



ORDINARY COUNCIL MEETING

NOTICE OF MEETING

To: Mayor Jan-Claire Wisdom

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| Councillor Kirrilee Boyd |
| Councillor Adrian Cheater |
| Councillor Nathan Daniell |
| Councillor Pauline Gill |
| Councillor Chris Grant |
| Councillor Malcolm Herrmann |
| Councillor Lucy Huxter |
| Councillor Leith Mudge |
| Councillor Mark Osterstock |
| Councillor Kirsty Parkin |
| Councillor Louise Pascale |
| Councillor Melanie Selwood |

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 14 November 2023

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.

Greg Georgopoulos
Chief Executive Officer



ORDINARY COUNCIL MEETING

AGENDA FOR MEETING
Tuesday 14 November 2023
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 Kurna 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
- 3.2. Leave of Absence
- 3.3. Absent

4. MINUTES OF PREVIOUS MEETINGS

Council Meeting Tuesday 24 October 2023

That the minutes of the ordinary meeting held on Tuesday 24 October 2023 as supplied, be confirmed as an accurate record of the proceedings of that meeting.

Special Council Meeting 31 October 2023

That the minutes of the ordinary meeting held on Tuesday 31 October 2023 as supplied, be confirmed as an accurate record of the proceedings of that meeting.

Special Council Meeting 6 November 2023

That the minutes of the ordinary meeting held on Monday 6 November 2023 as supplied, be confirmed as an accurate record of the proceedings of that meeting.

5. DECLARATION OF CONFLICT OF INTEREST BY MEMBERS OF COUNCIL

6. MAYOR'S OPENING REMARKS

7. QUESTIONS ADJOURNED/LYING ON THE TABLE

- 7.1. Questions Adjourned
Nil

- 7.2. Questions Lying on the Table
Nil

8. PETITIONS / DEPUTATIONS / PUBLIC FORUM

- 8.1. Petitions
8.2. Deputations
Nil
8.3. Public Forum

9. PRESENTATIONS (by exception)

- 9.1. Stirling Oval Pavilion Presentation - Stirling Oval Pavilion Committee

10. QUESTIONS ON NOTICE

Nil

11. MOTIONS ON NOTICE

- 11.1. Council position on Pyrotechnics - Fireworks (Cr Adrian Cheater)
1. *The CEO prepare a Guideline for Pyrotechnics as an Appendix to the AHC Festivals and Events Policy.*
 2. *The Guideline includes and addresses relevant community concern and the following requirements:*
 - a. *Pyrotechnic activities initiated on Council property do not exceed the duration of six minutes limited to no more than 4 per calendar year and no more than 1 per township area per calendar year.*
 - b. *The event organising body provide a minimum of three months' notice to Council and notice must be provided to residents and businesses within 3km of the ignition point in accordance with the Guideline position. The notice to be delivered via at least one of, but not limited to:*
 1. *A local media printed publication*
 2. *The organising body's social media, if established*
 3. *Delivered mail/notice, within the affected township boundary*
 4. *A community notice board within the affected township.*
 - c. *The notice include:*
 1. *Date of proposed activity*
 2. *Time of proposed activity*
 3. *Location of proposed activity*
 4. *The chemical composition of the materials used*
 5. *Total estimated mass in kilograms of the materials intended to be used*
 6. *A contact email and/or phone number for enquiries.*

- d. *In the event of a cancelled or postponed event the organising body provide notice by:*
 1. *The same social media platform as designated by point b1*
 2. *The community notice board of the affected township as designated by point b4*
 3. *The Adelaide Hills Council Communications Team for distribution through their social media, website and civic centre (if applicable for the affected township).*
- e. *The notice of cancellation or postponement to include the details as outlined in point c and be published at the earliest practical opportunity or in accordance with the Guideline position.*
3. *The Guideline be prepared for Council consideration no later than 30 April 2024.*

11.2. Integrated Strategy - Electric Vehicles (Cr Adrian Cheater)

1. *The CEO develop an integrated Electric Vehicle Strategy to support the rollout of electric vehicles (EV) and EV charging infrastructure for Adelaide Hills Council including, but not limited to, the following:*
 - i. *Detailed analysis of the current and future vehicle fleet, including types of vehicles, usage patterns, and energy requirements;*
 - ii. *The development of Net Present Value analysis to quantify the financial and environmental impact of the transition to electric vehicles;*
 - iii. *Assessment of current solar panel infrastructure and its capacity to support the EV fleet considering capacity, efficiency, and potential upgrades;*
 - iv. *Assessment of battery storage solutions to optimise energy utilisation and charging capabilities, including current market opportunities for such infrastructure outside of the councils existing LGAP energy agreement; and*
 - v. *Exploration of government and private sector incentives, grants, and subsidies available for transitioning to EVs and renewable energy integration.*
 - vi. *The required charging infrastructure for a fleet transition to EV, with consideration for a public access initiative.*
 - vii. *Assessment of potential vehicle manufacturers fleet management, serviceability and availability performance.*
2. *An immediate cessation of internal combustion vehicle acquisition for light fleet vehicles that are primarily used to transport passengers (noting this does not include light commercial vehicles at this time)*
3. *That key outcomes captured within the Electric Vehicle Strategy be presented to a workshop of Council concurrently with the Carbon Management Plan.*
4. *That funding of \$20,000 be included as part of 2023/24 Budget Review 1 to undertake the development of the Integrated Electric Vehicle Strategy.*

12. ADMINISTRATION REPORTS – DECISION ITEMS

- 12.1. Audit Committee – Council Member and Presiding Member Appointments
Refer to Agenda
- 12.2. CEO PRP Council Member, Independent Member and Presiding Member Appointments
Refer to Agenda
- 12.3. Boundary Change Committee – Presiding Member Appointment
Refer to Agenda
- 12.4. East Waste Independent Chair Appointment
1. *That the report on the East Waste Independent Chair Appointment be received and noted*
 2. *That Council approves Mr Fraser Bell being appointed as Independent Chairperson of East Waste for a term of two years commencing 1 January 2024*
 3. *That the Chief Executive Officer inform East Waste of Council’s decision.*
- 12.5. Emergency Management Policy
1. *That the report be received and noted.*
 2. *With an effective date of 28 November 2023, adopt the 14 November 2023 Emergency Management 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 14 November 2023 Emergency Management Policy as per Appendix 1 prior to the date of effect.*
- 12.6. 2023-2024 Australian Government Black Spot Program
1. *That the report be received and noted.*
 2. *To execute the Funding Deed for the 2023-24 South Australia Black Spot Program – Jones Road, Balhannah Safety Improvements (\$242,000 GST Inclusive)*
 3. *The Chief Executive Officer and Mayor are authorised to affix the seal of the Adelaide Hills Council to the respective Funding Deed under the State Blackspot Program.*
 4. *That Council notes that in signing the Deed, that \$242,000 (GST Inclusive) will be available to Council in the 2023-24 financial year to complete the shoulder sealing and delineation improvements at Jones Road, Balhannah.*
- 12.7. Status Report – Council Resolutions Update
1. *That the Council Resolutions Update report dated 14 November 2023 be received and noted.*
 2. *The following completed items be removed from the Action List.*

13. ADMINISTRATION REPORTS – INFORMATION ITEMS

Nil

14. CORRESPONDENCE FOR INFORMATION

- 14.1. Landscape Board SA – Hills and Fleurieu Business Plan 2023-24
- 14.2. Landscape Board SA – Hills and Fleurieu Achievements Reports 2023-24
- 14.3. Hon Geoff Brock MP – Local Government Advice Scheme

15. QUESTIONS WITHOUT NOTICE

16. MOTIONS WITHOUT NOTICE

17. REPORTS

- 17.1. Council Member Function or Activity on the Business of Council
- 17.2. Reports of Members/Officers as Council Representatives on External Organisations
- 17.3. CEO Report

18. REPORTS OF COMMITTEES

- 18.1. Council Assessment Panel – 8 November 2023.
That the minutes of the CAP meeting held on Wednesday 8 November 2023, as supplied, be received and noted.
- 18.2. Audit Committee
Nil
- 18.3. CEO Performance Review Panel
Nil
- 18.4. Boundary Change Committee
Nil

19. CONFIDENTIAL ITEMS

- 19.1. Provision of Spray Sealed Services Contract

Contract for the Provision of Spray Seal Services – Exclusion of the Public

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

*Chief Executive Officer, Greg Georgopoulos
Director Environment & Infrastructure, David Waters
Director Corporate Services, Terry Crackett
Director Community & Development, Natalie Armstrong
Manager Civil Services, Ashley Curtis
Governance Support, Tracey Riddle (Kelledy Jones)
Minute Secretary, Kylie Hopkins*

be excluded from attendance at the meeting for Agenda Item 19.1: (Contract for the Provision of Spray Seal Services) in confidence.

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

Section 90(3)(k) of the Local Government Act 1999, the information to be received, discussed or considered in relation to this Agenda Item is tenders for the supply of goods, the provision of services or the carrying out of works the disclosure of which could reasonably be expected to prejudice the commercial position of the business who supplied the information by disclosing specific quotes and modelling by the tenderer.

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

20. NEXT MEETING

Tuesday 28 November 2023, 6.30pm, 63 Mt Barker Road, Stirling

21. CLOSE MEETING

**ADELAIDE HILLS COUNCIL
MINUTES OF ORDINARY COUNCIL MEETING
TUESDAY 24 OCTOBER 2023
63 MT BARKER ROAD STIRLING**

In Attendance

Presiding Member: Mayor Jan-Claire Wisdom

Members:

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| Councillor Kirrilee Boyd |
| Councillor Nathan Daniell |
| Councillor Chris Grant |
| Councillor Malcolm Herrmann |
| Councillor Lucy Huxter |
| Councillor Mark Osterstock |
| Councillor Melanie Selwood |

In Attendance:

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| Natalie Armstrong | Acting Chief Executive Officer |
| Terry Crackett | Director Corporate Services |
| Melissa Bright | Acting Director Community and Development |
| David Waters | Director Environment and Infrastructure |
| Tracy Riddle (Kelledy Jones) | Governance Support |
| Gary Lewis | Manager Finance |
| Kira-Marie Laverty | Corporate Planning and Performance Coordinator |
| Kylie Hopkins | Minute Secretary |

1. COMMENCEMENT

The meeting commenced at 6.30pm

2. OPENING STATEMENT

Council acknowledges that we meet on the traditional lands and waters of the Peramangk and Kurna 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

Cr Adrian Cheater
Cr Louise Pascale
Cr Kirsty Parkin
Cr Pauline Gill

**ADELAIDE HILLS COUNCIL
MINUTES OF ORDINARY COUNCIL MEETING
TUESDAY 24 OCTOBER 2023
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3.2 Leave of Absence

Cr Leith Mudge, 22 October 2023 to 27 October 2023, approved at Council 10 October 2023

3.3 Absent

Nil

4. MINUTES OF PREVIOUS MEETINGS**4.1 Council Meeting – Tuesday 10 October 2023**

Moved Cr Chris Grant

S/- Cr Melanie Selwood

266/23

That the minutes of the Ordinary Council meeting held on Tuesday 10 October 2023, as supplied, be confirmed as an accurate record of the proceedings of that meeting.

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| Carried Unanimously |
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5. DECLARATION OF CONFLICT OF INTEREST BY MEMBERS OF COUNCIL

Nil

6. PRESIDING MEMBER'S OPENING REMARKS

The Mayor acknowledged, with sadness, the impact of the Stirling Village Fire on the businesses and the wider community and expressed her gratitude to the CFS and Emergency Services.

The Mayor also commented on the recent tour of the district undertaken by Council Members.

7. QUESTIONS ADJOURNED/LYING ON THE TABLE**7.1 Questions Adjourned**

Nil

7.2 Questions Lying on the Table

Nil

**ADELAIDE HILLS COUNCIL
MINUTES OF ORDINARY COUNCIL MEETING
TUESDAY 24 OCTOBER 2023
63 MT BARKER ROAD STIRLING**

8. PETITIONS/DEPUTATIONS/PUBLIC FORUM**8.1 Petitions**

Nil

8.2 Deputations**8.2.1 Stage 2 – Multi Use Houghton Hub – Mr Matt Thomas & Melanie Keetch****8.3 Public Forum**

Nil

9. PRESENTATIONS

Nil

10. QUESTIONS ON NOTICE

Nil

11. MOTIONS ON NOTICE**11.1 Campbelltown City Council Boundary Change Proposal – Cr Mark Osterstock**

Moved Cr Mark Osterstock

S/- Cr Kirrilee Boyd

267/23

1. That the Chief Executive Officer, on behalf of Council, writes to Rob Donaldson, Chairperson, Local Government Boundaries Commission (the Commission), seeking an update on the status of the Campbelltown City Council (CCC) Boundary Change Proposal (noting that it has been some three and a half years since the proposal was first initiated by CCC), including yet not limited to information on:
 - a. The cost estimate for the inquiry into the proposal, and
 - b. A timeframe for CCC to respond to the cost estimate.
2. That once a response has been received from the Commission that the response is presented to Council for tabling and inclusion in the minutes.

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| Carried Unanimously |
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**ADELAIDE HILLS COUNCIL
MINUTES OF ORDINARY COUNCIL MEETING
TUESDAY 24 OCTOBER 2023
63 MT BARKER ROAD STIRLING**

12. OFFICER REPORTS – DECISION ITEMS

12.1 Annual Financial Statements and End of Year Report 2022-23

Moved Cr Malcolm Herrmann
S/- Cr Melanie Selwood

268/23

Council resolves:

- 1. That the report be received and noted.**
- 2. That, in accordance with Section 127 of the *Local Government Act 1999* and the Local Government (Financial Management) Regulations 1999, Council adopts the General Purpose Financial Statements for the financial year ended 30 June 2023 and notes it meets the three financial sustainability ratios being:

 - Operating Surplus
 - Net Financial Liabilities
 - Asset Renewal Expenditure**
- 3. To authorise the Mayor and CEO to sign the General Purpose Financial Statements for the financial year ended 30 June 2023.**

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| Carried Unanimously |
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12.2 Service Review – Development Services

Moved Cr Malcolm Herrmann
S/- Cr Chris Grant

269/23

Council resolves:

- 1. That the report be received and noted.**
- 2. To receive and note the Service Review 2022-23 – Development Services, as contained in Appendix 3.**
- 3. To receive and note the Management Review and Action Plan in response to the Service Review 2022-23 – Development Services, as contained in Appendix 4.**
- 4. To note that that the implementation status of the agreed actions will be reported to Council on a biannual basis, nominally March and August.**

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| Carried Unanimously |
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**ADELAIDE HILLS COUNCIL
MINUTES OF ORDINARY COUNCIL MEETING
TUESDAY 24 OCTOBER 2023
63 MT BARKER ROAD STIRLING**

12.3 Draft CEO PRP Terms of Reference

Moved Cr Chris Grant

S/- Cr Nathan Daniell

270/23

Council resolves:

- 1. That the report be received and noted.**
- 2. That with an effective date of 24 October 2023, to revoke the 1 September 2017 Adelaide Hills Council CEO Performance Review Panel Terms of Reference and to adopt the revised Adelaide Hills Council CEO Performance Review Panel Terms of Reference in Appendix 1.**
- 3. That the Chief Executive Officer be authorised to make any formatting, nomenclature, or other minor changes to the Council Terms of Reference during the period of their life.**

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| Carried Unanimously |
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13. OFFICER REPORTS - INFORMATION ITEMS

13.1 Quarterly Council Performance Report – Q1 2023-24

Moved Cr Malcolm Herrmann

S/- Cr Melanie Selwood

271/23

Council resolves that the Quarterly Council Performance Report – Q1 2022-23 be received and noted.

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| Carried Unanimously |
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**ADELAIDE HILLS COUNCIL
MINUTES OF ORDINARY COUNCIL MEETING
TUESDAY 24 OCTOBER 2023
63 MT BARKER ROAD STIRLING**

14. CORRESPONDENCE FOR INFORMATION

- 14.1 Department of Energy and Mining – Hanson Construction Materials Ltd – White Rock Quarry**
- 14.2 OmbudsmanSA Annual Report 2022-23**
- 14.3 Local Government Membership Renewal**

Moved Cr Mark Osterstock
S/- Cr Kirrilee Boyd

272/23

Council resolves that the correspondence is received and noted.

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| Carried Unanimously |
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15. QUESTIONS WITHOUT NOTICE

Cr Malcolm Herrmann asked questions about:

- Amy Gillett Bike Way
- Junction Road, Balhannah Drainage Project
- Main Street, Oakbank Drainage Project
- Non-Payment of Rates

Cr Mark Osterstock asked a question about removal of signage on the corner of Gould Road & Mt Barker Road.

16. MOTIONS WITHOUT NOTICE

Nil

17. REPORTS**17.1 Council Member Function or Activity on the Business of Council****Mayor Jan-Claire Wisdom**

- 10 October 2023, Council meeting, Stirling
- 11 October 2023, Leadership breakfast, Adelaide
- 13 October 2023, Councillor one-on-one meeting, Stirling
- 15 October 2023, Attended Stirling fire response/liaison with SBA
- 16 October 2023, Media interviews with Channels 7, 9, 10, ABC (TV and radio) and Advertiser regarding the Stirling fire response
- 17 October 2023, Stirling fire onsite briefing with Laytons and Woolworths
- 18 October 2023, Councillor one-on-one meeting, Stirling

**ADELAIDE HILLS COUNCIL
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- 18 October 2023, Council Information or Briefing Session, Woodside
- 19 October 2023, Meeting with Minister Koutsantonis, Adelaide
- 19 October 2023, Safety in Council online forum
- 20 October 2023, Chaired Southern and Hills Local Government Association Board Meeting, Mount Barker
- 21 October 2023, Adelaide Hills Council district-wide bus tour
- 23 October 2023, Councillor one-on-one meeting, Norton Summit

Cr Malcolm Herrmann

- 22 October 2023, B2B, Birdwood
- 19 October 2023, Funeral late Wally Rehn, Kersbrook

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

Cr Malcolm Herrmann

- 16 October 2023, Audit Committee, Stirling
- 19 October 2023, GRFMA Board Meeting, Mallala

17.3 CEO Report

Natalie Armstrong, Acting CEO, provided Council with a verbal update, including the:

- Council Member District Tour
- Stirling Village Fire
- Recent passing of a Council Employee

18. REPORTS OF COMMITTEES

18.1 Council Assessment Panel

Nil

18.2 Audit Committee

**Moved Cr Melanie Selwood
S/- Cr Malcolm Herrmann**

273/23

That the minutes of the Audit Committee meeting held on Monday 16 October 2023, as distributed, be received and noted.

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| Carried Unanimously |
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18.3 CEO Performance Review Panel

Nil

**ADELAIDE HILLS COUNCIL
MINUTES OF ORDINARY COUNCIL MEETING
TUESDAY 24 OCTOBER 2023
63 MT BARKER ROAD STIRLING**

18.4 Boundary Change Committee

Nil

19. CONFIDENTIAL ITEMS

Nil

20. NEXT ORDINARY MEETING

The next ordinary meeting of the Adelaide Hills Council will be held on Tuesday 14 November 2023 from 6.30pm at 63 Mt Barker Road, Stirling.

21. CLOSE MEETING

The meeting closed at 7.58pm.

**ADELAIDE HILLS COUNCIL
MINUTES OF SPECIAL COUNCIL MEETING
TUESDAY 31 OCTOBER 2023
63 MT BARKER ROAD STIRLING**

In Attendance

Presiding Member: Mayor Jan-Claire Wisdom

Members:

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|-----------------------------|
| Councillor Kirrilee Boyd |
| Councillor Adrian Cheater |
| Councillor Nathan Daniell |
| Councillor Malcolm Herrmann |
| Councillor Lucy Huxter |
| Councillor Leith Mudge |
| Councillor Mark Osterstock |
| Councillor Louise Pascale |
| Councillor Melanie Selwood |

In Attendance:

| | |
|------------------------------|---|
| Natalie Armstrong | Acting Chief Executive Officer |
| Terry Crackett | Director Corporate Services |
| David Waters | Director Environment and Infrastructure |
| Melissa Bright | Acting Director Community and Development |
| Tracy Riddle (Kelledy Jones) | Governance Support |
| Kylie Hopkins | Minute Secretary |

1. COMMENCEMENT

The special meeting commenced at 7.10pm.

2. OPENING STATEMENT

Council acknowledges that we meet on the traditional lands and waters of the Peramangk and Kurna 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.

**ADELAIDE HILLS COUNCIL
MINUTES OF SPECIAL COUNCIL MEETING
TUESDAY 31 OCTOBER 2023
63 MT BARKER ROAD STIRLING**

3. APOLOGIES/LEAVE OF ABSENCE

3.1 Apology

Cr Kirsty Parkin
Cr Pauline Gill

3.2 Leave of Absence

Cr Chris Grant from 30 October 2023 to 10 November 2023 approved at Council 10 October 2023

3.3 Absent

Nil

4. DECLARATION OF CONFLICT OF INTEREST BY MEMBERS OF COUNCIL

4.1 General Conflict of Interest, Cr Leith Mudge, Item 7.1 Proposed Development of a Childcare Centre on Pomona Road, Stirling

Under Section 75B of the *Local Government Act 1999*, Cr Leith Mudge disclosed a General (section 74) Conflict of Interest in Item 7.1, Proposed Development of a Childcare Centre on Pomona Road, Stirling, the nature of which is as follows:

- I am the Council Member appointed to the Council Assessment Panel, which is the relevant authority that will consider this development application.

Cr Leith Mudge intends to leave the Chamber when this item is discussed.

Under Section 75B of the *Local Government Act 1999*, Cr Nathan Daniell disclosed a General (section 74) Conflict of Interest in Item 7.1, Proposed Development of a Childcare Centre on Pomona Road, Stirling, the nature of which is as follows:

- I am the Deputy Council Member appointed to the Council Assessment Panel, which is the relevant authority that will consider this development application.

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

5. PRESIDING MEMBER'S OPENING REMARKS

The Mayor welcomed the gallery and thanked them for attending the meeting.

**ADELAIDE HILLS COUNCIL
MINUTES OF SPECIAL COUNCIL MEETING
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6. PUBLIC FORUM

Under section 75C of the *Local Government Act 1999*, Cr Leith Mudge declared a General Conflict of Interest at Agenda Item 4 'Declaration of Interest by Members of the Council' in Item 7.1 Proposed Development of a Childcare Centre on Pomona Road, Stirling.

7.11 Cr Leith Mudge left the Chamber

Under section 75C of the *Local Government Act 1999*, Cr Leith Mudge declared a General Conflict of Interest at Agenda Item 4 'Declaration of Interest by Members of the Council' in Item 7.1 Proposed Development of a Childcare Centre on Pomona Road, Stirling.

7.12 Cr Nathan Daniell left the Chamber

Michael French, Ranges Childcare Centre, regarding proposed development of a childcare centre on Pomona Road, Stirling

Phillip Brunning, Phillip Brunning & Associates, regarding proposed development of a childcare centre on Pomona Road, Stirling

Jonathon Ashby, Resident, regarding proposed development of a childcare centre on Pomona Road, Stirling

7. BUSINESS OF THE MEETING

Having taken not account the Guiding Principles, the Mayor accepted the following Motion Without Notice.

7.1 Motion without Notice – Proposed Development of a Childcare Centre on Pomona Road, Stirling

Moved Cr Adrian Cheater

S/- Cr

/23

I move that:

1. The Administration prepare and deliver a written submission for the proposed development at 52 Pomona Road Stirling SA 5152 (Application number 23020199).
2. The submission address the following aspects of the application:
 - a. The applications ability to address PO1.1 of the Rural Neighbourhood Zone in the Planning and Design Code
 - b. Outcomes of applications traffic study including the data collection dates
 - c. Parking assessment, including consideration for staff parking and CFS access with vehicle obstructions

**ADELAIDE HILLS COUNCIL
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- d. Carrying capacity, safety and accessibility of existing pedestrian access
 - e. The proposed vegetation removal
 - f. The % of allotment to be occupied by the proposed structure
 - g. Impacts on privacy to neighbouring properties
 - h. The impacts to the existing heritage residential dwelling
 - i. The environmental noise assessment
 - j. Any additional items of concern at the discretion of the CEO
3. The draft submission be circulated via email to elected members no later than 15:00 on the 2nd of November 2023.
 4. The Administration complete the submission before the closing date of 3rd of November 2023

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The Motion without Notice lapsed due to the absence of a seconder.

7.39pm Cr Nathan Daniell returned to the Chamber

7.40pm Cr Leith Mudge returned to the Chamber

8. CONFIDENTIAL ITEM

Nil

9. CLOSE MEETING

The meeting closed at 7.40pm.

**ADELAIDE HILLS COUNCIL
MINUTES OF SPECIAL COUNCIL MEETING
MONDAY 6 NOVEMBER 2023
63 MT BARKER ROAD STIRLING**

In Attendance

Presiding Member: Mayor Jan-Claire Wisdom

Members:

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|-----------------------------|
| Councillor Adrian Cheater |
| Councillor Nathan Daniell |
| Councillor Pauline Gill |
| Councillor Malcolm Herrmann |
| Councillor Lucy Huxter |
| Councillor Leith Mudge |
| Councillor Mark Osterstock |
| Councillor Kirsty Parkin |
| Councillor Melanie Selwood |

In Attendance:

| | |
|---------------------------------|---|
| Greg Georgopoulos | Chief Executive Officer |
| Terry Crackett | Director Corporate Services |
| Natalie Armstrong | Director Community and Development |
| David Waters | Director Environment and Infrastructure |
| Michael Kelledy (Kelledy Jones) | Governance Support |
| Kylie Hopkins | Minute Secretary |
| Karen Cummings | Manager Property Services |
| Renee O'Connor | Coordinator Sport & Recreation |
| Lincoln Smith | Norman Waterhouse Lawyers |
| Felice D'Agostino | Norman Waterhouse Lawyers |

1. COMMENCEMENT

The meeting commenced at 6:31pm

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.

**ADELAIDE HILLS COUNCIL
MINUTES OF SPECIAL COUNCIL MEETING
MONDAY 6 NOVEMBER 2023
63 MT BARKER ROAD STIRLING**

3. APOLOGIES/LEAVE OF ABSENCE

3.1 Apology

Cr Louise Pascale
Cr Kirrilee Boyd

3.2 Leave of Absence

Cr Chris Grant from 30 October 2023 to 10 November 2023 approved at Council 10 October 2023

3.3 Absent

Nil

4. DECLARATION OF CONFLICT OF INTEREST BY MEMBERS OF COUNCIL

Nil

5. PRESIDING MEMBER'S OPENING REMARKS

The Mayor welcomed CEO, Greg Georgopoulos back from leave and thanked Natalie Armstrong for Acting whilst he was away.

6. PUBLIC FORUM

Melanie Keetch, Houghton Districts Football Club, Houghton Hub Funding Request
Kyron Lovell, Houghton Districts Football Club, Houghton Hub Funding Request
Julie Sharpe, Houghton Resident/Yoga Instructor, Houghton Hub Funding Request
Matt Thomas, Inglewood, Houghton Hub Funding Request

7. BUSINESS OF THE MEETING

7.1 Houghton Hub Funding Request

Moved Cr Malcolm Herrmann
S/- Cr Pauline Gill

Council resolves:

1. That the report be received and noted.
2. To note that the Council has already provided \$40,000 (plus GST) as a contribution to Stage One of the Houghton, Inglewood and Hermitage Memorial Park Committee's Houghton Hub project.

**ADELAIDE HILLS COUNCIL
MINUTES OF SPECIAL COUNCIL MEETING
MONDAY 6 NOVEMBER 2023
63 MT BARKER ROAD STIRLING**

3. That Council makes a financial contribution of up to \$325,000 (plus GST) as a maximum contribution to Stage Two Houghton, Inglewood and Hermitage Memorial Park Committee's Houghton Hub project.
4. That the funding contribution is allocated and administered in the same manner as Council's Community and Recreation Facility Grants Program guidelines and processes.
5. That the Chief Executive Officer, or delegate, be authorised to develop and enter into, on the Council's behalf, an appropriate funding agreement which contains conditions including, but not limited to:
 - a. meeting appropriate milestones;
 - b. that the Council's funding is contingent on the Committee securing necessary funding by 30 June 2024 from other sources to complete the project and that the project itself is to be completed by 30 June 2025;
 - c. that a project management plan is developed to the satisfaction of the Council;
 - d. that the Council accepts no responsibility for cost overruns related to the project;
 - e. that the funding commitment can be terminated by the Council if the terms of the funding agreement are not met by the other party.
 - f. that the scope of the project includes the outcome being a shared, multi-use community facility with outcomes in line with the Council's Community and Recreation Facilities Policy as it relates to the development of community facilities.

AMENDMENT 1 (red text)

Moved Cr Mark Osterstock
S/- Cr Leith Mudge

Council resolves:

1. That the report be received and noted.
2. To note that the Council has already provided \$40,000 (plus GST) as a contribution to Stage One of the Houghton, Inglewood and Hermitage Memorial Park Committee's Houghton Hub project.
3. That Council makes a financial contribution of up to ~~\$60,000~~ ~~\$325,000~~ (plus GST) as a maximum contribution to Stage Two Houghton, Inglewood and Hermitage Memorial Park Committee's Houghton Hub project.

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4. That the funding contribution is allocated and administered in the same manner as Council's Community and Recreation Facility Grants Program guidelines and processes.
5. That the Chief Executive Officer, or delegate, be authorised to develop and enter into, on the Council's behalf, an appropriate funding agreement which contains conditions including, but not limited to:
 - a. meeting appropriate milestones;
 - b. that the Council's funding is contingent on the Committee securing necessary funding by 30 June 2024 from other sources to complete the project and that the project itself is to be completed by 30 June 2025;
 - c. that a project management plan is developed to the satisfaction of the Council;
 - d. that the Council accepts no responsibility for cost overruns related to the project;
 - e. that the funding commitment can be terminated by the Council if the terms of the funding agreement are not met by the other party.
 - f. that the scope of the project includes the outcome being a shared, multi-use community facility with outcomes in line with the Council's Community and Recreation Facilities Policy as it relates to the development of community facilities.
6. That the Chief Executive Officer provide further information for the Council's consideration at the Ordinary Council Meeting on 28 November 2023 regarding the proposal for the Council to commit funding the Stage 2 of the project, including further detail on the merits of the proposal against the criteria contained in the Council's 'Community and Recreation Facilities Policy' for the expenditure of funds on sport and recreation buildings, and provide alternate funding options, open to both the committee and Council for consideration.

VARIATION

The Mover (Cr Mark Osterstock), with the consent of the Seconder (Cr Leith Mudge), sought and was granted leave of the meeting to vary Point 3 of the motion as follows:

3. That Council makes a financial contribution of \$60,000 (plus GST) as a minimum contribution to Stage Two Houghton, Inglewood and Hermitage Memorial Park Committee's Houghton Hub project.

| |
|---|
| The amendment with the variation was put and Lost |
|---|

ADELAIDE HILLS COUNCIL
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AMENDMENT 2 (red text)

Moved Cr Nathan Daniell
S/- Cr Kirsty Parkin

Council resolves:

1. That the report be received and noted.
2. To note that the Council has already provided \$40,000 (plus GST) as a contribution to Stage One of the Houghton, Inglewood and Hermitage Memorial Park Committee's Houghton Hub project.
3. That Council makes a financial contribution of **\$160,000 up to \$325,000** (plus GST) as a **maximum minimum** contribution to Stage Two Houghton, Inglewood and Hermitage Memorial Park Committee's Houghton Hub project.
4. That the funding contribution is allocated and administered in the same manner as Council's Community and Recreation Facility Grants Program guidelines and processes.
5. That the Chief Executive Officer, or delegate, be authorised to develop and enter into, on the Council's behalf, an appropriate funding agreement which contains conditions including, but not limited to:
 - a. meeting appropriate milestones;
 - b. that the Council's funding is contingent on the Committee securing necessary funding by 30 June 2024 from other sources to complete the project and that the project itself is to be completed by 30 June 2025;
 - c. that a project management plan is developed to the satisfaction of the Council;
 - d. that the Council accepts no responsibility for cost overruns related to the project;
 - e. that the funding commitment can be terminated by the Council if the terms of the funding agreement are not met by the other party.
 - f. that the scope of the project includes the outcome being a shared, multi-use community facility with outcomes in line with the Council's Community and Recreation Facilities Policy as it relates to the development of community facilities.

Cr Adrian Cheater sought leave of the meeting to vary the amendment which was not supported by the Mover (Cr Nathan Daniell).

| |
|--|
| The amendment was put and Carried |
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**ADELAIDE HILLS COUNCIL
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63 MT BARKER ROAD STIRLING**

MOTION AS AMENDED

Moved Cr Malcolm Herrmann
S/- Cr Pauline Gill

274/23

Council resolves:

- 1. That the report be received and noted.**
- 2. To note that the Council has already provided \$40,000 (plus GST) as a contribution to Stage One of the Houghton, Inglewood and Hermitage Memorial Park Committee's Houghton Hub project.**
- 3. That Council makes a financial contribution of \$160,000 (plus GST) as a minimum contribution to Stage Two Houghton, Inglewood and Hermitage Memorial Park Committee's Houghton Hub project.**
- 4. That the funding contribution is allocated and administered in the same manner as Council's Community and Recreation Facility Grants Program guidelines and processes.**
- 5. That the Chief Executive Officer, or delegate, be authorised to develop and enter into, on the Council's behalf, an appropriate funding agreement which contains conditions including, but not limited to:**
 - a. meeting appropriate milestones;**
 - b. that the Council's funding is contingent on the Committee securing necessary funding by 30 June 2024 from other sources to complete the project and that the project itself is to be completed by 30 June 2025;**
 - c. that a project management plan is developed to the satisfaction of the Council;**
 - d. that the Council accepts no responsibility for cost overruns related to the project;**
 - e. that the funding commitment can be terminated by the Council if the terms of the funding agreement are not met by the other party.**
 - f. that the scope of the project includes the outcome being a shared, multi-use community facility with outcomes in line with the Council's Community and Recreation Facilities Policy as it relates to the development of community facilities.**

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| Carried |
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**ADELAIDE HILLS COUNCIL
MINUTES OF SPECIAL COUNCIL MEETING
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DIVISION

Cr Pauline Gill called for a division.

The Mayor set aside the ruling.

In the affirmative (5)

Councillors Selwood, Osterstock, Daniell, Mudge, Parkin

In the negative (4)

Councillors Herrmann, Gill, Huxter, Cheater

On the basis of the results of the division, the Mayor declared the motion **Carried**

7.1.1 Short Adjournment

Moved Cr Nathan Daniell

S/- Cr Mark Osterstock

275/23

That the Council meeting adjourns for a short break at 8.12pm.

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| Carried Unanimously |
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8:32pm the Council meeting resumed.

**ADELAIDE HILLS COUNCIL
MINUTES OF SPECIAL COUNCIL MEETING
MONDAY 6 NOVEMBER 2023
63 MT BARKER ROAD STIRLING**

8. CONFIDENTIAL ITEMS

8.1 CEO Performance Review Process – Exclusion of the Public

Moved Cr Malcolm Herrmann

S/- Cr Nathan Daniell

276/23

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

- Norman Waterhouse Lawyers, Lincoln Smith
- Norman Waterhouse Lawyers, Felice D'Agostino

be excluded from attendance at the meeting for Agenda Item 8.1: (CEO Performance Review Process) in confidence.

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

Section 90(3)(a) and (h) of the *Local Government Act 1999*, the information to be received, discussed or considered in relation to this Agenda Item is:

- information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead) specifically, the present matter relates to the CEO Probation Review Process and it would be unreasonable at this stage to disclose that information;
- legal advice from Norman Waterhouse Lawyers.

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

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| Carried Unanimously |
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8.1.1 CEO Performance Review Process – Confidential Item

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

8.1.2 CEO Performance Review Process – Duration of Confidentiality

Moved Cr Nathan Daniell
S/- Cr Adrian Cheater

278/23

Subject to the CEO, or his delegate, disclosing information or any document (in whole or in part) for the purpose of implementing Council's decision(s) in this matter in the performance of the duties and responsibilities of office, Council, having considered Agenda Item 18.1.1 in confidence under sections 90(2) and 90(3)(a) and (h) of the *Local Government Act 1999*, resolves that an order be made under the provisions of sections 91(7) and (9) of the *Local Government Act 1999* to retain the Items in confidence as detailed in the Duration of Confidentiality Table below:

| Item | Duration of Confidentiality NB: Item to be reviewed every 12 months if not released |
|---|---|
| Report | Until further order |
| Related Attachments | Until further order |
| Minutes | Until further order |
| Other (including legal advice from Norman Waterhouse Lawyers relating to this matter) | Until further order |

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

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| Carried Unanimously |
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9. CLOSE MEETING

The meeting closed at 9.25pm

**ADELAIDE HILLS COUNCIL
ORDINARY COUNCIL MEETING
Tuesday 14 November 2023
AGENDA BUSINESS ITEM**

Item: 11.1 Motion on Notice

Originating from: Cr Adrian Cheater

Subject: Council position on Pyrotechnics

1. MOTION

I move that:

- 1. The CEO prepare a Guideline for Pyrotechnics as an Appendix to the AHC Festivals and Events Policy.**
- 2. The Guideline includes and addresses relevant community concern and the following requirements:**
 - a. Pyrotechnic activities initiated on Council property do not exceed the duration of six minutes limited to no more than 4 per calendar year and no more than 1 per township area per calendar year.**
 - b. The event organising body provide a minimum of three months' notice to Council and notice must be provided to residents and businesses within 3km of the ignition point in accordance with the Guideline position. The notice to be delivered via at least one of, but not limited to:**
 - 1. A local media printed publication**
 - 2. The organising body's social media, if established**
 - 3. Delivered mail/notice, within the affected township boundary**
 - 4. A community notice board within the affected township.**
 - c. The notice include:**
 - 1. Date of proposed activity**
 - 2. Time of proposed activity**
 - 3. Location of proposed activity**
 - 4. The chemical composition of the materials used**
 - 5. Total estimated mass in kilograms of the materials intended to be used**
 - 6. A contact email and/or phone number for enquiries.**
 - d. In the event of a cancelled or postponed event the organising body provide notice by:**
 - 1. The same social media platform as designated by point b1**
 - 2. The community notice board of the affected township as designated by point b4**

- 3. The Adelaide Hills Council Communications Team for distribution through their social media, website and civic centre (if applicable for the affected township).**
 - e. The notice of cancellation or postponement to include the details as outlined in point c and be published at the earliest practical opportunity or in accordance with the Guideline position.**
-
- 3. The Guideline be prepared for Council consideration no later than 30 April 2024.**
-

2. BACKGROUND

In recent times the council and community has engaged in valuable, engaging but controversial commentary and debate around public displays of fireworks.

On the 25th of July, a motion to ban the use of fireworks in the AHC area was unsuccessful. It did though, present an opportunity to consider the views of both the community and elected body for mitigating and managing the risks and impacts of pyrotechnic displays for community and the environment.

Fireworks should be acknowledged for their longstanding traditional role in celebratory events throughout the world. These events have captured the imagination, creativity and community spirit for events large and small. As society continues to evaluate its value and acceptance of such activities, it is the responsibility of organisations such as the AHC to ensure it hears and reflects such change in its policy.

It cannot be ignored that the issue of fireworks, especially in the Adelaide Hills has been divisive. Considerations of the community value and engagement of such activities has been contrasted with impacts on environment from the chemical composition of the fireworks, impact on people vulnerable to sounds of fireworks and the limited but likely impacts on wildlife and domestic animals.

In acknowledging the competing priorities in relation to public displays of fireworks, consideration of an approach that mitigates and/or reduces the risks to people, environment and animals while maintaining the community value of such activities has merit.

As with many emerging social and health issues brought forward through research, the understanding and quantifiable impacts of such activities will grow in time. This should not detract from the identified issues available at the present. Action based on the here and now should not be hampered by historical norms or acceptance, nor delayed in hope of future clarity not yet present.

3. OFFICER’S RESPONSE – Jennifer Blake, Manager Communication, Engagement and Events

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

Strategic Plan 2020-24 – A brighter future

Goal Community Wellbeing

Objective C6 Celebrate our community’s unique culture through arts, heritage and events

Priority C6.2 Develop, support or bring events to our district that have social, cultural, environmental or economic benefit.

➤ **Legal Implications**

Not applicable.

➤ **Risk Management Implications**

The preparation of a Pyrotechnics Guideline will assist in mitigating the risk of:

Incorrect production of a fireworks display on Council land leading to personal injury or damage to property, fauna and flora.

| Inherent Risk | Residual Risk | Target Risk |
|---------------|---------------|-------------|
| High (3B) | Low (3E) | Low |

➤ **Financial and Resource Implications**

Staff resources will be required to prepare the Guideline and Council Report.

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

The use of fireworks in our community causes concern and division. Clarity around the use of fireworks on Council land would mitigate these concerns.

➤ **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
External Agencies: Not Applicable
Community: Not Applicable

4. ANALYSIS

Two regular events currently require approval and a permit from Adelaide Hills Council to conduct fireworks on Council land.

The Mylor Bonfire works event is held annually by the Mylor Oval Management Committee (previously run by the Mylor Primary School) and requires Council permission to light a fire and discharge fireworks.

The Woodside Commerce Association hold fireworks on the Woodside Recreation Ground as part of their Christmas Pageant every December.

Permissions are granted under Council's *Local Government Land By-law 2018* (the By-law) and grants the leaseholder with the necessary permissions to engage in conduct for which written permission of the Council is required under the By-law.

The permit can authorise the committee to undertake a number of activities in relation to the event including (but not limited to):

- make noise or create a disturbance on the Oval that might otherwise be contrary to Clause 9.6 of the By-law;
- light a fire on the Oval for the purposes of Clause 9.21 of the By-law;
- discharge fireworks on the Oval for the purposes of Clause 9.22 of the By-law.

Council's Events Officer receives an event application for both events and, on receipt of all required documentation (e.g. insurance, site plan, pyrotechnics certificate etc), provides an Event Permit. This is the process for all Council supported events requiring financial or value in kind contributions from Council.

Council's Festival and Events Policy is under review and the Administration is conducting an audit of current event processes, practices and issues to assist in developing a new framework for supporting events and updates to the Policy. This is due back to Council in the first quarter of 2024.

The Festival and Events Policy includes special guidelines for:

1. Competitive Motoring Events
2. Non-Competitive Motoring Events
3. Events Involving Animals
4. Sporting Events

A new Guideline can be added titled, 5: Events Conducting Pyrotechnics, and this Guideline will include the information detailed in the motion. The Festival and Events Policy would be updated to direct event organisers to this new Guideline.

This Guideline would outline the required notice to Council, and how and when residents are notified. It may also include requirements around CFS/Safework SA approval, community engagement and feedback, signage, and reporting back to Council post event.

The Festival and Events Policy 4.7. Assessment Criteria outlines considerations when assessing Council support for events including Community impact, Economic impact, Environmental impact and Timing. There is opportunity in the new Guideline to include further consideration around the environmental impacts of fireworks given there is a growing body of evidence that fireworks are far from innocuous. This points primarily to the detrimental effects of firework detonations on human health, animals and environmental pollution. This could include using the Guideline to make event organisers and event attendees aware of the potential for detrimental impacts.

5. APPENDICES

Nil

**ADELAIDE HILLS COUNCIL
ORDINARY COUNCIL MEETING
Tuesday 14 November 2023
AGENDA BUSINESS ITEM**

Item: 11.2 Motion on Notice

Originating from: Cr Adrian Cheater

Subject: Integrated Electric Vehicle Strategy

1. MOTION

I move that:

1. The CEO develop an integrated Electric Vehicle Strategy to support the rollout of electric vehicles (EV) and EV charging infrastructure for Adelaide Hills Council including, but not limited to, the following:
 - i. Detailed analysis of the current and future vehicle fleet, including types of vehicles, usage patterns, and energy requirements;
 - ii. The development of Net Present Value analysis to quantify the financial and environmental impact of the transition to electric vehicles;
 - iii. Assessment of current solar panel infrastructure and its capacity to support the EV fleet considering capacity, efficiency, and potential upgrades ;
 - iv. Assessment of battery storage solutions to optimise energy utilisation and charging capabilities, including current market opportunities for such infrastructure outside of the councils existing LGAP energy agreement; and
 - v. Exploration of government and private sector incentives, grants, and subsidies available for transitioning to EVs and renewable energy integration.
 - vi. The required charging infrastructure for a fleet transition to EV, with consideration for a public access initiative
 - vii. Assessment of potential vehicle manufacturers fleet management, serviceability and availability performance
2. An immediate cessation of internal combustion vehicle acquisition for light fleet vehicles that are primarily used to transport passengers (noting this does not include light commercial vehicles at this time)
3. That key outcomes captured within the Electric Vehicle Strategy be presented to a workshop of Council concurrently with the Carbon Management Plan.
4. That funding of \$20,000 be included as part of 2023/24 Budget Review 1 to undertake the development of the Integrated Electric Vehicle Strategy.

2. BACKGROUND

An organisational transition to electric vehicles (EV) presents a wide range of considerations and planning to deliver many of the desirable positive outcomes of such an undertaking.

The Adelaide Hills Council is uniquely positioned to demonstrate leadership in the seemingly inevitable move of light fleet vehicles to EVs. The local government sector is experiencing increased adoption of EVs in recent years, many culminating in small scale EV acquisition. Currently, there are limited examples in South Australia's Local Government sector where strong, strategic consideration to the relevant and supporting infrastructure and long-term financial impacts have been established.

Through the recent development phase of the Adelaide Hills Council's strategic plan and community consultation, an emerging desire for the Adelaide Hills Council to prioritise efforts in sustainability and carbon emission reduction became apparent. Additionally, the need to address long term financial sustainability while minimising the financial burden to rate payers continues to be a core consideration for all local governments.

In consideration of this, the need for a strategic appraisal of the existing and emerging opportunities EVs present is apparent. Initial actions should comprise of establishing a holistic and the long term viability of embarking on an EV transition.

This provides a valuable opportunity to address intrinsically linked and complementary aspects including:

1. Solar and battery infrastructure
2. Public charging access,
3. Fringe Benefit Tax (FBT)
4. Sustainable organisational practices
5. Procurement options (lease vs buy)
6. Energy procurement

With limited examples of large scale, strategic EV transitions within the government sector, establishing and informing any future action in this space seems prudent.

3. OFFICER'S RESPONSE – Terry Crackett, Director Corporate Services

➤ Strategic Management Plan/Functional Strategy/Council Policy Alignment

Strategic Plan 2020-24 – A brighter future

- | | |
|----------------|--|
| Goal | A functional Built Environment |
| Objective B3.2 | Aim to achieve 100% renewable energy use for our corporate operations and strive towards carbon neutrality |
| Objective 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 |

Corporate Carbon Management Plan

- | | |
|-------------|--|
| Project 5.2 | Solar PV to Buildings |
| Description | Installation of 145kW solar PV to a number of Council buildings. |
| Project 5.3 | Battery Installation to Buildings |

- Description Consider installation of batteries to support PV and allow for electricity price management. Key sites are Heathfield Depot, Torrens Valley Community Centre and Woodside Library, which all export more than 40% of solar PV generation. Provides good backup power cover during emergency events or power outage periods.
- Project 5.5. Transition to EV Fleet
- Description Prepare and implement a vehicle procurement policy to transition the Council’s vehicle fleet to electric vehicles.

The development of an Integrated Electric Vehicle Strategy will assist in the achievement of these objectives by ensuring that actions taken are done so in a way that considers all inputs involved.

➤ **Legal Implications**

Not Applicable.

➤ **Risk Management Implications**

The development of an Integrated Electric Vehicle Strategy will assist in mitigating the risk that:

Individual projects are undertaken in an integrated way, and as such fail to achieve the full long term environmental and financial benefit possible.

| Inherent Risk | Residual Risk | Target Risk |
|---------------|---------------|-------------|
| Medium (2C) | Low (2D) | Low (2E) |

➤ **Financial and Resource Implications**

As part of the development of the 2022/23 and 2023/24 budgets funding has been provided for the acquisition of electric vehicles as well as the installation of charging facilities at both Heathfield Depot and at the Main Office Stirling. The total budget currently available in 2023/24 (including carry forward funds from 2022/23) amounts to \$488,000. This includes \$313,000 for the additional costs associated with electric vehicles as well as \$175,000 for the installation of charging stations.

In order to develop the Integrated Electric Vehicle Strategy it is proposed to issue a Request for Tender to the market based on the requirements outlined within the Motion on Notice. It is anticipated that the cost of this work could be approximately \$20k and will be included as part of Budget Review 1.

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

Nil

➤ **Sustainability Implications**

Whilst there are no direct sustainability implications as a result of the development of the Integrated Electric Vehicle Strategy, it is anticipated that recommendations from the strategy will have positive sustainability outcomes.

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

There was no direct consultation in the development of this report.

4. ANALYSIS

As outlined above the 2022/23 and 2023/24 budgets has included funding for the acquisition of electric vehicles as well as the installation of charging facilities at both Heathfield Depot and at the Main Office Stirling. This funding stems from strategies captured within the Strategic Plan, Carbon Management Plan and Annual Business Plan.

