



ORDINARY COUNCIL MEETING

NOTICE OF MEETING

To: Mayor Jan-Claire Wisdom

Councillor Ian Bailey
Councillor Kirilee Boyd
Councillor Nathan Daniell
Councillor Pauline Gill
Councillor Chris Grant
Councillor Linda Green
Councillor Malcolm Herrmann
Councillor John Kemp
Councillor Leith Mudge
Councillor Mark Osterstock
Councillor Kirsty Parkin
Councillor Andrew Stratford

Notice is 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 July 2020
6.30pm
via Visual/Audio Link

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 July 2020

6.30pm

Via Audio/Visual Link

ORDER OF BUSINESS

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

Mayor Jan-Claire Wisdom 3 August to 23 August 2020

3.3. Absent

4. MINUTES OF PREVIOUS MEETINGS

Council Meeting – 23 June 2020

That the minutes of the ordinary meeting held on 23 June 2020 as supplied, be confirmed as an accurate record of the proceedings of that meeting.

Special Council Meeting – 30 June 2020

That the minutes of the special meeting held on 30 June 2020 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. MAYOR’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

- 8.1. Petitions
Nil
- 8.2. Deputations
Nil

9. PRESENTATIONS (by exception)

Nil

10. QUESTIONS ON NOTICE

Nil

11. MOTIONS ON NOTICE

- 11.1. Late Lew Brickhill - Cr Herrmann
That the CEO investigates, in consultation with the family and the Friends of Bushland Park, how the memory of the late Lewis Norman Brickhill can be commemorated for his contribution to, not only Lobethal Bushland Park, but also to the wider community and provides a report to Council by 30 September 2020.

12. ADMINISTRATION REPORTS – DECISION ITEMS

- 12.1. Genetically Modified Crops Legislation Change – Community Engagement Plan
 1. *That the report be received and noted.*
 2. *The Council will consider whether to apply to the Minister for Primary Industries and Regional Development under Section 5A(1) of the Genetically Modified Crops Management Act 2004 for the designation of the Council area as an area in which no genetically modified food crops may be cultivated.*
 3. *Pursuant to Section 5A(2) of the Genetically Modified Crops Management Act 2004, the Council seeks the views of its community, including persons engaged in primary production activities and food processing or manufacturing activities in the area of the Council, regarding whether or not such an application should be made.*
 4. *To approve the community engagement plan that forms Appendix 1 to this report and delegate to the Chief Executive Officer the authority to make minor changes to the plan as may be required prior to community and stakeholder consultation commencing.*
 5. *To approve a review of the Genetically Modified Crops Policy that forms Appendix 2 to run concurrently with the community engagement process.*
 6. *That a report be submitted to a September 2020 Council meeting, based on community engagement and analysis, for a decision on whether or not to apply to the Minister for Primary Industries and Regional Development to be designated a GM crop free area.*

- 12.2. Development Application Fee Waiver – Oakbank Golf Club
 1. *That the report be received and noted*
 2. *To approve the waiver of development fees up to \$356.50 for Oakbank Golf Club Inc. in relation to Development Application 473/626/2020 for a development at 10 Smith Street Oakbank*

- 12.3. Arts & Heritage Collection Policy
 1. *That the report be received and noted.*
 2. *With an effective date of 12 August 2020, adopt the 28 July 2020 Arts and Heritage Collection Policy as per Appendix 1.*
 3. *That the Chief Executive Officer be authorised to make any formatting, nomenclature or other minor changes to the 28 July 2020 Arts and Heritage Collection Policy prior to the effective date of adoption.*

- 12.4. Federal Black Spot Program Funding Deed Kersbrook, Mylor, Ironbank & Forreston
 1. *That the report be received and noted.*
 2. *To execute the Funding Deeds as follows:*
 - a. *2020-2021 South Australia Black Spot Program – Checker Hill Road, Kersbrook*
 - b. *2020-2021 South Australia Black Spot Program – Ridge Road, Mylor*
 - c. *2020-2021 South Australia Black Spot Program – Ironbank Road, Ironbank*
 - d. *2020-2021 South Australia Black Spot Program – Martin Hill Road, Forreston*
 3. *The Chief Executive Officer and Mayor are authorised to sign and affix the seal of the Adelaide Hills Council to the respective Funding Deeds under the State Blackspot Program.*
 4. *To approve an increase in the 2020-21 capital expenditure budget of \$369k offset by \$551k in capital income for the Road Safety Program Capital project in accordance with the Funding Deeds.*
 5. *That the CEO be authorised to write a letter of acknowledgement to the Hon Michael McCormack MP, Deputy Prime Minister and Minister for Infrastructure, Transport and Regional Development thanking the Federal Government for the Blackspot Funding Program.*

- 12.5. Local Government Reform Bill Advocacy Position
 1. *That the report be received and noted*
 2. *To lodge its Statutes Amendment (Local Government Review) Bill 2020 – Reform Submission at Appendix 1 to:*
 - a. *Minister for Local Government*
 - b. *Opposition Spokesman for Local Government*
 - c. *Local Members of Parliament*
 - d. *Office of Local Government*
 - e. *Local Government Association*
 3. *To delegate to the Chief Executive Officer the authority to make any minor changes to the Reform Submission to reflect matters raised in the debate on the Local Government Reform Submission report.*

- 12.6. Community & Recreation Facility Framework Internal Working Group Appointment of Members
 1. *That the report be received and noted.*
 2. *To determine that the method of selecting the Council Members (up to four Council Members) for the CRFFIWG be by an indicative vote to determine the preferred person(s) utilising the process set out in this Agenda report.*
 3. *To adjourn the Council meeting for the purposes of seeking nominations for and, if necessary, conducting an indicative vote to determine the preferred person(s) for the CRFFIWG Council Member roles and for the meeting to resume once the results of the indicative votes have been declared.*
 4. *To appoint, and for a 24 month term to commence on 29 July 2020 and to conclude on 28 July 2022 (inclusive), to be reviewed prior to the expiration of the said term.*

- 12.7. Nomination to Local Government Grants Commission
 1. *That the report be received and noted.*
 2. *To determine that the method of selecting the Council Member(s) and or Council Officer(s) to be nominated for the Local Government Grants Commission be by an indicative vote utilising the process set out in this Agenda report.*
 3. *To adjourn the Council meeting for the purposes of seeking nominations for and, if necessary, conducting an indicative vote to determine the preferred person(s) for nomination for the Local Government Grants Commission and for the meeting to resume once the results of the indicative vote have been declared.*
 4. *To endorse the nomination of for the Local Government Grants Commission and authorise the Chief Executive Officer to lodge the completed nomination form(s) to the Local Government Association by COB 14 August 2020*

- 12.8. Citizen of the Year Awards Presentation Location
 1. *That the report be received and noted.*
 2. *That the winners of the three primary Australia Day Awards – Citizen of the Year, Young Citizen of the Year and Community Event of the Year – be given the opportunity to receive their award at a community celebration of their choice, commencing in January 2021.*

- 12.9. Road Closure adj Posen Road Birdwood
1. *That the report be received and noted*
 2. *To make a Road Process Order pursuant to the Roads (Opening & Closing) Act 1991 to close and merge the piece of land identified as "A" in the Preliminary Plan No. 20/0005 attached to this report with Piece 14 in Deposited Plan No. 63287 comprised in Certificate of Title Volume 5911 Folio 108.*
 3. *Subject to the closure of the road identified in the Preliminary Plan attached, that:*
 - *The closed road be excluded as Community Land pursuant to the Local Government Act 1999; and*
 - *The piece marked "A" be sold to Mrs Elizabeth Addams-Williams, the owner of the property with which it is merging for the amount of \$8,000 plus GST (if applicable) and all fees and charges associated with the road closure process.*
 4. *Authorise the Chief Executive to finalise and sign all necessary documentation to close and sell the above portion of closed road pursuant to this resolution.*
- 12.10. Road Widening Netherhill Road Kenton Valley
1. *That the report be received and noted*
 2. *To purchase the areas of land totalling 335 sqm identified in red on the Land Acquisition Plan attached as Appendix 2 ("land") from Stephen Paul Cowie the land owner at 67 Nether Hill Road, Kenton Valley, for the purchase price of \$6,700 (excl GST) plus all reasonable costs to vest the Land as public road.*
 3. *To purchase the area of land being 188 sqm identified in red on the Land Acquisition Plan attached as Appendix 2 ("land") from Paul Andrew Arnup and Danielle Marie Beatrice Helbers the land owner at 109 Nether Hill Road, Kenton Valley, for the purchase price of \$3,760 (excl GST) plus all reasonable costs to vest the Land as public road.*
 4. *The road land being acquired to be excluded as Community Land pursuant to the Local Government Act 1999; and*
 5. *That the Mayor and CEO be authorised to sign all necessary documentation, including affixing the common seal, to give effect this resolution.*
 6. *To approve an expenditure budget of \$10,460 to purchase the two areas of land on Nether Hill Road, Kenton Valley, with funding to be sourced from favourable capital revenue identified within the 2020-21 Capital Works budget*
- 12.11. CEO Performance Target Finalisation & Proposed 2020-2021 Performance Targets
1. *That the report be received and noted*
 2. *That the CEO has achieved the following outcomes in relation to the 2019-20 CEO Performance Targets:*
 - Target 1 – Completed*
 - Target 2 – Completed*
 - Target 3 – Completed*
 - Target 4 – Deferred by Council decision*
 - Target 5 – Completed*
 - Target 6 – Completed modified target by Council decision*
 3. *To adopt the proposed 2020-2021 CEO Performance Targets recommended by the Panel as per Appendix 2.*

- 12.12. Strategic Internal Audit Plan Revision
1. *That the report be received and noted.*
 2. *That Council adopt the revised Strategic Internal Audit Plan (v1.4a) as contained in Appendix 1.*

- 12.13. Status Report – Council Resolutions Update
Refer to Agenda

13. ADMINISTRATION REPORTS – INFORMATION ITEMS

- 13.1. Code of Conduct Complaint
Council resolves that the report be received and noted.

14. QUESTIONS WITHOUT NOTICE

15. MOTIONS WITHOUT NOTICE

16. REPORTS

- 16.1. Council Member Function or Activity on the Business of Council
- 16.2. Reports of Members/Officers as Council Representatives on External Organisations
- 16.3. CEO Report

17. REPORTS OF COMMITTEES

- 17.1. Council Assessment Panel – 8 July 2020
That the minutes of the CAP meeting held on 8 July 2020 as supplied, be received and noted.
- 17.2. Strategic Planning & Development Policy Committee
Nil
- 17.3. Audit Committee
Nil
- 17.4. CEO Performance Review Panel – 9 July 2020
That the minutes of the CEOPRP meeting held on 9 July 2020 as supplied, be received and noted.

18. CONFIDENTIAL ITEMS

18.1. Appointment of Independent Member to Council Assessment Panel

19. NEXT MEETING

Tuesday 25 August 2020, 6.30pm, 63 Mt Barker Road, Stirling

20. CLOSE MEETING

Council Meeting/Workshop Venues 2020

Dates, times & venues to be confirmed

DATE	TYPE	LOCATION	MINUTE TAKER
AUGUST 2020			
Tues 11 August	Workshop	Woodside	N/A
Wed 12 August	CAP	TBA	Karen Savage
Mon 17 August	Audit Committee	Stirling	TBA
Tues 18 August	Professional Development	Stirling	N/A
Tues 25 August	Council	Stirling	Pam Williams
SEPTEMBER 2020			
Tues 8 September	Workshop	Woodside	N/A
Wed 9 September	CAP	TBA	Karen Savage
Tues 15 September	Professional Development	Stirling	N/A
Tues 22 September	Council	Stirling	Pam Williams
OCTOBER 2020			
Tues 13 October	Workshop	Woodside	N/A
Wed 14 October	CAP	TBA	Karen Savage
Mon 19 October	Audit	Stirling	TBA
Tues 19 October	Professional Development	Stirling	N/A
Tues 27 October	Council	Stirling	Pam Williams

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

Community Forums 2020

6.00 for 6.30pm

(dates and venues to be confirmed)

DATE	LOCATION
Tues 29 September	Mylor

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.*

**ADELAIDE HILLS COUNCIL
ORDINARY COUNCIL MEETING
Tuesday 28 July 2020
AGENDA BUSINESS ITEM**

Item: 11.1 Motion on Notice

Originating from: Cr Malcolm Herrmann

Subject: Late Lewis (Lew) Norman Brickhill

1. MOTION

That the CEO investigates, in consultation with the family and the Friends of Bushland Park, how the memory of the late Lewis Norman Brickhill can be commemorated for his contribution to, not only Lobethal Bushland Park, but also to the wider community and provides a report to Council by 30 September 2020.

2. BACKGROUND

Lewis (Lew) Brickhill, a long-time resident of Lobethal and former Manager of the Post Office, was well known to not only many Lobethal people, but also to the wider community. He had a passion for the environment and adored the wonders of nature especially here in South Australia and in his home state of Tasmania. He was devastated when the Cudlee Creek bushfire burnt out Lobethal Bushland Park, but then immediately looked to the future on how the land could be restored. Lew and his wife Jo, were members of the Friends of Bushland Park for 20 years with Lew being President for 14 years. On his last Saturday, he took a couple of film clips to complete a grant application to Landcare Australia for funding to enable trail repairs and improvements, including the lookout tower, to be undertaken.

He worked very closely with Council staff who relied heavily on his intimate on-ground knowledge to ensure the best possible outcomes for not only Bushland Park, but also other environment related issues. His commitment and devotion to environmental management was unsurpassed.

He was looking forward to being involved in the preparation of the Master Plan for the Park and was delighted to hear of the recently acquired tourism grant to assist with restoration of the trails network.

Lew passed away unexpectedly on 2 July 2020 aged 72 years. A memorial service was held on Friday 17 July 2020 in Lobethal and attended by Council staff members from the Biodiversity Team.

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

➤ Strategic Management Plan/Functional Strategy/Council Policy Alignment

Strategic Plan 2020-24 – A brighter future

Goal A valued Natural Environment

Objective N3 Nurture valuable partnerships and collaborations and engage the local community in the management of our natural environment

Priority N3.1 Increase knowledge and environmental awareness within the community through engagement and education

➤ Legal Implications

Not applicable

➤ Risk Management Implications

An appropriate memorial will honour the memory and legacy of Mr Lew Brickhill and assist in mitigating the risk of poor public perception leading to community dissatisfaction.

Inherent Risk	Residual Risk	Target Risk
Medium (2C)	Medium (2C)	Minor (1E)

➤ Financial and Resource Implications

Not applicable

➤ Customer Service and Community/Cultural Implications

Not applicable

➤ Sustainability Implications

Not applicable

➤ Engagement/Consultation conducted in the development of the report

Consultation on the development of this report was as follows:

Council Committees: Not Applicable

Council Workshops: Not Applicable

Advisory Groups: Not Applicable

Administration: Peter Bice, Director Infrastructure & Operations

External Agencies: Not Applicable

Community: Not Applicable

4. ANALYSIS

Council will explore options (ie memorial seat and plaque, lookout tower restoration etc) to appropriately commemorate the contribution and dedication of Mr Lew Brickhill, within the Lobethal Bushland Park itself and more broadly within his local community of Lobethal. Once recommended options have been identified a report will be brought back to Council for decision.

5. APPENDIX

(1) Photo of Lew Brickhill

Appendix 1

Photo of Lew Brickhill



Photo courtesy of Jennie Lenman, Journalist / Content Producer / Presenter & MC – Power FM

**ADELAIDE HILLS COUNCIL
ORDINARY COUNCIL MEETING
Tuesday 28 July 2020
AGENDA BUSINESS ITEM**

Item: 12.1

Responsible Officer: James Szabo
Senior Strategic and Policy Officer
Development and Regulatory Services

Subject: Genetically Modified Crops Legislation Change - Community Engagement Plan

For: Decision

SUMMARY

This report summarises the proposed community engagement approach (refer to **Appendix 1**) on the matter of whether or not the Adelaide Hills Council will apply to the Minister for Primary Industries and Regional Development (the Minister) to be designated as a Genetically Modified (GM) crop free area under the state government's recently revised *Genetically Modified Crops Management Act 2004* (the Act).

The recent amendments to the Act lift the long-standing GM Moratorium on mainland South Australia. The amendments however do provide a limited opportunity for councils to apply to the Minister to remain a GM-free area, the deadline for which is 30 September 2020.

The Council has a current policy position in relation to Genetically Modified Crops (**Appendix 2**), whereby the policy states that the growing of GM crops is not supported in the Council area. This position is now at odds with the State legislation and therefore requires review.

It is noted that the *GM Crops Policy* was developed by staff in consultation with our Rural Land Management Advisory Group (RLMAG), and included broader community and primary production stakeholder engagement. Pursuant to the consultation requirements of the Act and Council's *Public Consultation Policy*, Council will need to consult with the community, including primary production and food processing or manufacturing businesses to understand whether or not a request to the Minister to have the current policy position formally recognised via designation in the Act is warranted.

It is noted that some of our neighbouring councils (i.e. Barossa, Mount Barker, Onkaparinga, Playford and Onkaparinga) have or are about to commence consultation with their communities on the GM crop matter. It is considered that if a number of neighbouring councils as well as ours do decide to make application to be Minister to remain GM free, then a regional approach be explored in addition to any respective council applications, should any councils' ultimately decide to lodge applications following the consultation process.

This report seeks Council's approval to undertake community engagement and review the *GM Crops Policy* in order to assist with forming a position on this matter.

RECOMMENDATION

Council resolves:

1. That the report be received and noted.
 2. The Council will consider whether to apply to the Minister for Primary Industries and Regional Development under Section 5A(1) of the *Genetically Modified Crops Management Act 2004* for the designation of the Council area as an area in which no genetically modified food crops may be cultivated.
 3. Pursuant to Section 5A(2) of the *Genetically Modified Crops Management Act 2004*, the Council seeks the views of its community, including persons engaged in primary production activities and food processing or manufacturing activities in the area of the Council, regarding whether or not such an application should be made.
 4. To approve the community engagement plan that forms Appendix 1 to this report and delegate to the Chief Executive Officer the authority to make minor changes to the plan as may be required prior to community and stakeholder consultation commencing.
 5. To approve a review of the Genetically Modified Crops Policy that forms Appendix 2 to run concurrently with the community engagement process.
 6. That a report be submitted to a September 2020 Council meeting, based on community engagement and analysis, for a decision on whether or not to apply to the Minister for Primary Industries and Regional Development to be designated a GM crop free area.
-

1. GOVERNANCE

➤ Strategic Management Plan/Functional Strategy/Council Policy Alignment

Strategic Plan 2020-24 – A brighter future

Goal 3 A Prosperous Economy

Objective E1 Support and grow our region's existing and emerging industries

Priority E1.2 Take advantage of the full potential of our region's primary production and associated value adding activities

Goal 5 A Progressive Organisation

Objective O4 We actively represent our community

Priority O4.3 Advocate to, and exert influence with, our stakeholders on behalf of our community to promote the needs and ambitions of the region

Goal 5 A Progressive Organisation

Objective O5 We are accountable, informed, and make decisions in the best interests of the whole community

Priority O5.2 Make evidence-based decisions and prudently assess the risks and opportunities to our community before taking action

The aspiration of Goal 3 of the recently adopted *2020-2024 Strategic Plan – A Brighter Future* (Strategic Plan) aspires to develop our region’s economy as a diverse and sustainable one, synonymous with a reputation for quality, niche products, services and experiences underpinned by a culture of creativity and innovation.

Through the engagement process it is hoped that feedback will provide insight as to how emerging industries can be supported and how changes to the Act may impact the ‘full potential’ of our region’s primary production and associated value adding activities.

AHC Genetically Modified (GM) Crop Policy

Council has previously adopted a *Genetically Modified (GM) Crop Policy* (Policy). The Policy was first adopted in 2012 following key industry stakeholder and community engagement. The Administration considers this Policy to be the only one of its kind in the State.

➤ **Legal Implications**

Genetically Modified Crops Management Act 2004

The laws governing how Genetically Modified Organisms (GMOs) are produced, transported, processed, marketed and consumed are administered by several different parts of government.

Federal

At a federal level, the public health and safety of GMOs is overseen by the Office of the Gene Technology Regulator. GM food products are also regulated federally by Food Standards Australia and New Zealand.

State

Agricultural trade and marketing matters are primarily a state responsibility under the Australian Constitution, overseen by Primary Industries and Regions South Australia (PIRSA). In the case of GM crops regulations are set via the *Genetically Modified Crops Management Act 2004*. Section 5A of the aforementioned Act has come into operation with immediate effect and provides for councils to apply to the Minister for Primary Industries and Regional Development, to designate their areas as GM free. The deadline for such applications to the Minister is 30 September 2020.

Local

Local Government has had no formal jurisdiction in this matter to date but now have the opportunity to apply to be GM Free areas should they wish to.

➤ **Risk Management Implications**

Undertaking community engagement will assist in mitigating the risk of:

Not fulfilling our role of developing a position on the matter based on community engagement which could leave some dissatisfied with the outcome, and negative implications for council’s reputation.

Inherent Risk	Residual Risk	Target Risk
High (2B)	Medium (2C)	Low

It will be critical that Council builds credibility and trust with the community through effective, open communication and a transparent community engagement process that will ensure that communities are aware of the extent to which their views can influence the state government's decisions on this matter, building confidence in our capacity to fairly represent our community in the decision-making processes of other levels of government. It is noted that due to the potential and perceived environmental, social and economic impacts of Genetically Modified Organisms, discussions on GM can be a highly vexed issue.

➤ **Financial and Resource Implications**

The amendment to the legislation occurred on 15 May 2020. Given the timeframe no specific budget has been assigned to undertake any aspect of the consultation required by Section 5A of the Act. However, any costs associated with the consultation will be accommodated within the Administrations existing resources.

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

It is considered that the community engagement process will stimulate broad interest from the community and primary producers. As such Customer Service staff will be briefed and provided with relevant information and links to direct customers to the appropriate resources. Given the general community interest in this matter, engagement with the community, the primary production sector and other stakeholders is to be undertaken as outlined in the Community Engagement Plan detailed in this report. Further, note that Council has received a number of items of correspondence from a range of stakeholders and community members in recent weeks commenting on the latest legislated changes. These have been acknowledged and the authors have been advised that their views will be captured in the engagement process should Council resolve to undertake public consultation in this regard. Further, they will be advised when the public consultation commences in order to complete the online survey.

➤ **Sustainability Implications**

It is likely that claims could be made about the potential environmental impacts of the GM Crop moratorium being lifted, but this element of the wider debate on GM crops is not material to the Minister's considerations under the Act.

➤ **Engagement/Consultation conducted in the development of the report**

Given the associated risks of the consultation process, engagement with key internal personal and Council's Rural Land Management Advisory Group has occurred prior to drafting the Engagement Plan.

Consultation on the development of this report was as follows:

Council Committees: Not Applicable

Council Workshops: Not Applicable

Advisory Groups: This was discussed at the Rural Land Management Advisory Group (RLMAG) meeting held on 5 June 2020.

<i>Administration:</i>	Chief Executive Officer Director of Development and Regulatory Services Manager of Communications, Engagement & Events Manager of Economic Development Community Engagement Coordinator
<i>External Agencies:</i>	Primary Industries and Resources South Australia Local Government Association The Barossa Council Mount Barker District Council Alexandrina Council City of Onkaparinga City of Playford
<i>Community:</i>	N/A. However community consultation will be undertaken if Council resolves to do so.

Discussions with the neighbouring councils listed above have confirmed that they will all be undertaking some form of community engagement in accordance with Section 5A of the Act.

2. BACKGROUND

The Commonwealth *Gene Technology Act 2000* and the *Gene Technology Regulations 2001* and corresponding state and territory laws provide a nationally consistent system to regulate the development and use of gene technology in Australia. Products of GM organisms such as foods or medicine are regulated under a product specific scheme. [Food Standards Australia and New Zealand](#) (FSANZ) must approve any foods made from GM organisms before they can be sold in Australia and sets the food labelling requirements for these foods.

The [Office of the Gene Technical Regulator](#) (OGTR) licenses GM food crops from experimental to commercial release stages and FSANZ approves the sale of the food that is produced from that GM food crop e.g. canola oil.

The state's *Genetically Modified Crops Management Act 2004* has been amended to lift the moratorium (ban) on growing genetically modified crops in South Australia.

The GM ban was initiated in 2003, with the Moratorium initially legislated until 2025. Council first adopted its GM Crop Policy in 2012 which aligned with the state-wide Moratorium.

However, as a result of growing criticism from sections within the agricultural industry and scientific community that the ban lacked scientific or economic rigour, the State Government has undertaken a review of the Moratorium and amended the legislation to allow GM Crops to now be grown in mainland South Australia.

As part of the State Government review, an independent study by the University of Adelaide's Professor Kym Anderson was commissioned by the state government to investigate the economic impacts of the ban. The review concluded that "the moratorium has cost South Australian farmers, hindered agriculture research and development

investments, and had not secured better market access or price premiums for South Australian produce.” (Source: PIRSA Website regarding the Anderson Report)

Following the release of the report, Parliament passed the *Genetically Modified Crops Management (Designated Area) Amendment Bill 2020* on 15 May 2020, which removes the Moratorium on mainland South Australia. However, the Amendment Bill included provision for the Minister (upon receiving an application by a council under section 5A) to designate a council area as GM free. It is noted that Section 5A effectively shifts the accountability and responsibility to Council to manage the community consultation process.

Under this amendment, councils have been afforded six months to decide whether or not to make an application to the Minister for Primary Industries and Regional Development to be designated as a non-GM crop area. The Minister, in consultation with the GM Crop Advisory Committee, will then make the final decision on whether a designation will be approved.

Any application to remain GM free must involve a council led engagement process with its community. In particular, engagement must occur with persons involved in primary production and food processing or manufacturing activities in the area of the council.

The Act is not prescriptive as to the method of consultation, and so it is open for councils to develop a consultation process which they consider to be suitable in the circumstances, and one which ensures that all relevant community members are appropriately included.

In its letter to the CEO, Primary Industries and Region SA (refer to **Appendix 3**) advised that an application to the Minister should:

- be framed within the scope of the Act i.e. relate to marketing and trade only
- demonstrate the consultation requirements of the Act have been fulfilled
- include advice on all views expressed during consultation (in favour or against declaration) and any evidence provided by the community and/or industry relating to the application.

Further, information on PIRSA’s website states that Council applications should:

- relate to risks to marketing and trade only
- not include matters of human health or environmental impacts, as these are managed under Commonwealth legislation
- demonstrate that stakeholders in their area are currently receiving a marketing or trade advantage as a result of being a no GM food crop area
- show evidence of market and trade advantages, including any price premiums, that could not be achieved without being declared a no GM food crop area
- include a summary of all views expressed during consultation (in favour or against declaration).

3. ANALYSIS

Council's Role

Council's role will be to undertake an impartial process to decide whether or not to make an application to be designated a GM free crop area and uphold its current *GM Crop Policy*. If Council chooses to make an application, then it will be most effective if it meets the requirements as outlined in letter from the CEO, Primary Industries and Region SA (refer to **Appendix 3**) and is based on sound evidence from the sectors of our community that will be directly impacted either way by trade and marketing matters only. As noted earlier, arguments or matters relating to human health or environmental impacts cannot be included in the application.

It is noted that some of our surrounding councils (i.e. Barossa, Mount Barker, Onkaparinga, Playford and Alexandrina) have commenced, or about to commence, consultation with their communities on the GM crop matter. It is considered that if a number of neighbouring councils as well as Adelaide Hills Council do decide to make an application to the Minister to remain GM free, then a regional approach be explored in order to bolster the respective council applications.

Process

Following endorsement of the *Community Engagement Plan*, the Administration will commence community engagement for a period of four weeks, followed by one week of data collation and analysis. To initiate and support the engagement, communications will be circulated to provide accessible and unbiased information to the community and key stakeholders about the process and Council's role.

The Administration intends to share the results with Elected Members at a workshop in early September 2020, with a final report then being tabled to Council later that month where, based on the results of the consultation, Council can resolve whether or not to make an application to the Minister.

If Council resolves to make an application, then this must be submitted to the Minister by 30 September 2020, unless another direction comes from state government regarding these timeframes. After consulting with the GM Crop Advisory Committee, the Minister will then make the final determination that will be Gazetted (made law) by no later than 15 November 2020.

With the above information in mind, it is important to inform our communities that Council does not have the power to decide to be a GM free area.

Draft Engagement Plan

The draft *Community Engagement Plan* aims to collect and collate community input about the impact of GM crops on trade and marketing, with a strong emphasis on hearing from primary producers and businesses involved in food processing or manufacturing in our Council area.

This will be achieved by communicating the State Government’s legislation change to our communities, and focusing on the facts. It will be imperative to help the community understand the scope of influence that Council, businesses and residents have in this matter and that trade and marketing factors will be the primary consideration by the Minister if Council decides to make an application in this regard.

Stakeholders will be encouraged to demonstrate and provide evidence of any trade and marketing implications (positive, nuanced or negative) of GM crops.

Council’s GM Crop Policy

In addition, there will be responsibility to express the Council’s current position on GM Crops, as expressed in the GM Crop Policy, and to emphasise that this policy has no legal bearing in this matter, and that due to the legislation change, is now under review. However, the final outcome of the Policy review will depend on the results of the community consultation process, and Council’s decision in relation to whether or not to make an application to the Minister to be a GM Free area.

It is noted that Council in developing its GM Crop Policy back in 2012 undertook a similar engagement process as summarised above. The results of this engagement process at the time demonstrated that the cultivation of GM crops within the Adelaide Hills Council lacked broad support, largely based on environmental and social concerns.

Targeting Key Stakeholders

While any community member or business owner in the Council area has the right to share their views, an application to the Minister will be strongest if it is based on sound evidence from the key stakeholders who can demonstrate the impact GM crops could have on their trade, marketing and economic viability. Actual data to demonstrate this will be vital to putting forward such an argument.

Key stakeholders are defined as those in primary production, food processing and manufacturing. In our Council area, the horticultural, viticultural, dairy, livestock and cut flower industries contribute the most to agricultural output according to the 2015/16 ABS data. As such it will be critical to target these producers (as well as all other producers) and any associated representative industry bodies.

The secondary group of stakeholders will be groups which could be indirectly affected by GM crop cultivation, such as representatives of retail outlets which sell crops/perishables, as well as business and tourism associations.

The third group will include all other groups that may have an interest in the issue, but are unlikely to be directly affected economically by GM crops.

The draft stakeholder list included in the engagement plan is not an exhaustive list at this stage and may be added to prior to and after commencement of the engagement, and provides further detail on which individuals and groups will be contacted and how.

Data Gathering and Analysis

As there are a broad range of views on GM technology, this engagement could generate a lot of conversation and concern in the community. It is likely that Council will receive feedback on perceived health, ethical and other concerns, which won't be relevant to the core matters of trade and marketing.

To help make sure Council receives the clearest evidence, feedback will be sought via a survey that can be filtered according to the stakeholder groups specified above. The data collected can then be segregated by stakeholder group and then be analysed and reported on accordingly.

Default Position

It is noted that the default position for our Council area if no application is made to the Minister will be that GM crops are permitted in our region, based on the state government's legislation change. This position can only be reversed through a designation by the Minister at Council's request.

The Administration is therefore recommending that Council resolve to consult with the community and stakeholders as per the *Community Engagement Plan* (refer to **Appendix 1**) as submitted with or without further amendment/comment and to instruct the Administration to undertake a review of the GM Crop Policy at the same time.

4. OPTIONS

Council has the following options:

- I. To consult with the community and stakeholders as per the Community Engagement Plan as submitted with or without further amendment/comment and to instruct the Administration to undertake a review of the GM Crop Policy at the same time (Recommended)
- II. To not consult with the community and stakeholders and therefore not approve the *Community Engagement Plan* and therefore not consider making an application to the Minister prior to 30 September 2020 deadline, and provide further direction to Administration in this regard (Not Recommended)

5. APPENDICES

- (1) Genetically Modified Crops – Community Engagement Plan
- (2) Genetically Modified Crops Policy
- (3) Correspondence from Primary Industries and Regions SA

Appendix 1

*Genetically Modified Crops –
Community Engagement Plan*

Genetically Modified Crops Legislation Change Community Engagement Plan

An outline of community and industry stakeholder engagement to determine whether or not the Adelaide Hills Council will make an application to the Minister for Primary Industries and Regional Development to remain GM crop free



Figure 1: Canola grown near Callington SA (2012)

Background Project Information

On 15 May 2020 the state government passed legislation that lifted the Moratorium (ban) on growing genetically modified (GM) crops in South Australia, which had been in place since 2003. This was via an amendment to the Genetically Modified Crops Management Act 2004 (the Act) and has made it legal to grow GM crops in South Australia.

GM crops have been planted on a broad-hectare scale in Australia since 1996, under federal government controls. However until 15 May 2020, our state government has not allowed GM crops to be cultivated in South Australia.

The Amendment Bill under Section 5A affords Councils a once-off opportunity to apply to the Minister for Primary Industries (the Minister) asking him to designate their Council a GM crop free area.

This application must be made with enough time for the Minister to consider the evidence, consult with the GM Crop Advisory Committee (a committee established under the Act) and seek any other advice or information before making his decision.

Councils must consult with its community, including persons engaged in primary production activities and food processing or manufacturing activities in the area of the council before applying to the Minister for designation.

Based on a letter from Michelle Edge, Chief Executive, Primary Industries and Regions SA to our CEO on 3 June 2020 the Minister will have a strong focus on the GM implications for trade and marketing when considering any application from a council seeking to be designated a GM crop free area. This is due other matters (i.e. possible impacts on human health or the environment) associated with GM technology are the responsibility of federal government.

Other background information

Council proactively adopted a Genetically Modified Crops Policy in 2012. This Policy stipulates that Council does not support the growing of GM Crops in the Adelaide Hills. Before adoption the Administration undertook community engagement to guide the development of the Policy. The Policy acknowledges that a review will be necessary pending any legislation changes. It is considered that the Policy review if undertaken will be contingent on the results of the community engagement process and any decision of the Council to apply to the Minister to be a non GM area.

Engagement purpose

We will seek community input to decide if we will ask the Minister to designate the Adelaide Hills Council Area as a GM crop free area. We will focus on reaching those most directly affected by GM cropping – primary producers and food processors and manufacturing.

It is important to understand the default position is that GM crops are permitted in our region, based on the state government's legislation change that has already taken place.

We are open to all feedback received during this engagement. However, if we do make an application to the Minister, the trade and marketing factors are what he will focus on when making his decision.

For this reason, while we will invite feedback from anyone with an interest, we will have a particular focus on submissions provided by stakeholders most directly affected by trade and marketing factors.

This will help Council develop a clear position on what the evidence says about how GM crops could affect local livelihoods and important agricultural industries in our Council.

Engagement objectives

Collate and analyse community feedback to enable Council to make an informed decision about whether or not to apply to the Minister for Primary Industries, asking him to consider designating the Adelaide Hills Council a GM crop free area.

We will do this by:

- communicating the state government's legislation change to our communities, and focusing on the facts
- helping our communities understand the scope of influence council and our businesses and residents have in this matter, and that trade and marketing factors will be the focus of the Minister if Council decides to make an application.
- articulating Council's current position on GM crops and the fact that this is under review
- seeking to understand the trade and marketing implication (positive, nuanced or negative) of GM crops on key stakeholders
- separating the input from our communities into key, secondary, and other stakeholder groups to help us better understand the feedback.

Engagement parameters

This is a Council wide engagement.

Time lines

Date	Activity
June - Early July	Planning and preparation
Late July - August	Engagement delivery (4 weeks)
Late August – Early September	Feedback analysis and reporting
Late September	Provide a recommendation report to Council
TBC	Communicate Council's position to the community

Likely risks and proposed mitigation

Risk	Low	Medium	High	Explanation
Degree of Complexity				The lack of general understanding of GM crops, complex legislation, and the unclear roles of the three levels of government makes this a complex project.

	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	We are engaging on a state government matter, which can be confusing. In addition, the Minister will likely consider applications based on trade and marketing factors.
Trust and transparency	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p>Much of the community will not understand that the Minister will only consider trade and marketing factors and impacts and this will likely yield a lot of additional feedback from the community around ethics and sustainability matters. Council will need to decide how these comments form part of the recommendation to the Minister even if they do not address trade and marketing factors.</p> <p>Not summarising community feedback based on non-trade and marketing factors could risk impact on trust and transparency.</p>
Degree of potential community impact of project	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p>While the impact to the general community will be low, they may perceive it will have a high impact on them.</p> <p>The greatest impact will be to primary producers, but the actual level of the impact is unclear, and the subject of debate.</p>
Degree of political sensitivity	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<p>This matter is highly contentious, and likely to polarise our communities. There may be an expectation from our communities that Council takes a strong stance on this matter.</p> <p>It will be a challenge to analyse and weigh up the engagement responses, and there may not be a clear indication one way or the other from the different stakeholders.</p>
Existing Council Policy	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p>Council has an existing Genetically Modified Crop Policy which was first adopted in 2012. This Policy stipulates that Council does not support the growing of GM Crops in the Adelaide Hills.</p> <p>If Council is perceived by the community to “go back on” the policy which was consulted on before adoption, then this could pose a reputational risk and impact trust. The Policy acknowledges that a review will be necessary pending any legislation changes. It is considered that the Policy review will run concurrently with the process outlined under Section 5A of the Act</p>

Proposed Engagement Approach

Aligning with engagement other councils are undertaking in this regard, we propose the approach for seeking feedback is direct emails to key stakeholders (industry, primary producers etc.). Alongside this will be an online ‘Your Say’ page to capture feedback from the wider community, hosting project background and relevant documents.

All promotion will encourage feedback via a survey on a dedicated Your Say page. The survey will seek to understand both perceptions and preferences toward GM crops in relation to marketing and trade matters, and any evidence respondents can provide about the economic impact (positive, nuanced or negative) of GM crops in the Adelaide Hills Council. There will also be an opportunity to provide general feedback about GM matters.

All feedback will be captured in an engagement report which will outline what we heard and from who as well as a snapshot of the engagement undertaken. This report will be a community accessible document.

Proposed communications and promotion

- Advert in the local paper inviting feedback (Courier and The Weekender Herald)
- Email to key stakeholders (via Campaign Monitor) so we can keep track of ‘opens’ and ‘clicks’
- Email to all known agricultural businesses in the Adelaide Hills (via Melissa Bright)
- Website banner and news item
- E-newsletter article (early August)
- Courier Column
- Social media posts
- Feedback forms in libraries and community centres

- District signage in our business and primary production areas
- Phone call to key stakeholder industry groups and offer to attend their next meeting

Feedback tools

Feedback will be able to be provided in a number of ways (the preferred being the online survey).

