



ORDINARY COUNCIL MEETING

NOTICE OF MEETING

To: Mayor Jan-Claire Wisdom

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 25 June 2024
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.

A handwritten signature in black ink, appearing to read 'GG', is written over a horizontal line.

Greg Georgopoulos
Chief Executive Officer



ORDINARY COUNCIL MEETING

AGENDA FOR MEETING
Tuesday 25 June 2024
6.30pm
63 Mt Barker Road Stirling

ORDER OF BUSINESS

1. COMMENCEMENT

2. OPENING STATEMENT

Council acknowledges that we meet on the traditional lands and waters of the Peramangk and Kaurna people. They are Custodians of this ancient and beautiful land and so we pay our respects to Elders past, present and emerging. We will care for this country together by ensuring the decisions we make will be guided by the principle that we should never decrease our children's ability to live on this land.

3. APOLOGIES/LEAVE OF ABSENCE

- 3.1. Apology
Apologies were received from
- 3.2. Leave of Absence
- 3.3. Absent

4. MINUTES OF PREVIOUS MEETINGS

Council Meeting – 11 June 2024

That the minutes of the ordinary meeting held on 11 June 2024 as supplied, be confirmed as an accurate record of the proceedings of that meeting.

Special Council Meeting – 17 June 2024

That the minutes of the special meeting held on 17 June 2024 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
- 8.3. Public Forum

9. PRESENTATIONS (by exception)

Nil

10. QUESTIONS ON NOTICE

Nil

11. MOTIONS ON NOTICE

Nil

12. ADMINISTRATION REPORTS – DECISION ITEMS

- 12.1. Draft 2024-25 Fees and Charges for Adoption
 - 1. *That the report Draft 2024-25 Fees and Charges for Adoption be received and noted.*
 - 2. *To adopt the 2024-25 Fees and Charges Schedule included at Appendix 1 to apply on and from 1 July 2024.*
 - 3. *To authorise the Chief Executive Officer to approve minor changes to the Fees and Charges Schedule during the 2024-25 financial year, as required.*
- 12.2. Local Roads and Community Infrastructure Program (LRCIP) Phase 4
 - 1. *That the report be received and noted.*
 - 2. *To authorise the applications for the following projects to be submitted as the Adelaide Hills Council Local Roads and Infrastructure Program Phase 4 full works schedule, totalling \$1,232,152, for delivery in 2024-25:*
 - a. *Knotts Hill Road slip, Ashton/Basket Range, \$87,000*
 - b. *Marble Hill Road slip, Ashton/Marble Hill, \$150,000*
 - c. *Fox Creek Road pavement renewal, Cudlee Creek, \$214,000*
 - d. *Junction Road, Stormwater, Balhannah, \$381,152*
 - e. *Adelaide Hills War Memorial Swimming Centre Splash Park, Woodside \$400,000*

3. *That the Chief Executive Officer, or his delegate, be authorised to submit and negotiate any variations to the approved funding schedule, such as timing, specific project scope or specific funding allocations, in relation to the above projects as may be required throughout the delivery of the program.*
 4. *That the Chief Executive Officer, or his delegate, be authorised to make any changes necessary to incorporate the above program of works into Council's 2024-25 Annual Business Plan and Budget.*
- 12.3. Review of Cemetery Operating Policy
1. *That the report Review of Cemetery Operating Policy be received and noted.*
 2. *With an effective date of 1 July 2024, to revoke the 9 May 2023 Cemetery Operating Policy and to adopt the 11 June 2024 Cemetery Operating Policy as per Appendix 1.*
 3. *That the Chief Executive Officer be authorised to make any formatting, nomenclature or other minor changes to the 11 June 2024 Cemetery Operating Policy as per Appendix 1 prior to the date of effect.*
- 12.4. Disclosure of Interest – Greg Georgopoulos CEO
1. *That the report Chief Executive Officer – Declaration of Conflicts of Interest be received and noted.*
 2. *To note the Chief Executive Officer, Mr Greg Georgopoulos' disclosure of a conflict of interest in relation to the Southern and Hills Local Government Association.*
 3. *To authorise Mr Georgopoulos to act in the course of his official duties in relation to the Southern and Hills Local Government Association.*
- 12.5. Discretionary Rate Rebate Report
1. *That the report be received and noted.*
 2. *For Council decision- see options in this report*
 3. *The applicant be formally advised by the CEO, or his delegate, of Council's decision.*
- 12.6. Confidential Item Review – June 2024
1. *That the report be received and noted.*
 2. *Resolution 207/24 – Event Opportunity Santos Tour Down Under 2025*

Pursuant to Section 91(7) of the Local Government Act 1999, Council orders that the following document(s) (or part) shall be kept confidential, being document(s) (or part) relating to a matter dealt with by the Council on a confidential basis under Sections 90(2) and 90(3)(j) of the Act:

 - *would divulge information provided on a confidential basis by or to a Minister of the Crown, or another public authority or official (not*

being an employee of the council, or a person engaged by the council); and

- *would, on balance, be contrary to the public interest.*

The document(s) in relation to resolution 207/24 be kept confidence until a further order.

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

13. ADMINISTRATION REPORTS – INFORMATION ITEMS

Nil

14. CORRESPONDENCE FOR NOTING

Nil

15. QUESTIONS WITHOUT NOTICE

Nil

16. MOTIONS WITHOUT NOTICE

Nil

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 – 12 June 2024

That the minutes of the CAP meeting held on 12 June 2024 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. Electricity Procurement – Legal Matter

20. NEXT MEETING

Tuesday 9 July 2024, 6.30pm, 63 Mt Barker Road, Stirling

21. CLOSE MEETING

Council Meeting & Workshops 2024

DATE	TYPE	LOCATION	MINUTE TAKER
JULY 2024			
Mon 1 July	Workshop	Woodside	N/A
Tues 9 July	Ordinary Council	Stirling	Rebekah Lyons
Wed 10 July	CAP	Stirling	Karen Savage
Tues 16 July	Professional Development	Stirling	N/A
Tues 23 July	Ordinary Council	Stirling	Rebekah Lyons
AUGUST 2024			
Mon 5 August	Workshop	Woodside	N/A
Tues 13 August	Ordinary Council	Stirling	Rebekah Lyons
Wed 14 August	CAP	Stirling	Karen Savage
Mon 19 August	Audit Committee	Stirling	TBA
Tues 20 August	Professional Development	Stirling	N/A
Thur 22 August	CEO PRP	Stirling	Kelley Jones Lawyers
Tues 27 August	Ordinary Council	Stirling	Rebekah Lyons
SEPTEMBER 2024			
Mon 2 September	Workshop	Woodside	N/A
Tues 10 September	Ordinary Council	Stirling	Rebekah Lyons
Wed 11 September	CAP	Stirling	Karen Savage
Tues 17 September	Professional Development	Stirling	N/A
Tues 24 September	Ordinary Council	Stirling	Rebekah Lyons
OCTOBER 2024			
Tues 1 October (Public Holiday)	Workshop	Woodside	N/A
Tues 8 October	Ordinary Council	Stirling	Rebekah Lyons
Wed 9 October	CAP	Stirling	Karen Savage
Tues 15 October	Professional Development	Stirling	N/A
Mon 14 Oct	Audit Committee	Stirling	TBA
Tues 22 October	Ordinary Council	Stirling	Rebekah Lyons
NOVEMBER 2024			
Mon 4 November	Workshop	Woodside	N/A
Tues 12 November	Ordinary Council	Stirling	Rebekah Lyons
Wed 13 November	CAP	Stirling	Karen Savage
Mon 18 November	Audit Committee	Stirling	TBA
Tues 19 November	Professional Development	Stirling	N/A
Tues 26 November	Ordinary Council	Stirling	Rebekah Lyons
DECEMBER 2024			
Mon 2 December	Workshop	Woodside	N/A
Wed 11 December	CAP	Stirling	Karen Savage
Tues 17 December	Ordinary Council	Stirling	Rebekah Lyons

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

Council Member Attendance 2024

Information or Briefing Sessions

Meeting Date	Mayor Jan-Claire Wisdom	Cr Kirrilee Boyd	Cr Adrian Cheater	Cr Nathan Daniell	Cr Leith Mudge	Cr Louise Pascale	Cr Mark Osterstock	Cr Kirsty Parkin	Cr Pauline Gill	Cr Chris Grant	Cr Malcolm Herrmann	Cr Lucy Huxter	Cr Melanie Selwood
19.03.2024 (PD)	LOA	F	F	F	F	F	AP	F	F	F	F	F	F
23.03.2024 (WS)	LOA	P	F	F	F	F	P	P	F	F	F	AP	F
02.04.2024 (WS)	LOA	AP	F	F	F	F	F	P	A	F	F	P	P
09.04.2024 (WS)	LOA	F	F	F	F	LOA	F	F	A	F	F	LOA	F
16.04.24 (WS)	LOA	F	P	F	AP	LOA	LOA	LOA	F	F	F	F	F
06.05.2024 (WS)	LOA	F	F	F	F	F	A	F	LOA	F	F	F	F
21.05.2024 (WS)	F	F	F	F	F	P	LOA	F	LOA	F	F	AP	F
3.06.2024 (WS)	AP	AP	F	F	F	F	AP	F	F	F	F	AP	F
18.06.2024 (PD)	F	F	F	F	F	F	F	AP	F	F	F	AP	F

Council Member Attendance 2024

Council Meetings (including Special Council Meetings)

Meeting Date	Mayor Jan-Claire Wisdom	Cr Kirrilee Boyd	Cr Adrian Cheater	Cr Nathan Daniell	Cr Leith Mudge	Cr Louise Pascale	Cr Mark Osterstock	Cr Kirsty Parkin	Cr Pauline Gill	Cr Chris Grant	Cr Malcolm Herrmann	Cr Lucy Huxter	Cr Melanie Selwood
26.03.2024	LOA	AP	F	F	F	P	LOA	F	F	AP	F	AP	F
9.04.2024	LOA	F	F	F	F	LOA	F	F	P	F	F	LOA	F
23.04.2024	LOA	F	F	F	F	LOA	F	F	AP	F	F	F	F
14.05.2024	LOA	F	F	F	F	F	LOA	AP	LOA	F	F	F	F
28.05.2024	F	F	F	F	F	AP	F	LOA	LOA	F	F	F	F
11.06.2024	F	F	F	F	F	F	F	LOA	F	F	F	AP	F
17.06.2024	F	F	F	F	F	F	AP	F	F	F	F	F	F

Index: F = Full Attendance / P = Partial Attendance / AP = Apology / LOA = Leave of Absence / A = Absent

Conflict of Interest Disclosure Form

CONFLICTS MUST BE DECLARED VERBALLY DURING MEETINGS

Date: _____

Meeting Name (please tick one)

- | | | | |
|------------------------------|--------------------------|---------------------------|--------------------------|
| Ordinary Council | <input type="checkbox"/> | Audit Committee | <input type="checkbox"/> |
| Special Council | <input type="checkbox"/> | Boundary Change Committee | <input type="checkbox"/> |
| CEO Performance Review Panel | <input type="checkbox"/> | Other: _____ | <input type="checkbox"/> |

Item No **Item Name:**

(Only one conflict of interest entry per form)

I, Mayor / Cr _____ have identified a conflict of interest as:

GENERAL

MATERIAL

GENERAL

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.

MATERIAL

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.

The nature of my conflict of interest is as follows:

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

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

- I intend to **stay** in the meeting (please complete details below)
- I intend to **stay** in the meeting as exempt under s75A (please complete details below)
- I intend to **leave** the meeting (*mandatory if you intend to declare a Material conflict of interest*)

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

(This section must be completed and ensure sufficient detail is recorded of the specific circumstances of your interest.)

Office use only: Council Member voted FOR / AGAINST the motion.

8. DEPUTATIONS

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

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

8.3 PUBLIC FORUM

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

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

Minutes of Council

**ADELAIDE HILLS COUNCIL
MINUTES OF ORDINARY COUNCIL MEETING
TUESDAY 11 JUNE 2024
63 MT BARKER ROAD STIRLING**

In Attendance

Presiding Member: Mayor Jan-Claire Wisdom

Members:

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

In Attendance:

Greg Georgopoulos	Chief Executive Officer
Gary Lewis	Director Corporate Services
Jess Charlton	A/Director Community and Development
David Waters	Director Environment and Infrastructure
Zoe Gill	Governance and Risk Coordinator
Skye Ludzay	Governance and Risk Officer
Rebekah Lyons	Minute Secretary
Tom Portas	Technical Support

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 Lucy Huxter

Mayor _____

25 June 2024

**ADELAIDE HILLS COUNCIL
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3.2 Leave of Absence

Moved Cr Adrian Cheater

S/- Cr Chris Grant

190/24

- 1 That a Leave of Absence from all duties of office be granted to Cr Kirsty Parkin from 11 June 2024 to 15 June 2024**
- 2 That any committee or panel membership currently held by Cr Kirsty Parkin be undertaken by the Deputy during the leave of absence.**

Carried Unanimously

Moved Cr Kirrilee Boyd

S/- Cr Pauline Gill

191/24

- 1 That a Leave of Absence from all duties of office be granted to Cr Adrian Cheater from 15 July 2024 to 21 July 2024.**
- 2 That any committee or panel membership currently held by Cr Adrian Cheater be undertaken by the Deputy during the leave of absence.**

Carried Unanimously

Moved Cr Louise Pascale

S/- Cr Adrain Cheater

192/24

- 1 That a Leave of Absence from all duties of office be granted to Cr Melanie Selwood from 26 June 2024 to 29 June 2024.**
- 2 That any committee or panel membership currently held by Cr Melanie Selwood be undertaken by the Deputy during the leave of absence.**

Carried Unanimously

3.3 Absent

4. MINUTES OF PREVIOUS MEETINGS

4.1 Council Meeting – 28 May 2024

Moved Cr Malcolm Herrmann

S/- Cr Chris Grant

193/24

Council resolves that the minutes of the Ordinary Council meeting held on 28 May 2024, as supplied, be confirmed as an accurate record of the proceedings of that meeting.

Carried Unanimously

**ADELAIDE HILLS COUNCIL
MINUTES OF ORDINARY COUNCIL MEETING
TUESDAY 11 JUNE 2024
63 MT BARKER ROAD STIRLING**

5. DECLARATION OF CONFLICT OF INTEREST BY MEMBERS OF COUNCIL

5.1 Material Conflict of Interest, Cr Leith Mudge – Item 8.3 Public Forum

Under section 75C of the *Local Government Act 1999* Cr Leith Mudge disclosed a Material (section 75) Conflict of Interest in Item 8.3.

5.2 Material Conflict of Interest, Cr Leith Mudge – Item 11.2 Public Forum

Under section 75C of the *Local Government Act 1999* Cr Leith Mudge disclosed a Material (section 75) Conflict of Interest in Item 11.2.

5.3 Material Conflict of Interest, Cr Adrian Cheater – Item 12.2 Attendance at National General Assembly of Local Government

Under section 75C of the *Local Government Act 1999* Cr Adrian Cheater disclosed a Material (section 75) Conflict of Interest in Item 12.2.

5.4 Material Conflict of Interest, Cr Louise Pascale – Item 12.2 Attendance at National General Assembly of Local Government

Under section 75C of the *Local Government Act 1999* Cr Louise Pascale disclosed a Material (section 75) Conflict of Interest in Item 12.2.

5.5 General Conflict of Interest, Cr Louise Pascale – Item 12.3 Road Closure Approval – Inside Line State Series 2024

Under section 75B of the *Local Government Act 1999* Cr Louise Pascale disclosed a General (section 74) Conflict of Interest in Item 12.3.

5.6 General Conflict of Interest, Cr Leith Mudge – Item 12.3 Road Closure Approval – Inside Line State Series 2024

Under section 75B of the *Local Government Act 1999* Cr Leith Mudge disclosed a General (section 74) Conflict of Interest in Item 12.3.

5.7 General Conflict of Interest, Cr Melanie Selwood – Item 12.4 Road Closure Approval – Adelaide Hills Rally (Unsealed Roads)

Under section 75B of the *Local Government Act 1999* Cr Melanie Selwood disclosed a General (section 74) Conflict of Interest in Item 12.4.

5.8 Material Conflict of Interest, Mayor Jan-Claire Wisdom – Item 19.3 Mayor Seeking Legal Advice Update

Under section 75C of the *Local Government Act 1999* Mayor Jan-Claire Wisdom disclosed a Material (section 75) Conflict of Interest in Item 19.3.

6. PRESIDING MEMBER'S OPENING REMARKS

Mayor Jan-Claire Wisdom informed the gallery that an hour would be available during the meeting for comments on the 2024/25 Annual Business Plan.

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7. QUESTIONS ADJOURNED/LYING ON THE TABLE

7.1 Questions Adjourned

Nil

7.2 Questions Lying on the Table

Nil

8. PETITIONS/DEPUTATIONS/PUBLIC FORUM

8.1 Petitions

8.1.1 Onkaparinga Valley Football Club – Unisex Change Rooms

Moved Cr Pauline Gill

S/- Cr Adrian Cheater

194/24

Council resolves:

1. That the petition signed by 107 signatories requesting that in 2024/25 the Adelaide Hills Council provides financial support to the Onkaparinga Valley Football Club, towards the construction of Unisex change rooms and associated Medical Facilities at the Johnston Memorial Park, be received and noted.
2. That the CEO advise the principal signatory of the Council's noting of the petition and of any resolutions relating to the matter, but in particular, the Council's resolution of 28 May 2024 seeking a report on the proposal.

Carried Unanimously

8.2 Deputations

6:39pm Cr Mark Osterstock left the meeting room.

6:43pm Cr Mark Osterstock returned to the meeting room.

8.2.1 Onkaparinga Valley Football Club, Mr Andrew Adcock, Club Representative and Ms Rebecca Tappert Community Venue Development Lead, SANFL

8.3 Public Forum

Under section 75C of the *Local Government Act 1999* Cr Leith Mudge disclosed a Material (section 75) Conflict of Interest in Item 8.3.

- I am a member of the Council Assessment Panel (CAP) and am prevented by its Code of Conduct from being included in any matters that may come before CAP outside of panel meetings.

6:58pm Cr Leith Mudge left the meeting room.

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8.3.1 2024/25 Annual Business Plan Public Consultation

Angela Harvey – Support for Onkaparinga Football Club Unisex Changeroom.
Sandhya Sharma & Dev McIntosh – Renewal of Uraidla Playground in the Annual Business Plan

8.3.2 Public Forum

Justin Gear – Supporting Council’s stance to reject the Development Application from On The Run for a service station in Heathfield.

9. PRESENTATIONS

Nil

10. QUESTIONS ON NOTICE

7:11pm Cr Leith Mudge returned to the meeting room.

10.1 Legal Fees – Cr Pauline Gill

- 1. What is the current spend on consultants for FY 23/24?**
- 2. What was the spend on consultants in FY 22/23 by comparison?**

A comprehensive analysis up to 15th May shows a total expenditure on consultants of \$209,737 for financial year 2023/2024.

In 2022/23 Council started reporting consultancy fees in Financial Statements. The amount reported for consultancy fees for 2022/2023 was \$108,000. An incorrect accounting method was applied. If the same accounting approach was applied to the 2023/24 year the result would be zero.

Administration have commenced a review of how consulting fees are reported, prioritising the current financial year.

There is ongoing work to recalculate the prior years figure so a more meaningful comparison can be made, and this will be included in the Financial Statements for 2023/24.

There is no clear, universally accepted definition of what a consultant is which can lead to challenges in differentiating between contractors and consultants. The approach taken in performing the new analysis is that contractors ‘are professionals who provide skills or services for a fixed period’, while a consultant is someone who ‘works with clients to provide advice, strategies and solutions to specific challenges or goals’.

- 3. What is the current spend on legal fees for FY 23/24?**
- 4. What was the spend on legal fees in FY 22/23 by comparison?**

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Refer to the Legal Cost table below. Comparisons to the prior year expenditure need to consider that there was a large recovery of legal costs of \$34k (in addition to the normal rates recoveries). This related to expenses in the preceding year, therefore it reduced the apparent spend in 2022/23.

Table: Legal fees for 2022/23 and 2023/2024*

	2022/23 Actuals	2023/24 YTD Actuals to April 2024
Corporate Services		
Governance & Performance	6,896	92,792
People and Culture & WHS	9,534	20,943
Information Management	0	2,553
Rates	10,538	7,725
	26,968	124,013
Community & Development		
C&D Director's Office	0	6,495
Animal Management	2,902	17,304
Parking and By-Laws	4,637	8,816
Development Assessment & Compliance	181,999	(38,999)
Environmental Health	0	0
	189,538	(6,385)
Environment & Infrastructure		
E&I Director's Office	0	4,368
Manager Open Space	222	1,326
AHBTC	0	0
Property Management	30,936	39,281
	31,158	44,975
Total legal costs	247,664	162,603

* this table does not include legal fees related to Ashton Landfill

- 5. How much is the average fee for a lawyer to attend Council meetings?**
The fee for a lawyer to attend Council meetings is a fixed cost of \$875.

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- 6. What is the timeframe to have a Governance person employed or moved into the position currently occupied by a lawyer?**

Governance and Risk Coordinator, Zoë Gill has been appointed to the Governance position. External governance support (by way of a lawyer) has been utilised during the transition period and may continue on an ad-hoc basis as appropriate and as negotiated as part of the appointment agreement.

11. MOTIONS ON NOTICE

11.1 Grants Policy – Cr Melanie Selwood

Moved Cr Melanie Selwood
S/- Cr Leith Mudge

195/24

I move that:

- 1. Council notes that the Grant Giving Policy is due for renewal;**
- 2. The CEO undertakes a review of the Grant Giving Policy and current grant programs;**
- 3. The review includes a workshop for Council Members to provide feedback on the current grant offerings and suggestions for future opportunities.**
- 4. The review consider the following:**
 - a. Eligibility criteria is sufficient for the diversity of potential applicants in our communities;**
 - b. The level of funding provided per grant type;**
 - c. Categories of grants;**
 - d. Alignment with strategic objectives;**
 - e. Assessment processes;**
 - f. Consultation with groups and associations likely to access the grant programs**
 - g. Opportunities for additional grant provisions when the applicant is successful in securing state and/or Federal grants**
- 5. Recommendations be provided to Council by the end of January 2025.**

Carried Unanimously

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11.2 Proposed OTR Development Heathfield – Cr Mark Osterstock

Under section 75C of the *Local Government Act 1999* Cr Leith Mudge disclosed a Material (section 75) Conflict of Interest in Item 11.2.

- I am a member of the Council Assessment Panel (CAP) and am prevented by its Code of Conduct from being included in any matters that may come before CAP outside of panel meetings.

Cr Leith Mudge advised of his intent to leave the meeting room while the item is discussed and will not vote on the matter.

7:25pm Cr Leith Mudge left the meeting room.

**Moved Cr Mark Osterstock
S/- Cr Chris Grant**

196/24

I move that:

Decision 1

- 1. Council reaffirms its decision [209/23] of the 8th day of August 2023 in relation to DA 21031284, Proposed OTR Development at Heathfield. That decision being as follows:**

11.1 Proposed OTR Development Heathfield

Moved Cr Mark Osterstock
S/- Cr Chris Grant

209/23

1. Council endorses the recent decision of the Council Assessment Panel (CAP) in relation to DA 21031284, Proposed OTR Development at Heathfield (the applicant) dated the 26th day of July 2023. (Appendix 1)
2. Council confirms, that in the event that the applicant for DA 21031284 appeals the CAP's refusal, and notwithstanding the Council's obligations under section 83(1)(h)(ii) of the Planning, Development and Infrastructure Act 2016, the Council is supportive of the CAP and its decision-making process in this matter.
3. Further, the Council extends its encouragement to the Assessment Manager, in her role in assisting and supporting the CAP, under section 87 of the PDI Act, and by extension, if necessary, in defending the CAP's refusal of the subject application to the fullest extent possible.

Carried Unanimously

Carried Unanimously

Mayor _____

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Decision 2

Moved Cr Mark Osterstock

S/- Cr Nathan Daniell

197/24

I move that:

- 1. Council notes that the applicant has submitted an appeal against the Council Assessment Panel (CAP) decision of the 26th day of July 2023 and that this appeal is currently before the Environment Resources and Development [ERD] Court.**
- 2. Council maintains its opposition, in the strongest possible terms, to a large 24-hour retail fuel outlet and canopy, an automatic car wash and dog wash facility, for the reasoning as articulated in its detailed representation that was considered by the CAP at its meeting of the 26th day of July 2023 (Appendix 1).**
- 3. Council, once again, extends its encouragement to the Assessment Manager, in her role in assisting and supporting the CAP, under Section 87 of the PDI Act, in defending the appeal.**

Carried

DIVISION

Cr Adrian Cheater called for a division.

The Presiding Member set aside the ruling.

In the affirmative (8)

Councillors Boyd, Cheater, Daniell, Pascale, Osterstock, Gill, Grant, Selwood

In the negative (1)

Councillor Herrmann

On the basis of the results of the division, the Presiding Member declared the motion **Carried.**

12. OFFICER REPORTS – DECISION ITEMS

12.1 Adelaide Hills Tourism Funding Agreement 2024

7:49pm Cr Leith Mudge returned to the meeting room.

Cr Osterstock left the meeting room.

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Moved Cr Malcolm Herrmann

S/- Cr Leith Mudge

198/24

Council resolves:

Decision 1:

1. To acknowledge the disclosure of interests contained in this report and to authorise the Chief Executive Officer, Mr Greg Georgopoulos, to act in the course of his official duties in relation to Adelaide Hills Tourism.

Carried Unanimously

Decision 2:

Moved Cr Malcolm Herrmann

S/- Cr Nathan Daniell

199/24

1. That the report be received and noted.
2. That the one-year funding agreement, as contained in Appendix 1 including a contribution of \$110,900, (plus CPI) for the 2024/25 financial year, with the Adelaide Hills Tourism 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.

Carried Unanimously

12.2 Attendance at National General Assembly of Local Government

7:57pm Cr Mark Osterstock returned to the meeting room.

Under section 75C of the *Local Government Act 1999* Cr Louise Pascale disclosed a Material (section 75) Conflict of Interest in Item 12.2.

- I intend to nominate for the position which would have a material benefit.

Cr Louise Pascale advised of her intent to leave the meeting room while the item is discussed and will not vote on the matter.

7:59pm Cr Louise Pascale left the meeting room.

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Under section 75C of the *Local Government Act 1999* Cr Adrian Cheater disclosed a Material (section 75) Conflict of Interest in Item 12.2.

- I intend to nominate for the position which would have a material benefit.

Cr Adrian Cheater advised of his intent to leave the meeting room while the item is discussed and will not vote on the matter.

7:59pm Cr Adrian Cheater left the meeting room.

8:01pm Cr Chris Grant left the meeting room.

8:02pm Cr Chris Grant returned to the meeting room.

Moved Cr Kirrilee Boyd

S/- Cr Pauline Gill

200/24

Council resolves:

- 1. That the report be received and noted.**
- 2. To approve Cr Louise Pascale's attendance in a representative capacity at the National General Assembly of Local Government in Canberra in July 2024 and coverage of related costs estimated at \$4,500 in accordance with the Council Member Training and Development Policy.**
- 3. To approve Cr Adrian Cheater's attendance for professional development at the National General Assembly of Local Government in Canberra in July 2024 and coverage of related costs estimated at \$4,500 in accordance with the *Council Member Training and Development Policy*.**

Carried Unanimously

8:05pm Cr Adrian Cheater returned to the meeting room.

Cr Louise Pascale returned to the meeting room.

12.3 Road Closure Approval – Inside State Line Series 2024

Under section 75B of the *Local Government Act 1999* Cr Leith Mudge disclosed a General (section 74) Conflict of Interest in Item 12.3.

- My son was an Inside Line competitor for a number of years and I was a volunteer marshall.

Cr Leith Mudge advised the meeting his private interest would not result in him acting in a manner contrary to his public duty and intended to remain in the meeting when the item is discussed, and to participate in the debate and vote on the matter.

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Under section 75B of the *Local Government Act 1999* Cr Louise Pascale disclosed a General (section 74) Conflict of Interest in Item 12.3.

- I am a resident in the area that will experience road closures, however I am not directly affected.

Cr Louise Pascale advised the meeting her private interest would not result in her acting in a manner contrary to her public duty and intended to remain in the meeting when the item is discussed, and to participate in the debate and vote on the matter.

**Moved Cr Mark Osterstock
S/- Cr Adrian Cheater**

201/24

Council resolves:

1. That the report be received and noted.
2. That Council provides consent for road closure orders in relation to the 2024 Inside Line State Series Round 5 mountain biking event as follows:

Saturday 24 and Sunday 25 August 2024
Approximate closure 7:00am – 5:00pm both days
Norton Summit Road closed between the eastern and western intersections with Teringie Drive
3. That the Council confirms that the Chief Executive Officer may use existing powers under delegation to consider, and determine whether or not to provide consent to, any proposals for changes to the road closures in the lead up to the event, so long as the overall scope of the event road closures remains similar to the proposal described above.
4. That Council provides approval for the Chief Executive Officer to use the delegation already provided to him to consider consent for road closures under Section 33(2) of the Road Traffic Act 1961 if the event is to be run in future years.
5. The temporary road closure application fee is waived as per Councils fees and charges register.

Carried Unanimously

12.4 Road Closure Approval – Adelaide Hills Rally (Unsealed Roads)

Under section 75B of the *Local Government Act 1999* Cr Melanie Selwood disclosed a General (section 74) Conflict of Interest in Item 12.4.

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- I am a resident in the area that will experience road closures, however I am not directly affected.

Cr Melanie Selwood advised the meeting her private interest would not result in her acting in a manner contrary to her public duty and intended to remain in the meeting when the item is discussed, and to participate in the debate and vote on the matter.

Moved Cr Leith Mudge
S/- Cr Malcolm Herrmann

Council resolves:

1. That the report be received and noted.
2. That, in relation to the 2024 Adelaide Hills Rally, Council supports the event contingent on the organisers, to the satisfaction of the Chief Executive Officer:
 - a. Complying with Council's Festivals and Events Policy – Guideline No. 1 for Competitive Motoring Events
 - b. Payment of an Application Fee as per the Council's Fees and Charges Register for Temporary Road Closures
 - c. Providing evidence of satisfactory insurance to cover any damage to third party property caused by the event
 - d. Entering into a road repair agreement with Council to cover any rectification works required as a result of damage caused by the event
 - e. Providing confirmation that the affected business owners are aware of the proposed road closures
 - f. Providing written confirmation that the concerns raised by affected residents and businesses have been addressed (noting that not all concerns can necessarily be addressed to the satisfaction of all residents and businesses) and that the event organisers will make their best endeavours to arrange for egress and ingress to those properties within the event where possible where a pressing need has been advised in advance
 - g. Written confirmation from the organisers that they will erect effective advance notice of road closures on the affected roads, at least three weeks prior to the event
 - h. Providing evidence of satisfactory procedures for enabling emergency services access to properties on the event route at all times
3. That subject to the requirements of Item 2. being undertaken, Council provides consent for road closure orders in relation to the event, to be held on Saturday 14 September 2024 as follows:
 - a. Kenton Valley Stage (Kenton Valley and Mt Torrens)
Closure 12:00pm – 5:30pm

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Turner Road, Maidment Road, Lihou Road and Schocroft Road – from Burfords Hill Road to Schuberts Road

- b. Charligate Stage (Charleston)
Closure 12:30pm – 6:00pm
Harrison Road, Kings Road, Burnley Road, Teakles Road, Lewis Road, Bell Springs Road and Warmington Run closed – from Quarry Road to Hollows Road (then continued into Mount Barker District Council)
4. That the Council confirms that the Chief Executive Officer may use existing powers under delegation to consider, and determine whether or not to provide consent to, any proposals for changes to the road closures in the lead up to the event, so long as the overall scope of the event road closures remains similar to the proposal described above.

