



ORDINARY COUNCIL MEETING

NOTICE OF MEETING

To: Acting Mayor Nathan Daniell

Councillor Ian Bailey
Councillor Kirilee Boyd
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 22 September 2020
6.30pm
63 Mt Barker Road Stirling

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

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

Andrew Aitken
Chief Executive Officer



ORDINARY COUNCIL MEETING

AGENDA FOR MEETING
Tuesday 22 September 2020
6.30pm
63 Mt Barker Road Stirling

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 (24 August to 25 September 2020) approved 25 August 2020

3.3. Absent

4. MINUTES OF PREVIOUS MEETINGS

Council Meeting – 25 August 2020

That the minutes of the ordinary meeting held on 25 August 2020 as supplied, be confirmed as an accurate record of the proceedings of that meeting.

Special Council Meeting - 8 September 2020

That the minutes of the special meeting held on 8 September 2020 as supplied, be confirmed as an accurate record of the proceedings of that meeting.

Special Council Meeting - 15 September 2020

That the minutes of the special meeting held on 15 September 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
- 7.2. Questions Lying on the Table

8. PETITIONS / DEPUTATIONS / PUBLIC FORUM

- 8.1. Petitions
- 8.2. Deputations
 - 8.2.1. Donella Peters re GM Crop Free Zone
- 8.3. Public Forum

9. PRESENTATIONS (by exception)

Nil

10. QUESTIONS ON NOTICE

Nil

11. MOTIONS ON NOTICE

Long Term Strategic Tree Planting Program - Cr Herrmann

12. ADMINISTRATION REPORTS – DECISION ITEMS

- 12.1. Genetically Modified Crops – Consideration of whether or not to apply to the Minister to become a no GM Food Crop Area

- 1. *That the report be received and noted.*
- 2. *That Council apply to the Minister for Primary Industries and Regional Development under Section 5A(1) of the Genetically Modified Crops Management Act 2004 for the Adelaide Hills Council area to be designated as an area in which no genetically modified food crops may be cultivated based on risks to trade and marketing.*
- 3. *That Council approve the application package as contained in Appendix 3 to apply to the Minister for Primary Industries and Regional Development requesting that the Adelaide Hills Council be designated as an area in which no genetically modified food crops may be cultivated.*
- 4. *That the Chief Executive Officer, be authorised to make any formatting, nomenclature or other minor changes to the application package contained in Appendix 3 prior to submitting it to the Minister by the 30 September 2020 deadline.*
- 5. *That the Consultation Report as contained in Appendix 1 be made available to engagement participants, in addition to notifying them of Council's decision in this regard.*

12.2. 100 Old Mt Barker Road Stirling – building upgrade and offer of lease

6. *That the report be received and noted*
7. *To progress the budgeted upgrade of the old school building located at 100 Old Mt Barker Road Stirling including the replacement of the roof, gutters, fascia boards, downpipes and damaged internal ceilings, with the anticipated cost to be \$155,000.*
8. *To apply to the Minister for Environment and Water for approval to lease the land located at 100 Old Mt Barker Road Stirling, including the old school building, to The Old School Community Garden Inc.*
9. *Subject to obtaining the approval specified in 3 above, offer to The Old School Community Garden a 2 year lease over the land located at 100 Old Mt Barker Road Stirling, including the old school building.*
10. *That the Mayor and Chief Executive Officer be authorised to sign all necessary documents, including affixing the common seal, to give effect to this resolution.*

12.3. Recovery update

1. *That the report, including the update on the Council's activities in support of recovery from the Cudlee Creek Bushfire and COVID-19 pandemic, be received and noted.*
2. *That Council approve the submission of an application for funding of \$140,000 per year for two years for the establishment of a Resilience and Readiness Program.*
3. *That Council work with the Office of the Premier's Advocate for Suicide Prevention to initiate a Suicide Prevention Network in the Adelaide Hills.*
4. *That subject to the success of the pilot series of workshops currently being conducted to support community groups in the recovery from both the Cudlee Creek Bushfire and the COVID-19 pandemic, that a further series of workshops be held to target the needs of community and sporting associations throughout the district.*

12.4. S210 Conversion to Public Road

1. *That the report be received and noted.*
2. *To undertake a process pursuant to Section 210 of the Local Government Act 1999 for the conversion of private road to public road for the land described as:*
 - *Russell Terrace, Bridgewater being the land comprised in CT 5411/603 of 1494m² currently owned by Bridgewater Park Ltd (In Liquidation).*
 - *Lot 82 Western Branch Road, Lobethal being the land comprised in CT 5696/27 of 105m² currently owned by Margaret Dixon Dearman, Ernest William Dearman & Burton Stirling Dearman.*
 - *1 Robert Street Woodside being the land comprised in CT 5695/342 of 58m² currently owned by James Johnston and William Johnston.*
 - *Pieces 29 and Lot 30 in FP 156206 on Western Branch Road, Lobethal being the land comprised in CT 5696/31 of 446m² and 337m² currently owned by South Australian Company.*

- *Norman Road, Bridgewater being Allotment 16 and 17 in DP 2167 as the land comprised in CT 5890/905 of 738m² and 1265m² currently owned by Donald Frederick Canham & Eileen Agnes Canham.*
 - 3. *That the Mayor and the Chief Executive be authorised to finalise the above matter including signing all necessary documentation to complete all transactions.*
 - 4. *That a further report be presented to Council following the completion of the notice period required under Section 210(2) of the Act detailing the outcome of the attempts to locate the owners of the roads detailed above.*
- 12.5. 2020 LGA President Ballot
- 1. *That the report be received and noted*
 - 2. *For the Deputy Mayor to mark the ballot paper with the Adelaide Hills Council's vote for _____ and to lodge the completed ballot paper in accordance with the process set out in Appendix 1.*
- 12.6. Election for GAROC 2020 – 2022
- 1. *That the report be received and noted*
 - 2. *For the Deputy Mayor to mark the ballot paper with the Adelaide Hills Council's vote for _____ and _____ and to lodge the completed ballot paper in accordance with the process set out in Appendix 1.*
- 12.7. Strategic Internal Audit Plan
- 1. *That the report be received and noted.*
 - 2. *That Council adopt the revised Strategic Internal Audit Plan (v1.5b) as contained in Appendix 1.*
- 12.8. Policy Review – Records & Information Management Policy and Records and Information Management for Council Members Procedure
- 1. *That the report be received and noted.*
 - 2. *With an effective date of 6 October 2020, revoke the 28 February 2017 'Records Information Management Policy' (Appendix 2) and to adopt the new 'Records Information Management Policy' as contained in Appendix 1.*
 - 3. *With effective date of 6 October 2020, revoke the 28 August 2018 'Records & Information Management for Council Members Procedure' and to adopt the updated 'Records Information Management for Council Members Procedure' as contained in Appendix 3.*
 - 4. *That the Chief Executive Officer, or delegate, be authorised to make any formatting, nomenclature or other minor changes to the Records Information Management Policy and/or Records Information Management for Council Members Procedure prior to the effective dates.*

12.9. Policy Review – Community Loans Policy

1. *That the report be received and noted*
2. *With an effective date of 8 October 2020, to revoke the 24 April 2018 Community Loans Policy and to adopt the revised Community Loans Policy in Appendix 1.*
3. *That the Chief Executive Officer, or delegate, be authorised to make any formatting, nomenclature or other minor changes to the Community Loans Policy prior to the effective date.*

12.10. Policy Review – Council Member Allowances and Support Policy

1. *That the report be received and noted*
2. *With an effective date of 8 October 2020, to revoke the 27 November 2018 Council Member Allowances & Support Policy and to adopt the revised Council Member Allowances & Support Policy in Appendix 1.*
3. *That the Chief Executive Officer, or delegate, be authorised to make any formatting, nomenclature or other minor changes to the Council Member Allowances & Support Policy prior to the effective date.*

12.11. Status Report – Council Resolutions Update

Refer to Agenda

13. ADMINISTRATION REPORTS – INFORMATION ITEMS

Nil

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

REPORTS OF COMMITTEES

17.1. Council Assessment Panel
Nil

17.2. Strategic Planning & Development Policy Committee
Nil

17.3. Audit Committee
Nil

- 17.4. CEO Performance Review Panel – 3 September 2020
That the minutes of the CEOPRP meeting held on 3 September 2020 as supplied, be received and noted.

18. CONFIDENTIAL ITEMS

- 18.1. 2020 CEO Performance and Remuneration Reviews

19. NEXT MEETING

Tuesday 27 October 2020, 6.30pm, 63 Mt Barker Road, Stirling

20. CLOSE MEETING

Council Meeting/Workshop Venues 2020

OCTOBER 2020			
Tues 13 October	Workshop	Woodside	N/A
Wed 14 October	CAP	TBA	Karen Savage
Mon 19 October	Audit Committee	Stirling	TBA
Tues 20 October	Professional Development	Stirling	N/A
Tues 27 October	Council	Stirling	Pam Williams
NOVEMBER 2020			
Tues 10 November	Workshop	Woodside	N/A
Wed 11 November	CAP	TBA	Karen Savage
Mon 16 November	Audit Committee	Stirling	TBA
Tues 17 November	Professional Development	Stirling	N/A
Tues 24 November	Council	Stirling	Pam Williams
Thurs 26 November	CEO PRP	Stirling	TBA
DECEMBER 2020			
Wed 9 December	CAP	TBA	Karen Savage
Tues 15 December	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.

Conflict of Interest Disclosure Form

CONFLICTS MUST BE DECLARED VERBALLY DURING MEETINGS

Councillor:

Date:

Meeting name:

Agenda item no:

1. I have identified a conflict of interest as:

MATERIAL ACTUAL PERCEIVED

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

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

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

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

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

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

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

OR

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

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

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

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

CONFLICTS MUST ALSO BE DECLARED VERBALLY DURING MEETINGS

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



Ordinary Business Matters

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

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

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

Engagement and membership with groups and organisations exemption

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

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

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

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

8. DEPUTATIONS

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

1. A request to make a deputation should be made by submitting a Deputation Request Form, (available on Council's website and at Service and Community Centres) to the CEO seven clear days prior to the Council meeting for inclusion in the agenda.
2. Each deputation is to be no longer than ten (10) minutes, excluding questions from Members.
3. Deputations will be limited to a maximum of two per meeting.
4. In determining whether a deputation is allowed, the following considerations will be taken into account:
 - the number of deputations that have already been granted for the meeting
 - the subject matter of the proposed deputation
 - relevance to the Council agenda nominated – and if not, relevance to the Council's powers or purpose
1. the integrity of the request (i.e. whether it is considered to be frivolous and/or vexatious)
 - the size and extent of the agenda for the particular meeting and
 - the number of times the deputee has addressed Council (either in a deputation or public forum) on the subject matter or a similar subject matter.

8.3 PUBLIC FORUM

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

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

Item 4 Minutes of Council

**ADELAIDE HILLS COUNCIL
MINUTES OF ORDINARY COUNCIL MEETING
TUESDAY 25 AUGUST 2020
63 MT BARKER ROAD STIRLING**

In Attendance

Presiding Member: Acting Mayor Nathan Daniell

Members:

Councillor Ian Bailey
Councillor Kirrilee Boyd
Councillor Pauline Gill (6.32pm)
Councillor Chris Grant
Councillor Linda Green (6.32pm)
Councillor Malcolm Herrmann
Councillor John Kemp (6.32pm)
Councillor Leith Mudge
Councillor Mark Osterstock
Councillor Kirsty Parkin (6.32pm)
Councillor Andrew Stratford

In Attendance:

Lachlan Miller	Acting Chief Executive Officer
Terry Crackett	Director Corporate Services
Peter Bice	Director Infrastructure & Operations
Marc Salver	Director Development & Regulatory Services
David Waters	Director Community Capacity
Steven Watson	Acting Executive Manager Governance & Performance
Mike Carey	Manager Financial Services
Deryn Atkinson	Manager Development Services
Melinda Rankin	Arts & Heritage Hub Director
Renee O'Connor	Sport & Recreation Planner
Pam Williams	Minute Secretary

1. COMMENCEMENT

The meeting commenced at 6.30pm.

2. OPENING STATEMENT

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

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

**ADELAIDE HILLS COUNCIL
MINUTES OF ORDINARY COUNCIL MEETING
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3. APOLOGIES/LEAVE OF ABSENCE

3.1 Apology

Mayor Jan-Claire Wisdom

3.2 Leave of Absence

Mayor Jan-Claire Wisdom (3 August 2020 to 23 August 2020) approved 28 July 2020

Moved Cr Mark Osterstock

S/- Cr Kirrilee Boyd

158/20

That Leave of Absence be granted for Mayor Jan-Claire Wisdom from 24 August 2020 to 25 September 2020.

Carried Unanimously

3.3 Absent

Nil

4. MINUTES OF PREVIOUS MEETINGS

4.1 Council Meeting – 28 July 2020

Moved Cr Malcolm Herrmann

S/- Cr Ian Bailey

159/20

That the minutes of the Ordinary Council meeting held on 28 July 2020 as supplied, be confirmed as an accurate record of the proceedings of that meeting.

Carried Unanimously

5. DECLARATION OF CONFLICT OF INTEREST BY MEMBERS OF COUNCIL

Nil

**ADELAIDE HILLS COUNCIL
MINUTES OF ORDINARY COUNCIL MEETING
TUESDAY 25 AUGUST 2020
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6. PRESIDING MEMBER'S OPENING REMARKS

Acting Mayor Nathan Daniell expressed Council's sorrow at the passing of Bill Gale, who was a tireless contributor to the community and a valued Council Member for Adelaide Hills Council and the antecedent District Council of Onkaparinga for over 20 years. Council sends its condolences to Jan Gale and family.

Acting Mayor Daniell welcomed all the members back to the Chamber and asked everyone to be mindful of the existing COVID safe measures. He thanked staff for their innovative, flexible and responsible response, and reminded everyone that the COVID-19 crisis commenced 3 months after the devastating Cudlee Creek fire. Acting Mayor Daniell stated that he is proud of how Council has responded, and that he is confident that our community will come out stronger than before.

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

8.1.1 Proposed Solar Development, Birdwood

Moved Cr Malcolm Herrmann

S/- Cr Chris Grant

160/20

Council resolves:

1. That the petition signed by 28 signatories requesting that Development Assessment 20/530/473, Solar Development at Birdwood, be received and noted.
2. It is noted that Council has no role to play in the assessment of development applications and that Council's Assessment Panel (CAP) is the decision authority in this instance which, due to legislative restrictions, cannot receive or consider a petition as part of its deliberations on a development application.
3. That the CEO advises the principal signatory of the Council's noting of the petition and of any resolutions relating to the matter.

Carried Unanimously

**ADELAIDE HILLS COUNCIL
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8.2 Deputations

Nil

8.3 Public Forum

Nil

9. PRESENTATIONS

Nil

10. QUESTIONS ON NOTICE

10.1 Avenue of Trees Woodside to Lobethal

Cr Malcolm Herrmann

What progress has been made on the implementation of the issues raised in Resolution no. 27/20 on 25 February 2020?

Response – Director Infrastructure & Operations

The response for Resolution no. 27/20 from the 25 February 2020 was provided at the Ordinary Council Meeting held 24 March 2020. The response outlined some general information which is detailed below:

Avenue of trees along Woodside Road leading into Lobethal

This initiative would require detailed scoping and community engagement to establish the parameters of the project such as the length of the avenue, whether existing roadside trees would be removed to accommodate the avenue, the desired species, how to establish an avenue with overhead powerlines, etc. All of these influence the cost.

As a rough guide, planting a semi-advanced street tree can cost in the order of \$500-\$600 including purchasing, planting, fertilising and watering. In an avenue, trees would typically be planted 15m – 20m apart, meaning an avenue of say 1km (100 trees) would cost in the order of \$50,000 - \$60,000 plus ongoing establishment and maintenance costs.

The Administration considers the idea of investigating an avenue of street trees on the approach to Lobethal to have merit, especially given the stunted nature of the existing street trees under the powerlines. But, given other recovery cost pressures, it is not considered to be a priority to allocate funding to this item unless significant additional funding, or specific project funding, can be obtained.

**ADELAIDE HILLS COUNCIL
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11. MOTIONS ON NOTICE

11.1 Condolence motion for Bill Gale, Woodside

Moved Cr Andrew Stratford

S/- Cr Ian Bailey

161/20

Council expresses its condolences to the family of the late Robert John (Bill) Gale who passed away on 31 July 2020, and expresses its warm appreciation for his significant contribution to the Adelaide Hills Council, the former Onkaparinga Council, and to the community in which he has tirelessly worked.

Bill Gale's service to Local Government within the Adelaide Hills has spanned more than 20 years including roles as Deputy Mayor of the Adelaide Hills Council and Vice Chairman of the District Council of Onkaparinga.

Council also recognises the valuable contribution Bill has made to the many sporting and community groups across the district as well as to numerous Council committees and services.

Carried Unanimously

**ADELAIDE HILLS COUNCIL
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11.2 Boundary Reform Options

Moved Cr Mark Osterstock

S/- Cr John Kemp

162/20

- 1. Council reaffirms its commitment to the following Community Engagement Principles, when engaging the community in a decision-making process, Council promises to:**
 - 1.1 seek out and encourage contributions from people who may be affected by or interested in a decision**
 - 1.2 provide relevant, timely and balanced information so people can contribute in a meaningful way**
 - 1.3 provide a variety of appropriate and accessible ways for people to have their say**
 - 1.4 actively listen so that people's ideas and input assist in making the final decision**
 - 1.5 consider the needs and interests of people in the decision-making process**
 - 1.6 inform the community about the final decision and how their input was considered**
- 2. Council resolves to pursue its boundary reform option analysis in a collaborative and consultative manner, that is, importantly, considerate and respectful of the views and opinions of affected residents, ratepayers and neighbouring councils, in keeping with its Community Engagement Principles.**
- 3. Council resolves to request the Campbelltown City Council to formally consider, at its 6 October 2020 Ordinary meeting (or earlier), the Adelaide Hills Council's 28 January 2020 request to withdraw their Woodforde/Rostrevor boundary reform proposal.**

Carried Unanimously

**ADELAIDE HILLS COUNCIL
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11.3 Community Groups & COVID-19 Impact

Moved Cr Linda Green
S/- Cr Malcolm Herrmann

163/20

That Staff provide a report to Council on support for community groups in response to impacts from COVID-19 at the Ordinary Council Meeting in September 2020.

Carried Unanimously

12. OFFICER REPORTS – DECISION ITEMS

12.1 Fabrik Development Proposal

Moved Cr Kirsty Parkin
S/- Cr Kirrilee Boyd

164/20

Council resolves:

1. That the report be received and noted.
2. That the Facility Development Plan, as contained in *Appendix 1*, be endorsed, noting that the Chief Executive Officer, or delegate, will continue to develop the plan through further stages of design.
3. That the Council reaffirms the allocation of \$1.008m in the Long Term Financial Plan along with already committed funds of \$199,000 plus funding from the Local Roads and Community Infrastructure Fund, for the development of Fabrik and that an application be made to the Local Economic Recovery Program for the remaining \$3.0m.

Carried Unanimously

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With the leave of the meeting, Item 12.7 was brought forward on the agenda.

12.7 Replacement Land Management Agreement – 3 & 5 Pomona Road Stirling

Moved Cr Mark Osterstock

S/- Cr Kirsty Parkin

165/20

Council resolves:

1. That the report be received and noted
2. To enter into a deed of rescission, rescinding Land Management Agreement 10923983 dated 10 March 2008 and Variation of Land Management Agreement 12221145 dated 22 October 2014 noted on the land comprised and described in Certificate of Title Book Volume 6127 Folio 47, known as 3 Pomona Road, Stirling
3. To enter into a deed of rescission, rescinding Land Management Agreement 13038239 dated 29 November 2018 noted on the land comprised and described in Certificate of Title Book Volume 6218 Folio 57, known as 5 Pomona Road, Stirling
4. To enter into the new Land Management Agreement with Aldi Foods Pty Ltd attached in Appendix 1 of this report for Certificate of Title Volume 6127 Folio 47 and Certificate of Title Volume 6128 Folio 57, known as 3 & 5 Pomona Road, Stirling, subject to the acceptance by the Council Assessment Panel to the variation of the approved landscaping plan for Development Application 16/463/473 and subject to the acceptance of the State Commission Assessment Panel to the variation of the approved landscaping plan for Development Application 19/272/473 (19/E9/473)
5. The Mayor & CEO are authorised to affix the Council Seal and execute the new Land Management Agreement, the Deeds of Rescission, and Consents to Note the new Land Management Agreement and Rescissions for 3 & 5 Pomona Road Stirling, and
6. The costs associated with the preparation, review by Council's lawyers and registration of the new Land Management Agreement and the rescission of the existing Land Management Agreements and Variation of Land Management Agreement shall be borne by the Aldi Foods Pty Ltd.

Carried Unanimously

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With the leave of the meeting, Item 12.4 was brought forward on the agenda.

7.44pm Cr Grant left the Chamber

7.46pm Cr Grant returned to the Chamber

12.4 Development Application Fee Waiver Clayton Church Homes Inc

Moved Cr Linda Green

S/- Cr Malcolm Herrmann

166/20

Council resolves:

- 1. That the report be received and noted**
- 2. To approve the waiver of development fees up to \$993.20 for Clayton Church Homes Inc. in relation to Development Application 20/333/473 for a development at 1142 and 1144 Greenhill Road Uraidla.**

Carried Unanimously

With the leave of the meeting, Item 12.8 was brought forward on the agenda.

12.8 Development Application Fee Waiver Policy

Moved Cr Malcolm Herrmann

S/- Cr Kirsty Parkin

167/20

Council resolves to defer this item until the Ordinary Council meeting in October 2020 in order to seek clarification including, but not limited to, the maximum construction value for developments to which this policy shall apply.

Carried Unanimously

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7.57pm Cr Kemp left the Chamber

7.59pm Cr Kemp returned to the Chamber

12.2 Gumeracha Court Resurfacing Project

Moved Cr Linda Green

S/- Cr Malcolm Herrmann

168/20

Council resolves:

1. That the report be received and noted.
2. To approve the 2020-21 capital expenditure budget of \$220k to be funded by \$220k in capital grants income from the Federal Government Community Development Grants Program in accordance with initial funding documentation.
3. That \$150,000 be brought forward from the 2021-22 LTFP allocation into the 2020-21 Capital Program to enable the lighting and associated works at the Gumeracha courts to be undertaken.
4. That \$50,000 from the 2019-20 Capital Program be carried forward into the 2020-21 Capital Program to enable the lighting and associated works at the Gumeracha courts to be undertaken.

Carried Unanimously

12.3 Heathfield Change Room & Cricket Net Project

Moved Cr Leith Mudge

S/- Cr John Kemp

169/20

Council resolves:

1. That the report be received and noted.
2. To approve an increase in the 2020-21 Capital Expenditure Budget of \$1,088,949, resulting in a total project cost of \$1,414,851, to be funded by \$1,088,949 in grants and associated contributions for the Heathfield Oval Change Room and Cricket Net Project, in accordance with the Funding Agreements.

Carried Unanimously

**ADELAIDE HILLS COUNCIL
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12.4 Development Application Fee Waiver Clayton Church Homes Inc

This item was considered earlier in the agenda

8.08pm Cr Parkin left the Chamber

8.10pm Cr Parkin returned to the Chamber

12.5 2019 – 2020 Preliminary End of Year Financial Results & Carry Forwards

Moved Cr Malcolm Herrmann

S/- Cr Leith Mudge

170/20

Council resolves that:

- 1. The report be received and the preliminary end of year financial results for 2019-20 be noted.**
- 2. Operating Initiatives Carry Forward projects from 2019-20 totalling an amount of \$64k of expenditure as detailed in this report be approved for inclusion in the 2020-21 Budget.**
- 3. Capital carry forward projects from 2019-20 totalling an amount of \$2.679m of expenditure and \$367k of income (Attachments 2 and 3 to this report) be approved for inclusion in the 2020-21 Budget.**
- 4. The additional budget request of \$30k of expenditure matched by a \$30k operating grant (Attachment 4) be approved for inclusion in the 20-21 Budget.**
- 5. The 2020-21 proposed Budgeted Uniform Presentation of Finances reflecting a revised budgeted Operating Surplus of \$829k before Capital Revenue and revised Net Borrowings of \$6.329m as summarised in Attachment 5 to this report be adopted.**

Carried Unanimously

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

12.6 Local Government Elections Act Review Submission

Moved Cr John Kemp
S/- Cr Pauline Gill

171/20

Council resolves:

- 1. That the report be received and noted**
- 2. To lodge its *Local Government (Elections) Act 2020* – Review Submission at Appendix 1 to:
 - a. Minister for Local Government**
 - b. Opposition Spokesperson 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 Review Submission to reflect matters raised in the debate on the Local Government (Elections) Act Review Submission report.**

Carried Unanimously

12.7 Replacement Land Management Agreement – 3 & 5 Pomona Road Stirling

This item was considered earlier in the meeting.

12.8 Development Application Fee Waiver Policy

This item was considered earlier in the meeting.

**ADELAIDE HILLS COUNCIL
MINUTES OF ORDINARY COUNCIL MEETING
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63 MT BARKER ROAD STIRLING**

12.9 Nomination for GAROC – Selection of Council Member

Moved Cr Kirrilee Boyd
S/- Cr Leith Mudge

172/20

Council resolves:

1. That the report be received and noted
2. To determine that the method of selecting a Council Member to be nominated for the Greater Adelaide Regional Organisation of Councils 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 for nomination for the Greater Adelaide Regional Organisation of Councils and for the meeting to resume once the results of the indicative vote have been declared.

Carried Unanimously

8.14pm The Council meeting adjourned
8.16pm The Council meeting resumed

12.9.1 Nomination for GAROC – Voting for Council Member

Moved Cr Kirrilee Boyd
S/- Cr Chris Grant

173/20

Council resolves to endorse the nomination of Mayor Jan-Claire Wisdom for the Greater Adelaide Regional Organisation of Councils and authorise the Chief Executive Officer to lodge the completed nomination form to the Local Government Association by COB 28 August 2020.

Carried Unanimously

**ADELAIDE HILLS COUNCIL
MINUTES OF ORDINARY COUNCIL MEETING
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63 MT BARKER ROAD STIRLING**

12.10 Nomination for LGA President

Moved Cr Linda Green

S/- Cr Leith Mudge

174/20

Council resolves:

1. That the report be received and noted
2. To endorse the nomination of Mayor Jan-Claire Wisdom for the LGA President role and authorise the Chief Executive Officer to lodge the completed nomination form to the Local Government Association by COB 28 August 2020.

Carried Unanimously

12.10.2 Adjournment of Meeting

Moved Cr Ian Bailey

S/- Cr Chris Grant

175/20

That the meeting adjourn for a short break.

Carried Unanimously

8.25pm The Council meeting adjourned

8.36pm The Council meeting resumed

8.37pm Cr John Kemp returned to the Chamber

8.39pm Cr Mark Osterstock returned to the Chamber

12.11 SA Power Network Tariff Agreement

Moved Cr Leith Mudge

S/- Cr Ian Bailey

176/20

Council resolves:

1. That the report be received and noted.
2. That the Mayor and CEO be authorised to sign and seal the Letter of Offer and enter into the Tariff Agreement (Appendix 1) with SA Power Networks.

Carried Unanimously

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

12.12 Road Closures Young Drivers Awareness Course 2020 - 2021

Moved Cr Ian Bailey
S/- Cr Andrew Stratford

177/20

Council resolves:

1. That the report be received and noted
2. To, pursuant to Section 33(1) of the *Road Traffic Act 1961* and Clause G of the Instrument of General Approval of the Minister dated 22 August 2013:
 - a. Declare that the Driver Education Program that is to take place on Newman Road, Charleston is an event to which Section 33 of the *Road Traffic Act 1961* applies.
 - b. Make an order directing that a section of Newman Road, Charleston, between Five Lanes Road and Lewis Road, be closed to traffic for the period between 9.00am and 6.00pm on Wednesday 7 October 2020, and 9.00am and 6.00pm Wednesday 21 April 2021.
 - c. Make an order directing that persons taking part in the event be exempt from the duty to observe the Australian Road Rules Rule 238 (Pedestrians travelling along a road).
 - d. To make an order directing that all vehicles except emergency and participant vehicles and local residents living at the named section of Newman Road, be excluded from the closed section of road for the period of the closure.

Carried Unanimously

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

12.13 Policy Review – School Parking & Associated Facilities

Moved Cr Chris Grant
S/- Cr John Kemp

178/20

Council resolves:

1. That the report be received and noted.
2. With an effective date of 8 September 2020, to revoke the 27 June 2017 *School Parking and Associated Facilities Policy* and to adopt the revised draft *School Parking and Associated Facilities Policy* contained in Appendix 1.
3. That the Chief Executive Officer be authorised to make any formatting, nomenclature or other minor changes to the *School Parking and Associated Facilities Policy* as per Appendix 1 prior to the effective date.

Carried Unanimously

12.14 Policy Review – Unsealed Roads

Moved Cr Leith Mudge
S/- Cr Kirsty Parkin

179/20

Council resolves:

1. That the report be received and noted.
2. With an effective date of 8 September 2020, to revoke the 25 July 2017 *Unsealed Roads Policy* and to adopt the revised *Unsealed Roads Policy* in Appendix 1.
3. That the Chief Executive Officer be authorised to make any formatting, nomenclature or other minor changes to the *Unsealed Roads Policy* as per Appendix 1 prior to the effective date.

Carried Unanimously

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

12.15 Status Report – Council Resolutions Update

**Moved Cr Kirrilee Boyd
S/- Cr Pauline Gill**

180/20

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	244/19	MON (Cr Parkin) Publishing Recordings of Council Meetings	None declared
22/10/2019	Ordinary Council	250/19	Road Reserve adj Piccadilly Road Piccadilly	None declared
28/01/2020	Ordinary Council	7/20	Citizen of the Year Location	None declared
25/02/2020	Ordinary Council	30/20	West Street Mylor	none declared
24/03/2020	Ordinary Council	53/20	MON Credit Card Usage	None declared
24/03/2020	Ordinary Council	55/20	Arts & Heritage Collection	None declared
23/06/2020	Ordinary Council	102/20	MON Provision of information and assistance regarding Rostrevor/Woodforde Boundary Change Proposal	None declared
23/06/2020	Ordinary Council	108/20	Resumption of Physical Council Meetings, Workshops & Community Forums	None declared
23/06/2020	Ordinary Council	109/20	Policy of Notification - Accredited Professionals	None declared
30/06/2020	Special Council	128/20	Adelaide Hills Tourism 3 year Funding Agreement 2020	None declared
30/06/2020	Special Council	129/20	Stirling Business Association 3 Year Funding Agreement 2020	None declared

**ADELAIDE HILLS COUNCIL
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30/06/2020	Special Council	131/20	Sealed Roads Renewal Contract	None declared
28/07/2020	Ordinary Council	138/20	Development Application fee Waiver Oakbank Golf Club	None declared
28/07/2020	Ordinary Council	139/20	Arts & Heritage Collection Policy	None declared
28/07/2020	Ordinary Council	141/20	Local Government Reform Bill Advocacy Position	None declared
28/07/2020	Ordinary Council	142/20	Community & Recreation Facility Framework Internal Working Group Nomination of Members	None declared
28/07/2020	Ordinary Council	143/20	Community & Recreation Facility Framework Internal Working Group Appointment of Members	None declared
28/07/2020	Ordinary Council	145/20	Nomination to Local Government Grants Commission	Material - Cr Mark Osterstock
28/07/2020	Ordinary Council	148/20	CEO Performance Target Finalisation & Proposed 2020-2021 Performance Targets	None declared
28/07/2020	Ordinary Council	149/20	Strategic Internal Audit Plan Revision	None declared
28/07/2020	Ordinary Council	156/20	Appointment of Independent Member to Council Assessment panel - Confidential Item	None declared
28/07/2020	Ordinary Council	140/20	Federal Black Spot Program Funding Deed Kersbrook, Mylor, Ironbank & Forreston	None declared

Carried Unanimously

**ADELAIDE HILLS COUNCIL
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13. OFFICER REPORTS - INFORMATION ITEMS**13.1 Quarterly Council Performance Report Q4**

Moved Cr Pauline Gill

S/- Cr Kirsty Parkin

181/20

Council resolves that the report be received and noted.

Carried Unanimously**14. QUESTIONS WITHOUT NOTICE**

Cr Osterstock – Court costs Southern Waste vs AHRWMA, infrastructure damage Stirling

Cr Stratford – Onkaparinga Valley Road /Tiers Road intersection traffic management

15. MOTIONS WITHOUT NOTICE

Nil

16. REPORTS**16.1 Council Member Function or Activity on the Business of Council****Cr Kirsty Parkin**

- 15 August - AHC Friends of the Adelaide Hills Library AGM
- 22 August - Stirling Library Mt Lofty Football Club Chairman's lunch
- 25 August - Mt Lofty Football Club Stirling Cricket Club re Pavilion Plans for Stirling Oval

Cr Malcolm Herrmann

- 12 August - Birdwood Park Association AGM, Birdwood
- 15 August - Oakbank SM Hall public meeting, Oakbank
- 15 August - Building Back Better, Lobethal

Cr John Kemp

- 10 August - Stirling Pageant Organising Team meeting

Cr Pauline Gill

- 4 August - Community Reference Group
- 5 August - Local Recovery Committee via video
- 13 August - Woodside Recreation Group committee

**ADELAIDE HILLS COUNCIL
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Cr Linda Green

- 23 July - Gumeracha emergency planning
- 24 July - Lobethal Hall Meeting
- 10 August - Lobethal community meeting
- 20 August - OWMMI AGM, Woodside

16.2 Reports of Members as Council/Committee Representatives on External Organisations

Cr Malcolm Herrmann

- 4 August - GRFMA Audit Committee, North Adelaide
- 13 August - GRFMA Ordinary meeting, Gawler

Cr Linda Green

- 20 August - East Waste Tour of NAWMA & Jefferies

16.3 CEO Report

Lachlan Miller, Acting CEO, provided Council with a verbal Corporate Update:

- Heathfield Chemical Collection facility
- Capital Works including undergrounding power, roundabouts, footpaths, kerb renewal
- Bushfire affected properties – development approvals
- GM Crops consultation
- PDI Code delay
- Electronic development applications register

17. REPORTS OF COMMITTEES

17.1 Council Assessment Panel – 12 August 2020

**Moved Cr John Kemp
S/- Cr Kirrilee Boyd**

182/20

That the minutes of the Council Assessment Panel meeting of 12 August 2020 as distributed, be received and noted.

Carried Unanimously

**ADELAIDE HILLS COUNCIL
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17.2 Strategic Planning & Development Policy Committee

Nil

17.3 Audit Committee – 17 August 2020

Moved Cr Malcolm Herrmann
S/- Cr Leith Mudge

183/20

That the minutes of the Audit Committee meeting of 17 August 2020 as distributed, be received and noted.

Carried Unanimously

17.4 CEO Performance Review Panel

Nil

18. CONFIDENTIAL ITEMS

Nil

19. NEXT ORDINARY MEETING

The next ordinary meeting of the Adelaide Hills Council will be held on Tuesday 22 September 2020 from 6.30pm at 63 Mt Barker Road, Stirling.

20. CLOSE MEETING

The meeting closed at 9.24pm.

**ADELAIDE HILLS COUNCIL
MINUTES OF SPECIAL COUNCIL MEETING
TUESDAY 8 SEPTEMBER 2020
63 MT BARKER ROAD STIRLING**

In Attendance

Presiding Member: Acting Mayor Nathan Daniell

Members:

Councillor Ian Bailey
Councillor Kirrilee Boyd
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

In Attendance:

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

1. COMMENCEMENT

The special meeting commenced at 7.03pm.

2. OPENING STATEMENT

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

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

Acting Mayor _____ 22 September 2020

**ADELAIDE HILLS COUNCIL
MINUTES OF SPECIAL COUNCIL MEETING
TUESDAY 8 SEPTEMBER 2020
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3. APOLOGIES/LEAVE OF ABSENCE

3.1 Apology

Nil

3.2 Leave of Absence

Mayor Jan-Claire Wisdom (24 August to 25 September 2020) approved 25 August 2020.

3.3 Absent

Nil

4. DECLARATION OF CONFLICT OF INTEREST BY MEMBERS OF COUNCIL

4.1 Perceived Conflict of Interest, Cr Malcolm Herrmann - Item 7.2 S41 Membership - Audit Committee

Under Section 75A of the *Local Government Act 1999* Cr Malcolm Herrmann disclosed a Perceived Conflict of Interest in Item 7.2 S41 Membership - Audit Committee, the nature of which is as follows:

- If I am reappointed as a Presiding Member of this Committee, I am eligible for an additional Councillor allowance

Cr Herrmann intends to leave the Chamber when this matter is discussed.

4.2 Material Conflict of Interest, Cr Pauline Gill - Item 7.1, Election of Deputy Mayor

Under Section 74 of the *Local Government Act 1999* Cr Pauline Gill disclosed a Material Conflict of Interest in Item 7.1, Election of Deputy Mayor, the nature of which is as follows:

- If I am appointed as Deputy Mayor, I will receive an additional allowance

Cr Gill intends to leave the Chamber when this matter is discussed.

4.3 Material Conflict of Interest, Cr Nathan Daniell - Item 7.1, Election of Deputy Mayor

Under Section 74 of the *Local Government Act 1999* Cr Nathan Daniell disclosed a Material Conflict of Interest in Item 7.1, Election of Deputy Mayor, the nature of which is as follows:

- If I am appointed as Deputy Mayor, I will receive a pecuniary benefit under S73 due to receiving a monetary benefit/loss depending on the outcome of the vote

Cr Daniell intends to leave the Chamber when this matter is discussed.

**ADELAIDE HILLS COUNCIL
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TUESDAY 8 SEPTEMBER 2020
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5. PRESIDING MEMBER'S OPENING REMARKS

Acting Mayor Daniell reminded members that there would be regular adjournments to allow for voting for various positions.

6. MOTION ON NOTICE

6.1 Woodforde/Rostrevor Boundary Reform Freedom of Information Release

Moved Cr Mark Osterstock
S/- Cr Pauline Gill

184/20

That Council resolves to:

- 1.1. Receive the documents contained in Appendix 1, offered to Council by Cr Mark Osterstock as the product of a Freedom of information (FOI) request in his private capacity to Campbelltown City Council. The documents are in satisfaction of the FOI application dated 23 June 2020 and released in a determination dated 20 August 2020 with the following requested information:
 - 1.1.1. Copies of ALL correspondence (including yet not limited to email correspondence) received from, or to, residents residing in Rostrevor (Adelaide Hills Council), and Woodforde (Adelaide Hills Council), relating to the issue of 'boundary realignment' and
 - 1.1.2. From, or to, any person, business, government or non-government agency, in relation to the issue of 'boundary realignment', and
 - 1.1.3. From, or to, any or all Elected Members of Council in relation to the issue of 'boundary realignment' (10 November 2018 – 23 June 2020, inclusive).
 - 1.1.4. Copies of all correspondence (including yet not limited to email correspondence) from any member of the Council Administration to any one, or all, of the Elected Members of Council, concerning requests from Adelaide Hills Council for a deputation on the issue of 'boundary realignment', particularly in relation to the 2nd June 2020 deputation that Council received from the Adelaide Hills Council. (01 February 2020 – 23 June 2020, inclusive).
 - 1.1.5. Copies of all correspondence (including yet not limited to email correspondence) from any Elected Members of Council, to any person, concerning requests from Adelaide Hills Council for a deputation on the issue of 'boundary realignment', particularly in relation to the 2nd June 2020 deputation that Council received from the Adelaide Hills Council (01 February 2020 – 23 June 2020, inclusive).
- 1.2. The Chief Executive Officer prepare a report for a future meeting analysing the contents of the released documents to identify any points of interest and/or implications in relation to the Campbelltown City Council's current Rostrevor/Woodforde boundary change proposal.

Carried Unanimously

**ADELAIDE HILLS COUNCIL
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7. BUSINESS OF THE MEETING

7.1 Election of Deputy Mayor

Moved Cr Malcolm Herrmann
S/- Cr Leith Mudge

185/20

Council resolves:

- 1. That the report be received and noted.**
- 2. To determine that the method of selecting the Deputy Mayor be by an indicative vote to determine the preferred person 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 for the Deputy Mayor's role and for the meeting to resume once the results of the indicative vote have been declared.**

Carried Unanimously

7.21pm The Council meeting adjourned

7.30pm The Council meeting resumed

Acting Mayor Nathan Daniell declared a Material Conflict of Interest at Agenda Item 5 'Declaration of Interest by Members of the Council' in relation to Item 7.1.1.

7.31pm Acting Mayor Daniell vacated the Chair, left the Chamber and did not participate in the vote.

Cr Mark Osterstock assumed the Chair.

**ADELAIDE HILLS COUNCIL
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7.1.1 Election of Deputy Mayor

Moved Cr Leith Mudge
S/- Cr Kirsty Parkin

Council resolves to appoint Cr Nathan Daniell to the position of Deputy Mayor for a 24 month term to commence 27 November 2020 until the conclusion of the current Council term.

LOST

Moved Cr Ian Bailey
S/- Cr Kirrilee Boyd

186/20

Council resolves to appoint Cr Nathan Daniell to the position of Deputy Mayor for a 12 month term to commence 27 November 2020 until 26 November 2021 inclusive.

Carried Unanimously

7.43pm Acting Mayor Nathan Daniell returned to the Chamber and resumed the Chair

7.2 Audit Committee Membership – Council Members

Moved Cr John Kemp
S/- Cr Linda Green

187/20

Council resolves:

- 1. That the report be received and noted**
- 2. To determine that the method of selecting the Audit Committee Members to be by an indicative vote to determine the preferred persons for the two Council Member positions 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 persons for the Audit Committee Member roles and for the meeting to resume once the results of the indicative vote have been declared.**

Carried Unanimously

7.44pm The Council meeting adjourned

7.46pm The Council meeting resumed

**ADELAIDE HILLS COUNCIL
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Cr Malcolm Herrmann declared a Perceived Conflict of Interest at Agenda Item 5 'Declaration of Interest by Members of the Council' in relation to Item 7.2, S41 Membership – Audit Committee.

Cr Leith Mudge declared an Actual Conflict of Interest at Agenda Item 5 'Declaration of Interest by Members of the Council' in relation to Item 7.2, S41 Membership – Audit Committee, as he may benefit if the motion is carried.

7.46pm Cr Malcolm Herrmann and Cr Leith Mudge left the Chamber.

7.2.1 Audit Committee Membership – Appointment of Council Members

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

188/20

Council resolves to appoint Cr Malcolm Herrmann and Cr Leith Mudge as members of the Audit Committee for a 24 month term to commence from 27 November 2020 until the conclusion of this Council term.

Carried Unanimously

7.47pm Cr Malcolm Herrmann & Cr Leith Mudge returned to the Chamber.

7.3 Audit Committee Membership – approval to commence recruitment of Independent Member

**Moved Cr Mark Osterstock
S/- Cr Malcolm Herrmann**

189/20

Council resolves:

- 1. That the report be received and noted**
- 2. That in relation to the Audit Committee:**
 - a. To undertake a recruitment process for the selection of one Independent Ordinary Member for the Audit Committee for a term commencing 1 November 2020 and concluding 30 April 2022 (inclusive).**
 - b. To appoint Cr Malcolm Herrmann, Cr Leith Mudge and the CEO (or delegate) as members of the Audit Committee Independent Member Selection Panel.**

Carried Unanimously

**ADELAIDE HILLS COUNCIL
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7.4 CEO Performance Review Panel Membership – Council Members

Moved Cr Mark Osterstock
S/- Cr Malcolm Herrmann

190/20

Council resolves:

- 1. That the report be received and noted.**
- 2. To determine that the method of selecting the Chief Executive Officer Performance Review Panel Members to be by an indicative vote to determine the preferred persons for the two Council Member positions 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 persons for the Chief Executive Officer Performance Review Panel Member roles and for the meeting to resume once the results of the indicative vote have been declared.**

Carried Unanimously

7.50pm The Council meeting adjourned

7.54pm Cr Mark Osterstock declared a Perceived Conflict of Interest in relation to Item 7.4.1, S41 Membership – CEO Performance Review Panel, as he may receive a pecuniary benefit if he nominates as the Presiding Member at a future meeting and left the Chamber.

7.4.1 CEO Performance Review Panel Membership – Council Members

Moved Cr Kirsty Parkin
S/- Cr Ian Bailey

191/20

Council resolves to appoint Cr Mark Osterstock and Cr Chris Grant as members of the Chief Executive Officer Performance Review Panel for a 24 month term to commence from 27 November 2020 until the conclusion of this Council Term.

Carried Unanimously

7.55pm Cr Osterstock returned to the Chamber

**ADELAIDE HILLS COUNCIL
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7.5 S43 Regional Subsidiary Membership

Moved Cr Malcolm Herrmann
S/- Cr Kirsty Parkin

192/20

That Council resolves:

- 1. That the report be received and noted.**
- 2. To determine that the method of selecting the respective Regional Subsidiary Board Members to be by an indicative vote to determine the preferred persons for the relevant positions 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 persons for the respective Regional Subsidiary Board Member roles and for the meeting to resume once the results of the indicative voting for all of the Board Member roles have been declared.**

Carried Unanimously

7.55pm The Council meeting adjourned

8.08pm The Council meeting resumed

7.5.1 S43 Regional Subsidiary Membership – Appointment of Members

Moved Cr Kirrilee Boyd
S/- Cr Chris Grant

193/20

- 4. That in relation to the Eastern Waste Management Authority Board:**
 - a. To appoint Cr Linda Green to the Board Member position for a term to commence from 27 November 2020 and conclude at the end of the current Council term (inclusive)**
 - b. To appoint John McArthur to the Deputy Board Member position for a term to commence from 27 November 2020 and conclude on 23 December 2022 (inclusive).**

**ADELAIDE HILLS COUNCIL
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5. That in relation to the Adelaide Hills Region Waste Management Authority Board:
- a. To appoint Cr Ian Bailey to the Board Member (Council Member) position for a term to commence from 27 November 2020 and conclude at the end of the current Council term (inclusive)
 - b. To appoint Marc Salver to the Board Member (Council Officer) position for a term to commence from 27 November 2020 and conclude on 23 December 2022 (inclusive)
 - c. To appoint Cr John Kemp to the Deputy Board Member position for a term to commence from 27 November 2020 and conclude at the end of the current Council term.
6. That in relation to the Gawler River Floodplain Management Authority Board:
- a. To note that the Chief Executive Officer has nominated Ashley Curtis to the Board Member (Chief Executive Officer) position for a term to commence from 27 November 2020 and conclude on 23 December 2022 (inclusive)
 - b. To appoint Cr Malcolm Herrmann to the Board Member (Council Member) position for a term to commence from 27 November 2020 and conclude at the end of the current Council term (inclusive)
 - c. To appoint Cr Ian Bailey as a Deputy Board Member to the Board Member (Council Member) position for a term to commence from 27 November 2020 and conclude at the end of the current Council term (inclusive).
7. That in relation to the Southern & Hills Local Government Association Board:
- a. To appoint Mayor Jan-Claire Wisdom to the Board Member (Council Member) position for a term to commence from 27 November 2020 and conclude at the end of the current Council term (inclusive)
 - b. To appoint Lachlan Miller to the Deputy Board Member position for a 2 year term to commence from 27 November 2020 to 23 December 2022 (inclusive)
8. To authorise the Chief Executive Officer to lodge all required documentation to give effect to Council's resolutions on Regional Subsidiary Membership.

Carried Unanimously

**ADELAIDE HILLS COUNCIL
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8.5 Advisory Group Membership – Council Members

Moved Cr Linda Green

S/- Cr Mark Osterstock

194/20

Council resolves:

- 1. That the report be received and noted**
- 2. With an effective date of 18 December 2020 to revoke the respective Terms of Reference for the following Advisory Groups and to adopt the revised Terms of Reference:**
 - a. Bushfire Advisory Group (Appendix 2)**
 - b. Biodiversity Advisory Group (Appendix 3)**
 - c. Cemetery Advisory Group (Appendix 4)**
 - d. Property Advisory Group (Appendix 5)**
 - e. Rural Land Management Advisory Group (Appendix 6)**
 - f. Sustainability Advisory Group (Appendix 7)**
- 3. To determine that the method of selecting the Advisory Group Members to be by an indicative vote to determine the preferred persons for the various positions utilising the process set out in this Agenda report.**
- 4. To adjourn the Council meeting for the purposes of seeking nominations for and, if necessary, conducting an indicative vote to determine the preferred persons for the Advisory Group Council Member roles and for the meeting to resume once the results of the indicative vote have been declared.**

Carried Unanimously

8.10pm The Council meeting adjourned

8.27pm The Council meeting resumed

**ADELAIDE HILLS COUNCIL
MINUTES OF SPECIAL COUNCIL MEETING
TUESDAY 8 SEPTEMBER 2020
63 MT BARKER ROAD STIRLING**

8.5.1 Advisory Group Membership – Appointment of Council Members

Moved Cr Linda Green

S/- Cr Pauline Gill

195/20

Council resolves to appoint the following Council Member as members of the respective Advisory Groups to commence the term on 18 December 2020 and conclude at the end of the current Council term.

- a. Bushfire Advisory Group – (up to 2 Council Members) – Cr Pauline Gill & Cr Chris Grant
- b. Biodiversity Advisory Group – (3 Council Members) – Cr Kirrilee Boyd, Cr Chris Grant & Cr John Kemp
- c. Cemetery Advisory Group - (up to 4 Council Members) – Cr Ian Bailey, Cr Pauline Gill & Cr Malcolm Herrmann
- d. Property Advisory Group - (up to 4 Council Members) – Cr Malcolm Herrmann, Cr Kirsty Parkin, Cr John Kemp & Cr Ian Bailey
- e. Rural Land Management Advisory Group - (up to 4 Council Members) – Cr John Kemp, Cr Chris Grant & Cr Ian Bailey
- f. Sustainability Advisory Group - (up to 4 Council Members) – Cr Nathan Daniell, Cr Kirrilee Boyd, Cr Chris Grant & Cr Leith Mudge.

Carried Unanimously

8.6 Reconciliation Working Group Membership – Council Member

Moved Cr Mark Osterstock

S/- Cr Ian Bailey

196/20

Council resolves:

1. That the report be received and noted.
2. To determine that the method of selecting a Council Member for the Reconciliation Working Group be by an indicative vote to determine the preferred person 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 Reconciliation Working Group role and for the meeting to resume once the results of the indicative vote have been declared.

Carried Unanimously

**ADELAIDE HILLS COUNCIL
MINUTES OF SPECIAL COUNCIL MEETING
TUESDAY 8 SEPTEMBER 2020
63 MT BARKER ROAD STIRLING**

8.6.2 Reconciliation Working Group Membership – Appointment of Council Member

Moved Cr Mark Osterstock

S/- Cr Kirsty Parkin

197/20

That Cr Kirrilee Boyd be appointed to the Reconciliation Working Group to commence from 17 December 2020 and conclude at the end of the current Council term.

Carried Unanimously

9. CONFIDENTIAL ITEMS

Nil

10. CLOSE MEETING

The meeting closed at 8.30pm.

**ADELAIDE HILLS COUNCIL
MINUTES OF SPECIAL COUNCIL MEETING
TUESDAY 15 SEPTEMBER 2020
63 MT BARKER ROAD STIRLING**

In Attendance

Presiding Member: Acting Mayor Nathan Daniell

Members:

Councillor Ian Bailey
Councillor Kirrilee Boyd
Councillor Pauline Gill
Councillor Chris Grant
Councillor Linda Green from 6.33pm
Councillor Malcolm Herrmann
Councillor John Kemp
Councillor Leith Mudge
Councillor Mark Osterstock
Councillor Kirsty Parkin
Councillor Andrew Stratford

In Attendance:

Andrew Aitken	Chief Executive Officer
Peter Bice	Director Infrastructure & Operations
Marc Salver	Director Development & Regulatory Services
David Waters	Director Community Capacity
Lachlan Miller	Executive Manager Governance & Performance
Steven Watson	Governance & Risk Coordinator Minute Taker

1. COMMENCEMENT

The special meeting commenced at 6.32pm

2. OPENING STATEMENT

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

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

Mayor _____ 22 September 2020

**ADELAIDE HILLS COUNCIL
MINUTES OF SPECIAL COUNCIL MEETING
TUESDAY 15 SEPTEMBER 2020
63 MT BARKER ROAD STIRLING**

3. APOLOGIES/LEAVE OF ABSENCE

3.1 Apology

Nil

3.2 Leave of Absence

Mayor Jan-Claire Wisdom (24 August to 25 September 2020) approved 25 August 2020.

3.3 Absent

Nil

6.33pm Cr Green joined the meeting

4. DECLARATION OF CONFLICT OF INTEREST BY MEMBERS OF COUNCIL

Nil

5. PRESIDING MEMBER'S OPENING REMARKS

Nil

6. BUSINESS OF THE MEETING

**ADELAIDE HILLS COUNCIL
MINUTES OF SPECIAL COUNCIL MEETING
TUESDAY 15 SEPTEMBER 2020
63 MT BARKER ROAD STIRLING**

6.1 Broadcasting Council Meetings & Workshops

Moved Cr Osterstock
S/- Cr Kemp

198/20

Council resolves:

1. That the report be received and noted.
2. To commence broadcasting the proceedings of Council Meetings.
3. To authorise the Chief Executive Officer:
 - a. To determine the social media channel(s) to facilitate broadcasting; and
 - b. To make the required changes to the following Council documents to provide procedural guidance to the broadcasting resolution:
 - i. *Code of Procedure for Council Meeting Procedures*
 - ii. *Code of Practice for Access to Council, Council Committee and Designated Informal Gathering Meetings & Documents*
 - iii. *Informal Council and Council Committee Gatherings and Discussions Policy (the Policy)*
4. That the Chief Executive Officer reviews the Broadcasting of Council meetings within 12 months from commencement and report the outcome of that review to Council.

Carried

7. CONFIDENTIAL ITEMS

Nil

8. CLOSE MEETING

The meeting closed at 6.55pm.

**ADELAIDE HILLS COUNCIL
ORDINARY COUNCIL MEETING
Tuesday 22 September 2020
AGENDA BUSINESS ITEM**

Item: 11.1 Motion on Notice

Originating from: Cr Malcolm Herrmann

Subject: Long Term Strategic Tree Planting Program

1. MOTION

That the CEO provides a report to inform the 2021/2022 budget process on the establishment of a long term (approximately 10 years) tree planting program. Such a report to address, inter alia, :

- Possible locations including roadsides, reserves, council and community owned land,
- Potential involvement of schools, volunteers and/or community groups,
- Priorities for plantings which may inform the number of trees to be planted, and/or a \$ cost per annum

2. BACKGROUND

The motion has been prepared to establish a source of funds so that Council can implement a program to replace or plant new trees on council or community owned land.

At its meeting held 25 August 2020, Council considered a Question on Notice:

1. QUESTION

What progress has been made on the implementation of the issues raised in Resolution no. 27/20 on 25 February 2020?

BACKGROUND

At its meeting held on 25 February 2020, council resolved:

11.2 Bushfire Recovery – Lobethal

Administrative Action: CEO to provide response to Lobethal Community Association

Moved Cr Malcolm Herrmann
S/- Cr Linda Green

27/20

That the CEO provides a report on implementing the issues raised by Mr Lynton Vonow representing the Lobethal Community Association at the Council meeting held on 28 January 2020 ~~viz~~

- 1. provide a fresh avenue of trees along Woodside Road leading into Lobethal**
- 2. provide a subsidy program to assist businesses put a fresh coat of paint on their buildings, replace signage**
- 3. Mr Vonow also raised the matter of holding a possible "Healing of the Land" ceremony near the bottom lake. The advice of the Adelaide Hills Reconciliation Working Group should be sought during the investigation.**

Should the findings have financial implications, the report should inform the budget workshop on 27-28 March 2020.

Carried on the casting vote of the Mayor
--

I have received enquiries about the implementation of the resolution, particularly part (1) in regard to the re-establishment of the avenue of trees on the Lobethal to Woodside road.

After the CC bushfire, many trees were removed due to the safety hazards they posed. Since the initial removals, further trees have died. The vista from the road is a blight on the landscape and a disturbing reminder of the disaster caused by the bushfire, which many residents find distressful.

While not envisaged in the original resolution, there are many large shrubs on the Onkaparinga Valley Road from the roundabout to Woodside which have also since died and should be removed and replanted.

The community hopes that action can be taken in the spring so that trees can establish themselves before the summer commences. The reply should also address what consultation is envisaged.

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

The response for Resolution no. 27/20 from the 25 February 2020 was provided at the Ordinary Council Meeting held 24 March 2020. The response outlined some general information which is detailed below:

Avenue of trees along Woodside Road leading into Lobethal

This initiative would require detailed scoping and community engagement to establish the parameters of the project such as the length of the avenue, whether existing roadside trees would be removed to accommodate the avenue, the desired species, how to establish an avenue with overhead powerlines, etc. All of these influence the cost.

As a rough guide, planting a semi-advanced street tree can cost in the order of \$500-\$600 including purchasing, planting, fertilising and watering. In an avenue, trees would typically be planted 15m – 20m apart, meaning an avenue of say 1km (100 trees) would cost in the order of \$50,000 - \$60,000 plus ongoing establishment and maintenance costs.

The Administration considers the idea of investigating an avenue of street trees on the approach to Lobethal to have merit, especially given the stunted nature of the existing street trees under the powerlines. But, given other recovery cost pressures, it is not considered to be a priority to allocate funding to this item unless significant additional funding, or specific project funding, can be obtained.

The reply indicated that, in regard to the planting of trees on the Woodside Road , the proposal “had merit ... but given other recovery cost pressures, it is not considered to be a priority to allocate funding to this item, unless significant additional funding or specific project funding is obtained .”

Council has established an Urban Tree Fund. While it had a balance of \$9k as at 1 July 2019, funds have been used to supplement the replacement of street trees in accordance with council resolutions. The Fund now only has \$681 left as at 30 June 2020.

I was further advised that there is no specific budget allocation for replacement street trees in the budget.

