



ORDINARY COUNCIL MEETING

NOTICE OF MEETING

To: Mayor Jan-Claire Wisdom

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

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

Tuesday 28 September 2021
6.30pm
63 Mt Barker Road Stirling

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

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

Andrew Aitken
Chief Executive Officer



ORDINARY COUNCIL MEETING

AGENDA FOR MEETING
Tuesday 28 September 2021
6.30pm
63 Mt Barker Road Stirling

ORDER OF BUSINESS

1. COMMENCEMENT

2. OPENING STATEMENT

Council acknowledges that we meet on the traditional lands and waters of the Peramangk and Kaurna people. They are Custodians of this ancient and beautiful land and so we pay our respects to Elders past, present and emerging. We will care for this country together by ensuring the decisions we make will be guided by the principle that we should never 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 – 29 September - 13 October 2021 (inclusive)
- 3.3. Absent

4. MINUTES OF PREVIOUS MEETINGS

Council Meeting – 24 August 2021
That the minutes of the ordinary meeting held on 24 August 2021 as supplied, be confirmed as an accurate record of the proceedings of that meeting.

5. DECLARATION OF CONFLICT OF INTEREST BY MEMBERS OF COUNCIL

6. PRESIDING MEMBER'S OPENING REMARKS

7. QUESTIONS ADJOURNED/LYING ON THE TABLE

- 7.1. Questions Adjourned
Nil
- 7.2. Questions Lying on the Table
Nil

8. PETITIONS / DEPUTATIONS / PUBLIC FORUM

- 8.1. Petitions
 - 8.1.1. Traffic Speed Review Woolcock Road Longwood
- 8.2. Deputations
 - 8.2.1. Dr Geoff Symonds re Rural Doctors & Medical Service provision
- 8.3. Public Forum

9. PRESENTATIONS (by exception)

Nil

10. QUESTIONS ON NOTICE

Nil

11. MOTIONS ON NOTICE

- 11.1. Letter of Thanks to former Governor Hieu Van Le AC – Mayor Jan-Claire Wisdom
That the Mayor writes to the Honourable Hieu Van Le AC, the retiring Governor of South Australia, and his wife Mrs Lan Le to thank them for their exceptional support of the Adelaide Hills community during the 2019-2020 Cudlee Creek and 2021 Cherry Gardens Bushfire emergencies and the ensuing recovery period and their continuing concern for the community during the current COVID-19 pandemic.
- 11.2. Rural Doctors – Cr Malcolm Herrmann
That the Council writes to the Hon the Premier requesting that the South Australian Government takes all actions possible to ensure that rural and regional communities can attract and retain doctors and other health professionals; copies of correspondence to be forwarded to the Member for Mayo, Rebekha Sharkie, the Member for Morialta, the Hon John Gardner and the Member for Schubert Stephan Knoll
- 11.3. Torrens Valley Road Speed Limit – Cr Malcolm Herrmann
That the CEO writes again to the Minister for Transport, requesting the Minister to review the decision to NOT reduce the speed limit on Torrens Valley Road Birdwood from the outskirts of Birdwood to the intersection with Randell Road.
- 11.4. Community Project Update – Cr Kirsty Parkin
That Council establishes additional, more accessible and visible reporting mechanisms to provide information on the progress of significant projects across the district for the community and associated sporting clubs and associations. This could include more detailed information on key milestones and target dates and would be made available on the Adelaide Hills Council website for easy accessibility. This information would be updated on at least a quarterly basis

12. ADMINISTRATION REPORTS – DECISION ITEMS

- 12.1.** Woodside Recreation Ground Reuse Proposal Environmental & Economic Analysis
1. *That the report be received and noted.*
 2. *To authorise the Chief Executive Officer or delegate to negotiate and be satisfied with the SA Water Recycled Water Agreement Terms and Conditions prior to proceeding with the project.*
 3. *Subject to a satisfactory outcome in 2 above commit \$400,000 to the Woodside Recreation Ground Reuse project and inform the Local Government Infrastructure Partnerships Program to proceed with a further Grant Deed for grant funds of \$327,000.*
 4. *To authorise the Chief Executive Officer and Mayor to execute all documentation, including under seal as necessary, to give effect to this resolution.*
 5. *To authorise the Chief Executive Officer or delegate to undertake any document changes required to execute the draft Grant Deed and associated documentation.*
- 12.2.** Roadside Trading Policy for Community Consultation
1. *That the report be received and noted*
 2. *To approve the draft Roadside Trading (Use of Public Road Verges for Business Purposes) Policy as contained in Appendix 1 for community consultation.*
 3. *That a further report be presented to Council for consideration following completion of the community consultation.*
- 12.3.** 2021-2022 Australian Government Black Spot Program – Funding Deeds
1. *That the report be received and noted.*
 2. *To execute the Funding Deeds as follows:*
 - a. *2021-2022 South Australia Black Spot Program – Warren Road, Lucky Hit Road and Martin Hill Road, Birdwood (\$572,000 GST Inclusive)*
 - b. *2021-2022 South Australia Black Spot Program – Montacute Road, Montacute (\$1,256,071 GST Inclusive)*
 - c. *2021-2022 South Australia Black Spot Program – Woods Hill Road, Ashton (\$332,200 GST Inclusive)*
 3. *The Chief Executive Officer and Mayor are authorised to sign and affix the seal of the Adelaide Hills Council to the respective Funding Deeds under the State Blackspot Program.*
 6. *To approve an increase in the 2021-22 capital expenditure budget of \$1,509,364 (GST Exclusive) offset by \$1,509,364 (GST Exclusive) in capital income for the Road Safety Program Capital project in accordance with the Funding Deeds.*
 7. *That Council notes that in signing the Deed, that \$440,000 (GST Exclusive) will be available to Council in the 2022-23 financial year to complete the intersection improvements at Warren Road, Lucky Hit Road and Martin Hill Road, Birdwood.*
 8. *That the CEO be authorised to write a letter of acknowledgement to the Hon Barnaby Joyce MP, Deputy Prime Minister and Minister for Infrastructure, Transport and Regional Development thanking the Federal Government for the Blackspot Funding Program.*

- 12.4. Policy Adoption - Privately Funded (Council-led) Code Amendments
1. *That the report be received and noted.*
 2. *With an effective date of 12 October 2021, to adopt the 'Privately Funded (Council-led) Code Amendment Request Policy' as contained in Appendix 2.*
 3. *That the Chief Executive Officer, or delegate, be authorised to make any formatting, nomenclature, or other minor changes to the Policy prior to the effective date.*
- 12.5. Policy Review – Mayor Seeking Legal Advice
1. *That the report be received and noted*
 2. *With an effective date of 11 October 2021, to revoke the 8 September 2015 Mayor Seeking Legal Advice Policy and to adopt the draft 28 September 2021 Mayor Seeking Legal Advice Policy as contained in Appendix 1.*
 3. *That the Chief Executive Officer be authorised to make any formatting, nomenclature or other minor changes to the 28 September 2021 Mayor Seeking Legal Advice Policy prior to the effective date.*
- 12.6. Policy Review – Directional Signage
1. *That the report be received and noted.*
 2. *With an effective date of 12 October 2021, to revoke the 12 March 2019 Directional Signage Policy and to adopt the draft September 2021 Directional Signage Policy.*
 3. *That the Chief Executive Officer be authorised to make minor content, grammatical and formatting amendments to the Directional Signage Policy prior to the effective date of adoption as contained in Appendix 1.*
- 12.7. Policy Review – Street Lighting
1. *That the report be received and noted.*
 2. *With an effective date of 12 October 2021, to revoke the 24 July 2018 Street Lighting Policy and to adopt the draft September 2021 Street Ligting Policy as contained in Appendix 1.*
 3. *That the Chief Executive Officer be authorised to make minor content, grammatical and formatting amendments to the Street Lighitng Policy prior to the effective date of adoption.*
- 12.8. Status Report – Council Resolutions Update
Refer to Agenda Item

13. ADMINISTRATION REPORTS – INFORMATION ITEMS

- 13.1. Policy Register Review September 2021

14. QUESTIONS WITHOUT NOTICE

15. MOTIONS WITHOUT NOTICE

16. REPORTS

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

17. REPORTS OF COMMITTEES

- 17.1. Council Assessment Panel – 8 September 2021
That the minutes of the CAP meeting held on 8 September 2021 as supplied, be received and noted.
- 17.2. Audit Committee
Nil
- 17.3. CEO Performance Review Panel
Nil

18. CONFIDENTIAL ITEMS

Nil

19. NEXT MEETING

Tuesday 26 October 2021, 6.30pm, 63 Mt Barker Road, Stirling

20. CLOSE MEETING

Council Meeting/Workshop Venues 2021

OCTOBER 2021			
Tues 12 October	Workshop	Woodside	N/A
Wed 13 October	CAP	TBA	Karen Savage
Mon 18 October	Audit Committee	Stirling	TBA
Mon 19 October	Professional Development	Stirling	N/A
Tues 26 October	Council	Stirling	Pam Williams
NOVEMBER 2021			
Tues 9 November	Workshop	Woodside	N/A
Wed 10 November	CAP	TBA	Karen Savage
Mon 15 November	Audit	Stirling	TBA
Thur 11 November	CEOPRP	Stirling	TBA
Tues 16 November	Professional Development	Stirling	N/A
Tues 23 November	Council	Stirling	Pam Williams
DECEMBER 2021			
Wed 8 December	CAP	TBA	Karen Savage
Tues 14 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.

Community Forums 2021

6.00 for 6.30pm

(dates and venues to be confirmed)

DATE	LOCATION
Tues 30 November	Gumeracha

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 purposethe 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 deputees 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

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

**ADELAIDE HILLS COUNCIL
ORDINARY COUNCIL MEETING
Tuesday 28 September 2021
AGENDA BUSINESS ITEM**

Item: 11.1 Motion on Notice

Originating from: Mayor Jan-Claire Wisdom

Subject: Letter of thanks to retiring Governor Hieu Van Le AC

1. MOTION

I move that the Mayor writes to the Honourable Hieu Van Le AC, the retiring Governor of South Australia, and his wife Mrs Lan Le to thank them for their exceptional support of the Adelaide Hills community during the 2019-2020 Cudlee Creek and 2021 Cherry Gardens Bushfire emergencies and the ensuing recovery period and their continuing concern for the community during the current COVID-19 pandemic.

2. BACKGROUND

The Cudlee Creek bushfire was one of the most disruptive and costly natural disasters our community has suffered, followed closely by the COVID-19 pandemic and then the Cherry Gardens bushfire. The Honourable Hieu Van Le made personal contact with the Mayor and other individuals in the community known to him and his wife in the immediate aftermath of the Cudlee Creek fire to identify what they could do to assist with the recovery process. He co-ordinated a number of local leaders to establish what actions the Governor could take and how he could assist facilitating the recovery process.

Both Hieu Van Le and Mrs Lan Le displayed great compassion in their meetings with many members of the affected community without the need for a media presence and often took the opportunity to quietly take a person aside and give them their full attention. They both attended many public and private events to express their sympathy and support. On Christmas Eve 2020 they invited the Mayor to accompany them on a series of visits across the fire scar to see how individuals and families at home were faring one year on from the disaster. This was very well received and quite emotional for some residents. Hieu Van Le continued to make personal contact with the Mayor and community members throughout the pandemic period and again offered support and compassion during the Cherry Gardens fire.

The intention of this motion is to write a letter from the Adelaide Hills Council that publicly thanks them for their compassion and support for the Adelaide Hills community during these difficult times, to acknowledge the outstanding contribution they have made to the South Australian community and to wish them a long and happy retirement.

3. OFFICER'S RESPONSE – Jennifer Blake, Acting Director Community Capacity

➤ Strategic Management Plan/Functional Strategy/Council Policy Alignment

Strategic Plan 2020-24 – A brighter future

Goal 2 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

Not Applicable

➤ Risk Management Implications

The letter will assist in mitigating the risk of damaging the image and reputation of Council.

Inherent Risk	Residual Risk	Target Risk
High (2B)	Low (1E)	Low (1E)

➤ Financial and Resource Implications

Not Applicable

➤ Customer Service and Community/Cultural Implications

Passing on our appreciation from Council and our community to the outgoing Governor and Mrs Le for their service and compassion.

➤ 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: Corporate Planning and Performance Coordinator
Executive Assistant to CEO

External Agencies: Not Applicable

Community: Not Applicable

4. ANALYSIS

The Honourable Hieu Van Le retired as Governor on 31 August 2021. During his term Mr and Mrs Le forged strong bonds with the Adelaide Hills Council and the community, attending numerous Santos Tour Down Under events and showing ongoing support for residents and businesses impacted by the Cudlee Creek and Cherry Gardens bushfires. This included attending local meetings and making one on one connections with community members who had lost homes and livelihoods and subsequently been further impacted by COVID-19.

The new Governor Frances Adamson will be sworn in next month (October). It would be appropriate for Adelaide Hills Council to formally express its appreciation of Mr and Mrs Le's valuable support and service during Mr Le's term through a letter from the Mayor.

5. APPENDIX

Nil

**ADELAIDE HILLS COUNCIL
ORDINARY COUNCIL MEETING
Tuesday 28 September 2021
AGENDA BUSINESS ITEM**

Item: 11.2 Motion on Notice

Originating from: Cr Malcolm Herrmann

Subject: Rural Doctors

1. MOTION

I move that the Council writes to the Hon the Premier requesting that the South Australian Government takes all actions possible to ensure that rural and regional communities can attract and retain doctors and other health professionals; copies of correspondence to be forwarded to the Member for Mayo, Rebekha Sharkie, the Member for Morialta, the Hon John Gardner and the Member for Schubert Stephan Knoll.

2. BACKGROUND

Local health services rely heavily on the availability and retention of local doctors and other health professionals. Regional communities across the state continue to face challenges in attracting and retaining them.

In the Gumeracha district, there is concern among many that the difficulty in recruitment of local doctors in particular, has a flow on effect which may have contributed to the current temporary closure of the Accident and Emergency Department at the Gumeracha District Soldiers Memorial (DSM) Hospital.

I understand that the lack of doctors has resulted in the withdrawal of Accident and Emergency Services after hours at the Mount Pleasant Hospital.

Many General Practitioners (GPs) enquiring about employment in Gumeracha are discouraged by the lack of financial incentives to practice there because the Government classification model does not adequately reflect the reality of the town.

Gumeracha DSM Hospital is classified in the Federal Government's Monash Modified Model (MMM) as MM2. Concerns have been voiced that this model does not take in the practical realities of the town's location and resultant unintended disadvantages to attract a suitable workforce.

The line of demarcation, inter alia, does not seem to consider the work undertaken by the doctors in providing a 24 hour emergency service in conjunction with the Gumeracha DSM. The MM2 classification denies the Gumeracha Medical Practice from being eligible for the Commonwealth funded General Practice Rural Incentive Program. A change in the classification would allow the Medical Centre to become eligible under that Program.

I understand that the Australian Medical Association (South Australian Branch) has supported the proposal.

3. OFFICER'S RESPONSE – Rebecca Shepherd – Manager Community Development

➤ Strategic Management Plan/Functional Strategy/Council Policy Alignment

Strategic Plan 2020-24 – A brighter future

Goal Community Wellbeing

Objective C4 An active, healthy, thriving and resilient community

Priority C4.1 Support community wellbeing through our contribution to public health planning, disaster recovery activities and the implementation of strategies that aim to measure and enhance wellbeing

The Southern & Hills LGA Regional Public Health Plan 2015 (p.11) refers to evidence that “the demand for GPs, medical centres and allied and specialist health services across the region is greater than supply”. Action 14.1 in the Adelaide Hills Council Public Health Action Plan (contained within the Southern & Hills LGA Regional Public Health Plan 2015) involves supporting the region to “advocate for State and Federal Government funding and involvement in responding to health related social issues in the region” (p.38).

➤ Legal Implications

Not applicable.

➤ Risk Management Implications

Advocating on behalf of the residents and GP workforce of Gumeracha and Mount Pleasant communities may assist in mitigating the risk of:

Failure to advocate for State and Federal Government support in responding to a health related community issue, leading to reputational risks for, and loss of confidence in Council to perform its advocacy role in public health issues.

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

Note that there are other controls that assist in mitigating this risk.

➤ Financial and Resource Implications

Potential impacts to the Administration for additional updates include:

- Community Development Team – drafting a letter to the Hon the Premier. Distribution and records management of official correspondence.

➤ Customer Service and Community/Cultural Implications

Advocating for more State and Federal GP workforce incentives on behalf of Gumeracha and Mount Pleasant communities has the potential to increase the level of trust and confidence in Council's advocacy role in local public health issues.

➤ **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
Acting Director Community Capacity
Acting Executive Manager Governance & Performance
Community and Social Planning Officer

External Agencies: Gumeracha District Soldiers Memorial Hospital

Community: Not Applicable.

4. ANALYSIS

Gumeracha District Soldiers Memorial Hospital (GDSMH) is under the management of the Barossa Hills Fleurieu Local Health Network (BHFLHN).

Since March 2020, the BHFLHN have at times closed its Accident and Emergency (A&E) service at GDSMH as a COVID measure because it is attached to an aged care facility at the Hospital (mitigating the risk of transmission of COVID-19 from A&E patients to aged care residents). However, despite the winding back of South Australian restrictions in early August 2021, the group of four GPs at Gumeracha Medical Practice who service the A&E department at GDSMH have been unable to reopen the A&E department due to difficulties attracting and retaining enough GPs to safely provide the A&E service.

The Practice's difficulties in attracting and retaining GPs has been attributed to the lack of Commonwealth funded incentives to practice in Gumeracha because of the town's inappropriate classification under the current Australian Government's classification system. In 2015, the Australian Government Department of Health introduced the Monash Modified Model (MMM) classification system to categorise metro, regional, rural and remote areas. There are 7 classification levels - MM1 - MM7. The higher the number, the more rural/remote the town is, and the more Commonwealth funded doctor incentives the town is eligible for to help attract and retain rural GPs. Under the MMM, Gumeracha has been classified as MM2, resulting in a loss of doctor incentives and supports that were previously available to Gumeracha under the prior classification system.

For example, the Australian Government's Workforce Incentive Program (Doctor Stream) is only available to MM3 to MM7 locations, meaning Gumeracha is ineligible.

A town's MMM classification is currently based on the Australian Statistical Geography Standard - Remoteness Areas (ASGS-RA), which uses Census data to divide Australia into five classes of remoteness. The MMM also uses a formula to measure remoteness in terms of access along the road network from populated localities to each of five categories of Service Centre based on population size. Areas classified as MM2, such as Gumeracha, are areas categorised ASGS-RA 2 and ASGS-RA 3 that are in, or within, 20km road distance of a town with a population greater than 50,000.

In October 2019, the Immediate Past President of the Australian Medical Association (South Australia), Dr Chris Hoy, wrote a letter to the Hon. Greg Hunt MP (**Appendix 1**), copied to Hon. Stephen Wade MP and Ms Rebekha Sharkie MP, in support of the Gumeracha Medical Practice's application for MMM reclassification. The letter makes a detailed case for why Gumeracha's current classification of MM2 is inappropriate given its isolated location, difficult road access and 37km distance to Adelaide, amongst other reasons, and argues that the MM2 classification threatens the practice and community of Gumeracha.

Dr Hoy's letter could be used to inform Council's letter to the Hon the Premier. Copies of correspondence could also be forwarded to the Federal Health Minister the Hon. Greg Hunt MP and South Australia's Minister for Health and Wellbeing the Hon. Stephen Wade MLC.

5. **APPENDIX**

- (1) Letter from Dr Chris Hoy to Minister Hunt - Re: Gumeracha Medical Practice application for Modified Monash Model reclassification

Appendix 1

Letter from Dr Chris Hoy to Minister Hunt



AUSTRALIAN MEDICAL ASSOCIATION
(SOUTH AUSTRALIA) INC.
ABN 91 028 693 268

28 October 2019

Hon Greg Hunt MP
Minister for Health
PO Box 6022
House of Representatives
Parliament House
Canberra ACT 2600

Dear Minister Hunt

Re: Gumeracha Medical Practice application for Modified Monash Model reclassification

I am writing in support of the General Practitioners at the Gumeracha Medical Practice in the Adelaide Hills town of Gumeracha in South Australia. I am of the hope that you will be able to assist this practice as I am of the firm belief that it is unduly impacted as an example of the arbitrary nature of classification under the Modified Monash Model (MMM) framework. I cannot believe that the introduction of this model was intended to undermine what a “pub test” would determine is a genuine country practice.

As President of the Australian Medical Association in South Australia (AMA(SA)), I have been alerted to the looming issues confronting this practice, having personally visited the clinic and discussed the matter with Dr Geoffrey Symon and his colleagues.

I understand that the Modified Monash Model (MMM) has been designed and implemented with the intention of making the distribution of incentives fairer based on remoteness. However, it seems clear to me in visiting the practice that Gumeracha’s classification as MMM2 in 2015 is an arbitrary one that:

- Does not take into account the true isolation of the town due to difficult road access
- Is inconsistent when compared to the assessment of surrounding towns
- Does not consider that the practice is required to service a hospital – again unlike surrounding towns who have a higher classification – because of its strategic position due to access.

In addition to the arbitrary nature of the classification, which leaves the town a mere 2-3km from a line that would bring a higher classification, the looming penalties on Gumeracha Medical Practice will be dramatic and disproportionate, both in terms of loss of funding support as well as the ability to attract and recruit GP Registrars and new doctors. This then represents a real threat to the practice and the community of Gumeracha.

In providing more extensive background to the impact of the proposed MMM classification on Gumeracha Medical Practice:

- The line on the map ‘20 km by road from a town with a population of less than 50,000’ is shown as a minimal distance from the Gumeracha Medical Practice and a matter of metres from Lobethal Practice – when, in fact, the distance from Adelaide is 37.1 km when calculated at https://distancecalculator.globefeed.com/Australia_Distance_Calculator.asp
- Travelling to Gumeracha via the tortuous and frequently impassable North East Road is a major obstacle and has been the cited cause of one potential GP withdrawing his application to join the practice. Many of the narrow winding roads

2078 Gumeracha Medical Practice-MMM_281019

Postal: PO Box 134 North Adelaide SA 5006
Phone: (08) 8361 0100 Fax: (08) 8267 5349

Level 2 AMA House 161 Ward Street North Adelaide SA 5006
Email: admin@amasa.org.au Web site: www.amasa.org.au

your AMA

your voice

your profession

are difficult to negotiate; those to neighbouring hospitals are frequently inaccessible, for reasons ranging from road works to bushfires and flooding.

- The line of demarcation on the map on which MMM is based does not consider the work undertaken by doctors in the Gumeracha area in providing a 24-hour service in conjunction with the Gumeracha District Soldiers' Memorial Hospital, which other practices in areas with higher MMM classifications do not do.
- The MMM classifications do not progress sequentially from '2' upwards and do not represent where communities access medical care. The Gumeracha practice is bordered to the east by MMM3, and to the north by MMM5. Three of the doctors providing care at Gumeracha live on the other side of that northern 'boundary'. The Gumeracha practice's patients come from a catchment covering MMM2, MMM3 and MMM5, with more than 40 per cent in the MMM3 and MMM5 areas.
- The Gumeracha practice's status as a recognised 'rural general practice' and as a teaching practice for Rural Pathway Registrars is diminished by the MMM2 classification.
- Being ineligible for the General Practice Rural Incentives Program has reduced the income of each GP at the practice by \$12,000 a year. In addition to the obvious impacts on current practitioners, this is a significant drawback in the practice's capacity to attract GPs, and has been cited by at least one potential GP as the reason for not accepting a position.
- The MMM2 classification has had serious impacts on the financial viability of the practice, with the loss of the 20 per cent Rural Loading on the Workforce Incentive Payment equating to a loss of about \$14,000 a year from August 2019.

I have attached copies of letters written to me by the doctors of Gumeracha Medical Practice, which provide further detail.

I have seen first-hand that Gumeracha Medical Practice is a key, high-quality practice that supports a local hospital in a town with a level of isolation which is greater than that which can be properly measured by an arbitrary distance determined "as the crow flies". The financial penalties – in terms of loss of incentives and support that it has previously received – are disproportionately severe and inconsistent when compared to the situation in surrounding towns. I am extremely concerned that this will detrimentally impact the practice both in resourcing and in its ability to attract and retain doctors in the future. Most importantly, the care of the town population and surrounding areas is now threatened.

I cannot imagine that it was the intention of the MMM Classification to affect a practice such as this, which is very much a true country practice in thought, word and deed. I therefore ask for your consideration of the appeal by this practice for reclassification, or for it to be considered a case where current levels of support and incentives can be maintained.

Please let me know if I can provide any additional information; otherwise, I look forward to hearing from you.

Yours sincerely



Dr Chris Moy

MB BS, FRACGP, FAMA, AMA(M)

President

*cc: Hon Stephen Wade, Minister for Health and Wellbeing; Ms Rebekha Sharkie MP
enc.*

2078 Gumeracha Medical Practice-MMM_290819

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**ADELAIDE HILLS COUNCIL
ORDINARY COUNCIL MEETING
Tuesday 28 September 2021
AGENDA BUSINESS ITEM**

Item: 11.3 Motion on Notice

Originating from: Cr Malcolm Herrmann

Subject: Speed Limit – Torrens Valley Road, Birdwood

1. MOTION

I move that the CEO writes again to the Minister for Transport, requesting the Minister to review the decision to NOT reduce the speed limit on Torrens Valley Road Birdwood from the outskirts of Birdwood to the intersection with Randell Road.

2. BACKGROUND

At its meeting held on 23 February 2021, following receipt of a petition with 47 signatures, Council resolved:

8.1.1 Reduction of Speed Limit Torrens Valley Road Birdwood

Moved Cr Malcolm Herrmann
S/- Cr Linda Green

24/21

Council resolves that:

1. the petition signed by 47 signatories requesting the reduction of speed limit on Torrens Valley Road Birdwood, from the town boundary to Randell Road junction, be received and noted.
2. the CEO advise the principal signatory of the Council's noting of the petition and of any resolutions relating to the matter.
3. Council writes to the Minister for Transport with a request to change the speed limit on Torrens Valley Road Birdwood from 100kph to 80kph from the Birdwood town boundary to the Randell Road junction.

Carried unanimously

In April 2021, the Minister for Transport replied indicating that the Department of Infrastructure and Transport (DIT) did not support the reduction in the limit (**Appendix 1**).

Torrens Valley Road is a DIT Road.

This decision was not received well, particularly by the landowners whose properties front on to the road and, who along with local volunteers, are often impacted by the road trauma along the road. The landowners also often suffer property damage in the aftermath of an accident.

As reported in the “Mount Barker Courier” on 8 September 2021, another fatality occurred on the notorious section of the road subject of the petition – the second fatality in less than two years.

This three (3) km part is the only section of road between Tea Tree Gully and Mount Pleasant that has 100kp/h limit; all other sections are 80kp/h or less. Given the road geometry and roadside environments along the full length of road, this section with a higher speed limit seems inconsistent.

Whilst DIT has recently reviewed the road section and recommended that the speed limit remain unchanged, there have been local examples where previous decisions have been reviewed and changes made.

In one example, at another intersection – Martin Hill/Warren (a DIT Road)/Lucky Hit Roads, Birdwood, DIT initially declined to install improved major safety measures, but following a fatality, the Government has approved more than half a million dollars over two years under its Black Spot program to improve safety for road users.

These works will be undertaken by the Council.

The above demonstrates that the Government is prepared to reconsider its decision on local roads safety concerns.

It should be noted that the Community has long held concerns regarding the speed limit on this section of Torrens Valley Road. In 2014, the then DPTI conducted an Area Speed Limits review. Issues raised at the Gumeracha Community Workshop clearly identified “inconsistent speed limits Torrens Valley Road Birdwood to Mount Pleasant part 100km and part 80km”; “Birdwood and Mount Pleasant Road near Mount Pleasant turnoff inconsistent speed on DPTI Road and 100 on council road”

The support of the Council will add to the arguments put forward by the local residents. In the event that DIT advises the Minister that the road section speed limit remain unchanged at 100kp/h, it is requested that the response provide clear reasons as to why this section does not meet the requirements for an 80kp/h as per the adjacent sections- that is, what is the difference in the criteria which means this section should remain 100km/h where adjacent sections, which appear to be very similar, are at the lower speed limit of 80 km/h.

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

➤ Strategic Management Plan/Functional Strategy/Council Policy Alignment

Strategic Plan 2020-24 – A brighter future

Goal 1 A functional Built Environment

Objective B4 Sustainable management of our built assets ensures a safe, functional and well serviced community

Priority B4.4 Improve road safety through a safe system approach to road design, construction and maintenance including on-going applications to the State and Federal Road Blackspot program

In undertaking a safe system approach to road safety the roadside environment and the road geometry should be considered and be consistent with the maximum speed applied to the road section.

➤ Legal Implications

Not applicable.

➤ Risk Management Implications

The letter of support requesting a review of the speed limit will assist in mitigating the risk of:

Community concern about crashes leading to a belief that Council does not support road safety for its local community.

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

➤ 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.

Consultation on the development of this report was as follows:

Council Committees: Not applicable

Council Workshops: Not applicable

Advisory Groups: Not applicable

Administration: Manager Civil Services
Manager Strategic Assets

External Agencies: Not applicable

Community: Not applicable

4. ANALYSIS

The Administration supports the request that the section of Torrens Valley Road currently sign posted 100km/h between Birdwood to the Tungkillo Road turn-off be reviewed by the Department for Infrastructure and Transport.

This section of road is the only section of road between Tea Tree Gully and Mt Pleasant that is greater than 80km/h and outside of a township.

Given the role that speed management and the application of appropriate and consistent speed management plays in road safety, this section of road does appear to be inconsistent in relation to the remainder of the route.

5. APPENDICES

- (1) Letter from Minister Wingard – Torrens Valley Road Speed Limit
- (2) Map of Location

Appendix 1

*Letter from Minister Wingard –Torrens Valley Road
Speed Limit*

Hon Corey Wingard MP



**Government
of South Australia**

**Minister for Infrastructure
and Transport**

**Minister for Recreation,
Sport and Racing**

GPO Box 668
ADELAIDE SA 5001
DX 450

T: (08) 8490 6200

E: MinisterWingard@sa.gov.au

21MTR0594
Your ref: OC21/2838 14.36.231

Mr Andrew Aitken
Chief Executive Officer
Adelaide Hills Council

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

Dear Mr Aitken

Thank you for your correspondence received on 16 March 2021 regarding the speed limit on Torrens Valley Road, Birdwood.

After receiving your correspondence, I asked the Department for Infrastructure and Transport (DIT) for advice about this matter.

DIT has advised speed limits are determined and applied in accordance with the Speed Limit Guidelines for South Australia. Road users are more likely to comply with a speed limit if it is consistent with limits on other roads in the network with similar characteristics and if limits in general reflect the factors that most influence speed choice. The level of roadside development and the function of a road are the primary determinants of the appropriate speed limit.

Consistent with the Guidelines, 100km/h speed zones are applied to arterial roads outside the built-up area, including roads adjacent undeveloped land and where any houses are isolated and set well back from the road. Whereas 80km/h speed limits are applied to rural roads in partially built-up areas with limited adjacent development.

With the above in mind, the 100km/h speed zone on Torrens Valley Road has very low levels of development compared to the 80km/h speed zone west of Birdwood. Similar 100km/h speed zones are applied to nearby Randell Road and Onkaparinga Valley Road. Additionally, the 80km/h speed zone west of Birdwood has a higher proportion of closely spaced curves.

Accordingly, in view of the above and given the current nature of roadside development adjacent Torrens Valley Road, DIT considers the existing speed limit to be appropriate for roadside conditions and no changes to the speed limit is proposed at this time.

I trust this information is of assistance.