AMENDMENT

Moved Cr Mark Osterstock
S/-

Council resolves:

1. That the report be received and noted.
2. That, in relation to the 2024 Adelaide Hills Rally, Council supports the event contingent on the organisers, to the satisfaction of the Chief Executive Officer:
 - a. Complying with Council’s Festivals and Events Policy – Guideline No. 1 for Competitive Motoring Events
 - b. Payment of an Application Fee as per the Council’s Fees and Charges Register for Temporary Road Closures
 - c. Providing evidence of satisfactory insurance to cover any damage to third party property caused by the event
 - d. Entering into a road repair agreement with Council to cover any rectification works required as a result of damage caused by the event
 - e. Providing confirmation that the affected business owners are aware of the proposed road closures
 - f. Providing written confirmation that the concerns raised by affected residents and businesses have been addressed (noting that not all concerns can necessarily be addressed to the satisfaction of all residents and businesses) and that the event organisers will make their best endeavours to arrange for egress and ingress to those properties within the event where possible where a pressing need has been advised in advance

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- g. Written confirmation from the organisers that they will erect effective advance notice of road closures on the affected roads, at least three weeks prior to the event
 - h. Providing evidence of satisfactory procedures for enabling emergency services access to properties on the event route at all times
3. That subject to the requirements of Item 2. being undertaken, Council provides consent for road closure orders in relation to the event, to be held on Saturday 14 September 2024 as follows:
- a. **Kenton Valley Stage (Kenton Valley and Mt Torrens)**
Closure 12:00pm – 5:30pm
Turner Road, Maidment Road, Lihou Road and Schocroft Road – from Burfords Hill Road to Schuberts Road
 - b. **Charligate Stage (Charleston)**
Closure 12:30pm – 6:00pm
Harrison Road, Kings Road, Burnley Road, Teakles Road, Lewis Road, Bell Springs Road and Warmington Run closed – from Quarry Road to Hollows Road (then continued into Mount Barker District Council)
4. That the Council confirms that the Chief Executive Officer may use existing powers under delegation to consider, and determine whether or not to provide consent to, any proposals for changes to the road closures in the lead up to the event, so long as the overall scope of the event road closures remains similar to the proposal described above.
5. **That Council has an expectation that where appropriate, the applicant will contribute to repairs and or maintenance of roads the subject of this report at the CEO's discretion.**

The Amendment was put and lost

Moved Cr Leith Mudge
S/- Cr Malcolm Herrmann

202/24

Council resolves:

- 1. **That the report be received and noted.**
- 2. **That, in relation to the 2024 Adelaide Hills Rally, Council supports the event contingent on the organisers, to the satisfaction of the Chief Executive Officer:**

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- a. **Complying with Council’s Festivals and Events Policy – Guideline No. 1 for Competitive Motoring Events**
 - b. **Payment of an Application Fee as per the Council’s Fees and Charges Register for Temporary Road Closures**
 - c. **Providing evidence of satisfactory insurance to cover any damage to third party property caused by the event**
 - d. **Entering into a road repair agreement with Council to cover any rectification works required as a result of damage caused by the event**
 - e. **Providing confirmation that the affected business owners are aware of the proposed road closures**
 - f. **Providing written confirmation that the concerns raised by affected residents and businesses have been addressed (noting that not all concerns can necessarily be addressed to the satisfaction of all residents and businesses) and that the event organisers will make their best endeavours to arrange for egress and ingress to those properties within the event where possible where a pressing need has been advised in advance**
 - g. **Written confirmation from the organisers that they will erect effective advance notice of road closures on the affected roads, at least three weeks prior to the event**
 - h. **Providing evidence of satisfactory procedures for enabling emergency services access to properties on the event route at all times**
3. **That subject to the requirements of Item 2. being undertaken, Council provides consent for road closure orders in relation to the event, to be held on Saturday 14 September 2024 as follows:**
- a. **Kenton Valley Stage (Kenton Valley and Mt Torrens)
Closure 12:00pm – 5:30pm
Turner Road, Maidment Road, Lihou Road and Schocroft Road – from Burfords Hill Road to Schuberts Road**
 - b. **Charligate Stage (Charleston)
Closure 12:30pm – 6:00pm
Harrison Road, Kings Road, Burnley Road, Teakles Road, Lewis Road, Bell Springs Road and Warmington Run closed – from Quarry Road to Hollows Road (then continued into Mount Barker District Council)**
4. **That the Council confirms that the Chief Executive Officer may use existing powers under delegation to consider, and determine whether or not to provide consent to, any proposals for changes to the road closures in the lead up to the event, so long as the overall scope of the event road closures remains similar to the proposal described above.**

Carried

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DIVISION

Cr Pauline Gill called for a division.

The Presiding Member set aside the ruling.

In the affirmative (7)

Councillors Herrmann, Boyd, Cheater, Mudge, Pascale, Daniell, Osterstock

In the negative (3)

Councillors Gill, Grant, Selwood

On the basis of the results of the division, the Presiding Member declared the motion **Carried.**

12.5 Enforcement Review – Fire, Wastewater and Animal Management

Moved Cr Malcolm Herrmann

S/- Cr

Council resolves:

1. That the report be received and noted.
2. That the Enforcement Review Fire, Wastewater and Animal Management in Appendix 1 be noted.
3. That the CEO increase the level of service to facilitate year-round education and enforcement relating to fire prevention on private land and make any necessary resourcing changes to enable the provision of this service, noting that any additional resources should be cost neutral.
4. To adopt the revised Enforcement Policy in Appendix 2.

Motion lapsed for want of a seconder

Moved Cr Chris Grant

S/- Cr Kirrilee Boyd

203/24

Council resolves:

1. That the report be received and noted.
2. That the Enforcement Review Fire, Wastewater and Animal Management in Appendix 1 be noted.

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3. That the CEO increase the level of service to facilitate year-round education and enforcement relating to fire prevention on private land and make any necessary resourcing changes to enable the provision of this service.
4. To adopt the revised Enforcement Policy in Appendix 2.

Carried Unanimously

13. OFFICER REPORTS - INFORMATION ITEMS

Nil

14. CORRESPONDENCE FOR INFORMATION

Nil

15. QUESTIONS WITHOUT NOTICE

Cr Louise Pascale asked three questions regarding Yertabiritti Womma Oval, Woodforde.

MOTION WITHOUT NOTICE

Moved Cr Louise Pascale

S/- Cr Leith Mudge

204/24

Council resolves:

That the response to Cr Louise Pascale's Question Without Notice be recorded into the minutes of the Ordinary Council meeting 11 June 2024.

Carried Unanimously

1. Was Adelaide Hills Council given the opportunity to buy Womma Oval when the State Government sold it?
2. What was the market value of the Crown Land?

Director Environment and Infrastructure, David Waters answered the questions:

In December 2019 Council received a notice from State Government that it proposed to declare surplus, the Crown Land known at Womma Oval on the corner of Glen Stuart Road and Kintyre Road, Woodforde. Members may be aware that the land had been occupied by Rostrevor College for many years. At the time, the government was advised that the Council did not wish to purchase the land. This was in the context of the development of the surrounding area, known as Hamilton Hill, happening at the time, which included a substantial piece of land which would be handed to Council as public open space.

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3. Is it normal practice to be offered Crown Land when it is being sold?

The Crown Land disposal process requires Government to check with other government agencies and the relevant local council to determine if the land is required by an agency, or if it is of interest to the local council, which can buy the land at market value.

Cr Malcolm Herrmann asked a question about the Birdwood Solar Farm.

8:48pm Cr Louise Pascale left the meeting room.

MOTION WITHOUT NOTICE

**Moved Cr Malcolm Herrmann
S/- Cr Pauline Gill**

205/24

Council resolves:

That the response to Cr Malcolm Herrmann's Question Without Notice be recorded into the minutes of the Ordinary Council meeting 11 June 2024.

Carried Unanimously

1. Is the Birdwood Solar Farm going ahead?

Acting Director Jessica Charlton confirmed that the development application has been withdrawn by the applicant and advised that planning consent was given by the Council Assessment Panel.

2. Can this be made publicly available information?

Acting Director Jessica Charlton confirmed that the applicant has withdrawn the application.

8:50pm Cr Louise Pascale returned to the meeting room.

Cr Malcolm Herrmann asked for an update regarding the Amy Gillett Bikeway Project.

8:50pm Cr Mark Osterstock left the meeting and did not return.

16. MOTIONS WITHOUT NOTICE

Nil

17. REPORTS

17.1 Council Member Function or Activity on the Business of Council

Mayor Jan-Claire Wisdom

- 16 May 2024, Metro Mayor's Forum/ GAROC Forum, Adelaide
- 21 May 2024, Council information session

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- 23 May 2024, LGA OGM Welcome reception, Adelaide
- 24 May 2024, LGA OGM all day conference
- 27 May 2024, Meeting with Rebekha Sharkie MP, Dan Cregan MP and Mayor David Leach, Mt Barker
- 29 May 2024, Meeting Federal Minister King and staff with Rebekha Sharkie MP, Dan Cregan MP and Mayor David Leach, Canberra
- 5 June 2024, Photo and video session with AHC media team to promote new Resident Connections Guide launch, Woodforde (Hamilton Hill) and Rostrevor.
- 7 June 2024, Informal meeting with Independent Member of CEOPRP

Cr Melanie Selwood

- 30 May 2024, Annual Business Plan Consultation Forum, Woodside
- 4 June 2024, Woodside Commerce Association Meeting, Woodside
- 6 June 2024, Annual Business Plan Consultation Forum, Norton Summit

Cr Louise Pascale

- 30 May 2024, Attended Community Annual Business Plan Information Session, Woodside
- 4 June 2024, Met Lewis Walk Residents (Hamilton Hill), Woodforde
- 4 June 2024, Attended Community Annual Business Plan Information Session, Stirling
- 6 June 2024, Attended Community Annual Business Plan Information Session, Norton Summit

Cr Pauline Gill

- 25 April 2024, Attended Houghton ANZAC Day Service, Houghton
- 7 May 2024, Meeting regarding Birdwood Trail to connect with Amy Gillett Bikeway
- 30 May 2024, Meeting with Onkaparinga Football Club regarding Unisex Change Room proposal
- 2 June 2024, Opening of Hermitage Water Tank, Range Road North, Hermitage

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

Nil

17.3 CEO Report

Greg Georgopoulos, CEO, updated Councillors regarding the 2024/25 Annual Business Plan. The CEO reported that 10 people attended the consultation forums over 4 days. It was noted that the feedback is being collated and will be shared during a special meeting of Council on Monday 17th June.

18. REPORTS OF COMMITTEES

18.1 Council Assessment Panel

Nil

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18.2 Audit Committee

Nil

18.3 CEO Performance Review Panel

Nil

18.4 Boundary Change Committee

Nil

19. CONFIDENTIAL ITEMS

**ADELAIDE HILLS COUNCIL
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19.1 Event Opportunity Santos Tour Down Under 2025 – Exclusion of the Public

8:55pm Cr Adrian Cheater left the meeting room.

**Moved Cr Chris Grant
S/- Cr Pauline Gill**

206/24

Council resolves:

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, Gary Lewis
- Acting Director Community & Development, Jess Charlton
- Governance and Risk Coordinator, Zoë Gill
- Minute Secretary, Rebekah Lyons
- Governance and Risk Officer, Skye Ludzay
- IT Support, Tom Portas

be excluded from attendance at the meeting for Agenda Item 19.1: (Event Opportunity – Santos Tour Down Under 2025) 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)(j) 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 –

- (i) would divulge information provided on a confidential basis by or to a Minister of the Crown, or another public authority or official (not being an employee of the council, or a person engaged by the council); and
- (ii) would, on balance, be contrary to the public interest.

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

Carried Unanimously

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19.1.1 Event Opportunity Santos Tour Down Under 2025 – Confidential Item

|

|

Mayor _____

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Mayor _____

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Mayor _____

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19.1.2 Event Opportunity Santos Tour Down Under 2025 – Duration of Confidentiality

Moved Cr Chris Grant

S/- Cr Adrian Cheater

208/24

Council resolves:

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)(j) 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 Council receives written confirmation from the South Australian Tourism Commission that the event information is no longer confidential, but not longer than 30 June 2025.
Related Attachments	Not Applicable
Minutes	Until Council receives written confirmation from the South Australian Tourism Commission that the event information is no longer confidential, but not longer than 30 June 2025.
Other (discussion and considerations of the subject matter)	Until Council receives written confirmation from the South Australian Tourism Commission that the event information is no longer confidential, but not longer than 30 June 2025.

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.

Carried Unanimously

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19.2 CEO Review Process – Exclusion of the Public

Moved Cr Chris Grant

S/- Cr Pauline Gill

209/24

Council resolves:

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, Gary Lewis
- A/Director Community & Development, Jess Charlton
- Governance and Risk Coordinator, Zoe Gill
- Governance and Risk Officer, Skye Ludzay
- Minute Secretary, Rebekah Lyons
- IT Support, Tom Portas

be excluded from attendance at the meeting for Agenda Item 19.2: (CEO Review Process) in confidence.

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

Section 90(3)(a) of the *Local Government Act 1999*, the information to be received, discussed or considered in relation to this Agenda Item is of a personal nature the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person.

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

Carried Unanimously

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19.2.1 CEO Review Process – Confidential Item

Mayor _____

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19.2.2 CEO Review Process – Duration of Confidentiality

Moved Cr Chris Grant
S/- Cr Kirrilee Boyd

211/24

Council resolves:

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 19.2 in confidence under sections 90(2) and 90(3)(a) 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	11 June 2028
Related Attachments	11 June 2028
Minutes	11 June 2028
Other (presentation, documents, or similar)	11 June 2028

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.

Carried Unanimously

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19.3 Mayor seeking legal advice update – Exclusion of the Public

Under section 75C of the *Local Government Act 1999* Mayor Jan-Claire Wisdom disclosed a Material (section 75) Conflict of Interest in Item 19.3.

- Indirect personal and pecuniary interest as I may suffer a loss or receive a benefit.

Mayor Jan-Claire Wisdom advised of her intent to leave the meeting room while the item is discussed and will not vote on the matter.

9:41pm Mayor Jan-Claire Wisdom left the meeting room.

The Deputy Mayor Melanie Selwood assumed the Chair.

**Moved Cr Chris Grant
S/- Cr Adrian Cheater**

212/24

Council resolves:

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, Gary Lewis**
- **A/Director Community & Development, Jess Charlton**
- **Governance and Risk Coordinator, Zoë Gill**
- **Governance and Risk Officer, Skye Ludzay**
- **Minute Secretary, Rebekah Lyons**
- **IT Support, Tom Portas**

be excluded from attendance at the meeting for Agenda Item 19.3: (Mayor Seeking Legal Advice) in confidence.

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

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

- a) **Information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead);**
- h) **Legal advice.**

**ADELAIDE HILLS COUNCIL
MINUTES OF ORDINARY COUNCIL MEETING
TUESDAY 11 JUNE 2024
63 MT BARKER ROAD STIRLING**

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

Carried Unanimously

**ADELAIDE HILLS COUNCIL
MINUTES OF ORDINARY COUNCIL MEETING
TUESDAY 11 JUNE 2024
63 MT BARKER ROAD STIRLING**

19.3.1 Mayor seeking legal advice update – Confidential Item

Mayor _____

25 June 2024

**ADELAIDE HILLS COUNCIL
MINUTES OF ORDINARY COUNCIL MEETING
TUESDAY 11 JUNE 2024
63 MT BARKER ROAD STIRLING**

19.3.2 Mayor seeking legal advice update – Duration of Confidentiality

Moved Cr Chris Grant

S/- Cr Pauline Gill

214/24

Council resolves:

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 19.3 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	For 12 months unless Council determines otherwise
Related Attachments	For 12 months unless Council determines otherwise
Minutes	For 12 months unless Council determines otherwise
Other (presentation, documents, or similar)	For 12 months unless Council determines otherwise

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.

Carried Unanimously

9:47pm Mayor Jan-Claire Wisdom resumed the Chair.

20. NEXT ORDINARY MEETING

The next ordinary meeting of the Adelaide Hills Council will be held on Tuesday 25 June 2024 from 6.30pm at 63 Mt Barker Road, Stirling.

21. CLOSE MEETING

The meeting closed at 9:47pm.

**ADELAIDE HILLS COUNCIL
MINUTES OF SPECIAL COUNCIL MEETING
Monday 17 June 2024
63 MT BARKER ROAD STIRLING**

In Attendance

Presiding Member: Mayor Jan-Claire Wisdom

Members:

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

In Attendance:

Greg Georgopoulos	Chief Executive Officer
Gary Lewis	Director Corporate Services
Jessica Charlton	A/Director Community and Development
David Waters	Director Environment and Infrastructure
Zoë Gill	Governance and Risk Coordinator
Rebekah Lyons	Minute Secretary
Mike O'Donnell	Technical Support

1. COMMENCEMENT

The special meeting commenced at 7:34pm

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.

Mayor _____ 25 June 2024

**ADELAIDE HILLS COUNCIL
MINUTES OF SPECIAL COUNCIL MEETING
Monday 17 June 2024
63 MT BARKER ROAD STIRLING**

3. APOLOGIES/LEAVE OF ABSENCE

3.1 Apology

Cr Mark Osterstock

3.2 Leave of Absence

Nil

3.3 Absent

Nil

4. DECLARATION OF CONFLICT OF INTEREST BY MEMBERS OF COUNCIL

Nil

5. PRESIDING MEMBER'S OPENING REMARKS

Nil

6. PUBLIC FORUM

Nil

7. BUSINESS OF THE MEETING

7.1 Heathfield Oval Scoreboard – Request for Funding

Moved Cr Adrian Cheater

S/- Cr Kirsty Parkin

215/24

Council resolves:

1. That the report be received and noted.

VARIATION

Through the Presiding Member, with the consent of the Mover and Seconder, leave of the meeting was sought to vary the motion.

Council resolves:

1. That the report be received and noted.
2. That the Administration encourage the club to apply for the 2024/25 Community Recreation Facilities Grant.

Carried Unanimously

Mayor _____ 25 June 2024

**ADELAIDE HILLS COUNCIL
MINUTES OF SPECIAL COUNCIL MEETING
Monday 17 June 2024
63 MT BARKER ROAD STIRLING**

7.2 Onkaparinga Valley Football Club Changerooms – Request for Funding

Moved Cr Pauline Gill
S/- Cr Louise Pascale

Council resolves:

1. That the report be received and noted.

AMENDMENT

Moved Cr Nathan Daniell
S/- Cr Leith Mudge

Council resolves:

1. That the report be received and noted.
2. **That the administration encourage the club to explore and, if appropriate, apply for the other grant program opportunities outlined in the report.**
3. **That the project be reconsidered as part of the 2025/26 budget process.**

The amendment was put and carried

MOTION AS AMENDED

Moved Cr Nathan Daniell
S/- Cr Leith Mudge

216/24

Council resolves:

1. That the report be received and noted.
2. **That the administration encourage the club to explore and, if appropriate, apply for the other grant program opportunities outlined in the report.**
3. **That the project be reconsidered as part of the 2025/26 budget process.**

Carried Unanimously

**ADELAIDE HILLS COUNCIL
MINUTES OF SPECIAL COUNCIL MEETING
Monday 17 June 2024
63 MT BARKER ROAD STIRLING**

7.3 2024/25 Annual Business Plan Consultation Report

Moved Cr Nathan Daniell
S/- Cr Daniel Mudge

Council resolves:

1. That the 2024-25 Annual Business Plan Consultation Results report be received and noted.
2. To note the responses to the draft Annual Business Plan 2024-25 public consultation undertaken from 16 May - 11 June 2023 as contained in the Annual Business Plan 2022-23 Community Engagement Outcomes Report in Appendix 1.
3. To note the following changes to the draft Annual Business Plan 2024-25:
 - a. Adjustments to budget/financial figures to account for:
 - i. Changes will be made to the budget for both the Amy Gillett project and Fabrik to reflect the latest information, with no change being caused to the operating surplus.
 - ii. The renewal and upgrade of the Uraidla Play Space.

AMENDMENT

Moved Cr Malcolm Herrman
S/- Cr Pauline Gill

Council resolves:

1. That the 2024-25 Annual Business Plan Consultation Results report be received and noted.
2. To note the responses to the draft Annual Business Plan 2024-25 public consultation undertaken from 16 May - 11 June 2023 as contained in the Annual Business Plan 2022-23 Community Engagement Outcomes Report in Appendix 1.
3. To note the following changes to the draft Annual Business Plan 2024-25:
 - a. Adjustments to budget/financial figures to account for:
 - i. Changes will be made to the budget for both the Amy Gillett project and Fabrik to reflect the latest information, with no change being caused to the operating surplus.
 - ii. The renewal and upgrade of the Uraidla Play Space.

**ADELAIDE HILLS COUNCIL
MINUTES OF SPECIAL COUNCIL MEETING
Monday 17 June 2024
63 MT BARKER ROAD STIRLING**

- iii. To reduce the allocation to the Defibrillators from \$90,000 to \$45,000.
- iv. Installation of a sealed apron at the intersection of Cranes Rd and Torrens Valley Rd, Birdwood at an estimated cost of \$6,000.

The amendment was put and lost

AMENDMENT

Moved Cr Kirrilee Boyd
S/- Cr Kirsty Parkin

Council resolves:

1. That the 2024-25 Annual Business Plan Consultation Results report be received and noted.
2. To note the responses to the draft Annual Business Plan 2024-25 public consultation undertaken from 16 May - 11 June 2023 as contained in the Annual Business Plan 2022-23 Community Engagement Outcomes Report in Appendix 1.
3. To note the following changes to the draft Annual Business Plan 2024-25:
 - a. Adjustments to budget/financial figures to account for:
 - i. Changes will be made to the budget for both the Amy Gillett project and Fabrik to reflect the latest information, with no change being caused to the operating surplus.
 - ii. The renewal and upgrade of the Uraidla Play Space
 - iii. **That the operating surplus in the draft budget be increased to 1% to \$598,000.**

The amendment was put and lost

Moved Cr Nathan Daniell
S/- Cr Leith Mudge

217/24

Council resolves:

1. **That the 2024-25 Annual Business Plan Consultation Results report be received and noted.**
2. **To note the responses to the draft Annual Business Plan 2024-25 public consultation undertaken from 16 May - 11 June 2023 as contained in the Annual Business Plan 2022-23 Community Engagement Outcomes Report in Appendix 1.**

**ADELAIDE HILLS COUNCIL
MINUTES OF SPECIAL COUNCIL MEETING
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3. To note the following changes to the draft Annual Business Plan 2024-25:
- a. Adjustments to budget/financial figures to account for:
 - i. Changes will be made to the budget for both the Amy Gillett project and Fabrik to reflect the latest information, with no change being caused to the operating surplus.
 - ii. The renewal and upgrade of the Uraidla Play Space.

Carried

8. **CONFIDENTIAL ITEM**

Nil

9. **CLOSE MEETING**

The meeting closed at 8:40pm

Administration Reports Decision Items

**ADELAIDE HILLS COUNCIL
ORDINARY COUNCIL MEETING
Tuesday 25 June 2024
AGENDA BUSINESS ITEM**

Item: 12.1

Responsible Officer: Gary Lewis
Director
Corporate Services

Subject: Draft 2024-25 Fees and Charges for Adoption

For: Decision

SUMMARY

Prior to the adoption of the Annual Business Plan each year a review is undertaken of all fees and charges to enable budgeted income to be adjusted if necessary.

As a result of undertaking this process, the recommended schedule of fees and charges to apply from 1 July 2024 is attached (*Appendix 1*).

The proposed base line increase for all fees and charges has been set in line with the Adelaide All Groups annual change to March 2024 CPI (4.3%), where relevant, and as far as this is practical.

In applying the increase, fees have been rounded to the nearest dollar for ease of application, which may have resulted in a movement that varies from CPI.

RECOMMENDATION

Council resolves:

1. That the report Draft 2024-25 Fees and Charges for Adoption be received and noted.
 2. To adopt the 2024-25 Fees and Charges Schedule included at *Appendix 1* to apply on and from 1 July 2024.
 3. To authorise the Chief Executive Officer to approve minor changes to the Fees and Charges Schedule during the 2024-25 financial year, as required.
-

1. BACKGROUND

Council reviews its fees and charges each year in conjunction with the development of the annual budget. As part of this process, a detailed review has been undertaken to ensure that the fees proposed:

- I. reflect more accurately, the cost of the services being provided.

- II. are comparable with market rates, where appropriate.
- III. consider the benefit derived by users of community facilities.
- IV. are consistent with Council directions articulated through Council's Strategic Plan, existing strategies, policies, and plans.
- V. are in accordance with legislative requirements, where relevant.
- VI. are consistent with Council's Long Term Financial Plan assumptions.

As a result of this review, the recommended fees and charges register to apply from 1 July 2024 is attached (**Appendix 1**).

The recent *2024-25 Draft Annual Business Plan* for community consultation indicated that it was proposed to increase fees and charges with reference to CPI.

The relevant CPI referenced for fees and charges is 4.3% which is the Adelaide All Groups annual change to March 2024. Where considered appropriate rounding has been applied for ease of payment and therefore may have resulted in a movement that varies from CPI (4.3%).

Council has delegated the powers to set and waive fees and charges to the Chief Executive Officer (CEO) and on this basis, the fees and charges may be amended during the financial year in response to new service offerings or changes to the cost base of providing existing services.

In addition to fees set and determined by Council, Council also applies several Statutory Fees as set by the State Government under the following Acts.

- *Planning, Development, and Infrastructure Act 2016*
- *Expiation of Offences Act 1996*
- *Food Act 2001*
- *Freedom of Information Act 1991*
- *Land and Business (Sale and Conveyancing) Regulations 2010.*
- *Local Government Act 1999 pursuant to section 169(9)(c) Objections to valuations made by Council and section 187 (3)(e) Certificate of Liabilities*
- *Private Parking Areas Act 1986*
- *Private Parking Areas Regulations 2014*
- *SA Public Health Act 2011*
- *Valuation of Land Act 1971*

As they are set by the State Government, Council has no discretion in determining those fees.

These statutory fees and charges are determined by an Act of Parliament or by Local Government Regulations and are normally gazetted in June and July of each year and often after the adoption of the Council set fees and charges.

However, several statutory fees set by the State Government for 2024-25 have already been gazetted during early June 2024. To make it easier for the Community to be aware of all fees and charges, including those of a statutory nature, the Fees and Charges Register has already been updated for their inclusion.

Further, under section 155 of the *Local Government Act 1999* (the Act), Council also imposes Community Wastewater Management System (CWMS) annual service charges based on the nature of the service and the level of usage of the service.

These service charges are not fees and charges under section 188 of the Act. However, these charges will also be included within the Fees and Charges Schedule so that a single reference document is available to the community for all Council charges.

2. ANALYSIS

➤ Strategic Management Plan/Functional Strategy/Council Policy Alignment

Strategic Plan 2020-24 – A brighter future

Goal 5 A Progressive Organisation

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

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

An annual review of all fees and charges seeks to contribute to the ongoing financial sustainability through ensuring the organisation operates within its means and assists in keeping rate increases as low as possible.

Fees and charges are generally adjusted in line with market conditions, to make common fees comparable across localities or are in line with the cost to provide the service.

Generally, fees and charges are set at a level to ensure cost recovery, and hence sustainability of those discretionary services provided by Council on a user-pays basis.

This has resulted in proposed fee increases that are in line with the forecast CPI (4.3%) where relevant, and as far as this is practical.

Each fee is reviewed by staff members responsible for that fee or charge to ensure that users are paying an amount that is fair and reasonable and reflects the consumption of the program or service provided.

➤ Legal Implications

Section 188 of the *Local Government Act 1999* (the Act) provides for Council to impose fees and charges:

- (a) for the use of any property or facility owned, controlled, managed, or maintained by the council.
- (b) for services supplied to a person at his or her request.
- (c) for carrying out work at a person's request.
- (d) for providing information or materials, or copies of, or extracts from, council records.
- (e) in respect of any application to the council.
- (f) in respect of any authorisation, licence or permit granted by the council.
- (g) in respect of any matter for which another Act provides that a fee fixed under this Act is to be payable.
- (h) in relation to any other prescribed matter.

The power to set fees and charges under S188 has been delegated to the CEO and sub-delegated to other members of the Administration with functional responsibilities.

Nevertheless, it is customary that the proposed fees and charges for the 2024-25 financial year are provided to Council for adoption. These may be altered under delegation as circumstances demand.

In addition, Council applies statutory fees as set by the State Government under several Acts.

These statutory fees and charges are determined by an Act of Parliament or by Local Government Regulations and are normally gazetted in June and July of each year and in some cases after the adoption of the Council set fees and charges.

As they are set by the State Government, Council has no discretion in determining those fees.

Fees for dog and cat registrations are determined by Council in accordance with the *Dog and Cat Management Act 1995*.

➤ **Risk Management Implications**

Undertaking an annual review of Council's fees and charges, and informing the community of the endorsed changes will assist in mitigating the risk of:

Undercharging and misleading service users as to the cost of Council services, resulting in inaccurate budgets, un-forecasted deficits, and inadequate resourcing for current and future activities.

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

Fees and charges are set at a level that reflects current market conditions, or to ensure cost recovery where possible, and hence sustainability of those discretionary services provided by Council.

➤ **Financial and Resource Implications**

Failing to adopt updated fees and charges could increase the burden on Council's rate income to subsidise services which should be self-funding or attract a reasonable contribution charge from the service users.

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

Customers expect to be able to look up and locate Council's fees and charges and for the information to be current.

➤ **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

<i>Advisory Groups:</i>	Not Applicable
<i>External Agencies:</i>	Not Applicable
<i>Community:</i>	The community was informed of the proposal to generally increase fees and charges in line with CPI insofar as this is practicable as part of the draft <i>2024-25 Annual Business Plan</i> document endorsed by Council at its meeting held 14 May 2024.

➤ **Additional Analysis**

Fees and charges (including statutory charges) will contribute approximately \$2.556m to Council's income stream being in the order of 4% of total operating income for 2024-25.

Specific points of note relevant to the consideration of overall fees and charges are as follows.

Temporary Road Closures

The daily event fee for additional days of road closures has been reduced by almost 50% in line with the fact this fee is rarely used and there is little to no additional work required from the Administration.

The additional fee can be onerous for some events to pay given the one-day fee is more than \$1,000. To encourage and support events in the Adelaide Hills it is not reasonable to charge additional fees when there is no extra work involved.

Cemetery Fees

Following a thorough review of Cemetery fees and the introduction of new fees for interment at Kersbrook Cemetery and non-resident burial fee during 2023-24, cemetery fees have been indexed by CPI in all instances.

Development Application Fees

Development application fees are unchanged from those reported for 2023-24.