Strategic Plan links:

OBJECTIVE

N1 Conserve and enhance the regional natural landscape character and amenity values of our region.

PRIORITIES

N1.1 Enhance and manage horticultural amenity, including succession planning for street trees that contribute to and reinforce our distinctive streetscapes and villages.

N1.2 Manage reserves and Open Space to support the community, whilst balancing biodiversity conservation, resource use and environmental impacts.

To give effect to the Strategic Plan Objective, the motion proposes that the CEO provides a report so that financial implications and programs for the planting of trees are considered in a strategic manner over the longer term. I am suggesting 10 years.

3. OFFICER’S RESPONSE – Chris Janssan, Manager Open Space

➤ Strategic Management Plan/Functional Strategy/Council Policy Alignment

Strategic Plan 2020-24 – A brighter future

Goal A Valued Natural Environment

Objective N1 Conserve and enhance the regional natural landscape character and amenity values of our region.

Priority N1.1 Enhance and manage horticultural amenity, including succession planning for street trees that contribute to and reinforce our distinctive streetscapes and villages.

➤ Legal Implications

Not applicable.

➤ Risk Management Implications

The replacement planting of street trees that have been removed throughout the Council area will assist in mitigating the risk of:

Where the tree population in townships decline, there is always the risk of localised adverse media attention and moderate adverse impact on community wellbeing and confidence in Council’s management of trees.

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

Whilst some tree planting currently occurs where needed, a dedicated program would ensure an ongoing commitment to replacement of Council tree stock.

➤ Financial and Resource Implications

If a dedicated street tree replacement program was implemented the following costs per tree should be considered:

- 2.5m tree stock \$250 - \$350 (depending on type, AHC to purchase directly).
- Contractor planting costs \$225 per tree (2 x 50 x 50 1.8 metre timber stakes, tree ties, fertiliser tablets, mulching of water bowl, removing excess soil and replacing with new soil where required).
- Total per tree cost ranges between \$475 - \$575.
- Maintenance of these trees (watering and pruning) can be undertaken within existing resources.

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

We regularly receive feedback from residents that more tree planting is desired in particular in our townships main streets. Whole of life management of street trees, including replacement planting, in township main streets is a key component of maintaining streetscape amenity and sense of place.

➤ **Sustainability Implications**

A gradual decline in Council's tree population, in particular our main street would have a potential long term economic impact on townships within the Council area. Our towns are known for their beautiful street scapes and autumn colours which attract people into those townships.

➤ **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: Arboriculture & Horticulture Officer
Biodiversity Officer

External Agencies: Not Applicable

Community: Not Applicable

4. ANALYSIS

The development of a street tree planting program aligns closely with Council's strategic goals, and would continue to enhance the aesthetic appeal of townships throughout the Council area. The program should initially be focused on the replanting of trees that have been removed but could later be expanded to include new avenue plantings and plantings on reserves, where appropriate or as part of a re-development.

As the majority of the plantings would be on main streets and would involve large trees nearby busy roads the involvement of schools, volunteers and/or community groups would only be recommended if plantings could be undertaken safely such as. Council's Biodiversity Team already has an active planting program within our reserves and some sections of wide road reserves such as the East bound freeway exit into Bridgewater, with involvement from both school and community groups which is very successful and will continue into the future.

5. APPENDIX

Nil

**ADELAIDE HILLS COUNCIL
ORDINARY COUNCIL MEETING
Tuesday 22 September 2020
AGENDA BUSINESS ITEM**

Item: 12.1

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

Subject: Genetically Modified Crops – Consideration of whether or not to apply to the Minister to become a no GM Food Crop Area

For: Decision

SUMMARY

The purpose of this report is to provide information to Council regarding the community engagement feedback, to enable Council to determine whether or not it should apply to the Minister for Primary Industries and Regional Development (the Minister) to be designated as a non-Genetically Modified (GM) food crop area under the State Government’s recently revised Genetically Modified Crops Management Act 2004 (the Act).

The community engagement, with a focus on the trade and marketing impacts, attracted 267 submissions, both for and against applying to the Minister to be designated a no GM food crop area. The consultation has demonstrated that the issue of GM food crops remains contentious within the Adelaide Hills Council, with a high level of participation during the consultation – understood to be the highest submission rate in the region – from business, industry associations and community members. A detailed summary of all submissions received during the engagement process is contained within the Consultation Report (refer to **Appendix 1**).

While business and association feedback is more evenly distributed with regard to supporting or opposing GM free designation than the community feedback, overall, the majority of feedback, is supportive of Adelaide Hills Council applying to the Minister to be designated as a no GM food crop area.

The key theme relevant to trade and marketing impacts from those in support of the Adelaide Hills being designated a no GM food crop area, including associations and primary producers, is the impact to the reputation and value of their products, and therefore the potential negative impact on trade and marketing of produce given the region’s reputation as a source of high-value, premium product. Of particular concern is the impact on grape growing and wine making industries.

Written feedback from primary production associations has been provided separately acknowledging the Minister’s preference to include consultation with these key stakeholders on the matter (refer to **Appendix 2**).

In addition, a large amount of written feedback, external links and reference documentation was received in support of the submissions. However, due to the large volume of this material, it has not been directly incorporated into the Consultation Report, instead this material has been distributed separately.

The Administration has provided two options for Council in relation to this matter, namely to either apply (as per the recommendation contained in this report) or not apply to the Minister to be designated a no GM food crop area. Council will therefore need to determine which option it proceeds with.

If Council resolves to apply to the Minister, a draft application package has been attached for consideration (refer to **Appendix 3**).

RECOMMENDATION

Council resolves:

- 1. That the report be received and noted.**
- 2. That Council apply to the Minister for Primary Industries and Regional Development under Section 5A(1) of the Genetically Modified Crops Management Act 2004 for the Adelaide Hills Council area to be designated as an area in which no genetically modified food crops may be cultivated based on risks to trade and marketing.**
- 3. That Council approve the application package as contained in Appendix 3 to apply to the Minister for Primary Industries and Regional Development requesting that the Adelaide Hills Council be designated as an area in which no genetically modified food crops may be cultivated.**
- 4. That the Chief Executive Officer, be authorised to make any formatting, nomenclature or other minor changes to the application package contained in Appendix 3 prior to submitting it to the Minister by the 30 September 2020 deadline.**
- 5. That the Consultation Report as contained in Appendix 1 be made available to engagement participants, in addition to notifying them of Council’s decision in this regard.**

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

<i>Goal 5</i>	<i>A Progressive Organisation</i>
<i>Objective O5</i>	<i>We are accountable, informed, and make decisions in the best interests of the whole community</i>
<i>Priority O5.2</i>	<i>Make evidence-based decisions and prudently assess the risks and opportunities to our community before taking action</i>

Council's Genetically Modified (GM) Crop Policy

Council has previously adopted a Genetically Modified (GM) Crop Policy. This policy states that Council does not support the growing of Genetically Modified Crops in our Council area. It is proposed that this Policy will be reviewed following the decisions made by the Minister for Primary Industries and Regional Development in relation to exemption applications sought by individual councils across 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, these are set via the state's Genetically Modified Crops Management Act 2004. Section 5A of the Act has come into operation with immediate effect and provides a once off opportunity for councils to apply to the Minister for Primary Industries & Regional Development, to designate their area as a no GM food crop area. 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.

Where a council area has been designated as a no GM food crop area, the Act provides a mechanism to revoke such a designation in the future, should a council choose to do so, at which time they will need to submit a request to the Minister.

Local

Local Government has had no formal jurisdiction in this matter to date but individual councils now have the opportunity to apply to be designated as an area where no GM food crops can be cultivated.

➤ **Risk Management Implications**

Consideration of whether or not to apply to the Minister for Primary Industries and Regional Development to become a designated no GM food crop area will mitigate the risk of:

A loss of confidence in Council to fairly represent our community who are for or against applying to the Minister

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

Regardless of how Council proceeds in relation to this report, it is considered timely that Council reviews its GM Crop Policy following the Minister making his determinations in November this year.

➤ **Financial and Resource Implications**

The amendment to the state legislation occurred on 15 May 2020. Given the timeframe, no specific budget allocation was provided for in the 2020/21 Annual Business Plan to undertake any aspect of the public consultation in this instance. However, the costs have been accommodated within the Administration's existing budget.

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

Feedback gathered during the community engagement process made claims about the potential impacts to human health arising from the consumption of GM crops, but this element of the wider debate on GM crops has been specifically excluded by the Act for the Minister's consideration in this instance.

➤ **Sustainability Implications**

Feedback gathered during the community engagement process made claims about the potential environmental impacts arising from the cultivation of GM crops, but this element of the wider debate on GM crops has also been specifically excluded by the Act for the Minister's consideration in this instance. Allowing GM crops in the Council introduces a risk to the ongoing financial sustainability of existing industries particularly grape growing and wine production. This risk relates to trade and marketing implications and is deemed a valid issue for the Minister to consider.

➤ **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: Sustainability Advisory Group

Administration: Chief Executive Officer
Director of Development and regulatory Services
Manager of Communications, Engagement & Events
Manager of Economic Development
Community Engagement Coordinator

External Agencies: Alexandrina Council
The Barossa Council
Mid Murray Council
Mount Barker District Council
Rural City of Murray Bridge
City of Onkaparinga
City of Playford

Community: Community consultation has been undertaken in this regard as outlined in Section 2 and the Consultation report (**Appendix 1**)

Informal discussions with the neighbouring councils listed above, confirmed that they have all undertaken some form of community engagement in accordance with Section 5A of the Act. At the time of drafting this report the following Councils have all resolved to apply to the Minister to be designated a no GM food crop area based on risks to trade and marketing:

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

2. BACKGROUND

The state's Genetically Modified Crops Management Act 2004 was amended in May 2020 to lift the longstanding moratorium (ban) on growing genetically modified crops in South Australia. The GM ban was initiated in 2003, with the Moratorium initially legislated until 2025.

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 undertook 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 in part 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." (Anderson, K (2019) Independent Review of the South Australian GM Food Crop Moratorium – Report to the SA Minister for Primary Industries and Regional Development.

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 of the Act) to designate a council area as a no GM food crop area. It is noted that Section 5A effectively shifts the accountability and responsibility to a council to manage the community consultation process in order to inform a decision, based on trade and marketing impacts, of whether or not to apply to the Minister to be designated a no GM food crop area.

Any application in support of a non GM food crop designation 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.

Under Section 5A of the Act councils have been afforded until 30 September 2020 to decide whether or not to make an application to the Minister. The Minister, in consultation with the GM Crop Advisory Committee, will then make the final decision on whether a designation will be approved and must make his decision by no later than 15 November 2020.

Applying to the Minister

Following the announcement by the Minister that councils have until the 30 September to apply to be designated a no GM food crop area, the CEO of Primary Industries and Regions SA advised councils across the state that any application should address the following:

- 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.

In light of the above it is considered critical that Council, in deliberating on whether or not to make an application to the Minister, should consider whether the feedback provided through the consultation demonstrates a potential or material risk to trade and marketing on account of the lifting of the state's GM moratorium. This is to ensure that any subsequent application is framed in a way that fully satisfies the Minister's request and requirements as outlined above.

Community Engagement

At its meeting held on 28 July 2020, Council resolved to consult the community on this matter as follows:

12.1 Genetically Modified Crops Legislation Change - Community Engagement Plan

Moved Cr Chris Grant

S/- Cr Leith Mudge

137/20

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 with an amendment to the final bullet point on page 5 of the Engagement Plan by adding the following words at the end of the sentence “..., particularly those who might be positively or negatively impacted by lack of or otherwise, of a GM Free Zone in the Adelaide Hills Council district or region,” 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.
7. That the consultation feedback report be referred to the Southern & Hills Local Government Association to consider the merits of a regional approach to Genetically Modified crops in the region if one or more neighbouring councils resolve to apply to the Minister to be designated as a GM crop free area.

In accordance with the above resolutions, community and stakeholder consultation was initiated in accordance with the adopted Community Engagement Plan. The consultation period ran for four weeks from the 29 July until the 26 August 2020.

What was asked?

A survey was developed which contained three pathways and contained between seven and 14 questions depending on the type of survey participant. The three pathways were tailored for businesses (including primary producers), associations (business and primary production related) and residents.

Distribution and Promotion

The opportunity to provide feedback was promoted through a number of media channels including:

- Print advertisement, Adelaide Hills Herald (30/7/20)
- Print advertisement, Mt Barker Courier (5/8/20)
- Hills Voice: headlines, Mt Barker Courier (5/8/20)
- Hills Voice: your business eNewsletter (5/8/20)
- Hills Voice: your Adelaide Hills eNewsletter (6/8/20)
- AHC Website: home page banner linked to engagement page

- AHC social media (Facebook, Twitter, LinkedIn)
- Direct emails to key stakeholders (446 recipients)
- Signs placed in 10 locations across the district, with a focus on agricultural areas
- The survey and accompanying background information was made available on our engagement portal Hills Voice: your say (engage.ahc.sa.gov.au).

Consultation response numbers

A total of 267 feedback responses were received during the consultation period, as shown in Table 2.1, below.

Response Type	Number
Online survey	224
Hard copy survey	5
Emails	29
Q&A tool and social media	9
Total	267

Table 2.1 Summary of Response Numbers

Respondent by category

A large portion of responses came from residents and businesses, it is noted however that associations represent numerous growers and businesses for example the Apple and Pear Growers Association (33 members); Adelaide Hills Wine Region (190 members); and Cherry Growers Association (32 members):

- 52 respondents were businesses (19% of the total number of respondents)
- 10 responses were received from associations (4% of the total number of respondents)
- 205 respondents were community members (77% of the total number of respondents)

3. ANALYSIS

Feedback Analysis

A review of the survey responses found that an analysis of findings by respondent type enabled clearer identification of the key themes of interest and/or concern. The feedback analysis has therefore been divided into:

- Response from businesses
- Response from associations
- Response from community members

For a complete summary of all responses please see the Consultation Report (refer to **Appendix 1**)

Response from businesses

There were 52 responses from businesses. 73% of business respondents represented primary producers from varying agricultural sectors including livestock farming (other than dairy), grape growing, fruit and tree nut growing and wine making. The remaining 27% of business respondents represented “other industry/business”, including maritime, natural health, strategic planning and food and beverage consultancy.

As outlined in Table 3.1, 55% of business respondents support a no GM food crop area designation for the Adelaide Hills, 23% of business respondents were either neutral or did not answer the question and 21% of business respondents were not supportive of a no GM food crop area designation.

Strongly support remaining GM Free	Support remaining GM Free	Neutral	Unsure	No Answer	Do not support GM Free	Strongly do not support GM Free
24	5	4		8	4	7

Table 3.1 Business position on whether Adelaide Hills Council area should be designated as a no GM food crop area

Responses from Associations

There were 10 responses received from associations, of these:

- 4 associations support Adelaide Hills Council region, based only on trade and marketing implications, applying to the Minister to be designated as a no GM food crop area
- 2 associations are against the Adelaide Hills Council region, based only on trade and marketing implications, applying to the Minister to be designated as a no GM food crop area
- 1 association has taken a neutral position given diverse views within its member base, and
- 1 respondent claimed to provide feedback on behalf of an association but were not considered to be representative of that association. Further, two (2) respondents did not complete all the survey questions. As a result, these views were considered invalid.

The seven associations providing feedback are identified and grouped based on their position (i.e. for or against) in Table 3.2:

Support remaining GM Free	Neutral	Do not support GM Free
<ul style="list-style-type: none"> • Adelaide Hills Wine Region • Australian Organic Ltd (Peak body of organic industry) • Kersbrook Landcare Group • Sprouting Change Food Co-operative Pty Ltd 	<ul style="list-style-type: none"> • Cherry Growers SA 	<ul style="list-style-type: none"> • Grain Producers SA • Apple and Pear Growers Association

Table 3.2 Associations position on applying to the Minister to be designated as a no GM food crop area

Responses from Community

There were 205 responses from community members. Feedback was received via survey, email, Q&A and social media.

The majority of respondents live in the Adelaide Hills Council area, with the balance largely represented by people who work in or visit the area.

171 or (83.4%) of community respondents support a no GM food crop area designation for the Adelaide Hills Council area, with 1.9% being neutral, unsure or providing no answer. 30 (14.6%) of community respondents do not support a no GM area designation, as outlined in table 3.3 below.

Strongly support remaining GM Free	Support remaining GM Free	Neutral	Unsure	No Answer	Do not support GM Free	Strongly do not support GM Free
146	25	2	1	1	11	19

Table 3.3 Community sentiment on whether Adelaide Hills Council area should be designated as a no GM food crop area

Key Themes with a focus on trade and marketing impacts

Businesses in favour of no GM food crop designation

29 (53%) businesses stated they “strongly support” or “support” Council applying to the Minister for the Adelaide Hills Council area to be designated as a no GM food crop area based on trade and marketing implications.

The following theme was considered to be the most relevant amongst the ‘in favour’ business cohort, in identifying a potential risk to trade and marketing from lifting the GM moratorium:

- GM free provides a significant marketing advantage to Adelaide Hills producers

21 (out of the 29 in support of Adelaide Hills Council applying to the Minister for the Adelaide Hills Council area to be designated as a no GM food crop area) feel GM free provides a significant marketing advantage.

While the majority of ‘in favour’ businesses felt there would very likely or likely be trade and marketing impacts on their business by allowing GM crops in the Adelaide Hills Council area, few were able to quantify this accurately:

- 13 businesses felt they were unable to quantify the impact given the unknowns associated with such estimates.
- 4 businesses felt there would be a negative financial impact given their focus on organic, heirloom and open pollinated produce. Two of these businesses estimated a 20% loss from an annual turnover of \$1-\$1.5M and the other estimated a drop in sales of \$20,000 per annum.

Businesses against no GM food crop designation

11 (21%) of businesses stated they “strongly do not support” or “do not support” an application to the Minister for Council to be designated as a no GM crop area. Very little feedback expressed any advantage to trade and marketing of allowing GM in the area with support for this position generally focused on potential operational advantages, including improved efficiency, less herbicide/pesticide use and improved yields.

Associations

Associations represent multiple members within the Adelaide Hills Council area, their feedback has been analysed by individual respondent and grouped under in favour, against or neutral.

Associations in favour of no GM food crop designation

Adelaide Hills Wine Region: The Adelaide Hills Wine Region (AHWR) is the peak body representing the wine-grape growers, winemakers and cellar doors of the Adelaide Hills' Geographical Indication (GI) they currently represent 190 members. It was noted in the AHWR response that there are a range of views on the issue, but the majority of its members do not support the lifting of the ban on GM crops and have expressed concerns about how the lifting of the GM Moratorium will impact the reputation and value of their products.

Therefore in its representative capacity the AHWR Executive Committee took the position that the ban on Genetically Modified (GM) crops should be reinstated and requested that the Council apply for the region to be designated a non GM food crop area for the following reasons:

- It is felt there is significant likelihood of risks to both trade and marketing of wines from the region specifically and South Australia more broadly if the ban on GM crops is lifted.
- The Adelaide Hills GI has a well-established domestic and international reputation as a source of high-value, premium grapes and wines grown and produced with a clear emphasis on sustainability and environmental consciousness
- The lifting of the GM food crop ban risks a more holistic depletion of the region's reputation as a clean, green tourist destination.
- Permitting GM crops is particularly worrying for the producers who hold or are seeking organic or biodynamic (bd) certification.
- The AHWR operates within one of Australia's few biodiversity hotspots and is renowned for its natural heritage and clean image. The agricultural sector is also built on the premise of niche, premium product and not largescale, big business operations that have been associated with GM farming.

In addition, AHWR provided further supporting feedback:

- The export market for Adelaide Hills wines was valued at \$17million in 2020
- AHWR objects to the lifting of the ban on the basis that it poses a significant risk to both the reputation of our region and access to export markets as there is currently zero tolerance for GM products in wine production
- It is noted that there is overlap between the AHWR and McLaren Vale Grape Wine and Tourism Association's (MVGWTA) positions, and that AHWR supports the MVGWTA's submission to the City of Onkaparinga and the following statement: 'Enabling GM crops will unnecessarily place South Australia... in a disadvantageous position in key... export markets with GM Free producing countries and Australian states'
- MVGWTA's submission provided numerous testimonials, put forth from a range of global importers of South Australian wine. These importers identified the introduction of GM crops into South Australia as a genuine risk to market access. These testimonials came from China, the UK, Sweden, Hong Kong, Singapore, Korea, Belgium, Russia and Finland, and were merely a snapshot of the export market for wines from McLaren Vale and from the Adelaide Hills. If these markets alone were to be disrupted, that would put nearly \$10million (nearly 60%) of Adelaide Hills wine exports into jeopardy. China and the UK are the top two export markets for Adelaide Hills wines. Further key markets - notably the US and Canada - have also shown considerable market resistance to GM products

- AHWR discussed this issue with one of the larger wine producers in the Adelaide Hills, who provided the following comments:

‘It has been observed that import acceptance [of a particular agrochemical] has evolved from "no import of product with residue of chemical X in product" to "no import of product due to the registration of chemical X in that producing region" – the same mentality could be applied to GMO-approved producing regions.

‘[Our] global position is no allowance for GMO in any of our products (Wine/Sprits etc.) because there is no global market acceptance and therefore the market risk is too high.’

- AHWR’s objections align entirely with those put forth by MVGWTA and while there is not as many certified organic or biodynamic producers in the Adelaide Hills region, the lifting of the ban threatens all producers in wine export markets and will have detrimental impacts for them in the foreseeable future.
- AHWR considers that there is no advantage to lifting the ban for the wine producers of the Adelaide Hills, only risk and the potential for serious and costly market disruption.

It is considered that the feedback provided by AHWR provides the most compelling argument for applying to the Minister on account or risks to trade and marketing.

Australian Organic Ltd: Australian Organic Ltd (AOL) is the leading peak industry body engaging with Government and Industry to promote the commercial and social interests of those who are certified and protect the integrity of the certified industry against fraud and misleading organics. The organisation believes a no GM food crop designation is important for the following reasons:

- It often hears through its global network of organic industry stakeholders, that the clean green image of Australia, coupled with the best farming practices and stringent traceability assurances that organic certification provides, puts Australian organic produce in the highest regard in the eyes of consumers around the globe.
- It is felt South Australia's moratorium on GM crops boosted the reputation and marketability of produce sourced from the State, and boosted demand for premium South Australian organic products in valuable export markets.

Kersbrook Landcare Group: The Kersbrook Landcare Group (KLG) is a community run incorporated body formed in 1997 by residents concerned about agricultural and environmental issues in the Kersbrook region. Its interests are in nursery and floriculture production and forestry support services. The group has 40 members and they strongly believe, based only on trade and marketing implications, that the Adelaide Hills should remain GM food crop free for the following reasons:

- So that the region can continue to produce premium, clean and/or organic food, wine and other produce. This is viewed as key to the Adelaide Hill’s reputation and tourism industry.

Sprouting Change Food Co-operative Pty Ltd: This organisation has 22 members and is involved in supermarket and grocery stores and specialised food retailing. Members produce local organic, no GM food crops and biodynamic food and household products. The organisation feels it is very likely there would be negative trade and marketing impacts on its members as a result of allowing GM crops in the Adelaide Hills Council area and the organisation strongly supports the Council applying to the Minister to be designated as a no GM food crop area.

Associations against non GM food crop designation

Grain Producers SA: Grain Producers SA (GPSA) is the peak industry body for South Australia's 4,500 grain producing businesses. It is noted that according to the 2016 census data, there is minimal broad acre cropping undertaken in the Adelaide Hills Council area. Notwithstanding that one respondent to Council's survey did indicate they are a grain producer located in our Council area. GPSA's written submission is summarised as follows:

- The cultivation of genetically modified crops has been restricted in South Australia since 2004, at a direct cost of over \$33 million to canola production in SA.
- Two separate independent economic assessments have found that the majority of farmers in South Australia do not receive a premium as a result of the moratorium, with a qualified exception for Kangaroo Island (based on canola production).
- Australia's robust supply chain guarantees industry coexistence between GM, non-GM, and organic farming systems as demonstrated interstate.
- The moratorium offers little in the way of trade and marketing benefits to the majority of agricultural producers in SA and only removes the option of using GM tools which have been independently proven to be safe and effective.

Apple and Pear Growers Association: The Apple & Pear Growers Association of SA have 33 members and recognise and acknowledge that there are differing views on GM crops between growers within the industry. Despite these differences the majority of growers are not supportive of the Adelaide Hills Council applying to be designated a non GM food crop area, for the following reasons:

- Most growers want the right to be able to access GM technologies if they become available to them in the future and want to avoid being disadvantaged against other production regions.
- There is no available evidence currently available that would support a marketing advantage for the region to remain GM free.
- Members have mixed views on whether they would plant GM fruit crops if they became available in Australia.
- There were very mixed views on any potential marketing advantages of remaining GM free, with no strong trends towards one viewpoint.
- The majority of growers feel that whether or not to plant GM crops should be the decision of the individual grower as opposed to a regional approach.

Associations with a neutral position on no GM food crop designation

Cherry Growers SA: The Cherry Growers Association of South Australia has 32 members and in their submission have stated that a majority of growers are not supportive of the Council applying to reinstate the GM free status. However, there is not an overwhelming consensus between members for this position. As such the association is not advocating for one position over the other. In addition the following summarises the sentiments expressed by growers:

- It is noted that there are very few horticultural GM crops currently available around the world. Therefore, at the moment there is very little available evidence to either demonstrate a marketing advantage for fresh produce grown in the region to remain GM free, or otherwise.
- Future GM technologies could bring in desirable traits to fruit crops such as pest and disease resistance or resistance to rain cracking. Many growers feel that they would not want to be competitively disadvantaged to other production regions if they were not able to access those new GM varieties in future
- The impact of any marketing advantage of being GM free in international markets was potentially reduced when South Australia made the change to lift the moratorium on GM crops. International markets are unlikely to recognise one Council region being GM free. It is felt Kangaroo Island has the distinction of being an island with a strong brand reputation.
- Some growers feel the GM free position should be maintained as it may provide a marketing advantage into some important international markets in the future. Markets such as Japan pay a premium for GM free soy. Europe is a potentially sensitive market to GM technology crops.
- GM technology is not accepted by the organics industry and a number of cherry growers are organic.
- There are some risks to contamination from GM crops to non-GM crops through cross-pollination, which would need to be managed.
- Some growers have properties across multiple Council regions. These growers would face additional challenges in the future if GM technology became available to them and they had some land that was in a GM free area and other land that was not.

Community:

The feedback received from the community with a focus on trade and marketing impacts, has been summarised below.

Community in favour of no GM food crop designation

The following themes were considered to be the most relevant amongst the 'in favour' of no GM food crop area community cohort, in identifying a potential risk to trade and marketing from lifting the GM moratorium:

- Value of the “clean and green” reputation of the Adelaide Hills
- Price premium and growing demand for GM free crops as there is a widely held view that GM free crops are able to command a higher price point than GM crops and that this is unlikely to change given growing national and international demand for quality, non GM crops.
- Integrity of local product noting that community members commented on their preference to buy local produce and one of the key drivers for them continuing to do so is knowing the “clean and green” origins of the produce.

Community against no GM food crop designation

The following themes were considered to be the most relevant amongst the ‘against’ community cohort, in identifying a potential risk to trade and marketing from lifting the GM moratorium:

- A state wide decision has been made regarding GM crops and it should not be a Council decision.
- That remaining GM free does not deliver any significant benefit or price premium.

4. SUMMARY

The consultation process has demonstrated that the issue of Genetically Modified food crops remains contentious, with a high level of participation in our Council area from business, associations and community members. In fact from recent discussions with our neighbouring councils, our Council had the highest response rate with Alexandrina Council receiving over 230 responses, District Council of Mount Barker receiving 143 responses and Barossa Council had around 120 responses to their surveys.

Overall the majority of feedback (76%), is supportive of Council applying to the Minister to be designated as a no GM food crop area, as depicted by Table 3.4 below.

Support no GM designation	Neutral or Unsure	Do not support no GM designation
205 (76%)	19 (7%)	43 (16%)

Table 3.4 – Overall feedback sentiment

However, there is not a consensus on this, particularly amongst business and associations, whose feedback is more evenly distributed. While for the community there is a clear preference for a no GM food crop area designation, with a majority of submissions imploring Council to apply to the Minister.

Despite differences in sentiment the overall key themes, based on trade and marketing, raised by businesses, associations and the community, are in alignment and are summarised as follows:

- The key theme for those in support of the Adelaide Hills remaining GM free is that the introduction of GM crops will impact on the reputation and value of their products. This will therefore negatively impact on the trade and marketing of produce given the region’s clean and green reputation as a source of high-value, premium product with a clear emphasis on sustainability and environmental consciousness.
- Permitting GM crops is of particular concern for producers who hold or are seeking organic or biodynamic certification given the significant cost and effort this entails coupled with the risk of cross contamination from GM crops.
- It is also noted that the Adelaide Hills region, in terms of primary production characteristics and produce, is built on the premise of niche, premium product and not largescale, big business operations as associated with GM farming.

- There are an increasing number of consumers trending towards clean, natural foods and organic produce.
- For those in favour of the introduction of GM crops, the ability to remain competitive and efficient is the key driver. While many producers state they would not use GM crops straight away, they would like the option to do so in future. The ability for businesses and producers to have freedom of choice is a key argument made in favour of GM crops.

It is noted that the consultation revealed that quantifying any trade and marketing impacts of GM food crops is challenging, and despite broad support for Council to apply to the Minister to be designated a non GM food crop area, for most industries there is a lack of detailed regional trade and marketing data for stakeholders who either support or do not support GM food crops. The one clear and notable exception to that is the wine industry, who through their representative body has demonstrated that \$10 million (60% of Adelaide Hills annual wine exports) is potentially at stake should a no GM food crop area designation fail to be achieved for the Adelaide Hills Council, and consider that allowing GM will have detrimental impacts on their industry in the foreseeable future.

In addition it's clear that segments of the horticultural and broad acre cropping industries, both within the Adelaide Hills with respect to horticulture and many parts of the State with respect to broad acre cropping support having access to GM technology. However, it is noted that no GM varieties are currently licensed for commercial cultivation nor under evaluation by the Office of the Gene Technology Regulator that would benefit our horticulture producers and with respect to broad acre cropping this contributes a negligible amount to the total value of agricultural output in the Council. Most notably, no canola is grown in the Council Area.

A No lose proposition

It is considered that taking this once in a lifetime opportunity to apply for a non GM food crop designation will provide local producers, who already gain market access based on GM free status, and those that are establishing these markets, more time to better understand what the clear advantages are of being GM free and to capitalise on this. This comes at no disadvantage to local producers who are against a no GM food crop designation, as there are currently no GM food crop varieties available for commercial cultivation that would favour producers in the Council area.

In addition, there is a mechanism available under Section 5 of the Act to revoke a no GM food crop designation, if a council applies to the Minister requesting that such a designation be rescinded. This would provide our primary producers, for example apple, pear and cherry growers the opportunity to request Council to apply to the Minister seeking to revoke the designation and gain quick access to new crop technology should the need arise in the future.

Opportunity for a Regional Approach

It is noted that some of our neighbouring and surrounding Councils, including the Mount Barker District Council, The Barossa Council and The City of Onkaparinga, have all resolved to apply to the Minister for non GM designation. As such there appears to be an opportunity for a potential regional designation that would strengthen the marketing advantage of the Adelaide Hills, Barossa and Fleurieu regions as a premium food and beverage destination and ensure that there is no economic detriment to the region as a result of the GM moratorium being lifted.

With the above in mind, and noting that this is the only opportunity councils have to pursue a no GM food crop designation, consideration of whether or not to apply to the Minister requires careful deliberation. Critical to this, based on key stakeholder and community feedback, is balancing the perceived and real risk in the case of the wine industry to trade and marketing, against the freedom of choice for other primary producers. It is noted that there are no GM food crop varieties currently available that would benefit producers within the Council area. There is therefore little to be gained and more to lose for primary producers, food manufacturers and the community by not applying to the Minister to seek the designation of the Adelaide Hills as a no GM food crop area. This also leads to the conclusion that not seeking and being designated a no GM food crop area would likely result in an economic detriment for the Adelaide Hills Council district.

5. OPTIONS

Council has the following options:

- I. To apply to the Minister for Primary Industries and Regional Development under Section 5A(1) of the Genetically Modified Crops Management Act 2004 requesting that the Council area be designated as an area in which no genetically modified food crops may be cultivated (Recommended)
- II. To not apply to the Minister for Primary Industries and Regional Development under Section 5A(1) of the Genetically Modified Crops Management Act 2004 and accepts that genetically modified food crops may be cultivated within the Council area (Not Recommended)

6. APPENDICES

- (1) GM Crops Consultation Report
- (2) Primary Production Association feedback
- (3) Draft Application Package to the Minister

Appendix 1

GM Crops Consultation Report



Consultation Report

September 2020

YOUR SAY GM CROPS



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Summary

Purpose of this report

This report contains a summary of feedback received as part of GM Crops Moratorium Consultation undertaken between 29 July and 26 August 2020. The intention is for this longer report to be made available to anyone who participated in the survey.

Background

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* (GMC Act) and has made it legal to grow GM crops in South Australia.

Councils have had a once-off opportunity to apply to the Minister for Primary Industries (the Minister) asking him to designate their Council a non-GM crop area.

Council 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.

The Minister will determine what is considered when making his decision on an application from a council to be a non-GM crop area but there will be a strong focus on the GM implications for trade and marketing.

Anyone with an interest in AHC and GM Crops was able to have their say via email, hard copy survey or electronic survey.

All feedback has been analysed and is reported in this document.

Snapshot of results

We received 267 survey responses during the consultation.

- 76% of all respondents* were in favour of AHC being designated a non GM food crop area
- 16% of all respondents were against AHC being designated a non GM food crop area
- 52 respondents were businesses (19% of the total number of respondents)
- 10 responses were received from associations (4% of the total number of respondents)
- 205 respondents were community members (77% of the total number of respondents)

*Associations have been captured in this figure as individual respondents, notwithstanding they represent a number of members.

Consultation approach

Our engagement approach aimed to collect and collate business and 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.

Aligning with engagement other councils undertook in this regard, the approach for seeking feedback was via direct email to key stakeholders (industry, primary producers etc.) alongside an online 'Your Say' page to capture feedback from the wider community.

What we asked

A survey was developed which contained three pathways and between seven and 14 questions depending on the type of survey participant: residents, business owner or association.

Distribution and Promotion

The opportunity to provide feedback was promoted through a number of channels including:

- Print advertisement, Adelaide Hills Herald (30/7/20)
- Print advertisement, Mt Barker Courier (5/8/20)
- Hills Voice: headlines, Mt Barker Courier (5/8/20)
- Hills Voice: your business eNewsletter (5/8/20)
- Hills Voice: your Adelaide Hills eNewsletter (6/8/20)
- AHC Website: home page banner linked to engagement page
- AHC social medial (Facebook, Twitter, LinkedIn)
- Direct emails to curated community list (446 recipients)
- District signs in 10 locations across the district, with a focus on agricultural zones

The survey and accompanying background information was made available on our engagement portal Hills Voice: *your say* (engage.ahc.sa.gov.au).

Figure 1: Hills Voice: *your say* engagement page

The screenshot shows the 'YOUR SAY GM CROPS' engagement page. At the top, there is a navigation bar with links for 'All consultations', 'All projects', 'Visit our website', 'Home', a search bar, and 'Sign In | Register'. The main header features a large banner with the text 'YOUR SAY GM CROPS' and the Adelaide Hills Council logo. Below the banner, the page title is 'Genetically Modified (GM) Crops Legislation Change'. There are social media sharing icons for Facebook, Twitter, LinkedIn, and Email. A prominent call-to-action button says 'TAKE THE SURVEY'. The page includes a section for 'Important Links' with a link to the 'Primary Industries Government Website'. A 'Lifecycle' section lists key dates: '28 July 2020 Council Meeting to discuss GM Consultation', '29 July 2020 - Consultation Open' (with a note to provide feedback), '26 August 2020 - Consultation Closes', and '26 August - 4 September'. The main content area contains text about the moratorium on GM crops and the process for requesting a non-GM crop area.

Consultation response numbers

There were 265 feedback responses as part of the consultation between 29 July and 26 August 2020, as shown in Table 1, below.

Table 1: Response numbers

Response type	Number
Online survey	224
Hard copy survey	5
Emails	29
Q&A tool and social media [#]	9
Total	267

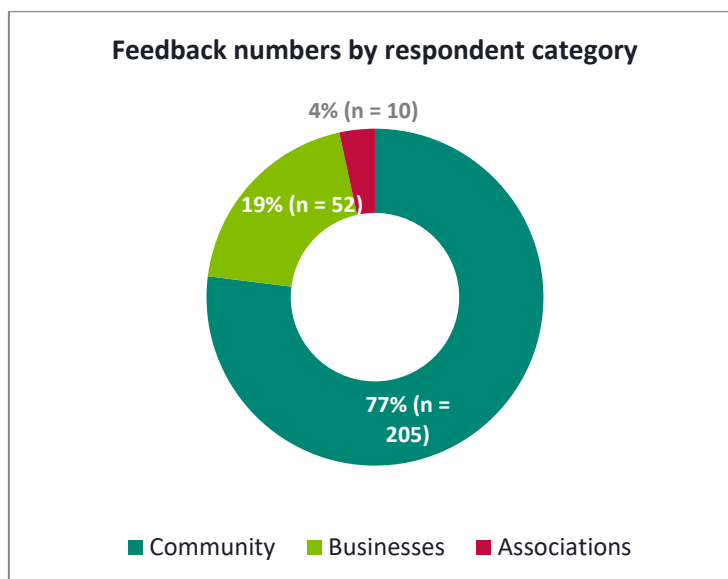
[#]Regarding social media – only those comments which were made on posts by the Adelaide Hills Council have been included.

When looking at respondent categories:

- 205 were community members (77% of the total number of respondents)
- 52 were businesses (19% of the total number of respondents)
- 10* were associations (4% of the total number of respondents)

*Associations represent a number of members and this is detailed in Section 0.

Figure 2: Feedback number by respondent category



Feedback analysis

All responses received by 26 August were analysed (including social media posts, Q&A tool, emails, hard copy surveys and online survey responses).

Overarching sentiment

- Out of 267 responses, 205 (76%) support AHC remaining GM free.
- 43 respondents (16%) express their preference for GM crops to be supported.
- The balance of respondents either did not express a preference or were uncertain or neutral on their view.

Responses from associations, although they represent a membership base, have only been counted as one – or an individual – response. In each case, the proportion of members in favour of, or against, GM crops is unknown, as is the breakdown of member location i.e. how many are based in the Adelaide Hills Council area. As a result it was felt there was too much uncertainty associated with further extrapolating these results.

While the majority of responses do support the Adelaide Hills Council area remaining GM crop free, support is higher from members of the community than it is from businesses and associations. Nevertheless, the overall pattern of responses and key themes raised shows considerable consistency.

The analysis to follow provides detailed findings and insights.

Survey analysis by respondent type

A review of survey responses found that an analysis of findings by respondent type best reflects respondent sentiments and enables clear identification of the key themes of interest and / or concern. Our analysis has therefore been divided into:

- Responses from community members
- Responses from businesses
- Responses from associations

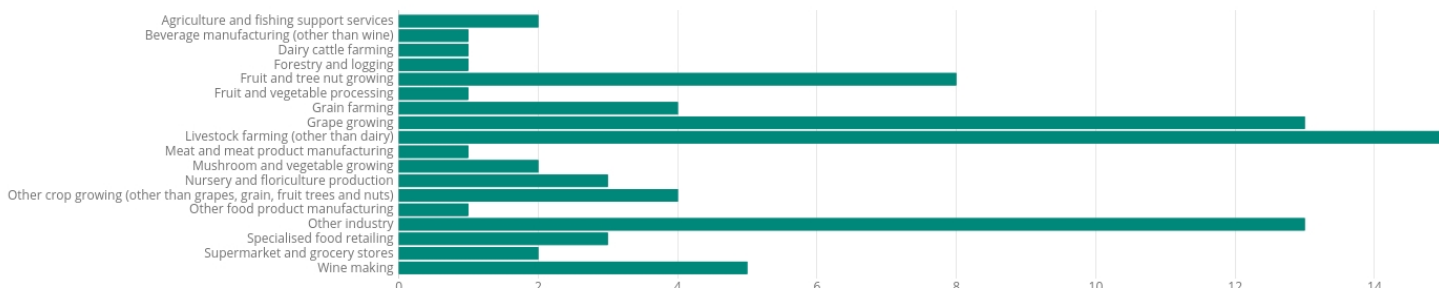
Responses from - Businesses

There were 52 responses from businesses.

SURVEY RESPONSES

In which industry is your business?

Industry of business



As shown on the graph above, 15 respondents, or 31%, operate a business in livestock farming other than dairy.

27% of respondents have a business in grape growing and a further 27% nominated the “Other industry / business” category. These businesses include areas such as maritime, natural health, strategic planning and food and beverage consultancy.

Many businesses – particularly those involved in primary industries – operate in multiple areas such as a combination of grain farming and livestock farming or fruit and nut growing and livestock farming.

Is your business located in the Adelaide Hills Council area?

Yes, we are entirely located within the Adelaide Hills Council area	38
Yes, we have a branch/office/presence in the Adelaide Hills Council area, but our head office is located elsewhere	6
No, my business is located elsewhere	1
No answer	3

The majority of respondents (79%) operate entirely within the Adelaide Hills Council area.

How likely are there to be trade and marketing impacts on your business by allowing genetically modified crops in the Adelaide Hills Council area?

Very likely	Likely	Neutral	No response	Unlikely	Not at all likely
16	9	6	4	9	4

While the majority of businesses (52%) felt there would very likely or likely be trade and marketing impacts on their business by allowing GM crops in the Adelaide Hills Council area, few were able to quantify this accurately:

- 13 businesses felt they were unable to quantify the impact given the unknowns associated with such estimates.
- Five businesses felt there would be no impact.
- Four businesses felt there would be a negative financial impact given their focus on organic, heirloom and open pollinated produce. These businesses feel the potential negative consequences of GM crops are not worth the potential benefits and that their reputation as a business and a region would be tarnished if GM crops were to be allowed in the region. Two of these businesses estimated a 20% loss from an annual turnover of \$1-\$1.5M and a drop in sales of \$20,000 a year respectively.
- One business felt GM crops would potentially deliver a 5-10% increase in yields.

Based only on trade and marketing implications, to what extent do you support council applying to the Minister for the Adelaide Hills Council area to be designated as a non-GM crop area?

Strongly support remaining GM Free	Support remaining GM Free	Neutral	Unsure	No Answer	Do not support GM Free	Strongly do not support GM Free
24	1	4		8	4	7

Business opinion is more balanced than that of the community in relation to support for the Adelaide Hills Council to be designated as a non GM crop area, based only on trade and marketing implications with 11 businesses being broadly against GM free and 25 businesses being in favour. 12 businesses feel neutral about this issue or did not respond.

Note that three responses were moved from the “Strongly do not support GM free category” to the “Strongly support remaining GM free” as the respondents appear to have selected the wrong response. Their commentary indicates they are very much in favour of the Adelaide Hills region remaining GM free.

25 businesses stated they “strongly support” or “support”, based only on trade and marketing implications, council applying to the Minister for the Adelaide Hills Council area to be designated as a non-GM crop area.

These businesses are mostly active in the following areas:

- Seven are active in the other industry/business category
- Six are active in livestock farming other than dairy
- Five are active in grape growing and / or wine making
- Four are involved in fruit and tree nut growing
- Three are involved in other crop growing (other than grapes, grain, fruit trees and nuts)
- The balance are involved in mushroom and vegetable growing, supermarket and grocery stores, specialised food retailing, agriculture and fishing support services, fruit and vegetable processing, beverage manufacturing (other than wine) and meat and meat product manufacturing.

Feedback provided has been summarised and listed in priority order by respondent volume.

1. GM free provides a significant marketing advantage to Adelaide Hills producers

21 (out of the 25 in support of Adelaide Hills Council applying to the Minister for the Adelaide Hills Council area to be designated as a non-GM crop area) feel GM free provides a significant marketing advantage, the benefits of which are only starting to be realised and recognised.

"I remain opposed to lifting of the moratorium because it will give away a massive marketing advantage that SA's food producers have at the moment from established organic, natural, clean, green market position we have developed for decades."

It is felt the world is demanding cleaner, greener and more natural food, which includes non-GM and organic products and that the region is ideally placed to build on this competitive advantage and capitalise further on this trend if the region remains GM free.

Kangaroo Island, Tasmania and New Zealand were quoted as regions / places where GM free status continues to deliver market differentiation, premium prices and global demand and it is felt the Adelaide Hills region is perfectly placed to follow this same path.

It is felt GM free status enables producers, especially small producers who can't compete with big farms/corporations, to market a premium product at a premium price. In turn these small to medium producers often hire local people, further strengthening the local economy and creating a wholesome image of healthy rural living, which is attractive to consumers in urban areas.

The reputation of the Adelaide Hills region as “clean and green” is also not confined to primary production. It is felt the tourism industry in the region also benefits greatly from this positioning and would also be negatively impacted by the introduction of GM crops.

Being GM free will place food and wine and related businesses and their products at a competitive advantage that will continue to grow over time, bringing flow-on benefits to other sectors in the region such as tourism.

“I believe the Adelaide Hills has a green and clean brand. Allowing GM crops in the area could impact this brand negatively and in turn affect the sale of goods from the area and tourism.”

“Markets take time to create and stabilise, and the early evidence is that GM products are not wanted by consumers and the premium for non-GM is there for those who invest in the marketing.”

“Adelaide Hills is known for its clean and green food production. The public is better informed about its food today and generally chooses to purchase natural foods rather than chemically or genetically enhanced products.”

2. Concern about potential cross pollination and impact on organic producers

Six businesses expressed particular concern about the potential for cross contamination from GM crops, particularly to nearby organic crops, and the potential certification and quality implications this may have, which has the potential to significantly negatively impact businesses. It is noted that some international buyers are very quality conscious and will not take products produced within designated areas of a GM crop or if there is any trace of GM crop within the product. A prudent and precautionary approach in relation to the introduction of GM crops is therefore requested.

“The potential long term damage to non GM and organic crops from GM agriculture has been ignored, and underestimated by the decision makers in SA. The USA GM crops contaminated surrounding farming land through cross pollination, and destroyed farmers’ incomes. The financial ruin to those farmers over the past few decades is well documented. This contamination cannot be undone. The prudent approach is to be conservative until the techniques used are proven completely safe.”

3. Negative environmental – and as a result economic - impacts

One business expressed genetically modified crops have the potential (until proven otherwise) for irreversible and unforeseen serious environmental and economic impacts and would like to see Council adopt a precautionary position on this issue.

4. World Heritage listing and tourism impact

One business that is active in the tourism industry and strongly supports the bid seeking World Heritage Listing expressed the Adelaide Hills' clean and green image is pivotal to the success of both their business and the bid.

“Our horse and tourism activities currently enjoy strength because of peoples' love affair with the Adelaide Hills green & clean qualities, being the envy of the world with our overseas and interstate

guests often telling us this directly. Allowing GM is a huge step in the wrong direction and will undermine all those efforts.”

5. Other observations

The following additional comments and observations were made:

- It was reiterated the Adelaide Hills region has a unique opportunity to remain GM free and be a leader in organic and biodynamic food production and sales and that there are significant growth opportunities in international markets for non-GM foods, particularly in high value premium markets of the USA, China and Japan.
- Several comments were made relating to the suitability – or lack of it – for GM crops in the Adelaide Hills. It is felt the GM crops which exist today do not suit the Adelaide Hills region and given the size of the region and produce types generated there, it needs a differentiated approach from other States to take advantage of niche premium market opportunities.
- It was referenced again that once the decision is made to introduce GM crops, “you can never go back” and there remain too many uncertainties associated with cross contamination and potential health implications on humans and animals.
- In addition, it is felt the economic benefits of GM crops are unknown and that the evidence does not appear to live up to the promise.
- It is felt GM crops threaten biosecurity, including soil bacteria, the loss of weed varieties for pollinators, fauna, soil and water ecosystems, bees and butterflies.
- Other research is quoted that notes small genetic changes in plants may result in unforeseen ecological shifts, with an example being GM Rapeseed grown in Canada is accompanied by super-weeds that are resistant to three herbicides.
- GM crops are also seen as leading to higher levels of herbicide use and toxins in the soil.
- It is noted as too expensive and too difficult to guarantee a zero GM content if GM crops are grown in the Adelaide Hills region.
- Concern was expressed that, at the moment, there are no legal avenues for compensation if non GM crops become contaminated by GM crops, significantly disadvantaging the non GM grower.

“Considering the amount of low intervention wineries in our area and the worldwide trend towards clean and natural foods we feel it would be silly to destroy that.”

“Being in organic food I do have strong feelings on this subject and I believe it would be detrimental to our marketing and growth opportunities of our beautiful pristine Adelaide Hills.”

“The potential to contaminate crops of producers who wish to remain GM-free is very real with annual crops in particular. This is an infringement of personal choice; non-contamination cannot be guaranteed.”

Eleven* businesses stated they “do not support” or “strongly do not support”, based only on trade and marketing implications, council applying to the Minister for the Adelaide Hills Council area to be designated as a non-GM crop area.

*Three businesses appear to have misinterpreted the question, as their commentary indicates they are strongly in favour of the Adelaide Hills region remaining GM free. The total has therefore been reduced by three and their commentary has been removed from this section.

These businesses came from a range of sectors:

- Seven are involved in livestock farming (other than dairy),
- Four are involved in grape growing
- Three are involved in grain farming
- Two are involved in fruit and tree nut growing
- Two are involved in nursery and floriculture
- The balance are involved in other industry/business, forestry and logging, dairy cattle farming, agriculture and fishing support services and other crop growing (other than grapes, grain, fruit trees and nuts)

1. GM crops will benefit producers through efficiencies and cost reduction, enabling them to remain competitive

Six businesses referenced that GM crops have the potential to make them more competitive and efficient in both the national and global market. While it is recognised that traditional plant breeding has made amazing steps, new tools are needed to select for specific genes to improve water use efficiency, resistance/tolerance to pests and disease, harvesting ease and more.

“Adelaide Hills Council need to progress with modern technology, so agricultural industries can remain competitive and relevant in both the domestic and global markets.”

*“Agriculture needs the option to use gm to keep ahead of the game and remain competitive
GMs are essential to agricultural production.”*

2. Producers would like to have freedom of choice over whether to use GM crops or not

Three businesses expressed they wish to have freedom of choice to use GM crops.

“The vast majority of crops in the Adelaide Hills Council area are not and most likely will not be GM for the foreseeable future, but growers should not be limited in their choices particularly in light of a changing climate and in seeking ways to reduce potentially more impactful pesticides.”

3. GM crops will not impact the Adelaide Hills

Two businesses state they do not see any disadvantage to GM crops in the Adelaide Hills region, feeling their presence will not have a negative impact and that GM and non GM crops can coexist.

The following additional comments and observations were made:

- It is noted GM crops are designed to be pest resistant and produce large volume returns, both of which are important in producing food for the growing population.
- GM crops are felt to bring benefits to agriculture, such as lower use of herbicides, the ability to deal with climate change and increased productivity.
- Freedom of choice was again emphasized.
- It was also stated that much research has been completed on the safety of GM crops and that they have been proven safe and are already well established around the world.

Four businesses stated their view was “neutral” on whether, based only on trade and marketing implications, council should apply to the Minister for the Adelaide Hills Council area to be designated as a non-GM crop area.

Points raised included that there are positives and negatives either way. While there could be environmental benefits and crops could perhaps become more drought tolerant, there are questions and concerns regarding the spread and thus control of the GM products to areas that are not farmed with GM crops.

ADDITIONAL FEEDBACK RECEIVED VIA EMAIL

Feedback was received from four businesses via email.

All four businesses, based only on trade and marketing implications, feel council should apply to the Minister for the Adelaide Hills Council area to be designated as a non-GM crop area.

The key points raised were:

- It is felt the local trade and economy would be far better off without GM crops due to the serious damage they could cause to the pristine image of the Adelaide Hills, diminishing the region’s marketing potential and clean green image.
- GM crops are not felt to offer marketing benefits and instead may severely harm the economic and marketing potential of the Adelaide Hills. In addition, it is not felt they lead to reduced use of chemical and herbicides.
- There are an increasing number of consumers trending towards clean, natural foods and organic produce. South Australia, and the Adelaide Hills, are well placed to deliver on this point of difference which can bring great economic benefit.
- Cross contamination from GM crops to non GM crops is a significant potential issue and it is not clear how this would be managed or can be managed for organic producers. This is a threat to their business and certification. The National Standard for Organic and Biodynamic Produce state GMO products are not compatible with organic and bio-dynamic management practices and are not permitted under a parallel production system.
- It is noted Tasmania has a very lucrative apple growing industry that is GM crop free and has a strong point of difference as a result.
- It is noted some countries are banning GM crops due to cross-contamination and health concerns, and some that have used the technologies are now reverting back to traditional practices.

Responses from – Associations

There were 10 responses received from associations.

Of these:

- Three Associations did not provide feedback that was felt to be representative of the majority view of the respective association and its members. As a result, these views have not been included in this report.
- Four associations support Adelaide Hills Council region, based only on trade and marketing implications, applying to the Minister to be designated as a non-GM crop area.
- Two associations are against the Adelaide Hills Council region, based only on trade and marketing implications, applying to the Minister to be designated as a non-GM crop area and one association has taken a neutral position given diverse views within its member base.

Associations in support of the Adelaide Hills Council region, based only on trade and marketing implications, applying to the Minister to be designated as a non-GM crop area

Adelaide Hills Wine Region

The Adelaide Hills Wine Region (AHWR) is the peak body representing the wine-grape growers, winemakers and cellar doors of the Adelaide Hills' Geographical Indication (GI). In its representative capacity for AHWR, the Executive Committee takes the position that the ban on Genetically Modified (GM) crops should remain in place and requests that the Council applies for the region to remain GM-crop free.

- It is felt there is significant likelihood of risks to both trade and marketing of wines from the region specifically and South Australia more broadly if the ban on GM crops is lifted.
- The Adelaide Hills GI has a well-established domestic and international reputation as a source of high-value, premium grapes and wines grown and produced with a clear emphasis on sustainability and environmental consciousness. It is felt GM crops are deemed by a significant proportion of consumers to be incompatible with high quality, product safety or environmental sustainability, all attributes which contribute to both the reputation and value of grapes and wines from the region.
- The lifting of the GM-crop ban risks a more holistic depletion of the region's reputation as a clean, green tourist destination.
- Permitting GM crops is particularly worrying for the producers who hold or are seeking organic or biodynamic (bd) certification. Pursuit of organic/bd certification is both time consuming and potentially costly but permits producers to increase access and to command a value premium in key overseas markets. If the ban on GM crops is lifted it will be incumbent upon growers and producers to prove that their products remain GM-free despite potential 'contamination' of soils, composts and mulches by GM seeds.
- It is noted that there are a range of views on the issue, but a clear and vocal majority of members do not support the lifting of the ban on GM crops and have genuine concerns about how this proposal will impact the reputation and value of their products.
- The AHWR operates within one of Australia's few biodiversity hotspots and is renowned for its natural heritage and clean image. The agricultural sector is also built on the premise of niche, premium product and not largescale, big business operations as associated with GM farming.
- It is felt the World Heritage listing application would be undermined by the lifting of the GM crop ban.

Australian Organic

- The organisation believes that the Adelaide Hills should remain GM Crop free.
- The organisation states it often hears through its global network of organic industry stakeholders, that the clean green image of Australia, coupled with the best farming practices and stringent traceability assurances that organic certification provides, puts Australian organic produce in the highest regard in the eyes of consumers around the globe.
- It is felt South Australia's moratorium on GM crops boosted the reputation and marketability of produce sourced from the State, and boosted demand for premium South Australian organic products in valuable export markets.

Kersbrook Landcare Group

The Kersbrook Landcare Group (KLG) is a community run incorporated body formed in 1997 by residents concerned about agricultural and environmental issues in the Kersbrook region. Its

interests are in nursery and floriculture production and forestry support services. The group has 40 members.

- The members strongly believe, based only on trade and marketing implications, that the Adelaide Hills should remain GM Crop free so that the region can continue to produce premium, clean and/or organic food, wine and other produce.
- This is viewed as key to the Adelaide Hill's reputation and tourism industry.
- Kersbrook Landcare Group is deeply concerned about the possible environmental impacts GM crop production may have on the region through increased herbicide use and associated impacts on soil, air, waterways and pollinators.

Sprouting Change Food Co-operative Pty Ltd

This organisation has 22 members and is involved in supermarket and grocery stores and specialised food retailing. Members produce local organic, non GM crops and biodynamic food and household products.

- The organisation feels it is very likely there would be negative trade and marketing impacts on its members as a result of allowing GM crops in the Adelaide Hills Council area.
- The organisation therefore strongly supports, based only on trade and marketing implications, applying to the Minister to be designated as a non-GM crop area.
- The Co-operative has a growing membership base of families in the Adelaide Hills Council area who are concerned about GM products, waste and packaging and Food miles.
- Aside from trade implications of the introduction of GM crops, members are also concerned about health implications for those living in the AHC and surrounding areas, environmental impacts on the native flora and fauna and the risk of cross contamination.

Associations against the Adelaide Hills Council region, based only on trade and marketing implications, applying to the Minister to be designated as a non-GM crop area.

Grain Producers SA

Grain Producers SA is the peak industry body for South Australia's 4,500 grain producing businesses. It supports freedom of choice for producers and encourages Adelaide Hills Council not to apply for designation as a GM cultivation-free area.

A written submission was received, which is summarised as follows:

- The cultivation of genetically modified crops has been restricted in South Australia since 2004, at a direct cost of over \$33 million to canola production in SA.
- Two separate independent economic assessments have found that the majority of farmers in South Australia do not receive a premium as a result of the moratorium, with a qualified exception for Kangaroo Island.
- Australia's robust supply chain guarantees industry coexistence between GM, non-GM, and organic farming systems as demonstrated interstate.
- The moratorium offers little in the way of trade and marketing benefits to the majority of agricultural producers in SA and only removes the option of using GM tools which have been independently proven to be safe and effective.
- It is felt growers deserve the freedom to grow the cereal, legume and oilseed varieties that best fit their farming system. GPSA's position is not about picking winning production systems, but rather enabling choice for all producers.

