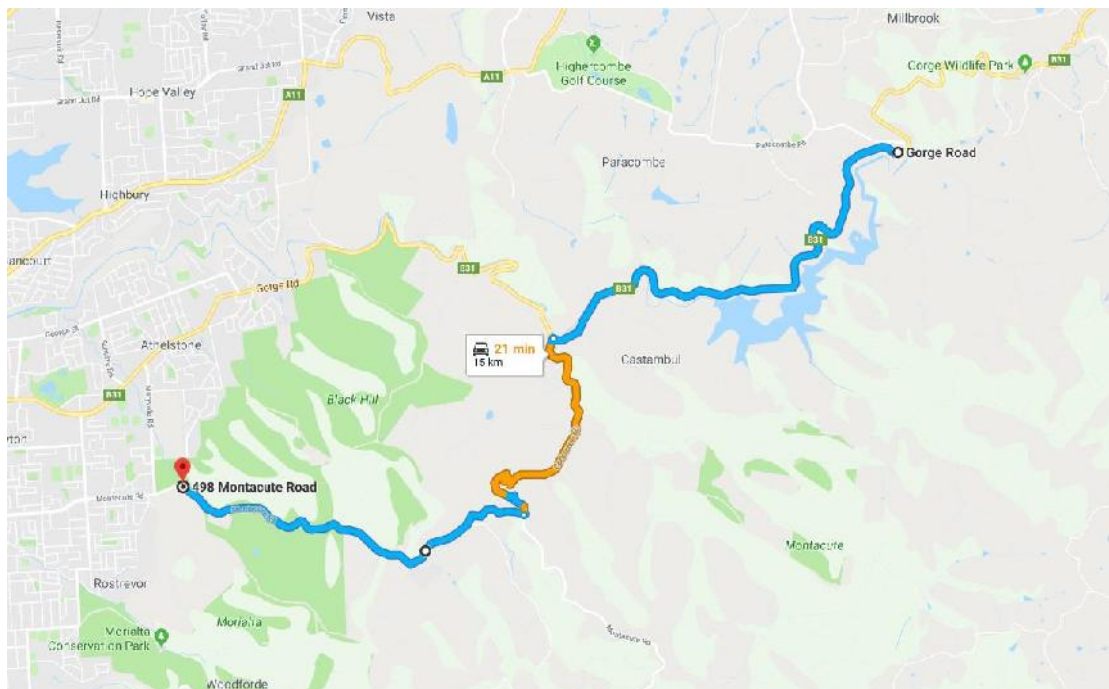
Montacute Rd Cnr Maryvale Rd

Intersections along Stage:

Smiths gully Rd
Institute Rd
Church Rd
Valley Rd
Gorge Rd
Batchelor Rd

Day: **Friday 30th November**

Approximate Road Closure Times **TBC:** 10:00am to 1:45pm & 2:30pm until 5:45pm





Stage 23 – Gorge

Road Closed:
Gorge Rd

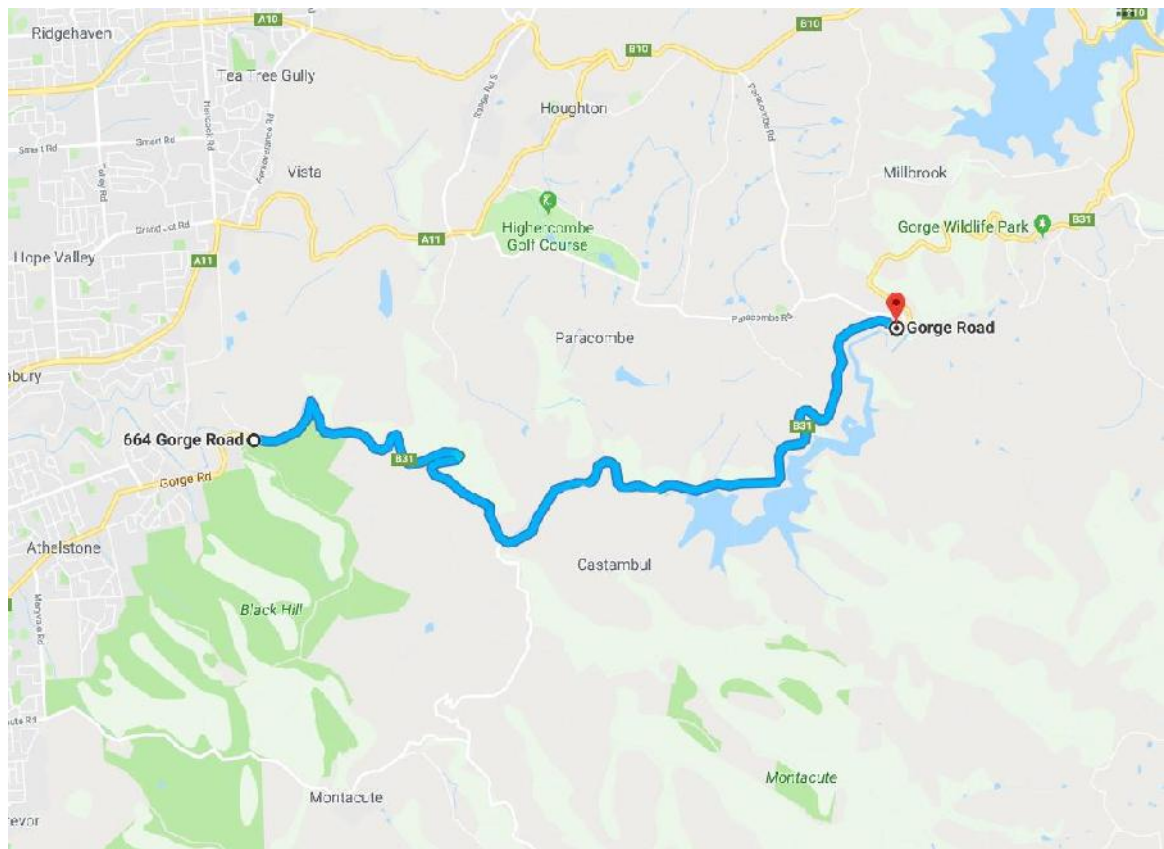
Closure Start:
#664 Gorge Rd Athelstone

Closure Finish:
Torrens Hill Rd /Gorge Rd Intersection

Intersections along Stage:
Pinkerton Gully Rd
Corkscrew Rd
Batchelor Rd

Day: Friday 30th November

Approximate Road Closure Times 2:30pm until 6:55pm





Stage 24– Mt Lofty

Road Closed:

Greenhill Rd and Summit Rd

Closure Start:

661 Greenhill Rd

Closure Finish:

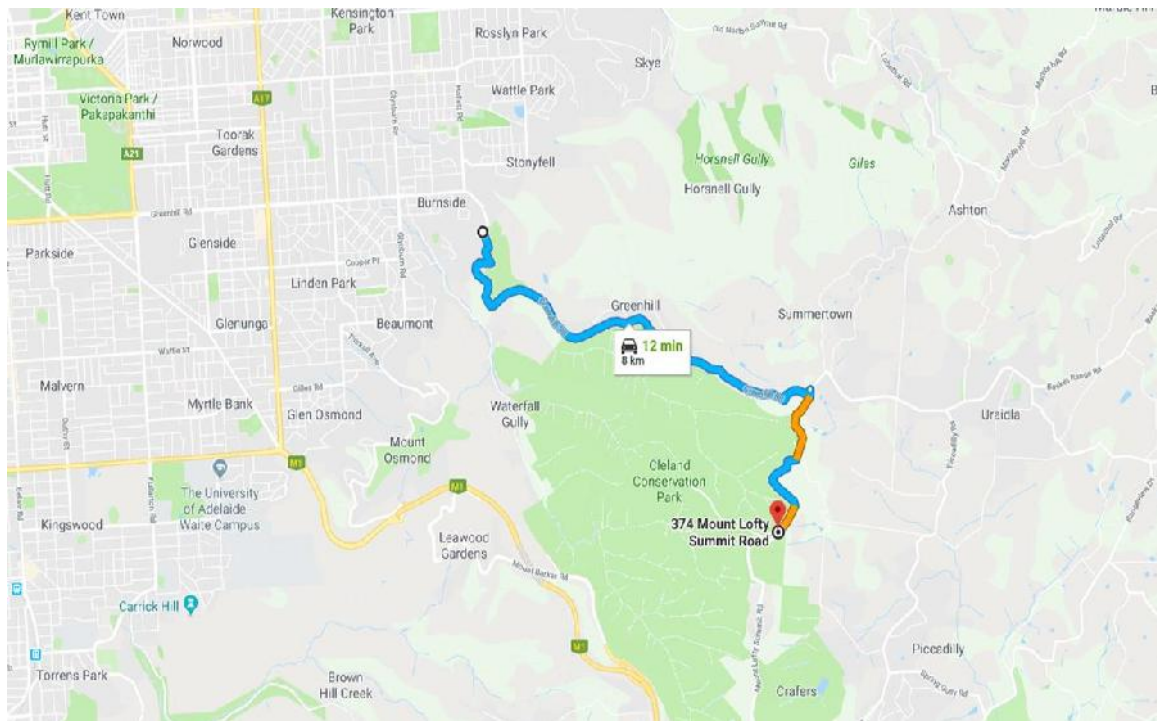
Summit Rd and Cleland Wildlife Park entrance intersection

Intersections along Stage:

Yarrabee Rd, Yanagin Rd, Greenhill Rd, Sprigg Rd, Gores Rd

Day: **Saturday 1st December**

Approximate Road Closure Times **8:30am to 12:30pm**





Stage 25 and 30 – Ironbank

Run Twice during the closure as Ironbank #1 and #2

Roads Closed:

Morgan Rd and Scott Creek Rd

Closure Start:

Morgan Rd and Ironbank Rd Intersection

Closure Finish:

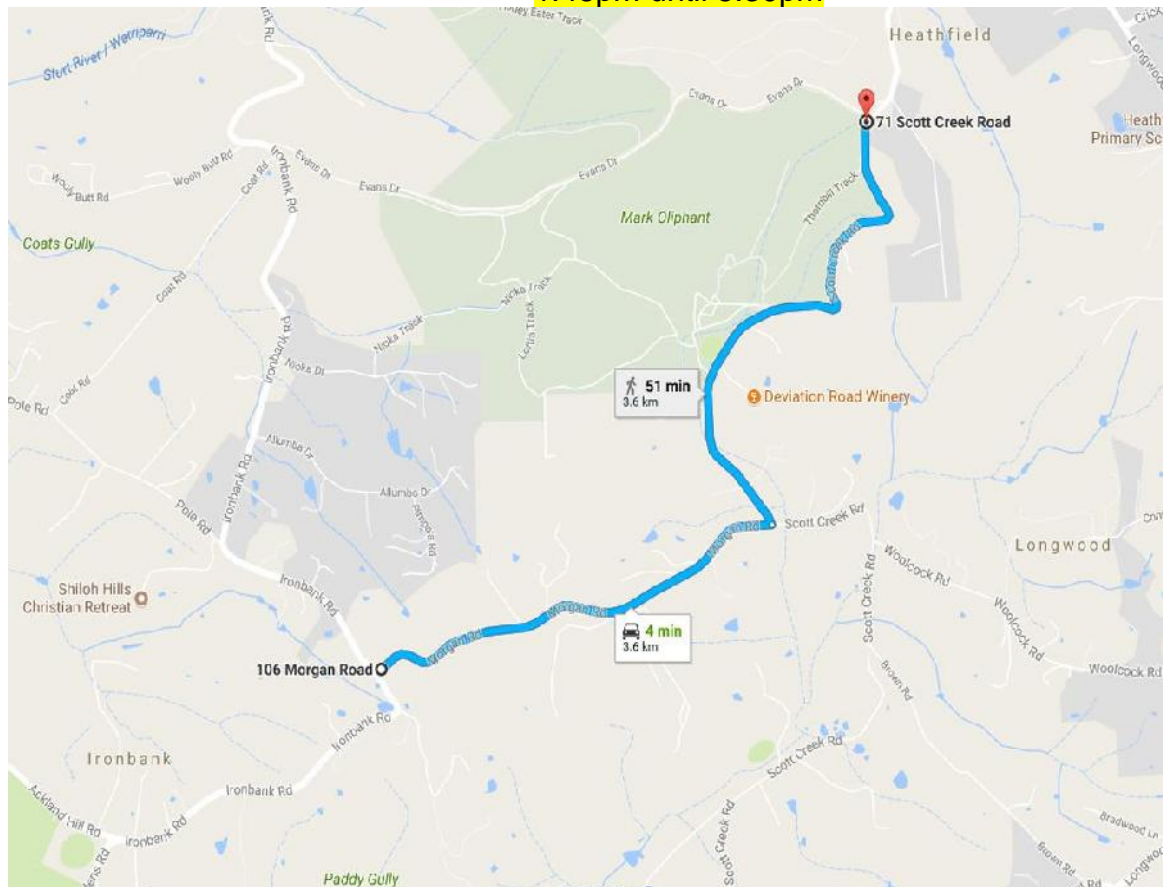
Evans Drive and Ironbank Rd Intersection

Intersections along Stage:

Scott Creek Rd and Ironbank Rd Intersection

Day: **Saturday 1st December**

Approximate Road Closure Times **9:30am – 1:15pm & 1:45pm until 5:30pm**





Stage 26 and 31 – Stirling

Run Twice during the closure as Stirling #1 and #2

Roads Closed:

Sturt Valley Rd and Ironbank Rd

Closure Start:

Evans Drive and Ironbank Rd Intersection

Closure Finish:

Sturt Valley Rd & Longwood Rd Intersection

Intersections along Stage:

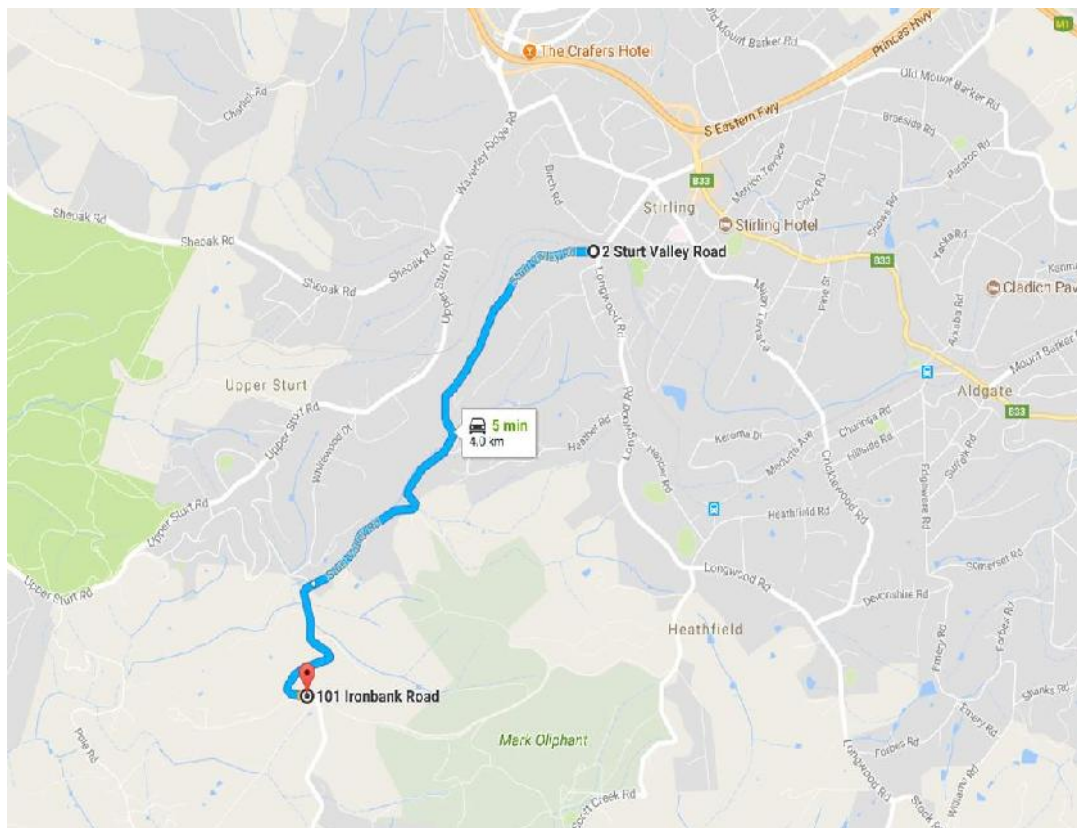
Wooly Butt Rd

Sturt Valley Rd / Ironbank Rd Intersection

Heather Rd

Day: **Saturday 1st December**

Approximate Road Closure Times **9:45am until 1:45pm**
2:00pm until 5:45pm





Stage 27 – Old Basket Range Reversed

Roads Closed:

Lobethal Rd Deviation Rd

Closure Start:

Boundary Drive (Southern End) and Deviation Rd Intersection

Closure Finish:

Lobethal Rd and Fernglen Rd Intersection

Intersections along Stage:

Steer Rd

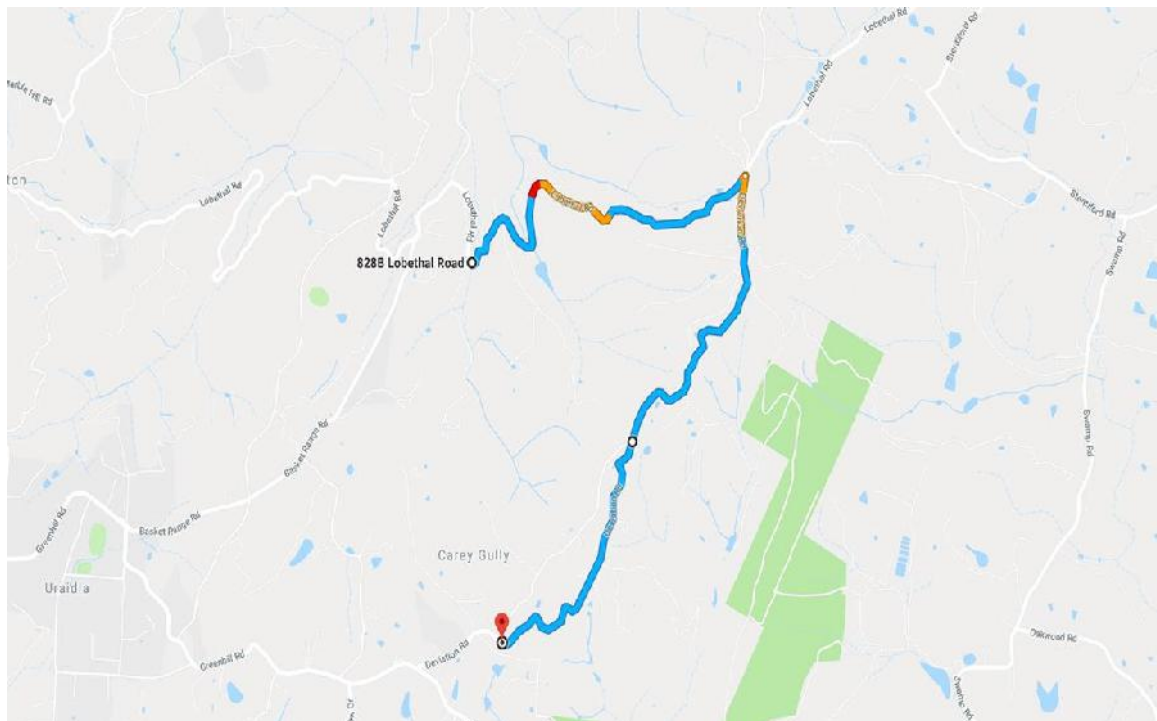
Lobethal Rd- Deviation Rd

Boundary Rd

Boundary Drive

Day: **Saturday 1st December**

Approximate Road Closure Times **10:00am until 2:00pm**





Stage 28 – Basket Range Reversed

Road Closed:

Lobethal Rd

Closure Start:

Basket Range Rd and Lobethal Rd Intersection

Closure Finish:

Approximately #374 Lobethal Rd, Ashton

Intersections along Stage:

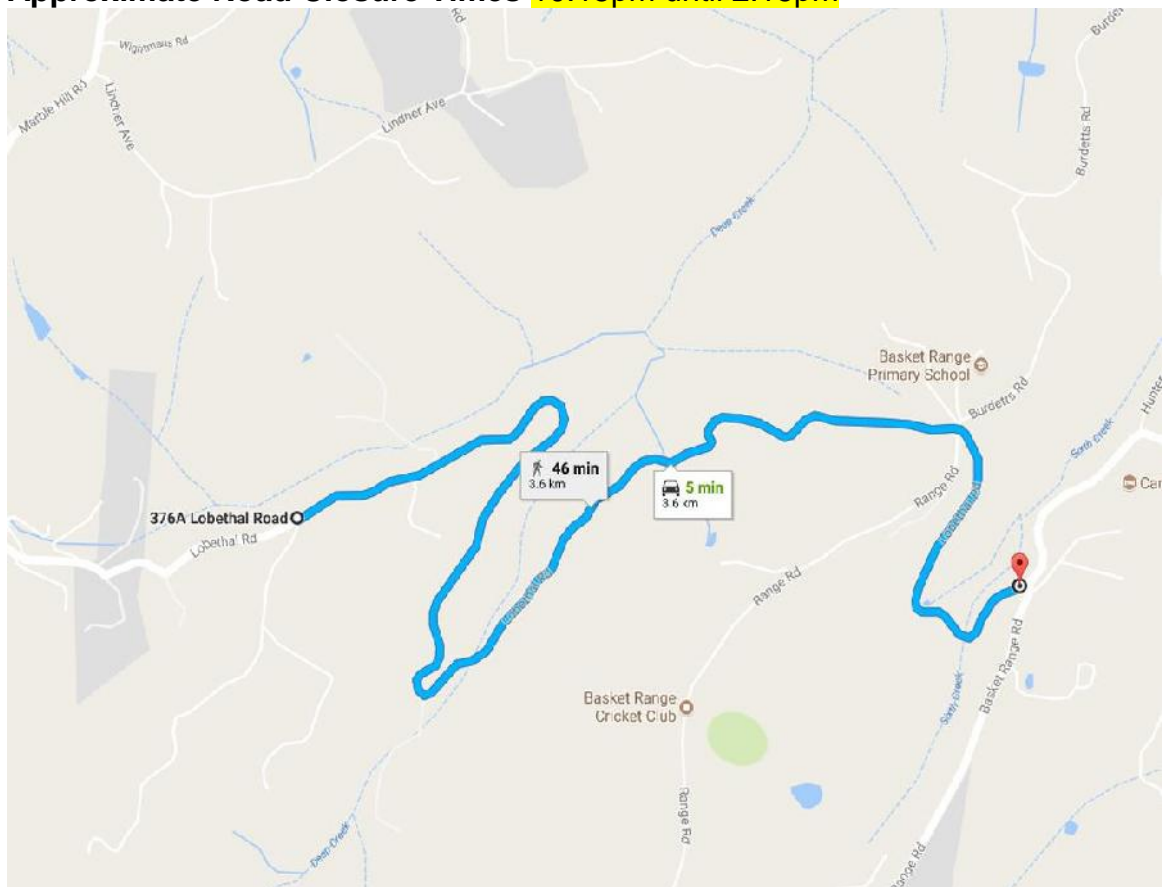
Range Road

Burdetts Road

(all of the above have access and egress)

Day: **Saturday 1st December**

Approximate Road Closure Times **10:15pm until 2:15pm**





Stage 29– Mt Lofty Short

Road Closed:

Greenhill Rd and Summit Rd

Closure Start:

Cnr Yanagin and Greenhill Rds

Closure Finish:

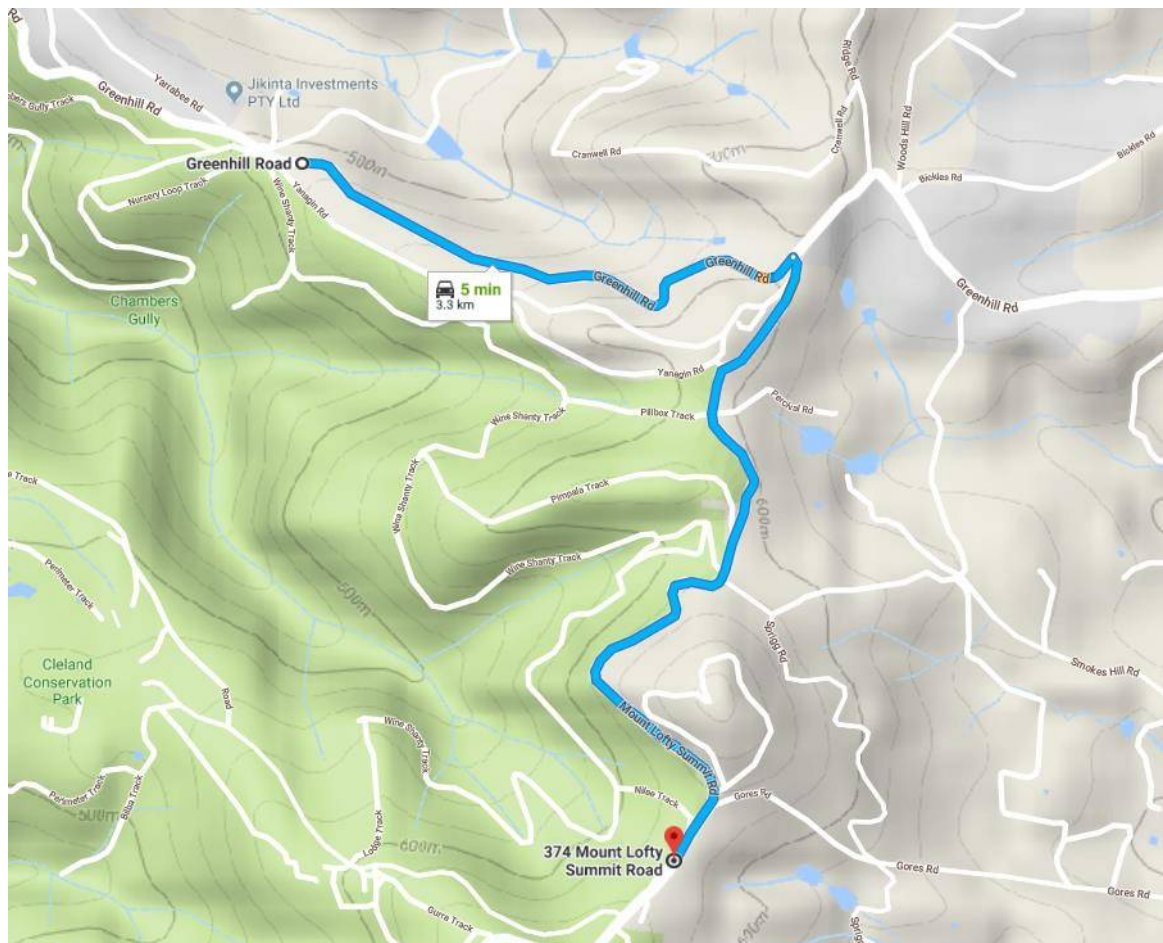
Summit Rd and Cleland Wildlife Park entrance intersection

Intersections along Stage:

Greenhill Rd/Summit Rd Intersection, Sprigg Rd, Gores Rd

Day: **Saturday 1st December**

Approximate Road Closure Times **1:00pm to 4:45pm**





Stage 32– Norton Summit

Road Closed:

New Norton Summit Rd

Closure Start:

Cnr Coach House Drive and Norton Summit Rd Intersection

Closure Finish:

Lobethal Rd and Norton Summit Rd Intersection (Scenic Hotel)

Intersections along Stage:

Teringie Drive

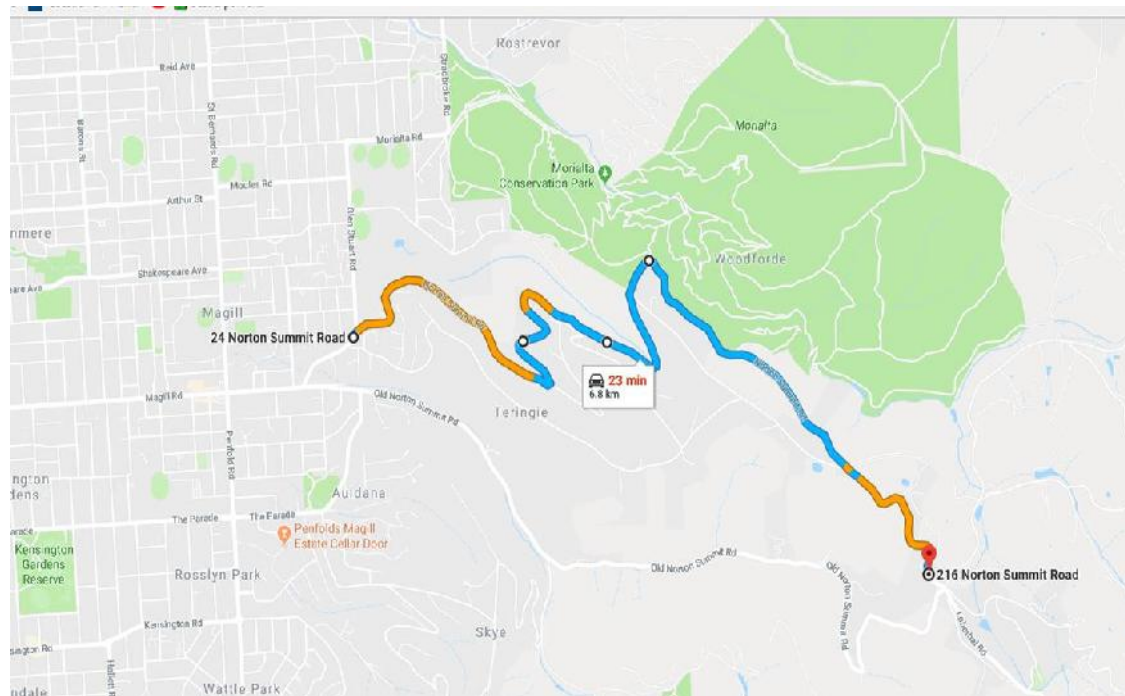
Valley Drive

Ridgeland Drive

(all of the above have access and egress)

Day: **Saturday 1st December**

Approximate Road Closure Times **2:15pm until 6:30pm**





Traffic Management

Traffic Marshals

Traffic Marshals will be positioned at intersections along every stage. The responsibility of the marshal is to monitor spectator behavior, maintain crowd control and further, monitor traffic control at the designated spectator points. The traffic marshals have direct communication with Rally Headquarters

Event Organisers

Adelaide Motorsport Festival (Overarching event organisers)
Deb Briggs – General Manager – Sporting Car Club of S.A
Ph. 83734899
gm@sportingcarclub.com.au

Rally Subcontractor and Clerk of Course of the Rally:
Ivar Stanelis 0418834311 - ivar@rallysa.com.au



Operational Elements

Access for Emergency Services and Residents

Emergency services, namely Fire, Medical and Emergency recovery will be positioned within close proximity of the closed road section.

With prior approval through rally control, emergency services will be provided access along all existing road routes.

Emergency Response Procedure

Fire, Medical and Emergency recovery vehicles will be positioned in close proximity to the closed road section. This allows for rapid access and fast response times.

Pre Event Activities

The Sporting Car Club of South Australia does not condone competitors practicing on the roads prior to the event. Those found to be breaking road rules will be Penalised and/or Disqualified from the event.

Resident Access

Residents along the closed road section have the ability to seek access within the road closure times upon application for legitimate exceptional circumstances. The application will be assessed by organisers and where permissible access will be organized with the resident. Applications for access need to be made prior to **October 28th 2018** so as to allow for the modification of running schedule to accommodate the resident needs.

Access will be granted along existing road routes.



Trespassing and Driveways

All stage marshals will be briefed prior to the commencement of the event. Within this briefing the policing of spectators, including directing spectators to the designated vantage points will be covered. Also included will be instructions on the traffic management and directing cars away from resident driveways.

A spectating guide will be published on the website. The spectating guide attempts to drive spectators towards the organized Lunch Stops such as the Stirling Lunch Stop

Post Event Clean Up

The organisers are committed to maintaining the quality of the roads and verges following the event so as to maintain future relations with local council and residents to ensure future prosperity of the land and the event.

Property Damage

The organisers are committed to making sure that no damage will occur to property within their control. In the event that a resident or the council experiences damages cause directly by the event, a review will take place to ensure timely action to resolve the damages. The event has property damage coverage as part of its insurance policy.

Contact Details

Adelaide Motorsport Festival (Overarching event organisers)
Deb Briggs – General Manager – Sporting Car Club of S.A
Ph. 83734899
gm@sportingcarclub.com.au

Tim Possingham – Council and Community Liaison in relation to the Adelaide Rally
tim@soonmarketing.com.au

Rally Subcontractor and Clerk of Course of the Rally:
Ivar Stanelis 0418834311 - ivar@rallysa.com.au

CAMS Event Organising Permit Number: # 818/0112/01



Part B

CAMS (Confederation of Australian Motorsport) Event Organising Permit number

818/0112/01

Community Engagement Plan

The organizer will send out a mailout via Australia Post to all residents and businesses that fall within the directly affected road sections in the Adelaide Hills Council region. This will advise people of the intentions of the event and request feedback.

The organiser to post a full schedule of road closures on the www.adelaidemotorsportfestival.com.au website.

The organisers will review any negative feedback from the council or the residents and to create a community consultation solution.

Proponent's risk management plan

Organiser to supply TBA

General community support for the proposal

This will be gauged by the amount of feedback the event receives.

To date there has been exceptionally low negative feedback (3 recorded pre event in 2016) of 711 affected residents. There were 4 positive reports pre event in 2016.

In 2017 there were 2 negative responses received from 403 directly affected residents representing .49 of 1 percent having a negative view of the event.

A current feedback report has been sent to council for the 2018 event



The attitudes of all property owners affected by the proposal

This will be monitored, reported and acted on as part of the consultation process. Council will receive a pre-event report and a post event report detailing issues and attitudes of residents.

Economic benefit of the proposal to Council's area and the economy of the State

The event has great potential for overall state and local council benefits in regards to exposure via Social Media, Print Media and our one hour television program that will feature post event. Furthermore, there will be large flow on effects such as photos from the event along the stages on the web for years to come.

Rally events bring millions of dollars into South Australia each year. The events are deliberately designed to benefit small towns and regional areas, with planned rest stops where crews spend on fuel and food. Interstate and capital city spectators are also drawn into these regions, providing a boost to local tourism. Event organisers work closely with government departments, municipal councils, service clubs, transport groups, local businesses and residents along the stage routes to ensure their perspectives are well understood and considered in all stages of planning. These rallies are reliant on local community support and, recognising this, organisers place high value on supporting community priorities in return.

The entire event delivers an estimated economic benefit to the state of in excess of \$4.0 million. Without the support of each council region the benefit to the state as a whole could not be achieved.

Traffic management arrangements that will be adopted if the proposal is approved

Organiser to supply pending approval and further consultation with SAPOL.

Consideration that has been given by the proponent to minimise the impact of the proposal on local, business and tourist traffic and considerations of alternative routes



The stages within the Adelaide Hills council region are primarily run at a time that does not affect peak tourist traffic times, nor does it lock in any tourist venues or limit access to tourism focused venues at peak times. Careful consideration has been made to develop a spectator friendly zone within the council region to deliver benefit back to the community and bring cultural diversity and vibrancy to the region.

The proponents experience in delivering similar events

Rally One Pty Ltd has had years of experience running highly successful sporting events. This includes Classic Adelaide 2007, 8, 9, Rally S.A (17 years), Adelaide Rally 2017. Other regional Rallies and sections of the Sydney to London Rally.

Arrangements that will be in place to make good any damage to Council or private infrastructure and to clean-up the route at the conclusion of the event

Stage Teams are briefed on clean up procedures after the stage is finished and prior to road opening. A post event report will detail any damage to council infrastructure which needs to be rectified. A sweep and recovery car also note damage along the route and effect temporary repairs as required. Arrangements will be made post event to pay for the damage to infrastructure by the insured organiser.

The environmental impact of the proposal and measures proposed to be taken to minimise the impact on the environment.

The greatest environmental risk is through spectator damage to bushland. We attempt to mitigate the risk by providing alternative areas for spectators to see the cars up close such as the Stirling Lunch Stop. Under the event technical regulations, vehicles are allowed to run Ethanol blended fuels and modern electric vehicles are encouraged to enter particular categories of the event.

Arrangements that are in place with Police and Emergency Services

As part of the approval process for road closures and CAMS event permits these things are in place. Organisers also present to ESMECC (Emergency Services Major Event Coordination Committee) in August 2018 and liase with all services leading up to and on event.



Measures to be taken by the proponent to protect public safety and public property

As per CAMS regulations under the permit.

Measures to be taken by the proponent to prevent damage to Council's infrastructure

As per CAMS regulations under the permit

How the event supports the community and what charitable benefits are associated with the event;

The event has in the past made a charitable donation to community groups in exchange for volunteers that may wish to play an active role in the event. The event supports the wider community through broader reaching benefits of tourism, vibrancy and its festive nature. The event is owned by a registered not for profit being the Sporting car Club of S.A

Compelling positive aspects associated with the event.

The Adelaide Rally is an internationally recognised event. The event attracts international participants from as far away as Ireland . The event is supported by South Australian Tourism Commission. This brings a large amount of exposure via television (1 hour TV special), social media, print media and other channels of publicity. Being involved in this event will not only provide exposure through these channels, but your local council will also be associated with a world renowned event.

Certificate of Currency for Public Liability Insurance

TBA Certificate of Insurance. (Attachment B)

ENDS

Appendix 2

*Shannons Adelaide Rally – Resident Consultation Letter
Stirling*



ADELAIDE RALLY

Wednesday 28th to Saturday December 1st 2018

COMMUNICATION TO RESIDENTS WITHIN THE VICINITY OF PROPOSED ADELAIDE HILLS TEMPORARY ROAD CLOSURES

DATE 23/6/2018

Dear Owner/Occupier

Re: Proposed Motoring Event

I am writing to inform you that the Sporting Car Club of South Australia (Est 1934) wishes to run an event named the Shannons Adelaide Rally in the Adelaide Hills Region during the period Wednesday 28th to Saturday December 1st 2018

A road within your vicinity has been selected to host a closed road section within the proposed rally route. (see proposed closed road map overleaf)

The Adelaide Rally 2018 is a predominantly classic themed motoring event that is supported by The South Australian Tourism Commission. The event is based on the Classic Adelaide Rally of 1995-2009 which was an iconic South Australian Major Event of international note.

The event will be televised nationally, features visiting media and will showcase the region, its produce and its people.

The event has a competitive side reserved for approximately a third of the field, though it is primarily focused on touring, tourism, vibrancy and cultural diversity.

In some cases there are two short road closures per day to facilitate access for residents in between the running of the event stages. Please pay particular attention to the timings shown overleaf.

This will be a fully sanctioned event run under the jurisdiction and rules of the Confederation of Australian Motor Sport (CAMS) and carries the appropriate insurances and permits. It is compliant with Adelaide Hills Council Major Events guidelines.

A community event in Stirling on Saturday 1st December will bring spectators and national media to the region as well as valuable flow on effects in tourism and economic benefits.

We are accepting written feedback in relation to the proposed road closures via email and post prior to **Tuesday 17th July**. If you do not reside on the affected property, and have a tenant on site please forward this information to them.

WE WILL KEEP YOU INFORMED OF THE PROPOSED TEMPORARY ROAD CLOSURES VIA POST PRIOR TO THE EVENT

Please send feedback to admin@adelaidemotorsportfestival.com.au or Att'n Rally Coordinator C/O Sporting Car Club of S.A.
51 King William Rd, Unley 5061.

Stage 26 and 31 – Stirling

Run Twice in the same direction during the closure as Stirling #1 and #2

Roads Closed:

Sturt Valley Rd and Ironbank Rd

Closure Start:

Evans Drive and Ironbank Rd Intersection (*Note , Evans Drive is open to traffic)

Closure Finish:

Sturt Valley Rd & Longwood Rd Intersection

Intersections along Stage:

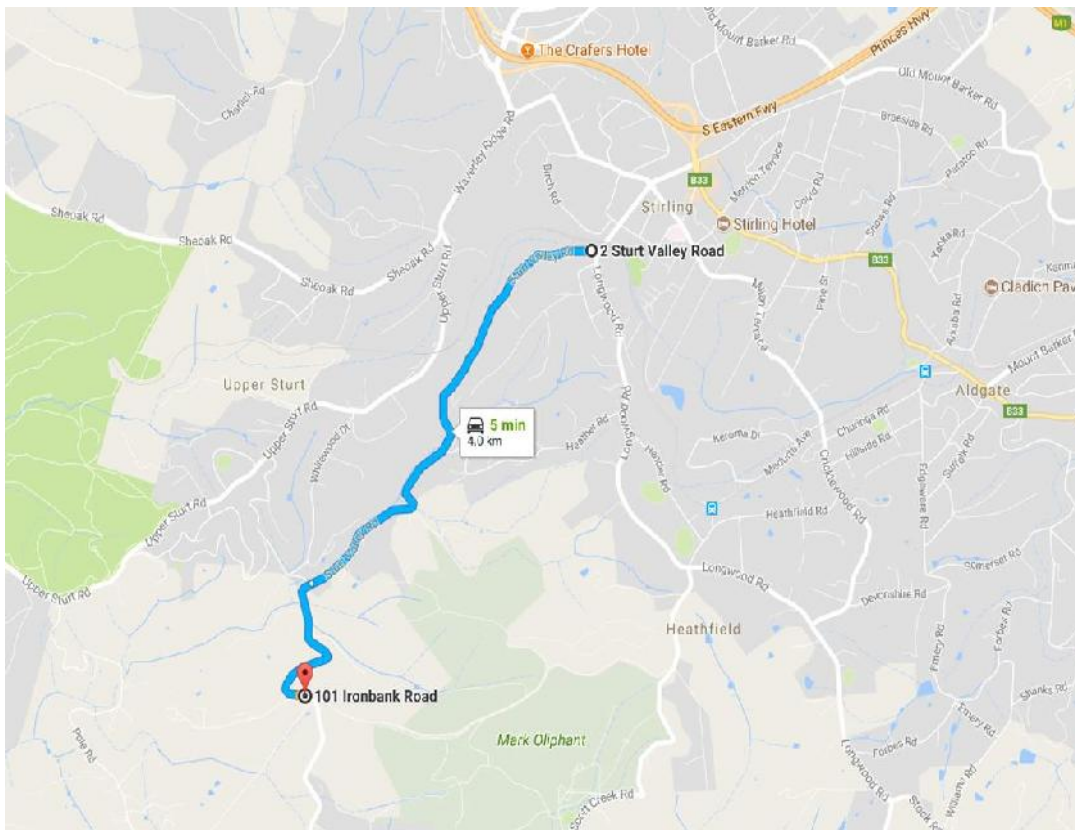
Woolly Butt Rd

Sturt Valley Rd / Ironbank Rd Intersection

Heather Rd

Day: **Saturday 1st December**

Approximate Road Closure Times **9:45am until 1:45pm & 2:00pm until 5:45pm**



Appendix 3

*Shannons Adelaide Rally – Resident Consultation
Feedback Report*



ADELAIDE RALLY
November 28- December 1st 2018
Community Consultation Report for AHC
18/7/2018

Attention Anisa Cadd

Re: Community Consultation Feedback Report

Anisa,

As discussed over the past 12 Months, the Sporting Car Club of South Australia wishes to hold a significant part of the 2018 Adelaide Rally within the Adelaide Hills Council Region once again. This would involve 12 temporary road closures within the region, some of which are closed twice and a Lunch Stop at Stirling. A significant part of the approval process involves community consultation.

The consultation methodology and timeline used thus far has involved:

- Meetings throughout the period December 2017- Current to keep council staff up to date about the event and road proposed road closures.
- Formulation of a proposed route using previous feedback, concerns and benefits (Done in the first quarter of 2018)
- Consultation with Council on the proposed route (Done Mid 2018)
- Finalisation of a route to put to new public consultation
- Formulation of community consultation letters and language in conjunction with AHC staff
- Consultation with Stirling Business Association regarding a potential Community event at Stirling separate to the road closures.
- Refining of the proposed Community event in Stirling which was moved to Stirling oval after consultation with SBA.
- Finalisation of proposed road closures to fit with other regions and their feedback as well as event timeline constraints and peripheral events.
- 21 Days of direct community consultation to affected residents ending July 17th 2018
- Finalisation of the route and final recommendation to council.

Final route taking into account resident impact.

The final route includes 50% of the roads used this year that were not used in 2017. These were used in 2016 with the exception of Mt Bera Stage which has not been used for over 3 years.

The rotation of roads is once again a focus for us to deliver variety to the event each year but also reduce year on year exposure to affected residents.

With the lunch stop on Saturday being located at Stirling it was decided to maintain the stages of Ironbank and Stirling being in closest proximity to the community event to maximise visitation to the area. This way people can see the cars up close at Stirling and also just a short drive away, view them on the closed road stage.

We have continued to use short stages for the majority of the event in 2018 in an effort to provide increased detours to the community in places such as Ironbank where traffic can flow between Cherry Gardens/ Ironbank and Heathfield / Stirling areas via the detours of Evans drive. This proved to be incredibly effective in 2017 during the running of Stirling and Ironbank stages.

The integration of longer stages of Chain of Ponds, Gorge and Castambul are predominantly lined by SA Water and National Park, meaning that there are significant reductions in the number of affected residents on these long stages when compared to events held some years ago.

We have also examined previous negative and positive feedback and have selected roads with historically low negative feedback. The number of residents consulted was increased to 738 from 388 in 2017, mainly due to increasing the consultation boundaries to just outside the affected residents area and better data provision from AHC.

By the Numbers: Feedback reports - Negative / Positive in AHC region

738 Directly affected residents were contacted

10 Were compelled to make an enquiry or comment

5 Negative Responses (0.6% of those canvassed)

Of the 5 negative responses two contained broad based negativity for the event and the other 3 contained constructive content relating to closure timings and positions.

3 Responses seeking further information about the event

2 Positive response

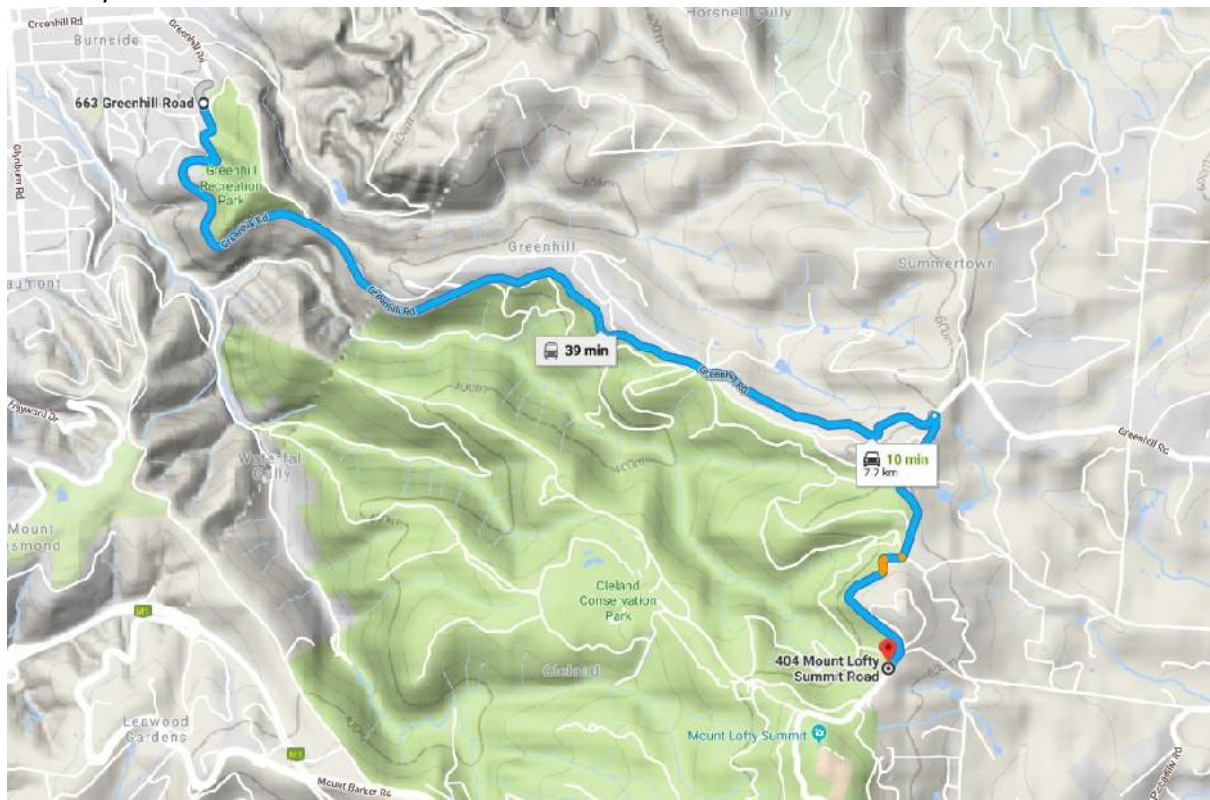
We received one extremely negative response which was not specific to the road closure in question. The letter attacks the language used in the AHC approved mailout, makes claims about the use of a declining energy source (assume petrol) and references the rally as a 4 day race where people indulge in an "obsolescent fantasy". The letter was received via email with a supposed Yarrabee Rd Address being the address of the affected resident.

There were two other letters received from people living on the Mt Lofty Stage. These focused on the length of time of the closure and one suggested moving the start or finish point to facilitate access to Yarrabee Rd.

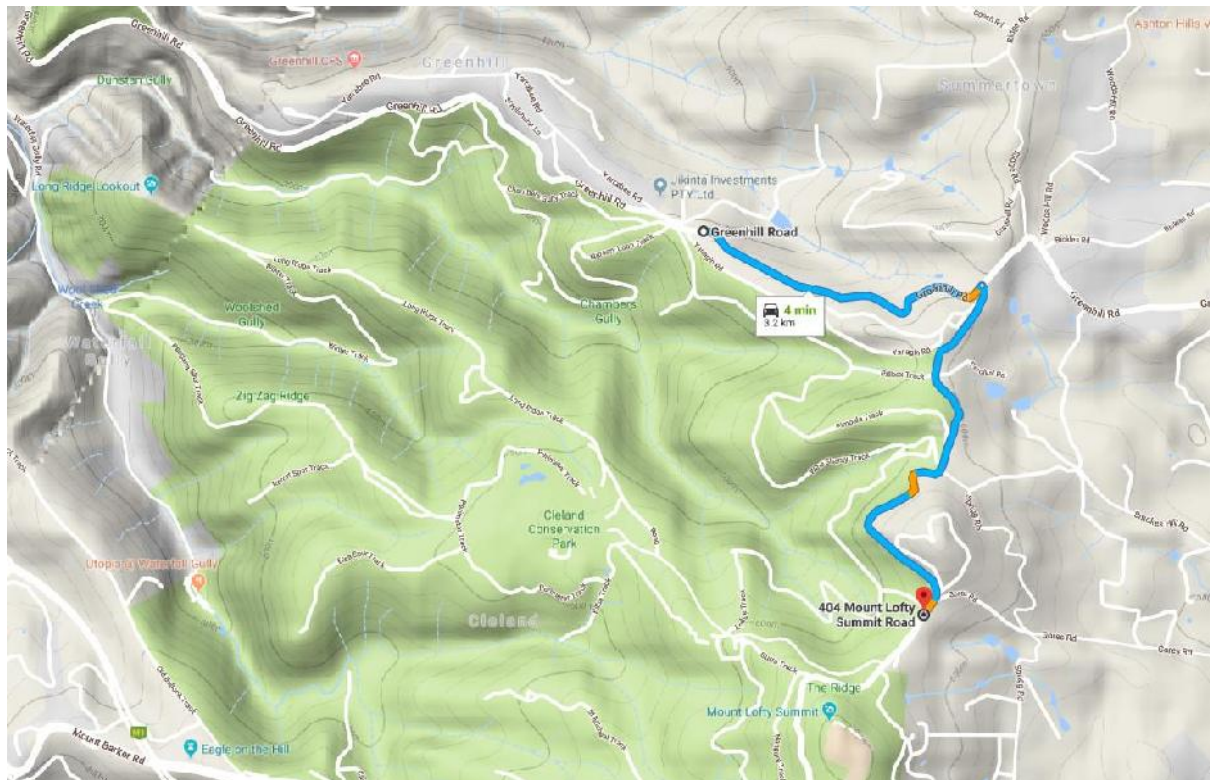
It should be noted that when Mt Lofty Stage was run in 2015, there were 3 positive and 1 negative forms of feedback reported making it the stage that had the highest slant towards positive to negative feedback of any stage in the event. In 2016 there was no feedback received at all..

In response to the recent negative feedback, we are now examining the possibility of shortening the course for the second running of the Mt Lofty Stage due to run in the afternoon such that there is access for Yarrabee and Yanagin Rds. This will less than halve the closure time for nearly all the affected residents on the closure. Please see the Maps below that show the proposed revised route for Mt Lofty#1 and Mt Lofty #2

MT Lofty Run #1 Below



MT Lofty Run #2 Below with access to Yanagin and Yarrabee Rds Greenhill



We also received negative feedback that was broadly negative of motoring events from a Deviation Rd resident on the Old Basket Range Stage

There was one negative response from residents on the Montacute Rd section of the Castambul Stage received. This being a Cherry Farmer who has a pick-your-own business. This resident also sent feedback in 2016 and was presented with an offer to have a stall at the 23,000 strong Adelaide Motorsport Festival alongside other food vendors, at no cost, but declined the offer. We have

deliberately scheduled the closure for a Friday to minimise impact to roadside Cherry retailers on the weekend, we also scheduled the closure in this area to start after the morning commute and end before the evening commute home.

The requests for more information were clarification of Bus access (Montacute Rd – Castambul Stage) where the resident was satisfied with our coordination of the bus in question. Another was a Norton Summit Resident clarifying the taping off of driveways when the stages are set up. In this case the resident specifically stated they were not criticizing the event and has “no problem with the closure”. Further information was provided to this resident.

The final enquiry was from Templewood Riding Centre who are located near to Chain of Ponds Stage. The query was related to the start point for the closure as many years ago they had restricted access due to miscommunication with SAPOL about the closure point. We reassured them that the closure point is after Fiddlers Hill Rd and they have uninterrupted access and egress.

The two positive responses were on Ironbank Stage. One was a simple letter stating “We live on one of the proposed road closure areas and wish to advise our support of this event. The interruptions are minimal and brings great value to the area and SA.”

The other was from Hamish Laurie of the business Deviation Rd Winery that is seeking to leverage the event for more exposure and may run a new concept called “Stage Safari” where two bus loads of spectators follow the tour section of the rally into the stage and stop at the winery to view the field .

Key Themes identified from the feedback:

The only common theme within the extremely small amount of feedback received was the length of the closure on Mt Lofty Stage. This being mentioned in 3 forms of feedback from that location. We shall address that with a revised route for that area that dramatically cuts the closure time down.

Feedback from Neighbouring Regions thus far:

Thus far we already have approvals from 5 other council regions. We only received 2 responses to feedback in these regions, both of these were in the Mt Barker Region and both were positive.

Community Event Plans:

We enjoyed a good meeting with Stirling Business Association in May 2018 in relation to a proposed Street party in Stirling. Some planning work was actioned to create an event that would draw approximately 2000 people to the main Street on a Saturday. However later SBA consultation with traders led to some traders to oppose the proposed closure. These traders believed that they were adversely affected by the Tour Down Under Closure and thought the same thing may happen again. At this point it was decided to move the Lunch Stop to the Stirling Oval and that there would be a reduction in the festive activities that were planned.

END

Regards, Tim Possingham
Fr Adelaide Rally

0417171730

**ADELAIDE HILLS COUNCIL
ORDINARY COUNCIL MEETING
Tuesday 28 August 2018
AGENDA BUSINESS ITEM**

Item: 12.2

Originating Officer: John McArthur, Manager Waste & Emergency Management

Responsible Director: Peter Bice, Director Infrastructure & Operations

Subject: Household Hazardous Waste Disposal

For: Decision

SUMMARY

The purpose of the report is to provide an update on the status of the proposed Household Chemical and Paint Drop-off Facility at the Heathfield Resource Recovery Centre (HRRC) and obtain approval for the CEO to enter into a Funding Agreement between Green Industries SA (GISA), the Adelaide Hills Region Waste Management Authority (AHRWMA) and Adelaide Hills Council (Council).

GISA recently offered a funding grant of \$450,000 for the establishment and operation of a Household Chemical and Paint Drop-off Facility at the HRRC. The facility would be built on Council land and therefore Council would need to formally provide land owner and planning consent for the new facility. A development application (and planning report) would be submitted by GISA for this purpose, separate to this Report for Council's consideration in due time.

The Funding Agreement provides for a long-term arrangement (10 years) with option to extend an additional 10 years, at very minimal cost to Council. The Funding Agreement includes provision for the collection and processing of the materials, removed fortnightly from site for the duration of the term. The facility would be operated by the AHRWMA, as per the current agreement in place between the two parties (*Management Agreement for the Heathfield Resource Recovery Centre*).

The proposed facility would provide the community (including residents outside the Council area) with an expanded service offering to meet community needs and improved infrastructure for the disposal of household chemicals, paints and other materials.

RECOMMENDATION

Council resolves:

- 1. That the report be received and noted.**
- 2. That the Council supports, in principle, acceptance of funding from Green Industries SA to establish and operate a Household Chemical and Paint Drop-off Facility at the Heathfield Resource Recovery Centre.**
- 3. That delegation is given to the CEO to negotiate and if to their satisfaction, enter into a funding agreement between Green Industries SA and the Adelaide Hills Region Waste**

Management Authority and Adelaide Hills Council for a Household Chemical and Paint Drop-off Facility at the Heathfield Resource Recovery Centre.

4. **A future report to be provided to Council on the outcome of the negotiation with Green Industries SA, the Adelaide Hills Region Waste Management Authority and Adelaide Hills Council.**
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1. GOVERNANCE

➤ **Strategic Management Plan/Council Policy**

Goal 3 Places for people and nature
Strategy 3.7 We will drive further reduction in waste consigned to landfill

The proposal for a household chemical and paint facility accords with Council's Strategic Plan in that the development will encourage and reduce waste production and maximise resource recovery. In addition, the new facility will provide for the collection and disposal of materials in an environmentally sustainable manner.

Adelaide Hills Council Waste and Resources Management Strategy 2016-2021. A number of objectives and strategies relate directly to the provision of Household Hazardous Waste (5.12) and E-waste (5.13) services. Whilst Council already provides a free E-Waste service at the HRRC, the proposed facility would incorporate this component as part of the design.

Household Hazardous Waste

5.12.1 Objectives

5.12.1.1 Assist residents to dispose of their hazardous household waste.

5.12.2 Strategies

- 5.12.2.1 Ensure residents are directed to appropriate options for Chemical disposal.
- 5.12.2.2 Provide advice to residents regarding appropriate disposal options.
- 5.12.2.3 Participate in State Government funded hazardous chemical collection days when available.
- 5.12.2.4 Lobby State Government to assist with funding for chemical collection services.
- 5.12.2.5 Advocate for an expansion of current State Government services available for the disposal of hazardous chemicals.

The proposed facility will enable these specific objectives and strategies to be implemented and subsequently allowing residents to dispose of their hazardous household waste in a safe and responsible manner whilst also achieving a reduction of materials to landfill and increased recycling. The facility will assist the HRRC to continue to operate in an economically viable manner (including the potential for increased patronage) and dispose of unwanted materials in a cost-effective manner. Further, the proposal provides a permanent hazardous waste recycling and disposal service for the community and improves the way that material is handled, transported and received in order to maximise resource recovery.

➤ **Legal Implications**

Environment Protection (Waste to Resources) Policy 2010. The Policy promotes the waste management hierarchy and includes landfill bans (for various hazardous and recoverable materials) and requirements for waste to undergo resource recovery before disposal. Examples include oil, hazardous waste, liquid waste, medical waste, e-waste, whole tyres and aggregated recyclables (e.g. plastics, glass, paper and cardboard, metals and green waste).

➤ **Risk Management Implications**

The provision of a Household Chemical and Paint Drop-off Facility at the Heathfield Resource Recovery Centre will assist in mitigating the risk of:

Hazardous materials within the broader community being released in an uncontrolled manner with the potential for negative impact on both human health and the natural environment.

Inherent Risk	Residual Risk	Target Risk
Medium (3C)	Medium (3C)	Low (2C)

Undertaking the recommendations as proposed by this Report will result in new mitigation actions to alleviate the above mentioned risks.

➤ **Financial and Resource Implications**

No funds have been allocated for this item as Council does not require expenditure other than potential expenditure on legal fees to review and negotiate the *Funding Agreement* between GISA, Council and AHRWMA.

An amendment to the *Management Agreement for the Heathfield Resource Recovery Centre* between Council and AHRWMA may be required to reflect the addition of the facility on site. Minimal legal fees may be required for this variation.

The AHRWMA will operate the facility as an extension to the current management activities of the site. Minimal expenditure is expected by AHRWMA to project manage the construction and commissioning of the facility. Advice received by GISA indicates that ‘no significant additional burden’ on site staffing would be incurred, based on experience of similar facilities implemented elsewhere. At the time of writing this report it is not envisaged that additional site staff would be required. If this outcome did not eventuate and additional resourcing was required there would be an additional cost to AHRWMA and in turn, Council.

The ownership of the infrastructure/asset will transfer to Council (as land owner) at the conclusion of the funding agreement unless Council requests removal of the asset upon expiry of the agreement.

The funding provided by GISA includes the cost of design, planning approvals and the full cost of the facility construction along with regular collection of the materials for removal offsite and processing. Training will also be provided to up to three AHRWMA staff (before

commissioning) as part of the contract to collect materials. The agreement has a right of renewal for a further 10 years to ensure all processing and disposal costs are met by GISA.

➤ **Customer Service and Community/Cultural Implications**

There is a lack of hazardous waste services which has been an ongoing issue in the community. The proposed facility provides an excellent opportunity to deliver a much-needed service for Council and the community, including surrounding areas. The facility will provide a free, convenient and safe option to dispose of chemicals and other hazardous materials in an environmentally sustainable manner for the benefit of the community.

➤ **Environmental Implications**

It is anticipated that the proposed facility will promote a reduction in waste disposed to landfill, increase recycling rates and reduce contaminants from entering the environment by providing effective management of difficult to dispose of household wastes. Further, the proposal consolidates and improves the storage of existing waste streams at the HRRC.

The proposed facility sits within an existing recycling depot and consolidates existing activities on site. As such, it is considered that there are no additional noise or air impacts arising from the proposal.

Potential hazards related to the operation of the facility will be considered and evaluated per Council's planning evaluation (for example, fire, spills etc). Collection of materials will be undertaken fortnightly, thereby reducing the quantities of hazardous materials kept on site at any one time. Relevant Work, Health and Safety procedures will be updated to accommodate the new service provided at the HRRC. As part of the funding agreement, GISA will provide training for AHRWMA site operators to ensure safe handling and storage of materials and will assist with the development of safe operating procedures, including the provision of a spill kit and an emergency combination shower with eye/face wash.

The proposed facility provides a secure, controlled environment to dispose of harmful household chemicals. The alternative is uncontrolled by nature, with such materials residing in residents' backyards with the potential for leakage and explosion depending on storage conditions.

The materials that may be dropped off at the facility include pesticides and garden chemicals, acids, alkali, aerosols, cleaning agents, fuels, leftover paint, motor oil, automotive batteries, LPG gas cylinders and fluorescent lights. Noting the above, it is preferable to contain and manage this real risk to the community by providing a safe, well managed and purpose-built facility as opposed to these hazardous chemicals being stored in an uncontrolled manner within the broader community.

➤ **Engagement/Consultation conducted with Council Committee, Regional Subsidiary, Advisory Group, the Administration and Community**

Council Committees: Not Applicable

Council Workshops: A Council workshop was held in relation to this matter on 8 August 2017. An overview of the proposed facility was provided and feedback sought from Council Members.

<i>Advisory Groups:</i>	Not Applicable. It is intended to raise this matter with the Bushfire Advisory Group at the next meeting so as any bushfire related matters resulting from the proposed facility can be considered.
<i>Administration:</i>	Director Infrastructure & Operations Manager Development Services RPIA Team Leader Statutory Planning, Development & Compliance Waste Coordinator Waste Strategy Coordinator – AHRWMA Executive Officer – AHRWMA
<i>Subsidiary:</i>	An Expression of Interest (EOI) was prepared and submitted to GISA by AHRWMA on behalf of Council in August 2017. The AHRWMA has been engaged in the preparation of this report.
<i>Community:</i>	Not Applicable

2. BACKGROUND

Green Industries SA (GISA) released an Expression of Interest (EOI) for funding permanent household hazardous waste collection facilities across SA. The proposed facility is one of four permanent facilities being planned for metropolitan Adelaide to enable the community to safely and conveniently dispose of household chemicals and paint not currently readily available in South Australia. The proposed facility forms part of a strategic response by GISA for innovation in the recycling and resource recovery sectors.

In August 2017 the AHRWMA, on behalf of Council, submitted an EOI proposal to GISA recommending the HRRC as a location to establish and operate a Household Chemical and Paint Drop-off Facility. An outline of the EOI was presented to Council's Executive Leadership Team on 3 August 2017 and a workshop was conducted on 8 August 2017. Feedback received from Council supported the submission.

GISA undertook a detailed assessment of the technical capability of the submission and selected the HRRC as a potential site. GISA held meetings with the AHRWMA and Aspex Building Designers (engaged by GISA) in April 2018 to further scope the proposal. GISA engaged TMK Engineering to design the proposed facility at HRRC. In July 2018 GISA met with both the AHRWMA and Council's Planning Department to understand operational requirements to finalise design parameters and commence planning considerations.

Initial design was issued to Adelaide Hills Council and the AHRWMA on 14 June 2018 (and modified on 13 July 2018). Refer to the attached plan in **Appendix 1**. Site survey data was also provided to GISA and soil testing was undertaken on 22 June 2018 to assist with design.

GISA engaged planning consultants Holmes Dyer to prepare a planning report for the development assessment (planning) process. At the time of writing this report, the Planning Statement was in draft and not ready for release.

GISA have recently awarded a 6 year contract for the provision of the ongoing collection service.

GISA obtained funding approval by their Board in early August 2018, for the facility at HRRC to proceed, based on a professional cost quantification report GISA had prepared. Funding of \$450,000 was approved. The funding agreement will reflect the actual costs identified during the tender and commissioning stages of the proposal.

3. ANALYSIS

There is a lack of hazardous waste services which has been an ongoing issue in the community. Council receives numerous enquiries from residents regarding opportunities to drop off chemicals and other hazardous materials. The only disposal option currently available to residents is the Dry Creek Depot which is open 9am – 12pm, once a month on a Tuesday (this site is approximately 30 km from Stirling). The Dry Creek site is not practical and is inconvenient for many people. Otherwise, the HRRC have historically held once off “drop off” campaigns, most recently on 21st June 2014 (over 4 years ago).

In considering the need for a hazardous household waste disposal facility at the HRRC there are a number of external influences that are relevant and supportive of the proposal, these are:

Green Industries Act 2004

The *Green Industries Act 2004* (formerly the *Zero Waste SA Act 2004*) references the waste hierarchy for the sustainable management of waste, the principles of ecologically sustainable development as identified in the *Environment Protection Act 1993* and best practice methods and standards in the waste management sector.

Environment Protection Act 1993

The General Environmental Duty under the Act states that a person must take all reasonable and practicable measures to prevent or minimise environmental harm when they undertake activities that might pollute. The proposed facility helps to support the objects of the Act which includes promoting principles of ecologically sustainable development and requiring progressive environmental improvements including reducing pollution and waste at the source. The Act also defines waste requires a licence for operating a waste or recycling depot. The EPA licence for the HRRC will be amended to enable the facility to proceed.

South Australian Waste Strategy 2015-2020

The proposed facility accords with South Australia’s Waste Strategy 2015-2020 and specifically contributes to principles for waste management including promotion of the waste management hierarchy and implementation of best practice methods and standards.

Of note, is the approach of the Waste Strategy to provide ‘an opportunity to not only avoid the detrimental impacts associated with waste, but to also recover resources, realise environmental, economic and social benefits and continue along the road to a sustainable future.’

It is anticipated that the proposed facility will increase recycling rates and reduce contaminants from entering the environment by providing effective management of difficult to dispose of household wastes. Further, the proposal consolidates and improves the storage of existing waste streams at the Heathfield Resource and Recovery Centre.

