



ORDINARY COUNCIL MEETING

NOTICE OF MEETING

To: Mayor Jan-Claire Wisdom

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

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

Tuesday 22 January 2019

6.30pm

63 Mt Barker Road Stirling

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

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

Andrew Aitken
Chief Executive Officer



ORDINARY COUNCIL MEETING

AGENDA FOR MEETING
Tuesday 22 January 2019
6.30pm
63 Mt Barker Road Stirling

ORDER OF BUSINESS

Council Vision

Nurturing our unique place and people

Council Mission

Delivering activities and services which build a resilient community, sustain our built and natural environment and promote a vibrant economy

1. COMMENCEMENT

2. OPENING STATEMENT

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

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

3. APOLOGIES/LEAVE OF ABSENCE

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

4. MINUTES OF PREVIOUS MEETINGS

Council Meeting – 18 December 2018

That the minutes of the ordinary meeting held on 18 December 2018 as supplied, be confirmed as an accurate record of the proceedings of that meeting.

5. DECLARATION OF CONFLICT OF INTEREST BY MEMBERS OF COUNCIL

6. PRESIDING MEMBER'S OPENING REMARKS

7. QUESTIONS ADJOURNED/LYING ON THE TABLE

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

8. PETITIONS / DEPUTATIONS / PUBLIC FORUM

- 8.1. Petitions
 - 8.1.1. Stonehenge Reserve, Stirling
- 8.2. Deputations
 - 8.2.1. Neil Sandercock, Stirling Tennis Club, re Stonehenge Reserve
- 8.3. Public Forum

9. PRESENTATIONS (by exception)

Nil

10. QUESTIONS ON NOTICE

Nil

11. MOTIONS ON NOTICE

Nil

12. OFFICER REPORTS – DECISION ITEMS

- 12.1. Revocation of Cat Management Policy
 - 1. *That the report be received and noted*
 - 2. *The 2 November 2004 Cat Management Policy be revoked.*
- 12.2. Udder Delights First Right of Refusal AHBTC
 - 1. *That the report be received and noted*
 - 2. *That a First Right of Refusal over the land shown in Appendix 3 be included in a new Lease to Udder Delights Australia Pty Ltd.*

12.3. Rescission of LMA Kareda Close Balhannah

- 1. The report be received and noted*
- 2. The Council agrees to rescind the registered LMA No. AG 108216630 from 3A Kareda Close (Lot:1 Sec: P4208 DP:76398 CT:6009/480) and*
- 3. The CEO be authorised to sign the Note of Rescission of Land Management Agreement AG 108216630.*

12.4. Annual Business Plan Development

- 1. That the report be received and noted*
- 2. That the 2019-20 Annual Business Plan & Budget indicative key activities and indicative timelines are contained in Appendix 1, be noted.*

12.5. Burials Outside Cemeteries Policy

- 1. That the report be received and noted*
- 2. That the Burials Outside Cemeteries Policy as provided as Appendix 1 be adopted effective from 1 February 2019.*

12.6. Fire & Emergency Services (Miscellaneous) Amendment Bill

- 1. That the report be received and noted.*
- 2. To approve the submission in Appendix 3 to the Parliamentary Select Committee as feedback in relation to the Fire and Emergency Services (Miscellaneous) Amendment Bill 2018.*
- 3. To delegate to the Chief Executive Officer to make any minor content change to reflect discussion on the item and formatting changes for the purpose of finalising the submission to the Parliamentary Select Committee.*

12.7. Jungfer Road Speed Limit

- 1. That the report be received and noted*
- 2. That Council undertake the installation of the extended 60km/h speed zone on Jungfer Road by 800m to immediately West of Juers Road, if approved by the Department for Planning, Transport and Infrastructure (DPTI).*

12.8. Appointment to GRFMA Audit Committee

- 1. That the report be received and noted*
- 2. To approve the appointment of Cr Malcolm Herrmann's to the Gawler River Floodplain Management Authority's Audit Committee as the Elected Member Representative.*
- 3. To provide a response to the Gawler River Floodplain Management Authority that Council supports the proposed inclusion in the Public Consultation Policy for constituent councils to, subject to the individual council's agreement, assist with the distribution of consultation-related information.*

- 12.9. Review of Confidential Items

Refer to Agenda Item

- 12.10. Election for GAROC 2018 – 2020

1. That the report be received and noted

2. To nominate _____ and _____ and to lodge the completed ballot paper in accordance with the process set out in Appendix 1.

- 12.11. Status Report – Council Resolutions Update

Refer to Agenda Item

13. OFFICER REPORTS – INFORMATION ITEMS

- 13.1. Fabrik Action Plan

That the report be received and noted.

14. MISCELLANEOUS ITEMS

Nil

15. QUESTIONS WITHOUT NOTICE

16. MOTIONS WITHOUT NOTICE

17. REPORTS

- 17.1. Council Member Reports

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

- 17.3. CEO Report

18. REPORTS OF COMMITTEES

- 18.1 Council Assessment Panel – 12 December 2018

That the minutes of the CAP meeting held on 12 December 2018 as supplied, be received and noted.

- 18.1.1. Council Assessment Panel – 9 January 2019

That the minutes of the CAP meeting held on 9 January 2019 as supplied, be received and noted.

- 18.2. Strategic Planning & Development Policy Committee

Nil

18.3. Audit Committee
Nil

18.4. CEO Performance Review Panel
Nil

19. CONFIDENTIAL ITEMS

19.1. Road Shoulder Renewal Contract

20. NEXT MEETING

Tuesday 26 February 2019, 6.30pm, 63 Mt Barker Road, Stirling

21. CLOSE MEETING

Council Meeting/Workshop Venues 2019

DATE	TYPE	LOCATION	MINUTE TAKER
JANUARY 2019			
Tues 29 January	Workshop	Stirling	N/A
FEBRUARY 2019			
To be advised	CEO PRP Committee	Stirling	TBA
Tues 5 February	Professional Development	Stirling	N/A
Mon 11 February	Audit Committee	Stirling	TBA
Tues 12 February	Workshop	Woodside	N/A
Wed 13 February	CAP	TBA	Karen Savage
Tues 19 February	Professional Development	Stirling	N/A
Tues 26 February	Council	Stirling	Pam Williams
MARCH 2019			
Tues 12 March	Workshop	Woodside	N/A
Wed 13 March	CAP	TBA	Karen Savage
Tues 19 March	Professional Development	Stirling	N/A
Tues 23 March	Council	Stirling	Pam Williams
APRIL 2019			
Tues 9 April	Workshop	Woodside	N/A
Wed 10 April	CAP	TBA	Karen Savage
Mon 15 April	Audit	Stirling	TBA
Tues 16 April	Professional Development	Stirling	N/A
Tues 23 April	Council	Stirling	Pam Williams

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

Community Forums 2019

6.00 for 6.30pm

(dates and venues to be confirmed)

DATE	LOCATION
To be set by Council at February 2019 meeting	

**ADELAIDE HILLS COUNCIL
ORDINARY COUNCIL MEETING
Tuesday 22 January 2019
AGENDA BUSINESS ITEM**

Item: 8.1.1

Originating Officer: Peter Bice, Director Infrastructure & Operations

Responsible Director: Peter Bice, Director Infrastructure & Operations

Subject: Stonehenge Reserve, Stirling

For: Decision

SUMMARY

A petition has been received with 330 signatories requesting that Council stop consideration of the expansion of the reserve at Stonehenge Avenue Stirling for more netball and tennis courts.

RECOMMENDATION

Council resolves that the petition signed by 330 signatories, re Stonehenge Reserve Stirling, be received and noted.

Council has received a petition organised by Jill Morrell and signed by 330 signatories.

Following Council's consideration, the head petitioner will be advised of Council's noting of the petition and of any other resolutions arising from the matter.

The petition states:

The Petition of the undersigned residents of South Australia requests that the Council desist consideration of expansion of the reserve at Stonehenge Avenue to accommodate additional space for a netball club, as well as the necessary infrastructure required for them and an extended tennis club.

The area is too small and irregularly-shaped to allow for such expansion. To give the required area will entail removing several trees and covering the creek, which is already much underground, under stress and subject to flooding. Access to the reserve is via a narrow street, which will inevitably attract a great deal of overflow parking, and should there be any sort of emergency, such as a fire, or need for SES or ambulance vehicles, the area is a total dead-end bottleneck. Also, the increased traffic will cause substantial problems at an already over-used intersection, at Milan Terrace/Druid Avenue/Stonehenge Avenue.

Your petitioners therefore request that all plans for additional use of the site be immediately stopped and Council consider better alternatives for the netball club's requirements.

Background / Context – Peter Bice, Director Infrastructure & Operations

The concerns have been noted and will be considered as part of any decision report on the matter. This petition will be included as a formal submission as part of the Community Consultation which is currently open, concluding on 22 February 2019.

**ADELAIDE HILLS COUNCIL
ORDINARY COUNCIL MEETING
Tuesday 22 January 2019
AGENDA BUSINESS ITEM**

Item: 12.1

Originating Officer: Dennis Rainsford, Team Leader Regulatory Services

Responsible Director: Marc Salver, Director Development & Regulatory Services

Subject: Revocation of the Cat Management Policy

For: Decision

SUMMARY

The purpose of this report is to revoke the existing *Cat Management Policy*. The *Cat Management Policy* was adopted 2 November 2004 and has served Council well in regards to cat management. Changes to the *Dog and Cat Management Act 1995* in conjunction with increased regulatory controls introduced during the recent By-Law review now surpass the Policy's perceived effectiveness and have in essence made it redundant. Administration is therefore recommending that the Policy be revoked.

RECOMMENDATION

Council resolves:

1. That the report be received and noted
 2. The 2 November 2004 *Cat Management Policy* be revoked.
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1. GOVERNANCE

➤ **Strategic Management Plan/Council Policy**

Goal 3	Place
Strategy 3.6	We will reduce the impact of cats on native flora and fauna.

Our plants and wildlife face a number of challenges including weed invasion, habitat fragmentation bushfires and climate change. Through responsible management and supporting community based activities, Council can work collaboratively with the community to improve biodiversity and enable ecosystems to thrive.

Community feedback received during the preparation of the *Dog and Cat Animal Management Plan 2018-2022* supported upgraded cat management controls. The overwhelming concern with respect to wandering cats was the potential impact of cats on native fauna and flora.

➤ **Legal Implications**

Should the *Cat Management Policy* not be revoked there may be community expectation that the Policy be enforced. As the Policy duplicates existing legislation and the new Cat By-law, the Policy cannot be implemented by Administration. The *Australian Constitution* includes a provision for Parliament to override state or territory law should duplicate laws exist which in turn would flow onto Local Government policy. This could result in community confusion in regards to cat management in the Council area.

➤ **Risk Management Implications**

The revocation of the *Cat Management Policy* will assist in mitigating the risk of:

Community confusion and misunderstanding leading to dissatisfaction with Council when dealing with cat management issues.

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

➤ **Financial and Resource Implications**

Not Applicable

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

There is no direct customer service, community or cultural implications to the revocation of this Policy.

➤ **Environmental Implications**

Not Applicable

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

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>Administration:</i>	Director Development & Regulatory Services
<i>Community:</i>	Not Applicable

2. **BACKGROUND**

The *Cat Management Policy* was adopted by Council on 2 November 2004. The intent of this Policy was to provide guidance to Council officers in regard to administering Council's By-Law No 6 Cats which was enacted on 13 January 2005.

Amendments by the State Government in 2016 to the *Dog and Cat Management Act 1995* included the following changes;

- Mandatory desexing of all dogs and cats born after 1 July 2018
- Mandatory micro chipping of all dogs and cats

These amendments, along with increased cat management controls introduced through the recently adopted Cat By-Law review process, have resulted in the *Cat Management Policy* being no longer relevant or required.

3. ANALYSIS

Since the implementation of the *Cat Management Policy* in 2004, the Council By-laws have been reviewed twice, once in 2011 and on the last occasion, in late 2018. The new suite of By-Laws commenced on 10 December 2018.

Community consultation on both the *Animal Management Plan 2018-22 (AMP)* and the 2018 Cat By-law review indicated the communities' desire for an increase in Council's regulatory powers in regards to cat management.

By-Law 6 Cats now includes the following:

- a limitation on the number of cats that can be kept on premises (with some exceptions) of two cats;
- a clause that defines an offence occurs where a cat causes a nuisance as defined in the By-law, including if it wanders onto land without the consent of the occupier of the land;
- a clause that enables the Council to establish a registration scheme for cats should it see fit to do so at a later date;
- a clause requiring cat owners as of 1 January 2022 to ensure that at all times, cats are confined to the premises on which they are kept unless they are under effective control by physical restraint (i.e. on a leash or being transported in a carry box or vehicle); and
- a clause allowing the Council to grant exemptions from a requirement of the By-law if this is considered appropriate on a case-by-case basis.

As Council has the responsibility to administer and enforce legislation, an *Enforcement Policy* was developed and introduced earlier in 2018. The *Enforcement Policy* was to assist staff in decision making and procedural fairness where non-compliance with legislation has been identified.

Due to the introduction of the *Enforcement Policy* along with the increased provisions found in By-Law 6, the *Cat Management Policy* adopted 2 November 2004 is no longer required or applicable.

4. OPTIONS

Council has the following options:

- I. To revoke the *Cat Management Policy* adopted on 2 November 2004 (Recommended)
- II. To not revoke the *Cat Management Policy* adopted on 2 November 2004 (Not Recommended)


5. APPENDIX

1. *Cat Management Policy* to be revoked

Appendix 1

Cat Management Policy to be revoked

COUNCIL POLICY

 ADELAIDE HILLS COUNCIL	CAT MANAGEMENT
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Policy Number:	SER-03
Responsible Department(s):	Services
Relevant Delegations:	None
Other Relevant Policies:	None
Relevant Procedure(s):	None
Relevant Legislation:	None
Policies and Procedures Superseded by this policy on its Adoption:	None
Adoption Authority:	Council
Date of Adoption:	2 November 2004
Minute Reference for Adoption:	Item 10.7, R262
Next Review:	As required
Date of Previous Review:	

POLICY ON CAT MANAGEMENT

This policy is to be read in conjunction with Council's By-Law No.6 Cats enacted on 16 January 2005.

Objective

The aim of By-Law No 6 Cats is to assist Council in cat management throughout the district resulting in a reduction of nuisance to residents and a decrease in destruction of native wildlife.

The By-Law provides for responsible management of cats by residents.

Clauses

- | | |
|-----------|--|
| Clause 1; | Defines certain terms for the purposes of the by-law, namely "boarding kennel", "cat", "keep" and "premises" |
| Clause 2: | Provides that no person shall keep a cat in the Council's area unless the cat is identified by a microchip. |
| Clause 3: | Places a limit on the number of cats kept in premises. |
| Clause 4: | Provides that the Council may serve notice on the occupier of premises or the owner of a cat, requiring action to be taken to ensure compliance with the by-law. |
| Clause 5: | Provides that the by-law is subject to any Act of Parliament and Regulations made thereunder. |

The by-law will be promoted by education, advertising and the issuing of warnings and as necessary, enforced, by inspection, expiations and by prosecution.

Identification

The Dog and Cat Management Regulations 1995 states that a cat will be taken to be identified if -

- (a) the cat has a collar around its neck and the collar or tag attached to the collar is marked with the current address or telephone number of the owner or other person entitled to the possession of the cat; or
- (b) a microchip implanted in its body containing information that may be used to obtain the current address or telephone number of the cat and has the letter M tattooed on the inside of either of its ears.

A cat is required to be tattooed under a general anaesthetic and the most appropriate time for this to occur is during the desexing process.

In view of the compulsory requirement for all cats to be microchipped and the process required, a cat owner is considered to meet the by-law if any cat born after October 1st 2004 is microchipped and any other cat is identified by means of a collar, as per the Dog and Cat Management Regulations.

It is recognised that microchipping without a tattoo, is still a form of identification, however it cannot be guaranteed that the microchip will be located, if a tattoo is not present.

Council's Cat Management Officers have the power to pick up or remove any unidentified cat. All cats will be scanned by council officers and the owner notified.

A cat is considered to be unidentified if the animal cannot be traced to an owner.

It is the duty of a cat owner to notify the microchip company of any change of address and to ensure that the correct information is attached to a collar or tag.

Limit on Cat Numbers

The number of cats kept on a property is generally limited to two.

Cat owners keeping more than 2 cats on a property, may apply in writing for an exemption from this clause.

Permission granted under this clause, may be removed, if the owners of the cats do not keep them in accordance with the by-law

Council will assess each case on its merits, but in keeping with the provisions of Clause 3.3.

This provision does not apply to Breeding Establishments or Boarding Kennels, where consent has been given under the Development Act.

Cat Management

Unidentified cats may be trapped and removed from a property at the request of the property owner

Legally, Council has no obligation to keep an unidentified cat for a set period of time.

A cat that has been removed will be assessed to determine whether it should be taken to a cattery.

The facility for holding cats may include, any local cattery with which Council may have an agreement, The Animal Welfare League or the RSPCA shelter at Lonsdale.

Each individual cat will be assessed in accordance with its history and/or it's general condition at the time of capture, to determine the further management of the cat.

It will be the desire of Council to return as many cats as possible to their owners.

**ADELAIDE HILLS COUNCIL
ORDINARY COUNCIL MEETING
Tuesday 22 January 2019
AGENDA BUSINESS ITEM**

Item: 12.2

Originating Officer: Richard Fox – Senior Property Projects Officer

Responsible Director: Terry Crackett – Director Corporate Services

Subject: Udder Delights First Right of Refusal at Adelaide Hills Business and Tourism Centre - Lobethal

For: Decision

SUMMARY

Udder Delights Australia Pty Ltd (Udder Delights) is a well known cheese making company based at the Adelaide Hills Business and Tourism Centre (AHBTC) at Lobethal. Council owns the land and buildings leased by Udder Delights. Council has an adopted divestment strategy for the site and a number of tenants have First Right of Refusal (FROR) clauses in their leases as a component of this strategy.

As a result of continuing business growth, Udder Delights has expanded its leased footprint at AHBTC. This needs to be recognised in an expanded FROR.

RECOMMENDATION

Council resolves:

1. That the report be received and noted
 2. That a First Right of Refusal over the land shown in Appendix 3 be included in a new Lease to Udder Delights Australia Pty Ltd.
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1. GOVERNANCE

➤ **Strategic Management Plan/Council Policy**

Goal 3	A Prosperous Economy
Strategy 3.4	We will implement the Adelaide Hills Business and Tourism Centre (Old Woollen Mill) Masterplan to stimulate local job creation, boost tourism and create a vibrant cultural hub.

The divestment strategy for AHBTC flows directly from the Masterplan for the site and is an essential component of facilitating the success of businesses and future economic health of Lobethal.

➤ **Legal Implications**

The FROR clause is an agreement between Council as the owner and Lessor of the land and the Lessee, in this case Udder Delights.

The FROR places a contractual obligation on the Council, if it determines it will sell the land, to first offer the land to the Lessee on its preferred terms and conditions (including purchase price).

If the Lessee declines the offer, the Council can then take the sale to the open market.

➤ **Risk Management Implications**

The expanded First Right of Refusal for Udder Delights Australia Pty Ltd will assist in mitigating the risk of:

If the First Right of Refusal area for Udder Delights is not expanded, the further business growth and investment of one of the major businesses at the Adelaide Hills Business and Tourism Centre will be restricted.

Inherent Risk	Residual Risk	Target Risk
High (3B)	Low (2D)	Low (2D)

Providing an expanded FROR for Udder Delights continues mitigation actions at the AHBTC in order to maximise economic benefit to Lobethal and surrounding areas.

➤ **Financial and Resource Implications**

There will be legal fees of around \$1,500, half of which is payable by Udder Delights. The Council's portion will be managed within existing budget allocations for AHBTC.

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

Not Applicable

➤ **Environmental Implications**

Not Applicable

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

There has been extensive consultation in relation to the AHBTC site, but none specifically in relation to this report.

Consultation on the development of this report was as follows:

Council Committees: Not Applicable

Council Workshops: Not Applicable

Advisory Groups: Not Applicable

Administration: Not Applicable

Community: Not Applicable

2. BACKGROUND

AHBTC is based on the former Onkaparinga Woollen Mill at Lobethal. Imagery of the site following the divestment of the southern part of the site is depicted in **Appendix 1**, with buildings numbered. The Onkaparinga Woollen Mill was the major employer at Lobethal but closed in 1993 after about 120 years of operation. At the time of closure the then owners, Jamison Equity Ltd, were unable to pay \$475,000 owed to the South Australian Government. Following a series of negotiations between the parties, the Government forgave the debt provided that Jamison Equity transferred the site to the then District Council of Onkaparinga for no monetary consideration. It should be noted that the transfer of the property to the Council contained a condition that *“The subject properties would be conveyed to the Council upon its undertaking to carry out the express wish of the Government to apply the property (and the proceeds from any partial realisation) solely for the economic development purposes of Lobethal and other adjacent areas within the District Council boundaries”*.

This agreement remains the basis on which strategic decisions about the AHBTC have been made.

Over the course of about 20 years, and following the amalgamation of councils, the site slowly evolved from being a business incubator site, hosting a range of small businesses that came and went, to a site on which a smaller number of long-term tenants have established successful enterprises. Several of the tenants wanted the certainty of ownership in order to make further significant capital investments at the site. A divestment strategy was adopted by Council to facilitate this process, with the Council meeting of 22 March 2016 resolving as follows:

19.1.1 Adelaide Hills Business & Tourism Centre (AHBTC) Divestment Strategy – Confidential Item

MINUTE PARTIALLY RELEASED 4 JULY 2016
FULLY RELEASED 4 AUGUST 2016

Moved Cr John Kemp S/- Cr Malcolm Herrmann	66
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Council resolves:

1. That the report be received and noted
2. To endorse the inclusion of funding into the Draft 2016/17 Annual Business Plan and Budget to enable the progression of the Divestment Strategy.
3. That a Development Application to obtain conditional approval for the community titling of proposed Lot 201 be submitted.
4. That in relation to current Lessees that:
 - a. RIPE be advised that Council will be allowing the Adelaide Hills Craft Brewery Pty Ltd an option to purchase Building 2 and that if purchased the Adelaide Hills Craft Brewery Pty Ltd will be RIPE's Lessor until the current Lease, including renewal, expires on 1/06/2018
 - b. Robert Johnson be advised that the Lease of Building 3C will not be renewed after 31 March 2017 and that the premises will be leased to the Adelaide Hills Craft Brewery Pty Ltd.
 - c. Adelaide Hills Craft Brewery Pty Ltd be advised that:
 - The Right of First Refusal Clause to purchase currently leased premises, as appears as Appendix 5, will be included into the Leases of Buildings 3A and 3B
 - Building 3C will be included into its leased area from 1 April 2017. The Right of First Refusal Clause will then also apply to Building 3C.
 - It is unlikely that the Council will accept an offer to only purchase Buildings 3A, 3B and 3C without also including Building 2.
 - d. Udder Delights Group Pty Ltd be advised that the Right of First Refusal Clause to purchase currently leased premises, as appears as Appendix 5, will be included into the Leases of Buildings 15, 16, 17, 18 and 19.

- e. **Monsteda Pty Ltd** be advised that the Right of First Refusal Clause to purchase currently leased premises, as appears as Appendix 5, will be included into the Leases of Buildings 4, 5C, 5D and 7.
 - f. The relocation of Simon Greenleaf's winery to, and lease of, the rear of Building 21 and portion of Building 22, be negotiated with Simon Greenleaf.
 - g. Subject to the above successful relocation of Simon Greenleaf winery from Building 5A, further discussions be held with **Jedmar Pty Ltd** regarding the leasing of both Buildings 5A and 5B
 - h. If the above negotiation with **Jedmar Pty Ltd** is successful then a Right of First Refusal Clause to purchase, as appears as Appendix 5, be included in the future Lease of Buildings 5A and 5B.
 - i. **Tillbrook Estate** be offered an incentive to vacate Building 17 by 14 June 2017.
 - j. **Henstock Pty Ltd** be advised that an option to purchase Lot B in Appendix 4 to this report will be negotiated if the Council desires to sell the premises. |
 - k. Action be initiated to sell Lots C, D and E on the Southern Site in Appendix 4 to **Blisstrade Pty Ltd** and / or adjoining landowners.
 - l. The Chief Executive Officer be delegated the authority to finalise the above matters.
5. The Mayor and Chief Executive Officer be authorised to finalise and sign all necessary documentation to finalise all transactions proposed in this set of recommendations.

In summary, the current position in relation to the 22 March 2016 resolution is as follows.

- Development approval for the primary and secondary divisions of the Northern Site was finalised in November 2018, completing resolution 3.
- A contract has been executed for the sale of Lot 301 at a price of \$860,000, with Ripe having vacated Building 2 in April 2018, Robert Johnson vacating Building 3c in March 2017 and Adelaide Hills Craft Brewing subsequently entering into a Lease over all of Lot 301, completing resolutions 4a to 4c.
- Resolution 4d is the subject of this report as the business growth of Udder Delights has led to an expansion of its footprint at AHBTC.
- Resolutions 4j and 4k relating to the Southern Site have been completed, with settlements having been achieved in August 2018.
- While the secondary division of the northern part of the Northern Site has received development approval, the secondary division of the remainder of the site has additional complexities in relation to fire walls and service separations that mean that the ability to sell those areas identified for divestment is not planned for this financial year.

This report deals specifically with resolution 4d from the Minutes, and a further report will be presented in the near future in relation to sales consequent to resolutions 4e and 4h from the Minutes.

Udder Delights is one of the major tenants at AHBTC and is a well known cheese making company. It is a successful company that has expanded its workforce and its area of occupation at AHBTC over several years. After originally leasing Buildings 15 and 16 at AHBTC, as space has become available it has expanded such that it now leases Buildings 15 to 19. These buildings are numbered in **Appendix 1**. Additional to its Lease, it also has a monthly licence over half of Building 12, which it uses for administration purposes, over Building 10 and over the majority of Building 22. It is aware that Building 12 is planned to be a part of the Arts and Cultural Hub and will not be available in the medium term and it is now planning on making part of Building 22 its administrative centre. A new Lease Plan has been generated to accommodate the expansion of the Udder Delights footprint at AHBTC and can be seen in **Appendix 2**.

3. ANALYSIS

Negotiations with Udder Delights indicate that an expanded FROR should be included in its Lease to encompass the area shown in **Appendix 3**. There are some differences between the Lease Plan and the FROR Plan.

All of Building 22 is included in the FROR area, but not within the Lease Plan to Udder Delights. The southern two portions of Building 22, that is 22a and 22b, are leased to Design Craft Pty Ltd which, with a right of renewal, has occupancy until 31 December 2025. Due to the internal structure of Building 22, it will not be possible to separate 22a and 22b from the rest of the building through a community titling process. Therefore, in the case of a sale to Udder Delights, it will become the Lessor to Design Craft.

Building 11 is excluded from the Lease Plan but included in the FROR area. Building 11 is in very poor condition with a large amount of asbestos present. Council has development approval for its demolition, which will occur in the near future. Udder Delights whilst not currently leasing and occupying this area, wishes to have an opportunity to redevelop on this site, encouraging further economic benefit out of AHBTC.

A portion of the concrete lined channel, being a section of the western branch of the Onkaparinga River, is included in the FROR but not the Lease Plan. Udder Delights wishes to have the right to construct across the channel for future expansion, which is legally possible subject to development approval, but should only be contemplated if Udder Delights gains ownership of the land. The underlying concrete culvert and management of the water course will remain a Council responsibility under an easement.

A surrender of the current Lease and execution of a new Lease will be required, both of which can be completed under delegation. However, a FROR may lead to a contract in the future, which Council would need to approve, and it should therefore also approve the FROR area.

4. OPTIONS

Council has the following options:

- I. Extend the First Right of Refusal option to Udder Delights Australia Pty Ltd to the area shown in **Appendix 3**, as this will encourage further investment and economic growth at the Adelaide Hills Business and Tourism Centre at Lobethal (Recommended)
- II. Not extend the First Right of Refusal option to Udder Delights Australia Pty Ltd, which will restrict its further investment and growth in Lobethal. (Not Recommended)

5. APPENDICES

- (1) Numbered Buildings at AHBTC
- (2) Lease Plan for Udder Delights Australia Pty Ltd
- (3) Proposed First Right of Refusal Plan for Udder Delights Australia Pty Ltd

Appendix 1

Numbered Buildings at AHBTC



Appendix 2

Lease Plan for Udder Delights Australia Pty Ltd



Appendix 3

*Proposed First Right of Refusal Plan for Udder Delights
Australia Pty Ltd*



**ADELAIDE HILLS COUNCIL
ORDINARY COUNCIL MEETING
Tuesday 22 January 2019
AGENDA BUSINESS ITEM**

Item:	12.3
Originating Officer:	Melanie Scott , Acting Team Leader Statutory Planning
Responsible Director:	Marc Salver Director Development and Regulatory Services
Subject:	Rescission of Land Management Agreement (LMA) 3A Kareda Close Balhannah
For:	Decision

SUMMARY

Council is the delegated authority for the rescission of a Land Management Agreement (LMA) where it has been signed under the seal of Council. The Landowners of 3A Kareda Close Balhannah, Mr Ronald Hanson and Mrs Dianne Hanson are seeking Council's Agreement to rescind the Land Management Agreement (LMA) dated 17 October 2007 applying to their property. The LMA was signed under the seal of Council as was the practice at that time and related to the protection of three trees.

The LMA was partially rescinded by Council in 2008 to remove the LMA from the parent title at 3 Kareda Close after the plan of division for the new allotment was approved and registered with the Land Titles Office. For land division development purposes the LMA had to be lodged over the entire land and once the proposed allotment was created the LMA could be rescinded from the unnecessary allotment. This is consistent with standard procedures.

Following changes to the regulated tree legislation in late 2011 which exempted certain species of trees from being considered regulated trees, the LMA was permitted to be varied by a resolution of Council on 22 May 2012 to allow the removal of one of the protected trees, a weeping willow and to allow the construction of a new dwelling partially outside of the building envelope. It was considered that the LMA was unfairly protecting an exempt tree species and restricting construction of a new dwelling. The new legislation also made the removal of regulated trees within 20 metres of a dwelling in a bushfire prone area exempt from needing development approval. It was not considered necessary to prepare a deed of variation at the time as there was, in legal terms, no work for the LMA to do.

The remaining non indigenous tree protected by the LMA died early in 2018 and was removed pursuant to Section 54A of the Development Act 1993 as emergency removal. Replacement planting was undertaken. The landowner has requested that the LMA is rescinded from their land as it serves no further purpose now.

RECOMMENDATION

Council resolves that:

1. The report be received and noted
 2. The Council agrees to rescind the registered LMA No. AG 108216630 from 3A Kareda Close (Lot:1 Sec: P4208 DP:76398 CT:6009/480) and
 3. The CEO be authorised to sign the Note of Rescission of Land Management Agreement AG 108216630.
-

1. GOVERNANCE

➤ Strategic Management Plan/Council Policy

Goal 3 Places for People and Nature
Key Issue 3.2 Sustainable Living

➤ Legal Implications

Section 57 (2) of the *Development Act, 1993*.

Legal advice was sought during the assessment of a development application to remove the final tree (regulated tree) protected by the LMA and Council's legal advisors agreed the LMA serves no further purpose and could be removed with Council's agreement. The landowner seeks agreement for this to occur.

➤ Risk Management Implications

The circumstances for protection of the trees no longer apply for this land and it is considered a low risk to rescind the LMA.

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

The Development Approval for the removal of the last tree provides a satisfactory control through a condition of approval requiring the replacement tree to be planted and replaced should the tree become diseased or die in future.

With the forthcoming transition from the *Development Act* to the *Planning, Development & Infrastructure Act 2016* existing LMAs will be automatically transitioned. Rescinding the LMA will assist with ensuring that only relevant LMAs are carried over as recommended by DPTI Planning staff.

➤ **Financial and Resource Implications**

The applicant has agreed to cover all the costs of rescission which are expected to be in the vicinity of \$500.

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

Council is required to maintain a Land Management Agreement Register which is available for public inspection. A member of the public can obtain a copy of an LMA from the Council for a fee. Should it be agreed that the LMA can be rescinded the LMA will be removed from the register.

➤ **Environmental Implications**

The trees were all non-indigenous and no longer exist. One replacement tree was planted on 5 July 2018 and this is protected by a condition of Development Approval 18/127/473 in which the consent for removal of the Peppermint Gum tree was granted. The LMA required a replacement tree to be planted but does not offer protection to the replacement tree. The condition on Development Approval 18/127/473 requires the replacement tree to be maintained in good health and condition and replaced in the next planting season should it die or become diseased.

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

Consultation was undertaken with both the Director Development & Regulatory Services and the Manager Development Services.

2. BACKGROUND

The Landowners of 3A Kareda Close Balhannah, Mr Ronald Hanson and Mrs Dianne Hanson are seeking Council's Agreement to rescind the Land Management Agreement (LMA) dated 17 October 2007 applying to their property. The LMA was signed under the seal of Council in 2007 as was the practice at that time.

The LMA was put in place to protect three (3) trees on the site as part of the assessment of a land division application (473/D48/06) to create one additional allotment at the site. The newly created allotment is known as 3A Kareda Close, Balhannah. In January 2008 Council rescinded the agreement from the parent parcel of land known as 3 Kareda Close Balhannah as is common practice, so the parent title is not encumbered. The LMA thereby protected Tree 1 (Peppermint Gum) and Tree 2 (Weeping Willow) on the newly created allotment at 3A Kareda Close.

Amended tree legislation was introduced in November 2011 which exempted the need for development approval for the removal of regulated trees within 20 metres of a dwelling in a bushfire prone area and for the removal of certain species of tree.

In 2012, a development application for a dwelling was lodged with Council and Mr & Mrs Hanson were advised that the Weeping Willow was one of the trees on the exempt species list in the amended tree legislation. As part of the assessment of the dwelling application a variation to the LMA was sought.

Council resolved on 22 May 2012:

10.5 Report Request for LMA Waiver – 3A Kareda Close, Balhannah
03.71.7 & 473/D48/07 Sam Clements

Moved Cr Jan Loveday
S/- Cr Simon Jones

Carried Unanimously
124

That Council, pursuant to clause 5.2 of Land Management Agreement 10826630 between Ronald Lynton Hanson and Dianne June Hanson and Adelaide Hills Council, agrees to the waiver of the owners' obligations in relation to clauses 2.1, 2.2 and 2.7 (a) including the building envelope depicted in Annexure A of the Land Management Agreement, in order to permit the removal of "Tree Two" (*Salix babylonica* (Weeping Willow)) and the construction of a detached dwelling outside of the stipulated building envelope in accordance with the request from Mr and Mrs Hanson dated 26 April 2012.

Following development approval, a dwelling was built on the new allotment at 3A Kareda Close. In 2018 the remaining protected tree, Tree 1 was found to be dead and needed to be removed under section 54A of the Development Act as an emergency removal. The removal of this tree involved a further development application (18/127/473) to Council and replacement tree planting was sought as a condition of development approval. The replacement tree planting was undertaken in July 2018. The replacement tree is protected by a condition in the Development Approval 18/127/473 which states:

A replacement tree "*Acer rubrum*" Fairview Flame (a mature specimen of 2 metres height at the time of planting) shall be planted in the location shown on the site plan by the next planting season after the removal of the *Eucalyptus Nicholii* subject of this application. The replacement tree shall be maintained in good health and condition at all times and be replaced in the next planting season if it becomes diseased or dies.