Yours sincerely

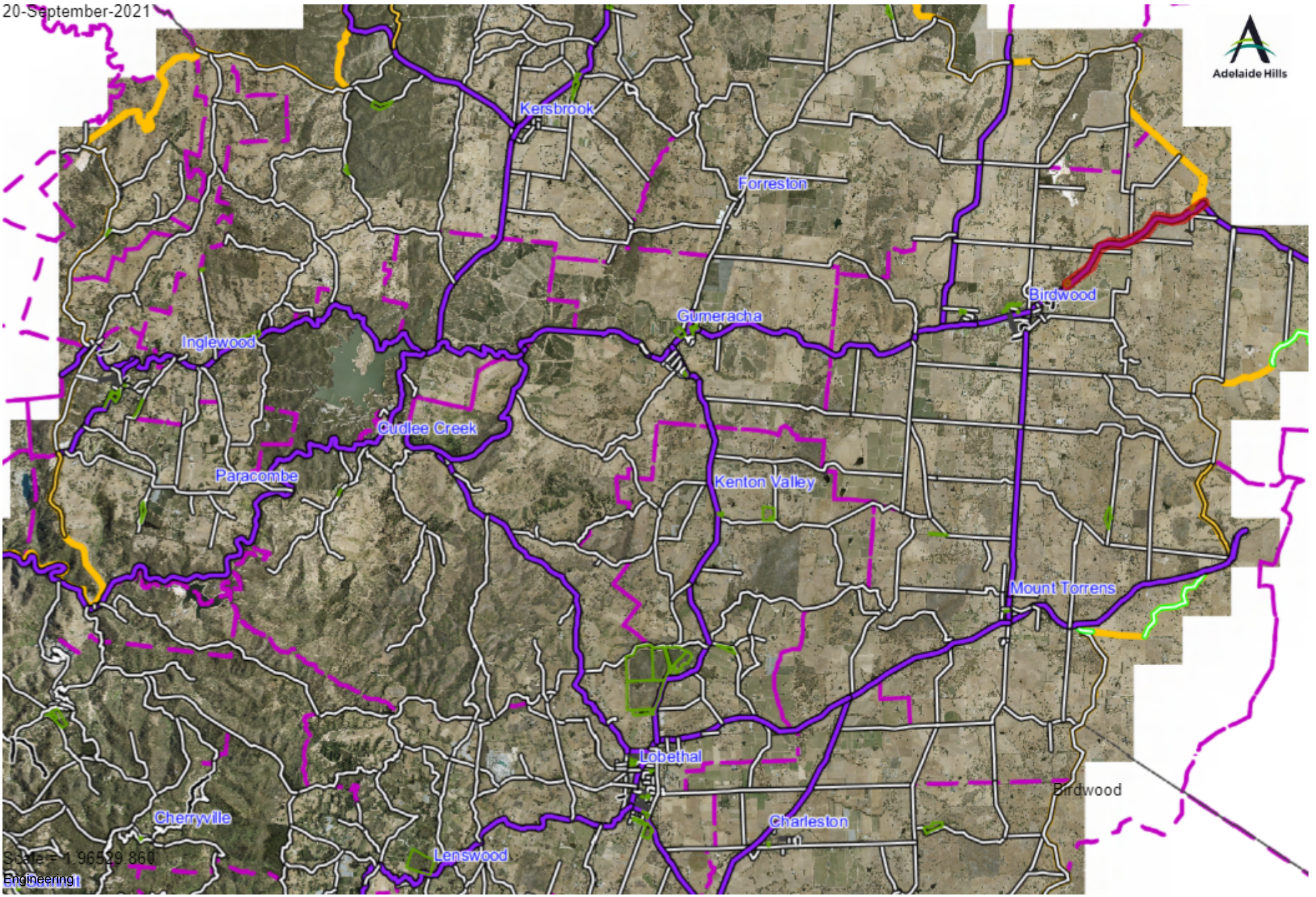
A handwritten signature in blue ink, appearing to read 'Corey Wingard', written in a cursive style.

Hon Corey Wingard MP
Minister for Infrastructure and Transport

20 / 4 / 2021

Appendix 2

Map of Location



**ADELAIDE HILLS COUNCIL
ORDINARY COUNCIL MEETING
Tuesday 28 September 2021
AGENDA BUSINESS ITEM**

Item: 11.4 Motion on Notice

Originating from: Cr Kirsty Parkin

Subject: Community Project Updates

1. MOTION

I move that Council establishes additional, more accessible and visible reporting mechanisms to provide information on the progress of significant projects across the district for the community and associated sporting clubs and associations. This could include more detailed information on key milestones and target dates and would be made available on the Adelaide Hills Council website for easy accessibility. This information would be updated on at least a quarterly basis.

2. BACKGROUND

Council undertakes many infrastructure projects each year in collaboration with sporting and community groups. As these are high profile and eagerly-anticipated for the people involved, the current quarterly performance reporting is neither detailed nor visible enough to meet their information needs. Some community members are seeking enhanced communication and reporting on the status of these projects including:

- progress against key milestones, and
- the reasons for delays.

Council has a number of avenues to communicate the progress of programs and projects, however it would be beneficial to establish a central source of this information, creating a 'one-stop-shop' for the community, including the members of relevant clubs and associations. Given that delays and changes occur from time to time, reasons for these can then be more easily accessed from Council's website enhancing our ability to manage expectations and to improve the timeliness in communicating developments with our community.

3. OFFICER'S RESPONSE – Kira-Marie Laverty, Corporate Planning & Performance Coordinator

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

Strategic Plan 2020-24 – A brighter future

Goal A progressive Organisation

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

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

➤ **Legal Implications**

Chapter 8 - Administrative and financial accountability of the *Local Government Act 1999* sets out the key legislative obligations regarding corporate planning and reporting obligations and these obligations are all met through the existing reporting suite contained in the *Corporate Planning & Performance Framework*.

➤ **Risk Management Implications**

Additional project reporting may assist in mitigating the risk of:

Ineffective performance management and reporting processes leading to poor performance and/or loss of stakeholder confidence

Inherent Risk	Residual Risk	Target Risk
Extreme (4B)	Low (3E)	Low (3E)

Note that there are many other controls that assist in mitigating this risk, therefore there is no additional mitigating impact of this report.

➤ **Financial and Resource Implications**

Potential impacts to the Administration for additional updates include:

- Project Managers – writing additional articles/updates targeted to the community. Additional communication activities when updates are available.
- Directors/Managers – reviewing and approving article content as needed
- Corporate Planning and Performance Coordinator – setting up an additional reporting process and collection mechanism. Collating and editing project updates for quarterly performance report.
- Communications Team – creation of a webpage(s) for project updates. Reviewing, editing and publishing updates at least quarterly.

The level of impact will depend on the complexity, length and frequency of updates required. It should be noted that the Administration are currently working at full capacity and therefore secondary impacts may appear in the form of other tasks/projects being delayed.

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

Providing additional project updates (to that in the Quarterly Performance Report) to the Council and community has the potential to increase the level of trust and confidence in Council.

➤ **Sustainability Implications**

Reporting assists in demonstrating the outcomes related to Council's economic, social and environmental initiatives.

➤ **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: Executive Leadership Team
Manager Communications, Engagement and Events
Civil Project Coordinator
Manager Civil Services

External Agencies: Not applicable

Community: Not applicable

4. ANALYSIS

Council undertakes many infrastructure projects each year in collaboration with sporting and community groups. As part of the project management methodology utilised by Project Managers, a communication plan is developed to provide for the specific requirements of the stakeholders involved with the project. The communications vary for each project, but may involve targeted activities such as regular emails, phone conversations, SMS messages, and/or articles/updates that stakeholders can include in their own community communications such as newsletters.

Further, the status of each of these projects is also reported in the Council's Quarterly Performance Report as part of the strategic initiative reporting which tracks the status of all projects from the applicable Annual Business Plan. This report is reported to Council each quarter and posted onto the website.

To date, these types of communication strategies have been effective in keeping the identified stakeholders updated, however, where there is a higher level of community interest in a project, these types of measures may not allow all interested parties to easily access the same information as the key stakeholders.

To assist other interested parties in accessing this type of information online in a cost-effective manner, an option is to expand the current Quarterly Council Performance Reporting to include more detailed project updates and make the information on the website more easily accessible.

The report expansion would include:

- A dedicated page(s) that provides an update on the Top 5 Council Projects,
- A webpage that duplicates the Top 5 Council Project updates from the quarterly report, and provides links to previous reports or to other relevant information, and
- A method of communicating the updates to the community such as a social media post, or email to relevant project stakeholders by the Project Managers.

The proposed “Top 5 Projects” would be included based on factors such as financial investment; staff/resource investment; and impact and/or prominence in the community. For the current list of projects, this would include:

- Fabrik development
- Gumeracha main street
- Heathfield Oval change rooms
- Heathfield sport courts upgrades
- Lobethal Bushland Park master plan

Level of impact

The recommendation above is an interim option for providing an online resource for the community while also attempting to manage the level of impact to fully-allocated Administration resources by reporting quarterly on only the Top 5 projects.

The expanded information will assist Council Members to communicate the status of these key projects in greater detail as they interact within their communities of interest.

As the Adelaide Hills Council Website is currently in the process of being updated to a new platform, it is intended that this reporting option be revisited post-website implementation as there may be other tools/resources that could provide a more timely option that also has prudent impact on Administration resources.

Per the “financial implications” section of this report, a quarterly update will add additional work across various staff members and areas, and this may mean that other activities and projects could be delayed.

5. APPENDIX

Nil

**ADELAIDE HILLS COUNCIL
ORDINARY COUNCIL MEETING
Tuesday 28 September 2021
AGENDA BUSINESS ITEM**

Item: 12.1

Responsible Officer: Sharon Leith
Sustainability Coordinator
Directorate Infrastructure & Operations

Subject: Woodside Recreation Ground reuse proposal environmental and economic analysis

For: Decision

SUMMARY

The purpose of this report is to provide information on the economic and environmental cost benefit analysis completed in response to a Council resolution (refer background section) for the Woodside Recreation Ground reuse project and endorsement to proceed along with additional funding from the Local Government Infrastructure Partnership Program (LGIPP). This project was listed within the 2021-2022 *Long Term Financial Plan (LTFP)* with associated funding of \$400,000.

The economic and environmental cost benefit analysis identified that this project has significant upfront capital costs ranging from \$637,000 to \$715,000 but would ensure water security for the WRG with regard to climate change impacts on groundwater. The LGIPP grant funding would provide an additional \$327,000 enabling a total of 727,000 providing enough funds to implement the project. The economic cost benefit analysis is provided in **Appendix 1**.

Council now has the opportunity to consider the economic and environmental cost benefit analysis, and to decide on whether or not to endorse the WRG reuse project and commit to the LGIPP funding and therefore proceed to completing and signing the Grant Deed.

RECOMMENDATION

Council resolves:

- 1. That the report be received and noted.**
- 2. To authorise the Chief Executive Officer or delegate to negotiate and be satisfied with the SA Water Recycled Water Agreement Terms and Conditions prior to proceeding with the project.**
- 3. Subject to a satisfactory outcome in 2 above commit \$400,000 to the Woodside Recreation Ground Reuse project and inform the Local Government Infrastructure Partnerships Program to proceed with a further Grant Deed for grant funds of \$327,000.**

4. **To authorise the Chief Executive Officer and Mayor to execute all documentation, including under seal as necessary, to give effect to this resolution.**
 5. **To authorise the Chief Executive Officer or delegate to undertake any document changes required to execute the draft Grant Deed and associated documentation.**
-

1. GOVERNANCE

➤ Strategic Management Plan/Functional Strategy/Council Policy Alignment

Strategic Plan 2020-24 – A brighter future

Goal 1	A functional Built Environment
Objective B3	Consider external influences in our long term asset management and adaptation planning
Priority B3.1	Improve water security by maximising water reuse opportunities, reducing reliance on ground water and improving water efficiencies for open space irrigation and building facilities

Strategic Plan 2020-24 – A brighter future

Goal 4	A valued Natural Environment
Objective N1	Conserve and enhance the regional natural landscape character and amenity values of our region
Priority N1.2	Manage reserves and open space to support the community, whilst balancing biodiversity conservation, resource use and environmental impacts

These key priorities within the Strategic Plan along with a declaration of a Climate Emergency provides a framework for the progression of sustainable water management for Council.

Within the *Water Management Plan 2017* key objectives and actions were identified including to minimise and conserve Council's use of water through improving irrigation efficiencies and to maximise the use of alternative water supplies (water reuse). The *2020-2021 Long Term Financial Plan* and *2020-21 Annual Business Plan* identify a budget allocation for the three projects as identified within the initial Local Government Infrastructure Partnership Program (LGIPP) grant funding. These are water reuse at the Woodside Recreation Ground, irrigation system renewal and upgrades, and investigation and implementation of a central irrigation system. These water management projects are aligned with these strategic directions and ensure the sustainable use of water.

➤ Legal Implications

There are no legal implications for the WRG reuse project. However on both parties agreeing and signing another LGIPP Grant Deed the parties will then be legally bound. The Grant Deed is governed by the laws in the State of South Australia and is executed as a Deed with the Common Seal of Council.

➤ **Risk Management Implications**

The endorsement of the economic and environmental cost benefit analysis and the Woodside Recreation Ground reuse project will assist in mitigating the risk of:

Not pursuing relevant funding opportunities as they arise limiting Council’s ability to reduce reliance on ground water, increasing water security and improving water efficiencies for open space irrigation.

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

The LGIPP grant funding provides additional capital resources to enable the implementation of the main infrastructure requirements of the WRG reuse project.

➤ **Financial and Resource Implications**

Funds identified in the 2020-2021 Annual Business Plan (ABP) and Budget were used as the basis for preparing the initial LGIPP application. The LGIPP application required evidence of at least a 50% contribution from Council to be considered for any funding. The following table identifies the three projects and allocated funding.

Project ID	Strategic initiatives (Operating and Capital)	Area	Objective and/or Priority	Type	Budget 2020-21 (\$'000)	Long term financial plan (\$'000)	
						2021-22	2022-23
B3001	Water reuse for Woodside Recreation Ground irrigation (Investigation Year 1)	Infrastructure & Operations	B3.1	Capital	20	200	200
B3002	Implementing water efficiencies through irrigation renewals /upgrades. (Year 1 – Birdwood play space)	Infrastructure & Operations	B3	Capital	40	100	100
B3003	Investigate and implement central irrigation control system (region wide)	Infrastructure & Operations	B3	Capital	-	75	75

From that year’s (2020-21) Annual Business Plan and budget the three projects considered for the LGIPP grant were the water reuse at the Woodside Recreation Ground, Irrigation system renewal and upgrades and the investigation and implementation of a central irrigation system. The financials for these identified projects were subsequently retimed as part of the adopted 2021-22 LTFP with \$750,000 of council contribution allocated to these combined projects over three financial years.

The successful grant funding was for \$727,000. This provided a total of \$1,477,000 with the LTFP allocation and the grant funding. The projects needed to be ‘shovel ready’, identified within Council’s LTFP and also total over \$1 million (combined Council contribution and possible grant funding). The grant funding needs to be acquitted by June 2023.

A LGIPP Grant Deed has now been prepared for the irrigation renewals and the central irrigation system with the associated grant funding of \$350,000 as per a Council resolution from 27 July 2021.

12.4 Revised LGIPP Grant Deed for Water Management Projects

Moved Cr Leith Mudge
S/- Cr Linda Green

156/21

Council resolves:

1. That the report be received and noted.
2. To commit \$350,000 to the Local Government Infrastructure Partnerships Program grant funding and associated sustainable water management projects.
3. To authorise the Chief Executive Officer and Mayor to execute all documentation, including under seal as necessary, to give effect to this resolution.
4. To authorise the Chief Executive Officer to undertake any document changes required to execute the draft Grant Deed and associated documentation.

Carried Unanimously

The preparation of the economic and environmental cost benefit analysis provided further information with regard to the available options, water usage, upfront costs, associated ongoing costs and an average comparative cost per kilolitre. The economic cost benefit analysis and change in annual operating cost is provided in **Appendix 1**.

The contribution by Council of \$400,000 as identified within the LTFP and the additional \$327,000 of available LGIPP grant funding will provide enough funding to cover the upfront capital costs of the reuse options.

Base case

As shown in the economic cost benefit analysis in **Appendix 1**, the current annual operating base cost is \$7,700 represented by operational expenditure of \$5,700, maintenance of \$1,000 and depreciation of \$1,000.

Preferred Option – Recycled water for the Hawks ad Woodside Warriors Soccer pitches

Based on the preferred option, the project will result in an increase of \$36,450 in the annual operating costs to \$44,250 including a financial opportunity cost of \$16,000.

LTFP Impact

Council's recently adopted LTFP has already incorporated the annual costs of operating, maintaining and depreciating the relevant assets based on Council's contribution of \$400,000 from this project. As such, the additional expenditure of \$327,000 relating to this grant will result in an increase in estimated additional annual costs of approximately \$12,000. This will be an annual on-going cost that is not included in the current LTFP and which will impact on Council's operating surplus in future years. The next update of the LTFP will factor in any changes as a result of the *adopted 2021-22 Annual Business Plan* from that forecast at the time of LTFP adoption.

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

There will be increased water security at the Woodside Recreation Ground especially if there is any potential bore failure or groundwater access issues into the future. The provision of recycled water will provide consistent and predictable availability of irrigation water for the ovals and pitches.

➤ **Sustainability Implications**

The WRG reuse project will reduce the reliance on ground water, a climate dependant water source, thereby improving the sustainable use and management of water.

➤ **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: Council Workshop Tuesday 14 September 2021

Advisory Groups: Sustainability Advisory Group 9 September 2021

Administration: Director Infrastructure & Operations
Acting Director Planning and Regulatory Services
Director Corporate Services
Manager Sustainability, Waste and Emergency Management
Manager Strategic Assets
Manager Financial Services

External Agencies: SA Water

Community: Not Applicable

2. BACKGROUND

A sustainable approach to using and managing water is important in addressing the pressures of demand and key issues such as water security, building resilience to climate change as well as meeting environmental and regulatory requirements associated with water resources. Council undertook a Water Harvesting and Reuse Feasibility study in 2017 identifying that using recycled water from the SA Water Bird in Hand facility was the best option to increase water security at the WRG. Further investigations into the water supply and usage were also prepared.

Early in 2021 the Local Government Infrastructure Partnership Program (LGIPP) was established to support councils to accelerate spending on community infrastructure projects that contribute to the future economic growth of the region, or support the Government's Growth State agenda, or improve local infrastructure facilities for businesses and community organisations to enable them to grow in the future, or upgrade key community facilities. The closing date for applications was 29 January 2021. The projects needed to be 'shovel ready', identified within Council's LTFP and also total over \$1million (combined Council contribution and possible grant funding). Following an Executive Leadership Team meeting it was decided to submit an application to supplement three water management projects as identified within the LTFP and ABP. The projects were the WRG reuse, central irrigation system and the upgrade of irrigation systems.

Council was successful in its LGIPP grant application with funding for \$727,000 and this along with the LTFP allocation of \$750,000 provided a total of \$1,477,000 available for the water management projects.

At a Council meeting on 22 June 2021 the draft LGIPP Grant Deed was provided and it was resolved that further information was required for the WRG reuse project.

Moved Cr Nathan Daniell
S/- Cr Leith Mudge

120/21

Council resolves that

- 1. The report be received and noted**
- 2. The CEO completes an economic and environmental cost benefit analysis for the Woodside Water Reuse Project**
- 3. This analysis be presented at a Council workshop and then subsequently a report be prepared for Council by 30 September 2021.**

Carried Unanimously

If there is a decision to not proceed with the WRG reuse project there will be no alternate projects considered for the LGIPP grant funding. This is based on recent advice received from the Department of Treasury and Finance. However the two other projects the central irrigation system and the upgrade of irrigations systems would proceed with LGIPP grant funding of \$350,000.

The Woodside Recreation Ground Reuse project involved utilising the reuse water available from the nearby SA Water Bird in Hand wastewater treatment plant. Currently all the ovals and pitches are watered with groundwater from a bore located on Hutchens Road. During peak summer demand the bore is run 20 hours a day 7 days a week to enable adequate irrigation of the oval and pitches. The project involves the implementation of a pipeline from Pfeiffer Road for approximately 2 kilometres to the WRG, along with the installation of tanks, pumps and internal pipework.

3. ANALYSIS

The economic and environmental cost benefit analysis has now been prepared for the WRG reuse project and the associated water costs are provided in **Appendix 1**. The costs provide information on the available options, water usage, upfront costs, associated ongoing costs and an average comparative cost per kilolitre. As the bore water being used at the WRG does not cost Council anything up to the water allocation of 20,353 kilolitres the cost benefit analysis will always determine retaining the bore water for irrigation as the preferred option. If environmental values are considered then the bore water is recognised as a finite resource that will reduce during drought times and with a changing climate.

Surface water and ground water resources in the Western Mount Lofty Ranges are highly dependent on rainfall. With a changing climate and reduced rainfall this will have an impact on the groundwater availability. If there is below average summer rainfall this does increase the need for irrigation and therefore result in higher water use, putting further pressure on the groundwater leading to a potential decline in groundwater levels and water availability. According to Department for Environment and Water (DEW) in their 2020 assessment *“following the 2018–19 irrigation season, the majority (59%) of fractured rock aquifer monitoring wells with long-term data recorded levels below average to lowest on record. These wells are spread across the aquifer with clusters near Lobethal, Woodside and Mount Bold Reservoir.”*

The aim is to utilise recycled water to increase water security at the WRG. Utilising recycled water ensures a climate independent water source which is relatively consistent, has predictable availability and quality. However, there is no easy way to include environmental values within an economic and cost benefit analysis. In this case, the only way to do this is to assume that the bore water is unavailable or unviable and to provide a cost for the alternatives of potable mains water and reuse water. The last option in **Appendix 1** provides a potable water cost associated with water use of \$54,180 per annum.

Bore water availability or viability in the long term could be impacted by unknowns including:

- Ground water contamination or increased salinity
- Charging for any bore water used
- Ground water availability due to decreased water level
- Reduced extraction limits and associated water allocation
- Bore pump and casing failure

The three recycled water options have an upfront capital cost ranging from \$637,000 to \$715,000 with varying additional costs for water dependant on the quantities of recycled and potable water being used. The preferred option is that recycled water is used for the Adelaide Hills Soccer (Hawks) grounds and the Woodside Warriors soccer pitches for an average cost per kilolitre of \$2.16-\$3.03. This option also has the potential to be extended into the Warriors Oval taking into consideration the distance criteria of 50m from the creekline.

The upfront and additional costs do not include any upgrade or significant changes to the current irrigation systems for the pitches and ovals. Whilst the current irrigation systems would benefit from an upgrade to improve efficiency the systems on the soccer pitches (Adelaide Hills Soccer-Hawks and Woodside Warriors soccer) can be used for the recycled water irrigation. Therefore there is no upgrade required and no additional cost requirements. Minimal changes will be needed to the boundary sprinklers to ensure that public health obligations and restrictions are met. This is principally around the spray of the water concentrated on the pitch not the surrounding area where people congregate and view the pitches. The costs associated with these minor changes would be incorporated into the grant funding and budget allocation. Irrigation of the Warriors Oval is not part of the scope of the WRG reuse project and therefore there are no changes to this system resulting from the project. However, if the Warriors Oval is ever considered for reuse irrigation this will require a new irrigation system to ensure that the distance criteria of 50m from the creekline is

retained for bore water irrigation in line with public health restrictions. If this outcome was to be explored it would involve separate discussions about project costing and responsibility between Council and the Warriors at that time. As the creekline is a defined watercourse by the Department for Environment and Water (DEW) any changes to the creekline such as piping the water to eliminate the 50m distance criteria would result in a water affecting activity and the requirement of a permit to alter the watercourse. Whilst this would require confirmation from DEW and the Hills and Fleurieu Landscape Board, based on previous experience this water affecting activity would not be approved.

A Recycled Water Agreement would be required with SA Water to confirm quantities, pricing charges, length of contract and infrastructure requirements to ensure the long term availability of the recycled water. Council has been negotiating with SA Water to obtain clarity about the clauses and provision of this Agreement. At this stage Council does not know the length of time for the recycled water purchase Agreement and the rights of renewal within the Agreement. It is anticipated that the Agreement will include a CPI increase for the recycled water cost and in addition a pricing review which may be stipulated at intervals.

Council has recently requested an extension of time from the Department of Treasury and Finance to enable further clarity around the Recycled Water Agreement. Council has until the end of the 2021 calendar year to advise if Council will proceed with the WRG reuse project. If further clarity, to the satisfaction of the CEO, has not been provided by SA Water on their intentions for the reuse agreement by the end of 2021 this will result in the loss of the funding on offer from the Department of Treasury and Finance.

The economic and environmental cost benefit analysis has provided additional clarity around the costs involved. However this cannot be directly compared to a cost associated with climate change impacts and water security. In considering the merits of the Woodside Recreation Ground reuse proposal the Administration recognises that environmental outcomes do not always have financial returns favourable to Council.

The above outcome is the case with the Woodside Recreation Ground reuse proposal that is in many ways no different to other projects funded by Council such as footpath and road construction. Projects of this type don't provide a financial benefit to Council but do provide services to the community. In the case of the Woodside Recreation Ground reuse proposal social, environmental and sustainability outcomes are provided.

In summary there is grant funding on offer of \$327,000 to undertake the Woodside Recreation Ground reuse project, Council has allocated its co-contribution of \$400,000 in the LTFP, there are additional ongoing costs of \$12,000 which are currently not included in the LTFP and the project will provide ongoing water security and sustainability benefits.

4. OPTIONS

Council has the following options:

- I. To proceed with the Woodside Recreation Ground Reuse project leading to signing of a further LGIPP Grant Deed and \$327,000 in funding. This is recommended as climate change impacts on water availability will decrease the groundwater at the WRG and the project will alleviate the unknowns of the groundwater supply. The additional grant funding would enable completion of the project improving water security and sustainable water management into the future. (Recommended)
- II. Not to proceed with the Woodside Recreation Ground Reuse project. This would mean that the associated LGIPP funding of \$327,000 would not be available. Council could still progress with water efficiency projects (or other projects) through use of its \$400,000 co-contribution allowance but the potential to ensure water security at the WRG would not be achieved. (Not Recommended)

5. APPENDIX

- (1) Economic Cost Benefit Analysis

Appendix 1

*Economic Cost Benefit Analysis and Change in Annual
Operating Cost*

Economic Cost Benefit Analysis

Woodside Recreation Ground Reuse project

Option	Water usage	Upfront costs (including 30% contingency)	Additional cost per year	Average cost per kL
Existing system bore only	Recycled 0 ML/y Bore 19.49 ML/y Potable 0ML/y	Bore rehabilitation costs expected within 5-10 years	Operation of irrigation system \$5,800 Water cost \$0	\$0.30
Potable/Recycled (no bore water used)	Recycled 16.3 ML/y Bore 0 ML/y Potable 3.19 ML/y	\$715,000	Operation of irrigation system \$9,700 Water cost \$11,050	\$2.77-\$3.72 (4%-7% discount rate)
Recycled water Hawks only and Bore Warriors pitch and oval	Recycled 8.6 ML/y Bore 10.89 ML/y Potable 0 ML/y	\$637,000	Operation of irrigation system \$9,700 Water cost \$1,180	\$2.08-\$2.93 (4%-7% discount rate)
Recycled water Hawks and Warriors pitch and Bore Oval	Recycled 13.0 ML/y Bore 6.49 ML/y Potable 0 ML/y	\$657,000	Operation of irrigation system \$9,700 Water cost \$1,780	\$2.16-\$3.03 (4%-7% discount rate)
Potable water for existing system	Recycled 0 ML/y Bore 0 ML/y Potable 19.49 ML/y	\$42,900	Operation of irrigation system \$9,700 Water cost \$54,180	\$3.38-\$3.44 (4%-7% discount rate)

Change in Annual Operating Cost

Woodside Recreation Ground Reuse project

WRGR (Base Line)	\$ / year	Comment
Operations	\$5,700	Operational cost of bore and irrigation system
Maintenance	\$1,000	Assumed
Depreciation	\$1,000	Assume that bore replacement ultimately should be funded (note likely replacement in 5 - 10 years)
Annual Operating Cost (AOC)	\$7,700	
Finance/opportunity cost of capital	\$0	
Demolition/disposal	\$0	
Annual Service Cost (ASC)	\$7,700	
WRGR (Recycled Water) - preferred option 3	\$ / year	Comment
Operations	\$13,250	Recycled water plus 40% of ongoing bore operation of irrigation system
Maintenance	\$3,500	Assume 0.5% of capital (primarily pumps and in line with CWMS)
Depreciation	\$11,500	Assume 60 year life of assets on average
Annual Operating Cost (AOC)	\$28,250	
Finance/opportunity cost of capital	\$16,000	400,000 at 4% (Council funded component)
Demolition/disposal	\$0	
Annual Service Cost (ASC)	\$44,250	
Hence for the preferred option the additional Project costs to Council is about \$ 36,500 pa.		
However, please note that the Council capital investment and the associated operating, maintenance and depreciation are including the current LTFP.		
Therefore, the impact on the LTFP in accepting the additional grant funding is estimated to be only \$ 12,000.		

**ADELAIDE HILLS COUNCIL
ORDINARY COUNCIL MEETING
Tuesday 28 September 2021
AGENDA BUSINESS ITEM**

Item:	12.2
Responsible Officer:	Natalie Westover Manager Property Services Corporate Services
Subject:	Policy for Community Consultation – Roadside Trading Policy (Use of Public Road Verges for Business Purposes)
For:	Decision

SUMMARY

In 2017, amendments to the *Local Government Act 1999* were introduced with the *Local Government (Mobile Food Vendors) Amendment Act 2017* and *Local Government (General)(Mobile Food Vendors) Variation Regulations 2017* which introduced new provisions in relation to Mobile Food Vendors (food trucks) on Public Road, how applications were to be assessed, the requirement of Council to adopt and have location rules including the identification of approved sites and how breaches of permits and termination of permits for food trucks was to be handled.

Proposed amendments to the *Local Government Act 1999* (“Act”) (passed but not yet commenced) will remove all of the above provisions relating to Mobile Food Vendors (“MFV”).

The purpose of this report is to provide the draft updated *Roadside Trading (Use of Public Road Verges for Business Purposes) Policy (Appendix 1)* which incorporates amendments to cater for MFV to Council for approval for the purpose of community consultation. The proposed updates to this policy will include the provisions previously adopted by Council in respect to MFV on Public Road.

The *Roadside Trading (Use of Public Road Verges for Business Purposes) Policy* was last reviewed in April 2018.

RECOMMENDATION

Council resolves:

- 1. That the report be received and noted**
 - 2. To approve the draft *Roadside Trading (Use of Public Road Verges for Business Purposes) Policy* as contained in *Appendix 1* for community consultation.**
 - 3. That a further report be presented to Council for consideration following completion of the community consultation.**
-

1. GOVERNANCE

➤ Strategic Management Plan/Functional Strategy/Council Policy Alignment

Strategic Plan 2020-24 – A brighter future

Goal 5 A Progressive Organisation

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

Priority O3.1 Enhance governance structures and systems to prudently adapt to changing circumstances and meet our legislative obligations

The Council is committed to open, participative and transparent decision making and administrative processes. We diligently adhere to legislative requirements to ensure public accountability and exceed these requirements where possible.

➤ Legal Implications

Section 222 of the Act allows Council to allocate permits to use public roads and road reserves for business uses.

Section 125 of 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.

➤ Risk Management Implications

Maintenance of a contemporary and legislatively compliant policy framework will assist in mitigating the risk of:

Poor governance practices occur which lead to a loss of stakeholder (i.e. customer and regulator) confidence and/or legislative breaches.

Inherent Risk	Residual Risk	Target Risk
Extreme (5C)	Medium (3D)	Medium (3D)

Note that there are many other controls that assist in mitigating this risk.

➤ Financial and Resource Implications

The financial and resource implications of community consultation are accommodated in the current Property Services Department budget.

➤ Customer Service and Community/Cultural Implications

There is a high expectation that Council has appropriate corporate governance processes in place including an effective suite of policies.