The 30-Year Plan for Greater Adelaide 2017 (Update)

The proposed off facility accords with action 52 of the 30-Year Plan to: Deliver long-term planning for waste and resource recovery infrastructure to identify locations to meet the future demand and support a resource efficient economy.

Description of the facility

The proposed facility is a purpose-built household chemical and paint facility to dispose of household chemical wastes (herbicides, pool chemicals etc) and paint safely, responsibly and free of charge for access by the community. It would comprise an enclosed steel frame structure of 27 metres in length by 6 metres in width with canopy component associated with the drop-off area. The canopy extends 6 metres over the public access vehicle circulation and drop-off area. The canopy component of the structure allows for use of the area in all weather conditions. The proposal represents an expansion and improvement of the current facilities to be located north of the site within the existing public access area of the HRRC.

The new facility would require the removal of two existing shipping containers with an attached shelter (to be relocated off-site). Refer to **Appendix 2**. The proposed facility will incorporate and continue the existing resource recovery operations including a drop-off area for E-waste, tyres and mattresses. The proposal does not constitute a change in land use.

Three ventilated mechanical roller doors of 6 metres by 4 metres are proposed to each of the front and rear of the enclosure (total of six roller doors). Materials will be received at the front of the facility (public access) via commercial mobile benches and deposited at front of house. Servicing will be via forklift access from the rear of the facility. The 6-metre depth of the proposed facility facilitates simultaneous public and service access without conflict.

Four separate areas of approximately 4 metres by 1.2 metres each are dedicated to storage containers for materials includes water-based paint, oil-based paint, motor oils and non-motor oil. Internally to the enclosure, five lockable cabinets within an area of approximately 30m² is dedicated for temporary storage of by-catch materials such as acids and solvents.

A list of example materials that would be accepted is provided below:

- Batteries
- Cleaners, acids and bleaches
- Engine coolants and glycols
- Flammable liquids (eg. Hydrocarbons and fuels)
- Flares
- Fluorescent lights
- Garden chemicals, fertilisers and poisons
- Gas cylinders
- Paints

- Smoke detectors
- Solvents

Materials NOT accepted at the facility include ammunition, asbestos and explosives.

Benefits of the proposed facility

The proposed facility provides a clean, convenient and accessible service for the local community and a permanent solution for the collection and storage of otherwise difficult to dispose of materials. In addition, the proposed facility will be a huge asset to the site and improve occupational, health and safety for both workers and users. The proposed facility will provide an avenue for the public to dispose of unwanted household chemicals and paint safely, responsibly and at no cost to the user.

The proposed facility is based on an interstate example at Penrith, NSW; the design for which was adapted from the NSW best practice design guide for household chemical and paint facilities. The Penrith site demonstrates an efficient layout with separate public drop off area and back of house storage for empty and full containers. Example photographs are provided in **Appendix 3**.

As described in the Funding Agreement, GISA will provide the following to Council and the AHRWMA:

- *'All reasonable costs'* - Design, Development Approval and Construction of the facility, in consultation with the AHRWMA and Council.
- Assistance with the development of safe operating procedures and training for site operators to ensure safe handling and storage of materials.
- Payments for the construction of the facility, made against specific milestones.
- Promotion of the facility in partnership with Council and the AHRWMA.
- A contract for the collection and processing of household chemicals, paints and other materials to ensure materials are removed from the site on a fortnightly basis.
- Access to specialist advice during operation.

GISA anticipates the following key project milestones and timeframes:

- Execution of Funding Agreement between GISA and Council and AHRWMA in late August / early September 2018.
- Submission of a planning application to Council by the end August 2018 by GISA.
- Full design / construction drawings to be submitted by GISA in October 2018 in readiness for the construction tender release by December 2018.
- Construction to commence March 2019 (for completion by June 2019).
- Facility operational by 30 June 2019, subject to Council consent (and execution of the Funding Agreement).
- Training of AHRWMA staff by GISA contractor during commissioning.

Next steps for Council

Negotiate and if satisfactory, sign the Funding Agreement with GISA and AHRWMA (based on the recommendation of this report being accepted by Council). If required the *Management Agreement for the Heathfield Resource Recovery Centre* with AHRWMA will be amended. Council's Development Services will need to consider the development application once received.

As part of the planning process, Council will be required (as a minimum) to notify adjoining land owners of the proposed development (the proposal is Category 2 for the purposes of public notification pursuant to Part 1, Schedule 9 of the *Development Regulations 2008*.).

The HRRC is subject to conditions of licence no. 353 issued by the Environment Protection Authority (EPA) which will need to be amended to recognise the new service and waste stream to be disposed of at the site. A separate written application will be made to the EPA to vary licence conditions in accord with the EPA's 'Application for Change to Process Emissions or Waste'.

Next steps for the AHRWMA

The AHRWMA Executive Officer is preparing a Board report in relation to the proposed Household Chemical and Paint Drop-off Facility for consideration and resolution to negotiate and enter an agreement with Council and GISA. The AHRWMA Board will consider this matter in late August or September 2018.

The outcome of the AHRWMA Board considering this matter is unknown. Accordingly, this report is seeking to provide the CEO with delegation to negotiate with the relevant parties and if to his satisfaction enter into the agreement. This approach ensures flexibility to accommodate unknown outcomes and eventualities that may arise from the AHRWMA Board consideration of this matter.

In summary, the proposed Household Chemical and Paint Drop-off Facility at the Heathfield Resource Recovery Centre presents a very good opportunity to remove hazardous materials out of the environment in a controlled manner that simultaneously meets Council's objectives and environmental legislative requirements. It provides a free service to the community and an improved asset to Council for up to twenty years. Based on this scenario, it is recommended that Council are supportive in allowing the facility to proceed.

4. OPTIONS

Council has the following options:

- I. That Council supports delegation to the CEO to negotiate and enter into a Funding Agreement between Green Industries SA and the Adelaide Hills Region Waste Management Authority and Adelaide Hills Council. This would ensure hazardous materials are safely disposed of in a cost-effective manner to Council and the community in a timely manner. (Recommended)
- II. No delegation is provided to the CEO to negotiate the Funding Agreement, requiring a further Report to Council to determine the decision. This is not recommended as this would substantially delay the project and potentially jeopardise the funding. (Not Recommended)
- III. Council does not support this initiative and proposal. There is no benefit to the community or Council. Hazardous materials would remain uncontrolled in the community and present a risk to the community and environment. (Not Recommended)

5. APPENDICES

- (1) Heathfield Household Chemical and Paint Drop-Off Facility Design

- (2) Current drop-off area at Heathfield Resource Recovery Centre
- (3) Example of built facility (Penrith, NSW)

Appendix 1

*Heathfield Household Chemical and Paint Drop-Off
Facility Design*

SITE PLAN HATCHES

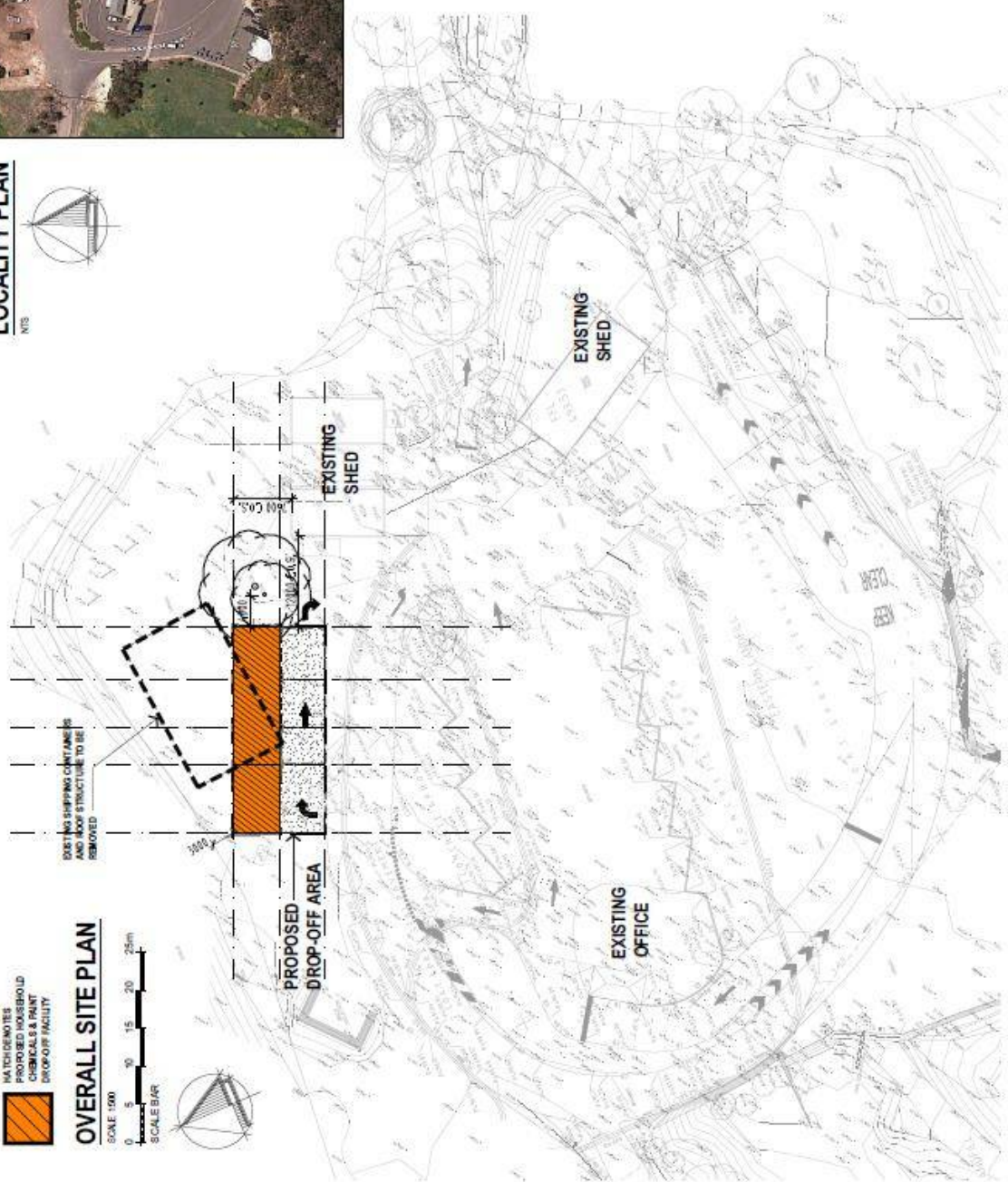
-  HATCH NOTES
-  PROPOSED HOUSEHOLD
-  CHEMICALS & PAINT
-  DROP-OFF FACILITY

OVERALL SITE PLAN

SCALE 1:100

0 5 10 15 20 25m

SCALE BAR



LOCALITY PLAN

N75



Household Chemicals (Australia) Pty Ltd is the responsible party for this site plan. It is the responsibility of the client to ensure that the site plan is approved by the relevant authorities before construction commences.

rev.	description	date
A	preliminary issue	02/10/18
	rev. 01/2018	02/10/18



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project: Household Chemicals & Paint

Drop-off facility

address: WASTE TRANSFER STATION

HEATHFIELD

client: TMK CONSULTING ENGINEERS

sheet 4/30

scale: 1:500

drawn: GZ/AB

checked: GZ/AB

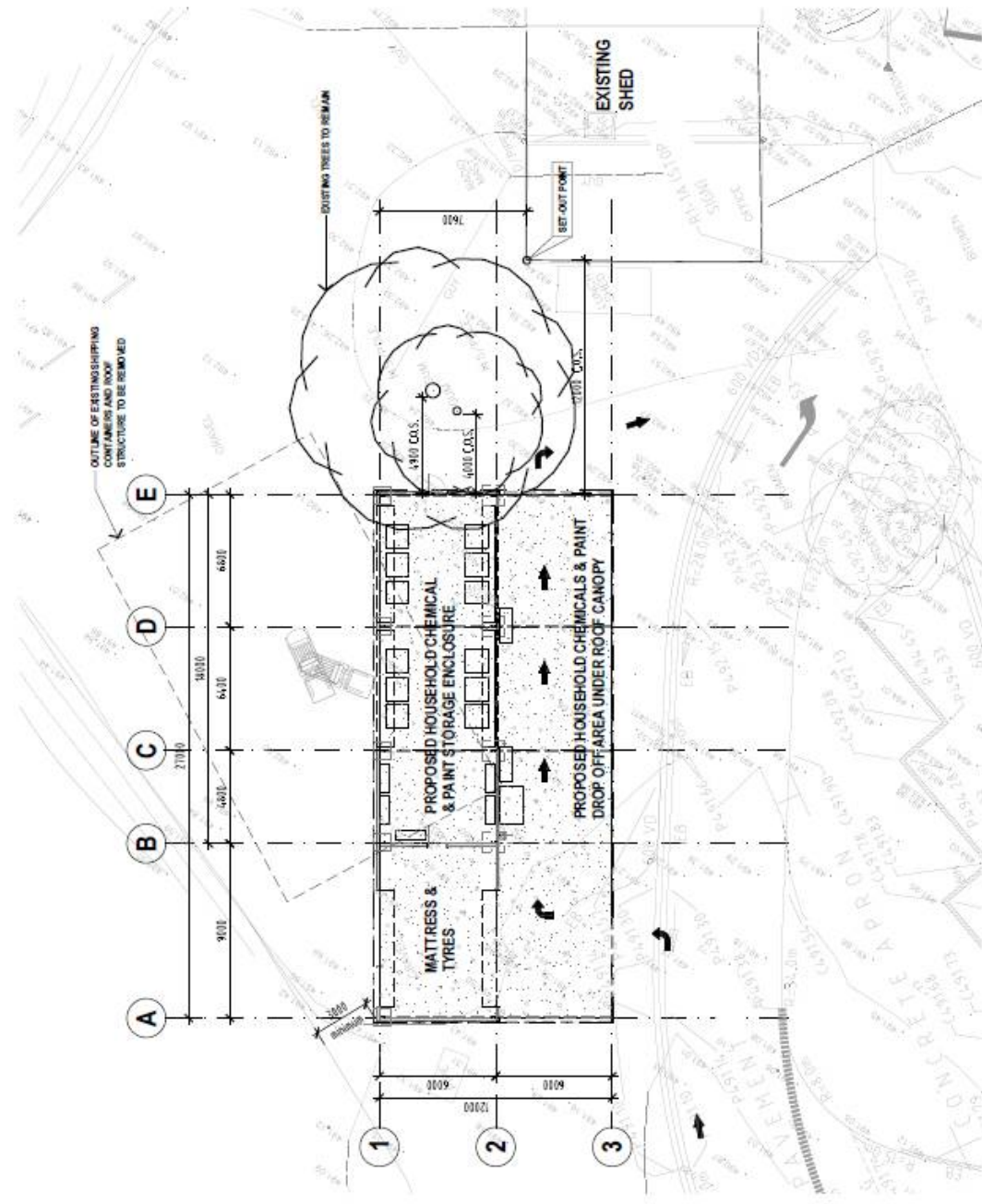
drawing title: LOCALITY & OVERALL SITE PLAN

project no: TMK 3470

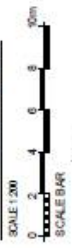
drawing no: WD-H-01

revision no: A

BUILDING RULES CONSENT



PART SITE PLAN



Business Information for this drawing includes the following details:
 1. The drawing is a preliminary issue.
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rev	description	date
A	preliminary issue	02/07/18
	drawn	02/07/18
	checked	02/07/18



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Project: Household Chemicals & Paint Drop-off facility
address: WASTE TRANSFER STATION HEATHFIELD
client: TMK CONSULTING ENGINEERS
scale: 1:200
drawn: CSZ/AB
checked: A3
date: 02/07/18
drawing no: PART SITE PLAN
revision no: TMK 3470
revision: WD-H-02
revision no: A

Appendix 2

*Current drop-off area at Heathfield Resource Recovery
Centre*



Current drop-off area to be relocated (replaced) – looking north

Appendix 3

Example of built facility (Penrith, NSW)



Diagram showing indicative facility layout (HRRC will incorporate existing infrastructure)



Covered unloading Zone



Front of house community drop-off

**ADELAIDE HILLS COUNCIL
ORDINARY COUNCIL MEETING
Tuesday 28 August 2018
AGENDA BUSINESS ITEM**

Item: 12.3

Originating Officer: Lynne Griffiths, Community and Cultural Development Officer

Responsible Director: David Waters, Director Community Capacity

Subject: Community Grants 2018-2019

For: Decision

SUMMARY

Council provides a Community Grants program to assist community groups, organisations and individuals to establish and undertake innovative projects or activities that are beneficial to the community and align with Adelaide Hills Council's Strategic Plan objectives.

Community Grant applications are usually open for applications in August-September of each year with grants made in October or November. However, this year the grants were brought forward to avoid decisions being made in the election period and offending the provisions of the Council's Caretaker Policy.

In summary, Council received 33 Community Grant applications totalling \$73,986 and it is recommended that 20 of these applications be awarded Community Grants, to a total amount of \$45,847.

The purpose of this report is to seek Council approval of the recommendations on the awarding of Community Grants for 2018/2019 as contained in **Appendix 1**.

RECOMMENDATION

Council resolves:

- 1. That the report be received and noted.**
- 2. That Council award Community Grants totalling \$45,847 as follows:**

Organisation	Summary	Amount awarded
Woodside Bowling Club	Purchase of a St John wall mounted defibrillator for the bowling club and surrounding sport clubs	\$ 2,295.00
Aldgate Table Tennis Club Inc.	Replace old table tennis tables and nets for club and community use	\$ 2,500.00
Upper Sturt CFS Brigade	Purchase portable fridge to keep food and water cool for consumption and first aid purposes	\$ 1,685.00
Friends of Scott Creek Conservation Park	Continuing restoration work of native habitat in park and woody weed control	\$ 2,500.00
Hills Radio	Equipment for Outside Broadcast Bus to support volunteers broadcasting community events	\$ 1,982.00
Top of the Torrens Gallery	Installation of reverse cycle air conditioner for gallery	\$ 2,500.00
Oakbank Golf Club	Installation of exhaust fan for kitchen	\$ 1,980.00
Birdwood Parks & Sporting Clubs Association	Supply and installation of outdoor seating at Birdwood Park	\$ 2,500.00
Mylor Netball Club	Upgrading and replacing netball poles, protectors, court squeegee and training equipment such as bibs and balls	\$ 2,500.00
Forest Range Recreation Ground Incorporated	Refurbishment of public toilet in community park	\$ 2,000.00
Aldgate Brigade of the SA Country Fire Service	Purchase portable fridge to keep food and water cool for consumption and first aid purposes	\$ 2,500.00
Uraidla Netball Club	Purchase St John wall mounted defibrillator for Netball club and surrounding sport clubs	\$ 2,500.00
Mt Lofty Kindergym Inc.	Purchase of upgraded lighter gym equipment for easier movement	\$ 2,500.00
Mylor Citizens Friendship Club of Mylor Inc.	Replacement of kitchen stove and range hood in Cotton Memorial Hall	\$ 2,470.00
Lights of Lobethal	Refurbish Santa's Cave with updated props	\$ 2,500.00
Piccadilly CFS	Purchase external defibrillator for use on fire truck	\$ 2,410.00

Organisation	Summary	Amount awarded
Adelaide Hills Masters Cycling Club Inc.	Improved on site recording of race events and volunteer Safety through purchase of laptop and gazebo to support activities off site.	\$ 2,400.00
The Warrawong Sanctuary Foundation	Purchase of animal carriers, display stands and falconry gloves to facilitate community wildlife education	\$ 2,100.00
Adelaide Hills Outdoor Playgroup	Create and build an outdoor nature play space with main feature a water course	\$ 2,025.00
Mt Lofty Districts Historical Society Inc.	Design digital platform and purchase digital recorder to store historical materials available to professional and amateur researchers	\$ 2,000.00

1. GOVERNANCE

Goal 4 Explore
Strategy 4.6 We will actively pursue opportunities to share resources and partner with others for better community outcomes.

The Community Grants Program has had a significant impact in building community capacity through supporting community led initiatives and adding value to community driven programs and services.

Community Strategy 2015 – 2020

Goal Area 1 Capacity Building

Continue to build capacity through development and leadership opportunities

Strategy Grant Giving: Improve grant giving systems and provide grant opportunities that contribute to community capacity building and wellbeing.

➤ Legal Implications

Not Applicable

➤ Risk Management Implications

The area of grant giving attracts a high level of community scrutiny. There is an expectation that this use of funds will deliver good outcomes and value for money. There is also an expectation that the grant giving process will be transparent and accountable.

In an environment where applicants are competing for a limited amount of available funds there is a risk to Council's reputation that the community may perceive that Council is not delivering a due level of fairness and equity in awarding grants.

The use of robust eligibility criteria and awarding processes will assist in mitigating the risk of:

grant giving that is inappropriate or does not reflect Council's strategic directions or community expectations, leading to criticism and loss of faith in the Council.

The Grants Policy and use of an online grant management system *Smarty Grants* assists in mitigating the risk to Council's reputation if grant giving fails to be accountable and transparent in the awarding of grants.

Inherent Risk	Residual Risk	Target Risk
Medium 3C	Low 2D	Low 2D

➤ **Financial and Resource Implications**

As with all areas of grant giving the amount allocated to Community Grants is determined through normal annual budget processes. This year the total amount dedicated to Community Grant funding is \$46,000. The maximum amount for each grant is \$2,500.

➤ **Customer Service and Community/Cultural Implications**

Grant Giving is a program that gives Council the opportunity to build capacity and collaboration and facilitate a wide range of beneficial outcomes for the community.

Council Grant Giving attracts considerable interest and scrutiny and a high priority is placed on ensuring equitable and transparent processes in this area. It is also a process that some in the community find difficult to navigate. Council has a number of measures in place to support community groups through this process including:

- Grant Giving Policy
- Grant Guidelines
- Public information sessions and direct support from Council staff
- Smarty Grants for online applications and reporting

➤ **Environmental Implications**

Environment is a Community Grant category and projects that have positive outcomes in sustainability and environment are encouraged.

➤ **Engagement/Consultation conducted with Council Committee, Regional Subsidiary, Advisory Group, the Administration and Community**

Council Committees: Not Applicable

Council Workshops: Not Applicable

Advisory Groups: Not Applicable

Administration: *Community Grants and Community and Recreation Facilities Grants* run concurrently. As such the Community and Cultural Development Officer and the Sport and Recreation Planner, worked

in close collaboration in supporting applicants to both Grant streams.

Community: The Community Grants Program was promoted on Council's website and Facebook page and advertised in both the Courier and Weekender Herald newspapers.

The Council website provided access to information and Guidelines to support people in their applications, a link to an online application form via Smarty Grants and the contact details of staff available to provide personal support.

Two optional information sessions were held on Wednesday 23 May 2018 at Woodside and Stirling to provide support and information to groups interested in applying for the funding. Approximately 35 people utilised this opportunity and attended the information sessions.

2. BACKGROUND

Council has a well-established grant giving program. The purpose of this program is to assist local not for profit community groups, organisations and individuals to establish and undertake innovative projects or activities that are beneficial to the community and align with the Council's Strategic Plan.

It is the intention of this program to assist groups that:

- provide activities and programs that are consistent with the goals and objectives outlined in the Strategic Plan
- promote community collaboration and partnerships
- promote community participation and social connection
- support wellbeing through active healthy lifestyles
- promote participation, self-sufficiency and community resilience, community leadership, community ownership, innovation
- are based within the Adelaide Hills Council district
- are based outside the Council area but provide a service or programs to a significant number of residents within the Adelaide Hills

In addition to Community Grants Council also provides:

- Primary production grants
- Youth incentive grants
- Matched funding
- Minor community grants
- Community and Recreation Grants (formerly Sport and Recreation Grants)

Council has undertaken a number of initiatives to improve the level of transparency and accountability in the area of grant giving and to ensure fair and equitable processes are in place. This has included the review of policy and procedures and increased level of promotion and support to applicants.

The revised Grant Giving Policy was adopted by SPDPC at the meeting of 8 August 2017.

12.1. Grant Giving Policy

Crs Ron Nelson, Malcolm Herrmann, Val Hall, Ian Bailey, Andrew Stratford, Mayor Bill Spragg and John Kemp declared a Perceived Conflict of Interest at Agenda Item 4 'Declaration of Interest by Members of the Committee' in relation to Item 12.1, Grant Giving Policy. Crs Ron Nelson, Malcolm Herrmann, Val Hall, Ian Bailey, Andrew Stratford, Mayor Bill Spragg and John Kemp remained in the chamber and voted.

Moved Mayor Bill Spragg
S/- Cr Ian Bailey

SP38/17

The Strategic Planning & Development Policy Committee resolves:

1. That the report be received and noted.
2. With an effective date of 22 August 2017, to revoke the Community (& Primary Production) Policy adopted on 8 April 2014 and the Minor Grants Policy adopted on 17 February 2014, and to adopt the Grant Giving Policy, as contained in Appendix 3.
3. To delegate to the CEO the authority to approve Youth Incentive Grants and Minor Grants.

Carried Unanimously

The Grant Giving Policy indicates that final approval of Community Development Grants will rest with Council.

3.4 Promotion, application and approval

Procedures will be put in place which provide for:

- promoting competitive grant giving opportunities in a broad and open manner
- a fair and widely accessible application process
- evaluating grant applications according to merit against the grant program objectives and the requirements of this policy
- approving the giving of grants to successful applicants
- acquitting approved grants and ensuring acknowledgement of the Council as a grant provider

In the case of Community Development Grants, Sport and Recreation Grants and Matched Funding Grants, the final decision on awarding grants will rest with the Council. In all other cases, grants may be awarded by staff in line with the applicable program budget and in consultation with any applicable Advisory Group.

Formerly Community Grant applications were assessed by the Social Planning Advisory Group (SPAG). At the SPAG meeting of 22 May 2018 it was confirmed that:

- 4.2 Confirmed that grants will no longer be assessed by the Social Planning Advisory Group but will go to the full council with recommendations from a panel of staff in accordance with a previous Council resolution.

The 2018-2019 Community Grant Applications were assessed by a panel comprising:

- Manager Community Development
- Team Leader Positive Ageing
- Community and Cultural Development Officer.

This process was undertaken with reference to Council's Grant Giving Policy, Guidelines and eligibility criteria.

3. ANALYSIS

Community Grant applications were assessed by a panel of Council staff in relation to the Grants Policy and eligibility criteria as follows:

The following **eligibility criteria** apply:

- applications will only be considered by groups and organisations which are located in the Adelaide Hills Council district or provide a significant benefit to the Adelaide Hills Council community
- applicants must be, or apply under the auspice of, an incorporated, not for profit community group or voluntary association
- applicants may not receive funding in successive financial years.

Grant funding **will not** be provided for:

- commercial activities
- political activities
- the employment of staff
- the production of business plans or feasibility studies
- services that are a primary funding responsibility of either the State or Federal Government, e.g. schools, Country Fire Service, government health services
- the reimbursement of funds already spent prior to receiving approval, i.e. applicants cannot seek funds retrospectively
- proposals that will lead to a dependence on Council funds, e.g. ongoing operational expenses such as public liability insurance
- fundraising or general sponsorship
- equipment with a short life
- institutions of religion, unless there is a clear community benefit from the project
- applicants who have an outstanding debt owing to Council, excluding community loans where terms and conditions are being met
- applicants that have an outstanding grant acquittal from a previous funding round
- applicants who have received funding in the previous year's funding round.

Preference will be given to:

- applications that demonstrate community collaboration and partnership
- applications that will benefit a wide range of people in the community
- applications that widen the range of activities available in the community and encourage the inclusion of all groups within the community
- applications that can demonstrate that the activity or project will be ongoing in nature
- organisations or groups who have been unable to obtain other grant funds
- applications for capital funding resulting in physical improvements including improvements to physical access and mobility and/or maintenance
- organisations which can demonstrate financial viability and ongoing group support
- groups or organisations who are actively engaged in helping themselves and can demonstrate the capacity to contribute to the project with either in-kind or financial support.

Consideration is also given to the applicant's capacity to meet any gap in costs and the ability to continue with the proposed project if part funding is awarded.

Council received 33 Community Grant applications totalling \$73,986 and it is recommended that 20 of these applications be awarded Community Grants, to a total amount of \$45,847. This year the total amount dedicated to Community Grant funding is \$46,000.

These applications and recommendations are summarised in **Appendix 1**.

Of the 33 applications 13 were not recommended to receive Community Grants as they did not meet eligibility criteria or did not reflect the desired outcomes of the grants program.

4. OPTIONS

Council has the following options:

- I. That the 2018/19 Community Grant Recommendations as contained in **Appendix 1** Community Grant Recommendations 2018/2019 be endorsed. (Recommended)
- II. That the 2018/19 Community Grant Recommendations are not endorsed, and the Staff Panel reconsiders their decisions. (Not Recommended)

5. APPENDICES

- (1) Community Grant Recommendations 2018/2019

Appendix 1

Community Grant Recommendations 2018/2019

Community Grant Applications and Recommendations 2018 / 19

	Organisation	Summary	Requested	Amount recommended
1	Kersbrook Soldiers Memorial Park Community & Sports Club	Purchase of maintenance tools and equipment NOT RECOMMENDED This application is ineligible as this group was successful last year and received a grant in the 17/18 round	\$ 2,500.00	
2	Carers & Disability Link Incorporated	Contribute to the provision of activities for Young Carer Support programs – retreat, day trips and after school activities NOT RECOMMENDED Predominantly seeking funding for operational costs rather than long term assets which does not reflect the Community Grant Guidelines.	\$ 2,500.00	
3	Woodside Bowling Club	Purchase of a St John wall mounted defibrillator for the bowling club and surrounding sport clubs RECOMMENDED Health/ Safety resource for a number of groups which also share the same site at Woodside Recreation Grounds	\$ 2,295.00	\$ 2,295.00
4	Aldgate Table Tennis Club Inc.	Replace old table tennis tables and nets for club and community use RECOMMENDED Fairly small reach given the size of group but important from a WHS perspective and also there is a precedent where in previous years the Summertown and Upper Sturt Table Tennis clubs have been successful in receiving funding for upgrades.	\$ 2,500.00	\$ 2,500.00
5	Upper Sturt CFS Brigade	Purchase portable fridge to keep food and water cool for consumption and first aid purposes RECOMMENDED (Received grant last year but returned funds - so eligible to apply). Will provide long term benefit for the volunteers of this brigade who in turn provide such a valuable service to their community	\$ 1685.00	\$ 1685.00
6	Friends of Scott Creek Conservation Park	Continuing restoration work of native habitat in park and woody weed control RECOMMENDED NRM & Council Officers would like to see this project supported as it will achieve strong environmental outcomes	\$ 2,500.00	\$ 2,500.00
7	Hills Radio	Equipment for Outside Broadcast Bus to support volunteers broadcasting Community events RECOMMENDED Equipment is a long term asset and will provide a resource for community engagement and extend the reach of the service to more members of the community	\$ 1,982.00	\$ 1,982.00
8	Top of the Torrens Gallery	Installation of reverse cycle air conditioner for gallery RECOMMENDED Long term asset that supports the gallery volunteers and improves customer experience	\$ 2,500.00	\$ 2,500.00

Community Grant Applications and Recommendations 2018 / 19

9	Oakbank Golf Club	Installation of exhaust fan for kitchen RECOMMENDED Long term asset, addresses a risk and supports volunteers - although the reach may be slightly limited it's a sport that engages a group (males of older demographic) that we don't often have much access to support or reach	\$ 1,980.00	\$ 1,980.00
10	Birdwood Parks & Sporting Clubs Association	Supply and installation of outdoor seating at Birdwood Park RECOMMENDED Broad community benefit for all who use the park	\$ 2,500.00	\$ 2,500.00
11	Moving A Head Inc	Purchase of promotional materials for World Mental Health day with stall at Kmart Mt Barker NOT RECOMMENDED Promotional materials for one off event is not an asset which will provide long term benefit	\$ 2,500.00	
12	Gumeracha Main Street Project	Materials and fees to produce decorations to be utilised showcasing the Main street NOT RECOMMENDED Whilst there is merit to this community art project concept the application lacked any detail or quotes and included payment of fees to individuals which are not eligible.	\$ 1,800.00	
13	Mylor Netball Club	Upgrading and replacing netball poles, protectors, court squeegee and training equipment such as bibs and balls RECOMMENDED Contributes to the improved safety for the club	\$ 2,500.00	\$ 2,500.00
14	Forest Range Recreation Ground Incorporated	Refurbishment of public toilet in community park RECOMMENDED Broad community benefit and asset of long life. (confirmed that it is not a council owned park/asset)	\$2000.00	\$2000.00
15	Aldgate Brigade of the SA Country Fire Service	Purchase portable fridge to keep food and water cool for consumption and first aid purposes RECOMMENDED Will provide long term benefit for the volunteers of this brigade who in turn provide such a valuable service to their community	\$ 2,500.00	\$ 2,500.00
16	Uraidla Netball Club	Purchase St John wall mounted defibrillator for Netball club and surrounding sport clubs RECOMMENDED Community health and safety resource	\$ 2,500.00	\$ 2,500.00
17	SA Genealogy and Heraldry Society Inc.	Purchase of overhead scanner to digitise historical material for Mylor History Group and fuel costs and USB storage costs NOT RECOMMENDED The purchased scanner and storage equipment remain the property of the central office and are not seen to be a long term asset for Mylor or the local community	\$ 1,139.00	
18	Summertown and districts emergency fire service	Thermal imaging camera for use by the 9 brigades in group to identify hotspots and identify risks NOT RECOMMENDED The project relies on streams of funding from other sources that are not confirmed. Recommend reapplying once	\$ 2,000.00	

Community Grant Applications and Recommendations 2018 / 19

		funding from other sources are secured. (applicant indicates that project will not proceed if part funded)		
19	Mt Lofty Kindergym Inc.	Purchase of upgraded lighter gym equipment for easier movement RECOMMENDED WHS outcomes, the total project cost is \$5,500 and the group is also making a significant contribution.	\$ 2,500.00	\$ 2,500.00
20	Mylor Citizens Friendship Club of Mylor Inc	Replacement of kitchen stove and range hood in Cotton Memorial Hall RECOMMENDED Good long term asset, which has broad community benefit for the whole Mylor community who utilize the Hall	\$ 2,470.00	\$ 2,470.00
21	Lights of Lobethal	Refurbish Santa's cave with updated props RECOMMENDED Asset which can used every year at a large community event	\$ 2,500.00	\$ 2,500.00
22	Adelaide Hills Farmers Market	Provide workshops and purchase one month supply of food containers and produce bags to move towards plastic free by 2020 NOT RECOMMENDED Workshops not eligible. Based in Mount Barker and limited AHC community benefit	\$ 2,500.00	
23	Love Woodside (subcommittee of Woodside Commerce Association)	Planter boxes for community garden around existing BMX track NOT RECOMMENDED Pre-empts master planning process yet to be completed	\$ 2,500.00	
24	Lobethal Community Association Inc.	Undertake rebuilding of community website NOT RECOMMENDED Involves contractor fees to create a website which will require ongoing hosting fees and upkeep.	\$ 2,700.00	
25	Teringie Residents association Inc.	Enhancing facilities for access to reserve area & Beautifying existing facilities NOT RECOMMENDED Facilities suggested but not specific and no quotes provided. Involves installing infrastructure on Council owned land which is not eligible for funding as should be covered under AHC maintenance and refurbishment schedule as a Council asset.	\$ 2,500.00	
26	Piccadilly CFS	Purchase external defibrillator for use on fire truck RECOMMENDED Community health and safety resource which will directly support emergency volunteers	\$ 2,410.00	\$ 2,410.00
27	Adelaide Hills Masters Cycling Club Inc	Improved on site recording of race events and volunteer Safety through purchase of laptop and gazebo to support activities off site. RECOMMENDED Limited community reach (as quite a small group) however	\$ 2,400.00	\$ 2,400.00

Community Grant Applications and Recommendations 2018 / 19

		the project supports volunteers and promotes positive ageing, fitness and wellbeing		
28	Balhannah Uniting Church	Refurbish building for local exercise program NOT RECOMMENDED Not eligible as this application involves upgrading church owned property / facility	\$ 2,500.00	
29	The Warrawong Sanctuary Foundation	Purchase of animal carriers, display stands and falconry gloves to facilitate community wildlife education RECOMMENDED The sanctuary is a Foundation and not privately owned, the grant application is for long term equipment/assets which will be used as a resource for community learning.	\$ 2,100.00	\$ 2,100.00
30	Birdwood Uniting Church	Create a community website in conjunction with Birdwood Primary School NOT RECOMMENDED Involves contractor fees to create a website for a 2year period that would require ongoing hosting fees and upkeep.	\$ 500.00	
31	The Hut Community Centre	To employ facilitators to deliver x6 Peramangk cultural sessions NOT RECOMMENDED Payment of facilitators does not reflect guidelines	\$ 2,500.00	
32	Adelaide Hills Outdoor Playgroup	Create and build an outdoor nature play space with main feature a water course RECOMMENDED Funding for an asset which will have a long lifespan. Supporting nature play is also in Council's Strategic Plan	\$ 2,025.00	\$ 2,025.00
33	Mt Lofty Districts Historical Society Inc.	Design digital platform and purchase digital recorder to store historical materials available to professional and amateur researchers RECOMMENDED Supporting capturing and retention of local history and heritage. Long term community asset.	\$ 2,000.00	\$ 2,000.00
		total	requested \$ 73,986.00	recommended \$ 45,847.00

**ADELAIDE HILLS COUNCIL
ORDINARY COUNCIL MEETING
Tuesday 28 August 2018
AGENDA BUSINESS ITEM**

Item: 12.4

Originating Officer: Lynne Griffiths, Community & Cultural Development Officer

Responsible Director: David Waters, Director Community Capacity

Subject: Reconciliation Action Plan Working Group Terms of Reference

For: Decision

SUMMARY

Council's Reflect Reconciliation Action Plan (RAP) 2016 includes the action: *Establish a RAP Working Group.*

The RAP also has the action:

Identify, develop and expand partnerships with agencies supporting Aboriginal people and communities across the Hills, and under this action, Deliverable no. 4 - A partnership with Mount Barker District Council is established to jointly recognise shared Aboriginal culture and heritage.

It is proposed that a RAP Working Group be established at a regional level encompassing both Adelaide Hills Council and Mount Barker District Council areas.

The proposed Terms of Reference determine that the membership of the RAP Working Group will include an Elected Member from each Council.

The purpose of this report is to seek Council's endorsement of a regional approach to the establishment of a RAP Working Group in partnership with Mount Barker District Council and adoption of the proposed Terms of Reference for this group as contained in **Appendix 1**.

RECOMMENDATION

Council resolves:

1. That the report be received and noted.
2. To endorse a regional approach to the establishment of a Reconciliation Action Plan Working Group in partnership with Mount Barker District Council.
3. Subject to a commitment to the same effect by the Mount Barker District Council, adopt the draft Terms of Reference as contained in **Appendix 1**.
4. To authorise the Chief Executive Officer to make any minor alterations to the Terms of Reference as may be required.
5. To appoint _____ (Council Member) to the Reconciliation Action Plan Working Group for the remainder of the current term of Council.

1. GOVERNANCE

➤ Strategic Management Plan/Council Policy

Goal 2 Activities and opportunities to connect
Strategy 2.1 We recognise and respect Aboriginal culture and the descendants of our first people. We will implement a Reconciliation Action Plan.

Community Strategy 2015 – 2020

Goal 2 Community Wellbeing
Strategy Cultural Diversity
Strengthen the focus on understanding and promoting cultural diversity within the Adelaide Hills including; development of a Reconciliation Action Plan.

Reflect Reconciliation Action Plan 2016

Action Establish a RAP Working Group
Deliverable A RAP Working Group is formed and operational to support the development of our RAP, comprising of Aboriginal people, Council members and local residents.

Action Identify, develop and expand partnerships with agencies supporting Aboriginal people and communities across the Hills.
Deliverable A partnership with Mount Barker District Council is established to jointly recognise shared Aboriginal culture and heritage.

➤ Legal Implications

Not applicable.

➤ Risk Management Implications

The involvement of Aboriginal stakeholders including traditional custodians and elders in the development of RAPs is fundamental to achieving a culturally appropriate approach and fostering community support. Without this level of engagement there is a significant risk that the Aboriginal community and other stakeholders will not support Council's RAPs.

Both Adelaide Hills Council and Mount Barker District Council are developing and expanding RAPs. Should this occur in isolation there is a risk that actions determined may not reflect a cohesive approach for the region.

Establishing a regional RAP Working Group that is representative of key stakeholders will assist to mitigate the risk of:

Planning actions that are not culturally appropriate and not supported by the community leading to a breakdown in relations with the Aboriginal community.

There is an inherent risk that without suitable engagement with key stakeholders from across the region RAP initiatives will not be as supported and embraced. The establishment of an appropriate, regional working group will assist to mitigate this risk.

Inherent Risk	Residual Risk	Target Risk
High (3B)	Low (2D)	Low (2D)

➤ **Financial and Resource Implications**

Community members who participate in the RAP Working Group will be reimbursed for any out of pocket expenses such as mileage. These and any other costs will be within existing budget and shared with Mount Barker District Council.

➤ **Customer Service and Community/Cultural Implications**

Appropriate recognition of and engagement with the Aboriginal community and other key stakeholders is essential to the success of Council’s RAP.

The establishment of the RAP Working Group offers the opportunity to build and strengthen relationships with Peramangk and Kurna traditional custodians, those with Aboriginal or Torres Strait Islander heritage who live, work or have a strong connection with the Adelaide Hills and non-Aboriginal stakeholders with expertise in Reconciliation.

A collaborative approach with Mount Barker District Council recognises that, culturally, the Aboriginal community relate to the Adelaide Hills as a region.

The participation of an Elected Member from each Council will strengthen the collaborative relationship and add value to this forum.

➤ **Environmental Implications**

Not applicable.

➤ **Engagement/Consultation conducted with Council Committee, Regional Subsidiary, Advisory Group, the Administration and Community**

Council Committees: Not Applicable

Council Workshops: Workshop with Council Members Tuesday 10 July 2018

Advisory Groups: Not Applicable

Administration: Manager Community Development
 Executive Manager Governance and Performance

Community: RAP Working Group Terms of Reference developed in partnership with Peter McGinn, Senior Community Development Officer, Mount Barker District Council.

2. BACKGROUND

At its meeting held on 23 August 2016, Adelaide Hills Council formalised its commitment to Reconciliation and adopted a Reflect Reconciliation Action Plan (RAP).

14.5 Reflect Reconciliation Action Plan

Moved Cr John Kemp
S/- Cr Jan Loveday

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Council resolves to adopt the Reflect Reconciliation Action Plan as contained in Appendix 1.

Carried Unanimously

A key action of the RAP is to establish a RAP Working Group - A RAP Working Group is formed and operational to support the development of our RAP, comprising of Aboriginal people, Council members and local residents.

It is proposed to establish a RAP Working Group in partnership with Mount Barker District Council utilising the Draft Terms of Reference as contained in **Appendix 1**. As such the endorsement of both Elected Member bodies is being sought under each Council's due process.

The Terms of Reference determine that membership will include an Elected Member from each Council and a further outcome of this report is the nomination of an Elected Member to represent Adelaide Hills Council on this group.

3. ANALYSIS

A Reflect RAP is a first stage RAP, with the expectation that Council will continue on to *develop, innovate, stretch and elevate* RAPs.

Mount Barker District Council is currently developing a Reflect RAP. Both Councils are committed to working in collaboration with Aboriginal and Torres Strait Islander members of the community to further progress this process.

Forming a Reference Group to advise on reconciliation at a regional level encompassing both Adelaide Hills Council and Mount Barker District Council areas is deemed appropriate for the following reasons:

- The Adelaide Hills is recognised as a region;
- This approach fosters a sharing of learnings, initiatives and resources for the region.

This approach offers the opportunity to develop a cohesive approach to how reconciliation is addressed across the region.

Under the Terms of Reference the role of the RAP Working Group will be to assist with the implementation and further development of RAPs and advise on matters that impact the local Aboriginal and Torres Strait Islander Community.

Membership of the RAP Working Group will be open to Peramangk and Kurna traditional custodians, Aboriginal and Torres Strait Islander people, who live, work or have a strong connection to the area and non-Aboriginal people who have experience or expertise deemed beneficial to the group. This inclusive approach recognises and values traditional custodians, local history and heritage and Aboriginal culture and engagement in a contemporary setting for all stakeholders.

Membership will also include an Elected Member from each Council and the group will be supported by Council staff.

Mount Barker District Council is expected to consider the RAP Working Group at its next meeting.

4. OPTIONS

Council has the following options:

- I. That Council endorses a partnership with the Mount Barker District Council in establishing a RAP Working Group and adopts the proposed Terms of Reference. This approach will optimise shared learnings, resources and initiatives for the area. (Recommended)
- II. That Council establishes a RAP Working Group in isolation. This risks a lack of synergy in the approach taken for the Adelaide Hills region and may impact on availability of resources, access to key stakeholders and learnings. (Not Recommended)

5. APPENDIX

- (1) RAP Working Group Draft Terms of Reference

Appendix 1

RAP Working Group Draft Terms of Reference



RECONCILIATION WORKING GROUP

TERMS OF REFERENCE

BACKGROUND

At its meeting held on 23 August 2016, Adelaide Hills Council (AHC) formalised its commitment to Reconciliation and adopted a Reflect Reconciliation Action Plan (RAP). Mount Barker District Council (MBDC) is currently developing a Reflect RAP. Both Councils are committed to working in collaboration with Aboriginal and Torres Strait Islander members of our community to further progress this process.

Forming a Working Group to advise on reconciliation at a regional level encompassing both Adelaide Hills Council (AHC) and Mount Barker District Council (MBDC) areas is deemed appropriate for the following reasons:

- The Adelaide Hills is recognised as a region
- This approach fosters a sharing of learnings, initiatives and resources for the region

ROLE

The role of the Reconciliation Working Group (RWG) is to:

- assist AHC and MBDC with the implementation of current RAPs
- assist AHC and MBDC with the development of next level RAPs
- advise Council staff on matters that impact the local Aboriginal and Torres Strait Islander Community

FUNCTION

The RWG functions as an advice giving body, with individuals able to provide advice freely and as requested. Advice may be sought through meetings or by other means.

The RWG has no decision making power or authority to act in its own right. For advice on specific matters a consensus will be sought, however, the views of all individual members will be taken into consideration.

The RWG will be guided by a Code of Conduct to be established by the group as a first action.

STRUCTURE

The RWG will run for a 2year (24month) period in the first instance, this may be extended to reflect the RAP process. The Group will meet a minimum of quarterly.

MEMBERSHIP

The RWG shall comprise of an Elected Member from each Council, who will alternate the role of Chairperson and up to eight (8) community members.

The RWG will be supported by the AHC Community and Cultural Development Officer, MBDC Senior Community Development Officer and other Council staff as needed.

SELECTION

Nomination for the RWG will be by Expression of Interest. Advertisements will be placed in the Weekender Herald, Courier and also the Koori Mail and Adelaide Advertiser.

Whilst appointment will be at the discretion of the Chief Executive Officers of AHC and MBDC a high priority will be given to people who:

- are Peramangk or Kurna as traditional custodians of the Adelaide Hills Region
- have Aboriginal or Torres Strait Islander heritage and identify as such **and** live, work or have a strong connection to the Adelaide Hills Region
- are not Aboriginal or Torres Strait Islander but have experience or expertise deemed beneficial to the role and function of the group.

The selection process for community members will be conducted by a panel comprising two representatives of each Council being staff and / or Elected Members. Recommendations for community membership of the RWG will be made to each Council and appointment will be made upon both Councils endorsing each applicant by resolution. The term of office for community members on the RWG will be two (2) years or such other time as resolved by Council at the time of appointment.

An Elected Member from each Council will be appointed to the RWG by resolution of the respective Council. The term of office for Elected Members will as resolved by the respective Council.

STATUS OF MEMBERS

Community members of the RWG have status as volunteers of the Councils and are insured in accordance with the Volunteer Insurance Policy (s) that are part of each Council's membership of the Mutual Liability Scheme.

Community members are not indemnified by the Councils against any liability arising as a result of their actions or omissions related to their involvement with the RWG or undertaken in connection with their role as a member of the RWG.

Elected Members' involvement with the RWG constitutes the exercise of official functions and duties of office of an elected member under the **Local Government Act 1999**. Elected Members are, therefore, protected from civil liability in their role as RWG members pursuant to section 39 of the **Local Government Act 1999**.

MEETINGS

The Chairperson will preside over meetings of the RWG. If the Chairperson is not present at a meeting, the other Elected Member will chair the meeting. If neither is present, the RWG will appoint one of its members as the acting presiding member.

Meeting procedure will be as determined by the Chairperson in consultation with the RWG.

Topics for the agenda should be forwarded to the designated member seven (7) days prior to the scheduled meeting date.

The Agenda will be distributed to members no later than five (5) days prior to the next meeting date.

Members of the RWG will receive minutes and agendas by email unless other arrangements are agreed.

Minutes of meetings will be circulated to members no later than 5 working days following a meeting.

REIMBURSEMENT OF EXPENSES

Community members will be paid a travel allowance for the use of their private vehicle to travel to and from RWG meetings with the said allowance being equal to the per kilometre rate prescribed for the purposes of calculating deductions for car expenses issued from time to time by the Australian Tax Office. Reimbursable journeys should be by the shortest or most practicable route from the place of residence or workplace.

Costs incurred by RWG community members for travel to and from RWG meetings on public transport will also be reimbursed. Costs incurred by RWG community members for travel to and from RWG meetings by taxi or other form of paid travel may be reimbursed subject to the travel by these means being pre-approved by AHC & DCMB staff prior to those costs being incurred.

If RWG community members incur out of pocket expenses as a result of their attendance at meetings, these costs may be reimbursed subject to these costs being pre-approved by AHC & DCMB staff prior to those costs being incurred.

Costs incurred without pre-approval by AHC & DCMB staff may not be reimbursed.

**ADELAIDE HILLS COUNCIL
ORDINARY COUNCIL MEETING
Tuesday 28 August, 2018
AGENDA BUSINESS ITEM**

Item: 12.5

Originating Officer: Renae Eden, Biodiversity Officer

Responsible Director: Peter Bice, Director Infrastructure & Operations

Subject: Proposal to enter 11 AHC reserves of significant biodiversity value into Heritage Agreements

For: Decision

SUMMARY

This report seeks Council's approval to enter 11 AHC properties of Biodiversity value into Heritage Agreements to protect them and leverage external funding for their ongoing conservation. Placing these sites under Heritage Agreements would also put Council in Significant Environmental Benefit credit, to offset any future developments or roadworks where native vegetation clearance is required

RECOMMENDATION

Council resolves:

- 1. That the report be received and noted.**
 - 2. That the Biodiversity Officer be authorised to enter:**
 - a. Doris Coulls Reserve,**
 - b. Heathfield Waste Facility,**
 - c. Kiley Reserve,**
 - d. Shanks Reserve,**
 - e. Stock Reserve,**
 - f. Leslie Creek Reserve,**
 - g. Mi Mi Reserve,**
 - h. "Aldgate Valley 2" Reserve,**
 - i. Kyle Road Nature Reserve,**
 - j. Carey Gully Water Reserve and**
 - k. Heathfield Stone Reserve, all being of significant biodiversity value, into Heritage Agreements.**
 - 3. That the Heritage Agreements retain the existing dog access arrangements in place for each of those reserves.**
-

1. GOVERNANCE

➤ Strategic Management Plan/Council Policy

AHC Strategic Plan

Goal 3 Places for people and nature

Strategy We will complete the road reserves and reserve assessments (blue marker project), leading the nation in conservation and biodiversity management practices.

Strategy We will actively pursue opportunities to share resources and partner with others for better community outcomes.

AHC Biodiversity Strategy

Objective: Maintain good quality habitat for flora and fauna

Strategy: Reduce habitat degradation by protecting and maintaining good quality remnant vegetation, and preserving, enhancing or restoring medium quality vegetation or corridors

Action: Liaise with DEWNR to identify areas of high conservation value for consideration of entering into Heritage Agreements

➤ Legal Implications

A Heritage Agreement is a conservation agreement established between a landholder and the Minister for Sustainability, Environment and Conservation under section 23(5) of the Native Vegetation Act 1991. Agreements are ongoing or perpetual and are binding on future landholders, so that even if the property is sold in the future, the conservation status of the land under agreement will continue. By entering into a Heritage Agreement, the land will be protected in perpetuity so that biodiversity works and value is secure forever. Native plants and animals in the specified area must be protected from the time the agreement is made. Areas entered into Heritage Agreement can be counted as Significant Environment Benefit (SEB) credit, legally required under the *Native Vegetation Act 1991*, to offset any future Council developments or works requiring native vegetation removal – such as road widening or footpath construction. Approval to clear native vegetation in South Australia usually requires an ‘offset’ the removal of the native vegetation, usually by protecting a separate area of land for conservation. The offset needs to provide a Significant Environmental Benefit (SEB), meaning it needs to provide an environmental gain over and above the damage being done to the native vegetation in the clearing activity.

➤ Risk Management Implications

Three key threatening processes for threatened flora and fauna identified by the Australian Government are:

- Loss and degradation of native plant and animal habitat by invasion of escaped garden plants, including aquatic plants
- Land clearance
- Dieback caused by the root-rot fungus (*Phytophthora cinnamomi*)

Entering the properties presented in this report into Heritage Agreements would leverage access to federal and State funding to assist in mitigating the risk of:

Failure to meet the public expectation that Adelaide Hills Council protects species of conservation significance and successfully manage key threatening processes.

Inherent Risk	Residual Risk	Target Risk
Medium (2C)	Low (2D)	Low (1D)

➤ **Financial and Resource Implications**

There is a minimal cost for preparing Heritage Agreement reports, which has already been approved in the 2018/2019 budget. But there is no cost for applying for a Heritage Agreement. Once an Agreement is in place there is an expectation that Council invests in conservation activities on the site. As Council already commits an annual spend to these sites, there would be no further implications to existing operational budgets. While the Heritage Agreement Grant scheme is currently suspended, Heritage Agreement sites may attract DEW contributions in the form of SEB offsets that are legally required under the *Native Vegetation Act 1991* to be paid by any company undertaking native vegetation clearance for development. They will also count towards SEB offset credit for any future Council development or works requiring native vegetation clearance.

➤ **Customer Service and Community/Cultural Implications**

As a Heritage Agreement may have some practical effect on the current land uses, there may be a need to consult with various key stakeholders affiliated with each of the parcels (volunteer groups, State Government, Council staff or NGOs) following Council resolution to define the area placed under Agreement.

➤ **Environmental Implications**

For many years, Council's existing biodiversity program maintains and monitors a number of sites of conservation value. Volunteer activity and presence at some of these sites identifies and protects species and habitats of conservation significance, as well as monitoring and management of declared weed species. Expanding the program through entering the properties into Heritage Agreements will protect the investments made by Council and volunteers to date, and will help leverage further State and Federal funding to help mitigate key threatening processes. Extra resourcing will improve the efficacy of the programs and increase the rate of improvement.

➤ **Engagement/Consultation with Committee, Regional Subsidiary, Advisory Group and Community**

The concept was discussed with participating community groups during consultation of the Biodiversity Strategy, who were in favour of the idea. Since that time, an AHC Biodiversity Officer has been in discussion with the District ecologist for DEW to identify appropriate sites, and these sites were discussed with the Biodiversity Advisory Group, shortlisted, and are presented in this report for consideration.

<i>Council Committees:</i>	Not Applicable
<i>Council Workshops:</i>	Not Applicable
<i>Advisory Groups:</i>	Biodiversity Advisory Group
<i>Administration:</i>	Director Infrastructure & Operations Manager Open Space Manager Property Services Biodiversity Officers
<i>Community:</i>	The concept was discussed with participating community groups during consultation of the Biodiversity Strategy, who were in favour of the idea

2. **BACKGROUND**

Heritage Agreements are helping to maintain important ecosystems in South Australia. Since the scheme was introduced in 1980, more than 2,800 landholders have agreed to ensure the long-term protection of over 1 million hectares of the state's native vegetation.

During consultation for the AHC Biodiversity Strategy in 2013, stakeholders raised desire to have more security and protection for areas of high biodiversity value containing species of conservation significance. A key priority action in the Biodiversity Strategy was to: "Liaise with DEWNR to identify areas of high conservation value for consideration of entering into Heritage Agreements". Accordingly, a Biodiversity Officer has worked with the District Ecologist for DEW to identify potential sites that would be ideal for entering into Heritage Agreements, with the intention to use the protection status to leverage State or Federal Grant Funding for further biodiversity works. The following list of suitable sites were presented to the Biodiversity Advisory Group for agreement to present to Council for consideration of entering into Heritage Agreements:

1. Doris Coulls Reserve, Crafers
2. Heathfield Waste Facility, Heathfield
3. "Kiley" Reserve, Aldgate
4. Shanks Reserve, Aldgate
5. Stock Road 1, Mylor
6. Leslie Creek Road, Mylor
7. Mi Mi Reserve, Mylor
8. Aldgate Valley 2 Reserve, Mylor
9. Kyle Road Nature Reserve, Mylor
10. Carey Gully Water Reserve, Carey Gully
11. Heathfield Stone Reserve, Heathfield

3. **ANALYSIS**

A Heritage Agreement is a covenant on the title whereby an agreement is made between the landholder (Adelaide Hills Council) and the Minister for Sustainability, Environment and Conservation. The contract specifies that indigenous flora and fauna are protected on the land title following endorsement. The agreement is transferable and binding with subsequent landholders. The Heritage Agreement Scheme process is administered by DEW.

Implications of a Heritage Agreement:

- Provides perpetual protection to a Council asset for the purposes of conservation.
- Offers the availability for financial assistance through the SEB offset scheme.
- Improves opportunity to support funding through relevant environmental grants, specific to the reserve.
- Consolidates ongoing access to technical advice through DEWNR.
- Requires the approval of the Minister in relation to activity which would cause damage (clearance) or change (revegetation) to the native flora and fauna.
- May restrict public access in specific areas (to prevent trampling of threatened species - not envisaged for the majority of the areas).
- The covenant remains on the land title when and if sold.
- The responsibility of maintaining the Heritage Agreement conditions and abide by the respective legislation is responsibility of the land owner.
- Provides perpetual protection to species of conservation significance – that is threatened species under the National Parks and Wildlife Act, and the Environmental Protection and Biodiversity Conservation Act.
- Areas entered into Heritage Agreement can be counted as Significant Environment Benefit (SEB) credit, legally required under the *Native Vegetation Act 1991*, to offset any future Council developments or works requiring native vegetation removal
- Heritage Agreement sites may attract DEW contributions in the form of SEB offsets - legally required under the *Native Vegetation Act 1991* to be paid by any company undertaking native vegetation clearance for development.

The process requires application then assessment through aerial photography review and biological/ecological site survey. On Ministers approval the Heritage Agreement is completed in consultation with Council and a registered plan is prepared with the Heritage Agreement registered on the title.

Despite development and other key threatening processes and activities occurring around them, these sites have retained their biodiversity value, offering important, valuable habitat expansion and connectivity. Protection of the sites presented in this report will ensure indirect protection of the threatened species which are currently at risk.

Currently Council already has Heritage Agreements. They include Lenswood Recreation Reserve, Lobethal Bushland Park, Bradwood Reserve and Camp Gooden (at Mylor Parklands). Applications are currently lodged for Woorabinda Bushland Reserves, Kersbrook Conservation Reserve, Yanagin Reserve, Red Hill Road Reserves and expansion of existing Lobethal Bushland Park and Mylor Parklands Heritage Agreements.

Further, there are community benefits of Heritage Agreements. These sites contain remnant significant vegetation set aside for conservation, amongst areas of passive recreation. This provides an opportunity for the public to enjoy informal activity (i.e. picnics, barbecues and walking) with exposure and appreciation of the surrounding natural areas. Visitor facilities will be maintained at sites already under Heritage Agreement (i.e. interpretive signage, walking trails).

4. OPTIONS

- I. That the Biodiversity Officer be authorised to enter the 11 AHC properties of high biodiversity value detailed in this report into Heritage Agreements.

- II. That the Biodiversity Officer be authorised to enter selected detailed AHC properties of high biodiversity value detailed in this report into Heritage Agreements.
- III. That the Biodiversity Officer be denied authority to enter any of the detailed AHC properties of high biodiversity value into Heritage Agreements.