- Online survey on Your Say page + Q&A tool so questions can be asked
- Email engage@ahc.sa.gov.au
- Phone: 8408 0503
- Post: GM Consultation, c/o Adelaide Hills Council, PO Box 44 Woodside SA 5244

Key messages

Engagement focused

- We need your help to guide an important decision about the GM crop status of our Adelaide Hills Council area.
- Councils have a short, once-off opportunity to make an application to the Minister for Primary Industries and Regional Development to designate their area as a GM crop free area.
- Councils can choose whether to make an application. If they do, they must consult with their community first, in particular primary producers and food manufacturers.
- We have chosen to engage with our community to help decide whether or not to apply to be a GM crop free area.
- We want to understand if primary producers and food manufacturers believe their ability to market and export their products will be affected by our area's GM status. This is because the Minister will only consider evidence related to the trade and marketing impacts of GM crops when he decides whether to designate an area as GM crop free.
- Please tell us your thoughts and experience via a short survey on our Your Say page: www.engage.ahc.sa.gov.au
- The evidence we receive from this engagement will help our elected members make on an informed decision about whether to make an application, so the more evidence we can get, the better.
- Please note that if you have feedback that does not relate to trade and marketing aspects, you are welcome to share it, however it is unlikely to be relevant to an application to the Minister.
- If you would like more information, the Your Say page has frequently asked questions and links to relevant pages on the PIRSA website. You can also post a question on the Your Say page.
- We look forward to hearing from you, and please feel free to share this opportunity with your friends and family.
- Even if you are not involved in primary production/food processing/manufacturing, you can still provide input.

GM Crops in Australia

- As you may know, the state government has recently lifted the moratorium on growing Genetically Modified crops in South Australia.
- Genetically Modified Crops are approved for commercial use at the federal level by the [Office of the Gene and Technical Regulator](#). Currently cotton, canola and safflower are the only three GM crops available for commercial cultivation in Australia.

State Governments have jurisdiction to determine whether GM Crops should be available for commercial cultivation within their state boundaries. In this regard all mainland States and Territories except the ACT have removed previous GM crop Moratoriums (except for Queensland which never had one). Tasmania recently extended their GM Moratorium until at least 2029.

Council's Position

- Recognising the potential impact on the regions clean and green image Council proactively adopted a Genetically Modified Crop Policy in 2012. This Policy stipulates that Council does not support the growing of GM Crops in the Adelaide Hills.

- Notwithstanding, one of the principles of the Policy was to enable its review should the State legislation change or new information be made available.

Consultation questions

- In general we want to know: How will GM crops affect trade and marketing for your business?
- Will the impact be positive or negative?
- Should the AHC remain GM crop free?
- If yes, please provide economic or trade justifications/examples for why AHC should remain GM crop Free?
- If no, please provide any supporting comments

Stakeholders

Council (Mayor and elected members/ward councillors)

Mayor Wisdom

Elected members

Staff

CEO

Directors

Manager Economic Development

Manager Communications, Engagement & Events

Parks and Natural Resources team

Communications and Engagement team

Strategic Planning and Policy team

Biodiversity team

Council Committees

Rural Land Management Advisory Group

Biodiversity Advisory Group

Government agencies/MPs

Minister for Primary Industries

Local MPs

Community

Key stakeholders

- Primary producers (farmers, horticulturists, vigneron, winemakers etc)
- Organisations representing primary producers, such as:
 - Apple and Pear Growers Association of SA
 - Grain Producers SA
 - South Australian Dairyfarmers' Association Inc.
 - Regional Development Australia – Adelaide Hills, Fleurieu and Kangaroo Island Inc
 - National Association for Sustainable Agriculture, Australia Ltd (Stirling)
- Businesses processing, manufacturing and/or exporting crops/food/wine/perishables in the Council area

Secondary stakeholders

- Retail businesses selling products made from crops/perishables
- Business and Tourism Associations:
 - Adelaide Hills Tourism

- Adelaide Hills Wine Region
- Stirling Business Association
- Woodside Commerce Association
- Markets and regional events
 - Stirling Market
 - Uraidla Sustainability Fair

Other stakeholders that may have an interest but are not a party to the state's requirements

- Other businesses not covered above
- Special interest groups, such as biodiversity and conservation groups
- Residents associations
- General public, including residents.

Summary

The complexity and political sensitivity of this matter indicates active participation is required. However, as our communities and Council have a limited level of influence, a consult method is more appropriate for this project.

Related and or/neighbouring Projects

Discussions with surrounding councils have confirmed that the following councils will be undertaking community engagement to assist in forming a position:

- City of Onkaparinga
- District Council of Mount Barker
- Alexandrina Council
- The Barossa Council
- City of Playford

Feedback capture

All feedback provided to the project will be captured by the project team and considered in next steps. A community engagement report will be developed and shared with those who provided feedback and made available on the engagement website.

Collate all feedback and present information to elected members in the following categories:

General

- Demonstrate the perceived trade and marketing implications for the Adelaide Hills Council

Key stakeholders

Break down by industry type to show:

- Whether key stakeholders prefer GM crops in our region/prefer our region to be GM-free, and why
- The perceived financial implications (positive/negative) for key stakeholders

Secondary and other stakeholders

Break down by stakeholder type (e.g. business/community group/association/individual resident etc.) to show:

Whether stakeholders prefer GM crops in our region/prefer our region to be GM crop free and why (with a focus on any feedback relating to the trade and marketing implications).

Other feedback not directly related to trade and marketing

Frequently asked questions

1. Does Council have a Policy on GM Crops?

Yes - Council adopted a GM Crop Policy in 2012. You can view the Policy [here](#). In summary it stipulates that Council does not support the growing of GM Crops in the Adelaide Hills. The Policy also outlined that should any legislative change be enacted, then the Policy will be reviewed. This review is running concurrently with this engagement process.

2. What influence does the community have on this outcome?

Targeted community input will inform a Council decision on whether or not to apply to the Minister for Primary Industries and Regional Development to designate the Adelaide Hills Council as a GM crop free area.

3. Will there be another opportunity to apply for GM crop free Status?

No - the window to apply to the Minister for GM crop free status closes on 30 September 2020 and this is the only opportunity that councils will be given to seek such a designation.

4. Can a GM crop free designation be revoked?

Yes – the legislation allows for a council who has obtained GM crop free status to request the Minister to revoke this designation at a later date.

5. What GM crops are currently available for commercial cultivation in Australia?

GM Canola, Cotton and safflower are the only three varieties of GM Crops currently available for commercial cultivation in Australia.

6. How much commercial Canola or Cotton is grown in the Adelaide Hills Council?

In 2015/16, the total value of agricultural output in the Adelaide Hills Council was \$145m. Cotton and canola contributed 0% to this as these crops are not grown in the Council area.

7. What is the next step?

Council will review all feedback received from stakeholders and the community. The feedback will be collated into a report and will influence the recommendations put to Council on this matter. If the sentiment is in favour of remaining GM crop free, and there is sufficient economic and trade justification to support that sentiment, then the Council may apply to the Minister for Primary Industries and Regional Development to request that the Council be designated as a GM crop free area.

8. How can I have my say?

You can:

- Complete the online survey form (www.engage.ahc.sa.gov.au)
- Email your feedback to engage@ahc.sa.gov.au
- Call our project team on 8400 0503
- Send a letter or hard copy feedback form to GM Consultation, c/o Adelaide Hills Council, PO Box 44 Woodside SA

Engagement Action Plan

Phase	Method	Stakeholders	Techniques	Who's Responsible	Desired outcome	Timeline
Early internal engagement	Inform/Consult	Key staff (as listed in stakeholder list)	Email/phone calls/meetings		<p>Key staff are aware of the legislation change, and its implications for our region, and our scope of influence</p> <p>Key staff are clear on the purpose and scope of community engagement</p> <p>Key staff are aware of the proposed process and next steps</p> <p>Any stakeholders not listed in the draft community engagement plan are identified and the plan is updated accordingly</p>	June/July 2020
Early internal engagement and pre-engagement approval	Consult	Elected members	Council report		<p>Elected members are aware of the legislation change, and its implications for our region, and our scope of influence</p> <p>Elected members are clear on the purpose and scope of community engagement</p> <p>Elected members are aware of the proposed process and next steps</p> <p>Elected members are clear on their role in the process</p> <p>Any stakeholders not listed in the draft community engagement plan are identified and the plan is updated accordingly</p> <p>The community engagement plan is approved by Council so that engagement can commence a.s.a.p.</p>	28 July 2020
Community engagement	Inform/Consult	<p>Community:</p> <ul style="list-style-type: none"> • Key stakeholders • Secondary stakeholders • Other stakeholders 	<p>All stakeholders:</p> <ul style="list-style-type: none"> • Your Say page with links to key information • Social media posts <p>Key stakeholders:</p> <ul style="list-style-type: none"> • Email/letter • Industry meetings (separate meetings with grape growers, farmers, 	Team Leader Engagement & Grants	<p>Ensure stakeholders are aware of the engagement opportunity</p> <p>Educate the community on:</p> <ul style="list-style-type: none"> • GM legislation • The roles of the three levels of government • The implications for our region • Council and the communities' scope of influence 	29 July 2020 to 26 August 2020

			<p>apple and pear growers and other groups as required)</p> <ul style="list-style-type: none"> District signage in our business and primary production areas <p>Secondary stakeholders</p> <ul style="list-style-type: none"> Email/letter 		<ul style="list-style-type: none"> The process and timeline for this project <p>Seek input – focussing on trade and marketing factors – on whether or not Council should apply to the Minister for Primary Industries asking the Minister to consider designating the Adelaide Hills Council as a non-GM crop area.</p>	
Providing survey results and analysis to Council	Inform/Consult	Elected members	Elected member workshop		<p>Elected members understand the GM crop implications for our region</p> <p>Elected members are clear on whether the evidence from our communities’ indicates if our region should be a GM crop free area.</p> <p>Elected members have a good understanding of the different types of stakeholders, and their preferences</p>	Early September 2020
			Council report		<p>Elected members have enough information to make an informed decision about whether or not to apply to the Minister for Primary Industries asking the Minister to consider designating the Adelaide Hills Council area a GM crop free area.</p>	22 September 2020
Writing to the Minister (optional, and to be determined by Council)	Inform	Minister for Primary Industries	Letter from Council, signed by Mayor Wisdom		Minister is aware of our communities’ preference regarding GM crops in our region, and makes his decision based on our application	30 September 2020
Update stakeholders with the outcome of the engagement (aka ‘closing the feedback loop’)	Inform	All stakeholders that participated in the engagement	Updated Your Say page		<p>All stakeholders are aware of the outcome of the engagement, including:</p> <ul style="list-style-type: none"> What we heard from our communities What information was presented to Council to inform their decision What Council decided re applying to the Minister for GM crop free designation 	30 September 2020
Update stakeholders with the Minister’s decision (if applicable – will not be required if Council decided not to write to the Minister)			Email to internal staff involved			
			Email/letter to any community member or group that participated			

Appendix 2

Genetically Modified Crops Policy

Council Policy

Genetically Modified Crops



COUNCIL POLICY

 <p>Adelaide Hills COUNCIL</p>	GENETICALLY MODIFIED CROPS
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Policy Number:	ENV-01
Responsible Department(s):	Development & Regulatory Services
Relevant Delegations:	None
Other Relevant Policies:	None
Relevant Procedure(s):	None
Relevant Legislation	<i>Genetically Modified Crops Management Act 2004</i>
Policies and Procedures Superseded by this policy on its Adoption:	25 September 2012, Item 10.3, 242 9 December 2014, Item 14.5, 271
Adoption Authority:	Council
Date of Adoption:	18 December 2018 (Item 12.8)
Minute Reference for Adoption:	333/18
Effective From:	7 January 2019
Next Review:	No later than December 2022 or earlier if there are changes in State or Federal Government policies or legislation in this regard, or if there is a compelling scientific justification for a further review

GENETICALLY MODIFIED CROPS

1. INTRODUCTION

This policy has been prepared to state Council's position with regard to the growing of genetically modified (GM) crops within the Adelaide Hills Council area, and to the protection of existing agricultural activities and enterprises from the potential negative impacts and lost opportunities as a result of GM agriculture. The Policy also outlines the general principles that will be applied in an instance where a change to the Council's adopted policy position in this instance is being contemplated.

Council is seeking changes to its Development Plan as part of the transition to the State's Planning & Design Code. The intent of these changes is to increase the level of sustainable agriculture in the Adelaide Hills. These changes are linked to the Council wide planning policy initiatives to protect primary production land for this purpose, and other associated strategies as outlined in its Strategic Management Plan.

Council considers that genetically modified crops have the potential (until proven otherwise) for irreversible and unforeseen serious environmental and economic impacts. Given the possibility of the introduction of genetically modified crops into the Council Region, there is a need to state Council's precautionary position on this issue.

At this point in time, Council does not consider that the agricultural industry would be adversely affected by any restrictions on the cultivation of GM crops within the Adelaide Hills Region.

2. BACKGROUND

2.1 What are Genetically Modified Crops¹:

Genetically modified foods (crops & animals) derive from genetically modified organisms which have had specific changes introduced into their DNA through genetic engineering techniques. Genetically engineered plants are generated in a laboratory by altering their genetic makeup, usually by adding one or more genes of a plant's genome using genetic engineering techniques.

While it is theoretically possible to genetically modify all types of plants, in practice there are technical problems with inserting DNA into some plants, and some plants do not regenerate well under laboratory conditions. There are currently GM varieties of 13 different plants available worldwide which are commercially grown and used in the production of food and animal feeds. These include Canola, Corn, Papaya, Soybean, Tomato, Chicory, Flax/Linseed, Potato, Squash, Cotton, Melon (Cantaloupe), Rice, and Sugarbeet.

Currently only 6 of the above 13 plants have GM varieties approved for use in food for human consumption in Australia by Food Standards Australia New Zealand (refer to www.foodstandards.gov.au). Cotton, Canola and carnations are grown commercially in Australia.

¹ Sourced from various Wikipedia articles and **Introduction: GM Organisms**, John Pickrell, *New Scientist* 11:05 4/9/2006.

2.2 The Controversy

Genetic modification is promoted as a means to enhance food supply, by providing crops or animals with improved resistance to diseases, pests, herbicides, or drought, longer shelf life, better nutrition, flavour, colour, or texture, and higher yields.

Critics objections are based on “Frankenfood fears” due to *inadequate scientific understanding* of likely long-term physiological and health impacts on humans, and on surrounding crops, ecologies and related human and other food chains. The spread of GM crop genes into adjoining non-GM farms is also a major concern. A recent study² has indicated that claims of increased yields were not supported during a 13 year study showing that “increased yields” are “*reductions in crop losses*”. There are also concerns about economic impacts due to these products being subject to *intellectual property law*. This may be a major problem in poor countries where genetic modification has the potential to ensure seeds for future crops are sterile unless “unlocked” with expensive chemical keys. This technology has not been commercially deployed to date, however it is not actually required by the vendors as their clients are legally obliged to buy new seed at the beginning of every season by their purchase contracts from most (GM and non-GM) seed suppliers.

2.3 Plant Development Terms

Cisgenic – an organism where genetic material from the same species or a species that can naturally breed with the host is used.^[5]

Cloning and **stem cell research**, although not considered genetic engineering,^[2] are closely related and genetic engineering can be used within them.^[3]

Genetic engineering alters the genetic makeup of an organism using techniques that introduce heritable material prepared outside the organism either directly into the host or into a cell that is then fused or hybridized with the host.^[1] This involves using recombinant nucleic acid (DNA or RNA) techniques to form new combinations of heritable genetic material followed by the incorporation of that material either indirectly through a vector system or directly through micro-injection, macro-injection and micro-encapsulation techniques.

Genetic engineering does not include traditional animal and plant breeding, in vitro fertilisation, induction of polyploidy, mutagenesis and cell fusion techniques that do not use recombinant nucleic acids or a genetically modified organism in the process.^[1]

Mutagenesis is a process by which the genetic information of an organism is changed in a stable manner, resulting in a mutation. It may occur spontaneously in nature, or as a result of exposure to mutagens. It can also be achieved experimentally using laboratory procedures. In nature mutagenesis can lead to cancer and various heritable diseases, but it is also the driving force of evolution

Synthetic biology is an emerging discipline that takes genetic engineering a step further by introducing artificially synthesized genetic material from raw materials into an organism.^[4]

Transgenic – an organism where genetic material from another species is added to the host.

² **Failure to Yield: Evaluating the performance of genetically engineered crops**, Doug Gurian-Sherman, *Union of Concerned Scientists*, 2009 A response to this and similar research from Monsanto is at <http://www.monsanto.com/newsviews/pages/do-gm-crops-increase-yield.aspx> - and response to Monsanto by Dvinder Sharma is at <http://www.countercurrents.org/sharma210309.htm>.

Genetic engineering can also be used to remove genetic material from the target organism, creating a **gene knockout organism**.^[6]

In Europe genetic modification is synonymous with genetic engineering while within the United States of America it can also refer to conventional breeding methods.^[7]

Within the scientific community, the term *genetic engineering* is not commonly used; more specific terms such as *transgenic* are preferred.

Genetic modification techniques are much more precise than *mutagenesis* (mutation breeding), where an organism is exposed to radiation or chemicals to create a non-specific but stable change.

Other techniques by which humans modify food organisms include selective breeding; plant breeding, and animal breeding, and somaclonal variation (under sterile conditions on a nutrient culture medium of known composition).

Notes for section 2.3

1. The European Parliament and the council of the European Union (12 March 2001). *Directive on the release of genetically modified organisms (GMOs) Directive 2001/18/EC ANNEX I A*. Official Journal of the European Communities. p. page 17. <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2001:106:0001:0038:EN:PDF>
 2. Van Eenennaam, Alison. "[Is Livestock Cloning Another Form of Genetic Engineering?](http://agribiotech.info/details/Alison%20-%20cloning%20March%208%20-%2003.pdf)". agribiotech. <http://agribiotech.info/details/Alison%20-%20cloning%20March%208%20-%2003.pdf>.
 3. David M. Suter, Michel Dubois-Dauphin, Karl-Heinz Krause (2006). "[Genetic engineering of embryonic stem cells](http://www.smw.ch/docs/pdf200x/2006/27/smw-11406.PDF)". *Swiss Med Wkly* **136** (27–28): 413–415. PMID 16897894. <http://www.smw.ch/docs/pdf200x/2006/27/smw-11406.PDF>.
 4. Ernesto Andrianantoandro, Subhayu Basu, David K Kariga & Ron Weiss (16 May 2006). "[Synthetic biology: new engineering rules for an emerging discipline](http://www.nature.com/msb/journal/v2/n1/full/msb4100073.html)". *Molecular Systems Biology* **2** (2006.0028): 2006.0028. doi:10.1038/msb4100073. PMC 1681505. PMID 16738572. <http://www.nature.com/msb/journal/v2/n1/full/msb4100073.html>.
 5. Jacobsen, E.; Schouten, H. J. (2008). "Cisgenesis, a New Tool for Traditional Plant Breeding, Should be Exempted from the Regulation on Genetically Modified Organisms in a Step by Step Approach". *Potato Research* **51**: 75–88. doi:10.1007/s11540-008-9097-y. [edit](#)
 6. Capecchi, M. R. (2001). "Generating mice with targeted mutations". *Nature Medicine* **7** (10): 1086–1090. doi:10.1038/nm1001-1086. PMID 11590420. [edit](#)
 7. James H. Maryanski (19 October 1999). "[Genetically Engineered Foods](http://www.fda.gov/NewsEvents/Testimony/ucm115032.htm)". Center for Food Safety and Applied Nutrition at the [Food and Drug Administration](http://www.fda.gov/NewsEvents/Testimony/ucm115032.htm). <http://www.fda.gov/NewsEvents/Testimony/ucm115032.htm>.
-

2.4 History

A hybrid cereal was first created in 1875, by crossing wheat and rye. The first field trials of genetically engineered plants occurred in France and the USA in 1986, when tobacco plants were engineered to be resistant to herbicides. The People's Republic of China was the first country to allow commercialized transgenic plants, introducing a virus-resistant tobacco in 1992. Developing countries grew 48% of genetically engineered crops in 2010.

GM foods were first put on the market in 1996. Typically, genetically modified foods are transgenic plant products, i.e. soybean, corn, canola, rice, and cotton seed oil. Animal products have also been developed, although as of July 2010 none are currently on the market. In 2006 a pig was controversially engineered to produce omega-3 fatty acids through the expression of a roundworm gene. Researchers have also developed a genetically-modified breed of pigs that are able to absorb plant phosphorus more efficiently, and as a consequence the phosphorus content of their manure is reduced by as much as 60%.

GM tomatoes, as puree, first appeared on British supermarket shelves in 1996. However, a consumer reaction to GM technology did not occur until February 1999, after a controversial study suggested that a few strains of GM potatoes might be toxic to laboratory rats. A European anti-GM food campaign of near religious fervour followed. Spearheaded in the UK by environmental groups and some newspapers, the campaign had far-reaching consequences, culminating in an unofficial moratorium on the growth and import of GM crops in Europe and a trade dispute with the US.

GM crops are today very rare in Europe. Strict labelling laws and regulations are in place for food (DNA bar codes), and public opinion towards the technology remains largely negative. Several UK government reports have offered qualified support for GM crops and produce, though they argue that the economic benefits of the technology are currently small. Some African nations have also opposed engineered crops, even to the point of rejecting international food aid containing them.

GM produce has been taken up with much less concern in the US (where it doesn't have to be label[ed]), India, China, Canada, Argentina, Australia and elsewhere. In the USA, controversy over a type of GM corn - only approved for animal feed - which turned up in taco shells and other products, has stirred opinion.

2.5 Genetically Modified Crops In South Australia (SA)

The *Genetically Modified Crops Management Act 2004* (hereafter referred to as the Act) is in place to control the cultivation of genetically modified crops in South Australia.

Section 5 of the Act enables, by regulation:

- the designation of areas in which genetically modified food crops of a specified class must not be cultivated
- the designation of areas in which no genetically modified food crops may be cultivated
- the designation of an area as an area in which a genetically modified food crop must not be cultivated unless it is a genetically modified food crop of a specified class
- the designation an area as the only part of the State in which genetically modified food crops of a specified class may be cultivated.

The *Genetically Modified Crops Management (Designation of Areas) Regulations 2008*, made under the Act, designate the whole of the state of South Australia as an area in which no genetically modified food crops may be cultivated. However, the Act enables the Minister to issue Exemption Notices for the limited scale cultivation of GM food crops, including experimental crops in areas where the cultivation of GM crops is otherwise prohibited under section 4 or 5 of the Act. Exemption Notices will have conditions attached for the thorough containment of the cultivated GM crop to ensure that local production and supply chains are unaffected.

2.6 GM Crop Trial Sites in SA³

There are currently no GM crops grown commercially in SA. However, there are field trials of GM canola being undertaken where licences are generally issued on an annual basis. There are currently 8 trial sites where GM crops are being grown in South Australia under exemption notices issued under section 6[2][a][ii] of the Act for canola (*Brassica napus*). Trials for GM canola varieties, cotton seed, Indian mustard, oilseed, wheat and barley were recently licensed by the Regulator to proceed over a 3 year period. The University of Adelaide are doing trials at their Waite Campus at Urrbrae and also at Glenthorne (O'Halloran Hill). However, there are no trials or other GM sites within the Adelaide Hills Council area. Field trials occur under strict licence conditions, set and monitored by the Gene Technology Regulator.

3. DEFINITIONS

crop *n* **1.** The cultivated produce of the ground, such as grain or fruit, while growing or gathered.

2. The yield of such produce for a particular season. **3.** The yield of some other product in a season: *the lamb crop*. **4.** A supply produced. ... *v.i.* **23.** To bear or yield a crop or crops. (Source: *Macquarie Dictionary 2009*)

environment includes:

- (a) ecosystems and their constituent parts; and
- (b) natural and physical resources; and
- (c) the qualities and characteristics of locations, places and areas. (Source: *Gene Technology Act 2000* (amended 2011)).

gene technology means any technique for the modification of genes or other genetic material, but does not include:

- (a) sexual reproduction; or
- (b) homologous recombination; or
- (c) any other technique specified in the regulations for the purposes of this paragraph. (Source: *Gene Technology Act 2000* (amended 2011)).

genetically modified crop (also referred to as genetically engineered [GE] crops or genetically modified organisms [GMO]) is a crop cultivar or variety that has been modified by a process of artificially inserting specific genes from a source organism into the gene sequence of another, with the purpose of producing specific traits in the resulting crop.

³ Source: Primary Industries & Regions South Australia (PIRSA) Website

genetically modified organism means:

- (a) an organism that has been modified by gene technology; or
- (b) an organism that has inherited particular traits from an organism (the initial organism), being traits that occurred in the initial organism because of gene technology; or
- (c) anything declared by the regulations to be a genetically modified organism, or that belongs to a class of things declared by the regulations to be genetically modified organisms;

but does not include:

- (d) a human being, if the human being is covered by paragraph (a) only because the human being has undergone somatic cell gene therapy; or
- (e) an organism declared by the regulations not to be a genetically modified organism, or that belongs to a class of organisms declared by the regulations not to be genetically modified organisms. (Source: *Gene Technology Act 2000* (amended 2011).

GMO means a genetically modified organism. (Source: *Gene Technology Act 2000* (amended 2011).

GM product means a thing (other than a GMO) derived or produced from a GMO. (Source: *Gene Technology Act 2000* (amended 2011).

Sustainable agriculture (1) is agriculture that contributes positively to the lives of rural people and their communities, to the region's productivity and economy, and which also protects the biological and physical resource base on which it depends. Sustainable agriculture is focused on ensuring the long-term viability of agricultural land for the purpose of agriculture and therefore integrates consideration of economic, social and environmental aspects to achieve balance, rather than emphasising the importance of one over the others.

Sustainable agriculture (2) n. farming systems which meet the needs of society now and into the future by maintaining or improving profitable food and fibre production while conserving natural resources. (Source: *Macquarie Dictionary 2009*)

Sustainable agriculture (3) is an integrated system of plant and animal production practices having a site-specific application that will last over the long term:

- satisfy human food and fiber needs
- enhance environmental quality and the natural resource base upon which the agricultural economy depends
- make the most efficient use of [non-renewable resources](#) and on-farm resources and integrate, where appropriate, natural biological cycles and controls
- sustain the economic viability of farm operations
- enhance the quality of life for farmers and society as a whole."

(Source: Gold, M. (July 2009). [What is Sustainable Agriculture?](#). United States Department of Agriculture, Alternative Farming Systems Information Center.

4. OBJECTIVES

- 4.1 To increase the level of sustainable agriculture within the Adelaide Hills Council area for current and future generations.
- 4.2 To state Council's position with regard to the growing of genetically modified crops within the Adelaide Hills Council area.
- 4.3 To protect existing agricultural activities and enterprises from potential negative impacts and lost opportunities as a result of GM agriculture.
- 4.4 To link agricultural activity more closely with the protection of biological diversity and the maintenance of essential ecological processes and life-support systems upon which agriculture and all other activities depend.

5. POLICY STATEMENT

- 5.1 Adelaide Hills Council **does not** support the growing of genetically modified crops within its District.
- 5.2 Council will work cooperatively with neighbouring councils to ensure that proposals or applications for approval to trial or to produce genetically modified crops within those areas are also referred to the Adelaide Hills Council for consultation before approval is obtained.

6. REVIEW OF THE POLICY

The following general principles will be applied in an instance where a change to the above stated Policy of the Adelaide Hills Council is being contemplated:

- 6.1 The area of Genetically Modified Crops/Organisms is very 'fluid' and can change very rapidly. It is noted that flexibility to review and change policy is required to enable individuals, the agricultural industry, the community and/or government to adapt to and adopt change where appropriate.
- 6.2 Public Consultation is paramount in this instance. Any changes to this Policy shall provide an opportunity for public input and debate/discussions before any changes are made.
- 6.3 Council is aware of the need for agricultural industry to remain internationally competitive and as a result Council considers that there should be flexibility to review this policy position in order for the industry to react to specific market forces and requirements. For example, if the South Australian Apple and Pear industry were to suffer the effects of the Fire Blight disease, the industry would be seeking immediate access to any products including rootstocks and varieties that were resistant to the disease and that would assist the industry in returning to a viable situation in the shortest possible time. It is noted that the industry wishes to ensure a flexible approach to deal with this type of scenario.
- 6.4 If any legislative changes are proposed, then Council considers that the widest possible public consultation be undertaken by the State Government. Council would seek to have the opportunity to consider all issues and then comment on those that are appropriate. Where a legislative change by the State Government relating to GM crops impacts on the Council's policy position, then the Policy shall be reviewed as expeditiously as possible.

Appendix 3

Correspondence from Primary Industries and Regions



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**OFFICE OF THE CHIEF
EXECUTIVE**

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Mr Andrew Aitken
Chief Executive Officer
Adelaide Hills Council
WOODSIDE SA 5244

mail@ahc.sa.gov.au

Dear Mr Aitken

I am writing to you regarding changes to South Australia's *Genetically Modified Crops Management Act 2004* (the Act) through the South Australian Parliament.

This Act provides the power to prohibit cultivation of genetically modified (GM) food crops and aligns with the national scheme for regulating gene technology which only allows State Governments to regulate GM food crops where there are risks to markets and trade. Any risks to human health or the environment are managed by the national scheme which is administered by the Commonwealth Government regulator, the Office of the Gene Technology Regulator.

For this reason, the Act is limited in its scope and any concerns relating to health or the environment cannot be used as grounds to apply to be a non-GM designated area under the Act. Please also note that a GM moratorium under the Act only applies to the cultivation of GM food crops. It does not apply to the sale of processed foods made from GM food crops such as canola oil.

Recent amendments to the Act lift the GM moratorium in all of South Australia except Kangaroo Island. There is a time limited opportunity for local councils to apply to the Minister for Primary Industries and Regional Development to be declared an area where no GM food crops may be cultivated.

The decision to lift the GM Moratorium on mainland South Australia follows extensive public consultation and recommendations from an independent review that evaluated the market and trade benefits, or lack thereof, of the GM moratorium to the South Australian economy and agricultural industries.

While local councils have the ability to apply to be a non-GM crop cultivation designated area there is no requirement for councils to make such an application.

Section 5A of the Act governs the processes relating to designating council areas. It states the Minister may make a declaration through a notice in the Government Gazette after he has consulted with the GM Crops Advisory Committee established under the Act.

Councils that wish to make an application must firstly consult with their community, including persons engaged in primary production activities and food processing or manufacturing activities.

Applications and Ministerial declarations can only occur within the first 6 months of the Act coming into operation. This period ends on Sunday 15 November 2020.

I would like to provide you with the following guidance should your council choose to apply to the Minister.

Applications should:

- be framed within the scope of the Act i.e. relate to marketing and trade only
- demonstrate the consultation requirements of the Act have been fulfilled
- include advice on all views expressed during consultation (in favour or against declaration) and any evidence provided by the community and/or industry relating to the application.

Applications can be sent to the Minister for Primary Industries and Regional Development, Hon Tim Whetstone MP, at Minister.Whetstone@sa.gov.au with a copy to PIRSA at PIRSA.GMReview@sa.gov.au. I also request that in order to provide the Minister with sufficient time to fulfil his responsibilities under section 5A of the Act, applications be submitted by 30 September 2020.

For more information on GM food crops, background on the GM moratorium and the independent review, please visit www.pir.sa.gov.au.

You are also welcome to contact Ms Elena Anear, Assistant Director Strategy and Policy, Agriculture, Food and Wine, PIRSA, by email at elena.anear2@sa.gov.au if you have any further questions.

Yours sincerely



Michelle Edge
CHIEF EXECUTIVE

3/6/2020

**ADELAIDE HILLS COUNCIL
ORDINARY COUNCIL MEETING
Tuesday 28 July 2020
AGENDA BUSINESS ITEM**

Item: 12.2

Responsible Officer: Deryn Atkinson
Manager Development Services
Development & Regulatory Services

Subject: Development Application Fee Waiver for Oakbank Golf Club Inc. – Development Application 473/626/2020

For: Decision

SUMMARY

Council's *Development Application Fee Waiver Policy* (the Policy) defines the criteria for the waiver of application fees for community not-for-profit organisations. The Administration has the delegation to waive fees where the development cost is no more than \$100,000 for these organisations. Where the development cost exceeds \$100,000 the Policy requires the waiver of fees to be approved by Council (as per clause 11 of the Policy).

The Oakbank Golf Club has lodged Development Application 473/626/20 for Alterations and Additions to the Existing Club House at 10 Smith Street Oakbank and the development cost exceeds \$100,000. The Administration seeks approval from Council to waive a portion of the application fees as described in this report.

RECOMMENDATION

Council resolves:

1. That the report be received and noted
 2. To approve the waiver of development fees up to \$356.50 for Oakbank Golf Club Inc. in relation to Development Application 473/626/2020 for a development at 10 Smith Street Oakbank
-

1. GOVERNANCE

➤ Strategic Management Plan/Functional Strategy/Council Policy Alignment

Strategic Plan 2020-24 – A brighter future

Goal 5	A Progressive Organisation
Objective O5	We are accountable, informed, and make decisions in the best interests of the whole community
Priority O5.1	Enhance governance structures and systems to prudently adapt to changing circumstances and meet our legislative obligations

➤ Legal Implications

Section 39(4) (c) of the *Development Act, 1993* allows the relevant authority to waive payment of whole or part of the application fees for the assessment of a development application.

➤ Risk Management Implications

The consideration of the development application fee waiver by Council as required by the *Development Application Fee Waiver Policy* will assist in mitigating the risk of

A poor perception of Council and its policies and procedures if these matters are not reported to Council for approval in accordance with the Policy requirements

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

The Policy is an existing control to mitigate the risk of poor governance in relation to the waiver of Development Application fees. The Policy only relates to the waiver of fees for community not-for-profit organisations. A full report is needed for each development application fee waiver where the Policy criteria require a Council decision.

➤ Financial and Resource Implications

If the waiver of fees is granted, Council will forego up to \$356.50 of total fee income for this development application.

➤ Customer Service and Community/Cultural Implications

By authorising the waiver of portion of the development application fees in relation to Development Application 473/626/2020 Council will be supporting the Oakbank Golf Club in upgrading their facility.

➤ Sustainability Implications

Not Applicable

➤ **Engagement/Consultation conducted in the development of the report**

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

External Agencies: Not Applicable

Community: No public consultation is required in this instance as Council is only considering the merits the fee waiver request in accord with Council's adopted Policy

2. BACKGROUND

The Oakbank Golf Club Inc. has lodged Development Application 473/626/2020 for alterations & additions to the existing club house at 10 Smith Street Oakbank. As a community not-for-profit organisation, the Golf Club has sought a waiver of their application fees in accordance with Development Application Fee Waiver Policy. Pursuant to the Policy the Manager Development Services has delegation to waive fees for community organisations or not for profit organisations where the development cost does not exceed \$100,000. The development cost of the proposal in Development Application 473/626/2020 is \$344,300 and therefore the Council is the relevant authority to determine if the fees should be waived.

3. ANALYSIS

The Administration is recommending that a waiver of the relevant fees in accordance with Council's Development Application Fee Waiver Policy for the Oakbank Golf Club Inc.

The following fees are ordinarily payable:

Lodgement fees	\$	142.50
Planning assessment fee	\$	430.00
Building assessment fee	\$	1,605.00
Essential Safety Provisions Fee	\$	103.00
TOTAL	\$	2,280.50

In accordance with the Policy, \$142.50 in lodgement fees and \$114.00 in planning fees and \$100.00 in building fees are recommended to be waived, totalling \$356.50. The remaining fees of \$1,924 would be payable by Oakbank Golf Club Inc. unless Council determines otherwise.

4. OPTIONS

Council has the following options:

- I. To approve the fee waiver request as outlined in this report (Recommended)
- II. To not approve the fee waiver request for the development as outlined in this report (Not Recommended)

5. APPENDIX

Nil

**ADELAIDE HILLS COUNCIL
ORDINARY COUNCIL MEETING
Tuesday 28 July 2020
AGENDA BUSINESS ITEM**

Item: 12.3

Responsible Officer: Lynne Griffiths
Community and Cultural Development Officer
Community Capacity

Subject: Arts and Heritage Collection Policy

For: Decision

SUMMARY

At the Council meeting of 24 March 2020 the Council considered a report on the role of the Arts and Heritage Collection, the associated risks, and a potential management framework including the establishment of an Arts and Heritage Collection Policy.

At that meeting Council resolved:

- That the report be received and noted.
- That Council approve the development of the draft Arts and Heritage Collection Policy for consideration at a future Council meeting.

The purpose of this report is to seek Council adoption of the draft *Arts and Heritage Collection Policy (Appendix 1)*.

RECOMMENDATION

Council resolves:

1. That the report be received and noted.
 2. With an effective date of 12 August 2020, adopt the 28 July 2020 Arts and Heritage Collection Policy as per *Appendix 1*.
 3. That the Chief Executive Officer be authorised to make any formatting, nomenclature or other minor changes to the 28 July 2020 Arts and Heritage Collection Policy prior to the effective date of adoption.
-

1. GOVERNANCE

➤ Strategic Management Plan/Council Policy

An Arts and Heritage Collection Policy will contribute to achieving the following strategic objectives as outlined in the *Strategic Plan 2020–24 - A Brighter Future*:

Goal C6 Celebrate our community's unique culture through arts, heritage and events
Priority C6.1 Develop Fabrik as a vibrant cultural hub for the Adelaide Hills fostering community connections and creativity and presenting the significant history of the Woollen Mill.

Fabrik Arts and Heritage Hub will be a key location for display and community access to elements of the Arts and Heritage Collection and will be a conduit for growing the Collection.

Priority C6.3 Recognise, encourage and support artists, writers and performers through promotion of the Arts and supporting opportunities to exhibit and perform.

The Arts and Heritage Collection offers an opportunity to celebrate and recognise local artists including emerging artists.

Priority C6.4 Foster the development of Public Art that adds value to public spaces and supports place making in our community.

The Arts and Heritage Collection includes public arts assets that contribute to place making.

➤ Legal Implications

Not Applicable.

➤ Risk Management Implications

There is currently no policy framework that determines how collection items are acquired, accessioned or deaccessioned. There are no clear parameters that determine what will be collected or that addresses Council's capacity to store, display and care for items. This exposes Council to the risk of acquiring items that are inappropriate, costly to maintain or that do not reflect community expectation.

An *Arts and Heritage Collection Policy* will assist in mitigating the risk of acquiring items that are inappropriate or that Council does not have the capacity to store, display or care for.

There is currently no policy framework to assess, accept or reject proposed donations or gifts to the collection. This exposes Council to the risk of acquiring inappropriate items or facing uncertainty regarding ownership particularly should the item be regarded for deaccession and disposal.

An *Arts and Heritage Collection Policy* will assist in mitigating the risk of:

- inappropriate acquisitions leading to unnecessary cost to Council
- ambiguity of ownership leading to damage to Council’s reputation

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

➤ **Financial and Resource Implications**

The adoption of the policy does not, in and of itself, give rise to any financial implications or commitments to purchasing art works. Costs associated with acquisition of items or restoration and maintenance of items in the Arts and Heritage Collection will be considered under normal budgeting processes.

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

Adelaide Hills Council recognises the fundamental importance of arts and heritage to local communities as demonstrated through initiatives such as public art projects and the establishment of Fabrik.

Council has an Arts and Heritage Collection in order to:

- Preserve and share local culture
- Demonstrate shared culture and community values
- Add value to resident and visitor experience
- Educate and inform
- Facilitate access to art and heritage for those who may not otherwise
- Foster community creativity and pride.

The *Arts and Heritage Collection Policy* will guide the delivery of a well-managed collection with clear processes and accountable decision making. This policy will support the development of a meaningful and accessible collection.

In relation to community donations this policy will guide consistent and robust process in assessing, accepting and managing donations.