The adoption of a *Roadside Trading (Use of Public Road Verges for Business Purposes) Policy* will provide information and direction to both Council staff and the community in relation to the rules and regulations governing the use of road verges for business purposes.

➤ **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: 17 August 2021

Advisory Groups: Property Advisory Group, 9 August 2021

Administration: Director Corporate Services
Director Development & Regulatory Services
Executive Manager Governance & Performance
Manager Economic Development
Team Leader Regulatory Services
Technical Officer, Civil Services
Roads Officer

External Agencies: Not Applicable

Community: Not Applicable

2. BACKGROUND

The *Roadside Trading (Use of Public Road Verges for Business Purposes) Policy* was last reviewed in April 2018.

In 2017, inclusion of the MFV provisions in the Act were introduced. At that time, Council undertook consultation about suggested locations for MFV. The responses received from the consultation at that time indicated concern by local bricks and mortar businesses about the impact of permitting MFV within township areas.

Council resolved at the meeting held 24 October 2017 as follows:

12.2 Mobile Food Vending Businesses

Cr Kirrilee Boyd declared a Material Conflict of Interest at Agenda Item 5 'Declaration of Conflict of Interest by Members of Council' in relation to Item 12.2. Cr Boyd left the Chamber and did not participate in the vote.

6.34pm Cr Kirrilee Boyd left the Chamber

Moved Cr John Kemp
S/- Cr Lynton Vonow

242/17

Council resolves:

- 1. That the Mobile Food Vending Businesses report be received and noted**
- 2. That community and stakeholder engagement in relation to Council's location rules commence once the *Local Government (General) (Mobile Food Vendors) Variation Regulations 2017* are confirmed as final.**
- 3. The community and stakeholder engagement include:**
 - a) Seeking input from those residents and food businesses located near the preliminary locations proposed in the Mobile Food Vending Businesses report for the operation of Mobile Food Vending Businesses**
 - b) Seeking input and feedback from business associations and local markets and community events identified by the CEO to inform development of Council's location rules**
 - c) *Undertaking* community wide engagement to obtain input and feedback to inform development of Council's location rules**
- 4. In the event that the draft *Local Government (General) (Mobile Food Vendors) Variation Regulations 2017* change substantially to a point determined by the CEO where the preliminary proposed locations outlined in this Mobile Food Vending Businesses report are no longer suitable for the operation of Mobile Food Vending Businesses, the CEO be delegated to:**
 - Identify alternative preliminary locations for the community engagement process proposed by the Mobile Food Vending Businesses report for the purposes of Council's location rules.**
- 5. Following completion of the community and stakeholder engagement, a further report be provided to Council outlining the results of the engagement undertaken and make recommendations in relation to adoption of location rules.**

Carried Unanimously

Following community consultation Council resolved on 27 February 2018 as follows:

12.4. Mobile Food Vending Businesses

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

34/18

Council resolves:

- 1. That the report be received and noted.**
- 2. Council adopt the Mobile Food Vending Business Location Rules contained in Appendix 2 of this report with an effective date of 1 March 2018.**
- 3. The Fees and Charges Register be updated to include the following Mobile Food Vending Business permit fees:**
 - a) Monthly Fee \$100**
 - b) Annual Fee \$1,000**
- 4. That further consultation as outlined in this report be undertaken with key stakeholders and the community on Council's adopted Mobile Food Vending Business Location Rules.**
- 5. That the Chief Executive Officer be authorised to make any formatting or non-significant grammatical and/or content changes to the Mobile Food Vending Business Location Rules for publication purposes during the period of its currency.**
- 6. A further report be provided to Council outlining the outcome of the further consultation undertaken and subject to the consultation outcome, present refined Mobile Food Vending Business Location Rules for adoption.**

Carried

Following further consultation the Council meeting resolved on 28 August 2018:

12.8 Mobile Food Vending

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

204/18

Council resolves:

- 1. That the report be received and noted.**
- 2. That Council adopt the Mobile Food Vending Business Location Rules contained in Appendix 1 of this report with an effective date of 1 September 2018.**
- 3. That Council adopt the Mobile Food Vending Business pre-approved sites and site specific rules contained in Appendix 2 of this report with an effective date of 1 September 2018.**
- 4. That the Chief Executive Officer be authorised to approve or revoke, in accordance with the Location Rules, sites for the pre-approved sites list and make any formatting or non-significant grammatical and/or content changes to the Mobile Food Vending Business Location Rules for publication purposes during the period of its currency.**

Carried Unanimously

From that consultation, 8 pre-approved locations were endorsed for mobile food vendor businesses to apply to operate from. These being Upper Sturt Dog Off Leash Area, Tregarthen Reserve, Centennial Park Lenswood, Evelyn Halliday Reserve Stirling, Bridgewater Playground, Gilman Road Parking Bay, Paracombe Oval and the Lion Rest Park Woodside.

As a result of the new amendments to the Act, all specific provisions in the Act and the General Regulations in respect to MFV are to be repealed.

These amendments remove the positive requirement for Councils to issue a permit to a mobile food vendor business consistent with their Location Rules. Further the Review Act made other deletions and amendments, as follows:

- remove the requirement for Councils to prepare and adopt rules setting out locations within the council area in which MFV may operate;
- remove the requirement for a permit relating to a MFV business to be subject to conditions that are consistent with the council's location rules;
- remove the offence associated with a breach of a permit for a MFV business; and
- remove the special statutory rules relating to cancellation of a permit for a MFV business.

Since the introduction of the Mobile Food Vendor Location Rules and Pre-Approved sites in 2018, Council has only issued 2 stand-alone permits.

3. ANALYSIS

The aim of the draft amendments to this policy is to incorporate the essence of the previously adopted location rules into the policy with the intent to maintain consistency with the previously adopted position of Council to provide clarity to the community and businesses about MFV in the Council district.

In this process, Council has reviewed the pre-approved sites. It has been determined that the following amendments to the pre-approved sites should be made:

- Tregarthen Reserve Summertown and Centennial Park, Lenswood will be assessed on a case by case basis, as these locations are declared “highways” and not public roads. Any permit on these roads requires the approval of the Department of Infrastructure and Transport as well as Council.
- The approved sites at “Upper Sturt Dog Off Leash Area” and Evelyn Halliday Reserve do not sit within the road verge area, but on Council owned land, and thus do not fall under Section 222 of the Act and should be removed.
- The Bridgewater Playground approved site is partially located on Crown Land and requires the consent of the Crown Land Department for every permit approval and should be removed
- The Lion Rest Park in Woodside will no longer be able to be utilised for mobile food vendors due to development on the adjacent land and the area being required for street access and egress and should be removed

Given the above, out of those 8 pre-approved locations only 4 will remain (**Appendix 3**):

- Gilman Road Parking Bay
- Paracombe Oval
- Tregarthen Reserve
- Centennial Park

Under the current location rules, MFV businesses are not permitted in township areas (except for approved events) due to the potential conflict with local business however consideration to locations other than the approved locations was available.

The purpose of the public consultation is to seek feedback from the local community (including bricks and mortar businesses), Mobile Food Vendor businesses and the general public. The following questions will be incorporated into the consultation:

- Do you think Mobile Food Trucks should be permitted to trade in township areas Yes/No – why?
- Are you a food & beverage proprietor in the Hills? If yes, what impact to you see to your business if Mobile Food Vendors are permitted to trade in townships areas?
- If Mobile Food Trucks are permitted to trade in township areas, do you think there should be any conditions or restrictions placed on them?

Council would also like to understand if there are alternate locations to be considered as a “pre-approved” site and will seek input from the community about alternate locations suitable for pre-approval.

If a MFV seeks an alternate site (outside of the approved sites), this would be assessed by administration staff in the first instance before being brought to Council for a decision.

Although Council's *Public Consultation Policy* does not require consultation for a *Roadside Trading (Use of Public Road Verges for Business Purposes) Policy*, it is recommended that consultation is undertaken to engage the wider community, local businesses and other interested parties to ensure that the policy is able to meet the needs of the community.

Consultation will be consistent with the public consultation steps for Table 2, contained in Council's *Public Consultation Policy*.

4. OPTIONS

Council has the following options:

- I. To endorse the draft *Roadside Trading (Use of Public Road Verges for Business Purposes) Policy* for community consultation (Recommended)
- II. To determine not to endorse the draft *Roadside Trading (Use of Public Road Verges for Business Purposes) Policy* for community consultation at this time (Not Recommended)

Should the Council identify the need for substantial amendments to the draft 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 the Council for further consideration.


5. APPENDIX

- (1) Draft *Roadside Trading (Use of Public Road Verges for Business Purposes) Policy* for Consultation

Appendix 1

*Draft Roadside Trading (Use of Public Road Verges for
Business Purposes) Policy for Consultation*

COUNCIL POLICY

 <p>Adelaide Hills COUNCIL</p>	ROADSIDE TRADING (USE OF PUBLIC ROAD VERGES FOR BUSINESS PURPOSES)
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Policy Number:	COM - 20
Responsible Department(s):	Property Services
Relevant Delegations:	As per the Delegations Register and as detailed in this Policy
Other Relevant Policies:	Nil
Relevant Procedure(s):	Nil
Relevant Legislation:	<i>Local Government Act 1999</i>
Policies and Procedures Superseded by this policy on its Adoption:	Mobile Food Vendor Location Rules – 28 August 2018, Item 12.8, 204/18 Roadside Trading Policy – 24 April 2018, Item 12.5, 91/18
Adoption Authority:	Council
Date of Adoption:	<i>To be entered administratively</i>
Effective From:	<i>To be entered administratively</i>
Minute Reference for Adoption:	<i>To be entered administratively</i>
Next Review:	No later than September 2024 or as required by legislation or changed circumstances

Version Control

Version No.	Date of Effect	Description of Change(s)	Approval
1.0	23/7/2007	Draft Street and Roadside Trading Policy	Planning Policy Committee– Res 31
1.1	13/10/2008	Policy Review	Planning Policy Committee - Res 109
1.2	13/9/2011	Policy Review	Council – Res 275
1.3	10/3/2015	Policy Review	SPDPC – Res 7
1.4	24/4/2018	Policy Review	Council – Res 91/18

ROADSIDE TRADING (USE OF PUBLIC ROAD VERGES FOR BUSINESS PURPOSES) POLICY

1. INTRODUCTION

Adelaide Hills Council recognises and supports the practice of selling some products from public roads within the Council area, and acknowledges the need for appropriate permit procedures and guidelines for these activities to ensure public safety and fair sharing of Council's road and other reserve spaces.

This Policy establishes how applications are to be assessed and permits issued. This permit system is intended to guide how public road verges are to be used for business purposes in ways that ensure an appropriate balance between the interests of the Council, street traders, residents of the Adelaide Hills Council, and visitors to the Adelaide Hills region.

This Policy does not apply to:

- permanent or all year round fruit sales outlets within private property – e.g., apples and cherries from orchards;
- stalls of any type intended to be located at one site for more than 6 months;
- outdoor dining; or,
- some casual and very short-term uses of a road verge by persons selling raffle tickets, holiday or festival appropriate flowers, home-made products, or persons seeking donations.

The Policy applies to the following, and similar, business activities located on Council's road verge, or on other Council land:

- temporary stalls;
- street vending stalls;
- Mobile Food Vendors
- fundraising stalls;
- busking or,
- seasonal stalls.

2. OBJECTIVES

2.1 The objectives of this Policy are:

- To provide for public health, safety and amenity;
- To establish procedures for registration and identification of traders who trade on Council's road verges;
- To manage the legal elements of road verges being utilised for private (business) purposes; and
- To indicate those types of activities which Council do not support

3. DEFINITIONS

“**Business purposes**” includes any “**business activity**”.

“**Business Activity**” means any activity that is engaged in for the primary purpose of making a profit. In general, business activities can include things like sales, operations, marketing, production, administration and developing economic opportunities. This Policy relates primarily to business activities involving selling to the general public and passing trade. While other business activities can be undertaken on roadside locations, they are unlikely to be a practical or profitable use of that land. For the purposes of this Policy, land may be used for a business purpose even if the use is not intended to make a profit.

“**Fundraising stall**” means a stall operating to raise money for a charity or not-for-profit organisation where 100% of the net proceeds of sales are directed to that charity or organisation.

“**Imported goods and produce**” means goods and farm produce not grown, dug, picked, collected, sourced or produced by the stall holder on land adjacent to the stall, and goods and farm produce, including manufactured goods, which are on-sold for a third party even if locally grown or produced.

“**Manufactured goods**” means goods produced on a large scale by manual labour and/or machinery. Manufactured goods do not include, farm produce dug, picked, collected, or sourced by the stall holder, or goods hand-made or produced by the stall holder.

“**Mobile Trading**” means the sale of items from a vehicle, where a particular item is sold to buyers from the vehicle itself.

“**Permanent stall**” means a stall which is intended to be in place indefinitely, being more than six months continuously or consecutively, or in varying periods which together total more than six months over a 12 month permit period.

“**Permit**” means a permit to use a public road for business purposes as prescribed in Section 222 of the *Local Government Act 1999*.

“**Roadside Verge**” means a road verge is described as the portion of a thoroughfare which lies between the boundary of a carriageway (road) and the adjacent property boundary line.

“**Rural Areas**” means those areas outside townships.

“**Seasonal**” means farm produce which is available during its natural season or which is available periodically, and includes the sale of manure in accordance with best practice animal keeping.

“**Small stall**” means a stall no more than four (4) square metres in area.

“**Street Vending**” means the sale of items where the vendor is present at all times and assists buyers with their purchase.

“**Temporary stall**” means a stall which is in place for a limited time only, being not more than six months continuously or consecutively, or in varying periods which together total six months or less over a 12 month permit period.

“Township” means any part of the area of a council that contains at least 20 residences and that is defined as a township by the council by notice in the Gazette.

4. POLICY STATEMENT

- 4.1 The use of public footpaths in townships and urban areas and road verges in rural areas by business and other persons selling goods should be granted only where:
 - a) there is no adverse impact on pedestrian safety or other road users; and,
 - b) amenity of the locality can be preserved.
- 4.2 Council acknowledges the tradition of temporary roadside stalls in rural areas, in particular stalls of a small scale (occupying no more than 4m²) which do not require the construction of any structure(s) and which only involve the sale of farm produce or goods (e.g. flowers, fire wood, manure).
- 4.3 Any roadside stall selling manure will be categorised as ‘temporary’ provided that any signs and empty pallets, or the like, are removed when there is no manure for sale.
- 4.4 Council supports small stall (occupying no more than 4m²) and temporary street trading in townships which:
 - a) does not require the construction of any permanent or fixed structure(s) within townships and urban areas; and,
 - b) comprises charity or community service fundraising activities, or sales or promotions by businesses immediately adjacent to that section of street to be used for business purposes.
- 4.5 No manufactured goods shall be sold at road verge stalls in rural areas.
- 4.6 Permit holders in townships must remove all vehicles and equipment from the road verge at the end of each day or at the conclusion of business unless the permit indicates otherwise.
- 4.7 Vehicles used to sell goods, and any stall must display a valid Permit.
- 4.8 Only those parts of a road reserve which are considered safe for pedestrian and vehicular traffic may be utilised. Assessment of acceptable sight distance for rural roadside verge stalls will be based on the following general approach for minimum safe stopping distance (SSD) either side of the location of the stall:
 - a) 60kph road = 73 metres SSD;
 - b) 80 kph = 114 metres SSD; and,
 - c) 100 kph = 165 metres SSD.
- 4.9 A permit holder must agree to indemnify Council from all actions and damages whatsoever which may be brought against them for any wilful or negligent act.
- 4.10 If the applicant is not the owner of the land adjacent to the proposed location of the stall, then the applicant shall obtain the written agreement of the immediately adjoining owner(s) of land.
- 4.11 Public liability insurance for permit holders to the value of at least \$20 million to be provided to Adelaide Hills Council.

4.12 Signage is to be restricted to two (2) single-sided or double-sided sign per stall, with an advertisement area of not more than 0.36 m² (e.g. 1200mm x 300mm or 600mm x 600mm) and situated immediately adjacent the stall, and comply with the safety requirements as stated above.

4.13 The general approach to fees is:

- permit fees are set in Council's *Fees and Charges Register*, located on the Adelaide Hills Council website at www.ahc.sa.gov.au
- a permit fee will apply:
 - to the use of the road reserve within townships and urban areas to display and sell goods or for promotional and similar purposes;
 - in all areas where goods sold are imported or manufactured
 - in all areas where goods are sold from large and/or permanent stalls; subject to the exclusions noted below
- no permit fee will apply for:
 - a small temporary or permanent stall displaying and selling manure adjacent to a residential or rural property;
 - a small temporary display selling seasonal good and produce (i.e. flowers, fruit and vegetables) adjacent to a residential or rural property;
 - one day only of the sale of manufacture or imported good or for promotional purposes (up to a maximum of 5 days per annum);
 - fundraising stalls for charitable purposes

4.14 Permission, either by permit or allowance under this policy, to operate in a particular location does not extend to times when a major event occurs which includes that same location – e.g. 'Tour Down Under' or the 'Lights of Lobethal'. Approval to operate during such events in the same location is to be obtained via the event organiser and Council.

4.15 Permits are only allowed for use of roadside verges. Permits will not be issued for:

- road carriageways or road surface areas, including areas set aside for the movement or parking of vehicles;
- any area where the parking or movement of vehicles is prohibited or restricted; or
- any other location, including verges, that Council determines are unsafe.

5 PERMIT PROCESS AND CONDITIONS

5.1 **Types of Roadside Trading Permits under this Policy include:**

Permit type/category	Common examples
Mobile food vendor	<ul style="list-style-type: none"> • Boxed ice cream sales from van • Coffee van • Take away food • Sale of farm produce from a vehicle
Display and/or sale of goods on road verge	<ul style="list-style-type: none"> • Sale items displayed on trestle table with sale taking place in adjacent shop • Goods placed directly on road verge with sale taking place in adjacent shop • Fruit and vegetables in cart or on table on road verge with sales in adjacent shop

	<ul style="list-style-type: none"> • Goods displayed on trestle table or placed directly on footpath with sale taking place outside shop
Roadside trading	<ul style="list-style-type: none"> • Seasonal stall – e.g. fruit, flowers • Sale of rural produce from adjacent property – e.g. fruit, manure, hay, flowers • Permanent or semi-permanent stall – e.g. fruit, flowers
Fundraising	<ul style="list-style-type: none"> • Fundraising stall

5.2 **Period of Validity**

Permits will be issued for a maximum 12 month period ending on 30 June each year with the actual duration to be determined on application and after assessment completed by Council.

5.3 **Fees**

Fees are set and reviewed each year by Council and are listed in Council's *Fees and Charges Register* [located on the Adelaide Hills Council website at www.ahc.sa.gov.au](http://www.ahc.sa.gov.au)

5.4 **Impact on vehicles or road related infrastructure**

A roadside trading business will not unduly interfere with:

- (a) vehicles driven on roads;
- (b) vehicles parking or standing on roads;
- (c) a parking area for people with disabilities (within the meaning of rule 203(2) of the Australian Road Rules);
- (d) public transport and cycling infrastructure (including bus zones, taxi zones and bike lanes);
- (e) other road related infrastructure; or
- (f) infrastructure designed to give access to roads, footpaths and buildings.

6. **MOBILE FOOD VENDOR BUSINESSES**

The Council has determined pre-approved sites that mobile food businesses, that have been granted the required permits, may operate from, according to the site specific rules and the location rules. See Appendix B for pre-approved sites and their rules.

A mobile food business who identifies a site where they would like to trade, may request that site to be assessed.

The following conditions will be addressed in the assessment of sites:

6.1 **Impact on Fixed Food Businesses**

A mobile food vending site must be such that there is reasonable distance between the mobile food vending business and fixed food businesses during the operating hours of the fixed food businesses.

6.2 Impact on local residents, businesses and road users

Site selection will take into account the effect of the operation of the mobile food vending business on:

- (a) vehicles and pedestrian traffic, footpaths, driveways, access points to buildings and parking areas for people with disabilities;
- (b) the requirements relating to, and availability of, parking spaces; and
- (c) residents and businesses.

6.3 Compliance with legislative requirements

Mobile food vending businesses must not breach any relevant requirements under:

- (a) the *Food Act 2001*;
- (b) the *South Australian Public Health Act 2011*;
- (c) the *Environment Protection Act 1993*;
- (d) the *Local Nuisance and Litter Control Act 2016*;
- (e) the *Motor Vehicle Act 1959* and the *Road Traffic Act 1961*;
- (f) legislation relating to electrical or gas installations or appliances; and
- (g) relevant legislation relating to health, safety or the environment.

7. APPLICATION PROCESS

1. Application form to be completed and lodged with Council together with required information (NB: a single application may be lodged for special events)
2. Application received, registered and acknowledged
3. Council officer, or officers inspect the site to assess suitability of the site
4. Assessment of application taking into account the following issues:
 - a) appropriate location of the vehicle, table, stall or other temporary structure, having regard to the safety of other road users and pedestrians;
 - b) assessment of acceptable sight distance for rural roadside verge stalls in accordance with clause 5.8;
 - c) control of obstructions;
 - d) location of nearby infrastructure, properties and driveway crossovers;
 - e) control of visual amenity, cleanliness and litter;
 - f) scale and nature of proposal;
 - g) the protection of Council against any public liability claims arising out of any failure by the permit holder;
 - h) and any other relevant factors.
5. Referral to other sections within Council, when relevant;
6. Where an applicant seeks a Mobile Food Vendor permit in a township, and within 200m of bricks and mortar businesses, community consultation will be required. At the completion of the consultation period, a report for a decision will be prepared and presented to Council for resolution.
7. Determine any conditions which should apply; and
8. Application granted or refused
9. If the application is granted, and the determined fee paid, then the permit will be issued.

If it is determined the activity will require other approvals, such as approval under the *Public and Environmental Health Act 1987* or development approval under the *Planning, Development and Infrastructure Act 2016*, the applicant will be advised that the application cannot proceed until the required approvals have been obtained.

7.1 Conditions of Permit

The following conditions, where applicable, will apply to all Roadside Trading Permits:

1. the permit holder will comply with all relevant laws of the Commonwealth and State and any relevant Council by-law;
2. the permit holder agrees to comply with permit conditions and Council's *Roadside Trading (Use of Public Road Verges for Business Purposes) Policy*;
3. vendors must comply with all provisions of the Australian Road Rules;
4. permit holders in townships and urban areas must remove all vehicles and equipment from the public footpath or road verge at the end of each day or at the conclusion of business unless this permit indicates otherwise;
5. music or other audible means, e.g. bell, used for attracting custom is to be kept to a minimum and are not to create a nuisance. Music or bells utilised on vehicles are not to be used when the vehicle is stationary;
6. this permit must be supplied on request by an authorised officer of Adelaide Hills Council;
7. permits must be on display at all times;
8. the permit holder is required to notify Council in writing within seven (7) days of any changes of address of the business;
9. the permit is non-transferable;
10. a permit holder must indemnify Council from all actions and damages whatsoever which may be brought against them for any wilful or negligent act;
11. all permit applications that relate to the sale or distribution of any food materials, must have lodged a Mobile Food Vendor Application Form and had food preparation equipment that is intended to be used, inspected by and approved by an Adelaide Hills Council's Environmental Health Officer;
12. signage is to be restricted to one single-sided or double-sided sign per stall, with an advertisement area of not more than 0.36 square metres (e.g. 1200mm x 300mm or 600mm x 600mm) and situated immediately adjacent the stall with no approach signs allowed;
13. this permit is not valid if a major event occurs which includes the same location as approved under this permit. Approval to operate during such events in the same location must be obtained via the event organiser;
14. permits are issued subject to the principles, terms and conditions of Councils Roadside Trading (Use of Public Road Verges for Business Purposes) Policy; and,
15. any breaches of permit condition(s) or of Councils Roadside Trading (Use of Public Road Verges for Business Purposes) Policy may result in the cancellation of the permit.

7.2 Specific Conditions for Street Vending or Mobile Food Vendors (selling food or drinks)

The following additional conditions, will apply to the occasional street vending of food, drinks, agricultural produce or manufactured or imported goods:

1. all permit applications that relate to the sale or distribution of any food materials, must have lodged a food notification form, and had any food preparation equipment that is intended to be used inspected by and approved by an Adelaide Hills Council Environmental Health Officer.
2. unpackaged ice cream may only be sold if:
 - the permit holders name and address is conspicuously marked on the vehicle;
 - in a mobile van, the vehicle is safe and displays appropriate safety signage; and,
 - in a mobile van, the vehicle is not used for any other purpose.

7.3 Specific Conditions for Street Vending or Mobile Vans (not selling food or drinks)

The following additional conditions, will apply to occasional/ periodical non-food related Street Vending at approved areas within the Council area:

1. The permit holder must not sell any animals or birds.

8. DELEGATION

Permits may be issued by the Delegated Council Officer in accordance with this Policy.

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.

9. 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 A – Application form - Trading on Council Land



Application for Trading on Council Land

For Business Purposes

Please complete all spaces using clearly readable block letters

Section 222 of the Local Government Act 1999 outlines that a person must not use a public road for business purposes without a permit. **“Business purposes” include the use of land even if it is not intended to make a profit.**

In order to meet the requirements of the Local Government Act 1999, Council have introduced a permit and licence system to govern the use of roadside verges by either adjacent businesses or other persons wishing to sell goods. This permit and licence system is not a right, but a privilege, to be granted only where there is no adverse impact on pedestrian and other road users safety and where the amenity of the locality can be preserved. Please complete the form below when applying to use roadside verges for business purposes.

Applicant	
I, <i>(in block letters please)</i>
for and on behalf of:
of <i>(address)</i>
<i>(Email)</i>	<i>(Mobile)</i>
Hereby make application to the Adelaide Hills Council requesting the use of:	
Detail location
On date/s (dd/mm/yyyy):
between the hours ofam/pm andam/pm

Details of proposed activity
Please complete the 'Activity Summary' section of this application form and provide Council with a separate layout plan of your activities. Please give full details of your proposed activity, including: <ul style="list-style-type: none">· Produce/items for sale and how they will be displayed· Address and area/township that you propose to be operating from (attach site map/plan)· Name of person in charge of activity (if different from the applicant)· Details of any vehicle being used as part of the activity (e.g. to display goods), including registration number· Proposed days of business (e.g. weekends only, specific weekdays, public holidays etc)· Proposed times that the activity will be undertaken
In order for Council to consider an application requesting use of the road verge, the following items must be attached to this form: <ul style="list-style-type: none">· Site map clearly indicating the specific land to be used. Note: street directory maps are only acceptable for mobile vendor applicants. All other applicants are required to submit a detailed site map.· Written approval and full contact details from adjacent land owner/s for your proposed site, where the land is not situated in front of the property on which you reside or operate a business.· Details of any proposed signage to be displayed (dimensions, content etc). If you are to display any signs, please include the location of these on your site plan.

Activity Summary

In the space below, please provide a summary of your proposed activity. Your summary will be used as the basis for the information distributed to relevant Council departments for the purpose of assessing your application. *(If the space provided below is insufficient, please attach a separate page)*

Description of produce/items to be sold:

Address, area/township of proposed activity: *(attach site map/plan)*

Name of person in charge of activity:
Description and registration of vehicles used as part of activities:

Date/s of activity (dd/mm/yyyy):

Hours of activity:am/pm untilam/pm

Any other relevant details:
.....
.....
.....

The issuing of a permit is subject to the permit holder:

- ✓ Agreeing to the general conditions of the permit as contained herein.
- ✓ Agreeing to any special conditions which the Adelaide Hills Council may determine from time to time.
- ✓ Agreeing to all directions that the Adelaide Hills Council may determine from time to time.
- ✓ Paying the prescribed fees as set out in the general conditions of the permit as contained herein.

I certify that the above information is true and correct and furthermore, in making this application, I acknowledge that I have read, understood and agree to be bound by the permit conditions including payment of any applicable fee.

In making this application for a permit/licence I agree, upon the Adelaide Hills Council issuing a permit to me, to:

- a) Indemnify the Adelaide Hills Council against any claim for loss, damage or injury however arising from the operation of the roadside trading area; and
- b) Not claim from the Adelaide Hills Council or any person acting on their behalf, for any loss, damage or injury however arising from any public work on the public place.

Signed: Date: / /

Appendix B – Mobile Food Vendor – Pre-approved Sites



Roadside Trading (Use of Public Road Verges for Business Purposes) Policy

Mobile Food Vending Business Pre-approved Sites

Mobile Food Vending Businesses



Adelaide Hills
COUNCIL

Location: Tregarthen Reserve

Note: Use of this site by MFVB's is subject to Council obtaining relevant approval (if required) from the Department of Planning, Transport and Infrastructure / Commissioner of Highways

Address: Corner Greenhill Road and Tregarthen Road, Summertown

Maximum Food Trucks allowed at any one time: Two

Days of Operation: Sunday to Saturday (inclusive)

Hours of Operation: Daylight hours only



● Food Truck Operating Location

□ Food Truck Operating Area

Site Conditions:

Food Trucks not to operate in the Tregarthen Reserve Operating Area if carpark is at, or approaching, capacity. Foodtrucks must cease operating under these conditions and vacate the area. Food Trucks must give priority of use to vehicles wishing to use car park for Tregarthen Reserve or Summertown Community Centre purposes.



Mobile Food Vending Businesses



Location: Centennial Park Lenswood

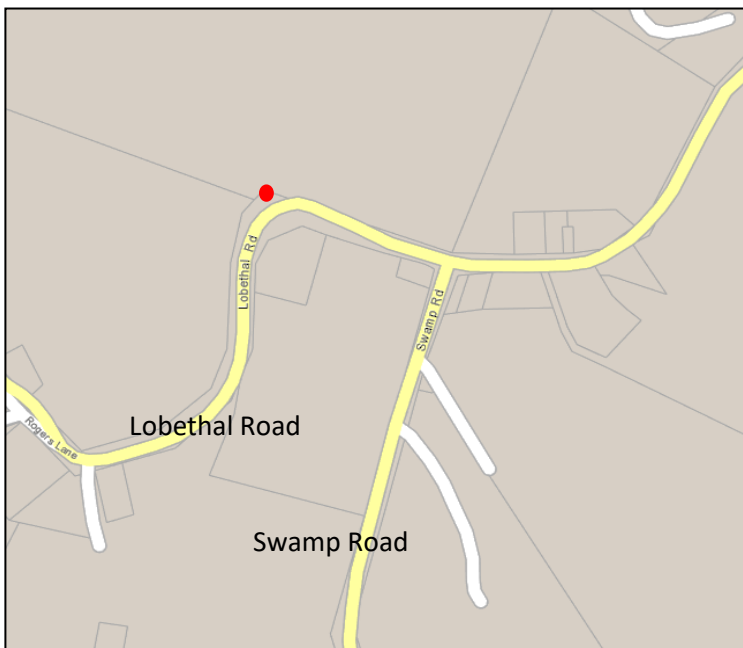
Note: Use of this site by MFVB's is subject to Council obtaining relevant approval (if required) from the Department of Planning, Transport and Infrastructure / Commissioner of Highways

Address: Lobethal Road, Lenswood (Opposite Hills Irrigation Services/Lenswood Gas Centre) Gas Centre)

Maximum Food Trucks allowed at any one time: One

Days of Operation: Sunday to Saturday (inclusive)

Hours of Operation: Daylight hours only



● Food Truck Operating Location

□ Food Truck Operating Area

Site Conditions: Nil



Mobile Food Vending Businesses



Location: Paracombe Oval

Address: Paracombe Road, Paracombe
Maximum Food Trucks allowed at any one time: One
Days of Operation: Sunday to Saturday (inclusive)
Hours of Operation: Daylight hours only



● Food Truck Operating Location

□ Food Truck Operating Area

Site Conditions:
Food Trucks not to operate when Paracombe Hall/Oval canteen is in operation.