5. APPENDICES

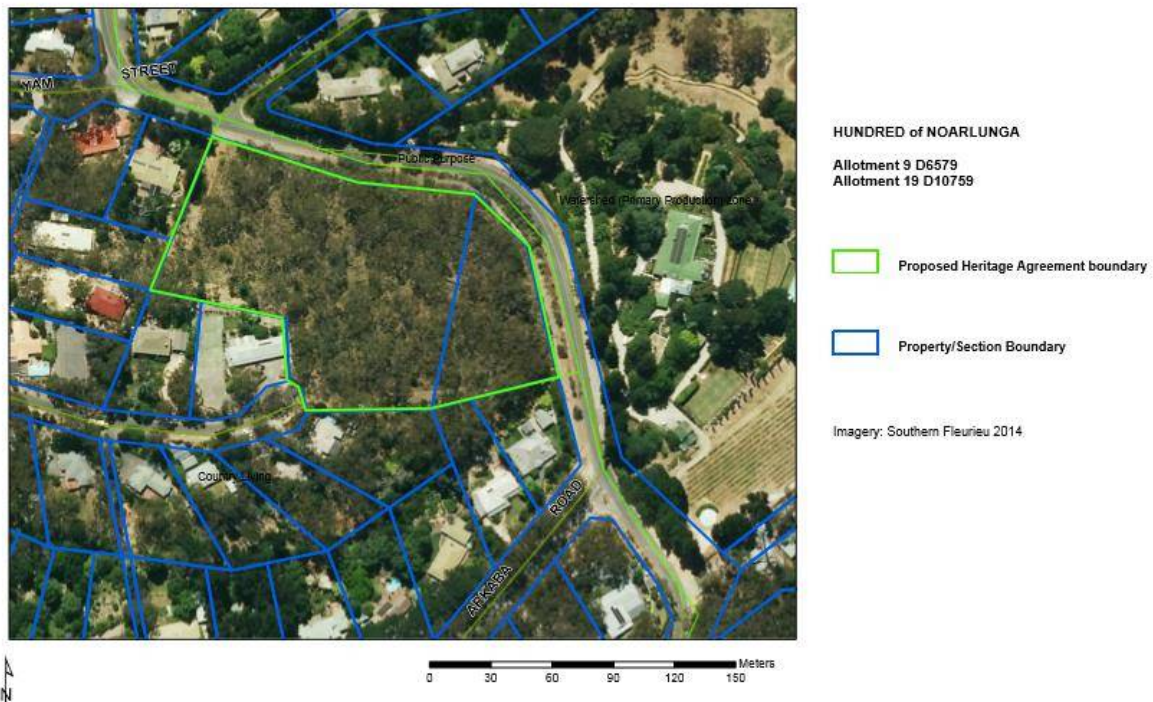
- (1) Locations and details of proposed sites

Appendix 1

Locations and details of proposed sites

Doris Coulls Reserve, Crafers

Proposed Heritage Agreement Doris Coulls Reserve - Adelaide Hills Council



Proposed for HA: CT 1912/64 & CT 5740/781, Assessment no 8960 & 8961

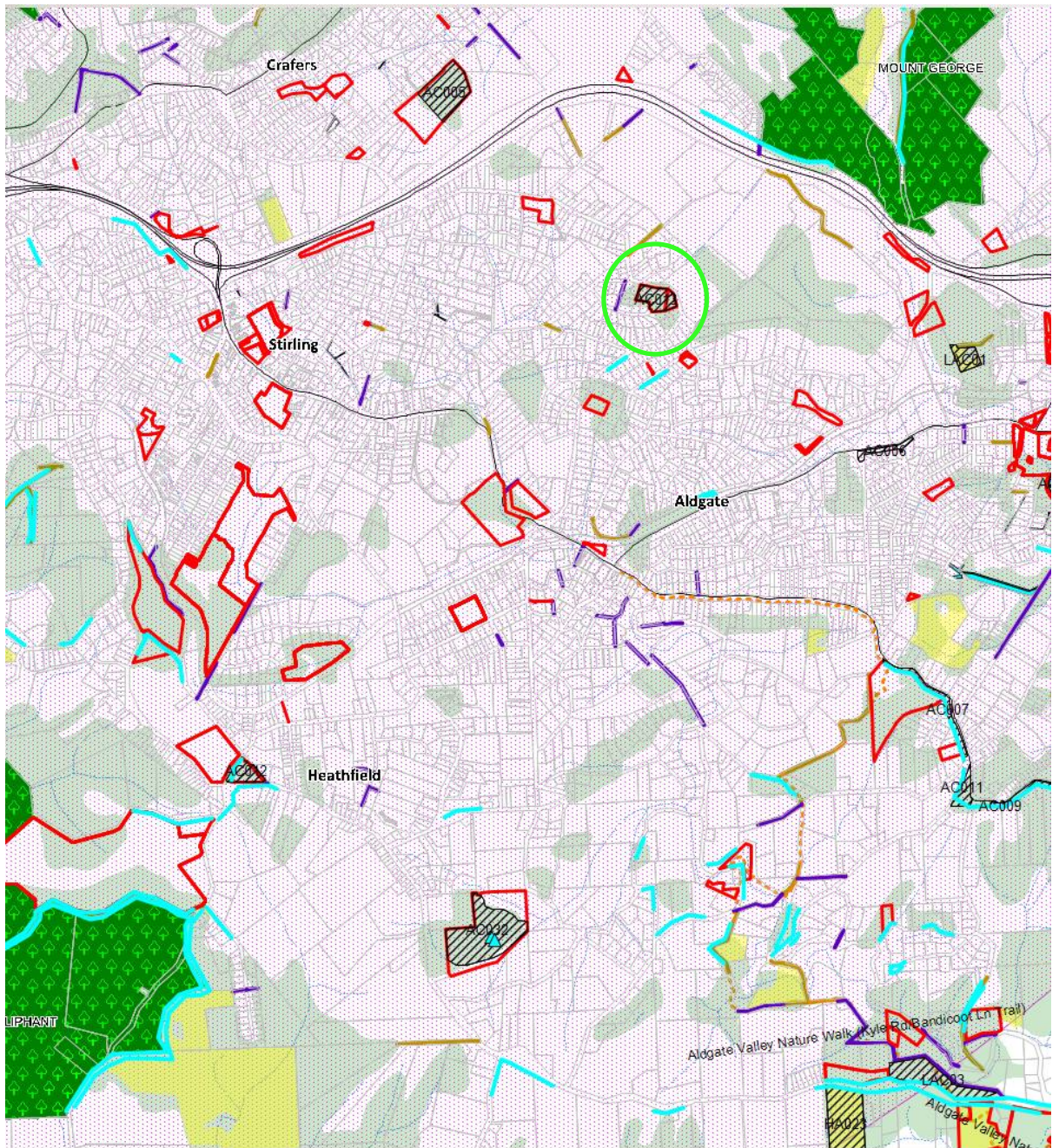
Classification: UNDEVELOPED RESERVE








Biodiversity Score: 75-77, very high

Rationale:

- Occurs within distribution range of nationally threatened Southern Brown Bandicoot *Isodon obesulus obesulus*
 - Vulnerable under the Commonwealth Environment Protection and Biodiversity Conservation Act 1999:
 - Vulnerable under the South Australian National Parks and Wildlife Act 1972
- Habitat for following threatened flora under the South Australian National Parks and Wildlife Act 1972
 - *Rytidosperma tenuius* Wallaby Grass
- Habitat for following threatened fauna under the South Australian National Parks and Wildlife Act 1972
 - *Antechinus flavipes* Yellow-footed Antechinus
 - *Calyptorhynchus funereus* Yellow-tailed Black-Cockatoo
 - *Chalcites lucidus* Shining Bronze-cuckoo
 - *Petroica boodang* Scarlet Robin
 - *Trichosurus vulpecula* Brush-tailed Possum
 - *Zoothera lunulata* Bassian Thrush
- Exiting BFL site (AC013)

Landscape context for Doris Coulls Reserve



KEY			
	Heritage Agreement		Bush For Life site
	National Park		AHC Property
	Native vegetation		Southern Brown Bandicoot distribution range
	Native Vegetation Marker System		

Heathfield Waste Facility, Heathfield



Proposed for HA: CT 5487/174, assessment no 14551 or 14552

Classification: REFUSE DISPOSAL OR VAC LAND RURAL

Biodiversity Score: 67 – High Biodiversity value

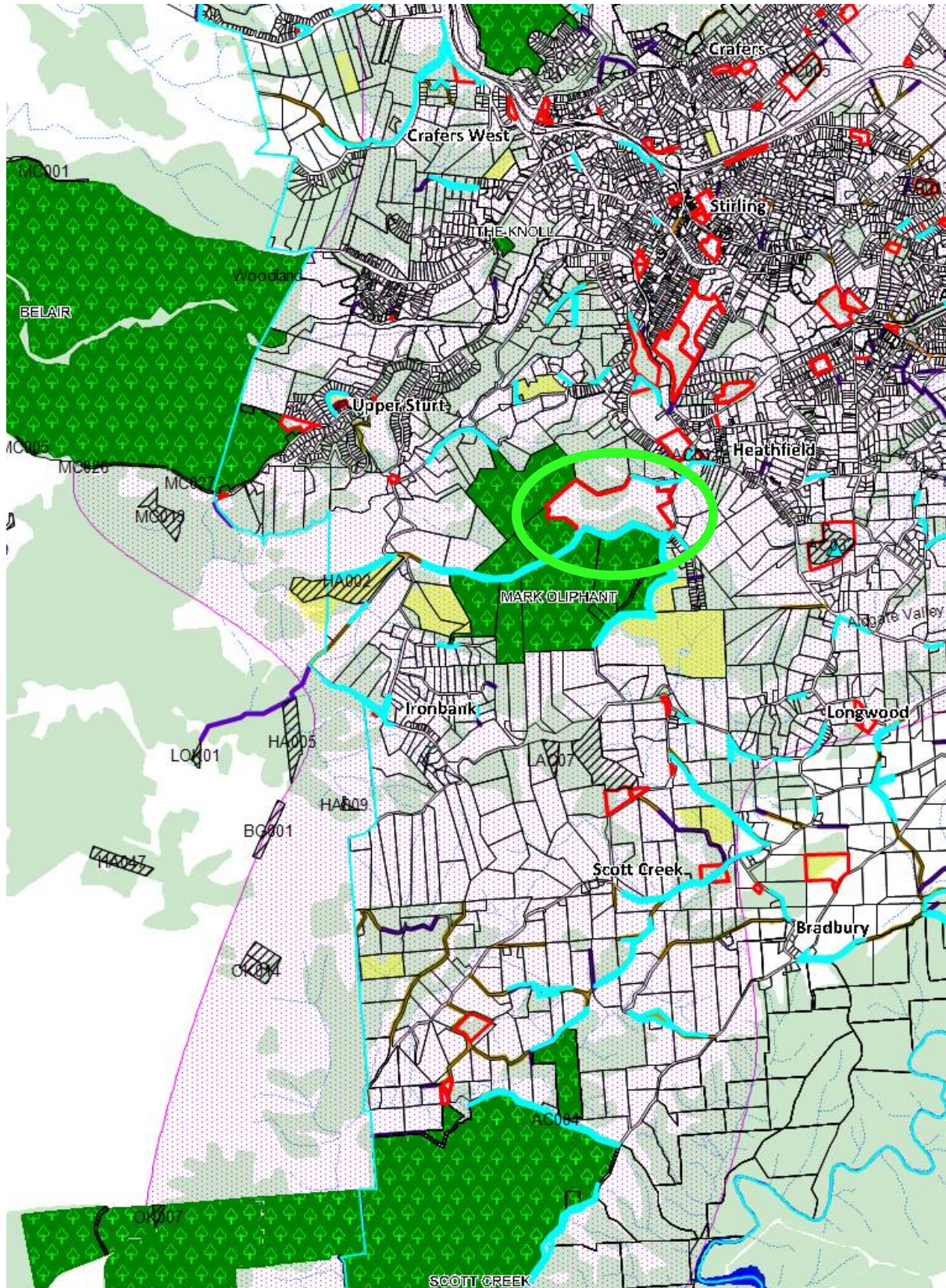
Rationale:

- Occurs within distribution range of nationally threatened Southern Brown Bandicoot *Isodon obesulus obesulus*
 - Vulnerable under the Commonwealth Environment Protection and Biodiversity Conservation Act 1999;
 - Vulnerable under the South Australian National Parks and Wildlife Act 1972
- Habitat for following threatened flora under the South Australian National Parks and Wildlife Act 1972
 - *Deyeuxia minor* (Small Bent-grass) – Vulnerable in SA; and
 - *Eucalyptus fasciculosa* (Pink Gum) - Rare in SA.
- Habitat for following threatened fauna under the South Australian National Parks and Wildlife Act 1972
 - Chestnut-rumped Heathwren (*Calamanthus (Hylacola) pyrrhopygius parkeri*)
 - Crested Shrike-tit (*Falcunculus frontatus*);
 - Scarlet Robin (*Petroica boodang* ssp.);
 - Flame Robin (*Petroica phoenicea*);
 - Painted Buttonquail (*Turnix varius*);

- Yellow-tailed Black-cockatoo (*Calyptorhynchus funereus*);
 - Yellow-footed Antechinus (*Antechinus flavipes*); and
 - White-winged Chough (*Corcorax melanorhamphos*).
- Important connectivity for the Olibel cluster - abuts approximately 190 hectares of bushland which is protected as part of Mark Oliphant Conservation Park to the west and south. It also abuts scrub which forms part of the Heathfield Wastewater Plant (SA Water) to the north.
- Adjacent Native Vegetation Marker System sites 587, 638

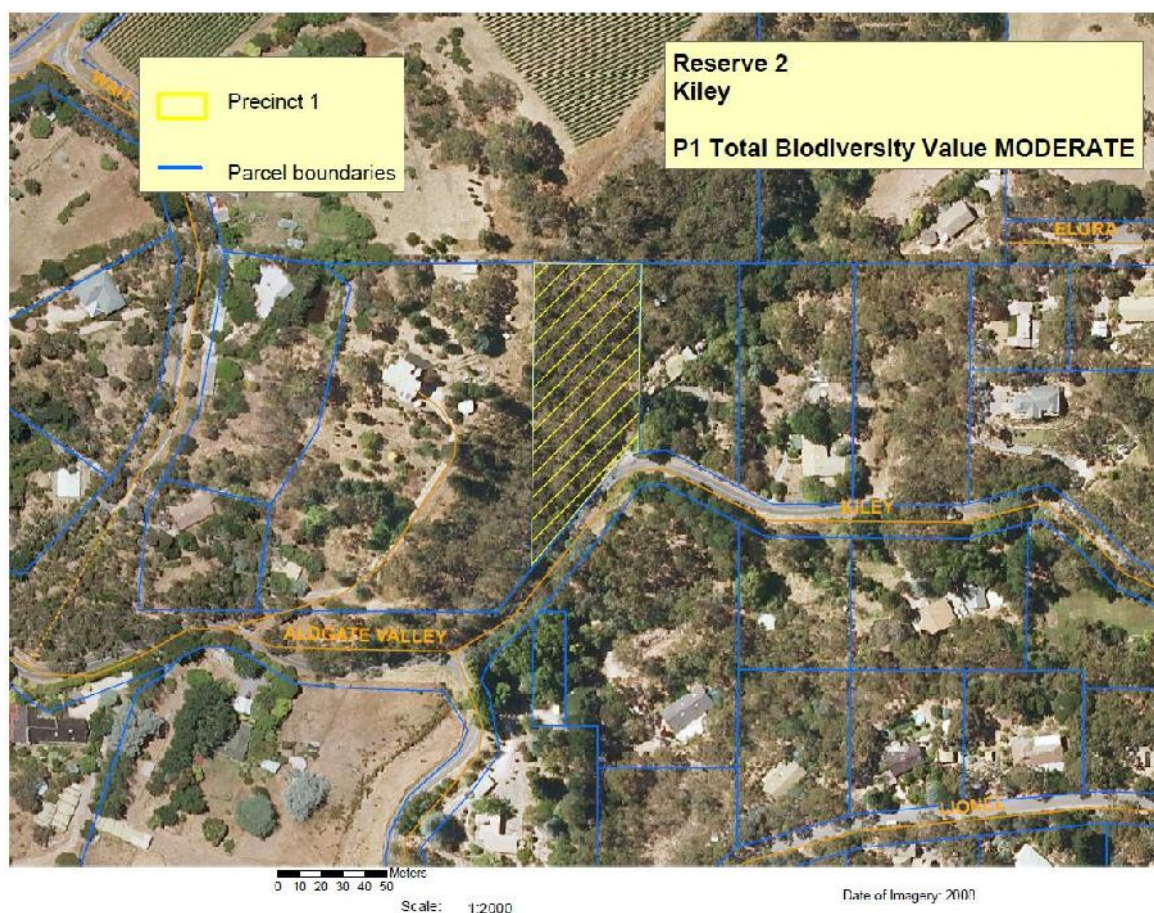
steve

Landscape context for Heathfield Waste Facility



- KEY**
- Heritage Agreement
 - National Park
 - Native vegetation
 - Native Vegetation Marker System
 - Bush For Life site
 - AHC Property
 - Southern Brown Bandicoot distribution range

Kiley Reserve, Aldgate (1 of 7 in SBB cluster – Landscape context after 7 of 7)



Proposed for HA: CT 2967/162, Assessment no. 10578

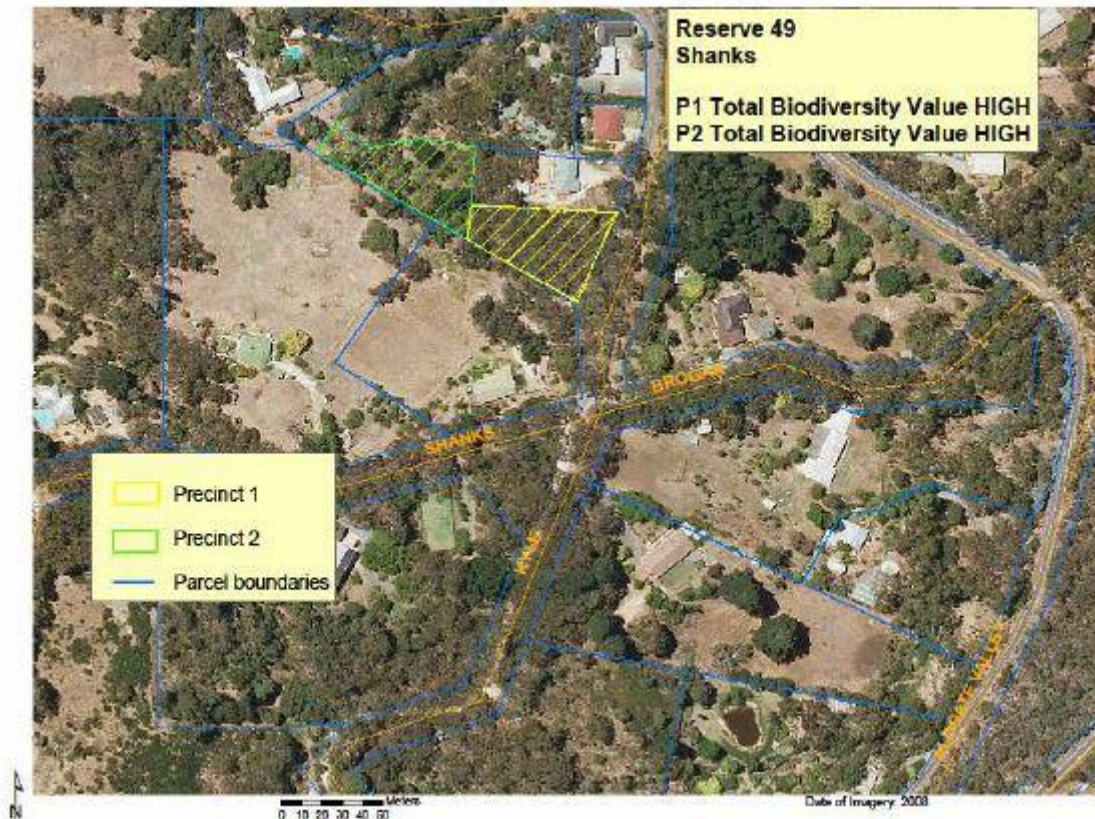
Classification: RESERVE

Biodiversity Score: 64 - Mod – High biodiversity value

Rationale:

- Occurs within distribution range of nationally threatened Southern Brown Bandicoot *Isodon obesulus obesulus*
 - Vulnerable under the Commonwealth Environment Protection and Biodiversity Conservation Act 1999:
 - Vulnerable under the South Australian National Parks and Wildlife Act 1972
- Habitat for following species of regional conservation significance
 - *Acrotriche fasciculiflora* Mount Lofty Ground-berry
 - *Trichosurus vulpecula* Common Brush-tail Possum
 - *Calyptorhynchus funereus* Yellow-tailed Black-Cockatoo
 - *Petroica multicolor* Scarlet Robin
 - *Chrysococcyx lucidus* Shining Bronze-cuckoo
 - *Cormobates leucophaeus* White-throated Treecreeper
 - *Pardalotus punctatus* Spotted Pardalote
 - *Strepera versicolor* Grey Currawong

Shanks Reserve, Aldgate (2 of 7 in SBB cluster – Landscape context after 7 of 7)



Proposed for HA: CT 5408/572., Assessment no. 10349

Classification: WOODED AREA CONSERVATION

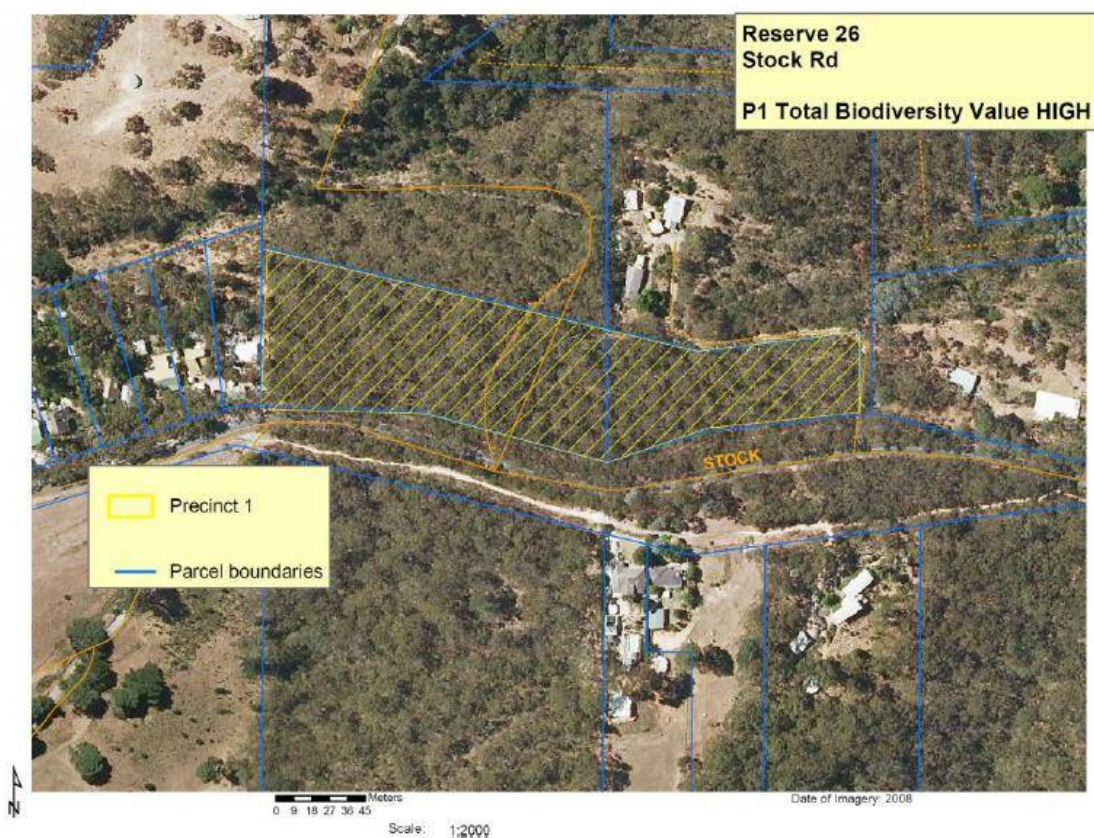
Biodiversity Score: 55-64 Moderate - High

Rationale:

- Occurs within distribution range of nationally threatened Southern Brown Bandicoot *Isodon obesulus obesulus*
 - Vulnerable under the Commonwealth Environment Protection and Biodiversity Conservation Act 1999:
 - Vulnerable under the South Australian National Parks and Wildlife Act 1972
- Habitat for following threatened flora under the South Australian National Parks and Wildlife Act 1972
 - *Eucalyptus dalrympleana* ssp. *dalrympleana* Candlebark Gum
 - *Eucalyptus fasciculosa* Pink Gum
 - *Eucalyptus viminalis* ssp. *viminalis* Manna Gum
 - *Trichosurus vulpecula* Common Brush-tail Possum
 - *Antechinus flavipes* Yellow-footed Antechinus
 - *Petroica multicolor* Scarlet Robin

- *Chrysococcyx lucidus* Shining Bronze-cuckoo
- *Cormobates leucophaeus* White-throated Treecreeper
- *Pardalotus punctatus* Spotted Pardalote
- *Strepera versicolor* Grey Currawong
- Habitat for following species of regional conservation significance
 - *Acacia verniciflua* Varnish Wattle
 - *Pultenaea involucreta* Mount Lofty Bush-pea
 - *Acrotriche fasciculiflora* Mount Lofty Ground-berry
 - *Correa decumbens* Spreading Correa
 - *Gahnia sieberiana* Red-fruit Cutting-grass
 - *Acrotriche fasciculiflora* Mount Lofty Ground-berry

Stock Rd 1 (Reserve 26), Mylor (3 of 7 in SBB cluster – Landscape context after 7 of 7)



Proposed for HA: R572 A¹ and B¹, Assessment 10533

Classification: UNDEVELOPED RESERVE

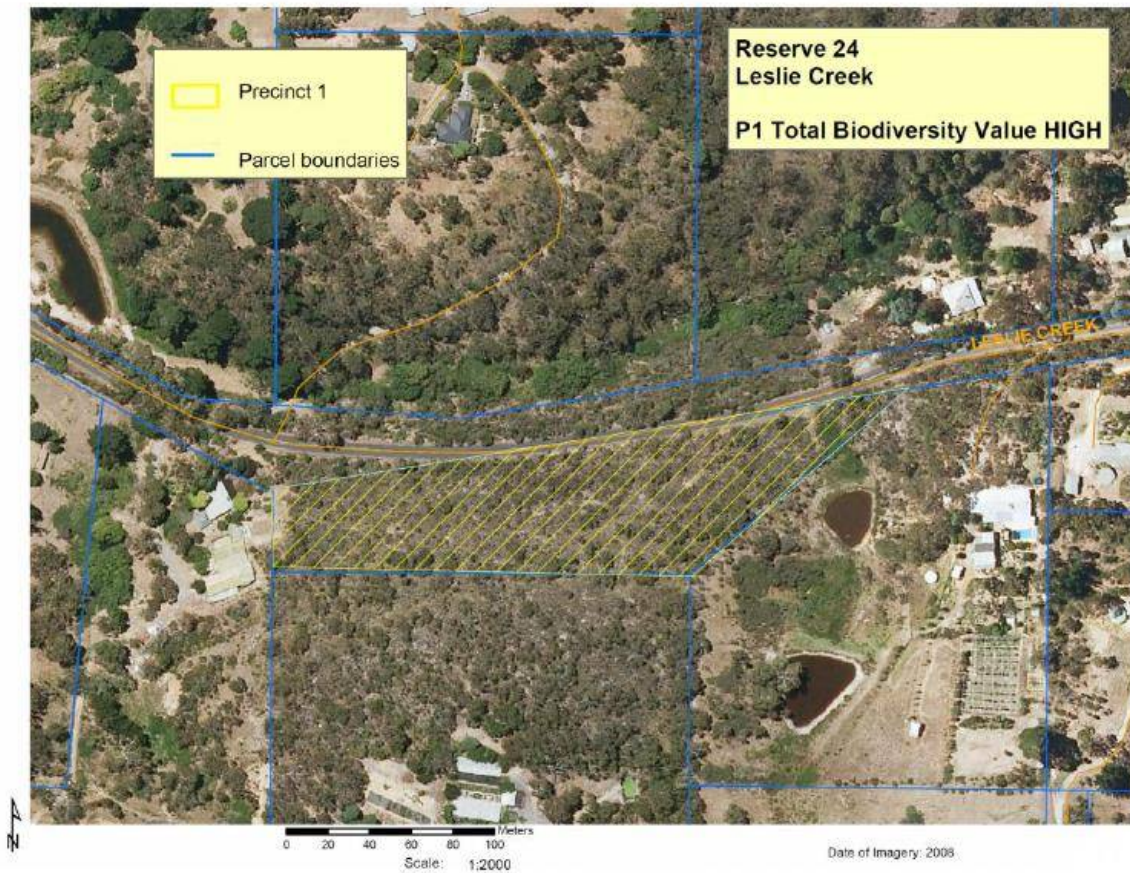
Biodiversity Score: 68, High Biodiversity Value

Rationale:

- Occurs within distribution range of nationally threatened Southern Brown Bandicoot *Isodon obesulus obesulus*
 - Vulnerable under the Commonwealth Environment Protection and Biodiversity Conservation Act 1999:
 - Vulnerable under the South Australian National Parks and Wildlife Act 1972
- Habitat for following threatened flora under the South Australian National Parks and Wildlife Act 1972
 - *Trichosurus vulpecula* Common Brush-tail Possum
 - *Antechinus flavipes* Yellow-footed Antechinus
 - *Petroica multicolor* Scarlet Robin
 - *Chrysococcyx lucidus* Shining Bronze-cuckoo
 - *Pardalotus punctatus* Spotted Pardalote
 - *Strepera versicolor* Grey Currawong
 - *Cormobates leucophaeus* White-throated Treecreeper

- Habitat for following species of regional conservation significance
 - *Acrotriche fasciculiflora* Mount Lofty Ground-berry
 - *Logania recurva* Recurved Logania
 - *Pultenaea involucreta* Mt Lofty Bush-pea

Reserve 41 (Leslie Creek Rd), Mylor (4 of 7 in SBB cluster – Landscape context after 7 of 7)



Proposed for HA: CR 5753/724, Assessment no. 10481

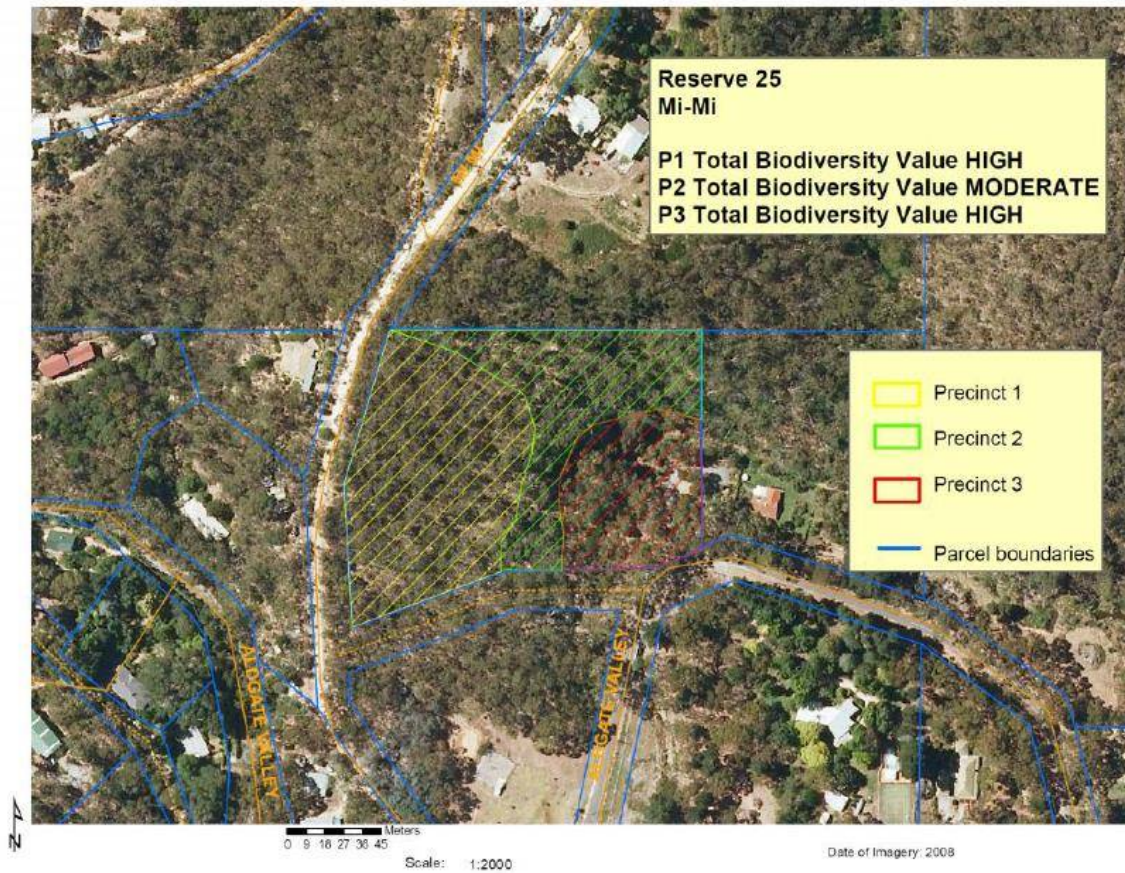
Classification: UNDEVELOPED RESERVE

Biodiversity Score: 79 – Very high biodiversity value

Rationale:

- High biodiversity value - excellent condition, but under threat from weed invasion.
- Habitat for following threatened flora under the South Australian National Parks and Wildlife Act 1972
 - *Eucalyptus fasciculosa* Pink Gum
 - *Trichosurus vulpecula* Common Brush-tail Possum
 - *Petroica multicolor* Scarlet Robin
 - *Chrysococcyx lucidus* Shining Bronze-cuckoo
 - *Cormobates leucophaeus* White-throated Treecreeper
 - *Pardalotus punctatus* Spotted Pardalote
 - *Strepera versicolor* Grey Currawong
- Habitat for following species of regional conservation significance
 - *Acrotriche fasciculiflora* Mount Lofty Ground-berry
 - *Gahnia sieberiana* Red-fruit Cutting-grass
 - *Correa decumbens* Correa
 - *Pultenaea involucrata* Mt Lofty Bush-pea
 - *Marianthus bignoniaceus* Orange Bell-climber

Mi Mi Reserve, Mylor (5 of 7 in SBB cluster – Landscape context after 7 of 7)



Proposed for HA: CR 5772/76, Assessment no. 10318

Classification: UNDEVELOPED RESERVE

Biodiversity Score: 62-85 Moderately high – very high

Rationale:

- High biodiversity value - excellent condition, but under threat from weed invasion
- Occurs within distribution range of nationally threatened Southern Brown Bandicoot *Isoodon obesulus obesulus*
 - Vulnerable under the Commonwealth Environment Protection and Biodiversity Conservation Act 1999:
 - Vulnerable under the South Australian National Parks and Wildlife Act 1972
- Habitat for following threatened flora under the South Australian National Parks and Wildlife Act 1972
 - *Eucalyptus viminalis* ssp. *viminalis* Manna Gum
 - *Trichosurus vulpecula* Common Brush-tail Possum
 - *Antechinus flavipes* Yellow-footed Antechinus
 - *Calyptorhynchus funereus* Yellow-tailed Black-Cockatoo
 - *Petroica multicolor* Scarlet Robin
 - *Phaps elegans* Brush Bronzewing
 - *Chrysococcyx lucidus* Shining Bronze-cuckoo

- *Pardalotus punctatus* Spotted Pardalote
- *Strepera versicolor* Grey Currawong
- *Alcyon black* Yellow-tailed Black-Cockatoo
- *Zoothera lunulata* Bassian Thrush
- *Cormobates leucophaeus* White-throated Treecreeper
- *Falcunculus frontatus* Crested Shrike-tit
- *Cormobates leucophaeus* White-throated Treecreeper
- Habitat for following species of regional conservation significance
 - *Acrotriche fasciculiflora* Mount Lofty Ground-berry
 - *Acacia verniciflua* Varnish Wattle
 - *Billardiera uniflora* One-flower Apple-berry
 - *Correa decumbens* Spreading Correa
 - *Olearia grandiflora* Mount Lofty Daisy-bush
 - *Pultenaea involucrata* Mt Lofty Bush-pea

Aldgate Valley 2 – (no.28), Mylor (6 of 7 in SBB cluster – Landscape context after 7 of 7)



Proposed for HA: CR 5430/572, Assessment no. 10549

Classification: UNDEVELOPED RESERVE

Biodiversity Score: 81 – Very High Biodiversity Value

Rationale:

- High biodiversity value - excellent condition, but under threat from weed invasion
- Occurs within distribution range of nationally threatened Southern Brown Bandicoot *Isodon obesulus obesulus*
 - Vulnerable under the Commonwealth Environment Protection and Biodiversity Conservation Act 1999:
 - Vulnerable under the South Australian National Parks and Wildlife Act 1972
- Habitat for following threatened flora under the South Australian National Parks and Wildlife Act 1972
 - *Eucalyptus viminalis* ssp. *viminalis* Manna Gum
 - *Trichosurus vulpecula* Common Brush-tail Possum
 - *Antechinus flavipes* Yellow-footed Antechinus
 - *Calyptorhynchus funereus* Yellow-tailed Black-Cockatoo
 - *Petroica multicolor* Scarlet Robin
 - *Phaps elegans* Brush Bronzewing

- *Chrysococcyx lucidus* Shining Bronze-cuckoo
- *Cormobates leucophaeus* White-throated Treecreeper
- *Pardalotus punctatus* Spotted Pardalote
- *Strepera versicolor* Grey Currawong
- Habitat for following species of regional conservation significance
 - *Acacia verniciflua* Varnish Wattle
 - *Correa decumbens* Spreading Correa
 - *Gahnia sieberiana* Red-fruit Saw-sedge
 - *Persoonia juniperina* Prickly Geebung

Kyle Road Nature Reserve (no. 3), Mylor (7 of 7 in SBB cluster – Landscape context after 7 of 7)



Proposed for HA: CT 5285/810, Assessment no. 10547

Classification: VAC LAND URBAN

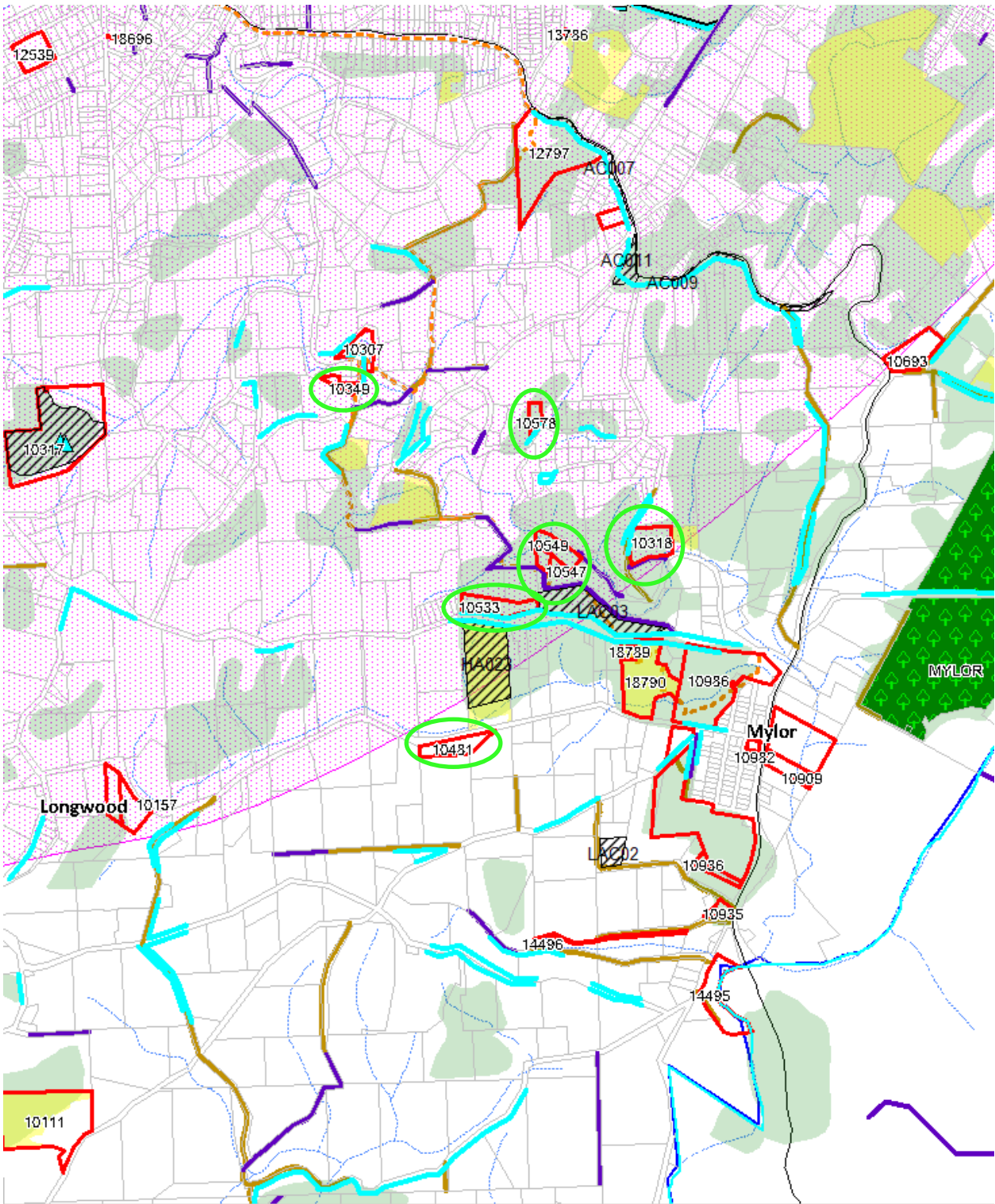
Biodiversity Score: 86 – Very High Biodiversity Value








Rationale:

- High biodiversity value - excellent condition, but under threat from weed invasion
- Occurs within distribution range of nationally threatened Southern Brown Bandicoot *Isodon obesulus obesulus*
 - Vulnerable under the Commonwealth Environment Protection and Biodiversity Conservation Act 1999:
 - Vulnerable under the South Australian National Parks and Wildlife Act 1972
- Habitat for following threatened flora under the South Australian National Parks and Wildlife Act 1972
 - *Trichosurus vulpecula* Common Brush-tail Possum
 - *Antechinus flavipes* Yellow-footed Antechinus
 - *Calyptorhynchus funereus* Yellow-tailed Black-Cockatoo
 - *Petroica multicolor* Scarlet Robin
 - *Phaps elegans* Brush Bronzewing
 - *Chrysococcyx lucidus* Shining Bronze-cuckoo
 - *Cormobates leucophaeus* White-throated Treecreeper

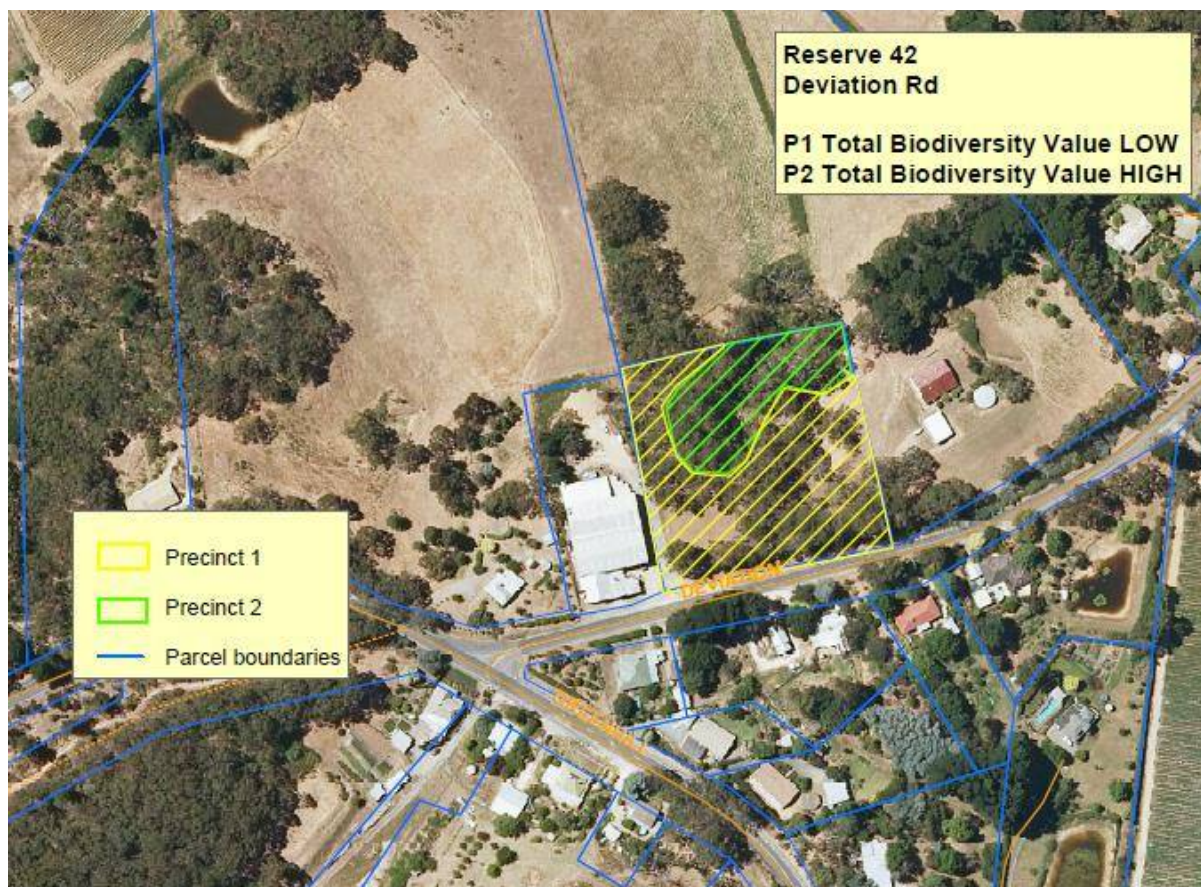
- *Pardalotus punctatus* Spotted Pardalote
- *Strepera versicolor* Grey Currawong
- Habitat for following species of regional conservation significance
 - *Acacia verniciflua* Varnish Wattle
 - *Correa decumbens* Spreading Correa
 - *Acrotriche fasciculiflora* Pink Ground-berry
 - *Persoonia juniperina* Prickly Geebung
 - *Cheiranthra alternifolia* Finger-flower
 - *Hibbertia crinite*
 - *Leucopogon concurvus* Scrambling Beard-heath
 - *Lomandra fibrate* Fine Mat-rush
 - *Opercularia turpis* Near Threatened, Twiggy Stinkweed
 - *Spyridium parvifolium* Australian Dusty Miller

Landscape Context Southern Brown Bandicoot cluster



KEY			
	Heritage Agreement		Bush For Life site
	National Park		AHC Property
	Native vegetation		Southern Brown Bandicoot distribution range
	Native Vegetation Marker System		

42 Deviation 1 (Carey Gully Water Reserve), Carey Gully



Assessment # proposed for HA: 2696, Classification: "RECREATION NEC"

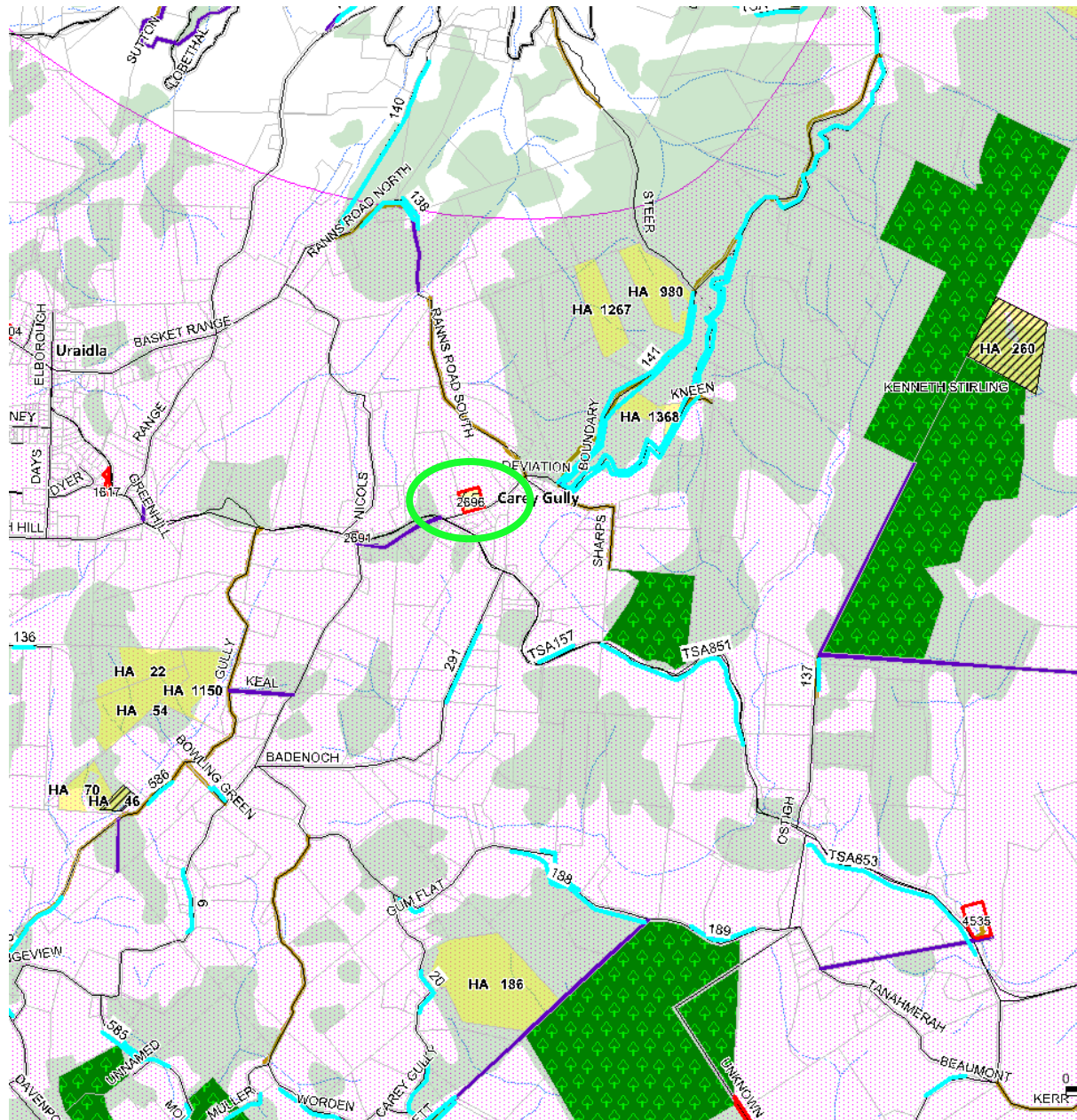
Biodiversity Score: 42-80 – very high

Rationale:

- Rare example of 'perched wetland'
- Currently being managed as a conservation site
- Proximity to other Heritage Agreements
- Occurs within distribution range of nationally threatened Southern Brown Bandicoot *Isodon obesulus obesulus*
 - Vulnerable under the Commonwealth Environment Protection and Biodiversity Conservation Act 1999:
 - Vulnerable under the South Australian National Parks and Wildlife Act 1972
- Habitat for following threatened flora under the South Australian National Parks and Wildlife Act 1972
 - *Eucalyptus dalrympleana* ssp. *Dalrympleana*, Candlebark Gum
 - *Eucalyptus viminalis* ssp. *Viminalis* Manna Gum
 - *Hypolepis rugosula* Ruddy Ground-fern
- Habitat for the following species of regional conservation significance

- *Acrotriche fasciculiflora* Mount Lofty Ground-berry
- *Baumea tetragona* Square Twig-rush
- *Blechnum minus* Soft Water-fern
- *Carex fascicularis* Tassel Sedge
- *Gahnia sieberiana* Red-fruit Cutting-grass
- *Leptospermum lanigerum* Silky Tea-tree
- *Melaleuca brevifolia* Short-leaf Honey-myrtle
- *Trichosurus vulpecula* Common Brush-tail Possum
- *Antechinus flavipes* Yellow-footed Antechinus
- *Rallus pectoralis* Lewin's Rail
- *Corbates leucophaeus* White Throated Treecreeper
- *Pardalotus punctatus* Spotted Pardalote
- *Strepera versicolor* Grey Currawong
- *Petroica multicolor* Scarlet Robin
- *Falcunculus frontatus* Crested Shrike-tit
- *Phaps elegans* Brush Bronzewing
- *Chrysococcyx lucidus* Shining Bronze-cuckoo
- *Porzana tabuensis* Spottless Crake
- *Calyptorhynchus funereus* Yellow-tailed Black Cockatoo
- *Zoothera lunulata* Bassian Thrush

Landscape context for Carey Gully Water Reserve



- KEY**
- Heritage Agreement
 - National Park
 - Native vegetation
 - Native Vegetation Marker System
 - Bush For Life site
 - AHC Property
 - Southern Brown Bandicoot distribution range

Heathfield Stone Reserve



Assessment # proposed for HA: 10317,

Classification: "DEVELOPED RESERVE"

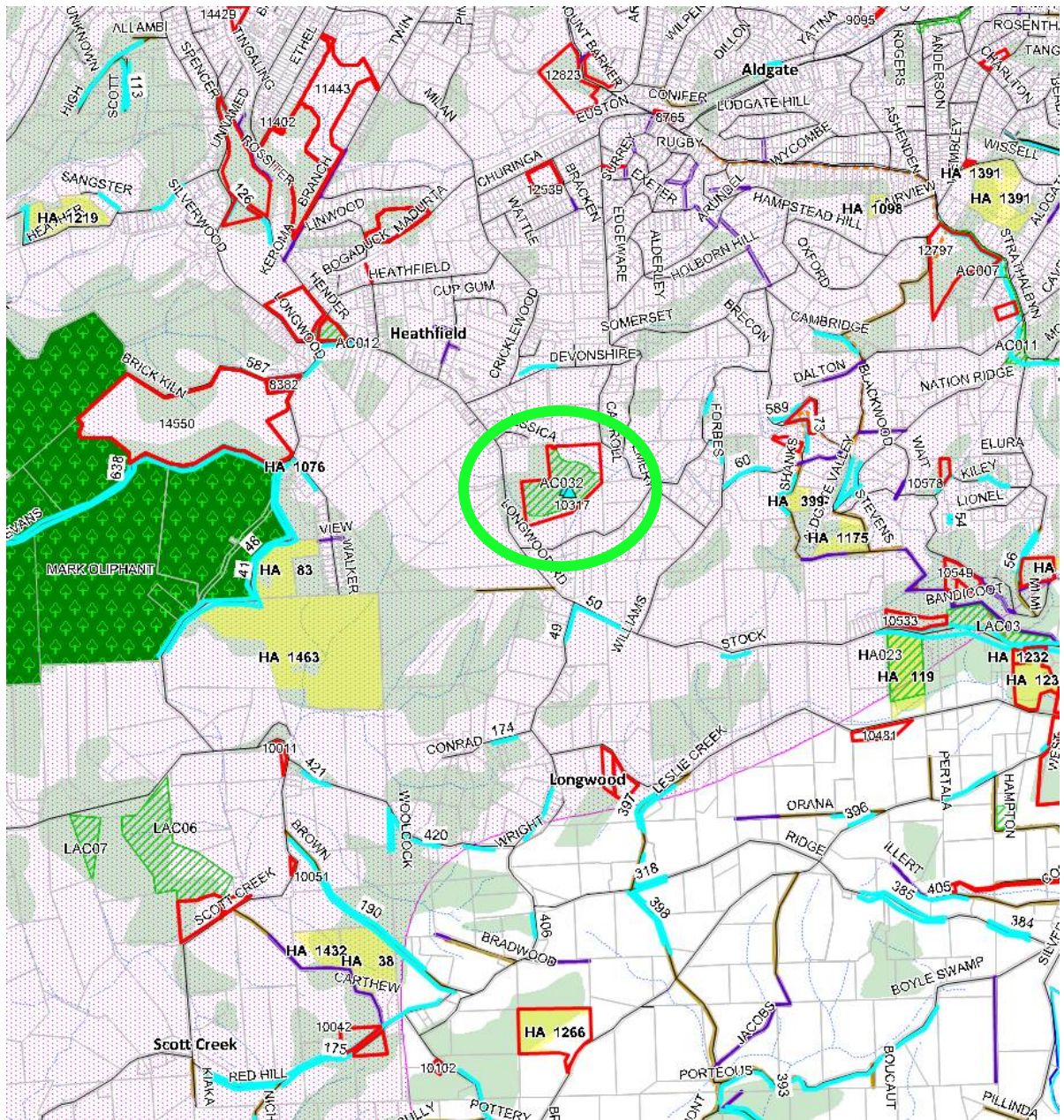
Biodiversity Score: 36-75 – very high

Rationale:

- Rare wetland species occur on site
- Currently being managed as a conservation site – Bush For Life site AC032
- Occurs within SBB distribution range – important habitat linkages
- Occurs within distribution range of nationally threatened Southern Brown Bandicoot *Isodon obesulus obesulus*
 - Vulnerable under the Commonwealth Environment Protection and Biodiversity Conservation Act 1999:
 - Vulnerable under the South Australian National Parks and Wildlife Act 1972
- Habitat for following threatened flora under the South Australian National Parks and Wildlife Act 1972

- *Eucalyptus viminalis* ssp. *Viminalis*, Manna Gum
- *Gleichenia microphylla* Coral Fern
- *Hypolepis rugosula* Ruddy Ground-fern
- Habitat for the following species of regional significance
 - *Acrotriche fasciculiflora*, Mount Lofty Ground-berry
 - *Callitris rhomboidea* Oyster Bay Pine
 - *Gahnia sieberiana* Red-fruit Cutting-grass
 - *Logania recurva* Recurved Logania
 - *Marianthus bignoniaceus*, Orange Bell-climber
 - *Baumea tetragona* Square Twig-rush
 - *Blechnum minus* Soft Water-fern
 - *Gahnia sieberiana* Red-fruit Cutting-grass
 - *Trichosurus vulpecula* Common Brush-tail Possum
 - *Calyptorhynchus funereus*, Yellow-tailed Black Cockatoo
 - *Chrysococcyx lucidus* Shining Bronze-cuckoo
 - *Cormobates leucophaeus*, White-throated Treecreeper
 - *Pardalotus punctatus* Spotted Pardalote
 - *Petroica multicolor* Scarlet Robin
 - *Phaps elegans* Brush Bronzewing
 - *Strepera versicolor* Grey Currawong
 - *Zoothera lunulata* Bassian Thrush
 - *Antechinus flavipes* Yellow-footed Antechinus
 - *Porzana tabuensis* Spottless Crake
 - *Rallus pectoralis* Lewin's Rail

Landscape context for Heathfield Stone Reserve



- KEY**
- Heritage Agreement
 - National Park
 - Native vegetation
 - Native Vegetation Marker System
 - Bush For Life site
 - AHC Property
 - Southern Brown Bandicoot distribution range

**ADELAIDE HILLS COUNCIL
ORDINARY COUNCIL MEETING
Tuesday 28 August, 2018
AGENDA BUSINESS ITEM**

Item: 12.6

Originating Officer: Renee O'Connor – Sport & Recreation Planner

Responsible Director: Peter Bice – Director Infrastructure & Operations

Subject: Community & Recreation Facility Grants – 2018/2019

For: Decision

SUMMARY

The Adelaide Hills Council Community & Recreation Facility Grants provide funding support for improvements or upgrades to facilities that will contribute to the development of community and recreation within the region; are beneficial to the community; improve sustainability and that support the Adelaide Hills Council Strategic Plan and Sport and Recreation Strategy. Funding is also available for facility planning documents such as master plan or feasibility study projects.

Following an initial round in 2017/2018 where significant changes to the grant guidelines, their process and assessment were implemented, a subsequent review of the guidelines was conducted. Some changes were proposed to these guidelines and endorsed by Council at its April 2018 meeting.

The most significant change to come from the review was ensuring that halls and other community facilities are clearly eligible; a change of name to 'Community & Recreation Facility Grants' reflects this change.

A staff assessment panel, with applications being assessed by five Council staff was again implemented in this round. The panel assessed each of the applications against the endorsed guidelines and made recommendations in preparation for presentation to Council. Discussions at the panel meeting were robust and thorough, leaving panel members satisfied with fair and transparent recommendations.

If the recommendations are adopted, the Adelaide Hills Council will have supported 14 groups and their associated facilities through the Community and Recreation Facility Grants program this year and provided \$97,741 for community projects. Coupled with the club contributions of \$86,416 towards these projects, Council has assisted in generating community projects to the value of \$184,157 this year.

RECOMMENDATION

Council resolves:

1. That the report be received and noted
 2. That Council approve the 14 Community & Recreation Facility Grant application recommendations, totalling \$97,741 as recommended in Appendix 1.
-

1. GOVERNANCE

➤ Strategic Management Plan/Council Policy

Goal 3	Places for people and nature
Strategy 3.5	We will take a proactive approach, and long term view, to infrastructure maintenance and renewal.

The delivery of sound and transparent grant funding for community and recreation assets, infrastructure and facilities contributes to a number of goals and strategies in Council's Strategic Plan.

In addition, Council's Sport and Recreation Strategy lists the following Strategic Actions that relate to the delivery of the Sport and Recreation Facilities grant funding:

- Review all payments made to all clubs and groups, including but not limited to: grant funding, bore electricity reimbursements, other reimbursements, maintenance grants, insurance payments.
- Develop a funding position and associated guidelines that are transparent and equitable for all clubs and groups, regardless of facility ownership.
- Revoke Council's Sport and Recreation Policy. This document will be replaced by updated guidelines and lease documents.

➤ Legal Implications

Not applicable.

➤ Risk Management Implications

Grant funding assessment and distribution is an area of Council business that attracts scrutiny. At the 24 April, 2018 Council Meeting, Members endorsed reviewed guidelines for the Community and Recreation Facility Grants.

12.9. Sport & Recreational Facility Grants

8.22pm Cr Malcolm Herrmann entered the Chamber
 8.23pm Cr Lynton Vonow left the Chamber

Cr Ron Nelson declared a Perceived Conflict of Interest at Agenda Item 5 'Declaration of Interest by Members of the Council' in relation to Item 12.9. Cr Ron Nelson remained in the Chamber and voted.

Moved Cr Linda Green
 S/- Cr Ian Bailey

95/18

Council resolves:

1. That the report be received and noted
2. To adopt the Community and Recreation Facility Grant Guidelines as contained in Appendix 1 with the amendment to the Who Can Apply section to read "whose role is to manage community facilities, active recreation or sport facilities"
3. To authorise the Chief Executive Officer to make any formatting, nomenclature or other minor changes to the Guidelines during the period of its currency.

Carried Unanimously

Successful grants are required to be acquitted in accordance with conditions of the grant. The new guidelines and process for our Community and Recreation Facility Grants have enabled a transparent, robust and sustainable program that reduces any associated risks.

Projects that involve Council owned property have been assessed to ensure that they comply with leasing and maintenance arrangements.

Grant funding assessment and distribution is an area of Council business that attracts scrutiny. Having in place clear and structured Community and Recreation facility guidelines and associated assessment processes helps to mitigate the risk of:

Unclear grant provision processes resulting in uncertainty and lack of equity in funding provided.

Inherent Risk	Residual Risk	Target Risk
Medium (4D)	Medium (3D)	Low (2D)

➤ **Financial and Resource Implications**

\$80,000 is allocated towards the Community and Recreation Facility Grants annually. \$20,000 of Council's Sustainability funding was also made available for those applications that addressed sustainability initiatives in their applications.

Staff resources were used to assess grant applications, however, the impact was minimal and their involvement contributed to the transparency of the assessment process.

➤ **Customer Service and Community/Cultural Implications**

The Community and Recreation Facility Grants were advertised in the Courier and Weekender Herald newspapers. The grants were also promoted on Council's social media channels and via our email communication channels with clubs. The Adelaide Hills Council website provided full details of the grants including online access to the guidelines and application form.

Two optional information sessions were held on Wednesday 23rd May 2018 at Woodside and Stirling to provide support and information to groups who wish to apply for both the Community and Recreation Facility Grants funding and the Community Grants funding. Approximately 35 people utilised this opportunity and participated in the information session.

➤ **Environmental Implications**

Not applicable.

➤ **Engagement/Consultation conducted with Council Committee, Regional Subsidiary, Advisory Group, the Administration and Community**

Council Committees: Not Applicable.

Council Workshops: Council Members were provided an opportunity to provide feedback on the revised guidelines at a workshop in March 2018.

Advisory Groups: Not Applicable

Administration: Director Infrastructure & Operations
Manager Open Space
Manager Property Services
Sustainability Officer
Executive Assistant Infrastructure & Operations
Sport & Recreation Planning – Administration Support
Community and Cultural Development Officer

Community: Not Applicable

2. BACKGROUND

The 2017/2018 Sport and Recreation Facility Grants round was the first round supported by new guidelines and eligibility criteria, a new online application process, staff assessment and recommendation process and Council endorsement of recommendations. With these significant changes, Council recommended a review of the guidelines in preparation for the 2018/2019 round.

Due to the overwhelming number of applications, the 2017/2018 round was oversubscribed and assessment criteria were applied rigorously by the assessment panel. There were a number of applications that had merit, but missed out on receiving funding as others met the criteria to a greater extent. Applications received for the development of

Hall facilities were impacted by this; with assessment deeming that they may have lesser recreation impact when compared with other applicants.

Following this initial 2017/2018 round, where significant changes to the grant guidelines, their process and assessment were implemented; a subsequent review of the guidelines was conducted. Some changes were proposed to these guidelines and endorsed by Council at its April 2018 meeting.

12.9. Sport & Recreational Facility Grants

8.22pm Cr Malcolm Herrmann entered the Chamber
8.23pm Cr Lynton Vonow left the Chamber

Cr Ron Nelson declared a Perceived Conflict of Interest at Agenda Item 5 'Declaration of Interest by Members of the Council' in relation to Item 12.9. Cr Ron Nelson remained in the Chamber and voted.

Moved Cr Linda Green **95/18**
S/- Cr Ian Bailey

Council resolves:

- 1. That the report be received and noted**
- 2. To adopt the Community and Recreation Facility Grant Guidelines as contained in Appendix 1 with the amendment to the Who Can Apply section to read "whose role is to manage community facilities, active recreation or sport facilities"**
- 3. To authorise the Chief Executive Officer to make any formatting, nomenclature or other minor changes to the Guidelines during the period of its currency.**

Carried Unanimously

They included:

- Change the name of the grants to '*Community and Recreation Facility Grants*' and their associated guidelines to allow halls and community facilities to be clearly eligible.
- Minor Facility Development: Up to \$9,999. Major Facility Development: \$10,000 - \$40,000.
- Organisations are only able to submit one application per round.
- Remove the land owner consent from the application.

In addition, some minor changes to wording that ensure consistency were made throughout the document.

As mentioned, the most significant change to come from the review was ensuring that halls and other community facilities are clearly eligible.

Halls and other community facilities do not have as many grant funding opportunities when compared with that of a traditional sporting club. Several applications to the Council's 2017/2018 Sport and Recreation Facility Grants round from halls were deemed unsuccessful after assessment due to their recreation impact. By changing the title and wording throughout the guidelines to '*Community and Recreation Facility Grants*' this type of facility would be clearly eligible for funding.

The intent of these grants has always been for eligible groups to apply for financial assistance from Council to establish or improve facilities; and while this does not change,

community facilities eligibility becomes clearer. In addition to providing a new grant opportunity for community facilities, this change provides an opportunity for alignment with the upcoming 'Community and Recreation Facility Framework'.

3. ANALYSIS

Grant funding is an area of Council business that attracts scrutiny, so it is essential that processes are clear and guidelines are transparent and equitable. Council is committed to open, participative and transparent decision making and administrative processes and the deferral of funds and review of grant guidelines and processes has supported this.

The grant funding guidelines, endorsed by Council outlined that projects would be assessed against criteria, with priority given to those that:

- Demonstrate significant community or recreational benefit to the region (including the number of people who will benefit) and attempt to meet an unmet community need.
- Are delivered by an organisation that can demonstrate financial viability.
- Have funding contribution from the applying organisation and / or other funding sources.
- Comply with all relevant legal and statutory requirements.
- Provide broader community access to facilities.
- Align with current and emerging community, recreation and sporting trends.
- Have a positive environmental impact and sustainability outcomes.
- Are joint or collaborative projects between organisations.
- Are identified in an organisation's business or strategic plan, or identified through a feasibility study, master planning process or similar.
- Contributes to the delivery of the Adelaide Hills Council Strategic Plan, Sport and Recreation Strategy, Water Management Strategy or Trails Strategy.
- Actively address risk management issues or contribute to the organisation's ongoing sustainability.
- Provide opportunities for special needs populations.
- Facilitate improvements to meet Legislation and / or Australian Standards.
- Consider the Child Protection Act, Natural Resources Management Act 2004 and other relevant legislation.

Applications will be accepted from organisations that have received grant funding in previous financial years, but applicants should be aware that if the total number of eligible applications received exceeds the amount of funds available, priority will be given to organisations that have not received funding within the previous three years.

Organisations were invited to apply for funding in the following categories:

Minor Facility Development:	Up to \$9,999. No matched funding required.
Major Facility Development:	\$10,000 - \$40,000. Funding must be matched. The applicant's contribution towards the project can include voluntary labour and/or donated materials.
Facility Planning:	Up to \$20,000. No matched funding required.

The 2018/2019 round was the second round where applicants were required to apply through an online application system and information sessions for applicants were offered. These initiatives have again proved successful, as a total of twenty eight applications were received, as opposed to seven in 2015/16 and ten in 2014/15. The 2017/2018 round, (where \$160,000 of funding was offered) saw thirty one applications received.

A staff assessment panel, with applications being assessed by five Council staff was again implemented in this round. The panel assessed each of the applications against the endorsed guidelines and made recommendations in preparation for presentation to Council. Discussions at the panel meeting were robust and thorough, leaving panel members satisfied with fair and transparent recommendations.

During the application and assessment process, applying clubs were asked if their project could proceed if partial funding from Council was received. This principle has been applied throughout the Panel’s assessment process and has allowed us to spread the funding further, funding more clubs and projects.

The Adelaide Hills Council is fortunate that clubs in the Adelaide Hills region work hard for the benefit of the community and the quality of projects applied for reflects this. The Community and Recreation Facility Grants process is also a great opportunity for our community to tell us what’s important to them and what their current priorities are.

Table One below identifies the fourteen organisations that have been recommended to receive a Community and Recreation Facility Grant. Details of the grants in Table One, together with the unsuccessful applicants are provided in Appendix One.

Table One – Recommended Applicants

Organisation	Amount Recommended	Club Contribution
Stirling RSL Sub Branch	\$11,100	\$24,755
Mount Torrens Soldiers Memorial Hall	\$7,999	\$0
Birdwood Park and Sporting Club Association	\$3,000	\$9,573
Piccadilly Community Hall	\$5,727	\$7,728
Archery South Australia	\$11,500	\$20,000
Montacute Progress Association	\$6,480	\$2,400
Mylor Citizens Friendship Club	\$6,260	\$9,760
Uraidla & Summertown Horticultural & Floricultural Society	\$9,050	\$1,000
Human Projectile Mountain Bike Club	\$7,000	\$2,700
Woodside Hall Committee	\$6,000	\$0
Mount Lofty Scout Group	\$7,000	\$8,500
The Kersbrook Shed	\$3,255	\$0
Aldgate Cricket Club	\$7,900	\$0
South Australian Pistol & Shooting Club	\$5,470	\$0
TOTAL	\$97,741	\$86,416

If the recommendations are adopted, the Adelaide Hills Council will have supported fourteen groups and their associated facilities through the Community and Recreation Facility Grants program this year and provided \$97,741 for community projects. Coupled with the club contributions of \$86,416 towards these projects, Council would have assisted in generating community projects to the value of \$184,157 this year.

It is important to note that there were a number of other projects that had merit; however the applications didn't provide the right amount of detail to be considered eligible. Over the coming months Council Staff will begin to work with these clubs and groups to find alternative funding sources, or provide assistance and invite them to reapply next year. In addition, while court resurfacing may be deemed an eligible project and Council acknowledge its significance for clubs, the panel has recommended that such projects will not be funded. Clubs and Council will work through their relevant leasing obligations or apply principles from Council's anticipated Community and Recreation Facilities Framework to ensure that courts are resurfaced at an appropriate time with appropriate funding sources.

4. OPTIONS

Council has the following options:

- I. That the 2018/2019 Community and Recreation Facility Grant Successful Applicants be endorsed. (Recommended)
- II. That 2018/2019 Community and Recreation Facility Grant Successful Applicants are not endorsed and the Staff Panel reconsiders their decisions. (Not Recommended)

5. APPENDIX

- (1) 2018/2019 Community and Recreation Facility Grant Recommendations.