➤ **Sustainability Implications**

Not Applicable

➤ **Engagement/Consultation conducted in the development of the report**

Consultation on the development of this report was as follows:

Council Committees: Not Applicable

Council Workshops: Not Applicable

Advisory Groups: Not Applicable

Administration: Fabrik Director
Fabrik Public Programs Officer
Manager Sustainable Assets
Procurement Project Officer
Executive Leadership Team

Community: Not Applicable

2. BACKGROUND

A report “Adelaide Hills Council Art & Heritage Collection - Considering a Management Framework” was developed with the support of student internships from the University of Adelaide during the latter half of 2019.

This report and the included recommendations were workshopped with Council on 10 March 2020.

A report was subsequently considered by Council at its meeting of 24 March 2020. At that meeting Council resolved to approve the development of the draft Arts and Heritage Collection Policy for consideration at a future Council meeting.

12.1 Arts & Heritage Collection

Moved Cr Mark Osterstock
S/- Cr Kirrilee Boyd

55/20

Council resolves:

1. That the report be received and noted.
2. That Council approve the development of the draft Arts and Heritage Collection Policy for consideration at a future Council meeting.

Carried Unanimously

3. ANALYSIS

The Arts and Heritage Collection refers to Council assets that are artwork, public art and heritage items. Essentially the Arts and Heritage Collection consists of:

Visual Arts 2Dimensional

Assets that are hung from the wall, such as paintings, photographic or textile works.

Visual Arts 3Dimensional

Items that are smaller sculptural pieces, including pottery and ceramics.

Public Art

Artworks of a permanent nature in public open spaces such as large sculptures, murals.

Civic Relevance

Items that relate specifically to Council, such as the Mayoral Chain.

Heritage

Items that are either historical in nature or reflect local history and heritage.

First Nation

Items of significance to or made by Aboriginal and Torres Strait Islander people.

The draft Arts and Heritage Collection Policy has been developed to ensure a collection that reflects community values and expectations and aligns with Council's capacity to manage, maintain and display this collection.

The objectives of this policy are to:

1. Ensure a considered selection process in acquiring items for the Arts and Heritage Collection

This aspect of the policy guides the accountable acquisition of items through commission or purchase and importantly guides decision making in relation to accepting or respectfully declining offers of donations. Clear policy on assessment and decision making in this regard helps to build community confidence in relation to donations and in Council's capacity to store, display and maintain these items.

2. Demonstrate accountable and thorough accession and deaccession practises

This aspect of the policy guides accessioning, referring to the process of incorporating an item into the collection. This includes the formal transfer of ownership, particularly important in the case of donations, documenting the item's provenance and story and planning ongoing care and maintenance. Deaccessioning refers to the process of removing an item from the collection. The policy ensures transparent decision making against predetermined assessment criteria when undertaking to remove an item from the collection. The removal of an item from the collection can generate strong feelings from the community, particularly in the case of a donated item. The draft Arts and Heritage Collection Policy offers risk management in this respect.

3. Ensure that the Arts and Heritage Collection aligns with Council's capacity

Considered acquisition and assessment of storage and maintenance requirements ensures that the size and nature of the collection aligns with Council's capacity to store, secure, display and maintain these items. The capacity to deaccession and dispose of items that Council no longer has the capacity to maintain is also addressed in this policy.

4. Ensure the preservation and safe keeping of the collection

Formal processes addressed under the proposed Arts and Heritage Collection Policy ensure a collection that meets capacity and can be suitably stored, secured displayed and maintained.

4. OPTIONS

Council has the following options:

- I. That Council adopt the proposed 28 July 2020 *Arts and Heritage Policy* as per **Appendix 1** (Recommended).
- II. That Council continues to manage the Arts and Heritage Collection in an informal way. This is not recommended as the current lack of policy does not deliver an appropriate collection to match capacity (Not Recommended).


5. APPENDIX

- (1) Arts and Heritage Collection Policy – July 2020

Appendix 1

Arts and Heritage Collection Policy – July 2020

COUNCIL POLICY

 <p>Adelaide Hills COUNCIL</p>	<h2>Arts and Heritage Collection</h2>
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Policy Number:	The Governance team will allocate the policy number.
Responsible Department(s):	Community Development
Relevant Delegations:	As per the delegations schedule and as included in this Policy
Other Relevant Policies:	<i>Asset Management Policy Disposal of Assets Policy Procurement Policy Acceptance of External Funding Policy</i>
Relevant Procedure(s):	Procurement Framework
Relevant Legislation:	Nil
Policies and Procedures Superseded by this policy on its Adoption:	Nil
Adoption Authority:	Council
Date of Adoption:	<i>To be entered administratively</i>
Effective From:	<i>To be entered administratively</i>
Minute Reference for Adoption:	<i>To be entered administratively</i>
Next Review:	No later than August 2023 or as required by legislation or changed circumstances

Version Control

Version No.	Date of Effect	Description of Change(s)	Approval
0.1	18/6/20	Initial draft for discussion with ELT	N/A
1.0a	28/07/20	Draft for Council's consideration	N/A

DRAFT

ARTS AND HERITAGE COLLECTION POLICY

1. INTRODUCTION

1.1 Council recognises the fundamental importance of arts and heritage to local communities and the role that objects play in representing lived experience and values.

Council has an Arts and Heritage Collection in order to:

- Preserve and share local culture
- Demonstrate shared culture and community values
- Add value to resident and visitor experience
- Educate and inform
- Facilitate access to art and heritage for those who may not otherwise
- Foster community creativity and pride

This policy sets out the principles that guide the management of Council's collection of Arts and Heritage items.

1.2 This policy is to be read in conjunction with other relevant Council policies including *Asset Management Policy*, *Asset Disposal Policy*, *Procurement Policy* and *Acceptance of External Funding Policy*.

2. OBJECTIVES

The objectives of this policy are to:

- Ensure a considered selection process in acquiring items for the Arts and Heritage Collection
- Demonstrate accountable and thorough accession and deaccession practises
- Ensure that the Arts and Heritage Collection aligns with Council's capacity
- Ensure the preservation and safe keeping of the collection

3. DEFINITIONS

"Arts and Heritage Collection" refers to Council owned items of artwork including sculpture and public art assets, Heritage items including civic relevance and items relating to Aboriginal culture.

"Acquisition" The obtainment of Arts and Heritage items through purchase, acquisitive prize, donation or permanent loan.

"Donation" An Arts or heritage item that has been given to Council for inclusion in the Arts and Heritage Collection and for which the ownership has been formally transferred to Adelaide Hills Council.

"Accession" The formal process by which Council accepts and incorporates an item into the Arts and Heritage Collection.

"Deaccession" The formal process by which objects are removed from the collection and are made ready for disposal.

"Designated staff" The Director Fabrik and the Community and Cultural Development Officer, or other staff determined by the Chief Executive Officer from time to time.

“Disposal” The means by which items are physically removed from the collection including selling, donating, recycling and, in some cases, the destruction of the item.

“Collection Item” refers to any arts or heritage related item which forms part of, or is under consideration for inclusion in the Arts and Heritage Collection

4. POLICY STATEMENT

4.1 The Collection

The Arts and Heritage Collection includes:

- Visual Arts 2Dimensional - assets that are hung from the wall, such as paintings, photographic or textile works.
- Visual Arts 3Dimensional - items that are smaller sculptural pieces, including pottery and ceramics.
- Public Art - artworks of a permanent nature in public spaces such as large sculptures and murals.
- Civic Relevance - items that relate specifically to Council, such as the Mayoral Chain.
- Heritage - items that are either historical in nature or reflect local history and heritage
- First Nation - items of significance to or made by Aboriginal and Torres Strait Islander people.

4.2 Acquisition

Council may acquire collection items through commission, purchase, acquisitive art prize, donation, gift or bequest.

Procurement in relation to the Arts and Heritage Collection must reflect the requirements of the Procurement Policy and Procurement Framework. In instances where a proposed procurement is of a unique and subjective nature an Exemption Request will be pursued as required and provided for in that policy.

All proposed acquisitions will be considered against pre-determined assessment criteria by designated staff and / or persons with expertise in relation to the item proposed.

The final decision and authority to purchase or accept an item intended for the Arts and Heritage Collection rests with the Chief Executive Officer or their delegate, unless the matter has specifically been determined by Council resolution.

Assessment criteria will include:

- Local relevance and context
- Local relevance of artist or donor
- Quality and artistic calibre
- Cost of restoration and ongoing maintenance
- Capacity to store and display the item
- Duplication of an existing or similar item
- Reflection of Council and community values

A formal agreement will be in place for any donation, gift or bequest. Council reserves the right to respectfully refuse any proposed donation, gift or bequest.

4.3 Accession

All acquired items will be accessioned into the collection, this process will include:

- Transfer of ownership in the case of donation, gift or bequest
- Recording available documentation and provenance
- Attribution of a unique collection identification number
- Entry on to the Collection database
- Documentation of care and maintenance requirements

4.4 Care and Maintenance

At the time of accession items will be assessed in relation to required restoration and ongoing maintenance. A Care Plan for the ongoing care and maintenance of items will be put in place as required to reflect best advice.

4.5 Display and Access

As much as possible items will be displayed throughout Council sites and public spaces. Items not on display will be stored in a way that secures the item and reflects care requirements. Access to view items in storage will be facilitated on request where practicable.

4.6 Deaccession and Disposal

The proposed removal of an item from the Collection will be considered against pre-determined assessment criteria by designated staff and / or persons with expertise in relation to the item proposed.

Reasons for removal may include:

- The item is a duplicate
- The item is damaged or deteriorated to such an extent as to be beyond reasonable restoration
- The item is no longer considered relevant or adding value to the collection
- The item is a risk to public safety
- The item is considered to diminish the reputation of council
- The item is attached to or a part of a structure that is being removed for development
- The item is no longer manageable and within council means

The deaccessioning of the item will follow a procedure for the assessment, disposal method and removal from the Arts and Heritage Collection database. The process of disposal should adhere to Councils *Disposal of Assets Policy*.

4.7 Loan

Council may, at its discretion and upon written agreement, loan items to a third party for public display. The borrower must demonstrate that they are able to appropriately secure, display and care for the item in question including consideration of environmental conditions.

5. **DELEGATION**

5.1 The Chief Executive Officer has the delegation to:

- Approve, amend and review any procedures that shall be consistent with this Policy; and

- Make any formatting, nomenclature or other minor changes to the Policy during the period of its currency.

6. AVAILABILITY OF THE POLICY

- 6.1 This Policy will be available for inspection at the Council's Offices during ordinary business hours and via the Council's website www.ahc.sa.gov.au. Copies will also be provided to the public upon request, and upon payment of a fee in accordance with the Council's Schedule of Fees and Charges.

DRAFT

**ADELAIDE HILLS COUNCIL
ORDINARY COUNCIL MEETING
Tuesday 28 July 2020
AGENDA BUSINESS ITEM**

Item: 12.4

Responsible Officer: David Collins
Manager Strategic Assets
Infrastructure & Operations

Subject: Federal Black Spot Program 2020-21 Funding Deeds

For: Decision

SUMMARY

The Department of Planning and Transport and Infrastructure (DPTI) has advised that Council has been successful in all four applications to the Federal Blackspot Program (a road safety program).

The first grant is for safety improvements at Checker Hill Road, Kersbrook (\$162,800 GST Inclusive) – the scope of works includes seal shoulders, improve delineation and add motorcycle barrier protection.

The second grant is for safety improvements at Ridge Road, Mylor (\$107,800 GST Inclusive) – the scope of works includes seal shoulders and improve delineation.

The third grant is for safety improvements at Ironbank Road, Ironbank (\$159,500 GST Inclusive) – the scope of works includes seal shoulders, improve delineation and add motorcycle barrier protection.

The fourth grant is for safety improvements at Martin Hill Road, Forreston (\$176,000 GST Inclusive) – the scope of works includes seal shoulders and improve delineation.

The report recommends that the funding be accepted and that the Mayor and Chief Executive Officer are authorised to sign and affix the seal to the Funding Deed (**Appendix 1**).

RECOMMENDATION

Council resolves:

1. That the report be received and noted.
2. To execute the Funding Deeds as follows:
 - a. 2020-2021 South Australia Black Spot Program – Checker Hill Road, Kersbrook
 - b. 2020-2021 South Australia Black Spot Program – Ridge Road, Mylor
 - c. 2020-2021 South Australia Black Spot Program – Ironbank Road, Ironbank
 - d. 2020-2021 South Australia Black Spot Program – Martin Hill Road, Forreston

3. **The Chief Executive Officer and Mayor are authorised to sign and affix the seal of the Adelaide Hills Council to the respective Funding Deeds under the State Blackspot Program.**
 4. **To approve an increase in the 2020-21 capital expenditure budget of \$369k offset by \$551k in capital income for the Road Safety Program Capital project in accordance with the Funding Deeds.**
 5. **That the CEO be authorised to write a letter of acknowledgement to the Hon Michael McCormack MP, Deputy Prime Minister and Minister for Infrastructure, Transport and Regional Development thanking the Federal Government for the Blackspot Funding Program.**
-

1. GOVERNANCE

➤ Strategic Management Plan/Functional Strategy/Council Policy Alignment

Strategic Plan 2020-24 – A brighter future

Goal	A functional built environment
Objective B4	Sustainable management of our built assets ensures a safe, functional and well serviced community
Priority B4.4	Improve road safety through a safe system approach to road design, construction and maintenance including on-going applications to the State and Federal Road Blackspot program

The external funding that is being offered is considered to be in line with Council's considerations for the acceptance of external funding under Council's *Acceptance of External Funding Policy*.

➤ Legal Implications

Accepting the funding will require Council to adhere to the terms and conditions of the funding agreement.

Section 38 of the *Local Government Act 1999* provides that the common seal of the council must not be affixed to a document except to give effect to a resolution of the council. Further the affixation of the seal must be attested by the Principal Officer of the council and the Chief Executive Officer.

➤ Risk Management Implications

Affixing the Common Seal to the Funding Deed will assist in mitigating the risk of:

Council expending unbudgeted funds on projects leading to unfavourable financial impact.

Inherent Risk	Residual Risk	Target Risk
Medium (1A)	Low (1C)	Low (1C)

➤ **Financial and Resource Implications**

Council included a net expenditure amount of \$197k for its Road Safety Program under Strategic initiatives – New and Upgraded Capital Project ID B4014.

This was based on a 30% contribution towards the four blackspot submissions as part of the 2020-21 budget considerations. A 30% contribution is required for projects that are unsuccessful in the Federal allocations and subsequently funded by the State Government Blackspot program.

The Federal Government has subsequently announced that all four of the Council submissions were successful and therefore Federal Government will fund 100% of the project.

As shown below the net expenditure for the Road Safety Program will be \$15k, represented by Gross Expenditure of \$566k and associated Capital income of \$551k.

Road Safety Program Projects	Net Council Contribution per 2020-21 Budget \$000s	Revised Council Contribution \$000s	Gross Capital Expenditure \$000s	Capital Grants \$000s
Ironbank Road, Ironbank	48	\$Nil	145	145
Ridge Road, Mylor	33	\$Nil	98	98
Martins Hill Road, Birdwood	53	\$Nil	160	160
Checker Hill Road, Forreston/Kersbrook	48	\$Nil	148	148
Blackspot Funded Projects	\$182	\$Nil	\$551	\$551
Apron Sealing – Kenton Hill Road / Torrens Valley Road, Birdwood	15	15	15	-
Road Safety Program	\$197	\$15	\$566	\$551k
Proposed 2020-21 Budget Adjustment			\$369k	\$551k

This will result in a net capital saving to Council of \$182k given the proposed increase of Council expenditure of \$369k offset by taking up the Capital Revenue of \$551k in accordance with the blackspot funding deeds.

These adjustments are proposed as part of the resolutions for this Council Report.

The projects can be delivered as part of our civil infrastructure delivery program and no additional resource is required.

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

The community will benefit from improved safety on Checker Hill Road, Ridge Road, Ironbank Road and Martin Hill Roads.

➤ **Sustainability Implications**

Not applicable

➤ **Engagement/Consultation conducted in the development of the report**

Consultation on the development of this report was as follows:

Council Committees: Not Applicable

Council Workshops: Not Applicable

Advisory Groups: Not Applicable

Administration: Manager Financial Services
Director, Infrastructure and Operations
Manager Civil Services

External Agencies: Not Applicable

Community: Not Applicable

2. BACKGROUND

Each year Council reviews the crash data from across its region. As part of that process it identifies locations that meet the criteria for consideration as part of the Black Spot Funding Program.

Four applications were submitted in October 2019 to the 2020-21 Black Spot Program. Checker Hill Road, Kersbrook, Ridge Road, Mylor, Ironbank Road, Ironbank and Martin Hill Road, Forreston. All four applications were successful.

3. ANALYSIS

To accept the funding and the obligations, Council needs to sign two copies of both Deeds. Each Deed is to be signed by the Chief Executive Officer and Principle Officer of Council.

Once Council has signed two copies of both Deeds and returned them to the State Government they are signed by the Minister. The total of \$551,000 (\$606,100 GST Inclusive) grant funding will be provided progressively as milestones are achieved by Council via the Department of Planning, Transport and Infrastructure.

4. OPTIONS

Council has the following options:

- I. Council can accept the funding and sign and seal the Funding Deed (Recommended)
- II. Decline the funding offer (Not Recommended)

5. APPENDIX

- (1) Funding Deeds under Federal Blackspot Program

Appendix 1

Funding Deeds under Federal Blackspot Program



Government of South Australia

Department of Planning,
Transport and Infrastructure

In reply please quote 2018/23571/01

Enquiries to Amit Dua

Telephone (08) 8343 2416

Mr Andrew Aitken
Chief Executive Officer
Adelaide Hills Council
PO Box 44
WOODSIDE SA 5244

ROAD ASSET
MANAGEMENT SERVICES
DIRECTORATE

77 Grenfell Street
Adelaide SA 5000

GPO Box 1533
Adelaide SA 5001

Telephone: 08 8343 2222
Facsimile: 08 8204 8740

ABN 92 366 288 135

Dear Mr Aitken

2020/2021 BLACK SPOT PROGRAM

The Australian Government has confirmed that the South Australian projects have been approved for funding under the 2020/2021 Australian Government Black Spot Program.

I am pleased to advise that the following projects were **successful** in gaining funding under this Program:

- Safety improvements at Checker Hill Road, Kersbrook
 - Seal shoulders, improve delineation and add motorcycle barrier protection.
 - Approved funding: \$162,800 (GST inclusive).
 - Completion by the end of June 2021.
- Safety improvements at Ridge Road, Mylor
 - Seal shoulders and improve delineation.
 - Approved funding: \$107,800 (GST inclusive).
 - Completion by the end of June 2021.
- Safety improvements at Ironbank Road, Ironbank
 - Seal shoulders, improve delineation and add motorcycle barrier protection.
 - Approved funding: \$159,500 (GST inclusive).
 - Completion by the end of June 2021.

ADELAIDE HILLS COUNCIL
RECEIVED
06 JUL 2020
SCANNED

06 JUL 2020

- Safety improvements at Martin Hill Road, Forreston
 - Seal shoulders and improve delineation.
 - Approved funding: \$176,000 (GST inclusive).
 - Completion by the end of June 2021.

A funding deed will need to be entered into by the council. The deed contains information about project funding, conditions, reporting and payment arrangements. Additional reporting requirements have also been stipulated by the Australian Government.

Two copies of the deed are attached.

Please insert the required details in item 2 of Schedule 1, attach the seal and sign on page 8 and return both copies within six weeks from the date of this letter to:

*Mr Naly Sim
Road Safety Engineer
Road Asset Management Services Directorate
Department of Planning, Transport and Infrastructure
77 Grenfell Street
ADELAIDE SA 5000*

It is important that the obligations and conditions in the funding deed are met. Work on the project must be undertaken in accordance with appropriate Austroads, Australian and Departmental Standards and the requirements of the *Notes on Administration for the Infrastructure Investment Black Spot Program*, which is available on the internet at <http://dpti.sa.gov.au/blackspot>.

For further information regarding project nominations, please contact Mr Amit Dua on telephone number (08) 8343 2416.

I wish you every success with your approved project.

Yours sincerely



Kerry McConnell
Unit Manager, Road Safety Infrastructure

30 June 2020

Encl. Copies of Funding Deed

FUNDING DEED

under

**2020-2021 COMMONWEALTH INFRASTRUCTURE INVESTMENT
BLACK SPOT PROGRAM**

Project Number	106446-20SA-BS
Location	Checker Hill Road, Kersbrook
Project Description	Seal approximately 300m of shoulders, delineation improvements and motorcycle barrier protection
Project Funding	\$162,800 (GST Inclusive)

between

THE COMMISSIONER OF HIGHWAYS
(Grantor)

and

THE COUNCIL NAMED IN SCHEDULE 1
(Council)

FUNDING DEED

under

**2020-2021 COMMONWEALTH INFRASTRUCTURE INVESTMENT
BLACK SPOT PROGRAM**

Project Number	106448-20SA-BS
Location	Ridge Road, Mylor
Project Description	Seal shoulders for approximately 300m of road section and delineation improvements
Project Funding	\$107,800 (GST Inclusive)

between

THE COMMISSIONER OF HIGHWAYS
(Grantor)

and

THE COUNCIL NAMED IN SCHEDULE 1
(Council)

FUNDING DEED

under

**2020-2021 COMMONWEALTH INFRASTRUCTURE INVESTMENT
BLACK SPOT PROGRAM**

Project Number	106449-20SA-BS
Location	Ironbank Road, Ironbank
Project Description	Shoulder Sealing, curve advisory signs, delineation improvements and safety barrier including motorcycle barrier protection
Project Funding	\$159,500 (GST Inclusive)

between

**THE COMMISSIONER OF HIGHWAYS
(Grantor)**

and

**THE COUNCIL NAMED IN SCHEDULE 1
(Council)**

FUNDING DEED

under

**2020-2021 COMMONWEALTH INFRASTRUCTURE INVESTMENT
BLACK SPOT PROGRAM**

Project Number	106451-20SA-BS
Location	Martin Hill Road, Forreston
Project Description	Shoulder sealing and delineation improvements
Project Funding	\$176,000 (GST Inclusive)

between

**THE COMMISSIONER OF HIGHWAYS
(Grantor)**

and

**THE COUNCIL NAMED IN SCHEDULE 1
(Council)**

**ADELAIDE HILLS COUNCIL
ORDINARY COUNCIL MEETING
Tuesday 28 July 2020
AGENDA BUSINESS ITEM**

Item:	12.5
Responsible Officer:	Lachlan Miller Executive Manager Governance & Performance CEO's Office
Subject:	Local Government Reform Submission
For:	Decision

SUMMARY

In 2019, the Minister for Local Government initiated a local government reform process across four Reform Areas, as follows:

- Strong council member capacity and better conduct
- Lower costs and enhanced financial accountability
- Efficient and transparent local government representation
- Simpler regulation

The *Reforming Local Government in South Australia Discussion Paper* was released for public comment in August 2019 and Council lodged a submission with both the Office of Local Government (OLG) and the Local Government Association (LGA). Members of the Administration also participated in a number of feedback and advocacy sessions on the reform process.

On 17 June 2020, the Minister introduced the *Statutes Amendment (Local Government Review) Bill 2020* (the Bill) into the House of Assembly. The LGA is seeking submissions from member councils to inform its advocacy position. The attached Reform Submission (**Appendix 1**) has been drafted on the basis of feedback received from Council Members and Officers.

RECOMMENDATION

Council resolves:

1. **That the report be received and noted**
2. **To lodge its *Statutes Amendment (Local Government Review) Bill 2020* – Reform Submission at Appendix 1 to:**
 - a. **Minister for Local Government**
 - b. **Opposition Spokesman for Local Government**
 - c. **Local Members of Parliament**
 - d. **Office of Local Government**
 - e. **Local Government Association**

3. To delegate to the Chief Executive Officer the authority to make any minor changes to the Reform Submission to reflect matters raised in the debate on the Local Government Reform Submission report.

1. GOVERNANCE

➤ **Strategic Management Plan/Functional Strategy/Council Policy Alignment**

Strategic Plan 2020-24 – A brighter future

Goal 5 A Progressive Organisation

Objective O4 We actively represent our community

Priority O4.3 Advocate to, and exert influence with, our stakeholders on behalf of our community to promote the needs and ambitions of the region

Objective O5 We are accountable, informed, and make decisions in the best interests of the whole community

Priority O5.1 Enhance governance structures and systems to prudently adapt to changing circumstances and meet our legislative obligations

The matters addressed in the Submission have the potential to improve the legislative framework applying to the local government sector.

➤ **Legal Implications**

During 2018, two key ‘reform’-orientated bills were introduced into Parliament being the *Local Government (Rate Oversight) Amendment Bill 2018* and the *Local Government (Ratepayer Protection and Related Measures) Amendment Bill 2018*. It appears unlikely that either Bill will gain the support of both houses and, as such, will most likely not progress.

In 2019 the Minister for Local Government indicated an intention to introduce a new ‘reform’ Bill into the House of Assembly in the then New Year (2020) developed on four key Reform Areas, as follows:

- Strong council member capacity and better conduct
- Efficient and transparent local government representation
- Lower costs and enhanced financial accountability, and
- Simpler regulation

On 17 June 2020, the Minister introduced the *Statutes Amendment (Local Government Review) Bill 2020* (the Bill) into the House of Assembly. The Bill seeks to amend provisions of the *Local Government Act 1999*.

As it is still a Bill, the proposed reforms do not have any current binding legal status and it must progress through the parliamentary process (including amendments) and ultimately receive support from both the House of Assembly and the Legislative Council prior to receiving assent and coming into force on a commencement date. As such, the final provisions may not be known for many months.

➤ **Risk Management Implications**

Providing considered and responsible feedback into the reform process 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**

There are no direct financial implications arising from this report but many of the draft provisions in the Bill have the potential for an increase in resourcing required to achieve legislative compliance particularly in the governance and finance portfolios.

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

It is reasonable to assume that the community could expect Council to provide feedback that promotes open, responsive and accountable government.

➤ **Engagement/Consultation conducted in the development of the report**

Consultation on the development of this report was as follows:

Council Committees: The Local Government Reform agenda and particularly the potential implications for audit committees have been discussed briefly at a number of 2020 Audit Committee meetings.

Council Members: Members were invited via email to provide comments for input to the Submission.

Council Workshops: Council Members discussed a number of the proposals at its 14 July 2020 workshop.

Advisory Groups: Not Applicable.

Administration: Members of Council's management team (with functional responsibility for matters covered in the Reform Submission) have been consulted and provided input.

External Agencies: The Local Government Association, Kelliedy Jones Lawyers and Norman Waterhouse Lawyers have all produced advisory information that was considered in the preparation of the report.

Community: Not Applicable

2. BACKGROUND

As set out in the Legal Implications section above, local government reform has been gaining momentum for over three years.

In early 2019 the LGA, via circular, requested all councils to make submissions to the LGA for incorporation into a revised advocacy document for discussion with Members of Parliament and the Office of Local Government.

As a starting point the LGA produced a *Local Government Reform Discussion Paper – March 2019*. The Discussion Paper set out the LGA's preliminary comments in relation to the reform themes, which was largely a rehash of previous submissions put to the LGA by member councils. At its 23 April 2019 meeting, Council resolved (66/19) to lodge a submission.

In addition to the LGA's efforts, the Minister announced other mechanisms to generate input to the reform process. To this end, a 'yourSAy' public consultation site was established seeking community feedback on the theme areas.

In April 2019, the Office of Local Government (OLG) established Local Government Reform Working Groups on each of the four reform areas with representatives from relevant stakeholder groups (e.g. OLG, LGA, Auditor-General's Office, Governance and Policy Officers Network (GPON), Local Government Rate Administrators Group, Financial Managers' Group). Council's Executive Manager Governance & Performance, Lachlan Miller, was elected as the GPON representative on the 'Efficient and transparent local government representation' Working Group.

In August 2019, as a result of the submissions received in the first round of consultation, the Minister for Local Government released the *Reforming Local Government in South Australia Discussion Paper* (Discussion Paper). The Discussion Paper is not attached to this report but is still available from the DPTI website in addition to summaries of the feedback received, https://www.dpti.sa.gov.au/local_govt/local_government_reform.

As with the previous round of consultation, the 'yourSAy' public consultation site was refreshed to seek community feedback on the theme areas.

The Minister advised that the then current South Australian Productivity Commission's Local Government Inquiry would also inform his views as to reform areas for the foreshadowed Bill. The final report from the Inquiry was delivered to the Premier on 22 November 2019 and is also available on the aforementioned DPTI website.

In late August 2019, the LGA provided preliminary comments against each reform proposals for councils to consider in framing their own submissions. Council develop its submission against the form areas in the Discussion Paper and resolved, at its 22 October 2019 meeting, as follows:

Moved Cr Mark Osterstock
S/- Cr Chris Grant

263/19

Council resolves:

1. That the report be received and noted.
2. To lodge its Local Government Reform Submission at Appendix 1 to the Office of Local Government.
3. To delegate to the Chief Executive Officer the authority to make any minor changes to the Submission to reflect matters raised in the debate on the Local Government Reform Submission report.

Carried Unanimously

Due to the COVID-19 pandemic and the need for the Minister to rush through legislation to enable councils to continue to operate within the prevailing social distancing constraints, the original timeframe for the Reform Bill of early 2020 was not achieved.

On 17 June 2020, the Minister introduced the *Statutes Amendment (Local Government Review) Bill 2020* (the Bill) into the House of Assembly. A draft of the Bill was not provided to the LGA or the sector prior to its introduction. As Bills are difficult to interpret in the context of an Act being amended, the aforementioned DPTI website contains a marked-up version of the *Local Government Act 1999* showing the effect of the proposed amendments.

3. ANALYSIS

The Bill, if it is fully or largely enacted in its current form, will represent the most significant change to local government legislation since the commencement of the current Act.

Many of the proposals contained in the Discussion Paper have been incorporated into the Bill. The key provisions of the Bill along with Council's proposed submission are at **Appendix 1**.

The Submission aims to capture the diversity of perspectives of the Council Members and Officers in relation to the reform themes rather than always attempting to articulate a singular position on an issue. This diversity of perspective is likely a subset of the broader diversity within the local government sector.

In general, the provisions of the Bill are sensible improvements that will address some of the limitations that have become apparent in the current Act particularly in relation to Council Member conduct management, public consultation, conflict of interest management, CEO employment and other areas of corporate governance.

In addressing many of these issues, the reforms (somewhat ironically) will create additional bureaucracy and resource requirements which is contrary to the Minister's stated intent of *Reform Area 2: Lower Costs and Enhanced Financial Accountability* and *Reform Area 4: Simpler Regulation*.

The provisions are consistent with many of the elements of Council's previous submissions.

Keen students of the reform process will note that many of the proposals for *Reform Area 3: Efficient and Transparent Local Government Representation* are not contained in the Bill as they will require amendments to *the Local Government (Elections) Act 1999* (Elections Act). While a Bill to this effect has not yet been introduced in Parliament, a marked-up version of the Elections Act is on the aforementioned DPTI website. This suggests that another Bill will be forthcoming.

Two key areas which are contrary to both Council's and, it appears the majority of the sector's views, are those relating to:

- the requirement to lodge draft Annual Business Plans (ABP) by 31 December of the preceding financial year with a Designated Authority which will review the proposed rate increase and provide advice, by 31 March, to the council on the 'appropriateness' of that increase. Depending on the council's response to that advice, the Designated Authority may then produce a report to the Minister and the Minister may exercise powers to direct the council in the following financial year's ABP development
- the requirement for informal gatherings of council or the CEO and one or more council members (during which a matter will be discussed which will at some time come before a council meeting) being open to the public.

The above issues are discussed in some detail in the Submission at **Appendix 1**.

A number of key proposals have not been included in the Bill, such as:

- a sector wide benchmarking regime
- establishment of governance committees
- continuation of an electronic participation regime for Council Members
- creation of a Conduct Commissioner
- Mayors having a deliberative vote
- audit committees having independent presiding members
- Auditor-General to oversight all council financial statement audits
- automatic enrolment of property franchise holders

It is anticipated that the Bill, like the previous two Bills discussed in the Legal Implications section, will be subject to many amendments as members of both houses represent the views of various advocacy groups. On this basis, it is unlikely that any provisions from the resultant assented Bill (if that occurs) would come into effect before 1 July 2021 at the earliest.

4. OPTIONS

Council has the following options:

- I. To resolve to lodge the Reform Submission at Appendix 1, with or without minor amendment (Recommended)
- II. To determine that more significant changes are required to the Submission. Such a decision however will require a delegation to the Mayor or CEO to finalise and lodge the Submission. (Not Recommended)

5. APPENDIX

- (1) *Statutes Amendment (Local Government Review) Bill 2020* – Reform Submission

Appendix 1

*Statutes Amendment (Local Government Review) Bill
2020 – Reform Submission*

Section	What does it do?	AHC Submission
S6 Principal role of council.	<p>New provisions</p> <p>“6(b) to make decisions about the provision of various public services and facilities that will benefit the community in the context of the capacity and willingness of ratepayers to pay for those services and facilities.”</p>	<p>Partially Supported</p> <p>The notion of ‘willingness’ to pay is nebulous and not generally a feature of the design of a system of taxation.</p>
S7 Functions of a Council	<p>New provisions</p> <p>(ba) to determine the appropriate financial contribution to be made by ratepayers to the resources of the council.</p>	<p>Supported</p>
S8 Principles to be observed by a council	<p>New provisions</p> <p>(ea) Seek to collaborate, form partnerships and <i>share resources</i> with other councils...</p> <p>(h) seek to ensure that council resources are used fairly, effectively and efficiently <i>and council services, facilities and programs are provided effectively and efficiently.</i></p> <p>(ia) seek to balance the provision of services facilities and programs with the financial impact of the provision of those services, facilities and programs on ratepayers.</p>	<p>Supported</p>
S11A Number of elected members	<p>New section</p> <p>The number of members of a council (including the Mayor) will be capped at 12.</p> <p>Remove current Representation Review clauses.</p> <p>New requirement to review number of wards and number of electors per ward. But no longer need to review the number of members.</p> <p>If a council conducts a review by 2022, they can implement this change for 2022 council elections.</p> <p>If not, then must implement by the 2026 elections.</p>	<p>Supported</p> <p>Further consideration could be given to setting caps by the band of councils (as used by the Remuneration Tribunal).</p> <p>For example</p> <p>Group 1A – max 12 Group 1B – max 12 Group 2 – max 12 Group 3 – max10 Group 4 – max 8 Group 5 – max 8</p>

Section	What does it do?	AHC Submission
<p>S12</p> <p>Rep review process - deleted</p>	<p>Revised provisions</p> <p>If a council has area councillors but not wards, they will not need to perform a representation review.</p> <p>Councils must consult with the public re the representation report. The resulting report must include public submissions (i.e. no requirement for the Representation Options Paper).</p>	<p>Partially Supported</p> <p>While AHC supports the proposed changes to s12 it holds the view that providing this role to either ECSA or the Boundaries Commission would enable a more objective, evidence-based and strategic approach to the process. Councils would be a stakeholder in the process and make submissions (as appropriate).</p>
<p>S44</p> <p>Delegations</p>	<p>New provisions</p> <p>Amendment to include Joint Planning Boards as a possible delegate.</p>	<p>Supported</p>
<p>S50</p> <p>Current public consultation sections deleted</p>	<p>Revised and new provisions</p> <p>Introduces one Community Engagement Charter for the whole local government sector.</p> <p>This will replace many individual sections requiring councils to report info, consult, publish in newspapers, keep hard copy at principal office, etc</p> <p>The Charter will be decided by the Minister and Gazetted and will apply across all councils.</p> <p>Some parts will be mandatory, others will be up to council policy (See 50A).</p> <p>The Minister approves and varies the Charter, after consultation with the LGA.</p>	<p>Supported.</p> <p>The proposal has merit particularly in light of the issues arising from the Coast Parks case.</p>
<p>S50A</p> <p>Council community engagement policy</p>	<p>New section</p> <p>Each council must have its own policy on how to implement the Community Engagement Charter.</p>	<p>Supported.</p>

Section	What does it do?	AHC Submission
<p>S51</p> <p>Principal member of council – removal of chairperson</p>	<p>Revised provisions</p> <p>Removal of the option for the principal member to be a chairperson chosen by the members of the council from amongst their own number</p>	<p>Not Supported</p> <p>Council believes that the chairperson structure can be beneficial for those communities who choose to adopt it and, as such, should remain an option with the Act.</p>
<p>S54</p> <p>Casual vacancy</p>	<p>Revised provisions</p> <p>If a council member resigns to take up another position (e.g. Mayor) their position as member becomes vacant.</p> <p>Councils can go to next election without filling the casual vacancy if an election is to be held within the next 12 months (currently 7 months) or January 1.</p>	<p>Supported.</p> <p>This is a practical and cost-effective approach to managing casual vacancies that occur in the year leading up to a periodic election.</p> <p>Allied with the proposed changes to s6(2) of the <i>Local Government (Elections) Act 1999</i> to fill vacancies within 12 months following a periodic election with the penultimate candidate, these measures will reduce the cost impost of supplementary elections.</p>

Section	What does it do?	AHC Submission
<p>S55A</p> <p>Elected Members running for Parliament</p>	<p>New provisions</p> <p>If a council member runs for State Parliament, they are automatically granted a ‘leave of absence’.</p> <p>The leave commences at the close of nominations –even if the member/candidate is campaigning earlier.</p> <p>The provision applies to any council office - including council committees and subsidiaries.</p> <p>If a candidate withdraws their nomination, - they are automatically reinstated to their council position.</p> <p>Members will not receive remuneration/ allowances during the leave period.</p> <p>In subsection 5, candidates can’t use council facilities in this leave period.</p>	<p>Not Supported</p> <p>Section 62 of the <i>Local Government Act 1999</i> contains sufficient provisions to prevent a Member from deriving personal benefit of their position or information obtained in their position (at any time).</p> <p>It is erroneous to suggest that a Member’s dedication of time and effort to a State or Federal election campaign is any more deleterious to the discharge of their Council duties as are other life events such as a serious illness, parenthood, a new job, none of which are suggested to require suspension.</p> <p>If however a Member chooses to voluntarily take a leave of absence with or without their allowance, this is welcomed.</p>
<p>S58</p> <p>Role of Principal Member (usually called Mayor)</p>	<p>New provisions</p> <p>New sections clarifying the role of a principal member of council. This includes:</p> <ul style="list-style-type: none"> • “Providing leadership and guidance to the council. • To lead the promotion of positive and constructive working relationships amongst members of the council • To provide guidance to council members on the performance of their role; and • To support council members understanding on the separation of responsibilities between elected representatives and employees of the council.” 	<p>Supported</p> <p>The additional subsections are largely aspirational but nonetheless important to set the expectation of the role for both the community and intending candidates.</p> <p>As per the commentary for s51, the chairperson structure has a greater likelihood of achieving the aspirations of these subsections due to the inherently higher level of regard by the fellow members for the member selected as chair.</p>