- There is no independently assessed evidence to suggest that the Adelaide Hills Council area and businesses operating within it derive a benefit from GM-free status, or would derive a benefit from a designation as a GM cultivation-free area under recent changes to the Act.

Apple and Pear Growers Association

The Apple and Pear industry in South Australia produces 10% of Australia's apple crop and 5% of Australia's pear crop at a farmgate value of ~\$40 million. Approximately 85% of the state's apple production and 93% of the state's pear production is from within the Adelaide Hills and it is one of the important agricultural industries within the Adelaide Hills Council region.

- The Apple & Pear Growers Association of SA recognise and acknowledge that there are differing views on GM crops between growers within the industry.
- Despite these differences the majority of growers are not supportive of the Adelaide Hills Council applying to retain GM Free status.
- Most growers want the right to be able to access GM technologies if they become available to them in the future and want to avoid being disadvantaged against other production regions.
- Further to this, there is no available evidence currently available that would support a marketing advantage for the region to remain GM free.
- Members have mixed views on whether they would plant GM fruit crops if they became available in Australia.
- There were very mixed views on any potential marketing advantages of remaining GM free, with no strong trends towards one viewpoint.
- The majority of growers feel that whether or not to plant GM crops should be the decision of the individual grower as opposed to a regional approach.

Associations with a neutral position regarding the Adelaide Hills Council region, based only on trade and marketing implications, applying to the Minister to be designated as a non-GM crop area

Cherry Growers SA

- While the majority of growers are not supportive of the Council apply to retain GM free status, there is not an overwhelming consensus for this position.
- It is noted that there are very few horticultural GM crops currently available around the world. Therefore, at the moment there is very little available evidence to either demonstrate a marketing advantage for fresh produce grown in the region to remain GM free, or otherwise.
- Future GM technologies could bring in desirable traits to fruit crops such as pest and disease resistance or resistance to rain cracking. Many growers feel that they would not want to be competitively disadvantaged to other production regions if they were not able to access those new GM varieties in future
- The impact of any marketing advantage of being GM free in international markets was potentially reduced when South Australia made the change to lift the moratorium on GM crops. International markets are unlikely to recognise one Council region being GM free. It is felt Kangaroo Island has the distinction of being an island with a strong brand reputation.
- Some growers feel the GM free position should be maintained as it may provide a marketing advantage into some important international markets in the future. Markets such as Japan

pay a premium for GM free soy. Europe is a potentially sensitive market to GM technology crops.

- GM technology is not accepted by the organics industry and a number of cherry growers are organic.
- There are some risks to contamination from GM crops to non-GM crops through cross-pollination, which would need to be managed.
- Some growers have properties across multiple Council regions. These growers would face additional challenges in the future if GM technology became available to them and they had some land that was in a GM free area and other land that was not.

Responses from - Community

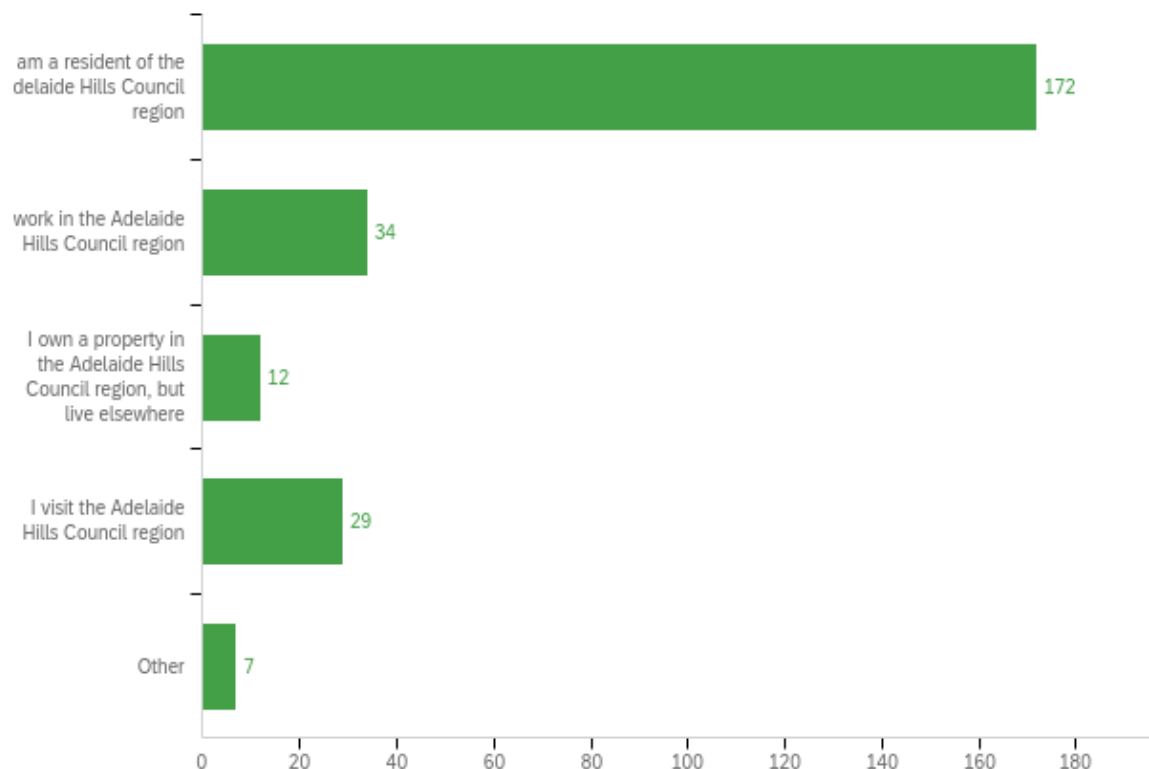
There were 204 responses from community members. Analysis has been split into 'survey responses' and 'other feedback types' (emails, Q&A and social media).

SURVEY FEEDBACK

Community members completed 178 surveys.

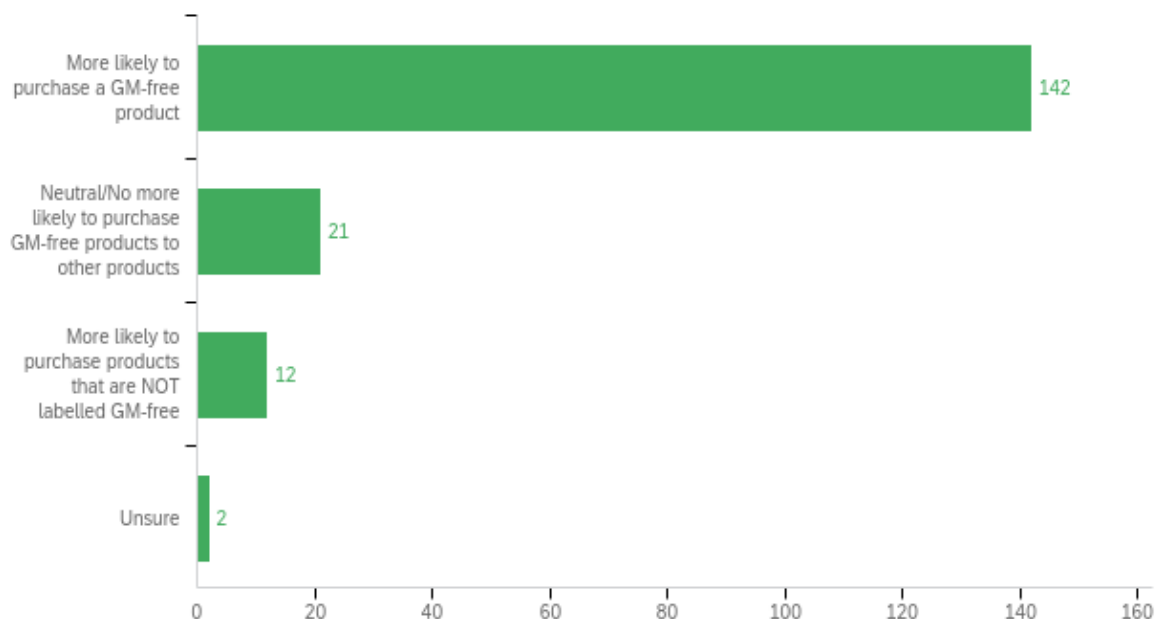
An additional 29 survey responses were received that contained no valid data beyond Question 1 about the respondent's link to the Adelaide Hills Council area.

What is your link to the Adelaide Hills Council area?



The majority of survey responses were received by members of the community who are residents in the Adelaide Hills Council region.

Does GM-free labelling affect what you choose to buy?



The majority of respondents felt they would be more likely to purchase GM free product.

Based only on trade and marketing implications, to what extent do you support council applying to the Minister for the Adelaide Hills Council area to be designated as a non-GM crop area?

Strongly support remaining GM Free	Support remaining GM Free	Neutral	Unsure	No Answer	Do not support GM Free	Strongly do not support GM Free
146	3	2	1	1	6	19

The majority of respondents are strongly in favour of the Adelaide Hills Council area remaining GM free. As can be seen from the response range, opinions on GM crops are generally very clear cut, with very low “neutral” and “unsure” response numbers.

Summary of commentary provided by survey respondents who selected “Strongly support remaining GM free” and “Support remaining GM free”.

The following key themes were identified, which are listed in priority order aligned to the volume of feedback associated with each theme:

1. Value of the “clean and green” reputation of the Adelaide Hills

They key reason cited by half of the respondents for supporting the Adelaide Hills Council area to remain GM free is the reputation and market position of the region that has been established over a long period for “clean and green” / organic produce. It is feared the introduction of GM crops would significantly and negatively impact on this established brand value, point of difference and reputation. This in turn is felt to have commercial implications – if the area is no longer GM free, then this important point of difference and marketing value is diluted or lost as the region can no longer present a consistent message.

It is also conveyed that the “natural” ethos of the Adelaide Hills is not only associated with crops – it is a story that connects tourism, communities, experiences, produce and landscapes and that the introduction of GM crops would generate a significant disconnect.

Kangaroo Island in particular is frequently referenced as an existing example of the economic, brand and market benefit of remaining GM free.

“Adelaide Hills has a reputation for the highest quality clean, green food, wine and produce, which means higher trade prices for non-GMO products in niche markets and wider appeal to worldwide markets.”

“One of the Adelaide Hills strongest selling points for tourism, trade and produce is it’s natural beauty. I feel GM would significantly change that.”

“The economic value of being GM-free is valid, both for agricultural and tourism reasons. It is something which once lost can never be retrieved.”

“The Adelaide hills is renowned for its production of wines, fruits and crops. Becoming GM free area will strongly benefit the economical profits derived from the local produce.”

“The Adelaide Hills are renowned for the quality of its produce. Key characteristics of this are freshness to market, careful and attentive farming practices and the clear provenance of produce. Of particular importance here is the added-value generated when produce is seen to be from an unpolluted and pristine environment and, in some cases, organically produced. The introduction of GM crops to the Adelaide Hills region would make it difficult for some farmers to sustain their current organic or similar practices and would create a mixed message for consumers, with subsequent damage to the perception of the Adelaide Hills as the source of high quality and pristine produce”

2. Price premium and growing demand for GM free crops

Closely linked to the value of the “clean and green” reputation of the Adelaide Hills is the widely held view that non GM crops are able to command a higher price point than GM crops and that this is unlikely to change given growing national and international demand for quality, non GM crops.

“Naturally healthy” is identified as a growing and important trend in Western and Asian markets, with Australia generally being seen as a trusted producer. Again, this points to growing demand for non GM crops.

It is furthermore felt that as more and more people become aware of the food they eat, its source and qualities, the more we will see a rise in knowledge around (and subsequently advertising of) non-GM crops. Marketing the region as GM free enhances the areas reputation – and commercial opportunity - associated with quality, sustainability, health and safety.

“Australian produce is perceived as healthy, fresh and safe. From a marketing/trade perspective, this would not be the case should it be GMO impacted. From a marketing public perspective GMO produce is considered unhealthy and unsafe, this means that it has less value when selling it. GMO free Organic produce has a significantly higher value economically. I strongly suggest that there would be negative impacts in terms of trade and marketing if GMO produce were to be introduced to the region Producers from the hills should use the opportunity to market themselves as clean, green and non GM to gain a competitive advantage, as consumers increasingly want to know where and how their food is produced, and in an environmentally and ethical manner.”

“South Australian produce is greatly sought after in Asia, Europe and the USA as it is GM free.”

“Non-GM products are commanding a higher price and there is growing demand for non GM products especially in markets for the kind of goods Adelaide Hills area supplies e.g. fruit and wines.”

3. Cross-contamination – particularly for certified organic producers

It is felt the introduction of GM crops will make it very difficult or impossible for producers to keep their production “untainted” thereby impacting the reputation of the Adelaide Hills region produce as a whole, with a particular impact on those electing to remain GM free or organic.

It is also felt the Adelaide Hills Council region is somewhat unique, with small and large producers and members of the community – many with small hobby farms as well – all in close proximity. The introduction of GM crops into this landscape is felt to make it even more difficult to “contain” GM crops once introduced.

The following examples of the risk of contamination by GM crops were given:

- Cross-pollination produce with GM crops could result in products that cannot be marketed as non-GM, or could even risk unwitting copyright infringement.
- The loss of organic certification.
- Seed from a canola plant being small and easily spread from paddock to paddock despite all the best intentions to create barriers.
- Herbicide resistance in weeds is exacerbated due to repetitive spraying of chemicals used to manage them, also leading to increased herbicide use.
- The multi-million dollar non-GM/organic South Australian beef export market could be compromised by GM 'contamination' as livestock having eaten GM feed are disqualified from certified Organic and Non GM status in important domestic and some export markets.
- In line with the above point about beef meat – similar comments were made about lamb and wool.

"There are many organic growers in the Adelaide Hills region, some of their produce exported internationally. They have spent years getting their properties and practices established to meet stringent organic certification standards, and rely on this certification to have the confidence of their customers. To be certified organic, they cannot have any genetically modified organisms on their properties, nor any input such as fertilizer that may contain traces of such organisms. Once GM is introduced to a neighbouring property, cross contamination can occur in many ways (e.g. bees collecting GM pollen or may source GM contaminated water, being able to travel up to 5 miles distance from their hive). This could destroy the local organic industry.....This could have a devastating effect on employment in the organic sector, and the flow on effects to suppliers of such businesses."

"Given the enormous market for non-GM crops and food both here and overseas, I fear that any grower, food-producer, cafe or retailer who specialises in organic or GM-free food will suffer a downturn in their business. If GM crops are grown in the area they source their ingredients from, how can they continue to market their produce with any confidence that it is, in fact, free from any GM contamination."

4. Environmental and health impact

It is felt there is a growing market for GM free crops, both nationally and internationally as a result of uncertainties associated with the health and environmental impact of non GM crops.

It is felt the potential negative impact of them on health (human as well as flora and fauna) are only just beginning to be understood. In the same way, it is felt the long-term impact of a reduction in biodiversity, a potential increase in the use of herbicides and the associated potential chemical contamination from the use of GM crops is also not well understood.

To be GM-free is felt to solidify the health of the community, native plants and animals, crops and soil and thereby strengthen the longevity of the Adelaide Hills as a viable produce area and as a much sought after place to live.

“I do not agree with modifying food. Our bodies were not designed to be able to process this type of food and it can only result in the body having to adapt around it and ultimately creating stress and dis-ease. How are they modifying it? What chemicals are being used on those crops? What are the long-term health studies on ingesting these foods? I believe the only reason they are being modified is to increase production and profits, definitely not for the good of the people or for any health benefits.”

“I believe that Genetic Modifications of our food has long reaching implications that we as a people really don't understand for our future food needs on our planet. GM is commercially driven with financial goals which have nothing to do with the greater good of the people.”

5. Ethical concerns associated with GM crops

It is felt GM crops appear to largely benefit large multi-nationals, monopolising food supply chains and resulting in expanding monocultures and reducing biodiversity. It is stated four firms control more than 60 percent of global proprietary seed sales, leading to a lack of competition and steeply rising prices.

An example was given of a major player in the GM industry building in a factor of sterility to the seeds that it genetically modifies, meaning that farmers cannot keep a portion of seed for the next planting and instead have to purchase new seed all over again every season.

The complexities and existence of intellectual property rights and patenting places an advantage on the sellers, not the local farmer. The use of herbicide-tolerant GM crops furthermore makes farmers dependent on these chemicals which again raises questions around environmental harm and sustainability. GM plants are also covered by intellectual property laws so if a GM plant is found in a producer's possession or crop without a licence, whether accidental or not, then there is the possibility of being sued. Multiple examples of this nature were cited as being commonplace in the USA.

In short, the introduction of GM crops is felt to open up producers to the risks of international businesses “dictating” terms, leading to increased costs and over-reliance with resulting negative social, environmental and economic impacts.

6. Difficulty of reversing the introduction of GM crops

It is felt that once GM crops are introduced it becomes almost “impossible” to reverse and as a result, any such decision has significant long-term consequences.

“Once GM crops have been introduced it can't be undone. I want to protect the valuable certified organic farming land this region has.”

7. Integrity of local product

Many members of the community comment their preference is to buy local produce and one of the key drivers for them continuing to do so is knowing the “clean and green” origins of the produce. Many state they would look to purchase their produce elsewhere if the introduction of GM crops impacts the GM free “purity” of Adelaide Hills produce. This would impact the local economy.

“I would no longer purchase, or feel hesitant to purchase, local produce as I couldn't be confident that it is GM-free or unimpacted by GM.”

“I don't want to eat GM food and I support local organic businesses and I don't want their produce to suffer.”

“I do not believe in or partake or consume genetically modified produce.”

8. Impact on pollinators such as bees

It is referenced that GM crops are felt to have a negative impact on the population and health of pollinators such as bees, butterflies and small birds and that this in turn has an economic and social impact due to threatened food supplies.

9. Other comments

Aside from the trade and marketing implications, other comments regarding genetically modified crops in the Adelaide Hills Council area made by survey respondents who selected “Strongly support remaining GM free” and “Support remaining GM free” are summarised as follows:

- Health and environmental issues and concerns were raised by 25% of respondents:
 - The level of chemicals such as glyphosate used on GM crops is a potential health issue for all consumers as well as impacting pollinators, flora and fauna more broadly and land-based and aquatic environments. It is not in balance with the natural system hence it is unhealthy for the consumer and the environment in a region like the Adelaide Hills with such a clean and green reputation.
 - It is felt the safety of GM produce, including those resistant to higher levels of chemicals, has not been established.
- 13% of respondents simply reiterated their view that they do not agree with the introduction of GM crops into the Adelaide Hills Council area.
- Cross contamination is again raised as a key concern.
 - *“The terrain of the Adelaide Hills makes it impossible to isolate GM crops to prevent cross contamination through pollen, escapees etc. The Adelaide hills also has very unique flora. GM crops in the area have the potential to become weeds making it more difficult to maintain the already onerous task of trying to maintain and increase our biodiversity while removing weed species. The hills has a large number of organic farmers and they risk facing revenue loss as they can no longer guarantee their products are GM free. We have seen that over and over again with farmers in areas that allow GM.”*
 - *“Canada introduced GM canola, and, due to spread, is now in the position of being able to produce no (or hardly any) non-GM canola. This could happen to crops in SA.”*
 - The intrusion of GM pastures or canola, through wind and insect pollination, and GM seeds spilled by transport, in mulch and animal feed, are examples of environmental cross contamination that could impact the region.
- Members of the local community re-emphasized how important it is for them to be able to buy local GM free produce for themselves and their families and they would not want to see this change. If GM crops were to be introduced, these families would look to source their produce elsewhere.
- The market for clean and green and organic produce is recognised as growing both domestically and internationally, meaning the Adelaide Hills region is perfectly poised to maximise this trade and marketing opportunity. The Adelaide Hills therefore needs to ensure it maintains its reputation as clean and green. Being a GM-free zone makes economic

and environmental sense, protects the livelihood of farming communities and sends out a public message of care for community health and the environment.

- Organic farmers, of which there are a growing number of the Adelaide Hills region, cannot gain certification if their crops are grown in proximity to similar crops that are grown from GM seeds. Organic farming is seen as not only commanding a premium price point – but also adding value to the environment through a reduced reliance on chemicals and other pollutants.
- It is referenced that GM Roundup Ready canola is dependent on multiple applications of the herbicide glyphosate. Multiple applications of this herbicide are prescribed for a single crop of GM canola, including a final dose close to harvest time. The chemical has the potential to contaminate water, air, soil, plants and animals and be ingested by adults and children through the food chain.
- The ethical argument is raised that embracing GM production makes growers overly dependent upon large international corporations for their seed stock and herbicides. *“It becomes chemistry not farming and the licensing of GM crops becomes an ownership issue for the wealthy patent holders and therefore not equitable.”*
- GM crops are seen as being out of sync or a disconnect with the tourism brand of the Adelaide Hills, which relies heavily on the reputation of local food and wine.

Summary of feedback for “Strongly do not support GM free” and “Do not support GM free”

The key points raised by 25 respondents in favour of GM crops are:

- There is nothing wrong with GM crops and crops throughout history have been selectively bred and modified.
- A view that GM crops more environmentally sustainable than GM-free crops through more efficient use of resources, reduced waste and improved yields.
- A state wide decision has been made regarding GM crops and it should not be a Council decision.
- That remaining GM free does not deliver any significant benefit or price premium.
- That much of the information around GM crops is ill-informed or does not take a balanced view of the benefits and drawbacks.

“My previous experience in marketing agricultural products has not identified any price premium or substantial marketing advantage derived from a non-GM label except in very small niche markets and my science background convinces me that there are no health, safety or environmental risks that can be attributed specifically to GM crops.”

“Crops throughout history have been selectively bred and modified in order to give more beneficial yields and crop quality. To prohibit growers in the Adelaide Hills to farm GM crops would be to unnecessarily disadvantage them financially as they would be possibly forced to use outdated crops that may be less desirable to consumers due to the look of the produce, or hills farmers may be forced out of business by growers in other regions who can produce much greater yields and hence would be preferred by supermarkets and other retailers/suppliers.”

Aside from the trade and marketing implications, other comments made in support of GM crops in the Adelaide Hills Council area were as follows:

- The sentiment is widely expressed that all crops are GM to an extent – and as such should be viewed as a “normal” part of agriculture. To support this, it is noted the World Health

Organisation, the European Commission, and scientific bodies around the world including the National Academy of Sciences and the Royal Society, have concluded that genetically modified food is safe. The scientific consensus on the safety of GM crops is at the same level as the consensus on the safety of vaccines.

- *“Genetic modification of plant crops is nothing more than a more efficient alternative to conventional plant breeding methods, substantially reducing the time needed to breed new plants with specific properties such as drought resistance. Thus, the health, safety or environmental risks are no greater than from conventional plant breeding.”*
- It is felt that decision-making around the use of GM crops should lie with farmers and producers and not with state or local government.
- The key benefits of GM crops are felt to be the time-efficient development of varieties of crops that can withstand changing environmental and social demands.

Summary of commentary provided by survey respondents who selected “Neutral” and “Unsure”.

Only three survey respondents selected “neutral” or “unsure”.

- One stated more research and time is needed to be certain about a decision – and that a precautionary principle should be applied.
- Two respondents commented GM crops were a positive initiative but consumers were perhaps not ready and may actively oppose GM technology as they do not understand it, which in turn could damage the reputation of the region
- A further comment was made in support of GM crops but with an understanding this may not be the right choice for the Adelaide Hills Council area

OTHER FEEDBACK

28 responses were received via the feedback channels of:

- Social media (4 comments)
- Q & A tool associated with the survey (4 responses)
- Email (20 responses from 18 individuals, with two individuals sending two emails each)

Of these, 23 responses expressed support for the Adelaide Hills region remaining GM free.

Several email responses included attachments, the sentiments of which have been included in the analysis.

Summary of commentary in support of Adelaide Hills Council, based only on trade and marketing implications, applying to the Minister for the Adelaide Hills Council area to be designated as a non-GM crop area.

- Nine submissions contained very similar content, summarised as follows:
 - These submissions request the Adelaide Hills Council area remains a GM-free crop Zone
 - *“Do everything you can to ensure that our Council area remains a GM-free crop Zone. Losing our region's GM-free status, and reputation for high quality GM-free foods and beverages, will disrupt markets and deny us trade benefits for producers and processors all over the state, including those in the Adelaide Hills. Many people choose to live in the Adelaide Hills Council area because it offers us an alternative,*

clean green lifestyle which includes growing some of our own non-GM organic fruit and vegetables and being able to purchase organic local produce.”

- The submissions also quoted a Swinburne University survey from in 2017 finding most Australians are not comfortable with GM foods.
- It is also referenced that shoppers in our key export markets of Europe, Asia and the USA also prefer GM-free foods and beverages.
- Kangaroo Island is referenced as being successfully GM free with an ability to earn premiums for their GM free grains and beverages, in local and export markets. The Palsystem Consumers' Co-operative Union of Japan is quoted as an example, having a strict non-GM policy, purchasing canola and honey exclusively from Kangaroo Island, with annual revenues of \$6 million to the Island's economy.
- Australian non-GM canola is referred to as another example to demonstrate increased returns from GM free crops compared to GM varieties.
- A request is made to gather evidence of the present and future benefits and costs of remaining GM-free versus the potential benefits and costs of allowing GM crops to be grown in the future.
- The potential impact of GM crops on organic growers is seen as being particularly significant:
 - Cross contamination is viewed as a common issue when GM crops are introduced into an area and legislation does not appear to provide protection to neighbouring farms – particularly if these are following organic practices. A resulting loss of organic grower accreditation means a potential loss of livelihood.
 - Organically grown food is highly appreciated in export countries, local restaurants and sections of the local Hills community.
 - The inability of GM farmers to control escapes of GM seed is also likely to impact organic home food gardens
- It is emphasized that the clean and green properties of the region are a significant asset and should be protected. Once they are lost, it becomes almost impossible to regain them.
- While it is felt GM crops in Australia are currently contained to broad acre crops that are not grown in the Adelaide Hills area, the introduction of GM apples, grapevines and yeasts would have a significant negative impact on the clean green image of the region. It is felt this would be detrimental to trade and marketing through a dilution of the region's point of difference. It is felt the region is able to charge a premium for non GM crops and is well positioned to take advantage of non GM foods becoming more highly sought.
- It is felt there is uncertainty about the health impact on humans and animals of GM crops. Evidence is cited in the USA of certified doctors in USA, where GM crops are widespread and have infiltrated the food chain, being able to cure patients with chronic illnesses simply by changing their diet from GM crops to organic foods only.
- It is noted that many members of the Adelaide Hills community make a point of buying fresh produce from the region specifically because it is GM free. If the Adelaide Hills is not declared a GM-free zone, much of that spend is viewed as shifting elsewhere, causing significant localised economic impact.
- It is cited that there are growing trends around the globe moving away from GM crops and phasing them out – so it appears counterintuitive to be opening the region for GM crops. One statistic quoted is that in Australia, from 2016-19, organic agriculture has grown by 22% per annum (compounding) and South Australia has 40% of the country's certified organic hectares. This places the state and the region in a position of strength to serve growing local

and global demand (particularly from the USA, Japan and Europe) while reaping benefits from the higher prices that organics typically attract.

- There is a strong ethical argument made against GM crop technology combined with intellectual property rights and corporate consolidation, the combination of which is viewed as leading to monopolisation of critical elements of the food supply chain and unsustainable pricing of seed.
- While the focus for the survey is trade and marketing, it is felt vital to consider that healthcare, environment, tourism, residential/business occupancy rates and growth within the council region could all be impacted by the introduction of GM crops and their negative flow on effect to the economy.
- It is felt, based purely on economics, that GM crops are often not more profitable. GM crops sell at price penalties making them less profitable than their non-GM alternatives. Often the argument for the greater economics of growing GM crops is that they have higher yields making up for the price penalties they attract. Data from the USA is felt to show the opposite is occurring.
- Higher chemical use has also been reported in GM crops due to the emergence of super weeds and weed resistance bringing with it associated soil and groundwater contamination.

Summary of commentary not in support of Adelaide Hills Council, based only on trade and marketing implications, applying to the Minister for the Adelaide Hills Council area to be designated as a non-GM crop area.

The few comments made stated generic support for GM crops and the potential benefits they can deliver in yield, efficiency and a reduction in food waste.

Overall key themes arising from engagement

The overall themes raised by businesses, associations and the community, are in alignment and are summarised as follows:

- The key theme for those in support of the Adelaide Hills region remaining GM free is that the introduction of GM crops will impact the reputation and value of their products and therefore negatively impact trade and marketing of produce given the region's clean and green reputation as a source of high-value, premium product with a clear emphasis on sustainability and environmental consciousness. Those against the region remaining GM free state the opposite and feel there is no marketing, trade or price advantage from being GM free.
- Permitting GM crops is of particular concern for producers who hold or are seeking organic or biodynamic certification given the significant cost and effort this entails coupled with the risk of cross contamination from GM crops.
- It is also noted that the Adelaide Hills region, in terms of primary production characteristics and produce, is built on the premise of niche, premium product and not largescale, big business operations as associated with GM farming.
- There are an increasing number of consumers trending towards clean, natural foods and organic produce. It is felt South Australia, and the Adelaide Hills in particular, are well placed to deliver on this point of difference which can bring great economic benefit and returns.
- It is felt the World Heritage listing application would be undermined by the lifting of the GM crop ban.

- While some businesses feel GM crops would have a detrimental environmental impact through super-weeds, increased herbicide use and a loss of biodiversity, others feel there would be little to no impact.
- There is fear that once the decision is made to introduce GM crops, “you can never go back” and there remain too many uncertainties associated with cross contamination and potential health implications on humans and animals. It is felt the economic benefits of GM crops are unknown and that the evidence does not appear to live up to the promise.
- For those in favour of the introduction of GM crops, the ability to remain competitive and efficient is the key driver. While many producers state they would not use GM crops straight away, they would like the option to do so in future. The ability for businesses and producers to have freedom of choice is a key argument made in favour of GM crops.

Conclusion and next steps

The consultation has demonstrated that the issue of Genetically Modified food crops remains contentious, with a high level of participation during the consultation from business, associations and community members.

While business and association feedback is more evenly distributed than community feedback, on balance, the majority of feedback, based on trade and marketing implications, are supportive of Adelaide Hills Council applying to the Minister to be designated as a non-GM crop area.

However there is not overwhelming consensus, particularly amongst businesses and associations. While some industry sectors lean more towards remaining GM free – such as the wine and grape growing industry – this is also not a “black and white” distinction. Within the larger industry associations, it is also clear that differences of opinion amongst members exist.

For the community there is a clear preference for the GM free status of the Adelaide Hills Council to be reinstated with a majority of submissions imploring Council to apply to the Minister.

The consultation has also revealed that quantifying any trade and marketing impacts of GM food crops is challenging and despite broad support for Council to apply to the Minister to be designated a non GM food crop area, there is a clear absence of evidence that supports the notion that GM food crops present a risk to trade and marketing.

The next steps will involve Council making a decision on whether to apply to the Minister for Primary Industries and Regional Development to be designated a non GM food crop area. If the Council submits an application the Minister will have discretion in the matter. The Minister is expected to make an announcement on this matter at the end of November 2020.

Appendix 2

Primary Production Association Feedback

Mr Andrew Aitken, CEO
Adelaide Hills Council
PO Box 44
Woodside, SA 5244

engage@ahc.sa.gov.au

Dear Mr Aitken,

Re: Request for Adelaide Hills Council to remain Genetically Modified (GM) Crop Free

I am writing on behalf of Adelaide Hills Wine Region (AHWR), the peak body representing the wine-grape growers, winemakers and cellar doors of the Adelaide Hills' Geographical Indication (GI) encompassing portions of several LGAs, though primarily within the Adelaide Hills Council.

In our representative capacity for AHWR, the Executive Committee takes the position that the ban on Genetically Modified (GM) crops should remain in place **and requests that the Council provides an application to the South Australian Minister for Agriculture, Food, Fisheries, Forests and Regional Development to remain GM-crop free.**

We base our position on this matter on the significant likelihood of risks to both trade and marketing of wines from our region specifically and South Australia more broadly if the ban on GM crops is lifted.

Risks to the Trade and Marketing of Grapes and Wine

The Adelaide Hills GI has a well-established domestic and international reputation as a source of high-value, premium grapes and wines grown and produced with a clear emphasis on sustainability and environmental consciousness. Regardless of on-going scientific debates regarding GMOs, the market reality is that they are deemed by a significant proportion of consumers to be incompatible with high quality, product safety or environmental sustainability, all attributes which contribute to both the reputation and value of grapes and wines from our region.

Risk to Reputation as a Tourist Destination

In addition to adversely impacting the reputation of our regions' grapes and wine, the lifting of the GM-crop ban risks a more holistic depletion of our regional reputation as a clean, green tourist destination. The Adelaide Hills is one of only 13 declared Biodiversity Hotspots in Australia and the focus of a considerable amount of conservation and regeneration work. The 50+ cellar doors represented by AHWR are surrounded by enviably beautiful landscapes and enjoy the trade and marketing benefits that come with being viewed by the public as environmentally safe and sustainable. The maintenance of the GM-crop ban in the Adelaide Hills' Council area stands to benefit the entire region by sending a clear signal to visitors that protecting and sustaining the health of this landscape is a priority.

Risk to Organic and Biodynamic Certification and Production

While the permitting of GM crops is a concern for market access and value for all AHWR growers and producers, it is particularly worrying for the producers who hold or are seeking organic or biodynamic (bd) certification. Pursuit of organic/bd certification is both time consuming and potentially costly but permits producers to increase access and to command a value premium in key overseas markets. If the ban on GM crops is lifted it will be incumbent upon growers and producers to prove that their products remain GM-free despite potential 'contamination' of soils, composts and mulches by GM seeds. The

presence of GM 'super weeds' may also require control methods that threaten ongoing organic/bd certification. The introduction of GM crops may therefore prove to be an insurmountable risk to this high-value subset of AHWR grape and wine producers.

Member Viewpoints

To ensure that we are representing the very best interests of our members and accurately reflecting their viewpoints, the AHWR Executive Committee has sought to canvass opinions through our Grape & Environment Committee and a member survey. While there is a range of views on this matter, as would be anticipated, a clear and vocal majority of our members do not support the lifting of the ban on GM crops and have genuine concerns about how this proposal will impact the reputation and value of their products. Below are just a few of the comments we have received in relation to this matter:

'The Adelaide Hills has a reputation for clean, interference-free farming and high-quality products. This would be negatively impacted by GM.'

'The introduction of GM crops in to our region will directly affect our premium vegetable production and the organically/biodynamically certified status of our vineyard, farm and high-end wine brand. As a certified organic product, the introduction of GM crops in our region will jeopardise our product integrity; we will no longer be able to confirm our product is non-GM, risking us losing our certification and/or lowering the honesty by which we can stand by our product to our customers.'

'Our business revolves around the production and value adding of healthy produce, grown organically. We focus on regenerative farming and extending biodiversity. GMO crops are the exact opposite of this and will harm the clean and green production in our environment.'

'The unique position of South Australia in portraying a clean, natural environment is being severely eroded. Once we no longer have this unique perception in the market, our price premiums will no longer exist.'

'Being a non-GM area adds to our clean and green image. How do you calculate the marketing value on that?'

'GM agriculture is at odds and inconsistent with public attitudes, and therefore our position on their use, as well as a marketing/PR disaster!'

'The wine industry is quickly turning to sustainable practices in an attempt to be more climate resilient, market responsive and lower impact on the environment. The introduction of GM crops counters this trend and jeopardises the market reputation being gained. The AHWR operates within one of Australia's few biodiversity hotspots and is renowned for its natural heritage and clean image. Our agricultural sector is also built on the premise of niche, premium product and not largescale, big business operations as associated with GM farming. The Adelaide Hills is in the throes of a World Heritage listing application and is well backed in this application. The lifting of the GM ban will directly undermine this application and assets around which the application is made. The undermining of any of the points above will directly affect the value of the region's trade and the strong regional and individual business branding.'

Future Developments

The Executive Committee of AHWR does acknowledge that while the Australian wine industry is not currently permitted to use GM material – vines or yeasts – in the production of

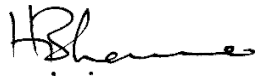
grapes or wines, that there is the theoretical potential for the development of GM technologies that could benefit the industry. This issue was raised by a subset of respondents to our member survey and we are mindful that future scientific developments may be of interest. In light of such developments and assuming a change to grape/wine production regulations as a result, we would ask that Adelaide Hills Council reserve the right to review the GM-crop free designation in future. Under such circumstances, however, it would remain the position of the AHWR Executive Committee that any changes to the GM ban would need to take into account consumer perceptions and their potential impact on market access and value.

Summary

We thank the Adelaide Hills Council for the opportunity to comment on this important issue and have also encouraged our members to make direct comment through the Council's consultation process.

Based on the considerable risk posed by the lifting of the GM ban to the trade and marketing of our grapes, wines and cellar doors, we reiterate the position of the AHWR Executive Committee that the ban on GM crops should remain in place in the Adelaide Hills Council.

Yours sincerely,



Hamish Laurie
President, AHWR

20 August 2020

James Szabo

From: Sarah Carlson [REDACTED]
Sent: Tuesday, 15 September 2020 2:32 PM
To: James Szabo; Melissa Bright
Subject: GMO ban maintenance - AHWR position

Hi, James and Melissa. Thank you for providing AHWR the opportunity to comment further on this issue. As we stated in our submission to both Adelaide Hills and Mt Barker Councils, on behalf of our members, we object strongly to the lifting of the GM ban.

AHWR objects to the lifting of the ban on the basis that it poses a significant risk to both the reputation of our region and access to export markets. To be clear, there is currently zero tolerance for GM products in wine production. As identified in the MVGWTA submission to the City of Onkaparinga: 'Enabling GM crops will unnecessarily place South Australia... in a disadvantageous position in key... export markets with GM Free producing countries and Australian states.'

Put in dollar terms, the export market for Adelaide Hills wines was valued at \$17million in 2020. In the MVGWTA submission, a number of testimonials were put forth from a range of global importers who identified the introduction of GM crops into South Australia as a genuine risk to market access. These testimonials came from China, the UK, Sweden, Hong Kong, Singapore, Korea, Belgium, Russia and Finland, and were merely a snapshot of the export market for wines from McLaren Vale and from the Adelaide Hills. If these markets alone were to be disrupted, that would put nearly \$10million (nearly 60%) of Adelaide Hills exports into jeopardy. China and the UK are the top two export markets for Adelaide Hills' wines. Further key markets - notably the US and Canada - have also shown considerable market resistance to GM products.

In discussing this issue with one of the larger wine producers in the Adelaide Hills, the following was noted:

'It has been observed that import acceptance [of a particular agrochemical] has evolved from "no import of product with residue of chemical X in product" to "no import of product due to the registration of chemical X in that producing region" – the same mentality could be applied to GMO-approved producing regions.

'[Our] global position is no allowance for GMO in any of our products (Wine/Spirits etc.) because there is no global market acceptance and therefore the market risk is too high.'

In essence, AHWR's objections align entirely with those put forth by MVGWTA. While we may not have the same high percentage of certified organic or biodynamic producers in our region, the lifting of the ban threatens all producers in wine export markets. There is no advantage to lifting the ban for the wine producers of the Adelaide Hills, only risk and the potential for serious and costly market disruption.

Let me know if you would like to discuss this with me further.

Kind regards,

Sarah

Sarah Carlson
Grower Engagement Officer
Adelaide Hills Wine Region

P: 1300 305 577



Adelaide Hills Wine Region

adelaidehillswine.com.au





August 2020

Local Council
South Australia

Dear Local Councillor,

RE: Letter of support for keeping your region GMO crop free.

The global organic industry has excluded and prohibited GMOs and their derivatives, since their creation late last century. Organic farmers, consumers and industry members are committed to upholding the Precautionary Principle when considering all new technologies – and GMOs accordingly are excluded from organic production, and will continue to be so.

We often hear through our global network of organic industry stakeholders, that the clean green image of Australia, coupled with the best farming practices and stringent traceability assurances that organic certification provides, puts Australian organic produce in the highest regard in the eyes of consumers around the globe.

Australia is truly fortunate to hold this privilege, and we have no doubt our economy and the standard of living for Australian citizens benefits greatly. The reputational synergy that occurs when Australian organic producers deliver high quality certified organic products to markets which also value our clean green image cannot be overstated.

We have heard anecdotally many times how South Australia's moratorium on GMOs boosted the reputation and marketability of produce sourced from the State, and boosted demand for premium South Australian organic products in valuable export markets.

We were dismayed to hear of the lifting of the State wide moratorium, however now see significant opportunity for Councils to put in place regional moratoria, and we wholeheartedly support this initiative of residents and businesspeople of your region petitioning your Council to enact such a moratorium.

We implore you and your Council to declare your region GMO crop free, to create a beneficial point of difference for your region, in the great state of South Australia.

Yours sincerely,

Niki Ford
Chief Executive Officer





**Apple and Pear Growers
Association of SA. Inc.**

Submission on the Genetically Modified (GM) Crops Legislation Change

August 2020

Submission to: Adelaide Hills Council

Organisation: Apple & Pear Growers Association of South Australia

Contact: Susie Green, CEO

Ph: 0417 451 999

Email: sgreen@apgasa.com

Apple & Pear Industry Feedback on the GM Crops Legislation Change within the Adelaide Hills Council Region

The Apple & Pear Growers Association of SA recognise and acknowledge that there are differing views on GM crops between growers within the industry. Despite these differences the majority of growers are not supportive of the Adelaide Hills Council applying to retain GM Free status.

Most growers want the right to be able to access GM technologies if they become available to them in the future and want to avoid being disadvantaged against other production regions. Further to this, there is no available evidence currently available that would support a marketing advantage for the region to remain GM free.

Background

The Apple and Pear industry in South Australia produces 10% of Australia's apple crop and 5% of Australia's pear crop at a farmgate value of ~\$40 million. Approximately 85% of the state's apple production and 93% of the state's pear production is from within the Adelaide Hills and it is one of the important agricultural industries within the Adelaide Hills Council region.

Apple & Pear Growers Association of SA members represent ~90% of the state's total value of apple and pear production.

Currently very few fruit varieties are available globally that have been genetically modified. The Arctic apple is engineered to resist browning after being cut and is currently only available in North America - in Golden Delicious, Fuji and Gala varieties. The genetically modified Rainbow papaya was introduced in 1992 and is credited with saving Hawaii's \$11m papaya industry due to it being able to defend itself from papaya ring spot disease. Sweeter strawberries are being worked on by US scientists, researchers in the UK are working on bananas resistant to fusarium wilt and Brazilian scientists are hoping to create spicy tomatoes using Crispr gene editing techniques.

A number of commentators say that more GM fruit varieties are likely to be developed in the future.

Due to the small amount of GM modified crops currently available globally in the fresh fruit sector globally, there is also very little data currently available to show differences between market acceptance and pricing of non-GM versus GM fruit crops. The independent review of the South Australian GM Food Crop Moratorium undertaken by Kym Anderson of the University of Adelaide in February 2019 was largely focused on commodity crops of cotton, canola and grains, where GM technology is more widely adopted and for which there was more readily available data.

As industry cannot look to strong data and evidence on market positioning with regard to GM fruit crops, the Apple & Pear Growers Association of SA instead surveyed growers on their opinions regarding GM technology to inform Council consultation on GM food crops. Approximately half of members responded to the survey, providing a broad perspective of the topic across the industry. 93.7% of survey respondents have apple or pear orchards within the Adelaide Hills Council region.

Further detail on industry views and survey responses is provided below.

Support for State Legislation

The majority of survey respondents (81%) indicated that they are supportive of the State Legislation to allow GM crops to be grown in South Australia. The remainder were not supportive of the legislation.

Choice to Plant GM fruit crops

Respondents had mixed views on whether they would plant GM fruit crops if they became available in Australia.

- 62.5% of growers said they would plant GM fruit crops if they became available.
- 25% of growers were uncertain if they would plant GM fruit crops and that it would depend on the traits that the GM crop would have and the value that would bring.
- 12.5% of growers said they would not plant GM fruit crops if they became available.

Of the growers that responded that they would not plant GM crops, one indicated it was because they were at the stage in their business where they were not looking at planting any new varieties due to the time it takes to come into production.

25% of growers indicated that reduction of chemical usage through GM technologies would be viewed as a positive.

Views on Marketing Advantage of GM Free

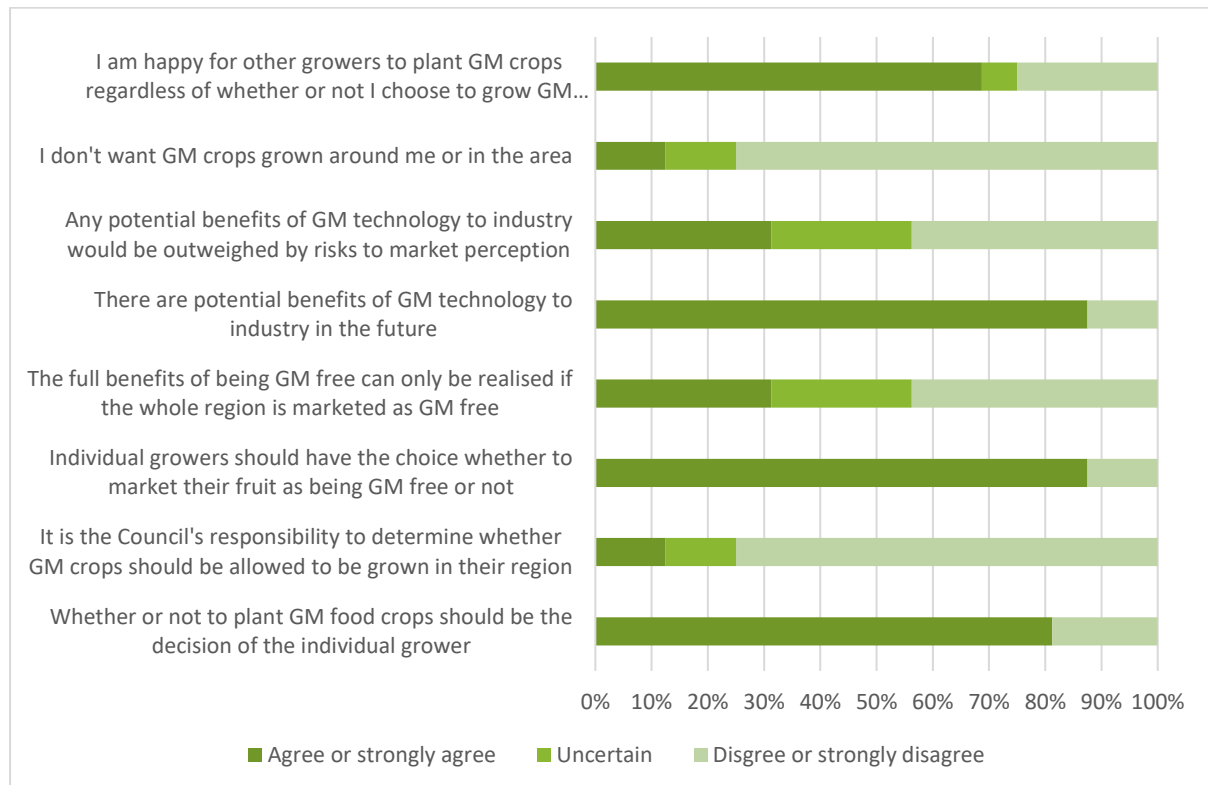
There were very mixed views on any potential marketing advantages of remaining GM free, with no strong trends towards one viewpoint. 44% of growers were uncertain of any marketing advantages, 31% thought there would be no marketing advantage to remaining GM free while 25% thought there would be a marketing advantage to remaining GM free.

Some comments were that “the buying public seem to buy on price” and “GM technology should be used to make fruit better and more grower friendly, hence better returns to the grower”. Another viewpoint expressed was that “some people are fearful of GM.”

Sentiments on Council and individual grower choice

The majority of growers (87.5% of respondents) are not supportive of Council applying to be recognised as an area where no GM food crops can be grown. The remainder (12.5% of respondents) are supportive of Council applying to remain GM free.

Growers were asked whether or not they agree with a number of statements relating to individual versus regional GM choices.



The majority of growers feel that whether or not to plant GM crops should be the decision of the individual grower as opposed to a regional approach.

The majority of growers also feel that there are likely to be benefits of GM technology available to them in the future. However, there are mixed views on whether any future benefits from adoption of GM technology will be outweighed by risks to market perception.

The majority of growers indicated that individual growers should have the choice whether to market their fruit as being GM free or not. However, growers are less certain on whether possible benefits of being GM free could only be realised if the whole region is marketed as being GM free, with mixed views on this.

While some growers indicated that they would not want GM crops to be grown around them in the area, a majority of growers indicated that they would be happy for other growers to plant GM crops regardless of whether or not they chose to grow GM crops themselves in the future.

Additional Comments

Some additional comments received from growers include the following:

“Council should not have the power to dictate to growers what they may plant, GM or not, as long as it does not break state or federal law.”

“Using GM FREE as a marketing tool is just a gimmick. We have GM free products available now with no price advantage. Councils should not have the power to disadvantage growers in their region by denying them to grow what is viable for their business.”

“Any contamination risk varies with each crop. For example, canola varieties may be promiscuous enabling spread. Fruit is not. There is zero risk of contamination with our fruit crops unless they are promiscuous too.”

“Contamination from GM crops can easily be transferred from one property to another causing conflict between neighbours and marketing opportunities. We believe the future is in growing the most natural, cleanest crop. Our rights should not be held by multi-national corporations concerned with profit margins rather than natural quality.”

“The whole GM debate needs to be handled carefully and with the general public needs to be educated about the actual risks and benefits to avoid uneducated, emotional reactions.”

Summary

The Apple & Pear Growers Association of South Australia does not support council applying to the Minister for the Adelaide Hills Council area to be designated as a non-GM crop area.



Cherry Growers Association of South Australia

Submission into GM Crops

August 2020

Contact: Susie Green, Executive Officer | M: 0417 451 999 | E:admin@cherriessa.com.au

Summary

There are differing views on GM crops between growers within the South Australian cherry industry and this is recognized and acknowledged by Cherry Growers Association of SA.

The majority of growers are not supportive of the Council apply to retain GM free status, however there is not an overwhelming consensus for this position and Cherry Growers Association of SA therefore is not advocating for one position over another.

It should be noted that there are very few horticultural GM crops currently available around the world. Therefore, at the moment there is very little available evidence to either demonstrate a marketing advantage for fresh produce grown in the region to remain GM free, or otherwise.

Some of the sentiments expressed by growers include the following:

- Future GM technologies could bring in desirable traits to fruit crops such as pest and disease resistance or resistance to rain cracking. Many growers feel that they would not want to be competitively disadvantaged to other production regions if they aren't able access those new GM varieties.
- The impact of any marketing advantage of being GM free in international markets was potentially reduced when South Australia made the change to lift the moratorium on GM crops. International markets are unlikely to recognise one Council region being GM free, particularly one that is surrounded by other regions that aren't. Kangaroo Island has the distinction of being an island with a strong brand reputation. This isn't the case with other Council regions in SA.
- Each individual grower has the opportunity to market themselves as being GM free, even if other growers choose to adopt GM crops in the future.
- This is a one-off opportunity to retain a point of difference in remaining GM free. If we make the call to remain GM free now, this decision can be reversed in the future if new technologies come

along. However, if we don't remain GM free now, there will be no opportunity to do so in the future.

- Some growers feel that we should maintain our GM free position as it may provide a marketing advantage into some important international markets in the future. Markets such as Japan pay a premium for GM free soy. Europe is a potentially sensitive market to GM technology crops.
- GM technology is not accepted by the organics industry and a number of cherry growers are organic. There are some risks to contamination from GM crops to non-GM crops through cross-pollination, which would need to be managed.

It should also be noted that some growers have properties across multiple Council regions. These growers would face additional challenges in the future if GM technology became available to them and they had some land that was in a GM free area and other land that wasn't in a GM free area. Cherry Growers Association of SA therefore asks that Council takes into consideration the position of other Councils in their region in reaching their final decision.

Grain Producers SA Ltd

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PO Box 7069 Hutt Street Adelaide SA 5000
P: 1300 734 884 F: 1300 734 680

ABN: 43 154 897 533

grainproducerssa.com.au

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

By email: mail@ahc.sa.gov.au

31 July 2020

Dear Mr Aitken

RE: Consultation on application for designation under the *Genetically Modified Crops Management Act 2004*

As the peak industry body for South Australia's 4,500 grain producing businesses, GPSA welcomes consultation on the *Genetically Modified Crops Management Act 2004* by the Adelaide Hills Council in advance of any application for designation as a GM cultivation-free area. We note that, while the Council has elected to undertake consultation on this matter, the Council is not obliged to make an application for designation pursuant to the Act.

To assist the Adelaide Hills Council, **GPSA has prepared a submission in relation to genetically modified crops and the trade and marketing effects of any designation.** The evidence produced through two separate economic assessments and nearly two decades of successful coexistence between GM, non-GM, and organic crops interstate demonstrates that there are no trade and marketing benefits as a result of SA's GM-free status, and that the removal of restrictions relating to GM crops will not have any adverse trade or marketing impacts in your local government area.

GPSA would be happy to answer any further questions that the Adelaide Hills Council might have in relation to this issue.

Yours sincerely,



Caroline Rhodes
Chief Executive Officer
Grain Producers SA

Submission to the Adelaide Hills Council in relation to the *Genetically Modified Crops Management Act 2004*.

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1.0 EXECUTIVE SUMMARY

- Local governments have a time limited opportunity to apply for designation as a GM cultivation-free area under changes to the Genetically Modified Crops Management Act.
- A designation under the Act will only affect cultivation of GM crops.
- Current GM crop varieties confer a variety of benefits, including weed control, farming system, and environmental benefits. New varieties are being developed that respond to other challenges facing the sector.
- Under the nationally consistent framework, designations as GM-free areas may only be made where there is a trade or marketing benefit/ reason.
- The cultivation of genetically modified crops has been restricted in South Australia since 2004, at a direct cost of over \$33 million to canola production in SA.
- Two separate independent economic assessments have found that the majority of farmers in South Australia do not receive a premium as a result of the moratorium, with a qualified exception for Kangaroo Island.
- Australia's robust supply chain guarantees industry coexistence between GM, non-GM, and organic farming systems as demonstrated interstate.

2.0 INTRODUCTION

South Australia is the last mainland state to remove its ban on the commercial cultivation of genetically modified ('GM') crops. Recent changes to the *Genetically Modified Crops Management Act 2004* ('the Act') have provided local governments with a time-limited opportunity to apply for designation as a GM cultivation-free area. Pursuant to the Act, an application may only be made after consultation with specified groups has occurred.

All applications are assessed by the expert GM Crop Advisory Committee, with the final decision on all applications made by the Minister for Primary Industries and Regions, the Hon. Tim Whetstone MP.

Independent economic analysis demonstrates that the GM moratorium does not provide trade and marketing benefits to the majority of agricultural producers in South Australia. The only effect of SA's GM-free status is to remove the option of utilising innovative tools, licenced by the Commonwealth's scientific regulator, the Gene Technology Regulator (GTR), as safe.

As a result, GPSA strongly believes that the Adelaide Hills Council has no sound trade and marketing basis on which to apply to be designated as a GM cultivation-free zone. We note that opponents of GM technology have not been able to demonstrate substantive benefits of SA's GM-free status beyond mere platitudes.

By declining to make an application the Adelaide Hills Council will contribute to regulatory certainty across the state, and will provide growers with the choice to grow the cereal, legume and oilseed varieties that best fit their farming system.

Australian grain producers have a long history of innovation and adopting new technology to improve productivity. We need to ensure that South Australian growers have access to all the tools on offer for best practice crop production.

Restrictions on GM crops constrains business growth and the overall. This has ramifications for the South Australian economy more broadly.

GPSA strongly opposes any application for designation as a GM cultivation-free area to support:

- Increased competitiveness nationally and globally.
- Increased profitability for individual grain growing enterprises, which contributes to higher employment and jobs growth.
- Increased research in cropping varieties and other agricultural technologies in South Australia, including attracting or retaining research dollars, scientists, and post-graduate students.

GPSA's position is not about picking winning production systems, but rather enabling all producers to have the freedom to grow the crops that best suit their business.

3.0 AN INTRODUCTION TO GENETICALLY MODIFIED CROPS

GM crops have been prohibited in South Australia since the introduction of the Act in 2004. As noted in the Act's second reading speech, the moratorium was first introduced to protect existing and future markets for farm produce until supply systems are developed to provide the necessary segregation and identity preservation of crops as a precautionary measure.¹

Since first imposing moratoria, other Australian states have progressively either removed their moratoriums or provided wholesale exemptions from the operation of the applicable acts. This is largely due to confidence in industry supply systems and the availability of suitable GM varieties. GM canola is widely grown across Australia, while Australia's cotton industry now almost exclusively cultivates GM varieties.

South Australia will be the last mainland state to remove its ban on the commercial cultivation of GM crops when changes take effect in November 2020.

GM canola and super-high oleic safflower are currently the only two GM crops that are relevant to South Australian conditions. Current GM canola varieties include herbicide tolerance, omega-3 oil content, and hybrid breeding system benefits, providing a variety of agricultural and environmental benefits, including:

- Increased weed control options,
- A range of farming system benefits through reduced tillage and less fuel usage, sow on time, better farm management and increased crop rotation options,
- Environmental benefits through the sustainable usage of crop protection products,
- A more sustainable canola industry through potentially higher yields, higher oil retention, and more consistent production.

