



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 23 April 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 23 April 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
Nil

3.3. Absent

4. MINUTES OF PREVIOUS MEETINGS

Council Meeting – 26 March 2019

That the minutes of the ordinary meeting held on 26 March 2019 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
Nil

8.2. Deputations
Nil

8.3. Public Forum

9. PRESENTATIONS (by exception)
Nil

10. QUESTIONS ON NOTICE

10.1. Milan Terrace Stirling – Pedestrian & Road Safety

10.2. Street Sweeping

11. MOTIONS ON NOTICE

11.1. Ban of enclosed yabby nets in South Australia
That the Chief Executive Officer write to Hon David Speirs Minister for Environment and Water to highlight the issues associated with enclosed yabby nets and encourage the Minister to ban the use of enclosed yabby nets and their retail sale in South Australia.

11.2. Membership of SPDPC
That Council appoints Cr Kirrilee Boyd to the Strategic Planning & Development Policy Committee for the term of the current Council.

- 11.3. 20th Anniversary of Gumeracha & District Civic Centre
That the CEO provides a report to council at the May meeting on options to celebrate the 20th anniversary of the Gumeracha and District Civic Centre on 29 April 2020.

12. OFFICER REPORTS – DECISION ITEMS

- 12.1. LG Reform Discussion Paper Submission
1. That the report be received and noted
2. To lodge its Local Government Reform Submission at Appendix 2 to the Local Government Association for input into that organisation's advocacy position.
3. To delegate to the Chief Executive Officer the authority to make any minor changes to the Submission to reflect matters raised in the debate on the Local Government Reform Submission report.
- 12.2. Review of CAP & S41 Committee Member Sitting Fees
Refer to Agenda
- 12.3. LTFP Consultation Results & Adoption
1. That the report be received and noted.
2. To adopt the Long Term Financial Plan, as contained in Appendix 1 to this report, in accordance with Section 122 of the Local Government Act 1999.
- 12.4. GRFMA Business Plan and Draft Budget for 2019/20
1. That the report be received and noted.
2. To advise the Board of the Gawler River Floodplain Management Authority that it has reviewed its 2019/22 Business Plan and approves the Adelaide Hills Council's contribution of \$25,642 as set out in the draft 2019/20 Draft Budget.
- 12.5. 2019-20 Draft Annual Business Plan for Community Consultation
1. That the report be received and noted.
2. The draft 2019-20 Annual Business Plan included as Appendix 1 to this report be endorsed for community consultation.
3. The period of consultation for the draft 2019-20 Annual Business Plan be from 26 April 2019 to 31 May 2019.
4. That the 28 May 2019 Ordinary Council meeting will, in accordance with s123(4)(i)(B) of the Local Government Act 1999, be the meeting at which members of the public may ask questions and make submissions.
5. That the Chief Executive Officer, or delegate, be authorised to make any formatting or other minor content changes to the draft 2019-20 Annual Business Plan prior to its release for community consultation.

12.6. National General Assembly Attendance

3. *That the report be received and noted.*
4. *To approve Mayor Jan-Claire Wisdom's attendance in a representative capacity at the National General Assembly of Local Government in Canberra in June 2019 and coverage of related costs estimated at \$3,700, in accordance with the Council Member Training and Development Policy.*
5. *To approve Cr.....'s attendance as a developmental opportunity at the National General Assembly of Local Government in Canberra in June 2019 and coverage of related costs estimated at \$3,700, in accordance with the Council Member Training and Development Policy.*

12.7. Draft Code of Practice for Access to Council, Committee & Designated Informal Gathering

1. *That the report be received and noted*
2. *That with an effective date of 7 May 2019, to revoke the 14 November 2017 Code of Practice for Access to Council, Council Committee and Designated Informal Gathering Meetings & Documents and to adopt the proposed Code of Practice for Access to Council, Council Committee and Designated Informal Gathering Meetings & Documents as contained in Appendix 1.*