Appendix 1

*2018/2019 Community and Recreation Facility Grant
Recommendations*

**COMMUNITY & RECREATION FACILITY GRANTS
2018 / 2019**

	Organisation	Summary	Category	Requested	Recommended
40	Stirling RSL Sub-Branch	<p>The Stirling RSL Sub-Branch's facility is located at Apex Park off Merrion Terrace in Stirling and advocates for veterans and their families. The Sub-Branch has approximately seventy members and in addition, the facility caters for other community users. The group is seeking funding to upgrade the kitchen at their facility.</p> <p>PART RECOMMENDED</p> <p>The grant program is oversubscribed and the organisation has indicated they can proceed with partial funding.</p>	Major Facility Development	\$15,000	Yes \$11,100
44	Lobethal Tennis Club	<p>The Lobethal Tennis Club is located at the Lobethal Recreation Ground and Sports Club. The facility is used by approximately five hundred sport participants each week, in addition to general community use. The club is seeking funding to create a community basketball practice area.</p> <p>NOT RECOMMENDED</p> <p>The application has merit; however grant program is oversubscribed and the club received funding in the 2017/2018 grant round.</p>	Minor Facility Development	\$3,846	No
45	Mid Hills Netball Association	<p>The Mid Hills Netball Association and their associated facilities are located at the Woodside Recreation Ground site. The facility caters for seventeen clubs and approximately one thousand five hundred players. The association is seeking funding to repair and resurface six of their courts.</p> <p>NOT RECOMMENDED</p> <p>Staff will partner with the association to understand court audit data, work through current leasing obligations, or apply principles from Council's anticipated Community and Recreation Facilities Framework to ensure that courts are resurfaced at an appropriate time with appropriate funding sources.</p>	Major Facility Development	\$34,418	No

**COMMUNITY & RECREATION FACILITY GRANTS
2018 / 2019**

	Organisation	Summary	Category	Requested	Recommended
46	Mount Torrens Soldiers Memorial Hall	<p>The Mount Torrens Soldiers Memorial Hall was erected in memory of those who served in World War One. A new addition was added to the hall in 1960. The organisation is seeking funding to upgrade the hall's flooring.</p> <p>PART RECOMMENDED</p> <p>The grant program is oversubscribed and the organisation has indicated they can proceed with partial funding.</p>	Minor Facility Development	\$9,999	Yes \$7,999
47	Mount Torrens & District Community Association	<p>The Mount Torrens & District Community Association promotes interest in the town's history while encouraging preservation of historic buildings and sites. The association is seeking funding for archival storage.</p> <p>NOT RECOMMENDED</p> <p>The application didn't provide sufficient detail to be considered eligible and archival storage is also not an eligible project for this grant program.</p>	Minor Facility Development	\$2,000	No
48	National Trust of SA	<p>The National Trust of SA actively conserves, manages and promotes South Australia's historic heritage and culture. The organisation is seeking funding to establish clear walking trails on five National Trust SA properties.</p> <p>NOT RECOMMENDED</p> <p>The project didn't meet some eligibility criteria and the group indicated that they couldn't proceed with partial funding.</p>	Minor Facility Development	\$9,999	No

**COMMUNITY & RECREATION FACILITY GRANTS
2018 / 2019**

	Organisation	Summary	Category	Requested	Recommended
50	Birdwood Park & Sporting Clubs Association	<p>The Birdwood Park facilities are used by members of the community and sporting clubs including football, cricket, tennis and soccer. The group is seeking funding for the supply and install of picnic settings and an outdoor electric BBQ.</p> <p>PART RECOMMENDED</p> <p>The grant program is oversubscribed and the association has indicated they can proceed with partial funding. Through Council's 2018/2019 Annual Business Plan and Budget process, Council will be installing a new Play Space at the Birdwood site, where tables and seating will be incorporated, so can therefore not be funded through this process. The group should refer to their funding agreement for further details.</p>	Minor Facility Development	\$6,960	Yes \$3,000
51	Woodside Warriors Tennis Club	<p>The Woodside Warriors Tennis Club is part of the Woodside Recreation Ground and field teams in Hills Tennis Association competition. The club is seeking funding to upgrade three courts.</p> <p>NOT RECOMMENDED</p> <p>Staff will partner with the club to understand court audit data, work through current leasing obligations, or apply principles from Council's anticipated Community and Recreation Facilities Framework to ensure that courts are resurfaced at an appropriate time with appropriate funding sources.</p>	Major Facility Development	\$20,069	No
52	Mylor Netball Club	<p>The Mylor Netball Club field teams in the Hills Netball Association competitions during winter and host a competition at their site during summer. The club is seeking funding to resurface their courts.</p> <p>NOT RECOMMENDED</p> <p>Staff will partner with the club to understand court audit data, work through current leasing obligations, or apply principles from Council's anticipated Community and Recreation Facilities Framework to ensure that courts are resurfaced at an appropriate time with appropriate funding sources.</p>	Major Facility Development	\$21,450	No

**COMMUNITY & RECREATION FACILITY GRANTS
2018 / 2019**

	Organisation	Summary	Category	Requested	Recommended
53	Piccadilly Community Hall	<p>The Piccadilly Community Hall is a heritage listed building located in the Piccadilly Valley. The hall is used for community activities and events and is available to hire for private functions. The organisation is seeking funding to address paving and drainage issues at the front of the hall.</p> <p>PART RECOMMENDED</p> <p>The grant program is oversubscribed and the organisation has indicated they can proceed with partial funding.</p>	Minor Facility Development	\$7,727	Yes \$5,727
54	Archery South Australia	<p>Archery South Australia has been utilising the Mylor Oval site as a competition base for approximately eighteen months. The organisation is seeking funding to undertake a masterplan process of the Mylor Oval.</p> <p>PART RECOMMENDED</p> <p>The grant program is oversubscribed and Archery SA has indicated they can proceed with partial funding. Considering the site is owned by Council and leased to the Mylor Oval Committee, Archery SA must engage with both Council Administration and the Mylor Oval Committee prior to commencing the project and throughout the project. The organisation should refer to their funding agreement for further details.</p>	Facility Planning	\$20,000	Yes \$11,500
55	Montacute Progress Association	<p>The Montacute Progress Association oversees the courts at Montacute. The association is seeking funding to construct a shelter shed at the Montacute Tennis Courts.</p> <p>RECOMMENDED</p> <p>Through the Council's 2018/2019 Annual Business Plan and Budget process, Council will be resurfacing the courts at the Montacute site and must ensure that the installation of the shelters doesn't impact the resurfacing process. The group should refer to their funding agreement for further details.</p>	Minor Facility Development	\$6,480	Yes

**COMMUNITY & RECREATION FACILITY GRANTS
2018 / 2019**

	Organisation	Summary	Category	Requested	Recommended
57	Upper Sturt Soldiers Memorial Hall	<p>The Upper Sturt Soldiers Memorial Hall commemorates those who served in World War One. The organisation is seeking funding for the upgrade of Heritage Cottage and Old Upper Sturt Post Office Project.</p> <p>NOT RECOMMENDED</p> <p>The project has merit; however the application doesn't have sufficient detail to be considered eligible. Council staff will work with the group to seek alternative funding sources, or to ensure that they have sufficient information to reapply at the next round.</p>	Facility Planning	\$19,500	No
61	Lobethal Recreation Ground Sports Club	<p>The Lobethal Recreation Ground Sports Club is the overarching body of the sporting clubs and their associated facilities at Lobethal. The club is seeking funding to develop plans for a facility upgrade.</p> <p>NOT RECOMMENDED</p> <p>The project has merit; however the application doesn't have sufficient detail to be considered eligible. Council staff will work with the group to seek alternative funding sources, or to ensure that they have sufficient information to reapply at the next round.</p>	Facility Planning	\$12,750	No
62	Mylor Citizens Friendship Club of Mylor	<p>The Mylor Citizens Friendship Club is located at the Mylor Cotton Memorial Hall. The club is seeking funding for a kitchen refurbishment.</p> <p>PART RECOMMENDED</p> <p>The grant program is oversubscribed and the club has indicated they can proceed with partial funding.</p>	Minor Facility Development	\$8,260	Yes \$6,260
64	Uraidla & Summertown Horticultural & Floricultural Society	<p>The Uraidla Show Hall is home to the annual country show and provides a unique event venue for the community. The organisation is seeking funding for the installation of a solar power system.</p> <p>RECOMMENDED</p> <p>This has been funded through Council's Sustainability budget.</p>	Minor Facility Development	\$9,050	Yes

**COMMUNITY & RECREATION FACILITY GRANTS
2018 / 2019**

	Organisation	Summary	Category	Requested	Recommended
66	Mount Lofty Cricket Club	<p>The Mount Lofty Cricket Club is located at Heathfield Oval and participates in the Hills Cricket Association competitions. The club is seeking funding to repair their cricket nets.</p> <p>NOT RECOMMENDED</p> <p>The application doesn't have sufficient detail to be considered eligible. Council staff will work with the group to seek alternative funding, or to ensure they have sufficient information to reapply at the next round.</p>	Minor Facility Development	\$3,000	No
69	Uraidla Bowling Club	<p>The Uraidla Bowling Club is located adjacent to the Uraidla Soldiers Memorial Park site and field teams in the Hills Bowling Associations Summer competition. The club is seeking funding to redevelop the store and BBQ area.</p> <p>NOT RECOMMENDED</p> <p>The application has merit; however, the grant program is oversubscribed and they received funding in the 2017/2018 grant round.</p>	Minor Facility Development	\$5,400	No
70	Human Projectile Mountain Bike Club	<p>The Human Projectile Mountain Bike Club has been riding at Cudlee Creek Forest and Fox Creek since 1991. The club is seeking funds to develop a beginners Mountain Bike skills trail.</p> <p>PART RECOMMENDED</p> <p>The grant program is oversubscribed and the club has indicated they can proceed with partial funding.</p>	Minor Facility Development	\$9,700	Yes \$7,000
71	Woodside Hall Committee	<p>The Woodside Hall is located on Onkaparinga Valley Road and is used by community groups, including the Lions Club, Rotary Club, CWA and Neighbourhood Watch. The committee is seeking funding to repair the hall flooring.</p> <p>PART RECOMMENDED</p> <p>The grant program is oversubscribed and the committee has indicated they can proceed with partial funding.</p>	Minor Facility Development	\$7,000	Yes \$6,000

**COMMUNITY & RECREATION FACILITY GRANTS
2018 / 2019**

	Organisation	Summary	Category	Requested	Recommended
72	Bridgewater Uniting Church	The Bridgewater Uniting Church on Mount Barker Road is seeking funding to develop its performance, arts and community gathering venue. NOT RECOMMENDED The project has merit and the group's application was comprehensive, however it didn't meet this grant program's eligibility criteria to levels that other applications did.	Major Facility Development	\$40,000	No
73	The Warrawong Sanctuary Foundation	The Warrawong Sanctuary Foundation was established as a charity to support communities across Australia by conserving Australian flora and fauna. The foundation is seeking funding for Stage 1 of their project, to restore the Warrawong Sanctuary nature trail boardwalk. NOT RECOMMENDED The project has merit and the group's application was comprehensive, however it doesn't meet this grant program's eligibility criteria.	Minor Facility Development	\$9,999	No
76	Mount Lofty Scout Group	The Mount Lofty Scout Group is located in Stirling and has over two hundred young members. Its facility is utilised every weeknight. The group is seeking funds to remove and replace an existing storage shed. PART RECOMMENDED The grant program is oversubscribed and the group has indicated they can proceed with partial funding.	Minor Facility Development	\$7,500	Yes \$7,000
77	Mount Lofty Scout Group	The Mount Lofty Scout Group is located in Stirling and has over two hundred young members. Its facility is utilised every weeknight. The group is seeking funding to purchase a BBQ trailer. NOT RECOMMENDED The group submitted two applications, with only one able to be funded. Please refer application number 76.	Minor Facility Development	\$9,000	No

**COMMUNITY & RECREATION FACILITY GRANTS
2018 / 2019**

	Organisation	Summary	Category	Requested	Recommended
79	The Kersbrook Shed	The Kersbrook Shed group is developing a new shed at the Kersbrook Oval site. The group is seeking funding to clad the shed walls and roof. RECOMMENDED	Minor Facility Development	\$3,255	Yes
80	Mylor Oval Management Committee	The Mylor Oval Management Committee are planning on upgrading the Mylor Oval clubrooms and are seeking funding to upgrade the kitchen and water tank. NOT RECOMMENDED The Panel recommends that the Masterplan of the oval (see application no. 54) is complete prior to any other works being undertaken.	Major Facility Development	\$14,500	No
82	Aldgate Cricket Club	The Aldgate Cricket Club participates in the Hills Cricket Association competitions. The club is seeking funds to replace the cricket pitch at the Aldgate Oval. PART RECOMMENDED The grant program is oversubscribed and the group has indicated they can proceed with partial funding.	Minor Facility Development	\$9,900	Yes \$7,900
83	South Australian Pistol and Shooting Club	The South Australian Pistol and Shooting Club located in Stirling are affiliated with both the State and National Pistol Association's. The club is seeking funds to install solar panels. RECOMMENDED This has been funded through Council's Sustainability budget.	Minor Facility Development	\$5,470	Yes

**COMMUNITY & RECREATION FACILITY GRANTS
2018 / 2019**

Summary of Recommendations

Number of applications received	Number of grants recommended	Value of all grant applications	Value of grants recommended	Value of grants not recommended
28	14	\$332,232	\$97,741	\$234,491

**ADELAIDE HILLS COUNCIL
ORDINARY COUNCIL MEETING
Tuesday 28 August 2018
AGENDA BUSINESS ITEM**

Item: 12.7

Originating Officer: John McArthur, Manager Waste and Emergency Management

Responsible Director: Peter Bice, Director of Infrastructure and Operations

Subject: Community Wastewater Management Systems Review – Update and Consultation Outcomes

For: Decision

SUMMARY

At its meeting held on 26 September 2017, Council resolved that the CEO identify and seek the interest of other councils in undertaking an open market joint expression of interest (EOI) process for the potential divestment of Council's CWMS assets.

The CEO wrote to a number of councils late 2017, seeking their interest in collaborating with Adelaide Hills Council for a collective approach to market. Two of these councils responded with interest and subsequently a Joint Working Group was formed with the City of Onkaparinga (CoO) and the Rural City of Murray Bridge (RCMB).

A joint open market EOI process was undertaken through April – June 2018 by Adelaide Hills Council, CoO and RCMB.

At a Special Council meeting held on 19 June 2018 Council was presented with an overview of the outcomes of the EOI and evaluation process. To inform future decision making in relation to the potential divestment of Council's CWMS, it was recommended that community consultation and an independent Prudential Review consistent with Section 48 of the *Local Government Act 1999*, be conducted. Council resolved to undertake both.

This report presents an overview of the community consultation and Prudential Review outcomes. This report also recommends that Council progress to a second stage request for tender for the potential divestment of CWMS to provide full and accurate information allowing a fully informed decision to be made.

RECOMMENDATION

Council resolves that:

- 1. The report be received and noted**
- 2. The CEO undertakes a request for tender process for the divestment of Council’s CWMS assets to inform Council’s decision to sell or retain these assets.**
- 3. The resolution to undertake a request for tender process is subject to there being no matters of material impact identified through further due diligence and request for tender preparation activities, as determined by the CEO.**
- 4. Subject to Council resolving to proceed to a request for tender for the divestment of Council’s CWMS assets, the CEO be delegated to prepare and approve an evaluation plan for the purposes of assessing responses received including but not limited to the following criteria:**
 - CWMS customer pricing and fees**
 - Sale price for CWMS assets**
 - Respondents financial capacity**
 - Respondents operational capacity and capability**
 - Network investment and expansion**
- 5. That ongoing analysis be undertaken on continued Council ownership of CWMS assets for request for tender comparison purposes to inform future decision making.**
- 6. The Prudential Review Report and the Probity Report be received and noted.**
- 7. The Council acknowledges that whilst S48 of the Local Government Act 1999 does not require a prudential review to be undertaken, the report in relation to this project is consistent with the provisions of S48.**
- 8. The Administration is to continue to work collaboratively with the City of Onkaparinga and Rural City of Murray Bridge for the potential divestment of Council’s CWMS.**
- 9. That probity advisory services continue to be maintained throughout the CWMS review process.**
- 10. That a further report be provided to Council detailing the outcomes of the second stage request for tender and evaluation process with recommended next steps.**

1. GOVERNANCE

➤ Strategic Management Plan/Council Policy

Goal 3	Places for people and nature
Strategy 3.5	We will take a proactive approach, and long term view, to infrastructure maintenance and renewal

To continue with the CWMS review and undertake a request for tender process, as recommended by this report, ensures all options for the efficient and effective management and operations of Council’s CWMS are explored. Furthermore, undertaking a request for tender process also allows full exploration of the potential benefits to CWMS customers, the broader community and Council.

➤ **Legal Implications**

Section 48 of the *Local Government Act 1999* refers to prudential requirements for certain projects of significance. Section 48 of the *Local Government Act 1999* requires councils to undertake a Prudential Review before a council engages in a project that exceeds financial parameters set by the Act.

Furthermore, the Act also stipulates where a council considers that it is necessary or appropriate, a report that addresses the prudential issues set out in Section 48(2) can be obtained before the council engages in that project. The exploration of divestment of Council's CWMS assets is considered to be a project of significant community importance and therefore a Prudential Review and subsequent report has been prepared (see **Appendix 1**).

Probity services have been maintained throughout the CWMS Review and EOI process since March 2017 to date, in accordance with further Council resolutions at 26 September 2017 and 19 June 2018 meetings. A Probity Report has been provided by the Probity Advisor (see **Appendix 3**) to provide Council with assurance that probity has been maintained throughout this process.

The Prudential Review and Probity Report were presented to the Audit Committee at their meeting on 13 August 2018 and resolved the following;

6.2. Prudential Report for Potential Divestment of CWMS

Moved Cr John Kemp
S/- Peter Brass

AC18/31

The Audit Committee resolve that;

1. The Prudential Review Report and the Probity Report be received and noted.
2. The Audit Committee acknowledges that whilst S48 of the Local Government Act 1999 does not require a prudential review to be undertaken, the report in relation to this project satisfies the provisions of S48.

Carried

➤ **Risk Management Implications**

Progressing to a second stage request for tender will assist in mitigating the risk of:

Decision making that is not fully informed and therefore may result in the foregoing of potential benefits to CWMS customers, the broader community and Council.

Inherent Risk	Residual Risk	Target Risk
High (4C)	High (4C)	Low

Adoption of the report recommendations will result in the creation of mitigation actions to undertake a request for tender process for the potential divestment of Council's CWMS.

➤ **Financial and Resource Implications**

A review of the financial risks associated with the potential sale within the Prudential Review identifies that the major uncertainty is the sale price of the CWMS business if divestment was to occur. Income received from any divestment will increase investment income or reduce Council's finance costs, but the value of this will be dependent on the sale price. Council would no longer receive income from the CWMS business and would no longer have to pay the direct costs of operating the CWMS.

An analysis has shown that without the CWMS the net income to Council will reduce in the order of \$669k per year.

It should be noted that when Council calculates the CWMS charges for its customers it includes, as required by the Essential Services Commission of South Australia (ESCOSA) pricing principles, all the costs attributable to CWMS operations, including indirect labour costs, overheads and cost of capital. These items are appropriate to consider when calculating CWMS fees.

Council's overhead costs would not be affected by a divestment of the CWMS and that staff who work part time on the CWMS will continue to work at AHC. There is a small ongoing saving in current CWMS call-out costs.

As mentioned above, should the CWMS assets be divested this outcome will result in a reduction of net income to Council. In the longer term, a low sale price is likely to have an adverse impact on Council's financial position, whilst a high sale price could improve Council's financial capacity. Income received from any divestment will increase investment income or reduce Council's finance costs but the value of this will be dependent on the sale price.

It is also important to note, and as stated above, a low sale price is likely to have an adverse impact on Council's financial position, impacting all rate payers and Council, but may in turn result in lower fees charged to CWMS Customers. Conversely, a high sale price could improve Council's financial capacity but may result in a higher cost structure for the potential purchaser. In a high sale price scenario, it is likely the increased cost structure would need to be recovered by the new owner through higher customer fees and charges as opposed to a low bid scenario.

The Prudential Review provides an analysis of the financial impacts to Council's Long Term Financial Plan if divestment of Council's CWMS assets occurred. Due to the sale price for the assets being unknown a theoretical low sale price vs a high sale price were compared to Council's adopted LTFP (business as usual). The outcome of this analysis provides a high level indication of the likely long term impact to Council through the divestment of Council's CWMS.

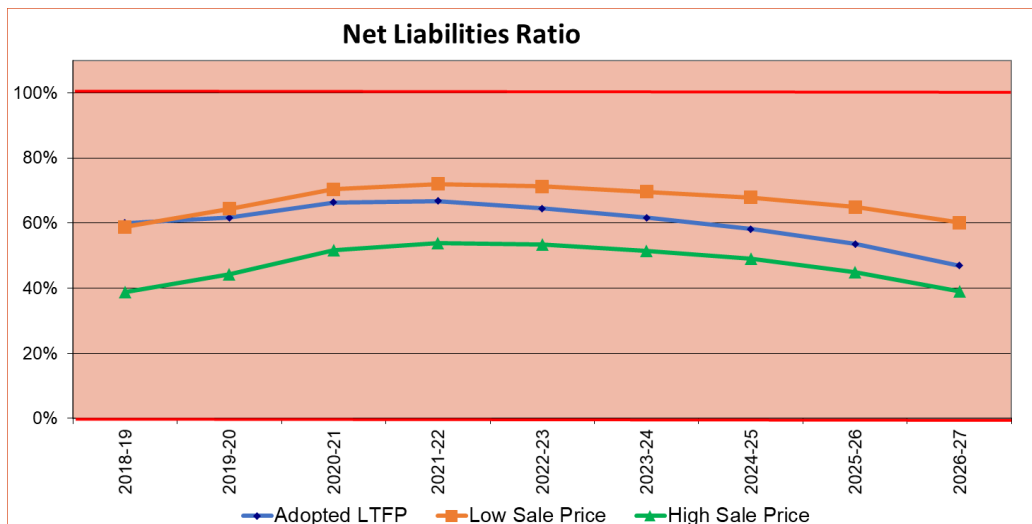
A low sale price scenario sees the Operating Surplus Ratio dip into a negative percentage, indicating an operating deficit, in the first two years, before moving to a small surplus. The gap between the low sale price scenario and the adopted Long Term Financial Plan continues to widen over the period of the model indicating that Council would be in a less financially sustainable position in this scenario compared to retaining the CWMS.

The high sale price scenario achieves an outcome over the longer term similar to the adopted LTFP. The ongoing loss of income resulting from the divestment of the CWMS is compensated for by the reduction in borrowing costs and / or increase in investment income achieved from the sale proceeds.



In regard to the Net Liabilities Ratio the low sale price scenario shows that Council’s financial capacity will be less than if the CWMS continued to be operated by Council. In comparison, a high sale price scenario reduces the Net Liabilities ratio, indicating an increase in Council’s financial capacity when compared to the adopted LTFP.

The low sale price scenario would impact on Council’s ability to fund additional capital projects through borrowing whilst the high sale price would enhance Council’s ability to undertake additional capital expenditure for the benefit of the community.



The sale of the CWMS would not have a significant impact on the Asset Sustainability Ratio.

The potential sale price and impact to Council’s LTFP will remain unknown until a second stage request for tender is undertaken, if resolved to do so.

Various costs are involved in undertaking a request for tender including consultants, legal, financial, engineering advice as well as internal staff time and resources. Whilst the exact costs of this process are unknown it is anticipated this may be in the order of \$50,000. These costs would be greater than this amount if Adelaide Hills Council were working alone as opposed to working collaboratively with the CoO and the RCMB.

This amount is over and above the budget set aside for CWMS management activities of this type. The additional costs required to progress to a request for tender as proposed by this report over and above the balance of the existing budget will be in the first instance sought through savings in other areas as part of ongoing budget reviews. If there are insufficient internal savings identified, additional funding will be sought from Council through the budget review process.

➤ **Customer Service and Community/Cultural Implications**

The community was provided with the opportunity to provide feedback in relation to the possible divestment of Council's CWMS assets. Community consultation occurred from 9 July – 2 August 2018.

The Prudential Review considered the community consultation process to be a 'reasonable level of communication with this project'. The outcome of the community consultation undertaken is provided within the Analysis section of this report.

High level risks identified in the Prudential Review included the possible impact a divestment may have on prices for existing CWMS customers and the potential impact on future network expansion into currently un-sewered townships. These risks are major considerations if progressing to a second stage request for tender and will be further assessed and considered through this process.

➤ **Environmental Implications**

As previously reported to Council Members, continued ownership and operation of CWMS networks carries with it legislative and regulatory obligations under the *Environmental Protection Act 1993* due to the nature and inherent risks associated with the operation and management of wastewater infrastructure. There are risks of causing environmental harm if not adequately managed and resourced appropriately. These risks and obligations apply to all wastewater service providers, not just Council.

Council has completed a number of mitigation activities in relation to minimising environmental harm. These include completion of two Environmental Improvement Programs, development of a Safety Reliability Maintenance Technical Management Plan and development of an Emergency Response and Incident Notification Protocol. These activities are discussed in further detail in the Background section of this report.

An increased understanding of the regulatory framework and obligations associated with managing and operating wastewater networks has resulted in the risk profile within the CWMS environment improving over the past few years. The residual risk levels in certain areas have reduced due to the implementation of mitigation controls.

However, noting the relatively small number of CWMS connections in comparative terms with other councils a dedicated and larger wastewater service operator may be better resourced and equipped to manage the public and environmental risks associated with the

future operation and management of Council's CWMS. Undertaking a request for tender process will enable Council to explore this prospect further.

Divestment of Council's CWMS would result in environmental risks and relevant obligations being transferred to another service provider. Council would still have a regulatory role in this space to ensure that public health and environmental incidents are managed appropriately and in a compliant manner, by Council's Environmental Health Officers authorised under the *SA Public Health Act 2011* and *Environmental Protection Act 1993*.

➤ **Engagement/Consultation conducted with Council Committee, Regional Subsidiary, Advisory Group, the Administration and Community**

Council Committees: The Prudential Review and Probity Report were presented to the Audit Committee on the 13 August 2018.

Council Workshops: Two part workshop held on 1 August 2018 and 14 August 2018 with Council Members providing them with an overview of the Prudential Review and community consultation outcomes and priorities if progressing to a second stage request for tender.

Advisory Groups: Not Applicable

Administration: Chief Executive Officer
Director Infrastructure and Operations
Director Corporate Services
Manager Waste and Emergency Management
Manager Financial Services
Manager Property Services

Community: Community consultation was conducted through 9 July 2018 – 2 August 2018, involving a mail out to CWMS customers, future potential customers in specified un-sewered townships and other relevant stakeholders, as well as a Notice placed in local newspapers and through online information and survey.

2. BACKGROUND

Council has been reviewing its CWMS operations with the aim of ensuring current and future CWMS customers and the community are receiving the most cost effective, efficient and reliable service possible.

A greater understanding and maturity has occurred over the past few years since commencing the CWMS Review. Many of the risks that drove the initial CWMS review, have been investigated, assessed and managed, reducing the overall CWMS risk profile to Council. However there will always be a residual risk in owning and operating sewerage and recycled water infrastructure.

Examples of works undertaken to ensure regulatory compliance include the creation and implementation of a Safety Reliability Maintenance Technical Management Plan, Customer Charter, CWMS Customer Hardship Policy and CWMS Pricing Policy Statement. Council has undertaken a CWMS Pricing Principles Review and creation of a CWMS pricing model

template to ensure consistency and compliance with the National Water Initiative Pricing Principles and ESCOSA’s Price Determination for Minor to Intermediate Water Retailers.

As previously outlined Council has also invested in capital infrastructure to close out Environmental Improvement Programs issued by the Environmental Protection Agency for the appropriate disposal of treated wastewater from the Birdwood and Kersbrook treatment facilities, resulting in the sustainable ongoing supply of recycled water to community sporting facilities and a local vineyard in Birdwood. An Emergency Response and Incident Notification Protocol has recently been completed to guide what actions are to occur by Council when a wastewater incident does arise and the relevant way for reporting these incidents to the various regulating authorities.

Council recently undertook an open market Expression of Interest (EOI) process to allow public and private operators the opportunity to express their interest in owning and managing Council’s CWMS networks. To ensure a competitive process, and to return maximum benefit to the community and Council, the EOI process was undertaken in collaboration with the City of Onkaparinga and the Rural City of Murray Bridge to generate larger economies of scale, and thereby increase the potential interest from public and private operators.

As a result of the EOI process undertaken several responses were received. Due to the nature of the divestment process being undertaken and probity advice received, the responses must be treated as commercial in confidence across the collaborative councils and to ensure the maintenance of a competitive process going forward. Therefore details of the tenderers and their indicative offers are not detailed in this report.

In consideration of the confidential report to Council on 19 June 2018, Council members resolved the following;

6.1.1 Community Wastewater Management System Expression of Interest Outcomes – Confidential Item

ITEM 4 RELEASED 05 JULY 2018

MINUTE FULLY RELEASED 9 AUGUST 2018/REPORT REMAINS CONFIDENTIAL

Moved Cr Linda Green
S/- Cr Nathan Daniell

131/18

Council resolves:

1. **That the report be received and noted.**
2. **The Administration is to continue to work collaboratively with the City of Onkaparinga and Rural City of Murray Bridge for the potential divestment of Council’s CWMS.**
3. **To inform future decision making in relation to divestment of Council’s CWMS or otherwise an independent Prudential Review is to be conducted in accordance with Section 48 of the Local Government Act 1999.**
4. **Community consultation is to be undertaken as outlined in this report, including a drop in session in Gumeracha, to inform future decision making in relation to divestment of Council’s CWMS or otherwise.**
5. **That probity advice services are maintained throughout the CWMS review process.**
6. **A further report be provided to Council outlining the outcome of community consultation and prudential review to inform its consideration of progressing to a second stage request for tender for the divestment of Council’s CWMS.**

Carried Unanimously

The community was given the opportunity to provide their feedback in relation to the possible divestment of Council's CWMS assets. Community consultation occurred from 9 July – 2 August 2018.

Letters were sent to all property owners with a CWMS connection as well as customers receiving recycled water supply from the Birdwood and Kersbrook wastewater treatment facilities. Homeowners in the currently un-sewered townships of Mylor, Summertown/Uraidla, Inglewood and Houghton were also notified via mail. A Notice was placed in two local newspapers advising the community of the consultation process and directing people to the online survey and information on Councils Engagement HQ website. A summary of the feedback received is provided in **Appendix 2**.

In accordance with Council resolution (3) from the 19 June 2018 meeting, to inform future decision making in relation to the possible divestment of Council's CWMS assets, an independent Prudential Review has been undertaken.

It should be noted that the potential divestment of Council's CWMS assets does not trigger any of the set financial parameters within section 48 of the *Local Government Act 1999* that would legally require Council to undertake a Prudential Review. However, given the significance of the potential divestment of Council's CWMS assets a Prudential Review has been completed to ensure fully informed future decision making in this regard.

The Prudential Review was undertaken by an independent consultant who met with relevant Council staff a number of times over the review period to collect information relating to but not limited to Council's processes (i.e. Project Plan, project governance, stakeholder consultation), financial data, Long Term Financial Plan, Strategic and Development Plans. Through the review process applicable project risks were identified and outlined in the final report for consideration.

The Prudential Review addresses the following criteria in relation to the potential divestment of Council's CWMS assets:

- Relationship to strategic plans
- Objectives of the Development Plan
- Economic development impacts
- Community consultation
- Revenue projections and potential financial risks
- Recurrent and whole of life costs
- Financial viability of the project
- Risks associated with the project
- Appropriate mechanisms to carry out the project
- Sale of land

3. ANALYSIS

Prudential Review Outcomes

The Prudential Review examines the adverse consequences and potential benefits that may arise from the divestment of Council's CWMS.

The CWMS Review project was assessed to be consistent with Council's current Strategic Management Plans and the objectives of Council's Development Plan. The project was recognised as having a strong governance structure and suitable resourcing for a project of this scale.

A review of the financial risks associated with the sale show that the major uncertainty is the sale price of the CWMS business. Income received from any divestment will increase investment income or reduce Council's finance costs but the value of this will be dependent on the sale price. In addition to this an analysis has shown that without the CWMS the net income to Council will reduce in the order of \$669k per year.

The operations of CWMS are well regulated, with strict environmental, health and operational controls in place. There is an active regulatory system independent of Council for reporting faults and ensuring they are rectified. There is also a regulatory system which ensures that pricing is controlled.

Currently Council only charges a relatively low rate of return in calculating its CWMS prices and it is possible a new owner may have higher debt or equity costs particularly if offering a high bid for the CWMS assets. If this outcome were to eventuate it may result in a higher cost structure for the new owner which could be recovered through customer fees. A low bid for the CWMS assets would result in a lower cost structure and debt with potential lower fees to customers.

A large organisation which already services a large number of other customers may be able to spread its operating costs over its entire network in a way which may benefit prices charged to local customers. The pricing variables are almost endless. A new owner may not adopt network pricing and charge each scheme a different price depending on the cost of running each scheme. Any of these decisions could result in higher or lower prices for particular properties.

In the long term a low sale price is likely to have an adverse impact on Council's financial position, whilst a high sale price could improve Council's financial capacity. These outcomes are dependent on the sale price received for the business and the nature of the purchaser.

It is important to note that as mentioned above low sale price is likely to have an adverse impact on Council's financial position affecting all rate payers and Council, but may result in lower fees for CWMS customers. Conversely a high sale price could improve Council's financial capacity but would result in a higher cost structure to the purchaser which may need to be recovered through higher customer fees.

The Prudential Review also identified the following risks associated with the divestment process which are discussed in detail within the report.

Low risk

- Failure of a private company
- Adverse community, political and media attention

Medium risk

- Contractual risks
- Clarity of project objectives

High risk

- Customer outcomes not achieved
- Development of future areas

Community Consultation Outcomes

The community consultation process occurred from 9 July – 2 August 2018 and resulted in the following feedback and involvement from the community. It is important to note that some of the risks and concerns raised during the community consultation process may also apply if Council ultimately retains ownership of the CWMS.

Drop in information sessions attendance:

17 July 18	Gumeracha Civic Centre	10	attendees
18 July 18	Stirling Library	3	attendees
19 July 18	Woodside Library	6	attendees

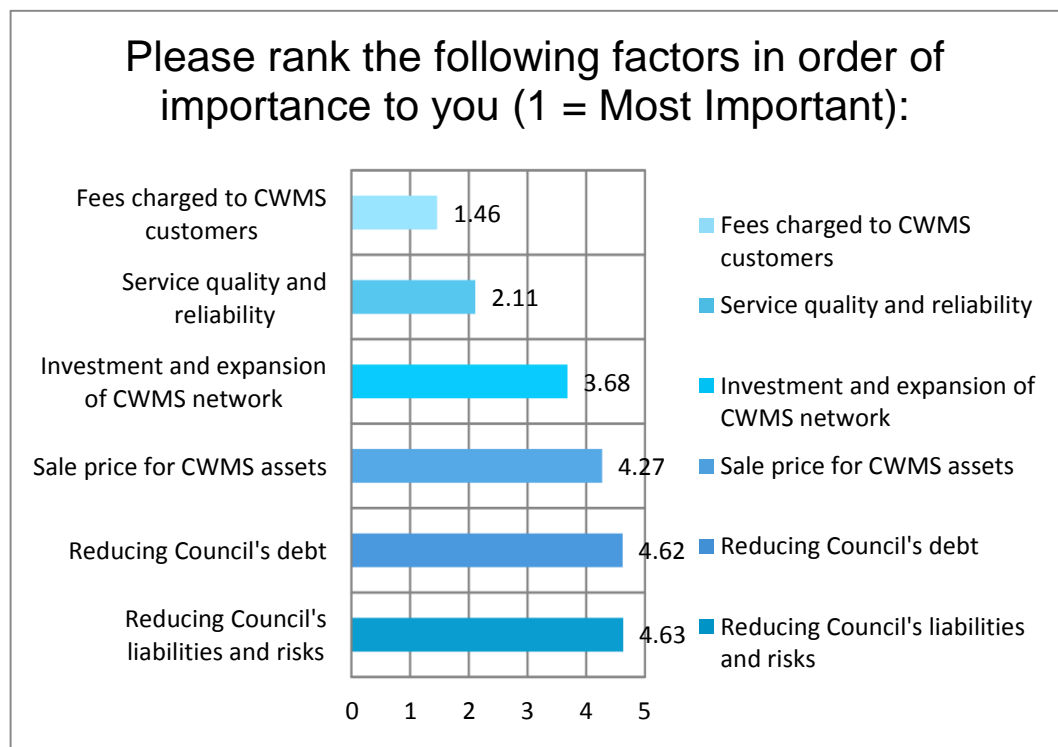
37 online survey responses were received

10 phone calls and **5** emails received

It is important to note that there were only a small percentage of responses compared to the total number of CWMS customers, who are directly affected by a potential divestment of CWMS. However the information provided was very high level and did not contain any detail for the community to make fully informed responses. It is anticipated that further consultation would occur pending the outcome of a request for tender process, if it was to occur.

Survey results

The community was asked to rank the following factors in order of importance to them. With 1 being most important and 5 being least important. The graph below shows that the feedback from the community is that the fees charged to the CWMS customers was the most important factor to them, followed by service quality and reliability, investment and expansion, sale price for the CWMS assets, with the least important factors being reduction in Council's debt, liabilities and risks.



Drop-in information sessions

The drop-in information sessions were run as an open forum to discuss the communities concerns, feedback and questions regarding the potential CWMS divestment. Reoccurring themes were identified throughout these sessions, such as:

- General fear of privatisation “ETSA all over again”
- Fear of significant price rises
- Concerns regarding the lack of control the community and Council would have following the divestment of CWMS
- Concern of a drop in service standards
- Confidence in Council to continue to provide the service

There was a general sentiment in these sessions that the community were confident in Council’s current ownership, operation and management of the CWMS. Further, there was reassurance that Council are accountable to the community and will take their interests into account in the management of the CWMS, as opposed to private ownership.

Direct phone or email contact with Council

Feedback direct to Council was also received via phone contact and emails.

Three responses came from residents living in the un-sewered townships of Mylor, Summertown/Uraidla, Inglewood and Houghton. Two of these responses were supportive of the towns being sewerred in the future. One response was partially supportive due to the fact that the property owner had just invested significant money to upgrade their onsite wastewater system, but believed the rest of the community would benefit from this infrastructure.

Council workshop

A workshop was undertaken with Council Members to obtain feedback on the priority outcomes if Council resolves to progress to a potential second stage request for tender. An interactive exercise was undertaken with Council Members providing their feedback on the highest priorities for this process. Feedback from this workshop indicated that the priorities were consistent with the community consultation feedback.

Divestment Objectives

Taking into consideration the Prudential Review findings and the community consultation outcomes the following priority assessment criteria for a potential tender process and subsequent evaluation of bids have been identified:

- CWMS customer pricing and fees
- Sale price for CWMS assets
- Respondents financial capacity
- Respondents operational capacity and capability (service quality and reliability)
- Network investment and expansion (un-sewered townships identified as being high priority – Mylor, Summertown/Uraidla and Inglewood/Houghton)

It is recommended that the above points be included in the Evaluation Plan for assessing responses received from the request for tender process.

Ownership of the CWMS assets provides value to Council and in turn CWMS customers and the broader community. Likewise, divestment of Council's CWMS assets may also provide a value to Council, the broader community and CWMS customers. Accordingly, a further key divestment objective is to ensure a comprehensive comparison is made between continued Council ownership and divestment, taking into consideration risks, opportunities and financial impacts to the community and Council.

Taking into consideration the information provided in this report and information previously provided throughout the CWMS review process it is recommended to undertake a request for tender process and associated tasks. These matters are discussed in further detail below.

Request for tender

The expression of interest process undertaken identified that there is market interest in ownership and management of Council's CWMS assets.

Responses received through the EOI process provided non-binding indicative values for Council's CWMS assets. To provide certainty on the sale value Council may obtain through divestment of the CWMS assets it is necessary to seek binding offers from the market through a request for tender process. Once this information is obtained, only then can a comparison be made with the benefits and risks to Council, the broader community and CWMS customers of retaining ownership of the CWMS assets or otherwise.

To ensure fully informed future decision making and for completeness of the ongoing CWMS review it is recommended a request for tender process for divestment of Council's CWMS assets be undertaken.

Due Diligence

A number of actions have been completed that provide quality data to inform and improve accuracy of the value of retaining ownership of Council's CWMS assets to enable a comparison with divestment. These actions include community consultation, independent Prudential Review and an independent valuation of Council's CWMS assets. In addition, a review of CWMS customer pricing has recently been completed. The review identifies Council are charging within the ESCOSA pricing principles and obligations, however there is a need for an additional price increase transition from 2019/20 financial year, to achieve full compliance.

Concurrently with the preparation of the request for tender documentation further due diligence will be undertaken. This work will predominantly inform the development of request for tender documentation to ensure a comprehensive and high quality outcome is achieved from the process. In addition, a review of the CWMS risk assessment will be completed to ensure the risks are accurate and reflect the change in risk profile relating to CWMS mentioned previously in this report.

One key aspect of due diligence to be completed includes further analysis of continued Council ownership of CWMS assets for request for tender comparison purposes.

One aspect of this further analysis, and as identified in the Prudential Review, to be explored are the risks related to potential divestment of Council's CWMS and investment in new schemes. Specifically, the ability to provide CWMS infrastructure to the un-sewered townships of Mylor, Summertown/Uraidla, Inglewood and Houghton may be compromised if Council were to divest of its wastewater assets. Furthermore, an analysis of the impact to Council's financial and operational abilities from investing in these schemes needs to be undertaken. Accordingly, these potential risks need to be explored further concurrently with the preparation of the request for tender documentation.

Community Land

There are 5 parcels of community land associated with the CWMS assets. If Council resolves to progress to a request for tender for the potential divestment of CWMS there are two options to either lease the land to the new operator or include the land in the sale. Analysis of these options is required to identify the preferred approach which will be undertaken taking into consideration feedback from the market. Subject to what option is progressed, a process to revoke the community land classification of the relevant parcels of land may need to be initiated.

Probity

Probity services have been maintained throughout the CWMS Review and EOI process since March 2017 to date, in accordance with further Council resolutions at 26 September 2017 and 19 June 2018 meetings.

A common Probity Plan was developed in consultation with the Probity Advisor and was adopted by the collaborating Council's Joint Working Group to ensure a consistent approach. The Probity Advisor has been present at all relevant Joint Working Group meetings, Adelaide Hills Council Evaluation Panel meetings and has provided advice when required.

The role of the Probity Advisor is to provide reasonable assurance that the process has been fair and equitable for all interested parties, and that the councils act with integrity, fairness and transparency throughout the CWMS review process. A Probity report has been provided by the Probity Advisor (see **Appendix 3**). This report was provided to the Audit Committee on 13 August 2018 to provide the Committee and Council with assurance that probity has been maintained throughout this process.

Conclusion

Taking the matters outlined above into consideration the following indicative request for tender process is provided for Council Member consideration. Please note this process is indicative and subject to change noting the need to be flexible and responsive in regard to working collaboratively with the CoO and the RCMB and unknown market outcomes that may influence the process.

Indicative Process September 2018 to October 2019

1. Undertake further due diligence and prepare request for tender documentation
2. Release request for tender to market
3. Receive, consider and evaluate responses
4. Report to Council on the outcome of the analysis undertaken on continued CWMS ownership and the results of the request for tender process with recommended next steps

Subject to the outcome of 4 above the following is indicative and may or may not be required.

5. Negotiations with preferred respondent(s)
6. Further community consultation
7. Report to Council on negotiations undertaken and results of community engagement with final recommendation to divest or retain CWMS assets

Council has been undertaken a CWMS review for a number of years and in doing so has invested resources and obtained a greater understanding of the risks and benefits associated with operating wastewater infrastructure. To not progress to a request for tender stage for the divestment of Council's CWMS at this point in time could potentially result in foregoing of potential benefits to CWMS customers, the broader community and the Council.

Accordingly, this report recommends that Council resolve to progress to a request for tender to provide full and accurate information allowing a fully informed decision to be made.

4. OPTIONS

Council has the following options:

- I. Resolve to undertake a second stage request for tender for the divestment of Council's CWMS preferably in collaboration with the City of Onkaparinga and the Rural City of Murray Bridge (pending the outcomes of their Council resolutions) to ensure all options in regard to future operation and management of CWMS are fully explored (Recommended).
- II. Not continue with the Joint Working Group and collective approach to market with City of Onkaparinga and the Rural City of Murray Bridge progressing to a second stage request for tender alone. This option is not recommended as Council will forego the benefits from partnering with other councils including cost sharing and the potential to maximise bids through economies of scale (Not Recommended).
- III. Not progress to a request for tender process and continue to conduct business as usual with Council ownership and operation of the CWMS. This option is not recommended at this stage as Council would not have fully explored all potential options for the future operation and management of the CWMS networks (Not Recommended).

5. APPENDICES

- (1) Prudential Review
- (2) Community Consultation Outcomes
- (3) Probity Report

Appendix 1

Prudential Review

Potential of CWMS Divestment

Prudential Report for

Adelaide Hills Council

Final
August 2018

Alan Rushbrook



Executive Summary

This Prudential Report examines the adverse consequences and potential benefits that may arise from the divestment of Council's Community Waste Water Management Systems (CWMS). Although under no obligation to have a Prudential Report prepared, Council has commissioned the preparation of this report to assist Council when it considers how to proceed with the possible divestment of the CWMS. The report addresses all the prudential topics required under Section 48 of the Local Government Act.

The possible divestment of the CWMS has been considered by Council for a number of years and recently Adelaide Hills Council has participated in an Expression of Interest for the Divestment of their CWMS with the City of Onkaparinga and the Rural City of Murray Bridge. Council is about to consider proceeding to a Request for Tender.

When considering the project it was assessed to not be inconsistent with Council's current Strategic Management Plans nor to be contrary to the objectives of Council's Development Plan.

Whilst constrained by the commercial nature of the project the CWMS customers and community have been informed and given the opportunity to comment on the proposed divestment of the CWMS assets.

A review of the financial risks associated with the sale show that the major uncertainty is the sale price of the CWMS business. Income received from any divestment will increase investment income or reduce Council's finance costs but the value of this will be dependent on the sale price. In addition to this an analysis has shown that without the CWMS the net income to Council will reduce in the order of \$669k per year.

In the longer term a low sale price is likely to have an adverse impact on Council's financial position, whilst a high sale price could improve Council's financial capacity. These outcomes are dependent on the sale price received for the business.

The project has a number of other uncertainties, many of which are complex and difficult to assess. One of the highest risks is the possible impact the project might have on the prices for existing customers and on the possibility for future network expansion. Once sold Council is unlikely to have any control over the prices charged to CWMS customers. The prices will be subject to regulatory oversight and the policies of the new owner. The new owner will not be able to access grant funding which Council can currently apply for, but the new owner may have the financial resources to expand the network.

There are a number of contractual issues which, at the present time, represent a risk to Council should the divestment proceed. Also, there is a risk that the benefits deriving

from this project may be compromised without ensuring there are clear project outcomes moving forward.

The project has a strong governance structure and suitable resourcing for a project of this scale.

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Introduction

Adelaide Hills Council operates five Community Waste Water Management Systems (CWMS) which collect, transport and treat waste water from properties in seven townships. A total of 1,903 properties are serviced by these schemes. Each of these properties pay an annual fee to fund the operation of the scheme.

In 2016 Council undertook an Expression of Interest (EOI) but that did not reveal interest in the acquisition of Council's CWMS. A short time later Council received an unsolicited bid for the CWMS, which, after consideration, it did not accept.

Since 2017 Council has worked collaboratively with the City of Onkaparinga and the Rural City of Murray Bridge for the potential divestment of Council's CWMS. In 2018 it issued an EOI for the purchase of the CWMS and is currently in process of considering its response.

On 19th June 2018 Council passed the following resolution

"To inform future decision making in relation to divestment of Council's CWMS or otherwise an independent Prudential Review is to be conducted in accordance with Section 48 of the Local Government Act 1999."

This Prudential Review is consistent with the provisions of Section 48 of the LGA. Some of the requirements to Section 48 have little relevance to this project but the headings have been retained for completeness.

This version of the report has been prepared to inform Council on prudential issues as it considers the outcome of the EOI and decides on what course of action it should take in the future. Should Council decide to proceed with a Request for Tender (RFT) it is intended that this report will be updated and presented to Council when it considers the results of the RFT.

Prudential Review Criteria

The purpose of a Prudential Review is to foresee and assess what adverse consequences might arise from a project being contemplated by Council. Section 48 of the Local Government Act describes ten prudential issues which must be considered in a prudential report prepared in accordance to that section. Whilst this project does not meet the criteria included in the Local Government Act for preparation of a Prudential Report, those ten issues are used as a framework for review of the projects.

The remainder of this report addresses each of these issues.

i the relationship between the project and relevant strategic management plans;

This project supports Council's strategic strategy 3.5 which says *"We will take a proactive approach, and a long term view, to infrastructure maintenance and renewal"* by assessing an option for the future management of its CWMS.

The proposed divestment, if it was to occur, would result in Council reducing its involvement in the direct service provision of waste water services, which will presumably allow it to focus resources on the priorities in its strategic plans. No new activities are planned as a result of this project.

The impact on Council's Long Term Financial Plan (LTFP) is discussed in detail later in this report where two potential financial scenarios are reviewed. The least financially favourable scenario sees Council unable to meet its financial targets without other policy interventions for a short period and thereafter meeting its future targets. The more favourable scenario sees Council consistently meeting its financial targets.

The divestment of the CWMS would not be inconsistent with Council's Strategic Management Plans.

ii the objectives of the Development Plan in the area where the project is to occur;

No development is proposed as a result of this project.

The ponds and pump stations are located within the Watershed Primary Production and Township Centre Zone and these activities are consistent with the objectives of those zones.

iii the expected contribution of the project to the economic development of the local area, the impact that the project may have on businesses carried on in the proximity and, if appropriate, how the project should be established in a way that ensures fair competition in the market place;

It is not expected that this project will directly result in any significant changes in the operation of the CWMS. A new owner would continue to provide the same level of service as has been provided in the past and therefore the project is not expected to have an impact on the economic development of the local area, local businesses, nor on competition in the market place.

It is hoped that any new owner will expand the CWMS but if divestment does not take place it would be expected that Council will continue to assess the feasibility of expanding the systems itself. Any expansion would provide economic benefit to the area where the CWMS is installed. It would not have an impact of competition as community waste water systems are monopoly providers, although there would be negative impact on the businesses which supply and maintain the existing onsite waste water systems.

iv the level of consultation with the local community, including contact with persons who may be affected by the project and the representations that have been made by them, and the means by which the community can influence or contribute to the project or its outcomes;

The project plan for this project has identified “*Keeping the project team and identified stakeholders informed will be a critical activity*” and has identified communication strategies for each stakeholder group.

Following the finalisation of the EOI Council has undertaken the following community consultation.

- Posted approximately 2,080 letters to existing CWMS customers seeking their comments on the project
- Posted a further 500 letters to properties within the townships of Mylor, Inglewood/Houghton and Summertown/Uraidla seeking their comments on the project
- Sent letters to recipients of recycled water seeking their comments on the project
- Conducted drop-in information sessions held at Gumeracha, Woodside and Stirling
- Published a public notice in the local newspaper

- Published information regarding the project on Council’s website and using Council social media channels
- Feedback sought in writing or through short online survey

In addition a short item has been published in the local newspaper informing residents of the proposal.

This consultation process resulted in 36 survey responses. It is understood that all the responses will be made available to Council when they consider the next steps for this project. There has been a reasonable level of communication with the community regarding the proposed divestment.

v if the project is intended to produce revenue, revenue projections and potential financial risks;

The financial aspects of this proposal are relatively simple. If the divestment were to occur Council would receive money for the CWMS and no longer have the income and expenditure related to the CWMS. As the CWMS is part of Council’s existing operations Council knows how much income it receives and the amount of expenditure it spends, or will not have to spend, should it no longer operate a CWMS. The unknown item, and largest financial risk, is how much Council will receive from the divestment of the CWMS.

Sale proceeds

The amount received for the CWMS will be an asset for Council which it can use to further Council’s objectives. This amount is unknown.

Legal and professional advice will be required to support the sale process. It is assumed that professional support costs will continue to be shared with the City of Onkaparinga and the Rural City of Murray Bridge. AHC’s share has been estimated to be \$50k.

Council is yet to decide if land associated with the CWMS will be included in the sale or whether the land will be leased to the new owner. If the land is included in the sale it is unlikely to change the sale proceeds as the land will have little impact on the future cash flows of the business, which is the most probable basis for potential buyers’ determining a purchase price. If the land is leased it is assumed the lease fee will be a peppercorn fee. Therefore both options concerning the land, sell or lease, do not appear to have a material financial impact.

Loss of ongoing income and expenditure

After the divestment, assuming Council takes that path, Council will no longer receive income for the CWMS and it will no longer have to pay the direct costs of operating the CWMS.

The following income and expenses would no longer be expected to be earned or incurred from 2019/20 and onwards.

	\$'000
Reduction of Income	\$1,632
Reduction of Employee costs	\$69
Reduction of Materials and contractual expenses	\$596
Reduction of Depreciation expense	\$298
Net reduction in income	\$669

Council's net income, before considering the impact of the sale proceeds, could be expected to reduce by approximately \$669k each year if it no longer owned the CWMS.

It has been assumed that Council's overhead costs will not be affected by the divestment of the CWMS and that staff who worked part time on the CWMS will continue to work at AHC. There is a small ongoing saving in call-out costs.

It should be noted that when Council calculates the CWMS charges for its customers it includes, as required by the ESCOSA pricing principles, all the costs attributable to CWMS operations, including indirect labour costs, overheads and cost of capital. These items are appropriate to consider when calculating CWMS fees, but since Council will not be saving the indirect labour costs or overheads, nor will it need to calculate the cost of capital if the CWMS is sold, they have not been used in the assessment of the financial impact of the sale.

Income from proceeds of sale

The Council can expect to receive income from the sale. The cash received can be used by Council in a number of ways: to reduce debt, fund community activities or to invest. For the purposes of the financial modelling it is assumed that the funds will be used to retire any short term debt of Council and any remaining amount invested.

Additional financial impacts

Another impact of the sale of assets would be on Council's Statement of Comprehensive Income. Any sale price less than the written down value of the CWMS would be shown as a loss in the Statement of Comprehensive Income and if the sale price was higher than the written down value of the assets there would be a surplus of disposal. This would be a once off impact on Council's Net Surplus / (Deficit). Following on from the sale there would need to be an adjustment to the Asset Revaluation Reserve to recognise the revaluation increments of the disposed assets.

The Local Government Act also requires that any amounts held in a reserve established to hold amounts received from a Service Charge are to be applied for another revenue from a service charge *"may be applied for another purpose specifically identified in the council's annual business plan"* (Section 155 (7) Local Government Act, 1999). AHC has a reserve for this purpose, and as at 30 June 2017 it had a balance of \$683k.

This is not a separate source of funds as it is not a cash reserve. Should the divestment proceed Council will need to consider how the balance of this reserve will be applied.

The major financial risk associated with the divestment is the unknown amount that will be received for the CWMS and the consequent impact these funds will have on the Statement of Financial Position and the Statement of Comprehensive Income. All other changes to income and expenditure can be estimated with a high degree of confidence.

The potential financial impacts of Council's LTFP are assessed later in this report.

vi the recurrent and whole-of-life costs associated with the project including any costs arising out of proposed financial arrangements;

There are no financing costs associated with this proposed project.

The financial impacts of the project are discussed in other sections of this report.

vii the financial viability of the project, and the short and longer term estimated net effect of the project on the financial position of the council;

The Adelaide Hills Council maintains a Long Term Financial Plan (LTFP) which it updates each year during the development of their annual budget.

Using the LTFP dated February 2018 Utintja Consulting undertook an independent assessment of the likely impact of the proposed divestment of the CWMS.

Since the sale proceeds are unknown two scenarios were developed. One using a high sale price and another using a low sale price. The high sale price was determined by calculating the net present value of expected cash flows from the CWMS operations over a 20 year period assuming moderate future fee increases. The low sale price was determined by reference to the net present value of expected cash flows assuming low future CWMS fees.

Both of these amounts were calculated without reference or knowledge of the results of submissions Council received during the recent EOI. Since the estimated sale proceeds has been calculated with access to confidential Council information the estimates have not been disclosed in this report. This ensures that no commercially sensitive information is placed in the public domain thereby maintaining the integrity of the divestment process and importantly allowing all of this report to be accessible to the public.

The major assumptions made in the financial calculations are:

- Divestment to take place in June 2019,
- All figures are expressed in nominal terms (i.e. they show the effect of inflation),
- Based upon the latest LTFP of Council, which was published in February 2018,
- All income and expenditure associated with the CWMS removed from the CWMS calculations, with the exception of,
 - \$69k in employee costs
 - Overhead allocation will not be saved
- Divestment proceeds used to reduce any short term debt and the rest invested in short term financial instruments,
- No lease fee for land (i.e. it is either included in sale or leased at a peppercorn rate), and
- No allowance has been made for the repayment of seed funding grants received from the Local Government Association of SA.

After updating the LTFP for each of the two scenarios, low sale price and high sale price, these were compared to the adopted LTFP outcomes for each of Council's financial indicators. The outcome of this analysis provides a high level picture of the likely long term impact of the divestment of the CWMS.

Operating Surplus Ratio

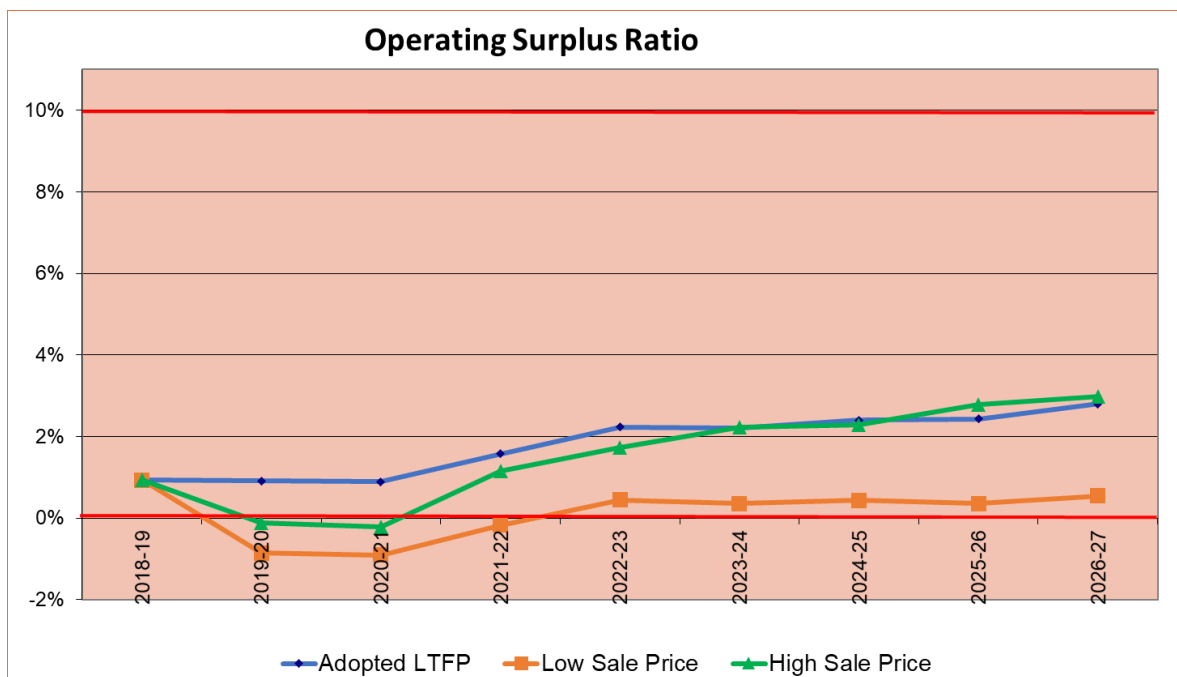
"The operating surplus ratio indicates the extent to which operating revenue is sufficient to meet all operating expenses and whether current rate payers are paying for their consumption of resources.

The Operating Surplus ratio expresses the operating surplus as a percentage of total operating income. A negative ratio indicates the percentage increase in total operating income required to achieve a break-even operating result. A positive ratio indicates the percentage of total rates available to fund capital expenditure over and above the level of depreciation expense without increasing council's level of net financial liabilities.

Target: 0–10%"

(from page 4 of Adelaide Hills Council Long Term Financial Plan, dated February 2018)

The table below illustrates the impact of two divestment scenarios on the Operating Surplus Ratio. The red lines indicate Council's upper and lower target range.



The low sale price scenario sees the operating surplus ratio dip into a negative percentage, indicating an operating deficit, in the first two years, before moving to a small surplus. The gap between the low sale price scenario and the adopted LTFP continues to widen over the period of the model indicating that Council would be in a less financially sustainable position in this scenario compared to retaining the CWMS. However, the low price scenario is largely within Council's target, albeit at the low end of the target range.

The high sale price scenario achieves an outcome over the longer term similar to the adopted LTFP. The ongoing loss of income resulting from the divestment of the CWMS is compensated for by the reduction in borrowing costs and / or increase in investment income achieved from the sale proceeds. This scenario, after two years, is within Council's target range.

Net Financial Liabilities Ratio

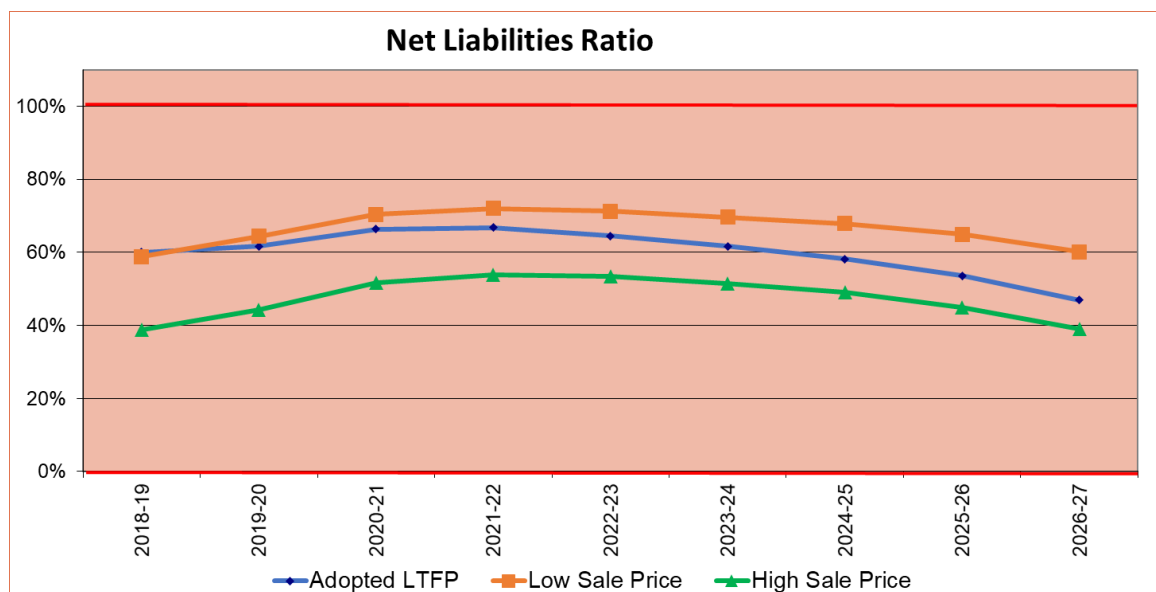
"Net Financial Liabilities is an indicator of the Council's total indebtedness and includes all of a council's obligations including provisions for employee entitlements and creditors.

This ratio indicates the extent to which the net financial liabilities of the Council can be met by the Council's total operating revenue. Where the ratio is falling, it indicates that the Council's capacity to meet its financial obligations from operating revenues is strengthening. Where the ratio is increasing, it indicates that a greater amount of Council's operating revenues is required to service its financial obligations.

Target: 0-100%"

(from page 4 of Adelaide Hills Council Long Term Financial Plan, dated February 2018)

The table below illustrates the impact of two sale scenarios on the Net financial Liabilities Ratio. The red line indicates Council's upper target for this performance indicator.



As would be expected a high sale price reduces the Net Financial Liabilities ratio indicating an increase in Council's financial capacity when compared to the adopted LTFP. The low sale price scenario shows that Council's financial capacity will be less than if the CWMS continued to be operated by Council. In both scenarios the Net Financial liabilities ratio is within Council's target range.

The low sale price scenario would impact on Council's ability to fund additional capital projects though borrowing whilst the high sale price would enhance Council's ability to undertake additional capital expenditure for the benefit of the community.

Asset Sustainability Ratio

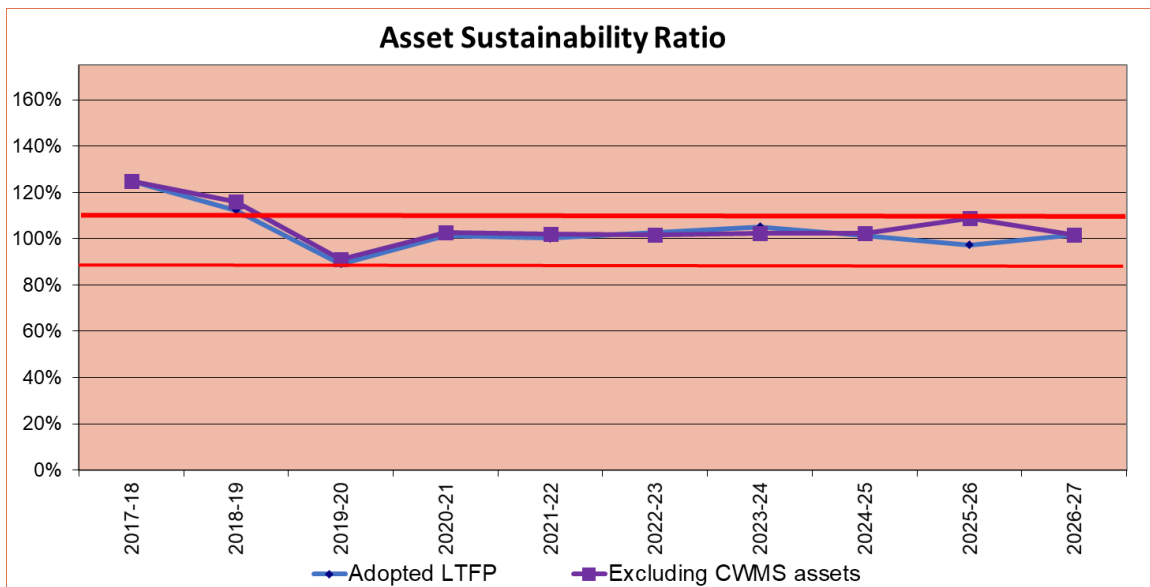
"This ratio indicates whether a Council is renewing or replacing existing infrastructure assets at the same rate that its asset management plan requires.

The target for this ratio is to be between 90% and 110% in any given year, with 100% on average over five years. This would mean that Council is replacing 100% (or all) of the assets that require renewal.

Target: 90–110%"

(from page 5 of Adelaide Hills Council Long Term Financial Plan, dated February 2018)

The table below illustrates the impact of a sale on the Asset Sustainability Ratio. There is no difference between the impact of the low or high sale price scenarios on the Asset Sustainability Ratio. The red lines indicate Council's upper and lower target range.



The sale of the CWMS would not have a significant impact on the Asset Sustainability Ratio as can be seen from the lack of divergence between the two lines on the graph above.

This brief analysis demonstrates the potential impact of the divestment on Council's financial position. A low sale price will limit Council's financial capacity to reduce its level of financial sustainability. A high sale price would enhance Council's financial capacity. Nothing in this analysis would indicate that either scenario was not financially manageable by Council.

The amount Council receives for the CWMS will impact on Council's financial position.

It should be noted that this analysis does not include an analysis on the possible financial impact on CWMS customers resulting from the divestment of the CWMS. This is relevant as there is likely to be an inverse relationship between the proceeds offered to Council and the level of future fees. It is not unreasonable to assume that a third party who offers a high sale price bid would be expecting to recover their acquisition costs through higher fees, all other things being equal. The converse is that a lower acquisition price means that the purchaser has less pressure on customer charges to recover their investment. This is discussed later in the report, but essentially there could be a trade-off between the proceeds received by Council and the fees paid by customers.

The proposed divestment, depending on the sale price received, could have a material impact on Council's financial position and impact on its financial capacity.

viii any risks associated with the project, and the steps that can be taken to manage, reduce or eliminate those risks (including the provision of periodic reports to the chief executive officer and to the council);

The structure of Council with its supporting legislation, organisational structures, delegations, professional staff, reporting processes and mature systems provide a strong control environment for any well-defined project, such as the one under consideration.

Added to the strong control environment are the project governance structures that have been established for this project which provides an added layer of assurance and management of the risks associated with this project.

No project is without risks and Utintja Consulting has identified the following major risks associated with the divestment project.

Adverse community, political and media attention (AA)

The selling of an asset held by public authorities can be the source of significant public concern. Misgivings could emanate from a philosophical position about the sale of publicly owned assets through to specific concerns about how they might be personally impacted.

This proposed divestment is unusual in that there is no known precedent of a South Australian Council selling its CWMS to another party, although it is understood that one other South Australian Council is considering a divestment of its CWMS. Because it is unique, it is difficult to both learn from and point to the experience of others who have walked this path previously.

Much of the public concern relates to the loss of control that customers feel they will experience if they have another provider of their waste water system. Presently they may feel they have more influence, both at an individual level and at a collective level, on the local council if the service they receive is not up to the standard they expect. They probably feel that they have elected representatives they can contact, they know that they can comment on proposed fees and have access to officers in their locality. None of these options to influence may be available if another provider operates the CWMS scheme. This may lead to a sense of disempowerment and loss of control which may be expressed through action.

With Council about to enter an election period there is a risk that this issue could become an election issue.

Council has been active in ensuring that the public is informed about Council's process and have been able to participate in a community consultation process. It has conducted public information sessions to provide information on the divestment process.

The risk is not that there will be public discussion about the project, the risk is that there might be ill-informed discussion which could result in unnecessary community concern about the process which could reflect poorly on Council and hinder objective decision making.

The level of response to the recent community consultation indicates that there is not a high level of community concern about this project. The majority of the small number who responded were opposed to the potential divestment and there were a few who would be supportive of Council's decision.

With proactive communications this risk should be able to be well managed. This is assessed as a **low** risk for Council.

Does not achieve outcomes for customer (CO)

Through this project Council is wishing to see if it can reduce the risk inherent in owning and operating a CWMS and obtain a financial benefit which it can use to improve community outcomes in the future. It also does not want to see its current customers disadvantaged in terms of the service they receive and the price they pay.

At the present time Council is responsible for the operations of the CWMS. It is a regulated operation in which Council must meet a range of operational and administrative guidelines. If it is negligent in its conduct Council could be liable to fines or charges, be required to make good any damage or service shortcomings and may face potential legal liability. Council takes reasonable precautions to not only ensure that it carries out its activities with due diligence, it also insures itself against a range of risks which could emanate from risks associated with operation the CWMS.

The Council would want to satisfy itself that any future operator is able to successfully hold a licence to operate a CWMS. Similarly, it would be seeking a commitment regarding the future fees it would expect to charge customers.

The operation of the CWMS are well regulated, with strict environmental, health and operational controls in place. There is an active system independent of Council of reporting faults and ensuring they are rectified. There is also a regulatory system which ensures that pricing is controlled.

In the absence of any attempts to provide contractual assurance regarding future fees and or operations, any future operator would be free to act as they wish as long as they meet their licence conditions. Once Council was to divest itself of the CWMS it would lose operational and financial control of the scheme.

The risk of the new operators not operating the scheme to a high standard is relatively low, given the due diligence checks that Council would include in the RFT process and the regulatory and licencing framework which exists.