CWMS Fees

CWMS Fees are unchanged from those reported for 2023-24. Council continues to review the operational efficiency of the service in conjunction with the ESCOSA Water Pricing Principles. It is expected the pricing will be revised in 2025-26.

Community Centres Hire Fees

Room hires to Government agencies and other business organisations is not a core community centre service. Fees have been increased above CPI to reflect the preference for community areas to be used by community and not-for-profit groups.

Aldgate Oval

New fees have been introduced for the hiring of Aldgate oval, including key deposits, general oval hire and hire of the long room on a seasonal basis.

3. OPTIONS

Council has the following options:

- I. Adopt the recommended 2024-25 Fees and Charges Register to apply on and from 1 July 2024 (Recommended), or
- II. Defer adopting one or more of the recommended fees and charges to allow further review or consultation to be conducted, or
- III. Adjust one or more of the recommended fees and charges noting that there may be revenue implications and therefore an adjustment to the relevant fee income budget required.

4. APPENDICES

- (1) Draft 2024-25 Fees and Charges Register for Adoption

Appendix 1

Draft 2024-25 Fees and Charges for Adoption



ADELAIDE HILLS COUNCIL

FEEs AND CHARGES REGISTER

2024-25

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ADELAIDE HILLS COUNCIL

FEES AND CHARGES REGISTER

2024-25

DESCRIPTION	GST TAXABLE	Unit	Adopted Fees & Charges 2023/24 (incl. GST)	DRAFT Fees & Charges 2024/25 (incl. GST)	% Increase	Comments
1. STATUTORY RELATED FEES						
1.1 Development Act 1993						
Development Application Fees						
Public Notification Fee for Development Application	Yes		\$742.00	\$780.00	5.2%	
Certificate of Title search (SALIS)	Yes		\$49.00	\$51.00	4.1%	
Access to Development Records (<i>Reduction for pensioners and other concession card holders may be applicable</i>)						
Application Fee	Yes		\$32.00	\$33.00	3.1%	
Search and processing fee (for each 30 minute block or part there of)	Yes		\$27.00	\$28.00	3.7%	
File Retrieval Fee (per file)	Yes		\$55.00	\$55.00		
Development Records Copying A4 / A3 / A1 / A0	Yes	per sheet	\$0.50 / \$1.00 / \$1.50 / \$2.00	Refer to Library Services Photocopying	0.0%	
1.1a Planning, Development and Infrastructure Act 2016						
Development Application Fees						
Sign on Land Fee	Yes		\$427.00	\$427.00	0.0%	
Additional sign - A3	Yes		\$36.00	\$36.00	0.0%	
Certificate of Title search (SALIS)	Yes		\$49.00	\$51.00	4.1%	
Lodgement by Council of Development Applications on the PlanSA Portal on behalf of Applicants (Regulated Fee)	n.a		\$87.00	\$87.00	0.0%	
Amendment of Land Management Agreement (administration charge excludes legal costs)	Yes		\$185.00	\$193.00	4.3%	
1.2 Local Government Act 1999						
Community Wastewater Management System (CWMS) - Section 155						
CWMS Capital Connection fee	GST Free		\$6,300.00	\$6,300.00	0.0%	
CWMS Occupied Annual Service Charge	GST Free		\$826.00	\$826.00	0.0%	
CWMS Vacant Annual Service Charge	GST Free		\$415.00	\$415.00	0.0%	
<i>(Refer to CWMS Pricing Policy Statement on Council website)</i>						
Certificate of liabilities - Section 187						
Certificate of Liabilities search	Exempt	per request	\$39.00	\$40.25	3.2%	
Fees and Charges - Section 188						
Application Fee	Yes		\$32.00	\$33.00	3.1%	
Search and processing fee (for each 30 minute block or part there of)	Yes		\$27.00	\$28.00	3.7%	
Fee for copying the documents	Yes		Refer to Library Services Photocopying	Refer to Library Services Photocopying		
1.3 Land & Business (Sale and Conveyancing) Act 1994 - Section 7						
Certificate of Title search (within 8 working days)	Exempt	per request	\$27.75	\$28.50	2.7%	
1.4 Dog & Cat Management Act 1995						
Fees are set by Council						
Dangerous dog sign	Yes		\$43.00	\$45.00	4.7%	
Dog expiation & fine (legislative charge)	n.a		As per legislation	As per legislation		
Dog impounding fee (business hours)	Exempt		\$91.00	\$95.00	4.4%	
Dog impounding fee (after hours)	Exempt		\$119.00	\$124.00	4.2%	
Daily holding fee	Exempt		\$51.00	\$53.00	3.9%	
Dog Registration						
Standard dog (desexed AND microchipped)	Exempt		\$53.00	\$55.00	3.8%	
Non-standard dog	Exempt		\$106.00	\$110.00	3.8%	
Concession standard dog (desexed AND microchipped)	Exempt		\$26.50	\$27.50	3.8%	
Concession non-standard dog	Exempt		\$53.00	\$55.00	3.8%	

ADELAIDE HILLS COUNCIL

FEES AND CHARGES REGISTER

2024-25

DESCRIPTION	GST TAXABLE	Unit	Adopted Fees & Charges 2023/24 (incl. GST)	DRAFT Fees & Charges 2024/25 (incl. GST)	% Increase	Comments
Puppy fee (dogs less than 6 months of age that are not yet desexed)	Exempt		\$41.00	\$43.00	4.9%	
Other						
Standard working dog (desexed AND microchipped)	Exempt		\$53.00	\$55.00	3.8%	
Council approved standard working dog	Exempt		\$41.00	\$43.00	4.9%	
Non-standard working dog	Exempt		\$106.00	\$111.00	4.7%	
Accredited Guide, Hearing or Assistance dog *	Exempt		Nil	Nil	0.0%	
Replacement disc/tag	Exempt		\$11.00	\$12.00	9.1%	
Businesses Involving Dogs (per dog)	Exempt		\$106.00	\$111.00	4.7%	
Annual inspection of kennels	Exempt		Nil	Nil		
SES, search & rescue, military dogs	Exempt		Nil	Nil		
* Accredited body includes: the Board, Royal Society for the Blind of SA Inc, Guide Dogs Association of SA & NT Inc, Lions Hearing Dogs Inc						
Rebate for Partial Year Registration						
Registrations of new dogs to the area after 1 May attract a 50% rebate (this does not apply where the dog has resided in the area for longer than one month or the dog has been detected as being unregistered.	Exempt	of initial fee	50%	50%		
Registrations of new dogs to the area after 1 June	Exempt		Nil	Nil		
Penalty fee for late registrations	Exempt		\$21.00	\$22.00	4.8%	
Impounding livestock	Exempt		As per contractor cost	As per contractor cost		
Cat Registration (amended D&CMA 1995)						
Standard cat (desexed AND microchipped)	Exempt		\$32.00	\$33.00	3.1%	
Non-standard cat	Exempt		\$108.00	\$113.00	4.6%	
Concession standard cat (desexed AND microchipped)	Exempt		\$16.00	\$16.50	3.1%	
Concession non-standard cat	Exempt		\$54.00	\$56.50	4.6%	
Cat trap - Deposit (Refundable)	n.a		\$59.00	\$60.00	1.7%	
Cat trap - Hire Fee (per week or part thereof)	Yes		\$28.00	\$29.00	3.6%	
1.5 By-Laws and Local Government Act 1999						
Expiation Fees are set by Council						
By Law No.1 - Permits and Penalties	Exempt		As per legislation	As per legislation		
By Law No.2 - Moveable Signs	Exempt		As per legislation	As per legislation		
By-Law No.3 - Local Government Land	Exempt		As per legislation	As per legislation		
By-Law No.4 - Roads	Exempt		As per legislation	As per legislation		
By-Law No.5 - Dogs	Exempt		As per legislation	As per legislation		
By-Law No.6 - Cats	Exempt		As per legislation	As per legislation		
1.6 South Australian Public Health Act 2011						
Wastewater Application (1 Inspections)	Yes		\$264.00	\$272.00	3.0%	
Wastewater Application (2 Inspections)	Yes		\$403.00	\$415.00	3.0%	
Wastewater Application (3 Inspections)	Yes		\$542.00	\$558.00	3.0%	
Wastewater Application (4 Inspections)	Yes		\$681.00	\$701.00	2.9%	
Wastewater Application Variation fee	Yes		\$125.00	\$129.00	3.2%	
Wastewater Application Extension fee	Yes		\$125.00	\$129.00	3.2%	
1.7 Freedom of Information Act 1991						
Application fee for access to document(s)	Exempt		\$40.75	\$42.00	3.1%	
Information concerning personal affairs of the applicant - first 2 hours	Exempt		no charge	no charge		
Information concerning personal affairs of the applicant - each 15 minutes spent by agency subsequent to first 2 hours	Exempt		\$15.40	\$15.90	3.2%	
Information not concerning personal affairs of the applicant - each 15 minutes spent by agency	Exempt		\$15.40	\$15.90	3.2%	
Access in form of photocopy	Exempt	per page	\$0.25	\$0.25	0.0%	
Access in form of written transcript	Exempt	per page	\$9.10	\$9.35	2.7%	
Access in other form such as photograph, xray, DVD or other medium	Exempt	per item	actual cost	actual cost		
Postage or delivery of document(s)	Exempt		actual cost	actual cost		

ADELAIDE HILLS COUNCIL

FEES AND CHARGES REGISTER

2024-25

DESCRIPTION	GST TAXABLE	Unit	Adopted Fees & Charges 2023/24 (incl. GST)	DRAFT Fees & Charges 2024/25 (incl. GST)	% Increase	Comments
1.8 Food Act 2001						
Food Audit (desktop hourly rate)	Yes		\$93.00	\$95.50	2.7%	
Food Audit (inspection hourly rate)	Yes		\$186.00	\$191.00	2.7%	
Food Audit (follow up inspection)	Yes		\$186.00	\$191.00	2.7%	
Food Business Inspection Fee (Small <20 FTE)	Yes		\$140.00	\$144.00	2.9%	
Food Business Inspection Fee (Large >20 FTE)	Yes		\$350.00	\$361.00	3.1%	
1st Follow Up Inspection Fee	Yes		\$70.00	\$72.00	2.9%	
2nd Follow Up Inspection Fee	Yes		\$140.00	\$144.00	2.9%	
Charitable Organisation	Yes		\$0.00	\$0.00	0.0%	
Not for Profit (tax exempt) Organisation	Yes		\$0.00	\$0.00	0.0%	
Event Inspection Fee (Large > 20 FTE)	Yes		\$350.00	\$361.00	3.1%	
Sharps Containers (at cost-not statutory)						
Sale of Sharps (needle) containers (2.8L container)	Yes		\$10.00	\$10.00	0.0%	
Sale of Sharps (needle) containers (1.4L container)	Yes		\$6.00	\$6.00	0.0%	
2. COMMUNITY						
2.1 Library Services						
Computer print out / Photocopying B&W A4	Yes	per sheet side	\$0.20	\$0.20	0.0%	
Photocopying / Printing B&W A3	Yes	per sheet side	\$0.30	\$0.30	0.0%	
Photocopying / Printing Colour A4 /A3	Yes	per sheet side	\$1.00 / \$2.00	\$1.00 / \$2.00	0.0%	
3D printing (per item printed)	Yes		\$5.00 plus cost of filament used (by weight)	\$5.00 plus cost of filament used (by weight)	0.0%	
Replacement library card	Yes		\$2.00	\$2.00	0.0%	
Miscellaneous minor items (under \$15)	Yes		As determined by staff based on fair value and cost recovery.	As determined by staff based on fair value and cost recovery.		
Second hand books	Yes		As determined by staff based on fair value.	As determined by staff based on fair value.		
Other fees						
Inter Library fees	Yes		as per fee charged	as per fee charged		
Lost / damaged library material (once debt collection notices have been issued Council will not accept return of lost / damaged material)	Yes		assessed at replacement cost	assessed at replacement cost		
Processing Fee for lost/damaged library material	Yes		\$6.00	\$6.00	0.0%	
Exam supervision	Yes	per hour	\$18.00	\$18.00	0.0%	
Faxes - First Page	Yes		\$1.00	\$1.00	0.0%	
Faxes - Subsequent Page	Yes		\$1.00	\$1.00	0.0%	
A4 Laminating	Yes		\$5.00	\$5.00	0.0%	
A3 laminating	Yes		\$6.00	\$6.00	0.0%	
Coventry Library (Stirling) Meeting Room and Venue Hire						
Community Room (per hour of hire)						
Community Group	Yes		Nil	Nil		
Not For Profit Group	Yes		\$10.00	\$10.00	0.0%	
Government Agency / Business	Yes		\$20.00	\$20.00	0.0%	
Training Room (per hour of hire)						
Community Group	Yes		Nil	Nil		
Not For Profit Group	Yes		\$10.00	\$10.00	0.0%	
Government Agency / Business	Yes		\$20.00	\$20.00	0.0%	
Glass Room (per hour of hire)						
Community Group	Yes		Nil	Nil		
Not For Profit Group	Yes		\$5.00	\$5.00	0.0%	
Government Agency / Business	Yes		\$10.00	\$10.00	0.0%	
Foyer (Not available during library/service centre operating hours)						
Community Member or Group	Yes	flat fee	\$200.00	\$200.00	0.0%	

ADELAIDE HILLS COUNCIL

FEES AND CHARGES REGISTER

2024-25

DESCRIPTION	GST TAXABLE	Unit	Adopted Fees & Charges 2023/24 (incl. GST)	DRAFT Fees & Charges 2024/25 (incl. GST)	% Increase	Comments
Embrasures (Not available during library/service centre operating hours)						
Community Member or Group	Yes	flat fee	\$200.00	\$200.00	0.0%	
Staff Attendance						
Hourly fee for attendance outside of operating hours	Yes	per hour	\$50.00	\$50.00	0.0%	
Coventry Library Art Wall	n.a		Nil	Nil		
Coventry Library Display Cabinet	n.a		Nil	Nil		
2.2 Halls and Community Centres Hire						
Torrens Valley Community Centre (Rates listed are per session. 1 x session = 4 hours)						
Community Room						
Community Groups	Yes		\$22.00	\$22.00	0.0%	
Not For Profit Groups	Yes		\$40.00	\$40.00	0.0%	
Government Agency / Business	Yes		\$94.00	\$100.00	6.4%	Added additional fee rise, gov and business hire is not CC core business
Private hire (functions, etc)	Yes		\$216.00	\$220.00	1.9%	
Small Meeting Room						
Community Groups	Yes		\$15.00	\$15.00	0.0%	
Not For Profit Groups	Yes		\$29.00	\$30.00	3.4%	
Government Agency / Business	Yes		\$59.00	\$65.00	10.2%	Added additional fee rise, gov and business hire is not CC core business
Kitchen usage (flat fee)	Yes		\$24.00	\$25.00	4.2%	
Equipment usage (flat fee) - sound system, retractable screen and overhead projector	Yes		\$68.00	\$70.00	2.9%	
Key Deposit (if applicable & refundable as per T&C's)	n.a		\$65.00	\$65.00	0.0%	
Bond (if applicable & refundable as per T&C's)	n.a		\$540.00	\$540.00	0.0%	
The Summit Community Centre (Rates listed are per session. 1 x session = 4 hours)						
Community Room						
Community Groups	Yes		\$22.00	\$22.00	0.0%	
Not For Profit Groups	Yes		\$40.00	\$40.00	0.0%	
Government Agency / Business	Yes		\$94.00	\$100.00	6.4%	Added additional fee rise, gov and business hire is not CC core business
Private hire (functions, etc)	Yes		\$216.00	\$225.00	4.2%	
Small Meeting Room						
Community Groups	Yes		\$15.00	\$15.00	0.0%	
Not For Profit Groups	Yes		\$29.00	\$30.00	3.4%	
Government Agency / Business	Yes		\$59.00	\$65.00	10.2%	Added additional fee rise, gov and business hire is not CC core business
Kitchen usage (flat fee)	Yes		\$24.00	\$25.00	4.2%	
Equipment usage (flat fee) - smart board with overhead projector	Yes		\$68.00	\$70.00	2.9%	
Key Deposit (if applicable & refundable as per T&C's)	n.a		\$65.00	\$65.00	0.0%	
Bond (if applicable & refundable as per T&C's)	n.a		\$540.00	\$540.00	0.0%	
Council owned Community Halls that are managed by Community Associations - fees are determined by the Association Management Committee						
2.3 Cemeteries Fees						
Interment Right - Burial Plots (Excluding Lawn Plots) #						
Stirling Cemetery						
Interment Right - 50 year	Yes		\$4,192.00	\$4,372.00	4.3%	
Interment Right - 100 year	Yes		\$8,384.00	\$8,745.00	4.3%	
Interment Right - in perpetuity	Yes		\$20,960.00	\$21,861.00	4.3%	
All other cemeteries						
Interment Right - 50 year	Yes		\$3,389.00	\$3,535.00	4.3%	
Interment Right - 100 year	Yes		\$6,767.00	\$7,058.00	4.3%	
Interment Right - in perpetuity	Yes		\$16,919.00	\$17,647.00	4.3%	
Interment Right crypt (Summertown)	Yes		\$5,486.00	\$5,722.00	4.3%	
Interment Right - Lawn Burial Plots #						
Interment Right - 50 year	Yes		\$4,564.00	\$4,760.00	4.3%	
Interment Right - 100 year	Yes		\$9,114.00	\$9,506.00	4.3%	

ADELAIDE HILLS COUNCIL

FEES AND CHARGES REGISTER

2024-25

DESCRIPTION	GST TAXABLE	Unit	Adopted Fees & Charges 2023/24 (incl. GST)	DRAFT Fees & Charges 2024/25 (incl. GST)	% Increase	Comments
Interment Right - in perpetuity	Yes		\$22,786.00	\$23,766.00	4.3%	
Interment Right - Natural Burial Plots - Kersbrook Cemetery #						
Interment Right - 100 year	Yes		\$3,389.00	\$3,535.00	4.3%	
Interment Right - Cremated Remains (not including plaque and pedestal)						
Garden - double - 50 year	Yes		\$2,934.00	\$3,060.00	4.3%	
Garden - double - 100 year	Yes		\$5,869.00	\$6,121.00	4.3%	
Garden - double - in perpetuity	Yes		\$12,180.00	\$12,704.00	4.3%	
Niche Wall/Beam - single - 50 year	Yes		\$1,832.00	\$1,911.00	4.3%	
Niche Wall/Beam - single -100 year	Yes		\$3,653.00	\$3,810.00	4.3%	
# Interment Rights will not be charged for new or renewed burial plots in Council owned and managed cemeteries for those people who have received distinguished services medals: the Victoria Cross, Conspicuous Gallantry Cross and the Royal Red Cross.						
Interment Right - Non Resident Fee (Non-Refundable) *						
Non-resident fee (in addition to cost of interment right above)	Yes		\$4,255.00	\$4,255.00	0.0%	
* The Non resident fee applies if the person to be buried is not a resident of the Adelaide Hills Council area. Refer to Council's Cemetery Operating Policy for further information.						
Memorial Only (including standard plaque & installation)						
Plaque on Stirling Garden Beam - 50 year	Yes		\$1,185.00	\$1,235.00	4.2%	
Memorial Seat (including standard plaque & installation)						
Plaque on cemetery memorial seat - 25 years	Yes		\$806.00	\$820.00	1.7%	
Curator Fees (Curator Fees are waived for interments of children 16yrs and under)						
Attendance at burial						
Monday to Friday	Yes		\$305.00	\$318.00	4.3%	
After hours surcharge	Yes		\$370.00	\$385.00	4.1%	
Interment of Ashes (includes Installation of plaque & pedestal)						
Monday to Friday	Yes		\$461.00	\$481.00	4.3%	
After hours surcharge	Yes		\$370.00	\$385.00	4.1%	
Other Fees						
Cutting and reinstatement of concrete floor	Yes		\$181.00	\$189.00	4.4%	
Installation of plaque and/or pedestal only (no interment)	Yes		\$181.00	\$189.00	4.4%	
Pegging of plot for burial or memorial	Yes		\$305.00	\$318.00	4.3%	
Memorial Permits (Memorial Fees will not be charged for memorial work undertaken by The Office of Australian War Graves)						
New memorial & inscription	Yes		\$340.00	\$355.00	4.4%	
Additional inscription	Yes		\$113.00	\$118.00	4.4%	
Other memorial works	Yes		\$113.00	\$118.00	4.4%	
Administration Fees (Administration Fees are waived for interments of children 16yrs and under)						
Application for Interment Right (new or renewal)	Yes		\$183.00	\$190.00	3.8%	
Application for Transfer or Surrender of Interment Right	Yes		\$183.00	\$190.00	3.8%	
Application for Burial or Interment of Cremated Remains	Yes		\$183.00	\$190.00	3.8%	
Other Fees						
Bud Vase (for niche wall)	Yes		\$120.00	\$120.00	0.0%	
Plaque & Pedestal	Yes		at cost	at cost		
2.4 Reserves and Sporting Facilities						
Hiring of Bushland Park						
Day & a half (9am to 1pm the following day)	Yes		\$455.00	\$475.00	4.4%	
Full Day (9am to Midnight)	Yes		\$305.00	\$318.00	4.3%	
Half Day (8am to 1pm or 1pm to 6pm)	Yes		\$152.00	\$159.00	4.6%	
Bond (refundable)	Exempt		\$540.00	\$540.00	0.0%	
Not for Profit Community Group use (per 3 hour session)	Yes		\$27.00	\$34.00	25.9%	
Hiring of Stirling Oval						
Key Deposit (casual hirer) (refundable)	n.a		\$65.00	\$65.00	0.0%	
Key Deposit (seasonal hirer - per key) (refundable)	n.a		\$65.00	\$65.00	0.0%	

ADELAIDE HILLS COUNCIL
FEES AND CHARGES REGISTER
2024-25

DESCRIPTION	GST TAXABLE	Unit	Adopted Fees & Charges 2023/24 (incl. GST)	DRAFT Fees & Charges 2024/25 (incl. GST)	% Increase	Comments
General Oval Hire (per 3 hour session)	Yes		\$33.00	\$34.00	3.0%	
Deposit (refundable) for General Oval Hire where vehicles have been approved on Oval (if turf remediation is required after event)	Exempt		\$540.00	\$540.00	0.0%	
Hiring of Gillman Reserve						
Key Deposit (refundable)	n.a		\$65.00	\$65.00	0.0%	
General Hiring (per 3 hour session)	Yes		\$36.00	\$34.00	-5.6%	Reduced to keep in line with other facility 3 hour session hires.
Hiring of Woorabinda						
Note: the Woorabinda Building is managed by The Hut and all booking enquiries should be directed to them.						
Toilets Only Per Day	Yes		\$18.00	\$20.00	11.1%	
Key Deposit (refundable)	n.a		\$65.00	\$65.00	0.0%	
Toilet Use Bond (refundable)	Exempt		\$169.00	\$175.00	3.6%	
Hiring of Aldgate Oval						
Key Deposit (casual hirer) (refundable)	n.a			\$65.00		New
Key Deposit (seasonal hirer - per key) (refundable)	n.a			\$65.00		New
General Oval Hire (per 3 hour session)	Yes			\$34.00		New
Hire of Long Room on a season licence	Yes	per month		\$35.00		New
2.5 Outdoor Dining						
Outdoor Café Licence Application Fee	Exempt		\$188.00	\$196.00	4.3%	
Fee per snack bars/pizza shops etc outdoor seat	Exempt		\$50.00	\$52.00	4.0%	
Fee per restaurant/café outdoor seat	Exempt		\$64.00	\$67.00	4.7%	
Fee per hotel outdoor seat	Exempt		\$78.00	\$81.00	3.8%	
2.6 Use of Public Road for Business Purpose - Townships and Urban Area						
Display and sale of horse manure adjacent to a residential property						
Small temporary/seasonal from adjacent property			Nil	Nil		
Small temporary/imported			Nil	Nil		
Large temporary/seasonal from adjacent property or imported - annual fee	Yes		\$257.00	\$268.00	4.3%	
Small permanent			Nil	Nil		
Large permanent - annual fee	Yes		\$257.00	\$268.00	4.3%	
Display and sale of seasonal goods & produce adjacent to a residential property (flowers, fruit & vegetables, hay, firewood, jams, other).						
Small temporary/seasonal from adjacent property			Nil	Nil		
Small temporary/imported - annual fee	Yes		\$138.00	\$144.00	4.3%	
Large temporary/seasonal from adjacent property or imported - annual fee	Yes		\$265.00	\$276.00	4.2%	
Small permanent - annual fee	Yes		\$137.00	\$143.00	4.4%	
Large permanent - annual fee	Yes		\$265.00	\$276.00	4.2%	
Display and sale of manufactured or imported goods, or use of road for promotional purposes and other similar purposes adjacent to commercial premises						
Day (one day only, maximum five days per annum)			Nil	Nil		
Week (up to one week at a time) – weekly fee	Yes		\$137.00	\$143.00	4.4%	
Month (up to one month at a time) – monthly fee	Yes		\$265.00	\$276.00	4.2%	
Year (up to daily) – annual fee	Yes		\$530.00	\$553.00	4.3%	
Fundraising stalls	n.a		Nil	Nil		
Mobile food vending Business permits						
Monthly Permit Fee	Exempt		\$145.00	\$151.00	4.1%	
Annual Permit Fee	Exempt		\$1,444.00	\$1,506.00	4.3%	
2.7 Temporary Road Closures						
Application Fee (commercial applicants only) including 1 day closure						
Local Streets	Exempt		\$989.00	\$1,032.00	4.3%	
Major Roads	Exempt		\$1,628.00	\$1,698.00	4.3%	
Daily event fee (commercial applicants only) for additional days						
Local Streets	Exempt		\$426.00	\$225.00	-47.2%	
Major Roads	Exempt		\$815.00	\$450.00	-44.8%	
Set-up, management and removal of traffic control	Yes		at cost	at cost		



ADELAIDE HILLS COUNCIL

FEES AND CHARGES REGISTER

2024-25

DESCRIPTION	GST TAXABLE	Unit	Adopted Fees & Charges 2023/24 (incl. GST)	DRAFT Fees & Charges 2024/25 (incl. GST)	% Increase	Comments
3. CORPORATE SERVICES						
3.1 Access to Public Records						
Annual Report (digital copy of)	Exempt		\$0.00	\$0.00	0.0%	
Annual Report (printed copy of)	Exempt		\$18.00	\$19.00	5.6%	
Assessment Book - copy of an entry in the assessment record	Exempt	per assessment	\$9.00	\$10.00	11.1%	
Internal Review of Council Decision Application Fee	Exempt		\$22.00	\$23.00	4.5%	
<u>Rate Notice reprint</u>						
Current financial year - via email	n.a		\$0.00	\$0.00	0.0%	
Prior financial year - via email	n.a		\$9.00	\$10.00	11.1%	
Salaries Register	Exempt		\$0.00	\$0.00	0.0%	
<u>Voters Roll</u>						
Candidates are provided with one (1) free copy of relevant voters roll	n.a		\$0.00	\$0.00	0.0%	
Reprint (per ward)	n.a		\$32.00	\$33.00	3.1%	
3.2 Other						
Photocopying						
Photocopying B&W A4/A3	Yes	per sheet side	Refer to Library Services	Refer to Library Services		
Photocopying Colour A4/A3	Yes	per sheet side	Refer to Library Services	Refer to Library Services		
Hiring of Council Meeting Rooms						
Hire per day	Yes		\$152.00	\$159.00	4.6%	
4. OTHER CHARGES						
4.1 Fire Prevention						
Administration Fee - Block Slashing Properties not complied with Section 105 Notice	Yes		\$166.00	\$174.00	4.8%	
Block Slashing Costs - Properties not complied with Section 105 Notice	Yes		Cost of works	Cost of works		
4.2 General Inspectors						
Abandoned Vehicles						
Impounding Fee	n.a		\$296.00	\$309.00	4.4%	
Holding Fee (per day)	n.a		\$18.00	\$19.00	5.6%	
Administration and Release Fee	n.a		\$88.00	\$92.00	4.5%	
Rubbish						
Clearing of Dumped Rubbish - Administration Charge	Yes		\$67.00	\$70.00	4.5%	
Clearing of Dumped Rubbish	Yes		At Cost	At Cost		
Signs						
Impound portable signs	n.a		\$74.00	\$77.00	4.1%	
Mini Skips/Containers on Council Land						
Application Fee (includes permit fee for first week)	Yes		\$71.00	\$74.00	4.2%	
Permit Fee for Occupation of Land per week thereafter	Yes		\$37.00	\$39.00	5.4%	
4.3 Traffic Control						
Local Streets	Yes		at cost	at cost		
Major Roads	Yes		at cost	at cost		
4.4 Road Rent & Encroachment Permits						
Application Fee for Road Rent or Encroachment Permits (S221/222)	Yes		\$123.00	\$128.00	4.1%	
Road Rents (\$ per hectare or part thereof)	Yes		\$93.00	\$97.00	4.3%	
Petaluma - Smokes Hill Road (per annum)	n.a		\$234.00	\$244.00	4.3%	
Purchasing Application Fee - Road Reserve	Yes		\$1,484.00	\$1,548.00	4.3%	
Purchasing Application Fee - Unmade Public Road	Yes		\$1,484.00	\$1,548.00	4.3%	
Encroachment Permit Residential (annual fee)	Exempt		\$93.00	\$97.00	4.3%	
Encroachment Permit Business or Commercial (annual fee)	Exempt		\$670.00	\$699.00	4.3%	



ADELAIDE HILLS COUNCIL
FEES AND CHARGES REGISTER
2024-25

DESCRIPTION	GST TAXABLE	Unit	Adopted Fees & Charges 2023/24 (incl. GST)	DRAFT Fees & Charges 2024/25 (incl. GST)	% Increase	Comments
5. WORKS AND INFRASTRUCTURE						
5.1 Private Works						
Alterations to Road Reserves - Section 221 Applications (includes the items listed below)	Yes		\$49.00	\$49.00	0.0%	
* Access applications	Yes					
* Underground electrical/water pipes	Yes					
* Application to lay water pipes in roads	Yes					
Construction of bitumen crossovers	Yes		at cost + 20% (inc overheads)	at cost + 20% (inc overheads)		
Construction of concrete crossovers including kerb and water table	Yes		at cost + 20% (inc overheads)	at cost + 20% (inc overheads)		
Other works	Yes		at cost + 20% (inc overheads)	at cost + 20% (inc overheads)		
5.2 Waste and Resource Recovery						
Hard Waste Collection Service Contribution	Exempt		\$51.00	\$53.00	3.9%	
Mattress Collection Service Contribution	Exempt		\$27.00	\$28.00	3.7%	
Additional set of Bins (delivery, collection and disposal of any 2 bin combination)	Exempt		Nil	Nil	0.0%	
Additional 140 Litre Blue bin collection (per year)	Exempt		\$119.00	\$124.00	8.5%	
Additional 240 Litre Yellow bin (per year)	Exempt		\$73.00	\$76.00	4.1%	
Additional 240 Litre Green bin (per year)	Exempt		\$59.00	\$62.00	5.1%	
Commercial Premises, green bin, annual fee. Initial bin only	Exempt		Nil	Nil	0.0%	
Bin replacement any size/colour	Exempt		\$59.00	\$62.00	5.1%	
Kitchen caddy	Yes		Nil	Nil	0.0%	
Compostable bags - 75 bags/roll	Yes		\$5.00	\$5.00	0.0%	
Tow Ball Hitches for waste bins	Yes		\$56.00	\$58.00	3.6%	

**ADELAIDE HILLS COUNCIL
ORDINARY COUNCIL MEETING
Tuesday 25 June 2024
AGENDA BUSINESS ITEM**

Item: 12.2

Responsible Officer: David Waters
Director Environment and Infrastructure
Environment and Infrastructure

Subject: Local Roads and Community Infrastructure Program (LRCIP)
Phase 4

For: Decision

SUMMARY

The report seeks approval of a final works schedule for submission to Phase 4 of the Local Roads and Community Infrastructure Program. The guidelines for the program are contained in **Appendix 1**.