12.8. Delegations Review Report

Refer to Agenda

12.9. Council Resolutions Update including 2 year update to outstanding resolutions

Refer to Agenda

13. OFFICER REPORTS – INFORMATION ITEMS

Nil

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 – 10 April 2019
That the minutes of the CAP meeting held on 10 April 2019 as supplied, be received and noted.
- 18.2. Strategic Planning & Development Policy Committee
Nil
- 18.3. Audit Committee - 15 April 2019
That the minutes of the Audit Committee meeting held on 15 April 2019 as supplied, be received and noted
- 18.4. CEO Performance Review Panel
Nil

19. CONFIDENTIAL ITEMS

- 19.1. Kerbside Recycling Contract
- 19.2. Appointment of Independent CAP Members
- 19.3. Appointment of Advisory Group Independent Members

20. NEXT MEETING

Tuesday 28 May 2019, 6.30pm, 63 Mt Barker Road, Stirling

21. CLOSE MEETING

Council Meeting/Workshop Venues 2019

DATE	TYPE	LOCATION	MINUTE TAKER
MAY 2019			
Wed 8 May	CAP	TBA	Karen Savage
Tues 14 May	Workshop	Woodside	N/A
Tues 21 May	Professional Development	Stirling	N/A
Tues 28 May	Council	Stirling	Pam Williams
JUNE 2019			
Tues 11 June	Workshop	Woodside	N/A
Wed 12 June	CAP	TBA	Karen Savage
Tues 18 June	Professional Development	Stirling	N/A
Tues 25 June	Council	Stirling	Pam Williams
JULY 2019			
Tues 9 July	Workshop	Woodside	N/A
Wed 10 July	CAP	TBA	Karen Savage
Tues 16 July	Professional Development	Stirling	N/A
Tues 23 July	Council	Stirling	Pam Williams

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

Community Forums 2019

6.00 for 6.30pm

(dates and venues to be confirmed)

DATE	LOCATION
Tuesday 30 April 2019	Houghton
Tuesday 30 July 2019	Gumeracha
Tuesday 29 October 2019	Norton Summit

Conflict of Interest Disclosure Form

CONFLICTS MUST BE DECLARED VERBALLY DURING MEETINGS

Councillor:

Date:

Meeting name:

Agenda item no:

1. I have identified a conflict of interest as:

MATERIAL ☐

ACTUAL ☐

PERCEIVED ☐

MATERIAL: Conflict arises when a council member or a nominated person will gain a benefit or suffer a loss (whether directly or indirectly and whether pecuniary or personal) if the matter is decided in a particular manner. If declaring a material conflict of interest, Councillors must declare the conflict and leave the meeting at any time the item is discussed.

ACTUAL: Conflict arises when there is a conflict between a council member's interests (whether direct or indirect, personal or pecuniary) and the public interest, which might lead to decision that, is contrary to the public interest.

PERCEIVED: Conflict arises in relation to a matter to be discussed at a meeting of council, if a council member could reasonably be taken, from the perspective of an impartial, fair-minded person, to have a conflict of interest in the matter – whether or not this is in fact the case.

2. The nature of my conflict of interest is as follows:

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

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

☐ I intend to **leave** the meeting *(mandatory if you intend to declare a Material conflict of interest)*

OR

☐ I intend to **stay** in the meeting *(complete part 4) (only applicable if you intend to declare a Perceived (Actual conflict of interest)*

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

(This section must be filled in. Ensure sufficient detail is recorded of the specific circumstances of your interest.)

and that I will receive no benefit or detriment direct or indirect, personal or pecuniary from considering and voting on this matter.

CONFLICTS MUST ALSO BE DECLARED VERBALLY DURING MEETINGS

Governance use only: Member voted FOR/AGAINST the motion.



Ordinary Business Matters

A **material, actual or perceived** Conflict of Interest does not apply to a matter of ordinary business of the council of a kind prescribed by regulation.

The following ordinary business matters are prescribed under Regulation 8AAA of the Local Government (General) Regulations 2013.