The regulatory pricing controls will put a cap on future prices. The new operator would need to comply with the National Water Initiative Pricing Principles and only pass on "efficient" costs to customers and only charge a rate of return calculated according to

well documented principles. There is uncertainty how a new owner would apply past credits for contributed assets.

Currently Council only charges a relatively low rate of return in calculating its CWMS prices and it is possible a new owner may have higher debt or equity costs, which would result in a higher cost structure which would be recovered through customer fees. Conversely, a large organisation which already services a large number of other customers may be able to spread its operating costs over its entire network in a way which may benefit prices charged to local customers. The pricing variables are almost endless. A new owner may not adopt network pricing and charge each scheme a different price depending on the cost of running each scheme. They may not use the Property Units code but rather property valuations as a basis for levying fees. Any of these decisions could result in higher or lower prices for particular properties.

In summary, it is likely that Council can ensure that through a rigorous divestment process, the risk of a poor operator and inadequate service to customers is low. Whilst Council will not have control over any future operators it can rely on the comprehensive regulatory environment in which the CWMS operates. However, there is a risk, which is difficult to manage, with respect to future prices customers may have to pay. Whilst Council charges its CWMS customers close to what is referred to as upper bound revenue, other operators will have different internal policies for calculating upper bound revenue which are likely to result in prices different to those charged currently by Council.

Being able to manage this risk is difficult. Council could assess the current policies and prices charged by future RFT respondents or it could offer financial incentives to maintain reasonable prices, or it could simply rely on the application of the regulated pricing principles.

This remains a **high** risk in the divestment process.

Contractual Risks (C)

The sale of an operating business is a complex undertaking.

Council has a number of contracts with third parties for the supply of water from the CWMS which do not have assignment clauses. This creates a risk for any new owner and a possibly a residual risk for Council. Should the current arrangement not be able to be continued, there is a risk of a legal challenge to a sale contract or other loss that might eventuate as a result of this uncertainty.

At the present time Council has not decided on whether it will offer the land on which the CWMS are located as part of the divestment. The two straight forward options are to lease the land to the new operator or include the land in the sale. Since the land on which the CWMS are located is designated community land, Council must go through a revocation of community land process before it can dispose of the land. The revocation process includes a community consultation process, consideration by

Council and then the approval by the Minister of Local Government. This is a complex process, which, by its very nature, the outcome of which cannot be guaranteed and therefore provides a very real risk to the divestment process.

Council has the option of leasing the land if it was not possible, or not desired, and sell the plant and equipment of that land.

Whilst they can be managed, at the current time the contractual risks associated with the divestment are assessed to be **medium**.

Consideration should be given to clarifying these issues prior to proceeding to the RFT.

Development of future areas (FD)

It is reported that due to the high number of failing private waste water systems and community demand, Council would like to see new schemes constructed in Mylor, Houghton / Inglewood, Summertown / Uraidla where no CWMS currently exist.

Should Council divest themselves of the CWMS operations they would expect the new owner to take responsibility for the development of the new schemes. Once Council no longer manages CWMS schemes it would be expected the Council would quickly, and quite reasonably, lose its current expertise in managing and operating CWMS schemes. This would then make the previous model of Council constructing and operating a CWMS less feasible.

Therefore, following divestment of the CWMS, any new scheme would need to be constructed by the new operator. A new operator may be asked to provide assurances on developing waste water systems in new areas and be asked to demonstrate their financial ability to fund the investment required, but it is unlikely that they would be willing to be contractually bound to such an undertaking. They would, presumably, make an independent judgement of the feasibility on developing new parts of the network.

Council has been able to develop new schemes in the past with the assistance of State Government funding made available through the Local Government Association. The current funding deed does not make allowance for grants to be paid from this funding source to bodies other than local government bodies. Unless there is a change to the funding deed it appears that a valuable source of grant funding will not be available to operators who are not local governments. This may have the effect of either making the schemes less viable at reasonable fees or requiring high customer fees to recover the capital costs.

In the absence of any compensating facts, the removal of access to State Government CWMS funding results in a risk for the future development of additional CWMS schemes. This risk might be able to be mitigated in a sale agreement but that would require careful consideration.

The Council has received past funding for the development of plans for new CWMS schemes, totalling in the vicinity of \$350k. The usual condition of these grants is that they are to be repaid unless the proposed schemes proceeds, or it is not viable to proceed.

Assuming it is the desire of Council to see these other towns provided access to a CMWS this is a **high** risk which would benefit from further investigation prior to proceeding with the RFT.

Failure of private company (F)

If Council were to divest the operations of the CWMS to a private company there is a risk that company may, for whatever reason, experience difficulties which may result in it being unable to fulfil their licence requirements. If this were to occur the Water Act 2012 makes it clear that the Essential Service Commission of SA (ESCOSA) would be responsible for arranging for an operator to maintain the system. In the case of failure by a private operator it would not be Council's responsibility to rectify any problems caused by the operator.

This is assessed to be a **low** risk.

Clarity of project objectives (PO)

For Council to ensure maximum benefit is achieved out of the current divestment process it is important that they have clear objectives and priorities for the sale. Without clarity of purpose a sub optimal outcome may result.

Considerable time has elapsed since this project commenced. When the first EOI was undertaken the waste water industry was in a period of transition with the recent introduction of the Water Act, the consequent introduction of licencing and pricing principles as well a steadily increasing environmental expectations. Over this period Council has been able to respond to the changing regulatory environment and in doing so has probably reduced the level of risk previously associated with the operation of the CWMS.

Also, there remains an opportunity for Council should it retain the CMWS to assess how it can improve its own management of the CWMS, and this could include consideration of service reviews, outsourcing maintenance and / or management.

Council should be aware of the risks and benefits that arise from continued ownership as without this the information the option of continuing to own the CWMS cannot be compared to any offer to purchase the CWMS.

Similarly it is important that Council be confident on the priority of other project goals, whether they be network expansion, customer pricing, maintenance of the network, financial outcomes for Council etc. At the present time there does not appear to be clarity on the outcomes being sought by this project.

It is understood that Council will have the opportunity to discuss the divestment at an elected members workshop and later at a council meeting. Consideration should be given to determining an objective set of minimum standards required to be achieved by a successful tenderer and what outcomes, and their priority, are important for Council to achieve from this project. This would go some way to ensuring an acceptable and measurable outcome for the Council and the community is achieved.

This issue, as it currently stands, is assessed as a **medium** risk.

Assessment of Risks

The table below is a summary of the major project risk identified.

Consequence →	Insignificant	Minor	Moderate	Major	Catastrophic
↓ Likelihood					
Almost Certain					
Likely		CO		FD	
Possible			PO, C		
Unlikely	F	AA			
Rare					

Key to Risk rating

Low risk	Medium risk	High risk	Extreme risk
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The risks with the rating of High Risk both relate to customer outcomes, be it pricing or expansion of the network. It is important that consideration be given to the management of these risks if the divestment process is to move forward.

ix the most appropriate mechanisms or arrangements for carrying out the project;

The project has a strong governance structure in place which adds to the existing organisational controls. Working with two other Councils, Adelaide Hills Council staff have been able to share the expertise and costs during this project. The Joint Working Group is a non-binding group which facilitates joint divestment strategy of each council. The group has provided strong project governance with a well-documented structure, good records and strong commitment to the group activities. The Joint Working Group is an effective way to share resources and expertise across the three Councils.

Internally there is a structured approach to ensuring the internal processes are progressed with a structured Project Management Team, made up of appropriate personnel and adequately resourced with internal and external resources.

The project governance arrangements described above are suitable for a project of this type.

x if the project involves the sale or disposition of land, the valuation of the land by a qualified valuer under the Land Valuers Act 1994.

It has yet to be confirmed if land will be sold as part of the CWMS divestment

Council receives annual valuations from the Valuer General, who by definition of the office in the Valuation of Land Act 1971, is a licensed valuer under the Land Valuers Act 1994. The most recent valuation valued the land on which CWMS are located at a value of \$704k.

Whilst this section refers to the disposition of land, it is worthwhile noting the Adelaide Hills Council has sought and received a commercial valuation on the CWMS. Given the nature of the project, and the fact that the land is an integral part of the CWMS system there is no reason to justify a separate commercial valuation of the subject land.

About Utintja Consulting

Utintja Consulting is a South Australian consulting firm which specialises in providing financial governance services to local government. The owner, and author of this report, is Alan Rushbrook.

Alan Rushbrook is a Fellow of CPA Australia and has over 25 years local government experience. He has worked for four South Australian councils and during his 10 years working as a consultant he has provided services to most Councils in South Australia, the SA Local Government Financial Management Group, Local Government Association SA, and the Office of State / Local Government Relations. Alan currently provides services to clients throughout Australia.

Appendix 2

Community Consultation Outcomes

Potential divestment of CWMS - Community Consultation Results 2018

The consultation process occurred from 9 July – 2 August 2018 and resulted in the following feedback and involvement from the community.

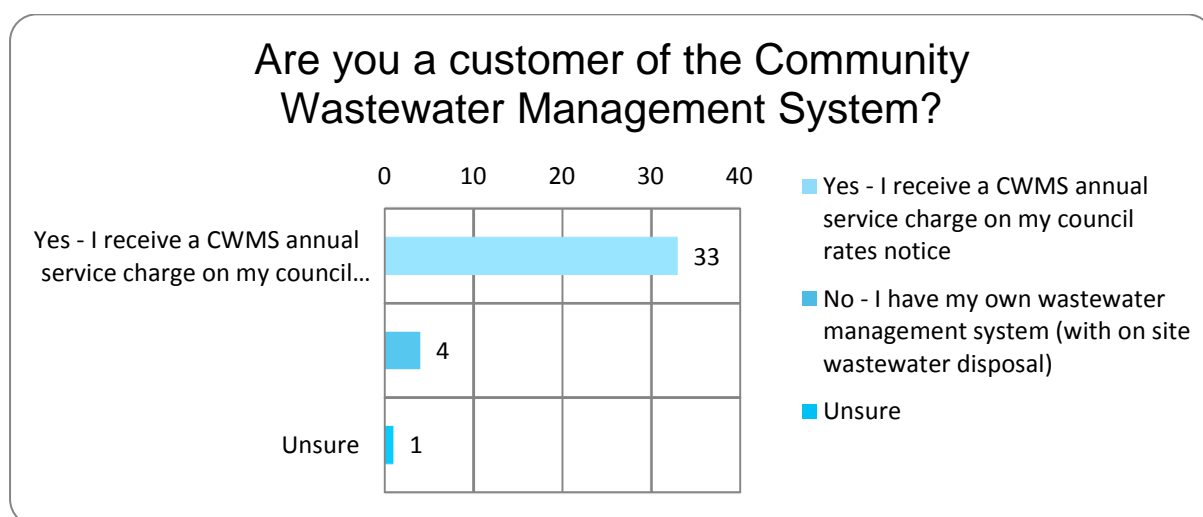
Drop in information sessions attendance:

17 July 18	Gumeracha Civic Centre	10	attendees
18 July 18	Stirling Library	3	attendees
19 July 18	Woodside Library	6	attendees

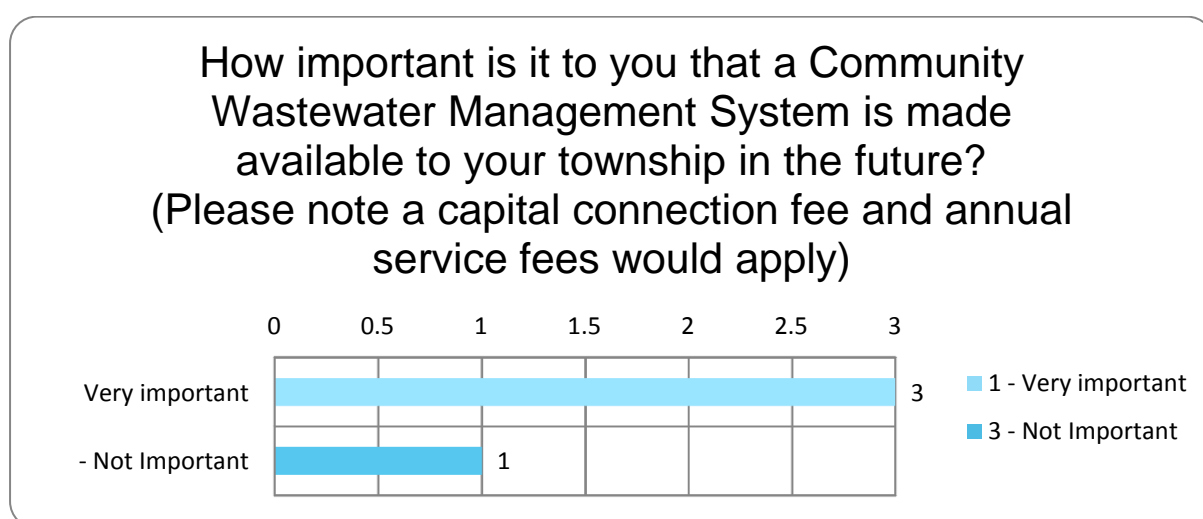
37 online survey responses were received

10 phone calls and 5 emails received

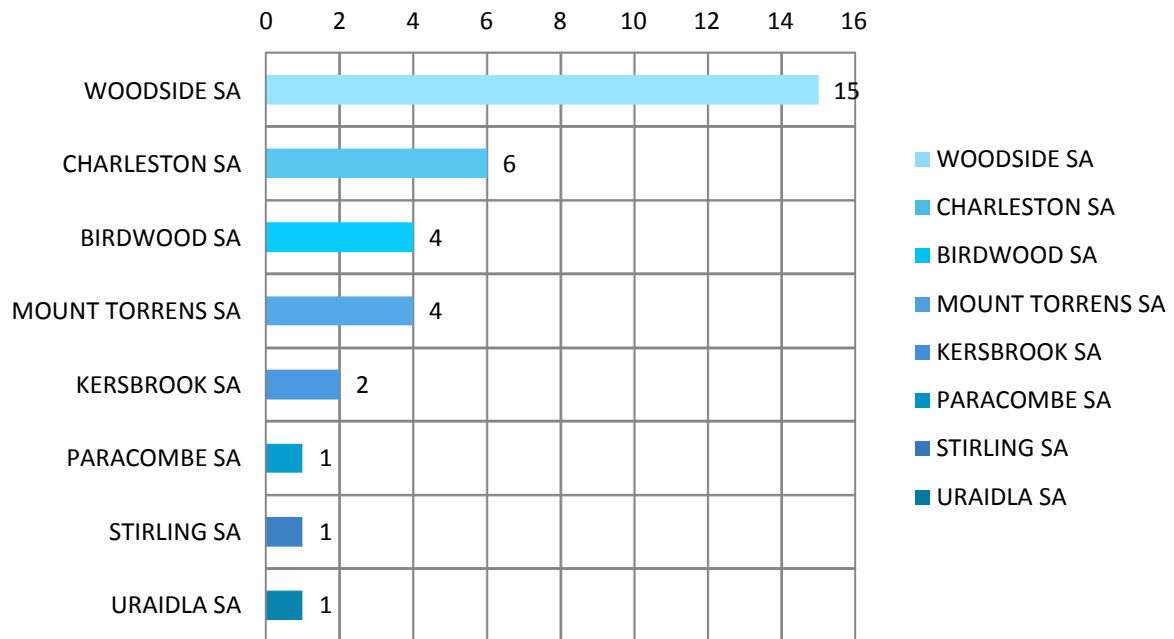
Survey results



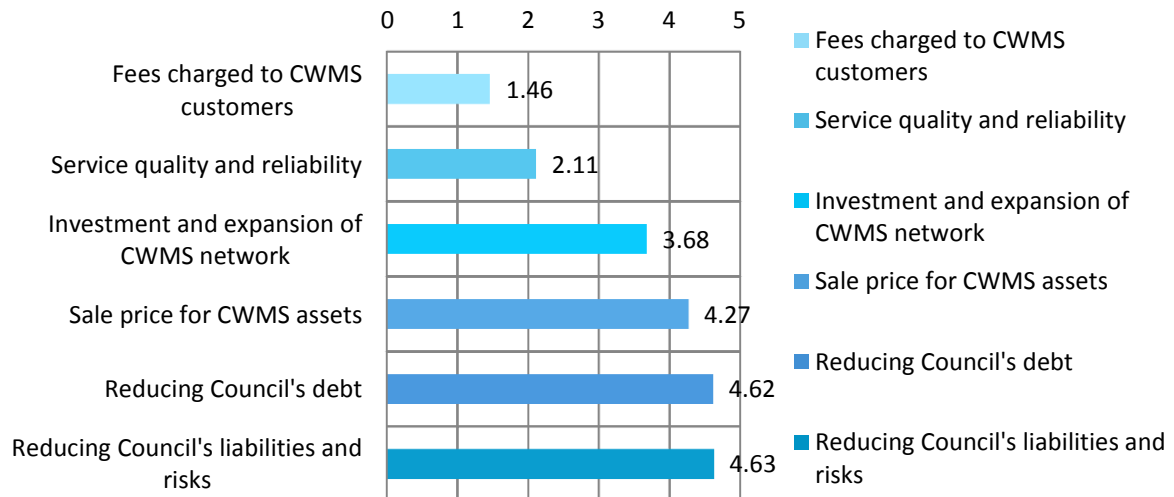
If respondents answered they were not a customer of the CWMS in the above question the following was asked:



Suburb



Please rank the following factors in order of importance to you (1 = Most Important):



Address location	<p style="text-align: center;">Online Survey Response to Question –</p> <p style="text-align: center;"><i>What other issues and considerations are important to you and should therefore be taken into account as we progress the CWMS review?</i></p>
1. Woodside	As a ratepayer I do not want the service outsourced if the costs increase and it still takes council officers to administer the contracted services.
2. Mount Torrens	There has been zero investment in the CWMS in the 12 years we've been living in Mount Torrens. This is a cop out and a way to avoid spending money upgrading a 19th century wastewater system. It would be better if council took responsibility for its assets rather than trying to flog them off but I'd wager good money the decision has already been made. Much like the truck route through our town, you simply don't care.
3. Woodside	Given South Australia's proven poor history of privatisation and controlling costs I am, and I think we are all very dubious about the benefits of this proposal. I am sure that the person reading this would have some strong feelings about electricity, water, and privatised health services. Right?
4. Woodside	Council are responsible for their own debt not ratepayers!! Reducing debt is the salaried officers and councillors responsibility.
5. Charleston	That we are due for a pump out and the council will try sell off prior to their obligations - isn't this why we pay steds/ higher council rates? So will these go down.
6. Birdwood	Ratepayers are paying an extra surcharge on their rates to be part of this system. So will this be removed if the system is outsourced to a private contractor, and will you guarantee that we won't be charged huge increased fees to have the wastewater pumped out ??! We are not happy at all about this. Why do we pay rates at all if services are going to be reduced and outsourced for profits ?!
7. Mount Torrens	From the way you have structured this survey, it seems clear that you have already decided to sell off the CWMS assets and are just paying the usual lip-service to a public consultation. We are opposed to this sale - CWMS assets should stay in Council hands. Once sold, we would be at the mercy of a private operator that would keep increasing fees and probably give poorer service. Privatisation of public assets usually ends up being to the detriment of users.

8. Mount Torrens	<p>The CWMS systems and infrastructure in most towns have been neglected by Council for years. Consequently, any sale of these CWMS assets to private service providers will immediately result in costly upgrade programmes which will result in substantially higher fees to customers. This is what happened when the State Government sold off our power assets with promises of 'the best cost efficient provision to customers'!! What guarantees will AHC provide to existing customers to manage price increases no more than annual CPI?</p>
9. Mount Torrens	<p>What will be the actual benefits to our household of privatising the service? That is what is the difference between the council service we get now and what privatising will give us.</p> <p>How will this service be billed to the household? Do the rates reduce by the amount that we currently pay?</p> <p>Any idea what the cost will be? Thank you.</p>
10. Kersbrook	<p>if CWMS went to private tender I don't want to see the cost to me to be greater than if council retained responsibility</p>
11. Charleston	<p>Excess water capture in times of heavy rain which congests the network. In the November 2016 floods the system IP covers popped and dirty water flowed, can this be protected better?</p>
12. Woodside	<p>To maintain the system and service with council resources, managing any risk issues with good management.</p>
13. Woodside	<p>First off, great service from AHC. My main query relates to why this is a separate charge on the rates notice. All other services are provided at a flat rate (proportional to the capital value of the property), but this is charge for a specific service. Why is this service not funded like all other services provided by AHC to the community, and accommodated in the overall rates bill for all ratepayers within the AHC service area?</p>
14. Birdwood	<p>You have already mentioned what we feel is most important to us...the fees charged to us as our rates are an expensive burden already!</p>
15. Birdwood	<p>I've lived in the area for 33 years. At first the removal of sewerage from tanks was every two years but then the time lapse between servicing was stretched considerably. Probably something in between what it was and</p>

	<p>what it is now would be more appropriate. Also, anything that increases cost to consumers is not desirable. AHC rates are already quite high compared with our city counterparts. A more expensive service would not be well received.</p>
16. Woodside	<p>Provision of services for commercial as well as residential customers is important for local economic growth. The present services are impeding local commercial expansion and this needs to be addressed as a highest priority.</p> <p>Planning for future development needs, well ahead of time, is imperative. A holistic and consultative approach to this planning is required.</p> <p>Assurance of ongoing investment in infrastructure and services needs to be made - how is this going to be achieved without significant increase in costs of services to customers - privatized or not?</p> <p>How will the decision to privatize consider the long-term impacts for customers and the council in general? A short term reduction of debt should not be the reason to privatize this service.</p>
17. Woodside	<p>Current rate prices are barely manageable, how will privatising this essential service ensure future rates remain reasonable and affordable? Historically privatisation does not reduce costs for end users. So how will selling off this asset make it more 'cost effective'.</p> <p>What protections will be put in place to prevent a private owner from raising the CWMS operating costs as high as they desire?</p> <p>While building on my property we discovered CWMS pipes that the Council did not know about. This resulted in them being relocated at Council cost to allow my build to continue. During the investigation it was obvious to myself that this issue is likely to reoccur on nearby properties. How will a private company effectively manage an unknown asset?</p>
18. Woodside	<p>Don't privatise services. In all cases where services have been privatised in Australia (and probably most cases in the rest of the world), the quality of the service degrades as the private enterprise only cares for maximising profit, rather than maintaining quality of a service. The control of the service is also then out of public hands and can no longer be improved.</p>
19. Woodside	<p>I do not want an essential service in the hands of third parties, who will hold us for ransom by charging exorbitant prices. This is the council's responsibility. Maybe you need to employ better managers, who won't squander funds on non-essential stuff like the roundabout into Woodside Road going to Lobethal. Or going back every year for at least three years to upgrade mains on Onkaparinga road. Or waste money on fireworks. Get a grip.</p>

20. Woodside	My address [REDACTED] Woodside. The opposite side of the road is connected to the sewerage system. It should be easy to connect us and the other properties on the same side to also connect to the sewerage system .Why has this not been done yet ?
21. Birdwood	It should not be privatized; prices in South Australia have only gone up more than the CPI on public owned assets that have been privatized.
22. Charleston	The higher costs to ratepayers. The selling off of the CWMS will only lead to higher cost of living to us ratepayers. Have never seen private company take something on and reduce its charges
23. Woodside	I do not agree with selling the CWMS. I believe it would be wiser to lease this service. The sale of such an asset will only increase costs to users. It is an essential service and no good has ever come from selling off essential services.
24. Charleston	Cost is very important, as is maintaining the council's assets long term - council should retain control to minimise cost to customers.
25. Kersbrook	Council commenced the CWMS on the undertaking that residents who signed up paid a one off fee. It was also understood by residents that it would remain controlled and maintained by Council. Residents who are signed up with the CWMS feel very let down with how it has been managed.
26. Unknown	Level of service, cost to residents and ongoing maintenance
27. Unknown	Government VS private does not usually work when utilities are privatised. Cost increases to local community. Proper workability of the system eg rain event and extra flows. Note our local council rates are already one of the highest around plus CWMS, this needs to be controlled carefully and fairly.
28. Unknown	As a pensioner I find the rates the second biggest expense I incur per week after food, I am therefore extremely worried about process regarding the CWMS increases should this be taken over by a private operator.
29. Unknown	Down the line cost factors for pensioners who are all struggling at the moment. Such people will be considering moving to another area to survive financially.

Location and attendees	Drop in information sessions Administrative summary of feedback and concerns raised
<p>Gumeracha 10 attendees</p> <p>9 from Kersbrook 1 from Birdwood</p>	<ul style="list-style-type: none"> • Kersbrook irrigation and water supply, resident concerns whether there is an adequate disposal path for the water generated by the scheme as there have been overflows in the past. Staff explained that the irrigation areas at the oval have been expanded and there have not been any issues since this was installed. • Opposed to privatisation. • Stormwater inundation issues were raised by Kersbrook residents as an ongoing issue. • Privatisation of essential services – residents worried about private companies wanting to make a profit and what control would Council have over this. • History of other essential services being privatised like ETSA and subsequently prices going up over time. • Concerns that an alternative company may come in and complete upgrades and capital works in one big hit, raising the fees and costs to customers significantly. • ‘Short term gain, long term pain’ • Concerns of increased costs to customers. • Confidence in government organisation over private. • Issues were raised on the management of the current pump out contract • Concerns that Council can’t manage existing contractors adequately i.e. how could Council manage someone else maintaining and operating the whole network. • Faith that Council are doing the right thing and ensuring costs are reasonable, concerns that a private company would not • Residents want to be kept informed of process
<p>Stirling 3 Attendees</p>	<ul style="list-style-type: none"> • Costs may go up if privatised • Concerns that Council will lose control and the owner would charge whatever they want.
<p>Woodside 6 Attendees</p> <p>5 from Woodside 1 from Birdwood</p>	<ul style="list-style-type: none"> • One resident said he’s financially better off living in Woodside than previous address and is concerned that the cost of living will increase with privatisation. • Have Council looked at all options i.e. leasing out operation and maintenance rather than divestment. • Is Council doing this because they need the money? Why does Council want to sell these assets now? • Concern by resident ‘Can I continue to live in this Township’ in regards to rising costs.

	<ul style="list-style-type: none"> • Will the CWMS charge be removed from the rates notice? Can Council guarantee this? Staff explained that this charge would no longer apply if Council transfers ownership • Concerns that the customers have no choice and are locked into one service provider • Residents happy with current service and don't see the need to change • Concern that Council is handing over the reins, what control will Council have after it is sold? • Belief that Council is wiping its hands of responsibilities • Concerns raised over storm water inundation events, resulting in network overflows and that if Council cannot address these issues another operator wouldn't be able to either • Belief that Council had already made a decision on the divestment • Concerns for pensioners if costs went up • Confidence in Council to run the system and be accountable to the customers
Address Location	Email Responses
30. Woodside	<p>Re Your communication of 4th inst, I feel very strongly about selling public assets.</p> <p>A very good example is the current mess that our power supply is in now. During discussion with some friends this opinion tends to be fairly widespread. It is obvious of course that private enterprise will put profit before service, then the community authority has to step to clean up the mess.</p>
31. Woodside	<p>This is a flawed survey in that it assumes that the sale will go ahead and I am merely giving you my thoughts on how to spend the windfall. This is the first I have heard of the proposed sale and to say that I am totally shocked is to put it mildly.</p> <p>After all the fall out of the sale of ETSa and the gaming of the SA power supply by 3 energy suppliers to the benefit of their profits, I am dumbfounded that AHC wants to sell off an essential service and leave those of us with the CWMS at the mercy of a corporate with no social conscience and whose only motive is profit, or, is AHC trying to tell me that their profits are going to miraculously appear out of the blue and we will all be happy thereafter. Once sold, we rate payers will have no say what so ever when this goes south unlike at present when we have the right to vote in council elections. The bullshit AHC is espousing to justify this, is the same garbage that has been used to sell off all the other essential services around the country. And look where that has got us.</p> <p>MASSIVE INCREASES IN HOUSEHOLD COSTS.</p> <p>I DO NOT APPROVE OF THIS PROPOSAL. ESSENTIAL SERVICES BELONG IN THE HANDS OF THE PEOPLE THEY SERVE. NOT IN THE HANDS OF A CORPORATE ONLY INTERESTED IN TURNING A GOOD PROFIT.</p>

<p>32. Woodside</p>	<p>Hi, a couple of questions if the change is made. Please outline the scope of works they will be responsible for. What affect will this change have on our Council Rates? Will they be cheaper? What cost will private operators charge. My general comment would be that a private contractor could lower the initial price then I would foresee costs increasing dramatically</p>
<p>33. Birdwood</p>	<p>As a ratepayer, I wish to express my doubt that privatizing our community wastewater management "will be at a reasonable cost to customers." Privatisation doesn't work that way. It's all about money making. I believe it is a duty of care of any council to provide sewerage services.</p>
<p>34. Woodside</p>	<p>I live at [REDACTED] Woodside and the five properties no's [REDACTED], and [REDACTED] are all part of CWMS. I attended the meeting with you and your colleague at Woodside Library last night. It was surprising that more people did not attend given the number or properties affected. There were a couple of property owners there who were a bit anti Council and pushing their own agenda and wasted a bit of time. In general, there were quite a good number of relevant questions asked and answered. I believe that everybody had an opportunity to have their say and went home satisfied. Personally I will be quite happy if it is sold and do not object to paying more as long as the system is maintained and run efficiently and the funds received by the Council put to good use. I have only been at my property [REDACTED] and am not aware that my tank has been emptied yet. Perhaps that is something that you could find out for me? I look forward to the next stage of the process</p>
<p>Birdwood</p>	<p>Regarding the changes to the CMWS system I am concerned that it will be an exercise in increasing costs to the rate payer. What assurance do we have that another layer of fees and charges will not be inserted as was the case with SA Water when it was privatised. In terms of reliability I would like to question when the tanks will be emptied. The regular four [4] year cycle was due in July last year [2017]. Still not done. The council does not have a very good reputation with regard to extra charges. Take the ubiquitous "fixed charge" that was added to the rates several years ago and has steadily increased year on year to the point where it is almost a double dip on the actual rates. If [and it's a big "if] this is an exercise in actually reducing overall costs to the rate payers then it has my support, but if it is just another cynical exercise in offloading an unprofitable operation whilst still charging the rate payer then it most certainly does not have my support.</p>

Appendix 3

Probity Report

8 August 2018

John McArthur
Manager Waste and Emergency Management
Adelaide Hills Council
63 Mount Barker Road,
Stirling SA 5152

Dear John

Probity Advisory Report in relation to the Community Wastewater Management Systems (CWMS) Review

Powell & Co has been engaged by Adelaide Hills Council to provide probity advisory services in relation to the Community Wastewater Management Systems (CWMS) Review. The Expression of Interest for the potential divestment of CWMS phase of the project has been undertaken in conjunction with City of Onkaparinga and Rural City of Murray Bridge (known as the Joint Working Group). The services have been conducted in accordance with our proposal dated 22 March 2017.

Purpose of this letter

The purpose of this report is to inform you of our findings since our appointment to date.

Our work was undertaken in accordance with ASRS 4400 Agreed-Upon Procedures Engagements to Report Factual Finding. The responsibility for determining the adequacy, or otherwise, of the procedures agreed to be performed, rests with AHC.

Findings

We have undertaken a number of probity advisory tasks since our appointment on 22 March 2017 to ensure adequate probity measures are in place.

Conclusion

Based on our observations and review of documents, following the procedures agreed upon with Adelaide Hills Council, nothing has come to our attention to indicate that reasonable probity has not been maintained during the evaluation process of the CMWS review.

We conclude that the evaluation followed the documented process and that it was fair and equitable for all respondents and that security and confidentiality was maintained throughout the process.

Limitation on use of this report

The services provided was a review and did not constitute a financial statement audit and the extent of my procedures and services are limited exclusively for this purpose only. Our engagement cannot be relied upon to disclose irregularities including fraud, other illegal acts and errors that may exist, however, no such matters have come to my attention.

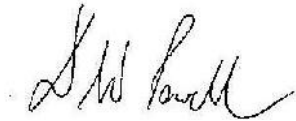
This report has been prepared at the request of the Manager Waste and Emergency Services. This report should be considered in its complete form. It should not be quoted or summarised without the written consent of the author.

Other than my responsibility to the Council, I do not take responsibility arising in any way from reliance placed by a third party on this report. Any reliance placed by a third party on this report is that party's responsibility.

Closing

We thank you for the opportunity to provide this report to Adelaide Hills Council. I would be pleased to discuss this letter in detail or assist you further if requested. Should you have any queries, please contact me on 041 440 7171.

Yours sincerely
Powell & Co

A handwritten signature in black ink, appearing to read 'D Powell', written in a cursive style.

David Powell
Managing Director Powell & Co

**ADELAIDE HILLS COUNCIL
ORDINARY COUNCIL MEETING
Tuesday 28 August 2018
AGENDA BUSINESS ITEM**

Item: 12.8

Originating Officer: Melissa Bright, Manager Economic Development

Responsible Director: Marc Salver, Director Development & Regulatory Services

Subject: Location Rules for Mobile Food Vending Businesses

For: Decision

SUMMARY

On 1 March 2018 changes instigated by the South Australian Government to the *Local Government Act 1999* and the *Local Government (General) Regulations 2013* to facilitate the growth of Mobile Food Vending Businesses (MFVB) were implemented.

Councils no longer have discretion to not issue permits for roadside trading purposes in relation to MFVB. Under the changes, Councils are required to develop and adopt Location Rules that nominate where MFVB can operate in their area.

Council considered a report in February 2018 and resolved to adopt six identified sites where MFVB could operate to form the basis of Council's Location Rules. Council also resolved that further consultation be undertaken with key stakeholders and the community and a report be provided to Council outlining the outcome of the consultation, along with updated MFVB Location Rules for adoption.

This report outlines the results of the consultation undertaken and presents Council with draft Location Rules and pre-approved sites for consideration and adoption. With participation from local businesses, MFVB and residents the Location Rules support new innovative ventures to activate key places within the district and promote the region as a creative and vibrant place to live and visit.

RECOMMENDATION

Council resolves:

- 1. That the report be received and noted.**
 - 2. That Council adopt the Mobile Food Vending Business Location Rules contained in Appendix 1 of this report with an effective date of 1 September 2018.**
 - 3. That Council adopt the Mobile Food Vending Business pre-approved sites and site specific rules contained in Appendix 2 of this report with an effective date of 1 September 2018.**
 - 4. That the Chief Executive Officer be authorised to approve, in accordance with the Location Rules, new sites for the pre-approved sites list and make any formatting or non-significant grammatical and/or content changes to the Mobile Food Vending Business Location Rules for publication purposes during the period of its currency.**
-

1. GOVERNANCE

➤ Strategic Management Plan/Council Policy

Goal 1 Prosper
Strategy 1.5 We recognise that small and micro business is the backbone of our regional economy and will work with stakeholders to make it easier to do business in the hills

➤ Legal Implications

In August 2017 the South Australian Parliament passed the *Local Government (Mobile Food Vendors) Amendment Act 2017* (the Amendment Act). The Amendment Act, together with associated amendments to the *Local Government (General) Regulations 2013* came into effect on 1 March 2018.

As a result of the legislative changes, Councils must grant a permit to a MFVB subject to compliance with requirements contained in the amended regulations, including:

- *Food Act 2001*
- *South Australian Public Health Act 2011*
- *Environment Protection Act 1993*
- *Local Nuisance and Litter Control Act 2016*
- *Motor Vehicles Act 1959 and Road Traffic Act 1961*
- Any law or legislative provision relating to electrical or gas installations or appliances
- Any other relevant law or legislative provision relating to health, safety or the environment

Councils must also develop Location Rules stipulating where MFVB can and cannot operate within their area.

➤ Risk Management Implications

Adopting the Location Rules as recommended by this report will assist in mitigating the risk of:

Council not complying with the MFVB legislated commencement date of 1 March 2018.

Inherent Risk	Residual Risk	Target Risk
Extreme (3A)	Low (1E)	Low (1E)

Undertaking the recommendations as proposed by this report will result in new mitigation actions to alleviate the abovementioned risk.

➤ Financial and Resource Implications

The legislative changes require Councils to provide the applicant with a choice of a monthly or annual fee and at the 27 February 2018 Council meeting the following charges were approved:

- Monthly \$100
- Annually \$1,000

The fee is proposed to ensure cost recovery in assessing and processing permit applications and compliance monitoring thereafter.

If a MFVB breaches a condition of their permit the maximum penalty is \$2,500 or an expiation fee of \$210.

The legislative changes include provisions for a food business (both fixed and MFVB) to lodge a dispute regarding Council's Location Rules with the Small Business Commissioner. Subject to the outcome of any dispute lodged, Councils can receive a maximum penalty of \$5,000 if a Council does not comply with a direction of the Small Business Commissioner to amend its Location Rules.

In regard to resource implications, Council's Environmental Health Officers and Regulatory Officers will be responsible to ensure compliance with food safety standards and permit conditions. As it is not possible to predict the level of MFVB activity that will occur in the Adelaide Hills Council area, the resource requirement resulting from the changes is unknown.

➤ **Customer Service and Community/Cultural Implications**

To date, the operation of MFVB within the Adelaide Hills Council area has been limited with only one permit issued for food truck purposes and only two enquiries since the changes in legislation in March 2018.

➤ **Environmental Implications**

Permit conditions will require MFVB to remove all waste and litter from operating sites and this material is not to be disposed of in Council street litter bins.

➤ **Engagement/Consultation conducted with Council Committee, Regional Subsidiary, Advisory Group, the Administration and Community**

Extensive consultation has been undertaken to prepare the recommendations provided in this report, including:

Council Committees: This matter was taken to Council in October 2017 and February 2018.

Council Workshops: A Council workshop was conducted in October 2017 and May 2018 to provide an overview of the MFVB legislative changes and to seek suggestions from Council Members on the proposed Location Rules.

Advisory Groups: Not Applicable.

Administration: Director Strategy and Development
Manager Economic Development
Team Leader Regulatory Services
Manager Property Services
Roads Officer

Community: Community consultation in Stage 1 was undertaken on six preliminary MFVB location sites between 10 January and 31 January 2018. In response to the consultation undertaken, ten survey responses and one email submission were received. Direct consultation was also undertaken with community members located in close proximity to four of the six proposed preliminary locations.

In Stage 2 eight pre-approved sites with site specific rules were proposed along with four Location Rules to assess any future sites. From 2 July until 27 July 2018 formal community consultation was undertaken. Copies of the draft MFVB Location Rules were available online and in all Council libraries and community centres. Interested people were invited to make written submissions on the draft MFVB Location Rules or provide feedback online through the online portal. The online survey received thirteen responses; community drop in sessions held at Torrens Valley Community Centre, Woodside Library and Stirling Library attracted five community members. A small, targeted focus group discussion was also conducted.

The feedback received is discussed in the Analysis section of this report.

2. BACKGROUND

On 9 August 2017 the South Australian Parliament passed the *Local Government (Mobile Food Vendors) Amendment Act 2017* (the Amendment Act). The Amendment Act, together with associated amendments to the *Local Government (General) Regulations 2013* came into operation on 1 March 2018.

Under the changes, Councils are required to develop and adopt Location Rules that nominate where MFVB can operate in their area.

In response to these changes, Council considered a report at the October 2017 Council meeting and resolved to undertake community consultation on the following six sites as preliminary food truck operating areas:

- Upper Sturt Dog Off Leash Area, Upper Sturt
- Tregarthen Reserve, Summertown
- Centennial Park, Lenswood
- Chain of Ponds Parking Bay, Chain of Ponds
- Kangaroo Creek Reservoir Parking Bay, Paracombe
- Paracombe Hall / Oval, Paracombe

At the time the October 2017 report was presented to Council the *Local Government (General) (Mobile Food Vendors) Variation Regulations 2017* were not final. Accordingly, the resolution adopted by Council allowed the Chief Executive Officer to identify alternative locations if the regulations changed substantially. The *Local Government (General) (Mobile Food Vendors) Variation Regulations 2017* did not change and therefore consultation was

undertaken between 10 January and 31 January 2018 on the six preliminary locations outlined above.

Undertaking consultation in January 2018 was necessary to meet the State Government's implementation date of 1 March 2018, however Council staff anticipated there would be limited feedback received from the January 2018 consultation given the time of year and therefore proposed a second consultation be undertaken.

At the 27 February 2018 meeting Council resolved the following:

Council resolves:

- 1. That the report be received and noted.**
- 2. Council adopt the Mobile Food Vending Business Location Rules contained in Appendix 2 of this report with an effective date of 1 March 2018.**
- 3. The Fees and Charges Register be updated to include the following Mobile Food Vending Business permit fees:**
 - a) Monthly Fee \$100**
 - b) Annual Fee \$1,000**
- 4. That further consultation as outlined in this report be undertaken with key stakeholders and the community on Council's adopted Mobile Food Vending Business Location Rules.**
- 5. That the Chief Executive Officer be authorised to make any formatting or non-significant grammatical and/or content changes to the Mobile Food Vending Business Location Rules for publication purposes during the period of its currency.**
- 6. A further report be provided to Council outlining the outcome of the further consultation undertaken and subject to the consultation outcome, present refined Mobile Food Vending Business Location Rules for adoption.**

3. ANALYSIS

Based on a desktop review of the Location Rules adopted by other Councils and feedback received in earlier rounds of consultation, the draft Location Rules (Appendix 1) and the site specific rules for the pre-approved sites (Appendix 2) were developed. Once a MFVB has been granted a permit, they may operate on a first come first served basis from any one of these sites according to the site specific rules. The pre-approved sites include:

- Upper Sturt Dog Off Leash Area, Upper Sturt
- Tregarthen Reserve, Summertown
- Centennial Park, Lenswood
- Paracombe Hall / Oval, Paracombe
- Bridgewater Playground, Bridgewater
- Gilman Road Parking Bay, Oakbank
- Lions Rest Park, Woodside
- Evelyn Halliday Reserve, Crafers

Any future sites considered to be a potential MFVB site will be assessed according to the Location Rules (Appendix 1) and added to the pre-approved sites list with any required site specific rules.

A survey was again used in Stage 2 to obtain feedback from the community on the proposed pre-approved MFVB sites and the draft Location Rules. Responses were received from 12 residents and one respondent who owns both a MFVB and bricks and mortar food business.

In regard to the eight preliminary locations and the site specific rules, the following responses were received:

MFVB Preliminary Locations	Do you support Food Trucks being located at this location?			
	Yes	No	Undecided	Left Blank
Upper Sturt Dog Off Leash Area	8	0	3	2
Tregarthen Reserve	9	2		2
Centennial Park Lenswood	7		3	3
Paracombe Hall / Oval	7		3	3
Bridgewater Playground	8	2	2	1
Gillman Road Carpark	9		2	2
Lions Rest Park	8	1	2	2
Wright Road Dog Park	9		2	2

In addition to the above, the survey also sought feedback on each proposed location:

- Do you have any further site specific rules we should consider for this location?

Feedback received in relation to the questions above is provided in the table below:

Upper Sturt Dog Off Leash Area (Ironbank)
<i>"Might be good to tidy up the area. I drive past everyday and think it's a site ripe for development. Can I suggest growing ivy all over (right up to the very top) of the tennis fencing so it will seem like a green oasis as you enter. And sweep the asphalt and remove weeds."</i>
<i>"Would propose an application fee rebate for any vendor willing to try to activate this site!"</i>
<i>"Does the area have the Infrastructure to support food trucks?"</i>
<i>"Don't know the area well enough to make comment"</i>
Tregarthen Reserve
<i>"Hang on to the two van policy for as long as possible. Vendors need to be aware of the sporting club canteen operating"</i>
<i>"This area does not have the Infrastructure to support the additional load of visitors to the Tregarthen Reserve Summertown. No mains water in the area, rain water used for the dated and in need of replacement toilet system and no disabled toilet facilities. With only 1 Rubbish bin on site, which is generally filled with the Netball and Tennis clubs rubbish through out their respective seasons, the increased pressure on Litter control and facilities will fall back to the Summertown Community, Tennis and Netball clubs. These club members pay subscriptions to use, help develop and improve the Tregarthen Reserve."</i>

<i>“Facilities are old and in need of upgrade. Only rain water is used at this Reserve which is a constant problem. I understand that the governing committee is trying hard to upgrade the facilities but I am concerned that the extra pressure on the toilets and facility and litter left behind(as it always is) will again impact the locals and sporting clubs.”</i>
Centennial Park (Lenswood)
<i>“There is only one shop in Lenswood and it does not deserve further competition from a food van”</i>
Bridgewater Playground
<i>“There is inadequate parking for visitors to the playground, park, walking tracks and other areas of Bridgewater, particularly with the Bridgewater Mill taking parks previously used by locals. Unacceptable to have food truck here.”</i>
<i>“There are a number of food business already present including the small grocer in bridgewater shopping centre. Food trucks will potentially take business away form small business like this”</i>
<i>“The Bridgewater oval would be a better site though. Both locations are good as everyone could park at Coles”</i>
<i>“The one location that could possibly economically support two vans, but space may be an issue. Definitely the pick of the locations.”</i>
Lions Rest Park (Onkaparinga Valley Road)
<i>“This location is already busy and there are other outlets in close proximity. It is not a safe location for a mobile outlet.”</i>
<i>“Possibly two vans at a time? Area is big enough. Could consider night trading here, especially during Lobethal light period at Xmas”</i>

Location Rule 1 (see Appendix 1) specifies that the site must be a reasonable distance from a fixed food business during operating hours. Survey respondents were also asked:

- What is your preferred option for determining reasonable?

All but one respondent chose the option to vary from location to location based on a balancing of location, number and operating hours of the fixed businesses. The other respondent chose ‘other’ and provided the following comment:

“Assess each proposed location on its merits. Competition is healthy, lifts everyone’s game.”

The final question in the survey asked respondents:

- Are there any other conditions that the Location Rules should consider?

Feedback received is provided in the table below:

<i>“Parking Road safety”</i>
<i>“This survey is not at all what I had imagined it to be. Although I have responded 'yes' to all your specific sites, I had expected this to be more generic and ideological in its questioning. I support food trucks: there are some exciting new and entrepreneurial ventures that move beyond the fish and chips/hamburger trucks of old. Whilst I understand the protectionism of existing businesses, I believe it is more complex: why not have a Mexican food truck near an Asian established business? I wonder also why all these food trucks have been approved in places beyond the wider centres of the AHC. Why are there none in Stirling for example?”</i>

<i>Due to the Stirling Market and The Lanes, we have gained a reputation of being more progressive: bring those food trucks on to enhance that reputation!"</i>
<i>"I don't think areas should be rules out just because there are other businesses nearby since its not an everyday occurrence. The Stirling oval would be an absolutely wonderful location especially on a market day. Please consider this as a site too"</i>
<i>"The mobile outlets should not be able to compete with local shops; they should only be allowed to open when the local shops are closed and only with the agreement of the local shops."</i>
<i>"Consideration could be given to the type of food offered from the mobile unit. Should a "pie n pasty" general store be able to stop different offerings from a mobile van? Customers should be able to have some choice."</i>
<i>"How are the AHC going to monitor the Foodtrucks parking near sporting area's during times that the Sporting club would be supplying a 'sausage sizzle' or 'canteen' for their fundraising? How are the AHC going to help improve facilities to area's that will have increased pressure on their infrastructure due to these Foodtrucks?"</i>
<i>"Extra litter, possible impact on fundraising events by associated clubs, sporting canteens, problematic parking and impact on local business."</i>
<i>"The suitability of chosen sites."</i>

4. OPTIONS

Council has the following options:

- I. Adopt the Location Rules and pre-approved sites for the purposes of MFVB (Recommended)
- II. Continue with the current four pre-approved sites and no criteria to assess any future sites (Not Recommended)

5. APPENDICES

- (1) Location Rules for Mobile Food Vans in the Adelaide Hills
- (2) Pre-approved Mobile Food Van Locations

Appendix 1

Location Rules for Mobile Food Vans in the Adelaide Hills



Mobile Food Vending Business Location Rules

The Council has determined pre-approved sites that mobile food businesses, that have been granted the required permits, may operate from, according to the site specific rules and the location rules. See separate document for pre-approved sites and their rules.

A mobile food business who identifies a site where they would like to trade, may request that site to be assessed. The following conditions will be addressed in the assessment of sites.

Location rule 1 – Impact on Fixed Food Businesses

A mobile food vending site must be such that there is reasonable distance between the mobile food vending business and fixed food businesses during the operating hours of the fixed food businesses.

Location rule 2 – Impact on local residents, businesses and road users

Site selection will take into account the effect of the operation of the mobile food vending business on:

- (a) vehicles and pedestrian traffic, footpaths, driveways, access points to buildings and parking areas for people with disabilities;
- (b) the requirements relating to, and availability of, parking spaces; and
- (c) residents and businesses.

Location rule 3 – Impact on vehicles or road related infrastructure

A mobile food vending business sites will not unduly interfere with:

- (a) vehicles driven on roads;
- (b) vehicles parking or standing on roads;
- (c) a parking area for people with disabilities (within the meaning of rule 203(2) of the Australian Road Rules);
- (d) public transport and cycling infrastructure (including bus zones, taxi zones and bike lanes);
- (e) other road related infrastructure; or
- (f) infrastructure designed to give access to roads, footpaths and buildings.

Location rule 4 – Compliance with legislative requirements

Sites in which mobile food businesses may trade will be assessed in accord with:

- Local Government (Mobile Food Vendors) Amendment Act 2017
- Local Government (General) (Mobile Food Vendors) Variation Regulations 2017

Mobile food vending businesses must not breach any relevant requirements under:

- (a) the *Food Act 2001*;
- (b) the *South Australian Public Health Act 2011*;
- (c) the *Environment Protection Act 1993*;
- (d) the *Local Nuisance and Litter Control Act 2016*;
- (e) the *Motor Vehicle Act 1959* and the *Road Traffic Act 1961*;
- (f) legislation relating to electrical or gas installations or appliances; and
- (g) relevant legislation relating to health, safety or the environment.

Appendix 2

Pre-approved Mobile Food Van Locations



Adelaide Hills
COUNCIL

Mobile Food Vending Business Pre-Approved Locations

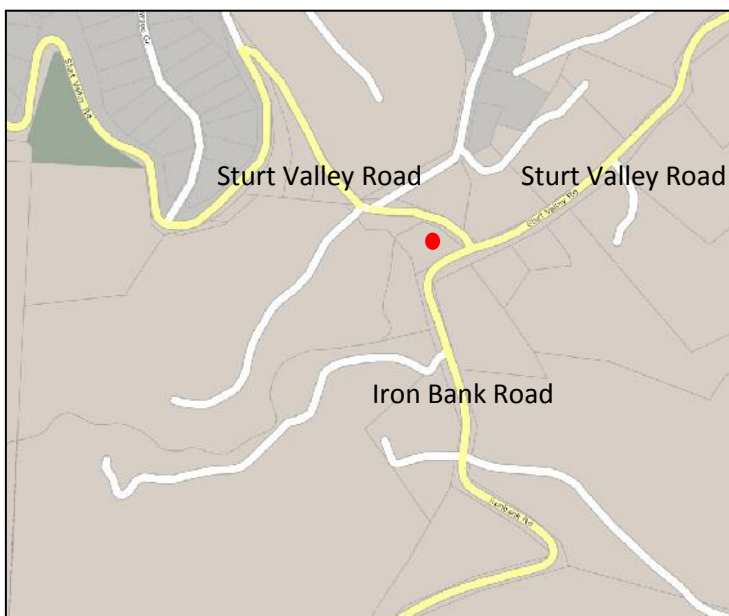
Upper Sturt Dog Off Leash Area

Address: Iron Bank Road, Upper Sturt (corner Sturt Valley Road)

Maximum Food Trucks allowed at any one time: Two

Days of Operation: Sunday to Saturday (inclusive)

Hours of Operation: Daylight hours only



● Food Truck Operating Location

□ Food Truck Operating Area

Site Conditions:

- No overnight stays to ensure location the following day
- No tables or cars to be set up in the car park



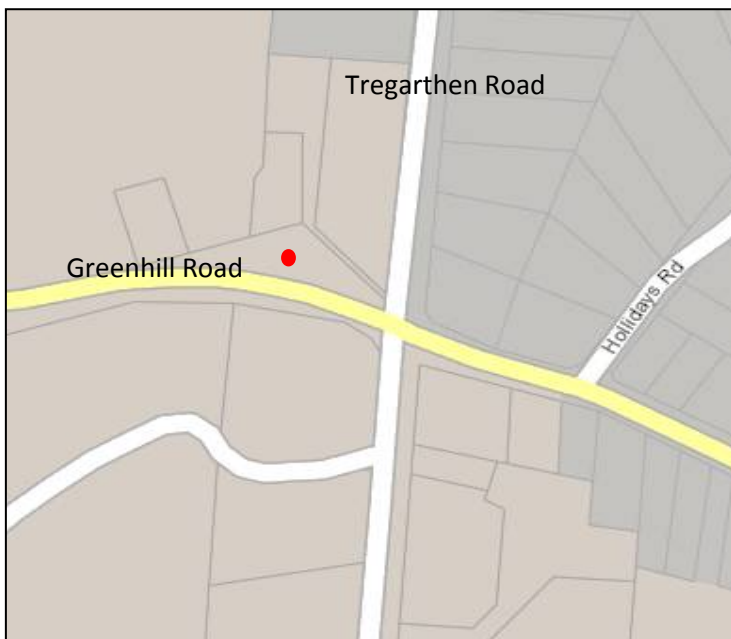
Tregarthen Reserve

Address: Corner Greenhill Road and Tregarthen Road, Summertown

Maximum Food Trucks allowed at any one time: One

Days of Operation: Sunday to Saturday (inclusive)

Hours of Operation: Daylight hours only



● Food Truck Operating Location

□ Food Truck Operating Area

Site Conditions:

- No overnight stays to ensure location the following day
- No tables or cars to be set up in the car park
- Site not to be used when any organised sport is being played.



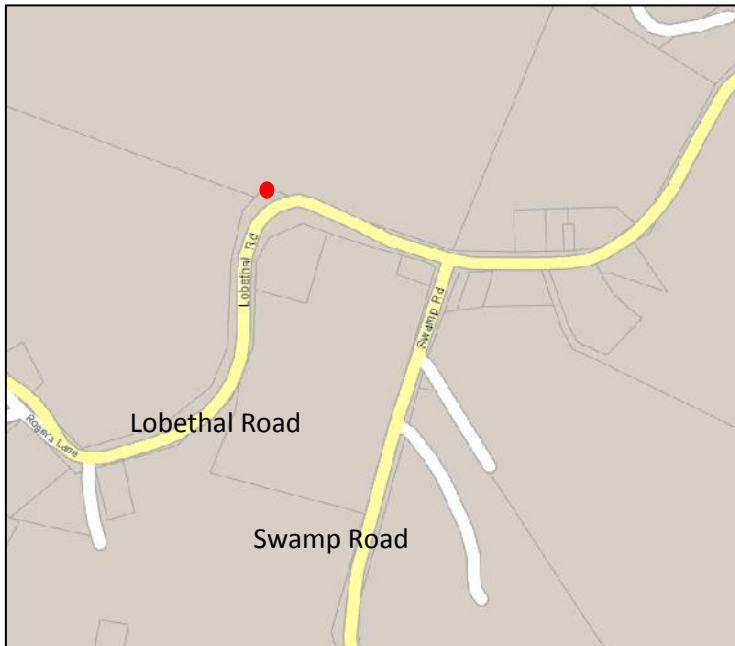
Centennial Park Lenswood

Address: Lobethal Road, Lenswood (Opposite Hills Irrigation Services/Lenswood Gas Centre) Gas Centre)

Maximum Food Trucks allowed at any one time: One

Days of Operation: Sunday to Saturday (inclusive)

Hours of Operation: Daylight hours only



● Food Truck Operating Location

□ Food Truck Operating Area

Site Conditions:

- No overnight stays to ensure location the following day
- No tables or cars to be set up in the car park



Paracombe Oval

Address: Paracombe Road, Paracombe

Maximum Food Trucks allowed at any one time: One

Days of Operation: Sunday to Saturday (inclusive)

Hours of Operation: Daylight hours only



● Food Truck Operating Location

□ Food Truck Operating Area

Site Conditions:

- No overnight stays to ensure location the following day
- No tables or cars to be set up in the car park
- Food Trucks not to operate when Paracombe Hall/Oval canteen is in operation.



Bridgewater Playground

Note: this site may be require approval from the Minister for the Environment

Address: Mill Road, Bridgewater

Maximum Food Trucks allowed at any one time: One

Days of Operation: Sunday to Saturday (inclusive)

Hours of Operation: Daylight hours only



● Food Truck Operating Location

★ Food Truck Operating Area

Site Conditions:

- No overnight stays to ensure location the following day
- No tables or cars to be set up in the car park



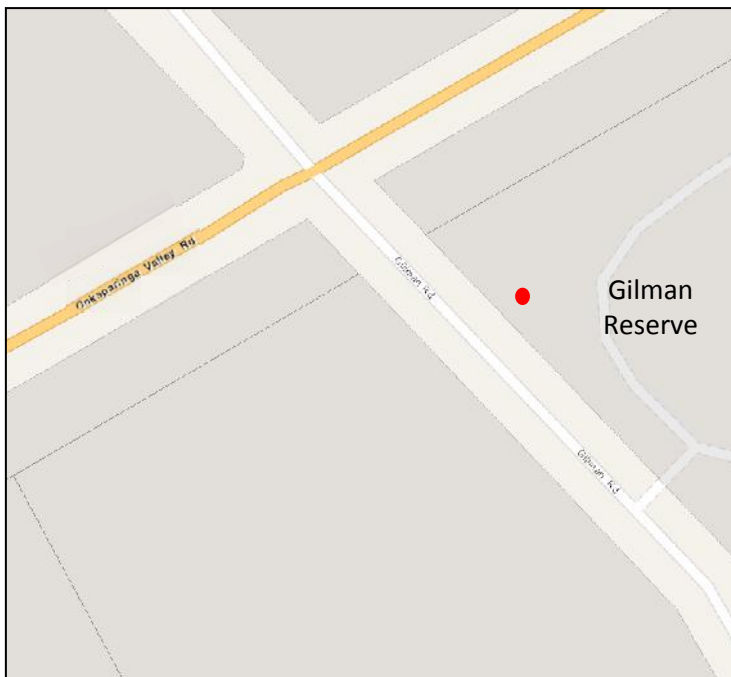
Gilman Road Parking Bay

Address: Gillman Road Road, Oakbank

Maximum Food Trucks allowed at any one time: One

Days of Operation: Sunday to Saturday (inclusive)

Hours of Operation: Daylight hours only



● Food Truck Operating Location

★ Food Truck Operating Area

Site Conditions:

- No overnight stays to ensure location the following day
- No tables or cars to be set up in the car park



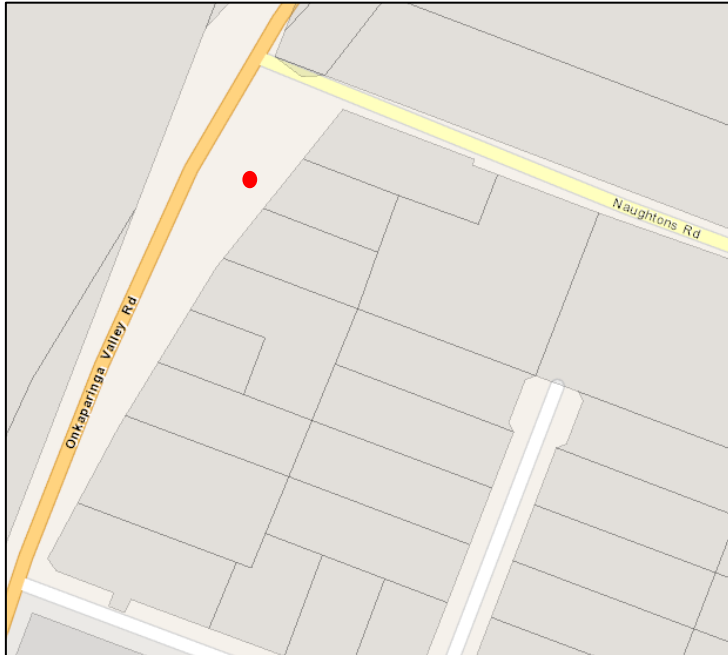
Lion Rest Park

Address: Onkaparinga Valley Road, Woodside

Maximum Food Trucks allowed at any one time: One

Days of Operation: Sunday to Saturday (inclusive)

Hours of Operation: Daylight hours only



● Food Truck Operating Location

★ Food Truck Operating Area

Site Conditions:

- No overnight stays to ensure location the following day
- No tables or cars to be set up in the car park



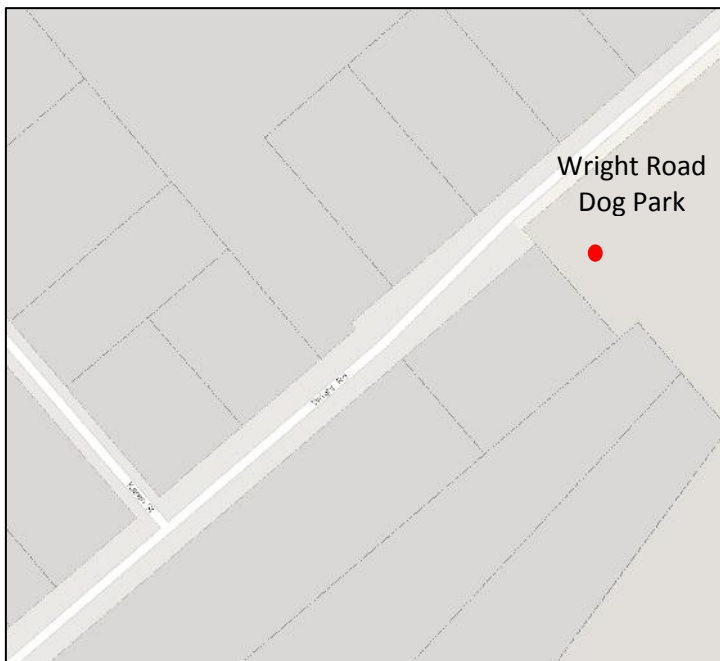
Evelyn Halliday Reserve

Address: Wright Road, Crafers

Maximum Food Trucks allowed at any one time: One

Days of Operation: Sunday to Saturday (inclusive)

Hours of Operation: Daylight hours only



● Food Truck Operating Location

★ Food Truck Operating Area

Site Conditions:

- No overnight stays to ensure location the following day
- No tables or cars to be set up in the car park



**ADELAIDE HILLS COUNCIL
ORDINARY COUNCIL MEETING
Tuesday 28 August 2018
AGENDA BUSINESS ITEM**

Item: 12.9

Originating Officer: Melissa Bright, Manager Economic Development

Responsible Director: David Waters, Director Community Capacity

Subject: Regional Transport Study funding request

For: Decision

SUMMARY

Transport options between Mount Barker and Adelaide are currently nearing capacity and a long term solution is required.

Council has been approached by Regional Development Australia Adelaide Hills, Fleurieu Peninsula and Kangaroo Island (RDA) to contribute \$10,000 to the regional option and feasibility study into passenger transport linkages between Adelaide and Mount Barker and beyond. Whilst Mount Barker residents are likely to be the primary beneficiary of the study, our district's community and others would also benefit. A planned approach would understandably benefit from being regional.

RECOMMENDATION

Council resolves:

1. That the report be received and noted.
 2. To endorse the provision of \$10,000 from the Chief Executive Officer's contingency allocation to contribute to the regional transport study into passenger transport linkages between Adelaide and Mount Barker and beyond.
-

1. GOVERNANCE

➤ **Strategic Management Plan/Council Policy**

Goal 1	People and Business Prosper
Strategy 1.13	We will work with other levels of government to improve safety for road users (including pedestrians and cyclists).

The 30-Year Plan for Greater Adelaide identifies significant areas for urban growth in including Mount Barker and Strathalbyn. As a result it can be expected that commuter traffic through the Adelaide Hills will substantially increase.

➤ **Legal Implications**

Not Applicable.

➤ **Risk Management Implications**

The financial contribution to the Regional Transport Study will assist in mitigating the risk of:

Adelaide Hills related issues being over looked leading to sub-optimal outcome for the community.

Inherent Risk	Residual Risk	Target Risk
High (3B)	Low (2D)	Low (2D)

➤ **Financial and Resource Implications**

An initial budget of \$100,000 has been recommended by the RDA as the study budget. To date Mount Barker District Council is contributing \$50,000, Alexandrina Council is contributing \$10,000 and Mount Barker Business Group is contributing \$20,000.

A once off contribution of \$10,000 has been sought (see letter from RDA in Appendix 1). The Administration considers this to be a reasonable level of investment to ensure the needs of the Adelaide Hills Council community are not overlooked.

Funds have not been included in the budget, but can be allocated from the Chief Executive Officer's contingency.

➤ **Customer Service and Community/Cultural Implications**

The funding contribution to the Regional Transport Study demonstrates to the community Council's commitment to making improvements in this area.

➤ **Environmental Implications**

Not Applicable.

➤ **Engagement/Consultation conducted with Council Committee, Regional Subsidiary, Advisory Group, the Administration and Community**

Consultation on the development of this report was as follows:

Council Committees: Not Applicable

Council Workshops: Not Applicable

Advisory Groups: Not Applicable

Administration: Chief Executive Officer
Director Community Capacity
Director Corporate Services
Manager Economic Development

Community: Not Applicable

2. BACKGROUND

The construction and opening of the Heysen Tunnels in 2000 provided a more efficient and safe vehicular link between the Adelaide metropolitan area and the Adelaide Hills. The improved connectivity has correlated with the Hills region being more highly considered as a place to reside, visit and conduct business.

The township of Mount Barker is expected to grow in population from 10,000 persons in 2010 to 40,000 persons in 2040. Mount Barker will become the second largest city in South Australia.

Regional Development Australia Adelaide Hills, Fleurieu & Kangaroo Island (RDA) and several other funding partners, including Council, have recently undertaken a scoping and preliminary feasibility study into the construction of a new freight rail corridor linking Monarto with Two Wells. The new rail link would remove the need for freight trains from the current track and creates an opportunity along this corridor for other transport options.

3. ANALYSIS

The forecasted expansion in Mount Barker's population and the growth and prosperity of other cities and towns in the region, e.g. Murray Bridge, Strathalbyn and Victor Harbor, all rely on safe and convenient connection to Adelaide and clearly demonstrate a need to plan for a future transport link.

Whilst the Mount Barker district is likely to be the primary beneficiary of the study, planning needs to be regional.

Planning, design and community engagement for a project of this size will be costly and time consuming and all such projects must start with a first step. It is anticipated that the State and Federal Governments will ultimately fund and manage subsequent stages.

Given the regional nature of the project, the RDA will manage the initial study in a similar manner to the Northern Freight Bypass project which has been recently completed. The RDA has sent a letter to Council (see Appendix 1) requesting our involvement in an initial study to identify the transport options that maintain and improve the liveability, sustainability, accessibility and productivity of the region.

4. OPTIONS

Council has the following options:

- I. To contribute funding of \$10,000 to the Regional Transport study (Recommended).
- II. To not contribute to the Regional Transport study (Not Recommended).

5. APPENDIX

- (1) Letter from Regional Development Australia Adelaide Hills, Fleurieu & Kangaroo Island.

Appendix 1

*Letter from Regional Development Australia Adelaide
Hills, Fleurieu & Kangaroo Island*

Melissa Bright
Economic Development Officer
Adelaide Hills Council
PO Box 44
Woodside SA 5244



ABN: 898 1669 3886

4 Angas Place, Strathalbyn SA 5255
(Entrance behind Strathalbyn Library, 1 Colman Tce)
PO Box 1171
STRATHALBYN SA 5255
Ph: 08 8536 9200
Fax: 08 8536 2411

24/07/2018

Re: Transport Options for the Adelaide Hills and Fleurieu

www.rdahc.com.au

Dear Ms, Bright,

The 30-Year Plan for Greater Adelaide identifies significant areas for urban growth in defined areas surrounding Mount Barker, Strathalbyn, Goolwa and Victor Harbor. However, that growth may become strained in these townships as transport options become inefficient through increasing demand. As an example, the Mount Barker district has grown from 26,434 in 2006 to 34,643 in 2017 (ABS estimated residential population) and is predicted to keep growing strongly for at least the next 10-20 years.

