



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 24 September 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', with a small dot at the end.

Greg Georgopoulos
Chief Executive Officer



ORDINARY COUNCIL MEETING

AGENDA FOR MEETING
Tuesday 24 September 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
Cr Pauline Gill – 1 September 2024 to 3 October 2024
- 3.3. Absent

4. MINUTES OF PREVIOUS MEETINGS

Council Meeting –
That the minutes of the ordinary meeting held on 10 September 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
 - 8.1.1 Speed and Traffic Review Longwood Road, Longwood
- 8.2. Deputations
- 8.3. Public Forum

9. PRESENTATIONS (by exception)

10. QUESTIONS ON NOTICE

Nil

11. MOTIONS ON NOTICE

- 11.1. Cr Melanie Selwood – Pedestrian and Cycling Infrastructure at Inverbrackie
 - 1. *Council notes the residents of Inverbrackie have concerns around their ability to safely walk or cycle to Woodside;*
 - 2. *Council acknowledges that connecting Woodside to Inverbrackie with pedestrian and cycling infrastructure would be beneficial for the residents of Inverbrackie;*
 - 3. *The CEO engages with the Department for Infrastructure and Transport to consider options for pedestrian and cycling infrastructure along Nairne Road; and*
 - 4. *All options discussed be presented to Council Members in a workshop at a date to be determined by the CEO before the end of March 2025.*

12. ADMINISTRATION REPORTS – DECISION ITEMS

- 12.1. Adelaide Hills Council Submission to the Royal Commission into Domestic, Family and Sexual Violence
 - 1. *That the report be received and noted.*
 - 2. *To endorse the Adelaide Hills Council's submission to the Royal Commission into Domestic, Family and Sexual Violence in South Australia provided in Appendix 1.*
- 12.2. Adelaide Hills Council Roadside Vegetation Management Plan
 - 1. *That the report be received and noted.*

2. *The Roadside Vegetation Management Plan as contained in Appendix 1 and accompanying documents contained in Appendices 2 – 10 are endorsed for submission to the Native Vegetation Council.*
 3. *That the Chief Executive Officer is authorised to make any minor changes to the Roadside Vegetation Management Plan arising from the review by the Native Vegetation Council in order to ensure it is acceptable for their approval.*
- 12.3. Proposed Road Widening of Council Road Corridor – Intersection Tiers Road and Vickers Road, Lenswood
1. *That the report be received and noted.*
 2. *That Council agrees to purchase the piece of land road totalling approximately 268m² outlined in red and identified as Allotment 101, Tiers Road on the New Land Acquisition Survey Plan attached as Annexure 2, from the adjoining landowner of 447 Tiers Road, Lenswood, for the purchase price of \$6,700 (exclusive of GST).*
 3. *That Council agrees to pay all reasonable costs for the process to vest the subject land as a public road.*
 4. *That the Chief Executive Officer (and Mayor if necessary) be authorised to finalise, sign, and seal (if necessary), all necessary documentation pursuant to this resolution.*
- 12.4. Response to the Review of the Single-use and Other Plastic Products (Waste Avoidance) Act 2020
1. *That the report be received and noted.*
 2. *That the Council make a submission to the Review of the Single-use and Other Plastic Products (Waste Avoidance) Act 2020 in the form of the letter contained in Appendix 1.*
 3. *That the Chief Executive Officer be authorised to finalise the response, including making any minor changes not affecting the substantive nature of the response, and submit it on Council's behalf.*
- 12.5. Elections for LGFA Board of Trustees
1. *That the report be received and noted.*
 2. *To vote for and as Representative Members of the Board of Trustees of the Local Government Finance Authority.*
 3. *To authorise the Mayor to mark the ballot paper reflecting Council's determination and authorise the CEO (or their delegate) to lodge the ballot paper in accordance with the process set out in Appendix 1.*
- 12.6. Representation Review
1. *That this report be received and noted.*

2. *To note that administration, under their delegation for the purposes of s12(5) of the Local Government Act 1999, was satisfied that C L Rowe and Associates Pty Ltd are qualified to address the representation and governance issues that may arise with respect to the representation review.*
3. *That the Representation Review Discussion Paper – August 2024 prepared by C L Rowe and Associates Pty Ltd (Appendix 1) be received and noted.*
4. *That in principle, Council should consult on Option as detailed in Appendix 1 for the future elector representation arrangement to come into effect at the next Local Government elections in 2026.*
5. *That a draft “Representation Report” be prepared presenting Option as detailed in Appendix 1.*
6. *That the draft “Representation Report” be presented to Council, for consideration and endorsement, prior to the initiation of the public consultation process.*

12.7. Confidential Items Review

DECISION 1

1. *That the report be received and noted.*
2. *That the items held as confidential in the Confidential Items Register (Appendix 1) be noted.*

DECISION 2 – Resolution 263/23 – Electricity Procurement – Legal Matter

3. *Pursuant to Section 91(7) of the Local Government Act 1999, Council orders that the following documents shall be kept confidential, being documents relating to a matter dealt with by the Council on a confidential basis under Sections 90(2) and 90(3)(i) of the Act:*
 - *The report, related attachments, minutes and other (presentation, documents or similar) of 10 October 2023, Item 18.1, Electricity Procurement – Legal Matter, 263/23, unless previously released, remain confidential until further order and that this order be reviewed every twelve (12) months.*
 - *On the grounds that the Agenda Item is information relating to actual litigation, or litigation that the Council believes on reasonable grounds will take place, involving the Council.*
4. *That the document referred to in part 3 of the resolution remain in confidence until further order.*
5. *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.*

- 12.8. CEO Performance Review Panel Recommendations to Council – CEO KPI’s
 1. *That the report be received and noted.*
 2. *That the CEO has substantially met the September 2024 Key Performance Indicators.*

13. ADMINISTRATION REPORTS – INFORMATION ITEMS

Nil

14. CORRESPONDENCE FOR NOTING

- 14.1. Letter from Hon Joe Szakacs MP, Minister for Local Government – Special Local Roads Program grant funding allocation to Adelaide Hills Council
- 14.2. Letter from Sam Telfer MP, Shadow Minister for Local Government – continuing as Shadow Minister for Local Government
- 14.3. Letter from Hon Joe Szakacs MP, Minister for Local Government – Adelaide Hills Council preliminary operating result
- 14.4. Letter of response to Hon Joe Szakacs MP, Minister for Local Government – Adelaide Hills Council preliminary operating result
- 14.5. Letter from Auditor General – Proposed review of the accounts of Adelaide Hills Council
- 14.6. Letter of Response from CEO to Auditor General re proposed review of the accounts of Adelaide Hills Council

15. QUESTIONS WITHOUT NOTICE

16. MOTIONS WITHOUT NOTICE

17. REPORTS

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

18. REPORTS OF COMMITTEES

- 18.1. Council Assessment Panel
- 18.2. Audit Committee
- 18.3. CEO Performance Review Panel - Special Meeting 18 September 2024
That the minutes of the CEOPRP special meeting held on 18 September as supplied, be received and noted.
- 18.4. Boundary Change Committee

19. CONFIDENTIAL ITEMS

- 19.1. CEO Performance Review Panel Recommendations to Council – CEO Review Process
- 19.2. HR Consultant Update

20. NEXT MEETING

Tuesday 8 October 2024 6.30pm, 63 Mt Barker Road, Stirling

21. CLOSE MEETING

Council Meeting & Workshops 2024

DATE	TYPE	LOCATION	MINUTE TAKER
JANUARY 2024			
Wed 10 January	CAP	Stirling	Karen Savage
Tues 23 January	Council	Stirling	Rebekah Lyons
Tues 30 January	Workshop	Stirling	N/A
FEBRUARY 2024			
Mon 5 February	Workshop	Woodside	N/A
Tues 13 February	Council	Stirling	Rebekah Lyons
Wed 14 February	CAP	Stirling	Karen Savage
Mon 19 February	Audit Committee	Stirling	Jody Atkins
Tues 20 February	Professional Development	Stirling	N/A
Thurs 22 February	CEO PRP	Stirling	Jody Atkins
Tues 27 February	Council	Stirling	Rebekah Lyons
MARCH 2024			
Mon 4 March	Workshop	Woodside	N/A
Tues 12 March	Council	Stirling	Rebekah Lyons
Wed 13 March	CAP	Stirling	Karen Savage
Tues 19 March	Professional Development	Stirling	N/A
Tues 26 March	Council	Stirling	Rebekah Lyons
APRIL 2024			
Tues 2 April (Easter Monday)	Workshop	Woodside	N/A
Wed 10 April	CAP	Stirling	Karen Savage
Tues 16 April	Professional Development	Stirling	N/A
Mon 15 April	Audit Committee	Stirling	TBA
Mon 22 April	Boundary Change Committee	Stirling	Zoë Gill
Tues 23 April	Council	Stirling	Rebekah Lyons
MAY 2024			
Mon 6 May	Workshop	Woodside	N/A
Wed 8 May	CAP	Stirling	Karen Savage
Tues 14 May	Ordinary Council	Stirling	Rebekah Lyons
Mon 20 May	Audit Committee	Stirling	TBA
Tues 21 May	Professional Development	Stirling	N/A
Thur 23 May	CEO PRP	Stirling	Kelley Jones Lawyers
Tues 28 May	Council	Stirling	Rebekah Lyons
JUNE 2024			
Mon 3 June	Workshop	Woodside	N/A
Tues 11 June	Ordinary Council	Stirling	Rebekah Lyons
Wed 12 June	CAP	Stirling	Karen Savage
Tues 18 June	Professional Development	Stirling	N/A
Tues 25 June	Ordinary Council	Stirling	Rebekah Lyons

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
01.07.24 (WS)	AP	F	AP	F	F	AP	AP	F	AP	F	P	P	F
09.07.24 (WS)	AP	F	F	F	LOA	F	F	F	AP	F	F	LOA	F
16.07.2024 (PD)	F	F	F	AP	F	F	LOA	F	AP	F	F	LOA	F
05.08.24 (WS)	A	F	F	F	F	P	A	F	F	A	F	F	F
20.08.24 (WS)	LOA	F	F	AP	F	F	F	AP	F	F	F	F	F

Index: Workshop (WS) / Professional Development (PD) / F = Full Attendance / P = Partial Attendance / AP = Apology / LOA = Leave of Absence / A = Absent

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
26.08.24 (PD)	LOA	F	F	F	F	F	F	F	F	F	F	F	F
02.09.24 (WS)	LOA	F	P	F	F	AP	AP	F	A	AP	F	F	F
16.09.24 (WS)	AP	F	AP	F	F	F	AP	F	F	F	F	F	F
17.09.24 (PD)	P	F	AP	F	F	AP	AP	AP	F	F	F	F	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
25.06.2024	F	AP	F	F	F	F	F	F	AP	F	F	F	F
01.07.2024	F	F	AP	F	F	AP	F	F	AP	F	F	F	F
09.07.2024	AP	F	F	F	LOA	F	F	F	AP	F	F	LOA	F
23.07.2024	LOA	F	F	F	F	LOA	F	F	LOA	F	F	LOA	F
13.08.2024	F	F	F	F	F	F	F	F	F	F	F	F	F
27.08.2024	LOA	AP	F	F	F	P	F	F	P	F	P	F	F
10.09.2024	LOA	F	LOA	F	LOA	F	F	F	LOA	F	F	F	F

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 depute 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 10 September 2024
63 MT BARKER ROAD STIRLING**

In Attendance

Presiding Member: Acting Mayor Melanie Selwood

Members:

Councillor Kirrilee Boyd
Councillor Nathan Daniell
Councillor Chris Grant
Councillor Malcolm Herrmann
Councillor Lucy Huxter
Councillor Mark Osterstock
Councillor Kirsty Parkin
Councillor Louise Pascale

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	Executive Governance 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

**ADELAIDE HILLS COUNCIL
MINUTES OF ORDINARY COUNCIL MEETING
TUESDAY 10 September 2024
63 MT BARKER ROAD STIRLING**

3.2 Leave of Absence

Mayor Jan-Claire Wisdom, 16 August 2024 to 13 September 2024, approved by Council at its meeting of 25 June 2024.

Cr Pauline Gill, 1 September 2024 to 3 October 2024, approved by Council at its meeting of 25 June 2024.

Cr Leith Mudge, 9 September to 16 September 2024, approved by Council at its meeting of 27 August 2024.

Cr Adrian Cheater, 9 September to 22 September, approved by Council at its meeting of 23 April 2024.

Moved Cr Malcolm Herrmann

S/- Cr Kirsty Parkin

319/24

- 1 That a Leave of Absence from all duties of office be granted to Cr Mark Osterstock from Tuesday 17 September to 17 September.**
- 2 That any committee or panel membership currently held by Cr Osterstock be undertaken by the Deputy during the leave of absence.**

Carried Unanimously

Moved Cr Lucy Huxter

S/- Cr Mark Osterstock

320/24

- 1 That a Leave of Absence from all duties of office be granted to Cr Kirsty Parkin from Monday 7 October to Sunday 13 October.**
- 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

3.3 Absent

4. MINUTES OF PREVIOUS MEETINGS

4.1 Council Meeting – 27 August 2024

Moved Cr Lucy Huxter

S/- Cr Chris Grant

321/24

**ADELAIDE HILLS COUNCIL
MINUTES OF ORDINARY COUNCIL MEETING
TUESDAY 10 September 2024
63 MT BARKER ROAD STIRLING**

Council resolves that the minutes of the Ordinary Council meeting held on 27 August 2024, as supplied, be confirmed as an accurate record of the proceedings of that meeting.

Carried Unanimously

5. DECLARATION OF CONFLICT OF INTEREST BY MEMBERS OF COUNCIL

5.1 General Conflict of Interest, Cr Lucy Huxter, Item 12.5 – Appointment of Council Member to the CEO Performance Review Panel

Under section 75B of the Local Government Act 1999 Cr Lucy Huxter disclosed a General (section 74) Conflict of Interest in Item 12.5.

5.2 General Conflict of Interest, Cr Louise Pascale, Item 18.4 – Boundary Change Committee – 28 August 2024

Under section 75B of the Local Government Act 1999 Cr Louise Pascale disclosed a General (section 74) Conflict of Interest in Item 18.4.

5.3 Material Conflict of Interest, Cr Louise Pascale, Item 19.2 – Boundary Change Committee Recommendations Boundary Change Advocacy Strategy

Under section 75C of the Local Government Act 1999 Cr Louise Pascale disclosed a Material (section 74) Conflict of Interest in Item 19.2.

5.4 Material Conflict of Interest, Cr Louise Pascale, Item 19.3 – Boundary Change Committee Recommendations – Strategic Communication and Engagement Plans Updates

Under section 75C of the Local Government Act 1999 Cr Louise Pascale disclosed a Material (section 74) Conflict of Interest in Item 19.3.

5.5 Material Conflict of Interest, Cr Louise Pascale Item 19.4 - Boundary Change Committee Recommendations: Boundary Change Proposal Project, Terms of Reference and Governance Arrangements

Under section 75B of the Local Government Act 1999 Cr Louise Pascale disclosed a General (section 74) Conflict of Interest in Item 19.4.

5.6 General Conflict of Interest, Acting Mayor Melanie Selwood, Item 19.4 Boundary Change Committee Recommendations: Boundary Change Proposal Project, Terms of Reference and Governance Arrangements

Under section 75B of the Local Government Act 1999 Acting Mayor Melanie Selwood disclosed a General (section 74) Conflict of Interest in Item 19.4.

**ADELAIDE HILLS COUNCIL
MINUTES OF ORDINARY COUNCIL MEETING
TUESDAY 10 September 2024
63 MT BARKER ROAD STIRLING**

5.7 General Conflict of Interest, Cr Mark Osterstock, Item 19.4 Boundary Change Committee Recommendations: Boundary Change Proposal Project, Terms of Reference and Governance Arrangements

Under section 75B of the Local Government Act 1999 Cr Mark Osterstock disclosed a General (section 74) Conflict of Interest in Item 19.4.

6. PRESIDING MEMBER'S OPENING REMARKS

The Acting Mayor commented on the official opening weekend of Fabrik Arts + Heritage to be held 20-22 September 2024. Acting Mayor Selwood encouraged members of the general public to attend the special celebrations and thanked all those involved on the successful completion of the project.

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

Nil

8.2 Deputations

8.2.1 Community Shed, Dick Cuttle of the Onkaparinga Rotary Club

8.3 Public Forum

Nil

9. PRESENTATIONS

Nil

**ADELAIDE HILLS COUNCIL
MINUTES OF ORDINARY COUNCIL MEETING
TUESDAY 10 September 2024
63 MT BARKER ROAD STIRLING**

10. QUESTIONS ON NOTICE

10.1 Legal Fees 2023/24 – Cr Louise Pascale

1. Could we please have an update of the spend on legal costings for the 2023/24 Financial Year?

The table below sets out the responses to questions 1,2,3.

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.

	2022/23 Actuals	2023/24 Revised Budget	2023/24 Actuals
Corporate Services			
Governance & Performance	6,896	136,000	132,798
People and Culture & WHS	9,534	11,850	47,085
Information Management	0	0	2,553
Rates	10,538	6,750	10,111
	26,968	154,600	192,547
Community & Development			
C&D Director's Office	0	1,100	6,495
Animal Management	2,902	18,900	18,773
Parking and By-Laws	4,637	9,100	12,905
Development Services	181,999	66,640	33,104
	189,538	95,740	71,277
Environment & Infrastructure			
E&I Director's Office	0	1,500	4,368
Manager Open Space	222	1,100	1,326
AHBTC	0	1,500	4,405
Property Management	30,936	38,940	53,787
	31,158	43,040	63,886
Total legal costs	247,663	293,380	327,710

2. What is the breakdown of that spend per department and budget line?
Refer question 1.
3. What is the comparison of each budget line for the 2022/23 financial year compared to the 2023/24 Financial year?
Refer question 1.

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4. What is the rationale for the increase in spending on legal fees?

The general rationale for legal expenses is to respond to events that occur throughout the year, ensuring that Council acts in accordance with its legal obligations and that it mitigates risks to Council in the most appropriate way.

Legal fees are generally not an intended or planned expense as they are incurred in response to events as they occur. One exception to this is planned expenditure on pursuing overdue rates. This is a periodic activity that can be anticipated as it is initiated by Council. Therefore, the increase in legal fees is primarily a result of unexpected events often of a confidential nature.

5. At what point did our legal spend begin to spike? What is the rationale for this?
There has been a spike in legal fees in January 2024, stemming from events in late 2023. The rationale for this is primarily related to an increase in internal confidential matters that required legal advice in relation to Council's legal obligations and risk minimisation.

11. MOTIONS ON NOTICE

Nil

12. OFFICER REPORTS – DECISION ITEMS

12.1 2023-24 End of Financial Year Results & Carry Forwards

Moved Cr Malcolm Herrmann

S/- Cr Chris Grant

322/24

Council resolves:

- 1. That the report be received and noted.**
- 2. Notes the 2023-24 preliminary financial position as presented which include:**
 - 2.1 Total operating income of \$55.289m (budget \$57.021m)**
 - 2.2 Total operating expenditure of \$61.152m (budget \$56.462m)**
 - 2.3 An operating deficit of \$4.863m (budget \$559k surplus)**
 - 2.3.1 That this represents an operating deficit ratio of 8.8%**
 - 2.4 Capital works program expenditure of \$17.988 (budget of \$21.890m)**
- 3. Notes the results presented are subject to external audit review and are subject to change.**

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4. Notes the capital works update.
5. That the 2024-25 capital budget be amended to include the carried forwards amounts set out in Appendix 1 as follows:
- | | | |
|-----|---------------------|-------------|
| 5.1 | Renewal capital | \$493,705 |
| 5.2 | New/upgrade capital | \$1,274,354 |

Carried Unanimously

12.2 Festival and Events Policy Review

Moved Cr Nathan Daniell
S/- Cr Mark Osterstock

323/24

Council resolves:

1. That the report be received and noted.
2. With an effective date of 24 September 2024, to revoke the 10 September 2019 Festivals and Events Policy and adopt the amendments as presented in the Festivals and Events Policy as per *Appendix 1*.
3. That the Chief Executive Officer be authorised to make minor content, grammatical and formatting amendments to the Policy prior to the date of effect.

Carried Unanimously

12.3 Acknowledgement and Welcome to Country Policy Review

Moved Cr Kirrilee Boyd
S/- Cr Kirsty Parkin

Council resolves:

1. That the report be received and noted.
2. To adopt the revised Acknowledgement and Welcome to Country Policy in *Appendix 1*, with an effective date of 30 September 2024.

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3. That the Chief Executive Officer be authorised to make any formatting, nomenclature or other minor changes to the revised Acknowledgement and Welcome to Country Policy prior to the effective date of adoption.
4. To reinstate the last sentence of our current Acknowledgement of Country "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."

Motion Lost

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

324/24

Council resolves:

1. That the report be received and noted.
2. To adopt the revised Acknowledgement and Welcome to Country Policy in *Appendix 1*, with an effective date of 30 September 2024.
3. That the Chief Executive Officer be authorised to make any formatting, nomenclature or other minor changes to the revised Acknowledgement and Welcome to Country Policy prior to the effective date of adoption.
4. Noting 2.4 of the Code of Practice for Council Meeting Procedures, that the Opening Statement of Council meetings include the Acknowledgement of Country and the following statement: *"Together we will care for this place for the generations to come and in this context the decisions we make should be guided by the principle that nothing we do should decrease our children's ability to live on this land"*.

Carried Unanimously

12.4 Stirling Library Lawns draft masterplan

Item withdrawn

12.5 Appointment of Council Member to the CEO Performance Review Panel

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

325/24

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Decision 1

Council resolves:

- 1. That the report on the CEO Performance Review Panel Member Appointment be received and noted.**
- 2. To adjourn the Council meeting for the purposes of seeking nominations for and, if necessary, conducting an indicative vote to determine the preferred persons for the CEO Performance Review Panel Member role and for the meeting to resume once the results of the indicative voting for the role has been declared.**

Carried Unanimously

7:19pm the Presiding Member, with leave of at least two thirds of the members present at the meeting, adjourned the meeting to seek nominations to the CEO Performance Review Panel.

7:26pm the meeting resumed.

Under section 75B of the *Local Government Act 1999* Cr Lucy Huxter disclosed a General (section 74) Conflict of Interest in Item 12.5.

- I have self nominated to fill the current vacancy on the CEO PRP. I will receive no financial benefit but this appointment will benefit me in my public duty.

7:27pm Cr Lucy Huxter left the meeting room.

Moved Cr Mark Osterstock

S/- Cr Chris Grant

326/24

Decision 2

Council resolves:

- 1. To appoint Cr Lucy Huxter to the Committee Member position of the CEO Performance Review Panel for a term to commence on 11 September 2024 and conclude on 30 November 2025 (inclusive).**
- 2. To authorise the Chief Executive Officer to advise the CEO PRP of Council's resolutions.**

Carried Unanimously

7:29pm Cr Lucy Huxter returned to the meeting room.

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13. OFFICER REPORTS - INFORMATION ITEMS

Nil

14. CORRESPONDENCE FOR INFORMATION

Nil

15. QUESTIONS WITHOUT NOTICE

Cr Louise Pascale asked a question regarding when the Woodforde, Rostrevor, and Teringie community forum feedback would be provided to the community.

16. MOTIONS WITHOUT NOTICE

Nil

17. REPORTS**17.1 Council Member Function or Activity on the Business of Council****Cr Louise Pascale**

- Sunday 8 September Woodforde Residents Association Meeting

Cr Kirrilee Boyd

- Saturday 17 August, Opening of Circle 9 of the Circle of Friends Afghan Cultural night music and art exhibition

Cr Malcolm Herrmann

- Tuesday 10 September, LGA Sustainability of Councils Webinar

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

Nil

17.3 CEO Report

Greg Georgopoulos, CEO advised councillors that he would provide an in-confidence update.

With leave of the meeting Item 17.3 was moved to confidential items.

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 - 28 August 2024

Under section 75B of the Local Government Act 1999 Cr Louise Pascale disclosed a General (section 74) Conflict of Interest in Item 18.4.

- I am a resident of Woodforde

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

Moved Cr Mark Osterstock

S/- Cr Chris Grant

327/24

Council resolves that the minutes of the Boundary Change Committee meeting held on 28 August 2024, as distributed, be received and noted.

Carried Unanimously

19. CONFIDENTIAL ITEMS**19.1 CEO Performance Review Panel Recommendations to Council - CEO Review Process – Exclusion of the Public**

Item withdrawn

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19.2 Boundary Change Committee Recommendations – Boundary Change Advocacy Strategy - Exclusion of the Public

Under section 75C of the Local Government Act 1999 Cr Louise Pascale disclosed a Material (section 74) Conflict of Interest in Item 19.2.

- I am a resident of Woodforde

7:35pm Cr Louise Pascale left the meeting room.

**Moved Cr Chris Grant
S/- Cr Nathan Daniell**

328/24

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 Corporate Services, Gary Lewis
- Director Environment and Infrastructure, David Waters
- Acting Director Community and Development, Jess Charlton
- Executive Governance Officer, Zoe Gill
- BRM Advisory, Lisa Teburea
- BRM Advisory, Michael Richardson
- IT Support, Tom Portas
- Minute Secretary, Rebekah Lyons

be excluded from attendance at the meeting for Agenda Item 19.2: (Boundary Change Committee Recommendations – Boundary Change Advocacy Strategy) 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) (b) of the *Local Government Act*, the information to be received, discussed or considered in relation to this Agenda Item is information the disclosure of which could reasonably be expected to prejudice the commercial position of Council and would, on balance, be contrary to the public interest.**
- **Section 90(3) (i) of the *Local Government Act*, the information to be received, discussed or considered in relation to this Agenda Item is information relating to actual litigation, or litigation that the council or council committee believes on reasonable grounds will take place, involving the council.**

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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

19.2.1 Boundary Change Committee Recommendations – Boundary Change Advocacy Strategy - Confidential Item

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19.2.2 Boundary Change Committee Recommendations – Boundary Change Advocacy Strategy - Duration of Confidentiality

Moved Cr Mark Osterstock
S/- Cr Chris Grant

330/24

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)(b) 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* to retain the Items in confidence as detailed in the Duration of Confidentiality Table below:

Item	Duration of Confidentiality NB: Item to be reviewed every 12 months if not released
Report	Until Further Order
Related Attachments	Until Further Order
Minutes	Until Further Order
Other (presentation, documents, or similar)	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.

Carried Unanimously

8:08pm Cr Louise Pascale returned to the meeting room.

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19.3 Boundary Change Committee Recommendations –Strategic Communication and Engagement Plan Updates - Exclusion of the Public

Under section 75C of the Local Government Act 1999 Cr Louise Pascale disclosed a Material (section 74) Conflict of Interest in Item 19.3.

- I am a resident of Woodforde

8:09pm Cr Louise Pascale left the meeting room.

**Moved Cr Grant
S/- Cr Parkin**

331/24

Council resolves:

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

- **CEO, Greg Georgopoulos**
- **Director Corporate Services, Gary Lewis**
- **Acting Director Community and Development, Jess Charlton**
- **Director Environment and Infrastructure, David Waters**
- **Executive Governance Officer, Zoë Gill**
- **BRM Advisory, Lisa Teburea**
- **BRM Advisory, Michael Richardson**
- **IT Support, Tom Portas**
- **Minute Secretary, Rebekah Lyons**

be excluded from attendance at the meeting for Agenda Item 19.3: (Boundary Change Committee Recommendations - Strategic Communication & Engagement Plan Updates) 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) (b) of the Local Government Act, the information to be received, discussed or considered in relation to this Agenda Item is information the disclosure of which could reasonably be expected to prejudice the commercial position of Council and would, on balance, be contrary to the public interest.

Section 90(3) (i) of the Local Government Act, the information to be received, discussed or considered in relation to this Agenda Item is information relating to actual litigation, or litigation that the council or council committee believes on reasonable grounds will take place, involving the council.

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

Carried Unanimously

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19.3.1 Boundary Change Committee Recommendations –Strategic Communication and Engagement Plan Updates - Confidential Item

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19.3.2 Boundary Change Committee Recommendations –Strategic Communication and Engagement Plan Updates - Duration of Confidentiality

Moved Cr Chris Grant
S/- Cr Lucy Huxter

333/24

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)(b) and 90(3)(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* to retain the Items in confidence as detailed in the Duration of Confidentiality Table below:

Item	Duration of Confidentiality NB: Item to be reviewed every 12 months if not released
Report	Until Further Order
Related Attachments	Until Further Order
Minutes	Until Further Order
Other (presentation, documents, or similar)	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.

Carried Unanimously

8:14pm Cr Louise Pascale returned to the meeting room.

**ADELAIDE HILLS COUNCIL
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19.4 Boundary Change Committee Recommendations - Boundary Change Proposal Project, Terms of Reference and Governance Arrangements - Exclusion of the Public

Under section 75B of the Local Government Act 1999 Cr Louise Pascale disclosed a General (section 74) Conflict of Interest in Item 19.4.

- I am a resident of Woodforde

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

Under section 75B of the Local Government Act 1999 Cr Mark Osterstock disclosed a General (section 74) Conflict of Interest in Item 19.4.

- A minor aspect of item 19.4 relates to the presiding members role. I am currently the Presiding Member of the committee.

Cr Osterstock advised the meeting that his public interest would not result in him acting in a manner contrary to his public duty and that he will remain in the meeting when the item is discussed, participate in the debate, and vote on the matter.

Under section 75B of the Local Government Act 1999 Acting Mayor Melanie Selwood disclosed a General (section 74) Conflict of Interest in Item 19.4.

- This item could potentially make changes to my role of the Principal Spokesperson.

8:14pm Acting Mayor Melanie Selwood left the meeting room.

With leave of the meeting Cr Nathan Daniell presided over Item 19.4 in the absence of Acting Mayor Melanie Selwood.

Moved Cr Chris Grant

S/- Cr Louise Pascale

334/24

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**
- **BRM Advisory, Lisa Teburea**
- **BRM Advisory, Michael Richardson**

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- Executive Governance Officer, Zoë Gill
- Minute Secretary, Rebekah Lyons
- IT Support, Tom Portas

be excluded from attendance at the meeting for Agenda Item 19.4: (Boundary Change Committee Recommendations - Boundary Change Proposal Project, Terms of Reference and Governance Arrangements) 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)(b) and 90(3)(i) 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 could reasonably be expected to confer a commercial advantage on a person with whom the council is conducting, or proposing to conduct, business, or to prejudice the commercial position of the council; and would, on balance, be contrary to the public interest;
- 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.

Carried Unanimously

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19.4.1 Boundary Change Committee Recommendations - Boundary Change Proposal Project, Terms of Reference and Governance Arrangements - Confidential Item

Moved Cr Chris Grant
S/- Cr Kirsty Parkin

335/24

Council resolves:

1. That the report be received and noted.
2. To note its strong opposition to Campbelltown City Councils Boundary Change Proposal.
3. To approve the Boundary Change Proposal Project and Governance arrangements supplied in *Appendix 1*.
4. To adopt the amended Boundary Change Committee Terms of Reference in *Appendix 2*.
5. To authorise the Chief Executive Officer to make any formatting, nomenclature or other minor changes to the Boundary Change Committee Terms of Reference.

Carried Unanimously

**ADELAIDE HILLS COUNCIL
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19.4.2 Boundary Change Committee Recommendations - Boundary Change Proposal Project, Terms of Reference and Governance Arrangements - Duration of Confidentiality

Moved Cr Kirsty Parkin
S/- Cr Lucy Huxter

336/24

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 19.4 in confidence under sections 90(2) and 90(3)(b) and 90 (3)(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* to retain the Items in confidence as detailed in the Duration of Confidentiality Table below:

Item	Duration of Confidentiality NB: Item to be reviewed every 12 months if not released
Report	Until Further Order
Related Attachments	Until Further Order
Minutes	Nil
Other (presentation, documents, or similar)	Until Further Order with the exception of the Terms of Reference, which will be released immediately

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

8:36pm Acting Mayor Melanie Selwood returned to the meeting room and resumed the chair.

**ADELAIDE HILLS COUNCIL
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17.3 Additional Item: CEO Update -Exclusion of the Public

Moved Cr Chris Grant
S/- Cr Kirsty Parkin

337/24

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

be excluded from attendance at the meeting for Agenda Item 17.3: (CEO Update) in confidence.

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

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

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

8:40pm The Presiding Member, with leave of at least two thirds of the members present at the meeting, suspended operations of the formal meeting procedures for the purposes of discussing the item.

8:59pm The Presiding Member determined that the period of suspension should be brought to an end and resumed the formal meeting procedures.

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20. NEXT ORDINARY MEETING

The next ordinary meeting of the Adelaide Hills Council will be held on Tuesday 24 September 2024 from 6.30pm at 63 Mt Barker Road, Stirling.

21. CLOSE MEETING

The meeting closed at 9:00pm

Petitions / Deputations / Public Forum

**ADELAIDE HILLS COUNCIL
ORDINARY COUNCIL MEETING
Tuesday 24 September 2024
AGENDA BUSINESS ITEM**

Item:	8.1.1
Responsible Officer:	David Waters Director Environment & Infrastructure Environment & Infrastructure
Subject:	Petition – Speed and Traffic Review Longwood Road, Longwood
For:	Decision

SUMMARY

A petition has been received with 31 signatories stating:

The residents of Woolcock Road Longwood, Wright Way Longwood and Longwood Road Longwood / Bradbury SA request a speed and traffic review of the 4-way intersection at Woolcock Road, Wright Way and Longwood Road, Longwood.

A preliminary review by Council's technical staff has found that the requested change in the speed zone may have merit.

RECOMMENDATION

Council resolves:

- 1. That the petition signed by 31 signatories requesting Adelaide Hills Council to conduct a speed and traffic review of the 4-way intersection at Woolcock Road, Wright Way and Longwood Road, Longwood be received and noted.**
 - 2. That staff undertake a detailed review of the proposal, and if deemed to have merit, progress the matter for consideration by the Department for Infrastructure and Transport.**
 - 3. That the CEO advise the principal signatory of the Council's noting of the petition and of any resolutions relating to the matter.**
-

1. PETITION DETAILS

Council has received a petition organised by Geoff Sayers of Woolcock Road, Longwood and signed by 31 signatories.

The Petition states:

The residents of Woolcock Road Longwood, Wright Way Longwood and Longwood Road Longwood / Bradbury SA request a speed and traffic review of the 4-way intersection at Woolcock Road, Wright Way and Longwood Road, Longwood.

2. OFFICER'S RESPONSE – David Waters, Director Environment and Infrastructure

➤ **Relationship/relevance to Council services/activities/plans/strategies/resolutions**

The Council's Strategic Plan priority B4.4 contains a commitment to a safe system approach to road management. Appropriate speed limits are an integral part of a safe system.

➤ **Options¹**

Council has the following options in relation to the matter(s) raised in the petition:

- I. Receive and note the petition with no further action.
- II. Receive and note the petition with action to be taken as suggested in the recommendation.
(Recommended)

A preliminary review by Council's technical staff has found that the requested change in the speed zone may have merit.

Speed limits on all roads are set by the Department for Infrastructure and Transport. Proposals from councils for local roads do, however, need to be investigated in the first instance by the local council and, in some instances, DIT will require a traffic impact statement to be prepared by an appropriately experienced and qualified traffic management practitioner.

The speed zone change requested by the petitioners involves extending the current 60km/h zone approximately 350m further south, from where it currently commences at the intersection of Woolcock Road to the intersection of Ridge Road. This section of Longwood Road is currently an 80km/h zone although the winding and relatively narrow nature of the road does not lend itself to that speed. This is evidenced by the results of a traffic count undertaken on this subject segment of road in 2018, which found an 85th percentile speed of 55km/h (and an average of 1206 vehicles per day). Based on this result, few responsible drivers would experience any practical impact if the speed limit on this segment of road was lowered to 60km/h.

Based on the preliminary review by Council's technical staff, it is recommended that the matter progress to a more detailed review and then be referred to DIT for consideration.

¹ Any potential motion arising from the receipt of a petition is a Motion Without Notice and Council has resolved for restrictions on the scope on these types of motions as per clause 3.18 of the *Code of Practice for Council Meeting Procedures*.

Adelaide Hills Council
63 Mount Barker Road
Stirling SA 5152

ADELAIDE HILLS COUNCIL
RECEIVED

04 SEP 2024

for the attention of: Mayor Jan-Claire Wisdom

Petition for Speed and Traffic Review of Longwood Road, Longwood

We, the undersigned residents of Woolcock Road Longwood, Wright Way Longwood and Longwood Road Longwood/Bradbury SA request a speed and traffic review of the 4-way intersection at Woolcock Road, Wright Way and Longwood Road, Longwood.

Over the years Woolcock Road and Longwood Road have become major by-pass roads now resulting in greater traffic flow and frequent use by larger trucks. Added to this is a significant increase in usage by motor cyclists and weekend cyclists. As a result of a resident petition lodged in August 2021 a speed and traffic review was undertaken which led to a successful change in the speed limit along Woolcock Road being reduced to 60kph by the Department of Infrastructure and Transport (DIT). The change to road signage finally took place on 9 March 2023.

Whilst this change by DIT was much appreciated by the residents, the intersection was still an important unaddressed concern.

The 4-way intersection remains unchanged (at 80kph)⁽²⁾ which is at the topmost crest of these roads. The dirt verge at this crest, both sides of Longwood Road also serves as the bus stop for the children who attend Heathfield Primary and Heathfield High schools (there is no bus shelter).

The current 80kph limit at this intersection is prone to be exceeded by inconsiderate or impatient road users and the high-speed traffic through it is dangerous to residents entering or exiting driveways (either on foot or driving), pedestrians/joggers (there are no footpaths), children waiting for the school bus and animals in the area.

It is extremely difficult and dangerous to enter Longwood Road from either Wright Way or Woolcock Road with vehicles able to legally drive through the intersection at 80kph. This is made worse by the fact that a percentage of traffic will increase speed if driving on Longwood Road from Bradbury along the sweeping uphill bend once past Ridge Road. It is causing residents considerable anxiety by having to take split second decisions when to enter Longwood Road; oncoming traffic at speed in all directions to the crest of the intersection is difficult to see until it is often 'too late'!

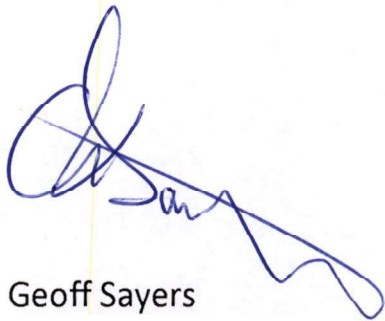
Many accidents and 'near misses' occur that are not recorded or reported to SAPOL, CFS or the Adelaide Hills Council.

It is pertinent that a major high impact two car collision occurred at this intersection on the morning of Wednesday 21st August 2024. The sweeping bend on Longwood Road, 300 metres south of the intersection allowed a legal 80kph sedan to collide with a vehicle entering the intersection from Woolcock Road; this occurring within 10 metres of children waiting on the verge for the school bus. ⁽³⁾

It is our request that the current 80kph speed limit signage be reduced to 60Kph through the intersection and the current 80kph section of Longwood Road from the intersection to the Ridge Road, Bradbury T- intersection be reduced to 60kph (both North and South travelling) as soon as practical before a more serious situation occurs.

This petition request should be in the best interests of the Council to act swiftly with regard to the issues of community road safety and, in the not too distant future, prompt a broader Council review of the current 'speed up and slow down, 80kph to 60, 60kph to 80 limits within short distance' road signage in the nearby townships of Longwood.

The Longwood township has a now increasing majority of suburban and urban road users driving at inappropriate legal speeds on, what are still, rural roads.



Geoff Sayers

Dated: Wednesday 4 September 2024

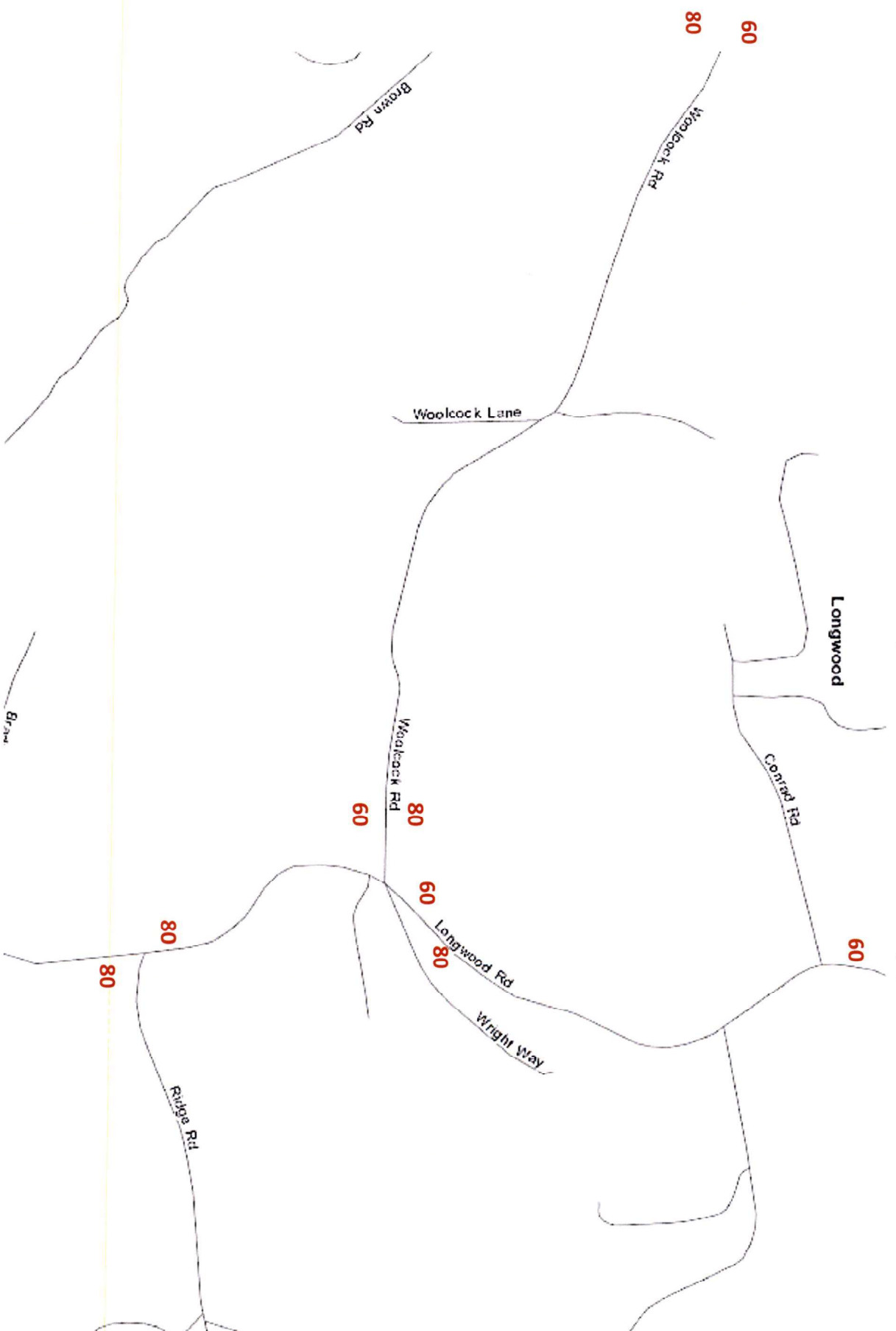
⁽⁴⁾ Attachment: Road map, Longwood/Woolcock Road intersection, page (1 of 1)

⁽³⁾ Attachment: Photo, accident site with school children, page (1 of 1)

[Photo used with parent permission]

Longwood Road Map August 2024

(numerals indicate current speed limit and location of sign)



Accident site (Longwood Road/Woolcock Road/Wright Way) 21 August 2024



Accident site (Longwood Road/Woolcock Road/Wright Way)

Motions on Notice

**ADELAIDE HILLS COUNCIL
ORDINARY COUNCIL MEETING
Tuesday 24 SEPTEMBER 2024
AGENDA BUSINESS ITEM**

Item: 11. Motion on Notice

Originating from: Cr Melanie Selwood

Subject: Inverbrackie

1. MOTION

I move that:

- 1. Council notes the residents of Inverbrackie have concerns around their ability to safely walk or cycle to Woodside;**
- 2. Council acknowledges that connecting Woodside to Inverbrackie with pedestrian and cycling infrastructure would be beneficial for the residents of Inverbrackie;**
- 3. The CEO engages with the Department for Infrastructure and Transport to consider options for pedestrian and cycling infrastructure along Nairne Road; and**
- 4. All options discussed be presented to Council Members in a workshop at a date to be determined by the CEO before the end of March 2025.**

2. BACKGROUND

The locality of Inverbrackie, located in a rural area near Woodside, has recently experienced significant growth due to the development of a new residential estate called Crest. This development has created a concentrated population centre in what was previously a sparsely populated rural zone.

The residents of Crest, while appreciating their rural setting, have expressed a strong desire for better connectivity to Woodside. Currently, the primary route between Inverbrackie and Woodside is Nairne Road, which lacks dedicated safe pedestrian and cycling infrastructure. This situation has raised concerns among Inverbrackie residents about their ability to safely access Woodside's amenities and services without relying on motor vehicles.

Residents have expressed a wish for older kids to safely ride or walk to school or the shops, and residents have told stories of incidents along Nairne Road that are cause for concern.

One resident told me of a ten-year-old boy in school uniform pushing his bike between the narrow safety barrier and the white line on the edge of the road with trucks and cars speeding past. If one had crossed the line at all, he would have had nowhere to go.

Another was of a near miss where a truck nearly collided with three people on bikes, near the intersection of Caledonia Avenue and Nairne Road, and had to swerve into oncoming traffic in the other lane. Thankfully no-one was hurt.

Improving pedestrian and cycling links between Inverbrackie and Woodside would provide numerous benefits, including:

1. Enhanced safety for residents who wish to travel between the two areas.
2. Promotion of active and healthy lifestyles by encouraging walking and cycling.
3. Reduced reliance on cars, leading to decreased traffic congestion and lower carbon emissions.
4. Stronger social connections between the communities of Inverbrackie and Woodside.
5. Improved access to Woodside's services, shops, and facilities for Inverbrackie residents.

Given these considerations, there is a clear need to explore options for developing pedestrian and cycling infrastructure along Nairne Road. This motion proposes that the Council formally acknowledge the concerns of Inverbrackie residents and initiate a process to address them.

In the presentation at a workshop by the Woodside Commerce Association, they spoke of a need to consider the connectedness between Woodside and Inverbrackie.

The motion also ensures that Council Members will be fully informed of the options through a dedicated workshop, allowing for thorough consideration of the proposals before any decisions are made. This approach demonstrates the Council's commitment to addressing the needs of the growing Inverbrackie community while ensuring due diligence in the planning process.

3. OFFICER’S RESPONSE – David Waters, Director Environment and Infrastructure

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

Strategic Plan 2020-24 – A brighter future

Goal	A functional BUILT ENVIRONMENT
Objective B1	Our district is easily accessible for community, our businesses and visitors
Priority B1.1	Increase accessibility to our district through the development and delivery of high priority trails and routes for all cyclists (on-road, off road, commuters, recreational) and pedestrians

➤ **Legal Implications**

Not applicable.

➤ **Risk Management Implications**

The consideration of issues raised by community in form of a report prepared and presented to Council following an investigation into footpath and cycling options will assist in mitigating the risk of:

Poor representation of the community by Council leading to decisions that do not appropriately take into account community needs leading to sections of the community are not adequately represented, dissatisfaction with Council and negative sentiment around the event.

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

➤ **Financial and Resource Implications**

Footpath infrastructure typically is the responsibility of local government and hence there will be financial implications should Council decide to provide infrastructure between Inverbrackie and Woodside.

There are a number of constraints to establishing a pedestrian facility to connect Inverbrackie with the outskirts of the Woodside township.

An allocation of \$20,000 should be provided for Council to engage suitably qualified consultants to identify the options and high order costs of providing pedestrian and cycling infrastructure between the two locations.

As there is no guarantee that the investigation will lead to actual capital works in the near future, the funding allocation will be an operating expense and will therefore impact the Council’s 2024-25 operating position.

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

Not applicable.

➤ **Sustainability Implications**

Not applicable.

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

Not applicable.

4. ANALYSIS

Nairne Road is a state road under the care and control of the Department for Infrastructure and Transport (DIT). However, DIT generally only manage the trafficable portion of the road and roadsides, including kerbing, footpaths, etc are the responsibility of local councils.

Should the Council resolve as proposed, Council officers will engage with the Department of Infrastructure and Transport to determine a level of support and to understand any requirements for footpath infrastructure adjacent Nairne Road.

The distance between the Crest development area at Inverbrackie and the outskirts of the Woodside township where there are some basic pedestrian facilities off the road, is approximately 2.5km.

There will be several constraints that will require investigation to determine options to facilitate footpath and cycling infrastructure along this route including but not limited to, substantial native trees, safety barriers, bridges, roadside drainage and corridor width.

To undertake a preliminary investigation of options, including broad analysis of the constraints and technical solutions, it will be necessary to engage external support, with an estimated cost of around \$20,000.

This work can be done by March 2024.

5. APPENDICES

- (1) Map Nairne Road between Woodside and Inverbrackie

Appendix 1

Map Nairne Road between Woodside and Inverbrackie



500 m

Scale =
1:24,124,500



Administration Reports Decision Items

**ADELAIDE HILLS COUNCIL
ORDINARY COUNCIL MEETING
Tuesday 24 September 2024
AGENDA BUSINESS ITEM**

Item:	12.1
Responsible Officer:	Jess Charlton Acting Director Community and Development
Subject:	Adelaide Hills Council Submission to the Royal Commission into Domestic, Family and Sexual Violence
For:	Decision

SUMMARY

The South Australian Government are holding a Royal Commission into Domestic, Family and Sexual Violence and have called for submissions.

The Adelaide Hills Council has a statement of commitment in relation to domestic violence against women and their children. In keeping with that commitment, a submission has been prepared advocating for the needs of women and children in the Adelaide Hills (*Appendix 1*).

RECOMMENDATION

Council resolves:

- 1. That the report be received and noted.**
 - 2. To endorse the Adelaide Hills Council's submission to the Royal Commission into Domestic, Family and Sexual Violence in South Australia provided in *Appendix 1*.**
-

1. BACKGROUND

In late 2023, the South Australia Government committed to holding a Royal Commission into Domestic, Family and Sexual Violence (the Commission).

The Commission has been asked to inquire into five key areas including prevention, early intervention, response, recovery and healing, and coordination. The overarching focus is to examine existing policies, legislation, administrative arrangements, system structures and funding levers in South Australia so that the Commission can develop recommendations about what needs to change.

The Royal Commission into Domestic, Family and Sexual Violence commenced 1 July 2024 and is expected to be completed by July 2025. The Commission has called for general submissions to be lodged by 27 September 2024. Submissions can respond to the key inquiry areas or be of a more general nature relating to any relevant information that can support the inquiry.

At its meeting on 11 July 2023, the Council adopted a Statement of Commitment in relation to violence against women and their children.

12.1 Statement of Commitment and Our Watch Prevention Toolkit Implementation Plan

Moved Cr Louise Pascale
S/- Cr Pauline Gill

186/23

Council resolves:

1. That the report be received and noted.
2. To adopt the following *Statement of Commitment*:

Adelaide Hills Council recognises that violence against women and their children affects the entire Australian community. We recognise our responsibility to help reduce violence against women and their children.

We recognise that gender-based violence is predominantly perpetrated by men against women, and thus believe action and support needs to be focused on preventing violence against women and their children. We also acknowledge gender-based violence can affect people of all genders, sexualities, cultures, religions, ages, educational backgrounds, and income levels.

Council values the services, organisations and individuals that are already working in our community to prevent violence against women and their children, and to support families in crisis. We recognise the knowledge and commitment of these groups and wish to support and encourage their ongoing contribution.

We believe that preventing violence against women and their children is everyone's business and we are committed to working with the whole community to end violence against women and their children.

As part of renewing our commitment, we will:

- *Implement Our Watch's Prevention Toolkit for Local Government*
- *Demonstrate leadership in primary prevention of violence against women and their children*
- *Raise employee and community awareness of the drivers and consequences of violence against women and their children*
- *Provide a safe, inclusive and respectful working environment*
- *Provide information to Council staff about ways they can prevent violence against women in their work and the services they deliver to community*
- *Advocate for gender equality in planning, decision-making and service delivery across local government.*
- *Council is committed to making changes to create a future that is free from violence against all women and their children.*

3. To endorse the proposed Toolkit Implementation Plan as contained in Appendix 2.

In keeping with the Council's commitment, it is appropriate to provide a submission to the Commission.

The Local Government Association of South Australia (LGA) are also lodging a submission on behalf of the sector and the Adelaide Hills Council's work in this space is likely to be used as a case example. Therefore, the AHC submission will endorse that provided by LGA.

2. ANALYSIS

Strategic Plan 2020-24 – A brighter future

Goal 2	Community Wellbeing
Objective C4	An active, healthy, thriving and resilient community
Priority C4.1	Support community wellbeing through our contribution to public health planning, disaster recovery activities and the implementation of strategies that aim to measure and enhance wellbeing

Community initiatives to help prevent violence against women and children align with Council's strategic commitment to contribute to public health planning, as well as promoting the wellbeing of individuals, families, and communities.

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 O1.1	Progressively enhance our safe systems of work to maintain emotional and physical safety of our people.

Developing internal practices that help keep employees safe from domestic and family violence (DFV) aligns with Council's strategic commitment of improving systems to protect the health and safety of our workforce.

Goal 5	A Progressive Organisation
Objective O4	We actively represent our community
Priority O4.3	Advocate to, and exert influence with, our stakeholders on behalf of our community to promote the needs and ambitions of the region.

Local governments are well placed to influence and advocate for change, on behalf of their communities, to reduce violence against women and children through existing partnerships, networks, and systems.

DFV impacts on the health and wellbeing of children. The *Regional Public Health and Wellbeing Plan 2022-27 for the Southern and Hills LGA* (adopted by Council on 27 September 2022) identifies children as a priority population group for public health planning and intervention.

➤ **Legal Implications**

The *Local Government Act 1999* includes roles, functions, and principles relevant to local government responsibilities to help prevent violence against women and their children, including:

- Providing for the welfare, well-being and interests of individuals and groups within its community (Section 7(c))

- Establishing or supporting organisations or programs that benefit people in its area or local government generally (Section 7(h))
- Participating with other councils, and with State and national governments, in setting public policy and achieving regional, State, and national objectives (Section 8(c)).

Sections 51 and 52 of the *Public Health Act 2011* require councils to prepare, maintain and report on a Regional Public Health Plan (RPHP) that is consistent with the State Public Health Plan and responds to public health challenges within their local area or region.

➤ **Risk Management Implications**

Council’s commitment to a role in preventing DFV and implementing the Toolkit will assist in mitigating the risk of:

Failure to influence and advocate for social change to reduce DFV, leading to sustained or increased prevalence of DFV in our region.

Inherent Risk	Residual Risk	Target Risk
High (4C)	High (4C)	Low (2D)

➤ **Financial and Resource Implications**

Not applicable.

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

Committing to a role in primary prevention means supporting a whole-of-population approach to address the drivers of violence against women and their children.

➤ **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 *National Plan to End Violence Against Women and Children 2022-2032* states that violence against women and children is a problem of epidemic proportions in Australia.

Local Government is well positioned to support the primary prevention of violence against women and children and to raise awareness, facilitate, advocate and provide information to support victims of domestic violence. A submission to the Royal Commission is another way in which the Adelaide Hills Council can show leadership in this space and support the work that will be done during the inquiry.

The proposed submission in **Appendix 1** highlights the important work that AHC has been doing in this space but also calls for resourcing for officers to support local government and for councils to be able to provide appropriate programs. The submission also asks the Commission to consider the impact of service locations on those seeking support, particularly in rural areas.

3. OPTIONS

Council has the following options:

- I. To endorse the Adelaide Hills Council's submission to the Royal Commission into Domestic, Family and Sexual Violence. (Recommended)
- II. To seek amendments to the Adelaide Hills Council's submission to the Royal Commission into Domestic, Family and Sexual Violence. Should the Council identify the need for substantial amendments it should be noted that the closing date for submissions is 27 October 2024.
- III. To not endorse the Adelaide Hills Councils submission to The Royal Commission into domestic, family and sexual violence in South Australia.

4. APPENDICES

- (1) Adelaide Hills Council Submission to the Royal Commission into Domestic, Family and Sexual Violence

Appendix 1

*Adelaide Hills Council Submission to the Royal
Commission into Domestic, Family and Sexual Violence*

Submission

Royal Commission into Family, Domestic and Sexual Violence

Adelaide Hills Council, September 2024

Introduction

The Adelaide Hills Council (AHC) is a local government area in the Adelaide Hills of South Australia with 41,842 residents. We have slightly more females in our area (50.4%) than males (49.6%). The majority of our households are classed as married or as intimate partners living together with the median age being between 30 – 39 years.

In February 2023, AHC committed to implementing Our Watch's Prevention Toolkit for Local Government (the Toolkit), to prevent violence against women in its workplace and community (<https://localgov.ourwatch.org.au/localgovtoolkit/>).

As a first step, AHC made a Statement of Commitment to prevent violence against women and their children (adopted in July 2023). That statement is as follows:

Adelaide Hills Council recognises that violence against women and their children affects the entire Australian community. We recognise our responsibility to help reduce violence against women and their children.

We recognise that gender-based violence is predominantly perpetrated by men against women, and therefore believe action and support needs to be focused on preventing violence against women and their children.

We also acknowledge gender-based violence can affect people of all genders, sexualities, cultures, religions, ages, educational backgrounds, and income levels.

Council values the services, organisations and individuals that are already working in our community to prevent violence against women and their children, and to support families in crisis. We recognise the knowledge and commitment of these groups and wish to support and encourage their ongoing contribution.

We believe that preventing violence against women and their children is everyone's business and we are committed to working with the whole community to end violence against women and their children.

As part of renewing our commitment, we will:

- *Implement Our Watch's Prevention Toolkit for Local Government*
- *Demonstrate leadership in primary prevention of violence against women and their children*
- *Raise employee and community awareness of the drivers and consequences of violence against women and their children*
- *Provide a safe, inclusive and respectful working environment*
- *Provide information to Council staff about ways they can prevent violence against women in their work and the services they deliver to community*
- *Advocate for gender equality in planning, decision-making and service delivery across local government.*

Council is committed to making changes to create a future that is free from violence against all women and their children.

Since July 2023, AHC has progressed several Toolkit initiatives and undertaken the following.

- Established an internal working group and held its first meeting and established Terms of Reference, looked at relevant parts of local and national plans to end violence against women, gained a better understanding of the toolkit, built rapport, and determined future actions.
- Meetings have been held with Jemma Taylor Cross - Manager, Prevention Implementation at Our Watch (based in Adelaide) to gauge how Our Watch may be able to support our implementation of Stage 2 of the Toolkit Plan by setting up internal practices including developing a workplace safety plan, developing Domestic and Family Violence (DFV) policy, conducting a gender equity audit and developing a gender equity action plan with clear objectives.
- Staff attended training at the Working Women's Centre of SA on recognising and responding to disclosures of domestic and family violence.
- Staff participated in Our Watch's Local Government Community of Practice

- A knowledge bank article has been created to guide all staff in responding to customers who disclose that they, or someone they know, is experiencing (or at risk of experiencing) domestic, family or sexual violence (DFSV)
- A new webpage has been created on our website to direct community members experiencing or at risk of experiencing DFV to emergency assistance or support services
- A new webpage has been created on primary prevention of violence against women and children, the role of Local Government, and the Council's commitment (this page also hosts our Statement)
- Staff have also attended an Information Session on the South Australian Governments consultation on the Draft Criminal Law Consolidation (Coercive Control) Amendment Bill 2023
- Staff with Mayor Wisdom and Councilor Louise Pascale attended and represented Adelaide Hills Council at the Adelaide White Ribbon Breakfast 2023 on 16 November where we heard from Micaela Cronin, Australia's first Commissioner for Domestic, Family, and Sexual Violence
- The council participated in a public campaign as part of the United Nations 16 Days of Activism. This campaign began on 25 November 2023 (the International Day for the Elimination of Violence against Women) with the Stirling Library lighting up in Orange in recognition of the International Day for the Elimination of Violence against Women until 10 December. With the Zonta Club of Adelaide Hills, we displayed in our libraries Orange Ladies. Each of these are cutouts of a lady's figure (some with their child) representing the true story of a woman who has experienced violence in our community.
- We engaged the Our Watch Foundation to deliver a gender equity audit of the AHC.

In July 2024, AHC successfully moved a motion at the National General Assembly in Canberra as follows:

This National General Assembly calls on the Australian Government to:

a. Recognise local government plays a pivotal role in achieving the Australian Government's vision of ending gender-based violence in a generation.

b. Recognise councils can lead this generational change by adopting Our Watch's Prevention Toolkit for Local Government.

c. Fund a dedicated Domestic and Family Violence Prevention Officer in each State's local government association, this role should be jointly funded by Commonwealth and state governments. That this position be funded for a minimum of five years in line with the first stage of the National Plan to End Violence against Women and Children 2022-2032. The focus of the role should be to support councils in the implementation of Our Watch's Prevention Toolkit for Local Government.

d. Fund the establishment of a local government grant funding program, similar to the Victorian Government's Free from Violence Local Government program, to be administered by each LGA. That this program should be jointly funded by Commonwealth and state governments to support councils to embed gender equality and violence prevention practices into every part of their workplaces and services.

The Role of Local Government

The Local Government Association of South Australia (LGA of SA) is the voice of local government in South Australia, representing all 68 councils across the state and the Anangu Pitjantjatjara Yankunytjatjara.

The LGA of SA has worked with member councils to adopt policy positions, based on robust research and evidence base, to recognise their roles and identify how local government can be an important partner in government and delivery of policy outcomes. The policy statement on public health, including a position on family and domestic violence is as follows

Policy Statement 3.1 – Public Health

Local government acknowledges that protecting the health and wellbeing of its communities is a shared responsibility of all tiers of government and recognises the significant contributions that councils make in this area. Councils should contribute equitably to providing preventative and ongoing health services, notwithstanding the significant responsibilities of federal and state government.

Family and Domestic Violence:

Local government commits to being part of the solution in the prevention of violence against women in South Australia. As the level of government closest to our communities, we recognise the damaging impact domestic and family violence has on individuals and our communities. Recognising local government's role in creating and maintaining healthy, vibrant, inclusive, and safe communities, councils in South Australia will seek opportunities to work in partnership with each other and collaborate with specialist non-government organisations and agencies from other levels of government to raise awareness, facilitate, advocate and provide information to support victims of domestic violence. Councils in South Australia will demonstrate leadership by supporting employees through training and HR arrangements where appropriate.

The Adelaide Hills Council is a member of the Local Government Association of South Australia and supports the advocacy they are undertaking in seeking funding for a domestic and family violence policy officer in every state and territory local government association along with additional resourcing for local government areas to implement community-based prevention programs.

Our Submission

The Adelaide Hills Council welcomes the opportunity to provide a submission to the Royal Commission into Family, Domestic, and Sexual Violence. We are one of the very few Councils in Australia to have adopted the Our Watch Toolkit for Local Government. In doing so we immediately saw that we required funding to deliver a tailored program of initiatives within the Council administration and in our community.

While we have resourced this internally, we recognise that Councils throughout South Australia who have a desire to end violence against women and children in their community may not have that capacity.

The Federal Government has adopted a second National Action Plan to End Violence Against Women and Children with the goal of ending family violence in a generation. As the level of Government closest to the community we can contribute to making that happen.

Local governments are uniquely placed to drive the social change that prevents family and sexual violence through partnerships, networks, and programs. By adopting Our Watch's Toolkit for Local Government, we are empowered to shape attitudes, culture, and norms through planning and local initiatives.

The Prevention Toolkit for Local Government gives us the support we need to empower our community to create programs and respond to family violence. We see this firsthand and know what our residents need to create a safer community for all.

Victoria and Queensland have a Family Violence Prevention Officer working with local government. We recommend that the Commission consider a similar role for South Australia that can assist councils to implement the Toolkit. With this, we ask for grant funding to provide financial support to communities and councils to deliver programs within the Toolkit.

Women and children do not openly share their experiences of violence because of self-stigma and shame. Yet we know violence against women and children is not confined to postcode or socio-economic status.

In 2017 Australian National Research Organisation for Women's Safety (ANROWS) published a report called *Seeking help for domestic and family violence: Exploring regional, rural, and remote women's coping experiences*. To inform this report, Professor Sarah Wendt interviewed women in the Adelaide Hills Council. From that report, we learned "the social isolation all women felt as a result of the domestic and family violence (not distance) was the more significant issue of concern to them."

With our work in adopting the Our Watch Toolkit, we aim to change our community's attitude toward Family and Domestic Violence. By supporting programs that assist with educating our community, identifying the signs, and delivering help-seeking behaviors we look to address the social isolation women and children are experiencing.

This report also highlighted the "need to build the capacity of local specialist domestic and family violence services to increase outreach, therapeutic counseling, and community development service provision." Currently, a woman escaping violence in our community would need to access crisis accommodation in Campbelltown or Murray Bridge. This would put her at a significant disadvantage in getting her children to one of our schools, particularly if she were reliant on public transport. We also know that both locations would also see her significantly distanced from family, social, and religious support networks.

AHC can refer residents to mental health programs in the area through its community well-being programs. Unfortunately, with respect to Family and Domestic Violence, we cannot do the same due to a lack of local services. So, while we can educate our community on seeing the signs of violence, women have little to no access to local services.

The ANROWS report substantiates this when it says "due to limited resources—staff and time—together with increased need, local agencies reported that they struggle to engage with and respond to the diversity of needs. This includes supporting women in their own homes, counselling, and legal support, as well as addressing mental health and drug and alcohol issues. The capacity of domestic and family violence work has narrowed, limiting the ability to respond to women at high or imminent risk of harm."

We would also like to acknowledge that for men seeking help in changing their behaviors and addressing their violence, we have no perpetrator programs in the area we can refer them to.

Conclusion

The Adelaide Hills Council (AHC) is committed to preventing violence against women and their children in our community. We have done this through the implementation of Our Watch's Prevention Toolkit for Local Government and through our Statement of Commitment. AHC recognises that gender-based violence impacts our entire community, however we cannot be alone in addressing this. We, like many other Councils, need ongoing support from not only specialised services but in programs that address the drivers of gendered violence.

The Our Watch Toolkit has provided us with a bespoke template we are adopting and adapting, however the expertise and skills required to deliver these are not always found within Local Government. A recommendation for a Family and Domestic Violence Officer for Local Government and a grants program will help local government deliver on the National Plan.

As local government we are the closest to community and with service and resource support we are uniquely positioned to influence broad, social change.

**ADELAIDE HILLS COUNCIL
ORDINARY COUNCIL MEETING
Tuesday 24 September 2024
AGENDA BUSINESS ITEM**

Item: 12.2

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

Subject: Adelaide Hills Council Roadside Vegetation Management Plan

For: Decision

SUMMARY

The Adelaide Hills Council Roadside Vegetation Management Plan (RVMP) (refer **Appendix 1**) is an operational document which guides Council in best practice roadside vegetation management and meets the legal obligations for both the provision and maintenance of a safe road network and the protection of roadside vegetation.

The document supersedes the *Roadside Vegetation Management Plan 2015 - 2020* and is the 4th revision since the development of the Council's first RVMP in 2005. **Appendices 2 – 10** contain a range of documents referred to in the plan or which form part of Council's extended suite of applicable documents. The document will require the endorsement of the Native Vegetation Council (NVC) under the *Native Vegetation Act 1991*, which will be valid for a 5-year period.