There has been a considerable amount of work undertaken to enable the progression of the electric vehicle acquisitions in a timely way, whilst also ensuring the acquisitions meet future organisational requirements. The following sections provide an update of key aspects relevant to this MON.

Importantly this is a rapidly changing environment and as such the development of the Integrated Electric Vehicle Strategy being proposed by this MON is fully supported by the administration.

Electric Vehicle vs Internal Combustion Engine Comparison

Preliminary analysis has already been completed in order to ensure that the Net Present Value of the acquisition of electric vehicles, as well as the carbon footprint, warrants the investment that is being undertaken. This analysis has been included as **Appendix 1** and clearly validates that the replacement of internal combustion vehicles with electric vehicles warrants the associated costs.

It is also important to note that the analysis of the electric vehicles shows that consideration of a mix of vehicle brands is warranted at this early stage in order to gain a better understanding of future operational costs.

Electric Vehicle Acquisition Status

As previously reported to Council the timely acquisition of vehicles, whether electric or internal combustion, has been significantly impacted on by world events. That said, orders have now been placed for 14 electric vehicles. Whilst only 2 vehicles have been received, over the next few months it is anticipated that a further 3 vehicles will arrive, and the remaining 9 vehicles will be received by 30 June 2024.

Fleet Review

A key element of progressing the acquisition of electric vehicles has been consideration of the future vehicle requirements for Council. As such a detailed review has already been commissioned around Council's light vehicle fleet with a view to ensuring ongoing requirements are appropriate and sustainable.

Key elements of this review include:

Data Collection and Analysis:

- Review historical fleet usage data, maintenance records, and vehicle assignments.
- Engage with department heads and operational staff to understand specific vehicle needs and usage patterns.
- Collect information on current vehicle allocation for private use and related policies.

Needs Assessment:

- Evaluate the suitability of the existing fleet composition for different operational functions.
- Analyse the frequency and distance of vehicle use, identifying potential underutilization or overutilization.
- Consider the needs in the context of the various Council sites, as well as parking availability.

Private Use Examination:

- Assess the necessity of vehicles allocated for private use by council employees, considering job requirements and alternatives.
- Review the existing policies related to private vehicle use, taking into account fairness, accountability, and cost-effectiveness.

Environmental Impact:

- Evaluate the environmental footprint of the current fleet and recommend strategies to transition to more sustainable vehicle options, such as electric or hybrid vehicles.

Cost Analysis:

- Conduct a cost-benefit analysis of potential fleet adjustments, including considerations for acquisition, leasing, maintenance, fuel, and insurance.
- Identify opportunities for cost savings through fleet optimization and reduced private use.

Charging Infrastructure

At this time works have already been completed for the installation of two 12kW charging ports at Heathfield Depot. A further trickle charging port is being finalised at the main Stirling Office.

In addition to this, a tender has been prepared for the installation of a further four electric vehicle charging ports at the main Stirling Office. The intention is that one will be an AC charger whilst the other a faster DC charger.

It is not proposed to consider additional charging ports until the completion of the work proposed by this MON which will include an assessment of competitive neutrality considerations.

It is worth noting that whilst the infrastructure being installed enables public access to charging, it is not intended to be provided at this stage. There are several technical issues to be investigated to enable this to successfully work, as well as competitive neutrality considerations previously mentioned.

Solar Power, Green Power and Battery Storage

Over many years the Council has significantly invested in the implementation of solar panels in their key facilities. This investment has seen a significant reduction in the acquisition cost of electricity. In addition to this Council now sources 100% of its remaining electricity requirement from the grid as green power.

At this time there is no battery storage in place as the effort has been on installing solar PV panels however initial investigations have been undertaken to understand the feasibility and complexity of installing batteries on larger buildings.

Other matters

There is considerable work being undertaken by a number of leading authorities in relation to electric vehicles. For example the South Australian government's EV Fleet Pledge initiative encourages South Australian businesses, including local and state government fleets, universities, metro taxi and ride share services, to commit to undertake and transform fleets to zero emission electric vehicles. The Fleet Pledge program provides decision-makers and fleet managers with a hub of information, allowing them to learn from each other and draw on experiences to better shape their knowledge and expectations of EVs. Details are available at [Energy & Mining - Fleet Pledge](#)

Adelaide Hills Council has been communicating with the Department of Energy & Mining in order to ensure that actions taken align to the direction being progressed by the State Government. This will be carefully monitored over the next few months in particular.

Other matters

The proposed development of an Integrated Electric Vehicle Strategy is supported given the importance of ensuring that decisions taken for vehicle acquisition are considered in the context of all related elements (including solar power generation and battery storage).

5. APPENDICES

Appendix 1 - Electric Vehicle vs Internal Combustion Engine Comparison

Appendix 1

Electric Vehicle vs Internal Combustion Engine Comparison

Electric Vehicle vs Internal Combustion Engine Comparison: NPV and Carbon Footprint

Outline

The following report compares the financial costs and CO2 emissions of a defined group of personal vehicles and benchmark vehicles to inform fleet procurement decision making, in particular with regards the move to Electric Vehicles (EV).

It does not consider the functionality of the vehicles or how they would be managed within a fleet environment.

Approach

The costs of running any vehicle are a combination of the initial purchase, running costs, taxes and the proceeds from the sale, amongst others. These costs occur over the life of the vehicles but the current pricing differences between pure petrol engines, hybrid and EV designs mean that the timing of cash flows differ materially. Therefore, the only appropriate way to compare the financial costs is through a net present value (NPV) calculation.

An NPV analysis only considers cash flows and their timing. The accounting treatment is less relevant therefore the capital expenditure is treated in the same manner as operating expenditures.

Core assumptions & Data sources

Objectivity and consistency are important to ensure that the comparisons are valid. The data sources used have been limited to two primary sources and where there have been modifications made, they are set out below.

1. Data Sources
 - a. RACV report on the running costs of cars published in 2022 is the primary source of data used.
 - Adjustments were made to index costs to take account of historical price changes in the last 12-18 months.
 - Internal fleet data for purchase prices and sale prices for Rav 4 and Subaru Outback.
 - Purchase prices are based on Fleet Pricing that is available to Council, however there are no discounts for the Tesla for fleets.
 - Adjustments were made to the registration costs to all ow for inter-state differences.
 - The sale values were reassessed and a broad based average factor was applied to address a material difference being shown between the Kia and the Tesla in the underlying data.
 - b. Information on CO2 emissions was taken from the Federal Government website - <http://www.greenvehicleguide.gov.au/Vehicle/QuickCompareVehicles>
2. Assumptions
 - a. Current exemptions for FBT and Registration as at the time of writing, being a three-year exemption for both being available for qualifying cars.
 - b. Funding/Discounting - funding costs were calculated on the upfront purchase price only, the assumption for modelling was that all running costs are covered by operating income.

Electric Vehicle vs Internal Combustion Engine Comparison: NPV and Carbon Footprint

- c. That the vehicle will be held by Council for a 5-year life
 - d. Indexation was applied to costs where practicable using the LTFP assumptions.
3. Servicing Costs

Electric vehicles requirement for servicing is materially different to that required for conventional vehicles. A number of EV's require servicing every two years, some remain with a recommended annual and for the Tesla the requirement for servicing is identified by the 'Tesla App'.

The servicing costs included in the analysis are based on those in the RACV 2022 report.

Findings

1. Primary scenario – personal use pool cars

Using current context where there are exemptions available for qualifying models for both FBT and Registration. This scenario assumes that both petrol and electricity are entirely purchased at retail prices.

| Vehicle | Purchase Price | Sale Price | Running cost* | Funding Cost* | NPV | Rank |
|-------------------------|----------------|------------|---------------|---------------|-----------|------|
| Tesla Model 3 RWD | \$ 61,900 | \$ 36,866 | \$ 1,813 | \$ 2,851 | \$ 74,591 | 3 |
| Kia Niro EV MY 23 | \$ 57,813 | \$ 34,432 | \$ 2,037 | \$ 2,663 | \$ 71,238 | 2 |
| Hyundai Kona Elite MY22 | \$ 48,192 | \$ 28,702 | \$ 1,532 | \$ 2,220 | \$ 58,903 | 1 |
| Toyota Rav4 Hybrid | \$ 38,305 | \$ 20,200 | \$ 2,820 | \$ 1,711 | \$ 76,806 | 4 |
| Subaru Outback | \$ 41,399 | \$ 23,400 | \$ 4,195 | \$ 1,881 | \$ 86,733 | 5 |

*Averages

The above table assesses the costs where a vehicle generates an FBT expense due to it being available for personal use. This cost is typically covered by Council therefore the exemption to this tax is a significant benefit.

The running costs include the costs of servicing, replacing of tires and other parts. The funding cost is the interest expense Council would incur of funding the purchase of the vehicle.

The Rank column indicates that with the currently available Registration and FBT exemptions (which are in place for three years) the EV's and Hybrids are cheaper over the full life cycle with the most expensive EV over \$10k cheaper than the benchmark petrol model.

The current fleet Hybrid, the Rav4 is comparable in cost to the Tesla Model 3, with the Kia being \$5.6k cheaper and the Hyundai being 18k cheaper.

The analysis below considers the same scenario as above but considers the change to the cost of charging the EV's where surplus solar power is available. The table below is based on 50% of electricity being sourced from solar generation. The 50% is an arbitrary amount and the analysis does not consider the capital cost of additional work required to enable this.

| Vehicle | Purchase Price | Sale Price | Running cost* | Funding Cost* | NPV | Rank |
|-------------------|----------------|------------|---------------|---------------|-----------|------|
| Tesla Model 3 RWD | \$ 61,900 | \$ 36,866 | \$ 1,328 | \$ 2,851 | \$ 72,503 | 3 |
| Kia Niro EV MY 23 | \$ 57,813 | \$ 34,432 | \$ 1,497 | \$ 2,663 | \$ 68,913 | 2 |

Electric Vehicle vs Internal Combustion Engine Comparison: NPV and Carbon Footprint

| | | | | | | |
|-------------------------|-----------|-----------|----------|----------|-----------|---|
| Hyundai Kona Elite MY22 | \$ 48,192 | \$ 28,702 | \$ 1,030 | \$ 2,220 | \$ 56,739 | 1 |
| Toyota Rav4 Hybrid | \$ 38,305 | \$ 20,200 | \$ 2,820 | \$ 1,711 | \$ 76,806 | 4 |
| Subaru Outback | \$ 41,399 | \$ 23,400 | \$ 4,195 | \$ 1,881 | \$ 86,733 | 5 |

The ranking of the vehicles changes is unchanged, but as expected the EV's NPV's reduce further. This scenario is included to indicate additional savings that are likely to be achieved with EV vehicles.

If a fleet were to be based on an equal combination of Kia Niro's and Hyundai Kona's the average saving from 50% solar generated electricity would be just over \$2k per vehicle over the life, therefore a fleet of 20 vehicles would generate a \$40k saving over a 5-year period. Further analysis of these savings would be necessary to support a business case for the investment in the required infrastructure.

The above analysis indicates that there is a financial benefit to Council for it to procure the listed EV's for the combined personal use/pool cards instead of the previous Internal Combustion Vehicles, in the current context of exemptions.

2. Fleet cars – with FBT and Registration exemptions removed

Where Council has a vehicle that is not available for personal use the matter of FBT is no longer relevant. Taking the above analysis with the original assumption that all electricity is paid for and removing the impacts of FBT, the following figures are calculated.

| Vehicle | Purchase Price | Sale Price | Running cost* | Funding Cost* | NPV | Rank |
|-------------------------|----------------|------------|---------------|---------------|-----------|------|
| Tesla Model 3 RWD | \$ 61,900 | \$ 36,866 | \$ 1,813 | \$ 2,851 | \$ 54,790 | 5 |
| Kia Niro EV MY 23 | \$ 57,813 | \$ 34,432 | \$ 2,037 | \$ 2,663 | \$ 52,745 | 4 |
| Hyundai Kona Elite MY22 | \$ 48,192 | \$ 28,702 | \$ 1,532 | \$ 2,220 | \$ 43,487 | 1 |
| Toyota Rav4 Hybrid | \$ 38,305 | \$ 20,200 | \$ 2,820 | \$ 1,711 | \$ 43,730 | 2 |
| Subaru Outback | \$ 41,399 | \$ 23,400 | \$ 4,195 | \$ 1,881 | \$ 50,984 | 3 |

This scenario is immediately relevant to the procurement for fleet vehicles which are not available for private use. It is also indicative (but not precise) of how the removal of the FBT exemption would impact the other scenarios.

In this scenario the Hyundai Kona remains the best value but is materially the same as the RAV4. The other EV's are materially higher in cost. Adjusting this model for the solar generated supply of electricity the following is found.

| Vehicle | % of free electricity | | |
|-------------------------|-----------------------|-----------|-----------|
| | 0% NPV | 50% NPV | 100% NPV |
| Tesla Model 3 RWD | \$ 54,790 | \$ 52,703 | \$ 50,616 |
| Kia Niro EV MY 23 | \$ 52,745 | \$ 50,420 | \$ 48,095 |
| Hyundai Kona Elite MY22 | \$ 43,487 | \$ 41,324 | \$ 39,160 |
| Toyota Rav4 Hybrid | \$ 43,730 | \$ 43,730 | \$ 43,730 |
| Subaru Outback | \$ 50,984 | \$ 50,984 | \$ 50,984 |

Electric Vehicle vs Internal Combustion Engine Comparison: NPV and Carbon Footprint

3. Allowing for a lower interest rate environment

In developing a strategic approach to fleet procurement, we need to be aware of the effect of interest rates on these calculations. Current rates have risen significantly over the last 14 months and this can affect the 'time value' of money which is captured through the 'present valuing' of cash flows.

Returning to the Primary Scenario and adjusting the cost of capital and funds by -2%, recalculating the NPV's.

| Vehicle | Cost of capital | | Change |
|-------------------------|-----------------|-----------|-----------|
| | 5.1% NPV | 3.1% NPV | |
| Tesla Model 3 RWD | \$ 74,591 | \$ 69,826 | -\$ 4,764 |
| Kia Niro EV MY 23 | \$ 71,238 | \$ 66,880 | -\$ 4,359 |
| Hyundai Kona Elite MY22 | \$ 58,903 | \$ 55,238 | -\$ 3,664 |
| Toyota Rav4 Hybrid | \$ 76,806 | \$ 75,334 | -\$ 1,473 |
| Subaru Outback | \$ 86,733 | \$ 85,267 | -\$ 1,465 |

In all cases the NPV's will be reduced by lower funding costs and increased by a diminished discounting effect (time value of money). The net effect of a lowering interest rates is shown in the above table clearly favors the higher upfront cost of the EV's. This would indicate that an assumption that interest rates are more likely to reduce than increase in the next 2 to 5 years would not lead to a change in the relative position of the NPV's.

4. Carbon output

A key differential between the types of vehicles will be the level of CO2 emissions. For this section data was sourced from the Green Vehicle Guide (GVG) which is a Federal Government initiative. This website is focused on carbon output and has little consideration of the financial aspects of fleet management. The vehicle performance information on the website is supplied by the manufacturers. For more information see [Rankings and Measurements](#).

This modelling is generic and so does not take into account the practices and processes adapted by AHC fleet management. Nor does it take into account that the CO2 emissions of electricity purchased directly from the grid is materially different between South Australia and National averages.

Two factors are considered in the table below. The Tailpipe CO2 emissions which are the emissions measured which are generated by the vehicle by it being driven. It does not consider the emissions in the production of the vehicle or the production of the fuel.

The lifecycle emissions include the cost of production. These include emissions produced during:

- the vehicle manufacturing process
- the transport of the vehicle to its first point of sale
- refining and transport of liquid fuels
- generation of electricity

More information can be found at [Understanding Emissions](#)

Electric Vehicle vs Internal Combustion Engine Comparison: NPV and Carbon Footprint

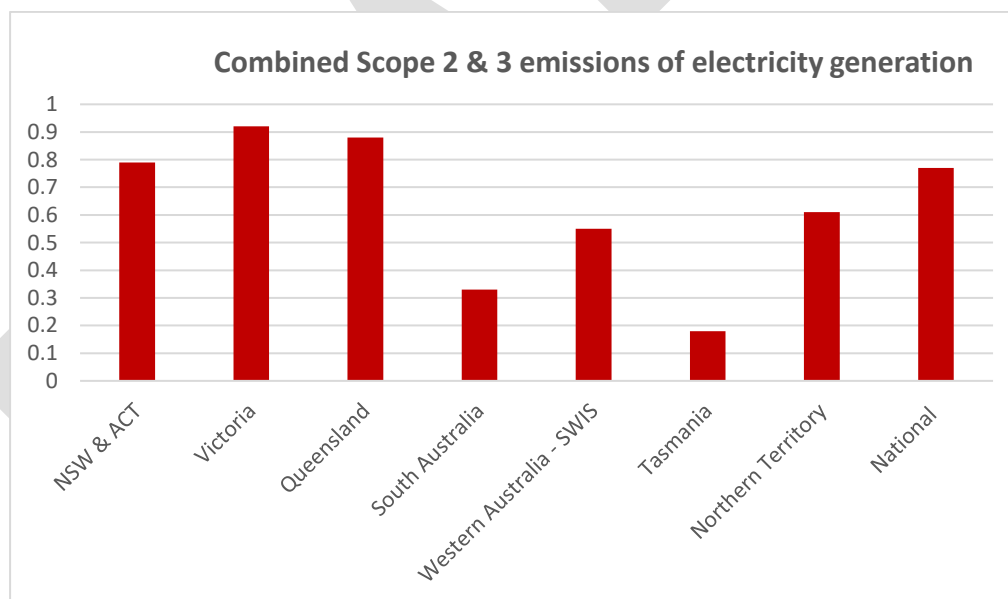
| Vehicle | Fuel Lifecycle CO2 (g/km) | Tailpipe CO2 (g/km) | KM pa | Tailpipe CO2 | Life Cycle CO2 | Life Cycle Rank |
|-------------------------|---------------------------|---------------------|--------|--------------|----------------|-----------------|
| Tesla Model 3 RWD | 109 | - | 15,000 | - | 8,175,000 | 1 |
| Kia Niro EV MY 23 | 117 | - | 15,000 | - | 8,775,000 | 4 |
| Hyundai Kona Elite MY22 | 116 | - | 15,000 | - | 8,700,000 | 3 |
| Toyota Rav4 Hybrid | 115 | 107 | 15,000 | 8,025,000 | 8,625,000 | 2 |
| Subaru Outback | 182 | 165 | 15,000 | 12,375,000 | 13,650,000 | 5 |

It is notable that the Life Cycle Rank above is significantly different to the NPV Rankings.

The Life Cycle emissions will be more subjective than the Tail pipe measure. The GVG calculations for Life Cycle emissions use national average figures for the emissions of generating electricity which will be overstated for South Australia, this can be seen in the [National greenhouse accounts factors 2021 report](#).

5. The Adelaide Hills Council and South Australian difference

The level of CO2 emissions generated in producing electricity available through the grid is significantly lower in South Australia than it is nationally.



The level of CO2 emissions in South Australia are 43% of the emissions in Australia as a whole.

Furthermore, Adelaide Hills Council purchases 100% accredited renewable energy through 'GreenPower' ensuring that electricity CO2 emissions are net zero (more information on 'GreenPower' can be found at www.greenpower.gov.au/).

These factors will impact this analysis and will lead to the Life Cycle CO2 for the electric vehicles being over stated for vehicles operated by Adelaide Hills Council (and in South Australia in general).

Recalibrating the data used in this report cannot be done with a high level of confidence due to the assumptions that need to be made.

Electric Vehicle vs Internal Combustion Engine Comparison: NPV and Carbon Footprint

However, to progress the analysis we make a broad assumption that 50% of an EV's life cycle emissions are related to fuel consumption and that this effectively generates no carbon emissions (as it is carbon neutral). We can then conclude that the life cycle emissions of CO₂ will be half the amount in the original analysis. Support for this approach is shown in appendix B.

6. Emissions modelling for AHC fleet.

Modelling the expected emissions of EV's in the AHC fleet has a number of challenges.

- a) For private use vehicles, where charging may occur at the primary users home the emissions will depend on the local source of energy.
- b) Fleet capacity, a smaller fleet is likely to have less time available for charging during day light hours.
- c) Timing of charging for all vehicles would need to be assessed, where daytime solar power would be the most efficient source from an emissions perspective but the least efficient from a capital asset perspective.
- d) Capacity of batteries to support charging in dark hours at all locations where vehicles are available for charging.

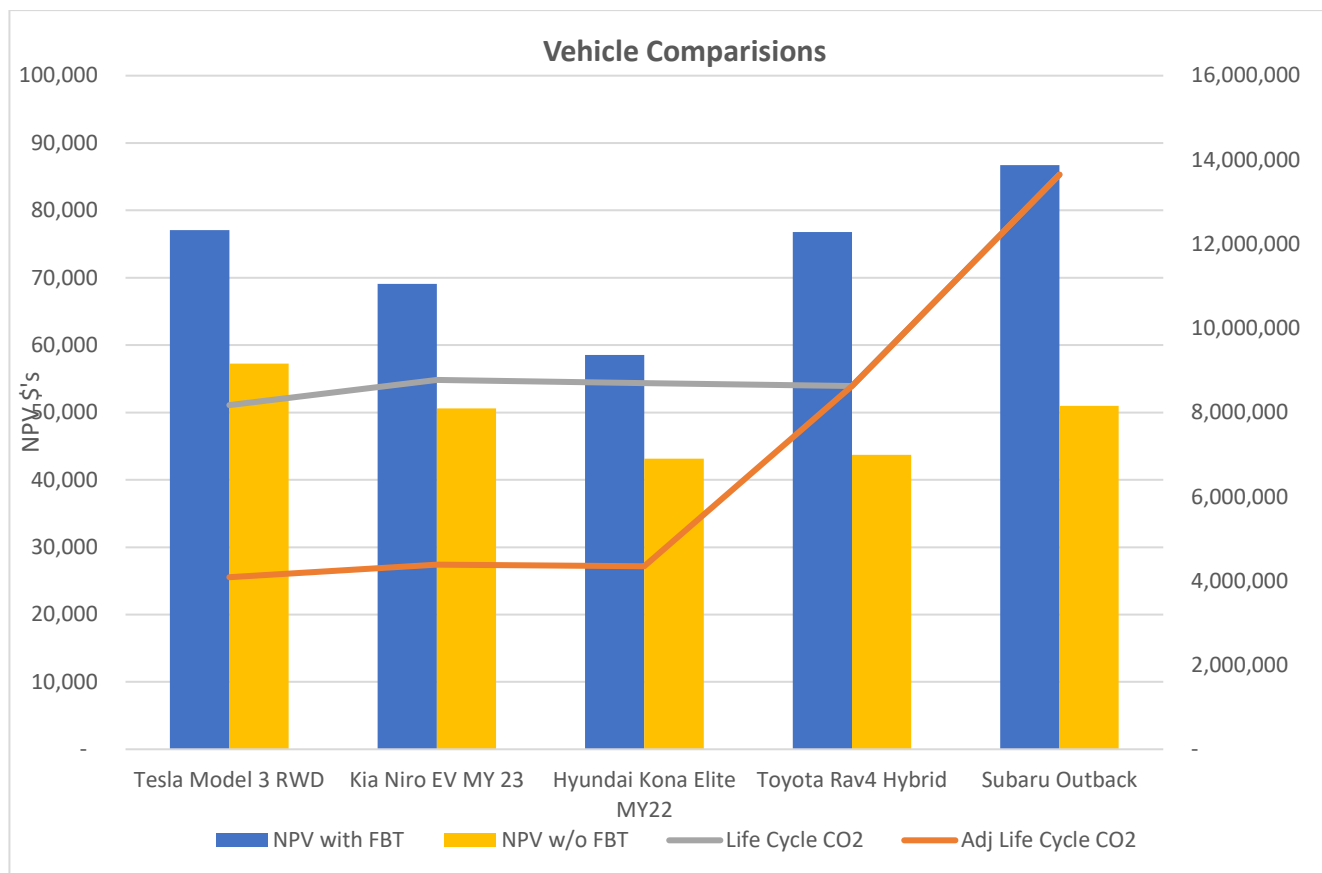
Developing a model to assess both the change to emissions and the costs of charging would be foundational to modelling the optimal level of investment in batteries by Council.

7. Summary

The validity of the analysis above is dependent on the sources of data available and assumptions made. As technology advances and market conditions change all data and analysis is likely to be out of date to some extent by the time it is available.

Consolidating the key information above into a single chart below and incorporating the adjusted CO₂ emissions discussed in section 5.

Electric Vehicle vs Internal Combustion Engine Comparison: NPV and Carbon Footprint



It is clear that there is little incentive to remain with traditional vehicles when considering both financial and CO2 emissions. EV's in the AHC fleet will have materially lower lifetime emissions of CO2 compared to the current vehicles.

Where there is an FBT liability due to personal use with the current exemptions for EV's the lower value EV's are clearly cheaper than the alternatives.

Considering the straight commercial 'fleet procurement', the picture is less clear with the EV and Hybrid options being comparable.

Further analysis of the fleet operation would need to be performed to ensure the move to EV's would support current operations. This would also support developing a model to assess the investment in batteries.

8. Sources

RAC Victoria - www.racv.com.au - car-running-costs-survey

Australian National Greenhouse Accounts Factors - <https://www.dcceew.gov.au/sites/default/files/documents/national-greenhouse-accounts-factors-2022.pdf>

Green Vehicle Guide - www.greenvehicleguide.gov.au

Electric Vehicle vs Internal Combustion Engine Comparison: NPV and Carbon Footprint

Appendix A



Green Vehicle Guide

| Model Release Year | Make | Model | Variant | Engine Configuration | Fuel Type | CO2 Emissions | Fuel Consumption | Energy Consumption Whkm | Electric Range Km | Fuel Life Cycle CO2 | Annual Tailpipe CO2 | Annual Fuel Cost |
|--------------------|---------|---------|-----------------------|----------------------|-------------------------------|---------------|------------------|-------------------------|-------------------|---------------------|---------------------|------------------|
| 2021 | Hyundai | Kona | EV 150kw | Electric | Pure Electric | 0 | 0 | 131 | 557 | 106 | 0 | 550 |
| 2021 | Hyundai | Kona | EV 100kW | Electric | Pure Electric | 0 | 0 | 143 | 305 | 116 | 0 | 601 |
| 2022 | Kia | Niro | EV | Electric | Pure Electric | 0 | 0 | 162 | 460 | 131 | 0 | 680 |
| 2022 | Kia | Niro | PHEV | 4cyl | Plug-in Electric/Petrol 91RON | 23 | 1 | 167 | 59 | 160 | 0.32 | 931 |
| 2020 | Tesla | Model 3 | Standard Range (E1RB) | Electric | Pure Electric | 0 | 0 | 132 | 490 | 107 | 0 | 554 |
| 2022 | Tesla | Model 3 | RWD (E6LRB) | Electric | Pure Electric | 0 | 0 | 134 | 559 | 109 | 0 | 563 |
| 2020 | Tesla | Model 3 | Long Range (E3DB) | Electric | Pure Electric | 0 | 0 | 138 | 657 | 112 | 0 | 580 |
| 2021 | Toyota | RAV4 | EDGE | 4cyl | Electric/Petrol 91RON | 110 | 4.8 | | | 117 | 1.54 | 1102 |

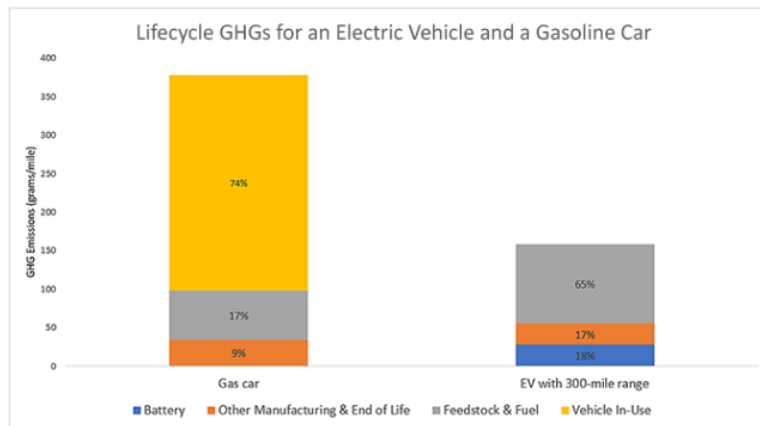
*The assumptions used for the information above differ to those used by RACV (RACV 15k km pa, GVG 14k km) and may not take into account recent increases in the price of oil.

Electric Vehicle vs Internal Combustion Engine Comparison: NPV and Carbon Footprint

Appendix B

Information seen on the USA Government EPA website: - <https://www.epa.gov/greenvehicles/electric-vehicle-myths>

This would use a US mix of electricity generation and local factors which would differ to those in Australia but may be indicative of the portion of whole of lifecycles CO2 emissions that can be apportioned to manufacture. This EPA modelling concludes that 65% of a EV's lifetime emissions come from the fuel used in operation. As the intent of this calculation appears to be in line with the current report it seems reasonable to use this information but it should be noted that applying this to the GVG information may incorporate inconsistencies in the calculations. To avoid overstating the benefit that comes from AHC sourcing of electricity a factor of 50% (reduced from 65%) seems reasonable.



Estimates shown² from [GREET 2 2021](#) are intended to be illustrative only. Estimates represent model year 2020. Emissions will vary based on assumptions about the specific vehicles being compared, EV battery size and chemistry, vehicle lifetimes, and the electricity grid used to recharge the EV, among other factors.

Above, the blue bar represents emissions associated with the battery. The orange bars encompass the rest of the vehicle manufacturing (e.g., extracting materials, manufacturing and assembling other parts, and vehicle assembly) and end-of-life (recycling or disposal). The gray bars represent upstream emissions associated with producing gasoline or electricity (U.S. mix), and the yellow bar shows tailpipe emissions during vehicle operations.

**ADELAIDE HILLS COUNCIL
ORDINARY COUNCIL MEETING
Tuesday 14 November 2023
AGENDA BUSINESS ITEM**

Item: 12.1

Responsible Officer: Jody Atkins
A/Governance and Risk Officer
Corporate Services

Subject: Audit Committee Membership – Council Member and Presiding
Member Appointments

For: Decision

SUMMARY

The Audit Committee is created under Section 41 of the *Local Government Act 1999* (the 'Act') to satisfy the requirements of Section 128 of the Act.

The purpose of this report is to seek the Council's determination whether to amend the Audit Committee's Terms of Reference (the 'TOR'), and to determine its Council Member and Presiding Member appointments for a specified term.

RECOMMENDATION

Council resolves:

Decision 1

1. That the report be received and noted
2. To retain the Audit Committee Terms of Reference as previously adopted by Council on 14 February 2023 and as contained in Appendix 1.
3. To determine that the method of selecting the Audit Committee Members to be by an indicative vote to determine the preferred persons for the two Council Member positions utilising the process set out in this Agenda report.
4. To adjourn the Council meeting for the purposes of seeking nominations for and, if necessary, conducting an indicative vote to determine the preferred persons for the Audit Committee Member roles and for the meeting to resume once the results of the indicative vote have been declared.

Decision 2

5. To appoint _____ and _____ as members of the Audit Committee for amonth term to commence 1 December 2023 and conclude on 30 November 20__ (inclusive).

6. To determine that the method of selecting the Audit Committee Presiding Member to be by an indicative vote to determine the preferred person utilising the process set out in this Agenda report.
7. To adjourn the Council meeting for the purposes of seeking nominations for and, if necessary, conducting an indicative vote to determine the preferred person for the Audit Committee Presiding Member role and for the meeting to resume once the results of the indicative vote have been declared.

Decision 3

8. To appoint _____ to the position of Audit Committee Presiding Member for a ____ month term to commence 1 December 2023 and conclude on 30 November 20XX (inclusive).
-

1. BACKGROUND

Audit Committee Terms of Reference

At its 14 February 2023 meeting Council adopted a revised TOR (**Appendix 1**). There are no proposed amendments to the current TOR.

Audit Committee Membership

The relevant elements of the Committee's TOR regarding membership and contained in clause 5, as follows:

5. ~~MEMBERSHIP~~
- 5.1 The Committee will comprise 7 members as follows:
- 5.1.1 ~~Three (3) Independent Members; and~~
- 5.1.2 ~~Two (2) Council Members~~
- 5.2 All members of the Committee will be appointed by the Council.
- 5.3 Independent members of the Committee shall have sound and relevant skills and experience in professions such as, but not limited to, accounting, financial management, risk management, law, compliance, internal audit and governance.
- 5.4 It is desirable for the Council Members to be appointed to the Committee to have a sound understanding of financial management, risk management and governance.
- 5.5 In considering appointments to the Committee, Council should give consideration to the diversity of the membership.
- 5.6 Appointments to the Committee shall be for a period of up to three (3) years.
- 5.7 Members of the Committee are eligible for reappointment at the expiration of their term of office, however a maximum term of eight (8) years applies for Independent Members, along with a minimum two (2) year hiatus prior to being eligible for reappointment.
- 5.8 The term of appointment of the Independent Members should be arranged to ensure the orderly rotation and continuity of membership despite changes to the composition of the Council.
6. ~~ATTENDING FEE~~
- 6.1 The applicable remuneration tribunal for the successful determination certifies the applicable allowance for Council Members on the Committee.
- 6.2 The Independent Members are to be paid a sitting fee each determined by Council for attendance at meetings and authorised training sessions. Council may determine a higher sitting fee for the presiding member.

At its 29 November 2022 ordinary meeting, in relation to the two Council Member positions on the Audit Committee, Council resolved as follows:

12.2.1 Audit Committee Membership – Council Member and Presiding Member Appointment

Moved Mark Osterstock
 3/- Cr Nathan Donnell

988/22

1. To appoint Cr Malcolm Herrmann and Cr Melorita Schescol as members of the Audit Committee for a 12 month term to commence 30 November 2022 and conclude on 30 November 2023 (inclusive).
2. To appoint Cr Malcolm Herrmann to the position of Audit Committee Presiding Member for a 12 month term to commence 30 November 2022 and conclude on 30 November 2023 (inclusive).

Carried Unanimously

In relation to the three Independent Member positions on the Audit Committee, Council resolved as follows:

- on 11 April 2023 Audit Committee Independent Members be appointed to the Committee for a period of up to four (4) years.

- Appointment of Pamela Lee to the position of Audit Committee Independent Member until 30 April 2027.
- Appointment of David Moffatt to the position of Audit Committee Independent Member to commence from 1 December 2023 until 30 November 2027; and
- Appointment of Sarah Beesley to the position of Audit Committee Independent Member to commence 1 December 2023 until 30 November 2027.

RELEASED 13 APRIL 2023

18.1.1 Audit Committee Independent Member Appointment – Confidential Item

Moved Cr Malcolm Herrmann
S/- Cr Melanie Selwood

85/23

Council resolves:

Decision 1:

1. That the report be received and noted
2. To amend clause 5.7 on the AHC Audit Committee Terms of Reference to include:

Appointments to the Committee shall be for a period of up to four (4) years.

Carried Unanimously

Moved Cr Melanie Selwood
S/- Cr Malcolm Herrmann

86/23

Decision 2:

1. To appoint Pamela Lee to the position of Audit Committee Independent Member for a term to commence from 01 May 2023 until 30 April 2027 (inclusive).
2. To appoint David Moffatt and Sarah Beesley to the positions of Audit Committee Independent Member for a term to commence from 01 December 2023 until 30 November 2027 (inclusive).

Carried Unanimously

On 30 November 2023 Peter Brass will be completing his Audit Committee Independent Membership.

Audit Committee Presiding Member

Clause 7.1 of the current TOR provides that the Council will appoint the Presiding Member of the Committee. Council has the flexibility to appoint the Presiding Member for a term of its choice within the bounds of the 3-year term as per clause 5.6.

If the Presiding Member of the Committee is absent from a meeting the Deputy Presiding Member (if such position exists) will preside at that meeting.

Note that the TOR does not preclude either a Council Member or an Independent Member from eligibility for the Presiding Member role.

At its 29 November 2022 meeting, in relation to the Audit Committee Presiding Member role, Council resolved as follows:

11.4.1 Audit Committee Membership – Council Member and Presiding Member Appointment

Moved Mark Osterweck

3/- Cr Nathan Daniels

30/11

- 1. To appoint Cr Malcolm Horwood and Cr Malena Tolson as members of the Audit Committee for a 12 month term to commence 30 November 2022 and conclude on 29 November 2023 (inclusive).**
- 2. To appoint Cr Malena Horwood to the position of Audit Committee Presiding Member for a 12 month term to commence 30 November 2022 and conclude on 29 November 2023 (inclusive).**

Carried Unanimously

Audit Committee Independent Member Sitting Fees

At its 28 August 2021 meeting Council resolved the sitting fees for Audit Committee Independent Members as follows, these will be reviewed in the future:

- i. Independent Presiding Member - \$575 (excl GST) per attended meeting.**
- ii. Independent Ordinary Member - \$450 (excl GST) per attended meeting.**

2. ANALYSIS

➤ Strategic Management Plan/Functional Strategy/Council Policy Alignment

Strategic Plan 2020-24 – A brighter future

| | |
|---------------|---|
| Goal 5 | A Progressive Organisation |
| Objective O4 | We actively represent our community |
| Priority O4.2 | Attract and develop a diverse and capable elected body that represents, promotes, and reflects the composition of the community |
| Priority O4.3 | Advocate to, and exert influence with, our stakeholders on behalf of our community to promote the needs and ambitions of the region |
| Objective O5 | We are accountable, informed, and make decisions in the best interests of the whole community |
| Priority O5.1 | Enhance governance structures and systems to prudently adapt to changing circumstances and meet our legislative obligations |

➤ **Legal Implications**

Section 128 - Audit Committee of the Act prescribes that a council must have an audit committee to fulfil the functions set out in that section. Regulation 17(1)(b) of the *Local Government (Financial Management) Regulations 2011* requires that the audit committee must include at least one person who is not a member of the council and who is determined by the council to have financial experience relevant to the functions of an audit committee (i.e. an independent member).

Regulation 17 of the *Local Government (Financial Management) Regulations 2011* provides that the audit committee of a council:

- a) must have between 3 and 5 members (inclusive); and
- b) must include 1 person who is not a member of the council and who is determined by the council to have financial experience relevant to the functions of an audit committee; and
- c) must not include, as a member, the council's auditor under Section 128 of the Act.

Section 41 of the Act sets out the processes for the establishment of council committees. These committees may be formed to assist council in the performance of its functions; to enquire into matters; to provide advice to council and to exercise delegated powers functions and duties. The Audit Committee is a s41 Committee.

Section 74 – General conflicts of interest of the Act set out the provisions regarding General Conflicts of Interest. In considering a General Conflict of Interest (COI), an impartial, fair-minded person might consider that the Council Member's private interests might result in the Member acting in a manner that is contrary to their public duty. For this matter, Council Members seeking to be appointed may have a General COI and should consider declaring the interest and acting in accordance with *s75B – Dealing with general conflicts of interest*.

Section 75 – Material conflicts of interest of the Act set out the provisions regarding Material Conflicts of Interest. In considering a Material Conflict of Interest (COI), a member of a council has a material conflict of interest in a matter to be discussed at a meeting of the council if a class of persons as defined in s75(1)(a-l) in the Act would gain a benefit, or suffer a loss, (whether directly or indirectly and whether of a personal or pecuniary nature) depending on the outcome of the consideration of the matter at the meeting. For this matter, Council Members seeking to be appointed may have a Material COI and should consider declaring the interest and acting in accordance with *s75C – Dealing with material conflicts of interest*.

Council's Information or Briefing Sessions Policy created under s90A(1) sets out the provisions for the conduct of an Information or Briefing Session such as the session recommended for the purposes of indicative voting. The above COI provisions do not apply to an Information or Briefing Session if it occurs.

➤ **Risk Management Implications**

The Council's consideration of membership of the Audit Committee 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**

An Independent Remuneration Tribunal has jurisdiction under section 76 of the Act to determine the allowances payable to council members. The Tribunal determines the annual allowance for councillors, principal members, deputy mayor, prescribed and non-prescribed committee presiding members and travel time allowances with the applicable determination of this term of council being *Determination 2 of 2022 – Allowances for Members of Local Government Councils*.

A prescribed committee is ‘a committee that endures, irrespective of whether the council has assigned any particular work for the committee to perform and assist council or provides advice to the council.’ The Audit Committee is deemed a prescribed committee.

The Determination sets the annual allowance for a councillor who is a presiding member of one or more prescribed committees is equal to one and a quarter (1.25) times the annual allowance for councillors of that council. This amount will be adjusted in accordance with the consumer price index at the next anniversary of the 2022 Local Government election in accordance with statutory requirements.

There is no allowance payment for Council Members who are members of Council Committees.

Should the Mayor, Deputy Mayor or another Council Member who is in receipt of a Presiding Member’s allowance be appointed as the Audit Committee Presiding Member, there is no additional allowance payable.

While the allowances payable to Council Members are set by the Remuneration Tribunal, Council determines the sitting fees payable to Independent Members of Council Committees.

Council’s current budget has provision for the costs associated with the Audit Committee Ordinary and Presiding Member roles.

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

There is a high expectation that Council has appropriate governance and accountability mechanisms in place in relation to its meeting structures and that Council Committee members are competent and understand the role and functions of the committee and their individual obligations with regard to conduct.

➤ **Sustainability Implications**

Not applicable.

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

There is no requirement for community consultation in relation to the appointment of Council Members and the Presiding Member to the Audit Committee.

➤ **Additional Analysis**

Audit Committee Terms of Reference

The Audit Committee TOR is based on the aforementioned provisions of the Act and Regulations and good practice guidance from the Local Government Association.

Clause 4.8 of the TOR provides that, at least once in its term the Committee will review its own performance and terms of reference. The Audit Committee workplan provided for a TOR review with a recommendation provided to Council for consideration.

The Audit Committee has been closely following the proposed legislative changes that will come into effect on 30 November 2023 regarding audit and risk committees. The Committee has acknowledged that the vast majority of the proposed changes have been the standard practice for the AHC Audit Committee for many years and, as such, minimal changes will be required when the new legislation comes into effect.

Audit Committee Membership

As identified in the Background section above, the discretionary Council Member membership of the Audit Committee is limited to two (2) Council Members.

Clause 5.4 of the Audit Committee TOR provides that it is desirable for the Council Members to be appointed to the Committee to have a sound understanding of financial management, risk management and governance.

Given the limit of two positions, appointment to the Audit Committee could most effectively be managed via the *Indicative Voting Process for Determining Council Appointed Positions* as detailed below.

Similarly in considering nominations of aspiring Audit Committee Presiding Members, Council may wish to consider, in addition to the requirements of clause 5.4 of the TOR, some or all of the *Characteristics of a Presiding Member* as detailed below.

While the characteristics regarding presiding member duties may appear erroneous, Council is reminded that the Committee has the delegation to select a Deputy Presiding Member from amongst its members.

Audit Committee Presiding Member

In considering the Audit Committee Presiding Member position, Council may wish to consider suitability factors including (but not limited to):

- understanding or the ability to acquire the same of the role and functions of the Audit Committee;

- understanding or the ability to acquire the same in meeting procedure generally and the meeting procedure set out in the *Local Government (Procedures at Meetings) Regulations 2013* and Meeting Procedure provisions set out in the Audit Committee TOR (clause 9);
- expertise in chairing meetings of s41 Committees (if past experience exists), or other boards/committees in other organisations, public and private;
- ability to preside efficiently, firmly, impartially, and fairly over Committee meetings;
- ability to manage conflict and differing opinions;
- integrity, good conduct, and diligence;
- the opportunity to provide professional development in presiding member skills;
- the opportunity to consider diversity in the role;
- current and future time commitments (i.e. there are a number of Council Committees, Regional Subsidiaries and Advisory Groups that will also require Council Member representation); and
- the financial implications of the appointment.

Indicative Voting Process for Determining Council Appointed Positions

Due to the potential implications of the General and Material Conflict of Interest provisions (see Legal Implications above) regarding the appointment of Committee Members and the Presiding Member (other than the Mayor, Deputy or any Council Member currently receiving a Presiding Member's allowance from a pecuniary interest perspective), it is proposed that the Council adjourn the meeting for the purposes of seeking nominations for and, if necessary, conducting an indicative vote (Indicative Voting Process) to determine the preferred person for the positions of Committee Member and then again separately for the role of Committee Presiding Member.

As the Indicative Voting Process involves discussion of a matter that is, or is intended to be, part of the agenda for a formal meeting of the Council or Council Committee, it is an Information or Briefing Session for the purposes of s90A and the *Information or Briefing Sessions Policy* (the 'Policy'). As an Information or Briefing Session, the Chief Executive will conduct the meeting in accordance with the Policy.

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

The proposed Indicative Voting Process is:

- a) Chief Executive Officer calls for self-nominations for the position of Audit Committee Members or the Presiding Member, as appropriate.
Note that in relation to the Presiding Member role, the Independent Members of the Committee are also eligible to self-nominate.
- b) If the number of nominees is equal to or less than the number of positions, no election will be required. If the number of nominees is greater, an election will be necessary.
- c) The CEO (or another Council staff member) will be appointed as the Returning Officer and may enlist other Council staff to assist with the conduct of the vote and the count.

- d) The method of voting will be by secret ballot utilising the preferential counting system
- e) Each Council Member (including the Mayor) shall have one vote.
Note that while the Independent Members are eligible for the Presiding Member role, they will not have voting rights in this process.
- f) Ballot papers will be provided to each Council Member
- g) The nominee's names will be drawn to determine the order on the ballot paper.
- h) Each Member will write the nominee's names on the ballot paper in the order they are drawn.
- i) Each nominee will have two (2) minutes to speak to the Briefing Session in support of the candidacy. The speaking order will be as listed on the ballot paper.
- j) Members will cast their votes and the completed ballot papers will be collected by the Returning Officer and the count will be undertaken in a separate room with an observer [another Council Member (not being a nominee for the position being determined) or an Officer] present.
- k) In the event of a tie, the result will be decided by the Returning Officer drawing lots, the candidate first drawn being the candidate excluded.
- l) After all votes have been counted, the Returning Officer shall publicly announce the final votes cast for each candidate and formally declare the result of the election (i.e. the preferred person).
- m) The ballot papers will be shredded.

Proposed Chronology of Events

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

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

- I. Council consider whether to retain the current Audit Committee Terms of Reference as contained in Appendix 1. Council would give effect to this by dealing with Recommendations 1 and 2 (or variants) at this time.
- II. Council will then consider the process that it will use to choose the preferred persons for the two Council Member positions. Council would give effect to this by dealing with Recommendation 3 (or a variant) at this time.
- III. Having decided the method, Council will then have to adjourn the meeting to enable the process to be undertaken. Council would give effect to this by dealing with Recommendation 4 (or a variant) at this time.
- IV. Steps I. to III. are all grouped as Decision 1 in the recommendation section.
- V. Once the Indicative Voting Process has been completed the Council meeting will resume in accordance with the previous resolution.

Upon resumption, the Council Members who nominated for the Audit Committee Member roles would be advised to consider their obligations to declare a General or Material COI, as appropriate.

- VI. Council can then resolve for the preferred persons to be appointed as the Audit Committee Members for an identified term. Council would give effect to this by dealing with Recommendation 5 (or a variant) at this time.

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

- VII. Council will then consider the process that it will use to choose the preferred person for the Audit Committee Presiding Member role. Council would give effect to this by dealing with Recommendation 6 (or a variant) at this time.
- VIII. Having decided the method, Council will then have to adjourn the meeting to enable the process to be undertaken. Council would give effect to this by dealing with Recommendation 7 (or a variant) at this time.
- IX. Steps V. to VIII. are all grouped as Decision 2 in the recommendation section.
- X. Once the Indicative Voting Process has been completed the Council meeting will resume in accordance with the previous resolution.

Upon resumption, any Council Members who nominated for the Presiding Member role would be advised to make declarations in accordance with s75C – *Dealing with material conflicts of interest*.

Council can then resolve for the preferred person to be appointed as the Audit Committee Presiding Member for an identified term (this term may be equal to or less than the term resolved in Recommendation 5). Council would give effect to this by dealing with Recommendation 8 (or a variant) at this time.

- XI. Step X. is under the heading of Decision 3 in the recommendation section.

3. OPTIONS

Council has the following options:

The Council has the following options:

- I. To resolve to appoint the Audit Committee Council Member and Presiding Member appointments for a determined period and to undertake the processes as outlined in the report (**Recommended**).
- II. To determine not to resolve the Audit Committee Council Member and Presiding Member appointments (**Not Recommended**). Doing so would effectively breach Council's legislative obligations.

4. APPENDICES

- (1) Audit Committee Terms of Reference

Appendix 1

Audit Committee Terms of Reference

ADELAIDE HILLS COUNCIL
Audit Committee



TERMS OF REFERENCE

Adopted 14 February 2023

1. ESTABLISHMENT

- 1.1 The Audit Committee (the Committee) of Council is established under Section 41 of the *Local Government Act 1999* (the Act), for the purposes of Section 126 of the Act and in compliance with regulation 17 of the *Local Government (Financial Management) Regulations 2011*.
- 1.2 The Audit Committee does not have executive powers or authority to implement actions in areas which management has responsibility and does not have any delegated financial responsibility. The Audit Committee does not have any management functions and is therefore independent from management.