- (a) the preparation, discussion, conduct, consideration or determination of a review under section 12 of the Act
- (b) the preparation, discussion, adoption or revision of a policy relating to allowances and benefits payable to members if the policy relates to allowances and benefits payable equally to each member (rather than allowances and benefits payable to particular members or particular office holders)
- (c) the preparation, discussion, adoption or alteration of a training and development policy under section 80A of the Act
- (d) the preparation, discussion, adoption or amendment of a strategic management plan under section 122 of the Act
- (e) the adoption or revision of an annual business plan
- (f) the adoption or revision of a budget
- (g) the declaration of rates (other than a separate rate) or a charge with the character of a rate, and any preparation or discussion in relation to such a declaration
- (h) a discussion or decision of a matter at a meeting of a council if the matter—
 - (i) relates to a matter that was discussed before a meeting of a subsidiary or committee of the council
 - (ii) the relevant interest in the matter is the interest of the council that established the committee or which appointed, or nominated for appointment, a member of the board of management of the council subsidiary or regional subsidiary.
- (2) For the purposes of section 75(3)(b) of the Act, a member of a council who is a member, officer or employee of an agency or instrumentality of the Crown (within the meaning of section 73(4) of the Act) will not be regarded as having an interest in a matter before the council by virtue of being a member, officer or employee.

Engagement and membership with groups and organisations exemption

A member will not be regarded as having a conflict of interest **actual or perceived** in a matter to be discussed at a meeting of council by reason only of:

- an engagement with a community group, sporting club or similar organisation undertaken by the member in his or her capacity as a member; or membership of a political party
- membership of a community group, sporting club or similar organisation (as long as the member **is not** an office holder for the group, club or organisation)
- the member having been a student of a particular school or his or her involvement with a school as parent of a student at the school
- a nomination or appointment as a member of a board of a corporation or other association, if the member was nominated for appointment by a Council.

However, the member will still be required to give careful consideration to the nature of their association with the above bodies. Refer Conflict of Interest Guidelines.

For example: If your **only** involvement with a group is in your role as a Council appointed liaison as outlined in the Council appointed liaison policy, you will not be regarded as having a conflict of interest actual or perceived in a matter, and are NOT required to declare your interest.

Item 4 Minutes of Council

**ADELAIDE HILLS COUNCIL
MINUTES OF ORDINARY COUNCIL MEETING
TUESDAY 26 MARCH 2019
63 MT BARKER ROAD STIRLING**

In Attendance

Presiding Member: Mayor Jan-Claire Wisdom

Members:

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

In Attendance:

Andrew Aitken	Chief Executive Officer
Terry Crackett	Director Corporate Services
Peter Bice	Director Infrastructure & Operations
Marc Salver	Director Development & Regulatory Services
David Waters	Director Community Capacity
Lachlan Miller	Executive Manager Governance & Performance
Kylie Hopkins	Minute Secretary
Natalie Westover	Manager Property Services
Bernadette Walsh	Corporate Planning & Performance Coordinator
Sharon Leith	Sustainability Officer
Renee O'Connor	Sport & Recreation Planner
Chris Janssan	Manager Open Space
John McArthur	Manager Waste & Emergency Management
Mark de Lange	Community Development Officer – Youth and Recreation
Jennifer Blake	Manager Communications, Engagement & Events
Marc LeBrun	Acting Team Leader Regulatory Services
Steven Watson	Governance & Risk Coordinator

1. COMMENCEMENT

The meeting commenced at 6.31pm.

Mayor _____

23 April 2019

**ADELAIDE HILLS COUNCIL
MINUTES OF ORDINARY COUNCIL MEETING
TUESDAY 26 MARCH 2019
63 MT BARKER ROAD STIRLING**

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

Nil

3.2 Leave of Absence

Nil

3.3 Absent

Nil

4. MINUTES OF PREVIOUS MEETINGS

4.1 Council Meeting – 26 February 2019

Moved Cr Malcolm Herrmann
S/- Cr Ian Bailey

60/19

That the minutes of the Ordinary Council meeting held on 26 February 2019, as supplied, be confirmed as an accurate record of the proceedings of that meeting.