RECOMMENDATION

Council resolves:

1. That the report be received and noted.
 2. The Roadside Vegetation Management Plan as contained in Appendix 1 and accompanying documents contained in Appendices 2 – 10 are endorsed for submission to the Native Vegetation Council.
 3. That the Chief Executive Officer is authorised to make any minor changes to the Roadside Vegetation Management Plan arising from the review by the Native Vegetation Council in order to ensure it is acceptable for their approval.
-

1. BACKGROUND

The Adelaide Hills Council's road reserve network contains approximately 2,530 hectares, of which 30% supports native vegetation (819.4ha), providing important wildlife habitat and enhancing the region's unique character.

Council has a legal responsibility to ensure that roads not only provide for the safe movement of traffic, but also are required to facilitate sustainable development and the protection of the environment, whilst ensuring a balance within its community between economic, social, environmental and cultural considerations. In addition to preserving the conservation value, Council is required to manage roadsides to maintain the surfaces, edges and carriageway of roads to ensure safe vehicle access to roads, while also addressing fuel loads for bushfire mitigation.

The Roadside Vegetation Management Plan (RVMP) was originally adopted in 2005 to guide Council's best practice management of roadsides and provide community confidence that Council is committed to sustainable stewardship. This latest iteration clearly:

- sets the clearance parameters and the circumstances where approval is required by the NVC,
- outlines a pathway for clearing native vegetation that poses a safety concern, and
- provide avenues for landholders who are adjacent to road reserves to manage vegetation in particular circumstances.

The RVMP also recognises the protection of over 430 roadside conservation sites under the Native Vegetation Marker System (NVMS) and the long-term monitoring program using the Bushland Assessment Methodology. These programs have elevated Adelaide Hills Council toward improved operational management, regional conservation and biodiversity improvement across the region, further supporting the strong partnerships with agencies such as Landscapes Hills & Fleurieu and Trees For Life.

At Council's meeting on Tuesday 24 March 2015, it was resolved to endorse the AHC Roadside Vegetation Management Plan.

14.1.2. Roadside Vegetation Management Plan

Moved Cr John Kemp
S/- Cr Kirrilee Boyd

44

That Council resolves:

- 1. The report be received and noted.**
- 2. The Roadside Vegetation Management Plan is endorsed for submission to the Native Vegetation Council.**

Carried Unanimously

2. ANALYSIS

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

Strategic Plan 2020-24 – A brighter future

Goal 4

A Valued Natural Environment

Objective N1	Conserve and enhance the regional natural landscape character and amenity values of our region
Priority N1.2	Manage reserves and open space to support the community, whilst balancing biodiversity conservation, resource use and environmental impacts
Objective N2	Recognise the benefits of ecosystem services and improve environmental resilience by reducing environmental impacts
Priority N2.1	Monitor and manage areas of high biodiversity or habitat value on Council reserves and Native Vegetation Marker Scheme (NVMS) sites using best practice methodologies
Priority N2.3	Mitigate bushfire risks across the landscape by undertaking fuel reduction activities including woody weed control, maintenance of asset protection zones and educate & enforcement to reduce fuels on private property

This review of the RVMP is listed as a primary action under Goal 1, Protect, in the *AHC Biodiversity Strategy 2019 – 2024*.

Responsible management of roadside vegetation is also in alignment with other internal Policies and Strategies:

- Native Vegetation Protection and Conservation Policy (Draft)
- Bushfire Mitigation Landscape Strategy 2024-2028
- Adelaide Hills Council Verge Policy (Draft)
- Road Verge Maintenance Guidelines (Draft).

Council's endorsement of this RVMP document will facilitate submission to the NVC for their endorsement. Following this, Council can continue to undertake its roadside maintenance activities within the RVMP parameters set by Council, streamlining Council's road management operations.

➤ **Legal Implications**

Under the *Native Vegetation Act, 1991*, removal or disturbance of roadside vegetation requires the permission of the Native Vegetation Council (NVC), unless a specific exemption applies.

The RVMP has been developed to provide clear parameters for Council to manage native vegetation in road reserves, to maintain the safety and visibility of roadsides while retaining important native vegetation values.

NVC endorsement of the RVMP will enable Council to undertake operational maintenance activities under *Native Vegetation Regulation 11(23)*, without the need for individual native vegetation clearance approvals from the Native Vegetation Council under the *Native Vegetation Act, 1991*.

➤ **Risk Management Implications**

NVC endorsement of the RVMP significantly reduces levels of administration to process individual applications to clear native vegetation. By clarifying a set of clear parameters, it aids in reducing potential breaches under the *Native Vegetation Act, 1991*, which may result in enforcement measures undertaken by the Department of Environment and Water (DEW).

The document also serves to demonstrate to the community that Council is committed to best practise roadside vegetation management and seeking to protect native vegetation in alignment with the State Government Guidelines: *Guidelines for the Management of Roadside Native Vegetation and Regrowth Vegetation - Under Native Vegetation Regulation 11(23)* (Endorsed 3 July 2019 (amended September 2020)).

Inherent Risk	Residual Risk	Target Risk
3C	2D	2D

The first RVMP was originally adopted in 2005. The fourth iteration represents an existing control measure.

➤ **Financial and Resource Implications**

Approval of the plan incurs no direct cost to Council, and all programmed on-ground maintenance and monitoring works are included under Council’s existing operational budgets. Should there be any specific roadside projects or changes to service levels, this will need to be considered during the normal budget review processes.

There will likely be some low level of administration associated with the finalisation of the document and negotiation with the NVC.

The financial advantage of the RVMP is that it minimises the administrative burden of gaining separate approvals associated with routine vegetation clearance matters, however operations which fall outside the RVMP’s parameters will require NVC approval.

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

Not applicable

➤ **Sustainability Implications**

The RVMP’s principal purpose is to ensure Council’s environmental obligations are met in accordance with the *Native Vegetation Act 1991* when undertaking road and verge management operations. It provides the appropriate guidance through best practice road management and regulates sustainable development, while helping reduce adverse environmental impacts.

Much of the native vegetation on roadsides is considered to be of significant ecological value, particularly within the Mount Lofty Ranges which is a formally recognised Commonwealth ‘Biodiversity Hotspot’. Following large-scale rural land clearing for agriculture, land division and urban settlement, roadside vegetation often provides the last remaining examples of pre-European vegetation and habitat for many flora and fauna species, many of which are of

conservation significance or endemic to the region. Roadsides also contain threatened ecological communities (TEC's) and those that are underrepresented in the Reserve System, as well as delivering important linkages and connecting habitats for native plant and animal movement across the landscape. Roadside vegetation also contributes to multiple ecosystem services including sustaining pollinators, provision of seed sources for natural regeneration and local revegetation projects, protecting water quality, buffering against erosion, filtering pollutants, reducing dust levels, preserving soil moisture and providing shelter for livestock on adjoining land.

Council also maintains valuable partnerships in the management of roadside vegetation with organisations such as Landscapes Hills & Fleurieu and Trees For Life. These partnerships have helped Council leverage additional resources to assist in bushcare activities and recovery operations following bushfire.

In addition to the obvious amenity and unique character roadside vegetation provides, it is critical for biodiversity conservation across the region. The widespread vegetation clearance across the Adelaide and Mount Lofty Ranges has led to extensive declines in most native species of the region. 37 species have become extinct since European settlement, including 13 mammal species, 6 reptile species, 13 bird species, 4 fish, 1 insect. On average, 69% of all native species are considered highly threatened or 'at risk' (65% fauna, 73% flora). This includes almost 400 species formally listed as threatened under National or State legislation, with over 60 species listed on an initial list of declining birds.

It is estimated that only 10-12% of the original native vegetation of the Mount Lofty region remains. In the Adelaide Hills Council region, there is approximately 26.5% remaining (21,100ha). If we are to avoid further substantial loss of native species, regional habitat retention targets must be at least 30% for every habitat type, and well above that for the entire landscape.

In response to the findings of the *2021 State of the Environment Report*, Australia's environment ministers met on in October 2022 and made three landmark commitments to halt and reverse biodiversity loss across our nation and put Australia's environment back on a path of recovery. One of these is to work collectively to achieve a national target to protect and conserve 30% of Australia's landmass by 2030.

The RVMP supports the ongoing conservation and responsible management of native vegetation in the road reserve network, including unformed public roads, in alignment with the National 30 x 30 target as well as Council's internal *Native Vegetation Protection and Conservation Policy* (in Draft).

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

Targeted stakeholder consultation was undertaken in June 2024 with key partners in roadside vegetation management, Landscapes Hills & Fleurieu and Trees For Life.

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>	Landscapes Hills & Fleurieu and Trees For Life Inc.

Community: Not applicable

➤ **Additional Analysis**

A Council developed RVMP is not a mandatory document. Should Council decide not to approve the document, Council's roadside management operations will be permitted within the parameters set out in the State Government document, *Guidelines for the Management of Roadside Native Vegetation and Regrowth Vegetation - Under Native Vegetation Regulation 11(23) (Endorsed 3 July 2019 (amended September 2020))*.

In 2019 the State Government developed the State Guideline document, which replaces the "*Guidelines for the Management of Roadside Vegetation*" (NVC, 2012). One significant change was that the management of native vegetation 'regrowth' on roadsides was extended to allow clearance of up to 20 years of age, whereas previously only regrowth of up to 5 years of age was allowed to be cleared. It was stated that this alteration would allow local councils and Department for Infrastructure and Transport (DIT) to manage the immediate regrowth (1m into verge) along their roadsides without requiring any approval, while allowing clearance of regrowth further from the road (2-3m) through an approval process.

It is recommended that regrowth vegetation should be assessed based on a prescriptive measurement (ie trunk diameter) rather than age, given that the Adelaide Hills region sits within the Mount Lofty Ranges and is subject to much higher average annual rainfall than most other South Australian regions. Essentially the vegetation regrowth size disparity between regions, is highly variable. It is proposed in the Council RVMP that regrowth vegetation that has been previously managed as part of roadside maintenance, can be cleared providing that stem diameters do not exceed 'a maximum diameter of 200mm (when measured at 1m trunk height)'.

This position is based upon considerable empirical evidence gathered from the Adelaide Hills Council district, which demonstrates faster rates of regrowth in higher rainfall regions and the rapid establishment of native vegetation. Examples of 10–20 year old regrowth in the Adelaide Hills is often observed providing valuable habitat for native fauna (particularly birds, bats and possums).

3. OPTIONS

Council has the following options:

- I. Approval of the RVMP for submission to the NVC (Recommended)
- II. Rejection of the RVMP and thus reverting to State Guidelines (Not Recommended)

Should the Council identify the need for substantial amendments to the revised Strategy/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) Final AHC Roadside Vegetation Management Plan (2024 - 2030)
- (2) NVC Guidelines for the Management of Roadside Vegetation and Regrowth Vegetation
- (3) NVC Tree Management Guidelines

- (4) AHC Authorisation to Alter a Public Road Application Form
- (5) AHC Native Vegetation Marker System Factsheet
- (6) NVC Clearance Associated with Plant and Animal Control
- (7) NVC ANNUAL WORKS CLEARANCE PROPOSAL FORM UNDER REGULATION 11(23) –
Verge clearance greater than 1m
- (8) AHC Standard Operating Procedure Roadside Vegetation
- (9) CLEARANCE PROPOSAL FORM UNDER REGULATION 11(23) Public Safety Framework
- (10) DRAFT Phytophthora Field Protocol

Appendix 1

*Final AHC Roadside Vegetation Management Plan
(2024 - 2030)*

Adelaide Hills Council

Roadside Vegetation Management Plan

2024-2030



Western Branch Road, Woodside

Acknowledgement of Country

Council acknowledges that we undertake our business on the traditional lands and waters of the Peramangk and Kurna people. We pay our respects to Elders past, present and emerging as the Custodians of this ancient and beautiful land. Together we will care for this Country for generations to come.

DRAFT - V2

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1. Purpose of the Roadside Vegetation Management Plan

The purpose of this Roadside Vegetation Management Plan (RVMP) is to provide the Adelaide Hills Council's (Council) with a clear framework outlining a consistent and integrated approach to managing roadside vegetation within the Council district when undertaking all operational activities associated with management of roads.

The Framework aims to support Council's roadside management objectives to:

- meet the legal requirements for both the provision and maintenance of a safe road network and the protection of roadside vegetation.
- institute best-practice roadside management to help achieve long-term savings and efficiencies in Council's road operational and maintenance budgets.
- identify the environmental, social and economic values of the road reserves.
- highlight and protect the areas of high conservation value vegetation on roadsides.
- establish clear policies and guidelines, consultation and approval processes to minimise the adverse impacts of activities occurring within the roadside vegetation corridor.
- maintain and enhance the species diversity, genetic diversity, vegetation associations and habitat types currently occurring within existing roadside vegetation.
- identify the threats to roadside native vegetation and any primary unauthorised activities that commonly occur within road reserves.
- maintain and enhance the habitat and corridor value for indigenous flora and fauna.
- improve the awareness of roadside vegetation management issues for Council's Elected Members, management, staff and contractors, the community and other relevant stakeholders and authorities; and
- Guide appropriate management approaches to pest plant and animal control.



This plan supersedes the *Roadside Vegetation Management Plan 2015 - 2020* (RVMP) approved under the *Native Vegetation Act 1991*. This is the 4th revision since the development of the Council's first *Roadside Vegetation Management Plan* in 2005. To inform the management of roadside vegetation there are also the following key guiding documents:

- Guidelines for the Management of Roadside Vegetation and Regrowth Vegetation under Native Vegetation Regulation 11(23) (Native Vegetation Council, 2020)
- Local Government Association Tree Management Guidelines (Native Vegetation Council, 2020)

The Guidelines set out the requirements under the *Native Vegetation Act 1991* and *Local Government Act 1999* for management of vegetation on roadsides. This document does not seek to duplicate the existing guidelines but will refer to them, where relevant.

2. Organisational Context

Adelaide Hills Council is committed to '*maintaining road traffic safety within legislative parameters while retaining the biodiversity values of roadside vegetation.*'

This Roadside Vegetation Management Plan has been developed to guide Council in best practice management of roadsides, with focus on sustainable stewardship. The plan will be used as a working reference document for all staff and Council contractors managing vegetation on roadsides. The implementation of the plan is linked to the *Adelaide Hills Council Strategic Plan* and *Biodiversity Strategy*. See list of related Strategies and Plans below. This document was reviewed by Adelaide Hills Council staff and key stakeholders between November 2023 – May 2024 and endorsed by Council and the Native Vegetation Council.

Relevant Policies and Strategies

- Biodiversity Strategy
- Tree Strategy 2024 - 2034 (in draft)
- Tree Management Policy
- Bushfire Mitigation Strategy
- Native Vegetation and Conservation Policy (Encroachments) (Draft)
- Unsealed Roads Policy
- Alteration and Occupation of Public Roads Policy
- Asset Management Policy
- Risk Management Policy
- Trails and Cycling Routes Management
- Trails Strategy
- Verge Management Policy & Guidelines

3. Legislative Context

Council has a legal responsibility to ensure that roads not only provide for the safe movement of traffic, but also are required to facilitate sustainable development and the protection of the environment, whilst ensuring a balance within its community between economic, social, environmental and cultural considerations. In addition to preserving conservation value, Council is required to manage roadsides to maintain the surfaces, edges and carriageway of roads to ensure safe vehicle access to roads, while addressing fuel loads for bushfire mitigation.

Under the *Highways Act 1926*, the Commissioner of Highways - Department for Infrastructure and Transport (DIT) controls the whole corridor of the South-Eastern Freeway and the trafficable sections to 1.5m from the shoulder of major arterial roads (i.e. Greenhill Road). Conversely the responsibility of maintaining all other roads, including the roadside vegetation, is the responsibility of Council. Under the *Local Government Act 1999*, Councils are responsible for approximately 75,000 kilometres of roads across South Australia. Adelaide Hills Council is responsible for 1,046kms of sealed and unsealed roads as well as approximately 150kms of unformed public roads.

While Council has overarching and primary responsibility for roadside vegetation management, there are other key pieces of legislation and processes governing the protection and management of vegetation on roadsides. Below is a summary of the relevant legislation and how it relates to roadsides in the Adelaide Hills Council region. Noting, this list is not exhaustive, and appropriate approvals are required for landholders to undertake any works on a road reserve.

Legislation	Particulars
Native Vegetation Act 1991 (Native Vegetation Regulations 2017) (SA)	<p>Key pieces of legislation related to managing native vegetation on private and public land in South Australia. They promote the conservation, management and regeneration of native vegetation and seek to ensure personal and public safety.</p> <p>All native vegetation in the Adelaide Hills Council district is protected by this legislation, regulations and associated approvals are required for activities impacting native vegetation.</p>
Fire and Emergency Services Act 2005 (SA)	Established emergency provisions for fire prevention and management.
Planning, Development and Infrastructure Act 2016 (Planning and Design Code 2016) (SA)	<p>Sets out planning controls for the assessment of a development application under the <i>PDI Act 2016</i>.</p> <p>Any activity that damages a significant or regulated tree is development and requires a development approval. Activities include tree removal, killing or destruction, branch or limb lopping, ringbarking or topping, any substantial damage, including to its root system.</p>
Local Government Act 1999 (Section 221) (SA)	Where any works on road reserves require permission of the Council including any removal or disturbance of roadside vegetation. Approval under Section 221 is required for any activities impacting roadsides.
Road Traffic Act 1961 (SA)	Consistent with AustRoads Standards (Austroads, 2023) regulating road safety and design. The Council and Department for Infrastructure and Transport adhere to these standards in supporting road safety.
National Parks and Wildlife Act 1972 (SA)	Provides for the conservation of native plants and wildlife in a natural environment and for other purposes. Most native animals in South Australia are protected under the Act. It is administered by the Department for Environment and Water.
Landscapes South Australia Act 2019 (SA)	Provides a framework for managing land, water, pest plants and animals, and biodiversity across the State. A provision relates to responsibilities for the management of Declared Pest Plants and Animals on roadsides.
Environment Protection and Biodiversity Conservation Act 1999 (Commonwealth)	Australia's primary environmental law. It provides a legal framework to protect and manage Matters of National Significance (including unique plants, animals, habitats and places.) These include heritage sites, marine areas and some wetlands. The Act also protects listed threatened and migratory species.

Electricity Act 1996 (SA)	Provides for an electricity provider (or contractor on their behalf) to maintain infrastructure, including tree pruning activities.
Electricity (Principles of Vegetation Clearance) Regulations 2010.	The Adelaide Hills are considered a bushfire risk area as it relates to the uninsulated and regulations, which prescribes specific clearances around insulated powerlines. Additionally, the type and location of trees you can plant near powerlines (including underground) is limited by legislation.
SA Water Industry Act & Regulations 2012	Trees and shrubs must not be planted closer than one metre to any water infrastructure (water main or customer connection) without SA Water written approval. Offset distance requirements of 2.5m or 3.5m depending on species, as listed in Schedule 1 and 2 of the Regulations.

4. Regional Context

The Council area is the most biologically diverse region in South Australia. Home to half of the State's species of native plants and three-quarters of its native birds, it also has some of the most productive primary industries supplying local and international markets.

The road network contains 1,453 kilometres of formed roads, comprising 251 kilometres of sealed state roads (managed by DIT), and 590 kilometres of sealed roads and 459 kilometres of unsealed roads, managed by Council. Approximately 150 kilometres of roads remain undeveloped, or 'unformed'. Most road reserves are 20 metres wide (formally one chain), however roads range in size and surfacing from the roads such as the South-Eastern Freeway to narrow unsealed roads outside of townships. The narrow and linear nature of road reserves, combined with the primary and secondary uses of roads, often poses ongoing implications for the management of these areas.

The definition of a Road (from Roads (Opening and Closing) Act 1991) is:

- a) a public road within the meaning of Section 4 of the Local Government Act 1999; or
- b) an alley, laneway, walkway or other similar thoroughfare vested in a council; or
- c) in relation to a part of the State not within a council area -
 - (i) a road or street delineated and shown on a public map or plan of the State as laid out for public purposes by the Crown;
- or
- (ii) a road or street opened under this Act or any other Act relating to the opening of new roads and streets; or
- (iii) a road or street transferred or surrendered to the Minister of Local Government or the Crown by the owner or lessee for use as a public road or street; or
- (iv) a road or street declared or dedicated under any other Act to be a public road or street;
- d) and includes part of a road.

It is regionally accepted that the management of roadside reserves is a 'shared responsibility'. Council has worked collaboratively with Landscapes Hills and Fleurieu and other stakeholders on roadside management issues. The development and implementation of the Council's *Roadside Weed Control Work Plan* and the *Road Reserves Annual Maintenance Program (RRAMP)* seek to ensure strategic, targeted planning and delivery of roadside weed control across the region. Council considers both the protection of high biodiversity values and bushfire mitigation when prioritising its roadside weed control efforts.

5. What is roadside vegetation and why is it important?

Roadside vegetation encompasses plants and vegetation communities on road reserves. This includes formed roads and unformed public road reserves. Vegetation ranges from high quality native vegetation of conservation significance to completely modified vegetation dominated by introduced species. Council's road reserve network, around 2,530 hectares, contains at least 30% native vegetation (819.4ha) which enhances the region's unique character.

Following large-scale rural land clearing for agriculture, land division and urban settlement, roadside vegetation often provides the last remaining examples of pre-European vegetation and habitat for many flora and fauna species and threatened ecological communities, as well as delivering important linkages and connecting habitats for native plant and animal movement across the landscape.

Furthermore, roadside vegetation provides an important biological function, including buffering against wind erosion, reduction of dust, preservation of soil moisture whilst protecting water quality by preventing erosion and filtering pollutants. It also provides shelter for livestock on adjoining land, as well as assisting in the control of agricultural and horticultural pests and diseases by supporting predatory insects and deterring damaging insects.

Native vegetation along roadsides and unformed public roads is important for many reasons.

- ***It has aesthetic and amenity value.***
- ***It contains threatened plants species and vegetation communities.***
- ***It provides habitat for native wildlife and important corridor linkages for the movement and dispersal of plants and native animals.***
- ***It provides seed sources for natural regeneration and local revegetation projects.***
- ***It protects water quality by preventing erosion and filtering pollutants.***
- ***It provides a buffer between the road and property.***

6. Biodiversity Assets on Adelaide Hills Roadsides

Since European settlement, large scale and continuing native vegetation clearance has resulted in less than 12% of native vegetation remaining in the Mount Lofty Ranges (Government of South Australia, 2023). This remaining vegetation is subject to degradation through impacts from invasive weeds and pest animals, incremental deliberate and accidental clearance, climate change, inappropriate site management and pests and diseases. Low remnancy and continuing degradation have subsequently contributed to a decline in fauna populations across the region.

It is estimated that approximately 820 hectares of native vegetation exists in Council managed road reserves, which represents approximately 70% of all vegetation on Council managed lands, and 3.8% of all vegetation remaining in the AHC district.

In addition to the amenity and unique character roadside vegetation provides, it is critical for biodiversity conservation across the region.

6.1 Native Vegetation Marker System (NVMS) – Blue Marker Sites

Many sections of road reserve contain significant areas of native vegetation which possess valuable wildlife habitat and / or threatened plant species. To reduce the risks of these areas being damaged or destroyed, Council has adopted the Native Vegetation Marker System (NVMS) to assist in their identification, conservation, management and monitoring (Adelaide Hills Council, 2023). The program provides a management framework which includes a monitoring program to assist with measuring the effectiveness of annual operational programs.

There are currently 437 NVMS sites across the district, helping to protect approximately 245 hectares of native vegetation in the road reserves. This represents nearly 30% of all vegetation in the Council road reserves.

The start and end of each site is marked with a blue sign with a yellow leaf symbol displaying a unique number, which relates back to a detailed register managed by Council. The green Biodiversity Conservation sign is attached under the Blue Marker sign, and clearly sets out which activities are not permitted, as well as the rationale behind protecting the site.

The NVMS allows Council staff to readily identify significant vegetation and take the necessary actions to protect it.



Figure 1: NVMS signage

7. Management Actions

The following sections outline the management actions relevant to the Council. Each section provides strategic guidelines and/or legislative direction to reduce impacts, and consultation or assessment procedures that are required for activities that may impact native vegetation on roadsides. Many of these management actions directly reference the *Guidelines for the Management of Roadside Native Vegetation and Regrowth Vegetation under the Native Vegetation Regulation 11(23)* (Native Vegetation Council, 2020).

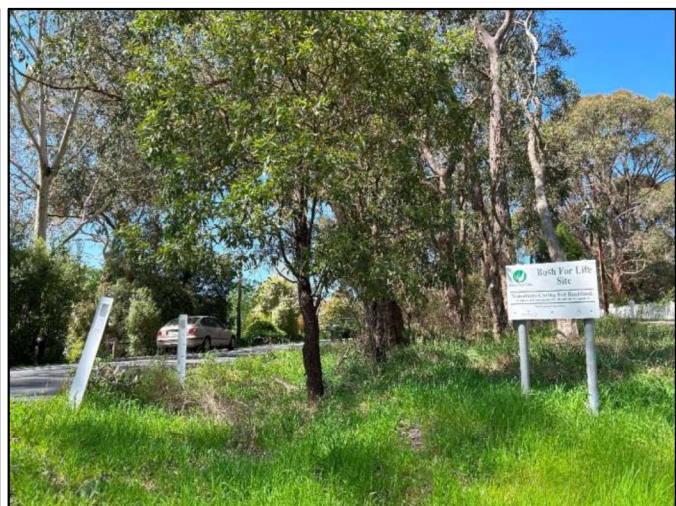
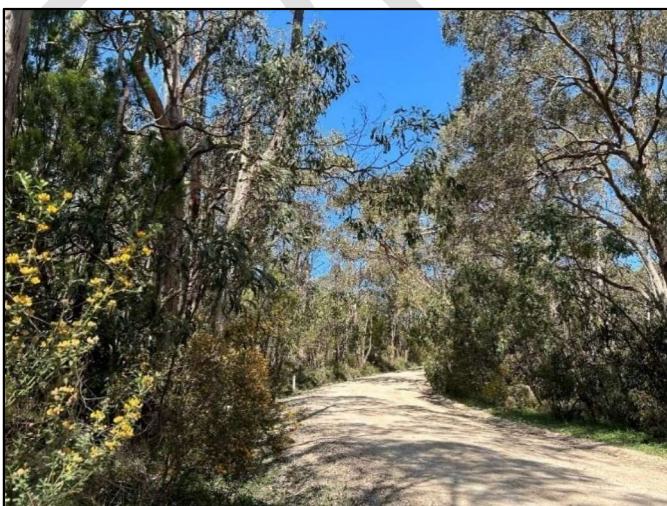
All roadside vegetation management must be undertaken in accordance with general operating requirements (Appendix 7: *Standard Operating Procedure – Roadsides*).

All native vegetation in the Council area is protected under the *Native Vegetation Act 1991* and may not be pruned or removed without formal approval, or without adhering to the appropriate guidelines. The Council, as landowners and managers MUST adhere to the Mitigation Hierarchy which identifies the need for planning an activity, which has the potential to impact native vegetation in the following order of priority:

- **Avoidance** – Measures must be taken to avoid clearing native vegetation wherever possible.
- **Minimisation** – If clearing native vegetation cannot be avoided, measures must be taken to minimise the duration, intensity and extent of impacts of the clearance on biological diversity as much as possible (whether the impact is direct, indirect or cumulative).
- **Rehabilitation or restoration** – If clearing native vegetation cannot be avoided or minimised, measures must be taken to rehabilitate ecosystems that have been degraded, and to restore ecosystems that have been destroyed, as a result of the clearance.
- **Offset** – Any adverse impact on native vegetation or ecosystems that cannot be avoided or minimised must be offset by the achievement of a significant environmental benefit that outweighs that impact.

This quick guide table facilitates easy access to the relevant management sections of the document.

Management Actions	Section
Protect, Restore and Link Biodiversity on Roadsides	7.1
New Roadworks	7.2
Roadside Vegetation Maintenance	7.3
Public Safety Framework	7.4
Clearance for Fencelines	7.5
Clearance for Access to Adjoining Land	7.6
Grazing of Unformed Public Road Reserves, Droving of Stock, Cultivation and Cropping.	7.7
Road Closures	7.8
Pest Plant and Animal Control	7.9
Firewood Collection	7.10
Hygiene Practices	7.11
Bushfire Risk Mitigation	7.12



7.1 Protect, Restore and Link Biodiversity on Roadsides

Council’s Biodiversity Program is responsible for managing biodiversity values within its reserves and road reserve network. Council’s Biodiversity Strategy (Adelaide Hills Council, 2019) outlines 5 key management themes relating to the management of road reserves: Protect, Restore, Link, Support and Inform.

Council facilitates a weed management program, often in collaboration with Landscapes Hills & Fleurieu. The primary aim is to reduce competition by weeds, maintain biological diversity and promote regeneration of native species, whilst reducing exotic fuel loads in the understorey. Other activities include (but not limited to), minimal disturbance bushcare, revegetation, fencing and rubbish removal. Council also acknowledges the valuable role of volunteer organisations, such as Trees for Life, who actively manage sites using minimal disturbance techniques across many sites in the district.

The Council is committed to maintaining and improving roadside biodiversity and implements a Native Vegetation Marker System (NVMS). See Section 6.1.



Management Objectives
To maintain and enhance roadside biodiversity (plants and animals).
To encourage the re-establishment of native vegetation along roadsides in parts of the Council area where native vegetation has been identified as cleared or degraded.
To prevent further degradation within road reserves giving high priority to rehabilitation works along roadsides containing native vegetation of high conservation significance.
To improve the condition of roadside native vegetation by implementing management practices.
To monitor condition of roadside native vegetation of high conservation significance.
To adhere to the requirements of the Water Industry Regulations 2012 and Electricity (Principles of Vegetation Clearance) Regulations 2010 when permitting or undertaking revegetation near water or power infrastructure.
Operating Requirements

Native Vegetation Marker System – Maintain the Native Vegetation Marker System (NVMS) to manage vegetation of high ecological value on roadsides, including conducting roadside vegetation surveys where appropriate. Refer Appendix 4 AHC Native Vegetation Marker System Factsheet.

Improvement – Continue utilising the Bushland Assessment Methodology (BAM) under the monitoring program to assess vegetation condition.

Management - Implementation of the AHC Annual Roadside Weed Control Work Plan.

Encourage Participation and Knowledge Exchange – work collaboratively with local community and organisations such as Landcare and Trees For Life in restoration programs and opportunities to learn, improve and share knowledge and skills.

Quality Assurance – Ensure Council staff, contractors and volunteers use best practice bushcare techniques and principles in minimising impacts to and managing bushcare sites. Refer to Appendix 7 AHC Standard Operating Procedure Roadside Vegetation.

Priority Areas - Priority will be given to roadsides of high conservation significance, linking with the Landscape Boards on regional priorities for revegetation, pest plant and animal management and funding opportunities.

Seed Collection – Encourage and facilitate best practice, endorsed seed collection methods and programs. Permission is required from the Council and the Department for Environment and Water for the collection of seed and other plant material from all reserves and roadsides.

Revegetation –

Water Industry Regulations 2012 stipulate that trees and shrubs must not be planted closer than one metre to any water infrastructure (water main or customer connection) without our written approval. Depending on species, as listed in Schedules 1 & 2 of the regulations, this distance may increase to 2.5m or 3.5m. Remember to consider the tree at mature size when measuring this distance.

Electricity (Principles of Vegetation Clearance) Regulations 2010. There are two lists of trees that are permitted within certain distances to powerlines:

- list 1 – trees with mature height of 3 metres or less
- list 2 – trees with mature height of 3–6 metres

In addition to the trees on the two lists, all vegetation with a mature height of 2 metres or less is exempt from the planting restrictions.

7.2 New Roadworks

A Roadside Vegetation Management Plan is not an appropriate mechanism to undertake clearance for new works or upgrades. If clearance of native vegetation is required, an application under the *Native Vegetation Act 1991, Regulation 12(34) – Infrastructure* must be made for new roadworks.

Management Objectives
To ensure road construction activities meet road safety standards whilst addressing the Mitigation Hierarchy under the Native Vegetation Regulations 2017 - to avoid and minimise clearance of native vegetation.
Operating Requirements
<p>Minimise impacts – comply with the Mitigation Hierarchy as detailed in the Guide to Applications to Clear Native Vegetation (Native Vegetation Council, 2020). The NVC will consider if the proponent has taken sufficient measures to avoid and minimise clearance as far as practicable.</p> <p>The NVC must be satisfied that there is no other practicable alternative that involves less clearance, or clearance of less significant vegetation, or clearance of vegetation that has been degraded to a greater extent than the vegetation proposed to be cleared.</p> <p>The mitigation principles are as follows:</p> <p>(a) Avoidance — measures should be taken to avoid clearance of native vegetation wherever possible.</p> <p>(b) Minimisation — if clearance of native vegetation cannot be avoided, measures should be taken to minimise the extent, duration and intensity of impacts of the clearance on biological diversity to the fullest possible extent (whether the impact is direct, indirect or cumulative).</p> <p>(c) Rehabilitation or restoration — measures should be taken to rehabilitate ecosystems that will be degraded, and to restore ecosystems that will be destroyed, due to impacts of clearance that cannot be avoided or minimised. Revegetation activities must comply with Electricity (Principles of Vegetation Clearance) Regulations 2010 and Water Industry Regulations 2012 when near power or water infrastructure, which stipulate planting distances, appropriate species and permissions.</p> <p>(d) Offset — any adverse impact on native vegetation or ecosystems that cannot be avoided or minimised should be offset by implementing an SEB that outweighs that impact.</p>
Stakeholder Consultation - Consult with relevant stakeholders prior to planning development and road infrastructure, to ensure that damaging activities along roadside vegetation can be avoided, and proposed routes can be selected along areas without roadside vegetation. Including construction works.
Quality Assurance – Ensure Council staff and contractors are adequately trained and suitably qualified to undertake erosion control measures, vegetation removal and vegetation protection measures prior to commencement of works. Include pest plant and Phytophthora risk management.

7.3 Roadside Vegetation Maintenance

Clearance activities assessed and undertaken by the Council must be in accordance with *Regulation 11(23) - Roadside or rail corridor vegetation management* (Native Vegetation Council, 2020). Any activity on a road verge undertaken by a resident requires permission (through an application) from Council under Section 221 of the *Local Government Act, 1999*. Refer to Appendix 3 *AHC Authorisation to Alter a Public Road Application Form*.

Primary Clearance Envelopes
<p>The primary clearance envelope refers to the area of the road that will support regular vehicle movement within the carriageway (travelled way and shoulder) Clearance is permitted within the envelope as it is considered important to maintain the safety of the road users.</p> <p>No approval or consultation with the Native Vegetation Council is required for clearance within the primary clearance envelope.</p>
Operating Requirements
<p>Vegetation clearance is required to allow for legal-height vehicles (i.e., vehicles measuring 4.6m in height or less) to pass along the full width of the carriageway. In certain circumstances when acute road camber gradients are present, additional vegetation clearance to accommodate vehicle lean is permissible. To allow for regrowth between pruning and sagging of branches caused by wet or windy conditions, a clearance height of up to 6m may be maintained within the primary clearance envelope.</p>
<p>For sealed roads, the primary clearance envelope of up to 6m is to be measured from the edge of the shoulder, which represents the edge of the carriageway.</p>
<p>For unsealed roads, the primary clearance envelope of up to 6m is to be measured from the edge of the grader line, which is taken to be the edge of the carriageway. Grading must be kept to the pre-existing width.</p>
<p>Check hollow branches for nesting wildlife and try to relocate nests to nearby trees.</p>
<p>Try to retain timber in the roadside to support habitat values.</p>
<p>If the pruning works required to achieve envelope clearance do not comply with Australian Standard 4373-2007 - <i>Pruning of Amenity Trees</i> or Arboriculture Minimum Industry Standard (MIS308 – <i>Tree Pruning</i>) and are likely to compromise long-term sustainability or structural integrity of the tree, tree removal should be undertaken.</p>

Clearance of vegetation within primary clearance envelope up to 6m high (see Figure 2):

- a. (left) removal of limbs hanging into primary clearance envelope.
- b. (right) example of possible clearing within the primary envelope.

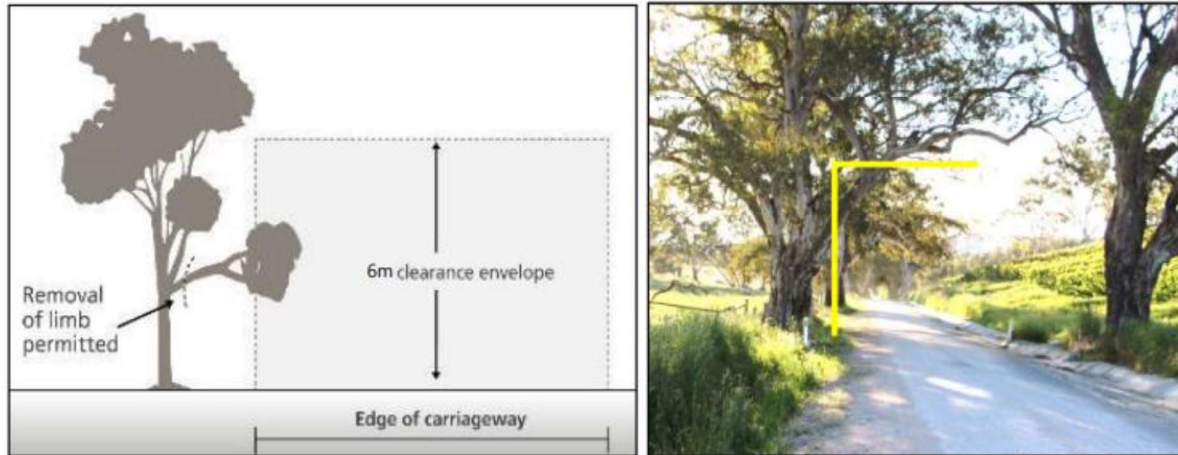


Figure 2: Primary clearance envelope. Source: (Native Vegetation Council, 2020)

Secondary Clearance Envelopes

The secondary clearance envelope refers to the area surrounding roadside furniture to allow for sufficient sight lines for road users. The envelope encompasses the vegetation that has regrown and impacts the ability to see upcoming traffic, signs, and roadside furniture. This also includes managing regrowth to maintain guard rails.

Note: Large trees (greater than 200mm diameter) cannot be removed after the installation of roadside furniture, such as guard rails, without Native Vegetation Council approval. No Native Vegetation Council approval or consultation is required for clearance within the secondary clearance envelope.

Operating Requirements

Regrowth vegetation (up to 200mm diameter) growing up to 500mm around existing roadside furniture can be cleared (Figure 3)

Regrowth vegetation (up to 200mm diameter) growing on the approach side of signs and road delineation markers can be cleared to ensure these signs and markers are clearly visible from a distance equivalent to the stopping sight distance for the speed environment of the road according to Austroads (Austroads, 2023) standards.

At road intersections, areas of existing verge clearance and non-compliant vegetation can be cleared or maintained on corners for safe sight distance according to Austroads (Austroads, 2023) Standards.

To maintain mitre and longitudinal drains, existing clearance can be maintained. Ensure clearance is confined to the original extent of the drain and that cleared debris is not pushed into native vegetation within the natural ground surface.

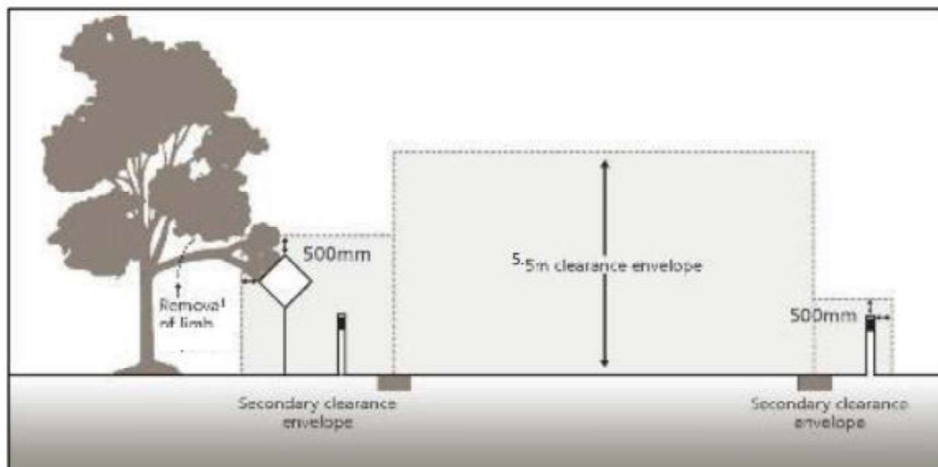


Figure 3: Secondary clearance envelope maintained around existing roadside furniture. Source: (Native Vegetation Council, 2020). Please note, AHC clearance envelope height clearance is 6m.

Verge Clearance

It may be necessary for Council to undertake vegetation clearance within the verge beyond what is permitted in the primary and secondary envelopes due to fast-growing native vegetation within roadsides. In these cases, Council may need to manage the verge vegetation that they had previously cleared and has regrown.

- Clearance of vegetation greater than 1m into the verge from the edge of the carriageway requires the approval of the Native Vegetation Council.
- Consultation with the Native Vegetation Branch (DEW) is required if the width of the verge is unclear.
- Clearance can occur without the approval of the Native Vegetation Branch if undertaken in accordance with the requirements of this section (<1m into verge). Where clearance >2m is required to (a) maintain road safety as per or to (b) manage post bushfire regrowth Council will comply with the assessment processes. Only low impact clearance methods will be utilised in order to maintain permissible clearance widths based upon Roadside Vegetation Quality Categories table. Council will provide yearly documentation as per the *Annual Works* form contained in Appendix 6 *NVC Annual Works clearance Proposal Form* under Regulation 11(23)) – *Verge clearance greater than 1m* for all works undertaken the previous Calendar year.

Operating Requirements

Regrowth vegetation that has been previously cleared as part of roadside maintenance, can be cleared providing that:

a maximum diameter of 200mm (when measured at 1m trunk height)

Note that the AHC has made a determination to amend the State Guideline regulation referring to 'regrowth vegetation less than 20 years old' to categorise trunk diameter as the critical parameter, rather than age of regrowth. This decision is based upon considerable empirical evidence gathered from the Adelaide Hills Council district, which demonstrates faster rates of regrowth in higher rainfall regions and the rapid establishment of native vegetation.

Clearance must use the most low-impact methods possible for the given activity. Ensure works cause minimal ground disturbance, and use low-impact methods like slashing, trimming and mowing above

ground level. (Note: high-impact methods include any activity that disturbs the soil or results in plants being uprooted, such as the use of graders or bulldozers). Any regrowth greater than 100mm in diameter that requires pruning or removal shall have a clean final cut undertaken with handheld machinery (e.g. chainsaw, power pruner or hand saw).

Clearance can only be conducted within a maximum width of 3m (measured from the edge of the carriageway) for arterial and collector roads and 2m for a local road, but:

- a) must be confined to a maximum width of 1m in Type A roadside vegetation (i.e., vegetation with high conservation significance – see Table 1) or
- b) ~~to~~ must be confined to a maximum width of 2 metres in Type B roadside vegetation (i.e., vegetation with moderate conservation significance – see Table 1).

Check hollow branches for nesting wildlife and relocate nests to nearby trees.

Retain timber in the roadside to support habitat values.

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Roadside Vegetation Quality Categories

Vegetation significance categories	Vegetation description
Type A	<ul style="list-style-type: none"> • vegetation is in excellent condition – i.e. very little or no sign of alien vegetation in the understorey, close resemblance to probable pre-European condition, or • vegetation containing a species or communities listed under the National Parks and Wildlife Act 1972, or Environment Protection and Biodiversity Conservation Act 1999, or • vegetation in an Interim Biogeographical Regionalisation of Australia (IBRA) association with vegetation cover of 5 per cent or less • roadside vegetation is less than 5m in width in total (including both sides of the road).
Type B	<ul style="list-style-type: none"> • vegetation is in good condition – i.e. a high proportion of native species and native cover in the understorey, reasonable representation of probable pre-European vegetation, or • vegetation within an area delineated by roadside marker scheme, or • vegetation in an IBRA association with vegetation cover of 10 per cent or less but higher than 5 per cent • roadside vegetation is less than 10m in width in total (including both sides of the road).
Type C	<ul style="list-style-type: none"> • vegetation is in moderate condition – i.e. substantial invasion of aliens, but native understorey persists, for example, there may be a low proportion of native species and high native cover or a high proportion of native species and low native cover.
Type D	<ul style="list-style-type: none"> • vegetation is in poor condition – i.e. the understorey consists predominantly of alien species, although a small number of natives persist.
Type E	<ul style="list-style-type: none"> • vegetation is in very poor condition – i.e. the understorey consists only of alien species.

Table 1: Roadside Vegetation Quality Categories. Source: (Native Vegetation Council, 2020) (Stokes A.L, 2006)

7.4 Public Safety Framework

Clearance that needs to be undertaken for safety measures related to sight distances, intersections, clearance adjacent to the travelled-way, or other safety concerns that cause a risk to people or property (excluding works outlined within Roadside Vegetation Maintenance primary or secondary clearance envelopes).

The public safety framework does not apply to any clearances associated with:

- new works or upgrades of infrastructure,
- intersection realignment/modification,
- road-widening activities,
- retrospective upgrade works,
- new intersections and
- new road works such as new roads,
- construction of rest areas,
- installation of safety cameras,
- overtaking lanes or weigh stations.

Clearances associated with new works or upgrades require an application and approval under *Regulation 12(34) Infrastructure*. In the Public Safety Framework, there are three categories for assessing clearance of native vegetation on roadsides, intersections and rail crossings for public safety purposes (see Table 2).

Operating Requirements
<p>Category 1 – Sight distance line/triangles at road intersections and rail crossings</p> <p>This Category refers to both frangible and non-frangible native vegetation to address an existing risk to public safety along road intersections and rail crossings.</p>
<p>Category 2 – Clearance adjacent to the edge of a travelled-way</p> <p>This Category refers to the area where non-frangible native vegetation can be cleared adjacent to the edge of the travelled way for sealed roads, or adjacent to the edge of the grader line as defined in local councils' infrastructure plans for unsealed roads.</p>
<p>Category 3 – Clearance beyond Category 1 and 2 zones</p> <p>This Category refers to the area beyond the areas referred to within Category 1 and 2. If the road authority can demonstrate that the non-frangible native vegetation is a risk to public safety, clearance may be approved. Refer to Appendix 8 Clearance Proposal Form Under <i>Regulation 11(23) Public Safety Framework</i>.</p>

	Category 1	Category 2	Category 3
	Sight distance line/triangles at intersections and rail crossings	Clearance adjacent to edge of travelled way	Clearance beyond category 1 and 2 zones
Justification	Consideration must be given to: Mitigation Hierarchy and other safety improvement options to be detailed in the application form		
Clearance that can be applied for	<p>Clearance of both frangible and non-frangible native vegetation (if required) for the establishment of safe sight lines at road intersections and rail crossings</p> <p>Clearance must be consistent with clearance guidelines outlined in <i>Austrroads Guide to Road Design: Part 4: Intersections and Crossings-General 2009</i>, and <i>AS 1742.7:2007 Manual of uniform traffic control devices, Part 7: Railway Crossings</i>.</p>	<p>Sealed roads</p> <p>Removal of non-frangible native vegetation:</p> <ul style="list-style-type: none"> • ≤80km/hr = up to 2m from the edge of travelled-way • >80km/hr up to 3m from the edge of travelled-way <p>Unsealed roads</p> <ul style="list-style-type: none"> • up to 2m either side of the edge of the grader line, capped at a total width including the travelled-way itself of up to 12m 	<p>Areas or activities beyond the scope of Category 1 and Category 2 but still present as a public safety concern</p> <p>AND</p> <p>Applies only to safety treatments which result in clearing:</p> <ul style="list-style-type: none"> > Less than 6 non-frangible scattered trees > Less than 0.5 hectares canopy area of non-frangible vegetation <p>AND</p> <p>Applies to trees that present a danger of falling, or if a limb or some other part of the plant is in danger of falling, causing a risk to people or property</p> <p>Note: the Native Vegetation Council will consider matters that do not meet the above criteria on a case-by-case basis, should sufficient justification be provided.</p>
Application	Complete application form – refer to Appendix 2		
Written approval	Clearance approved by the Native Vegetation Council or a delegate		

Table 2: Parameters defining Categories 1, 2 and 3 clearance requirements under the public safety framework.
Source: (Native Vegetation Council, 2020)

7.5 Clearance for Fencelines

A landholder who wishes to clear native vegetation on a road reserve to enable construction or maintenance of a boundary fence, requires the consent of the Council under the *Local Government Act 1999 (Section 221 Alteration to a Roadside)*. This is by completion of an application form - [Authorisation to Alter a Public Road](#)

AND will require Native Vegetation Council approval under the *Native Vegetation Act 1991, Regulation 8(14) – Fences*;

IF the proposed native vegetation clearance is associated with a Development Application under the *Planning, Development and Infrastructure Act 2016*; a referral notification from Planning and Development Services to Infrastructure and Operations is required.

OR if the proposed native vegetation clearance exceeds 1m in width on the roadside, and 5m within the property boundary.

Council may clear or prune regrowth less than 200mm diameter within 1m of an established fence on land under the care and control of Council. No approval or consultation with the Native Vegetation Council is required in this activity.

Management Objectives
To enable landholders to gain appropriate access to fencelines for maintenance and construction purposes.
To minimise the impact and disturbance of native vegetation by clearance for fenceline construction and maintenance.
Operating Requirements
<p>Assessment - In granting any consent, the Council must comply with the following requirements:</p> <ul style="list-style-type: none"> • Where the roadside vegetation consists largely of trees, only branches protruding through or overhanging the fence, or trees growing on the actual fence alignment, should be removed. • Where shrubs or bushes are growing through the fenceline, those plants growing within 1m of the fence alignment can be removed. <p>If threatened plant species are present, reasonable care should be taken to protect them.</p>
<p>Raising community awareness - Ensure landholders understand the requirements for clearing on roadsides.</p> <ul style="list-style-type: none"> • Negotiate boundary fence locations with native vegetation conservation in mind. • Encourage landholders to ensure that all waste is removed from the roadside at completion of works and is properly disposed. • Low impact methods of vegetation removal. • Include pest plant and Phytophthora risk management procedures.
Try to retain timber in the roadside to support habitat values.
Check hollow branches for nesting wildlife and relocate nests to nearby trees.

7.6 Clearance for Access to Adjoining Land

These guidelines do not apply to clearance required to establish access for a new development or use (e.g. associated with a new house site) or where an existing access point is available. In these circumstances, an application under *Regulation 12(34) Infrastructure* is required under the *Native Vegetation Act, 1991*.

A landholder who wishes to clear native vegetation on a road reserve, to enable access to adjoining land for any purpose, requires the consent of the Adelaide Hills Council under the *Local Government Act 1999* (Section 221). Refer *Appendix 3: Application form to make an Alteration to a Roadside*.

OR in conjunction with the proposed native vegetation clearance is associated with a Development Application under the *Planning, Development and Infrastructure Act 2016*. Under S221 Application - Requests for second driveways may be approved if a property has more than one street frontage, subject to S221 application, where the alteration is required for traffic safety (sightline) management or to gain access to a new carport or garage (refer to Appendix 1).

Management Objectives
To minimise the loss of native vegetation through the construction of property access points or ‘crossovers’
To provide safe and appropriate access to properties adjacent to road reserves.
Operating Requirements
<p>Minimal Impacts to Vegetation - Provide property access to properties through Council road reserves that have minimal impact on native vegetation. Where possible locate access to avoid or minimize impacts to native vegetation i.e., through poorer quality native vegetation.</p> <p>Where clearance of native vegetation is unavoidable, the following standards should not be exceeded:</p> <ul style="list-style-type: none"> • For normal vehicle access: 5m wide plus minimum clearance of frangible vegetation for sight distance along the road reserve. • For wider farm vehicles: 10m wide plus minimum clearance of frangible vegetation for sight distance along the road reserve. <p>If threatened plant species are present, reasonable care should be taken to protect them. If necessary, contact the Native Vegetation Branch (DEW) for advice.</p>
Sight Lines - Ensure safe sight distances for the clearance of native vegetation meet the required standards.

7.7 Lease Agreements (Road Rents) - Unformed Public Roads

Throughout the Council district there are many surveyed road reserves that have never been developed as roads. These are 'unformed public roads'. Some are totally cleared and traverse, unmarked, through privately owned lands. Some of these are completely cleared of vegetation, whilst others have relatively undisturbed native vegetation and are of high conservation value.

Some unformed public roads are leased to adjoining landholders for agricultural purposes. In this situation, any clearance of native vegetation, would require clearance approval, as would any change in grazing practice that increases the pressure on native vegetation. Where important native vegetation is identified on leased roads, it should be protected through a Land Management Agreement or Heritage Agreement, or through removal of the area from the lease.

Management Objectives
To avoid impacts to native vegetation on unformed public roads through agricultural / horticultural land uses.
Operating Requirements
The issuing of new licenses (road rents) will only be granted for roadsides where there is no significant native vegetation present.
Modification of native vegetation on leased roads, by direct clearance or changed grazing practice, requires clearance approval from the Native Vegetation Council.

7.8 Road Closures

Both the opening and closing of roads is controlled in South Australia through the *Roads (Opening and Closing) Act 1991*. Proposed road closures by Council need careful consideration as some of these sites can contain important native vegetation for habitat, potential wildlife corridors, possess recreational values (trails) or strategic access for bushfire mitigation purposes.

Sale of these areas into private ownership could expose significant vegetation to increased risk of degradation unless provisions for protection are put in place, such as a Heritage Agreement or Land Management Agreement. The AHC 'Unformed' Public Roads Strategic Direction and Use Instruction Manual contains a checklist for information gathering with the view to identifying the current nature or use/s of the UPR and assist with decision making in regard to management.

Management Objectives
To avoid impacts to biodiversity, recreation or bushfire mitigation on unformed public roads through sale of land and potential changes of land use and strategic access.
Operating Requirements
Road closure is managed through AHC Property and is through public notification. The AHC Biodiversity Team is engaged on an interdepartmental referral.
Council should advise the Native Vegetation Branch (DEW) and key operational staff prior to any proposed road closures.

7.9 Pest Plant and Animal Control

Roads can often provide a pathway for the movement of weeds and feral animals which can significantly threaten native vegetation and habitat values, agriculture, and roadside amenity values, whilst elevating bushfire fuel loads.

Declared pest animals

Feral animal management programs are largely managed under the Landscape Hills and Fleurieu and Department of Environment and Water (DEW) regional programs. Council works collaboratively with State Government to assist in the facilitation of animal management programs on a site-by-site basis. Council does not use Pindone, rodenticides or pesticides that have high risk of causing off target impacts to native wildlife in locations of high or known habitat value. However, it is acknowledged that the use of Pindone is endorsed and distributed by Landscape Hills and Fleurieu with the emphasis on 'good baiting techniques' to minimise off target damage.

Declared pest plants

Certain weed species have been 'Declared' under the *Landscape South Australia Act 2019*, due to their threats to the natural environment, primary production and public safety. Management of Declared weeds on roadside reserves is considered a 'shared responsibility'. Council undertakes Declared weed management annually on some roadsides through implementation of Council's *Roadside Weed Control Work Plan* which prioritises the Native Vegetation Marker System 'Blue Marker' sites (NVMS), and through the *Road Reserves Annual Slashing Program* (RRASP). Council collaborates with Landscapes Hills and Fleurieu in a partnered weed management program to address weed management actions. Declared weed management is ultimately the responsibility of Landscapes Hills and Fleurieu, as per the *Landscape South Australia Act 2019*.

Other weed outbreaks of concern are managed on an 'as needs' basis, which is often community driven. Council continues to investigate service delivery improvements through operational maintenance review and further collaboration with State Government organisations.

Under the *Landscape South Australia Act 2019*, landholders are responsible for the control of pest species on their private property, while the Landscape Boards are the responsible authority for the control of Declared pest plants and pest animals on road reserves.

Alert Weeds

Alert weeds are Alert weeds are significant weeds that pose a threat to South Australian primary production, biodiversity or human health. Alert weeds are either not yet present in SA, or present in low numbers making them prime targets for eradication. Therefore, they must be reported to Hills and Fleurieu Landscape Board, who can undertake control measures and will provide advice on best control methods. There is a hotline for the reporting of Alert weeds to Department of Primary Industries and Regions (PIRSA) and a list of all 27 Alert weeds can be found on the PIRSA website <https://www.pir.sa.gov.au/>.

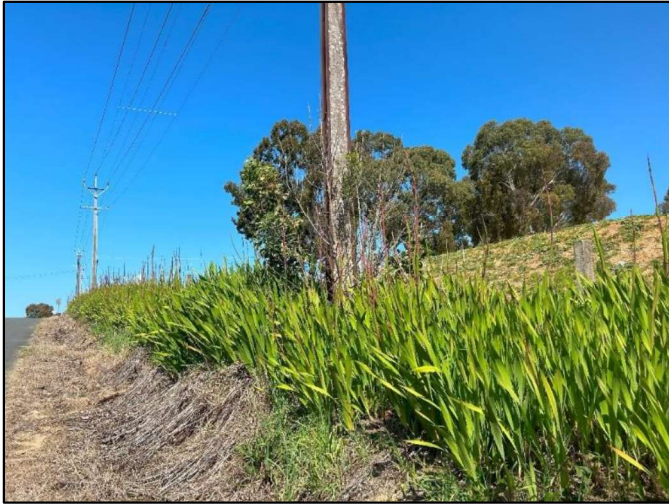
Verge Maintenance

Management of verges that are not included on Council's annual maintenance program are considered the responsibility of the adjoining landowner. Where landholders choose to contribute to the control of pests on adjacent roadsides, either themselves or via a licenced contractor, they must seek advice from the Council as the action is not deemed maintenance, but an alteration or modification requiring approval via a Section 221 application. Council can only grant consent if they are acting in accordance with the *Native Vegetation Act 1991* and have the relevant approvals or exemptions regarding clearance.

Any methods used to control Declared pest animals and plants should always be in accordance with advice from the Landscapes Hills & Fleurieu in line with best practice. In general, damage to native vegetation should be avoided.

In some situations, damage to native vegetation may be unavoidable. The removal of native vegetation in relation to the control of declared pest animals and plants must comply with *Regulation 8(15) – Plant and animal control* under the *Native Vegetation Regulations, 2017*.

All verge maintenance must comply with the *Adelaide Hills Council Verge Management Guidelines (2024 – 2029)*; established to identify Council and resident responsibilities and appropriate management actions for verge maintenance, AND under Section 221 of the *Local Government Act, 1999*.



Bulbil *Watsonia* infestation



Potentially invasive garden plants encroaching on roadside

Management Objectives

Prevent the establishment of new pest plants and animals in road reserves.

Reduce the spread and impacts of existing pest plants and animals and their range and numbers.

Promote the use of local indigenous plant species in amenity plantings and minimize impacts of garden escapes to adjoining bushland areas, where they comply with the *Water Industry Regulation 2012* and *Electricity (Principles of Vegetation Clearance) Regulations 2010*.

Minimise impacts to native vegetation when controlling animal and plant pests.

Operating Requirements

Roadside weed management - under the annual *AHC Roadside Weed Control Work Plan*, accredited bush care contractors are engaged by Council to manage weeds for biodiversity management purposes and bushfire mitigation within the NVMS sites across the district. There are also annual maintenance programs addressing the reduction of weed infestations and in association with customer requests.

Prioritise the management of weed infestations – In collaboration with Landscapes Hills & Fleurieu, prioritise the management of pest plant and animals in line with the *Regional Pest Strategy and the Regional Plant and Animals Control Policy*, which is supported by the following principles:

- Early intervention of new and emerging weeds - Finding new weeds early and completely removing them is the best way to stop them from becoming widespread and prevent the need for long-term management.
- Declared Plants - Declared plants are weeds that are regulated under the *Landscape South Australia Act 2019* due to their threat to primary industry, the natural environment and public safety.
- Alert weeds are those weeds that would have significant impacts if they were to establish in the region and must be reported to Landscapes Hills & Fleurieu.

Quality Assurance - Promote the implementation of best practice bushcare practices and principles by volunteers and contactors - in NVMS sites and other areas containing sensitive native vegetation, weed management needs to be undertaken using minimal disturbance techniques.

Monitoring - The *NVMS Monitoring and Management Program* is an initiative by the Council to develop and implement a best practice model for monitoring and management of the NVMS network. The program is consistent with Council's reserve monitoring program, whereby the Bushland Assessment Methodology is utilised to collect land condition data at 5-year intervals, enabling direct comparisons to be made and helping to inform future management.

Landholders who apply for a permit under *Section 221 Local Government Act, 1999*, to manage Declared weeds on road verges, will have the application fees waived.

7.10 Firewood Collection

There are many standing dead trees and fallen timber throughout Council's reserves and roadside network. Although it may seem like a good opportunity to collect firewood or simply 'cleaning up' and reduce fuel levels, under Council Bylaw 3, **Council does not permit** the collection of wood from any of its roads or reserves, and penalties may apply.

The removal of this material is considered to have a direct impact upon on the habitat of native animals and can reduce the biodiversity values of these natural areas.

There are many species of birds, bats and possums which utilise dead and hollow trees for habitat. Fallen timber also contributes significantly to soil health while providing important habitat to smaller native animals such as reptiles, Echidnas, Southern Brown Bandicoots, Bush Rats, Yellow-footed Antechinus, and insects.



7.11 Hygiene Practices

Road reserves are home to an expanding network of walking trails, where both weeds and soil borne pathogens can be easily spread.

Council is committed to raising awareness and implementing operational practices which prevent the transfer of infested soil or plant material, particularly in sites contaminated with weeds or the soil disease *Phytophthora*. Measures include keeping earthworks to a minimum, cleaning machinery, equipment and footwear and minimising traffic within and between sites, particularly during the wetter times of the year. Any movement of soil, water and/or plant material has the potential to spread weeds and soil borne pathogens such as *Phytophthora*.



Objectives
To minimise and avoid the spread and impacts of weeds, Phytophthora and other soil-borne diseases in the Council area through implementing hygiene practices.
Operating Requirements
Containing further spread - Hygiene procedures and stations are available and promoted and temporary wash down stations at entrances to reserves can be negotiated.
Minimise impacts to the environment and on recreational activities - Use appropriate hygiene procedures as per the Adelaide Hills Council Phytophthora Field Work Hygiene Protocol (Appendix 9) and the Phytophthora Management Guidelines (Phytophthora Working Group, 2006) when undertaking roadworks to prevent spread from infected areas, erect signage on site to identify Phytophthora contamination sites or high risk zones.
Training - Ensure volunteers and contractors use endorsed hygiene practices as described in the Adelaide Hills Council Phytophthora Field Work Hygiene Protocol (Appendix 9) whilst undertaking work in or near areas identified to having weed or Phytophthora infestations.

8. Bushfire Risk Mitigation

The Adelaide Hills Council is required to adhere to the *Fire and Emergency Service Act 2005*. This Act places the responsibility on Adelaide Hills Council to take reasonable steps to prevent or inhibit the outbreak and spread of fire on council owned land, including roadsides, i.e. Part 4A of the *Fire and Emergency Service Act 2005*, Division 3105G, states:

- 1) A Council that has the care, control or management of land-
 - a) in the country; or
 - b) in a designated urban bushfire risk area, must take reasonable steps-
 - c) to prevent or inhibit the outbreak of fire on the land; and
 - d) to prevent or inhibit the spread of fire through the land; and
 - e) to protect property on the land from fire; and
 - f) to minimise the threat to human life from a fire on the land.

In accordance with the *Native Vegetation Regulations 2017*, there are provisions to enable clearance and management of native vegetation for Bushfire Protection works. This applies to council managed road reserves.

A Bushfire Management Plan (BMP) or a Bushfire Management Area Plan (BMAP) (or equivalent) under the *Fire and Emergency Services Act 2005* that has been endorsed by the Regional Bushfire Management Committee is the best mechanism for strategic planning of bushfire protection works across the district and landscape. Council has also developed a *Bushfire Mitigation Landscape Strategy 2024-2028* to guide Council management actions for the mitigation of vegetation fuel hazards that have the potential to impact infrastructure or assets.

If any proposed bushfire prevention works are not included under these plans, advice and written approval from the SA CFS Regional Prevention Officer is required.

8.1 Ecological burning

Bushfire has been part of the Australian landscape for millions of years. Australian ecosystems have successfully adapted to the presence of bushfire on a regular basis. In some cases, native vegetation relies on bushfires for important ecological processes such as seed germination, and land managers have long recognised the value of using prescribed burning to support these processes.

Council may permit prescribed burning in areas of native vegetation if the burn is also intended to also improve ecological processes. This type of prescribed burn must be undertaken in accordance with a management plan approved by the Native Vegetation Council or a delegate.

This may also include prescribed burning of native vegetation by Indigenous communities as part of ongoing cultural land practices. It is important to also seek advice from the South Australian Country Fire Service (CFS) and DEW Fire Management Unit prior to submitting any plan to the Native Vegetation Council.

8.2 Firebreaks in Native Vegetation

Native vegetation occurring in road reserves has important value and should be protected where possible. Any modification of this vegetation requires the consent of the Council, as well as consent under the CFS clearance controls. Two types of firebreaks may be considered for road reserves: Fenceline firebreak and Transverse Firebreak.

Operating Requirements – Fenceline Firebreak
Where there is native vegetation on a road reserve adjoining cleared land, the firebreak should be established on the cleared land and not on the road reserve.
Where there is native vegetation on a road reserve adjoining a block of native vegetation a firebreak should only be required on one side of the fence line. In either case, CFS approval is required.
If a firebreak is placed on a road reserve, approval would need to be obtained from the CFS Chief Officer.
Operating Requirements - Transverse Firebreak
A firebreak may be established across a road verge to break a continuous length of roadside vegetation. These breaks may be for firefighting vehicles to access adjoining paddocks.
Breaks should be established at property access points or, where possible, sections of road reserve that do not contain native vegetation.
The maximum width of a firebreak should be 20m, which includes the width of the property access track.
The distance between adjoining firebreaks should not be less than 500m.
Any firebreaks need to be approved by the CFS Chief Officer.

9. Plan Administration and Review

Adelaide Hills Council Biodiversity Officers will be responsible for administering the Plan’s implementation. The document will be accessible on the Council’s external website.

It is the responsibility of the Biodiversity Officer to ensure the plan is kept current and to promote the contents to Council staff and the community. A review every 5 years to ensure currency, review management actions, update references to legislation and policy changes.

Council staff and contractors will be trained to ensure they can interpret the Plan and implement the roadwork practices required to minimise damaging impacts to roadside vegetation and improve the protection of remnant vegetation.

The Road Reserve Management Framework will be distributed to all Adelaide Hills Council staff and on request.

10. References

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Appendix 2

*NVC Guidelines for the Management of Roadside
Vegetation and Regrowth Vegetation*

Guidelines for the Management of Roadside Native Vegetation and Regrowth Vegetation

Under Native Vegetation Regulation 11(23)

Native Vegetation Council

Endorsed 3 July 2019 (amended September 2020)



Government
of South Australia



Native Vegetation
Council

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Introduction

What are the 'Guidelines for the Management of Roadside Native Vegetation and Regrowth Vegetation'?

Native roadside vegetation is considered to be of significant ecological value, as it often contains threatened plant species and vegetation communities, and provides habitat for native wildlife. As such, it is protected in South Australia under both the *Local Government Act 1999* and the *Native Vegetation Act 1991*.

However, this vegetation can create issues for road users, such as impeding vehicle movement, affecting sightlines and presenting possible hazards to errant vehicles. This means there are times when clearing native vegetation is crucial.