Phase 4 is broken into two parts – Part A funding of \$781,415 and Part B funding of \$450,737. The total funding available for Phase 4 is \$1,232,152. The Part B allocation has been provided to rural, regional and outer-urban areas to spend exclusively on roads projects, however as per the original guidelines, Part A can also be spent on road projects.

Phase 4 of the program requires all projects to be completed by 30 June 2025 and hence the proposed projects have been chosen with this deadline in mind.

Projects that were withdrawn from Phase 3 due to delays in the delivery and scope changes have been included for consideration in Phase 4.

Council should be aware that it is required to submit its works schedule to the program delegate for consideration before 30 June 2024 to be eligible for the funding. Council can not commence works on these projects until the works schedule has been approved by the program delegate.

RECOMMENDATION

Council resolves:

1. That the report be received and noted.
2. To authorise the applications for the following projects to be submitted as the Adelaide Hills Council Local Roads and Infrastructure Program Phase 4 full works schedule, totalling \$1,232,152, for delivery in 2024-25:

a. Knotts Hill Road slip	Ashton/Basket Range	\$87,000
b. Marble Hill Road slip	Ashton/Marble Hill	\$150,000
c. Fox Creek Road pavement renewal	Cudlee Creek	\$214,000
d. Junction Road, Stormwater	Balhannah	\$381,152
e. Adelaide Hills War Memorial Swimming Centre Splash Park, Woodside		\$400,000

- 3. That the Chief Executive Officer, or his delegate, be authorised to submit and negotiate any variations to the approved funding schedule, such as timing, specific project scope or specific funding allocations, in relation to the above projects as may be required throughout the delivery of the program.**
 - 4. That the Chief Executive Officer, or his delegate, be authorised to make any changes necessary to incorporate the above program of works into Council’s 2024-25 Annual Business Plan and Budget.**
-

1. BACKGROUND

The Australian Government originally committed \$500 million on 22 May 2020 to the LRCIP Phase 1 to support jobs, businesses and the resilience of local economies in response to COVID-19 impacts.

From July 2020, an initial \$500 million was made available to funding recipients to deliver Phase 1 of the LRCI Program. In December 2020, the LRCI Program was expanded to Phase 2 with an additional \$1 billion in funding. A \$1 billion Phase 3 of the LRCI Program was introduced in October 2020. The Government recently extended the timeframe for construction of projects funded under Phases 1, 2 and 3 to 30 June 2024.

From July 2023, LRCI Program funding recipients were allocated \$750 million in Phase 4 funding. Phase 4 funding allocations include an additional \$250 million targeted to improve rural, regional and outer urban roads. Projects funded under Phase 4 are expected to be completed by 30 June 2025.

The announcement of Phase 4 now brings the total funding from the program to the Adelaide Hills Council of \$5,148,209 (Phases 1 – 4). It is understood that this is the final Phase of the Program and all construction works are required to be completed by 30 June 2025.

Phase 4 is broken into two parts – Part A funding of \$781,415 and Part B funding of \$450,737. The total funding available for Phase 4 is \$1,232,152. The Part B allocation has been provided to rural, regional and outer-urban areas to spend exclusively on roads projects, however as per the original guidelines, Part A can also be spent on road projects.

Councils are able to select the projects to be funded in their community according to priorities at the local level. Similar to the Roads to Recovery Program, councils will need to submit a Work Schedule that outlines the project(s) they plan to undertake.

As long as these projects are considered eligible local road or community infrastructure projects and fall within the total amount of funds allocated, they will receive funding.

Funding is available for local road and community infrastructure projects that involve the construction, maintenance and/or improvements to council-owned assets (including natural assets) that are generally accessible to the public.

Projects will need to deliver benefits to the community, such as improved road safety, accessibility and visual amenity.

Eligible local road projects could include works involving any of the following associated with a road:

- Traffic signs.
- Traffic control equipment.
- Street lighting equipment.
- A bridge or tunnel.
- A facility off the road used by heavy vehicles in connection with travel on the road (for example, a rest area or weigh station).
- Facilities off the road that support the visitor economy.
- Road and sidewalk maintenance, where additional to normal capital works schedules.

Eligible community infrastructure projects could include works involving:

- Closed circuit TV (CCTV).
- Bicycle and walking paths.
- Painting or improvements to community facilities.
- Repairing and replacing fencing.
- Improved accessibility of community facilities and areas.
- Landscaping improvements, such as tree planting and beautification of roundabouts.
- Picnic shelters or barbeque facilities at community parks.
- Playgrounds and skate parks (including all ability playgrounds).
- Noise and vibration mitigation measures.
- Off-road car parks (such as those at sporting grounds or parks).

A number of Council resolutions have been made which have included directions related to Phase 4 of the LRCIP Program. These are outlined below.

Resolution made on 24 January 2023 following consideration of a Motion on Notice from Cr Osterstock:

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

11.1 Aldgate Main Street Amenity Upgrade – Stage 2

**Moved Cr Mark Osterstock
S/- Cr Nathan Daniell**

4/23

- 1. A report be prepared for Council’s consideration on the feasibility (including costings) of:**
 - a. Refurbishing (high pressure cleaning, realignment, reseating and replacement where necessary) the paved footpath on the western side of Mount Barker Road, from Euston 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.**
 - b. Maintenance (including yet not limited to, landscaping, plantings, signage replacement) of the Aldgate roundabout, consistent with that of the Stirling roundabout.**
 - c. 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.**

Carried

Resolution made on 26 April 2023 following consideration of the report arising from the 24 January 2023 resolution:

12.2 PLEC and Main Street Projects

Moved Cr Malcolm Herrmann
S/- Cr Melanie Selwood

93/23

Council resolves that:

1. The report be received and noted.
2. Strategic Prioritisation criteria for Main Street upgrades and activation to support placemaking outcomes be workshopped with Council Members to guide implementation priorities moving forward.
3. 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.
4. The refurbishment of the southern side of Aldgate Main Street and the roundabout at the intersection of Mount Barker Road and Strathalbyn 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.

Carried Unanimously

Resolution made in consideration of Budget Review 1 on 28 November 2023:

5/0

**ADELAIDE HILLS COUNCIL
MINUTES OF ORDINARY COUNCIL MEETING
TUESDAY 28 NOVEMBER 2023
63 MT BARKER ROAD STIRLING**

13.11 2023-24 Budget Review Q1

Moved Cr Malcolm Herrmann
S/- Cr Mark Osterstock

316/23

Council resolves:

1. That the report be received and noted.
2. To adopt the proposed budget adjustments presented in Budget Review 1 which result in:
 - a. A decrease in the Operating Surplus from \$1,082k to \$558k for the 2023-24 financial year.
 - b. Changes to the capital works, reducing capital income by \$480k and decreasing capital expenditure by \$2.996 million for the 2023-24 financial year resulting in a revised capital expenditure budget for 2023-24 of \$25.52 million.
3. To endorse the inclusion of the following projects for funding as part of the Phase 4 Local Roads and Community Infrastructure Program:
 - a. Knotts Hill Roads – \$87k
 - b. Tregarthen Road - \$50k
 - c. Blockers Road – \$30k
 - d. Wyes Road – \$30k
 - e. Marble Hill Road – \$150k
 - f. Fox Creek Road - \$200k

Carried Unanimously

Resolution made in consideration of the inability to complete two Phase 3 projects by program deadline on 9 April 2024:

**ADELAIDE HILLS COUNCIL
MINUTES OF ORDINARY COUNCIL MEETING
TUESDAY 9 APRIL 2024
63 MT BARKER ROAD STIRLING**

12.3 Local Roads Community Infrastructure Program (LRCIP) Phase 3 – Alternate Projects

Moved Cr Chris Grant
S/- Cr Mark Osterstock 109/24

Council resolves:

1. That the report be received and noted.
2. To withdraw Project #4 (Junction Road Stormwater, Balhannah - \$200,000) and Project #5 (ASWMSC Splash Park - \$200,000) from the Approved Works Schedule of Local Roads and Community Infrastructure Program Phase 3.
3. That the following projects be submitted as a Variation to the Phase 3 Approved Works Schedule for consideration by the program delegate as a project for completion by 30 June 2024:
 - a. CCBF Fire Scar Proactive Tree Management - \$250,000
 - b. Accelerated street furniture upgrades - \$75,000
 - c. Fidlers Hill Road sealing - \$75,000
4. That the withdrawn projects from Phase 3 be considered by Council for submission in Phase 4 of the Local Roads and Community Infrastructure Program.
5. That the Chief Executive Officer be authorised to undertake all necessary action, including entering into necessary agreements, to further the Council's resolution and that the Chief Executive Officer be authorised to submit any necessary alternative proposals to ensure the Council can receive and utilise its full LRCIP Phase 3 funding allocation by 30 June 2024.

Carried Unanimously

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 B4.1	Ensure the long term management of the built form and public spaces occurs in consideration of the relevant financial, social and environmental management matters
Goal 5	A progressive Organisation
Objective O5	We are accountable, informed, and make decisions in the best interests of the whole community

In selecting projects, alignment has been sought with the *Strategic Plan 2020-24* and *Asset Management Plans*.

➤ **Legal Implications**

Not applicable.

➤ **Risk Management Implications**

Seeking Council endorsement for the projects to be included in the Adelaide Hills Council application for the Local Roads and Community Infrastructure Program Phase 4 helps mitigate the risk of:

Council expending funds on projects which do not benefit the community or align with our Strategic Management Plans leading to unfavourable financial operating impacts and Community outcomes

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

It should be noted that these projects need to be completed prior to 30 June 2025 and there will be no extensions beyond this timeframe. Therefore, to reduce the risk of not being able to utilise the existing grant funding, projects have been chosen where design is well progressed or complete, scope is clear and no new third party consultation is required.

➤ **Financial and Resource Implications**

Project costs are outlined in this report. Capital expenditure on new infrastructure which is undertaken 2024/25 budget year as part of this program will have subsequent operations, maintenance and allowances for depreciation which will be ongoing for the useful life of the asset.

Once the work schedule is approved by the Department, Council will receive 50% of the available funding for those approved projects. The remainder of funding will be provided following the completion of the projects in the works schedule and the submission of final audited reports.

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

The projects selected have been included due to the community benefit they will provide, and the stimulus to the local economy derived from their completion.

➤ **Sustainability Implications**

The Council's sustainability (financial, social and environmental) is a key consideration in the project considerations and, where feasible, ecologically sustainable approaches and practices will be utilised in the selected projects, with recycled materials used where suitable in construction elements.

➤ **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: 21 November 2023

Advisory Groups: Not applicable

External Agencies: Not applicable

Community: Not applicable

➤ **Additional Analysis**

The Council’s Phase 4 allocation of \$1,232,152 is broken into two parts – Part A funding of \$781,415 and Part B funding of \$450,737. The Part B allocation has been provided to rural, regional or outer-urban areas to spend exclusively on roads projects, while Part A be spent on road projects or other community infrastructure projects.

It is suggested that Council allocate the funding in the following order:

1. Consideration of the highest priority road projects for the roads-exclusive funding, based on the decision previously made by Council on 28 November 2023.
2. Consideration of projects withdrawn from Phase 3 for consideration in Phase 4, as resolved by Council on 9 April 2024.
3. Consideration of other project to utilise remaining funding, if any.

Allocation 1: Road projects

The initial list of proposed projects identified road projects that will have an immediate benefit to the safety associated with these roads and long term asset management benefits for the community.

The following projects initially approved by Council on 28 November 2023 had already commenced (due to the urgency of the work) and the Commonwealth program delegate subsequently confirmed they were not eligible.

Tregarthen Road slip	Ashton	\$50,000
Blockers Road slip	Basket Range	\$30,000
Wyes Road slip	Basket Range	\$30,000

The following road projects, as resolved by Council on 28 November 2023, remain eligible for the program:

<i>Project</i>	<i>Location</i>	<i>Estimated cost (\$)</i>
Knotts Hill Road slip	Ashton/Basket Range	87,000
Marble Hill slip	Ashton/Marble Hill	150,000
Fox Creek Road pavement renewal	Cudlee Creek	214,000
Subtotal		451,000

The subtotal of the above road projects reaches the threshold of \$450,737 which must be spent on roads. It should be noted that the current cost estimate for the Fox Creek Road pavement renewal project has increased by \$14,000 since the November decision.

Allocation 2: Phase 3 projects withdrawn

The following projects were withdrawn from Phase 3 due to delays in being able to complete the projects by the due date of 30 June 2024.

- | | |
|---|-----------|
| 1. Junction Road, Balhanah - Stormwater | \$200,000 |
| 2. Woodside Splash Pad | \$200,000 |

These projects have been identified for completion in 2024-25 and have been included for consideration for Phase 4 as per the resolution of 9 April 2024.

As part of that same resolution, the allocation to the Woodside Splash Park project was increased by \$200,000 to accommodate an increased scope of work.

In regard to the Junction Road stormwater project, negotiations with the State Government through the Department for Infrastructure and Transport (DIT) have continued over the last year or so. Members may recall that notwithstanding the fact that local councils have primary responsibility for stormwater management in their areas, the situation on Junction Road is exacerbated by overland flows across DIT controlled land (the former Balhannah Railway Station) and the configuration of DIT's existing road formation and crossing pipes, as well as the presence of the interstate rail freight corridor.

While DIT has contributed substantial funding to investigation and design work, it has only made a modest offer to funding the actual construction works. The current construction cost estimate is in the order of \$750,000 - \$800,000. It is considered that the Council will need to increase its contribution to around half that in order to leverage sufficient matched, or potentially more, funding from the State Government. There is capacity within LRCIP Phase 4 to increase the allocation of Council funding from LRCIP Phase 4 from \$200,000 to \$381,000, which is sufficient to make a case for 'matched funding'. Should State Government funding not be forthcoming, the funding allocation will at least enable Council to proceed with a meaningful project which will provide some level of improved mitigation of flooding risk to the properties along Junction Road.

<i>Project</i>	<i>Location</i>	<i>Estimated cost (\$)</i>
Junction Road Balhanah Stormwater	Balhannah	381,152
Woodside Splash Park at the Adelaide Hills War Memorial Swimming Centre	Woodside	400,000
Subtotal		781,152

Other road or community infrastructure projects

At a workshop held on 21 November 2023, Council Members considered a number of potential LRCI Program Phase 4 projects.

The majority of those were either already delivered in other ways or were not feasible for full delivery in 2024-25 due to considerable further planning or community engagement requirements. In any event, the funding available for LRCIP Phase 4 is fully allocated based on the proposals described above.

3. OPTIONS

Council has the following options:

- I. Adopt the suggested list of projects as contained in the recommendation. (Recommended).
- II. To adopt an alternative selection of projects. (Not Recommended).
- III. Not submit applications for funding (Not Recommended).

4. APPENDICES

- (1) Local Roads and Community Infrastructure Program Guidelines – Phase 4

Appendix 1
Local Roads and Community Infrastructure Program
Guidelines – Phase 4

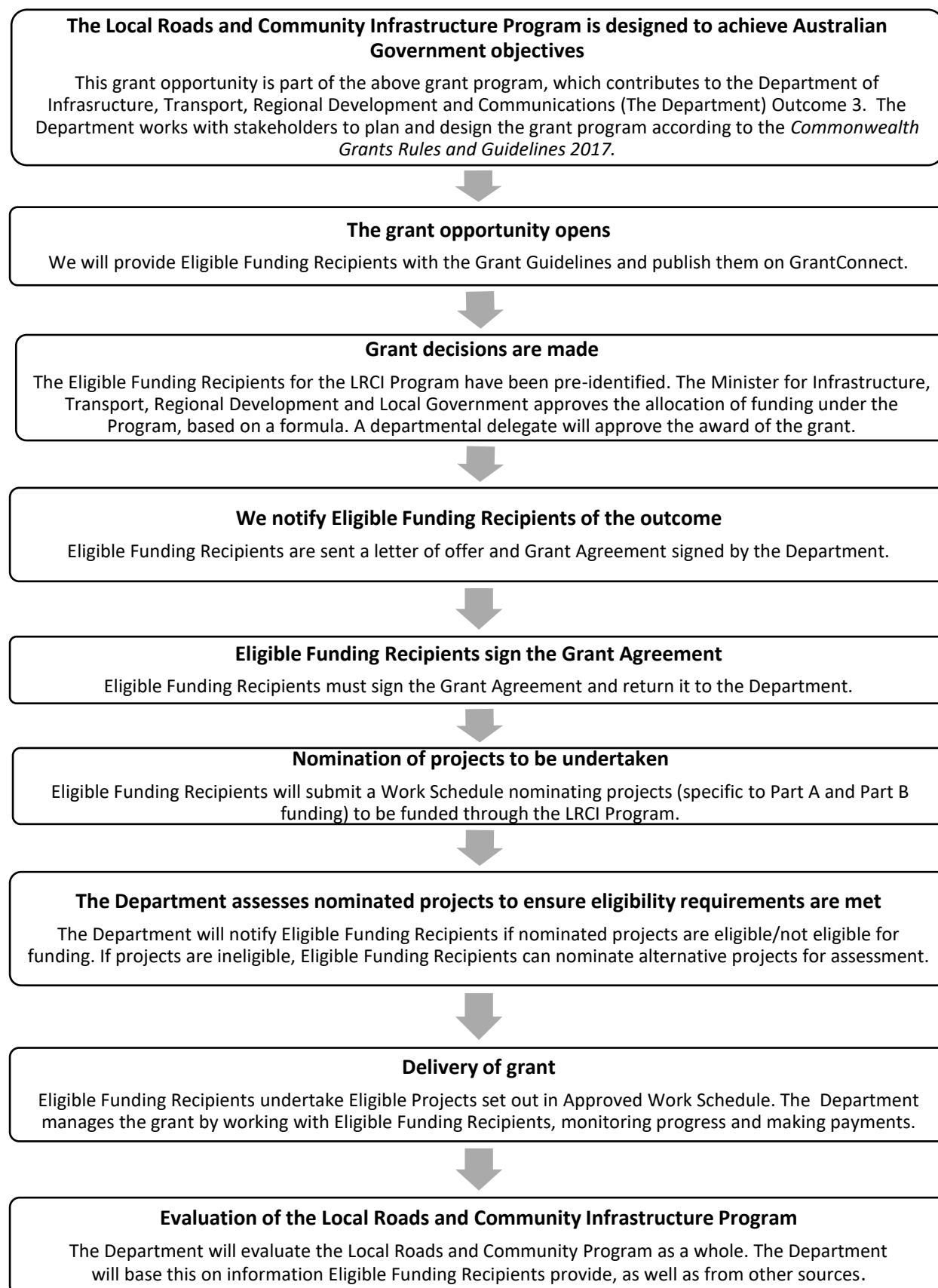
Local Roads and Community Infrastructure Program – Phase 4 Grant Guidelines

Date guidelines released:	July 2023
Type of grant opportunity:	Demand-driven (Eligibility-based)
Opening Date:	July 2023
Commonwealth Policy Entity:	Department of Infrastructure, Transport, Regional Development, Communications and the Arts
Administering Entity:	Department of Infrastructure, Transport, Regional Development, Communications and the Arts
Enquiries:	Any questions should be directed to: Program Manager Local Roads and Community Infrastructure Program LRCIP@infrastructure.gov.au

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1. Local Roads and Community Infrastructure Program Process



1.1 Introduction

These Guidelines contain information for Phase 4 of the Local Roads and Community Infrastructure (LRCI) Program grants, that support Eligible Funding Recipients to deliver priority local road and community infrastructure projects across Australia.

The LRCI Program commenced on 1 July 2020 and has delivered projects across Phase 1, 2 and 3. Phase 4 provides a further \$750 million provided in two funding allocations:

- Part A - \$500 million available to 550 councils across Australia to spend on local roads and community infrastructure projects, and
- Part B - \$250 million available to 466 councils in rural, regional or outer-urban areas to spend exclusively on roads projects.

Including Phase 4, the total Australian Government investment in the program is \$3.2 billion.

The grant opportunity set out in these Program Guidelines is for LRCI Program Phase 4 only.

This document sets out:

- the purpose of the grant opportunity;
- the eligibility criteria for Part A and Part B funding allocations;
- how Eligible Funding Recipients will be monitored and evaluated; and
- responsibilities and expectations in relation to the grant opportunity.

The LRCI Program is administered by the Department of Infrastructure, Transport, Regional Development, Communications and the Arts (the Department).

2. About the LRCI Program – Phase 4

The purpose of the LRCI Program is to support local councils to deliver priority local road and community infrastructure projects across the nation, supporting jobs and delivering benefits to local communities.

Phase 4 of the LRCI Program will open from 1 July 2023 and Grant Agreements will be sent to Eligible Funding Recipients for review and signature. Once the Grant Agreements have been returned and executed by the Department, councils will be invited to submit Project Nominations via a Work Schedule to the Department.

From 1 July 2023, the eligible construction time period (ECTP) commences. Project construction can only begin once Project Nominations are approved by the Department. Projects are required to be physically completed by 30 June 2025.

Should Eligible Funding Recipients proceed with LRCI Phase 4 projects that have not been approved by the Program Delegate, all costs associated with these projects will be the responsibility of the proponent.

Phase 4 of the LRCI Program continues to be a temporary, targeted measure supporting local infrastructure, jobs, firms, and procurement.

As with the earlier Phases of the LRCI Program, Eligible Funding Recipients can select a broad range of projects to fund so that communities can continue to be provided with the infrastructure they require. It is expected that Eligible Funding Recipients will use local businesses and workforces to deliver projects wherever possible to ensure direct benefits to local communities.

The LRCI Program is a demand driven (eligibility based) grant program, delivered under Outcome 3.2 of the Department's Portfolio Budget Statement 2021-2022: the local government program supports regional development and local communities through delivery of policy advice to the Australian Government and financial assistance to local governments to strengthen local government capacity and better support local communities.

The objective of the LRCI Program is to maintain and create jobs through road infrastructure and construction activities in communities across Australia. The intended outcomes of the LRCI Program are to:

- deliver benefits to communities, such as improved road safety, accessibility and visual amenity; and
- create local short-term employment opportunities through funding construction projects.

The Department will administer the LRCI Program according to the [Commonwealth Grants Rules and Guidelines 2017 \(CGRGs\)](#).

3. Grant amount and grant period

The Australian Government has committed total funding of \$750 million for Phase 4 of the LRCI Program. This funding comprises of:

- Part A: \$500 million to be made available to all Eligible Funding Recipients for use on road and or community infrastructure projects, and
- Part B: \$250 million to be made available to Eligible Funding Recipients – that are defined as being in a rural, regional or outer-urban location – for use on rural, regional or outer-urban road projects.

Eligible Funding Recipients will receive a grant amount called a 'Nominal Funding Allocation'. This will be comprised of:

- **Part A:** The formula used to calculate a Nominal Funding Allocation (Part A) has been modelled on funding allocations under the Roads to Recovery Program (R2R) and the local road component of the Financial Assistance Grants Program.

The formula used to determine a state/territory's share of funding under the LRCI Program follows the same state/territory allocation process as these programs. Within a state/territory's share of funding, the calculation of each Eligible Funding Recipient's Nominal Funding Allocation has been derived based on factors such as population estimates, and road length in each local governing body area. The formula has been applied to all previous phases (1, 2 and 3) to determine the Nominal Funding Allocation of each Eligible Funding Recipient under the LRCI Program.

- **Part B:** The formula used to calculate the Nominal Funding Allocation (Part B) is the same as Part A, with eligible councils in non-urban areas being identified based on the Australian Classification of Local Governments (ACLG), and for the

Australian Capital Territory (ACT), the Urban Centre and Locality (UCL) frameworks to determine which Eligible Funding recipients are deemed as 'non-urban'. Under the UCL, a portion of the ACT is rural and allocated a Part B Nominal Funding Allocation.

Co-contributions are not required under the LRCI Program, but are allowed to be used for projects. A project can be funded by a combination of LRCI Program funds, the Eligible Funding Recipient's funds, and other government program funds (including state government programs), as long as the combined funding for the project does not exceed the estimated cost of a project.

This grant opportunity will open on 1 July 2023 and close on 30 June 2026.

The First Instalment of the Phase 4 Nominal Funding Allocation will be paid to the Eligible Funding Recipient after the Grant Agreement has been fully executed, including an Approved Work Schedule, and not before 1 July 2023.

3.1 Phase 4 – 'use it or lose it' principle

If:

- an Eligible Funding Recipient has not applied for the full amount of their Phase 4 Nominal Funding Allocation in a draft Work Schedule by 30 June 2024; or
- savings related to Eligible Projects have not been reallocated under an Eligible Funding Recipient's Phase 4 Nominal Funding Allocation before 1 January 2025,

then the Australian Government has the right to not pay the amount of the Phase 4 Nominal Funding Allocation not applied for or reallocated by the Eligible Funding Recipient.

4. Eligibility criteria

Only Eligible Funding Recipients are able to participate in Phase 4 of the LRCI Program. Eligible Funding Recipients will receive a letter of offer to participate in Phase 4 of the LRCI Program:

- Where eligibility for the Part A \$500 million component is met, the letter of offer will include reference to this separate funding amount.
- Where eligibility for the Part B \$250 million component is met, the letter of offer will include reference to this separate funding amount.

The Eligible Funding Recipients have been selected for this grant opportunity as the intention is to fund local communities directly. A list of funding recipients, and their funding allocations is available on the Department's website at this [link](#).

4.1 Who is eligible for a grant?

Eligible Funding Recipients for Phase 4 are the same as for Phase 1, Phase 2 and Phase 3 of the LRCI Program.

550 Eligible Funding Recipients have been selected for the Phase 4 grant opportunity of \$500 million (Part A) to fund and provide eligible local council services to communities directly.

466 Eligible Funding Recipients (rural, regional or outer-urban developed locations) have been selected for the Phase 4 grant opportunity of \$250 million (Part B) to fund the development or improvement of local roads in rural, regional and outer-urban locations.

4.2 Who is not eligible for the Grant Program?

Organisations are not eligible for the LRCI Program unless they have been identified by the Australian Government as an Eligible Funding Recipient (see 4.1).

Council areas in urban developed locations are not eligible for the Phase 4 Part B nominal funding allocation.

General applications by other organisations will not be accepted. Applications by Eligible Funding Recipients reasonably understood to be on behalf of, or for the benefit of another otherwise ineligible organisation, will not be accepted.

5. What the grant money can be used for

Grant money can only be used on Eligible Projects, which are projects that are Local Road Projects or Community Infrastructure Projects (see 5.1) or as specified for each funding amount (see 3). Eligible Projects must meet the Eligible Project Requirements set out in subsections 5.1 to 5.6, and deliver benefits to the community.

5.1 Eligible Grant Activity

Funding received under Part A can be spent on any eligible local road or community infrastructure project.

Funding received under Part B should be spent on eligible local rural, regional or outer-urban road projects. Funding Recipients must contact the Department if they are unable to spend all of their Part B funding on roads projects. In exceptional circumstances, Part B funding may be used for Eligible Community Infrastructure Projects at the discretion of the Delegate.

Local Roads Projects

Eligible Local Road Projects are projects that involve the construction or maintenance of roads managed by local governments. Local governments are encouraged to consider works that support improved road safety outcomes.

This could include projects involving any of the following associated with a road:

- traffic signs;
- traffic calming/control equipment;
- street lighting equipment;
- a bridge or tunnel;
- a facility off the road used by heavy vehicles in connection with travel on the road (for example, a rest area or weigh station);
- facilities off the road that support the visitor economy; and
- road and footpath maintenance, where additional to normal capital works schedules.

NOTE: The funding is not intended to replace existing expenditure commitments or regular scheduled maintenance but rather to enable further, additional expenditure as needed to address roads infrastructure issues.

Community Infrastructure Projects

Eligible Community Infrastructure Projects are projects that involve the construction, maintenance and/or improvements to council-owned assets (including natural assets) that are primarily for the direct use and benefit of the local community.

'Direct use and benefit' means the project, or the amenity provided by the project, is open for primary use by the local community and provides benefit to members of the local community. Projects involving public areas such as parks, playgrounds, footpaths and roads generally meet this requirement.

Projects will also be considered primarily for the 'direct use and benefit' if they are:

- available to the wider public undertaking a specific activity (for example council operated sporting fields); or
- available for a limited age group of the community as a whole i.e. a kindergarten building or seniors' centre; or
- used for the provision of an essential service or community service, as determined by the Department, and the amenity of the asset is for the direct use and benefit of the community.

All projects whether carried out on council owned land, or another type of public land, must deliver direct benefits to the community, such as improved accessibility, visual amenity, and/or safety. Examples of eligible works include:

- Closed Circuit TV (CCTV);
- bicycle and walking paths;
- painting or improvements to community facilities;
- repairing and replacing fencing;
- improved accessibility of community facilities and areas;
- landscaping improvements, such as tree planting and beautification of roundabouts;
- picnic shelters or barbeque facilities at community parks;
- community/public art associated with an Eligible Project (Eligible Funding Recipients will need to provide a clear description of the conceptual basis of the artwork);
- playgrounds and skate parks (including all ability playgrounds);
- noise and vibration mitigation measures;
- off-road car parks (such as those at sporting grounds or parks); and
- projects that support the transition to Net Zero for council owned assets.

NOTE: The funding is not intended to replace existing expenditure commitments or regular scheduled maintenance but rather to enable further, additional expenditure as needed to address community infrastructure issues.

Other Public Land

Projects that involve the construction, maintenance and/or improvements to state/territory and Crown owned land/assets, and Commonwealth owned land/assets, can also be eligible projects where the Council can confirm that they have the authority of the land or asset owner to undertake the project at the nominated site(s) and the site(s) are accessible to the public (including natural assets).

5.2 Maintaining Overall Capital Expenditure

The intent of LRCI funding is that Eligible Funding Recipients undertake infrastructure projects which are **additional** to projects that they had planned using either their own funds or funds already available to the Eligible Funding Recipients by another opportunity.

The LRCI funding is not intended to replace existing expenditure commitments or regular scheduled maintenance but rather to enable further, additional expenditure to meet the local needs of the community.

Proof of maintaining capital expenditure may be a requirement for an Eligible Funding Recipient to receive their full Phase 4 Nominal Funding Allocation. The Department will consider, in exceptional circumstances, exemptions to this requirement.

5.3 Co-contributions

Co-contributions are not required under the LRCI Program, but are allowed to be used for projects. A project can be funded by a combination of LRCI Program funds, the Eligible Funding Recipient's funds, and other government program funds (including state government programs), as long as the combined funding for the project does not exceed the cost of a project.

An Eligible Funding Recipient using co-contributions for a project also needs to meet the conditions of other funding programs from which funds are sourced. Eligible Funding Recipients are responsible for determining if the funding conditions of another program would permit the use of LRCI Program funding towards that project.