Mobile Food Vending Businesses



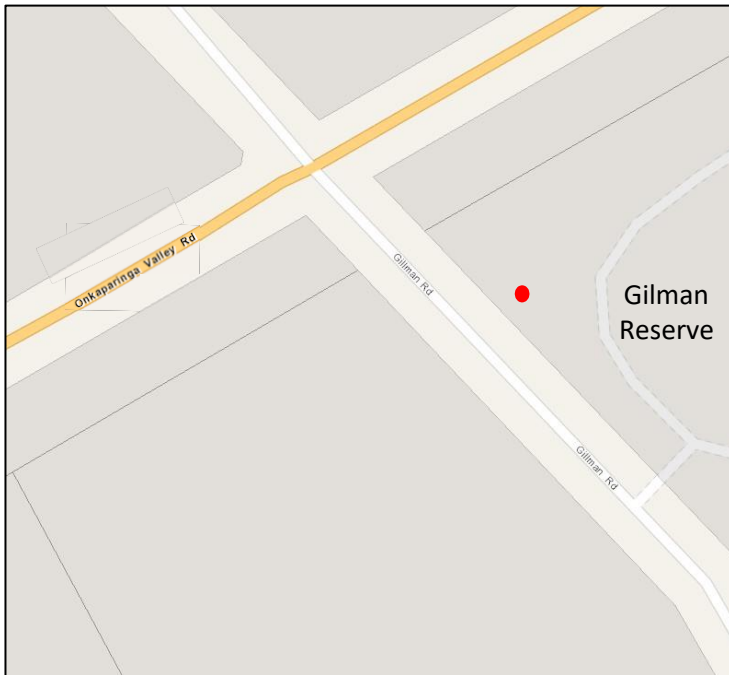
Location: Gillman Road Parking Bay

Address: Gillman Road Road, Oakbank

Maximum Food Trucks allowed at any one time: One

Days of Operation: Sunday to Saturday (inclusive)

Hours of Operation: Daylight hours only



● Food Truck Operating Location

★ Food Truck Operating Area

Site Conditions:

- ✓ No overnight stays to ensure location the following day
- ✓ No tables or chairs to be set up in the car park



**ADELAIDE HILLS COUNCIL
ORDINARY COUNCIL MEETING
Tuesday 28 September 2021
AGENDA BUSINESS ITEM**

Item: 12.3

Responsible Officer: David Collins
Manager Strategic Assets
Infrastructure & Operations

Subject: 2021/2022 Australian Government Black Spot Program –
Funding Deeds

For: Decision

SUMMARY

The Department for Infrastructure and Transport (DIT) has advised that Council has been successful in all three applications to the Federal Blackspot Program (a road safety program).

The first grant is for intersection improvements at Warren Road, Lucky Hit Road and Martin Hill Road, Birdwood (\$572,000 GST Inclusive) – the scope of works includes minor staggered right / left intersection with ‘Tear Drop’ design

The second grant is for safety improvements at Montacute Road, Montacute (\$1,256,071 GST Inclusive) – the scope of works include update 8.5km to create consistent environment, seal shoulders, edge lines, delineation, advisory signs and removal of and protection from roadside hazards.

The third grant is for safety improvements at Woods Hill Road, Ashton (\$332,200 GST Inclusive) – the scope of works includes improve delineation with Chevron Alignment Markers and speed advisory signs, widening of Tregarthen Road leg of the Woods Hill Road intersection and duplicate signage.

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

RECOMMENDATION

Council resolves:

1. That the report be received and noted.
2. To execute the Funding Deeds as follows:
 - a. 2021-2022 South Australia Black Spot Program – Warren Road, Lucky Hit Road and Martin Hill Road, Birdwood (\$572,000 GST Inclusive)
 - b. 2021-2022 South Australia Black Spot Program – Montacute Road, Montacute (\$1,256,071 GST Inclusive)
 - c. 2021-2022 South Australia Black Spot Program – Woods Hill Road, Ashton (\$332,200 GST Inclusive)
3. The Chief Executive Officer and Mayor are authorised to sign and affix the seal of the Adelaide Hills Council to the respective Funding Deeds under the State Blackspot Program.
4. To approve an increase in the 2021-22 capital expenditure budget of \$1,509,364 (GST Exclusive) offset by \$1,509,364 (GST Exclusive) in capital income for the Road Safety Program Capital project in accordance with the Funding Deeds.
5. That Council notes that in signing the Deed, that \$440,000 (GST Exclusive) will be available to Council in the 2022-23 financial year to complete the intersection improvements at Warren Road, Lucky Hit Road and Martin Hill Road, Birdwood.
6. That the CEO be authorised to write a letter of acknowledgement to the Hon Barnaby Joyce MP, Deputy Prime Minister and Minister for Infrastructure, Transport and Regional Development, thanking the Federal Government for the Blackspot Funding Program.

1. GOVERNANCE

➤ Strategic Management Plan/Functional Strategy/Council Policy Alignment

Strategic Plan 2020-24 – A brighter future

Goal 1	A functional built environment
Objective B4	Sustainable management of our built assets ensures a safe, functional and well serviced community
Priority B4.4	Improve road safety through a safe system approach to road design, construction and maintenance including on-going applications to the State and Federal Road Blackspot program

The submission and acceptance of funding to undertake Road Blackspot program projects directly achieves this Priority of the Strategic Plan.

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

➤ **Legal Implications**

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

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

➤ **Risk Management Implications**

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

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

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

➤ **Financial and Resource Implications**

The submissions are funded by the Federal Government and will result in additional new/upgraded assets for Council. This will result in an increase to our road pavement, safety barrier and traffic control asset classes. This will increase Council's depreciation in the order of \$30 – 40k per annum. Some additional maintenance expenditure will be required to be considered for this additional asset – estimated to be \$20 – 30k per annum. There are no funding costs associated with the grant acceptance however.

Whilst the project increases the operating costs for Council the community benefit of the investments are significant. In addition to the potential reduction in road trauma the total Net Present Value (NPV) of the works to the community is anticipated to be \$8.9m with BCR's ranging from 4.02 to 8.5.

It should be noted that the additional funding has not been included in the *Long Term Financial Plan* (LTFP). Whilst Council has put funding in the LTFP to contribute towards road safety and potential contribution to black spot programs, it is difficult to estimate if and when Council will be successful with funding applications. Therefore, when Council is successful the subsequent maintenance and operational costs have not been included in the cost base of the LTFP.

Council's current adopted LTFP shows modest surpluses for the next 5 years with a stated desire to improve its Operating Surplus Ratio in the target range band of 1% of 5%. As such the future cost impacts of this program will result in increased pressure on the identification of cost savings initiatives and future rate increases to achieve the financial sustainability targets set within the LTFP.

The projects will be delivered within Council's existing resource base.

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

The community will benefit from improved safety on Warren Road, Lucky Hit Road and Martin Hill Road, Birdwood, Montacute Road, Montacute and Woods Hill Road, Ashton.

➤ **Sustainability Implications**

Not applicable.

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

Consultation on the development of this report was as follows:

Council Committees: Not Applicable

Council Workshops: Not Applicable

Advisory Groups: Not Applicable

Administration: Manager Financial Services
Director Corporate Services
Director Infrastructure & Operations
Manager Civil Services

External Agencies: Not Applicable

Community: Not Applicable

2. BACKGROUND

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

Three applications were submitted in October 2020 to the 2021-22 Black Spot Program. Warren Road, Lucky Hit Road and Martin Hill Road, Birdwood, Montacute Road, Montacute and Woods Hill Road, Ashton. All three applications (3 applications only submitted by Council) were successful and fully funded under the Federal Road Blackspot Road Safety Program.

3. ANALYSIS

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

Once Council has signed two copies of both Deeds and returned them to the State Government they are signed by the Minister. The total of \$2,160,271 (GST Inclusive) grant funding will be provided progressively as project milestones are achieved by Council via the Department for Infrastructure and Transport.

4. OPTIONS

Council has the following options:

- I. Council can accept the funding and sign and seal the Funding Deed and reallocate Road Safety Program funding to progress other road safety initiatives (Recommended)
- II. Decline the funding offer (Not Recommended)

5. APPENDIX

- (1) Funding Deeds under Federal Blackspot Program

Appendix 1

Funding Deeds under Federal Blackspot Program



In reply please quote 2020/10812/03

*Enquiries to Ty Edwards
Telephone (08) 8226 8393*

**NETWORK MANAGEMENT
SERVICES**

GPO Box 1533
Adelaide SA 5001

Telephone: 08 8343 2222
Facsimile: 08 8204 8740

ABN 92 366 288 135

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

Dear Mr Aitken

2021/2022 BLACK SPOT PROGRAM

The Australian Government has confirmed the South Australian projects that have been approved for funding under the 2021/2022 Australian Government Black Spot Program.

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

- Intersection Improvements at Warren Road, Lucky Hit Road and Martin Hill Road, Birdwood
 - Minor Staggered right/ left intersection with 'Tear Drop' design
 - Funding in 2021/22 is \$88,000 (GST inclusive) and in 2022/23 is \$484,000 (GST inclusive).
 - Approved total funding: \$572,000 (GST inclusive).
 - Completion by the end of June 2023.
- Safety Improvements of Montacute Road, Montacute
 - Upgrade 8.5km to create consistent environment, seal shoulders, edge lines, delineation, advisory signs and removal of and protection from roadside hazards.
 - Approved funding: \$1,256,071 (GST inclusive).
 - Completion by the end of June 2022.
- Safety improvements at Woods Hill Road, Ashton
 - Improve delineation with Chevron Alignment Markers and speed advisory signs, widening of Tregarthen Road leg of the Woods Hill Road intersection and duplicate signage.
 - Approved funding: \$332,200 (GST inclusive).

- Completion by the end of June 2022.

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

Two copies of the deed are attached.

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

*Mr Ty Edwards
Graduate Engineer
Network Management Services
Department for Infrastructure and Transport
PO Box 1533
ADELAIDE, 5001*

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

For further information regarding project nominations, please contact Mr Ty Edwards on telephone number (08) 8226 8393.

I wish you every success with your approved project.

Yours sincerely



Kerry McConnell
Unit Manager, Road Safety Infrastructure

28th July 2021

Encl. Copies of Funding Deed

FUNDING DEED

under

**2021-2022 COMMONWEALTH INFRASTRUCTURE INVESTMENT
BLACK SPOT PROGRAM**

Project Number	113620-21SA-BS
Location	Intersection of Warren Road, Lucky Hit Road and Martin Hill Road, Birdwood
Project Description	Minor Staggered right/ left intersection with 'Tear Drop' design (2 year project)
Project Funding	\$ 572,000 (GST Inclusive)

between

THE COMMISSIONER OF HIGHWAYS
(Grantor)

and

THE COUNCIL NAMED IN SCHEDULE 1
(Council)

FUNDING DEED

under

**2021-2022 COMMONWEALTH INFRASTRUCTURE INVESTMENT
BLACK SPOT PROGRAM**

Project Number	113624-21SA-BS
Location	Montacute Road, Montacute
Project Description	Upgrade Montacute Road (8.5km section from east of Buffer Zone Track to Marble Hill Road)– Sealed shoulders, edge lines, delineation, advisory signage, removal and protection from roadside hazards
Project Funding	\$ 1,256,071 (GST Inclusive)

between

THE COMMISSIONER OF HIGHWAYS
(Grantor)

and

THE COUNCIL NAMED IN SCHEDULE 1
(Council)

FUNDING DEED

under

**2021-2022 COMMONWEALTH INFRASTRUCTURE INVESTMENT
BLACK SPOT PROGRAM**

Project Number	113631-21SA-BS
Location	Woods Hill Road, Ashton
Project Description	Improved delineation with speed advisory signs Chevron Alignment Markers. Minor widening of the Tregarthen Road leg of the Woods Hill/ Stoney Rise Road Intersection and duplicate stop control signs and approach signage
Project Funding	\$ 332,200 (GST Inclusive)

between

THE COMMISSIONER OF HIGHWAYS
(Grantor)

and

THE COUNCIL NAMED IN SCHEDULE 1
(Council)

**ADELAIDE HILLS COUNCIL
ORDINARY COUNCIL MEETING
Tuesday 28 SEPTEMBER 2021
AGENDA BUSINESS ITEM**

Item: 12.4

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

Subject: Policy Adoption - Privately Funded (Council-led) Code Amendment

For: Decision

SUMMARY

The purpose of this report is to provide the Council with information regarding the process that allows amendments to the Planning and Design Code and present the draft Privately Funded (Council-led) Code Amendment Policy to the Council for consideration and adoption.

The Planning and Design Code (the Code) is a key element of the new planning system, which replaced all Council Development Plans with this single State-wide planning policy document on 19 March 2021.

The *Planning Development and Infrastructure Act, 2016* (the Act), together with other legislative instruments, outline the process for amending the Code. This new Code Amendment process requires the Council to consider how it will approach requests to undertake privately funded Council-led Code Amendments.

The draft Privately Funded (Council-led) Code Amendment Policy progresses the intent of the recently revoked Privately Funded Development Plan Amendments Policy. Although no approaches from private proponents seeking Council undertake a Code Amendment have been received in the new system, it is considered prudent for the Council to be prepared for such requests.

RECOMMENDATION

Council resolves:

1. That the report be received and noted.
 2. With an effective date of 12 October 2021, to adopt the '*Privately Funded (Council-led) Code Amendment Request Policy*' as contained in *Appendix 2*.
 3. That the Chief Executive Officer, or delegate, be authorised to make any formatting, nomenclature, or other minor changes to the Policy prior to the effective date.
-

1. GOVERNANCE

➤ Strategic Management Plan/Functional Strategy/Council Policy Alignment

Strategic Plan 2020-24 – A brighter future

Goal 2	A Functional Built Environment
Objective B2	Preserve and enhance the unique character of the Hills for current and future generations.
Priority B2.3	Proactively work with developers to ensure that built form complements or enhances existing local character whilst preserving the character and amenity of our towns, historic buildings and scenic environment.

A functional built environment is contingent on an effective planning framework that provides guidance to achieve orderly and appropriate land use and built form development outcomes. The recent changes to the development system have made it increasingly important to work with developers to ensure that the components that make the Adelaide Hills Council unique are understood within Council's broader strategic framework and any proposed Code Amendment will need to demonstrate this alignment.

Goal 3	A Prosperous Economy
Objective E2	Provide local infrastructure to drive growth and productivity.
Priority E2.3	Support changes to planning and development that leverages and encourages sustainable economic development.

It will be critical to ensure that policy changes are in step with infrastructure provision both existing and proposed, in order to avoid burdening Council with ad-hoc construction, operation and maintenance requirements and to promote sustainable economic development outcomes. As such, consideration upfront of any infrastructure requirements – both hard and soft, will form a key part of early deliberations of any proposed Code Amendment.

➤ Legal Implications

Planning, Development and Infrastructure Act, 2016 (the Act)

Planning, Development and Infrastructure (General) Regulations, 2017 (the Regulations)

Practice Direction 2 – Preparation and Amendment of Designated Instruments (Practice Direction)

The PDI Act establishes the State Planning Commission as the entity responsible for preparing and maintaining the Planning and Design Code. The PDI Act also sets out the entities which are able to initiate amendments to the Code, including:

- a) the Commission acting on its own initiative or at the request of the Minister for Planning and Local Government; or
- b) with the approval of the Minister, acting on the advice of the Commission -
 - i. the Chief Executive of the Attorney-General's Department; or
 - ii. another agency or instrumentality of the Crown; or
 - iii. a joint planning board; or
 - iv. a council; or
 - v. a provider of essential infrastructure; or

- vi. an infrastructure scheme coordinator; or
- vii. a person who has an interest in land and who is seeking to alter the way in which the Planning and Design Code or a design standard affects that land (e.g. a land owner)

The Regulations and the Practice Guidelines outline how the Code Amendment process must be undertaken.

➤ **Risk Management Implications**

The adoption of a clear and transparent policy will assist Council in managing risks associated with any privately funded Council-led Code Amendments.

Lack of an appropriate guidance framework regarding consideration of requests for privately funded Council-led Code Amendment requests leading to poor or inconsistent decision making.

Inherent Risk	Residual Risk	Target Risk
Medium 3C	Low 1D	Low 1D

Having a policy in place to provide guidance in the assessment of such requests will result in consistent and appropriate decisions.

➤ **Financial and Resource Implications**

The Policy allows for full cost recovery from a private funder and any such terms will be subject to contractual arrangements as outlined in the draft Policy.

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

While the private funder and consultants will manage their own interests, Council will need to manage community engagement and media positions.

➤ **Environmental Implications**

There are no direct environmental implications as a result of approving this policy. However, it is noted that environmental impacts are a key consideration of any Code Amendment.

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

Community consultation was undertaken when the original Privately Funded Development Plan Amendments Policy was developed. Despite the legislative changes no substantive changes have been made to the intent of the new Policy and as such, no community consultation has been undertaken.

Consultation on the development of this report was as follows:

Council Committees: Not Applicable

Council Workshops: Not Applicable

Advisory Groups: Not applicable

Administration: Acting Director Development and Regulatory Services
Manager Development Services

Community: Not Applicable as the original Policy was consulted on and no substantive changes in intent have been recommended.

2. BACKGROUND

At the Special Strategic Planning & Policy Committee Meeting held on 2 October 2019 (Item 7.2), the Privately Funded Development Plan Amendment Policy was adopted but also earmarked to automatically cease and become redundant at the point at which the *Development Act, 1993* was superseded in its entirety by the *Planning, Development and Infrastructure Act, 2016* (as occurred on 19 March 2021). The following was resolved at the meeting:

7.2 Review of Privately Funded Development Plan Amendments Policy

Moved Cr Malcolm Herrmann
S/- Cr Nathan Daniell

SP7/19

The Strategic Planning and Development Policy Committee resolves:

1. That the report be received and noted.
2. With an effective date of 16 October 2019, to revoke the 28 February 2017 'Privately Funded Development Plan Amendments Policy' and to approve the 'Privately Funded Development Plan Amendments Policy' as contained in Appendix 1.
3. That the Chief Executive Officer, or delegate, be authorised to make any formatting, nomenclature or other minor changes to the Policy during the period of its currency.
4. That the Policy is revoked when Sections 24 and 25 of the Development Act 1993 are repealed or the aforementioned Act is superseded in its entirety by the Planning, Development and Infrastructure Act 2016, on or before 1 July 2020.

Carried Unanimously

The new Code Amendment Process is determined by the PDI Act, Regulations and Practice Direction 2 which is contained in **Appendix 1**.

Under the former Development Act 1993, the Minister and councils were the only parties able to undertake Development Plan Amendments. While some aspects of the Code Amendment process are similar to the former Development Plan Amendment process there are also substantial differences, most notably the limitations on Council-led Code Amendments and the flexibility for private proponents to undertake their own Code Amendment to change how the Code affects their land.

The three most common Code Amendments are considered to be led by the following Designated Entities:

- State Planning Commission and Department
- Councils
- Private Proponents

A summary of each corresponding process is provided below, including additional information relevant to the Adelaide Hills Council context.

State Planning Commission and Department Code Amendments

At its meeting on 24 June 2021, the Commission considered the criteria for circumstances when the Commission and Department would undertake Code Amendments. Unfortunately, the criteria has been kept confidential, however Council staff understand that generally the Commission will focus on State-wide strategic matters such as changes affecting multiple councils or introduction of new zones or overlays.

Council Code Amendments

Council-led Code Amendments will typically be limited to changes in the spatial application of zones, overlays (including local heritage places) and some numeric policies such as minimum site areas.

Although the Code is still in the early phases of operation in the greater Adelaide area, Councils are now in a position to consider strategic priorities for future Code Amendments. Council staff are continually reviewing the Code to identify potential refinements and will present priorities and opportunities for future Code Amendments to the Council.

Private Proponent Code Amendments

The ability for private proponents to undertake Code Amendments is one of the most significant changes in the new planning system. Under the former Development Act 1993 process, a land owner or developer was required to request that the Council or Minister undertake a Development Plan Amendment on their behalf. Under the PDI Act, although private Code Amendments require Ministerial approval to proceed and the land owner can still request a council or the State Government to undertake the amendment on their behalf, they are no longer wholly dependent on another agency to undertake the process for them. The options for a land owner or developer who wishes to initiate a Code Amendment is outlined in Figure 1 below.

Figure 1 - Private Code Amendments

<p>Option 1 Developer requests Council undertake a Code Amendment to rezone their land</p>	<p>This may be a privately funded Code Amendment or, if the Council sees strategic merit in undertaking the Amendments, it may be Council funded</p>
<p>Option 2 Developer requests that the Chief Executive officer of the Attorney-General’s Department undertake a Code Amendment to rezone their land</p>	<p>The developer will prepare specialist investigations (e.g. traffic studies) and fund the cost of the Department undertaking the remainder of the process</p>
<p>Option 3 Developer proposes to fully undertake their own Code Amendment Process</p>	<p>The developer must:</p> <ul style="list-style-type: none"> - Provide a declaration of their interest in the land (they cannot undertake an Amendment which affects land they do not have an interest in) - Obtain services form a suitably qualified planner - Consult with the affected council prior to preparing their proposal

A land owner or developer may choose Option 1 or Option 2 if they do not wish to undertake the whole process themselves, or if they wish to rezone a property they do not have an interest in. For example, a developer may own four (4) out of five (5) properties but proposes to rezone all five (5) properties.

3. ANALYSIS

Policy for Privately Funded (Council-led) Code Amendments

As outlined above, the Act enables a private land owner or developer to request a Council to undertake a Code Amendment to change how the Code applies to their property. A similar process was available under the *Development Act, 1993* and, in the past, Council has declined two separate requests to undertake a privately funded Development Plan Amendment. In both instances the revoked Policy was utilised to guide the decision making process.

Given that many Councils and developers have been unable to pursue site-specific rezoning proposals during the reform process, there is potential for an increased appetite from private land owners to undertake a Code Amendment. Although private proponents can now undertake their own amendments, it is considered prudent for Council to be prepared for requests for privately funded Council-led Code Amendments. The existence of such a Policy does not commit Council to enter into privately funded Code Amendment arrangements, conversely a Policy provides a transparent tool for establishing the criteria under which Council may not wish to enter into such arrangements.

There are various factors for Council to consider in determining whether to enter into an agreement for a privately funded Council-led Code Amendment. For instance, Council may consider how the proposed amendment would align with Council and State strategic documents, the net economic, social and environmental benefit of the proposal, any benefits in Council undertaking the amendment rather than a private proponent, and the ability or otherwise for the proponent to undertake the amendment independently. In addition, Council may consider the administrative and governance arrangements which may be required.

The draft Policy contained in **Appendix 2** outlines the process for privately funded Council-led Code Amendments including the principles Council will use to consider the merits of any proposed Code change and the steps which will be followed should Council determine to proceed with the Code Amendment. With the Policy as drafted, it is unlikely Council would enter into an agreement for a privately funded Council-led Code Amendment unless it clearly aligns with Council's strategic interests or projects, where these have been set out in the Strategic Plan 2020-24 – A brighter future and other strategic projects.

4. OPTIONS

Council has the following options:

- I. The Council can endorse the draft Privately Funded (Council-led) Code Amendment Policy contained in **Appendix 2**. (Recommended)
- II. The Council could also determine to not adopt the Policy and instead respond to privately funded Code Amendment requests on an ad-hoc basis. (Not Recommended)
- III. Alternatively, the Council can amend, omit or propose further changes to the draft Policy and subject to these amendments being included, adopt the document.

Should the Council identify the need for substantial amendments to the revised 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 the Council for further consideration.

5. APPENDICES

- (1) Code Amendment Practice Guideline
- (2) Draft Privately Funded (Council-led) Code Amendment Policy

Appendix 1

Code Amendment Practice Guideline

This practice direction is issued by the State Planning Commission under section 42 of the *Planning, Development and Infrastructure Act 2016*.

Introduction

Section 42 of the *Planning, Development and Infrastructure Act 2016* (the Act) allows the State Planning Commission (the Commission) to issue practice directions for the purposes of the Act. Generally, practice directions specify procedural requirements or steps in connection with a matter arising under the Act. In certain cases, the Act requires a particular matter to be addressed or dealt with by a practice direction.

This practice direction is provided by the Commission to support the operation of Part 5 Division 2 Subdivision 5 of the Act with respect to the requirements for:

1. Amendments to the Planning and Design Code (the Code).
2. Engagement required by the Community Engagement Charter (the Charter), which is to be undertaken and reported on under section 73 of the Act.
3. The information requirements for requesting a Complying Change to the Code after completing a Regional Plan under section 75 of the Act.
4. The information requirements for requesting early commencement of a Code Amendment under section 78 of the Act.

Part 1 – Preliminary

1 – Citation

This practice direction may be cited as the *State Planning Commission Practice Direction – 2 Preparation and Amendment of Designated Instruments*.

2 – Commencement of operation

This practice direction will come into operation on the day on which it is published on the SA Planning Portal.

3 – Object of practice direction

The object of this practice direction is to specify:

1. Requirements under section 73 of the Act for the preparation of a proposal to initiate, consult and lodge for approval an amendment to the Code.
2. How, under section 73 of the Act, engagement (as required by the Charter) is to be undertaken and reported on in relation to the preparation or proposed amendment of a designated instrument.
3. Requirements under section 75 of the Act for requesting a complying change to the Code.

4. Requirements under section 78 of the Act for requesting early commencement of a Code Amendment.

4 – Interpretation

In this practice direction, unless the contrary intention appears –

Act means the *Planning, Development and Infrastructure Act 2016*.

Affected Area means an area of land to which a proposed Code Amendment applies.

Charter means the Community Engagement Charter.

Code means the Planning and Design Code.

Code Amendment means an amendment to the Planning and Design Code.

Department means the Attorney General’s Department.

Designated Instrument means the instruments set out in section 70 of the Act.

Designated Entity means a person or entity authorised or approved to prepare a draft of a proposal to prepare or amend a designated instrument under section 73 of the Act.

Local Heritage Criteria means the criteria for designation as a place of local heritage value in the Code, as provided under section 67(1) of the Act.

Proponent means the Chief Executive of the Attorney-General’s Department (the Department), another agency or instrumentality of the Crown, a joint planning board, a council, a provider of essential infrastructure, a scheme coordinator, or a person who has an interest in land, as listed in section 73(2)(b) of the Act.

Proposal to Initiate means a “Proposal to Initiate a Code Amendment” document, prepared in accordance with this practice direction for the purpose of initiation of amendments to the Code under section 73 of the Act.

Private Proponent means a provider of essential infrastructure or a person who has an interest in the land, as listed in section 73(2)(b)(v) or (vii) of the Act.

Significant Tree Criteria means the criteria for declaration of a tree or stand of trees as significant tree(s) in the Code, as provided under section 68(1) of the Act.

Note: Section 14 of the Acts Interpretation Act 1915 provides that an expression used in an instrument made under an Act has, unless the contrary intention appears, the same meaning as in the Act under which the instrument was made.

Part 2 – Consultation for Designated Instruments

5–Preparation of an Engagement Plan (prior to consultation)

- (1) The Designated Entity is responsible for preparing an engagement plan that:
 - (a) meets the principles and performance outcomes of the Charter;
 - (b) describes the persons or bodies to be consulted on the proposed amendment of the Designated Instrument, which must include any persons or bodies:

- (i) required to be consulted with under a condition imposed by the Minister under section 73(5) of the Act;
 - (ii) specified by the Commission under section 73(6)(e) of the Act; and
 - (iii) who must be consulted with under the Charter.
- (c) outlines any relevant previous engagement undertaken to inform the proposal;
- (d) describes the evaluation framework for the engagement.
- (2) All engagement plans which relate to proposed preparation of or amendment to a State Planning Policy or a Regional Plan must be submitted to the Commission for approval prior to commencement of formal engagement on the proposal.
- (3) An engagement plan relating to a proposed amendment to the Code or a Design Standard does not need to be approved by the Commission or the Minister, unless a condition has been imposed by the Minister under section 73(5) of the Act which requires such approval (in which case the condition will apply).

6– Preparation of an Engagement Report (following consultation)

- (1) At the completion of engagement on a proposal to prepare or amend a Designated Instrument, the Designated Entity must provide the Department with:
- (a) if amendments to the proposal are required:
 - (i) written instructions (in a form acceptable to the Department) that set out any changes to the draft Designated Instrument for the purposes of the Department updating and providing the draft policy for inclusion in the draft Designated Instrument; and/or
 - (ii) mapping instructions or a description of the Affected Area (in a form acceptable to the Department) in order to enable the Department to prepare and provide to the Designated Entity, mapping which is suitable for inclusion in the draft Designated Instrument;
 - (b) the updated draft Designated Instrument (once finalised by the Designated Entity, incorporating any amendments); and
 - (c) a final engagement report as required under section 73(7) of the Act and prepared in accordance with these Practice Directions, for the purpose of the Department arranging for the engagement report and draft Designated Instrument to be furnished on the Minister.
- (2) An engagement report required under section 73(7) of the Act must set out:
- (a) details of the engagement undertaken and how that engagement met the engagement plan and reasons for variations (if any) to the engagement plan;
 - (b) the outcome of the engagement including a summary of the written submissions or feedback received;
 - (c) any proposed changes to the proposal to prepare or amend a Designated Instrument (when compared with the proposal that was engaged on) and the reasons for those proposed changes. This should specifically indicate:

- (i) where changes are proposed to the Designated Instrument based on or as a result of the engagement; and
 - (ii) any other changes which are proposed based on or as a result of additional investigations or information which was not available when the proposal was released for engagement.
- (3) The engagement report must also include an evaluation of the effectiveness of the engagement that considers whether:
- (a) the principles of the Charter have been achieved; and
 - (b) all mandatory requirements identified in the Charter have been met (where the consultation category is applicable).
- (4) The engagement report will be placed on the SA Planning Portal by the Department:
- (a) in relation to a regional plan, the Code or a design standard – five business days after the Minister has made a decision on the proposal to prepare or amend the Designated Instrument under section 73(10) of the Act; or
 - (b) in relation to a State Planning Policy – five business days after the Governor has approved the preparation or amendment of a State Planning Policy under section 73(12)(a) of the Act.

Part 3 – Planning and Design Code Amendments

7–Initiating a Code Amendment

- (1) To initiate an amendment to the Code, the proponent must lodge a Proposal to Initiate with the Department via the SA Planning Portal.

- (2) The Proposal to Initiate must set out:

Designated Entity

- (a) With respect to proposals from Private Proponents, a request for either the Private Proponent or the Chief Executive of the Department to be the Designated Entity responsible for undertaking the Code Amendment process.

Professional Expertise

- (b) Where the Private Proponent will be the Designated Entity responsible for undertaking the Code Amendment process, the name, qualifications and experience of practitioner/s that will undertake the Code Amendment process (including any engagement) for or on behalf of the Private Proponent. In this case, the relevant practitioners must have qualifications and experience that is equivalent to an Accredited Professional – Planning Level 1 under the Act.

Code Policy

- (c) An outline of:
- (i) any overlay, general policy, zone or subzones in the Code being proposed for amendment; and/or

- (ii) the intended spatial application of an overlay, general policy, zone or subzone in the Code over an identified area.

Affected Area

- (d) A map or description of the Affected Area.

State Planning Policies

- (e) Identification of the relevant principles or objectives of the State Planning Policies and an assessment of the proposed Code Amendment's alignment with those State Planning Policies.

Regional Plan

- (f) Identification of relevant regional plans and assessment of how the matters or issues proposed to be addressed by the proposed Code Amendment will relate to the relevant regional plan.

Consultation

- (g) Evidence that the Private Proponent has undertaken preliminary consultation with the Chief Executive Officer of the relevant Council and/or with a relevant Joint Planning Board on the Proposal to Initiate and details of any matters raised on the Proposal to Initiate as a result. If consultation with the Chief Executive Officer of the relevant Council or with the relevant Joint Planning Board has not been undertaken by the Private Proponent, consultation will be undertaken by the Department.
- (h) Information regarding any consultation that has already occurred with respect to the proposed Code Amendment.
- (i) Details of further consultation proposed to be undertaken with respect to the proposed Code Amendment.