Under the *Local Government Act*, any removal or disturbance of roadside vegetation requires the permission of the local council. Under the *Native Vegetation Act*, removal or disturbance of roadside vegetation also requires the permission of the Native Vegetation Council, unless a specific exemption applies.

These Guidelines for the Management of Roadside Native Vegetation and Regrowth Vegetation have been prepared to provide parameters for local councils and the Department of Planning, Transport and Infrastructure (DPTI) to manage native vegetation in road reserves to maintain the safety and visibility of roadsides while retaining important native vegetation values.

The guidelines state the circumstances where approval is required by the Native Vegetation Council and how it is to be obtained, outline a pathway for clearing native vegetation that poses a safety concern, and provide avenues for landholders who are adjacent to road reserves to manage vegetation in particular circumstances.

This document replaces the "Guidelines for the Management of Roadside Vegetation" (NVC, 2012). One significant change is that the management of native vegetation regrowth on roadsides has been extended to allow clearance of regrowth vegetation of up to 20 years of age, whereas previously only regrowth of up to 5 years of age was allowed to be cleared. This change will allow local councils and DPTI to manage the immediate regrowth (1m into verge) along their roadsides without requiring any approval, while allowing clearance of regrowth further from the road (2-3m) through an approval process.

What legislation informs these guidelines?

The guidelines comply with Section 25 of the *Native Vegetation Act 1991*, which relates to Guidelines for the application of assistance and the management of native vegetation.

Specifically, these guidelines have been developed under Part 3, Division 4, Regulation 11(23) to allow the clearance of vegetation that is growing or situated on a road reserve or rail corridor for the purpose of:

- a) ensuring the safety of persons entering or passing the land, or
- b) controlling pests on the land

Under this regulation, clearing vegetation can only occur if:

- i. the clearance complies with these guidelines;
- or**
- ii. the clearance complies with a Roadside Management Plan prepared by the Local Council or DPTI and approved by the Native Vegetation Council
- and**
- iii. the clearance meets all the other requirements of Regulation 11.

Importance of protecting native vegetation

Native vegetation along roadsides is significant for many reasons:

It contains threatened plants species and vegetation communities

The legacy of land clearance in South Australia means that much of the state's remnant native vegetation is located on roadsides and in road reserves. This is particularly true in agricultural zones,

For the most part, this vegetation has never been cleared or grazed, and in some regions it may be the only remnant pre-European vegetation that exists, so it often contains threatened plant species and vegetation communities.

It provides habitat for native wildlife

Native vegetation provides habitat for native wildlife, and often supports populations of threatened species. For example, mature roadside trees contain resources like hollows that are less common in younger, surrounding vegetation.

Roadside vegetation, along with other remnant vegetation and scattered paddock trees, can also help wildlife, particularly birds, move through the landscape.

It also serves as a valuable source for pollinators and can provide seed for revegetation projects. For adjoining landholders, this vegetation also provides a shelterbelt that usually requires little maintenance.

It has aesthetic and amenity values

Roadside vegetation provides a range of social benefits that include both aesthetic and amenity values. It can also be beneficial for road maintenance and safety, including providing shelter from wind and shading sun glare, defining curves in roads and enhancing driver alertness.

It also lowers local water tables that may affect the road formation, stabilising batters and embankments and preventing weeds from becoming established.

Alternatives to clearing vegetation

While these guidelines focus on how to clear regrowth vegetation, the Native Vegetation Council encourages local councils and DPTI to continue to find alternatives to vegetation clearance where practicable. This includes installing guardrails, erecting additional signs or reducing road speed limits.

If a local council wants to undertake management of roadside vegetation in manner that is not consistent with these guidelines, it can develop a Roadside Vegetation Management Plan for their local council area for consideration by the Native Vegetation Council.

Roadside Vegetation Management Plans must be development in accordance with Part 4 of these guidelines and must not result in clearances that would have significant adverse impacts on native vegetation.

Note: Individual Roadside Vegetation Management Plans that have already been endorsed by the Native Vegetation Council will continue to be recognised and will be re-assessed if the local council wishes to continue implementing it past its expiry date. After this date, the plan will be reviewed by the Native Vegetation Council every 5 years.

Understanding the guidelines

The Guidelines for the Management of Roadside Native Vegetation and Regrowth Vegetation is divided into four parts:

Part 1: Management of roadside vegetation.

This section covers clearance activities that can be undertaken on the:

- primary envelope
- secondary envelope
- verge.

It also contains information about any associated processes that require approvals.

Part 2: Framework of public safety

This section covers the process for applying to clear native vegetation for road intersections and roadsides for safety purposes.

Part 3: Other clearance activities relating to roadside vegetation

This section covers any other clearance activities that may occur on a roadside that will impact native vegetation.

Part 4: Developing a management plan

This section covers the information that needs to be included when preparing a management plan for consideration by the Native Vegetation Council.

Definitions

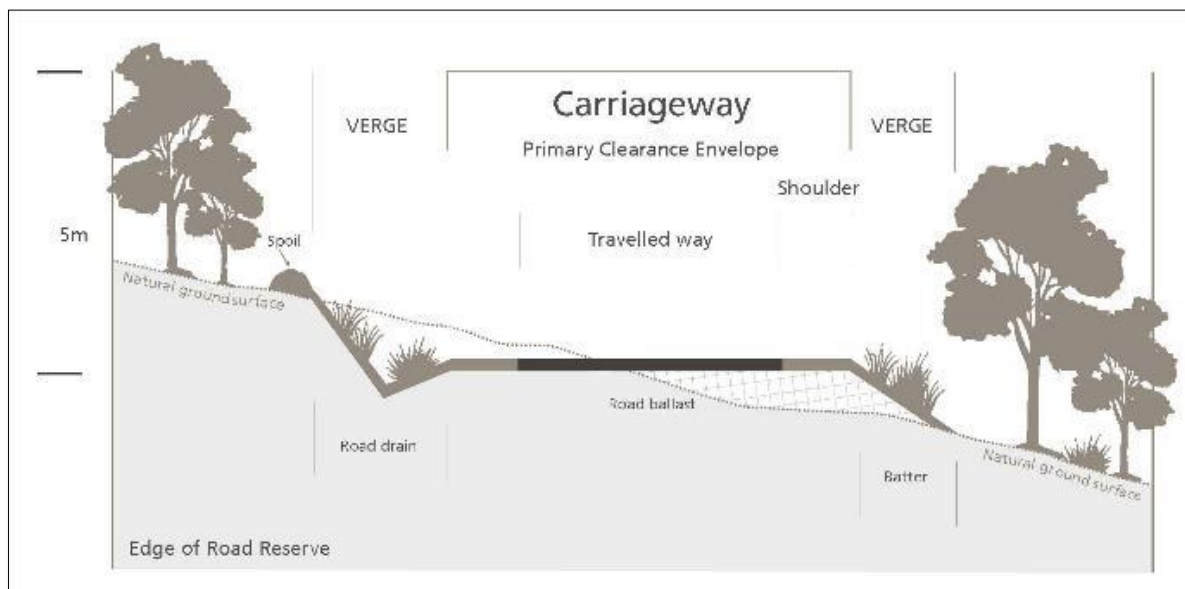


Figure 1. Roadside definitions.

Carriageway – The portion of a road or bridge devoted particularly to the use of vehicles, inclusive of shoulders and auxiliary lanes (Austroads, 2003).

Shoulder – The portion of the formed carriageway that is adjacent to the traffic lane and flush with the surface of the pavement (Austroads, 2010).

Travelled way – The portion of a carriageway ordinarily assigned to moving traffic, and exclusive of shoulders and parking lanes.

Verge – The portion of the formation not covered by the carriageway or footpath (Austroads, 2010). This is typically the strip beyond the shoulder comprising the area cleared when the road was constructed, including drains (excluding mitre drains) and batters. There is usually a small embankment or change in ground surface that identifies the outer edge of the verge.

Example:

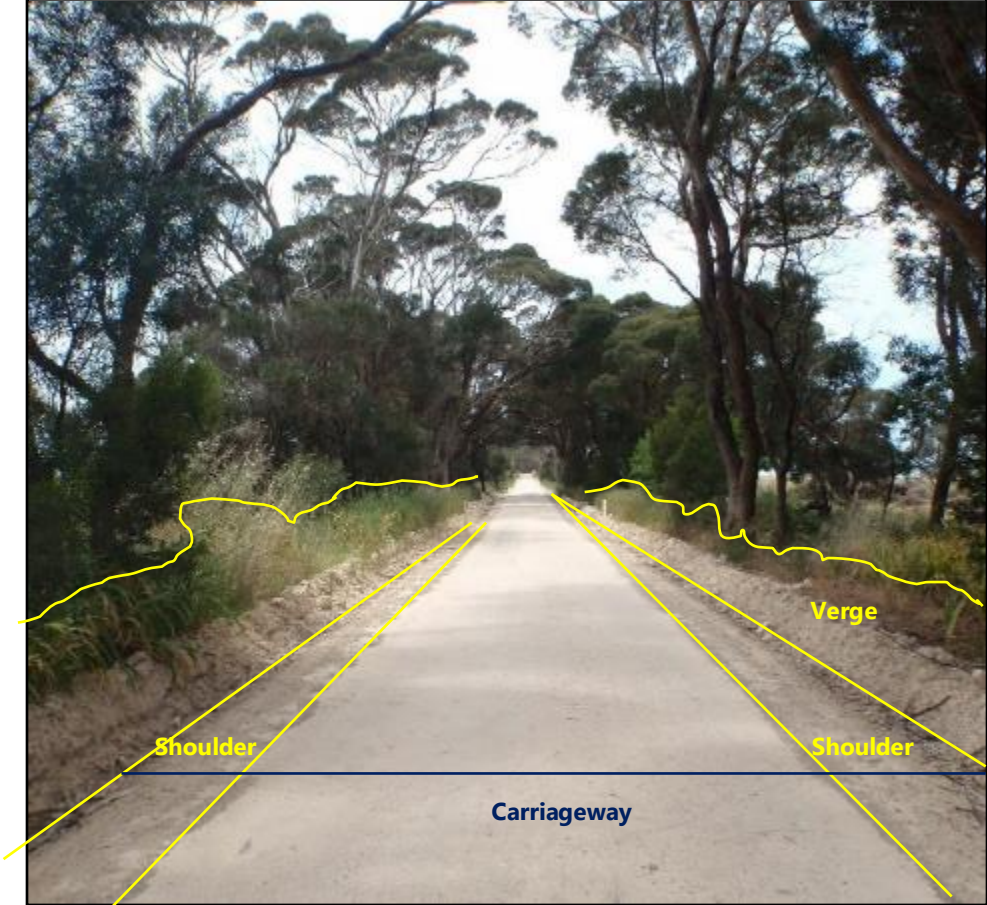


Photo 1. Typical breakdown of a dirt road, where shoulder and verge size do change.

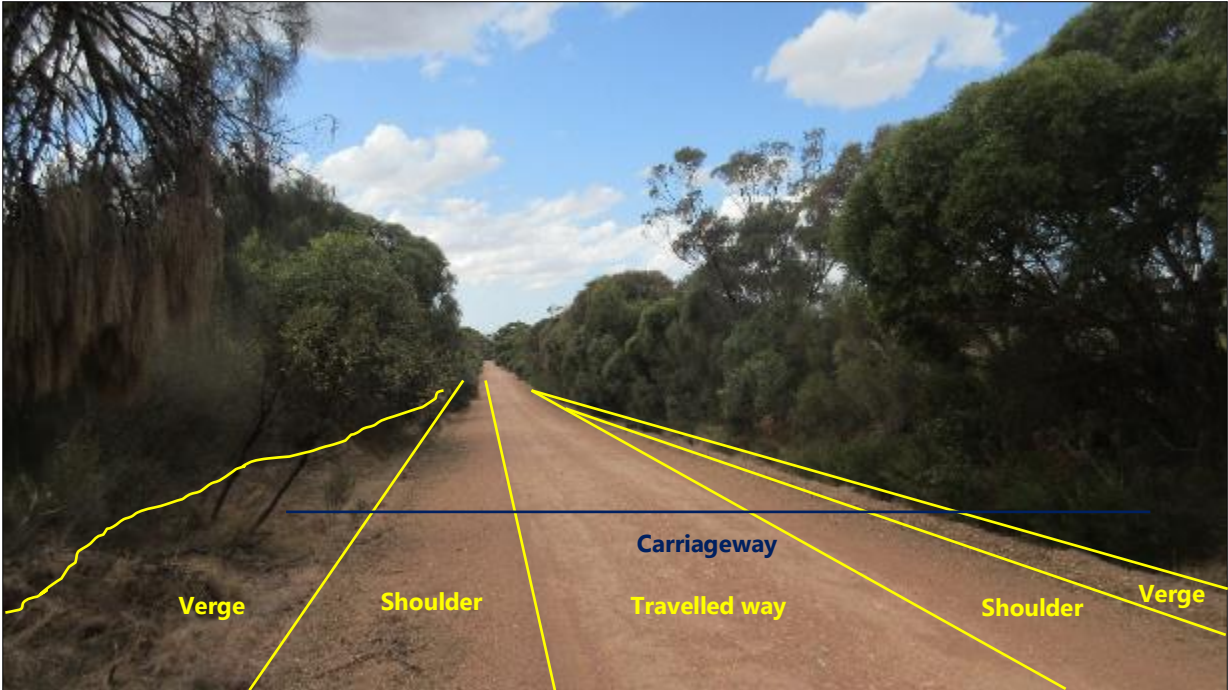


Photo 2. Example of the varying sizes of the travelled way, shoulder and verge.

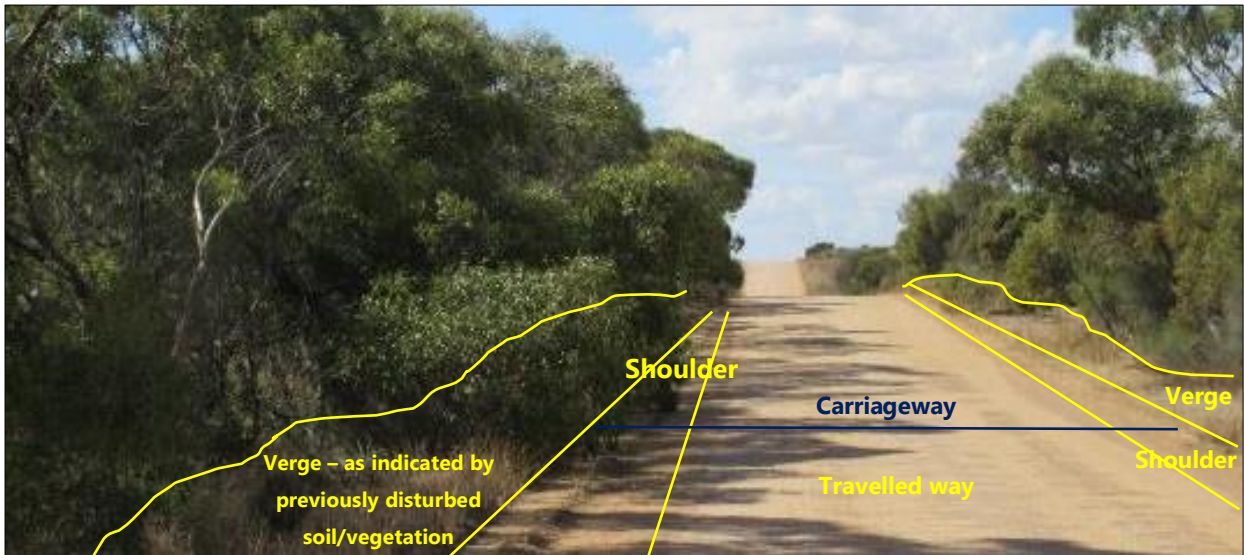


Photo 3. Rural dirt road where the verge is distinctly different on either side of the road.



Photo 4. A rural sealed road, with an obvious shoulder and distinct verge and natural ground surface present



Photo 5. A rural sealed road where a dirt road appears to have been sealed, including the shoulder, therefore the travelled way is directly adjacent the verge.

Mitigation Hierarchy

Prior to any clearance, any clearance activities need to consider the 'Mitigation Hierarchy', a fundamental principle of the Native Vegetation Regulations. It has four requirements:

- **Avoidance** – Measures must be taken to avoid clearing native vegetation wherever possible.
- **Minimisation** – If clearing native vegetation cannot be avoided, measures must be taken to minimise the duration, intensity and extent of impacts of the clearance on biological diversity as much as possible (whether the impact is direct, indirect or cumulative).
- **Rehabilitation or restoration** – If clearing native vegetation cannot be avoided or minimised, measures must be taken to rehabilitate ecosystems that have been degraded, and to restore ecosystems that have been destroyed, as a result of the clearance.
- **Offset** – Any adverse impact on native vegetation or ecosystems that cannot be avoided or minimised must be offset by the achievement of a significant environmental benefit that outweighs that impact.

Operating Requirements

All roadside vegetation management must be undertaken in accordance with these requirements:

1. Where clearance is restricted to regrowth vegetation only, clearing any vegetation that is more than 20 years old will require an application to the Native Vegetation Council.
2. Use the most low-impact methods possible for the given activity. Ensure works cause minimal ground disturbance, cut cleanly rather than breaking branches, and use low-impact methods like slashing, trimming, mowing, or rolling.
3. Limit the use of herbicides to spraying around roadside furniture and for selective weed control.
4. Ensure graders and other high-impact machinery do not intrude beyond the existing carriageway width, as grading a little further each time can have significant impact over a number of years).
5. Position mitre drains in areas devoid of native vegetation (unless clearance approval is given).
6. Ensure that drains do not deposit sediment into native vegetation, waterways or neighbouring private land.
7. Minimise soil disturbance and general intrusion beyond the designated carriageway, as disturbance encourages weeds that compete with native species, leading to potential increases in maintenance costs. More specifically:
 - a. Parking or turning machinery must be at a limited number of designated sites that do not have native vegetation.
 - b. Materials must be stockpiled at a limited number of designated sites that do not have native vegetation;
 - c. Equipment must be cleaned on-site before moving to other sites. . This is particularly important where machinery is operating in weed-infested or infected areas (e.g. land affected by *Phytophthora* spp.);
 - d. Any required tree-trimming must be performed in accordance with recognised arboriculture standards.
 - e. Any debris from trimming operations must not be deposited on or among other native vegetation and must be disposed of in a manner that does not affect native vegetation, unless it is useful as habitat for wildlife, or is scattered sparsely among the remaining vegetation.
8. Threatened plant species on roadsides must be mapped, where possible, and roadworks at those sites must be carefully planned to avoid any impact to those plants. It is recommended that roadside markers are installed to identify sites with threatened plant species, and that best-practice training is undertaken by staff and contractors.
9. Retain native vegetation, including dead timber, wherever possible and integrate it into revegetation programs. Particular care must be taken to preserve areas of native grasses, which can be difficult to distinguish from exotic grasses.
10. Wherever possible, clear exotic vegetation or undertake proposed works on already cleared land in preference to clearing native roadside vegetation.
11. Start works with clean machinery in areas of less degraded vegetation and work towards the more degraded sites. This will help to prevent spreading weeds and, in turn, reduce ongoing maintenance.

Part 1: Management of roadside vegetation

Adequate vertical and lateral clearance of roadside vegetation is needed for legal-height vehicles to safely use the full width of a road's traffic lanes.

Additional clearance is usually needed at intersections, crests, on the inside of curves and around roadside furniture such as signs and delineation devices. The amount of extra clearance required varies according to the standard of the road, the type and amount of traffic, and the characteristics of the vegetation.

Details about the type of clearance that is permitted for roadside vegetation maintenance and the process that needs to be followed is detailed in the following sections:

Section 1 – Primary Clearance Envelope

Section 2 – Secondary Clearance Envelope

Section 3 – Verge clearance.

Section 1 – Primary clearance envelopes

The **primary clearance envelope** refers to the area of the road that will support regular vehicle movement within the carriageway (travelled way and shoulder). Clearance is permitted within the envelope as it is considered important in order to maintain the safety of the road users.

In addition to the Operating Requirements listed on Page 9, specific requirements apply for primary clearance envelopes:

1.1 Operating requirements

Within the primary clearance envelope:

1. Vegetation clearance is required to allow for **legal-height** vehicles (i.e. vehicles measuring 4.6m in height or less) to pass along the full width of the carriageway. To allow for regrowth between pruning and sagging of branches caused by wet or windy conditions, a clearance height of up to 6m may be maintained within the primary clearance envelope.
2. For **sealed roads**, the primary clearance envelope **of up to 6m** is to be measured from the **edge of the shoulder**, which represents the edge of the carriageway.
3. For **unsealed roads**, the primary clearance envelope of **up to 6m** is to be measured from the **edge of the grader line**, which is taken to be the edge of the carriageway. Grading must be kept to the pre-existing width.
4. Any regrowth native vegetation may be cleared within the carriageway where it extends into the primary clearance envelope. In addition, limbs extending into the primary clearance envelope can be trimmed back to the trunk or major limb in a manner to ensure the health of the tree is maintained (see Figure 2). Removal to the base is not permitted.

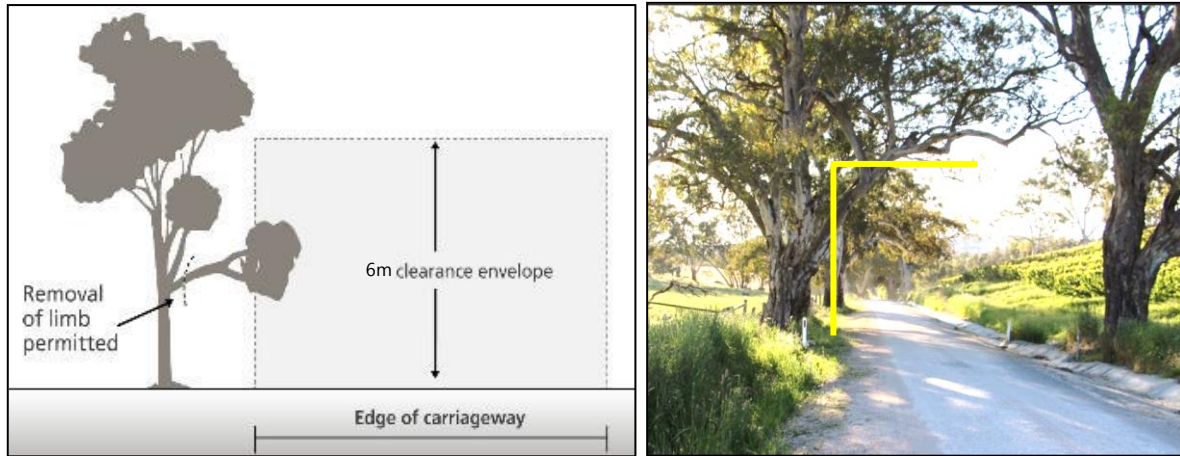


Figure 2. Clearance of vegetation within primary clearance envelope up to 6m high:

- a. (left-hand side) removal of limbs hanging into primary clearance envelope.
- b. (right-hand side) example of possible clearance within the primary envelope.

CONSULTATION AND APPROVAL PROCEDURES FOR THE PRIMARY CLEARANCE ENVELOPE

No approval or consultation with the Native Vegetation Council is required for clearance within the primary clearance envelope.

Section 2 – Secondary clearance envelopes

The **secondary clearance envelope** refers to the area surrounding roadside furniture to allow for sufficient sight lines for road users. The envelope encompasses the vegetation that has regrown and impacts the ability to see upcoming traffic, signs, and roadside furniture. This also includes managing regrowth to maintain guardrails.

Vegetation in this envelope can only be cleared to how it was when the road was constructed or the roadside furniture was installed (i.e. only vegetation that has grown or regrown in areas previously lawfully cleared for the construction, installation or maintenance of the road or associated infrastructure may be cleared).

In addition to the Operating Requirements listed on Page 9, specific requirements apply for secondary clearance envelopes:

2.1 Operating Requirements

Within the secondary clearance envelope:

1. Regrowth vegetation growing up to **500mm around existing roadside furniture** (Figure 3) can be cleared.
2. Regrowth vegetation growing on the **approach side of signs and road delineation markers** can be cleared to ensure these signs and markers are clearly visible from a distance equivalent to the stopping sight distance for the speed environment of the road according to Austroad standards (Figure 4).
3. At road intersections, **existing verge clearance can be maintained** on corners for safe sight distance according to Austroad Guidelines.
4. To maintain mitre and longitudinal drains, **existing clearance can be maintained**. Ensure clearance is confined to the original extent of the drain and that cleared debris is not pushed into native vegetation within the natural ground surface.

Note: Large trees cannot be removed after the installation of roadside furniture, such as guardrails, without Native Vegetation Council approval. No Native Vegetation Council approval is required for clearance within the secondary clearance envelope.

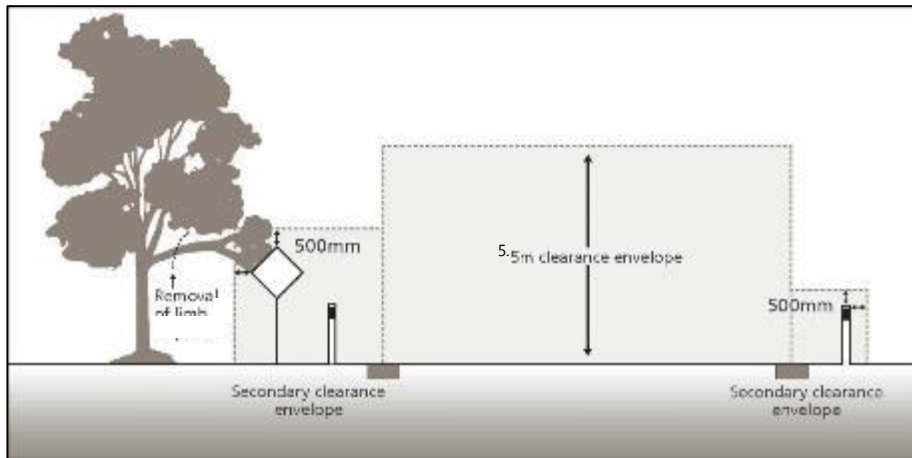


Figure 3. Secondary clearance envelope maintained around existing roadside furniture.

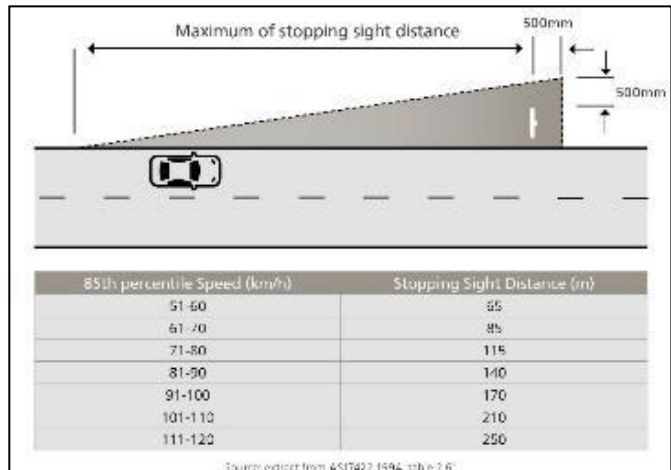


Figure 4. (left): Secondary clearance envelope around a sign (right): Secondary clearance envelope along a road.

CONSULTATION AND APPROVAL PROCEDURES FOR SECONDARY CLEARANCE ENVELOPE

No approval or consultation with the Native Vegetation Council is required for clearance within the secondary clearance envelope.

Section 3 – Verge clearance

It may be necessary for a local council to undertake vegetation clearance within the verge beyond what is permitted in the primary and secondary envelopes due to fast-growing native vegetation within particular roadsides. In these cases, the local council may need to manage the verge vegetation that they had previously cleared which has regrown.

In addition to the Operating Requirements listed on Page 9, specific requirements apply for verge clearance:

3.1 Operating Requirements

Within the verge:

1. Only regrowth vegetation less than **20 years old** that has previously been cleared as part of roadside maintenance (determined from local council works records, by the size of the trees in the regrowth, or by comparing aerial images of various dates) can be cleared.
2. Clearance must use the most **low-impact methods** possible for the given activity. Ensure works cause minimal ground disturbance, cut cleanly rather than breaking branches, and use low-impact methods like slashing, trimming and mowing. (Note: high-impact methods include any activity that disturbs the soil or results in plants being uprooted, such as the use of graders or bulldozers). Retain native vegetation at a minimum height of 10cm above ground-level. Any regrowth trees with a trunk circumference greater than 10cm should be removed by poisoning or cut and stump-grind only, rather than heavy machinery.
3. Clearance can only be conducted within a maximum width of 3m (measured from the edge of the carriageway) for arterial and collector roads and 2m for a local roads, but:
 - a. must be confined to a maximum width of 1m in Type A roadside vegetation (i.e. vegetation with high conservation significance – see Table 1) or
 - b. must be confined to a maximum width of 2 metres in Type B roadside vegetation (i.e. vegetation with moderate conservation significance – see Table 1).

Verges should be managed in a way that does not encourage the growth of introduced plants or fast-growing shrubby natives that lead to worse ongoing management problems (e.g. fire hazards or reduced visibility). This commonly occurs when the soil surface is disturbed using high-impact methods, whereas low-impact methods do not generally affect the soil surface and aim to retain existing vegetation. Use of an offset or articulated mower/slasher/mulcher enables regrowth on the verge to be managed effectively without needing to drive machinery on the verge.

Note: In some instances there is no or little verge, with the natural ground surface extending to the shoulder or edge of the carriageway. This has usually occurred when the carriageway has been widened at some stage after the original road construction. Removal of native vegetation to create a new verge is considered a road upgrade and is not considered by this section of the guidelines.

Table 1. Roadside vegetation quality categories (adapted from Stokes et al 2006). (Stokes A.L, Heard L.M.B, Carruthers S., Reynolds T. (2006) Guide to the roadside vegetation survey methodology in South Australia. DEH, Adelaide).

Vegetation significance categories	Vegetation description
Type A	<ul style="list-style-type: none"> • vegetation is in excellent condition – i.e. very little or no sign of alien vegetation in the understorey, close resemblance to probable pre-European condition, or • vegetation containing a species or communities listed under the National Parks and Wildlife Act 1972, or Environment Protection and Biodiversity Conservation Act 1999, or • vegetation in an Interim Biogeographical Regionalisation of Australia (IBRA) association with vegetation cover of 5 per cent or less • roadside vegetation is less than 5m in width in total (including both sides of the road).
Type B	<ul style="list-style-type: none"> • vegetation is in good condition – i.e. a high proportion of native species and native cover in the understorey, reasonable representation of probable pre-European vegetation, or • vegetation within an area delineated by roadside marker scheme, or • vegetation in an IBRA association with vegetation cover of 10 per cent or less but higher than 5 per cent • roadside vegetation is less than 10m in width in total (including both sides of the road).
Type C	<ul style="list-style-type: none"> • vegetation is in moderate condition – i.e. substantial invasion of aliens, but native understorey persists, for example, there may be a low proportion of native species and high native cover or a high proportion of native species and low native cover.
Type D	<ul style="list-style-type: none"> • vegetation is in poor condition – i.e. the understorey consists predominantly of alien species, although a small number of natives persist.
Type E	<ul style="list-style-type: none"> • vegetation is in very poor condition – i.e. the understorey consists only of alien species.

3.2 Process of clearance assessment and approval

The process to undertake clearance within the verge as permitted by this section is:

1. Determine annual works program

Local council determines which roads are to be managed annually or on an ad hoc basis.

2. Assess regrowth

Local council determines if the regrowth vegetation is less than 20 years of age, either by checking local council works records, measuring the size of the trees in the regrowth, or comparing aerial images from various dates. Where regrowth cannot be determined to an acceptable standard, as determined by the Native Vegetation Council using the methods above, then it will be treated as remnant vegetation.

3. Determine extent of proposed clearance

Local council determines the width of the verge clearance that is required. Although these guidelines permit clearance up to particular parameters, native vegetation clearance should be avoided where there are practicable alternatives.

4. Assessment requirements

If the proposed clearance of the verge is less than 1m from the edge of the carriageway, clearance can occur with no approval.

If the proposed clearance of the verge is greater than 1m from the carriageway, an assessment of the roadside vegetation must be undertaken by the local council with the assistance of a person with specific qualifications, which include:

- tertiary qualifications in botany (or a related field)
- 10 years' experience in a related area
- demonstrated knowledge in plant identification.

If the proposed clearance of the verge is greater than 1m from the carriageway, the Annual Works Form datasheet contained in Appendix 1 also needs to be completed and discussed with the Native Vegetation Council.

Assessing a proposed verge clearance needs to consider its conservation significance, as set out in Table 1. The intent is to allow adequate management of roadside vegetation while minimising impacts on areas of significant and important native vegetation.

To assist this process, the quality of roadside vegetation in many areas has been assessed and mapped by a suitably qualified person during the development of the existing Roadside Vegetation Management Plans (under the 2012 guidelines). In addition, the locations of nationally or state-listed plant species along roadsides have been mapped in many areas, as has the roadside marker scheme.

Environmental information is available through the online database (NatureMaps). NatureMaps allows the user to display environmental attributes for their region and roadsides.

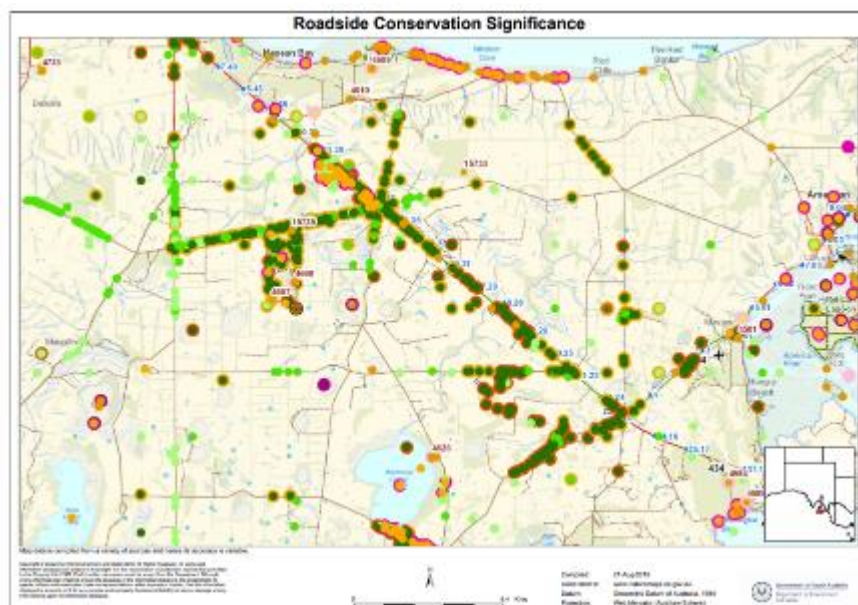


Figure 5. Extract from NatureMaps showing the location of significant native vegetation on roadsides. Source: <https://data.environment.sa.gov.au/NatureMaps/Pages/default.aspx>

This information is then supplemented by an on-ground assessment of the roadside vegetation for the roads to be managed. In undertaking the vegetation assessment, the attributes in Table 1 and the form in Appendix 1 need to be addressed.

5. Submit the form for consideration

Local council must complete and submit the form provided in Appendix 1, for the roads that will be subject to vegetation management, to the Native Vegetation Council. The Native Vegetation Council will consider the

information provided and if approved, Local council can undertake the clearance in accordance with the conditions contained in these guidelines.

6. Undertake record-keeping

To ensure compliance with the guidelines, local council and DPTI are required to take 'before and after' photos of the clearance, with an appropriate scale to indicate the width of the verge clearance. Documenting the clearance works will allow the Native Vegetation Branch to audit the works undertaken and provide evidence of compliance if any concerns are received from the public.

7. Ensure compliance to avoid future limitations

To ensure compliance under the regulations, if a clearance occurs outside of the parameters stated within these guidelines, the Native Vegetation Council may limit any future clearance by the offending local council to vegetation less than 5 years old. Also, any breach will be forwarded onto the Department for Environment and Water Compliance Unit for consideration and action.

CONSULTATION AND APPROVAL PROCEDURES FOR THE VERGE

- Clearance of vegetation greater than 1m into the verge from the edge of the carriageway requires the approval of the Native Vegetation Council.
- Consultation with the Native Vegetation Branch is required if the width of the verge is unclear.
- Clearance can occur without the approval of the Native Vegetation Branch if undertaken in accordance with the requirements of this section (<1m into verge).
- Where approval is required, local council are required to complete and submit the Annual Works form contained in Appendix 1 to the Native Vegetation Branch.

Verge examples

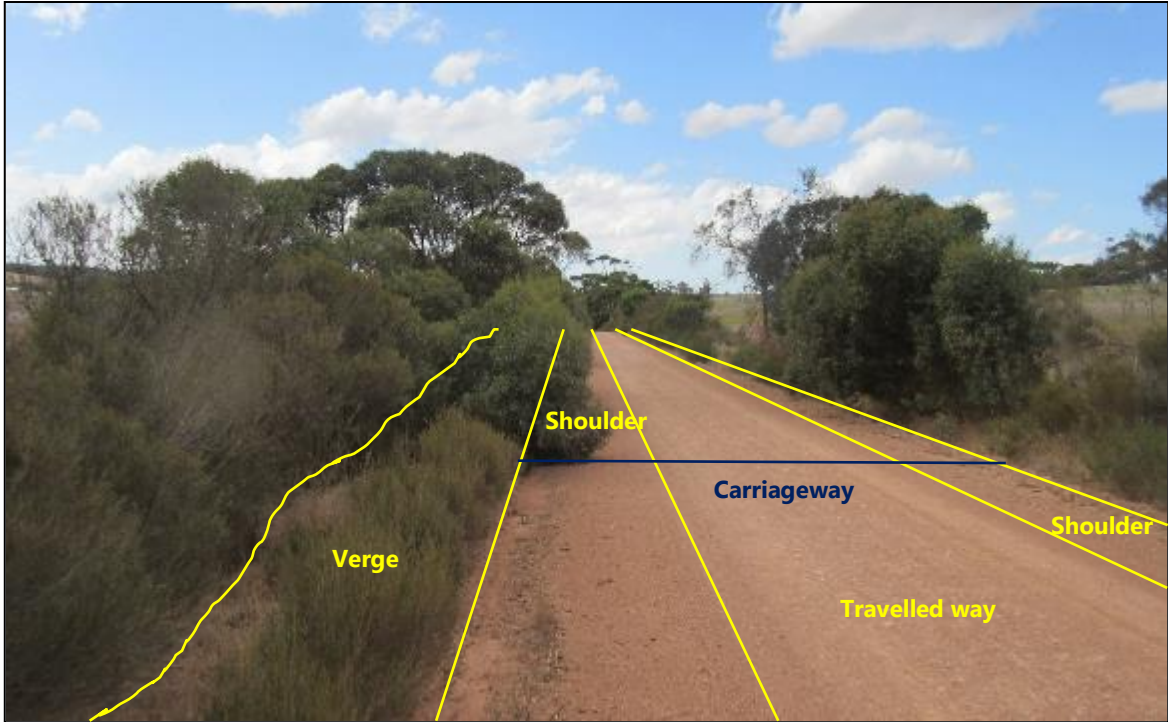


Figure 6: Extent of the verge is indicated by the spoil and regrowth that has grown within it.



Figure 7: Travelled-way and carriageway are the same width in this instance, with verge regrowth clearance restricted to understorey only.



Figure 8: In this instance the carriageway has been created at a width where there is only remnant vegetation remaining on either side of the road. Any clearance beyond the carriageway would require an application.



Figure 9: Verge is directly adjacent to the bitumen, and regrowth clearance is restricted to understorey only in this instance. The large trees would not fall under these guidelines and clearance would require an application as they are not considered regrowth under 20 years old.

Part 2: Framework for public safety

The section covers native vegetation clearances that are permitted to be undertaken if required for public safety, and are therefore beyond the scope of Part 1 – Management of roadside vegetation. This Framework for Public Safety covers clearances that need to be undertaken for safety measures related to sight distances, intersections, clearance adjacent to the travelled-way, or other safety concerns that cause a risk to people or property.

The purpose of this Public Safety Framework is to provide guidance about when to apply for clearance of **frangible¹ vegetation** (i.e. vegetation that can typically bend) and **non-frangible² vegetation** (i.e. vegetation that cannot bend) on roadsides, intersections and rail crossings.

The public safety framework **does not** apply to any clearances associated with new works or upgrades of infrastructure, including intersection realignment/modification, road-widening activities, retrospective upgrade works, new intersections and new road works such as new roads, construction of rest areas, installation of safety cameras, overtaking lanes or weigh stations. Clearances associated with new works or upgrades require an application and approval under Regulation 12(34) Infrastructure.

For the framework to apply, the road authority can clear non-frangible native vegetation within specified distances along sealed and unsealed roads and at rail crossings, intersections and curves with written approval from the Native Vegetation Council. It is a requirement that the road authority, as far as practicable, addresses the Mitigation Hierarchy (see Part 1 General Roadside Maintenance Principles for full explanation) to avoid or minimise the impacts that any proposed actions may have on biodiversity or native vegetation. Clearance can then be approved without the need for a significant environmental benefit.

Some activities may also require approval under other legislation, for example the *Development Act 1993* and the *Environment Protection and Biodiversity Conservation Act 1999*.

Any areas approved for clearance under this framework can subsequently be maintained under Regulation 11(23) either in accordance with the guidelines for the Management of Roadside Vegetation, or incorporated into the Maintenance Section of the local council's Roadside Vegetation Management Plan.

Note: This Framework for Public Safety replaces the previous *Framework for clearance of Native Vegetation under Regulation 5(1)(lb) – Public Safety for Rail crossing, Road intersections and Roadsides (October 2012)*.

Section 4. Public safety categories

In this framework, there are three categories for assessing clearance of native vegetation on roadsides, intersections and rail crossings for public safety purposes.

4.1 Category 1 – Sight distance line/triangles at road intersections and rail crossings

This Category refers to both **frangible** and **non-frangible** native vegetation to address an **existing** risk to public safety along road intersections and rail crossings.

The size of the sight triangle established under the Austroads Guide is dependent upon factors such as traffic volume, designated road speed and daily vehicle and heavy vehicle usage. This approach is easy to implement and transparent in its calculation of approved sight distance lines for vegetation clearance associated with road intersections and rail crossings, and is consistent with a nationally accepted benchmark used by road authorities.

¹ Understorey vegetation or plants with slender stems that give-way, break or uproot on impact

² Plant species with a stem diameter (at maturity) of 100mm or greater with rigid, large or sturdy stems that will not readily break, bend or crush upon impact by a typical passenger vehicle, and could be expected to inflict significant damage to the vehicle and possibly cause injury to vehicle occupants.

Where practicable, calculating the visibility triangle for the clearance of native vegetation should be limited to meet the required standards as outlined in Austroads Guide to Road Design: Part 4: Intersections and Crossings-General (2009). The determination of the offset from the edge of the travel-way is dependent on the stopping sight distance, which in turn increases with speed. Consequently, alternative mechanisms to remove the safety issue must be fully considered.

The clearance of **non-frangible** native vegetation along sight-lines should be limited to targeted removal.

Depending upon the type of vegetation/biodiversity present within the sight triangle, trimming of understorey **frangible** native vegetation (if required) should be limited to a height that sustainably maintains the understorey and not cleared down to bare earth.

4.2 Category 2 – Clearance adjacent to the edge of a travelled-way

This Category refers to the area where non-frangible native vegetation can be cleared adjacent to the edge of the travelled-way for sealed roads, or adjacent to the edge of the grader line as defined in local councils’ infrastructure plans for unsealed roads. It applies differently to the following situations:

- Category 2 (Sealed – ≤80 km/h)
- Category 2 (Sealed – >80 km/h)
- Category 2 (Unsealed)

This section outlines what can be done to manage **non frangible** native vegetation to protect public safety along sealed and unsealed roads based on set widths from **the edge of a travelled way**.

Non-frangible vegetation may be removed with Native Vegetation Council approval if it presents a road safety issue and the road authority first demonstrates that it has considered the Mitigation Hierarchy (see Part 1) to avoid or minimise the impacts that any proposed actions may have on biodiversity or native vegetation. The road authority must show it has considered other safety improvement options as opposed to clearance.

On sealed roads, the Category 2 zone is dependent upon posted road speed (km/hr). On unsealed roads the Category 2 zone is not dependent upon posted road speed (km/hr), rather it is based on set widths from the edge of a travelled-way. The Category 2 zone is based on Austroads Guidelines that demonstrate a 50 per cent probability that a vehicle travelling at speeds specified in *Table 3* (see below), and hitting **non-frangible** native vegetation within that Category 2 zone, would likely result in a casualty or serious injury.

Sealed roads

On sealed roads with a speed design of less than 80km/hr, up to 2m of **non-frangible** native vegetation can be reduced, modified or removed from **the edge of a travelled way** for the purpose of public safety.

On sealed roads with a speed design of greater than 80 km/hr, up to 3m of **non-frangible** native vegetation can be reduced, modified or removed from **the edge of a travelled way** for the purpose of public safety.

Table 3. Sealed roads – Category 2 zone widths adjacent to the edge of a travelled way.

Speed limit (km/hr)	Category 2 zone widths adjacent to the edge of travelled way
≤80 km	2m
>80 km	3m

Unsealed roads

On unsealed roads, up to 2m on either side of the defined carriageway (the edge of the grader line as defined in local councils’ infrastructure plans) can be cleared of **non-frangible** native vegetation for the purpose for public safety. The Category 2 zone is capped at a total width including the carriageway itself of up to 12m.

This option is tailored to take into account varying road widths. It caters for narrow unsealed roads where only 2m of **non-frangible** native vegetation can be cleared either side (i.e. 4m carriageway width plus 2m **non-frangible** clearance either side totals 8m). Conversely a 10m carriageway can only clear 1m either side of the carriageway as the Category 2 zone is capped at 12m (See *Table 4* below).

It caters for wider roads where the road design incorporates an existing safety margin within the carriageway width.

Table 4. Unsealed roads – Category 2 zone widths adjacent to the edge of travelled way.

Carriageway width	Category 2 zone – carriageway width plus 2m either side of carriageway(capped at 12 m)
6m	6m + 2m +2m = 10m
8m	8m + 2m +2m = 12m
10m	10m + 1m +1m = 12m

Category 3 – Clearance beyond Category 1 and 2 zones

This Category refers to the area beyond the areas referred to within Category 1 and 2. If the road authority can demonstrate that the non-frangible native vegetation is a risk to public safety, clearance may be approved.

Category 3 refers to the areas/activities that are out of scope of Category 1 and Category 2 but still may present as a public safety concern, including:

- Beyond Category 1 approved sight distance triangles/lines, or
- Beyond Category 2 specified distances from the edge of travelled way,
- Applies only to safety treatments that result in clearing:
 - Less than 6 scattered trees (**non-frangible**)
 - Less than 0.5 hectare canopy area of non-frangible vegetation, and
- Applies to trees that present a danger of falling, or if a limb or some other part of the plant is in danger of falling, causing a risk to people or property. Any application in relation to this provision will be considered against the requirements of Native Vegetation Regulation 8(6) – Safety of Persons and property.

If the proposed safety treatments do not fall within this threshold, the framework will generally not apply. However, the Native Vegetation Council will consider matters on a case-by-case basis where sufficient justification can be provided.

For the justification of clearing non-frangible native vegetation within this Category, the road authority should demonstrate that they have considered the Mitigation Hierarchy (see Part 1) to avoid or minimise the impacts that any proposed actions may have on biodiversity or native vegetation. The road authority needs to show it has considered other safety improvement options as opposed to clearance.

Table 5. Parameters defining Categories 1, 2 and 3 clearance requirements under the public safety framework.

	Category 1	Category 2	Category 3
	Sight distance line/triangles at intersections and rail crossings	Clearance adjacent to edge of travelled way	Clearance beyond category 1 and 2 zones
Justification	Consideration must be given to: Mitigation Hierarchy and other safety improvement options to be detailed in the application form		
Clearance that can be applied for	<p>Clearance of both frangible and non-frangible native vegetation (if required) for the establishment of safe sight lines at road intersections and rail crossings</p> <p>Clearance must be consistent with clearance guidelines outlined in <i>Austroads Guide to Road Design: Part 4: Intersections and Crossings-General 2009</i>, and AS 1742.7:2007 <i>Manual of uniform traffic control devices, Part 7: Railway Crossings</i>.</p>	<p>Sealed roads</p> <p>Removal of non-frangible native vegetation:</p> <ul style="list-style-type: none"> • ≤80km/hr = up to 2m from the edge of travelled-way • >80km/hr up to 3m from the edge of travelled-way <p>Unsealed roads</p> <ul style="list-style-type: none"> • up to 2m either side of the edge of the grader line, capped at a total width including the travelled-way itself of up to 12m 	<p>Areas or activities beyond the scope of Category 1 and Category 2 but still present as a public safety concern</p> <p>AND</p> <p>Applies only to safety treatments which result in clearing:</p> <ul style="list-style-type: none"> ➢ Less than 6 non-frangible scattered trees ➢ Less than 0.5 hectares canopy area of non-frangible vegetation <p>AND</p> <p>Applies to trees that present a danger of falling, or if a limb or some other part of the plant is in danger of falling, causing a risk to people or property</p> <p>Note: the Native Vegetation Council will consider matters that do not meet the above criteria on a case-by-case basis, should sufficient justification be provided.</p>
Application	Complete application form – refer to Appendix 2		
Written approval	Clearance approved by the Native Vegetation Council or a delegate		

PART 3: Other activities relating to roadside vegetation

Section 5. Clearance for access to adjoining land

5.1 New access points are often needed from the road to adjoining land. For example, a primary producer may need new access to a paddock, possibly to cater for wide farm machinery.

When clearing for access, **the highest priority is safety** of the person accessing the property. The conservation of native vegetation is secondary, but once safety has been addressed, the clearance option that requires the least disturbance of native vegetation of the lowest conservation significance should be selected.

Where clearance of native vegetation is unavoidable, the following standards should not be exceeded:

- **For normal vehicle access:** 5m wide plus minimum clearance of frangible vegetation for sight distance along the road reserve.
- **For wider farm vehicles:** 10m wide plus minimum clearance of frangible vegetation for sight distance along the road reserve.

If rare or threatened plant species³ are present, reasonable care should be taken to protect them. If necessary, contact the Native Vegetation Branch for advice.

These guidelines do not apply to clearance required to establish access for a new development or use (e.g. associated with a new house site) or where an existing access point is available. In these circumstances, an application under Regulation 12(34) Infrastructure is required.

CONSULTATION AND APPROVAL REQUIREMENTS FOR ACCESS TO ADJOINING LAND

- Clearance of roadside vegetation to provide access to adjoining land requires the consent of the local council.
- In addition, approval is needed from the Native Vegetation Council for any proposed clearance of native vegetation for access that exceeds the above standards.

³ Rare and threatened plant species are defined in the Schedule of the *National Parks and Wildlife Act 1972* or the *Environment Protection and Biodiversity Conservation Act 1999*. Removal of plants listed under the *Environment Protection and Biodiversity Conservation Act 1999* may require approval under that Act.

Section 6. Clearance for fence lines

6.1 A landholder who wishes to clear native vegetation on a road reserve to enable **construction or maintenance of a boundary fence** requires local council consent.

In granting any consent, the local council must comply with the following requirements:

- Where the roadside vegetation consists largely of trees, only branches protruding through or overhanging the fence, or trees growing on the actual fence alignment, should be removed.
- Where shrubs or bushes are growing through the fenceline, those plants growing within 1m of the fence alignment can be removed.



Figure 10. Maintenance of the fence by removing a branch growing through the fence.

If rare or threatened plant species⁴ are present, reasonable care should be taken to protect them. If necessary, contact the Native Vegetation Branch for advice.

These requirements take into account that the adjoining landholder can usually clear up to 5m in width on the land abutting the road, allowing for vehicular access to the fence (refer to Regulation 8(14) – Fences).

CONSULTATION AND APPROVAL REQUIREMENTS FOR CLEARANCE FOR FENCELINES

Clearance approval is required for any native vegetation clearance along fencelines that exceeds the above standards. Consultation with the Native Vegetation Branch should occur through the local council. Note:

- In many areas, landholders are relocating new fencing 3m to 5m into their properties to conserve roadside vegetation and reduce construction costs. This is strongly supported.
- An alternative to removing trees in line with the property boundary may include constructing a simple strut arrangement that allows a fence to deviate a short distance around a tree. Wires are not attached directly to the tree, minimising potential damage to the tree (see Figure 8).



Figure 11. Figure 11. Fenceline strut arrangement. Note: this approach may not be appropriate for smaller trees and an effort should be made to avoid structural roots when placing the post hole for the strut next to the tree.

⁴ Rare and threatened plant species are defined in the Schedule of the *National Parks and Wildlife Act 1972* or the *Environment Protection and Biodiversity Conservation Act 1999*. Removal of plants listed under the *Environment Protection and Biodiversity Conservation Act 1999* may require approval under that Act.

Section 7. Pest plant and animal control

7.1 Pest plants and pest animals are commonly known as ‘weeds’ and ‘feral animals’. They can invade rural land or natural habitats and because of their characteristics and/or location they can cause economic, ecological, physical or aesthetic problems, often with significant potential impacts on local and regional biodiversity.

Pest plants and animals can be categorised as those that require control under legislation (i.e. **declared** species) and those that, while still damaging, are not considered significant enough to warrant legislative control at this stage.

The control of declared species on roadsides falls under the jurisdiction of the regional **Natural Resources Management (NRM) Boards** under the **Natural Resource Management Act 2004**. Landholders are responsible for the control of pest species on their land and NRM Boards (or NRM Groups, where they exist) have the responsibility to control declared pest plants or pest animals on road reserves.

Within some local council areas, **landholders** may be required to contribute to the control of pests on adjacent roadsides. Where landholders opt to control the pests on adjacent roadsides they must seek approval of the NRM Board and the local council. Local councils can only give consent if they are acting in accord with the **Native Vegetation Act 1991** and have the relevant approvals or exemptions regarding clearance.

In this instance, any clearance of native vegetation must be compliant with Native Vegetation Regulation 8(15) – Plant and Animal Control. Under this regulation is a guideline that describes the level of impact on native vegetation that is permitted. See the following link for details -

https://www.environment.sa.gov.au/files/sharedassets/public/native_veg/nvc-guideline-plant-animal-control-fact.pdf.

CONSULTATION AND APPROVAL PROCEDURES FOR PEST PLANT AND ANIMAL CONTROL

Clearance approval is required where a proposed animal or plant control program is likely to cause significant damage to native roadside vegetation.

‘Significant’ in this context includes:

- ripping of warrens where native vegetation will be affected
- non-selective spraying in mixed weeds/native vegetation
- burning of native vegetation to assist pest control.

It does not include minor damage, such as removal of branches to gain access to pests.

The Native Vegetation Branch is able to determine whether the proposed clearance is of a sufficiently significant nature to warrant referral on to the Native Vegetation Council for decision.

In districts where there are serious problems with roadside pest control, local councils and NRM Boards are encouraged to develop overall management strategies in consultation with the Native Vegetation Branch. This can avoid the need for consultation with the Native Vegetation Branch on a case-by-case basis. This approach has been adopted in several local council areas.

Where pest control works are planned that could affect roadside native vegetation, the local authorised NRM Officer should be the first point of contact. The need for consultation with the Native Vegetation Branch can then be determined.

Section 8. Removing plant material

Collecting dead timber

8.1 Dead timber generally refers to woody debris from standing or fallen dead trees or branches. It does not usually encompass fine fuels, like grass, leaves, bark and twigs less than 6mm in diameter.

Dead timber on roadsides is not controlled under the *Native Vegetation Act 1991*, except in the case of dead plants in some parts of the state that provide habitat for nationally threatened species, which are defined as native vegetation under Section 3(1) of the Act⁵. Contact the Native Vegetation Branch for further details, including a fact sheet, *Dead trees as native vegetation*, also available at -

http://www.environment.sa.gov.au/Conservation/Native_Vegetation/Managing_native_vegetation/Clearance_guidelines

Local councils are strongly encouraged to **control the collection of dead timber** under the **Local Government Act 1999**. Dead timber, both standing and fallen, provides cover and foraging places for native fauna, it shelters young seedlings and small plants from herbivores, severe sunshine and drying winds, and is also important in the recycling of nutrients.

The development of hollow timber takes many years and is a limited resource for wildlife, and therefore should not be collected for firewood. Retention of dead timber (and fallen leaves, bark and twigs) should also be encouraged so that soil disturbance and the creation of open areas suitable for weed invasion is minimised.

If dead timber collection is permitted, care should be taken to prevent damaging surrounding native vegetation in the process of removal, and where possible should not be permitted in areas of vegetation of high conservation significance.

8.2 Cutting live timber

Cutting any live timber, other than that allowed for roadside management under these guidelines, **requires the consent of the local council** and also **clearance approval of the Native Vegetation Council** under the *Native Vegetation Act 1991*.

8.3 Brush-cutting

Cutting brush (*Melaleuca uncinata*) on roadsides **requires clearance approval** unless it is undertaken in accordance with other sections of these guidelines.

8.4 Seed collecting

Revegetation programs using local native species are strongly supported and roadsides are often ideal sites for seed collection. However, care is needed to minimise the damage to the parent plant and to avoid depleting the seed supply to such an extent that natural regeneration of plants on the roadside is affected.

Collecting **seeds, cuttings and specimens** from roadsides, requires the **consent of the local council**.

⁵ **Dead plants** (under the definition of native vegetation in section 3(1) of the Act), means the class of plants, or parts of plants, comprising trees of a species indigenous to South Australia –

(a) that have a trunk circumference (measured at a point 300mm above the base of the tree) of:

- (i) in the case of a tree located on Kangaroo Island – 1m or more; or
- (ii) in any other case – 2m or more; and

(b) that provide or have the potential to provide, or are a part of a group of trees or other plants (whether alive or dead) that provide, or have the potential to provide, a habitat for animals of a listed threatened species under the *Environment Protection and Biodiversity Conservation Act 1999* of the Commonwealth, is declared to be included in that definition.

A **permit** is also needed under the **National Parks and Wildlife Act 1972** and can be requested from the Department for Environment and Water Permit Unit on (08) 8463 4841 or online at http://www.environment.sa.gov.au/Do_It_Online/Plant_permits. The Permit Unit can also provide guidance on seed collection methods.

On private land, seed collection requires the consent of the landholder and, if the plant is a prescribed species under the *National Parks and Wildlife Act 1972*, a permit from the department is also needed. It should be noted that expertise is required to know how and when to collect seed from some native plants to ensure collection of viable seed. Such expertise should be sought from the regional NRM Board.

Collecting seeds, cuttings or other specimens from native plants does not require consent from the Native Vegetation Council provided that damage to the plant is not substantial. As a guide, cutting a substantial branch off a tree or bush to collect seed would not be regarded as exempt, nor would the removal of virtually all harvestable seed from a single plant or plant community.

8.5 Flower harvesting

Harvesting flowers from roadsides requires the **consent of the local council and clearance approval**.

The local council should be the first point of contact. In general, harvesting roadside flowers, particularly for commercial purposes, is not favoured because of its impact on the vegetation and on the landscape or amenity of the area.

CONSULTATION AND APPROVAL PROCEDURES FOR REMOVING PLANT MATERIAL

Removing plant material from roadsides and road reserves requires clearance approval under the *Native Vegetation Act 1991* in the following instances:

- removing 'dead plants' as defined under the *Native Vegetation Regulations 2003*
- cutting live timber (requires separate approval process)
- cutting brush (*Melaleuca uncinata*) unless it is undertaken in accordance with these guidelines or an approved Roadside Vegetation Management Plan

Section 9. Undeveloped road reserves

Throughout South Australia there are many surveyed road reserves that have never been developed as roads. Some are totally cleared and pass, unmarked, through farm paddocks. Although they are of low ecological value, these areas may be suitable for revegetation projects. Other undeveloped road reserves have relatively undisturbed native vegetation and are of high conservation value.

9.1 Leased/Licensed roads

Many undeveloped road reserves are leased to adjoining landholders for **grazing or cropping**. In this situation, any clearance of native vegetation, such as for cropping purposes, would require clearance approval, as would any change in grazing practice that increases the pressure on native vegetation.

Where important native vegetation is identified on leased/licenced roads, it should be protected through a Land Management Agreement ⁶ or Heritage Agreement⁷, or through removal of the area from the lease.

9.2 Road closures

Proposed road closures by local councils need careful consideration as these sites are often important for native vegetation conservation or as potential revegetation corridors. Both the opening and closing of roads is controlled in South Australia through the *Roads (Opening and Closing) Act 1991*.

Sale of these areas into private ownership could expose significant vegetation to increased risk of degradation unless provisions for protection are put in place, such as a Heritage Agreement or Land Management Agreement.

CONSULTATION AND APPROVAL PROCEDURES FOR UNDEVELOPED ROAD RESERVES

The consultation and approval requirements of these guidelines apply generally to undeveloped road reserves. In addition, local councils should advise the Native Vegetation Branch about any proposed road closures.

Modification of native vegetation on leased roads, by direct clearance or changed grazing practice, requires clearance approval.

⁶ Under the *Development Act 1993* and *Development Regulations 2008*

⁷ Under the *Native Vegetation Act 1991*

Section 10. Fire management

In certain areas, native vegetation may need to be managed for fire management to assist during times of bushfire, to reduce fuel loads and to encourage ecological processes.

10.1 Ecological purposes:

Bushfire has been part of the Australian landscape for millions of years. Australian ecosystems have successfully adapted to the presence of bushfire on a regular basis. In some cases, native vegetation relies on bushfires for important ecological processes such as reproduction, and land managers have long recognised the value of using prescribed burning to support these processes.

Local council may conduct a prescribed burn in an area of native vegetation if the burn is intended to improve ecological processes. This type of prescribed burn must be undertaken according to a management plan approved by the Native Vegetation Council or a delegate.

This also includes prescribed burning of native vegetation by Indigenous communities as part of ongoing cultural land practices. It is important to also seek advice from the South Australian Country Fire Service (CFS) prior to submitting any plan to the Native Vegetation Council.

10.2 Firebreaks in roadside vegetation

Native vegetation occurring in road reserves has important value and should be protected where possible. Any modification of this vegetation requires the consent of the local council, as well as consent under the CFS clearance controls. Two types of firebreaks may be considered for road reserves:

10.3 Fenceline firebreak

- Where there is native vegetation on a road reserve adjoining cleared land, the firebreak should be established on the cleared land and not on the road reserve.
- Where there is native vegetation on a road reserve adjoining a block of native vegetation a firebreak should only be required on one side of the fence line. In either case, CFS approval is required.
- If a firebreak is placed on a road reserve, approval would need to be obtained from the CFS Chief Officer.

10.4 Transverse firebreak

- A firebreak may be established across a road verge to break a continuous length of roadside vegetation. These breaks may be for firefighting vehicles to access adjoining paddocks.
- Breaks should be established at property access points or, where possible, sections of road reserve that do not contain native vegetation.
- The maximum width of a firebreak should be 20m, which includes the width of the property access track.
- The distance between adjoining firebreaks should not be less than 500m.
- Any firebreaks need to be approved by the CFS Chief Officer.

CONSULTATION AND APPROVAL PROCEDURES FOR FIRE MANAGEMENT

Clearance associated with firebreaks and fuel reduction within the road reserve require approval from the CFS

For ecological burning, CFS advice should be sought prior to submitting a management plan to the Native Vegetation Council.

PART 4: Developing a management plan

Section 11. Roadside Vegetation Management Plan

A Roadside Vegetation Management Plan can be developed by local councils if they need to undertake works outside of the parameters set out in these guidelines, such as for clearances within the primary envelope, secondary envelope or verge. These plans require endorsement by the Native Vegetation Council under the *Native Vegetation Act 1991* in order to fulfil the legal requirements under *Native Vegetation Regulation 11(23)*.

As part of developing a Roadside Vegetation Management Plan, there is a requirement to have sufficient information relating to the condition and conservation values of the vegetation that is present on a local council's roadsides. This allows for appropriate management measures to be put in place to limit any impacts on vegetation of conservation significance.

Previously, this information has been obtained through roadside vegetation surveys conducted as part of developing a Roadside Vegetation Management Plan. However, local councils may not have the time or financial resources to undertake an assessment of their roads initially, particularly in local council areas with a large road network.

In this instance, a Roadside Vegetation Management Plan can be developed to allow this information to be collected over time and only where necessary. This allows for a more targeted, efficient and adaptable approach to roadside vegetation management. It also enables multiple parties to participate and be engaged annually in achieving an effective balance between public safety and native vegetation conservation.

11.1 Purpose of a Roadside Vegetation Management Plan

A Roadside Vegetation Management Plan can:

- allow for the management of vegetation that has regrown within the past 20 years in the area that was cleared when the road was constructed.
- remove the need for case-by-case consultation associated with ongoing or broadly applicable activities, as long as sufficient detail is provided in the plan
- outline the ecological value of roadside native vegetation in the local council area, such as what plant associations are present, their conservation significance and quality, the location of any threatened species, and the distribution of weed species of significance
- promote protection of roadside native vegetation from direct damage, such as roadworks, by:
 - Including processes and procedures like codes of practice, guidelines, fact sheets
 - sourcing roadside vegetation surveys, vegetation mapping, various databases, utilisation of Geographic Information Systems (GIS) and roadside markers for the entire region, OR, on a case-by-case basis council staff, local experts or Department for Environment and Water staff can provide advice on the vegetation;

A Roadside Vegetation Management Plan is not:

- a means of avoiding liability if native vegetation clearance offences occur
- an appropriate mechanism to undertake clearance for new works or upgrades
- for clearing remnant native vegetation
- an approval for all roadside vegetation clearing or a mechanism to obtain approval for bushfire prevention works
- a stand-alone document that operates in isolation to other management structures and controls for activities that occur in road reserves that local councils govern.

11.2 Requirements of a Roadside Vegetation Management Plan

A Roadside Vegetation Management Plan must:

- clearly and precisely describe the actions or activities that the local council is proposing to undertake that are beyond the parameters provided for in Part 1, Part 2 or Part 3 of these guidelines
- provide justification, supported by evidence, for the proposed activities outlined in the plan
- provide information in relation to matters of conservation significance that occur on roadsides in the Council area or the process that will be employed to identify them.
- detail the actions that will be taken to avoid and minimise any impacts on native vegetation as a result of implementing the plan.

If clearance works proposed in a Roadside Vegetation Management Plan is likely to result in residual significant adverse impacts to native vegetation, the Native Vegetation Council cannot legally approve the plan.