Carried Unanimously

5. DECLARATION OF CONFLICT OF INTEREST BY MEMBERS OF COUNCIL

5.1 Conflict of Interest, Cr Linda Green Item 12.

Under Section 75A of the *Local Government Act 1999* Cr Linda Green disclosed a Perceived (section 75) Conflict of Interest in Item 12.12 East Waste 2019/2020 Annual Plan, the nature of which is as follows:

- Cr Green is a Board Member on the East Waste Board.

Cr Green intends to stay in the chamber, participate in discussions and vote.

**ADELAIDE HILLS COUNCIL
MINUTES OF ORDINARY COUNCIL MEETING
TUESDAY 26 MARCH 2019
63 MT BARKER ROAD STIRLING**

6. PRESIDING MEMBER'S OPENING REMARKS

The Mayor thanked the gallery for attending the Council meeting. She also thanked Cr Nathan Daniell for undertaking the Mayoral duties during her absence and commented on the positive feedback received regarding Cr Daniell. The Mayor advised Councillors that a S270 application had been received by Council and that an external consultant, Mr Ray Pincombe, had been appointed to undertake the investigation component of the review. She also alerted Councillors to two Deputations happening tonight and two others that were refused for this meeting and advised that those applicants who were refused, were told that they may speak in tonight's public forum or apply for a deputation at a future meeting. Finally, the Mayor commented on the very full agenda and advised that officers would not be introducing items, rather only providing updates, if applicable.

7. QUESTIONS ADJOURNED/LYING ON THE TABLE

7.1 Questions Adjourned

Nil

7.2 Questions Lying on the Table

Nil

8. PETITIONS/DEPUTATIONS/PUBLIC FORUM

8.1 Petitions

Nil

8.2 Deputations

8.2.1 Trees for Life – Amelia Hurren

8.2.2 Cudlee Creek Tennis Club – Michelle Kenley

8.3 Public Forum

Tim Kelly, Adelaide Hills Climate Action Group, regarding Climate Emergency Declaration
Dr Keri Chiveralls & Dr David Lloyd, Transition Adelaide Hills, regarding Climate Emergency Declaration
Simon Jones regarding Climate Emergency Declaration
Mr Joe Frank regarding selection of S270 investigator

**ADELAIDE HILLS COUNCIL
MINUTES OF ORDINARY COUNCIL MEETING
TUESDAY 26 MARCH 2019
63 MT BARKER ROAD STIRLING**

9. PRESENTATIONS

9.1 Rob Gregory, East Waste – East Waste Annual Business Plan

7.30pm Cr Osterstock left the meeting

7.32pm Cr Osterstock returned to the meeting

9.2 Jonathan Robran, Operation Flinders

10. QUESTIONS ON NOTICE

10.1 Fund My Neighbourhood

1. Which projects, on council managed/owned land were funded in the Adelaide Hills Council area?
2. Did council make any financial contribution to these projects?
3. Where the projects are of a capital nature, who is responsible for the ongoing maintenance or operational costs, that is, will the program have any budget implications for Council?

OFFICER'S RESPONSE – David Waters, Director Community Capacity

1. Most of the successfully funded projects in the Adelaide Hills Council district were on land owned by incorporated community groups. The only funded project on Adelaide Hills Council managed land was for the installation of bud lights in street trees along Mt Barker Road, Stirling. This project was nominated by a member of the community and sponsored by the Stirling Business Association Inc.
2. The Council did not make a financial contribution to the project, however, Council staff participated in a working group to ensure appropriate technical and logistical requirements were met. Although Mt Barker Road is a State road, the median and roadside landscaping is the responsibility of the Council. As such, the street tree bud lighting project needed the concurrence of Council to proceed.
3. The street tree bud lighting equipment is owned by the Stirling Business Association Inc. As such, maintenance of same is the Association's responsibility. The Council does, however, cover the cost of electricity through the existing main road street lighting agreement with SA Power Networks and the Department of Planning Transport and Infrastructure. This amounts to around \$500 per year.