Section	What does it do?	AHC Submission
S59 Role of members of council	<p>New provisions</p> <p>It will be a role of council members to act with integrity.</p>	<p>Supported</p> <p>The additional subsection is largely aspirational but nonetheless important to set the expectation of the role for both the community and intending candidates.</p>
S62 General Council Member duties	<p>New provisions</p> <p>The prohibitions on disclosure of confidential council information are extended to documents that the council member “knows or ought reasonably to have known is ...required to be treated confidentially”.</p>	<p>Supported</p>
S68 Council Member Register of Interests	<p>New provisions</p> <p>(1a) If a council member fails to return their Register after a defined period (in most cases 12 months) the member will be suspended.</p> <p>(1b) If a member is suspended under this section, so are their member allowances.</p> <p>(3a) If the member subsequently submits a return, to the satisfaction of the CEO, the CEO will publish a notice on website to this effect.</p> <p>(3a)(b) The suspension is revoked upon publication of this notice.</p> <p>(3b) If the failure to submit a return continues, the CEO may refer to SACAT.</p>	<p>Supported</p> <p>Notwithstanding that the proposal is supported and that there is both timeliness and practicality in the suspension being determined by the CEO, Council holds concerns regarding the working relationship impact of a CEO suspending a Member.</p>
S70 Inspection of a Register	<p>Revised provisions</p> <p>The Register will now no longer publish the home address of a councillor.</p> <p>Additional information can be suppressed for personal safety.</p>	<p>Supported</p>
S73 Register of gifts and benefits	<p>Revised provisions</p> <p>The Minister will declare the threshold amount for the purpose of this clause.</p> <p>The Minister must consult the LGA prior to making this declaration.</p>	<p>Supported</p>

Section	What does it do?	AHC Submission
<p>S74-75C</p> <p>Conflicts of Interest</p>	<p>Revised provisions</p> <p>The three categories of Conflict of Interest are reduced to two: ‘General Conflicts of Interest’ and ‘Material Conflicts of Interest’.</p> <p>A member of a council will not be regarded as having a conflict of interest in a matter if the interest is held in common with a ‘substantial proportion’ of the ratepayers, electors or residents of the council area (if that interest is equal).</p> <p>Onus is on the council member to declare/decide whether they have a conflict. Failure to declare a conflict can result in penalties.</p>	<p>Supported</p> <p>Proposed subsection 75(j) should only deal with current or potential future agreements but not those that have ended. As currently drafted, an agreement that concluded many years in the past would still be captured for the purposes of this subsection.</p> <p>Areas where further clarification is required include:</p> <ul style="list-style-type: none"> • circumstances where the council has nominated an elected member to the board of another legal entity, and • the ‘substantial proportion’ test.
<p>S75E</p> <p>Member ‘Behaviour Standards’</p>	<p>New provisions</p> <p>The Minister may publish and vary ‘Member Behaviour Standards’. These Standards are not set out in the Bill.</p> <p>They apply State-wide.</p> <p>The Minister must consult the LGA first.</p> <p>Minister’s decision will be published in the <i>Government Gazette</i>.</p>	<p>Supported</p> <p>While principle-based conduct guidance is usually preferable, given the experiences of poor conduct in the sector, specificity will be more effective for clearly defining unacceptable conduct.</p>
<p>75F</p> <p>Council Behavioural Support Policies.</p>	<p>New provisions</p> <p>Council may implement their own policies on how to support “appropriate behaviour by members of the council”. These can’t be inconsistent with the Behavioural Standards.</p> <p>Council must review these within 6 months of general elections.</p> <p>Council must consult the public on these.</p> <p>Council members must comply with their CBSPs.</p>	<p>Supported</p>

Section	What does it do?	AHC Submission
<p>S75G</p> <p>Council member health and safety obligations</p>	<p>New provisions</p> <p>Council members are not ‘workers’ for the purpose of the WHS Act. But they will now have specific WH&S obligations.</p> <p>Council members must not adversely affect the health and safety of other members of council or employees.</p> <p>Could include a direction that a member of a council not attend a meeting of the council. A member subject to such a direction will be taken to have been granted a leave of absence from council meetings.</p> <p>Council members must follow the reasonable directions of a responsible person (usually the CEO) in this respect.</p>	<p>Supported</p> <p>During a leave of absence under s75G(3), the member should not be entitled to the payment of an allowance.</p>
<p>S76</p> <p>Member Allowances</p>	<p>Remaining</p> <p>Member Allowances set by Remuneration Tribunal.</p> <p>LGA to pay Remuneration Tribunal their “reasonable costs”.</p>	<p>Supported</p>

Section	What does it do?	AHC Submission
<p>S80A</p> <p>Training & Development</p>	<p>Revised and new provisions</p> <p>'LGA Training Standards' will still be specified in the Regs.</p> <p>Each council must adopt their own policy for conduct and completion of training and development by their members.</p> <p>If a council member has not completed the training, the CEO must suspend the council member unless the council member satisfies the CEO that good reasons exist.</p> <p>(See s262 for referral to Behavioural Standards Panel and penalties.)</p>	<p>Supported</p> <p>Notwithstanding that the proposal to suspend a non-compliant member is supported and that there is both timeliness and practicality in the suspension being determined by the CEO, Council holds concerns regarding the working relationship impact of a CEO suspending a Member.</p> <p>In relation to mandatory training, the four mandatory modules cover the key 'common' areas of knowledge for all councils, although the minimum duration of the mandatory modules is insufficient. An example in point is the Legal Responsibilities module which is inadequate for council members to gain an understanding of all of their obligations under the LG Act and associated legislation such as the ICAC Act and PID Act.</p> <p>Allied to this, a requirement for competency-based assessment (potentially using on-line software) could be used to facilitate Council Members demonstrating an understanding of, and competency in, the mandatory subject matter rather than the current attendance-only model.</p>
<p>S80B</p> <p>Suspension of Council Member subject to an intervention order</p>	<p>New provisions</p> <p>Suspend a council member who is the subject of an intervention order.</p> <p>The CEO will have a discretion to suspend a member</p>	<p>Supported</p> <p>This support is contingent on the intervention order relating specifically to the Members or Officers who would be present at the Council when the offending Member was to attend.</p>

Section	What does it do?	AHC Submission
S85 Quorums	<p>Revised provisions</p> <p>Changes to the determination of the prescribed number.</p>	<p>Supported</p>
S86 Procedure at meetings	<p>New provisions</p> <p>Exclusion of 15 minutes from meeting</p>	<p>Partially supported</p> <p>While the principle of removing disruptive members from the Chamber is strongly supported, the prohibition on the council voting on a matter (subsection 6d) during the period of exclusion effectively ‘rewards’ the disruptive Member and further hampers the council’s ability to conduct the meeting effectively.</p>
S90(3)(o) Meetings held in public	<p>New provision</p> <p>New exemption, allowing councils to discuss potential award recipients in confidence.</p>	<p>Supported</p>

Section	What does it do?	AHC Submission
<p>S90A</p> <p>Information or briefing sessions</p>	<p>New provisions</p> <p>The Bill replaces 'informal gatherings or discussions' with a similar but less flexible scheme of 'information and briefing sessions'.</p>	<p>Not supported.</p> <p>The provisions of s90(8), which predated the informal gathering provisions of s90(8a)-(8e), were sufficient to set the expectation regarding conduct in gatherings that are not formal Council and Committee meetings. This is a clear example where the most effective way to achieve the aims of 'Simpler Regulation' would be to remove the additional regulation that has already been created and to enforce the provisions of s90(8) with those councils that transgress rather than creating an onerous requirement on all councils for marginal (if any) benefit.</p> <p>The provision of proposed s90A(1) that a session to which one or more members is invited effectively means that a meeting between a CEO and a member regarding a matter of council business that could come to a council meeting would be an 'information or briefing session' and therefore open to the public. This is an unworkable proposal as these types of meeting happen multiple times a week.</p> <p>The provisions of s90A(4) (i.e. that a session can only be closed for a purpose consistent with s90(3)) would indicate that the 'planning session of a strategic or general nature' provision of Regulation 8AB(1)(b)(ii)(B) will also be removed. This is disappointing as it provides some ability for the Council Members to discuss policy options in confidence before determining a position at a council meeting.</p>
Section	What does it do?	AHC Submission

<p>S92</p> <p>Access to meetings and documents</p>	<p>New provisions</p> <p>Councils must already have a Code of Practice about meetings and access to documents. The new obligation requires councils to consult with the public before adopting, altering or substituting this Code.</p> <p>Council reporting obligations are taken out of the various sections of the Act and will be replaced by a schedule, making it easier for councils and the public to understand what needs to be reported (and how).</p>	<p>Not supported</p> <p>Given that the Code is effectively an amalgam of legislative requirements it is not anticipated that there would be much response to the consultation or the ability to alter the provisions of the Code in response to any feedback.</p>
<p>S97(3)(a)</p> <p>Terminate a CEO</p>	<p>New provisions</p> <p>Before council can terminate a CEO’s employment, they must have regard to advice from a “qualified independent person”.</p> <p>Definition: “a legal practitioner OR someone determined by the council to have appropriate qualifications or experience in human resource management”.</p>	<p>Supported</p> <p>Consideration of the termination of a CEO selection is a highly complex undertaking and the level of acumen of most Council Members does not extend to these matters. On this basis, independent professional advice is highly desirable.</p>
<p>S98</p> <p>Fill CEO Vacancy</p>	<p>Revised and new provisions</p> <p>Councils no longer need to advertise in a newspaper -instead, can use a website.</p> <p>Selection Panel: At least one is not a council member or member of staff.</p> <p>Before the CEO appointment, council must obtain and consider independent advice on the assessment of applications and recommendation on appointment</p>	<p>Supported</p> <p>The proposed provisions of s98(4a) for (a) ‘independent selection panel member’ and (b) ‘independent advice on the assessment of the applications and recommendation for appointment’ would benefit from both being required (i.e. remove the ‘either’ provision).</p> <p>Further consideration could be given to the independent advice contemplated in proposed s98(4a)(b) to be from the ‘qualified independent person’ as per s97(6).</p>
<p>Section</p>	<p>What does it do?</p>	<p>AHC Submission</p>

<p>S99 (ia) and (ib)</p> <p>Role of CEO</p>	<p>New provisions</p> <p>A CEO must:</p> <ul style="list-style-type: none"> - ensure council has effective polices systems procedures, etc - report annually to the relevant audit and risk committee on the council’s internal audit process. 	<p>Supported</p> <p>Proposed provision s98(1)(ib) is predicated on a council having an internal audit function.</p> <p>While internal audit is a valuable assurance function, it remains cost-prohibitive for smaller councils.</p>
<p>S99A</p> <p>Remuneration Tribunal extends to CEOs</p>	<p>New provisions</p> <p>The Remuneration Tribunal will determine minimum and maximum remuneration for CEOs.</p> <p>The Remuneration Tribunal may have regard to any matter set out in the Regulations.</p> <p>ss(4) remuneration may differ based on geographical factors or other factors.</p> <p>Amounts may be indexed.</p> <p>The LGA will pay for the Remuneration Tribunals’ reasonable costs.</p> <p>Councils must ensure the remuneration they pay is within the range set by the Remuneration Tribunal.</p>	<p>Supported</p> <p>Such a process would need to be cognisant that the job market for CEOs is truly national and that remuneration levels that were nationally non-competitive could result in sub-optimal candidate pools.</p> <p>Alternately the Tribunal could publish indicative, non-binding salary ranges based on the above factors and individual councils retain the final discretion in the negotiated salary.</p>
<p>S102A</p> <p>CEO Performance review</p>	<p>New provisions</p> <p>A CEO Performance Review must occur at least once a year <u>and</u> “if relevant” before reappointment.</p> <p>Council must obtain independent advice by “qualified independent person” who is not a member of council and determined by the council (same as the requirements for CEO termination but a legal practitioner is not listed as an option. see 97(3), above).</p>	<p>Supported</p> <p>The requirement for the inclusion of advice from a qualified independent person on an annual basis could be cost-prohibitive for smaller councils, as such biennially may be more appropriate.</p>
<p>S110 Code of conduct for employees</p>	<p>Revised provisions</p> <p>This is replaced by s119A</p>	<p>Supported</p>
<p>Section</p>	<p>What does it do?</p>	<p>AHC Submission</p>

<p>S110A</p> <p>Duty to protect confidential information</p>	<p>New provision</p> <p>Duty of employees to protect confidential information.</p> <p>Adds a new limb “employee knew or ought to have known that the information is to be treated confidentially”.</p>	<p>Supported</p>
<p>S119A</p> <p>Register of Gifts and Benefits for Employees</p>	<p>New section</p> <p>Employee gifts and benefits was previously dealt with by Code of Conduct.</p> <p>The Minister must consult with the LGA on setting the limit for the value of gifts that must be included on the register.</p>	<p>Partially supported</p> <p>The current Code of Conduct for Council Employees is problematic due to the inclusion of gifts received by a person related to the employee. As such there is considerable confusion as to what should be recorded in the register (i.e. a child’s birthday presents).</p> <p>The terms ‘designated person or entity’ for the purposes of proposed s119A(6) are not defined in the Bill and would not be supported if they again refer to relatives.</p>
<p>S120 Conflict of Interest</p>	<p>Revised provisions</p> <p>Changes to the provisions of closely associated persons.</p>	<p>Partially supported</p> <p>Proposed subsection 120(6)(f) should only deal with current or potential future agreements but not those that have ended. As currently drafted, an agreement that concluded many years in the past would still be captured for the purposes of this subsection.</p>

Section	What does it do?	AHC Submission
<p>S120A</p> <p>Employee Behavioural standards</p>	<p>New section</p> <p>Council must prepare and adopt standards.</p> <p>An employee must comply with these standards.</p> <p>These standards will set out the grounds for suspending or dismissing, disciplinary action against the employee.</p> <p>Before a council adopts or alters these standards, they must consult with relevant industrial association re the Employee Behavioural standards and any subsequent variation.</p> <p>Within 6 months of periodic election, council must review these standards.</p>	<p>Not supported</p> <p>Behavioural standards for employees should be sector-wide (similar to the proposed council member behavioural Standards as per proposed s75E) to ensure consistency across the sector.</p> <p>From a practical perspective, 68 councils trying to consult with multiple industrial associations in the 6 months following an election is completely unrealistic.</p> <p>Further council members, in general, lack the expertise to determine behavioural standards which will have significant industrial relations implications.</p>
<p>S122</p> <p>Strategic Management Plan</p>	<p>New provisions</p> <p>A Council's Long-Term Financial Plan -must be for a 10yr period.</p> <p>The LTFP must:</p> <p>(New)</p> <ul style="list-style-type: none"> - outline council's approach to funding services and infrastructure - Set out council total revenue for the period - Outline the sources of revenue including fees, grants, rates and charges. <p>(3a) Regulations may require the inclusion of other information.</p>	<p>Partially supported.</p> <p>The Long Term Financial Plan maps out the intended revenue sources and projections over the 10 year period. Nonetheless, additional details [as per proposed s122((1a)] while requiring additional bureaucracy to prepare, may be useful although the reliability of the information will become marginal in the outer years.</p> <p>The provision for additional strategic plan requirements to be contained in regulation [as per proposed s122(3a)], while logical, is concerning if those additional requirements are onerous.</p>

S123

Annual
Business Plan

New provisions

An Annual Business Plan (ABP) must include:

- **New:** a statement on the proposed change in total revenue from general rates for the financial year and if ABP sets out a growth component in relation to general rates it may only relate to growth in the no of rateable properties and must not relate to the growth in the value of rateable properties.
- an explanation of how the proposed change is consistent with the council's LTFP.
- A summary of other reasons for the proposed change.
- Details of impact of the proposed change on average rates for each land use category.
- The advice received from the 'Designated Authority' (which looks like being the Essential Services Commission of SA); and
- The council's response to the advice which must set out whether the proposed change in total revenue from general rates is consistent with the advice and if not the reasons for the inconsistency.

(3a) The **draft** ABP must be provided to the Designated Authority by 31 Dec in the FY preceding and must include:

- The proposed change in total revenue from general rates.
- The council's view of the impact of the change.
- Information about consideration given by council to alternatives to the proposed change including total revenue resulting from such alternative measures.

(d) information as to how the proposal is consistent with the Council's LTFP.

- Any other matter set out in the in Regs.

The Designated Authority must provide its advice back to the council by 31 March of each year.

The Designated Authority must have regard to:

- Information provided by, AND any matter directed by the Minister; and
- Any other matter considered relevant by the Designated Authority.

The Designated Authority must publish a copy of any direction given by the Minister as soon as practicable.

If the Designated Authority considers a council has failed to respond to its advice - it **May** provide a report to the Minister.

Not supported

Council takes exception to the proposal to develop and provide this information to the Designated Authority by 31 December of the preceding year, thereby introducing another layer of bureaucracy that gives a significant role to an unelected body that has no relationship with or accountability to the local community.

Regardless of whether the Designated Authority concept is adopted, the information requirements of proposed s122(3a) could be incorporated in the draft ABP for public consultation.

If the Designated Authority is progressed, they could review the required information post ABP adoption (i.e. July-October) and provide advice to the council for consideration in the following year's ABP development.

<p>S125</p> <p>Internal Control policies</p>	<p>New provisions</p> <p>New Regulation making powers. Councils must ensure their policies, practices and procedures comply with these Regulations.</p>	<p>Partially supported.</p> <p>The provision for internal controls to comply with standards or other documents to be contained in regulation [as per proposed s125(2)], while logical, is concerning if those additional requirements are onerous while not materially improving internal control in a cost-effective manner.</p>
<p>S125A</p> <p>Internal Audit Function</p>	<p>New section</p> <p>CEO must consult with audit & risk committee before appointing chief internal auditor.</p> <p>Chief internal auditor must provide reports and matters related to the function directly to audit & risk committee.</p>	<p>Partially supported</p> <p>Council support consultation on the appointment of the chief internal auditor with the audit & risk committee.</p> <p>The requirement to report directly to the committee needs to be considerate that audit report preparation inherently involves working with management on responses to findings prior to providing the report to the committee.</p> <p>It should also be clear that the committee is not to direct the chief internal auditor in the conduct of their duties.</p>

Section	What does it do?	AHC Submission
<p>S126</p> <p>Audit and Risk Committee</p>	<p>Revised and new provisions</p> <p>A majority of members of council Audit and Risk Committees must not be members of the council and may not be an employee of the council.</p> <p>The role of these committees is expanded to include 'risk'.</p> <p>'Functions' of Audit and Risk Committees expanded:</p> <p>New functions include:</p> <ul style="list-style-type: none"> - To make recommendations for improvements based on previous audit/risk assessments. - Liaise with council auditor in accordance with the Regulations - Review the effectiveness of policies, systems, etc. to manage risk. <p>(g) if a council has an internal audit function -to oversee internal audit planning and reporting</p> <p>The must be one meeting of the audit and risk committee each quarter.</p> <p>Audit and risk committee must provide a report to council every 3 months.</p>	<p>Supported.</p> <p>Audit committees consisting of a majority of independent, professionally-qualified members are almost the default model in both the profit and not-for-profit sectors.</p> <p>The additional functions [as per proposed s126(4)] effectively mirror the good practice already in the sector.</p>
<p>S126A</p> <p>Regional audit & risk committees</p>	<p>New section</p> <p>Regional audits permitted, where 2 or more councils share audit resources. This is optional.</p>	<p>Partially supported.</p> <p>The formation of regional audit committees is appealing in its potential to partially mitigate cost and skills shortage impacts.</p> <p>In practice, a committee's ability to concurrently oversee the financial reporting, external audit, internal audit, risk management system and associated functions of a number of councils is considered to be problematic.</p>

Section	What does it do?	AHC Submission
S128 Auditor	<p>Revised provisions</p> <p>Councils must use a different audit firm at least every 5 years.</p> <p>Then a council must wait five years before re-engaging that same auditor.</p>	Supported
S129 Conduct of Audit	<p>Revised provisions</p> <p>If the SA Auditor-General exercises (existing) powers to perform the council financial and/or internal control audit, then a normal audit is not required.</p> <p>If the Auditor -General conducts the audit, the council must pay for the reasonable costs incurred.</p>	<p>Not supported</p> <p>There are broad powers that are already available to the Auditor General to review or audit a council's financial management and, as such, the ability to undertake the financial statement and/or internal control audit is considered unnecessary and unwarranted.</p> <p>If this proposed provision remains, an Auditor-General exercising the power under proposed s129(1a) to conduct the financial statement or internal control audit would be likely to result in a contractual dispute with the council's auditor (who will expect to be paid for the contracted audit).</p>
S151 Basis of rating	<p>Revised provisions</p> <p>Delete council power to use 'site value' as a means of rating. All councils will use 'capital value' method.</p>	<p>Supported</p> <p>The transition provisions for the Act should provide for an appropriate period for councils to transition their basis of rating.</p>
S170 Notice of declaration of rates	<p>Revised provisions</p> <p>Requirements to give the public notice of the declaration of rates within 21 days after the date of the declaration.</p>	Supported

Section	What does it do?	AHC Submission
<p>S194</p> <p>Revocation of community land</p>	<p>Revised provisions</p> <p>Simplification of current unwieldy process to revoke community lands. Cases where the Minister will be required to make the decision is clarified.</p> <p>More situations where councils can make the decision to revoke uncontroversial community land (e.g. unmade roads).</p> <p>Does not apply to Adelaide Parklands.</p>	<p>Supported</p>
<p>S222 (1a) – permits for mobile food vending business</p>	<p>Revised provisions</p> <p>Removal of automatic granting of permits to mobile food vendors (food trucks).</p>	<p>Supported</p>
<p>S246</p> <p>Power to make by-laws</p>	<p>Revised provisions</p> <p>Increase in penalties for the breach of a by-law</p>	<p>Supported</p> <p>In alignment with the increase in the maximum penalty, Council encourages consideration of an increase in the per day penalty.</p>
<p>S262A & B</p> <p>Council Member Behaviour</p>	<p>New sections</p> <p>First step requires the council deal with issue in accordance with their (new) behaviour management policy (similar in process to the current Council member Complaint Handling Procedure). Council has powers to insert consequences/ penalties into their policy for breaches of their Council policy.</p>	<p>Supported</p>

Section	What does it do?	AHC Submission
<p>S262C</p> <p>Member Behaviour - Action</p>	<p>New section</p> <p>Councils may:</p> <ul style="list-style-type: none"> (a) censure (b) Require a public apology. (c) Require the councillor to undertake a specified course of training or instruction. (d) remove or suspend the member from 1 or more offices held by the member <p>In dealing with these, council must proceed with as little as possible formality and technicality</p> <p>The clause has been designed in an attempt to enable councils to operate without requiring lawyers.</p> <p>Councils are not bound by the rules of evidence but must provide procedural fairness</p> <p>Council can refuse to deal with a matter because it is frivolous, vexations, trivial. Council can also decide to take a matter no further.</p>	<p>Supported</p>
<p>S262D - Member Behaviour - Reasons</p>	<p>New section</p> <p>If a council refuses to deal with a complaint or determines to take no further action, then the council must provide written reasons.</p>	<p>Supported</p>

Section	What does it do?	AHC Submission
<p>S262E</p> <p>Behaviour Panel</p>	<p>New section</p> <p>Creates a definition of misbehaviour as:</p> <ul style="list-style-type: none"> - A failure by a member of council to comply with a requirement under 262C(1) (i.e. the council determination about the complaint) - Failure to comply with a council behaviour management policy. - A failure to comply with an agreement reached following mediation, conciliation arbitration, dispute resolution process (i.e. a councillor has agreed and reneged). <p>Misbehaviour, repeated behaviour and serious misbehaviour are defined.</p> <p>'Serious misbehaviour' means bullying or harassment of another member or employee of council (as per proposed s75G).</p>	<p>Supported</p>
<p>S262F</p> <p>Panel composition</p>	<p>New section</p> <p>Local Government Behaviour Panel will have 3 members:</p> <ol style="list-style-type: none"> 1. a member jointly nominated by Minister and LGA 2. a member nominated by Minister 3. a member nominated by LGA 	<p>Partially supported</p> <p>Council does not support the prohibition on a member or employee of a council being a Panel member [s262F(4)] as they may well satisfy the knowledge, skills and expertise requirements of s262F(5) and any potential conflict would be relatively unlikely and manageable with a pool of Panel members.</p>
<p>262J</p> <p>Panel remuneration</p>	<p>New section</p> <p>Remuneration and expenses of the Panel will be determined by Governor.</p>	<p>Supported</p> <p>It is proposed that the LGA pay these fixed costs with councils paying on a fee for service basis when their matters come before the Panel.</p>

Section	What does it do?	AHC Submission
<p>S262N</p> <p>Functions of the Panel</p>	<p>New section</p> <p>Primary function of the Panel is to assess and deal with complaints referred to the Panel.</p> <p>In addition, the Panel may:</p> <ul style="list-style-type: none"> - publish guidelines - publish model behavioural management policies - publish practice directions - perform any other functions assigned to it. 	<p>Supported</p> <p>Council is cautious about its support for other functions to be conferred upon the Panel given that the councils will need to bear the costs of these additional functions.</p> <p>Any additional functions should be by agreement with the LGA.</p>
<p>S262Q</p> <p>Referrals to the Panel</p>	<p>New section</p> <p>Matters can be referred to the Panel by</p> <ul style="list-style-type: none"> - Resolution of council - CEO of council - at least 3 members of council - the Minister - any person dissatisfied with a council member conduct decision. 	<p>Partially supported</p> <p>Council does not support complaints from members of the public dissatisfied with a council's handling of a behavioural standards complaint to be dealt with by the Panel. These complaints should be dealt with by the Ombudsman under s263.</p>
<p>S262U</p> <p>Powers relating to inquiries</p>	<p>New section</p> <p>In relation to an investigation, the Panel may:</p> <ul style="list-style-type: none"> - Require a person's attendance - Require a person to answer questions - Require production of records, etc. <p>Person not required to comply if doing so may incriminate them.</p> <p>Panel to operate with as little formal and technicality and as much expedition as possible. Not bound by rules of evidence.</p>	<p>Supported</p>

Section	What does it do?	AHC Submission
<p>S262W</p> <p>Actions of the Panel</p>	<p>New section</p> <p>The Panel may:</p> <ul style="list-style-type: none"> - Reprimand - Direct a council to censure - Require a public apology - Require a councillor to undertake a course of training or development. - Require a councillor to reimburse an amount of money. - Remove or suspend an office in capacity as member of another body - Suspend for up to 3 months - Direct council to lodge complaint with SACAT (SACAT can suspend for longer or remove a person from council). <p>If a councillor fails to comply with an order, this is defined as an integrity issue and goes to SACAT (not OPI) and the Panel must make a report to the Minister.</p>	<p>Supported</p>
<p>S262Y</p> <p>Referral of complaint to OPI</p>	<p>New section</p> <p>If corruption or integrity issue - it goes to Office of Public Integrity.</p> <p>Council or Panel can refer a matter to OPI.</p>	<p>Supported</p>
<p>S270</p> <p>Procedures for the review of council decisions</p>	<p>Revised section</p> <p>An application for review must be accompanied by the prescribed fee.</p>	<p>Partially supported</p> <p>Council does not believe that this fee should be waived for concession card holders given that the Council under proposed s270(3a) will have the power to reduce, waive or refund the fee. Concession card holders are anecdotally the most frequent users of the internal review provisions.</p>

Section	What does it do?	AHC Submission
<p>Ch 13 s273 Reviews Initiated by Minister</p>	<p>Minister may ask the council to report.</p> <p>If the council has “failed to adequately respond” to the Minister / Designated Authority advice, then....</p> <p>The Minister can give directions to the council to “rectify the matter” or to prevent recurrence of the “act, failure or irregularity”.</p> <p>This is not limited to situations where there has been a breach or failure by a council. It could relate to any council budgetary decision -e.g. where the Minister and council merely have different financial priorities.</p>	<p>Partially supported</p> <p>With the exclusion of the provisions applying to s273(1)(f) given that Council does not agree with the creation of the Designated Authority or its role proposed in s123.</p>

**ADELAIDE HILLS COUNCIL
ORDINARY COUNCIL MEETING
Tuesday 28 July 2020
AGENDA BUSINESS ITEM**

Item: 12.6

Responsible Officer: Natalie Westover
Manager Property Services
Corporate Services

Subject: Community and Recreation Facility Framework Internal Working Group – Appointment of Members

For: Decision

SUMMARY

The purpose of this report is to seek a resolution of Council to appoint up to four Council Members to the Community and Recreation Facility Framework Internal Working Group (“CRFFIWG”) for a term of 24 months commencing on 29 July 2020 and to conclude on 28 July 2022 (inclusive).

The CRFFIWG was established on 23 July 2019 to assist with the development of the Community and Recreation Facility Framework (“CRFF”) with an initial appointment term of 12 months which expired on 23 July 2020.

RECOMMENDATION

Council resolves:

1. That the report be received and noted.
 2. To determine that the method of selecting the Council Members (up to four Council Members) for the CRFFIWG be by an indicative vote to determine the preferred person(s) utilising the process set out in this Agenda report.
 3. To adjourn the Council meeting for the purposes of seeking nominations for and, if necessary, conducting an indicative vote to determine the preferred person(s) for the CRFFIWG Council Member roles and for the meeting to resume once the results of the indicative votes have been declared.
 4. To appoint and for a 24 month term to commence on 29 July 2020 and to conclude on 28 July 2022 (inclusive), to be reviewed prior to the expiration of the said term.
-

1. GOVERNANCE

➤ Strategic Management Plan/Functional Strategy/Council Policy Alignment

Strategic Plan 2020-24 – A brighter future

Goal 5 A progressive Organisation

Objective 05 We are accountable, informed, and make decisions in the best interests of the whole community

Priority 05.1 Enhance governance structures and systems to prudently adapt to changing circumstances and meet our legislative obligations

While working groups do not have a legal structure and do not make decisions for or on behalf of Council, it is important that the governance arrangements relating to these working groups are clearly documented and complied with.

Due to the nature of internal working group meetings and the Council Member membership of these groups, *Council's Informal Council and Council Committee Gatherings and Discussions Policy* applies to these meetings.

➤ Legal Implications

The CRFFIWG, in much the same way as Advisory Groups, is a creation of the Council for the purpose (as stated in the Advisory Group Operation & Conduct Policy) 'to provide advice to staff on specific matters'.

The group does not have a legal foundation under the *Local Government Act 1999* (the Act), as opposed to Section 41 Council Committees, but under the provisions of the Act are considered to be an informal gathering.

Section 90(8) of the Act is very specific that informal gatherings cannot deal with matters that would ordinarily form part of an agenda for a council or council committee meeting in such a way as to obtain, or effectively obtain, a decision on the matter outside a formally constituted meeting of the council or council committee. *Council's Informal Council and Council Committee Gatherings and Discussions Policy* created under s90(8a) of the Act sets out the provisions for the conduct of a Designated Informal Gathering.

Sections 73 and 74 of the Act set out the provisions regarding Material Conflicts of Interest. Council Member membership of an internal working group may possibly constitute a personal benefit under s73 of the Act. As there are no allowance or fees payable it is unlikely that a Member would receive a pecuniary benefit under s73.

Sections 75 and 75A of the Act set out the provisions regarding Actual and Perceived Conflicts of Interest. A Council Member seeking to be appointed to the CRFFIWG may in actuality, or could be perceived by an impartial person to, have a conflict between their personal interests and the public interest that might lead to a decision that is contrary to the public interest.

Therefore a Council Member seeking to be appointed to the CRFFIWG could have a Material, Actual or Perceived Conflict of Interest and would need to consider declaring the interest and leave the Chamber prior to the discussion of the matter under s74(1) or s75A(2), as appropriate.

➤ **Risk Management Implications**

The adoption of practical and legislatively compliant arrangements for the CRFFIWG will assist in mitigating the risk of:

Poor governance practices occur which leads 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)

The adoption of the CRFFIWG will assist in mitigating the risk of:

Not progressing the Community & Recreation Facility Framework in a timely manner which leads to a not managing risk in an appropriate manner and loss of stakeholder confidence

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**

There are no financial or resource implications in relation to the appointment of Council Members to the CRFFIWG however there may be resource implications during the further development and delivery of the CRFF.

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

It is reasonable to assume that the community could expect Council to have mechanisms to provide advice and consideration of matters to assist the Council to discharge its responsibilities and achieve its strategic intent.

➤ **Sustainability Implications**

Not Applicable.

➤ **Engagement/Consultation conducted in the development of the report**

Consultation on the development of this report was as follows:

Council Committees: Not Applicable

Council Workshops: Not Applicable

Advisory Groups: Community & Recreation Facilities Framework Internal Working Group

Administration: Executive Manager Governance and Performance
 Sport & Recreation Planner

External Agencies: Not Applicable

Community: Not Applicable

2. BACKGROUND

At the meeting of July 23 2019, Council resolved to establish the CRFFIWG with the appointment of Council Members for an initial term of 12 months (Resolution 193/19).

The Council Members appointed to the CRFFIWG for the first term were Councillors Bailey, Daniell, Gill and Parkin.

A considerable amount of work has been undertaken by the CRFFIWG in the first 12 months of the CRFFIWG however progression of the CRFF has encountered delays due to resource impacts following the Cudlee Creek Bushfire and COVID-19.

The CRFFIWG has assisted to define the scope of the project as determining a clear responsibility for the following items at both Council and Community owned assets:

- General Maintenance
- Structural Maintenance
- Capital Upgrade
- Asset Ownership
- Asset Management
- Insurance
- Work Health & Safety

Significant review of these elements, our current practices and level of service has been undertaken, with a particular focus on play spaces, community halls, ovals and courts.

Members of the CRFFIWG have spent a considerable amount of time reviewing our current leasing practices and researching what other Local Government entities do in this space, and also involved in the development of the community consultation that is currently open.

The components of the CRFF and assessment by the CRFFIWG have confirmed that the development of the CRFF is complex given it will be guiding arrangements for community and recreation facilities for at least the next 10 – 20 years. Given the complexity and work undertaken by the CRFFIWG to date, and to ensure that the draft CRFF is progressed within designated timelines, there would be considerable benefit to retain consistency of membership for a term of 24 months.

Meetings of the CRFFIWG are open to all Council Members to attend.

3. ANALYSIS

Pursuant to the terms of appointment, the initial term has expired and Council Members are required to be appointed or reappointed to the CRFFIWG.

Indicative Voting Process for Determining Council Appointed Positions

Due to the potential implications of the Material Conflict of Interest provisions under s73 and the Actual and Perceived Conflicts of Interest under s75 (see Legal Implications above) regarding the appointment of Council Members, it is proposed that the Council adjourn the meeting for the purposes of seeking nominations for and, if necessary, conducting an indicative vote (Indicative Voting Process) to determine the preferred person(s) for the positions of CRFFIWG member.

As the Indicative Voting Process involves discussion of a matter that is, or is intended to be, part of the agenda for a formal meeting of the Council or Council Committee, it is a Designated Informal Gathering for the purposes of s90 and the *Informal Council and Council Committee Gatherings and Discussions Policy* (the Policy). As a Designated Informal Gathering, the Chief Executive will conduct the meeting in accordance with the Policy.

The proposed Indicative Vote Process below is based on the Appointments to Positions Process contained in Clause 4.7 Council's *Code of Practice for Code of Practice for Council Meeting Procedures* with modifications to suit the legislative requirements of the conflict of interest and informal gatherings provisions.

The proposed Indicative Voting Process is:

- a) Chief Executive Officer calls for self-nominations for the position of CRFFIWG Members.
- b) If the number of nominees is equal to or less than the number of positions, no election will be required. If the number of nominees is greater, an election will be necessary.
- c) The CEO (or another Council staff member) will be appointed as the Returning Officer and may enlist other Council staff to assist with the conduct of the vote and the count.
- d) The method of voting will be by secret ballot.
Note: preferential voting will not occur due to the use of electronic ballots.
- e) Each Council Member (including the Mayor) shall have one vote.
- f) The nominee's names will be drawn to determine the order on the ballot paper.
- g) Each nominee will have two (2) minutes to speak to the Gathering in support of the candidacy. The speaking order will be as drawn.
- h) An anonymous Electronic Poll will be provided on the Zoom screen for each Council Member to cast their vote.
- i) Once all Council Members have completed their electronic vote the Returning Officer will make the result known on the screen.
- j) In the event of a tie, the result will be decided by the Returning Officer drawing lots, the candidate first drawn being the candidate excluded.
- k) After all votes have been counted, the Returning Officer shall formally declare the result of the election (i.e. the preferred person).
- l) The Electronic Poll will be deleted.

Independent Membership of the CRFFIWG

The Terms of Reference does not contemplate the appointment of independent members to the CRFFIWG.

Proposed Chronology of Events

The mechanics are relatively complicated due to the legislative provisions regarding conflict of interest and informal gatherings.

The following chronology has been based on guidance from the LGA regarding the election of Council Members to Committee and Presiding Member positions:

- I. Council will consider the process that it will use to choose the preferred persons for the CRFFIWG positions. Council would give effect to this by dealing with Recommendation 2 (or a variant) at this time.
- II. Having decided the method, Council will then have to adjourn the meeting to enable the process to be undertaken. Council would give effect to this by dealing with Recommendation 3 (or a variant) at this time.
- III. Once the Indicative Voting Process has been completed the Council meeting will resume in accordance with the previous resolution.

Upon resumption, the Council Members who nominated for the CRFFIWG roles would be advised to consider their obligations to declare a Material, Actual or Perceived Conflict of Interest as appropriate.

- IV. Council can then resolve for the preferred persons to be appointed as the CRFFIWG members for a 24 month term. Council would give effect to this by dealing with Recommendation 4 (or a variant) at this time.

Once this matter is resolved, the Members who have declared Conflicts of Interest and left the Chamber can return to the Chamber.

4. OPTIONS

Council has the following options:

- I. To resolve in general accordance with the recommendations proposed in this report. Doing so would enable the CRFFIWG to be created and members appointed (Recommended)
- II. To determine not to progress in accordance with this report, doing so may result in the CRFF taking longer to develop and implement (Not Recommended)

**ADELAIDE HILLS COUNCIL
ORDINARY COUNCIL MEETING
Tuesday 28 July 2020
AGENDA BUSINESS ITEM**

Item: 12.7

Responsible Officer: Lachlan Miller
Executive Manager Governance & Performance
Office of the Chief Executive

Subject: Nomination to Local Government Grants Commission

For: Decision

SUMMARY

The Local Government Association (LGA) (via LGA Circular 9.2) is seeking nominations for a local government representative on the Local Government Grants Commission (LGGC) for a period of up to five years, commencing from November 2020.

The current local government representative is Mayor Dave Burgess of Mid Murray Council who is eligible for re-appointment when his term expires on 22 November 2020. Members receive an annual income of \$13,570 for attendance at 15 meetings per year.

Nominees can be:

- council members (elected members)
- council employees
- employees of another local government entity

Councils seeking to nominate a candidate(s) are required to submit the Nominations Form Part B by COB 14 August 2020. The LGA Board will consider nominations at its meeting in September 2020.

RECOMMENDATION

Council resolves:

1. That the report be received and noted.
 2. To determine that the method of selecting the Council Member(s) and or Council Officer(s) to be nominated for the Local Government Grants Commission be by an indicative vote utilising the process set out in this Agenda report.
 3. To adjourn the Council meeting for the purposes of seeking nominations for and, if necessary, conducting an indicative vote to determine the preferred person(s) for nomination for the Local Government Grants Commission and for the meeting to resume once the results of the indicative vote have been declared.
 4. To endorse the nomination of _____ for the Local Government Grants Commission and authorise the Chief Executive Officer to lodge the completed nomination form(s) to the Local Government Association by COB 14 August 2020.
-

1. GOVERNANCE

➤ Strategic Management Plan/Functional Strategy/Council Policy Alignment

Strategic Plan 2020-24 – A brighter future

Goal 5 A Progressive Organisation

Priority O5.1 Enhance governance structures and systems to prudently adapt to changing circumstances and meet our legislative obligations

➤ Legal Implications

There is no legal requirement for a member of the Adelaide Hills Council to become a member of the LGGC.