Investigations

- (j) Information regarding any investigations which have already been undertaken with respect to the proposed Code Amendment.
- (k) An outline of the further investigations that will be undertaken to support the proposed Code Amendment.
- (l) Details of any infrastructure required to support development arising through proposed Code Amendment and how the infrastructure will be provided.
- (m) Details of any infrastructure agreement (or agreements) or infrastructure scheme which will need to be established or entered into in connection with the proposed Code Amendment.

Timetable

- (n) An outline of the proposed timetable for each step of the Code Amendment process (ensuring that the process is completed within reasonable time limits), and a commitment from the Proponent (where it is also the Designated Entity) that it will take steps to update the timetable and seek approval from the Department if it appears that timeframes will not be met.

- (3) To initiate a Code Amendment which is intended to designate a place as a place of local heritage value, the Proponent must provide a report which:
 - (a) includes a heritage datasheet for each proposed Local Heritage Place, which includes:
 - (i) all relevant property details and descriptions (including images);
 - (ii) historical background and thematic analysis;
 - (iii) a statement of heritage value;
 - (iv) an assessment against the Local Heritage Criteria; and
 - (v) the extent of listing (including any exclusions).
 - (b) includes an analysis of historic themes of importance to the area;
 - (c) is prepared by a heritage architect, historian or person with similar qualifications, skills or experience; and
 - (d) is otherwise prepared in accordance with any guidelines prepared and published by the Commission under section 67(2)(c) of the Act.
- (4) To initiate a Code Amendment which is intended to designate a tree (or stand of trees) as a significant tree (or trees), the Proponent must provide a report which:
 - (a) includes relevant details and descriptions of the tree or stand of trees (including images as necessary).
 - (b) includes an assessment of the tree (or stand of trees) against the Significant Tree Criteria;
 - (c) is prepared by an urban planner, arborist or person with qualifications, skills or experience relevant to the assessment in the report.

8–Preparation of a draft Code Amendment (prior to consultation)

- (1) Where the Designated Entity is any party other than the Commission or the Chief Executive of the Department, then prior to consultation occurring on a draft Code Amendment, the Designated Entity must:
 - (a) carry out investigations and obtain such information:
 - (i) as provided in the Proposal to Initiate approved by the Minister;
 - (ii) as required under any conditions imposed by the Minister under section 73(5)(b) of the Act; and
 - (iii) as specified by the Commission under sections 73(6)(e) or 73(6)(f) of the Act;
 - (b) provide the Department with:
 - (i) written instructions (in a form acceptable to the Department) that set out the intent of the proposed Code Amendment for the purposes of the Department writing the draft policy for inclusion in the draft Code Amendment; and

- (ii) mapping instructions or a description of the Affected Area (in a form acceptable to the Department) in order to enable the Department to prepare and provide to the Designated Entity, mapping which is suitable for inclusion in the draft Code Amendment;
 - (c) prepare the draft Code Amendment in accordance with the approved Proposal to Initiate and any conditions imposed by the Minister under section 73(5)(b) of the Act and the requirements of this Practice Direction;
 - (d) provide the Department with written instructions (in a form acceptable to the Department) to prepare the SA Planning Portal for consultation on the draft Code Amendment; and
 - (e) provide the Department with the engagement plan prepared (and approved, if required) under these Practice Directions, for the purpose of the Department publishing the engagement plan on the SA Planning Portal.
- (2) Where an engagement plan is amended by a Designated Entity during any period of consultation or at any time prior to finalisation of the engagement report under these Practice Directions, the Designated Entity will provide the Department with the engagement plan (as updated) for the purpose of the Department publishing the updated engagement plan on the SA Planning Portal.

9–Requirements for a draft Code Amendment

- (1) A draft Code Amendment must be supported by the following information:
 - (a) an explanation of the current code policy as it applies to the Affected Area (at the time of preparation of the draft Code Amendment);
 - (b) an explanation of the amendments to the Code policy proposed for the Affected Area;
 - (c) an assessment of the strategic planning outcomes intended to be achieved through the draft Code Amendment, including an analysis of the consistency of the draft Code Amendment with the relevant provisions of State Planning Policies, the Regional Plan and any other relevant strategic plans;
 - (d) a summary and explanation of the investigations undertaken and how these support the draft Code Amendment; and
 - (e) an explanation of any infrastructure or services required to support development facilitated by the proposed Code Amendment, and an explanation of how and when the infrastructure will be provided.

10–Objectors to local heritage listings

- (1) In the case of a Code Amendment that proposes to designate a place as a Local Heritage Place under section 67(1) of the Act, the Commission will give the owner of the land (if an objection was received) reasonable opportunity to make a submission to the Commission on the proposed designation.

11–Complying Changes to the Code

- (1) A request for the Minister to agree to a complying change to the Code under section 75 of the Act must be provided to the Department and must include the following information:

- (a) description of the relevant recommendations in the Regional Plan which relate to the proposed Code Amendment, including any specific maps or other specific information which clearly and expressly identify the changes relevant to the proposed Code Amendment;
- (b) a summary of any consultation which has occurred in accordance with the Charter in relation to the proposed Code Amendment or the relevant Regional Plan. This should include a copy of the engagement report prepared for the relevant Regional Plan and any additional consultation that has occurred for the proposed Code Amendment;
- (c) written instructions (in a form acceptable to the Department) that set out the intent of the proposed Code Amendment for the purposes of the Department writing the draft policy for inclusion in the draft Code Amendment; and
- (d) mapping instructions or a description of the Affected Area (in a form acceptable to the Department) in order to enable the Department to prepare and provide to the Designated Entity, mapping which is suitable for inclusion in the draft Code Amendment.

12–Early Commencement of a Code Amendment

- (1) A request for early commencement of a Code Amendment under section 78 of the Act must be provided to the Department and must include:
 - (a) explanation, justification and evidence as necessary to demonstrate how early commencement of the Code Amendment is:
 - (i) necessary in the interest of the orderly and proper development of an area of the state; and
 - (ii) required in order to counter applications for undesirable development (which should identify possible future development that would detract from or negate the object of the proposed Code Amendment) ahead of the outcome of consideration of the Code Amendment;
 - (b) written instructions (in a form acceptable to the Department) that set out the intent of the proposed Code Amendment for the purposes of the Department writing the draft policy for inclusion in the draft Code Amendment; and
 - (c) mapping instructions or a description of the Affected Area (in a form acceptable to the Department) in order to enable the Department to prepare and provide to the Designated Entity, mapping which is suitable for inclusion in the draft Code Amendment.

Practice Direction 2 *Preparation and Amendment of Designated Instruments* issued by the Commission on 1 April 2021 is revoked.


Issued by the State Planning Commission on 27 May 2021

Version 4: Commences operation on 27 May 2021
 Version 3: Commences operation on 1 April 2021
 Version 2: Commenced operation on 28 November 2019
 Version 1: Commenced operation on 9 August 2018

Appendix 2

Draft Privately Funded (Council-led) Code Amendment Policy

COUNCIL POLICY

 <p>Adelaide Hills COUNCIL</p>	<h2>Privately Funded (Council-led) Code Amendments</h2>
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Policy Number:	The Governance team will allocate the policy number.
Responsible Department(s):	Development and Regulatory Services
Relevant Delegations:	Nil
Other Relevant Policies:	Nil
Relevant Procedure(s):	Nil
Relevant Legislation:	Planning , Development & Infrastructure Act 2016
Policies and Procedures Superseded by this policy on its Adoption:	Nil
Adoption Authority:	Council
Date of Adoption:	Entered Administratively
Effective From:	Entered Administratively
Minute Reference for Adoption:	Entered Administratively
Next Review:	No later than October 2024 or as required by legislation or changed circumstances

Version Control

Version No.	Date of Effect	Description of Change(s)	Approval

DRAFT

PRIVATELY FUNDED (COUNCIL-LED) CODE AMENDMENT POLICY

1. INTRODUCTION

- 1.1 Section 73(2) of the Planning Development & Infrastructure Act 2016 (PDI Act) allows a range of designated entities to propose to amend a designated instrument including the Planning and Design Code (the Code).
- 1.2 Section 73(9) of the PDI Act allows Councils to enter into agreement with a person for the recovery of costs incurred in relation to a Code Amendment.
- 1.3 This Policy outlines the process which will be applied by the Council in determining how to respond to a request for a privately funded Council-led Code Amendment, as well as the process for undertaking and recovering costs associated with the Code Amendment, should the Council resolve to proceed.
- 1.4 This Policy Applies in addition to any other statutory requirements or processes relating to Code Amendments which may apply, including but not limited to requirements outlined in:
 - 1.4.1 Planning Development and Infrastructure Act 2016 (The Act)
 - 1.4.2 Planning Development and Infrastructure (General) Regulations 2017 (the Regulations)
 - 1.4.3 Practice Direction 2 – Preparation and Amendment of Designated Instruments (Practice Direction)
 - 1.4.4 State Planning Commission – Community Engagement Charter

2. OBJECTIVES

- 2.1 To establish a consistent and transparent process for dealing with requests for privately funded Council-led Code Amendments and should the Council elect to proceed with such a request, the process for conducting and recovering costs for the Code Amendment.

3. DEFINITIONS

- 3.1 **“Applicant”** - a person or entity requesting that the Council enter into a privately-funded Code Amendment
- 3.2 **“private funder”** - an Applicant, if and when the Council has resolved to proceed with the Code Amendment process
- 3.3 **“third party”** - a person or entity other than the Adelaide Hills Council, including but not limited to the State Planning Commission, the Minister for Planning and Local Government, another Council(s), a private land owner or developer, or other agency or entity
- 3.4 **“adjacent land”** - land which is abutting the Adelaide Hills Council Local Government Area boundary or is separated only by a road, reserve or similar

4. POLICY STATEMENT

Requests to Conduct a Privately Funded Code Amendment

- 4.1 Requests for Council to undertake a privately funded Code Amendment must be made in writing to the Chief Executive Officer. The request must provide a Statement of Justification outlining the need for a privately funded Code Amendment and will include:
- 4.1.1 Identification of the land subject to the Code Amendment
 - 4.1.2 Identification of the current ownership of the subject land, and if the applicant is not the owner, the applicant's relationship to the land
 - 4.1.3 The reason why Council is being asked to undertake the Code Amendment
 - 4.1.4 The outcomes being sought by the policy change proposed in the Code Amendment
 - 4.1.5 Analysis of the proposal against the Principles outlined in 4.4 below, and
 - 4.1.6 Acknowledgement of the requirements to enter into a Deed of Agreement prior to the commencement of investigations, and to fund the costs associated with the Code Amendment.
- 4.2 The Council may request the applicant to provide other information in addition to the Statement of Justification in support of the proposal.

Principles for Considering a Privately Funded Code Amendment

- 4.3 In determining whether or not the Council should enter into an agreement for a privately funded Code Amendment, the Council will first consider the strategic merits of the proposed Code change, including (but not limited to):
- 4.3.1 Whether the intent of the Code Amendment aligns with the relevant State Planning Policies, the relevant Regional Plan (including the current 30 Year Plan for Greater Adelaide in the absence of any Regional Plan established under the Act) and any relevant Subregional plan, including whether the affected area has been spatially identified in the Regional Plan as appropriate for the intended change.
 - 4.3.2 Whether the intent of the Code Amendment aligns with the Council's strategic objectives and any other relevant Council strategies, plans, policies or design frameworks and guidelines.
 - 4.3.3 Whether the proposed policy change has considerable social, economic and/or environmental impact or merit.
 - 4.3.4 Whether the proposed policy change will affect a broad or limited cross section of the community.
 - 4.3.5 Whether the existing Planning and Design Code policies unnecessarily restrict appropriate development on the site and/or are considered out of date and in need of review.
- 4.4 If the Council considers the intent of the Code Amendment demonstrates strategic merit in line with the above principles, the Council will then consider the resourcing and logistical implications of the intended Code Amendment, including (but not limited to):
- 4.4.1 The Council's capacity to undertake the Code Amendment including the required timing and administrative/management resources.
 - 4.4.2 The feasibility of the Applicant undertaking their own Code Amendment and any potential benefits or implications of the Council conducting the Code Amendment rather than the Applicant.
 - 4.4.3 Whether the Minister has previously considered the same or similar Code Amendment request and the outcome of that consideration.
 - 4.4.4 The level of potential risks to the Council in proceeding with the Code Amendment

Consideration and Management of Requests

- 4.5 A decision to proceed with or reject a request to undertake a privately-funded Council-led Code Amendment will be the decision of the Council.
- 4.6 The Council is not obligated to undertake a Code Amendment as requested or in the form requested by the Applicant.
- 4.7 The reasons for proceeding with or rejecting a proposed privately-funded Code Amendment will be provided in writing to the Applicant.

Obligations of Council and the Private Funder

- 4.8 If the Council agrees to proceed with the Code Amendment and the Applicant agrees to enter into a Deed of Agreement and fund the costs associated with the Code Amendment, then:
 - 4.8.1 The Council becomes the proponent for the entirety of the Code Amendment process, and
 - 4.8.2 The Applicant becomes the private funder.
- 4.9 The Council will manage the Code Amendment process as outlined in Section 73 of the Act (subject to any alternative arrangements as agreed between the Council and the private funder on a case by case basis).
- 4.10 The Council maintains ultimate control of the Code Amendment process and reserves the right to cease proceeding with the Code Amendment at any stage without entitlement for the private funder to recover costs.
- 4.11 The Council does not and cannot give any assurances as to the outcome of the Code Amendment.
- 4.12 At all stages the Code Amendment documentation will declare the private funding arrangement.

Funding and Legal Arrangements

- 4.13 To facilitate the process and to detail the obligations of each party, the Council will require an agreement be entered into between the Council and the private funder before submitting the Code initiation documentation to the Minister. The Council will determine the form of the agreement, which may include the following terms and provisions:
 - 4.13.1 the roles of the parties, legal requirements and procedures, and project and financial management
 - 4.13.2 detail of the Code Amendment including the area to be covered, the purpose of the Amendment and what the investigations will encompass
 - 4.13.3 that the Council maintains control of the Code Amendment process, in that key stages are presented to the Council for consideration and endorsement prior to proceeding with the next stage
 - 4.13.4 that the management of the process will be undertaken according to Council priorities, meeting schedules and timeframes
 - 4.13.5 that the Council may outsource part(s) of the process to a suitably qualified consultant engaged through the Council's procurement policy
 - 4.13.6 that the ultimate decision to approve or refuse the Code Amendment rests with the State Planning Commission and the Minister
 - 4.13.7 detail what may happen if the Code Amendment is either not approved, or approved with amendments that may not suit the private funder
 - 4.13.8 the Code Amendment process will proceed at the expense of the private funder, including any legal costs associated with the process including drafting the legal agreement, legal review, legal proceedings or judicial review proceedings.

5. DELEGATION

5.1 The Chief Executive Officer has the delegation to:

- Approve, amend and review any procedures that shall be consistent with this Policy; and
- Make any formatting, nomenclature or other minor changes to the Policy during the period of its currency.

6. AVAILABILITY OF THE POLICY

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

DRAFT

**ADELAIDE HILLS COUNCIL
ORDINARY COUNCIL MEETING
Tuesday 28 September 2021
AGENDA BUSINESS ITEM**

Item: 12.5

Responsible Officer: Steven Watson
A/Executive Manager Governance & Performance
Office of the Chief Executive

Subject: Policy Review - Mayor Seeking Legal Advice Policy

For: Decision

SUMMARY

Council adopted the *Mayor Seeking Legal Advice Policy* (the Policy) in June 2011 based on a template developed by the Local Government Association.

In September 2015 the (now defunct) Strategic Planning & Development Policy Committee (SPDPC) reviewed the Policy and made a number of minor changes.

The review of the Policy was scheduled for September 2018 however this has been held over pending the potential for changes arising from the Local Government Legislative Reform Program. Now that there is clarity in the new legislative provisions, the periodical review of the Policy can be completed.

The purpose of this report is for Council to consider the draft Policy for adoption.

RECOMMENDATION

Council resolves:

- 1. That the report be received and noted**
 - 2. With an effective date of 11 October 2021, to revoke the 8 September 2015 *Mayor Seeking Legal Advice Policy* and to adopt the draft 28 September 2021 *Mayor Seeking Legal Advice Policy* as contained in *Appendix 1*.**
 - 3. That the Chief Executive Officer be authorised to make any formatting, nomenclature or other minor changes to the 28 September 2021 *Mayor Seeking Legal Advice 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 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.

The circumstances under which the Policy would be activated are serious and therefore it is important that there is appropriate clarity and accountability in its use.

➤ Legal Implications

Sections 6 to 8 inclusive of the *Local Government Act 1999* (the Act) sets out the role, functions and objectives of a council. Sections 58 and 59 of the Act set out the specific roles of a principal member (Mayor) and the roles of all members of councils.

Section 78A of the Act provides that the regulations may establish a scheme under which a member of a council may directly obtain legal advice at the expense of the council to assist the member in performing or discharging official functions or duties. To date no regulations have been made to create such a scheme however this does not preclude Council from adopting the revised Policy.

The *Statutes Amendment (Local Government Review) Act 2021* (the “Amendment Act”) was assented to by the Governor on 17 June 2021. Section 41 of the Amendment Act will repeal Section 78A of the Act when it comes into effect, which is forecast to occur in September 2021. Nevertheless, the Council is not precluded from having a Policy.

➤ Risk Management Implications

The revision of the policy piece regarding the mayor seeking legal advice under specific circumstances which 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 resource implications of administering the Policy are accommodated in the current Governance & Performance Department budget.

The provision and delegation of expenditure by the Mayor on legal advice is detailed in the Policy.

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

There is a reasonable community expectation that Council is able to access appropriate legal advice to enable it to discharge its roles and functions.

➤ **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 Members: Mayor Wisdom
Deputy Mayor Daniell

Advisory Groups: Not Applicable

Workshops: Not Applicable

Administration: Executive Manager Governance & Performance
Procurement Coordinator
Team Leader Information Management

External Agencies: Not Applicable

Community: Not Applicable

2. **BACKGROUND**

Council first adopted the *Mayor Seeking Legal Advice Policy* in June 2011 based on a template developed by the Local Government Association.

In September 2015 the (now defunct) Strategic Planning & Development Policy Committee (SPDPC) reviewed the Policy and made a number of minor changes.

The review of the Policy was scheduled for September 2018 however this was held over pending the potential for changes arising from the Local Government Legislative Reform Program.

3. ANALYSIS

As discussed in the 'Legal Implications' section above, provisions in the Act relating to Council Members obtaining legal advice will likely be repealed in September 2021 however this does not preclude the Council from continuing a policy position to provide clarity and accountability to specific situations under which it would be appropriate for the Mayor to directly seek legal advice

The author is not aware of any instances that the provisions of the Policy have been accessed.

The draft Policy (**Appendix 1**) has been reviewed with the following changes proposed (in tracked changes format):

- a. While this Policy can be conducted in accordance with the provisions of the *Procurement Policy*, procedural elements of the underlying *Procurement Framework* cannot be complied with due to the Mayor not having access to procurement methods such as purchase cards or purchase order system. As such clause 6.1 has been amended to '*The procurement of legal advice under this Policy must be conducted in accordance with Council's Procurement Policy although procedural elements of the Procurement Framework will not be able to be complied with contemporaneously*'.
- b. Due to the availability of knowledgeable and experienced governance professionals (who would take carriage of any ongoing matter), the delegation to the Mayor in clause 8.1 is proposed to be reduced from \$10,000 to \$5,000 and clarified to be 'per matter'.
- c. All other proposed changes are very minor, mainly nomenclature.

4. OPTIONS

Council has the following options:

- I. To revoke the current Policy and adopt the revised Policy as amended and attached (Recommended)
- II. To alter or substitute elements of the revised Policy (Not Recommended).
- III. To revoke the current Policy and not adopt a policy position going forward (Not Recommended).

Should the Council identify the need for substantial amendments to the revised 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 the Council for further consideration.


5. APPENDIX

- (1) *Mayor Seeking Legal Advice Policy – September 2021 (draft)*

Appendix 1

*Mayor Seeking Legal Advice Policy –
September 2021 (draft)*

COUNCIL POLICY

 <p>Adelaide Hills COUNCIL</p>	MAYOR SEEKING LEGAL ADVICE
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Policy Number:	CM-03
Responsible Department(s):	Governance & Performance
Relevant Delegations:	As per the Delegations Register and as detailed in this Policy
Other Relevant Policies:	Council Member Conduct Council Member Allowances & Support Procurement
Relevant Procedure(s):	Nil
Relevant Legislation:	<i>Local Government Act 1999</i>
Policies and Procedures Superseded by this policy on its Adoption:	8 September 2015, SPDPC, Item 12.2, 44
Adoption Authority:	Council
Date of Adoption:	<i>To be added administratively</i>
Effective From:	<i>To be entered administratively</i>
Minute Reference for Adoption:	<i>To be entered administratively</i>
Next Review:	No later than September 2024 or as required by legislation

Version Control

Version No.	Date of Effect	Description of Change(s)	Approval
1.0	28/6/2011	Initial Policy	Council - Res 205
1.1	8/9/2015	Nomenclature and legislative updates and creation of a procurement delegation to the Mayor (for procuring legal advice only)	SPDPC – Res 44
1.2	<i>To be entered administratively</i>		<i>To be entered administratively</i>

DRAFT

MAYOR SEEKING LEGAL ADVICE POLICY

1. INTRODUCTION

- 1.1 As a general rule, any legal advice obtained on behalf of a Council will occur through the [Chief Executive Officer \(CEO\)](#) or be authorised by the CEO through delegation or a Council resolution.
- 1.2 A CEO of a Council is responsible for the implementation of lawful Council decisions and for the overall administration and budget management of the Council. However, there may be limited circumstances where it is not appropriate or not possible for a Council to obtain legal advice through the CEO.

2. OBJECTIVES

- 2.1 This Policy is designed to set out Council's position in relation to the circumstances in which the Mayor is authorised to seek legal advice independently of the CEO.

3. SCOPE

- 3.1 This Policy applies to all Council Members, who each have an obligation to abide by this Policy.

4. LEGISLATION

- 4.1 Sections 6 to 8 inclusive of the *Local Government Act 1999* (the Act) sets out the role, functions and objectives of a council. Sections 58 and 59 of the Act set out the specific roles of a principal member (Mayor) and the roles of all members of councils.
- 4.2 Section 137 of the Act authorises a council to expend its funds, viz:

"Subject to this or another Act, a council may expend its funds as the council thinks fit in the exercise, performance or discharge of its powers, functions or duties under this or other Acts."

5. POLICY STATEMENT

- 5.1 In circumstances in which it is not possible or appropriate for the CEO to seek legal advice, the Mayor should, ideally, seek a Council resolution to obtain legal advice. However, where this is not possible, the Mayor may seek the advice independently as set out below.

5.2 Urgent matters relating to a Council Meeting if the CEO is unavailable

- 5.2.1 While the CEO and senior staff have a [good-workingcomprehensive](#) knowledge of Council meeting procedures, matters may arise from time to time which require an urgent legal opinion.

5.2.2 Where legal advice is required in the absence of the CEO and appropriate senior staff:

- a. The Mayor may seek legal advice in situations in which a response is required urgently, including for an imminent Council meeting or other urgent matter;
- b. Any legal advice obtained in this way will be reported to the Council at the earliest available meeting (which may be conducted 'in confidence' for this purpose under section 90(3)(h) of the *Local Government Act 1999*);
- c. The legal advice will also be provided to the CEO [at the earliest opportunity](#) (unless this is not appropriate – see below).

5.3 The legal advice relates to the CEO or the exercise of the CEO's powers

5.3.1 In circumstances where Council is to consider a matter related to the CEO (e.g. urgent [CEO](#)-employment related issues or where the Council is investigating a failure by the CEO to comply with a resolution of Council or where a matter relates to the exercise of a CEO's powers) and it is the view of the Mayor that the consideration of this matter by the Council should occur with the benefit of legal advice:

- a. The advice will be obtained as a matter of administrative necessity¹ by the Mayor to ensure the legality of the Council's actions and decisions. The Mayor may confer with relevant senior Council staff where the legal advice relates to the CEO's employment or other personal matter;
- b. The Mayor may confer with [other](#) relevant senior Council staff if the matter concerns an issue that is not confidential to the CEO, such as a conflict of interest matter relating matters disclosed in the register of interests;
- c. The Mayor will keep the Council fully informed of any advice obtained on behalf of the Council and advise members of the advice received at the next available meeting;
- d. Where the Mayor has obtained the advice other than in accordance with a Council resolution Council should, as a matter of caution, retrospectively endorse the Mayor's decision to obtain the advice.

6. PROCUREMENT PROCESSES

6.1 The procurement of legal advice under this Policy must be conducted in accordance with Council's *Procurement Policy* [although procedural elements of the Procurement Framework will not be able to be complied with contemporaneously.](#)

7. RECORD KEEPING AND CONFIDENTIAL DOCUMENTS

7.1 Where the Mayor obtains legal advice relating to the CEO or the exercise of the CEO's powers, and it is not appropriate to provide that advice to the CEO, the advice must be placed in the records management system in such a way as to ensure that it cannot be

¹ The concept of 'administrative necessity' has been judicially considered in relation to the exercise of public power and is based on the reasoning that there may be circumstances where the person upon whom that power has been conferred (or a delegate) is unable to exercise the power, in which case, the exercise of that power by another (without delegated authority) is justified at law

accessed by the CEO. This procedure will also apply to other documents relevant to the matter which, in the opinion of the Council, should be kept confidential.

- 7.2 The documents will be made accessible only to the Mayor and the [Records Supervisor Team Leader Information Management](#) or subject to the direction of the Mayor or a resolution of Council. These restricted access records will be maintained in accordance with the *State Records Act 1997* and will remain subject to assessment as part of any relevant application made under the *Freedom of Information Act 1991*.

8. DELEGATION

- 8.1 Council makes the following delegations:

- a. The Mayor has the delegation to procure legal services to the value of \$~~105~~100,000 (GST exclusive) [per matter](#).
- b. The Chief Executive Officer has the delegation to approve, amend and review any procedures that shall be consistent with this Policy and
- c. The Chief Executive Officer has the delegation to make any formatting, nomenclature or other minor changes to the Policy during the period of its currency

9. AVAILABILITY OF THE POLICY

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

**ADELAIDE HILLS COUNCIL
ORDINARY COUNCIL MEETING
Tuesday 28 September 2021
AGENDA BUSINESS ITEM**

Item: 12.7

Responsible Officer: David Collins
Manager Strategic Assets
Infrastructure & Operations

Subject: Policy Review - Directional Signage

For: Decision

SUMMARY

The purpose of this report is to present the revised *Directional Signage Policy* for Council's consideration.

The existing policy is working well and the draft revised policy contains only minor amendments, including the application form as an Appendix to the policy document.

In addition the policy clarifies that a consistent finger board style will be used for Street Name Signs.

RECOMMENDATION

Council resolves:

1. That the report be received and noted.
 2. With an effective date of 12 October 2021, to revoke the 12 March 2019 *Directional Signage Policy* and to adopt the draft September 2021 *Directional Signage Policy*.
 3. That the Chief Executive Officer be authorised to make minor content, grammatical and formatting amendments to the *Directional Signage Policy* prior to the effective date of adoption as contained in Appendix 1.
-

1. GOVERNANCE

➤ Strategic Management Plan/Functional Strategy/Council Policy Alignment

Strategic Plan 2020-24 – A brighter future

Goal 1 A functional Built Environment

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

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

➤ Legal Implications

Not applicable.

➤ Risk Management Implications

The ongoing adoption of a Directional Signage Policy will assist in mitigating the risk of:

Poor governance practices occurring through inconsistent approaches being applied to requests for directional signage which may lead to a loss of customer confidence and proliferation of signage, reducing the effectiveness of signage and detracting from the amenity of the area.

Inherent Risk	Residual Risk	Target Risk
Medium (3C)	Low (1E)	Low (1E)

➤ Financial and Resource Implications

An annual budget is provided for maintenance and replacement of damaged signage across the district. The adoption of the revised policy will not add further burden to the operating budget.

The costs associated with directional signs for commercial premises are recovered from the business prior to purchasing materials and undertaking the installation.

➤ Customer Service and Community/Cultural Implications

Customers have access to the *Directional Signage Policy* and are informed of the rationale for decisions regarding signage. The *Directional Signage Policy* provides a consistent approach to the placement of signage throughout the district and assists staff to make determinations when requests are received.

➤ **Sustainability Implications**

The use of predominantly aluminium signage ensures longevity and has excellent recycling ability.

➤ **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: Acting Manager Economic Development
Technical Officer, Civil Operations
Coordinator Civil Operations
Manager Civil Services
Manager Strategic Assets
Manager Development Services

External Agencies: Not Applicable

Community: Due to minimal changes being recommended to the existing policy, no public consultation is being proposed

2. **BACKGROUND**

The *Directional Signage Policy* provides a clear set of criteria and guidelines for the provision of various forms of directional signage. Application of the Policy should be consistent with the *South Australian "Road Sign Guidelines"* for roads under the care and control of the state road authority. This will ensure that visitors receive a consistent message as they travel across the state between different areas.

12.11 **Directional Signage Policy Review**

Action: CEO to provide advice to Council as to whether a directional sign on a DPTI road would require DPTI or Council approval.

9.56pm Cr Parkin left the Chamber

9.56pm Cr Osterstock left the Chamber and did not return

Moved Cr John Kemp

S/- Cr Linda Green

41/19

Council resolves:

- 1. That the report be received and noted.**
- 2. With an effective date of 12 March 2019, to revoke the 22 September 2015 Directional Signage Policy and to adopt the draft February 2019 Directional Signage Policy.**
- 3. That the Chief Executive Officer be authorised to make minor content, grammatical and formatting amendments to the Directional Signage Policy prior to the effective date of adoption.**

Carried Unanimously

Note that the CEO provided the following advice on the 11/4/2019 in follow-up to the question regarding directional signs on DPTI roads.

‘Council may, with the approval of the Commissioner in each instance, install signs adjacent to a highway that are of benefit or information to the public.’

This advice regarding directional signs on Department for Infrastructure and Transport roads remains the same.

3. ANALYSIS

The policy document has been reviewed and in reviewing the existing policy it became apparent that an inconsistency was being applied based on historic signing of street names across the Council area.

The policy had previously stated the use of Black on White for Street Name Signs, however, given that a number of the existing street name signs were white lettering on green, these have been being replaced when damaged or faded with the same colour combination.

Discussion with the operational area of Council indicates that the use of the standard black lettering on white finger board style Street Name Signs will reduce the long term cost of replacement of these signs.

Hence, whilst the policy is not changing, Council and the community will potentially notice that the colour of these street name signs may change when it next needs to be replaced. However, this will happen very gradually over time as the existing signs reach the end of their life or are damaged and need replacement.

It is worth noting that the intention of white lettering on green signs is for the purpose of providing directional signage for commercial facilities as per the policy position.

4. OPTIONS

Council has the following options:

- I. Approve the proposed revised Directional Signage Policy (recommended).
- II. To determine to amend or alter elements of the Directional Signage Policy. (Not Recommended)

Should the Council identify the need for substantial amendments to the revised 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 the Council for further consideration.

5. APPENDIX

- (1) Directional Signage Policy

Appendix 1
Directional Signage Policy

COUNCIL POLICY

 <p>Adelaide Hills COUNCIL</p>	DIRECTIONAL SIGNAGE
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Policy Number:	INF-07
Responsible Department(s):	Strategic Assets
Relevant Delegations:	As per the Delegations Register and as detailed in this Policy
Other Relevant Policies:	None
Relevant Procedure(s):	None
Relevant Legislation:	<i>Local Government Act 1999</i> <i>Local Government (Procedures at Meetings) Regulations 2014</i>
Policies and Procedures Superseded by this policy on its Adoption:	22 September 2015, Item 14.4, P140
Adoption Authority:	Council
Date of Adoption:	<i>To be entered administratively</i>
Effective From:	<i>To be entered administratively</i>
Minute Reference for Adoption:	To be entered administratively
Next Review:	No later than October 2024 or as required by legislation or changed circumstances

Version Control

Version No.	Date of Effect	Description of Change(s)	Approval
<i>1.1</i>	<i>25/2/2020</i>	<i>Amendments to clause 4.10 to provide consistency with changes to Council Petitions Policy</i>	<i>Council - Res 47/20</i>
1.1	24/8/2021	Policy Revision	

DIRECTIONAL SIGNAGE POLICY

1. INTRODUCTION

- 1.1 The Directional Signage Policy (the Policy) provides principles and guidelines for the provision of directional signage to enable motorists and other road users to find their way around the district in an efficient and convenient manner.