Council staff sought legal advice during the course of this application (18/127/473) and part of that advice was that the LMA had no further work to do and the LMA now serves no meaningful purpose.

At its meeting of 28 March 2017 in consideration of a separate request for variation to a LMA, Council resolved:

14.8. Delegation for Variations to Existing Land Management Agreement Agreements

**Moved Cr Jan Loveday
S/- Cr Linda Green**

67/17

Council resolves:

- 1. That the report be received and noted**
- 2. That in circumstances where a LMA waiver or variation request and/or partial rescission of a LMA is received by the staff as part of a development application and Council planning staff or the CDAP resolve to grant Development Plan Consen to the particular development, Council delegates to the CEO the power to:**
 - a. Determine the request for waiver or variation of the obligations under the LMA as it relates to the development under consideration**
 - b. To enter into a deed of variation where relevant, and**
 - c. To execute a partial rescission of an existing LMA where relevant.**

Carried Unanimously

A variation to, or a waiver of the obligations in a LMA, does not remove the registration of the LMA over the land. Full rescission, as sought in this case, is a rare circumstance and where agreed to does remove the LMA from the land title. Delegation to staff for LMA rescission was not a matter considered at the time of the last report to Council. Therefore any request for rescission of an LMA signed under the seal of Council must come back to Council.

3. ANALYSIS

The LMA registered over the land at 3A Kareda Close Balhannah has no meaningful purpose now the two (2) trees protected by the LMA have been removed. Legislation around the protection of trees in bushfire prone areas changed significantly in late 2011 and the remaining tree would not have enjoyed any protection without the LMA as it was located within 10 metres of the dwelling at 3A Kareda Close.

Further none of the trees protected by the LMA were indigenous to the area and were not prominent on either site in the 1980s historical aerial photography. Consequently it is staff's contention the trees were not notable visual elements in the locality and have no historical significance. The landowner at 3A Kareda Close is seeking permission to rescind the LMA as it has no further work to do. Notably the LMA was signed by one of the same persons seeking its rescission.

Staff are of the opinion that the overall purpose of the LMA will still be achieved by the conditions on Development Approval 18/127/473 with regards to maintenance of the replacement tree planting recently secured.

4. OPTIONS

Council has the following options:

- I. Agree to the rescission of the LMA (Recommended)
- II. Refuse to rescind the LMA which would retain a meaningless document on the title for the subject land (Not Recommended)

5. APPENDICES

- (1) Copy of LMA
- (2) Copy of approval 18/127/473
- (3) Request from owner to rescind LMA

Appendix 1

Copy of LMA

THIS DEED is made the

17th

day of

October

2007

BETWEEN: ADELAIDE HILLS COUNCIL of PO Box 44 Woodside SA 5244
(hereinafter with its successors and assigns called ("the Council") of the one part)

AND: RONALD LYNTON HANSON and DIANNE JUNE HANSON both of
3 Kareda Close Balhannah SA 5242 (hereinafter collectively together with their
executors administrators successors and assigns as the case may be called ("the
Owner") of the other part)

Revenue SA -- Stamp Duty
ABN 19 040 349 865

Doc Code EX
RevNetID 116519630
Consid/Val/Sec\$ 0.00
SA Proportion \$ 0.00
Stamp Duty \$ 0.00
1 TO Fee \$ 0.00
Interest \$ 0.00
Pen/Add Tax \$ 0.00
Date 31/10/2007
COPS 1 OF 2

RECITALS:

- A. The Owner is the proprietor of an estate in fee simple in the whole of the land comprised in Certificate of Title Register Book VOLUME 5192 FOLIO 386 and known as 3 Kareda Close, Balhannah (hereinafter called "the Land")
- B. By a Development Application from the Council numbered 473/D48/06 (hereinafter called "the Application") the Owner sought provisional development plan consent and land division consent pursuant to the provisions of the *Development Act 1993* (hereinafter called "the Act") to develop the Land by dividing the Land from one (1) existing allotment into two (2) allotments, as depicted on the plan of division marked "Supplement Plan" dated 7 March 2007, attached hereto and marked Annexure A;
- C. Situated on the Land are a number of trees which enhance the amenity of the Land ("the Trees");
- D. The Council and the Owner wish to protect, retain, preserve and conserve three of the Trees, being namely "Tree One" a Peppermint Gum; "Tree Two" a Weeping Willow; and "Tree Three" an Ash Tree (hereafter collectively called "The Protected Trees") shown in Annexure A; and wish to ensure that any works including the placing of fill on Proposed Allotment One does not adversely affect the Protected Trees;
- E. The Council and the Owner have agreed to restrict all works including the placement of fill on Proposed Allotment One that falls within any of the Critical Root Zones depicted in Annexure A;
- F. To further the goals set out in Recital D herein, the Council and the Owner have agreed to limit works including the placement of fill on Proposed Allotment One so that any proposed works on Proposed Allotment One are only undertaken in accordance with a building envelope specific to Proposed Allotment One;
- G. The Council and the Owner further agree that this Land Management Agreement is intended to be binding upon all occupiers and persons having enjoyment from time to time of Proposed Allotment One and that it shall be the Owner's responsibility to ensure all such persons comply with the terms of this Land Management Agreement; and

- H. Pursuant to the provisions of Section 57(2) of the Act the Owner has agreed with the Council to enter into this Deed relating to the development, management, preservation and conservation of the Land subject to the terms and conditions hereinafter mentioned.

NOW THIS DEED WITNESSES as follows:

1. INTERPRETATION

- 1.1 The parties acknowledge that the matters recited above are true and accurate and agree that they shall form part of the terms of this Deed.
- 1.2 In the interpretation of this Deed unless the context shall otherwise require or admit:
- 1.2.1 Words and phrases used in this Deed which are defined in the *Development Act 1993* or in the Regulations made under the Act shall have the meanings ascribed to them by the Act or the Regulations as the case may be;
- 1.2.2 References to any statute or subordinate legislation shall include all statutes and subordinate legislation amending consolidating or replacing the statute or subordinate legislation referred to;
- 1.2.3 The term "the Owner" where the Owner is a company includes its successors, assigns and transferees and where the Owner is a person, includes his heirs, executors, administrators and transferees and where the Owner consists of more than one person or company the term includes each and every one or more of such persons or companies jointly and each of them severally and their respective successors, assigns, heirs, executors, administrators and transferees of the companies or persons being registered or entitled to be registered as the proprietor of an estate in fee simple to the Land or to each and every one of all separate allotments into which the Land may be divided after the date of this Deed subject however to such encumbrances, liens and interests as are registered and notified by memoranda endorsed on the Certificate of Title thereof;
- 1.2.4 The term "person" shall include a corporate body;
- 1.2.5 The term "the Land" shall include any part or parts of the Land;
- 1.2.6 The term "the Building Envelope" means the resulting envelope on Proposed Allotment One after the exclusion of an eight (8) metre setback from the western boundary of Proposed Allotment One abutting Kareda Close; a one (1) metre setback from the southern boundary adjoining the land comprised in DP 15536, a one (1) metre setback from the proposed eastern common boundary between Proposed Allotment One and Proposed Allotment Two and a one (1) metre setback from the northern boundary of Proposed Allotment One, as depicted in Annexure A;

1.2.7 The term "Critical Root Zone" means the areas marked as critical root zones on Annexure A.

1.2.8 The phrase "to clear" shall mean:

- (a) the killing or destruction of a tree;
- (b) the removal of a tree;
- (c) the severing of branches, limbs, stems or trunk of a tree;
- (d) the ringbarking, topping or lopping of a tree;
- (e) the burning of any part of a tree in situ; or
- (f) any other substantial damage to a tree,

and includes any other act or activity that causes any of the foregoing to occur but does not include maintenance pruning that is not likely to affect adversely the general health and appearance of a tree,

and "clearance" shall have a corresponding meaning;

1.2.9 Any term which is defined in the statement of the names and descriptions of the parties or in the Recitals shall have the meaning there defined;

1.2.10 Words importing the singular number or plural number shall be deemed to include the plural number and the singular number respectively;

1.2.11 Words importing any gender shall include every gender;

1.2.12 Where two or more persons are bound hereunder to observe or perform any obligation or agreement whether express or implied then they shall be bound jointly and each of them severally.

1.3 Clause headings are provided for reference purposes only and shall not be resorted to in the interpretation of this Deed.

1.4 The requirements of this Deed are at all times to be construed as additional to the requirements of the Act and any other legislation affecting the Land.

2. OWNER'S OBLIGATIONS

The Owner hereby agrees that on Proposed Allotment One:

2.1 Subject to clauses 2.4 and 2.5 herein, the Owner shall not cause, suffer or permit clearance of any Protected Trees.

NOTE: The Council may, pursuant to clause 5.2, waive compliance with the above clause provided such waiver is communicated in written form. The Council may waive compliance on such terms and

conditions, and such waiver may be limited in its scope physically, geographically, personally, temporally or in any other way.

- 2.2 The Owner shall nurture and conserve the Protected Trees growing on Proposed Allotment One and shall ensure that the Protected Trees are maintained in a fit and healthy state, to the reasonable satisfaction of the Council. The Owner shall also ensure that any Protected Trees growing on Proposed Allotment One which die or sicken so that there is no reasonable prospect of recovery are replaced with healthy trees of identical species of a minimum height of 2.0m above finished ground level upon planting.
- 2.3 In the event the Owner contravenes clause 2.1 the Owner shall immediately notify the Council of the contravention and shall then take all steps as reasonably directed by the Council to rectify the contravention including, without limitation, replacing damaged Protected Trees with healthy trees of identical species and of a minimum height of 2.0m above finished ground level upon planting. Compliance with this clause shall not affect the Owner's liability for a breach of this Deed in any way.
- 2.4 If the clearance of any of the Protected Trees is necessary as a matter of urgency to protect any person or building, the Owner may notwithstanding clause 2.1 cause, suffer or permit the clearance of Protected Trees subject to clause 2.5.
- 2.5 If clearance of any Protected Trees is to be undertaken pursuant to clause 2.4 the Owner shall:
 - (a) make all reasonable endeavours to obtain prior written permission of the Council;
 - (b) ensure, so far as is reasonably practicable, the clearance is limited to that necessary to protect any person or building and is undertaken so as to cause the minimum amount of damage to the Protected Trees; and
 - (c) notify the Council as soon as is reasonable practicable after undertaking the clearance, and such notice shall specify in writing (and with photographs or drawings if appropriate) the action that was taken.
- 2.6 Any action taken under this clauses 2.4 or 2.5 does not in any way reduce any liability, or alter any obligations, of the Owner under any other law including, without limitation, damage to significant trees under the *Development Act 1993* and clearance of native vegetation precluded from clearance under the *Native Vegetation Act 1991*.
- 2.7 The Owner shall not cause, suffer or permit any excavation or filling of the Land, whether development or not:
 - (a) Outside of the Building Envelope except for;
 - i. the areas marked as "DRIVEWAY", as shown on Annexure A;
 - ii. in respect of stormwater or rainwater management, catchment, drainage, sewerage, mains water or other plumbing works for

which development approval has been obtained (or is not required) and which does not otherwise contravene this Deed; and

(b) Within the Critical Root Zones;

unless otherwise approved in writing by the Council under this clause.

2.8 The Owner shall not cause suffer or permit any building work on the Land nor the construction on the Land of any building (including without limitation any dwelling, outbuilding or other structure but excluding water tanks and boundary fences which do not otherwise contravene this Deed) whether development or not:

(a) Outside of the Building Envelope, except for, in the case of a driveway, within an area labelled "DRIVEWAY" as shown on Annexure A, unless otherwise approved in writing by the Council under this clause; and

(b) Within the Critical Root Zones.

3. **RESTRICTION ON LEASING AND OTHER DEALINGS**

The Owner shall not grant any lease licence easement or other right of any nature whatsoever which may give any person the right to possession or control of or entry on to the Land which right would enable such person to breach any of the obligations imposed on the Owner by this Deed unless such grant:

3.1 is expressed in writing;

3.2 is made with the prior written consent of the Council; and

3.3 contains as an essential term a covenant by the grantee not to do or omit to do (or suffer or permit any other person to do or omit to do) any act matter or thing which would constitute a breach by the Owner of the Owner's obligations under this Deed.

4. **COUNCIL'S POWERS OF ENTRY, ETC**

4.1 The Council and any employee or agent of the Council authorised by the Council may at any reasonable time enter the Land for the purpose of:

4.1.1 inspecting the Land and any building or structure thereupon;

4.1.2 exercising any other powers of the Council under this Deed or pursuant to law.

4.2 If the Owner is in breach of any provision of this Deed, the Council may, by notice in writing served on the Owner, specify the nature of the breach and require the Owner to remedy the breach within such time as may be nominated by the Council in the notice (being not less than twenty eight (28) days from the date of service of the notice) and if the Owner fails so to remedy the breach, the Council or its servants or agents may carry out the requirements of the notice

and in doing so may enter and perform any necessary works upon the Land and recover any costs thereby incurred from the Owner.

4.3 If in a notice referred to in Clause 4.2 the Council requires the removal of the building or structure from the Land the Council and its servants or agents are hereby authorised and empowered by the Owner to enter and remove the building or structure from the Land and to dispose of it in any manner determined by the Council provided that if the building or structure shall have any monetary value then the Council shall use its best endeavours to realise that monetary value and shall after the disposal account to the Owner and pay to him the realised value less all expenses incurred.

4.4 The Council may delegate any of its powers under this Deed to any person.

5. VARIATION AND WAIVER

5.1 This Deed may not be varied except by a Supplementary Deed signed by the Council and the Owner.

5.2 The Council may waive compliance by the Owner with the whole or any part of the obligations on the Owner's part herein contained provided that no such waiver shall be effective unless expressed in writing and signed by the Council.

5.3 Any delay in enforcing any obligation under this Deed shall not be taken to amount to a waiver of any breach of that obligation.

6. NOTICES

Notice shall for the purposes of this Deed be properly served on the Owner if it is:

6.1 posted to the Owner's last address known to the Council; or

6.2 affixed in a prominent position on the Land.

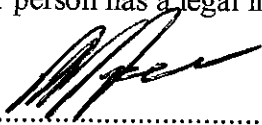

7. COSTS

The Owner hereby indemnifies the Council and agrees to keep it forever indemnified in respect of the whole of its costs and expenses (including without limitation legal costs and expenses) of and incidental to the negotiation preparation stamping and registration of this Deed.

8. NOTATION OF THIS DEED

Each party shall do and execute all such acts documents and things as shall be necessary to ensure that as soon as is possible after the execution of this Deed by all necessary parties a memorial of this Deed is entered on the Certificate of Title for the Land pursuant to the provisions of Section 57(5) of the Act in priority to any other registrable interest in the Land save and except for the estate and interest of the Owner therein.

The Owners **HEREBY CERTIFY** pursuant to Section 57(4) of the Development Act 1993 that no other person has a legal interest in the Land.


.....
RONALD LYNTON HANSON 


.....
DIANNE JUNE HANSON 

SUPPLEMENT PLAN
07/03/07

DP 17645

DP 15535

DP 156895

DP 14851

DP 17397

DP 15536

THIS PLAN HAS BEEN PREPARED FOR A PLANNING APPLICATION AND SHOULD NOT BE USED FOR ANY OTHER PURPOSE ESPECIALLY CONTRACTS.

DEPOSITED	/	20	PRO REGISTRAR GENERAL
ACCEPTED FOR FILING			
MAP REF	6628-47	DEV No	473/D048/06
TITLE SYSTEM		REAL PROPERTY ACT	
TITLE REFERENCE			

C.T. Vol. 5192 Fol. 386

DB / LAST PLAN REF	TOTAL AREA 3290m ²
DOCKET No	

FIELD BOOK No.

CLOSURE CHECKED	PLAN EXAMINED	PLAN APPROVED	P M S APPROVED
--------------------	------------------	---------------	----------------

IRRIGATION AREA _____ DIVISION _____
HUNDRED ONKAPARINGA
BALHANNAH
AREA _____
ADELAIDE HILLS COUNCIL

PLAN OF DIVISION
ALLOTMENT 500 IN DP 17645.

A vertical scale bar is shown on the right side of the page. It is labeled 'SCALE' at the top and 'METRES' at the bottom. The scale has markings at 0, 10, 20, 30, and 40.

STATEMENTS CONCERNING EASEMENTS ANNOTATIONS AND AMENDMENTS

ALL DATA IS APPROX. ONLY
SUBJECT TO SURVEY

ALL DISTANCES ARE GROUND DISTANCES

COMBINED SCALE FACTOR
BEARING DATUM

DERIVED FROM
RECON FILE 5091

VESKA & LOHMEYER PTY. LTD.
SURVEYING CONSULTANTS

44 HUTCHINSON STREET ~ MOUNT BARKER 5251
Phone 8398 3050 Facsimile 8398 3850

DATE 03/11/05	FIELD SF	DRAWN LD/SF
REF No 5135	CHK SF/LD	REV 04

5135AP PDPC R04

DATED

2007

BETWEEN:

ADELAIDE HILLS COUNCIL

of the one part

AND

RONALD LYNTON HANSON

and

DIANNE JUNE HANSON

of the other part

LAND MANAGEMENT AGREEMENT

BY DEED

NORMAN WATERHOUSE

Lawyers

Level 15

45 Pirie Street

ADELAIDE SA 5000

Telephone: 8210 1200

Appendix 2

Copy of Development Approval

South Australia - Regulation 42 under the Development Act, 1993
Schedule 11

DECISION NOTIFICATION FORM

Development Number

FOR DEVELOPMENT APPLICATION

LODGED 19 February 2018

18/127/473

To:- Ronald Lynton & Dianne June Hanson PO BOX 287 BALHANNAH SA 5242	ASSESSMENT NO 20363 VALUER GENERAL NUMBER 5672054207
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LOCATION OF PROPOSED DEVELOPMENT

Address: 3A Kareda Close, Balhannah SA 5242
Lot:1 Sec: P4208 DP:76398 CT:6009/480

Nature of
Proposed
Development **Removal of significant tree - Eucalyptus Nicholii**

From **ADELAIDE HILLS COUNCIL**

In respect of this proposed development you are informed that:-

Nature of Decision	Consent Granted	No of Conditions	Not Applicable
Development Plan Consent	02 July 2018	2	
DEVELOPMENT APPROVAL	02 July 2018	2	

Reasons for this decision, any conditions imposed, and the reasons for imposing those conditions are set out on the following pages.

Date of Decision:- 02 July 2018



Melanie Scott
Senior Statutory Planner

Date:- 02 July 2018

Expiry date:- **02 July 2019**

Sheets Attached.

NOTES FOR APPLICANT

1. You as an Applicant may have a right of appeal if this notification is:
 - a refusal (appeal rights do not apply to applicants for non-complying forms of development)
 - a consent, conditions of consent

Such an appeal must be lodged within two months of the date of this decision or such longer time as the Environment, Resources and Development Court allows.

For assistance in the cost and lodgement of an appeal it is suggested you contact the Court which is located in the Sir Samuel Way Building, Victoria Square, Adelaide, or phone the Court on (08) 8204 0300.

2. Development Approval

This development approval is valid for a period of twelve months commencing from the date of the decision notification. However if the development hereby approved is substantially commenced within the twelve (12) month period then it shall be completed within three (3) years of the date of such notification. This time period may be further extended beyond the 3 year period by written request to and approval, by Council prior to the approval lapsing. Please note that in all circumstances a fresh development application will be required if the above conditions cannot be met within the respective time frames.

You may be required to lodge a new development application before commencing or continuing the development if you are unable to satisfy these requirements.

ALLOTMENT BOUNDARIES:

If the development herein approved involves work on the boundary the onus of ensuring development is in the approved position on the correct allotment is the responsibility of the land owner/applicant. This may necessitate a survey being carried out by a licensed land surveyor prior to the work commencing.

PROTECTION OF COUNCIL INFRASTRUCTURE:

Your co-operation is sought in ensuring that the street, road, kerb, gutter, street trees and footway are protected from damage during delivery of any building materials to the site. Re-instatement costs can be recovered by the Council from the owner in addition to a penalty imposed by a court, if damage is caused. Any changes to existing entrance-ways must be approved by Council prior to any work being done.

SA WATER and SA POWER NETWORKS:

SA Water and SA Power Networks should be notified of all proposed additions and alterations to existing buildings in sewered and power provided areas. Building work near overhead electricity conductors sometimes creates dangerous situations while underground cables are often covered in such a way that maintenance becomes impossible. Failure to observe safe clearances to existing services in building operations may make you liable to pay damages SA Power Networks. SA Power Networks should also be advised of any proposals to erect signs awnings, temporary scaffolding or other structures near overheard electricity services and street mains. Phone SA Power Networks on 131261 or view their website: www.sapowernetworks.com.au or Phone SA Water on 1300 650 950 or view their website: www.sawater.com.au

WARNINGS:

- a) This consent does not imply compliance with any other legislation. It is the responsibility of the applicant and the person undertaking building work to ensure any other required approval or authorisation is obtained before commencing the development and to ensure compliance with that approval or authorisation.
- b) Before excavation work commences contact Dial Before you Dig (Dial 1100) for information on underground services.

Adelaide Hills Council

1. DEVELOPMENT PLAN CONDITIONS RELATING TO DEVELOPMENT APPLICATION No. 18/127/473

1. Development In Accordance With The Plans

The development herein approved shall be undertaken in accordance with the following plans, details and written submissions accompanying the application, unless varied by a separate condition:

- report from Embark Arboriculture Services dated 18 February 2018
- site plan by owner date stamped by Council 29 June 2018

REASON: To ensure the proposed development is undertaken in accordance with the approved plans.

2. Replacement Planting - Significant Trees

A replacement tree "Acer rubrum" Fairview Flame (a mature specimen of 2 metres height at the time of planting) shall be planted in the location shown on the site plan by the next planting season after the removal of the Eucalyptus Nicholii subject of this application. The replacement tree shall be maintained in good health and condition at all times and be replaced in the next planting season if it becomes diseased or dies.

REASON: Vegetation should be preserved and replanting shall take place.

2. DEVELOPMENT PLAN NOTES RELATING TO DEVELOPMENT APPLICATION No. 18/127/473

1. Land Subject To Land Management Agreement

The development herein approved involves work on land subject to a Land Management Agreement with the Council. The onus of ensuring development complies with the terms of the Land Management Agreement is the responsibility of the land owner/applicant.

2. Development Approval Expiry

This development approval is valid for a period of twelve months commencing from the date of the decision notification. However if the development hereby approved is substantially commenced within the twelve (12) month period then it shall be completed within three (3) years of the date of such notification. This time period may be further extended beyond the 3 year period by written request to, and approval by, Council prior to the approval lapsing. Application for an extension is subject to payment of the relevant fee. Please note that in all circumstances a fresh development application will be required if the above conditions cannot be met within the respective time frames.

Appendix 3

Request from Owner to Rescind LMA

Adelaide Hills Council

P.O. Box 44

Woodside S.A 5244

Att: Melanie Scott

Senior Statutory Planner

15th August, 2018

Hello Melanie,

Further to the Development Approval to 473/127/18 to remove Peppermint Gum Dated 2nd July, 2018 and replaced with "Acer rubrum", which was completed 5th July 2018.

There are now no significant trees on our house block at 3A Kareda Close Balhannah SA 5242. Lot: 1
ALP: PL:SEC: P4208DP: 76398CT: 6009/480.

Referencing LMA 473/D48/06 Dated 17th October 2007.

5. Variation and Waiver.

5.2 The Council may waive compliance by the Owner with the whole or any part of the obligations on the Owner's part herein contained, provided that no such waiver shall be effective, unless expressed in writing and signed by the Council.

We ask that this section be considered/activated by council to waive LMA from our house block.

We will take all reasonable care to maintain the Acer rubrum and support its healthy growth.

If approval is granted, we understand that there maybe a cost involved.

As we are pensioners, we ask that this fact is a consideration in determining the course of action and any cost.

We thank council for assistance to date.

We look forward to a favourable response.

Kind Regards,



Ronald Lynton & Dianne June Hanson

P.O Box 287

Balhannah S.A 5242

From: Ron Hanson
Sent: Wednesday, 12 December 2018 6:04 PM
To: Melanie Scott
Subject: Re: Request advice re LMA removal next steps

Hi Melanie,
Great news that the process is starting, thank you, and yes we will cover the \$500 costs.
If we don't speak before Christmas may Di & I wish you and your family a very merry Christmas and a safe new year.
Cheers,
Ron & Di Hanson
Balhannah
M: [REDACTED]

On 12 Dec 2018, at 16:45, Melanie Scott <mscott@ahc.sa.gov.au> wrote:

Hi Ron,

Just starting work on your LMA rescission now. It will involve a report to the CEO. It will also involve some legal papers which will cost about \$500. Are you prepared to cover this cost please.

Melanie Scott
Senior Statutory Planner

p 08 8408 0560

e mscott@ahc.sa.gov.au

Visit me by appointment at: 24 Onkaparinga Valley Road, Woodside SA 5244
PO Box 44 Woodside SA 5244

**ADELAIDE HILLS COUNCIL
ORDINARY COUNCIL MEETING
Tuesday 22 January 2019
AGENDA BUSINESS ITEM**

Item: 12.4

Originating Officer: Bernadette Walsh, Corporate Planning & Performance Coordinator

Responsible Director: Terry Crackett, Director Corporate Services

Subject: 2019-20 Annual Business Plan & Budget Development

For: Decision

SUMMARY

The purpose of this report is to provide an overview of the process for the development and adoption of the 2019-20 Annual Business Plan & Budget (ABP).

The preparation and adoption of an ABP is a legislative requirement under s123 of the *Local Government Act 1999* (the Act). It is also a key element of Adelaide Hills Council's Corporate Planning and Performance Framework. The ABP includes a summary of Council's strategic goals and objectives and proposed activities for the financial year 2019-20. Under the Act, the ABP is required to undergo public consultation to ensure the interests of the community are taken into consideration as part of its development.

RECOMMENDATION

Council resolves:

1. That the report be received and noted
 2. That the 2019-20 Annual Business Plan & Budget indicative key activities and indicative timelines are contained in Appendix 1, be noted.
-

1. GOVERNANCE

➤ **Strategic Management Plan/Council Policy**

Goal	Organisational Sustainability
Strategy	Governance
Strategy	Financial Sustainability
Strategy	Risk and Responsibility

The 2019-20 ABP will enable Council to deliver on the strategic goals within its Adelaide Hills Council Strategic Plan. It assists Council to govern in a responsible, prudent and collaborative manner.

➤ **Legal Implications**

Section 123 of the *Local Government Act 1999* requires Council to produce an Annual Business Plan. It must be adopted by Council after 31 May for the ensuing financial year and, except in a case involving extraordinary administrative difficulty, before 31 August for the financial year.

The Act sets out the particulars of what must be contained in the plan and the draft of the ABP must undergo public consultation for a period of at least 21 days. This consultation must include a public meeting or part of a meeting of Council (at least one hour available) providing an opportunity for the public to make submissions and ask questions.

A summary of the ABP must be prepared and once adopted a copy of this sent with the first rates notice sent to ratepayers after the declaration of its rates for the financial year. Hard copies of the ABP and its summary document must be made available at the principal council office.

➤ **Risk Management Implications**

The development of the ABP will assist in mitigating the corporate risk of:

Inability to discharge role and functions of a local government entity leading to a breach of legislation and loss of stakeholder confidence.

Inherent Risk	Residual Risk	Target Risk
High	Medium	Medium

➤ **Financial and Resource Implications**

The ABP will be primarily produced internally using mainly existing staff resources. External costs will be associated with activities such as the design and printing of the final copy of the plan and its summary document.

The ABP (specifically the budgetary elements) are developed in the context of Council's suite of Strategic management Plans created under s122 of the Act; being the *Strategic Plan*, the *Long-Term Financial Plan* (LTFP) and the *Infrastructure Asset Management Plan*.

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

The ABP provides transparency for the community regarding Council's plans for the year. It highlights key initiatives and projects and the budget for the financial year and is aligned with the strategic goals within Council's Strategic Plan.

➤ **Environmental Implications**

Not applicable.

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

Consultation on the development of this report was as follows:

Council Committees: The ABP (including budget) development process was discussed at the 5 November 2018 Audit Committee meeting in relation to the adoption of the 2019 Work Plan and the setting of meeting dates.

Council Workshops: Council members attended a workshop on 11 December 2018 regarding the Long Term Financial Plan and ABP budget development processes.

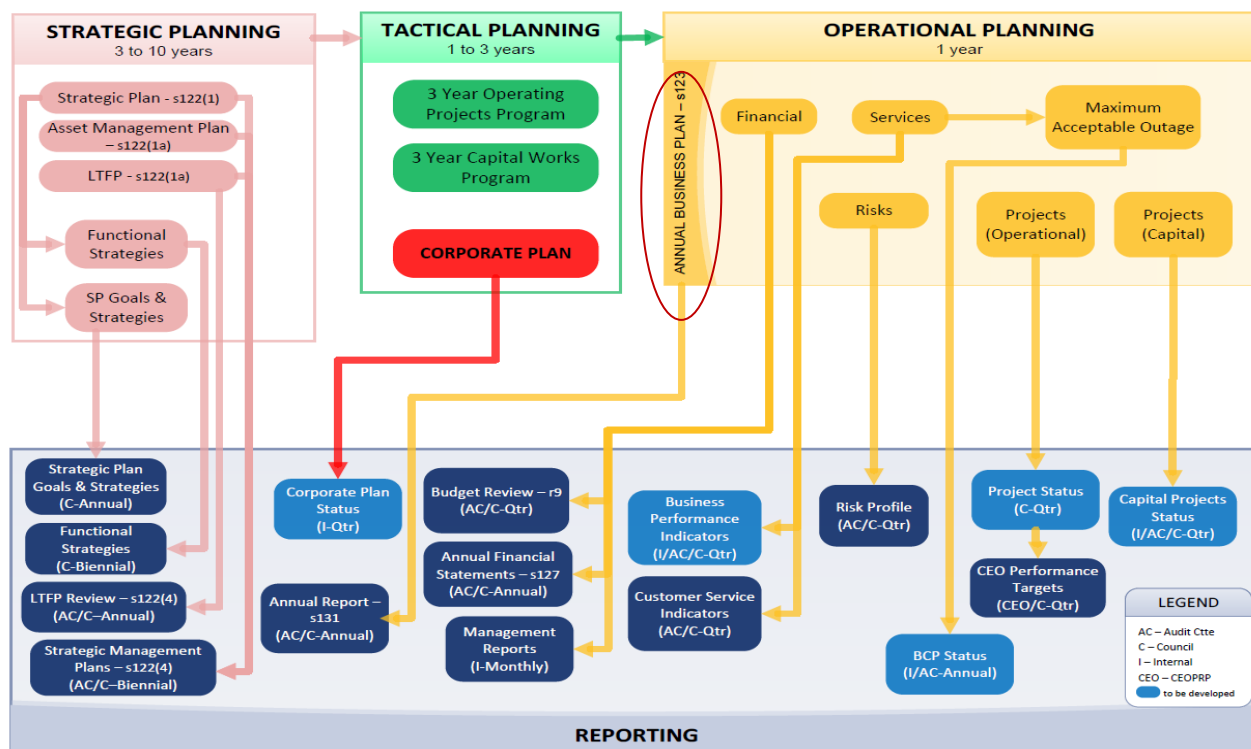
Advisory Groups: Not applicable.

Administration: Council's Executive Leadership Team and relevant Managers.

Community: Not applicable.

2. BACKGROUND

The preparation of the ABP is a legislative requirement under the *Local Government Act 1999*. The ABP is a key element of Council's Planning and Performance Framework outlined below which was adopted by Council in June 2018 – see below.



The ABP is required to undergo community consultation prior to its adoption. Once adopted it is required to be made available on Council's website and at its principal office.

3. ANALYSIS

Under s123(2) of the Act, the ABP needs to:

- include a summary of the council's long-term objectives (as set out in its strategic management plan)
- include the council's objectives for the financial year
- include the activities that the council intends to undertake to achieve those objectives
- include the measures (financial and non-financial) that the council intends to use to assess the performance of the council against its objectives over the financial year
- assess the financial requirements of the council for the financial year and, taking those requirements into account, set out a summary of its proposed operating expenditure, capital expenditure and sources of revenue
- set out the rates structure and policies for the financial year
- assess the impact of the rates structure and policies on the community based on modelling that has been undertaken or obtained by the council
- take into account the council's long-term financial plan and relevant issues relating to the management and development of infrastructure and major assets by the council; and
- address or include any other matter prescribed by the regulations.

The key activities and proposed timelines for the development of the 2019-20 ABP are contained in **Appendix 1**. Timelines are indicative only and may be subject to change.

Proposed consultation on the development of the 2019-20 ABP is as follows.

<i>Council Committees:</i>	Draft ABP (including budget) to be presented to the Audit Committee for consideration and input. The draft ABP will be presented to Council in April 2019 prior to community consultation and in June 2019 for adoption.
<i>Council Workshops:</i>	A Council weekend workshop to review the draft ABP (including budget) will be held in late March 2019. A further Council workshop will be held in June 2019 to discuss feedback from the public consultation.
<i>Advisory Groups:</i>	Not applicable.
<i>Administration:</i>	Council's Executive Leadership Team and relevant Managers and Officers will be consulted during preparation of the ABP.
<i>Community:</i>	Consultation with the community is required under the <i>Local Government Act 1999</i> for a minimum of 21 days. The proposed consultation period is during May 2019 and the consultation will be conducted in accordance with the provisions of Council's <i>Public Consultation Policy</i> . The Council meeting in late May 2019 is proposed for the public to provide submissions and feedback regarding the ABP.

4. OPTIONS

Council has the following options:

- I. Receive and note the 2019-20 ABP Development Key Activities and Indicative Timelines (Recommended)
- II. Determine alternative key activities and timeframes.

5. APPENDIX

- (1) 2019-20 Annual Business Plan Development Key Activities and Indicative Timelines

Appendix 1

*2019-20 Annual Business Plan Development Key
Activities and Indicative Timelines*

2019-20 Annual Business Plan Key Activities and Indicative Timelines

The key activities and timelines are outlined in Table 1 below. Timelines are indicative only and may be subject to change.

Key Activities	Timeline
Draft LTFP to Audit Committee and Council for release for public consultation	Feb 2019
Administrative preparation of the draft Annual Business Plan (including budget)	March 2019
Council weekend workshop to review draft Annual Business Plan (including budget)	29-30 March 2019
Administrative update of draft Annual Business Plan following Council workshop	3-7 April 2019
Draft Annual Business Plan considered by Audit Committee	April/May 2019
Draft Annual Business Plan considered by Council prior to release for public consultation	23 April 2019
Community consultation on draft Annual Business Plan (including budget)	26 April-31 May 2019
Council meeting: Formal opportunity for community representations	May 28 2019
Council workshop on feedback from public consultation the Annual Business Plan (including budget)	June 2019
Council meeting: Annual Business Plan (including budget) adoption	June 25 2019

**ADELAIDE HILLS COUNCIL
ORDINARY COUNCIL MEETING
Tuesday 22 January 2019
AGENDA BUSINESS ITEM**

Item: 12.5

Originating Officer: Natalie Westover, Manager Property Services

Responsible Director: Terry Crackett, Director Corporate Services

Subject: Burials Outside Cemeteries Policy

For: Decision

SUMMARY

The purpose of this report is to seek a resolution to go to adopt a policy relating to burials of human remains on private land and outside of designated cemeteries.