Sections 73 and 74 of the *Local Government Act 1999* (the Act) set out the provisions regarding Material Conflicts of Interest. An Elected Member registration of interest for membership of the LGGC may possibly constitute a personal benefit under s73 of the Act.

Sections 75 and 75A of the Act set out the provisions regarding Actual and Perceived Conflicts of Interest. An Elected Member registration of interest for membership of the LGGC may in actuality, or could be perceived by an impartial person to, have a conflict between their personal interests and the public interest that might lead to a decision that is contrary to the public interest.

Therefore an Elected Member seeking to have a registration of interest for membership of the LGGC nominated by Council could have a Material, Actual or Perceived Conflict of Interest and would need to consider declaring the interest and leave the Chamber prior to the discussion of the matter under s74(1) or s75A(2), as appropriate.

Section 90(8) of the Act is very specific that informal gatherings cannot deal with matters that would ordinarily form part of an agenda for a council or council committee meeting in such a way as to obtain, or effectively obtain, a decision on the matter outside a formally constituted meeting of the council or council committee. Council's *Informal Council and Council Committee Gatherings and Discussions Policy* created under s90(8a) of the Act sets out the provisions for the conduct of a Designated Informal Gathering.

➤ Risk Management Implications

As the LGGC is entirely separate from Adelaide Hills Council, there is no direct risk in relation to the operations of the Council itself.

The nomination of appropriately qualified persons and the management of conflicts of interest are pertinent risk issues in relation to this matter and there are existing controls in place to assist in managing 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
Extreme (5C)	Medium (3D)

Council has many internal controls that contribute to managing the above risk and therefore the subject of this report does not in itself have an additional mitigating impact on the residual risk.

➤ **Financial and Resource Implications**

Sitting fees are paid by the LGGC. Members receive an annual income of \$13,570 for attendance at meetings.

The Council Member Allowance & Support Policy does not provide for the reimbursement of any costs for attendance at bodies such as the LGGC and therefore there are no financial implications regarding nomination.

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

The community can reasonably expect that the AHC Elected Members will have representation on external bodies relating to local government.

➤ **Sustainability Implications**

Not applicable.

➤ **Engagement/Consultation conducted in the development of the report**

Consultation on the development of this report was as follows:

Council Committees: Not Applicable

Council Workshops: Not Applicable

Council Members: Cr Mark Osterstock has indicated an interest in nominating for the LGGC.

Advisory Groups: Not Applicable

Administration: Chief Executive Officer

External Agencies: Not Applicable

Community: Not Applicable

2. **BACKGROUND**

The LGGC is established pursuant to the *South Australian Local Government Grants Commission Act 1992*.

Appointments to the LGCC are for a period of up to five years. Members receive an annual income of \$13,570 for attendance at meetings and the LGCC meets approximately 15 times per year.

The LGGC has two primary roles:

- to provide recommendations to the Minister for Local Government on distribution of untied Commonwealth Financial Assistance Grants to councils, and
- to perform the role of the Local Government Boundaries Commission – the independent body that assesses and investigates council boundary change proposals and makes recommendations to the Minister for Local Government.

The current local government representative (Mayor Dave Burgess) is eligible for re-appointment when his term expires in November 2020.

In December 2019 the LGA Board of Directors endorsed a new *LGA Appointments and Nominations to Outside Bodies Policy*, which provides for varied rigour in the examination of nominees that is commensurate with the responsibilities and strategic importance of the Outside Body.

Under the Policy, the LGA Board of Directors may set selection criteria to be addressed by nominees; if selection criteria have been set these will be specified in the Call for Nominations Information Sheet.

The Policy also enables the LGA Secretariat to maintain a Nominees Database, which will record the details of nominees who agree to be considered for other vacancies for a period of 12 months based on the nominee's preferences.

The Policy establishes a Nominations Committee of the LGA Board of Directors, which may undertake preliminary consideration of nominees and make recommendations to the LGA Board of Directors. In relation to the LGGC, this may include the Nominations Committee undertaking interviews and/or requesting the details of referees.

In accordance with section 36A of the *Acts Interpretation Act 1915*, the LGA must provide a panel of at least three nominees (including at least one male and one female) from which the Minister will select the appointee.

Nominees can be:

- council members (elected members)
- council employees
- employees of another local government entity

The selection criteria for nominations are:

- broad local government experience
- exposure to financial management and decision making across multiple local government bodies for example multiple councils, regional subsidiaries or the LGA Board, SAROC or GAROC.

3. ANALYSIS

Indicative Voting Process for Determining Council Appointed Positions

Due to the potential implications of the Conflict of Interest provisions (see Legal Implications above) regarding the nomination of a Council Member, it is proposed that the Council adjourn the meeting for the purposes of seeking nominations for and, if necessary, conducting an indicative vote (Indicative Voting Process) to determine the preferred person to be nominated.

As the Indicative Voting Process involves discussion of a matter that is, or is intended to be, part of the agenda for a formal meeting of the Council or Council Committee, it is a Designated Informal Gathering for the purposes of s90 and the *Informal Council and Council Committee Gatherings and Discussions Policy* (the Policy). As a Designated Informal Gathering, the Chief Executive will conduct the meeting in accordance with the Policy.

The Indicative Vote Process below is based on the Appointments to Positions Process contained in Clause 4.7 Council's *Code of Practice for Code of Practice for Council Meeting Procedures*.

The Indicative Voting Process is:

- a) Chief Executive Officer calls for self-nominations for the position of LGGC Nominee.
- b) If the number of nominees is equal to or less than the number of positions, no election will be required. If the number of nominees is greater, an election will be necessary.
- c) The CEO (or another Council staff member) will be appointed as the Returning Officer and may enlist other Council staff to assist with the conduct of the vote and the count.
- d) The method of voting will be by secret ballot.

Note: preferential voting will not occur due to the use of electronic ballots.
- e) Each Council Member (including the Mayor) shall have one vote.
- f) The nominee's names will be drawn to determine the order on the ballot paper.
- g) Each nominee will have two (2) minutes to speak to the Gathering in support of the candidacy. The speaking order will be as drawn.
- h) An anonymous Electronic Poll will be provided on the Zoom screen for each Council Member to cast their vote.
- i) Once all Council Members have completed their electronic vote the Returning Officer will make the result known on the screen.
- j) In the event of a tie, the result will be decided by the Returning Officer drawing lots, the candidate first drawn being the candidate excluded.
- k) After all votes have been counted, the Returning Officer shall formally declare the result of the election (i.e. the preferred person).
- l) The Electronic Poll will be deleted.

Proposed Chronology of Events

The mechanics are relatively complicated due to the legislative provisions regarding conflict of interest and informal gatherings.

The following chronology has been based on guidance from the LGA regarding the election of Council Members to Committee and Presiding Member positions:

- I. Council will then consider the process that it will use to choose the preferred persons for the nomination to the LGA. Council would give effect to this by dealing with Recommendation 2 (or a variant) at this time.
- II. Having decided the method, Council will then have to adjourn the meeting to enable the process to be undertaken. Council would give effect to this by dealing with Recommendation 3 (or a variant) at this time.
- III. Once the Indicative Voting Process has been completed the Council meeting will resume in accordance with the previous resolution.

Upon resumption, the Council Member(s) who nominated for the LGGC role would be advised to consider their obligations to declare a Material, Actual or Perceived Conflict of Interest as appropriate.

- IV. Council can then resolve for the preferred person(s) to be nominated to the LGA. Council would give effect to this by dealing with Recommendation 4 (or a variant) at this time.

Once this matter is resolved, the Members who have declared Conflicts of Interest and left the Chamber can return to the Chamber.

4. OPTIONS

Council has the following options:

1. Endorse the nomination of a person to the LGGC
2. Determine not to nominate a person to the LGGC

5. APPENDIX

Nil

**ADELAIDE HILLS COUNCIL
ORDINARY COUNCIL MEETING
Tuesday 28 July 2020
AGENDA BUSINESS ITEM**

Item: 12.8

Responsible Officer: Jennifer Blake
Manager Communications, Engagement and Events
Community Capacity

Subject: Citizen of the Year Awards Presentation Location

For: Decision

SUMMARY

In response to a resolution made at the January 2020 Council Meeting, staff have completed an investigation into the feasibility of rotating the presentation of Citizen of the Year Awards throughout the Council area, commencing January 2021, with the location being influenced by where the Citizen of the Year is from. The three major Council Australia Day Awards are Citizen of the Year, Young Citizen of the Year and Community Event of the Year and they are currently presented at the Australia Day ceremony in Stirling.

The investigation found that it is feasible to present the Awards in different locations and accordingly it is recommended to do so in 2021.

RECOMMENDATION

Council resolves:

1. That the report be received and noted.
 2. That the winners of the three primary Australia Day Awards – Citizen of the Year, Young Citizen of the Year and Community Event of the Year – be given the opportunity to receive their award at a community celebration of their choice, commencing in January 2021.
-

1. GOVERNANCE

➤ Strategic Management Plan

Strategic Plan 2020-24: A brighter future

Goal Community Wellbeing
Objective C6 Celebrate our community's unique culture through arts, heritage and events.

Objective C3 A community that grows together
Priority C6.2, C3.2 Develop, support and bring events to our district that have social, cultural, environmental or economic benefits.

Support volunteering both organisationally and in the community as an essential element in delivering community outcomes and building wellbeing.

These awards are an opportunity to highlight inspirational representatives of the Adelaide Hills who make a significant contribution to their community and celebrate their passion, commitment and achievements.

➤ Legal Implications

Civic awards are not governed under any legislation.

Citizenship ceremonies are governed by the *Australian Citizenship Ceremonies Code (the Code)* under the *Australian Citizenship Regulation 2016* (the Regulation) and the *Australian Citizenship Act 2007* (the Act). Councils must hold a citizenship ceremony on 26 January as part of their Australia Day activities. Under this legislation, a citizenship candidate must make a Pledge of Commitment to an authorised person to become an Australian Citizen. For Adelaide Hills Council the Mayor, Deputy Mayor and Chief Executive Officer are authorised to receive a Pledge of Commitment. It is the requirement of the *Australian Citizenship Ceremonies Code* that the venue must be of a suitable standard to reflect the importance of the occasion.

➤ Risk Management Implications

The exploration of rotating presentation of Citizen of the Year throughout the Council area will assist in mitigating the risk of:

Poor representation of the community by Council leading to decisions that do not appropriately take into account community need resulting in negative community sentiment and reputational damage.

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

At present, recipients are offered the opportunity to be acknowledged in their local community as well as receiving their award at the Council's primary ceremony. Offering the option of receiving the award at alternative presentation locations is a further mitigation action.

➤ **Financial and Resource Implications**

The Australia Day ceremony in Stirling requires considerable planning and resources by staff as it encompasses the citizenship ceremony. There are four Australia Day Awards ceremonies supported by Council in the District at Mylor, Woodside, Gumeracha and Uraidla with a financial contribution of \$1,400 made to each. The Stirling Australia Day ceremony is funded from the Events budget and costs approximately \$1,200 including chair hire, entertainment and food. In addition, Council spends approximately \$2,000 on waste services, toilet cleaning, nomination and event advertising. In total Council spends approximately \$9,000 on Australia Day formalities.

There are no cost implications anticipated through providing a choice of location for award recipients.

If Citizen of the Year award winners were able to choose at which event they would like to receive their award, little change would need to occur to existing events. Staff would need to work with the community events to ensure the ceremony format accommodates award presentations and potentially adjusting the timing of ceremonies should award recipients wish to attend more than one event.

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

There is a risk in separating the awards presentation from the Stirling ceremony in that some of the formality and ceremonial aspects of the presentation could be diminished for award winners. Local Members of Parliament (MPs) are invited to attend and speak at Stirling Citizenship Ceremony, so may not be available to also attend the awards presentations elsewhere. Additionally, an Australia Day Ambassador is provided to us through our involvement with the State Award Program and they speak at the Stirling ceremony. It would be necessary to consider the best use of their role if citizenship and awards were separated.

➤ **Sustainability Implications**

Not Applicable.

➤ **Engagement/Consultation conducted in the development of the report**

Consultation on the development of this report was as follows:

Council Committees: Not Applicable

Council Workshops: A workshop was conducted with Elected Members on Tuesday 14 July 2020 to detail the current Australia Day district events, current awards process, and to discuss how to allow the winners of the three major winners to receive their award at the community event most relevant to them.

Advisory Groups: Not Applicable

- Administration:* Executive Assistant - Mayor & CEO
Director Community Capacity
Events Officer
- External Agencies:* Not Applicable
- Community:* Council staff spoke with the event organisers for Australia day ceremonies at Gumeracha, Woodside, Uraidla and Mylor.

2. BACKGROUND

At the ordinary Council meeting of 28 January 2020, the Council resolved as follows:

11.2 Citizen of the Year Location

Moved Cr Pauline Gill

S/- Cr Malcolm Herrmann

7/20

1. That the Administration explores the feasibility of rotating the presentation of Citizen of the Year throughout the Council area, commencing January 2021.
2. That the location be influenced by where the recipient of the Citizen of the Year is from.
3. That Council recognises that this presentation is a celebration of citizens who make an enormous contribution to the Adelaide Hills community and recipients should be able to be recognised within the local community which has nominated them.

Carried Unanimously

In recent years, the Adelaide Hills Council Citizen of the Year, Young Citizen of the Year and Community Event of the Year awards have been presented by the Mayor at the Stirling Australia Day ceremony in combination with a Citizenship Ceremony.

Winners of Citizen of the Year awards have also been encouraged to attend and be acknowledged at their local community celebration before or after the main Stirling ceremony if travel time permits. Civic Award recipients are encouraged to attend one of the community celebrations nearest to where they live to receive their award but are also welcome at the Stirling ceremony.

3. ANALYSIS

There are five Australia Day ceremonies supported by Council in the district. The Stirling awards and Citizenship Ceremony is organised and managed by Council, and community groups run events in Woodside, Mylor, Gumeracha and Uraidla.

The ceremony in Stirling currently encompasses the Citizenship Ceremony (around 25 recipients), the three major Citizen of the Year Awards (Citizen of the Year, Young Citizen of the Year and Community Event of the Year), Civic Awards (0 - 5 recipients as it varies each year and many recipients receive the award at their local event), and an Australia Day element. The Stirling event has been deliberately timed to avoid clashing with the times of the long-standing community celebrations as far as practicable, to allow award winners, supporters, the Mayor and other Council members to also attend multiple community celebrations.

Citizen of the Year is currently awarded alongside Young Citizen of the Year and Community Event of the Year so if the location of the presentation was determined by the Citizen of the Year Award winner, the recipients of the Young Citizen and Community Event Awards would be required to travel to the specified location although it may be quite a distance from their community and not relevant to them.

An alternative is to offer the three major Australia Day Award recipients the opportunity to receive their award at the Australia Day ceremony most relevant to them (rather than exclusively at Stirling or as determined by the Citizen of the Year winner). This may more accurately reflect the purpose of these awards as they are intended to celebrate and thank recipients for services to their local community. It will also assist in growing awareness of the awards program around the district. All community Australia Day ceremonies can be provided with a complete list of civic and major award winners in the district for acknowledgement at their events.

The Mayor may not be able to present some or all of the Citizen of the Year awards due to travel and timing constraints in which case another Council Member may present the award instead. Significant elements of the current major Stirling ceremony, including speeches from local MPs and our Australia Day Ambassador, may not be available for the Citizen of the Year presentation at localised ceremonies. Receiving their award at the ceremony in Stirling would also remain an option.

4. OPTIONS

Council has the following options:

- I. Offer the three major Australia Day Award recipients the opportunity to decide at which district Australia Day ceremony they would like to receive their award commencing in January 2021. (Recommended)
- II. Present the three major Australia Day Awards at the event most relevant to the Citizen of the Year recipient. This is not recommended as Young Citizen and Community Event Award winners are bound to travel to the ceremony chosen by the Citizen of the Year recipient to receive their awards and may miss the opportunity to be acknowledged at a community event more relevant to them. (Not Recommended)
- III. Make no changes to the existing event format and process, and continue as in recent years. This is not recommended as award winners are bound to travel to Stirling to receive their awards and may miss the opportunity to be acknowledged at a community event more relevant to them. (Not Recommended)

5. APPENDIX

Nil

**ADELAIDE HILLS COUNCIL
ORDINARY COUNCIL MEETING
Tuesday 28 July 2020
AGENDA BUSINESS ITEM**

Item: 12.9

Responsible Officer: Natalie Westover
Manager, Property Services
Corporate Services

Subject: Proposed Road Closure – Portion of Posen Road, Birdwood

For: Decision

SUMMARY

Posen Road is a made road in Birdwood as identified by the area bordered in red on **Appendix 1** (Road Land).

The owner of 60 Posen Road, Birdwood, Mrs Elizabeth Addams-Williams, has applied to the Council to purchase the unmade section of this public road (UPR) that adjoins her property.

This report recommends the Council resolving to issue a Road Process Order to close the Road Land identified as “A” in **Appendix 2** and sell to Mrs Elizabeth Addams-Williams for the amount of \$8,000 (plus GST).

Whilst current delegations by Council provide authority for the Chief Executive Officer to deal with all matters associated with the making of a Road Process Order, current practice for these matters has been to bring them to Council for consideration.

RECOMMENDATION

Council resolves:

1. That the report be received and noted
2. To make a Road Process Order pursuant to the *Roads (Opening & Closing) Act 1991* to close and merge the piece of land identified as “A” in the Preliminary Plan No. 20/0005 attached to this report with Piece 14 in Deposited Plan No. 63287 comprised in Certificate of Title Volume 5911 Folio 108.
3. Subject to the closure of the road identified in the Preliminary Plan attached, that:
 - The closed road be excluded as Community Land pursuant to the *Local Government Act 1999*; and

- The piece marked “A” be sold to Mrs Elizabeth Addams-Williams, the owner of the property with which it is merging for the amount of \$8,000 plus GST (if applicable) and all fees and charges associated with the road closure process.

4. Authorise the Chief Executive to finalise and sign all necessary documentation to close and sell the above portion of closed road pursuant to this resolution.
-

1. GOVERNANCE

➤ Strategic Management Plan/Functional Strategy/Council Policy Alignment

Strategic Plan 2020-24 – A brighter future

Goal A Progressive Organisation

Objective O3 Our organisation is financially sustainable for both current and future generations.

Priority O3.3 Actively pursue alternative funding opportunities to reduce reliance on rates income.

The closure and sale of unmade public roads provides an alternate income source for council, together with the reduction of Council’s insurance risk, and maintenance obligations.

Under Council’s *Disposal of Assets Policy*, it is viewed that assets that are surplus to Council requirements are to be disposed of in a fair, equitable and transparent manner.

➤ Legal Implications

The *Roads (Opening & Closing) Act 1991* sets out the process for a road closure and the issuance of a Road Process Order.

➤ Risk Management Implications

The closure of a section of unmade road that is deemed to be surplus to Council’s current and future needs as a public road reduces the risks to Council associated with safety and liability, vegetation control works and costs.

The closure and sale of the Road Land will assist in mitigating the risk of ‘Private infrastructure on public road reserve leading to increased risk and liability for Council’.

Inherent Risk	Residual Risk	Target Risk
Medium (3C)	Low (2D)	Low (1C)

➤ Financial and Resource Implications

All external costs including the initial and subsequent survey, valuation, conveyancing, advertising and government charges have been paid by the prospective purchaser.

The Council’s administrative cost is covered by the application fee paid by the applicant of the proposed road closure including the initial investigation, liaison with proposed

purchasers, liaison with surveyor and conveyancer and internal processes to undertake the road closure.

If the recommendation is endorsed, Mrs Elizabeth Addams-Williams will pay Council \$8,000 (plus GST) for the purchase of the Road Land.

If the recommendation is not endorsed then the respective owners will need to maintain their current annual road rent permit for the Road Land.

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

Not Applicable

➤ **Sustainability Implications**

Not Applicable

➤ **Engagement/Consultation conducted in the development of the report**

Council Committees: Not Applicable

Council Workshops: Not Applicable

Advisory Groups: Property Advisory Group

Administration: Director Corporate Services
Manager Property Services
Biodiversity Officer
GIS & Asset Management Officer
Sport & Recreation Planner

External Agencies: Office of Recreation and Sport

Community: Community Consultation was undertaken in accordance with the public notice requirements set out in the *Roads (Opening & Closing) Act 1991* and Council's *Public Consultation Policy*.

2. **BACKGROUND**

Mrs Elizabeth Addams-Williams owns the property at 60 Posen Road, Birdwood.

Council was approached by Mrs Addams-Williams in February 2016 expressing an interest in purchasing the Road Land to incorporate within their property boundary. Mrs Addams-Williams owns the land on both sides of the Road Land, as highlighted in **Appendix 1**.

Mrs Elizabeth Addams-Williams is currently maintaining the Road Land (under a road rent permit) to assist with fire reduction.

The road closure proposes that 1.41 hectares of unmade public road will be merged into the certificate of title for Mrs Addams-Williams.

3. ANALYSIS

The road closure process was commenced and is undertaken in accordance with the requirements of the *Roads (Opening & Closing) Act 1991*.

The Road Land was assessed by Council staff to ascertain its suitability for a closure and sale and this assessment indicated that it was suitable.

The Road Land is not able to be traversed by vehicles or pedestrians due to the large dam that is situated on the Road Land and the land owned by Mrs Addams-Williams. Due to the dam, the proposed closure of the Road Land will not have any impact on the passage of vehicular or pedestrian traffic. The date of construction of the dam is unknown however aerial imagery confirms that the dam was constructed prior to 1986.

An assessment of the potential use of the road by the public included the following:

- a review of the Adelaide Hills 20 Year Trail Strategy & Action Plan which does not identify the Road Land as a potential linkage of trails
- confirmation from the Office of Recreation and Sport that the Road Land is not considered a strategic trail linkage at State level. Walking SA held no objection to the proposed road closure.

As required under the Council's *Disposal of Assets Policy*, a valuation was obtained from an independent valuer to determine the market value of the Road Land. Mrs Addams-Williams undertook a valuation from Colliers International Valuers and Advisory Services on 6 September 2017. This report was calculated using a "Market Value Calculation", based on a rate per hectare of \$6,600. On that basis, this valuation was determined to be \$7,500.

Council undertook their own valuation, as our initial estimates for the land value were much higher. The report provided by McLean Gladstone Valuers was based on using the "before and after" method of valuation whereby the land owned by the Applicant is valued before and after the Road Land is added.

The Road Land is undulating and cleared with some mature Eucalyptus trees and an established dam to the western boundary of the unmade road. The value attributed using the "before and after" method was \$1.50 per square metre which equated to \$8,500.

In accordance with Council's *Disposal of Asset Policy*, Council sought to negotiate directly with the applicants after discussion with the Property Advisory Group. A subsequent offer to sell for \$8,000 (plus GST) was considered acceptable by Mrs Addams-Williams. This price was seen as a reasonable outcome.

Public consultation according to the *Roads Opening and Closing Act, 1991* was undertaken with only and one (1) objection received from a local bushwalker. The objection stated:

Road closures of unmade or little-used public roads is very short sighted. We have an infinitely growing population with ever reducing freedom of movement in the environment for outdoor recreation. In the future these unmade public roads and rail corridors have great potential for walking / bike riding and other relatively harmless outdoor activities. If these roads get sold off it reduced the availability of future generations to Public Access areas. The landholder can continue to rent the road, but foot-traffic should be allowed on public spaces.

Council invited the objector to provide a written submission to support their objection, and they were further invited to attend the Council meeting to present their objection to the Elected Members. At the time of writing this report, the objector has not responded to Council's request or invitation.

In assessing the suitability of the Road Land for possible closure and sale, assessment of the suitability of the Road Land as a future trail linkage was also considered as noted above. In this circumstance, giving consideration to the Council's Adelaide Hills 20 Year Trail Strategy & Action Plan, the position of the Office for Recreation and Sport, Walking SA and the existence of the large dam, the Road Land is not considered suitable for retention as a walking trail. On that basis, the objection, as it relates to this particular road closure process, whilst considered was not upheld.

Council has provided the objection to the Surveyor-General for consideration prior to making his recommendation to the Governor.

4. OPTIONS

The Council has the following options:

- I. Resolve to close the Road Land and issue a Road Process Order in accordance with the recommendation (Recommended)
- II. Resolve to not endorse the road closure of the Road Land which will result in the existing road rent/permit being maintained. (Not Recommended)

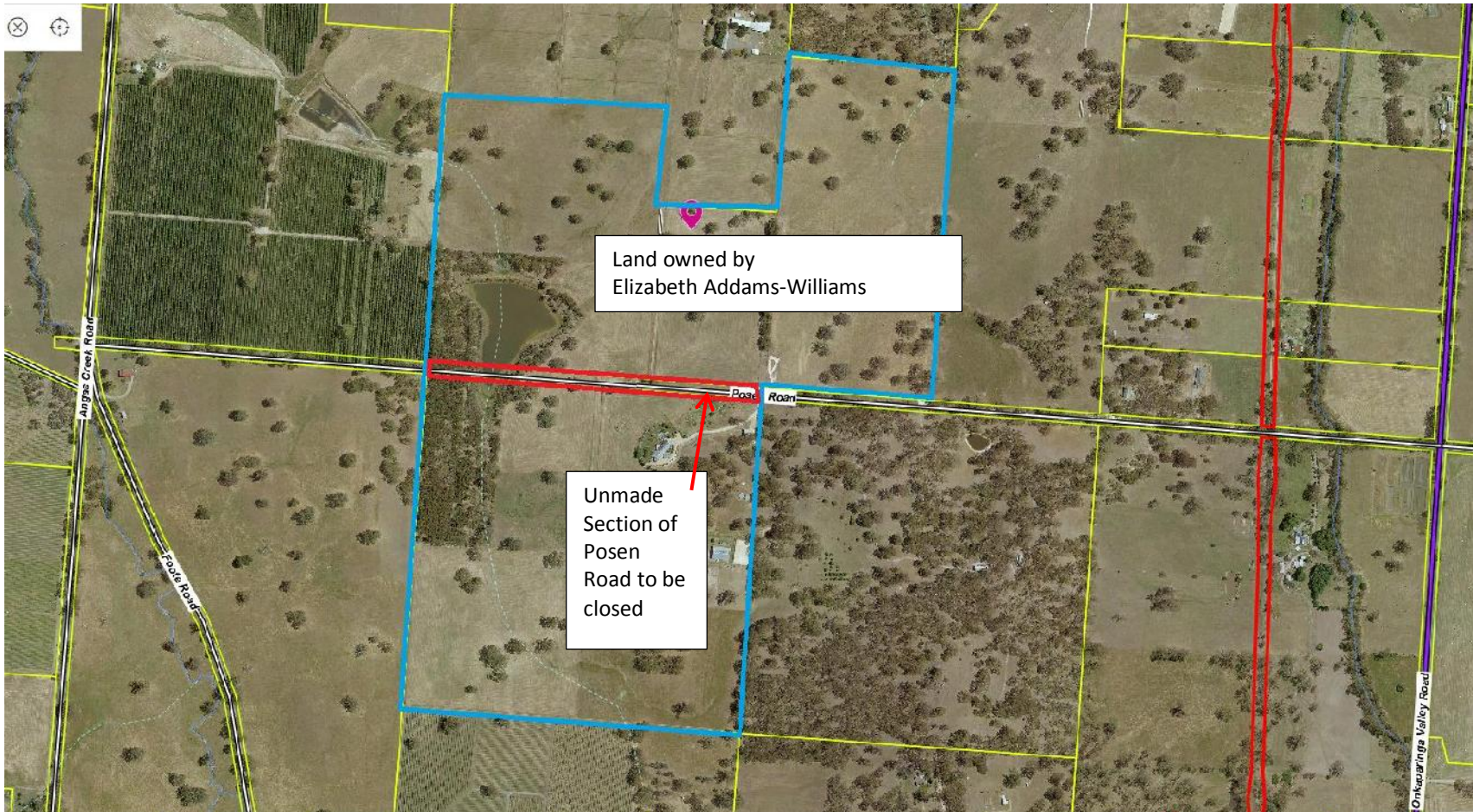
5. APPENDICES

- (1) Map identifying the Road Land
- (2) Preliminary Plan identifying the Road Land and merging parcels

Appendix 1

Road Land Identification

ROAD CLOSURE – ADJ. 60 POSEN ROAD, BIRDWOOD



Appendix 2

Preliminary Plan 2020/0005

PRELIMINARY PLAN 20/0005

HUNDRED OF TALUNGA
 BIRDWOOD & MOUNT TORRENS
 ADELAIDE HILLS COUNCIL
 CT:5911/108

ROAD TO BE CLOSED LETTERED A
 (1.14ha APPROX. 2.82ac)
 TO MERGE WITH CT: 5911/108

PIECES SCHEDULE

ONE ALLOTMENT COMPRISES	TOTAL AREA
13* AND 14*	70.85ha

I HEREBY CERTIFY THAT THE PORTION OF ROAD
 LETTERED A HEREON ARE PUBLIC ROAD WITHIN
 THE MEANING OF SECTION 3 OF THE ROADS
 (OPENING AND CLOSING) ACT 1991.
 (AUTHORITY: PUBLIC MAP)

[Signature]

LICENSED SURVEYOR DATE 20/11/2019

CERTIFIED CORRECT AS TO INTENT:

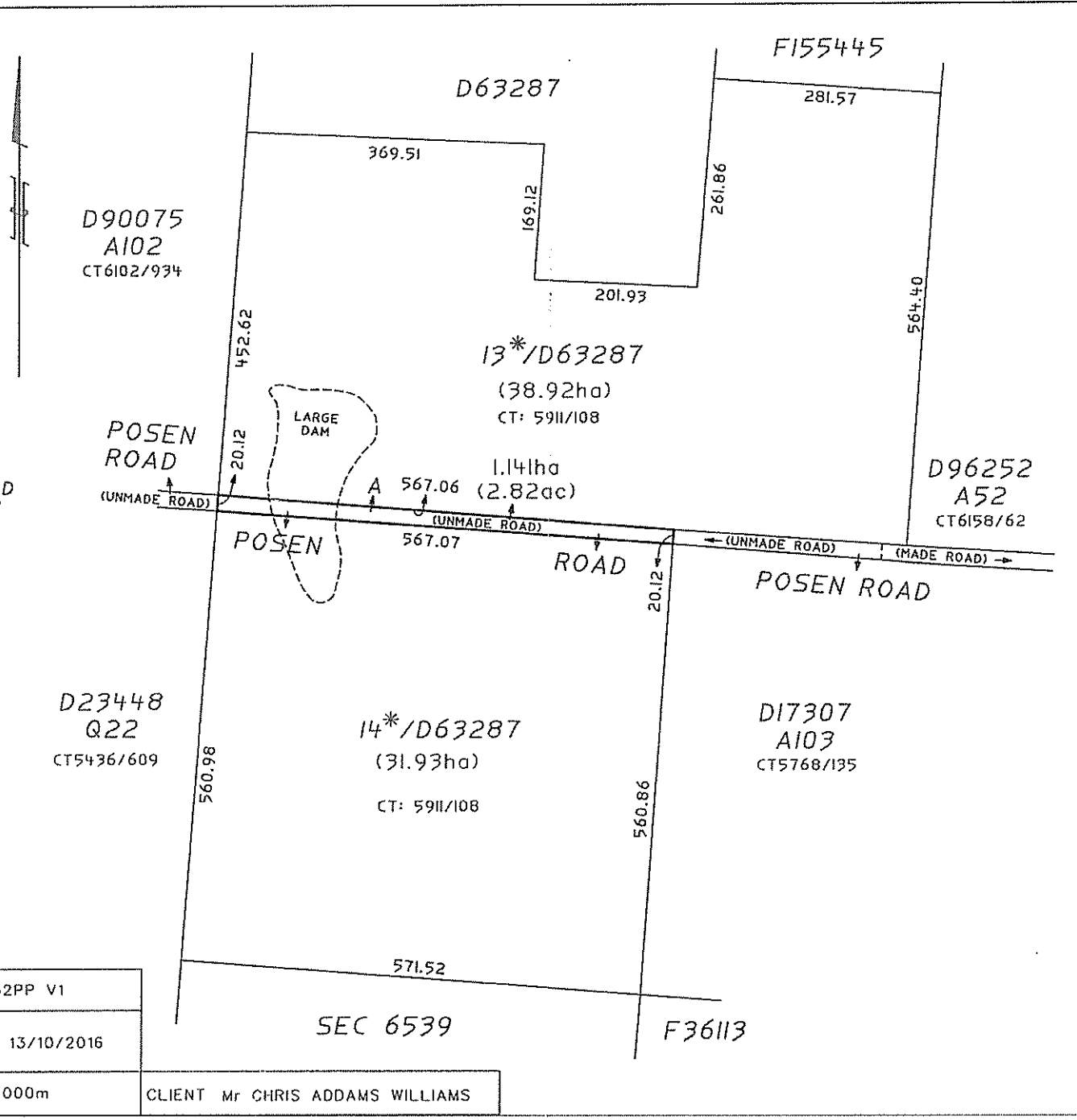
DATE 27.11.19 *[Signature]*
 AHC Authorised Officer



OLDEN & van SENDEN PTY. LTD.
 ACN 008 133 159 ABN 47 008 133 159
 SURVEYING & PLANNING CONSULTANTS
 3/42 MT BARKER ROAD 11 CHAPEL STREET
 STIRLING. S.A. 5152 STRATHALBYN
 PH (08) 83709699 SA 5255
 FAX (08) 83709699 PH (08) 85363224
 EMAIL olvs@bigpond.net.au M 0417878671

FILE 2862PP V1
DATE OF PLAN 13/10/2016
SCALE 1:5000m

CLIENT Mr CHRIS ADDAMS WILLIAMS



**ADELAIDE HILLS COUNCIL
ORDINARY COUNCIL MEETING
Tuesday 28 July 2020
AGENDA BUSINESS ITEM**

Item: 12.10

Responsible Officer: Natalie Westover
Manager Property Services
Corporate Services

Subject: Road Widening – Nether Hill Road, Kenton Valley

For: Decision

SUMMARY

The purpose of this report is to obtain a resolution to undertake a road widening process to correct a boundary alignment of the formed road along a section of Nether Hill Road, Kenton Valley. This road widening process will require the acquisition of land from two adjoining land owners.

The first adjoining land owner's land is identified as Piece 18 in Filed Plan No. 156515 contained in Certificate of Title Volume 5296 Folio 889 and known as 67 Nether Hill Road, Kenton Valley (**Appendix 1**).

The second adjoining land owner's land is identified as Allotment 62 in Filed Plan No. 155477 contained in Certificate of Title Volume 5714 Folio 646 and known as 109 Nether Hill Road, Kenton Valley (**Appendix 1**).

All land owners are agreeable to the road widening proposal.

RECOMMENDATION

Council resolves:

1. That the report be received and noted
2. To purchase the areas of land totalling 335 sqm identified in red on the Land Acquisition Plan attached as **Appendix 2** ("land") from Stephen Paul Cowie the land owner at 67 Nether Hill Road, Kenton Valley, for the purchase price of \$6,700 (excl GST) plus all reasonable costs to vest the Land as public road.
3. To purchase the area of land being 188 sqm identified in red on the Land Acquisition Plan attached as **Appendix 2** ("land") from Paul Andrew Arnup and [REDACTED] the land owner at 109 Nether Hill Road, Kenton Valley, for the purchase price of \$3,760 (excl GST) plus all reasonable costs to vest the Land as public road.
4. The road land being acquired to be excluded as Community Land pursuant to the *Local Government Act 1999*; and

5. **That the Mayor and CEO be authorised to sign all necessary documentation, including affixing the common seal, to give effect this resolution.**
 6. **To approve an expenditure budget of \$10,460 to purchase the two areas of land on Nether Hill Road, Kenton Valley, with funding to be sourced from favourable capital revenue identified within the 2020-21 Capital Works budget**
-

1. GOVERNANCE

➤ Strategic Management Plan/Functional Strategy/Council Policy Alignment

Strategic Plan 2020-24 – A brighter future

Goal 1 A functional Built Environment

Objective B1 Our district is easily accessible for community, our businesses and visitors

Priority B1.5 Provide accessibility for the full range of users by ensuring Council’s road, footpath and trails network is adequately maintained and service levels for all users are developed and considered.

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 essential 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:

Provide a safer road for the community, together with reducing the risk of damaging privately owned land and 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 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.

The additional expenditure can be sourced from favourable blackspot funding relating to Council's Road Safety Program as documented in the Council Report also being presented to the Council Meeting on 28 July 2020.

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

Not applicable.

➤ **Sustainability Implications**

Not applicable.

➤ **Engagement/Consultation conducted in the development of the report**

Consultation on the development of this report was as follows:

Council Committees: Not Applicable

Council Workshops: Not Applicable

Advisory Groups: Not Applicable

Administration: Director Corporate Services
Manager Civil Services
Civil Projects Coordinator
Technical Officer
Manager Property Services
Roads Officer

External Agencies: Not Applicable

Community: Discussions with land owners

2. BACKGROUND

Mr Stephen Cowie, the land owner of 67 Nether Hill Road, Kenton Valley, contacted Council in July 2018, advising that a boundary survey had recently been undertaken at their property.

That survey highlighted that portion of the Nether Hill Road sat within their property boundary. The land owner was seeking to fence their property boundary for agricultural uses, however would result in the fence line sitting in the middle of the formed road.

Council officers inspected the site, and it was determined that in order to correct the road boundary, Council would need to undertake an acquisition of the areas that encroached onto Nether Hill Road. Further, it was discovered that the land encroachment also extended to include the boundary of 109 Nether Hill Road, Kenton Valley.

3. ANALYSIS

The proposed road widening is deemed to be an appropriate course of action to address the issue. An assessment has been made by Council staff and deemed the most appropriate course of action. A physical realignment of the road is not suitable, due to the topography of the land, and any physical alteration of the road would result in a far greater cost than the acquisition of the land to rectify the road boundary.

Council has been in contact with the adjoining land owners in this section of Nether Hill Road. Survey plans and valuations have been undertaken, with the support of the adjoining land owners.

Council engaged McLean Gladstone Valuers to prepare a report based on the areas of land to be acquired to undertake the road widening project. Using a direct comparison method of valuation, it was determined that a value of \$20/sqm be used.

Using this method the valuation of the land for both road widening purposes and compulsory acquisition for this project as below:

CALCULATION

67 Nether Hill Road	335 m ² @ \$20 per m ² = \$6,700
109 Nether Hill Road	188 m ² @ \$20 per m ² = \$3,760

Council's preferred option was to negotiate terms with the adjoining land owners, rather than a compulsory acquisition process. An offer to purchase the land from the land owners affected by this project was based on the recommendations contained within the valuation report.

The Valuation Report prepared by McLean Gladstone indicated that the values for the areas of land required for compulsory acquisition was the same as the direct comparison valuation method used.

If the private negotiations are not successful and a compulsory acquisition is required, council will be required to pay legal fees that could cost in excess of \$20,000 in addition to the total purchase price for the land of \$10,460.

If the land was to be compulsorily acquired, the process could take up to twelve months or longer. If either of the land owners do not agree to sell the required land in accordance with this report, a further report will be presented to Council in relation to an acquisition process under the *Land Acquisition Act 1969*.