2. ROLE

- 2.1 The overall role of the Audit Committee will be to assist Council to accomplish its objectives by monitoring and providing advice on the adequacy and effectiveness of the systems and processes regarding financial management and reporting, internal control and risk management, internal audit and governance functions through the following functions:

3. SPECIFIC FUNCTIONS

- 3.1 Financial Reporting and Prudential Requirements

The Committee shall:

- 3.1.1 Provide comment on the assumptions underpinning Council's Strategic Management Plans (Strategic Plan, Annual Business Plan and Budget and Long Term Financial Plan), the consistency between plans and the adequacy of Council's plans in the context of maintaining financial sustainability;
- 3.1.2 Review and provide advice to Council on the degree to which the annual financial statements present fairly the state of affairs of the Council;
- 3.1.3 Monitor the integrity of the financial statements of the Council, including its annual report, reviewing significant financial reporting issues and judgements which they contain.;
- 3.1.4 Review and challenge where necessary:
- 3.1.4.1 The consistency of, and/or any changes to, accounting policies;
- 3.1.4.2 The methods used to account for significant or unusual transactions where different approaches are possible;

- 3.1.4.3 Whether the Council has followed appropriate accounting standards and made appropriate estimates and judgements, taking into account the views of the external auditor;
- 3.1.4.4 The clarity of disclosure in the Council's financial reports and the context in which statements are made; and
- 3.1.4.5 All material information presented with the financial statements, such as the operating and financial review and the corporate governance statement (insofar as it relates to the audit and risk management);

3.1.5 Review prudential reports prepared under Section 48(1) of the Act and provide advice to Council, upon request, on other prudential matters.

3.2 Internal Controls and Risk Management Systems

The Committee shall:

- 3.2.1 Ensure that appropriate policies, practices and procedures of internal control (and other financial and risk management systems) are implemented, reviewed and maintained in order to assist the Council to carry out its activities in an efficient and orderly manner to achieve its objectives;
- 3.2.2 Review Council's risk management framework and monitor the performance of Council's risk management program;
- 3.2.3 Monitor the corporate risk profile and significant risk exposures for the organisation to ensure that there are appropriate management plans to manage and mitigate this business risk; and
- 3.2.4 Ensure an appropriate legislative compliance framework exists to identify risks and controls over compliance with applicable legislation and regulations.

3.3 Public Interest Disclosures

The Committee shall:

- 3.3.1 Review annually the Council's Public Interest Disclosure arrangements and compliance with the requirements of the *Public Interest Disclosure Act 2018*.
- 3.3.2 Provide recommendations to Council regarding Public Interest Disclosure Policy and resourcing required to comply with legislative requirements

3.4 Internal Audit

The Committee shall:

- 3.4.1 Monitor and review the effectiveness of the Council's internal audit function in the context of the Council's overall risk management system;
- 3.4.2 Consider and make recommendation on the program of the internal audit function and the adequacy of its resources and access to information to enable it to perform its function effectively and in accordance with the relevant professional standards.

- 3.4.3 Review all reports on the Council's operations from the internal auditors;
- 3.4.4 Review and monitor management's responsiveness to the findings and recommendations of the internal auditor; and
- 3.4.5 Where appropriate, meet the "head" of internal audit (internal or outsourced) at least once a year, without management being present, to discuss any issues arising from the internal audits carried out. In addition, the head of internal audit shall be given the right of direct access to the Principal Member of the Council and to the Presiding Member of the committee.

3.5 External audit

The Committee shall:

- 3.5.1 Consider and make recommendations to the Council, in relation to the appointment, re-appointment and removal of the Council's external auditor. The Committee shall oversee the selection process for new auditors and if an auditor resigns the Committee shall investigate the issues leading to this and decide whether any action is required;
- 3.5.2 Oversee Council's relationship with the external auditor including, but not limited to:
 - 3.5.2.1 Recommending the approval of the external auditor's remuneration, whether fees for audit or non-audit services, and recommending whether the level of fees is appropriate to enable an adequate audit to be conducted;
 - 3.5.2.2 Recommending the approval of the external auditor's terms of engagement, including any engagement letter issued at the commencement of each audit and the scope of the audit;
 - 3.5.2.3 Assessing the external auditor's independence and objectivity taking into account relevant professional and regulatory requirements and the extent of Council's relationship with the auditor, including the provision of any non-audit services;
 - 3.5.2.4 Satisfying itself that there are no relationships (such as family, employment, investment, financial or business) between the external auditor and the Council (other than in the ordinary course of business);
 - 3.5.2.5 Monitoring the external auditor's compliance with legislative requirements on the rotation of audit partners; and
 - 3.5.2.6 Assessing the external auditor's qualifications, expertise and resources and the effectiveness of the audit process (which shall include a report from the external auditor on the audit committee's own internal quality procedures);

- 3.5.3 Meet as needed with the external auditor. The Committee shall meet the external auditor at least once a year, without management being present; to discuss the external auditor's report and any issues arising from the audit;
- 3.5.4 Review and make recommendations on the annual audit plan, and in particular its consistency with the scope of the external audit engagement;
- 3.5.5 Review the findings of the audit with the external auditor. This shall include, but not be limited to, the following;
 - 3.5.5.1 a discussion of any major issues which arose during the external audit;
 - 3.5.5.2 any accounting and audit judgements; and
 - 3.5.5.3 Levels of errors identified during the external audit. The committee shall also review the effectiveness of the external audit.
- 3.5.6 Review any representation letter(s) requested by the external auditor before they are signed by management;
- 3.5.7 Review the management letter and management's response to the external auditor's findings and recommendations.

3.6 Economy and Efficiency Audits

The Committee shall:

- 3.6.1 Propose and review the exercise of powers under Section 130A of the Act; to examine and report on any matter relating to financial management, or the efficiency and economy with which the council manages or uses its resources to achieve its objectives,

4. OTHER MATTERS

The Committee shall:

- 4.1 Have access to reasonable resources in order to carry out its duties, recognising the constraints within Council's Budget;
- 4.2 Be provided with appropriate and timely training, both in the form of an induction programme for new members and on an ongoing basis for all members;
- 4.3 Give due consideration to laws and regulations of the Act;
- 4.4 Make recommendations on co-ordination of the internal and external auditors;
- 4.5 Oversee any investigation of activities which are within its terms of reference;
- 4.6 Oversee action to follow up on matters raised by the external and internal auditors;

4.7 Invite Council's external auditors and internal auditors to attend meetings of the Committee, as considered appropriate; and

4.8 At least once in its term, review its own performance and terms of reference to ensure it is operating at maximum effectiveness and recommend changes it considers necessary to the Council for approval.

5. MEMBERSHIP

5.1 The Committee will comprise 5 members as follows:

5.1.1 Three (3) Independent Members; and

5.1.2 Two (2) Council Members

5.2 All members of the Committee will be appointed by the Council.

5.3 Independent Member(s) of the Committee shall have recent and relevant skills and experience in professions such as, but not limited to accounting, financial management, risk management, law, compliance, internal audit and governance.

5.4 It is desirable for the Council Members to be appointed to the Committee to have a sound understanding of financial management, risk management and governance.

5.5 In considering appointments to the Committee, Council should give consideration to the diversity of the membership.

5.6 Appointments to the Committee shall be for a period of up to three (3) years.

5.7 Members of the Committee are eligible for reappointment at the expiration of their term of office, however a maximum term of eight (8) years applies for Independent Members, along with a minimum two (2) year hiatus prior to being eligible for reappointment.

5.8 The terms of appointment of the Independent Members should be arranged to ensure the orderly rotation and continuity of membership despite changes to the composition of the Council.

6. SITTING FEES

6.1 The applicable Remuneration Tribunal (or its successor) Determination outlines the applicable allowance for Council Members on the Committee.

6.2 The Independent Members are to be paid a sitting fee as determined by Council for attendance at meetings and authorised training sessions. Council may determine a higher sitting fee for the presiding member.

7. PRESIDING MEMBER

7.1 The Council will appoint the Presiding Member of the Committee.

- 7.2 The Council authorises the Committee to determine if there will be a Deputy Presiding Member of the Committee and, if so, authorises the Committee to make the appointment to that position for a term determined by the Committee.
- 7.3 If the Presiding Member of the Committee is absent from a meeting the Deputy Presiding Member (if such position exists) will preside at that meeting. If there is no position of Deputy Presiding Member, or both the Presiding Member and the Deputy Presiding Member of the Committee are absent from a meeting of the Committee, then a member of the Committee chosen from those present will preside at the meeting until the Presiding Member (or Deputy Presiding Member, if relevant) is present.
- 7.4 The role of the Presiding Member includes:
- 7.4.1 overseeing and facilitating the conduct of meetings in accordance with Act and the *Local Government (Procedures at Meetings) Regulations 2013* (the Regulations); and
- 7.4.2 Ensuring all Committee members have an opportunity to participate in discussions in an open and encouraging manner.

8. REPORTING RESPONSIBILITIES

- 8.1 For the purposes of Section 41(8) of the Act, the Committee's reporting and accountability requirements are:
- 8.1.1 The minutes of each Committee meeting will be included in the agenda papers of the next ordinary meeting of the Council;
- 8.1.2 The Presiding Member will attend a meeting of the Council at least once per annum to present a report on the activities of the Committee;
- 8.1.3 The Committee shall make whatever recommendations to the Council it deems appropriate on any area within its terms of reference where in its view action or improvement is needed; and
- 8.1.4 The Presiding Member may attend a Council meeting at any time that the Presiding Member sees fit to discuss any issue or concern relating to the Committee's functions. Depending on the nature of the matter, this may be held in confidence in accordance with Section 90 of the Act and staff may be requested to withdraw from the meeting.

9. MEETING PROCEDURE

- 9.1 Meeting procedure for the Committee is as set out in the Act, Parts 1, 3 and 4 of the Regulations. Insofar as the Act, the Regulations, or these Terms of Reference do not prescribe the procedure to be observed in relation to the conduct of a meeting of the Committee, the Committee may determine its own procedure.
- 9.2 In accordance with Section 90(7a), one or more Committee members may participate in the meeting by telephone or other electronic means provided that members of the public can hear the discussion between all Committee members.

9.3 Only members of the Committee are entitled to vote in Committee meetings. Unless otherwise required by the Act not to vote, each member must vote on every matter that is before the Committee for decision.

9.4 Council Employees may attend any meeting as observers or be responsible for preparing papers for the committee.

10. SECRETARIAL RESOURCES

10.1 The Chief Executive Officer shall provide sufficient administrative resources to the Committee to enable it to adequately carry out its functions.

11. FREQUENCY OF MEETINGS

11.1 The Committee shall meet at least four times a year at appropriate times and places as determined by the Committee. A special meeting of the Committee may be called in accordance with the Act.

11.2 If after considering advice from the CEO or delegate, the Presiding Member of the Committee is authorised to cancel the respective Committee meeting, if it is clear that there is no business to transact for that designated meeting.

12. NOTICE OF MEETINGS

12.1 Notice of the meetings of the Committee will be given in accordance with Sections 87 and 88 of the Act. Accordingly, notice will be given:

12.1.1 To members of the Committee by email or as otherwise agreed by Committee members at least 3 clear days before the date of the meeting; and

12.1.2 To the public as soon as practicable after the time that notice of the meeting is given to members by causing a copy of the notice and agenda to be displayed at the Council's offices and on the Council's website.

12.2 PUBLIC ACCESS TO MEETINGS & DOCUMENTS

12.3 Members of the public are able to attend all meetings of the Committee, unless prohibited by resolution of the Committee under the confidentiality provisions of Section 90 of the Act.

12.4 Members of the public have access to all documents relating to the Committee unless prohibited by resolution of the Committee under the confidentiality provisions of Section 91 of the Act.

13. MINUTES OF MEETINGS

13.1 The Chief Executive Officer shall ensure that the proceedings and resolutions of all meetings of the Committee, including recording the names of those present and in attendance are minuted and that the minutes otherwise comply with the requirements of the Regulations.

13.2 Minutes of Committee meetings shall be circulated within five days after a meeting to all members of the Committee and will (in accordance with legislative requirements) be available to the public.

**ADELAIDE HILLS COUNCIL
ORDINARY COUNCIL MEETING
Tuesday 14 November 2023
AGENDA BUSINESS ITEM**

Item: 12.2

Responsible Officer: Jody Atkins
A/Governance and Risk Coordinator
Corporate Services

Subject: Chief Executive Officer Performance Review Panel Membership
– Council Member and Presiding Member Appointments

For: Decision

SUMMARY

The Chief Executive Officer Performance Review Panel (the CEOPRP) is created under Section 41 of the *Local Government Act 1999* (the 'Act').

The purpose of this report is to recommend to Council the extension of the existing Council Members and Presiding Member appointments for a period of up to six months to enable the completion of the CEO Probationary Review Process.

The report also seeks Approval for a temporary variation to the CEOPRP membership to change the Deputy Mayor membership to a Council Member membership, which will enable Cr Nathan Daniell to continue in his role in the CEOPRP.

RECOMMENDATION

That Council resolves:

- 1. That the report be received and noted.**
 - 2. To seek approval to have the Deputy Mayor (Cr Nathan Daniell) continue as a member of the CEOPRP as a Council Member.**
 - 3. To seek approval for the extension of the CEO Performance Review Panel members for a period of one month following the end of the CEO Probationary Review Process or six months, whichever is the earliest.**
-

1. BACKGROUND

CEOPRP Membership

Council, at its 29 November 2022 meeting, in relation to the CEO PRP Presiding Member role resolved as follows:

12.6 CEO PRP Membership - Council Member and Presiding Member Appointment

Moved Cr Mark Osterstock
S/- Cr Leith Mudge

302/22

1. To appoint two Council Members, Cr Chris Grant and Cr Kirsty Parkin, as members of the Chief Executive Officer Performance Review Panel for a 12 month term to commence 30 November 2022 and conclude on 30 November 2023 (inclusive).
2. To appoint Cr Chris Grant to the position of Chief Executive Officer Performance Review Panel Presiding Member for a 12 month term to commence 30 November 2022 and conclude on 30 November 2023 (inclusive).

Carried Unanimously

Council, at its 27 September 2022 meeting, in relation to the CEOPRP Independent Member role resolved as follows:

RELEASED 30 SEPTEMBER 2022

18.1.1 CEO Performance Review Panel Independent Member – Confidential Item

Moved Cr Mark Osterstock
S/- Cr Kirsty Parkin

267/22

Council resolves:

1. That the report be received and noted.
2. To extend the appointment term of Independent Member, Ms Janet Miller, to the CEO Performance Review Panel by one year until 20 November 2023.

Carried Unanimously

CEOPRP Terms of Reference

At its 24 October 2023 meeting, Council resolved (270/23) to revoke the 1 September 2017 TOR and to adopt a revised TOR as follows:

12.3 Draft CEO PRP Terms of Reference

Moved Cr Chris Grant
S/- Cr Nathan Daniell

270/23

Council resolves:

1. That the report be received and noted.
2. That with an effective date of 24 October 2023, to revoke the 1 September 2017 Adelaide Hills Council CEO Performance Review Panel Terms of Reference and to adopt the revised Adelaide Hills Council CEO Performance Review Panel Terms of Reference in Appendix 1.
3. That the Chief Executive Officer be authorised to make any formatting, nomenclature, or other minor changes to the Council Terms of Reference during the period of their life.

Carried Unanimously

CEOPRP Membership

The relevant elements of the Panel's TOR regarding membership and contained in clause 5, as follows:

- 5.1 The Panel will comprise five (5) members as follows:
 - 5.1.1 Mayor and Deputy Mayor;
 - 5.1.2 Two (2) Council Members ; and
 - 5.1.3 One (1) Independent Member.
- 5.2 All members of the Panel will be appointed by the Council.
- 5.3 The Independent Member of the Panel shall have recent and relevant skills and experience in fields related to the role and functions of the Panel.
- 5.4 It is desirable for the Council Members to be appointed to the Panel to have a sound understanding of the role and functions of the Panel.
- 5.5 In considering appointments to the Panel, Council should give consideration to the clarity of the membership.
- 5.6 Appointments to the Panel shall be for a period of up to three (3) years.

CEOPRP Independent Member Sitting Fees

Council, at its 24 August 2021 meeting, resolved the sitting fees for CEOPRP Independent Members as follows:

- i. Independent Presiding Member - \$575 (excl GST) per attended meeting.
- ii. Independent Ordinary Member - \$450 (excl GST) per attended meeting.

The sitting fees will remain, until notification from the Remuneration Tribunal is received regarding any variations.

Approval for a temporary variation to the CEOPRP membership to change the Deputy Mayor membership to a Council Member membership, will enable Cr Nathan Daniell to continue in his role in the CEOPRP until one month following the end of the CEO Probationary Review Process or six months, whichever is the earliest will to enable the fluid completion of the CEO Probationary Review Process.

A variation to all membership appointment terms from 30 November 2023 for the Council Members and Presiding Member and from 20 November 2023 for the Independent Member until one month following the end of the CEO Probationary Review Process or six months, whichever is the earliest.

2. ANALYSIS

➤ Strategic Management Plan/Functional Strategy/Council Policy Alignment

Strategic Plan 2020-24 – A brighter future

| | |
|---------------|---|
| Goal 5 | A Progressive Organisation |
| Objective O4 | We actively represent our community |
| Priority O4.3 | Attract and develop a diverse and capable elected body that represents, promotes, and reflects the composition of the community |
| Priority O4.3 | Advocate to, and exert influence with, our stakeholders on behalf of our community to promote the needs and ambitions of the region |
| Objective O5 | We are accountable, informed, and make decisions in the best interests of the whole community |
| Priority O5.1 | Enhance governance structures and systems to prudently adapt to changing circumstances and meet our legislative obligations |

➤ Legal Implications

Section 41 of the *Local Government Act 1999* (the Act) sets out the processes for the establishment of council committees. These committees may be formed to assist council in the performance of its functions; to enquire into matters; to provide advice to council and to exercise delegated powers functions and duties. The CEOPRP is a s41 Committee.

The *Local Government Act 1999, Chapter 7 – Council Staff* contains provisions for the requirement for a CEO, vacancies in the Office of CEO, appointment procedures and the role of the CEO, remuneration of the CEO, ability to have a deputy CEO, delegation by the CEO, person to act as CEO and CEO Performance reviews.

Section 99A details the Remuneration Tribunal will determine (from time to time) the minimum and maximum remuneration that may be paid or provided to chief executive officers of councils. Section 102A details a Council must review the performance of the Chief Executive Officer (CEO) at least once annually and before reappointment occurs. The Section goes on to detail Council must obtain and consider the advice of a qualified independent person on a review and before reappointment. Council has previously appointed a qualified independent person and that is not the subject of this report.

➤ **Risk Management Implications**

The Council’s consideration of membership of the CEOPRP 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**

Council’s current budget has provision for the costs associated with the CEOPRP Ordinary and Presiding Member roles.

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

There is a high expectation that Council has appropriate governance and accountability mechanisms in place in relation to its meeting structures and that Council Committee members are competent and understand the role and functions of the committee and their individual obligations with regard to conduct.

➤ **Sustainability Implications**

Not applicable.

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

There is no requirement for community consultation in relation to the extension of appointments of Council Members and the Presiding Member to the CEOPRP.

3. OPTIONS

The Council has the following options:

- I. To seek approval for the Deputy Mayor (Cr Nathan Daniell) to continue as a member of the CEOPRP under a Council Member membership (**Recommended**).
- II. To approve the extension of the current CEO PRP members until one month following the end of the CEO Probationary Review Process or six months, whichever is the earliest (**Recommended**).
- II. To determine not to approve Cr Nathan Daniell to commence under a Council Member membership, or the extension of the current CEOPRP members (**Not Recommended**). Doing so would cause disruption to the CEOPRP membership when consistency of membership is necessary for the full duration of the CEO Probationary Review Process.

4. APPENDIX

- (1) Chief Executive Officer Performance Review Panel Terms of Reference.

Appendix 1

CEO Performance Review Panel Terms of Reference

ADELAIDE HILLS COUNCIL CEO Performance Review Panel

TERMS OF REFERENCE

1. ESTABLISHMENT

- 1.1 The CEO Performance Review Panel (the Panel) is a Panel established by the Council under Section 41 of the *Local Government Act 1999* (the Act).
- 1.2 The Panel has no power or authority to make delegated decisions on behalf of the Council, nor does it have any financial delegations. The Panel performs an advisory role to the Council, as a governing body.

2. ROLE

- 2.1 In accordance with section 102A(1) of the Act, Council must review the performance of the Chief Executive Officer (CEO) at least once per year.
- 2.2 In accordance with section 102A(2) of the Act, Council must obtain and consider the advice of a qualified independent person on a review. The qualified independent person must not be a member or employee of the Council and is to be a person determined by the Council (evidenced by resolution) to have appropriate qualifications or experience in human resource management.
- 2.2 The Council is responsible for the selection, remuneration and performance management of the CEO. The role of the Panel is to facilitate, manage and report to Council on the review process in accordance with section 102A of the Act, as well as to provide advice to Council on matters relating to the performance and development of the CEO.

3. SPECIFIC FUNCTIONS

- 3.1 The Panel is to provide advice to Council on the CEO's performance and development, including, but not limited to, the following matters:
- 3.1.1 Determining the Performance Targets for the forthcoming 12 month performance period;
- 3.1.2 Monitoring the progress on the CEO's agreed Performance Targets for the current 12 month performance period;
- 3.1.3 Reviewing the CEO's performance over the preceding 12 month performance period, in particular assessing performance against the agreed Performance Targets and Position Description requirements;

- 3.1.4 Identifying development opportunities for the CEO;
- 3.1.5 Reviewing the remuneration and conditions of employment of the CEO in accordance with Section 99A of the Act, as well as any Determination made by the Remuneration Tribunal; and
- 3.1.6 Making recommendations to Council on the conclusion of the review, including with respect to the Employment Agreement as between Council and the CEO.

4. OTHER MATTERS

The Panel shall:

- 4.1 Have access to reasonable resources in order to carry out its duties and functions, within Council's budgetary constraints;
- 4.2 Be provided with appropriate and timely training, both in the form of an induction program for new members, as well as on an ongoing basis for all members;
- 4.3 Comply with all relevant legislation , including the Act;
- 4.4 Where the Panel is required to act jointly with, or to obtain the concurrence of, the CEO in the performance of its functions, the expectation of the Council is that both parties will negotiate and consult in good faith to achieve the necessary objectives; and
- 4.5 At least once in its term, undertake a review its own performance, including these Terms of Reference, to ensure it is operating at maximum effectiveness, and recommend changes it considers necessary to the Council for its consideration, and adoption.

5. MEMBERSHIP

- 5.1 The Panel will be comprised of five (5) members as follows:
 - 5.1.1 Mayor and Deputy Mayor;
 - 5.1.2 Two (2) Council Members; and
 - 5.1.3 One (1) Independent Member, who **is not** an employee or the qualified independent person engaged pursuant to section 102A of the Act.
- 5.2 All members of the Panel will be appointed by the Council.
- 5.3 The Independent Member of the Panel shall have recent and relevant skills and experience in fields related to the role and functions of the Panel, as determined by the Council.

- 5.4 It is desirable for the Council Members appointed to the Panel to have a sound understanding of the role and functions of the Panel.
- 5.5 In considering appointments to the Panel, Council will give consideration to the diversity of its membership.
- 5.6 Appointments to the Panel shall be for a period of up to three (3) years, as determined by the Council.
- 5.7 Members of the Panel are eligible for reappointment at the expiration of any term of office.

6. SITTING FEES

- 6.1 The applicable Determination of the Remuneration Tribunal (or its successor) outlines the applicable allowances for Council Members on the Panel.
- 6.2 The Independent Member is to be paid a sitting fee for attendance at meetings and authorised training sessions, as determined by resolution of the Council.
- 6.3 Council may determine by resolution a higher sitting fee will apply for the Presiding Member.

7. PRESIDING MEMBER

- 7.1 The Council will appoint the Presiding Member of the Panel.
- 7.2 The Mayor is ineligible to be appointed as Presiding Member.
- 7.2 The Council authorises the Panel to determine if there will be a Deputy Presiding Member of the Panel and, if so, authorises the Panel to make the appointment to that position for a term determined by the Panel.
- 7.3 If the Presiding Member of the Panel is absent from a meeting, the Deputy Presiding Member (if such position exists) will preside at that meeting. If no appointment to the position of Deputy Presiding Member has been made, or in the event that both the Presiding Member and the Deputy Presiding Member of the Panel are absent from a meeting of the Panel, then a member of the Panel chosen from those present will preside at the meeting, until the Presiding Member or Deputy Presiding Member, (if relevant) is present.
- 7.4 The role of the Presiding Member includes:
- 7.4.1 overseeing and facilitating the conduct of meetings in accordance with the Act and the *Local Government (Procedures at Meetings) Regulations 2013* (the Regulations); and
 - 7.4.2 Ensuring all Panel members have an opportunity to participate in discussions in an open, transparent and informed manner.

8. REPORTING RESPONSIBILITIES

- 8.1 For the purposes of Section 41(8) of the Act, the Panel's reporting and accountability requirements are:
- 8.1.1 The minutes of each Panel meeting will be included in the agenda papers for the next ordinary meeting of the Council;
 - 8.1.2 The Presiding Member will attend a meeting of the Council at least once per annum, to present a report on the activities of the Panel;
 - 8.1.3 The Panel shall make whatever recommendations to the Council it deems appropriate, on any area within its role and functions, as set out under these Terms of Reference; and
 - 8.1.4 The Presiding Member may attend a Council meeting at any time the Presiding Member sees fit, to discuss any issue or concern relating to the Panel's functions. Subject to the nature of the matter, this briefing may be held in confidence in accordance with Section 90 of the Act and staff may be excluded from attendance.

9. MEETING PROCEDURE

- 9.1 Meeting procedures for the Panel are set out under the Act, as well as Parts 1, 3 and 4 of the Regulations. Insofar as the Act, the Regulations, or these Terms of Reference do not prescribe the procedure to be observed in relation to the conduct of a meeting of the Panel, the Panel may determine its own procedure.
- 9.2 In accordance with Section 90(7a), one or more Panel members may participate in the meeting by telephone or other electronic means, provided that members of the public can hear the discussion between all Panel members.
- 9.3 Only members of the Panel are entitled to vote in Panel meetings. Unless otherwise required by the Act not to vote, each member must vote on every matter before the Panel for decision.
- 9.4 A quorum for the Panel shall constitute half the membership, ignoring any fraction from the division, plus one (1).

10. SECRETARIAL RESOURCES

- 10.1 Sufficient administrative resources will be provided by Administration to the Panel for the purposes of coordination and preparation of reports, agendas and minutes, as well as a point of contact for all Panel Members and any external consultants.

11. FREQUENCY OF MEETINGS

- 11.1 The Panel shall meet at appropriate times and places as determined by the Panel. A special meeting of the Panel may be called in accordance with the Act.
- 11.2 If it is determined there is no business to transact for a designated meeting, the Presiding Member of the Panel may cancel the respective Panel meeting.

12. NOTICE OF MEETINGS

- 12.1 Notice of the meetings of the Panel will be given in accordance with Sections 87 and 88 of the Act. Accordingly, notice will be given:
- 12.1.1 To members of the Panel by email or as otherwise agreed by Panel members at least 3 clear days before the date of the meeting; and
- 12.1.2 To the public as soon as practicable after the time that notice of the meeting is given to members, by causing a copy of the notice and agenda to be displayed at the Council's offices and on the Council's website.

13. PUBLIC ACCESS TO MEETINGS & DOCUMENTS

- 13.1 Meetings of the Panel will be conducted in a place open to the public, and members of the public are invited to attend, unless the Panel makes an order under Section 90(2) and (3) of the Act for any particular item of business.
- 13.2 Members of the public have access to minutes and reports presented to the Panel, unless prohibited by section 83(5) of the Act, or by resolution of the Panel under Section 91(7) of the Act.

14. MINUTES OF MEETINGS

- 14.1 All proceedings and resolutions on items of business at all meetings of the Panel, including recording the names of those present are minuted and the minutes will otherwise comply with the requirements of the Regulations.
- 14.2 Minutes of Panel meetings shall be circulated within five days after a meeting to all members of the Panel and will (in accordance with legislative requirements) be available to the public.
- 14.3 The minutes shall be confirmed at the next meeting of the Panel.

**ADELAIDE HILLS COUNCIL
ORDINARY COUNCIL MEETING
Tuesday 14 November 2023
AGENDA BUSINESS ITEM**

Item: 12.3

Responsible Officer: Jody Atkins
A/Governance and Risk Officer
Corporate Services

Subject: Boundary Change Committee Membership – Presiding Member Appointment

For: Decision

SUMMARY

The Boundary Change Committee is created under Section 41 of the *Local Government Act 1999* (the 'Act').

The purpose of this report is to seek the Council's determination on the retention of the Boundary Change Committee with/without amendment to the Terms of Reference (the 'TOR'), and to determine its Presiding Member appointment for a specified term.

RECOMMENDATION

Decision 1

That Council resolves:

- 1. That the report be received and noted**
- 2. To retain the Boundary Change Committee for the term of the Council with the Terms of Reference, as contained in Appendix 1.**
- 3. To determine that the method of selecting the Boundary Change Committee Presiding Member to be by an indicative vote to determine the preferred person for the Presiding Member position utilising the process set out in this Agenda report.**
- 4. To adjourn the Council meeting for the purposes of seeking nominations for and, if necessary, conducting an indicative vote to determine the preferred person for the Boundary Change Committee Presiding Member role and for the meeting to resume once the results of the indicative vote have been declared.**

Decision 2

- 5. To appoint _____ to the position of Boundary Change Committee Presiding Member for a _____ month term to commence 30 November 2023 and conclude on 30 November 20XX (inclusive).**
-

1. BACKGROUND

Boundary Change Committee Terms of Reference

At its 9 August 2022 special meeting, Council established the Boundary Change Committee adopted a revised Terms of Reference (TOR) (**Appendix 1**).

Boundary Change Committee Membership

The relevant elements of the Committee’s TOR regarding membership and contained in clause 5, are as follows:

5. MEMBERSHIP

- 5.1 The Committee will comprise five (5) members as follows:
 - 5.1.1 The Deputy Mayor of the Council; and
 - 5.1.2 Four (4) Council Members.
- 5.2 All members of the Committee will be appointed by the Council for a period of three (3) years but will expire at each periodic local government election.
- 5.3 It is desirable for the Council Members to be appointed to the Committee to have a sound understanding of provisions of Chapter 3, Part 2 of the Act and the Campbelltown City Council Woodforde/Rostrevor boundary change proposal.
- 5.4 In considering appointments to the Committee, Council should give consideration to the diversity of the membership.
- 5.5 Members of the Committee are eligible for reappointment at the expiration of their term of office.
- 5.6 The Committee may be assisted by independent advisors that the Committee may determine from time to time.

At its 9 August 2022 special meeting, in relation to the four Council Member positions on the Boundary Change Committee and the Presiding Member role, Council resolved as follows:

6.1.2 Establishment of a Boundary Change Committee – Membership

Moved Cr Mark Osterstock
S/- Cr John Kemp

202/22

1. To appoint Deputy Mayor Nathan Daniell, Cr Kirsty Parkin, Cr John Kemp, Cr Mark Osterstock and Cr Ian Bailey as Members of the Boundary Change Committee for a term to commence from 9 August 2022 and conclude at the conclusion of the Council Term.
2. To appoint Deputy Mayor Nathan Daniell as the Presiding Member of the Boundary Change Committee for a term to commence from 9 August 2022 and conclude at the conclusion of the Council Term.
3. To authorise the Chief Executive Officer to determine the date of the first Boundary Change Committee meeting.

Carried Unanimously

At its 29 November 2022 Council meeting, the Council Member positions on the Boundary Change Committee being Cr Leith Mudge, Cr Nathan Daniell and Cr Kirsty Parkin were appointed as members for a 36 month term to commence 30 November 2022 and conclude on 30 November 2025 (inclusive).

The Presiding Member role, was appointed to Cr Mark Osterstock for a period of 12 months commencing 30 November 2022 and concluding 30 November 2023.

12.7.1 Boundary Change Committee - Council Member and Presiding Member Appointment

Moved Cr Malcolm Herrmann
S/- Cr Nathan Daniell

304/22

1. To appoint Council Members Cr Leith Mudge, Cr Mark Osterstock and Cr Kirsty Parkin as members of the Boundary Change Committee for a 36 month term to commence 30 November 2022 and conclude on 30 November 2025 (inclusive).
2. To appoint Cr Mark Osterstock to the position of Boundary Change Committee Presiding Member for a 12 month term to commence 30 November 2022 and conclude on 30 November 2023 (inclusive).

carried

2. ANALYSIS

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

Strategic Plan 2020-24 – A brighter future

Goal 5 A Progressive Organisation

Objective O4 We actively represent our community

Priority O4.3 Attract and develop a diverse and capable elected body that represents, promotes, and reflects the composition of the community

| | |
|---------------|---|
| Priority O4.3 | Advocate to, and exert influence with, our stakeholders on behalf of our community to promote the needs and ambitions of the region |
| Objective O5 | We are accountable, informed, and make decisions in the best interests of the whole community |
| Priority O5.1 | Enhance governance structures and systems to prudently adapt to changing circumstances and meet our legislative obligations |

➤ **Legal Implications**

Section 41 of the *Local Government Act 1999* (the Act) sets out the processes for the establishment of council committees. These committees may be formed to assist council in the performance of its functions; to enquire into matters; to provide advice to council and to exercise delegated powers functions and duties. The Boundary Change Committee is a s41 Committee.

Section 74 – General conflicts of interest of the Act set out the provisions regarding General Conflicts of Interest. In considering a General Conflict of Interest (COI), an impartial, fair-minded person might consider that the Council Member’s private interests might result in the Member acting in a manner that is contrary to their public duty. For this matter, Council Members seeking to be appointed may have a General COI and should consider declaring the interest and acting in accordance with *s75B – Dealing with general conflicts of interest*.

Section 75 – Material conflicts of interest of the Act set out the provisions regarding Material Conflicts of Interest. In considering a Material Conflict of Interest (COI), a member of a council has a material conflict of interest in a matter to be discussed at a meeting of the council if a class of persons as defined in s75(1)(a-l) in the Act would gain a benefit, or suffer a loss, (whether directly or indirectly and whether of a personal or pecuniary nature) depending on the outcome of the consideration of the matter at the meeting. For this matter, Council Members seeking to be appointed may have a Material COI and should consider declaring the interest and acting in accordance with *s75C – Dealing with material conflicts of interest*.

Council’s Information or Briefing Sessions Policy created under s90A(1) sets out the provisions for the conduct of an Information or Briefing Session such as the session recommended for the purposes of indicative voting. The above COI provisions do not apply to an Information or Briefing Session if it occurs.

The *Local Government Act 1999, Chapter 3 – Constitution of councils, Part 2 – Reform proposals* contains provisions relating to administrative and general boundary change proposals. It is that latter in the form of the Campbelltown City Council general proposal for the realignment of the boundary between the two councils in the area of Woodforde and Rostrevor (AHC) that gave rise to the creation of the Boundary Change Committee.

➤ **Risk Management Implications**

The Council’s consideration of membership of the Boundary Change Committee 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**

An Independent Remuneration Tribunal has jurisdiction under section 76 of the Act to determine the allowances payable to council members. The Tribunal determines the annual allowance for councillors, principal members, deputy mayor, prescribed and non-prescribed committee presiding members and travel time allowances with the applicable determination of this term of council being *Determination 2 of 2022 – Allowances for Members of Local Government Councils*.

A prescribed committee is ‘a committee that endures, irrespective of whether the council has assigned any particular work for the committee to perform and assist council or provides advice to the council.’ The Boundary Change Committee is deemed a prescribed committee.

The Determination sets the annual allowance for a councillor who is a presiding member of one or more prescribed committees is equal to one and a quarter (1.25) times the annual allowance for councillors of that council. This amount will be adjusted in accordance with the consumer price index at the next anniversary of the 2022 Local Government election in accordance with statutory requirements.

There is no allowance payment for Council Members who are members of Council Committees.

Should the Mayor, Deputy Mayor or another Council Member who is in receipt of a Presiding Member’s allowance be appointed as the Boundary Change Committee Presiding Member, there is no additional allowance payable.

Council’s current budget has provision for the costs associated with the Boundary Change Committee Ordinary and Presiding Member roles.

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

There is a high expectation that Council has appropriate governance and accountability mechanisms in place in relation to its meeting structures and that Council Committee members are competent and understand the role and functions of the committee and their individual obligations with regard to conduct.

➤ **Sustainability Implications**

Not applicable.

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

There is no requirement for community consultation in relation to the appointment of Council Members and the Presiding Member to the Boundary Change Committee.

➤ **Additional Analysis**

Boundary Change Committee Terms of Reference

Clause 4.1.4 of the TOR provides that, at least once in its term the Boundary Change Committee will review its own performance and terms of reference.

At this time there do not appear to be any concerns with the current function of the Boundary Change Committee and therefore no changes to the TOR are proposed.

Should Council determine not to continue with the Boundary Change Committee or that the functions undertaken by the Committee are more appropriately undertaken by Council, it will resolve at Recommendation 2 not to retain the Committee.

Boundary Change Committee Membership

As identified in the Background section above, the discretionary Council Member membership of the Boundary Change Committee is limited to four (4) Council Members.

Clause 5.2 provides that members of the Committee will be appointed for a period of three (3) years.

Clause 5.3 of the Boundary Change Committee TOR provides that it is desirable for the Council Members to be appointed to the Committee to have a sound understanding of the provisions of Chapter 3, Part 2 of the Act, and the Campbelltown City Council Woodforde/Rostrevor boundary change proposal.

Given the limit of two positions, appointment to the Committee could be most effectively managed via the *Indicative Voting Process for Determining Council Appointed Positions* as detailed below.

Boundary Change Committee Presiding Member

Clause 6.1 of the TOR provides that the Council will appoint the Presiding Member of the Committee. Council has the flexibility to appoint the Presiding Member for a term of its choice within the bounds of the 3-year term as per clause 5.2.

If the Presiding Member of the Committee is absent from a meeting the Deputy Presiding Member (if such position exists) will preside at that meeting.

Characteristics of a Presiding Member

The Boundary Change Committee TOR does not set out any specific qualifications or experience for the Boundary Change Committee Presiding Member position however Council may wish to consider general suitability factors including (but not limited to):

- understanding or the ability to acquire the same of the role and functions of the Boundary Change Committee;
- understanding or the ability to acquire the same in meeting procedure generally and the meeting procedure set out in the *Local Government (Procedures at Meetings) Regulations 2013* and Meeting Procedure provisions set out in the Boundary Change Committee TOR (clause 9);
- expertise in chairing meetings of s41 Committees (if past experience exists), or other boards/committees in other organisations, public and private;
- ability to preside efficiently, firmly, impartially, and fairly over Boundary Change Committee meetings;
- ability to manage conflict and differing opinions;
- integrity, good conduct, and diligence;
- the opportunity to further strengthen presiding member skills;
- the opportunity to consider diversity in the role;
- current and future time commitments (i.e. there are a number of Council Committees, Regional Subsidiaries and Advisory Groups that will also require Council Member representation); and
- the financial implications of the appointment.

Indicative Voting Process for Determining Council Appointed Positions

Due to the potential implications of the General and Material Conflict of Interest provisions (see Legal Implications above) regarding the appointment of Committee Members and the Presiding Member (other than the Mayor, Deputy or any Council Member currently receiving a Presiding Member's allowance from a pecuniary interest perspective), it is proposed that the Council adjourn the meeting for the purposes of seeking nominations for and, if necessary, conducting an indicative vote (Indicative Voting Process) to determine the preferred person for the position of the Boundary Change Committee Presiding Member.

As the Indicative Voting Process involves discussion of a matter that is, or is intended to be, part of the agenda for a formal meeting of the Council or Council Committee, it is an Information or Briefing Session for the purposes of s90A and the *Information or Briefing Sessions Policy* (the 'Policy'). As an Information or Briefing Session, the Chief Executive will conduct the meeting in accordance with the Policy.

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

The proposed Indicative Voting Process is:

- a) Chief Executive Officer calls for self-nominations for the position of Boundary Change Committee Presiding Member, as appropriate.
- b) If the number of nominees is equal to or less than one, no election will be required. If the number of nominees is greater, an election will be necessary.
- c) The CEO (or another Council staff member) will be appointed as the Returning Officer and may enlist other Council staff to assist with the conduct of the vote and the count.
- d) The method of voting will be by secret ballot utilising the preferential counting system
- e) Each Council Member (including the Mayor) shall have one vote.
- f) Ballot papers will be provided to each Council Member
- g) The nominee's names will be drawn to determine the order on the ballot paper.
- h) Each Member will write the nominee's names on the ballot paper in the order they are drawn.
- i) Each nominee will have two (2) minutes to speak to the Briefing Session in support of the candidacy. The speaking order will be as listed on the ballot paper.
- j) Members will cast their votes and the completed ballot papers will be collected by the Returning Officer and the count will be undertaken in a separate room with an observer [another Council Member (not being a nominee for the position being determined) or an Officer] present.
- k) In the event of a tie, the result will be decided by the Returning Officer drawing lots, the candidate first drawn being the candidate excluded.
- l) After all votes have been counted, the Returning Officer shall publicly announce the final votes cast for each candidate and formally declare the result of the election (i.e. the preferred person).
- m) The ballot papers will be shredded.

Proposed Chronology of Events

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

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

- I. Council consider whether to retain the Boundary Change Committee for the term of the Council with the Terms of Reference as contained in **Appendix 1**. Council would give effect to this by dealing with Recommendations 1 and 2 (or variants) at this time.
- II. Council will then consider the process that it will use to choose the preferred persons for the Presiding Member position. Council would give effect to this by dealing with Recommendation 3 (or a variant) at this time.
- III. Having decided the method, Council will then have to adjourn the meeting to enable the process to be undertaken. Council would give effect to this by dealing with Recommendation 4 (or a variant) at this time.
- IV. Steps I. to III. are all grouped as Decision 1 in the recommendation section.

- V. Once the Indicative Voting Process has been completed the Council meeting will resume in accordance with the previous resolution.
- VI. Upon resumption, any Council Members who nominated for the Presiding Member role would be advised to make declarations in accordance with s75C – *Dealing with material conflicts of interest*.

Council can then resolve for the preferred person to be appointed as the Boundary Change Committee Presiding Member for an identified term (this term may be equal to or less than the term resolved in Recommendation 2). Council would give effect to this by dealing with Recommendation 5 (or a variant) at this time.

- VII. Steps V. to VIII. are all grouped as Decision 2 in the recommendation section.

3. OPTIONS

The Council has the following options:

- I. To resolve to appoint the Boundary Change Committee Presiding Member appointment for a determined period and to undertake the processes as outlined in the report (**Recommended**).
- II. To determine not to resolve the Boundary Change Committee Presiding Member appointment (**Not Recommended**). Doing so would effectively revert all CEO Performance Review processes to the full Council, which may be an inefficient use of Council time.

4. APPENDIX

- (1) Boundary Change Committee Terms of Reference.

Appendix 1

Boundary Change Committee Terms of Reference

ADELAIDE HILLS COUNCIL

Boundary Change Committee



TERMS OF REFERENCE

1. ESTABLISHMENT

- 1.1 The Boundary Change Committee (the 'Committee') of Council is established under Section 41 of the *Local Government Act 1999* (the 'Act').
- 1.2 The Committee does not have executive powers or authority to implement actions in areas which management has responsibility.
- 1.3 The Committee and its Members do not have any delegations except as provided for in this Terms of Reference.

2. ROLE

- 2.1 The role of the Committee is to assist Council to fulfil its role and functions by providing advice regarding the operation and implications of Chapter 3 – Constitution of councils, Part 2 – Reform proposals of the Act associated with the Campbelltown City Council Woodforde/Rostrevor boundary change proposal.

3. SPECIFIC FUNCTIONS

- 3.1 Within the context of the role of the Committee, its specific functions are:
 - 3.1.1 To review and provide advice to Council regarding any correspondence or reports produced by the South Australian Boundaries Commission (the 'Boundaries Commission');
 - 3.1.2 To oversee and provide advice to Council on:
 - 3.1.2.1 the development of submissions to the Boundaries Commission or its associated parties;
 - 3.1.2.2 the development of communications strategies to the affected residents and ratepayers;
 - 3.1.2.3 risk and risk management associated with any potential boundary change;
 - 3.1.2.4 financial and other budgetary considerations associated with any potential boundary change; and
 - 3.1.2.5 other matters as the Committee may determine
 - 3.1.3 To seek legal and/or other professional advice to enable the Committee to discharge its role and functions within the limits of its applicable financial delegation.

4. OTHER MATTERS

- 4.1 The Committee shall:

- 4.1.1 Have access to reasonable resources in order to carry out its duties, recognising the constraints within Council's Budget.
 - 4.1.2 Be provided with appropriate and timely training, both in the form of an induction programme for new committee members and on an ongoing basis for all committee members.
 - 4.1.3 Have delegated financial responsibility as resolved by Council in Resolution 179/22 and any subsequent resolutions. Any procurement activity resulting from the Committee's use of its delegation will be undertaken by the Administration. For clarity, individual Committee Members do not have any authority to commit Council funds.
 - 4.1.4 At least once in each full term, review its own performance and these Terms of Reference to ensure it is operating at maximum effectiveness and recommend changes it considers necessary to the Council for approval.
 - 4.1.5 Upon being provided notification by the Boundaries Commission and/or the Minister for Local Government that the Campbelltown City Council Woodforde/Rostrevor boundary change proposal has either been withdrawn or will not be proceeding in a timely manner, the Committee will provide advice to the Council on the continuance of the Committee.
- 4.2 The Principal Member of Council will be the principal spokesperson for the Committee and for all matters associated with the Campbelltown City Council Woodforde /Rostrevor boundary change proposal. Consistent with clause 4.1 of the *Council Member Conduct Policy*, the Principal Member may delegate this role to another Council Member or Officer on agreed terms.
- 4.3 Where information is required to be provided to the Boundaries Commission or an associated party in a timeframe that does not reasonably allow:
- 4.3.1 the Committee to make a recommendation to Council, the Committee has the delegation to approve the provision of the requested information directly to the requesting party. A report will be provided to the next meeting of Council on the exercise of this delegation; or
 - 4.3.2 the Committee to meet to consider the requested information, the Committee Presiding Member has the delegation, following consultation with the Mayor (or the Deputy Mayor if the Mayor is the Presiding Member) and CEO, to approve the provision of the requested information directly to the requesting party. A report will be provided to the next meeting of the Committee on the exercise of this delegation.

5. MEMBERSHIP

- 5.1 The Committee will comprise five (5) members as follows:
- 5.1.1 The Deputy Mayor of the Council; and
 - 5.1.2 Four (4) Council Members.
- 5.2 All members of the Committee will be appointed by the Council for a period of three (3) years but will expire at each periodic local government election.

- 5.3 It is desirable for the Council Members to be appointed to the Committee to have a sound understanding of provisions of Chapter 3, Part 2 of the Act and the Campbelltown City Council Woodforde/Rostrevor boundary change proposal.
- 5.4 In considering appointments to the Committee, Council should give consideration to the diversity of the membership.
- 5.5 Members of the Committee are eligible for reappointment at the expiration of their term of office.
- 5.6 The Committee may be assisted by independent advisors that the Committee may determine from time to time.

6. PRESIDING MEMBER

- 6.1 The Council will appoint the Presiding Member of the Committee.
- 6.2 The Council authorises the Committee to determine if there will be a Deputy Presiding Member of the Committee and, if so, authorises the Committee to make the appointment to that position for a term determined by the Committee.
- 6.3 If the Presiding Member of the Committee is absent from a meeting the Deputy Presiding Member (if such position exists) will preside at that meeting. If there is no position of Deputy Presiding Member, or both the Presiding Member and the Deputy Presiding Member of the Committee are absent from a meeting of the Committee, then a member of the Committee chosen from those present will preside at the meeting until the Presiding Member (or Deputy Presiding Member, if relevant) is present.
- 6.4 The role of the Presiding Member includes:
- 6.4.1 overseeing and facilitating the conduct of meetings in accordance with the Act and the *Local Government (Procedures at Meetings) Regulations 2013* (the Regulations); and
 - 6.4.2 Ensuring all Committee members have an opportunity to participate in discussions in an open and encouraging manner.

7. SITTING FEES

- 7.1 No additional allowance will be paid to the Members of the Committee over and above the allowance already received by Council Members in accordance with the determination of the Remuneration Tribunal.

8. REPORTING RESPONSIBILITIES

- 8.1 For the purposes of Section 41(8) of the Act, the Committee's reporting and accountability requirements are:
- 8.1.1 Minutes of a meeting of the Panel will be provided to all Committee members as soon as practicable after the meeting and, in accordance with the Act, to all Council members within five (5) days after the meeting. Minutes shall be presented to Council at the next Ordinary Council Meeting.