The *Burial and Cremation Act 2013* (Act) permits the burial of human remains outside of designated cemeteries on certain conditions which includes the approval of the Council for the area.

A Burials Outside Cemeteries Policy (Policy) has been prepared (***Appendix 1***) for the purposes of establishing a position of the Council and the criteria against which Council will consider approving the burying of human remains outside of a designated cemetery or natural burial ground.

Community Consultation was undertaken from 13 November 2018 for a period of 21 days.

RECOMMENDATION

Council resolves:

1. That the report be received and noted
 2. That the Burials Outside Cemeteries Policy as provided as Appendix 1 be adopted effective from 1 February 2019.
-

1. GOVERNANCE

➤ Strategic Management Plan/Council Policy

Goal	Organisational Sustainability
Strategy	Policy and Strategy

The Policy provides clear guidance to community members and staff as to the criteria against which Council will consider and assess applications for the burial of human remains outside of a cemetery and natural burial ground.

➤ Legal Implications

Section 8 of the *Burial and Cremation Act 2013* provides for bodily remains to be interred in a prescribed area outside of a cemetery or natural burial ground but only with the permission of the owner of the land and the council for the area.

The *Burial and Cremation Regulations 2014* requires interment of bodily remains in a prescribed area outside a cemetery or natural burial ground to be at a depth of at least one metre from the surface of the ground and at a distance of at least 20 metres from any building, structure or water well on the land.

The Act defines a prescribed area as being outside a township or Metropolitan Adelaide, or an area defined by the regulations.

Under the Act, a site which consists of a single interment site where only the remains of one deceased person or the remains of two or more members of the same family are interred, is not defined as a cemetery.

➤ Risk Management Implications

The drafting and adoption of the Policy will assist in mitigating the risk of:

No policy position leading to lack of guidance to the community and staff on the assessment of queries about whether burials of human remains outside of cemeteries is permitted and why.

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

This is an existing control.

➤ Financial and Resource Implications

Costs associated with the consultation and subsequent implementing of the Policy (if approved) will be managed within existing resources.

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

The development of a policy position with regards to the burying of human remains on private land outside of a cemetery will provide clarity and certainty to the community as to the Council's position and assessment of applications.

➤ **Environmental Implications**

The environmental implication of a proposed burial site is one of the criteria to be assessed when an application is received to ensure that the proposed location will not have a detrimental environmental impact.

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

Council Committees: Not Applicable

Council Workshops: Not Applicable

Advisory Groups: Cemetery Advisory Group
One response has been received from members of the Cemetery Advisory Group, which is not in support of permitting burials outside of cemeteries due to the following concerns:

- access to the burial site once the land has been sold
- suitability of the site for a burial
- if the burial will result in the land being designated as a cemetery

Administration: Environmental Health Officer

Community: Community consultation was undertaken from 13 November 2018 for a period of 21 days in accordance with the Council's *Public Consultation Policy*. Advertisements were placed in *The Courier* and *Weekender Herald* and feedback sought through the Council's "Have your Say" website section. No responses were received during the consultation period.

2. BACKGROUND

The Act permits the burial of human remains outside of designated cemeteries on certain conditions which include the approval of the Council for the area.

The Council does not have any guidelines or policy position to assist the community and staff in determining if a burial outside of a cemetery or natural burial ground is appropriate or permitted.

Whilst requests to bury human remains outside of a cemetery or natural burial ground are not common, it is important to have a policy position against which applications can be assessed.

Investigations with other local government authorities in South Australia show varying positions in relation to this issue including complete prohibition of burials outside of cemeteries and natural burial ground, policies similar to what is proposed and no policy position.

The Council resolved on 11 September 2018 to go to community consultation in relation to the draft policy.

3. ANALYSIS

Community consultation was undertaken from 13 November 2018 for a period of 28 days in accordance with the Council's *Public Consultation Policy*.

No responses were received during the consultation period.

The Policy (**Appendix 1**) has been developed to provide the community and staff with the necessary criteria with which to determine if a location on private land is suitable for the burial of human remains and the requirements of Council if an application is to be approved.

Minor amendments have been made to the draft policy subsequent to the consultation period to ensure consistency with the fact sheet published by SA Health. Amendments are shown as marked up changes in **Appendix 1**.

4. OPTIONS

Council has the following options:

- I. Adopt the Burials Outside Cemeteries Policy effective 1 February 2019 (Recommended)
- II. Resolve to amend the Burials Outside Cemeteries Policy and conduct further community consultation (Not Recommended)
Should the Council identify the need for substantial amendments to the Policy, it is recommended that they be referred to staff for review to allow for analysis of the implications of the amendments, prior to the matter being brought back to the Council for further consideration.
- III. Resolve not to allow burials outside of cemeteries (Not Recommended)


5. APPENDIX

- (1) Burials Outside Cemeteries Policy

Appendix 1

Burials Outside Cemeteries Policy

COUNCIL POLICY

 Adelaide Hills COUNCIL	Burials Outside Cemeteries
--	-----------------------------------

Policy Number:	The Governance team will allocate the policy number.
Responsible Department(s):	Property Services
Other Relevant Policies:	Nil
Relevant Procedure(s):	Nil
Relevant Legislation:	<i>Burial & Cremation Act 2013</i> <i>Burial & Cremation Regulations 2014</i>
Policies and Procedures Superseded by this policy on its Adoption:	Nil
Adoption Authority:	Council
Date of Adoption:	<i>To be entered administratively</i>
Effective From:	<i>To be entered administratively</i>
Minute Reference for Adoption:	<i>To be entered administratively</i>
Next Review:	No later than (5 years from the date of adoption) or as required by legislation or changed circumstances

BURIALS OUTSIDE CEMETERIES POLICY

1. INTRODUCTION

Adelaide Hills Council recognises that some families have a desire to bury a deceased relative on a privately owned property that has significance to the deceased person or their family.

The Council acknowledges the need for requirements to ensure that a burial on privately owned land is undertaken in an appropriate location and ensures the long term identification of the burial site to limit the likelihood of those buried remains being disturbed in the future.

This policy establishes how applications for burials outside of cemeteries are to be assessed and authorisation granted by the Council. The approval process is intended to guide how the interests of the deceased person, relatives and friends, landowners and Council are to be considered and protected.

The development of this policy has taken into account the requirements of the *Burial and Cremation Act 2013* and the *Burial and Cremation Regulations 2014*.

2. OBJECTIVES

This policy provides a framework for Council to consider those applications to ensure that burials undertaken on private land are:

- undertaken in accordance with the requirements of the relevant legislation
- in locations that limit the likelihood of disturbance of the remains in the future
- in locations that do not pose a threat to the pollution of waterways
- publicly recorded on the Certificate of Title on the land on which the burial is undertaken

3. DEFINITIONS

The words and phrases used in this policy have the same meaning as they do in the *Burial and Cremation Act 2013* and *Burial and Cremation Regulations 2014*.

bodily remains means the whole or any part of a human body (whatever its physical state may be) but does not include the whole or any part of a human body that has been cremated;

cemetery means a place set apart for the disposal and memorialisation of human remains, but does not include—

- (a) a place at which cremated remains are scattered but is not otherwise used for the disposal of human remains; or
- (b) an Aboriginal site as defined in the *Aboriginal Heritage Act 1988*; or
- (c) a natural burial ground; or
- (d) a place which consists of a single interment site where only—
 - (i) the remains of 1 deceased person; or

- (ii) the remains of 2 or more members of the same family,
are, or are intended to be, interred;

council means Adelaide Hills Council;

cremated remains means bodily remains that have been reduced by cremation;

cremation means a process for the reduction of bodily remains involving the use of fire or heat;

death includes still-birth;

disposal of human remains means—

- (a) cremation of bodily remains; or
- (b) burial of bodily remains (including burial at sea); or
- (c) placement of bodily or cremated remains in a mausoleum, vault, columbarium or other structure;

disposal authorisation means an authorisation to dispose of human remains granted under the *Coroners Act 2003* or a corresponding authorisation as defined in that Act;

funeral director means a person who carries on the business of arranging for the disposal of human remains;

human remains means bodily remains and includes—

- (a) the remains of a still-born child; and
- (b) bodily remains after they have been cremated;

interment of human remains means—

- (a) the placement of human remains in a mausoleum, vault, columbarium or other structure designed for the placement of such remains; or
- (b) the burial in the earth of human remains (directly in the earth or in a container);

interment site means—

- (a) a mausoleum, vault, columbarium or other structure in which human remains are interred; or
- (b) a site in which human remains are buried;

natural burial of human remains means burial in the ground—

- (a) without preparation of the remains using chemical preservatives; and
- (b) by containment of the remains only in a shroud or biodegradable coffin;

personal representative of a deceased person means a person aged 18 years or more who is—

- (a) the executor of the estate of the deceased person or, if there is more than 1 executor, 1 of the executors acting with the permission of all the other executors; or
- (b) the administrator of the estate of the deceased person;

Registrar means—

- (a) the Registrar of Births, Deaths and Marriages; or
- (b) a Deputy Registrar of Births, Deaths and Marriages,

under the *Births, Deaths and Marriages Registration Act 1996*;

relative of a deceased person means a person aged 18 years or more who is—

- (a) a parent or grandparent of the deceased person; or
- (b) a brother or sister of the deceased person; or
- (c) a spouse or domestic partner of the deceased person; or
- (d) a child, grandchild or great grandchild of the deceased person; or
- (e) a child, grandchild or great grandchild of a brother or sister of the deceased person;

spouse—a person is the spouse of another if they are legally married;

township has the same meaning as in the *Local Government Act 1999*;

4. LEGISLATIVE CONTEXT

Burial and Cremation Act 2013

Part 2—Disposal of human remains

Division 1—Disposal by burial or cremation

7—Offence to dispose of bodily remains except by burial or cremation

- (1) Subject to this Act, a person must not dispose of bodily remains, or cause, suffer or permit bodily remains to be disposed of, except by burial or cremation.

Maximum penalty: \$10 000 or imprisonment for 2 years.

- (2) In this section—

burial includes the placement of bodily remains in a mausoleum, vault or other structure.

8—Offence to dispose of bodily remains except in cemetery or natural burial ground

- (1) Subject to subsection (2), a person must not, without the approval of the Attorney-General, inter bodily remains, or cause, suffer or permit bodily remains to be interred, except in a lawfully established cemetery or natural burial ground.

Maximum penalty: \$10 000 or imprisonment for 2 years.

- (2) A person may inter bodily remains in a prescribed area on land outside a cemetery or natural burial ground with the permission of the owner of the land and—

- (a) in the case of land within a council area—

(i) with the approval of the council for the area in which the land is situated; and

(ii) in accordance with the regulations; or

- (b) in any other case—in accordance with the regulations.

- (3) A person must not, without the approval of the Attorney-General, dispose of bodily remains by burial at sea, or cause, suffer or permit bodily remains to be disposed of by burial at sea.

Maximum penalty: \$10 000 or imprisonment for 2 years.

- (4) In this section—

prescribed area means—

- (a) an area outside a township or Metropolitan Adelaide; or

- (b) an area defined by the regulations.

Burial and Cremation Regulations 2014**Part 2—Disposal of human remains****4—Interment of bodily remains in prescribed area outside cemetery or natural burial ground (section 8(2)(a)(ii) and (b) of Act)**

- (1) A person who interments bodily remains in a prescribed area on land outside a cemetery or natural burial ground must ensure that the remains are interred—
 - (a) at a depth of at least 1 metre from the surface of the ground; and
 - (b) at a distance of at least 20 metres from any building, structure or water well on the land.
- (2) Subregulation (1) does not apply to the interment of bodily remains in a mausoleum or vault in accordance with regulation 18.

5. POLICY STATEMENT**5.1 Principles**

In accordance with subsection 8(2) of the *Burial and Cremation Act 2013*, the Council will receive applications and may grant permission for a burial of bodily remains on private land outside “metropolitan Adelaide” and outside the boundary of a township.

5.2 Application and Criteria for Assessment

Applicants must complete the Application for Approval for Burial on Private Land available on the Council’s website and submit the Application with the application fee as published annually in the Council’s fees and charges schedule.

The Application must be accompanied by the following:

- Evidence that the Applicant is the personal representative or relative of the deceased
- Written approval of the owner of the land on which the burial is to occur
- Plan/[map](#) of the property detailing the exact location of the burial
- A copy of the Certificate of Title for the land on which the burial is to occur
- Written consent of anyone with an interest in the land on which the burial is to occur (i.e. mortgagee or easement holder)

Approval will not be granted to Applications where the burial is to occur:

- Within townships
- In areas where there is a likelihood of contamination of water supplies, [being within a 1 in 100 year \(or greater\) flood area, within 2 metres of groundwater or within 100 metres of surface water](#)
- [On land where the land owner or persons with interests in the land have not provided their written consent](#)
- [In a location less than 20 metres from any building, structure or water well](#)
- On land or in a location that the Council deems, in its absolute discretion, unsuitable for the burial of bodily remains
- Where there the burial would result in more than one burial site or grave on the land

5.3 Conditions of Approval

If the Council approves the burial of bodily remains on private land, the Council may impose conditions of the approval including, but not limited to, the following:

- the burial must be undertaken by a funeral director
- written confirmation from the Applicant and the funeral director that they understand and will comply with the requirements of the *Burial and Cremation Act 2013* and the *Burial and Cremation Regulations 2014*
- the address of the property, the certificate of title reference of the property and the GPS coordinates of the burial site (exact location of the grave) must be submitted to the Registrar of Births Deaths & Marriages and Council
- a Land Management Agreement, pursuant to section 57 of the *Development Act 1993*, be entered into between Council and the owner of the land and noted on the certificate of title of the property detailing the exact location of the burial as evidenced by map and GPS coordinates, [at the cost of the applicant](#)

5.4 Register

The Council will, in addition to the register it maintains of Land Management Agreements, maintain a register of approvals issued by it for the burial of bodily remains outside of a cemetery

6 DELEGATION

The Chief Executive Officer has the delegation to:

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

7 AVAILABILITY OF THE POLICY

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

**ADELAIDE HILLS COUNCIL
ORDINARY COUNCIL MEETING
Tuesday 22 January 2019
AGENDA BUSINESS ITEM**

Item: 12.6

Originating Officer: John McArthur, Manager Waste and Emergency Management

Responsible Director: Peter Bice, Director Infrastructure and Operations

Subject: Fire and Emergency Services (Miscellaneous) Amendment Bill 2018

For: Decision

SUMMARY

The South Australian Government is proposing amendments to the *Fire and Emergency Services Act 2005* (the Act) through the *Fire and Emergency Services (Miscellaneous) Amendment Bill 2018* (the Bill). The Bill includes an amendment to extend powers of CFS Officers to direct any activity to cease that they are satisfied may start a fire and that fire may, due to the weather conditions, get out of control.

The proposed amendment is in response to a review of the Act undertaken in 2013. The review recommended a number of changes to the Act including the proposed extension of powers to CFS Officers outlined in the Bill.

The Bill was debated by the House of Assembly in late 2018 and as a result a Parliamentary Select Committee has been established to review the proposed amendment relating to extended powers of CFS Officers. The Parliamentary Select Committee are seeking feedback from interested parties in relation to the proposed extended powers of CFS Officers.

RECOMMENDATION

Council resolves:

1. That the report be received and noted.
 2. To approve the submission in Appendix 3 to the Parliamentary Select Committee as feedback in relation to the Fire and Emergency Services (Miscellaneous) Amendment Bill 2018.
 3. To delegate to the Chief Executive Officer to make any minor content change to reflect discussion on the item and formatting changes for the purpose of finalising the submission to the Parliamentary Select Committee.
-

1. GOVERNANCE

➤ Strategic Management Plan/Council Policy

Goal 1 People and Business Prosper
Strategy 1.12 We will seek opportunities to increase the wellbeing and resilience of our community to withstand, recover and grow in the face of challenges.

Providing a submission to the Parliamentary Select Committee on proposed changes to the *Fire and Emergency Services Act 2005* is a proactive contribution that potentially may lead to increased community wellbeing from the prevention of fires.

➤ Legal Implications

Relevant to this report is clause 23 of the Bill that seeks to amend section 82(2) of the Act to give CFS Officers the proposed power to direct a person to refrain from carrying out an activity which may cause a fire and that due to the weather conditions the fire may get out of control.

➤ Risk Management Implications

The report recommendation will assist in mitigating the risk of:

Not providing a submission leading to Council's viewpoint not being considered.

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

The report recommendation will create a new mitigation action of providing a submission.

➤ Financial and Resource Implications

The proposed changes to the Act do not impose any additional regulatory or other obligations on Council and therefore there are no financial or other resource implications as a result of the proposed changes.

➤ Customer Service and Community/Cultural Implications

If the proposed changes to the Act are implemented persons undertaking harvesting or any other activity that may start a fire will need to comply with any direction given by a CFS Officer. Subject to criteria and guidelines, if any, being put in place to administer the extended powers farmers may be adversely impacted if they are routinely directed to cease harvesting operations unnecessarily. Broader beneficial community benefits will arise if changes to minimise fires are implemented and fires prevented as a result.

➤ Environmental Implications

The Bill proposes new controls to minimise fires starting from harvesting operations and other activities which will have a beneficial effect on the environment.

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

Consultation on the development of this report was as follows:

Council Committees: Not Applicable

Council Workshops: Not Applicable

Advisory Groups: Rural Land Management Advisory Group
Bushfire Advisory Group

Administration: Director Infrastructure and Operations
Acting Team Leader Regulatory Services

Community: Not Applicable

Note: In regard to feedback from the Advisory Groups listed above there was insufficient time between 18 December 2018 (when the LGA Circular in relation to this matter was released) to the 1 February submission due date to arrange and undertake Advisory Group meetings. Rather than forego feedback from each of the Advisory Groups listed above members of each were invited to comment via email.

Given the importance of this matter to the community and the limited timeframes to provide a response feedback on proposed submission elements were sought from Council Members. Feedback was received from five Council Members.

Feedback received from members of the Bushfire Advisory Group, the Rural Land Management Advisory Group and Council Members has been considered and where appropriate used to formulate the proposed submission contained in **Appendix 3**.

2. BACKGROUND

The introduction of the *Fire and Emergency Services (Miscellaneous) Amendment Bill* (the Bill) seeks to amend Section 82(2) of the *Fire and Emergency Services Act 2005* (the Act). The current Section 82(2) of the Act and the proposed changes to this section contained in the Bill are provided in **Appendix 1**.

The amendments are proposed to incorporate legislative changes recommended for consideration in a review of the Act undertaken in 2013 and several subsequent reviews undertaken by the emergency services sector.

One of the recommendations (refer **Appendix 2**) from the 2013 review was to consider providing CFS officers with the power to direct the cessation of any other activity, including harvesting, that due to weather conditions, may cause a fire that was ignited to get out of control.

The House of Assembly referred the Bill to a Select Committee in December 2018 for consideration and specifically Clause 23 of the Bill. The terms of reference for the Select Committee are as follows:

- To examine Clause 23 – Amendment to Section 82 (2) – Power to Direct
- To give consideration to the views of all relevant stakeholders

The Select Committee are seeking feedback from interested parties in relation Clause 23 by 1 February 2019. The Select Committee is not seeking feedback in relation to any of the other proposed amendments to the Act.

3. ANALYSIS

Given the high fire risk environment throughout the Adelaide Hills Council area providing a submission on the proposed changes to the Act is considered appropriate. **Appendix 3** contains a proposed submission recommended to be provided to the Parliamentary Select Committee established to examine Clause 23 of the Bill. The proposed submission is divided into three sections, namely, General Comments, Other Activities and Grain Harvesting. Each of these sections is discussed below.

General Comments

Any activity, change in process, regulation etc that introduces additional controls to minimise the risk of bushfires starting should be supported in principle. In this case, the intent to minimise fires starting from harvesting operations and other activities should be supported.

The section on general comments provides high level feedback applicable to the proposed changes in general. Comments in this section do not specifically relate to either of the other sections (other activities or grain harvesting) and are applicable in either case.

Other Activities

The amendments proposed to Section 82(2) of the Fire and Emergency Services Act 2005 refer to any activity prescribed by regulation or any other activity. Whilst this description encompasses grain harvesting it can also apply to other activities such as use of bird scaring devices chainsaws, brush cutters, mowers and slashers. These items can currently be used, with some restrictions, throughout the year including fire ban days. The controls on their use throughout the fire danger season and on fire ban days are:

- A 4-metre cleared space around the activity is in place, or
- A shovel or rake and portable water spray are at hand, and additionally:
- All engine exhaust exits through the exhaust system, and
- The system prevents the escape of burning material
- Heated parts of the system are prevented from coming into contact with flammable material
- The system is in good working order.

Given the above items can be used on fire ban days, including those with forecast severe, extreme or catastrophic fire danger there is potential risk that a fire could be started by these activities. Accordingly, it is proposed that Council's submission include feedback that key stakeholders, and most particularly the CFS, be engaged to see if any of these activities have started fires on fire ban days in sufficient numbers and risk to the community to

warrant a legislative review to be undertaken. If a review was justified it could consider whether the aforementioned activities should be banned, or not, on fire ban days in some circumstances where there is potential for a fire to start and to become uncontrollable.

Grain Harvesting

Whilst the exact number of grain harvesters located within the Adelaide Hills Council area is unknown staff experience and knowledge suggest the number is minimal. Noting however that some property owners in several adjoining council areas do undertake harvesting activities there is potential for fires started by this activity to spread to the Adelaide Hills Council area.

Harvesting activities can legally continue on fire ban days as long as certain conditions are met such as having a shovel or rake and portable water spray at hand. Furthermore, a voluntary Grain Harvesting Code of Practice is currently in place that provides a simple tool (utilising relative humidity, temperature and wind speed) for farmers to use to determine when harvesting operations should cease. This tool determines when the Grassland Fire Danger Index reaches 35 at which point all harvesting activities should cease. As the code is voluntary there is no mandatory requirement for farmers to stop harvesting.

In a general sense the proposed submission in relation to harvesting focuses on the need to ensure impacts to grain harvesters are minimised, key stakeholders should be engaged to assist develop solutions and existing successful mechanisms currently in place should be explored. Further, and in relation to the proposal to extend the powers of CFS Officers to direct as proposed by the Amendment Bill, the submission includes:

- A need to base decisions to stop harvesting activities on local conditions rather than regional or state based conditions
- The extended power to direct be limited to CFS paid Officers only to avoid the potential for farmers to regulate farmers
- The need for a defined 'trigger point', such as the Grassland Fire Danger Index in the Grain Harvesting Code of Practice, to determine when harvesting activities should cease rather than the proposed wording that is open to subjectivity of individual Officer assessments.
- A preference not to overburden grain harvesters that currently comply with the voluntary Grain Harvesting Code of Practice with regulation limited for those persons who do not comply with the voluntary code. Potentially, a hybrid approach that combines voluntary and regulatory aspects could be explored.

Further rationale for each of the points above is provided in the submission.

4. OPTIONS

Council has the following options:

- I. To provide the submission contained in **Appendix 3** to the *Fire and Emergency Services (Miscellaneous) Amendment Bill 2018* Parliamentary Select Committee as Council feedback on the proposal to extend the powers of CFS Officer to direct. This option is recommended as it incorporates feedback received in formulating the report. (Recommended)
- II. To provide the submission contained in **Appendix 3** and any minor amendments as determined by Council to the *Fire and Emergency Services (Miscellaneous) Amendment Bill 2018* Parliamentary Select Committee. This option is also recommended. Noting however, substantial amendments should be avoided as the time required by staff to review and analysis them is insufficient to allow the matter to be brought back to Council for further consideration and to comply with the 1 February 2019 deadline for submissions.
- III. To not provide a submission. This option is not recommended as it would result in Council foregoing an opportunity to provide feedback on matters that are relevant to Adelaide Hills Council and of high importance to the community.

5. APPENDICES

- (1) Current and Proposed Changes to Section 82(2) of the *Fire and Emergency Services Act 2005*
- (2) Power to Direct Recommendation – 2013 Review
- (3) Proposed Submission

Appendix 1

*Current and Proposed Changes to Section 82(2) of the
Fire and Emergency Services Act 2005*

Existing Section 82(2) – Fire and Emergency Services Act 2005
(Refer grey shaded highlight, other sections added for context)

82—Power to direct

- (1) Subject to this section, if an officer of SACFS is satisfied that a fire has been lit on any land contrary to this Act, or that a fire on any land (whether lit lawfully or not) is out of control, or is likely to get out of control, the officer may—
- (a) direct the person who lit the fire, or the owner of the land, to extinguish the fire or to take such other steps in relation to the fire as appear necessary to prevent it from getting out of control; or
 - (b) extinguish the fire, or take such other steps in relation to the fire as appear necessary to prevent it from getting out of control.

- (2) If an officer of SACFS is satisfied—
- (a) that a person proposes to light a fire; and
 - (b) that because of weather conditions the fire, if lighted, might get out of control,
- the officer may direct that person to refrain from lighting a fire during a period specified in the direction.

- (3) A person who contravenes, or fails forthwith to comply with, a direction under this section is guilty of an offence.

Maximum penalty:

- (a) for a first offence—\$5 000 or imprisonment for 1 year;
 - (b) for a second or subsequent offence—\$10 000 or imprisonment for 2 years.
- (4) The Chief Officer may determine that the powers of an officer under this section may only be exercised by officers of or above a certain rank.
- (5) Despite subsection (4), if no officer of SACFS who is able to exercise the powers conferred by this section is present, any member of the SACFS or, in the absence of any such member, any fire prevention officer, member of SAMFS or member of the police force, may exercise those powers.

Proposed Changes to Section 82(2) of the Fire and Emergency Services Act
(Extract from the Fire and Emergency Services (Miscellaneous) Amendment Bill)

23—Amendment of section 82—Power to direct

- (1) Section 82(2)(a)—delete "a fire" and substitute:

or maintain a fire (whether or not pursuant to a permit under section 81)
- (2) Section 82(2)(b)—after "lighted" insert:

or maintained
- (3) Section 82(2)—after "lighting" insert:

or maintaining
- (4) Section 82—after subsection (2) insert:

(2a) If an officer of SACFS is satisfied—

 - (a) that a person proposes to carry on an activity of a kind prescribed by the regulations or any other activity that the officer is satisfied may cause a fire; and
 - (b) that because of weather conditions the fire, if caused by the activity, might get out of control,

the officer may direct that person to refrain from carrying on the activity during a period specified in the direction.

Appendix 2

Power to Direct Recommendation - 2013 Review

Review of the Fire and Emergency Services Act 2005

Power of direction (Part 4, Division 8, Subdivision 4)

The CFS, in consultation with the Farmers Federation, has established a voluntary Grain Harvesting Code of Practice. The Review heard evidence that this Code has been widely accepted around the state. However, SAPOL does not believe that it is leading to the level of behavioural change required to maintain public safety and it was reported that there are still a few who continue to harvest in unacceptably high risk weather conditions.

Given the wide acceptance of what is a voluntary code, it may be counterproductive to mandate adherence to deal with a few recalcitrants. An alternative may be to extend the existing powers of direction to order the cessation of harvesting where weather conditions are unacceptably dangerous.

In addition, beyond the declared fire danger season, the CFS, police and local government have little power to act against a property controller and there is no provision to require measures to prevent fires or the spread of fire.

Recommendation 16

Consider the amendment of Section 82 (2) to include the power to order the cessation of harvesting or any other actions (including the lighting of fires authorised under Section 81) that because of the weather conditions, may cause a fire, if ignited, to get out of control.

Appendix 3

Proposed Submission

22 January 2019

Mr Joshua Forkert
Select Committee on the Fire and Emergency Services (Miscellaneous) Amendment Bill
Parliament House
GPO Box 572
Adelaide SA 5001

Dear Mr Forkert

Fire and Emergency Services (Miscellaneous) Amendment Bill 2018

Thank you for the opportunity to provide feedback on Clause 23 of the *Fire and Emergency Services (Miscellaneous) Amendment Bill 2018*.

The Adelaide Hills Council considered this matter at the Ordinary Council meeting held 22 January 2019. The following points were endorsed by Council Members as feedback on the proposed changes:

General Comments

- Council supports, in principle, the review and consideration of any actions and activities that minimise the potential for a fire to start.
- Council supports the proposed amendments to the *Fire and Emergency Services Act 2005* being referred to a Parliamentary Select Committee and that the terms of reference include the need to give consideration to the views of all relevant stakeholders.
- Council acknowledges the tremendous and lifesaving work undertaken by CFS volunteers and seeks that any requirements placed upon voluntary CFS Officers as a result of any changes be kept to an absolute minimum.
- Subject to any new powers coming into effect, easily understood and simple enforcement criteria and guidelines need to be developed and implemented to guide CFS Officers when utilising any new powers. This approach will ensure subjectivity in decision making is minimised and consistency of application across South Australia is maximised.

Other Activities

- Bird scaring devices chainsaws, brush cutters, mowers and slashers can be used, with some restrictions, throughout the year including fire ban days.
- Given the above items can be used on fire ban days, including those with forecast severe, extreme or catastrophic fire danger, there is potential risk that a fire could be started by these activities.

- Council seeks key stakeholders, and most particularly the CFS, be engaged to determine if undertaking any of these activities on fire ban days has started fires in sufficient numbers and risk to the community to warrant a legislative review.
- If a review was justified, its terms of reference could include, amongst other things, that consideration be given to banning these activities on fire ban days in some circumstances where there is potential for a fire to start and to become uncontrollable.

Grain Harvesting

- Adverse impacts from any changes on farmers who undertake grain harvesting operations need to be minimised/avoided.
- The views and feedback of key stakeholders, including the CFS and grain harvesters (including their representative bodies), should be used to formulate a suitable means for minimising the potential for a fire to start from grain harvesting activities. These means may include non-regulatory or hybrid voluntary/regulatory options.
- Existing successful grain harvesting industry solutions in place should be explored with a view to including positive elements from these into any new controls that are implemented.

The following points are relevant to grain harvesting if the legislative changes (or variation of them) proposed by the *Fire and Emergency Services (Miscellaneous) Amendment Bill 2018* are seriously considered for implementation:

- Decisions relating to the cessation of grain harvesting activities should be based on information obtained locally given the changing environment and varying fire conditions found across South Australia.
- The extended power to direct should be limited to CFS paid Officers only to avoid the potential for farmers to regulate farmers (and possibly close acquaintances). Otherwise, CFS volunteers could be put in a situation where they are exercising the proposed new powers on a neighbour or friend, especially in smaller communities, which may deter members from exercising these powers.
- Clause 23(4) of the *Fire and Emergency Services (Miscellaneous) Amendment Bill 2018* does not provide a trigger point defining when harvesting activities should cease. Therefore, this decision will be based upon the experience, knowledge and fire risk belief of individual CFS Officers and as a result the amendment may be applied inconsistently.

Given the above, a 'trigger point' to cease harvesting activities when conditions are approaching high risk should be defined to ensure farmers and enforcement personnel know when this point is approaching and when to stop harvesting. This approach is similar to the voluntary Grain Harvesting Code of Practice that uses a Grassland Fire Danger Index of 35 as a trigger point to stop harvesting activities.

Whatever trigger point is decided upon, it should be based on real time conditions being experienced as opposed to forecast conditions. This approach allows farmers to harvest before on ground conditions reach the trigger point and to recommence when conditions have abated.

- For the purposes of the above points Clause 23(4) of the *Fire and Emergency Services (Miscellaneous) Amendment Bill 2018* should be amended to specifically include a reference to grain harvesting and at what point this activity should cease.
- Council supports not overburdening grain harvesters that currently comply with the voluntary Grain Harvesting Code of Practice with regulation. Use of regulation should be limited for use on those persons who do not comply with the voluntary code. Potentially, a hybrid approach that combines voluntary and regulatory aspects could be explored with the aim of minimising regulation on those doing the right thing but also having regulatory power, if required, for those not doing the right thing.

If you require clarification or seek further information regarding the above points please contact Council's Manager Waste and Emergency Management, John McArthur, by email at mail@ahc.sa.gov.au or by phone on 8408 0400.

Yours sincerely

Andrew Aitken
Chief Executive Officer

**ADELAIDE HILLS COUNCIL
ORDINARY COUNCIL MEETING
Tuesday 22 January 2019
AGENDA BUSINESS ITEM**

Item: 12.7

Originating Officer: David Collins, Manager Sustainable Assets

Responsible Director: Peter Bice, Director Infrastructure and Operations

Subject: Jungfer Road Speed Limit Review

For: Decision

SUMMARY

The purpose of the report is to provide an update on the investigation of an extended speed limit request on Jungfer Road, Charleston.

An extensive investigation by Council staff and consultants has concluded that an extended 60km/h speed limit should be considered on Jungfer Road. The current speed limits (existing 600m of 60km/h near Lobethal) and the 80 km/h speed limit for the remainder of the sealed road appear to be inconsistent. This inconsistency is associated with the unusual use of traffic control slow points in the rural environment and the level of roadside development (housing).

The Council officers recommend that the existing 60km/h speed limit is extended by 800m in line with the detailed assessment undertaken. This would cover the section of Jungfer Road from Lobethal to Juers Road. The Department of Planning, Transport and Infrastructure (DPTI) will make the final determination to approve any extension of the zone and positioning of the signs to indicate any speed zone changes.

Subject to the approval by DPTI Council will install the new signs when the approved traffic speed zoning plans are received from the department.

RECOMMENDATION

Council resolves:

1. That the report be received and noted
 2. That Council undertake the installation of the extended 60km/h speed zone on Jungfer Road by 800m to immediately West of Juers Road, if approved by the Department for Planning, Transport and Infrastructure (DPTI).
-

1. GOVERNANCE

➤ Strategic Management Plan/Council Policy

Goal 1 People and business prosper
Strategy 1.13 We will work with other levels of government to improve safety for road users (including pedestrians and cyclists)

Road safety can have a large impact on communities and hence the operation of a safe and efficient transport network is core business for Council.

➤ Legal Implications

Approval for setting speed limits across the state on all roads is the responsibility of the State Government and is assessed and approved by the Department for Planning, Transport and Infrastructure.

➤ Risk Management Implications

The detailed speed limit assessment process will assist in mitigating the risk of:

Speed limit requests resulting in inappropriate and inconsistent speed controls

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

➤ Financial and Resource Implications

The installation of new signs will be funded within existing operational budgets for road signage. Internal work teams will install the signs.

➤ Customer Service and Community/Cultural Implications

N/A

➤ Environmental Implications

N/A

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

Consultation on the development of this report was as follows:

Council Committees: Not Applicable

Council Workshops: Not Applicable

Advisory Groups: Not Applicable

Administration: Not Applicable

Community: The detailed speed limit review resulted from a petition from residents along the road.