2. OBJECTIVES

- 2.1 The objectives of the Policy are:

- To provide road directional signage that enables motorists and other road users to find their way around the district in an efficient and convenient manner.
- To ensure directional signage does not contain advertising for any particular facility or business, but are purely directional in nature.
- To prevent a proliferation of signs that may reduce the effectiveness of the signage or detract from the amenity of the area.
- To provide a standard approach to road signage throughout the district.

3. DEFINITIONS

Not applicable.

4. POLICY STATEMENT

The following reflects the Council's position in respect to assessing requests for new directional signage:

- 4.1 Application of the Policy should be consistent with the South Australian "Road Sign Guidelines" for roads under the care and control of the state road authority.
- 4.2 Directional signage located in road reserves should be limited to the following:
- Township directional signs
 - Street name signs
 - Emergency services signs
 - Tourist attractions signs
 - Tourist service signs
 - Community facility signs, such as recreation facilities, churches, schools, etc.
 - Commercial facility signs.
- 4.3 The priority of placement of signs on an intersection signpost shall be in the order as listed above.
- 4.4 Where more than one sign of any particular category is fixed to a post, the closest facility or destination shall be fixed in the higher position, with other signs fixed in descending order.
- 4.5 No sign may be erected on the road without the consent of the Council or delegate.
- 4.6 There should be no more than six signs in total at any road intersection or junction.

-
- 4.7 Signs should be located in such a manner as to ensure they are visible to motorists travelling from all directions and the number of posts should be kept to a minimum.
 - 4.8 Words shall be kept to a minimum to ensure that a sign is only a directional sign and with the exception of the Adelaide Hills Council logo, business or organisational emblems shall not be displayed.
 - 4.9 Signs shall conform to Australian Standard AS 1742.2 unless a contrary intention appears.
 - 4.10 Signs may be removed whenever Council considers that the sign and/or facility is not serving the needs of the public.
 - 4.11 Signs should conform to the following criteria:

Township Directional Signs

- 4.12 The signs shall be installed to provide directions to towns along the road network. They are generally used by motorists in conjunction with maps and are considered a primary tool to reassure motorists that they are travelling in the right direction to get to their intended destination.
- 4.13 Signs should generally be of a 'finger board' style, 200mm high with 150mm high black lettering on a white reflective background. A distance to the post office or centre of township or suburb may be shown.
- 4.14 Council shall supply, install and maintain township directional signs on Council controlled roads. Council will not generally provide 'Billboard' style signs.

Street Name Signs

- 4.15 The signs shall be used to identify the approved name of a street or road. If the road is not connected at both ends to other roads an appropriate "No Through Road" sign will be installed immediately under the street name sign. The style of the "No Through Road" sign will be consistent with that of the street name blade.
- 4.16 Signs shall be of a 'finger board' style, 150mm high with 100mm high lettering.
- 4.17 Signs located within the Adelaide Hills shall have a white reflective category 1 background with black lettering and incorporate the Adelaide Hills logo.
- 4.18 Council shall supply, install and maintain street signs. Council will not normally erect signs giving advanced notice of roads on the approaches to intersections.

Emergency Services Signs

- 4.19 Signs may be located in the general locality of an emergency service to assist people to find the location of a particular type of service. A sign should only indicate the type of service and not include name of the particular unit.
- 4.20 Signs should generally be of a 'finger board' style, 150mm high with 100mm white lettering on a red reflective background.
- 4.21 Council shall supply, install and maintain emergency services signs upon request of an emergency service.

Tourist Attraction Signs

- 4.22 Signs are intended to assist tourists to reach their intended destination such as national parks and commercial tourist attractions.
- 4.23 All costs associated with the purchase, erection and maintenance of the sign shall be borne by the group seeking to have the sign erected. The fee charged shall be calculated at 2 times the cost of materials (i.e. sign, bracket and post).
- 4.24 Generally only one route shall be signed, that being the most appropriate and direct path, with sufficient signage to guide people from the nearest arterial, main or major road to the tourist attraction.
- 4.25 Signs may indicate the distance to the facility if it is more than 1 kilometre from the sign.
- 4.26 Signs will not be permitted for establishments in township areas that have their entrance on an arterial, main or major road but applications will be considered on their merits for rural areas.
- 4.27 Only businesses that have an existing or approved use in terms of the *Development Act 1993*, as amended, will be entitled to have a sign supplied in accordance with the Policy.
- 4.28 Signs may be removed whenever Council considers that the sign and/or establishment is not serving the needs of the public.
- 4.29 Proposals for 'billboard' or stand-alone style of signs will not be provided on local roads. Proposals for such signs on main roads are to be referred to Department of Planning, Transport and Infrastructure for assessment against their criteria and the "Road Sign Guidelines - Guide to visitor and service road signs in South Australia".

Tourist Service Signs

- 4.30 Signs are used to assist tourists to find facilities that provide a service to tourists such as tourism information centres, accommodation, restaurants or public toilets.
- 4.31 The criteria for Tourist Service Signs are the same as for Tourist Attraction Signs except that Tourist Service Signs shall have a blue reflective background with white lettering.

Community Facility Signs

- 4.32 Signs are used to assist motorists to find community facilities such as swimming pools, churches, police, hospitals, and recreation grounds.
- 4.33 Signs should generally be of a 'finger board' style, 150mm high with 100mm white lettering on a blue reflective background.
- 4.34 Council shall supply, install and maintain community facility signs where the facility is operated by a non-profit organisation. Where the facility is a commercial operation all costs associated with the purchase, erection and maintenance of the sign shall be borne by the group seeking to have the sign erected. The fee charged shall be calculated at 2 times the cost of materials (i.e. sign, bracket and post).

Commercial Facility Signs

- 4.35 Signs are intended to assist customers and delivery drivers find a particular business premise. Businesses should have regular contact with customers or deliveries, be located outside of a business or industrial area, and not be located on an arterial, major or main road or a local distributary road.
- 4.36 All Commercial Facility Signs will be of a "finger board" style with the signs to be made of extruded aluminium 150mm high. Lettering shall be a maximum of 100mm in height with white letters on a green reflective background. Words shall be kept to a minimum in number to ensure it is only a directional sign.
- 4.37 Council will not support 'bill board' style signs or stand-alone signs of commercial facilities.
- 4.38 All costs associated with the purchase, erection, maintenance and replacement of the sign shall be borne by the group seeking to have the sign erected. The fee charged shall be calculated at 2 times the cost of materials (i.e. sign, bracket and post) and public spaces.

5. DELEGATION

- 5.1 That Council delegate the authority to approve requests and applications for all categories of signs of a “finger board” style to:

Chief Executive Officer
Director Infrastructure & Operations
Manager Sustainable Assets
Manager Civil Services
Manager Economic Development

- 5.2 That Council delegate the authority to comment on the Department for Infrastructure and Transport proposals for Tourist Attraction Signs to:

Chief Executive Officer
Director Infrastructure & Operations
Director Development & Regulatory Services

- 5.3 The Chief Executive Officer has the delegation to approve, amend and review any procedures that shall be consistent with this Policy.

6. AVAILABILITY OF THE POLICY

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

**ADELAIDE HILLS COUNCIL
ORDINARY COUNCIL MEETING
Tuesday 28 September 2021
AGENDA BUSINESS ITEM**

Item: 12.8

Responsible Officer: David Collins
Manager Strategic Assets
Infrastructure & Operations

Subject: Policy Review - Street Lighting

For: Decision

SUMMARY

The purpose of this report is to present the revised *Street Lighting Policy* for Council's consideration as contained in **Appendix 1**.

The existing Policy is working well and the draft revised policy contains generally minor amendments.

However, to better define service levels it is being recommended that it be clearly stated that light shield will not be provided as an update to the policy position.

RECOMMENDATION

Council resolves:

1. That the report be received and noted.
 2. With an effective date of 12 October 2021, to revoke the 24 July 2018 *Street Lighting Policy* and to adopt the draft September 2021 *Street Lighting Policy* as contained in **Appendix 1**.
 3. That the Chief Executive Officer be authorised to make minor content, grammatical and formatting amendments to the *Street Lighting Policy* prior to the effective date of adoption.
-

1. GOVERNANCE

➤ Strategic Management Plan/Functional Strategy/Council Policy Alignment

Strategic Plan 2020-24 – A brighter future

Goal 1 A functional Built Environment

Objective B4 Sustainable management of our built assets ensure 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

Council is required to take reasonable steps to prepare standards, practices and policies in relation to order making pursuant to section 132A of the *Local Government Act 1999*.

➤ Risk Management Implications

The ongoing adoption of a *Street Lighting Policy* will assist in mitigating the risk of:

Poor governance practices occurring through inconsistent approaches being applied to requests for street lighting which may lead to a loss of customer confidence, increased operating costs and detracting from the amenity of the area.

Inherent Risk	Residual Risk	Target Risk
Medium (3C)	Low (1E)	Low

The existing policy has been in place for a number of years and the Administration has found this to be generally effective in managing requests for public lighting and meeting Council's overall strategic direction.

➤ Financial and Resource Implications

An annual budget is provided for maintenance and replacement/renewal of lighting (SAPN on our behalf) across the district. The adoption of the revised policy will not add further burden to the operating budget.

Note that in the event that Council determine that it will provide a service to installed different LED lights with shields then an additional estimated \$7,000 - \$10,000 per annum will need to be added to the operating budget.

Previous Investment of Outcome

Note that Council previously invested to fast track its current policy position and act on priority actions from its *Carbon Management Plan*.

Council invested \$297,000 towards the bulk roll out of 755 Sylvania Street LED 17W lights to replace existing lights across our road network during 2019/20. The lights become the property of Council but under agreement with SAPN to utilise their infrastructure.

This has resulted in an overall reduction in the annual operating costs between 2018/19 and 2020/21.

Tariff Reduction (SAPN Fee)	\$26,000
Power Cost Reduction	\$36,000
Less	
Finance/ Opportunity Cost	(\$11,000)
Depreciation	(\$17,000)

Reduction in Annual Operating Costs of \$34,000 for the provision of Council public lighting service.

It should be noted that the annual power costs reduction will also change depending on the contract rates that Council achieves at each contract renewal. Also, whilst Council pays a reduced tariff on the 755 LED's installed and owned by Council, the reduction in tariff has also been as a result of the adoption of new tariff rates in the most recent Australian Energy Regulatory (AER) determination. Therefore, 10 -15% of that tariff reduction of \$ 26,000 paid to SAPN is as a result of the regulator determination.

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

Customers have access to the Policy and are informed of the rationale for decisions regarding street lighting. The Policy provides a consistent approach to the requests for lighting throughout the district and assists staff to make determinations when requests are received. The community benefits from more targeted and focussed street lighting.

➤ **Sustainability Implications**

Council has embarked on a program to renew lighting when due with a sustainable LED solution across the network. The policy does not change the strategic sustainability direction of Council and continues to support this strategic direction.

The transition to the bulk roll out of LED in local streets has had a significant impact on the electricity use by Council.

This has resulted in the street lighting electricity use reducing from and estimated 478,000 kWh in (2018/2019) to 291,000 kWh last financial year (2020/21). This is the equivalent of 97 tonnes of greenhouse gas emissions less being emitted now than in 2018/19 for street lighting.

➤ **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: Council Workshop 14 September 2021

Advisory Groups: Not Applicable

Administration: Manager Civil Services
Coordinator Civil Operations
Senior Infrastructure Planning Engineer
Manager Financial Services

Community: Not Applicable

2. **BACKGROUND**

The *Street Lighting Policy* is scheduled for review as part of the Policy Review Schedule.

The *Street Lighting Policy* was most recently adopted on the 24 July 2018.

12.5. **Street Lighting Policy Review**

Moved Cr Ron Nelson
S/- Cr Jan Loveday

168/18

Council resolves:

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

Carried Unanimously

3. **ANALYSIS**

Since the adoption of the previous *Street Lighting Policy*, Council approved the regional wide changeover to LED lights for public lighting. This has resulted in the Stage 1 being completed with over 755 street lights (P Category lights) changed to LED. There are public street lights (V Category Street light) on main roads that are proposed in phase 2 of the changeover. Currently, 100 Council lights exist on roads under the care and control of the State Government. The LGA has been working on an agreement with the State (Department of Infrastructure and Transport) regarding the transition of this lighting to LED. A number of negotiations are occurring regarding the standard of the lighting and also the long-term ownership and maintenance of all lights along State maintained roads.

With the roll out of LED lighting that has occurred, what officers have noticed is an increase in requests for light shielding. As Members are probably aware from their own observations, typically the LED provides a clearer white light for the areas that it illuminates. Certainly if you look towards an LED it looks brighter. Whilst it is acknowledged that the colour of the light to the human eye is different, the standard of lighting has not changed and LED lighting is typically more defined and hence actual light spill is more contained. However, there seems to be some perceived increased brightness as LED technology is rolled out across the network.

The new LED lights that have been installed meet the Australian Standards and are the common public street light that has been installed by Council across the public lighting network. This has been approved by use by SAPN on their infrastructure, noting that nearly all of Council public street lights utilise SAPN infrastructure.

All street lighting over time reduces in its effectiveness. When designing street lighting it is acknowledge that this will occur and when new lights are installed they are operating at 100% capacity then over their life they will slowly 'dim' as they operate at less than 100% capacity. Given that we have undertaken a bulk roll-out of new light they are now all operating at close to 100% capacity. In some situation where multiple lights in an area have been upgraded the level of lighting increase would certainly be noticeable, especially if the older style of lights were close to replacement and operating at say 80% of full capacity.

The current 17w LED's installed by Council do not have smart controllers. The 17w LED is the standard wattage that meet the required Australian Standard to meet the P4 lighting category on residential street. The 17w LED has generally replace 50w sodium of mecury vapour lamps.

The cost associated with shielding an LED light is substantial and estimates from SAPN range from \$700 – \$1,000 per light. A full new light assembly is required. Given that people have different individual tolerance for light from the public lighting is not considered reasonable for Council to fund requests for shields. This is on the basis that the LED installed lights have replaced existing lighting and meet the Australian Standards and are considered fit for purpose in residential streets.

4. OPTIONS

Council has the following options:

- I. Approve the proposed revised *Street Lighting Policy* (recommended)
- II. To determine to amend or alter elements of the Policy.

Should the Council identify the need for substantial amendments to the revised 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 the Council for further consideration.

5. APPENDIX

- (1) Street Lighting Policy

Appendix 1

Draft Street Lighting Policy

COUNCIL POLICY

 <p>Adelaide Hills COUNCIL</p>	<h2>STREET LIGHTING</h2>
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Policy Number:	The Governance team will allocate the policy number.
Responsible Department(s):	Infrastructure and Operations
Relevant Delegations:	Nil
Other Relevant Policies:	Nil
Relevant Procedure(s):	Nil
Relevant Legislation:	<i>Local Government Act 1999, Part 6, Section 132A</i>
Policies and Procedures Superseded by this policy on its Adoption:	Street Lighting Policy effective from 7 August 2018 (Resolution 168/18)
Adoption Authority:	Council
Date of Adoption:	<i>To be entered administratively</i>
Effective From:	<i>To be entered administratively</i>
Minute Reference for Adoption:	<i>To be entered administratively</i>
Next Review:	No later than July 2025 or as required by legislation or changed circumstances

Version Control

Version No.	Date of Effect	Description of Change(s)	Approval
1.1	25/2/2020	<i>Amendments to clause 3.10 to provide consistency with changes to Council Petitions Policy</i>	<i>Council - Res 47/20</i>
1.1	25/9/2021	Policy Revision	

DRAFT

STREET LIGHTING POLICY

1. INTRODUCTION

- 1.1 This policy provides Council and its administration with principles and guidelines for the provision of street lighting.

2. OBJECTIVES

- 2.1 The objectives of this policy are:

- Provide for a level of street lighting proportionate to the needs for individual roads.
- Maximise standardisation of equipment and levels of lighting of roads for economic efficiency and equity reasons.
- Improve safety and minimise liability risks.
- To preserve the country living environment of the Adelaide Hills, hence street lighting within townships will be discouraged. There will be no street lighting outside of townships except where a significant road safety issue has been identified from crash data over the preceding three years.

3. DEFINITIONS

- 3.1 “SAPN” refers to SA Power Networks.
- 3.2 “LED” refers to the type of luminaire (lamp and head unit) that is a low cost, sustainable lighting solution that meets Australian Standards for lighting for roads and public spaces.

4. POLICY STATEMENT

The following reflects the Council’s position in respect to assessing requests for new lighting:

- 4.1 Under Council delegation pursuant to Section 44 of the Local Government Act 1999 the ability to authorise the installation of street lights be delegated to the Chief Executive Officer.
- 4.2 In rural areas, Council will reactively provide street lighting at junctions of its distributor and collector road network. Priority will be based on requests from the community and/or assessment by Council staff and will be subject to availability of funds in Council’s budget.
- 4.3 In township areas, street lighting to existing roads will be provided on a needs basis with priority being given to intersections of arterial roads with distributor and collector roads. As a general rule, Council will not provide new intermediate street lighting between road junctions.
- 4.4 Consideration will be given to the installation of additional street lighting only where a substantial road safety issue is identified.

- 4.5 Wherever traffic control devices or traffic aids are installed and the Code of Practice for installation of traffic control devices requires lighting, lighting will be provided in accordance with that particular code.
- 4.6 Whenever Council decides to install a new street light, the light shall be installed in accordance with the relevant Australian Standard, electrical authority's guidelines and relevant Codes of Practice. All new lighting installed shall be LED.
- 4.7 Only SA Power Networks' approved equipment shall be authorised for street lighting in public roads or wherever Council will become responsible for the lights. Developers are not permitted to utilise non-standard lighting equipment in subdivisions that will become the responsibility of the Council.
- 4.8 Where overhead lines are in place, existing poles will be utilised wherever practical for the mounting of new lights in preference to installing additional poles.
- 4.9 Whenever Council proposes to install new street lighting, it will invite comment from the occupier of any dwelling within 100 metres and the owner of any land within 100 metres, prior to making a decision. (Note: this does not apply to new subdivisions).
- 4.10 Council shall not provide street lighting where it is considered that the primary purpose of the light is to provide a benefit to an adjoining landowner. That is the street lighting is being provided purely as security lighting for the residential property.
- 4.11 Requests from community groups will be considered for spot lights mounted on Council or SA Power Networks' poles provided that the community group undertakes to pay all initial and ongoing fees and charges. The potential of annoyance to neighbours will be taken into consideration before a decision is made.
- 4.12 Council does not provide light shielding of LED's as a service.

5. DELEGATION

- 5.1 The Chief Executive Officer has the delegation to:
- Approve, amend and review any procedures that shall be consistent with this Policy; and
 - Make any formatting, nomenclature or other minor changes to the Policy during the period of its currency.

6. AVAILABILITY OF THE POLICY

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

**ADELAIDE HILLS COUNCIL
ORDINARY COUNCIL MEETING
Tuesday 28 September 2021
AGENDA BUSINESS ITEM**

Item: 12.8

Responsible Officer: Steven Watson
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
27/10/2020	Ordinary Council	235/20	Revocation of Community Land - Closed Road R855 Upper Hermitage	None declared
23/02/2021	Ordinary Council	25/21	Road Closure adjacent 9 Melrose Avenue Stirling	None declared
27/04/2021	Ordinary Council	77/21	2020-21 CEO Performance Review Process & Schedule	None declared
25/05/2021	Ordinary Council	92/21	Draft Trails & Cycling Routes Management Policy	None declared
22/06/2021	Ordinary Council	118/21	Lobethal Bushland Park Masterplan	None declared
24/08/2021	Ordinary Council	171/21	Lobethal Bushland Park Masterplan	None declared
24/08/2021	Ordinary Council	172/21	Policy Adoption - Trails and Cycling Routes Policy	None declared
24/08/2021	Ordinary Council	179/21	2020-21 Preliminary End of Year Financial Results and Carry Forwards	None declared
24/08/2021	Ordinary Council	181/21	Road Closure Young Drivers Awareness Course 2021-22	None declared
24/08/2021	Ordinary Council	182/21	Policy Review - Petitions	None declared
24/08/2021	Ordinary Council	189/21	Letter of Support Summertown Community Centre	none declared
24/08/2021	Ordinary Council	194/21	CEO Performance Review & Remuneration Review - Confidential Item	None declared
24/08/2021	Ordinary Council	195/21	CEO Performance Review & Remuneration Review - Period of Confidentiality	None declared

1. GOVERNANCE

➤ Strategic Management Plan/Functional Strategy/Council Policy Alignment

Strategic Plan 2020-24 – A brighter future

Goal 5 A Progressive Organisation

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

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

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)	Confidential
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	April 21 - The State Dioceses has advised that they are ready to progress and have engaged a valuer to provide an updated valuation. Council has engaged a valuer to undertake a valuation. A report will be presented to Council for consideration once the valuation process is completed. June 21 - The State Dioceses has advised that there has been a delay in progressing and they expect to be in a position to further engage with Council in July/August. July 21 - The State Dioceses has provided a valuation which will be discussed with Council's Property Advisory Group prior to a report being presented to Council for consideration	TRUE
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 Forestry SA regarding infrastructure improvements for Cudlee Creek Forest Reserve.	Peter Bice	In Progress	Croft Road upgrade application for the Bushfire Recovery Grant Funding Program is in progress.	FALSE
24/01/2017	Ordinary Council	7/17	Cromer Cemetery Revocation of Community Land	None declared	a report be prepared and submitted to the Minister for Local Government seeking approval for the revocation of the community land classification of a portion of the land contained in Certificate of Title Volume 5880 Folio 219 identified in red on the plan attached as Appendix 1.	Terry Crackett	In Progress	DEWNR have requested that the revocation be put on hold whilst they investigate the requirements to alter the trust affecting the land and undertake an assessment of the native vegetation on the land, this is likely to take some months. DEW advised on 4/12/18 that there are some impediments to the progression of the proposed boundary realignment due to the mining operations on the adjacent land, which are being negotiated with the Dept for Mining. Advice is that these negotiations could take considerable time (2yrs). In the interim, consideration will be given to the granting of a right of way to ensure that the cemetery has legal access. DEW staff member dealing with this matter has left DEW so there may be an extended delay whilst it is reallocated and assessed. DEW awaiting finalisation of negotiations with Dept for Mining	FALSE
28/08/2018	Ordinary Council	200/18	Proposal to enter 11 AHC Reserves into Heritage Agreement	None declared	1. That the report be received and noted. 2. That the Biodiversity Officer be authorised to enter: Doris Coulls Reserve, 152 Old Mt Barker Road, Aldgate; Heathfield Waste Facility, 32 Scott Creed Road, Heathfield; Kiley Reserve, 15 Kiley Road, Aldgate; Shanks Reserve, 1 Shanks Road, Aldgate; Stock Reserve, Stock Road, Mylor; Leslie Creek Reserve, Leslie Creek Road, Mylor; Mi Mi Reserve, 125 Aldgate Valley Road, Mylor; Aldgate Valley 2 Reserve, 114 Aldgate Valley Road, Mylor; Kyle Road Nature Reserve, Kyle Road, Mylor; Carey Gully Water Reserve, Deviation Road, Carey Gully; Heathfield Stone Reserve, 215 Longwood Road, Heathfield; Mylor Parklands, Mylor all being of significant biodiversity value, into Heritage Agreements. 3. That the Heritage Agreements retain the existing dog access arrangements in place for each of those reserves.	Peter Bice	In Progress	The Heritage Applications were phased over the years in order to be accommodated within available resourcing. Heritage Agreement have been registered over: Kiley Reserve Shanks Reserve Kyle Road Nature Reserve, Leslie Creek Reserve Aldgate Valley 2 Reserve Doris Coulls Reserve Mylor Parklands Heathfield Waste Facility Heritage Assessments scheduled for FY21/22: • Reserve 26 - "Stock Rd 1" • Mi Mi Reserve • Carey Gully Water Reserve • Heathfield Stone Reserve Heathfield Stone needs to be rededicated as a Conservation Reserve to be eligible for a Heritage Agreement. Have provided documentation to Property and currently awaiting advice on	FALSE

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 <i>Local Government Act 1999</i>.</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. 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. Awaiting advice that land division has been completed so that the boundary realignment can occur</p> <p>April 21 - Boral have advised that they are in the final stages of the approval process and have requested an extension of time from SCAP. No further update from Boral</p>	FALSE
11/09/2018	Special Council	232/18	Revocation of Community Land – Bridgewater Retirement	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</p>	Terry Crackett	In Progress	<p>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.</p> <p>Council, at the meeting of 27 August 2019, approved Carripook Park as the location to vary the trust to.</p> <p>The Attorney-General has provided in-principle support to the proposal so a design for the landscaped garden and bushfire memorial at Carripook Park will be prepared for submission to the Supreme Court.</p> <p>March 21 - landscape designs are being developed and will undergo a community consultation process prior to being progressed</p> <p>June 21 - landscape designs are nearing completion and consultation on the landscape designs can then be undertaken</p> <p>July 21 - draft landscape plan ready to be circulated for community consultation/feedback</p>	FALSE
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	<p>Matter continues to be progressed. Further updates will be provided when a material change occurs.</p>	TRUE
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	Not Started	<p>The land sits within the Environmental Food Protection Area and proposed use (land division) is not supported. An application will be made to DPTI for a review once the Minister announces the review, which is expected to commence in March 2021.</p> <p>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).</p> <p>Note that the implementation of the new legislation (Planning Development and Infrastructure Act 2016) has been deferred to March 2021 which has delayed the review of the EFPA.</p> <p>August 21 - review currently underway by Plan SA</p>	FALSE

7/05/2019	Special Council	94/19	Stonehenge Reserve Masterplan Update and Findings fro	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	The tender assesment for the Heathfield High School courts component of this project is nearing completion. Works to existing courts at Stonehenge Reserve are due to commence in the coming months.	FALSE
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	Council staff have undertaken a review of the mobile library service delivery model and a revised business case considered by Council at its June 2021 meeting. This resulted in a new approach to replacing the mobile library. Draft Library Services Strategy presented at a Council Workshop 10 November 2020 for feedback. Subsequent changes to library management and the detailed review of the	FALSE
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	Peter Bice	In Progress	Council is seeking quotes for Council owned lights in Aldgate, Summetown and Uradlia. The Public Lighting Working Group (including representatives from Local Government, DIT and SAPN) has established a sub-group to work with DIT on the transition of V Category lights on state maintained roads. Timing of any agreements between LG and DIT unknown. Council officers continue to be updated on sub-group progress.	FALSE
27/08/2019	Ordinary Council	223/19	Review of Primary Production Incentive Grant Funding	None declared	1. That the report be received and noted. 2. That the Primary Production Incentive Grant be discontinued and the balance of the funds be redirected to community education on rural land management issues and European Wasp control for the benefit of the primary production sector.	Marc Salver	In Progress	Through collaboration with Council's Rural Land Management Advisory Group the rural land management education series titled "Adelaide Hills – A Shared Space" is now in advanced draft form. To finalise the content and coordinate a tailored Communications Plan will require an additional 3 months, with	FALSE
17/09/2019	Special Council	239/19	Circular Procurement Pilot Project	None declared	Council resolves:That the report be received and noted.To approve participation in the Circular Procurement Pilot Project.That the Chief Executive Officer be authorised to execute the Memorandum of Understanding as contained in Appendix 1 of this report.That the Council endorses, in principle, the following targets:subject to the procurement needs and requirements of Council in 2020/21 purchasing recycled plastic products or materials equivalent to 10% of the weight of plastic collected within the Council area, which is equivalent to approximately 25 tonnes based on 2017/18 data.subject to the procurement needs and requirements of Council, commencing in 2021/22 Council will incrementally increase its purchasing of recycled plastic products or materials thereafter until it is equivalent to 50% of the weight of plastic collected within the Council area, which is equivalent to 124 tonnes based on 2017/18 data.That a report be provided to Council in early 2021/22 providing an update on the Council's participation in the Circular Procurement Pilot Project for the period 2020/21.	Peter Bice	In Progress	The Circular Procurement Project is now underway, and the Memorandum of Understanding has been executed. Amendments to Council's procurement processes has been completed to provide effect to Council's participation in the Circular Procurement trial. Staff training in the Circular Procurement Project has been undertaken. Recording of goods purchased with recycled content has commenced including bin surrounds, wheelie bins, office paper, fence posts and road construction materials. 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. Training is ongoing as required, staff continue to record purchases of recycled product through the procurement process. Staff continue to record purchases of recycled product through the procurement process. Email sent to budget holders 10 March 2021 reminding them of	FALSE
26/11/2019	Ordinary Council	277/19	MON Water Usage from Bores	None declared	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 once further investigations are completed. May 21 - investigations have indicated some complexities with one of the sites which is being further investigated before a	FALSE

17/12/2019	Ordinary Council	314/19	Road Exchange Montacute Road Montacute	None declared	<ol style="list-style-type: none"> That the report be received and noted To execute under seal a Deed of Assignment of Rights to Occupation to bring land identified as proposed Allotment 11 in DP 72622 under the <i>Real Property Act 1886</i> To, in conjunction with Giuseppe Meccariello, Filomena Sanche, Vincenzo Meccariello and Telstra Corporation Ltd, undertake the road widening process in accordance with the plan attached as Appendix 2, to vest allotments 12 and 14 as public road for nil consideration The road to be closed as identified as "A" in Preliminary Plan 05/0056 be excluded as Community Land pursuant to the Local Government Act 1999 To authorise the Chief Executive Officer and Mayor to finalise and sign all 	Terry Crackett	In Progress	Council has executed documents to support a process to bring land under the provisions of the Real Property Act 1886 which are being progressed with the Surveyor-General's Office Awaiting finalisation by the Surveyor-General	FALSE
28/01/2020	Ordinary Council	11/20	Revocation of Community Land - Bridgewater Retirement	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. The Attorney-General has provided in-principle support for the proposal. A detailed landscape design is being prepared, including some community consultation on the design, for submission to the Attorney-General and the Supreme Court.	FALSE
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.	TRUE
23/06/2020	Ordinary Council	123/20	Event Opportunity - 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 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.	FALSE
28/07/2020	Ordinary Council	149/20	Road Widening Netherhill Road Kenton Valley	None declared	<ol style="list-style-type: none"> That the report be received and noted 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. 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. The road land being acquired to be excluded as Community Land pursuant to the <i>Local Government Act 1999</i>; and That the Mayor and CEO be authorised to sign all necessary documentation, including affixing the common seal, to give effect to this resolution. 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	Progress has commenced in accordance with the resolution Awaiting completion of the process by the Surveyor and Land Services Group	FALSE
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 	Marc Salver	In Progress	Council approved the minor variation to the amended landscaping plan so that it aligns with the LMA on 18 January 2021. SCAP has since approved the minor variation to the amended landscaping and the LMA is being executed and registered. Staff sent a reminder to applicant and applicant's lawyer, and LMA updating for PDI Act being undertaken. Signed LMA received for execution.	FALSE