**ADELAIDE HILLS COUNCIL
MINUTES OF ORDINARY COUNCIL MEETING
TUESDAY 26 MARCH 2019
63 MT BARKER ROAD STIRLING**

11. MOTIONS ON NOTICE

11.1 Climate Emergency

Moved Cr Nathan Daniell
S/- Cr Kirrilee Boyd

61/19

That Council:

1. Notes the October 2018 report of the Intergovernmental Panel on Climate Change;
2. Notes the Federal government's latest greenhouse gas emissions data shows Australia's total greenhouse gas emissions have increased compared to 2012, not decreased;
3. Recognises we are in a state of climate emergency that requires urgent action by all levels of government, including by local councils;
4. Reaffirms its commitment to both mitigating against and adapting to the adverse impacts of climate change within the Adelaide Hills Council;
5. Commits to finalising the Carbon Management Plan by December 2019 and that it includes a target of 100% renewable energy (electricity) for the Adelaide Hills Council (as an Organisation) by a defined date as well as a series of staged targets over the intervening period;
6. Requests the CEO write to State and Federal Members of Parliament, which represent the Adelaide Hills Council region, advising them of Council's resolution and request they also act with urgency to address climate change.

Carried Unanimously

11.2 Policy Position - Telecommunications Installation (Low-Impact Facilities)

Moved Cr Mark Osterstock
S/- Cr Chris Grant

62/19

8.38pm Cr Kemp left the meeting

I move:

1. That the Chief Executive Officer formulate a policy position in relation to the future installation of low impact telecommunications facilities, specifically, antennae on top of stobie poles, by telecommunications providers, for Councils consideration by no later than 30 June 2019.
2. That the policy position address (yet not be limited to) such issues as:
 - Siting (Preference - Non-Public Land)
 - Design
 - Height

**ADELAIDE HILLS COUNCIL
MINUTES OF ORDINARY COUNCIL MEETING
TUESDAY 26 MARCH 2019
63 MT BARKER ROAD STIRLING**

- Colours and Finishes
- Character and Amenity
- Local Environment
- Objection Process

With approval from the mover and seconder, leave of the meeting was sought and granted to vary the motion.

I move:

1. That the Chief Executive Officer formulate a policy position in relation to the future installation of low impact telecommunications facilities, specifically, antennae attached to stobie poles, by telecommunications providers, for Councils consideration by no later than 30 June 2019.
2. That the policy position address (yet not be limited to) such issues as:
 - Siting (Preference - Non-Public Land)
 - Design
 - Height
 - Colours and Finishes
 - Character and Amenity
 - Local Environment
 - Objection Process
 - The need to balance the above with the requirement to address mobile black spots and provide adequate mobile coverage to Adelaide Hills residents, businesses and visitors for public safety, commerce and accessibility.

8.43pm Cr Kemp returned to the meeting

Carried Unanimously

**Moved Cr Kirsty Parkin
S/- Cr Malcolm Herrmann**

63/19

That the meeting adjourn for a 7 minute break.

Carried Unanimously

8.50pm The meeting adjourned.

9.00pm The meeting resumed.

12. OFFICER REPORTS – DECISION ITEMS

With the leave of the meeting, Item 12.12 East Waste 2019/2020 Annual Plan was brought forward to this point of this meeting.

Mayor _____

23 April 2019

**ADELAIDE HILLS COUNCIL
MINUTES OF ORDINARY COUNCIL MEETING
TUESDAY 26 MARCH 2019
63 MT BARKER ROAD STIRLING**

12.12 East Waste 2019/2020 Annual Plan

Under Section 74 of the *Local Government Act 1999* Cr Linda Green declared a Perceived Conflict of Interest at Agenda Item 5 'Declaration of Interest by Members of the Council' in relation to Item 12.12 East Waste 2019/2020 Annual Plan, the nature of which is as follows:

- Cr Green is a Board Member on the East Waste Board.