- 8.1.2 All resolutions of the Committee, including recording the names of those present will be minuted and the minutes will otherwise comply with the requirements of the Regulations.
- 8.1.3 Agendas and Reports of the Committee forwarded to the Committee will also be forwarded to Council members for their information prior to the Committee meeting, having regard for any confidentiality provisions that may apply.
- 8.1.4 The minutes of each Committee meeting will be included in the agenda papers of the next ordinary meeting of the Council;
- 8.1.5 Agenda, Reports and Minutes will be made available to the public consistent with legislative requirements.
- 8.1.6 The Presiding Member will attend a meeting of the Council at least once per annum to present a report on the activities of the Committee;
- 8.1.7 The Committee shall make whatever recommendations to the Council it deems appropriate on any area within these terms of reference where in its view action or improvement is needed; and
- 8.1.8 The Presiding Member may attend a Council meeting at any time that the Presiding Member sees fit to discuss any issue or concern relating to the Committee's functions. Depending on the nature of the matter, this may be held in confidence in accordance with Section 90 of the Act and staff may be requested to withdraw from the meeting.
- 8.1.9 The Committee shall report to Council on an as-needs basis or upon Council's request with a summary of its activities.

9. CONFLICTS OF INTEREST

Where a member of the committee has a conflict of interest in a matter before the Committee, the member must act in accordance with the requirements of section 73 and 75 of the *Local Government Act 1999*.

10. QUORUM

A quorum for a meeting of the Committee will be three (3) members. No business can be transacted at a meeting of the Committee unless a quorum is present.

11. MEETING PROCEDURE

- 11.1 The meeting procedure for the Committee is as set out in the Act, Parts 1, 3 and 4 of the Regulations. Insofar as the Act, the Regulations, or these Terms of Reference do not prescribe the procedure to be observed in relation to the conduct of a meeting of the Committee, the Committee may determine its own procedure.
- 11.2 In accordance with Section 90(7a) of the Act, one or more Committee members may participate in the meeting by telephone or other electronic means provided that members of the public can hear the discussion between all Committee members.
- 11.3 Only members of the Committee are entitled to vote in Committee meetings. Unless otherwise required by the Act not to vote, each member must vote on every matter that is before the Committee for decision.

- 11.4 All decisions of the Committee shall be made on the basis of a majority decision of the Members present and in the event of a tied vote the matter be referred to the Council for decision.
- 11.5 Council Employees may attend any meeting as observers, to provide advice and/or be responsible for preparing papers for the Committee.
- 11.6 The Committee can request and/or engage other persons or organisations to make presentations and/or provide advice and/or respond to questions.
- 11.7 The Committee does not enjoy the delegation of any powers, functions and duties of the Council. All decisions of the Committee will, therefore, constitute recommendations to the Council.

12. SECRETARIAL RESOURCES

- 12.1 The Chief Executive Officer shall provide sufficient administrative resources to the Committee to enable it to adequately carry out its functions.

13. FREQUENCY OF MEETINGS

- 13.1 The Committee shall meet at least four times a year at appropriate times and places as determined by the Committee. A special meeting of the Committee may be called in accordance with the Act.
- 13.2 If after considering advice from the CEO or delegate, the Presiding Member of the Committee is authorised to cancel the respective Committee meeting, if it is clear that there is no business to transact for that designated meeting.

14. NOTICE OF MEETINGS

- 14.1 Notice of the meetings of the Committee will be given in accordance with Sections 87 and 88 of the Act. Accordingly, notice will be given:

14.1.1 To members of the Committee by email or as otherwise agreed by Committee members; and

14.1.2 To the public as soon as practicable after the time that notice of the meeting is given to members by causing a copy of the notice and agenda to be displayed at the Council's principle office and on the Council's website.

14.2 PUBLIC ACCESS TO MEETINGS & DOCUMENTS

- 14.3 Members of the public are able to attend all meetings of the Committee, unless prohibited by resolution of the Committee under the confidentiality provisions of Section 90 of the Act.
- 14.4 Members of the public have access to all documents relating to the Committee unless prohibited by resolution of the Committee under the confidentiality provisions of Section 91 of the Act.

**ADELAIDE HILLS COUNCIL
ORDINARY COUNCIL MEETING
Tuesday 14 November 2023
AGENDA BUSINESS ITEM**

Item: 12.4

Responsible Officer: Jody Atkins
A/Governance and Risk Coordinator
Corporate Services

Subject: East Waste Independent Chair Appointment

For: Decision

SUMMARY

Council, at its 17 December 2019 meeting, considered and supported Mr Fraser Bell's original appointment as East Waste Independent Chair for a two year period. His appointment was then extended at the Council meeting on 14 December 2021 for a further two year period, concluding on 31 December 2023.

Council has recently received correspondence from East Waste (**Appendix 1**) seeking Council's approval to reappoint Mr Fraser Bell as the Independent Chairperson of East Waste for a further two year term.

RECOMMENDATION

Council resolves:

1. That the report on the East Waste Independent Chair Appointment be received and noted.
 2. That Council approves Mr Fraser Bell being appointed as Independent Chairperson of East Waste for a term of two years commencing 1 January 2024.
 3. That the Chief Executive Officer inform East Waste of Council's decision.
-

1. BACKGROUND

East Waste is a Regional Subsidiary established under s43 of the *Local Government Act 1999* and provides kerbside waste, recycling and green organic collection services to the constituent councils of:

- Adelaide Hills Council
- City of Burnside
- Campbelltown City Council
- City of Norwood Payneham & St Peters
- City of Mitcham

- Corporation of the Town of Walkerville
- City of Prospect

East Waste is governed by a Charter, which in relation to the Independent Chairperson, requires:

One independent person (who shall be the Chair) appointed jointly by Absolute Majority of the constituent councils for a two year term (and at the expiration of the term is eligible for re-appointment) who is not an officer, employee or elected member of a constituent council, but who has expertise in:

- (a) *corporate financial management and/or*
- (b) *general management and/or*
- (c) *waste management and/or*
- (d) *transport fleet management and/or*
- (e) *public sector governance and/or*
- (f) *marketing and/or*
- (g) *economics and/or*
- (h) *environmental management.*

At its 17 December 2019 meeting, Council considered a request from the East Waste Board for the appointment of Mr Fraser Bell to the role of Board Independent Chair. Council resolved as follows:

RELEASED 19 February 2020

19.2.3 Appointment of East Waste Chair – Confidential Item

**Moved Cr Pauline Gill
S/- Cr Kirsty Parkin**

334/19

Council resolves:

- 1. That the report be received and noted**
- 2. That Council consents to Mr Fraser Bell being appointed as Independent Chairperson of East Waste for a term of two years commencing February 2020**
- 3. That East Waste be informed of Council's decision.**

| |
|----------------------------|
| Carried Unanimously |
|----------------------------|

At the 14 December 2021 Meeting, Council considered a confidential item with the extension of Mr Bell's appointment for a further two years. The item was released as of 11 February 2022.

18.3.1 East Waste Independent Chair Appointment – Confidential Item

Moved Cr John Kemp
S/- Cr Linda Green

290/21

Council resolves:

1. That the report be received and noted
2. That Council approves Mr Fraser Bell being appointed as Independent Chairperson of East Waste for a term of two years commencing 1 January 2022
3. That the Chief Executive Officer inform East Waste of Council's decision.

| |
|---------------------|
| Carried Unanimously |
|---------------------|

On 24 October 2023, the East Waste General Manager wrote to each of the Constituent Councils (**Appendix 1**) advising that the East Waste Board had resolved to support the reappointment of Mr Bell for a two year period and for the General Manager to seek the endorsement of the Councils.

Councillor Lucy Huxter is the Council's current member on the East Waste Board.

2. ANALYSIS

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

Strategic Plan 2020-24 – A brighter future

| | |
|---------------|---|
| Goal 5 | A Progressive Organisation |
| Objective O4 | We actively represent our community |
| Priority O4.3 | Advocate to, and exert influence with, our stakeholders on behalf of our community to promote the needs and ambitions of the region |
| Objective O5 | We are accountable, informed, and make decisions in the best interests of the whole community |
| Priority O5.1 | Enhance governance structures and systems to prudently adapt to changing circumstances and meet our legislative obligations |

Adelaide Hills Council is one of seven Constituent Councils of East Waste and in doing so obtains benefits from working together with others in regard to waste and recycling collection services.

Indirectly related to this report are the following documents:

- Waste and Resource Recovery Service Policy
- Waste and Resource Management Strategy 2016 – 2021
- Resource Recovery and Recycling Strategy

➤ **Legal Implications**

East Waste is governed by a Charter and requirements of the *Local Government Act 1999*.

➤ **Risk Management Implications**

Council considering the position of Independent Chairperson of East Waste will assist in mitigating the risk of:

Council not considering the appointment or otherwise of an Independent Chairperson of East Waste leading to Council not fulfilling its obligations as a constituent council of East Waste

| Inherent Risk | Residual Risk | Target Risk |
|---------------|---------------|-------------|
| High (3B) | Medium (3D) | Low (1E) |

The report recommendation will require correspondence to be sent to East Waste advising of the outcome of Council considering this matter.

➤ **Financial and Resource Implications**

There are no direct financial or resource implications to Council from the report recommendation.

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

There is no direct customer service, community or cultural implications from the report recommendation.

➤ **Sustainability Implications**

There are no direct sustainability implications from the report recommendation.

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

There is no requirement for consultation in relation to the appointment of the East Waste Independent Chair.

Council Committees: Not applicable
Council Workshops: Not applicable
Advisory Groups: Not applicable
External Agencies: Not applicable
Community: Not applicable

3. OPTIONS

Council has the following options:

- I. Approve Mr Fraser Bell being appointed for a two year term as Independent Chairperson of East Waste (**Recommended**).
- II. Do not approve Mr Fraser Bell being appointed as Independent Chair of East Waste (**Not Recommended**). An Absolute Majority of Constituent Council support is required for the appointment and therefore Council's objection may not prevent the appointment depending on the support from other Councils. If however, an Absolute Majority is not achieved, the East Waste Board will need to explore other recruitment options.

4. APPENDICES

- (1) Correspondence from East Waste re: Reappointment of Independent Chair, Mr Fraser Bell

Appendix 1

*Correspondence from East Waste re: Reappointment of
Independent Chair, Mr Fraser Bell*

24 October 2023

Mr Greg Georgopoulos
Chief Executive Officer
Adelaide Hills Council
63 Mount Barker Road
STIRLING SA 5152
(sent via email: ggeorgopoulos@ahc.sa.gov.au)

Dear Greg,

RE: Endorsement of Independent Chairperson, Mr Fraser Bell

The East Waste Chair is an independent role and is appointed for a period of three years as per *Clause 21.1.2* of the *East Waste Charter* (the appointment tenure was changed to three years through the 2022 Charter Review).

21.1.2 *one independent person (who shall be the Chair) appointed jointly by Absolute Majority of the Constituent Councils for a two year term (and at the expiration of the term is eligible for re-appointment) who is not an officer, employee or elected member of a Constituent Council, but who has expertise in:*

- (a) corporate financial management and/or*
- (b) general management and/or*
- (c) waste management and/or*
- (d) transport fleet management and/or*
- (e) public sector governance*
- (f) marketing and/or*
- (g) economics and/or*
- (h) environmental management.*

Mr Bell was first appointed to the role of Independent Chair in February 2020 following an open recruitment process. He was subsequently reappointed for a second two-year period in late 2022. With Mr. Bell's role expiring in January 2024 the East Waste Board considered the matter at the September Board meeting and subsequently resolved:

9.4 RE-APPOINTMENT OF INDEPENDENT CHAIRPERSON

Moved Mayor Jones that the Board:

- 1. Supports the re-appointment of Mr Fraser Bell as the Independent Chair of the East Waste Board for a further three-year term, effective from January 2024.*
- 2. Instructs the General Manager to formally write to each Member Council seeking their approval to re-appoint Mr Fraser Bell as the Independent Chair of the East Waste Board for a further three-year period.*
- 3. Confirms the remuneration of the role to be set at \$26,000 per annum.*

Seconded Cr Huxter

Carried

As a practicing lawyer engaged strongly in the waste industry for over 30 years, Fraser has strong subject matter credentials and is a current or past Chair or Board Member of a diverse range of Organisations, providing valuable governance experience. Further details on Fraser's broad experience is available via his [LinkedIn profile](#).

EastWaste

In reviewing the remuneration for the role, the Board resolved to increase the remuneration by \$2,000 which is below the combined CPI rate for the past two years.

With the Board endorsing Mr Bell as Chair for a third term there was no need to proceed to an open market test for the position. At the expiration of Mr. Bell's next term (2027 – and assuming he receives absolute majority endorsement), he will have been in the role for 7 years and it may be prudent to test the market at this point; or at the very least seek feedback from Member Councils prior to progressing.

In order for Mr Bell to commence duties at the February Audit & Risk Committee meeting (as a Committee Member), it would be appreciated if the Council passed a motion at an upcoming meeting (January 2024 at the latest), consistent with the following:

The Council endorses Mr Fraser Bell is reappointed as the Eastern Waste Management Authority Independent Chair for a three- year term commencing in January 2024.

I appreciate your assistance with this and should you need any further information or assistance, please do not hesitate to contact me on mobile, 0417 466 929, or email rob@eastwaste.com if you have any questions.

Yours sincerely,



ROB GREGORY
GENERAL MANAGER

**ADELAIDE HILLS COUNCIL
ORDINARY COUNCIL MEETING
Tuesday 14 November 2023
AGENDA BUSINESS ITEM**

Item: 12.5

Responsible Officer: John McArthur
Manager Sustainability, Waste and Emergency Management
Environment and Infrastructure

Subject: Emergency Management Policy

For: Decision

SUMMARY

Council provides a broad range of support to the community and the emergency services during and after natural disasters and other emergencies. This support is provided pursuant with requirements of the *Local Government Act 1999* and the State Emergency Management Plan. A suite of emergency management documentation has been prepared to describe and outline Council's emergency management role and activities undertaken. This documentation includes the recently developed Recovery Operations Manual, the Council Member Emergency Management Handbook and the Incident Operations Manual.

The last of the documentation required to complete Council's suite of emergency management documents is an Emergency Management Policy. An Emergency Management Policy formalises Council's scope of emergency management activity and provides formal authority to provide emergency management services and participate in emergency management activities.

This report recommends adoption of an Emergency Management Policy.

RECOMMENDATION

Council resolves:

- 1. That the report be received and noted.**
 - 2. With an effective date of 28 November 2023, adopt the 14 November 2023 Emergency Management 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 14 November 2023 Emergency Management Policy as per Appendix 1 prior to the date of effect.**
-

1. BACKGROUND

Council's role in emergency management is guided by the *Local Government Emergency Management Framework* (the Framework), the *State Emergency Management Plan* (SEMP) and the *Local Government Act 1999* (the Act). The Framework exists to provide clarity and direction to the local government sector in South Australia in regard to emergency management to ensure councils meet their obligations under the SEMP and the Act. The framework is structured around the key areas of:

- Incident operations - actions undertaken, immediately before, during and immediately after an incident.
- Recovery - the process of restoring emotional, social, economic and physical wellbeing, reconstructing physical infrastructure and restoring the environment following an emergency.
- Disaster risk reduction - action to avoid the creation of new disaster risks, reducing existing disaster risks, and managing any residual risk.

Council provides many services and has in place arrangements and processes that meet the key areas of the Framework. Examples include Council's Incident Operations and Recovery arrangements and the many services provided by Council that directly, or indirectly, relate to disaster risk reduction, such as stormwater maintenance and fuel reduction inspections undertaken on private property.

To formalise Council's scope of emergency management activity and to provide formal authority to participate in emergency management activities, it is suggested that Council adopt an Emergency Management Policy.

2. ANALYSIS

➤ Strategic Management Plan/Functional Strategy/Council Policy Alignment

Strategic Plan 2020-24 – A brighter future

Goal 2 Community Wellbeing

Objective C4 An active, healthy, thriving and resilient community

Priority C4.5 Take an all hazards approach to emergency management so we can support the emergency services and the community before, during and after disaster events.

The draft Emergency Management Policy is based on an all hazards approach and formalises and gives authority for Council to provide services and undertake activities relating to emergency management in support of the emergency services and the community.

Functional strategies and plans in place relevant to the draft Emergency Management Policy are the Incident Operations Manual, Recovery Operations Manual, Emergency Management Plan and the Emergency Management Handbook for Council Members.

➤ **Legal Implications**

Section 7 of the *Local Government Act 1999*, outlines the functions of a council. Relevant to emergency management, the following functions of a council apply:

- To provide services and facilities that benefit its area, its ratepayers and residents, and visitors to its area.
- To provide for the welfare, well-being and interests of individuals and groups within its community.
- To take measures to protect its area from natural and other hazards and to mitigate the effects of such hazards.
- To provide infrastructure for its community and for development within its area (including infrastructure that helps to protect any part of the local or broader community from any hazard or other event, or that assists in the management of any area).

In addition, Section 8 of the Act requires the following principles to be observed by a council that are relevant to emergency management:

- Be responsive to the needs, interests and aspirations of individuals and groups within its community.
- Participate with other councils, and with State and national governments, in setting public policy and achieving regional, State and national objectives.
- Give due weight, in all its plans, policies and activities, to regional, State and national objectives and strategies concerning the economic, social, physical and environmental development and management of the community.

➤ **Risk Management Implications**

Adoption of the draft Emergency Management Policy will assist in mitigating the risk of:

Insufficient or non-existent emergency management processes and procedures leading to the provision of uncoordinated and ineffective emergency management services.

| Inherent Risk | Residual Risk | Target Risk |
|---------------|---------------|-------------|
| High (4C) | Low (2D) | Low (1E) |

➤ **Financial and Resource Implications**

There are no direct financial and resource implications from adopting the draft Emergency Management Policy.

Indirectly, and in response to a major disaster occurring, the Policy does provide delegation to the CEO to spend unbudgeted funds of up to \$100,000 per incident to enable Council's participation in incident operations and early stage recovery.

Typical expenses incurred during and in the immediate aftermath of an emergency include removal of fallen and dangerous trees from roads, provision of waste management services and repairs to damaged critical infrastructure.

This delegation has been included in the Policy to ensure expenditure can occur without delay when a major disaster occurs. Budget beyond this delegation will require Council approval, for which a Special Council Meeting may need to be called in the circumstances.

Any budgetary adjustments required will be formalised through the existing quarterly budget review process.

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

Adoption of an Emergency Management Policy formalises and provides authority for Council to provide services and undertake activities relating to emergency management which has direct benefit to the community.

➤ **Sustainability Implications**

Not applicable.

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

Consultation on the development of this report was as follows:

| | |
|----------------------------|----------------|
| <i>Council Committees:</i> | Not Applicable |
| <i>Council Workshops:</i> | 4 August 2023 |
| <i>Advisory Groups:</i> | Not Applicable |
| <i>External Agencies:</i> | Not Applicable |
| <i>Community:</i> | Not Applicable |

➤ **Additional Analysis**

The draft Emergency Management Policy defines Council's emergency management roles and responsibilities, ensures appropriate documentation is in place and supports Council to maintain safe working practices and to protect council workers, assets and liabilities associated with emergency management activities.

The scope of the draft Policy relates to prevention, preparedness, response and recovery from emergencies that impact the community. Internal business disruption events are managed through Council's business continuity arrangements and are therefore not within the scope of the draft Policy.

Climate change is increasing exposure to disaster risk leading to more frequent and intense natural hazards. Actions taken by Council to mitigate climate risk, and adapt to the impacts of climate change, will contribute towards disaster risk reduction. Given this linkage the draft Policy acknowledges the interrelationship between climate change and emergency management.

The draft Emergency Management Policy is structured on the key areas of Disaster Risk Reduction, Incident Operations and Recovery aligning with the *Local Government Emergency Management Framework*. The policy statement made to each of these key areas is outlined

in full in Section 5 of the draft Policy (refer **Appendix 1.**) Brief commentary is made on each of these areas below.

Disaster Risk Reduction

The disaster risk reduction elements of the draft Policy define how Council will contribute to minimising disaster risk as part of its 'business as usual' operations that are occurring on a day to day basis. Council provides many services and undertakes many activities that contribute to disaster risk reduction. Examples include community resilience programs, land-use and development planning, public health measures, asset management planning and vegetation management.

This section of the Policy generally reflects Council's current service provision and day to day operations and therefore does not introduce any new obligations upon Council. If any proposed new service or activity were to arise it would be put to Council for deliberation through existing processes and governance arrangements.

Incident Operations

Council has had in place incident operations arrangements since October 2019. These arrangements are documented in Council's Incident Operations Manual which describes how Council will respond to a major disaster or emergency in support of the emergency services and impacted communities.

Council's incident operations arrangements have been utilised in several key events and are therefore well practiced and reviewed and updated through lessons learnt processes. Council's Incident Operations Manual has been used in response to the Cudlee Creek and Cherry Gardens bushfires, COVID-19 pandemic support to SA Health and SAPOL and most recently in support of three Riverland councils impacted by the River Murray flood event.

Recovery

Council plays an integral community recovery role and in doing so has provided support to impacted communities from the Sampson Flat, Cudlee Creek and Cherry Gardens bushfires. The draft Policy formalises the contribution Council will make in the recovery process based on previous experience and level of support provided. Council's contribution will include participating in the whole of community recovery effort, adapting council service delivery to meet recovery need and restoring and recovering impacted council assets following an emergency.

The draft Policy introduces a commitment in relation to coordination of recovery efforts. As outlined in the draft Policy when the State Government does not coordinate recovery, Council will take a lead role to ensure there is a level of coordination of local recovery efforts. This could either be in the form of Council undertaking local recovery coordination itself or ensuring some other agency or group does so.

This element of the draft Policy is based on lessons learnt from the January 2021 Cherry Gardens Bushfire (primarily impacting Scott Creek and Bradbury) where the State Government did not lead the recovery coordination as the circumstances and impacts did not trigger the need, in their assessment, for a coordinated recovery effort.

At the same time, community expectations regarding the level of support that could be expected were raised in light of the extensive support provided to people impacted by the Black Summer fires of 2019-20.

The Council had not, to date, ever provided formal recovery coordination following a natural disaster event. The combination of raised community expectations, the State Government's decision not to provide formal recovery coordination and the lack of a defined Council role in recovery coordination, resulted in gaps and delays to recovery support being provided to impacted residents.

Given this outcome, and most importantly the impact on the community, the draft Policy includes a commitment for Council to ensure there is a level of coordination of local recovery efforts when a State led recovery is not in place. Formalising Council's role to make sure there is a level of coordination of local recovery efforts will ensure the necessary conversations between Council, the State Government and other stakeholders as appropriate occur as a priority during the response phase of an event and thus minimising delays before recovery efforts begin.

If local recovery coordination is required this does not necessarily mean Council will take that lead. The Policy commits Council to ensuring that there is a level of coordination of recovery efforts, not necessarily leading the recovery. In some cases it may be appropriate that Council does lead the local recovery effort. In other cases, another organisation may be more appropriate, for example if the emergency related to an animal disease PIRSA would be an appropriate recovery coordination lead.

It should also be noted, for the sake of clarity, that even if the Council had provided a formal recovery coordination role to past disasters (and in the case of future disasters) the range and level of support provided to impacted community members would still have been determined by other levels of government and agencies. The Council does not have authority to direct government or non-government agencies, nor does the Council have authority to trigger the provision of disaster relief grants. Nevertheless, the value of the Council providing coordination to recovery after disasters of a smaller scale than that which the State Government would provide, lies in the certainty of coordination and communication that comes with some responsible party taking the lead.

3. OPTIONS

Council has the following options:

- I. To adopt the draft Emergency Management Policy contained within **Appendix 1**. This option is recommended as it formalises and provides authority for Council to provide services and undertake activities relating to emergency management with subsequent benefit to the community. (Recommended).
- II. To not adopt an Emergency Management Policy. This option is not recommended as it does not demonstrate a formal public commitment to the community and emergency services of Council's preparedness to participate in emergency management. (Not Recommended).
- III. To adopt the draft Emergency Management Policy contained within **Appendix 1** with changes as determined by Council. 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.

4. APPENDICES

- (1) Draft Emergency Management Policy.

Appendix 1

Draft Emergency Management Policy

COUNCIL POLICY

| | |
|--|------------------------------------|
|  <p>Adelaide Hills COUNCIL</p> | EMERGENCY MANAGEMENT POLICY |
|--|------------------------------------|

| | |
|---|--|
| Policy Number: | TBA |
| Responsible Department(s): | Sustainability, Waste and Emergency Management |
| Relevant Delegations: | As per the Delegations Register and as detailed in this Policy |
| Other Relevant Policies: | Risk Management Tree Management WHS & IM Burning Permit |
| Relevant Procedure(s): | Emergency Management Plan Incident Operations Manual Recovery Operations Manual Workforce Operations Manual (under development) Bushfire Mitigation Strategy (under development) |
| Relevant Legislation: | Local Government Act (SA) 1999 Emergency Management Act (SA) 2004 |
| Policies and Procedures Superseded by this policy on its Adoption: | Nil |
| Adoption Authority: | Council |
| Date of Adoption: | TBA |
| Effective From: | 14 Days after Council Meeting |
| Minute Reference for Adoption: | To be entered administratively following Council Meeting |
| Next Review: | No later than October 2026 or as required by legislation or changed circumstances |

Version Control

| Version No. | Date of Effect | Description of Change(s) | Approval |
|-------------|----------------|--------------------------|---------------------|
| 1.0 | DD/MM/2023 | New Policy | Council - Res XX/23 |
| | | | |
| | | | |
| | | | |
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DRAFT

EMERGENCY MANAGEMENT POLICY

1. INTRODUCTION

1.1 Emergencies have the potential to disrupt the strategic and operational activities of Adelaide Hills Council and adversely impact communities.

1.2 The roles of local government in emergency management are informed by the *State Emergency Management Plan (SEMP)* prepared in accordance with the *Emergency Management Act (SA) 2004*, and the *Local Government Emergency Management Framework (LGEMF)* prepared by the Local Government Association of South Australia (LGA).

1.3 The participation of local government in emergency management is enabled by the *Local Government Act (SA) 1999*, which outlines the requirement for councils to consider risks (including emergency risks) as follows:

- Make informed decisions (section 6)
- Take measures to protect their area from natural hazards (section 7)
- Provide infrastructure for community and for development (section 7)
- Ensure the sustainability of the council's long-term financial performance (section 8)
- Assess the maintenance, replacement or development needs for infrastructure (section 122)
- Identify anticipated or predicted changes in any factors that make a significant contribution to the costs of the council's activities or operations (section 122).

1.4 In addition, the *Local Government Act (SA) 1999* requires councils to “give due weight, in all its plans, policies and activities to regional, state and national objectives and strategies concerning the economic, social, physical and environmental development and management of the community” (section 8).

2. OBJECTIVES

2.1 The objectives of this policy are to:

- Define Adelaide Hills Council's roles and responsibilities in emergency management
- Ensure that Adelaide Hills Council maintains appropriate documentation (including delegations) to enable it to effectively fulfil its emergency management roles and responsibilities
- Support Adelaide Hills Council to maintain safe working practices during emergencies, and ensure protection for council workers, assets and liabilities associated with emergency management activities.

3. DEFINITIONS

“Control Agency” means an agency that exercises control of an emergency as designated by the SEMF.

“Disaster” means a serious disruption to community life that threatens or causes death or injury in that community and/or damage to property which is beyond the day-to-day capacity of the prescribed statutory authorities and which requires special mobilisation and organisation of resources other than those normally available to those authorities.

An emergency that has occurred, is occurring or is about to occur and is declared to be a disaster by the Governor (Section 24 of the Act)¹.

“Disaster resilience” means the ability to survive, adapt and grow, no matter what happens².

“Disaster risk reduction” is the practice of intentionally taking action to avoid the creation of new disaster risks, reducing existing disaster risks, and managing any residual risk. Effective disaster risk reduction minimises the need to respond to and recover from emergencies.

The terms “disaster risk reduction”, “mitigation” or “prevention” are sometimes used interchangeably. Prevention measures seek to eliminate the impact of hazards, and/or reduce susceptibility to them. Mitigation measures accept that the event will occur and seek to reduce the impact by both physical means (e.g. flood levees) and by increasing the resilience of the community exposed to the impact of those hazards. Prevention and mitigation are both part of disaster risk reduction.³

Note – This is not limited to naturally occurring events (such as earthquakes, floods or storms) but would, for example, include fires, explosions, accidents, epidemics, pandemics, emissions of poisons, radiation or other hazardous agents, hijacks, sieges, riots, acts of terrorism and hostilities directed by an enemy against Australia.⁴

“Emergency management” means a range of measures to manage risks to communities and the environment. The organisation and management of resources for dealing with all aspects of emergencies. Emergency management involves the plans, structures and arrangements which are established to bring together the normal endeavours of government, voluntary and private agencies in a comprehensive and coordinated way to deal with the whole spectrum of emergency needs including prevention, risk reduction, preparedness, response and recovery⁵.

“Incident Operations” refers to actions undertaken by the local government sector immediately before, during and immediately after an emergency incident. In incident operations, councils typically take action to provide support:

- To their community
- To other councils
- To the Control Agency and other involved parties through the South Australian emergency management arrangements⁶.

“Local Government Functional Support Group” (LGFSG) is established under the SEMP with responsibilities to:

- Ensure coordinated operational support from local government during response and recovery.
- Support the preparedness of the local government sector including building the capacity of councils to participate in emergency management.

¹ State Emergency Management Plan.

² South Australia’s Disaster Resilience Strategy 2019-2024.

³ Local Government Emergency Management Framework.

⁴ Emergency Management Act 2004.

⁵ State Emergency Management Plan.

⁶ Local Government Emergency Management Framework.

The LGA is lead agency of the LGFSG and all 68 councils and regional LGAs are participating organisations⁷.

“**Recovery**” means the coordinated process of supporting emergency affected communities in reconstruction of the physical infrastructure and restoration of emotional, social, economic and physical well-being.⁸

4. SCOPE

- 4.1 The policy relates to the prevention of, preparedness for and response to, and recovery from, emergencies that impact the communities of the Adelaide Hills Council. It does not relate to internal business disruption events that are managed through Adelaide Hills Council’s business continuity arrangements, unless these events are the direct result of an emergency.
- 4.2 The policy acknowledges the interrelationship between climate change and emergency management. Climate change is expected to increase exposure to disaster risk owing to more frequent and intense natural hazards. Actions taken by Council to mitigate climate risk, and adapt to the impacts of climate change, will contribute towards disaster risk reduction. Similarly, efforts to reduce disaster risk, build resilience for emergencies and strengthen the capacity and capability to respond and recover to emergencies, are important climate change adaptation measures.

5. POLICY STATEMENT

Disaster risk reduction

- 5.1 In accordance with the SEMP and LGEMF, Adelaide Hills Council will contribute to disaster risk reduction by:
- Understanding and communicating current and emerging emergency risks
 - Integrating current and future emergency risk information into local government governance and decision-making
 - Building and maintaining infrastructure and delivering services that reduce emergency risk
 - Partnering with stakeholders in addressing priority emergency risks
 - Strengthening disaster resilience in communities
 - Increasing community preparedness by amplifying communication messages
 - Undertaking requirements of the *Fire and Emergency Services Act 2005 (SA)*, including delivery of fire prevention programs
 - Representing community interests in emergency management to other spheres of government and contributing to decision-making processes.
- 5.2 Adelaide Hills Council will maintain an Emergency Management Plan that:
- Establishes Adelaide Hills Council’s strategic direction for emergency management
 - Identifies relevant local, regional and state emergency management plans and arrangements that impact upon the Adelaide Hills Council

⁷ State Emergency Management Plan

⁸ Australian Institute for Disaster Resilience Glossary

- Evaluates emergency risks in the Adelaide Hills Council area and their impacts on the community, and documents the strategies council has or will adopt to manage these emergency risks
- Describes the strategies and actions that Adelaide Hills Council will take across disaster risk reduction, incident operations and recovery, and the implementation and monitoring arrangements for these.

Incident operations

5.3 In accordance with the SEMP and LGEMF, Adelaide Hills Council will contribute to incident operations by:

- Ensuring an adequate local council emergency response capability is in place, including through the training of council staff
- Maintaining a state of readiness and situational awareness
- Providing support to its community, other councils, control agencies and emergency services immediately before, during and immediately after an incident
- Consider, and when safe to do so, respond to requests for in accordance with the i-Responda Framework
- Providing assistance to other councils, Control Agencies and other involved parties through the South Australian emergency management arrangements as a participating organisation of the LGFSG

5.4 Adelaide Hills Council will maintain an *Incident Operations Manual* that describes how it will organise and take practical action immediately before, during and immediately after an emergency, including arrangements for:

- Activation Triggers
- Command and Council Incident Management Team (CIMT) structure
- Functions and tasks
- Resources, including people, places, technology, plant and equipment
- Communication with internal and external audiences
- Support to Control Agencies and other involved parties through the South Australian emergency management arrangements

5.5 In Incident Operations, Adelaide Hills Council staff and/or equipment may be requested to support Control Agencies and other emergency services. When council resources are made available to support control agencies and emergency services, this will be in accordance with:

- Adelaide Hills Council *Incident Operations Manual*
- LGASA *Mutual Protection Guide for Incident Operations*
- LGA *i-Responda Framework*

Recovery

5.6 In accordance with the SEMP and LGEMF, Adelaide Hills Council will contribute to recovery by:

- Participating in the whole-of-community recovery effort in a coordinated way
- Adapting council service delivery to meet recovery needs
- Restoring and recovering impacted council assets following an emergency

The level of priority placed on recovery relative to regular Council activities and services will be determined based on risk, council's capacity and impact to the community.

- 5.7 Under the *State Recovery Coordination Framework* (annexed to the SEMP), State Government has responsibility for ensuring recovery coordination occurs, but not to necessarily lead recovery coordination in each instance.

When State Government coordinates recovery, AHC will actively participate in the process and share information about its community and AHC's recovery actions.

When State Government does not coordinate recovery, AHC will ensure that there is a level of coordination of local recovery efforts. This may include AHC coordinating the overall recovery effort. If AHC does not undertake recovery coordination, it will ensure that another body is able to do so by, for example, providing support to a community based organisation, or advocating for a State Government agency to do so.

- 5.8 Adelaide Hills Council will maintain a *Recovery Operations Manual* that details the scope of AHC's role in disaster recovery, and the associated arrangements for fulfilling this role. To support the effective implementation of this Manual, AHC will ensure an adequate recovery capability is in place, including through the training of Council staff.

6. DELEGATIONS

- 6.1 The Chief Executive Officer has the delegation to:

- Approve, amend and review any procedures that shall be consistent with this Policy (including the *Emergency Management Plan*, *Incident Operations Manual* and *Recovery Operations Manual*)
- Make any legislative, formatting, nomenclature or other minor changes to the Policy during the period of its currency.

- 6.2 The CEO is authorised to spend funds of up to \$100,000 to enable council's participation in incident operations and early recovery until such a time as a budget, if required over and above this amount, can be prepared and provided to Council for approval.

7. AVAILABILITY OF THE POLICY

- 7.1 This Policy will be available via the Council's website www.ahc.sa.gov.au.

**ADELAIDE HILLS COUNCIL
ORDINARY COUNCIL MEETING
Tuesday 14 November 2023
AGENDA BUSINESS ITEM**

Item: 12.6

Responsible Officer: David Collins
Manager Strategic Assets
Environment and Infrastructure

Subject: 2023-24 Australian Government Black Spot Program

For: Decision

SUMMARY

The Department for Infrastructure and Transport (DIT) has advised that Council has been successful in being allocated \$242,000 funding for safety improvements on Jones Road, Balhannah under the Federal Blackspot Program (a road safety program). The work is to be completed by the end of June 2024.

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

RECOMMENDATION

Council resolves:

1. That the report be received and noted.
 2. To execute the Funding Deed for the 2023-24 South Australia Black Spot Program – Jones Road, Balhannah Safety Improvements (\$242,000 GST Inclusive).
 3. The Chief Executive Officer and Mayor are authorised to affix the seal of the Adelaide Hills Council to the respective Funding Deed under the State Blackspot Program.
 4. That Council notes that in signing the Deed, that \$242,000 (GST Inclusive) will be available to Council in the 2023-24 financial year to complete the shoulder sealing and delineation improvements at Jones Road, Balhannah.
-

1. BACKGROUND

Each year Council staff review the latest crash data and identify potential Blackspot Program candidate projects. Locations must meet the published criteria for consideration as part of the Program.

Two applications were submitted in October 2022 to the 2023-24 Black Spot Program, namely Jones Road, Balhannah (successful) and Fox Creek Road, Cudlee Creek (unsuccessful).

The application for Fox Creek Road, Cudlee Creek is intended to be resubmitted for consideration in the 2024-25 Black Spot Program along with identified potential projects on Torrens Hill Road, Basket Range Road and Lobethal Road.

2. ANALYSIS

➤ 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 Black Spot Program projects directly achieves this Priority of the Strategic Plan.

➤ Legal Implications

Accepting the funding will require Council to accept and 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) |

Proceeding with the works helps mitigation road safety risks to the community.

➤ Financial and Resource Implications

The funding for both Jones Road and Fox Creek Road were included in the 2023/24 Annual Business Plan. An assumption of funding for Jones Road was identified in this budget. Given the Fox Creek proposal was unsuccessful, both the expenditure and capital grant income will be removed as part of Council's budget review process.

The Program is fully funded by the Federal Government and will result in additional new/upgraded assets for Council. This will result in an increase to Council's road pavement, and traffic control asset classes. This will increase Council's depreciation in the order of \$4,000 – \$5,000 per annum. Some additional maintenance expenditure will be required to be considered for this additional asset, estimated to be \$2,000 – \$3,000 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 \$3.6m with BCR of 16.1.

It should be noted that the additional maintenance and operating 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. The additional operational costs are, however, considered negligible in relation to Council's overall road maintenance budget.

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 Jones Road, Balhannah.

➤ **Sustainability Implications**

Not applicable.

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

Consultation on the development of this report was as follows:

| | |
|----------------------------|----------------|
| <i>Council Committees:</i> | Not Applicable |
| <i>Council Workshops:</i> | Not Applicable |
| <i>Advisory Groups:</i> | Not Applicable |
| <i>External Agencies:</i> | Not Applicable |
| <i>Community:</i> | Not Applicable |

➤ **Additional Analysis**

To accept the funding and the obligations, Council needs to sign two copies of both Deeds. The Deed requires the Council's seal to be affixed, which can only occur with an appropriate resolution of the Council.

Once Council has executed two copies of both Deeds and returned them to the State Government they are signed by the Minister. The total of \$242,000 (GST Inclusive) grant funding will be provided progressively as project milestones are achieved by Council via the Department for Infrastructure and Transport.

3. 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).

4. APPENDICES

- (1) Funding Deeds under Federal Blackspot Program.

Appendix 1

Funding Deed under Federal Blackspot Program

OFFICIAL



Government of South Australia

Department for Infrastructure
and Transport

In reply please quote 2022/06522/02

*Enquiries to Ty Edwards
Telephone (08) 7133 2893*

**Transport Strategy and
Planning – Road Network
Planning**

GPO Box 1533
Adelaide SA 5001

Telephone: 08 8343 2222

ABN 92 366 288 135

**ADELAIDE HILLS COUNCIL
RECEIVED**

23 OCT 2023

Mr Greg Georgopoulos
Chief Executive Officer
Adelaide Hills Council
PO Box 44
Woodside SA 5244

Dear Mr Georgopoulos

2023-2024 AUSTRALIAN GOVERNMENT BLACK SPOT PROGRAM

On 13 July 2023, the Australian Government announced the South Australian projects approved for funding under the 2023-2024 Australian Government Black Spot Program.

I am pleased to advise that the following project was approved funding under this program:

- Jones Road Safety Improvements
 - Shoulder sealing and delineation improvements.
 - Approved funding: \$ 242,000 (GST inclusive).
 - Completion by the end of June 2024.

A funding deed has been prepared containing information about the project funding, conditions, reporting and payment arrangements.

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:

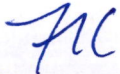
*Mr Ty Edwards
Road Safety Engineer
Transport Strategy and Planning Division*

Government Black Spot funding as the project did not meet the Black Spot eligibility criteria:

- Fox Creek Road, Cudlee Creek
 - Safety Upgrade between Cudlee Creek Road and Croft Road

For further information regarding project nominations, please contact Mr Ty Edwards on telephone number (08) 7133 2893 or email Ty.Edwards@sa.gov.au.

Yours sincerely



Fiona Cartwright
Manager, Road Network Planning

18th October 2023

Encl. 2 x copies of Funding Deed

FUNDING DEED

under

**2023-2024 COMMONWEALTH INFRASTRUCTURE INVESTMENT
BLACK SPOT PROGRAM**

| | |
|---------------------|---|
| Project Number | 121803-23SA-BS |
| Location | Jones Road, Balhannah |
| Project Description | Shoulder sealing and delineation improvements |
| Project Funding | \$ 242,000 (GST Inclusive) |

between

THE COMMISSIONER OF HIGHWAYS
(Grantor)

and

THE COUNCIL NAMED IN SCHEDULE 1
(Council)

THE COUNCIL NAMED IN SCHEDULE 1, a body corporate under the *Local Government Act 1999*.....(**Council**)

It is agreed:

1. BACKGROUND

- 1.1 The Council has proposed to undertake the project (**Project**) described in item 3 of Schedule 1.
- 1.2 This deed sets out the terms and conditions under which the Grantor intends to provide funding to the Council solely for the purpose (**Purpose**) described in item 3 of Schedule 1 which includes the conduct of the Project.
- 1.3 The maximum amount that may be paid to the Council under this deed is set out in item 4 of Schedule 1 (**Funding**).
- 1.4 Item 3 of Schedule 1 indicates whether or not the Project is to be conducted on a road(s) under the care, control and management of the Commissioner of Highways (**Commissioner**).
- 1.5 If conducted on a road(s) under the care, control and management of the Commissioner the additional terms and conditions set out in Schedule 2 will also apply.

2. FUNDING

- 2.1 Subject to this deed, the Grantor will pay the Council up to the amount of the Funding.
- 2.2 The Council must only use the Funding for the Purpose.
- 2.3 For the purposes of this deed, the **Funding Period** is the period commencing on the Start Date and, subject to funding being available, will continue until the End Date. The **Start Date** and **End Date** are set out in item 4 of Schedule 1.
- 2.4 The Funding is payable by way of progress payments in arrears for work undertaken for the Purpose and may also be part payable (if indicated in item 5 of Schedule 1) by way of an Initial Instalment in Advance.
- 2.5 During the Funding Period, the Council is entitled in accordance with the conditions set out in item 5 of Schedule 1:
 - (a) to invoice the Grantor for the payment of the amount of any Initial Instalment in Advance set out in item 5 of Schedule 1 (if any); and
 - (b) once the amount of the Initial Instalment in Advance (if any) has been expended on work undertaken for the Purpose, to invoice the Grantor for progress payment(s) for work undertaken for the Purpose.The total of any Initial Instalment in Advance (if any) and all progress payments must not exceed the amount of the Funding.
- 2.6 At the end of the Funding Period the Council must provide a report on the level of any unexpended Funding.

2.7 The Council must repay any part of the Funding which is unexpended at the end of the Funding Period to the Grantor, unless the Grantor gives written approval for the Council to retain the money.

3. **GST**

3.1 The Funding (including any Initial Instalment in Advance or any progress payment) is all-inclusive and not subject to any adjustment for GST or any other tax or cost.

3.2 In this Deed "*Taxable Supply*", "*GST*" and "*Tax Invoice*" have the meaning attributed under the *A New Tax System (Goods and Services Tax) Act 1999 (GST Law)*.

4. **ADMINISTRATION OF DEED**

4.1 Any power or discretion exercisable by the Grantor under this deed may be exercised by the person (**Grantor's Representative**) for the time being in the position within the Department for Infrastructure and Transport (**Department**) set out in item 2 of Schedule 1.

4.2 Any power or discretion exercisable by the Council under this deed may be exercised by the person (**Council's Representative**) for the time being in the position within the Council set out in item 2 of Schedule 1.

5. **PROVISION OF FINANCIAL INFORMATION**

5.1 The Council must provide the Grantor with appropriate and regular information, records and reports as the Grantor may request from time to time about:

- (a) the administration and financial affairs of the Council;
- (b) the progress of (and any change to) the authorised scope of the Purpose or the Project;
- (c) any significant changes to the nature and scope of the activities conducted by the Council;
- (d) any other matter relevant to the granting of assistance;
- (e) any other funding or financial assistance promised or received from any source other than the Grantor;
- (f) the Council's management of the Funding, including, but not limited to, the economic and efficient use of resources to achieve the outcomes of the Purpose; and
- (g) the performance of the Council's undertakings and obligations under this deed.

5.2 The information provided by the Council must be sufficient for the Grantor to make an informed judgement about:

- (a) the Council's ongoing financial position and its resources and expertise in relation to the Purpose;
- (b) the Council's performance in managing public moneys, acquiring and

- (b) to interview employees of the Council on matters pertaining to the operations of the Council.

6. GENERAL OBLIGATIONS OF THE COUNCIL

The Council must:

- 6.1 use the Funding only for the Purpose for which the Funding was made;
- 6.2 maintain accounting records of the Funding in accordance with generally accepted accounting principles;
- 6.3 ensure that any activity carried out by the Council in connection with the Council's use of the Funding complies with the laws from time to time in force in South Australia;
- 6.4 comply with its constitution;
- 6.5 comply with the additional reporting requirements set out in item 6 of Schedule 1;
- 6.6 prepare financial statements in accordance with Australian Accounting Standards at the end of the Funding Period and submit the financial statements, signed by a senior office holder of the Council, to the Grantor no later than one calendar month after the expiry of the Funding Period;
(Note: for the purposes of compliance with Australian Accounting Standards ("AAS") this includes Tier 1 ASS and Tier 2 ASS – Reduced Disclosure Requirements)
- 6.7 where the Funding to Council is in excess of One Million Dollars (GST exclusive) prepare financial statements in the nature of General Purpose Financial Statements; and
- 6.8 where requested by the Grantor, provide to the Department management accounts, annual reports, financial statements and any other information or documents relevant to the Council's operations.

7. CONDUCT OF THE PROJECT

- 7.1 The Council must ensure that any works undertaken towards the Purpose and/or the Project are undertaken in accordance with (and to the standard required by) any applicable Standards published by Austroads and Standards Australia Limited.
- 7.2 If (as indicated in item 3 of Schedule 1) the Project is to be conducted on a Road(s) under the care, control and management of the Commissioner, the Council must comply with the additional terms and conditions set out in Schedule 2.
- 7.3 The Council must erect signs on each road approach to the Project that comply with Section 4.7.1 – "Signposting" of the Notes on **Administration for Land transport Infrastructure Projects** published by the Commonwealth.

8. **TERMINATION**

- 8.1 If the Council fails to comply with this deed and/or fails within 6 months from the Commencement of this deed to commence the works on the Project (or make sufficient progress to the satisfaction of the Grantor), the Grantor may:
- (a) require the Council to repay either the whole or a portion of the Funding (whether expended or not);
 - (b) withhold all future funding from the Council;
 - (c) pursue any legal rights or remedies which may be available to the Grantor; and
 - (d) terminate or curtail any program or project conducted by the Grantor of which the Purpose conducted by the Council is part.
- 8.2 The Grantor may review any decision made pursuant to this clause if the Council is able to satisfy the Grantor within a period of 30 days from the decision that the Council has complied with the conditions of this deed.
- 8.3 Nothing in this deed is to be taken to limit the Grantor's discretion to determine whether and how any program or project of the Grantor is to be conducted, except if and to the extent that the Grantor gives an express undertaking in that regard.

9. **GENERAL TERMS AND CONDITIONS**

9.1 **Insurance**

The Council warrants that it is a member of the Local Government Association Mutual Liability Scheme (**Scheme**) and is bound by the Scheme pursuant to section 142 and Schedule 1, Part 2 of the *Local Government Act 1999* (SA) (**Act**) and in the event that the Council ceases to be a member of the Scheme it will forthwith, pursuant to Section 142(1) of the Act and the regulations under that Act, take out and maintain insurance to cover its civil liabilities at a minimum level of cover of AUD \$50 million.

9.2 **Commonwealth Funded Project**

The Council acknowledges that the Funding provided under this deed is (and remains) contingent upon the Commonwealth funding and despite any other clause of this deed, if the Commonwealth for any reason ceases its provision of funding then the Grantor may by notice to the Council cease its provision of Funding under this deed.

9.3 **Audit**

The Grantor may direct the Council to arrange for the financial accounts relating to the Funding to be audited at the Council's expense. The Grantor may specify the minimum qualifications to be held by a person appointed to conduct the audit.

9.4 **Acknowledgements**

The Council acknowledge that the Funding represents a one-off contribution to the Council towards the Purpose, and the Council agrees that any request

by any of those indemnified as a result of any claim, suit, demand, action or proceeding brought by any person against any of those indemnified in respect to the works to complete the Project or otherwise caused by any breach or default of the Council under this Deed.

9.6 Assignment

The Council must not assign, novate or encumber any of its rights or obligations under this deed.