GM technology also extends beyond herbicide (glyphosate) resistance traits. New varieties of GM canola with high omega3 oil content (genes derived from microplankton)^{2,3} and super-high oleic

¹ South Australia. Legislative Council (2004) *Parliamentary Debates*. 24 February, 1064. The Hon. P. Holloway MLC, Minister for Agriculture, Food and Fisheries.

https://history.pir.sa.gov.au/_data/assets/pdf_file/0006/161916/Scan_Genetically_modified_Crops_Bill_2004.pdf

² Petrie, J.R. et al. (2010). Metabolic engineering of omega-3 long-chain polyunsaturated fatty acids in plants using an acyl-CoA Delta6-desaturase with omega3-preference from the marine microalga *Micromonas pusilla*. *Metab. Eng* 12: 233-240

³ OGTR (2018a). Licence for dealings involving an intentional release of a GMO into the environment. DIR155: Commercial release of canola genetically modified for omega-3 oil content (DHA canola NS B5ØØ27 4). Issued: 13 February 2018. Retrieved October 2018 from: <http://www.ogtr.gov.au/internet/ogtr/publishing.nsf/Content/DIR155>

safflower^{4,5} have recently been approved for commercial cultivation. These varieties promise to sustainably produce special products and decrease reliance on fish stocks (omega3) and fossil fuels (industrial oils).

GM technology is being applied interstate to overcome climate change induced production constraints, including drought and frost tolerance. The University of Adelaide is currently conducting research into experimental GM wheat and barley crops that offer benefits like drought and frost tolerant wheat and barley.⁶ Trials are also underway in other parts of Australia into drought tolerant chickpeas, disease resistant wheat, and grains with improved health benefits for consumers.⁷ However, these advancements will only be beneficial if our grains sector has the freedom of choice to adopt this technology and incorporate it into South Australian farming systems.

South Australia's broader ability to remain competitive domestically and internationally will be jeopardised for as long as the choice to access GM varieties is denied. A 2016 report demonstrated that over the first 20 years of commercial GM crop cultivation in Australia (1996-2015), Australian cotton and canola farmers gained \$1.37 billion in extra income and produced an additional 226,000 tonnes of canola that would otherwise have not been produced if non-GM technology alone had been used.⁸ Importantly, **South Australian farmers did not benefit from this opportunity.** Similarly, Brookes and Barfoot (2017) estimate the average net increase in gross margins for GM canola in Australia in 2015 was US\$38/ha (eq. to AU\$48.50/ha based on a US exchange rate of 0.78).⁹ Again, a benefit denied to South Australian farmers.

An international meta-analysis suggests that **GM crops have contributed significant benefits**, including a reduction in pesticide use by 37%, an increase in crop yield by 22%, and importantly an increase to farmer profits of more than 68% with the latter having positive flow on effects to local economies and communities.¹⁰

The most recent analysis by Biden et al. (2018) found that the environmental opportunity costs from delaying the adoption of GM canola in Australia include an additional 6.5 million kilograms of active ingredients applied to canola-growing land; a 14.3% increase in the environmental impact to farmers, consumers and the ecology; an additional 8.7 million litres of diesel fuel burned; and an additional 24.2 million kilograms of greenhouse gas (GHG) and compound emissions released. The economic opportunity costs of the moratoria resulted in foregone output of 1.1 million metric tonnes of canola and a net economic loss to canola farmers of AU\$485.6 million.¹¹

⁴ Wood CC, Okada S, Taylor MC, Menon A, Mathew A, Cullerne D, Stephen SJ, Allen RS, Zhou XR, Liu Q., Oakeshott JG, Singh SP, Green AG. (2018). Seed-specific RNAi in safflower generates a super high oleic oil with extended oxidative stability. *Plant Biotechnology Journal* <https://doi.org/10.1111/pbi.12915>

⁵ OGTR (2018b). Licence for dealings involving an intentional release of a GMO into the environment. DIR158: Commercial release of safflower genetically modified for high oleic acid composition. Issued: 27 June 2018. Retrieved October 2018 from: <http://www.ogtr.gov.au/internet/ogtr/publishing.nsf/Content/DIR158>

⁶ OGTR (2020). Table of applications and authorisations for Dealings involving Intentional Release (DIR) into the environment. Retrieved June 2020 from: <http://www.ogtr.gov.au/internet/ogtr/publishing.nsf/Content/ir-1>

⁷ Ibid.

⁸ Brookes G (2016) 'Adoption and impact of Genetically Modified Crops in Australia: 20 Years' Experience'. Report prepared for CropLife Australia Ltd, Canberra, May 2016.

⁹ Brookes G and Barfoot P (2017) 'GM crops: Global Socio-economic and Environmental Impacts 1996-2015'. PG Economics Ltd, Dorchester, UK. June 2017.

¹⁰ Klumper, W and Qaim M (2014). A meta-analysis of the impacts of genetically modified crops. *PLoS one*, 9(11), p.e111629

¹¹ Biden S, Smyth SJ and Hudson D (2018) 'The economic and environmental cost of delayed GM crop adoption: The case of Australia's GM canola moratorium,' *GM Crops & Food*, 9:1, 13-20.

4.0 REGULATORY FRAMEWORK

Australia maintains one of the most respected regulatory systems for the evaluation and assessment of GM products. Australia has a nationally consistent regulatory framework under the Intergovernmental [Gene Technology Agreement](#) (IGA) and the [Gene Technology \(Recognition of Designated Areas\) Principle 2003](#).

Under this framework, the Commonwealth is largely responsible for regulating GM varieties, including determining whether they meet applicable health and environmental requirements.

States may only regulate GM varieties for trade and marketing purposes.¹² Historically, this has been enacted through the establishment of blanket moratoriums in order to gain a marketing advantage as a result of a state's GM-free status.

Under the **nationally consistent regulatory framework**, those seeking to gain a marketing advantage through the use of a GM-free status are responsible for the verification and integrity of that status.

A GM food crop variety cannot be commercially cultivated in Australia until approval is given by the GTR.¹³ This is to ensure that GM varieties are as safe as their non-GM equivalents, with respect to both human health and the environment. Trials of GM varieties are also regulated by the GTR in the same scientific manner.

GM foods and ingredients for use in the food supply in Australia and New Zealand must be approved by Food Standards Australia New Zealand.¹⁴ All GM foods and ingredients (including food additives and processing aids) that contain novel DNA or novel protein must be labelled with the words 'genetically modified'.¹⁵

Recent changes to South Australia's Act have provided local governments with a time-limited opportunity to apply for designation as a GM cultivation-free area.¹⁶ Pursuant to the Act, an application may only be made after consultation with specified groups has occurred, including the agricultural sector.

All applications are assessed by the expert GM Crop Advisory Committee, with the final decision on all applications made by the Minister for Primary Industries and Regions, the Hon. Tim Whetstone MP.¹⁷

It is important to note that a designation as a GM cultivation-free area will only restrict the cultivation and handling of GM food crops. **The transportation of GM food crops and end products will not be restricted by a designation pursuant to the Act. In addition, the sale and consumption of GM end products will similarly not be restricted by a designation pursuant to the Act.**

¹² Department of Health. The Gene Technology Agreement. Last updated December 2012. Retrieved June 2020 from: <https://www1.health.gov.au/internet/main/publishing.nsf/Content/gene-tech-agreement>

¹³ OGTR. Genetically Modified Organisms in Australia Fact Sheet. Issued September 2018. Retrieved June 2020 from: [http://www.ogtr.gov.au/internet/ogtr/publishing.nsf/Content/9AA09BB4515EBAA2CA257D6B00155C53/\\$File/01%20-%20Genetically%20modified%20organisms%20in%20Australia.pdf](http://www.ogtr.gov.au/internet/ogtr/publishing.nsf/Content/9AA09BB4515EBAA2CA257D6B00155C53/$File/01%20-%20Genetically%20modified%20organisms%20in%20Australia.pdf)

¹⁴ FSANZ. Genetically modified (GM) food labelling. Issued August 2019. Retrieved July 2020 from: <https://www.foodstandards.gov.au/consumer/gmfood/labelling/Pages/default.aspx>

¹⁵ Ibid.

¹⁶ *Genetically Modified Crops Management Act 2004* (SA) s 5A.

¹⁷ Ibid.

Scientific research of GM food crops (including through field-scale trials) may also occur in areas designated as GM cultivation-free under exemption by the Minister for Primary Industries.

The Act also includes numerous investigation and enforcement provisions which provide integrity to the framework. The Minister may appoint inspectors (who hold certain powers specified in the Act) and order the destruction of GM material where that material is in breach of the Act.¹⁸ In practice, officers from the Department of Primary Industries and Regions SA (PIRSA) hold the inspection and enforcement powers under the Act. **Fines of up to \$200,000 are also prescribed for cultivating a GM food crop in breach of the Act.**

Strong stewardship protocols are already implemented through commercial License and Stewardship agreements between technology providers and producers, as well as in crop management and resistance management plans developed by technology providers. These agreements, inter alia, require that producers:

1. Complete an accreditation course prior to planting;
2. Comply with a technology management plan and resistance management plan;
3. Grant the technology provider and the national regulator power of entry for auditing and monitoring purposes;
4. Allow the technology provider and the national regulator to collect information in relation to a GM product, and provide information sufficient to identify paddocks where a GM product is being cultivated;
5. Inform the technology provider if there are any unintended or adverse consequences from the use of a GM product; and
6. Allow the technology provider to collect samples and inspect equipment for three years after planting a GM product.¹⁹

Breaches of the agreements may lead to producers being denied a future license to grow a GM product and may entitle a technology provider to take out an injunction requiring that the producer destroy the GM product.

Industry and government are jointly responsible for the introduction and maintenance of the 0.9% low-level presence industry threshold level which was set by the Primary Industries Ministerial Council in 2005 and applied nationwide. Industry now determines the threshold tolerances for approved GM canola from non-GM canola in the grain supply chain, using the Ministerial Council decision as the basis for coexistence.

5.0 TRADE AND MARKETING IMPACT OF GENETICALLY MODIFIED CROPS

Two separate economic assessments conducted since 2018 have considered whether producers achieve the often-claimed price premiums as a result of SA's prohibition GM-free status. Those reviews, summarised below, have found that the GM moratorium does not provide trade and marketing benefits to the majority of agricultural producers in South Australia, with a qualified

¹⁸ *Genetically Modified Crops Management Act 2004 (SA)* s 16.

¹⁹ Monsanto Australia (2010) 'GROWER LICENSE AND STEWARDSHIP AGREEMENT FOR TRUFLEX® CANOLA WITH ROUNDUP READY® TECHNOLOGY and ROUNDUP READY® CANOLA (Also referred to as MONSANTO GROWER AGREEMENT)'.

exception for Kangaroo Island. The moratorium's only effect is to remove the option of utilising innovative tools, licenced by the GTR, as safe.

Any local government looking to make an application for designation as a GM cultivation-free area will have to meet the high threshold set by the findings of these two separate independent economic assessments.

5.1 MECARDO REPORT

In 2018, GPSA and the Agricultural Biotechnology Council of Australia (ABCA), engaged Mecardo to undertake an economic study into whether South Australian farmers received price premiums as a result of South Australia's GM-free status.²⁰ This study followed two other studies also undertaken by Mecardo in 2016²¹ and 2017.²²

To date, **the Mecardo report is the most in-depth analysis examining whether premiums and discounts are being achieved by South Australian farmers as a result of South Australia's GM-free status.** The report researched pricing over time in South Australia compared with other Australian states for a range of key commodities such as wheat, barley, canola, wine grapes, wool, cattle, sheep, lamb and pork. These commodities collectively comprise approximately 63% of South Australia's agricultural economy.

This analysis suggests that South Australian producers were trading at a 2-30% discount compared to Western Australia (WA) and/or Victoria (Vic) in all but one commodity: pork. Further, since 2012, non-GM canola at South Australian export ports has consistently traded between 2% and 3% below Geelong (Vic), and Kwinana (WA) ports respectively. In addition, over the past 3 years SA has not exported canola to either France or Germany, who both prohibit commercial GM cultivation. However, over the same period, WA exported approximately 1.2 million tonnes to those countries.

The Mecardo Report concludes that *"The results demonstrate overwhelmingly that **the majority of farmers in South Australia do not receive a premium as a result of the moratorium.** The only agricultural commodity with a premium over a comparable market is pork, albeit a very slim premium, and likely based on supply and demand factors as opposed to the moratorium and subsequent marketing opportunities."*²³

Further, the Report concludes that there is *"...no evidence to suggest that the repeal of the moratorium, and the introduction of GM canola, would lead to any reduction in comparable prices to South Australian farmers."*²⁴

The report also indicates that South Australian grain producers are at a significant disadvantage compared to their major domestic competitors in WA and Vic, continually trading at a discount.

²⁰ Whitelaw A, Dalgleish M and Agar O (2018) 'Analysis of price premiums under the South Australian GM moratorium'. Report independently produced by Mecardo, under commission from Grain Producers South Australia (GPSA) and the Agricultural Biotechnology Council of Australia (ABCA), March 2018.

²¹ Whitelaw A (2016) 'Is the GM ban in South Australia providing a premium?'. Mercado Expert Market Analysis: 25 July 2016.

²² Whitelaw A (2017) 'Controversial canola'. Mercado Expert Analysis: May 25 2017.

²³ Whitelaw A, Dalgleish M and Agar O (2018) 'Analysis of price premiums under the South Australian GM moratorium'. Report independently produced by Mecardo, under commission from Grain Producers South Australia (GPSA) and the Agricultural Biotechnology Council of Australia (ABCA), March 2018, 1.

²⁴ Ibid.

The findings of the Mercardo Report make it clear that there is no benefit to grain producers or producers of other key agricultural commodities in South Australia (and by extension the Adelaide Hills Council area) retaining their GM cultivation-free status.

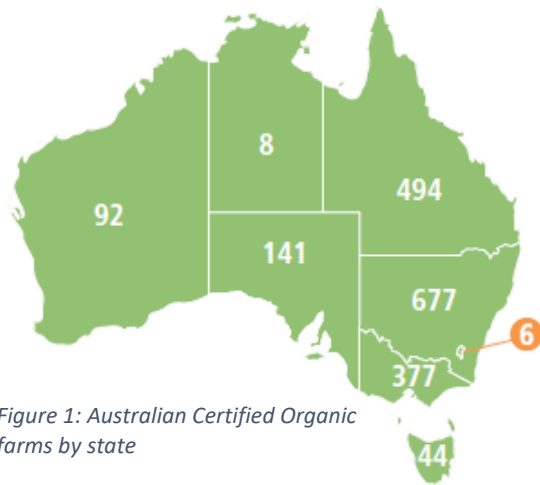


Figure 1: Australian Certified Organic farms by state

At present, **Queensland, New South Wales and Victoria, all have a higher number of organic certifications than South Australia, and all permit the commercial cultivation of GM crops.**²⁵ It is possible to extrapolate on this basis, that the cultivation of GM crops in South Australia could operate effectively alongside the organic food production industry, as is the case in other states (see figure 1).

5.2 ANDERSON REVIEW

In 2019 the SA Government commissioned a high-level independent review of South Australia's moratorium on the cultivation of Genetically Modified (GM) food crops, conducted by Emeritus Professor Kym Anderson.²⁶ **This review found that the moratorium has cost SA's grain industry at least \$33 million since 2004.**²⁷

The \$33 million cumulative cost estimate is relatively conservative and should be considered in the context of the small canola crop in South Australia. The estimate is heavily influenced by the sensitivities highlighted and does not consider any indirect benefits.

GPSA contends that a direct cumulative cost of \$33 million for a state that only produces 8.7% of Australia's canola crop is significant. With no clear pathway to market, crop developers have limited the development of new varieties suited to SA farms. Further, South Australian growers have been denied the benefits of new GM varieties, including canola with high omega3 oil content and super-high oleic safflower. As such, farmers in other states continue to benefit while SA farmers face a lack of competitiveness and the continued reduction in canola production in SA.

The Anderson Review also highlights that indirect on-farm and other costs of SA's GM-free status are not captured in the estimate of economic effects.²⁸ These costs are likely to be significant. As noted above, the proportion of SA canola exports has reduced whilst overall Australian canola exports have tripled. SA is not capturing any of this additional value, in part due to the lack of choice to SA farmers and the reduced level of non-GM canola development suited to South Australian conditions.

GPSA contends that there are unlikely to be additional segregation or testing costs should the Adelaide Hills Council elect not to make an application to be designated as a GM cultivation-free

²⁵ Whitelaw A, Dalgleish M and Agar O (2018) 'Analysis of price premiums under the South Australian GM moratorium'. Report independently produced by Mecardo, under commission from Grain Producers South Australia (GPSA) and the Agricultural Biotechnology Council of Australia (ABCA), March 2018, 11.

²⁶ Anderson K (2019) 'Independent Review of the South Australian GM Food Crop Moratorium'. Report to the SA Minister for Primary Industries and Regional Development, March 2019.

²⁷ Ibid, 34.

²⁸ Ibid, 34-35.

area. SA grain is already extensively tested for quality and for the presence of GM in accordance with Australian Oilseed Federation Oilseed Standards.

In addition to the \$33 million cost, Professor Anderson found that:

- there is no price premium for grain from South Australia despite it being the only mainland state with a GM crop moratorium,
- the moratorium will continue to hurt South Australian producers with (at least) another \$5 million cost if the moratorium continues until 2025,
- **GM crops typically use less, rather than more farm chemicals** when compared to conventional crops,
- GM crops can also deliver reduced weed control costs and increased yields,
- KI growers would be able to preserve their unique non-GM market in the event that the moratorium is removed from mainland SA,
- South Australia's moratorium has **discouraged both public and private research** and development investment in this state,
- removing the moratorium will **attract or retain research dollars**, scientists, and post-graduate students in South Australia, and
- segregation protocols (such as those used interstate) ensures the successful co-existence of GM and non-GM crops.

The Anderson Review also identified that only one foreign firm specifically sought produce from South Australia as a result of its GM-free status, being the unique non-GM market referred to above which is sourced directly through Kangaroo Island canola growers.²⁹

There is no other independently assessed evidence that suggests that any other firm, co-operative, or region derives a premium from a location-based GM-free status.

6.0 INDUSTRY COEXISTENCE

Both the Mecardo Report and the Anderson Review clearly demonstrate that coexistence between GM cropping and other industries will not be affected by changes to SA's GM-free status.

Australia's robust supply chain guarantee SA's ability to export GM-free and/or organic produce, and for South Australian food manufacturers such as San Remo, Maggie Beer, and Paris Creek Farms to successfully market their products as GM-free and/or organic.

Despite (failed) high profile litigation,³⁰ GM and non-GM canola has been successfully and productively grown side-by-side without market issues. There has not been a single market or trade incident in over eight years of commercial GM canola production. 6.5 million tonnes of canola have been delivered domestically, and more than 19 million tonnes of canola internationally to end users (i.e. seed crusher / oil or meal buyer, or food / feed manufacturer) in accordance with their requested GM status.

Separation distances are recommended as part of the technology management plans issued by technology providers. Bayer's Roundup Ready Canola Technologies Crop Management Plan recommends that a minimum 5 metre buffer be established between Roundup Ready technologies

²⁹ Anderson K (2019) 'Independent Review of the South Australian GM Food Crop Moratorium'. Report to the SA Minister for Primary Industries and Regional Development, March 2019, 40.

³⁰ Noting that organic litigants failed in the high profile 'test case' of Marsh v Baxter 2015 WASCA 169.

and all other canola. These distances are based on an “*extensive review of scientific studies, which shows that GM canola may be grown in proximity to non-GM, with little risk that the non-GM canola will exceed the 0.9% adventitious presence industry threshold level.*”³¹

According to Bayer, “*The rate of cross-pollination between two adjacent canola fields is generally low and this declines with distance (leptokurtic response). An Australian study by Rieger et al. (2002) showed that in the great majority of cases, even adjacent canola paddocks in Australia had pollen flow in a range of 0.00 to 0.07%. Whilst in a total of 197 individual samples of paddocks in a range of 0–5 km away from each other, pollen flow from paddock to paddock was always less than 0.25%, with no outcrossing detected at 69% of sites.*”³²

Further, in Australia, different types of wheat, barley and rice are grown in close proximity to, and channelled to different uses (e.g. bread wheat versus noodle wheat; malt barley versus feed barley and short-grain versus long-grain rice) without adverse effects to those markets.

SA’s predominant grain handler and marketer, Viterra, has advised GPSA that:

“Viterra’s position has always been that we can support the choice to grow GM crops by providing handling and quality management expertise and processes to meet the market requirements of handling and segregating both GM and non-GM commodities.

Viterra’s approach to managing GM commodities will be consistent with our commitment to ensuring South Australian grain meets the requirements of end users, both domestically and internationally. Viterra has maintained its ISO 22000 certification for more than 20 years, the highest certification of any grain supply chain in Australia. Viterra’s \$3 million purpose built grain laboratory opened in 2018 helps maintain our international accreditation standards and retain valuable export markets for SA grain.”³³ [emphasis added]

The peak winegrape body, Australian Grape & Wine, have outlined a full industry policy position with respect to the use of GM products:

“It is the Australian wine industry’s position that no genetically modified organisms, as defined under the Australia New Zealand Food Standards Code (Standard 1.5.2: Food Produced Using Gene Technology) be used in the production of wine.

This includes additives or processing aids defined as genetically modified foods according to Standard 1.5.2.

Standard 1.5.2 sets down the criteria for defining a genetically modified food by addressing thresholds for formulation and refining processes to remove novel DNA and novel proteins. Underpinning Australian wine is a culture of innovation and a willingness to improve the way grapes are grown and wine is made.

The industry will therefore continue to explore new developments in all areas of science but will only apply these new practices commercially when there are clear consumer benefits and public acceptance of the practices.”³⁴

³¹ Bayer Australia ‘Roundup Ready Canola Technologies Crop Management Plan’. 2019, 2.

³² Ibid, 1

³³ Letter to Grain Producers SA from Viterra Regional Director Tim Krause, 5 June 2020.

³⁴ Australian Grape & Wine. Policy and Issues - Genetically Modified Organisms. No date. Retrieved June 2020 from: <https://www.agw.org.au/policy-and-issues/biosecurity-environment-and-sustainability/genetically-modified-organisms/>

GPSA notes that this industry policy has no bearing on the use or cultivation of GM products in other industries, including broadacre cropping.

Wine Australia provided the following statement to Mecardo in the Mecardo Report, which highlights the lack of concern for GM crops being cultivated in proximity to vineyards:

*“Winegrapes are not traded as a homogeneous commodity and the \$/tonne price received by grape growers is determined by a wide variety of factors. The location of the vineyard and quality of the grapes are significant determinants of price, while other factors such as distance to the winery and contract arrangements can also have an influence. It is the view of the industry analysts at Wine Australia that **a region or state’s status as ‘GM-free’ would be unlikely to have an effect on grape price and therefore would not be expected to play a role in premiums or discounts to any states.**”³⁵ [emphasis added]*

7.0 GPSA’S POSITION

GPSA has consistently argued that the moratorium offers little in the way of trade and marketing benefits to the majority of agricultural producers in SA and only removes the option of using GM tools which have been independently proven to be safe and effective.

GPSA believes that growers deserve the **freedom to grow the cereal, legume and oilseed varieties that best fit their farming system**. GPSA’s position is not about picking winning production systems, but rather enabling choice for all producers.

We are backing the state’s grain industry to manage the transition out of the moratorium in a sensible manner and look forward to growers finally being able to make their own choices about which crops they want to grow without the hinderance of legislators on North Terrace.

Recent changes to the Act begin an orderly transition towards removing all restrictions on GM crops approved by the GTR in SA and provides certainty for the industry in time for the 2021 season.

Technology providers require confidence and clarity in the regulatory process and as such are awaiting the outcomes of the council process before taking any steps to formalise the commercial introduction of GM products in South Australia.

8.0 CONCLUSION

There is no independently assessed evidence to suggest that the Adelaide Hills Council area and businesses operating within it derive a benefit from SA’s GM-free status, or would derive a benefit from a designation as a GM cultivation-free area under recent changes to the Act.

Independent economic analysis demonstrates that the only effect of a designation as a GM cultivation-free area is to remove the option of utilising innovative tools, licenced by the Commonwealth’s scientific regulator, the Gene Technology Regulator (GTR), as safe.

The available evidence clearly indicates that:

³⁵ Whitelaw A, Dalglish M and Agar O (2018) ‘Analysis of price premiums under the South Australian GM moratorium’. Report independently produced by Mecardo, under commission from Grain Producers South Australia (GPSA) and the Agricultural Biotechnology Council of Australia (ABCA), March 2018, 28.

1. There are no trade or marketing benefits to the Adelaide Hills Council holding a GM cultivation-free status,
2. There are significant costs imposed as a result of a GM-free status, and
3. Australia's robust supply chain guarantees industry coexistence.

GPSA therefore encourages the Adelaide Hills Council to enable freedom of choice for producers in its local government area by electing not to apply for designation as a GM cultivation-free area.

ENDS.

Appendix 3

Draft Application Package to the Minister



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OC20/xx

25 September 2020

The Honourable David Basham
Minister Primary Industries and Regional Development
GPO Box 1671
ADELAIDE SA 5001

Minister.Basham@sa.gov.au

Dear Minister Basham

ADELAIDE HILLS COUNCIL APPLICATION TO BE DESIGNATED AS A NO GENETICALLY MODIFIED FOOD CROP AREA

Congratulations on your recent appointment as Minister for Primary Industries and Regional Development.

I write to you to formally apply for the Adelaide Hills Council area to be designated as a no GM food crop area on the basis that this would mitigate the risk of our region losing **at least \$10 million per annum in export value**, should GM crops be grown in our renowned Adelaide Hills area.

As directed by the legislation, we have undertaken a broad and comprehensive community engagement process (refer to the enclosure for further details) to understand our business' and residents' views on the potential impact of GM food crops, in relation to trade and marketing matters. This included:

- A survey which was open from 29/07 – 26/08 (4 weeks), targeting primary producers, organisations representing primary producers, food processors and manufacturers, and retail businesses selling products made from crops/perishables, along with the general community.
- Further submissions (received up until the date of this letter), including evidence validating the potential economic impact of the introduction of GM crops in our Council area.

The engagement attracted 267 submissions, with a majority (76%) of respondents supporting our Council making an application to you for exemption.

The key theme relevant to trade and marketing impacts from those in support of the Adelaide Hills Council area being designated a no GM food crop area, including associations and primary producers, is the impact to the reputation and value of their products. There is therefore a potential detrimental impact on trade and marketing of produce by allowing GM crops to be grown given the

region's reputation as a source of high-value, premium product from a 'clean' and 'green' environment. Of particular concern is the impact on our burgeoning grape growing and wine making industries as evidenced in the attached submission.

For other primary producers in our region (notably, apples, pears and cherries) there is currently no suitable GM varieties available for these food crops and therefore no immediate or foreseeable benefit in allowing GM crops to be grown in our district. It is also therefore not possible to attribute any potential losses from being designated a no GM food crop area on these producers.

It is noted that there is a mechanism available under Section 5 of the Genetically Modified Crops Management Act 2004 to revoke a no GM food crop designation, if a council applies to your office requesting that such a designation be rescinded. This therefore provides our primary producers with flexibility to request Council to review the no GM area designation, and thereby gain quick access to new GM crop varieties if and when these become available in the future.

It is further noted that none of the three currently licensed GM Crops in Australia, namely cotton, canola or safflower are grown in our Council area. Further, there are no GM food crop varieties of the main crops grown in the district (i.e. apples, pears, cherries, strawberries and grapes) currently available that would benefit producers within the Council area. With this in mind, there currently appears little to be gained and more to lose for our primary producers, food manufacturers and the community in not applying for designation of our district as a no GM food crop area.

Your government's approach to lifting the state-wide moratorium provides flexibility for different regions of the state that may require different approaches to be recognised. Those areas that can produce a net economic benefit from the GM technology should. However, we argue that our region currently has nothing to gain from allowing GM food crops to be grown in our district and would in fact likely suffer a net economic detriment. To this end, we support your government's view that one size does not fit all, as you have already demonstrated by allowing Kangaroo Island to be a GM free area.

It is noted that some of our neighbouring and surrounding Councils, including the Mount Barker District Council, The Barossa Council and The City of Onkaparinga, have all resolved to apply to your office for non GM designation. As such there appears to be an opportunity for a potential regional designation that would strengthen the marketing advantage of the Adelaide Hills, Barossa and Fleurieu regions as a premium food and beverage destination and ensure that there is no economic detriment to the region as a result of the GM moratorium being lifted. Therefore, we would encourage you to favourably consider designating the renowned Adelaide Hills, Barossa and Fleurieu regions as a no GM food crop areas in order to achieve the aforementioned trade and marketing advantages.

Please feel free to contact me should you have any queries in relation to our Council's application for non GM food area designation.

Yours sincerely

Andrew Aitken
Chief Executive Officer

Encl.

Application to designate the Adelaide Hills Council a No GM Food Crop Area

The Adelaide Hills Council is uniquely positioned as a local government area which, if designated a no GM food crop area, could continue to produce and export high quality, niche products which contribute substantial economic value to the region.

The Adelaide Hills Council recognises access to GM Technology is supported by segments of the horticultural and broad acre cropping industries, both within the Adelaide Hills with respect to horticulture and many parts of the State with respect to broad acre cropping. However, we note that no GM varieties are currently licensed for commercial cultivation nor under evaluation by the Office of the Gene Technology Regulator that would benefit our horticulture producers¹ and with respect to broad acre cropping this contributes a negligible amount to the total value of agricultural output in the Adelaide Hills Council. Most notably, no canola is grown in the Council Area.²

However, our Council area is largely home to the Adelaide Hills wine region, with a burgeoning international reputation. From the evidence provided by the Adelaide Hills Wine Region association, wineries that contribute to this high value brand stand to incur a significant financial loss due to the introduction of GM crops in our state, unless we can protect its market reputation by being designated a no GM food crop area.

We believe designating the Adelaide Hills Council as a no GM food crop area is an opportunity for the State Government to make good use of the mechanisms afforded by the *Genetically Modified Crops Management Act 2004*, whereby different regions may require different approaches, due to the diversity in our primary production and food manufacturing, and the markets which import these goods. Indeed in our response to the previous Minister following the announcement that the GM Moratorium would be lifted on mainland South Australia, we advocated for such an approach.

Not only did our community engagement demonstrate a preference from the majority of our businesses and residents for the Council to make this application, the majority of primary producers, food processors and manufacturers surveyed cited trade and marketing reasons for their position. See *Appendix 1* for full details of the engagement.

The key industry which risks economic loss from the moratorium being lifted is wine grape growers and producers within the Geographical Indication (GI)³ of the Adelaide Hills, the boundaries of which encompass a large portion of the Council area. The majority of members surveyed by Adelaide Hills Wine Region (AHWR) were in support of making an application to be designated a no GM food crop area.

AHWR provided evidence that some export markets for Adelaide Hills wines would be put at risk if GM crops were grown in our Council. Based on a zero tolerance for GM products in wine production in key export markets, AHWR estimates that there is a potential loss of \$10 million per annum or nearly 60% of current annual export value.⁴

As such, the reasons why we believe GM crop free designation is appropriate for our Council region is based on the following:

¹ <http://www.ogtr.gov.au/internet/ogtr/publishing.nsf/Content/ir-1>

² <http://economy.id.com.au/rda-ahfki/value-of-agriculture?WebID=100>

³ Geographical Indication "Adelaide Hills" was entered in the Register of Protected Names on 9 February 1998

⁴ Based on information supplied by AHWR in support of their submission

1. The current agricultural landscape of AHC
2. Evidence of risk to established export markets for Adelaide Hills GI vineyards

The Current Agricultural Landscape of AHC

The Adelaide Hills Council area has a rich and diverse agricultural history and continues to be a key producer for state, national and global markets, with 33% of our 79,498 hectares used for primary production purposes⁵.

The diversity of our agricultural landscape is represented by the varied commodities contributing to the total value of agricultural output in the Adelaide Hills, with apples (40.1%); cherries (12.5%); and strawberries (12.3%) accounting for a large share of horticulture output. This is followed by wine grapes (8.2%) and livestock (7.9%)⁶.

In the case of wine it's not just growing the grapes. In 2018-19, beverage manufacturing contributed the second most (behind agriculture) to the Council's total exports (\$143.9M; 20.9%)⁷. This accounts for 4% of the state's total exports of beverage products.

Wine grape crops from our region have an approximate value of \$11.9 million per year. The broadacre cropping (cereal crops) has an estimated value of just \$5,224 per year. In contrast, the horticulture industry has an estimated value of \$103 million per year.

We believe the relative value of the wine industry compared to the negligible value of broadacre cropping in our region is sound evidence that the trade and marketing implications of GM crops should be firmly focused on the wine industry. This view is also held on the basis that no available GM varieties are currently licensed for commercial cultivation that would benefit the horticultural industry in the Adelaide Hills at this time.

It is important to note that the GI for Adelaide Hills encompasses the Adelaide Hills Council in its entirety, but also encompasses portions of Mount Barker District Council, Onkaparinga City Council, the Barossa Council and Alexandrina Council.

Evidence of risk to established export markets for Adelaide Hills GI vineyards

Allowing GM crops essentially affords zero financial benefit to our region based on our current agricultural profile, yet it introduces a substantial risk to our existing and successful wine industry.

The majority of members surveyed by the AHWR were in support of our Council making an application to be designated a no GM food crop area⁸. It is noted that AHWR's objections align with those put forward by the McLaren Vale Grape Wine and Tourism Association (MVGWTA) and while Adelaide Hills may not have the same high percentage of certified organic or biodynamic producers in the region, the lifting of the ban threatens all producers in wine export markets. AHWR concluded that there is no advantage to lifting the ban for the wine producers of the Adelaide Hills, only risk and the potential for serious and costly market disruption. Put in dollar terms, the AHWR stated:

⁵ Agricultural Commodities, State and SA4 Region – South Australia-2018-19

⁶ <http://economy.id.com.au/rda-ahfki/value-of-agriculture?WebID=100>

⁷ <http://economy.id.com.au/rda-ahfki/exports-by-industry?WebID=100>

⁸ Adelaide Hills Wine Region Submission

'...the export market for Adelaide Hills wines was valued at \$17 million in 2020. In the MVGWTA submission, a number of testimonials were put forth from a range of global importers who identified the introduction of GM crops into South Australia as a genuine risk to market access. These testimonials came from China, the UK, Sweden, Hong Kong, Singapore, Korea, Belgium, Russia and Finland, and were merely a snapshot of the export market for wines from McLaren Vale and from the Adelaide Hills. If these markets alone were to be disrupted, **that would put nearly \$10 million (nearly 60%) of Adelaide Hill's exports into jeopardy.** China and the UK are the top two export markets for Adelaide Hills' wines. Further key markets, notably the US and Canada, have also shown, considerable market resistance to GM products'.

One larger Adelaide Hills wine producer provided the following:

'It has been observed that import acceptance [of a particular agrochemical] has evolved from "no import of product with residue of chemical X in product" to "no import of product due to the registration of chemical X in that producing region" – the same mentality could be applied to GMO-approved producing regions.

'[Our] global position is no allowance for GMO in any of our products (Wine/Sprits etc.) because there is no global market acceptance and therefore the market risk is too high'⁹.

Given this potential risk, and the factors outlined above, the Adelaide Hills Council currently stands to lose more economically than it would gain should our region fail to be designated a no GM food crop area. As such, we ask that serious consideration be given to our application, and would welcome the opportunity for you to discuss our submission and/or speak with our peak community groups such as AHWR, should you or your committee wish to do so.

Appendix 1 (GM Consultation Report) and Appendix 2 (submission from AHWR)

⁹ Based on information supplied by AHWR in support of their submission

**ADELAIDE HILLS COUNCIL
ORDINARY COUNCIL MEETING
Tuesday 22 September 2020
AGENDA BUSINESS ITEM**

Item: 12.2

Responsible Officer: Natalie Westover
Manager Property Services
Corporate Services

Subject: 100 Old Mt Barker Road Stirling – building upgrade and offer of lease

For: Decision

SUMMARY

The purpose of this report is to seek a resolution to support undertaking building upgrades to the old school building situated at 100 Old Mt Barker Road Stirling, known as the Old Stirling School.

It is also recommended that Council offer a lease for the land (including the old school building) to the Old School Community Garden Inc. to occupy and manage the land and building subject to obtaining consent from the Crown Land's Department of the State Government.

RECOMMENDATION

Council resolves:

1. That the report be received and noted
 2. To progress the budgeted upgrade of the old school building located at 100 Old Mt Barker Road Stirling including the replacement of the roof, gutters, fascia boards, downpipes and damaged internal ceilings, with the anticipated cost to be \$155,000.
 3. To apply to the Minister for Environment and Water for approval to lease the land located at 100 Old Mt Barker Road Stirling, including the old school building, to The Old School Community Garden Inc.
 4. Subject to obtaining the approval specified in 3 above, offer to The Old School Community Garden a 2 year lease over the land located at 100 Old Mt Barker Road Stirling, including the old school building.
 5. That the Mayor and Chief Executive Officer be authorised to sign all necessary documents, including affixing the common seal, to give effect to this resolution.
-

1. GOVERNANCE

➤ Strategic Management Plan/Functional Strategy/Council Policy Alignment

Strategic Plan 2020-24 – A brighter future

Goal	A functional built environment
Objective B2	Preserve and enhance the unique character of the Hills for current and future generations
Priority B2.1	Continue to embrace and support community led public place revitalisation across the district

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 B4.1	Ensure the long term management of the built form and public spaces occurs in consideration of the relevant financial, social and environmental management matters

➤ Legal Implications

Section 22 of the *Crown Land Management Act 2009* requires the approval of the Minister for Environment and Water for a lease of Crown Land.

Section 57 of the *Crown Land Management Act 2009* enables the Minister for Environment and Water, where a party has caused or contributed to a condition of or on the land, to serve upon the custodian of the land a notice requiring remediation if the condition of the land is unsightly or offensive, presents a risk to the environment, health or safety of a person or to any property or that is likely to have the effect of reducing the market value of the land. The Council has not been served with a notice however the obligation to maintain the land to avoid those conditions is the responsibility of Council as the custodian.

➤ Risk Management Implications

The upgrade of the old school building will assist in mitigating the risks of:

Deterioration of the building leading to possible direction from the Minister for Environment and Water to undertake the remediation works.

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

Deterioration of the building leading to closure of the building for use by the community due to safety concerns for users of the building.

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

Applying for approval for the proposed lease from the Minister for Environment and Water will assist in mitigating the risk of:

Non compliance with legislative requirements leading to action from the Minister for Environment and Water and invalidity of the lease granted.

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

Leasing the land and building to a community association will assist in mitigating the risk of:

Underutilisation of an asset leading to loss of economic and social returns for the community and Council.

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

➤ **Financial and Resource Implications**

Capital funds have been budgeted for the 2020-2021 FY in the amount of \$155,000 to undertake the project which includes the replacement of the roof, guttering, facia boards, downpipes and damaged internal ceilings. These works would enable access and use by community groups however noting that due to the existence of stairs, width of doorways and age of toilet facilities, the building and facilities may not be suitable for people with mobility constraints.

It is important to note that the land is Crown Land dedicated to the Council for local government purposes. The land and improvements are therefore not owned by Council but are Crown assets.

There is an obligation on Council as the custodian of the land to maintain the land and buildings whilst it is dedicated to Council. The *Crown Land Management Act 2009* enables the Crown to resume the land to the Crown and cease the dedication to Council. If the Crown resumed the land, any financial outlay of Council to maintain or upgrade the land and buildings is not recoverable.

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

The Old School Community Garden Inc. (OSCG) has occupied an area at the site since 2012 for the development and use as a community garden. The OSCG has developed the space to provide a community accessible space for the growing of edible produce and education programs for the community including schools.

The OSCG has occasionally used the old school building at the site for meetings and gatherings in conjunction with the community garden activities.

The Adelaide Hills Outdoor Playgroup also uses the site, with the consent of the OSCG, to run outdoor nature play programs for children. This includes activities for toddlers through to school aged children.

➤ **Sustainability Implications**

The OSCG have developed a portion of the site as a community garden and they run educational programs for schools and the broader community on sustainable food production and gardening practices.

➤ **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: Property Advisory Group have been consulted on a number of occasions in relation to the site and most recently on 10 August in relation to the recommendation. The recommendation was supported by the Property Advisory Group members.

Administration: Director Corporate Services

External Agencies: Crown Lands Department

Community: Representatives of the Old School Community Garden Group Inc. were consulted in relation to the recommendation and have advised that the OSCG was supportive of the recommendation.

2. **BACKGROUND**

The land located at 100 Old Mt Barker Road Stirling is Crown Land dedicated to Council for unspecified local government purposes. The land was dedicated to Council in 1977.

The land comprises the old Stirling School building, including additions as well as some storage sheds and vacant land that has been developed as a community garden. The old school building was constructed in the mid 1860s with additions in subsequent years. Following the school closure, it has subsequently been used as a training venue and radio base by the CFS and more recently by community groups.

The Old School Community Garden Inc (OSCG) occupies a portion of the site under a licence arrangement and have developed the vacant area with a community garden, shade houses, rainwater tanks, pizza oven and associated improvements to support the community garden operation. The Adelaide Hills Outdoor Playgroup also uses the community garden for their activities.

The old school building was previously leased to the Mt Lofty Girl Guides however that arrangement was ceased in 2019 due to safety concerns for users of the building. The Mt Lofty Girl Guides are currently operating from the Stirling RSL building. The old school building is currently unoccupied and access is prohibited except for the kitchen and toilets.

The building is in need of some remediation works in the manner of a new roof, gutters, fascia boards, downpipes, damage to internal ceilings and surfaces and pest eradication.

Council staff met with members of the OSCG in September 2019 to discuss the issues with the site in terms of costs to remediate and renovate the old school building and what options might be available to relocate the group to another location. The OSCG was clear with their feedback that relocation was not an option for them and they were enthusiastic for Council to explore options that would enable them to remain at the site.

3. ANALYSIS

A building report has been undertaken to assess the condition of the building which has confirmed that it is generally good and structurally sound. The report has identified those components of the building in most need of repair/replacement are the gutters, fascia boards and downpipes. Given the age of the building the report also indicated that it would be preferable to replace the roof at the same time given most of the roof is original. There is some minor stormwater management required to ensure water does not pool against the building.

Internally, there has been a possum infestation in the roof cavity that has caused substantial damage to the internal ceilings with some collapsed sections. The possums need to be trapped and relocated and the internal damage rectified. There is evidence of mould on the ceiling of the main hall which needs to be treated and the building repainted.

The proposed works are considered appropriate to meet the Council's responsibilities to maintain the building and also to enable use of the building by the community.

It is important to note that the building does not meet current accessibility standards to access the building or facilities and these are not proposed to be upgraded at this time.

The OSCG has requested a new lease for their occupation of the site and have expressed interest in also leasing and managing the old school building. A 2 year term is considered appropriate for this with any subsequent lease then being able to be aligned with the rollout of the Community & Recreation Facilities Framework. The proposed lease is subject to approval from the Minister for Environment and Water and would cease if the land was resumed by the Crown.

4. OPTIONS

Council has the following options:

- I. Resolve to undertake building upgrade works and issue a lease to the OSCG (Recommended)
- II. Resolve not to undertake the building works which will require the building to remain closed to the community for safety reasons and not complying with Council's obligations to maintain the building (Not Recommended)

5. APPENDIX

- (1) Site Plan

Appendix 1

Site Plan

100 Old Mt Barker Road
Stirling



- AHC Core**
- Parks
 - Townships
- RoadsStreetView**
- ADJOINING LGA RD
 - AHC & PRIVATE
 - AHC RD
 - DPTI RD
 - PRIVATE RD
 - SHARED RD
- PropertyOwner**
- PropertyOwner
 - Parcels
 - Roads
 - AHC LGA
 - LGAs
 - Suburbs
- Rivers**
- River
 - Creeks
 - Streams

Aerial Imagery
 AerialPhoto_2018

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16-Sep-2020

**ADELAIDE HILLS COUNCIL
ORDINARY COUNCIL MEETING
Tuesday 22 September 2020
AGENDA BUSINESS ITEM**

Item: 12.3

Responsible Officer: David Waters
Director Community Capacity
Community Capacity

Subject: Recovery update

For: Decision

SUMMARY

The purpose of this report is to:

1. Provide a progress report on the implementation of the Council's Bushfire Recovery Action Plan and initiatives supporting recovery from the Covid-19 pandemic.
2. Provide a progress report on discussions with government and non-government agencies on opportunities to help communities and businesses develop resilience to future events.
3. Provide Council with options on supporting community groups.
4. Seek direction on a number of specific matters arising from the recovery process, including the initiation of a Suicide Prevention Network in the Adelaide Hills.

RECOMMENDATION

Council resolves:

1. That the report, including the update on the Council's activities in support of recovery from the Cudlee Creek Bushfire and COVID-19 pandemic, be received and noted.
 2. That Council approve the submission of an application for funding of \$140,000 per year for two years for the establishment of a Resilience and Readiness Program.
 3. That Council work with the Office of the Premier's Advocate for Suicide Prevention to initiate a Suicide Prevention Network in the Adelaide Hills.
 4. That subject to the success of the pilot series of workshops currently being conducted to support community groups in the recovery from both the Cudlee Creek Bushfire and the COVID-19 pandemic, that a further series of workshops be held to target the needs of community and sporting associations throughout the district.
-

1. GOVERNANCE

➤ Strategic Management Plan/Functional Strategy/Council Policy Alignment

Strategic Plan 2020-24 – A brighter future

Goal Community wellbeing

Objective C2 A connected, engaged and supported community.

Priority 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.

➤ Legal Implications

The *Local Government Act 1999* defines one function of a council to be:

7(d) to take measures to protect its area from natural and other hazards and to mitigate the effects of such hazards.

The *Emergency Management Act 2004* defines no specific role for local government in emergency management, but the principles contained in Section 2 include that emergency management arrangements must:

- (b) reflect the collective responsibility of all sectors of the community, including both State and local government, the business and non-government sectors, and individuals; and*
- (c) recognise that effective arrangements require a co-ordinated approach from all sectors of the community, including both State and local government, the business and non-government sectors, and individuals.*

➤ Risk Management Implications

Prudent decision making in determining the level and type of initiatives undertaken in recovery will assist in mitigating the risk of:

Failure to adequately formulate and execute a plan for helping the community recovery from bushfire and COVID-19 leading to a significant and prolonged loss of community confidence. Major adverse impact on community wellbeing.

Inherent Risk	Residual Risk	Target Risk
Extreme (4B)	Medium (2C)	Low

Existing controls include the development of a *Bushfire Recovery Action Plan* and the implementation of measures contained therein to date.

Further controls to reduce the risk include pursuing additional funding to enable the Council to fully implement its *Bushfire Recovery Action Plan* and to conduct initiatives to restore confidence following the COVID-19 pandemic.

➤ **Financial and Resource Implications**

Bushfire recovery

The Council has allocated a net \$430,000 in its 2020-21 Budget to go along with a net \$570,000 in 2019-21 for a total Council bushfire recovery contribution of \$1.0m.

The following table indicates the latest estimate of costs and income against key recovery initiatives.

Recovery initiative	Total estimated cost	Latest estimate*	Potential offsetting income and source
Roadside tree management	\$3.0m	\$3.2m	\$3.0m** LGDRAA/Cat D federal grant
Biodiversity and habitat restoration	\$770,000	\$520,000	\$50,000 wildlife recovery grant \$40,000 trails development grant Further grants to be pursued
Planning and development	\$560,000	\$560,000	\$112,000 Development application fees
Community development activities	\$255,000	\$225,000	\$250,000 Community Recovery Fund (State/Fed)
Commonwealth Home Support Program – additional support	\$220,000	Nil	N/A
Business recovery activities	\$150,000	Nil	State Government has appointed this role.
Fencing repairs and contributions	\$150,000	\$150,000	
Sports fields rehabilitation	\$75,000	\$210,000	\$210,000 AFL
Fire tracks assessment and rehabilitation	\$75,000	\$50,000	
Other expenses (inc waste management, events, communications, rates relief, etc)	\$650,000	\$272,000	
Federal grant already committed			
Other income (inc. insurance)			\$153,000
TOTAL	\$5.905m	\$5.217m	\$3.815m

*Excludes costs for Lobethal Bushland Park Playspace, which has been given a separate allocation of capital funding (\$150,000).

**Tree management costs and offsetting income remain subject to ongoing dialogue with the Disaster Recovery and Rebuilding Team.

The table above shows a difference of \$1,402,000 between identified recovery costs and secured offsetting income. Grants are still being pursued, particularly in the area of biodiversity and habitat restoration and fire mitigation in order to reduce the Council's total net costs down to the budgeted amount of \$1.0m.

COVID-19 pandemic support

The Council has allocated \$120,000 in its 2020-21 operating budget for *“Financial support to assist the business and community to recover from bushfires and COVID-19 (incl. rates)”*

This was primarily intended to offset lost revenue through the deferral of rates, waiving of fines/interest where people impacted with either the bushfire or COVID-19 pandemic sought assistance through the Council's hardship provisions, as well as, if the demand for hardship consideration allowed, provide the Council with capacity to address other needs in a targeted fashion.

It is too early to know the full extent of demand for rate relief, however, the following points are of interest:

- a. This year, 2,439 ratepayers (out of around 18,000 assessments) paid their rates in full in the first quarter, compared with an average of around 3,100 in each of the last three years. The impact of not receiving the usual amount of rates paid in full upfront represents a cost of around \$13,000 - \$20,000 to the Council, depending on the timing of subsequent payments.
- b. The number of ratepayers receiving 'reminder letters' for overdue payments was 2,911 in the first quarter, compared with 2,860 last year.
- c. The total amount of fines and interest remitted in the first quarter totals \$10,421.

While it is difficult to predict what may happen in the remainder of the financial year, it can be inferred from the above points that while the number of people struggling to pay rates on time has only increased marginally, a significant additional percentage of ratepayers are electing to pay their rates in instalments rather than in full up front. It is not known whether this reflects a hardship situation or that people are just being more conservative with spending (or both).

It should also be noted that the Federal Government's Job Keeper and Job Seeker programs are winding back from 28 September 2020. The impact of this is not yet known, but it would be prudent to retain a considerable portion of the budget provision to enable the Council to respond accordingly.

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

There has been a significant focus on continuity of service provision during both the bushfire recovery and the COVID-19 pandemic.

In relation to the bushfire, the Administration had customer service and development assessment staff based at the Recovery Centre at Lobethal for a number of weeks in order to be as accessible as possible to the impacted community.

In relation to the COVID-19 pandemic, which forced the shutdown of the Council's physical sites, as many programs and services as possible were moved online or conducted in an alternative manner. These included library programs, community centre programs and Fabrik programs. The borrowing of physical library items continued throughout the restrictions with protocols put in place to enable people to safely collect and return items they had reserved online. Most programs and services are now back up and running in-house, with COVIDsafe Plans in place where required by the Police Commissioner's health directions. The Mobile Library returned to service in mid-September and in-house group library programs are planned to recommence in October.

➤ **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 Council Workshop was held on 11 August 2020 regarding Suicide Prevention Networks

Advisory Groups: Not applicable.

Administration: The following staff had input to the Recovery Action Plan updates:
Manager Economic Development
Manager Community Development
Manager Civil Services
Manager Open Space
Manager Financial Services
Manager Development Services
Manager Libraries and Customer Service
Manager Sustainability, Waste and Emergency Management
Waste Management Coordinator
Arboriculture Officer
Community Recovery Officer
Biodiversity Officer
Sport and Recreation Planner

External Agencies: There has been regular engagement with relevant government agencies regarding the development, funding and execution of the Council's Recovery Action Plan.

Community: Not applicable.

2. BACKGROUND

The Cudlee Creek Bushfire started on 20 December 2019 and the COVID-19 pandemic started to significantly impact in March 2020. In both cases, the Council quickly recognised its role in supporting its community through recovery.

The Council has received numerous reports and held workshops on these matters and for the sake of brevity, the complete history is not repeated here.

Pertinent to this report, however, the Council adopted three performance targets for the Chief Executive Officer, being:

1. *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.*
2. *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.*
3. *Engage with local communities and businesses in developing a Lobethal Bushland Park Masterplan. Present the draft masterplan to Council for its consideration.*

Further, at its meeting held on 25 August 2020, following consideration of a Motion on Notice, the Council resolved as follows:

Moved Cr Linda Green
S/- Cr Malcolm Herrmann

163/20

That Staff provide a report to Council on support for community groups in response to impacts from COVID-19 at the Ordinary Council Meeting in September 2020.

Carried Unanimously

This report addresses each of the aforementioned actions.

3. ANALYSIS

Bushfire Recovery Action Plan

Updates against each item in the Council's *Bushfire Recovery Action Plan* are contained in **Appendix 1**. In general, the Council's recovery initiatives are in line with the plan considered and endorsed by the Council at its meeting held on 24 March 2020.

Notable amendments include:

- Amending the business recovery aspect to recognise that the State Government has appointed resources to manage this
- Adding the development of a masterplan to guide the recovery and development of Lobethal Bushland Park.

The Council has also continued to maintain a considerable level of communication with the fire impacted community through a dedicated web page and outward communications (e-newsletter, social media, etc) to promote available funding and other types of support.

COVID-19 pandemic recovery

Although there is no formal 'recovery structure' in place for the COVID-19 pandemic, there are a range of things the Council is doing to support its community. Primarily this is focussed on tailoring normal council programs and services to emerging needs and ensuring continuity of programs and services in a COVID-safe way.

Community support measures include:

- Contacting Commonwealth Home Support Program (CHSP) clients regularly by phone to maintain contact and conduct welfare checks
- Gradually resuming in house CHSP and community centre programs in line with increasing confidence in program participants' desire to come back to in house programs. All programs are conducted in line with relevant health directions and recommendations
- Adjusting program offerings to match community needs
- Providing alternative forms of support to CHSP clients through, for instance, home delivery of activity packs
- Utilising home delivery service in lieu of the Mobile Library, including offering materials packs to schools normally serviced by the Mobile Library
- Offering children's programs on line – by livestreaming on Facebook and posting videos on YouTube
- Offering interactive science, technology and creative programs through Zoom
- Re-covering customer seating with easily cleaned faux leather and gradually restoring public seating across libraries
- Separating physical service points to ensure continuity of access while achieving physical distancing
- Installing perspex screens between computer stations to ensure all stations are still accessible while providing physical distancing

- Encouraging community groups and sporting associations to apply for grants to support the community recover
- Referring community members to appropriate avenues of support through normal customer service channels, the Council’s dedicated Covid-19 information webpage and through other communications channels (e-newsletter, social media posts, etc).

Business support measures include:

- Utilising the Council’s business newsletter (over 6,000 subscribers) to share information and promote support available to businesses from other levels of government
- Direct referral to government and non-government support services available to businesses
- Encouraging an industry led response to challenges facing the tourism industry including sourcing grant funding for regional tourism initiatives, including:
 - \$30,000 for Pome Fest 2020
 - \$40,000 for trail upgrades in Lobethal Bushland Park to enhance visitor appeal
 - \$60,000 for improved signage and other facilities to improve visitor experiences along the Amy Gillet Bikeway

Council Members will also be aware that Council recently allocated \$780,000 in Commonwealth funding from the Local Roads and Community Infrastructure Program to the following projects supporting economic recovery:

- 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)

Supporting resilience

As mentioned earlier in this report, one of the Chief Executive Officer’s performance targets for 2020-21 is to pursue opportunities to work with a range of agencies and organisations to support resilience and readiness for future disasters.

To date, the Administration has progressed fruitful discussions with agencies including the Department of Premier and Cabinet, Country SA Primary Health Network, Australian Red Cross, Emerging Minds, local service clubs and various universities.

At the time of writing this report, a proposal was being developed which involves the engagement of a Resilience and Readiness Officer for a period of two years to work on a range of practical and psychological ‘readiness’ aspects to help build resilience.

In particular, the envisaged Resilience and Readiness Program would:

- play a coordinating role in connecting communities and individuals to existing programs aimed at helping communities and individuals prepare for disasters (such as CFS programs and Australian Red Cross Programs)
- deliver training and awareness to target groups in the area of psychological preparedness, with a focus on young children and adolescents
- establish and maintain information on the Council's website to assist communities plan for and recover from disasters.

The Administration is seeking grant funding of \$140,000 per year to fully cover the cost of the two year program.

Suicide Prevention Network

The Office of the Premier's Advocate for Suicide Prevention has invited the Council to consider working with the Office to establish a Suicide Prevention Network in the Adelaide Hills. Council Members received a workshop presentation by the then Premier's Advocate for Suicide Prevention, the Hon. John Dawkins MLC, on 11 August 2020, regarding this matter.

Suicide Prevention Networks exist under a program run by SA Health through the Office of the Chief Psychiatrist.

Suicide Prevention Networks are described as:

A group of people who share a concern for the people in their community who are willing to do simple things to prevent suicide in their community through:

- *Starting life saving conversations*
- *Breaking down stigma*
- *Increasing connectedness*
- *Bringing education and training to the community*
- *Linking community members to available services*
- *Bringing coordination to efforts that might already be occurring*
- *Fostering community health and wellbeing.*

Further information is contained in **Appendix 2**.

Each Network operates independently, with support provided by the Office of the Chief Psychiatrist. Generally, Suicide Prevention Networks incorporate under the *Associations Incorporation Act 1985*.

The role of a local council in establishing and supporting a Suicide Prevention Network is to:

- Sanction the creation of a Network with a level of credibility
- Promote the opportunity for people to get involved
- Work with the Office of the Chief Psychiatrist to support the network create a governance structure, initial activity plan and connect with other groups, agencies and organisations
- Provide meeting facilities (if necessary).

The support provided to a Suicide Prevention Network would be through a community development officer – in this case the Bushfire Recovery Community Development Officer and the Community and Social Planning Officer. Together, the support required to initiate the Network can be accommodated in these officers' work plans. The Council is not expected to provide funding support to the Network.

The need for a Suicide Prevent Network in the Adelaide Hills has been considered in light of the increased impacts on mental health arising from the Cudlee Creek Bushfire and the COVID-19 pandemic. It is considered to be worthwhile to at least initiate the process to gauge the level of interest in the community for a Suicide Prevention Network and to test its feasibility. To be viable in the longer term, the Network would need to establish a core group of people prepared to work together regularly and for this to be sustained for at least a 12 month period. After that time, the Network would need to be able to operate relatively independently from Council.

Supporting community groups through the COVID-19 pandemic

Although there is no readily available data, it is reasonable to suggest some community groups have experienced financial hardship through the COVID-19 pandemic. Some groups have had to suspend usual activities that would have normally assisted the group to raise funds. At the same time however, some groups have reduced costs through operating with a lower level of activity (either by choice or necessity).