11.3 Process to develop a Roadside Vegetation Management Plan

After identifying the need to develop a Roadside Vegetation Management Plan, the process a local council needs to follow to prepare it is:

1. Consider establishing a local consultative group comprising representatives of the local council, such as the Works Manager or planners, relevant state agencies, such as NRM representatives, community members and environmental conservation representative. The group should guide the preparation, development and review of the plan. It should include at least one person with expertise in, or a good understanding of, native vegetation management.
2. Decide who will prepare the plan. It is recommended that a person with qualifications and experience in vegetation management prepare the plan, such as the local council's natural resources officer or a suitably qualified consultant.
3. Identify the issues or activities that may affect roadside vegetation within the council area. Examples include routine road maintenance, such as patrol grading or safety pruning, or things like property access and fence-line construction. Consideration must be given to existing and potential future issues.
4. Establish or identify policies and objectives for the management of roadside vegetation. For example, a roadside vegetation policy may include commitments to prevent harm to the environment, ensure no net loss of vegetation and continually improve vegetation management practices. Different vegetation standards may be required for different types of roads (i.e. major, minor, sealed and unsealed). These standards should be based on the road classification system according to transport, safety and biodiversity protection needs.
5. Define the activities that will be undertaken under the Roadside Vegetation Management Plan, including clear parameters and criteria, and develop procedures for managing activities of the local council, landholders, service authorities etc. where those activities are likely to affect roadside native vegetation. Procedures may involve internal and external referrals and authorisation.
6. Collate any existing information about the area's roadside native vegetation and roadside vegetation management. For example, contact relevant state environment agencies and search all existing databases, surveys, and biodiversity information that is available.
7. Depending on the activity being proposed in the Roadside Vegetation Management Plan, the level of existing information available about the area's native vegetation and the risk of impacts, it may be necessary to undertake a roadside vegetation survey of the road network. Where the size of the road network makes a single survey impractical, a survey program staged over several years may be necessary. Drive-by roadside vegetation surveys are a key tool in the management of roadside vegetation and can be used to determine the type, quality and extent of vegetation along roadsides or road reserves, and the location and extent of key physical impacts. Additional items, such as the presence of Phytophthora and threatened species, can be included in addition to the standard items recorded. Roadside vegetation surveys follow a standard methodology that sets out methods for collecting, entering and analysing data. Refer to Stokes, A.L., Heard

L.M.B., Carruthers, S. and Reynolds T. (2006). Guide to the roadside vegetation survey methodology for South Australia. Department for Environment and Heritage, Adelaide.

8. Clearly detail how any impacts on native vegetation will be minimised. Potential impacts on flora and fauna of conservation significance, including species or communities listed under National Parks and Wildlife Act or EPBC Act, and roadside marker scheme sites or vegetation in good or excellent condition, must be avoided.
9. Identify the roles and responsibilities of council staff for implementing all aspects of the plan, including approval, monitoring and reporting responsibilities.
10. Once a draft Roadside Vegetation Management Plan is complete, make a copy available for public comment and advertise the availability, purpose and intent to the local community.
11. Review and amend the plan, taking into consideration any public comments and feedback from the local consultative group.
12. Submit a copy of the completed draft plan, including the public comments that were received, to the Native Vegetation Branch for assessment prior to consideration by the Native Vegetation Council. Note: the Native Vegetation Branch is available to provide feedback on earlier versions of the plan, prior to local council endorsement. After the draft has been submitted to the Native Vegetation Branch, it will provide feedback on the plan and work with the local council to finalise the plan for consideration by the Native Vegetation Council. When the Native Vegetation Council has considered the plan, the local council will be advised of the outcome via a Decision Letter notification, which outlines any further amendments to be made prior to adopting the plan and specifies the approved period, including the date by which a review of the plan is required.
13. Continued endorsement of a Roadside Vegetation Management Plan depends on the result of periodic reviews. The first review will be conducted after 3 years and subsequent reviews will be conducted at 5-yearly intervals. These reviews enable changes to be made that increase the usability of the plan as well as keep any name or policy changes up-to-date.

11.4 Example of a possible approach

An example of how a Roadside Vegetation Management Plan might be developed in order to address the requirements set out in Section 11.3, points **6, 7, 8 and 9**:

1. The local council undertakes an assessment of its roadside vegetation of conservation significance. Information may be obtained from a range of sources such as NatureMaps, past vegetation surveys and community knowledge. This may be supplemented with targeted on-ground assessments if practical.
2. The local council drafts an annual works program detailing roads to be managed, the method and extent of management, the vegetation present and possible impacts, and proposed actions to minimise impacts.
3. The Native Vegetation Branch considers the annual works program, with regard to proposed methods for vegetation treatment, on a road-by-road basis, taking into account the potential impacts on vegetation, especially vegetation of conservation significance.
4. If plants of conservation significance are considered likely to be impacted, the Department for Environment and Water will request that the local council considers and proposes further mitigation measures, such as alternative methods to reduce clearance impacts or patches/species/communities to avoid or protect.
5. The Native Vegetation Branch reviews the mitigation measures and if acceptable, allows the clearance works to proceed. The local council uses its own standard operating procedure and contract management procedures to undertake the agreed works.
6. If the Native Vegetation Branch determines the mitigation suggestions are not acceptable, the issue is presented to the Native Vegetation Assessment Panel for a decision.
7. The local council provides an update about the completion of the works program to the Native Vegetation Branch after the end of financial year.

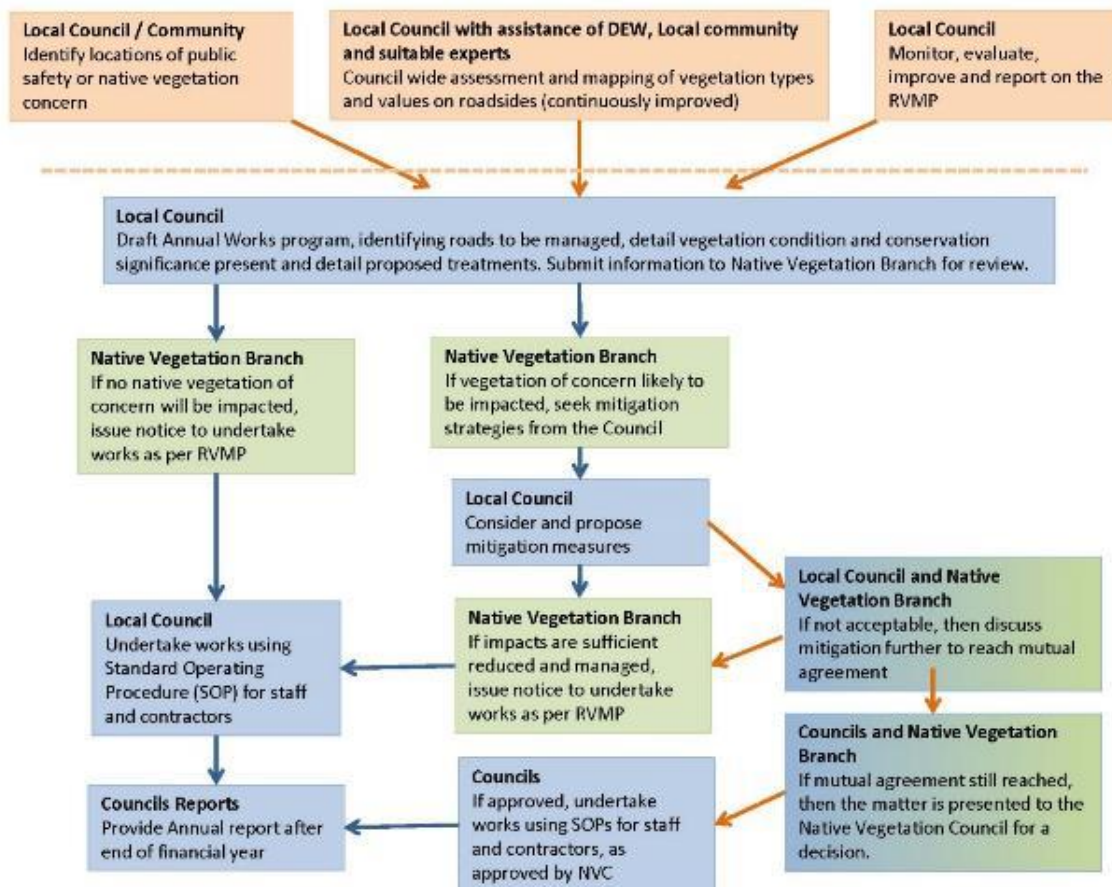


Figure 12. The annual works native vegetation management program approach.

GLOSSARY

Definitions for roadside vegetation

The definition of a road (from *Roads (Opening and Closing) Act 1991*) is:

1. a public road within the meaning of Section 4 of the Local Government Act 1999; or
2. (ab) an alley, laneway, walkway or other similar thoroughfare vested in a council; or
3. in relation to a part of the state not within a council area —
 - a. a road or street delineated and shown on a public map or plan of the state as laid out for public purposes by the Crown; or
 - b. a road or street opened under this Act or any other Act relating to the opening of new roads and streets; or
 - c. a road or street transferred or surrendered to the Minister of Local Government or the Crown by the owner or lessee for use as a public road or street; or
 - d. a road or street declared or dedicated under any other Act to be a public road or street,
4. and includes part of a road.

For the purposes of these guidelines:

Catch drain (cut-off drain) – a surface channel constructed along the high side of a road or embankment, outside the batter to intercept surface water (Austroads, 2003).

Frangible vegetation – plants with slender stems which give way break or uproot on impact.

Large tree – a tree (including a dead tree) where the circumference of the trunk of the tree is 2m or more, when measured at a height of 30cm from the base of the tree.

Mitre drains – drains constructed diagonally to the road for draining water from the road, usually extending into area of natural ground surface beyond the verge.

Natural ground surface – remainder of the roadside not previously cleared for road construction. It may include soil and vegetative debris that has been graded in from the verge.

Non-frangible native vegetation – plants species with a stem diameter (at maturity) of 100mm or greater with rigid, large or sturdy stems that will not readily break, bend or crush upon impact by a typical passenger vehicle, and could be expected to inflict significant damage to the vehicle and possibly cause injury to vehicle occupants. Stem diameter is measured at a height of 1m above natural ground.

Primary clearance envelope – the area of a road that supports regular vehicle movement up to the edge of the shoulder.

Public safety – The safety of persons or property, including the safety of:

- a) occupants in vehicles; and
- b) persons in or in the vicinity of (or likely to be in or in the vicinity of) roads, road infrastructure and public places; and
- c) vehicles and any loads in or on them: (Road Traffic Act 1961)

Regrowth vegetation – any vegetation growing after clearance, including re-growing from root-stock, or germination of new plants, from seed in the area that was previously cleared.

Remnant vegetation – vegetation not impacted since the establishment of the carriageway and verges within the road reserve.

Road authority – in the *Road Traffic Act 1961* this means:

- a) the Minister; or
- b) the Commissioner of Highways; or
- c) a council; or
- d) anybody or person in whom the care, control or management of a road is vested.

Road Furniture – all signs, streetlights and protective devices for the control, guidance and safety of traffic, and the convenience of road users

Roadside – the strip of land between the road formation and the boundary of the road reserve.

Roadside marker scheme – an important and valuable means of identifying, managing and protecting important areas of roadside vegetation. The marker system helps protect these areas from disturbance through activities such as road maintenance and upgrades, weed and pest control programs, or similar. Sites are identified by small blue marker signs at the start and end of important areas.

Methods for identifying native vegetation for the roadside marker scheme include:

- broad or targeted roadside vegetation surveys by trained contractors or staff
- opportunistic observations by local council staff
- database searches e.g. Nature Maps
- desktop assessments e.g. reviewing NRM Board, LandCare or other community group documents
- citizen science programs.

Road reserve – land set aside for the purposes of a public road, whether or not it is being used for that purpose (*Natural Resources Management Act 1999*) that extends from a property boundary on one side to a property boundary on the other side.

Roadside vegetation – any vegetation growing on a road reserve, including vegetation on a roadside (the area adjacent to a formed road), and vegetation growing on an unmade or undeveloped road reserve. It ranges from native vegetation of conservation value to vegetation dominated by introduced species.

Secondary clearance envelope – area where vegetation has regrown and affects the visibility of other traffic, signs, and other roadside furniture.

Sight distance – the distance that a road-user needs to have unobstructed sight to respond to a visual cue or safely avoid a conflict.

Sight triangle – the area of land between two intersecting roadways where vehicles on either roadway are mutually visible.

Undeveloped road – a surveyed road reserve that has never been developed as a road. Some undeveloped roads are totally cleared and pass unmarked through farm paddocks and others retain native vegetation.

Other relevant statutes

- The Local Government Act 1999 (Section 221), which states that any works on road reserves require the permission of the local council.
- The National Parks and Wildlife Act 1972, which prohibits the removal of native vegetation without a permit from reserves, wilderness protection zones, Crown land, public land or forest reserves in South Australia.
- The Commonwealth Environment Protection and Biodiversity Conservation Act 1999, which promotes the conservation of biodiversity by providing strong protection for nationally listed species of threatened indigenous plants and animals and important habitats. Any action that will have a significant effect on these species or habitats requires assessment and Commonwealth approval.

- The Natural Resources Management Act 2004 ,which promotes sustainable and integrated management of the state's natural resources and makes provision for the protection of the state's natural resources.

Numerous other Acts of parliament that may be relevant to roadside native vegetation management include, but are not limited to, the *Fences Act 1975*, *Electricity Corporations Act 1994*, *Fire and Emergency Services Act 2005*, *Occupational Health, Safety and Welfare Act 1986* and *Road Traffic Act 1961*.

Appendix 1.

ANNUAL WORKS CLEARANCE PROPOSAL FORM UNDER REGULATION 11(23) – Verge clearance >1m

Local Council details

Name of Local Council:	Authorised by Name: (CE or Delegated Authority)	Signature:
Local Council Project Supervisor:	Phone:	Email:
Local Council Staff/Contractor undertaking work:	Phone:	Email:
Start date:	Finish date:	

	Map reference No.	Road name	Road type (Arterial/Collector local)	Distance of road to be cleared (km)	Photo number	Threatened species present	Threatened communities present
1							
2							
3							
4							
5							
6							
7							
8							
9							
10							

Continue details from item 1-10 below:

	Vegetation Category (as per Table 3)	Age of the regrowth (years)	Width of roadside vegetation (m) total	Extent of verge clearance (m) from edge of carriage way	Clearance method (High or low method)	Assessor or relevant material*	Date assessed
1							
2							
3							
4							
5							
6							
7							
8							
9							
10							

- Provide an aerial map locating where the clearance is proposed (clearance area overlay) to be cross referenced to the table.
- Provide representative photos of section of vegetation proposed to be cleared and where possible indicate photo locations (with coordinates).
- Provide for reasons for requiring the clearance of the verge.

***Note: a vegetation assessment is not required if there is existing information relating to the roadside vegetation, such as past roadside surveys.**

Appendix 2.

CLEARANCE PROPOSAL FORM UNDER REGULATION 11(23)

Public Safety Framework

APPLICANT DETAILS

Name:

Postal Address:

Postcode:

Phone (Business):

Mobile:

Fax:

Email:

Signature (CE or delegated authority):

LOCATION OF WORKS

Give details of where the proposed works are to be conducted:

Location Address:

Parcel Description (or adjacent to):

Hundred:

District Council:

Are the proposed works located in a stretch of road that has been identified as containing significant roadside vegetation (identified by the Roadside Marker Scheme)

Yes No

Is this part of an ongoing or staged project?

Yes No

If Yes, provide details:

DESCRIPTION OF PROPOSED CLEARANCE AREA

Project purpose and description:

Size/length of project area

DESCRIPTION OF VEGETATION TO BE CLEARED

NON-FRANGIBLE VEGETATION: -

- Describe the non-frangible trees proposed to be cleared by filling in the attached *datasheet for non-frangible vegetation* (page 33) for each tree: -
- Provide an aerial map/GIS layer locating where the clearance is proposed (clearance area overlay). This must show as clearly as possible, individual locations of non-frangible trees. Please provide photos of the vegetation at the site.

FRANGIBLE VEGETATION: -

- Describe the frangible vegetation proposed to be modified (by filling in the attached *datasheets for frangible vegetation* (page 34) if information is readily available). Please provide photos of the vegetation at the site.
- Provide an aerial map/GIS layer locating where the clearance is proposed (clearance area overlay). Show as clearly as possible, individual locations of patches of frangible vegetation.

Category 1 clearances only

Is the clearance consistent with clearance guidelines outlined in Austroads Guide to Road Design:

Yes No

Part 4: Intersections and Crossings-General 2009, and AS 1742.7:2007 Manual of uniform traffic control devices, Part 7: Railway Crossings?

(Attach supporting information)

Category 2 and 3 applications only

You must show you have considered other safety improvement options as opposed to clearance. Attach additional information if required. These options may include:

Safety improvement options	Implemented		Reasons why not implemented	Estimated cost of options (\$)
Seal shoulder	Y	N		
Install barrier (wire rope/guard rail)	Y	N		
Install guideposts/cat's-eyes	Y	N		
Reduce speed limit	Y	N		
Install audio-tactile line markings	Y	N		
Improve road surface condition	Y	N		
Signage	Y	N		
Painted edge line	Y	N		
Other	Y	N		

Please note where insufficient information and/or inadequate demonstration of alternative safety improvement options are supplied by the applicant, clearance under the framework may not be approved.

Category 3 applications only

If the risk to public safety is as a result of the danger of a tree falling over or a limb or some other part of the plant falling, causing a risk to people or property, attach a report from a plant health expert.

Yes No

Note; a plant health expert means a person holding a Certificate V in Horticulture (Arbor culture) or a comparable or higher qualification.

Report Attached:

All applications

Demonstrate that the Mitigation Hierachy have been considered (see Introduction, page 9 for greater detail):

Summary Of Minimising Clearance	Discussion
Avoid Clearance	
Minimise Clearance	
Rehabilitate Clearance	
Achieve a Significant Environmental Benefit	No applicable for public safety framework

Datasheet for non-frangible vegetation proposed for removal

- * Applies where canopies are overlapping and not easily distinguishable
- # Trunk distance from edge of travelled way is measured from point of trunk closest to travelled way
- *# S: - Small hollows = diameter of hollow entrance ≤ 5 cm
- M: - Medium hollows = diameter of hollow entrance > 5 cm to < 15cm
- L: - Large hollows = diameter of hollow entrance ≥ 15 cm

Tree No.	Photo No.	Side of the road (N,S, W,E)	GPS point		Species	Ht (m)	Trunk diameter (cm) at 1 m above ground	Tree Health (Die-back %)	# Trunk dist. from edge of travelled way (m)	Width of adjacent travelled way (m)	Location (crest, trough, bend, straight, other)	Canopy area (m2)	*# No and size of Hollows		
			Easting	Northing									S	M	L

Please provide photos of the non-frangible vegetation on the proposed site

Please provide photos of the frangible vegetation on the proposed site



Government
of South Australia



Native Vegetation
Council

Appendix 3

NVC Tree Management Guidelines

Tree Management Guidelines

Local Councils and Reserves under the National Parks & Wildlife Act

Native Vegetation Council Guidelines under Regulations 8(6) and 11(25) of the
Native Vegetation Regulations 2017 | July 2020

BACKGROUND

Trees in urban and peri-urban settings provide essential habitat for wildlife, and critical services for people and communities by helping cool our cities and towns, providing shade, reducing energy demands, and providing important amenity values.

However, trees can also present a risk to people and property by branches falling and potentially entire trees falling due to old age, poor structure, and longstanding defects. Trees need to be managed, not only to protect people and property, but also to maintain their health and longevity.

Similarly, trees are an essential component within our State Reserve System, such as National Parks and Conservation Parks, and are often part of the reason that the many of the reserves were established. However, these Parks are frequented by members of the Public and contain a range of buildings and structures, and as the land manager, the Department of Environment and Water (DEW) has a responsibility to ensure the safety of people and property on this land. This includes the management of trees that may present a risk.

PURPOSE OF THESE GUIDELINES

These guidelines have been developed by the Native Vegetation Council to assist local government and DEW, to manage trees in accordance with the requirements of the *Native Vegetation Regulations 2017*. These guidelines apply to land that is under the ownership or direct management of a Local Council, land within a reserve as declared under the *National Parks and Wildlife Act 1972* (the Act), and unalienated Crown lands under the *Crown Land Management Act 2010*.

The guidelines provide for the management of trees that may pose a potential risk due to a combination of poor health, poor structure and close proximity to potential targets (people, property, or infrastructure), or the management of trees that is required to improve their health, structure stability and longevity. These guidelines also apply to burnt trees that are covered under the Act. The management of the tree will predominately be limited to prescribed pruning, which will promote improved tree structure, longevity and risk mitigation, however on particular occasions may require the complete removal of a tree.

*Note: These guidelines do not apply to clearance association with road safety where the tree represents a potential collision risk or sight line issues. For clearance in these circumstances, please refer to the Guidelines for the Management of Roadside Native Vegetation. These guidelines **only** apply where there is a risk of the tree or part of the tree falling and subsequently causing harm to people or property, or clearance is to improve the condition of the tree.*

Definitions

The clearance of vegetation, as defined by the *Native Vegetation Act 1991*, includes the following;

clearance, in relation to native vegetation, means -

- the killing or destruction of native vegetation
- the removal of native vegetation
- the severing of branches, limbs, stems or trunks of native vegetation
- the draining or flooding of land
- the burning of native vegetation
- any other substantial damage to native vegetation
- any other act or activity that causes the killing or destruction of native vegetation.

Veteran Trees - refers to trees of great age, size, declining structural condition and exceptional cultural and biodiversity value. Clearance of these trees can occur by or on behalf of local government or DEW in accordance with Regulation 11(25) of the *Native Vegetation Regulations 2017*, without gaining the endorsement of the Native Vegetation Council provided that it complies with these guidelines. (Note the requirements of the *Development Act 1993* in relation to Regulated / Significant trees needs to be satisfied).

Trees identified to represent an unacceptable level of risk - refers to trees that pose a risk to the safety of people or property as a result of identified hazard potential of a tree, or part of a tree. Clearance of these trees can occur by or on behalf of the local government or DEW in accordance with Regulation 8(6) of the *Native Vegetation Regulations 2017*. Further endorsement from the Native Vegetation Council is not required provided works are compliant with these guidelines. These guidelines also apply to clearance within roadside and railway corridors.

Pruning to preserve structure and longevity - refers to trees that may not be posing immediate failure potential, but which pruning would facilitate improved form and structure, therefore achieving improved safety and longevity.

REGULATION 8(6) - Safety of persons and property

Trees that may pose a hazard

Any clearance of native vegetation for hazard tree management for the safety of persons and property must comply with the requirements of Regulation 8(6) of the *Native Vegetation Regulations 2017*, as detailed below;

Regulation 8(6) - Safety of persons and property

(1) *Clearance of vegetation comprising a plant exceeding 2 metres in height if—*

- a) *there is a danger that the plant will fall over or a limb or some other part of the plant will fall from it because of disease, wind damage or any other cause; and*
- b) *there is a real risk of personal injury or damage to property if that occurs; and*
- c) *it is not reasonably practicable to avoid the risk by avoiding the vicinity in which the plant is growing or is situated; and*
- d) *the state of the plant has been assessed by a plant health expert or by any other person acting in an emergency situation or in any other situation that gives rise to an immediate risk of personal injury or damage to property; and*
- e) *if the state of the plant is assessed under paragraph (d) by a plant health expert other than in an emergency situation or a situation that giving rise to an immediate risk of personal injury or damage to property—a report on the state of the plant prepared by the plant health expert who made the assessment has been provided to, and approved by, the Council; and*
- f) *the clearance is confined to removing the limb or other part of the plant causing the danger and only extends to destroying the plant if that is necessary to remove the existing danger.*

(2) *Subclause (1) applies to vegetation that is growing or is situated on land that is subject to a heritage agreement or a management agreement.*

(3) *Subclause (1) does not apply to clearance of vegetation on a road reserve, rail corridor or rail reserve unless— (a) guidelines that apply to the clearance have been adopted by the Council under section 25 of the Act; and (b) the clearance is undertaken in accordance with those guidelines.*

(4) *In this clause— plant health expert means a person holding a Certificate 5 in Horticulture (Arboriculture) or a comparable or higher qualification.*

Local Councils or DEW are permitted to undertake clearance of part or whole of a tree, including on road reserves and rail corridors or rail reserves, without providing a report to the Native Vegetation Council for approval, for the safety of persons and property, if undertaken in accordance with the following sections.

- **When will clearance (removal or pruning) be considered?**
 - When a potential hazard has been identified by an appropriately qualified Arborist (as specified in subclause (4) of Regulation 8(6)), using an industry recognised tree risk assessment process.
 - Whole tree removal will only occur when all other remedial pruning options have been considered non-viable to mitigate risk.
- **What is the process to follow?**
 - A visual tree assessment to identify:
 - tree condition (health)
 - defects (structure)
 - failure potential (likelihood of failure occurring)
 - targets (people, property, infrastructure)
 - target occupation (frequency of exposure)
 - likelihood of identified part impacting target
 - consequence of failure impact
 - overall risk profile.
- **How will the clearance (removal or pruning) be undertaken?**
 - Pruning works to be undertaken in line with Australian Standard 4373.2007 '*Pruning of Amenity Trees*' by a suitably qualified Arborist (Certificate 3 in Horticulture (*Arboriculture*) and above).
 - The extent of pruning will be to maintain an acceptable level of risk to public and/or property.
 - Complete tree removal will be undertaken when all other reasonable remedial pruning options have been considered and determined ineffective.
- **Reporting to the Native Vegetation Council**
 - Provide an annual clearance summary to the Native Vegetation Branch, DEW at the end of each calendar year, **where complete removal of trees has occurred**, including:
 - month in which works were completed
 - tree location
 - tree species
 - reason for clearance
 - number of trees removed
 - the report relating to the health of the tree.

REGULATION 11(25) - Ecological restoration and management of vegetation

Pruning for improved tree health, structure and longevity.

Any clearance of native vegetation to facilitate improved health, structure and longevity must comply with the requirements of Regulation 11(25) as detailed below:

Regulation 11 (25) - Ecological restoration and management of vegetation -

(1) Clearance undertaken for the purpose of conserving, managing or restoring native species, native vegetation or ecological processes, provided that -

- a) guidelines relating to clearance of that kind have been adopted by the Council in accordance with section 25 of the Act; and*
- b) the person undertaking the clearance complies with those guidelines.*

Local Councils or DEW are permitted to undertake clearance of part of a tree without endorsement of the Native Vegetation Council, for maintaining the health, structure and longevity of a tree for its retention, if undertaken in accordance with the following sections.

1. When will clearance (removal or pruning) be considered?

- When pruning is required to preserve the long term structure of the tree (reducing potential for significant structural collapse)
- To promote formation of lower secondary canopy
- To enable the long term retention of trees with very high biodiversity value within urban and peri-urban landscapes
- To promote the elite individual *Eucalyptus camaldulensis* trees within areas of dense germination, for the purpose of maintaining the existing use of previously developed parkland and other urban areas (applies to trees that are less than 10 years of age, irrespective of size).

2. What is the process to follow?

- A visual tree assessment to identify:
 - veteran tree status
 - regulated / significant tree status
 - culturally significant status
 - potential canopy reduction points
 - existing habitat for hollow dependent fauna
 - opportunity for installing further hollow habitat
 - long term retention value
 - ability of the tree to respond positively to veteran pruning works
 - areas of dense *Eucalyptus camaldulensis* germination in previously developed parkland and other urban areas
 - clearance of inferior *Eucalyptus camaldulensis* progeny that is less than 10 years of age, irrespective of size
 - clearance of inferior *Eucalyptus camaldulensis* progeny will not exceed a maximum of 50% of the target area.

3. How will the clearance (removal or pruning) pruning be undertaken?

- Selective clearance of upper and mid canopy
- Vascular restricting action for the purpose of managing epicormic response growth
- Removal of heartwood for the purpose of crafting nesting hollows
- Veteran pruning works may occur outside of Australian Standard 4373.2007 'Pruning of amenity trees'
- Selective clearance of inferior *Eucalyptus camaldulensis* progeny for the purpose of promoting the elite individual.

4. Reporting to the Native Vegetation Council

- Provide an annual clearance summary to the Native Vegetation Management Unit, Department for Environment and Water at the end of each calendar year, **where complete removal of trees has occurred**, including:
 - month in which works were completed
 - tree location
 - tree species
 - reason for clearance occurring
 - number of trees removed.

NATIVE VEGETATION COUNCIL APPROVAL

If clearance does not comply with the requirements of these guidelines, adherence to the existing regulations is necessary as identified in the 'Guide to the Native Vegetation Regulations 2017'.

OTHER LEGISLATION

Prior to undertaking clearance of trees, local councils need to ensure that any other relevant legislation is complied with. This includes, but is not limited to:

- *Significant and Regulated Tree legislation - Development Act 1993*
- *River Murray Act 2003*
- *Environment Protection Biodiversity Conservation Protection Act 1999*
- *Aboriginal Heritage Act 1988*

For further information visit www.environment.sa.gov.au/nativevegetation

Appendix 4

*AHC Authorisation to Alter a
Public Road Application Form*

(Pursuant to Section 221 of the Local Government Act 1999 – excludes Underground Electrical Installation)

The issuing of this Authorisation is subject to:

- The applicant agreeing to the **General Conditions** of this Authorisation.
- The applicant agreeing to the **Special Conditions** of this Authorisation.
- Subject to approval, the applicant is to pay the assessment/investigation fee plus annual fee. If additional fees / higher fee apply in accordance with our fees and charges, a separate invoice for the balance will be issued by Council. *(Please see below for relevant application fees).*

Please allow four (4) weeks for requests to be assessed. We endeavour to support all requests, however in some instances the proposed use of council land may not be deemed appropriate and therefore may not be approved. A separate Authorisation may be issued by the Adelaide Hills Council if deemed appropriate.

I/We ('The Applicant'):		
Postal address:		
City:	State:	Postcode:
Phone:	Email:	
Location of works:		
Property Owner/s (if different to Applicant):		

- If a recent Development Approval has been granted for works, you may not require a separate Authorisation *(please check with a Council Planner)*.
- The Local Government Act 1999 (Act) provides that a road extends from property boundary to property boundary and includes the carriageway, footpaths and verges.

The following are considered road altering activities pursuant to the Act where it is an offence to undertake them without an Authorisation from the Council.

Please tick the applicable nature of proposed alteration:

New or Alteration of a Driveway Crossover **(\$49.00 Application Fee)**

Encroachment – Erect/install or removal of a structure (including paving, pipes, wires, cables, fixtures, fittings or other objects) in, on, across, under or over the road **(\$123.00 Application Fee)**

Change or interfere with the construction, arrangement or materials of the road **(\$49.00 Application Fee)**

Change, interfere with or remove a structure (including pipes, wires, cables, fixtures, fittings or other objects) associated with the road **(\$49.00 Application Fee)**

Plant, interfere with, or remove a tree or any vegetation from the road **(\$49.00 Application Fee)**

Occupation of Unmade Public Road / Closed Road / Road Reserve (Road Rent) **(\$123.00 Application Fee)**

Management of Declared weeds on road verge – Site to be assessed by Council Officer first if approved **(no fee charged)**

Property Type:

Residential

Industrial / Commercial

Nature of Work:

Part of an existing or ongoing Development Application being processed.

DA number (if known):

Private work by a property owner (Public Liability insurance details must be provided before this application is progressed for approval).

Retrospective Approval for the alteration of the road.

Weed Management / Grazing / Fire Hazard Reduction.

Type of Works: (tick applicable works)

Invert/crossover extension or modification

Second invert/crossover (properties with two street frontages only)

Relocation of existing invert/crossover

Stormwater from boundary to gutter

Erect / installation of a fixed/permanent structure on the road reserve

Plant, interfere with vegetation or remove a tree or any vegetation from the road

Indirect water works

Native Vegetation signs

Change, interfere with or remove a structure (including pipes, wires, cables, fixtures, fittings or other objects) associated with the road

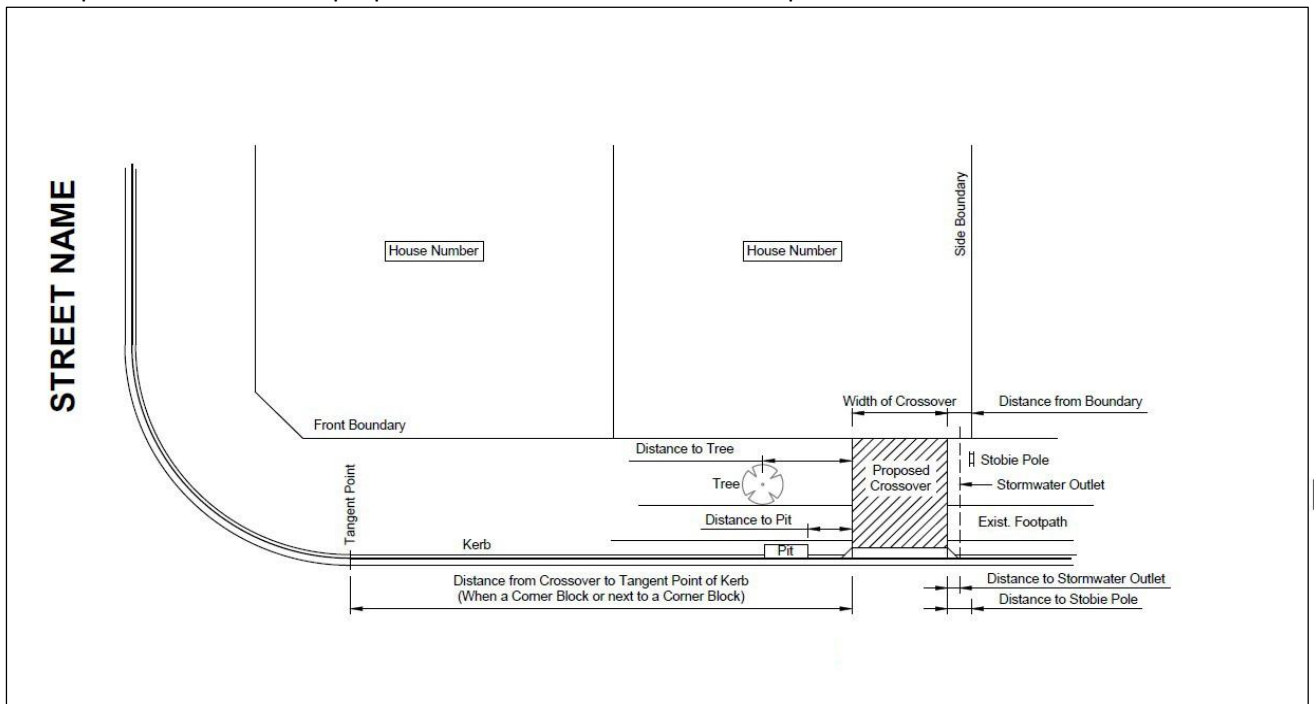
DETAILS AND SPECIFICATIONS

Details and specifications for the proposed alteration are (include reasons):

Attach plan showing measurements of the proposed works, existing road, property boundaries and existing fixed objects. Plan checklist below:

- | | |
|---------------------------|---|
| Street name | Stormwater outlets |
| House address | Stormwater drainage pits and verge width |
| Footpath | Bus stops / shelters |
| Council trees | Verge vegetation |
| Fire plugs / hydrants | Telstra pits |
| SAPN stobie poles | Distances between any of these to location of works |
| Native Vegetation Markers | |

Your plan should describe proposed features similar to the example.



Photos of existing infrastructure should be taken from the 3 points as indicated above. The photos should capture all of the infrastructure indicated within the drawing.

Crossover material type:

Concrete Colour:	Style:
Block Paver Colour:	Style:
Hotmix:	

Is the proposed alteration:

Permanent

Temporary

If temporary indicate period:

From:

To:

General Conditions:

The Applicant further agrees:

1. For the term of the Authorisation, to comply with all applicable industry standards, health or safety standards, current Standards Australia or any applicable Code of Practice.
2. To ensure that all works carried out are undertaken:
 - a. To the highest standard.
 - b. Promptly and with due care, skill and diligence.
 - c. Minimising impact on affected neighbouring properties so as not to cause a nuisance or restrict access to other properties.
 - d. Ensuring the road is kept in a clean and tidy condition during any works.
3. To ensure that any alteration to the road does not interfere with or cause damage to or in any way affect the property of any other person.
4. To comply with any direction given by any authority, statutory authority or Council to remove, maintain or otherwise modify the alteration to the road subject to this Authorisation.
5. That all fixtures and equipment erected or installed in, on, across, under or over the road remain the property of the Applicant pursuant to Section 209 of the Local Government Act 1999.
6. At all times to indemnify Council, its servants and/or agents against all actions, costs, claims and demands for injury, loss or damage arising out of any negligent act or omission of the Applicant in relation to the alteration to the road, the granting of this Authorisation and the general and special conditions contained herein and such indemnity shall be in addition to any statutory immunity in favour of Council.
7. **The Applicant and any contractor or invitee of the Applicant undertaking the works must ensure they hold valid public liability insurance with cover to a minimum of \$20,000,000.**
8. At the expiration or earlier termination of this Authorisation to remove, if so, directed by Council, any structure or object erected or installed on the road and to reinstate the road to the satisfaction of Council at the Applicant's sole cost. If the Applicant does not undertake reinstatement works as requested to the satisfaction of Council, then Council may undertake the works and reserves the right to recover the costs from the Applicant as a debt.
9. The Applicant must keep this Authorisation and produce it upon request to an Authorised Council Officer and comply with any requirements.
10. Council accepts no responsibility for damage to any private or public infrastructure however so arising, including but not limited to any damage that may be caused by road maintenance and or construction by Council or any other approved/authorised person/entity conducting the works.

11. Any future alterations necessary through road widening or other works by Council shall be carried out by the Applicant with Council's permission at no cost to Council.
12. This authorisation does not confer on the Applicant any exclusive right, entitlement or invest in the road and does not derogate from Council's powers arising under the Local Government Act 1999.
13. Works on Council land must be completed within twelve (12) months of application approval. Council reserves the right to inspect any works approved on the road reserve following completion of approved work.
14. Applications will remain open until either approved / declined or for a six (6) month period, whichever is greater.
15. Upon completion of excavation works the Applicant shall ensure reinstatement works are thoroughly backfilled and compacted as set out in the standard specifications "Technical Services Standard Details". <https://www.ahc.sa.gov.au/resident/planning-and-building>
16. For the term of the Authorisation, to maintain all fixtures and equipment erected or installed, or vegetation planted, in good condition and to recognised standards.
17. Finished levels on crossover must match the existing footpath levels to ensure that there are no steps, depressions or other tripping hazards within the pedestrian walkway. If levels cannot be matched, the footpath alongside the crossover must be ramped at a slope no steeper than 1 in 20. Ramping of the footpath must be approved by Council.
18. Where a new invert and crossover is constructed to replace an existing invert and/or crossover, the existing invert must be closed and the kerb, footpath and verge area reinstated, in accordance with this specification and in material technique as per adjacent infrastructure.
19. Invert must be poured integrally with water table, ie the entire kerb and water table must be excavated prior to construction. The practice of breaking away the top kerb section of existing integral kerb and water table is unacceptable.
20. Other structures on the street (ie trees, power poles, signs and services etc) must not be moved, altered or interfered with in any way except with the express, written approval of the relevant authority and Council.
21. Standard driveway apron width across the verge area should not exceed (unless otherwise approved):
 - a. 4 metres residential dwelling.
 - b. 6 metres for shared driveway servicing multiple dwellings.
 - c. 6 metres commercial/industrial dwelling.
22. Requests for second driveways will only be approved if a property has more than one street frontage, unless the alteration is required for traffic safety management or to gain access to a new carport or garage (**refer to Appendix 1**).
23. Native vegetation referrals are required for the following applications:
 - a. Secondary access.
 - b. Driveway alterations.
 - c. Shared / out buildings / garage installation.
 - d. Landscaping on road reserve.
 - e. Drainage control.
 - f. Pruning / maintenance of vegetation across driveways.
 - g. Any disturbance of vegetation for any alterations to road or road reserve.
 - h. Tree root protection zones (**refer to Appendix 2**).

<https://www.environment.sa.gov.au/topics/native-vegetation/clearing/clearance-applications>

24. Road Reserve / Verge Revegetation - Adelaide Hills Council promotes the revegetation of road reserves with local provenance native plants and encourages selection of species described in – Native Habitat Landscaping and Gardening Guide and Reducing Fire Risks in Gardens Guide
[Native Gardens at Home • Adelaide Hills Council \(ahc.sa.gov.au\)](https://www.cfs.sa.gov.au/about/publications/publications/reducing-fire-risk-in-gardens/)
<https://www.cfs.sa.gov.au/about/publications/publications/reducing-fire-risk-in-gardens/>
Plant species can be sourced through local nurseries and subject to a species list review (attached within the application), the Adelaide Hills Council may waive the \$49.00 application fee.
25. Declared Weed Control - Landscape Boards have the statutory responsibility under the Landscapes SA Act 2019 for the management of Declared plants on public road reserves. The Hills and Fleurieu Landscape Board are the regional authority for the Adelaide Hills Council district. Under Section 221 of the Local Government Act 1999 an applicant may apply to remove Declared and environmental weeds on a road reserve. The application would be subject to a Council assessment of the road reserve to determine if it is under the Native Vegetation Marker System and to confirm the plant species that is proposed for removal.
26. Inverts and crossovers may not be constructed within ten metres of an intersection.
27. Inverts and crossovers may not be constructed within one metre of stobie poles.

SPECIAL CONDITIONS

Special conditions to erect or install a structure including pipes – indirect water works

Where crossing a constructed road:

- a. The pipe is to be sleeved to allow withdrawal in the event of damage from soakage, without the necessity of digging up the road.
- b. The pipe is to be connected with union joints adjacent to the boundaries of the properties and the road to facilitate withdrawal if necessary.
- c. The trench to lay the pipe and sleeve is to be excavated so that the pipe and sleeve will be at least 600mm below the water table or lowest elevation of the road.

Where parallel to a road:

- a. The pipe shall be at least 600mm for water below natural surface.
- b. The alignment of the pipe shall be as close to 600mm running parallel to the property boundary.
- c. The water pipe crossing a road is to be at least 600mm below the invert of any stormwater drain to facilitate silt removal.

ITEMS TO BE ATTACHED

Attach the following items (tick to indicate that items are attached):

Plan showing alteration

Photos of existing infrastructure

Public Liability Insurance (\$20 Million cover)

DECLARATION

In making this application to the Adelaide Hills Council ("Council") for an Authorisation to alter the road, I/we acknowledge that I/we have read, understand and agree to be bound by the Conditions of the Authorisation and declare that the particulars provided by me/us with regard to the proposed alteration are true and accurate.

Signed by Applicant/s:

..... Name: Date:

..... Name: Date:

Signed by Property Owner/s:

..... Name: Date:

..... Name: Date:

HOW TO SUBMIT YOUR APPLICATION

Please submit your application either by:

- Emailing a saved PDF version of the application form to: mail@ahc.sa.gov.au

OR

- **Hard copy application form submission to:**
Adelaide Hills Council
63 Mount Barker Road
STIRLING SA 5152

OR

- **Hand deliver to one of our Council Service Centres**, for opening times please refer to our website or via [Adelaide Hills Council - Contact Us](#)

Stirling Service Centre
63 Mount Barker Road
STIRLING SA 5152

Gumeracha Service Centre
45 Albert Street
GUMERACHA SA 5233

Woodside Service Centre
26 Onkaparinga Valley Road
WOODSIDE SA 5244

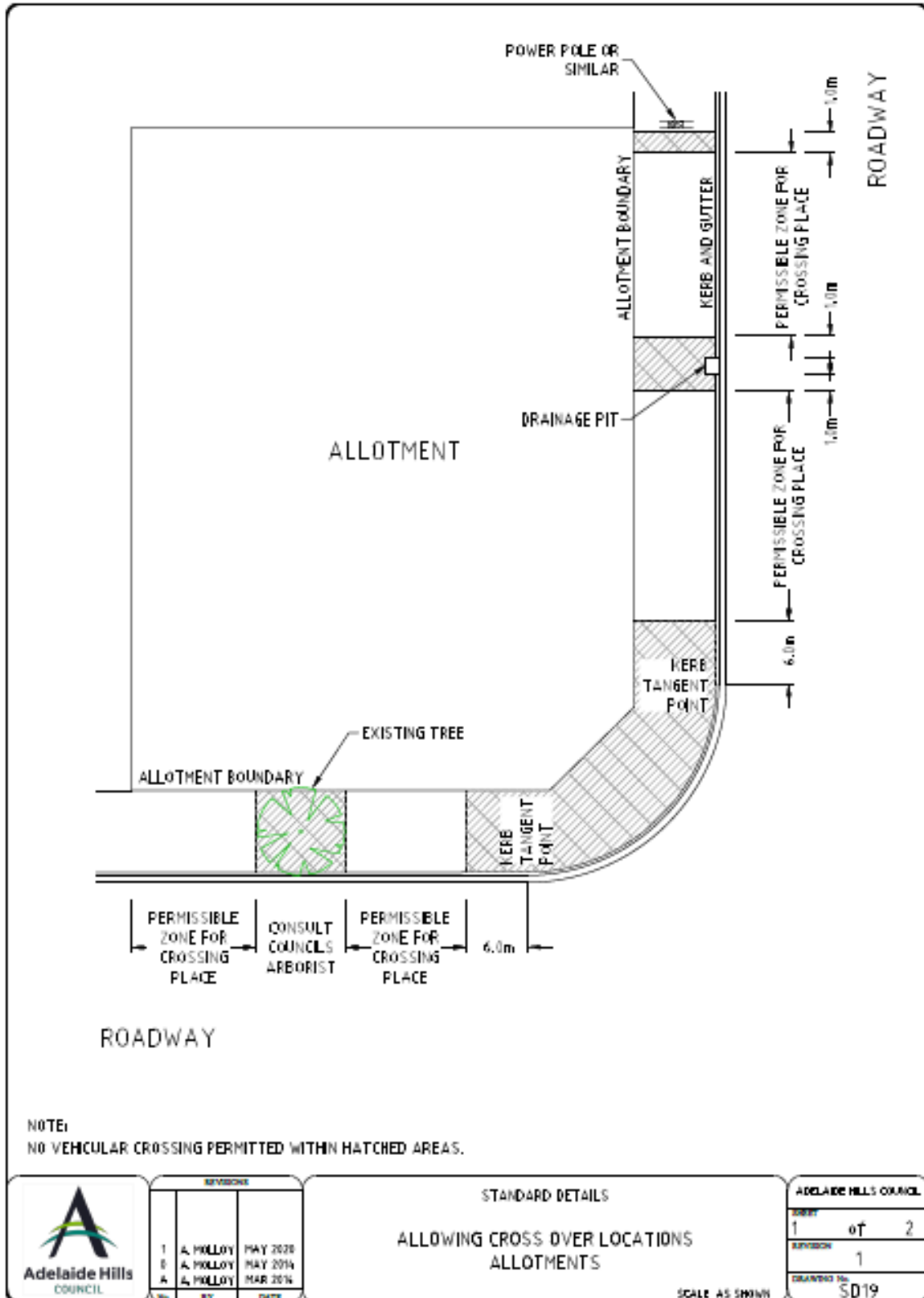
Please make your application payments by:

- EFT over the phone
- EFT at one of the above Service Centres

**** PLEASE NOTE:** Council will not accept any application that is not submitted in full.

APPENDIX 1 – ALLOWABLE CROSSOVER LOCATIONS

(Only applicable where the property has dual street frontage)



APPENDIX 2 – TREE PROTECTION ZONE

WHAT IS A TREE PROTECTION ZONE?

A Tree Protection Zone (TPZ) is an area precluded or regulated from Development Activity. Simply, it means that activities within this area can lead to tree damage.

HOW TO CALCULATE THE SIZE OF THE TPZ

A Tree Protection Zone (TPZ) must be calculated in accordance with Australian Standard AS 4970-2009 Protection of Trees on Development Sites and shown on any building plans. Any encroachment within this area that may lead to tree damaging activity, must be approved by Council.

The Australian Standard AS 4970-2009 Protection of Trees on Development Sites lists a range of activities that are NOT permitted within the TPZ:

- Alteration of soil levels including excavation and fill.
- Mechanical trenching for building footings or the installation of underground services.
- Stockpiling of building materials, equipment and tools.
- Vehicle movements except on paved surfaces.
- Sealing of surfaces with impermeable materials.

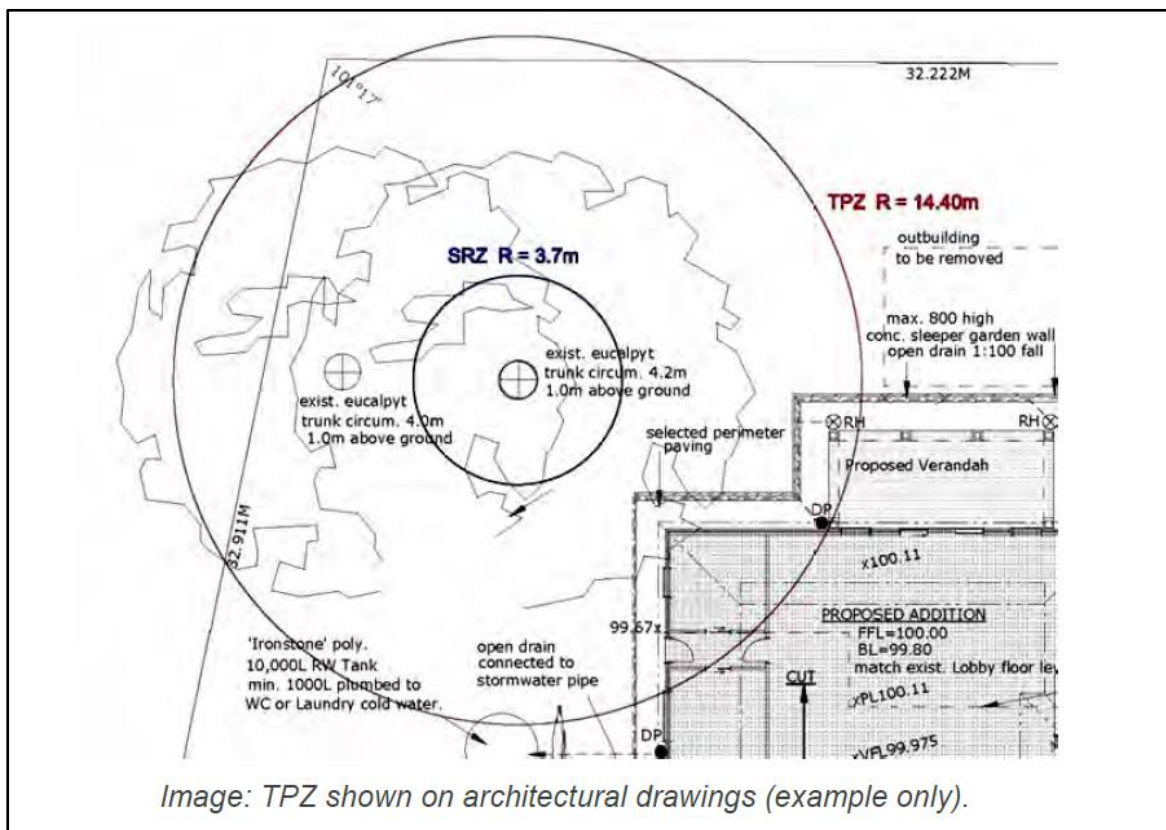


Image: TPZ shown on architectural drawings (example only).

Source: City of Burnside: Guidelines for Protecting Trees During Development

OFFICE USE ONLY

Biodiversity Team – Recommendation: Approve Decline

Open Space – Recommendation: Approve Decline

Technical Services (Specifications) – Recommendation: Approve Decline

Technical Services (Traffic) – Recommendation: Approve Decline

Property – Recommendation: Approve Decline

Planning – Recommendation: Approve Decline

Conditions and/or comments:

OFFICE USE ONLY

Authorisation:	Approved	Denied
Council specification for alteration to road attached:	Yes	No
Special Conditions attached:	Yes	No
Notified Civil Maintenance of approval:	Yes	No

SIGNED BY ADELAIDE HILLS COUNCIL

Signed for and on behalf of Adelaide Hills Council:

Authorised Officer Name:

Authorised Officer Position:

Authorised Officer Signature:

Date:

AHC Receipt Number:

Fee Paid: \$

Appendix 5

AHC Native Vegetation Marker System Factsheet

Why we have a marker system

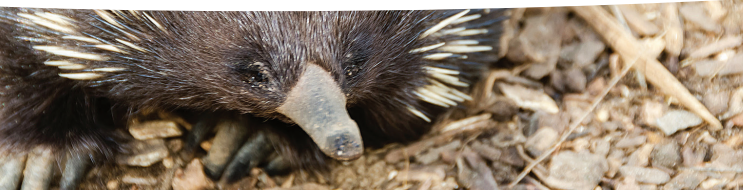
The Adelaide Hills forms part of a 'biodiversity hotspot' – both biologically rich and under threat from humans. Due to human activity, only about 15% of the original 'hotspot' vegetation now remains.

If you have an NVMS marker outside your property, you live close to a precious fragment of an internationally recognised environmental treasure.

Remnant roadside vegetation is a biological and community asset.

These stands are not only beautiful, but also:

- are sometimes the only remaining haven for unique local plants and animals
- connect habitats for native animals, and provide seed sources for natural regeneration and local revegetation projects
- are a buffer against wind erosion, reduce dust, preserve soil moisture and provide shelter for livestock on adjoining land
- help control agricultural and horticultural pests and diseases by supporting predatory insects and by deterring damaging insects
- protect water quality by preventing erosion and filtering pollutants
- can reduce fire hazard by preventing high fuel-load weeds from establishing.

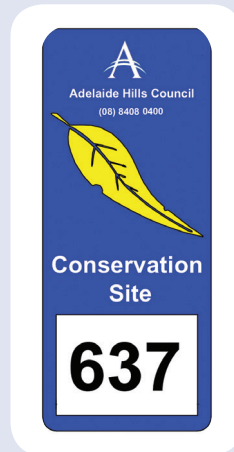


What is your responsibility?

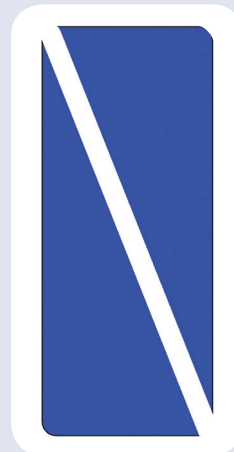
The presence of an NVMS sign indicates that the site has been registered, mapped and is being monitored by the Council.

It also means the site contains plants and animals that require highly specialised management. Permission must be granted by the Council before any activity is carried out on a NVMS site.

Activities include things like weeding, slashing, spraying, digging, planting and collecting firewood. If you believe work is needed on the site, contact the Council.



Start NVMS zone



End NVMS zone



How you can help

There are many pressures on remnant roadside vegetation, including road works, road verge maintenance activities, trampling and dumping.

Please:

- contact the Council if you are considering any activity within an NVMS site, or to report unauthorised activities
- learn more about native plants and animals by joining a local volunteer group, or by visiting the website on the back page of this brochure
- use only designated trails and tracks when cycling, hiking, horse-riding and driving
- avoid unauthorised vegetation clearance – including spraying, mowing, brush-cutting and chainsawing
- don't harvest firewood from these sites, as dead trees and fallen logs provide valuable habitat
- discuss the NVMS site with your neighbours.

If you see any damage to an NVMS site or its markers, or you believe work may be being carried out without permission, please make a note of the number on the NVMS sign and contact the Adelaide Hills Council on 8408 0400.



The Native Vegetation Marker System (NVMS) identifies areas of important native vegetation on roadsides so that council staff, contractors and residents can protect them from damage.

Many roadsides contain remnant vegetation; the original plants that grew there before settlement. This may include trees, shrubs, ground covers, grasses, sedges, lilies, orchids and climbers, or a combination of these.

Roadside native vegetation throughout the district has been assessed and mapped. The most important remnants are marked with NVMS signs.

Each sign displays a number, which relates back to a detailed register kept by Adelaide Hills Council. The NVMS allows us all to quickly identify significant vegetation and take the necessary protective actions to conserve it.



More information

For more information, or if you see any damage to a site or its markers, please contact the Adelaide Hills Council
8408 0400 | mail@ahc.sa.gov.au

Native Vegetation Marker System

Protecting our roadside vegetation

ahc.sa.gov.au

Proudly made by Ecocreative®
Photo credits: Bill Doyle and Renae Eden



Appendix 6

*NVC Clearance Associated with
Plant and Animal Control*

Clearance associated with Plant and Animal Control

Native Vegetation Council Guideline under Regulation 8(15) of the *Native Vegetation Regulations 2017* | 1 July 2017

BACKGROUND

The *Native Vegetation Act 1991* sets a framework for the conservation and management of South Australia's native vegetation. Under the Act the clearance of native vegetation generally requires the consent of the Native Vegetation Council (NVC).

The *Natural Resources Management (NRM) Act 2004* provides a framework to promote sustainable and integrated management of the State's natural resources and makes provision for the protection of those resources.

Any methods used to control declared pest animals and plants should always be in accordance with advice from the local NRM or State Authorised Officer, in line with established policies. In general, damage to native vegetation* should be avoided this is a requirement of the NRM Act, under Section 193(2)(d)(v).

However, in some situations a problem will not be controllable without some damage to native vegetation. The remove of native vegetation in relation to the control of declared pest animals and plants can occur in accordance with the *Native Vegetation Regulations 2017*, under regulation 8(15) provided that it complies with this guideline.

Notification must be sent to nvc@sa.gov.au with application and property information, a description of the area, location and the proposed amount to be cleared – including a map and photographs.

** If there is any doubt about whether a plant is native or non-native, you are encouraged to seek advice from someone familiar with the native plants in your region, such as a local council environment officer, a Department for Environment, Water and Natural Resources (DEWNR) regional officer, or officers of the Native Vegetation Branch.*



Blackberry

NVC GUIDELINE

The clearance of native vegetation during programs for the control of declared animal and plant pests must be kept to the minimum needed for effective pest control (in accordance with advice from the local NRM/State Authorised Officer or NRM Board) and must be in accordance with this guideline.

1. Pruning of Native Vegetation

The pruning of native vegetation, if essential to provide access for pest animal and plant control, is acceptable provided that it is kept to a minimum and does not affect the overall viability of the plant(s) involved.

2. Spraying of Herbicides in Native Vegetation

Spraying of declared plants in native vegetation is acceptable provided that a careful and selective approach is used (eg. spot-spraying) and damage to nearby native vegetation is avoided or minimised. The use of herbicides must be in strict accordance with NRM advice and with instructions for use provided by the manufacturer.

Any broader spraying program in native vegetation (eg. boom-spraying) requires the endorsement of the Native Vegetation Branch and may require the consent of the NVC through a clearance application under the *Native Vegetation Act 1991*.

3. Removal of Entire Native Plants

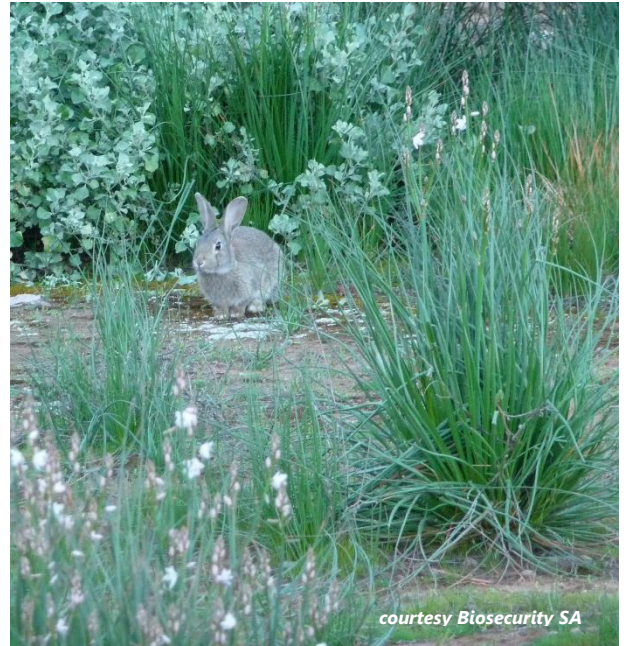
The removal of entire native plants (if considered essential to facilitate animal and plant control) must be discussed with and endorsed by the Native Vegetation Branch. This consultation can take one of two main forms:

a) Case-by-case consultation

Minor clearance of native species known to be common in a district may be resolved through verbal or electronic communication without the need for site assessment by the Native Vegetation Branch or other DEWNR staff. For larger scale clearance, or for cases where the identity of the native plants is unclear, a site inspection will usually be undertaken.

NOTES:

- I. In this situation, either the landholder undertaking the work or the State Authorised officer ('the officer') should initiate the consultation by contacting the Native Vegetation Branch.
- II. Whether a proposed clearance is considered as 'minor' (and therefore not warranting a site inspection) will be determined through discussion between the Native Vegetation Branch and the landholder/authorised officer. As a guide, the clearance of up to ten Kangaroo Thorn (*Acacia paradoxa*) for rabbit control in the South East, or up to ten Nitre Bush (*Nitraria billardierei*) for rabbit or boxthorn control in northern areas, could be regarded as 'minor'.
- III. Where minor clearance is agreed without NVC inspection, it will be recorded on the appropriate Native Vegetation Branch file. By notifying the Branch, any reports of illegal clearance that may result can be managed or dispelled rapidly. Where an inspection is undertaken, the landholder/authorised officer is to be advised of the NVC's endorsement in writing.
- IV. If, as a result of the above consultation, the NVC Secretariat determines that a clearance proposal is of particular environmental significance or sensitivity, the proposal is to be referred as a clearance application to the NVC for decision. This may occur, for example, where a substantial area of native vegetation is involved, or where the clearance involves plant species of particular conservation significance.



courtesy Biosecurity SA



courtesy Biosecurity SA

b) Consultation based upon a broader planning approach

Broader planning arrangements may be developed between NRM Boards / Authorised Officers and the Native Vegetation Branch.

For example, it may be agreed that certain methods will be applied within a Board district for control of pests often associated with particular native species – such as Boxthorn or rabbits associated with Nitre Bush, or rabbits associated with Banksia-heath vegetation. This would be in the form of a management plan initiated by the local Board and prepared in consultation with the Native Vegetation Branch. Once endorsed by the NVC, the plan could be put into effect and the need for consultation with the Native Vegetation Branch about individual programs would be avoided.

It is envisaged that plans of this type would normally be prepared on a Board basis. However, there may be issues and management approaches of State-wide relevance, in which a State-wide management plan could be prepared, presumably at the initiation of the NRM Board.

4. The control of declared animals and plants in native vegetation should also take the following factors into account:

- The removal of tree saplings or more mature trees is not normally necessary for pest control;
- Very localised pest control issues might be manageable with hand-held equipment rather than heavier machinery which could have greater environmental impact;
- There is an increasing range of pest control equipment available, some of which has less environmental impact than the equipment used more traditionally;
- Any control method involving soil disturbance has the potential to promote further establishment of declared plants or other introduced plants which may disrupt the ecology of the native vegetation. Soil disturbance should be minimised and control works should be followed with site monitoring and selective eradication of any introduced plants which re-establish;
- Fire has some potential for inclusion in pest control programs in native vegetation to improve access, reduce the bulk of declared plants and possibly to promote regeneration of native species. However, the issues associated with fire can be complex and any such burning in native vegetation should be discussed with the Native Vegetation Branch to avoid the possibility of a breach of the *Native Vegetation Act 1991*.



African Boxthorn

For more information

Native Vegetation Branch

Department of Environment,
Water and Natural Resources

T (08) 8303 9777

E nvc@sa.gov.au

www.environment.sa.gov.au/nativevegetation

Appendix 7

*NVC ANNUAL WORKS CLEARANCE PROPOSAL FORM
UNDER REGULATION 11(23) –
Verge clearance greater than 1m*

Appendix 6 (AHC): ANNUAL WORKS CLEARANCE PROPOSAL FORM UNDER REGULATION 11(23) – Verge clearance >1m

(Refer Appendix 1.- Guidelines for the Guideline for Roadside Native Vegetation and Regrowth Vegetation)

ANNUAL WORKS CLEARANCE PROPOSAL FORM UNDER REGULATION 11(23) – Verge clearance >1m

Local Council details

Name of Local Council:	Authorised by Name: (CE or Delegated Authority)	Signature:
Local Council Project Supervisor:	Phone:	Email:
Local Council Staff/Contractor undertaking work:	Phone:	Email:
Start date:	Finish date:	

Map reference No.	Road name	Road type (Arterial/Collector local)	Distance of road to be cleared (km)	Photo number	Threatened species present	Threatened communities present
1						
2						
3						
4						
5						
6						
7						
8						
9						
10						

Continue details from item 1-10 below:

	Vegetation Category (as per Table 3)	Age of the regrowth (years)	Width of roadside vegetation (m) total	Extent of verge clearance (m) from edge of carriage way	Clearance method (High or low method)	Assessor or relevant material*	Date assessed
1							
2							
3							
4							
5							
6							
7							
8							
9							
10							

- Provide an aerial map locating where the clearance is proposed (clearance area overlay) to be cross referenced to the table.
- Provide representative photos of section of vegetation proposed to be cleared and where possible indicate photo locations (with coordinates).
- Provide for reasons for requiring the clearance of the verge.

***Note: a vegetation assessment is not required if there is existing information relating to the roadside vegetation, such as past roadside surveys.**

Appendix 8

*AHC Standard Operating Procedure
Roadside Vegetation*

Appendix 7: AHC Standard Operating Procedure – Reducing Impacts to Native Vegetation on Roadsides

This Standard Operating Procedure (SOP) applies to activities on the Adelaide Hills Council roadsides and the protection of native vegetation on roadsides. Such activities include the repair or installation of services, vegetation control, land management works, roadside maintenance, minor road works, and other activities that may impact on roadsides.

It applies generally to all native vegetation which is protected under the Native Vegetation Act 1991.

These guidelines do not imply consent to clear native vegetation. Please refer to the following Native Vegetation Council documents and contact the Department for Environment and Water for clarification.

- Guide to the Native Vegetation Regulations 2017.
- Guidelines for the Management of Roadside Native Vegetation and Regrowth Vegetation under the Native Vegetation Regulation 11(23).
- Tree Management Guideline - Local Councils and Reserves under the National Parks & Wildlife Act.

This instruction applies to all activities undertaken by the Adelaide Hills Council, its contractors and service providers. It has been adapted from the Department of Planning, Transport and Infrastructure's (DPTI) Roadside Marker System Document and from the Guidelines for the Management of Roadside Native Vegetation and Regrowth Vegetation under the Native Vegetation Regulation 11(23).



AVOIDING DAMAGE TO NATIVE VEGETATION

The following actions can cause damage, removal, or destruction of vegetation. Consider where these actions are undertaken in order to avoid unnecessary damage. Consider all types of native vegetation including trees, shrubs, understory plants and grasses.

- **Clearing** – grading, bulldozing, scraping, trenching.
- **Smothering or burying** – stockpiling or windrowing; equipment and materials lay-down; disposal of waste materials.
- **Soil compaction** – parking; vehicle turn-arounds; equipment and materials lay-down.
- **Herbicide treatment** – off-target damage caused by indiscriminate spraying, spray drift or leaching of residual chemical.
- **Pruning or trimming** – removal of limbs; severance of roots.
- **Slashing/mowing** – particularly repeated slashing/mowing.
- **Transfer of weeds by machinery or equipment** – for example, grading from weed infested to weed free area.

- **Introduction of plant disease in topsoil or plant debris** – for example, spread of *Phytophthora* dieback disease through soil on vehicles.



GENERAL PRINCIPLES - All roadside vegetation management must be undertaken in accordance with these requirements.