5.4 Eligible Construction Time Period (ECTP)

The eligible construction time period to undertake construction activity on Eligible Projects must be undertaken between 1 July 2023 and 30 June 2025.

Due to the longer construction period, it is not expected that requests to extend the ECTP beyond 30 June 2025 would be needed or granted. Planning issues and general delays associated with construction will not be considered exceptional circumstances.

5.5 Multi-stage Projects

Eligible Funding Recipients can nominate discrete later stages of projects that are already receiving funding under the LRCI Program, however the Phase 4 nomination must be a new, separate and previously unfunded project stage.

Any component funded under Phase 1, Phase 2 or Phase 3 must not be amended without approval by the Delegate and must maintain eligibility under the relevant program guidelines.

5.6 What the grant money cannot be used for

Eligible Funding Recipients cannot use grant money to pay for business as usual activities and costs, for projects that are not primarily for the direct use and benefit of the local community, or for any other activities and costs not associated with Eligible Projects. These activities are Ineligible Projects or Ineligible Expenditures.

The following are examples of Ineligible Projects and Ineligible Expenditures:

- costs incurred in the preparation of a Work Schedule or related documentation;
- costs incurred in the preparation of reporting documentation including Audit requirements;
- general administrative overheads and staff salaries not directly connected with Eligible Projects funded under the Program;
- subsidy of general ongoing administration of an organisation such as electricity, phone, rent, or costs incurred by the Council as a Landlord in the general course of a lease;
- commencement ceremonies, opening ceremonies or any other event associated with Eligible Projects;
- transport planning studies;
- upgrades or improvements to tourist precincts that are not generally accessible to the wider community;
- road rehabilitation studies (if not part of an Eligible Project);
- road building plant or other capital equipment especially moveable equipment or assets (e.g. graders or trailers);
- purchase or improvement of structural assets that are not for the primary use and benefit of the local community (e.g. caretakers' residence);
- land;
- purchase of or improvement to assets that will be 'handed off' to ineligible funding recipients under a cost reduction, cost sharing or minimisation strategy, or similar;
- purchase of or improvement to assets solely for the purpose of a cost reduction, cost sharing or cost minimisation strategy, or similar;
- training;
- public liability insurance;
- fringe benefits tax;
- GST payable component of a supply;
- finance leases on equipment;
- depreciation, except for depreciation of plant and equipment directly attributable to a grant funded Eligible Project;
- preliminary planning and stand-alone design that do not relate to an Eligible Project;
- operating lease charges where the rental expense cannot be directly linked to the grant project (e.g. a grader may be hired for a period for a variety of tasks, only charges that specifically relate to the funded Eligible Project can be charged against the grant funds);
- overseas travel; and
- the covering of retrospective project costs undertaken prior to formal project nomination and work schedule approval.

6. The grant selection process and Work Schedule approval process

The amount of grant money awarded to an Eligible Funding Recipient in the Grant Agreement will be in accordance with the formula outlined at section 3 and as published on the Department's website.

The Eligible Fund Recipients for LRCI Phase 4 have been pre-determined (as per section 4 of these Guidelines).

6.1 Who will approve grants?

An SES Band 1, Assistant Secretary level Delegate will approve and execute the Grant Agreement on the basis that the organisation is an Eligible Funding Recipient as identified in section 4.1.

As part of the grant approval process, Eligible Funding Recipients will be asked to nominate projects by submitting a Work Schedule. The initial Phase 4 Work Schedule will be considered for approval by an SES Band 1, Assistant Secretary level Delegate.

Subsequent requests to vary the Approved Work Schedule will be considered for approval by:

- an EL 2, Director level Delegate (up to a pre-determined financial limit), or
- an SES Band 1, Assistant Secretary level Delegate.

The Delegate's decision is final in all matters, including:

- the approval of a Work Schedule; and
- the approval of project nominations.

There is no appeal mechanism for the decision to approve or not approve a grant agreement.

6.2 How to seek a variation to project nominations?

If an Eligible Funding Recipient requires an amendment to their Approved Work Schedule, the Eligible Funding Recipient will be required to resubmit their Phase 4 Work Schedule for re-approval, including:

- an increase or decrease of total project cost, including co-contribution amounts;
- an increase or decrease in the scope of works;
- the removal of approved project, or
- nominations of a new project(s).

To request a variation:

- Edit and annotate the most recently approved Phase 4 Work Schedule on Microsoft Word, using track changes.
- Ensure all sections are completed as directed.
- Submit the request to LRCIP@infrastructure.gov.au for assessment.

Assessment and approval of variations:

- All variation requests will be assessed by LRCI Grant Officers to ensure all eligibility criteria is met.
- Where information is missing or unclear, contact will be made to rectify the issue. **Note:** this may delay the outcome.
- The Program Delegate will provide final approval of all variations.

The time frame for variation assessment and outcome (provided all information is correct in the first instance) can be up to four (4) weeks.

NOTE: Should Eligible Funding Recipients proceed with LRCI Phase 4 variations that have not been approved by the relevant Program Delegate, all costs associated with these variations will be the responsibility of the proponent.

6.3 How to seek an extension to approved project construction timeframes?

If an Eligible Funding Recipient needs to amend the start or end date of an Approved Project only, this can be done via email notification to the LRCI Administration team, provided the new dates fit within the ECTP of 1 July 2023 to 30 June 2025.

If other updates are also required, the process outlined in 6.2 must be followed.

See section 5.4 for information about extensions to the ECTP beyond 30 June 2025.

7. Letter of offer process

All Eligible Funding Recipients will receive an offer to participate in Phase 4 of the LRCI Program. This offer will:

- specify the Phase 4 \$500 million Nominal Funding Allocation (Part A);
- specify the Phase 4 \$250 million Nominal Funding Allocation (if eligible) (Part B);
- include a Grant Agreement that sets out the terms and conditions of Phase 4 of the LRCI Program executed by the Australian Government;
- provide information on the submission of Work Schedules.

Before accepting the offer, Eligible Funding Recipients must read and understand these Guidelines and the Grant Agreement. The Guidelines can be found on the Department's website and on [GrantConnect](#). Any alterations and addenda will be published on GrantConnect and the Department's website. By registering on GrantConnect, organisations will be automatically notified of any changes to the Guidelines.

Eligible Funding Recipients are encouraged to return a signed Grant Agreement as soon as practicable after receiving the document.

Work Schedules can be submitted for Phase 4 projects any time from 1 July 2023 to 31 December 2024.

After 31 December 2024, the Department expects to only be managing variations or additional project nominations to ensure that an Eligible Funding Recipient is able to fully utilise their Phase 4 Nominal Funding Allocation and complete construction by 30 June 2025.

8. Notification of outcomes

All Eligible Funding Recipients will receive a letter of offer to participate in Phase 4 of the LRCI Program and a Grant Agreement.

9. Successful grantees

9.1 The Grant Agreement

An Eligible Funding Recipient must enter into a legally binding grant agreement with the Australian Government by signing the Grant Agreement. The Grant Agreement used for Phase 4 of the LRCI Program will be supplied to Eligible Funding Recipients. The Grant Agreement has standard terms and conditions that cannot be changed.

The Grant Agreement may also contain conditions specific to an Eligible Funding Recipient in a Schedule.

To accept the offer, the Eligible Funding Recipient must;

- sign the Grant Agreement;
- provide all the information requested; and
- return the Grant Agreement to the LRCI Program Manager.

The Department is not responsible for any of an Eligible Funding Recipient's expenditure until a Grant Agreement is executed and the Work Schedule is approved for the Eligible Funding Recipient.

The Grant Agreement must be executed with the Australian Government before any payments can be made.

Eligible Funding Recipients should keep a copy of the Grant Agreement and any supporting documents.

The Australian Government may recover grant funds from an Eligible Funding Recipient if the Grant Agreement has been breached. If an Eligible Funding Recipient fails to meet the obligations of the Grant Agreement, the Grant Agreement may be terminated.

9.2 How we pay the Grant

Table 1 Grant Payment Overview

Payment milestone	Grant payment date	Amount
<p>First Instalment: Work Schedule approval payment</p>	<p>The First Instalment of the Phase 4 Nominal Funding Allocation will be paid after 1 July 2023 and after the Eligible Funding Recipient's Work Schedule has been approved.</p>	<p>The First Instalment will be equal to 40 per cent of an Eligible Funding Recipient's Phase 4 Nominal Funding Allocation.</p> <p>For Low Value Grants, Eligible Funding Recipients will receive 60 per cent of their Phase 4 Nominal Funding Allocation in their first instalment.</p>
<p>Progress Instalments: Eligible Funding Recipients can receive multiple progress payments.</p>	<p>Within four weeks of the Department's acceptance of a complete and accurate Ad-hoc Report</p>	<p>A Progress Instalment will be equal to the Eligible Funding Recipient's:</p> <ul style="list-style-type: none"> • actual expenditure until the end of the period covered by the relevant Ad-hoc Report; and • projected expenditure on Eligible Projects in an Approved Work Schedule for the next 3 months; <p><u>less:</u></p> <ul style="list-style-type: none"> • received instalments; and • 10 per cent of the Phase 4 Nominal Funding Allocation. <p>For Low Value Grants, Eligible Funding Recipients can apply to receive the residual of grant funds at the time of an Ad hoc Report being submitted provided they also submit completed acquittal documentation.</p>
<p>Final Instalment: Final payment</p>	<p>Within 16 weeks of the Department's acceptance of a complete and accurate Annual Report or Final Report and decision to release the Final Instalment.</p>	<p>The Final Instalment will equal the smaller of:</p> <ul style="list-style-type: none"> • the residual amount of an Eligible Funding Recipient's Phase 4 Nominal Funding Allocation; or • the total eligible expenditure and projected expenditure to the end of the Eligible Projects; <p><u>less</u> instalments paid to date.</p>

Submission of a Work Schedule

Eligible Funding Recipients will nominate eligible projects they intend to spend LRCI grant money on in their draft Work Schedule.

Eligible Funding Recipients are required to submit a draft Work Schedule in the manner and form stipulated by the Department.

Work Schedules can be submitted between 1 July 2023 and 31 December 2024, but failure to promptly return a Work Schedule will result in release of grant funds being delayed.

In order for Eligible Funding Recipients to receive their full Phase 4 Nominal Funding Allocation, they must have submitted a draft Work Schedule for the total amount of their Phase 4 Nominal Funding Allocation by 31 December 2024.

If an Eligible Funding Recipient has not applied for their full Phase Nominal Funding Allocation in a draft Work Schedule by 31 December 2024, or savings related to Eligible Projects have not been reallocated under their Phase 4 Nominal Funding Allocation before 31 December 2024, the Australian Government has the right to not pay the amount of the Phase 4 (Part A) and Phase 4 (Part B) (where applicable) Nominal Funding Allocation not yet applied for or reallocated by the Eligible Funding Recipient.

The manner and form for submitting a draft Work Schedule will be provided to Eligible Funding Recipients and made available on the Department's website.

The draft Work Schedule must contain the following information in relation to each of the nominated projects the Eligible Funding Recipient proposes to undertake using the grant:

- project description, including details of how the project meets the Project Eligibility Requirements detailed in Section 5, problem being address and benefits the project will provide the community;
- proposed timeframes for the project, including construction commencement date and estimated construction completion date;
- detail of any conflicts of interest and management actions to manage these conflicts;
- the amount of grant funding required and details of any other contributions to the total costs of the project, along with details of all proposed expenditure including confirmation that none of the proposed expenditure is Ineligible Expenditure;
- expected number of full-time equivalent jobs supported by the project over the construction period;
- meet mapping requirements notified by the Department;
- whether the project involves Indigenous employment of Business use; and
- Work Category, Outcome Category

If some of the jobs supported by a project are new jobs/redistribution of personnel in the Eligible Funding Recipient's own workforces, labour costs for work undertaken must be derived from timesheets or via an equally acceptable method.

Project management time included in the expected number of jobs supported by a project must not include Ineligible Expenditure or costs associated with Ineligible Projects, and a clear and definable model needs to be in place to apportion these costs.

The total amount of grant funding sought under a draft Work Schedule cannot exceed the amount of the grant specified in the Grant Agreement.

Approval of a Work Schedule

The Department will assess whether projects included in an Eligible Funding Recipient's Work Schedule meet the Eligible Project Requirements set out in these Guidelines and that all requested information has been provided.

If the Work Schedule or projects do not meet requirements, an Eligible Funding Recipient may submit an updated Work Schedule that includes additional nominated projects for approval. The Department may contact an Eligible Funding Recipient to request further information.

The Department will make a recommendation to the Program Delegate to approve/not approve the Work Schedule.

If an Eligible Funding Recipient nominates projects with a total value of more than 40 per cent of their Phase 4 Nominal Funding Allocation and the Work Schedule is approved, the Delegate will approve release of the First Instalment of grant funds.

The decision to release funds will be made on the basis of their assessment of the information provided by an Eligible Funding Recipient and any other information in the Program Guidelines. Approval may be subject to conditions detailed in the Grant Agreement. Only approved Eligible Projects will be included in the Approved Work Schedule.

Eligible Funding Recipients will be advised in writing if their Work Schedule and release of the First Instalment has been approved.

First Instalment

The First Instalment will be available to be paid to an Eligible Funding Recipient from 1 July 2023 or within four weeks of the Work Schedule and release of the First Instalment being approved by the Delegate, provided this date is after 1 July 2023.

The value of the First Instalment will be 40 per cent of an Eligible Funding Recipient's Phase 4 Nominal Funding Allocation or 60 per cent of Low value grant (under \$1,000,000) recipients funding allocation.

Low Value Grants

A Low Value Grant is a Phase 4 Nominal Funding Allocation under \$1,000,000. In application of the proportionality principle, different requirements relating to Instalments and Reporting apply to these grants.

For a Low Value Grant, the process for Work Schedule approval is the same as detailed above. However, Low Value Grant recipients can receive 60 per cent of their Phase 4 Nominal

Funding Allocation as their First Instalment provided they have nominated projects totaling 60 per cent or more of their Phase 4 Nominal Funding Allocation.

Progress Instalments

Eligible Funding Recipients may lodge a request for a Progress Instalment Payment through the submission of a complete and accurate Ad-hoc Report.

The lodgment of Ad-hoc Reports to request the release of funding may be made up to 3 times per financial year, provided the total of all progress Instalment Payments does not exceed 90 per cent of the total Nominal Funding Amount available.

The relevant EL2 Program Delegate will approve the release of a Progress Instalment Payment on the basis of:

- the Department's assessment of, and the information provided in, relevant Ad-hoc Report;
- whether or not an Eligible Funding Recipient is in breach, or suspected of being in breach, of the Grant Agreement; including
- consideration of other relevant information, including whether the Eligible Funding Recipient has engaged with relevant local MPs as required by these guidelines.

Further relevant information may be requested by the Department at this stage and considered by the Delegate.

If the Delegate approves the release of a Progress Instalment, payment will be made within four weeks of the Delegate making this decision. Eligible Funding Recipients will be advised in writing of the decision to release a Progress Instalment.

The payment value for a Progress Instalment will equal:

- actual expenditure up until the date of the Ad-hoc Report; plus
- projected expenditure for the following three (3) months.
- **less**
- Received payment instalments; and
- 10 per cent of the Phase 4 Nominal Funding Allocation.

Final Instalment

The Delegate will decide whether to approve release of the Final Instalment on the basis of:

- an assessment of compliance with the Grant Agreement, including any investigations or audit reports;
- the information provided in the Annual Report or Final Report;
- information in the Work Schedule; and
- any other relevant information, including whether the Eligible Funding Recipient has engaged with relevant local MPs as required by these guidelines.

The Final Instalment will be the lesser of:

- the residual amount of an Eligible Funding Recipient's Phase 4 Nominal Funding Allocation, compared to the total actual expenditure;
- **less**
- instalments paid to date.

Councils should report on funds expended as they accrue, not as funds are paid out by Council. Therefore, once construction work has been completed, expenditure has been accrued and can be reported as such, even if invoices have not yet been received or paid by Council.

Further information may be requested by the Department at this stage and considered by the Delegate. The Final Instalment will be paid within four weeks of the Delegate's decision to release the grant payment.

9.3 Grant Payments and GST

In accordance with the Terms of the Australian Taxation Office ruling GSTR 2012/2, payments made under the LRCI Program, which are payments made by a government related entity to another government related entity, and for which the amount of the grant does not exceed the cost of providing the goods or services, do not attract GST.

Consequently, the actual and projected expenditure Eligible Funding Recipients report to the Department must exclude the GST component on goods and services, and the payments the Department makes to Eligible Funding Recipients to cover the costs of the program will not include GST.

Grants are assessable income for taxation purposes, unless exempted by a taxation law. We recommend you seek independent professional advice on your taxation obligations or seek assistance from the [Australian Taxation Office](#). We do not provide advice on your particular taxation circumstances.

10. Announcement of grants

The Department will publish details of the grants awarded on GrantConnect within 21 days after the date of effect of the Grant Agreement as required by section 5.3 of the [CGRGs](#).

The Department may also publish details of grants on its website or other government websites, including individual projects funded, underway or complete. This information may include, but is not limited to:

- title of the project;
- description of the project and its aims;
- amount of funding received and funding allocation; and
- project outcomes including estimates of jobs supported.

11. Reporting requirements

Eligible Funding Recipients must submit reports in line with the Grant Agreement and these Guidelines. The Department will remind Eligible Funding Recipients of their reporting obligations before reports are due.

Eligible Funding Recipients must also update their Work Schedules as required and in accordance with any other requirements notified by the Department.

The Department will monitor progress by assessing submitted reports and may conduct site visits to confirm details in Ad-hoc Reports and Work Schedules if necessary.

Occasionally, the Department may need to re-examine claims, seek further information, or request an independent audit of claims and payments on a risk based or sampling basis.

The Department must be informed of any reporting delays or significant delays affecting Eligible Projects on an Approved Work Schedule as soon as Eligible Funding Recipients become aware of them.

11.1 Ad hoc Report

If an Eligible Funding Recipient has spent all of their First Instalment in advance of the Annual Report period, they can submit an Ad hoc report to access a further instalment early. The submission of an Ad hoc report does not negate the requirement to submit an Annual Report.

An Ad hoc report must be in the manner and form required by the Department and contain the following information:

- the amount of grant funding spent from 1 July 2023 until the date specified in the Ad hoc Report;
- the amount of grant funding which the Eligible Funding Recipient intends to spend on Eligible Projects in an Approved Work Schedule in the three (3) months immediately following the report;
- details of progress towards completion of funded Projects; including any evidence required per the Grant Agreement; and
- council or contractor jobs supported by the grant funding.

Ad hoc Reports can be submitted to receive progress payments up to three times per financial year.

11.2 Annual Report

Eligible Funding Recipients must provide the Department with Annual Reports no later than 31 October 2024, 31 October 2025 and 31 October 2026 unless otherwise agreed by the Department.

The Annual Report will need to be in the manner and form specified by the Department.

The Annual Report will need to include the following information:

- Total amount of grant funding made available and subsequently received over the financial year;
- Total amount of grant funding spent on Eligible Projects;
- Total amount (if any) of grant money unspent and either returned or will be returned to the Department;
- a written Financial Statement by the Chief Executive Officer or equivalent officer however named. The Financial Statement must be in the form specified by the Department and include:
- the amount of Phase 4 grant payments which remained unspent from the financial year;
- the amount of Phase 4 grant payments received by the Eligible Funding Recipient in the financial year;

- the amount of grant payments available for expenditure by the Eligible Funding Recipient on Eligible Projects in an Approved Work Schedule in that year;
- the amount spent by the Eligible Funding Recipient during that year out of the grant payments available for expenditure by the Eligible Funding Recipient during that year; and
- the amount (if any) retained at the end of that year by the Eligible Funding Recipient out of grant payments available for expenditures by the Eligible Funding Recipient during that year and which remained unspent at the end of that year.

Note: The figures in the Chief Executive Officer's financial statement should be calculated on an accrual basis.

The Department may ask Eligible Funding Recipients to make a declaration that the grant funding was spent in accordance with the Grant Agreement and to report on any underspends of the grant money.

Table 2 – Reports

Lodgment period for Reports	Actual expenditure period	Report
1–31 October 2024	1 July 2023 – 30 June 2024	Annual Report - Actual expenditure, funding received and eligible project updates from 1 July 2023 to 30 June 2024.
1–31 October 2025	1 July 2024 – 30 June 2025	Annual Report - Actual expenditure, funding received and eligible project updates from 1 July 2024 to 30 June 2025.
1–31 October 2026	1 July 2025 – 30 June 2026	Annual Report - Actual expenditure, funding received and eligible project updates from 1 July 2025 to 30 June 2026.

11.4 Audited financial statements

Eligible Funding Recipients are required to submit a report in writing and signed by an appropriate auditor providing the auditor's opinion on the use by Eligible Funding Recipients of proper accounts and records and preparation of financial statements.

In meeting this audit requirement, the Department requires that Eligible Funding Recipients also engage the auditor to consider the appropriateness of accounts and keeping of records that relates to any Phase 4 funding received during the financial periods: Financial Year 2023-24 or Financial Year 2024-25 or Financial year 2025-26.

As part of the Annual Report process outlined in section 11.2 above, the Department requires that Eligible Funding Recipients submit a report in writing and signed by an appropriate auditor stating whether, in the auditor's opinion:

- the Chief Executive Officer's financial statement included with the Annual Report (refer section 11.3) is based on proper accounts and records;
- the Chief Executive Officer's financial statement agrees with the accounts and records;
- the expenditure has been on Eligible Projects under the LRCI Program;

- the amount certified by the Chief Executive Officer in the Chief Executive Officer's financial statement as the Eligible Funding Recipient's own source expenditure is based on, and in agreement with, proper accounts and records.

11.5 Acquittal process - Final Report

The Eligible Funding Recipient can complete an Acquittal (Final) Report as soon as they have expended all funds and all projects in the work Schedule are complete. An Acquittal (Final) Report must include:

1. Total amount of grant funding made available and subsequently received over the grant period;
2. Total amount of grant funding spent on Eligible Projects;
3. Total amount (if any) of grant money unspent and either returned or will be returned to the Department:
 - a. a written Financial Statement by the Chief Executive Officer or equivalent officer however named. The Financial Statement must be in the form specified by the Department and include:
 - i. the amount of grant payments which remained unspent from the grant period;
 - ii. the amount of grant payments received by the Eligible Funding Recipient over the duration of the grant period;
 - iii. the amount of grant payments available for expenditure by the Eligible Funding Recipient on Eligible Projects in an Approved Work Schedule over the duration of the grant period;
 - iv. the amount spent by the Eligible Funding Recipient over the duration of the grant period;

Note: The figures in the Chief Executive Officer's financial statement should be calculated on an accrual basis.
4. photographs of projects completed using grant payments.
5. The submission of an Acquittal (Final) Report does not replace the requirement to submit an Annual Report. The Acquittal (Final) Report must be included as part of the related financial year Annual Report for the Phase and must be also be audited by an appropriate auditor at this time.

11.6 Reconciliation Process

If any amount of grant funding provided to the Eligible Funding Recipient is not spent on Eligible Projects on an Approved Work Schedule before 30 June 2025, the Department may require the Eligible Funding Recipient to repay that amount to the Department within four weeks of receiving such notice.

11.7 Compliance visits and Record Keeping

Eligible Funding Recipients must create and keep accurate and comprehensive records relating to grant payments received and retain those records for a minimum of five years.

Eligible Funding Recipients must, when requested to do so by the Department, provide, in the manner and form requested by the Department:

- copies of any or all of the records referred to in this subsection; and
- photographs (geo tagged if possible) of projects completed using grant payments.

The Department may visit the Eligible Funding Recipient during or at the completion of the grant program to review compliance with the Grant Agreement. Eligible Funding Recipients will be provided with reasonable notice of any compliance visit.

The Department may also inspect the records Eligible Funding Recipients are required to keep under the Grant Agreement.

11.8 Fraud

Eligible Funding Recipients must comply with fraud provisions in the Grant Agreement.

11.9 Specific legislation, policies and industry standards.

Eligible Funding Recipients must comply with all relevant laws and regulations in undertaking Eligible Projects on an Approved Work Schedule. The Eligible Funding Recipient may also be requested to demonstrate compliance with relevant legislation/policies/industry standards detailed in the Grant Agreement, including Environment and Planning Laws detailed below.

Environment and Planning laws

Projects on which grant payments are spent must adhere to Australian Government environment and heritage legislation including the *Environment Protection and Biodiversity Conservation Act 1999*. Construction cannot start unless the relevant obligations are met.

Eligible Funding Recipients must also meet other statutory requirements where relevant. These may include, but are not limited to: Native title legislation; State government legislation - for example, environment and heritage; and local government planning approvals. Approvals must be obtained prior to nominating the project.

12. How we monitor your grant activity

12.1 Keeping the Department informed

Eligible Funding Recipients must notify the Department of significant changes that are likely to affect an Eligible Project or their participation in the LRCI Program.

This includes any key changes to the Eligible Funding Recipient's organisation, particularly if it affects their ability to complete an Eligible Project, carry on their business and pay debts due.

Eligible Funding Recipients must also inform the Department of any changes to their:

- name;
- addresses;
- nominated contact details; or
- bank account details.

An Eligible Funding Recipient's bank account details for Phase 4 of the LRCI Program is the bank account the Eligible Funding Recipient currently uses for the LRCI Program.

Any changes to an Eligible Funding Recipient's name, addresses, nominated contact details and bank account details must follow the process stipulated by the Department.

If an Eligible Funding Recipient becomes aware of a breach of terms and conditions of the Grant Agreement, or they cannot meet their obligations, they must contact the Department immediately. For example, if a funded Eligible Project is at risk of not being physically completed by 30 June 2025.

Councils must also inform the Department of any changes - additions or deletions - to the relevant contacts/grant managers details that need to be informed of LRCI information. This includes, but is not limited to, changes to the authorised signatory, financial manager or program manager.

12.2 Department Contact Details

Email the mailbox at: LRCIP@infrastructure.gov.au

Mail to: Program Manager - Local Roads and Community Infrastructure Program
Road and Vehicle Safety Division
Department of Infrastructure, Transport, Regional Development and Communications
GPO Box 2154
CANBERRA ACT 2601

12.3 Evaluation

The Department will evaluate the LRCI Program to measure how well the outcomes and objectives have been achieved. Information provided by Eligible Funding Recipients, including through Work Schedules, submitted Ad hoc reports, and interviews may be used for evaluation purposes.

The Department may contact Eligible Funding Recipients up to two years after completion of projects to assist with this evaluation.

12.4 Public information conditions

Formal public statements, media releases or statements, displays, publications and advertising made by Eligible Funding Recipients must acknowledge and give appropriate recognition to the contribution of the Australian Government to that project.

If Eligible Funding Recipients propose to issue any public announcements/media release relating to an Eligible Project under Phase 4 of the LRCI Program, they must:

- Invite the relevant Australian Government representative to participate in the public information activity; and
- at least five business days prior to its proposed release, unless otherwise agreed by the Department, provide a copy of the proposed media release to the Department and obtain the Department's agreement to the media release.

12.5 Signage

Eligible Funding Recipients must erect signage in accordance with the updated signage guidelines available on the Department's website at [Resources for funding recipients | Infrastructure Investment Program](#).

12.6 Project Events

If an Eligible Funding Recipient proposes to hold a works commencement ceremony, opening ceremony, or any other event in relation to an Eligible Project they must inform the Department, the Minister for Infrastructure, Transport, Regional Development and Local Government, the Minister for Regional Development, Local Government and Territories and the relevant Australian Government representative of the proposed ceremony or event at least four weeks before the proposed ceremony or event is to be held.

The Eligible Funding Recipient should provide details of the proposed ceremony or event, including proposed invitees and order of proceedings to LRCIP@infrastructure.gov.au.

If requested by the Department or the relevant Australian Government representative, Eligible Funding Recipients must arrange a joint Australian Government/Eligible Funding Recipient works commencement ceremony, opening ceremony or any other event.

If requested by the Minister, a member of the Minister's staff or the Department, Eligible Funding Recipients must invite and, if the invitation is accepted, arrange for an Australian Government representative (nominated by the Minister or a member of the Minister's staff) to participate in any works commencement ceremony, opening ceremony or any other event proposed to be held in relation to a funded project.

13. Probity

The Australian Government will make sure that the grant opportunity process is fair; conducted according to the published Guidelines; incorporates appropriate safeguards against fraud, unlawful activities and other inappropriate conduct; and, is consistent with the CGRGs.

These Guidelines may be changed from time-to-time by the Department. In the event of a change to the Guidelines, the revised Guidelines will be published on GrantConnect and the Department's website.

13.1 Enquiries and feedback

For further information or clarification, the Department can be contacted at LRCIP@infrastructure.gov.au.

To provide feedback or to make a complaint; the Department can be contacted at Clientservice@infrastructure.gov.au. Complaints will be referred to the appropriate manager.

Alternatively, complaints can be directed to:

Assistant Secretary - Targeted Infrastructure Programs Branch
GPO Box 2013
CANBERRA ACT 2601

If persons do not agree with the way the Department has handled your complaint, you may complain to the [Commonwealth Ombudsman](#). The Ombudsman will not usually look into a complaint unless the matter has first been raised directly with the Department.

The Commonwealth Ombudsman can be contacted on:

- Phone (toll free): 1300 362 072
- Email: ombudsman@ombudsman.gov.au
- Website: www.ombudsman.gov.au

13.2 Conflicts of interest

Any conflicts of interest could affect the performance of the grant opportunity or program.

Eligible Funding Recipients must disclose if any of their personnel:

- has a relationship with or interest in, an organisation, which is likely to interfere with or restrict them/the Eligible Funding Recipient from carrying out the proposed activities and/or implementing the Work Schedule fairly and independently; or
- has a relationship with, or interest in, an organisation from which may be awarded work in relation to an Eligible Project or is otherwise be involved on the implementation of the Work Schedule.

An Eligible Funding Recipient must include the following information in the Work Schedule:

- any details of any real, apparent, or potential conflicts of interests that may arise in relation to the Eligible Projects or the program;
- details of how they propose to manage these or any other conflicts of interest that may arise; or
- that to the best of their knowledge there are no conflicts of interest.

If an Eligible Funding Recipient later identifies an actual, apparent, or perceived conflict of interest, they must inform the Department in writing immediately.

13.3 How we manage conflicts of interest

Conflicts of interest for Australian Government staff will be handled as set out in the [Australian Public Service Code of Conduct \(Section 13 \(7\)\)](#) of the [Public Service Act 1999](#). Australian Government officials including decision makers, must also declare any conflicts of interest.

Conflict of interest requirements form part of the Grant Agreement. Breach of conflict of interest requirements may result in termination of the Grant Agreement.

13.4 Privacy

The Department treats personal information according to the [Privacy Act 1988](#) and the [Australian Privacy Principles](#). This includes advising:

- what personal information is collected;
- why personal information is collected; and
- who personal information is given to.

Personal information can only be disclosed to someone for the primary purpose for which it was collected, unless an exemption applies.

The Australian Government may also use and disclose information about Eligible Funding Recipients under this grant opportunity in any other Australian Government business or

function. This includes disclosing grant information on GrantConnect as required for reporting purposes and giving information to the Australian Taxation Office for compliance purposes.