The Council's annual community grants and recreation facilities grants rounds are currently open. These grant programs provide not for profit groups in the Council district with the opportunity to obtain financial support for developing facilities, buying equipment or running programs to support particular interest groups or the broader community. This year, a special focus has been placed on encouraging grant applications from groups seeking to support communities, or communities of interest impacted by the Cudlee Creek Bushfire and/or the COVID-19 pandemic.

This approach is similar to that taken by a number of councils – that is, to provide a grant funding program to support community groups to provide support programs or activities for the community. The grant programs do not, however, support groups with cash grants to cover their everyday operating expenses such as insurance, building maintenance and consumable materials.

It has been suggested that the Council consider whether or not to provide community groups with funding support to help cover operating costs as a once off where the groups have suffered particular duress due to a downturn in income arising from the pandemic. The Administration has not been able to identify any councils that presently do this. Rather, as mentioned, funding is available to support particular programs and projects.

The State Government has established a special COVID-19 Support Grant *“to support not-for-profit organisations continue to provide services to vulnerable and disadvantaged people in South Australia.”*

The program is 'open ended' in the sense that applications can be submitted at any time (between 20 April and 30 October 2020) and it is not competitive. Up to \$10,000 per grant is available and more information can be found at <https://dhs.sa.gov.au/services/grants-for-organisations/grants-sa>.

Sporting and recreational groups have access to a range of program and facility grants offered by the State Government through the Office for Recreation and Sport. In particular, the current Club Reboot Round of the Active Club Program provides grants of up to \$3,000 for costs associated with Covid-19 restriction compliance.

It should be noted that neither of the above mentioned grants specifically cover ongoing operating costs, although in the case of the former opportunity, it is possible to include operating costs in the context of keeping an essential program or service going.

In the Adelaide Hills Council district context, it is difficult to gauge the level of demand or need for financial support. No community groups have formally requested funding to support their operating expenses, however, it is reasonable to assume that if such support was offered and promoted, it would be readily taken up. Indeed, it is likely that any financial support program would be heavily oversubscribed and it would be a challenge to set eligibility and assessment criteria. It may also be open to criticism by groups which have found ways to continue without Council funding support and it may be open to exploitation by groups with underlying sustainability challenges.

Some other councils are supporting community groups through waiving normal fees and charges like rent and rates. It should be noted that Adelaide Hills Council already provides significant support to a large number of community groups though, for instance:

- Rent free ('peppercorn') accommodation in Council facilities
- Maintenance grants (for certain sporting groups which own public facilities)
- Insurance subsidies (for committees managing council halls)
- Printing subsidies
- Rate rebates

There is little, if any, further scope to support community groups in these ways as this council already does it as a matter of course.

As noted earlier in this report, the Council has capacity within the 2020-21 Budget to provide targeted support to community groups (and others). Rather than providing direct cash grants, it is recommended that the Council organise a series of professionally run support workshops targeting community groups (including sporting clubs) in the areas of governance, financial sustainability, fundraising and operating in a pandemic environment. This approach is considered to be a more strategic use of funds as it provides community group leaders with development and increases their capacity to achieve ongoing sustainability within their groups. It also removes any need for the Council to make judgements about any particular group's current or long term financial sustainability.

Indeed, the Administration has already organised a pilot series of free workshops during September which are open to all community and sporting groups. The initial workshops are focussed on grant writing and obtaining sponsorship in a COVID environment. At the time of writing this report, the workshops have been well subscribed. Staff will be able to provide a verbal update on attendance and engagement levels at the Council Meeting.

Subject to the success of the pilot workshops, a further series of workshops are proposed to be developed to cover a broader range of development needs.

It will be important to remain engaged with community groups to keep abreast of the medium and longer term impacts of the Covid-19 pandemic. The workshops also provide a good opportunity to seek input directly from community groups as to how the Council can best support them. It may be necessary to develop new or different approaches and decisions will be put to Council as appropriate along the way.

Bushland Park masterplan

The Administration is currently developing an approach to the development of a masterplan for Lobethal Bushland Park. The plan will be developed using an engagement-led process involving a number of local and regional stakeholders. Key stakeholders will include the Friends of Lobethal Bushland Park, the Lobethal Community Association, local businesses and local schools/kindy.

It is expected that the masterplan will be developed over the coming months.

4. OPTIONS

Council has the following options:

- I. Determine whether or not to endorse the pursuit of funding for a Resilience and Readiness Program. It is recommended to do so as the Council has a rare opportunity through funding made available by the National Bushfire Recovery Fund, via the Country SA Primary Health Network, to obtain the full costs for the first two years of the program.
- II. Determine whether or not to pursue the establishment of a Suicide Prevention Network in the Adelaide Hills. It is recommended to do so as it is a low risk, low cost initiative for the Council and one which can be discontinued if there is insufficient levels of community interest to guarantee ongoing viability.
- III. Determine what, if anything, should be done to support community groups through the COVID-19 pandemic (beyond what the Council is already doing). It is recommended at this stage that the Council endorse the proposed series of workshops and holds back on considering direct financial support to groups until the extent of the impact is better known.

5. APPENDICES

- (1) *Bushfire Recovery Action Plan* status report
- (2) Suicide Prevention Network information brochure

Appendix 1

Bushfire Recovery Action Plan status report

Activity title	Recovery domain	Recovery aspect	Activity description	Responsible officer	Total cost estimate	Potential funding sources	Offsetting income estimate	Status - as at 10 September 2020	Timeframe
Roadside tree clearing and monitoring	Natural	Tree management	Manage trees on roadsides and reserve for public safety and potential damage to public and private infrastructure	Damian Brennan	\$ 3,200,000	State/Federal Government - Local Government Disaster Recovery Assistance Arrangements.	\$ 3,000,000	SUBSTANTIALLY COMPLETE. The Council's roadside tree clearance work is substantially complete and staff are now collaborating with the State Government to finalise outstanding work along State roads and address stands of trees on private property at risk of falling onto roads.	Jan - Oct 2020 - initial work Ongoing monitoring and follow up for 3 years
Wood distribution	Social	Tree management	Distribute wood from roadside tree work back to the community for home heating. This involves suitable wood being prepared and distributed by community groups either as a fundraiser and/or charitable exercise.	Damian Brennan		Cost incorporated into tree clearing contractor costs. No external funding requirement anticipated.		COMPLETE. Over 50 tonnes of wood was distributed to people in the bushfire impacted area.	March-May 2020
Lobethal Bushland Park - Play Space Replacement	Built/infrastructure	Recreation, unstructured	The Play Space at Lobethal Bushland Park was destroyed by the fires, & as a result, will need to be replaced. Insurance funding is likely to only cover the 'like for like' (approx \$35,000) replacement of the equipment. It is envisaged that consultation with the community will highlight that additional equipment / landscaping elements are sought, & funding will need to be sought to deliver this.	Renee O'Connor	\$ 450,000	Insurance State / Federal Government - LERP State Emergency Relief Fund - Community Projects	\$ 300,000	IN PROGRESS. Council has formally allocated \$150k. SERF has awarded \$150k. LERP application submitted for \$150k. Stakeholder consultation, to inform the design of the space will be undertaken once funding is confirmed.	July 2020-March 2021
Biodiversity management Reserves	Natural	Biodiversity regeneration and fauna habitat	Restoration of native vegetation/reevegetation and weed management in 4 Council reserves (Bell Springs Reserve, Formby Road Cemetery, Mt Charles - excluding Lobethal Bushland Park)	Tonia Brown	\$ 120,000	State / Federal Government (Some existing Biodiversity operational budget for reserve and roadside management and use of in-house biodiversity staff resources)		IN PROGRESS. Council has initiated post bushfire weed management in its significant reserves, such as Lobethal Bushland Park. A comprehensive weed management program will be delivered using Wildlife Recovery Grant funding for a period of 3 years. Council has supported volunteer organisations in their bushfire recovery efforts with additional green waste collection and disposal. Council has also supported the construction of DEW funded 'threatened species fencing' around significant populations of nationally threatened plants to deter overgrazing by native and exotic herbivores. Council is facilitating access to cut Eucalyptus foliage from roadside maintenance, to service the increased demand for koala and possum 'browse' as a result of the rescued wildlife following the bushfire. Council has created a Native Habitat Gardening Guide for 'low flammability' gardens to assist resident's in selecting appropriate plant varieties for their gardens in high bushfire risk areas.	Winter / Spring 2020-2025
Recovery of Lobethal Bushland Park	Natural	Biodiversity regeneration and fauna habitat	Recovery of natural areas and park infrastructure within Lobethal Bushland Park following fires.	Tonia Brown	\$ 150,000	\$50,000 Wildlife Recovery Fund grant has been secured. Further grants being pursued. (Some existing Biodiversity operational budget for reserve and management and use of in-house biodiversity staff resources)	\$ 90,000	As above for Biodiversity Management Reserves	Winter / Spring 2020-2025
Biodiversity Management - Blue Marker Sites	Natural	Biodiversity regeneration and fauna habitat	Restore Blue Marker sites	Tonia Brown	\$ 220,000			ONGOING. Council's Roadside Weed Control Work Plan will target fire affected Blue Marker sites (Native Vegetation Marker Scheme) over the next few years to target emerging weeds.	next 5 years
Lobethal Bushland Park - Masterplan	Natural	Recreation, unstructured	A masterplan will be developed to guide the recovery and future development of Lobethal Bushland Park to reinforce its role as a key biodiversity conservation site and maximise its potential for recreation and tourism.	Meridee Jensen	\$ 30,000			IN PROGRESS. Preliminary work has been done to generate some ideas which will form the basis of a community engagement centred masterplanning exercise.	September-January 2021
Development applications	Built/infrastructure	Planning and development	Assessing applications for development associated with reconstructing and/or repairing destroyed assets. Fast-track applications for reconstruction by recruiting one additional statutory planner and building officer and additional administration hours to manage application process. Assist applicants to minimise fees where possible. Work with Planning Institute of Australia and Royal Institute of Architects to facilitate referrals of applicants to them, to assist with preparation of plans and development applications. Working with State Government to facilitate changes to the Development Regulations to exempt temporary accommodation and storage facilities from requiring Development Approval.	Deryn Atkinson	\$ 560,000	Partially offset by fees.	\$ 112,000	ONGOING. 209 development applications lodged (about 40% of estimated lost structures). 166 fully approved. The Administration continues to expedite bushfire rebuilding development applications where possible. Two additional staff have been appointed to help with the workload and external consultants are being used as required.	Now until 2-3 years

Development of Community Recovery Plan and community development focussed activities and events to support community recovery.	Social	Community development, connections and resilience	Development of a Community Recovery Plan and the identification and coordination of a range of initiatives designed to address challenges and opportunities as identified by the community.	Miranda Hampton	\$ 255,000	State Government are funding 1 FTE (Community Recovery Officer) and additional budget for initiatives identified in the recovery plan - (\$120,000.00 until the end of 20/21 financial year). An added staff resource (perhaps 0.5 FTE level 3) would be highly beneficial to support event coordination and communications (not currently budgeted for by the state government). (See separate items re events support)	\$ 250,000	ONGOING. The Community Recovery Officer has developed the overarching multi-agency Cudlee Creek Bushfire Recovery Plan and is now moving transitioning to an 'implementation' focus. Recent activities include: -forming and convening regular meetings of a Community Reference Group -organising a 'Building Back Better' workshop for people looking to rebuild -rolling out mental health first-aid training across the fire impacted area -writing and editing regular Cudlee Creek Recovery Community Newsletters and newspaper columns -administering the Cudlee Creek Recovery Facebook page	2 years
Supporting older community members who have been fire affected (or who live in high fire risk areas) with an additional in-home service (Home Maintenance & Domestic)	Social	Aged and vulnerable community	Service delivery to currently registered (or new/eligible) community members needing additional home maintenance, gardening and domestic support to stay living in AHC. (costs have been calculated as one extra service for 30% of currently registered clients) - Service type: Home Maintenance & Domestic assistance	Jessica Sharkie		Possible, additional Commonwealth Home Support (CHSP) Funding		COMPELITE. Some additional services were provided prior to the onset of Covid-19 pandemic restrictions. Demand was not as great as anticipated and with the onset of the restrictions, any additional services were able to be provided without the need to source additional funding.	12 Months
Supporting older community members psychologically who have been fire affected (or who live in high fire risk areas).	Social	Aged and vulnerable community	Creation and delivery of social support programs directly targeted to increasing the individuals wellbeing and emotional resilience following the trauma of the 19/20 fire season (costs have been calculated to deliver to extra special events per year for approximately 30% of currently registered clients base)	Jessica Sharkie		Possible, additional Commonwealth Home Support (CHSP) Funding		ONGOING. Covid-19 pandemic restrictions have limited the ability to provide in-house programs, however, programs from Fabrik, the Torrens Valley Community Centre and the Postive Ageing Centre have been particularly focussed on the needs of those impacted by the fire.	12 Months
Business Recovery Officer	Economic	Business support	Engaging a Business Recovery Officer to complement the Community Recovery Officer with a focus on the needs of directly and indirectly impacted businesses. The BRO is able to assess business needs and connect them directly with available resources. It is very difficult to have a one solution fits all eg some are considering retiring, some are considering rebuilding, some are considering adjusting previous expansion plans therefore a <i>Business Triage</i> is needed so that businesses can be directed to the most relevant services. Grant/application writing assistance for individual businesses. Opportunities of assistance often not taken up because its "just too hard" Building on the success of the #BookThemOut, #BuyThemOut campaign for regional produce	Melissa Bright				ONGOING. As a direct consequence of the Council's advocacy, the State Government appointed a Business Recovery Officer to complement the Community Recovery Officer. The BRO assists any businesses (including primary producers) by providing information about the services available to them. Helping them make connections with other providers based on the support they need and assist them with completing grant applications etc and engaging with relevant government agencies and services.	2020-21
Fencing replacement	Built/infrastructure	Infrastructure assessment and restoration	Assist residents with replacement of fences that adjoin Council reserves (not roads). Council would apply its discretion to contribute half of the cost of a standard replacement fence or repair existing fence.	Chris Janssan	\$ 150,000			IN PROGRESS. Some of the Heritage Agreement fencing at Lobethal Bushland Park is being replaced under the department's HA insurance claim. Fencing around Lobethal Bushland Park and other Council reserves progressively placed in cost-share with adjoining owner.	Jan-Dec 2020
Oval Repair / Rejuvenation	Built/infrastructure	Sporting facilities and clubs	Several Ovals (Balhannah, Gumeracha, Lobethal, Mount Torrens and Woodside) were used for CFS Staging during the fire, and the turf surface has been impacted by the vehicles.	Renee O'Connor	\$ 210,000	Office for Recreation & Sport, Cricket Australia, AFL	\$ 210,000	COMPLETE. Council, in partnership with the SANFL, SACA, Sport SA, Living Turf, and the associated clubs for each site worked together to develop a costed remediation plan for each site. Funding was successfully obtained from the AFL and works commenced in April.	March - April 2020
Road Reserves and Fire Track Rehabilitation	Natural	Infrastructure asset restoration	Assess fire impacted road reserves and fire tracks to identify threatened assets for rehabilitation. Conduct weed control on known infestation sites occurring in road reserves and fire tracks.	Andrew Kirkley	\$ 50,000			ONGOING. Fire track clearance undertaken in conjunction with normal operation practices.	Annually in Spring to Summer over five years
Green organic drop off days, additional free	Natural	Waste management	Provision of free green organic days over and above business as usual.	Aliza Fuller	\$ 20,000			ONGOING. Additional free green organic drop off days were organised during February - May 2020. Tip passes (for all types of waste) are still being made available to people directly impacted by the fire.	March to October 2020

Fence post (CCA treated) disposal service	Natural	Waste management	Provision of a service where residents in the fire affected area can dispose of burnt permaline posts. This service is currently being provided by Green Industries SA (GISA) and the ADF however the longevity of the service is unknown.	Aliza Fuller	\$ 20,000	COMPLETE. The Council's Woodside Depot was made available to Green Industries SA as a drop-off point for treated pine posts and other waste.	March to June 2020 (inclusive)	
Customer service	Social	Communication and engagement	Providing first-point customer service for Council as one of the key agencies at the Local Recovery Centre. Our presence there enables people and businesses impacted by the fires to get council matters sorted out in their local area, as part of the one-stop-shop Recovery Centre.	Karen Linsner	\$ 20,000	COMPLETE. Council Customer Service Officer was stationed at the Recovery Centre for approximately 12 weeks after the fire. A Statutory Planner was also there for approximately 5 weeks.	Jan-March 2020	
Infrastructure investment	Economic	Other	Pursuing infrastructure investment in the region for projects that build resilience and achieve betterment in the fire affected communities. Involves working with local RDA group, State and NBRA to identify candidate projects and submit (with business cases) through the appropriate channels for consideration.	Melissa Bright	\$ 30,000	Cost/FTE requirement is only that of the effort required to pursue funding, not the requirement for project delivery itself.	ONGOING. A significant number of potential local investment opportunities were presented to Government via the local RDA. The Administration has supported the Mayor in furthering direct advocacy with local members of parliament and the Federal Minister for Infrastructure.	Feb-Mar 2020
Community Development Representative on SERF (State Emergency Relief Fund) committee	Social	Other	Council staff member representation on the SERF Committee, attending designated meetings, review and approval of applications out of session - and investigation and provision of additional information to assist in decision making	Jessica Sharkie	-	IN PROGRESS. Council has had a staff member appointed to the State Emergency Relief Fund Committee. The Committee is in the final stages of administering the Fund for this fire.	12 Months	
Communications and community engagement	Social	Communication and engagement	Develop a Recovery Communications Plan, manage Council's recovery communications (including website, social media, newsletters, meetings).	Jennifer Blake	\$ 50,000	ONGOING. The Administration has managed a significant increase in media liaison this year. A specific bushfire information hub has been created and maintained on the Council's website. Regular information provided for the Community Recovery Newsletter.	Immediate for 1 year	
Re:Gathered Market	Social	Tourism	A re-staging of the Gathered Design Market that was scheduled for 20-22 December and was cancelled after the fire.	Melinda Rankin	\$ 3,000	Event included business support/donated services from Gathered Design Market and CASO lighting	COMPLETE. The event was held in February 2020, raising over \$6,000 for local CFS brigades and bringing thousands of people to Lobethal across the weekend.	8-9 February 2020
Art workshops	Social	Community development, connections and resilience	Art workshops held by a local art teacher and an art journalling workshop offered by a retired counsellor	Melinda Rankin	NA	COMPLETE. Ongoing workshops tailor for people impacted by the fire have been, and continue to be, held at Fabrik.	January 2020	
Solastalgia - visual art exhibition	Social	Community development, connections and resilience	Visual art exhibition (part of the Adelaide Fringe Festival) working with the theme of grieving, solace and hope in regards to environmental loss.	Melinda Rankin	\$ 2,000	COMPLETE. A SALA exhibition in August, featured works produced using materials from the Kangaroo Island Fire.	15 February - 15 March 2020	
Psychological First Aid Sessions, Workgroups or Other	AHC organisational	Staff welfare and wellbeing	Psychological First Aid Sessions Coordinated for AHC staff. Continued Psychological First Aid Sessions being coordinated for various departments through Red Cross. LGARS also offering workshops, group or individual support to AHC and we are investigating options	Lee Merrow	\$ -	Lee working with Teams that provided details, times and need in regards to professionals working with AHC	COMPLETE. No End Date - Ongoing Monitoring	
Accommodation, temporary	Social	Accommodation, temporary	Work with government to support new development regulations which enable people to stay in temporary accommodation on their property as the rebuild.	Deryn Atkinson		There was a particular focus on six (6) temporary accommodation pods which were placed in the district for people wanting to live on site as the rebuild.		
Infrastructure repair and replacement	Built/infrastructure	Infrastructure assessment and restoration	Repairing road surfaces, replacing signage, guardrail, guide posts, etc.	Joel Eckermann	\$ 30,000	Disaster Recovery Assistance Arrangements	IN PROGRESS. Infrastructure repairs on Council roads are substantially complete.	Jan-Dec 2020
Recovery planning and coordination	Social	Other	Establishing a documented plan for the Council's role and activities in disaster recovery. Future: Establish community plans for recovery after disasters. Future: Establish community resilience networks across the district.	David Waters	\$ 50,000	COMPLETE. The Director Community Capacity was appointed to the dedicated role of Director Bushfire Recovery for a period of three (3) months March-May 2020 to coordinate the Council's bushfire recovery efforts. The DCC continues to oversee recovery efforts part-time in his substantive role. Establishing Community Recovery Plans and Community Resilience Networks is to be considered if external funding can be obtained to support these.	Jan-May 2020	

Bushfire Valuation Amendments	Economic	Financial support	Revaluation of bushfire affected properties effective from date of fire to 30/6/20	Mike Carey	\$ 32,000	Cost represents likely lost (credited) rate revenue.	COMPLETE. Valuer-General undertook revaluations and issued to Council with retrospective effect for the second half of 2019-20. Credits were applied to rateable properties accordingly.	July 2020
Events support	Social	Events, community and industry	Supporting community and industry events arising from the recovery process, such as community gatherings, industry markets, Lobethal Parade, 'big bash' sport event, bushfire relief concerts, etc. Council support includes waste management, traffic management, dry area applications, liquor licensing consideration, public risk management, miscellaneous logistical and equipment support.	Jennifer Blake	\$ 15,000		ONGOING. A number of planned events were cancelled or deferred as a consequence of the Covid-19 pandemic restrictions.	Jan 2020 - June 2021
Other income (insurance, donations, etc)						\$ 153,000		
					\$ 5,667,000		\$ 4,115,000	
Total exc playspace					\$ 5,217,000		\$ 3,815,000	

Appendix 2

Suicide Prevention Network information document

Help is Available

If you or someone you know are having thoughts of suicide, please seek help.

In a crisis

24 hour Mental Health Triage 18 years +	13 14 65
Women's and Children's Hospital under 18 years	08 8161 7000
Lifeline	13 11 14
Kids Help Line	1800 551 800
Suicide Call Back Service	1300 659 467
Mensline Australia	1300 789 98
Emergency Services	000

Seeking Information

Your General Practitioner

Mental Illness Fellowship of South Australia	08 8378 4100
beyondblue	1300 224 636
Relationships Australia	1300 364 277
Suicide Call Back Service	1300 659 467
SANE Helpline	1800 187 263
PANDA (Postnatal and Antenatal Depression Association)	1300 726 306
Reach Out (for young people)	www.reachout.com
For Aboriginal and Torres Strait Islander People	www.vibe.com.au
For Culturally and Linguistically Diverse People	www.mima.org.au
Gay and Lesbian Counselling Service	www.glccs.org.au

If you are **bereaved by suicide** and need help, the following services are able to provide assistance

Living Beyond Suicide	1300 761 193
StandBy Support After Suicide Country South	0437 752 458
StandBy Support After Suicide Country North	0438 728 644
Minimisation of Suicide Harm (MOSH)	08 8443 8369
Solace Association (SA) Inc	08 8272 4334
Suicide Survivors (online)	www.casa.asn.au

Community Grants Programme

An annual community grants programme provides funding up to \$10,000 to individuals, groups and organisations who seek to provide activities that address the goals of the South Australian Suicide Prevention Strategy.

Grants are advertised in local media and on the SA Health website in March and successful applicants are notified in June.

How do I get more information?

The South Australian Suicide Prevention Networks are administered by SA Health through the Office of the Chief Psychiatrist.

For more information

The Office of the Chief Psychiatrist
Telephone: (08) 8226 1090
Email: ocp@health.sa.gov.au
Web: www.sahealth.sa.gov.au

This information has been developed in partnership with mental health consumers and carers

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www.ausgoal.gov.au/creative-commons

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Working together
to ensure lives are
not lost to suicide

The South Australian Suicide Prevention Strategy calls for a whole of community Response to suicide

Your community can help through the development of a Suicide Prevention Community Network

What is a Suicide Prevention Community Network?

A group of people who share a concern for the people in their community who are willing to do simple things to prevent suicide in their community through:

- starting life saving conversations
- breaking down stigma
- increasing correctness
- bringing education and training to the community
- linking community members to available services
- bringing coordination to efforts that might already be occurring
- fostering community health and wellbeing

How is a Suicide Prevention Community Network developed?

Anyone in the community can start the process.

Support occurs through local conversations with interested people and local government.

A community forum is held.

A Network forms and works to develop an action plan to address suicide in the community.

The Network membership is representative of the diversity of the community.

The Office of the Chief Psychiatrist facilitates Suicide Prevention Networks in South Australia

The OCP can work with you to:

- involve your local council
- plan and establish a community forum to gauge support for the development of a network
- work with passionate members of your community to develop a network
- identify your community's needs through the development of an action plan of activities to address them and measure your success
- provide you with a grant to assist with the activities of your action plan



**ADELAIDE HILLS COUNCIL
ORDINARY COUNCIL MEETING
Tuesday 22 September 2020
AGENDA BUSINESS ITEM**

Item: 12.4

Responsible Officer: Natalie Westover
Manager Property Services
Corporate Services

Subject: S210 Conversion to Public Road

For: Decision

SUMMARY

The purpose of this report is to seek a resolution to commence a process pursuant to Section 210 of the *Local Government Act 1999* ("Act") to convert privately owned roads to public road.

There are currently six (6) privately owned land parcels (**Appendix 1**) which form a part of the road network within the Adelaide Hills Council. This conversion of private road to public road will ensure the land is legally accessible by the community for use as public road and for Council to maintain.

Pursuant to Section 210 of the Act Council may declare private road to be public road and if declared, must cause a copy of the declaration to be published in the Government Gazette.

RECOMMENDATION

Council resolves:

1. That the report be received and noted.
2. To undertake a process pursuant to Section 210 of the *Local Government Act 1999* for the conversion of private road to public road for the land described as:
 - Russell Terrace, Bridgewater being the land comprised in CT 5411/603 of 1494m² currently owned by Bridgewater Park Ltd (In Liquidation).
 - Lot 82 Western Branch Road, Lobethal being the land comprised in CT 5696/27 of 105m² currently owned by Margaret Dixon Dearman, Ernest William Dearman & Burton Stirling Dearman.
 - 1 Robert Street Woodside being the land comprised in CT 5695/342 of 58m² currently owned by James Johnston and William Johnston.
 - Pieces 29 and Lot 30 in FP 156206 on Western Branch Road, Lobethal being the land comprised in CT 5696/31 of 446m² and 337m² currently owned by South Australian Company.
 - Norman Road, Bridgewater being Allotment 16 and 17 in DP 2167 as the land comprised in CT 5890/905 of 738m² and 1265m² currently owned by Donald Frederick Canham & Eileen Agnes Canham.

3. **That the Mayor and the Chief Executive be authorised to finalise the above matter including signing all necessary documentation to complete all transactions.**
 4. **That a further report be presented to Council following the completion of the notice period required under Section 210(2) of the Act detailing the outcome of the attempts to locate the owners of the roads detailed above.**
-

1. GOVERNANCE

➤ Strategic Management Plan/Functional Strategy/Council Policy Alignment

Strategic Plan 2020-24 – A brighter future

Goal	A Prosperous Economy
Objective E2	Provide Local Infrastructure to drive growth and productivity
Priority E2.4	Manage and maintain Council assets to maximise their utilisation and benefit to the community.

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 O3.2	Ensure that renewal of assets and the associated maintenance is based on current asset management plans which consider reviewed services levels and whole of life costings.
Priority O3.4	Assess the range and level of services undertaken to ensure they fulfil Council’s legislative and strategic intent.

To ensure that risk is appropriately managed for the land and that the land is legally accessible by the Council to maintain, and to the general community to use for access purposes, the land should be in the ownership of Council.

➤ Legal Implications

Section 210 of the Act enables the Council to declare private road, being a road in private ownership, to become public road. The process is suitable for privately owned roads to which the public has access where either the owner of the road asks for or consents to the declaration or the Council has made reasonable enquiries to find the owner and fails to do so.

At least 3 months prior to a declaration being made under this section of the Act, the Council must first attempt to identify the whereabouts of the owner, serve notices on the owner(s) and give public notice of the proposed declaration. If the owner, or beneficial owner, is located due to that process, they will be requested to prove their claim of ownership (if a beneficial owner) and served with the notices for outstanding rates. If located, the owner, or beneficial owner, may request or consent to the Council declaring the road as public road or alternatively take possession of the land.

The owner of the road may, within 5 years of the declaration of public road, apply to the Land and Valuation Court for compensation of the loss of their interest in the land. The manner of calculation of compensation is made in accordance with the provisions of the *Land Acquisition Act 1969*.

A resolution to declare the land as public road will not take effect until the publication in the Government Gazette. A further report will be presented to Council for consideration following the 3 month period in which Council will attempt to locate the owners of the land.

➤ **Risk Management Implications**

The declaration to convert private road to public road will assist in mitigating the risk of:

Council maintaining and permitting access to land it does not own or have legal rights to maintain or enter upon leading to unacceptable risk to the Council and community members.

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

The risk management assessment does not require the creation of a new mitigation action.

Acquisition and transfer of the parcels of land identified in this report would ensure that land that already appears to be a community or Council asset, is formalised as such and remains an asset for the future benefit of the community.

➤ **Financial and Resource Implications**

The Section 210 process to obtain ownership of all the land parcels is likely to cost approximately \$1,000 for advertising in local print media.

Unless a beneficiary of the deceased proprietors is located and seeks compensation, no compensation is payable.

All of the land parcels identified in this report are currently maintained by Council and included within existing resource allocations.

The process to declare the land as public road and the subsequent publication in the Government Gazette will be managed within existing resource allocations.

Rates, penalties and interest charges against these properties continue to accrue. The total outstanding rates on these land parcels totals \$94,313.48 to 30 June 2020. A provision to write-off these rates has already been provided for. If the owners of the land are unable to be located or the owners request or consent to the land being declared as public road, a further report will be presented to Council to consider the write-off of rates or alternative arrangements.

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

Public notification is required at the commencement and completion of the Section 210 process. No further public engagement is proposed.

➤ **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: Audit Committee

Council Workshops: Not Applicable

Advisory Groups: Property Advisory Group

Administration: Director Corporate Services
Manager, Civil Services
Coordinator, Civil Operations
Manager, Strategic Assets
Manager, Financial Services
Senior Rates Officer, Financial Services
Roads Officer, Property Services
Property Officer, Property Services

External Agencies: Not Applicable

Community: Not Applicable

2. **BACKGROUND**

There are currently six (6) privately owned land parcels (**Appendix 1**) which form a part of the road network within the Adelaide Hills Council district. This conversion of private road to public road will ensure the land is legally accessible by Council to maintain and for general community use.

Pursuant to Section 210 of the Act Council may declare private road to be public road and if declared, must cause a copy of the declaration to be published in the Government Gazette.

The following information is provided in relation to each land parcel:

Land Owned by Bridgewater Park Ltd (In Liquidation)

Russell Terrace, Bridgewater is the land contained in Certificate of Title 5411/603, in the ownership of Bridgewater Park Ltd (in Liquidation). Bridgewater Park Limited purchased the land being Section 87 in the Hundred of Noarlunga, County of Adelaide on 25 September 1925. This area of land was laid out as Bridgewater Park. Bridgewater Park Ltd (In Liquidation) was deregistered as an Australian Public Company on 10 June 1949.

This land provides approximately 1,494m² of road that is currently utilised by the public and the community. This road provides property access and egress for the properties located at 7 Russell Terrace and 53 Cave Avenue, Bridgewater.

This land currently has a capital value of \$225,000, and outstanding rates to 30 June 2020 of \$46,446.22.

Land Owned By MD Dearman, EW Dearman & BS Dearman

Allotment 82 in Filed Plan 155697, located on Western Branch Road, Lobethal is the land contained in Limited Certificate of Title 5696/27. Margaret Dixon Dearman, Ernest William Dearman and Burton Stirling Dearman are the registered proprietors as Tenants in Common. The Dearman's acquired the land on 8 May 1959.

This land provides approximately 106m² of road that is currently utilised by the public and the community. This road parcel currently sits within the formed and sealed section of Western Branch Road.

This land currently has a capital value of \$2,500, and outstanding rates to 30 June 2020 of \$13,052.53.

Land Owned by J Johnston & W Johnston

1 Robert Street, Woodside is Allotment 14 in Filed Plan 2859 is the land contained in Limited Certificate of Title 5695/342, in the ownership of James Johnston and William Johnston as Tenants in Common. The Johnston's acquired the land on 29 September 1977.

This land provides approximately 58m² of road reserve that is currently utilised by the public and the community. This road parcel currently forms the road reserve/footpath adjacent to the Woodside Retirement Village off Robert Street.

This land currently has a capital value of \$3,600, and outstanding rates to 30 June 2020 of \$8,289.68.

Land Owned by South Australian Company

Pieces 29 and 30 in Filed Plan 156206, located on Western Branch Road, Lobethal is the land contained in Limited Certificate of Title 5696/31, in the ownership of South Australian Co. The land was acquired by South Australian Company on 22 April 1959. South Australian Company was deregistered as an Australian Public Company on 17 March 1950.

Piece 29 provides approximately 446m² and Piece 30 provides 337m² of road is currently utilised by the public and the community. These road parcels currently form the road reserve adjacent to Western Branch Road.

This land currently has a capital value of \$17,000, and outstanding rates to 30 June 2020 of \$14,068.27.

Land Owned by DF Canham & EA Canham

Norman Road/Shannon Road, and the unnamed private road, Bridgewater is the land contained in Certificate of Title 5890/905, in the ownership of Donald Frederick Canham and Eileen Agnes Canham. The Canhams acquired the land on 12 February 1965.

This land provides approximately 2,003m² of road that is currently utilised by the public and the community. This road provides property access and egress for the property located at 14 Fielding Road, and the residents of Norman Road, Bridgewater.

This land currently has a capital value of \$16,000, and outstanding rates to 30 June 2020 of \$12,456.78.

3. ANALYSIS

Section 210 of the Act enables the Council to declare private road, being a road in private ownership, to become public road. The process is suitable for privately owned roads to which the public has access where either the owner of the road asks for or consents to the declaration or the Council has made reasonable enquiries to find the owner and fails to do so.

At least 3 months prior to a declaration being made under this section of the Act, the Council must first attempt to identify the whereabouts of the owner, serve notices on the owner(s) and give public notice of the proposed declaration. If the owner, or beneficial owner, is located due to that process, they will be requested to prove their claim of ownership (if a beneficial owner) and served with the notices for outstanding rates. If located, the owner, or beneficial owner, may request or consent to the Council declaring the road as public road or alternatively take possession of the land.

The owner of the road may, within 5 years of the declaration of public road, apply to the Land and Valuation Court for compensation of the loss of their interest in the land. The manner of calculation of compensation is made in accordance with the provisions of the *Land Acquisition Act 1969*.

A resolution to declare the land as public road will not take effect until the publication in the Government Gazette. A further report will be presented to Council for consideration following the 3 month period in which Council will attempt to locate the owners of the land.

If a beneficiary comes forward claiming an interest in any of the road land parcels, they will be served with the outstanding rates notices for payment. Any party who claims to be a beneficiary, will be required to prove their entitlement.

Once the required notice period has expired, and if no claims are made, a further report to Council will be presented seeking a resolution to declare the Land as public road. This would then be followed by publication in the Government Gazette.

There is no obligation for Council to acquire the land parcels. Given their locations, use and current condition it is likely that the community using these roads would perceive the land to be already be Council owned. In the event that Council elects to not take over ownership of these road parcels, the expectation from the community will remain for Council to be responsible for the insurance, maintenance and upkeep of these pieces of privately owned road. The properties will remain to be rateable, and penalties and interest will continue to accrue.

4. OPTIONS

Council has the following options:

- I. Resolve to commence the process of conversion of the privately owned road land to Public Road (Recommended)
- II. Resolve not to not declare the Land as public road resulting in the Land remaining in private ownership (to which there are no successors or beneficiaries), which said Land is being assessed for rates (Not Recommended)

5. APPENDIX

- (1) Maps identifying location of Private Road parcels

Appendix 1

Maps Identifying locations of Private Road Parcels

Russell Terrace, Bridgewater – Bridgewater Park Ltd (in Liquidation)



Western Branch Rd, Lobethal – MD Dearman, EW Dearman, & BS Dearman



1 Robert Street, Woodside – J Johnston & W Johnston



Western Branch Road, Lobethal – South Australian Company

Lot 29



Lot 30



Norman Road/Private Road, Bridgewater =- DF Canham & EA Canham



**ADELAIDE HILLS COUNCIL
ORDINARY COUNCIL MEETING
Tuesday 22 September 2020
AGENDA BUSINESS ITEM**

Item: 12.5

Originating Officer: Steven Watson
Governance & Risk Coordinator
Office of the CEO

Subject: Election of LGA President 2020

For: Decision

SUMMARY

Voting for the election for the Local Government Association (LGA) President is scheduled to occur on Tuesday 20 October 2020.

In July 2020, nominations for the position of President were requested for eligible candidates from Member Councils with three nominations received. The nominations are as follows:

- Mayor Karen Redman, Town of Gawler
- Mayor Angela Evans, City of Charles Sturt
- Mayor Jan-Claire Wisdom, Adelaide Hills Council

Candidate profiles are included in **Appendix 1**.

As a Member Council of the LGA, Adelaide Hills Council has an entitlement to cast one vote for the candidate that it wishes elected or Council may consider not voting for any candidate.

Following Council's consideration the Deputy Mayor (as the Mayor is on leave of absence) will mark or not mark the ballot paper and complete the voting process as set out in **Appendix 1**. The completed ballot paper must be lodged with the Returning Officer by 5.00pm, Monday 19 October 2020.

RECOMMENDATION

Council resolves:

1. That the report be received and noted
 2. For the Deputy Mayor to mark the ballot paper with the Adelaide Hills Council's vote for _____ and to lodge the completed ballot paper in accordance with the process set out in **Appendix 1**.
-

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 Attract and develop a diverse and capable elected body that represents, promotes and reflects the composition of the 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

➤ Legal Implications

The position, role and function of President are set out in the LGA Constitution.

➤ Risk Management Implications

Notwithstanding that Council is only one of the 68 councils voting for the LGA President, given the role of the LGA, it is in Council's (and the sector's) interest to support a candidate that 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)	Low (3E)	Low (3E)

Note that there are many other controls that assist in mitigating this risk.

➤ Financial and Resource Implications

The LGA President is provided with administrative support, an annual allowance of \$47,982 and is reimbursed travel and related expenses through the *LGA GP02 Board and Committee Member Allowances and Expenses Policy* by the LGA.

As such, the LGA President's Member Council is not required to provide administrative support, nor reimbursement of any expenses relating to the LGA President's role.

➤ Customer Service and Community/Cultural Implications

There are no direct end-user customer service implications regarding the election of the LGA President however given the prominence of the role in the community, there is the potential for the incumbent to shape the community's perception of local government and, by extension, the Council.

➤ **Sustainability Implications**

Not directly 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: Mayor Jan-Claire Wisdom has nominated for the LGA President role.

Advisory Groups: Not Applicable

Administration: Chief Executive Officer
Executive Manager Governance & Performance
Executive Assistant Mayor and Chief Executive Officer

External Agencies: Local Government Association

Community: Not Applicable

2. **BACKGROUND**

Under the LGA Constitution, the term of office for the LGA President is two years.

To be eligible for nomination the person must be a Council Member and must also be a current member of the South Australian Regions of Councils (SAROC) or the Greater Adelaide Region Organisation of Councils (GAROC) and have undertaken that role for a period of not less than one year.

The eligibility for Office of President rotates each term between a person who is a Council Member of a Member within Regional Groupings of Members in SAROC and a Council Member of a Member within Regional Groupings of Members in GAROC.

The next term of President is to be a candidate from the GAROC Grouping.

Nominations for the role are made by Member Councils and this process concluded on 28 August 2020, five nominations were received for three candidates from the following:

- Mayor Karen Redman, Town of Gawler
- Mayor Angela Evans, City of Charles Sturt
- Mayor Jan-Claire Wisdom, Adelaide Hills Council

Candidate profiles are at **Appendix 2**.

At the Council meeting of 25 August 2020, Council resolved to nominate Mayor Jan-Claire Wisdom.

12.10 Nomination for LGA President

Moved Cr Linda Green
 S/- Cr Leith Mudge

174/20

Council resolves:

1. That the report be received and noted
2. To endorse the nomination of Mayor Jan-Claire Wisdom for the LGA President role and authorise the Chief Executive Officer to lodge the completed nomination form to the Local Government Association by COB 28 August 2020.

Carried Unanimously

Key (indicative) timings and relevant LGA Constitution provisions are outlined in the table below:

Indicative Timing	Headline	LGA Constitution Provision
	Office of President	Position of President – rotated between SAROC and GAROC (Clause 28.6).
	Nominations equal to vacancies	If only 1 nomination is received for President, the Chief Executive shall declare such person duly elected (Clause 29.3). If the number of persons nominated for the office of President exceeds 1 person then an election must be held (Clause 29.4).
7 September 2020	Ballot papers prepared and posted	CEO shall deliver ballot papers to each member at least 6 weeks before AGM (last date 17 September) (Clause 29.5.1)
19 October 2020	voting closes	The CEO as returning officer will determine when voting closes, being 19 October 2020
20 October 2020	Counting of votes	The CEO shall nominate the date, time and place for the counting of votes (Clause 29.5.6)
29 October 2020	Final declaration of result	CEO shall declare the candidate with the most votes elected at the AGM (Clause 29.5.8)
29 October 2020	President takes office	President takes office at the conclusion of the AGM (Clause 30.1)

3. ANALYSIS

Role of LGA President

The LGA Constitution does not specifically articulate the role of the President however anecdotally the role involves the following key functions:

- Presiding over LGA Board Meetings
- Presiding over LGA Ordinary and Annual General Meetings
- Principal spokesperson for the LGA (and therefore the LG sector)
- Meetings with the State Government Ministers and bureaucrats
- Work with the LGA CEO and staff on matters of LGA business

Again the Constitution does not set out specific qualifications, skills or experience for the President's position however Council may wish to consider general suitability factors including (but not limited to):

- Sound understanding of the key issues, trends, challenges, and operating contexts of the 68 South Australian councils
- Good understanding of the legislative environment and reform provisions (as these will be a key topic for the incoming President)
- Expertise in chairing small and large meetings
- Expertise in public speaking
- Expertise in media relations and the availability/ability to speak confidently/competently on behalf of the sector with short notice
- Current and future time commitments

Voting

As there is only one position, Council only needs to consider voting for one candidate that they wish to be elected. The candidate with the most votes will be deemed elected (i.e. first-past-the-post or simple majority voting system).

Alternatively Council may consider not to vote for a candidate for LGA President.

Following Council's consideration the Deputy Mayor will mark or not mark as the case may be the ballot paper and complete the voting process as set out in **Appendix 1**. The completed ballot paper must be lodged with the Returning Officer by 5.00pm, Monday 19 October 2020.

4. OPTIONS

Council has the following options:

- I. To consider their preferred candidate and resolve accordingly (Recommended)
- II. To determine not to vote for a candidate (Not Recommended)

5. APPENDIX

- (1) Election of LGA President Correspondence, Candidate Information and Ballot Paper

Appendix 1

*Election of LGA President Correspondence, Candidate
Information and Ballot Paper*

In reply please quote our reference: ECM 713243 AS/AC

ADELAIDE HILLS COUNCIL
RECEIVED

16 SEP 2020

2 September 2020

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

SCANNED

16 SEP 2020

Dear Mr Aitken

Election of LGA President

On 20 July 2020, I wrote to councils calling for nominations for the position of LGA President. I wish to advise that at the close of nominations (5.00pm on 28 August 2020) I received nominations for the following three (3) eligible candidates (listed in the order of the ballot draw):

- Mayor Karen Redman
- Mayor Angela Evans
- Mayor Jan-Claire Wisdom

I hereby advise that in accordance with clause 29.4 of the LGA Constitution an election for the position of LGA President will take place.

I have attached a copy of each candidate's information together with a Ballot paper and voting envelopes for your council's completion in accordance with the instructions below. I require the ballot paper to be received by me in hard-copy no later than 5:00pm Monday 19 October 2020.

Voting Instructions

Pursuant to clause 29 of the LGA Constitution, the casting of the vote by your council must be conducted as follows:

- each Member council shall determine by resolution the candidate it wishes to elect;
- the Delegate of a Member council or in the Delegate's absence, the chair of the meeting for that Member shall mark the ballot paper with an "X" next to the candidate that the Member council wishes elected and seal the ballot paper in the envelope marked "Ballot Paper" and then place this envelope inside the envelope marked "Returning Officer". Before sealing the second envelope marked "Returning Officer" the Delegate must indicate the Member council's name on the inside flap of the envelope. The second envelope may then be sealed and delivered to the Returning Officer;

- on receipt of the envelopes the Returning Officer must:
 - open the outer envelope addressed to the "Returning Officer" and record the name of the Member council which appears on the inside flap of the envelope on the roll of Member's council eligible to vote; and
 - place the envelope marked "Ballot Paper" unopened into the ballot box;
- the Returning Officer shall nominate the date, time and place for the counting of votes and shall invite each candidate and a person nominated as the candidate's scrutineer to be present;
- at the counting of the votes the Returning Officer shall produce the unopened envelopes marked "Ballot Paper" and if satisfied that all votes are valid, count the number of votes received by each candidate;
- the candidate with the most votes shall be deemed elected and the Returning Officer shall declare the candidate elected at the Annual General Meeting; and
- in the case of candidates receiving the same number of votes, the Returning Officer shall draw lots at the counting of the votes and the lot drawn will be the candidate elected.

I am the Returning Officer for this election and I may appoint a Deputy Returning Officer to perform any of the powers, functions or duties described above.

Due to ongoing uncertainty regarding COVID-19 health and safety considerations that may be relevant in October, the counting of votes will take place via Zoom on Tuesday 20 October 2020 commencing at 9:00am.

The successful candidate will take office from the conclusion of the LGA's 2020 Annual General Meeting for a term ending at the conclusion of the 2022 LGA Annual General Meeting.

Please contact me or Director Governance & Legislation Alicia Stewart on 8224 2037 or alicia.stewart@lga.sa.gov.au if you have any questions.

Yours sincerely



Matt Pinnegar
Chief Executive Officer / Returning Officer

Telephone: (08) 8224 2039

Email: matt.pinnegar@lga.sa.gov.au

Attach: Candidate Information; Ballot Paper; Ballot Paper envelope; reply envelope addressed to Returning Officer

Candidate Information Sheet

LGA President

(word limit is strictly 1,000 words)

Name:	<i>Karen Redman</i>
Council:	<i>Town of Gawler</i>
Local Government Experience & Knowledge	<ul style="list-style-type: none"> • <i>Mayor Town of Gawler (2014-)</i> • <i>Council Member, Town of Gawler (2010-)</i> • <i>Director Local Government Association of South Australia (LGA)</i> • <i>Chair, Greater Adelaide Region of Councils (GAROC)- a committee of the LGA</i> • <i>Board Member, Australian Local Government Association (ALGA)</i> • <i>Member, LGA Audit and Risk Committee</i> • <i>High level strategic thinking and capacity to see big picture</i> • <i>Strong performance in governance and strategic decision making</i> • <i>Broad-based advocacy experience on issues relevant to the local government sector</i> • <i>Key negotiating and collaboration skills at State and Federal Level:</i> <ul style="list-style-type: none"> • <i>Gawler Civic Centre Federally funded 2015 (5.6M grant success)</i> • <i>Successfully negotiated an agreement for affordable housing locally with significant savings to the Town of Gawler</i> • <i>Experience in championing important initiatives ably demonstrated by leadership/advocacy for stronger protection for neighbourhood character and heritage as part of our new planning system</i> • <i>Experience in mentoring others and senior leadership</i> <ul style="list-style-type: none"> • <i>Mayors Young Women's Leadership Program</i> • <i>Long term leader in health with conference speaking engagements nationally and internationally</i>
Local Government Policy Views & Interests	<p><i>A Fresh Approach</i></p> <ul style="list-style-type: none"> • <i>As someone who is passionate about the important role community plays in our society, and not afraid to advocate on issues relevant to our sector, I will bring a fresh yet experienced approach to this important leadership role.</i> • <i>Raised in Gawler and with strong family connections to regional South Australia I am committed to ensuring our collective voice is heard on issues that matter</i>



- *A strong background in health and engaged at senior level on clinical governance issues ensures I will bring a high degree of ethical decision making to the Presidency*
- *Our sector is undergoing great change and requires a fresh yet experienced approach as we work through the significant reforms, not least of which is the local government reform bill currently before the Parliament.*
- *Gawler is steeped in history, so it's no surprise that planning reform and heritage has been a hot topic. My community supported me as I advocated for change to the planning reforms that are sweeping the state. Some of these reforms are needed however concern around good design, neighbourhood character and appropriate heritage protection remains.*
- *I have led GAROC as we supported advocacy on heritage matters and others such as infill development which is an emerging problem in metropolitan Adelaide. Leading this highly skilled committee of the LGA has been a privilege with more change to come as regions are formed across Adelaide.*
- *Most recently, with the COVID-19 pandemic hitting our communities, GAROC supported a series of webinars to assist local government as we navigate this new world and its impacts on our economies and our communities. As Chair I have been involved in each session, all of which have been extremely well received drawing interest from across South Australia, generating some fantastic ideas and resources we all can use going forward.*
- *As a Board Director of the LGA and in collaboration with President Mayor Sam Telfer and the secretariat, it's been a busy time as we navigate change to the LGA's constitution, a new Board structure, and a vision of sensible advocacy and support for our local government sector.*
- *The Australian Local Government Association is also facing a changing landscape with the impact of COVID-19, and the need for intelligent, effective leadership at Board level to support our national President and ensure local government has a voice that is heard by our federal decision makers.*
- *Being an active contributor to my community, the LGA, and ALGA has allowed me to develop strong advocacy, experience and knowledge relevant to local government. My background in health is a strength, with critical thinking, empathy, balance, the ability to collaborate and work with others, and a fresh, pragmatic style, central to my leadership.*
- *Over the next two years we will see a changing landscape for our communities across South Australia. A strong yet caring local government sector will be critical as we navigate this new way of living.*



	<ul style="list-style-type: none">• <i>Balanced, intelligent and compassionate leadership is required to ensure the LGA supports Councils to achieve this aim. I therefore look for your support in my nomination for President of the Local Government Association of South Australia.</i>
Other information	<ul style="list-style-type: none">• <i>Member, Australian Local Government Women's Association, SA Branch</i>• <i>Master of Health Science (Nurse Practitioner, Cancer Care)</i>• <i>Member, Senior Governance Group, Breast and Endocrine, Central Adelaide Local Health Network</i>• <i>Board Member, Gawler Care and Share Group</i>• <i>Member, Australian Nurses and Midwifery Federation</i>

Candidate Information Sheet

LGA President

(word limit is strictly 1,000 words)

Name:	Mayor Angela Evans
Council:	City of Charles Sturt
Local Government Experience & Knowledge	<ul style="list-style-type: none"> • 2020-current - Climate Emergency Australia Strategic Advisory Group - Member • 2020-current - Central Adelaide Waste and Recycling Authority (CAWRA) Board - Member • 2019-current - GAROC - Member • 2018-current - Mayor, City of Charles Sturt • 2014-2018 - Mayor, City of Charles Sturt • 2010/11, 2013/14 - Deputy Mayor, City of Charles Sturt • 2010-2014 - Councillor, West Woodville Ward, City of Charles Sturt • 2006-2010 - Councillor, West Woodville Ward, City of Charles Sturt <p>Other experience includes:</p> <ul style="list-style-type: none"> • Australian Local Government Women's Association of SA – Branch Committee Member – 2009-2011 • Local Government Association Board - Member - May 2015-August 2018 • Metropolitan Local Government Group - Member - January 2015-September 2018 • Metropolitan Local Government Group Executive Committee - Member - February 2017-June 2018 • CCS Gender Matters Panel – Member – 2007-2014 • City of Charles Sturt Working Group for Domestic Violence – Member - 2018 • Western Business Leaders Executive Committee - Member - November 2014-current • Various community and sports club memberships
Local Government Policy Views & Interests	<p>Key areas of interest include: to ensure the LGASA continues to connect with Councils, both regional and metro; to support their drive to innovate and improve service delivery through economic and community development, the natural and built environment; and supporting the LGASA to continue to develop and strengthen our collective ability to achieve community, professional and political excellence.</p>

	<p>I will provide a non-partisan voice for local government at the state and federal level on matters such as funding, the environment and climate change and economic recovery. I will work with the Past President, Sam Telfer and the Secretariat to ensure continuity of leadership and collaboration into the future.</p> <p>Whilst the LGASA's task is to identify issues of state-wide concern to local government and to arrive at a consensus view as to local government's position on the issues identified, I will ensure there is support and collaboration between rural and metropolitan Councils, partnering and advocating with the ALGA and other professional associations to enhance relationships and strengthen our advocacy to achieve the best outcome for the sector.</p> <p>I am passionate about identifying new opportunities within the COVID environment, focusing on how the sector can provide leadership, organisation, delivery and the promotion of SA economic development through the current and future challenges of the pandemic.</p>
<p>Other information</p>	<p>I have been the City of Charles Sturt Mayor since elected in the November 2014 Local Government Elections. Throughout my terms as Mayor, I have led a cohesive, collaborative and collegiate Council and has overseen the redevelopment of major Charles Sturt precincts, successful improvements within communities and strategically positioned the City's financial approach for future generations. I work collaboratively with Mayors across the Western suburbs with a recent example being the joint Materials Recovery Facility developed with the City of Port Adelaide Enfield to process councils' recyclables. I am a passionate driver behind Charles Sturt's important community connections work, and place making initiatives aimed at supporting grassroots communities to be innovative and collaborative.</p> <p>In 2015 and 2016, I was involved in leading economic missions to China, where I guided a delegate of aged care providers from the Charles Sturt area and forged official trade partnerships between the Shandong Province in Yantai and the City of Charles Sturt.</p> <p>I was previously the Deputy Mayor of Charles Sturt in 2010/11 and 2013/14, as well as Ward Councillor for the Woodville West Ward from 2006 to 2014. My involvement with Council, Community and Local Government committees during my time on Council is extensive and includes participation in the Gender Matters Panel, the Greater Adelaide Region Organisation of Councils, Central Adelaide Waste and Recycling Authority and the Climate Emergency Australia Strategic Advisory Group.</p> <p>The term ahead presents a range of challenges for our sector that we will need to consider and address in a way that reflects the best interests of our communities and our sector. I am determined to achieve this in a way that enhances our brand and our reputation as a constructive partner.</p> <p>I understand that issues such as the Planning Act and the Local Government Act reforms are not new to the sector, but will require our continued focus</p>



and voice. The sector's response to climate change through the very tangible local government responsibilities of waste management and infrastructure delivery positions us to be more than a vocal contributor. Additionally, my awareness of COVID and its continued effect on our community's health and connectedness is strong, and I believe this is an area where local government again plays a critical role. My belief is that the economic impacts and the role we must play – both directly and through our advocacy to support the financial and economic recovery will be vital.


I am a leader committed to providing responsible governance in a framework of strategic planning, enhancing relationships and fostering community connections. I have led a progressive Council that actively attracts positive and constructive connections, and that does not attract negative criticism. I, with the City of Charles Sturt, make every effort to enhance the brand and reputation of the sector.

My leadership style purposefully empowers and encourages respectful, collaborative and solution focused behaviours in all interactions, from the formal through to the informal. I have the ability to keep the focus on the pertinent issues at hand and debate matters in a respectful manner which is constructive and effective in bringing about the best outcomes for the community in a way that is transparent, timely and in line with strategic plans. I am committed to being a hardworking, available and inclusive President.

Candidate Information Sheet

LGA President

(word limit is strictly 1,000 words)

Name:	Mayor Jan-Claire Wisdom	
Council:	Adelaide Hills Council	
Local Government Experience & Knowledge	<ul style="list-style-type: none"> • 2018 – current Elected Mayor of Adelaide Hills Council • 2010 – current Elected Member of Adelaide Hills Council (Deputy Mayor for 6 years) • 2018 – current LGA Board Director • 2017 – current GAROC Board Member • 2017 – current Southern & Hills LGA Director • 2012 – Member of AHC CEO Performance Review Panel since 2012 (Chair 2 years) • 2012 - AHC CEO Selection Panel • Member of many AHC Committees and Advisory Groups • 2012 – 2018 State Libraries Board Member (Ministerial appointment) • 2018 – State Library Director Selection and Appointment Panel • Key knowledge/skills: Strategic Planning, Leadership, Collaboration and Partnerships, Advocacy, Public Speaking, Policy Development and Review, Communications, Community Development & Resilience, Listening, Crisis Management 	
Local Government Policy Views & Interests	<p>Support</p> <ul style="list-style-type: none"> • sustainable funding for LGA's Emergency Manager function including the Functional Support Group, R&D, Data Collection and Mapping, Education and Training programs • opposition to Rates Oversight Bill 2018 • reform of CM Code of Behaviour • renegotiating MOU with State Government for sustainable public libraries • resisting and mitigating State Government cost shifting • delaying implementation of parts of the new PDI code until fully tested • protection of local heritage and the spirit of local development plans • benchmarking for sector services • climate change mitigation including coastal protection 	

	<p>Interest</p> <ul style="list-style-type: none"> • raising the profile and respect given to the LG sector • trying new initiatives to both survive and thrive in a COVID shaped future • tooling up to better prepare communities for emergencies through a Community Ready program including supporting mental health initiatives • opportunities to diversify local government revenue • LG leadership in waste management economy and procurement • building local government, university and industry sector collaboration and partnerships • greater role for local government in tourism development • developing improved community engagement processes
<p>Other information</p>	<ul style="list-style-type: none"> • Fellow of the Governor's Leadership Foundation (2015) • Excellence in Local Government Leadership Award (2014) • Governor, Glenunga International High School (2009–13) • Qualifications: <ul style="list-style-type: none"> • Doctor of Philosophy (PhD) in Policy Analysis • Masters in Communications • BA in English and Philosophy • Post-graduate degrees in Dip. Library & Information Systems, BLitt Journalism • Currently Adjunct Research Fellow in Business School of UniSA • Member Industry Advisory Group at UniSA's Centre for Tourism Management • developed Health Services Director for group of 6 SA Councils (2018-19) • Professionally qualified Librarian, Systems and Business Analyst, Journalist, Management Consultant, small business owner/operator • served 10 years as Defence Force (Army) reservist in Intelligence Corps
<p>Personal Statement</p>	<p>Mayor Sam Telfer has done an excellent job over the past two years moving the organisation forward from previous difficult times and I have no doubt that the other candidates for this position known to me (Mayors Redman and Evans) would also both do an excellent job. What I bring to the position is a unique perspective and experience which I believe are particularly suited to our current COVID-impacted times.</p> <p>There is no greater test for a community leader than when a natural disaster hits home. The recent Cudlee Creek Bushfire that raged through our landscape burnt through 30% of my council district causing widespread damage and leaving physical and mental scarring in its wake. The response, relief and ongoing recovery from this event have honed my skills of empathy, communication and negotiation as well the ability to exercise diplomacy and play hardball at times when chasing down recovery funding promises. I've learnt to be a steady listener and key spokesperson in a crisis, and how to handle media liaison from many directions.</p>



Locally I've driven initiatives and championed not only my own fire impacted district but all SA fire-affected communities, in particular when I took an economic recovery plan to Canberra in January this year. I am still chasing down bushfire funding promises from State and Federal sources even while COVID has now muddied the funding pipeline.