2. BACKGROUND

The Council received a petition from residents of Jungfer Road at its 27 February 2018 meeting.

8.1.2. Reduction of Speed Limit, Jungfer Road, Charleston

Moved Cr Malcolm Herrmann
S/- Cr Lynton Vonow

28/18

Council resolves that the petition signed by 16 signatories, requesting a reduction of the speed limit on Jungfer Road Charleston to a maximum of 60kph, be received and noted.

Carried Unanimously

Further, at the Council meeting of 27 February 2017 the following Motion without Notice was carried.

16.2. Investigation of Speed Limit Jungfer Road Charleston

Moved Cr Malcolm Herrmann
S/- Cr Lynton Vonow

48/18

That the CEO investigate the request for a reduction of the speed limit to a maximum of 60kph on Jungfer Road Charleston and, should the investigation justify a change, make the appropriate submissions to the Department Planning Transport & Infrastructure.

Carried Unanimously

Council officers have completed the investigation of the speed limit on Jungfer Road. This has included the collection of traffic and speed data, liaison with the Department of Planning, Transport and Infrastructure and the engagement of a consultant to undertake a Traffic Impact Statement for Jungfer Road.

The existing speed limit (60km/h) on the Lobethal end of Jungfer Road resulted from a fatal crash in 2002 and subsequent Coronial Inquest in 2004. This 60km/h zone extends about 600m from the tight s-bend prior to the entry into the Lobethal Township.

In 2009/10 the Council was successful in receiving funding (Blackspot) for two slow points at this Lobethal end of Jungfer Road.

The Department of Planning, Transport and Infrastructure undertook a speed limit review of the road section during 2017 following contact from a resident on Jungfer Road. That assessment concluded that the existing speed limit of 80km/h was appropriate.

3. ANALYSIS

Jungfer Road has had a lower speed limit in place on the Lobethal end of the road since October 2004. This 60km/h speed zone is 600m in length. Subsequently to that, Council has installed two slow points in 2009/10. These slow points traffic control devices (one lane angled slow points) are towards the Lobethal end of the road. It is assumed that these slow points were installed to manage on-going concern regarding vehicle speed on Jungfer Road.

The existing 60km/h speed zone on Jungfer Road has been installed based on the findings of the Coronial Inquest. This was not based on the standard guidelines and Australian Standard for setting speed limits.

The Lobethal end of Jungfer Road is very rural in nature and only has minimal roadside development (e.g. housing). As part of the Australian Standard for Speed Limit control setting one of key driving factors is the level of roadside development. Under normal situations when assessing this Lobethal end section of road against the standard and guidelines, given the rural nature of the adjacent land and minimal housing an 80km/h speed limit would be appropriate.

The current situation with the speed zoning along the length of road does create an inconsistency. The section of road with a higher density of housing and in closer proximity to the road has a higher speed limit than the road section with less housing density.

It is therefore understandable that the residents toward Charleston along Jungfer Road believe that a lower speed limit of 60km/h should apply past their properties.

Another point to note is that the slow point (traffic control devices) installed along Jungfer Road should be only installed in 60km/h zones. The current slow point closer to Charleston is currently within the 80km/h speed limit zone. As a minimum the 60km/h speed zone should have been extended by 150m towards Charleston to meet the technical requirements associated with the installation of such a device.

The current situation along Jungfer Road between Lobethal and Juers Road is unique given the situation at the Lobethal end as described above and in the background. Whilst technically assessing the road section against the guidelines and standards for speed limit control an 80km/h speed limit would be appropriate and consistent with these standards, the current inconsistency that exists on Jungfer Road should be rectified.

It is recommended that Council support the extension of the 60km/h speed zone by 800m towards Juers Road. The 60km/h zone is suggested to commence an appropriate distance from the junction between Juers and Jungfer Roads.

It is noted that the Department of Planning, Transport and Infrastructure will make the final determination to approve any extension of the zone and positioning of the signs to indicate any speed zone changes.

The traffic investigation and report prepared by Greenhill Engineers (Appendix 2) provides a summary of the current situation in more detail.

4. OPTIONS

Council has the following options:

- I. Subject to the Department of Planning, Transport and Infrastructure approval extend the 60km/h speed zone by about 800m along Jungfer Road. (Recommended)
- II. Not continue to pursue a reduction in the 60km/h speed limit along Jungfer Road. (Not Recommended)

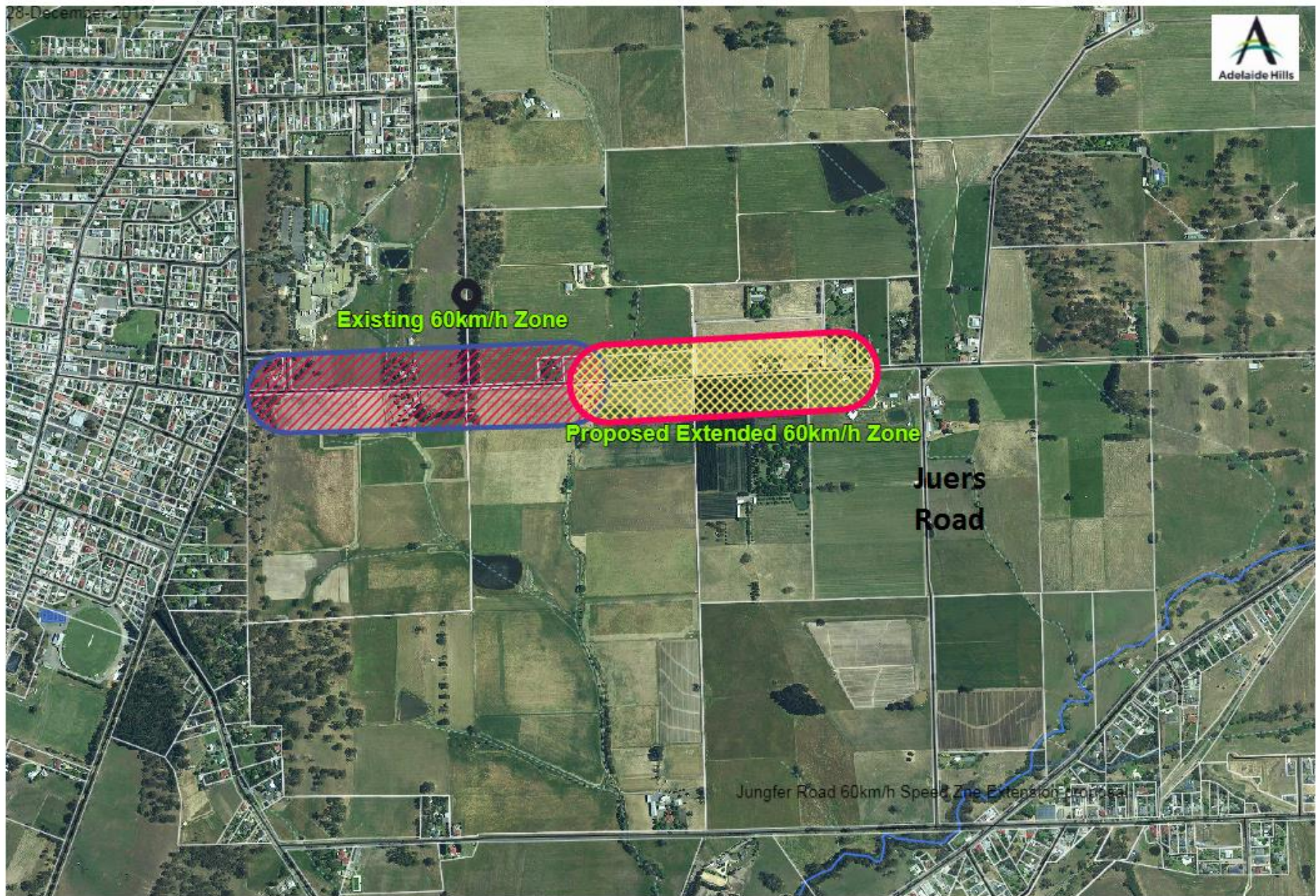
5. APPENDICES

- (1) Location Plan of proposed extension
- (2) Traffic Impact Report – Jungfer Road

Appendix 1

Location Plan

28-December-2016



Existing 60km/h Zone

Proposed Extended 60km/h Zone

Juers Road

Jungfer Road 60km/h Speed Zone Extension Proposal

Appendix 2

Traffic Impact Report



Job No: 18.2007

14 November 2018

Adelaide Hills Council
63 Mount Barker Road
Stirling SA 5152

Attention: David Collins

Dear David,

RE: JUNGFER ROAD SPEED LIMIT ASSESSMENT

I have completed an assessment of the existing speed limits on the sealed section of Jungfer Road, Lobethal, as per your request on 18th October 2018. In preparing my advice to Council, I have also reviewed the following documents provided by Adelaide Hills Council:

1. Transport SA Speed Zoning Plan TES 16450 - 29 September 2004.
2. Adelaide Hills Council 60km/h Speed Zone Installation - 25 October 2004.
3. Department of Transport, Energy and Infrastructure State Black Spot funding letter for chicane / speed reduction treatment – 15 September 2009
4. Jungfer Road Slow Point Design Drawing – October 2009.
5. Adelaide Hills Council Contract No. 52/09 for 2 Slow Points Installation.

1. Background and Site Condition

- 1.1 Jungfer Road, a local rural road located on the fringe of Lobethal Township, is under the care, control and management of Adelaide Hills Council. The road provides an east-west connection between Ridge Road to Onkaparinga Valley Road.
- 1.2 The rural road is sealed up to the intersection of Schoenthal Road and becomes an unsealed gravel road from thereon to the intersection of Onkaparinga Valley Road. The sealed section measures 2 km in length with a number of steep crests and valleys (i.e. bottom of the hill) on this road.
- 1.3 Following the Coroner Inquest's findings in August 2004 in response to a fatal incident in 2002 on this Jungfer Road, Transport SA (currently known as Department of Transport and Infrastructure) and Council assessed and recommended to lower the existing speed limits to 60 km/h cover the sharp crest. The speed limit changes were effectively on 25 October 2004 and it is understood to have remained since.

- 1.4 During the 2009/10 Financial Year, Council was successful in securing State Black Spot Funding and subsequently installed two slow points on Jungfer Road. The first slow point was installed west of Driveway No. 53 and the other was approximately 500m apart from the first slow point.

2. Traffic Volume, Speed and Crash Statistics

- 2.1 The traffic classification count between 2nd May 2018 to 14th May 2018 estimated 1,385 vehicles on this road during that period. This equates to an average daily traffic volume of 115 vehicles with a 3.4% being commercial vehicle.
- 2.2 The speed classification showed a high level of driver compliance to the posted speed limits with only approximately 4.4% (62 vehicles) of total traffic volume exceeding 80km/h in that same period. Of the 62 vehicles, 54 vehicles were considered low level speeding (i.e. exceed posted speed by 1-9 km/h). There were 6 vehicles exceeding 90 km/h and 2 vehicles over 100 km/h.
- 2.3 The crash data for the section of Ridge Road and Schoenthal Road (1998 to 2017) shows 10 recorded crashes, of which 6 were Property Damage Only (PDO), 2 Injury and 2 Fatal. The Fatal crash in 2002 resulted in 1 fatality and 2 serious injuries. In 2009, another Fatal crash (hit fixed object) claimed the lives of 2 people.

3. Discussions

- 3.1 It is likely the case that the speed limit had not been reviewed during or post installation of the two slow points. This conclusion was based on my recent site inspection which has identified that the second slow point is currently located within an 80 km/h speed zone which is concerning.
- 3.2 A slow point, by definition, is a traffic control device commonly used as part of a local area traffic (LATM) scheme designed to influence driver behaviours with the objective of reducing traffic volumes and speeds in local streets.
- 3.3 The Department of Planning, Transport and Infrastructure (DPTI) Code of Technical Requirements (Part 2, 2018) specifies that LATM devices shall be installed only in accordance with *Australian Standards 1742.13 MUTCD Part 13: Local area traffic management, Austroads Guide to Traffic Management Part 8: Local Area Traffic Management*, and the variations and additions contained in the Code.
- 3.4 It is clear from the Code that slow points shall not be installed on roads with a speed limit greater than 60 km/h. The Code also states that they should not be installed on roads with a gradient exceeding 10% unless all safety requirements can be met. Given the passage of time with the operation of the existing slow points, I have assumed that these devices were approved for use at the time of installation. If this is not the case, the legal use of these devices should be assessed.
- 3.5 Regarding the application of speed limit, the current roadside environment is best described as 'rural in nature' given the lack of roadside development along this section of sealed road. A small cluster of properties was observed mainly on one side of the road, starting 115m west of Juers Road for a length of 300m, following which the remainder of the road has low* presence of development along the road.
- 3.6 I am aware the current roadside environment is probably suited to an 80 km/h speed environment according to *AS 1742.4 MUTCD Part 4: Speed Control*, however, after taking into consideration the presence of the existing steep crests and valleys, I am concerned with the 80 km/h speed zone location, for reasons outlined below*.

- 3.7 There are little differences in roadside environment between the first section (Ridge Road to the first slow point) and the second section (between the slow points). Having the speed zone change to 80 km/h just prior a slow point (eastbound direction) is unsafe and should be reviewed*.
- 3.8 In my opinion, to ensure the safe operation of the slow point devices, the existing 60km/h zone must be extended beyond the slow points.
- 3.9 I have consulted with DPTI's Stephen Pascale, Manager Traffic Services on this very matter recently and he was comfortable to support my recommendation.

4. Recommendations

4.1 It is recommended that Council:

- Consider implementing the 60/80 speed zone change to occur just east of the driveway of 162 and 169 Jungfer Road*.
- Have a regular maintenance regime to trim roadside vegetation to improve conspicuity of the slow points.
- Install "Ahead" supplementary signs to existing Slow Point signage located at the top of the crest.

Yours sincerely,

For GREENHILL



Peter Tan
Principal Engineer

* Edited to clarify original 8 November 2018 correspondence and provide a clear statement on the extent of the 60 km/h speed zone extension.

**ADELAIDE HILLS COUNCIL
ORDINARY COUNCIL MEETING
Tuesday 22 January 2019
AGENDA BUSINESS ITEM**

Item: 12.8

Originating Officer: Lachlan Miller, Executive Manager Governance & Performance

Responsible Director: Andrew Aitken, Chief Executive Officer

Subject: Appointment to GRFMA Audit Committee & Amendment to GRFMA Public Consultation Policy

For: Decision

SUMMARY

The Gawler River Floodplain Management Authority (GRFMA) resolved to appoint Board Member (and Adelaide Hills Councillor) Cr Malcolm Herrmann to their Audit Committee for two years until 26 November 2020 subject to the approval of constituent councils for this appointment.

Further, the GRFMA recently reviewed its Public Consultation Policy and, while the content of this policy would normally only be a matter for the Authority, the proposed amendments include recognising a role for the constituent councils in distributing information on GRFMA consultations.

The purpose of this report is to seek Council's determination on the appointment of Cr Herrmann to the GRFMA and also to seek any feedback from Council on the proposed change to the Public Consultation Policy regarding constituent councils.

RECOMMENDATION

Council resolves:

1. That the report be received and noted
 2. To approve the appointment of Cr Malcolm Herrmann's to the Gawler River Floodplain Management Authority's Audit Committee as the Elected Member Representative.
 3. To provide a response to the Gawler River Floodplain Management Authority that Council supports the proposed inclusion in the Public Consultation Policy for constituent councils to, subject to the individual council's agreement, assist with the distribution of consultation-related information.
-

1. GOVERNANCE

Goal Organisations Sustainability
Strategy Governance

➤ Legal Implications

GRFMA is created under section 43 of the *Local Government Act 1999* (the Act) and operates under a Charter approved by the Constituent Councils.

The appointment of the members of the GRFMA Audit Committee is pursuant to Schedule 2, Clause 30(3) of the Act.

Sections 73 and 74 of the Act set out the provisions regarding Material Conflicts of Interest. A Council Member being present during a discussion on their appointment to a regional subsidiary board/committee may possibly constitute a personal benefit under s73 of the Act.

Sections 75 and 75A of the Act set out the provisions regarding Actual and Perceived Conflicts of Interest. A Council Member being present during a discussion on their appointment to a regional subsidiary board/committee may in actuality, or could be perceived by an impartial person to, have a conflict between their personal interests and the public interest that might lead to a decision that is contrary to the public interest.

Section 50 of the Act requires council to adopt public consultation policies in accordance with the provisions of the Act. The same requirement does not extend to regional subsidiaries however it is good governance practice to do so.

➤ Risk Management Implications

The establishment of appropriately and effectively constituted regional subsidiaries 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

There are a number of financial implications in relation to the GRFMA; however this report concerns the appointment of a Council Member to a Board committee rather than a discussion regarding the operations of each Subsidiary.

Neither Council nor the GRFMA pay allowances for attendance at Audit Committee meetings for Council Members.

Council Members are however entitled to claim travel reimbursement in accordance with the *Council Member Allowance & Benefits Policy*.

Where constituent councils assisted the GRFMA with public consultations, the costs associated with each consultation would be discussed prior to agreement to participate.

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

Not applicable.

➤ **Environmental Implications**

Not applicable.

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

Consultation on the development of this report was as follows:

Council Committees: Not applicable.

Council Workshops: Not applicable.

Advisory Groups: Not applicable.

Administration: Not applicable.

Community: Not applicable.

2. BACKGROUND

Audit Committee Appointment

Council resolved to nominate Cr Malcolm Herrmann for a position on the GRFMA Audit Committee at the Special Council meeting held on 4 December 2018.

5.2 Gawler River Floodplain Management Authority (GRFMA) Audit Committee Registration of Interest – Nomination

Moved Cr Linda Green
S/- Cr Pauline Gill

318/18

Council resolves:

1. That the report be received and noted.
2. That Council resolves to nominate Cr Malcolm Herrmann for the Gawler River Floodplain Management Authority Audit Committee.

Carried Unanimously

The GRFMA meeting held on 13 December 2018 resolved:

Moved Cr T Keen

Seconded: Mr. G Mavrinac

That

1. **Subject to approval from constituent councils Mr M Herrmann be appointed as GRFMA Audit Committee member, Elected Member representative; and**
2. **That the Executive Officer write to constituent councils seeking support for the appointment; and**
3. **That a report on constituent council responses be provided to the 7 February 2019 GRFMA meeting.**

CARRIED

GRFMA now seeks Council's approval for the appointment of Cr Malcolm Herrmann to the GRFMA Audit Committee, by 31 January 2019 (see **Appendix 1**).

Public Consultation Policy

The GRFMA has recently revised its Public Consultation Policy and has inserted an amendment include recognising a role for the constituent councils in distributing information on GRFMA consultations.

The amendment recognises that the participation of constituent councils in GRFMA consultations remains subject to the agreement of the respective constituent councils (see **Appendix 1**).

3. ANALYSIS

Audit Committee Appointment

As Council resolved to nominate Cr Malcolm Herrmann for the GRFMA Audit Committee at the Special Council meeting, it follows that Council would resolve favourably on the question of his appointment.

Public Consultation Policy

The GRFMA's proposal to liaise with constituent councils for the purposes of seeking assistance in the distribution of public consultation materials is prudent and, given that each constituent council can determine whether to participate, has minimal downside and potentially considerable upside.

4. OPTIONS

The Council has the following options:

- I. To resolve to support Cr Malcolm Herrmann's appointment to the GRFMA Audit Committee and provide feedback that Council supports the proposed amendments to the Public Consultation Policy. (**Recommended**)
- II. To decide not to support Cr Malcolm Herrmann's appointment to the GRFMA Audit Committee and/or provide support for the amended Policy.

5. APPENDIX

- (1) Letter from GRFMA Executive Officer 19/12/18 re Audit Committee Membership

Appendix 1

*Letter from GRFMA Executive Officer re Audit
Committee Membership*

Gawler River Floodplain Management Authority
266 Seacombe Road, Seacliff Park, SA 5049
Telephone: 0407717368 Email: davidehitchcock@bigpond.com
Website: www.gawler.sa.gov.au/grfma

Andrew Aitken
Chief Executive Officer
Adelaide Hills Council
28 Onkaparinga Valley Road
Woodside SA 5244
By email mail@ahc.sa.gov.au

19/12/18

Dear Andrew,

GRFMA Audit Committee membership and review of GRFMA Public
Consultation Policy

I am writing to seek Council:

1. Approval for the appointment of Cr Malcom Herrmann (Adelaide Hills Council) as member of the GRFMA Audit Committee; and separately
2. Feedback on review of the GRFMA Public Consultation Policy.

GRFMA Audit Committee membership

Pursuant to Clause 30(3), Schedule 2 to the Local Government Act 1999 an audit committee will comprise persons determined or approved by the constituent councils. The term of appointment for the GRFMA Audit Committee is two years. The current committee was appointed in June 2017.

A vacancy now exists following retirement of the previously appointed GRFMA Audit Committee member who was the constituent councils Elected Member representative.

Registrations of Interest were invited from constituent council elected members who have financial experience relevant to the functions of the GRFMA audit committee.

Following receipt of expressions of interest from constituent councils the 13/12/18 GRFMA meeting resolved:

That

1. *Subject to approval from constituent councils Cr. M Herrmann be appointed as GRFMA Audit Committee member, Elected Member representative; and*
2. *That the Executive Officer write to constituent councils seeking support for the appointment; and*
3. *That a report on constituent council responses be provided to the 7 February 2019 GRFMA meeting.*

GRB 18/91

In accordance with the GRFMA resolution council approval is now sought for appointment of Cr. Herrmann to membership of the GRFMA Audit Committee.

I would be pleased if council could provide a response on its deliberation in this matter, to davidehitchcock@bigpond.com preferably before COB 31 January 2019 so that the GRFMA might affect appointment of Cr. Herrmann at its 7/2/19 Board meeting.

See attached for relevant skills and experiences of Cr. Herrmann.

GRFMA Public Consultation Policy Review

GRFMA Policies are required to be reviewed annually with the latest review being undertaken in December 2018.

A report on the annual review was considered at the 13/12/18 GRFMA meeting which subsequently resolved:

That the GRFMA;

1. Adopt the following reviewed Policies without change.
 - Access to meetings and Documents;
 - Internal Review of Decisions;
 - Procurement and Operations;
 - Dam Valuation; and
 - Treasury Management; and
2. Notes proposed changes to the Public Consultation Policy and the Executive Officer to seek comment on the proposed changes from constituent councils prior to further consideration.

GRB 18/90

It is advised that the GRFMA Public Consultation Policy document remains unchanged from the previously adopted version of 2017 with exception of addition at page 3 identified below in bold and underlined highlight.

Constituent Councils

Constituent councils can also add value to the Authority's consultation exercises and are encouraged to assist, subject to their agreement, with distributing consultation related information (e.g. on their websites and social media platforms or by displaying printed materials at their public venues).

For clarity, Authority initiated consultation exercises will be led by the Authority and not constituent councils in the interests of maintaining a clear separation between the organisations.

Further: Actions by the GRFMA Chairperson and or Executive Officer undertaken to foster the outcomes of the Business Plan, in facilitating meetings to liaise with Councils, and Stakeholders, are not considered consultation exercises in relation to this Policy.

The Authority will notify constituent councils about consultation exercises at least one week before consultation commences.

The intent of the proposed change is to provide clarity around actions by the Chairperson and or Executive Officer that “getting on with the general business” of the Authority, such as meeting with councils, individuals and stakeholders, to foster the outcomes of the Business Plan is not considered public consultation.

In accordance with the GRFMA resolution I seek council feedback on the proposed change to the GRFMA Public Consultation Policy.

I would be pleased if council could provide a response on its deliberation in this matter, to davidehitchcock@bigpond.com preferably before COB 31 January 2019.

Yours Sincerely

A handwritten signature in black ink, appearing to read 'David Hitchcock', with a stylized flourish extending to the right.

David Hitchcock
Executive Officer
GRFMA

Gawler River Floodplain Management Committee Audit Committee Registrations of Interest

Registrations of Interest are sought from Constituent Council elected members (who may be a GRFMA Board Member or a member of a constituent Council) who have financial experience relevant to the functions of the audit committee. Following nomination and GRFMA Board endorsement the Constituent Councils must then approve the appointment of members of a regional subsidiary audit committee. It is expected that the committee will meet not less than four times per year. Section 13 of Schedule 2 Part 1 of the Local Government Act requires that the functions of an audit committee (for a regional subsidiary) include—

(a) Reviewing annual financial statements to ensure that they provide a timely and fair view of the state of affairs of the subsidiary; and (b) Liaising with external auditors; and (c) Reviewing the adequacy of the accounting, internal auditing, reporting and other financial management systems and practices of the subsidiary on a regular basis.

See attached for the GRFMA Audit Committee Terms of Reference.

Please complete electronically

Full Name	Malcolm Arthur Herrmann
Residential address	10 Pool Street BIRDWOOD SA 5234
Telephone	0429 890245
Email	mherrmann@ahc.sa.gov.au
Council Role/Experience	<ul style="list-style-type: none">• Eight years (two terms).First elected in 2010.• Elected for a further four year term expiring Nov 2022.• Member of SPDPC eight years, Audit Committee four years. Appointed Chairperson of Audit Committee November 2018.• Member of the GRFMA for three years• Member of many council advisory groups• Member of the Upper Torrens Land Management Committee until 2017
Financial experience relevant to the functions of an audit committee	<ul style="list-style-type: none">• Monitor integrity and clarity of financial statements.• Ensure policies, procedures and practices in place for effective internal control including meeting with the external auditors• Review any findings of the external auditor• Review of draft annual report and financial statements• Last five years of working life spent as a Director of the Port Adelaide Enfield council which required a high level of financial and budget management skills.• Was a member of the National Institute of Accountants• Preparation of annual Audit Plan• Head of the Internal Audit Section of the Hospitals Department(now SA Health)• Review and adoption of Risk management systems
Skills that you would bring to the committee	<ul style="list-style-type: none">• Pay attention to detail.• Politically aware.• Ability to read and understand financial statement
Any other comments you would like considered	Employed the last 18 Years of working life in Local Government in Managerial Positions all of which required a high level of financial experience Honorary Auditor for many small charitable and community organizations Able to attend meetings during the day

To be considered for this position, please complete electronically and return to davidehitchcock@bigpond.com by 5pm on 7 December 2018

**ADELAIDE HILLS COUNCIL
ORDINARY COUNCIL MEETING
Tuesday 22 January 2019
AGENDA BUSINESS ITEM**

Item: 12.9

Originating Officer: Steven Watson, Governance & Risk Coordinator

Responsible Director: Andrew Aitken, Chief Executive Officer

Subject: Review of Confidential Items

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 item that requires a new confidentiality order. Council must determine the period of confidentiality for these items.

RECOMMENDATION

Council resolves:

1. That the report be received and noted
2. 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 resolves that an order be made under the provisions of sections 91(7) and (9) of the *Local Government Act 1999* that the report, related attachments and the minutes of Council and the discussion and considerations of the subject matter be retained in confidence for a period as specified below:

**Council Meeting 27 February 2018
Adelaide Hills Swimming Centre Shade Sail**

Section 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 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 commercial position of person/agency/business involved with any litigation that may be undertaken.

To remain confidential until legal proceedings and deliberations have concluded.

1. GOVERNANCE

➤ Strategic Management Plan/Council Policy

Goal	Organisational Sustainability
Strategy	Governance

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.

➤ 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

Not applicable

➤ Environmental Implications

Not applicable

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

Council Committees: Not applicable

Council Workshops: Not applicable

Advisory Groups: Not applicable

Administration: Director Development & Regulatory Services
Executive Manager Governance & Performance
Manager Property Services

Community: Not applicable

2. BACKGROUND

The Register of Confidential Items is contained on Council's website and is reviewed on a monthly 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 as shaded. There is one item from 2014 that has a confidentiality order applied. All remaining items are from 2016, 2017 and 2018.

3. ANALYSIS

The Register of Confidential Items has been reviewed and there is two items that require a new confidentiality order applied at this time. An extract of the register is attached (**Appendix 1**) which provides a summary of all existing confidentiality orders highlighting those orders that require new confidentiality provisions, as follows:

- ***No. 323, Adelaide Hills Swimming Centre Shade Sail***

The Period of Confidentiality for this item is currently 27 February 2019.

As the legal proceedings are continuing and it is not certain as to when the judgement will be handed down, it is recommended that a new confidentiality order be applied for a further 12 months and that the item 'Remain confidential until legal proceedings and deliberations have concluded'.

Two confidentiality orders are due to expire in February and no extension of the confidentiality period is required. Upon the respective dates, the items will be released and the information placed on Council's website and Members notified. These items are as follows:

- ***No. 321, Appointment of External Auditor (Audit Committee)***

The Period of Confidentiality for this item is currently 20 February 2019.

- ***No. 324, Appointment of External Auditor (Council)***

The Period of Confidentiality for this item is currently 27 February 2019.

4. OPTIONS

Council has the following options:

- I. To extend the period of confidentiality as per the recommendations
- II. Determine an alternative period of confidentiality
- III. Allow the confidentiality order to expire thus releasing the information

If the meeting wishes to discuss the status of any items in a manner that will result in the disclosure of information currently under a s91(7) confidentiality order, it should first consider making a s90 order to go into confidence.

5. APPENDIX

- (1) Extract of Current Confidential Register Items

Appendix 1

Extract of Current Confidential Register Items

REGISTER OF CONFIDENTIAL ITEMS

No.	Date	Council/ Committee	Item No.	Responsible Officer	Title	LGA 1999 Section	Release date	Original Resolution regarding Period of Confidentiality	New Confidentiality Recommendation or Date Released	Next Review Date
240	22/04/14	Council	18.2.1	Marc Salver	AHRWMA	90(3)(b,d,i)	12-December-2018	Until legal action concluded 22 April 2015	Resolution passed 24 November 2015 to remain confidential until legal action has concluded but no longer than 30 June 2016. Resolution passed 28 June 2016 to remain confidential until legal action has concluded but no longer than 31 December 2016. Resolution passed 13 December 2016 to remain confidential until Legal Action has concluded. Resolution passed 12 December 2017 to remain confidential until legal proceedings and deliberations have concluded.	27-November-2019
290	25/10/16	Council	19.1	Marc Salver	CWMS Expression of Interest	90(3)(d)	31-December-2019	Until 31 December 2017 except public statements which outline the rationale and process for seeking a review of options	Resolution passed 12 December 2017 to remain confidential until 26 September 2018 Resolution passed 26 June 2018 to remain confidential until 31 December 2019	26-June-2019
301	28/02/17	Council	19.1	Marc Salver	Community Wastewater Management Systems Review	90(2)(b)	30-June-2018	Until 30 June 2018	Resolution passed 26 June 2018 to remain confidential until 31 December 2019 Related to 290	31-December-2019
309	22/08/17	Council	19.1	Marc Salver	Adelaide Hills Region Waste Management Authority Tender Landfill Compactor	90(3)(d)	03-August-2019	Until 3 August 2018.	Resolution passed 26 June 2018 to remain confidential until 3 August 2019 Related to 325	26-June-2019
311	26/09/17	Council	19.2	Marc Salver	Community Wastewater Management Systems Review	90(3)(b)	31-December-2019	Until 26 September 2018	Partially released 13 February 2017 (Resolution 3) Resolution passed 26 June 2018 to remain confidential until 31 December 2019 Related to 290 & 301	26-June-2019
321	20/02/2018	Audit Committee	7.2	Lachlan Miller	Appointment of External Auditor	90(3)(d)	20-February-2019	Until the completion of the contract (Agenda Report only - minutes not confidential)		20-February-2019
323	27/02/2018	Council	19.2	Nick Taarnby	Adelaide Hills Swimming Centre Shade Sail	90(3)(i)	27-February-2019	Until matter is determined but not longer than 12 months		27-February-2019
324	27/02/2018	Council	19.3	Lachlan Miller	Appointment of External Auditor	90(3)(d)	27-February-2019	Until the completion of the contract		27-February-2019
326	24/04/18	Council	19.1	Terry Crackett	Sale of Land for Non Payment of Rates	90(3)(i)	24-April-2019	Until advertisement published but no longer than 12 months		24-April-2019
328	19/06/18	Special Council	6.1.1	John McArthur	CWMS Expression of Interest Outcomes	90(3)(b)	31-December-2019	Until 31 December 2019	Partially released 05 July 2018 (Resolution 4 and Community Consultation from Report) Resolution passed 19 June 2018 to remain confidential until 31 December 2019 Minute fully Released 9 August 2018 Report remains confidential	19-June-2019
331	01/08/18	Special Council	7.2.1	Terry Crackett	Retirement Village Review	90(3)(b)	31-July-2023	Until settlement with the exception of Clause 8 and Appendix 2 which shall be retained in confidence until 31 July 2023	Partially released 01 August 2018	01-August-2019
335	11/09/18	Special Council	7.11	Peter Bice	Ashton Landfill	90(2)	10-September-2019	Until 10 September 2019.		10-September-2019

**ADELAIDE HILLS COUNCIL
ORDINARY COUNCIL MEETING
Tuesday 22 January 2019
AGENDA BUSINESS ITEM**

Item: 12.10

Originating Officer: Lachlan Miller, Executive Manager Governance & Performance

Responsible Director: Andrew Aitken, Chief Executive Officer

Subject: Election for GAROC 2018-2020

For: Decision

SUMMARY

The Local Government Association (LGA) has advised that the outcome of the general council elections in November 2018 has caused two casual vacancies on the Greater Adelaide Regional Organisation of Councils (GAROC).

GAROC Terms of Reference requires that all Council Members elected to GAROC must be from a different Member Council. As Adelaide Hills Council is represented by Mayor Jan-Claire Wisdom, Council is unable to nominate any other AHC members, however, Council may nominate a council member from another council within the Greater Adelaide region.

Nominations are invited from councils and must be received by Friday 22 February 2019, with the final declaration advised on 12 April 2019.

RECOMMENDATION

Council resolves:

1. That the report be received and noted
 2. To nominate _____ and _____ and to lodge the completed ballot paper in accordance with the process set out in *Appendix 1*.
-

1. GOVERNANCE

➤ Strategic Management Plan/Council Policy

Goal	Organisational Sustainability
Strategy	Governance

➤ Legal Implications

The position, role and function of GAROC are set out in the GAROC Terms of Reference (**Appendix 1**).

➤ Risk Management Implications

Notwithstanding that Council is only one of the regional group of councils voting for members to GAROC, given the role of the GAROC, it is in Council's (and the sector's) interest to support the candidates that will assist in mitigating the risk of:

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

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

➤ Financial and Resource Implications

GAROC does not pay sitting fees and clarification is required as to whether GAROC funds travel and related expenses. It is anticipated that costs associated with GAROC will be funded by the LGA and therefore indirectly by the membership fees of councils.

➤ Customer Service and Community/Cultural Implications

There are no direct end-user customer service implications regarding the nomination of members to GAROC.

➤ Environmental Implications

Not directly applicable.

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

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>Administration:</i>	Not Applicable
<i>Community:</i>	Not Applicable

2. BACKGROUND

The Local Government Association (LGA) reviewed its governance structures and this includes its two constituent bodies, being the South Australian Regions of Councils (SAROC) representing the regional councils and the Greater Adelaide Region Organisation of Councils (GAROC) representing the metropolitan councils.