22/09/2020	Ordinary Council	205/20	100 Old Mt Barker Road Stirling	Material - Cr Kirrilee Boyd	<ol style="list-style-type: none"> 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. The rent under the lease to be \$1 per annum (if demanded). 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. 	Terry Crackett	In Progress	Initial information provided to Crown Lands in relation to approval for lease, Ministerial approval is required for the lease and this is being sought. April - DA granted and tender for works being undertaken June 21 - works are being scheduled subject to availability of materials and contractor.	FALSE
27/10/2020	Ordinary Council	224/20	MON Speed Limit Reduction Longwood & Red Hill Roads	None declared	<p>That Council:</p> <ol style="list-style-type: none"> 1. receives the residents' request as contained in Appendix 1 and 2. undertakes a speed limit review on sections of Longwood and Red Hill Roads in response to the submission received from local residents, and 3. communicates the outcome of the review and proposed action to Council Members via the Council and Committee Meeting Action Tracker. 	Peter Bice	In Progress	Council's traffic consultant has completed the required Traffic Impact Statements for the proposed speed reduction on Longwood Rd and Red Hill Rd. A formal request for speed limit reduction on the two roads was submitted to DIT on 19/4/21 and a follow up request was made to DIT on 20/5/21 and again on 25/08/21. DIT have since advised that the delay is due to	FALSE
27/10/2020	Ordinary Council	226/20	Memorial Seat for former Cr Bill Gale	None declared	That, in conjunction with the Gale family, Council purchase and install a park seat with a plaque to commemorate the contribution the late ex Cr Bill Gale made to the Adelaide Hills Council and, in particular, to the Woodside area.	Peter Bice	In Progress	Seat and plaque have been delivered to the Council Depot and is expected to be installed in the week beginning 20 September	FALSE
27/10/2020	Ordinary Council	235/20	Revocation of Community Land - Closed Road R855 Upper Hermitage	None declared	That the report be received and noted To commence a revocation of community land process for the land described as "A" in Road Plan No. 855 ("Closed Road") including consultation in accordance with Council's Public Consultation Policy and the <i>Local Government Act 1999</i> with the intention of selling the Closed Road to the adjoining owners. That a further report be presented to Council at the completion of the consultation.	Terry Crackett	Completed	Community consultation undertaken, report with consultation feedback to be presented to Council at the August meeting for consideration	FALSE
27/10/2020	Ordinary Council	261/20	Confidential - Event Opportunity	None declared	As per confidential minute	David Waters	Not Started	Subject to confidentiality order.	FALSE
27/10/2020	Ordinary Council	262/20	Confidential - Event Opportunity - Period of Confidentiality	None declared	until the event agreements are signed and the relevant event details are announced by the relevant Minister, but not longer than 31 December 2020	David Waters	Not Started	Triggers for bringing this item out of confidence have not yet occurred.	FALSE
15/12/2020	Ordinary Council	300/20	Road Exchange Pomona Road Stirling	None declared	<ol style="list-style-type: none"> 1. That the report be received and noted 2. In accordance with sections 12 and 15 of the Roads Opening and Closing) Act 1991, enter into an Agreement for Exchange with the owner of the land of 21 Pomona Road Stirling and issue a Road Process Order to open as public road the area identified as "Road to be opened 1" on the Preliminary Plan No 20/0038 and in exchange to close a portion of Pomona Road as identified on the Preliminary Plan No 20/0038 as "Public Road A", subject to the owner of the land at 21 Pomona Road Stirling agreeing to pay all costs associated with the road exchange process including but not limited to all survey, valuation and reasonable legal costs 3. The closed road be excluded as Community Land pursuant to the Local Government Act 1999. <p>The Mayor and Chief Executive Officer be authorised to sign all documents necessary, including affixation of the common seal, to give effect to this resolution</p>	Terry Crackett	In Progress	Awaiting receipt of final plans and road process documents from surveyor	FALSE
27/01/2021	Ordinary Council	22/21	CWMS Review	None declared	that the report, related attachments and the discussion and considerations of the subject matter be retained in confidence until 30 July 2021.	Peter Bice	In Progress		FALSE
23/02/2021	Ordinary Council	25/21	Road Closure adjacent 9 Melrose Avenue Stirling	None declared	<ol style="list-style-type: none"> 1. That the report be received and noted 2. To make a Road Process Order pursuant to the <i>Roads (Opening & Closing) Act 1991</i> to close and merge the pieces of land identified as "A" in the Preliminary Plan No. 20/0040 attached to this report with Allotment 34 In Deposited Plan No. 4120 comprised in Certificate of Title Volume 5489 Folio 961. 3. Subject to the closure of the road identified in the Preliminary Plan attached, that: The closed road be excluded as Community Land pursuant to the <i>Local Government Act 1999</i>; and The piece marked "A" be sold to the owners of 9 Melrose Avenue Stirling, being the owners of the property with which it is merging for the amount of \$9,000 plus GST (if applicable) and all fees and charges associated with the road closure process. 4. Authorise the Chief Executive to finalise and sign all necessary documentation to close and sell the above portion of closed road pursuant to this resolution. 	Terry Crackett	Completed	Process completed by gazettal notice on 19 August 2021	FALSE

23/02/2021	Ordinary Council	28/21	Relief & Recovery Fund	None declared	<p>1. the CEO investigate the establishment of an Adelaide Hills Disaster Relief and Recovery Fund. Considerations must include but may not be limited to the following: What "triggers" would activate the Fund allowing donations to be made How funds raised would be dispersed to alleviate the distress, suffering and personal hardships, brought about by a disaster or emergency in our region How the activities of the fund would be overseen, for example, what type of Committee should be established and what operational rules would apply Ensuring the structure of the Fund adheres to all relevant legislation An analysis of the costs associated with establishing and administering the Fund Steps required for the Fund to obtain Deductible Gift Recipient status from the Australian Taxation Office.</p> <p>2. The results of the investigation be presented at a future Council Workshop for feedback, and that a report be provided for Council's consideration on this matter</p>	David Waters	In Progress	Preliminary research has commenced to ascertain other municipalities which administer similar funds. Discussions with KI Council on their experiences have also been held.	FALSE
23/03/2021	Ordinary Council	48/21	MON Single-use Plastics	None declared	<p>A report be provided to the Council before 31 October 2021 on the feasibility and cost implications for reducing and or eliminating the use of single-use plastics in Council operations, being replaced with compostable or reusable alternatives as necessary. The report need not address those plastics already banned by State Legislation in March 2021, those proposed to be banned under the same legislation in March 2022, nor single use-plastics required for medical or disability uses. The report should consider but not be limited to: Council ceasing to purchase single use plastics; Council stipulating to contractors, event organisers, sponsorship seekers, caterers, food vans and so on, that single-use plastics are not supported by Council and alternatives such as compostable or reusable alternatives be utilised as necessary; As leases expire, update leases to include a clause that single use plastics are not supported by Council and alternatives such as compostable or reusable alternatives be utilised as necessary; The CEO, Directors, Senior Officers and Staff be trained and educated to support and implement appropriate processes to ensure operation and compliance of associated procedures. Green bins be made available at Council run events for the collection of compostable waste to ensure compostable materials are diverted from landfill. A program of community education and promotion, including approaching business owners and operators throughout the AHC area, in order to encourage a change from single-use plastics to alternatives such as compostable or reusable alternatives</p>	Peter Bice	In Progress	<p>Collection of data of Council's use of single use plastic free has begun. This has included an audit of all the main Council buildings. Initial findings were presented on 6 May 2021 to the Sustainability Advisory Group. These findings will also be presented to Council Members at a workshop on Tuesday 15 June.</p> <p>Workshop completed with Council Members in June 2021. Investigations into Council's use of single use plastics continues.</p> <p>Further workshop with Council members scheduled for 14 September 2021.</p>	FALSE
23/03/2021	Ordinary Council	49/21	Local Heritage Grant Fund Project 2020 - 2021	Material - Cr Linda Green Perceived - Cr Leith Mudge	<p>1. That the report be received and noted</p> <p>2. To approve the eight shortlisted projects to receive grant funding as detailed in the body of this report to contribute to the works as detailed in <i>Appendix 1</i> of this report and listed below: Our Lady of the Rosary Church, Aldgate - \$2,500 Old Post Office, Crafers - \$1,417 Crataegus Cottage, Crafers - \$2,500 Circa 1850's Cottage, Mount George - \$2,500 Shop, Stirling - \$2,500 Stone Cottage, Stirling - \$2,500 Former Aldgate Valley Church of Christ, Aldgate - \$2,500 Cudlee Creek Uniting Church, Cudlee Creek - \$2,500</p> <p>3. To delegate to the Chief Executive Officer to determine whether any</p>	Marc Salver	In Progress	<p>Round 2 update: Two out of the eight applications have received grant funding following successful completion of the grant application process. Two are still engaged in the Development Assessment process. One application has been withdrawn. Full completion of Round 2 is contingent on the individual property owners and for this reason it is difficult to estimate a likely timeline. It is hoped that the Development Application components are completed prior to the launch of Round 3 scheduled for Late</p>	FALSE
23/03/2021	Ordinary Council	52/21	Crown Land Revocation	None declared	<p>1. That the report be received and noted</p> <p>2. That the consultation report (<i>Appendix 1</i>) be received and noted</p> <p>3. To apply to the Minister for Planning to revoke the Community Land classification of the following parcels of land:-</p> <ul style="list-style-type: none"> i. CR 5752/186, Lot 32 Fullgrave Road, Crafers ii. CR 5753/725, Section 1609 Illert Road, Mylor iii. CR 5753/729, Section 1657 Scott Creek Road, Scott Creek iv. CR 5753/741, Sections 53 and 54 Sandy Waterhole Road, Woodside v. CR 5753/742, Section 547 Schuberts Road, Lobethal vi. CR 5753/744, Section 553 Pedare Park Road, Woodside vii. CR 5753/745, Section 556 Tiers Road, Woodside viii. CR 5753/746, Section 565 Old Carey Gully Road, Stirling ix. CR 5753/754, Section 511 North East Road, Inglewood x. CR 5753/758, Section 262 Reserve Road, Forreston xi. CR 5763/631, Section 1591 Silver Road, Bridgewater xii. CR 5763/634, Section 71 Magarey Road, Mount Torrens xiii. CR 5763/635, Section 72 Magarey Road, Mount Torrens xiv. CR 5763/636, Section 84 Forreston Road, Forreston xv. CR 6142/329, Lot 501 Greenhill Road, Balhannah xvi. CR 5926/487, Lot 20 Bell Springs Road Charleston (for rededication to the Department of Environment & Water) xvii. CR 5753/718, Section 1544 Reserve Terrace Aldgate (for rededication to Meals on Wheels) xviii. CR 5753/753, Section 495 off Kersbrook Road Kersbrook (for rededication to Forestry SA) <p>4. That a further report be presented to Council once a response from the</p>	Terry Crackett	In Progress	Being progressed in accordance with resolution	FALSE

23/03/2021	Ordinary Council	63/21	Sale of Land for Recovery of Debt, Lenswood - Confidential	None declared	As per confidential minute	Marc Salver	In Progress	On 19 July the court determined to stay the Warrant of Sale until 16 August at which time the matter has been listed for a further directions hearing.	TRUE
23/03/2021	Ordinary Council	64/21	Sale of Land for Recovery of Debt, Lenswood - Period of c	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 either the Warrant of Sale process for the land in question is completed and a settlement reached or until legal proceedings have concluded, but no longer than 12 months.	Marc Salver	In Progress	The lawyers have commenced the sale of land process and passed this onto the Sherriff to issue the notice to the landowner. Further updates will be provided as this progresses	TRUE
27/04/2021	Ordinary Council	70/21	Green Organic Service Options	None declared	Council resolves that: The report be received and noted The budget for free green organic drop off days be increased to \$138,600 as part of the Draft 2021/22 Annual Business Plan and Budget Funding for a detailed analysis of Option 2 be included in the budget development for 2022/23.	Peter Bice	In Progress	Matter will be progressed further after community consultation outcomes on the 2021/22 Annual Business Plan and Budget. The draft 2021/22 budget for free green organic drop off days has been increased to \$138,600 for consideration and adoption by Council at the June 2021 Ordinary Council Meeting. Increased budget for free green organic drop off days adopted with the 2021/22 Annual Business Plan and Budget at the June 2021 Council meeting. Funding for a detailed analysis of Option 2 (Expand kerbside FOGO bin to all residents to ensure equity in kerbside services) will be included in the budget	FALSE
27/04/2021	Ordinary Council	75/21	Road Closure & Opening adjacent 36 Pioneer Ave Lobethal	None declared	1. That the report be received and noted 2. In accordance with sections 12 and 15 of the <i>Roads (Opening and Closing) Act 1991</i> , enter into an Agreement for Exchange with the owner of the land of 36 Pioneer Avenue Lobethal and issue a Road Process Order to open as public road the area identified as "1" on Preliminary Plan No. 21/0010 and in exchange to close a portion of Pioneer Avenue as identified as "A" on Preliminary Plan No 21/0010 as "A" and merge with Allotment 19 in Deposited Plan No. 4789 comprised in Certificate of Title Volume 5548 Folio 780. 3. Subject to the closure of the road identified in the Preliminary Plan attached, that: The closed road be excluded as Community Land pursuant to the <i>Local Government Act 1999</i> ; and The piece marked "A" be sold to the owners of 36 Pioneer Avenue Lobethal, being the owners of the property with which it is merging for the amount of \$9,200 plus GST (if applicable) and responsible for all fees and charges associated with the road closure process. 4. Authorise the Chief Executive to finalise and sign all necessary documentation to close and sell the above portion of closed road pursuant to this	Terry Crackett	In Progress	Commenced in accordance with resolution. Awaiting completion of the process by the Surveyor-General	FALSE
27/04/2021	Ordinary Council	77/21	2020-21 CEO Performance Review Process & Schedule	None declared	That the report be received and noted To undertake the 2021 CEO Performance Review using an internal process and utilise a consultant to undertake the remuneration package review. To adopt the 2021 CEO Performance Review Panel Internal Process and Meeting Schedule as contained in Appendix 1 as it relates to Council meetings and workshops.	Terry Crackett	Completed	A final report was provided to the Council on 24/8/2021 and decision of council on the CEO performance and remuneration outcome for 2021 has been advised to the CEO via a letter on 27/8/2021.	FALSE
25/05/2021	Ordinary Council	92/21	Draft Trails & Cycling Routes Management Policy	None declared	1. That the report be received and noted. 2. That the draft Trails and Cycling Routes Management Policy contained in <i>Appendix 1</i> be endorsed for consultation 3. That the CEO be authorised to: Make any formatting, nomenclature or other minor changes to the Policy prior to being released for public consultation and Determine the consultation timings, media and processes while ensuring consistency and compliance with the provisions of applicable legislation and Council's <i>Public Consultation Policy</i> . 4. That the outcomes of the consultation and a final draft document be presented to Council for its consideration August 2021.	Peter Bice	Completed	A final draft Policy document was presented to and endorsed by Council in August 2021.	FALSE
25/05/2021	Ordinary Council	105/21	Multi-Year Road Rally Proposal CONFIDENTIAL	None declared	Refer to confidential minute	David Waters	In Progress	The Report and Attachments remain in confidence.	TRUE
22/06/2021	Ordinary Council	117/21	Mobile Library Replacement	None declared	That the report be received and noted. That the Administration proceed with the replacement of the mobile library with a customised van and that the amount carried forward into 2021-22 be adjusted from \$480,000 to \$200,000. That the report be received and noted. That the Administration proceed with the replacement of the mobile library with a customised van and that the amount carried forward into 2021-22 be adjusted from \$480,000 to \$200,000.	David Waters	In Progress	Preliminary scoping for the new vehicle is underway.	FALSE
22/06/2021	Ordinary Council	118/21	Lobethal Bushland Park Masterplan	None declared	That the report be received and noted. 2. That the CEO conducts targeted consultation with the Friends of Lobethal Bushland Park and the Lobethal Bushland Park Community Reference Group with the view of reporting the results of that consultation by 31 August 2021.	Peter Bice	Completed	The final draft masterplan was presented to and accepted by Council at it's August 2021 meeting.	FALSE

22/06/2021	Ordinary Council	119/21	Community & Recreation Facilities Framework & Play Sp: None declared		<ol style="list-style-type: none"> 1. That the report be received and noted. 2. To receive and endorse the draft Community and Recreation Facilities Framework and the draft Play Space Framework and implement Stage 3 of Engagement (consultation). 3. That the results of Stage 3 Engagement and the final draft Frameworks be presented to Council for their consideration by December 2021. 4. That the CEO be authorised to: Make any formatting, nomenclature or other minor changes to the Draft Framework documents prior to being released for public consultation and Determine the consultation timings, media and processes while ensuring consistency and compliance with the provisions of applicable legislation and Council's <i>Public Consultation Policy</i>. 	Peter Bice	In Progress	Framework consultation with stakeholders and the general community commenced in August 2021. Consultation findings will be discussed with Council at an upcoming workshop, with a final draft document due to be presented in December 2021.	FALSE
22/06/2021	Ordinary Council	120/21	Local Government Infrastructure Partnership Program Gr None declared		<ol style="list-style-type: none"> 1. The report be received and noted 2. The CEO completes an economic and environmental cost benefit analysis for the Woodside Water Reuse Project 3. This analysis be presented at a Council workshop and then subsequently a report be prepared for Council by 30 September 2021. 	Peter Bice	In Progress	Initial steps to undertake economic and environmental cost benefit analysis for Woodside Water Reuse project have been undertaken. Economic and environmental cost benefit analysis progress reported to Sustainability Advisory Group 9 September 2021	FALSE
22/06/2021	Ordinary Council	146/21	Event Opportunity - SANTOS TDU 2022	None declared	Refer to Confidential Minute	David Waters	Not Started	The report remains in confidence.	TRUE
22/06/2021	Ordinary Council	147/21	Event Opportunity SANTOS TDU 2022	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 Council receives written confirmation from the South Australian Tourist Commission that the event information is no longer confidential, but not longer than 30 June 2022.	David Waters	Not Started		FALSE
27/07/2021	Ordinary Council	152/21	Assistance to Vulnerable Residents on Catastrophic Fire E None declared		The CEO investigates measures that Council could take to assist vulnerable residents such as the elderly, disabled and young in bushfire prone areas of the Adelaide Hills Council district on Catastrophic and Extreme fire danger days. The investigation includes (but is not limited to) an exploration of: options to provide transportation of vulnerable residents to areas designated as Bushfire Safer Places, the establishment of shelters for vulnerable people in nearby Bushfire Safer Places, Federal, State and NGO partnerships (e.g. LGA, Red Cross), funding sources and grants that could be applied to a program of this nature, and Development of a communication campaign to allow people in the Council district to determine where their nearest Bushfire Safer Places and Places of Last Resort are located and what services (both government and non-government) will be available to them in these locations on different levels of fire danger day. A report on the outcomes of the investigation be discussed at a workshop and presented to Council no later than the November 2021 Ordinary Council Meeting to allow sufficient time for some measures (if identified) to be implemented for the start of the 2021/22 fire danger season.	Peter Bice	In Progress	Investigation into assisting vulnerable residents on catastrophic fire danger days has commenced. Council Member Workshop currently being organised with CFS.	FALSE
27/07/2021	Ordinary Council	153/21	Support for Road Closures 2021 Adelaide Hills Rally	None declared	<ol style="list-style-type: none"> 1. That the report be received and noted. 2. That, in relation to the 2021 Adelaide Hills Rally, Council supports the event contingent on the organisers, to the satisfaction of the Chief Executive Officer: Complying with Council's <i>Festivals and Events Policy – Guideline No. 1 for Competitive Motoring Events</i> 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 (noting that not all concerns can necessarily be addressed to the satisfaction of all residents) 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. Providing evidence of satisfactory procedures for enabling emergency services access to properties on the event route at all times. 3. 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 23 and Sunday 24 October 2021 as follows: Saturday 23 October 2021 Retreat Valley Stage Closure 7:00am – 12:30pm Retreat Valley Road, Odea Road, Berry Hill Road and Langley Road closed – from Gorge Road to Cudlee Creek Road Charligate Stage 	David Waters	Not Started	The organiser is complying with Council's Festivals and Events Policy – Guideline No. 1 for Competitive Motoring Events and has provided evidence of satisfactory insurance. There are only two potentially affected business owners and they have been made aware of the road closures.	FALSE

27/07/2021	Ordinary Council	154/21	AH Reconciliation Working Group Terms of Reference & I	None declared	<ol style="list-style-type: none"> the report be received and noted. Council adopts the changes to the Terms of Reference of the Adelaide Hills Reconciliation Working Group as proposed in <i>Appendix 1</i> with a review to take place in two years. Council authorises the Chief Executive Officer to make any minor alterations to the Terms of Reference, not affecting the substantive form or function of the Adelaide Hills Reconciliation Working Group, as may be required to finalise the matter. in conjunction with the Mount Barker District Council, to commence the Adelaide Hills Reconciliation Working Group Community Member Expression of Interest process and appoints Cr Kirrilee Boyd to the selection panel with Cr Ian 	David Waters	In Progress		FALSE
27/07/2021	Ordinary Council	156/21	Revised LGIPP Grant Deed for Water Management Project	None declared	<ol style="list-style-type: none"> That the report be received and noted. To commit \$350,000 to the Local Government Infrastructure Partnerships Program grant funding and associated sustainable water management projects. To authorise the Chief Executive Officer and Mayor to execute all documentation, including under seal as necessary, to give effect to this resolution. To authorise the Chief Executive Officer to undertake any document changes required to execute the draft Grant Deed and associated documentation. 	Peter Bice	In Progress	The Draft Grant Deed has been prepared by Department of Treasury and Finance in line with the above resolution. The revised Draft Grant Deed has been reviewed by Council and a hard copy has now been sent to Council for signing. This has yet to be received.	FALSE
27/07/2021	Ordinary Council	158/21	Revocation of Community Land Classification - Closed Road: Perceived - Cr Linda Green	None declared	<ol style="list-style-type: none"> That the report be received and noted To commence a revocation of community land process for the land described as "AA" in Road Plan No. 2142 ("Closed Road"), off Lenger Road, Mount Torrens including consultation in accordance with Council's Public Consultation Policy and the <i>Local Government Act 1999</i> with the intention of selling the Closed Road to the adjoining owners. To commence a revocation of community land process for the land described as "A" and "B" in Road Plan No. 1573 ("Closed Road") adjacent to 105 Nicholls Road, Norton Summit including consultation in accordance with Council's Public Consultation Policy and the <i>Local Government Act 1999</i> with the intention of selling the Closed Road to the adjoining owners. That a further report be presented to Council at the completion of the consultation. 	Terry Crackett	In Progress	Commenced in accordance with the resolution	FALSE
27/07/2021	Ordinary Council	162/21	Bushfire Safer Places	None declared	<p>That the CEO writes to the SA Country Fire Service (CFS) requesting:</p> <ol style="list-style-type: none"> the specific criteria for Bushfire Safer Place designation and specifically how the designated Bushfire Safer Places in the AHC district meet these criteria. what measures the CFS take to ensure safety of Bushfire Safer Places outside their normal emergency practice in the event of a bushfire Adelaide Hills Council be invited to participate in the proposed audit of Bushfire Safer Places and partner in communicating safe community practice on catastrophic and extreme fire days. the Chief Officer of the CFS be invited to attend a Council workshop prior to the commencement of the 2021/22 bushfire season. 	Peter Bice	In Progress	Initial contact made with CFS to progress resolution. Council Member workshop date currently being determined with CFS.	FALSE
27/07/2021	Ordinary Council	167/21	46 Mt Barker Road Stirling - Old Stirling Police Station	Material - Cr Mark Osterstock	that the minutes, report, related attachments and the discussion and considerations of the subject matter be retained in confidence until the Land has been sold, but not longer than 12 months.	Terry Crackett	In Progress	Minutes have been released from confidentiality.	FALSE
4/08/2021	Ordinary Council	169/21	MON Natural Burials	None declared	That the CEO provides a report to Council by 30 June 2022, outlining a policy and/or procedures by which Council can effectively manage natural burials in council cemeteries, such a report to include suitable locations and indicative costs.	Terry Crackett	In Progress	Preliminary planning underway for return to Council with report by 30 June 2022.	FALSE
24/08/2021	Ordinary Council	170/21	Road Exchange Aldi Development Pomona Road Stirling	None declared	That the report be received and noted in accordance with sections 12 and 15 of the <i>Roads (Opening and Closing) Act 1991</i> , enter into an Agreement for Exchange with the owner of the land of 3-5 Pomona Road Stirling and issue a Road Process Order to open as public road the area identified as "Road to be opened 1" on the Preliminary Plan No 21/0011 and in exchange to close a portion of Pomona Road as identified on the Preliminary Plan No 21/0011 as "Public Road A", subject to the owner of the land at 3-5 Pomona Road Stirling and Council agreeing to share all costs associated with the road exchange process including but not limited to all survey, valuation and reasonable legal costs. The closed road be excluded as Community Land pursuant to the <i>Local Government Act 1999</i> . The Mayor and Chief Executive Officer be authorised to sign all documents necessary, including affixation of the common seal, to give effect to this resolution.	Terry Crackett	In Progress	Commenced in accordance with resolution	FALSE

24/08/2021	Ordinary Council	171/21	Lobethal Bushland Park Masterplan	None declared	<p>1. That the report be received and noted.</p> <p>2. To receive and accept the <i>Lobethal Bushland Park Masterplan Stage 3 Community Engagement Outcomes Report</i> as contained in Appendix 1.</p> <p>3. To adopt the <i>Lobethal Bushland Park Masterplan</i> as contained in Appendix 2.</p> <p>4. That the CEO be authorised to make any formatting, nomenclature or other minor changes to the <i>Lobethal Bushland Park Masterplan</i> prior to it being released to the public.</p>	Peter Bice	Completed	The Lobethal Bushland Park was endorsed by Council at its August 2021 meeting. Actions from the masterplan will be considered, planned and implemented as funding becomes available.	FALSE
24/08/2021	Ordinary Council	172/21	Policy Adoption - Trails and Cycling Routes Policy	None declared	<p>That the report be received and noted</p> <p>To receive and note the <i>draft Trails and Cycling Routes Management Policy Community Engagement Outcomes Report</i> contained in Appendix 1.</p> <p>With an effective date of 7 September 2021, to adopt the draft 24 August 2021 <i>Trails and Cycling Routes Management Policy</i> contained in Appendix 2.</p> <p>That the CEO be authorised to make any formatting, nomenclature or other minor changes to the 24 August 2021 <i>Trails and Cycling Routes Management Policy</i> prior to the effective date.</p>	Peter Bice	Completed	Council's Trails and Cycling Routes Policy was adopted at its August 2021 meeting. A copy of the Policy is now available on Council's website.	FALSE
24/08/2021	Ordinary Council	173/21	Closed Road Upper Hermitage Community Revocation Cc	None declared	<p>1. That the report be received and noted.</p> <p>2. To cease the revocation of community land process for the land described as "A" in Road Plan No. 855 ("Closed Road").</p> <p>3. To retain the Closed Road on the Council's <i>Community Land Register</i> and undertake a community consultation process to adopt a <i>Community Land Management Plan</i> for the Closed Road as a Conservation Reserve.</p>	Terry Crackett	In Progress	Commenced in accordance with resolution	FALSE
24/08/2021	Ordinary Council	174/21	Policy for Community Consultation - Memorials Policy	None declared	<p>That the report be received and noted</p> <p>To approve the draft Memorials Policy as contained in Appendix 1 for community consultation.</p> <p>That the CEO be authorised to determine the consultation timings, media and processes while ensuring consistency and compliance with the provisions of applicable legislation and Council's Public Consultation Policy.</p>	Terry Crackett	In Progress	Community Consultation commencing from 15 September to 5 October for return to Council in October.	FALSE
24/08/2021	Ordinary Council	175/21	Policy Review - Cemetery Operating Policy	None declared	<p>1. That the report be received and noted</p> <p>2. With an effective date of 7 September 2021, to revoke the 22 June 2021 <i>Cemetery Operating Policy</i> and to adopt the revised 24 August 2021 <i>Cemetery Operating Policy</i> in Appendix 1.</p> <p>3. That Section 4.13 – Tributes and Section 7 - Memorials be retained in the <i>Cemetery Operating Policy</i> until such time as a <i>Memorials Policy</i> is adopted.</p> <p>4. That the CEO be given delegation to remove Section 4.13 – Tributes and Section 7 - Memorials from the <i>Cemetery Operating Policy</i> after a <i>Memorials Policy</i> is adopted.</p> <p>5. That the Chief Executive Officer be authorised to make any formatting, nomenclature or other minor changes to the 24 August 2021 <i>Cemetery Operating</i></p>	Terry Crackett	In Progress	Updated policy provided to Governance for uploading to website. Action to remain 'in progress' until Sections 4.13 and 7 are removed after Memorials policy has undertaken community consultation and been subsequently adopted by Council.	FALSE
24/08/2021	Ordinary Council	176/21	Old Balhannah Railway Station Expression of Interest	None declared	<p>1. That the report be received and noted.</p> <p>2. To withdraw the conditional expression of interest lodged by Council staff on 21 July 2021 in relation to the land located at Jones Road Balhannah being Allotment 104 in DP 94823 and land located at Junction Road Balhannah being Allotment 101 in DP 94823 both contained in Certificate of Title Volume 6159 Folio 33</p> <p>3. To request the State Government research the possibility of retaining the land for park and ride or other community use.</p> <p>4. To delegate to the Chief Executive Officer to communicate this resolution to the Department of Infrastructure and Transport</p>	Terry Crackett	Not Started		FALSE
24/08/2021	Ordinary Council	178/21	Operational Workplace Review	None declared	<p>1. That the report be received and noted</p> <p>2. That Council take up commercial lease space in Stirling at 85 Mount Barker Road Stirling, and the associated costs for the leasehold premises detailed in Appendix 1 be adjusted in the 2021-22 financial year at Budget Review 1</p> <p>3. Further detailed scoping be undertaken on the proposed renewal and energy efficiency upgrades to the Stirling Office, Heathfield Depot, Gumeracha Depot and Woodside Offices (current Development and Building Team offices) and presented to Council for consideration where appropriate within the 2021-22 Budget Review 1 and the next review of the Long Term Financial Plan</p> <p>4. Subject to endorsement of the detailed scoping identified in 3 above, the Development and Building Team be relocated from Woodside to Stirling</p> <p>5. To include budget provision in the draft Annual Business Plan for the 2022-23 financial year to undertake a feasibility study on the medium to long term needs for community and operational sites and where greater efficiencies may be obtained through consolidation of sites.</p>	Terry Crackett	In Progress	Commenced in accordance with resolution	FALSE