The Department may share information it is provided with other Australian Government entities for purposes including government administration, research or service delivery, according to Australian laws.

Eligible Funding Recipients must declare their ability to comply with the *Privacy Act 1988* and the Australian Privacy Principles and impose the same privacy obligations on officers, employees, agents and subcontractors that Eligible Funding Recipients engage to assist with the activity, in respect of personal information collected, used, stored, or disclosed in connection with the activity. Accordingly, Eligible Funding Recipients must not do anything, which if done by the Department would breach an Australian Privacy Principle as defined in the Act.

13.5 Confidential Information

Other than information available in the public domain, Eligible Funding Recipients agree not to disclose to any person, other than to the Department, any confidential information unless in accordance with these Guidelines or the Grant Agreement.

The obligation will not be breached where required by law, Parliament, or a stock exchange to disclose the relevant information or where the relevant information is publicly available (other than through breach of a confidentiality or non-disclosure obligation).

The Department may at any time, require Eligible Funding Recipients to arrange for their employees, agents or subcontractors to give a written undertaking relating to nondisclosure of our confidential information in a form the Department considers acceptable.

The Department will keep any information in connection with the grant agreement confidential to the extent that it meets all the three conditions below:

- information is clearly identified as confidential and it has been explained why it should be treated as confidential;
- the information is commercially sensitive; and
- revealing the information would cause unreasonable harm to the Eligible Funding Recipient or someone else.

The Department will not be in breach of any confidentiality agreement if the information is disclosed to:

- the Minister and other Australian Government employees and contractors to help the Department manage the program effectively;
- employees and contractors of the Department so it can research, assess, monitor and analyse our programs and activities;
- employees and contractors of other Australian Government agencies for any purposes, including government administration, research or service delivery;
- other Australian Government, State, Territory or local government agencies in program reports and consultations;
- the Auditor-General, Ombudsman or Privacy Commissioner;
- the responsible Minister or Parliamentary Secretary; and
- a House or a Committee of the Australian Parliament.

The grant agreement may also include any specific requirements about special categories of information collected, created or held under the grant agreement.

13.6 Freedom of information

All documents in the possession of the Australian Government, including those about this grant opportunity, are subject to the [Freedom of Information Act 1982](#) (FOI Act).

The purpose of the FOI Act is to give members of the public rights of access to information held by the Australian Government and its entities. Under the FOI Act, members of the public can seek access to documents held by the Australian Government. This right of access is limited only by the exceptions and exemptions necessary to protect essential public interests and private and business affairs of persons in respect of whom the information relates.

All Freedom of Information requests must be referred to the Freedom of Information Coordinator in writing.

Freedom of Information Coordinator
Department of Infrastructure, Transport, Regional Development and Communications
GPO Box 2154
CANBERRA ACT 2601
Tel: (02) 6274 7111 Fax: (02) 6275 1347 email: foi@infrastructure.gov.au

14. Consultation

These Guidelines have been influenced by engagement with local councils, feedback provided, and administrative improvements identified during Phase 1, Phase 2 and Phase 3.

15. Glossary

Term	Definition
accountable authority	see subsection 12(2) of the Public Governance, Performance and Accountability Act 2013 (PGPA Act)
administering entity	when an entity that is not responsible for the policy, is responsible for the administration of part or all of the grant administration processes
appropriate auditor	has the meaning provided in <i>the National Land Transport Act 2014</i> Section 4 - Definitions
commencement date	the expected start date for the grant activity
completion date	the expected end date for the grant activity
Commonwealth Grants Rules and Guidelines (CGRGs)	<p>establish the overarching Commonwealth grants policy framework and articulate the expectations for all non-corporate Commonwealth entities in relation to grants administration.</p> <p>Under this overarching framework, non-corporate Commonwealth entities undertake grants administration based on the mandatory requirements and key principles of grants administration.</p>
eligibility criteria	refer to the mandatory criteria which must be met to qualify for a grant.
Eligible Funding Recipient	the organisation that is eligible to receive funding under the LRCI Program
Eligible Project	A project that meets the Eligible Project Requirements contained in section 5 of these Guidelines
Eligible Project Requirements	The Eligible Project Requirements are the requirements contained in section 5 of these Guidelines
grant	<p>for the purposes of the CGRGs, a 'grant' is an arrangement for the provision of financial assistance by the Commonwealth or on behalf of the Commonwealth:</p> <ul style="list-style-type: none"> • under which relevant money² or other Consolidated Revenue Fund (CRF) money³ is to be paid to a grantee other than the Commonwealth; and • which is intended to help address one or more of the Australian Government's policy outcomes while assisting the grantee achieve its objectives

Grant agreement (Agreement)	sets out the relationship between the parties, and specifies the details of the grant. The Grant Agreement includes: <ul style="list-style-type: none"> - the letter of offer - the nominal funding allocation amount - all grant terms and conditions; and - the grant opportunity guidelines
GrantConnect	is the Australian Government's whole-of-government grants information system, which centralises the publication and reporting of Commonwealth grants in accordance with the CGRGs
Capital Expenditure	the money an Eligible Funding Recipient spends on purchasing and maintaining fixed assets, i.e. infrastructure, roads etc
Maintaining Overall Capital Expenditure	maintaining your overall capital spending amount, funded by your own revenue, at or above current levels, on roads and community infrastructure.
Personal information	has the same meaning as in the <i>Privacy Act 1988</i> (Cth) which is: <ul style="list-style-type: none"> • Information or an opinion about an identified individual, or an individual who is reasonably identifiable; • whether the information or opinion is true or not; and • whether the information or opinion is recorded in a material form or not
Program delegate (Delegate)	the official of the Department to whom authority has been delegated to enter into, vary or administer an arrangement or a grant of financial assistance under the LRCI Program.
Approved Work Schedule	the list of Eligible Projects approved by the Program Delegate that the Eligible Funding Recipient can use grant money to pay for.
Work Schedule	a list of projects that an Eligible Funding Recipient proposes to be funded under the LRCI Program

¹ Relevant money is defined in the PGPA Act. See section 8, Dictionary.

² Other CRF money is defined in the PGPA Act. See section 105, Rules in relation to other CRF money.

**ADELAIDE HILLS COUNCIL
ORDINARY COUNCIL MEETING
Tuesday 25 June 2024
AGENDA BUSINESS ITEM**

Item:	12.3
Responsible Officer:	Karen Cummings Manager Property Services Engineering & Infrastructure
Subject:	Review of Cemetery Operating Policy
For:	Decision

SUMMARY

The Cemetery Operating Policy has been updated to include a section regarding application of the non-resident fee. This review is required to align with fees and charges proposed to be adopted for the 2024/2025 year.

The Policy guides management and staff in the day-to-day operation of the cemeteries under the ownership or care, control and management of the Adelaide Hills Council (the Authority). It is a reference point for members of the public seeking guidance on the decision-making process of the Authority.

The Policy has been reviewed (see **Appendix 1**) and is recommended to be adopted with changes as shown.

RECOMMENDATION

Council resolves:

- 1. That the report Review of Cemetery Operating Policy be received and noted.**
 - 2. With an effective date of 1 July 2024, to revoke the 9 May 2023 *Cemetery Operating Policy* and to adopt the 11 June 2024 *Cemetery Operating Policy* as per Appendix 1.**
 - 3. That the Chief Executive Officer be authorised to make any formatting, nomenclature or other minor changes to the 11 June 2024 *Cemetery Operating Policy* as per Appendix 1 prior to the date of effect.**
-

1. BACKGROUND

Council first adopted a *Cemetery Operating Policy* in May 2017. The *Cemetery Operating Policy* guides Council's Administration in the day-to-day operation of the cemeteries under the ownership or care, control and management of the Adelaide Hills Council (the Authority). It is a reference point for members of the public seeking guidance on the decision-making process of the Authority.

In December 2022, a review of the *Cemetery Operating Policy* introduced a policy position regarding Natural Burial Grounds in Council Cemeteries.

The last review of the policy on 9 May 2023 was undertaken after the *Burial and Cremation (Interment Rights) Amendment Act 2023* received Royal Assent on 23 February 2023, resulting in some amendments of the *Burial and Cremation Act 1993*. This review incorporated changes prompted by amendments to the legislation as well as other changes to enhance the effectiveness and application based on experience operating under the policies.

2. ANALYSIS

➤ Strategic Management Plan/Functional Strategy/Council Policy Alignment

Strategic Plan 2020-24 – A brighter future

Goal 5 A Progressive Organisation

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

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

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

➤ Legal Implications

Burial and Cremations Act 2013 (“Act”), Section 30 (2)(b) states:

Before issuing an interment right to a person, the relevant authority must give the person a written statement in plain English that—

- (a) includes the matters required by subsection (1) to be included in the interment right; and
- (b) sets out the rights and responsibilities of the relevant authority and relatives of a deceased person whose remains may be interred pursuant to the interment right in relation to any memorial (including any unclaimed memorial) to the deceased person; and
- (c) specifies the cost of the interment right and any options for periodic payment.

Maximum penalty: \$2,500.

➤ Risk Management Implications

Review of the *Cemetery Operating Policy* assists in mitigating the risk of:

Failure to adopt policy may lead to inappropriate management of Council operated cemeteries resulting in breach of legislative obligations and risk to community.

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

➤ **Financial and Resource Implications**

Any resource implications of administering the Policies are accommodated in the current Property Services Department budget.

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

The revised *Cemetery Operating Policy* provides information and direction to both Council staff and the community in relation to the rules and regulations governing our cemeteries thus limiting the likelihood of confusion and incorrect information.

➤ **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>	<i>Not Applicable</i>
<i>Council Workshops:</i>	<i>Not Applicable</i>
<i>Advisory Groups:</i>	<i>Not Applicable</i>
<i>External Agencies:</i>	<i>Not Applicable</i>
<i>Community:</i>	<i>Not Applicable</i>

➤ **Additional Analysis**

At a Long Term Financial Planning (LTFP) workshop in February 2023, a range of savings/revenue strategies were proposed, one of which was to increase the non-resident cemetery fee. A benchmarking exercise was undertaken to determine the fee, which indicated that similar Council's charge significantly higher fees for non-resident interments and burials. A non-resident fee was subsequently proposed to offer priority to ratepayers for burials within the Adelaide Hills Council area.

When considering the fees and charges in July 2023 Council adopted a 'non-resident' fee of \$4,255 that applied in addition to the cost of a new interment rights in Council's cemeteries for non-residents.

To date, the non-resident fee has generated additional revenue of \$55,315.

Presently, the parametres for assessing the application of this fee are:

The Non resident fee applies if the person to be buried is not a resident of the Adelaide Hills Council area. If the deceased was a resident of an aged care home outside the area but their previous address was in the Adelaide Hills Council area, the 'non-resident' fee will not apply (proof may be requested).

There have been 2-3 complaints received regarding application of the non-resident fee from the community which has suggested that clearer parametres should be applied to provide further direction and clarity to staff and the community when assessing applications.

It is recommended that the following section be included in the Cemetery Operating Policy to clarify when the 'non resident' fee applies and to slightly widen the criteria so that past residents who have spent a large portion (at least 50%) of their life in the Adelaide Hills Council area are not classified as non-residents.

5.1.2 *Interment Right applications will be considered differently for residents and non-residents of the Adelaide Hills Council area.*

5.1.2.1 *A non-resident fee will apply if the person to be buried is not a resident of the Adelaide Hills Council area.*

5.1.2.2 *A resident is defined as a person:*

- *who resides in the Adelaide Hills Council area;*
- *who purchased a lease whilst a resident of the Council area; or*
- *is a registered property owner within the Adelaide Hills Council area.*

5.1.2.3 *Where individuals are non-residents at their time of death, families can apply to be considered under the resident fee structure if:*

- *the deceased was a resident of an aged care home outside the area, but their previous address was in the Adelaide Hills Council area; or*
- *the deceased was a resident of the Adelaide Hills Council area for at least 50% of their life.*
- *Council is provided with documented proof of previous residency.*

5.1.2.4 *Where a pre-need interment right is purchased, the applicants current residential address will be taken to be the relevant address.*

5.1.2.5 *Non-resident fees are non-refundable.*

A definition of a 'pre-need interment right' has been included in Section 3, being 'an interment right purchased for future use'.

3. OPTIONS

Council has the following options:

- I. To adopt the Policy, with or without amendment (Recommended)
- II. To determine not to adopt the Policy at this time (Not Recommended)

Should the Council identify the need for substantial amendments to the revised Policy, it is recommended that they be referred to staff for review to allow for analysis of the implications of the amendments, prior to the matter being brought back to the Council for further consideration.


4. APPENDICES

- (1) Draft Cemetery Operating Policy – June 2024

Appendix 1

Draft Cemetery Operating Policy – June 2024

COUNCIL POLICY

 <p>Adelaide Hills COUNCIL</p>	<h2>CEMETERY OPERATING</h2>
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Policy Number:	COM-06
Responsible Department(s):	Property Services
Relevant Delegations:	As per the delegations schedule and as included in this Policy
Other Relevant Policies:	Memorials within Council Cemeteries Policy
Relevant Procedure(s):	Nil
Relevant Legislation:	<p><i>Burials and Cremations Act 2013 & Burials and Cremation Regulations 2014</i> <i>Births Death and Marriages Registration Regulations 2013</i> <i>Work Health and Safety Act 2012 & Work Health and Safety Regulations 2012</i> <i>Local Government Act 1999</i> <i>Heritage Places Act 1993 (SA)</i></p>
Policies and Procedures Superseded by this policy on its Adoption:	<p>Cemetery Operating, 09/05/2017, 12.3, SP14/17 Cemetery Operating, 24/11/2020, 12.10, 282/20 Cemetery Operating, 22/06/2021, 12.5, 121/21 Cemetery Operating, 24/08/2021, 12.5, 175/21 Cemetery Operating, 20/12/2022, 12.4, 295/22 Cemetery Operating, 09/05/2023, 12.5, 112/23</p>
Adoption Authority:	Council
Date of Adoption:	11 June 2024
Effective From:	1 July 2024
Minute Reference for Adoption:	
Next Review:	No later than June 2027 or as required by legislation or changed circumstances

CEMETERY OPERATING POLICY

1. INTRODUCTION

- 1.1 The *Cemetery Operating Policy* (the Policy) guides management and staff in the day-to-day operation of the cemeteries under the ownership or care, control and management of the Adelaide Hills Council (the Authority). It is a reference point for members of the public seeking guidance on the decision-making process of the Authority.

2. OBJECTIVES

- 2.1 Adelaide Hills Council aims to efficiently and effectively manage and maintain cemeteries with dignity and respect to meet the needs of its community.
- 2.2 To ensure that the interment of bodily remains occurs in accordance with *The Burials and Cremation Regulations 2014*, *The Burials and Cremations Act 2013*, *The Births Death and Marriages Registration Regulations 2013*, *Work Health and Safety Act 2012*, *Work Health and Safety Regulations 2012*, and *Local Government Act 1999*.

3. DEFINITIONS

- 3.1 “**Act**” means the *Burials and Cremations Act 2013*.
- 3.2 “**Authorised**” means a written authority has been issued by the Council.
- 3.3 “**The Authority**” means the Adelaide Hills Council.
- 3.4 “**Bodily Remains**” means the whole or any part of a human body (whatever its physical state may be) but does not include the whole or part of a body that has been cremated.
- 3.5 “**Cemetery**” means any and all cemeteries owned or under the care and control of the Authority.
- 3.6 “**Chief Executive Officer**” means the Chief Executive Officer of the Adelaide Hills Council.
- 3.7 “**Cremated Remains**” means bodily remains that have been cremated.
- 3.8 “**Extended Term**” means each extended duration of the Initial Term of an Interment Right.
- 3.9 “**Grantee**” means a person who is or persons who are the holder of a Right or any other person entitled to exercise the rights of the Grantee under a Right in accordance with the terms of a Right.
- 3.10 “**Human Remains**” means the body or part of the body of a deceased person (including a still born child) and includes Cremated Remains.
- 3.11 “**Initial Term**” means the initial duration of a Right.

3.12 “**Interment**” of human remains includes:

- burial in the earth, a vault or mausoleum
- placement of cremated remains in a columbarium or other structure designed as a repository for human remains
- burial in the earth of cremated remains (with or without a container)

but does not include the scattering of cremated remains.

3.13 “**Interment Right**” means a right for the interment of human remains.

3.14 “**Legitimate Business**” means attendance in a cemetery to undertake an activity relating to the interment of human remains, installation of a memorial or plaque, or visiting the grave or memorial site in order to pay respects to a deceased person.

3.15 “**Memorial**” means:

- An approved Monument; or
- A plaque; or
- Any other approved structure or physical object used to memorialise a deceased person.

3.16 “**Monument**” means a monument, headstone, tablet, gravestone, kerbing, railing or any other erection to be constructed in a Cemetery, used for the commemorative purposes for a burial site.

3.17 “**Natural burial**” means the process of interment of a body that conforms to the usual or ordinary course of nature and adds to the biodiversity of the area.

3.18 “**Natural Burial Ground**” means a designated area in a Cemetery set aside for the internment of bodies in the soil in a manner that does not inhibit decomposition but allows the body to be naturally recycled.

3.19 “**Plaque**” is a flat tablet of metal, stone or other material which includes text or images used for commemorative purposes

3.20 “**Pre-need Interment Right**” means an interment right purchased for future use

3.21 “**Private Cemetery**” means a cemetery held in private ownership

3.22 “**Regulations**” means the *Burial and Cremations Regulations 2014*.

3.23 “**Right**” means a Burial Right.

3.24 “**Term**” includes the Initial Term and any Extended Terms.

4. GENERAL OPERATING POLICIES

4.1 Compliance with Operating Policies

4.1.1 A person, including Right holders must comply with the Act, the Regulations and these operating policies where they:

- 4.1.1.1 wish to inter human remains in a Cemetery
- 4.1.1.2 wish to re-open an interment site containing human remains
- 4.1.1.3 wish to remove human remains from a Cemetery, or
- 4.1.1.4 wish to install a Memorial at an interment site

4.2 Opening Hours

4.2.1 Cemeteries are open to from 7:00am to sunset 7 days per week, or as the Authority may determine.

4.2.2 No person, except a person authorised by the Authority, may be in a Cemetery at any other time.

4.3 Office Hours of Authority

4.3.1 The office of the Authority is open weekdays (Monday to Friday), except public holidays from 8:30am to 5:00pm.

4.4 Fees

4.4.1 The Authority will publish a scale of fees for granting Rights and all other services and may change the scale of fees as it may determine.

4.4.2 The scale of fees will be reviewed, at a minimum, on an annual basis. An up-to-date copy of the scale of fees will be made available to any person on request and be available for download from the Authority's website.

4.5 Records of Cemeteries

4.5.1 The Authority will maintain records of each Cemetery in the office of the Authority that shows:

- 4.5.1.1 each site at which human remains are interred, and
- 4.5.1.2 each site set aside for the interment of human remains, and
- 4.5.1.3 the number allocated to, or a description of, each site.

4.6 Landscaping

4.6.1 No person, except a person authorised by the Authority, may landscape or change the landscaping of any portion of a Cemetery.

4.6.2 Any unauthorised landscaping may be removed by the Authority without notice, at the Interment Right holders cost

4.6.3 The Authority is not responsible for any damage or loss caused by unauthorised activity in a Cemetery.

4.6.4 All plants and trees in a Cemetery remain the property of the Authority.

4.6.5 If the surface of any interment site in the cemetery sinks below the level of the natural surface of the ground, the Authority may cause the site to be filled up to the natural surface level , at the Interment Right holders cost.

4.6.6 The Authority will plant and maintain lawn on lawn burial sites.

4.6.7 The Authority may alter or transfer any landscaping, memorial or memorial garden bed as it may determine in consultation with any affect Interment Right holders.

4.7 Traffic Regulations

4.7.1 A person must, while in charge of a motor vehicle within a Cemetery, comply with any lawful directions of the Authority as to the driving and parking of the vehicle.

4.7.2 A speed limit of 5 km per hour applies in all Cemeteries. All other general road rules apply within a Cemetery.

4.7.3 A person must not drive a motor vehicle within a Cemetery in a dangerous or careless manner or without reasonable consideration for others.

4.7.4 A person may park a motor vehicle within a Cemetery with reasonable consideration for others and in accordance with general road rules unless it is clearly marked to the contrary.

4.8 Public Right of Way

4.8.1 A Cemetery is not a public right of way.

4.8.2 Entry to a Cemetery is restricted to employees or agents of the Authority and to people having legitimate business or as the Authority may determine.

4.8.3 The Authority will ensure that a Cemetery is securely fenced at all times, in a manner that is deemed suitable, taking into account the location and topography of individual cemeteries.

4.9 Control of Animals

4.9.1 A person must not ride, drive or exercise animals (other than dogs) in a Cemetery except with the prior approval of the Authority.

4.9.2 All dogs in a Cemetery must be kept under effective control and be on a leash. All dog faeces must be removed by the person in control of the dog.

4.10 General Conduct in a Cemetery

4.10.1 A person must not cause any nuisance or breach the peace in a cemetery.

4.10.2 A person must at all times conduct themselves in a manner that respects the rights and safety of others visiting a cemetery.

4.10.3 A person must not without the prior written approval of the Authority:

- 4.10.3.1 sell or buy anything
- 4.10.3.2 erect a temporary shelter or canopy
- 4.10.3.3 carry on a business or advertise the same (with the exception of acknowledgement of the Mason on a Memorial)
- 4.10.3.4 distribute or display any advertisement
- 4.10.3.5 organise or take part in a meeting
- 4.10.3.6 disturb a funeral service
- 4.10.3.7 discharge a firearm (except at a military funeral)
- 4.10.3.8 cut, break, deface or write or fix a bill on any fixture or landscaping in the cemetery, or
- 4.10.3.9 take, injure or interfere with trees, shrubs, flowers, vases, labels, fish, birds, animals or other property.

4.11 Filming and Photography

4.11.1 Private and Personal Use

Photography for private and personal use in the Authority's cemeteries is permitted. However, where the Authority identifies that photographs of its cemeteries have been inappropriately used in the public domain, the Authority may seek to have these images removed or amended.

Inappropriate use includes but is not limited to:

- Cemetery images that do not treat the deceased with dignity and respect;
- Cemetery images that may cause distress to families, loved ones and in the broader community;
- Cemetery images which identify individual memorials and/or inscriptions without the prior permission of the interment right holder;
- The use of cemetery photographs for commercial or personal gain without the permission of the Authority; and
- Any unauthorised filming or photography

4.11.2 Commercial Use

In the interests of safety, dignity and respect for the deceased and their families, the Authority's written approval is required for filming and photography of a commercial or educational nature.

4.12 Risk of Fire

All naked flames, including candles and incense, are strictly prohibited in Cemeteries due to the risk of fire.

5. INTERMENT RIGHTS

5.1 Authority to Grant Interment Rights

5.1.1 The Authority may grant an Interment Right in relation to one or more sites in a Cemetery where:

- 5.1.1.1 A "Plain English Statement" form recording the burial and memorial sites interment rights and responsibilities is signed by the proposed Interment Right holder
- 5.1.1.2 An application, in the form contained at Appendix 1 or in a form that the Authority may determine having regard to the Regulations is received and approved, and
- 5.1.1.3 the applicant pays the appropriate fee.

5.1.2 Interment Right applications will be considered differently for residents and non-residents of the Adelaide Hills Council area.

5.1.2.1 A non-resident fee will apply if the person to be buried is not a resident of the Adelaide Hills Council area.

5.1.2.2 A resident is defined as a person:

- who resides in the Adelaide Hills Council area;
- who purchased a lease whilst a resident of the Council area; or
- is a registered property owner within the Adelaide Hills Council area.

5.1.2.3 Where individuals are non-residents at their time of death, families can apply to be considered under the resident fee structure if:

- the deceased was a resident of an aged care home outside the area, but their previous address was in the Adelaide Hills Council area; or
- the deceased was a resident of the Adelaide Hills Council area for at least 50% of their life.
- Council is provided with documented proof of previous residency.

5.1.2.4 Where a pre-need interment right is purchased, the applicants current residential address will be taken to be the relevant address.

5.1.2.5 Non-resident fees are non-refundable.

5.1.3 The Authority may at its complete discretion refuse an application for an Interment Right or renewal or limit the number of Interment Rights granted to any one person.

5.1.4 An Interment Right Holder has for the term of the Interment Right:

- 5.1.4.1 an exclusive right to bury or inter human remains in the site allocated to the maximum number permitted by the Authority
- 5.1.4.2 the sole right to request and advise the Council as to who may be interred at a site and regarding the placement of Memorials
- 5.1.4.3 an exclusive use of foundations provided by the Authority (if any) to erect an approved memorial
- 5.1.4.4 the obligation to notify the Authority of any change of mailing address, and
- 5.1.4.5 use of the ground allocated for the purposes set out in this clause and not for any other purpose.

5.1.5 The minimum initial term of an Interment Right is determined by the Authority from time to time and is the period specified on the Interment Right as one of the following:

- 5.1.5.1 in perpetuity (for burial plots and rose gardens only), or
- 5.1.5.2 100 Years, or
- 5.1.5.3 50 Years, or

5.1.5.4 in accordance with a resolution of the Authority for an individually agreed period for a specific site.

5.1.6 The term of an Interment Right commences from the date of issue.

5.1.7 Unless otherwise specified on the Interment Right, the Initial Term of an Interment Right is in accordance with the below table:

Cemetery	Prior to Relevant Date	Relevant Date	Subsequent to Relevant Date
Houghton	99yr	1/1/1957	50yr
Birdwood	99yr	1/6/1996	50yr
Charleston	99yr	1/6/1996	50yr
Cudlee Creek	99yr	1/6/1996	50yr
Gumeracha	99yr	1/6/1996	50yr
Kersbrook	99yr	1/6/1996	50yr
Mt Torrens	99yr	1/6/1996	50yr
Montacute	99yr	1/6/1996	50yr
Mt Lofty	99yr	1/6/1996	50yr
Norton Summit	99yr	1/6/1996	50yr
Summertown	99yr	1/6/1996	50yr
Stirling	100yr	1/1/1988	50yr
Scott Creek	100yr	1/1/2000	50yr

5.1.8 Any notice sent to an Interment Right holder at the last address recorded on the Authority's register of Interment Rights will be considered sufficient and proper notification in relation to any matter pertaining to an Interment Right.

5.2 Sites without an Interment Right

5.2.1 For sites where an Interment Right has not been issued, however burials or cremated remains have been interred into the site, an interment right may be issued, in accordance with Section 5.12 **Claimants to Interment Rights** and will commence from the date of the first recorded burial or interment into that site for a term as per the table in 5.1.76.

5.3 Interment Rights Issued in Perpetuity

5.3.1 Interment Rights issued for the purpose of the interment of human remains (not including cremated remains) that are issued and extended for a total of 250 years will be deemed to have been issued in perpetuity.

5.3.2 Interment Rights issued for the purpose of the interment of cremated remains or for the memorialisation without human remains that are issued and extended for a total of 150 years will be deemed to have been issued in perpetuity.

5.4 Authority to renew Interment Rights

5.4.1 It is the responsibility of the Interment Right holder, or, in the event of their death or legal incapacity, their executor or administrator or successor, to renew or extend an Interment Right.

5.4.2 The Authority must renew or extend an Interment Right for an additional period or periods in accordance with the Act and Regulations where:

-
- 5.4.2.1 an application in the form contained at Appendix 1 or in a form that the Authority may determine having regard to the Regulations is received to do so, and
- 5.4.2.2 the appropriate fee is paid.
- 5.4.3 An extension of the term of an Interment Right shall be for a period no less than 5 years in any one transaction or such time as may be specified in the Regulations. Fees for extensions to Interment Rights will on a pro-rata basis of the current 50 year fee, eg an extension of 5 years would equal one tenth of the current 50 year fee.
- 5.4.4 The Authority must, at least 12 months before an Interment Right is due to expire, take reasonable steps to give the Interment Right Holder written notice which informs the Interment Right holder:
- 5.4.4.1 of the Interment Right holder's entitlement to renew or extend the Interment Right and the cost of renewing or extending the Interment Right
- 5.4.4.2 that if the Interment Right is not renewed or extended and there is a Memorial to the deceased at the interment site, the person who held the interment right immediately before its expiry may reclaim the Memorial from the Authority.
- 5.4.4.3 That if the Interment Right is not renewed the Authority is entitled to re-use the Interment Site.
- 5.4.5 The Authority may renew a lapsed Interment Right from the date of expiry of the relevant term for a further term(s) provided:
- 5.4.5.1 The application is received in writing by the Authority within two (2) years of the Interment Right lapsing, and
- 5.4.5.2 The appropriate fee is paid by any interested person.
- 5.4.6 If no application is received within the time frame set out in the Act and Regulations to renew or extend the Interment Right, then the Interment Right will expire according to its terms.
- 5.4.7 Where an Interment Right has lapsed but is subsequently renewed in accordance with the Act, Regulations and this policy, the Interment Right will be deemed to have been extended under the same Interment Right with any previous terms of that Interment Right as at the date of lapse, as if the Interment Right has not lapsed.
- 5.5 Expired Interment Rights**
- 5.5.1 Prior to any re-use of an Interment Site the Authority will:
- 5.5.1.1 give notice of its intention to re-use the Interment Site by public advertisement in a newspaper circulating throughout South Australia; and
- 5.5.1.2 take reasonable steps to give written notice of its intention to re-use the Interment Site to the Interment Right holder or any personal representative of the deceased or one or more relatives of the deceased.
- 5.5.2 If the Interment Right is not renewed or the Interment Right holder, personal representative or a relative of the deceased has informed the Authority that there is no objection on the part of relatives to the re-use of the Interment Site then, in accordance with the Act, Regulations and this policy, the Interment Right is deemed to have expired and the Authority is entitled to re-use the site in accordance with the Act, Regulations and this policy.

- 5.5.3 The Authority will not make a site available for re-use until at least two (2) years have passed since the lapsing of an Interment Right, and the Interment Right has not been renewed during that period, pursuant to the Act, Regulations and this policy.
- 5.5.4 Where an Interment Site is available for re-use the Authority may grant a new Interment Right for the site to any person upon such terms and conditions as the Authority may determine consistent with the Act and the Regulations and this policy and the former Interment Right Holder acknowledges that upon such event the Authority may do whatever is necessary to prepare the site for the new Interment Right Holder.
- 5.5.5 Any Memorial may be reclaimed by the Interment Right holder, or if unclaimed will be disposed of by the Authority in accordance with the Act and the Regulations

5.6 Disposition of Cremated Remains

- 5.6.1 If an Interment Right Holder advises the Authority that an extension or renewal of an Interment Right for a site designated for cremated remains only will not be sought, the Interment Right Holder may instruct the Authority on a preferred method of final disposition of the cremated remains by:
- 5.6.1.1 interment in an unmarked location, or
 - 5.6.1.2 collection for private dispersal.
- 5.6.2 Where no instructions are given by the Interment Right Holder upon termination of an interment right for a site containing cremated remains as to the final disposal of the cremated remains, then such remains will be dealt with in accordance with the Act, Regulations and the Authority's policies and procedures.

5.7 Surrender of Interment Right

- 5.7.1 An Interment Right holder has the right to surrender an unexercised Interment Right to the Authority in accordance with the Act and Regulations. On surrender the rights granted under the Interment Right are discharged.
- 5.7.2 Partial refunds are available in accordance with the Act and Regulations for unused sites.
- 5.7.3 Unused sites that are surrendered may be dealt with by the Authority in its absolute discretion.