9.7 Publicity

The Council must not make (or permit a public announcement or media release to be made) about any aspect of this deed without first obtaining the Grantor's written consent.

9.8 Consent

If the Council requires the Grantor's consent under this deed, the Grantor may, in its absolute discretion, give or withhold its consent and if giving consent, the Grantor may impose any condition on that consent that it considers appropriate. The Grantor's consent will not be effective unless it is in writing and signed.

9.9 Entire Deed

This deed incorporates any attached schedules and annexures. This deed contains the entire agreement between the parties with respect to its subject matter and supersedes any prior agreement, understanding or representation of the parties on the subject matter.

9.10 Proper Law

The laws in force in South Australia apply to this deed.

9.11 Jurisdiction of Courts

The courts of South Australia have non-exclusive jurisdiction to determine any proceeding in relation to this deed. Any proceeding brought in a Federal Court must be instituted in (and remain with) the Adelaide Registry of that Federal Court.

9.12 Compliance with Laws

The Council must comply with the laws in force in South Australia in the course of performing its obligations under this deed.

9.13 Notices

A notice is properly given or served if the party delivers it by hand, posts it or transmits it by electronic mail or facsimile, to the address of the Representative of the other party. A notice is taken to be received:

- (a) if sent by post, at the time it would have been delivered in the ordinary course of the post to the address to which it was sent;
- (b) if sent by electronic mail, when the sender receives confirmation that the e-mail has been transmitted successfully to the correct e-mail address;
or

- (c) if delivered by hand, the party who sent the notice holds a receipt for the notice signed by a person employed at the physical address for service.

9.14 Performance and future proposals

The satisfactory completion of the works for the Purpose, the making of regular progress payments (see note under item 5 of Schedule 1) and on-going compliance with reporting obligations, may be taken into account as a factor in assessing any applications by the Council for future funding.

9.15 Waiver

Any waiver of any provision of this deed is ineffective unless it is in writing and signed by the party waiving its rights.

A waiver by either party in respect of a breach of a provision of this deed by the other party is not a waiver in respect of any other breach of that or any other provision.

The failure of either party to enforce any of the provisions of this deed at any time must not be interpreted as a waiver of that provision.

9.16 Variation

Any variation of this deed must be in writing and signed by each party (or its Representative). Any request by the Council for agreement to vary the Funding, the Purpose, the scheduled timing for the conduct of the works for the Project and/or the Funding Period must be accompanied by sufficient details explaining the reasons for the requested variation to enable the Grantor to have regard to its merits.

9.17 Reading down and Severance

In the event that any provision (or portion of any provision) of this deed is held to be unenforceable or invalid by a Court of competent jurisdiction, the validity and enforceability of the remaining provisions (or portions of such provisions) of this deed shall not be adversely affected.

The offending provision (or part of a provision) shall be read down to the extent necessary to give it legal effect, or shall be severed if it cannot be read down, and the remaining part and provisions of this deed shall remain in full force and effect.

9.18 Auditor General

Nothing in this deed derogates from the powers of the Auditor-General under the *Public Finance and Audit Act 1987* (South Australia). Without limiting this clause, the Council acknowledges the Auditor General's obligations and powers under sections 32 and 34 of the *Public Finance and Audit Act 1987* (South Australia).

9.19 Public Disclosure

The Grantor may disclose this deed (and/or information relating to this deed) in both printed or electronic form and either generally to the public or to a particular person as a result of a specific request.

Nothing in this clause derogates from the Council's obligations under any

was affixed on:

(Date above)

(Affix Seal Above)

in the presence of:

Witness Signature:.....

Print Name:

By the Council

**THE COMMON SEAL of the
COUNCIL NAMED IN SCHEDULE 1**

was affixed on:

(Date above)

(Affix Seal Above)

as attested by the Principal Member and
Chief Executive Officer.

Signature:.....

Signature:

Print Name:

Print Name:

Principal Member

Chief Executive Officer

SCHEDULE 1 - PARTICULARS
1. THE COUNCIL

Name: **Adelaide Hills Council**

Site Address: **63 Mount Barker Road, Stirling SA 5152**

Postal Address: **PO Box 44, Woodside SA 5244**

ABN: **23 955 071 393**

2. REPRESENTATIVES

Grantor's Representative
Council's Representative

Name: **Russell Troup**

Name: _____

Position: **Director, Transport Strategy
and Network Planning**
**Department for Infrastructure
and Transport**

Position: _____

Address: **GPO BOX 1533**
ADELAIDE SA 5001

Address: _____

Telephone: **(08) 7133 2967**

Telephone: _____

E-mail: russell.troup@sa.gov.au

E-mail: _____

3. THE PURPOSE, DESCRIPTION OF PROJECT & DETAILS OF THE ROAD(S)

The Purpose: The funding is provided for the purpose of the Council undertaking on the road(s) identified below (within the Funding Period) the Project described below (and in any plans and/or proposal attached to this deed) in accordance with (and to the standard required by) any applicable Standards published by Austroads and Standards Australia Limited.

| | | |
|-------------------------|---------------------|---|
| Description of Project: | Project Number | 121803-23SA-BS |
| | Project Description | Shoulder sealing and delineation improvements. |

5. MANNER & CONDITIONS OF PAYMENT

Limit on payments

The Funding of **\$ 242,000** (GST Inclusive) is the maximum total amount the Grantor may be liable to pay the Council under this deed.

Initial Instalment in Advance & Progress Payments

The following table sets out the details of payments comprising the Funding the Council may invoice the Grantor for in accordance with clause 2.5 of the deed.

| Payment | Amount AUD (GST Inclusive) |
|---|-------------------------------|
| Initial Instalment in Advance <small>(Note: If no amount is indicated then no Initial Instalment in Advance will be made and the Funding will be made entirely through Progress Payments in arrears)</small> | \$nil |
| Allocation for Progress Payments | \$ 242,000 |
| Total Funding | \$ 242,000 |

Periodic Progress Payments

Except in relation to the last Quarter prior to an End Date of 30 June, the Council is entitled (provided any instalment in advance has been expended) to invoice the Grantor after the end of each Quarter (or after another interval agreed between the parties) for progress payments for work undertaken for the Purpose.

A "**Quarter**" is the 3 calendar month period ending on 31 March, 30 June, 30 September and 31 December of each year during the Funding Period.

Last Quarter: If the End Date is 30 June (to coincide with the end of the Financial Year) then the Council must by **1 June** issue the Grantor with the final invoice for all works undertaken for the Purpose. Late invoices will only be accepted with the written agreement of the Grantor.

Note on Regular Invoices: The Grantor expects that works for the Purpose will be undertaken promptly during the Funding Period and expects to receive the invoice for any instalment in advance (if any) soon after the commencement of this deed and then regular subsequent receipt of invoices for progress payments.

Invoices

The Grantor is **not** obligated to pay an invoice unless properly rendered. An invoice is properly rendered if it:

- (a) is issued in respect of a payment for which the Council is entitled to invoice for under this deed;
- (b) quotes the relevant purchase order number allocated by the Grantor;
- (c) is accompanied by a Claim Form and invoices (if any) from the Council's contractor(s) undertaking work for the Purpose;
- (d) reflects the correct amount for payment under this deed; and

(e) is a valid Tax Invoice in accordance with GST Law.

The **Claim Form** must set out:

- (a) The progress of the work towards the Purpose.
- (b) Project expenditure report from Council's financial management system and a summary schedule of expenditure.
- (c) Statement of the amount of any under or over expenditure of the Funding.

A pro-forma Claims Form is available from web-link:

https://www.dit.sa.gov.au/towardszerotogether/building_safer_roads/black_spot_program

Payment Term

Provided that the total amount of the Funding has not been (or will be) exceeded, the Grantor must pay the amount of a properly rendered invoice for an Initial Instalment in Advance (if indicated above) and a progress payment for work undertaken towards the Purpose issued by the Council, within 30 days of receiving the Council's invoice.

6. ADDITIONAL REPORTING REQUIREMENTS

| Report (Title) | Frequency (By when) | Requirements (Information and applicable standard) |
|---|--|--|
| Project Report | 1 st Report- 1 st August 2 nd Report-1 st November 3 rd Report-1 st February 4 th Report- 1 st May or 7 days from request | <ul style="list-style-type: none"> • The progress of the Project and scheduling of works. • Updated Expenditure forecasts during the term of the funding period. • The management of the Funding (i.e. break down of expenditure of the Funding). • Any changes to the authorised scope of the Project. • Any significant changes to the nature, scope and cost of the activities conducted by the Council. • Any operational matters requested from time to time by the Grantor for inclusion in the Project Report. • Use Template as per https://www.dit.sa.gov.au/towardszerotogether/building_safer_roads/black_spot_program |
| Completion Report | Within 30 days from the completing the works for the Project. | Use Template as per https://www.dit.sa.gov.au/towardszerotogether/building_safer_roads/black_spot_program |
| Financial Statements (As referred to in clauses 6.6 and 6.7 of the Deed) | Within 30 days from the expiry of the Funding Period. | <p>Financial Statements prepared in accordance with Australian Accounting Standards setting out in detail the Council's expenditure of the Funding (with invoices attached from any contractors engaged for the Purpose) and signed by a senior office holder of the Council.</p> <p>Standard: If the Funding is in excess of \$1 M (GST exclusive) <u>then</u> the recipient must prepare its Financial</p> |

SCHEDULE 2 – WORKS ON COMMISSIONER MAINTAINED ROAD(S)

1. APPLICATION OF THIS SCHEDULE 2

The Council must comply with the terms and conditions set out in this Schedule 2 if (as indicated in item 3 of Schedule 1) the Council's proposed Project funded under this deed involves work on (or alterations to) a road ("**Road**") that is under the care, control and management of the Commissioner of Highways ("**Commissioner**").

2. LEGAL REQUIREMENT TO GAIN COMMISSIONER'S APPROVAL

Subsection 26(7) of the *Highways Act 1926* (SA) provides that a council must not exercise its powers under Part 2 of Chapter 11 of the *Local Government Act 1999* (SA) (e.g. the powers to conduct roadwork) in relation to a road under the care, control and management of the Commissioner except to the extent (if any) as the Commissioner may approve by written notice to the council.

The Council therefore acknowledges that prior to undertaking any works on the Road it will first need to gain the written approval of the Commissioner pursuant to section 26(7) of the *Highways Act 1926*.

3. TERMS AND CONDITIONS FOR WORKS ON COMMISSIONER'S ROAD

3.1 The Commissioner makes no warranties or representations concerning the suitability of the Road for the Purpose or the presence of third party installations on, in, along, over, under or near the Road. The Council must arrange for any required relocation or alteration of third party installations at its own cost.

In this Deed "third party installations" means any rail, gas, electrical, telecommunications, stormwater, water or other underground or overground installation on, in, along, over, under or near the Road.

3.2 The Council must:

- (a) not less than one calendar month prior to the commencement of works for the Purpose, submit the detailed design(s), any applicable drawings and plans and its Traffic Management Plan(s) to the Commissioner (acting through the Department) for its comment;
- (b) modify the documents submitted in accordance with the preceding item 3.2(a) in accordance with any comments received from the Commissioner (or the Department);
- (c) give prior notification to the Commissioner before commencing any works on the Road and abide by (and ensure that its contractor also abides by) any requirements imposed as to the times for access to the Road;
- (d) undertake (and ensure that its contractor undertakes) the works on the Road in accordance with:
 - (i) the Department's requirements as per the DIT Master Specification available at

Works on Roads by Other Organisations - Department for Infrastructure and
Transport, South Australia:

final completion of the works;

- (g) ensure that any additional works required to reach practical completion or any remediation (or repair of) defects that are required to allow for final completion, identified by either the Council or the Commissioner, are promptly carried out by the Council (or its contractor);
- (h) at its cost, comply with any written direction by the Commissioner in relation to the conduct of the works, any alteration or removal of any infrastructure installed, the removal or minimisation of any risks to safety identified, the reinstatement of pavements, traffic management, the public's access to the Road or partial road closures;
- (i) undertake such reasonable safety measures necessary to protect its employees, contractors, the public and commuters [including without limitation compliance with (and ensuring its contractor complies with) the *Work Health and Safety Act, 2012* (SA) and the *Work Health and Safety Regulations, 2012* (SA)];
- (j) notify the Commissioner of any safety risk posed by the works or any infrastructure installed or any activity undertaken by the Council (or its employees, contractors and agents), on the Road; and
- (k) following practical completion of the works [and following any further modifications undertaken by the Council (or its contractor)] provide at the Council's cost, the Commissioner with as constructed drawings and plans accurately depicting the type and location of the works and any infrastructure installed in accordance with Departmental standards available at:

https://www.dit.sa.gov.au/contractor_documents (intellectual property in the plans and drawings vests in the Commissioner).

- 3.3 If the Council fails to comply with the requirements of item 3.2(g) or fails to carry out a direction of the Commissioner issued in accordance with item 3.2(h) then the Commissioner may (without being obliged to) carry out (or engage a contractor to carry out) the necessary work and the Council promises to pay to the Commissioner the cost it incurs in doing so.

**ADELAIDE HILLS COUNCIL
ORDINARY COUNCIL MEETING
Tuesday 14 November 2023
AGENDA BUSINESS ITEM**

Item: 12.7

Responsible Officer: Jody Atkins
A/Governance and Risk Officer
Corporate Services

Subject: Council Resolutions Update

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 Council Resolutions Update report dated 14 November 2023 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 |
|--------------|------------------|---------|--|-----------------------------|
| 26/04/2023 | Ordinary Council | 91/23 | Foothills Suburbs - Community Connections | General - Cr Louise Pascale |
| 23/05/2023 | Ordinary Council | 129/23 | Yanagin Road Consultation Outcomes & Revocation of Community Land Classification | Nil |
| 13/06/2023 | Ordinary Council | 148/23 | Kerbside Bin System Option & Trial (FOGO) | Nil |

| Meeting Date | Meeting | Res No. | Item Name | Previously Declared COI |
|--------------|------------------------------|----------------|--|-------------------------------|
| 19/06/2023 | Audit Committee | AC27/23 | Development Services - Service Review | Nil |
| 27/06/2023 | Ordinary Council | 176/23 | Stirling Business Association Three Year Funding Agreement | Nil |
| 6/07/2023 | CEO Performance Review Panel | PRP5/23 | Quarterly Performance Report | Nil |
| 25/07/2023 | Ordinary Council | 195/23 | Proposed Date Change Citizenship and Award Ceremonies | Nil |
| 8/08/2023 | Ordinary Council | 210/23 | Mt Lofty Golf Resort Stirling | General - Cr Adrian Cheater |
| 8/08/2023 | Ordinary Council | 217/23 | Confidential - Country Cabinet August 2023 | Nil |
| 21/08/2023 | Audit Committee | AC29/23 | Action Report & Work Plan Update | Nil |
| 21/08/2023 | Audit Committee | AC30/23 | End of Financial Year Update | Nil |
| 21/08/2023 | Audit Committee | AC35/23 | Risk Management Quarterly Report | Nil |
| 22/08/2023 | Ordinary Council | 223/23 | Recovery Ready Halls Grant | General - Crs Mudge & Selwood |
| 22/08/2023 | Ordinary Council | 224/23 | Preliminary End of Year Financial Results and Carry Forwards | Nil |
| 22/08/2023 | Ordinary Council | 226/23 | Accredited Professionals Policy | Nil |
| 26/09/2023 | Ordinary Council | 252/23 | MWN - Hills Football League Premierships | No |
| 16/10/2023 | Audit Committee | AC40/23 | 2022-23 Annual Financial Statements and End of Year Report | Nil |
| 16/10/2023 | Audit Committee | Not Applicable | Stirling Mall Fire - Rates query | Nil |

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 |
|--------------|------------------|---------|---|-------------------------|--|----------------------|-------------|---|--------------|
| 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. | David Waters | In Progress | Oct 23 - Waiting land division approval from LTD | FALSE |
| 28/08/2018 | Ordinary Council | 200/18 | Proposal to enter 11 AHC Reserves into Heritage Agreements 2018 | None declared | <ol style="list-style-type: none"> That the report be received and noted. That the Biodiversity Officer be authorised to enter Doris Coulls Reserve, 152 Old Mt Barker Road, Aldgate/Heathfield Waste Facility, 32 Scott Creed Road, Heathfield/Leslie Reserve, 15 Kiley Road, Aldgate/Shanks Reserve, 1 Shanks Road, Aldgate/Stock Reserve, Stock Road, Mylor/Leslie Creek Reserve, Leslie Creek Road, Mylor/Mt Reserve, 125 Aldgate Valley Road, Mylor/Aldgate Valley 2 Reserve, 114 Aldgate Valley Road, Mylor/Kyle Road Nature Reserve, Kyle Road, Mylor/Carry Gully Water Reserve, Deviation Road, Carry Gully/Heathfield Stone Reserve, 215 Longwood Road, Heathfield/Mylor Parklands, Mylor all being of significant biodiversity value, into Heritage Agreements. That the Heritage Agreements retain the existing dog access arrangements in place for each of those reserves. | David Waters | In Progress | <p>Carey Gully is the last HA pending from the 2018 Council Report list. It was conditionally approved subject to redefining from recreation to conservation purposes. Paperwork to amend a dedication submitted to Crown Lands 5/10/2022. Still awaiting confirmation of redefinition as of 17/10/23.</p> <p>The Heritage Applications were phased over the years in order to be accommodated within available resourcing.</p> <p>All applications were lodged by June 30 2023 as per 2018 Council resolution.</p> <p>Heritage Agreements have been registered over:</p> <ul style="list-style-type: none"> Kiley Reserve Shanks Reserve Kyle Road Nature Reserve, Leslie Creek Reserve Aldgate Valley 2 Reserve Doris Coulls Reserve Mylor Parklands Heathfield Waste Facility Heathfield Conservation Reserve (counter-signed by DEW 27/7/23) Mt M Reserve (counter-signed by DEW 27/7/23) Reserve 26 - "Stock Rd 1". Assigned CT/6286/691. Advised 28/8/23 as counter-signed by DEW. <p>NOTES:</p> <p>Heathfield Stone Reserve was successfully redefined for conservation purposes with Lands Title Office, and is now referred to as Heathfield Conservation Reserve.</p> <p>with Lands Title Office, and is now referred to as Heathfield Conservation Reserve.</p> <p>Carey Gully was initially rejected but appealed by Biodiversity Officer. Heritage Officer changed their recommendation for acceptance and sent to delegate for approval. Correspondence received that redefinition from recreation to conservation purposes is required. Paperwork to amend a dedication has been submitted to Crown Lands.</p> | FALSE |
| 11/09/2018 | Special Council | 229/18 | Road Exchange McBeath Drive, Skye Hornsell 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 "1", "8", "C" and "D" on Preliminary Plan No. 17/0066, subject to the following: Boral Resources (SA) Ltd agreeing to pay all costs associated with the road exchange process including but not limited to all survey, valuation and reasonable legal costs; Boral Resources (SA) Ltd agreeing to pay all costs associated with a Council boundary adjustment between Adelaide Hills Council and the City of Burnside to rectify the resulting Council boundary anomaly from the road exchange process</p> <p>The closed road is excluded as Community Land pursuant to the Local Government Act 1999</p> <p>Council approves the sale of the differential between the total area of closed road and the total area of opened road of approximately 1,242m² to Boral Resources (SA) Ltd for the amount of \$6,210 as determined by an independent valuation.</p> <p>Subject to the successful completion of the road exchange process, Council undertakes a process in conjunction with the City of Burnside to realign the local government boundary along the new location of McBeath Drive to the south side of pieces 43, 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> <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> | David Waters | In Progress | Oct 23 - no further update | 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 continue to liaise with SAPN and DET on the changeover of Council public lighting on roads under the care and control of the State Government. That a further report be provided to Council on the outcome of the continued discussions with SAPN and DET. | David Waters | In Progress | <p>Item 1 - 4 of the resolution have been complete for some time.</p> <p>Item 5 regarding the change over of Council held public lighting on DT roads is on going. The Minister has requested that the Department to establish a working group with LGA representatives to investigate options for long term ownership of Council lighting on DT maintained roads. Adelaide Hills Council will be represented on this working group with the group starting in June 2023. Meetings ongoing by the LGA and DT working group.</p> <p>Note that there are only about 100 Council public lights on DT roads across the Council area and hence the benefits of having this as a priority are minimal in the overall scheme of investment options for energy use reduction. The current status of LED lighting as it relates to Items 1 - 4 + 767 LED 17 were rolled out as a bulk rollout program with a \$353k investment. Council has entered into PLC tariffs for these lights, that is Council funds the capital investment and receives a lower tariff fee and associated reduce electricity use that provides long term operational costs for providing this service. A further 29 lights have been upgraded to LED – located in Aldgate Main Street, Summertown, and Uraculla. ~295 have been changed over by SAPN as part of routine maintenance operations – SAPN policy to change public lights with LED equivalents when existing stocks are depleted. ~324 remain to be converted – cost in the order of 400\$ – 700\$ as these are vertical mounted (technical challenges with existing assemblies) or higher-class V Category. The remaining approximately 324 lights are more challenging with higher costs and a lower cost benefit. We have had 73 additional LED lights transferred to Council by Developers (Crest and Hamilton Hill)</p> | FALSE |
| 15/12/2020 | Ordinary Council | 300/20 | Road Exchange Pomona Road Stirling | None declared | <ol style="list-style-type: none"> That the report be received and noted. 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. The closed road be excluded as Community Land pursuant to the Local Government Act 1999. 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. | David Waters | In Progress | Oct 23 - No further update | 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. | David Waters | In Progress | Still to be retained in confidence. | FALSE |

| Meeting Date | Meeting | Res No. | Item Name | Previously Declared COI | Action Required (Council Resolution) | Responsible Director | Status | Status (for Council reporting) | Confidential |
|--------------|------------------|---------|--|--------------------------|--|----------------------|-------------|---|--------------|
| 23/03/2021 | Ordinary Council | 52/21 | Crown Land Revocation | None declared | <ol style="list-style-type: none"> That the report be received and noted That the consultation report (Appendix 1) be received and noted To apply to the Minister for Planning to revoke the Community Land classification of the following parcels of land: <ol style="list-style-type: none"> CR 5752/186, Lot 32 Fullgube Road, Crafters CR 5753/725, Section 1409 Ilert Road, Mylor CR 5753/729, Section 1657 Scott Creek Road, Scott Creek CR 5753/741, Sections 53 and 54 Sandy Waterhole Road, Woodside CR 5753/742, Section 247 Kucherts Road, Lobethal CR 5753/744, Section 553 Pedare Park Road, Woodside CR 5753/745, Section 556 Tiers Road, Woodside CR 5753/746, Section 165 Old Carey Gully Road, Stirling CR 5753/754, Section 511 North East Road, Inglewood CR 5753/756, Section 262 Reserve Road, Forreston CR 5763/631, Section 1591 Silver Road, Bridgewater CR 5763/634, Section 71 Magarey Road, Mount Torrens CR 5763/635, Section 72 Magarey Road, Mount Torrens CR 5763/636, Section 84 Forreston Road, Forreston CR 6142/329, Lot 501 Greenhill Road, Balhannah CR 5526/487, Lot 20 Bell Springs Road Charleston (for rededication to the Department of Environment & Water) CR 5753/718, Section 1544 Reserve Terrace Aldgate (for rededication to Meaks on Wheels) CR 5753/753, Section 455 Off Karroonak Road Karroonak (for rededication to Forestry SA) That a further report be presented to Council once a response from the Minister for Planning is received. | David Waters | In Progress | Oct 23 - Council workshop scheduled for 31 Oct 2023. Report to Council now scheduled for 14 Nov 2023. | FALSE |
| 24/08/2021 | Ordinary Council | 170/21 | Road Exchange Aids Development Pomona Road Stirling | None declared | <p>Minister for Planning is received.</p> <p>That the report be received and noted in accordance with sections 12 and 15 of the Roads (Opening and Closing) Act 1992, 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 23/0011 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 Local Government Act 1989. 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> | David Waters | In Progress | Oct 23 - No further update | FALSE |
| 24/08/2021 | Ordinary Council | 178/21 | Operational Workplace Review | None declared | <ol style="list-style-type: none"> That the report be received and noted 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 <ol style="list-style-type: none"> 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 2 and the next review of the Long Term Financial Plan <ol style="list-style-type: none"> Subject to endorsement of the detailed scoping identified in 3 above, the Development and Building Team be relocated from Woodside to Stirling 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. | David Waters | In Progress | Oct 23 - Under internal review | FALSE |
| 26/10/2021 | Ordinary Council | 220/21 | Charleston Cemetery Compulsory Acquisition | None declared | <ol style="list-style-type: none"> That the report be received and noted. To revoke the resolution of Council of 22 May 2001, B129. To commence a process to compulsorily acquire, under the Land Acquisition Act 1969, the Charleston Cemetery being the land contained in Certificate of Title Volume 5066 Folio 740 located at 36 Newman Road Charleston from The Charleston Cemetery Trust Inc. To continue to manage the Charleston Cemetery on behalf of The Charleston Cemetery Trust Inc in the interim from the date of this resolution until the completion of the land acquisition process. To authorise the Mayor and Chief Executive Officer to undertake all necessary actions, including execution of documents, including under the common seal of Council, to give effect to this resolution. | David Waters | In Progress | Oct 2023 - Further advice to be sought from Council's Lawyers on next steps in relation to the compulsory acquisition | FALSE |
| 26/10/2021 | Ordinary Council | 235/21 | Ashkop Landfill - Confidential Item | None declared | As per Confidential minute | David Waters | In Progress | Matter continues to be progressed. Further updates will be provided when a material change occurs. | TRUE |
| 26/10/2021 | Ordinary Council | 238/21 | Electricity Procurement Legal Matter - Confidential Item | None declared | As per confidential minute | David Waters | In Progress | Still to be retained in confidence | TRUE |
| 14/12/2021 | Ordinary Council | 274/21 | Woodside Recreation Ground Reuse further information | Perceived - Cr Stratford | <ol style="list-style-type: none"> The report be received and noted. That a report be prepared for Council's information on the costs associated with bore water saving initiatives that could be implemented in respect to Council owned recreational assets that are currently irrigated by bore water. | David Waters | In Progress | Report has been received and reviewed, currently working through any options. | FALSE |
| 22/03/2022 | Ordinary Council | 52/22 | Response to MON Bore Use | NI | <ol style="list-style-type: none"> That the report be received and noted To negotiate an agreement with the Summertown Village Water Company for access to the Council bore located on Arava Crescent Reserve at Summertown for a defined period, being not more than 3 years, on terms and conditions to be agreed whereby by the end of the agreement term, the Summertown Village Water Company has established an independent water supply for its shareholders and current use of the Council bore ceases To negotiate an in principle agreement with the Summertown Community Centre Inc. for a land exchange at Tregarthen Reserve Summertown that would see the public infrastructure located on land owned by the Council and the sport and recreation infrastructure on land owned by the Summertown Community Centre Inc. with the Council being responsible for the provision of water to Tregarthen Reserve To negotiate an agreement with the owner of 30 Stonehenge Avenue Stirling, for access to and use of the bore located on Council land at 28 Stonehenge Avenue Stirling, for a defined reasonable period of time, say 18 - 24 months, on terms and conditions to be agreed whereby by the end of the agreement, the landowner has established an independent water supply for its land and use of the Council bore ceases To undertake further investigations in relation to the Mylor bore and tanks and to which properties it supplies water The CEO further reports to Council on an annual basis of progress being made on points 2-5. | David Waters | In Progress | Oct 23 - Actions progressing as per resolution | FALSE |
| 22/03/2022 | Ordinary Council | 53/22 | Removal of Remoteness Sculpture, Stirling | NI | <ol style="list-style-type: none"> That the report be received and noted. That the sculpture known as the Remoteness, be removed from the area in front of the Coventry Library, Stirling. That best endeavours should be made to retain suitable elements of the sculpture for placement in the surrounding landscape in a manner appropriate to the setting, such as for informal seating. That the Council works with the Stirling Business Association and stakeholders from the former Adelaide Hills International Sculpture Symposium Inc to identify and implement appropriate means of recognising the sculpture and ensuring its legacy is not lost to the precinct in which it is presently situated and the overall Hills Sculpture Trail. | Natalie Armstrong | In Progress | Resolution Items 1 and 2 have been completed (sculpture removed). Options relating to items 3 and 4 are currently being explored. | FALSE |

| Meeting Date | Meeting | Res No. | Item Name | Previously Declared COI | Action Required (Council Resolution) | Responsible Director | Status | Status (for Council reporting) | Confidential |
|--------------|------------------|---------|--|--|--|----------------------|-------------|--|--------------|
| 26/04/2022 | Ordinary Council | 86/22 | MON Property Lobethal Road Lenswood | Nil | 1. Council notes the long history of compliance action taken by the Council under both the Development Act 1993, and the Local Nuisance and Litter Control Act 2016, in relation to continuing unauthorised use of the land as a junkyard/scrap storage facility/builder's storage facility, the continuing unsightly condition of the land when viewed from the public realm; and ongoing nuisance caused by wandering livestock and animals which issues continue to bring adverse impacts within the locality. The Council instructs the Chief Executive Officer to take such further action/s, as he may be advised to take under (including but not limited to) the Local Nuisance and Litter Control Act 2016, and/or the Planning, Development and Infrastructure Act 2016, (which action/s may involve the commencement legal proceedings and/or the exercise of stop-in rights) to address the above issues on an ongoing basis. Wherever possible, such action should seek to recover the Council's costs associated with the relevant action/s. | Natalie Armstrong | In Progress | Per confidential minute | TRUE |
| 24/05/2022 | Ordinary Council | 122/22 | Purchase of Land 8 St John Road Norton Summit | Perceived - Cr Leigh Mudge | I move that the matter of the purchase of land at 8 St John Road Norton Summit be brought to a workshop to ensure all members are fully aware of the situation which includes issues that have to be resolved, e.g. Council's encroachment onto Church land of the septic system and part of the CFS shed. | David Waters | In Progress | Oct 23 - Discussions underway with Church | FALSE |
| 28/06/2022 | Ordinary Council | 166/22 | Warren Road Birdwood Blackspot - Confidential Item | Nil | See Confidential Minute | David Waters | In Progress | In progress | TRUE |
| 28/06/2022 | Ordinary Council | 172/22 | Ashton Landfill - Confidential | Nil | See Confidential Minute | David Waters | In Progress | Matter continues to be progressed. Further updates will be provided when a material change occurs. | TRUE |
| 26/07/2022 | Ordinary Council | 182/22 | Policy Review - Festivals and Events | Nil | That the report be received and noted. To undertake public consultation on the Draft July 2022 Festivals and Events Policy and the CEO prepares a report for Council. | Terry Crackett | In Progress | The Events Framework is being refined as a result of the August 2023 workshop and the final Framework will inform updates to the Festivals and Events Policy. The Framework and Draft Policy will be taken to the Council meeting in the New Year so it can be informed by the new Strategic Plan. | FALSE |
| 20/12/2022 | Ordinary Council | 303/22 | Surplus Government Land Notification | Nil | See Confidential Minute | David Waters | In Progress | Oct 23 - item in process of being actioned | FALSE |
| 24/01/2023 | Ordinary Council | 9/23 | Questions re: Options to reduce traffic congestion and improve child safety adjacent to Bridgewater Primary School | Nil | 1. That the report be received and noted. 2. That following the completion of the Child Care development, and in liaison with the Department for Education, Council Staff undertake a Traffic Monitoring Study of the local road network in the vicinity of Bridgewater Primary School including Lezayre Avenue, Morella Grove, Trenouth Street and Shannon Road. 3. That a report be brought back to Council within 6 months of the opening of the Childcare Centre. | David Waters | In Progress | Report to be brought back to Council within 6 months of the opening of the Childcare Centre. Staff will progress at the appropriate time once child care centre has been in operation for six months. | FALSE |
| 24/01/2023 | Ordinary Council | 14/23 | 37 Yanagin Road Greenhill Revocation of Community Land Classification and Land Swap with Yanagin Reserve | Nil | 1. That the report be received and noted. 2. That Council commences a revocation of community land process for the land identified in Appendix 2 including consultation in accordance with Council's Public Consultation Policy and the Local Government Act 1995 with the intention of undertaking a land swap with the owners of 37 Yanagin Road, Greenhill, together with varying the existing Heritage Agreement over Yanagin Reserve. 3. That a report be brought back to Council following completion of the Community Consultation process. | David Waters | In Progress | Oct 23 - Council resolved to revoke Community Land classification on 10/10/2023. Transfer documents to now be finalised | FALSE |
| 24/01/2023 | Ordinary Council | 4/23 | MON Aldgate Main Street Amenity Upgrade - Stage 2 | General - Cr Mark Osterstock General - Cr Kirrilee Boyd | 1. A report be prepared for Council's consideration on the feasibility (including costings) of: Refurbishing (high pressure cleaning, realignment, reseating and replacement where necessary) the paved footpath on the western side of Mount Barker Road, from Lutton Road to Kingsland Road (landscaping, plantings, bin replacement, street furniture replacement, signage replacement), consistent with that of the recently completed Aldgate Main Street Amenity Upgrade - Stage 1 Maintenance (including yet not limited to, landscaping, plantings, signage replacement) of the Aldgate roundabout, consistent with that of the Stirling roundabout. Refurbishment (high pressure cleaning and sealing of the limestone supporting structures, including yet not limited to, replacement landscaping, plantings and signage) of the Aldgate Railway Bridge and its approaches. 2. That the funding source for these works will be the Local Roads and Community Infrastructure Program (Phase 4), and where possible, and within existing budgetary parameters and commitments, the use of in-house staff for these proposed works, as opposed to external contractor/s. 3. That the subject report be presented to Council for consideration in March 2023, or earlier, depending on the Local Roads and Community Infrastructure Program (Phase 4) requirements and guidelines. 4. That the report also includes a strategic priority list of potential Main Street/Town Centre upgrades and the merits of implementing a Plan (including financial implications) to undertake upgrades aligned with the priority list. | David Waters | In Progress | Report coupled with FLEC Projects was presented to April 26 Council Meeting. LRICIP Phase 4 Guidelines now received, with a report to come to Council in October/November. Roundabout vegetation, plantings and signing completed. Council officers in discussion with ARTC on the clearing of the bridge abutments - stone mason engaged to determine the appropriate treatment and specification for works. | FALSE |
| 14/02/2023 | Ordinary Council | 26/23 | Preserving Randall's Workers Cottages 1 Beavis Ct Gumeracha | Nil | 1. That the report be received and noted. 2. That the amount of \$20,000 be considered as part of the 2023/24 budget preparation process to prevent further deterioration of Randall's Cottages at 1 Beavis Court, Gumeracha. 3. That Council explores another submission to the State Government in an attempt to cease this parcel of land from the Environmental Food Production Zone. | Natalie Armstrong | In Progress | Funds have been allocated in the draft 23/24FY budget for this project. The State Government reviews the EPA every 4 years, with the last review being undertaken in 2022. The next review will be due in 2026. A request for review will not be considered until the next review in 2026. | FALSE |
| 28/02/2023 | Ordinary Council | 45/23 | Parking and Road Safety Wattle Tree Road Bridgewater | Nil | That the report be received and noted to implement the recommended signage addition and vegetation management outlined in the report in addition to the recommended signage, to investigate and implement advisory speed signage in the vicinity of the crests, or other appropriate traffic control mechanisms aimed at reducing vehicle speeds. That Council ensure the road signing of section 2 is maintained through the regular application of appropriate fill that parking, access and safety considerations on Wattle Tree Road be monitored again once current residential development on the street is complete. | David Waters | In Progress | New advisory signage has been installed, and cement treated shoulder works have been complete, along with other minor maintenance activities as required. The action can not be finalised until a report is returned to Council following completion of residential development within the street, which could be many years away. | FALSE |
| 28/02/2023 | Ordinary Council | 46/23 | Coach Parking in Stirling | Nil | The report be received and noted. The merit of coach parking in Stirling be further explored by the administration and the development of costings be considered. The Stirling Business Association and Adelaide Hills Tourism be consulted as part of this process. A report be brought back to Council by December 2023. | Natalie Armstrong | In Progress | Consultation with the Stirling Business Association (SBA) has occurred with the matter considered at SBA meetings on 30 March 2023 and 14 April 2023. Minutes of the latter meeting confirm that SBA's position is "coach parking has been raised & looked in to, deemed not necessary or viable and that no further work needs to be done in this area." Consultation had occurred with Adelaide Hills Tourism's Executive Officer prior to the report to Council on 28 February 2023. They indicated that 'group tours' are not the target tourist market for Stirling and hence facilitating coach parking would not be considered a high priority from a tourism perspective. This advice is being re-confirmed. A report back to Council as per the resolution is being prepared for December 2023. | FALSE |

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| 14/03/2023 | Ordinary Council | 52/23 | Heritage Agreements | Nil | That the report be received and noted. That the Chief Executive Officer further investigate and where feasible and eligible, be authorised to enter Bridgewater Recreation Reserve, Cave Reserve, Bridge Path & Walking trails at Cave Ave, Ay Street, Anzac Ridge Road, BridgewaterRAA Tower Reserve at 21 Hillcrest Avenue Crafrs WestHeron Reserve at 21 Dinkaparringa Rd, BridgewaterCharleston Waste Facility (Mt Charles) at Harrison Road, CharlestonThe Doonery, Old Mount Barker Rd, BridgewaterCrafrs Reserve at The Road, Sulbaronahillside Reserve at Wright Rd, StirlingRudall Reserve at 7 9 Rudall Ave, CrafrsSmith Rd/Stone Quarry Reserve at South Para Rd, WestbrookHampton Reserve at Hampton Rd, MylorCoopers Reserve at Silver Lake Rd, MylorGurr Rd Reserve parcel at Gurr Rd North, BradburyHeathfield/Longwood Reserve, Corner of Heathfield & Longwood Rd, HeathfieldAlldgate Tennis Courts at 180 Mt Barker Rd, AldgateChapman Water Reserve at Chapman Road, InglewoodAlldgate Valley Wildlife Corridor, aka "Bandicoot Lane" Stock Road to Stevens Rd, MylorSilver Rd Reserve at 34 Silver Rd BridgewaterPitts Road Reserve at Pitt Rd, Purgombelhead Rd Reserve at Head Road North, HoughtonFermwood Reserve at Fernwood Way, Upper SturtPound reserve, Marble Hill and Pound Rd, AshtonMt Bold Cutting, Mount Bold Road Cut, Dorset Valldstirling Cemetery, Strathalbyn Rd, AldgateAlldgate Valley Reserve, 36 Aldgate Valley Rd, AldgateWindmill Reserve, 121 Norton Summit Rd, Woodfordoblong of significant or high potential biodiversity value, into Heritage Agreements. That the Heritage Agreement applications seek to apply to those portions of the abovementioned reserves which are of significant or high potential biodiversity value, while retaining any existing dog access and established recreational use arrangements in place for each of those reserves. | David Waters | In Progress | Initial feedback from Native Vegetation Council's Heritage Agreement Officer received and included in summary developed for internal consultation with key Council staff. Staff workshops occurred 15/6 and 15/8 to determine which sites may be appropriate to be the first ones to enter into HA, follow up comments with various staff currently being incorporated to finalise first batch shortly. We have committed to only lodge approx 5 applications at a time as requested by the Native Vegetation Council so that they may be processed in a timely manner within current available resources. | FALSE |
| 28/03/2023 | Ordinary Council | 64/23 | Fire Water Tank Upper Hermitage | General - Cr Pauline Gill General - Cr Malcolm Herrmann General - Cr Adrian Cheater | 1. the report be received and noted. 2. Council acknowledges the fundraising efforts by Ms Ian Verrall and Ms Denise Ellard. 3. in view of advice by letter dated 21 February 2023 received from the CFS Regional Commander Region 2, summarised as follows: the whole of the land is needed for CFS volunteers to exercise and train; the tank would not be used or maintained by the CFS, the Upper Hermitage site is a dangerous location to place a community water tank for use during a time of fire; Council respectfully declines the offer for the donation and placement of a fire water tank at the corner of Range Road North and Warner Road Upper Hermitage. 4. That Council staff continue to work with the CFS across the Regions to support firefighting, fire prevention and fire educational efforts. 5. That the CEO or his delegate formalises the use of the land described as allotment 5 in Filed Plan 218343 and contained in Certificate of Title 3854 Folio 841, commonly known as the Upper Hermitage tennis courts and CFS land, to the SA Country Fire Service (CFS) for its purposes. | David Waters | In Progress | Oct 2023 - progressing - negotiations underway with CFS for new Lease over the site | FALSE |
| 28/03/2023 | Ordinary Council | 66/23 | Community Event Electrical Certificates of Compliance Subsidies | Material - Cr Malcolm Herrmann Material - Cr Adrian Cheater | 1. That in relation to Anzac Day 2023, NAIDOC Week and National Reconciliation Week 2023, Council subsidises the cost of obtaining licensed electricians to review and certify electrical installations in respect to community groups holding dawn services and other commemorative events on Council land (including roads) to a limit of \$150 per event. 2. That as part of the current review of the Council's Festivals and Events Policy, consideration be given to the feasibility (including costings) of financial subsidies for the attainment of a Certificate of Compliance (COC) for community groups conducting activities on council lands and utilising council electrical outlets. That subsidies only apply for community events held on prominent national or local commemoration days including, but not limited to, ANZAC Day, NAIDOC Week and Remembrance Day, noting that the Council's position on events normally held on Australia Day (26 January) is currently under review. 3. The report be made available for Council's consideration by 22 August 2023. | Terry Crackett | In Progress | This item is on track but can not be completed until after Remembrance Day on 11 November 2023. | FALSE |
| 28/03/2023 | Ordinary Council | 67/23 | Adelaide Hills Subzone Code Amendment | General - Cr Nathan Daniell General - Cr Leah Mudge | That the report be received and noted. That the CEO progress preliminary investigations including pre-engagement with affected residents and landowners, to inform Council's position on whether a Formal Code Amendment process for the Adelaide Hills Subzone will be initiated, with the CEO to table a report for Council's consideration on the matter by 23 May 2023. To instruct the CEO to inform the State Planning Commission and the Minister of Planning of Council's intention to progress preliminary investigations in preparation for a Code Amendment process for the Adelaide Hills Subzone, including the rationale. | Natalie Armstrong | In Progress | Preliminary Engagement undertaken with affected residents through June - results indicate general support for Council to pursue changes to the Code to increase character and amenity protection within the Subzone. Staff have also met with the Executive Director at Planning and Land Use Services to further clarify Council's position on this matter and determine possible pathways forward for a Code Amendment. This discussion was highly constructive and has clarified that a range of options are available for consideration. A Council workshop has been scheduled for the 19/9 where the preliminary engagement summary and Code Amendment options will be tabled for discussion ahead of the Proposal to initiate report being tabled later in the year. It's noted that there is crossover with the Regional Planning program and this has added an additional layer to the options available regarding this matter. Workshop now occurring on 3/10 | FALSE |
| 11/04/2023 | Ordinary Council | 78/23 | Illegal Native Vegetation Clearance | Nil | 1. Condemns the unapproved and excessive clearance of remnant native vegetation at 104 Mount Lofy Road, Crafrs. 2. Reaffirms its unwavering commitment to protecting and restoring the Adelaide Hills natural environment. 3. Requests the Mayor write to the Minister for Climate, Environment and Water, Hon Dr Susan Close MP to request: a. The Native Vegetation Act 1991 be amended to increase penalties associated with the illegal clearance of native vegetation; b. The budget allocated to the Native Vegetation Council be increased to enable appropriate resources to be allocated to compliance and enforcement 4. Requests the CEO review legislative options available to strengthen Council's compliance and enforcement efforts in preventing and addressing illegal clearance of native vegetation. That as part of this review: a. A workshop be conducted with elected members. b. A report be provided to Council by 30 June 2023 including options that would improve Council's ability to ensure prevention, compliance, and enforcement, associated with the illegal clearance of native vegetation. 5. Requests the CEO investigate any scope for the inclusion of additional Council owned properties to be assessed for suitability to be encumbered by a Heritage Agreement for the additional protection of native vegetation on that land. That as part of this investigation: a. A workshop be conducted with elected members (at the same time as (4) a) above). | David Waters | In Progress | Items 1 - 3 completed. Workshop and Council report are delayed with workshop to be held November 6 2023 once draft encroachment policy has been completed. Team in consultation for development of the Encroachment Policy are: •Director of Dev & Reg Services - Nat Armstrong •Senior Strategic Policy Planner - James Sabo •Sport & Rec Planner (trails) - Meridee Jensen •Team Leader Reg Services - Matt Ahern •Property Officer - Gem Stewart •Manager Property Services - Karen Cummings •Exec Manager Governance & Performance - Lachlan Miller •Manager Open Space - Chris Jansson •Biodiversity Team (myself, Tonia and Steve) Consultant is Catherine Miles of Miles consulting, and project timeframe/milestones below. 22/11/23 - Internal Staff Workshop (all teams) 28/03/23 - Internal Staff meeting (Biodiversity and Reg Services) 11/04/23 - Council MON, Policy scope adjusted and sent to consultant 02/05/23 - consultant Workshop - draft framework (all teams) 03/06/23 - draft Framework for Policy circulated for comment (all teams) 15/06/23 - first draft Policy circulated for comment 24/08/23 - Internal staff workshop (Property Team) 07/09/23 - Internal staff workshop (Development Assessment Team) 19/10/23 - 2nd draft policy workshop with Property Team & Planning Team 20/10/23 - 2nd draft policy workshop with Open Space Team October 2023 - policy goes to lawyer for review 6/11/23 - Council Workshop November 2023 - potentially another lawyer review depending on workshop outcomes Dec 2023 - Jan 2024, Policy presented to Council for adoption | FALSE |