- All native vegetation is protected under the Native Vegetation Act 1991 and Native Vegetation Regulations 2017, provision and approval processes apply accordingly.
- Contact the Department for Environment and Water for further advice if necessary.
- Where clearance is restricted to regrowth vegetation only, clearing any vegetation that is more than 20 years old will require an application to the Native Vegetation Council. Minimum requirements for the Adelaide Hills council is regrowth vegetation which has a maximum regrowth diameter of 200mm (trunk 1m in height) that has previously been cleared as part of roadside maintenance can be cleared.
- Use the most low-impact methods possible for the given activity. Ensure works cause minimal ground disturbance, cut cleanly rather than breaking branches, and use low-impact methods like slashing, trimming, mowing, or rolling.
- Limit the use of herbicides to spraying around roadside furniture and for selective weed control.
- Ensure graders and other high-impact machinery do not intrude beyond the existing carriageway width, as grading a little further each time can have significant impact over a number of years).
- Position mitre drains in areas devoid of native vegetation (unless clearance approval is given).
- Ensure that drains do not deposit sediment into native vegetation, waterways or neighbouring private land.
- Minimise soil disturbance and general intrusion beyond the designated carriageway, as disturbance encourages weeds that compete with native species, leading to potential increases in maintenance costs. More specifically:
 - a) Parking or turning machinery must be at a limited number of designated sites that do not have native vegetation.
 - b) Materials must be stockpiled at a limited number of designated sites that do not have native vegetation;
 - c) Equipment must be cleaned on-site before moving to other sites. . This is particularly important where machinery is operating in weed-infested or infected areas (e.g. land affected by *Phytophthora* spp.);
 - d) Any required tree-trimming must be performed in accordance with recognised arboriculture standards.
 - e) Any debris from trimming operations must not be deposited on or among other native vegetation and must be disposed of in a manner that does not affect native vegetation, unless it is useful as habitat for wildlife, or is scattered sparsely among the remaining vegetation.
- Threatened plant species on roadsides must be mapped, where possible, and roadworks at those sites must be carefully planned to avoid any impact to those plants. It is recommended that roadside markers are installed to identify sites with threatened plant species, and that best-practice training is undertaken by staff and contractors.
- Retain native vegetation, including dead timber, wherever possible and integrate it into revegetation programs. Particular care must be taken to preserve areas of native grasses, which can be difficult to distinguish from exotic grasses.

- Wherever possible, clear exotic vegetation or undertake proposed works on already cleared land in preference to clearing native roadside vegetation.
- Start works with clean machinery in areas of less degraded vegetation and work towards the more degraded sites. This will help to prevent spreading weeds and, in turn, reduce ongoing maintenance.
- Prior to commencing works in the vicinity, the site must be assessed to determine whether native vegetation will be disturbed, or how disturbance can be avoided.
- In all cases, consider native grasses and shrubs, as well as trees.



GUIDELINES FOR SPECIFIC ACTIVITIES

Access and parking

- Avoid or restrict all vehicle activity outside the shoulder, access track or other formed areas. Do not park or turn around vehicles outside formed areas.
- Avoid compaction of soil under the drip line of trees (e.g., by parking, placement of fill, or temporary storage of equipment and materials).

Excavation: digging or trenching

- Avoid or minimise digging or ground disturbance within the drip line of trees.
- Separate excavated topsoil and subsoil and ensure correct backfilling.
- Do not place spoil material on undisturbed ground, including ground immediately adjacent to the excavation.
- Consider low impact methods, such as underground boring machines for installation of conduit.
- Reinstate disturbed surfaces by re-spreading topsoil and mulched vegetation (or vegetation debris) that had been reserved from the initial clearing.

Stockpiling and lay-down

- Do not establish new stockpiles at sites.
- If there is an existing stockpile within the Site, confine activity to the hard-stand area to avoid encroachment on the significant feature. Consider erecting perimeter fencing or relocation of the stockpile.
- Do not wind-row shoulder material or other raw materials outside the shoulder.
- Do not use this Site for lay-down of equipment, culverts, and other materials, except on existing hard-stand area.

Borrow pits

- Do not create new borrow pits within sites.
- If there is an existing pit within the Site, confine activities to the pit site to avoid encroachment on native vegetation.
- Consider erecting perimeter fencing to confine activities, or relocation of pit.
- Avoid disturbance, if possible, to areas within the borrow pit where native vegetation is regenerating.

Shoulder grading

- Avoid grading outside guideposts or edge of shoulder.

- Minimise opportunities to leave a windrow along the outer grade-line. Remove excess material and dispose away from natural water courses or native vegetation.

Drains

- Minimise ground disturbance when clearing or controlling vegetation, particularly in table drains, diversion drains or around culverts.
- Avoid working in wet conditions to minimise risk of spreading plant disease and to minimise damage to the soil.
- When cleaning culverts or drains, remove drain spoil from the roadside and dispose away from natural water courses or native vegetation.
- Avoid the cutting or minimise the size of new diversion drains.

Vegetation control for sight distance

(e.g., signs, inside curves, intersections/level crossings)

- Use methods that avoid ground disturbance. For example, avoid grading or bulldozing.
- Use only minimal disturbance methods. For example, selectively remove tall growing species that are likely to impair sight distance and retain low growing species that will not affect sight distance.

Mowing

- Avoid mowing outside the table drain. Generally, mowing should be restricted to the shoulder area and guidepost alignment.
- Avoid mowing when weeds are in seed.
- Avoid mowing from weed infested areas into other areas of native vegetation, where possible.

Pruning/ trimming

- Tree pruning and removal must be undertaken in accordance with the 'Native Vegetation Council's Guidelines for the Management of Native Vegetation on Roadsides and Vegetation Regrowth Under Native Vegetation Regulation 11(23)'.
- Tree limbs must only be removed with appropriate cutting equipment.
- Remove pruning debris to licensed waste depot, or scatter in roadside on existing cleared, degraded or weed-infested areas. Avoid areas of native grasses or groundcover plants.
- Do not leave chipped mulch or pruning debris in heaps in the roadside.

Pest plant control

- Control of pest plants must be undertaken in accordance with best practice methods, with advice from the local Authorised Officer.
- Where pest plant and animal control is undertaken it must be in accordance with the Native Vegetation Council Guideline under Regulation 8(15) of the Native Vegetation Regulations 2017.
- Avoid damage to non-target plants. Avoid indiscriminate methods of spray application. Avoid cover spraying or equipment that is likely to cause overspray.
- Weed control outside the guidepost alignment should be selective only (except where required for species specific or herbicide resistance issues), using hand-operated equipment to minimise off-target damage. Apply spray on foot rather than from moving vehicle and target individual plants.
- Preferentially use "bi-active" herbicides, particularly at or around waterways.
- Spraying must only be undertaken by experienced operators and/or trained bushcare operators, with skills in the recognition of both native plants and weeds.

Other activities

- Many other activities can cause degradation of native vegetation and other roadside features including ploughing, slashing, burning, stock grazing, wood collection, track cutting, trail bike use and rubbish dumping. These activities must be controlled or avoided near native vegetation.

DRAFT

Appendix 9

CLEARANCE PROPOSAL FORM UNDER REGULATION

11(23) Public Safety Framework

Appendix 8 (AHC): CLEARANCE PROPOSAL FORM UNDER REGULATION 11(23) Public Safety Framework

(Refer Appendix 2.- Guidelines for the Guideline for Roadside Native Vegetation and Regrowth Vegetation)

CLEARANCE PROPOSAL FORM UNDER REGULATION 11(23) Public Safety Framework

APPLICANT DETAILS

Name:

Postal Address:

Postcode:

Phone (Business):

Mobile:

Fax:

Email:

Signature (CE or delegated authority):

LOCATION OF WORKS

Give details of where the proposed works are to be conducted: Location

Address:

Parcel Description (or adjacent to):

Hundred:

District Council:

Are the proposed works located in a stretch of road that has been identified as containing significant roadside vegetation (identified by the Roadside Marker Scheme)

Yes

No

Is this part of an ongoing or staged project?

Yes

No

If Yes, provide details:

DESCRIPTION OF PROPOSED CLEARANCE AREA

Project purpose and description:

Size/length of project area

DESCRIPTION OF VEGETATION TO BE CLEARED

NON-FRANGIBLE VEGETATION: -

- Describe the non-frangible trees proposed to be cleared by filling in the attached *datasheet for non-frangible vegetation* (page 33) for each tree: -
- Provide an aerial map/GIS layer locating where the clearance is proposed (clearance area overlay). This must show as clearly as possible, individual locations of non-frangible trees. Please provide photos of the vegetation at the site.

FRANGIBLE VEGETATION: -

- Describe the frangible vegetation proposed to be modified (by filling in the attached *datasheets for frangible vegetation* (page 34) if information is readily available). Please provide photos of the vegetation at the site.
- Provide an aerial map/GIS layer locating where the clearance is proposed (clearance area overlay). Show as clearly as possible, individual locations of patches of frangible vegetation.

Category 1 clearances only

Is the clearance consistent with clearance guidelines outlined in Austroads Guide to Road Design:

Yes No

Part 4: Intersections and Crossings-General 2009, and AS 1742.7:2007 Manual of uniform traffic control devices, Part 7: Railway Crossings?

(Attach supporting information)

Category 2 and 3 applications only

You must show you have considered other safety improvement options as opposed to clearance. Attach additional information if required. These options may include:

Safety improvement options	Implemented		Reasons why not implemented	Estimated cost of options (\$)
Seal shoulder	Y	N		
Install barrier (wire rope/guard rail)	Y	N		
Install guideposts/cat's-eyes	Y	N		
Reduce speed limit	Y	N		
Install audio-tactile line markings	Y	N		
Improve road surface condition	Y	N		
Signage	Y	N		
Painted edge line	Y	N		
Other	Y	N		

Please note where insufficient information and/or inadequate demonstration of alternative safety improvement options are supplied by the applicant, clearance under the framework may not be approved.

Category 3 applications only

If the risk to public safety is as a result of the danger of a tree falling over or a limb or some other part of the plant falling, causing a risk to people or property, attach a report from a plant health expert.

Yes No

Note; a plant health expert means a person holding a Certificate V in Horticulture (Arbor culture) or a comparable or higher qualification.

Report Attached:

All applications

Demonstrate that the Mitigation Hierachy have been considered (see Introduction, page 9 for greater detail):

Summary Of Minimising Clearance	Discussion
Avoid Clearance	
Minimise Clearance	
Rehabilitate Clearance	
Achieve a Significant Environmental Benefit	No applicable for public safety framework

Datasheet for non-frangible vegetation proposed for removal

- * Applies where canopies are overlapping and not easily distinguishable
- # Trunk distance from edge of travelled way is measured from point of trunk closest to travelled way
- *# S: - Small hollows = diameter of hollow entrance ≤ 5 cm
 M: - Medium hollows = diameter of hollow entrance > 5 cm to < 15 cm
 L: - Large hollows = diameter of hollow entrance ≥ 15 cm

Tree No.	Photo No.	Side of the road		GPS point		Species	Ht (m)	Trunk diameter (cm) at 1 m above ground	Tree Health (Die-back %)	#	Width of adjacent travelled way (m)	Location (crest, trough, bend, straight, other)	Canopy area (m ²)	*#		
		(N,S, W,E)	Easting	Northing	Trunk dist. from edge of travelled way (m)					No and size of Hollows				S	M	L

Please provide photos of the non-frangible vegetation on the proposed site

Datasheet for frangible vegetation proposed for removal

Plant Species	Common Name	**Conservation Rating		
		AUS	SA	REGION

** Key to Conservation Ratings

- X Presumed Extinct
- E Endangered, rare and in danger of becoming extinct in the wild
- V Vulnerable, rare and at risk from potential threats or long term threats which could cause the species to become endangered in the future
- R Rare, having a low overall frequency of occurrence: confined to a restricted range or scattered sparsely over a wider area
- U Uncommon, less common species of interest but not rare enough to warrant special protective measures
- Q Not assessed but flagged as being of possible significance
- K Poorly known, Species that are suspected, but not definitely known, to belong to any of the above categories
- N Not of particular significance/Common

Please provide photos of the frangible vegetation on the proposed site

Appendix 10

DRAFT Phytophthora Field Protocol

Phytophthora field work hygiene protocol

Purpose

This protocol has been developed to provide advice to people undertaking fieldwork on the practical measures to be implemented to minimise the risk of spreading Phytophthora. Implementation of this protocol will also reduce the risks associated with other biosecurity concerns, such as spreading weeds and other plant diseases.

This document has been slightly modified from the - Phytophthora fieldwork hygiene protocol 2021 produced by the Kangaroo Island Landscape Board and the Phytophthora Management Guidelines, Phytophthora Technical Group 2nd Edition, 2006.

Objectives:

1. To contain and minimise the spread of Phytophthora in South Australia.
2. To manage infected areas in such a way as to minimise the effect on the environment and on recreational activities.
3. To protect uninfected areas and minimise the risk of them becoming infected.

Introduction

Phytophthora cinnamomi is a microscopic, soil and water borne organism that attacks the roots and basal stem tissue of living plants and prevents the uptake of water and nutrients by the plant, causing dieback.

Phytophthora probably arrived in Australia around the late 1800s from Southeast Asia. In South Australia, Phytophthora was first identified in 1969 in the Mount Lofty Ranges. The present known distribution in South Australia includes several Conservation Parks, National Parks, Forest Reserves and many roadside reserves in the Mount Lofty Ranges, Fleurieu Peninsula and on Kangaroo Island.

Whilst the spread and impacts of Phytophthora can be suppressed, to a degree, using phosphite treatments, there is currently no known way to eradicate Phytophthora. Once an area is infected with Phytophthora it is always infected. Preventing the spread of Phytophthora is therefore critical.

New infections of Phytophthora are mainly caused by human activities involving the movement of soil and plant material on vehicles, footwear, equipment and tools. Preventative hygiene practices are therefore an important means of reducing the spread of Phytophthora.

The risk of Phytophthora becoming established is highest in areas with:

- Greater than 400 mm average annual rainfall
- Warm, moist conditions (optimum temperature = 15-30°C)
- Neutral to acid soils, low in nutrients and organic matter, open textured with few microorganisms
- Poor drainage
- Plant species that are susceptible to infection.

Common signs of Phytophthora

Currently positive identification of Phytophthora requires laboratory analysis of soil samples collected from around the roots of affected plants, by qualified scientists. However, some highly susceptible plant species do display obvious signs of infection.

Yacca (*Xanthorrhoea semiplana*) and Banksia (*Banksia marginata* and *Banksia. ornata*) are particularly susceptible to Phytophthora. For this reason, these species can provide a good visual indicator of the presence of Phytophthora. Disease symptoms vary between plant species.



Yacca often die rapidly, within a few months, followed by structural breakdown over time, while it may take longer for other species to show visual sign of infection. In some cases, visual symptoms in susceptible plant species may take years to develop after the initial infection and may not develop until the plants are under stress.

Absence of visual symptoms of Phytophthora cannot therefore provide assurance that Phytophthora is not present.

Furthermore, laboratory analysis does not always confirm the presence of Phytophthora in soil samples even when it is present at the sampled site. If the presence of Phytophthora is suspected, the area must be treated as if Phytophthora presence has been confirmed (Phytophthora Management Guidelines 2006).

The presence of Phytophthora should always be suspected when a number of adjacently located individuals of a susceptible species are displaying visual symptoms of infection.

As Phytophthora is a water borne organism, individuals of a susceptible species displaying symptoms of infection will usually follow drainage lines and surface water flow paths.

People working in the field should familiarise themselves with the signs and symptoms of Phytophthora to increase their ability to identify potentially infected areas.

1. General Phytophthora Fieldwork hygiene principles

1.1: Always

- Thoroughly wash and clean vehicles on a weekly basis (including the vehicles interior, as mud and soil often collect in floor pans/mats).
- Ensure vehicles, footwear and equipment are clean and free of mud, soil and plant material on arrival and departure from a worksite (including instances when multiple properties/sites/locations are visited in a single day).

- Check records of known and suspected Phytophthora infections before undertaking field work and make sure you discuss known and suspected Phytophthora infections with property owners before undertaking field work.
- Ensure you manage your workload to allow sufficient time to implement the requirements of this protocol.

1.2 Whenever Possible

- Avoid working in areas with known or suspected Phytophthora infections.
- Avoid working in wet conditions and muddy areas.
- Avoid driving on less travelled tracks or off-road.

1.3 Vehicle Use

- Vehicle cleaning procedure does not need to be implemented when travel only involves driving on public roads (sealed and unsealed). All year
- Vehicle cleaning procedure must be implemented when the vehicle has been in contact with soil (not a public road surface) within 500m of locations with confirmed or suspected Phytophthora infections. All year
- Vehicle cleaning procedure must be implemented when entering and departing properties/sites/locations that are not public access or are off-road. Winter and wet conditions. Note: Seek landowner permission to implement cleaning procedure on their property.
- Vehicle cleaning procedure must be implemented when entering and departing less travelled tracks (e.g. no-public access).
- Vehicle cleaning procedure must be implemented before and after driving off-road, particularly in locations that are not accessible to the public.

1.4 Fieldwork in the Adelaide Hills Council

- Always carry a personal Phytophthora Hygiene Kit when walking more than 500 m from vehicle. All year
- Always carry a personal Phytophthora Hygiene Kit in backpack when you will not be working in close proximity to your vehicle. All year
- Personal cleaning procedure for footwear, tools and other equipment must be implemented when departing a property/site/location that is within 500 m of a confirmed or suspected Phytophthora infection. All year
- Personal cleaning procedure for footwear, tools and equipment must be implemented on arrival and departure from each property/site/location. Winter and wet conditions.

2. Personal Phytophthora hygiene kits and cleaning procedure

2.1 Personal Phytophthora hygiene kit (footwear, tools and other equipment):

1. Self-contained tub with lid (optional: can be used as a boot bath)
2. 1 litre of Methylated Spirits/Phytoclean or another recommended Phytophthora
3. disinfectant
4. Hoof pick and/or hard brush
5. Small spray bottle (for applying Phytophthora disinfectant)
6. Disposable gloves

7. Zip lock plastic bags (for glove disposal)

Note: Items 1. and 2. do not need to be carried when working away from your vehicle.

2.2 Personal cleaning procedure (footwear, tools and other equipment):

1. Always ensure you clean and disinfect vehicles before footwear when departing a
2. site to avoid re-contaminating footwear during vehicle cleaning procedure.
3. Remove soil from footwear, tools and other equipment using a hard brush and/or
4. hoof pick.
5. Disinfect the entire sole of shoe using spray bottle with disinfectant.
6. Step forward to avoid recontamination of shoe.
7. Repeat Steps 2. and 3. for the other shoe.
8. Disinfect tools and other equipment using spray bottle and disinfectant.
9. Disinfect the brush and hoof pick used to remove soil.

Note: Footwear can also be disinfected using boot-bath containing disinfectant. This is useful when large groups of people need to disinfect their footwear at one location. Make sure soil has been removed from footwear before entering boot-bath to ensure disinfectant remains activated. Do not leave boot-bath unattended where children and animals may come in contact with the chemical.

Maximum dilution rates:

- *Methylated spirits = 700ml Methylated Spirits/300ml water*
 - *Phytoclean = 100ml Phytoclean/1 litre water*
-

3 . Vehicle Phytophthora hygiene kits and cleaning procedure

3.1 Vehicle Phytophthora hygiene kit:

1. Portable Self-Priming Water Pump Kit
2. Note: This kit can be used to apply Phytophthora disinfectant but may lead to unnecessary and excessive use of disinfectant.
3. 5 L pressurised weed sprayer
4. Water container (20 litres minimum)
5. Hard brush
6. Paint scraper
7. 4 L of Methylated Spirits/Phytoclean or another recommended Phytophthora disinfectant

3.2 Vehicle cleaning procedure:

1. Always ensure you clean and disinfect vehicles before footwear when departing a site to avoid re-contaminating footwear during vehicle cleaning procedure.
2. Implement cleaning procedure for vehicles on or adjacent to a vehicle track/road and as close as possible to the entry/exit point.

3. Choose a suitable location, such as a large gravel area with no vegetation and away from bodies of water.
4. Remove mud and soil from vehicle using portable self-priming water pump kit (pay particular attention to the tyres, wheels, mudflaps and undercarriage). Note: This step may not be required in dry conditions.
5. Spray vehicle using the 5 L pressurised weed sprayer with disinfectant (pay particular attention to the tyres, wheels, mudflaps and undercarriage).
6. Move vehicle forward 30 cm to allow complete disinfection of tyres.
7. Remove all soil and mud from floor pan/mat and spray with disinfectant used for footwear.
8. Disinfect all equipment used to remove mud and soil. Note: Disinfectant should be allowed to penetrate for at least one minute (preferably 10 minutes) before equipment departs. Do not drive through washdown effluent. Do not allow mud and wash-down effluent to drain into bushland and surface waters, such as rivers, creeks, reservoirs and dams. If necessary, dig a trench to contain washdown effluent.

Maximum dilution rates:

- *Methylated spirits = 3.5 litres Methylated Spirits/1.5 litres water*
 - *Phytoclean = 100ml Phytoclean/5 litre water*
-

References and recommended reading

Phytophthora Management Guidelines, 2nd edition, Phytophthora Technical Group SA (2006)

Management of Phytophthora cinnamomi for Biodiversity Conservation in Australia, Murdoch University (2006)

Arrive Clean, Leave Clean - Guidelines to help prevent the spread of invasive plant diseases and weeds threatening our native plants, animals and ecosystems, Commonwealth of Australia (2015)

Phytophthora Dieback Management Manual, WA Department of Biodiversity, Conservation and Attractions (2020)

**ADELAIDE HILLS COUNCIL
ORDINARY COUNCIL MEETING
Tuesday 24 September 2024
AGENDA BUSINESS ITEM**

Item:	12.3
Responsible Officer:	David Waters Director Environment and Infrastructure Environment and Infrastructure
Subject:	Proposed Road Widening of Council Road corridor – intersection Tiers Road and Vickers Road, Lenswood
For:	Decision

SUMMARY

The purpose of this report is to obtain a resolution to undertake a road widening process to realign the existing road corridor to include the physically constructed road at the intersection of Tiers Road and Vickers Road, Lenswood.

The adjoining property owners land in which a portion of the Council road has been constructed many years ago is identified as 447 Tiers Road, Lenswood (Allotment 52, Deposited Plan No. 129313 - Certificate of Title Volume 6273 Folio 607), (see **Appendix 1**).

The landowner is agreeable to the road widening proposal.

RECOMMENDATION

Council resolves:

- 1. That the report be received and noted.**
 - 2. That Council agrees to purchase the piece of land road totalling approximately 268m² outlined in red and identified as Allotment 101, Tiers Road on the New Land Acquisition Survey Plan attached as *Annexure 2*, from the adjoining landowner of 447 Tiers Road, Lenswood, for the purchase price of \$6,700 (exclusive of GST).**
 - 3. That Council agrees to pay all reasonable costs for the process to vest the subject land as a public road.**
 - 4. That the Chief Executive Officer (and Mayor if necessary) be authorised to finalise, sign, and seal (if necessary), all necessary documentation pursuant to this resolution.**
-

1. BACKGROUND

In 2019 the owner of 710 Swamp Road, Lenswood applied to Council to subdivide the rear of their property on the corner of Tiers Road and Vickers Road, Lenswood to create a separate allotment for a new dwelling.

During the subdivision process a boundary survey was undertaken for this portion of the private property to create the proposed new allotment. Approval was given for the subdivision and plans lodged at the Lands Title Office (LTO) in 2022.

After the subdivision plan was lodged at the LTO, it was discovered that a portion of the constructed public road at the intersection of Tiers Road and Vickers Road, Lenswood sat within the new allotment of this subdivision (Allotment 52, Deposited Plan No. 129313 - Certificate of Title Volume 6273 Folio 607) (see aerial plan at **Appendix 1**).

With a significant portion of this constructed road at this intersection situated within private property, Council staff contacted the adjoining owner to discuss rectification of the situation via a road widening process.

To commence this process Council Officers inspected the site with the owner of the private land and a surveyor in mid-2022, to determine the appropriate road boundary ensuring that the whole of Councils constructed road infrastructure would be included in the land area to be vested to Council as a public road.

After the site visit, a survey plan was prepared, showing the land in Allotment 101 to be vested to Council as a public road and Allotment 100 to remain privately owned by the adjoining owner (see **Appendix 2**).

2. ANALYSIS

➤ Strategic Management Plan/Functional Strategy/Council Policy Alignment

Strategic Plan 2020-24 – A brighter future

Goal A Progressive Organisation

Objective 05 We are accountable, informed and make decision in the best interest of the whole community.

Priority 05.2 Make evidence-based decisions and prudently assess the risk and opportunities to our community before taking action.

Ensuring Council's land road and infrastructure is either located on Council owned or controlled land, or secured by some other form of legal tenure is essential for appropriate risk management of Council infrastructure and community safety.

➤ Legal Implications

The process to widen the corridor of this road land and vesting it to Council as a public road is undertaken pursuant to Schedule 3, 3 (5) of the Development Regulations 2008.

➤ Risk Management Implications

The purchase of the land road will:

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

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

The instance of Council road infrastructure on or affecting privately owned land is an ongoing issue across the Council area and one that Council will see raised more regularly, as landowners survey their boundaries with more accurate survey information and equipment.

➤ **Financial and Resource Implications**

To determine the amount of compensation to be offered to the adjoining landowner, Council engaged McLean Gladstone Valuers to prepare a report based on the area of land to be acquired to undertake the road widening project. Using a “direct comparison” method of valuation, it was determined that a value of \$50/sqm be used and considering the land is already constructed as a road a 50% discount was applied to the valuation.

Using this method the valuation of the land for road widening purposes is \$6,700 (exclusive of GST).

It is recommended that Council agree to pay to the adjoining owner the amount of \$6,700 as per the independent valuation (see **Appendix 3**).

As the matter is ostensibly the Council’s responsibility to rectify, it is proposed that Council will also pay all external costs for the road widening process including the valuation, surveying, conveyancing and government charges, at a cost of between \$5,000 - \$10,000.

The total cost for the proposed road widening process is therefore anticipated to be in the order of \$15,000. There is no allocation for this cost in the current budget and there would need to be an adjustment to the operating expenses of \$15,000 in the next budget review should Council proceed with the road widening.

➤ **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: The relevant adjoining landowner

➤ **Additional Analysis**

Council has been in contact with the adjoining landowner regarding the intersection of Tiers Road and Vickers Road, Lenswood. Survey plans and a valuation have been undertaken, with the support of the adjoining landowner.

The adjoining owner has agreed in-principle to the road widening process and the amount of compensation being offered as per the valuation amount.

3. OPTIONS

The Council has the following options:

- I. Resolve to make an agreement with the adjoining owner, that Council purchase the land road and vest it as public road in accordance with the recommendations (Recommended)
- II. Resolve to not purchase and vest the land as Public Road, would result in the existing road (being an intersection) not being within a Council public road corridor and therefore not under Councils care and control (Not Recommended)
- III. Compulsory Acquire the land (Not Recommended)

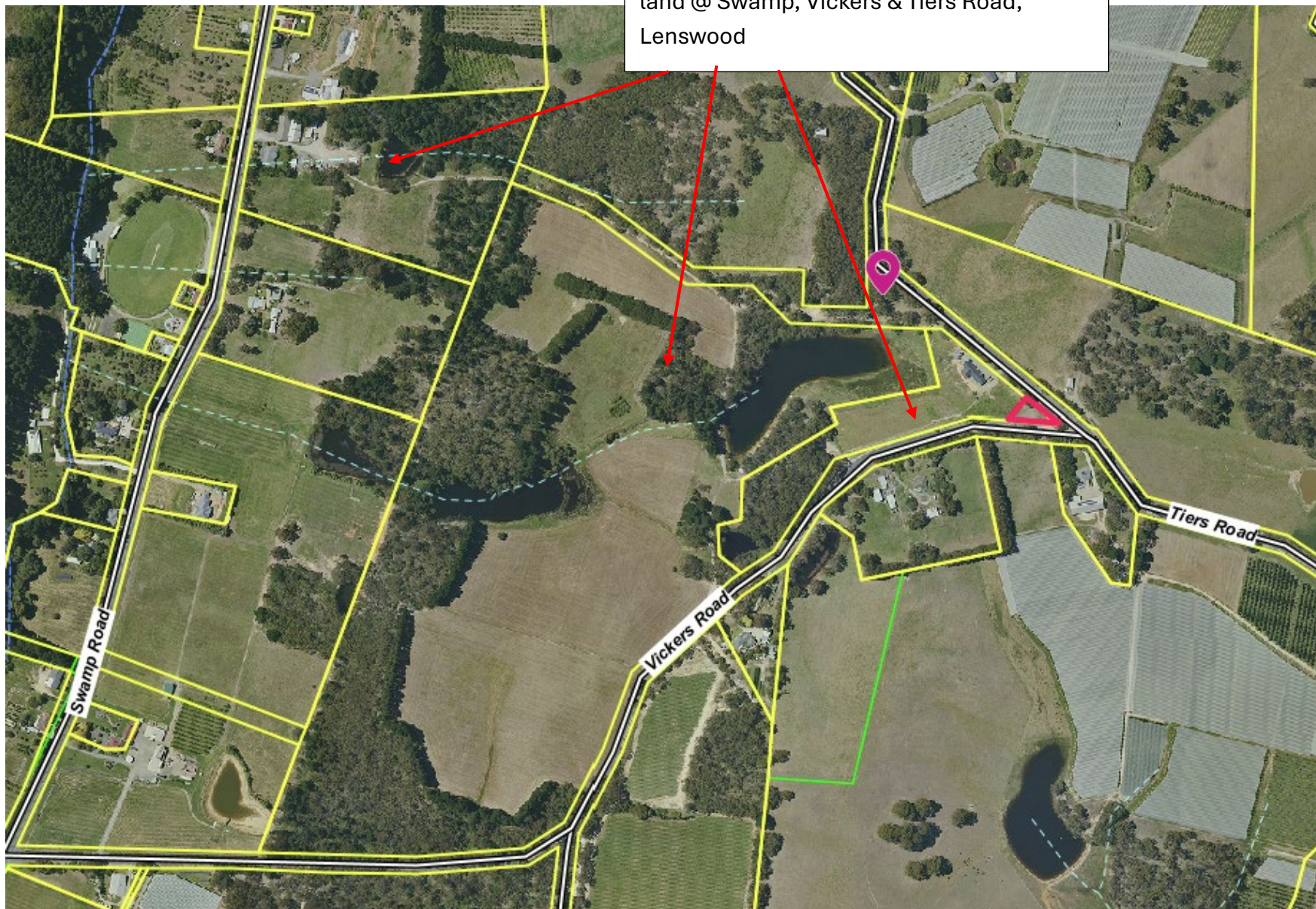
4. APPENDICES

- (1) Aerial Photo - Identification of Road Land
- (2) New Land Road Survey Plan
- (3) Valuation Report – Allotment 101, Proposed Survey Plan

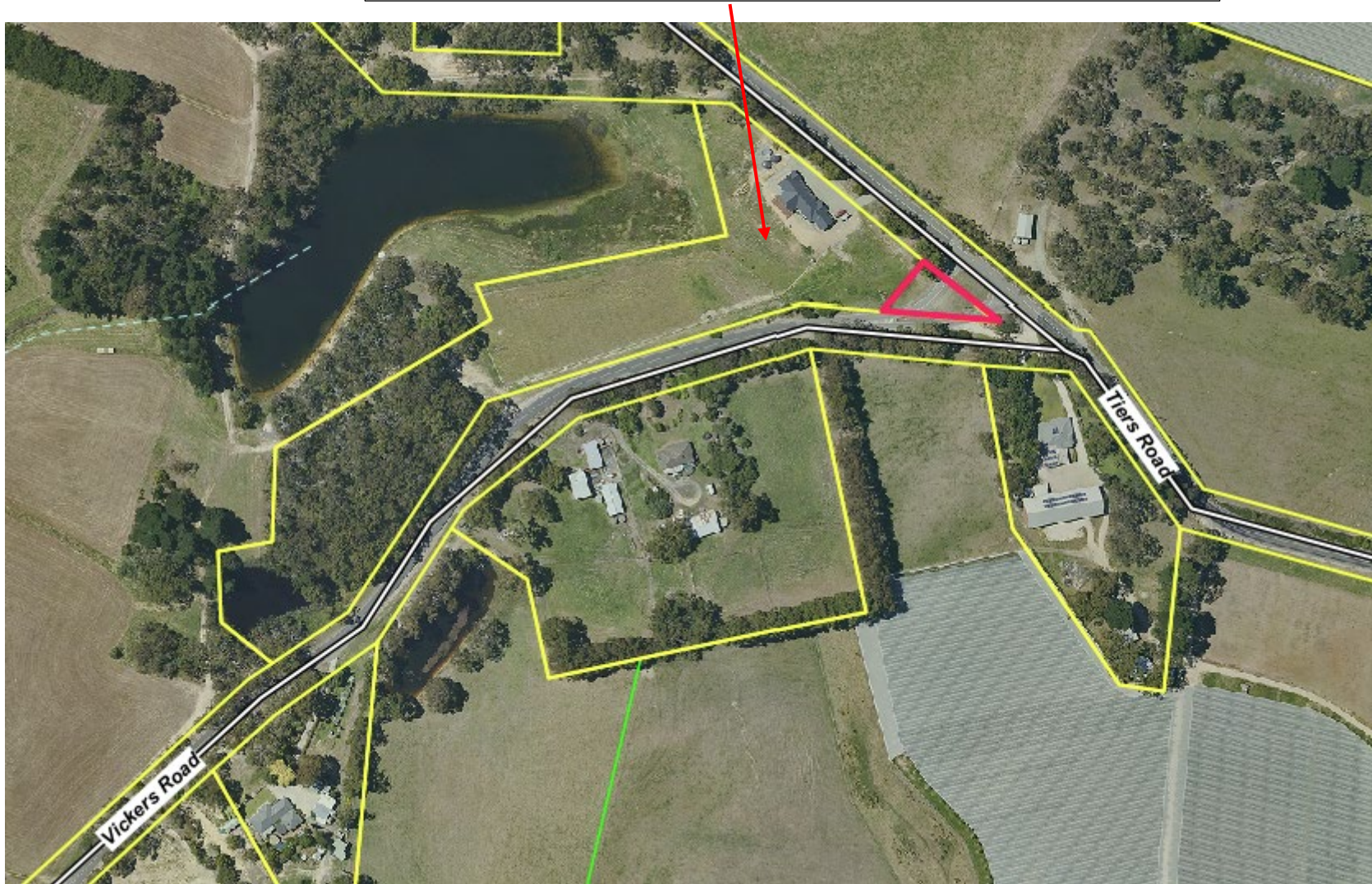
Appendix 1

Aerial Photo -Identification of Road Land

Adjoining Land owners previously owned
land @ Swamp, Vickers & Tiers Road,
Lenswood



Subdivided Piece of Land, now known as 447 Tiers Road, Lenswood



Appendix 2

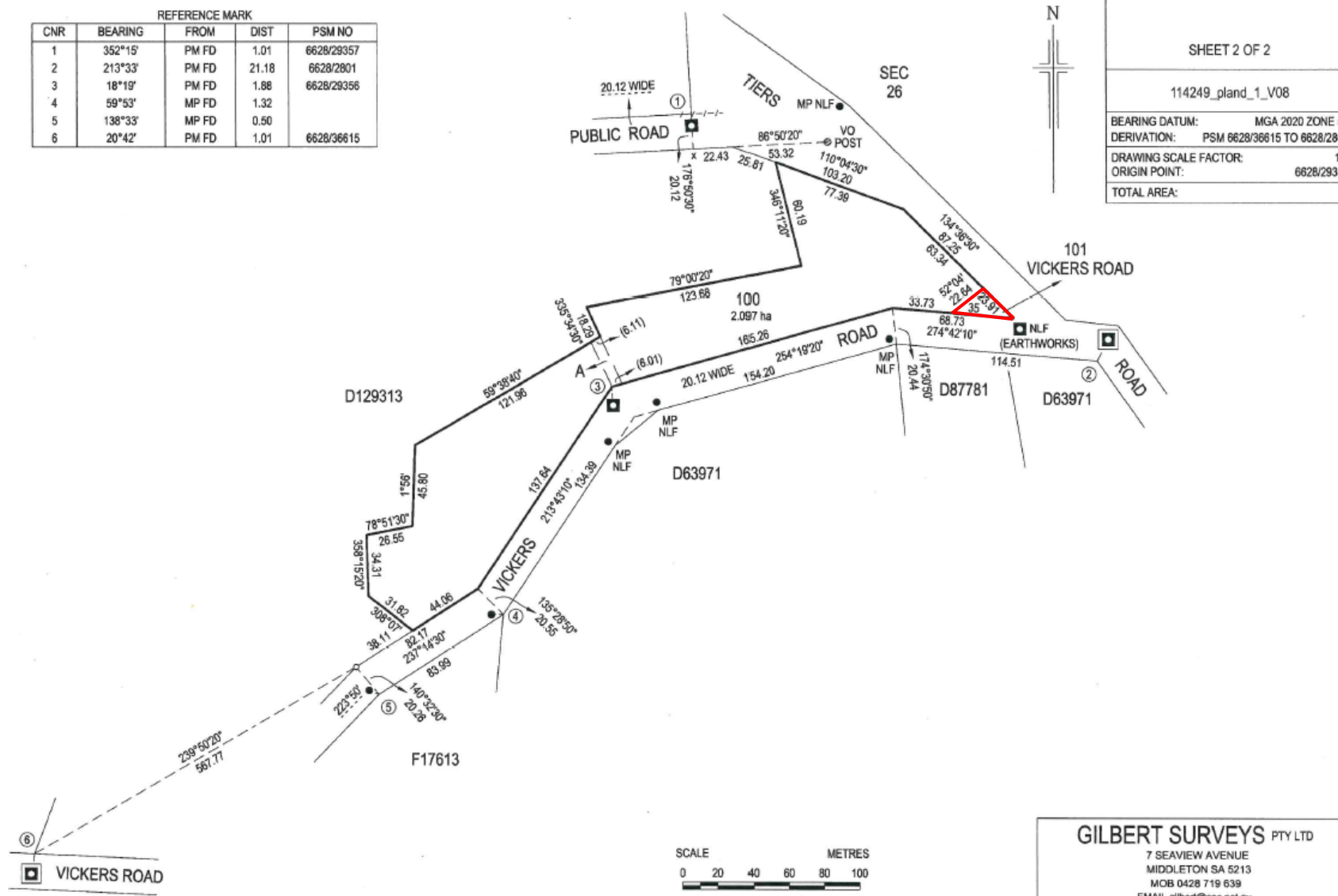
New Land Road Survey Plan

REFERENCE MARK				
CNR	BEARING	FROM	DIST	PSM NO
1	352°15'	PM FD	1.01	6628/29357
2	213°33'	PM FD	21.18	6628/2801
3	18°19'	PM FD	1.88	6628/29356
4	59°53'	MP FD	1.32	
5	138°33'	MP FD	0.50	
6	20°42'	PM FD	1.01	6628/36615

SHEET 2 OF 2

114249_pland_1_V08

BEARING DATUM: MGA 2020 ZONE 54
 DERIVATION: PSM 6628/36615 TO 6628/2801
 DRAWING SCALE FACTOR: 1.0
 ORIGIN POINT: 6628/29356
 TOTAL AREA:

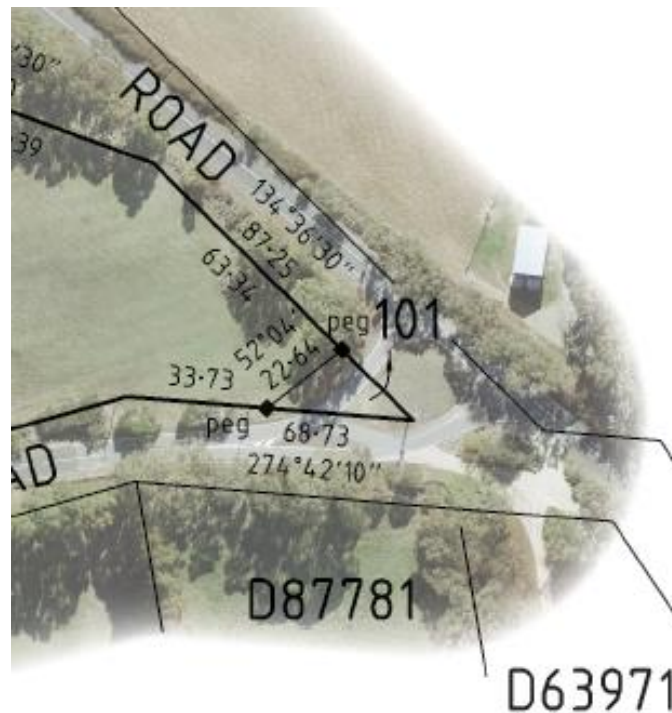


GILBERT SURVEYS PTY LTD
 7 SEAVIEW AVENUE
 MIDDLETON SA 5213
 MOB 0428 719 639
 EMAIL gilbert@esc.net.au
 REF C154/22 REV0 DATE 19/08/2022 DRKNG SVY PG

Appendix 3

*Valuation Report – Allotment 101, Proposed survey
plan (Appendix 2)*

LAND for ROAD ACQUISITION VALUATION



**Proposed Allotment 101
Corner of Tiers Road and Vickers Road,
Lenswood SA 5240**

Valuation Report

Prepared for:

Kylie Caruso – Roads Officer, Property Services
City of Burnside

Prepared by:

John Richardson
McLean Gladstone Valuers
Date: 11 November 2022

MEMBER OF THE
API THE AUSTRALIAN
PROPERTY
INSTITUTE
Leading the property professions

**Proposed Allotment 101,
Corner of Tiers Road and Vickers Road,
Lenswood SA 5240**

1. TITLE DETAILS: **Parent Title:** Volume 6273 Folio 607; Lot 52 Deposited Plan 129313
Schedule of Dealings: Certificate of Title not searched.
Registered Proprietor: Certificate of Title not searched.
This valuation assumes no encumbrances, easements, rights-of-way or other onerous notations appear on the title and that there are no unregistered interests or other restrictions.

2. DIMENSIONS / AREA:	EXISTING LAND	PORTION OF LAND TO BE ACQUIRED
Lot 52 Deposited Plan 129313	21,238m ²	268m ²

3. ZONING & PLANNING INSTRUMENT: Productive Rural Landscape (Z4802) - PRuL
LGA: Adelaide Hills Council
Desired Outcomes: 'A diverse range of land uses at an appropriate scale and intensity that capitalise on the region's proximity to the metropolitan area and the tourist and lifestyle opportunities this presents while also conserving the natural and rural character, identity, biodiversity and sensitive environmental areas and scenic qualities of the landscape. A zone that promotes agriculture, horticulture, value adding opportunities, farm gate businesses, the sale and consumption of agricultural based products, tourist development and accommodation that expands the economic base and promotes its regional identity.
Create local conditions that support new and continuing investment while seeking to promote co-existence with adjoining activities and mitigate land use conflicts.'

4. LOCATION / NEIGHBOURHOOD:
The subject property is located on the north-western corner of the intersection of Tiers Road and Vickers Road, approximately 2km south from the town centre of Lenswood and approximately 22km east from the Adelaide GPO.
Surrounding properties comprise farming/horticultural properties (some with a detached dwelling), of varying land area.

5. SITE DESCRIPTION & TOPOGRAPHY: Triangular-shaped site of mildly undulating terrain.
Services: All normal services and utilities for the locality.
Environmental Hazards: None Known

6. MAIN BUILDING: Not applicable – valued on the basis of site value.

7. OBSERVATIONS: Not applicable – valued on the basis of site value.

8. CAR ACCOMMODATION: Not applicable.

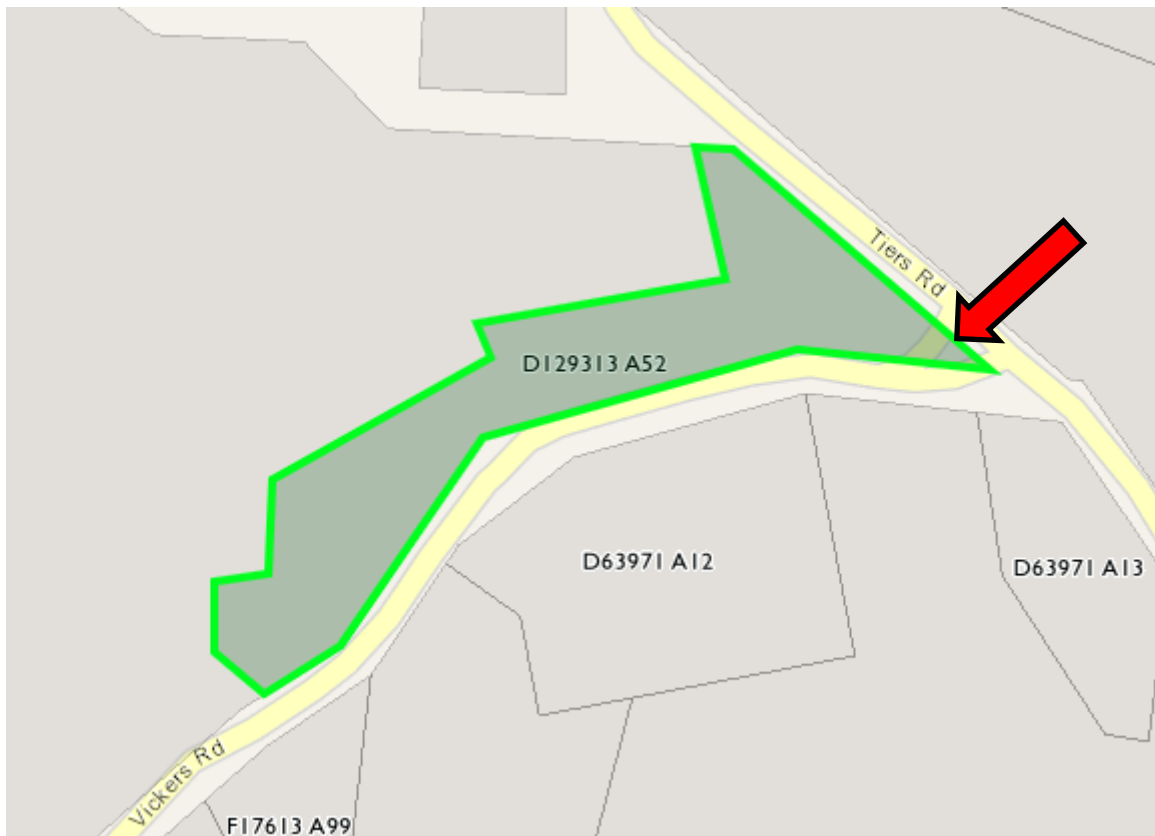
**Proposed Allotment 101,
Corner of Tiers Road and Vickers Road,
Lenswood SA 5240**

9. GENERAL COMMENTS – BACKGROUND

The subject property is located towards the southern fringe of the Adelaide Hills township of Lenswood, and effectively comprises the eastern-most portion of Allotment 52 as shown below. This locality is most commonly used for primary production purposes (although a detached dwelling is located immediately opposite the subject portion).

This portion, being proposed allotment 101, is to be acquired by the Council for road purposes (it already forms part of the intersection of Tiers and Vickers Roads, and is part bitumen-sealed).

The size and location of this parcel renders it unsaleable – it will simply augment the existing road network. There are no building improvements on this land.



The subject property, being proposed allotment 101 (the balance of Allotment 52 becomes Allotment 100 in a yet to be numbered plan).

**Proposed Allotment 101,
Corner of Tiers Road and Vickers Road,
Lenswood SA 5240**

10. SALES EVIDENCE

Sales of properties considered comparable in terms of location and other criteria (in particular, zoning), have been researched and analysed, in order to determine appropriate value parameters for the Subject Property. The following are considered to best support our assessment of market value:

Address	Sale Date	Price	Site Area m²	Analysed Rate
5 Caledonia Avenue, Woodside	Aug-22	\$162,500	526m²	\$309/m²
Description:	Gently undulating, approximately rectangular-shaped site (rear corner cut-off), frontage 14.37m, zoned Productive Rural Landscape. Comparison to Subject: Superior established residential location, closer to town centre.			
15 Tiers Road, Woodside	May-22	\$690,000	23,730m²	\$29/m²
Description:	Very gently undulating, irregular-shaped site, narrow frontage approx 15.3m, zoned Productive Rural Landscape. Comparison to Subject: Large site, superior location on fringe of township.			
17 Caledonia Avenue, Woodside	Oct-22	\$245,000	855m²	\$287/m²
Description:	Gently undulating, irregular-shaped site, frontage approx 20m, zoned Productive Rural Landscape. Comparison to Subject: Superior established residential location, closer to town centre.			
Lot 54 Innes Court, Woodside	Jul-22	\$245,000	1,492m²	\$164/m²
Description:	Gently undulating, irregular-shaped site, frontage approx 32m, zoned Productive Rural Landscape. Comparison to Subject: Superior established residential location, closer to town centre.			
20 Balmoral Road, Woodside	Feb-22	\$215,000	780m²	\$276/m²
Description:	Gently undulating, rectangular-shaped site, frontage 18.48m, zoned Productive Rural Landscape. Comparison to Subject: Superior established residential location, closer to town centre.			
Lot 2 Coldstore Road, Lenswood	Apr-22	\$220,000	2,000m²	\$110/m²
Description:	Gently undulating, irregular-shaped site, frontage approx 52m, zoned Productive Rural Landscape. Comparison to Subject: Marginally superior location.			

Analysis:	Land Area Rate \$/m ² :	High	\$309/m ²
		Low	\$29/m ²
		Mean	\$196/m ²

Our exhaustive market research revealed a lack of directly-comparable recent sales evidence in the immediate vicinity of the subject. However, collectively, the data gathered provides evidence of trends in site rates (\$/m² land area), and adjustments can be made for points of difference.

The sales quoted above (together with our local market knowledge), suggest values in the general range from under \$30/sqm to over \$300/sqm of site area. The sales which analyse to the top of the range tend to be from relatively small residential building allotments in new or establishing subdivisions, while the sales to the bottom of the range tend to be from larger sites more remotely located.

In this instance, for valuation purposes, a rate of \$50/sqm (before rounding) has been adopted as being appropriate for the subject property.

**Proposed Allotment 101,
Corner of Tiers Road and Vickers Road,
Lenswood SA 5240**

11. VALUATION APPROACH

In determining fair market value for the land to be acquired, regard has been given to two traditional valuation methods typically utilised in these circumstances, these being the 'Direct Comparison' method and the 'Before and After' method.

12. DIRECT COMPARISON METHOD

By the Direct Comparison valuation approach, market value is assessed by the application of a rate (\$/m²), as determined by analysis of comparable sales, to the building or site area of the subject property, after adjusting for points of difference. This method is generally appropriate for unimproved land (where the presence of building improvements does not distort the result), residential property and vacant commercial/industrial property.

Having arrived at an unencumbered value of the land to be acquired, a discount of 50% is then applied on the basis the land is not separately saleable, has no form of independent development potential, and there is only one possible purchaser. It also takes into account the land has been improved and maintained by the purchaser (Council).

We have considered sales of similar use and zoning within the Woodside/Lenswood region.

Our analysis indicates sales varying from under \$30/m² to over \$300/m² with a mean of \$160/m².

For valuation purposes herein, we have adopted **\$50/m²**. Our calculations follow:

Lenswood, Tiers Road/Vickers Road			
Land Value	m²	\$/m²	Value
Land Area	268.0	\$50	\$13,400
Less - Discount	50%		-\$6,700
Total:			\$6,700
Adopt:			\$6,700

13. BEFORE AND AFTER METHOD

The Before and After Method of Valuation requires the subject property to be valued "As Is" and then subsequent to the land being removed. The difference in values represents the value of the Road Reserve.

However, in the current circumstances we consider this method is not appropriate. The excision of the land from Allotment 52 will not result in the loss of any utility or amenity. If anything, it will reduce the possibility of any future obligation or liability on behalf of the owner.

Further, as there are no building improvements, and a land value of \$50/m² has been determined, no change from the Direct Comparison approach would be evident. We have therefore not progressed this valuation approach.

14. VALUATION SUMMARY

The above valuation approaches may be summarized as follows:

DIRECT COMPARISON	\$6,700	BEFORE AND AFTER	n/a
--------------------------	----------------	-------------------------	------------

On the basis of the above calculations, taking all matters into account, we have assessed the market value for **Proposed Allotment 101 being Portion of Allotment 56, DP 129313** to be **\$6,700** as at 11 November 2022.

15. VALUATION

I value **Proposed Allotment 101 being Portion of Allotment 56, DP 129313** for transfer purposes as previously described, as follows:

\$6,700 (Six Thousand Seven Hundred Dollars) (exclusive of GST)

I hereby certify that I have inspected the above property on 11 November 2022.

**Proposed Allotment 101,
Corner of Tiers Road and Vickers Road,
Lenswood SA 5240**

PHOTOS



McLEAN GLADSTONE PTY LTD., REAL ESTATE VALUERS

A handwritten signature in blue ink, appearing to read 'J Richardson'.

JOHN RICHARDSON AAPI CPV MREI
Associate Australian Property Institute (Member No. 64146)
Member REISA (Valuers Division)
Certified Practising Valuer

**Proposed Allotment 101,
Corner of Tiers Road and Vickers Road,
Lenswood SA 5240**

SAPPA PARCEL REPORT

The Development Plan applicable to all Local Government Areas within South Australia has been replaced by the New Planning and Design Code which came into effect on 19 March 2021.

Under the new code, the subject property lies within the area zoned Rural Productive Landscape (Z4802) – PRuL in the Local Government Area of Adelaide Hills Council.

Please refer to the SA Property and Planning Atlas printout, appended.

**Proposed Allotment 101,
Corner of Tiers Road and Vickers Road,
Lenswood SA 5240**

SAPPA Parcel Report

Date Created: November 10, 2022

The South Australian Property and Planning Atlas is available at the Plan SA website <https://sappa.plan.sa.gov.au/>



Address Details

Unit Number:

Street Number:

Street Name: VICKERS

Street Type: RD

Suburb: LENSWOOD

Postcode: 5240

Property Details:

Council: ADELAIDE HILLS COUNCIL

State Electorate: KAVEL (2014), MORIALTA (2018), KAVEL (2022)

Federal Electorate: MAYO (2013), MAYO (2016), MAYO (2019)

Hundred: ONKAPARINGA

Valuation Number: 5670371209

Title Reference: CT6273/607

Plan No. Parcel No.: D129313A52

Zoning details next page

Scale ≈ 1:2257 (on A4 page)

100 metres≈

The information provided, is not represented to be accurate, current or complete at the time of printing this report.

The Government of South Australia accepts no liability for the use of this data, or any reliance placed on it.

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Government of South Australia
Attorney-General's Department

**Proposed Allotment 101,
Corner of Tiers Road and Vickers Road,
Lenswood SA 5240**

Zone Details

Zones

Productive Rural Landscape (Z4802) - PRuL

Overlays

Environment and Food Production Area (O1502)

The Environment and Food Production Area Overlay is an area of rural, landscape, environmental or food production significance within Greater Adelaide that is protected from urban encroachment.

Hazards (Bushfire - High Risk) (O2408) - High

The Hazards (Bushfire - High Risk) Overlay seeks to ensure development responds to the high level of bushfire risk by siting and designing buildings to mitigate threat and impact of bushfires on life and property, facilitating access for emergency service vehicles and siting activities that increase the number of people living and working in the area away from areas of unacceptable bushfire risk.

Hazards (Flooding - Evidence Required) (O2416)

The Hazards (Flooding - Evidence Required) Overlay adopts a precautionary approach to mitigate potential impacts of potential flood risk through appropriate siting and design of development.

Limited Land Division (O3605)

The Limited Land Division Overlay seeks to limit fragmentation of land to avoid undermining primary production.

Mount Lofty Ranges Water Supply Catchment (Area 2) (O3905)

The Mount Lofty Ranges Water Supply Catchment (Area 2) Overlay is to protect Adelaide's drinking water supply by limiting development to that which has a beneficial impact on the quality of water harvested from the Mount Lofty Ranges Watershed.

Native Vegetation (O4202)

The Native Vegetation Overlay seeks to protect, retain and restore areas of native vegetation.

Prescribed Water Resources Area (O4802)

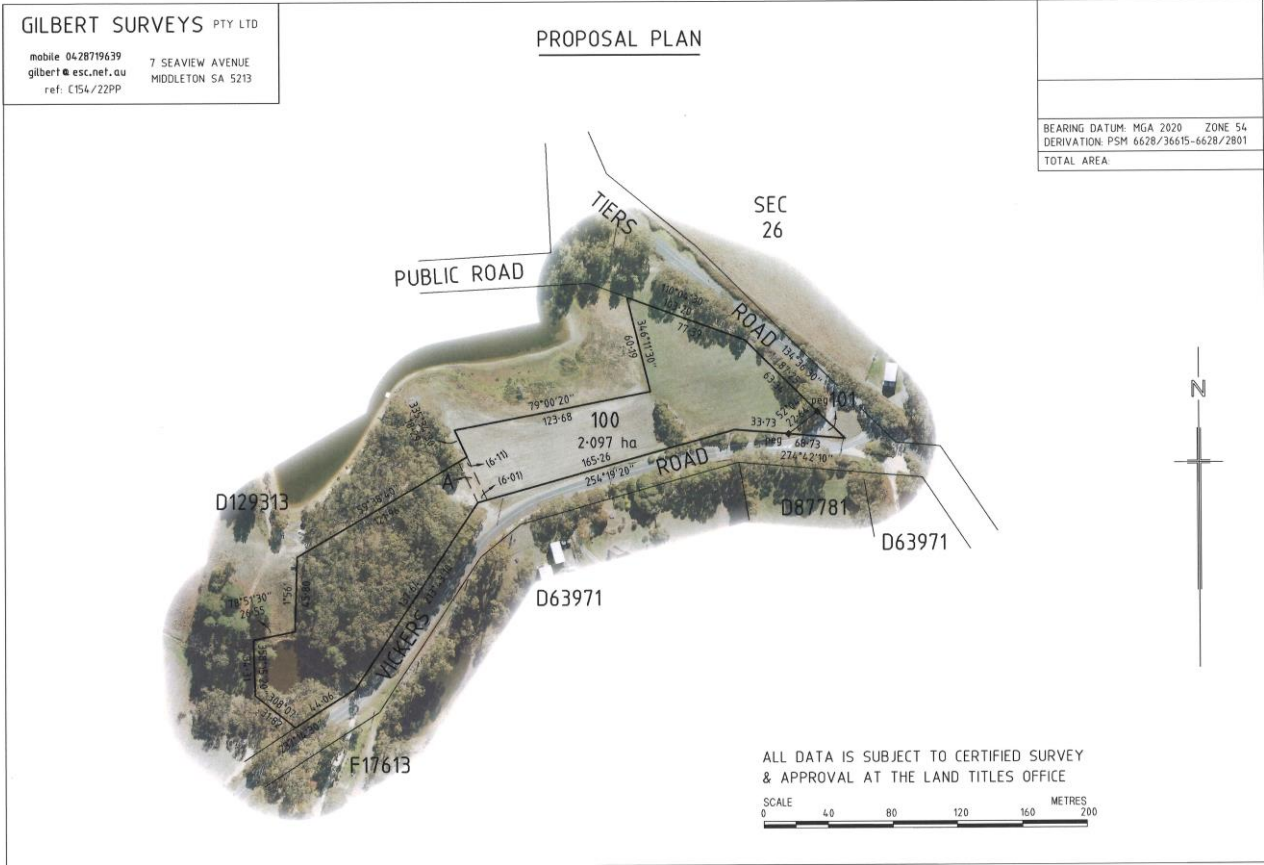
The Prescribed Water Resources Area Overlay seeks to ensure the sustainable use of water in prescribed water resource areas.

Water Resources (O6902)

The Water Resources Overlay seeks to protect the quality of surface waters in South Australia.

Proposed Allotment 101,
Corner of Tiers Road and Vickers Road,
Lenswood SA 5240

PLAN OF DIVISION



**Proposed Allotment 101,
Corner of Tiers Road and Vickers Road,
Lenswood SA 5240**

Special Comments - Other

- (a) Whilst we carried out a careful building inspection, we advise that we have not completed a detailed structural survey, tested any of the services, or inspected unexposed or inaccessible portions of the building and are therefore unable to state that these are free from defect, rot or infestation (not applicable for vacant land).
- (b) We advise that the valuation has been completed in accordance with supportive documentation supplied. Following investigations, we have now assumed that there are no other agreements or documents in existence which would vary the terms and conditions of the data provided to us.
- (c) This Report is relevant as at the date of preparation, and to economic circumstances prevailing at this time.
- (d) We certify that this valuation, where applicable, complies with your standard instructions to Valuers and in accordance with the *Australian Property Institute – Australian & New Zealand Valuation and Property Standards* as published in the 2015 edition in addition to the API Code of ethics and Rules of Conduct as applicable.
- (e) Neither the whole nor any part of this Report or any reference thereto may be included in any document, circular or statement without our written approval of the form and context in which it will appear. Finally, and in accordance with our standard practice we must state that this valuation is for the use only of the party to whom it is addressed and for no other purpose. No responsibility is accepted to any third party who may use or rely on the whole or any part of the content of this valuation.
- (f) Neither the Valuer nor *McLean Gladstone Pty Ltd* has a pecuniary interest in the property which has been valued for first mortgage finance purposes / financial reporting purposes / acquisition purposes / disposal purposes/ insurance replacement or any other purpose.
- (g) The Valuer holds a Certified Practising Valuer accreditation with the Australian Property Institute and has a minimum of 5 years post qualification experience.
- (h) In accepting this valuation, Client acknowledges that *McLean Gladstone Pty Ltd* shall not be liable to Client for any loss or damage incurred by Client due to *McLean Gladstone Pty Ltd's* ordinary negligence, or circumstances beyond *McLean Gladstone Pty Ltd's* control. *McLean Gladstone Pty Ltd* shall indemnify Client for any direct loss or damage incurred by Client due to *McLean Gladstone Pty Ltd* gross negligence, or willful acts or omissions, provided, however, that (i) Client submits a report to *McLean Gladstone Pty Ltd* in writing via certified mail, within 10 days of the occurrence of a negligent or willful act or omission on the part of *McLean Gladstone Pty Ltd*, which report shall explain the circumstances in detail; and (ii) *McLean Gladstone Pty Ltd*, at its sole discretion, after investigation, notify Client that *McLean Gladstone Pty Ltd* agrees that the circumstances described in the written notice constitute a grossly negligent or willful act or omission on *McLean Gladstone Pty Ltd's* part. In the event *McLean Gladstone Pty Ltd* determines that the circumstances described in such notice do in fact constitute a grossly negligent or willful act or omission on *McLean Gladstone Pty Ltd's* part, *McLean Gladstone Pty Ltd*, in *McLean Gladstone Pty Ltd's* sole discretion, shall issue a credit to Client against future payments for damages incurred by Client as a result of any such negligent or willful act or omission and shall relieve Client of any further liability with respect thereto; provided, however, that in no event shall *McLean Gladstone Pty Ltd* be liable to Client for any amounts in excess of the fees paid by Client to *McLean Gladstone Pty Ltd* for the calendar month in which such grossly negligent or willful act or omission occurred.
- (i) For any valuation other than a retrospective valuation:
"This valuation is subject to the following Market Movement Clause:
This valuation is current as at the dated of valuation only. The value assessed herein may change significantly and unexpectedly over a relatively short period (including as a result of general market movements or factors specific to the particular property or factors that the Value could not have reasonably become aware of as at the date of the Report). We do not accept liability for losses arising from such subsequent changes in value. No person or entity can rely upon this valuation after the expiration of 90 days from the date of the valuation (or such earlier date if such person or entity becomes aware of any factors that have any effect on the valuation). We do not assume any liability in circumstances where this valuation is relied upon after the expiration of 90 days from the date of the valuation (or such earlier date if such person or entity becomes aware of any factors that have any effect on the valuation)."
For a retrospective valuation:
"This valuation is subject to the following Market Movement Clause:
The valuation is current as at the date of valuation only. We do not accept liability for losses arising from subsequent changes in value."
- (j) As stipulated under our Professional Indemnity policy this valuation may not be relied upon directly or indirectly for mortgage purposes:
i. for or on behalf of a Solicitor Lender or any person lending money through a Solicitor Lender; or
ii. for which responsibility is accepted to any Solicitor Lender or any person lending money through a Solicitor Lender.
For avoidance of doubt, "Solicitor Lender" means any solicitor involved in arranging, controlling, managing, broking or otherwise inducing the lending of money on mortgage security (including but not limited to any solicitor controlled or managed mortgage fund) BUT shall not include any mortgage fund registered as a Managed Investment Scheme.
- (k) As stipulated under our Professional Indemnity policy this valuation may not be relied upon for any lending in connection with any managed investment scheme, as defined under section 9 of the Corporations Act 2001 (Cth) which;
(i) has as its prime and substantial purpose the provision of tax benefits to investors; or
(ii) is involved in any form of direct or indirect investment in primary production (including property used for primary production).
- (l) "This valuation is subject to the following Prudent Lending Clause.
This valuation has been prepared on the assumption that the Lender (and no other person or entity):
• Referred to in this Valuation report; or
• To whom this Valuation report has been specifically assigned in writing to us,
may rely on this Valuation for mortgage finance or mortgage security purposes, provided always that such Lender has complied with its own prudential lending guidelines as well as prudent finance industry lending practices and has considered all prudent aspect of credit risk for any potential borrower including, but not limited to, the borrower's personal circumstances, past credit history, financial position and the ability to service and repay any loan. Further, this Valuation is only valid if the Lender providing the mortgage financing or holding mortgage security uses a prudent and conservative Loan to Valuation Ratio (LVR). No liability will be accepted if prudent lending practices fail to be strictly observed or if the Lender relies on this Valuation, and no other criteria (including prudent aspects of credit risk, the asset class, the location and the marketability of the property), to advance loan funds."