24/08/2021	Ordinary Council	179/21	2020-21 Preliminary End of Year Financial Results and Carry Forwards	None declared	The report be received and the preliminary end of year financial results for 2020-21 be noted. Operating Initiatives Carry Forward projects from 2020-21 totalling an amount of \$333k of expenditure (Attachment 1 of this report) be approved for inclusion in the 2021-22 Budget. Operating Grants Carry Forward amounts from 2020-21 totalling \$657k of Grant Income and \$360k of grant expenditure (Attachment 2 of this report) be approved for inclusion in the 2021-22 Budget. Capital carry forward projects from 2020-21 totalling an amount of \$1.717m of expenditure and \$3.617m of income (Attachments 3, 4 and 5 to this report) be approved for inclusion in the 2021-22 Budget. 2021-22 Capital Expenditure Budget of \$55k relating to preliminary works for Phase 2 of the Local Roads and Community Infrastructure Program of \$55k undertaken in 2020-21 be approved and transferred from the 2021-22 Budget. The budget changes being a reduction in Operating Income of \$210k, an increase in Operating Expenditure of \$86k and a reduction in Capital Expenditure of \$296k (Attachment 7 to this report) be approved for inclusion in the 2021-22 Budget. The additional budget requests resulting in an increase of \$10k in Operating Expenditure, an increase of \$190k in Capital Income and an increase of \$315k in Capital Expenditure (Attachment 8) be approved for inclusion in the 21-22 Budget. The 2021-22 proposed Budgeted Uniform Presentation of Finances reflecting a revised budgeted Operating Surplus of \$957k before Capital Revenue and revised Net Borrowings of \$6.460m as summarised in Attachment 9 and 10 to this report be adopted.	Terry Crackett	Completed	Council Financial systems updated for budget changes	FALSE
24/08/2021	Ordinary Council	180/21	Black Summer Bushfire Recovery Grants	None declared	<ol style="list-style-type: none"> 1. That the report be received and noted. 2. To endorse the submission of applications to the Black Summer Bushfire Recovery Grants Program for the following initiatives: Operating a Community Resilience and Readiness Program (\$980,000) including an allocation for potential community facility upgrades arising from that program (\$250,000) and supporting a research project (\$90,000) to increase the national body of knowledge around community-led disaster resilience building, Upgrading and sealing Croft Road, Lenswood, from Fox Creek Road to the Fox Creek Mountain Bike Park (\$960,000). 3. To authorise the Chief Executive Officer, should the application(s) be successful, to act for and on behalf of the Council in negotiating the terms of the funding agreement and to execute documents as necessary to accept the funding. 	David Waters	Not Started		FALSE
24/08/2021	Ordinary Council	181/21	Road Closure Young Drivers Awareness Course 2021-22	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 6 October 2021, and 9.00am and 6.00pm Wednesday 20 April 2022. 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		FALSE
24/08/2021	Ordinary Council	182/21	Policy Review - Petitions	None declared	<p>That the report be received and noted</p> <p>With an effective date of 7 September 2021, to revoke the 25 July 2017 <i>Petitions Policy</i> and to adopt the draft 24 August 2021 <i>Petitions Policy</i> as contained in <i>Appendix 1</i>.</p> <p>That the Chief Executive Officer be authorised to make any formatting, nomenclature or other minor changes to the 24 August 2021 <i>Petitions Policy</i> prior to the effective date.</p>	Andrew Aitken	Completed	Policy finalised.	FALSE
24/08/2021	Ordinary Council	183/21	Audit Committee Membership Independent Membes	None declared	<p>That the report be received and noted</p> <p>To undertake a recruitment process for the selection of two Independent Ordinary Members for the Audit Committee for a term commencing 1 December 2021 and concluding 30 November 2023 (inclusive). To appoint Cr Malcolm Herrmann, Cr Leith Mudge and the CEO (or delegate) as members of the Audit Committee Independent Member Selection Panel.</p>	Andrew Aitken	In Progress	Advertising commenced on 1 September. Interviews planned for early October.	FALSE

24/08/2021	Ordinary Council	184/21	S41 Committeee Independent Member Sitting Fees	None declared	That the report be received and noted That in relation to the Audit Committee and the Chief Executive Officer Performance Review Panel:To determine the sitting fees for Members, effective 1 December 2021, as follows:Independent Presiding Member - \$575 (excl GST) per attended meeting.Independent Ordinary Member - \$450 (excl GST) per attended meeting.Authorised Training - \$75 (excl GST) per hour of training attended excluding travel time but with a travel allowance being paid at the standard Council rate.That in the event that an Independent Ordinary Member is required to preside at a meeting in the absence of the Presiding Member, then that Member receives the \$575 (excl GST) sitting fee for that meeting.	Andrew Aitken	In Progress	Members to be advised closer to commencement date.	FALSE
24/08/2021	Ordinary Council	185/21	Delegations Review August 2021	None declared	Refer to minutes	Andrew Aitken	In Progress	Delegations loaded onto Council website, sperate instrument os delegation being preped for staff members	FALSE
24/08/2021	Ordinary Council	188/21	Pomona Road Pedestrian Refuge Island	None declared	That the CEO writes to the Department of Infrastructure and Transport and the Member for Heysen, Hon Josh Teague, in support of Mr Steven Healy's suggestion of a pedestrian refuge island on Pomona Road near the Mt Barker Road roundabout.	Peter Bice	Not Started	The letter has not yet been drafted.	FALSE
24/08/2021	Ordinary Council	189/21	Letter of Support Summertown Community Centre	none declared	That Council provides a Letter of Support to the Board of Management Summertown Community Centre in its endeavours to improve Tregarthen Park.	Peter Bice	Completed	A letter of support was sent directly to the Office for Recreation, Sport & Racing for inclusion in the Summertown Community Centre's grant funding application. Receipt of the letter was acknowledged. A copy of the letter was forwarded to representatives of the Summertown Community Centre Committee.	FALSE
24/08/2021	Ordinary Council	194/21	CEO Performance Review & Remuneration Review - Confidential Item	None declared	Refer to confidential minute	Terry Crackett	Completed	The decision of council on the CEO performance and remuneration outcome for 2021 has been advised to the CEO via a letter on 27/8/2021.	FALSE
24/08/2021	Ordinary Council	195/21	CEO Performance Review & Remuneration Review - 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 CEO has been advised in writing, but not longer than one month from the date of the decision of Council.	Terry Crackett	Completed	The decision of council on the CEO performance and remuneration outcome for 2021 has been advised to the CEO via a letter on 27/8/2021. Governance were advised via email on 27/8/21 that the action had been completed.	FALSE

**ADELAIDE HILLS COUNCIL
ORDINARY COUNCIL MEETING
Tuesday 28 September 2021
AGENDA BUSINESS ITEM**

Item: 13.1

Responsible Officer: Steven Watson
Acting Executive Manager Governance & Performance
Office of the Chief Executive

Subject: Policy Register Review - September 2021

For: Information

SUMMARY

Council has developed a range of policies over time, some in response to legislative obligations and others at Council's discretion. Policies are generally adopted with review to occur at a set period (i.e. 3 years) or as required by changes in legislation.

The attached Policy Register is provided for the Council's consideration and review to get a consolidated picture of the schedule of policies and review timeframes.

RECOMMENDATION

Council resolves that the report be received and noted.

1. GOVERNANCE

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

Strategic Plan 2020-24 – A brighter future

Goal 5 A Progressive Organisation

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

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

Council's Policy Framework is a key component of the wider Governance Framework.

➤ **Legal Implications**

The *Local Government Act 1999* and *Local Government (Elections) Act 1999* require a number of codes and policies to be developed; these include but are not limited to:

- Code of Practice for Access to Council & Committee Meetings and Documents;
- Complaints Handling;
- Caretaker;
- Internal Review of Council Decisions;
- Public Consultation;
- Procurement.

➤ **Risk Management Implications**

Maintenance of a contemporary and legislatively compliant Policy Framework 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

Note that there are many other controls that assist in mitigating this risk.

➤ **Financial and Resource Implications**

There is no specific budget for the development and implementation of the Policy Review process however administrative costs are provided for in the Governance & Performance budget. The financial implications of individual policies will be identified when submitted for Council's consideration.

The resource implications associated with the development, implementation, training and monitoring of each policy is incorporated into the responsible department's budget.

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

Specific policies developed/revised as part of this Program will have customer service implications however there is a community expectation that Council has in place a suite of logical, cohesive and legislatively-compliant policies.

➤ **Sustainability Implications**

Not directly applicable.

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

Consultation regarding the Policy Framework has previously been undertaken within Council.

Some policies are required by legislation to be subject to consultation prior to adoption (i.e. *Public Consultation Policy*) and for some others it may be desirable to undertake a discretionary consultation approach (the Council can determine this on a policy-by-policy basis).

Consultation on the development of this report was as follows:

Council Committees: Not Applicable

Council Workshops: Not Applicable

Advisory Groups: Not Applicable

Administration: Chief Executive Officer
Director Regulatory & Development
Director Infrastructure & Works
Director Community Capacity
Director Corporate Services
Executive Manager Governance & Performance
Executive Manager Organisational Development
Manager Waste and Emergency Management
Manager Development Services
Manager Sustainable Assets
Manager Property Services
Manager Financial Services
Team Leader Environmental Health Services
Team Leader Regulatory Services
Senior Strategic & Policy Planner
Sport & Recreation Planner

Community: Not Applicable

2. BACKGROUND

The Policy Register is provided to enable the Council to fulfil its oversight role, in relation to the Policy Framework.

3. ANALYSIS

The Administration has reviewed the Policy Register (**Appendix 1**) and specifically the timings for policy reviews to come before the Council.

Considerable progress has been made in recent years to update and maintain the currency of Council's Policy Framework. A small number of policies remain on the Register which is legislatively or contextually superfluous and these will be targeted for rescission over the forthcoming period.

A number of governance-related policies have been and will continue to be impacted by the proposed legislative changes arising from the Reform Local Government Program. The *Statutes Amendment (Local Government Review) Bill 2019* (containing these legislative changes) was originally scheduled to be tabled in Parliament in the first half of 2020 however due to the COVID-19 pandemic and the resultant need to bring in more urgent legislative arrangements this was deferred until late 2020. Once the Bill was introduced to Parliament, a considerable number of amendments were made in both houses of parliament with the final Bill passed in June 2021. The resultant *Statutes Amendment (Local Government Review) Act 2021* is however not yet commenced and the commencement dates and underlying regulations are yet to be finalised.

On this basis, **Appendix 1** contains a number of policies that have been identified for a further review deferral pending the commencement of the new legislation. It is worth noting that a policy being overdue for review does not mean that the policy ceases to have effect.

4. OPTIONS

The Council has the following options:

- I. To note the Policy Register as attached (recommended)
- II. To alter the timings of proposed policy reviews (not recommended).

5. APPENDIX

- (1) Adelaide Hills Council Policy Register – September 2021

Appendix 1

*Adelaide Hills Council Policy Register
September 2021*

ADELAIDE HILLS COUNCIL POLICY REGISTER

Policy	Policy No.	Category	Mandatory/ Recommended by LGA	Last Adopted Date	Review Date on Policy (traffic light)	Commence Review (traffic light)	Responsible Department	Responsible Officer	Notes
Accredited Professionals	DEV-14	Development	Mandatory	23-Jun-20	Sep-22	Jun-22	Development & Compliance	Assessment Manager / Manager Development Services	This is a new Policy which was adopted as part of business readiness and which is only due for review in September 2022
Acknowledgement And Welcome To Country	COM-25	Community	Other	15-Dec-20	Oct-22	Jul-22	Community Development	Community and Cultural Development Officer	Will be considered closer to the scheduled Review Date
Advisory Group Operation and Conduct	GOV-1	Corporate Governance	Other	18-Dec-18	Dec-21	Sep-21	Governance & Performance	Executive Manager Governance & Performance	Review will be conducted following the review/creation of the Information or Briefing Sessions Policy
Arts & Heritage Collection	COM-14	Community	Other	28-Jul-20	Aug-23	May-23	Community Development	Community and Cultural Development Officer	Will be considered closer to the scheduled Review Date
Asset Management	INF-03	Infrastructure & Assets	Other	22-Jun-21	May-25	Feb-25	Sustainable Assets	Manager Strategic Assets	To be considered by Audit Committee for recommendation to Council.
Buffers	DEV-06	Development	Other	1-Jan-15	Jan-22	Oct-21	Policy Planning	Senior Strategic & Policy Planner	Staff are currently reviewing the Buffers Policy with consideration to the updated Australian Pesticides and Veterinary Medicines Authority spray drift guidelines, the recent changes to interface policy brought in via the Planning and Design Code and industry best practice through engagement with local industry and State Agencies. The Buffers Policy will be amended accordingly by January 2022.
Building & Swimming Pool Inspection (Dev Act s71A(1))	DEV-01	Development	Mandatory	11-Jul-17	Jul-20	Apr-20	Development & Compliance	Assessment Manager / Manager Development Services	This review is no longer required as Council's Policy has been replaced with the mandatory State Government Insection Policy for Buildings and Swimming Pools which comes into effect on 19 March 2021 when the Planning & Design Code goes live.
Burials Outside Cemeteries	COM-15	Community	Other	22-Jan-19	Jan-24	Oct-23	Property Services	Manager Property Services	Will be considered closer to the scheduled Review Date
Burning Permit Policy	ENV-06	Environment & Open Space	Recommended	25-May-21	May-24	Feb-24	Waste, Health & Regulatory Services	Team Leader Regulatory Services	Will be considered closer to the scheduled Review Date
Caretaker (LGEA s91A(1))	GOV-06	Corporate Governance	Mandatory	22-May-18	May-22	Feb-22	Governance & Performance	Executive Manager Governance & Performance	Will be considered closer to the scheduled Review Date taking into account the changes in the Statutes Amendment Act.
Cemetery Operating	COM-06	Community	Recommended	24-Aug-21	Oct-23	Jul-23	Property Services	Manager Property Services	Will be considered closer to the scheduled Review Date
Code of Practice for Access to Council Meetings, Committees & Documents (LGA s92)	GOV-17	Corporate Governance	Mandatory	15-Sep-20	Nov-23	Aug-23	Governance & Performance	Executive Manager Governance & Performance	May be impacted by the Statutes Amendment Act , if so the review date will be brought forward.
Code of Practice for Meeting Procedures (LGPAMR r6)	GOV-14	Corporate Governance	Mandatory	28-Jan-20	Jan-21	Oct-20	Governance & Performance	Executive Manager Governance & Performance	The Code was last amended in January 2021 regarding the Acknowledgement of Country. The Statutes Amendment Act specifically contemplates changes to the powers of principal members in the Chamber (disciplinary) and informal sessions. While the Act has now passed, the regs are still being developed. As such the Code is nominally scheduled for the October 2021 meeting.
Community Group Use of Photocopiers	COM-02	Community	Other	11-Jul-17	Jul-20	Apr-20	Library & Customer Services	Manager Libraries and Customer Service	Due to the impacts COVID and the change of Libraries and Customer Service Manager this policy was not reviewed in 2020, but will be reviewed by end of June 2022. Whilst this policy is overdue for review the policy remains relevant & meets the needs.
Community Information Display	COM-09	Community	Other	26-Mar-19	Mar-22	Dec-21	Communications & Events	Manager Libraries and Customer Service	Will be considered closer to the scheduled Review Date
Community Loans	FIN-06	Finance	Other	22-Sep-20	Sep-23	Jun-23	Financial Services	Manager Financial Services	Will be considered closer to the scheduled Review Date
Complaints Handling (LGA s 270(a1)(b))	GOV-04	Corporate Governance	Mandatory	26-Nov-19	Nov-23	Aug-23	Director's Office, CCS	Director Community Capacity	Will be considered closer to the scheduled Review Date. To be done in consideration of GOV-01, GOV-03, GOV-04 & GOV-08.
Council Assessment Panel Review of Decisions of the Assessment Manager	CAP-01	Development	Mandatory	10-Jun-20	Apr-22	Jan-22	Development & Compliance	Assessment Manager / Manager Development Services	This is a new Policy which was adopted as part of business readiness and which is only due for review in April 2022
Council Member Allowances and Support (LGA s 77(1)(b))	CM-02	Council Member	Mandatory	22-Sep-20	Nov-22	Aug-22	Governance & Performance	Executive Manager Governance & Performance	Policy lapses at a general election of council.
Council Member Conduct (LGA s63)	CM-04	Council Member	Mandatory	28-Jan-20	Jan-22	Oct-21	Governance & Performance	Executive Manager Governance & Performance	The Statutes Amendment Act specifically contemplates changes to the provisions regarding Council Member conduct and complaints handling. The draft commencement schedule provides that these provisions will commence in 2022/3.
Council Member Training and Development (LGA s 80A)	CM-05	Council Member	Mandatory	24-Jul-18	Sep-22	Jun-22	Governance & Performance	Executive Manager Governance & Performance	Will be considered closer to the scheduled Review Date

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Debt Recovery (Inc. CWMS Customer Hardship Policy) (LGA s144)	FIN-04	Finance	Mandatory	24-Jan-21	Nov-23	Aug-23	Financial Services	Manager Financial Services	Will be considered closer to the scheduled Review Date
Delegations Policy for the Determination of Development Applications by CAP	DEV-12	Strategy & Development	Mandatory	28-Nov-17	Nov-20	Aug-20	Development & Compliance	Assessment Manager / Manager Development Services	As a result of the Planning Reforms, this Policy only applies to applications lodged prior to 19 March 2021 when the new Planning System commences. The Policy will become redundant when the final Development Application processed under the current Planning System has been determined. Therefore the Policy will not be reviewed as intended as it will become redundant in the near future.
Development Application Document Reproduction	DEV-03	Development	Recommended	11-Oct-16	Oct-21	Jul-21	Development & Compliance	Manager Development Services	Review of this Policy was delayed due to the delay in implementation of the Planning Reforms. The review will now be undertaken given that the new Planning & Design Code goes live for our Council area on 19 March 2021. The review will be finalised end of October 2021.
Development Application Fee Refunds	DEV-07	Development	Other	27-Jul-21	Jul-24	Apr-24	Development & Compliance	Assessment Manager / Manager Development Services	Review of this Policy was completed in July 2021 and will be reviewed by the July 2024 review date
Development Application Fee Waiver	DEV-05	Development	Other	27-Oct-20	Sep-23	Jun-23	Development & Compliance	Assessment Manager / Manager Development Services	Review of this Policy was completed in October 2020 and will be reviewed by the September 2023 review date.
Development Applications Involving Regulated Trees	DEV-08	Development	Other	14-Jun-16	Oct-21	Jul-21	Development & Compliance	Assessment Manager / Manager Development Services	This Policy review will be considered in October 2021 in response to legislative amendments as a result of the implementation of the PDI.
Directional Signage	INF-07	Infrastructure & Assets	Other	26-Feb-19	Sep-21	Jun-21	Sustainable Assets	Director Infrastructure & Operations	To be considered by Council at September 2021 meeting
Disposal of Assets (LGA s49(1d))	FIN-07	Finance	Mandatory	10-Oct-19	Sep-22	Jun-22	Financial Services	Manager Financial Services	Adopted 27 August 2019, effective 10 September 2019
Enforcement Policy	GOV-10	Environment & Open Space	Recommended	15-Dec-20	Nov-25	Aug-25	Waste, Health & Regulatory Services	Team Leader Regulatory Services	The review was undertaken and updated policy was endorsed by Council in December 2020. The next review is schedule for late 2025.
Festivals & Events	COM-11	Community	Other	27-Aug-19	Mar-22	Dec-21	Communications & Events	Manager Communications, Engagement and Events	Staff are working on a draft new F&E Policy with a review focus on motorsport events and fireworks. Council adopted a draft policy for consultation purposes in June 2019 and consultation subsequently occurred. A report on the adoption of a final policy will be prepared for the August 2019 meeting.
Flags	COM-16	Community	Other	24-Jul-18	Jul-21	Apr-21	Communications & Events	Director Community Capacity	Will be considered closer to the scheduled Review Date
Fraud Corruption Misconduct & Maladministration	GOV-02	Corporate Governance	Recommended	28-Apr-20	Oct-23	Jul-23	Governance & Performance	Executive Manager Governance & Performance	Draft revised Policy has been considered by the Audit Committee and adopted by Council. Additional work required on CEO Investigation process which is delaying the scheduling of the report for Council's consideration.
Genetically Modified Crops	ENV-01	Environment & Open Space	Other	18-Dec-18	Nov-22	Aug-22	Policy Planning	Senior Strategic & Policy Planner	Changes to the legislation resulted in the GM Ban being lifted in the State. Further, Council was unsuccessful in applying for GM Free status in November 2020. As a result of this, the Policy is therefore effectively redundant. The Policy is Scheduled to be revoked in early 2022.
Grant & External Funding Acceptance	GOV-07	Corporate Governance	Other	24-Jan-21	Nov-23	Aug-23	Director's Office, CS	Manager Financial Services	Will be considered closer to the scheduled Review Date
Grant Giving	COM-05	Community	Other	27-Apr-21	Feb-24	Nov-23	Community Development	Director Community Capacity	Minor update to clause 8.1 arising from 23 April 2019 Council meeting, resolution 75/19 has been undertaken along with other minor changes. Review in 2020 will also look more broadly at processes and framework that relate to the policy. Reviewed Policy scheduled for consideration at the March 2021 Council meeting.
Informal Council Gatherings (LGA 90(8a))	GOV-12	Corporate Governance	Mandatory	23-Jul-19	Nov-23	Aug-23	Governance & Performance	Executive Manager Governance & Performance	The Statutes Amendment Act repeals the information gatherings provisions (S90(8)) and creates s90A - Information or Briefing Sessions. This policy will be significantly reviewed to create the Information Sessions Policy consistent with the new provisions. Tentatively scheduled for the August 2021 meeting.
Internal Audit (LGA s125)	GOV-18	Corporate Governance	Mandatory	13-Jun-17	Apr-20	Jan-20	Governance & Performance	Executive Manager Governance & Performance	The Reforming Local Government (legislative) program has identified specific legislative provisions relating to internal audit functions. Given that the current Policy provisions are generally sufficient and relevant, it is not proposed to revise the Policy until the Reform Bill is passed (mid-late 2021).
Internal Review of Council Decisions (LGA s 270(1))	GOV-01	Corporate Governance	Mandatory	26-Nov-19	Nov-23	Aug-23	Service Improvement	Coordinator Services Strategy and Innovation	The Reforming Local Government (legislative) program specifically contemplates changes to the provisions regarding Council Member conduct and complaints handling. As such, a fulsome review of the Code will be required when the Reform Bill is passed.. To be done in consideration of GOV-01, GOV-03, GOV-04 & GOV-08
Lease & Licencing	NEW	Community	Other	25-Feb-20	Jun-22	Mar-22	Property Services	Manager Property Services	To be updated in conjunction with the adoption of the Community & Recreation Facility Framework, unlikely to be until mid 2022
Liquor Licencing	COM-18	Community	Other	13-Jun-17	Jun-20	Mar-20	Development & Compliance	Assessment Manager / Manager Development Services	This Policy is redundant as Consumer & Business Services's internal processes for liquor licencing applications are no longer referred to councils for comment.
Local Heritage Grant Fund Guidelines - Procedure	DEV-13	Development	Other	26-May-20	Jun-22	Mar-22	Policy Planning	Senior Strategic & Policy Planner	The 2020 review was completed following the first round of the Grant Fund. Refinements have been made to the Procedure to streamline it. A further review was scheduled to follow the third grant round in the 2021/22 Financial Year. The launch of this round has been delayed until October 2021 and is likely to be finalised in June 2022. A review will be undertaken at this time to coincide with any extension of the program beyond its initial 3 year pilot.

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Management of Built Heritage	DEV-09	Development	Other	12-Apr-16	Nov-21	Aug-21	Policy Planning	Senior Strategic & Policy Planner	Review of this Policy was delayed due to staff focussing on commenting on the proposed planning policy changes for the proposed Planning & Design Code which comes into effect on 19 March 2021. The Policy will therefore be reviewed by end of November 2021 at which point staff will have a better understanding of the impact of the Code on Built Heritage matters..
Mayors/Chairpersons Seeking Legal Advice (LGA s78A)	CM-03	Council Member	Other	8-Sep-15	Sep-18	Jun-18	Governance & Performance	Executive Manager Governance & Performance	To be considered by Council at September 2021 meeting
One Team Communication Protocols	GOV-11	Corporate Governance	Other	2-Aug-15	Aug-18	May-18	Governance & Performance	Executive Manager Governance & Performance	It would be premature to review the Protocols prior to the Reforming Local Government (legislative) program being finalised due to the potential for new/alterd provisions impacting on Council Member/Administration relations. Propose to be workshopped with Council Members when the Reform Bill is passed (mid-late 2021).
Order Making (LGA s259)	GOV-05	Corporate Governance	Mandatory	25-May-21	Nov-25	Aug-25	Waste, Health & Regulatory Services	Team Leader Regulatory Services	The review was undetraken and updated policy was endorsed by Council in December 2020. The next review is schedule for late 2025.
Outdoor Dining	COM-19	Community	Other	24-Apr-18	Mar-21	Dec-20	Property Services	Manager Property Services	Is being actively reviewed however needs the outcome of the audit review on S221/222 permits to be incorporated once that is finalised - expected to go to November 21 meeting
Petitions	GOV-22	Corporate Governance	Recommended	24-Aug-21	Aug-24	May-24	Governance & Performance	Executive Manager Governance & Performance	Will be considered closer to the scheduled Review Date
Play Space	COM-10	Community	Other	27-Mar-18	Jan-21	Oct-20	Open Space	Sport & Recreation Planner	The review of the Play Space Policy has been incorporated into the development of Council's draft Play Space Framework. The drafts of these documents are currently out for consultation, with final draft due to be presented at the December 2021 Council Meeting for endorsement.
Procurement (LGA s49)	GOV-08	Corporate Governance	Mandatory	27-Aug-19	Nov-22	Aug-22	Financial Services	Manager Financial Services	Will be considered closer to the scheduled Review Date
Provision of Physical Models or other Visual Representation Tools for Major Development Proposals which require Public Notification	DEV-11	Development	Other	24-Jul-18	Feb-22	Nov-21	Policy Planning	Senior Strategic & Policy Planner	This Policy is currently being reviewed, with a scheduled update for February 2022.
Prudential Management (LGA s48)	GOV-09	Corporate Governance	Mandatory	13-Jun-17	Apr-20	Jan-20	Governance & Performance	Executive Manager Governance & Performance	The Reforming Local Government (legislative) program has identified specific legislative provisions relating to prudential management arrangements. Given that the current Policy provisions are generally sufficient and relevant, it is not proposed to revise the Policy until the Reform Bill is passed (mid-late 2021).
Public Consultation (LGA s50)	COM-01	Community	Mandatory	28-Jan-20	Jan-23	Oct-22	Communications & Events	Manager Communications, Engagement and Events	The LGA has been undertaking a review and update of a model Public Consultation Policy following the Supreme Court decision in the case of Coastal Ecology Protection Group Inc. & Or v City of Charles Sturt (2017) SASC 136. The LGA has confirmed the review of its model PCP is currently on hold, pending the outcome of an ongoing legal review. It makes sense for AHC to await the outcome of this legal review and release of the model Public Consultation Policy so it can inform review of our own PCP. At this stage the draft Policy is scheduled for Oct 2019 council meeting
Public Interest Disclosure	GOV-16	Corporate Governance	Recommended	27-Apr-21	Apr-24	Jan-24	Governance & Performance	Executive Manager Governance & Performance	Will be considered closer to the scheduled Review Date
Public Place & Road Naming (LG Act s219(5))	DEV-02	Infrastructure & Assets	Mandatory	23-Mar-21	Apr-24	Jan-24	Sustainable Assets	Manager Strategic Assets	Will be considered closer to the scheduled Review Date. Public notice must be given of the adopting or altering of a policy (s219(7))
Public Transport	COM-23	Community	Other	14-Feb-17	Dec-21	Sep-21	Policy Planning	Senior Strategic & Policy Planner	Review of this Policy was delayed due to focus on the roll out of the Planning Reforms. However, the review will be completed by the end of 2021.
Rating (LGA Chpt 10)	FIN-02	Finance	Recommended	22-Jun-21	Jun-22	Mar-22	Financial Services	Manager Financial Services	Rating Policy is always updated and adopted in June as part of ABP
Records and Information Management	GOV-13	Corporate Governance	Recommended	22-Sep-20	Feb-23	Nov-22	Information Systems	Manager Information Systems	Will be considered closer to the scheduled Review Date
Records and Information Management Procedure for Council Members	GOV-20	Corporate Governance	Recommended	22-Sep-20	Feb-23	Nov-22	Information Systems	Manager Information Systems	Will be considered closer to the scheduled Review Date
Request for Service (LGA s270(a1)(a))	GOV-03	Corporate Governance	Mandatory	26-Nov-19	Nov-23	Aug-23	Director's Office, CCS	Coordinator Services Strategy and Innovation	Will be considered closer to the scheduled Review Date. To be done in consideration of GOV-01, GOV-03 & GOV-04.
Risk Management	GOV-19	Corporate Governance	Recommended	28-May-19	Apr-22	Jan-22	Governance & Performance	Executive Manager Governance & Performance	Will be considered closer to the scheduled Review Date. To be considered by Audit Committee for recommendation to Council.
Road Rents	INF-06	Infrastructure & Assets	Other	24-Apr-18	Mar-21	Dec-20	Property Services	Manager Property Services	Is being actively reviewed however needs the outcome of the audit review on S221/222 permits to be incorporated once that is finalised - expected to go to November 21 meeting
Roadside Trading (Use of Public Road Verges for Business Purposes)	COM-20	Community	Other	24-Apr-18	Mar-21	Dec-20	Property Services	Manager Property Services	Draft revised Policy being presented to Council at September 21 meeting to then go out for community consultation

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Safe Environments	COM-12	Community	Recommended	25-Feb-20	Feb-23	Nov-22	Organisational Development	Executive Manager Organisational Development	Will be considered closer to the scheduled Review Date
School Parking and Associated Facilities	COM-21	Infrastructure & Assets	Other	25-Aug-20	Sep-23	Jun-23	Sustainable Assets	Director Infrastructure & Operations	Will be considered closer to the scheduled Review Date
Sport and Recreation Policy	COM-22	Community	Other	16-Dec-08	Apr-11	Jan-11	Open Space	Sport & Recreation Planner	The strategic elements of this policy have been incorporated into the draft Community & Recreation Facility Framework. The Community & Recreation Facility Framework is currently out for consultation, & this Policy will be revoked when Framework is in place. The final draft of the Framework is due to be presented at the December 2021 Council Meeting for endorsement.
Street Lighting	INF-08	Infrastructure & Assets	Other	24-Jul-18	Jul-21	Apr-21	Engineering Asset Management	Director Infrastructure & Operations	To be discussed at Council workshop in September and considered at Council meeting in September 2021
Telecommunications Installation - Small Cell Stobie Pole Mounted Antennae	ENV-02	Development	Other	23-Jul-19	Dec-21	Sep-21	Policy Planning	Senior Strategic & Policy Planner	This Policy is currently being reviewed. If there are no changes under the Telecommunications Act 1997 affecting this Policy, it will remain in its current form. Scheduled for December 2021
Trails and Cycling Routes Management	INF-01	Infrastructure & Assets	Other	24-Aug-21	Jun-24	Mar-24	Open Space	Sport and Recreation Coordinator	Will be considered closer to the scheduled Review Date
Treasury	FIN-03	Finance	Recommended	24-Jan-21	Nov-23	Aug-23	Financial Services	Manager Financial Services	Will be considered closer to the scheduled Review Date
Tree Management	ENV-04	Environment & Open Space	Other	26-Mar-19	Mar-22	Dec-21	Sustainable Assets	Manager Open Space	Will be considered closer to the scheduled Review Date
Tributes for Commemorative Services	COM-13	Community	Other	24-Jul-18	Jul-21	Apr-21	Communications & Events	Director Community Capacity	Will be considered closer to the scheduled Review Date
Unreasonable Complainant Conduct Policy	GOV-08	Corporate Governance	Other	26-Nov-19	Nov-23	Aug-23	Director's Office, CCS	Coordinator Services Strategy and Innovation	To be done in consideration of GOV-01, GOV-03, GOV-04 & GOV-08.
Unsealed Roads	INF-09	Infrastructure & Assets	Other	25-Aug-20	Sep-23	Jun-23	Sustainable Assets	Director Infrastructure & Operations	Will be considered closer to the scheduled Review Date
Volunteer Engagement	COM-04	Community	Recommended	24-Jul-18	Jul-21	Apr-21	Community Development	Volunteers Coordinator	The review had commenced with the Volunteering Coordinator advising that no significant change was required. The volunteering Coordinator has now resigned (June 2021) and it is recommended that the review be completed in 6 months time (February 2022) to enable the recruitment of a new coordinator and allow time for a thorough review of the policy by the new staff member.
Waste and Resource Recovery Service	ENV-05	Environment & Open Space	Other	27-Mar-18	Feb-22	Nov-21	Waste, Health & Regulatory Services	Manager Waste & Emergency Management	Review postponed to early 2022 due to significant unplanned works in the Sustainability, Waste and Emergency Management area. The Policy does not have any areas they require urgent change and therefore the review can be comfortably delayed until 2022.
Wastewater System Application Fee Refunds	COM-24	Community	Other	18-Dec-18	Dec-21	Sep-21	Waste, Health & Regulatory Services	Team Leader Environmental Health Services	The review of this Policy will be undertaken closer to the scheduled December 2021 review date