The role of GAROC is regional advocacy, policy initiation and review, leadership, engagement and capacity building in the regions.

The GAROC Regional Groupings consists of:

Adelaide Hills Council	City of Onkaparinga
City of Burnside	City of Playford
Campbelltown City Council	City of Port Adelaide Enfield
City of Charles Sturt	City of Prospect
Town of Gawler	City of Salisbury
City of Holdfast Bay	City of Tea Tree Gully
City of Marion	City of Unley
City of Mitcham	Town of Walkerville
City of Norwood, Payneham & St Peters	City of West Torrens
City of Adelaide (Standing Member)	

AHC has been a member of Metropolitan Local Government Group (MLGG) for a considerable period of time and the MLGG has evolved to be the constituent membership of GAROC.

The Council meeting on 25 September 2018 resolved to nominate Cr Jan-Claire Wisdom:

12.3 Election for GAROC 2018 – 2020

Moved Cr Linda Green
S/- Cr John Kemp

257/18

Council resolves:

1. That the report be received and noted
2. For the Mayor to mark the ballot paper with the Adelaide Hills Council's vote for:

Karen Redman
Grant Piggot
Jan-Claire Wisdom
David O'Loughlin
Christel Mex
Gillian Aldridge
Kevin Knight
Neville Grigg

and to lodge the completed ballot paper in accordance with the process set out in Appendix 1.

Carried Unanimously

Councillor Wisdom (now Mayor Wisdom) was successfully elected to GAROC.

As a result of the 2018 Local Government Election, two of the candidates elected to GRAOC were not successful in being re-elected as Council Members and, correspondingly, vacated their positions on GAROC. The remaining GAROC Members are as follows (**Appendix 2**):

Mayor Karen Redman	Town of Gawler	Chair
Mayor Gillian Aldridge	City of Salisbury	Member
Mayor Kevin Knight	City of Tea Tree Gully	Member
Mayor Jan-Claire Wisdom	Adelaide Hills Council	Member
Mayor David O'Loughlin	City of Prospect	Member
Cr Christel Mex	City of Norwood, Payneham & St Peters	Member
Lord Mayor Sandy Verschoor	City of Adelaide (Standing Member)	Member

3. ANALYSIS

The GAROC Terms of Reference requires that all Council Members elected to GAROC must be from a different member council. As Adelaide Hills Council is represented by Mayor Jan-Claire Wisdom, Council is unable to nominate any other Adelaide Hills Council Members, however, Council may nominate a council member from another council within the Greater Adelaide region.

Nominations must be made using the attached form signed by the nominee (indicating their willingness to stand for election) and Council's Chief Executive Officer.

At the time of writing this report, the Administration was not aware of any Council Members from GAROC councils seeking to be nominated.

Notwithstanding Council's entitlement to nominate a candidate(s) for election to GAROC, as that nominee(s) will need to be from another council, it may be prudent to rely on the other GAROC councils to nominate their most appropriate candidates and for Council to only participate in the process at the election stage.

4. OPTIONS

Council has the following options:

- I. To nominate a council member from another metropolitan council not currently represented on GAROC
- II.
- III. To determine not to nominate any other Council Member for election to GAROC

5. APPENDICES

- (1) Letter from LGA CEO dated 9 January 2018 calling for nominations to fill casual vacancies on GAROC.
- (2) Details of current membership of GAROC

Appendix 1

*LGA letter 9 January 2019 – Nominations for GAROC
2018 - 2020*

In reply please quote our reference ECM 669359 MP/AL

9 January 2019

Mr Andrew Aitken
Chief Executive Officer
Adelaide Hills Council
PO Box 44
WOODSIDE SA 5244
Emailed: aaitken@ahc.sa.gov.au

Dear Andrew

Call for Nominations for Members of GAROC – Casual Vacancies

The LGA hereby calls for nominations to fill two (2) casual vacancies on the Greater Adelaide Regional Organisation of Councils (GAROC) to commence office from the declaration of this election and to remain in office until the conclusion of the 2020 AGM. A nomination form for the position of member of GAROC is attached and must be received by me, no later than **5pm Friday 22 February 2019**.

Casual Vacancies

The outcome of the general council elections in November has caused two (2) casual vacancies on GAROC. The processes to fill these casual vacancies are outlined in Clause 4.7.3 of the GAROC Terms of Reference (TOR):

4.7.3.If there is a casual vacancy in the membership of GAROC then the GAROC Regional Grouping relevant to the GAROC member the subject of the casual vacancy will appoint by resolution of the majority of Members comprising the GAROC Regional Grouping another Council Member to serve as a member of GAROC for the balance of the membership term.

This provision was based on the premise that GAROC would be divided into regions, rather than the one region that currently exists. The LGA has obtained legal advice in relation to this matter, which indicates that GAROC should determine the process to fill the casual vacancies. It has been resolved by GAROC to conduct an election to fill the two casual vacancies as if it was undertaking its two yearly general GAROC elections.

Accordingly, I write to you in your capacity as the Chief Executive Officer of an Ordinary Member Council of the Greater Adelaide region to invite nominations from your council for a position on GAROC.

A nomination may only be made by resolution of the council and using the **enclosed** form. The form must be signed by both the candidate nominated by the council to indicate his/her willingness to stand for election, and by you as the Chief Executive Officer of the nominating council.

Voting

As the Returning Officer I am required to conduct a ballot if the number of nominations for GAROC exceeds the required number of candidates. If a ballot is required, the distribution of ballot papers to councils will include any information provided by the candidates to the Returning Officer in accordance with the requirements specified in clause 4.4.5 of the GAROC TOR (copy attached).

Timetable

Key timings and GAROC Terms of Reference provisions are outlined in the following table:

Indicative Timing	Headline	GAROC TOR Provision
n/a	Returning Officer	Returning Officer for all LGA electoral matters is the Chief Executive Officer (Clause 4.4.1)
10 January 2019	Nominations Called	CEO to write to members of GAROC calling for nomination for position of members of GAROC (Clause 4.3.2).
22 February 2019	Nominations Close	Nominations must be received by the CEO no later than 5pm on the day specified for the close of nomination (Clause 4.3.4). Council's will have 6 weeks to lodge their nominations.
n/a	Nominations equal to vacancies	If the number of nominations received equals the number of vacant positions each candidate is elected (Clause 4.4.3).
1 March 2019	Ballot papers prepared and posted	CEO shall deliver ballot papers to each GAROC member council (Clause 4.4.5(b)).
11 April 2019	Voting closes	The returning officer will determine the closing date for voting with reference to Clause 4.4.5(f) for counting of votes. Council's will have 6 weeks to lodge their votes.
12 April 2019	Counting of votes	The CEO shall nominate the date, time and place for the counting of votes (Clause 4.4.5(f))
12 April 2019	Final declaration of result	CEO shall declare the candidate with the most votes elected at the conclusion of the counting of the votes. The candidates elected will commence their term immediately and will remain in office until the conclusion of the 2020 AGM.

All nominations (and any accompanying candidate information) must be addressed to me as the LGA's Returning Officer and must be received by 5:00pm Friday 22 February 2019.

Extracts from the relevant section of the GAROC TOR relating to nominating and electing members to GAROC is attached for your information.

GAROC Membership

Information about the current membership of GAROC is attached for your information. The GAROC TOR (Clause 4.2.1) requires that all council members elected to GAROC must be from a different Member council. Therefore, if your council already has a council member currently serving as a member of GAROC; no further members of your council are eligible for this election. However, a council may nominate a council member from another council within the Greater Adelaide region for a position on GAROC.

Please contact me if you have any questions in relation to the election process.

Yours sincerely



Matt Pinnegar

Chief Executive Officer/ LGA Returning Officer

Telephone: (08) 8224 2039

Email: matt.pinnegar@lga.sa.gov.au

Attachments:

- 1 Nomination Form – GAROC Casual Vacancy
- 2 Candidate Information Sheet
- 3 Extract from LGA GAROC TOR – Section 4
- 4 ECM 669356 GAROC Membership

Nomination Form

GAROC – Casual Vacancy

Nominee's Council	<i>(insert name of council)</i>
Nominee's Name (full name)	<i>(insert title, first name and surname)</i>
Declaration and signature of nominee	<p>I hereby accept such nomination and consent to act as a member of GAROC if so elected.</p> <p>Signature:</p> <p>.....</p>
Signature and name of Nominating Council's CEO	<p>Signature:</p> <p>.....</p> <p><i>(insert name)</i></p>
Dated	<i>(insert date)</i>

This form is to be sent to the LGA Returning Officer
Close of nominations 5:00pm Friday 22 February 2019

Candidate Information Sheet

GAROC – Casual Vacancy

(word limit is strictly 1,000 words)

Name:	<i>(insert title, first name and surname)</i>
Council:	<i>(insert council name)</i>
Local Government Experience & Knowledge	<ul style="list-style-type: none"> <i>(insert)</i>
Local Government Policy Views & Interests	<ul style="list-style-type: none"> <i>(insert)</i>
Other information	<ul style="list-style-type: none"> <i>(insert details of leadership, board, corporate governance experience etc)</i>

This form must accompany the Nomination Form

This information will be supplied to GAROC member councils in the event that an election is required

Extract – GAROC Terms of Reference

Clause 4 – GAROC

4. GAROC

4.1. Role

The role of GAROC is regional advocacy, policy initiation and review, leadership, engagement and capacity building in the region(s).

4.2. Membership

4.2.1. The GAROC Regional Grouping of Members listed in the schedule to these Terms of Reference will elect in accordance with clause 4.3 and 4.4 from the Members of the GAROC Regional Grouping eight (8) Council Members of Members in the GAROC Regional Grouping to GAROC provided that each person elected is from a different Member.

4.2.2. In addition to the members of GAROC elected in accordance with clause 4.2.1, the Lord Mayor of the City of Adelaide or his or her nominee (also being a Council Member of the City of Adelaide) will be a standing member of GAROC.

4.3. Nominations for election to GAROC

4.3.1. The members of GAROC will be elected biennially.

4.3.2. In the year in which GAROC members will be elected, and at least 3 months before the Annual General Meeting, the Chief Executive shall write to all Members of GAROC as listed in the schedule calling for nominations for the membership of GAROC.

4.3.3. A nomination of a person as a member of GAROC must be by resolution of the Member received by the Chief Executive not later than 5 pm on the day specified for the closure of nominations (**Close of Nominations**). A nomination must be signed by the candidate indicating his or her willingness to stand for election and be in the form determined by the Chief Executive.

4.4. Election to GAROC

4.4.1. The Chief Executive shall be the returning officer for any election of members to GAROC.

4.4.2. After the Close of Nominations, the Chief Executive will notify Members of the GAROC Regional Grouping of the candidates for membership of GAROC nominated in the Regional Grouping of Members.

4.4.3. If the only nominations received from a Regional Grouping of Members by the Close of Nominations match the membership positions described in clause 4.2.1 then the Chief Executive will declare those persons duly elected to those membership positions.

- 4.4.4. If the number of persons nominated by the Close of Nominations by the Regional Grouping of Members exceeds the number of membership positions described 4.2.1 then an election for the purpose of clause 4.2.1 must be held in accordance with this clause.
- 4.4.5. In the event of an election being required, the Chief Executive shall conduct the election as follows:
- (a) at least six weeks before the Annual General Meeting, the Chief Executive shall deliver ballot papers to each Member of the Regional Grouping of Members;
 - (b) the ballot papers shall:
 - (i) list the candidate or candidates for election;
 - (ii) specify the day of closure of the election; and
 - (iii) be accompanied by an envelope marked "Ballot Paper" and a second envelope marked "Returning Officer";
 - (c) each Member shall determine by resolution the candidate or candidates (as relevant) it wishes to elect;
 - (d) the chair of the meeting for that Member shall mark the ballot paper with an "X" next to the candidate or candidates (as relevant) that the Member wishes elected and seal the ballot paper in the envelope marked "Ballot Paper" inside the envelope marked "Returning Officer". Before sealing the second envelope the chair must indicate the Member's name on the inside flap of the envelope. The envelope may then be sealed and delivered to the Returning Officer;
 - (e) on receipt of the envelopes the Chief Executive must:
 - (i) open the outer envelope addressed to the "Returning Officer" and record the name of the Member which appears on the inside flap of the envelope on the roll of Member's eligible to vote; and
 - (ii) place the envelope marked "Ballot Paper" unopened into the ballot box;
 - (f) the Chief Executive shall nominate the date, time and place for the counting of votes and shall invite each candidate and a person nominated as the candidate's scrutineer to be present;
 - (g) at the counting of the votes the Chief Executive shall produce unopened envelopes marked "Ballot Paper" and if satisfied that all votes are valid, count the number of votes received by each candidate;
 - (h) in respect of an election for the purposes of clause 4.2.1, the 8 candidates with the most votes shall be deemed elected and the Chief Executive shall declare the candidates elected at the Annual General Meeting.
 - (i) in the case of candidates for membership positions described in clause 4.2.1 receiving the same number of votes, the Chief Executive shall draw lots at the counting of the votes to determine which candidate is elected.

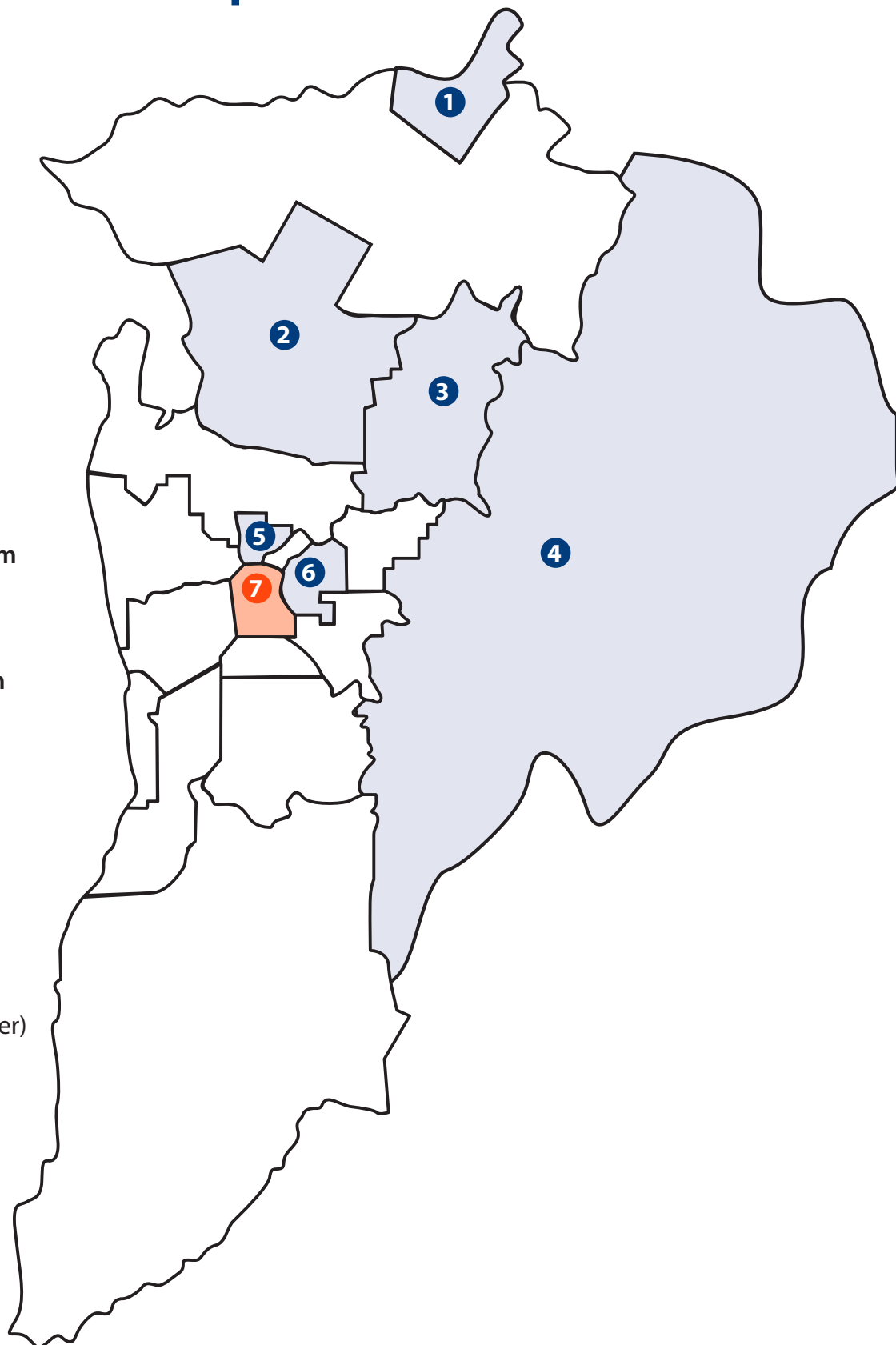
- 4.4.6. The Chief Executive may, in his or her discretion, appoint a deputy returning officer and delegate any of his or her powers, functions or duties to that person who shall act accordingly

Appendix 2

Details of current membership of GAROC

January 2019 GAROC Membership

- 1** Mayor Karen Redman
Town of Gawler
(GAROC Chair)
- 2** Mayor Gillian Aldridge
City of Salisbury
(Office of the Immediate
Past President)
- 3** Mayor Kevin Knight
City of Tea Tree Gully
(Board Director)
- 4** Mayor Jan-Claire Wisdom
Adelaide Hills Council
(Board Director)
- 5** Mayor David O'Loughlin
City of Prospect
(Board Director)
- 6** Cr Christel Mex
City of Norwood,
Payneham & St Peters
- 7** Lord Mayor
Sandy Verschoor
City of Adelaide
(GAROC standing member)



**ADELAIDE HILLS COUNCIL
ORDINARY COUNCIL MEETING
Tuesday 22 January 2019
AGENDA BUSINESS ITEM**

Item: 12.11

Originating Officer: Lachlan Miller, Executive Manager Governance and Performance

Responsible Director: Andrew Aitken, Chief Executive Officer

Subject: Council Resolutions Update including 2 year update to outstanding resolutions

For: Decision

SUMMARY

The Action List is updated each month by the responsible officer and outlines actions taken on resolutions passed at Council meetings. In some cases actions can take months or years to be completed due to the complexity and/or the level of influence Council has in the matter.

In March 2015, Council resolved that outstanding resolutions passed before 31 March 2013 would be the subject of a report outlining the reasons why the resolutions have not been completed, detailing what actions have been taken and an estimated date of completion.

While the above resolution referred to a date, the duration was two (2) years and the intent of the Council's resolution has been carried forward as a prudent accountability mechanism.

RECOMMENDATION

Council resolves:

- 1. That the report be received and noted**
- 2. The following completed items be removed from the Action List:**

Date	Meeting	No	Heading	Status
28/08/2012	Ordinary Council	214/12	Kersbrook Stone Reserve – Heritage Agreement	Completed
22/04/2014	Ordinary Council	85/14	Adelaide Hills Region Waste Management Authority - Period of Confidentiality	Completed
25/10/2016	Ordinary Council	220/16	CWMS Expression of Interest – Period of Confidentiality	Completed
7/12/2016	Special Council	267/16	Woorabinda Bushland Reserves Heritage Agreement	Completed
28/02/2017	Ordinary Council	53/17	Community Wastewater Management Systems Review – Period of Confidentiality	Completed
26/09/2017	Ordinary Council	207a/17	Heritage Agreement Reports - Woorabinda Bushland Reserves	Completed
26/09/2017	Ordinary Council	207b/17	Heritage Agreement Reports - Woorabinda Bushland Reserves	Completed
26/09/2017	Ordinary Council	207d/17	Heritage Agreement Reports - Woorabinda Bushland Reserves	Completed
26/09/2017	Ordinary Council	234/17	CWMS Review Update - Period of Confidentiality	Completed
27/03/2018	Ordinary Council	68/18	Milan Terrace Pedestrian Safety	Completed
27/03/2018	Ordinary Council	69/18	Play Space Policy	Completed
19/06/2018	Special Council	132/18	CWMS EOI Outcome - Period of Confidentiality	Completed
24/07/2018	Ordinary Council	161/18	MON Stormwater Henry Street Woodside	Completed
24/07/2018	Ordinary Council	163/18	MON Magarey Road Access	Completed
1/08/2018	Special Council	181/18	Stonehenge Reserve Masterplan Update	Completed
1/08/2018	Special Council	184/18	Retirement Village Review	Completed
28/08/2018	Ordinary Council	196/18	Shannons Adelaide Rally Support for Road Closure	Completed
11/09/2018	Special Council	223/18	Pomona Road Bike Track Trial	Completed

Date	Meeting	No	Heading	Status
11/09/2018	Special Council	224/18	Draft Gumeracha Main Street Masterplan	Completed
11/09/2018	Special Council	224/18	Draft Gumeracha Main Street Masterplan	Completed
11/09/2018	Special Council	225/18	Draft Gumeracha Precinct Federation Park and Oval Masterplan	Completed
11/09/2018	Special Council	225/18	Draft Gumeracha Precinct Federation Park and Oval Masterplan	Completed
11/09/2018	Special Council	230/18	Burials outside Cemeteries Policy	Completed
11/09/2018	Special Council	234/18	Sale of closed unnamed road off Burton Road, Mt Torrens	Completed
23/10/2018	Ordinary Council	267/18	Review of Advisory Groups	Completed
5/11/2018	Audit Committee	AC22/18	6.1. Action Report, 2017 Work Plan Update and Adoption of 2019 Work Plan	Completed
5/11/2018	Audit Committee	AC24/18	Draft Annual Report	Completed
5/11/2018	Audit Committee	AC29/18	Internal Audit Quarterly Update	Completed
5/11/2018	Audit Committee	AC31/18	2019 Audit Committee Meeting Dates	Completed
27/11/2018	Ordinary Council	274/18	Petition - Stirling Rotunda	Completed
27/11/2018	Ordinary Council	275/18	Draft Annual Report	Completed
27/11/2018	Ordinary Council	279/18	Election of Deputy Mayor	Completed
27/11/2018	Ordinary Council	280/18	Time & Place of Council Meetings 2018 - 2019	Completed
27/11/2018	Ordinary Council	281/18	Time & Place of Workshops & Personal Development	Completed
27/11/2018	Ordinary Council	282/18	Council Member Allowances & Support Policy	Completed
27/11/2018	Ordinary Council	28/18	Membership CEO PRP - Appointment of Members	Completed
27/11/2018	Ordinary Council	286/18	CEO PRP - Appointment of Presiding Member	Completed
27/11/2018	Ordinary Council	288/18	Membership SPDPC - Appointment of	Completed

Date	Meeting	No	Heading	Status
			Members	
27/11/2018	Ordinary Council	290/18	Membership SPDPC - Appointment of Presiding Member	Completed
27/11/2018	Ordinary Council	291/18	Membership Audit Committee	Completed
27/11/2018	Ordinary Council	294/18	Membership Audit Committee - Appointment of Presiding Member	Completed
27/11/2018	Ordinary Council	295/18	Audit Committee Presiding Member's Report	Completed
27/11/2018	Ordinary Council	300/18	S43 Membership - East Waste	Completed
27/11/2018	Ordinary Council	301/18	S43 Membership - AHRWMA	Completed
27/11/2018	Ordinary Council	302/18	S43 Membership - GRFMA	Completed
27/11/2018	Ordinary Council	303/18	S43 Membership - SHLGA	Completed
27/11/2018	Ordinary Council	304/18	LG Amendment Bill - Feedback for LGA	Completed
27/11/2018	Ordinary Council	307/18	Review of Confidential Items	Completed
27/11/2018	Ordinary Council	310/18	Designated Administrative Contacts for Council Members	Completed
4/12/2018	Special Council	316/18	Appointment of Council Member to CAP	Completed
4/12/2018	Special Council	318/18	GRFMA Audit Committee Registration of Interest	Completed
18/12/2018	Ordinary Council	321/18	Amendment to Code of Practice for Meeting Procedures	Completed
18/12/2018	Ordinary Council	330/18	End of Year Financial Report	Completed
18/12/2018	Ordinary Council	331/18	Budget Review 1	Completed
18/12/2018	Ordinary Council	332/18	Review of Wastewater Fee Refund Policy	Completed
18/12/2018	Ordinary Council	334/18	Delegations Review Schedule	Completed
18/12/2018	Ordinary Council	336/18	Signing & Sealing Asset Improvement Program Funding Deed Terlinga Road Mt Torrens & Frick Street Lobethal	Completed
18/12/2018	Ordinary Council	Q181218	Get well card for previous Mayor	Completed

1. GOVERNANCE

➤ Strategic Management Plan/Council Policy

Goal Organisational Sustainability
Strategy Governance

The timely completion of Council resolutions assists in meeting legislative and good governance responsibilities and obligations.

➤ Legal Implications

Not applicable

➤ Risk Management Implications

Regular reporting on outstanding action items will assist in mitigating the risk of:

Actions arising from Council resolutions may not be completed in a timely manner

Inherent Risk	Residual Risk	Target Risk
High (4C)	Medium (4E)	Medium (4E)

➤ Financial and Resource Implications

Not applicable

➤ Customer Service and Community/Cultural Implications

Not applicable

➤ Environmental Implications

Not applicable

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

Not applicable

2. BACKGROUND

At its meeting of 24 March 2015 Council resolved:

That the CEO provides a report to the 28 April 2015 Council meeting in relation to outstanding resolutions passed before 31 March 2013 outlining the reasons why the resolutions have not been completed, detailing what actions have been taken and an estimated date of completion.

The contents of this report formed a workshop discussion with Council Members on 3 May 2017.

While the above resolution referred to a date, the duration was two (2) years and the intent of the Council's resolution has been carried forward as a prudent accountability mechanism.

3. ANALYSIS

The Action list has been updated to provide Council with information regarding outstanding actions. Completed resolutions are identified in the recommendation for removal from the Action List.

In total there are zero (0) uncompleted resolutions for which an update is required for Council.

An update for these resolutions is provided below.

Date	Meeting	Resolution No.	Topic
Nil	Nil	Nil	Nil

4. OPTIONS

Council has the following options:

- I. Note the status of the outstanding items and the proposed actions
- II. Resolve that other actions are required.

5. APPENDIX

- (1) Action List

Appendix 1

Action List

Meeting Date	Meeting	Res No.	Item Name	Action Required (Council Resolution)	Responsible Director	Status	Date of Update	Est. Completion	Status (for Council reporting)
28/08/2012	Ordinary Council	214/12	Kersbrook Stone Reserve – Heritage Agreement	Chief Executive Officer, or delegate, be authorised to take all necessary actions to bring the Heritage Agreement into effect	Peter Bice	Completed	9/01/2019	31/12/2018	Memorandum of Agreement has been signed by Council and returned to the Department of Environment and Water.
22/04/2014	Ordinary Council	85	Adelaide Hills Region Waste Management Authority - Period of Confidentiality	That the documents and reports pertaining to this matter, including discussions and considerations, be retained in confidence until the legal action has been concluded, but no longer than 12 months, pursuant to section 91(9).	Peter Bice	Completed	10/01/2019		Confidentiality order extended to remain confidential until legal proceedings and deliberations have concluded.
13/05/2014	SPDPC	30/14	Adelaide Hills Trails Network Strategy	1. The Adelaide Hills 20 Year Trail Network Strategy & Action Plan be adopted; 2. An implementation plan be prepared by staff in 2014 to inform spending priorities for consideration in future budgets	Peter Bice	In Progress	15/01/2019	29/03/2019	The outcomes of the Trails Strategy review were discussed at a workshop in May. An update to the strategy is proposed with a framework to assist in the identification of future priorities. The trails strategy update will link with the bike plan and also the State Government current trails strategy. Progress report now scheduled for Council Meeting in early 2019.
27/05/2014	Ordinary Council	95/14	William St Birdwood Street Furniture, plaque	That Council, as a consequence of the SPDPC resolution No 29 dated 13 May 2014, approves: 1. The construction of a piece of street furniture and installation in William Street Birdwood, in the vicinity of where the trees will be removed, provided suitable timber is available from those trees. 2. The erection of a plaque acknowledging the residents who donated funds to plant the initial avenue. 3. Place a memorial with names in the Birdwood Institute in consultation with the Friends of the Birdwood Institute. 4. Suitable timber to be made available to the Friends of the Birdwood Institute (FBI) to enable the Committee to make some small wood pieces (e.g. bowls) to display in the Institute. 5. The CEO investigate a source of funds for the projects. 1 and 2 to be undertaken in consultation with the community.	Peter Bice	In Progress	15/01/2019	28/02/2019	As timber is unsuitable we are currently looking at an alternative solution. We are working with members of the Birdwood institute regarding the wording for the plaque. Small pieces of timber were made available to the Birdwood Institute but the timber was not suitable for turning.
24/03/2015	Ordinary Council	57/15	Confidential Item - Morella Grove	As per confidential minute	Peter Bice	In Progress	9/01/2019	31/03/2019	Report to Council early in 2019.
19/01/2016	Ordinary Council	6a/16	Amy Gillett Bikeway Extension	The CEO investigates all funding options including how the Jack Bobridge Bikeway in the Barossa Valley was funded.	Peter Bice	In Progress	15/01/2019	30/06/2019	Council is working collaboratively with neighbouring Councils as part of a broader Inter-Regional Cycle Network project. An update for Council Members will be forthcoming early 2019.
22/03/2016	Ordinary Council	59/16	Sturt Valley Road reconstruction	2. That a capital budget allocation of \$160,000 be provided in the 2015/16 financial year for the reconstruction of a 230m section of Sturt Valley Road, Stirling. 3. That a further report be presented to Council for consideration regarding the possible placement of a footpath or walking trail along sections of Sturt Valley Road prior to installing any additional safety barriers	Peter Bice	In Progress	9/01/2019	31/07/2019	Council are in discussions with a key landowner regarding construction of a walking loop along Sturt Valley Rd, through their private property, and connecting to Upper Sturt Rd. A concept plan is being prepared for consultation with affected residents.

Meeting Date	Meeting	Res No.	Item Name	Action Required (Council Resolution)	Responsible Director	Status	Date of Update	Est. Completion	Status (for Council reporting)
22/03/2016	Ordinary Council	69/16	Land Acquisition Colonial Drive Norton Summit	Negotiate with the Anglican Church and CFS regarding the proposed boundary realignment and the preparation of preliminary plans	Terry Crackett	In Progress	8/01/2019	30/06/2019	Final plans and valuation are being considered by the Anglican Church State Diocese and upon confirmation from them a report will be presented to Council for consideration. Norton Summit Church has advised on 9/8/18 that the matter is still under consideration by the State Diocese. Norton Summit Church advised on 13.11.18 that the State Diocese had received their own valuation which was being considered by them and they would revert in due course. Norton Summit Church advised on 8.1.19 that that they are still awaiting feedback from the Diocese. Church contact is away all of February so unlikely to be any feedback until March.
26/04/2016	Ordinary Council	83/16	Croft & Harris Road Precinct, Lenswood	2. That the Office for Recreation and Sport and Department of Planning, Transport and Infrastructure be approached to discuss any potential funding opportunities to undertake bituminising works up to where the bicycle access occurs. 3. That a further report be presented on potential road treatments for Croft Road Lenswood and the surrounding road network once additional data has been collected on peak traffic numbers generated through a major event and staff continue negotiations with ForestrySA regarding infrastructure improvements for Cudlee Creek Forest Reserve.	Peter Bice	In Progress	9/01/2019	30/06/2019	Consideration to any future project investment is being discussed with the funding application partners, and may form part of the 2019/20 Capital Program consideration.
24/05/2016	Ordinary Council	105/16	Land at Houghton Request to Purchase	The acquisition of the land described as CT 5363/842 and CT 5363/452 consisting of two parcels of land, one 819m2 the other 36m2 respectively, and currently owned by R J Day and B E Day for nil consideration. Council to pay all transfer fees, charges and GST that may be applied. To undertake a Section 210 process for the conversion of private road to public road for the land described as CT 5343/355 of 27m2 currently owned by Marinus Maughan and Alick Stephen Robinson. To negotiate and accept a transfer of the land described as CT 5343/354 of 476m2 from the City of Tea Tree Gully for nil consideration. To negotiate and accept a transfer or vesting of the land described as CT 5421/887 from the Department of Planning, Transport & Infrastructure for nil consideration.	Terry Crackett	In Progress	9/01/2019	30/09/2019	The acquisition from RJ & BE Day has been completed and registered at the Lands Titles Office. Title for the land held by City of Tea Tree Gully has been reissued in the name of Adelaide Hills Council. The request to DPTI for the transfer of land has been made and awaiting a response. Follow up has been undertaken and awaiting a response. The Section 210 process has been commenced with investigations to locate beneficiaries of the deceased owners underway including advertisements. Gazettal notice to commence the 3 month period for conversion will be issued late in January.
12/07/2016	SPDPC	29/16	MON - Woodforde Road and Reserve Naming	1. Staff pursue, with the developer, the inclusion of indigenous names within Hamilton Park and in relation to future stages 2. A progress report be made to Council or the Strategic Planning & Development Policy Committee within 3 months	Peter Bice	In Progress	9/01/2019	26/02/2019	A site meeting was undertaken with Ivan Copley, AHC Staff and the Landscapers (engaged by the Developer). A great deal of opportunity exists to link indigenous stories with the Stage 4 (Reserve) part of the development, and a range of options are being considered. Key options and recommendation will be brought to Council in the next few months.