4. OPTIONS

- I. Resolve to make an agreement with the land owners 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 would result in the likelihood of additional costs to remedy the correct road alignment by either physical alteration or compulsory acquisition (Not Recommended)
- III. Compulsorily acquire the land (not recommended).

5. APPENDICES

- (1) Identification Plan of road area subject to widening
- (2) Land Acquisition Plan

Appendix 1

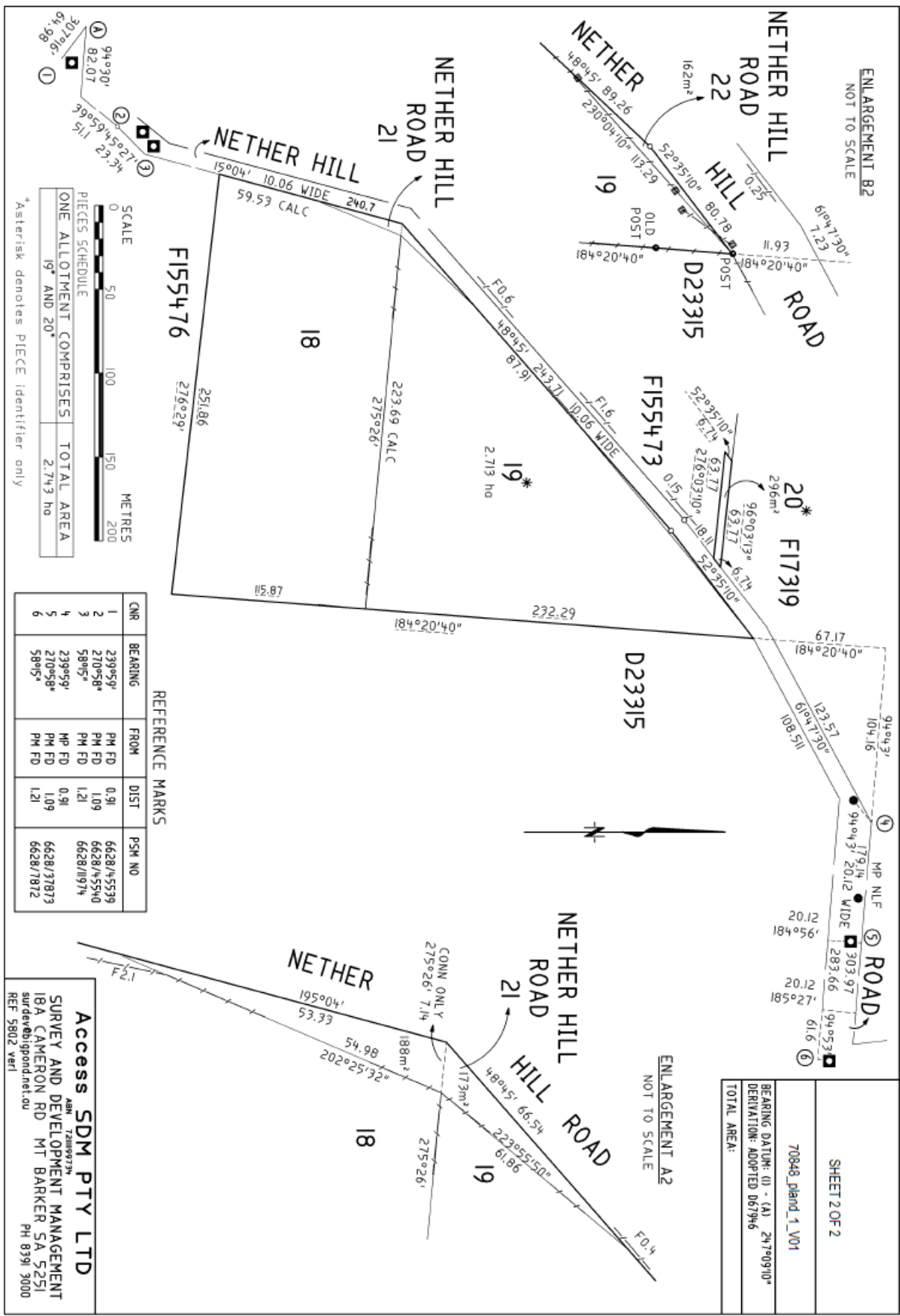
Identification of Road Land to be acquired



Appendix 2

Land Acquisition Plan

NETHER HILL ROAD, KENTON VALLEY – LAND ACQUISITION PLAN



ENLARGEMENT B2
NOT TO SCALE

SCALE

0 50 100 150 200 METRES

PIECES SCHEDULE

ONE ALLOTMENT COMPRISES	TOTAL AREA
19* AND 20*	2.743 ha

*Asterisk denotes PIECE identifier only

REFERENCE MARKS

CNR	BEARING	FROM	DIST	PSM NO
1	239°59'	PM FD	0.91	6628/4/5539
2	270°58'	PM FD	1.09	6628/4/5540
3	58°15"	PM FD	1.21	6628/11974
4	239°59'	PM FD	0.91	6628/37873
5	270°58'	PM FD	1.09	6628/7872
6	58°15"	PM FD	1.21	6628/7872

ENLARGEMENT A2
NOT TO SCALE

70848_pland_1_V01

SHEET 2 OF 2

BEARING DATUM: (A) - (A) 247°0910"

DERIVATION: ADOPTED 06/7946

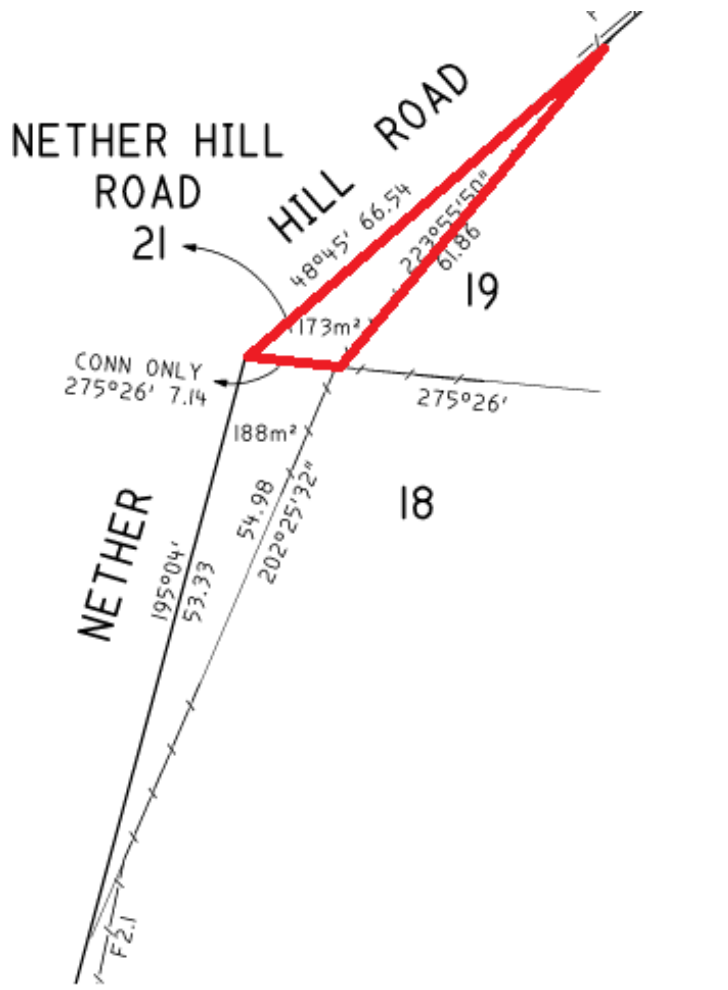
TOTAL AREA:

Access SDM PTY LTD
ABN 724180734

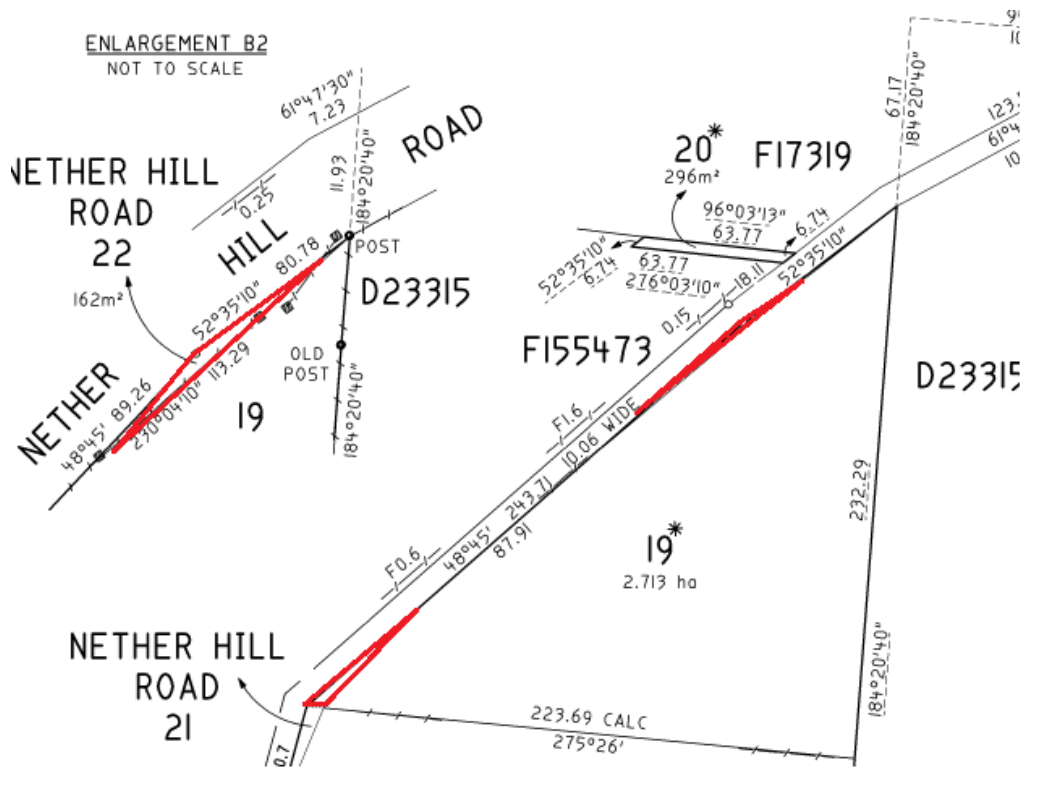
SURVEY AND DEVELOPMENT MANAGEMENT
18A CAMERON RD MT BARKER SA 5251
surdev@igpondnet.au
PH 8391 3000

LAND ACQUISITION PLAN - COWIE LAND – 67 NETHER HILL ROAD, KENTON VALLEY

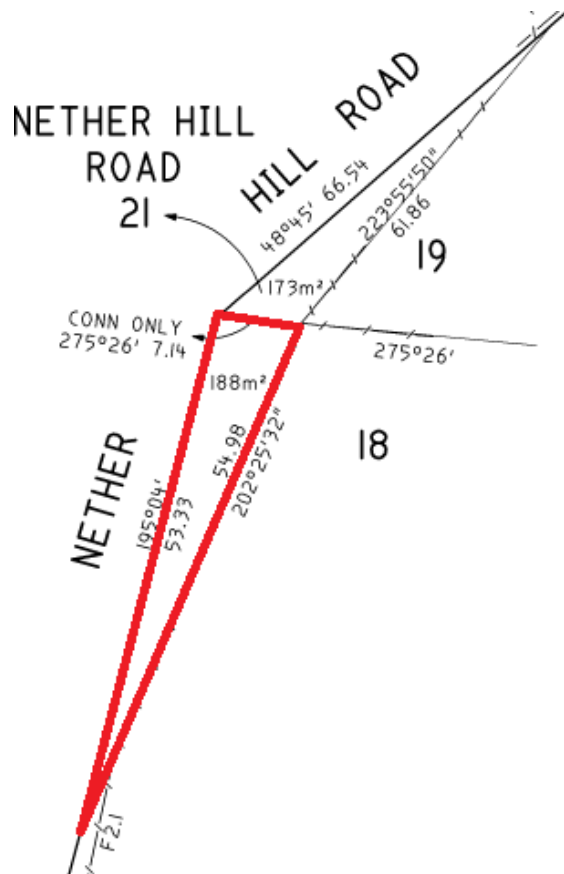
Area 1 (173sqm)



Area 2 (162sqm)



LAND ACQUISITION PLAN – ARNUP & HELBERS LAND – 109 NETHER HILL ROAD, KENTON VALLEY



**ADELAIDE HILLS COUNCIL
ORDINARY COUNCIL MEETING
Tuesday 28 July 2020
AGENDA BUSINESS ITEM**

Item: 12.11

Responsible Officer: Andrew Aitken
Chief Executive Officer

Subject: Finalisation of 2019-2020 CEO Performance Targets and
Proposed 2020-2021 Performance Targets

For: Decision

SUMMARY

This report provides the recommendations from the CEO Performance Review Panel (the Panel) on the final update and outcomes of the 2019-2020 CEO Performance Targets, and the proposed 2020-2021 CEO Performance Targets.

The Panel has continued to monitor, with the CEO, progress and updates against the 2019-2020 CEO Performance Targets and discussed with Council where specific changes were required.

For the current financial year, adoption of the 2020-2021 CEO Performance Targets is needed to finalise the priorities for this year and in turn, this decision establishes one of the elements used to review the CEO's performance.

RECOMMENDATION

Council resolves:

1. That the report be received and noted
 2. That the CEO has achieved the following outcomes in relation to the 2019-20 CEO Performance Targets:
Target 1 – Completed
Target 2 – Completed
Target 3 – Completed
Target 4 – Deferred by Council decision
Target 5 – Completed
Target 6 – Completed modified target by Council decision
 3. To adopt the proposed 2020-2021 CEO Performance Targets recommended by the Panel as per *Appendix 2*.
-

1. GOVERNANCE

➤ **Strategic Management Plan/Functional Strategy/Council Policy Alignment**

Strategic Plan 2020-24 – A brighter future

Goal 5 A progressive Organisation

Objective O5 We are accountable, informed, and make decisions in the best interests of the whole community

Priority O5.3 Demonstrate accountability through robust corporate planning and reporting that enhances performance, is relevant and easily accessible by the community.

Undertaking appropriate processes to ensure the CEO is set up for success, is well supported and has clear expectations, is critical to outcomes being achieved for the community and the organisation.

➤ **Legal Implications**

This process needs to be undertaken appropriately to ensure the CEO is provided with a fair and consistent approach to review performance and to determine appropriate performance targets for the coming 12 months. Performance targets are used in the annual performance review process that directly affects decisions made in relation to the CEO, his performance and remuneration discussions as detailed in his Employment Agreement.

The CEO Performance Review Panel is a Section 41 Committee of Council under the *Local Government Act 1999*.

➤ **Risk Management Implications**

The CEO Performance Targets update will assist in mitigating the risk of:

Deficient CEO performance review practices resulting in a lack of accountability and loss of stakeholder confidence.

Inherent Risk	Residual Risk	Target Risk
Medium (3C)	Medium (3D)	Medium (3D)

Note: there are many other controls that also assist in managing this risk.

Non-achievement of CEO Performance Targets resulting in loss of community benefit and/or opportunities and/or stakeholder confidence.

Inherent Risk	Residual Risk	Target Risk
High (3B)	Medium (3D)	Medium (3C)

➤ **Financial and Resource Implications**

There are no specific financial or resource implications in relation to this report, however the projects or initiatives linked to proposed performance targets will have their own respective financial and resource implications which (depending on the final project brief) has either been accommodated in the adopted Annual Business Plan 2020-21 or will be addressed in budget reviews.

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

There is a community expectation that the CEO will manage the organisation's human, financial and physical resources to ensure they are utilised for the best outcomes for the community.

➤ **Sustainability Implications**

There are no identified sustainability implications in relation to this report however the projects that comprise the proposed performance targets have their own respective implications which may need to be accommodated.

➤ **Engagement/Consultation conducted in the development of the report**

Consultation on the proposed Performance Targets has been undertaken with those listed below.

Council Committees: The Panel discussed both items in this report at its meeting on 9 July 2020, and at the 4 June 2020 meeting.

Council Workshops: The CEO discussed the proposed performance targets with Council Members on 9 June 2020 and invited feedback be provided to the CEO. Final outcomes of the 2019-2020 Performance Targets were provided to Council Members on 21 July 2020.

Advisory Groups: Not Applicable

Administration: Director Corporate Services
Director Community Capacity
Director Development and Regulatory Services
Director Infrastructure and Operations
Executive Manager Organisational Development
Executive Manager Governance and Performance

External Agencies: Not Applicable

Community: Not Applicable

2. BACKGROUND

CEO Performance Review Panel (the Panel)

The Panel Terms of Reference were adopted by Council on 25 July 2017 and are stated below. Specific to this report are the Panel's duties in Clause 3.1.2 and Clause 3.1.1.

3. SPECIFIC FUNCTIONS

- 3.1 The function of the Panel is to provide advice to Council on the CEO's performance and development, including the following matters:
 - 3.1.1 Determining the Performance Targets for the forthcoming 12 month performance period;
 - 3.1.2 Monitoring the progress on the CEO's agreed Performance Targets for the current 12 month performance period;
 - 3.1.3 Reviewing the CEO's performance over the preceding 12 month performance period, in particular the performance against the agreed Performance Targets and position description requirements;
 - 3.1.4 Identifying development opportunities for the CEO; and
 - 3.1.5 Reviewing the remuneration and conditions of employment of the CEO.

CEO Employment Agreement

The CEO's current Employment Agreement commenced on 1 July 2019.

Clause 12 of the Agreement contains the provisions for a performance review process with the following key feature regarding performance indicators:

- 12.4 *The performance review will review the CEO's Position Description and any key performance indicators.*

Council adopted a new suite of CEO Performance Targets on 23 July 2019 covering the 2019-2020 financial year.

12.4 Proposed 2019-2020 CEO Performance Targets

Cr Malcolm Herrmann, Cr Linda Green and Cr Andrew Stratford declared a Perceived Conflict of Interest at Agenda Item 5 'Declaration of Interest by Members of the Council' in relation to Item 12.4.

Cr Malcolm Herrmann, Cr Linda Green and Cr Andrew Stratford remained in the Chamber and voted.

Moved Cr Mark Osterstock
S/- Cr Pauline Gill

190/19

Council resolves:

1. That the report be received and noted
2. To confirm that the CEO has achieved the outcomes of the 2018-2019 Performance Targets per *Attachment 1*.
3. To adopt the proposed 2019-2020 CEO Performance Targets recommended by the Panel as per *Appendix 2*.

Carried Unanimously

Following recommendation from the Panel, the Council adopted changes to the CEO's 2019-2020 Performance Targets at the meeting on 28 April 2020.

12.8 CEO Performance Target Update

Moved Cr John Kemp
S/- Cr Kirsty Parkin

74/20

Council resolves:

1. That the report be received and noted
2. That the Community Perception Survey performance target be deferred until the impact of the COVID-19 restrictions has sufficiently abated.
3. That the Boundary Reform performance target be modified for the final stage of consultation to be deferred until the social distancing restrictions associated with COVID-19 are sufficiently reduced/removed, and once the consultation is complete, the final report will be brought to Council for consideration.
4. That the Community and Recreation Facilities Framework performance target be modified to reflect the overall complexity of this target; and for delivery of a community consultation implementation plan to be presented by 30 June 2020 instead.

Carried Unanimously

This report provides the final update and recommendation from the Panel to Council on the work achieved against each of the CEO's Performance Targets.

Proposed 2020-2021 CEO Performance Targets

Discussions have been undertaken with the Panel and Council Members (at the Workshop on 9 June 2020) on the proposed 2020-2021 CEO Performance Targets and feedback from the parties has been incorporated into the proposed Performance Targets, attached at ***Appendix 2***.

3. ANALYSIS

The CEO Performance Targets, along with the CEO Position Description, are the documents referenced when undertaking review of the CEO's annual performance.

Finalisation of 2019-2020 CEO Performance Targets

The Panel reviewed the work undertaken to complete the suite of six performance targets for 2019-2020 via the Panel meetings over the 12 month period. At its meeting on 9 July 2020, based on the discussion and assessment of the outcomes of the performance targets the Panel decided to make the following recommendations to Council (the following recommendation is from the unconfirmed minutes of the 9 July 2020 Panel meeting).

7.1 2019-2020 CEO Performance Targets Update

Moved Paula Davies
S/- Mayor Jan-Claire Wisdom

PRP12/20

The CEO Performance Review Panel resolves:

1. That the report be received and noted
2. To recommend to Council that the CEO has achieved the following status in relation to the 2019-20 CEO Performance Targets:

Target 1 – Completed
Target 2 – Completed
Target 3 – Completed
Target 4 – Deferred by Council decision
Target 5 – Completed
Target 6 – Completed modified target by Council decision

Carried

Proposed 2020-2021 CEO Performance Targets

The Performance Targets have been considered to ensure alignment with Council's Strategic and Annual Business Plans. Discussions have been undertaken with the Panel on the proposed 2020-2021 CEO Performance Targets (**Appendix 2**) and with Council Members in workshop. In considering the CEO's Performance Targets, at the 9 July 2020 meeting the Panel and the CEO discussed the proposed Targets. The CEO provided input and clarity to the Panel, with the Panel making the following recommendation to Council (the following recommendation is from the unconfirmed minutes of the 9 July 2020 Panel meeting).

7.2 Proposed 2020-2021 CEO Performance Targets

Moved Mayor Jan-Claire Wisdom
S/- Paula Davies

PRP13/20

The CEO Performance Review Panel resolves:

- 1. That the report be received and noted**
- 2. To recommend to Council the adoption of the proposed 2020-2021 CEO Performance Targets as per *Appendix 1*.**

Carried

4. OPTIONS

Council has the following options:

Finalisation of 2019-2020 CEO Performance Targets

- I. To accept the recommendation from the Panel on the outcomes of the 2019-2020 CEO Performance Targets per *Appendix 1*. (Recommended)
- II. To make another resolution on one or more of the 2019-2020 CEO Performance Targets per *Appendix 1*. (Not Recommended)

Proposed 2020-2021 CEO Performance Targets

- III. To resolve to adopt the proposed 2020-2021 CEO Performance Targets per *Appendix 2*. (Recommended)
- IV. To resolve to adopt the proposed 2020-2021 CEO Performance Targets with amendments. (Not Recommended)
- V. To resolve an alternative suite of 2020-2021 CEO Performance Targets, in consultation and agreement with the CEO. (Not Recommended)

5. APPENDICES

- (1) 2019-2020 CEO Performance Targets – Final
- (2) Proposed 2020-2021 CEO Performance Targets

Appendix 1

2019-2020 CEO Performance Targets - Final

	Performance Target	Update
1.	<p>Strategic Plan</p> <p>Finalise an engagement led draft Adelaide Hills Council Strategic Plan for Council’s consideration by February 2020.</p> <p><i>Strategic Plan Goal: Organisational Sustainability</i></p>	<p>COMPLETED:</p> <p>Strategic Plan development schedule adopted on 26 March 2019 comprising 3 phases - Discover, Discuss and Decide.</p> <p>Phase 1 (Discover) completed.</p> <p>Phase 2 (Discuss) completed.</p> <p>Phase 3 (Decide) completed.</p> <p>Council adopted (Res: 69/20) the <i>Strategic Plan 2020-24 – A Brighter Future</i> at its 28 April 2020 meeting.</p>
2.	<p>Carbon Management Plan</p> <p>Finalise the draft Carbon Management Plan for Council’s consideration by December 2019. Ensure the draft includes a target of 100% renewable energy (electricity) for the Adelaide Hills Council (as an organisation) by a defined date as well as a series of staged targets over the intervening period.</p> <p><i>Strategic Plan Goal: Place</i></p>	<p>COMPLETED:</p> <p>Council adopted (Res: 246/19) the <i>Corporate Carbon Management Plan (CCMP)</i> at its 22 October 2019 meeting. The CCMP includes a target of 100% renewable energy (electricity).</p>
3.	<p>Boundary Reform</p> <p>Establish a plan to review the current Adelaide Hills Council boundaries, including an approach to engaging with relevant councils and stakeholders to discuss with a view to possible boundary reform, for Council’s consideration by October 2019.</p> <p><i>Strategic Plan Goal: Explore</i></p>	<p>COMPLETED:</p> <p>On 25 June 2019 Council approved (Res: 158/19) the plan to review Council's boundaries. At a high level this involved the engagement of a consultant to undertake a high level review of Council’s boundaries to identify boundary reform options as the precursor to developing an engagement strategy for specific reform options.</p> <p>The consultant has developed a draft <i>Strategic Boundary Review Report</i> which was workshopped with Council Members on 17 March 2020. There is an intention for the Mayor and CEO to consult with neighbouring council Mayors and CEOs regarding the draft Report prior to the final report being considered at a Council meeting. The COVID-19 public health emergency is impacting the timing of the neighbouring council consultation and consequently the provision of the final report to Council.</p>

	Performance Target	Update
4.	<p>Community Perception and Engagement Survey</p> <p>Undertake a community perception and engagement survey and present an action plan of identified improvement opportunities to Council Members by March 2019. The survey will seek input from a range of community members (including those who normally engage with us and those who don't) to identify how Council is perceived and how our community prefers to engage with us. It will also inform the development of wellbeing and engagement related performance measures. Incentives to encourage community members to participate will also be explored. Also consider opportunities to use the survey to educate people on how Council functions.</p> <p><i>Strategic Plan Goal: Connect</i></p>	<p>DEFERRED BY DECISION OF COUNCIL: The survey has been deferred as per Council resolution (Res: 74/20).</p> <p>The intention is to conduct the survey in the second half of 2020 and it is recommended that this target be brought into and monitored as part of the CEO performance targets for 2020-21.</p>
5.	<p>Planning Assessment System</p> <p>Ensure the Adelaide Hills Council has the systems, procedures, accreditations and delegations established and functional by 30 June 2020 in order to successfully transition into the new South Australian planning and assessment system as required by the new PDI Act implementation (which commences on 1 July 2020). Development Services staff will continue to work with staff from the Department of Planning, Transport & Infrastructure (DPTI) and consult with other AHC staff and Council Members as part of this process.</p> <p><i>Strategic Plan Goal: Prosper</i></p>	<p>COMPLETED:</p> <p>As part of the business readiness project, Council's Administration has prepared delegation documents for the PDI Act based on the model delegations produced by the LGA. The first of these delegation instruments was adopted by CAP on 10 June 2020 and the other instruments were adopted by Council on 23 June 2020. A new policy on the process for review of staff decisions under the PDI Act was adopted by CAP also on 10 June 2020 and a further new Policy of Notification - Accredited Professionals was adopted by Council on 23 June 2020.</p> <p>The required systems and procedures have been developed to be able to apply from the time the new Planning Assessment System is launched, expected to be in September 2020.</p> <p>Some relevant staff who require accreditation are awaiting approval from DPTI (the Accreditation Authority under the Accreditation Scheme) and all of these staff members are expected to be accredited before the end of July 2020.</p> <p>Adelaide Hills Council has begun testing the E-Development Portal and one of Council's planning staff has been seconded part-time to DPTI to assist with testing and verification.</p>

	Performance Target	Update
		<p>There is a project underway where DPTI has engaged with councils and software vendors to scope and build system integrations between the ePlanning Portal (PLIX) and Council Planning Systems. This work has been facilitated with funding from DPTI and involvement of Local Government Information Technology SA (LGITSA) which is assisting with the coordination effort. Discussions are continuing with Council's software provider in order to scope and quote on the required integration work. DPTI has committed to funding this integration work which, while not required for the new Planning Assessment System to function, once implemented will assist in streamlining certain processes for councils.</p>
6.	<p>Community and Recreation Facilities Framework Develop a draft Community & Recreation Facilities Framework (including financial implications) for consideration by Council based on an approach that has consistency, equity and shared responsibility.</p> <p>At its meeting of 28 April 2020, this performance target was modified: Deliver a community consultation implementation plan to be presented by 30 June 2020. <i>Strategic Plan Goal: Prosper</i></p>	<p>COMPLETED: This target was modified as per Council resolution (Res: 74/20).</p> <p>At its meeting of 23 June 2020, Council endorsed (Res 105/20) the Community and Recreation Facilities Framework – Community Consultation Implementation Plan.</p>

Appendix 2

Proposed 2020-2021 CEO Performance Targets

PROPOSED 2020-2021 CEO PERFORMANCE TARGETS

	Strategic Plan Priority	Performance Target	Comment/Update
1.	<p>C2.1 – Work with community to provide a range of programs and opportunities to connect and engage around shared interests.</p> <p>C2.4 – Increase participation from the broadest range of our community and engage with them to shape policies, places and decisions that affect them.</p>	<p>Community Perception & Engagement Survey Undertake a community perception and engagement survey and present an action plan of identified improvement opportunities to Council Members. The survey will seek input from a range of community members (including those who normally engage with us and those who don't) to identify how Council is perceived and how our community prefers to engage with us. It will also inform the development of wellbeing and engagement related performance measures. Incentives to encourage community members to participate will also be explored. Also consider opportunities to use the survey to educate people on how Council functions.</p>	<p>This proposed performance target has been carried over from 2019-20 via a Council resolution due to the impact of the COVID-19 pandemic.</p>
2.	<p>C4.4 – Support clubs and groups to continue to provide sport and recreation activities to the community.</p>	<p>Community & Recreation Facilities Framework Develop a draft Community & Recreation Facilities Framework for final (Stage 3) consultation, for consideration by Council. The draft framework is to be based on an approach that has consistency, equity and shared responsibility.</p>	<p>Council endorsed the Community & Recreation Facilities Framework – Community Consultation Implementation Plan at its 23 June 2020 meeting.</p>
3.	<p>N5.1 – Encourage and educate the community to help minimise the generation of household waste by advocating the principles of the Waste Management Hierarchy to avoid, reduce and reuse.</p> <p>N5.2 – Support and assist the community to prevent valuable resources going to landfill and reduce contamination in kerbside recycling bins.</p>	<p>Kerbside Waste Audit and Education Program Complete a kerbside waste audit to inform and develop an ongoing education program and present to Council Members, with the aim of reducing recycling contamination levels and reducing waste to landfill.</p>	

PROPOSED 2020-2021 CEO PERFORMANCE TARGETS

	Strategic Plan Priority	Performance Target	Comment/Update
4.	O6.1 – Progressively strengthen Council’s systems security to minimise the impact of cyber attack.	Information System Cyber Security Plan Undertake a Cyber Security Audit, and develop a Cyber Security Plan to address matters raised in the audit, to minimise the impact of cyber-attack to Council’s network and systems.	
5.	B3.2 – Aim to achieve 100% renewable energy use for our corporate operations and strive towards carbon neutrality.	Carbon Inventory Complete and present to Council Members an updated carbon inventory based on Climate Active (formerly National Carbon Offset Standard) emissions boundaries to support the implementation of the Corporate Carbon Management Plan.	
6.	O5.3 – Demonstrate accountability through robust corporate planning and reporting that enhances performance, is relevant and easily accessible by the community.	Recovery Action Plan Provide quarterly progress reports to Council on the implementation of the Council’s Bushfire Recovery Action Plan and initiatives supporting recovery from the COVID-19 pandemic.	The reports will be structured via each of the 4 Recovery Pillars: Economic; Environmental; Social; and Infrastructure.
7.	C2.5 – Continue to work with government agencies and non-governmental organisations to support the community recovery from natural disasters and the COVID-19 pandemic.	Social and Economic Recovery – Community Ready Actively pursue opportunities to work with government and non-government partners on programs to assist communities and businesses develop resilience and readiness for future disasters. Include regular updates to Council as part of the quarterly Recovery Action Plan reporting.	
8.	E3.3 – Work with our local communities and businesses to create active, attractive and vibrant places.	Social, Economic and Environmental Recovery Engage with local communities and businesses in developing a Lobethal Bushland Park Masterplan. Present the draft masterplan to Council for its consideration.	

**ADELAIDE HILLS COUNCIL
ORDINARY COUNCIL MEETING
Tuesday 28 July 2020
AGENDA BUSINESS ITEM**

Item: 12.12

Responsible Officer: Lachlan Miller
Executive Manager Governance & Performance
Office of the Chief Executive

Subject: Strategic Internal Audit Plan Revision

For: Decision

SUMMARY

At its 25 May 2020 meeting, the Audit Committee resolved to recommend to Council to amend the timing of a number of projects contained in the 2018/19-21/22 Strategic Internal Audit Plan v1.4a (the SIAP).

The purpose of this report is to seek Council's consideration of the Audit Committee's recommendation.

RECOMMENDATION

Council resolves:

1. That the report be received and noted.
 2. That Council adopt the revised Strategic Internal Audit Plan (v1.4a) as contained in Appendix 1.
-

1. GOVERNANCE

➤ **Strategic Management Plan/Council Policy**

Strategic Plan 2020-24 – A brighter future

Goal 5 A Progressive Organisation

Objective O5 We are accountable, informed, and make decisions in the best interests of the whole community

Priority O5.1 Enhance governance structures and systems to prudently adapt to changing circumstances and meet our legislative obligations

Priority O5.2 Make evidence-based decisions and prudently assess the risks and opportunities to our community before taking action.

➤ **Legal Implications**

Section 125 of the *Local Government Act 1999* (the Act) requires councils to ensure that appropriate policies, practices and procedures of internal controls are implemented and maintained in order to assist the council to carry out its activities in an efficient and orderly manner to achieve its objectives, to ensure adherence to management policies, to safeguard Council's assets, and to secure (as far as possible) the accuracy and reliability of Council records.

The Internal Audit program is an important tool to provide an objective appraisal of the adequacy on internal controls in managing our risk and supporting the achievement of council objectives.

➤ **Risk Management Implications**

The implementation of the internal audit program will assist in mitigating the risk of:

Internal control failures occur which lead to greater uncertainty in the achievement of objectives and/or negative outcomes.

Inherent Risk	Residual Risk	Target Risk
High (4C)	Medium (3C)	Medium (3C)

➤ **Financial and Resource Implications**

The Internal Audit budget for this financial year includes funding to resource the proposed audits and enable them to be outsourced under the oversight of the Executive Manager Governance and Performance. Given the range of demands on this role, and the specialised nature of a number of the audits, it is not possible to undertake audits internally and while not necessary, it does promote the objectivity of the audit process.

The proposed movement of audits between financial years may cause financial pressures (particularly in 2020-21) and these will be managed through the budget review process.

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

There is a high expectation that Council has appropriate corporate governance processes in place including an effective internal control environment.

➤ **Sustainability Implications**

Not applicable

➤ **Engagement/Consultation conducted in the development of the report**

Consultation in the preparation of the report was as follows:

Council Committees: The 25 May 2020 Audit Committee recommended the revision of the current Strategic Internal Audit Plan 1.3.

Advisory Groups: Not Applicable

<i>Workshops:</i>	Not Applicable
<i>Administration:</i>	Chief Executive Officer Director Corporate Services Executive Manager Organisational Development Manager Financial Services Manager Information Services Governance & Risk Coordinator
<i>External Agencies:</i>	Internal audit firms invited to submit quotations for current projects.
<i>Community:</i>	Not Applicable

2. BACKGROUND

Strategic Internal Audit Planning

The Institute of Internal Auditors *International Professional Practices Framework (IPPF)*, defines internal auditing as:

...an independent, objective assurance and consulting activity designed to add value and improve an organization's operations. It helps an organization accomplish its objectives by bringing a systematic, disciplined approach to evaluate and improve the effectiveness of risk management, control and governance processes.

Council has developed and implemented strategic internal audit plans (SIAP) for many years to guide the scoping and delivery of internal audit projects.

One of Council's roles is to approve the SIAP and any revisions which often are initiated by recommendations of the Audit Committee. Most recently at its February 2020 meeting, Council approved revisions to the now current SIAP (2018/19 – 2022/23 v1.3) as follows, to accommodate a revised scope to the cyber security audit:

12.10 Strategic Internal Audit Plan 2018 – 2023 Revision

Moved Cr Leith Mudge
S/- Cr Kirsty Parkin

41/20

Council resolves:

1. That the report be received and noted.
2. To acknowledge that cyber security threats are serious issues that have the potential to significantly impact on Council operations and therefore a need to ensure that risk mitigation systems are in place, resourced & managed in line with Strategic and Operational Management Plans.
3. That Council approves the revised Strategic Internal Audit Plan (v1.3a) as contained in Appendix 1.

Carried Unanimously

Progress on the internal audits scheduled for Q3 and Q4 2019-20 was significantly impacted by the COVID-19 disruptions and the diversion of resources in the Governance & Performance Department to respond to the legislative changes to the *Local Government Act 1999* arising from the Public Health Emergency Declaration.

Notwithstanding the above, on the basis of the revised scope for the Cyber Security Audit, a draft Project Brief was developed for internal consultation and was approved in early May 2020.

Progress on the other three scheduled audits (i.e. Budgetary Management, Recruitment & Retention and Payroll Administration) progressed in terms of Project Brief approval. However given the competing priorities associated with the COVID-19, at the request of the management of the auditable areas, only the Payroll Administration Audit has been progressed to the procurement phase via a Request for Quotation process.

In considering the above matters the Audit Committee resolved at its 25 May 2020 meeting as follows:

6.9. Internal Audit Quarterly Update

Moved Peter Brass
S/- Cr Leith Mudge

33/AC20

The Audit Committee resolves:

1. That the report be received and noted
2. To recommend to Council to adopt the revised Strategic Internal Audit Plan v1.4a as contained in Appendix 1.

Carried

3. ANALYSIS

The procurement phase for the Cyber Security Audit was initiated in late May 2020 via a Request for Quotation process however the commencement has been delayed due to the need for negotiation and scheduling matters with the proposed providers.

The procurement phase for the Payroll Administration Audit has been finalised, with audit commencement to occur in August 2020.

The SIAP has been revised to reflect the Audit Committee's recommendation from the May 2020 meeting (see SIAP v1.4a in **Appendix 1**).

4. OPTIONS

The Council has the following options:

- I. To adopt the revised SIAP as contained in Appendix 1 (Recommended); or
- II. To identify an alternative course of action.