**Proposed Allotment 101,
Corner of Tiers Road and Vickers Road,
Lenswood SA 5240**

- (m) **Building & Construction**
This Valuation inspection and Report does not constitute a structural survey and is not intended as such. We have carried out an inspection only of the exposed and readily accessible areas of the improvements. Note, the Valuer is not a building construction or structural expert and is therefore unable to certify the structural soundness of the improvements. Readers of this report should make their own enquiries. This Valuation has been based on the condition of the structural improvements and the property in general as at the inspection date, and if the property has to be sold in circumstances where its condition has deteriorated and/or essential fixtures/fittings removed there is likely to be a significant write down in the asset value when compared to the current assessment. Under these circumstances the Valuer will not be responsible for any reduction in value.
- (n) **Insurance Replacement Cost Estimate**
The recipient of this report is advised that the undersigned is not a Quantity Surveyor and has relied on published building costing guides to arrive at an opinion of replacement cost for insurance purposes for the subject property improvements. Our estimate includes an allowance for the following:
(a) demolition and removal of debris;
(b) professional fees and preliminaries and contingency costs;
(c) extra cost of reinstatement;
(d) an inflation factor in respect to lead time for demolition and building approval, construction period and policy year. (It does not include loss in rental income or include contents for owners or tenant's furniture or personal effects). The amount estimated includes G.S.T.
- (o) **Improvements**
This valuation assumes that all improvements have been constructed in accordance with the appropriate planning and building regulations in force at the time of construction, and that all appropriate approvals have been obtained from the relevant authorities.
The valuation is made on the basis that there are no encroachments by or upon the property. If the instructing party has any concerns regarding encroachments, they should be referred to a Registered Surveyor for advice or current survey report.
- (p) **Land Dimensions/Area**
Unless stated as otherwise in this report we advise that we have not searched or been provided with a copy of the current Title or Registered Plans and that any dimensions or land areas quoted in this report have been obtained from third party information sources and whilst every endeavour has been made to verify such information we accept no responsibility for inaccuracy of any information provided and relied upon.
- (q) **Environmental**
The client acknowledges and recognizes that the Valuer is not expert in identifying environmental hazards and compliance requirements affecting properties. The Valuer has endeavoured to identify all matters of environmental concern and the effect they might have on the value of the property. However, the Valuer will not be held liable nor responsible for his/her failure to identify all such matters of environmental concern and the impact which any environmental related issue has on the property and its value including loss arising from site contamination; or the non-compliance with environmental laws; or costs associated with the clean-up of the property to which an environmental hazard has been recognized, including action by the Environmental Protection Agency to recover clean-up costs pursuant to the relevant Environmental Protection Act.
- (r) **Body Corporate Records**
We advise that we have not concluded a search of the Body Corporate records and our valuation assumes there are no outstanding requisitions or legal liabilities. We recommend the recipient of this report conduct a search of the Body Corporate records prior to reliance on this report should they deem this necessary.
- (s) **Flooding**
There was no hydrologist report available, so we are unable to state whether the property is subject to inundation or under what circumstances
- (t) **Pest Inspection**
We have not sighted a current pest inspection report. As we are not experts in this field we cannot confirm the improvements are free from any pest infestation.
- (u) **Fire Rating**
We have not sighted a Fire Rating report for this property.
- (v) **Intellectual Property**
The Valuation Firm grants the Client a royalty free, non-exclusive, irrevocable licence to use, copy and reproduce the Valuation for the purposes of, or in connection with, the purpose for which the Valuation was provided.
- (w) **Valuation Protocol – Cladding on Buildings**
Where the building/development appears to be clad, we are unable to identify from our visual inspection whether the cladding used, or method of attachment, is compliant/conforming or non-compliant/non-conforming.
This valuation report has been prepared under the assumption that the building materials used, as well as the application and installation of those materials, comply with all approvals, relevant law, legislation, legal codes and or standards. Should this not be the case, we reserve the right to review our valuation.
We are not experts in 'cladding' or methods of attachment and are not qualified to determine the existence of non-conforming or non-compliant cladding. We do not accept responsibility or liability for any losses whatsoever arising from the Valuer failing to identify non-conforming or non-compliant cladding.
Prior to any reliance on the Valuation Report by any Lender/LMI, the Lender/LMI and any other party nominated in the Report as being entitled by the Valuer to rely upon the Report, those parties must make their own enquiries regarding the cladding used, including the application, installation, specification and utilisation of the cladding, and its compliance with all approvals, relevant law, legislation, legal codes and or standards.
- (x) **COVID-19 Disclaimer**
"The outbreak of the Novel Coronavirus (COVID-19) was declared as a 'Global Pandemic' by the World Health Organisation on 11 March 2020. We have seen global financial markets and travel restrictions and recommendations being implemented by many countries, including Australia. The real estate market is being impacted by the uncertainty that the COVID-19 outbreak has caused. Market conditions are changing daily at present. As at the date of valuation we consider that there is a significant market uncertainty. This valuation is current at the date of valuation only. The value assessed herein may change significantly and unexpectedly over a relatively short period of time (including as a result of factors that the Valuer could not reasonably have been aware of as at the date of valuation). We do not accept responsibility or liability for any losses arising from such subsequent changes in value. Given the valuation uncertainty noted, we recommend that the user(s) of this report review this valuation periodically."
The market commentary above does not yet reflect the impact of the coronavirus and the resultant containment restrictions placed on the community by the government (at state and federal levels). We can only speculate at this early stage – however, a negative impact is certain, with economists agreeing the country is heading into recession (or worse). This is despite the attempts by the government (at Federal and State levels) to minimise adverse effects with massive stimulus packages.

**Proposed Allotment 101,
Corner of Tiers Road and Vickers Road,
Lenswood SA 5240**

(y) **“MARKET MOVEMENT (COVID-19) CLAUSE:**

“The market that the property/asset is transacted and/or valued in is being impacted by the uncertainty that the COVID-19 pandemic has caused. Market conditions are changing daily at present. As at the date of this Valuation we consider that there is a market uncertainty resulting in significant valuation uncertainty.

This valuation is current as at the date of valuation only. The value assessed herein may change significantly and unexpectedly over a relatively short period of time (including as a result of the impact of COVID-19 pandemic, general market movements, factors specified to the particular property or factors that the Valuer could not have reasonably become aware of as at the date of the Report). As such, any Lender should apply an abundance of caution and monitor and review the situation, utilising the Lender’s own internal and external research and resources on a regular basis and as it evolves. We do not accept responsibility or liability for losses arising from such subsequent changes in value.”

Given the market uncertainty and resultant significant valuation uncertainty noted, we recommend that the Instructing Party/Client review this Valuation periodically. Should the subject property be able to be reinspected, it is the prerogative of the Instructing Party/Client to reinstruct the Valuer at a later date.”

(z) **Market Commentary September 2022**

Australian housing prices fell over the June quarter as rising interest rates and inflation impacted affordability but not all cities and regions are experiencing price contractions.

The weighted average capital city median price decreased by 1.8% for houses and 0.6% for other dwellings.

The weighted average median house price for the eight capital cities fell to \$1,012,230 over the quarter. The median house price increased in Brisbane, Adelaide and Darwin remained stable in Perth and declined in Sydney, Melbourne, Canberra and Hobart. Increases ranged from 0.4% in Darwin to 2.6% in Adelaide.

This defies the Reserve Bank’s latest comment on potential house price falls and simply demonstrates the current market conditions are the adjustment ‘we had to have’.

Over the 12 months to the June quarter, the weighted average capital city median house price increased by 9.2%.

The weighted average median price for other dwellings for the eight capital cities dipped to \$651,142, a quarterly fall of 0.6%. Over the quarter, the median price for other dwellings rose in Brisbane, remained stable in Adelaide, Canberra and Darwin and declined in Sydney, Perth, Melbourne and Hobart.

Over the 12 months to the end of June, 2022 the weighted average capital city median price for other dwellings increased by one percentage point.

Rents increased sharply after a period of relative stability with the weighted average median rent for 3 bedroom houses in the eight capital cities inflating to \$506 per week, a quarterly rise of 3.6%.

During the quarter, the weighted average median rent for 2 bedroom other dwellings increased to \$474 per week, a quarterly rise of 5.4%. The median rent increased in all capital cities over the quarter except in Adelaide and Hobart where it remained stable.

Vacancy rates have dropped in most cities with Adelaide has the lowest at 0.4%.

Source: REIA Media Release 21 September 2022

**ADELAIDE HILLS COUNCIL
ORDINARY COUNCIL MEETING
Tuesday 24 September 2024
AGENDA BUSINESS ITEM**

Item:	12.4
Responsible Officer:	David Waters Director Environment and Infrastructure Environment and Infrastructure
Subject:	Response to the Review of the Single-use and Other Plastic Products (Waste Avoidance) Act 2020
For:	Decision

SUMMARY

The purpose of this report is to provide information and a response with regard to the Review on the *Single-use and Other Plastic Product (Waste Avoidance) Act 2020* (the Review) released by Green Industries South Australia (GISA). The intent of the review is to specifically to find out what is working well, the positive impact the Act has had and what is not working as well as it should. In addition, if there is anything that can be done to improve the effectiveness of the Act. Some Council Members have expressed interest in the Council making a submission and as such, the administration has compiled a draft submission for consideration.

Council has received minimal informal responses from the community and businesses since the first batch of the bans in September 2020 in relation to the Act and the changes to plastic product use. This could be construed as a positive response. Council has not undertaken any formal data collection or survey in relation to the outcomes of the Act and therefore the response is based on research and informal discussions.

The response is due to GISA by 27 September 2024.

RECOMMENDATION

Council resolves:

- 1. That the report be received and noted.**
 - 2. That the Council make a submission to the Review of the Single-use and Other Plastic Products (Waste Avoidance) Act 2020 in the form of the letter contained in Appendix 1.**
 - 3. That the Chief Executive Officer be authorised to finalise the response, including making any minor changes not affecting the substantive nature of the response, and submit it on Council's behalf.**
-

1. BACKGROUND

The South Australian Parliament passed the *Single-use and Other Plastic Products (Waste Avoidance) Act 2020* in September 2020. The intent is to gradually phase in the prohibition of the sale, supply or distribution of several series of plastic products. The second batch of prohibited plastic products were banned from March 2022, Third batch from 1 September 2023 and the fourth batch has just been released on 1 September 2024. A fifth batch of bans will come into operation on 1 September 2025.

Council has been proactive in continually exploring and implementing the reduction of waste to landfill, waste education and reducing single-use plastics in their own operations. GISA are currently undertaking a review of the legislation, and the Administration has been asked to provide a response. This report and **Appendix 1** are in response to this request.

2. ANALYSIS

➤ Strategic Management Plan/Functional Strategy/Council Policy Alignment

Strategic Plan 2020-24 – A brighter future

Goal 4	A valued Natural Environment
Objective N4	Reduce the impact of waste to landfill by maintaining a robust waste and resource management framework.
Objective N5	Assist our community to reduce the impact of waste to landfill on the environment
Priority N5.2	Support and assist the community to prevent valuable resources going to landfill and reduce contamination in kerbside recycling bins

There is no specific priority for Council to reduce the use of single-use plastics however this direction does follow the reduction of waste landfill objectives. Responding to the Review complements the strategic approach of Council.

➤ Legal Implications

Not applicable

➤ Risk Management Implications

The preparation of the Review response by contributing to South Australia’s waste legislation changes will assist in mitigating the risk of:

reputational damage and an unclear strategic pathway leading to inefficiencies, community and environmental impacts.

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

➤ **Financial and Resource Implications**

Not applicable

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

Not applicable

➤ **Sustainability Implications**

Not applicable

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

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>	Adelaide Hills Regional Waste Management Authority
<i>Community:</i>	Not applicable

➤ **Additional Analysis**

Council is committed to improving waste services within the Council and to reduce waste to landfill and has been supportive of the single-use plastic legislation and changes for the community. In providing feedback through the Review, Council is reinforcing its commitment to waste reduction and is contributing to the State targets and waste reduction directions. Minimal feedback has been received by the Waste Coordinator and the Environmental Health Team since the introduction of the legislation in September 2020.

Council has not undertaken any formal data collection to understand if the legislation has had a specific local impact on a reduction of waste to landfill or identified specific challenges for the business community in obtaining and using alternative products. One of the suggestions within the letter response is that data is collected or case studies developed where there has been a significant improvement at a state level to use as a community promotional tool for the ongoing reduction of single-use plastics.

A draft response letter, which is largely self explanatory, is provided in **Appendix 1** for Council's consideration.

3. **OPTIONS**

Council has the following options:

- I. To endorse the Review response letter to GISA outlining Council's feedback and comments in relation to the *Single-use and Other Plastic Products (Waste Avoidance) Act 2020*. The response provides Council's feedback in relation to the Act which will contribute to the ongoing direction of waste management in South Australia. (Recommended)

- II. To not endorse the Review response letter to GISA outlining Council’s feedback and comments in relation to the *Single-use and Other Plastic Products (Waste Avoidance) Act 2020*. (Not Recommended)

4. APPENDICES

- (1) Draft response letter for GISA on the Review of the Single-use and Other Plastic Products (Waste Avoidance) Act 2020

Appendix 1

*Response to the review of the Single-use and Other
Plastics Products (Waste Avoidance) Act 2020*



63 Mt Barker Rd
Stirling SA 5251
Phone: 08 8408 0400
Fax: 08 8389 7440
mail@ahc.sa.gov.au
www.ahc.sa.gov.au

<to be dated following adoption>

Single-use Plastics (Waste Avoidance) Act 2020 Review
Green Industries SA
GPO Box 1047
ADELAIDE SA 5001

By email to: GISA.SUPActReview@sa.gov.au

Dear **CEO**,

Review of *The Single-use and Other Plastics (Waste Avoidance) Act 2020*

Thank you for the opportunity to participate in the review of the *Single-use and Other Plastics (Waste Avoidance) Act 2020* (SUP Act). At its meeting held 24 September 2024, Council resolved to make this submission.

The Council area is part of the Mount Lofty Ranges, approximately 12 kilometres east of Adelaide, SA. Our population is approximately 40,000 (2019 ABS estimate) which is 2.3% of the State's population.

The Council is a member of the Adelaide Hills Region Waste Management Authority (AHRWMA). The AHRWMA operate the Heathfield Resource Recovery Centre on behalf of the Council and operate a landfill at Brinkley on behalf of its four member councils. The Council is also a member of the Eastern Waste Management Authority (East Waste), a regional subsidiary of Adelaide Hills Council along with seven other councils. East Waste collect waste and recycling from approximately 17,500 properties from the Council area. East Waste also provides the kerbside and street litter collection services.

Council is committed to improving waste services within the Council and to reduce waste to landfill. Council has participated in the Local Government Association of South Australia (LGA) Circular Procurement Pilot Project, committing us to prioritising recycled content through our procurement processes. Council have also recently undertaken a trial in Woodside and Lenswood to change the kerbside bin collection services from weekly general waste to fortnightly and provide green organic collection weekly. This trial is ongoing.

Council commends the State Government on the introduction of the SUP Act and supports the initiative and intent in full. Council has promoted the changes to the legislation including banned products and possible replacements through social media and postcards, obtained from GISA, placed in Service Centres and at waste education sessions. Council also promotes the Replace the Waste website at the time of the bans introduction and has ongoing promotion of the Which Bin website and My Local Services app to assist the community.

The Council respectfully provides the following points for consideration:

- The Environmental Health Team of Council reports feedback from businesses has been generally positive on the banned items. Businesses appear to have transitioned to using the alternative items smoothly and seamlessly. Council's Waste Team has not received any feedback regarding the bans from the businesses or the public however they noted in a non-Council social media post that one business, in the Council's area, that was unaware of the bans, has organised for their banned coffee cups to be upcycled at local kindergartens for paint pots. From this action they are now following the bans and have accepted to not use the banned items. Council has not received any specific comments or feedback on the changes from the SUP Act, the products removed from the community and the potential impacts for local businesses. Council regard this as a positive response to the legislation introduction and roll out. However, Council has not formally undertaken any survey or request for feedback.
- To further enhance the removal of problematic plastics, Council would support future bans on microplastics in cleaning products as well as more stringent bans on plastic packaging, including items obtained from overseas.
- With a different approach in each State including definitions of plastic and single-use, it would be beneficial to have a nationally consistent approach. In addition, this should also apply to information that is provided on recycling plastic products and the definition of reusable. To assist with recognition on what plastics are recyclable and what is not a nation-wide system that provides consistent information for recycling plastic items is also required, e.g. all items to clearly show easy to interpret recycling information including items from overseas.
- It is considered beneficial that data be compiled and publicised that illustrates the reduction of single-use plastics within the environment to enable further promotion to the community and show outcomes of their actions. Case studies could be prepared that illustrate the reduction and subsequent positive outcomes.

Council appreciates the opportunity to provide feedback on the review of the *Single-use and Other Plastics (Waste Avoidance) Act 2020*. Should you wish to discuss this submission or require further information, please contact <insert name and contact>. We would be interested in participating in further reviews with Green Industries SA in the future.

Yours sincerely

<authorised signatory to be entered>

**ADELAIDE HILLS COUNCIL
ORDINARY COUNCIL MEETING
Tuesday 24 September 2024
AGENDA BUSINESS ITEM**

Item: 12.5

Responsible Officer: Zoë Gill
Executive Governance Officer
Office of the CEO

Subject: Elections for the LGFA Board of Trustees

For: Decision

SUMMARY

The purpose of this report is for Council to elect nominees to the Local Government Finance Authority's Board of Trustees.

Earlier this year the Local Government Finance Authority (LGFA) sought nominations for the Board of Trustees and the LGFA have now requested eligible Councils to vote on their preferred nominees and return this vote to the LGFA prior to Friday 11 October 2024.

The LGFA has provided Council with the postal ballot and process instructions for voting in the elections, which must be by resolution of Council.

RECOMMENDATION

Council resolves:

- 1. That the report be received and noted.**
 - 2. To vote for and as Representative Members of the Board of Trustees of the Local Government Finance Authority.**
 - 3. To authorise the Mayor to mark the ballot paper reflecting Council's determination and authorise the CEO (or their delegate) to lodge the ballot paper in accordance with the process set out in Appendix 1.**
-

1. BACKGROUND

The Local Government Finance Authority called for nominations to fill two representative board member positions via circular on the 1 July 2024.

Currently these representative board member positions (provided by Section 7 (1)(a) of the *Local Government Finance Authority Act 1983*) are held by Ms Annette Martin (City of Charles Sturt) and by Mr Michael Sedgman (City of Adelaide).

The LGFA received five (5) nominations for these two positions and have now contacted eligible Councils to participate in the election process. The election is being conducted by postal ballot and Council must, by resolution, determine which two candidates it wishes to elect.

2. ANALYSIS

➤ Strategic Management Plan/Functional Strategy/Council Policy Alignment

Strategic Plan 2020-24 – A brighter future

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

The nomination of suitable candidate(s) to the Authority is an important element of Council's participation in the local government sector and relevant authorities.

➤ Legal Implications

The Local Government Finance Authority of South Australia (LGFA) exclusively serves South Australian Councils and Local Government Bodies. It has done this since being established under the *Local Government Finance Authority Act 1983* as a body corporate.

The LGFA is administered by a Board of Trustees and works for the benefit of councils and other local government bodies within South Australia. It is not part of the Crown, nor is it an agency or instrumentality of the Crown.

➤ Risk Management Implications

The availability of Local Government Finance Authority funding is of considerable assistance in managing Council's financial risks. Participation in the election process provides council with the opportunity to influence the selection of experienced Board Members to the Local Government Finance Authority and therefore protect the Adelaide Hills Council's interests. It assists in managing the risk of:

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

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

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

➤ **Financial and Resource Implications**

The continuing existence of the LGFA provides South Australian Local Government with a sector leading capacity for financial self-management. Adelaide Hills Council relies upon the LGFA to ensure that its ongoing funding requirements are cost effectively and efficiently met, and therefore has a significant interest in the continued success and good management of the LGFA.

The LGFA Board meets approximately 6 times per year. Members receive annual sitting fees of \$8,594 for attendance at meetings.

There is no direct financial or resource implications to Council from this decision.

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

There are no direct end-user customer service implications regarding the nomination of members to the Local Government Finance Authority.

➤ **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: Local Government Finance Authority

Community: Not Applicable

➤ **Additional Analysis**

Postal Voting Process

The LGFA has provided the following voting process and in order to comply with the Rules of the Authority, the casting vote of Council must be conducted by following the process below:

1. The voting must be on the enclosed ballot paper which has all the candidates listed in alphabetical order together with the closing date for the election.
2. The council must by Resolution determine which candidates (being not more than two) they wish to elect.
3. The council's representative to the AGM of the Local Government Finance Authority of South Australia (or in his absence the councillor chairing the council meeting) shall at the council meeting in his own handwriting mark the ballot paper with an "x" next to the two candidates whom the council wishes elected. Please do not type in the "x" after the meeting or mark the ballot paper in any other way.
4. (a) The ballot paper should then be inserted in the attached small white 11B envelope addressed to the Returning Officer which is marked "Confidential Ballot Paper".

(b) The "Confidential Ballot Paper" envelope should then be placed in the middle sized DL envelope addressed to the Returning Officer and the council's name is to be recorded only on this particular envelope. It will be noted that the signature of the appointed AGM delegate should be added (if the delegate is absent the signature of the Chair of the council meeting).

(c) Finally, the middle sized envelope is to be returned to the Chief Executive Officer, Local Government Finance Authority of South Australia, Suite 1205, 147 Pirie Street, Adelaide, 5000, in the self addressed large C5 envelope which is included for that purpose. Please allow for adequate postage times.

Nominees

There are five (5) nominees for the two (2) available board positions:

- Michael Phillips-Ryder, Councillor, Light Regional Council
- Jonathon Pietzsch, Councillor, Coorong District Council
- Grant Piggott, Councillor, City of Norwood Payneham & St Peters
- Michael Sedgeman, Chief Executive Officer, City of Adelaide
- John Smedley, Councillor, City of Holdfast Bay

The candidates are all actively involved in Local Government at present, with experience in the sector ranging from 2 years to 25 years.

Details on the experience and credentials of each nominee is provided at **Appendix 1**. Once Council has selected its two preferred nominees, the Mayor and CEO will then be able to complete the necessary forms to return Council's vote before the closing date of 14 October 2022.

In taking up the opportunity to vote for the above positions consideration of the following factors will be important to make appropriate selections:

- the current skills and knowledge of the nominees

- length and breadth of experience in the field of finance recognising the responsibilities placed on a board of a finance authority
- a balance of finance related skills, knowledge and experience (for example considering the selection of a Council Member and a council officer).

3. OPTIONS

Council has the following options:

- I. To determine the two (2) preferred candidates for Election to the Local Government Finance Authority Board of Trustees and resolve accordingly (Recommended).
- II. To determine not to vote in the Election for the Local Government Finance Authority Board of Trustees (Not Recommended).

4. APPENDICES

- (1) LGFA Correspondence, Ballot Papers and Board Nomination Resumes.

Appendix 1

*LGFA Correspondence, Ballot Papers and
Board Nomination Resumes*

TO: Chief Executive Officer

RE: Elections for the positions of Representative Members of the Board of Trustees

Our circular of 1 July 2024 called for nominations to fill the two representative board member positions (provided by Section 7(1)(a) of the *Local Government Finance Authority Act 1983*) currently held by Ms Annette Martin (City of Charles Sturt) and by Mr Michael Sedgman (City of Adelaide).

Five nominations have been received for the two positions, and as previously indicated in the abovementioned circular, the election will be conducted by postal ballot.

Enclosed please find details supplied by each candidate to assist councils in determining the candidates for whom they wish to vote. If councils wish to ascertain further details, they may contact the individual candidates direct.

In order to comply with the Rules of the Authority, the casting of the vote by your council must be conducted as follows:-

1. The voting must be on the enclosed ballot paper which has all the candidates listed in alphabetical order together with the closing date for the election.
2. The council must by Resolution determine which candidates (being not more than two) they wish to elect.
3. The council's representative to the AGM of the Local Government Finance Authority of South Australia (or in his absence the councillor chairing the council meeting) shall at the council meeting in his own handwriting mark the ballot paper with an "x" next to the two candidates whom the council wishes elected. Please do not type in the "x" after the meeting or mark the ballot paper in any other way.
4. (a) The ballot paper should then be inserted in the attached small white 11B envelope addressed to the Returning Officer which is marked "Confidential Ballot Paper".
4. (b) The "Confidential Ballot Paper" envelope should then be placed in the middle sized DL envelope addressed to the Returning Officer and the council's name is to be recorded only on this particular envelope. It will be noted that the signature of the appointed AGM delegate should be added (if the delegate is absent the signature of the Chair of the council meeting).
4. (c) Finally, the middle sized envelope is to be returned to the Chief Executive Officer, Local Government Finance Authority of South Australia, Suite 1205, 147 Pirie Street, Adelaide, 5000, in the self addressed large C5 envelope which is included for that purpose. Please allow for adequate postage times.

5. All votes must be received by the Returning Officer by 5.00 pm on **Friday 11 October 2024**.
6. Only use the ballot paper enclosed with the signature of G Hollitt on the reverse, and if an error is made, return the spoilt ballot paper to this office and another will be returned to you.

If you have any further queries on the matter, please contact the undersigned, or Geoff Hollitt at this office.

Kindly arrange for this circular to be included on the council's next agenda for the information of the elected members.



Davin Lambert
Chief Executive Officer



Geoff Hollitt
Returning Officer

3 September 2024

Ballot Paper to go into small 11B envelope -

A)

CONFIDENTIAL BALLOT PAPER

The Returning Officer
Local Government Finance Authority of South Australia
Suite 1205, 147 Pirie Street
ADELAIDE SA 5000

then small envelope into middle size DL envelope

B)

The Returning Officer
Local Government Finance Authority of South Australia
Suite 1205, 147 Pirie Street
ADELAIDE SA 5000

COUNCIL NAME SIGNATURE AGM REPRESENTATIVE

then POST to LGFA in large C5 envelope provided (Please allow adequate postage times)

C)

Chief Executive Officer
Local Government Finance Authority of South Australia
Suite 1205, 147 Pirie Street
ADELAIDE SA 5000

NAME

MICHAEL PHILLIPS-RYDER

OCCUPATION

Operations Manager - Construction (SA/WA/NT)

QUALIFICATIONS & AWARDS

Bachelor of Construction Management & Economics (Hons.)
Bachelor of Laws
Graduate Diploma in Legal Practice
Barrister and Solicitor of the Supreme Court of South Australia

CURRENT POSITION IN LOCAL GOVERNMENT

Councillor
Light Regional Council

PERIOD IN LOCAL GOVERNMENT

2 years

OTHER COMMITTEES/ BODIES OF LOCAL GOVERNMENT INVOLVEMENT

Past

Light Regional Council

- CEO Selection Committee

Present

Light Regional Council

- Audit and Risk Committee

Gawler River Floodplan Management Authority

- Board Member

NAME	JONATHAN PIETZSCH
OCCUPATION	Primary Producer and Agricultural Contractor
QUALIFICATIONS & AWARDS	Diploma in Agriculture
CURRENT POSITION IN LOCAL GOVERNMENT	Councillor Coorong District Council
PERIOD IN LOCAL GOVERNMENT	2 years
OTHER COMMITTEES/ BODIES OF LOCAL GOVERNMENT INVOLVEMENT	

Past

Tilly Swamp CFS

- Captain

Coonalpyn Lutheran Parish

- Chairman

Culburra Tennis Club

- President

Tintinara Hall– Section 41 Committee

- Community Member

Present

Tintinara Regional Area Development Enterprises

Laneway Assets Pty Ltd

- Chairman

Colebatch CFS

- 2nd Leutenant,

Tintinara Golf Club

- Treasurer

Tintinara Hall - Section 41 Committee

- Councillor

Family Agricultural companies.

- Director

Various Section 41 committees of council

NAME	GRANT PIGGOTT
OCCUPATION	Business & Financial Management Consultant
QUALIFICATIONS & AWARDS	Bachelor of Economics, University of Adelaide Qualified Chartered Accountant Graduate of Institute of Company Directors Graduate Diploma of Financial Planning
CURRENT POSITION IN LOCAL GOVERNMENT	Councillor City of Norwood Payneham & St Peters
PERIOD IN LOCAL GOVERNMENT	14 years
OTHER COMMITTEES/ BODIES OF LOCAL GOVERNMENT INVOLVEMENT	

Past

Eastern Waste Services

- Board Member, 2010 —2019

City of Burnside

- Council Member, 2010 — 2022
- Development Assessment Panel 2011-2014,2016
- Audit & Risk Committee 2015-2016, 2021
- CEO Performance & Appraisal Committee 2013-2014, 2017, 2019

Present

City of Norwood Payneham & St Peters

- Council Member, 2022 - Current
- Audit & Risk Committee, 2022 — Current
- Business & Economic Development Advisory Committee, 2022 – Current

ERA Water

- Board Member, 2022- Current

Highbury Landfill Authority

- Present Board Member, 2022 - Current

NAME	MICHAEL SEDGMAN
OCCUPATION	Chief Executive Officer
QUALIFICATIONS & AWARDS	Master of Commercial Law (Deakin) 2007 Master of Business Administration (Deakin) 2005 Bachelor of Commerce (Deakin) 1987 Fellow of CPA Australia - FCPA Fellow of Governance Institute of Australia - FGIA Fellow of Chartered Governance Institute - FCG
CURRENT POSITION IN LOCAL GOVERNMENT	Chief Executive Officer City of Adelaide
PERIOD IN LOCAL GOVERNMENT	25 years
OTHER COMMITTEES/ BODIES OF LOCAL GOVERNMENT INVOLVEMENT	

Past

- Local Government Professionals SA 2019-2023
- Local Government Association Workers Compensation Scheme 2011-15
- Local Government Association Mutual Liability Scheme 2009-2015
- Waste Care SA 2010-2013
- South Australian Local Government Consulting 2006-2009
- Inner Northern Group Training Limited 2000-2004
- Yarra-Melbourne Regional Library Corporation 1999-2004 and 2006

Present

Local Government Finance Authority of South Australia

- Board Trustee since January 2019
- Audit and Risk Committee member 2019-20
- Board/Chair/Presiding Member since February 2021

Overview Committees of

- LGFA Asset Mutual Fund since 2017, Chair since 2019
- LG Income Protection Fund since 2017

NAME	JOHN SMEDLEY
OCCUPATION	<p>Elected Member Somerton Ward, City of Holdfast Bay</p> <p>Smedley Finance Solutions Pty Ltd Self Employed Corporate/Property Finance Specialist Previously 40+ years in Senior Business/Corporate Banking and Finance roles with various Bank and Non-Bank institutions, including NAB, Westpac, Citibank and Bendigo Adelaide Bank, Angas Securities Ltd. & Turner Securities Ltd.</p>
QUALIFICATIONS & AWARDS	<p>Master of Business Administration (University of Adelaide) Fellow of Financial Services Institute of Australasia Diploma in Banking & Finance Diploma in Accounting Diploma in Mortgage & Finance Broking</p>
CURRENT POSITION IN LOCAL GOVERNMENT	Councillor Somerton Ward
PERIOD IN LOCAL GOVERNMENT	10 years
OTHER COMMITTEES/ BODIES OF LOCAL GOVERNMENT INVOLVEMENT	

Past

Somerton Ward at City of Holdfast

- Deputy Mayor & Councillor

Adelaide Airport Consultative Committee

- Member

Glenelg Oval Consultative Committee

- Member

Present

Holdfast Bay Audit and Risk Committee

- Presiding Member

Southern Regional Waste Resource Authority

- Board Member

Executive Committee

- Member

Adelaide Coastal Councils Network

- Member

Transforming Jetty Road Committee

- Member



LOCAL GOVERNMENT FINANCE AUTHORITY OF SOUTH AUSTRALIA

BALLOT PAPER

REPRESENTATIVE BOARD MEMBER

Two (2) Required:-

Place "X" next to two names you wish to vote for.

PHILLIPS-RYDER, M

PIETZSCH, J

PIGGOTT, G

SEDGMAN, M

SMEDLEY, J

CLOSING DATE: 5.00 PM at the office of the LGFA, Friday 11 October 2024

THE RETURNING OFFICER
LOCAL GOVERNMENT FINANCE AUTHORITY OF SOUTH AUSTRALIA
SUITE 1205, 147 PIRIE STREET
ADELAIDE SA 5000

A handwritten signature in blue ink, appearing to be 'M. A. M. A.', is centered on the page.

11 OCTOBER 2024

**ADELAIDE HILLS COUNCIL
ORDINARY COUNCIL MEETING
Tuesday 24 September 2024
AGENDA BUSINESS ITEM**

Item: 12.6

Responsible Officer: Zoë Gill
Executive Governance Officer
Office of the CEO

Subject: Representation Review

For: Decision

SUMMARY

A Representation Review is held to examine fundamental aspects of a Council's composition and ward structure. It is a formal process that is closely regulated under the *Local Government Act 1999* (the Act) and is required to be conducted at least every eight years.

Council is required to undertake this review during the period of April 2024 – April 2025.

Council has engaged a consultant to assist with the Representation Review Process.

RECOMMENDATION

Council resolves:

1. That this report be received and noted.
 2. To note that administration, under their delegation for the purposes of s12(5) of the *Local Government Act 1999*, was satisfied that C L Rowe and Associates Pty Ltd are qualified to address the representation and governance issues that may arise with respect to the representation review.
 3. That the Representation Review Discussion Paper – August 2024 prepared by C L Rowe and Associates Pty Ltd (*Appendix 1*) be received and noted.
 4. That in principle, Council should consult on Option as detailed in *Appendix 1* for the future elector representation arrangement to come into effect at the next Local Government elections in 2026.
 5. That a draft "Representation Report" be prepared presenting Option as detailed in *Appendix 1*.
 6. That the draft "Representation Report" be presented to Council, for consideration and endorsement, prior to the initiation of the public consultation process.
-

1. BACKGROUND

Section 12(3) of the *Local Government Act 1999* (the Act) indicates that Council must undertake a “representation review” to determine whether its community would benefit from an alteration to Council’s composition or ward structure. This review is required to be undertaken and completed during the period April 2024 – April 2025.

Council last undertook a review of its elector representation in 2016/2017, the outcome of which was:

- the retention of the then existing composition (i.e. a Mayor elected by the community and twelve (12) ward councillors); and
- the division of the Council area into two (2) wards (i.e. the Ranges Ward represented by seven (7) ward councillors and the Valleys Ward represented by five (5) ward councillors).

This elector representation arrangement came into effect at the Local Government elections in November 2018.

C L Rowe and Associates Pty Ltd has been engaged to assist Council with the review process. Under their delegation powers, the Executive Governance Officer determined that the consultants were an organisation which is qualified to address the representation and governance issues that may arise with respect to the matters under review (as per the requirements of Section 12(5) of the Act).

An information and briefing session was conducted on the 5th August 2024 to generally inform members of the matters relevant to the review and the review process. Members were also provided with an “Information Paper” which contained general information pertaining to the review process and relevant key issues.

A further information and briefing session was conducted on the 2nd September 2024, at which time the elected members discussed a number of issues, including the number of elected members required to provide adequate and fair representation; and whether the Council area should continue to be divided into wards, or whether the existing ward structure should be abolished. Elected Members discussed the unique nature of the Adelaide Hills Council, its diverse communities, and geographic spread. The elected members were also provided with a “Discussion Paper” which provided further relevant information and contained eight (8) ward structure options (as examples of how the Council area could be divided into wards), as well as information pertaining to the “no ward” alternative. A copy of the Discussion Paper is attached at **Appendix 1**.

2. ANALYSIS

➤ Strategic Management Plan/Functional Strategy/Council Policy Alignment

Strategic Plan 2020-24 – A brighter future

Goal 5	A Progressive Organisation
Objective 05	We are accountable, informed and make decisions in the best interests of the whole community

Priority 05.01 Enhance governance structures and systems to prudently adapt to changing circumstances and meet our legislative obligations

➤ **Legal Implications**

Legislative requirements regarding an Elector Representation Review are laid out in Division 2 *Powers of councils and representation reviews*, section 12(3) of the Act and the *Local Government (General) Regulations 1999* (the Regulations).

➤ **Risk Management Implications**

Undertaking the Representation Review in accordance with the requirements of legislation and engaging in genuine consultation will assist in mitigating the risk of:

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

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

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

➤ **Financial and Resource Implications**

An external consultant CL Rowe and Associates has been engaged by Council to assist during the Representation Review process.

This is at a capped fee of \$15,000 which is inclusive of research, consultation with Council, preparation and presentation of Ward structure options, preparation and presentation of a discussion paper, preparation of a representation report for public consultation, preparation and the presentation of public consultation notices and other documents, examination of public submissions, preparation of a final report and consultation with Electoral Commission SA throughout the assessment of the final report.

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

Through the Representation Review process Council will consider whether the Adelaide Hills community may benefit from an alteration to its composition and/or ward structure.

➤ **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: C L Rowe and Associates Pty Ltd.

Community: Not Applicable.

➤ **Additional Analysis**

Administration is seeking Council's preference for the future composition and structure which it believes (in principle) should come into effect at the next Local Government elections in 2026. This preferred composition will be consulted on with the public.

More specifically, Council will need to:

- examine the question of whether the number of elected members should be retained, reduced or increased;
- determine whether the existing "no wards" structure should be retained or whether the Council area should be divided into wards; and
- if the preference is for the Council area to be divided into wards, identify the preferred future ward structure, including the names/titles of the proposed wards and the level of representation in each ward.

It should be noted that no final decision will be made in respect to Council's future composition and/or structure until consideration has been given to any and all public submissions which may be received during the prescribed public consultation stage.

In respect to the issue of an appropriate number of elected members, it is noted that the elector representation arrangements of Adelaide Hills Council are relatively consistent with those of the metropolitan and regional councils which are of a similar size (in terms of elector numbers). Information pertaining to this issue can be found on page 10 of the Discussion Paper.

Based on the unique nature of the Adelaide Hills Council, its diverse communities, and its geographic spread, the below discussion focuses on the retention of twelve (12) councillors, and the continued division of the Council area into wards, identifying the following three (3) potential ward structures from the consultant's discussion paper for further consideration:

- Option 2: The division of the Council area into two (2) wards, with each ward being represented by six (6) ward councillors.
- Option 3: The division of the Council area into three (3) wards, with each ward being represented by four (4) ward councillors.
- Option 4: The division of the Council area into four (4) wards, with each ward being represented by three (3) ward councillors;

It is open to Council to prefer another option in the discussion paper, or request further options.

As for ward structure Options 2, 3 and 4, as presented in the Discussion Paper, it is noted that all are based on twelve councillors; all have consistent levels of ward representation; all have proposed ward boundaries which align with existing district/locality boundaries; and all exhibit ward elector ratios which lay comfortably within the specified quota tolerance limits.

Council’s preferred composition and structure will be presented to the community, for consideration and comment, in a “Representation Report” which will be the basis of a twenty-one day public consultation process.

3. OPTIONS

Council has the following options:

- I. To receive and note the discussion paper, and determine the currently preferred future composition and structure to be to be consulted on, that a draft ‘Representation Report’ be prepared and presented to Council prior to the public consultation process. (Recommended)
- II. Choose to resolve to follow a different Representation Review Process (Not Recommended)

4. APPENDICES

- (1) Representation Review Discussion Paper – August 2024

Appendix 1

Representation Review Discussion Paper – August 2024

REPRESENTATION REVIEW
(Section 12 of the *Local Government Act 1999*)

ADELAIDE HILLS COUNCIL

August 2024

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1. INTRODUCTION

Section 12(3) of the *Local Government Act 1999* (the Act) indicates that Council must undertake a “representation review” to determine whether its community would benefit from an alteration to Council’s composition or ward structure.

Section 12(4) of the Act states: *“A review may relate to a specific aspect of the composition of the council, or of the wards of the council, or may relate to those matters generally – but a council must ensure that all aspects of the composition of the council, and the issue of the division, or potential division, of the area of the council into wards, are comprehensively reviewed under this section at least once in each relevant period that is prescribed by the regulations”.*

The Minister for Local Government has specified that Council is required to undertake and complete a review during the period April 2024 – April 2025.

Council formally commenced its review with the preparation/provision of an Information paper (July 2024), followed by a briefing of the elected members on Monday, 5th August 2024. The tasks now before Council are to determine (in principle) the future composition and structure which it believes should come into effect at the next Local Government elections in 2026. More specifically, Council will need to:

- examine the question of whether the number of elected members required to provide fair and adequate representation to the community should be reduced, with due consideration to the “members cap” now specified in the Act;
- determine whether wards should be retained or abolished; and
- if the preference is for the Council area to be divided into wards, identify the preferred future ward structure, including the names/titles of the proposed wards and the level of representation in each ward, and determine whether there is a need for “area councillors” in addition to “ward councillors”.

This Discussion Paper provides relevant information and ward structure options to assist the elected members with the aforementioned tasks. The discussions held by Council will inform the development of the “Representation Report” which will be presented to the community, for consideration and comment, during the required upcoming public consultation process.

2. BACKGROUND

Council last undertook a review of its elector representation during the period April 2016 – October 2017, at which time it resolved as follows.

- The principal member of Council be a Mayor, elected by the community.
- The Council area be divided into two wards, as depicted on Map 1 and described hereinafter.
- The proposed wards be identified as Ranges Ward and Valleys Ward.
- The Council comprise twelve (12) ward councillors, with the Ranges Ward be represented by seven (7) ward councillors and the Valleys Ward be represented by five (5) ward councillors.

The current wards are described as follows.

Ranges Ward: Comprising the suburbs/localities of Aldgate, Ashton, Basket Range, Carey Gully, Castambul, Cherryville, Cleland, Crafers, Greenhill, Heathfield, Horsnell Gully, Longwood, Marble Hill, Montacute, Mount George, Norton Summit, Piccadilly, Scott Creek, Stirling, Summertown, Teringie, Uraidla and Woodforde; and part of the localities of Belair, Bradbury, Bridgewater, Crafers West, Dorset Vale, Ironbank, Mylor, Rostrevor and Upper Sturt.

Valleys Ward: Comprising the localities of Balhannah, Chain of Ponds, Charleston, Cudlee Creek, Forest Range, Forreston, Gumeracha, Inglewood, Kenton Valley, Kersbrook, Lenswood, Lobethal, Lower Hermitage and Millbrook; and part of the localities of Birdwood, Cromer, Hahndorf, Hay Valley, Houghton, Humbug Scrub, Mount Crawford, Mount Torrens, Oakbank, Paracombe, Upper Hermitage, Verdun and Woodside.

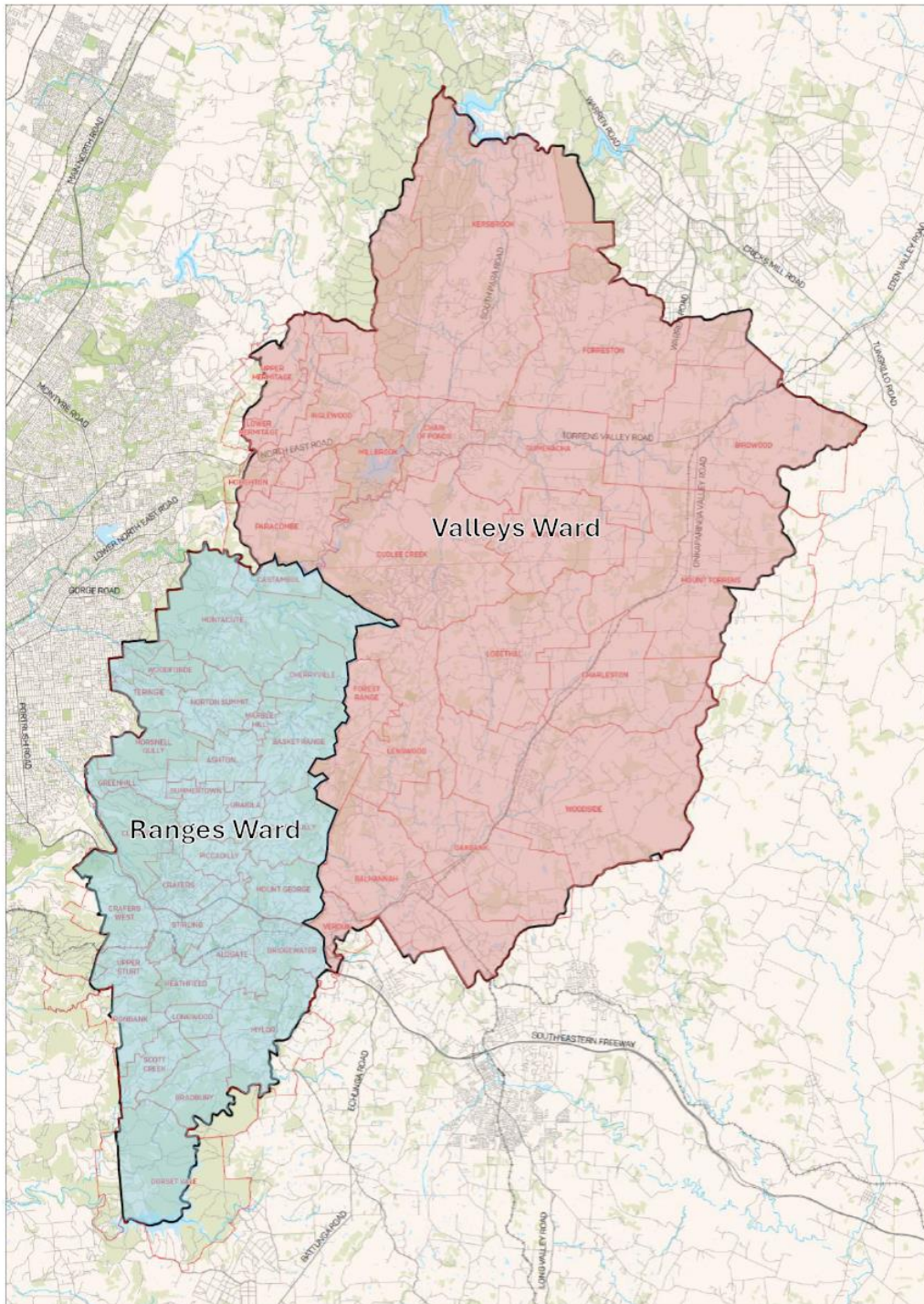
The distribution of electors between the existing wards is detailed in Table 1.

Table 1: Elector distribution between existing wards.

Ward	Crs	Electors	Ratio	% Variance
Ranges	7	18,021	1:2,574	+1.64
Valleys	5	12,373	1:2,475	-2.30
Total	12	30,394		
Average			1:2,533	

Source: Electoral Commission SA, House of Assembly Roll (March 2024)
Council Voter's Roll (March 2024)

Map 1: Current ward structure



The existing ward structure can be retained as the elector ratios in both wards lay comfortably within the 10% quota limit specified under Section 33(2) of the Act. In addition, the existing composition of Council complies with the “members cap” specified under Section 11A of the Act.

3. REVIEW PROCESS

Sections 12(5) - 12(12a) of the Act outline the process that Council must adhere to when undertaking its review. A brief summary of this process is as follows.

3.1 Representation Report

The review is formally commenced with the preparation of a "Representation Report" by a person who, in the opinion of Council, is qualified to address the representation and governance issues that may arise during the course of the review.

The "Representation Report" must:

- examine the advantages and disadvantages of the options available in respect to a range of issues relating to the composition and structure of Council;
- examine whether the number of elected members should be reduced; and/or whether the Council area should be divided into wards, or not;
- set out the proposal that Council considers should be carried into effect at the next Local Government election; and
- include an analysis of how the Council proposal relates to the relevant principles under Section 26(1)(c) of the Act and the matters referred to in Section 33 of the Act.

3.2 Public Consultation

Section 12(7) of the Act requires Council undertake public consultation based on the "Representation Report". This process must be in accordance with Council's Public Consultation Policy, or alternatively incorporate the publication of a notice in a newspaper circulating within the Council area, on the Council website and in the Government Gazette (if required by the Council and/or the Council policy).

The notice must invite interested persons to make submissions in relation to the report within a specified period (at least 21 days).

3.3 Final Report

At the completion of the prescribed public consultation stage Council must either:

- finalise its report (including information pertaining to the outcome of the public consultation process) and refer the final report to the Electoral Commissioner; or
- reconsider and/or amend its proposal (perhaps in keeping with public submissions), alter the Representation Report accordingly, and undertake further public consultation.

3.4 Exemption Certificate (If required)

Should Council propose a composition which exceeds the “member cap” specified under Section 11A of the Act, it must seek an “exemption certificate” from the Electoral Commissioner prior to finalising its review.

Should the Electoral Commissioner determine that there are “exceptional circumstances” that justify a refusal to grant an “exemption certificate”, the matter will be referred back to Council with written reasons for the refusal. In response to this action Council will be required to amend its proposal so that it will comprise a number of elected members equal to or less than the “member cap”; amend its report; undertake further public consultation; and ultimately forward an amended final report to the Electoral Commissioner for further consideration.

3.5 Final Gazette Notice

Upon receipt of notification that the representation review has been completed to the satisfaction of the Electoral Commissioner, Council will be required to publish a notice in the Government Gazette, on or before a date to be specified by the Electoral Commissioner. The notice will outline Council’s proposed future composition and structure and will give notice of the day that the proposal will come into effect (i.e. the day of the next Local Government election in November 2026).

4. PRIMARY LEGISLATIVE REQUIREMENTS

The most relevant provisions of the Act are the following.

Section 11A specifies that a council must not be comprised of more than thirteen (13) members (including the principal member) unless it has been granted an “exemption certificate” by the Electoral Commissioner under Section 12(11b) of the Act.

Section 26(1)(c) requires that, when considering a reform proposal, Council should have regard to a list of principles, the most relevant being the following.

- Proposed changes should, wherever practicable, benefit ratepayers.
- A council should reflect communities of interest of an economic, recreational, social, regional or other kind, and be consistent with community structures, values, expectations and aspirations.
- Residents should receive adequate and fair representation within the local government system, while over-representation in comparison with councils of a similar size and type should be avoided (at least in the longer term).

Section 33(1) requires that, in the formulation of a proposal that relates to the boundaries of a ward or wards, the review must also take into account, as far as practicable:

- the desirability of reflecting communities of interest of an economic, social, regional or other kind;
- the population of the area, and of each ward affected or envisaged by the proposal;
- the topography of the area, and of each ward affected or envisaged by the proposal;
- the feasibility of communication between electors affected by the proposal and their elected representatives;
- the nature of substantial demographic changes that may occur in the foreseeable future; and
- the need to ensure adequate and fair representation while at the same time avoiding over-representation in comparison to other councils of a similar size and type (at least in the longer term).

Section 33(2) of the Act requires that a proposal which relates to the formation or alteration of wards of a council must observe the principle that the number of electors represented by a councillor must not, as at the relevant date (assuming that the proposal was in operation), vary from the ward quota by more than 10 per cent.

Section 51 specifies that the principal member of council must be appointed (by the Governor under circumstances prescribed under Section 10 of the Act) or elected as a representative of the area as a whole; and is to be called mayor.

5. COMPOSITION OF COUNCIL

5.1 Mayor

The principal member of Council must be appointed (by the Governor under circumstances prescribed under Section 10 of the Act) or elected as a representative of the area as a whole; and is to be called mayor. The Act no longer affords any alternative.

5.2 Councillors

Section 52(1) of the Act specifies that all members of Council, other than the principal member, shall have the title of councillor.

Section 52(2) states that a councillor will (depending on how the council is constituted):

- be elected by the electors for the area, as a representative of the area as a whole (whether or not the area is divided into wards); or
- if the area is divided into wards, be elected by the electors of a particular ward, as a representative of the ward.

Where the Council area is divided into wards, an "area councillor" adopts a similar role to that of the former office of Alderman and focuses on matters pertaining to the Council area as a whole rather than a ward.

Arguments in favour of "area councillors" (in addition to ward councillors) include:

- the area councillor should be free of parochial ward attitudes and responsibilities;
- the area councillor may be an experienced elected member who can share their knowledge and experience with the ward councillors; and
- the area councillor is free to assist the principal member and ward councillors, if required.

The opposing view is that an "area councillor" (in addition to ward councillors) holds no greater status than a ward councillor; has no greater responsibilities than a ward councillor; and need not comply with any extraordinary or additional eligibility requirements. In addition, it should be noted that:

- any contested election for area councillors must be conducted across the whole of the Council area at considerable cost;
- area councillors are considered to be an unnecessary tier of representation and therefore are not a popular option amongst councils (i.e. only the City of Adelaide has "area councillors" in addition to councillors);
- ward councillors do not have to reside in the ward which they represent and, as such, the traditional role/basis for the ward councillor has changed to a council-wide perspective;
- ward councillors generally consider themselves to represent not only their ward, but the Council area as a whole (like an area councillor), and it is suggested that their role and actions within the council chamber, and the functions they perform on behalf of council, generally reflect this attitude and circumstance; and
- the task and expense of contesting council-wide elections for an area councillor can be prohibitive and may deter appropriate/quality candidates.

6. ELECTOR REPRESENTATION

Council must provide adequate and fair representation and introduce elector representation arrangements which generally adhere to the democratic principle of “one person, one vote, one value”. In addition, there needs to be sufficient elected members to:

- manage and guide the affairs of Council;
- lead and form the core of the Council committees;
- share the demands placed upon them by their constituents;
- provide adequate lines of communication between the community and Council;
- achieve the desired diversity in member's skill sets, experience and backgrounds; and
- ensure a range of viewpoints that spurs innovation and creativity in Council planning and decision-making.

Council has comprised a mayor and twelve (12) councillors for many years.

As stated earlier, the intent of the Act is clear, a council must not comprise more than thirteen (13) members, including the mayor. This is a relatively recent provision, having been introduced via the Statutes Amendment (Local Government Review) Bill 2020.

Based on advice received from Electoral Commission SA, it is understood that, when considering a proposal/report from a council, the Electoral Commissioner will give due consideration to how the proposal relates to all of the relevant provisions of the Act. In regard to the issue of the number of elected members, Section 11A of the Act obviously applies, as do Sections 26(1)(c) and 33(1) which express the need to ensure adequate and fair representation while at the same time avoiding over-representation in comparison to other councils of a similar size and type.

Whilst the comparison of representation arrangements of other councils is not necessarily a straightforward exercise, given that no councils are identical in terms of their size (elector numbers and/or area), character, population, topography or communities of interest, it is a matter that must be examined according to the Act.

Table 2 provides (for comparison purposes) the elector data, elector ratios (i.e. the average number of electors represented by a councillor), and the size/area of the metropolitan councils. The data indicates that the Adelaide Hills Council is the largest metropolitan council in area; and the level of representation and the elector ratio are relatively consistent with those of the metropolitan councils which are of a similar size (in terms of elector numbers).

Table 2: Elector representation – Metropolitan councils

Council	Councillors	Electors	Elector Ratio
Walkerville (1.34 km ²)	8	5,849	1: 731
Prospect (7.81 km ²)	8	15,268	1:1,909
Gawler (41.10km ²)	10	20,200	1:2,020
Norwood Payneham & St Peters (15.1 km ²)	13	26,260	1:2,020
Unley (14.29 km ²)	12	27,989	1:2,332
Holdfast Bay (13.72 km ²)	12	28,595	1:2,383
Adelaide Hills (795.1 km²)	12	30,954	1:2,580
Burnside (27.53 km ²)	12	32,347	1:2,696
West Torrens (37.07 km ²)	14	43,192	1:3,085
Adelaide* (15.57 km ²)	9	30,437	1:3,382
Campbelltown (24.35 km ²)	10	37,184	1:3,718
Mitcham (75.55 km ²)	12	49,516	1:4,126
Playford (344.9 km ²)	15	71,441	1:4,763
Port Adelaide/Enfield (97.0 km ²)	17	90,157	1:5,303
Charles Sturt (52.14 km ²)	16	90,641	1:5,665
Marion (55.5km ²)	12	68,314	1:5,693
Tea Tree Gully (95.2 km ²)	12	74,791	1:6,233
Salisbury (158.1 km ²)	14	98,878	1:7,063
Onkaparinga (518.4 km ²)	12	133,756	1:11,146

Source: Electoral Commission SA (24th April 2024)
 * City of Adelaide also comprises two (2) "area councillors".

Table 3 provides the elector data, elector ratios and the area of the regional or "rural" councils which are the closest (in terms of elector numbers) to the Adelaide Hills Council. Overall, the data indicates that the Adelaide Hills Council is the fifth largest in area; has the highest number of electors and elected members; and is reasonably consistent with three of the cited councils in regard to elector ratio. However, it is noted that the Adelaide Hills Council compares less favourably with Mount Barker District Council, which is the most similar in regard to area and elector numbers.

Table 3: Elector representation – Regional councils

Council	Councillors	Electors	Elector Ratio
Barossa (912 km ²)	11	19,395	1:1,763
Whyalla (1,032.5 km ²)	9	15,960	1:1,773
Murray Bridge (1,832 km ²)	9	15,977	1:1,775
Mount Gambier (33.9 km ²)	8	20,401	1:2,500
Alexandrina (1,827 km ²)	9	22,992	1:2,554
Adelaide Hills (795.1 km²)	12	30,954	1:2,580
Mount Barker (595 km ²)	10	29,916	1:2,991

Source: Electoral Commission SA (24th April 2024)

A reduction in the number of councillors will result in the following elector ratios.

Eleven (11) councillors:	1:2,814
Ten (10) councillors:	1:3,095
Nine councillors:	1:3,439

It is noted that the reduction in the number of councillors by one or two would result in Council's level of representation and elector ratio being comparable to the elector representation arrangements of Mount Barker District Council. A reduction in the number of elected members would also result in some financial savings (e.g. elected member's annual allowance of \$19,110) which could be redirected into programs to benefit the community.

Finally, there are no inherent disadvantages in having an even or odd number of councillors. An odd number may overcome the requirement for the Mayor to cast a deciding vote but may require the development/implementation of a ward structure that exhibits a varying level of representation between wards. The latter could be perceived as an inequitable arrangement by those portions of the local community who will reside in the wards with fewer ward councillors.

7. WARD STRUCTURE

Section 12(1)(b) of the Act indicates that Council can "divide, or redivide, the area of the council into wards, alter the division of the area of the council into wards, or abolish the division of the area of a council into wards".

The Council area has been divided into wards since the Adelaide Hills Council was proclaimed in 1997.

Currently two (2) of the nineteen (19) metropolitan councils (i.e. the Towns of Gawler and Walkerville) have "no wards", as do thirty-five (35) of the forty-nine (49) regional councils.

The following general information relates to ward and "no wards" structures; levels of ward representation; ward boundaries; and ward identification.

7.1 Wards

The advantages of a ward structure may include:

- wards guarantee some form and level of direct representation to all parts of the Council area and/or existing communities of interest;
- ward councillors can focus on local issues as well as council-wide issues;
- ward councillors are more likely to be known to their ward constituents (and vice versa);
- ward councillors can have more of an affiliation with the local community and more understanding of the local issues and/or concerns;
- the task and expense of contesting a ward election may be less daunting to prospective candidates;
- Council only has to conduct elections and supplementary elections within contested wards (potential cost saving), whereas under the "no ward" alternative Council has to conduct elections and supplementary elections across the whole of the Council area (at a significant expense);
- existing ward councillors already deliberate and make decisions on the basis of achieving the best outcome for the whole of the Council area (as would be the role of an area councillor under the "no ward" alternative); and
- ward based elections have the potential to deliver councillors from various parts of the Council area, potentially resulting in a greater diversity in the skill sets, experience, expertise and opinions amongst the elected members.

The disadvantages of a ward structure may include:

- ward councillors do not have to reside within the ward that they represent and, as such, may have no affiliation with the local community and/or empathy for the local issues and/or concerns;
- electors can only vote for councillors/candidates within their ward;

- candidates can be favoured by the peculiarities of the ward based electoral system (e.g., candidates elected unopposed or having been unsuccessful despite attracting more votes than elected candidates in other wards);
- ward councillors may develop ward-centric attitudes and be less focused on the bigger council-wide issues;
- ward boundaries are lines which are based solely on elector distribution and may serve to divide the community rather than foster civic unity;
- despite comparable ward elector ratios, inequitable levels of representation between wards and/or the physical sizes of wards can create a perception of imbalance in voting power within Council; and
- ward councillors generally consider themselves to represent not only their ward but the Council area as a whole and, as such, the need for wards is questionable.

7.2 No Wards

The advantages of the “no wards” structure may include:

- “no wards” enables the electors to vote for all of the vacant positions on Council;
- the most supported candidates from across the Council area will likely be elected, rather than candidates who may be favoured by the peculiarities of the ward based electoral system;
- the elected members should be free of parochial ward attitudes;
- the lines of communication between Council and the community should be enhanced, given that members of the community should be able to consult with any and/or all members of Council, rather than feel obliged to consult with their specific ward councillors;
- as ward councillors do not have to reside within the ward that they represent, a ward structure does not guarantee that a ward councillor will have empathy for, or an affiliation with, the ward;
- smaller communities within the Council area can still be directly represented on Council, provided they muster sufficient support for a local candidate;
- the structure automatically absorbs fluctuations in elector numbers and there is no requirement for compliance with specified quota tolerance limits;
- the introduction of postal voting has facilitated the dissemination of campaign literature throughout the Council area, thereby reducing the difficulty and cost of contesting a council-wide election campaign;
- successful candidates generally have to attract no more votes than what they would have received/required under a ward election;
- candidates for election to Council will require the genuine desire, ability and means to succeed and serve on Council, given the perceived difficulties and expense associated with contesting “at large” elections; and

- a supplementary election does not have to be held to fill a casual vacancy on Council (Section 6(2)(b) of the *Local Government (Elections) Act 1999*), provided Council has a policy at the time the vacancy occurs that it will not fill such a casual vacancy or vacancies until the next general election.

The disadvantages of a "no wards" structure may include:

- the elected members could come from the more heavily populated parts of the Council area rather than from across the whole of the Council area;
- a single interest group could gain considerable representation on Council;
- concern council-wide elections will not guarantee that elected members will have any empathy for, or affiliation with, all communities across the whole Council area;
- Council may have to conduct elections and supplementary elections across the whole of the Council area (at a significant expense);
- the more popular or known councillors may receive more enquiries from the public (i.e. inequitable workloads); and
- potential candidates for election to Council may be deterred by the perceived difficulties and expense associated with council-wide elections.

7.3 Ward Representation

Wards represented by a single councillor are generally small in area and therefore afford the ward councillor the opportunity to be more accessible to their constituents and able to concentrate on issues of local importance. Due to the smaller size of the wards it is generally difficult to identify suitable ward boundaries; maintain entire communities of interest; sustain significant fluctuations in elector numbers; and comply with the specified quota tolerance limit. The workload of the ward councillor can also be demanding, and absenteeism by the elected member (for whatever purpose and/or period) will leave the ward without direct representation.

Wards represented by two councillors are common throughout the State; allow for the sharing of duties and responsibilities between the ward councillors; lessen the likelihood of ward parochialism; and afford continuous ward representation should one ward councillor be absent.

Multi-councillor wards are generally larger in area and therefore the overall ward structure can be relatively simple. Councillor absenteeism can be easily covered; the work load of the ward councillors can be reduced; there are greater perceived lines of communication between ward councillors and their constituents; and there is more flexibility in regard to ward quota, allowances for fluctuations in elector numbers, and the preservation of communities of interest.

Six (6) metropolitan councils (including Adelaide Hills Council) have ward structures which have three (3) or more councillors representing a ward.

There are no fundamental disadvantages associated with varying levels of representation between wards, provided the elector ratios within the wards are relatively consistent.

However, such structures can be seen to lack balance and/or equity, with the larger wards (in elector and councillor numbers) being perceived as having a greater, more influential voice on Council.

Four (4) metropolitan councils (including Adelaide Hills Council) have ward structures which exhibit varying levels of representation between wards.

7.4 Ward Boundaries

A ward structure should have a logical basis and, where possible, exhibit boundaries which are easily identified and readily accepted by the community. Accordingly, every effort should be made to align proposed possible future ward boundaries with existing, long established district boundaries, main roads, or prominent geographical and/or man-made features.

7.5 Ward Identification

The means of ward identification are limited.

The allocation of alphabetical letters, numbers, compass points (e.g., north, south, central etc) and/or names of local heritage/cultural significance are all considered to be acceptable for the identification of wards. On the other hand, the allocation of suburb names (or similar) can be confusing and fails to reflect the existence of all of the other suburbs/communities within the Council area. Whilst this is not a major issue, the review affords the opportunity for the community and Council to consider appropriate alternatives.

8. WARD STRUCTURE ASSESSMENT CRITERIA

Section 33(1) of the Act requires that the following matters be taken into account, as far as practicable, in the formulation of a proposal that relates to the boundaries of a ward or wards:

- the desirability of reflecting communities of interest of an economic, social, regional or other kind;
- the population of the area, and of each ward affected or envisaged by the proposal;
- the topography of the area, and of each ward affected or envisaged by the proposal;
- the feasibility of communication between electors affected by the proposal and their elected representatives;
- the nature of substantial demographic changes that may occur in the foreseeable future; and
- the need to ensure adequate and fair representation while at the same time avoiding over-representation in comparison to other councils of a similar size and type (at least in the longer term).

Relevant information pertaining to the aforementioned matters is provided hereinafter.

8.1 Communities of Interest

The issue of “communities of interest” can be complex and, as such, local knowledge will be particularly valuable.

Sections 26 and 33 of the Act make reference to “communities of interest” of an economic, social, regional or other kind. However, in the past the Local Government Boundary Reform Board indicated that:

- “communities of interest” for the purpose of structural reform proposals, are defined as aspects of the physical, economic and social systems which are central to the interactions of communities in their living environment; and
- “communities of interest” are identified by considering factors relevant to the physical, economic and social environment, including neighbourhood communities; history and heritage communities; sporting facilities; community support services; recreation and leisure communities; retail and shopping centres; work communities; industrial and economic development clusters; and environmental and geographic interests.

The Council area covers only 795.1km² and incorporates sixty (60) districts and/or localities, all of which could conceivably constitute a “community of interest”. When developing a ward structure, care should be taken to ensure that, where possible, identified “communities of interest” are maintained in their entirety within the bounds of a ward, taking into account the features of the landscape and the distribution of the electors.

8.2 Population and Demographic Trends

The Adelaide Hills Council is expected to continue to experience residential development (and therefore population growth) over the years.

The following information provides some insight into the demographic trends that have occurred over recent years, and the extent of the anticipated future population increase.

Data sourced from Electoral Commission SA indicates that the number of electors within the Council area increased at varying rates over the period 2010 – 2024. Overall, during the cited period the number of enrolled electors increased by 2,187 or 7.6% (i.e. 28,767 to 30,954).

The Department of Planning, Transport and Infrastructure document "Local Area (SA2 and LGA), Population Projections for South Australia, 2021 – 2041" (published March 2024) indicates that the population of the Council area is anticipated (medium series) to increase by 3,439 people or 8.3% (i.e. 41,240 to 44,679) during the period 2021 – 2041.

Data provided by the Australian Bureau of Statistics (refer 3218.0 Regional Population Growth, Australia) indicates that the estimated population of the Council area generally increased from year to year during the period 2001 – 2023; and overall increased by 3,293 people or 8.54% over the specified period (i.e. 38,549 to 41,842). The same data indicates that the population increased by 1,669 people or 4.15% during the five year period 2018 – 2023 (i.e. 40,173 to 41,842).

Australian Bureau of Statistics "Quick Stats" indicate that the estimated population of the Council area increased by 4,250 people or 11.6% over the period 2001 – 2021 (i.e. 36,629 to 40,879).

According to the Adelaide Hills Council "community profile", the estimated resident population of the Council area increased by 555 people or 1.42% (i.e. 39,165 to 39,720) during the period 2006 – 2012; decreased by 57 people or -0.14% (i.e. 39,687 to 39,630) during the period 2013 – 2015; and then increased by 2,210 people or 5.58% (i.e. 39,632 to 41,842) during the period 2016 – 2023. Overall, this equates to an increase of 2,677 people or 6.84% over the period 2006 – 2023. 15

Preliminary discussions with Council staff have revealed the following.

- The residential growth opportunities identified in the District Mastertplan (2015) have largely been realised via the development of Hamilton Estate (Woodforde), "The Crest" at Woodside, Dunnfield Estate at Mount Torrens, Hughes Place Estate at Lobethal, and a small estate (Pomona Road) at Stirling. The anticipated residential development at Birdwood has not eventuated.
- There are currently no Code Amendments seeking the rezoning of land for residential purposes or the expansion of township boundaries.
- Approximately 60% of metropolitan Adelaide's watershed is within the Council area and this restricts the potential for further residential development.
- Land divisions are largely confined to small scale infill/urban renewal developments.
- Two small land divisions (10 and 12 allotments) have been approved in Charleston.
- Two small land divisions (6 and 11 allotments) have been approved in Lobethal.

- There are opportunities for small residential developments in Birdwood (8 Shannon Street) and Lobethal (30-32 Pioneer Avenue, 13 Kenton Valley Road and Magpie Castle Road).

8.3 Quota (Elector Ratio)

Section 33(2) of the Act requires that any proposal which relates to the formation or alteration of wards of a Council must observe the principle that the number of electors represented by a councillor must not vary from the ward quota by more than 10%.

Ward quota is the number of electors within a ward divided by the number of ward councillors, whereas the "elector ratio" for the Council area is the total number of electors divided by the number of councillors (i.e. the Mayor is excluded).

Given the aforementioned, any potential future ward structure must incorporate wards wherein the distribution of electors is equitable, either in terms of numbers (if the wards have equal representation) or elector ratio. Under the latter circumstance, the elector ratio within each ward must be within 10% of the average elector ratio for the Council area. The Act only allows for the 10% quota tolerance limit to be exceeded in the short term if demographic changes predicted by a Federal or State government agency indicate that the ward quota will not be exceeded at the time of the next periodic Local Government election.

It should also be noted that Section 12(24) of the Act specifies that where a council area is divided into wards and the elector ratio of a ward varies from the quota by more than 20%, the council will have to undertake another review within a period specified by the Electoral Commissioner.