Meeting Date	Meeting	Res No.	Item Name	Action Required (Council Resolution)	Responsible Director	Status	Date of Update	Est. Completion	Status (for Council reporting)
23/08/2016	Ordinary Council	163/16	Piccadilly CFS Relocation	<p>2. To delegate to the Chief Executive Officer , following consultation with the CFS, to determine the area of the portion of Atkinson Reserve to be used as the site of the Proposed CFS Location</p> <p>3. To commence a community consultation process, for a minimum period of 21 clear days in accordance with AHC's public consultation policy, in relation to the proposed:</p> <p>3.1 amendment of the Community Land Management Plan for that portion of Atkinson Reserve identified as the Proposed CFS Location from the current Category 4 Recreation and Sport to Category 6 – CFS</p> <p>3.2 lease to the CFS for use as a CFS station (the proposed term being 21 years with an option to renew for another 21 years) of the Proposed CFS Location</p> <p>3.3 road closure of an area of unmade road reserve adjacent to Atkinson Reserve as identified in Appendix 2 ("Road Closure Land") to provide overflow car-parking for both the CFS station and users of Atkinson Reserve</p> <p>3.4 the adoption of a community land management plan for the Road Closure Land for use as car parking conditional upon the Council issuing a Road Process Order</p> <p>4. That Council's approval (as land owner) be given to the CFS to submit a Development Application for the construction of a fire station on the Proposed CFS Location noting that a Development Approval is conditional upon:</p> <ul style="list-style-type: none"> • Council resolving to amend the Community Land Management Plan as detailed in 2.1 above 	Terry Crackett	In Progress	8/01/2019	30/06/2019	DA granted by DPTI on 15 December 2017. Final leases executed by Council on 31 October 2018. Road closure process and finalisation of community land management plan being progressed.
25/10/2016	Ordinary Council	220	CWMS Expression of Interest – Period of Confidentiality	That the report, related attachments and the minutes of Council and the discussion and considerations of the subject matter be retained in confidence until 31 December 2017 except public statements which outline the rationale and process for seeking a review of options related to Council's CWMS	Peter Bice	Completed	10/01/2019	31/12/2019	Retain in confidence. CWMS Request for Tender is underway - Confidentiality period extended on 12/12/17 to remain confidential until 26/09/2018. Further extended to 31 December 2019. Item will be managed through the Confidential Items Register.
7/12/2016	Special Council	267/16	Woorabinda Bushland Reserves Heritage Agreement	<p>2. That the Chief Executive Officer, or delegate, be authorised to commence discussions with DEWNR in regard to entering into individual Heritage Agreements, over the following Council properties:</p> <p>a. Council owned land located at 9 Woorabinda Drive, Stirling (Woorabinda) described in Certificate of Title 5292 Folio 381</p> <p>b. Council owned land located at 9 Ethel Street , Stirling (Stirling Park) described in Certificate of Title 5315 Folio 98</p> <p>c. Council owned land located at 71 Longwood Road, Heathfield (Hender Reserve) Certificate of Title 5753 Folio 715</p> <p>d. Council owned land located at 34 Madurta Avenue, Aldgate (Madurta Reserve) described in Certificate of Title 5902 Folio 219</p> <p>3. That following the assessment by DEWNR, a further report be brought back to Council prior to approval to enter into the Heritage Agreements</p>	Peter Bice	Completed	9/01/2019	31/12/2018	Applications for the Woorabinda BR Heritage Agreements were completed on the 7th of December 2017. Currently in assessment with DEWNR; Advice 5th of June 2018 from DEWNR - HA application has a revised completion date no later than the 31 December 2018. Mapping component complete, awaiting authorisation from DEW. Memorandum of Agreement has been signed by Council and returned to the Department of Environment and Water.

Meeting Date	Meeting	Res No.	Item Name	Action Required (Council Resolution)	Responsible Director	Status	Date of Update	Est. Completion	Status (for Council reporting)
24/01/2017	Ordinary Council	7/17	Cromer Cemetery Revocation of Community Land	a report be prepared and submitted to the Minister for Local Government seeking approval for the revocation of the community land classification of a portion of the land contained in Certificate of Title Volume 5880 Folio 219 identified in red on the plan attached as Appendix 1.	Terry Crackett	In Progress	8/01/2019	31/12/2019	DEWNR have requested that the revocation be put on hold whilst they investigate the requirements to alter the trust affecting the land and undertake an assessment of the native vegetation on the land, this is likely to take some months. DEW advised on 4/12/18 that there are some impediments to the progression of the proposed boundary realignment due to the mining operations on the adjacent land, which are being negotiated with the Dept for Mining. Advice is that these negotiations could take considerable time (2yrs). In the interim, consideration will be given to the granting of a right of way to ensure that the cemetery has legal access.
28/02/2017	Ordinary Council	53/17	Community Wastewater Management Systems Review – Period of Confidentiality	That the report, related attachments and the minutes of Council and the discussion and considerations of the subject matter be retained in confidence until 30 June 2018.	Peter Bice	Completed	10/01/2019	31/12/2019	Retain in confidence as the CWMS Request for Tender process is underway extended to 31 December 2019. Item will be managed through the Confidential Items Register.
25/07/2017	Ordinary Council	155/17	Reserve Gifting Proposal - Dunnfield Estate, Mt Torrens	Subject to the approval of the land division variation application 473/D38/2011 by the Development Assessment Commission and the required Council engineering approvals for the infrastructure, being obtained: 1. That council accepts from Paul & Michele Edwards (the Developer), the donation of additional reserve land as described in Appendix 6 – Amended Plan of Division rev K dated 16.06.2017 Agenda Item 14.1, subject to the following conditions: The Council specified construction standards are metThe cost of all works are to be met by the DeveloperThe Developer enters into a legally binding Landscape Maintenance Agreement to agreed maintenance standards for a period of ten (10) yearsThe landscaping works are completed within two (2) years from the date of final approval. 2. That, in the event that there is a dispute between the Council and the Developer, the dispute is referred to an Independent Arbitrator for resolution, with costs being shared equally by the parties.	Peter Bice	In Progress	9/01/2019	4/02/2020	The land division variation application 473/D38/2011 has been approved by the Development Assessment Commission. Council staff have drafted a maintenance agreement which we will work through with the Developer. Council staff and the developer have been working through the management of significant and regulated trees on the site, and recent works progressed very well. We are now looking to formally progress the draft maintenance agreement. Final Approvals were obtained by the Developer on 5 February 2018, and Landscape works remain ongoing, with vesting of the reserve land occurring once these are completed, and Section 51 clearance is provided for the relevant stage.
25/07/2017	Ordinary Council	159b/17	Lobethal Recreation Ground - Transfer of Land	That the Subject Land be transferred to the Lobethal Recreation Ground Sports Club Inc (LRGSCI) for the consideration of one (1) dollar subject to the following: Each party meeting their own costs and expenses for the transfer LRGSCI granting the Council a first right of refusal to repurchase the land for one (1) dollar should the Subject Land cease to be owned by the LRGSCI and/or used for community recreation purposes LRGSCI be responsible for the day to day maintenance and cleaning of the public toilets and public playground and associated infrastructure to the standard required by Council The LRGSCI, if requested, grant a long term lease to Council for the area identified in Appendix 7 for one (1) dollar per annum The LRGSCI granting the Council a long term licence over the site of the public toilets and public playground for the purposes of structural maintenance, audit and insurance. The Mayor and CEO be authorised to sign all necessary documents to effect the Transfer of the Subject Land.	Terry Crackett	In Progress	8/01/2019	28/02/2019	LRGSCI have received Development Approval for the boundary realignment and transfer will progress in conjunction with the boundary realignment. Contract has been executed by Council and settlement will occur on a date to be confirmed by the LRGSCI.

Meeting Date	Meeting	Res No.	Item Name	Action Required (Council Resolution)	Responsible Director	Status	Date of Update	Est. Completion	Status (for Council reporting)
8/08/2017	SPDPC	SP39/17	Update on Primary Production Lands DPA	That as a result of the implementation of the new planning reforms and the introduction of the <i>Planning, Development & Infrastructure Act 2016</i> , Council supports staff working with DPTI to prepare the Rural Planning Policy element of the Planning & Design Code in a manner consistent with the issues and investigations outlined in the second Statement of Intent for the Primary Production Lands DPA That reports be prepared for future SPDPC meetings as milestones are reached and notable work is released for comment.	Marc Salver	In Progress	15/01/2019	24/12/2019	Staff have attended a number of meetings of the P&D Code Primary Production Working Group since May 2018. A further meeting is to be arranged early in the new year, date of which DPTI is yet to confirm. This Group will progress the development of the Rural Policy Module of the Code. Staff will provide further updates as this work progresses in 2019.
8/08/2017	SPDPC	SP42/17	Public Liability Insurance for Community Owned & Managed Halls	That the costs of public liability insurance for community owned and managed halls be referred to the Chief Executive Officer for consideration with the preparation of the Community and Recreation Facilities Framework.	Terry Crackett	In Progress	8/01/2019	30/06/2019	Information from LGRS received on 10/9 and will be incorporated into the framework information to be presented to Council at the Jan 29 19 workshop
26/09/2017	Ordinary Council	207a/17	Heritage Agreement Reports - Woorabinda Bushland Reserves	1. That Heritage Agreements be entered into between the Council and the Minister for Sustainability, Environment and Conservation pursuant to section 23(5) of the <i>Native Vegetation Act 1991</i> for the conservation, management and protection of native flora and fauna in relation to the following properties: Council owned land located at 9 Woorabinda Drive, Stirling (Woorabinda) described in Certificate of Title 5292 Folio 381 Council owned land located at 9 Ethel Street, Stirling (Stirling Park) described in Certificate of Title 5315 Folio 98 Council owned land located at 34 Madurta Avenue, Aldgate (Madurta Reserve) described in Certificate of Title 5902 Folio 219	Peter Bice	Completed	9/01/2019	31/12/2018	Applications for the Woorabinda BR Heritage Agreements were completed on the 7th of December 2017. Currently in assessment with DEWNR; Advice 5th of June 2018 from DEWNR - HA application has a revised completion date no later than the 31 December 2018. Mapping component complete, awaiting authorisation from DEW. Memorandum of Agreement has been signed by Council and returned to the Department of Environment and Water.
26/09/2017	Ordinary Council	207b/17	Heritage Agreement Reports - Woorabinda Bushland Reserves	That the Heritage Agreements retain the existing Dog Access Arrangements currently in place in each of those properties. That the Heritage Agreements be registered with the Lands Titles Office pursuant to section 23b of the <i>Native Vegetation Act 1999</i> .	Peter Bice	Completed	9/01/2019	31/12/2018	Existing dog access arrangements within a Heritage Agreement are requested in the HA application. The implementation of legislation to sit with Health and Regulatory Services and Lands Title Office registration for AHC Property action. Applications for the Woorabinda BR Heritage Agreements were completed on the 7th of December 2017. Currently in assessment with DEWNR; Advice 5th of June 2018 from DEWNR - HA application has a revised completion date no later than the 31 December 2018. Mapping component complete, awaiting authorisation from DEW. Memorandum of Agreement has been signed by Council and returned to the Department of Environment and Water.
26/09/2017	Ordinary Council	207c/17	Heritage Agreement Reports - Woorabinda Bushland Reserves	That the Community Land Management Plans for the above properties be reviewed and updated to reflect the provisions of the Heritage Agreements including community consultation (where necessary) as required under section 197 of the <i>Local Government Act 1999</i> . That the Chief Executive Officer be authorised to sign all necessary documentation to effect this resolution.	Peter Bice	In Progress	15/01/2019	31/12/2018	With the Memorandum of Agreement having been signed by Council and returned to the Department of Environment and Water, the CLMP review can now be undertaken.

Meeting Date	Meeting	Res No.	Item Name	Action Required (Council Resolution)	Responsible Director	Status	Date of Update	Est. Completion	Status (for Council reporting)
26/09/2017	Ordinary Council	207d/17	Heritage Agreement Reports - Woorabinda Bushland Reserves	That a separate report be brought back to Council in relation to a Heritage Agreement for the land under the care, control and management of Council located at 71 Longwood Road, Heathfield (Hender Reserve) in Crown Record 5753 Folio 715 following receipt of further advice from the Land Titles Office and Native Vegetation Branch of the Department of Environment, Water and Natural Resources regarding the dedicated purpose of the land and options for registration of the Heritage Agreement over Crown Land.	Peter Bice	Completed	9/01/2019	31/12/2018	A separate Council report will be provided following clarification on the Heritage Application process in respect to the Crown Land status of Hender Reserve. Report has been provided to Council and the Heritage Agreement application was completed and sent to DEWNR, receipt date 08/02/18. Currently in assessment with DEWNR. Advice 5th of June 2018 from DEWNR - HA application has a revised completion date no later than the 31 December 2018. Mapping component complete, awaiting authorisation from DEW. Memorandum of Agreement has been signed by Council and returned to the Department of Environment and Water.
26/09/2017	Ordinary Council	234/17	CWMS Review Update - Period of Confidentiality	An order be made 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 September 2018.	Peter Bice	Completed	10/01/2019	31/12/2019	Report, related attachments and the minutes of Council held in confidence. Retain in confidence as the CWMS Request for Tender is underway until 31 December 2019. Item will be managed through the Confidential Items Register.
24/10/2017	Ordinary Council	246/17	Road Closure and Disposal – Schapel Road, Lobethal	To make a Road Process Order pursuant to the <i>Roads (Opening & Closing) Act 1991</i> to close and merge the land identified as "A" in Preliminary Plan No 16/0020 (<i>Appendix 3</i>) with Allotment 28 in Filed Plan No 155743 comprised in Certificate of Title Volume 5502 Folio 372 create an easement for transmission of electricity in favour of Distribution Lessor Corporation create a free and unrestricted right of way in favour of Allotment 13 being the land in CT Volume 5502 Folio 373 accept consideration in the amount of \$40,000 (excl. GST) as detailed in <i>Appendix 3</i> of this report. The issuing of the Road Process Order is subject to: Boral Resources (SA) Ltd agreeing to enter into a Land Management Agreement with Council for the preservation of the native vegetation for the protection of native flora and fauna on the areas identified in the report attached as <i>Appendix 7</i> which is to be lodged with the Land Titles Office in conjunction with the Road Process Order. Boral Resources (SA) Ltd paying all fees and charges associated with the road closure process. The closed road be excluded as Community Land pursuant to the <i>Local Government Act 1999</i> . To authorise the Chief Executive Officer (or delegate) to finalise and sign all necessary documentation to close and sell the above portion of closed road pursuant to this resolution.	Terry Crackett	In Progress	8/01/2019	30/06/2019	Surveyor has prepared final plan and road process order. Final LMA has been agreed on 7.11.18 by Boral and is with Boral for execution. Boral have indicated that completion will likely be in March - June 19.
24/10/2017	Ordinary Council	250/17	DEW Fuel Reduction on Private Lands Program	That DEW's Strategic Fuel Reduction program is approved for the Adelaide Hills Council region	Peter Bice	In Progress	15/01/2019	1/04/2019	2018 spring burns completed on Lobethal Bushland Park, Yanagin Reserve, Belair (Upper Sturt) site and Mylor Oval (recently included in the DEW Burning on Private Lands Program). Heathfield Waste Facility site is intended for autumn 2019. Council will collaborate with DEW on post weed management activities. Weed management activities by DEW and AHC were undertaken at Heathfield Stone Reserve on June 28th 2018. More weed management planned for this site. An information report was provided to Council at its 25 September Ordinary Council Meeting.

Meeting Date	Meeting	Res No.	Item Name	Action Required (Council Resolution)	Responsible Director	Status	Date of Update	Est. Completion	Status (for Council reporting)
28/11/2017	Ordinary Council	281/17	LED Streetlight Review	<p>That Council awaits on the outcomes from the LGASA process and for the outcomes of this report to inform a transition to LED street lighting</p> <p>A further report to Council to be provided following the completion of the LGASA process and subsequent review of the most appropriate model for Adelaide Hills Council to adopt.</p>	Peter Bice	In Progress	9/01/2019	28/02/2019	<p>Public Lighting will move from a Negotiated Service (agreement between Council and SAPN) to an Alternate Control Service.</p> <p>This means that the maximum tariff price will be set by the Australian Energy Regulator (AER). This will not occur until July 2020.</p> <p>The working group being established will look to understand the service levels (to get agreement with/ across LGA) and establish cost base on those service levels and a joint understanding between LGA and SAPN</p> <p>SAPN will put their initial pricing to the AER in January 2019 and consultation etc and reviewed submission in March 2020 for final determination of AER in probably April 2020 for commencement of new regulatory framework pricing in 1 July 2020.</p> <p>Council has now received the outcome of the LGASA process which states that the LGASA will not be involved in council streetlighting. Council staff need to obtain expert advice as to the best approach and tariff available to proceed to a transition to LED streetlights. A report to Council will be provided identifying the next steps.</p>
23/01/2018	Ordinary Council	4/18	Road Exchange - Mt Torrens Walking Loop	<p>To issue a Road Process Order pursuant to the <i>Roads (Opening & Closing) Act 1991</i> to: Close and merge the land identified as "A" in Preliminary Plan No 17/0041 (<i>Appendix 1</i>) with Allotment comprising pieces 81 & 82 in Filed Plan No. 218134 comprised in Certificate of Title Volume 6025 Folio 732 owned by Brian Bruce Willison</p> <p>Open the land identified as "1" in Preliminary Plan No 17/0041 as public road being portion of Allotment comprising pieces 81 & 82 in Filed Plan No. 218134 comprised in Certificate of Title Volume 6025 Folio 732 owned by Brian Bruce Willison</p> <p>The closed road be excluded as Community Land pursuant to the Local Government Act 1999</p> <p>To undertake the road exchange for nil consideration with the Council to pay all necessary costs to effect this resolution</p> <p>To authorise the Chief executive Officer (or delegate) to finalise and sign all necessary documentation to effect the road exchange and this resolution</p>	Terry Crackett	In Progress	8/01/2019	30/06/2019	<p>Mr Willison passed away in late January '18 prior to road exchange documents being signed.</p> <p>The road exchange process will be held pending issue of Grant of Probate of Mr Willison's estate.</p>
20/02/2018	Audit Committee	AC18/4(4)	Appointment of External Auditor - Release of Confidentiality Order	That the report and related attachments of the Committee and the discussion and considerations of the subject matter be retained in confidence until the completion of the contract	Andrew Aitken	In Progress	14/01/2019	20/02/2019	It is intended to allow the confidentiality order to lapse on 20 February 2019 as the matter is no longer required to be kept in confidence.

Meeting Date	Meeting	Res No.	Item Name	Action Required (Council Resolution)	Responsible Director	Status	Date of Update	Est. Completion	Status (for Council reporting)
27/02/2018	Ordinary Council	30/18	Master Plan Woodside Recreation Ground	That the master planning exercise for the Woodside Recreation Ground, as resolved by Council at its 28 November 2017 meeting (275/17), be expanded to include the adjoining recreation and car parking precinct between Tiers Road and Langbein Avenue, Woodside.	Peter Bice	In Progress	9/01/2019	18/03/2019	Associated investigations underway, Water Sensitive Urban Design and Water Reuse potential. The recent announcement of the successful funding in relation to the Mount Barker Swimming Pool, will enable appropriate considerations to be made in regards to the requirements for the Woodside Recreation Ground site. Initial site analysis has been undertaken and information sought from the Woodside Recreation Ground committee. A key stakeholder was undertaken on Monday 3rd December 2018 incorporating the recreation and car parking precinct between Tiers Road and Langbein Avenue. Workshop outcomes are currently being prepared.
27/02/2018	Ordinary Council	31/18	Arts & Heritage Hub	That the report be received and noted. That the Business Development Framework for the establishment of an Arts and Heritage Hub in the Old Woollen Mill at Lobethal, contained in Appendix 1, be noted. That the Administration proceeds with the establishment of an Arts and Heritage Hub using the Business Development Framework as a guide. That the development of a Hub Evaluation Framework, as envisaged in the Business Development Framework, occur as early as possible and include key performance and results targets, and mechanisms for review of the implementation by Council to ensure alignment with budget allocations and strategic objectives. That \$50,000 be allocated to the 2017-18 Operating Budget from the Chief Executive Officer's contingency provision to enable the initial actions to be taken. The CEO provides a progress report on the implementation of the Business Development Framework within 6 months from the date of appointment of the Director.	David Waters	In Progress	3/01/2019	31/01/2019	The Hub Director commenced on 23 July. The progress report is therefore due, and is scheduled for, January 2019.
27/02/2018	Ordinary Council	48/18	Investigation of Speed Limit Jungfer Road Charleston	That the CEO investigate the request for a reduction of the speed limit to a maximum of 60kph on Jungfer Road Charleston and, should the investigation justify a change, make the appropriate submissions to the Department Planning Transport & Infrastructure.	Peter Bice	In Progress	9/01/2019	15/02/2019	A traffic impact report has been received from the consultants - Council officers reviewed the report and have prepared a report to Council at the 22 January 2019 Ordinary Council Meeting.
27/02/2018	Ordinary Council	57/18	Confidential Item - AH Swimming Centre Shade Sail	As per confidential minute	Terry Crackett	In Progress	8/01/2019	30/06/2019	Matter being progressed per resolution
27/02/2018	Ordinary Council	58/18	AH Swimming Centre Shade Sail - Period of Confidentiality	that an order be made under the provisions of sections 91(7) and (9) of the <i>Local Government Act 1999</i> that the report and the minutes of Council and the discussion and considerations of the subject matter be retained in confidence until the matter is determined but not longer than 12 months. Pursuant to section 91(9)(c) of the <i>Local Government Act 1999</i> , Council delegates the power to revoke the confidentiality order either partially or in full to the Chief Executive Officer.	Terry Crackett	In Progress	8/01/2019	30/06/2019	Progressing per confidential minutes

Meeting Date	Meeting	Res No.	Item Name	Action Required (Council Resolution)	Responsible Director	Status	Date of Update	Est. Completion	Status (for Council reporting)
27/03/2018	Ordinary Council	68/18	Milan Terrace Pedestrian Safety	<ol style="list-style-type: none"> 1. That the report be received and noted 2. That a Traffic Plan concept be developed for a wombat or zebra crossing pedestrian facility 3. That Council undertakes consultation with the community, Stirling Hospital and other relevant stakeholders on the concept plan for a wombat or zebra crossing 4. That Council submits a proposal to the Department of Planning, Transport & Infrastructure to reduce the speed limit on Milan Terrace to 30km/h from a point approximately 80 metres west of the Druid Avenue intersection and approximately 40 metres east of the Johnston Street intersection 5. That a report be brought back to Council to determine whether future budget considerations are applicable including costings for a wombat or zebra crossing. 	Peter Bice	Completed	30/11/2018	10/12/2018	<p>Report to Council and now complete - superseded by Motion 305/18</p> <p>Final report has now been recieved assessing the merits of a potential Zebra or Wombat Crossing, a draft concept plan has been prepared for consultation with stakeholders.</p> <p>Meeting held with Stirling Hospital CEO 19/7/2018</p> <p>Car parking loss will occur if either a zebra or wombat crossing is installed.&nbsp;The Stirling Hospital are aware of this requirement.&nbsp;The wombat crossing is associated with a 40km/h speed limit.&nbsp;DPTI has indicated that a&nbsp;30km/h is not supported as it does not meet the speed limit criteria and guideines.&nbsp;The cost of a crossing will be significant as flashing lights and new public lighting is required.&nbsp;A concept budget amount would be in the range of \$50,000 - 70,000 (construction), however, funding for detailed design of \$25,000 is likely to be required.&nbsp;This will allow officer to gain a better cost estimate of the works.</p>
27/03/2018	Ordinary Council	69/18	Play Space Policy	Implement policy and communicate to staff and/or community if applicable.	Peter Bice	Completed	10/12/2018		The Play Space Policy came into effect in July 2018. Communication to relevant staff & the community has occurred.
24/04/2018	Ordinary Council	102/18	Sale of Land for Non Payment of Rates	Refer to Confidential Minute	Terry Crackett	In Progress	8/01/2019	31/01/2019	Actions continuing in accordance with resolution and anticipate that this will be completed in January 2019
19/06/2018	Special Council	132/18	CWMS EOI Outcome - Period of Confidentiality	the report, related attachments and the minutes of Council and the discussion and considerations of the subject matter be retained in confidence until 31 December 2019.	Peter Bice	Completed	10/01/2019	31/12/2019	Minutes of this confidential item have been released from confidentiality.
26/06/2018	Ordinary Council	136/18	AHC PLEC Projects	<ol style="list-style-type: none"> 1. That the report be received and noted. 2. That the CEO be authorised to lodge a formal application to the Power Line Environment Committee for stage 1 of undergrounding power lines in the township of Gumeracha to be undertaken in 2019/2020, with stage 2 to be undertaken at a later date. 3. That future allocation and prioritisation of PLEC projects be considered as part of the next review of the LTFP January 2019. 	Peter Bice	In Progress	7/12/2018	9/01/2019	AHC submitted the application for undergrounding powerlines on 11 October as per PLEC guidelines. The application is awaiting ministerial approval, however preliminary advice from PLEC is that the project is likely to be supported.
17/07/2018	Special Council	156/18	LED Street Lighting Program	That the report be received and notedThat further investigation is undertaken to understand the best approach and tariff structure for transitioning to LED street lighting as soon as practicable.	Peter Bice	In Progress	9/01/2019	28/02/2019	As per LED review resolution 281/17
24/07/2018	Ordinary Council	161/18	MON Stormwater Henry Street Woodside	I move that the CEO provide a report as part of Budget Review 1, on a request to advance proposed expenditure for "Henry Street Stormwater" scheduled for 2019/20 to 2018/19.	Peter Bice	Completed	9/01/2019	31/12/2018	A report was prepared and approved as part of BR1, making funds available to undertaking detailed design for Henry St stormwater in FY 2018/19. A design brief will now be prepared, and a suitably qualified consultant engaged to undetake the design.
24/07/2018	Ordinary Council	162/18	MON Use of Recycled Material in Capital Works	I move that Council measures, and reports on, the amount and origin of recycled material it uses in Council's Capital works programs, at least annually.	Peter Bice	In Progress	9/01/2019	30/06/2019	<p>Council Staff are in the process of identifying, measuring and recording recycled material usage as part of Capital Works projects.</p> <p>Additionally, staff have been requesting Recycled Material Usage be used by State Government where opportunities arise (e.g. Deep Lift Intersection works along Freight Route Upgrade or Bridge Renewal Program), and we will report on volumes once these are known.</p>

Meeting Date	Meeting	Res No.	Item Name	Action Required (Council Resolution)	Responsible Director	Status	Date of Update	Est. Completion	Status (for Council reporting)
24/07/2018	Ordinary Council	163/18	MON Magarey Road Access	That, before the commencement of the bushfire season, the CEO, in consultation with residents and the Bushfire Advisory Committee, provides a report on possibilities to improve access by fire-fighting appliances and other emergency vehicles to properties on Magarey Road, Mount Torrens.	Peter Bice	Completed	10/01/2019	30/11/2018	Report to Council at 27 November 2018 Council meeting. Resolution to rename Magarey road to Magarey Rd North and Magarey Rd South. Public consultation occurring 12 December 2018. Road renaming process is being undertaken.
24/07/2018	Ordinary Council	176/18	Mobile Skate Ramp	That the Council considers placing the mobile skate ramp in Lobethal, along with any other requests, at the conclusion of its time in Birdwood.	Peter Bice	In Progress	9/01/2019	31/03/2019	Council will begin planning for the the next site for the skate ramp in early 2019, & consider placing it at Lobethal.
1/08/2018	Special Council	181/18	Stonehenge Reserve Masterplan Update	Confidential Item	Peter Bice	In Progress	15/01/2019	31/05/2019	Consultation with the local community commenced in mid November. Community Consultatoin period open until 22 February 2019.
1/08/2018	Special Council	181/18	Stonehenge Reserve Masterplan Update	Period of Confidentiality the report, related attachments and the minutes of Council and the discussion and considerations of the subject matter be retained in confidence until the consultation has concluded.	Peter Bice	Completed	8/12/2018	31/07/2020	Item will be managed through the Confidential Items Register.
1/08/2018	Special Council	184/18	Retirement Village Review	Period of Confidentiality that the report, related attachments and the minutes of Council and the discussion and considerations of the subject matter be retained in confidence until settlement with the exception of Clause 8 and Appendix 2 which shall be retained in confidence until 31 July 2023	Terry Crackett	Completed	8/12/2018	3/07/2023	Most parts have been released, although unable to fully close out due to Council's Resolution which details 'with the exception of Clause 8 and Appendix 2 which shall be retained in confidence until 31 July 2023'. Item will be managed through the Confidential Items Register.
14/08/2018	Special SPDC	SP18/1	Local Heritage Stage 1 (Public Places) Development Plan Amendment	That the report be received and notedTo approve the attached Summary of Consultations and Proposed Amendments report and the draft Local Heritage – Stage 1 (Public Places) Development Plan Amendment (DPA) for submission to the Minister for Planning for approval, with the exception of those sections of the Kersbrook Hall which do not form part of the original structure. If the aforementioned condition is not possible, then the exception lapses.To recommend to Council that it consider the establishment of a heritage incentive fund in its 2019/20 budgetary processThat the Chief Executive Officer be authorised to make any necessary minor amendments to the DPA as directed by relevant officers of the Department of Planning, Transport and Infrastructure or by the Minister for Planning.	Marc Salver	In Progress	15/01/2019	28/02/2019	The DPA was submitted to the Minister on 20 August 2018 and we are now awaiting his approval. Staff attended a meeting of the State Planning Commission (SCP) on 26 October who considered the objections to the listings. The SCP is now considering the submissions and will shortly provide advice to the Minister in this regard. The Minister for Planning will then make a final decision in relation to the DPA, anticipated to occur early in the new year.
28/08/2018	Ordinary Council	193/18	MON Kenton Valley Memorial Park	That the Chief Executive Officer, in consultation with residents and community groups, investigates and provides a report by 31 March 2019, on future management options for the Kenton Valley Memorial Park.	Terry Crackett	In Progress	8/01/2019	31/03/2019	Investigations have commenced to determine trust arrangements to guide options
28/08/2018	Ordinary Council	194/18	MON Randell's Workers' Cottages	I move that the Chief Executive Officer, in consultation with residents and interest groups, investigates and provides a report by 31 March 2019 on future management options for Randell's Workers' Cottages, 1 Beavis Court Gumeracha.	Terry Crackett	In Progress	8/01/2019	31/03/2019	Preliminary investigations have commenced
28/08/2018	Ordinary Council	195/18	Traditional Aboriginal Names of Localities and Places	I move that Council requests that the Administration prepare a report on the potential for dual naming, incorporating traditional Aboriginal place names alongside existing place names, of localities and places in the Adelaide Hills Council district. That, considering the report, resourcing for signage be considered for the 2019-20 budget.	David Waters	In Progress	4/01/2019	28/02/2019	Staff have scoped this exercise and are receiving guidance from an Aboriginal elder. A report back to Council is planned for February 2019.

Meeting Date	Meeting	Res No.	Item Name	Action Required (Council Resolution)	Responsible Director	Status	Date of Update	Est. Completion	Status (for Council reporting)
28/08/2018	Ordinary Council	196/18	Shannons Adelaide Rally Support for Road Closure	That the report be received and noted.That, in relation to the Shannons Adelaide Rally 2018, Council's support of the event is contingent on the organisers, to the satisfaction of the Chief Executive Officer:Providing evidence of satisfactory insurance to cover any damage to 3rd party property caused by the event;Providing confirmation that affected business owners are aware of the road closures;Providing written confirmation to confirm that the concerns raised by affected residents have been addressed and that arrangements for egress and regress from those properties can be managed within the event;Written confirmation from the organisers that they will erect advance notices of road closures on the affected roads, at least 3 weeks prior to the event.That subject to the requirements of 2. being undertaken, Council provides consent for road closure orders in relation to the Shannons Adelaide Rally 2018, to be held between Wednesday 28 November and Saturday 1 December 2018 as follows: <i>(see Minutes for road details)</i>	David Waters	Completed	10/12/2018	31/12/2018	The event was held 29 Nov - 2 Dec. As at 10/12/18, staff have not received any post-event complaints about the Council's decision to consent to the road closures.
28/08/2018	Ordinary Council	197/18	Household Hazardous Waste Disposal	That the report be received and noted.That the Council supports, in principle, acceptance of funding from Green Industries SA to establish and operate a Household Chemical and Paint Drop-off Facility at the Heathfield Resource Recovery Centre.That delegation is given to the CEO to negotiate and if to their satisfaction, enter into a funding agreement between Green Industries SA and the Adelaide Hills Region Waste Management Authority and Adelaide Hills Council for a Household Chemical and Paint Drop-off Facility at the Heathfield Resource Recovery Centre.A future report to be provided to Council on the outcome of the negotiation with Green Industries SA, the Adelaide Hills Region Waste Management Authority and Adelaide Hills Council.	Peter Bice	In Progress	10/01/2019	30/06/2019	Development application has been lodged for use of the site as a household chemical and paint drop off facility. Application currently being assessed by Development Services. Agreement currently being reviewed by all parties with a view to executing in the near future. No change in progress as at 10/01/19.
28/08/2018	Ordinary Council	199/18	Reconciliation Action Plan Working Group	That the report be received and noted.To endorse a regional approach to the establishment of a Reconciliation Action Plan Working Group in partnership with Mount Barker District Council.Subject to a commitment to the same effect by the Mount Barker District Council, adopt the draft Terms of Reference as contained in <i>Appendix 1</i> .To authorise the Chief Executive Officer to make any minor alterations to the Terms of Reference as may be required.To appoint Cr Ian Bailey to the Reconciliation Action Plan Working Group for the remainder of the current term of Council.	David Waters	In Progress	4/01/2019	30/04/2019	Recruitment of community members for this group is currently underway. Advertising has been undertaken Expressions of Interest close 1 Feb 2019

Meeting Date	Meeting	Res No.	Item Name	Action Required (Council Resolution)	Responsible Director	Status	Date of Update	Est. Completion	Status (for Council reporting)
28/08/2018	Ordinary Council	200/18	Proposal to enter 11 AHC Reserves into Heritage Agreements 2018	<p>1. That the report be received and noted.</p> <p>2. That the Biodiversity Officer be authorised to enter: Doris Coulls Reserve, 152 Old Mt Barker Road, Aldgate; Heathfield Waste Facility, 32 Scott Creed Road, Heathfield; Kiley Reserve, 15 Kiley Road, Aldgate; Shanks Reserve, 1 Shanks Road, Aldgate; Stock Reserve, Stock Road, Mylor; Leslie Creek Reserve, Leslie Creek Road, Mylor; Mi Mi Reserve, 125 Aldgate Valley Road, Mylor; Aldgate Valley 2 Reserve, 114 Aldgate Valley Road, Mylor; Kyle Road Nature Reserve, Kyle Road, Mylor; Carey Gully Water Reserve, Deviation Road, Carey Gully; Heathfield Stone Reserve, 215 Longwood Road, Heathfield all being of significant biodiversity value, into Heritage Agreements.</p> <p>3. That the Heritage Agreements retain the existing dog access arrangements in place for each of those reserves.</p>	Peter Bice	In Progress	15/01/2019	30/06/2021	<p>Heritage Agreement applications lodged for:</p> <p>Following CTs (13/11/18) TRIM reference OC 18/16631</p> <ul style="list-style-type: none"> • Doris Coulls Reserve, 152 Old Mt Barker Road, Aldgate • Heathfield Waste Facility, 32 Scott Creed Road, Heathfield • Kiley Reserve, 15 Kiley Road, Aldgate • Shanks Reserve, 1 Shanks Road, Aldgate • Kyle Road Nature Reserve, Kyle Road, Mylor <p>Following CRs (27/11/18) TRIM reference OC18/17474</p> <ul style="list-style-type: none"> • Leslie Creek Reserve, Leslie Creek Road, Mylor • Aldgate Valley 2 Reserve, 114 Aldgate Valley Road, Mylor <p>We have another \$10,000 budget approved for Heritage Agreement expenses in FY 19/20 (item 661 in the AHC Annual Business Plan), so will use that budget on HA reports for:</p> <ul style="list-style-type: none"> • Stock Reserve, Stock Road, Mylor • Mi Mi Reserve, 125 Aldgate Valley Road, Mylor • Carey Gully Water Reserve, Deviation Road, Carey Gully • Heathfield Stone Reserve, 215 Longwood Road, Heathfield and fencing for Shanks Heritage agreement.
28/08/2018	Ordinary Council	203/18	Community Wastewater Management Systems Review - Update and Consultation Outcomes	<p>The report be received and noted. The CEO undertakes a request for tender process for the divestment of Council's CWMS assets to inform Council's decision to sell or retain these assets. The resolution to undertake a request for tender process is subject to there being no matters of material impact identified through further due diligence and request for tender preparation activities, as determined by the CEO. Subject to Council resolving to proceed to a request for tender for the divestment of Council's CWMS assets, the CEO be delegated to prepare and approve an evaluation plan for the purposes of assessing responses received including but not limited to the following criteria: CWMS customer pricing and fees; Sale price for CWMS assets; Respondents financial capacity; Respondents operational capacity and capability; Network investment and expansion. That ongoing analysis be undertaken on continued Council ownership of CWMS assets for request for tender comparison purposes to inform future decision making. The Prudential Review Report and the Probity Report be received and noted. The Council acknowledges that whilst \$48 of the Local Government Act 1999 does not require a prudential review to be undertaken, the report in relation to this project is consistent with the provisions of \$48. The Administration is to continue to work collaboratively with the City of Onkaparinga and Rural City of Murray Bridge for the potential divestment of Council's CWMS. That probity advisory services continue to be maintained throughout the CWMS review process. That a further report be provided to Council detailing the outcomes of the second stage request for tender and evaluation process with recommended next steps.</p>	Peter Bice	In Progress	10/01/2019	30/06/2019	<p>In progress. Currently establishing due diligence requirements to assist develop request for tender documentation with Joint Working Group. Evaluation underway of current Council management structure to identify most cost efficient ways of providing CWMS services internally.</p>
28/08/2018	Ordinary Council	205/18	Regional Transport Study Funding Request	<p>That the report be received and noted. To endorse the provision of \$10,000 from the Chief Executive Officer's contingency allocation to contribute to the regional transport study into passenger transport linkages between Adelaide and Mount Barker and beyond.</p>	David Waters	In Progress	4/01/2019	31/03/2018	<p>RDA is leading this project. GTA Consultants have been commissioned to undertake the study.</p> <p>Public survey being conducted in November. Council staff are contributing to the study which is due to be completed by March 2019.</p>