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| 26/04/2023 | Ordinary Council | 91/23 | MON Western Border Suburbs of Council | General - Cr Louise Pascale | <ol style="list-style-type: none"> That the Adelaide Hills Council undertake a safety audit with footpaths study for Heather Ave connecting Kintyre Road and Morialta Road, Woodforde, with the outcome informing future capital works budget proposals. That the Adelaide Hills Council audit the suburb signage for Woodforde, Rostrevor and Terowie and the CEO report to Council costs and logistics for increasing signage along the western border of Adelaide Hills Council. That Adelaide Hills Council invite Managing Director Damon Nagel from Kite Property to present to Council the planning and design of Hamilton Hill at a Councilors Workshop held at the Norton Summit Community Centre prior to the Regional Planning briefing Workshop. | David Waters | In Progress | <p>Audits have been undertaken, with outcomes to be summarised and communicated shortly.</p> <p>Given that at this time Council not progress suburb name change for Rostrevor, new suburb signs have been ordered and will be installed in next 6-8 weeks.</p> | FALSE |
| 26/04/2023 | Ordinary Council | 91/23 | Foothills Suburbs - Community Connections | General - Cr Louise Pascale | <ol style="list-style-type: none"> That the Chief Executive Officer form an internal working group to explore opportunities to establish and support connections between the residents of the newly developed part (Hamilton Hill) and established part of Woodforde by July 2023 and report back to Council in a workshop on the outcome. | Natalie Armstrong | Completed | <p>Council workshop held on 3 October. Methodology and actions presented and well received by Council. Continue to update internal working group and next step is to implement the action plan.</p> | FALSE |
| 26/04/2023 | Ordinary Council | 93/23 | PLEC and Main Street Projects | Nil | <ol style="list-style-type: none"> The report be received and noted. Strategic Prioritisation criteria for Main Street upgrades and activation to support placemaking outcomes be workshoped with Council Members to guide implementation priorities moving forward. Council staff submit an application for undergrounding of power lines for Lobethal Stage 3 for construction following 2024-25, as well as requesting Mount Torrens and Woodside Stages to be considered for future rounds. The refurbishment of the southern side of Aldgate Main Street and the roundabout at the intersection of Mount Barker Road and Strathbyn Road, be undertaken in 2023-24 in a style consistent with paving and landscaping on the northern side, with funding obtained from local Roads and Community Infrastructure Program Phase 4 supplemented by operational budgets where appropriate. | David Waters | In Progress | <p>Actions to address each part of the resolution are now underway. Workshop with Council Members occurred as part of ABP Development.</p> <p>PLEC Application for Lobethal lodged, with Mount Torrens and Woodside flagged as potential future projects for consideration.</p> <p>Roundabout works have been undertaken and amenity upgrades underway in Aldgate.</p> <p>LRIP Guidelines now received with a report to come to Council October - November with proposals to be considered.</p> | FALSE |
| 26/04/2023 | Ordinary Council | 94/23 | Development of Behavioural Support Policy for Council Members | Nil | <ol style="list-style-type: none"> That the report be received and noted. To determine not to develop a Behavioural Support Policy at this point in time. To request the Chief Executive Officer to prepare a report on the operation of the Behavioural Management Framework, specifically as it relates to the Adelaide Hills Council, for its April 2024 meeting. That the Chief Executive Officer (or another person delegated by them) may make public comment and/or statements to the media on behalf of the Council relating to the policy of Council, its position on particular issues, and operational matters. | Greg Georgopoulos | In Progress | <p>Parts 1 and 2 - completed</p> <p>Part 3 - item will stay open on the action list until report provided to Council in April 2024 noting that resourcing within the Governance area is currently limited.</p> <p>Part 4 - completed - CEO has advised staff that media responses regarding enquiries on policy, political or Council decisions will come from the Mayor and comment on operational matters will be from the CEO only.</p> | FALSE |
| 26/04/2023 | Ordinary Council | 102/23 | Confidential Item - Amy Gillett Bikeway Stage 4 Agreement | General - Cr Melanie Selwood | Refer to Confidential Minute | David Waters | In Progress | As per confidential minute | FALSE |
| 9/05/2023 | Ordinary Council | 108/23 | Burning on Private (Council) Lands Program | Nil | <p>That the report be received and noted.</p> <p>To endorse the investigation of additional Council sites under the DEW Burning on Private Lands Program: Brabwood Park (Heritage Agreement #2366)Hill Road, Brabury (Heritage Agreement #1594)Sedum Place Reserve, Crafters West/Mylor Parklands (Heritage Agreement #1264)Camp Gooden (Heritage Agreement #1232)Stock Road, Mylor (Blue Marker Site NWM52)</p> | David Waters | In Progress | Investigation complete. Results and projected budget to be proposed in Council Report before end of 2023. | FALSE |
| 9/05/2023 | Ordinary Council | 110/23 | Building Upgrade Finance | Nil | <ol style="list-style-type: none"> That the report be received and noted. To undertake a two year pilot program of Environmental Upgrade Agreements, nominally commencing 1 July 2023. To appoint Sustainable Australia Fund, trading as Better Building Finance, to work collaboratively with Council to establish, administer and support the delivery of Environmental Upgrade Agreements. To delegate the power to the Chief Executive Officer to finalise the commencement date for the pilot program into an Environmental Upgrade Agreement on behalf of Council and declare and levy an environmental upgrade charge. To report back to Council on the outcomes of the two year pilot by 30 June 2025. | Natalie Armstrong | In Progress | Service agreement documentation has been finalised and signed by AHC CEO. Awaiting BBF counter signature. | FALSE |
| 9/05/2023 | Ordinary Council | 111/23 | Revocation of Community Land - Bridgewater Retirement Village | Nil | <p>That the report be received and noted.</p> <p>That the Community Land classification over the land comprised in Certificate of Title Volume 5488 Folio 788 being Allotment 220 in filed plan 8133, known as the Bridgewater Retirement Village, be revoked.</p> <p>That a report be provided to Council which: a. includes the outcomes of the 2023 consultation process regarding the Proposed upgrades for Carpool Park b. Provides options for the upgrade of Carpool Park or another Park in Bridgewater.</p> | David Waters | In Progress | Oct 23 - sport/rec team undertaking review of consultation undertaken to date and considering next steps | FALSE |
| 23/05/2023 | Ordinary Council | 129/23 | 12.3nanagan Road Consultation Outcomes & Revocation of Community Land Classification | Nil | <p>That the report be received and noted. To apply to the Minister for Local Government to revoke the Community Land Classification over portion of allotment 7 in File Plan 32963 as hatched in purple, in land division dated 14/10/2022 and as shown in Appendix 1 of this Report. Following a response from the Minister a report be submitted back to Council outlining the outcome of the Minister's decision.</p> | David Waters | Completed | Oct 23 - Report submitted to Council on 10/10/2023 | FALSE |
| 30/05/2023 | Boundary Change Committee | BCC2/23 | Campbelltown City Council Boundary Change Proposal | Nil | <ol style="list-style-type: none"> That the Committee recommends to Council that the CEO engage a suitably qualified person to forensically examine the Campbelltown City Council (CCC) boundary change proposal that was submitted to the Boundary Change Commission (and CCC's subsequent submissions), with a view to identifying the proposal's weaknesses (critical flaws), errors, omissions, and factual inaccuracies. That the examination also identifies areas of focus for Council to make its own case against the proposal, should the opportunity arise through a Stage 3 inquiry. That once this examination has been completed that a report be presented to the Committee for consideration. | Terry Crackett | In Progress | RFQ will be released in late August 2023. | FALSE |
| 30/05/2023 | Boundary Change Committee | BCC3/23 | Community Engagement | Nil | <p>That the Committee recommends to Council that the CEO develop a communication and engagement strategy, which targets the affected communities of Woodforde and Rostrevor, the subject of the Boundary Change Proposal, with a view to building a powerful community narrative, including yet not limited to regularly informing these communities of the status of the proposal (in writing, social media, AHC website, Hills Voice newsletter, media) reinforcing with the communities the outcomes of the two community surveys that have been previously conducted (AHC and CCC) rejecting the proposal highlighting the advantages and benefits of remaining a part of the Adelaide Hills Council informing the communities of the services available to them that the Adelaide Hills Council has to offer and provides (community services) direct consultation with significant key community stakeholders</p> <p>Once this strategy has been completed, a report be presented to the Committee for consideration.</p> | Terry Crackett | In Progress | The draft strategy is being developed. | FALSE |
| 13/06/2023 | Ordinary Council | 146/23 | MON Establishing a Tree Strategy | Nil | <p>That Council develop and implement a Tree Strategy. The Tree Strategy should include actions which help Council positively impact on the environment, for example, actions may be established for the following: Plantings to replace trees removed by Council to ensure a net-positive impact is achieved (i.e. more trees planted than removed); increasing the quality and quantity of tree canopy within Council townships and major tourist thoroughfares; increased species diversity which complements nearby remnant vegetation; strategies to save existing trees, particularly regulated and significant trees; strategic and data driven tree planting program. Consideration be given for endemic species to be a priority where appropriate. That a Council workshop be held with elected members to seek their input into the preparation of the draft Tree Strategy. That a draft Tree Strategy be put out to public consultation prior to the final version being endorsed by Council.</p> | David Waters | In Progress | Presented at Council workshop on 17/10/2023 and are now collating feedback to inform the strategy | FALSE |

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| 13/06/2023 | Ordinary Council | 147/23 | MON Traffic Issues Woodforde & Terowie | General - Cr Pascalle | <ol style="list-style-type: none"> 1. Mayor Wisdom writes to the Minister for Transport and Infrastructure, Hon Tom Koutsantonis MP, concerning traffic congestion at the intersection of Magill Road and Norton Summit Road and lack of public transport in Woodforde and Terowie areas. In the letter Council requests the Department of Infrastructure and Transport explore the roundabout option as outlined in the Woodforde Land Development Part B: Traffic Management Plan of 2017 and detail its findings back to Council. That the Department revise its traffic modelling to include the additional traffic generated by the Moraitza High School prioritise an investigation in to extending bus routes down Glen Stuart Road, Woodforde and into Terowie and detail its findings back to Council.2. Council investigate implementing parking restrictions on Glen Stuart Road between Grant Street and Knyhrye Road on the western side to limited parking of no standing zones between 8am to 4pm, Monday to Friday and 9am to 12pm on Saturdays. That Council write to Campbelltown City Council and request they investigate implementing parking restrictions on Glen Stuart Road between Olive Street and Koongarra Ave, and Koongarra Ave and Moulie Road on the eastern side to limited parking of no standing zones between 8am to 4pm, Monday to Friday and 9am to 12pm on Saturdays. | David Waters | In Progress | Letters for items 1 and 2 have been sent. Consulting traffic engineers have been engaged to review proposed parking restrictions. | FALSE |
| 13/06/2023 | Ordinary Council | 148/23 | Kerbside Bin System Option & Trial (FOGO) | Nil | <ol style="list-style-type: none"> 1. That the report be received and noted. 2. To endorse Option 1 and Option 3 contained in the Kerbside Bin System Options report and as summarised below as the options to proceed to a 12 month trial of changes to the kerbside bin system over 2023-24 and 2024-25. Option 1: Rural properties provided with a Food Organics Garden Organics service Fortnightly collection of commingled recycling and general waste for township and rural properties Weekly collection of Food Organics Garden Organics for township and rural properties Option 3: Rural properties provided with a Food Organics Garden Organics service Fortnightly collection of commingled recycling and general waste for township and rural properties Weekly collection of Food Organics Garden Organics for township properties Fortnightly collection of Food Organics Garden Organics for rural properties 3. To reaffirm the allocation of \$120,000 in the 2023-24 budget and \$30,000 earmarked for the 2024-25 budget to undertake the trial, noting that this is above the usual waste management budget and that some of the usual waste management budget will be expended on the trial. 4. To authorise the Chief Executive Officer, or delegate, to finalise the details of the trial (including trial areas), enter into the necessary agreements and undertake the necessary actions to implement the trial over the 2023-2025 period within the abovementioned funding limits. | David Waters | Completed | The kerbside FOGO trial has commenced completing this action. | FALSE |
| 13/06/2023 | Ordinary Council | 164/23 | Boundary Change Committee Recommendations to Council | General - Cr Pascalle | <ol style="list-style-type: none"> 1. That the report be received and noted. 2. That the CEO engage a suitably qualified person to forensically examine the Campbelltown City Council (CCC) boundary change proposal that was submitted to the Boundary Change Commission (and CCC's subsequent submissions), with a view to identifying the proposal's weaknesses (critical flaws), errors, omissions, and factual inaccuracies. That the examination also identifies areas of focus for Council to make its own case against the proposal, should the opportunity arise through a Stage 3 inquiry. | Terry Cackett | In Progress | RFQ in development for the review of the Campbelltown City Council submissions. Planned to market in September 2023. | FALSE |
| 13/06/2023 | Ordinary Council | 166/23 | Confidential Item - Sale of Land for non payment of Rates | Material - Cr Mudge | Refer to Confidential Minute | Terry Cackett | In Progress | Council has commenced the Section 184 process for the identified properties. Of the eight properties included in this process only two have not paid all the arrears. The owners of these remaining properties are in contact with Council's lawyers and are aware that Council will continue with the sale process if full payment is not received by the end of October. | TRUE |
| 13/06/2023 | Ordinary Council | 164/23 | Boundary Change Committee Recommendations to Council | General - Cr Pascalle | <ol style="list-style-type: none"> 3. That the CEO develop a communication and engagement strategy, which targets the affected communities of Woodforde and Rostrevor, the subject of the Boundary Change Proposal, with a view to building a powerful community narrative, including yet not limited to regularly informing these communities of the status of the proposal (in writing, social media, HiC website, HiC Voice newsletter, media) reinforcing with the communities the outcomes of the two community surveys that have been previously conducted (AHC and CCC) rejecting the proposal highlighting the advantages and benefits of remaining a part of the Adelaide Hills Council informing the communities of the services available to them that the Adelaide Hills Council has to offer and provides (community services) direct consultation with significant key community stakeholders | Terry Cackett | In Progress | The draft strategy is being developed. | FALSE |
| 19/06/2023 | Audit Committee | AC27/23 | Development Services - Service Review | Nil | <ol style="list-style-type: none"> 1. That the report be received and noted. 2. To receive and note the Service Review 2022-23 - Development Services, as contained in Appendix 3. 3. To note that that the Management Review and Implementation Plan of agreed actions will be reported to Audit Committee and subsequently Council within 4 months of the date of this report. | Terry Cackett | Completed | The Management Review and Implementation Plan of agreed actions was tabled at the October 2023 Audit Committee meeting. | FALSE |
| 27/06/2023 | Ordinary Council | 176/23 | Stirling Business Association Three Year Funding Agreement | Nil | <ol style="list-style-type: none"> 1. That the report be received and noted. 2. That the three year funding agreement which provides \$110,000 p.a. until 30 June 2026, as contained in Appendix 1, with the Stirling Business Association be approved and that the Chief Executive Officer be authorised to make any minor changes or variations to the Agreement before execution by both parties or during the life of the Agreement. 3. That the Chief Executive Officer be authorised to execute the Agreement on behalf of Council. 4. That the Chief Executive Officer be authorised to appoint a representative, who shall not be a member of the Stirling Business Association management committee, to attend regular meetings of the Association for the purposes of Annexure A of the Funding Agreement. | Natalie Armstrong | Completed | Funding agreement has been finalised and 2023-24 payment has been forwarded. | FALSE |
| 27/06/2023 | Ordinary Council | 177/23 | Dog & Cat Pound Facilities | Nil | <ol style="list-style-type: none"> 1. That the report be received and noted. 2. To commit a portion of the capital funding included in the 2023-24 Annual Business Plan for a New Dog and Cat facility, to make upgrades to the current facilities at Heathfield to provide immediate additional capacity to hold dogs and cats whilst medium to long term options are further explored. 3. To delegate to the CEO and Mayor to write to both the Local Government Association, the Dog & Cat Management Board and all State Members of Parliament advocating for their leadership to develop a solution to the current issues impacting the whole of the Local Government sector in relation to the housing and rehoming of dogs and cats. 4. To delegate to the CEO (or his delegate) to commence formal discussions with Council's immediate adjoining Councils, or other Councils or stakeholders, to investigate options for a regional solution should there be no solution put forward by either the Local Government Association or the Dog & Cat Management Board. | Natalie Armstrong | In Progress | The short term option to provide greater capacity for housing dogs and cats at Heathfield is being progressed. Letters to LGA & DCMB have been sent with copies to all local Members of Parliament. Awaiting response | FALSE |

| Meeting Date | Meeting | Res No. | Item Name | Previously Declared COI | Action Required (Council Resolution) | Responsible Director | Status | Status (for Council reporting) | Confidential |
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| 6/07/2023 | CEO Performance Review Panel | PRP5/23 | Quarterly Performance Report | Nil | That the report be received and noted. To recommend to Council that the Acting CEO has achieved the following status in relation to the 2022-23 CEO Performance Targets: Target 1: Fabrik Redevelopment – Project on track, performance target achieved. Target 2: User Pays Bin Collection Study – Completed, with additional steps taken to progress alternative waste collection options. Target 3: Savings Strategies – On track and subject to verification in the end of year financial reporting. Target 4: Gumeracha Library Upgrade – Achieved. Target 5: New Dog & Cat Facility – Achieved, with further steps taken to explore the broader challenges of longer term animal impounding. Target 6: Central Irrigation Facility – Achieved. Target 7: Unformed Public Roads Review – On track for completion in July 2023, with presentation to Council Members to occur when workshops schedule allows. | Terry Crackett | Completed | The recommendations were presented at the 11 July 2023 ordinary Council meeting (192/23) where the motion was carried unanimously. | FALSE |
| 6/07/2023 | CEO Performance Review Panel | PRP6/23 | Substantive CEO Employment | Nil | 1. That the report be received and noted. 2. To recommend to Council that the CEO Performance Review Panel has noted the Remuneration Tribunal of SA 2023 finding clarification as to whether the Minister for Energy and Mining, the Honourable Tom Koutsantonis MP, has the legislative power to over-ride the Director's decision should the Director of Mines approve the revised Mine Operations Plan (MOP) (and if so, provide details of the said legislative instrument). Advise that Council notes that the revised MOP may require Hanson to acquire from Council, a portion of Horsnell Gully Road (a Council public road), together with an allotment of Council (community) land. This being the case, Council seeks clarification as to how it is possible for DEM to consider the revised MOP when Council has made no decision to dispose of a portion of Horsnell Gully Road, together with an allotment of Council (community) land, to Hanson, in order for Hanson to facilitate their proposed expansion. 3. To recommend to Council to approve the proposed CEO Probationary Period Performance Review Process as detailed in Item 7.2, CEO Performance Review Panel Agenda – 6 July 2023. 4. To advise Council that the CEO Performance Review Panel intends to develop annual Key Performance Indicators in accordance with Clause 17.4 of the CEO Employment Agreement. 5. To recommend to Council that an appropriate budget is allocated to enable the engagement of an external consultant to assist the CEO Performance Review Panel with the development of Key Performance Indicators and the development and conduct of the Probationary Review Survey as part of the CEO Probationary Period Performance Review Process. | Greg Georgopoulos | Not Started | | FALSE |
| 11/07/2023 | Ordinary Council | 185/23 | MON White Rock Quarry | Nil | 1. The Chief Executive Officer, on behalf of Council, writes to Benjamin Zammit, Acting Executive Director, Mineral Resources Division, Department for Energy and Mining Acknowledging receipt of his letter to Council dated 02 May 2023 seeking clarification as to whether the Minister for Energy and Mining, the Honourable Tom Koutsantonis MP, has the legislative power to over-ride the Director's decision should the Director of Mines approve the revised Mine Operations Plan (MOP) (and if so, provide details of the said legislative instrument). Advise that Council notes that the revised MOP may require Hanson to acquire from Council, a portion of Horsnell Gully Road (a Council public road), together with an allotment of Council (community) land. This being the case, Council seeks clarification as to how it is possible for DEM to consider the revised MOP when Council has made no decision to dispose of a portion of Horsnell Gully Road, together with an allotment of Council (community) land, to Hanson, in order for Hanson to facilitate their proposed expansion. 2. Once a response is received from the Department for Energy and Mining, that response will be tabled at the next scheduled Ordinary meeting of Council. | David Waters | In Progress | Oct 23 - response from Department for Energy and Mining, to be tabled at upcoming Council meeting as per resolution. | FALSE |
| 25/07/2023 | Ordinary Council | 195/23 | Proposed Date Change Citizenship and Award Ceremonies | Nil | That the report be received and noted; To not conduct Citizenship Ceremonies, confer awards or support events on 26 January from this date onwards in recognition of the difficulties of the 26 January for First Nations Peoples; and that the CEO find alternative dates and opportunities in consultation with local groups for award and citizenship ceremonies (acknowledging that a Citizenship Ceremony must still be conducted within 3 days either side of 26 January). | Terry Crackett | Completed | The major Stirling citizenship and awards ceremony will take place on Thursday 25 January at 6pm. Staff are working with organisers of the Urquid and Gumeracha celebrations who are considering either Saturday 27th or Sunday 28th January for their events. | FALSE |
| 25/07/2023 | Ordinary Council | 196/23 | Road Safety Analysis Lobethal | Nil | The Chief Executive Officer arranges for staff to undertake an in-house road safety assessment into speeding and increased road use on Ridge Road and Mill Road, Lobethal, both of which are becoming used as a thoroughfare for road users attempting to avoid traffic on Main Street. If the outcomes of the road safety assessment deem it necessary, that options to discourage road users from choosing these roads instead of the Main Street and combat speeding be explored using an external professional (including but not limited to the installation/construction of chicanes, speed bumps or additional signage). The Chief Executive engages with the Department for Education and Child Development regarding increased road usage and speeding vehicles on Mill Road, which affects all traffic and pedestrians to and from the primary school. A report be prepared detailing the outcomes of this assessment for Council's consideration at the ordinary meeting scheduled for 24 October 2023. | David Waters | In Progress | A brief is being prepared for external support on this matter. | FALSE |
| 25/07/2023 | Ordinary Council | 197/23 | Proposed renaming of portion of suburb of Rostrevor to "Morialta" | Nil | That the CEO prepares a report on the viability and feasibility of changing the name of that portion of the suburb of Rostrevor that is located within the Adelaide Hills Council district to Morialta and for that report to be delivered to Council by 30 September 2023. | Natalie Armstrong | In Progress | Discussion with the Geographical Names Unit has occurred with report being presented to 26/9 meeting | FALSE |
| 25/07/2023 | Ordinary Council | 200/23 | MWW Stormwater Management Mill Road & Pioneer Avenue Lobethal | Nil | In addition to the scope of issues identified in resolution 11.2 Road Safety Analysis Ridge Road and Mill Road Lobethal 25 July 2023, the investigation be extended to include stormwater management at the intersection of Mill Road and Pioneer Avenue Lobethal. | David Waters | In Progress | Meeting with resident and works are primary responsibility of property owner with Council to assist and facilitate options. | FALSE |
| 8/08/2023 | Ordinary Council | 210/23 | Mt Lofly Golf Resort Stirling | General - Cr Adrian Cheater | 1. That the report be received and noted. 2. To delegate to the CEO and Mayor to lodge a submission in response to the Development Report including a letter of response to the State Planning Commission/Department for Trade and Investment outlining the comments of Council and Council Assessment Panel, with a copy of the staff planning report (Appendix 2) in relation to the Mount Lofly Golf Resort by 16 August 2023, with the Council submission to highlight its and its communities concerns regarding the following in particular: Golflinks Road is not considered suitable as the main traffic entrance to the development site given the increased number of vehicles, size of vehicles, current sightlines and current road width which is limited by topography and native vegetation, as well as the risks to all persons in the event of evacuation for a fire or other reason and pedestrians/cyclists. Noting that the Council has commissioned an independent traffic study assessment which will be provided to the State Planning Commission as soon as it is received. An Infrastructure Agreement is required to be negotiated between Mount Lofly Golf Estate Pty Ltd and the Adelaide Hills Council to finance any necessary upgrades of Golflinks Road and the intersection of Golflinks and Carey Gully Roads. The Infrastructure Agreement terms should be agreed prior to the final assessment of the development, and entered into, should the Minister for Planning grant Planning Consent to the development. b. Loss of significant amount of native vegetation without inclusion of a revegetation plan that looks to increase native vegetation plantings on the site. c. Stormwater management of additional water into Cox Creek which is already above capacity during rain events. d. Wastewater disposal may not be viable in Council's CWMs system without significant upgrades to the infrastructure. An Infrastructure Agreement is required to be negotiated between Mount Lofly Golf Estate Pty Ltd and the Adelaide Hills Council to finance any necessary upgrade of the Council's Community Wastewater Management System Infrastructure to accommodate the development. The Infrastructure Agreement terms should be agreed prior to the final assessment of the development, and entered into, should the Minister for Planning grant Planning Consent to the development. e. Proposal to subdivide the land to separate out the golf course & club accommodation building and | Natalie Armstrong | Completed | Submission finalised and signed by Mayor and CEO for sending 16 August 2023. nb; Letter to NVC sent. | FALSE |

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| | | | | | Estate Pty Ltd and the Adelaide Hills Council to finance any necessary upgrade of the Council's Community Wastewater Management System Infrastructure to accommodate the development. The Infrastructure Agreement terms should be agreed prior to the final assessment of the development, and entered into, should the Minister for Planning grant Planning Consent to the development. e. Proposal to subdivide the land to separate out the golf course & club, accommodation building and Performer/function centre to enable lease arrangements.Existing gazette notice registered on the title that prohibits land division to ensure protection of the open space. Visual amenity of the local residents with the scale of the buildings and separate pods, particular concerns about light spill at night. 3. To authorise the CEO to make any changes to the staff planning report (Appendix 1) as may be required prior to the date of lodgement. 4. To authorise the administration to engage with Mount Lofty Golf Estate Pty Ltd to negotiate the required Infrastructure Agreement(s) and 5. To authorise the CEO to send a written request to the Native Vegetation Council for funds paid as the Significant Environmental Benefit associated with the development to be spent on projects within the Adelaide Hills Council. | | | | |
| 8/08/2023 | Ordinary Council | 214/23 | Corporate Carbon Management Plan | Nil | 1. That AHC recognises that climate change is already having a negative impact on AHC communities and this will continue with increasing severity. 2. That AHC recognises local government has a leadership role to play in reducing greenhouse gas emissions as a matter of urgency, as well as attempting to address the effects of climate change on our community, and 3. That staff hold workshops with elected members to explore options available to address both the causes and effects of climate change, including: How we can incorporate actions to address the causes and effects of climate change in our Strategic Plan. Present progress in implementing the recommended actions in the Corporate Carbon Management Plan in the time since that plan was adopted. Present planned actions and other feasible options, with timelines and cost benefit analyses, that can reduce the carbon footprint of the AHC and the AHC area. Present planned actions and other feasible options, with timelines and cost benefit analyses, that can reduce the impacts of climate change on our communities, and Discuss the best strategy to continue to progress AHC action on this urgent issue. | David Waters | In Progress | Workshop held with Council Members 15th August 2023. Request for Quote being prepared to engage a consultant to assist with review of the current Corporate Carbon Management Plan and develop a new Carbon Management Plan. Further workshops will be held with Council Members once a consultant has been engaged. | FALSE |
| 8/08/2023 | Ordinary Council | 217/23 | Confidential - Country Cabinet August 2023 | Nil | Refer to Confidential Minute | Greg Georgopoulos | Completed | Actions completed in accordance with the Confidential Report | FALSE |
| 21/08/2023 | Audit Committee | AC29/23 | Action Report & Work Plan Update | Nil | 1. That the Action Report and Work Plan Update be received and noted 2. To note the status of the Action Report August 2023 as contained in Appendix 1. 3. To note the Audit Committee Work Plan 2023, Version 1.2 as contained in Appendix 2. 4. To approve the proposed changes to the Draft Audit Committee Work Plan 2023, Version 1.3 as contained in Appendix 3. | Terry Crackett | Completed | Completed. New Action and Work Plan needs to be developed to align with the strategic business review. | FALSE |
| 21/08/2023 | Audit Committee | AC30/23 | End of Financial Year Update | Nil | That the End of Financial Year Update 2022-23 be received and noted. To note to Council that changes to the 2023-24 Budget as a result of the proposed Carry Forward amounts will result in Financial Sustainability indicators within Council's agreed targets as follows: Operating Surplus Ratio 2.1% (Target 1% to 5%) Operating Surplus Ratio (underlying) 2.2% (Target 1% to 5%) Net Financial Liabilities Ratio 54% (Target 25% to 75%) Asset Renewal Funding Ratio 100% (Target 95% to 105%) | Terry Crackett | Completed | An End of Financial Year update was provided to Council. Carry forward amounts have been updated in the Budget and will be reported to Council within Budget Review 1 in November. The Financial Statements have been finalised and reported to the Audit Committee at its meeting of 16 October 23 and will be reported to Council at its meeting on 24/10/23. | FALSE |
| 21/08/2023 | Audit Committee | AC31/23 | Risk Management Quarterly Report | Nil | That the Risk Management Quarterly Report be received and noted. To recommend to Council that the CEO review internal processes to ensure that reviews of strategic risks are undertaken in a timely manner, and are not overdue by more than 6 months. | Greg Georgopoulos | Completed | The Minutes of the Audit Committee were considered by Council on 12 September where it was resolved that the Chief Executive Officer review internal processes to ensure that reviews of strategic risks are undertaken in a timely manner, and are not overdue by more than 6 months. | FALSE |
| 22/08/2023 | Ordinary Council | 222/23 | MDW Bringing Community Groups Together | General - Cr Mudge, Cr Selwood, Cr Daniel | Council convenes an inaugural gathering of four local community groups whose primary focus is to assist and promote a vibrant and thriving community for their local area. The inaugural gathering has two key objectives, to provide an opportunity for information sharing between different community groups; to provide both the administration and elected members with insight into how the community groups are supporting their local area, along with current opportunities and challenges they face. Council engages with local community groups to inform the format of the event. Once the event has been held the CEO prepare a report which reviews and reports on the success (or otherwise) of the event. Considers the merits and feasibility of holding semi-regular events such as this into the future. | Natalie Armstrong | In Progress | A meeting of appropriate staff has been scheduled and a list of community groups prepared so that a number of them can be contacted regarding their views about what would be a useful model for the gathering. Council staff have met and are discussing a proposed format with representative community groups. It is expected that the event will run in mid November 2023. The event has been scheduled and venue booked. Community Groups have been invited and provided with information on how they can participate on the evening. A run sheet for the event is being developed. | FALSE |
| 22/08/2023 | Ordinary Council | 223/23 | Recovery Ready Halls Grant | General - Crs Mudge & Selwood | 1. That the report be received and noted. 2. That Council approve the awarding of Recovery Ready Halls funding totalling \$228,000.00 as follows: Charleston Community Centre kitchen upgrade, UHF radios, internal electrical upgrade \$25,000.00; Inghamwood & Herringage Memorial Park Inc solar panels, battery & generator \$15,000.00; Citizens Friendship Club Inc replacement rainwater tank \$10,000.00; Longwood Braabury Progress Association Servery window & community noticeboard \$3,000.00; Inala & Summerdown Horticultural & Floricultural Society member proofing works to cost \$27,000.00; Upper Start Community Association Inc planning & engineering docs for accessibility works, website upgrade, generator & BBQ \$10,000.00; Basket Range war memorial hall Inc solar panels & battery \$30,000.00; Piccadilly Community Hall Inc access ramp, handrails & compliant doors \$18,000.00; Inala Institute electrical upgrade & air conditioning units \$33,000.00; Mearns & District Town Hall Committee Inc electrical upgrade \$25,000.00; Mount Torrens Soldiers Memorial Hall Inc electrical upgrade \$22,000.00; Scott Creek Progress Association kitchen upgrade \$8,000.00 3. That Council authorises the Chief Executive Officer to amend specific financial allocations to each recipient if required due to changes in circumstances, (including but not limited to: reduced project management costs, applicants' ability to commit to the scope of work for the allocated funding and projects not proceeding) not exceeding total funding amount of \$250,000. | Natalie Armstrong | Completed | Funding allocation in progress. EFT requests submitted to finance department for payment. All successful applicants have been awarded funding for their projects. | FALSE |
| 22/08/2023 | Ordinary Council | 224/23 | Preliminary End of Year Financial Results and Carry Forwards | Nil | That the report be received and the preliminary end of year financial results for 2022-23 be noted. That the following Carry Forward amounts from 2022-23 (Appendix 1) of this report be approved for inclusion in the 2023-24 Budget: Additional Capital expenditure of \$4,488,377; Additional Capital Income of \$2,919,143; Additional Operating expenditure of \$439,736; Additional Operating income of \$434,636; note that changes to the 2023-24 Budget as a result of the proposed Carry Forward amounts will result in Financial Sustainability indicators within Council's agreed targets as follows: i. Operating Surplus Ratio 2.1% (Target 1% to 5%) ii. Operating Surplus Ratio (underlying) 2.2% (Target 1% to 5%) iii. Net Financial Liabilities Ratio 54% (Target 25% to 75%) iv. Asset Renewal Funding Ratio 100% (Target 95% to 105%) | Terry Crackett | Completed | The financial statements have been completed. These were reported to the Audit Committee meeting of 16/10/23 and will be brought to Council at its meeting of 24/10/23 Carry forwards amounts have been updated in budgets and will be included in Budget Review 1 which will be brought to Council in November. | FALSE |
| 22/08/2023 | Ordinary Council | 226/23 | Accredited Professionals Policy | Nil | 1. That the report be received and noted. 2. With an effective date of 5 September 2023, to revoke the 23 June 2020 Accredited Professionals Policy and to adopt the 22 August 2023 Accredited Professionals Policy as contained in Appendix 1. 3. The Chief Executive Officer be authorised to make any formatting, nomenclature or other minor changes to the draft Accredited Professional Policy contained in Appendix 1. | Natalie Armstrong | Completed | | FALSE |
| 4/09/2023 | Special Council | 232/23 | Amy Gilbert Bikeway | Nil | Refer to Confidential Minute | David Waters | In Progress | To be actioned as per confidential minute | TRUE |

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| 12/09/2023 | Ordinary Council | 236/23 | Road Exchange Decision - 13 Upper Sturt Road Crafters West | Nil | <p>2. In accordance with sections 12 and 15 of the Roads (Opening and Closing) Act 1991, to enter into an Agreement for Exchange with the owner of the land at 13 Upper Sturt Road, Crafters West and issue a Road Process Order for the following: close a portion of the existing public road known as Upper Sturt Road, Crafters West identified as "C" on the Preliminary Plan No 22/0047, and merge it with Allotment 49 in Filed Plan No. 151349 comprised in Certificate of Title Volume 5848 Folio 416; and /or open as public road the area identified as "C" on the Preliminary Plan No. 22/0047.</p> <p>3. That the piece of land to be opened and identified in Preliminary Plan 22/0047 as "C", be excluded from the classification of Community Land and not be included in Council's Community Land Register.</p> <p>4. That the piece of road / land identified in Preliminary Plan 22/0047 as "B" that will be closed and merged with their property comprised in Certificate of Title Volume 5848 Folio 416, located at 13 Upper Sturt Road Crafters West be transferred for nil consideration.</p> <p>5. That the piece of land to be opened as public road and identified in Preliminary Plan 22/0047 as "C", be transferred to Council for nil consideration. 6. That all costs for the road opening / closing process in accordance with the Roads (Opening and Closing) Act 1991, be paid for by Council</p> | David Waters | In Progress | Oct 23 - Actions progressing | FALSE |
| 12/09/2023 | Ordinary Council | 239/23 | Delegations Review | Nil | Refer to 230912 Delegation Review Report for appropriate information. | Terry Crackett | Not Started | | FALSE |
| 12/09/2023 | Ordinary Council | 237/23 & 238/23 | CEO PRP Independent Member Recruitment | CEO Performance Review Panel Independent Member Recruitment Under section 75B of the Local Government Act 1999 Cr Kirsty Parkin disclosed a General (section 74) Conflict of Interest in Item 12.2. CEO Performance Review Panel Independent Member Recruitment, the nature of which is as follows: I will be nominating for this position. Cr Kirsty Parkin voted in favour of the motion and the majority of Council Members present voted in favour of the motion. | Refer 230912 CEO PRP Independent Membership Approval to Recruitment Agenda Paper Council resolved to appoint Cr Kirsty Parkin & Cr Chris Grant and the Manager People & Culture as members of the CEO Performance Review Panel Independent Member Selection Panel. Commence recruitment. | Greg Georgopoulos | In Progress | | FALSE |
| 26/09/2023 | Ordinary Council | 246/23 | Dangerous Driving at Basket Range | No | Write to DIT to request Lobethal Road near crossroads with Burdett Road and Range Road and Hunters Road intersection have the speed limit reduced from 80km/h to 60km/h. Write a submission to apply for 2024/25 Blackspot funding in relation to roads being assess. Write to DIT and SAPOL to investigate further traffic controls throughout the Basket Range area. | David Waters | In Progress | Request for a review of speed limits have been forwarded to DIT and DIT has agreed to undertake a review of the current speed limit in the area. Blackspot Submission submitted by the 16/10/23 deadline - the assessment of Lobethal Road, basket Range did not meet the criteria for a reactive blackspot (this is based on injury crashes for the 5 year assessment period 2018 - 2022). A proactive submission was put forward based on a Road Safety Audit. Council will need to fund 30% of the project if successful. | FALSE |
| 26/09/2023 | Ordinary Council | 250/23 | Consideration of bike lockers for personal use | NO | That the report be received and noted. That Council approve a survey of cyclist and public transport users be undertaken in conjunction with Bike SA to understand needs, demand, and final priority sites for consideration in this Public Transport Amenity Program. Subject to the results of the survey, that Council considers a Public Transport Amenity Program, that includes the installation of bike lockers or bike cages as part of the 2024/25 Annual Business Planning process. | David Waters | In Progress | Developing survey and engagement approach. | FALSE |
| 26/09/2023 | Ordinary Council | 252/23 | MWN - Hills Football League Premierships | No | That the Mayor writes to the following clubs congratulating them on winning the HFL Premierships Gumeracha Football Club - A and B Grade Birdwood Football Club - Junior Colts Kersbrook Football Club - Mini Colts Urailda - U18 Boys Urailda - U11 Mixed Mt Lofly - U14 Boys Mt Lofly - U17 Girls | David Waters | Completed | | FALSE |
| 10/10/2023 | Ordinary Council | 257/23 | Pedare Park Road Woodside - Road Opening and Closure | Nil COI | <p>1. That the report be received and noted.</p> <p>2. The land marked "A" in Preliminary Plan No. 22/0043 (known as the Road Land) be closed and declared surplus to Council's requirements.</p> <p>3. That upon deposit of the Road Closure, the land will be excluded from the classification of Community Land and not be included in Council's Community Land Register.</p> <p>4. That the Chief Executive, or his delegate, be authorised to negotiate with the owners of 205 Pedare Park Road for the sale and transfer of the piece marked "A" in Preliminary Plan No. 22/0043 for nil consideration given the initial construction of Pedare Road on the adjoining property potentially contributed to the encroachment, on the proviso that the owners agree to pay fees associated with the administrative process of the land transfer.</p> <p>5. That the Chief Executive, or his delegate, be authorised to purchase from the owners of 240 Tiers Road Woodside, the piece marked "1" in Preliminary Plan No. 22/0043 for the sum of \$128,000 plus GST (if applicable).</p> <p>6. That the net capital cost required to fund the road exchanges be included into the 2023/24 Budget as part of the next available Budget Review.</p> <p>7. That the Chief Executive Officer is authorised to finalise and sign all necessary documentation pursuant to this resolution.</p> | David Waters | Not Started | | FALSE |
| 10/10/2023 | Ordinary Council | 258/23 | Bushfire Mitigation Strategy Public Consultation | Melanie Selwood - Material COI - Husband employed by Trecovery Ltd | <p>1. That the report be received and noted.</p> <p>2. That Council approves public consultation on the draft Bushfire Mitigation Landscape Strategy, as contained in Appendix 1, to commence on Wednesday 18 October 2023 and conclude on Friday 17 November 2023.</p> <p>3. That the Chief Executive Officer, or delegate, be authorised to make formatting and/or other minor content changes to reflect any outcomes from the meeting deliberations prior to public consultation commencing.</p> <p>4. That the Chief Executive Officer, or delegate, be authorised to amend the dates for public consultation should circumstances arise necessitating a change to occur.</p> | Natalie Armstrong | In Progress | The Bushfire Mitigation Landscape Strategy Consultation opened to the public on the 23/10/23. It will close on the 17/11/23. | FALSE |
| 10/10/2023 | Ordinary Council | 259/23 | 37 Yanagin Road Greenhill - Revocation of Community Land Classification | Nil | <p>1. That the report be received and noted.</p> <p>2. That the Community Land classification over portion of Allotment 7 in File Plan 129661 in Certificate of Title Volume 5636 Folio 782 as hatched in purple in proposed Plan of Division dated 14/02/2012 be revoked.</p> <p>3. The land swap to proceed with the areas hatched in green to be amalgamated in Allotment 7 in File Plan 129661 in Certificate of Title Volume 5636 Folio 782, known as Yanagin Reserve. The area hatched in purple to be amalgamated into the adjoining owners land parcel in Certificate of Title Volume 3350 Folio 424 as shown in Appendix 1 of this Report.</p> <p>4. Council to apply to vary the Heritage Agreement currently over Yanagin Reserve showing the land swap variations accordingly.</p> | David Waters | Not Started | | FALSE |

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| 10/10/2023 | CEO Performance Review Panel | 260/23 | Revised CEO Performance Review Process | Nil | <p>1. That the report be received and noted.</p> <p>2. That Council approve the revised CEO Probationary Period Performance Review Process as detailed in Appendix 1 of the report.</p> <p>3. That Council approve the revised Probationary Period Key Performance Indicators as detailed below:</p> <p>1. Forge and develop positive working relationships with Staff, Council Members, the Community, and External Stakeholders. Provides effective, clear communication, consistent decision making, consultation and actively listens.</p> <p>Timeline: 10th November 2023</p> <p>2. Undertake a high-level review* of the suite of Strategic Plans and identifying gaps and opportunities.</p> <p>Timeline: 10th November 2023</p> <p>3. Undertake a high-level assessment* of the organization's capability to deliver the strategic goals and quality services, including resourcing, finances, systems and processes, and document ideas and suggestions for improvements.</p> <p>Timeline: 10th November 2023</p> <p>4. Undertake a high-level assessment* of Council's operations and the delivery of projects and provide suggestions for improvements.</p> <p>Timeline: 10th November 2023</p> <p>5. Undertake a high-level assessment* of Council's environment sustainability vision and aspirations and identify viable, achievable, and appropriate opportunities for leadership in this area.</p> | Terry Crackett | Not Started | | FALSE |
| 10/10/2023 | Ordinary Council | 264/23 | Electricity Procurement - Confidential | Nil | Refer to Confidential Minutes | Terry Crackett | In Progress | | TRUE |
| 10/10/2023 | Ordinary Council | 261/23 | Draft Boundary Encroachment Policy | Nil | Council research and develop a draft Boundary Encroachment Policy to bring the chamber for review by 29 February 2024. | David Waters | Not Started | | FALSE |
| 16/10/2023 | Audit Committee | AC38/23 | Action Report and Work Plan Update | Nil | <p>1. That the Action Report and Workplan Update be received and noted.</p> <p>2. To note and approve the status of the Action Report October 2023 as contained in Appendix 1.</p> <p>3. To note and approve the Audit Committee Work Plan 2023 (Version: 1.3a) as contained in Appendix 2</p> | Terry Crackett | Not Started | | FALSE |
| 16/10/2023 | Audit Committee | AC40/23 | 2022-23 Annual Financial Statements and End of Year Report | Nil | <p>1. That the 2022/23 Annual Financial Statements and End of Year Report be received and noted</p> <p>2. That in accordance with Section 126(4)(a) of the Local Government (Financial Management) Regulations 1999, the Audit Committee advises Council that it has reviewed: i. the General Purpose Financial Statements of the Council for the financial year ended 30 June 2023 as contained in Appendix 1, and</p> <p>ii. the External Auditor BDO's Annual Completion Report as contained in Appendix 2, and is satisfied that the 2022-23 financial statements present fairly the state of affairs of the Council;</p> <p>3. To recommend that the Adelaide Hills Council 2022-23 General Purpose Financial Statements, contained in Appendix 1, may be certified by the Chief Executive Officer and the Mayor;</p> <p>4. To note the confirmation of BDO's Auditor Independence Statement provided at Appendix 2.</p> <p>5. To recommend that the Certification of Auditor Independence statement contained in Appendix 3 may be certified by the Chief Executive Officer and the Presiding Member of the Audit Committee in accordance with the requirements of Regulation 22(3) of the Local Government (Financial Management) Regulations 2011.</p> | Terry Crackett | Completed | | FALSE |
| 16/10/2023 | Audit Committee | AC43/23 | Local Government Income Protection Fund | Nil | <p>I move that the CEO investigate the operation of the Local Government Income Protection Fund (LGIPF) and provides a report to the February 2024 Audit Committee meeting. Among other topics which the CEO may identify, the report should address the following points between 2019/2020 and 2023/2024:</p> <p>1. When did the LGIPF commence;</p> <p>2. Was it part of an Enterprise Bargaining Agreement process at the time;</p> <p>3. The premiums paid;</p> <p>4. The number of claims lodged;</p> <p>5. The number of claims approved;</p> <p>6. The amount paid to employees under the provisions of the Plan;</p> <p>7. The eligibility criteria;</p> <p>8. The value for money of the Fund to both the council (as the employer) and employees;</p> <p>9. Whether this form of benefit is common within the SA Public Service, the Local Government Sector, neighboring councils and/or the Group 2 councils;</p> <p>10. Whether there are alternatives to the current arrangements;</p> <p>11. If changes are to be considered, whether such changes could be incorporated into the next Enterprise Development Agreement.</p> | Terry Crackett | In Progress | Research is currently underway on the questions. A report will then be written to be provided to the February 2024 meeting as per the request. | FALSE |
| 16/10/2023 | Audit Committee | Not Applicable | Stirling Mall Fire - Rates query | Nil | To supply Audit Committee an approximate regarding rate affects to Council due to the fire | Terry Crackett | Completed | Information provided to Committee in accordance with the request. | FALSE |
| 18/10/2023 | Ordinary Council | 247/23 | Sustainable Procurement | Nil | <p>Undertake a review of Council's current Procurement policy and procurement Framework against ISO20400.</p> <p>1. October 2023 all new tenders and quotes over \$10,000 shall request Carbon Footprint</p> <p>Sustainability of their supply chain Practices to minimise waste Percentage of locally sourced materials Estimated lifespan of materials used End of life planning for materials used (eg recycling) Inclusion policy or equal opportunity measure for employment in organisations.</p> <p>Workshop of Council to be held before 31 December 2023 re review outcomes.</p> <p>Report returned to Council with updated Procurement policy and any other related matters prior to March 2024.</p> | Terry Crackett | In Progress | <p>A questionnaire covering the requested information has been prepared and is being distributed with tenders or quotes for value over \$10k.</p> <p>Following a Request for Quotes, PCM Consulting has been appointed to complete the initial review of Council's Procurement Policy in comparison to ISO20400. This project is now underway.</p> | FALSE |
| 31/10/2023 | Audit Committee | AC39/23 | Development Services Service Review - Implementation Plan | Nil | <p>1. That the report be received and noted.</p> <p>2. To receive and note the Management Review and Action Plan in response to the Service Review 2022-23 - Development Services, as contained in Appendix 4.</p> <p>3. To note that the implementation status of the agreed actions will be reported to Audit Committee and Council on a biannual basis, nominally March and August.</p> | Natalie Armstrong | Not Started | | FALSE |

Item 14 – Correspondence for Information

Hills and Fleurieu Landscape Board Business Plan

2023 - 24

Working together to care for land, water and nature





Foreword

I am pleased to present the Hills and Fleurieu Landscape Board's annual Business Plan for 2023-24. This plan sets out the programs and projects we'll be investing in over the coming 12 months – building on the momentum and achievements of previous years, and expanding our partnerships to care for land, water and nature. The plan also addresses the levy equalisation process happening this year, which will mean all ratepayers will pay the same landscape levy rate across the region.



We have recently welcomed three new members to our board, who bring expertise that complements that of our existing members, and will strengthen our capacity as a regional facilitator, catalyst and partnership builder.

This year we will have a significant focus on establishing and introducing our Stewardship Program. By connecting community and landholders with the right information and each other, we aim to become a region of landscape stewards, where everyone embraces their role in caring for land, water and nature.

This year, the board's key areas for increased investment are:

- supporting the new "Stewardship Program", including the employment of stewardship officers to work with the community and run targeted engagement campaigns and capacity-building to address local landscape issues and threats.
- water allocation planning science and engagement.
- boosting the Regional Grazing Pressure Management project's efforts to locally eradicate deer and goats.



The Hills and Fleurieu Landscape Board continues to design and deliver programs that put the community at the heart of managing soil, water, pest plants and animals, and biodiversity.

This Business Plan sets out work that is critical in addressing the environmental challenges facing the Hills and Fleurieu region, including climate change, and highlights the many ways our communities can work together to ensure we keep our ecosystems healthy and productive.

- controlling roadside and priority weeds in partnership with councils. This builds on the workshop discussions on the Pest Management Strategy with councils and public land managers.
- supporting climate-readiness of primary producers, industries and communities.
- developing a revised Hills and Fleurieu Coastal Action Plan, supporting Seeds for Snapper and continuing weed control in the 'Our Plover Coast' project.
- supporting citizen science and gaining a better understanding of the condition of our landscapes.

Please read on to gain an understanding of how we work together with our community and partners to raise awareness, build capacity, face challenges and take opportunities in managing our unique, productive and biodiverse landscapes.



David Greenhough
Chair of the Hills and Fleurieu Landscape Board

I, Susan Close, Minister for Environment and Water, after taking into account the requirements of section 51 of the Landscape South Australia Act 2019, hereby adopt the Business Plan 2023-24 for the Hills and Fleurieu Landscape Board.



Hon. Susan Close MP
Minister for Environment and Water

Date: 19 July 2023

Acknowledgement of Yerta / Ruwe (Country)

We have much to learn from First Nations in caring for Country.

The Hills and Fleurieu Landscape Board respects the Peramangk, Kurna and Ngarrindjeri Nations as the Traditional Owners of the region and respects First Nations peoples' deep knowledge and relationship with Yerta/Ruwe.

We are committed to walking together with First Nations people to learn about and manage our lands and seas.





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Absent: Leanne Muffet and Amy Williams

Meet your board



David Greenhough, Chair

David is a keen environmentalist and has been chair of the board since it's inception in 2020. David also worked with the Department for Environment and Water, partnership members and the community to provide advice and guidance in the creation of the Glenthorne National Park.

Janet Klein

Janet is a viticulturist and conservationist who has dedicated 20 years to sustainable wine growing and landscape regeneration. She co-founded Ngeringa Vineyards, one of Australia's first certified biodynamic vineyards. Janet has recently investigated microplastics along the South Australian coastline.



Professor Andy Lowe

Andy is an expert in biodiversity and forests. He has discovered lost forests, championed the elimination of illegally logged timber in global supply chains, and is lead author of the Intergovernmental Platform for Biodiversity and Ecosystem Services - Land Degradation and Restoration report.

Amy Williams

Amy started her career coordinating landcare and catchment projects, then worked across agriculture and natural resource management before moving increasingly into policy. She has been the Executive Officer of Primary Producers SA, the Horticulture Coalition of SA and the former Natural Resources Management Council.





Jock Harvey

Jock is a fifth-generation farmer and has been involved in numerous aspects of viticulture and winemaking around the world. As the co-founder of Biodiversity McLaren Vale, Jock believes that tree planting is an inclusive and effective way to improve the visual landscape.

Becky Hirst

Becky is a highly accomplished community engagement specialist with 24 years' experience across Australia and the UK. Her experience of engaging people in decision-making, problem-solving and collaborative co-design processes led the state-wide engagement for South Australia's Landscapes Reform in 2018.



Dr Chris West

Chris trained as a veterinary surgeon and has led large NGO, conservation-directed and science-based zoological societies in both Adelaide and the UK. He has been involved with many initiatives to support endangered species, landscape-level ecological management, research and public engagement.

Leanne Muffet

As an experienced board member, Leanne brings expertise in strategic planning, facilitation, governance, business development and project management to the board. With qualifications in social sciences, business sustainability, leadership and as a member of the Australian Institute of Company Directors, Leanne is committed to long-term integrated landscape outcomes.