5.8 Transfer of Interment Rights

- 5.8.1 The Authority may permit a transfer of an Interment Right in the form contained in Appendix 2 or in a form that the Authority may determine having regard to the Act and Regulations.
- 5.8.2 An application to transfer an Interment Right must be executed by or on behalf of the Interment Right holder and the transferee and be accompanied by the relevant fee and evidence to the Authority that it may require to show that the Interment Right holder can effect the transfer.
- 5.8.3 The Authority may decline to register a transfer without giving reasons.
- 5.8.4 Where the Authority approves a transfer, the name of the transferee must be entered into the register of Interment Rights as the owner of the Interment Right.

- 5.8.5 The transfer will not take effect until it is recorded by the Authority in its register of Interment Rights. A transferor remains the holder of the Interment Right until the transfer is registered and the name of the transferee is entered in the Register of Interment Rights.

5.9 Register of Interment Rights

- 5.9.1 The Authority must keep a register of Interment Rights in accordance with the Act and Regulations that contains the following information:
- 5.9.1.1 the number of the Interment Right
 - 5.9.1.2 the locality and number of the interment site over which the Interment Right is issued
 - 5.9.1.3 whether the Interment Right is for the interment of human remains (bodily or cremated remains) or memorialisation without human remains
 - 5.9.1.4 the full name, address and date of birth of the Interment Right holder
 - 5.9.1.5 the name of any person or persons identified on the Interment Right whose remains may be interred pursuant to the Interment Right
 - 5.9.1.6 the date that the Interment Right was granted or transferred to the Interment Right holder
 - 5.9.1.7 the date of each renewal and the expiry of each renewal term of the Interment Right
 - 5.9.1.8 the name of each deceased interred at the site including the date of each interment and the depth at which the interment took place, and
 - 5.9.1.9 the date of erection, subsequent inscriptions and description of any Memorial that has been erected at the interment site in accordance with the Act and the Regulations and these operating policies.

5.10 Instructions from Interment Right Holders

- 5.10.1 The Authority may choose not to comply with a request or direction by an Interment Right holder where an Interment Right issued for multiple interments is not presented for a second or subsequent interment.

5.11 Interment Rights issued in two (2) or more names

- 5.11.1 Where an Interment Right is currently registered in the names of two (2) or more persons, it will be delivered to the person first named in the register of Interment Rights.
- 5.11.2 All Interment Right holders have the responsibility to keep the Authority informed of their current contact details. Failure to do so will result in the Authority, after reasonable notice, accepting instructions from the other Interment Right holder (if any) without their input.
- 5.11.3 Notice will be deemed given if the Interment Right holder is sent a letter, facsimile or email to the person's last known contact details. Failure by the Interment Right holder to respond within 90 days will constitute abandonment of his or her right to give instructions and the Authority may act in accordance with the instructions of the other Interment Right Holders (if any) who are contactable.
- 5.11.4 With effective date of the signing of this Operating Policy all new Interment Rights will be issued to one person only.

5.12 Claimants to Interment Rights

- 5.12.1 As the devolution of Interment Rights is governed by legislation, the Authority will not recognise or register an expressed, implied or constructive notice of authority.
- 5.12.2 Where there is one or more joint Interment Right holders, and one of the Interment Right holders dies, the Authority will recognise the surviving Interment Right holder or holders as the only person or persons having title to an Interment Right.
- 5.12.3 The Authority will recognise the claim of an executor or administrator of a deceased Interment Right holder as having title to an Interment Right registered in the name of a deceased person.
- 5.12.4 Where a sole Interment Right holder remains in respect of an Interment Right, the rights granted to the Interment Right holder may be exercised upon the death or legal incapacity of the Interment Right holder by any one of the following people in descending order of entitlement:
- 5.12.4.1 in the case of the legal incapacity of the Interment Right holder, by a person acting under the authority of an enduring power of attorney granted by the Interment Right holder or by a duly appointed manager or guardian of the Interment Right holder.
- 5.12.4.2 in the case of the death of the Interment Right holder by:
- 5.12.4.2.1 the executor of the estate of the deceased person, or
- 5.12.4.2.2 if there is more than one executor, one of the executors acting with the permission of all the other executors, or
- 5.12.4.2.3 the administrator of the estate of the deceased person, or
- 5.12.4.2.4 by the spouse or domestic partner of the Interment Right holder, or
- 5.12.4.2.5 if there is no living spouse or domestic partner — by the eldest living relative of the Interment Right holder in the following descending order of priority:
- a child
 - a grandchild or great-grandchild
 - a brother or sister
 - a parent
 - a grandparent
 - an aunt or uncle
 - a nephew or niece
 - a cousin
 - any other blood relative.
- 5.12.5 For the purposes of this clause "domestic partner" has the same meaning ascribed to it under the Family Relationships Act 1975 (SA).
- 5.12.6 The substituted right envisaged in this clause may be devolved to one person in succession in the event of the subsequent death or legal incapacity of such person.
- 5.12.7 A person claiming ownership of an Interment Right must, if necessary, prove their ownership to the Authority.

6. BURIALS

6.1 Burial & Interment Hours

6.1.1 Burial and interment hours are:

- 6.1.1.1 between 9:00 am and 5:00 pm Monday to Friday
- 6.1.1.2 as the Authority may determine.

6.2 Authorisation of Burials & Interments of Cremated Remains

6.2.1 No Burial or Interment of Cremated Remains will take place in a Cemetery unless:

- 6.2.1.1 a written application for the burial in the form contained at Appendix 3, or in a form that the Authority may determine having regard to the Act and Regulations, is lodged at the offices of the Authority, and
- 6.2.1.2 an Interment Right or duplicate Interment Right is produced to the Authority upon request, and
- 6.2.1.3 the Authority receives reasonable notice of a request for the burial; and
- 6.2.1.4 all relevant fees are paid to the Authority, and
- 6.2.1.5 in the case of a burial, identifying information on all the following has been checked and found to correspond:
 - the partial certificate of cause of death or disposal authorisation, as the case may be
 - the certificate of identification
 - the name plate affixed to the coffin or placed on top of the bodily remains, as the case may be.

6.2.2 No Bodily Remains will be interred in an interment site if the remaining term of the Interment Right relating to the site is less than ten years.

6.2.3 Unless otherwise stipulated on the Interment Right, a maximum of three (3) burials and ten (10) cremated remains may be interred on any one burial site. Additional burials may be considered on application to Council and will be subject to the conditions of Section 6.7.3.

6.3 Grave Digging

6.3.1 Every interment site within a Cemetery must be excavated:

- 6.3.1.1 by an employee of the Authority, or
- 6.3.1.2 a contractor engaged by the Authority to do so on its behalf, or
- 6.3.1.3 a contractor engaged by a funeral director and approved by the Authority

6.4 Depths of Coffins

6.4.1 Coffins must be interred at least:

- 6.4.1.1 at the minimum depth required by the Act and Regulations; or
- 6.4.1.2 a minimum depth greater than the Act and Regulations as the Authority may determine.

6.4.2 The Authority may determine the maximum depth of a grave in which Bodily Remains may be interred in a Cemetery.

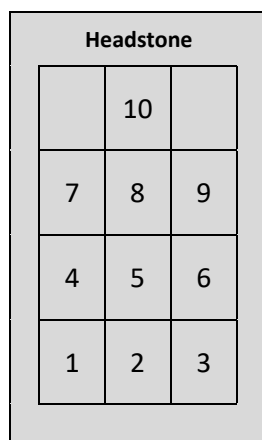
6.5 Depths of Cremated Remains

6.5.1 **Cremated Remains** will be interred at a maximum depth of 61cm.

6.6 Placement of Cremated Remains into Burial Plots

6.6.1 The Authority will not remove top stones erected as part of a memorial for the interment of cremated remains. Removal arrangements must be made through a stone mason. Removal costs of top stones will be the responsibility of the Interment Right Holder. Council will only cut into and reinstate cement or gravel tops.

6.6.2 Unless otherwise instructed, the placement of **Cremated Remains** into burial plots will be as follows:



6.7 Opening of interment sites, exhumation and re-interment

6.7.1 At all times the Authority will comply with Part 2, Division 3 of the Act and the Regulations when dealing with the opening of interment sites, exhumation, and re-interment of human remains.

6.7.2 All excavation to re-open, exhume or re-inter must be undertaken by the Authority or by its approved representative.

6.7.3 An Interment Right holder can arrange with the Authority for extra space to be made in an interment site though a lift and deepen procedure in accordance with the Act and Regulations where:

6.7.3.1 there have been previous interments in a grave, and

6.7.3.2 earlier interments were at an insufficient depth for further burials, and

6.7.3.3 at least six years have elapsed since the most recent burial.

6.7.4 The interment site must be covered as soon as practicable on the same day as the interment.

6.7.5 No human remains may be removed from a burial or memorial site except in accordance with the Act and Regulations and with the prior approval of the Authority.

6.8 Natural Burials

6.8.1 Natural burials must comply with all legislative and regulatory requirements.

-
- 6.8.2 Interment Rights in Natural Burial Grounds will be for a period of 100 years.
- 6.8.3 A maximum of one (1) burial may take place in a natural burial site.
- 6.8.4 Bodily remains will be buried at Level 1 and so that any of the remains are at a depth of not less than 1 metre from the surface of the ground, as required by the Act and Regulations.
- 6.8.5 Material that can be used:
- 6.8.5.1 Caskets made of sustainably grown timber, or
 - 6.8.5.2 Wicker or willow caskets or shrouds made of natural fibres (legislation permitting)
 - 6.8.5.3 Casket fittings and contents shall be made of sustainable natural biodegradable materials only. Name plate should be of a durable material.
- 6.8.6 Material that cannot be used:
- 6.8.6.1 Non-biodegradable material inside or outside the casket, including:
 - 6.8.6.2 Any types of plastic or metal fittings (exclusive of nails and screws),
 - 6.8.6.3 PVC, glass, ceramic, metal, treated varnished timber, toxic glues or plastic sheeting inside the casket.
- 6.8.7 Acceptable shrouds:
- 6.8.7.1 Shrouds made of natural materials such as silk, cotton or wool, with a solid base are acceptable. The solid base assists with the lowering into the ground and can be made of sustainable natural timber and contained within the shroud.
 - 6.8.7.2 Contents of shrouds must be fastened to a solid base to prevent movement to one side.
 - 6.8.7.3 Shrouds without a solid base are acceptable if used in conjunction with a suitable industry recognised transport and lowering system.
 - 6.8.7.4 Shroud preparation and burial procedures involving shrouds must comply with all local rules and regulations of the day.
- 6.8.8 Unacceptable casket or shroud:
- 6.8.8.1 with Cardboard, PVC or synthetic coverings
 - 6.8.8.2 with varnish and plastic or metal fittings
 - 6.8.8.3 with leaking fluids
 - 6.8.8.4 Caskets having obnoxious smells

6.8.9 Acceptable clothing and casket Items:

- 6.8.9.1 The deceased should be dressed in natural fibre clothing or wrapped in a shroud, with no undue additional synthetic substances.

6.8.10 Chemicals:

- 6.8.10.1 No embalming fluids are permitted.
- 6.8.10.2 The body may be sanitised.

6.8.11 Natural Burial Location

- 6.8.11.1 Natural burials may be in areas of a cemetery set aside specifically for the purpose of natural burials.
- 6.8.11.2 All plots will be allocated by the Cemetery Authority, on a next available basis, at the time of the burial.
- 6.8.11.3 Plot location will be recorded using GPS/GIS technology or other accurate recording system.
- 6.8.11.4 A cemetery plan of natural burial grave/plot locations will be recorded by the Cemetery Authority.

6.8.12 Memorials in Natural Burial Grounds

- 6.8.12.1 No memorials, ornamentation or planting will be allowed on burial plots other than that prescribed for the site by The Authority.

6.8.13 The Cemetery Authority shall be responsible for maintaining and managing the natural burial site.

6.8.14 Unless stated in this section, all other sections of this policy apply to Natural Burials and Natural Burial Grounds.

7. PRIVACY

The Authority will abide by the freedom of information legislation and the spirit of privacy legislation in addition to the requirements of the Act and Regulations to protect the details of all living persons.

8. REGISTERS

8.1.1 The registers kept by the Authority under the Act must be made available for inspection by members of the public during ordinary office hours and on payment of any fee fixed by the Authority, however the following information is specifically excluded by the Regulations from being made available in the registers:

- 8.1.1.1 the full name and address of the holder of an Interment Right; and
- 8.1.1.2 the address of the last place of residence of the deceased person before his or her death.

9. PRIVATE CEMETERIES

- 9.1 There a number of Private Cemeteries in the Adelaide Hills Council district. At times, the Authority receives requests to assume ownership or administration of a Private Cemetery. These requests need to be assessed to fully understand the community and financial impacts of the proposal.
- 9.2 Each proposal will be assessed on its own merits and that assessment needs to consider the risks and impacts both at the time the proposal is received as well as into the future. At a minimum, the following information needs to be provided as part of the assessment process:
- The reason and purpose of the request
 - Ownership details
 - Details of what interment and burial records are available
 - Is land ownership proposed
 - Full details of any trusts that exist over the cemetery
 - The remaining capacity of the cemetery
 - The current and future maintenance requirements for the cemetery
 - What, if any, financial contribution is proposed to be made to the Authority
 - Is there a State or Federal authority that should provide assistance to the Private Cemetery authority in the first instance
- 9.3 When assessing any proposal, consideration should be given to any Authority owned or administered cemeteries in the area that provide a service to that section of the community.
- 9.4 All formal requests are to be presented to Council for consideration and a decision.

10. DELEGATION

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

11. AVAILABILITY OF THE POLICY

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

12. APPENDICES

- Appendix 1: Application for New/Renewal Interment Right
Appendix 2: Application for Transfer of Interment Right
Appendix 3: Application for Burial or Interment of Cremated Remains

Appendix 1

Application for New/Renewal Interment Right

[Insert current form when ready for website](#)

Appendix 2

Transfer of Interment Right – Declaration Form

[Insert current form when ready for website](#)

Appendix 3

Application for Burial or Interment of Cremated Remains

[Insert current form when ready for website](#)

**ADELAIDE HILLS COUNCIL
ORDINARY COUNCIL MEETING
Tuesday 25 June 2024
AGENDA BUSINESS ITEM**

Item:	12.4
Responsible Officer:	Zoë Gill Governance and Risk Coordinator Office of the Chief Executive
Subject:	Chief Executive Officer – Declaration of Conflicts of Interest
For:	Decision

SUMMARY

The purpose of this report is to make a disclosure of conflict of interest for Mr Greg Georgopoulos under section 120 of the *Local Government Act 1999* (the Act) and to seek the Council's approval for Mr Georgopoulos to continue to act in the course of the Chief Executive Officer's official duties in relation the matter.

The conflict of interest arises by virtue of being a board member of the Southern & Hills local Government Association.

Mr Georgopoulos has previously notified Council of his conflict of interest in relation to the Adelaide Hills Tourism Board.

RECOMMENDATION

Council resolves:

- 1. That the report Chief Executive Officer – Declaration of Conflicts of Interest be received and noted.**
 - 2. To note the Chief Executive Officer, Mr Greg Georgopoulos' disclosure of a conflict of interest in relation to the Southern and Hills Local Government Association.**
 - 3. To authorise Mr Georgopoulos to act in the course of his official duties in relation to the Southern and Hills Local Government Association.**
-

1. BACKGROUND

The Chief Executive Officer, Greg Georgopoulos, was engaged under an Employment Agreement executed on 18 May 2023 and commenced in the role on 17 July 2023.

In being appointed to the role, there are some legislative and other 'housekeeping' matters that need to be attended to.

The purpose of this report is to seek Council's resolution to permit Mr Georgopoulos to act in the course of his official duties relating to dealings with external organisations/entities in which he either has an interest for the purposes of s120 of the *Local Government Act 1999* (the Act) or there could be the perception of an interest.

2. ANALYSIS

➤ Strategic Management Plan/Functional Strategy/Council Policy Alignment

Strategic Plan 2020-24 – A brighter future

Goal 5 A Progressive Organisation

Objective O1 We have the right people with the right knowledge and skills in the right jobs and they are supported and developed

Priority O1.4 Continue to support all staff through training, mentoring, coaching and development to enable the achievement of organisational and community goals

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 120 of the Act deals with the matter of conflict of interest in relation to Council Officers. Subsection (1) refers to the Chief Executive Officers and provides the following:

120—Conflict of interest

(1) The chief executive officer of a council who has an interest in a matter in relation to which he or she is required or authorised to act in the course of official duties—

(a) must disclose the interest to the council; and

(b) must not, unless the council otherwise determines during a council meeting that is open to the public, act in relation to the matter.

Maximum penalty: \$5 000.

Subsection (5) sets out the terms of an interest for the purposes of the Act, as follows:

- (5) An employee has an interest in a matter if the employee, or a person with whom the employee is closely associated, would, if the employee acted in a particular manner in relation to the matter, receive or have a reasonable expectation of receiving a direct or indirect pecuniary benefit or a non-pecuniary benefit or suffer or have a reasonable expectation of suffering a direct or indirect pecuniary detriment or a non-pecuniary detriment.

Subsection (6) defines a person closely associated, as follows:

- (6) A person is closely associated with an employee of a council—
 - (a) if that person is a body corporate of which the employee is a director or a member of the governing body; or
 - (b) if that person is a proprietary company in which the employee is a shareholder; or
 - (c) if that person is a beneficiary under a trust or an object of a discretionary trust of which the employee is a trustee; or
 - (d) if that person is a partner of the employee; or
 - (e) if that person is the employer or an employee of the employee; or
 - (f) if that person is a person from whom the employee has received or might reasonably be expected to receive a fee, commission or other reward for providing professional or other services; or
 - (g) if that person is a relative of the employee.
- (7) However, an employee, or a person closely associated with an employee, will not be regarded as having an interest in a matter—
 - (a) by virtue only of the fact that the employee or person—
 - (i) is a ratepayer, elector or resident in the area of the council; or
 - (ii) is a member of a non-profit association, other than where the employee or person is a member of the governing body of the association or organisation; or
 - (b) in a prescribed circumstance.

➤ **Risk Management Implications**

The appropriate disclosure and management of conflicts of interest 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 and the recommendations contained in this report involve the renewal of current controls.

➤ **Financial and Resource Implications**

There are no financial implications associated with the recommendations contained in this report.

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

The community would have a strong expectation that Council has a robust culture and process for the management of conflict of interests.

➤ **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

➤ **Additional Analysis**

The CEO, Mr Georgopoulos has provided the following information in relation to his interests:

At its 8 August 2023 meeting Council resolved to appoint Mr Georgopoulos to the board of the Southern & Hills Local Government Association.

12.3 CEO Appointment to Southern & Hills Local Government Association

Moved Cr Louise Pascale
S/- Cr Mark Osterstock

212/23

Council resolves:

- 1. That the report be received and noted.**
- 2. With an effective date of 8 August 2023, to revoke the appointment of David Waters and appoint Greg Georgopoulos to the Board of Southern and Hills Local Government Association as the Council's employee or elected member nominee until the conclusion of the 2022 – 2026 Council term.**

Carried Unanimously

At the 11 June 2024 Council meeting, Mr Georgopoulos notified Council of his interest as a board member of the Adelaide Hills Tourism Board:

Disclosures of interest

Pursuant to Section 120(1) of the *Local Government Act 1999*, the Council is advised that the Chief Executive Officer is a member of the AHT Board. This is not a paid position.

Under s120(2)(a) Council can resolve that the Chief Executive Officer can continue to act in relation to matters concerning AHT.

At that meeting Council resolved:

12.1 Adelaide Hills Tourism Funding Agreement 2024

7:49pm Cr Leith Mudge returned to the meeting room.
Cr Osterstock left the meeting room.

Moved Cr Malcolm Herrmann
S/- Cr Leith Mudge

198/24

Council resolves:

Decision 1:

1. To acknowledge the disclosure of interests contained in this report and to authorise the Chief Executive Officer, Mr Greg Georgopoulos, to act in the course of his official duties in relation to Adelaide Hills Tourism.

Carried Unanimously

The CEO is therefore complying with the requirement of s120(1)(a) in terms of disclosing the interest to Council and seeking Council's authorisation (in a council meeting open to the public) under s120(1)(b) to continue to act in relation to this regional subsidiary in the course of his official duties.

3. OPTIONS

Council has the following options:

- I. To grant authorisation to Greg Georgopoulos to act in relation to the regional subsidiaries in the course of his official duties.
- II. To not grant authorisation to Greg Georgopoulos to act in relation to the regional subsidiaries in the course of his official duties.

Option I is the recommended option as it ensures that the legislative obligations regarding the disclosure and authorisation are satisfied while ensuring that the CEO can undertake the range of activities that are realistic in that role.

4. APPENDICES

- (1) Nil

**ADELAIDE HILLS COUNCIL
ORDINARY COUNCIL MEETING
Tuesday 25 June 2024
AGENDA BUSINESS ITEM**

Item: 12.5

Responsible Officer: Gary Lewis
Director
Corporate Services

Subject: Discretionary Rate Rebate Report

For: Decision

SUMMARY

In accordance with Council's *Rating Policy*, a summary of all discretionary rate rebates identified in Section 166(1) of the *Local Government Act 1999* (the Act) is required to be reported to Council on an annual basis for information purposes only.

In considering discretionary rebates Council's *Rating Policy* position has a key principle that all ratepayers should contribute an amount towards basic service provision. The policy specifies a maximum discretionary rebate of 75%, except in very specific circumstances such as for Community Halls and organisations that undertake services to the community that would otherwise be provided by Council.

To ensure discretionary rebates are reviewed regularly, approval for a discretionary rate rebate is only granted for a maximum of four (4) years in line with each Council term.

The 2023-24 financial year was the first full year of the new Council after the November 2022 Council elections when a reconsideration of all discretionary rate rebates was undertaken by Council at its meeting held on 27 June 2023. Discretionary rate rebates were granted for the rating years from 2023-2024 until 2026-2027, aligning to the current Council term.

On 4 December 2023 the Stirling Hospital requested a rebate on council rates (**Appendix 4**). No other request was received during 2023/24.

RECOMMENDATION

Council resolves:

- 1. That the report be received and noted.**
 - 2. For Council decision- see options in this report**
 - 3. The applicant be formally advised by the CEO, or his delegate, of Council's decision.**
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1. BACKGROUND

The *Local Government Act 1999* (the Act) has provision for the application of discretionary rate rebates under Section 166.

In recent years, Council has updated its discretionary rate rebate position within its *Rating Policy* to provide greater clarity in relation to determining the eligibility for a discretionary rate rebate in accordance with the:

- Requirements of the *Local Government Act 1999* (the Act),
- Rating principles in relation to fairness, equity and consistency, and
- Approval of discretionary rebates only being granted for a maximum period of the Council term (4 years).

In granting a rebate, Council's revenue, and hence its capacity to provide services will be reduced. As such, the amount that must be collected from other ratepayers will need to be increased. The principles of equity dictate that Council remains diligent in only awarding rebates where they are warranted.

Section 166 covers a number of different rebate categories. This includes rebates made under Section 166(1)(d) to (j) covering activities linked to community services or need and assistance or relief provided to disadvantaged persons.

Due to the complexities involved in the application of discretionary rate rebates under Section 166(1)(l) to (o), any application relating to these elements is subject to a separate report to Council to consider the appropriateness of such a rebate or dealt with as part of the Annual Business Plan and Budget process.

This report deals only with discretionary rate rebate applications. Mandatory rebates are applied in accordance with legislative requirements.

2. ANALYSIS

➤ Strategic Management Plan/Functional Strategy/Council Policy Alignment

Strategic Plan 2020-24 – A brighter future

Goal 5	A Progressive Organisation.
Objective O5	We are accountable, informed, and make decisions in the best interests of the whole community.
Priority O5.1	Enhance governance structures and systems to prudently adapt to changing circumstances and meet our legislative obligations.
Priority O5.2	Make evidence-based decisions and prudently assess the risks and opportunities to our community before acting.

➤ Legal Implications

The primary legislative provisions in the *Local Government Act 1999* relating to discretionary rate rebates is:

Section 166 – Discretionary rebates of rates detailed in **Appendix 1**.

Council has adopted a *Rating Policy* that provides direction and guidance to the Administration on discretionary rate rebates. The relevant section of the *Rating Policy* covering Rates Rebate is Section 11 and this has been included as **Appendix 2**.

In considering discretionary rate rebates Council's *Rating Policy* position has a key principle that all ratepayers should contribute an amount towards basic service provision.

As such the Policy specifies a maximum discretionary rebate of 75% will be applied, except in specific circumstances such as Community Halls and organisations that undertake services to the community that would otherwise need to be provided by Council.

➤ **Risk Management Implications**

Managing discretionary rate rebates in accordance with its *Rating Policy* will assist in mitigating the risks of:

Failure to manage, improve and develop financial resources available to Council and failure to provide for the welfare, well-being and interests of the community.

Inherent Risk	Residual Risk	Target Risk
Extreme	Medium	Medium

➤ **Financial and Resource Implications**

Applications for a discretionary rate rebate relating to Section 166 are required to be received on or before 30 April prior to the rating year so that the financial impact of any rebate granted can be considered when setting rates for the next financial year.

On 4 December 2023 the Stirling Hospital requested a rebate on council rates (**Appendix 4**). No other request was received during 2023/24.

Council has previously granted a discretionary rate rebate to eighteen (18) organisations relating to Section 166 for the period to 2026-27 aligning to the current Council term, as detailed in **Appendix 3**.

For 2024-25 these rebates total \$30,397.

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

Not applicable.

➤ **Sustainability Implications**

Not applicable.

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

Consultation on the development of this report was as follows:

Council Committees: Not Applicable
Council Workshops: Not Applicable
Advisory Groups: Not Applicable

External Agencies: Not Applicable
Community: Not Applicable.

➤ **Additional Analysis**

Stirling Hospital

Stirling Hospital have requested the Council consider granting them a rebate. Stirling Hospital has been previously advised that it does not meet the requirements for the mandatory rebate under Section 160 Rebate of rates – health services of the *Local Government Act 1999* as it is not incorporated under the *Health Care Act 2008*.

Stirling Hospital has a right to apply for a discretionary rebate. The Administration considers the following when determining whether to apply a discretionary rebate to an organisation:

- is not-for-profit
- provides services or activities that provide a direct benefit or service to the community that would otherwise be required to be provided by Council,
- provides Community Services that support the disadvantaged or sections of the community that require assistance,
- undertake services and activities that are primarily the responsibility of Federal or State Government (rebate not granted)
- have limited financial capacity to raise funds
- undertake services and activities that are aligned to the achievement of one or more of Council's strategies resulting in a direct benefit to the residents of Adelaide Hills Council and a significant proportion of users are Adelaide Hills .

Stirling Hospital was founded in 1927 using fundraising efforts and the generosity of the local Adelaide Hills Community. The hospital provides a comprehensive range of surgical, medical and health services to the community.

As a registered charity and not-for-profit they have indicated that they are reliant on public donations from community groups and receive no Government funding.

The Administration has taken into account that although the organisation is not for profit and does not receive Federal or State Government funding, the provision of health services is not a Council responsibility. If the hospital were unable to provide health services in the future, it is unlikely that Council would step in and continue to provide those same services.

In addition, as a private hospital they do not provide services to disadvantaged or vulnerable members of the Adelaide Hills community.

Whilst the hospital reported a loss of \$1.1m for 2022-23, it does have capacity to raise funds.

Council has considered a similar request from the Stirling Hospital at its meeting on 28 May 2019, the Council resolved as follows:

12.8 Discretionary Rates Rebate

Moved Cr Mark Osterstock
S/- Cr Nathan Daniell

118/19

Council resolves:

1. The report be received.
2. That the following applications for a discretionary rate rebate under Section 166 (1) (d) of the Local Government Act 1999 be granted a 75% rate rebate for the rating years from 2019-20 until end of the current Council term:
 - Scout Association of Australia (SA Branch) 9 Pye Road Balhannah – Assessment No. 6589
 - Scout Association of Australia (SA Branch) 99 Milan Terrace Stirling – Assessment No. 12628
3. That a discretionary rate rebate requested by the following applicants under Section 166 of the Local Government Act 1999 be declined on the basis that they do not meet the criteria set out in Council’s Rating Policy:
 - Stirling Hospital Inc – 20 Milan Terrace Stirling – Assessment No. 11270
 - Lobethal and District Aged Homes – 8 Woodside Road Lobethal – Assessment No. 4670
 - KeyInvest – 18A Tolmer Road Woodside – Community Centre – Assessment No. 20383
 - Baptist Care (SA) Inc – 32 Wingrove Road Mylor – Assessment No. 10008
 - Scout Association of Australia (SA Branch)
 - 37 Spring Gully Road Piccadilly – Assessment No. 1069
 - 19 Spring Gully Road Piccadilly – Assessment No. 2813 – vacant land
 - Carinya Road & 21-37 Spring Gully Road Piccadilly – Assessment No. 2001
4. The applicants be formally advised of Council’s decision.

Carried

Other considerations

The above analysis is based on Council’s current Policy position. Section 166 of the *Local Government Act 1999* provides that Council’s may grant a discretionary rebate in broader circumstances than those outlined in Council’s policy. Section 166(3b) provides that a council should give reasonable consideration to the granting of rebates under section 166 and should not adopt a policy that excludes the consideration of applications for rebates on their merits.

Relevantly section 166(1) outlines that Council may grant a rebate in a number of cases, including:

- when the rebate is desirable for the purpose of assisting or supporting a business in its area (ss(1)(b)) and
- where the land is being used for a hospital or health centre (ss(1)(f)).

When deciding to grant a rebate under s166(1)(f) Council must take into account (see s166(1a)):

- a) the nature and extent of council services provided in respect of the land for which the rebate is sought in comparison to similar services provided elsewhere in its area; and
- b) the community need that is being met by activities carried out on the land for which the rebate is sought; and
- c) the extent to which activities carried out on the land for which the rebate is sought provides assistance or relief to disadvantaged persons

What weight should be given to each area of consideration is not specified in the Act and will depend on the individual merits of the request.

Whether Stirling Hospital is providing assistance or relief to disadvantaged persons is discussed in the above section.

There is one other hospitals in the Adelaide Hills Council area, namely the Gumeracha District Soldiers' Memorial Hospital.

As Council is aware, the Stirling Hospital has reported financial difficulties and was considering exiting Stirling and setting up a new facility at Mount Barker. The exit of the hospital would have a significant impact on the Stirling community, and that of the broader Adelaide Hills, particularly with the struggling viability of the Stirling retail and commercial precinct. Stirling Hospital contributes to township placemaking, drawing people to the destination. Council played a role in encouraging Stirling Hospital to stay in Stirling.

For these reasons, Council may consider that a discretionary rate rebate requested by Stirling Hospital under Section 166 of the *Local Government Act 1999* meets the criteria set out in subsection 166(1)(b) of the Act.

In addition, or in the alternative, Council may also consider that a discretionary rate rebate requested by Stirling Hospital under Section 166 of the *Local Government Act 1999* meets the criteria set out in subsection 166(1)(f) of the Act, having taken into account the criteria set out in subsection 166(1a).