Meeting Date	Meeting	Res No.	Item Name	Action Required (Council Resolution)	Responsible Director	Status	Date of Update	Est. Completion	Status (for Council reporting)
28/08/2018	Ordinary Council	207/18	Road Widening Oakwood Road Oakbank	That the report be received and notedTo purchase the area of land, being 104.6m2, identified in red on the plan attached as <i>Appendix 2</i> ("Land") from the owners of the adjoining land at 2 Oakwood Road Oakbank in consideration of fencing and asphalt works with an estimated value of \$5,285 plus all reasonable costs to vest the land as public road, including lodgement fees and stamp duty costs totalling approximately \$3,000 (and thus a total value of approximately \$8,285).That the Mayor and CEO be authorised to sign all necessary documentation to effect this resolution.	Terry Crackett	In Progress	8/01/2019	28/02/2019	Plans have just been finalised ready for lodgement with the Lands Titles Office. Documents being drafted by Conveyancer for lodgement with the Lands Titles Office
28/08/2018	Ordinary Council	213/18	MWN Review of Community Grants Policy	That the community grants policy be reviewed before the next round of community grants.	David Waters	In Progress	4/01/2019	30/04/2019	The review has been earmarked for the first half of 2019, i.e. prior to the next grants round.
11/09/2018	Special Council	223/18	Pomona Road Bike Track Trial	Council support a trial of a BMX facility in Stirling, within the Service Women's War Memorial Reserve (adjacent Pomona Road)	Peter Bice	Completed	9/01/2019	26/11/2019	The trial track has been completed, and memorial area refreshed, and the trial is now underway. A number of safety enhancements have also been made in the vicinity.
11/09/2018	Special Council	223/18	Pomona Road Bike Track Trial	A report is prepared to Council by 26 November 2019 on completion of the trial.	Peter Bice	In Progress	9/01/2019	26/11/2019	A report will be prepared for the 26 November 2019 Council Meeting. This will incorporate outcomes from the Community Consultation to get underway in July 2019.
11/09/2018	Special Council	224/18	Draft Gumeracha Main Street Masterplan	Council endorses a broader community engagement process from 11 October to 2 November 2018 to enable the local community to provide feedback on the outcomes within the draft Masterplan. The Chief Executive Officer be authorised to consider and respond to minor changes to the draft Masterplan and to timing, advertisements and extent of the broader community engagement process.	Peter Bice	Completed	9/01/2019		The community consultation outcomes were presented to Council at a workshop on 11 December 2018 and provided to Council for endorsement on 18 December 2018.
11/09/2018	Special Council	224/18	Draft Gumeracha Main Street Masterplan	A report is provided back to Council by January 2019.	Peter Bice	Completed	9/01/2019	29/01/2019	The community consultation outcomes were presented to Council at a workshop on 11 December 2018 and provided to Council for endorsement on 18 December 2018.
11/09/2018	Special Council	225/18	Draft Gumeracha Precinct Federation Park and Oval Masterplan	Council endorse a broader community engagement process from 11 October to 2 November 2018 to enable the local community to provide feedback on the outcomes within the draft Masterplan. The Chief Executive Officer be authorised to consider and respond to minor changes to the draft Masterplan and to the timing, advertisements and extent of the broader community engagement process.	Peter Bice	Completed	9/01/2019		The community consultation outcomes will be presented to Council at a workshop on 11 December 2018 and provided to Council for endorsement on the 18 December 2018.
11/09/2018	Special Council	225/18	Draft Gumeracha Precinct Federation Park and Oval Masterplan	A report is provided back to Council by January 2019.	Peter Bice	Completed	9/01/2019	29/01/2019	The community consultation outcomes were presented to Council at a workshop on 11 December 2018 and provided to Council for endorsement on 18 December 2018.

Meeting Date	Meeting	Res No.	Item Name	Action Required (Council Resolution)	Responsible Director	Status	Date of Update	Est. Completion	Status (for Council reporting)
11/09/2018	Special Council	229/18	Road Exchange McBeath Drive, Skye Horsnell Gully	<p>In accordance with sections 12 and 15 of the Roads (Opening and Closing) Act 1991, as regards the land within the Adelaide Hills Council area, enter into an Agreement for Exchange with Boral Resources (SA) Ltd and issue a Road Process Order to open as road portions of Section 906 Hundred of Adelaide numbered "1", "2" and "3" on Preliminary Plan No. 17/0066 (Appendix 1) and in exchange to close portions of McBeath Drive marked "A", "B", "C" and "D" on Preliminary Plan No. 17/0066, subject to the following: Boral Resources (SA) Ltd agreeing to pay all costs associated with the road exchange process including but not limited to all survey, valuation and reasonable legal costs; Boral Resources (SA) Ltd agreeing to pay all costs associated with a Council boundary adjustment between Adelaide Hills Council and the City of Burnside to rectify the resulting Council boundary anomaly from the road exchange process</p> <p>The closed road is excluded as Community Land pursuant to the <i>Local Government Act 1999</i>.</p> <p>Council approves the sale of the differential between the total area of closed road and the total area of opened road of approximately 1,242m² to Boral Resources (SA) Ltd for the amount of \$6,210 as determined by an independent valuation.</p> <p>Subject to the successful completion of the road exchange process, Council undertakes a process in conjunction with the City of Burnside to realign the local government boundary along the new location of McBeath Drive to the south side of pieces 42, 52 and 62 of the proposed residential allotments in accordance with the provisions of the Local Government (Boundary Adjustment) Act 1995.</p>	Terry Crackett	In Progress	8/01/2019	30/06/2019	<p>Council has executed the Agreement for Exchange and Road Process Order.</p> <p>Boundary realignment requirements under the new legislation to commence on 1.1.19 are being reviewed and progressed in conjunction with City of Burnside. It is anticipated that a submission to the new Boundaries Commission will be lodged in mid - late January 19 once the final guidelines are published</p>
11/09/2018	Special Council	230/18	Burials outside Cemeteries Policy	<p>The Burials outside Cemeteries Policy as provided as Appendix 1 is endorsed for community consultation.</p> <p>That the CEO be authorised to consider and respond to minor changes to the draft Policy and to the timing, advertisements and extent of the broader consultation process.</p>	Terry Crackett	Completed	6/12/2018	31/12/2018	<p>Consultation will commenced on 14 November and ceased on 5 December 2018. A report will be presented to Council at the January meeting for consideration.</p>

Meeting Date	Meeting	Res No.	Item Name	Action Required (Council Resolution)	Responsible Director	Status	Date of Update	Est. Completion	Status (for Council reporting)
11/09/2018	Special Council	232/18	Revocation of Community Land – Bridgewater Retirement Village	<p>To commence a process to revoke the Community Land classification of the land located on the corner of Mt Barker Road and Second Avenue Bridgewater known as 511 Mt Barker Road Bridgewater contained in Certificate of Title Volume 5488 Folio 788 (Land) on which a portion of the Bridgewater Retirement Village is located by:Preparing a report as required under section 194(2)(a) of the Local Government Act 1999 and making it publicly available.Undertaking consultation in accordance with its Public Consultation Policy as required under section 194(2)(b) of the Local Government Act 1999.</p> <p>To commence a process to vary the charitable trust affecting the Land by investigating land parcels owned by the Adelaide Hills Council, including Carripool Park, Candlebark Reserve and Vincent Playground Reserve, that may be suitable for the development of a landscaped garden for the benefit of the community and for the construction of a memorial to the Ash Wednesday Bushfires of 1983 as contemplated by the charitable trust over the Land and invite community suggestions and feedback in relation to any appropriate land parcels.</p> <p>To approve a budget allocation in the amount of \$10,000 for legal expenses for the preparation of an Application to the Supreme Court to vary the charitable trust.</p> <p>That a further report be presented to Council for consideration after community consultation and further investigations have been completed</p>	Terry Crackett	In Progress	8/01/2019	31/03/2019	Initial consultation to identify possible locations for the establishment of a garden and memorial commenced in November and will run until 28.1.2019.
11/09/2018	Special Council	233/18	Road Closure Glenside Lane, Crafers	<p>Subject to there being no objections lodged during the public notification period, to make a Road Process Order pursuant to the Roads (Opening & Closing) Act 1991 in accordance with the Preliminary Plan attached to this report as Appendix 2 as follows:</p> <p>to close and merge the piece of land identified as "A" in the Preliminary Plan with Allotment 105 in Deposited Plan No 42581 comprised in Certificate of Title Volume 5291 Folio 390;</p> <p>to close and merge the pieces of land identified as "B" and "D" in the Preliminary Plan with Allotment 103 in Deposited Plan No 42581 comprised in Certificate of Title Volume 5291 Folio 388; and</p> <p>to close and merge the pieces of land identified as "C" and "E" in the Preliminary Plan with Allotment comprising pieces 101 and 102 in Deposited Plan No 42581 comprised in Certificate of Title Volume 5281 Folio 387.</p> <p>2. Subject to issue of a Road Process Order in accordance with the Preliminary Plan, that:The closed road be excluded as Community Land pursuant to the Local Government Act 1999; andThe piece marked "A" be sold to Mr Ken Lehmann and Mrs Nydia Lehmann, the owners of Certificate of Title Volume 5291 Folio 390 for the amount of \$46,500 plus GST (if applicable) and all fees and charges associated with the road closure process.The pieces marked "B", "C", "D" and "E" be sold to Mr Mark Edward Penfold Jolly, Mr Christopher Rawson Penfold Jolly and Mrs Angela Evelyn Penfold Foley, as Executors for the Estate of the Late Marjorie Anne Patterson Jolly, the owners of Certificates of Title Volume 5291 Folios 387 and 388 for the amount of \$45,500 plus GST (if</p>	Terry Crackett	In Progress	9/01/2019	31/03/2019	Public consultation has been completed by the Surveyor-General and no objections received. Surveyor preparing the final plan and documents for lodgement at the Lands Titles Office. Follow up occurring with the surveyor to finalise and complete process.

Meeting Date	Meeting	Res No.	Item Name	Action Required (Council Resolution)	Responsible Director	Status	Date of Update	Est. Completion	Status (for Council reporting)
11/09/2018	Special Council	234/18	Sale of closed unnamed road off Burton Road, Mt Torrens	To sell the land comprised in Certificate of Title Volume 6191 Folio 688 known as Closed Road U in Road Plan No. 1793 and identified on the plan attached as Appendix 1 (Land) for the amount of \$9,500 (exclusive of GST) to the adjoining land owner R T & T L Gladigau. To delegate to the Chief Executive Officer to sign all documentation necessary to effect the sale of the Land.	Terry Crackett	Completed	26/11/2018	30/11/2018	Settlement Completed
11/09/2018	Special Council	238/18	Ashton Landfill – Confidential Item	Until 10 September 2019. Pursuant to section 91(9)(c) of the <i>Local Government Act 1999</i> , Council delegates the power to revoke the confidentiality order either partially or in full to the Chief Executive Officer. Refer to confidential minute	Peter Bice	In Progress	10/01/2019		Council continues to progress the matter.
25/09/2018	Ordinary Council	13.2	Harms Avenue Birdwood	That Council resolves that the report be received and noted. That the CEO provides a further report to Council by the end of March 2019.	Terry Crackett	In Progress	8/01/2019	30/06/2019	Correspondence was sent out on 19/9/2018 to land owners seeking expressions of interest in road closure. Of the 12 land owners, only 6 have responded to our communication. Of the 12 land owners contacted, we received responses from 5. The consensus was that land owners opposed a road closure process, and generally were opposed to a permit arrangement for access to their properties. Currently the options available are: (1) Consider merging Harms Avenue (east) with Torrens Valley Road and renaming and re-addressing the properties as Torrens Valley Road properties (2) Suggest street signage directing to 2-20 Harms Avenue (3) Consider formalising Harms Avenue with bitumen and a buffer Options (1) and (2) will require further consultation with land owners and residents of this area. We are currently seeking costings for option (3) to see if this is a feasible option. Option 3 would require the removal of some trees to facilitate a made road We will be going back to land owners early in the new year for further consultation in relation to options 1 & 2 and will report to Council based on that feedback together with the information obtained regarding the cost of bituminising the road.
25/09/2018	Ordinary Council	252/18	Unmade Road Reserves, Charleston Conservation Park	That the CEO provides a report to Council by the end of February 2019 on future options for the unmade road reserves adjacent to the Charleston Conservation Park.	Terry Crackett	In Progress	8/01/2019	28/02/2019	DEW have advised that they have requested a valuation from the Valuer-General's Dept but it has not as yet been received. Discussions between Council staff and DEW have suggested that the road closure process commence to undertake the necessary consultation with adjoining land owners and the community whilst the valuation is being obtained. Council DEW have confirmed they would like to commence the road process with initial consultation. Following completion of the consultation and receipt of the valuation, a report will be prepared for Council for consideration.

Meeting Date	Meeting	Res No.	Item Name	Action Required (Council Resolution)	Responsible Director	Status	Date of Update	Est. Completion	Status (for Council reporting)
23/10/2018	Ordinary Council	261/18	Lobethal Primary School Safety Concerns	That the CEO, in consultation with the Governing Council and the Principal of the Lobethal Primary School, provides a report to the February 2019 Council meeting, on opportunities to improve safety for students and parents on streets within the vicinity of the School.	Peter Bice	In Progress	9/01/2019	28/02/2019	A previous report was undertaken in 2017 by Tonkin Consulting to look at traffic and pedestrian movements with suggested works. All items in Tonkin report are either complete or works are scheduled to complete. Additional measures regarding parking restrictions around the school Kiss N Drop have also been completed. still to complete additional pram ramp (prior to Jan 29) and 20m of linemarking on northwestern side of school road/mill street intersection (scheduled with operations)
23/10/2018	Ordinary Council	263/18	Naming the Arts & Heritage Hub	That the report be received and noted.That the Council's arts and heritage hub in the former Lobethal Woollen Mill be called Fabrik.That further development of Fabrik incorporate the naming of specific elements of, or programs run at, the complex. This should include consideration of other suggested names made by the community as part of the current process, including Interwoven and Yarn Space.	David Waters	In Progress	4/01/2019	30/06/2019	The naming of other elements will occur as part of the development of the detailed design for the redevelopment, which will occur in the first half of 2019.
23/10/2018	Ordinary Council	267/18	Review of Advisory Groups	That the report be received and noted.To recommend the Terms of Reference to the incoming Council for the following Advisory Groups: Bushfire Advisory Group (with revisions to nomenclature and strategic plan references) Biodiversity Advisory Group (with revisions to nomenclature and strategic plan references) Cemetery Advisory Group (with revisions to nomenclature and strategic plan references) Property Advisory Group (with revisions to nomenclature and strategic plan references, removal of the function related to formulating asset management plans and the addition of functions related to road reserve management and management of Crown Land under Council's care and control) Rural Land Management Advisory Group (with revisions to nomenclature and strategic plan references and addition of membership from a representative of the strawberry/berry industry) Sustainability Advisory Group (with revisions to nomenclature and strategic plan references and the refinement of the role and functions to include resilient communities and resource recovery and the removal of conservation and biodiversity) 3. To recommend to the incoming Council that the following Advisory Groups be discontinued, and the members thanked for their service. Adelaide Hills Business & Tourism Centre Advisory Group Australia Day Awards Panel Social Planning Advisory Group Sport & Recreation Advisory Group Youth Advisory Committee	Andrew Aitken	Completed	8/12/2018	18/12/2018	Report on Advisory Groups considered at 18 December 2018 Ordinary Council Meeting (resolution 326/18). Item is now superceded.
5/11/2018	Audit Committee	AC22/18	6.1. Action Report, 2017 Work Plan Update and Adoption of 2019 Work Plan	The Audit Committee resolves: That the report be received and noted That the status of the Action Report and Work Plan be noted That the 2019 Work Plan be adopted	Andrew Aitken	Completed	6/11/2018		Workplan will be utilised at future Audit Committee Meetings.
5/11/2018	Audit Committee	AC24/18	Draft Annual Report	The Audit Committee resolves that the: Report be received and noted. Draft 2017-18 Annual Report, as contained in Appendix 1, be endorsed – recognising the need for inclusion of the General Purpose Financial Statements and Council's Regional Subsidiaries Annual Reports.	Terry Crackett	Completed	6/11/2018		No Further Action required. Draft Audit Committee to be considered by Council on 27.11.18 for adoption. Council adopted the 2017-18 Annual Report on 27 November 2018.
5/11/2018	Audit Committee	AC29/18	Internal Audit Quarterly Update	The Audit Committee resolves: To receive and note the report. To note the implementation status of Internal and External Audit actions.	Andrew Aitken	Completed	6/11/2018		NFA required

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5/11/2018	Audit Committee	AC31/18	2019 Audit Committee Meeting Dates	That the report be received and noted.To approve the Audit Committee meeting schedule, timings and locations for 2019 as follows (all at Stirling): Commencement 6.00pm Meeting Dates and Locations 11 February 2019,15 April 2019, 12 August 2019, 14 October 2019, November 2019	Andrew Aitken	Completed	6/11/2018		Dates placed on Council website
27/11/2018	Ordinary Council	274/18	Petition - Stirling Rotunda	Council resolves that the petition signed by 27 signatories, requesting that the Stirling Rotunda be rebuilt, be received and noted.	Andrew Aitken	Completed	28/11/2018		Letter sent to Head Petitioner confirming that Council has received and noted petition, and advising of community consultation commencing 28/11/18
27/11/2018	Ordinary Council	275/18	Draft Annual Report	The 2017-18 Annual Report, as contained in Appendix 1, be adopted. That the Chief Executive Officer be authorised to make minor content, formatting or design changes necessary for publication purposes. That copies of the Annual Report be provided to:each member of the Councilthe Presiding Members of both Houses of Parliamentthe South Australian Local Government Grants Commission	Terry Crackett	Completed	14/01/2019	14/12/2018	The Annual Report has been finalised and has been distributed to the required bodies in December 2018. Copies are on the Council website and at the service centres.
27/11/2018	Ordinary Council	279/18	Election of Deputy Mayor	Council resolves to appoint Cr Nathan Daniell to the position of Deputy Mayor for a 12 month term to commence 27 November 2018 and conclude on 26 November 2019.	Andrew Aitken	Completed	28/11/2018		Website updated
27/11/2018	Ordinary Council	280/18	Time & Place of Council Meetings 2018 - 2019	The Ordinary Council meeting schedule, with meetings commencing at 6.30pm, to be held at 63 Mt Barker Road, Stirling be adopted, as follows:Meeting DateTuesday, 18 December 2018Tuesday, 22 January 2019Tuesday, 26 February 2019Tuesday, 26 March 2019Tuesday, 23 April 2019Tuesday, 28 May 2019Tuesday, 25 June 2019Tuesday, 23 July 2019Tuesday, 27 August 2019Tuesday, 24 September 2019Tuesday, 22 October 2019Tuesday 26 November 2019Tuesday, 17 December 2019Special Council meeting times and venues are to be determined by the Chief Executive Officer in consultation with the Mayor.	Andrew Aitken	Completed	28/11/2018	14/12/2018	Council meeting dates being advertised in December 2018
27/11/2018	Ordinary Council	281/18	Time & Place of Workshops & Personal Development	That regarding the Workshop and Professional Development Informal Gatherings:Workshop Sessions be scheduled ordinarily at 6.30pm on the 2nd Tuesday of each month, to be held at 36 Nairne Road, Woodside.Professional Development Sessions be scheduled ordinarily at 6.30pm on the 3rd Tuesday of each month, to be held at 63 Mt Barker Road, Stirling.The Chief Executive Officer be delegated to make changes to the informal gathering schedule, timings and locations.	Andrew Aitken	Completed	28/11/2018	14/12/2018	Dates being advertised in December 2018
27/11/2018	Ordinary Council	282/18	Council Member Allowances & Support Policy	That the report be received and notedThat the allowances payable under s76 of the <i>Local Government Act 1999</i> will be paid monthly in arrearsWith an effective date of 27 November 2018, to adopt the <i>Council Member Allowances and Support Policy</i> , as contained in Appendix 1.That the Chief Executive Officer be authorised to make minor content, formatting or design changes necessary to publish the Policy.	Andrew Aitken	Completed	28/11/2018		Policy finalised and placed on Council website

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27/11/2018	Ordinary Council	28/18	Membership CEO PRP - Appointment of Members	Council resolves to appoint Councillors Kirsty Parkin and Mark Osterstock as members of the Chief Executive Officer Performance Review Panel for a 12 month term to commence 27 November 2018 and conclude on 26 November 2019 (inclusive).	Andrew Aitken	Completed	28/11/2018		Website updated
27/11/2018	Ordinary Council	286/18	CEO PRP - Appointment of Presiding Member	Council resolves to appoint Cr Mark Osterstock to the position of Chief Executive Officer Performance Review Panel Presiding Member for a 12 month term to commence 27 November 2018 and conclude on 26 November 2019 (inclusive).	Andrew Aitken	Completed	28/11/2018		Website updated
27/11/2018	Ordinary Council	288/18	Membership SPDPC - Appointment of Members	Council resolves to appoint Mayor Jan-Claire Wisdom, Cr Ian Bailey, Cr Nathan Daniell, Cr Linda Green, Cr Chris Grant, Cr Leith Mudge, Cr Andrew Stratford, Cr John Kemp, Cr Pauline Gill, Cr Kirsty Parkin, Cr Mark Osterstock and Cr Malcolm Herrmann as members of the Strategic Planning & Development Policy Committee for the term of the current Council.	Andrew Aitken	Completed	28/11/2018		Website updated
27/11/2018	Ordinary Council	290/18	Membership SPDPC - Appointment of Presiding Member	Council resolves to appoint Cr Linda Green to the position of Strategic Planning Development Policy Committee Presiding Member for a 12 month term to commence 27 November 2018 and conclude on 26 November 2019 (inclusive).	Andrew Aitken	Completed	28/11/2018		Website updated
27/11/2018	Ordinary Council	291/18	Membership Audit Committee	Council resolves to appoint Cr Malcolm Herrmann & Cr Leith Mudge as members of the Audit Committee for a 24 month term to commence 27 November 2018 and conclude on 26 November 2020 (inclusive).	Andrew Aitken	Completed	28/11/2018		Website updated
27/11/2018	Ordinary Council	294/18	Membership Audit Committee - Appointment of Presiding Member	Council resolves to appoint Cr Malcolm Herrmann to the position of Audit Committee Presiding Member for a 12 month term to commence 1 December 2018 and conclude on 26 November 2019 (inclusive).	Andrew Aitken	Completed	28/11/2018		Website updated
27/11/2018	Ordinary Council	295/18	Audit Committee Presiding Member's Report	1. That the report be received and noted. 2. That Council formally thanks Ms Paula Davies for her service as Presiding Member of the Audit Committee.	Andrew Aitken	Completed	11/12/2018	27/11/2018	
27/11/2018	Ordinary Council	297/18	Magarey Road Emergency Services Access	1. The report be received and noted 2. The administration undertake the process to rename Magarey Road Mount Torrens in accordance with Council's <i>Public Place and Road Naming Policy</i> . 3. Subject to the <i>Public Place and Road Naming Policy</i> requirements being met and there being no objections following public consultation, that the two sections of Magarey Road Mount Torrens (as shown in <i>Appendix 1</i>) be renamed Magarey Road North and Magarey Road South.	Peter Bice	In Progress	10/01/2019	31/03/2019	Road renaming process is being undertaken.

Meeting Date	Meeting	Res No.	Item Name	Action Required (Council Resolution)	Responsible Director	Status	Date of Update	Est. Completion	Status (for Council reporting)
27/11/2018	Ordinary Council	300/18	S43 Membership - East Waste	Council resolves that in relation to the Eastern Waste Management Authority Board: a. To appoint Cr Linda Green to the Board Member position for a two year term to commence from 27 November 2018 and conclude on 26 November 2020 (inclusive) b. To appoint John McArthur, Manager Waste & Emergency Management, to the Deputy Board Member position for a two year term to commence from 27 November 2018 and conclude on 26 November 2020 (inclusive)	Andrew Aitken	Completed	30/11/2018		Letter sent to East Waste advising of Board appointments
27/11/2018	Ordinary Council	301/18	S43 Membership - AHRWMA	Council resolves that in relation to the Adelaide Hills Region Waste Management Authority Board: a. To appoint Cr John Kemp to the Board Member (Council Member) position for a 2 year term to commence from 27 November 2018 and conclude on 26 November 2020 (inclusive). b. To appoint John McArthur, Manager Waste & Emergency Management, to the Board Member (Council Officer) position for a 2 year term to commence from 27 November 2018 and conclude on 26 November 2020 (inclusive). To appoint Cr Ian Bailey to the Deputy Board Member position for a 2 year term to commence from 27 November 2018 and conclude on 26 November 2020 (inclusive).	Andrew Aitken	Completed	30/11/2018		Letter sent to AHRWMA advising of Board Appointments
27/11/2018	Ordinary Council	302/18	S43 Membership - GRFMA	Council resolves that in relation to the Gawler River Floodplain Management Authority Board: a. To note that the Chief Executive Officer has nominated Marc Salver to the Board Member (Chief Executive Officer) position for a 2 year term to commence from 27 November 2018 and conclude on 26 November 2020 (inclusive) b. To appoint Cr Malcolm Herrmann to the Board Member (Council Member) position for a 2 year term to commence from 27 November 2018 and conclude on 26 November 2020 (inclusive) c. To appoint Cr Pauline Gill to the Deputy Board Member position for a 2 year term to commence from 27 November 2018 and conclude on 26 November 2020 (inclusive)	Andrew Aitken	Completed	30/11/2018		Letter sent to GRFMA advising of Board appointments
27/11/2018	Ordinary Council	303/18	S43 Membership - SHLGA	Council resolves that in relation to the Southern & Hills Local Government Association Board: 1. To appoint Mayor Jan-Claire Wisdom to the Board Member (Council Member) position for a 2 year term to commence from 27 November 2018 and conclude on 26 November 2020 (inclusive) 2. To appoint Lachlan Miller, Executive Manager Governance & Performance, to the Deputy Board Member position for a 2 year term to commence from 27 November 2018 and conclude on 26 November 2020 (inclusive)	Andrew Aitken	Completed	30/11/2018		Letter sent to SHLGA advising of Board appointments.

Meeting Date	Meeting	Res No.	Item Name	Action Required (Council Resolution)	Responsible Director	Status	Date of Update	Est. Completion	Status (for Council reporting)
27/11/2018	Ordinary Council	304/18	LG Amendment Bill - Feedback for LGA	That the report be received and notedTo approve the submission in Appendix 2 to the Local Government Association regarding the <i>Local Government (Ratepayer Protection and Related Measures) Amendment Bill 2018</i> . To delegate to the Chief Executive Officer to make any minor content changes to reflect discussion on the item and formatting changes for the purpose of finalising the submission to the Local Government Association.	Andrew Aitken	Completed	8/12/2018	30/11/2018	Lodged wiht LGA on 30 November 2018
27/11/2018	Ordinary Council	305/18	Milan Tce Pedestrian Crossing Investigation	That the report be received and noted.That funding of \$25,000 is allocated in the 2018/19 Capital Budget to complete detailed design and detailed cost estimates of the Wombat crossing.That the construction of the project be considered as part of the 2019/20 annual business planning process.That it is acknowledged that a 30km/h speed limit is not supported by the Department of Planning, Transport and Infrastructure. 5 To seek the approval of the Department of Planning, Transport and Infrastructure to reduce the speed limit on Milan Terrace to 40km/h from a point 120 metres north west of the Druid Avenue intersection to a point 50 metres south east of the Mabel Street intersection.	Peter Bice	In Progress	9/01/2019	22/02/2019	Detailed design process commenced. DPTI has been approached.
27/11/2018	Ordinary Council	307/18	Review of Confidential Items	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 resolves that an order be made under the provisions of sections 91(7) and (9) of the <i>Local Government Act 1999</i> that the report, related attachments and the minutes of Council and the discussion and considerations of the subject matter be retained in confidence for a period as specified below: SPDPC Meeting 22 April 2014 Adelaide Hills Regional Waste Management Authority Section 90(3)(b) 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; and Section 90(3)(d) – 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 the information, or to confer a commercial advantage on a third party; and would, on balance, be contrary to the public interest.	Andrew Aitken	Completed	5/12/2018		To remain in confidence until matter concluded. Item will be managed through the Confidential Items Register.

Meeting Date	Meeting	Res No.	Item Name	Action Required (Council Resolution)	Responsible Director	Status	Date of Update	Est. Completion	Status (for Council reporting)
27/11/2018	Ordinary Council	310/18	Designated Administrative Contacts for Council Members	<p>To note, that under Section 61(2) of the <i>Local Government Act 1999</i> and clauses 2.12 and 2.13 of the Code of Conduct for Council Members, the Chief Executive Officer has nominated the following Council Officers (or the Council Officers acting in these positions) as the Designated Administration Contacts for Council Members: (see minutes)</p> <p>To note that the Chief Executive Officer will provide contact and portfolio details of the Designated Administration Contacts for Council Members following the Council meeting.</p> <p>To note that the Chief Executive Officer may revise the Designated Administration Contacts, during the course of the Council term, with notification provided to Council Members.</p> <p>To note the provisions of the <i>Council Member Conduct Policy</i> and the <i>One Team – Communication Protocols for Council Members and the Administration</i>.</p>	Andrew Aitken	Completed	5/12/2018		Administration Contacts listing provided to Council Members and placed on Council Member Portal
4/12/2018	Special Council	316/18	Appointment of Council Member to CAP	That Council resolves to appoint Cr Linda Green as Member and Cr Leith Mudge as Deputy Member of the Council Assessment Panel for a 17 month term to commence 4 December 2018 and conclude on 30 May 2020 (inclusive).	Marc Salver	Completed	10/12/2018		The Independent Members of CAP have been notified of the recent appointments.
4/12/2018	Special Council	317/18	Appointment to CAP Selection Panel for Independent Members	<p>That the Mayor and Councillors John Kemp and Kirsty Parkin be appointed to a Council Assessment Panel Independent Member Selection Panel, assisted by the CEO and Director Development & Regulatory Services, to undertake the short-listing and interviews of the candidates with a view to selecting an Independent Presiding Member and three (3) Independent Ordinary Members.</p> <p>That the Council Assessment Panel Independent Member Selection Panel report their recommendations to Council for approval by no later than April 2019.</p>	Marc Salver	In Progress	15/01/2019	23/04/2019	<p>Staff are preparing the adverts for this expression of interest process which will commence in mid January for a period of 4 weeks. The shortlisting and interview process will then be undertaken in late February/March 2019, in order to complete the process for reporting to Council on 23 April 2019</p> <p>EOI Adverts organised for w/c 14 January 2019, with closing date for submissions 22 February 2019. Article placed on website under Latest News and current CAP members advised 15 January 2019.</p>
4/12/2018	Special Council	318/18	GRFMA Audit Committee Registration of Interest	That Council resolves to nominate Cr Malcolm Herrmann for the Gawler River Floodplain Management Authority Audit Committee.	Andrew Aitken	Completed	10/12/2018		GRFMA advised by email and follow up letter.
18/12/2018	Ordinary Council	321/18	Amendment to Code of Practice for Meeting Procedures	That Council amends clause 4.14 [Meeting Protocols] of the Code of Practice for Council Meeting Procedures [the Code] by removing the requirement for elected members and staff to <i>stand</i> when addressing the Council. All other aspects of clause 4.14 of the Code remain unchanged, aside from any consequential changes that may be required as a result of the aforementioned amendment.	Andrew Aitken	Completed	19/12/2018	19/12/2018	The Code has been amended and published on the website.
18/12/2018	Ordinary Council	322/18	Scott Creek Cemetery Funds	That the Chief Executive Officer prepares a report by 31 March 2019, in consultation with the Scott Creek Progress Association, on possible expenditure of \$6,000 held in the Council Reserve Fund on behalf of the Scott Creek Progress Association.	Terry Crackett	In Progress	8/01/2019	31/03/2019	Meeting with the Scott Creek Progress Association to be arranged for late January

Meeting Date	Meeting	Res No.	Item Name	Action Required (Council Resolution)	Responsible Director	Status	Date of Update	Est. Completion	Status (for Council reporting)
18/12/2018	Ordinary Council	323/18	Stonehenge Reserve MON	<p>1. That only minimum further expenditure is made on consultant fees in relation to the proposed options for upgrading the Stonehenge Tennis Courts to include Netball courts until:</p> <p>a. A Council Member workshop is held on the merits of each site during the community consultation period</p> <p>b. Council Members attend a site visit to the Stonehenge tennis courts and alternative sites (eg Piccadilly and Heathfield)</p> <p>c. A workshop is held to discuss the community consultation analysis</p> <p>2. That the community consultation period be extended to 22 February 2019</p>	Peter Bice	In Progress	9/01/2019	23/04/2019	<p>Expenditure will be kept to a minimum, however review of traffic and parking is being undertaken to ensure most appropriate information is used to enable Council Members to make a decision when a report comes to Council, scheduled at this stage to be in April 2019.</p> <p>Workshops and a site visit have been scheduled, and the Community Consultation as been extended to 22 February 2019.</p>
18/12/2018	Ordinary Council	324/18	Gumeracha Main Street Masterplan	<p>1. That the report be received and noted</p> <p>2. That Council approves the draft Masterplan taking into consideration the broader community engagement process and outcomes, with the inclusion that measures be considered in the detailed design phase to improve safety and amenity for cyclists following guidance in the Adelaide Hills Strategic Bicycle Plan and Cycling Aspects of Austroads Guides. Specifically the design should incorporate suitable measures to provide separation between cyclists and motor vehicles for safety, and bike rails for parking of bikes at appropriate locations</p>	Peter Bice	In Progress	9/01/2019		
18/12/2018	Ordinary Council	325/18	Gumeracha Precinct Federation Park and Oval Masterplan	<p>That the report be received and noted That Council approves the draft Masterplan taking into consideration the broader community engagement process and outcomes.</p> <p>That the priority actions identified within the draft Masterplan be considered in the Long Term Financial Plan and budget process</p>	Peter Bice	In Progress	9/01/2019		
18/12/2018	Ordinary Council	326/18	Appointments to AHC Advisory Groups	<p>1. That the report be received and noted.</p> <p>2. To cease the following Advisory Groups: a. Adelaide Hills Business & Tourism Centre Advisory Group b. Australia Day Awards Panel c. Social Planning Advisory Group d. Sport & Recreation Advisory Group e. Youth Advisory Committee</p> <p>3. To retain the following Advisory Groups and adopt the revised Terms of Reference for each respective Group: Bushfire Advisory Group as contained in Appendix 3 Biodiversity Advisory Group as contained in Appendix 4 Cemetery Advisory Group as contained in Appendix 5 Property Advisory Group as contained in Appendix 6 Rural Land Management Advisory Group as contained in Appendix 7 Sustainability Advisory Group as contained in Appendix 8</p> <p>4. That the Chief Executive Officer be authorised to make minor content, formatting or design changes necessary to finalise the Advisory Group Terms of Reference documents contained in Appendices 3-8.</p> <p>5. With an effective date of 2 January 2019, to revoke the 10 December 2013 Procedures for Advisory Groups and to adopt the Advisory Group Operation and Conduct Policy as contained in Appendix 9.</p>	Andrew Aitken	In Progress	14/01/2019	26/03/2019	Terms of reference revised. Advertising process to commence towards the end of January 2019.