Keith Parkes

Keith has been a member of Alexandrina Council since 2010, serving as Mayor since 2014. He is passionate about providing support for our primary production industry and local environment. Keith's ability to communicate with Members of Parliament is a valuable asset in negotiating regional outcomes.

The board is a regional facilitator, catalyst and partnership builder. This means we support and align the great work being done, foster and grow local capacity, and help share knowledge between stakeholders.

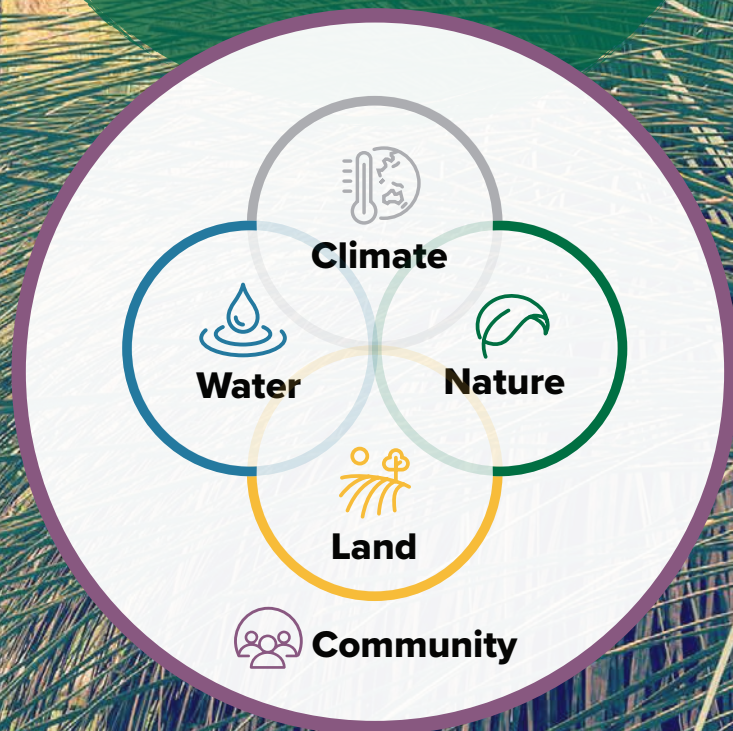
What is the board?

The board is a statutory body established under the *Landscape South Australia Act 2019* tasked with helping manage the region's landscapes and natural resources. The board's obligations include reviewing water allocation plans, issuing Water Affecting Activities permits, supporting landholders to sustainably manage land, declared pest plants and animals and impact-causing native species, and engaging the community in landscape management.

The board raises landscape and water levies to deliver its obligations and programs that contribute to the priorities of the regional Landscape Plan. The levies also help the board attract additional funding and support to increase what is achieved in our region.

Vision






A region inspired to protect its uniquely biodiverse and productive landscapes into the future.



Five priorities for sustainable landscape management

The board's 5-year Landscape Plan provides strategic guidance for addressing some of the region's biggest challenges and opportunities.

The **Hills and Fleurieu Landscape Plan 2021-26** calls for an integrated regional approach by all stakeholders and articulates five priorities in the areas of Land, Water, Nature, Climate and Community. These Priorities, along with Focus Areas and Strategies, reflect the values and concerns of the region's community and define where effort and investment is needed. The Priorities and Focus Areas are shown below.

| Priorities | Focus areas |
|--|---|
|  <p>Land Regenerating biodiverse and highly productive landscapes</p> | <p>L1. Reduce the impact and spread of weeds</p> <p>L2. Reduce the impact of pest animals and impact-causing native animals</p> <p>L3. Support the uptake of regenerative agriculture and land management</p> <p>L4. Future-proof our agriculture</p> |
|  <p>Water Managing water resources sustainably</p> | <p>W1. Deliver water resource planning to meet ecological, economic, cultural and social needs</p> <p>W2. Improve on-ground management of our water resources</p> <p>W3. Build understanding of our water resources</p> |
|  <p>Nature Conserving natural places, ecosystems and wildlife</p> | <p>N1. Protect and restore our native vegetation and freshwater ecosystems</p> <p>N2. Conserve and rehabilitate our coastal, estuarine and marine ecosystems</p> <p>N3. Recover our threatened species and ecological communities</p> |
|  <p>Climate Becoming a carbon neutral and climate resilient region</p> | <p>C1. Transition to net zero carbon emissions</p> <p>C2. Build climate resilience of our nature</p> <p>C3. Build climate resilience of our communities and agriculture</p> |
|  <p>Community Everyone caring for our landscapes</p> | <p>P1. Foster a regional culture of landscape stewardship</p> <p>P2. Walk alongside First Nations in looking after Yerta / Ruwe (Country)</p> <p>P3. Strengthen shared understanding of landscape management challenges</p> <p>P4. Increase community capacity to manage our landscapes</p> |

Our new stewardship program

Stewardship [noun]

“the careful and responsible management of something entrusted to one’s care”

Our region is a beautiful and prosperous place, with a mosaic of different land uses and natural environments. Yet there are many problems facing our landscapes – loss of habitat, the impacts of pest plants and animals, and water quality and quantity issues, are all impacting agricultural productivity and biodiversity.

We know that natural assets such as soil, watercourses and native vegetation, underpin healthy agricultural production and sustain biodiversity.

Land managers can play a critical role in regenerating and sustaining the landscapes we love for now and for future generations.

Program goal

To support land managers to be the best stewards they can be, embracing their role in caring for land, water and nature.



Who is a land manager?

Our region's land managers are diverse. They include large-scale primary producers, small acreage private landholders, state and local government agencies that look after public land, First Nations, volunteers, and non-government organisations.

What will the program do?

Objectives include:

- A. **Build relationships** with land managers and stakeholders to work with them wherever they are on their landscape management journey.
- B. **Connect** land managers and stakeholders to the information, networks, advice and support they need. Some land managers are new to the region, others have looked after land for decades. We have much to learn from the innovation and local experiences of our Hills and Fleurieu community.
- C. Work together with land managers and stakeholders to **understand and prioritise local landscape management challenges**. We will support planning both within and beyond property boundaries to help us tackle issues locally and align efforts at scale.
- D. Collaborate with land managers and stakeholders to **source investment, and develop and deliver projects, to tackle local and regional landscape management issues**. From small, simple projects such as fencing a dam, to longer-term landscape scale projects such as improving catchment health - there will be opportunities for all types of properties and farming systems to be involved.
- E. Continue to **learn about the condition of our landscapes, drivers and new approaches, and monitor our impact**. Bring in partners, including universities, to understand knowledge gaps, help problem-solve solutions, and measure our positive impact on landscape condition.

We want to work with you

If you are a land manager or partner organisation and keen to be involved, please get in touch - see contact details on the back of this plan.

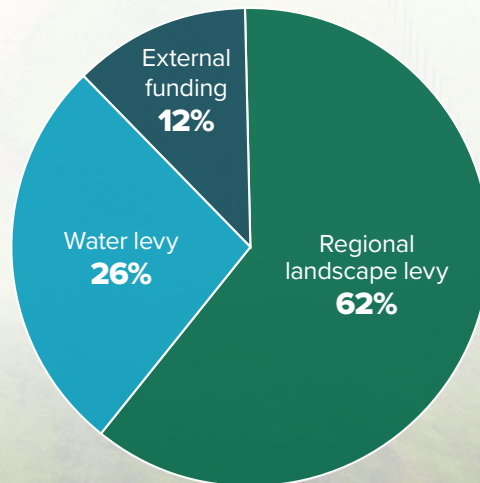


Sources of funding

Table 1: Sources of funding in 2023-24

| Funding source | 2023-24 (\$) |
|---|-------------------|
| Landscape and water levies¹ | |
| Regional landscape levy | 5,647,100 |
| Water levy | 2,423,300 |
| External funding² | |
| Landscape Priorities Fund Reversing the MLR bird decline | 510,000 |
| Landscape Priorities Fund Pathway to compliance - Farmed Deer | 58,900 |
| Department for Infrastructure and Transport Roadside weed control | 30,000 |
| Service level agreements with other landscape boards ³ | 95,000 |
| Interest | 200,000 |
| TOTAL REVENUE | 8,964,300 |
| Other funding | |
| Levy funding approved carry-over ⁴ | 2,318,800 |
| External funding approved carry-over ⁴ | 746,300 |
| TOTAL FUNDING | 12,029,400 |

Fig 1. Funding by source



- Landscape levy income to be raised in 2023-24 is based on a CPI rate (September 2022 quarter, Adelaide) increase on the approved 2022-23 income, and water levy income is based on a CPI increase on the 2022-23 water levy rates.*
- The H&F Landscape Board receives external funding to deliver programs and services.*
- Green Adelaide and the landscape boards collaborate on the delivery of some programs and services across regions. These arrangements are formalised by Service Level Agreements.*
- Existing funding approved by Department of Treasury and Finance.*

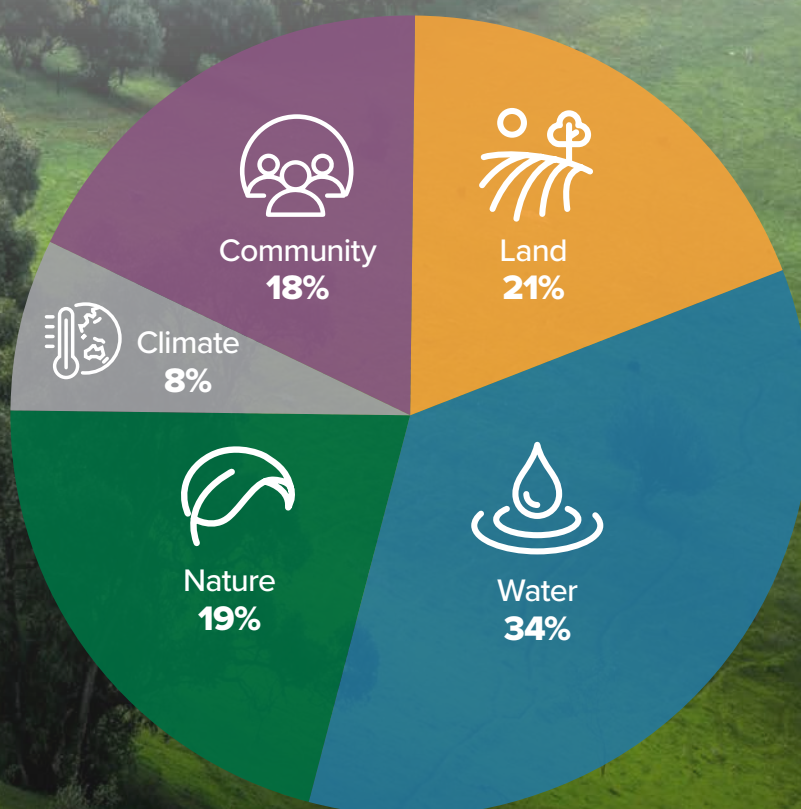
Program investment

The board invests funding from the levies and other sources into delivering activities against the five priorities of the Landscape Plan. The following tables provide the anticipated expenditure against each priority, and Tables 3A-E also indicate the Focus Areas that will be addressed by projects.

When referring to these tables, please note that the relative levels of funding should not be taken to indicate relative priority, as some activities have inherently different delivery costs. For example, water monitoring is significantly more expensive than running capacity-building workshops.

Table 2: Expenditure by priorities and funding source in 2023-24

| Priority | Landscape and water levies (\$) | External funding (\$) | Total (\$) |
|--------------------------|---------------------------------|-----------------------|-------------------|
| Land | 2,175,700 | 377,300 | 2,553,000 |
| Water | 4,080,700 | 0 | 4,080,700 |
| Nature | 1,279,300 | 997,900 | 2,277,200 |
| Climate* | 1,014,800 | 0 | 1,014,800 |
| Community | 2,038,700 | 65,000 | 2,103,700 |
| Total expenditure | 10,589,200 | 1,440,200 | 12,029,400 |



* Note: the Climate investment reflected in these figures is specifically for transitioning to net-zero emissions and industry climate-readiness. A large proportion of the investment in Land, Water and Nature projects also aims to build climate resilience.

Fig 2. Expenditure by priority



Land Program Investment

Table 3A

| Projects | Focus areas | Levy funded expenditure (\$) | Externally funded expenditure (\$) |
|--|----------------|------------------------------|------------------------------------|
| Stewardship - pests and land | L1, L2, L3, L4 | 827,500 | - |
| Roadside and priority weed control | L1 | 300,000 | 30,000 |
| Coordination of compliance activities | L1, L2, L3, W2 | 122,500 | - |
| Regional grazing pressure and impacting native animals | L2 | 474,600 | 50,300 |
| Pathway to compliance - farmed deer | L2 | - | 163,600 |
| Agricultural network support | L3, L4 | 134,300 | 18,500 |
| Landscape SA soil extension | L3, L4 | - | 114,900 |
| Program support ¹ | - | 316,800 | - |

¹ Included in the 'Program Support' for each priority are board and committee expenses, monitoring and business running costs.

Featured projects

Declared Weeds on Roadsides

There are over 5,000km of roads in the region, meaning over 10,000km of roadsides, and over 150 declared weeds. This project will work directly with all six councils, DIT and adjacent landholders to prioritise roadside weed control across the road network. The project will take a consultative approach, working with major public land

managers, including SA Power Networks, DEW, SA Water and ForestrySA. The project will focus on declared weed management, taking a strategic approach to ensure effective long term outcomes.



Soil Extension Network

Soil provides essential ecosystem services that support food and fibre production, water storage, filtration and nutrient cycling, carbon storage, and more.

The board, in partnership with the Australian Government and other landscape regions, is delivering a soil extension program that promotes best practice, and improves the sustainability, productivity, and profitability of our local agricultural landscapes.

Delivered through a partnership network, our team is assisting landholders to develop new projects and partnerships that promote healthy soils.

Bringing landholders together, and supporting on-ground demonstration sites with groups like Fleurieu Farming Systems, the soil extension officer in our region is directly helping increase understanding of localised soil issues, and supporting landholders to learn from leading regenerative agriculture practitioners.



Australian Government



Regional Grazing Pressure Management

Grazing pressure from large herbivores can have substantial impacts on primary production, native vegetation, and threatened flora and fauna.

The Regional Grazing Pressure Management project implements a strategic and coordinated approach to reducing the impacts of feral goats, feral deer and impact-causing western grey kangaroos in the Hills and Fleurieu region.

In partnership with National Parks and Wildlife Service SA, Primary Industries and Regions SA, Forestry SA, SA Water and private landholders, the project delivers grazing pressure management through specialist staff-led operations, and the use of contractors and volunteers to deliver targeted outcomes. We are working towards an eradication target for feral goats in our region, and supporting PIRSA with their 10-year SA feral deer eradication program.



Government of South Australia





Water Program Investment

Table 3B

| Projects | Focus areas | Levy funded expenditure (\$) | Externally funded expenditure (\$) |
|--|-------------|------------------------------|------------------------------------|
| Stewardship - dams and watercourses | W2, W3, N1 | 632,200 | - |
| Water planning for McLaren Vale, EMLR and WMLR | W1, W3, C2 | 1,234,400 | - |
| Monitoring water resources | W3 | 371,900 | - |
| State Water Planning and Management costs ¹ | W1, W3, C2 | 1,512,200 | - |
| Program support | - | 330,000 | - |

¹ State Water Planning and Management contributions include the following functions: water licensing and assessment, water resource monitoring, state and condition reporting for water resources, compliance activities and water planning advice to support the management of water resources. These services are provided by the Department for Environment and Water, including departmental staff based regionally.

Featured projects

Eastern and Western Mount Lofty Ranges Water Allocation Plan reviews

The evaluations of the Water Allocation Plans (WAPs) for the Eastern and Western Mount Lofty Ranges will be occurring during 2023. The purpose of the evaluations is to assess the effectiveness of the WAPs, raise the community’s awareness of water planning and identify focus areas for amendment.

WAPs provide for the allocation and use of water. This ensures water resources are allocated fairly. It also secures sustainable water supplies for the community, industry and the environment by outlining sustainable

use limits for water resources and providing policies for water sharing and water affecting activities.

The evaluations will bring together information from scientific analysis of long-term monitoring of surface water, groundwater and water dependent ecosystems, together with economic information, input from water licence holders, First Nations, industries and the community.



Government of South Australia



McLaren Vale Salinity Hotspots project

Monitoring of the groundwater salinity levels in the McLaren Vale region shows a rising salinity trend in the Pirramimma Sands and Maslin Sands aquifers. The two key areas of increasing salinity are called 'hot spots'. The evidence suggests that without action, salinity levels will continue to rise eventually making the land and water unusable. However, reducing the water extraction at these sites would control the rising salinity to allow the levels to stabilise and reduce in future.

The McLaren Vale Salinity Hot Spot project is a partnership between the board and the Department for Environment and Water to identify a method to reduce groundwater extraction in the hot spot management zones. We will be working with the affected landholders and community to identify solutions.



Government of South Australia



Understanding the condition of our water resources

The board is working with community volunteers to monitor the health of the Angas and Finniss catchment through the annual 'Waterbug Bioblitz'. In this citizen science event, volunteers of all ages collect waterbug and water quality data that contributes to long term monitoring. The bioblitz is supported by a wide range of partners, including Peramangk and Ngarrindjeri First Nations people, volunteers, waterbug specialists and support staff from the board and the Australian and South Australian government-funded Flows for the Future program.

An inaugural Bremer Bioblitz was held in Spring 2022 and will continue in 2023 and two new bioblitzes will be commencing within the Yankalilla and Inman River catchments in Spring 2023.

The board is also monitoring surface water flows across the region, working with the Angas Bremer Water Management Committee and landholders to test and understand water salinity, and working with the Goolwa to Wellington Local Action Planning Association and volunteers to measure turbidity in the Bremer Creek.



Government of South Australia



Australian Government



GOOLWA TO WELLINGTON
Local Action Planning Association





Nature Program Investment

Table 3C

| Projects | Focus areas | Levy funded expenditure (\$) | Externally funded expenditure (\$) |
|--|-------------|------------------------------|------------------------------------|
| Stewardship - habitat restoration | N1, N2, N3 | 652,600 | - |
| Reversing the decline in Mt Lofty Ranges birds | N1, N3, C2 | 135,000 | 510,000 |
| Catchment recovery in the bushfire catchments | N1, C3 | - | 487,900 |
| Supporting Fleurieu coasts and seas | N2 | 234,300 | - |
| Program support | - | 257,400 | - |

Featured projects

Reversing the decline in Mount Lofty Ranges birds

There are 147 threatened bird species across the Mount Lofty Ranges, of which 52 are rated as being at immediate risk of extinction, and 113 are declining in abundance. The board is working together with an alliance of NGO, university and government partners to dramatically scale-up revegetation of habitats to support bird recovery.

Funding from the Landscape Priorities Fund and other funding sources will assist in supporting key projects, including:

- communications and engagement activities to motivate and provide pathways for action for landholders and the broader community.
- revegetation of low-rainfall grassy woodland in priority areas of the eastern Mount Lofty Ranges.
- revegetation of closed shrubland (heathland) in the southern Mount Lofty Ranges.
- development of a Reversing the decline of Mount Lofty Ranges birds Action Plan.
- landholder surveys and evaluation approaches to understand barriers to restoration by private landholders, and build understanding of how to improve outcomes and efficiency.



GOOLWA TO WELLINGTON
Local Action Planning Association



Government of South Australia



Coastal Action Plan

The Southern Fleurieu Coastal Action Plan has been a guiding document for strategic conservation work since 2007. This foundational plan will be updated to reflect all of the great work that has been achieved over the years, and the new conservation priorities and emerging threats

facing our coastal environments. Working with partner organisations and community stakeholders, the plan is being reviewed and amended, to serve as a contemporary Coastal Action Plan for the Hills and Fleurieu region.



Government of South Australia



GREEN ADELAIDE

Seeds for Snapper

In partnership with OzFish, the City of Victor Harbor, Alexandrina Council, Green Adelaide, National Parks and Wildlife Service SA, and the Department for Environment and Water, the 'Seeds for Snapper' project works with volunteers to collect, process and disperse seagrass

seeds in key locations to help restore seagrass meadows and support fish nurseries. We are building on the fantastic work done by volunteers in the pilot project at Encounter Bay in 2022.



Government of South Australia



GREEN ADELAIDE



Catchment Recovery

The State Government's Catchment Recovery funding has supported landholders in both the Cudlee Creek and Cherry Gardens fire-affected areas with land management issues as they recover from the bushfires. In 2023-24 the Catchment Recovery funding will continue to support landholders in both the Cudlee Creek and Cherry Gardens fire-affected areas to complete their Bushfire Recovery Action Plans through the provision of onground works funds and support staff. This will help to ensure previous recovery work is consolidated in the areas of fire-driven weed management, creek and dam restoration and pest animal control and minimize the ongoing impact of fire driven issues on the broader landscape.

Catchment Recovery is part of the board's broader bushfire recovery project, and aims to empower landholders to create more resilient landscapes to better deal with climate change and future extreme events.



Government of South Australia





Climate Program Investment

Table 3D

| Projects | Focus areas | Levy funded expenditure (\$) | Externally funded expenditure (\$) |
|---|-------------|------------------------------|------------------------------------|
| Transition to zero emissions | C1 | 107,900 | - |
| Carbon offset plantings | C1 | 80,000 | - |
| Climate readiness of industries and communities | C3 | 721,300 | - |
| Program support | - | 105,600 | - |

In addition to these projects, investment towards the Climate priority is embedded in Land, Water and Nature projects. For example, water security planning, reconstructing habitats, and future-proofing agriculture all build climate resilience.

Featured projects

Climate Action Plan

The board is determining the in-scope carbon emitting operations of the organisation, and how these can be reduced and locally offset for biodiversity outcomes, to achieve carbon-neutrality by 2026.

Partners include the Department for Environment and Water Greening Australia, Canopy Nature-Based Solutions and dsquared Consulting.



Government of South Australia



Resilient Hills & Coasts

This important partnership is working on a range of knowledge sharing and on-ground projects identified as priorities in the Regional Climate Change Adaption Plan for the Adelaide Hills, Fleurieu Peninsula and Kangaroo Island.

Partners include Adelaide Hills, Alexandrina, Kangaroo Island, Mount Barker, Victor Harbor and Yankalilla councils, Southern & Hills LGA, RDA Adelaide Hills Fleurieu and Kangaroo Island, Kangaroo Island Landscape Board and the South Australian Government.



Government of South Australia





Community Program Investment

Table 3E

| Projects | Focus areas | Levy funded expenditure (\$) | Externally funded expenditure (\$) |
|---|-------------|------------------------------|------------------------------------|
| Raising community awareness | P1 | 502,100 | 65,000 |
| First Nations partnerships | P2 | 163,100 | - |
| Regional dialogues and partnerships | P3 | 141,000 | - |
| Engaging community and volunteers | P4 | 374,200 | - |
| Grassroots Grants | P1, P4 | 250,000 | - |
| Citizen Science and understanding landscape condition | P3, P4 | 347,600 | - |
| Program support | - | 260,700 | - |

Featured projects

First Nations Partnerships

The board and staff are continuing to build relationships with Kaurna, Peramangk and Ngarrindjeri Nations and are exploring opportunities to partner with Nations in caring for Country.

We are achieving this through encouraging relationship building between First Nations communities and landholders, promoting knowledge sharing and access to Country for First Nations people. The board and staff are working to build our capacity to respectfully and inclusively engage with First Nations by spending time on Country and undertaking cultural training.

We are also working with First Nations to identify their water interests to inform the water allocation plan reviews, and ensuring Aboriginal cultural heritage values are respected and protected in all of our projects.

We are engaging the services of more Aboriginal businesses and commit to increasing our procurement through Aboriginal owned businesses.



Grassroots Grants program

The board's Grassroots Grants program supports landholders, volunteers, schools, First Nations and community groups to make a difference in their local area with environmental and agricultural projects.

The grants result in fantastic outcomes for the environment and our communities. In its first three years, over 100 recipients have delivered a range of projects including weed control, revegetation, swamp regeneration and more.

Supporting volunteers and environmental alliances

The board supports over 120 community groups that are working locally to restore and sustainably manage our region's landscapes with insurance and networking opportunities.

The Eastern Fleurieu Community Environmental Alliance is a network of 22 community-based groups with a focus on on-ground environmental action and regional collaboration, partnership building and environmental advocacy. Led by the Goolwa to Wellington Local Action Planning Association with the board's support, the alliance will continue to undertake weed control,

revegetation and partner with First Nations within the region.

The Greater Adelaide Environment Network is an alliance of nine community-based environment centres operating across the Greater Adelaide area. Four of these environment centres are located in the Hills and Fleurieu region, and the board works with them to help deliver and promote various events and workshops.



Board operations

The board consists of nine community members with a range of skills and knowledge, appointed by the Minister for Environment and Water. For more information about the board members, see the Hills and Fleurieu Landscape Board website at www.landscape.sa.gov.au/hf.

In 2023-24, the board has the following committees to support its operations:

- Risk and Performance Committee
- Water Resources Steering Committee
- Water Allocation Planning Advisory Committees for McLaren Vale.

Staffing

Projects and services are implemented by a team of dedicated staff who work for the Landscape Board. Day-to-day operations of the board are managed by a General Manager who employs the staff. The staff are public sector employees.

In 2023-24, it is anticipated that there will be 42.9 full-time equivalent (FTE) positions (38.75 FTE funded by levies and 4.15 FTE funded by external funding). The H&F levy-funded staff salaries and on-costs will cost \$4.2M. In Tables 3 A-E, these staff costs are apportioned to the projects that they will deliver.

In 2023-24, the board will contract the Department for Environment and Water to provide corporate services support.

Planning framework

As shown in Figure 3, both the work of the board delivered through the Business Plan, and the work of other organisations and community, contribute to achieving the Landscape Plan.

The Landscape Plan contributes to, and aligns with, the State Landscape Strategy and other state, national and international policies and agreements.

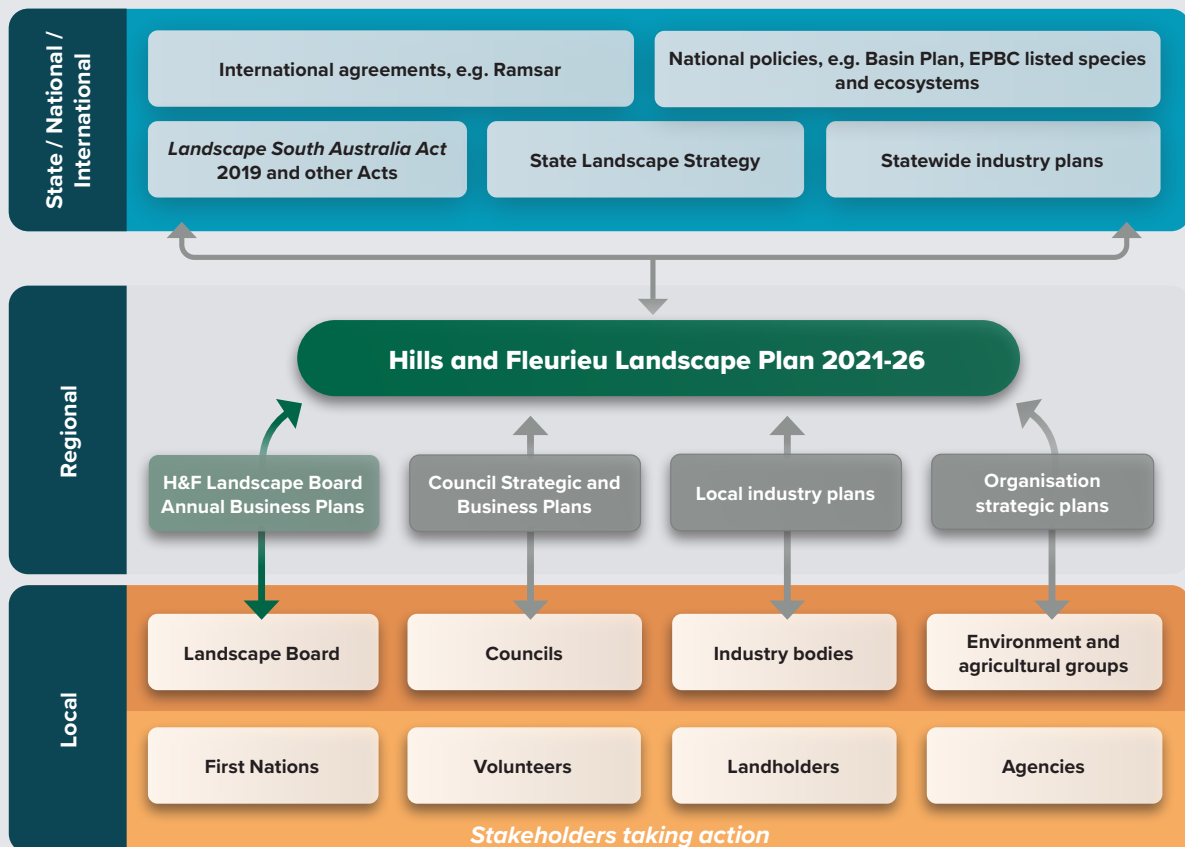


Figure 3: Planning Framework

Map of the Hills and Fleurieu region



Measuring landscape condition and progress

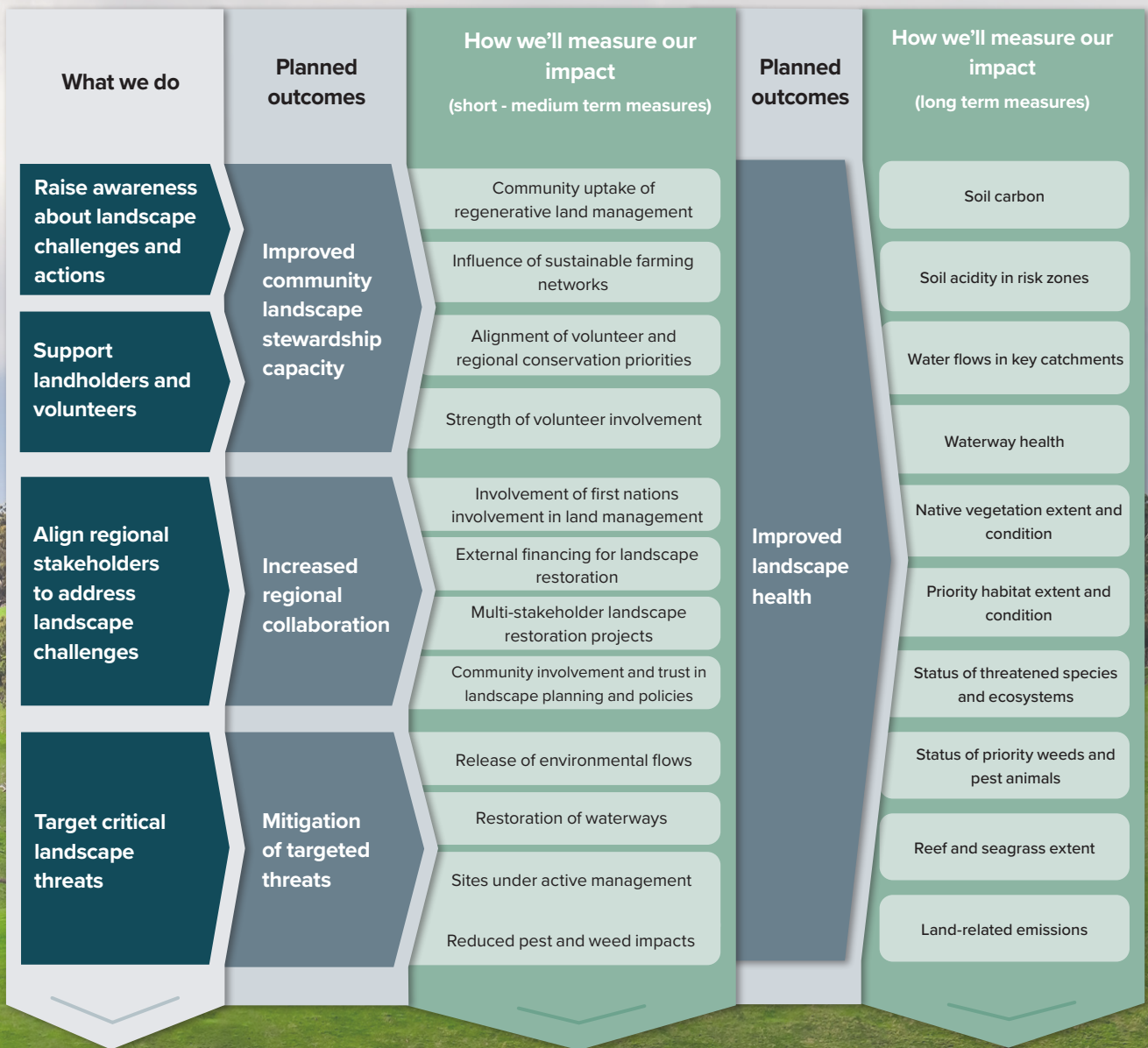
The board will carry out and support a wide range of programs and activities to contribute to the Hills and Fleurieu Landscape Plan 2021-2026. Making sure these activities are effective and have their desired impact requires tracking, evaluating and reporting. This process is described in our MERI (Monitoring, Evaluation, Reporting and Improvement) Plan and is summarised in the diagram on the next page.

This MERI framework diagram shows how the board's programs influence landscape health and how the board will monitor the impact and success of those programs over the life of the Landscape Plan.

In key stages of this process, the board will report on the progress and impact of its programs, including:

- producing an achievements report and a statutory annual report showing how the levy funds have been spent in the financial year and what has been achieved;
- program level monitoring to evaluate and understand the positive impacts of the board's work and progress being made; and
- evaluation at the end of the Landscape Plan 2021-2026 period to understand how the plan's implementation has influenced the condition of the region's landscapes.





Annual Activity Reports: Provide updates on board activities and expenditure of levy funds

Impact Reports: Provide updates to the board about progress made on Strategies and Focus Areas outlined in the Landscape Plan

Evaluation Reports: Provides an assessment of the board's contribution to the Landscape Plan and its influence on the health of the region's landscapes

Landscape and water levies

To enable the Hills and Fleurieu Landscape Board to lead the management of landscapes in the region, the Act provides for two types of levies to be raised: a **regional landscape levy** collected by councils from rate payers, and a **water levy** collected from water licence holders.

Why do we pay levies?

The levies are the primary source of funding for the management of the region's landscapes and natural resources. Our landscapes benefit everyone, which is why we all contribute to the levies. The levies enable the

Board to deliver important programs, and also enable it to leverage significant, additional funding - greatly increasing the amount of work achieved in the region.

Regional landscape levy

In the Hills and Fleurieu region, the regional landscape levy is raised based on the value of rateable land. The landscape levy is raised and collected by local councils. Councils pay quarterly contributions to the Landscape Board and gazette a levy rate to reimburse themselves for this amount.

The total amount of income collected from the landscape levy in 2023-24 will be a CPI (Consumer Price Index) increase on the approved 2022-23 income. The council contributions are determined based on the % of regional capital value within each council.

Landscape levy equalisation

Previously under the Natural Resources Management (NRM) arrangements, parts of the Alexandrina and Mt Barker council areas were in the SA Murray-Darling Basin NRM region and ratepayers paid a higher levy than that paid in the Adelaide and Mt Lofty Ranges NRM parts of the council area. The levy transitional scheme (Schedule 5 Clause 95(3)-(6) of the *Landscape South Australia Act 2019*) requires the levy rates within the Hills and Fleurieu region to be equalised from the 2023-24 financial year.

The board has approved equalisation to a common landscape levy rate within the region in a manner that maintains 2022-23 levy income plus CPI.

This will enable the board to continue to deliver important landscape management services and priorities, as informed by the communities and set out in the Hills and Fleurieu Landscape Plan 2021-26.

To achieve equalisation of levy rates within the region, in 2023-24 some levy payers will see an increase in their levy contribution and others will see a reduction in their contribution. Potential impacts related to the equalisation on levy payers are considered to be minimal based on economic analysis.

Ratepayers may also see an increase in their levy in 2023-24 due to the large capital growth of some properties over the last 12 months.

Table 4: Council contributions to regional landscape levy income, number of rateable properties and collection fees for councils for 2023/24.

| Local government area | Council contribution to regional landscape levy 2023-24 (\$) | No. rateable properties | Council collection fees (\$) |
|-----------------------|--|-------------------------|------------------------------|
| Adelaide Hills | 1,642,433 | 18,200 | 7,932 |
| Alexandrina | 1,223,345 | 19,579 | 8,318 |
| Mount Barker | 1,255,559 | 19,369 | 8,259 |
| Onkaparinga | 525,812 | 6,612 | 4,687 |
| Victor Harbor | 670,713 | 10,994 | 5,914 |
| Yankalilla | 329,286 | 5,720 | 4,438 |
| Total | 5,647,149 | 80,474 | 39,548 |

Water levy

Water levies are collected by the Department for Environment and Water on behalf of the Minister and paid to the landscape board.

In 2023-24, the Hills and Fleurieu Landscape Board will raise water levies consistent with the levy basis used in previous years:

- for the Eastern Mt Lofty Ranges and Angas Bremer prescribed water resources, levies will continue to be charged based on a rate per ML of water allocated, with a minimum charge of \$200; and

- for the Western Mt Lofty Ranges and McLaren Vale prescribed water resources, levies will continue to be charged based on a rate per ML of water allocated.

A new water levy will be raised for Central Adelaide prescribed wells areas based on a rate per ML of water allocated.

The levy rates for 2023-24 (Table 5) have increased by CPI (September 2022 quarter, Adelaide) on the 2022-23 rates.

Water resource sharing arrangements

The Hills and Fleurieu Landscape Board is responsible for water planning for the McLaren Vale Prescribed Wells Area, and the Western Mt Lofty Ranges and Eastern Mt Lofty Ranges (including the Angas Bremer) Prescribed Water Resource Areas.

For the prescribed water resource areas that are shared with neighbouring landscape regions, the water levy is

shared between the boards in proportion to the amount of water allocated in each region (see Table 5).

The board will work together with Green Adelaide, Northern and Yorke, and Murraylands and Riverland landscape boards to ensure that water planning and programs are implemented collaboratively and consistently.

Table 5: Water levy rates and proportion of allocated water in each prescribed water resource in the Hills and Fleurieu region for 2023-24.

| Prescribed Water Resource Area (PWRA) / Prescribed Wells Area (PWA) and allocation type | 2023-24 levy rate | Proportion of the PWRA's allocated water within Hills & Fleurieu |
|---|---|--|
| Angas Bremer PWA water taking allocation | \$7.58 per ML of water allocated or a levy of \$200, whichever is greater | 100% |
| Eastern Mt Lofty Ranges PWRA water taking allocation | \$7.58 per ML of water allocated or a levy of \$200, whichever is greater | 98% |
| Eastern Mount Lofty Ranges PWRA water taking Lower Angas Bremer allocation (Flood) | \$1.81 / ML | 100% |
| Central Adelaide PWA water taking allocation | \$7.05 / ML | 12% |
| McLaren Vale PWA water taking allocation | \$7.05 / ML | 96% |
| Western Mount Lofty Ranges PWRA water taking allocation (including water levy on organisations authorised under section 105 to take water) | \$7.05 / ML | 93% |
| Western Mount Lofty Ranges PWRA public water supply - SA Water fixed charge | \$1,409,273 | 100% |



Connect with us

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Mt Barker - Peramangk Country

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Mount Barker, SA, 5251*

*We work on Kurna, Peramangk and
Ngarrindjeri Yerta/Ruwe*

Always was, always will be




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Achievements report 2022-2023

Caring for land, water and nature


Land

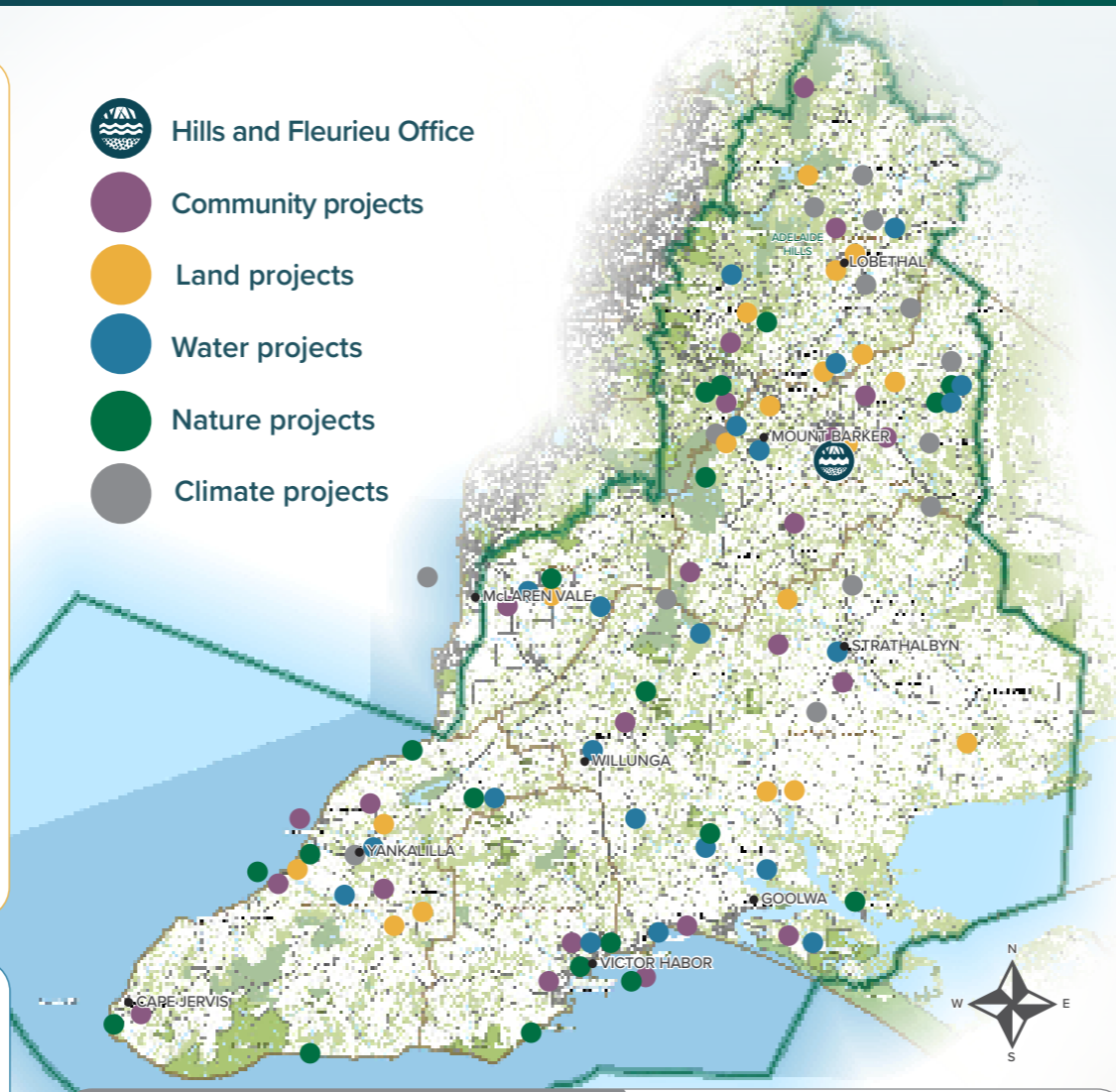
Advice provided  **>1,750** times to landholders including **>700** property visits

2,250 kg of  baited-carrots distributed across **435** properties

Removed:
3,405 feral deer
759 feral goats
701 kangaroos


Healthy Soils, Healthy Landscapes and Resilient Agriculture projects improved capacity of primary producers through:


235 soil tests
739 soil health workshop and field day participants
10 Biodiversity Action Plans with vignerons 



Climate

Bushfire Recovery Project

27 landholders received **>1,330** plants and tree guards for dam restoration 


9.5 ha artichoke weed control across the fire scar 

Permanent pools restoration


16,992 tubestock planted on **18** properties

15.4 km of watercourses fenced over **24** properties

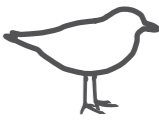
Crested shrike-tit habitat restoration

16 landholders across **23** properties worked with us to protect **850** young eucalypt trees over **10 km** of watercourses to enhance crested shrike-tit habitat 


Nature


Recovery actions undertaken for **37** threatened species through the *Back from the Brink* project 

14 flora species surveyed over **775** hours

20 priority sites received and **82** volunteers supported **hooded plover** habitat restoration and protection 

Bandicoot Super Highway

34,000 native seedlings planted, **17 ha** of habitat fenced and **109 ha** of weed control undertaken across **25** sites with **110** southern brown bandicoot sightings reported 

2 assisted reproductive technology (ART) workshops to support **southern bell frog** recovery 

Water

43 Water Affecting Activity permits issued 

Advice provided to 537 landholders for Water Affecting Activities 


31 compliance investigations conducted for Water Affecting Activities 


527 Groundwater tests undertaken 


Fish monitoring at **>100** sites. Rare climbing galaxia recorded in the Currency Creek catchment 


62 participants in *How to make your dam DAM GOOD* and *Bring life back to your dam* workshops 


Community

48 Grassroots Grants provided to individuals and groups totalling **\$265,000** 

130 volunteer groups supported and celebrated **130** volunteers attended one of four online grant writing webinars 

>700 Groundswell newsletter subscribers **>730,930** people reached through social media **431** social media posts 

90 people attended NAIDOC week screening event *Seeds of Change* 

54 participants at **Waterbug Bioblitz** citizen science events 

Hills and Fleurieu Landscape Board

The board sees itself as a regional facilitator, catalyst and partnership builder. This role involves supporting and aligning the landscape management work being done, fostering local capacity, championing innovation and helping share knowledge between stakeholders.

The board has nine members who are local community representatives, and are assisted by 48 Landscapes Hills and Fleurieu staff.

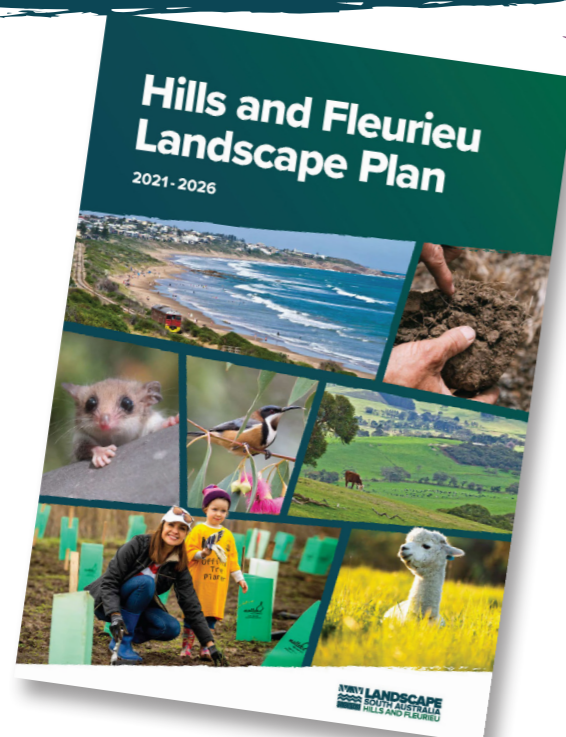
Board Members: Professor Andy Lowe, Becky Hirst, Jock Harvey, David Greenhough (Chair), Janet Klein, Keith Parkes, Dr Chris West. Absent: Amy Williams and Leanne Muffet



Our 5-year Landscape Plan

We are now two years into the **5-year Landscape Plan**. The plan guides the stewardship and restoration of the region's landscapes and identifies significant challenges it faces within the region.

The plan seeks to align everyone's efforts and aims to build stronger partnerships to achieve the plan's five priorities.



Key funding partnerships

Regional Land Partnerships - Australian Government

\$1.4m

The board is proud to partner with the Australian Government to deliver environment and sustainable agriculture outcomes in our region. In 2022/23, under the Regional Land Partnerships (RLP) program, the board delivered Core Services, such as communications, regional planning, First Nations partnering and the Regional Agricultural Landcare Facilitator, and three projects: Healthy Soils Healthy Landscapes, Back from the Brink, and Threatened Orchids Recovery.

Local Economic Recovery

\$1.4m

The board and Department of Primary Industries and Regions partnered to deliver the Building Back Better Agriculture and Land Management – Cudlee Creek Bushfire project. Co-funded by the South Australian and Australian Governments through the Disaster Recovery Funding Arrangements, this project supported fire recovery of Cudlee Creek landholders through soil, watercourse, and pest plant and animal management activities.

Catchment Recovery

\$1.2m

The board partnered with the South Australian Government to distribute Catchment Recovery funding to fire-affected landholders. The project focused on building property resilience, and restoring biodiversity and productive landscapes.

Landscape Priorities Fund

\$450k

Funding from the South Australian Government supported the projects *Restoration of Coastal and Marine Habitats for Wildlife Conservation*; *Towards Eradication: 20 Weeds by 2023*; *Pathway to Compliance - Farmed Deer*; and *Mount Lofty Ranges Bird Recovery*.