Subsection 166(2) provides that Council may set any conditions on the rebate as it thinks fit. Subsection 166(3) provides a rebate of rates under subsection (1)(b) may be granted for a period exceeding one year, but not exceeding 10 years. Subsection 166(4) provides council may grant a rebate that is up to (and including) 100 per cent of the relevant rates or service charge.

3. OPTIONS

Council has the following options:

Option 1

1. That a discretionary rate rebate requested by the following applicants under Section 166 of the Local Government Act 1999 be accepted on the basis that they meet the criteria set out in subsection 166(1)(b) **and/or** subsection 166(1)(f) of the Act, having taken into account the criteria set out in subsection 166(1a) of the Act:
 - a. Stirling Hospital Inc – 20 Milan Terrace Stirling – Assessment No. 11270

2. That the rate rebate be set at x% of the owed rate and apply for the remainder of the term of the Council.

Or

Option 2

That a discretionary rate rebate requested by the following applicants under Section 166 of the Local Government Act 1999 be declined on the basis that they do not meet the criteria set out in Council's Rating Policy:

- Stirling Hospital Inc – 20 Milan Terrace Stirling – Assessment No. 11270

4. APPENDICES

- (1) Legislation – Section 166 of the *Local Government Act 1999*
- (2) Extract from Council's Current Rating Policy – Section 11 Rate Rebates
- (3) Summary of Discretionary Rate Rebates
- (4) Correspondence from Stirling Hospital – 4 December 2023

Appendix 1

Legislation – Section 166 of the Local Government Act 1999

166—Discretionary rebates of rates

- (1) A council may grant a rebate of rates or service charges in any of the following cases (not being cases that fall within a preceding provision of this Division):
 - (a) where the rebate is desirable for the purpose of securing the proper development of the area (or a part of the area);
 - (b) where the rebate is desirable for the purpose of assisting or supporting a business in its area;
 - (c) where the rebate will conduce to the preservation of buildings or places of historic significance;
 - (d) where the land is being used for educational purposes;
 - (e) where the land is being used for agricultural, horticultural or floricultural exhibitions;
 - (f) where the land is being used for a hospital or health centre;
 - (g) where the land is being used to provide facilities or services for children or young persons;
 - (h) where the land is being used to provide accommodation for the aged or disabled;
 - (i) where the land is being used for a residential aged care facility that is approved for Commonwealth funding under the *Aged Care Act 1997* (Cwlth) or a day therapy centre;
 - (j) where the land is being used by an organisation which, in the opinion of the council, provides a benefit or service to the local community;
 - (k) where the rebate relates to common property or land vested in a community corporation under the *Community Titles Act 1996* over which the public has a free and unrestricted right of access and enjoyment;
 - (l) where the rebate is considered by the council to be appropriate to provide relief against what would otherwise amount to a substantial change in rates payable by a ratepayer due to—
 - (i) a redistribution of the rates burden within the community arising from a change to the basis or structure of the council's rates; or
 - (ii) a change to the basis on which land is valued for the purpose of rating, rapid changes in valuations, or anomalies in valuations;
 - (m) where the rebate is considered by the council to be appropriate to provide relief in order to avoid what would otherwise constitute—
 - (i) a liability to pay a rate or charge that is inconsistent with the liabilities that were anticipated by the council in its annual business plan; or

- (ii) a liability that is unfair or unreasonable;
 - (n) where the rebate is to give effect to a review of a decision of the council under Chapter 13 Part 2;
 - (o) where the rebate is contemplated under another provision of this Act.
- (1a) A council must, in deciding whether to grant a rebate of rates or charges under subsection (1)(d), (e), (f), (g), (h), (i) or (j), take into account—
- (a) the nature and extent of council services provided in respect of the land for which the rebate is sought in comparison to similar services provided elsewhere in its area; and
 - (b) the community need that is being met by activities carried out on the land for which the rebate is sought; and
 - (c) the extent to which activities carried out on the land for which the rebate is sought provides assistance or relief to disadvantaged persons, and may take into account other matters considered relevant by the council.
- (2) A rebate of rates or charges under subsection (1) may be granted on such conditions as the council thinks fit.
- (3) A rebate of rates or charges under subsection (1)(a), (b) or (k) may be granted for a period exceeding one year, but not exceeding 10 years.
- (3a) A rebate of rates or charges under subsection (1)(l) may be granted for a period exceeding one year, but not exceeding three years.
- (3b) A council should give reasonable consideration to the granting of rebates under this section and should not adopt a policy that excludes the consideration of applications for rebates on their merits.
- (4) A council may grant a rebate under this section that is up to (and including) 100 per cent of the relevant rates or service charge.

Appendix 2

*Extract from Council's Current Rating Policy – Section
11 Rate Rebates*

Extract from Council's Current Rating Policy 2024-2025 covering Rate Rebates

1. RATE REBATES

The Act provides for ratepayers to apply for a mandatory and/or discretionary rebate on council rates as follows:

Mandatory rebates

A rebate of rates will be granted to ratepayers who satisfy the eligibility criteria for a mandatory rebate under Section 159 to Section 165 of the Act.

A 100% rebate must be applied to land used for:

- Health services
- Religious purposes
- Public cemeteries
- The Royal Zoological Society.

A 75% rebate must be applied to land used by:

- Community services
- Educational purposes.

Where a "community services organisation" is eligible for the mandatory rebate, and Council has declared a distinct residential rate, then the residential rate must be applied to the land to which the rebate applies in accordance with Section 161(2) of the Act.

Where the Council is satisfied from its own records, or from other sources, that a person or body meets the necessary criteria for a mandatory rate rebate, the Council will grant the rebate accordingly.

Where the Council is not satisfied based upon the information in its possession or otherwise does not hold relevant information it will require the person or body to lodge an application form with such information as stipulated and any other information that the Council may reasonably require.

Applicants who satisfy the criteria for a mandatory rebate will be granted the rebate at any time provided the application is lodged prior to 30 June of the rating year and entitlement to the rebate existed at 1 July of the rating year.

Council will confirm the continuation of a person or body's eligibility for a mandatory rebate on a regular basis (at least biennially) to ensure that rebates are only granted where they are warranted.

This will require the relevant person or body to lodge another application form with such information as stipulated and any other information that the Council may reasonably require to confirm the continuation of eligibility.

Where applications do not meet the eligibility criteria for a mandatory rebate, an applicant may apply for a rebate of rates under the discretionary rebate criteria.

Discretionary rebates

As identified in Section 166 of the Act, Council may grant a discretionary rebate of rates up to and including 100% of the relevant rates under a number of criteria and for a period not exceeding the timeframes.

Having considered this, Council is of the view that except in very specific circumstances outlined below, the maximum discretionary rebate should be 75% to ensure ratepayers contribute an amount towards basic service provision.

Section 166 covers a large number of different rebate categories, referred to as cases in the Act. Council in determining its rates structure has considered the following cases are relevant in setting its policy position.

Assisting or supporting a business in its area.

Council has determined pursuant to Section 166(1)(b) that those primary production properties genuinely in the business of primary production but not benefitting from a notional capital value for their property can apply for a 10% rebate on the differential rate.

Council considers this primary production rebate as part of its Annual Business Plan and Budget process.

As this rebate was implemented in 2008-09 to address the removal of a primary production differential rate, it is considered that this rebate should continue to be made to those ratepayers in the business of primary production who do not have a notional capital value assessment of their property and who have applied for and been granted this rebate in the previous year.

Community Service or Need or Disadvantaged Persons

Section 166(1) identifies a number of discretionary rebates of rates made under Section 166(1)(d) to (j) covering activities linked to community services, need or assistance or relief to disadvantaged persons.

Council has determined that applications in relation to those rebates identified under Section 166(1) should be brought to Council for decision and also that Council would receive a listing of these discretionary rate rebates for the next rating period annually.

Council in accordance with Section 166(1) will take the following matters into account in deciding whether to grant a discretionary rebate for land uses covered by Section 166 (1) (d to j):

- (a) the nature and extent of Council services provided in respect of the land for which the rebate is sought in comparison to similar services provided elsewhere in the Council's area; and
- (b) the community need that is being met by activities carried out on the land for which the rebate is sought; and
- (c) the extent to which activities carried out on the land for which the rebate is sought provides assistance or relief to disadvantaged persons and
- (d) specific policy positions considered relevant by Council.

Council's specific policy positions to meet discretionary rate rebates eligibility are as follows:

- An organisation needs to meet one of the criteria listed under Section 166 d) to j).
- An organisation needs to be not-for-profit.
- A rebate of 100% will only be granted where a community organisation seeking a rebate provides a service that would be required to be provided by Council if not undertaken by the organisation.
- A rebate of 75% will be granted if the organisation provides a community service that supports the disadvantaged or sections of the community that require assistance, as defined,
- Where an organisation does not meet the above criteria, it is still eligible for a 75% rebate where it meets all of the following criteria:
 - limited capacity to raise funds;
 - meets a "community need", as defined; and
 - undertakes services and activities that are not primarily the responsibility of Federal or State Government.

Special Discretionary Rebate

Council can use a discretionary rate rebate to address properties with substantial valuation increases under Section 166 (1)(l) of the Act where the rebate is considered by the Council to be appropriate to provide relief against what would otherwise amount to a substantial change in rates payable by a ratepayer due to:

- (i) a redistribution of the rates burden within the community arising from a change to the basis or structure of the council's rates; or
- (ii) a change to the basis on which land is valued for the purpose of rating, rapid changes in valuations, or anomalies in valuations.

Council has determined that a rebate will be applied to cap any increase in the general rates payable at 15% subject to specific criteria:

- The rebate applies to only residential and primary production land use categories.
- The rebate will be automatically applied to eligible assessments in order to minimise the administrative effort required.
- Adjusting the exclusion of change of ownership properties (excluding family transfers) to those properties sold after 30 June 2023.

The rebate will not apply where the increase in rates payable is the result of:

- An increase in valuation relating to new development, alteration or improvement made to the property since the 2023-24 valuation being those properties with a valuation change as a result of a Revisit Growth, Creation or Cancellation as defined by the Valuer-General (regardless of when the development was undertaken), unless

the ratepayer is located within the Cudlee Creek bushfire scar or the January 2021 Cherry Gardens Bushfire scar as determined by Council or,

- Where there has been a change in land use of the property or,
- A change in ownership or licence to occupy during the previous financial year.

A capital improvement includes any addition, alteration or new development on the property.

As per the Act, a rebate may be granted for a period exceeding one year, but not exceeding three years. After three years, the rebate will be removed and the rates payable will reset to levels that would ordinarily apply in the absence of the rebate.

All Discretionary Rate Rebates

Persons who, or bodies which, seek a discretionary rebate will be required to submit an application form to the Council and provide the necessary supporting documentation.

All persons who or bodies which wish to apply to the council for a discretionary rebate of rates must do so on or before 30 April prior to the rating year unless the application is a result of a change in eligibility for a mandatory rebate or rate exemption.

In those circumstances where an application relates to a change in rebate/rate exemption in a relevant rating year, then the application will be applied for the full rating year if received within 2 months of the change in rebate/exemption being advised. The Council reserves the right to refuse to consider applications received after the specified date.

Persons or bodies who previously received a discretionary rebate greater than 75% may apply for a phasing in period (up to 2 years) in circumstances where the above change impacts significantly on the persons or bodies' financial capacity. In these circumstances, an application will be considered if received within 2 months of the change in rebate being advised. The Council reserves the right to refuse to consider applications received after the specified date.

Where there is no maximum timeframe specified for a rebate provided under Section 166, Council will grant a discretionary rebate to the last rating period commencing within a Council term to allow for a regular review of discretionary rate rebates.

A summary of all discretionary rebates applied for under Section 166 (1) (d) to (j), including whether they have been successful or not and the associated reasons will be reported to Council on an annual basis.

Each rebate that is granted either reduces the Council's revenue and hence its capacity to provide services, or else it effectively increases the amount that must be collected from other ratepayers. The principles of equity dictate that Council remains diligent in only awarding rebates and exemptions where they are warranted.

If a ratepayer wishes to apply for a discretionary rate rebate, they may apply by contacting the Council's Rate Administrator.

CWMS Service Charges

Council's CWMS service charges are set to recover the cost to the council of establishing, operating, maintaining, improving and replacing infrastructure (taking into account

depreciation of any assets and including future capital works). As such, no rebates are provided by Council except for the very limited circumstances where the CWMS service charge relates to toilets used by the general public for Community Halls. In these circumstances a 100% rebate will be granted upon application.

All rebates

If an entitlement to a rebate ceases or no longer applies during the course of a financial year, council will recover rates proportionate to the remaining part of the financial year.

If a person or body has the benefit of a rebate of rates and the grounds on which the rebate has been granted cease to exist, the person or body must immediately inform the Council of that fact and (whether or not the Council is so informed) the entitlement to a rebate ceases.

If a person or body fails to do so that person or body is guilty of an offence.

The Council will, in writing, advise an applicant for the rebate of its determination of that application. The advice will state:

- if the application has been granted, the amount of the rebate; or
- if the application has not been granted, the reasons why.

Any person or body who is aggrieved by a determination of the delegated officer in respect of an application for a rebate may seek a review of that decision in accordance with Council's Internal Review of Council Decisions Policy.

Appendix 3

Summary of Discretionary Rate Rebates

Asst No.	LG Act Section	Type	Owners Name	Property Address	Land Use	Levy Code	2024/25 Rebate Amount (exc Regional Landscape Levy)	Rebate Type	% Discretionary Rebate for 2023/24	% Discretionary Rebate for 2024/25
6589	166 (1) (g) Services for Children	Scout Hall	The Scout Assoc. of Australia SA Branch & AHC	9 Pye Road, Balhannah	Rates - Other	106	-\$1,164.47	75% Discretionary Rebate	75%	75%
12628	166 (1) (g) Services for Children	Scout Hall	The Scout Assoc. of Australia SA Branch & AHC	99 Milan Terrace, Stirling	Rates - Other	106	-\$1,807.61	75% Discretionary Rebate	75%	75%
1904	166 (1) (j) Local Community	Hall	Piccadilly Community Hall	171 Piccadilly Road, Piccadilly	Rates - Other	106	-\$1,348.38	100% Discretionary Rebate	100%	100%
2649	166 (1) (j) Local Community	Hall	Basket Range War Memorial Hall Inc.	5 Burdetts Road, Basket Range	Rates - Other	106	-\$2,101.82	100% Discretionary Rebate	100%	100%
5729	166 (1) (j) Local Community	Hall	Verdun Fighting Forces Memorial Hall Inc.	17 Onkaparinga Valley Road, Verdun	Rates - Other	106	-\$1,668.25	100% Discretionary Rebate	100%	100%
6948	166 (1) (j) Local Community	Hall	Lobethal RSL	8 Wattle Street, Lobethal	Rates - Commercial	103	-\$1,584.58	100% Discretionary Rebate	100%	100%
8037	166 (1) (j) Local Community	Hall	Upper Sturt Soldiers Memorial Hall	171-173 Upper Sturt Road, Upper Sturt	Rates - Other	106	-\$2,275.25	100% Discretionary Rebate	100%	100%
10075	166 (1) (j) Local Community	Hall	Scott Creek Progress Assoc.	517 Scott Creek Road, Scott Creek	Rates - Other	106	-\$1,485.18	100% Discretionary Rebate	100%	100%
10546	166 (1) (j) Local Community	Hall	The Hut Community Centre Inc.	38 Nation Ridge Road, Aldgate	Rates - Other	106	-\$1,437.01	100% Discretionary Rebate	100%	100%
12087	166 (1) (j) Local Community	Hall	Aldgate Memorial Hall Inc.	2/24 Fenchurch Road, Aldgate	Rates - Other	106	-\$2,198.17	100% Discretionary Rebate	100%	100%
12824	166 (1) (j) Local Community	Hall	Aldgate RSL	2 Kemp Road, Aldgate	Rates - Other	106	-\$1,668.25	100% Discretionary Rebate	100%	100%
15037	166 (1) (j) Local Community	Hall	Mount Torrens Memorial Hall	34 Townsend Street, Mount Torrens	Rates - Other	106	-\$1,408.10	100% Discretionary Rebate	100%	100%
15812	166 (1) (j) Local Community	Hall	Forreston Community Centre Inc.	231 Forreston Road, Forreston	Rates - Other	106	-\$1,253.94	100% Discretionary Rebate	100%	100%
16424	166 (1) (j) Local Community	Hall	Cudlee Creek Soldiers Memorial Ground Inc.	4 Redden Drive, Cudlee Creek	Rates - Other	106	-\$1,764.60	100% Discretionary Rebate	100%	100%
17920	166 (1) (j) Local Community	Hall	Charleston Community Centre Inc.	1 Newman Road, Charleston	Rates - Other	106	-\$2,410.14	100% Discretionary Rebate	100%	100%
18395	166 (1) (j) Local Community	Toy Library	AHC - Leased to Hills Community Toy Library	1/24 Fenchurch Road, Aldgate	Rates - Other	106	-\$1,234.67	100% Discretionary Rebate	100%	100%
18741	166 (1) (j) Local Community	Hall	Kersbrook Public Hall Inc.	13 Scott Street, Kersbrook	Rates - Other	106	-\$1,620.07	100% Discretionary Rebate	100%	100%
18934	166 (1) (j) Local Community	Hall	Oakbank Soldier's Memorial Hall	210 Onkaparinga Valley Road, Oakbank	Rates - Other	106	-\$1,966.63	100% Discretionary Rebate	100%	100%
							-\$30,397.12			

Appendix 4

Correspondence from Stirling Hospital – December 2023



STIRLING
HOSPITAL

20 Milan Terrace, Stirling
South Australia 5152
P. 08 8339 0200
F. 08 8370 9395
E. sh@stirlinghospital.org.au
www.stirlinghospital.org.au

Delivering the Stirling Experience...

4 December 2023

Greg Georgopoulos
CEO, Adelaide Hills Council
63 Mount Barker Road
STIRLING SA 5152

Dear Greg,

Subject: Request for Rebate on Council Rates for Stirling Hospital and Stonehenge Site

Thank you for your time today and welcome to the Adelaide Hills.

I am writing on behalf of Stirling Hospital, a not-for-profit healthcare facility serving the community with dedication and commitment for over 96 years. As an integral part of the Adelaide Hills region, we strive to provide essential healthcare services to the community.

As discussed, the hospital is currently facing financial challenges exacerbated by increased operational costs in the healthcare industry. As a not-for-profit organization, managing these fiscal difficulties is crucial to ensuring our continued ability to provide quality healthcare services to our community.

I would like to request a rebate on the council rates levied upon Stirling Hospital and the Stonehenge site. Currently, the quarterly rates stand at \$5,550 for Stirling Hospital and \$700 for the Stonehenge site. A rebate during this challenging period would significantly assist us in maintaining our commitment to the community without compromising the quality of care we deliver.

Our goal remains aligned with the best interests of our community, and any assistance granted would directly contribute to sustaining the vital healthcare services we provide.

Your consideration of our request is sincerely appreciated.

Thank you for your attention to this matter.

Warm regards,

Annette Nelson
Chief Executive Officer/Director of Nursing
Stirling Hospital
Annette.nelson@stirlinghospital.org.au
0421 617 437

**ADELAIDE HILLS COUNCIL
ORDINARY COUNCIL MEETING
Tuesday 25 June 2024
AGENDA BUSINESS ITEM**

Item: 12.6

Responsible Officer: Zoë Gill
Governance and Risk Coordinator
Office of the Chief Executive

Subject: Confidential Item Review – June 2024

For: Decision

SUMMARY

At the 11 June 2024 Council meeting, Council considered item 19.1 – Event Opportunity Santos Tour Down Under 2025. In relation to item 19.1, Council ordered that the item be considered in confidence under and 90(3)(j) of the Act, namely the information:

- would divulge information provided on a confidential basis by or to a Minister of the Crown, or another public authority or official (not being an employee of the council, or a person engaged by the council); and
- would, on balance, be contrary to the public interest.

Council also made the following duration of confidentiality order:

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)(j) 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 Council receives written confirmation from the South Australian Tourism Commission that the event information is no longer confidential, but not longer than 30 June 2025.
Related Attachments	Not Applicable
Minutes	Until Council receives written confirmation from the South Australian Tourism Commission that the event information is no longer confidential, but not longer than 30 June 2025.

Other (discussion and considerations of the subject matter)

Until Council receives written confirmation from the South Australian Tourism Commission that the event information is no longer confidential, but not longer than 30 June 2025.

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.

The South Australian Tourism Commission (SATC) has notified Council that information in the material related to item 19.1 is commercial-in-confidence and should remain confidential even though Council is notified the event information is public.

The current duration of confidentiality order will have the effect of releasing this confidential information provided on a confidential basis by SATC.

In making the recommended extension to confidentiality order Council must consider the release of the information:

- would divulge information provided on a confidential basis by or to a Minister of the Crown, or another public authority or official (not being an employee of the council, or a person engaged by the council); and
- would, on balance, be contrary to the public interest.

NB: If the meeting wishes to discuss the status of any items in a manner that will result in the disclosure of information currently under a s91(7) confidentiality order, it should first consider making a s90 order to move into confidence.

RECOMMENDATION

Council resolves:

1. That the report be received and noted.
2. Resolution 207/24 – Event Opportunity Santos Tour Down Under 2025

Pursuant to Section 91(7) of the *Local Government Act 1999*, Council orders that the following document(s) (or part) shall be kept confidential, being document(s) (or part) relating to a matter dealt with by the Council on a confidential basis under Sections 90(2) and 90(3)(j) of the Act:

- would divulge information provided on a confidential basis by or to a Minister of the Crown, or another public authority or official (not being an employee of the council, or a person engaged by the council); and
- would, on balance, be contrary to the public interest.

The document(s) in relation to resolution 207/24 be kept confidence until a further order.

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

1. BACKGROUND

See summary above.

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

The review of Council's *Confidential Items Register* is an important element of Council's commitment to open and transparent decision making which facilitates public accountability.

➤ Legal Implications

Section 91(7) of the *Local Government Act 1999* sets out the provisions regarding the making of orders to retain documents and discussions considered at Council and Council Committees in confidence.

Section 91(9) requires that these orders must specify the duration of the order or the circumstances in which the order will cease to apply or must be reviewed. Any order that operates for a period exceeding 12 months must be reviewed at least once in every year. Section 91(9)(ab) allows Council to extend confidentiality orders prior to their expiry.

➤ Risk Management Implications

Reviewing confidentiality orders assists with mitigating the risks of:

Confidential information is released which prejudices Council's and/or third parties' interests.

Inherent Risk	Residual Risk	Desired Risk
Extreme (3A)	Low (3E)	Low (3E)

Note: there are a number of other controls that assist with managing these risks.

➤ Financial and Resource Implications

Not applicable

➤ Customer Service and Community/Cultural Implications

There is a high expectation that Council has appropriate corporate governance processes in place including effective management and regular review of the Confidential Items Register.

➤ **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**

Nil

3. OPTIONS

Council has the following options:

- I. To extend the period of confidentiality as per the recommendations. (Recommended)
- II. Determine an alternative period of confidentiality. (Not Recommended)
- III. Allow the confidentiality order to expire thus releasing the information. (Not Recommended)

NB: If the meeting wishes to discuss the status of any item in a manner that will result in the disclosure of information currently under an s91(7) confidentiality order, it should first consider making a s90 order to move into confidence.

4. APPENDIX

(1) Nil

Reports of Committees

**ADELAIDE HILLS COUNCIL
MINUTES OF COUNCIL ASSESSMENT PANEL MEETING
WEDNESDAY 12 JUNE 2024
63 MOUNT BARKER ROAD, STIRLING
AND
ZOOM VIRTUAL MEETING ROOM**

[Please Note: These minutes are unconfirmed until 19 June 2024]

In Attendance

Presiding Member

Geoff Parsons

Members

Ross Bateup

Paul Mickan

Myles Somers

Leith Mudge

In Attendance

Jess Charlton
Deryn Atkinson
James Booker
Jake McCulloch
Sarah Kimber
Karen Savage

Acting Director Community & Development
Assessment Manager
Team Leader Statutory Planning
Senior ICT Officer
Team Leader Development Services
Minute Secretary

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. 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
Nil

3.2 Leave of Absence
Nil

4. Previous Minutes

4.1 Meeting held 8 May 2024

The minutes were adopted by consensus of all members (20)

That the minutes of the meeting held on 8 May 2024 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
Nil

7. Matters Lying on the Table/Matters Deferred

7.1 Matters Lying on the Table
Nil

7.2 Matters Deferred
Nil

**ADELAIDE HILLS COUNCIL
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8. Development Assessment Applications – Planning, Development and Infrastructure Act

8.1 Development Application 23032098 by Rossdale Homes for two storey detached dwelling, retaining walls and deck at 6 Hill View Road, Bridgewater

8.1.1 Representations

Name of Representor	Address of Representor	Nominated Speaker
Mark Bickford	5 Hill View Road Bridgewater	Mark Bickford via Zoom

The applicant's representative, Geoff Greenow (Rossdale Homes), addressed the Panel and answered questions from the Panel.

8.1.2 Decision of Panel

Moved Paul Mickan **Carried**
S/- Myles Somers **(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 23032098 by Rossdale Homes for two storey detached dwelling, retaining walls and deck at 6 Hill View Road, Bridgewater is GRANTED Planning Consent subject to the following conditions:

RESERVED MATTER

Pursuant to Section 102(3) of the Planning, Development and Infrastructure Act 2016, the following matter shall be reserved for further assessment prior to the granting of Development Approval. The Assessment Manager is delegated to undertake this further assessment:

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- 1) A revised site works and drainage plan and supporting information prepared by a suitably qualified stormwater/civil engineer that addresses the following:
- Calculations indicating how a pre-development C value was achieved of 0.35;
 - Calculations as to how a C value of 0.1 was achieved for the lawn area as this is considered low for this surface; and
 - Clarification if a 3000L underground sump pump is to be used.

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) Prior to commencement of work, straw bales (or other soil erosion control methods as approved by Council) shall be placed and secured below areas of excavation and fill to prevent soil moving off the site during construction.
- 3) A supply of water independent of reticulated mains supply shall be available at all times for fire-fighting purposes:
 - a minimum supply of 2,000 (two thousand) litres of water shall be available for fire-fighting purposes at all times; and
 - the water supply shall be located such that it provides the required water; and
 - the water supply shall be fitted with domestic fittings (standard household taps that enable an occupier to access a supply of water with domestic hoses or buckets for extinguishing minor fires); and
 - the water supply outlet shall be located at least 400mm above ground level for a distance of 200mm either side of the outlet; and
 - a water storage facility connected to mains water shall have an automatic float switch to maintain full capacity; and

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- where the water storage facility is an above-ground water tank, the tank (including any support structure) shall be constructed of non-combustible material.
- 4) Stormwater management shall be undertaken in accordance with the site works and drainage plan and stormwater calculations prepared by Intrax Engineering and approved by Adelaide Hills Council. 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) to the satisfaction of Council within one month of the roof cladding being installed.
 - 5) The external finishes to the dwelling herein approved shall be as follows:

WALLS - RENDER:	Dune or similar
WALLS – CLADDING:	Colorbond Monument or similar
ROOF:	Colorbond Monument or similar

ADVISORY NOTES

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.

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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).

8.2 Development Application 23037800 by Cobbs Hill Estate for change of use of existing cellar door building to include a restaurant, variation to DA 21017786 to remove the restaurant from the approved function centre building and to vary Condition 13 to increase the days of restaurant operation from 2 days per week to 3 days per week plus public holidays, and to vary Condition 11 to increase the capacity of the cellar door to 200 persons on public holidays at 362 Oakwood Road, Oakbank

8.2.1 Representations
Nil

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
- 2) Development Application Number 23037800 by Cobbs Hill Estate for change of use of existing cellar door building to include a restaurant, variation to DA 21017786 to remove the restaurant from the approved function centre building and to vary Condition 13 to increase the days of restaurant operation from 2 days per week to 3 days per week plus public holidays, and to vary Condition 11 to increase the capacity of the cellar door to 200 persons on public holidays at 362 Oakwood Road, Oakbank is GRANTED Planning Consent subject to the following conditions:

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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)
 - a) The overall capacity of the cellar door shall be 75 persons Monday to Friday and 200 persons Saturday, Sunday and Public Holidays.
 - b) The maximum capacity of the restaurant shall be 130 persons at any one time.
 - c) Prior to 6:00pm the overall capacity of the site shall be limited to a maximum of 330 persons.
After 6:00pm the overall capacity of the site shall be restricted to a maximum of 130 persons. This includes any associated outdoor areas for liquor licensing purposes allowing the restaurant and a function to operate concurrently, or the cellar door and a function to operate concurrently.
- 3) The operating days and hours of the restaurant shall be Friday, Saturday, Sunday and Public Holidays from 11:00am to 10:00pm. Any increase in the hours or days of operation will require separate development approval.
- 4) Only background music shall be permitted in the restaurant portion of the cellar door building. No amplified music or entertainment is permitted in the restaurant portion of the cellar door building.
- 5) All waste shall be stored in a closed container with a close fitting lid and removed from the subject land at least once weekly. Collection of waste shall be carried out only between the hours of 7:00am and 5:00pm and only Monday to Friday.
- 6) Except where varied by this authorisation, all other conditions, plans and details relating to Development Authorisation 21017786, 16/973/473 and 16/882/473 continue to apply to this amended authorisation.

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ADVISORY NOTES

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).

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.

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- 12. Policy Issues for Advice to Council**
Nil
- 13. Other Business**
Nil
- 14. Confidential Item**
Nil
- 15. Next Meeting**
The next ordinary Council Assessment Panel meeting will be held on Wednesday 10 July 2024, with a Special meeting to be held on Wednesday 19 June 2024.
- 16. Close meeting**
The meeting closed at 7.37pm.

Confidential Items

**ADELAIDE HILLS COUNCIL
ORDINARY COUNCIL MEETING
Tuesday 25 June 2024
CONFIDENTIAL AGENDA BUSINESS ITEM**

Item: 19.1

Responsible Officer: Zoë Gill
Governance and Risk Coordinator
Office of the Chief Executive

Subject: Electricity Procurement - Legal Matter

For: Decision

1. Electricity Procurement - Legal Matter – 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 Corporate Services, Gary Lewis
- A/Director Community and Development, Jess Charlton
- Director Environment and Infrastructure, David Waters
- Governance and Risk Coordinator, Zoë Gill
- Minute Secretary, Rebekah Lyons
- IT Support, Tom Portas

be excluded from attendance at the meeting for Agenda Item 19.1: (Electricity Procurement - Legal Matter) 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)(h) of the *Local Government Act 1999*, the information to be received, discussed or considered in relation to this Agenda Item is legal advice the disclosure of which could reasonably be expected to prejudice Council's position in future legal proceedings.
- Section 90(3)(i) of the *Local Government Act 1999*, the information relating to actual litigation, or litigation that the council or council committee believes on reasonable grounds will take place, involving the council or an employee of the council.

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.

2. Electricity Procurement - Legal Matter – Confidential Item

3. Electricity Procurement - Legal Matter – 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)(h) and (i) of the Local Government Act 1999, resolves that an order be made under the provisions of sections 91(7) and (9) of the Local Government Act 1999 that the report, related attachments and the minutes of Council and the discussion and considerations of the subject matter be retained in confidence in accordance with 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

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.