Meeting Date	Meeting	Res No.	Item Name	Action Required (Council Resolution)	Responsible Director	Status	Date of Update	Est. Completion	Status (for Council reporting)
18/12/2018	Ordinary Council	328/18	Appointments to AHC Advisory Groups	<p>1. That in relation to each Advisory Group listed below to appoint the Council Members identified against the relevant Group for a 24 month term to commence 18 December 2018 and conclude on 17 December 2020 (inclusive).</p> <p>a. Bushfire Advisory Group – Cr Chris Grant, Cr Pauline Gill</p> <p>b. Biodiversity Advisory Group – Cr Chris Grant, Cr John Kemp, Cr Nathan Daniell</p> <p>c. Cemetery Advisory Group – Cr Pauline Gill, Cr Malcolm Herrmann, Cr Ian Bailey</p> <p>d. Property Advisory Group - Cr Malcolm Herrmann, Cr Kirsty Parkin, Cr Ian Bailey, Cr John Kemp</p> <p>e. Rural Land Management Advisory Group – Cr Pauline Gill, Cr Chris Grant, Cr Ian Bailey, Cr John Kemp</p> <p>f. Sustainability Advisory Group – Cr Chris Grant, Cr Ian Bailey, Cr Leith Mudge, Cr Nathan Daniell</p> <p>2. To establish Selection Panels for the recruitment of Independent, Agency and Community Members for the retained Advisory Groups with the following Council Members, assisted by the respective Executive Officers, to undertake the short-listing and interviews of the candidates with a view to making recommendations for appointment at a future Council meeting(s): Biodiversity Advisory Group – Cr John Kemp, Cr Chris Grant Cemetery Advisory Group – Cr Ian Bailey, Cr Malcolm Herrmann Rural Land Management Advisory Group – Cr Ian Bailey, Cr Pauline Gill Sustainability Advisory Group – Cr Leith Mudge, Cr Ian Bailey</p>	Andrew Aitken	In Progress	19/12/2018	26/03/2019	Recruitment panels will be formed following the recruitment action.
18/12/2018	Ordinary Council	329/18	Acquisition of Private Roads - Garrod Place and Crescent, Stirling	<p>That the report be received and noted To accept a transfer of Allotments 89 and 90 in Filed Plan No. 158344 Private Roads being portion of the land in Certificate of Title Volume 5938 Folio 729 ("Land") from Stephanie Jane Evans as executor for Peter Richard Sergeant (deceased) for no consideration subject to the Council paying the costs of the transfer of the Land That the Land be excluded as Community Land pursuant to s193(4) of the <i>Local Government Act 1999</i> That following the transfer of the Land, the Land be declared as public road</p> <p>That the Mayor and CEO be authorised to sign all necessary documentation to give effect to this resolution</p>	Terry Crackett	In Progress	8/01/2019	31/03/2019	Awaiting receipt of Contract for signing by Council
18/12/2018	Ordinary Council	330/18	End of Year Financial Report	<p>1. the report be received and noted.</p> <p>2. the 2017-18 End of Year Financial Results in comparison to budget have been appropriately considered by Council</p>	Terry Crackett	Completed	8/01/2019	19/12/2018	Completed
18/12/2018	Ordinary Council	331/18	Budget Review 1	<p>The report be received and noted. The Operating Budget variations presented in Budget Review 1 be endorsed, noting they do not impact on the Budgeted Operating Surplus of \$302k for the 2018-19 financial year. The proposed Capital Works expenditure amendments of \$215k, offset by additional Capital Revenue of \$35k be endorsed, resulting in an increased total Capital Works Program of \$17.917m.</p> <p>4. The revised Net Borrowing result of \$4.513m be endorsed</p>	Terry Crackett	Completed	8/01/2019	19/12/2018	Budgets updated in accordance with Council resolution
18/12/2018	Ordinary Council	332/18	Review of Wastewater Fee Refund Policy	<p>1. That the report be received and noted</p> <p>2. With an effective date of 7 January 2019, to revoke the 8 December 2015 Wastewater System Application Fee Refunds Policy and adopt the draft 18 December 2018 Wastewater System Application Fee Refunds Policy</p>	Marc Salver	Completed	19/12/2018		

Meeting Date	Meeting	Res No.	Item Name	Action Required (Council Resolution)	Responsible Director	Status	Date of Update	Est. Completion	Status (for Council reporting)
18/12/2018	Ordinary Council	333/18	Review of Genetically Modified Crops Policy	That the report be received and notedWith an effective date of 7 January 2019, to revoke the 9 December 2014 <i>Genetically Modified Crops Policy</i> and to adopt the revised 18 December 2018 <i>Genetically Modified Crops Policy</i> 3. That the Policy be reviewed no later than December 2022 or earlier if there are changes in State or Federal Government policies or legislation in this regard, or if there is a compelling scientific justification for a further review	Marc Salver	Not Started	15/01/2019		
18/12/2018	Ordinary Council	334/18	Delegations Review Schedule	That the report be received and noted That, having conducted its quarterly review of Council's Delegations Register, in accordance with Section 44(6) of the <i>Local Government Act 1999</i> , the Council: 2.1 Revocation Hereby revokes its previous delegations to the Chief Executive Officer of those powers and functions under the following Acts: 2.1.1 Community Titles Act 1996 2.1.2 Crown Land Management Act 2009 2.1.3 Heavy Vehicle National Law (South Australia) Act 2013 2.1.4 Liquor Licensing Act 1997 2.1.5 Private Parking Areas Act 1986 2.1.6 South Australian Public Health Act 2011 2.1.7 Strata Titles Act 1988 2.1.8 Work Health and Safety Act 2012 2.2 Delegations made under the <i>Local Government Act 1999</i> 2.2.1 In exercise of the power contained in Section 44 of the <i>Local Government Act 1999</i> the powers and functions under the following Acts and specified in the proposed Instruments of Delegation contained in Appendices 3, 4, 5, 6, 7, 8, 9 and 10 (each of which is individually identified as indicated below) are hereby delegated this 18th day of December 2018 to the person occupying the office of Chief Executive Officer subject to the conditions and or limitations specified herein or in the Schedule of Conditions in each such proposed Instrument of Delegation. <i>Community Titles Act 1996 (Appendix 3)</i> <i>Crown Land Management Act 2009 (Appendix 4)</i> <i>Heavy Vehicle National Law (South Australia) Act 2013 (Appendix 5)</i> <i>Liquor Licensing Act 1997 (Appendix 6)</i> <i>Private Parking Areas Act 1986 (Appendix 7)</i> <i>South Australian Public Health Act 2011 (Appendix 8)</i> <i>Strata Titles Act 1988 (Appendix 9)</i> <i>Work Health and Safety Act 2012 (Appendix 10)</i>	Andrew Aitken	Completed	27/12/2018	15/01/2019	Sub-delegations assigned to relevant officers.
18/12/2018	Ordinary Council	336/18	Signing & Sealing Asset Improvement Program Funding Deed Terlinga Road Mt Torrens & Frick Street Lobethal	The report be received and noted.The Chief Executive Officer and Mayor are authorised to sign and affix the seal of the Adelaide Hills Council to the Funding Deed under the Asset Improvement Program.	Andrew Aitken	Completed	19/12/2018	20/12/2018	Documents signed & sealed 20 December 2018.
18/12/2018	Ordinary Council	337/18	Location of Underground Services Federation Park & Gumeracha Oval	That the Chief Executive Officer undertakes an investigation into the location of underground services in Federation Park and Gumeracha Oval in consultation with local residents who have a knowledge and history of their location.	Peter Bice	In Progress	9/01/2019	31/12/2019	Council Staff have undertaken a Dial Before You Dig enquiry, so we now have a good understanding of public services in the area. Regarding mapping the unknown underground services, the Open Space team will undertake this in conjunction with the upcoming irrigation design for Federation Park. This project comprises a renewal plus upgrade of existing irrigation facilities, with design to be completed this Financial Year and implementation in 2019/20. Some local contacts have been provided, who will be consulted at the relevant stages in the process.
18/12/2018	Ordinary Council	339/18	Australia Day Awards - CONFIDENTIAL	As per confidential minute	David Waters	In Progress	4/01/2019	26/01/2019	
18/12/2018	Ordinary Council	340/18	Australia Day Awards 2019 - Period of Confidentiality	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 presentation of the awards on 26 January 2018.	Andrew Aitken	In Progress	19/12/2018	26/01/2019	Pending release date.

Meeting Date	Meeting	Res No.	Item Name	Action Required (Council Resolution)	Responsible Director	Status	Date of Update	Est. Completion	Status (for Council reporting)
18/12/2018	Ordinary Council	Q181218	Advisory Groups	Matter arising from meeting: David Waters to circulate details to Council Members of the YAC arrangements for neighbouring Councils	David Waters	In Progress	4/01/2019	11/01/2019	Anticipated that this can be done once the Council's Community Development Officer, Youth and Recreation, returns from leave on 8 January.
18/12/2018	Ordinary Council	Q181218	Get well card for ex Mayor Cooksley	Send get well card to Bill Cooksley	Andrew Aitken	Completed	21/12/2018		Card posted 21/12/18

**ADELAIDE HILLS COUNCIL
ORDINARY COUNCIL MEETING
Tuesday 22 January 2019
AGENDA BUSINESS ITEM**

Item: 13.1

Originating Officer: Melinda Rankin, Fabrik Director

Responsible Director: David Waters, Director Community Capacity

Subject: Fabrik Arts & Heritage Progress Report

For: Information

SUMMARY

The purpose of this report is to provide an update on the implementation of the Business Development Framework for the Arts & Heritage Hub in Lobethal.

RECOMMENDATION

Council resolves that the report be received and noted.

1. GOVERNANCE

➤ **Strategic Management Plan/Council Policy**

Goal 2 Strategy 2.4	Activities and opportunities to connect We will implement the Adelaide Hills Business and Tourism Centre (Old Woollen Mill) Masterplan to stimulate local job creation, boost tourism and create a vibrant cultural hub.
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The development of Fabrik is directly related to this strategy of creating a cultural hub on the site of the former Lobethal Woollen Mill. In addition, the development aligns with a number of other strategies in the service areas of tourism, economic development and community development. As the facility is developed it will aim to become a significant cultural tourism destination (linking to Strategy 1.3), offering opportunities for community involvement (fostering creativity – Strategy 4.4) and supporting arts enterprises through a studio program (microbusinesses 1.5). The intention to develop relationships with Indigenous communities and create a dedicated space for meetings aligns with Council's strategy of recognising and respecting Aboriginal culture (2.1). Fabrik's public program will include the presentation of large and small events and will support Council's goal of bringing events that have cultural, environmental and economic benefits (2.6).

➤ **Legal Implications**

Not applicable.

➤ **Risk Management Implications**

Monitoring progress in respect to the implementation of the *Business Development Framework* will assist in mitigating the risk of:

The objectives not being met leading to misuse of public funds.

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

➤ **Financial and Resource Implications**

The funds to implement the Business Framework for Fabrik are included in the current budget and the Long Term Financial Plan. To date, expenditure is on track in line with budget allocation.

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

The development of Fabrik is connected to Council's strategic goal of providing activities and opportunities that connect with the community. Public programs at Fabrik will include a strong focus on community cultural development, with the aim of increasing the involvement of Adelaide Hills community members in the arts, and creating opportunities for increased creativity and connection. The Evaluation Framework aims to identify activities and measures to ensure that Fabrik meets these strategic aims.

➤ **Environmental Implications**

Not applicable.

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

Prior consultation regarding the development of Fabrik was included during the development of an Arts Action Plan, which considered the need for Arts Hubs in the Adelaide Hills Council and during the development of the *Business Development Framework*. Input was also received from community members during the development of the naming of the Hub.

Consultation on the development of this report was as follows:

Council Committees: Not applicable

Council Workshops: Not applicable

Advisory Groups: Not applicable

Administration:	Manager Community Development Manager Economic Development Community & Cultural Development Officer
Industry:	Regional Galleries Association (in relation to their South Australian Regional Galleries Mapping Project) and the Creative Communities Network (in relation to their Cultural Indicators Project)
Community:	Not applicable.

2. BACKGROUND

There has been a considerable amount of work over a number of years to get to the point where Council is now developing an arts and heritage hub in the former Onkaparinga Woollen Mill. The most pertinent recent Council decisions regarding the Hub are described below.

At its meeting held on 27 February 2018, the Council considered a *Business Development Framework* for the establishment of the Hub and resolved as follows:

Moved Cr Jan-Claire Wisdom
S/- Cr John Kemp

31/18

Council resolves:

1. That the report be received and noted.
2. That the Business Development Framework for the establishment of an Arts and Heritage Hub in the Old Woollen Mill at Lobethal, contained in Appendix 1, be noted.
3. That the Administration proceeds with the establishment of an Arts and Heritage Hub using the Business Development Framework as a guide.
4. That the development of a Hub Evaluation Framework, as envisaged in the Business Development Framework, occur as early as possible and include key performance and results targets, and mechanisms for review of the implementation by Council to ensure alignment with budget allocations and strategic objectives.
5. That \$50,000 be allocated to the 2017-18 Operating Budget from the Chief Executive Officer's contingency provision to enable the initial actions to be taken.
6. The CEO provides a progress report on the implementation of the Business Development Framework within 6 months from the date of appointment of the Director.

Carried Unanimously

The Hub Director was appointed at the end of July 2018, and this report documents the developments anticipated by the *Business Development Framework* since that time, in fulfilment of Point 6 of the resolution.

Additionally, at its meeting held on 23 October 2018, the Council considered recommendations regarding the naming of the Hub and resolved as follows:

Moved Cr Kirrilee Boyd
S/- Cr Linda Green

263/18

1. That the report be received and noted.
2. That the Council's arts and heritage hub in the former Lobethal Woollen Mill be called Fabrik.
3. That further development of Fabrik incorporate the naming of specific elements of, or programs run at, the complex. This should include consideration of other suggested names made by the community as part of the current process, including Interwoven and Yarn Space.

Carried Unanimously

3. ANALYSIS

The *Business Development Framework* included a Hub Action Plan, which provided a comprehensive list of actions that were anticipated as necessary to achieve the final goal of a fully realised Hub, over the span of four years.

Activation has continued in earnest, with events held around the South Australian Living Artists festival in August, the Big Draw festival in October and the Lights of Lobethal. Details of the activation to date as well the proposed program for 2019 are contained in ***Appendix 1***.

This analysis reports on the progress made on the Hub Action Plan. It is proposed that going forward, a revised Action Plan be developed that relates directly to the *Evaluation Framework* and the desired outcomes of the facility.

The following table presents a summary of activity against the action plan.

FABRIK ACTION PLAN

Action	Details	Status & Timeframe	Additional Comments
1. Employ Hub Director	Director appointed end of July 2018	Complete	
2. Development of Hub Facilities Design Plan	<p>Stage 1 – Immediate improvements to improve functionality of the Hub in the short term</p> <p>Stage 2 – Articulating the long term vision for the building upgrade <i>Original timeframe September 2018</i></p>	<p>Development of Stage 1 design plan has commenced with architects Grieve Gillett Andersen, with a planned finish date of April 2019.</p> <p>Stage 2 design plan will be conducted through select tender process in early 2019 with an anticipated finish date of June 2019.</p>	
3. Employ Heritage Project Officer	<p>Strengthen relationship with OWMMI, review condition of Mill collection and develop Heritage Action Plan <i>Original timeframe August 2018</i></p>	Further approaches and work to be undertaken in 2019	<p>Invitations to the Onkaparinga Woollen Mill Museum Inc. (OWMMI) to meet with the Director have been declined, including a meeting called by the History Trust of South Australia.</p> <p>The aspirations for the Heritage Project Officer position will need to be readjusted to ensure Council's commitment to present a heritage interpretation will be fulfilled, if OWMMI, an independent group, do not wish to be involved.</p>

Action	Details	Status & Timeframe	Additional Comments
4. Develop Evaluation Framework	Provide a mechanism for Council to understand the value of the facility on an economic, social and cultural level and help drive decision making for each stage and process <i>Original timeframe December 2018</i>	A draft evaluation framework has been developed and is currently under review.	The Evaluation Framework will articulate the goals of Fabrik, identify specific outcomes that will indicate achievement of these goals and set achievable targets to measure the success and impact of the venture.
5. Develop Heritage Action Plan	Develop a vision for heritage interpretation including key elements, stories and links to broader heritage themes <i>Original timeframe November 2018</i>	Further approaches and work to be undertaken in 2019 in preparation for the final document. This task is linked to the employment of the Heritage Officer.	Consultation with History Trust of South Australia and historian Pauline Payne (who conducted the OWMMI significance report) has commenced. Public programs based around the collection of historical information are planned for 2019, as part of the celebration of 150 years since the Mill's establishment. These celebrations include a social media campaign to discover the diaspora of Onkaparinga blankets and a story-gathering project to professionally document and present experiences of former Mill workers (this project has received \$15,475 from Country Arts SA). Information gathered during these programs will inform the eventual Heritage Action Plan, establish connections within the community and demonstrate Council's commitment to heritage interpretation.
6. Establish Hub Advisory Group	Provide strategic support and advice in relation to strategy, management, programming and overall development. <i>Original timeframe August 2018</i>	Recruitment and establishment of group to occur in the first quarter of 2019.	Consultation with other cultural institutions is underway to ensure appropriate form and function of the group, including terms of reference. Initial conversations have commenced with professionals within heritage, arts and tourism industries.

Action	Details	Status & Timeframe	Additional Comments
7. Develop Volunteer Program	<p>Volunteer recruitment to support public program.</p> <p><i>Original timeframe November 2018</i></p>	<p>Interim program established through collaborations with h.ART and Mill Textiles Art Group with over 20 volunteers involved in activities between August and December.</p> <p>A volunteer recruitment drive will be developed after the appointment of the Public Programs Officer in 2019.</p>	
8. Develop Communications and Engagement Plan	<p>Outline strategies to keep the community informed about the project and engage with key stakeholders.</p> <p><i>Original timeframe June 2018</i></p>	<p>In progress – due for completion with brand launch in Feb/March 2019</p>	<p>Ongoing communications with the community have occurred during 2018, through media releases, community engagement and Council's website.</p>
9. Develop program	<p>Exhibitions, workshops, performances and events</p> <p><i>Original timeframe October 2018</i></p>	<p>Commenced and ongoing</p>	<p>See Appendix 1 for details of 2018 activities and the proposed program for 2019.</p>
10. Implementation of Stage 1 of Facilities Design Plan	<p>Improvements to ensure short-term functionality and enable programs to commence including the leasing of studio spaces, development of the front entry and retail space, workshops, exhibitions and performances etc.</p> <p><i>Original timeframe June 2019</i></p>	<p>Anticipated completion November 2019.</p>	<p>The Design Plan is due for completion in April 2019. The implementation date allows for planning approvals and construction time.</p>

Action	Details	Status & Timeframe	Additional Comments
11. Installation of Temporary Signage	Precinct signage to direct people from the main street of Lobethal to the site <i>Original timeframe December 2019</i>	First signage to be installed in March 2019; follow up signage in November 2019.	The first signage will be developed once the branding has been completed and will identify the site. Additional signage will be installed following the implementation of Stage 1 of the Facilities Plan, to identify the different uses of the site.
12. Development of Marketing Strategy	Development of quality and contemporary brand, including official name of the hub, and the development of digital and printed marketing collateral. <i>Original timeframe December 2018</i>	Official name adopted by Council in October 2018. Development of branding in progress, with Mango Chutney engaged to develop logo, and branding components by January 2019. Website and social media to be developed in February 2019 with a brand launch planned for Feb/March 2019.	
13. Employ Hub Program and Marketing Officer	Position to support the development, delivery and marketing of the public program and will help develop the retail space. <i>Original timeframe February 2019</i>	PD developed with recruitment to commence January 2019.	
14. Development of Retail Space	Develop space to showcase locally produced artisan wares <i>Original timeframe March 2019</i>	Late 2019, with possibilities for pop up options prior to this.	The Facilities Plan Stage 1 will include accommodation for a temporary retail space. Pop up retail spaces may also be developed prior to this, if the sale of goods is judged to be well aligned with the activities.

Action	Details	Status & Timeframe	Additional Comments
15. Establishment of Studio Space	Develop artist workshop spaces for rent <i>Original timeframe October 2018</i>	6-8 developed spaces by late 2019 with pop-up options prior to this.	One workshop space was allocated from August – December 2018, for a local screenwriter. Hills artist India Flint is scheduled to undertake a short residency during February 2019, working with local textile artists in preparation for the <i>Gardens of the Heart</i> Fringe exhibition. The Business Development Framework identifies Building 20 as the primary location for studio spaces. Until the Facilities Plan Stage 1 is implemented (which includes an exhibition space as well as 6-8 studio spaces), Building 20 will also be required for exhibitions, so studio spaces will be created on a temporary basis, as spaces become available.
16. Develop Artist in Residence Program	Artist residencies on site to add to vitality of the hub, generate artistic content and support community engagement and workshops. <i>Original timeframe – 3 external residencies granted by November 2018; selection of first 4 “in-house” residencies for Stage Two completed</i>	12 artists in residence during the Big Draw event in October 2019 (one day residencies). A 3 week artist residency will be held in April 2019.	The story-gathering project funded by Country Arts SA will be conducted by an artist in residence, Vic McEwan from the Cad Factory. External funding is also being sought for additional residencies. Artist accommodation and artist fees are the biggest cost for artist residencies. Stage 2 plans include a residence for artists to stay in the precinct, which will reduce the cost of residencies and allow the program to develop an international focus.

Action	Details	Status & Timeframe	Additional Comments
17. Scope the Indigenous Interpretation Space	A space for Indigenous communities to meet and display cultural materials. <i>Original timeframe July 2018</i>	Ongoing from February 2019	More consultation is required to identify the needs of Indigenous community members and Kurna and Peramangk communities. The Reconciliation Action Plan working group will hold its meetings at Fabrik during 2019, and these meetings will provide an opportunity for relationship building and consultation.
18. Implementation of Facilities Design Plan Stage 2	Dependent upon sourcing major infrastructure funding from the State and/or Federal Government. This stage will see significant improvements made to improve the amenity and capacity of the buildings. <i>Original timeframe December 2020</i>	<p>\$1.3m grant application submitted to the Federal Government's Building Better Regions Fund (BBRF) in December 2017 (unsuccessful).</p> <p>\$1m grant application submitted to Building Better Regions Fund in November 2018. Awaiting response.</p> <p>\$1m grant application submitted to Regional Growth Fund (State Government funding) in November 2018. Awaiting response.</p>	<p>Detailed feedback regarding the December 2017 BBRF grant application informed the subsequent application in 2018.</p> <p>This application was also submitted to the State Government's Regional Growth Fund which has aligned its grant program dates and scope with those of the BBRF.</p>

Challenges and Opportunities

- **BBRF grant application** – the implementation of Stage 2 of the Facilities Design Plan is contingent upon external funding. The 2017 application (developed while the Business Development Framework was in its final stages) was an opportunity to test the waters and gain feedback to inform our application in 2018. Feedback from State Government indicates that success in the current BBRF round will give Fabrik a high chance of receiving State Government Regional Development Fund funding. If this application is unsuccessful, there is the opportunity to develop an even stronger application, using the 2019 public program as a base.
- **Strategic partnerships** – As the 2019 public program takes shape there are opportunities to explore the development of partnerships with key arts organisations, particularly those that aspire to programs with regional communities. Early 2019 will be a time to develop these collaborations which may range from artist residencies to professional development workshops for artists. Potential collaborators include Jam Factory, Guildhouse, Country Arts SA and Adelaide Central School of Art. Potential collaborations could include exhibitions and residencies, as well as forums, workshops, mentorships and other professional development opportunities for artists.
- **Country Arts SA Creative Partnerships funding** – this partnership funding round is expected to be announced around March 2019. A three-year partnership, it is designed to contribute towards the staffing of an Arts and Cultural Facilitator or the development of artist residencies. This partnership is an opportunity for Adelaide Hills Council to develop an ongoing relationship with South Australia's key regional arts organisation to create opportunities for artists and our communities.
- **OWWMI** – elements of the original action plan assume the involvement and collaboration of the Onkaparinga Woollen Mill Museum Inc. members. To date, the organisation has declined opportunities to connect and there is a possibility that members will choose not to be involved. Fabrik will remain open to working with the museum committee and hope that as the public program develops, Council's commitment to presenting the significant story of the Onkaparinga Woollen Mill will be evident. Going forward, staff will continue to seek alternative ways to connect with former Mill workers and present continuous interpretations of the Woollen Mill's stories.

Priorities for the next 12 months

- Develop Fabrik's online presence
- Build community trust and connections through public programs
- Implement Stage 1 Facilities Design Plan to enable a wider scope of public programs
- Develop Stage 2 Facilities Design Plan
- Develop collaborative partnerships with key arts and heritage organisations, artists and potential sponsors
- Apply for Deductible Gift Recipient status

4. OPTIONS

As this report is presented for information, the Council is limited to receiving and noting the report.

5. APPENDIX

- (1) Fabrik Public Program

Appendix 1

Fabrik Public Program

Fabrik – public program

A review of activities from Aug – Dec 2018

Projected program for 2019

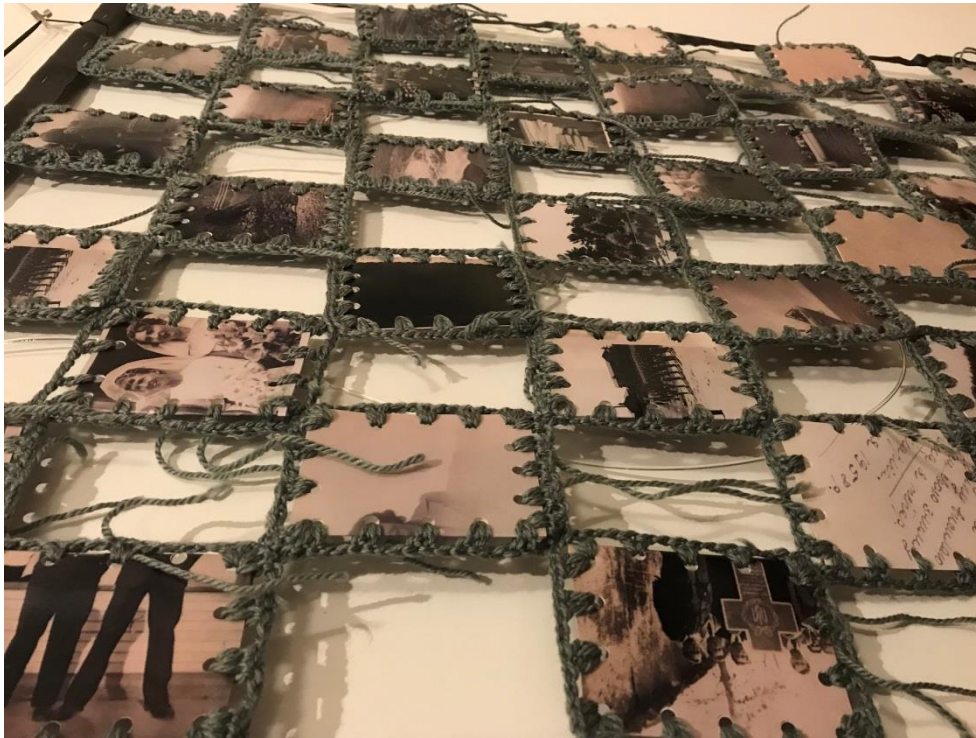


SOUTH AUSTRALIAN LIVING ARTISTS (SALA) EXHIBITIONS – August 3-26 (weekends)

TOTAL VISITORS:

The Connected Thread – h.ART

An exhibition exploring fibre and textiles in contemporary art, opened by SALA CEO Penny Griggs



Coefficient – ILK Collective

An exhibition of ceramics by recent graduates of the South Australian School of Art (University of South Australia). Involvement in the SALA Festival offers statewide promotion through the festival's printed guide and website. Our experience was that visitors used the guide to plan trips through the Hills, with one visitor viewing exhibitions from the Barossa, through the Hills and down to their home in Second Valley.



THE BIG DRAW – EXHIBITION, WORKSHOPS & ARTIST STUDIOS

September 15 – October 14 (weekends)

TOTAL VISITORS: 304

The Big Draw is a festival aimed at encouraging drawing as an activity for all ages and skill levels. The event included workshops, artists in residence, an exhibition showing explorations by artists who had committed to creating a drawing a day for 30 days and creative activities for visitors to engage with.

Workshops:

- Yoga and drawing (adults and children's classes)
- Draw. Dance. Play (childrens' classes)
- Life Drawing (adults classes)
- Illustrate your anthropomorphic Australian animal (adults and children's classes)
- Drawing for the Terrified (adults classes)

Artists in residence

- Laurin King - costume designer
- Will Sexton - blacksmith
- Belinda Broughton – visual artist
- Hazel Green – textile artist
- Veronica Oborn-Jefferis – visual artist
- Barbara Millward – visual artist
- Anne Griffiths – visual artist



LACED UP MILL SQUARE COMMUNITY INSTALLATION – Every Friday in November

TOTAL INVOLVEMENT: 15 volunteers

Members of the Mill Textiles Art Group, along with other members of the community, met each week during November to create textile decorations for Mill Square for the Lights of Lobethal. This placemaking project, combined with lighting throughout the Square, provided the backdrop for the two-night Christmas Music Festival.



MILL SQUARE MUSIC FESTIVAL – 2 nights of free family concerts

December 15-16

TOTAL VISITORS: 1000

Offering two nights of music and free face painting and children's activities, the Music Festival connected with two passionate presenters of live music: Adrienne Lovelock and Simon Gould. Saturday night presented a range of experienced performers as well as emerging musicians from the Woodside Jams, who are part of Council's youth development program. Sunday night allowed Simon's students from local secondary and primary schools to perform in a professional environment that included a stage, lighting and professional sound.





FABRIK EXHIBITION PROGRAM – 2019

The table below shows the exhibitions that have currently been planned for Fabrik; additional programs may also develop throughout the year. Additionally, an ongoing workshop program will be developed when the Public Programs officer commences in early 2019, which will see a wide range of activities being offered in addition to the exhibitions listed below.

DATES	PROGRAM	DETAILS
23 Feb – 17 March Adelaide Fringe Festival event	Exhibition: <i>Gardens of the Heart</i> India Flint with h.ART collective	India has inspired over 40 artists from around the world to contribute a line of poetry, hand-stitched to a piece of fabric. These separate artworks have been arriving at the Lobethal post office for the last few months, and will be stitched together during February and hung in the gallery as 3-lined poems.
14, 21, 28 April & 5 May Youth Week event	<i>Share</i> A Youth Art exhibition	Developed as part of Adelaide Hills Council's Youth Development Program, this annual art exhibition showcases the work of our young artists.
March 18-20 April 6 - 18	Vic McEwan artist in residence	Vic will be meeting with former Mill workers to record their memories of working in the Mill. Two local artists will have the opportunity to be mentored by Vic to learn video and projection skills and Vic will also speak at a forum discussing the roles and issues of creating art projects that connect with communities and place.
May 4 – 26 (four weekends) History Festival event	<i>Weaving Stories</i> Vic McEwan	Stories of Mill workers, filmed by Vic McEwan, will be projected onto the buildings throughout the site.
August (dates tbc) SALA festival event	<i>Worn</i> exhibition A collaboration between h.ART and the Mill Textiles Art Group	An exhibition exploring the history and tradition of textiles in a contemporary context.
October 2019 Big Draw event	<i>Archi Loom</i> (tbc) Chaco Kato and the Slow Art Collective	This project is subject to a funding application. If successful, the project will involve the construction of a giant loom on which visitors can participate in creating multiple, mixed media weavings.

**ADELAIDE HILLS COUNCIL
ORDINARY COUNCIL MEETING
Tuesday 22 January 2019
AGENDA BUSINESS ITEM**

Item: 19.1

Originating Officer: Ashley Curtis, Manager Civil Works

Responsible Director: Peter Bice, Director Infrastructure & Operations

Subject: Road Shoulder Renewal Contract

For: Decision

1. Road Shoulder Renewal Contract – Exclusion of the Public

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

- CEO, Andrew Aitken
- Director Infrastructure & Operations, Peter Bice
- Director Development & Regulatory Services, Marc Salver
- Director Corporate Services, Terry Crackett
- Director Community Capacity, David Waters
- Executive Manager Governance & Performance, Lachlan Miller
- Manager Civil Works, Ashley Curtis
- Governance & Risk Coordinator, Steven Watson
- Minute Secretary, Pam Williams

be excluded from attendance at the meeting for Agenda Item 19.1 Road Shoulder Renewal Contract 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) (d) of the *Local Government Act 1999*, that the information to be received, discussed or considered in relation to this Agenda Item 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/agency/business who supplied the information by disclosing specific quotes and modelling by the tenderer.

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

2. Road Shoulder Renewal Contract – Period of Confidentiality

Subject to the CEO, or his delegate, disclosing information or any document (in whole or in part) for the purpose of implementing Council's decision(s) in this matter in the performance of the duties and responsibilities of office, Council, having considered Agenda Item 19.1 in confidence under sections 90(2) and 90(3)(d) of the *Local Government Act 1999*, resolves that an order be made under the provisions of sections 91(7) and (9) of the *Local Government Act 1999* that the value of the successful tenderer submission be retained in confidence until the contract is entered into.

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.