I have the insight and understanding of serving on the current LGA Board and GAROC for the past two years as well as being on the Board of the Southern and Hills Local Government Association (SHLGA). For those of you in rural South Australia I have had the good fortune to visit every community in the State that has a library as part of my eight year tenure on the State Libraries Board, giving me some insight into the heartbeat of rural communities. These combined experiences mean I bring a unique value proposition to the President's role that should serve both our metro and rural communities and the sector well at a time when community capacity building, resilience, economic development, climate change mitigation and environmental management are critical for us to both survive and thrive our immediate and longer term future.

As a sector we must prepare for future disruptions while continuing to deliver quality services. We need to be both 'Council Ready' and 'Community Ready'. There are new jobs in waste recovery, tourism, renewables and building community infrastructure. Councils are influential in stimulating community and economic growth and we can change behaviours through education and sustainable initiatives. We can respond to future natural disasters and pandemics with ingenuity, pragmatism and passion if we visualise and grasp these new opportunities while never forgetting that local communities are at the heart of everything we do.

The LGA's mission is to Advocate for greater influence in matters affecting our communities; to assist members build capacity and increase sustainability; and to advance the sector through best practice and continuous improvement.

The LGA continues to have a critical role voicing the hopes and fears of Local Government and advocating for progress and betterment of communities throughout the sector, the state and the nation. Our voices need to be heard and respected.

I seek your support to spearhead the LGA SA and deliver a brighter future for us all.



Ballot Paper

Election for LGA President 2020-2022

1 Person Required

Ballot closes 5:00pm Monday 19 October 2020

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

<input type="checkbox"/>	REDMAN, Karen	Mayor
<input type="checkbox"/>	EVANS, Angela	Mayor
<input type="checkbox"/>	WISDOM, Jan-Claire	Mayor

**ADELAIDE HILLS COUNCIL
ORDINARY COUNCIL MEETING
Tuesday 22 September 2020
AGENDA BUSINESS ITEM**

Item: 12.6

Originating Officer: Steven Watson
Governance & Risk Coordinator
Office of the Chief Executive

Subject: Election for GAROC 2020 - 2022

For: Decision

SUMMARY

Voting for the Election for the Greater Adelaide Region Organisation of Councils (GAROC) membership will occur on Tuesday 20 October 2020.

In July 2020, nominations for positions on the East Regional Grouping Representatives to GAROC were requested from Member Councils and at the close of nominations (5.00pm on 28 August 2020) six (6) nominations for two (2) positions on GAROC were received from the following candidates:

Deputy Mayor Anna Leombruno	Campbelltown City Council
Mayor Jan-Claire Wisdom	Adelaide Hills Council
Mayor David O'Loughlin	City of Prospect
Mayor Michael Hewitson	City of Unley
Mayor Anne Monceaux	City of Burnside
Mayor Elizabeth Fricker	Town of Walkerville

Candidate profiles are at **Appendix 2**.

There are two (2) positions available for the East Regional Grouping Representatives to GAROC. Council may consider voting up to two (2) candidates or Council may consider not voting a candidate for East Regional Grouping Representatives to GAROC. Following Council's consideration the Deputy Mayor (as the Mayor is on leave of absence) will mark or not mark the ballot paper and complete the voting process as set out in **Appendix 1**. The completed ballot paper must be lodged with the Returning Officer by 5.00pm, Monday 19 October 2020.

RECOMMENDATION

Council resolves:

1. That the report be received and noted
 2. For the Deputy Mayor to mark the ballot paper with the Adelaide Hills Council's vote for _____ and _____ and to lodge the completed ballot paper in accordance with the process set out in **Appendix 1**.
-

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 Attract and develop a diverse and capable elected body that represents, promotes and reflects the composition of the 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

➤ Legal Implications

The position, role and function of GAROC are set out in the GAROC Terms of Reference.

➤ Risk Management Implications

Notwithstanding that Council is only one of the regional group of councils voting for members to GAROC, given the role of the GAROC, it is in Council's (and the sectors) interest to support the candidates that 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)	Low (3E)	Low (3E)

Note that there are many other controls that assist in mitigating this risk.

➤ Financial and Resource Implications

GAROC does not pay sitting fees, although GAROC funds travel and related expenses for its membership through its *GP02 Board and Committee Member Allowances and Expenses Policy*.

As such, there is no support provided via the *AHC Council Member Allowance & Support Policy*.

➤ Customer Service and Community/Cultural Implications

There are no direct end-user customer service implications regarding the voting for members to GAROC.

➤ Sustainability Implications

Not directly 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 Members: Mayor Jan-Claire Wisdom has nominated for a GAROC role.

Advisory Groups: Not Applicable

Workshops: Not Applicable

Administration: Chief Executive Officer
Executive Manager Governance & Performance
Executive Assistant Mayor and Chief Executive Officer

External Agencies: Local Government Association

Community: Not Applicable

2. BACKGROUND

The Local Government Association (LGA) reviewed its governance structures and this includes its two constituent bodies being the South Australian Regions of Councils (SAROC) representing the regional councils and the Greater Adelaide Region Organisation of Councils (GAROC) representing the metropolitan councils.

The role of GAROC is regional advocacy, policy initiation and review, leadership, engagement and capacity building in the regions.

The GAROC Regional Groupings consists of:

GAROC Regional Grouping	Members	Nominee 2020-2022
Adelaide	Adelaide City Council	Lord Mayor – Standing Member
North	Town of Gawler	2x Vacancies
	City of Playford	
	City of Salisbury	
	City of Tea Tree Gully	
West	City of Charles Sturt	2x Vacancies
	City of Holdfast Bay	
	City of Port Adelaide Enfield	
	City of West Torrens	
South	City of Marion	2x Vacancies
	City of Mitcham	
	City of Onkaparinga	
East	Adelaide Hills Council	2x Vacancies
	City of Burnside	
	City of Campbelltown	
	City of Norwood Payneham & St Peters	
	City of Prospect	
	City of Unley	
	City of Walkerville	

Mayor Wisdom was successfully elected to GAROC in October 2019, and this was prior to the Regional Grouping arrangements coming into effect.

On 25 August 2020, Council nominated Mayor Jan-Claire Wisdom for GAROC:

12.9.1 Nomination for GAROC – Voting for Council Member

Moved Cr Kirrilee Boyd
S/- Cr Chris Grant

173/20

Council resolves to endorse the nomination of Mayor Jan-Claire Wisdom for the Greater Adelaide Regional Organisation of Councils and authorise the Chief Executive Officer to lodge the completed nomination form to the Local Government Association by COB 28 August 2020.

Carried Unanimously

As a Member Council of the LGA, Adelaide Hills Council has an entitlement to complete the Ballot Paper and cast a vote for two (2) of the candidates that it wishes to be elected.

Candidate profiles are at **Appendix 2**.

3. ANALYSIS

Role of GAROC Members

The role of GAROC is regional advocacy, policy initiation and review, leadership, engagement and capacity building in the GAROC Region. As such, members do not represent their individual council in a similar manner to membership of Southern & Hills LGA (noting that S&HLGA is a member of the South Australian Regional Grouping of Councils – SAROC).

Voting

In accordance with Clause 4.4.5(d) of the GAROC Terms of Reference, Council may consider voting for two (2) candidates that they wish to be elected. Alternatively Council may consider not to vote for any candidates for the East Regional Grouping Representatives of GAROC.

Following Council's consideration the Deputy Mayor will mark or not mark as the case may be the ballot paper and complete the voting process as set out in **Appendix 1**. The completed ballot paper must be lodged with the Returning Officer by 5.00pm, Monday 19 October 2020.

4. OPTIONS

Council has the following options:

- I. To determine the two (2) preferred candidates for Election to the East Regional Grouping Representatives of GAROC and resolve accordingly (Recommended).
- II. To determine not to vote in the Election for GAROC (Not Recommended).

5. APPENDIX

- (1) Election of the East Regional Grouping Representatives to GAROC, Candidate Information Sheets and Ballot Paper

Appendix 1

*Election of the East Regional Grouping Representatives
to GAROC, Candidate Information Sheets and
Ballot Paper*

In reply please quote our reference: ECM 717852 AS/AC

2 September 2020

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

ADLAIDE HILLS COUNCIL
RECEIVED

16 SEP 2020

SCANNED
16 SEP 2020

Dear Mr Aitken

Election of East Regional Grouping Representatives to GAROC

On 21 July 2020 I wrote to Member Councils of the Greater Adelaide Regional Organisation of Councils (GAROC) calling for nominations to fill two (2) positions allocated to each Regional Grouping of Members on GAROC.

I wish to advise that at the close of nominations (5.00pm on Friday 28 August 2020) I received the following six (6) nominations for the two (2) positions allocated to the East Regional Grouping (listed in the order of the ballot draw):

- | | |
|-------------------------------|---------------------------|
| • Deputy Mayor Anna Leombruno | Campbelltown City Council |
| • Mayor Jan-Claire Wisdom | Adelaide Hills Council |
| • Mayor David O'Loughlin | City of Prospect |
| • Mayor Michael Hewitson | City of Unley |
| • Mayor Anne Monceaux | City of Burnside |
| • Mayor Elizabeth Fricker | Town of Walkerville |

As a result of receiving more nominations than available positions, I hereby advise that in accordance with clause 4.4.4 of the GAROC Terms of Reference an election for the two (2) positions on the East Regional Grouping of Members of GAROC will take place.

I have attached a copy of each candidate's information together with a ballot paper and voting envelopes for your completion in accordance with the instructions below. I require the ballot paper to be received by me in hard copy no later than 5.00pm Monday 19 October 2020.

Pursuant to clause 4.4.5 of the GAROC Terms of Reference, the election process must be conducted as follows:

- each Member council shall determine by resolution the two (2) candidates it wishes to elect;
- the chair of the meeting for that Member council shall mark the ballot paper with an "X" next to the two (2) candidates that the Member council wishes elected and seal the ballot paper in the envelope marked "Ballot Paper" and then place this envelope inside the envelope marked "Returning Officer". Before sealing the second envelope marked "Returning Officer" the chair must indicate the Member council's name on the inside flap of the envelope. The second envelope may then be sealed and delivered to the Returning Officer;

- on receipt of the envelopes the Returning Officer must:
 - open the outer envelope addressed to the "Returning Officer" and record the name of the Member council which appears on the inside flap of the envelope on the roll of Member council's eligible to vote; and
 - place the envelope marked "Ballot Paper" unopened into the ballot box.
- the Returning Officer shall nominate the date, time and place for the counting of votes and shall invite each candidate and a person nominated as the candidate's scrutineer to be present;
- at the counting of the votes the Returning Officer shall produce unopened envelopes marked "Ballot Paper" and if satisfied that all votes are valid, count the number of votes received by each candidate;
- the two (2) candidates with the most votes shall be deemed elected in respect of your Regional Grouping of Members and the Returning Officer shall declare the candidates elected at the Annual General Meeting; and
- in the case of candidates receiving the same number of votes, the Returning Officer shall draw lots at the counting of the votes to determine which candidate is elected.

I am the Returning Officer for this election and I may appoint a Deputy Returning Officer to perform any of the powers, functions or duties described above.

Due to ongoing uncertainty regarding COVID-19 health and safety considerations that may be relevant in October, the counting of votes will take place via Zoom on Tuesday 20 October 2020 commencing at 9:30am.

The successful candidates will take office from the conclusion of the LGA's 2020 Annual General Meeting for a term ending at the conclusion of the 2022 LGA Annual General Meeting.

If you have any queries please contact me or Director Governance & Legislation Alicia Stewart on 8224 2037 or alicia.stewart@lga.sa.gov.au.

Yours sincerely



Matt Pinnegar
Returning Officer / Chief Executive Officer

Telephone: (08) 8224 2039

Email: matt.pinnegar@lga.sa.gov.au

Attach: Candidate Information; Ballot Paper; Ballot Paper envelope; reply envelope addressed to Returning Officer



Candidate Information Sheet

GAROC

(word limit is strictly 1,000 words)

Name:	<i>Deputy Mayor Anna Leambruno</i>
Council:	<i>Campbelltown City Council</i>
Local Government Experience & Knowledge	<ul style="list-style-type: none">• 2018 to present Deputy Mayor Campbelltown Council• 2010 to 2018 Councillor of Campbelltown City Council• 2017 to present Member of Council Assessment Panel• 2014 to 2017 Member of Development Assessment Panel• 2015 to 2016 Campbelltown Child Friendly Committee• 2014 to 2016 CEO Panel Review Committee• 2014 to 2018 Sesquicentennial Advisory Committee• 2011 to present Community Rep for Charles Campbell College Governing Council• 2011 to 2013 (Chair 2013) St Francis of Assisi School Governing Council• 2010 to 2016 (Chair from 2014) Campbelltown Leisure Centre Redevelopment Committee• 2010 to 2014 Outlook Publication Committee• 2010 to 2014 Campbelltown Service Club Advisory Committee• 2010 to 2014 Strategic Planning and Policy Development Committee• 2010 to 2014 Sister City Committee



<p>Local Government Policy Views & Interests</p>	<p>Gone are the days were Councils are merely responsible for roads, rates and rubbish....</p> <ul style="list-style-type: none">• Local Government has an important responsibility to our constituents to provide and maintain its many services such as waste management, roads, footpaths, libraries, assets, infrastructure, sports and arts facilities and to also deliver various programs that assist and are of interest to both our young, elderly, disabled and vulnerable.• It is vital that Local Government continues to build strong relationships with other Councils and both the State and Federal Governments. Stronger relationships will lead to stronger voices and better outcomes.• We should encourage Councils to work collaboratively together in sharing knowledge and resources with the intent to reducing our running costs and to benefit our communities (including our local community groups and volunteers)• In recent times Local Government has come under increased scrutiny in regards to development, in particular what has been viewed as the over development and urban infill and the impact it has had on the community. The most notable impact has been the loss of tree canopy and the flow on effect has lead to environmental issues such as heat mapping.• When it comes to matters relating to commitment to climate change issues, environmental issues and significant tree protection, all these weigh heavily on Councils and it is imperative that Local Government are making decisions that best serve the community.• Environment issues and sustainability: In light of the recent changes seem around the world, it is important that we are also prepared and have policies in place to cope with the current changes in climate and the ongoing challenges faced around the world (eg COVID-19)• My commitment as a GAROC member will be to explore and consider all issues so that decisions are based on best case scenarios for our Councils and the community.
<p>Other information</p>	<p>With over 20 years in the insurance industry I am also well versed in matters pertaining to Liability and Negligence.</p> <ul style="list-style-type: none">• 2017 Diploma Local Government Association (LGA50712EM)• 2011 ALGWA Inaugural Metropolitan Winner Grace Benny Award (recognising females in LG)• 2010 Certificate IV Community Services



- | | |
|--|---|
| | <ul style="list-style-type: none">• 2009 Certificate III Community Services• 2008 Certificate IV Business (Frontline Management) BSB41004• 2005 Certificate III Financial Services (FNB30199)• 2003 People's Choice Award Regional Winner South Australia - Insurance Australia Group• 1987 General Insurance Principals A & B (Business Law, Communications) |
|--|---|

Candidate Information Sheet

GAROC

(word limit is strictly 1,000 words)

Name:	Mayor Jan-Claire Wisdom	
Council:	Adelaide Hills Council	
Local Government Experience & Knowledge	<ul style="list-style-type: none"> • 2018 – current Elected Mayor of Adelaide Hills Council • 2010 – current Elected Member of Adelaide Hills Council (Deputy Mayor for 6 years) • 2018 – current LGA Board Director • 2017 – current GAROC Board Member • 2017 – current Southern & Hills LGA Director • 2012 – Member of AHC CEO Performance Review Panel since 2012 (Chair 2 years) • 2012 - AHC CEO Selection Panel • Member of many AHC Committees and Advisory Groups • 2012 – 2018 State Libraries Board Member (Ministerial appointment) • 2018 – State Library Director Selection and Appointment Panel • Key knowledge/skills: Strategic Planning, Leadership, Collaboration and Partnerships, Advocacy, Public Speaking, Policy Development and Review, Communications, Community Development & Resilience, Listening, Crisis Management 	
Local Government Policy Views & Interests	<p>Support</p> <ul style="list-style-type: none"> • opposition to Rates Oversight Bill 2018 • reform of CM Code of Behaviour • renegotiating MOU with State Government for sustainable public libraries • resisting and mitigating State Government cost shifting • delaying implementation of parts of the new PDI code until fully tested • protection of local heritage and the spirit of local development plans • mix of representation and skills base for GAROC members • benchmarking for sector services • climate change mitigation including coastal protection 	



	<p>Interest</p> <ul style="list-style-type: none"> • trying new initiatives to both survive and thrive in a COVID shaped future • tooling up to better prepare communities for emergencies through a Community Ready program including supporting mental health initiatives • opportunities to diversify local government revenue • LG leadership in waste management economy and procurement • building local government, university and industry sector collaboration and partnerships • greater role for local government in tourism development • developing improved community engagement processes
<p>Other information</p>	<ul style="list-style-type: none"> • Fellow of the Governor's Leadership Foundation (2015) • Excellence in Local Government Leadership Award (2014) • Governor, Glenunga International High School (2009–13) • Qualifications: <ul style="list-style-type: none"> • Doctor of Philosophy (PhD) in Policy Analysis • Masters in Communications • BA in English and Philosophy • Post-graduate degrees in Dip. Library & Information Systems, BLitt Journalism • Currently Adjunct Research Fellow in Business School of UniSA • Member Industry Advisory Group at UniSA's Centre for Tourism Management • developed Health Services Director for group of 6 SA Councils (2018-19) • Professionally qualified Librarian, Systems and Business Analyst, Journalist, Management Consultant, small business owner/operator • served 10 years as Defence Force (Army) reservist in Intelligence Corps
<p>Personal Statement</p>	<p>GAROC is a committee of the LGA representing metropolitan councils formed in 2018 as the successor to MLGG (Metropolitan Local Government Group). I am a foundation member of the committee. Our mission is to provide advocacy, construct and review policy, leadership, engagement and capacity building in collaboration with the LGA for the benefit of SA metropolitan councils and our communities.</p> <p>Since its formation GAROC committee members have worked hard to construct its first four year Strategic Plan (2019-2023) with its first supporting Annual Business Plan in consultation with all metropolitan councils. We have engaged with our metropolitan communities and listened to the priorities you want us to concentrate on. You gave us four themes to guide our work:</p> <ul style="list-style-type: none"> • Economic Development • Design, Planning and Placemaking • Environmental Reform • Reform and Innovation <p>and these are the foundation of our Strategic Plan.</p>



We also initiated a series of webinars to reflect those four themes which allowed individuals to contribute directly to the conversations. Furthermore GAROC has been engaging directly with SA tourism agencies looking for opportunities to drive local economic recovery given this is the top priority identified by GAROC councils responding to the impact of COVID.

Having been instrumental in the development of GAROC and its Strategic and Business Plans for the next three years, I would like to continue to work on the roll-out of these plans on your behalf and with your support.

Candidate Information Sheet

GAROC

(word limit is strictly 1,000 words)

Name:	<i>Mayor David O'Loughlin</i>
Council:	<i>City of Prospect</i>
Local Government Experience & Knowledge	<ul style="list-style-type: none"> • <i>Elected Councillor in May 2003</i> • <i>Elected Mayor 2006, 2010, 2014, 2018</i> • <i>President Australian Local Government Association (ALGA) 2016-20 (November)</i> • <i>Chair, LGA Procurement</i> • <i>Director LGASA Board 2008 - current</i> • <i>Member GAROC - current and previously on Metro LG Group</i> • <i>Former President LGASA 2013-15</i> • <i>LGA rep on Planning Ministers' Liaison Group for planning reforms</i> • <i>Represent ALGA on national ministerial forums on Infrastructure, Planning, Local Government, Arts & Culture, Environment, Emergency Services and Population.</i>



<p>Local Government Policy Views & Interests</p>	<ul style="list-style-type: none">• <i>"Excellent service, delivered by great people who create and nurture communities we love to live, work and play in - all at a reasonable cost." This has been my motto since first running for council and it continues to inspire me to help my council and the sector be the best they can be.</i>• <i>GAROC is our metropolitan voice within the LGA and, as a founding member of it and the Eastern Region Alliance (ERA), I am committed to continuing to represent the views and aspirations of our great region on GAROC to achieve the above.</i>• <i>For the next two years our most important focus will be balancing protecting our health with fostering economic recovery and job creation. GAROC stands to play a powerful role. Learning from each other and acting collectively when appropriate will leverage local effort to best effect.</i>• <i>Community recovery must also be a key focus, with our collective events season in question, access to our facilities restricted, and programs to engage with our most vulnerable having to be reinvented to ensure we stay in touch without compromising community health. Maintaining community cohesion, a sense of positivity and wellbeing all at risk and requiring new thinking to achieve.</i>• <i>I was delighted GAROC recently acted on my suggestion to initiate webinars on the above topics for our key staff to hear from experts, share best practice, and actively seek each other's support to continue to find new ways to serve. Each of the series of webinars was very well attended.</i>• <i>GAROC's effort must remain focussed in order to achieve real results. In addition to economic and community recovery, I remain committed to GAROC's focus on developing council benchmarking, to aid decision making at the local level. I also support GAROC's key role in guiding the work of the LGASA board to benefit all councils and, in turn, our community members.</i>• <i>More broadly, I will continue to advocate for self-determination by democratically elected governments engaging with their local communities, and therefore I oppose centralised rate capping by unelected committees in any form.</i>• <i>A long term advocate for landfill reduction and increased recycling, I will continue to push for greater food recycling, reduction in single use plastics, and greater use of council procurement practices to drive demand for products made using recycled materials, in turn increasing the value of our yellow bins and lowering costs to ratepayers.</i>• <i>I support planning reform provided it leads to superior design outcomes, via more transparent and legible processes, at less cost to councils, whilst providing greater clarity to applicants (and their neighbours), and improving character and heritage protections - not diminishing them.</i>
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<p>Other information</p>	<ul style="list-style-type: none"> • <i>Driven to achieve better outcomes for local people, my governance skills and decision making processes have benefited from roles within the local government sector at the local, state and national level, and within a broad range of other entities over the years, include the following current commitments:</i> • <i>Chair, Blackfriars Priory School Board, Governance & Risk Committee and Capital Works Committee</i> • <i>Acting Chair of the Diocesan Finance Committee for the Catholic Archdiocese of Adelaide</i> • <i>President, Art Deco & Modernism Society of Australia (Adelaide Chapter)</i> • <i>Member, Uni SA Architecture Museum Advisory Board</i> • <i>Member, Prospect Kiwanis</i> • <i>Member, Rosary Church Building Committee</i> • <i>Patron, North Adelaide Croquet Club</i> • <i>I enjoy meeting and listening to locals, responding to their needs, and developing collective aspirations to transform and improve our local area. Acting on their behalf, I have played a key role in the development of the City of Prospect, our Mainstreet Precinct, the protection of our character rich housing, nearly doubling our level of heritage protection, and vastly increasing our success in attracting investment.</i> • <i>At the state and national level I have been involved in achieving many reforms and securing significant grants for the sector, in addition to implementing policy reform and advocating for legislative improvements.</i> • <i>I look forward to continuing to be of service via my election to GAROC.</i>
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Candidate Information Sheet

GAROC

(word limit is strictly 1,000 words)

Name:	<i>Mayor Michael Hewitson AM</i>
Council:	<i>City of Unley</i>
Local Government Experience & Knowledge	<ul style="list-style-type: none"> • 2018-current – Mayor of Unley • 2019 Chair Eastern Regional Alliance of Councils ERA • 2017 – Deputy Mayor • 2006-2018 – Councillor, Unley Ward • Current – Presiding Member of the CEO Performance Panel • Current – Ex-Officio for the City Strategy and Development Committee and Strategic Property Committee • Presiding Member Environmental Strategy • Presiding Member Development Policy and Planning
Local Government Policy Views & Interests	<p><i>State Governments should empower Local Government to make decisions and be accountable to their ratepayers... for example</i></p> <ul style="list-style-type: none"> • Rate Capping: <i>Council to be responsible to make decisions on rates and budgets.</i> • Planning Code: <i>Statewide planning rules should allow local council variations as one size does not fit all. Councils to control local heritage and planning decisions.</i> • Waste management: <i>should also be Council controlled eg. bin pick-up cycles should be determined by councils.</i>
Other information	<ul style="list-style-type: none"> • Current Member of the Australian Education Board (ACARA) responsible for the national curriculum of all Australian students, reporting on all schools and testing of all Australian children from early primary to Year 12 (experience in collegial and consensus decision making at national level). • Current Chair of National Audit and Risk Committee of ACARA. • A strong financial, scientific and mathematical background, experience in governance, teacher education and teaching: experience in planning, environmental issues and local government. A history of delivery of strategic change as a CEO, as a Chair, and as an Elected Member of Local Government. • Current Member of the Australian Curriculum Committee studied by all students Foundation – Year 10 and some Year 11 and 12 subjects. Change requires political support and our future is our children and the values and knowledge that they have. • Member of the Minister's advisory group for the reforming of Local Government governance across South Australia. Valued political voice in achieving change. • Presiding Member and Chair of both environmental and planning bodies over six years, with proven experience in translating ideas into practice.



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| | <ul style="list-style-type: none">• Principal Trinity College and CEO of Trinity schools and STARPlex.• Director Salisbury Education Centre.• Honours Degree in Microbiology with Majors in Chemistry (basic knowledge set and a reader of scientific papers).• Author of a number of books most recently "How will our children learn?" 2013 (ability to communicate and be heard).• Many other boards and Committees ranging from schools both Independent and Catholic and sporting groups. Have an interest in the arts, pianist and artist, member of state opera, love gardening and cycling.• Made a member of the Order of Australia in January 2013 "For significant service to Education ... and to the community of Unley".• Elected in 1998 as a Fellow of the Australian College of Education. |
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Candidate Information Sheet

GAROC

(word limit is strictly 1,000 words)

Name:	<i>Mayor Anne Monceaux</i>
Council:	<i>City of Burnside</i>
Local Government Experience & Knowledge	<p>Prior to being elected as Mayor of the City of Burnside in 2018, I was the Beaumont Ward Councillor for 8 years. I stood originally to protect the heritage-listed Chelsea (now Regal) Cinema.</p> <p>During those 8 years, I was:</p> <ul style="list-style-type: none"> • Member of the Board of Eastern Health Authority (including Deputy Chair for 4 years) Member of the Committee that created the Public Health Plan for the 5 ERA Councils. • Member of the Consultation Committee for the re-development of the George Bolton Swimming Centre (Burnside Swimming Centre) in 2015-16. • Member of the Board of the Burnside Retirement Services Inc. (Elected by council biannually from 2010-2019). • Appointed to the Advisory Group of SAHealth and the LGA for the development of the current SA Public Health Plan during all of 2018. <p>I am a member of the Australian Local Government Women's Association.</p> <p>Since November 2018, I have been Mayor of the City of Burnside, Chair of CEO Recruitment, Appraisal and Remuneration Committee, Member of the Council's Audit Committee and Mayoral representative for the Eastern Region Alliance of Councils.</p> <p>In 2019, I was selected to be on a Reference Group for then Minister, Stephan Knoll for consultation on Local Government Reforms.</p> <p>Currently, I am an ex-officio member of the City of Burnside Heritage Reference Group, a member of the Reconciliation Reference Group and Chair of the Disability Advocacy Group.</p>
Local Government Policy Views & Interests	<p>Council decision-making should be based on serving the local community, responding to their wants and predicting their future needs. GAROC exists to serve the broader community, using their combined strength to lead and advocate for consolidation and change.</p> <p>The COVID-19 experience has forced Councils to be innovative, to change the way we deliver our services, and moved the health and well-being of our communities to the forefront of our thinking. Our community assets have proven, during these 'unprecedented times', to be essential to their well-being. Libraries, community centres, indoor meeting and creating places, sporting clubs, parks, pathways, bikeways, footpaths, and roads have all</p>



	<p>provided for the cross-section of our community, leading to heavier demands on our services.</p> <p>Our people’s health is affected by economic development, environmental sustainability and planning. The character of places, the historical value of places and the retention of trees and provision of green spaces all have great impact. Hence, planning is vital, and working with the new Minister for Local Government and Planning will be important to bring about the changes we have already advocated for. Local Government Reform continues to need focus and debate, with some issues remaining contentious, such as rate-capping and elected member behaviour and controls.</p> <p>GAROC plays an integral role in decision-making and advocacy. Together, councils have a powerful voice in initiating reform, developing capacity to lead and build strong communities who can bring about necessary change. Seeking out more opportunities to work collaboratively across the sector is essential for future-building as we work through the long and short-term effects of COVID-19. This includes how we support small business and community-based enterprises. Engaging with both State and Federal Governments is also paramount for funding and planning.</p> <p>Climate change requires proactive intervention and advocacy. We need to work together and lobby for change to create a sustainable future. There is a shift towards principles of a circular economy, building social, environmental and economic capital, as well as reducing environmental harm.</p> <p>The responsibility for waste is not just with those who collect, recycle and dispose of waste or the community itself. We should identify that those enterprises that make, sell and construct are key players who must adopt a stronger sense of environmental responsibility for their products across the entire supply chain and material lifecycle. Involvement in the circular economy is critical.</p> <p>I will be committed to working together as a team in GAROC to promote, lead, advocate and initiate policy for the benefit of all members.</p>
<p>Other information</p>	<p>I am an educator with nearly 50 years of teaching and leading, including nearly 10 years in local government.</p> <p>I have taught (and had leadership roles) in private and state schools, both primary and secondary, and in two universities. I have an Arts degree, an Education degree, and a Master of Gifted Education degree.</p>

Candidate Information Sheet

GAROC

(word limit is strictly 1,000 words)

Name:	Mayor Elizabeth Fricker
Council:	Corporation of the Town of Walkerville
Local Government Experience & Knowledge	<p>Adaptive; Innovative; Collaborative.</p> <p>If there is one thing (or three) that my experience in Local Government has taught me thus far – it is the importance of the above words.</p> <p>As a leader in my community, I fervently believe it is essential to take risks and embrace change as the opportunity presents. This has never been more important than in the current climate. Not only at an international, national or State level, but also at a local level.</p> <p>Local Government has been the epitome of adaptive in delivering information, services, programs and events in order to cater for our communities. In addition, we have been innovative and advocates of creativity – particularly in light of COVID-19 by delivering services, programs and Council meetings differently. While these changes were unexpected and unprecedented, they provided myself – as Mayor of the Council – the opportunity to demonstrate my own strengths in leading and responding to transformation. This ensured that that the community remained connected and the Council remained accessible.</p> <p>As the current Mayor of the Town of Walkerville, I foster an innovative and collaborative community. I understand the importance of being able to quickly adapt to specific situations and circumstances in order to meet the needs of residents and businesses. This has been relevant since I was elected to Council in November 2014. In November 2016, I was appointed Deputy Mayor by the Council and in 2018, I was elected unopposed by the community as Mayor.</p> <p>As part of my role, I regularly attend meetings with my fellow Eastern Region Alliance (ERA) Mayors on a monthly basis to discuss broader issues across the district. I also attend the quarterly meeting of the ERA Mayors and CEO. This is paramount for collaboration, staying engaged with our neighbouring communities and keeping abreast with the issues that not only affect our region but the wider sector, such as the Local Government reform agenda and proposed planning reforms.</p>

	<p>Furthermore, I have been a member of Council's Audit Committee since 2014, Strategic Planning and Development Policy Committee (2014 to 2018) and CEO Performance Review Committee (November 2016 to present). I am the Presiding Member of the Women of Walkerville Foundation Committee, which was formed in order to raise funds for the betterment of the community. My role on these committees has provided me with a greater insight and knowledge across Local Government, all the while allowing me to cast my thoughts and decisions to make an impact on the future of our Township.</p> <p>I have attended a number of training forums run by the Local Government Association (LGA) for Elected Members. I have also actively involved myself in almost every consultative forum run by the LGA and the Office of Local Government in relation to planning reform and rates capping, including the South Australian Productivity Commission inquiry into Local Government costs and efficiency.</p> <p>Prior to my time in Local Government, I gained high-end strategic skills in my experience on a private board, managing a dealership in regional SA and completing a Master of Business Administration. This has allowed me to understand investment and the importance of financial management, which is always in the back of my mind as part of a sound decision-making process.</p> <p>I have learnt that a leader must be adaptable, collaborative, innovative and prepared to give both their time and determination to the cause. A leader does not shy away from conflict, but is prepared to make tough decisions for the overarching benefit of the community. I see this as no different to being a member of a board such as GAROC, where I would bring my Local Government knowledge and wealth of various past experience to the table in order to be present, be influential and to foster innovation.</p>
<p>Local Government Policy Views & Interests</p>	<p>I am passionate about the below key areas:</p> <ul style="list-style-type: none"> • Public safety; • Affordable housing; • Impact of the planning reforms; • Open and transparent governance; • Waste management; • Active ageing and wellbeing; • Social inclusion and diversity; • Genuine community engagement; • Financial sustainability; • Appropriate management of assets; • Open spaces. <p>I am a strong advocate for providing diverse services and programs to our community, with a focus on the most vulnerable groups in the district.</p> <p>I firmly believe in the protection of heritage areas and the retention of trees, particularly in areas of infill development.</p>



	<p>I have also taken great interest in waste management and the impact of land infill. Our subsidiary, East Waste, completed the largest and most comprehensive kerbside bin audit ever undertaken in South Australia. One of the key findings was that 55% of the material in the general waste to landfill bin in Walkerville could be recycled or composted and consequently, \$90,000 could be saved. As a result, I aim to provide a greater education of our community regarding the disposal of waste materials.</p>
Other information	<ul style="list-style-type: none">• Bachelor of Arts with a Major in Economics and Politics;• Master of Business Administration;• Fellow of Australian Institute of Company Directors;• Board Member of RA Jordan, a private plumbing company operating in South Australia and the Northern Territory;• Previously filled casual vacancies on Women's and Children's Hospital Board;• Previously managed large Agricultural Dealership in country South Australia.



Ballot Paper

Election for GAROC Regional Grouping East 2020-2022

2 Persons Required

Ballot closes 5:00pm Monday 19 October 2020

Important Note: In accordance with Clause 4.4.5(d) of the GAROC Terms of Reference, the chair of the meeting for that Member Council shall mark the ballot paper with an "X" next to the two (2) candidates that the Member Council wishes elected, then seal the ballot paper in the envelope marked "Ballot Paper" and place it inside the envelope marked "Returning Officer". The name of the Member Council must be indicated on the inside flap of the envelope marked "Returning Officer" and the envelope then sealed and delivered to the Returning Officer.

<input type="checkbox"/>	LEOMBRUNO, Anna	Deputy Mayor	Campbelltown City Council
<input type="checkbox"/>	WISDOM, Jan-Claire	Mayor	Adelaide Hills Council
<input type="checkbox"/>	O'LOUGHLIN, David	Mayor	City of Prospect
<input type="checkbox"/>	HEWITSON, Michael	Mayor	City of Unley
<input type="checkbox"/>	MONCEAUX, Anne	Mayor	City of Burnside
<input type="checkbox"/>	FRICKER, Elizabeth	Mayor	Town of Walkerville

**ADELAIDE HILLS COUNCIL
ORDINARY COUNCIL MEETING
Tuesday 22 September 2020
AGENDA BUSINESS ITEM**

Item: 12.7

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

Subject: Strategic Internal Audit Plan Revision

For: Decision

SUMMARY

At its 17 August 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 v1.5a (the SIAP) with some minor changes. The updated version of the SIAP is now v1.5b.

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 (v1.5b) as contained in Appendix 1.
-

➤ **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 the 2020-21 financial year will not be sufficient to conduct all of the audits currently scheduled. As such, a Budget Review will be sought later in the year depending on the schedule of future audits.

The proposed audits are planned 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.

➤ **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 17 August 2020 Audit Committee recommended the revision of the current Strategic Internal Audit Plan 1.4 to become v1.5a.

Advisory Groups: Not Applicable

Workshops: Not Applicable

Administration: Chief Executive Officer
Governance & Risk Coordinator

External Agencies: Internal audit firms invited to submit quotations for current projects.

Community: Not Applicable

1. 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 28 July 2020 meeting, Council approved revisions to the now current SIAP (2018/19 – 2022/23 v1.4) as follows, to accommodate adjustments to the proposed timing of audits:

12.12 Strategic Internal Audit Plan Revision

Moved Cr Leigh Mudge
S/- Cr John Kemp

149/20

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.

Carried unanimously

In terms of Year 3 (2020-21) of the SIAP, the status of the upcoming audits is as follows:

- Recruitment & Retention - TOR developed - to commence October 2020
- Budgetary Management - TOR developed - to commence in late November/early December 2020
- Payroll Function - contracted - to commence late September/early October 2020
- Cyber Security – draft report being developed
- Treasury Management - TOR developed - to commence in late November/early December 2020

In considering the above matters the Audit Committee resolved at its 17 August 2020 meeting as follows:

7.5. Internal Audit Quarterly Update

Moved David Moffatt
S/- Paula Davies

40/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 v1.5a as contained in Appendix 1 with minor timing amendments as suggested.

Carried Unanimously

The timing amendments referred to in the above Audit Committee minute involved changing the timing of the 2020/21 Emergency Management audit from Q1 to Q3 and the Debt Management audit from Q3 to Q1.

2. ANALYSIS

The SIAP has been revised to reflect the Audit Committee’s recommendation from the 17 August 2020 meeting and the progress in the conduct of the two above audits (see SIAP v1.5b in **Appendix 1**).

3. 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.

4. APPENDIX

- (1) Strategic Internal Audit Plan 2018/19 – 22/23 v1.5b

Appendix 1

Strategic Internal Audit Plan 2018/19 – 22/23 v1.5b

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.			Q2 (Project Brief agreed)		
Budgetary Management	Focussing on financial planning, control and reporting. Relationship of budget with LTFF, legislative and regulatory compliance.	SR9c - Failure to manage, improve and develop the financial resources available to the Council.			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)	Q1 Auditor engaged, fieldwork to commence in late Sept		
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) - not scoped due to COVID	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 (Project brief in development)		
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)	Q1 Auditor engaged, fieldwork completed		
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				Q1 Q3	
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.				Q1	
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
25/07/2020	Proposed amendments (Changes in timing for Recruitment & Retention, Budgetary Mgt, Treasury Mgt, Emergency Mgt & BCP)	1.4
17/08/2020	Updated scheduling and status	1.5a
10/09/2020	Updated scheduling and status incorporate Audit Committee feedback	1.5b

**ADELAIDE HILLS COUNCIL
ORDINARY COUNCIL MEETING
Tuesday 22 September 2020
AGENDA BUSINESS ITEM**

Item: 12.8

Responsible Officer: James Sinden
Manager Information Services
Corporate Services

Subject: Policy Review – Records & Information Management Policy
and Records and Information Management for Council
Members Procedure

For: Decision

SUMMARY

The Adelaide Hills Council must abide by various legislative requirements when managing official records and information to ensure legal, transparent and accountable practices are adhered to.

The current *Records & Information Management Policy* (the Policy) was adopted on 14 February 2017 and the *Records & Information Management for Council Members Procedure* (the Procedure) was adopted on 28 August 2018, both required review in September 2020 which has now been completed.

RECOMMENDATION

Council resolves:

1. That the report be received and noted.
 2. With an effective date of 6 October 2020, revoke the 28 February 2017 '*Records Information Management Policy*' (Appendix 2) and to adopt the new '*Records Information Management Policy*' as contained in Appendix 1.
 3. With effective date of 6 October 2020, revoke the 28 August 2018 '*Records & Information Management for Council Members Procedure*' and to adopt the updated '*Records Information Management for Council Members Procedure*' as contained in Appendix 3.
 4. That the Chief Executive Officer, or delegate, be authorised to make any formatting, nomenclature or other minor changes to the *Records Information Management Policy* and/or *Records Information Management for Council Members Procedure* prior to the effective dates.
-

1. GOVERNANCE

➤ Strategic Management Plan/Functional Strategy/Council Policy Alignment

In accordance with the Council’s Strategic Plan 2020 – 2024, the Policy and Procedure will enable accountability and effective service delivery to enable improved customer experiences.

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.

The Policy framework for Council is an imperative factor of the wider Governance Framework.

The Council is committed to open, participative and transparent decision making and administrative processes. Therefore, it diligently adheres to legislative requirements to ensure public accountability and surpasses these requirements where possible.

The review of the *Records & Information Management Policy* (the Policy) ensures all new and updated legislation is accounted for and the updated *Records & Information Management Procedure for Council Members* (the Procedure) will also include these variations.

➤ Legal Implications

Legislation in various forms affects the management of records. To ensure accurate record and information management practices are upheld accurate policy and procedure development must be developed. The following summarises the legislation that involve legal record management practices:

State Records Act 1997

Legislation that applies to Council and provides for the preservation and management of official records.

Freedom of Information Act 1991

Legislation that applies to Council and provides for public access to official documents and records and for the correction of public documents and records in appropriate cases.

Local Government Act 1999

The legislation and the codes created thereunder place obligations on Council Members and employees regarding the management information obtained in the course of official duties.

Electronic Communications Act 2000

Legislation that facilitates electronic communications and retention practices.

Evidence Act 1929

Legislation that enables consolidation of certain Acts relating to evidence which includes documents and other records.

Surveillance Devices Act 2016

Legislation that makes provision relating to the use of surveillance devices, including the management of recordings.

Independent Commissioner Against Corruption Act 2012

Legislation that establishes the Independent Commissioner Against Corruption and the Office for Public Integrity with its primary objectives to enable adequate functions for identification and investigation of corruption in public administration and prevention or minimisation of corruption, misconduct and maladministration.

Public Interest Disclosure Act 2018

Legislation that enables protection for persons making disclosures of public administration or interest information which can be obtained via Council's record management practices.

Copyright Act 1968 (Cth)

Commonwealth legislation which establishes access control protection measures for specific items which are owned by Council.

➤ **Risk Management Implications**

Ongoing review and management of the Policy and the Procedure will assist in mitigating any risk of poor governance practices including:

- *Loss of stakeholder (i.e. customer and regulator) confidence and/or legislative breaches.*
- *Inadequate access of knowledge of records and/or information for stakeholder requirements due to Machinery of Government changes.*
- *Loss of hard copy information (e.g. environmental disaster) when records are not stored electronically.*
- *Ongoing financial impacts for Council with regards to records storage costs.*

Inherent Risk	Residual Risk	Target Risk
Extreme (5C)	Medium (3D)	Low (3E)

➤ **Financial and Resource Implications**

The financial resource implications of adopting the Policy and Procedure are minimal as they primarily reflect existing practice and resource allocations.

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

The accurate creation and maintenance of records provides a history of the transactions and business processes of Council, thereby ensuring public sector accountability and transparency, and the responsible stewardship of the community's information. Excellent customer service is dependent on staff's ability to access high quality, accurate information and records, which enables the delivery of transparent, consistent service across the community.

➤ **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: Nil

Advisory Groups: Not applicable

Administration: Executive Leadership Team
Director Corporate Services
Executive Manager, Governance & Performance
Manager Information Services
Governance and Risk Coordinator
Team Leader Information Management

External Agencies: Attorney General's Department, State Records

Community: Not applicable

2. BACKGROUND

The current Policy was adopted on 28 February 2017 (item 14.5, 109) and the Procedure was adopted on 28 August 2018 (item 12.13, 209/18).

Both are key Council documents and are scheduled for review which will ensure appropriate governance is adhered to, especially in relation to legislative variations.

3. ANALYSIS

The current Records & Information Management Policy was adopted to provide the overall principles and guidance for the management of corporate information and records consistent with legislative requirements. The Records and Information Management for Council Members Procedure was adopted to provide Council Members with the correct processes to use for the management of their corporate information and records, this too is consistent with legislative requirements.

Due to the number of key changes required a reviewed Policy (**Appendix 1**) has been developed to ensure more accurate reference to new and varied legislative requirements. This has been provided without the usual ‘track changes’ showing given the number of variations included made it difficult to clearly present. A copy of the current Policy has been provided at **Appendix 2** for information.

The key changes include (but are not limited too):

- Updated with new legislation.
- Updated the objectives to outline search abilities.
- Updated the additional definitions.
- Updated the legislative framework to include additional legislation.
- Updated the principles to detract from other areas of the policy which now incorporate the previous principles.
- Updated the policy statement to outline newly defined accurate commitments and demonstration of commitments.
- Included Copyright which will be administered by way of a separate process due to the complexities and extent of requirements needed.
- Updated the responsibilities to ensure all Council staff and members are aware of their responsibilities when managing records.

The reviewed Procedure also incorporates these new and varied legislative changes and has been provided at **Appendix 3**.

4. OPTIONS

For Council to review and determine the following options:

- I. To adopt the Policy and the Procedure, with or without amendment. If adopted, to revoke the 28 February 2017 *Records & Information Management Policy* and 28 August 2018 *Records and Information Management for Council Members Procedure* (Recommended).
- II. To determine not to approve the updated Policy or Procedure at this time. (Not Recommended).

Should the Council identify the need for substantial amendments to the revised policy and procedure, it is recommended that they be referred to staff for review to allow for analysis of the implications of the amendments, prior to the matter being brought back to the Council for further consideration.

5. APPENDICES

- (1) Updated *Records & Information Management Policy* for adoption – September 2020
- (2) *Records & Information Management Policy* – 28 February 2017
- (3) Updated *Records & Information Management for Council Members Procedure* for adoption – September 2020

Appendix 1

*Updated Records and Information Management Policy
for adoption – September 2020*

COUNCIL POLICY

 <p>Adelaide Hills COUNCIL</p>	<h2>RECORDS AND INFORMATION MANAGEMENT</h2>
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Policy Number:	GOV-13
Responsible Department(s):	Information Systems
Relevant Delegations:	Nil
Other Relevant Policies:	<i>Council Member Conduct Policy</i>
Relevant Procedure(s):	Internet and Email Procedure Internet and Email Usage Agreement Social Media Procedure
Relevant Legislation:	<i>State Records Act 1997</i> <i>Freedom of Information Act 1991</i> <i>Local Government Act 1999</i> <i>Electronic Communications Act 2000</i> <i>Evidence Act 1929</i> <i>Surveillance Devices Act 2016</i> <i>Independent Commissioner Against Corruption Act 2012</i> <i>Public Interest Disclosure Act 2018</i> <i>Copyright Act 1968 (Cth)</i>
Policies and Procedures Superseded by this policy on its Adoption:	Records & Information Management 14 February 2017, Item 14.5, 109
Adoption Authority:	Council
Date of Adoption:	<i>To be updated administratively</i>
Effective From:	<i>To be updated administratively</i>
Minute Reference for Adoption:	<i>To be updated administratively</i>
Next Review:	February 2023 or as required by legislation, or when circumstances change to warrant a review

RECORDS AND INFORMATION MANAGEMENT POLICY

1. INTRODUCTION

The Records and Information Management Policy provides a framework for the management of official records within the Adelaide Hills Council. It applies to all Council Members, Council employees, volunteers, representatives, consultants, contractors and sub-contractors employed or engaged by the Council.

Official records form part of business activities undertaken by Council. To manage official records we are committed to implementing accurate and auditable record keeping practices and systems that enable the creation, capture, retrieval, maintenance, security and disposal of all official records in accordance with legislative requirements.

The development of this Policy has taken into account requirements of the *Local Government Act 1999* and other relevant legislation.

2. OBJECTIVES

The objectives of this policy are:

- 2.1 To demonstrate compliance and accountability of official record keeping information management practices by all persons employed or engaged by Council.
- 2.2 To enhance customer service delivery and maintain a history of transactions and business processes which are vital for the efficient provision of Council's ongoing business activities.
- 2.3 To enable all persons employed or engaged by Council easy access to records.
- 2.4 To ensure legal, evidential and accountability requirements are adhered.

3. DEFINITIONS

"Council Business" means the exercise, performance or discharge of powers, functions and duties under the *Local Government Act 1999* or other legislation. This includes but is not limited to the provision of services, delivery of programs, development of policies, making of decisions by (or on behalf of) Council, discharging statutory roles and powers, performance of Council functions and communicating with rate payers and stakeholders.

"CEO" means Chief Executive Officer.

"Copyright" provides Council as creators of new or existing official records the legal framework for the control of our creations. It also enables accurate processes to be followed when obtaining Copyright approval of external works.

"Council" means Adelaide Hills Council.

"EDRMS" means Electronic Data Records Management System. These systems ensure the protection of Council's "corporate memory" through sound record keeping practices. Council's approved EDRMS's include TRIM, Open Office, My Community, Records Hub and CRM.

"Council Members" are people who have been appointed or elected as a member of the council under the *Local Government Act 1999*.

"General Disposal Schedule 21" affords Council with appropriate means to destroy certain hardcopy records upon accurate digitisation being completed.

“**General Disposal Schedule 40**” affords approved Information Management staff only with appropriate means to destroy specific hardcopy records upon end of archival life.

“**Information Management**” is the way in which any official record is created, captured, retrieved, maintained and secured. It ensures every official record has adequate metadata and format applied in accordance with legislative requirements.

The primary aim for information management is to ensure that the right information is available to the right person, in the correct format and medium, at the right time.

“**Information Management Team**” is the team operationally responsible for the professional management of Council’s official records (physical and electronic). They are available to assist all individuals identified in the scope with advice or training.

“**Official Record**” means any record made or received by Council in the conduct of its business, but does not include:

- a) a record made by any individual identified in the scope as a draft only and not for further use or reference; or
- b) a record received into or made for the collection of a library, museum or art gallery and not otherwise associated with the business of the Council.

“**Record**” can be written, graphic or pictorial matter including a disk, tape, film, social media, webpage or other object that contains information or from which information may be reproduced.

“**Record Management**” includes the manner in which records are created.

4. SCOPE

This policy applies to all Council Members, Council employees, volunteers, representatives, consultants, contractors and sub-contractors employed or engaged by the Council.

It outlines the strategy required when managing any official record, in any format to ensure they are legally contained in an approved Council EDRMS business system.

5. LEGISLATIVE FRAMEWORK

The *State Records Act 1997* ("the Act") and applicable Regulations govern the obligations and responsibilities of councils in relation to the management of official records. Under this legislation, Council has a legal duty to maintain official records in its custody in an order that is able to be preserved for future requirements.

In addition to its record management obligations under the Act, Council is obliged to keep adequate records in order to fulfill its responsibilities under other forms of legislation such as the *Freedom of Information Act 1991*, for legal processes, such as discovery and subpoenas. It is to meet any requirements by Royal Commissions, Independent Commissioner Against Corruption (ICAC), the South Australian Ombudsman, the Courts of South Australia, *Electronic Communications Act 2000*, *Evidence Act 1929*, *Surveillance Devices Act 2016*, auditors and other bodies.

6. PRINCIPLES

The security of all Council’s systems including their EDRMS is crucial. Official records provide evidence of business transactions, support management decisions and ensure public accountability requirements are met. All documents, matter or things prepared or written in the bounds of one’s employment will vest with the Council as their intellectual property right.

All individuals identified in the scope will be scrupulous in the use of official information and should not use their position in Council for personal gain or for non-authorised purposes.

7. POLICY STATEMENT

The Council is committed to ensure accurate information management practices are followed. It recognises the importance of all official records and how these valuable assets must be accurately managed and maintained within Council.

The Council is committed to:

- 7.1 Legally creating, capturing, protecting and disposing of official records to ensure a correct history of the transactions and business processes of Council including the responsible stewardship of the community's information.
- 7.2 Ensuring public sector accountability and transparency and treating official records as a business asset to be managed consistently across the business and throughout their statutory lifecycle.
- 7.3 Ensuring the management of official records is performed in accordance with all compulsory legislative requirements and relevant internal policies and procedures.
- 7.4 Utilising security classifications and measures to protect its information assets in all systems from loss, unauthorised access, disclosure, damage or destruction whilst retaining maximum accessibility across the organisation.

The Council will demonstrate this commitment by:

- 7.5 Capturing all official records in approved EDRMS corporate systems in order to meet legislative requirements.
- 7.6 Providing the required financial, technical and corporate resources for the proficient management of official records.
- 7.7 Regularly auditing and completing appropriate risk analysis of official records, processes used and systems to ensure Council are aligned with legislative requirements.
- 7.8 Providing all individuals identified in the scope appropriate knowledge and training in records management to ensure legislative requirements are upheld.
- 7.9 Supporting and fostering a culture which actively seeks and embraces continual improvement in information management methodologies and systems to ensure risk management, security and legal obligations are adhered.
- 7.10 Ongoing review and creation of systems and processes to improve information management, including retrieval through the reduction of information duplication, effective search tools, linkages between core line-of-business systems and high level Information planning.
- 7.11 Ensuring in accordance with appropriate legislation requested information is available to the public.

8. COPYRIGHT

Any copyright requirements made to Council will be administrated by way of a separate policy and procedure.

9. RESPONSIBILITIES

Officially all individuals identified in the scope must comply with this policy and Council's Records and Information Procedure whilst performing their duties.

Under the *Local Government Act 1999*, Section 99 outlines the CEO must ensure that official records required under any legislation are kept and maintained accurately.

Council Employees and Council Members should report breaches of this Policy to an appropriate Responsible Officer or the CEO.

10.DELEGATIONS

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.


11.AVAILABILITY OF THE POLICY

This policy is available on Council's website www.ahc.sa.gov.au. The public may inspect a copy of this policy without charge, at the offices of council during office hours, and may obtain a copy for a fee as per Council's Fees & Charges Register.

Appendix 2

*Records Management & Information Management
Policy - 28 February 2017*

COUNCIL POLICY

 <p>Adelaide Hills COUNCIL</p>	<h2 style="margin: 0;">RECORDS & INFORMATION MANAGEMENT</h2>
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Policy Number:	GOV-13
Responsible Department(s):	Information Systems
Relevant Delegations:	None
Other Relevant Policies:	Code of Conduct for Council Employees Council Member Conduct Policy
Relevant Procedure(s):	Internet and email procedure Internet and email usage agreement Social Media procedure
Relevant Legislation:	<i>State Records Act 1997</i> <i>Freedom of Information Act 1991</i> <i>Local Government Act 1999</i>
Policies and Procedures Superseded by this policy on its Adoption:	Records & Information Management 25 August 2015, Item 14.5, 109
Adoption Authority:	SPDPC
Date of Adoption:	14 February 2017
Effective From:	28 February 2017
Minute Reference for Adoption:	SP3/17
Next Review:	February 2020 or as required by legislation, or when circumstances change to warrant a review

RECORDS & INFORMATION MANAGEMENT POLICY

1. INTRODUCTION

The Records & Information Management Policy provides Council (Council Members and Employees) with principles and guidelines for the management of corporate information and records. The policy will assist Council to comply with legislation relating to the capture and storage of records and information. In addition, the Policy assists in the establishment of an effective and efficient record keeping and information management environment. The hallmarks of such an environment include the standardisation of information keeping, the protection of such information and the ability to easily locate and retrieve information. An effective record and information management environment enhances customer service delivery, maintains the history of the transactions and business processes of local government and is vital for the efficient provision of Council's ongoing business activities.

The development of this policy has taken into account requirements of the *Local Government Act 1999* and other relevant legislation.

2. OBJECTIVES

The objectives of this policy are to set out Council's commitment to:

- 2.1 an information and records management environment that fulfils Adelaide Hills Council's legislative obligations; and
- 2.2 the preservation of the Council's "corporate memory" through sound and consistent record keeping practices and the comprehensive and accurate capture of information to meet legal, evidential and accountability requirements.

The policy also:

- 2.3 articulates the records and information management responsibilities of employees, Council Members and other relevant individuals working with one of Council's key assets – its information.

3. SCOPE

This policy applies to all Council Members, employees, volunteers, work experience placements, contractors and sub-contractors working on behalf of Council.

All records and information, of any format, generated or received in the conduct of Council business are within the scope of this policy.

4. LEGISLATIVE FRAMEWORK

The *State Records Act 1997* ("the Act") governs the obligations and responsibilities of councils in relation to the management of official records. Under this Act, Council has an obligation to maintain official records in its custody in good order and condition. This obligation applies to the capture, storage, maintenance and disposal of records regardless of format (physical or electronic).

In addition to its record management obligations under the Act, Council is obliged to keep adequate records in order to fulfil its responsibilities under other Acts such as the *Freedom of Information Act 1991*, to fulfil legal processes, such as discovery and subpoenas, and to meet any requirements by Royal Commissions, ICAC, the Ombudsman, the Courts, auditors and other bodies.

5. DEFINITIONS

Council Business – encompasses the exercise, performance or discharge of powers, functions and duties under the Local Government Act or other Acts. This includes the provision of services, delivery of programs, development of policies, making of decisions by (or on behalf of) Council, discharging statutory roles and powers, performance of Council functions and communicating with rate payers and stakeholders.