9. WARD STRUCTURE OPTIONS

As indicated earlier, the Act states that:

- a review may relate to a specific aspect of the composition of the council, or of the wards of the council, or may relate to those matters generally – but a council must ensure that all aspects of its composition, and the issue of the division, or potential division, of the area of the council into wards, are comprehensively reviewed; and
- Council can "divide, or redivide, the area of the council into wards, alter the division of the area of the council into wards, or abolish the division of the area of a council into wards".

The existing ward structure can be retained because the total number of elected members does not exceed the specified "member cap"; and the elector ratios in the two existing wards lay within the specified quota tolerance limits.

The anticipated future residential development/population growth can be difficult to accommodate in a ward structure, given the specified quota tolerance limits and the uncertainty regarding the rate of future residential development at the various identified growth locations. The latter is hard to predict, given factors such as interest rates, availability of funding, government focus/spending, the availability of trades and/or the general state of the building industry.

Eight (8) ward structure options (including the current ward structure) have been provided to demonstrate how the Council area can be divided into wards based on ten (10) to twelve (12) ward councillors.

The presented ward structures have been developed to:

- reflect some logical basis and an equitable distribution of elector numbers;
- exhibit an appropriate level of representation within the proposed wards;
- accommodate anticipated future fluctuations in elector numbers;
- maintain existing communities of interest, where possible;
- incorporate ward boundaries which align with district/locality boundaries; and
- ensure that the elector ratio of all proposed wards lay comfortably within the specified quota tolerance limits.

All of the presented ward structure options have been based on elector data derived from the House of Assembly Roll (March 2024) and Council's Supplementary Voter's Roll (March 2024).

The "no ward" structure has also been presented as an option, given the provisions of Section 12(1)(b) of the Act which allow for the abolition of wards.

9.1 Option 1 - Twelve Councillors/Two Wards (Current ward structure)

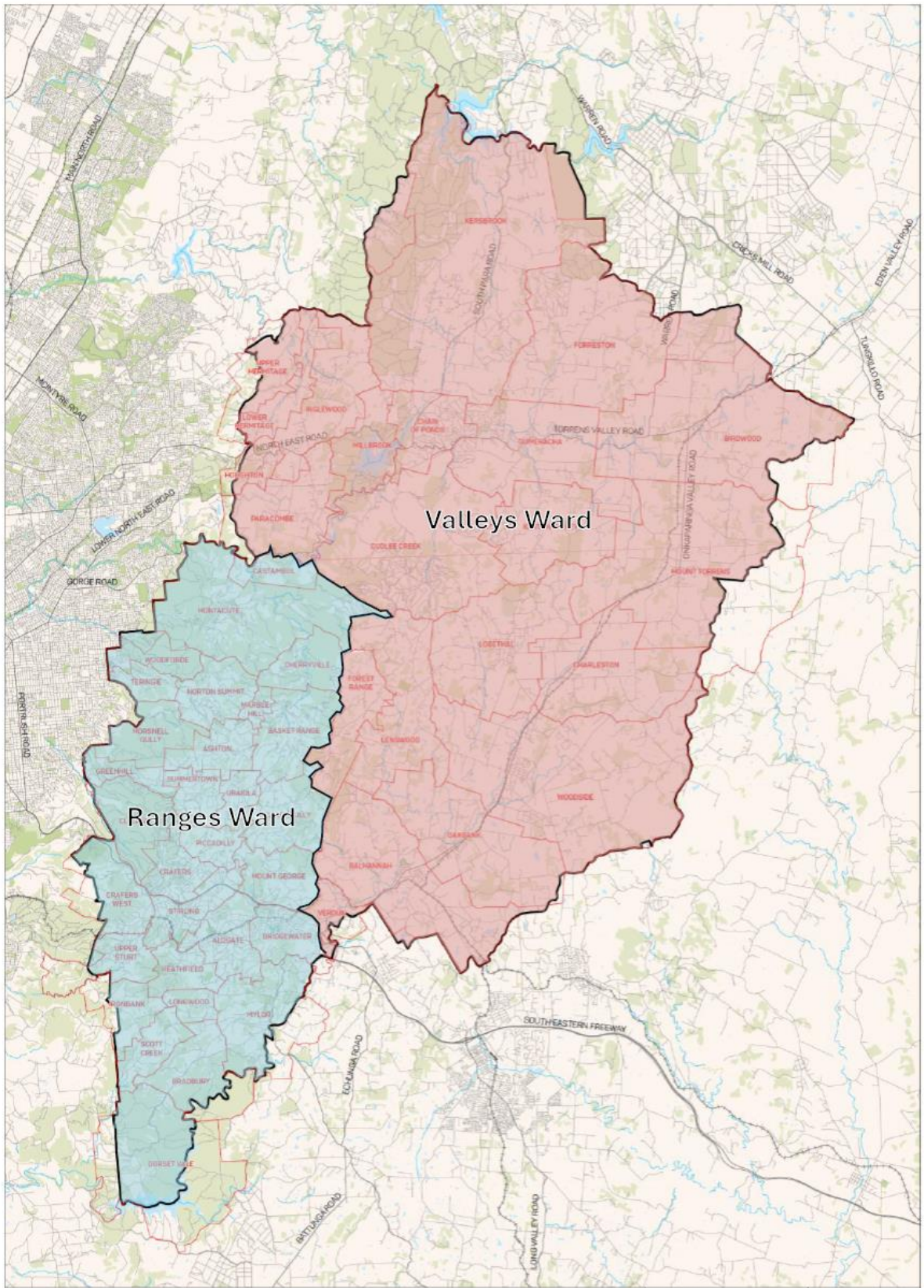
The division of the Council area into two (2) wards, with one ward being represented by seven (7) councillors and the other ward being represented by five (5) councillors.

Ranges Ward: Comprising the districts/localities of Aldgate, Ashton, Basket Range, Belair (part), Bradbury (part), Bridgewater (part), Carey Gully, Castambul, Cherryville, Cleland, Crafers, Crafers West (part), Dorset Vale (part), Greenhill, Heathfield, Horsnell Gully, Ironbank (part), Longwood, Marble Hill, Montacute, Mount George, Mylor (part), Norton Summit, Piccadilly, Rostrevor (part), Scott Creek, Stirling, Summertown, Teringie, Upper Sturt (part), Uraidla, Waterfall Gully (part) and Woodforde (part).

Valleys Ward: Comprising the districts/localities of Balhannah, Birdwood (part), Chain of Ponds, Charleston, Cromer (part), Cudlee Creek, Forest Range, Forreston, Gumeracha, Hahndorf (part), Hay Valley (part), Houghton (part), Humbug Scrub (part), Inglewood, Kenton Valley, Kersbrook, Lenswood, Lobethal, Lower Hermitage, Millbrook, Mount Crawford (part), Mount Torrens (part), Oakbank, Paracombe (part), Upper Hermitage (part), Verdun and Woodside.

Ward	Councillors	Electors	Elector Ratio	% Variance
Ranges	7	18,021	1:2,574	+1.64
Valleys	5	12,373	1:2,475	-2.30
Total	12	30,394		
Average			1:2,533	

- The current two-ward structure can be retained and should be known to the community.
- The proposed wards can accommodate significant population/elector growth. For example, under circumstance whereby all future growth occurs in Ranges Ward, the ward can sustain a minimum of an additional 4,000 electors, although Valleys Ward would likely breach the -10% quota tolerance at around 2,000 additional electors. Alternatively, if all future growth occurs within Valley Ward, the ward can sustain an additional 2,800 electors before breaching the +10% quota tolerance limit, whilst Ranges Ward would be at approximately -7.0% quota variance.
- There is an obvious disparity in the level of ward representation and the physical sizes of the wards. This situation could be perceived to favour the communities within Ranges Ward.



9.2 Option 2 – Twelve Councillors/Two Wards

The division of the Council area into two (2) wards, with each of the proposed wards being represented by six (6) councillors.

Ward 1: Comprising the districts/localities of Ashton, Balhannah, Basket Range, Birdwood (part), Castambul, Chain of Ponds, Charleston, Cherryville, Cromer (part), Cudlee Creek, Forest Range, Forreston, Gumeracha, Hahndorf (part), Hay Valley (part), Horsnell Gully, , Houghton (part), Humbug Scrub (part), Inglewood, Kenton Valley, Kersbrook, Lenswood, Lobethal, Lower Hermitage, Marble Hill, Millbrook, Montacute, Mount Crawford (part), Mount Torrens (part), Norton Summit, Oakbank (part), Paracombe (part), Rostrevor (part), Teringie, Upper Hermitage (part), Woodforde and Woodside.

Ward 2: Comprising the districts/localities of Aldgate, Belair (part), Bradbury (part), Bridgewater (part), Carey Gully, Cleland, Crafers, Crafers West (part), Dorset Vale (part), Greenhill, Heathfield, Ironbank (part), Longwood, Mount George, Mylor (part), Piccadilly, Scott Creek, Stirling, Summertown, Upper Sturt (part), Uraidla, Verdun (part) and Waterfall Gully (part).

Ward	Councillors	Electors	Elector Ratio	% Variance
Ward 1	6	15,133	1:2,522	- 0.42
Ward 2	6	15,261	1:2,544	+0.42
Total	12	30,394		
Average			1:2,533	

- A variation of Option 1 (the current ward structure) which exhibits a consistent level of representation in the proposed wards (i.e. six councillors per ward).
- Both of the proposed wards can accommodate a minimum of 3,000 additional electors; and this should improve as elector numbers (population) increase across the Council area.
- There is an obvious disparity in the size (area) of the proposed wards.
- This ward structure will also suit five councillors per ward (i.e. ten (10) councillors in total).

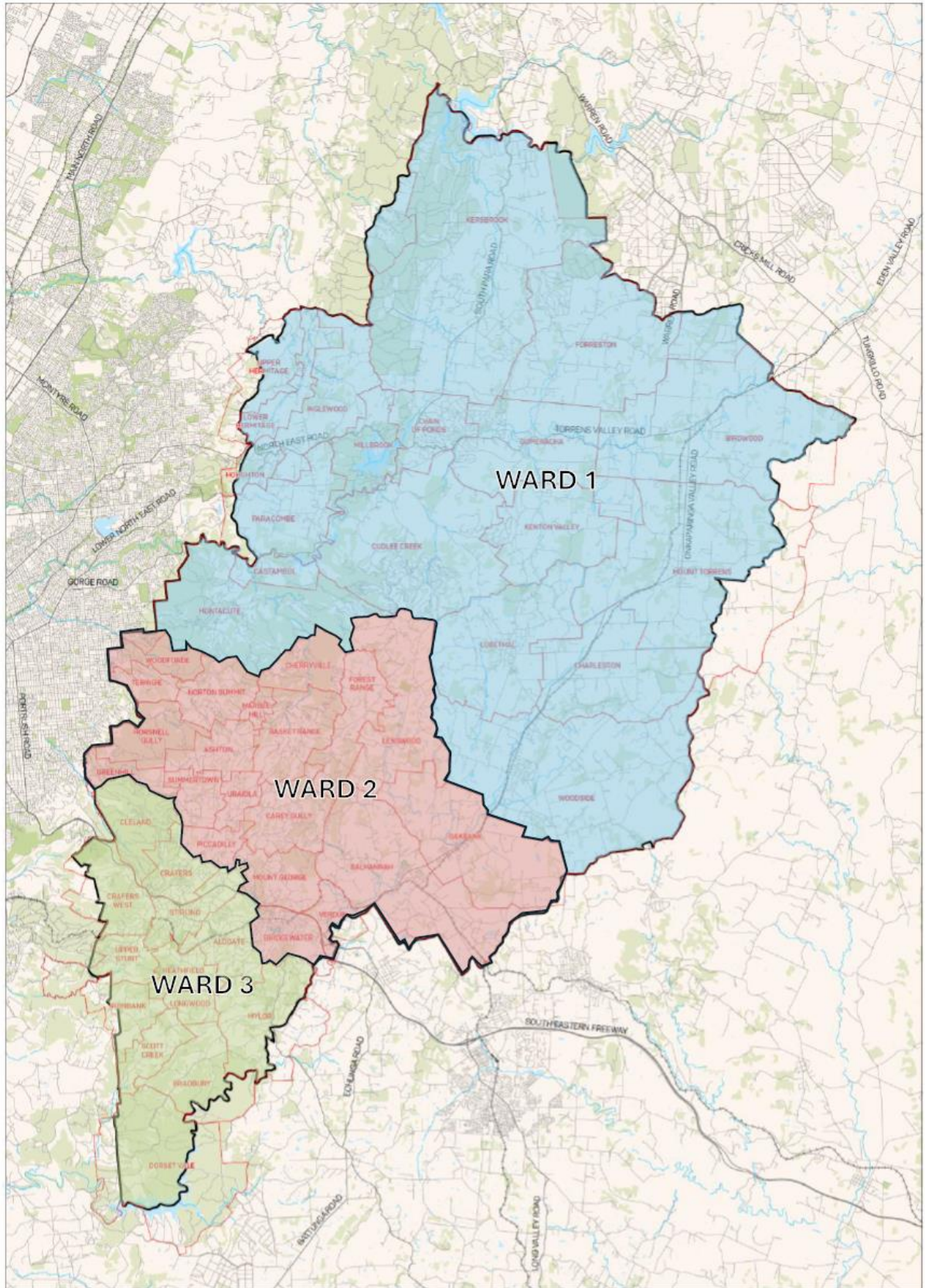
9.3 Option 3 – Twelve Councillors/Three Wards

The division of the Council area into three (3) wards, with each of the proposed wards being represented by four (4) councillors.

- Ward 1: Comprising the districts/localities of Birdwood (part), Castambul, Chain of Ponds, Charleston, Cromer (part), Cudlee Creek, Forreston, Gumeracha, Houghton (part), Humbug Scrub (part), Inglewood, Kenton Valley, Kersbrook, Lobethal, Lower Hermitage, Millbrook, Montacute, Mount Crawford (part), Mount Torrens (part), Paracombe (part), Upper Hermitage (part) and Woodside.
- Ward 2: Comprising the districts/localities of Ashton, Balhannah, Basket Range, Bridgewater (part), Carey Gully, Cherryville, Forest Range, Greenhill, Hahndorf (part), Hay Valley (part), Horsnell Gully, Lenswood, Marble Hill, Mount George, Norton Summit, Oakbank (part), Piccadilly, Rostrevor (part), Summertown, Teringie, Uraidla, Verdun (part) and Woodforde.
- Ward 3: Comprising the districts/localities of Aldgate, Belair (part), Bradbury (part), Cleland, Crafers, Crafers West (part), Dorset Vale (part), Heathfield, Ironbank (part), Longwood, Mylor (part), Scott Creek, Stirling, Upper Sturt (part) and Waterfall Gully (part).

Ward	Councillors	Electors	Elector Ratio	% Variance
Ward 1	4	9,898	1:2,475	-2.30
Ward 2	4	10,212	1:2,553	+0.80
Ward 3	4	10,284	1:2,571	+1.51
Total	12	30,394		
Average			1:2,533	

- The proposed wards exhibit consistent levels of representation (i.e. four councillors per ward).
- Under circumstances whereby all population/elector growth occurs in the one ward, proposed Ward 1 (-2.3% variance) could sustain approximately 2,000 additional electors before breaching the +10% quota tolerance limit. Under the same scenario, proposed Ward 3 (+1.51% variance) could sustain approximately 1,350 additional electors.
- The individual wards will be capable of sustaining greater increases in elector numbers if future population growth occurs across the Council area, as anticipated.
- There is an obvious difference in the size (area) of the proposed wards.



9.4 Option 4 – Twelve Councillors/Four Wards

The division of the Council area into four (4) wards, with each of the proposed wards being represented by three (3) councillors.

Ward 1: Comprising the districts/localities of Birdwood (part), Chain of Ponds, Charleston, Cromer (part), Cudlee Creek, Forreston, Gumeracha, Houghton (part), Humbug Scrub (part), Inglewood, Kenton Valley, Kersbrook, Lobethal, Lower Hermitage, Millbrook, Mount Crawford (part), Mount Torrens (part), Paracombe (part) and Upper Hermitage (part).

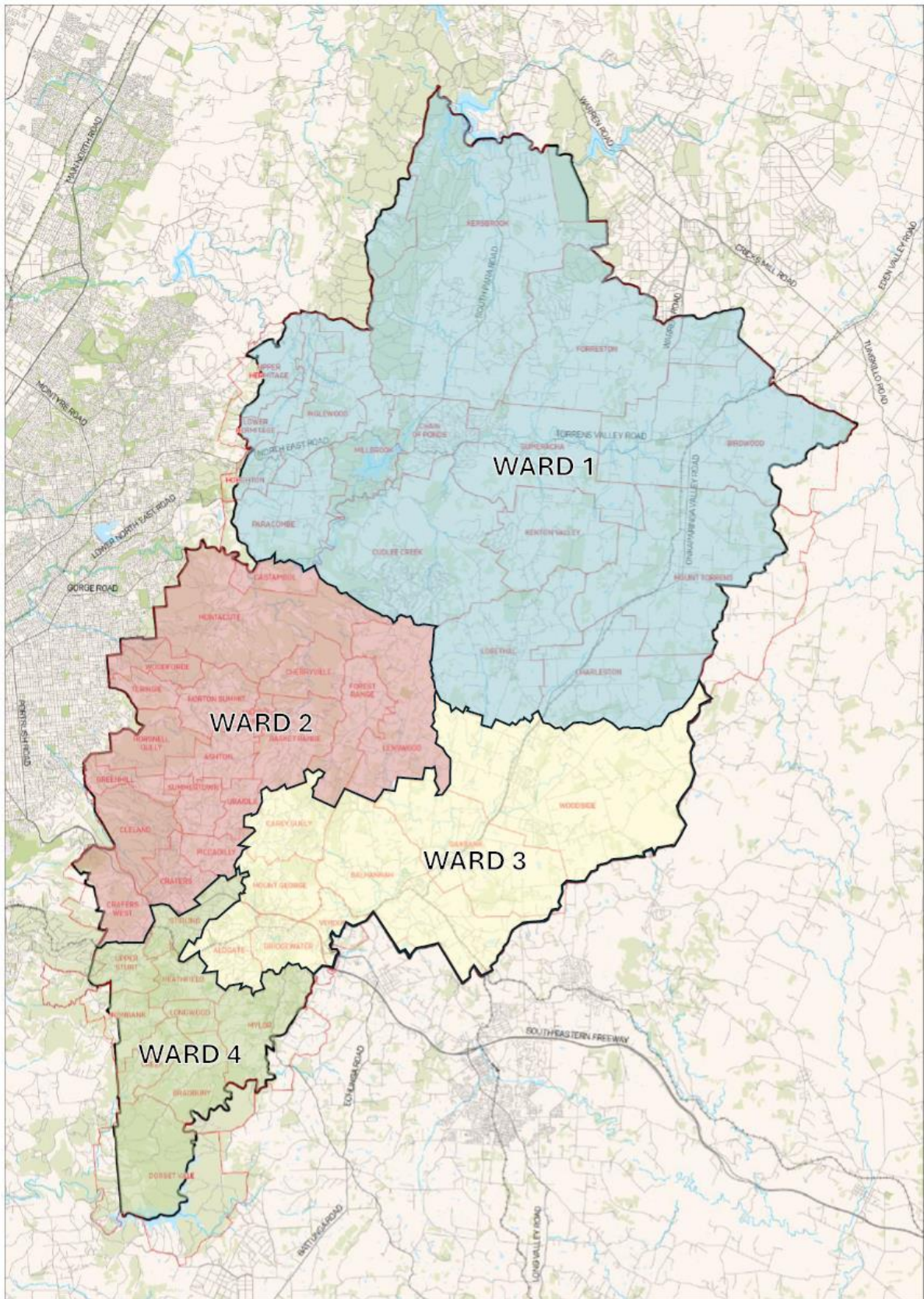
Ward 2: Comprising the districts/localities of Ashton, Basket Range, Castambul, Cleland, Crafers, Crafers West (part), Cherryville, Forest Range, Greenhill, Horsnell Gully, Lenswood, Marble Hill, Montacute, Norton Summit, Piccadilly, Rostrevor (part), Summertown, Teringie, Uraidla, Waterfall Gully (part) and Woodforde.

Ward 3: Comprising the districts/localities of Aldgate, Balhannah, Bridgewater (part), Carey Gully, Hahndorf (part), Hay Valley (part), Mount George, Oakbank (part), Verdun (part) and Woodside.

Ward 4: Comprising the districts/localities of Belair (part), Bradbury (part), Dorset Vale (part), Heathfield, Ironbank (part), Longwood, Mylor (part), Scott Creek, Stirling and Upper Sturt (part).

Ward	Councillors	Electors	Elector Ratio	% Variance
Ward 1	3	7,584	1:2,528	- 0.19
Ward 2	3	7,591	1:2,530	- 0.10
Ward 3	3	7,454	1:2,485	- 1.90
Ward 4	3	7,765	1:2,588	+2.19
Total	12	30,394		
Average			1:2,533	

- The proposed wards have consistent levels of representation (i.e. three councillors per ward).
- Under circumstances whereby all population/elector growth occurs in the one ward, proposed Ward 3 can sustain approximately 1,250 additional electors before breaching the +10% quota tolerance limit, whereas proposed Ward 4 can sustain approximately 800 additional electors.
- Again, there is an obvious disparity in the size (area) of the proposed wards.



9.5 Option 5 – Eleven Councillors/Two Wards

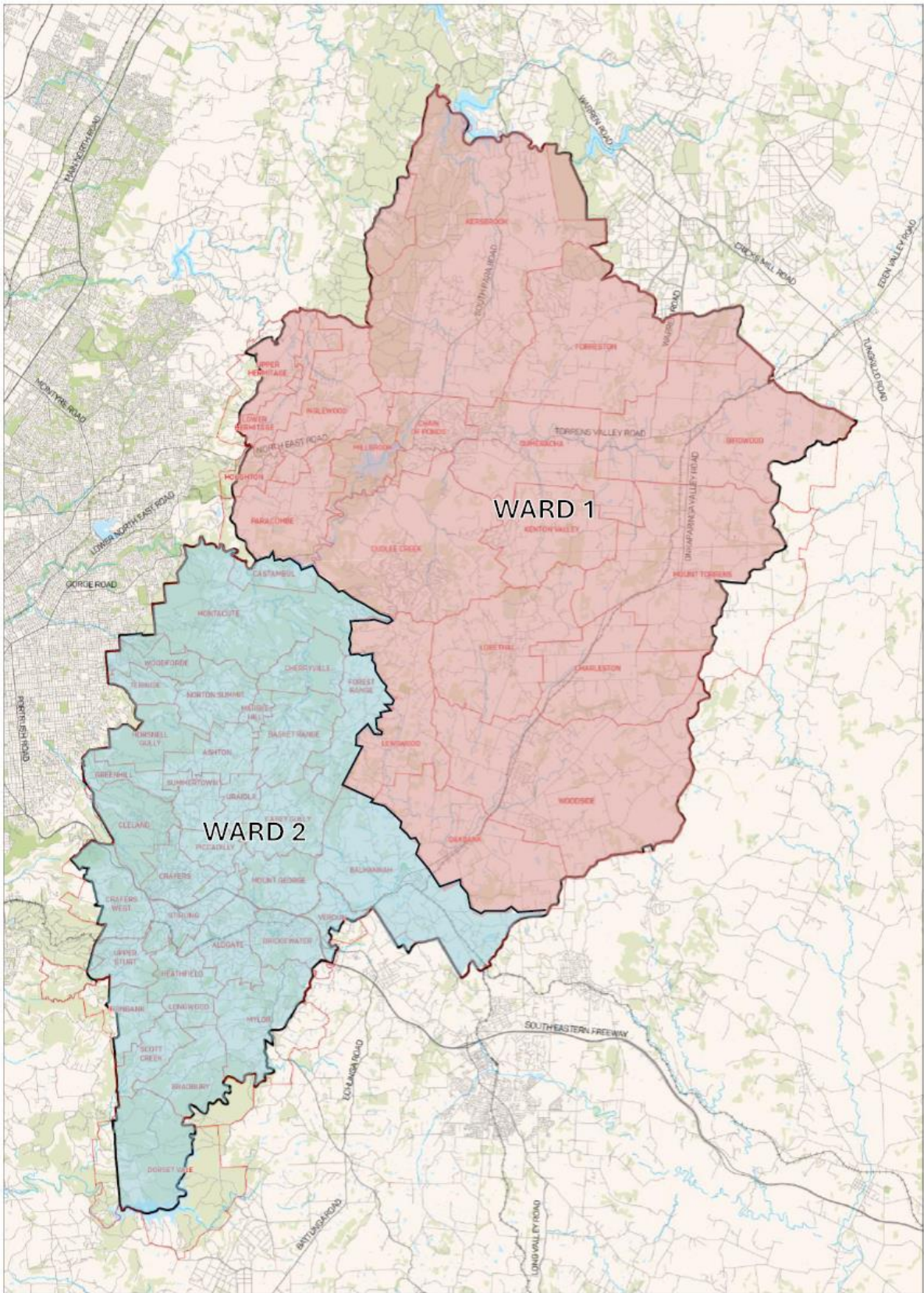
The division of the Council area into three (2) wards, with one of the proposed wards being represented by four (4) councillors and the remaining proposed ward being represented by seven (7) councillors.

Ward 1: Comprising the districts/localities of Birdwood (part), Chain of Ponds, Charleston, Cromer (part), Cudlee Creek, Forreston, Gumeracha, Hahndorf (part), Hay Valley (part), Houghton (part), Humbug Scrub (part), Inglewood, Kenton Valley, Kersbrook, Lenswood, Lobethal, Lower Hermitage, Millbrook, Mount Crawford (part), Mount Torrens (part), Oakbank (part), Paracombe (part), Upper Hermitage (part) and Woodside.

Ward 2: Comprising the districts/localities of Aldgate, Ashton, Balhannah, Basket Range, Belair (part), Bradbury (part), Bridgewater (part), Carey Gully, Castambul, Cherryville, Cleland, Crafers, Crafers West (part), Dorset Vale (part), Forest Range, Greenhill, Heathfield, Horsnell Gully, Ironbank (part), Longwood, Marble Hill, Montacute, Mount George, Mylor (part), Norton Summit, Piccadilly, Rostrevor (part), Scott Creek, Stirling, Summertown, Teringie, Upper Sturt (part), Uraidla, Verdun (part), Waterfall Gully (part) and Woodforde.

Ward	Councillors	Electors	Elector Ratio	% Variance
Ward 1	4	10,744	1:2,686	-2.79
Ward 2	7	19,650	1:2,807	+1.59
Total	11	30,394		
Average			1:2,763	

- A relatively simple two-ward structure which is based on eleven (11) councillors.
- The elector ratios in each of the proposed wards are comparable.
- Proposed Ward 1 can accommodate reasonable population growth (i.e. approximately 2,300 additional electors under circumstances whereby all or most of any future population growth occurs solely in proposed Ward 1). Under the same circumstances, proposed Ward 2 can sustain approximately 5,000 additional electors. Again, the ability of the proposed wards to sustain additional electors should the future population growth occur across the Council area.
- The odd number of councillors may serve to reduce the incidence of tied votes within the chamber (thereby avoiding the need for a casting vote from the Mayor).
- The varying levels of ward representation could be perceived to favour proposed Ward 2 given the greater number of ward councillors (even though the elector ratios of the proposed wards are similar).
- The reduction in the number of councillors will afford some cost saving (e.g. member's allowance of \$19,110 pa).



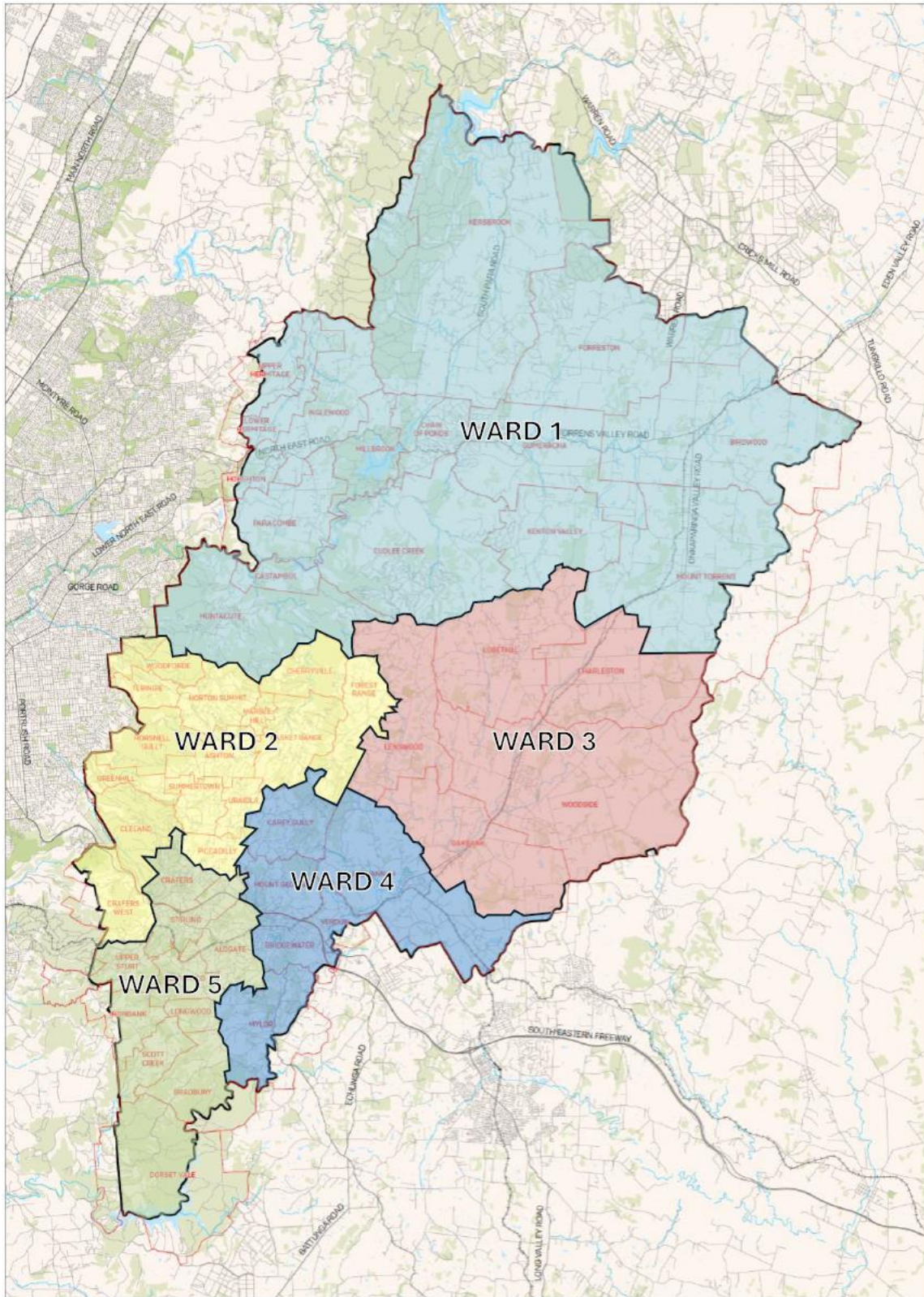
9.6 Option 6 – Eleven Councillors/Five Wards

The division of the Council area into five (5) wards, with three (3) of the proposed wards each being represented by three (3) councillors, and the remaining proposed ward being represented by two (2) councillors.

- Ward 1: Comprising the districts/localities of Birdwood (part), Castambul, Chain of Ponds, Cromer (part), Cudlee Creek, Forreston, Gumeracha, Houghton (part), Humbug Scrub (part), Inglewood, Kenton Valley, Kersbrook, Lower Hermitage, Millbrook, Montacute, Mount Crawford (part), Mount Torrens (part), Paracombe (part) and Upper Hermitage (part).
- Ward 2: Comprising the districts/localities of Ashton, Basket Range, Belair (part), Cherryville, Cleland, Crafers West (part), Forest Range, Greenhill, Horsnell Gully, Marble Hill, Norton Summit, Piccadilly, Rostrevor (part), Summertown, Teringie, Uraidla, Waterfall Gully (part) and Woodforde.
- Ward 3: Comprising the districts/localities of Charleston, Lenswood, Lobethal, Oakbank (part) and Woodside.
- Ward 4: Comprising the districts/localities of Balhannah, Bridgewater (part), Carey Gully, Hahndorf (part), Hay Valley (part), Mount George, Mylor (part) and Verdun (part).
- Ward 5: Comprising the districts/localities of Aldgate, Bradbury (part), Crafers, Dorset Vale (part), Heathfield, Ironbank (part), Longwood, Scott Creek, Stirling and Upper Sturt (part).

Ward	Councillors	Electors	Elector Ratio	% Variance
Ward 1	2	5,545	1:2,773	+0.34
Ward 2	2	5,411	1:2,706	- 2.08
Ward 3	2	5,442	1:2,721	- 1.52
Ward 4	2	5,420	1:2,710	- 1.92
Ward 5	3	8,576	1:2,859	+3.46
Total	11	30,394		
Average			1:2,763	

- Under circumstances whereby all future population growth occurs solely in a particular ward, proposed Wards 1 - 4 can all accommodate reasonable population growth (i.e. approximately 660 – 830 additional electors), whereas proposed Ward 5 can accommodate approximately 800 additional electors.
- The varying levels of ward representation could be perceived to favour the communities within proposed Ward 5.
- The odd number of councillors may serve to reduce the potential for a tied vote.
- Proposed Ward 1 is larger in area than the other proposed wards.
- The reduction in the number of councillors will afford some cost saving.



9.7 Option 7 – Ten Councillors/Four Wards

The division of the Council area into four (4) wards, with one of the proposed wards being represented by four (4) councillors, and the remaining three (3) proposed wards each being represented by two (2) councillors.

Ward 1: Comprising the districts/localities of Birdwood (part), Castambul, Chain of Ponds, Cherryville, Cromer (part), Cudlee Creek, Forreston, Gumeracha, Houghton (part), Humbug Scrub (part), Inglewood, Kenton Valley, Kersbrook, Lower Hermitage, Millbrook, Montacute, Mount Crawford (part), Mount Torrens (part), Paracombe (part), Rostrevor (part) and Upper Hermitage (part).

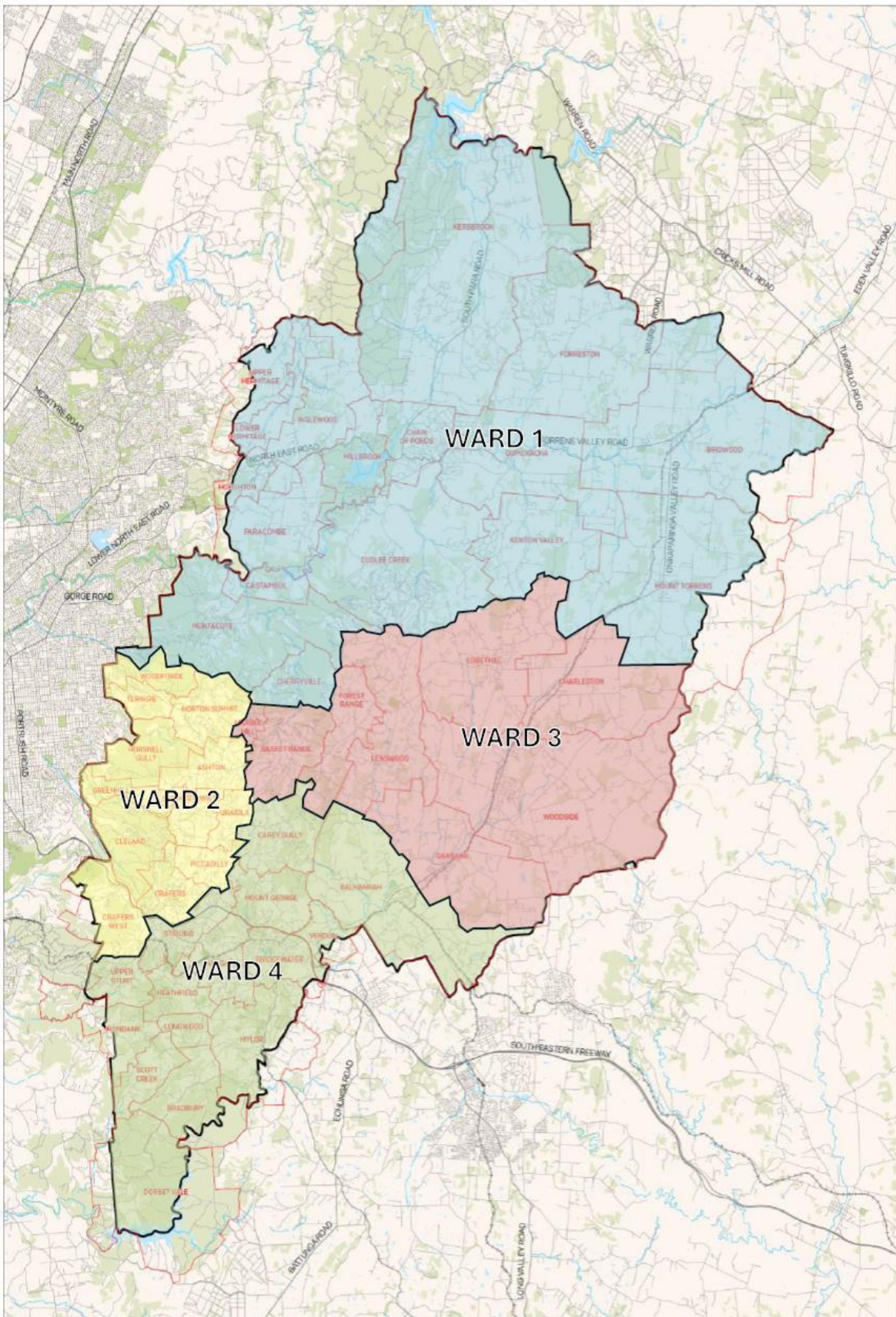
Ward 2: Comprising the districts/localities of Ashton, Cleland, Crafers, Crafers West (part), Greenhill, Horsnell Gully, Norton Summit, Piccadilly, Summertown, Teringie, Uraidla, Waterfall Gully (part) and Woodforde.

Ward 3: Comprising the districts/localities of Basket Range, Charleston, Forest Range, Hay Valley (part), Lenswood, Lobethal, Marble Hill, Oakbank (part) and Woodside.

Ward 4: Comprising the districts/localities of Aldgate, Balhannah, Belair (part), Bradbury (part), Bridgewater (part), Carey Gully, Dorset Vale (part), Hahndorf (part), Heathfield, Ironbank (part), Longwood, Mount George, Mylor (part), Scott Creek, Stirling, Upper Sturt (part) and Verdun (part).

Ward	Councillors	Electors	Elector Ratio	% Variance
Ward 1	2	5,918	1:2,959	-2.65
Ward 2	2	6,100	1:3,050	+0.35
Ward 3	2	5,933	1:2,967	-2.40
Ward 4	4	12,443	1:3,111	+2.35
Total	10	30,394		
Average			1:3,039	

- It is difficult to divide proposed Ward 4 into two smaller wards (two councillors per ward) on a rational basis due primarily to the distribution of electors, especially given the concentration of electors in the districts of Bridgewater, Aldgate and Stirling. The further division of this proposed ward will require the dissection of at least one of the aforementioned districts.
- Proposed Wards 1 – 3 can all accommodate a minimum of between approximately 700 – 1,000 additional electors before breaching the +10% quota tolerance limits. Proposed Ward 4, due to its higher level of representation, can accommodate a minimum of approximately 1,650 additional electors.
- The varying levels of ward representation could be perceived to favour the communities within proposed Ward 4.
- The reduction in the number of councillors will afford some cost saving.
- The community may perceive that a reduction to ten councillors as being too drastic.



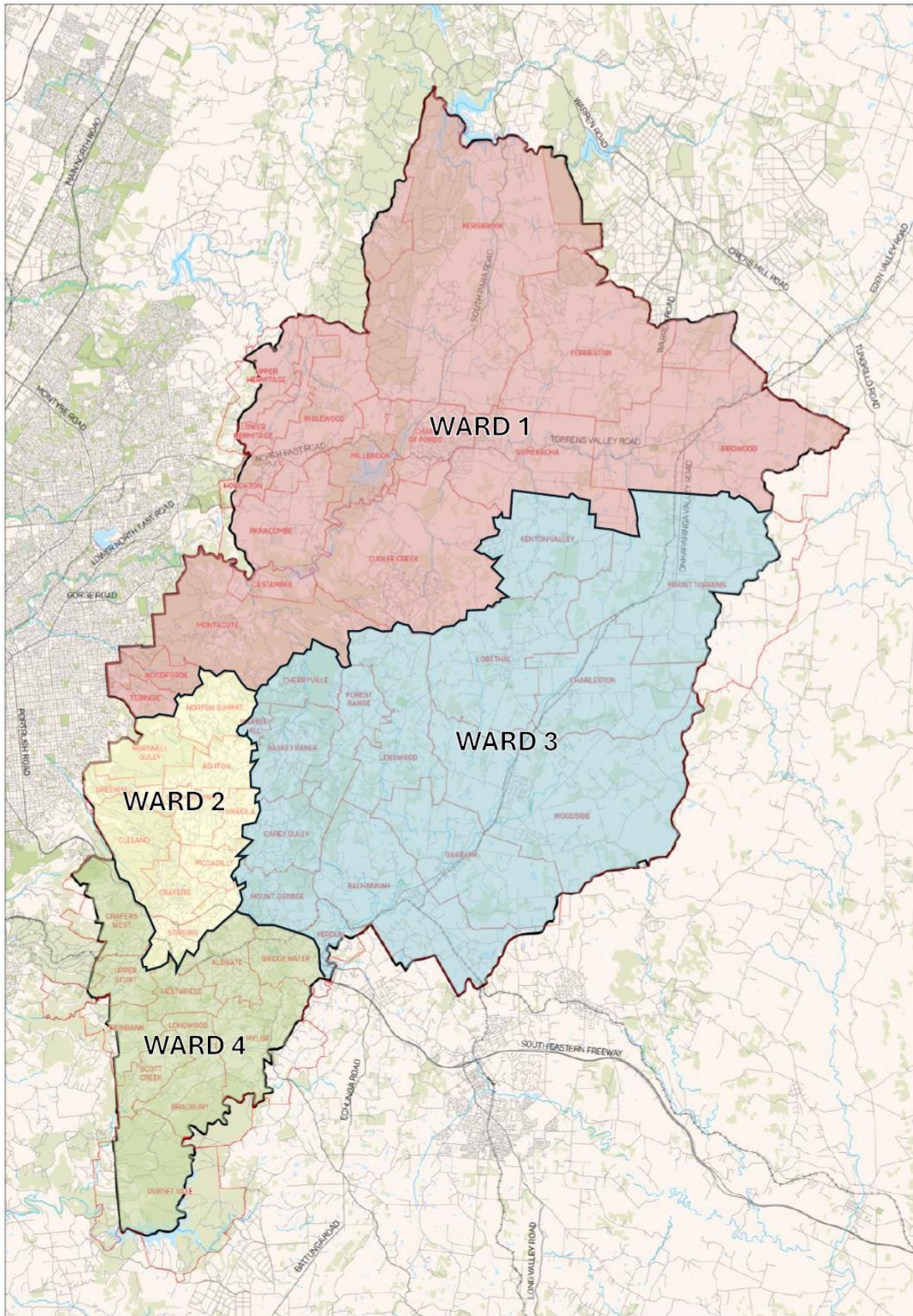
9.8 Option 8 – Ten Councillors/Four Wards

The division of the Council area into four (4) wards, with two (2) of the proposed wards each being represented by three (3) councillors, and the remaining two (2) proposed wards each being represented by two (2) councillors.

- Ward 1: Comprising the districts/localities of Birdwood (part), Castambul, Chain of Ponds, Cromer (part), Cudlee Creek, Forreston, Gumeracha, Houghton (part), Humbug Scrub (part), Inglewood, Kersbrook, Lower Hermitage, Millbrook, Montacute, Mount Crawford (part), Paracombe (part), Rostrevor (part), Teringie, Upper Hermitage (part) and Woodforde.
- Ward 2: Comprising the districts/localities of Ashton, Cleland, Crafers, Greenhill, Horsnell Gully, Norton Summit, Piccadilly, Stirling, Summertown, Uraidla and Waterfall Gully (part).
- Ward 3: Comprising the districts/localities of Balhannah, Basket Range, Carey Gully, Charleston, Cherryville, Forest Range, Hahndorf (part), Hay Valley (part), Kenton Valley, Lenswood, Lobethal, Marble Hill, Mount George, Mount Torrens (part), Oakbank (part), Verdun (part) and Woodside.
- Ward 4: Comprising the districts/localities of Aldgate, Belair (part), Bradbury (part), Bridgewater (part), Crafers West (part), Dorset Vale (part), Heathfield, Ironbank (part), Longwood, Mylor (part), Scott Creek and Upper Sturt (part).

Ward	Councillors	Electors	Elector Ratio	% Variance
Ward 1	2	6,290	1:3,145	+3.47
Ward 2	2	6,193	1:3,097	+1.88
Ward 3	3	8,745	1:2,915	- 4.09
Ward 4	3	9,166	1:3,055	+0.52
Total	10	30,394		
Average			1:3,039	

- Proposed Ward 1 can accommodate a minimum of approximately 500 additional electors before breaching the +10% quota tolerance limits, whilst proposed Ward 2 can accommodate a minimum of 600 additional electors. Proposed Wards 3 and 4, due to their higher levels of representation, can accommodate approximately 1,900 and 1,250 additional electors, respectively.
- The varying levels of ward representation could be perceived to favour the communities within proposed Wards 3 and 4.
- The reduction in the number of councillors will afford some cost saving to Council and/or the community.



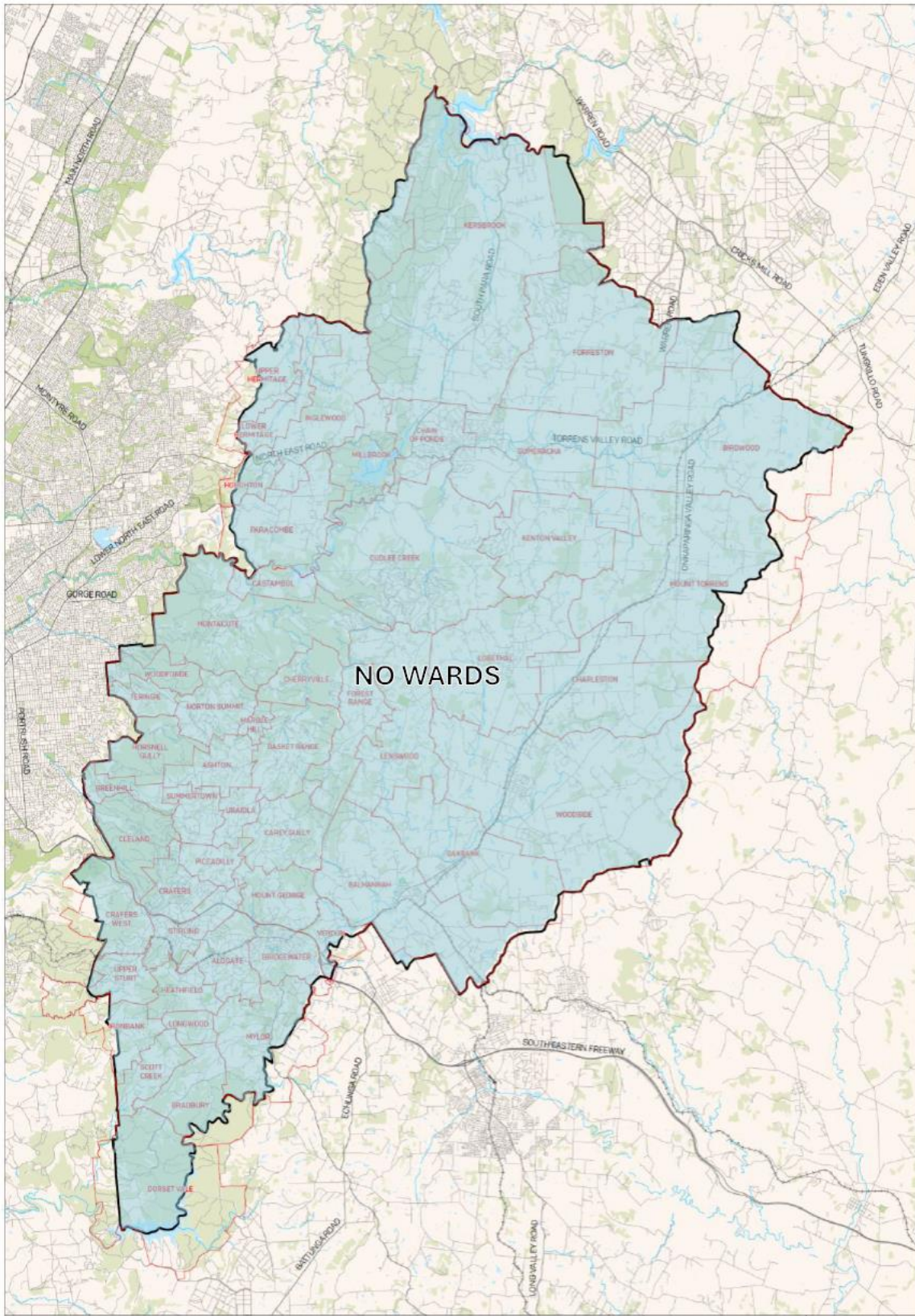
9.9 Option 9 – No Wards

The abolition of wards.

The arguments for and against the “no wards” option have been previously presented (refer 7.2 No Wards, pages 14 and 15).

In brief, the “no wards” structure:

- can accommodate any number of “area councillors”;
- automatically absorbs any fluctuations in elector numbers and, as such, the provisions of the Act relating to quota tolerance limits do not apply;
- enables the electors within the community to vote for all members of Council;
- overcomes the division of the local community into wards based solely on the distribution of elector numbers;
- avoids the potential for ward-centric attitudes amongst the elected members; and
- can accommodate a vacancy on Council (subject to the existence of a relevant Council policy).



10. SUMMARY

The representation review being undertaken by the Adelaide Hills Council must be comprehensive; open to scrutiny by, and input from, the local community; and, where possible, seek to improve elector representation. Further, Council must examine and, where necessary, identify amendments to its present composition and ward structure, with the view to achieving fair and adequate representation of all of the electors across the Council area.

Overall, the objectives of the representation review should be to uphold the democratic principle of “one person, one vote, one value”; introduce a level of representation (and elector ratio) which is comparable to that of other councils of a similar size and type; and not detrimentally affect the quality of representation afforded to, and/or expected by, the local community.

At this early stage of the review process Council will need to provide feedback in respect to its future composition and division of the Council area into wards (if required). The proposal that Council desires to bring into effect at the next Local Government election (November 2026) will need to be presented to the local community, for consideration and comment, in the prescribed “Representation Report”.

The key issues of the review are the future composition and size of Council, and whether the Council area should continue to be divided into wards, or alternatively whether wards should be abolished.

The principal member of Council will be a Mayor elected by the community, as per the requirement of Section 51 of the Act. All other members of Council will be known as Councillors.

Area councillors represent the whole of the Council area and are generally associated with those Councils which have abolished wards. The alternative is a ward councillor who is specifically elected to represent a particular ward area. However, ward structures can also incorporate area councillors (in addition to ward councillors), and this arrangement is currently unique to one council in South Australia (i.e. the City of Adelaide). It is considered that area councillors in addition to ward councillors provide an unnecessary second tier of representation; affords few advantages; and comes at a financial cost. Further, ward councillors are generally quick to point out that they represent the Council area as a whole and participate equally in determining matters of council-wide importance that are presented before Council. It should also be noted that any contested elections (and/or supplementary elections) for the position(s) of area councillor have to be conducted across the Council area at a considerable cost to Council.

The functional activities of local government have expanded over time, in particular from providing a range of services to property, to include a range of services to people. Further, the current provisions of the Act now require change to the composition and structure of Council.

When determining an appropriate number of elected members, guidance can be taken from Sections 11A, 26(1)(c) and 33 of the Act. Section 11A establishes the “member cap” at a total of thirteen elected members (including the Mayor); and Sections 26 and 33 specifically require Council to avoid over-representation in comparison to other councils of a similar size and type (at least in the longer term).

Such a comparison reveals that the elector representation arrangement of the Adelaide Hills Council is relatively consistent with the similar sized (in terms of elector numbers) metropolitan councils. Further, in comparison to regional councils which are of a similar size, the Adelaide Hills Council has the highest number of electors and elected members, and is reasonably consistent with three of the cited councils in regard to elector ratio. However, Adelaide Hills Council compares less favourably with Mount Barker District Council, which is the most similar in regard to area and elector numbers.

A reduction in the number of elected members must be considered, given the requirements of Section 12(6)(a)(i) which requires Council “*examine the question of whether the number of members should be reduced*”. However, Council will still require sufficient elected members to adequately represent the community; meet its obligations in respect to its roles and responsibilities; afford sufficient lines of communication with a growing community; provide for a diverse range of skill sets, expertise, experience and opinions; and manage the workloads of the elected members.

Any change to the composition and structure of Council will require the elected members and community to adapt. The ways and mindsets of the past, in regard to elector representation, will have to change in order to meet the challenges presented by a growing population, and the resulting demands which will be placed upon Council (and the individual elected members). Enhanced communication and community engagement will likely have to play a significant role in the future dealings between Council (i.e. the elected members) and the community.

Whilst any future ward structure of Council should have a logical basis and exhibit equitable distribution of electors between the proposed wards and a comparable level of representation in the proposed wards, it is also important for any amended structure of Council to provide some benefit to the community. This may simply be achieved through more direct and responsive communication with the community by each future elected member. Future candidates for election to Council will be aware of the challenges.

The most important issue that needs to be taken into account when considering the future composition and/or structure of Council is the anticipated future population growth in the Council area over the next eight years.

It is considered that the anticipated population growth of the scale anticipated within the Council area should not have significant impacts, and should not excessively increase demands on the elected members and/or strain on the ward structure to maintain compliance with the specified 10% quota tolerance limits over a prolonged period.

The Council area has always been divided into wards.

Wards are seen to guarantee some level of direct representation of all parts of the Council area; enable ward councillors to focus on local as well as council-wide issues; prevent a single interest group from gaining considerable representation on Council; enable and attract candidates to contest ward elections; reduce the cost and effort required to campaign at an election; and potentially provide cost savings to Council in regards the conduct of elections and supplementary elections.

The alternative "no wards" structure enables an elector to vote for all of the vacant positions on Council; ensures that the most supported candidates from across the Council area will be elected; should overcome the possibility of parochial ward attitudes; can accommodate any number of "area councillors"; and automatically absorbs any fluctuations in elector numbers.

Eight (8) ward structure options have been presented as examples to demonstrate how the Council area can be divided into wards under circumstances whereby Council may comprise between ten and twelve councillors.

Whilst all of these ward structures exhibit ward elector ratios which lay well within the specified quota tolerance limits, they demonstrate the difficulty of dividing the Council area into wards on a logical basis which can accommodate the anticipated population growth over the coming years.

As for the issue of ward identification, consideration will have to be given to this matter later in the review process once it is known whether Council will be retaining or abolishing wards. The allocation of alphabetical letters, numbers, compass points (e.g., north, south, central etc) and/or names of local heritage/cultural significance are all considered to be acceptable.

The next step of the review process is the preparation of a "Representation Report" which will present Council's preferred future composition and structure to the local community, for consideration and comment, as part of the prescribed public consultation stage of the review

**ADELAIDE HILLS COUNCIL
ORDINARY COUNCIL MEETING
Tuesday 24 September 2024
AGENDA BUSINESS ITEM**

Item: 12.7

Responsible Officer: Zoë Gill
Executive Governance Officer
Office of the CEO

Subject: Confidential Items Review

For: Decision

SUMMARY

Section 91 of the *Local Government Act 1999* requires Council to review confidential orders at least once every year.

A review of the Register of Confidential Items has been undertaken and there is one (1) item that requires a new confidentiality order.

Since last reporting on 14 May 2024, Six (6) items have been released either as confidentiality orders have expired or they have been released by the Chief Executive Officer under the delegation provided by Council and these are detailed in **Appendix 2**.

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 an s91(7) confidentiality order, it should first consider making a s90 order to move into confidence.

RECOMMENDATION

DECISION 1

1. That the report be received and noted.
2. That the items held as confidential in the Confidential Items Register (*Appendix 1*) be noted.

DECISION 2 – Resolution 263/23 – Electricity Procurement – Legal Matter

3. Pursuant to Section 91(7) of the *Local Government Act 1999*, Council orders that the following documents shall be kept confidential, being documents relating to a matter dealt with by the Council on a confidential basis under Sections 90(2) and 90(3)(i) of the Act:
 - The report, related attachments, minutes and other (presentation, documents or similar) of 10 October 2023, Item 18.1, Electricity Procurement – Legal Matter, 263/23, unless previously released, remain confidential until further order and that this order be reviewed every twelve (12) months.

- On the grounds that the Agenda Item is information relating to actual litigation, or litigation that the Council believes on reasonable grounds will take place, involving the Council.

4. That the document referred to in part 3 of the resolution remain in confidence until further order.
5. 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.

1. BACKGROUND

An Extract of the Confidential Items Register is contained on Council’s website and is reviewed on a quarterly basis. Items that have progressed to the specified point and are no longer of a confidential nature are released in accordance with the respective council resolution. Items that remain in confidence are displayed on the Register. The CEO also considers his discretion to release confidential items where appropriate.

For administrative and Council efficiencies, items may be included in reviews even though they may not be due for such. Processing items in this way eliminates the need for additional reports to Council whilst maintaining the confidential status of items.

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.

To enable management of any order made under Section (90) a Confidential Orders Register is maintained.

➤ **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)

Information scheduled for release under a confidentiality order is not duly released resulting in a breach of legislation and depriving the community of public information.

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**

The Register of Confidential Items has been reviewed and there is one (1) item that requires the consideration of a new confidentiality order at this time. An extract of the register is attached (**Appendix 1**) which provides a summary of all existing confidential orders highlighting the order that requires a new confidentiality provision, as follows:

263/23 – Electricity Procurement – Legal Matter

The current period of confidentiality for this item concludes 26 October 2024.

It is recommended that a new confidentiality order be applied and that the item remain confidential until further order on the grounds that the item is relating to actual litigation, or litigation that the Council believes on reasonable grounds will take place, involving the Council.