National Landcare Program



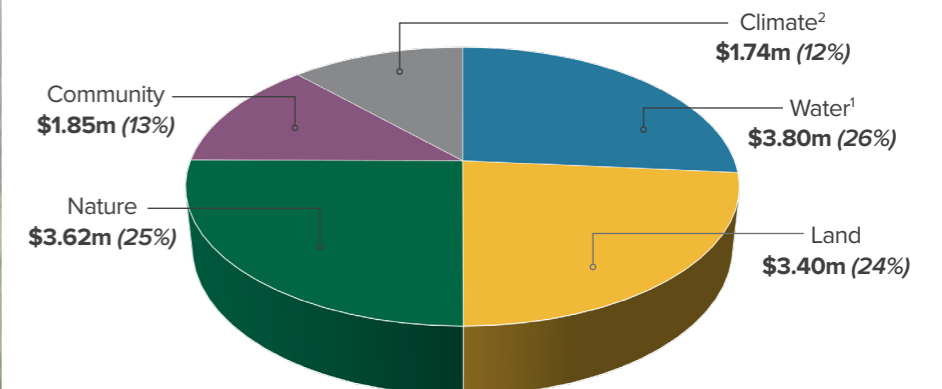
Your levies at work

The board raises a landscape levy and a water levy to help and support our community to care for land, water and nature. The board's **Annual Business Plan** sets out the projects, programs and services that the board invests in. The levies also enable the board to attract additional funding and support to increase the amount of work achieved in our region.

In 2022-2023, key programs included:

- supporting land managers to sustainably manage land, water and nature and recover from recent bushfires;
- working with relevant agencies, councils and landholders to locally eradicate priority weeds, and control pest animals including feral goats and deer;
- building capacity in regenerative agriculture and in adapting to a low carbon future;
- reviewing water allocation plans alongside the community and industries;
- partnering with First Nations to care for our landscapes and cultural heritage;
- supporting habitat restoration to protect threatened species, including the southern brown bandicoot and Mount Lofty Ranges birds; and
- working with partners to restore coastal and marine habitats for wildlife conservation.

2022-2023 investment in the 5 priorities



¹This included \$1,475,280 as a contribution towards State water planning and management costs, including water licensing, water monitoring, compliance activities and policy advice to support the management of water resources.

²The \$174 million Climate investment reflected in these figures includes Local Economic Recovery Bushfire Recovery initiatives, as well as investments in transitioning to net-zero emissions and industry climate-readiness. A large proportion of our investment in Land, Water and Nature priorities also contributes to climate adaptation and resilience

Connect with us



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landscape.sa.gov.au/hf



facebook.com/HFLandscapeSA



youtube.com (search 'Hills and Fleurieu Landscape Board')



hf.landscapeboard@sa.gov.au





LAND PROJECT HIGHLIGHTS

Regional grazing pressure and impacting native animals

Working with partner organisations and landholders has been key to reducing environmental and agricultural impacts of feral deer and goats, and impact causing native species such as western grey kangaroos which are established across the Hills and Fleurieu region. Targeted control is necessary to reduce the impacts of high grazing pressure on primary production, water quality, native vegetation and threatened flora and fauna. Populations can grow rapidly if uncontrolled, so a strategic approach is taken that reduces high density populations in priority areas. Isolated pest populations are contained or eradicated where possible.

Coordinated and supported air and ground operations resulted in the removal of over 3000 deer and over 750 goats from the region in 2022/23. This included operations at Mount Bold Reservoir, the southern Fleurieu Peninsula, and the area around Montacute Conservation Park. Reductions in pest numbers have been reported and monitoring of impacts has shown the positive effects of the program.

Landholders and the general public are encouraged to report any sightings of feral goats, deer and pigs at feralscan.org.au which helps with planning of future operations.

The Regional Grazing Pressure Management program is funded through the Landscape Levy and is being delivered in partnership with the Department for Environment and Water's National Parks and Wildlife Service, Department of Primary Industries and Regions, Green Adelaide, Forestry SA, and SA Water.



Towards eradication – 20 weeds by 2023

This two-year project partnered with councils and public lands managers to co-design and deliver control works for 20 priority pest weeds, with a focus on local eradication of weeds of concern on roadsides and in reserves.

Eradication Plans were developed for weed species including African lovegrass, castor oil plant, Chilean needle grass, Coolatai grass, black flag and white weeping broom, and two-year management plans for other weed species were co-designed with councils through the project. These live documents will be expanded and continue to guide more strategic control of priority species across the region. The board also worked with private landholders to tackle priority weeds on private property, preventing spread of outlier populations. Significant on-ground outcomes achieved included the removal and management of African lovegrass, Chilean needlegrass, flax-leaf broom, sweet pittosporum, Italian buckthorn, Cape Leeuwin wattle, boneseed, desert ash, olives, radiata pine and *Acacia longifolia*.

This project was delivered in partnership with the region's six local councils, National Parks and Wildlife Service South Australia, SA Water and The Department of Infrastructure and Transport with funding from the South Australian Landscape Priorities Fund.



Healthy Soils, Healthy Landscapes



Since 2018, Landscapes Hills and Fleurieu, has been working with farmers, agricultural industry and community groups to improve soil health under the Healthy Soils, Healthy Landscapes project. As part of the project, soil testing was undertaken to provide land managers with information on their soils and advise on strategies they could use on their properties.

A particular focus of the project was managing soil pH, building soil carbon and prevention of wind erosion. Soil acidity is known to be a problem for production in some parts of the region.

To increase knowledge of best practice soil management, the project delivered multiple field days and workshops, mixed media, including videos and interactive webinars, and a lime calculator tool to assist with assessing lime rates required in the field. A demonstration site and two trial sites have been developed, one in grazing, and one in cropping, showing effects of acidity and lime/amendments. These were utilised for field days and case studies in the final two years of the project. 1090 land managers participated in workshops, field days and seminars, and 260 in the community soil testing.

This project was delivered by Landscapes Hills and Fleurieu through funding from the Australian Government's National Landcare Program.



WATER PROJECT HIGHLIGHTS

Water monitoring

Fish monitoring was carried out at over 100 sites across both the Eastern and Western Mount Lofty Ranges as part of an annual monitoring program assessing native fish abundance and condition – a key indicator of catchment health. A highlight from this year's sampling was finding the rare climbing galaxia in the Currency Creek catchment of the Eastern Mount Lofty Ranges. This fish species needs flowing water to survive and reproduce and moves between freshwater habitats and estuaries, so finding it is a positive sign for flow conditions. Working with landholders to maintain and restore critical low flows in our creeks and rivers is a priority for the board.

Around 530 water licence holders across the Eastern Mount Lofty Ranges, Angus-Bremer and McLaren Vale prescribed water resource areas took part in the annual Groundwater Salinity Program to assess the salinity of water samples from their bores and wells. The increase in participation from previous years was welcomed, as samples provided by licence holders is important for tracking resource condition over time.

These projects are part of the ongoing surface water and groundwater monitoring undertaken by the board in partnership with the Department for Environment and Water.



Photo: Michael Hammer

McLaren Vale WAP salinity hot spot project

This project identified 27 groundwater licence holders in the McLaren Vale Prescribed Wells Area who extract water from salinity hot spots. 'Hot spots' are areas where water quality monitoring has shown the salinity is increasing and exceed the limit for grape growing and sustainable agriculture.

Twenty one licence holders participated in a survey to better understand how the salinity is affecting their land management practices and livelihoods.

A forum was held in February to identify what community led actions would stabilise and eventually reduce the salinity levels in the aquifers. The group have followed up a range of practical solutions and continue to meet to work towards a regional solution. Lessons from the group will also inform the review of the Western Mount Lofty Ranges Water Allocation Plan.



Water management with landholders



In 2022-23, our staff worked with over 500 landholders across the region on the effective management of water affecting activities (WAA). WAA are those activities that impact watercourses, dams, lakes, floodplains, springs, wetlands, and waterholes. Forty three WAA permits were approved by the board. The board also worked with Councils and public land managers on development of Best Practice Operating Procedures that are used by these organisations in managing WAAs.

The board takes seriously its role in addressing incidences where landholders have implemented water affecting activities without permits. This year 31 compliance cases were managed. This includes incidences where landholders have illegally constructed or modified dams, which is contrary to the Minister's reservation that prevents new dam development across the Mount Lofty Ranges. Two landholders who illegally constructed dams have received rectification orders and face prosecution if the works are not rectified at their own cost.



NATURE PROJECT HIGHLIGHTS

Bandicoot Super Highway

This community-led project delivered a range of activities to reduce the extinction risk of the nationally endangered southern brown bandicoot. With nine project partners, we delivered community education, habitat improvements, and region-wide surveys to increase knowledge of bandicoot distribution and habitat needs. Six habitat management workshops and survey training days were run, with 216 community participants. Over 100 wildlife cameras were set up across more than 40 sites as part of the region-wide surveys, and 100 new sightings of bandicoots were recorded.

Over 109 ha of bandicoot habitat, across 25 sites, was improved through weed control, fencing and a NPWS prescribed burn. A 3 hectare bandicoot habitat demonstration revegetation site was established, which included the planting 34,000 native plant seedlings.

An online sightings portal was developed as part of the project (for more information see <https://www.bsh.org.au>). The portal allows anyone to easily submit a sighting of a bandicoot, helping contribute to ongoing conservation efforts. This 2 year project was co-delivered by Landscapes Hills and Fleurieu and nine project partners, with funding from the Foundation for National Parks & Wildlife, the Australian Government and the Landscape Levy.



Photo: Martin Stokes

Southern Bell Frog recovery



Assisted Reproductive Technology, or ART, was a key element of an innovative project to help reduce the extinction risk of the nationally vulnerable southern bell frog in the lower-Murray region. Trials were undertaken with experts to help cryopreserve sperm, also known as bio-banking. Bio-banked sperm can be used for future genetic management to ensure population sustainability. A world first for this species, the trial was incredibly successful and cryopreserved gametes have been stored in two long-term biobanking facilities.

The project included the development of a translocation plan, securing pump equipment for delivery of eWater, habitat augmentation at release sites, and support for an existing community-led project called “Help the Southern Bell Frog Bounce Back” and their breeding facility. The project was delivered by Landscapes Hills and Fleurieu in partnership with Murraylands and Riverland Landscape Board, Nature Glenelg Trust, University of Newcastle, University of Canberra, Clayton Bay Nursery and Environment Group, Clayton Bay Community Association, Zoos South Australia and Repromed, with funding from the Australian Government.

Back from the brink



Photo: Jerry Smith

Many threatened species now have a brighter outlook thanks to targeted conservation works, population monitoring and the efforts of many project partners.

The 5 year project aimed to reduce the extinction risk, and improve the long-term viability of 37 threatened species and two ecological communities in the Mount Lofty Ranges and Fleurieu Peninsula.

Within the 5 years to 2023, population trends improved for 13 threatened plants, including the Mount Compass oak-bush, White-beauty spider-orchid and Yundi guinea flower.

Threatened fauna species including the Hooded Plover, have responded well to targeted protection activities, and new habitat created for threatened heathland birds has already been occupied.

The project was delivered by Landscapes Hills and Fleurieu through funding from the Australian Government's National Landcare Program and the Landscape Levy.

Working to protect and enhance coastal landscapes

The Hills and Fleurieu's coastal environments are diverse, and contain many species unique to the region. The Our Plover Coast project has been helping to reduce the extinction risk to hooded plovers by restoring coastal dunes, with a focus on grassy weed control and revegetation of spinifex and other local coastal plant species at 20 priority sites between Myponga Beach and Goolwa. Coastal dunes provide critical habitat, food resources and shelter for hooded plovers, invertebrates, small reptiles and a number of coastal birds, including migratory and resident shorebirds, such as red capped plovers, fairy terns, sooty oystercatchers and pied oystercatchers. Volunteers assisted the propagation and planting of 12,000 spinifex tube stock in the 2022-23. Lessons from successful propagation from seed have been shared with other community nurseries.

In 2022-23 the Our Plover Coast project was supported by the Hills and Fleurieu Landscape Board, Green Adelaide, BirdLife Australia, City of Victor Harbor, Yankalilla and Alexandrina councils, with funding from the South Australian Government's Landscape Priorities Fund.

The Seeds for Snapper project works with volunteers to restore seagrass for fish habitat in coastal waters. Seagrass seeds collected by volunteers from the beach and ocean are sorted and sown into sandbags, and deployed back into coastal waters at selected locations along Adelaide metropolitan and Fleurieu beaches. Over the summer, more than 200 volunteers contributed 1080 hours of time to deploy sandbags to re-establish seagrass, with more than 4000 seedlings making their way to the seafloor at two strategic sites in Encounter Bay.

In 2022-23 the Seeds for Snapper project was supported by the Hills and Fleurieu Landscape Board, OzFish, City of Victor Harbor, Yankalilla and Alexandrina Councils with funding from the South Australian Government's Landscape Priorities Fund.



Photo: Martin Stokes



CLIMATE PROJECT HIGHLIGHTS

Local Economic Recovery – supporting Cudlee Creek fire-affected properties

This two-year project supported landholders to tackle significant problems arising from the impacts of bushfire, such as control of woody weeds, rabbits, goats and foxes, damage to watercourses, dams, and pastures, and loss of native habitats. The project delivered disaster recovery and resilience actions at a landscape-scale, such as protecting watercourses across multiple properties. Works delivered through the project included:

- 15 km of creekline fencing to improve water quality and biodiversity.
- 500 seedlings planted and guarded to replace large paddock trees lost in the fire and to provide habitat for the rare bird, the crested shrike-tit
- 300ha of broom and gorse controlled across 80 properties
- Fencing of 20 dams to improve water quality, stock health and local biodiversity
- 20,000 native seedlings distributed through the 'Reveg Festival' to replace shelterbelts, revegetate watercourses and increase biodiversity
- 10 native grass nurseries created on private properties, and native grass establishment trials run
- Permanent pools in watercourses protected on 28 properties
- 1300 fire-affected residents attended field days, workshops, special presentations, rabbit bait and native plant giveaways.



Photo: Martin Stokes - Crested shrike-tit

This project was delivered by the Hills and Fleurieu Landscape Board in partnership with the Department of Primary Industries and Regions. This Local Economic Recovery project was jointly funded by the South Australian and Australian Governments under the National Disaster Recovery Funding Arrangements.

Transitioning to net zero emissions

This year, we audited our organisational emissions footprint and started work implementing an action plan to reduce our emissions. This included reducing our waste streams and moving to green power. We have also been working on understanding the emissions footprint of our region. A regional summary of the broad sources of emissions in our region is available on our website at landscape.sa.gov.au/hf/netzero.





COMMUNITY PROJECT HIGHLIGHTS

Walking with First Nations



Photo: Nicole Motteux

Landscapes Hills and Fleurieu works with the region's three First Nations of Kurna, Ngarrindjeri and Peramangk to ensure cultural values and interests are heard, respected and maintained as they work with people to care for land, water and nature.

NAIDOC Week was celebrated on Peramangk Country on 7 July, bringing together staff and board members, community members, partner organisations and people from the region's three First Nations.

Guests watched a special screening of the 'Seeds for Change' film, featuring Mark Koolmatrie, in which he speaks about what caring for Country means to Aboriginal people and why it is up to us all to be part of that journey. Mark is a Ngarrindjeri/Ramindjeri elder, and winner of the 2022 Landcare SA Indigenous Land Management Award. His description of the Ngarrindjeri ngartji model in which we each take special care of a particular species or element of the natural world was particularly inspiring.

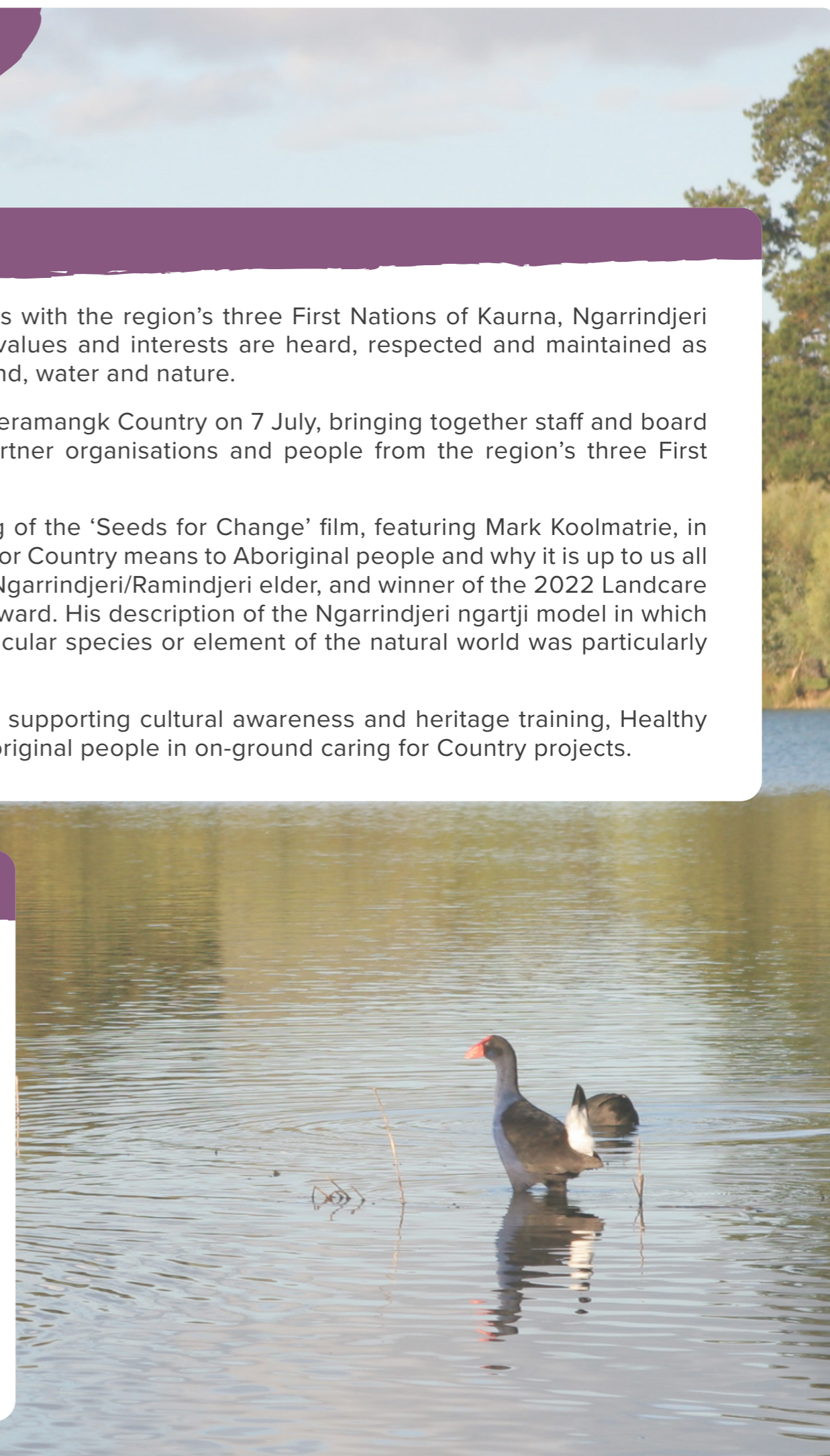
Other partnership projects included supporting cultural awareness and heritage training, Healthy Country planning, and involving Aboriginal people in on-ground caring for Country projects.

Grassroots Grants

Grants totalling \$265,000 were awarded to 48 recipients to support community projects that benefit the environment. This year's grants round attracted more than three times the number of applications for the allocated budget. In response, the board increased the grant funding to help more of the fantastic projects get off the ground.

2022-23 funding covered a diverse range of projects, including regenerative agriculture, environmental restoration, and projects that incorporate learnings and celebrate First Nations' knowledge.

For more information on projects funded through the Grassroots Grants program, see landscape.sa.gov.au/hf/get-involved/grants-and-funding/grassroots-grants





23MINLG-0472

Mayor Jan-Claire Wisdom
Adelaide Hills Council
28 Onkaparinga Valley Road
WOODSIDE SA 5244
icwisdom@ahc.sa.gov.au

Dear Mayor Wisdom

As I trust that you are aware, the Essential Services Commission of South Australia (ESCOSA) has a new role to provide advice to individual councils every four years in relation to a council's long-term financial plan, infrastructure and asset management plan, and revenue sources as outlined in the council's funding plan. Councils must publish this advice, and any response they make to it, in their annual business plan each year.

The intent of the Local Government Advice Scheme (the Scheme) is to increase trust and confidence in councils' financial sustainability through the transparent release of information by an independent authority, that body being ESCOSA. The Scheme was established through amendments to the *Local Government Act 1999* (the Act) by the State Parliament following significant debate on rate capping during the previous term, and ultimately in a form that was supported by the local government sector at the time.

In February 2023, ESCOSA provided its advice to each of the first 15 councils comprising the first tranche, including the Adelaide Hills Council (the Council), and has subsequently published each advice on its website. I note that ESCOSA found that the Council's financial performance and position is sustainable with historical and projected operating surpluses, and the forecast renewal of infrastructure assets to continue to underpin the Council's strong financial performance without the need for further significant rate increases.

Such independent advice should provide a level of comfort to the Council, elected members, and your community that their municipal services are being managed well. I therefore encourage the Council to draw your community's attention to this finding. Making this positive independent advice known will likely increase the trust and confidence of ratepayers in the decisions their council is making about revenue and expenditure, in the context of their council's long-term financial planning.

While the ESCOSA advice does not address any single year's rate increase, this reassurance to communities is particularly important at a time when many councils are implementing rate increases in the range of six to thirteen per cent.

One of the key intents of the Scheme is to position all council members to better understand their council's financial position and performance, and I trust that you and all of your fellow Council members will take this opportunity to do just that.

ESCOSA has provided specific recommendations for changes to the Council's strategic management plans to ensure its financial sustainability, and bolster ratepayers' confidence they are paying an appropriate level of rates for council services. I am pleased to note that the Council has published responses to these recommendations. I encourage you and your fellow elected members to consider the recommendations and work through any actions that may need to be taken to fully respond to these improvements.

I emphasise that ESCOSA's advice is provided on the basis of each council's financial and asset management planning for the next ten years. Therefore, your council's response should provide you certainty that your administration is making any changes or improvements that are needed to address matters that have the potential to have significant negative impacts on your ratepayers in the future.

I am aware that some in the local government sector do not support the intent and the implementation of the Scheme. However, it must be remembered that ESCOSA is an independent body that has been tasked by the State Parliament to provide thorough and dispassionate advice to all councils on a matter that is fundamental to their good operation—their financial sustainability. To my mind, it is difficult for a council to argue that this advice is of limited value, particularly when significant risks are identified that could have detrimental impacts on ratepayers in the future.

I have always been clear that I do not support policies that seek to impose formal restraints on the ability of councils to determine what services should be provided within the context of their ratepayers' ability and willingness to pay for them. However, I also acknowledge that ratepayers' lack of understanding and trust in the decisions that their council is making in this regard underpins the broad appeal of policies such as rate capping. The Scheme was aimed directly at addressing this issue, and I urge councils to use the independent advice they receive to support their decision-making.

I strongly encourage any council or elected member with questions about the Scheme, including its costs, to contact ESCOSA by telephone on 08 8463 4444 or by using the contact form on its website at www.escosa.sa.gov.au/engage/contact to discuss these matters. ESCOSA has expressed to me its desire to work with those in the local government sector to ensure that the advice provided is well-informed by council information, and is constructive and useful.

It is also worth bearing in mind that the Scheme is still in its early stages. I intend to await the full four-year rollout before considering whether changes are warranted and deserving of future consideration by the State Parliament.

I also note that any suggestion for improvement of the Scheme from councils must be informed by community consultation that is open and truthful about the advice being received, and does not simply seek to remove an independent level of monitoring of the local government sector.

I also emphasise that mature governments understand independent oversight and transparent decision-making are fundamental to the quality of the decisions we make, and for the assurance of our residents and ratepayers that these decisions are made in their best interests and for the public good.

I trust that you and your fellow elected member colleagues will use the advice and recommendations from ESCOSA to improve decision-making within your council, as well as to ensure that your community has confidence that their council is financially sustainable and is making decisions about the rates that they contribute to your council for the greatest public good now and for the future.

Yours sincerely



Hon Geoff Brock MP
MINISTER FOR LOCAL GOVERNMENT

25/10/2023

Item 18 – Committee Minutes

**ADELAIDE HILLS COUNCIL
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In Attendance

Presiding Member

Geoff Parsons

Members

Ross Bateup

Paul Mickan

Leith Mudge – via Zoom

In Attendance

Natalie Armstrong

Deryn Atkinson

Doug Samardzija

Melanie Scott

Marie Molinaro

Sebastien Paraskevopoulos

Mike O'Donnell

Karen Savage

Director Community & Development

Assessment Manager

Acting Team Leader Statutory Planning

Senior Statutory Planner

Acting Senior Statutory Planner

Statutory Planner

ICT Support Officer

Minute Secretary

1. Commencement

The meeting commenced at 6.33pm

2. Opening Statement

“Council acknowledges that we meet on the traditional lands and waters of the Peramangk and Kurna people. We pay our respects to Elders past, present and emerging as the Custodians of this ancient and beautiful land. Together we will care for this country for the generations to come”.

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3. Apologies/Leave of Absence

3.1 Apologies
Myles Somers

3.2 Leave of Absence
Nil

4. Previous Minutes

4.1 Meeting held 13 September 2023

The minutes were adopted by consensus of all members (20)

That the minutes of the meeting held on 13 September 2023 be confirmed as an accurate record of the proceedings of that meeting.

5. Presiding Member's Report

Nil

6. Declaration of Interest by Members of Panel

Leith Mudge advised that in relation to:

- Item 8.2 he has spent a number of years with the client of the applicant, Ian Bailey, on Council and various Council Committees and they were both Councillors of the same ward until Ian Bailey's retirement in the 2022 Elections. Whilst he does not have a direct personal interest in this matter, he believes there may be a perceived conflict of interest and, as an Elected Member of the Council, he will not take place in the deliberation for this matter and will leave the meeting when this matter is considered;
- Item 8.3 he has a conflict of interest as he is a friend of the applicant, Oliver Sierp. Whilst he has had no discussions regarding this matter and he has no pecuniary interest there may be a perceived conflict of interest and he will therefore leave the meeting when this matter is considered; and

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- Item 8.4 as this is an application from a Council employee there could be a perceived conflict of interest. Whilst he does know the employee, he has not had any discussions on this matter with them, and there is no pecuniary interest. He will therefore remain in the meeting for the deliberations and vote.

7. Matters Lying on the Table/Matters Deferred

7.1 Matters Lying on the Table
Nil

7.2 Matters Deferred
Nil

8. Development Assessment Applications – Planning, Development and Infrastructure Act

8.1 **Development Application 22041947 by Mark Kwiatkowski and Anthony Wagenknecht for change of use to include brewery (light industry) within part of store building (producing 44,000L per annum) and construction of mezzanine within the store building for sale & tasting of beer with associated car parking at 14 Nioka Drive, Ironbank**

8.1.1 Representations

| Name of Representor | Address of Representor | Nominated Speaker |
|----------------------------|-------------------------------|--|
| Keran McKenzie | PO Box 232, Stirling | Did not Attend |
| Ros Barrett | 8 Allumba Drive, Ironbank | Unable to attend due to work commitments |
| Robyn Nelson | PO Box 429, Stirling | Did not Attend |
| David Lapans | PO Box 83, West Beach | David Lapans |
| Peter Auhl | 5 Allumba Drive, Ironbank | Did not Attend |
| Sarka Auhl | 5 Allumba Drive, Ironbank | Did not Attend |
| Daniel Rowe | 11 Allumba Drive, Ironbank | Daniel Rowe |
| Katrina Barber | 9 Allumba Drive, Ironbank | Katrina Barber |

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|-----------------------|-----------------------------|---|
| Steven Murray | 9 Allumba Drive, Ironbank | Steven Murray |
| Paula Kulas | 8 Nioka Drive, Ironbank | Paula Kulas |
| Mark Winston | 4 Pimpala Road, Ironbank | Did not Attend |
| David & Vicki Wilczek | 18 Nioka Drive, Ironbank | Attended the meeting but opted not to make a representation |
| Martine Welfare | 15 Allumba Drive, Ironbank | Did not Attend |
| Andrew Blanchard | 235 Ironbank Road, Ironbank | Did not Attend |

The representors, David Lapans and Paula Kulas, answered questions from the Panel.

The applicants' representatives, John Mason (Adelaide Planning), Mark Roberts (Brewer) and Anthony Wagenknecht (Applicant) addressed the Panel, and answered questions from the Panel.

8.1.2 Decision of Panel

Moved Ross Bateup **Carried**
S/- Leith Mudge **(21)**

The Council Assessment Panel resolved that:

- 1) Pursuant to Section 107(2)(c) of the Planning, Development and Infrastructure Act 2016, and having undertaken an assessment of the application against the Planning and Design Code, the application is NOT seriously at variance with the provisions of the Planning and Design Code; and**
- 2) Development Application Number 22041947 by Mark Kwiatkowski and Anthony Wagenknecht for change of use to include brewery (light industry) within part of store building (producing 44,000L per annum) and construction of mezzanine within the store building for sale & tasting of beer with associated car parking at 14 Nioka Drive, Ironbank is GRANTED Planning Consent subject to the following reserved matter and conditions:**

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RESERVED MATTER

Pursuant to section 102 (3) of the *Planning, Development and Infrastructure Act of 2016*, the following matter(s) shall be reserved for further assessment prior to the granting of Development Approval, the Assessment Manager is delegated to undertake this further assessment:

- 1) A detailed landscaping plan shall be prepared by a suitably qualified professional and submitted with further details regarding plant species and plant locations including screening around the new parking area and the pedestrian pathway between the car park and the brewery building.

Plant species detailed in the landscaping plan shall be selected from the Council's Native Habitat Landscaping and Gardening Guide or Native Habitat Gardening Guide for Low Flammability Gardens. The guides can be downloaded from the Council website: [Native Gardens at Home • Adelaide Hills Council \(ahc.sa.gov.au\)](http://ahc.sa.gov.au).

Pursuant to Section 127(1) of the *Planning, Development and Infrastructure Act 2016*, the power to impose further conditions of consent in respect of the reserved matter above is delegated to the Assessment Manager.

CONDITIONS

Planning Consent

- 1) The development granted shall be undertaken and completed in accordance with the stamped plans and documentation, except where varied by conditions below.
- 2) The hours of operation, including deliveries, shall be as follows:
 - Brewery**
Monday to Sunday between 8:30am – 5:00pm for a maximum of two (2) days per week.
 - Associated Sales & Tasting Area**
Saturday between 11:00am – 5:00pm with a maximum operation of two Saturdays per calendar month.

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- 3) The maximum capacity of the associated sales & tasting mezzanine level area shall be 20 persons at any one time, with a maximum total of 40 customers per operating Saturday. No outdoor areas shall be used for the sale or tasting of beer.
- 4) An extractor fan shall only be located in the roof of the building above the nominated brewing area.
- 5) Only broadband reversing alarms shall be fitted to trucks, pallet jacks or forklifts.
- 6) Prior to commencement of the approved use brew kettles shall be fitted with a vapour condenser and used when brewing occurs.
- 7) Brewing shall not occur while any of the building doors are open.
- 8) No private depot use heavy vehicle movements shall occur while brewery processing activity is occurring, or the sales & tasting area is in operation.
- 9) The noise levels generated by both herein approved uses shall not exceed 52dB(A) between 7:00am and 10:00pm and 45dB(A) before 7:00am and after 10:00pm within the nearby dwellings.
- 10) A maximum 44,000L of beer shall be produced per annum. Any increase to the brewing capacity will require separate Development Approval.
- 11)
 - a) Prior to commencement of the brewery operations, the brewery portion of the building must be fitted with an impervious flooring material and internally banded, with drainage connected to the wastewater management system; and
 - b) Brewery activities, including storage and unloading of beer and solid waste must be carried out on an impervious area that drains to the wastewater management system.

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- 12) Prior to commencement of the brewery operations, the brewery building shall be fitted with an extractor fan that is capable of discharging emissions. The exhaust system must be in operation during the boiling part of the brewing processing. Boiling shall only occur for a maximum of one (1) hour per day.
- 13) All solid brewery waste shall be stored within sealed bins located in the brewery building prior to collection for off-site disposal.
- 14) All formally nominated car-parking spaces, driveway and manoeuvring areas shall be completed and delineated prior to the use commencing in accordance with the approved site plan. Driveways, vehicle manoeuvring and parking areas shall be constructed of compacted gravel (or similar) and be maintained in good condition at all times.
- 15) Prior to the commencement of the approved use a sign shall be installed on the exit driveway advising patrons to “Please respect neighbours and leave the premises in a quiet manner”.
- 16) Flood lighting shall be restricted to that necessary for security purposes only and shall be directed and shielded in such a manner as to not cause nuisance to adjacent properties.

ADVISORY NOTES

Planning Consent

- 1) No work can commence on this development unless a Development Approval has been obtained. If one or more consents have been granted on this Decision Notification Form, you must not start any site works or building work or change of use of the land until you have received notification that Development Approval has been granted.
- 2) Appeal rights – General rights of review and appeal exist in relation to any assessment, request, direction or act of a relevant authority in relation to the determination of this application, including conditions.
- 3) This Planning Consent is valid for a period of twenty four (24) months commencing from the date of the decision, subject to the below or subject to an extension having been granted by the relevant authority. If applicable, Building Consent must be obtained prior to expiration of the Planning Consent.

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- 4) Where an approved development has been substantially commenced within 2 years from the operative date of approval, the approval will then lapse 3 years from the operative date of the approval (unless the development has been substantially or fully completed within those 3 years, in which case the approval will not lapse).
- 5) Separate Development Approval is required for any new advertisements associated with the development herein approved.
- 6) The operator should have regard to preparing a bushfire survival plan (BSP). A template BSP document 'Bushfire Safety and Survival for Business and Organisations document' can found on the CFS website. The operator should consider restrictions on days of extreme weather or bushfire events.
- 7) Compliance with Food Act SA 2001 This approval under the Development Act 1993 does not in any way imply compliance with the Food Act SA 2001 and/or Food Safety Standards. It is the responsibility of the owner of other person operating the food business from the building to ensure compliance with the relevant legislation before opening the food business on the site.
- 8) Food Handling Notification Food business notification must be provided prior to commencing any food (or consumable product) handling activities. This may be provided on-line at www.fbn.sa.gov.au or by obtaining a notification form from Adelaide Hills Council.

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| 8:40pm Leith Mudge withdrew from the meeting due to his declared conflict of interest |
|---|

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- 8.2 **Development Application 22015517 by Wegener Constructions for store associated with existing industry (spring water extraction, bottling & distribution), new opening to existing building, relocation of outbuilding (toilet block) and new parking area at 61 Sprigg Road, Crafers**

8.2.1 **Representations**

| Name of Representor | Address of Representor | Nominated Speaker |
|--|--------------------------------|--|
| Phillip Brunning on behalf of: Richard Sprod Ryan Walker Christine & Ray Underdown John & Jan Thornton Joyce Reid & Douglas Alexander | 27 Halifax Street, Adelaide | Phillip Brunning Phillip Brunning & Associates |
| Abbie Southam | 26 Sprigg Road, Piccadilly | Did not Attend |

Phil Brunning answered questions from the Panel.

The applicant's representatives, Garth Heynen (Heynen Planning Consultants) and Ian Bailey (landowner/business owner), addressed the Panel, and answered questions from the Panel.

8.2.2 **Decision of Panel**

The following was adopted by consensus of all members (22)

The Council Assessment Panel resolved that:

- 1) Pursuant to Section 107(2)(c) of the Planning, Development and Infrastructure Act 2016, and having undertaken an assessment of the application against the Planning and Design Code, the application is NOT seriously at variance with the provisions of the Planning and Design Code; and**

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- 2) Development Application Number 22015517 by Wegener Constructions for store associated with existing industry (spring water extraction, bottling & distribution), new opening to existing building, relocation of outbuilding (toilet block) and new parking area at 61 Sprigg Road, Crafers is GRANTED Planning Consent subject to the following reserved matter and conditions:

RESERVED MATTER

Pursuant to section 102 (3) of the *Planning, Development and Infrastructure Act of 2016*, the following matter(s) shall be reserved for further assessment prior to the granting of Development Approval, the Assessment Manager is delegated to undertake this further assessment:

- 1) A detailed landscaping plan shall be prepared by a suitably qualified professional and submitted with further details regarding plant species and plant locations including screening around the new parking area and between the lower and upper level group of industry buildings.

Plant species detailed in the landscaping plan shall be selected from the Council's Native Habitat Landscaping and Gardening Guide or Native Habitat Gardening Guide for Low Flammability Gardens. The guides can be downloaded from the Council website: [Native Gardens at Home • Adelaide Hills Council \(ahc.sa.gov.au\)](http://NativeGardensatHome.AdelaidesHillsCouncil.southaustralia.gov.au).

Pursuant to Section 127(1) of the *Planning, Development and Infrastructure Act 2016*, the power to impose further conditions of consent in respect of the reserved matter above is delegated to the Assessment Manager.

CONDITIONS

Planning Consent

- 1) The development granted shall be undertaken and completed in accordance with the stamped plans and documentation, except where varied by conditions below.
- 2) The store building shall only be used for storage of bottled/packaged spring water in association with the existing industry use. Any additional or different use of this building will constitute a change in use and will require separate Development Approval.

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- 3) External finishes of the store building shall be of materials and colours to match or complement those of the existing industry buildings to the reasonable satisfaction of Council.
- 4) All surface water from the new parking area shall be directed to a gross pollutant trap (GPT) capable of removing oils, silts, greases, and gross pollutants to Council satisfaction prior to discharge to the Council stormwater system.
- 5) All roof runoff generated by the store building shall be directed to a rainwater tank with overflow to the street in accordance with the approved stormwater design report by Fyfe dated 17 August 2023 to the satisfaction of Council within one month of the roof cladding being installed. All roof and hard surface runoff shall be managed to prevent trespass onto adjoining properties and into the effluent disposal area.
- 6) Flood lighting around the store building shall be restricted to that necessary for security purposes only and shall be directed and shielded in such a manner as to not cause nuisance to adjacent properties.

ADVISORY NOTES

Planning Consent

- 1) No work can commence on this development unless a Development Approval has been obtained. If one or more consents have been granted on this Decision Notification Form, you must not start any site works or building work or change of use of the land until you have received notification that Development Approval has been granted.
- 2) Appeal rights – General rights of review and appeal exist in relation to any assessment, request, direction or act of a relevant authority in relation to the determination of this application, including conditions.
- 3) This Planning Consent is valid for a period of twenty-four (24) months commencing from the date of the decision, subject to the below or subject to an extension having been granted by the relevant authority. If applicable, Building Consent must be obtained prior to expiration of the Planning Consent.

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- 4) Where an approved development has been substantially commenced within 2 years from the operative date of approval, the approval will then lapse 3 years from the operative date of the approval (unless the development has been substantially or fully completed within those 3 years, in which case the approval will not lapse).

9:36pm The meeting was adjourned for a short break

9:41pm The meeting resumed

8.3 **Development Application 23014494 by Oliver Sierp for change of use from dwelling to tourist accommodation (12 guests) and internal alterations (retrospective) at 1 Bilney Road, Stirling**

8.3.1 **Representations**

| Name of Representor | Address of Representor | Nominated Speaker |
|---------------------|-------------------------|-------------------|
| Pascoe Ayling | 3 Bilney Road, Stirling | Did not Attend |

The applicant, Oliver Sierp, was invited to answer questions from the Panel.

8.3.2 **Decision of Panel**

The following was adopted by consensus of all members (23)

The Council Assessment Panel resolved that:

- 1) Pursuant to Section 107(2)(c) of the Planning, Development and Infrastructure Act 2016, and having undertaken an assessment of the application against the Planning and Design Code, the application is NOT seriously at variance with the provisions of the Planning and Design Code; and
- 2) Development Application Number 23014494 by Oliver Sierp for change of use from dwelling to tourist accommodation (12 guests) and internal alterations (retrospective) at 1 Bilney Road, Stirling is GRANTED Planning Consent subject to the following conditions:

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Planning Consent

- 1) The development granted shall be undertaken and completed in accordance with the stamped plans and documentation, except where varied by conditions below (if any).
- 2) The tourist accommodation shall accommodate a maximum number of 12 guests at any given time.
- 3) The person(s) having the benefit of this consent shall refrain from permitting the use of the building (or any part thereof) for provision long term accommodation or as a separate dwelling. The tourist accommodation shall be used and operated on a short term rental arrangement with a maximum of a one month stay per occupancy.

A logbook shall be kept of all occupancies for each calendar year and made available for inspection by the Council upon request.

- 4) Crossover requirements – Bilney Road:
 - The excavation works must be conducted under the supervision of a qualified consulting Arborist;
 - No mechanical excavation is to occur without comprehensive root zone investigation works being undertaken in relation to the Oak tree on the Council road verge;
 - Hydro excavation of a liner trench to the depth of the proposed cut depth is required to first assess the extent of root material present and identify root pruning opportunities;
 - The trench is required to be in an east-west orientation, positioned to the southern- most side of the existing crossover footprint;
 - No severance of tree roots greater than 50mm should occur. If tree roots greater than 50mm are identified they must be wrapped in wet hessian and the Council Open Space team contacted for further assessment prior to work continuing;
 - The applicant shall supply to Council a summary document of the root zone assessment findings prepared by the engaged consulting Arborist within 7 days of the root zone investigation works being completed; and
 - The proposed crossover footprint cannot encroach any closer to the tree than the existing cut gravel surface.

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General Notes

- 1) **No work can commence on this development unless a Development Approval has been obtained. If one or more consents have been granted on this Decision Notification Form, you must not start any site works or building work or change of use of the land until you have received notification that Development Approval has been granted.**
- 2) **Appeal rights – General rights of review and appeal exist in relation to any assessment, request, direction or act of a relevant authority in relation to the determination of this application, including conditions.**
- 3) **This Planning Consent is valid for a period of twenty-four (24) months commencing from the date of the decision, subject to the below or subject to an extension having been granted by the relevant authority. If applicable, Building Consent must be obtained prior to expiration of the Planning Consent.**
- 4) **Where an approved development has been substantially commenced within 2 years from the operative date of approval, the approval will then lapse 3 years from the operative date of the approval (unless the development has been substantially or fully completed within those 3 years, in which case the approval will not lapse).**
- 5) **A separate development application is required for any signs or advertisements (including flags and bunting) associated with the development herein approved.**

| |
|---|
| 10:04pm Leith Mudge returned to the meeting |
|---|

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8.4 Development Application 23007983 by Bargain Steel Centre for outbuilding at 6 Onkaparinga Street, Lobethal

The Council Assessment Panel accepted the amended plans e-mailed to them on 8 November 2023.

8.4.1 Representations

N/A

8.4.2 Decision of Panel

The following was adopted by consensus of all members (24)

The Council Assessment Panel resolved that:

- 1) Pursuant to Section 107(2)(c) of the Planning, Development and Infrastructure Act 2016, and having undertaken an assessment of the application against the Planning and Design Code, the application is NOT seriously at variance with the provisions of the Planning and Design Code; and
- 2) Development Application Number 23007983 by Bargain Steel Centre for outbuilding at 6 Onkaparinga Street, Lobethal is GRANTED Planning Consent subject to the following conditions:

CONDITIONS

Planning Consent

- 1) The development granted shall be undertaken and completed in accordance with the stamped plans and documentation, except where varied by conditions below.
- 2) The external finishes to the outbuilding herein approved shall be as follows:
WALLS: Colorbond 'Monument' or similar or similar
ROOF: Colorbond 'Monument' or similar
- 3) The outbuilding shall not be used for human habitation, commercial or industrial purposes. Any such activity may constitute a change in use and will require separate development approval.

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- 4) All roof runoff generated by the development hereby approved shall be directed to a rainwater tank with overflow to the street (via a pump if necessary) or a Council drainage easement to the satisfaction of Council within one month of the roof cladding being installed. All roof and hard surface runoff shall be managed to prevent trespass onto adjoining properties and into the effluent disposal area where an on-site waste control system exists.

ADVISORY NOTES

Planning Notes

- 1) No work can commence on this development unless a Development Approval has been obtained. If one or more consents have been granted on this Decision Notification Form, you must not start any site works or building work or change of use of the land until you have received notification that Development Approval has been granted.
- 2) Appeal rights – General rights of review and appeal exist in relation to any assessment, request, direction or act of a relevant authority in relation to the determination of this application, including conditions.
- 3) This Planning Consent is valid for a period of twenty-four (24) months commencing from the date of the decision, subject to the below or subject to an extension having been granted by the relevant authority. If applicable, Building Consent must be obtained prior to expiration of the Planning Consent.
- 4) Where an approved development has been substantially commenced within 2 years from the operative date of approval, the approval will then lapse 3 years from the operative date of the approval (unless the development has been substantially or fully completed within those 3 years, in which case the approval will not lapse).
- 5) This Planning Consent does not formalise or guarantee access across the land of 16 Onkaparinga Street currently allowed by the Lobethal Recreation Sports Ground Club. The most secure way to travel within neighbouring land to your property into the future would be to register a legal right of way over the land. Any other agreement to access the land could be rescinded in the future by the neighbouring landowners, risking your ability to access your property in the intended manner.

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AND
ZOOM VIRTUAL MEETING ROOM**

[Please Note: These minutes are unconfirmed until 13 December 2023]

- 6) The applicant is reminded of their general environmental duty, as required by Section 25 of the Environment Protection Act 1993, to take all reasonable and practical measures to ensure that the activities on the whole site, including during construction, do not pollute the environment in a way which causes, or may cause, environmental harm.
 - 7) Management of the property during construction shall be undertaken in such a manner as to prevent denudation, erosion or pollution of the environment.
 - 8) The onus of ensuring that any development is located in the approved position on the correct allotment is the responsibility of the landowner/applicant. This may necessitate a boundary survey being undertaken by a licensed land surveyor prior to the work commencing and when building work is complete.
9. **Development Assessment Applications – Development Act**
Nil
10. **Development Assessment Applications – Review of Decisions of Assessment Manager**
Nil
11. **ERD Court Appeals**
The Assessment Manager provided the Panel with a verbal update on current ERD Court Appeals.
12. **Policy Issues for Advice to Council**
Nil
13. **Other Business**
- 13.1 The Assessment Manager foreshadowed that, following recent Case Law around Panel meetings, another training session will be organised in the New Year with Norman Waterhouse. The date will be advised in due course.
14. **Order for Exclusion of the Public from the Meeting to debate Confidential Matters**
Nil

**ADELAIDE HILLS COUNCIL
MINUTES OF COUNCIL ASSESSMENT PANEL MEETING
WEDNESDAY 8 NOVEMBER 2023
63 MOUNT BARKER ROAD, STIRLING
AND
ZOOM VIRTUAL MEETING ROOM**

[Please Note: These minutes are unconfirmed until 13 December 2023]

- 15. Confidential Item**
Nil
- 16. Next Meeting**
The next ordinary Council Assessment Panel meeting will be held on Wednesday 13 December 2023.
- 17. Close meeting**
The meeting closed at 10.18pm.

**ADELAIDE HILLS COUNCIL
ORDINARY COUNCIL MEETING
Tuesday 14 November 2023
CONFIDENTIAL AGENDA BUSINESS ITEM**

Item: 19.1

Responsible Officer: Ashley Curtis
Manager Civil Services
Environment and Infrastructure

Subject: Contract for the Provision of Spray Seal Services

For: Decision

1. Contract for the Provision of Spray Seal Services – Exclusion of the Public

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

- Chief Executive Officer, Greg Georgopoulos
- Director Environment & Infrastructure, David Waters
- Director Corporate Services, Terry Crackett
- Director Community & Development, Natalie Armstrong
- Manager Civil Services, Ashley Curtis
- Governance Support, Tracey Riddle (Kelledy Jones)
- Minute Secretary, Kylie Hopkins

be excluded from attendance at the meeting for Agenda Item 19.1: (Contract for the Provision of Spray Seal Services) in confidence.

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

Section 90(3)(k) of the *Local Government Act 1999*, the information to be received, discussed or considered in relation to this Agenda Item is tenders for the supply of goods, the provision of services or the carrying out of works the disclosure of which could reasonably be expected to prejudice the commercial position of the business who supplied the information by disclosing specific quotes and modelling by the tenderer.

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

3. Contract for the Provision of Spray Seal Services – Duration of Confidentiality

Subject to the CEO, or his delegate, disclosing information or any document (in whole or in part) for the purpose of implementing Council’s decision(s) in this matter in the performance of the duties and responsibilities of office, Council, having considered Agenda Item 19.1 in confidence under sections 90(2) and 90(3)(k) of the *Local Government Act 1999*, resolves that an order be made under the provisions of sections 91(7) and (9) of the *Local Government Act 1999* to retain the Items in confidence as detailed in the Duration of Confidentiality Table below:

| Item | Duration of Confidentiality NB: Item to be reviewed every 12 months if not released |
|---------------------|---|
| Report | Until Contracts are signed, but not longer than 12 months |
| Related Attachments | Until Contracts are signed, but not longer than 12 months |
| Minutes | Until Contracts are signed, but not longer than 12 months |
| Other | Until Contracts are signed, but not longer than 12 months |

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