The option of doing nothing with planning for the transport needs of the region will result in poor liveability, accessibility and productivity outcomes. At the other extreme, is the option of building a fast rail service from the Adelaide CBD to Mount Barker with possible future extensions to Murray Bridge, Strathalbyn, Goolwa and Victor Harbor. In-between there are options to expand or introduce other new public transport options, or improve the capability of the existing road network, in-particular the South-Eastern Freeway.

RDA Adelaide Hills, Fleurieu and Kangaroo Island in conjunction with Mount Barker District Council propose to put to tender, a study to identify transport options that maintain and if not improve the liveability, sustainability, accessibility and productivity of the region in the context of rapidly increasing travel demands. Considering the study area and benefits for your council and constituents, we are seeking a contribution of \$10,000 towards the study from Adelaide Hills Council.

If you require any additional information please do not hesitate to contact me.

Yours Faithfully,

Damien Cooke
Chief Executive Officer
RDA Adelaide Hills, Fleurieu and KI



An Australian Government Initiative



An Initiative of
**Government of
South Australia**

**ADELAIDE HILLS COUNCIL
ORDINARY COUNCIL MEETING
Tuesday 28 August 2018
AGENDA BUSINESS ITEM**

Item: 12.10

Originating Officer: Mark de Lange, Community Development Officer Youth & Recreation

Responsible Director: David Waters, Director Community Capacity

Subject: Youth School Holiday Program – Driver Education Proposed Road Closures

For: Decision

SUMMARY

This report seeks Council to make an order for road closures to facilitate a Young Driver Education Program on Thursday 11 October 2018, and Wednesday 17 April 2019. A formal road closure order needs to be made for the closure to occur.

RECOMMENDATION

Council resolves:

1. That the report be received and noted.
 2. That pursuant to Section 33(1) of the *Road Traffic Act 1961* and Clause G of the Instrument of General Approval of the Minister dated 22 August 2013, to:
 - a. Declare that the Driver Education Program that is to take place on Newman Road, Charleston is an event to which Section 33 of the *Road Traffic Act 1961* applies.
 - b. Make an order directing that a section of Newman Road, Charleston, between Five Lanes Road and Lewis Road, be closed to traffic for the period between 9.00am and 6.00pm on Thursday 11 October 2018, and 9.00am and 6.00pm Wednesday 17 April 2019.
 - c. Make an order directing that persons taking part in the event be exempt from the duty to observe the Australian Road Rules Rule 238 (Pedestrians travelling along a road)
 - d. Make an order directing that all vehicles except emergency and participant vehicles and local residents living at the named section of Newman Road, be excluded from the closed section of road for the period of the closure.
-

1. GOVERNANCE

➤ Strategic Management Plan/Council Policy

Goal 1	People and Business Prosper
Strategy 1.13	We will work with other levels of government to improve safety for road users (including pedestrians and cyclists)

The program educates young drivers on how to adopt a defensive style of driving, thus improving safety on roads in the district.

Goal 2	Activities and Opportunities to Connect
Strategy 2.5	We will support opportunities for learning in our community to increase the confidence, wellbeing and health of our citizens.
Strategy 2.8	We will improve the engagement and participation of younger people in our district.

Besides promoting defensive driving, the program also educates participants about the capacities and limitations of the human body and mind in relation to driving. In doing so, young drivers learn about strategies that help put them in the best position, both physically and mentally, to be safe road users.

By providing courses such as these and general youth development activities, Council develops a relationship with youth in the district and the general community that goes beyond the services traditionally provided by Council and helps create an awareness of further opportunities to participate and interact with Council.

➤ Legal Implications

Section 33 of the *Road Traffic Act 1961* gives “the Minister” powers to make road closure orders. That power has been delegated to councils in respect to local roads.

➤ Risk Management Implications

The requested road closure will assist in mitigating the risk of driver safety education exercises on a public road leading to accidents and subsequent legal and reputational risks to Council.

Inherent Risk	Residual Risk	Target Risk
Extreme (5C)	Low (1E)	Low (1E)

By closing the road, the area can be used without risk to the general public.

➤ Financial and Resource Implications

Fees for the training are \$120 per participant, with a maximum of 15 participants per course day. Through its Youth Development Project budget, the Council will subsidise \$50 per participant up to the maximum total of 30 participants, with the remaining \$70 charged to the participant. This reduced fee is only available to young drivers who live, work or are being educated in the Adelaide Hills Council area.

The course is also open to young drivers who cannot satisfy these criteria, but they will be required to pay the full \$120. At first registration, prospective participants are made aware of these provisions, as well as their fee.

Costs payable to the course provider, the Australian Driving Institute, less fees received from participants, will be accommodated from existing Youth Development Project budgets.

➤ **Customer Service and Community/Cultural Implications**

In accordance with programs organised by our Community Centres and Libraries, bookings will be managed using the online events booking service Eventbrite. This should minimise the impact of the Drivers Awareness Courses on Customer Service staff as compared to the process followed to date.

All questions from participants will be answered by the Community Development Officer Youth and Recreation.

➤ **Environmental Implications**

Not applicable.

➤ **Engagement/Consultation conducted with Council Committee, Regional Subsidiary, Advisory Group, the Administration and Community**

Council Committees: Not applicable

Council Workshops: Not applicable

Advisory Groups: The Youth Advisory Committee is highly supportive of these courses

Administration: Technical Officer
Acting Coordinator Civil Services

Community: The Council's Driver Awareness Courses have been running twice a year for eleven years and have attracted no complaints from residents. Residents at the relevant stretch of road will receive a letter advising them of the road closure, and that they will still have use of the road for access and egress. Exercises will be paused to allow them passage.

Very positive responses have been received from parents of participants; many parents have come back with younger siblings, and in some cases even booked in their young drivers for a repeat session.

2. BACKGROUND

In the period of 2007 to date, Council's Youth Development program has facilitated two days of Driver Awareness training per year. Response has been very positive and consistent requests for its continuation and expressions of interest from community members have been received since.

This report seeks approval for road closures for driver training days in the October 2018 and April 2019 school holidays. Advanced warning of road closures will be put in place three weeks before the event.

3. ANALYSIS

For 2018-19, two days of young driver awareness training have been planned, for Thursday, 11 October 2018 and Wednesday, 17 April 2019.

The course requires participants to hold their Learner's Permit, Probationary Licence or have less than 5 years of experience. The course will provide a comprehensive 8-hour day of instruction encompassing both theory and practical training. The aim of the course is to produce drivers who are more aware of their abilities and can set safe limits while improving their capability to self-assess and, therefore, be more aware of the need to continually evaluate their driving standards on all public roads.

For this event, a stretch of public road needs to be closed so the practical driver training can be done in a safe environment, without endangering any other road users. The suggested road to be closed is a section of Newman Road, Charleston, between Five Lanes Road and Lewis Road. **Appendix 1** contains a Location Map with proposed closed section marked between A & B. Over the years, this location has proven to not affect regular traffic overmuch. It also has the additional benefit of being in easy reach of the Charleston Community Hall.

Local residents living on this stretch of road will still have use of the road as exercises will be paused to allow them passage. As indicated earlier, residents will receive direct notification of the closure and advanced warning signs will be in place leading up to the event.

Council will undertake traffic management during the road closure, in accordance with Australian Standard AS1742.3 and relevant DPTI Field Guides.

Furthermore, in accordance with *Section 33(1) of the Road Traffic Act 1961* and Clause G of the Instrument of General Approval of the Minister dated 22 August 2013:

- The Commissioner of Highways will be notified at least two weeks prior to the date of the event (G.6); and
- The SA Metropolitan Fire Service, SA Country Fire Service, SA State Emergency Service, the SA Ambulance Service and the Public Transport Services Division of the Department of Planning, Transport and Infrastructure (DPTI) as appropriate, will be notified at least two weeks prior to the date of the event (G.7).

The Australian Driving Institute is sufficiently insured for public liability (\$20m) and professional indemnity (\$10m) and has a Risk Management Plan in place.

The course days will be publicised on Council's website, in schools and school newsletters, through email distribution lists and via the Youth Advisory Committee's Facebook page. Advertisements will also be run in local newspapers.

The driver awareness courses have consistently received much interest from residents, thanks to word-of-mouth from participants of previous sessions and notes in school newsletters. For the next planned date in October many expressions of interest have been received.

4. OPTIONS

Council has the following options:

- I. To approve the road closure for the requested dates and location (Recommended).

The Council may resolve whether or not to approve the requested road closure for this event for the dates and site as proposed. Should it approve the closures as proposed, the event can proceed as planned and young drivers in the district can avail themselves of the opportunity presented.

- II. Not to approve the road closure for the requested dates and location (Not Recommended).

Should the Council not approve the closures, it will be necessary to find an alternative site or date for the event or cancel the event. As the program has been run successfully for the past eleven years, there is a community expectation that the course be held in the October 2018 and April 2019 School Holidays, evidenced by the enquiries received.

It should be noted this site has been chosen as the most suitable site in the Council area for this program, due to the close proximity of a sufficiently long enough, reasonably flat and straight stretch of road that is not a main thoroughfare (for practical exercises), and a hall or other room available for the theory sessions.

In light of the options and consequences provided, and the resultant level of risk remaining after mitigations, both in terms of safety risks for participants and corporate risks, including meeting Community expectations, it is recommended that Council approve the road closure for the dates requested.

5. APPENDIX

- (1) Location Map with proposed closed section marked between A & B

Appendix 1

*Location Map with proposed closed section marked
between A & B*

Attachment 1 Road Closure Young Drivers Awareness Courses 2018-19

Location Map with proposed closed section marked between A & B



Version of Aerial Photography :
 Aerial Photo is 30cm resolution,
 as of Dec 2016.
 Accuracy: The Land Parcels & Property
 Layer are usually within +/- 2m from the
 fence position. Although in rural areas such
 as Cherryville they can be +/- 25m.
 Aerial Photo, is generally +/- 80cm accuracy,
 and is 30cm resolution. (30cm pixel size).

LEGEND
 **Extent of Road Closure**

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SCALE
 1: 7,500



**ADELAIDE HILLS COUNCIL
ORDINARY COUNCIL MEETING
Tuesday 28 August 2018
AGENDA BUSINESS ITEM**

Item: 12.11

Originating Officer: Ashley Curtis, Manager Civil Services

Responsible Director: Peter Bice, Director Infrastructure & Operations

Subject: Road Widening – Oakwood Road Oakbank

For: Decision

SUMMARY

The purpose of this report is to seek to undertake a road widening process to rectify an encroachment of public road onto private property.

Council has been advised by the owners of the land at 2 Oakwood Road Oakbank that a recent survey of their property had highlighted that a portion of Oakwood Road at the south western corner of their property encroached onto their land. The area is identified in green on the aerial photo attached as **Appendix 1** ("Land").

The land owner's land is identified as Allotment 4 in Filed Plan No. 157736 contained in Certificate of Title Volume 5899 Folio 903.

RECOMMENDATION

Council resolves:

1. That the report be received and noted
 2. To purchase the area of land, being 104.6m², identified in red on the plan attached as **Appendix 2** ("Land") from the owners of the adjoining land at 2 Oakwood Road Oakbank in consideration of fencing and asphalt works with an estimated value of \$5,285 plus all reasonable costs to vest the land as public road, including lodgement fees and stamp duty costs totalling approximately \$3,000 (and thus a total value of approximately \$8,285).
 3. That the Mayor and CEO be authorised to sign all necessary documentation to effect this resolution.
-

1. GOVERNANCE

➤ Strategic Management Plan/Council Policy

Goal Organisational Sustainability
Strategy Risk & Responsibility

Ensuring Council's road land and infrastructure is either located on Council owned or controlled land or secured by some other form of legal tenure is important for appropriate risk management of Council infrastructure and community safety.

➤ Legal Implications

The road widening process required to effect the purchase of the Land and the vesting of the Land as public road is undertaken by a land division process under the provisions of Section 223LF of the *Real Property Act 1886*.

➤ Risk Management Implications

The purchase of the Land will assist in mitigating the risk of:

Council road infrastructure being located on privately owned land leading to inappropriate ownership, liability and road management for road infrastructure.

Inherent Risk	Residual Risk	Target Risk
Medium (1A)	Low (1E)	Low (1E)

The instance of Council road infrastructure on or affecting privately owned land is an ongoing issue across the Council area and one that Council will see raised more regularly as Council and land owners survey their boundaries with more accurate survey information and equipment.

➤ Financial and Resource Implications

The process of negotiation and completion of the road widening is undertaken within existing resource allocations.

In exchange for the land with a site value of \$2,050, the consideration of fencing and asphalt works with an estimated value of \$5,285 plus all reasonable costs to vest the land as public road, including lodgement fees and stamp duty costs totalling approximately \$3,000 (and thus a total value of approximately \$8,285) would be the responsibility of Council and would be paid from existing budget allocations.

➤ Customer Service and Community/Cultural Implications

Not Applicable

➤ Environmental Implications

Not Applicable

➤ **Engagement/Consultation conducted with Council Committee, Regional Subsidiary, Advisory Group, the Administration and Community**

Council Committees: Not Applicable

Council Workshops: Not Applicable

Advisory Groups: Not Applicable

Administration: *Director Infrastructure & Operations*
Manager Civil Services
Civil Projects Coordinator
Manager Property Services
Roads Officer, Property Services

Community: Discussion with applicant.

2. **BACKGROUND**

In late 2016, the owners of the land at 2 Oakwood Road Oakbank had their property surveyed which highlighted that a portion of Oakbank Road encroached onto their property.

The land owners approached Council to seek a resolution to the issue.

The legal boundary sits well into the asphalt area of the northern lane of Oakwood Road where it meets Onkaparinga Valley Road as shown in **Appendix 1**. Due to the current fencing alignment, there has been significant impact on the condition of some of the landowner's property, due to it being utilised by vehicles (including heavy vehicles) as a turnaround and thus in need of repair.

A number of options were considered by Council staff including:

- Reducing the width of the asphalt area of Oakbank Road so it sat within the legal road boundary.
- Retaining the width of the asphalt area of Oakbank Road by reducing the area of footpath on the other side of Oakbank Road.
- Undertaking a road widening process to purchase land from the adjoining owner and alter the boundary to the existing extent of the asphalt road.

3. **ANALYSIS**

Assessment by Council staff determined that the most appropriate course of action would be to undertake a road widening process to alter the legal boundary to beyond the edge of the existing asphalt road. A number of factors contributed to this determination including the appropriate width of the road for the existing and future traffic requirements, safety of road users and pedestrians at this intersection and the inability to widen the asphalt road on the south western side without impacting electricity infrastructure, parking and pedestrian users.

The proposed road widening is deemed to be an appropriate course of action to ensure that the Council's public road sits within the legal public road reserve and that the safety of vehicles and pedestrians would be retained at the intersection.

An option considered to effect the road widening was compulsory acquisition of the land. The estimated value of the land is \$2,050 however compulsory acquisition would require an extensive legal process that could cost in excess of \$20,000.

The preferred option was to negotiate terms with the adjoining land owner. The adjoining land owners have agreed to vest the land to Council for no cost in exchange for new fencing and driveway works as consideration. This option is considered preferred as it is the lowest cost to Council, with additional savings arising from the ability to undertake much of the work using in house resources.

New fencing is required to more clearly delineate the private property from public road. Pavement and asphalt work is required to reinstate the existing crossing point and driveway to its original standard. This is because the private crossing point and driveway appeared as part of the road reserve to road users, who then utilised it as a turning point, resulting in deterioration of the seal. Accordingly, the consideration of the Land has been calculated on the following basis: value of the asphalt and fencing is \$5,284.62 (ex GST).

4. OPTIONS

Council has the following options:

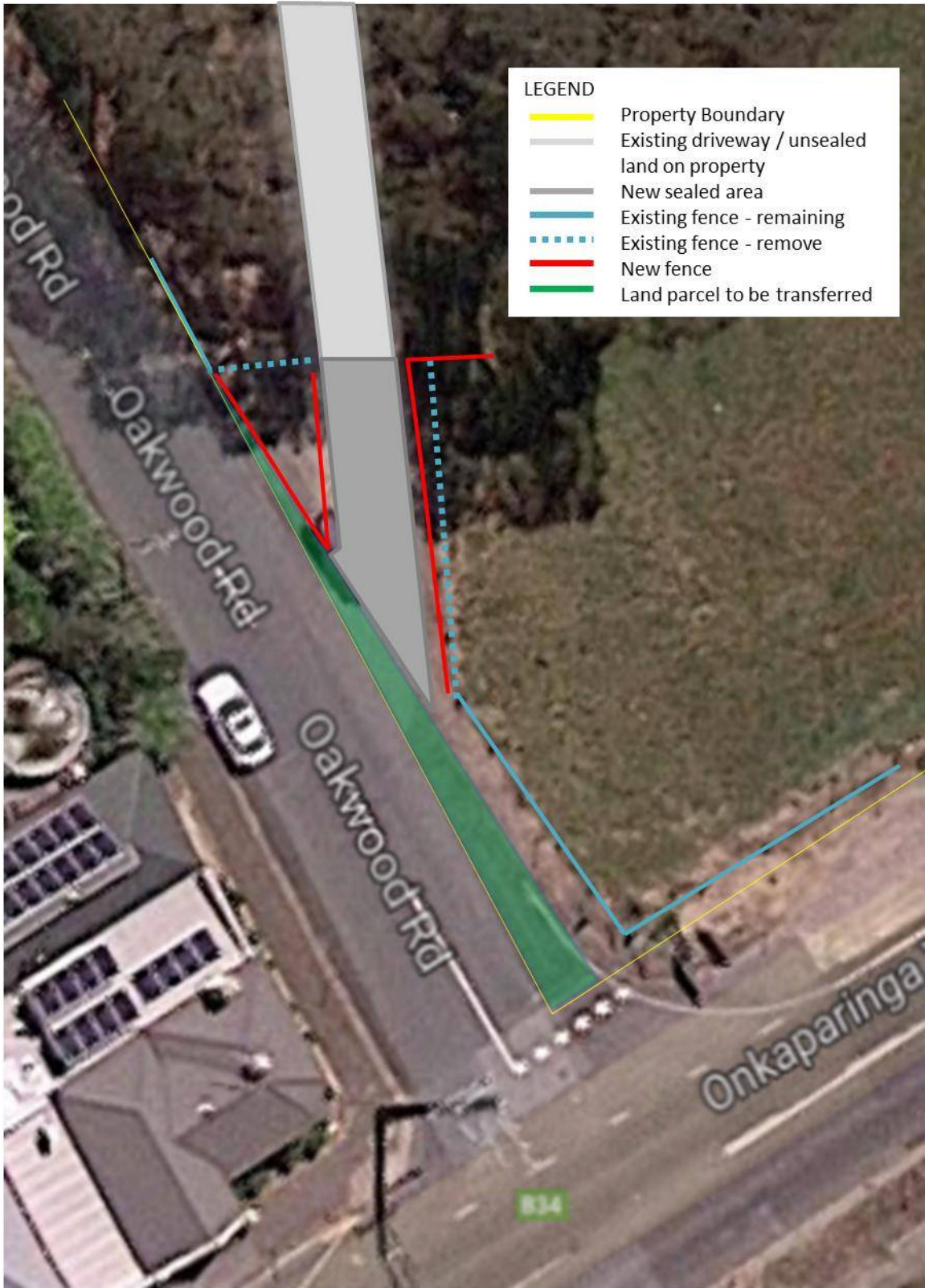
- I. Resolve to purchase the Land and vest as Public Road in accordance with the recommendation (Recommended)
- II. Resolve not to purchase the Land and vest as Public Road which may result in the land owner fencing their property to the legal boundary affecting the safety of the intersection for vehicles and pedestrians (Not Recommended)
- III. Compulsorily acquired the land (not recommended).

5. APPENDICES

- (1) Identification of Land and area proposed to be vested as Public Road
- (2) Road widening plan

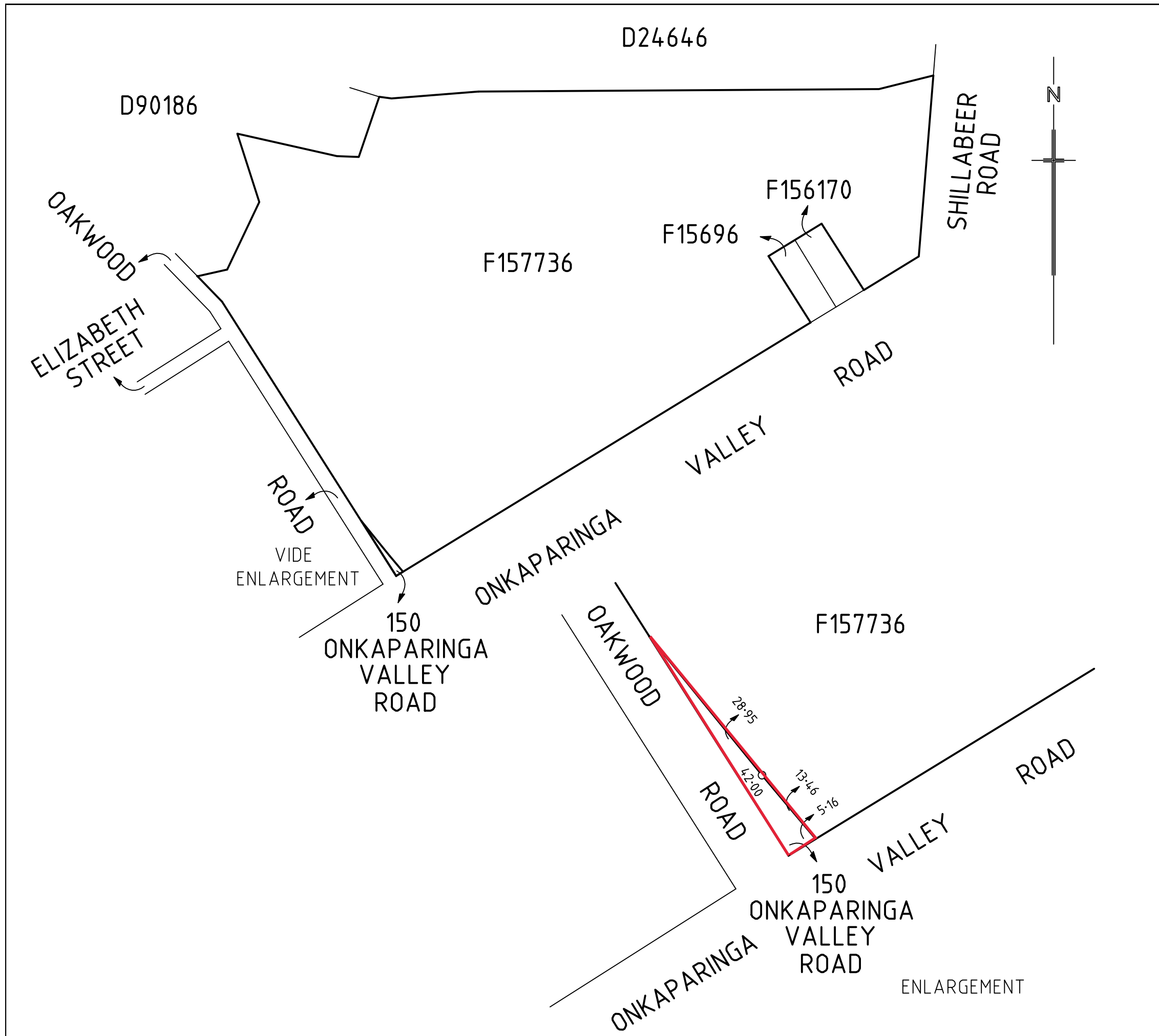
Appendix 1

*Identification of Land and area proposed to be vested
as Public Road*



Appendix 2

Road Widening Plan



ROAD WIDENING PLAN
SHEET 1 OF 1 SHEETS

SUBJECT LAND DETAILS
PORTION OF ALLOTMENT 4 IN F157736
 STREET ADDRESS 2 OAKWOOD ROAD
 IN THE AREA NAMED OAKBANK
 DEVELOPMENT NUMBER

CERTIFICATE(S) OF TITLE(S)
 CT 5899/903

ANNOTATIONS/EASEMENTS
 TOGETHER WITH RIGHT(S) OF WAY OVER ALLOTMENT 80 IN DP 291 (T 208143)

CERTIFICATION BY A LICENSED SURVEYOR
 The survey marks and or other marks were placed on N/A

..... DATE
 HARALAMBOS MICHAEL LAMBIS LICENSED SURVEYOR



PO Box 358 Prospect SA 5082
 Tel. 08 8342 9192 Mob. 0452 220 600
 Email: harry@elitelandsolutions.com.au
 DATE OF ISSUE: 6/02/2017 FILE: ELS 002-17 ROAD

ADELAIDE HILLS COUNCIL MEETING
Tuesday 28 August 2018
AGENDA BUSINESS ITEM

Item: 12.12

Originating Officer: Natalie Westover, Manager Property Services

Responsible Director: Terry Crackett, Director Corporate Services

Subject: Revocation of Community Land – Lobethal Retirement Village

For: Decision

SUMMARY

The purpose of this report is to seek a resolution of Council to revoke the community land classification of the land described as Allotment 202 in Deposited Plan No. 75850 contained in Certificate of Title Register Book Volume 6017 Folio 705 known as 3 Jeffrey Street Lobethal (“Land”) refer **Appendix 1**.

The Chief Development Officer, Development Division from the Department of Planning, Transport and Infrastructure, as delegate for the Minister for Planning, approved the revocation of community land for the Land by letter dated 15 August 2018 (**Appendix 2**).

RECOMMENDATION

Council resolves:

1. That the report be received and noted
2. That the community land classification over the land comprised in Certificate of Title Volume 6017 Folio 705 being Allotment 202 in Deposited Plan No. 75850 be revoked.

1. GOVERNANCE

➤ **Strategic Management Plan/Council Policy**

Goal	Organisational Sustainability
Strategy	Risk & Responsibility - Legal Compliance

The incompatibility of the provisions of the *Local Government Act 1999* and the *Retirement Villages Act 2016* mean that Council currently breaches the requirements of section 202 of the *Local Government Act 1999* when granting an occupation agreement under the *Retirement Villages Act 1999*.

➤ **Legal Implications**

The revocation of community land is undertaken in accordance with Section 194 of the *Local Government Act 1999*.

Section 194(3)(b) requires the Council, after receipt of approval from the Minister for Planning, to make a resolution to revoke the community land classification of the Land.

➤ **Risk Management Implications**

The revocation of community land will assist in mitigating the risk of:

Non-compliance with legislation leading to possible invalidity of occupation agreements.

Inherent Risk	Residual Risk	Target Risk
Extreme (3A)	Low (1E)	Low (1E)

The mitigation action is specific to this circumstance as all other retirement villages owned by Council were excluded as community land in 2002.

➤ **Financial and Resource Implications**

Not Applicable

➤ **Customer Service and Community/Cultural Implications**

Not Applicable

➤ **Environmental Implications**

Not Applicable

➤ **Engagement/Consultation conducted with Council Committee, Regional Subsidiary, Advisory Group, the Administration and Community**

Council Committees: Not Applicable

Council Workshops: Not Applicable

Advisory Groups: Property Advisory Group

Administration: Not Applicable

Community: Not Applicable

5.1. Revocation of Community Land – Lobethal Retirement Village

Moved Cr Malcolm Herrmann
S/- Cr Ron Nelson

127/18

Council resolves:

- 1. That the report be received and noted**
- 2. A report be prepared and submitted to the Minister for Planning seeking approval to revoke the community land classification of Allotment 202 in Deposited Plan No. 75850 contained in Certificate of Title Volume 6017 Folio 705 known as 3 Jeffrey Street Lobethal.**

Carried Unanimously

2. ANALYSIS

The Chief Development Officer, Development Division from the Department of Planning, Transport and Infrastructure, as delegate for the Minister for Planning, approved the revocation of community land for the Land by letter dated 15 August 2018.

The recommendation will complete the community land revocation process and allow vacant units in the retirement village to be occupied without breaching the *Local Government Act 1999*.

3. OPTIONS

Council has the following options:

- I. Resolve to revoke the community land classification of the Land (Recommended)
- II. Resolve not to exclude the community land classification of the Land which will result in the inability to enter into occupation agreements for vacant units and divest the retirement village (Not Recommended)

4. APPENDICES

- (1) Location of the Land
- (2) Letter from the Department of Planning, Transport and Infrastructure

Appendix 1

Location of the Land

REAL PROPERTY ACT, 1885



The Registrar-General certifies that this Title Register Search displays the records maintained in the Register Book and other notations at the time of searching.



Certificate of Title - Volume 6017 Folio 705

Parent Title(s) CT 6004/799

Creating Dealing(s) VE 10987360

Title Issued 04/09/2008 **Edition** 1 **Edition Issued** 04/09/2008

Estate Type

FEE SIMPLE

Registered Proprietor

ADELAIDE HILLS COUNCIL
OF PO BOX 44 WOODSIDE SA 5244

Description of Land

ALLOTMENT 202 DEPOSITED PLAN 75850
IN THE AREA NAMED LOBETHAL
HUNDRED OF ONKAPARINGA

Easements

SUBJECT TO FREE AND UNRESTRICTED RIGHT(S) OF WAY OVER THE LAND MARKED B

Schedule of Dealings

Dealing Number	Description
6175416	CAVEAT BY SOUTH AUSTRALIAN HOUSING TRUST OVER PORTION
6419965	APPLICATION PURSUANT TO RETIREMENT VILLAGES ACT, 1987 THE LAND IS USED AS A RETIREMENT VILLAGE

Notations

Dealings Affecting Title NIL

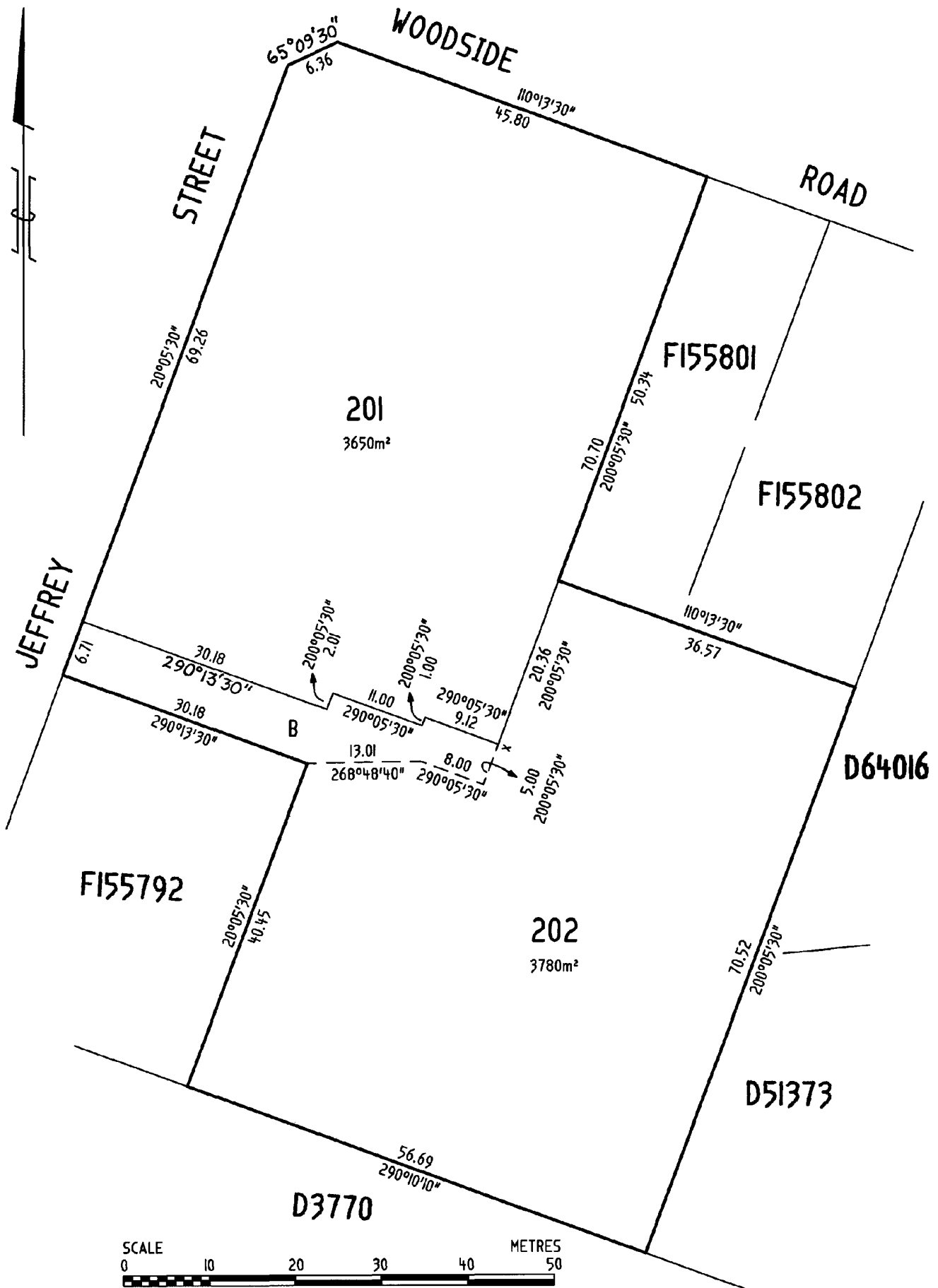
Priority Notices NIL

Notations on Plan NIL

Registrar-General's Notes

PLAN FOR LEASE PURPOSES VIDE G52/1985

Administrative Interests NIL



Appendix 2

*Letter from the Department of Planning, Transport and
Infrastructure*



Government of South Australia

Department of Planning,
Transport and Infrastructure

In reply please quote 18MPL0379
Enquiries to David Whiterod
Telephone 7109 7142

DEVELOPMENT DIVISION

50 Flinders Street
Adelaide SA 5000

GPO Box 1533
Adelaide SA 5001

Telephone: 08 8343 2222
Facsimile: 08 8204 8740

ABN 92 366 288 135

Mr Andrew Aitken
Chief Executive Officer
Adelaide Hills Council
PO Box 44
WOODSIDE SA 5244

Dear Mr Aitken

I write in response to your letter seeking approval for the Adelaide Hills Council (the Council's) proposal to revoke the community land classification of 3 Jeffrey Street Lobethal, comprised in Certificate of Title Volume 6017 Folio 705.

I have considered the information provided to me by the Council and in making my decision (under delegation) I have taken into account the nature of the public consultation undertaken by the Council.

After carefully considering the effect of the revocation on the area and the local community, I am of the opinion that, on balance, the revocation will be more positive than not in its effect. I approve the Council's proposal to revoke the classification as community land of 3 Jeffrey Street Lobethal, comprised in Certificate of Title Volume 6017 Folio 705.

If the Council wishes to proceed with the revocation it will need to pass a motion to revoke the community land classification pursuant to section 194(3)(b) of the *Local Government Act 1999*.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'AMK', written over a large, stylized blue scribble.

Andrew McKeegan
CHIEF DEVELOPMENT OFFICER

15 August 2018

cc Natalie Westover, Manager Property Services, nwestover@ahc.sa.gov.au.

**ADELAIDE HILLS COUNCIL
ORDINARY COUNCIL MEETING
Tuesday 28 August 2018
AGENDA BUSINESS ITEM**

Item: 12.13

Originating Officer: Andrew Aitken, Chief Executive Officer

Responsible Director: Andrew Aitken, Chief Executive Officer

Subject: OmbudsmanSA - Final Investigation Report – Cr Herrmann

For: Decision

SUMMARY

The purpose of this report is to provide Council with the Final Report (**Appendix 1**) of the OmbudsmanSA investigation of alleged breaches of Part 3 (Misconduct) of the *Code of Conduct for Council Members* (the Code) regarding Cr Malcolm Herrmann.

At its 12 December 2017 Ordinary meeting, Council considered an investigation report from the Local Government Governance Panel in relation to a complaint regarding alleged breaches of Part 2 of the Code by Cr Herrmann. In addition to other resolutions, Council resolved to submit the suspected breaches of Part 3 of the Code to the Ombudsman for investigation under s263 of the *Local Government Act 1999* (the Act).

The Ombudsman completed his Final Report on 26 July 2018. The Ombudsman's final view, as contained in the Final Report, is that:

- Cr Herrmann breached the provisions of section 63 of the Local Government Act and clause 3.2 of Part 3 of the Code of Conduct. In this way, Cr Herrmann acted in a manner that appears to be contrary to law within the meaning of section 25(1)(a) of the Ombudsman Act
- further investigation into whether Cr Herrmann breached clause 3.4 of Part 3 of the Code of Conduct is unnecessary and unjustifiable pursuant to the Ombudsman Act.

To remedy this error, I recommend under section 25(2) of the Ombudsman Act that Cr Herrmann attend training on the council's RIM Policy and the State Records Act.

The requirements of the Code are that where a report from the Ombudsman finds that a Council Member has breached Part 3 (Misconduct) of the Code, the report must be provided to a public meeting of the Council. Further the Council must pass resolutions that give effect to any recommendations received from the Ombudsman, within two ordinary meetings of the Council following the receipt of these recommendations.

RECOMMENDATION

Council resolves:

1. That the report be received and noted
2. To note that having investigated the alleged breach of the Code of Conduct for Council Members, the Ombudsman finds that Cr Malcolm Herrmann has breached the provisions of section 63 of the *Local Government Act 1999* and clause 3.2 of Part 3 of the Code of Conduct for Council Members and further, that Cr Herrmann acted in a manner that appears to be contrary to law within the meaning of section 25(1)(a) of the *Ombudsman Act 1972*.
3. To require Cr Herrmann to attend training on Council's *Records & Information Management Policy* and the *State Records Act 1997* by (date) (month), 2018
4. To revise clause 4.1.1 of Council's *Records & Information Management for Council Members Procedure* to read as follows: 'Email correspondence is to be conducted via the Council Member's corporate email account.'

1. GOVERNANCE

➤ Strategic Management Plan/Council Policy

Goal: Organisational Sustainability
Strategy: Governance

A key element of the Governance Strategy within the Strategic Plan is that Council Members will '...diligently adhere to legislative requirements to ensure public accountability and exceed these requirements where possible.'

➤ Legal Implications

Code of Conduct for Council Members

On 29 August 2013, in accordance with Regulation 6A of the *Local Government (General) Regulations 1999*, the Minister for Local Government published the *Code of Conduct (the Code) for Council Members*. On 1 September 2013, the Code was made by Regulation.

The Code contains provisions for the handling of complaints under Part 2 and Part 3. Further, it requires Council to adopt a process for the handling of alleged breaches under those Parts.

The *Council Member Conduct Policy* (the Conduct Policy) was adopted on 25 November 2015 and is an amalgam on the mandatory Code prescribed by the Minister for Local Government and an additional agreed set of behavioural principles and standards to complement and confirm the requirements of the Code. The Policy also contains Council's Code of Conduct Complaint Handling Procedure (the Procedure). The Policy can be accessed via Council's website.

Section 63(2) of the *Local Government Act 1999* (the Act) provides that members of councils must observe the Code. The AHC Behavioural Standards apply to members of Adelaide Hills Council in accordance with the requirement of clause 2.6 of the Code which requires Council Members to comply with all Council policies, codes and resolutions.

Part 3 of the Code provides that alleged breaches of that Part made to a Council may be referred to the Ombudsman for investigation under s263 of the Act.

The Code requires that where a report from the Ombudsman finds that a Council Member has breached Part 3 (Misconduct) of the Code, the report must be provided to a public meeting of the Council. Further the Council must pass resolutions that give effect to any recommendations received from the Ombudsman, within two ordinary meetings of the Council following the receipt of these recommendations.

Conflict of Interest for Employees

Section 120(2) of the Act provides that an employee who has an interest in a matter in relation to which he or she is required to act in the course of official duties must disclose the interest to the Chief Executive Officer and must not, unless the Chief Executive Officer otherwise determines, act in relation to the matter. Further if an employee is entitled to act in relation to a matter by virtue of s120(2) and the employee is providing advice to the council or a council committee on the matter, the employee must disclose the relevant interest to the council or council committee.

The Executive Manager Governance & Performance, Lachlan Miller, has disclosed an interest (for the purposes of the Act) in relation to this matter as his alleged conduct is referred to in the Report. In accordance with s120(2), I have provided approval to act in relation to the matter. Mr Miller will remain in the Chamber when the matter is discussed and can provide governance advice on the provisions of the Act, the *Ombudsman Act 1972* and the *Code of Conduct for Council Members* as they relate to this agenda item.

➤ **Risk Management Implications**

Handling Code of Conduct complaints and investigations in accordance with the provisions of the Conduct Policy will assist in mitigating the risk of:

Poor governance practices occur which lead to a loss of stakeholder (i.e. customer and regulator) confidence and/or legislative breaches.

Inherent Risk	Residual Risk	Target Risk
Extreme (5C)	Medium (3D)	Medium (3D)

Note that there are many other controls that assist in mitigating this risk.

➤ **Financial and Resource Implications**

The costs associated with managing and investigating Conduct Policy complaints are accommodated in existing budgets and, where required, adjusted via budget reviews.

As the Part 3 investigation was undertaken by OmbudsmanSA, there is no cost to Council.

The management of Conduct Policy complaints does require the committal of resources within the Governance & Performance Department.

➤ **Customer Service and Community/Cultural Implications**

There is a high expectation that Council Members conduct themselves in an appropriate manner and in accordance with legislative obligations.

Further, the community expects Council to have appropriate corporate governance processes in place to manage conduct complaints.

➤ **Environmental Implications**

Not applicable.

➤ **Engagement/Consultation with Committee, Regional Subsidiary, Advisory Group and Community**

There is no requirement in legislation or the Council Member Conduct Policy requiring engagement/consultation beyond that necessary for the conduct of the investigation.

Consultation on the development of this report was as follows:

Council Committees: Not Applicable

Council Workshops: Not Applicable

Advisory Groups: Not Applicable

Administration: Not Applicable

Community: Not Applicable

2. BACKGROUND

Code of Conduct Complaint – Part 2

At its 12 December 2017 Ordinary meeting, Council considered an investigation report from the Local Government Governance Panel regarding a complaint regarding alleged breaches of Part 2 of the Code by Cr Herrmann.

In consideration of the 12 December 2017 report, Council resolved as follows:

**Moved Cr John Kemp
S/- Cr Jan Loveday**

302/17

Council resolves:

- 1. That the report be received and noted**
- 2. To note that having investigated the alleged breach of the Council Member Conduct Policy (incorporating the Code of Conduct for Council Members), the Local Government Governance Panel finds that Cr Malcolm Herrmann has breached clauses 2.6, 2.7, and 2.8 of the Code of Conduct for Council Members and clause AH8 of the Council Member Conduct Policy.**
- 3. To censure Cr Malcolm Herrmann for breaching clauses 2.6, 2.7, and 2.8 of the Code of Conduct for Council Members and clause AH8 of the Council Member Conduct Policy.**
- 4. To request that Cr Malcolm Herrmann make a written and public apology for breaching clauses 2.6, 2.7 and 2.8 of the Code of Conduct for Council Members and clause AH8 of the Council Member Conduct Policy.**
- 5. To submit the suspected breaches of Part 3 of the Code of Conduct for Council Members to the Ombudsman for investigation under Section 263 of the Local Government Act 1999.**

Carried

On 17 December 2017, the Chief Executive Officer, in accordance with the above resolution, referred the matter to the Ombudsman for investigation.

Part 3 Referral

On 9 January 2018, the Ombudsman acknowledged receipt of the referral and sought additional information regarding the matter which was provided on 23 January 2018.

On 19 March 2018, the Ombudsman advised that, in consideration of the matter, he had decided to conduct a preliminary investigation of the complaint with the aim to complete the investigation within four months.

On 13 June 2018, the Ombudsman provided a Preliminary Investigation Report to both Council and Cr Herrmann and requested submissions from the parties prior to finalising his views. Deputy Mayor Wisdom, in undertaking her delegated duties in the *Code of Conduct Complaint Handling Procedures*, provided a response to the Preliminary Investigation Report on 2 July 2018.

On 30 July 2018, the Ombudsman provided the Final Investigation Report (**Appendix 1**) to both Council and Cr Herrmann.

3. ANALYSIS

Final Investigation Report

In the transmittal letter for the Report, the Ombudsman has advised the following:

In my opinion, there is a public interest in disclosure of my final reports under the Ombudsman Act. Therefore, I authorise disclosure of this report by you as you see fit. I advise that I may publish my report on the Ombudsman SA and AustLII websites. If you have any comment to make about that, please contact me within 14 days.

Council has not provided a comment in relation to the Ombudsman's decision as to where to publish the Report. Council is however cognisant of its obligation under the Code to provide the Report to a public meeting of the Council (see Legal Implications above), and this agenda item and **Appendix 1** satisfy that obligation.

In considering the Final Report, Deputy Mayor Wisdom wrote to the Ombudsman outlining the position that the reported findings are not in accordance with Council's understanding of the facts. Nevertheless, it is ultimately a matter for the Ombudsman to determine what is contained in the Final Report.

The Ombudsman's final view regarding the investigation, as contained in the Final Report, is that:

- Cr Herrmann breached the provisions of section 63 of the Local Government Act and clause 3.2 of Part 3 of the Code of Conduct. In this way, Cr Herrmann acted in a manner that appears to be contrary to law within the meaning of section 25(1)(a) of the Ombudsman Act
- further investigation into whether Cr Herrmann breached clause 3.4 of Part 3 of the Code of Conduct is unnecessary and unjustifiable pursuant to the Ombudsman Act.

To remedy this error, I recommend under section 25(2) of the Ombudsman Act that Cr Herrmann attend training on the council's RIM Policy and the State Records Act.

As advised in the Legal Implications section, in accordance with the provisions of the Code, the Council must pass resolutions that give effect to any recommendations received from the Ombudsman, within two ordinary meetings of the Council following the receipt of these recommendations.

In considering the Ombudsman's recommendation for Cr Herrmann to attend training, Council may wish to nominate a reasonable timeframe by which this training should be undertaken.

Notwithstanding the above, the Ombudsman has requested that the Council report to him by 26 September 2018 on what steps it has taken to give effect to his recommendations, including:

- Details of the actions that have been commenced or completed
- Relevant dates of the actions taken to implement the recommendation.

Written Submission

In accordance with the principle of procedural fairness, and acknowledging that Cr Herrmann will need to declare a Material Conflict of Interest and leave the Chamber when the matter is considered, the Chief Executive Officer wrote to Cr Herrmann on 22 August 2018 providing the opportunity for Cr Herrmann to provide a written submission addressing any matters that he may wish for the Council to take into account in considering the Report.

Should such a submission be received, it will be tabled at the meeting and appended to the minutes of the meeting.

Records and Information Management for Council Members Procedure (the RIM Procedure)

At paragraph 28 of his Report, the Ombudsman advises that his 7 January 2015 advice to councils is not accurately represented in clause 4.1.1 of the RIM Procedure.

While procedures are generally adopted at the Administration level, the RIM Procedure is adopted by Council given its binding nature on Council Members. Given the Ombudsman's comments in this regard the wording of the Procedure is proposed to be amended as follows:

4.1.1 Email correspondence is to be conducted via the Council Member's corporate email account.

4. OPTIONS

Council has the following options:

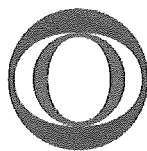
- I. Note the finding of a breach of clause 3.2 of Part 3 of the Code of Conduct for Council Members and resolve for Cr Herrmann to attend training on the RIM Policy and the State Records Act (Recommended – In accordance with the provisions of the Code, Council must give effect to the Ombudsman's recommendation). Further Council may choose to resolve a reasonable timeframe by when the training should be undertaken.
- II. Resolve for additional action(s) to be undertaken by Cr Herrmann resulting from the finding of a breach of clause 3.2 of Part 3 of the Code of Conduct for Council Members. (Not Recommended - In the 'Response to my provisional report' section of the Report, the Ombudsman has advised that he has considered the matter and does not consider that council requires a further apology. In relation to the consideration of other actions (i.e. censure), Council should be mindful of the requirement for procedural fairness).

5. APPENDIX

- (1) Final Investigation Report – Ombudsman SA - Cr Malcolm Herrmann

Appendix 1

*Final Investigation Report – Ombudsman SA - Cr
Malcolm Herrmann*



OmbudsmanSA

Enquiries: Ms Sarah Fairhead Hall
Telephone: 08 8226 8699
Ombudsman reference: 2017/13047
Agency reference: IC18/488

Mayor Bill Spragg
Mayor
Adelaide Hills Council

By email: bspragg@ahc.sa.gov.au

Dear Mayor

The complaint about Cr Malcolm Herrmann

I refer to my provisional report dated 13 June 2018.

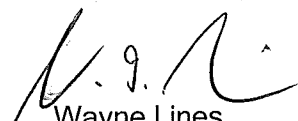
I have now concluded my investigation; and the purpose of this letter is to provide you with my final views about your complaint in accordance with section 18(5) of the Ombudsman Act. They are set out in the enclosed report. I have sent a copy to Dr Jan-Claire Wisdom, Deputy Mayor and to Cr Herrmann.

I have also sent a copy of my report to the Minister for Local Government as required by section 25(3) of the *Ombudsman Act 1972*.

As you may be aware, the Ombudsman Act imposes certain obligations¹ on my office and others, including complainants, officers and members of the council, to keep information about my investigation confidential. However, if I consider that disclosure of that information is in the public interest, then I may authorise or require its disclosure.

In my opinion, there is a public interest in disclosure of my final reports under the Ombudsman Act. Therefore, I authorise disclosure of this report by you as you see fit. I advise that I may publish my report on the Ombudsman SA and AustLII websites. If you have any comment to make about that, please contact me within 14 days.

Yours sincerely



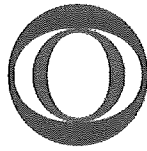
Wayne Lines
SA OMBUDSMAN

30 July 2018

Encl

Cc Dr Jan-Claire Wisdom
Deputy Mayor, Adelaide Hills Council
jcwisdom@ahc.sa.gov.au

¹ *Ombudsman Act 1972*, section 26.



OmbudsmanSA

Final Report

Full investigation - *Ombudsman Act 1972*

Complainant	Adelaide Hills Council
Council member	Cr Malcolm Herrmann
Council	Adelaide Hills Council
Ombudsman reference	2017/13047
Council reference	IC18/488
Date complaint received	20 December 2017
Issues	<ol style="list-style-type: none">1. Whether Cr Herrmann breached clause 3.2 of the Code of Conduct for Elected Members ('the Code of Conduct') by not correctly creating, storing and disposing of an email and acted contrary to law within the meaning of section 25(1)(a) of the <i>Ombudsman Act 1972</i> (SA)2. Whether Cr Herrmann breached clause 3.4 of the Code of Conduct by inappropriately dealing with an email under the <i>State Records Act 1997</i> (SA) and acted contrary to law within the meaning of section 25(1)(a) of the Ombudsman Act

Jurisdiction

The complaint alleges a breach of Part 3 of the Code of Conduct for Council Members made pursuant to section 63 of the *Local Government Act 1999* (the Code of Conduct).¹ An act of a council member that may constitute grounds for complaint under the Local Government Act is taken to be an 'administrative act' for the purposes of the Ombudsman Act.²

Section 63 of the Local Government Act requires elected members to comply with the Code of Conduct. A breach of the Code of Conduct therefore constitutes a breach of the Local Government Act.

Investigation

My investigation has involved:

- assessing the information provided by Mr Aitken on behalf of the council
- seeking a response from Cr Herrmann
- seeking a response from a council resident, Mr Kevin Kaeding

¹ The Code of Conduct was gazetted on 29 August 2013.

² Section 263A(4) Local Government Act; section 3, Ombudsman Act.

- seeking more particulars from the complainant
- considering the Ombudsman Act, the Code of Conduct and the council's Records and Information Management Policy (**RIM Policy**) and Records and Information Management for Council Members Procedure (**RIM Procedure**)
- providing the council and the complainant with my provisional report for comment, and considering their responses
- preparing this report.

Standard of proof

The standard of proof I have applied in my investigation and report is on the balance of probabilities. However, in determining whether that standard has been met, in accordance with the High Court's decision in *Briginshaw v Briginshaw* (1938) 60 CLR 336, I have considered the nature of the assertions made and the consequences if they were to be upheld. That decision recognises that greater care is needed in considering the evidence in some cases.³ It is best summed up in the decision as follows:

The seriousness of an allegation made, the inherent unlikelihood of an occurrence of a given description, or the gravity of the consequences flowing from a particular finding, are considerations which must affect the answer to the question whether the issue has been proved ...⁴

Response to my provisional report

In response to my provisional report Cr Herrmann replied by email on 22 June 2018. Cr Herrmann did not have any comments to make about the substance of the provisional report, but made enquiries about when and how the recommendation would be implemented. I have addressed these queries in my letter to Cr Herrmann attaching this report. Cr Herrmann also wanted it noted that he has already tendered an apology verbally for breaches he was found to have made by the LGGP of clauses 2.6, 2.7, and 2.8 at the council meeting on 27 March 2018.

Dr Jan-Claire Wisdom, Deputy Mayor responded on behalf of the council by letter dated 2 July 2018. The council's response was thorough and lengthy. I have made some of the uncontroversial amendments suggested by Dr Wisdom (namely, paragraphs A-E, G-J, M, P, S, V of the council's response).

However, in regards to the remaining paragraphs my response is as follows:

- Paragraph F asks me to state in my report that the original complaint did not come from a particular employee group of the council. I decline to do so. All investigations are conducted in private and it is not the role of the Ombudsman to curb assumptions that may or may not be made about a complainant's identity
- Paragraph K asks me to conclude from the Telstra records that Cr Herrmann did not telephone Mr Miller prior to sending the email to residents at 3:57pm on 8 January 2017. However, I decline to draw this conclusion for two reasons. Firstly, the Telstra record provided by Cr Herrmann does not include outgoing or incoming calls to and from Mr Miller's mobile telephone number, and secondly Telstra informed Cr Herrmann that there may be some inaccuracies with the report. Dr Wisdom has since informed me that Mr Miller has also contacted Telstra for his mobile phone records between 6 and 13 January 2017, which located two calls from Mr Miller's mobile telephone number to the council on 10 January 2017. Again, only records of outgoing calls were

³ This decision was applied more recently in *Neat Holdings Pty Ltd v Karajan Holdings Pty Ltd* (1992) 110 ALR 449 at pp449-450, per Mason CJ, Brennan, Deane and Gaudron JJ.

⁴ *Briginshaw v Briginshaw* at pp361-362, per Dixon J.

provided by Telstra. I therefore cannot determine whether a phone call was made between Mr Miller and Cr Herrmann based on these records.

- Paragraph L asks me to recommend that Cr Herrmann apologise to the council in addition to my recommendation that Cr Herrmann attend training. I note that Cr Herrmann has already apologised to the council on 27 March 2018 for the conduct that gave rise to this complaint. I therefore do not consider in the circumstances that the council requires a further apology
- Paragraph N asks me to consider Cr Herrmann's previous work history in local government. This information was not previously provided to my Office nor, in my view, adds anything further to the particular allegation
- Paragraph O states the factual inaccuracy of Cr Herrmann's personal views about the ERR, which I do not consider relevant to my investigation
- Paragraph Q submits that I should deal with paragraph 29 of my provisional report in separate correspondence. I decline to do so and consider it relevant.
- Paragraph R states that it appears unlikely, on the balance of probabilities that the missing section of the email would have occurred inadvertently. Cr Herrmann and Mr Kaeding have both denied deleting a portion of the email, and, I cannot rule out the possibility of it being deleted in error. I therefore cannot conclude as Dr Wisdom requests
- Paragraph T request that I revisit the weighing up of evidence and my conclusion, however I do not consider the information provided causes me to change my view
- Paragraph U requests that I reconsider recommendations available to me under section 263B(1) of the Local Government Act. I consider the recommendation made in my provisional report to be appropriate and do not intending adding additional recommendations
- Paragraphs W and Y submits that Cr Herrmann has, by informing my investigation that he does not save or keep emails for a long time breached clause 3.4 of the Code, which requires elected members 'not to exercise or perform, or purport to exercise or perform, a power, duty, or function that he or she is not authorised to exercise or perform'. In my view, Cr Herrmann's conduct is not the type of conduct envisaged by clause 3.4 which envisages elected members acting without authority, which I do not consider fits the circumstances of Cr Herrmann's breach of the Code
- Paragraph X states that there is implied criticism in my report in relation to other examples of emails incorrectly sent or stored not being provided by council. I do not consider this to be the case and decline to amend my report in this regard.

Background

1. Cr Herrmann is an elected member of the Adelaide Hills Council (**the council**).
2. The council adopted a RIM Policy on 18 August 2015 and has a RIM Procedure that all elected members must comply with when creating, receiving, and sending emails.
3. Council records document that Cr Herrmann personally attended training about the RIM Policy on 17 March 2015, 28 April 2015, 20 May 2015, 25 August 2015, and moved a motion on 27 January 2015 in relation to the RIM Policy and was therefore aware of the requirements of the RIM Policy and RIM Procedure.
4. On Sunday 8 January 2017 at 3:54pm Cr Herrmann sent an email from his private email address malcherm@hotmail.com to council residents Mr Justin Goodman, Ms Deb Goodman, Ms Pauline Gill and Ms Joan Playford. The email had the subject 'Fw: ELECTOR REPRESENTATION REVIEW-PROPOSAL TO ABOLISH COUNCIL WARDS' and read as follows:

Hi all,

Can you please promote this through your networks, Particularly(sic) that in a household there can be two people able to complete the form(sic)

Also please advertise the public meeting.

(Good submission from the KRA, but it will only count as one representation)

Malcolm

5. An email was then forwarded three minutes later at 3:57pm by Cr Herrmann to the above named residents and read as follows:

Council is consulting on a proposal to abolish all wards and introduce area councillors. There is a report entitled "Representation Review Report" available on the AHC home page which sets out the proposal in detail.

There are some disadvantages to this proposal:

1. It is at odds with a community survey in which 96% of respondents indicated they favoured the retention of wards,
2. The potential for members being elected from the more populous parts of the council.
3. An organised single interest group (including a political party) could gain considerable representation on council
4. Members may not have empathy for, or affiliation with, all communities across the council

How can you be involved and make your views known?

1. Go to the AHC website and complete the online survey form
2. Go to your local council Service centre (Gumeracha) and complete a survey form
3. Complete the attached survey form and return by post (REPLIED(sic) PAID) or a Service centre
4. You may receive a survey through the mail. Complete and return (REPLIED PAID) ALL ELECTORS ARE ENTITLED TO COMPLETE THE SURVEY.
5. Complete the survey form attached to this email and return to council (REPLY PAID)
6. Attend a public meeting on MONDAY 30 JANUARY 2017 at the Gumeracha Civic Centre at 6:00pm to make your views known.

CI Malcolm Herrmann
04xxx xxxxx (redacted)

6. On 9 January 2017 at 2:39pm council resident Mr Kevin Kaeding emailed Cr Herrmann at his private email address in response to his email out to residents:

Hi Malcolm

Thanks for the information. Appreciated. Malcolm, residents and ratepayers would believe AHC is not listening to them or is it the State Government calling the shots. 96% of respondents favour retention of Wards the AHC must retain Wards indicated by the ratepayers.

Cheers

Kevin Kaeding

Kenton Valley

How can you be involved and make your views known?

1. Go to the AHC website and complete the online survey form
2. Go to your local council Service centre (Gumeracha) and complete a survey form
3. Complete the attached survey form and return by post (REPLIED(sic) PAID) or a Service centre
4. You may receive a survey through the mail. Complete and return (REPLIED PAID) ALL ELECTORS ARE ENTITLED TO COMPETE THE SURVEY.
5. Complete the survey form attached to this email and return to council (REPLY PAID)
6. Attend a public meeting on MONDAY 30 JANUARY 2017 at the Gumeracha Civic Centre at 6:00pm to make your views known.

CI Malcolm Herrmann
04xxx xxxxx (redacted)

7. On 9 January 2017 at 3:27pm Cr Herrmann, from his personal email address, forwarded Mr Kaeding's email to council administration's Mr Lachlan Miller, Executive Manager Governance & Risk asking:

Can you accept this as a response to the survey(sic). An opinion is expressed.

8. I note that Mr Kaeding's email that was forwarded to council administration only included the latter part of Cr Herrmann's initial email to residents, ie. how residents can be involved and make their views known, and did not include the disadvantages to the proposal.

9. On 9 January 2017 at 3:36pm Mr Miller replied to Cr Herrmann's email as follows:

Good afternoon Malcolm

I hope you had a happy and relaxing Christmas break.

Thank you for your email, it came from your private email address but in accordance with Council's Records and Information Management Policy I am responding to your council address as this is council business.

In terms of your question, I can include it in the feedback received but I think Mr Kaeding could achieve greater 'bang for his buck' by being more specific about the position he favours.

Could you please advise what the email was that Mr Kaeding was responding to? If it was one that you are generating for your networks I would appreciate a copy for the Representation Review records file.

Regards

Lachlan Miller - Executive Manager Governance & Risk - Corporate Services Adelaide Hills Council

10. On 9 January 2017 at 4:35pm Cr Herrmann, from his council email address, replied to Mr Miller as follows:

L I am not sure whether my email out was council business or my own electoral business, hence I used my own address book. But it is now in the system.

11. On 29 March 2017, a Code of Conduct complaint against Cr Herrmann was made to the council that alleged that Cr Herrmann had breached:
 - clause 2.6 of the Code by not complying with the council's RIM Policy
 - clause 2.8 of the Code by failing to provide accurate information about the Elector Representation Review (**ERR**) report.
12. On 20 April 2017 the Deputy Mayor referred the Code of Conduct complaint to the Local Government Association's Local Government Governance Panel (**LGGP**). The LGGP obtained documentation for its investigation which was disclosed to the council with its Final Report. The LGGP investigation made the following findings and recommendations:
 - 1) -3)
 - 4) Council consider reference of breaches of Part 3 of the Code to the Ombudsman for investigation under Section 263 of the *Local Government Act* 1999.
13. At the council's meeting on 12 December 2017 it considered the LGGP's Investigation Report and resolved at item 302/17:
 5. To submit the suspected breaches of Part 3 of the Code of Conduct for Council Members to the Ombudsman for investigation under Section 263 of the Local Government Act 1999.
14. On 22 January 2018, the council provided further information in support of the complaint that Cr Herrmann's conduct ought to be investigated by me for breaches of Part 3 of the Code of Conduct. The council's Chief Executive Officer Mr Andrew Aitken included in his correspondence the following information:
 - that Cr Herrmann made a submission to the LGGP investigation that at the time he sent the email to Mr Miller (at 3:57pm on 8 January 2017) he had telephoned Mr Miller where the two men had discussed whether the content of the email was by its nature "electoral", "political" or council business.
 - that Mr Miller advised the LGGP that he had 'no record or recollection of the alleged telephone conversation taking place, and that if he had a conversation with a Council Member of that nature, then he would have made a note of the same and would have followed up with an email to the Council Member'
 - that Cr Herrmann's emails at 3:36pm and 4:35pm on 9 January 2017 do not refer to the alleged telephone conversation, which suggests that the telephone conversation may not have taken place.
15. On 31 January 2018 I emailed council resident Mr Kevin Kaeding and requested a copy of his emails to and from Cr Herrmann to discover whether Cr Herrmann removed the discussion about the disadvantages of the ERR prior to forwarding Mr Kaeding's email to council administration.
16. On 14 February 2018 Mr Kaeding emailed and informed me that he deleted all emails to and from Cr Herrmann pertaining to the subject of the ERR due to the high volume of emails he receives.
17. On 19 March 2018 I informed Cr Herrmann in writing of the allegations against him and asked for his response.
18. On 7 April 2018 Cr Herrmann replied to my Office and informed me that:

- he did not know why the email he forwarded to Mr Miller did not contain the entire email he sent to residents, including the disadvantages of the ERR
- in an effort to prove that he telephoned and spoke with Mr Miller he contacted his mobile phone provider, Telstra, and asked it to identify all phone calls made from his mobile phone number to the council between the 6 and 13 January 2017. Telstra identified two telephone calls, on 10 January 2017, at 4:44am (probably a time error on the server) to Mr Terry Crackett and 6:46pm (this could also be an incorrect time) to the council switchboard
- the Telstra record does not cover whether Cr Herrmann telephoned Mr Miller's mobile number, which Cr Herrmann may have done
- Telstra have informed Cr Herrmann there may have been some inaccuracies with its record of phone calls
- he recalled distinctly speaking with Mr Miller on the issue as to whether the ERR emails were council business or political/ electoral and that the conclusion was "it was a matter of opinion"
- whilst he accepted that he attended the RIM Policy training as stated, he cannot recall detailed explanations of elected members responsibilities in relation to the State Records Act, or being provided with a copy of the State Records Act
- he is confident that all of his council emails have now been sent to the council for record keeping
- he does not save emails for a long time either on his personal or council email accounts but is currently making more effort to separate his council business from his personal business which includes a lot of correspondence with community groups and organisations
- the LGGP concluded in its Final Report that the ERR emails were council business and not political/ electoral business
- he never had any intention of misleading the council and will apologise to the council if found to be in error, as he was required to do as a result of the Code of Conduct complaint against him.

Relevant law

19. Section 63 of the *Local Government Act 1999* (SA) provides:

63—Code of conduct for members

(1) The Governor may, by regulation, prescribe a code of conduct to be observed by the members of all councils.

(2) Council members must observe the code of conduct.

20. Clauses 3.2 and 3.4 of Part 3 of the Code of Conduct provides:

3.2 Perform and discharge their official functions and duties with reasonable care and diligence at all times

3.4 Not exercise or perform, or purport to exercise or perform, a power, duty or function that he or she is not authorised to exercise or perform;

21. Section 25 of the Ombudsman Act provides:

25—Proceedings on the completion of an investigation

(1) This section applies to any investigation conducted by the Ombudsman as a result of which the Ombudsman is of the opinion that the administrative act to which the investigation relates—

(a) appears to have been made contrary to law; or

(b)- (g)

22. The council's RIM Policy provides:

2. OBJECTIVES

The objectives of this policy are to set out Council's commitment to:

2.1 an information and records management environment that fulfils Adelaide Hill's Council's legislative obligations; and

2.2 the preservation of the Council's "corporate memory" through sound and consistent record keeping practices and the comprehensive and accurate capture of information to meet legal, evidential and accountability requirements.

The policy also:

2.3 articulates the records and information management responsibilities of employees, Council Members and other relevant individuals working with one of the Council's key assets - its information.

3. SCOPE

This policy applies to all Council Members, employees, volunteers, work experience placements, contractors and sub-contractor working on behalf of Council.

All records and information, of any format, generated or received in the conduct of Council business are within the scope of this policy.

4. LEGISLATIVE FRAMEWORK

The *State Records Act 1997* ("the Act") governs the obligations and responsibilities of councils in relation to the management of official records. Under this Act, Council has an obligation to maintain official records in its custody in good order and condition. This obligation applies to the capture, storage, maintenance and disposal of records regardless of format (physical or electronic).

In addition to its record management obligations under the Act, Council is obliged to keep adequate records in order to fulfil its responsibilities under other Acts such as the *Freedom of Information Act 1991*, to fulfil legal processes, such as discovery and subpoenas, and to meet any requirements by Royal Commissions, ICAC, the Ombudsman, the Courts, auditors and other bodies.

5. DEFINITIONS

...

Record - Information created, received and maintained by Council in the conduct of its business which provides evidence of a business transaction. It is a record if it meets any of the following criteria:

- 5.1 Forms part of a business transaction/ relates to Council's business
- 5.2 Adds value to an existing record
- 5.3 Shows a transaction or how the transaction was dealt with
- 5.4 Shows a decision and how it was reached
- 5.5 Provides evidence of an event (e.g. when and where it happened)
- 5.6 Indicates advice given and who provided it
- 5.7 Requires someone to action it
- 5.8 Relates to a formal draft of a document, an agreement or legal document
- 5.9 Demonstrates compliance with statutory or other regulations

A record can be in various formats (e.g. letter, file note, calendar entry, social media post, sound recording, video file, legal titles, contracts or an email) and is determined by the *content* and not the *format*.

Where more than one copy of a record exists, the *official record* is the one used by the council as part of their work activity and retained for the length of the retention period. The official record should contain all annotations made to the document.

...

23. RESPONSIBILITIES

All individuals identified in the Scope need to be aware of and comply with Council's information and records management requirements against all activities they undertake in performance of their duties and functions.

Their responsibilities include:

- a. creating, capturing, maintaining and retrieving all Council records in *authorised corporate systems* to support the conduct of their business activities;
- b. ensuring records are created in all appropriate circumstances immediately, or as soon as practical, after an event, decision, agreement or business action.
- c. Learning how and where records and information are kept within Council;
- d. Not destroying or amending Council records without authority from the Council Records Team;
- e. Being aware of and complying with Council's information and records management procedures.