Information Management – is the way in which an organisation plans, identifies, creates, receives, collects, organises, governs, secures, uses, disseminates, preserves and disposes of its information. It is also the means through which the organisation ensures that the value of that information is identified and exploited.

The primary aim of information management is to ensure that the right information is available to the right person, in the correct format and medium, at the right time.

Records Management is the way an organisation controls, and manages the creation, capture, maintenance, disposal and use of its records as dictated by legislation.

The primary aim of records management is to ensure that information is captured, classified and made available to the right person, in the correct format and medium, at the right time whilst complying with relevant legislation.

Record – Information created, received and maintained by Council in the conduct of its business which provides evidence of a business transaction. It is a record if it meets any of the following criteria:

- 5.1 Forms part of a business transaction / relates to Council's business
- 5.2 Adds value to an existing record
- 5.3 Shows a transaction or how the transaction was dealt with
- 5.4 Shows a decision and how it was reached
- 5.5 Provides evidence of an event (e.g. when and where it happened)
- 5.6 Indicates advice given and who provided it
- 5.7 Requires someone to action it
- 5.8 Relates to a formal draft of a document, an agreement or legal document
- 5.9 Demonstrates compliance with statutory or other regulations

A record can be in various formats (e.g. letter, file note, calendar entry, social media post, sound recording, video file, legal titles, contracts or an email) and is determined by the *content*, not the *format*.

Where more than one copy of a record exists, the *official record* is the one used by the council as part of their work activity and retained for the length of the retention period. The official record should contain all annotations made to the document.

6. PRINCIPLES

The security of all Council records is crucial, as records provide evidence of business transactions, support management decisions and ensure public accountability requirements are met. Records in all formats should be stored securely to prevent unauthorised access, destruction, alteration or removal.

Information obtained by Employees or Council Members in the course of their duties and functions is respected and used in a careful and prudent manner. All intellectual Property Rights in any document, matter or thing prepared or written in the bounds of one's employment will vest with the Council.

Employees, Council Members and all relevant individuals will be scrupulous in the use of official information and should not use their position in Council for personal gain or for non-authorised purposes.

Accurately created and maintained records serve as a history of the transactions and business processes of local government. They are a fundamental tool that provides evidence of public sector accountability and responsibility. It is for these reasons that legislation exists to ensure that official records are properly maintained and preserved for future generations.

7. POLICY STATEMENT

The Council recognises the value of information and records to its operations and performance, and considers it a valuable asset that needs to be actively managed and maintained across the organisation.

The Council is committed to:

- 7.1 accurately creating and maintaining records to provide a history of the transactions and business processes of Council, thereby ensuring public sector accountability and transparency; and the responsible stewardship of the community's information.
- 7.2 treating information and records as a business asset to be managed consistently across the business, throughout its lifecycle.
- 7.3 providing visible support at an organisational level for information and records management processes, people and systems to promote consistent practice.
- 7.4 ensuring consistent, quality information and records management across the organisation is a priority with all information including digital and paper-based records and documents managed responsibly, ethically and to the highest standard of integrity, security and privacy.

- 7.5 the creation and management of authentic, high-integrity, reliable and useable records that are capable of supporting business functions and activities into the future.
- 7.6 ensuring that the management of information and records is performed in accordance with all applicable legislative requirements and relevant internal policies and procedures.
- 7.7 utilising security classifications and measures to protect its information assets in all systems from loss, unauthorised access, disclosure, damage or destruction whilst retaining maximum accessibility and transparency across the organisation.
- 7.8 preserving Council's 'corporate memory' through sound record keeping practices and the accurate capture of information to meet legal, evidential and accountability requirements
- 7.9 a culture that protects privacy and endeavours to protect the personal information it collects, stores, discloses and uses

The Council will demonstrate this commitment by:

- 7.10 capturing full and accurate information and records in organisationally approved corporate systems in order to meet current and future needs.
- 7.11 providing the required financial and technological resources for effective and efficient management of information, records and corporate knowledge.
- 7.12 regularly auditing information to ensure organisational needs are met and use of information is appropriate.
- 7.13 providing required information to Council Employees, Council Members and the community as required by legislation.
- 7.14 providing suitable education and training to ensure staff, Council Members and other relevant individuals are able to meet their information and records management responsibilities and understand their legislative requirements.
- 7.15 supporting and fostering a culture which actively seeks and embraces continual improvement in information and records management methodologies and systems and that meets our accountability, compliance, ethical practice and active risk management obligations.
- 7.16 creating systems and processes to improve information retrieval through the reduction of information duplication, effective search tools, linkages between core line-of-business systems and high level Information planning.

8. RESPONSIBILITIES

All individuals identified in the Scope need to be aware of and comply with Council's information and records management requirements against all activities they undertake in performance of their duties and functions.

Their responsibilities include:

- 8.1 creating, capturing, maintaining and retrieving all Council records in *authorised corporate systems* to support the conduct of their business activities;
- 8.2 ensuring records are created in all appropriate circumstances immediately, or as soon as practical, after an event, decision, agreement or business action.
- 8.3 learning how and where records and information are kept within Council;
- 8.4 not destroying or amending Council records without authority from the Council Records Team;

- 8.5 being aware of and complying with Council's information and records management procedures.

Council employees, Council Members and all relevant individuals who do not comply with this Policy may be subject to disciplinary action under the relevant Code of Conduct, and/or subject to criminal or civil proceedings. Section 17 of the State Records Act provides for a maximum fine of \$10,000 or imprisonment for two years. Council Employees and Council Members should report breaches of this Policy to the Chief Executive Officer.

9. DELEGATIONS

The Chief Executive Officer has the delegation to approve, amend and review any procedures that shall be consistent with this Policy.

10. POLICY REVIEW

This Policy will be reviewed on a 3 year basis to ensure it is current and reflects changes to legislation, systems, processes, technology and standards. The Policy will be reviewed whenever there is a change to Legislation or State Records requirements.


11. AVAILABILITY OF THE POLICY

The public may inspect a copy of this policy, without charge, at the offices of council during office hours, and may obtain a copy for a fee as per Council's Fees & Charges Register. The policy is also available on Council's website www.ahc.sa.gov.au.

Appendix 3

*Updated Records Management & Information
Management for Council Members Procedure
for adoption – September 2020*

COUNCIL PROCEDURE

 <p>Adelaide Hills COUNCIL</p>	RECORDS & INFORMATION MANAGEMENT FOR COUNCIL MEMBERS
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Responsible Department(s):	Information Services
Relevant Policies:	<i>Records and Information Management Policy</i>
Other Relevant Policies and Procedure(s):	<i>Council Member Conduct Policy Social Media Guidelines Internet and Email Procedure Internet and Email Usage Agreement</i>
Version	4
Adoption Authority:	Council
Date of Adoption:	<i>To be updated administratively</i>
Effective From:	<i>To be updated administratively</i>
Minute Reference for Adoption:	<i>To be updated administratively</i>
Next Review:	February 2020-2023 or as required by legislation, or when circumstances change to warrant a review

RECORDS & INFORMATION MANAGEMENT PROCEDURE FOR COUNCIL MEMBERS

1. INTRODUCTION

The *Records & Information Management Procedure for Council Members (Procedure)* should be read in conjunction with the *Records & Information Management Policy (Policy)*.

The Procedure provides a process for Council Members to follow to ensure accurate official record keeping practices during creation, capture, security and disposal which document business activities including communications to/from the public and Council Members.

2. OBJECTIVES

The objectives of this procedure are:

- To ensure full compliance of legislative responsibilities.
- To demonstrate compliance of official record keeping management practices by all Council Members.
- To enhance customer service delivery and maintain a history of business activities and communications which are vital for the efficient provision of Council's ongoing business.
- To ensure legal, evidential and accountability requirements are upheld.

3. DEFINITIONS

"Council Business" means the exercise, performance or discharge of powers, functions and duties under the *Local Government Act 1999* or other legislation. This includes but is not limited to the provision of services, delivery of programs, development of policies, making of decisions by (or on behalf of) Council, discharging statutory roles and powers, performance of Council functions and communicating with rate payers and stakeholders.

"CEO" means Chief Executive Officer.

"Council" means Adelaide Hills Council.

"Council Members" are people who have been appointed or elected as a member of the council under the *Local Government Act 1999*.

"EDRMS" means Electronic Data Records Management System. These systems ensure the protection of Council's "corporate memory" through sound record keeping practices. Council's approved EDRMS's include TRIM, Open Office, My Community, Records Hub and CRM.

"Information Management" is the way in which any official record is created, captured, retrieved, maintained and secured. It ensures every official record has adequate metadata and format applied in accordance with legislative requirements.

The primary aim for information management is to ensure that the right information is available to the right person, in the correct format and medium, at the right time.

"Information Management Team" is the team operationally responsible for the professional management of Council's official records (physical and electronic). They are available to assist all individuals identified in the scope with advice or training.

“Official Record” means any record made or received by Council in the conduct of its business, but does not include:

- a) a record made by any individual identified in the scope as a draft only and not for further use or reference; or
- b) a record received into or made for the collection of a library, museum or art gallery and not otherwise associated with the business of the Council.

“Record” can be written, graphic or pictorial matter including a disk, tape, film, social media, webpage or other object that contains information or from which information may be reproduced.

“Record Management” includes the manner in which records are created.

4. IMPORTANCE OF RECORDS

Records are a vital asset to Council. Records created and received by Council Members have the potential to:

- Support the work of Council Members and Council’s program delivery, management and administration.
- Help Council Members and Council to deliver customer services in an efficient, fair and equitable manner.
- Provide evidence of Council Members’ actions and decisions and establish precedents for future decision making.
- Protect the rights and interests of the Council & Council Members.
- Protects the rights and interests of its citizens.

5. INFORMATION TO BE CLASSIFIED AS A RECORD

When you generate information in your role as a Council Member you may be generating records which need to be captured into Council’s records management system. The records management system enables Council to administer records in accordance with the *State Records Act 1997*. It is used to store, retrieve and dispose of records.

Legislation states that records relating to Council business should be captured. Examples of Council business include, but are not limited to:

- Communications between Council Members and residents/public on matters of council business (e.g. compliments, complaints, suggestions or enquiries by rate-payers and stakeholders about Council services.
- Conversations which relate to the business functions of Council involving the communicating of Council or Committee resolutions, plans or strategies or issuing of recommendations, definitions or interpretations from the Council Member to another party or vice versa.
- Correspondence received and sent relating to their work undertaken for Council.
- Making decisions, commitments or agreements binding for the Council Member or Council.
- Members’ Declarations of Interest.
- Providing advice, instructions or recommendations.
- Sole copies of documents received by a Council Member and sourced from outside Council that are relevant to furthering the business activity of Council.
- Speech notes made for addresses given at official council events or on behalf of Council.
- Working papers and documents which document significant decisions, reasons or actions.

6. CREATION OF RECORDS

Council Members are responsible for ensuring any records they create or receive while conducting the business of Council are stored within Council's record keeping system. Details on how to work with various formats are listed below.

Note – any documentation forwarded to Council Members from Council employees will already have been processed in Council's records management system.

Electronic Records

All electronic records should be forwarded to the Information Management Records Team via mail@ahc.sa.gov.au, these will then be transferred into Council's EDRMS. Examples of electronic records include, but are not limited to emails, word documents, social medial posts (screen shots may be used to capture discussions), iPad notes, video files, pictures.

Email correspondence regarding Council business is to be conducted via the Council Member's corporate email account only.

Email records received via a Council Members' personal email account are to be forwarded to the mail@ahc.sa.gov.au to be captured within the records management system. It is recommended that the sender is advised that emails are to be directed to the corporate email account when correspondence relates to the Council Member's duties.

Note, while the records management software procurement process is being undertaken emails generated via Council Members' corporate email account may continue to be stored within Outlook. Outlook will be recognised as the corporate repository for email records for the duration of the project.

Paper Records

Paper records should be forwarded to the Information Management Records Team either via internal mail or the CEO and Mayor's Executive Assistant. If records are of a sensitive or confidential nature, please mark them as such, to enable the appropriate security controls to be applied.

Council Members may retain copies of their records, marked as such, as required for use in their Official duties.

Records of Verbal Communications

Verbal communications can mean a telephone conversation, a voice mail message, a formal meeting, or even an informal chat with a rate payer. If a discussion is identified as a record, and has not already been formally captured via meeting minutes, it should be appropriately recorded, at minimum in précis form and forwarded to the Records Team.

7. CORRESPONDENCE RECEIVED BY COUNCIL

All correspondence received by Council will be entered into the approved records management system by the Information Management Records Team. Mail is opened and processed in accordance with Council's records management policies and procedures. Mail is then distributed to Council Members via the Executive Assistant – Mayor & CEO.

Emails addressed to Council Members are registered in Council's records management system and then emailed to the Council Member via their Council email address.

8. INFORMATION OF A SENSITIVE OR CONFIDENTIAL NATURE

Council Members may be asked to keep matters discussed relating to Council business confidential. Under the *State Records Act 1991* confidential conversations/correspondence must still be recorded and registered into Council recordkeeping systems if they refer to Council business. A statement has been included on the Council website explaining this; clients may be directed to the site for further information.

Records identified as confidential will be opened and processed by the [Information Management Records](#) Team Leader. The records will be stored with the appropriate security controls.

If further information is required please contact the Information [ManagementRecords Supervisor](#) Team Leader.

9. ACCESSING RECORDS

Access relating to civic duties

Council Members requiring access to information in relation to the performance or discharge of their functions may request access via the CEO or nominated delegates as per Section 61 of the *Local Government Act 1999*.

Access relating to personal interest

All other requests to access information should be made via the Freedom of Information process. Refer to the [State Records of South Australia](#) website for further information.

10. DISPOSING OF RECORDS

There is to be no intentional deletion, destruction or alteration of records across Council. Records are only to be disposed of in accordance with the provisions of the *State Records Act 1997* by authorised [Information Records](#) Management staff.

Any duplicate or copies of records *may be disposed of* by Council Members at any time but only via the confidential bins within Council.

11. INFORMATION NOT CLASSIFIED AS A RECORD

Information that is created, sent or received by Council Members when they *are not* discharging functions of Council are not classified as official records.

Examples include, but are not limited to:

- Records relating to political or electoral issues e.g. lobbying for votes, supportive emails from members of the community regarding elections or political stances.
- Duplicates - exact reproductions or copies of records.
- Communications regarding matters of personal/general interest rather than Council interest e.g. information from environmental or other interest groups not specific to issues being considered by Council Members or Council.
- Records relating to attendance at sports functions, church fetes, community functions when the Council Member is not representing Council.
- Personal records of Council Members such as personal emails, character references for friends, nomination for awards, letters to local newspapers etc. that are not related to Council business.

For further clarification on what information constitutes a record contact the Information Management Team Leader.

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

Item: 12.9

Responsible Officer: Terry Crackett
Director Corporate Services
Corporate Services

Subject: Policy Review – Community Loans Policy

For: Decision

SUMMARY

The purpose of this report is to allow Council to consider a review of the *Community Loans Policy* (the Policy) as foreshadowed in the Policy Review Schedule.

The Policy was developed to provide a loan funding mechanism to support projects that have community benefit. Since its adoption in April 2018, there have been no new requests for Community loans.

The Policy has been reviewed (***Appendix 1***) and is recommended to be adopted with minor changes.

RECOMMENDATION

Council resolves:

1. That the report be received and noted
 2. With an effective date of 8 October 2020, to revoke the 24 April 2018 *Community Loans Policy* and to adopt the revised *Community Loans Policy* in Appendix 1.
 3. That the Chief Executive Officer, or delegate, be authorised to make any formatting, nomenclature or other minor changes to the *Community Loans Policy* prior to the effective date.
-

1. GOVERNANCE

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

Strategic Plan 2020-24 – A brighter future

Goal 5 A progressive Organisation

Objective 03 Our organisation is financially sustainable for both current and future generations

Priority 03.1 Ensure the delivery of agreed strategic plan requirements whilst meeting endorsed long term targets for a sustainable operating surplus and level of debt

This policy provides a framework for Council to consider requests from community groups including sporting clubs, seeking assistance by way of direct loan, and ensures that medium to longer term objectives of the *Long Term Financial Plan* are not compromised.

➤ **Legal Implications**

Section 139 of the *Local Government Act 1999* precludes Council from making investments into businesses or operations of a business for profit nature, and consequently Council will only consider applications that support the community at large. Council is also not in the business of providing financial security to third parties through the lending of finances, nor is it a registered financial institution.

➤ **Risk Management Implications**

The development of Policy and Procedures to guide the provision of loans to community groups will assist in mitigating the risk that:

Loans are provided to Community Groups in an inconsistent manner without consideration of either the strategic context or associated financial risks.

Inherent Risk	Residual Risk	Target Risk
High (3B)	Medium (3D)	Medium (2C)

The Policy ensures any loans approved by Council will consider the strategic context for the loans as well as potential financial obligations and is supported by guidelines that include a robust application process to minimise potential default on agreed repayments (**Appendix 2**).

It is however important to note that whilst Council has staff that are competent finance managers, these staff are generally not experienced in the assessment of credit worthiness. As such there is an increased risk associated with lending over that of the finance sector.

It should also be recognised that the ability to undertake legal processes to recover from community groups that default on the payment of loans can be challenging given potential community implications.

➤ **Financial and Resource Implications**

There are no immediate financial implications associated with adoption of a *Community Loans Policy*.

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

The development of a policy position with regards to community loans provides clarity and certainty to community groups in relation to the terms and conditions under which Council will consider making loans available and may assist these groups in their long-term financial planning.

➤ **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: CEO
Director Community Capacity
Director Development & Regulatory Services
Director Infrastructure & Operations
Executive Manager Governance & Performance
Executive Manager Organisational Development
Manager Financial Services
Manager Property Services
Governance & Risk Coordinator
Sport & Recreation Planner
Sport & Recreation Officer

External Agencies: Not applicable

Community: Not applicable

2. BACKGROUND

The Policy was developed in 2018 in response to requests from community groups seeking to borrow funds to enable improvements to their facilities.

Whilst requests have been limited in recent times, it was deemed that a policy position with respect to the lending of monies to community groups was necessary, to ensure that all requests were assessed within a strategic context.

A workshop of Council was held on 30 January 2018 where key issues associated with the development of the Policy were discussed.

A draft policy was developed and endorsed by the Audit Committee at its meeting on 20 February 2018.

6.2. Community Loans Policy

Moved Peter Brass
S/- Cr John Kemp

AC18/3

The Audit Committee resolves:

- 1. That the report be received and noted**
- 2. That the Community Loans Policy as provided at Appendix 1 be endorsed for consideration by Council, with the addition of criteria regarding registration with the Australian Charities and Not-for-profit Commission (ACNC) and compliance with all governance requirements.**

Carried

Council subsequently approved the draft Policy to be released for public consultation on 27 February 2018. The draft Policy was advertised in local newspapers, published online in the 'Have Your Say' section, promoted via social media, and made available at libraries and community centres. Whilst there was reasonable interest expressed, only one person responded to the consultation process and that feedback was incorporated into the policy adopted by Council on 24 April 2018.

12.10. Community Loans Policy

Moved Cr Ron Nelson
S/- Cr Ian Bailey

96/18

Council resolves:

- 1. That the report be received and noted.**
- 2. With an effective date of 8 May 2018, to adopt the *Community Loans Policy* as provided in Appendix 1, with an amendment to item 4.2 for the requirement for registration with the ACNC to be removed.**
- 3. That a definition of "Not for Profit" organisations be included in the Policy.**

Carried

The Policy is now due for review as foreshadowed in the Policy Review Schedule.

3. ANALYSIS

Since adoption of the policy in April 2018, there have been no requests for community loans.

The Administration have reviewed the Policy and its application within the organisation and have not identified any need for change. It is necessary however to formally revoke and replace the existing policy to accommodate changes in format and structure.

4. OPTIONS

Council has the following options:

- I. To adopt the Policy, with or without amendment (Recommended)
- II. To determine not to adopt the Policy at this time (Not Recommended)

5. APPENDICES

- (1) Community Loans Policy
- (2) Community Loans Application Guidelines

Appendix 1

Community Loans Policy

COUNCIL POLICY

 <p>Adelaide Hills COUNCIL</p>	COMMUNITY LOANS
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Policy Number:	FIN-06
Responsible Department(s):	Financial Services
Other Relevant Policies:	<i>Debt Recovery Policy</i> <i>Grant Giving Policy</i>
Relevant Procedure(s):	None
Relevant Legislation:	<i>Local Government Act 1999.</i>
Policies and Procedures Superseded by this policy on its Adoption:	24 April 2018, Item 12.10, 96/18
Adoption Authority:	Council
Date of Adoption:	To be entered administratively
Effective From:	To be entered administratively
Minute Reference for Adoption:	To be entered administratively
Next Review:	No later than September 2023 or as required by legislation or changed circumstances

COMMUNITY LOANS POLICY

1. INTRODUCTION

Adelaide Hills Council values and recognises the role of community and sporting groups within the Council area and endeavours to support them in a variety of ways. The objective of this policy is to provide a loan funding mechanism to support projects that have community benefit.

2. POLICY OBJECTIVES

This policy provides a framework for Council to:

- consider requests from community groups including sporting clubs, seeking assistance by way of direct loan, and
- ensures that medium to longer term objectives of the *Long Term Financial Plan* are not compromised.

3. DEFINITIONS

“Incorporated community group” is a group that is formally incorporated under relevant state or national legislation.

“Not-for-profit organisation” is an organisation whose constitution clearly shows that it does not operate for the profit, personal gain or other benefit of particular people (for example, its members, the people who run it or their friends or relatives). The constitution must not provide for the surplus assets on winding up to be distributed to members or another body that does not have a similar aims or objectives.

An organisation can also make a surplus from operations for a period of time, but any surplus made must be used for its purpose(s).

“Community Loans” are support loans made by Council to community groups and sporting organisations to self fund infrastructure projects.

4. POLICY

4.1 PRINCIPLES

Council is not in the business of providing financial security to third parties through the lending of finances, nor is it a registered financial institution. The *Local Government Act 1999 Section 139* also precludes council from making investments into businesses or operations of a business for profit nature, and consequently Council will only consider applications that support the community.

The provision of loans or loan guarantees to community groups will only be considered as a last resort, once all other funding options have been fully exhausted and compliance with the requirements of the Policy have been met. These other funding options include:

- Government grants
- Sponsorship
- Fundraising
- Application for credit from a lending institution.

Supporting evidence will be required to show that all other funding options have been fully exhausted.

The minimum value of an individual loan will be set at \$10,000 and Council will allocate loans/loan guarantees to a combined maximum value of \$1 million at any one time to ensure the financial sustainability of Council's financial position can be managed appropriately.

Council may agree to:

- Act as guarantor for the organisation
- Borrow funds from the Local Government Finance Authority (LGFA) on behalf of the organisation
- Loan funds from existing Council cash reserves with interest applicable.

4.2 CRITERIA

Adelaide Hills Council will consider providing support to community groups based on the following criteria:

- The proposed project must be supported by Council's Strategic Management Plan or supporting strategies
- The project must have demonstrated community benefit
- Applications will only be considered by groups who are resident in the Adelaide Hills Council district or provide a significant benefit to the Adelaide Hills Council community
- Loans will predominantly be used for capital improvements and the construction and/or acquisition of capital assets
- Requests associated with meeting ongoing salary, rent, day to day operating costs or commercial undertakings will not be considered
- The repayment period should not exceed, the life of the asset or the term of the existing lease agreement and will generally not be greater than 10 years
- The community group will provide a minimum contribution of 25% of the capital cost of the project excluding government grants and other external funding. This contribution can be through the provision of in-kind support in the delivery of the project.
- The community group must be a 'not for profit' organisation and have an incorporated status.
- Demonstrate that suitably qualified and experienced people are involved in the proposal to ensure compliance with all governance requirements.
- The community group will be responsible for interest and principal repayments.

- The interest rate applied to loans would be based on market rates applicable to community groups at the time and not the rate that Council is able to borrow at.
- The community group must clearly demonstrate that it has the capacity to repay the loan funds to Council, this will include the provision of:
 - Audited financial statements for the two (2) prior years
 - An independently prepared business plan for the term of the loan including detailed income and expenditure forecasts
 - Forecast repayment schedule for the term of the loan
 - Additional fundraising and income generating activities.
- All capital projects must be consistent with any Masterplan that has been developed for the site
- The application must provide evidence that the loan has been approved by a majority of the Community Group's members (i.e. minutes of a committee meeting make it clear that all members have been consulted).

4.3 CONDITIONS OF APPLICATION AND OFFER

- Only one active loan per individual community or sporting group will be considered, and preference may be given to community or sporting groups who haven't had a loan previously.
- Applications must be received on the prescribed application form which is available for download from Council's website.
- Loans will not be approved retrospectively.
- Each application will be decided on its merit and in accordance with the general eligibility criteria outlined in this Policy.
- Should Council agree to provide a loan or act as guarantor, any terms and conditions must be specified in an agreement between Council and the relevant party that is executed under Council's seal
- An annual administration fee will be applicable as set out in the Fees and Charges Schedule.
- The applicant must be willing to pay all legal costs associated with establishing the loan and drafting the loan agreement including mortgage registration costs if applicable.

4.4 REPORTING

At least once a year the Audit Committee shall receive a specific report regarding the level of outstanding Community Loans relative to this policy document.

This report shall highlight:

- For each entity - the quantum of funds, its interest rate and maturity date, and changes in the quantum since the previous report, and
- Full details and explanation of any instances of deviation from this policy during the year.

5. DELEGATION

Section 44(3)(c) of the Act provides that a council cannot delegate the power to borrow money or to obtain other forms of financial accommodation, and as such each request received for a loan will go to Council for approval.

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

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.

Appendix 2

Community Loans Application Guidelines



Adelaide Hills
COUNCIL

Community Loans Application Package



May 2018

COMMUNITY LOANS APPLICATION GUIDELINES

Adelaide Hills Council values and recognises the role of community and sporting groups within the Council area and endeavours to support them in a variety of ways.

For the purpose of this application, Community Loans are described as “support loans made by Council to community groups and sporting organisations to self-fund infrastructure projects”.

Council may agree to:

- Act as guarantor for the organisation
- Borrow funds from the Local Government Finance Authority (LGFA) on behalf of the organisation
- Loan funds from existing Council cash reserves with interest applicable.

The minimum value of an individual loan will be set at \$10,000 and Council will allocate loans/loan guarantees to a combined maximum value of \$1 million at any one time to ensure the financial sustainability of Council’s financial position can be managed appropriately.

Council will only consider applications that support the community at large.

Applicants must refer to Councils ‘Community Loans Policy’ prior to completing this application.

ELIGIBILITY CRITERIA

Loan applications must satisfy the following criteria:

- The proposed project must be supported by Council’s Strategic Management Plan or supporting strategies
- The project must have demonstrated community benefit
- Applications will only be considered by groups who are resident in the Adelaide Hills Council district or provide a significant benefit to the Adelaide Hills Council community
- Loans will predominantly be used for capital improvements and the construction and/or acquisition of capital assets
- Requests associated with meeting ongoing salary, rent, day to day operating costs or commercial undertakings will not be considered
- The repayment period should not exceed, the life of the asset or the term of the existing lease agreement and will generally not be greater than 10 years
- The community group will provide a minimum contribution of 25% of the capital cost of the project excluding government grants and other external funding. This contribution can be through the provision of in-kind support in the delivery of the project.
- The community group must be a ‘not for profit’ organisation and have an incorporated status (refer to Council’s policy for detailed definitions).
- Demonstrate that suitably qualified and experienced people are involved in the proposal to ensure compliance with all governance requirements.
- The community group will be responsible for interest and principal repayments.

-
- The interest rate applied to loans would be based on market rates applicable to community groups at the time and not the rate that Council is able to borrow at.
 - The community group must clearly demonstrate that it has the capacity to repay the loan funds to Council, this will include the provision of:
 - Audited financial statements for the two (2) prior years
 - An independently prepared business plan for the term of the loan including detailed income and expenditure forecasts
 - Forecast repayment schedule for the term of the loan
 - Additional fundraising and income generating activities.
 - All capital projects must be consistent with any Masterplan that has been developed for the site
 - The application must provide evidence that the loan has been approved by a majority of the Community Group's members (i.e. minutes of a committee meeting make it clear that all members have been consulted).

CONDITIONS OF APPLICATION

The offering of loans or loan guarantees to community groups will only be considered as a last resort, once all other funding options have been fully exhausted and compliance with the requirements of the policy have been met. These other funding options include:

- Government grants
- Sponsorship
- Fundraising
- Application for credit from a lending institution.

Supporting evidence will be required to show that all other funding options have been fully exhausted.

The following conditions apply to this application:

- Only one active loan per individual community or sporting group will be considered, and preference may be given to community or sporting groups who haven't had a loan previously.
- Applications must be received on the prescribed application form which is available for download from Council's website.
- Loans will not be approved retrospectively.
- Each application will be decided on its merit and in accordance with the general eligibility criteria outlined in this policy.
- Should Council agree to provide a loan or act as guarantor, any terms and conditions must be specified in an agreement between Council and the relevant party that is executed under Council's seal
- An annual administration fee will be applicable as set out in the Fees and Charges Schedule.
- The applicant must be willing to pay all legal costs associated with establishing the loan and drafting the loan agreement including mortgage registration costs if applicable.

COMPLETION STATEMENT

Upon completion of the project it is a requirement that you complete a completion statement and return it to Council.

COMMUNITY LOANS APPLICATION FORM

Section 1: Applicant Details

Name of organisation/group:

Postal Address:

.....P/Code:

ABN:

Contact Person:

Mobile:

Email:

Bank Account Name:

BSB:

Name of Bank:

Have you read Councils '**Community Loans Policy**'? YES NO

Section 2: About the Applicant

Give a brief description of the aims of your organisation/group.

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

What are the main activities of your organisation/group?

.....
.....

Do you hold regular management or committee meetings?

If yes, how often?

.....

Is your organisation/group incorporated? YES NO

Is your organisation/group a 'not for profit organisation'? YES NO

Section 3: Capital Project Details

Describe your capital project in one sentence.

.....

How did your organisation/group decide this improvement/asset was needed by the community?
You must demonstrate that suitably qualified and experienced people have been involved in the proposal to ensure compliance with all governance requirements.

.....

.....

.....

State how this improvement/asset aligns to Council's Strategic Management Plan or supporting strategies

.....

.....

Is the project consistent with any Masterplan developed for the site? YES NO

How many people will benefit and how will the improvement/asset be of value to them and the wider community?

.....

.....

How will the project be promoted in the community?

.....

.....

Will the community be involved in designing/implementation of the project? YES NO

If yes, how?

.....

Has your organisation/group received a loan from Council before? YES NO

If yes, please name the year, amount provided and the purpose:

.....

Has your organisation/group received any other loans in the past five years? YES NO

If yes, please provide details of funder, year, amount provided and the purpose:

.....

Section 4: Financial Support Required

What type of financial support are you requesting from Council?

- Council acts as guarantor for the organisation
- Borrow funds from the Local Government Finance Authority (LGFA) on behalf of the organisation/group
- Loan funds from existing Council cash reserves with interest applicable.

Have all other funding options been exhausted:

YES NO

Other funding options include government grants, sponsorship, fundraising, application for credit from a lending institution.

» ***Please attach supporting evidence to show that all other funding options have been fully exhausted.***

Loan Amount: *(min \$10,000)*

\$

Term: *The repayment period should not exceed, the life of the asset or the term of the existing lease agreement and will generally not be greater than 10 years*

Organisation/group contribution: *Minimum contribution is 25% of the capital cost of the project excluding government grants and other external funding. This contribution can be through the provision of in-kind support in the delivery of the project.*

\$

Has this loan application been approved by a majority of the Community Group's members?

YES NO

» ***Provide evidence (i.e. minutes of a committee meeting make it clear that all members have been consulted).***

Section 5: Budget Information

When preparing the budget section, start with the project cost section and try to list all possible costs. An in-kind contribution is a non-cash contribution that is given a monetary value.

For example:

- You are providing labour on the project. If you put in 48 hours voluntary work toward the project then multiply that by \$15.00 per hour. This gives an in-kind contribution of \$720.00.
- You are utilising a privately owned trailer for the Capital Project. A trailer used for 4 hours would cost \$15.00 per hour, which gives an in-kind contribution of \$60.00.

When calculating voluntary hours, only calculate the hours spent by volunteers preparing, planning and actually doing the specified project.

Cost associated with meeting ongoing salary, rent, day to day operating costs or commercial undertakings will not be considered

If necessary, attach a separate project budget and ensure all associated costs are detailed. All expenses involved in undertaking the project must be listed in Project Costs Section A.

If you require assistance completing your application form, please call Council on 08 8408 0400.

Section 6: Council Premises Permission

Is the project taking place on Council land or in Council premises? YES NO

If yes, please complete this section / If no, proceed to Section 7.

Name of Organisation:

Do you have a current lease, licence or permit with Council? YES NO

Is the proposed Capital Project permitted under that agreement? YES NO

Does your organisation's insurance cover the prescribed activity? YES NO

Have you previously sought approval from Council to undertake this activity? YES NO

Upon submission of the Loan application, this section will be forwarded to Council's Property Services, where it will be considered in accordance with any agreement or approval Council may have Loaned to your organisation for use of Council property. This is not the same as having Building or Planning approval. Where necessary, these approvals will be required prior to the distribution of any Loan.

Internal use only - to be completed by Property Services

Is the land or building where the proposed activity is taking place owned by Council, or under Council's care and control? YES NO

If yes, what type of agreement is in place ie: lease, licence, and permit?
.....

Is the proposed Capital Project permitted under the agreement? YES NO

If no, is the activity approved? YES NO

Is a change to the agreement required? YES NO

If yes, please provide details:
.....
.....
.....
.....
.....
.....

Completed by (Name): Date:

Position:

Signature:

Section 7: Certification Checklist

You must attach the following supporting documentation to your application. Applications will not be considered without this information:

Essential:

- A copy of your incorporation certificate.
- Quotes for equipment, expenses or materials etc. required for your project. You must be able to justify the money you will spend.
- Supporting evidence to show that all other funding options have been fully exhausted.
- Audited financial statements for the two (2) prior years.
- An independently prepared business plan for the term of the loan including detailed income and expenditure forecasts.
- Forecast repayment schedule for the term of the loan.
- Details of additional fundraising and income generating activities.
- Written approval from landowner / holder for capital works.

Desirable:

- A letter of endorsement from the State association or peak body (ie. Support letter).

Section 8: Signatures

Must be signed by two members of your organisation/group's Management Committee. Unsigned applications will be returned.

Signatory of Management Committee:

Name (please print):

Signature:

Position:

Date:

Counter Signatory of Management Committee:

Name (please print):

Signature:

Position:

Date:

Section 9: Completion Statement

It is a requirement of receiving a contribution for your project from Adelaide Hills Council that you complete this statement and return it to Council. This information you include on this form and the items you attached to demonstrate the completion of your project are our record of the use to which Council's contribution have been put. There is no time limit on returning this form but your organisation may be ineligible for any further contributions from Council for your projects until this project has been recorded as completed.

Applicant details:

Name of organisation/group:

Postal Address:

.....P/Code:

Person completing:

Capital Project Costs

Total actual cost of project (including in kind):

\$

Amount received from Council

\$

Capital Project Outcomes:

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

Evidence that your project has been completed (please attach):

- Photographs.
 - Newspaper Articles
 - Articles in organization/group's newsletter
 - Other (*please list*)
-

Statement of Project Income and Expenditure

Please attach a statement showing all income and expenditure for the project for which funding was received.

Certification Statement by Organisation/Group's Treasurer

I can confirm that the Community Group Loan received from Adelaide Hills Council for the purpose for which it was given.

Name: Date:

Signature: Phone:

**ADELAIDE HILLS COUNCIL
ORDINARY COUNCIL MEETING
Tuesday 22 September 2020
AGENDA BUSINESS ITEM**

Item: 12.10

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

Subject: Council Member Allowances & Support Policy Review

For: Decision

SUMMARY

Under ss77 and 78 of the *Local Government Act 1999* (the Act), councils are required to provide reimbursements in specific circumstances to Council Members and can adopt a Policy to enable the provision of other categories of reimbursements along with the provision of facilities and support to Council Member in the conduct of their official duties.

The *Council Member Allowances and Benefits Policy* (the Policy) established under ss77-78 was created to clarify the reimbursements and support that Council Members are eligible to claim.

In March 2020 the South Australian Auditor-General conducted audits at a number of councils (not AHC) regarding credit card use and management. In the reports published, the Auditor-General is critical of the expenditure of public monies to purchase alcohol for Council Member and Council Officers and contend that this expenditure is not consistent with community expectations.

The purpose of this report is to propose changes to the Policy to create and clarify a policy position that AHC will not expend public monies for the purchase of alcohol for Council Members (as the Policy only relates to Council Members).

RECOMMENDATION

Council resolves:

1. That the report be received and noted
 2. With an effective date of 8 October 2020, to revoke the 27 November 2018 *Council Member Allowances & Support Policy* and to adopt the revised *Council Member Allowances & Support Policy* in Appendix 1.
 3. That the Chief Executive Officer, or delegate, be authorised to make any formatting, nomenclature or other minor changes to the *Council Member Allowances & Support Policy* prior to the effective date.
-

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

The *Council Member Allowances and Benefits Policy* (the Policy) sets out the provisions of the LG Act and Regulations in respect of Council Member allowances, expenses and support. This Policy is also provided in accordance with Section 77(1)(b) of the LG Act by specifying the types of expenses that will be reimbursed without the need for specific approval of Council every time a claim is made.

➤ Legal Implications

Sections 76 - 80 of the *Local Government Act 1999* (the Act) and the *Local Government (Members Allowances and Benefits) Regulations 2010* (the Regulations) set out the provisions regarding the mandatory and Council-approved allowances and benefits that a Council Member is entitled to.

Section 76 of the Act provides that a member of council is entitled to the allowance determined by the Remuneration Tribunal in relation to the members' office and indexed in accordance with the Act.

The Act requires the Tribunal to make a determination on a 4 yearly basis prior to the close of nominations for each periodic election for Councils. The last Determination (report) was handed down in 2018.

➤ Risk Management Implications

Reviewing the Policy to facilitate greater alignment with the Auditor-General's and, arguably, the community's expectations regarding the use of public monies will assist in mitigating the following risks:

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)	Low (3E)	Low

Note that there are many other controls that assist in mitigating this risk.

Poor representation of the community by Council Members leading to formal decisions that do not appropriately take account the community needs and expectations

Inherent Risk	Residual Risk	Target Risk
Extreme (5C)	Medium (2C)	Low

Note that there are many other controls that assist in mitigating this risk.

➤ **Financial and Resource Implications**

Council makes a budget allocation each year for the expenses associated with Council Member allowances and benefits.

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

There is a high expectation that the payment of Council Members' allowances, the reimbursement of expenses and the provision of benefits by the Council is accountable and transparent.

➤ **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: At its 17 August 2020 meeting, the Audit Committee considered a report on the Auditor-General's Review of Council Credit Card Usage.

Council Workshops: Not Applicable

Advisory Groups: Not Applicable

Administration: Executive Leadership Team
Governance & Risk Coordinator
Executive Assistant Mayor & CEO

External Agencies: Not Applicable

Community: Not Applicable

2. BACKGROUND

Council Member Allowances & Benefits Policy

Section 77(1)(a) of the Act, via Regulation 5 prescribes the kinds of expenses for which a member of the Council will receive reimbursement.

Section 77(1)(b) of the Act also enables Council to develop a policy that details which of those additional expenses, specified within Regulation 6, it wishes to reimburse to Council Members.

In addition, s78 of the Act enables Council to provide, at its discretion, facilities and other forms of support to Council Members to assist them in the performance or discharging of their official functions and duties. These facilities and services must be made available to Council Members on a uniform basis other than those specifically provided to the Mayor.

Consequently, in accordance with s77 of the Act, Council first adopted in 2002, a *Council Member Allowances & Benefits Policy*. This Policy determined the expenses and benefits to be reimbursed to Council Members and the facilities and support to be provided.

In accordance with s77(2) of the Act, reimbursement of expenses policies (such as the Allowance and Benefits Policy) lapse at the general election of the council.

At the first meeting of the current Council on 27 November 2018 meeting, Council resolved as follows:

12.4 Council Member Allowances & Support Policy

Moved Cr Mark Osterstock
S/- Cr Malcolm Herrmann

282/18

Council resolves:

1. That the report be received and noted
2. That the allowances payable under s76 of the *Local Government Act 1999* will be paid monthly in arrears
3. With an effective date of 27 November 2018, to adopt the *Council Member Allowances and Support Policy*, as contained in Appendix 1.
4. That the Chief Executive Officer be authorised to make minor content, formatting or design changes necessary to publish the Policy.

Carried Unanimously

Auditor – General’s Reports

In March 2020, the South Australian Auditor-General released three (3) reports regarding ‘Examination of credit card use and management’ for the Coorong District Council, City of Playford and the City of Charles Sturt. These examinations were undertaken under Section 32(1)(a) of the Public Finance and Audit Act 1997 which enables the Auditor-General to examine the accounts of a publically-funded body and the efficiency and economy of its activities.

The reports (<https://www.audit.sa.gov.au/publications/2020>) made a number of recommendations to the auditees regarding improvements in the credit card usage and management arrangements.

Council's Audit Committee received a report at its 17 August 2020 meeting regarding to extent to which the AHC's credit card use and management arrangements satisfy the acceptable arrangements criteria set out by the Auditor-General. For further information on this matter, please see the agenda at <https://www.ahc.sa.gov.au/council/meeting-agendas-and-minutes/audit-committee>.

While the Auditor-General's examinations were focused on the use of credit cards (as the procurement tool) the reports themselves contain considerable emphasis on examples of sensitive expenditure which the Auditor-General states considers may:

- create a perception that someone received a private benefit in addition to the business benefit to the council
- be considered unusual for the council's purpose or function
- be considered to provide no benefit to the public

ultimately raising questions as to whether there is a proper expenditure of public monies.

One particular area of criticism in terms of the proper expenditure of public monies, was expenditure on alcohol for consumption by Council Members and/or Council Officers.

The aforementioned Audit Committee report advised that the Administration intended to review two key policies that relate to the payment for and consumption of alcohol. In consideration of the report, the Audit Committee resolved:

7.2. Auditor-General's Recommendations on Credit Card Management

Moved Cr Herrmann
S/- David Moffatt

37/AC20

The Audit Committee resolves:

- 1. That the report be received and noted.**
- 2. The Audit Committee notes that the Council Member Allowances and Support Policy will be reviewed by November 2020 and the Employee Functions and Gifts Policy will also be reviewed by the Chief Executive Officer.**

Carried Unanimously

3. ANALYSIS

Auditor – General’s Reports

It should be noted that the Auditor-General’s recommendations and stance on the appropriate expenditure of public monies (such as alcohol) as contained in the aforementioned reports are not binding on the auditees or any other councils (i.e. these are not legislative requirements).

AHC’s current practice

Notwithstanding that the current Policy position does not clearly prohibit the expenditure of public monies on alcohol for Council Members, the practice is that alcohol consumption rarely occurs at prescribed meetings and generally only those associated with Christmas celebrations and/or community events. Even on those rare occasions, public funds have not always been used to purchase that alcohol (i.e. Members have paid for their own).

Council Member Allowances & Benefits Policy Review

The Policy adopted by the Council at its 27 November 2018 meeting had been significantly revised from the previous version and, as such has served the Council well in terms of the range of allowance and support arrangements required.

A revised Policy is at **Appendix 1** and contains a number of minor changes in Track Changes to assist with clarifying some anomalies/ambiguities to ensure that there is confidence for all parties in relation to allowances and support provided.

In relation to the Auditor-General’s commentary regarding the expenditure of public monies a number of clauses in the Policy have been amended in some cases to strengthen Council’s position on alcohol expenditure and in others to set a new policy position, as follows:

- *Clause 9.4 – Professional Development, Seminars and Conferences*
 - Augmenting the wording to clarify the expenditure on meals may include non-alcoholic beverages.
 - Clarifying that Council will not meet the cost of alcoholic beverages
- *Clause 10.1 – Facilities and Support – Council Members*
 - Clarifying that meals and non-alcoholic beverages will be provided in association with attendance at prescribed meetings¹
 - Clarifying the facilities and support are available on the basis that public funds are not expended on the provision of alcoholic beverages to Council Members

While the Policy is not required to be reviewed prior to next periodic election there is the potential for changes to be required as a result of the current Local Government Reform Program. As such, further policy reviews will be brought to Council for consideration as, and when, required.

¹ A ‘prescribed meeting’ is defined under the Regulations to mean a meeting of the Council or Council committee, or an informal gathering, discussion, workshop, briefing, training course, advisory group meeting or similar activity which is directly or closely related to the performance or discharge of the roles or duties of the member.

4. OPTIONS

Council has the following options:

- I. Adopt the draft *Council Member Allowances and Support Policy*, in its current or amended form (*Recommended*).
- II. To determine not to adopt a revised *Council Member Allowances and Support Policy* at this time (*Not Recommended*).

Should Council identify the need for substantial amendments to the Policy, it is recommended that they be referred to staff for review to allow for analysis of the implications of the amendments, prior to the matter being brought back to Council for further consideration.


5. APPENDIX

- (1) *Council Member Allowances and Support Policy* (September 2020 draft)

Appendix 1

*Council Member Allowances and Support Policy
(September 2020 draft)*

COUNCIL POLICY

 <p style="font-size: small; margin: 0;">ADELAIDE HILLS COUNCIL</p>	<h2 style="margin: 0;">COUNCIL MEMBER ALLOWANCES AND SUPPORT</h2>
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Policy Number:	CM-02
Responsible Department(s):	Governance & Performance
Relevant Delegations:	None
Other Relevant Policies:	<i>Council Member Conduct Policy Code of Practice for Meeting Procedures Council Member Training & Development Policy</i>
Relevant Procedure(s):	None
Relevant Legislation:	<i>Local Government Act 1999 Local Government (Members Allowances and Benefits) Regulations 2010</i>
Policies and Procedures Superseded by this policy on its Adoption:	<i>Council Member Allowances and Benefits, 27 November 2018</i>
Adoption Authority:	Council
Date of Adoption:	<i>To be updated administratively</i>
Effective From:	<i>To be updated administratively</i>
Minute Reference for Adoption:	282/18
Next Review:	This policy lapses at the Local Government General election in November 2022

COUNCIL MEMBER ALLOWANCES AND BENEFITS POLICY

1. INTRODUCTION

Adelaide Hills Council will ensure that the payment of Council Members' allowances, the reimbursement of expenses and the provision of benefits by the Council is accountable and transparent and in accordance with the *Local Government Act 1999* ("the LG Act") and the *Local Government (Members Allowances and Benefits) Regulations 2010* ("the Regulations").

This Policy sets out the provisions of the LG Act and Regulations in respect of Council Member allowances, expenses and support. This Policy is also provided in accordance with Section 77(1)(b) of the LG Act by specifying the types of expenses that will be reimbursed without the need for specific approval of Council every time a claim is made.

Council Members are paid an allowance for performing and discharging their functions and duties on Council. Section 59 of the LG Act provides (in part) that the role of a Council Member, as a member of the governing body of the Council, is to:

- (i) participate in the deliberations and civic activities of the Council;
- (ii) keep the Council's objectives and policies under review to ensure that they are appropriate and effective; and
- (iii) keep the Council's resource allocation, expenditure and activities, and the efficiency and effectiveness of its service delivery, under review.

This Policy also explains the information that must be recorded within the Council's Register of Allowances and Benefits to ensure compliance with section 79 of the LG Act.

This Policy, in its entirety, will automatically lapse at the next general election of this Council, which is 11 November 2022.

2. POLICY OBJECTIVE

To ensure Council Member allowances, the reimbursement of expenses and the provision of benefits, facilities and support by the Council are compliant with the *Local Government Act 1999* and *Local Government (Members Allowances and Benefits) Regulations 2010* and consistent with community expectations.

3. SCOPE & RESPONSIBILITIES

This Policy applies to all Council Members, who each have an obligation to abide by this Policy.

The Council's Chief Executive Officer has the duty to:

1. maintain the Register of Allowances and Benefits;
2. initiate a Consumer Price Index ('CPI') review of allowances paid to Council Members (to be adjusted on the first, second and third anniversaries of the relevant periodic elections to reflect changes in the CPI under the scheme prescribed by the Regulations); and
3. ensure copies of this Policy are available for inspection by the public at the principal office of the Council.

In addition, the Chief Executive Officer is responsible for:

4. implementing and monitoring expense reimbursement procedures in accordance with the LG Act, the Regulations this Policy; and
5. ensuring a copy of this Policy is provided to all Council Members.

The *Council Member Allowances and Support Policy* has primacy over any other Council policies regarding allowances and/or benefits payable to Council Members. Those policies will be invalid to the extent that they are inconsistent with the provisions of this Policy.

4. POLICY STATEMENT

This Policy is underpinned by the following principles:

- a) Council Members should not be out-of-pocket as a result of performing and discharging their Council functions and duties.
- b) To assist Council Members in performing or discharging their official functions and duties they are entitled to be provided with a range of necessary facilities and support and to be reimbursed for expenses as specified in this policy.
- c) Any reimbursements claimed by Council Members must be for expenses actually and necessarily incurred in performing and discharging their official Council functions and duties, which will be assessed according to the role of a Council Member under the LG Act.
- d) Council encourages continued professional training and development for Council Members. This is seen as being necessary in terms of good governance and to the improved performance of their functions and duties.
- e) The accountability of the Council and its Members is to its community for the use of public monies.
- f) That the fees paid, civic expenses reimbursed and facilities and support provided to the Mayor, Deputy Mayor and Councillors are appropriate to the importance of the Office and are consistently applied and transparent.

5. DEFINITIONS

A '**prescribed committee**' means for the purposes of this determination, a committee that endures, irrespective of whether the council has assigned any particular work for the committee to perform and assists the council or provides advice to the council in any of the following areas or any combination thereof:

- Audit
- Chief Executive Officer performance review
- Corporate services
- Finance
- Governance
- Infrastructure and works
- Risk management
- Strategic planning and development

A '**prescribed meeting**' is defined under the Regulations to mean a meeting of the Council or Council committee, or an informal gathering, discussion, workshop, briefing, training course, [advisory group meeting](#) or similar activity which is directly or closely related to the performance or discharge of the roles or duties of the member.

A **'function or activity on the business of the Council'** includes the following official Council functions:

- Council-organised receptions, opening ceremonies, dinners, citizenship ceremonies, celebration events, remembrance ceremonies and official visits etc.;
- inspection of sites within the Council area which relate to current Council or Committee agenda items;
- meetings and functions of boards/committees to which the Council Member has been appointed by Council (unless it is a remunerated position (i.e. East Waste, GRFMA, AHRWMA, S&HLGA));
- meetings related to the local government governance (i.e. ALGA, LGASA, LGFA, LGAMLS, LGAWCS, etc);
- meetings of community groups and organisations as an invited Council Member – but not to attend meetings of community groups or organisations when fulfilling the role as a member of the Board of any such community group or organisation.

An **'eligible journey'** means a journey (in either direction) between the principal place of residence, or a place of work, of a Council Member, and the place of a prescribed meeting.

6. ALLOWANCES

Council Member allowances are determined by the Remuneration Tribunal on a 4 yearly basis before the designated day in relation to each set of periodic elections held under the *Local Government (Elections) Act 1999*.

An allowance determined by the Remuneration Tribunal will take effect from the first ordinary meeting of the Council held after the conclusion of the relevant periodic election. Council Member allowances are to be adjusted on the first, second and third anniversaries of the relevant periodic elections to reflect changes in the Consumer Price Index ("CPI") under a scheme prescribed by the Regulations.

In accordance with regulation 4 of the Regulations, (and for the purposes of section 76 of the LG Act), an allowance may be paid in instalments up to 3 months in advance or 3 months in arrears of each month in respect of which an instalment is payable.

Council has determined that allowances will be paid monthly in arrears.

The annual allowance for a Council Member is determined according to the relevant Council group. There are six Council Groups which are each explained within the determination of the Remuneration Tribunal. The annual allowance for:

- principal members, is equal to four times the annual allowances for Council Members of that council;
- deputy mayor or deputy chairperson or a Council Member who is the presiding member of one or more prescribed committees is equal to one and a quarter (1.25) times the annual allowances for Council Members of that Council;

An additional allowance in the form of a sitting fee is also payable for councillors who are presiding members of other Section 41 committees (who are not deputy mayors or presiding members of prescribed committees).

A member of a council who holds office for part only of the period in respect of which an allowance is payable is entitled to the proportion of the allowance that the period for which the member held the office bears to the total period (section 76(11) of the LG Act).

An allowance under this section is to be paid in accordance with any requirement set out in the Regulations (unless the member declines to accept payment of an allowance section 76(12) of the LG Act).

Council Members finishing their term of office should receive their allowances until their term expires – this is at the conclusion of the elections (i.e. when the Electoral Commissioner of South Australia makes the final declaration of the results of the elections).

7. PRESCRIBED (MANDATORY) REIMBURSEMENTS (SECTION 77(1)(a))

Section 77(1)(a) of the LG Act provides that a Council Member is entitled to receive reimbursement of expenses of the kind prescribed in the Regulations incurred in performing or discharging official functions and duties related to ‘prescribed meetings’.

7.1 Travel

Council Members are entitled to receive reimbursement for travelling expenses actually and necessarily incurred by the Council Member for travel within the Council area and associated with attendance at a “prescribed meeting” (section 77(1)(a) of the LG Act).

The following conditions apply to these reimbursements:

- a) reimbursement for travel expenses is restricted to ‘eligible journeys’ (as defined in Regulation 3) provided the journey is by the shortest or most practicable route and to that part of the journey within the Council area (i.e. any travelling outside the Council area in order to attend Council or Council committee meetings is not reimbursable under section 77(1)(a) of the LG Act. For reimbursement for travel outside the Council area refer to “Council Approved Reimbursements” below).
- b) where a Council Member travels by private motor vehicle, the rate of reimbursement is at a rate equal to the appropriate rate per kilometre prescribed for the purposes of calculating deductions for car expenses under section 28.25 of the *Income Tax Assessment Act 1997* of the Commonwealth.
- c) travelling by taxi, bus or other means of public transport is reimbursed on the basis of expenses ‘actually and necessarily incurred’, but is still limited to ‘eligible journeys’ by the shortest or most practicable route and to the part of the journey that is within the Council area.
- d) the Council may aggregate claims for reimbursement of expenses that relate to journeys that do not exceed 20 kilometres and then pay them on either a quarterly or monthly basis.
- e) claims for accident damage to Council Member’s private vehicles will not be met by Council, however Council will reimburse the insurance excess.

7.2 Child/Dependent Care

Council Members are entitled to reimbursement for child/dependant care expenses actually or necessarily incurred by the Council Member as a consequence of the Council Member’s attendance at a prescribed meeting. Child/dependant care is not reimbursed if the care is provided by a person who ordinarily resides with the Council Member.

8. TRAVEL TIME PAYMENT

Pursuant to the determination made by the Remuneration Tribunal, Council Members (excluding Principal Members) of non-metropolitan Councils (which includes the Adelaide Hills Council) are eligible for payment for a travel time payment where the Council Member's:

- a) usual place of residence is within the relevant Council area and is located **at least 30kms but less than 50km** distance from their Council's principal office, via the nearest route by road - \$410 per annum
- b) usual place of residence is within the relevant Council area and is located **at least 50km but less than 75km** distance from their Council's principal office, via the nearest route by road - \$700 per annum;
- c) usual place of residence is within the relevant Council area and is located **at least 75km but less than 100km** distance from their Council's principal office, via the nearest route by road - \$1,050 per annum;
- d) usual place of residence is within the relevant Council area and is located **100km or more** distance from their Council's principal office, via the nearest route by road - \$1,490 per annum;

If eligible, this payment is made to a Council Member in addition to any entitlement to reimbursement of expenses incurred.

9. COUNCIL APPROVED REIMBURSEMENTS (SECTION 77(1)(b))

There are additional prescribed expenses incurred by Council Members, that can be reimbursed by the Council that do not fall within the category of mandatory reimbursement outlined above.

Section 77(1)(b) of the LG Act provides that the Council (meaning the Council as the governing body) may approve the reimbursement of additional expenses as set out in the Regulations incurred by Council Members, either on a case-by-case basis or under a policy adopted by Council. This Policy sets out the types of approved expenses that may be reimbursed.

These additional types of reimbursed expenses are distinguished from the payment of allowances and from the mandatory reimbursement of travel and child/dependant care expenses associated with attendance at a prescribed meeting.

Regulation 6 of the Regulations sets out the types of additional expenses that may be reimbursed under section 77(1)(b) with the approval of the Council. These are:

- a) an expense incurred in the use of a telephone, facsimile or other telecommunications device, or in the use of a form of electronic communication, on the business of the Council;
- b) travelling expenses incurred by the Council Member as a consequence of the Member's attendance at a function or activity on the business of the Council (other than for which the member is reimbursed under section 77(1)(a) of the LG Act);
- c) travelling expenses incurred by the Member in undertaking an eligible journey to the extent that those expenses are attributable to travel outside the area of the Council;
- d) expenses for the care of:
 - (i) a child of the Member; or
 - (ii) a dependant of the Member requiring full-time care

incurred by the Member as a consequence of the Member's attendance at a function or activity on the business of the Council (other than for which the member is reimbursed under section 77(1)(a) of the LG Act); and

- e) expenses incurred by the Member as a consequence of the Member's attendance at a conference, seminar, training course or other similar activity which is directly or closely related to the performance or discharge of the roles and duties of a Council Member (other than for which the member is reimbursed under section 77(1)(a) of the LG Act).

For the purposes of this Policy, and pursuant to section 77(1)(b) of the LG Act, the Council approves the reimbursement of additional expenses of Council Members as described below.

9.1 Telecommunications

Pursuant to section 77(1)(b) of the LG Act the Council approves reimbursement of expenses incurred in the use of a telephone on the business of the Council. The following conditions apply to these expenses:

- a) Home phone costs will be considered for reimbursement on production of itemised accounts for call charges only. Line rental fees are specifically excluded.
- b) Mobile phone plan costs will be considered for reimbursement up to the value of the Council's Standard Monthly Plan on production of evidence of the expense. This reimbursement cannot be claimed if the Council Member is the recipient of a Mobile Phone under clause 10(d) of this Policy.