5. APPENDIX

- (1) Strategic Internal Audit Plan 2018/19 – 22/23 v1.4a

Appendix 1

Strategic Internal Audit Plan 2018/19 – 22/23 v1.4a

Strategic Internal Audit Plan 2018/19 - 22/23

Audit Engagement	Scope	Strategic/Corporate Risk Linkage	Year 1 2018/19	Year 2 2019/20	Year 3 2020/21	Year 4 2021/22	Year 5 2022/23
Recruitment & Retention Practices	Focusing on the role analysis, authorisation, recruitment process, remuneration determination, reward and recognition processes.	SR9a - Failure to manage, improve and develop the human resources available to the Council.		Q3	Q2 (Project Brief agreed)		
Budgetary Management	Focussing on financial planning, control and reporting. Relationship of budget with LTFP, legislative and regulatory compliance.	SR9c - Failure to manage, improve and develop the financial resources available to the Council.		Q3	Q2 (Project Brief agreed. To be procured with Treasury Mgt)		
Payroll Function	Focussing on the payroll operation, including a review of the processes, systems, activities, controls and risks. The extent to the audit engagement will consider aspects from commencement of employment to termination of individuals, including payment of wages, leave, changes to position security, administration and payroll reporting. Including PIR from 2014 audit.	SR9c - Failure to manage, improve and develop the financial resources available to the Council.		Q4 (in procurement)			
Major Projects Review	Focussing on processes, activities associated with the project, including scoping, planning, implementation, monitoring, post project review, risk management, development of maintenance program and operations.	SR2 - Failure to deliver projects, programs and services in accordance with plans (time, budget, quality).		Q4 (AHBTC Divestment)	Q4 (nominally Fabrik)	Q2	Q2
Use of Purchase Cards	Focussing on the systems, processes and documentation for the issuing, custody, use, transaction approval and oversight of Purchase Cards	SR9c - Failure to manage, improve and develop the financial resources available to the Council.	Completed				
Capital Works Programming & Delivery	Focussing on the planning, scheduling, approval, monitoring, and reporting processes and practices regarding the Capital Works Program. The procurement and contract management processes will be out of scope due to other scheduled audits on these subjects.	SR2 - Failure to deliver projects, programs and services in accordance with plans (time, budget, quality). SR6 - Failure to provide appropriate infrastructure for the community. SR4 - Failure to take measures to protect the community from natural and other hazards			Q1		
Treasury Management	Focusing on the processes, practices and policies regarding Treasury Management including compliance with legislative obligations.	SR9c - Failure to manage, improve and develop the financial resources available to the Council.			Q2 (to be procured with Budgetary Mgt)		
Cyber Security	Focusing on the cyber security risks to the Council, undertake an assessment of the adequacy of the control framework including an assessment against the maturity levels of the Australian Cyber Security Centre's Essential Eight Model.	SR9b - Failure to manage, improve and develop the information resources available to the Council.		Q4 (in procurement)			
Emergency Management	Focussing on Emergency Management Plans, identification of risks associated with various types of disasters and the controls and processes to mitigate those risks, status of preparedness in the event of an emergency, recovery process and association with the Community and other Emergency Services.	SR4 - Failure to take measures to protect the community from natural and other hazards			Q4	Q1	
Business Continuity Plan	Focussing on the review of Business Continuity Plan (Disaster Recovery and Disruption) to key activities of Council including the identification, development, implementation of recovery plans and testing of conditions in the event of a disaster.	SR4 - Failure to take measures to protect the community from natural and other hazards				Q1	Q1
Economic Development Strategy Implementation	Focusing on the strategy development and revisions processes, determination of actions and initiatives, funding of strategy implementation and evaluation of outcomes against strategy objectives.	SR7 - Failure to promote the Council area and provide an attractive climate and locations for the development of business, commerce, industry and tourism.				Q1	
Debt Management	Focusing on the processes, practices and policies regarding Debt Management including compliance with legislative obligations.	SR9c - Failure to manage, improve and develop the financial resources available to the Council.				Q3	
Procurement	Focussing on processes, activities, controls, risk, compliance through stages of the function, including planning, assessment, selection, and contract execution. Including the use of payment methods such as credit cards and petty cash. Including PIR from 2014 & 2015 audits. The contract management processes will be out of scope due to another scheduled audit on this subject.	SR2 - Failure to deliver projects, programs and services in accordance with plans (time, budget, quality). SR9c - Failure to manage, improve and develop the financial resources available to the Council.				Q4	
Training & Development Practices	Focusing of the identification of training and development (T&D) needs, sourcing of T&D options, scheduling and support of activities, assessment of transfer into workplace and evaluation of T&D initiatives. This will include development activities such as coaching & mentoring.	SR9a - Failure to manage, improve and develop the human resources available to the Council.					Q1
Asset Operation	Focussing on Asset operation, processes, activities, controls, risk, service levels, planned work, maintenance programs, monitoring performance, asset registers and reporting. Including PIR from 2016 audit.	SR2 - Failure to deliver projects, programs and services in accordance with plans (time, budget, quality). SR6 - Failure to provide appropriate infrastructure for the community. SR8 - Failure to manage and develop public areas vested in, or occupied by the Council.					Q2
Contract Management	Focussing on the post-procurement processes, activities, controls, risk, compliance through stages of the function, including induction, payment approval, monitoring, superintending, reporting, contractual close and evaluation. The procurement processes will be out of scope due to another scheduled audit on this subject.	SR2 - Failure to deliver projects, programs and services in accordance with plans (time, budget, quality). SR11 - Failure to exercise, perform and discharge the powers, functions and duties under legislation, contracts, leases and policies.					Q4
Number of Audits							

Version Control

Date Adopted	Version Comments	No.
30/04/2018	Initial plan considered by Audit Committee	1.0a
22/05/2018	Adopted by Council	1.0
26/02/2019	Amended plan adopted by Council (Purchase Card audit added)	1.1
17/12/2019	Amended plan adopted by Council (Plan extended for a year, projects rescheduled)	1.2
25/02/2020	Amended plan adopted by Council (Changes to the timing and scope of the cyber security audit)	1.3
23/11/2585	Proposed amendments (Changes in timing for Recruitment & Retention, Budgetary Mgt, Treasury Mgt, Emergency Mgt & BCP)	1.4a

**ADELAIDE HILLS COUNCIL
ORDINARY COUNCIL MEETING
Tuesday 28 July 2020
AGENDA BUSINESS ITEM**

Item: 12.13

Responsible Officer: Lachlan Miller
Executive Manager Governance and Performance
Office of the Chief Executive

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. That the report be received and noted
2. The following completed items be removed from the Action List:

Meeting Date	Meeting	Res No.	Item Name	Previously Declared COI
22/10/2019	Ordinary Council	247/19	Local Heritage Grant Fund	None declared
26/05/2020	Ordinary Council	90/20	Local Heritage Grant Fund Project Approvals and Guideline Amendments	Cr Leith Mudge - Perceived
23/06/2020	Ordinary Council	101/20	Petition - Footpath, Redden Drive Cudlee Creek	None declared
23/06/2020	Ordinary Council	103/20	AHRWMA Charter Review	None declared
23/06/2020	Ordinary Council	107/20	Stirling Market Road Closure Permit Renewal	Actual - Cr Kirrilee Boyd
23/06/2020	Ordinary Council	110/20	Disclosure of Interest - Adelaide Hills Tourism	None declared
23/06/2020	Ordinary Council	111/20	Delegations Review	None declared
30/06/2020	Special Council	124/20	Annual Business Plan & Budget Adoption	None declared
30/06/2020	Special Council	125/20	Annual Service Charge	Material - Cr Malcolm Herrmann Material - Cr Linda Green Material - Cr Andrew Stratford
30/06/2020	Special Council	126/20	Draft Fees & Charges	Material - Cr Andrew Stratford Material - Cr Malcolm Herrmann Material - Cr Linda Green
30/06/2020	Special Council	127/20	Discretionary Rate Rebate	None declared

1. GOVERNANCE

➤ Strategic Management Plan/Functional Strategy/Council Policy Alignment

Strategic Plan 2020-24 – A brighter future

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

➤ **Sustainability Implications**

Not applicable

➤ **Engagement/Consultation conducted in the development of the report**

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 zero (0) uncompleted resolutions for which an update is required for Council.

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	Previously Declared COI	Action Required (Council Resolution)	Responsible Director	Status	Status (for Council reporting)
22/03/2016	Ordinary Council	69/16	Land Acquisition Colonial Drive Norton Summit	None declared	Negotiate with the Anglican Church and CFS regarding the proposed boundary realignment and the preparation of preliminary plans	Terry Crackett	In Progress	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. Council staff met with the State Diocese to discuss the matter and work through some of their queries. It is now in the hands of the State Diocese to present a formal position to Council for consideration. The Norton Summit Church has advised that they are actively working with the State Diocese to progress the matter. 12/5- no further update from the Norton Summit Church 13/7 - no further updated from the Norton Summit Church
26/04/2016	Ordinary Council	83/16	Croft & Harris Road Precinct, Lenswood	None declared	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	Following damage sustained in the recent fires, renewed conversations with Forestry SA and Bike SA are now underway to explore options. Sealing of Roads and Parking have been proposed as Priority Projects for funding with State and Federal Government. Director Infrastructure & Operations is now representing AHC on a Project Steering Group to assist in development of the ForestrySA Cudlee Creek Forest Trails Fire Recovery Strategy. First meeting occurred in May which incorporated visioning exercise and SWOT Analyses with a broad range of stakeholders.
24/05/2016	Ordinary Council	105/16	Land at Houghton Request to Purchase	None declared	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. 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. 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. 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.	Terry Crackett	In Progress	The acquisition from RJ & BE Day has been completed and registered at the Lands Titles Office. Title for the land held by City of Tea Tree Gully has been reissued in the name of Adelaide Hills Council. The Section 210 process has been completed. The request to DPTI for the transfer of land has been made and DPTI have confirmed their agreement to transfer the land at no consideration subject to Council agreeing to declare the land as public road. Report to Council on 28 April 2020 to declare as Public Road.

Meeting Date	Meeting	Res No.	Item Name	Previously Declared COI	Action Required (Council Resolution)	Responsible Director	Status	Status (for Council reporting)
24/01/2017	Ordinary Council	7/17	Cromer Cemetery Revocation of Community Land	None declared	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	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 assessment of the native vegetation on the land, this is likely to take some months. DEW advised on 4/12/18 that there are some impediments to the progression of the proposed boundary realignment due to the mining operations on the adjacent land, which are being negotiated with the Dept for Mining. Advice is that these negotiations could take considerable time (2yrs). In the interim, consideration will be given to the granting of a right of way to ensure that the cemetery has legal access. DEW staff member dealing with this matter has left DEW so there may be an extended delay whilst it is reallocated and assessed. 13/2 - DEW staff not in a position to progress further at this time until negotiations with Dept for Mining are complete
27/02/2018	Ordinary Council	31/18	Arts & Heritage Hub	None declared	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	Items 1, 2, 3, and 5 are complete. A draft Evaluation Framework (item 4) has been completed and is ready to be presented to the Executive Leadership Team
27/02/2018	Ordinary Council	57/18	Confidential Item - AH Swimming Centre Shade Sail	None declared	As per confidential minute	Terry Crackett	In Progress	Matter being progressed per resolution
27/02/2018	Ordinary Council	58/18	AH Swimming Centre Shade Sail - Period of Confidentiality	None declared	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	Progressing per confidential minutes

Meeting Date	Meeting	Res No.	Item Name	Previously Declared COI	Action Required (Council Resolution)	Responsible Director	Status	Status (for Council reporting)
28/08/2018	Ordinary Council	200/18	Proposal to enter 11 AHC Reserves into Heritage Agre	None declared	<p>1. That the report be received and noted.</p> <p>2. That the Biodiversity Officer be authorised to enter: Doris Coulls Reserve, 152 Old Mt Barker Road, Aldgate Heathfield Waste Facility, 32 Scott Creed Road, Heathfield Kiley Reserve, 15 Kiley Road, Aldgate Shanks Reserve, 1 Shanks Road, Aldgate Stock Reserve, Stock Road, Mylor Leslie Creek Reserve, Leslie Creek Road, Mylor Mi Mi Reserve, 125 Aldgate Valley Road, Mylor Aldgate Valley 2 Reserve, 114 Aldgate Valley Road, Mylor Kyle Road Nature Reserve, Kyle Road, Mylor Carey Gully Water Reserve, Deviation Road, Carey Gully Heathfield Stone Reserve, 215 Longwood Road, Heathfield Mylor Parklands, Mylor all being of significant biodiversity value, into Heritage Agreements.</p> <p>3. That the Heritage Agreements retain the existing dog access arrangements in place for each of those reserves.</p>	Peter Bice	In Progress	Heritage Agreement applications lodged for and still in progress: <ul style="list-style-type: none"> • Doris Coulls Reserve • Heathfield Waste Facility • Kiley Reserve • Shanks Reserve • Kyle Road Nature Reserve, • Leslie Creek Reserve • Aldgate Valley 2 Reserve • Mylor Parklands
28/08/2018	Ordinary Council	203/18	Community Wastewater Management Systems Review	Cr Andrew Stratford (Material), Cr Linda Green (Material), Cr Malcolm Herrmann (Material)	<p>The report be received and noted. 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. 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. 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. That ongoing analysis be undertaken on continued Council ownership of CWMS assets for request for tender comparison purposes to inform future decision making. The Prudential Review Report and the Probity Report be received and noted. 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. The Administration is to continue to work collaboratively</p>	Peter Bice	In Progress	<p>The Expression of Interest is expected to be in the market in the coming weeks. Following this process a report is anticipated to be brought to Council in September regarding next step options.</p> <p>The Expression of Interest process has been delayed in consideration of Covid-19 impacts. In collaboration with project partners currently progressing with preparation of request for expression of interest tender process and documentation. Council staff continue to work with project partners towards request for tender release forecast to be in July 2020.</p> <p>Commercial advisory services have been engaged to ensure the approach to market is undertaken in such a manner to maximise return.</p>

Meeting Date	Meeting	Res No.	Item Name	Previously Declared COI	Action Required (Council Resolution)	Responsible Director	Status	Status (for Council reporting)
11/09/2018	Special Council	229/18	Road Exchange McBeath Drive, Skye Horsnell Gully	None declared	In accordance with sections 12 and 15 of the Roads (Opening and Closing) Act 1991, as regards the land within the Adelaide Hills Council area, enter into an Agreement for Exchange with Boral Resources (SA) Ltd and issue a Road Process Order to open as road portions of Section 906 Hundred of Adelaide numbered "1", "2" and "3" on Preliminary Plan No. 17/0066 (Appendix 1) and in exchange to close portions of McBeath Drive marked "A", "B", "C" and "D" on Preliminary Plan No. 17/0066, subject to the following: Boral Resources (SA) Ltd agreeing to pay all costs associated with the road exchange process including but not limited to all survey, valuation and reasonable legal costs; Boral Resources (SA) Ltd agreeing to pay all costs associated with a Council boundary adjustment between Adelaide Hills Council and the City of Burnside to rectify the resulting Council boundary anomaly from the road exchange process The closed road is excluded as Community Land pursuant to the Local Government Act 1999. Council approves the sale of the differential between the total area of closed road and the total area of opened road of approximately 1,242m ² to Boral Resources (SA) Ltd for the amount of \$6,210 as determined by an independent valuation. Subject to the successful completion of the road	Terry Crackett	In Progress	Road exchange documentation has been executed and provided to Boral for lodgement with the Surveyor-General. Submission has been prepared and lodged with the Boundaries Commission jointly on behalf of the City of Burnside and Adelaide Hills Council. The Boundaries Commission has agreed to investigate the proposal and that process is underway. Further feedback has been provided to the Boundaries Commission to progress. Boral are negotiating a Land Management Agreement with the State Government which has delayed the completion of the land division and road exchange 13/2 - Boral negotiating works deed with another authority and not yet finalised, land division and boundary realignment can not progress until that is completed 12/5 - final agreements being put in place by Boral, land division can then be finalised and boundary change undertaken
11/09/2018	Special Council	232/18	Revocation of Community Land – Bridgewater Retirement Village	None declared	To commence a process to revoke the Community Land classification of the land located on the corner of Mt Barker Road and Second Avenue Bridgewater known as 511 Mt Barker Road Bridgewater contained in Certificate of Title Volume 5488 Folio 788 (Land) on which a portion of the Bridgewater Retirement Village is located by: Preparing a report as required under section 194(2)(a) of the Local Government Act 1999 and making it publicly available. Undertaking consultation in accordance with its Public Consultation Policy as required under section 194(2)(b) of the Local Government Act 1999. To commence a process to vary the charitable trust affecting the Land by investigating land parcels owned by the Adelaide Hills Council, including Carripook Park, Candlebark Reserve and Vincent Playground Reserve, that may be suitable for the development of a landscaped garden for the benefit of the community and for the construction of a memorial to the Ash Wednesday Bushfires of 1983 as contemplated by the charitable trust over the Land and invite community suggestions and feedback in relation to any appropriate land parcels. To approve a budget allocation in the amount of \$10,000 for legal expenses for the preparation of an Application to the Supreme Court to vary the charitable	Terry Crackett	In Progress	Initial consultation to identify possible locations for the establishment of a garden and memorial concluded on 28 January 2019 with only one submission received being a suggestion from the Retirement Village residents to investigate Carripook Park as their preferred option. Council, at the meeting of 27 August 2019, approved Carripook Park as the location to vary the trust to. Community consultation is open and runs until 20th December 2020. A report is being presented to Council at the January meeting 9/3 - road closure complete and drafting of trust variation scheme progressing 13/7 - trust variation scheme has been lodged with the Attorney General for comment

Meeting Date	Meeting	Res No.	Item Name	Previously Declared COI	Action Required (Council Resolution)	Responsible Director	Status	Status (for Council reporting)
11/09/2018	Special Council	238/18	Ashton Landfill – Confidential Item	None declared	Until 10 September 2019. 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. Refer to confidential minute	Peter Bice	In Progress	Matter continues to be progressed. Further update will be provided when a material change occurs.
26/03/2019	Ordinary Council	70/19	Aboriginal Place Naming	Nil	That advice on the potential for Aboriginal place naming be sought from the Reconciliation Working Group, including a proposed approach for progressive implementation	David Waters	In Progress	This matter will be worked through with the Reconciliation Working Group. It is likely to take some time to work through this matter.
26/03/2019	Ordinary Council	77/19	Randell's Cottages, Beavis Court, Gumeracha	None declared	That, acknowledging that a land division in Watershed (Primary Production) is non-complying, an initial approach be made to the State Commission Assessment Panel to determine the possibility of a land division to create a separate allotment for the potentially local heritage listed building located at 1 Beavis Court, Gumeracha known as Randell's Cottages being supported. That subject to the response from the State Commission Assessment Panel, a Development Application be lodged for a non-complying land division. That, if a land division is not supported, an expression of interest (EOI) process be undertaken in respect of the local heritage listed building located at 1 Beavis Court, Gumeracha known as Randell's Cottages to determine any interest in restoring the building for tourism or other purpose (other than long term residential) under a long term lease arrangement. That the CEO be delegated to prepare the necessary documentation to undertake the EOI. That a report be presented to Council following the EOI detailing the results of that process and providing further options.	Terry Crackett	In Progress	The land sits within the Environmental Food Protection Area and proposed use is not supported. An application will be made to DPTI for a review once the Minister announces the review, likely to be in mid 2020. Subject to a removal of the land from the EFPA, a development application will then be lodged for the division of the cottages (noting that it will be a non-complying development) 13/2 - no further update 13/7 - no further update
26/03/2019	Ordinary Council	78/19	Scott Creek Cemetery Reserve Fund	None declared	That the reserve funds held in relation to the Scott Creek Cemetery be expended to achieve the following outcomes: Marking of unmarked graves with a small and simple identification piece detailing the name and date of death of the deceased; installation of a single plaque with the names of the deceased who are buried in unmarked graves where the exact location of the graves is unknown; Renewal of existing gravel driveways; and Creation/extension of driveways to facilitate expansion of the cemetery	Terry Crackett	In Progress	Investigations as to options for marking of graves has commenced and once collated will be finalised for installation. Council staff have met with the Scott Creek Progress Association Committee to progress. Construction of concrete plinths is progressing and plaques will be finalised for installation. A fenced area is proposed for the unmarked grave area. Works for driveway upgrade will be scheduled this financial year.

Meeting Date	Meeting	Res No.	Item Name	Previously Declared COI	Action Required (Council Resolution)	Responsible Director	Status	Status (for Council reporting)
7/05/2019	Special Council	94/19	Stonehenge Reserve Masterplan Update and Findings	None declared	That the report be received and noted.To not proceed with any of the masterplanning options at Stonehenge Reserve at this point in time.To proceed with resurfacing works at both the Stonehenge Reserve and Heathfield sites.To delegate to the CEO to seek variations and finalise arrangements to the grant funding agreements with the Office for Recreation, Sport & Racing, and Tennis SA that allow new court construction at alternative sites. The CEO to report back to Council on those finalised arrangements.To notify those who have registered through the Stonehenge Reserve Project's engagement site of the outcome of the consultation and this report.	Peter Bice	In Progress	Administration have begun discussions with the Office for Recreation, Sport & Racing and Tennis SA regarding a variation to the grant funding agreement that allows new court construction at an alternative site.
7/05/2019	Special Council	104/19	Unsolicited Approach to Purchase Community Land –	None declared	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 matter is further presented to Council for a decision, but not longer than 12 months.	Terry Crackett	In Progress	
25/06/2019	Ordinary Council	158/19	Boundary Reform - Approval to Explore	None declared	That the report be received and noted.To note that correspondence will be sent to the residents of Woodforde and Rostrevor (in the Council area) inviting them to a community meeting to discuss the boundary reform process and the status of the Campbelltown City Council proposal.That in relation to strategic boundary reform:Approve the engagement of a consultant to undertake a high level review of Council's boundaries to identify boundary reform options.Once the review has been undertaken and boundary reform options identified, that a workshop be held with the Elected Body (confidential if necessary) whereby the outcomes of the subject review can be presented prior to a formal report to council for consideration.	Andrew Aitken	In Progress	Rec 2: Updated correspondence was sent to Woodforde and Rostrevor residents regarding the community meeting - COMPLETED Rec 3(1): C.L. Rowe & Associates engaged to conduct the Strategic Boundary Review - COMPLETED Rec 3(2): Workshop conducted on 17 March 2020, Inform Engagement with neighbouring council Mayors and CEOs (delayed due to COVID-19) with Council report to follow.
25/06/2019	Ordinary Council	173/19	Library Services Review	None declared	That the report be received and noted.That the Administration proceed with the replacement of the mobile library as per the provision in the 2018-19 Capital Works Budget and the Long Term Financial Plan as budgeted for in the 2018/19 Annual Business Plan, with the Council noting that the budget will need to be carried forward into 2019-20.That a Library Services Strategy be developed during 2019-20.That Council consults with the community on any changes to operating hours and services.	David Waters	In Progress	Tenders for Mobile Library received. Further action delayed due to COVID-19.

Meeting Date	Meeting	Res No.	Item Name	Previously Declared COI	Action Required (Council Resolution)	Responsible Director	Status	Status (for Council reporting)
23/07/2019	Ordinary Council	188/19	LED Street Lighting Upgrade	None declared	That the report be received and noted. To approve an increase of \$365k in Council's 2019/20 capital budget to commence the transition of 900 P – category public streetlights to LED with the funding source to be recommended to Council at its next budget review. That Council engage SAPN to commence the changeover of P-Category lights to LED public lighting on Council roads and that authority is given to the CEO to finalise a contract with SAPN and sign that agreement. That Council enter into a PLC tariff agreement for public lighting with SAPN until 30 June 2020 and subsequently move to the tariff set by the Australian Energy Regulator from July 2020. That Council continues to liaise with SAPN and DPTI on the changeover of Council public lighting on roads under the care and control of the State Government. That a further report be provided to Council on the outcome of the continued discussions with SAPN and DPTI.	Peter Bice	In Progress	<p>A new customer portal has been developed by SAPN and this will assist in light ownership and validation of V Category lighting owned by Council.</p> <p>DPTI request for all new lights to be V3 or V4 standard for DPTI roads. Council is also reviewing V category lighting on Council roads to determine the appropriate LED options and costs.</p> <p>Meeting with DPTI and SAPN undertaken to discuss main road requirements. Assessment of requirements being investigated.</p> <p>Phase One roll-out of P Category street lights on Council roads has been completed.</p> <p>SAPN Letter of Offer accepted.</p> <p>Hardware supplier agreed and notified. SAPN final contract offer being reviewed.</p> <p>Procurement process for hardware installation has commenced. Subject to availability of hardware, installation on site is proposed to commence prior to the end of the calendar year.</p> <p>Follow-up contact made with SAPN to progress contract and management of roll-out including any design work, communications and project management.</p>
27/08/2019	Ordinary Council	223/19	Review of Primary Production Incentive Grant Funding	None declared	<ol style="list-style-type: none"> 1. That the report be received and noted. 2. That the Primary Production Incentive Grant be discontinued and the balance of the funds be redirected to community education on rural land management issues and European Wasp control for the benefit of the primary production sector. 	Marc Salver	In Progress	<p>Topics for education of the community on rural land management issues have been identified by the RLMAG. Staff have prepared a brief to seek assistance from media experts to assist with preparing relevant material and short videos in this regard to put on Council's media channels. The EOI process commenced this week and proposals will be reviewed in August.</p>

Meeting Date	Meeting	Res No.	Item Name	Previously Declared COI	Action Required (Council Resolution)	Responsible Director	Status	Status (for Council reporting)
17/09/2019	Special Council	239/19	Circular Procurement Pilot Project	None declared	Council resolves:That the report be received and noted.To approve participation in the Circular Procurement Pilot Project.That the Chief Executive Officer be authorised to execute the Memorandum of Understanding as contained in Appendix 1 of this report.That the Council endorses, in principle, the following targets:subject to the procurement needs and requirements of Council in 2020/21 purchasing recycled plastic products or materials equivalent to 10% of the weight of plastic collected within the Council area, which is equivalent to approximately 25 tonnes based on 2017/18 data.subject to the procurement needs and requirements of Council, commencing in 2021/22 Council will incrementally increase its purchasing of recycled plastic products or materials thereafter until it is equivalent to 50% of the weight of plastic collected within the Council area, which is equivalent to 124 tonnes based on 2017/18 data.That a report be provided to Council in early 2021/22 providing an update on the Council's participation in the Circular Procurement Pilot Project for the period 2020/21.	Peter Bice	In Progress	The Circular Procurement Project is now underway, and the Memorandum of Understanding has been executed. Amendments to Council's procurement processes has been completed to provide effect to Council's participation in the Circular Procurement trial. Staff training in the Circular Procurement Project has been undertaken. Recording of goods purchased with recycled content has commenced including bin surrounds, wheelie bins, office paper, fence posts and road construction materials.
24/09/2019	Ordinary Council	252/19	Kenton Valley War Memorial Park	None declared	That the report be received and notedThat no further action be taken at this time to progress the revocation of community land classification for the land located at the intersection of Kenton Valley and Burfords Hill Roads known as the Kenton Valley War Memorial Park, being Allotment 64 in Filed Plan No. 155479 contained in Certificate of Title Volume 5718 Folio 775 ("Land")That Council staff provide assistance to the proposed community group to form plans for the use and maintenance of the Land within existing budget and resources, including assistance to identify grant opportunities that may be available to the groupA review be undertaken with the community working group in 12 months and an update report be provided to Council by 31 December 2020.	Terry Crackett	In Progress	No action required until August 2020. Working Group notified of Council's decision.

Meeting Date	Meeting	Res No.	Item Name	Previously Declared COI	Action Required (Council Resolution)	Responsible Director	Status	Status (for Council reporting)
24/09/2019	Ordinary Council	253/19	Oakbank Soldiers Memorial Hall	None declared	That the report be received and noted. That the Council provides financial and administrative assistance to the Oakbank Soldiers Memorial Hall Inc ("Association") to make an application to the Supreme Court for a trust variation scheme to vary the charitable trust that exists over the Oakbank Soldiers Memorial Hall ("OSM Hall") located at 210 Onkaparinga Valley Road Oakbank contained in Certificate of Title Volume 5846 Folio 513. That the Council and the Association enter into a binding agreement regarding the level of financial and administrative support being provided, to a maximum of \$40,000, to undertake the trust variation scheme, and land division if deemed financially viable, with all agreed financial and administrative support to be reimbursed to Council upon sale of the OSM Hall. That the Council agree to enter into a trust variation scheme that would result in the trust being varied from the OSM Hall to the Council owned Balhannah Soldiers Memorial Hall ("BSM Hall") that would bind the BSM Hall to be held in perpetuity as a Memorial Hall in memory of the residents of the township and district of Oakbank who enlisted for and made the supreme sacrifice in the Great War 1914 - 1918 and preserve the same upon trust for the general benefit of the residents of the township of Oakbank and district, and including the Balhannah township and district, and accept monies from the Association to be held on trust for that	Terry Crackett	In Progress	Initial discussions held with the Balhannah Soldiers Memorial Hall Committee about the proposal. Oakbank Soldiers Memorial Hall Committee has undertaken additional notification of the proposal with the Oakbank community. Council has received some contact from community members raising some concerns about the proposal. It has been requested that the committee hold a community meeting to enable community members to express their concerns. 13/2 - meeting has been held with the committee and their lawyers to progress. Community meeting being arranged with the assistance of Council's communications team 20/4 - community meeting was unable to progress due to Covid19 situation. An alternate means of consultation is being investigated. 13/7 - community consultation open and drop in session being held at the Hall on 25/7
22/10/2019	Ordinary Council	244/19	MON (Cr Parkin) Publishing Recordings of Council Meetings	None declared	I move that Council resolves to request the Chief Executive Officer to provide a report to a future Council meeting on the practices of Australian local government entities for publishing Council Meeting audio recordings on their websites with a view to assessing the risks and benefits of adopting this practice at Adelaide Hills Council.	Andrew Aitken	In Progress	Report was produced for the May 2020 meeting but was deferred to the June 2020 meeting.
22/10/2019	Ordinary Council	247/19	Local Heritage Grant Fund	None declared	That the report be received and noted. To approve the Local Heritage Grant Fund Guidelines Procedure as detailed in <i>Appendix 1</i> of this report subject to inclusion of the following sentence at the end of the definition of Conservation Works in Section 4.2 of the Procedure - "The Grant Funds may be used to cover some of the costs (up to \$1,000) for obtaining professional advice from a heritage architect or tradesperson for the proposed works to be undertaken as part of the grant application." That the Chief Executive Officer be authorised to make minor amendments, not affecting the intent of the Guidelines or the Fund, as required from time to time. That recommendations for successful grant recipients be reported to Council for consideration before any grants are awarded. That any remaining grant funds in a particular financial year be rolled over to the next financial year over the intended 3 year life of the Grant Fund.	Marc Salver	Completed	Seven applications were received by the extended 21 February 2020 deadline. These were assessed by staff with assistance from Council's Local Heritage Advisor. The recommendations were reported to Council on 26 May 2020 and the 6 approved recipients have been notified of the Council decision in this regard.

Meeting Date	Meeting	Res No.	Item Name	Previously Declared COI	Action Required (Council Resolution)	Responsible Director	Status	Status (for Council reporting)
22/10/2019	Ordinary Council	249/19	Crown Land Review	None declared	<p>That the report be received and notedThat Council commence a community land revocation process in relation to the following land:</p> <p>CR 5752/186, Lot 32 Fullgrave Road, CrafersCR 5753/725, Section 1609 Illert Road, Mylor CR 5753/729, Section 1657 Scott Creek Road, Scott CreekCR 5753/741, Sections 53 and 54 Sandy Waterhole Road, WoodsideCR 5753/742, Section 547 Schuberts Road, LobethalCR 5753/744, Section 553 Pedare Park Road, WoodsideCR 5753/745, Section 556 Tiers Road, WoodsideCR 5753/746, Section 565 Old Carey Gully Road, StirlingCR 5753/751, Section 489 Chapman Road, InglewoodCR 5753/754, Section 511 North East Road, Inglewood CR 5753/758, Section 262 Reserve Road, ForrestonCR 5763/631, Section 1591 Silver Road, BridgewaterCR 5763/634, Section 71 Magarey Road, Mount TorrensCR 5763/635, Section 72 Magarey Road, Mount TorrensCR 5763/636, Section 84 Forreston Road, ForrestonCR 6142/329, Lot 501 Greenhill Road, BalhannahCR 5926/487, Lot 20 Bell Springs Road, CharlestonCR 5753/718, Section 1544 Reserve Terrace, AldgateCR 5753/753, Section 495 off Kersbrook Road, Kersbrook</p> <p>Community consultation be undertaken in accordance with the Council's Public Consultation Policy. A further report be presented to Council following</p>	Terry Crackett	In Progress	Consultation Report is being prepared prior to going for community consultation
22/10/2019	Ordinary Council	250/19	Road Reserve adj Piccadilly Road Piccadilly	None declared	<p>That the report be received and noted.To make a Road Process Order pursuant to the <i>Roads (Opening & Closing) Act 1991</i> to close the piece of land identified as "A" in the Preliminary Plan attached to this report.Subject to the closure of the road identified in the Preliminary Plan attached, that:The closed road be included as Community Land dedicated as Civic Purpose pursuant to the <i>Local Government Act 1999</i>; andThe piece marked "A" be retained by Council as reserve</p> <p>Authorise the Chief Executive to finalise and sign all necessary documentation to close and retain the above portion of closed road pursuant to this resolution</p>	Terry Crackett	In Progress	<p>Final documentation and plans are being progressed with the surveyor and Surveyor-General</p> <p>12/5 - final plans have been lodged with the Lands Titles Office</p> <p>15/6 - final plans have been lodged with the Lands Titles Office - awaiting confirmation of plan deposit and gazettal</p> <p>9/7 - plan has been approved by the Lands Titles Office</p>
26/11/2019	Ordinary Council	277/19	MON Water Usage from Bores	None declared	<ol style="list-style-type: none"> That the CEO investigates any circumstances where Council provides water to or receives water from a person/organisation. Following the investigation, a report detailing, among other things, any contractual arrangements, costs, risks and liabilities, be provided to Council by 30 April 2020 	Terry Crackett	In Progress	Investigations as to various arrangements is being undertaken

Meeting Date	Meeting	Res No.	Item Name	Previously Declared COI	Action Required (Council Resolution)	Responsible Director	Status	Status (for Council reporting)
17/12/2019	Ordinary Council	309/19	Mylor BMX Bike Track	Perceived - Cr Leith Mudge	<ol style="list-style-type: none"> That the report be received and noted. That broad community consultation be undertaken in accordance with the consultation plan set out in this report That, following completion of community consultation and further investigations by Council staff, a further report is presented to Council for consideration. That consultation excludes any areas identified in the Community Land Management Plans as being for conservation purposes in the Mylor Parklands as a site considered for any potential BMX track in the Mylor region To reaffirm its commitment to the Heritage Agreement application in its current form, which is in progress for the Mylor Parklands To thank all community groups and volunteers who have contributed to the preservation and conservation of the Mylor Parklands over many years That compliance action be taken to stop further illegal use in Mylor Parklands, signs be placed informing visitors appropriately of activities that are, and are not, allowed in accordance with Community Land Management Plans. 	Peter Bice	In Progress	<p>Consultation Plan</p> <ol style="list-style-type: none"> February Signage erected for Parklands Letter to wider community / incl. local stakeholders to alert them of the process + update EQH site enable people to engage through this Meet with groups individually to bring people into process and set the context + Get representatives from three groups May-June (delayed) - Commence working group. The aim is to: understand what is important to each group, what could future look like and develop some design principles May/June Wider consultation with community invited to see proposals June/July Report to council on consultation outcomes <p>Some delays to this plan given the Covid19 situation. Email sent on the 8/4/2020 to Mylor Parklands Bushcare Group to thank the volunteers who have contributed to the preservation and conservation of the Mylor Parklands over many years.</p>
17/12/2019	Ordinary Council	314/19	Road Exchange Montacute Road Montacute	None declared	<ol style="list-style-type: none"> That the report be received and noted To execute under seal a Deed of Assignment of Rights to Occupation to bring land identified as proposed Allotment 11 in DP 72622 under the <i>Real Property Act 1886</i> To, in conjunction with Giuseppe Meccariello, Filomena Sanche, Vincenzo Meccariello and Telstra Corporation Ltd, undertake the road widening process in accordance with the plan attached as Appendix 2, to vest allotments 12 and 14 as public road for nil consideration The road to be closed as identified as "A" in Preliminary Plan 05/0056 be excluded as Community Land pursuant to the Local Government Act 1999 To authorise the Chief Executive Officer and Mayor to finalise and sign all documentation, including under seal if necessary, to give effect to this resolution. 	Terry Crackett	In Progress	<p>8/1/2020 - Preparing documents for Council execution</p> <p>10/2/2020 - Documents executed by Mayor and CEO - returned to Clelands Lawyers for signing by Meccariello family and lodgement with LTO</p> <p>9/3/2020 - awaiting completion of NUA land process</p> <p>21/4/2020 - Surveyors Updating Plans. Awaiting completion of NUA land process.</p> <p>11/5/2020 - awaiting completion of NUA land process</p> <p>10/6/2020 - awaiting completion of NUA land process</p> <p>9/7/2020 - awaiting completion of NUA land process</p>
28/01/2020	Ordinary Council	7/20	Citizen of the Year Location	None declared	That the Administration explores the feasibility of rotating the presentation of Citizen of the Year throughout the Council area, commencing January 2021. That the location be influenced by where the recipient of the Citizen of the Year is from. That Council recognises that this presentation is a celebration of citizens who make an enormous contribution to the Adelaide Hills community and recipients should be able to be recognised within the local community which has nominated them.	David Waters	In Progress	Staff anticipate bringing options to the Council for consideration at the July 2020 meeting.