Council employees, Council Members and all relevant individuals who do not comply with this Policy may be subject to disciplinary action under the relevant Code of Conduct, and/or subject to criminal and civil proceedings. Section 17 of the State Records Act provides for a maximum fine of \$10,000 or imprisonment for two years. Council Employees and Council Members should report breaches of this Policy to the Chief Executive Officer.

23. The council's RIM Procedure provides:

3. Information not classified as a record

Information that is created, sent or received by Council Members when they *are not* discharging functions of Council are not classified as records.

Examples include, but are not limited to:

- records relating to political or electoral issues e.g. lobbying for votes, supportive emails from members of the community regarding elections or political stances
- ...

4. Creation of records

Council Members are responsible for ensuring any records they create or receive while conducting the business of Council are stored within Council's record keeping system.

4.1 Electronic records

Electronic records should be forwarded to the Records Team via mail@ahc.sa.gov.au. Examples of electronic records include, but are not limited to:

- emails
- ...

4.1.1 email correspondence is to be conducted via the Council Member's corporate email account. Advice from the Ombudsman states Council Members conducting duties via personal email accounts are breaching the *State Records Act 1997*.

4.1.2 email records received via a Council Member's personal email account are to be forwarded to the Records Team to be captured within the records management system. It is recommended the sender is advised that emails are to be directed to the corporate email account when correspondence relates to the Council Member's duties.

Whether Cr Herrmann breached clause 3.2 of the Code of Conduct by not correctly creating, storing and disposing of an email and acted contrary to law within the meaning of section 25(1)(a) of the Ombudsman Act 1972

24. When asked to articulate how Cr Herrmann has breached clause 3.2 of the Code of Conduct, the council provided three 'elements' evidencing how Cr Herrmann's conduct exercised a lack of care and diligence in the course of performing his official duties:
- a) that Cr Herrmann was aware of and practised in using the councils RIM Policy and RIM Procedure as supported by council records including attending training sessions and moving a council motion that referred to the RIM Policy
 - b) that Cr Herrmann amended/ redacted an email sent from Mr Kaeding from his private email account in relation to ERR received prior to forwarding it to council administration and failed to provide the original email when requested by council administration
 - c) that Cr Herrmann cannot support his submission that he telephoned Mr Miller about whether the ERR email was council business or political/ electoral and therefore did not need to be emailed to the council and saved as a 'record' in accordance with the RIM Policy.
25. In response to the above information Cr Herrmann informed me that:
- he attended the council training but did not recall specifics in relation to creating, storing, and sending emails
 - that he did not know how the email came to be sent to council administration without the section about the disadvantages of the ERR proposal but that his understanding is that:

I sent out the email regarding the ERR on 8 January at 3.57pm. That outlined my political position on the ERR. I listed the against side of the argument – a position which around 800 residents supported, even though council decided that it was only one submission. The email to K Kaeding on 9 Jan was sent to Mr Miller for inclusion in the submissions to the review. To me, it looks like a different email from the one sent out on 8 January.
 - the phone records are inconclusive in supporting Cr Herrmann's assertion that he and Mr Miller spoke about whether the email was classified as a 'record' for the purposes of the RIM Procedure which would not require a copy of the email to be sent to council administration to be saved.
26. Clause 3.2 of the Code of Conduct requires elected members to perform their official duties and functions with due care and diligence. I consider that Cr Herrmann was performing his official functions and duties whilst undertaking the activity of emailing ratepayers about the council's mandated public consultation.
27. At the outset, I will state that I consider the emails to be council related and not political/ electoral in nature because they involved discussion about a public consultation. I therefore consider the emails to be a 'document' for the purposes of the State Records Act and the RIM Policy and RIM Procedure.

28. I also note that the use of private email addresses is not, in itself, contrary to the Local Government Act or the State Records Act. However, under section 5 of the State Records Act, the council 'must ensure that official records of enduring evidential or informational value are preserved for future reference.' I have provided this advice to all councils by letter dated 7 January 2015. I note that my advice is not accurately represented in clause 4.1.1 of the RIM Procedure, which states:

Email correspondence is to be conducted via the Council Member's corporate email account. Advice from the Ombudsman states Council Members conducting duties via personal email accounts are breaching the *State Records Act 1997*.

29. The first question in determining whether Cr Herrmann breached clause 3.2 is to query why the entire email by Cr Herrmann to residents was not forwarded to council administration? The alternative scenarios, as I see them, are:
- Cr Herrmann deleted the section that set out the disadvantages of the proposal (which he has denied doing to the council and to my Office)
 - Mr Kaeding deleted that part of the email when he replied to Cr Herrmann with his view (which he does not recall)
 - it was a genuine mistake by either Cr Herrmann or Mr Kaeding.
30. Both Cr Herrmann and Mr Kaeding deny amending the email from its original form. I am therefore unable to conclude who amended the email, or if it was deliberately done. To do so would be entirely speculative.
31. Cr Herrmann, when speaking with my Officer appeared genuinely confused about how the email he forwarded came to be missing a section of the text. I do accept that the removal of part of the email may have been inadvertent and not, as the council alleges, a deliberate attempt to circumvent the requirements of the council's RIM Policy, RIM Procedure or the State Records Act.
32. Weighing up the evidence presented to me, I consider that, in creating, sending and storing the emails on the ERR process Cr Herrmann demonstrated a lack of diligence and care in the performance of his official duties as an elected member because:
- he did not forward his email sent to residents to council administration in the first instance, but only when he got a reply from Mr Kaeding that supported his personal view about the abolition of council wards
 - if the reason that Cr Herrmann did not forward his email to council administration was because he considered the email 'electoral/ political' then he ought to have kept a proper record of the reasons why he made that decision, i.e. his alleged conversation with Mr Miller
 - all emails sent by Cr Herrmann that are concerned with council business ought to be sent via Cr Herrmann's council email account and not his personal email account as required by the RIM Policy
 - Cr Herrmann's emails were not initially provided by Cr Herrmann in their entirety to council administration as demonstrated by the fact that they were discovered by council only in the course of the Code of Conduct complaint against Cr Herrmann.
33. Whether the error was inadvertent or deliberate, I consider there was a lack of diligence and care by Cr Herrmann in his role as an elected member in dealing with these emails.

Opinion

In light of the above, I consider that Cr Herrmann breached the provisions of section 63 of the Local Government Act and clause 3.2 of Part 3 of the Code of Conduct. In this way, Cr

Herrmann acted in a manner that appears to be contrary to law within the meaning of section 25(1)(a) of the Ombudsman Act.

To remedy this error, I recommend under section 25(2) of the Ombudsman Act that the council require Cr Herrmann to attend training on the council's RIM Policy and the State Records Act.

Whether Cr Herrmann breached clause 3.4 of the Code of Conduct by inappropriately dealing with an email under the State Records Act 1997 and acted contrary to law within the meaning of section 25(1)(a) of the Ombudsman Act

34. The council alleged that Cr Herrmann breached clause 3.4 of the Code of Conduct by the manner in which Cr Herrmann dealt with official records. The council alleged that:
- Cr Herrmann 'created, stored, altered and potentially disposed of official records located on his private computer without any authorisations under the *State Records Act 1997*'
 - that in the course of the LGGP Code of Conduct investigation, Cr Herrmann had sent and received other emails regarding council business from his private email address.
35. Cr Herrmann has informed me that he:
- did not intend to breach the council's RIM Policy or State Records Act requirements by using his personal email account to send emails that relate to council business and by not directly forwarding these emails to council administration and by sending incomplete emails to council administration
 - is not entirely clear of the requirements of the State Records Act for elected members
 - apologised to the council for his conduct in regards to the use of personal email account as recommended by the LGGP investigation, and that he had no intention of breaching the Code of Conduct by the ERR emails.
36. Clause 3.4 of the Code of Conduct requires an elected member not to exercise or perform, or purport to exercise or perform, a power, duty or function that he or she is not authorised to exercise or perform.
37. I consider further investigation into this aspect of the council's complaint is not necessary or justifiable pursuant to section 17(2)(d) of the Ombudsman Act for the following reasons:
- clause 3.4 is the incorrect clause in relation to Cr Herrmann's conduct because he was not attempting to act without authority or beyond a power, duty or function that he was not entitled to exercise as an elected member
 - whilst the council referred to other emails incorrectly sent and stored by Cr Herrmann, it did not provide these to my investigation in support of its allegation
 - as Cr Herrmann has informed my investigation that he has examined his private and council email accounts and made corrections where required, I am satisfied that the issue has been addressed by Cr Herrmann.

Opinion

In light of the above, I consider that further investigation into whether Cr Herrmann breached clause 3.4 of Part 3 of the Code of Conduct is unnecessary and unjustifiable pursuant to the Ombudsman Act.

Summary and Recommendation

In light of the above, my final view is that:

- Cr Herrmann breached the provisions of section 63 of the Local Government Act and clause 3.2 of Part 3 of the Code of Conduct. In this way, Cr Herrmann acted in a manner that appears to be contrary to law within the meaning of section 25(1)(a) of the Ombudsman Act
- further investigation into whether Cr Herrmann breached clause 3.4 of Part 3 of the Code of Conduct is unnecessary and unjustifiable pursuant to the Ombudsman Act.

To remedy this error, I recommend under section 25(2) of the Ombudsman Act that Cr Herrmann attend training on the council's RIM Policy and the State Records Act.

Final comment

I now report Cr Herrmann's breach of duty to the principal officer of the council, as required by section 18(5) of the Ombudsman Act.

In accordance with Part 3 of the Code of Conduct for Council Members, this report must be provided to a public meeting of the council within two ordinary meetings of the council receiving my report.

In accordance with section 25(4) of the Ombudsman Act, I request that the council report to me by **26 September 2017** on what steps have been taken to give effect to my recommendation/s above; including:

- details of the actions that have been commenced or completed
- relevant dates of the actions taken to implement the recommendation.

In the event that no action has been taken, reason(s) for the inaction should be provided to the Ombudsman.

Pursuant to section 263B(2) of the Local Government Act, if a council member fails to comply with a council requirement made as a result of an Ombudsman recommendation such as that above, the council member will be taken to have failed to comply with Chapter 5 Part 4 of the Local Government Act. In this event, the council is to ensure that a complaint is lodged against the member in the District Court.

I have also sent a copy of my report to the Minister for Local Government as required by section 25(3) of the *Ombudsman Act 1972*.



Wayne Lines
SA OMBUDSMAN

26 July 2018

**ADELAIDE HILLS COUNCIL
ORDINARY COUNCIL MEETING
Tuesday 28 August 2018
AGENDA BUSINESS ITEM**

Item: 12.14

Originating Officer: Lachlan Miller, Executive Manager Governance & Performance

Responsible Director: Andrew Aitken, Chief Executive Officer

Subject: Council Resolutions Update including 2 year update to outstanding resolutions

For: Decision

SUMMARY

The Action List is updated each month by the responsible officer and outlines actions taken on resolutions passed at Council meetings. In some cases actions can take months or years to be completed due to the complexity and/or the level of influence Council has in the matter.

In March 2015, Council resolved that outstanding resolutions passed before 31 March 2013 would be the subject of a report outlining the reasons why the resolutions have not been completed, detailing what actions have been taken and an estimated date of completion.

While the above resolution referred to a date, the duration was two (2) years and the intent of the Council's resolution has been carried forward as a prudent accountability mechanism.

RECOMMENDATION

Council resolves:

- 1. The Council Action List be received and noted**
- 2. The following completed items be removed from the Action List:**

Date	Meeting	No	Heading
7/12/2016	Special Council	276/16	Retirement Villages Review
28/11/2017	Ordinary Council	285/17	Road Widening - Murray Road Inglewood
27/02/2018	Ordinary Council	39/18	Community Loans Policy
24/04/2018	Ordinary Council	87/18	By-Law Making
24/04/2018	Ordinary Council	90/18	Road Widening Edward Avenue Crafers
22/05/2018	Ordinary Council	116/18	Caretaker Policy
26/06/2018	Ordinary Council	140/18	Review of Confidential Items Register
26/06/2018	Ordinary Council	151/18	Special Event - Confidential Item
26/06/2018	Ordinary Council	139/18	Enforcement Policy
17/07/2018	Special Council	154/18	By-law Consultation Submissions
17/07/2018	Special Council	157/18	Revocation Community Land - Dunnfield Development Mt Torrens
24/07/2018	Ordinary Council	160/18	Petition Skatepark near Lobethal
24/07/2018	Ordinary Council	165/18	Volunteer Management Policy
24/07/2018	Ordinary Council	167/18	Road Widening - Edward Avenue Crafers
24/07/2018	Ordinary Council	168/18	Street Lighting Policy Review
24/07/2018	Ordinary Council	169/18	Flags & Tributes Policy
24/07/2018	Ordinary Council	170/18	Review of Physical Models for Major Development Policy
24/07/2018	Ordinary Council	171/18	Council Member Training & Development Policy
1/08/2018	Special Council	178/18	LG Rate Oversight Amendment Bill 2018

1. GOVERNANCE

➤ Strategic Management Plan/Council Policy

Goal Organisational Sustainability
 Strategy Governance

The timely completion of Council resolutions assists in meeting legislative and good governance responsibilities and obligations.

➤ Legal Implications

Not applicable

➤ Risk Management Implications

Regular reporting on outstanding action items will assist in mitigating the risk of:

Actions arising from Council resolutions may not be completed in a timely manner

Inherent Risk	Residual Risk	Target Risk
High (4C)	Medium (4E)	Medium (4E)

➤ Financial and Resource Implications

Not applicable

➤ **Customer Service and Community/Cultural Implications**

Not applicable

➤ **Environmental Implications**

Not applicable

➤ **Engagement/Consultation conducted with Council Committee, Regional Subsidiary, Advisory Group, the Administration and Community**

Not applicable

2. BACKGROUND

At its meeting of 24 March 2015 Council resolved:

That the CEO provides a report to the 28 April 2015 Council meeting in relation to outstanding resolutions passed before 31 March 2013 outlining the reasons why the resolutions have not been completed, detailing what actions have been taken and an estimated date of completion.

The contents of this report formed a workshop discussion with Council Members on 3 May 2017.

While the above resolution referred to a date, the duration was two (2) years and the intent of the Council's resolution has been carried forward as a prudent accountability mechanism.

3. ANALYSIS

The Action list has been updated to provide Council with information regarding outstanding actions. Completed resolutions are identified in the recommendation for removal from the Action List.

In total there are two uncompleted resolutions for which an update is required for Council.

An update for these resolutions is provided below.

Date	Meeting	Resolution No.	Topic
12/07/2016	SPDPC	29/16	MON – Woodforde Road and Reserve Naming
26/07/2018	Ordinary Council	133/16	Future of Harms Avenue Birdwood

Resolution 29/16 –MON – Woodforde Road and Reserve Naming

Background

It was requested that the staff pursue, with the developer, the inclusion of indigenous names within Hamilton Park and in relation to future stages. It was also suggested that progress be reported back to Council within 3 months, however there have been no further occurrences of road or reserve naming.

Current Situation

Council staff are working with the developers in regard to final reserve designs, and subsequently will meet on site with the Kaurna Elders to consider appropriate naming.

Council staff met with the developer and landscaping company engaged by the developer on 14 June 2018 and anticipate the design proposal to be supplied in late July, which will then enable the meeting to occur in regards to indigenous naming.

Once options have been considered, and potential names are to be selected, a report will come back to Council for a decision to be made.

Resolution 133/16 –MON – Future of Harms Avenue Birdwood

Background

It was requested to investigate the current and historic situation of properties that adjoin the unmade section of Harms Ave in Birdwood to determine a number of things including:

- whether there were any encroachments of buildings onto Harms Avenue:
- if any Development Approvals required access to these properties to be from Harms Avenue (and therefore preventing access from Torrens Valley Road):
- if the Department of Planning, Transport and Infrastructure had any restrictions on residents of these properties accessing them from Torrens Valley Road; and
- if a road closure of Harms Avenue was viable.

Current Situation

Council staff have undertaken the investigations and the matter was discussed at the Property Advisory Group on 9 July 2018. A report will be presented to Council at the September 2018 meeting.

4. OPTIONS

Council has the following options:

- I. Note the status of the outstanding items and the proposed actions
- II. Resolve that other actions are required.

5. APPENDIX

- (1) Action List

Appendix 1

Action List

Meeting Date	Meeting	Res No.	Item Name	Action Required (Council Resolution)	Responsible Director	Status	Date of Update	Comments	2 yr update req.	2yr update prov.
28/08/2012	Ordinary Council	214/12	Kersbrook Stone Reserve – Heritage Agreement	Chief Executive Officer, or delegate, be authorised to take all necessary actions to bring the Heritage Agreement into effect	Peter Bice	In Progress	7/08/2018	Land has been rededicated with an effective date of 30.6.17. Currently under assessment, advice 5th of June 2018 from DEW - HA application has a revised completion date no later than the 31 December 2018. Mapping component complete, awaiting authorisation from DEW. CEO has recently written to DEW CEO respectfully seeking a speedy completion of this matter.	28/08/2014	23/05/2017
22/04/2014	Ordinary Council	85	Adelaide Hills Region Waste Management Authority - Period of Confidentiality	That the documents and reports pertaining to this matter, including discussions and considerations, be retained in confidence until the legal action has been concluded, but no longer than 12 months, pursuant to section 91(9).	Peter Bice	In Progress	9/08/2018	Confidentiality order extended to 12 December 2018. Review is required prior to December 2018 Council Meeting.	21/04/2016	
13/05/2014	SPDPC	30/14	Adelaide Hills Trails Network Strategy	1. The Adelaide Hills 20 Year Trail Network Strategy & Action Plan be adopted; 2. An implementation plan be prepared by staff in 2014 to inform spending priorities for consideration in future budgets	Peter Bice	In Progress	16/08/2018	The outcomes of the Trails Strategy review were discussed at a workshop in May. An update to the strategy is proposed with a framework to assist in the identification of future priorities. The trails strategy update will link with the bike plan and also the State Government current trails strategy.	12/05/2016	23/05/2017
27/05/2014	Ordinary Council	95/14	William St Birdwood Street Furniture, plaque	That Council, as a consequence of the SPDPC resolution No 29 dated 13 May 2014, approves: 1. The construction of a piece of street furniture and installation in William Street Birdwood, in the vicinity of where the trees will be removed, provided suitable timber is available from those trees. 2. The erection of a plaque acknowledging the residents who donated funds to plant the initial avenue. 3. Place a memorial with names in the Birdwood Institute in consultation with the Friends of the Birdwood Institute. 4. Suitable timber to be made available to the Friends of the Birdwood Institute (FBI) to enable the Committee to make some small wood pieces (e.g. bowls) to display in the Institute. 5. The CEO investigate a source of funds for the projects. 1 and 2 to be undertaken in consultation with the community.	Peter Bice	In Progress	14/08/2018	Three test slabs were milled in late April and will be delivered to the Heathfield depot for further inspection, initial reports from the contractor was the timber was heavily decayed and of poor quality therefore may not be suitable for furniture construction. A budget has been put in the 2018/19 annual business plan.	26/05/2016	23/05/2017
24/03/2015	Ordinary Council	57/15	Confidential Item - Morella Grove	As per confidential minute	Peter Bice	In Progress	14/08/2018	Report to Council forthcoming in September 2018 outlining options.	23/03/2017	23/05/2017

Meeting Date	Meeting	Res No.	Item Name	Action Required (Council Resolution)	Responsible Director	Status	Date of Update	Comments	2 yr update req.	2yr update prov.
19/01/2016	Ordinary Council	6a/16	Amy Gillett Bikeway Extension	The CEO investigates all funding options including how the Jack Bobridge Bikeway in the Barossa Valley was funded.	Peter Bice	In Progress	17/08/2018	Council continues to explore alternative funding channels, and work collaboratively with neighbouring Councils in regards to the potential for a broader Inter-Regional Cycle Network project.	18/01/2018	22/05/2018
22/03/2016	Ordinary Council	59/16	Sturt Valley Road reconstruction	2. That a capital budget allocation of \$160,000 be provided in the 2015/16 financial year for the reconstruction of a 230m section of Sturt Valley Road, Stirling. 3. That a further report be presented to Council for consideration regarding the possible placement of a footpath or walking trail along sections of Sturt Valley Road prior to installing any additional safety barriers	Peter Bice	In Progress	14/08/2018	Discussion with various Land Owners is currently underway to determine if a feasible link to trail network can be achieved. A concept plan is being prepared for consultation prior to detailed design.	22/03/2018	22/05/2018
22/03/2016	Ordinary Council	69/16	Land Acquisition Colonial Drive Norton Summit	Negotiate with the Anglican Church and CFS regarding the proposed boundary realignment and the preparation of preliminary plans	Terry Crackett	In Progress	13/08/2018	Final plans and valuation are being considered by the Anglican Church State Diocese and upon confirmation from them a report will be presented to Council for consideration. Norton Summit Church has advised on 9/8/18 that the matter is still under consideration by the State Diocese. They have been advised that consideration by Council will need to occur after the election, likely to be in January or February 2019.	22/03/2018	22/05/2018
26/04/2016	Ordinary Council	83/16	Croft & Harris Road Precinct, Lenswood	2. That the Office for Recreation and Sport and Department of Planning, Transport and Infrastructure be approached to discuss any potential funding opportunities to undertake bituminising works up to where the bicycle access occurs. 3. That a further report be presented on potential road treatments for Croft Road Lenswood and the surrounding road network once additional data has been collected on peak traffic numbers generated through a major event and staff continue negotiations with ForestrySA regarding infrastructure improvements for Cudlee Creek Forest Reserve.	Peter Bice	In Progress	17/08/2018	A Building Better Regions Fund application was submitted in round 2 (which closed December 19). This was in partnership with Bicycle SA, and Forestry SA. There was also in principle support from DEWNR towards the project. We have recently been notified that the project was unsuccessful. Consideration to any future project investment is being discussed with the funding application partners, and may form part of the 2019/20 Capital Program development.	26/04/2018	22/05/2018

Meeting Date	Meeting	Res No.	Item Name	Action Required (Council Resolution)	Responsible Director	Status	Date of Update	Comments	2 yr update req.	2yr update prov.
24/05/2016	Ordinary Council	91/16	Road Closure portion Sinkinson Road Mt Torrens	<p>2. To make a Road Process Order to the Surveyor-General to close and then merge a portion of road into the adjoining property at 20 Sinkinson Road, Mount Torrens, being Allotment 53 in Filed Plan 155968, Certificate of Title 5779/569. The portion of road is more particularly delineated and marked 'A' on Preliminary Plan No. 15/0040, as detailed in Appendix 1 to this report.</p> <p>3. Subject to closure of the above mentioned portion of unformed public road, that:</p> <p>a. It not to be placed on the Community Land Register; and</p> <p>b. It be sold to Mr and Mrs Hort, the owners of the property at 20 Sinkinson Road, Mt Torrens, for market value plus all other fees, charges and GST that may be applied. A Land Management Agreement be entered into with consideration to be given to limiting the mature height of trees at the start of the unmade road and to planting fire resistant native trees on the southern boundary.</p> <p>4. To authorise the Mayor and Chief Executive Officer to finalise and sign all necessary</p>	Terry Crackett	In Progress	13/08/2018	Awaiting confirmation and gazettal from Surveyor-General. Delays caused by a need to have additional survey work undertaken.	24/05/2018	22/05/2018
24/05/2016	Ordinary Council	105/16	Land at Houghton Request to Purchase	<p>The acquisition of the land described as CT 5363/842 and CT 5363/452 consisting of two parcels of land, one 819m2 the other 36m2 respectively, and currently owned by R J Day and B E Day for nil consideration. Council to pay all transfer fees, charges and GST that may be applied.</p> <p>To undertake a Section 210 process for the conversion of private road to public road for the land described as CT 5343/355 of 27m2 currently owned by Marinus Maughan and Alick Stephen Robinson.</p> <p>To negotiate and accept a transfer of the land described as CT 5343/354 of 476m2 from the City of Tea Tree Gully for nil consideration.</p> <p>To negotiate and accept a transfer or vesting of the land described as CT 5421/887 from the Department of Planning, Transport & Infrastructure for nil consideration.</p>	Terry Crackett	In Progress	13/08/2018	<p>The acquisition from RJ & BE Day has been completed and registered at the Lands Titles Office.</p> <p>Title for the land held by City of Tea Tree Gully has been reissued in the name of Adelaide Hills Council.</p> <p>The request to DPTI for the transfer of land has been made and awaiting a response. Follow up to be undertaken and awaiting a response.</p> <p>The Section 210 process is yet to be commenced, will be commenced in August.</p>	24/05/2018	22/05/2018

Meeting Date	Meeting	Res No.	Item Name	Action Required (Council Resolution)	Responsible Director	Status	Date of Update	Comments	2 yr update req.	2yr update prov.
12/07/2016	SPDPC	29/16	MON - Woodforde Road and Reserve Naming	<p>1. Staff pursue, with the developer, the inclusion of indigenous names within Hamilton Park and in relation to future stages</p> <p>2. A progress report be made to Council or the Strategic Planning & Development Policy Committee within 3 months</p>	Peter Bice	In Progress	17/08/2018	Council staff have now received the high level concept designs for the reserve areas and will now look to engage with the Kaurna Elders to consider appropriate naming. A meeting is to be scheduled for early September.	12/07/2018	
26/07/2016	Ordinary Council	133/16	Future of Harms Avenue Birdwood	That the CEO investigates the future of Harms Avenue East of Wegener Road Birdwood , including consultation with adjoining land owners and DPTI and provides a report to Council /SPDPC by December 2016	Terry Crackett	In Progress	13/08/2018	<p>Investigations undertaken to confirm any encroachments onto Harms Road with none detected.</p> <p>Has been discussed with Property Advisory Group, difficulty in closing the road for sale to adjoining land owners unless all land owners are in agreement. Further discussion at PAG to occurred on 9 July 2018.</p> <p>DPTI have confirmed that they do not require access for residents to be made from Harms Avenue.</p> <p>Council staff to investigate option of closing Harms Ave and reallocation of addresses for properties to make location of properties by emergency services vehicles, services etc easier. Report to come to Council in September 2018.</p>	26/07/2018	
23/08/2016	Ordinary Council	163/16	Piccadilly CFS Relocation	<p>2. To delegate to the Chief Executive Officer , following consultation with the CFS, to determine the area of the portion of Atkinson Reserve to be used as the site of the Proposed CFS Location</p> <p>3. To commence a community consultation process, for a minimum period of 21 clear days in accordance with AHC's public consultation policy, in relation to the proposed:</p> <p>3.1 amendment of the Community Land Management Plan for that portion of Atkinson Reserve identified as the Proposed CFS Location from the current Category 4 Recreation and Sport to Category 6 – CFS</p> <p>3.2 lease to the CFS for use as a CFS station (the proposed term being 21 years with an option to renew for another 21 years) of the Proposed CFS Location</p> <p>3.3 road closure of an area of unmade road reserve adjacent to Atkinson Reserve as identified in Appendix 2 ("Road Closure Land") to provide overflow car-parking for both the CFS station and users of Atkinson Reserve</p> <p>3.4 the adoption of a community land management plan for the Road Closure Land for use as car parking conditional upon the</p>	Terry Crackett	In Progress	13/08/2018	<p>DA granted by DPTI on 15 December 2017. Final version of lease to be provided by CFS for execution by Council. 10/8/18 contact with the CFS indicates that it should be received within the coming week.</p> <p>Road closure process and finalisation of community land management plan to be progressed in August.</p>	23/08/2018	

Meeting Date	Meeting	Res No.	Item Name	Action Required (Council Resolution)	Responsible Director	Status	Date of Update	Comments	2 yr update req.	2yr update prov.
25/10/2016	Ordinary Council	220	CWMS Expression of Interest – Period of Confidentiality	That the report, related attachments and the minutes of Council and the discussion and considerations of the subject matter be retained in confidence until 31 December 2017 except public statements which outline the rationale and process for seeking a review of options related to Council's CWMS	Peter Bice	In Progress	9/08/2018	Retain in confidence. CWMS Expression of Interest process still underway - Confidentiality period extended on 12/12/17 to remain confidential until 26/09/2018.	25/10/2018	
7/12/2016	Special Council	272/16	Contract for Sale Portion of AHBTC site	A Contract for Sale and Purchase for the sale of proposed Lot 301 in the draft community plan attached as Appendix 2 be negotiated and entered into between the Council and Adelaide Hills Craft Brewing Company Pty Ltd for a sale price of ##### subject to the following conditions: Issuance of an approval for the land division application (community title) of the draft community plans attached as Appendices 3a and 3b Deposit by the Registrar-General of the primary and secondary community plans substantially in accordance with the draft community plans attached as Appendices 3a and 3b Finance approval for the purchaser	Terry Crackett	In Progress	13/08/2018	Resolution has been fully released from confidentiality. Contract has been finalised and will be executed in August following confirmation of the purchasing entity from the purchaser.	7/12/2018	
7/12/2016	Special Council	276/16	Retirement Villages Review	As per confidential minute	Terry Crackett	Completed	13/08/2018	This item has been released from confidentiality. Expression of Interest period closed on 31 August 2017. A confidential workshop was presented to Council on 6 December 2017 and a report was presented to Council on 27 February 2018. A number of actions were identified as part of the review which are being progressed.	7/12/2018	

Meeting Date	Meeting	Res No.	Item Name	Action Required (Council Resolution)	Responsible Director	Status	Date of Update	Comments	2 yr update req.	2yr update prov.
7/12/2016	Special Council	267/16	Woorabinda Bushland Reserves Heritage Agreement	<p>2. That the Chief Executive Officer, or delegate, be authorised to commence discussions with DEWNR in regard to entering into individual Heritage Agreements, over the following Council properties:</p> <p>a. Council owned land located at 9 Woorabinda Drive, Stirling (Woorabinda) described in Certificate of Title 5292 Folio 381</p> <p>b. Council owned land located at 9 Ethel Street, Stirling (Stirling Park) described in Certificate of Title 5315 Folio 98</p> <p>c. Council owned land located at 71 Longwood Road, Heathfield (Hender Reserve) Certificate of Title 5753 Folio 715</p> <p>d. Council owned land located at 34 Madurta Avenue, Aldgate (Madurta Reserve) described in Certificate of Title 5902 Folio 219</p> <p>3. That following the assessment by DEWNR, a further report be brought back to Council prior to approval to enter into the Heritage Agreements</p>	Peter Bice	In Progress	7/08/2018	Applications for the Woorabinda BR Heritage Agreements were completed on the 7th of December 2017. Currently in assessment with DEWNR; Advice 5th of June 2018 from DEWNR - HA application has a revised completion date no later than the 31 December 2018. Mapping component complete, awaiting authorisation from DEW.	7/12/2018	
13/12/2016	Ordinary Council	281/16	Piccadilly CFS Relocation	<p>2. Pursuant to s202 of the Local Government Act 1999, a lease be granted to the CFS for the portion of Atkinson Reserve identified as "Proposed Lease Area" in the plan attached as Appendix 1 for a term of 21 years with a right of renewal for a further 21 years subject to the following conditions:</p> <p>a. lease terms being substantially in accordance with and consistent with other leases of Council land to the CFS</p> <p>b. receipt of development approval for the construction of a station building substantially in accordance with the building plan attached as Appendix 1</p> <p>c. partial surrender of the existing lease from the Piccadilly Valley Community Recreation Centre (PVCRC)</p> <p>3. Subject to a lease being granted under item 2 above, the Community Land Management Plan for Atkinson Reserve be amended to reflect that the use of that portion of the land identified as Proposed Lease Area in Appendix 1 is changed from Category 4 Recreation & Sport Facilities to Category 6 CFS Purposes.</p> <p>4. The CEO and Mayor be authorised to sign all necessary documentation to give effect to this</p>	Terry Crackett	In Progress	13/08/2018	DA granted by DPTI 15 December 2017. Awaiting receipt of final lease from CFS for execution, expected by 20 August 2018. Community Land Register and Community Land Management Plan to be updated following execution of the lease. Refer 163/16 resolution	13/12/2018	

Meeting Date	Meeting	Res No.	Item Name	Action Required (Council Resolution)	Responsible Director	Status	Date of Update	Comments	2 yr update req.	2yr update prov.
24/01/2017	Ordinary Council	7/17	Cromer Cemetery Revocation of Community Land	a report be prepared and submitted to the Minister for Local Government seeking approval for the revocation of the community land classification of a portion of the land contained in Certificate of Title Volume 5880 Folio 219 identified in red on the plan attached as Appendix 1.	Terry Crackett	In Progress	13/08/2018	DEWNR have requested that the revocation be put on hold whilst they investigate the requirements to alter the trust affecting the land and undertake an assesment of the native vegetation on the land, this is likely to take some months.	24/01/2019	
28/02/2017	Ordinary Council	53/17	Community Wastewater Management Systems Review – Period of Confidentiality	That the report, related attachments and the minutes of Council and the discussion and considerations of the subject matter be retained in confidence until 30 June 2018	Peter Bice	In Progress	9/08/2018	Retain in confidence as the CWMS Expression of Interest process is still underway	28/02/2019	
25/07/2017	Ordinary Council	155/17	Reserve Gifting Proposal - Dunnfield Estate, Mt Torrens	Subject to the approval of the land division variation application 473/D38/2011 by the Development Assessment Commission and the required Council engineering approvals for the infrastructure, being obtained: 1. That council accepts from Paul & Michele Edwards (the Developer), the donation of additional reserve land as described in Appendix 6 – Amended Plan of Division rev K dated 16.06.2017 Agenda Item 14.1, subject to the following conditions: The Council specified construction standards are metThe cost of all works are to be met by the DeveloperThe Developer enters into a legally binding Landscape Maintenance Agreement to agreed maintenance standards for a period of ten (10) yearsThe landscaping works are completed within two (2) years from the date of final approval. 2. That, in the event that there is a dispute between the Council and the Developer, the dispute is referred to an Independent Arbiter for resolution, with costs being shared equally by the parties.	Peter Bice	In Progress	17/08/2018	The land division variation application 473/D38/2011 has been approved by the Development Assessment Commission. Council staff have drafted a maintenance agreement which we will work through with the Developer. Council staff and the developer have been working through the management of significant and regulated trees on the site, and are nearing a position to progress the draft maintenance agreement.	25/07/2019	

Meeting Date	Meeting	Res No.	Item Name	Action Required (Council Resolution)	Responsible Director	Status	Date of Update	Comments	2 yr update req.	2yr update prov.
25/07/2017	Ordinary Council	159b/17	Lobethal Recreation Ground - Transfer of Land	<p>That the Subject Land be transferred to the Lobethal Recreation Ground Sports Club Inc (LRGSCI) for the consideration of one (1) dollar subject to the following:</p> <p>Each party meeting their own costs and expenses for the transfer</p> <p>LRGSCI granting the Council a first right of refusal to repurchase the land for one (1) dollar should the Subject Land cease to be owned by the LRGSCI and/or used for community recreation purposes</p> <p>LRGSCI be responsible for the day to day maintenance and cleaning of the public toilets and public playground and associated infrastructure to the standard required by Council</p> <p>The LRGSCI, if requested, grant a long term lease to Council for the area identified in Appendix 7 for one (1) dollar per annum</p> <p>The LRGSCI granting the Council a long term licence over the site of the public toilets and public playground for the purposes of structural maintenance, audit and insurance.</p> <p>The Mayor and CEO be authorised to sign all necessary documents to effect the Transfer of</p>	Terry Crackett	In Progress	13/08/2018	LRGSCI have received Development Approval for the boundary realignment and transfer will progress in conjunction with the boundary realignment. Council are awaiting confirmation of agreement of the final contract from LRGSCI.	25/07/2019	
8/08/2017	SPDPC	SP39/17	Update on Primary Production Lands DPA	<p>That as a result of the implementation of the new planning reforms and the introduction of the <i>Planning, Development & Infrastructure Act 2016</i>, Council supports staff working with DPTI to prepare the Rural Planning Policy element of the Planning & Design Code in a manner consistent with the issues and investigations outlined in the second Statement of Intent for the Primary Production Lands DPA</p> <p>That reports be prepared for future SPDPC meetings as milestones are reached and notable work is released for comment.</p>	Marc Salver	In Progress	15/08/2018	A Collaborative Work Program with DPTI regarding the preparation of the Planning & Design Code has now been signed by both Council and DPTI staff. The first meeting attended by staff of the P&D Code Primary Production Working Group took place on 4 May and 1 June. The most recent meeting occurred on 10 August. This Group will progress the development of the Rural Policy Module of the Code. Staff will provide further updates as this work progresses during the year.	8/08/2019	
8/08/2017	SPDPC	SP42/17	Public Liability Insurance for Community Owned & Managed Halls	<p>That the costs of public liability insurance for community owned and managed halls be referred to the Chief Executive Officer for consideration with the preparation of the Community and Recreation Facilities Framework.</p>	Terry Crackett	In Progress	13/08/2018	Information from LGRS expected in the week commencing 13 August 2018	8/08/2019	

Meeting Date	Meeting	Res No.	Item Name	Action Required (Council Resolution)	Responsible Director	Status	Date of Update	Comments	2 yr update req.	2yr update prov.
26/09/2017	Ordinary Council	207a/17	Heritage Agreement Reports - Woorabinda Bushland Reserves	1. That Heritage Agreements be entered into between the Council and the Minister for Sustainability, Environment and Conservation pursuant to section 23(5) of the <i>Native Vegetation Act 1991</i> for the conservation, management and protection of native flora and fauna in relation to the following properties: Council owned land located at 9 Woorabinda Drive, Stirling (Woorabinda) described in Certificate of Title 5292 Folio 381 Council owned land located at 9 Ethel Street, Stirling (Stirling Park) described in Certificate of Title 5315 Folio 98 Council owned land located at 34 Madurta Avenue, Aldgate (Madurta Reserve) described in Certificate of Title 5902 Folio 219	Peter Bice	In Progress	7/08/2018	Applications for the Woorabinda BR Heritage Agreements were completed on the 7th of December 2017. Currently in assessment with DEWNR; Advice 5th of June 2018 from DEWNR - HA application has a revised completion date no later than the 31 December 2018. Mapping component complete, awaiting authorisation from DEW	26/09/2019	
26/09/2017	Ordinary Council	207b/17	Heritage Agreement Reports - Woorabinda Bushland Reserves	That the Heritage Agreements retain the existing Dog Access Arrangements currently in place in each of those properties. That the Heritage Agreements be registered with the Lands Titles Office pursuant to section 23b of the <i>Native Vegetation Act 1999</i> .	Peter Bice	In Progress	7/08/2018	Existing dog access arrangements within a Heritage Agreement are requested in the HA application. The implementation of legislation to sit with Health and Regulatory Services and Lands Title Office registration for AHC Property action. Applications for the Woorabinda BR Heritage Agreements were completed on the 7th of December 2017. Currently in assessment with DEWNR; Advice 5th of June 2018 from DEWNR - HA application has a revised completion date no later than the 31 December 2018. Mapping component complete, awaiting authorisation from DEW.	26/09/2019	
26/09/2017	Ordinary Council	207c/17	Heritage Agreement Reports - Woorabinda Bushland Reserves	That the Community Land Management Plans for the above properties be reviewed and updated to reflect the provisions of the Heritage Agreements including community consultation (where necessary) as required under section 197 of the <i>Local Government Act 1999</i> . That the Chief Executive Officer be authorised to sign all necessary documentation to effect this resolution.	Peter Bice	In Progress	7/08/2018	Community Land Management Plan review and update is in readiness. On receipt of Heritage Agreement notification over the Woorabinda Bushland Reserves, we will then initiate the CLMP review and the CEO to then authorise (sign) as required. Applications for the Woorabinda BR Heritage Agreements were completed on the 7th of December 2017. Currently in assessment with DEWNR; Advice 5th of June 2018 from DEWNR - HA application has a revised completion date no later than the 31 December 2018. Mapping component complete, awaiting authorisation from DEW.	26/09/2019	

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26/09/2017	Ordinary Council	207d/17	Heritage Agreement Reports - Woorabinda Bushland Reserves	That a separate report be brought back to Council in relation to a Heritage Agreement for the land under the care, control and management of Council located at 71 Longwood Road, Heathfield (Hender Reserve) in Crown Record 5753 Folio 715 following receipt of further advice from the Land Titles Office and Native Vegetation Branch of the Department of Environment, Water and Natural Resources regarding the dedicated purpose of the land and options for registration of the Heritage Agreement over Crown Land.	Peter Bice	In Progress	7/08/2018	A separate Council report will be provided following clarification on the Heritage Application process in respect to the Crown Land status of Hender Reserve. Report has been provided to Council and the Heritage Agreement application was completed and sent to DEWNR, receipt date 08/02/18. Currently in assessment with DEWNR. Advice 5th of June 2018 from DEWNR - HA application has a revised completion date no later than the 31 December 2018. Mapping component complete, awaiting authorisation from DEW.	26/09/2019	
26/09/2017	Ordinary Council	209/17	Road Realignment - Bonython Road Summertown	To purchase the area of land being 105m2 identified in red on the plan attached as Appendix 1 from Linda Marie Ferrari for the consideration of \$2,000 (excl. GST) plus all reasonable costs to vest as public road. That the Mayor and CEO be authorised to sign all necessary documentation to effect this resolution.	Terry Crackett	In Progress	13/08/2018	Survey plans approved by Lands Titles Office, supporting documentation to be lodged by end of August 2018.	26/09/2019	
26/09/2017	Ordinary Council	233c/17	CWMS Review Update	As per confidential minute	Peter Bice	In Progress	9/08/2018	Probity services are to be maintained through open market expression of interest process. Retain in confidence as the CWMS Expression of Interest process is still underway	26/09/2019	
26/09/2017	Ordinary Council	233d/17	CWMS Review Update	A further report be provided to Council outlining the outcome of the open market process undertaken.	Peter Bice	In Progress	9/08/2018	A report on the outcome of the EOI process will be presented to Council at its 28 August 2018 Council meeting for consideration.	26/09/2019	
26/09/2017	Ordinary Council	234/17	CWMS Review Update - Period of Confidentiality	An order be made that the report, related attachments and the minutes of Council and the discussion and considerations of the subject matter be retained in confidence until 26 September 2018.	Peter Bice	In Progress	9/08/2018	Report, related attachments and the minutes of Council held in confidence. Retain in confidence as the CWMS Expression of Interest process is still underway.	26/09/2019	

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24/10/2017	Ordinary Council	246/17	Road Closure and Disposal – Schapel Road, Lobethal	To make a Road Process Order pursuant to the <i>Roads (Opening & Closing) Act 1991</i> to close and merge the land identified as "A" in Preliminary Plan No 16/0020 (<i>Appendix 3</i>) with Allotment 28 in Filed Plan No 155743 comprised in Certificate of Title Volume 5502 Folio 372 create an easement for transmission of electricity in favour of Distribution Lessor Corporation create a free and unrestricted right of way in favour of Allotment 13 being the land in CT Volume 5502 Folio 373 accept consideration in the amount of \$40,000 (excl. GST) as detailed in <i>Appendix 3</i> of this report. The issuing of the Road Process Order is subject to: Boral Resources (SA) Ltd agreeing to enter into a Land Management Agreement with Council for the preservation of the native vegetation for the protection of native flora and fauna on the areas identified in the report attached as <i>Appendix 7</i> which is to be lodged with the Land Titles Office in conjunction with the Road Process Order. Boral Resources (SA) Ltd paying all fees and charges associated with the road closure process. The closed road be excluded as Community Land pursuant to the <i>Local Government Act 1999</i> . To authorise the Chief Executive Officer (or delegate) to finalise	Terry Crackett	In Progress	13/08/2018	Surveyor has prepared final plan and road process order. Boral to confirm agreement with draft Land Management Agreement following meeting with Council staff on 20 July.	24/10/2019	
24/10/2017	Ordinary Council	250/17	DEWNR Fuel Reduction on Private Lands Program	That DEW's Strategic Fuel Reduction program is approved for the Adelaide Hills Council region	Peter Bice	In Progress	7/08/2018	Following Council's endorsement of DEWNR's Strategic Fuel Reduction program on the 24/10/2017, the ongoing program has commenced, with prescribed burns completed at Heathfield Stone Reserve on the 10/10/2017 and the Crafers West site on the 9/11/2017. Both burns were successful according to the DEWNR Fire Management Unit. Additional AHC sites intended for spring 2018/19 include Lobethal Bushland Park, Heathfield Waste Facility site, Yanagin Reserve and Belair (Upper Sturt) site. There are no confirmed dates for Mylor Parklands. AHC Biodiversity Officers have initiated organising bird surveys for these sites both pre and post burn. Council will collaborate with DEWNR on post weed management activities. Weed management activities by DEW and AHC were undertaken at Heathfield Stone Reserve on June 28th 2018. More weed management planned for this site.	24/10/2019	
24/10/2017	Ordinary Council	261/17	Sale of Land at Adelaide Hills Business and Tourism Centre - CONFIDENTIAL ITEM	As per confidential minute	Terry Crackett	In Progress	13/08/2018	Progressing per confidential minutes	24/10/2019	

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24/10/2017	Ordinary Council	262/17	Sale of Land at Adelaide Hills Business and Tourism Centre Period of Confidentiality	Review confidential item for release -the subject matter be retained in confidence until the earlier of settlement of the property transactions or 12 months.	Terry Crackett	In Progress	13/08/2018		24/10/2019	
14/11/2017	Special Council	268/17	Review of Advisory Groups	To cease the Hills Voice Reference Panel Nominations for Australia Day awards to be assessed only by staff and a report for decision to come to Council Any grant applications currently considered by advisory groups will be assessed only by staff and a report for decision to come to Council To 'in principle' retain Council and Community/Independent Members on Advisory Groups That the Chief Executive Officer prepares a report for the Council's consideration at a future meeting regarding the appropriateness of the current governance arrangements for the Advisory Groups including, but not limited to, whether they would benefit from an alternate structure (such as a s41 Committee), a revised Terms of Reference in their current form, or to be ceased.	Terry Crackett	In Progress	17/08/2018	HVRP ceased, Australia Day Awards 2018 assessed by staff. Further consultation occurring with Council Members, ELT and AG EOs and AG Membership. Council report scheduled for 23 October 2018 Council meeting.	14/11/2019	
28/11/2017	Ordinary Council	281/17	LED Streetlight Review	That Council awaits on the outcomes from the LGASA process and for the outcomes of this report to inform a transition to LED street lighting A further report to Council to be provided following the completion of the LGASA process and subsequent review of the most appropriate model for Adelaide Hills Council to adopt.	Peter Bice	In Progress	6/08/2018	Council has now received the outcome of the LGASA process which states that the LGASA will not be involved in council streetlighting. Council staff need to obtain expert advice as to the best approach and tariff available to proceed to a transition to LED streetlights. A report to Council will be provided identifying the next steps.	28/11/2019	

Meeting Date	Meeting	Res No.	Item Name	Action Required (Council Resolution)	Responsible Director	Status	Date of Update	Comments	2 yr update req.	2yr update prov.
28/11/2017	Ordinary Council	282/17	Rededication of Crown Land - Hender Reserve	<p>To apply to the Department of Environment, Water and Natural Resources to revoke the existing dedication of the land contained in Crown Record Volume 5753 Folio 715 described as Section 1527 Hundred of Noarlunga in the area named Heathfield known as Hender Reserve ("Land") for recreation purposes</p> <p>To apply to the Department of Environment, Water and Natural Resources to dedicate the Land for Recreation and Conservation Purposes – Heritage Agreement subject to the draft conditions that are attached as <i>Appendix 2</i></p> <p>To authorise the CEO to finalise the conditions of dedication subject to them being substantially in accordance with the draft conditions attached as <i>Appendix 2</i></p> <p>To authorise the CEO to sign all necessary documents to effect this resolution</p>	Terry Crackett	In Progress	13/08/2018	Application for rededication has been completed and submitted to DEWR. Gazettal for rededication has not yet occurred. Department of Environment and Water have advised on 13.8.18 that completion is expected by mid September.	28/11/2019	
28/11/2017	Ordinary Council	285/17	Road Widening - Murray Road Inglewood	<p>To purchase the area of land, being 124m2, identified in red on the plan attached as Appendix 1 ("Land") from Bruce William MacGillivray and Julie Meredith MacGillivray for the consideration of \$1,168.36 (excl. GST) plus all reasonable costs to vest the Land as public road</p> <p>That the Mayor and CEO be authorised to sign all necessary documentation to effect this resolution</p>	Terry Crackett	Completed	20/07/2018	Road widening plan deposited by the Lands Titles Office and land vested in Council as public road on 19 July 2018	28/11/2019	

Meeting Date	Meeting	Res No.	Item Name	Action Required (Council Resolution)	Responsible Director	Status	Date of Update	Comments	2 yr update req.	2yr update prov.
23/01/2018	Ordinary Council	4/18	Road Exchange - Mt Torrens Walking Loop	<p>To issue a Road Process Order pursuant to the <i>Roads (Opening & Closing) Act 1991</i> to: Close and merge the land identified as "A" in Preliminary Plan No 17/0041 (<i>Appendix 1</i>) with Allotment comprising pieces 81 & 82 in Filed Plan No. 218134 comprised in Certificate of Title Volume 6025 Folio 732 owned by Brian Bruce Willison</p> <p>Open the land identified as "1" in Preliminary Plan No 17/0041 as public road being portion of Allotment comprising pieces 81 & 82 in Filed Plan No. 218134 comprised in Certificate of Title Volume 6025 Folio 732 owned by Brian Bruce Willison</p> <p>The closed road be excluded as Community Land pursuant to the Local Government Act 1999</p> <p>To undertake the road exchange for nil consideration with the Council to pay all necessary costs to effect this resolution</p> <p>To authorise the Chief executive Officer (or delegate) to finalise and sign all necessary documentation to effect the road exchange and this resolution</p>	Terry Crackett	In Progress	13/08/2018	Mr Willison passed away in late January prior to documents being signed. The road exchange process will be held pending issue of Grant of Probate of Mr Willison's estate.	23/01/2020	
20/02/2018	Audit Committee	AC18/4(4)	Appointment of External Auditor - Release of Confidentiality Order	That the report and related attachments of the Committee and the discussion and considerations of the subject matter be retained in confidence until the completion of the contract	Terry Crackett	In Progress	17/08/2018	Given the commercial in confidence information, the release of the confidentiality order is unlikely to occur for 3-5 years depending on whether the option under the contract is exercised. Nevertheless the cost of Statutory Audit services is reported in the Annual Report.	20/02/2020	
27/02/2018	Ordinary Council	30/18	Master Plan Woodside Recreation Ground	That the master planning exercise for the Woodside Recreation Ground, as resolved by Council at its 28 November 2017 meeting (275/17), be expanded to include the adjoining recreation and car parking precinct between Tiers Road and Langbein Avenue, Woodside.	Peter Bice	In Progress	6/08/2018	Associated investigations underway, Water Sensitive Urban Design and Water Reuse potential. The recent announcement of the successful funding in relation to the Mount Barker Swimming Pool, will enable appropriate considerations to be made in regards to the requirements for the Woodside Recreation Ground site.	27/02/2020	

Meeting Date	Meeting	Res No.	Item Name	Action Required (Council Resolution)	Responsible Director	Status	Date of Update	Comments	2 yr update req.	2yr update prov.
27/02/2018	Ordinary Council	31/18	Arts & Heritage Hub	That the report be received and noted. That the Business Development Framework for the establishment of an Arts and Heritage Hub in the Old Woollen Mill at Lobethal, contained in Appendix 1, be noted. That the Administration proceeds with the establishment of an Arts and Heritage Hub using the Business Development Framework as a guide. That the development of a Hub Evaluation Framework, as envisaged in the Business Development Framework, occur as early as possible and include key performance and results targets, and mechanisms for review of the implementation by Council to ensure alignment with budget allocations and strategic objectives. That \$50,000 be allocated to the 2017-18 Operating Budget from the Chief Executive Officer's contingency provision to enable the initial actions to be taken. The CEO provides a progress report on the implementation of the Business Development Framework within 6 months from the date of appointment of the Director.	David Waters	In Progress	3/08/2018	The Hub Director commenced on 23 July. The progress report is therefore likely in December 2018 or January 2019.	27/02/2020	
27/02/2018	Ordinary Council	34/18	Mobile Food Vending Businesses	<ol style="list-style-type: none"> 1. That the report be received and noted. 2. Council adopt the Mobile Food Vending Business Location Rules contained in Appendix 2 of this report with an effective date of 1 March 2018. 3. The Fees and Charges Register be updated to include the following Mobile Food Vending Business permit fees: <ol style="list-style-type: none"> a) Monthly Fee \$100 b) Annual Fee \$1,000 4. That further consultation as outlined in this report be undertaken with key stakeholders and the community on Council's adopted Mobile Food Vending Business Location Rules. 5. That the Chief Executive Officer be authorised to make any formatting or non-significant grammatical and/or content changes to the Mobile Food Vending Business Location Rules for publication purposes during the period of its currency. 6. A further report be provided to Council outlining the outcome of the further consultation undertaken and subject to the consultation outcome, present refined Mobile Food Vending Business Location Rules for adoption. 	Marc Salver	In Progress	15/08/2018	<p>Fees and Charges Register has been updated pursuant with resolution 3.</p> <p>Planning has commenced to undertake further consultation required by resolution 4.</p> <p>Focus group session did not occur on 30 April 2018 due to lack of attendees. A Council workshop occurred on 8 May 2018 and ideas for the development of Location Rules considered. Further consultation on these location rules with the focus group is to occur in July. This will include community drop in sessions to inform the final Location Rules for adoption at August Council 2018 meeting.</p> <p>15/08/18 DR Public consultation was undertaken from 2 July 2018 running through to 27 July 2018. Three drop in sessions were arranged for Stirling, Woodside and Gumeracha. A focus group session was run in Stirling Wednesday 25/07/18. Melissa Bright Economic development officer facilitated the session which included vendors from three fixed</p>	27/02/2020	

Meeting Date	Meeting	Res No.	Item Name	Action Required (Council Resolution)	Responsible Director	Status	Date of Update	Comments	2 yr update req.	2yr update prov.
27/02/2018	Ordinary Council	39/18	Community Loans Policy	<p>1. The report be received and noted</p> <p>2. The Community Loans Policy as provided at Appendix 1 be endorsed for community consultation.</p> <p>3. A loan of \$15,000 be provided to Mt Torrens Centenary Park Incorporated for the completion of drainage works subject to the finalisation of a loan agreement with Council that is executed under Council's seal. That the Mayor and Chief Executive Officer be authorised to execute all documents necessary, including applying the Council Seal (as required), for the establishment of a loan agreement with Mt Torrens Centenary Park Incorporated.</p>	Terry Crackett	Completed	21/08/2018	<p>Community Loan Policy - consultation completed and the Policy subsequently adopted by Council and now available on Council's website.</p> <p>Loan Agreement prepared and provided to Mount Torrens Centenary Park Incorporated. At this time they considering whether they will formally lodge the agreement to obtain the funds and as such this item is considered closed pending submission.</p>	27/02/2020	
27/02/2018	Ordinary Council	48/18	Investigation of Speed Limit Jungfer Road Charleston	That the CEO investigate the request for a reduction of the speed limit to a maximum of 60kph on Jungfer Road Charleston and, should the investigation justify a change, make the appropriate submissions to the Department Planning Transport & Infrastructure.	Peter Bice	In Progress	17/08/2018	Traffic Counters were installed to collect current traffic speeds as part of the assessment process, and we are now seeking an independent review as to whether any speed limit change is justified. It should be noted that the 85% speed was 80kph.	27/02/2020	
27/02/2018	Ordinary Council	49/18	Naming of Council Owned Premises in Lobethal - AHBTC	That the CEO, after consultation with interested parties, provide a report to Council on a recommended name for the Council owned premises at the AHBTC, Lobethal, by 31 October 2018.	David Waters	In Progress	3/08/2018	The process will involve both community/stakeholder input and professional branding advice.	27/02/2020	
27/02/2018	Ordinary Council	54/18	Confidential Item - Retirement Village Review	As per confidential Minute	Terry Crackett	In Progress	13/08/2018	Per confidential resolution	27/02/2020	
27/02/2018	Ordinary Council	55/18	Retirement Village Review - Period of Confidentiality	that the report, related attachments and the minutes of Council and the discussion and considerations of the subject matter be retained in confidence until the sale has been finalised, but not longer than 12 months. Pursuant to section 91(9)(c) of the <i>Local Government Act 1999</i> , Council delegates the power to revoke the confidentiality order either partially or in full to the Chief Executive Officer.	Terry Crackett	In Progress	13/08/2018		27/02/2020	
27/02/2018	Ordinary Council	57/18	Confidential Item - AH Swimming Centre Shade Sail	As per confidential minute	Terry Crackett	In Progress	13/08/2018	Matter being progressed per resolution	27/02/2020	

Meeting Date	Meeting	Res No.	Item Name	Action Required (Council Resolution)	Responsible Director	Status	Date of Update	Comments	2 yr update req.	2yr update prov.
27/02/2018	Ordinary Council	58/18	AH Swimming Centre Shade Sail - Period of Confidentiality	that an order be made under the provisions of sections 91(7) and (9) of the <i>Local Government Act 1999</i> that the report and the minutes of Council and the discussion and considerations of the subject matter be retained in confidence until the matter is determined but not longer than 12 months. Pursuant to section 91(9)(c) of the <i>Local Government Act 1999</i> , Council delegates the power to revoke the confidentiality order either partially or in full to the Chief Executive Officer.	Terry Crackett	In Progress	13/08/2018	Progressing per confidential minutes	27/02/2020	
27/03/2018	Ordinary Council	65/18	Memorial for late Cr Val Hall	That in view of the service the late Cr Val Hall rendered to both the Council and the various community groups, Council erects a memorial seat in Federation Park, Gumeracha, with financial support from the community groups with which she was associated.	Peter Bice	In Progress	6/08/2018	Meeting was held with interested parties (including family members) on 10/05/2018 to discuss placement and type of seat. A seat has now been ordered and location identified, works will begin in the next few weeks to install a paved pad for the seat to be located on. Paved pad has been installed and garden beds tidied and planted out.	26/03/2020	
27/03/2018	Ordinary Council	68/18	Milan Terrace Pedestrian Safety	<ol style="list-style-type: none"> 1. That the report be received and noted 2. That a Traffic Plan concept be developed for a wombat or zebra crossing pedestrian facility 3. That Council undertakes consultation with the community, Stirling Hospital and other relevant stakeholders on the concept plan for a wombat or zebra crossing 4. That Council submits a proposal to the Department of Planning, Transport & Infrastructure to reduce the speed limit on Milan Terrace to 30km/h from a point app 80m west of the Druid Avenue intersection and approximately 40m east of Johnston Street intersection 5. That a report be brought back to Council to determine whether future budget considerations are applicable including costings for a wombat or zebra crossing. 	Peter Bice	In Progress	13/08/2018	Final report has now been received assessing the merits of a potential Zebra or Wombat Crossing, a draft concept plan has been prepared for consultation with stakeholders. Meeting held with Stirling Hospital CEO 19/7/2018	26/03/2020	
27/03/2018	Ordinary Council	69/18	Play Space Policy	Implement policy and communicate to staff and/or community if applicable.	Peter Bice	In Progress	16/08/2018	The Play Space Policy is due to come into affect in July 2018. Implications will be communicated to relevant staff & the community where applicable.	26/03/2020	

Meeting Date	Meeting	Res No.	Item Name	Action Required (Council Resolution)	Responsible Director	Status	Date of Update	Comments	2 yr update req.	2yr update prov.
24/04/2018	Ordinary Council	87/18	By-Law Making	That the report be received and noted.The draft By-laws contained within Appendix 1 through to Appendix 6 (inclusive) of this report be released for community consultation for a period of at least twenty one clear days.The draft Dogs By-law No. 5 and draft Cats By-law No. 6 be referred to the Dog and Cat Management Board at least 21 days before being released for community consultation.To authorise the Chief Executive Officer to make any minor changes to the draft By-laws that the Chief Executive Officer deems fit prior to the agency referral and commencement of community consultation.That the Administration undertakes an analysis of introducing a cat registration scheme including options and potential fees and a further report in this regard be provided to Council in July 2018.That Clause 9.1 of the draft Cats By-law be amended to read 'As of 1 January 2022 the owner or person responsible for the control of a cat must take steps to ensure that the cat is confined to the premises occupied by that person at all times, unless the cat is under effective control by physical restraint', and that Clause 9.2 be removed.	Marc Salver	Completed	15/08/2018	Consultation on the Bylaws has concluded, with Agency and Dog & Cat Management Board and the community. The results of the consultation and any changes to the Bylaws will be reported to the 24 July 2018 Council meeting for consideration. 15/08/18 DR By-laws were adopted at the 24 July 2018 Council meeting. The By-laws have been referred to parliament and have been published in the Government Gazette 9 August 2018. On this basis the By-laws will commence operation effective 10 December 2018.	23/04/2020	
24/04/2018	Ordinary Council	90/18	Road Widening Edward Avenue Crafrers	That the item lie on the table.	Peter Bice	Completed	14/08/2018	This item will be included on the July 2018 Council agenda.	23/04/2020	
24/04/2018	Ordinary Council	100/18	CEO Performance Review Panel	1. That the minutes of the CEO Performance Review Panel meeting of 12 April 2018 as distributed, be received and noted. 2. To undertake the 2018 CEO Performance Review and Total Employment Cost Package Review using an external consultant, and report back to the 28 August 2018 Council meeting.	Andrew Aitken	In Progress	14/08/2018	The fieldwork of the Review process has been completed, considered by the CEO PRP and a final report will be considered by Council on 28 August 2018.	23/04/2020	
24/04/2018	Ordinary Council	102/18	Sale of Land for Non Payment of Rates	Refer to Confidential Minute	Terry Crackett	In Progress	21/08/2018	Actions continuing in accordance with resolution and reported to Audit Committee Meeting 13 August 2018.	23/04/2020	
22/05/2018	Ordinary Council	116/18	Caretaker Policy	Implement this policy and commence any further action, such as development or roll out of procedures, notification to staff and/or staff training and community awareness (including public notification, gazetting, etc. if required).	Terry Crackett	Completed	22/08/2018	Communication to all Administration people leaders on 4 June. Conducted training sessions at staff meeting (24 August), SLT (16 August) and Council Member PD (21 August) to provide details of Policy.	21/05/2020	
19/06/2018	Special Council	131/18	CWMS EOI Outcomes	Refer to confidential minute	Peter Bice	In Progress	9/08/2018	Minutes of this confidential item to be released from confidentiality.	18/06/2020	
19/06/2018	Special Council	132/18	CWMS EOI Outcome - Period of Confidentiality	the report, related attachments and the minutes of Council and the discussion and considerations of the subject matter be retained in confidence until 31 December 2019.	Peter Bice	In Progress	9/08/2018	Minutes of this confidential item to be released from confidentiality.	18/06/2020	

Meeting Date	Meeting	Res No.	Item Name	Action Required (Council Resolution)	Responsible Director	Status	Date of Update	Comments	2 yr update req.	2yr update prov.
26/06/2018	Ordinary Council	136/18	AHC PLEC Projects	<p>1. That the report be received and noted.</p> <p>2. That the CEO be authorised to lodge a formal application to the Power Line Environment Committee for stage 1 of undergrounding power lines in the township of Gumeracha to be undertaken in 2019/2020, with stage 2 to be undertaken at a later date.</p> <p>3. That future allocation and prioritisation of PLEC projects be considered as part of the next review of the LTFP January 2019.</p>	Peter Bice	In Progress	14/08/2018	Received letter from PLEC requesting submission and estimate for the Gumeracha project. Council to provide PLEC with submission for undergrounding powerlines by 11 October 2018.	25/06/2020	
26/06/2018	Ordinary Council	138/18	Draft Annual Business Plan 2018 2019 Adoption	See Minute	Terry Crackett	In Progress	17/08/2018	All actions to be undertaken be estimated completion date.	25/06/2020	
26/06/2018	Ordinary Council	140/18	Review of Confidential Items Register	As per Minute	Andrew Aitken	Completed	12/07/2018	Register has been updated and orders extended as per Council resolution. Updated register is on Council website.	25/06/2020	
26/06/2018	Ordinary Council	145/18	World Heritage Bid Annual Report	That the report be received and noted That the contents of the Annual Report 2017-18 for the World Heritage Listing Project for the Mount Lofty Ranges are received and notes the future actions will include: An External Expert Review of the project A continuation of discussions with state government in order to secure their support and potential funding for the project A progression of the development of a Digital Knowledge Bank to better engage with industry groups	Marc Salver	In Progress	15/08/2018	Administration will progress the actions as noted in resolution 2 above over the next 12 months	25/06/2020	
26/06/2018	Ordinary Council	151/18	Special Event - Confidential Item	As per Confidential Minute	David Waters	Completed	3/08/2018	The licence agreement pertaining to this item has now been executed.	25/06/2020	
26/06/2018	Ordinary Council	152/18	Special Event - Period of Confidentiality	until the event agreements are signed and the race routes are announced by the relevant Minister but not longer than 31 December 2018.	David Waters	In Progress	3/08/2018	The race routes for the Santos Tour Down Under (men's) have been announced. An announcement has not yet been made for the women's event.	25/06/2020	
26/06/2018	Ordinary Council	139/18	Enforcement Policy	Implement this policy and commence any further action, such as development or roll out of procedures, notification to staff and/or staff training and community awareness (including public notification, gazetting, etc. if required).	Marc Salver	Completed	15/08/2018	Staff will work on the implementation of the Enforcement Policy as required by the above recommendation over the coming months. 15/08/18 DR The Enforcement policy was rolled out to Regulatory Services staff, Environmental Health officers and the Development Compliance officer at a training session Monday 6 August.	25/06/2020	
17/07/2018	Special Council	153/18	Bott Adelaide Hills Rally - Road Closure Consent	Refer to Minutes	David Waters	In Progress	3/08/2018	Staff are working with organisers to ensure all of the Council's conditions are met.	16/07/2020	

Meeting Date	Meeting	Res No.	Item Name	Action Required (Council Resolution)	Responsible Director	Status	Date of Update	Comments	2 yr update req.	2yr update prov.
17/07/2018	Special Council	154/18	By-law Consultation Submissions	That the report be received and noted Notes that the comments and results of the Agency and Community Consultation have been considered in finalising the Draft By-laws which will be reported to Council to consider for adoption at its 24 July 2018 Ordinary meeting.	Marc Salver	Completed	25/07/2018	The By-laws were reported to and adopted by Council at its meeting of 24 July 2018. No further action is required with regard to the 17 July resolution.	16/07/2020	
17/07/2018	Special Council	156/18	LED Street Lighting Program	That the report be received and noted That further investigation is undertaken to understand the best approach and tariff structure for transitioning to LED street lighting as soon as practicable.	Peter Bice	Not Started	14/08/2018		16/07/2020	
17/07/2018	Special Council	157/18	Revocation Community Land - Dunnfield Development Mt Torrens	1. That the report be received and noted. 2. That the community land classification over the land comprised in Certificate of Title Volume 6192 Folio 572 being Allotment 1 in Filed Plan No. 252674 be revoked.	Terry Crackett	Completed	19/07/2018	Resolution of 17 July 2018 completes the revocation process.	16/07/2020	
24/07/2018	Ordinary Council	160/18	Petition Skatepark near Lobethal	Council resolves that the petition signed by 304 signatories, requesting a skate park in the Lobethal area, be received and noted.	Andrew Aitken	Completed	9/08/2018	Letter sent to Petitioners	23/07/2020	
24/07/2018	Ordinary Council	161/18	MON Stormwater Henry Street Woodside	I move that the CEO provide a report as part of Budget Review 1, on a request to advance proposed expenditure for "Henry Street Stormwater" scheduled for 2019/20 to 2018/19.	Peter Bice	In Progress	14/08/2018	A report will be prepared for BR1 with the view to undertaking detailed design for Henry St stormwater in FY 2018/19.	23/07/2020	
24/07/2018	Ordinary Council	162/18	MON Use of Recycled Material in Capital Works	I move that Council measures, and reports on, the amount and origin of recycled material it uses in Council's Capital works programs, at least annually.	Peter Bice	In Progress	17/08/2018	Council Staff are in the process of identifying, measuring and recording recycled material usage as part of Capital Works projects.	23/07/2020	
24/07/2018	Ordinary Council	163/18	MON Magarey Road Access	That, before the commencement of the bushfire season, the CEO, in consultation with residents and the Bushfire Advisory Committee, provides a report on possibilities to improve access by fire-fighting appliances and other emergency vehicles to properties on Magarey Road, Mount Torrens.	Peter Bice	In Progress	9/08/2018	Site inspection arranged for initial inspection with a view to identifying options to present to residents and Bushfire Advisory Group at the 24 October meeting.	23/07/2020	

Meeting Date	Meeting	Res No.	Item Name	Action Required (Council Resolution)	Responsible Director	Status	Date of Update	Comments	2 yr update req.	2yr update prov.
24/07/2018	Ordinary Council	164/18	By-Laws	That the report be received and noted. In exercise of the powers contained in section 246 of the <i>Local Government Act 1999</i> , having satisfied the consultation requirements of the Act and having regard to the submissions received from the public, the National Competition Policy Report, the Certificates of Validity provided by the Council's legal practitioner and the comments from the Dog and Cat Management Board in relation to By-laws number 5 and 6, the majority of Council in the presence of at least two thirds of its members, hereby makes and passes the following By-laws as attached and marked as <i>Appendices 1 to 6</i> of this report. That the Chief Executive officer be authorised to undertake all steps necessary to finalise the By-law review process and to give effect to the newly adopted By-laws.	Marc Salver	In Progress	15/08/2018	15/08/18 DR The By-laws have been referred to parliament and have been published in the Government Gazette 9 August 2018. On this basis the By-laws will commence operation effective 10 December 2018.	23/07/2020	
24/07/2018	Ordinary Council	165/18	Volunteer Management Policy	That the report be received and noted. With an effective date of 7 August 2018, to revoke the 25 August 2014 Volunteers Policy and to approve the Volunteer Management Policy as contained in Appendix 1, with a change in nomenclature to the Volunteer Engagement Policy.	David Waters	Completed	3/08/2018		23/07/2020	
24/07/2018	Ordinary Council	166/18	Cities Power Partnership Membership Application	That the report be received and noted. That Council resolves to proceed with the application for Cities Power Partnership membership and that the Mayor be authorised to sign the letter on behalf of Council.	Peter Bice	In Progress	6/08/2018	The application letter has been prepared and signed and sent off to Cities Power Partnership. The regional launch will occur on 11 September 2018.	23/07/2020	
24/07/2018	Ordinary Council	167/18	Road Widening - Edward Avenue Crafers	That the report be received and noted. To purchase the area of land, being 45m ² , identified in red on the plan attached as Appendix 1 ("Land") from Zara Marina Parent and Guy Damien Parent for the consideration of \$9,500 (excl GST) plus all reasonable costs to vest the Land as public road. That the Mayor and CEO be authorised to sign all necessary documentation to effect this resolution.	Peter Bice	Completed	14/08/2018		23/07/2020	
24/07/2018	Ordinary Council	168/18	Street Lighting Policy Review	That the report be received and noted. With an effective date of 7 August 2018, to revoke the 28 July 2015 Street Lighting Policy and to adopt the 7 August 2018 Street Lighting Policy in Appendix 1.	Peter Bice	Completed	30/07/2018		23/07/2020	

Meeting Date	Meeting	Res No.	Item Name	Action Required (Council Resolution)	Responsible Director	Status	Date of Update	Comments	2 yr update req.	2yr update prov.
24/07/2018	Ordinary Council	169/18	Flags & Tributes Policy	That the report be received and noted. That with an effective date of 7 August 2018 to revoke the 14 July 2015 Flags Policy and adopt the Flags Policy contained in Appendix 1. That with an effective date of 7 August 2018 to revoke the 14 July 2015 Tributes for Commemorative Services Policy and adopt the Tributes for Commemorative Services Policy contained in Appendix 2.	David Waters	Completed	3/08/2018		23/07/2020	
24/07/2018	Ordinary Council	170/18	Review of Physical Models for Major Development Policy	That the report be received and noted. With an effective date of 7 August 2018, to revoke the 14 July 2015 Policy for Provision of Physical Models or other Visual Representation Tools for Major Development Proposals which require Public Notification, and adopt the Policy for Provision of Physical Models or other Visual Representation Tools for Major Development Proposals which require Public Notification, as contained in Appendix 1 of this report.	Marc Salver	Completed	3/08/2018	Adopted revised policy has been uploaded onto Council's website	23/07/2020	
24/07/2018	Ordinary Council	171/18	Council Member Training & Development Policy	That the report be received and noted. With an effective date of 7 August 2018, to revoke the 8 September 2015 Council Member Training and Development Policy and to adopt the Council Member Training and Development Policy, as contained in Appendix 1.	Andrew Aitken	Completed	25/07/2018	Updated and placed on the website.	23/07/2020	
24/07/2018	Ordinary Council	176/18	Mobile Skate Ramp	That the Council considers placing the mobile skate ramp in Lobethal, along with any other requests, at the conclusion of its time in Birdwood.	Peter Bice	Not Started	16/08/2018	Council will begin planning for the the next site for the skate ramp in early 2019, & consider placing it at Lobethal.	23/07/2020	

Meeting Date	Meeting	Res No.	Item Name	Action Required (Council Resolution)	Responsible Director	Status	Date of Update	Comments	2 yr update req.	2yr update prov.
1/08/2018	Special Council	178/18	LG Rate Oversight Amendment Bill 2018	<p>1. That the report be received and noted.</p> <p>2. That Council opposes the <i>Local Government (Rate Oversight) Amendment Bill 2018</i> given the research into the effects of rate capping on councils and their communities and the detrimental impact experienced by councils in New South Wales and Victoria, including increasing the burden of 'red tape' as well as the impact on service delivery, long term financial planning and asset sustainability.</p> <p>3. To note that this research leads the Council to conclude that rate capping is associated with higher levels of debt; lower levels of infrastructure maintenance; and reveals no evidence of higher levels of efficiency.</p> <p>4. That it prefers, and would welcome, the State Government instead taking a more constructive partnering approach with Local Government to further enhance the capability of councils to achieve efficiencies and to limit the detrimental impact of cost shifting and other financial burdens by State Government on local councils (e.g. the Waste Levy, which the State Government increased by 15% for all councils this financial year).</p>	Andrew Aitken	Completed	3/08/2018	Letter drafted for Mayor's signature	31/07/2020	
1/08/2018	Special Council	181/18	Stonehenge Reserve Masterplan Update	Confidential Item	Peter Bice	Not Started	16/08/2018		31/07/2020	
1/08/2018	Special Council	181/18	Stonehenge Reserve Masterplan Update	Period of Confidentiality the report, related attachments and the minutes of Council and the discussion and considerations of the subject matter be retained in confidence until the consultation has concluded.	Andrew Aitken	Not Started	3/08/2018		31/07/2020	
1/08/2018	Special Council	183/18	Retirement Village Review	Confidential Item	Terry Crackett	In Progress	13/08/2018	Progressing per Council resolution	31/07/2020	
1/08/2018	Special Council	184/18	Retirement Village Review	Period of Confidentiality that the report, related attachments and the minutes of Council and the discussion and considerations of the subject matter be retained in confidence until settlement with the exception of Clause 8 and Appendix 2 which shall be retained in confidence until 31 July 2023	Andrew Aitken	Not Started	3/08/2018		31/07/2020	
9/08/2018	CEO Performance Review	PRP15/18	2018 CEO Performance Review - Confidential Item	as per Confidential Minute	Andrew Aitken	Not Started	10/08/2018		8/08/2020	
9/08/2018	CEO Performance Review	PRP16/18	2018 CEO Performance Review - Period of Confidentiality	that the report, related attachments and the minutes of Council and the discussion and considerations of the subject matter be retained in confidence until the CEO has been advised in writing, but not longer than one month from the date of the decision of Council.	Andrew Aitken	Not Started	10/08/2018		8/08/2020	

Meeting Date	Meeting	Res No.	Item Name	Action Required (Council Resolution)	Responsible Director	Status	Date of Update	Comments	2 yr update req.	2yr update prov.
9/08/2018	CEO Performance Review	PRP20/18	2018 CEO Remuneration Review - Confidential Item	as per Confidential Minute	Andrew Aitken	Not Started	10/08/2018		8/08/2020	
9/08/2018	CEO Performance Review	PRP21/18	2018 CEO Remuneration Review - Period of Confidentiality	that the report, related attachments and the minutes of Council and the discussion and considerations of the subject matter be retained in confidence until the CEO's TEC Package has been resolved and the CEO has been advised in writing.	Andrew Aitken	Not Started	10/08/2018		8/08/2020	
14/08/2018	Special SPDPC	SP18/1	Local Heritage Stage 1 (Public Places) Development Plan Amendment	That the report be received and notedTo approve the attached Summary of Consultations and Proposed Amendments report and the draft Local Heritage – Stage 1 (Public Places) Development Plan Amendment (DPA) for submission to the Minister for Planning for approval, with the exception of those sections of the Kersbrook Hall which do not form part of the original structure. If the aforementioned condition is not possible, then the exception lapses.To recommend to Council that it consider the establishment of a heritage incentive fund in its 2019/20 budgetary processThat the Chief Executive Officer be authorised to make any necessary minor amendments to the DPA as directed by relevant officers of the Department of Planning, Transport and Infrastructure or by the Minister for Planning.	Marc Salver	In Progress	15/08/2018	DPA recently submitted to the Minister.	13/08/2020	

**ADELAIDE HILLS COUNCIL
ORDINARY COUNCIL MEETING
Tuesday 28 August 2018
AGENDA BUSINESS ITEM**

Item: 13.1

Originating Officer: Hari Argiro, Coordinator Service Strategy and Innovation

Responsible Director: David Waters, Director Community Capacity

Subject: Customer Service Standards Report – Quarter 4, 2017-18

For: Information

SUMMARY

The purpose of this report is to communicate Council’s performance against the customer service standards for Quarter 4 2017-18. The report provides an overview of the performance results for each of the service standards. The Service Standards Report is contained in **Appendix 1**.