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) Extract of Confidential Items Register – September 2024
- (2) Extract of Released Items Register – September 2024

Appendix 1

*Extract of Confidential Items Register
September 2024*

Register No	Date of Meeting	Council/Committee	Agenda No	Resolution Number	Report Title	LG Act 980 Provision	Release date (no longer than 12 mths)	Original Resolution regarding/Period of Confidentiality	Revised Period of Confidentiality	Next Review Date (3 mths less than release date)	Still in confidence
455	28/08/2024	Boundary Change Committee	12.3	BCC22/04	Strategic Communication & Engagement Plan Updates	90(3)(b)(i)	28/08/2025	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 12.3 in confidence under sections 90(2) and 90(3)(b) and 90(3)(i) of the Local Government Act 1999, resolves that an order be made under the provisions of sections 91(7) and (8) of the Local Government Act 1999 to retain the items in confidence as detailed in the Duration of Confidentiality Table below: Item Duration of Confidentiality NB: Item to be reviewed every 12 months if not released Report Until Further Order Related Attachments Until Further Order Minutes Until Further Order Other (presentation, documents, or similar) Until Further Order Pursuant to section 91(9)(c) of the Local Government Act 1999, the Council delegates the power to		28/05/2025	Yes
464	28/08/2024	Boundary Change Committee	12.2.1	BCC19/04	Boundary Change Advocacy Strategy	90(3)(b)(i)	28/08/2025	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 12.2 in confidence under sections 90(2) and 90(3)(b) and 90(3)(i) of the Local Government Act 1999, resolves that an order be made under the provisions of sections 91(7) and (8) of the Local Government Act 1999 to retain the items in confidence as detailed in the Duration of Confidentiality Table below: Item Duration of Confidentiality NB: Item to be reviewed every 12 months if not released Report Until further order Related Attachments Until further order Minutes Until further order Other (presentation, documents, or similar) Until further order Pursuant to section 91(9)(c) of the Local Government Act 1999, the Council delegates the power to		28/05/2025	Yes
463	28/08/2024	Boundary Change Committee	12.1	BCC19/04	Boundary Change Proposal Project and Governance Arrangements	90(3)(b)(i)	28/08/2025	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 12.1 in confidence under sections 90(2) and 90(3)(b) and 90(3)(i) of the Local Government Act 1999, resolves that an order be made under the provisions of sections 91(7) and (8) of the Local Government Act 1999 to retain the items in confidence as detailed in the Duration of Confidentiality Table below: Item Duration of Confidentiality NB: Item to be reviewed every 12 months if not released Report Until further order Related Attachments Until further order Minutes Until further order Other (presentation, documents, or similar) Until further order Pursuant to section 91(9)(c) of the Local Government Act 1999, the Council delegates the power to		28/05/2025	Yes
462	27/08/2024	Ordinary Council	19.3	316/24 and 317/24	Work, Health and Safety Matters	Section 90(3)(a) and (b)	27/05/2025	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 (b) of the Local Government Act 1999, resolves that an order be made under the provisions of sections 91(7) and (8) of the Local Government Act 1999 to retain the items in confidence as detailed in the Duration of Confidentiality Table below: Item Duration of Confidentiality NB: Item to be reviewed every 12 months if not released Report Until Further Order Related Attachments Minutes Minutes with the exception of Decision One: part 1 to 5, part 8 Decision Two Until Further Order That the exceptions not be released until the Mayor is advised Other (presentation, documents, or similar) Until Further Order		27/05/2025	Yes
461	27/08/2024	Ordinary Council	19.2	308/24	Mayor's Use of the Mayor Seeking Legal Advice Policy - Confidential	Section 90(3)(a) and (b)	27/08/2025	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) and (b) of the Local Government Act 1999, resolves that an order be made under the provisions of sections 91(7) and (8) of the Local Government Act 1999 to retain the items in confidence as detailed in the Duration of Confidentiality Table below: Item Report Related Attachments Minutes Other (presentation, documents, or similar) Duration of Confidentiality NB: Item to be reviewed every 12 months if not released Until Further Order Until Further Order Until the Mayor is informed Until Further Order		27/05/2025	Yes

460	27/08/2024	Ordinary Council	19.1	305/24	Mayor Jan-Claire Wisdom - Question on Notice: Cost for Mayor's Use of the Mayor Seating Legal Advice Section 90(3)(a) and (h)	27/08/2025	<p>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 10.3 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 (8) of the Local Government Act 1999 to retain the items in confidence as detailed in the Duration of Confidentiality Table below:</p> <p>Item Duration of Confidentiality NB: Item to be reviewed every 12 months if not released</p> <p>Report: Until Further Order</p> <p>Related Attachments: Until Further Order</p> <p>Minutes: Until Further Order</p> <p>Other (presentation, documents, or similar): Until Further Order</p> <p>Pursuant to section 91(9)(c) of the Local Government Act 1999, the Council delegates the power to revoke</p>	27/05/2025	Yes
459	27/08/2024	Ordinary Council	19	303/24	Question without Notice	27/08/2025	<p>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 Question Without Notice (Item 15) in confidence, under sections 90(2) and 90(3)(g) and (h) of the Local Government Act 1999, resolves that an order be made under the provisions of sections 91(7) and (8) of the Local Government Act 1999 to retain the items in confidence as detailed in the Duration of Confidentiality Table below:</p> <p>Item Duration of Confidentiality NB: Item to be reviewed every 12 months if not released</p> <p>Minutes: Until Further Order</p> <p>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.</p>	27/05/2025	Yes
458	19/08/2024	Audit Committee	11.1	AC29/24	Financial Management Council Report	19/08/2025	<p>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 11.1 in confidence under sections 90(2) and 90(3)(g) and (h) of the Local Government Act 1999, resolves that an order be made under the provisions of sections 91(7) and (8) of the Local Government Act 1999 to retain the items in confidence as detailed in the Duration of Confidentiality Table below:</p> <p>Item Duration of Confidentiality NB: Item to be reviewed every 12 months if not released</p> <p>Report: Until further order</p> <p>Related Attachments: Until further order</p> <p>Minutes: Until further order</p> <p>Other (presentation, documents, or similar): Until further order</p> <p>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.</p>	19/05/2025	Yes
457	12/08/2024	CEO Performance Review Panel	10.1		CEO Performance Review Process Recommendations	12/08/2025	<p>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 10.1 in confidence under sections 90(2) and 90(3)(g) and (h) of the Local Government Act 1999, resolves that an order be made under the provisions of sections 91(7) and (8) of the Local Government Act 1999 to retain the items in confidence as detailed in the Duration of Confidentiality Table below:</p> <p>Report: Until Further Order</p> <p>Related Attachments: Until Further Order</p> <p>Minutes: Until Further Order</p> <p>Other: Until Further Order</p> <p>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)(g) and (h) of the Local Government Act 1999, resolves that an order be made under the provisions of sections 91(7) and (8) of the Local Government Act 1999 to retain the items in confidence as detailed in the Duration of Confidentiality Table below:</p> <p>Item Duration of Confidentiality NB: Item to be reviewed every 12 months if not released</p> <p>Report: Until Further Order</p> <p>Related Attachments: Until Further Order</p> <p>Minutes: Until Further Order</p> <p>Other (presentation, documents, or similar): Until Further Order</p> <p>Duration of Confidentiality NB: Item to be reviewed every 12 months if not released</p> <p>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.</p>	12/05/2025	Yes
456	13/08/2024	Ordinary Council Meeting	19.1	286/24	Financial Management	13/08/2025	<p>Subject to the CEO, or his delegate, disclosing information or any document (in whole or in part) for the purpose of implementing Council's decision(s) in this matter in the performance of the duties and responsibilities of office, Council, having considered Agenda Item 19.1 in confidence under sections 90(2) and 90(3)(a) of the Local Government Act 1999, resolves that an order be made under the provisions of sections 91(7) and (8) of the Local Government Act 1999 to retain the items in confidence as detailed in the Duration of Confidentiality Table below:</p> <p>Item Duration of Confidentiality NB: Item to be reviewed every 12 months if not released</p> <p>Report: Until further order</p> <p>Related Attachments: Until further order</p> <p>Minutes: Until further order</p> <p>Other (presentation, documents, or similar): Until further order</p> <p>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.</p>	13/05/2025	Yes
455	23/07/2024	Ordinary Council	19.1	273/24	Land Management Agreement - Burial on Private Land - Confidential Item	23/07/2025	<p>Subject to the CEO, or his delegate, disclosing information or any document (in whole or in part) for the purpose of implementing Council's decision(s) in this matter in the performance of the duties and responsibilities of office, Council, having considered Agenda Item 19.1 in confidence under sections 90(2) and 90(3)(a) of the Local Government Act 1999, resolves that an order be made under the provisions of sections 91(7) and (8) of the Local Government Act 1999 to retain the items in confidence as detailed in the Duration of Confidentiality Table below:</p> <p>Item Duration of Confidentiality NB: Item to be reviewed every 12 months if not released</p> <p>Report: Until further order</p> <p>Related Attachments: Until further order</p> <p>Minutes: Until further order</p> <p>Other (presentation, documents, or similar): Until further order</p> <p>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.</p>	23/04/2025	Yes

						<p>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 8.1 in confidence under sections 90(2) and 90(3)(i) and (j) of the Local Government Act 1999, resolves that an order be made under the provisions of sections 91(7) and (8) of the Local Government Act 1999 to retain the items in confidence as detailed in the Duration of Confidentiality Table below:</p> <p>Item Duration of Confidentiality NB: Item to be reviewed every 12 months if not released</p> <p>Report: Until Further Order Related Attachments: Until Further Order Minutes: Until Further Order Other (presentation, documents, or similar): Until Further Order</p> <p>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.</p>				
454	1/07/2024	Special Council Meeting	8.1	24/24	Correspondence from PC Infrastructure	s90(2) and s90 (3) (h) and s90 (3) (i)	1/07/2025		1/04/2025	Yes
								<p>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 13.1 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 (8) 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:</p> <p>Item Duration of Confidentiality NB: Item to be reviewed every 12 months if not released</p> <p>Report Until further order Related Attachments Until further order Minutes Until further order</p> <p>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.</p>		
453	29/06/2024	Ordinary Council		230/24	Electricity Procurement - Legal Matter	s90 (3)(h) and (i)	29/06/2025		31/07/2024	Yes
								<p>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 13.1 in confidence under sections 90(2) and 90(3)(i) of the Local Government Act 1999, resolves that an order be made under the provisions of sections 91(7) and (8) of the Local Government Act 1999 to retain the items in confidence as detailed in the Duration of Confidentiality Table below:</p> <p>Item Duration of Confidentiality NB: Item to be reviewed every 12 months if not released</p> <p>Report Until further order Related Attachments Not Applicable Minutes Until further order Other (discussion and considerations of the subject matter) Until further order</p> <p>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.</p>		
452	29/06/2024	Ordinary Council	12.6	227/24	Confidential Item Review	90 (3) (j)	29/06/2025		31/07/2024	Yes
								<p>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 13.3 in confidence under sections 90(2) and 90(3) (a) and (b) of the Local Government Act 1999, resolves that an order be made under the provisions of sections 91(7) and (8) of the Local Government Act 1999 to retain the items in confidence as detailed in the Duration of Confidentiality Table below:</p> <p>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: For 12 months unless Council determines otherwise</p> <p>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.</p>		
451	11/06/2024	Ordinary Council		19.3	Mayor seeking legal advice update	90(3) (a) and (b)	11/06/2025		11/03/2025	Yes
								<p>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 13.2 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 (8) of the Local Government Act 1999 to retain the items in confidence as detailed in the Duration of Confidentiality Table below:</p> <p>Report: 11 June 2028 Related attachments: 11 June 2028 Minutes: 11 June 2028 Other: 11 June 2028</p>		
450	11/06/2024	Ordinary Council		19.2	CEO Review Process	90(3)(a)	11/06/2025		11/03/2025	Yes
								<p>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 13.1 in confidence under sections 90(2) and 90(3)(i) of the Local Government Act 1999, resolves that an order be made under the provisions of sections 91(7) and (8) of the Local Government Act 1999 to retain the items in confidence as detailed in the Duration of Confidentiality Table below:</p> <p>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: 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.</p> <p>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.</p>		
449	11/06/2024	Ordinary Council		19.1	Event Opportunity Santos Tour Down Under 2025	91 (7) (8)	30/06/2025		31/03/2025	Yes
								<p>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 13.4 in confidence under sections 90(2) and 90(3)(a) and (b) of the Local Government Act 1999, resolves that an order be made under the provisions of sections 91(7) and (8) of the Local Government Act 1999 to retain the items in confidence as detailed in the Duration of Confidentiality Table below:</p> <p>Report: until further order Related Attachments: Until further order Minutes: CEO to be advised at the conclusion of the meeting and the minutes to be publicly released after the Mayor has advised staff, no later than COB 22 December 2023</p> <p>CEO advised and minutes publicly released</p>		
9999	19/12/2023	Ordinary		345/23	CEO Performance Review Process	s90(2) s90(3)(a)(b)	19/12/2024		19/09/2024	Yes

									Pursuant to Section 91(7) and (9) of the Local Government Act 1999, having considered Agenda Item 18.3 in confidence under sections 90(2) and 90(3)(a) and (b) of the Local Government Act 1999, the Council resolves that an order be made to retain the Report and related attachments, including the CEO KPI Report, the 360 Degree Survey and the presentation prepared by Red Seed Productivity Strategists, as well as the Minutes in confidence pursuant to section 91(5)(c) of the Local Government Act 1999, with this order to operate in an ongoing manner, to be reviewed every 12 months as detailed in the Duration of Confidentiality Report - Until further order and reviewed every twelve months Related Attachments - Until further order and reviewed every twelve months Minutes - Until further order and reviewed every twelve months Other - Until further order and reviewed every twelve months		
9999	19/12/2023	Ordinary	19.3.1	CEO Performance Review Panel Minutes of Meeting - 12 December 2023	990(2), 990(3)(a)(ii)	19/12/2023			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 ADirector Corporate Services, Ashley Curtis ADirector Community & Development, Jess Charlton Governance and Risk Coordinator, Zoe Gill Governance and Risk Officer, Syle Ludzay Minute Secretary, Rebekah Lyons IT Support, Tom Portas AManager Communication, Engagement and Events, Sarah Hill Subject to the CEO, or his delegate, disclosing information or any document (in whole or in part) for the purpose of implementing Council's decision(s) in this matter in the performance of the duties and responsibilities of office, Council, having considered Agenda Item 18.2 in confidence under sections 90(2) and 90(3) (b) 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 to retain the Items in confidence as detailed in the Duration below: Report 22 April 2028 Related Attachments 22 April 2028 Minutes 22 April 2028 Other (presentation, documents, or similar) 22 April 2028	19/09/2024	Yes
448	14/05/2024	Ordinary Council	19.2	165/24	19.2Strategic Communication and Engagement Plan Woodforde, Teringle and Rostrevor	490(2), 490(3)(b), 490(3)(i)	22/04/2023		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 ADirector Corporate Services, Ashley Curtis ADirector Community & Development, Jess Charlton Governance and Risk Coordinator, Zoe Gill Governance and Risk Officer, Syle Ludzay Minute Secretary, Rebekah Lyons IT Support, Tom Portas Subject to the CEO, or his delegate, disclosing information or any document (in whole or in part) for the purpose of implementing Council's decision(s) in this matter in the performance of the duties and responsibilities of office, Council, having considered Agenda Item 18.1 in confidence under sections 90(2) and 90(3) (b) 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 to retain the Items in confidence as detailed in the Duration below: Report 22 April 2028 Related Attachments 22 April 2028 Minutes 22 April 2028 Other (presentation, documents, or similar) 22 April 2028	22/01/2025	Yes
447	14/05/2024	Ordinary Council	19.1	160/24	19.1Forensic Analysis of Boundary Change Submission - Exclusion of the Public	90(2), 90(3)(b), 90(3)(i)	22/04/2025		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 ADirector Corporate Services, Ashley Curtis ADirector Community & Development, Jess Charlton Governance and Risk Coordinator, Zoe Gill Governance and Risk Officer, Syle Ludzay Minute Secretary, Rebekah Lyons IT Support, Tom Portas Subject to the CEO, or his delegate, disclosing information or any document (in whole or in part) for the purpose of implementing Council's decision(s) in this matter in the performance of the duties and responsibilities of office, Council, having considered Agenda Item 18.1 in confidence under sections 90(2) and 90(3) (b) 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 to retain the Items in confidence as detailed in the Duration below: Report 22 April 2028 Related Attachments 22 April 2028 Minutes 22 April 2028 Other (presentation, documents, or similar) 22 April 2028	22/01/2025	Yes
443	9/04/2024	Ordinary Council	19.5	123/24	Appointment of the Gwaler River Floodplain Management Authority Chairperson	90(3)(a)	9/05/2025		Subject to the CEO, or his delegate, disclosing information or any document (in whole or in part) for the purpose of implementing Council's decision(s) in this matter in the performance of the duties and responsibilities of office, Council, having considered Agenda Item 18.1 in confidence under sections 90(2) and 90(3)(a) of the Local Government Act 1999, 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: Report - until the appointment has been confirmed Related attachments - until the appointment has been confirmed Minutes - until the appointment has been confirmed Other (presentation, documents or similar) N/A	7/02/2024	Yes
444	9/04/2024	Ordinary Council	19.4	119/24	CEO Development Plan	90(3)(a)	9/05/2025		Subject to the CEO, or his delegate, disclosing information or any document (in whole or in part) for the purpose of implementing Council's decision(s) in this matter in the performance of the duties and responsibilities of office, Council, having considered Agenda Item 18.4 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: Report - 4 April 2027 Related Attachments 4 April 2027 Minutes 4 April 2027 Other (presentations, documents or similar) 4 April 2027	7/02/2025	Yes
445	9/04/2024	Ordinary Council	19.3	117/24	CEO Performance Review Process 2024/25	90(3)(a)	9/05/2025		Subject to the CEO, or his delegate, disclosing information or any document (in whole or in part) for the purpose of implementing Council's decision(s) in this matter in the performance of the duties and responsibilities of office, Council, having considered Agenda Item 18.3 in confidence under sections 90(2) and 90(3)(a) and (b) 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: Report - 28 March 2027 Related Attachments - 28 March 2027 Minutes - 28 March 2027 Other (presentation, documents or similar) - 28 March 2027	7/02/2025	Yes
429	9/04/2024	Ordinary Council	119/24	112/24	CEO PRP Special Meeting - Minutes of meeting 28 March 2024	90(2) and 90(3)(a)	9/05/2025		Council resolved confidence for 12 months.	9/01/2025	Yes
430	26/03/2024	Ordinary Council	99/24	99/24	Special CEO PRP Committee Minutes of Meeting - 21 March 2024	90(2) and 90(3)(a)	26/03/2025		Council resolved confidence for 12 months.	20/12/2024	Yes
431	26/03/2024	Ordinary Council	96/24	97/24	Trans Tasman Energy Group	90(2) and 90(3)(i) 90(3)(h)	26/03/2025		Council resolved 26 March 2025 or until legal release date	20/12/2024	Yes
432	26/03/2024	Ordinary Council	93/24	95/24	Ashton Landfill	90(2) and 90(3)(a) and 90(3)(h)	26/03/2027		Council resolved duration of confidentiality to 26 March 2027	27/01/2027	Yes
434	12/03/2024	Ordinary Council	73/24	74/24	CEO PRP Minutes of Meeting	90(2) and 90(3)(a)	12/03/2025		Council resolved to review the confidential order in 12 months.	13/01/2025	Yes
441	27/02/2024	Ordinary Council	51/24	52/24	Recovery of Unpaid Rates	90(2) and 90(3)(i)	17/02/2025		Council resolved until either negotiations for sale are completed or a settlement reached or until legal proceedings have concluded but no longer than 12 months	27/11/2024	Yes
437	23/01/2024	Ordinary Council	9/24	9/24	Customer Relationship Management CRM System	90(2) and 90(3)(a)	23/01/2025		Council resolved for a 12 month confidential order	23/10/2024	Yes
438	23/01/2024	Ordinary Council	3/24	3/24	South Australian Boundaries Commission	90(2) and 90(3)(i)	23/01/2025		Council resolved to hold in confidence for 12 months.	25/10/2024	Yes

									<p>PROVOCATION</p> <p>St. Cr. Darnell</p> <p>a) Pursuant to Section 91(7) and (b) of the Local Government Act 1999, having considered Agenda Item 9.2 and 9.3 in confidence under sections 90(2) and 90(3)(a) and (b) of the Local Government Act 1999, the Committee resolves that an order be made to retain the Report and related attachments, including the CEO KPI Report, the 360 Degree Survey and the presentation prepared by that Seed Productivity Strategic, as well as the Minutes in confidence pursuant to section 91(9)(c) of the Local Government Act 1999, with this order to operate in an ongoing manner, to be reviewed every 12 months as detailed in the Duration of Confidentiality Table below:</p> <p>Item</p> <p>Duration of Confidentiality</p> <p>NB: Item to be reviewed every 12 months if not released</p> <p>Report</p> <p>Ongoing, Reviewed every 12 months</p> <p>Related Attachments</p> <p>Ongoing, Reviewed every 12 months</p> <p>Minutes</p> <p>Ongoing, Reviewed every 12 months</p> <p>Other (presentation, documents, or similar)</p> <p>Ongoing, Reviewed every 12 months</p>		
399	12/12/2023	CEO PRP	9.1	CEO Probation Review Process	90(2) and 90(3)(a) and (b)	12/12/2024	months	<p>RESOLVED BY THE COUNCIL</p>	12/09/2024	Yes	
427	6/11/2023	Special Council Meeting	276/23	277/23	CEO Performance Review Process - Exclusion of the Public	90(2) and Section 90(3)(a) and (b) of the Local Government Act 1999	31/05/2025	<p>Report Until further order</p> <p>Related Attachments Until further order</p> <p>Minutes Until further order</p> <p>Other (including legal advice from Norman Waterhouse Lawyers relating to this matter) Until further order</p>	<p>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)(a) and (b) of the Act:</p> <p>The Report, related attachments, minutes or other (presentation, documents or similar) of 6 November 2023, Item No. 8.1.1, CEO Performance Review Process, 277/23 remain confidential until the matter is determined and that this order be reviewed every twelve (12) months.</p> <p>On the grounds that the document(s) (or part) relates to information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead); specifically, the present matter relates to the CEO Probation Review Process, and it would be unreasonable at this stage to disclose this information, together with legal advice from Norman Waterhouse Lawyers.</p>	28/02/2025	Yes
426	14/11/2023	Ordinary Council	18.1	Provision of Spray Sealed Services Contract	90(2) 90(3)(a)	13/11/2024	months	<p>retain items in confidence as detailed in the Duration of Confidentiality table below</p> <p>Report 14 November 2023 until contracts are signed but not before 12 months</p> <p>Related Attachments 14 November 2023 until contracts are signed but not before 12 months</p> <p>Minutes 14 November 2023 until contracts are signed but not before 12 months</p> <p>Other 14 November 2023 until contracts are signed but not before 12 months</p> <p>Pursuant to section 91(9)(c) of the Local Government Act 1999, the Council delegates the power to revoke to confidentiality order either partially or in full to the Chief Executive Officer.</p>	13/09/2024	Yes	
425	10/10/2023	231010 Ordinary Council Meeting - 10 October 2023	18.1	263/23	Electricity Procurement - Legal Matter	90(2) and 90(3)(b)	29/10/2024	Duration of Confidentiality 26 October 2024 or until legal release date	<p>COUNCIL RESOLVES BY 14 MAY 2024 UNAN.</p>	26/08/2024	Yes
422	25/07/2023	Council	18.1	207/23	Country Cabinet August 2023 Key Strategic Issues	90(3)(i)	30/06/2025	<p>retain the Items in confidence as detailed in the Duration of Confidentiality Table below:</p> <p>Item Duration of Confidentiality</p> <p>NB: Item to be reviewed every 12 months if not released</p> <p>NB:</p> <p>Report Until the announcement has been made, but not longer than 30 June 2024</p> <p>Related Attachments Until the announcement has been made, but not longer than 30 June 2024</p> <p>Minutes Until the announcement has been made, but not longer than 30 June 2024</p> <p>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.</p>	<p>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)(i) of the Act:</p> <p>The Report, related attachments and minutes of 25 July 2023, Item No. 18.1.1, Country Cabinet August 2023 Key Strategic Issues remain confidential until the announcement has been made but no longer than 30 June 2024 and that this order be reviewed every twelve (12) months.</p> <p>On the grounds that the document(s) (or part) relates to information to be received, discussed or considered in relation to this Agenda Item is information the disclosure of which 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 Council, or a person engaged by the Council), and would on balance be contrary to the public interest.</p>	30/03/2025	Yes
421	27/06/2023	Council	18.1	183/23	Appointment of GRMA Chairperson	90(3)(a)	27/06/2025	<p>Retain the Items in confidence as detailed in the Duration of Confidentiality Table below:</p> <p>Item Duration of Confidentiality</p> <p>NB: Item to be reviewed every 12 months if not released</p> <p>Report until the appointment has been confirmed, but not longer than 30 September 2023</p> <p>Related Attachments until the appointment has been confirmed, but not longer than 30 September 2023</p> <p>Minutes until the appointment has been confirmed, but not longer than 30 September 2023</p> <p>Other (presentation, documents, or similar) N/A</p> <p>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.</p>	<p>Due to withdrawal of successful applicant, GRMA Executive Officer requested a further extension to mid 2024 as required.</p> <p>13 February 2024 - review of confidentiality order a further 12 months was resolved to 27 June 2025</p>	27/04/2025	Yes
413	14/02/2023	Council	23/23	28/24	9.1 South Australian Tourism Commission re Santos Tour Down Under	90(3)(i)	14/02/2025	<p>retain the Items in confidence as detailed in the Duration of Confidentiality Table below:</p> <p>Item Duration of Confidentiality</p> <p>NB: Item to be reviewed every 12 months if not released</p> <p>Report Nil</p> <p>Related Attachments Nil</p> <p>Minutes Nil</p> <p>Other (presentation, documents, or similar) 12 months - 14 Feb 2024</p>	<p>Extend for a further 12 months due to SATC advice</p> <p>13 February 2024 - Reviewed confidentiality order and extended for further 12 months to 14 February 2025</p>	21/2/2024	Yes
410	20/12/2022	Council	18.3	Appointment of External Auditor	90(3)(d)	31/12/2024	<p>Report 31 December 2024</p> <p>Related Attachments 31 December 2024</p> <p>Minutes Until Council has appointed an External Auditor for the 30 June 2023 financial year.</p> <p>Other (presentation, documents, or similar) Nil</p>	2/09/2024	Yes		

							Report Until the land has been placed on the open market by the State Government or until the State Government authorises release of the information, whichever event occurs first. Related Attachments: Until the land has been placed on the open market by the State Government or until the State Government authorises release of the information, whichever event occurs first. Minutes: Until the land has been placed on the open market by the State Government or until the State Government authorises release of the information, whichever event occurs first. Other (presentation, documents, or similar) NIL		As at 30 November 2023 the land has not yet been placed on the market by State Government. Extend for a further 12 months and State Government will advise when this occurs - extended to 20 December 2024.			
408	20/12/2022	Council	18.1	30/3/22	18.1 Surplus Government Land Notification	90(3)(d)	20/12/2024			1/09/2024	Yes	
407	12/12/2022	Audit Committee	10.1	AC49/22	External Audit Tender	90(3)(d)	12/12/2024	Report 31 December 2024 Related Attachments 31 December 2024 Minutes: Until Council has appointed an External Auditor for the 30 June 2023 financial year. Other (presentation, documents, or similar) Nil		2/09/2024	Yes	
404	23/08/2022	Council	18.5	236/22 - 154/23	Ministerial Exemption	90(3)(i)	13/06/2025	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 23 August 2024 Related Attachments 23 August 2024 Minutes 23 August 2024 Other 23 August 2024	Pursuant to section 91(7) of the Local Government Act 1999 the Council orders that the following document(s) (or part) shall be kept confidential, being document(s) (or part) relating to a matter with by the Council on a confidential basis under Sections 90(2) and 90(3)(i) of Act: • The Report of 23 August 2022, Item No. 18.5, Ministerial Exemption - Ashton Landfill, 236/22 & 154/23 remain confidential and that this order be reviewed every twelve (12) months. On the grounds that the document(s) (or part of) would divulge 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 the disclosure of which could reasonably be expected to prejudice the legal position of the council in relation to legal proceedings. Pursuant to section 91(7)(c) of the Local Government Act 1999 the Council:		1/03/2025	Yes
403	23/08/2022	Council	18.4	234/22 - 156/23	Revised East Waste 2022-23 Annual Plan & Budget	90(3)(d)	23/06/2025	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 Nil Related Attachments Appendix 1 Appendix 2 23 August 2024 Nil Minutes Nil Other Nil	To note that in relation to resolution 234/22 and 156/23 Council resolved the following: Pursuant to section 90(2) of the Local Government Act 1999 the 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)(d) of the Act: The report, related attachments, minutes and other (presentation, documents or similar) of 23 August 2022, Item No. 18.4, Revised East Waste 2022-23 Annual Plan & Budget, 234/22, unless previously released, remain confidential until 23 August 2024 and that this order be reviewed every twelve (12) months. On the grounds that the document(s) (or part) is commercial information of a confidential nature (not being a trade secret) the disclosure of which could reasonably be expected to prejudice the commercial position of the person who supplied		23/02/2025	Yes
402	23/08/2022	Council	18.3	229/22 - 157/23	East Waste Recycling Contract	90(3)(d)	13/06/2025	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 23 August 2024 Related Attachments 23 August 2024 Minutes 23 August 2024 Other 23 August 2024	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)(d) of the Act: The report, related attachments, minutes and other (presentation, documents or similar) of 23 August 2022, Item No. 18.3, East Waste Recycling Contract, 229/22, unless previously released, remain confidential until 23 August 2024 and that this order be reviewed every twelve (12) months. On the grounds that the document(s) (or part) is commercial information of a confidential nature (not being a trade secret) the disclosure of which could reasonably be expected to prejudice the commercial position of the person who supplied		13/03/2025	Yes
395	28/06/2022	Council	18.3	171/22 - 155/23	Ashton Landfill	90(3)(i)	27/06/2025	Subject to the CEO, or his delegate, disclosing information or any document (in whole or in part) for the purpose of implementing Council's decision(s) in this matter in the performance of the duties and responsibilities of office, Council, having considered Agenda Item 18.3 in confidence under sections 90(2) and 90(3)(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 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 28 June 2024 Related Attachments 28 June 2024 Minutes 28 June 2024 Other Nil	Revised to 28 June 2025	25/03/2025	Yes	

Item No.	Date	Meeting	Agenda Item	Confidentiality	Resolution	Review Date	Notes	Confidentiality	Review Date	Notes	
393	28/06/2022	Council	18.1	165/22 - 153/23	Warren Road Birdwood Blackspot	90(3)(d)	28/06/2025	<p>Subject to the CEO, or his delegate, disclosing information or any document (in whole or in part) for the purpose of implementing Council's decision(s) in this matter in the performance of the duties and responsibilities of office, Council, having considered Agenda Item 18.1 in confidence under sections 90(2) and 90(3)(g) 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:</p> <p>Item Duration of Confidentiality NB: Item to be reviewed every 12 months if not released Report Until all resolutions are executed, but not longer than 28 June 2023 Related Attachments Until all resolutions are executed, but not longer than 28 June 2023 Minutes Until all resolutions are executed, but not longer than 28 June 2023</p>	<p>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)(d) of the Act:</p> <p>The report, related attachments, minutes and other (presentation, documents or similar) of 28 June 2022, Item No. 18.1, Warren Road Birdwood Blackspot, 165/22, unless previously released, remain confidential until this matter has concluded and that this order be reviewed every twelve (12) months.</p> <p>On the grounds that the document(s) (or part) is commercial information of a confidential nature (not being a trade secret) the disclosure of which could reasonably be expected to prejudice the commercial position of the person who supplied information in this matter.</p>	1/03/2025	Yes
387	26/04/2022	Council	11.1.2	87/22	Property Lobethal Road, Lenswood - Confidential	90(3)(a)	14/03/2025	<p>Report Two year term Related Attachments Two year term Minutes Nil Other (presentation, documents, or similar) Nil</p>	<p>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)(a), (h), and (i) of the Act:</p> <p>The Report of 26 April 2022, Item No. 11.1, Property Lobethal Road, Lenswood, 87/22 remain confidential until 14 March 2024 and that this order be reviewed every twelve (12) months.</p> <p>On the grounds that the document(s) (or part) relates to information to be received, discussed or considered in relation to this Agenda Item is information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of a person; and information to be received, discussed or considered in relation to this Agenda Item is information the disclosure of which would waive privilege to legal advice received by the Council; and information to be received, discussed or considered in relation to this</p>	1/01/2025	Yes
382	26/10/2021	Council	18.1	238/21 - 156/23	Electricity Procurement Legal Matter	90(3)(h)	13/06/2025	<p>that the report, related attachments and the minutes of Council and the discussion and considerations of the subject matter be retained in confidence until the matter is determined, but not longer than 26 October 2023.</p>	<p>Council further resolved on 14 May 2024 that:</p> <p>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)(h) of the Act:</p> <p>The report, related attachments, minutes and other (presentation, documents or similar) of 26 October 2021, Item No. 18.1, Electricity Procurement Legal Matter, 238/21, unless previously released, remain confidential until the matter is concluded and that this order be reviewed every twelve (12) months.</p> <p>On the grounds that the document(s) (or part) is commercial information of a confidential nature (not being a trade secret) the disclosure of which could reasonably be expected to prejudice the commercial position of the person who supplied information in this matter.</p> <p>Council further resolves on 14 May 2024 that:</p> <p>To note that in relation to resolution 236/21 Council resolved the following: 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)(i) of the Act:</p> <p>The report, related attachments, minutes and other (presentation, documents or similar) of 26 October 2021, Item No. 18.2, Ashton Landfill, 236/21, unless previously released, remain confidential until the matter is concluded and that this order be reviewed every twelve (12) months.</p>	1/03/2025	Yes
381	26/10/2021	Council	18.2	236/21	Ashton Landfill	90(3)(i)	13/06/2025	<p>that the report, related attachments and the minutes of Council and the discussion and considerations of the subject matter be retained in confidence until 26 October 2024.</p>	<p>The report, related attachments, minutes and other (presentation, documents or similar) of 26 October 2021, Item No. 18.2, Ashton Landfill, 236/21, unless previously released, remain confidential until the matter is concluded and that this order be reviewed every twelve (12) months.</p>	13/03/2025	Yes

377	25/05/2021 Ordinary Council	18.1.1 105/21	Multi-Year Road Rally Proposal	90(3)(d)	that the report and related attachments of Council and the discussion and considerations of the subject matter be retained in confidence until 31 December 2023.	<p>RESOLVED 14 MARCH 2023</p> <p>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)(d) of the Act:</p> <p>The Report of 25 May 2021, Item No. 18.1.1, Multi Year Road Rally Proposal, 105/21 remain confidential until 14 March 2024 and that this order be reviewed every twelve (12) months.</p> <p>On the grounds that the document(s) (or part) relates to commercial information of a confidential nature (not being a trade secret) the disclosure of which— (i) could reasonably be expected to prejudice the commercial position of the person who supplied the information, or to confer a commercial advantage on a third party; and (ii) would, on balance, be contrary to the public interest.</p> <p>Pursuant to section 91(9)(c) of the Local Government Act 1999, Council delegates the power to revoke the confidentiality order either</p> <p>Resolved - 14 March 2023 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)(d) of the Act:</p> <p>The Report of 22 April 2014, Item No. 18.2.1, AHRWMA, 85/14 remain confidential until the matter is determined and that this order be reviewed every twelve (12) months.</p> <p>On the grounds that the document(s) (or part) relates to 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.</p> <p>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.</p> <p>13 Feb 24. Revised confidentiality order and extended for further 12 months to 14 March 2025.</p> <p>14/03/2025 Yes</p>
240	22/04/2014 Council	18.2.1 85/14	AHRWMA	90(3)(b,d,i)	<p>That the Report of 22 April 2014, Item No. 18.2Adekalide Hills Regional Waste Management Authority on the grounds that the document(s) (or part):</p> <p>(i) could reasonably be expected to confer a commercial advantage on a person with whom the Council is conducting or proposing to conduct business, or to prejudice the commercial position of the Council; and</p> <p>(ii) would, on balance, be contrary to the public interest.</p> <p>Commercial information of a confidential nature (not being a trade secret) the disclosure of which:</p> <p>(i) could reasonably be expected to prejudice the commercial position of the person who supplied the information, or to confer a commercial advantage on a third party; and</p> <p>(ii) would, on balance, be contrary to the public interest.</p> <p>Specifically, the present matter relates to Council considering an offer from a competitor with regard to where to take its waste stream, and to consider the long term implications and options in relation to the Regional Waste Management Authority of which it is a member, and due to the fact that the competitor has initiated legal proceedings against the aforementioned Authority where Council disposes of its waste. This order shall operate until further order of the Council and will be reviewed at least annually in accordance with the Act.</p> <p>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.</p> <p>14/03/2025</p>	<p>Resolved - 14 March 2023 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)(d) of the Act:</p> <p>The Report of 22 April 2014, Item No. 18.2.1, AHRWMA, 85/14 remain confidential until the matter is determined and that this order be reviewed every twelve (12) months.</p> <p>On the grounds that the document(s) (or part) relates to 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.</p> <p>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.</p> <p>13 Feb 24. Revised confidentiality order and extended for further 12 months to 14 March 2025.</p> <p>1/01/2025 Yes</p>

Appendix 2

*Extract of Released Items Register
September 2024*

Meeting Date:	Agenda Item Number:	Agenda Subject:	Confidentiality Order:	Release Date:	Released Reason:	Released Items:
12th March 2024	20.2	Amy Gillett Bikeway - Stage 4 Letter of Variation	90(3)(j)	26th August	Duration of Confidentiality ceased	All
13th August 2024	19.1	Financial Management	90(3)(g) and (h)	30th August 2024	CEO revoked by delegation 91(9)(c)	Parts 1,2,4 and 6 of the resolution.
19th December 2023	19.4	Amy Gillett Bikeway Stage 4 Construction Option	90(3)(j)	26th August	Duration of Confidentiality ceased	All
26th April 2023	18.1	Amy Gillett Bikeway - Stage 4 Agreement	90(3)(j)	26th August	Duration of Confidentiality ceased	All
27th February 2024	19.2	Amy Gillett Bikeway Stage 4 - Prudential Review and Construction Funding	90(3)(j)	26th August	Duration of Confidentiality ceased	All
4th September 2023	6.1	Amy Gillett Stage 4 - Alternate Offer to State	90(3)(j)	26th August	Duration of Confidentiality ceased	All

**ADELAIDE HILLS COUNCIL
ORDINARY COUNCIL MEETING
Tuesday 24 September 2024
AGENDA BUSINESS ITEM**

Item: 12.8

Responsible Officer: Zoë Gill
Executive Governance Officer
Office of the CEO

Subject: CEO Performance Review Panel Recommendations to Council –
CEO KPI's

For: Decision

SUMMARY

This report provides recommendations to Council from the CEO Performance Review Panel in relation to the CEO's September Key Performance Indicators.

RECOMMENDATION

Council resolves:

- 1. That the report be received and noted.**
 - 2. That the CEO has substantially met the September 2024 Key Performance Indicators.**
-

1. BACKGROUND

2024-25 CEO Key Performance Indicators

The Employment Agreement (the "Agreement") between Council and the CEO was executed on 18 May 2023, with a commencement date of 17 July 2024. The Agreement provides for a performance review process. The Agreement requires the review of the CEO's performance against the position description and any performance indicator(s).

Council adopted a new suite of CEO Key Performance Indicators on 9 April 2024 covering the 2024-2025 financial year.

19.2.1 CEO Setting of KPIs – Confidential Item

Moved Cr Chris Grant
S/- Cr Kirsty Parkin

115/24

Council resolves:

1. That the report be received and noted.
2. To endorse and adopt the CEOs KPIs in appendix 1 of the report (Appendix 1).

Carried Unanimously

CEO Performance Review Panel

At the 18 September 2024 Special CEO PRP Review Panel meeting, the Chief Executive Officer, Greg Georgopoulos presented his progress against the KPI’s for September 2024.

The Panel resolved:

Moved Cr Kirsty Parkin
S/- Cr Lucy Huxter

PRP 39/24

The Committee resolves:

1. That the report be received and noted.
2. To advise Council that the CEO has substantially met the September 2024 Key Performance Indicators to the satisfaction of the Committee.

Carried Unanimously

In making this recommendation the Panel considered the CEO’s presentation and Agenda item 10.2 ‘Key Performance Indicators’ which can be referred to in **Appendix 1**.

2. ANALYSIS

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

Strategic Plan 2020-24 – A brighter future

Goal Organisation

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

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

The requirement for the Panel to undertake regular review of performance against the agreed CEO Key Performance Indicators enables accountability to be demonstrated and any decisions on changes to performance targets to be actively managed.

➤ **Legal Implications**

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

The Key Performance Indicators are part of the CEO Performance Review process. Amendments to the *Local Government Act 1999*, via the inclusion of s102A on 10 November 2021, have formalised the requirement for an annual review.

Panel Functions

The CEO Performance Review Panel (the **Panel**) has specific functions in relation to the CEO’s Performance Targets as set out in clauses 3.1.2 and 3.3.3, as follows:

3. SPECIFIC FUNCTIONS

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

➤ **Risk Management Implications**

The process of annually updating the CEO Performance Targets through Council decision and then reporting and monitoring them throughout the year via the Panel are some of the controls that will assist in mitigating the risk of:

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

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

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

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

➤ **Financial and Resource Implications**

There are no financial or resource implications in reporting on projects against the 2024-25 CEO Key Performance Indicators.

Any specific financial or resource implications have been addressed in the *2024-25 Annual Business Plan* or will be dealt with in budget reviews, as required.

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

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

There is a community expectation that the CEO is accountable for, and performs against, the agreed Performance Targets.

➤ **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. That Council receives and adopts the Panel’s recommendations. (Recommended)
- II. That Council does not receive and adopt the Panel’s recommendations. (Not Recommended)

4. APPENDICES

- (1) CEO Key Performance Indicators 2024-25 – September 2024 Update
- (2) CEO PRP Report Key Performance Indicators

Appendix 1

CEO Key Performance Indicators 2024-25

September 2024 Update

Pillar 1 - Organisational Health

KPI #1- Develop, Implement and Deliver against Council's 2024/2025 Operational Plans on time and within budget (+ or - 10%)

✓ A gap analysis is undertaken for Council's Asset Management Plans

○ Update on measurable deliverables via the Q2 Performance report

○ Report on actions delivered within Annual Business Plan; Long Term Financial Plan; Budget Review 3 and Asset Management Plans

Pillar 2 - Council Vision & Strategy

KPI #2 – Develop, implement and deliver against a new strategic plan for Adelaide Hills Council

✓ Update on consultation undertaken with key members of the workforce and Council regarding a new Strategic Plan for AHC

✓ Update on community engagement process

✓ A 4-year Strategic Plan for AHC is drafted incorporating: Urbanisation versus environment report; Decarbonisation strategy; and 'Green Communities' initiative

○ Update on community engagement process

○ Council endorses Strategic plan

○ Update on actions delivered within the Strategic plan

Pillar 3 - Strategic Projects

KPI #3 – Develop and implement a business case for space utilisation for Fabrik (Art Hub)

✓ Update on the consultation undertaken with key experts to understand options for space utilisation of Fabrik

✓ A revised business case with 5-year budget projections and long-term viability is developed and submitted to Council for a decision, including alternative options (Plan B etc)

○ Undertake an assessment of effectiveness of use of Fabrik once business case is implemented

○ Update on delivery of relevant actions included within the Fabrik business case

○ Update on delivery of relevant actions included within the Fabrik business case

KPI #4 – Complete the Essential Build of the CRM System Upgrade, ensuring there are effective processes for communicating updates and outcomes/resolutions to customers

✓ Update on the progress of the CRM system upgrade undertaken

✓ A process exists to ensure follow-up of all enquiries/complaints

○ Undertake customer surveys to seek feedback and measure the customer experience following implementation of the new system

○ Report on customer experience performance including Customer Satisfaction, Net Ease Score and First Contact Resolution metrics

✓ Update on the progress of training and development of AHC workforce to create a customer centric culture

○ Update on the progress of training and development of AHC workforce to create a customer centric culture

Pillar 4 - Organisational Culture

KPI#5 – Develop, implement and deliver upon an internal communications strategy

✓ Update on the consultation undertaken with key members of the workforce regarding the development of an internal communication strategy

○ Implement an internal adaptive communication strategy

○ Seek feedback from staff on impact of internal communication strategy

○ Report on delivery of actions included within the internal communication strategy

○ Report on staff feedback on the internal communication strategy and benefits realized to date

KPI# 6 - Develop and implement a revised set of organisational values

✓ Update on the Consultation undertaken with the workforce regarding the development of organisational values and supporting/ non-supporting behaviours

○ Update on organisational values implementation

○ Quarterly Update on staff surveys providing feedback on values and culture

○ Organisational values are embedded within Council operations

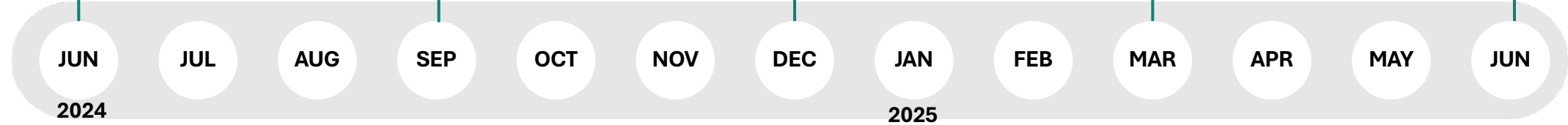
○ Staff survey undertaken to establish baseline for "Cultural Pulse". Establish ongoing survey schedule

✓ Quarterly Update on staff surveys providing feedback on values and culture

○ Report on staff feedback regarding values and culture and benefits realized to date

Legend

- ✓ = complete
- = in progress
- ✗ = attention needed



Key Performance Indicator	Milestone	Due Date	Status	Update
KPI #1– Develop, Implement and Deliver against Council’s 2024/2025 Operational Plans on time and within budget (+ or – 10%)	A gap analysis is undertaken for Council’s Asset Management Plans	Sept 2024	In progress	<p>Staff have completed an interim ‘maturity assessment’ of Council’s asset management approach using the Institute of Public Works Engineering Australasia’s asset management maturity assessment tool (sector standard).</p> <p>Previously identified priority gaps in asset management plans include those for buildings assets and stormwater assets.</p> <p>An external consultant has been engaged to review this work and undertake an external assessment.</p> <p>A report is intended to be produced on the outcomes of the maturity assessment and gap analysis for the second September Council Meeting.</p>
	Update on measurable deliverables via the Q2 Performance report	Mar 2025		
	Report on actions delivered within Annual Business Plan; Long Term Financial Plan; Budget Review 3 and Asset Management Plans	Jun 2025		
KPI #2 – Develop, implement and deliver against a new strategic plan for Adelaide Hills Council	Update on consultation undertaken with key members of the workforce and Council regarding a new Strategic Plan for AHC	Jun 2024	Complete	Senior staff were engaged in the further development of Strategic Plan goal areas immediately after the November 2023 Council Member visioning workshop. In the new year, managers and subject matter experts within the workforce were engaged in further developing content against objectives within each goal area. Broader staff engagement commenced in early August 2024. Council Members have been engaged in a series of workshops during the first half of 2024.
	Update on community engagement process	Jun 2024	Complete	The broader community was initially engaged through the community survey process in 2023 which was widely promoted. Targeted stakeholder engagement has occurred where applicable during the development of content. Consultation on the draft is underway over September 2024 including 3 community information events to seek feedback.
	A 4-year Strategic Plan for AHC is drafted incorporating: Urbanisation versus environment report; Decarbonisation strategy; and ‘Green Communities’ initiative	Sep 2024	Complete	A draft was presented to, and adopted by, Council for consideration at the 27 August 2024 Council Meeting. The draft includes priorities encompassing the initiatives listed in this milestone.
	Update on community engagement process	Dec 2024	In progress	Will be provided as part of adoption of the final plan in November 2024.
	Council endorses Strategic plan	Dec 2024	In progress	Intended for November 2024.
	Update on actions delivered within the Strategic plan	Jun 2025		

Key Performance Indicator	Milestone	Due Date	Status	Update
KPI #3 – Develop and implement a business case for space utilisation for Fabrik (Art Hub)	Update on the consultation undertaken with key experts to understand options for space utilisation of Fabrik	Jun 2024	Complete	Consultation included researching and benchmarking of artist studios to understand market rates and amenities within the arts industry. Additionally, we investigated venue hire costs and facilities in Adelaide and the Adelaide Hills to ensure Fabrik’s venue hire offerings are competitively priced and attractive to potential hirers.
	A revised business case with 5-year budget projections and long-term viability is developed and submitted to Council for a decision, including alternative options (Plan B etc)	Sep 2024	Complete	Council received the Fabrik Business and Implementation Plan at its meeting on 28 May 2024. The Plan includes 5-year budget projections as well as plans relating to governance, staffing, marketing and arts programming.
	Update on delivery of relevant actions included within the Fabrik business case	Dec 2024		The Fabrik Arts + Heritage Hub will open to the public on 20 September 2024.
	Undertake an assessment of effectiveness of use of Fabrik once business case is implemented	Mar 2025		
	Update on delivery of relevant actions included within the Fabrik business case			
KPI #4 – Complete the Essential Build of the CRM System Upgrade, ensuring there are effective processes for communicating updates and outcomes/resolutions to customers	Update on the progress of the CRM system upgrade undertaken	Jun 2024	Complete	New Salesforce CRM successfully deployed 29 th July 2024. Includes new system for staff and <i>My Adelaide Hills</i> online platform for customers to report issues or request services.
	A process exists to ensure follow-up of all enquiries/complaints	Sep 2024	Complete	The new system includes automated workflows that inform staff when a new case has been created and when a case needs further action.
	Update on the progress of training and development of AHC workforce to create a customer centric culture	Sep 2024	In progress	Training in the new system was delivered to over 150 staff prior to deployment in July. Further training is being provided to users and teams to leverage customer features in the system.
	Undertake customer surveys to seek feedback and measure the customer experience following implementation of the new system	Mar 2025		Investigations underway into further initiatives to create a customer centric culture. This work is related to the development of organisational values and service reviews.
	Update on the progress of training and development of AHC workforce to create a customer centric culture	Mar 2025		
	Report on customer experience performance including Customer Satisfaction, Net Ease Score and First Contact Resolution metrics	Jun 2025		

Key Performance Indicator	Milestone	Due Date	Status	Update
KPI#5 – Develop, implement and deliver upon an internal communications strategy	Update on the consultation undertaken with key members of the workforce regarding the development of an internal communication strategy	Jun 2024	Complete	Consultation undertaken by survey in early 2024 and a resulting strategy has been developed.
	Implement an internal adaptive communication strategy	Sept 2024	In progress	Activities implemented include a staff e-newsletter and a changed format for the All Staff Meetings based on consultation feedback. Further rollout of the plan to continue. Currently investigating technology solutions including utilization of grant funding for purchase of hardware, to improve communications with outdoor staff.
	Seek feedback from staff on impact of internal communication strategy	Dec 2024		
	Report on delivery of actions included within the internal communication strategy	Mar 2025		
	Report on staff feedback on the internal communication strategy and benefits realized to date	Mar 2025		
KPI# 6 - Develop and implement a revised set of organisational values	Update on the Consultation undertaken with the workforce regarding the development of organisational values and supporting/ non-supporting behaviours	Jun 2023	Complete	We have been working with Perks People Services in developing the values, and a staff survey on this was presented to staff at the 1 August all staff meeting. The initial survey has been completed, with results currently being analysed. The future survey schedule has yet to be finalised.
	Staff survey undertaken to establish baseline for “Cultural Pulse”. Establish ongoing survey schedule	Jun 2024	In Progress	As part of the process, we are forming a group of staff champions to represent their peers/areas and to assist in refining the information that comes out of the survey. Staff Champion Workshops are planned for September and October.
	Quarterly Update on staff surveys providing feedback on values and culture	Sep 2024	Complete	
		Dec 2024		
		Mar 2025		
	Update on organisational values implementation	Dec 2024		
	Organisational values are embedded within Council operations	Mar 2025		
Report on staff feedback regarding values and culture and benefits realized to date	Jun 2025			

Appendix 2

CEO PRP Report - Key Performance Indicators

**ADELAIDE HILLS COUNCIL
CEO PERFORMANCE REVIEW PANEL MEETING
Wednesday 18 September 2024
CONFIDENTIAL AGENDA BUSINESS ITEM**

Item: 10.1

Responsible Officer: Greg Georgopoulos
Chief Executive Officer

Subject: Key Performance Indicators Report

For: Decision

1. Key Performance Indicators Report – Exclusion of the Public

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

- Chief Executive Officer, Greg Georgopoulos
- Executive Governance officer, Zoë Gill
- Michael Kelledy, Kelledy Jones Lawyers, Qualified Independent Person

be excluded from attendance at the meeting for Agenda Item 10.2: Key Performance Indicators Report in confidence.

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

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

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

2. Key Performance Indicators Report – Confidential Item

SUMMARY

At its 9 April 2024 meeting, Council adopted the suite of CEO Key Performance Indicators for the 2024-25 financial year.

The role of the CEO Performance Review Panel (the Panel) includes reviewing the performance of the CEO against the agreed Performance Targets. This activity is defined in the Panel's Terms of Reference contained in the Specific Functions clauses and specifically Clause 3.1.2.

In assessing the performance against these targets, the Panel should also consider that the targets remain relevant, achievable and aligned to Council's strategic objectives across the year.

The purpose of this report is to provide a status update to the Panel on the work achieved and still intended against each of the CEO's Key Performance Indicators, provided in **Appendix 1**.

RECOMMENDATION

The CEO Performance Review Panel resolves:

1. That the report be received and noted.
2. To advise Council that the CEO has substantially met the September 2024 Key Performance Indicators.

1. BACKGROUND

Panel Functions

The Panel has specific functions in relation to the CEO's Performance Targets as set out in clauses 3.1.2 and 3.3.3, as follows:

3. SPECIFIC FUNCTIONS

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

2024-25 CEO Key Performance Indicators

The Employment Agreement (the “Agreement”) between Council and the CEO was executed on 18 May 2023. The Agreement provides for a performance review process. The Agreement requires the review of the CEO’s performance against the position description and any performance indicator(s).

Council adopted a new suite of CEO Key Performance Indicators on 9 April 2024 covering the 2024-2025 financial year.

19.2.1 CEO Setting of KPIs – Confidential Item

Moved Cr Chris Grant
S/- Cr Kirsty Parkin

115/24

Council resolves:

1. That the report be received and noted.
2. To endorse and adopt the CEOs KPIs in appendix 1 of the report (Appendix 1).

Carried Unanimously

2. ANALYSIS

➤ Strategic Management Plan/Functional Strategy/Council Policy Alignment

Strategic Plan 2020-24 – A brighter future

Goal Organisation

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

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

The requirement for the Panel to undertake regular review of performance against the agreed CEO Key Performance Indicators enables accountability to be demonstrated and any decisions on changes to performance targets to be actively managed.

➤ Legal Implications

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

The Key Performance Indicators are part of the CEO Performance Review process. Amendments to the *Local Government Act 1999*, via the inclusion of s102A on 10 November 2021, have formalised the requirement for an annual review.

➤ **Risk Management Implications**

The process of annually updating the CEO Performance Targets through Council decision and then reporting and monitoring them throughout the year via the Panel are some of the controls that will assist in mitigating the risk of:

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

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

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

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

➤ **Financial and Resource Implications**

There are no financial or resource implications in reporting on projects against the 2024-25 CEO Key Performance Indicators.

Any specific financial or resource implications have been addressed in the *2024-25 Annual Business Plan* or will be dealt with in budget reviews, as required.

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

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

There is a community expectation that the CEO is accountable for, and performs against, the agreed Performance Targets.

➤ **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

➤ **Discussion**

This item provides the opportunity for the CEO to update the Panel on the progress against the 2024-25 CEO Key Performance Indicators to date and identify any issues for consideration.

A summary of the targets and updates are provided in **Appendix 1**.

3. OPTIONS

The Panel has the following options:

- I. That the report be received and noted (*Recommended*).
- II. That the Panel makes alternative/additional recommendations to Council relating to the status of the 2024-25 CEO Key Performance Indicators. (*Not Recommended*)

4. APPENDICES

- (1) CEO Key Performance Indicators 2024-25 – September 2024 Update

3. Key Performance Indicators Report – 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 10.2 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	Until further Order
Related Attachments	Until further Order
Minutes	Until further Order
Other (presentation, documents, or similar)	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.

Correspondence for Noting

Hon Joe Szakacs MP

24MINLG-0457

Mayor Jan-Claire Wisdom
Adelaide Hills Council
PO Box 44
WOODSIDE SA 5244

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



**Government
of South Australia**

**Minister for Trade and
Investment**

**Minister for Local
Government**

**Minister for Veterans'
Affairs**

GPO Box 1533
ADELAIDE SA 5000

T: (08) 7133 2070

E: minister.szakacs@sa.gov.au

Dear Mayor Wisdom

I am pleased to advise that the recommendations of the South Australian Local Government Grants Commission (the Commission) for the 2024-2025 distribution of the Roads to Recovery component of the Special Local Roads Program to councils were approved by the Hon Kristy McBain MP, Federal Minister for Regional Development, Local Government and Territories, on 13 August 2024.

The recommendations were made to the Commission based on the advice of the Local Government Transport Advisory Panel and the endorsement of the Local Government Association Board.

Unlike the Financial Assistance Grants, these grants are tied; they are made available under the Roads to Recovery Program and the funding conditions applied under the *National Land Transport Act 2014* (the Act). The terms and conditions that apply to Roads to Recovery funding provided directly to you under the Act, also apply to these grants.

The allocation to your council for 2024-2025 is \$400,000 for work on the following project(s): Longwood Road, Heathfield.

The grants are tied for the specific project mentioned above. The Australian Government's intention is for the funding to be available as soon as required. Funding will be provided following successful completion of the works program in accordance with the Act. Moneys will be deposited into your account with the Local Government Finance Authority.

In order to comply with the Act, the grant is conditional on the council providing the Commission with quarterly reports and an annual report in a format that is consistent with those provided to the Australian Government for other moneys received directly by councils under the Roads to Recovery Program, and the provision of evidence of having met the signage requirements, as set out in the funding conditions.



OFFICIAL

The Commission, as the funding recipient under the Act, is responsible for submitting all reports on behalf of councils for these funds.

Quarterly and annual reports can be sent to grants.commission@sa.gov.au or by mail to Mr Peter Ilee, Executive Officer, Local Government Grants Commission, GPO Box 2329, Adelaide SA 5001.

It would be appreciated if you could forward a copy of this letter to the relevant council officers. Should you have any queries, please contact the Grants Commission by telephone on (08) 7133 1313 or via the above email address.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Joe Szakacs', with a long horizontal flourish extending to the right.

Hon Joe Szakacs MP
Minister for Trade and Investment
Minister for Local Government
Minister for Veterans' Affairs

13/9/2024

cc: ggeorgopoulos@ahc.sa.gov.au



SAM TELFER MP

MEMBER FOR FLINDERS



Mayor Jan-Claire Wisdom
Mr Greg Georgopoulos, CEO
Adelaide Hills Council
PO Box 44
WOODSIDE SA 5244

ADELAIDE HILLS COUNCIL
RECEIVED

12 SEP 2024

Jan-Claire + Greg

Dear ~~Mayor~~ Wisdom and Mr Georgopoulos

As you may be aware, with the recent Shadow Cabinet reshuffle I was privileged to be appointed the SA Shadow Treasurer. In doing so, I specifically requested I continue to hold the position of Shadow Minister for Local Government, because of what I see are clear opportunities which can be driven through having responsibility for both portfolio areas, with Treasury underpinning all facets of government.

In the lead up to the next State Election in March 2026 my party will be developing key policy areas, and Local Government will be at the forefront. The opportunities for significant Local Government reform which can be driven through having both portfolio areas are both exciting and challenging, and I am looking forward to collaborating with you to help develop strong and effective policy reforms which will both enable and challenge the Local Government sector.

Our party is also committed to policy development on the other important subjects of regional housing development, childcare, health and economic growth constraints. LG electoral reform is also a key concern of mine, and one I intend on addressing with policy proposals.

I will be working closely with the Shadow Minister for Regional South Australia, the Hon Nicola Centofanti MLC, Shadow Minister for Regional Roads, the Hon Ben Hood, Shadow Minister for Regional Health, Penny Pratt, and Shadow Minister for Planning and Housing, the Hon Michelle Lensink MLC, on areas which are important to local government, especially those in the regions.

I value the strong partnership I have as Shadow Minister with Councils across the State, and ask that you continue communicating with me to help advance effective advocacy in my parliamentary work. I trust you know that my door continues to be open always as we work together to serve our communities.

Yours sincerely,

Sam Telfer MP
MEMBER FOR FLINDERS
SHADOW TREASURER
SHADOW MINISTER FOR LOCAL GOVERNMENT

2 / 9 / 2024

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Hon Joe Szakacs MP

24MINLG-0464

Cr Melanie Selwood
Acting Mayor
Adelaide Hills Council
63 Mount Barker Road
STIRLING SA 5152

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



**Government
of South Australia**

**Minister for Trade and
Investment**

**Minister for Local
Government**

**Minister for Veterans'
Affairs**

GPO Box 1533
ADELAIDE SA 5000

T: (08) 7133 2070

E: minister.szakacs@sa.gov.au

Dear Cr Selwood

I refer to the statements released to the media on 2 September 2024 regarding Adelaide Hills Council's (the Council) preliminary operating result and subsequent clarification of some Council policies and practices.

I note that this statement reveals a preliminary operating deficit of \$4.863 million for 2023-24 compared with the third quarter budget review which shows a surplus of \$559,000.

I understand that this variance has been attributed to a number of factors, including the calculation of depreciation, inappropriately assigned project management costs, and inappropriate assignment of works-in-progress to the capital works budget line.

I am seeking an explanation and further information about these matters, including:

- that the Council's 2024-25 Annual Business Plan and Budget does not appear to highlight any concerns about existing asset lives and valuations;
- a comparison of the expected operating result with the original adopted budget for 2023-24; and
- whether the Council has considered reporting on its underlying operating results to avoid any confusion around the irregular timing of Commonwealth Financial Assistance Grants.

Finally, I note that the Council has provided advice to the Auditor-General regarding its operating result, and I also expect that the Council will be taking action to address these matters both with its Audit and Risk Committee and external auditor.

Yours sincerely


Hon Joe Szakacs MP
Minister for Trade and Investment
Minister for Local Government
Minister for Veterans' Affairs

10 / 9 / 2024





63 Mount Barker Road
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Phone: 08 8408 0400
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File Ref: 24MINLG-0464

17 September 2024

The Hon. Joe Szakacs MP
Minister for Local Government
GPO Box 1533
ADELAIDE SA 5000

By email: minister.szakacs@sa.gov.au

Dear Minister

Thank you for your letter of 10 September 2024 to Acting Mayor Melanie Selwood regarding the preliminary operating results for the 2023-24 year and the discrepancies noted between the preliminary deficit and the third quarter budget review showing an expected surplus.

We are currently conducting a thorough review and working closely with the Audit and Risk Committee and our External Auditors. We are committed to transparency and have sought advice from the Auditor-General regarding this matter.

With regards to expected operating budget, the comparison is prepared once the 2023-24 result is finalised and will be presented to Council in October. We can provide this to you at that time if you wish.

In relation to the Annual Business Plan and Budget, this was completed prior to the review of the indexation of valuations for the purposes of the calculation of depreciation.

With regards to the timing of the Commonwealth Financial Assistance Grants the model financial statements include an analysis of any impact caused by variations in timing in note 1. Our financial statements will include this analysis.

Should you wish to discuss these or any other matters further, I would be pleased to meet with you at your earliest convenience.

Yours sincerely

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

Greg Georgopoulos
Chief Executive Officer



Our ref: G24/008

Level 9
State Administration Centre
200 Victoria Square
Adelaide SA 5000
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ABN 53 327 061 410
enquiries@audit.sa.gov.au
www.audit.sa.gov.au

10 September 2024

Mr G Georgopoulos
Chief Executive Officer
Adelaide Hills Council
email: ggeorgopoulos@ahc.sa.gov.au

Dear Mr Georgopoulos

Proposed review of the accounts of Adelaide Hills Council

I refer to your letter dated 15 August 2024 about the potential issues the Adelaide Hills Council's (the Council) administration identified in reviewing its financial statement preparation practices. [REDACTED]

Thank you for meeting with my audit representatives Salv Bianco and Iolanda Telford on 9 September 2024 to discuss these potential issues and our response as provided in this letter.

1 The legislative framework

The *Local Government Act 1999* (LG Act) provides the legislative framework for a council to prepare reliable information on its financial position and performance. The framework provides for levels of review and certifications to ensure the financial statements present a true and fair view of the Council's financial performance, financial position, and the cashflows for the financial year and that there is an adequate system of internal controls. These include:

Audit and risk committee – a council's audit and risk committee provides an independent source of assurance and advice to a council on key financial and internal control matters. The LG Act requires that the membership of an audit and risk committee must be a majority of independent members. The Local Government Association of South Australia's guidance on

audit and risk committees encourages councils to appoint an independent member as chair consistent with good practice.¹ This supports the concepts of independent review and transparency and the functions of an audit and risk committee.

The audit and risk committee is required to review and provide advice to the council on whether the financial statements present fairly the council's state of affairs and monitor the integrity of the financial statements. This includes:

- reviewing and challenging significant financial reporting issues, accounting policies, accounting treatments and judgements which they contain
- reviewing the adequacy of the council's accounting, internal control, reporting and other financial management systems and practices
- relating with the council's external auditor, reviewing the external audit plan and audit findings, including the levels of errors identified during the audit.

Council's external auditor – the external auditor provides independent audit opinions on the financial statements and controls exercised by the Council over the receipt, expenditure and investment of money, the acquisition and disposal of property and the incurring of liabilities.

We note that the external auditor's 2023-24 annual audit plan identified significant risks and areas of focus including the revaluation of assets and the accounting treatment of capital work in progress.

Certification by the CEO and presiding member - the Council considers the audit and risk committee's advice and the external auditor's opinions in adopting the financial statements. Then authorises the CEO and the council's principal member to sign the financial statements certifying that:

- they comply with relevant legislation and Australian Accounting Standards
- they present a true and fair view of the financial position, results of the operations and cash flows of the Council for the financial year
- they accurately reflect the accounting and other records of the Council
- internal controls implemented by the Council provide a reasonable assurance that its financial records are complete, accurate and reliable and were effective throughout the financial year.

2 Our advice

The LG Act provides a sound framework for the financial governance of councils. As outlined above, this framework includes the important role of audit and risk committees and external auditors, who provide independent assurance and advice to the council. Consequently, it is important that these functions are involved in resolving the issues you have raised.

¹ Local Government Association of South Australia, Audit and risk committees – Financial Sustainability Information Paper No. 03, 2024

The issues raised should be considered as part of the process to prepare the annual financial statements. We suggest that the first action is for the Council to continue working with its external auditors to resolve the identified matters, including the appropriate accounting treatment, in finalising the 2023-24 financial statements.

Secondly, we suggest the Council seek advice from its audit and risk committee on the adequacy of the accounting policies and practices implemented to address the identified matters.

On this basis, I have determined that I will not initiate a review under section 32(1)(b) of the *Public Finance and Audit Act 1987* at this time. A review initiated under section 32 requires the Auditor-General to prepare and provide a report on the results of the review to Parliament.

I would appreciate written advice from the Council on the outcome of its internal process review and how these matters were addressed.

Yours sincerely



Andrew Blaskett
Auditor-General

17 September 2024

Ref: G24/008

Auditor-General
Mr Andrew Blaskett
Level 9
State Administration Centre
200 Victoria Square
ADELAIDE SA 5000

Dear Auditor-General

Thank you for your letter of 10 September 2024 regarding the proposed review of our accounts. We also thank you for the time your audit representatives Salv Bianco and Iolanda Telford spent with us to discuss this matter on 9 September 2024.

We appreciate the advice your staff gave in line with the legislative framework as set out in the *Local Government Act 1999* to support the resolution of these matters. We are working closely with both the Audit and Risk Committee and our external Auditors with regard to these matters. These matters will be addressed as we complete the financial statements. As with normal practice, the financial statements are adopted by Council in October. At that point in time, we will be in a position to give you an update on the outcomes of these processes and how the matters are being addressed.

The Council is committed to maintaining the highest standards of financial integrity and transparency. We will write to you again following the adoption of the financial statements in October.

Yours sincerely



Greg Georgopoulos
Chief Executive Officer

**Reports of Members/Officers
as Council/Committee
Representatives on
External Organisations**

Reports of Committees

**ADELAIDE HILLS COUNCIL
SPECIAL CEO PERFORMANCE REVIEW PANEL COMMITTEE
MINUTES OF MEETING
WEDNESDAY 18 SEPTEMBER 2024
45 ALBERT ST GUMERACHA**

In Attendance

Presiding Member: Cr Chris Grant

Members:

Cr Lucy Huxter	
Cr Melanie Selwood	
Cr Kirsty Parkin	Telephone

In Attendance:

Dr Zoe Gill	Executive Governance Officer
Greg Georgopoulos	Chief Executive Officer
Michael Kelledy	Kelledy Jones – Independent Qualified Person

1. COMMENCEMENT

The meeting commenced at 7.56pm.

1.1. 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.

2. APOLOGIES/LEAVE OF ABSENCE

2.1 Apology

Ms Vanessa Godden, Independent Member.

2.2 Leave of Absence

Nil

2.3 Absent

Nil

Presiding Member _____ 18 December 2024

**ADELAIDE HILLS COUNCIL
SPECIAL CEO PERFORMANCE REVIEW PANEL COMMITTEE
MINUTES OF MEETING
WEDNESDAY 18 SEPTEMBER 2024
45 ALBERT ST GUMERACHA**

3. MINUTES OF PREVIOUS MEETINGS

3.1 CEO Performance Review Panel Meeting – 12 August 2024

Moved Cr Melanie Selwood
S/- Cr Lucy Huxter

PRP 37/24

That the minutes of the CEO Performance Review Panel meeting held on 12 August 2024 as distributed, be confirmed as an accurate record of the proceedings of that meeting

Carried Unanimously

4. PRESIDING MEMBER'S OPENING COMMENTS

The Presiding Member welcomed Cr Huxter as a member of the committee and thanked her for nominating to be on the Committee.

5. DELEGATION OF AUTHORITY

The CEO Performance Review Panel operates in accordance with the relevant sections of the *Local Government Act 1999*, and its Terms of Reference.

6. DECLARATION OF CONFLICT OF INTEREST BY MEMBERS OF THE COMMITTEE

Nil

7. OFFICER REPORTS – DECISION ITEMS

Nil

8. MOTIONS WITHOUT NOTICE

Nil

9. QUESTIONS WITHOUT NOTICE

Nil

10. CONFIDENTIAL ITEMS

**ADELAIDE HILLS COUNCIL
SPECIAL CEO PERFORMANCE REVIEW PANEL COMMITTEE
MINUTES OF MEETING
WEDNESDAY 18 SEPTEMBER 2024
45 ALBERT ST GUMERACHA**

10.1 CEO Key Performance Indicators – Exclusion of the Public

Moved Cr Lucy Huxter
S/- Cr Melanie Selwood

PRP 38/24

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

- Chief Executive Officer, Greg Georgopoulos
- Executive Governance officer, Zoë Gill
- Michael Kelledy, Kelledy Jones Lawyers, Qualified Independent Person

be excluded from attendance at the meeting for Agenda Item 10.1: Key Performance Indicators Report in confidence.

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

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

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

Carried Unanimously

10.1.1 CEO Key Performance Indicators – Confidential Item

At 8.00pm the Presiding Member, with leave of at least two thirds of the members present, suspended the operations of the formal meeting procedures.

The CEO presented his progress against the KPIs for September 2024.

At 8.48pm the Presiding Member brought the period of suspension to an end.

**ADELAIDE HILLS COUNCIL
SPECIAL CEO PERFORMANCE REVIEW PANEL COMMITTEE
MINUTES OF MEETING
WEDNESDAY 18 SEPTEMBER 2024
45 ALBERT ST GUMERACHA**

Moved Cr Kirsty Parkin
S/- Cr Lucy Huxter

PRP 39/24

The Committee resolves:

1. That the report be received and noted.
2. To advise Council that the CEO has substantially met the September 2024 Key Performance Indicators to the satisfaction of the Committee.

Carried Unanimously

10.2 CEO Performance Review Process and Performance Criteria – Exclusion of the Public

Moved Cr Melanie Selwood
S/- Cr Lucy Huxter

PRP 40/24

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

- Chief Executive Officer, Greg Georgopoulos
- Executive Governance Officer, Zoë Gill
- Michael Kelledy, Kelledy Jones Lawyers, Qualified Independent Person

be excluded from attendance at the meeting for Agenda Item 10.2: (*CEO Review Process and Performance Criteria*) in confidence.

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

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

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

Carried Unanimously

**ADELAIDE HILLS COUNCIL
SPECIAL CEO PERFORMANCE REVIEW PANEL COMMITTEE
MINUTES OF MEETING
WEDNESDAY 18 SEPTEMBER 2024
45 ALBERT ST GUMERACHA**

10.2.1 CEO Performance Review Process and Performance Criteria – Confidential Item

**ADELAIDE HILLS COUNCIL
SPECIAL CEO PERFORMANCE REVIEW PANEL COMMITTEE
MINUTES OF MEETING
WEDNESDAY 18 SEPTEMBER 2024
45 ALBERT ST GUMERACHA**

10.2.2 CEO Performance Review Process and Performance Criteria – Duration of Confidentiality

Moved Cr Melanie Selwood
S/- Cr Lucy Parkin

PRP 42/24

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 10.2 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	Until further order
Related Attachments	Until further order
Minutes	Until further order
Other (presentation, documents, or similar)	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.

Carried Unanimously

11. NEXT MEETING

The next ordinary meeting of the CEO Performance Review Panel will be held on Wednesday 18 December 2024 from 6.30pm at 63 Mt Barker Road Stirling.

12. CLOSE MEETING

The meeting closed at 9.32pm

Confidential Items

**ADELAIDE HILLS COUNCIL
ORDINARY COUNCIL MEETING
Tuesday 24 September 2024
CONFIDENTIAL AGENDA BUSINESS ITEM**

Item: 19.1.

Responsible Officer: Zoë Gill
Executive Governance Officer
Office of the CEO

Subject: CEO Performance Review Panel Recommendations to Council –
CEO Review Process

For: Decision

**1. CEO Performance Review Panel Recommendations to Council – CEO Review Process –
Exclusion of the Public**

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

- Chief Executive Officer, Greg Georgopoulos
- Director Environment & Infrastructure, David Waters
- Director Corporate Services, Gary Lewis
- Acting Director Community & Development, Jess Charlton
- Executive Governance Officer, Zoë Gill
- Minute Secretary, Rebekah Lyons
- IT Support, Tom Portas

be excluded from attendance at the meeting for Agenda Item 19.1: (CEO Performance Review Panel Recommendations to Council – 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 information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead).

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

2. CEO Performance Review Panel Recommendations to Council – CEO Review Process – Confidential Item

3. CEO Performance Review Panel Recommendations to Council – CEO Review Process – 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)(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	Until Further Order
Related Attachments	Until Further Order
Minutes	Until Further Order
Other (presentation, documents, or similar)	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.

**ADELAIDE HILLS COUNCIL
ORDINARY COUNCIL MEETING
Tuesday 24 September 2024
CONFIDENTIAL AGENDA BUSINESS ITEM**

Item: 19.2

Responsible Officer: Zoë Gill
Executive Governance Officer
Office of the CEO

Subject: HR Consultant Update

For: Information

1. HR Consultant Update – 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:

- Director Corporate Services, Gary Lewis
- Governance and Risk Coordinator, Zoe Gill
- Minute Secretary, Rebekah Lyons

be excluded from attendance at the meeting for Agenda Item 19.2: (HR Consultant Update) 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 1999*, 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;

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. HR Consultant Update – Confidential Item

3. HR Consultant Update – 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 19.2 in confidence under sections 90(2) and 90(3)(a) and (h) of the *Local Government Act 1999*, resolves that an order be made under the provisions of sections 91(7) and (9) of the *Local Government Act 1999* to retain the Items in confidence as detailed in the Duration of Confidentiality Table below:

Item	Duration of Confidentiality NB: Item to be reviewed every 12 months if not released
Report	Until Further Order
Related Attachments	Until Further Order
Minutes	Until Further Order
Other (presentation, documents, or similar)	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.