Meeting Date	Meeting	Res No.	Item Name	Previously Declared COI	Action Required (Council Resolution)	Responsible Director	Status	Status (for Council reporting)
28/01/2020	Ordinary Council	11/20	Revocation of Community Land - Bridgewater Retirement	None declared	That the report be received and noted. Subject to the Supreme Court issuing an order granting approval for a trust variation scheme, a report be prepared and submitted to the Minister for Planning seeking approval to revoke the community land classification of Allotment 220 in Filed Plan No. 8131 known as 511 Mount Barker Road Bridgewater. The Mayor and CEO be authorised to sign all necessary documentation to give effect to this resolution.	Terry Crackett	In Progress	Application to the Minister for Planning will be made once the trust variation scheme has been approved by the Supreme Court
28/01/2020	Ordinary Council	16/20	CEO PRP Independent Membership	None declared	That the report be received and noted That in relation to the CEO Performance Review Panel: To undertake a recruitment process for the selection of one Independent Ordinary Member for the CEO Performance Review Panel for a term of 24 months, indicatively commencing 1 March 2020. To appoint Cr Mark Osterstock & Cr Kirsty Parkin and the Executive Manager Organisational Development as members of the CEO Performance Review Panel Independent Member Selection Panel.	Terry Crackett	In Progress	This process has been deferred until later in the year by Council.
25/02/2020	Ordinary Council	30/20	West Street Mylor	none declared	Council resolves: 1. That the report be received and noted 2. To approve an increase in the 2019/20 capital expenditure budget by \$162k and fund the upfront cost of designing and constructing West Street Mylor including associated stormwater works 3. That Council recoup the costs of up to \$54k by entering into Infrastructure Agreements with the affected landowners along West Street Mylor, to a maximum value of \$9k each. That Council will not commence these works until such time as the Infrastructure Agreements have been executed with the affected landowners along West Street	Peter Bice	In Progress	Infrastructure agreements have been finalised. Council has engaged a contractor to undertake the road construction works, and are currently scheduling the works.
24/03/2020	Ordinary Council	53/20	MON Credit Card Usage	None declared	Council resolves that the Chief Executive prepare a report, for the Audit Committee's consideration and advice to Council, providing an assessment of the status and coverage of the Adelaide Hills Council's Procurement Framework against the recommendations arising from the South Australian Auditor-General's March 2020 reports regarding credit card use and management in three South Australian councils.	Terry Crackett	In Progress	Whilst a review has commenced, completion has been delayed as a result of the impact of COVID-19. It is still proposed that a report will be brought to the Audit Committee at its August 2020 meeting.
24/03/2020	Ordinary Council	55/20	Arts & Heritage Collection	None declared	Council resolves: That the report be received and noted. That Council approve the development of the draft Arts and Heritage Collection Policy for consideration at a future Council meeting.	David Waters	In Progress	Draft Arts and Heritage Collection Policy is scheduled for consideration by Council at the meeting July 28

Meeting Date	Meeting	Res No.	Item Name	Previously Declared COI	Action Required (Council Resolution)	Responsible Director	Status	Status (for Council reporting)
28/04/2020	Ordinary Council	71/20	Rural Land Acquisition from DPTI - Houghton & Aldgate	None declared	That the report be received and noted To accept a transfer of land from the Commissioner of Highways for Allotment 13 in Deposited Plan No. 26030 contained in Certificate of Title Volume 5741 Folio 518 being Lot 13 Horn Street, Houghton from the Commissioner of Highways for nil consideration. To accept a transfer of land from the Commissioner of Highways for Allotment 51 in Deposited Plan No. 82071 contained in Certificate of Title Volume 6058 Folio 751 being Lot 51 Strathalbyn Road, Aldgate from the Commissioner of Highways for nil consideration. To exclude the land described in 2 & 3 above as community land pursuant to section 193(4) of the <i>Local Government Act 1999</i> . To delegate to the Chief Executive Officer to execute the necessary documentation to give effect to this resolution.	Terry Crackett	In Progress	15/6/2020 - Awaiting documentation from Crown Solicitor to execute land transfer of parcels 9/7/2020 - Awaiting documentation from Crown Solicitor to execute land transfer of parcels
28/04/2020	Ordinary Council	73/20	CEO Performance Review Process & Panel Schedule	None declared	That the report be received and noted That the 2020 CEO Performance Review and TEC package review be undertaken using an external consultant. That the 2020 CEO Performance Review Panel Meeting and Process Schedule (as amended), as contained in Appendix 1, be adopted.	Terry Crackett	In Progress	Preparation has begun with the consultant to prepare for the commencement of the CEO Performance Review process on 21/7/2020 at a meeting with Council and Executive Leadership.
28/04/2020	Ordinary Council	75/20	CEO PRP Independent Member Deferral	None declared	That the report be received and noted To defer the recruitment of an Independent Ordinary Member until the social distancing restrictions associated with COVID-19 are sufficiently reduced/removed.	Andrew Aitken	In Progress	Applicants will be recontacted when the process is recommencing.
26/05/2020	Ordinary Council	90/20	Local Heritage Grant Fund Project Approvals and Guidelines	Cr Leith Mudge - Perceived	1. That the report be received and noted 2. To approve the six projects shortlisted to receive grant funding to contribute to the works as detailed in Appendix 1 of this report and listed below: Kinclaven Coach House Former Thorpe Coachhouse Former Aldgate Valley Church of Christ Stonehedge Avenue House Gwynne House Ironbank Uniting Church 3. To approve the proposed changes to the Local Heritage Grant Fund Guidelines as detailed in Appendix 2 of this report.	Marc Salver	Completed	All grant recipients have been advised of the Council's decision in this regard. Four applicants are in the process of submitting Development Applications for the works to be undertaken. The revised Guidelines will be used when the next grant round is advertised later this year

Meeting Date	Meeting	Res No.	Item Name	Previously Declared COI	Action Required (Council Resolution)	Responsible Director	Status	Status (for Council reporting)
26/05/2020	Ordinary Council	93/20	Support for Road Closures - 2020 Shannons Adelaide R	Cr Chris Grant - Perceived	That the report be received and noted. That, in relation to the 2020 Shannons Adelaide Rally and 2020 Gorge Rallysprint, Council supports the event contingent on the organisers, to the satisfaction of the Chief Executive Officer: Providing evidence of satisfactory insurance to cover any damage to third party property caused by the event Entering into a road repair agreement with Council to cover any rectification works required as a result of damage caused by the event Providing confirmation that the affected business owners are aware of the road closures Providing written confirmation that the concerns raised by affected residents have been adequately addressed and that arrangements for egress and regress for those properties can be managed within the event where possible Written confirmation from the organisers that they will erect advance notice of road closures on the affected roads, at least three weeks prior to the event. That subject to the requirements of item 2. being undertaken, Council provides consent for road closure orders in relation to the two events, to be held on Sunday 13 September and between Wednesday 25 and Saturday 28 November as follows: Refer to Minutes 4. That the Council confirms that the Chief Executive Officer may use existing powers under delegation to consider, and determine whether or not to provide	David Waters	In Progress	The event organiser is aware of the Council's resolution and is willing to attend the workshop in February 2021.
23/06/2020	Ordinary Council	101/20	Petition - Footpath, Redden Drive Cudlee Creek	None declared	That the petition signed by 28 signatories requesting the sealing of Redden Drive footpath, from Gorge Road to the Gorge Wildlife Park, be received and noted. That the CEO advise the principal signatory of the Council's noting of the petition and of any resolutions relating to the matter.	Andrew Aitken	Completed	Letter sent to Head Petitioner advising of inclusion in item 12.4 Local Roads and Community Infrastructure Program Projects
23/06/2020	Ordinary Council	102/20	MON Provision of information and assistance regarding	None declared	That in relation to the Campbelltown City Council boundary realignment proposal, and on the basis of the results of the Council Boundary Change Survey and the Campbelltown City Council's lack of timeliness in formally considering Adelaide Hills Council's request to withdraw the proposal, Council resolves to provide no further information or assistance to the Campbelltown City Council in relation to their proposal other than that required by legislation.	Andrew Aitken	Not Started	Letter to be drafted from Mayor to Mayor CCC
23/06/2020	Ordinary Council	103/20	AHRWMA Charter Review	None declared	That the report be received and noted To approve the draft <i>Adelaide Hills Region Waste Management Authority Charter 2020</i> , as contained in Appendix 1.	Andrew Aitken	Completed	Letter emailed 24/6/20

Meeting Date	Meeting	Res No.	Item Name	Previously Declared COI	Action Required (Council Resolution)	Responsible Director	Status	Status (for Council reporting)
23/06/2020	Ordinary Council	104/20	Support for Road Closures 2020 Adelaide Hills Rally	Perceived - Cr Chris Grant	That the report be received and noted That, in relation to the 2020 Adelaide Hills Rally, Council supports the event contingent on the organisers, to the satisfaction of the Chief Executive Officer: Providing evidence of satisfactory insurance to cover any damage to third party property caused by the event Entering into a road repair agreement with Council to cover any rectification works required as a result of damage caused by the event Providing confirmation that the affected business owners are aware of the road closures Providing written confirmation that the concerns raised by affected residents have been adequately addressed and that arrangements for egress and ingress for those properties can be managed within the event where possible Written confirmation from the organisers that they will erect advance notice of road closures on the affected roads, at least three weeks prior to the event. That subject to the requirements of item 2. being undertaken, Council provides consent for road closure orders in relation to the event, to be held on Saturday 17 October 2020 as follows: Saturday 17 October 2020 Retreat Valley Stage Closure 8:00am – 1:30pm Retreat Valley Road, Odea Road, Berry Hill Road and	David Waters	In Progress	Road closure consent being signed off by the CEO with minor changes.
23/06/2020	Ordinary Council	105/20	Community & Recreation Facility Framework Project U	None declared	That the report be received and noted That Council endorses the Community & Recreation Facilities Framework - Community Consultation Implementation Plan, contained in <i>Appendix 1</i> .	Peter Bice	In Progress	Stage 1 and 2 of the consultation for this project is currently open. Data will be analysed, & used to inform new service levels & policy positions that will form part of the Framework.
23/06/2020	Ordinary Council	106/20	Local Roads and Community Infrastructure Program P	Actual - Cr Linda Green & Cr Andrew Stratford Perceived - Cr Malcolm Herrmann	1. That the report be received and noted. 2. To authorise the applications for the following projects to be submitted as the Adelaide Hills Council Local Roads and Infrastructure Program Projects for delivery in 2020/21 and the estimated associated expenditure to undertake those works: New Toilets – Woodside Institute (\$200,000) Lobethal Centennial Hall Toilet Upgrade (\$80,000) Fabrik – Building upgrades (\$230,000) Mill Road Corner Community Pocket Forest (\$40,000) Stirling to Crafers Bikeway (\$125,000) Footpath – Crafers (\$66,415) Footpath – Cudlee Creek, Redden Drive (\$40,000) 3. Subject to approval, and in line with the above estimated costs, that the CEO or his delegate be authorised to commit expenditure to undertake the above works with any adjustments to income and expenditure be incorporated in an upcoming budget review. 4. That should any projects be unsuccessful, or significant savings achieved, alternative projects will be recommended to Council for consideration. 5. That the CEO be authorised to write a letter of acknowledgement to the Hon Michael McCormack MP, Deputy Prime Minister and Minister for Infrastructure, Transport and Regional Development thanking the	Peter Bice	In Progress	Applications were submitted Friday 10th July. A letter of thanks has been drafted ready to send once approval for the nominated projects has been received (or otherwise advised).

Meeting Date	Meeting	Res No.	Item Name	Previously Declared COI	Action Required (Council Resolution)	Responsible Director	Status	Status (for Council reporting)
23/06/2020	Ordinary Council	107/20	Stirling Market Road Closure Permit Renewal	Actual - Cr Kirrilee Boyd	<p>1. That the report be received and noted</p> <p>2. That a permit for Business Use of a Road under Section 222 of the <i>Local Government Act 1999</i> be issued to Stirling Market Incorporated for a five year period for use of a portion of Druid Avenue Stirling and the service lane between Martha Street and Mt Barker Road, for a monthly market</p> <p>3. That pursuant to Section 33(2) of the <i>Road Traffic Act 1961</i> the Council provides consent to the making of a road closure order by the Minister, or delegate, to enable the closure of Druid Avenue between Mount Barker Road and Martha Street, Stirling, as per permit conditions for the same five (5) year period covered by the Business Use Permit issued to Stirling Market Inc.</p> <p>4. That the Chief Executive Officer be authorised to act for and on behalf of the Council to consider and provide consent to any minor changes to the permit conditions or road closure order in response to legislative changes, the results of annual permit reviews or for special road closure orders, such as if the market is rescheduled to another Sunday in a particular month, or if a special once-off market is held, over the same five (5) year period.</p>	David Waters	Completed	Permit issued to Stirling Market Inc by Council.
23/06/2020	Ordinary Council	108/20	Resumption of Physical Council Meetings, Workshops	None declared	<p>That the report be received and noted</p> <p>That in relation to Ordinary Council Meetings:To revoke Part 4 of Resolution 63/20 from its 21 April 2020 Council Meeting being "That, as from 21 April 2020 and until the expiry of the provisions of Notice No 1, meetings of the Council will take place by electronic means using the audio and visual functionality of the Zoom virtual meeting room as the electronic location"; andTo note that the Chief Executive Officer will determine the 'place' of Council Meetings in accordance with the provisions of Section 81(3a) of the <i>Local Government Act 1999</i>.That in relation to Council Workshops and Professional Development Informal Gatherings to note that the Chief Executive Officer, via resolution 245/19, maintains the authorisation to make changes to the informal gathering schedule, timings and locations.That in relation to Community Forums:To note that the Chief Executive Officer, via resolution 245/19, maintains the authorisation to make changes to the Community Forum schedule to accommodate venue availability or other matters airing to necessitate change.To resolve that the order of venues for upcoming Community Forums will be:MylorBasket RangeBirdwood</p>	Andrew Aitken	Not Started	

Meeting Date	Meeting	Res No.	Item Name	Previously Declared COI	Action Required (Council Resolution)	Responsible Director	Status	Status (for Council reporting)
23/06/2020	Ordinary Council	109/20	Policy of Notification - Accredited Professionals	None declared	<p>1. That the report be received and noted</p> <p>2. To adopt the draft Policy of Notification – Accredited Professionals as detailed in <i>Appendix 2</i> of this report with a commencement date being the designated date of Phase 3 of the Planning & Design Code (and full implementation of the PDI Act) to be announced by the Minister for Planning in due course.</p> <p>3. That the CEO be permitted to make any formatting, nomenclature or other minor changes to the Policy before the designated date for Phase 3 of the Planning & Design Code.</p>	Marc Salver	In Progress	The Policy document is ready for placing on Council's website but cannot be until the designated date declaration for PDI Act and Planning and Design Code is made by the Minister for Phase 3 of the Code. This is expected to occur in the coming months.
23/06/2020	Ordinary Council	110/20	Disclosure of Interest - Adelaide Hills Tourism	None declared	<p>That the report be received and noted</p> <p>To note the declaration of interest by Chief Executive Officer, Andrew Aitken, in relation to being a Board Member of Adelaide Hills Tourism.</p> <p>To determine that Chief Executive Officer, Andrew Aitken, is authorised to act in relation to his official duties as Chief Executive Officer of the Adelaide Hills Council in matters relating to Adelaide Hills Tourism.</p>	Andrew Aitken	Completed	
23/06/2020	Ordinary Council	111/20	Delegations Review	None declared	Refer to Minutes	Andrew Aitken	Completed	Delegations were updated and placed on the website.
23/06/2020	Ordinary Council	122/20	Event Opportunity - Confidential Item	None declared	Refer to Confidential Minute	David Waters	In Progress	
23/06/2020	Ordinary Council	123/20	Event Opportunity - Period of Confidentiality	None declaredthat the report, related attachments and the minutes of Council and the discussion and considerations of the subject matter be retained in confidence until the event agreements are signed and the relevant event details are announced by the relevant Minister, but not longer than 31 December 2021.	David Waters	Not Started	

Meeting Date	Meeting	Res No.	Item Name	Previously Declared COI	Action Required (Council Resolution)	Responsible Director	Status	Status (for Council reporting)
30/06/2020	Special Council	124/20	Annual Business Plan & BUDget Adoption	None declared	<p>1. That the report be received and noted</p> <p>1.1 Pursuant to and in accordance with Section 123(6) of the <i>Local Government Act 1999</i> ("the Act") and Regulation 6 of the <i>Local Government (Financial Management) Regulations 2011</i> and having considered all submissions and consultation feedback received, the Annual Business Plan (Appendix 1) as laid before Council for the financial year ending 30 June 2021 be adopted.</p> <p>1.2 Pursuant to and in accordance with Section 123(7) of the Act and Regulation 7 of the <i>Local Government (Financial Management) Regulations 2011</i>, having considered the Budget in conjunction with, and determined the Budget to be consistent with, the Council's Annual Business Plan, the Budget for the financial year ending 30 June 2021 as laid before the Council at this meeting, be adopted.</p> <p>1.3 Determination and Adoption of Valuations – 2020-21</p> <p>1.3.1 Rates assessed on rateable land in the area of the Council will be based on the capital value of land for all rateable land.</p> <p>1.3.2 Pursuant to Section 167(2)(a) of the Act the most recent valuations of the Valuer General available to the Council of the capital value of land within the</p>	Terry Crackett	Completed	Rates & CWMS charges generated in accordance with Council resolution, budget phasing now to be undertaken and application sent to LGFA for discounted CADR facility
30/06/2020	Special Council	125/20	Annual Service Charge	Material - Cr Malcolm Herrmann Material - Cr Linda Green Material - Cr Andrew Stratford	<p>Pursuant to Section 155 of Act, for the financial year ending 30 June 2021 the Council imposes the following annual service charges based on the nature of the service and the level of usage of the service:</p> <p>1.7.1 In respect of all land to which the Council provides or makes available the prescribed services known as:the Woodside Community Wastewater Management Systemthe Woodside Extension Community Wastewater Management Systemthe Birdwood and Mt Torrens Community Wastewater Management Systemthe Kersbrook Township Community Wastewater Management Systemthe Charleston Community Wastewater Management Systemthe Verdun Community Wastewater Management Systemthe Mt Lofty Ward Community Wastewater Management System</p> <p>an annual service charge of \$884 in respect of land which is occupied and an annual service charge of \$450 in respect of land which is vacant.</p>	Terry Crackett	Completed	Agreed charges included in Rates Generation undertaken in early July 2020

Meeting Date	Meeting	Res No.	Item Name	Previously Declared COI	Action Required (Council Resolution)	Responsible Director	Status	Status (for Council reporting)
30/06/2020	Special Council	126/20	Draft Fees & Charges	Material - Cr Andrew Stratford Material - Cr Malcolm Herrmann Material - Cr Linda Green	That the report be received and noted.To adopt the 2020-21 Fees and Charges Schedule included at Appendix 1 to apply on and from 1 July 2020.Council notes that the statutory fees will be included on the schedule of fees and charges available for public inspection subsequent to being gazetted.	Terry Crackett	Completed	Adopted Fees and Charges Register included on Council Website and Statutory Fees register provided by LGA added separately
30/06/2020	Special Council	127/20	Discretionary Rate Rebate	None declared	1. That the report be received and noted. 2. That a discretionary rate rebate requested by the following applicant under Section 166 of the Local Government Act 1999 be declined on the basis that they do not meet the criteria set out in Council's <i>Rating Policy</i> : Oakbank Racing Club IncDorset Lane & 46 Oakwood Road & Shillabeer Road Oakbank – Assessment No. 17886 – racecourse46 Oakwood Road Oakbank – Assessment No. 17887 – dwellingDorset Lane Oakbank – Assessment No. 17853 – communication lease 3. That the Oakbank Racing Club Inc. be formally advised that although unsuccessful for a rate rebate they can avail themselves of Council's ratepayer hardship provisions which could result in a flexible payment plan and/or rate postponement without penalty for the 2020-21 financial year.	Terry Crackett	Completed	
30/06/2020	Special Council	128/20	Adelaide Hills Tourism 3 year Funding Agreement 2020	None declared	That the report be received and noted That the three year funding agreement with the Adelaide Hills Tourism (as contained in Appendix 1), to provide funding of \$106,125 pa (GST exclusive) for 2020/21 and increased annually by an amount equal to the increase in the Consumer Price Index for Adelaide for the 12 months to the end of the preceding December, be approved and that the Chief Executive Officer be authorised to make any minor changes or variations to the Agreement before execution by both parties or during the life of the Agreement.That the Chief Executive Officer be authorised to execute the Agreement on behalf of Council	David Waters	Not Started	

Meeting Date	Meeting	Res No.	Item Name	Previously Declared COI	Action Required (Council Resolution)	Responsible Director	Status	Status (for Council reporting)
30/06/2020	Special Council	129/20	Stirling Business Association 3 Year Funding Agreement	None declared	<ol style="list-style-type: none"> 1. That the report be received and noted. 2. That the three year funding agreement, as contained in Appendix 1, with the Stirling Business Association be approved and that the Chief Executive Officer be authorised to make any minor changes or variations to the Agreement before execution by both parties or during the life of the Agreement. 3. That the Chief Executive Officer be authorised to execute the Agreement on behalf of Council. 4. That the Chief Executive Officer be authorised to appoint a representative, who shall not be a member of the Stirling Business Association management committee, to attend regular meetings of the association for the purposes of Annexure A of the Funding Agreement. 	David Waters	Not Started	
30/06/2020	Special Council	131/20	Sealed Roads Renewal Contract	None declared	See confidential minute	Peter Bice	Not Started	
30/06/2020	Special Council	132/20	Sealed Roads Renewal Contract - Period of Confidentiality	None declared	that the report, related attachments and the minutes of Council and the discussion and considerations of the subject matter be retained in until the contracts are signed, but not longer than 12 months	Peter Bice	Not Started	

**ADELAIDE HILLS COUNCIL
ORDINARY COUNCIL MEETING
Tuesday 28 July 2020
AGENDA BUSINESS ITEM**

Item: 13.1

Responsible Officer: Lachlan Miller
Executive Manager Governance & Performance
Office of the Chief Executive

Subject: Council Member Conduct Complaint

For: Information

SUMMARY

The purpose of this report is to provide Council with the findings of a *Council Member Conduct Policy* complaint investigation.

The complaint was dealt with in accordance with the Council Member Conduct Policy Complaint Handling Procedure (the Procedure). There were two elements to the complaint and it was concluded that the allegations in both elements did not give rise to a prima facie breach of the Conduct Policy and therefore the complaint was dismissed.

In accordance with the provisions of the Procedure, as the matter was dismissed, this report advises the finding but does not provide details of the complaint or the identities of the complainant or the respondent.

RECOMMENDATION

Council resolves that the report be received and noted.

1. GOVERNANCE

➤ **Strategic Management Plan/Functional Strategy/Council Policy Alignment**

Strategic Plan 2020-24 – A brighter future

Goal 5 A Progressive Organisation

Objective O5 We are accountable, informed, and make decisions in the best interests of the whole community

Priority O5.1 Enhance governance structures and systems to prudently adapt to changing circumstances and meet our legislative obligations

Complaints regarding alleged breaches of the Code of Conduct for Council Members are managed via the Complaint Handling Procedure contained within the *Council Member Conduct Policy* (the Conduct Policy).

➤ **Legal Implications**

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 requires Council to adopt a process for the handling of alleged breaches under that Part.

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).

Section 63(2) of the Local Government Act 1999 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.

➤ **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.

Legal advice was obtained in the management of this complaint and this was funded from the Governance and Performance budget.

The management of Conduct Policy complaints does also 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.

➤ **Sustainability Implications**

Not applicable.

➤ **Engagement/Consultation conducted in the development of the report**

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
Governance & Risk Coordinator

External Agencies: KelledyJones Lawyers

Community: Not applicable.

2. BACKGROUND

Code of Conduct Complaint Handling Procedure

Attachment C (**Appendix 1**) of the Conduct Policy sets out the Complaint Handling Procedure (the Procedure). The following summary of the Procedure is as it relates to the particulars of the complaint which is the subject of this report.

Clause 4.12 of the Procedure provides that the Mayor (or Deputy as required), having regard to the seriousness of the allegation and information provided, may:

- seek to resolve the matter internally
- refer the complaint to the Local Government Governance Panel (the Panel)
- dismiss the allegation.

Clause 4.16 requires that, upon being advised of the complaint, the Mayor must bring the fact of the complaint but not the details of the allegations to the attention of the Council at the next formal meeting of the Council. To this end, Mayor Wisdom provided the following advice to Council at its 30 June 2020 Special meeting:

PRESIDING MEMBER'S OPENING REMARKS

I advise Council that a Code of Conduct for Council Members complaint has been received. In accordance with clause 4.9 of the *Code of Conduct Complaint Handling Procedure* I have determined that the alleged conduct is behaviour which falls under Part 2 of the Code and further under clause 4.12, I have determined to dismiss the complaint as it lacks substance and the complainant has been advised accordingly.

Consistent with clause 4.16 of the Procedures I am bringing the existence of the complaint to Council's attention and a report will be provided to the next meeting of Council.

Clause 4.17 of the Procedure provides that where a complaint is dismissed during the complaint handling process, a report will be provided to a public meeting of Council stating the finding but not the details of the allegations.

The Complaint

From late April 2020, Council was engaged in correspondence with the complainant regarding matters of concern, effectively a foreshadowed Conduct Policy complaint. An assessment was made of the matters raised and the complainant was advised that the matters of concern being raised lacked substance and the matter was dismissed.

Nevertheless the complainant lodged a Formal Complaint with Council on 16 June 2020 setting out two broad elements of complaint (the first having already been dealt with as above) against a number of Council Members and Council Officers. Based on the persons who were the subject of the complaint, the Formal Complaint was provided to KelledyJones to assess and to provide communications directly with the complainant.

KelledyJones' conclusion was that as there was no substance to the first element of the complaint and that the second element was contingent on the first element being a breach, there was no basis upon which the complaint can be maintained.

3. ANALYSIS

In accordance with clause 4.17 of the Procedure, as the complaint was dismissed, this report does not provide details of the allegations, complainant or respondent.

4. OPTIONS

As this is an 'Information' report, Council is limited to receiving the report.

5. APPENDIX

- (1) Council Member Conduct Policy – Attachment C - Complaint Handling Procedure

Appendix 1

*Council Member Conduct Policy – Attachment C -
Complaint Handling Procedure*

ATTACHMENT C

Code of Conduct Complaint Handling Procedure

1. Introduction

- 1.1 On 1 September 2013, a new *Code of Conduct for Council Members* was made by Regulation. The Code of Conduct applies to all Council Members across the Local Government sector and may be the subject of a Council investigation or an Ombudsman investigation, depending on the nature of the issue. The Code of Conduct also contains sanctions which may be imposed by Council on a Council Member where a breach of the Code is found to be sustained.
- 1.2 The preamble to Part 2 of the Code requires each Council to adopt a process for the handling of alleged breaches of Part 2 and that the process will need to be reviewed within 12 months of a general local government election.
- 1.3 On 21 January 2014, the Adelaide Hills Council initially adopted the AHC Behavioural Standards which provide for an additional agreed set of behavioural principles and standards to complement and confirm the requirements of the Code of Conduct.
- 1.4 Clause 2.6 of the Code of Conduct requires Council Members to comply with Council policies, codes and resolutions; therefore a breach of the Behavioural Standards is a breach of Part 2 of the Code of Conduct.

2. Purpose and Scope

- 2.1 This procedure applies when the Council receives a complaint against a Council Member under the Code of Conduct for Council Members as gazetted on 29 August 2013.

3. Provisions of the Code of Conduct

- 3.1 The Code of Conduct for Council Members contains the following clauses regarding Complaints and Findings (of alleged breaches under Part 2):
 - 2.17 *Any person may make a complaint about a Council member under the Behavioural Code.*
 - 2.18 *Complaints about behaviour alleged to have breached the Behavioural Code should be brought to the attention of the Principal Member or Chief Executive Officer of the Council, or nominated delegate/s.*
 - 2.19 *A complaint may be investigated and resolved in any manner which that Council deems appropriate in its process for handling alleged breaches of this Part. This can include, but is not limited to: a mediator or conciliator, the Local Government Governance Panel, a regional governance panel or an independent investigator.*
 - 2.20 *A complaint may be considered within this process to be trivial, vexatious or frivolous, and accordingly not investigated.*
 - 2.21 *A failure of a Council member to cooperate with the Council's process for handling alleged breaches of this Part may be referred for investigation under Part 3.*

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- 2.22 *A failure of a Council member to comply with a finding of an investigation under this Part, adopted by the Council, may be referred for investigation under Part 3.*
- 2.23 *Repeated or sustained breaches of this Part by the same Council member may be referred, by resolution of the Council, to the relevant authority as a breach of Part 3.*
- 2.24 *A breach of the Behavioural Code must be the subject of a report to a public meeting of the Council.*
- 2.25 *If, following investigation under the Council's complaints handling process, a breach of the Behavioural Code by a Council member is found, the Council may, by resolution:*
- 2.25.1 *Take no action;*
- 2.25.2 *Pass a censure motion in respect of the Council member;*
- 2.25.3 *Request a public apology, whether written or verbal;*
- 2.25.4 *Request the Council member to attend training on the specific topic found to have been breached;*
- 2.25.5 *Resolve to remove or suspend the Council member from a position within the Council (not including the member's elected position on Council);*
- 2.25.6 *Request the member to repay monies to the Council.*
- 3.2 The Complaint Handling Procedure supplements (but does not replace) the requirements of the above clauses of the Code of Conduct.
- 4. Breaches the Code of Conduct**
- 4.1. Breaches of the Code of Conduct may relate to behaviour (in Part 2 of the Code) or misconduct (in Part 3 of the Code). Criminal or corruption matters, which are subject to separate legislation, do not form part of the *Code of Conduct for Council Members* but are referred to in the Appendix to the Code. This procedure covers referral of these types of complaints to other agencies.
- 4.2. Where an alleged breach occurs the Complainant should report the allegation, in writing, to the Council, addressed to the CEO. The allegation should:
- be specific
 - provide as much supporting evidence as possible to assist an investigation
 - provide the name of the Council Member who has allegedly breached the Code (the Respondent).
- 4.3. The CEO must acknowledge receipt of the complaint within three (3) clear business days of receiving the complaint.
- 4.4. Complainants can, at any time, take the alternative option of lodging the complaint directly to the Ombudsman or with the Office of Public Integrity (OPI), which will direct the complaint in accordance with the ICAC Act.

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- 4.5. Where the Complainant is an Adelaide Hill Council Member or Officer they will be required to maintain confidence with respect to the identity of the Respondent and the details of the complaint with the exception of disclosures necessary to facilitate the investigation of the complaint.
- 4.6. Where the Complainant is not an Adelaide Hills Council Member or Officer they will be requested to maintain confidence with respect to the identity of the Respondent and the details of the complaint with the exception of disclosures necessary to facilitate the investigation of the complaint.
- 4.7. The CEO must advise the Mayor (or if the Mayor is the Complainant or the Respondent, his/her deputy) of receipt of a complaint within three (3) clear business days. (Hence forth in this procedure reference to the Mayor will be taken as the Mayor or deputy).
- 4.8. The CEO will allocate a Council Officer to assist the Mayor with document management and liaison with the parties to the complaint.
- 4.9. The Mayor will determine whether the complaint relates to:
- behavior which falls under Part 2 of the Code
 - misconduct which triggers action under Part 3 of the Code or
 - criminal or corrupt behaviour
- 4.10. Complaints relating to misconduct, corrupt or criminal behaviour must be referred to the appropriate authorities immediately. (See below at clauses 8 and 9).
- 4.11. Council maintains jurisdiction where the complaint deals with conduct that falls into Part 2 of the Code. Part 2 deals with conduct that reflects reasonable community expectations of how Council Members should conduct themselves. Robust debate within Council which is conducted in a respectful manner is not a breach of this Part.
- 4.12. Having regard to the seriousness of the Part 2 allegation and information provided, the Mayor may:
- seek to resolve the matter internally; or
 - refer the complaint to the Local Government Governance Panel; or
 - dismiss the allegation.
- 4.13. Where the Mayor is satisfied that the investigation of the matter will not be compromised, the Mayor will, as soon as practicable, advise the Respondent of the complaint and its substance. The Respondent will also be advised of the manner in which the Mayor intends to deal with the complaint under clause 4.12.
- 4.14. The Respondent will be required to maintain confidence with respect to the identity of the Complainant and the details of the complaint with the exception of disclosures necessary to facilitate the investigation of the complaint.
- 4.15. The Mayor must ensure that the principles of procedural fairness and natural justice are observed.

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- 4.16. Upon being advised of the complaint, the Mayor must bring the fact of the complaint and the manner in which the Mayor intends to deal with the complaint under clause 4.12 but not the details of the allegations to the attention of the Council at the next formal meeting of the Council.
 - 4.17. Where a complaint is dismissed or withdrawn during the complaint handling process, a report will be provided to a public meeting of Council stating the status (i.e. dismissed/withdrawn) but not the details of the allegations.

5. Alleged Breach of Part 2 - Internal response

- 5.1. Only matters which are determined to be of a minor nature will be dealt with internally and only with the agreement of the parties. The Mayor, may hold meetings with the Complainant and the Respondent and may seek mediation and conciliation between the parties in an attempt to resolve the matter to the satisfaction of all parties (this may be appropriate, for example, where the complainant is also a Council Member). An appropriately qualified person may be engaged, in consultation between the Mayor and the CEO, to assist the Mayor in this process.
- 5.2. Where the matter is resolved to the satisfaction of all the parties, the Mayor will send written confirmation to all the parties within three (3) clear business days confirming that the matter has been resolved.
- 5.3. Where the matter cannot be resolved, the Mayor will refer the original complaint to the Local Government Governance Panel. Neither the Mayor nor the CEO (or delegate) will investigate a complaint.

6. Alleged Breach of Part 2 – Referral to the Local Government Governance Panel

- 6.1. Where there has been an allegation that a Respondent has breached Part 2 of the Code, the complaint may be referred to the independent Local Government Governance Panel by the Mayor under clause 4.12.
- 6.2. Complaints referred to the Governance Panel will specify the ground/s of the complaint, set out the circumstances of the complaint and be accompanied by any other material that is available to support the complaint. The Respondent will also be requested to provide the Governance Panel with a response to the allegation.
- 6.3. A copy of the Governance Panel's procedures is available on the Governance Panel webpage on the LGA's website under *Rules of Engagement*. [www.lga.sa.gov.au]
- 6.4. The Panel Manager will make an initial assessment of the allegation based on the information received to determine if the matter falls within the remit of the Panel, or whether the complaint should be referred elsewhere in relation to the Code (for example, to the Office for Public Integrity or to the Ombudsman).. The Panel Manager will also determine whether the matter should be dismissed on the basis that the complaint is frivolous, vexatious, misconceived or lacking in substance.
- 6.5. At the conclusion of the Initial Assessment, a report will be provided to the Mayor and will contain a recommendation as to whether the matter should proceed to a full investigation or be dealt with in another manner.

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- 6.6. Upon receiving an Initial Assessment Report, the Mayor will give consideration to the recommendation and determine the next step in the process. Both the Complainant and Respondent will be advised of the Mayor's decision.
 - 6.7. Where a complaint progresses to a full investigation, a Preliminary Investigation Report will be prepared by the Panel Manager and forwarded to the Mayor. Consistent with the principles of procedural fairness and natural justice, the Preliminary Investigation Report will be provided to the Complainant and the Respondent. Comments/feedback received on the Preliminary Investigation Report is provided to the Panel Manager for consideration in the finalisation of the Investigation Report.
 - 6.8. The Final Investigation Report will contain details of the complaint, the results of the investigation and a conclusion in relation to the allegation (on the balance of probabilities). Where a breach of the Code has been found, the report may recommend to the Council appropriate action in relation to the matter, including the imposition of any of the sanctions available to a Council under clause 2.25 of the Code (see below).

7. Alleged Breach of Part 2 – Internal Response Method – Finding Reports to Council

- 7.1. If, following a resolution to a complaint employing the Internal Response method (clause 5 above) in which no breach of Part 2 of the Code is found, a report will be provided to a public meeting of Council stating the finding but not the details of the allegations.
- 7.2. If, following a resolution to a complaint employing the Internal Response method (clause 5 above) in which a breach of Part 2 of the Code is found, the breach must be the subject of a report to a public meeting of Council (clause 2.2 of the Code). . The Complainant's identifying details will not be disclosed in the report as the identity is irrelevant to the Council's determination of the matter and publication of the same could act as a disincentive for the making of complaints.
- 7.3. Consistent with the principles of procedural fairness and natural justice, while recognising that the Respondent will have conflict of interest legislative obligations and will not be able to remain in the Chamber when the matter is being considered, the Mayor will provide the Respondent with the opportunity to provide a written submission addressing any matters that they may wish for the Council to take into account in considering the report. The submission, if so provided, will be included as an Appendix to the report on the matter.
- 7.4. The Council may, by resolution, take any of the following actions (under clause 2.25 of the Code):
 - Take no action;
 - Pass a censure motion in respect of the Council Member;
 - Request a public apology, whether written or verbal;
 - Request the Council Member to attend training on the specific topic found to have been breached;
 - Resolve to remove or suspend the Council Member from a position within the Council (not including the Member's elected position on Council)
 - Request the member to repay monies to the Council.

8. Alleged Breach of Part 2 – Local Government Governance Panel Referral – Finding Reports to Council

- 8.1. If, following investigation by the Governance Panel, no breach of the Part 2 of the Code is found, a report will be provided to a public meeting of Council stating the finding but not the details of the allegations.
- 8.2. If, following investigation by the Governance Panel, a breach of the Part 2 of the Code is found, the breach must be the subject of a report to a public meeting of Council (clause 2.24 of the Code). The Panel's Final Investigation Report will be appended to the Council report. The Complainant's identifying details will be redacted from the Final Investigation Report as the identity is irrelevant to the Council's determination of the matter and publication of the same could act as a disincentive for the making of complaints.
- 8.3. Consistent with the principles of procedural fairness and natural justice, while recognising that the Respondent will have conflict of interest legislative obligations and will not be able to remain in the Chamber when the matter is being considered, the Mayor will provide the Respondent with the opportunity to provide a written submission addressing any matters that they may wish for the Council to take into account in considering the report. The submission, if so provided, will be included as an Appendix to the Officer's Report on the matter.
- 8.4. The Council may, by resolution, take any of the following actions (under clause 2.25 of the Code):
- Take no action;
 - Pass a censure motion in respect of the Council Member;
 - Request a public apology, whether written or verbal;
 - Request the Council Member to attend training on the specific topic found to have been breached;
 - Resolve to remove or suspend the Council Member from a position within the Council (not including the Member's elected position on Council)
 - Request the member to repay monies to the Council.

9. Part 3 - Mandatory Code (Misconduct)

- 9.1. Any person may report an alleged breach of Part 3 of the Code to the Council, the Ombudsman or the Office for Public Integrity. Alleged breaches of this Part made to Council or to the Office for Public Integrity may be referred to the Ombudsman for investigation.
- 9.2. Under the Code of Conduct, a Council Member who is of the opinion that a breach of Part 3 of the Code has occurred, or is currently occurring, must report the breach to the Mayor of the Council or Chief Executive Officer, the Ombudsman or the Office for Public Integrity.
- 9.3. A failure to report an alleged or suspected breach of Part 3 of the Code is in itself a breach under Part 2 of the Code.

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- 9.4. A failure of a Council Member to co-operate with the Council's process for handling alleged breaches of Part 2 of the Code may be referred for investigation under Part 3.
 - 9.5. A failure of a Council Member to comply with a finding of an investigation under Part 2 of the Code, adopted by the Council, may be referred for investigation under Part 3.
 - 9.6. Repeated or sustained breaches of Part 2 of the Code by the same Council Member may be referred, by resolution of the Council, to the relevant authority as a breach of Part 3.
 - 9.7. A report from the Ombudsman that finds a Council Member has breached Part 3 of the Code of Conduct must be the subject of a report to a public meeting of the Council.
 - 9.8. The Council must pass a resolution to give effect to any recommendations received from the Ombudsman, within two ordinary meetings of the Council following the receipt of these recommendations.

10. Criminal Matters – Appendix to the Code of Conduct

- 10.1. The matters within the Appendix to the Code of Conduct are matters for which a criminal penalty attaches. These matters must be reported to the OPI. In addition, allegations of a breach of any of the offence provisions in the *Local Government Act 1999* must also be reported to the OPI. (See Council's *Fraud and Corruption Prevention Policy* for further information on reporting requirements or the *Directions and Guidelines* issued by the Independent Commissioner Against Corruption).
- 10.2. In compliance with the *Independent Commissioner Against Corruption Act 2012*, referral of such complaints to the OPI will remain confidential.

**ADELAIDE HILLS COUNCIL
ORDINARY COUNCIL MEETING
Tuesday 28 July 2020
CONFIDENTIAL AGENDA BUSINESS ITEM**

Item: 19.1

Responsible Officer: Marc Salver, Director Development & Regulatory Services

Subject: Appointment of Independent Member to the Council's Assessment Panel (CAP)

For: Decision

1. Appointment of Independent Member to the Council's Assessment Panel (CAP) – 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:

- 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
- Governance & Risk Coordinator, Steven Watson
- Minute Secretary, Pam Williams

be excluded from attendance at the meeting for Agenda Item 19.1: (Appointment of Independent Member to the Council's Assessment Panel (CAP)) 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 relating to the appointment of Independent Members to the Council's Assessment Panel (CAP), the disclosure of which –

- (a) Information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead);

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.

3. Appointment of Independent Member to the Council's Assessment Panel (CAP) – 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 Council's decision(s) in this matter in the performance of the duties and responsibilities of office, Council, having considered Agenda Item 19.1 in confidence under sections 90(2) and 90(3)(a) of the *Local Government Act 1999* and the provisions of the *Local Government (Access to Meeting and Documents) Amendment Act 2002*, 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 Community Representatives referred to in the item are appointed, but not longer than 30 August 2020.

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