RECOMMENDATION

That the report be received and noted.

1. GOVERNANCE

➤ **Strategic Management Plan/Council Policy**

Goal: Organisational Sustainability
Strategy: Customer Service Commitment

Measuring and reporting on service standards is a key component of Council’s Customer Service Framework and demonstrates our commitment to customer service as outlined in the Strategic Plan.

➤ **Legal Implications**

Not applicable.

➤ **Risk Management Implications**

Reporting against our service standards will assist in mitigating the risk of:

Unknown performance against service standards and targets leading to an inability to improve service delivery to the community.

Inherent Risk	Residual Risk	Target Risk
Extreme (3A)	Low (3E)	Low (3E)

➤ **Financial and Resource Implications**

Not applicable.

➤ **Customer Service and Community/Cultural Implications**

Measuring and reporting on performance against the standards in Council's Customer Service Framework is important to demonstrate how Council is meeting its commitment to customer service. The quarterly report aids in identifying opportunities to improve customer service delivery.

➤ **Environmental Implications**

Not applicable.

➤ **Engagement/Consultation conducted with Council Committee, Regional Subsidiary, Advisory Group, the Administration and Community**

Council Committees: Not applicable

Council Workshops: Not applicable

Advisory Groups: Not applicable

Administration: Executive Leadership Team

Community: Not applicable.

2. BACKGROUND

Service standards are a key component of the Customer Service Framework, providing a commitment to specific service targets. The collation and reporting of key identified performance standards demonstrates a commitment to the provision of quality customer service and can be used to identify service improvement opportunities.

It should be noted that service standard reporting is based on service instances *completed* or *closed* within the reporting period.

3. ANALYSIS

Time based indicators

Of the 16 time-based service standard indicators reported, the target performance was met – or there were no instances – for 12 of them.

Data for ‘answering incoming phone calls’ has not been collected this quarter. Since the introduction of an ‘automated attendant’ message at the beginning of March, data cannot be readily collected. The Contact Centre software is, however, being upgraded in September and more detailed reporting will be available. As a result, new service standards around Contact Centre service may be able to be developed.

Four of the time-based standards did not meet the target performance this quarter. These are explained as follows:

- Illegally Dumped Rubbish

This quarter’s result of 57% is below the target of 80%, and below the Quarter 3 result of 64%. The median for Quarter 4 increased slightly to 2.3 days or 55 hours. However, there was a vast improvement in the average resolution time this quarter of 5 days, compared to an average of 10 days last quarter.

A review of the process for this standard activity has already commenced and has identified recording and reporting issues that are currently being addressed.

- Dog Attacks

Two out of the seven cases did not meet the standard of 24 hours. In one case, it was an incident that was reported in 2017 that was not closed in CRM. The second case was a minor dog incident that had occurred the week before.

- Wasps

Despite a significant reduction in the number of cases in Quarter 4 (from 605 to 307), this quarter result was 37%, well below the service standard. The main issue was that the Rangers were having difficulty contacting some residents, and finding suitable dates and times for treatment of the nests which suited residents within the 7 day period.

Additionally, there was an increase in the number of burning permit applications for residents seeking approval to burn in townships from 1 May, which diverted resources from being able to focus on wasp nest eradication. Staff informed customers affected by the delays of the alternate time frames for treating wasp nests.

Ranger resourcing has been increased this financial year in order to improve service delivery in this and other Regulatory Service areas.

- **Fast Track Development Applications**

Eight out of the 11 applications met the service standard of 28 days. Three applications took longer than 28 days to process. One development application required an on-site waste control application, meaning it was incorrectly categorised by the private certifier.

The average approval time for the quarter was 25 days, and the median was 10 days, and the 73% result was overall an improvement on the previous quarter's result of 71%. It is considered that this should continue to improve in 2018/19 as the Administration completes the roll out of the Electronic Development Assessment process.

Other indicators

- **Development Applications**

The average planning decision timeframe for the quarter has improved from the previous quarter by 2.2 weeks but was still more than the 12 week target. The median decision time was however well within the target timeframe at 9.6 weeks and was an improvement on the previous quarter. It is considered that this should continue to improve in 2018/19, for the same reasons stated above.

- **Low Risk Infrastructure Requests**

The number of new low risk infrastructure requests in the quarter was 636, on par with Quarter 3 (631 requests), but a decrease from the Quarter 2 volume of 709, and Quarter 1 volume of 848. Future reports will be able to shed light on whether this is a downward trend or a pattern in the number of requests, potentially explained by the season and less severe weather events.

The average cycle times has increased to 78 days this quarter, compared to 59 days in Quarter 3 and 123 days in Quarter 2. In contrast, the median resolution time reduced from 15 days to 11 days this quarter.

There was also an increase in the 80th Percentile Resolution Time, this quarter (from 76 in Quarter 3 to 92 in Quarter 4) it is still significantly lower than Quarter 1 result of 214 days).

There is a continued focus and effort on improving works planning to reduce the time taken to address and rectify these low risk maintenance requests.

Overall volume of requests

The number of overall requests relating to services with adopted service standards decreased by 306 this quarter. This is due to the decrease in requests to investigate and remove wasp nests, which reduced from 605 requests in Quarter 3 to 307 requests in Quarter 4 (a reduction of 298 requests).

4. OPTIONS

Council has the following options:

- I. To note the report as presented (Recommended).
- II. To determine any additional actions to be undertaken.

5. APPENDIX

- (1) Q4 2017-18 Service Standard Report (April – June 2018)

Appendix 1

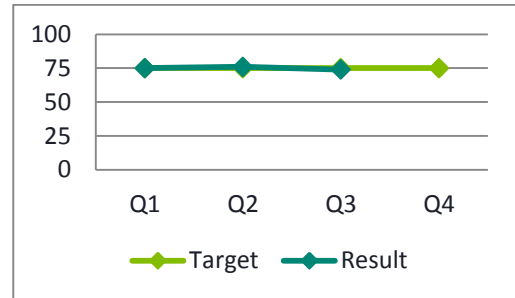
*Q4 2017-18 Service Standard Report
(April – June 2018)*

General Customer Standards

Answering incoming phone calls

We will answer 75% of calls to our contact centre within 30 seconds

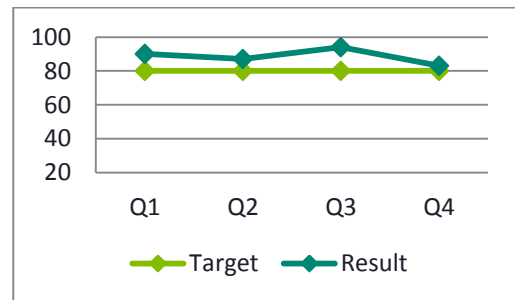
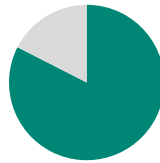
Data has not been collected. The introduction of the 'Automated Attendant Message' has meant that the data for this measure is unreliable.



Updating customer details

We will update your contact details within 5 days

Volume	80
Target	80%
Result	83%

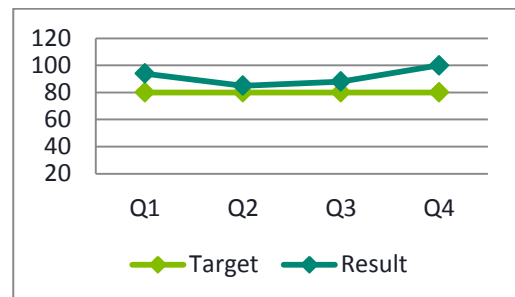
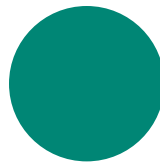


Service Specific Standards – Time Based Indicators

New Event Applications

We will acknowledge receipt of new applications within 5 days

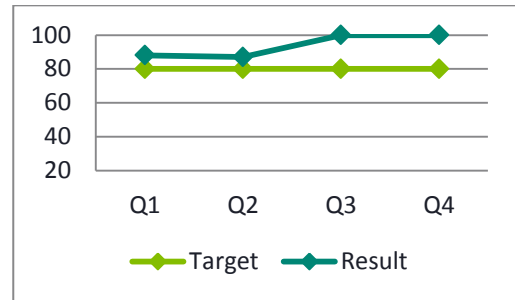
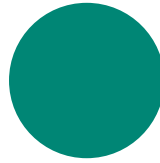
Volume	10
Target	80%
Result	100%



Illegal Burning Complaints

We will investigate reported illegal burning within 24 hours

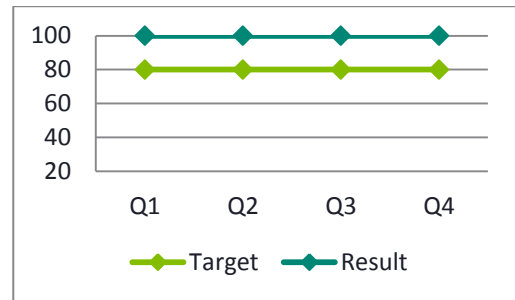
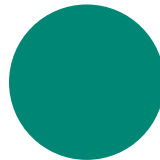
Volume 8
Target 80%
Result 100%



Health Complaints

We will investigate/respond to reported food complaints within 24 hours

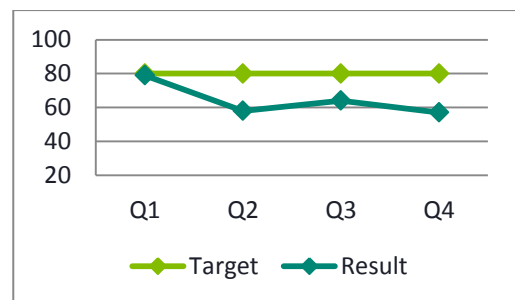
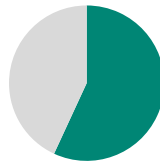
Volume 2
Target 80%
Result 100%



Illegally Dumped Rubbish

We will remove illegally dumped rubbish within 3 days

Volume 58
Target 80%
Result 57%

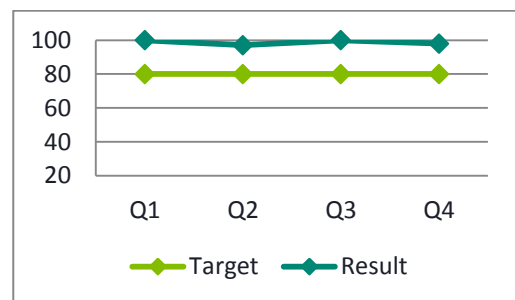
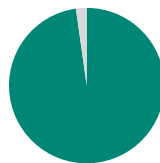


Identified recording and reporting issues are being addressed

Library Services

We will respond to requests to purchase materials within 10 days

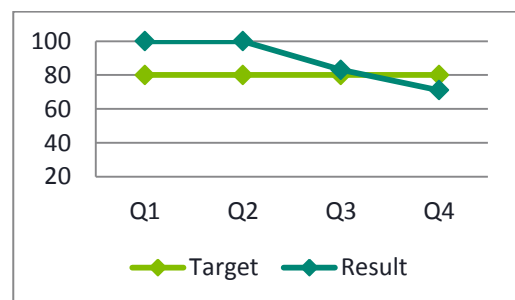
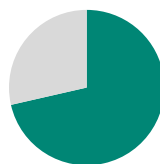
Volume 45
Target 80%
Result 98%



Dog Attacks

We will respond to reported dog attacks within 24 hours

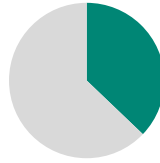
Volume 7
Target 80%
Result 71%



Minor incident that was not responded to as it had occurred the previous week

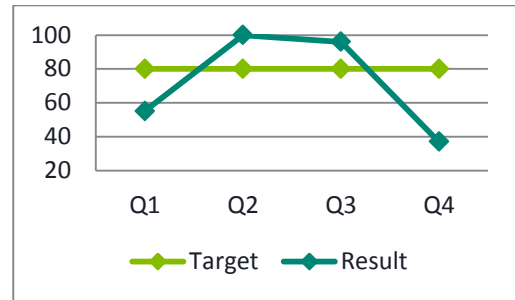
Wasps

We will investigate and action reported European Wasp nests within 7 days



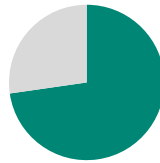
Volume 307
Target 80%
Result 37%

Difficulty contacting residents and finding suitable dates/time to treat the nests



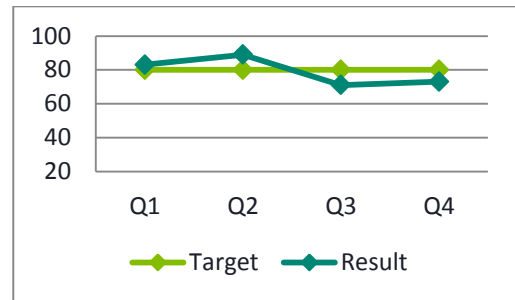
Development Applications

We will approve fast track Development Applications within 28 days



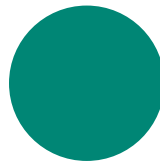
Volume 11
Target 80%
Result 73%

One application required an on-site waste control application and took longer to process.

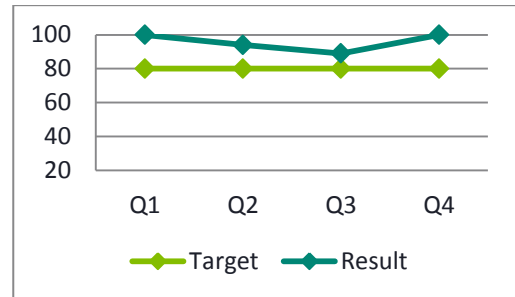


Missed Bins

We will collect missed domestic bins within 2 days

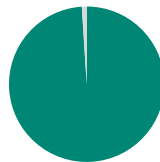


Volume 4
Target 80%
Result 100%

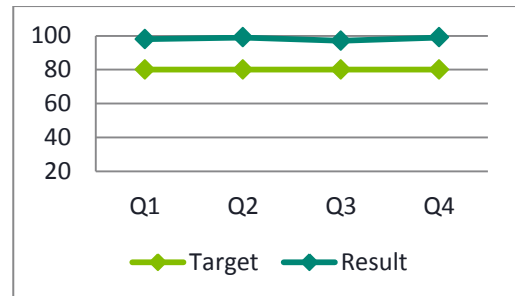


Request for bin repair or replacement

We will action requests for bin repair or replacement within 7 days



Volume 857
Target 80%
Result 99%

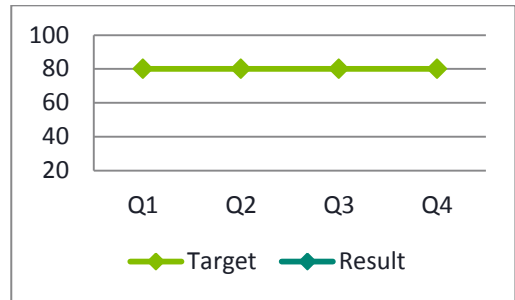


Footpath Repairs – Hazardous

We will respond and make safe hazardous footpath issues within 24 hours

No incidents

Volume 0
Target 80%
Result No Incidents

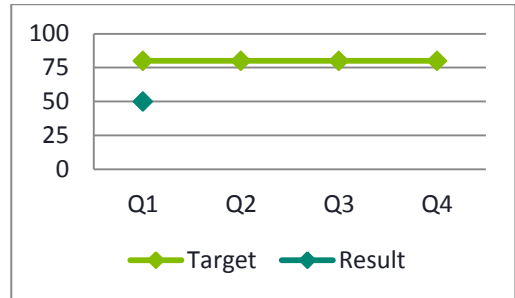


Road Repairs – Hazardous

We will respond and make safe hazardous road and pothole issues within 24 hours

No Incidents

Volume 0
Target 80%
Result No incidents



Stormwater Repairs – Hazardous

We will respond and make safe hazardous stormwater and flooding issues within 24 hours

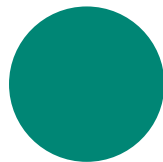
No Incidents

Volume 0
Target 80%
Result No Incidents

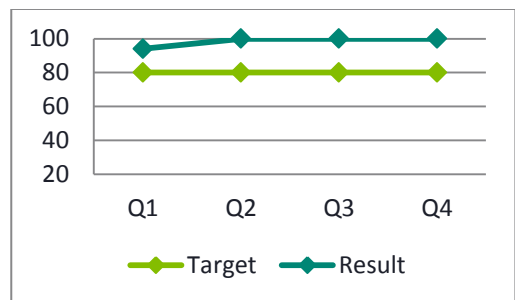


Trees – Hazardous

We will respond and make safe hazardous tree issues within 24 hours



Volume 6
Target 80%
Result 100%

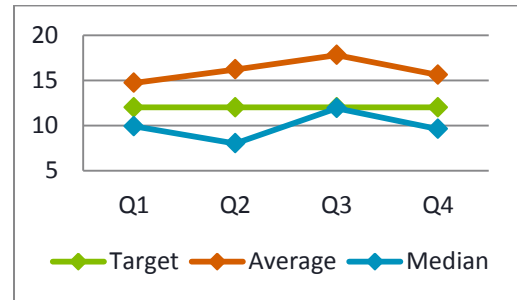


Service Specific Standards – Other Indicators

Development Applications

We will, on average, make a decision on planning consent within 12 weeks of receipt of the application

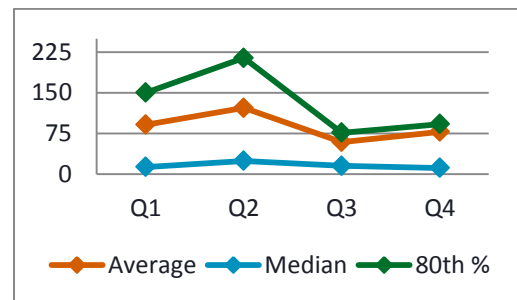
Volume	199
Target	12 weeks
Average Consent Time	15.6 weeks
Median Consent Time	9.6 weeks



Low Risk Infrastructure Requests – Average Time to Resolve

We will resolve other footpath, road, stormwater and tree issues in accordance with our general maintenance program

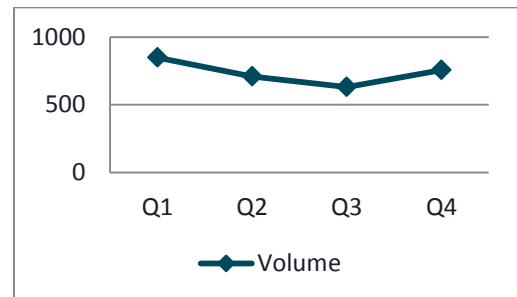
Volume	636
Average Resolution Time	78 days
Median Resolution Time	11 days
80 th Percentile Resolution Time	92 days



Low Risk Infrastructure Requests – Number of New Requests

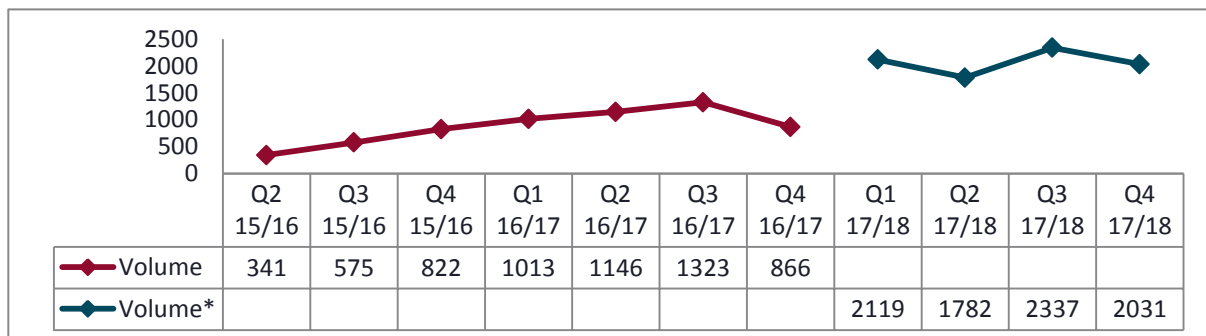
We will resolve other footpath, road, stormwater and tree issues in accordance with our general maintenance program

Number of New Requests	756
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Overall Volume of Requests

Trend in volume of requests/customer cases for which there is an adopted service standard, excluding the volume of phone calls



* From Q1 17/18 the volume includes requests for bin repair and replacement requests, which were previously not reported

Item 18 Reports of Committees

**ADELAIDE HILLS COUNCIL
MINUTES OF COUNCIL ASSESSMENT PANEL MEETING
WEDNESDAY 8 AUGUST 2018
63 MOUNT BARKER ROAD, STIRLING**

[Please Note: These minutes are unconfirmed until 12 September 2018]

Present

Presiding Member

Professor Stephen Hamnett

Members

Simon Bradley
Piers Brissenden
Linda Green
Rob McBryde

In Attendance

Marc Salver	Director Development & Regulatory Services
Deryn Atkinson	Assessment Manager
Sam Clements	Team Leader Statutory Planning
Melanie Scott	Senior Statutory Planner
Karen Savage	Minute Secretary

1. Commencement

The meeting commenced at 6.31pm

2. Apologies/Leave of Absence

2.1 Apologies
Nil

2.2 Leave of Absence

The Presiding Member reminded other members that he will be an apology for the September meeting of the Panel, and that it will be necessary to appoint an Acting Presiding Member for that meeting.

**ADELAIDE HILLS COUNCIL
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3. Previous Minutes

3.1 Meeting held 11 July 2018

The minutes were adopted by consensus of all members (28)

That the minutes of the meeting held on 11 July 2018 be confirmed as an accurate record of the proceedings of that meeting.

4. Delegation of Authority

Decisions of this Panel were determined under delegated authority as adopted by Council on 26 September 2017.

5. Presiding Member's Report

The Presiding Member noted that the Panel had received a report from Marc Salver, the Director of Development & Regulatory Services, outlining the statistics relating to the Panel for the previous financial year, and invited Deryn Atkinson, Assessment Manager, to briefly speak to that report. Deryn outlined the highlights from the report. Piers Brissenden provided comment that the staff CAP reports were very useful in helping the Panel to make their determinations.

6. Declaration of Interest by Members of Panel

Linda Green noted that she had previously attended a Council Workshop where Mill Hill Capital Pty Ltd had given a presentation with regard to Item 8.2, land division at 298 Nairne Road, Woodside, but she did not believe this to be a conflict of interest.

7. Matters Lying on the Table/Matters Deferred

7.1 Matters Lying on the Table
Nil

7.2 Matters Deferred
Nil

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8. Development Assessment Applications

8.1 Development Application 17/588/473 by Katarina Podrug for variation to Development Authorisation 14/328/473 – construction of retaining walls (maximum height of 1.5 metres) and associated earthworks and landscaping (amended proposal) at 68 Wattle Tree Road, Bridgewater

8.1.1 Representations

Name of Representor	Address of Representor	Nominated Speaker
Daniel & Kylie May	66 Wattle Tree Road Bridgewater	Daniel May

The applicant's representative, Dennis Podrug, addressed the Panel.

8.1.2 Decision of Panel

The following was adopted by consensus of all members (29)

The Council Assessment Panel considers that the proposal is not seriously at variance with the relevant provisions of the Adelaide Hills Council Development Plan, and GRANTS Development Plan Consent to Development Application 473/588/17 by Katarina Podrug for Variation to development authorisation 473/328/14 - construction of retaining walls (maximum height of 1.5 metres) and associated earthworks and landscaping (amended proposal) at 68 Wattle Tree Road Bridgewater subject to the following conditions:

(1) Development In Accordance With The Plans

The development herein approved shall be undertaken in accordance with the following plans, details and written submissions accompanying the application, unless varied by a separate condition:

- **Amended Contour Plan (Sheet 1D Revision E) prepared by Hayek Design & Construction received by Council on 10/07/18**
- **Contour & Site Plan (Sheet 1B of 4 Revision B) prepared by Hayek Design & Construction received by Council on 10/07/18**
- **Section & Details Civil Work Plan prepared by Hayek Design & Construction received by Council on 10/07/18**
- **Landscape Plan and Section Plan (Drawings 09311042018) prepared by Adelaide Hills Landscape and Garden Design received by Council on 10/07/18**

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- Site Erosion Reduction Plan (Drawing 09311042018) prepared by Adelaide Hills Landscape and Garden Design received by Council on 10/07/18
- Drainage and Site Erosion Plan (Drawing 09311042018) prepared by Adelaide Hills Landscape and Garden Design received by Council on 10/07/18
- Construction Management Plan dated 6/6/18 prepared by Hayek Design & Construction received by Council on 10/07/18

REASON: *To ensure the proposed development is undertaken in accordance with the approved plans.*

(2) Variation to Approved Development

Except where varied by this approval, all other conditions, approved plans and details relating to Development Application Number 473/328/14 continue to apply.

REASON: *To ensure all valid conditions are complied with.*

(3) Landscaping To Be Planted

The proposed landscaping shall be established on the site in accordance with the Landscape Plan and Sections Plan received by Council on 10/07/18 prepared by Adelaide Hills Landscape and Garden Design and shall be planted in the planting season following occupation of the approved dwelling and maintained in good health and condition at all times thereafter. Any such vegetation shall be replaced if it dies or becomes seriously diseased in the next planting season.

REASON: *To maintain and enhance the visual amenity of the locality in which the subject land is situated and ensure the survival and maintenance of the vegetation.*

(4) Stormwater Roof Runoff To Be Dealt With On-Site

The stormwater drain outlets identified on the Drainage and Site Erosion Plan (Drawing 09311042018) prepared by Adelaide Hills Landscape and Garden Design received by Council on 10/07/18 shall be located a minimum distance of two metres from both side boundaries. Rock armour shall be provided at the discharge points to protect against scour and erosion to the satisfaction of Council.

Stormwater runoff shall be managed on site to prevent trespass onto adjoining properties.

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REASON: *To minimise erosion, protect the environment and to ensure no ponding of stormwater resulting from development occurs on adjacent sites.*

(5) Works On Boundary

The development herein approved involves work on the boundary. The applicant shall ensure the development is in the approved position on the correct allotment by a survey of the site boundaries and the placement of survey pegs by a qualified licensed surveyor, prior to the work recommencing.

REASON: *To ensure the boundary is correctly identified and marked, and works are undertaken in the correct location.*

NOTES

(1) Development Plan Consent Expiry

This Development Plan consent (DPC) is valid for a period of twelve (12) months commencing from the date of the decision (or if an appeal has been commenced the date on which it is determined, whichever is later). Building Rules Consent must be applied for prior to the expiry of the DPC, or a fresh development application will be required. The twelve (12) month time period may be further extended by Council agreement following written request and payment of the relevant fee.

(2) Erosion Control During Construction

Management of the property during construction shall be undertaken in such a manner as to prevent denudation, erosion or pollution of the environment.

(3) EPA Environmental Duty

The applicant is reminded of his/her general environmental duty, as required by Section 25 of the Environment Protection Act 1993, to take all reasonable and practical measures to ensure that the activities on the whole site, including during construction, do not pollute the environment in a way which causes, or may cause, environmental harm.

(4) Stability of Land

The building owner proposing any excavation or filling of a nature prescribed in Regulation 75 of the *Development Regulations 2008* is required to serve upon the adjoining owner a notice of their intention to perform that work at least 28 days prior to commencing work as required by Section 60 of the *Development Act 1993*.

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8.2 Development Application 17/1123/473 by Mill Hill Capital Pty Ltd for Land Division (1 into 141) (non-complying) (SCAP relevant authority) at 298 Nairne Road, Woodside

8.2.1 Representations
Nil

8.2.2 Decision of Panel

The following was adopted by consensus of all members (30)

The Council Assessment Panel considers that the proposal is not seriously at variance with the relevant provisions of the Adelaide Hills Council Development Plan, and CONCURS with the decision of the State Commission Assessment Panel to GRANT Development Plan Consent and Land Division Consent to Development Application 17/1123/473 (473/D058/17) by Mill Hill Capital Pty Ltd for Land division (1 into 141) (Non-complying) at 298 Nairne Road Woodside subject to the following conditions (including minor amendments highlighted):

PLANNING CONDITIONS

(1) That except where minor amendments may be required by other relevant Acts, or by conditions imposed by this application, the development shall be established in strict accordance with the details and following plans submitted in Development Application No 473/D058/17:

Prepared by Fyfe Pty Ltd:

- Reference Number 25894/6, Drawing Number 28594SU1-R20, Revision 20, Dated 12 June 2018, Sheets 1 to 4

Prepared by Wallbridge Gilbert Aztec:

- Stormwater Management Plan, Document Number 171185rp001, Revision D, Dated 13 June 2018
- Concept Plan, Drawing Number WAD171185 SK01, Revision E, Dated 12 June 2018

(2) The two road junctions being closed shall be removed and remediated to the satisfaction of DPTI and the Council.

(3) Stormwater run-off shall be collected on-site and discharged without jeopardising the integrity and safety of Nairne Road. Any alterations to the road drainage infrastructure required to facilitate this shall be at the applicant's expense.

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- (4) Site work, demolition work and building work shall be carried out only between the hours of 7.00am to 5.00pm Monday to Saturday. No works are permitted on Sunday other than those necessary for dust control, emergency works, or works that cannot be carried out at any other time without causing unnecessary disruption.
- (5) All major and minor drainage systems including the rear of allotment drainage shall be designed in accordance with the Council's Standards and Requirements for Land Development. All stormwater drainage designs shall be approved by Council prior to construction commencing.
- (6) Prior to construction commencing, a Construction Environment Management Plan (CEMP) including a Soil Erosion and Drainage Management Plan (SEDMP) must be prepared and implemented to prevent soil sediment and pollutants leaving the site or entering watercourses during development of the site. NOTE: The *EPA Guideline Construction environmental management plans (CEMP) and Code of Practice for the building and construction industry* provides useful information on the preparation of CEMPs and SEDMPs.
- (7) The detailed design of the stormwater management system shall incorporate the outcomes as modelled in the concept design outlined in the Wallbridge Gilbert Aztec (WGA) *Stormwater Management Plan, Revision D* (dated 13 June 2018) and meet the following minimum stormwater quality objectives:
- a) Quality targets:
- i. Suspended solids – 80 per cent reduction of the typical urban average annual load component to an equivalent urban catchment with no water quality management
 - ii. Total phosphorus – 60 per cent reduction of the typical urban average annual load compared to an equivalent urban catchment with no water quality management
 - iii. Total nitrogen – 45 per cent reduction of the typical urban average annual load compared to an equivalent urban catchment with no water quality management
 - iv. Litter and gross pollutants 90 per cent reduction; and
 - v. No visible oils for flows up to three month average recurrence interval peak flow.
- b) Ensure run-off is maintained at pre-development levels.

A water quality model shall be provided to the State Commission Assessment Panel to prove that these targets have been achieved by the stormwater treatment drain.

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- (8) Prior to completion of the stormwater management system, a maintenance plan must be developed to maintain optimum performance of all components of the system for the anticipated lifespan.
- (9) Prior to any civil or earthworks commencing on-site, tree protection zone (TPZ) fencing for all native vegetation identified for protection, shall be erected to the satisfaction of Council. The TPZ fencing shall remain in place for the duration of the civil works. The perimeter of the TPZ shall be protected by the erection of a secure fence and shall:
 - i. Consist of a 2 metre high solid, chain mesh, steel or similar fabrication with posts at 3 metre intervals; and
 - ii. Incorporate on all sides a clearly legible sign displaying the words "Tree Protection Zone".

LAND DIVISION REQUIREMENTS

- (1) A final plan complying with the requirements for plans as set out in the Manual of Survey Practice Volume 1 (Plan Presentation Guidelines) issued by the Registrar General to be lodged with the State Commission Assessment Panel for Land Division Certificate purposes.
- (2) The financial requirements of the SA Water Corporation shall be met for the provision of water supply and sewerage services. SA Water 90135/17.
- (3) The augmentation requirements of the SA Water Corporation shall be met.
- (4) The necessary easements shall be vested to the SA Water Corporation free of cost.
- (5) The internal drains shall be altered to the satisfaction of the SA Water Corporation.
- (6) SA Water is able to provide water and wastewater services to the development site. All internal reticulation mains must be in accordance with SA Water networks infrastructure standards. Further investigation of existing infrastructure to be undertaken.
- (7) On approval of the application, all internal water piping that crosses the allotment boundaries must be severed or redirected at the developers/owners cost to ensure that the pipework relating to each allotment is contained within its boundaries.

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- (8) Prior to the issue of a certificate under Section 51 of the Development Act 1993, in relation to land division, each allotment shall be connected to, or capable of being connected to, the sewerage system that goes to the Bird In Hand Wastewater Treatment Plant.
- (9) The Nairne Road/Balmoral Road and Nairne Road/Caledonia Avenue junctions shall be designed and constructed/reconstructed in accordance with Austroads Guides/Australian Standards. The design of the junctions shall ensure that the longitudinal drainage of Nairne Road is not compromised in any way.
- (10) Sufficient shoulder sealing shall be provided opposite the Nairne Road/Balmoral Road junction in order to ensure that through vehicles can safely pass vehicles waiting to turn right into Balmoral Road.
- (11) All required road works associated with the Nairne Road/Balmoral Road and Nairne Road/Caledonia Avenue junctions shall be undertaken to the Department of Planning, Transport and Infrastructure's (DPTI) satisfaction prior to Section 51 certificates being issued. All associated costs (including project management and any necessary road lighting and drainage upgrades) shall be borne by the applicant. The applicant shall contact DPTI Traffic Operations, Network Integrity Engineer, Mrs Christina Canatselis via telephone (08) 8226 8262 or 0401 120 490 or email Christina.canatselis@sa.gov.au to obtain approval and discuss any technical issues regarding the required works.
- (12) Prior to Section 51 Clearance, public roads created by a land division to and from the proposed allotments shall be in accordance with the *Minister's Code : Undertaking Development in Bushfire Protection Areas, Part 2.2.2:*
- i. Provide for a mainly continuous street pattern serving new allotments that eliminates the use of cul-de-sac or dead end roads. Where this is not practicable such roads should not exceed 200m in length and the end of the road should have either:
- a turning area with a minimum formed surface radius of 12.5m (*refer to The Code Figure 1*); or
 - a 'T' or 'Y' shaped turning area with a minimum formed surface length of 11m and minimum internal radii of 9.5m (*refer to The Code Figures 1 and 2*)

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- ii. All public roads shall be of all-weather construction with a minimum-formed road surface width of 6 metres, and shall have minimum internal radii of 9.5 metres on all bends, with the exception of those parts of Caledonia Avenue where the CFS has indicated that the existing surveyed width of less than 6 metres can be retained, *provided that* these sections of road are marked as 'no stopping at any time' on both sides of the road.
 - iii. Vegetation overhanging the access road shall be pruned to achieve a minimum vehicular clearance of not less than 4 metres width and a vertical height clearance of 4 metres.
 - iv. The gradient of the access road shall not exceed 16 degrees (29%), in steep terrain the construction of the public road or driveway shall be a sealed surface.
 - v. Solid crossings over waterways shall be provided to withstand the weight of large bushfire appliances (GVM 21 tonnes).
 - vi. No stopping anytime zones along one side of all roads within the land division, and on both sides where bends are present.
- (13) Prior to Section 51 Clearance, the existing fire track within proposed Allotment 200 shall be retained and improved to comply with the following requirements:
- i. Shall be all weather construction with a minimum-formed road surface width of 3 metres, and shall have minimum internal radii of 9.5 metres on all bends and be connected to a compliant public road.
 - ii. Vegetation overhanging the fire track shall be pruned to achieve a minimum vehicular clearance of not less than 4 metres width and a vertical height clearance of 4 metres.
 - iii. The all-weather road shall incorporate passing bays. The combined width of the passing bay and access track shall be 6m (or 7m in steeper terrain), and a minimum formed length of 17 metres. The passing bays shall be constructed at 200 metre intervals along the road or driveway. Where it is necessary to provide adequate visibility, such as the nearest point to the public road or other passing bay, passing bays may be required at intervals of less than 200 metres.
 - iv. Provided the existing fire track is connected to public roads at either end, no turning heads are required.
- (14) Prior to Section 51 Clearance, street and public lighting shall be installed (or bonded) and shall comply with the Lighting Code AS1158 and the style and type of lighting shall be approved by both Council and SA Power Networks.
- (15) The detailed design of all new footpaths, road, verges and other public areas shall comply with the Australian Standards, Adelaide Hills Council's standards, and the Disability Discrimination Act.

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- (16) Prior to Section 51 Clearance, a detailed final stormwater management plan shall be provided to and approved by Council, including:
- Full stormwater network design and treatment train
 - Landscaping plans for swales and sedimentation/detention basins
 - Detailed basin and swale designs
 - Stormwater calculations
 - Hydrological studies for upstream and downstream of the proposed site
 - Hydrological and water quality modelling
 - Rear of allotment drainage (sealed system)
 - Infiltration wells
 - Any other relevant plans, reports or calculations
- (17) Prior to Section 51 Clearance, details and plans of fencing and landscaping treatments to all external boundaries of the site shall be provided to and approved by Council. Approved fencing and landscaping shall be installed at the developer's expense within the timeframe specified by the proposed Infrastructure Agreement with the Adelaide Hills Council.
- (18) Prior to Section 51 Clearance, the following detailed plans shall be provided to Council for approval:
- Pedestrian network pathways plan (1.5m width gravel pathways within both the reserves and 1.5m concrete footpaths in the roadways)
 - Street tree plan
 - Verge treatments plan showing groundcovers and street furniture
 - Open Space Plan for the two reserves detailing how these areas are to be developed with drainage infrastructure, paths, lighting, irrigation, fencing, park furniture, plantings and other infrastructure, including details of the location of the replacement shelter and details and elevations of this shelter and pathways in both reserves
 - Detail plans for the landscaping and any urban design features (e.g. entrance statements) at two entrances to the land division
 - Irrigation plans (if any areas are proposed to be irrigated):
All works shall be undertaken to the satisfaction of Council once approval is achieved. The landscape scheme shall also reflect the retention of native vegetation. The landscaping scheme shall be completed within six months of completion of construction or re-seal of the relevant road (in relation to road verge landscaping or some other time agreed to by Council). No landscape works shall be undertaken without the prior written approval of Council. The owner/applicant shall be responsible for maintenance of the landscaping for a minimum period of 12 months following the issue of notification of Practical Completion by Council.

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The landscaping scheme shall be completed and maintained in accordance with the timeframe specified by the proposed infrastructure Agreement with the Adelaide Hills Council.

- (19) Public open space areas designated as Reserves shall be vested to Council pursuant to Section 50 of the Development Act. Reserve areas are required to be developed in accordance with the Open Space Plan to be submitted to Council for approval.
- (20) Prior to Section 51 Clearance, detailed designs and specifications, prepared by a professional engineer, for all civil works relating to roads, which may include:
- Re-sealing plan
 - Swept path diagrams/plans (rubbish trucks)
 - New kerbing plan and details
 - Detailed turning head plans
 - Geometric road setout plan
 - Pavement treatment plan
 - Pavement calculations Road longitudinal sections
 - Road cross sections
 - Intersection treatment works and design contour plans
 - Traffic control plan/s (line-marking and signage). Note that a plan that shows the no stopping anytime zones is required
 - On-street parking plan

Road designs including structural road design and all traffic control devices shall be in accordance with Council Standards. No work (including any civil engineering works) is to commence prior to the receipt of written approval from Council. All costs for the design of all civil infrastructure shall be borne by the owner/applicant.

- (21) Prior to Section 51 Clearance and construction commencing, Engineering Approval must be obtained from Council. Sufficient documentation is required for assessment which may include:
- Staging plan
 - General construction plan
 - Geometric drainage setout plan
 - Final surface contours plan
 - Cut and fill/bulk earthworks plans
 - Waste management (garbage collection) plan
 - Drainage longitudinal sections
 - Drainage cross sections
 - Construction details

**ADELAIDE HILLS COUNCIL
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[Please Note: These minutes are unconfirmed until 12 September 2018]

- Construction specifications
- Stormwater calculations
- Traffic impact statements
- Street name signs
- Any other relevant plans, reports or calculations

- (22) Prior to Section 51 Clearance, all approved works and infrastructure required by the design plans stamped approved by Council for construction shall be constructed (or bonded) for the relevant stage to the satisfaction of the Council.

All costs for the construction of all approved infrastructure shall be borne by the owner/applicant. Following a certificate of Practical Completion from Council the owner/applicant shall be responsible for all maintenance for a period specified by the proposed infrastructure Agreement with the Adelaide Hills Council.

- (23) Prior to Section 51 Clearance, the applicant shall enter into an Infrastructure Agreement with the Council to confirm the following off-site and non-prescribed works:
- Contribution to the off-site stormwater works
 - Open space upgrades, verge treatments and landscaping works
 - External fencing and fencing abutting reserves
- (24) Prior to Section 51 Clearance, (if practical completion of construction works has been achieved) all trenches or excavation are to be reinstated to the satisfaction of Council. All excavation, trenching of underground services and reinstatement in existing road pavements and verge areas shall be done to the satisfaction of Council.
- (25) Prior to Section 51 Clearance, the vacant allotments shall be cleared of any redundant material to the satisfaction of Council.
- (26) Prior to Section 51 Clearance, the owner/applicant shall confirm that an appropriate water supply and fire plug/hydrant system of adequate capacity (to be used for fire and other emergencies) has been provided to the appropriate SA Water Standards.
- (27) "As-built" drawings of the approved and installed infrastructure shall be submitted to the Council along with certification from a professional engineer that the works for that stage have been completed in accordance with the approved design.

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- (28) An asset register of the infrastructure constructed shall be provided to the Council's satisfaction in digital format.

ADVISORY NOTES

- a) The development must be substantially commenced or application for certificate made within 12 months of the date of this Notification, unless this period has been extended by the State Commission Assessment Panel.
- b) The authorisation will lapse if not commenced within 12 months of the date of this Notification.
- c) The applicant is also advised that the final land division certificate must be obtained from the State Commission Assessment Panel to complete the development within 3 years of the date of the Notification unless this period is extended by the Panel.
- d) If there is an intention to clear native vegetation on the land at any time, the applicant should consult the Native Vegetation Council to determine relevant requirements under the *Native Vegetation Act 1991* and its Regulations. Note that "clearance" means any activity that could cause any substantial damage to native plants, including cutting down and removing plants, burning, poisoning, slashing of understorey, removal or trimming of branches, severing roots, drainage and reclamation of wetlands, and in some circumstances grazing by animals. For further information contact the Native Vegetation Council on telephone 8303 9777 or visit:
<http://www.nvc.sa.gov.au>.
- e) The applicant is advised the Council is required to inspect the construction works at key hold points and the applicant shall provide an "Inspection Test Plans" (ITP) prior to commencement of any work. Hold points are to be signed off by Council before proceeding to next level of the construction works.
- f) The applicant is advised that Section 51 clearance will not be issued until all the conditions of the Land Division Approval have been satisfied. To allow for Section 51 clearance prior to the completion of public infrastructure the Developer may enter into a bond agreement with Council for the full cost of the infrastructure works and project management fees. Another bond is required to cover the 12 month defects liability period.

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The Developer is required to maintain the road, drainage and reserve infrastructure works for a 12 month defect liability period from the date of Practical Completion or the date of rectification if the defect item is considered major by Council, unless otherwise specified in the Infrastructure Agreement to be entered into with the Council.

- g) The applicant is advised the existing houses adjacent the hazardous vegetation on the western, south western and southern boundaries, are unlikely to be constructed to an appropriate level to withstand the impact of a bushfire. The hazardous vegetation in its current state may present at a higher bushfire attack level than what is prescribed for construction of future new dwellings in Medium bushfire prone areas in accordance with NCC Part 3.7.4. Therefore SA CFS recommends siting the habitable building should be appropriate to the assessed bushfire risk at the time of lodgement.
- h) The applicant is advised that individual applications for development consent for habitable buildings shall include either 5,000 litres static water supply independent of mains supply or 2,000 litres static water supply connected to mains supply in accordance with Ministers Specification SA78 and the Medium Bushfire zone prescribed for these allotments.
- i) The applicant is advised that individual applications for development consent for future habitable buildings shall include mandatory conditions for a vegetation management zone to be established within 20 metres (or to the property boundary - whichever comes first) of the proposed development.

8.3 **Development Application 18/603/473 by Woodforde T & A Pty Ltd for variation to Development Authorisation 17/425/473 (17/E015/473 SCAP reference) – to establish ten (10) additional dwellings on Lots 802 – 811 (total of 74 dwellings), including ancillary carports, associated earthworks & retaining walls, and to vary dwelling typologies to accord with the varied allotment pattern (Lots 163 – 179) at Buchanan Drive, Woodforde**

8.3.1 **Representations**
Nil

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8.3.2 Decision of Panel

The following recommendation was adopted by consensus of all members (31)

The Council Assessment Panel considers that the proposal is not seriously at variance with the relevant provisions of the Adelaide Hills Council Development Plan, and SUPPORTS the issue of Development Plan Consent to Development Application 18/603/473 by Woodforde T & A Pty Ltd for Variation to development authorisation 473/425/17 (473/E015/17 SCAP reference)- to establish 10 additional dwellings on lots 802 – 811 (total of 74 dwellings), including ancillary carports, associated earthworks & retaining walls, and to vary dwelling typologies to accord with the varied allotment pattern (lots 163 – 179) at Lot 2222 Buchanan Drive Woodforde subject to the following comments:

- (1) The planning consent for the original application 473/425/17 (473/E15/17) which this application seeks to vary was staged (three stages). It is recommended that the applicant clarify whether the 10 additional dwellings (lot 802 to 811) are to be included into Stage 3, which is for dwellings on lots 163 to 190 or if they are to be within a new stage (Stage 4). This variation decision could thus also authorise this change to the staging.**
- (2) The maximum height of the retaining walls (dimensions provided or top and bottom levels indicated) proposed should be indicated on the site plans and elevations.**
- (3) Council would prefer to review the stormwater layout plans/designs prior to the issue of Building Rules Consent. The applicant should provide stormwater management plans for each allotment type. These plans should show:**
 - Pipe sizes and grades**
 - Top and invert levels of grated inlet pit(s)**
 - The downpipe locations and the stormwater pipe network to collect roof and surface water, and**
 - Paving levels to prove that surface water from the courtyard areas will drain to the central pit or similar with a pipe directed under the dwelling to the street.**
- (4) A condition is requested to be placed on any consent issued in relation to the provision of 1.7m high privacy screens to all the carports.**

**ADELAIDE HILLS COUNCIL
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9. Policy Issues for Advice to Council

Nil

10. Other Business

10.1 Planning Reforms

Deryn Atkinson provided the Panel with an update on the Planning Reforms:

- State Planning Policies (SPPs) have been released for consultation, with comments due back by 7 September 2018
- Two Planning and Design Code policy discussion papers have been released for consultation, Natural Resources and Environment and Integrated Movement Systems, with comments due back by 3 December 2018
- Consultation on the Technical Paper for the Design Code has closed and a summary of the feedback has been made public
- Review of the Character Preservation Acts has been completed and recommendations released.

It was agreed that a workshop or briefing session for CAP members on the evolving planning reforms would be useful and that staff would advise in due course on the arrangements and appropriate timing of this.

11. Order for Exclusion of the Public from the Meeting to debate Confidential Matters

Nil

12. Confidential Item

Nil

13. Next Meeting

The next ordinary Development Assessment Panel meeting will be held on Wednesday 12 September 2018.

14. Close meeting

The meeting closed at 8.47pm.

**ADELAIDE HILLS COUNCIL AUDIT COMMITTEE
MINUTES OF MEETING 13 AUGUST 2018
63 MT BARKER ROAD, STIRLING**

Presiding Member: Paula Davies

Members:

Geoff Purdie
Peter Brass
Cr Malcolm Herrmann
Cr John Kemp

In attendance:

Andrew Aitken	Chief Executive Officer
Terry Crackett	Director Corporate Services
Peter Bice	Director Infrastructure and Operations
Marc Salver	Director Development and Regulatory Services
David Waters	Director Community Capacity
Lachlan Miller	Executive Manager Governance & Performance
Mike Carey	Manager Financial Services
John McArthur	Manager Waste and Emergency Management
Karen Bennink	CWMS Technical Officer
Hari Argiro	Coordinator Service Strategy & Innovation
Steven Watson	Governance and Risk Coordinator
	Minute Taker
Alan Rushbrook	Utintja Consulting
Tim Muhlhausler	Galpins Accountants, Auditors and Business Consultants
Juliano Freitas	Galpins Accountants, Auditors and Business Consultants

- 1. Commencement**
The meeting commenced at 6:02pm
- 2. Apologies/Leave of Absence**
 - 2.1. Apology**
Nil
 - 2.2. Leave of Absence**
Nil
 - 2.3. Absent**
Nil

**ADELAIDE HILLS COUNCIL AUDIT COMMITTEE
MINUTES OF MEETING 13 AUGUST 2018
63 MT BARKER ROAD, STIRLING**

3. Previous Minutes

3.1. Audit Committee Meeting 30 April 2018

Moved Peter Brass
S/- Cr Malcolm Herrmann

AC18/29

That the minutes of the Audit Committee meeting held on 30 April 2018 as distributed, be confirmed as an accurate record of the proceedings of that meeting.

Carried

4. Delegation of Authority

In accordance with the Audit Committee Terms of Reference, the Committee has no delegated decision-making powers.

5. Declaration of Interest by Members of the Committee

Nil

6. Officer Reports

6.1. Action Report and 2018 Work Plan Update

Moved Cr Malcolm Herrmann
S/- Geoff Purdie

AC18/30

The Audit Committee resolves that the:

- 1. Report be received and noted**
- 2. Status of the Action Report and Work Plan be noted**

Carried

6.2. Prudential Report for Potential Divestment of CWMS

Moved Cr John Kemp
S/- Peter Brass

AC18/31

The Audit Committee resolve that;

- 1. The Prudential Review Report and the Probity Report be received and noted.**
- 2. The Audit Committee acknowledges that whilst S48 of the Local Government Act 1999 does not require a prudential review to be undertaken, the report in relation to this project satisfies the provisions of S48.**

Carried

**ADELAIDE HILLS COUNCIL AUDIT COMMITTEE
MINUTES OF MEETING 13 AUGUST 2018
63 MT BARKER ROAD, STIRLING**

6.3. External Audit Interim Letter

Moved Peter Brass AC18/32
S/- Geoff Purdie

That Audit Committee:

1. **Receives and notes the report.**
2. **Notes the communication received from Galpins from their Interim visit relating to the -2017-18 External Audit and the Management Response to their findings from the Interim Audit.**

Carried

7.01pm Cr John Kemp left the chamber

The Chair sought and was granted leave of the meeting to bring Item 6.7 forward.

6.7 Budget Review 3

Moved Cr Malcolm Herrmann AC18/33
S/- Peter Brass

The Audit Committee resolves to:

1. **Receive and note the report.**
2. **Note that the Operating Budget variations presented in Budget Review 3 for the period ending 31 March 2018 had no impact on the budget and continued to provide for an adjusted Operating Surplus for the 2017/18 year of \$1.986m.**
3. **Note the proposed Capital Program amendments include \$170k of increased expenditure that is offset by additional capital grant funding of \$170k.**

7.04pm Cr John Kemp returned to the chamber

6.4. End of Financial year Update

Moved Peter Brass AC18/34
S/- Cr John Kemp

The Audit Committee resolves that the report be received and noted.

Carried

**ADELAIDE HILLS COUNCIL AUDIT COMMITTEE
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6.5. Internal Audit Quarterly Update

Moved Cr John Kemp **AC18/35**
S/- Peter Brass

The Audit Committee resolves to:

1. Receive and note the report.
2. Note the contents of the Internal Audit of Planning Assessment Process Report and the Internal Audit of Customer Service Standard Reporting Report.

Carried

6.6. Audit Actions Implementation Report

Moved Peter Brass **AC18/36**
S/- Geoff Purdie

The Audit Committee resolves to:

1. Receive and note the report.
2. Note the implementation status of Internal and External Audit actions.

Carried

6.7. Item brought forward in meeting

6.8. Risk Management Plan Update

Moved Cr Malcolm Herrmann **AC18/37**
S/- Cr John Kemp

The Audit Committee resolves that the report be received and noted.

Carried

**ADELAIDE HILLS COUNCIL AUDIT COMMITTEE
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6.9. Placement of Council's Insurance Portfolio

Moved Cr John Kemp **AC18/38**
S/- Geoff Purdie

The Audit Committee resolves that the report be received and noted.

Carried

6.10. Quarterly Debtors Report

Moved Cr Malcolm Herrmann **AC18/39**
S/- Peter Brass

The Audit Committee resolves that the report be received and noted.

Carried

7. Next Meeting

The next ordinary meeting of the Audit Committee will be held at 6.00pm on Monday, 08 October 2018, at 63 Mount Barker Road, Stirling.

8. Close Meeting

The meeting closed at 7.55pm

**ADELAIDE HILLS COUNCIL
MINUTES OF STRATEGIC PLANNING & DEVELOPMENT POLICY COMMITTEE SPECIAL MEETING
Tuesday 14 August 2018
36 NAIRNE ROAD WOODSIDE**

In Attendance:

Presiding Member: Cr John Kemp

Members:

Mayor Bill Spragg	
Councillor Ron Nelson	Manoah Ward
Councillor Ian Bailey	Marble Hill Ward
Councillor Kirrilee Boyd Councillor Nathan Daniell	Mt Lofty Ward
Councillor Lynton Vonow Councillor Andrew Stratford	Onkaparinga Valley Ward
Councillor Malcolm Herrmann Councillor Linda Green	Torrens Valley Ward

In Attendance:

Andrew Aitken	Chief Executive Officer
Peter Bice	Director Infrastructure & Operations
Terry Crackett	Director Corporate Services
Marc Salver	Director Development & Regulatory Services
David Waters	Director Community Capacity
Lachlan Miller	Executive Manager Governance & Performance
Pam Williams	Minute Secretary

1. COMMENCEMENT

The meeting commenced at 6.31pm.

2. OPENING STATEMENT

“Council acknowledges that we meet on the traditional lands of the Peramangk and Kaurna people and we recognise their connection with the land.

We understand that we do not inherit the land from our ancestors but borrow it from our children and in this context the decisions we make should be guided by the principle that nothing we do should decrease our children’s ability to live on this land.”

Presiding Member _____

**ADELAIDE HILLS COUNCIL
MINUTES OF STRATEGIC PLANNING & DEVELOPMENT POLICY COMMITTEE SPECIAL MEETING
Tuesday 14 August 2018
36 NAIRNE ROAD WOODSIDE**

3. APOLOGIES/LEAVE OF ABSENCE

3.1. Apology

Apologies were received from Cr Jan Loveday & Cr Jan-Claire Wisdom and are accepted.

3.2. Leave of Absence

Nil

3.3. Absent

Nil

4. DECLARATION OF INTEREST BY MEMBERS OF THE COMMITTEE

Nil

5. PUBLIC FORUM

Joan Playford and Pauline Gill re Kersbrook Public Hall heritage listing
Rosalie Hughes & Bronte Kerber, Springhead Lutheran Church & School heritage listing

6. BUSINESS OF THE MEETING

6.1. Local Heritage Stage 1 (Public Places) Development Plan Amendment – Summary of Consultations and Proposed Amendments – Endorsement to send to Minister for Planning for approval

Moved Cr Malcolm Herrmann
S/- Cr Linda Green

The Strategic Planning and Development Policy Committee resolves:

1. That the report be received and noted
2. To approve the attached Summary of Consultations and Proposed Amendments report and the draft Local Heritage – Stage 1 (Public Places) Development Plan Amendment (DPA) for submission to the Minister for Planning for approval, with the exception of the Kersbrook Hall.
3. That the Chief Executive Officer be authorised to make any necessary minor amendments to the DPA as directed by relevant officers of the Department of Planning, Transport and Infrastructure or by the Minister for Planning.

No decision

**ADELAIDE HILLS COUNCIL
MINUTES OF STRATEGIC PLANNING & DEVELOPMENT POLICY COMMITTEE SPECIAL MEETING
Tuesday 14 August 2018
36 NAIRNE ROAD WOODSIDE**

Moved Mayor Bill Spragg
S/- Cr Lynton Vonow

That this item be adjourned to a special SPDPC meeting to be held at 6.30pm on Tuesday 21 August 2018.

Lost

Moved Cr Malcolm Herrmann
S/- Cr Linda Green

SP18/1

The Strategic Planning and Development Policy Committee resolves:

1. That the report be received and noted
2. To approve the attached Summary of Consultations and Proposed Amendments report and the draft Local Heritage – Stage 1 (Public Places) Development Plan Amendment (DPA) for submission to the Minister for Planning for approval, with the exception of those sections of the Kersbrook Hall which do not form part of the original structure. If the aforementioned condition is not possible, then the exception lapses.
3. To recommend to Council that it consider the establishment of a heritage incentive fund in its 2019/20 budgetary process.
4. That the Chief Executive Officer be authorised to make any necessary minor amendments to the DPA as directed by relevant officers of the Department of Planning, Transport and Infrastructure or by the Minister for Planning.

Carried Unanimously

7. CLOSE MEETING

The meeting closed at 8.09pm.

**ADELAIDE HILLS COUNCIL
ORDINARY COUNCIL MEETING
Tuesday 28 August 2018
CONFIDENTIAL AGENDA BUSINESS ITEM**

Item: 19.1

Originating Officer: Megan Sutherland, Executive Manager Organisational Development

Responsible Director: Andrew Aitken, Chief Executive Officer

Subject: CEO Performance and Remuneration Reviews

For: Decision

1. CEO Performance and Remuneration Reviews – Exclusion of the Public

Pursuant to section 90(2) of the *Local Government Act 1999* the Council orders that all members of the public, except:

- Director Infrastructure & Operations, Peter Bice
- Director Development & Regulatory Services, Marc Salver
- Director Corporate Services, Terry Crackett
- Director Community Capacity, David Waters
- Executive Manager Governance & Performance, Lachlan Miller
- Executive Manager Organisational Development, Megan Sutherland
- Minute Secretary, Pam Williams

be excluded from attendance at the meeting for Agenda Item 19.1: (CEO Performance and Remuneration Reviews) in confidence.

The Council is satisfied that it is necessary that the public, with the exception of Council staff in attendance as specified above, be excluded to enable Council to consider the report at the meeting on the following grounds:

Section 90(3)(a) of the *Local Government Act 1999*, the information to be received, discussed or considered in relation to this Agenda Item is information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead), being the personal affairs of the Chief Executive Officer, in that details of his performance review and remuneration package will be discussed.

4. CEO Performance and Remuneration Reviews– Period of Confidentiality

Subject to the CEO, or his delegate, disclosing information or any document (in whole or in part) for the purpose of implementing the Panel’s decision(s) in this matter in the performance of the duties and responsibilities of office, the Panel, having considered at Agenda Item 19.1 in confidence under sections 90(2) and 90(3)(a) of the Local Government Act 1999, that an order be made under the provisions of sections 91(7) and (9) of the Local Government Act 1999 that the report, related attachments and the minutes of Council and the discussion and considerations of the subject matter be retained in confidence until the CEO has been advised in writing.

Pursuant to section 91(9)(c) of the Local Government Act 1999, that Council delegates the power to revoke the confidentiality order to the Chief Executive Officer, or his sub-delegate.