9.2 Travel

Pursuant to section 77(1)(b) of the LG Act the Council approves reimbursement of expenses incurred in travelling to a function or activity on Council business. The following conditions apply to these expenses:

- a) travel both within and outside the Council area must be incurred by the Council Member as a consequence of attendance at a function or activity on the business of Council;
- b) reimbursement is restricted to the shortest or most practicable route;
- c) Council Members are encouraged to actively pursue cost-saving measure such as car-pooling;
- d) where a Council Member travels by private motor vehicle, the rate of reimbursement is at a rate equal to the appropriate rate per kilometre (determined according to the engine capacity of the vehicle) prescribed for the purposes of calculating deductions for car expenses under section 28.25 of the Income Tax Assessment Act 1997 of the Commonwealth;
- e) car parking fees will be reimbursed (where they are a consequence of a Council Member attending a function or activity on the business of the Council);
- f) travel by taxi, bus, plane or other means of public transport will be reimbursed on the basis of being expenses where they are incurred as a consequence of the Member's attendance at a function or activity on the business of the Council however such travel must still be by the shortest or most practicable route;
- g) where the cost of the travel for a return trip to a function or activity is anticipated to be in excess of \$500, prior approval of the Chief Executive Officer will be required;
- h) the Council may aggregate claims for reimbursement of expenses that relate to journeys that do not exceed 20 kilometres and then pay them on either a quarterly or monthly basis;
- i) claims for accident damage to Council Member's private vehicles will not be met by Council however Council will reimburse the insurance excess.

9.3 Child/Dependant Care

Pursuant to section 77(1)(b) of the LG Act the Council approves reimbursement of expenses incurred for the care of a child of a Council Member or a dependant of the Council Member requiring full time care as a consequence of the Council Member's attendance at a function or activity on the business of Council (other than expenses for which the Member is reimbursed under section 77 (1)(a) of the LG Act). The following conditions apply to these expenses:

- Child/dependant care is not reimbursed if the care is provided by a person who ordinarily resides with the Council Member.

9.4 Professional Development, Seminars and Conferences

Pursuant to section 77(1)(b) of the LG Act the Council approves reimbursement of expenses incurred in the attendance of professional development, seminars or conferences. The following conditions apply to these expenses:

- Expenses will only be reimbursed for attendance at professional development, conferences, seminars, etc. which have been approved under delegation/policy, e.g. under the Council Member Training and Development Policy.
- Expenses will normally be restricted to:
 - **Registration** – course/seminar/conference registration fees including official luncheons, dinners and tours relevant to the conference;
 - **Travel** – see clause 10.3 of this Policy;
 - **Meals** – Council will meet the cost of main meals for Council ~~M~~members where any of these meals are not provided as part of the conference. These costs may include non-alcoholic beverages such as soft drinks and coffee/tea.
 - **Accommodation** – delegates will be accommodated in the hotel where the conference, seminar or training course is held or another nearby hotel of a suitable standard. Council will provide financial support for accommodation of a suitable standard, at the rate of a private room, for each Council member attending.
- For clarity, Council will not meet the cost of:
 - laundry or dry cleaning expenses;
 - any tips or gratuities paid by Council Members;
 - expenses incurred for the use of a bar fridge provided in a hotel room;
 - any expenses for alcoholic beverages ~~incurred at bars (including the bar located at the hotel);~~ and
 - any expense incurred by any person accompanying a Member at any conference, seminar or training course.

10. FACILITIES AND SUPPORT

10.1 Council Members

In addition to allowances and the reimbursement of expenses, the LG Act provides that the Council can provide facilities and forms of support for use by its Council Members to assist them to perform or discharge their official functions and duties (section 78).

The Council must consider and specifically approve the particular facility and support as necessary or expedient to the performance or discharge of all Council Members' official functions or duties. In approving the provision of facilities and support section 78 requires that any such services and facilities must be made available to all Council Members on a uniform basis, other than those facilities or support specifically provided to the Principal Member set out below (if any).

Pursuant to section 78 of the LG Act, Council has considered and is satisfied that the following facilities and support are necessary or expedient for all Council Members to assist them in performing or discharging their official functions and duties:

- a) iPads (or similar tablet computer device) will be provided subject to compliance with the terms and conditions contained in the Usage Agreement, which must be signed prior to the issuing of the device.
- b) Internet access via a 4G/5G connection provided with Council Member's iPads/tablet.
- c) A Council email address for Council business which should not be used for personal business. Email access to be via the 4G/5G connection on Council Members iPads. Note: Email access can be made via a standard home internet connection, however, Council will not reimburse Council Members for the cost of this internet connection.
- d) Mobile Phones (including SIM) will be provided subject to compliance with the terms and conditions contained in the Usage Agreement, which must be signed prior to the issuing of the device.
- e) Reams of paper for printing.
- f) Stationery (such as pads, pens, diaries, etc).
- g) Meals and non-alcoholic beverages provided in association with attendance at 'prescribed meetings'.
- h) Photocopying at a Council Service Centre (not to be used for distributing copies of documents to community members)
- i) Access to Council meeting facilities (to be booked in advance at the respective Council Service or Community Centre).

The provision of these facilities and support are made available to all Council Members (including the Principal Member) under the LG Act on the following basis:

- they are necessary or expedient for the Council member to perform or discharge his/her official functions or duties; ~~and~~
- the facilities remain the Council's property regardless of whether they are used off site or not; and-
- public funds are not used for the provision of alcoholic beverages to Council Members.

10.2 Principal Member

In addition to the above, Council has resolved to make available to the Principal Member (and to any acting Principal Member appointed during the Principal Member's absence) the following

additional facilities and support to assist them in performing and discharging their official functions and duties:

- a) a laptop computer with appropriate software;
- b) Council will supply and maintain a motor vehicle for Council business use by the Mayor;
- c) a Mayoral Office accessible 24/7 providing desk and meeting facilities;
- d) provision of media and communications support and
- e) access to administrative officer services.

In addition, although not required by the LG Act, the Council has determined that the provision of the above facilities and support are made available to Council Members on the following terms:

- each Council Member is solely responsible for those facilities released into their care and/or control for the duration of their term in office;
- all facilities must be returned to the Council at the end of each term in office, upon the office of a Member of a Council becoming vacant, or earlier at the request of the Chief Executive Officer;
- if the facilities provided to the Council Member are damaged or lost the Council Member must lodge a written report with the Council officer responsible for this Policy.
- Council Members may be held responsible for loss/damage of facilities in the absence of a satisfactory explanation.

The use of Council facilities, support and/or services by Council Members for campaign or election purposes is not permitted under any circumstances on the basis it is not necessary or expedient to the performance or discharge of a Council Member's official functions or duties under the LG Act. The use of such facilities for electoral purposes during the election period would be a breach of section 78(3) of the LG Act.

11. OTHER REIMBURSEMENTS

Any additional reimbursements and facilities and support not detailed in this Policy will require the specific approval of Council prior to any reimbursements being paid, benefits being received and facilities and/or support being provided.

12. INSURANCE OF MEMBERS (SECTION 80)

Council will take out policies of insurance insuring every Council Member and a spouse, domestic partner or another person who may be accompanying Council Member, against risk associated with the performance or discharge of official functions or duties by members.

13. CLAIMS FOR REIMBURSEMENT

Reimbursements are to be claimed using the Council Member Expense Claim Form and submitting to the CEO's Office with relevant receipts and invoices, no later than 3 months after the expenses are incurred, and by the first week in July each year.

14. DISPUTE RESOLUTION/APPEAL PROCESS

In the event that a Council Member disputes a payment, a panel consisting of the Mayor, Deputy Mayor (in circumstances where the mayor or Deputy Mayor is the complainant, they will not form part of the panel) and Chief Executive Officer will make a final determination on the reimbursement of expenses for official duties. Decisions of this panel, which must be by consensus, shall be final.

15. REGISTER OF ALLOWANCES AND BENEFITS

Pursuant to section 79(1) and (2) of the LG Act, the Chief Executive Officer must maintain a Register in which he or she shall ensure that a record is kept of:

- a) the annual allowance payable to a Council Member (in the case of section 79 (1)(a)); and
- b) details of any expenses reimbursed under section 77(1)(b) of the LG Act (in the case of section 79(1)(b)); and
- c) details of other benefits paid or provided for the benefit of the Member by the Council (in the case of section 79(1)(c)); or
- d) to make a record of the provision of a reimbursement or benefit not previously recorded in the Register (in the case of section 79(2)(b)),

on a quarterly basis (see regulation 7 of the Regulations).

Reimbursements paid under section 77(1)(a) of the LG Act are not required to be recorded in the Register, however Council has taken the position that all reimbursements will be recorded in the register.

The Chief Executive Officer is required to record in the Register any changes in the allowance or a benefit payable to, or provided for the benefit of, Council Members. Accordingly, the Chief Executive Officer will update the Register each quarter.

The Register of Allowances and Benefits is available for inspection by members of the public, free of charge, at the Council's office during ordinary business hours. Copies or extracts of the Register are available for purchase upon payment of a fixed fee. The policy is also available on Council's website www.ahc.sa.gov.au.

16. REVIEW AND EVALUATION

Council Member allowances are determined by the Remuneration Tribunal on a 4 yearly basis.

This Policy will lapse at the next general election at which time the newly elected Council will be required to adopt a new policy dealing with Council Member's allowances, reimbursements and benefits for their term in office (section 77(2) LG Act).

17. DELEGATION

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.

18. AVAILABILITY OF THE COUNCIL MEMBERS' ALLOWANCES AND SUPPORT POLICY

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.

**ADELAIDE HILLS COUNCIL
ORDINARY COUNCIL MEETING
Tuesday 22 September 2020
AGENDA BUSINESS ITEM**

Item: 12.11

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
23/06/2020	Ordinary Council	106/20	Local Roads and Community Infrastructure Program Projects	Actual - Cr Green & Cr Stratford Perceived - Cr Herrmann
30/06/2020	Special Council	132/20	Sealed Roads Renewal Contract - Period of Confidentiality	None declared
28/07/2020	Ordinary Council	157/20	Appointment of Independent Member to Council Assessment Panel - Period of	None declared
25/08/2020	Ordinary Council	160/20	Petition Proposed Solar Development, Birdwood	None declared
25/08/2020	Ordinary Council	162/20	Boundary Reform Options	None declared
25/08/2020	Ordinary Council	163/20	MON Community Groups & COVID-19 Impact	None declared
25/08/2020	Ordinary Council	166/20	DA Fee Waiver Clayton Church Homes Inc	None declared
25/08/2020	Ordinary Council	170/20	2019-2020 Preliminary End of Year Financial Results & Carry Forwards	None declared
25/08/2020	Ordinary Council	171/20	Local Government Elections Act Review Submission	None declared
25/08/2020	Ordinary Council	173/20	Nomination for GAROC - Voting for Council Member	None declared
25/08/2020	Ordinary Council	174/20	Nomination for LGA President	None declared
25/08/2020	Ordinary Council	177/20	Road Closures Young Drivers Awareness Course 2020 - 2021	None declared
25/08/2020	Ordinary Council	178/20	Policy Review - School Parking & Associated Facilities	None declared
25/08/2020	Ordinary Council	179/20	Policy Review - Unsealed Roads	None declared
26/08/2020	Ordinary Council	176/20	SA Power Network Tariff Agreement	None declared
23/06/2020	Ordinary Council	106/20	Local Roads and Community Infrastructure Program Projects	Actual - Cr Linda Green & Cr Andrew Stratford Perceived - Cr Malcolm Herrmann
30/06/2020	Special Council	132/20	Sealed Roads Renewal Contract - Period of Confidentiality	None declared

28/07/2020	Ordinary Council	157/20	Appointment of Independent Member to Council Assessment Panel - Period of	None declared
25/08/2020	Ordinary Council	160/20	Petition Proposed Solar Development, Birdwood	None declared
25/08/2020	Ordinary Council	162/20	Boundary Reform Options	None declared
25/08/2020	Ordinary Council	163/20	MON Community Groups & COVID-19 Impact	None declared
25/08/2020	Ordinary Council	166/20	DA Fee Waiver Clayton Church Homes Inc	None declared
25/08/2020	Ordinary Council	170/20	2019-2020 Preliminary End of Year Financial Results & Carry Forwards	None declared
25/08/2020	Ordinary Council	171/20	Local Government Elections Act Review Submission	None declared
25/08/2020	Ordinary Council	173/20	Nomination for GAROC - Voting for Council Member	None declared
25/08/2020	Ordinary Council	174/20	Nomination for LGA President	None declared
25/08/2020	Ordinary Council	177/20	Road Closures Young Drivers Awareness Course 2020 - 2021	None declared
25/08/2020	Ordinary Council	178/20	Policy Review - School Parking & Associated Facilities	None declared
25/08/2020	Ordinary Council	179/20	Policy Review - Unsealed Roads	None declared
26/08/2020	Ordinary Council	176/20	SA Power Network Tariff Agreement	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.

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 the State Diocese has consented to progress the matter and Council is awaiting contact from them to progress.
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 Analys 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. Council is awaiting the transfer of the land from DIT.
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 assesment 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. DEW awaiting finalisation of negotiations with Dept for Mining

Meeting Date	Meeting	Res No.	Item Name	Previously Declared COI	Action Required (Council Resolution)	Responsible Director	Status	Status (for Council reporting)
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 has been used in setting and reporting on performance targets for 2019-20 and 2020-21. Pertinent elements have been included in the Council's suite of Corporate Performance Indicators.
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
28/08/2018	Ordinary Council	200/18	Proposal to enter 11 AHC Reserves into Heritage Agreements 2018	None declared	<ol style="list-style-type: none"> That the report be received and noted. 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. That the Heritage Agreements retain the existing dog access arrangements in place for each of those reserves. 	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

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	203/18	Community Wastewater Management Systems Review - Update and Consultation Outcomes	Cr Andrew Stratford (Material), Cr Linda Green (Material), Cr Malcolm Herrmann (Material)	The report be received and notedThe 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 feesSale price for CWMS assetsRespondents financial capacityRespondents operational capacity and capabilityNetwork 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 with the City of Onkaparinga and Rural City of Murray Bridge for the potential divestment of Council's CWMS.That probity advisory services continue to be maintained throughout the CWMS review process.That a further report be provided to Council detailing the outcomes of the second stage request for tender and evaluation process with recommended next steps.	Peter Bice	In Progress	<p>The Registrtrion of Interest was launch on 8/9/2020 to the market. Following this process a report is anticipated to brought to Council in December 2020 regarding next step options and a decision to proceed or otherwise to further stages.</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>
11/09/2018	Special Council	229/18	Road Exchange McBeath Drive, Skye Horsnell Gully	None declared	<p>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</p> <p>The closed road is excluded as Community Land pursuant to the Local Government Act 1999.</p> <p>Council approves the sale of the differential between the total area of closed road and the total area of opened road of approximately 1,242m2 to Boral Resources (SA) Ltd for the amount of \$6,210 as determined by an independent valuation.</p> <p>Subject to the successful completion of the road exchange process, Council undertakes a process in conjunction with the City of Burnside to realign the local government boundary along the new location of McBeath Drive to the south side of pieces 42, 52 and 62 of the proposed residential allotments in accordance with the provisions of the Local Government (Boundary Adjustment) Amendment Act 2017 (to commence on 1 January 2019) and/or Part 2 of Chapter 3 of the Local Government Act 1999.</p>	Terry Crackett	In Progress	<p>Road exchange documentation has been executed and provided to Boral for lodgement with the Surveyor-General.</p> <p>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</p> <p>Awaiting advice that land division has been completed so that the boundary realignment can occur</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	232/18	Revocation of Community Land – Bridgewater Retirement Village	None declared	<p>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.</p> <p>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.</p> <p>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 trust.</p> <p>That a further report be presented to Council for consideration after community consultation and further investigations have been completed</p>	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. Awaiting feedback from the Attorney General on the trust variation scheme proposal
11/09/2018	Special Council	238/18	Ashton Landfill – Confidential Item	None declared	<p>Until 10 September 2019.</p> <p>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.</p> <p>Refer to confidential minute</p>	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 and is on the agenda for its August meeting. It is likely to take some time to work through this matter but it is intended that a progress report be provided to Council in late 2020.
26/03/2019	Ordinary Council	77/19	Randell's Cottages, Beavis Court, Gumeracha	None declared	<p>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.</p> <p>That subject to the response from the State Commission Assessment Panel, a Development Application be lodged for a non-complying land division.</p> <p>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.</p> <p>That the CEO be delegated to prepare the necessary documentation to undertake the EOI.</p> <p>That a report be presented to Council following the EOI detailing the results of that process and providing further options.</p>	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)

Meeting Date	Meeting	Res No.	Item Name	Previously Declared COI	Action Required (Council Resolution)	Responsible Director	Status	Status (for Council reporting)
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. Works will be undertaken upon recruitment of cemetery maintenance team member
7/05/2019	Special Council	94/19	Stonehenge Reserve Masterplan Update and Findings from Consultation	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 – 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 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) now completed. Report scheduled for September 2020 meeting.
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. The procurement process was suspended pending a review of the effectiveness of alternative service delivery models resulting from the Covid-19 pandemic restrictions. The procurement process has now recommenced. Three tenders have been assessed. Further information identified and to be requested.

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	<p>1. That the report be received and noted.</p> <p>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.</p>	Marc Salver	In Progress	An Expression of Interest process concluded on 10 August 2020 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 proposals received are now be reviewed with a view to awarding a contract for this work in the next few weeks.
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	<p>The Circular Procurement Project is now underway, and the Memorandum of Understanding has been executed.</p> <p>Amendments to Council's procurement processes has been completed to provide effect to Council's participation in the Circular Procurement trial.</p> <p>Staff training in the Circular Procurement Project has been undertaken.</p> <p>Recording of goods purchased with recycled content has commenced including bin surrounds, wheelie bins, office paper, fence posts and road construction materials.</p> <p>To date council has purchased 3446 tonnes of recycled product including predominantly recycled road base and other items such as wheelie bins, bollards, picket fence panels and steel rails.</p>

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	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	The park was impacted by the Cudlee Creek Bushfire. The community group remains active in looking at opportunities to improve the park and a new sign is due to be installed.
24/09/2019	Ordinary Council	253/19	Oakbank Soldiers Memorial Hall	None declared	That the report be received and notedThat 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 purpose. 5. That the Mayor and CEO be authorised to sign all necessary documents, including affixing the common seal, to give effect to this resolution	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 Council staff have facilitated 2 community meetings and assisted the committee to set up the AGM which was held on 31 August. At the AGM, a new committee was formed. The new committee will not pursue a sale of the Hall at this time. A report will be presented to Council at the October meeting to rescind this resolution of Council.

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 noted That Council commence a community land revocation process in relation to the following land:</p> <p>CR 5752/186, Lot 32 Fullgrabe Road, Crafers CR 5753/725, Section 1609 Illert Road, Mylor CR 5753/729, Section 1657 Scott Creek Road, Scott Creek CR 5753/741, Sections 53 and 54 Sandy Waterhole Road, Woodside CR 5753/742, Section 547 Schuberts Road, Lobethal CR 5753/744, Section 553 Pedare Park Road, Woodside CR 5753/745, Section 556 Tiers Road, Woodside CR 5753/746, Section 565 Old Carey Gully Road, Stirling CR 5753/751, Section 489 Chapman Road, Inglewood CR 5753/754, Section 511 North East Road, Inglewood CR 5753/758, Section 262 Reserve Road, Forrester CR 5763/631, Section 1591 Silver Road, Bridgewater CR 5763/634, Section 71 Magarey Road, Mount Torrens CR 5763/635, Section 72 Magarey Road, Mount Torrens CR 5763/636, Section 84 Forrester Road, Forrester CR 6142/329, Lot 501 Greenhill Road, Balhannah CR 5926/487, Lot 20 Bell Springs Road, Charleston CR 5753/718, Section 1544 Reserve Terrace, Aldgate CR 5753/753, Section 495 off Kersbrook Road, Kersbrook</p> <p>Community consultation be undertaken in accordance with the Council's Public Consultation Policy.</p> <p>A further report be presented to Council following completion of the community consultation process.</p>	Terry Crackett	In Progress	Consultation is commencing in September
26/11/2019	Ordinary Council	277/19	MON Water Usage from Bores	None declared	<ol style="list-style-type: none"> 1. That the CEO investigates any circumstances where Council provides water to or receives water from a person/organisation. 2. 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 with a report being presented to Council in October
17/12/2019	Ordinary Council	309/19	Mylor BMX Bike Track	Perceived - Cr Leith Mudge	<ol style="list-style-type: none"> 1. That the report be received and noted. 2. That broad community consultation be undertaken in accordance with the consultation plan set out in this report 3. That, following completion of community consultation and further investigations by Council staff, a further report is presented to Council for consideration. 4. 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 5. To reaffirm its commitment to the Heritage Agreement application in its current form, which is in progress for the Mylor Parklands 6. To thank all community groups and volunteers who have contributed to the preservation and conservation of the Mylor Parklands over many years 7. 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"> 1. February Signage erected for Parklands 2. Letter to wider community / incl. local stakeholders to alert them of the process + update EQH site enable people to engage through this 1. Meet with groups individually to bring people into process and set the context + Get representatives from three groups 2. 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 3. May/June Wider consultation with community invited to see proposals 4. 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>

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	314/19	Road Exchange Montacute Road Montacute	None declared	<ol style="list-style-type: none"> 1. That the report be received and noted 2. 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> 3. 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 4. 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 5. 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	Council has executed documents to support a process to bring land under the provisions of the Real Property Act 1886. Awaiting completion of that process before the road exchange can progress.
28/01/2020	Ordinary Council	11/20	Revocation of Community Land - Bridgewater Retirement Village	None declared	That the report be received and notedSubject 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. Currently awaiting feedback from the Attorney-General.
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 recommenced with the expectation that interviews will be undertaken in the next few weeks.
28/04/2020	Ordinary Council	71/20	Rural Land Acquisition from DPTI - Houghton & Aldgate	None declared	That the report be received and notedTo 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	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 notedThat 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	The review process is complete. The CEO Performance Review and Remuneration Reviews have been considered by the Panel. Recommendations via a report will be decided at the September Council meeting.
28/04/2020	Ordinary Council	75/20	CEO PRP Independent Member Deferral	None declared	That the report be received and notedTo 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	This process has recommenced with the expectation that interviews will be undertaken in the next few weeks.

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 Rally & 2020 Gorge Rallysprint	Cr Chris Grant - Perceived	<p>That the report be received and noted.</p> <p>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.</p> <p>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:</p> <p>Refer to Minutes</p> <p>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 consent to, any proposals for minor changes to the road closures in the lead up to the event.</p> <p>5. That organisers of the 2020 Shannons Adelaide Rally be required to attend a Council workshop by February 2021 to provide feedback on the 2020 event and allow elected members the opportunity to ask questions in relation to the event.</p>	David Waters	In Progress	<p>The event organiser is aware of the Council's resolution and is willing to attend the workshop in February 2021.</p> <p>Evidence of all requirements received.</p> <p>12 August - A consultation letter was sent and advanced notice signage installed for the Gorge Rallysprint event 13 September (over 4 weeks to event as per resolution)</p>
23/06/2020	Ordinary Council	104/20	Support for Road Closures 2020 Adelaide Hills Rally	Perceived - Cr Chris Grant	<p>That the report be received and noted</p> <p>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.</p> <p>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:</p> <p>Saturday 17 October 2020</p> <p>Retreat Valley Stage Closure 8:00am – 1:30pm</p> <p>Retreat Valley Road, Odea Road, Berry Hill Road and Langley Road closed – from Gorge Road to Cudlee Creek Road</p> <p>Kenton Valley Stage Closure 8:20am – 1:50pm</p> <p>Turner Road, Maidment Road, Lihou Road and Schocroft Road closed – from Burfords Hill Road to Schuberts Road</p>	David Waters	In Progress	<p>Road closure consent being signed off by the CEO with minor changes.</p> <p>Evidence of most resolution conditions received by Administration, waiting only on proof of advance notice signage.</p> <p>Notification letter to residents and install of Advance Notice signage due by Fri 11 September.</p>

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	105/20	Community & Recreation Facility Framework Project Update	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	<p>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.</p> <p>Update 19/8 - Stage 1 & 2 of the consultation for this project has now closed. Staff will begin analysing data in the coming weeks in conjunction with Council Members who form part of the CRFFIWG. Data gathered used to inform new service levels & policy positions that will form part of the Framework.</p> <p>Update 14/9 - Staff are continuing to analyse data, & will share findings with members of the CRFFIWG in the coming weeks.</p>
23/06/2020	Ordinary Council	106/20	Local Roads and Community Infrastructure Program Projects	Actual - Cr Linda Green & Cr Andrew Stratford Perceived - Cr Malcolm Herrmann	<p>1. That the report be received and noted.</p> <p>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)</p> <p>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.</p> <p>4. That should any projects be unsuccessful, or significant savings achieved, alternative projects will be recommended to Council for consideration.</p> <p>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 this additional funding program and provide background information on the successful projects.</p>	Peter Bice	Completed	<p>Applications were submitted Friday 10th July. Council subsequently received formal notification of all nominated projects being approved on Wednesday 5th August, with a 50% funding installment received, as per the agreement.</p> <p>A letter of thanks has been sent to the Hon Michael McCormack MP, and projects are now getting underway. An excellent outcome, with the focus now turning to high quality and timely delivery.</p> <p>Should any savings be identified a report will come back to Council.</p>
23/06/2020	Ordinary Council	122/20	Event Opportunity - Confidential Item	None declared	Refer to Confidential Minute	David Waters	In Progress	The matter remains subject to the confidentiality order.
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	In Progress	This item remains in confidence under the provisions contained in the resolution.
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	Completed	Contracts have all been signed and the confidential items have been released.
28/07/2020	Ordinary Council	136/20	MON Late Lewis (Lew) Brickhill	None declared	That the CEO investigate, 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.	Peter Bice	In Progress	Investigations underway, report will be coming to October Meeting. Other work priorities did not make September feasible.

Meeting Date	Meeting	Res No.	Item Name	Previously Declared COI	Action Required (Council Resolution)	Responsible Director	Status	Status (for Council reporting)
28/07/2020	Ordinary Council	137/20	Genetically Modified Crops Legislation Change - Community Engagement Plan	None declared	<ol style="list-style-type: none"> That the report be received and noted. The Council will consider whether to apply to the Minister for Primary Industries and Regional Development under Section 5A(1) of the <i>Genetically Modified Crops Management Act 2004</i> for the designation of the Council area as an area in which no genetically modified food crops may be cultivated. Pursuant to Section 5A(2) of the <i>Genetically Modified Crops Management Act 2004</i>, 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. To approve the community engagement plan that forms Appendix 1 to this report with an amendment to the final bullet point on page 5 of the Engagement Plan by adding the following words at the end of the sentence "... particularly those who might be positively or negatively impacted by lack of or otherwise, of a GM Free Zone in the Adelaide Hills Council district or region," 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. To approve a review of the Genetically Modified Crops Policy that forms Appendix 2 to run concurrently with the community engagement process. 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 	Marc Salver	In Progress	Public and stakeholder consultation on this matter commenced on 29 July and concluded on 26 August 2020. In accordance with the above resolutions, a report will be submitted for Council's consideration at its meeting on 22 September.
28/07/2020	Ordinary Council	147/20	Citizen of the Year Awards Presentation Location	None declared	<p>That the report be received and noted.</p> <p>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.</p>	David Waters	Not Started	The action arising from this resolution does not come about until January 2021.
28/07/2020	Ordinary Council	148/20	Road Closure adj Posen Road Birdwood	None declared	<ol style="list-style-type: none"> 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 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. 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 <i>Local Government Act 1999</i>; 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. 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. 	Terry Crackett	In Progress	<p>Commenced in accordance with the resolution.</p> <p>Road Process Order and transfer documents being prepared by Surveyor.</p>

Meeting Date	Meeting	Res No.	Item Name	Previously Declared COI	Action Required (Council Resolution)	Responsible Director	Status	Status (for Council reporting)
28/07/2020	Ordinary Council	149/20	Road Widening Netherhill Road Kenton Valley	None declared	<ol style="list-style-type: none"> 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 <i>Appendix 2</i> ("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 <i>Appendix 2</i> ("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 <i>Local Government Act 1999</i>; and 5. That the Mayor and CEO be authorised to sign all necessary documentation, including affixing the common seal, to give effect to 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. 	Terry Crackett	In Progress	<p>Progress has commenced in accordance with the resolution</p> <p>Conveyancer has been instructed to prepare boundary realignment documents</p>
28/07/2020	Ordinary Council	157/20	Appointment of Independent Member to Council Assessment Panel - Period of	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 Community Representatives referred to in the item are appointed, but not longer than 30 August 2020.	Marc Salver	Completed	The confidentiality of this item has been lifted and an induction session with the newly appointed CAP Independent Member occurred on 31 August 2020.
25/08/2020	Ordinary Council	160/20	Petition Proposed Solar Development, Birdwood	None declared	That the petition signed by 28 signatories requesting that Development Assessment 20/530/473, Solar Development at Birdwood, be received and noted. It is noted that Council has no role to play in the assessment of development applications and that Council's Assessment Panel (CAP) is the decision authority in this instance which, due to legislative restrictions, cannot receive or consider a petition as part of its deliberations on a development application. That the CEO advises the principal signatory of the Council's noting of the petition and of any resolutions relating to the matter.	Andrew Aitken	Completed	Letter prepared and sent

Meeting Date	Meeting	Res No.	Item Name	Previously Declared COI	Action Required (Council Resolution)	Responsible Director	Status	Status (for Council reporting)
25/08/2020	Ordinary Council	162/20	Boundary Reform Options	None declared	<p>1. Council reaffirms its commitment to the following Community Engagement Principles, when engaging the community in a decision-making process, Council promises to:</p> <p>1.1 seek out and encourage contributions from people who may be affected by or interested in a decision</p> <p>1.2 provide relevant, timely and balanced information so people can contribute in a meaningful way</p> <p>1.3 provide a variety of appropriate and accessible ways for people to have their say</p> <p>1.4 actively listen so that people's ideas and input assist in making the final decision</p> <p>1.5 consider the needs and interests of people in the decision-making process</p> <p>1.6 inform the community about the final decision and how their input was considered</p> <p>2. Council resolves to pursue its boundary reform option analysis in a collaborative and consultative manner, that is, importantly, considerate and respectful of the views and opinions of affected residents, ratepayers and neighbouring councils, in keeping with its Community Engagement Principles.</p> <p>3. Council resolves to request the Campbelltown City Council to formally consider, at its 6 October 2020 Ordinary meeting (or earlier), the Adelaide Hills Council's 28 January 2020 request to withdraw their Woodforde/Rostrevor boundary reform proposal.</p>	Andrew Aitken	Completed	Letter sent to Campbelltown City Council on 31 August 2020.
25/08/2020	Ordinary Council	163/20	MON Community Groups & COVID-19 Impact	None declared	That Staff provide a report to Council on support for community groups in response to impacts from COVID-19 at the Ordinary Council Meeting in September 2020.	David Waters	Completed	The matter will be subject to a report at the September Council Meeting.
25/08/2020	Ordinary Council	164/20	Fabrik Development Proposal	None declared	<p>1. That the report be received and noted.</p> <p>2. That the Facility Development Plan, as contained in <i>Appendix 1</i>, be endorsed, noting that the Chief Executive Officer, or delegate, will continue to develop the plan through further stages of design.</p> <p>3. That the Council reaffirms the allocation of \$1.008m in the Long Term Financial Plan along with already committed funds of \$199,000 plus funding from the Local Roads and Community Infrastructure Fund, for the development of Fabrik and that an application be made to the Local Economic Recovery Program for the remaining \$3.0m.</p>	David Waters	In Progress	The Administration is preparing a funding application as described in the resolution.

Meeting Date	Meeting	Res No.	Item Name	Previously Declared COI	Action Required (Council Resolution)	Responsible Director	Status	Status (for Council reporting)
25/08/2020	Ordinary Council	165/20	Replacement LMA 3 & 5 Pomona Road Stirling	None declared	<ol style="list-style-type: none"> That the report be received and noted To enter into a deed of rescission, rescinding Land Management Agreement 10923983 dated 10 March 2008 and Variation of Land Management Agreement 12221145 dated 22 October 2014 noted on the land comprised and described in Certificate of Title Book Volume 6127 Folio 47, known as 3 Pomona Road, Stirling To enter into a deed of rescission, rescinding Land Management Agreement 13038239 dated 29 November 2018 noted on the land comprised and described in Certificate of Title Book Volume 6218 Folio 57, known as 5 Pomona Road, Stirling To enter into the new Land Management Agreement with Aldi Foods Pty Ltd attached in Appendix 1 of this report for Certificate of Title Volume 6127 Folio 47 and Certificate of Title Volume 6128 Folio 57, known as 3 & 5 Pomona Road, Stirling, subject to the acceptance by the Council Assessment Panel to the variation of the approved landscaping plan for Development Application 16/463/473 and subject to the acceptance of the State Commission Assessment Panel to the variation of the approved landscaping plan for Development Application 19/272/473 (19/E9/473) The Mayor & CEO are authorised to affix the Council Seal and execute the new Land Management Agreement, the Deeds of Rescission, and Consents to Note the new Land Management Agreement and Rescissions for 3 & 5 Pomona Road Stirling, and The costs associated with the preparation, review by Council's lawyers and registration of the new Land Management Agreement and the rescission of the existing Land Management Agreements and Variation of Land Management Agreement shall be borne by the Aldi Foods Pty Ltd. 	Marc Salver	In Progress	The new LMA approved by Council on 25 August has been forwarded to the applicant for execution and will then be registered on the respective titles.
25/08/2020	Ordinary Council	166/20	DA Fee Waiver Clayton Church Homes Inc	None declared	<p>That the report be received and noted</p> <p>To approve the waiver of development fees up to \$993.20 for Clayton Church Homes Inc. in relation to Development Application 20/333/473 for a development at 1142 and 1144 Greenhill Road Uraidla.</p>	Marc Salver	Completed	The Applicant has been advised of Council's decision regarding the fee waiver on 26 August.
25/08/2020	Ordinary Council	167/20	DA Fee Waiver Policy	None declared	Council resolves to defer this item until the Ordinary Council meeting in October 2020 in order to seek clarification including, but not limited to, the maximum construction value for developments to which this policy shall apply.	Marc Salver	In Progress	Staff held a workshop with Council Members on 8 September and are finalising the report for re-consideration by Council at its 22 September 2020 meeting.
25/08/2020	Ordinary Council	168/20	Gumeracha Court Resurfacing Project	None declared	<ol style="list-style-type: none"> That the report be received and noted. To approve the 2020-21 capital expenditure budget of \$220k to be funded by \$220k in capital grants income from the Federal Government Community Development Grants Program in accordance with initial funding documentation. That \$150,000 be brought forward from the 2021-22 LTFP allocation into the 2020-21 Capital Program to enable the lighting and associated works at the Gumeracha courts to be undertaken. That \$50,000 from the 2019-20 Capital Program be carried forward into the 2020-21 Capital Program to enable the lighting and associated works at the Gumeracha courts to be undertaken. 	Peter Bice	Not Started	Update 14/9 - Staff are progressing the funding agreement with the relevant Federal Government agency, & have organised to meet with community representatives in the coming weeks.
25/08/2020	Ordinary Council	169/20	Heathfield Change Room & Cricket Net Project	None declared	<p>That the report be received and noted.</p> <p>To approve an increase in the 2020-21 Capital Expenditure Budget of \$1,088,949, resulting in a total project cost of \$1,414,851, to be funded by \$1,088,949 in grants and associated contributions for the Heathfield Oval Change Room and Cricket Net Project, in accordance with the Funding Agreements.</p>	Peter Bice	In Progress	Update - 14/9 - Council staff & project managers are currently waiting for outcomes of planning assessment. Tender documentation continues to be progressed.

Meeting Date	Meeting	Res No.	Item Name	Previously Declared COI	Action Required (Council Resolution)	Responsible Director	Status	Status (for Council reporting)
25/08/2020	Ordinary Council	170/20	2019-2020 Preliminary End of Year Financial Results & Carry Forwards	None declared	<ol style="list-style-type: none"> The report be received and the preliminary end of year financial results for 2019-20 be noted. Operating Initiatives Carry Forward projects from 2019-20 totalling an amount of \$64k of expenditure as detailed in this report be approved for inclusion in the 2020-21 Budget. Capital carry forward projects from 2019-20 totalling an amount of \$2.679m of expenditure and \$367k of income (Attachments 2 and 3 to this report) be approved for inclusion in the 2020-21 Budget. The additional budget request of \$30k of expenditure matched by a \$30k operating grant (Attachment 4) be approved for inclusion in the 20-21 Budget. The 2020-21 proposed Budgeted Uniform Presentation of Finances reflecting a revised budgeted Operating Surplus of \$829k before Capital Revenue and revised Net Borrowings of \$6.329m as summarised in Attachment 5 to this report be adopted. 	Terry Crackett	Completed	Council Financial systems updated for budget changes
25/08/2020	Ordinary Council	171/20	Local Government Elections Act Review Submission	None declared	<p>That the report be received and noted</p> <p>To lodge its <i>Local Government (Elections) Act 2020</i> – Review Submission at Appendix 1 to: Minister for Local Government Opposition Spokesperson for Local Government Local Members of Parliament Office of Local Government Local Government Association</p> <ol style="list-style-type: none"> To delegate to the Chief Executive Officer the authority to make any minor changes to the Review Submission to reflect matters raised in the debate on the Local Government (Elections) Act Review Submission report. 	Andrew Aitken	Completed	Submission sent to LGA, cc Minister for LG, Office of LG, Local MPs, Opposition Minister for LG
25/08/2020	Ordinary Council	173/20	Nomination for GAROC - Voting for Council Member	None declared	Council resolves to endorse the nomination of Mayor Jan-Claire Wisdom for the Greater Adelaide Regional Organisation of Councils and authorise the Chief Executive Officer to lodge the completed nomination form to the Local Government Association by COB 28 August 2020.	Andrew Aitken	Completed	Nomination forwarded to LGA within due date
25/08/2020	Ordinary Council	174/20	Nomination for LGA President	None declared	<ol style="list-style-type: none"> That the report be received and noted To endorse the nomination of Mayor Jan-Claire Wisdom for the LGA President role and authorise the Chief Executive Officer to lodge the completed nomination form to the Local Government Association by COB 28 August 2020. 	Andrew Aitken	Completed	Nomination forwarded to LGA by due date
25/08/2020	Ordinary Council	177/20	Road Closures Young Drivers Awareness Course 2020 - 2021	None declared	<p>That the report be received and noted</p> <p>To, pursuant to Section 33(1) of the <i>Road Traffic Act 1961</i> and Clause G of the Instrument of General Approval of the Minister dated 22 August 2013: Declare that the Driver Education Program that is to take place on Newman Road, Charleston is an event to which Section 33 of the <i>Road Traffic Act 1961</i> applies. Make an order directing that a section of Newman Road, Charleston, between Five Lanes Road and Lewis Road, be closed to traffic for the period between 9.00am and 6.00pm on Wednesday 7 October 2020, and 9.00am and 6.00pm Wednesday 21 April 2021. Make an order directing that persons taking part in the event be exempt from the duty to observe the Australian Road Rules Rule 238 (Pedestrians travelling along a road). To make an order directing that all vehicles except emergency and participant vehicles and local residents living at the named section of Newman Road, be excluded from the closed section of road for the period of the closure.</p>	David Waters	Completed	The resolution is self-fulfilling in that by virtue of the resolution, the Order is made.

Meeting Date	Meeting	Res No.	Item Name	Previously Declared COI	Action Required (Council Resolution)	Responsible Director	Status	Status (for Council reporting)
25/08/2020	Ordinary Council	178/20	Policy Review - School Parking & Associated Facilities	None declared	That the report be received and noted. With an effective date of 8 September 2020, to revoke the 27 June 2017 <i>School Parking and Associated Facilities Policy</i> and to adopt the revised draft <i>School Parking and Associated Facilities Policy</i> contained in Appendix 1. That the Chief Executive Officer be authorised to make any formatting, nomenclature or other minor changes to the <i>School Parking and Associated Facilities Policy</i> as per Appendix 1 prior to the effective date.	Peter Bice	Completed	Council Policy - School Parking and Associated Facilities was adopted by Council at it's 25 August 2020 Council Meeting.
25/08/2020	Ordinary Council	179/20	Policy Review - Unsealed Roads	None declared	That the report be received and noted. With an effective date of 8 September 2020, to revoke the 25 July 2017 <i>Unsealed Roads Policy</i> and to adopt the revised <i>Unsealed Roads Policy</i> in Appendix 1. That the Chief Executive Officer be authorised to make any formatting, nomenclature or other minor changes to the <i>Unsealed Roads Policy</i> as per Appendix 1 prior to the effective date.	Peter Bice	Completed	Council Policy - Unsealed Roads was adopted by Council at it's 25 August 2020 Council Meeting.
26/08/2020	Ordinary Council	176/20	SA Power Network Tariff Agreement	None declared	That the report be received and noted. That the Mayor and CEO be authorised to sign and seal the Letter of Offer and enter into the Tariff Agreement (Appendix 1) with SA Power Networks.	Peter Bice	Completed	Documents Signed
8/09/2020	Special Council	184/20	MON Woodforde/Rostrevor Boundary Reform FOI Release	None declared	Receive the documents contained in Appendix 1, offered to Council by Cr Mark Osterstock as the product of a Freedom of information (FOI) request in his private capacity to Campbelltown City Council. The documents are in satisfaction of the FOI application dated 23 June 2020 and released in a determination dated 20 August 2020 with the following requested information: Copies of ALL correspondence (including yet not limited to email correspondence) received from, or to, residents residing in Rostrevor (Adelaide Hills Council), and Woodforde (Adelaide Hills Council), relating to the issue of 'boundary realignment' and From, or to, any person, business, government or non-government agency, in relation to the issue of 'boundary realignment', and From, or to, any or all Elected Members of Council in relation to the issue of 'boundary realignment' (10 November 2018 – 23 June 2020, inclusive). Copies of all correspondence (including yet not limited to email correspondence) from any member of the Council Administration to any one, or all, of the Elected Members of Council, concerning requests from Adelaide Hills Council for a deputation on the issue of 'boundary realignment', particularly in relation to the 2nd June 2020 deputation that Council received from the Adelaide Hills Council. (01 February 2020 – 23 June 2020, inclusive). Copies of all correspondence (including yet not limited to email correspondence) from any Elected Members of Council, to any person, concerning requests from Adelaide Hills Council for a deputation on the issue of 'boundary realignment', particularly in relation to the 2nd June 2020 deputation that Council received from the Adelaide Hills Council (01 February 2020 – 23 June 2020, inclusive). The Chief Executive Officer prepare a report for a future meeting analysing the contents of the released documents to identify any points of interest	Andrew Aitken	Not Started	
8/09/2020	Special Council	196/20	Election of Deputy Mayor	Cr Nathan Daniell - material	Council resolves to appoint Cr Nathan Daniell to the position of Deputy Mayor for a 12 month term to commence 27 November 2020 until 26 November 2021 inclusive.	Andrew Aitken	In Progress	Accounts Payable advised, email of congratulations sent to Cr Daniell from Lachlan Miller.
8/09/2020	Special Council	188/20	Audit Committee Membership appointment of Council Members	Cr Malcolm Herrmann - Perceived Cr Leith Mudge - Actual	Council resolves to appoint Cr Malcolm Herrmann and Cr Leith Mudge as members of the Audit Committee for a 24 month term to commence from 27 November 2020 until the conclusion of this Council term.	Andrew Aitken	In Progress	Records updated

Meeting Date	Meeting	Res No.	Item Name	Previously Declared COI	Action Required (Council Resolution)	Responsible Director	Status	Status (for Council reporting)
8/09/2020	Special Council	189/20	Audit Committee Membership approval to commence recruitment of Independent Member	None declared	That the report be received and noted That in relation to the Audit Committee: To undertake a recruitment process for the selection of one Independent Ordinary Member for the Audit Committee for a term commencing 1 November 2020 and concluding 30 April 2022 (inclusive). To appoint Cr Malcolm Herrmann, Cr Leith Mudge and the CEO (or delegate) as members of the Audit Committee Independent Member Selection Panel.	Andrew Aitken	In Progress	Advertisements placed, applications close 1 October 2020.
8/09/2020	Special Council	191/20	CEO PRP Membership - Council Members	Cr Mark Osterstock - perceived	Council resolves to appoint Cr Mark Osterstock and Cr Chris Grant as members of the Chief Executive Officer Performance Review Panel for a 24 month term to commence from 27 November 2020 until the conclusion of this Council Term.	Andrew Aitken	Not Started	Executive Officer (Megan Sutherland OD) advised via email
8/09/2020	Special Council	193/20	S43 Regional Subsidiary Membership - East Waste	None declared	4. That in relation to the Eastern Waste Management Authority Board: a. To appoint Cr Linda Green to the Board Member position for a term to commence from 27 November 2020 and conclude at the end of the current Council term (inclusive) b. To appoint John McArthur to the Deputy Board Member position for a term to commence from 27 November 2020 and conclude on 23 December 2022 (inclusive). 5. That in relation to the Adelaide Hills Region Waste Management Authority Board: a. To appoint Cr Ian Bailey to the Board Member (Council Member) position for a term to commence from 27 November 2020 and conclude at the end of the current Council term (inclusive) b. To appoint Marc Salver to the Board Member (Council Officer) position for a term to commence from 27 November 2020 and conclude on 23 December 2022 (inclusive) To appoint Cr John Kemp to the Deputy Board Member position for a term to commence from 27 November 2020 and conclude at the end of the current Council term. 6. That in relation to the Gawler River Floodplain Management Authority Board: a. To note that the Chief Executive Officer has nominated Ashley Curtis to the Board Member (Chief Executive Officer) position for a term to commence from 27 November 2020 and conclude on 23 December 2022 (inclusive) b. To appoint Cr Malcolm Herrmann to the Board Member (Council	Andrew Aitken	In Progress	Letter sent to East Waste, GRFMA, SHLGA, AHRWMA, emails sent to CMs
8/09/2020	Special Council	195/20	Advisory Group Membership - appointment of Council Members	None declared	Council resolves to appoint the following Council Member as members of the respective Advisory Groups to commence the term on 18 December 2020 and conclude at the end of the current Council term. Bushfire Advisory Group – (up to 2 Council Members) – Cr Pauline Gill & Cr Chris Grant Biodiversity Advisory Group – (3 Council Members) – Cr Kirrilee Boyd, Cr Chris Grant & Cr John Kemp Cemetery Advisory Group - (up to 4 Council Members) – Cr Ian Bailey, Cr Pauline Gill & Cr Malcolm Herrmann Property Advisory Group - (up to 4 Council Members) – Cr Malcolm Herrmann, Cr Kirsty Parkin, Cr John Kemp & Cr Ian Bailey Rural Land Management Advisory Group - (up to 4 Council Members) – Cr John Kemp, Cr Chris Grant & Cr Ian Bailey Sustainability Advisory Group - (up to 4 Council Members) – Cr Nathan Daniell, Cr Kirrilee Boyd, Cr Chris Grant & Cr Leith Mudge.	Andrew Aitken	In Progress	Executive Officers advised via email, emails sent to CMs
8/09/2020	Special Council	197/20	Reconciliation Working Group Membership - appointment of Council Member	None declared	That Cr Kirrilee Boyd be appointed to the Reconciliation Working Group to commence from 17 December 2020 and conclude at the end of the current Council term.	Andrew Aitken	In Progress	Email sent to Exec Officer of Working Group (Lynne Griffiths) and email sent to Cr Boyd.

Meeting Date	Meeting	Res No.	Item Name	Previously Declared COI	Action Required (Council Resolution)	Responsible Director	Status	Status (for Council reporting)
15/09/2020	Special Council	198/20	Broadcasting Council Meetings & Workshops	None declared	<ol style="list-style-type: none"> 1. That the report be received and noted. 2. To commence broadcasting the proceedings of Council Meetings. 3. To authorise the Chief Executive Officer: To determine the social media channel(s) to facilitate broadcasting; and To make the required changes to the following Council documents to provide procedural guidance to the broadcasting resolution: <i>Code of Procedure for Council Meeting Procedures</i> <i>Code of Practice for Access to Council, Council Committee and Designated Informal Gathering Meetings & Documents</i> <i>Informal Council and Council Committee Gatherings and Discussions Policy</i> (the Policy) 4. That the Chief Executive Officer reviews the Broadcasting of Council meetings within 12 months from commencement and report the outcome of that review to Council. 	Andrew Aitken	Not Started	Social media channels being evaluated.

Item 18 Minutes of Committees

**ADELAIDE HILLS COUNCIL
CEO PERFORMANCE REVIEW PANEL COMMITTEE
MINUTES OF MEETING
THURSDAY 3 SEPTEMBER 2020
63 MT BARKER ROAD STIRLING**

In Attendance

Presiding Member: Cr Mark Osterstock

Members:

Ms Paula Davies	Independent Member
Acting Mayor Nathan Daniell	
Cr Kirsty Parkin	

In Attendance:

Andrew Aitken	Chief Executive Officer
Lachlan Miller	Executive Manager Governance & Performance
Megan Sutherland	Executive Manager Organisational Development

1. COMMENCEMENT

The meeting commenced at 6.00pm

2. APOLOGIES/LEAVE OF ABSENCE

2.1 Apology

Nil

2.2 Leave of Absence

At its 25 August 2020 meeting, Council approved a leave of absence for Mayor Wisdom from 24 August to 25 September 2020.

2.3 Absent

Nil

Presiding Member _____ 26 November 2020

**ADELAIDE HILLS COUNCIL
CEO PERFORMANCE REVIEW PANEL COMMITTEE
MINUTES OF MEETING
THURSDAY 3 SEPTEMBER 2020
63 MT BARKER ROAD STIRLING**

3. MINUTES OF PREVIOUS MEETINGS

3.1 CEO Performance Review Panel Meeting – 9 July 2020

Moved Paula Davies
S/- Cr Kirsty Parkin

PRP14/20

That the minutes of the CEO Performance Review Panel meeting held on 9 July 2020 as distributed, be confirmed as an accurate record of the proceedings of that meeting with the amendment that Cr Daniell was an apology.

Carried

4. PRESIDING MEMBER'S OPENING COMMENTS

Nil

5. DELEGATION OF AUTHORITY

The CEO Performance Review Panel operates in accordance with the relevant sections of the *Local Government Act 1999*, and its Terms of Reference.

6. DECLARATION OF CONFLICT OF INTEREST BY MEMBERS OF THE COMMITTEE

6.1 Nil

7. OFFICER REPORTS – DECISION ITEMS

7.1 CEO Performance Targets Update

Moved Cr Nathan Daniell
S/- Cr Kirsty Parkin

PRP15/20

The CEO Performance Review Panel resolves that the report be received and noted.

Carried

**ADELAIDE HILLS COUNCIL
CEO PERFORMANCE REVIEW PANEL COMMITTEE
MINUTES OF MEETING
THURSDAY 3 SEPTEMBER 2020
63 MT BARKER ROAD STIRLING**

8. MOTIONS WITHOUT NOTICE

Nil

9. QUESTIONS WITHOUT NOTICE

Nil

10. CONFIDENTIAL ITEMS

10.1 CEO Performance Review and Remuneration Review – Exclusion of the Public

Moved Cr Kirsty Parkin

S/- Cr Nathan Daniell

PRP16/20

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

- CEO, Andrew Aitken
- Executive Manager Governance and Performance, Lachlan Miller
- Executive Manager Organisational Development, Megan Sutherland

be excluded from attendance at the meeting for Agenda Item 10.1: (2020 CEO Performance and Remuneration Review) in confidence.

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

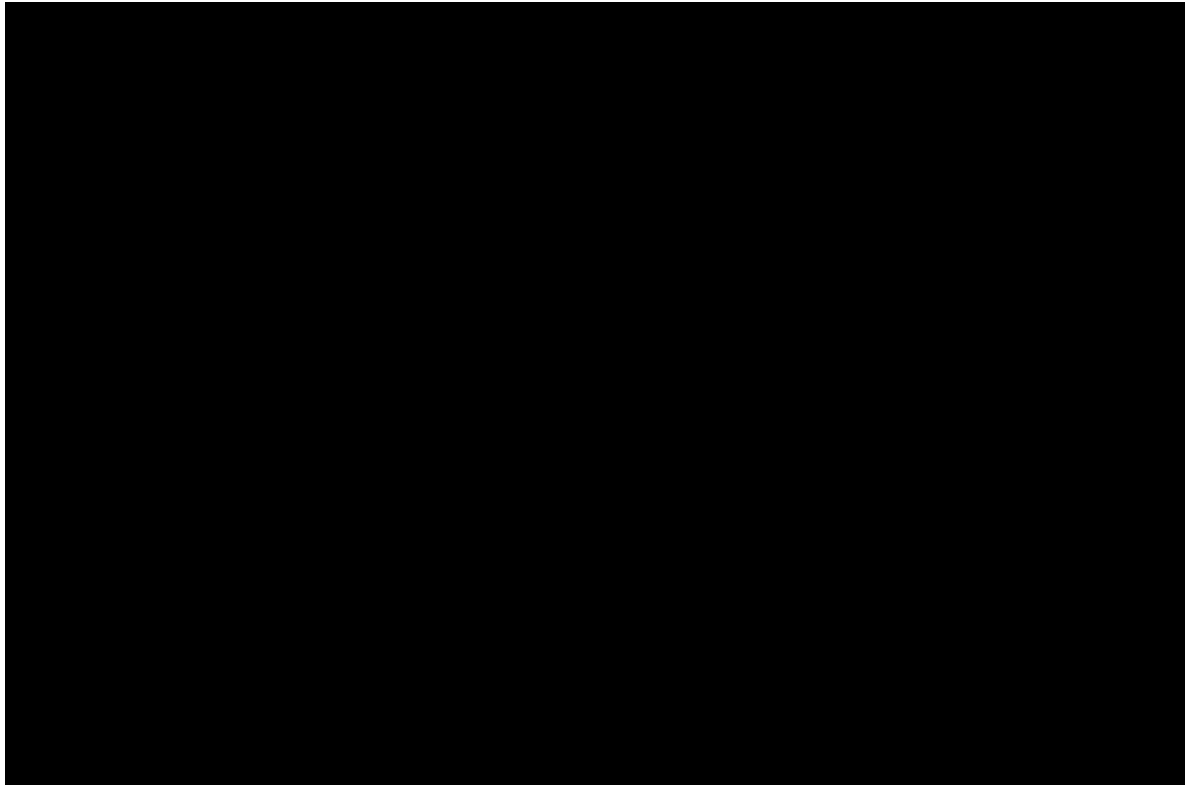
Section 90(3)(a) of the *Local Government Act 1999*, the information to be received, discussed or considered in relation to this Agenda Item is information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead), being the personal affairs of the Chief Executive Officer, in that details of his performance review will be discussed.

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

Carried

**ADELAIDE HILLS COUNCIL
CEO PERFORMANCE REVIEW PANEL COMMITTEE
MINUTES OF MEETING
THURSDAY 3 SEPTEMBER 2020
63 MT BARKER ROAD STIRLING**

10.1.1 CEO Performance Review and Remuneration Review – Confidential Item



**ADELAIDE HILLS COUNCIL
CEO PERFORMANCE REVIEW PANEL COMMITTEE
MINUTES OF MEETING
THURSDAY 3 SEPTEMBER 2020
63 MT BARKER ROAD STIRLING**

10.1.2 2020 CEO Performance and Remuneration Review – Period of Confidentiality

Moved Cr Nathan Daniell
S/- Cr Kirsty Parkin

PRP18/20

Subject to the CEO, or his delegate, disclosing information or any document (in whole or in part) for the purpose of implementing the Panel's decision(s) in this matter in the performance of the duties and responsibilities of office, the Panel, having considered at Agenda Item 10.1 in confidence under sections 90(2) and 90(3)(a) of the *Local Government Act 1999*, that an order be made under the provisions of sections 91(7) and (9) of the *Local Government Act 1999* that the report, related attachments and the minutes of Council and the discussion and considerations of the subject matter be retained in confidence until the CEO has been advised in writing, but not longer than one month from the date of the decision of Council.

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

Carried

11. NEXT MEETING

The next ordinary meeting of the CEO Performance Review Panel will be held on Thursday 26 November 2020, 6.00pm, at 63 Mt Barker Road Stirling.

12. CLOSE MEETING

The meeting closed at 6.30pm.

**ADELAIDE HILLS COUNCIL
ORDINARY COUNCIL MEETING
Tuesday 22 September 2020
CONFIDENTIAL AGENDA BUSINESS ITEM**

Item: 18.1

Responsible Officer: Megan Sutherland
Executive Manager Organisational Development
Corporate Services

Subject: 2020 CEO Performance and Remuneration Reviews

For: Decision

1. 2020 CEO Performance and Remuneration Review – 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 and Operations, Peter Bice
- Director Development and Regulatory Services, Marc Salver
- Director Corporate Services, Terry Crackett
- Director Community Capacity, David Waters
- Executive Manager Governance and Performance, Lachlan Miller
- Executive Manager Organisational Development, Megan Sutherland
- Governance and Risk Coordinator, Steven Watson
- Minute Secretary, Pam Williams

be excluded from attendance at the meeting for Agenda Item 18.1: (2020 CEO Performance and Remuneration Review) in confidence.

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

Section 90(3)(a) of the *Local Government Act 1999*, the information to be received, discussed or considered in relation to this Agenda Item is information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead), being the personal affairs of the Chief Executive Officer, in that details of his performance review will be discussed.

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. 2020 CEO Performance and Remuneration Review – 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 18.1 in confidence under sections 90(2) and 90(3)(a) of the *Local Government Act 1999*, that an order be made under the provisions of sections 91(7) and (9) of the *Local Government Act 1999* that the report, related attachments and the minutes of Council and the discussion and considerations of the subject matter be retained in confidence until the CEO has been advised in writing, but not longer than one month from the date of the decision of Council.

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