Cr Green remained in the chamber, participated in discussions and voted.

**Moved Cr Ian Bailey
S/- Cr John Kemp**

64/19

Council resolves:

- 1. That the report be received and noted**
- 2. That the East Waste draft 2019/20 Annual Plan be given consent**

Carried Unanimously

Cr Green voted 'for' the motion. The majority of persons who were entitled to vote at the meeting voted in favour of the motion.

With the leave of the meeting, Item 12.4 Operation Flinders was brought forward to this point of this meeting.

12.4 Operation Flinders

**Moved Cr Linda Green
S/- Cr Mark Osterstock**

65/19

Council resolves that:

1. The report be received and noted.
2. Council continues to offer financial support for the Adelaide Hills expeditions by entering into a further three year agreement with Operation Flinders, for the period 2019/20 to 2021/22, at a cost of \$8,250 per annum.
3. That Operation Flinders be asked to explore the inclusion of Birdwood High School in Operation Flinders expeditions.

9.16 Cr Mudge left the meeting

9.16 Cr Mudge returned to the meeting

**ADELAIDE HILLS COUNCIL
MINUTES OF ORDINARY COUNCIL MEETING
TUESDAY 26 MARCH 2019
63 MT BARKER ROAD STIRLING**

With approval from the mover and seconder, leave of the meeting was sought and granted to vary the motion.

Council resolves that:

1. The report be received and noted.
2. Council continues to offer financial support for the Adelaide Hills expeditions by entering into a further three year agreement with Operation Flinders, for the period 2019/20 to 2021/22, at a cost of \$10,000 per annum.
3. That Operation Flinders be asked to explore the inclusion of Birdwood High School in Operation Flinders expeditions.

Carried Unanimously

12.1 Festival and Events Policy Review

Moved Cr Leith Mudge
S/- Cr

66/19

Council resolves:

1. That the report be received and noted.
2. To endorse the Draft Festivals and Events Policy, as contained in Appendix 1 for consultation purposes, with the following revisions:
 - Guideline No.1 for Competitive Motoring Events
Under the heading "Planning and Notice of Road Closures" in the second paragraph after "...a minimum of two weeks before the event is conducted." insert the words "Event organisers (with the assistance of Council) are encouraged to notify and remind affected residents and businesses by text message or email at periodic intervals in the days leading up to the road closure."
 - Guideline No.2 for Non-Competitive Motoring Events
Under the heading "Planning and Notice of Road Closures" in the second paragraph after "...a minimum of two weeks before the event is conducted." insert the words "Event organisers (with the assistance of Council) are encouraged to notify and remind affected residents and businesses by text message or email at periodic intervals in the days leading up to the road closure."
 - Guideline No.4 for Sporting Events
In the fifth paragraph after "...a minimum of two weeks before the event is conducted." insert the words "Event organisers (with the assistance of Council) are encouraged to notify and remind affected residents and businesses by text message or email at periodic intervals in the days leading up to the road closure."
3. That the CEO be authorised to:

**ADELAIDE HILLS COUNCIL
MINUTES OF ORDINARY COUNCIL MEETING
TUESDAY 26 MARCH 2019
63 MT BARKER ROAD STIRLING**

- a. Make any formatting, nomenclature or other minor changes to the Policy prior to being released for public consultation and;
- b. Determine the consultation timings, media and processes while ensuring consistency and compliance with the provisions of Council's Public Consultation Policy.

The motion lapsed for want of a seconder.

Moved Cr Mark Osterstock

S/- Cr John Kemp

67/19

Council resolves:

- 1. That the report be received and noted.
- 2. To endorse the Draft Festivals and Events Policy, as contained in Appendix 1 for consultation purposes.
- 3. That the CEO be authorised to:
 - a. Make any formatting, nomenclature or other minor changes to the Policy prior to being released for public consultation and;
 - b. Determine the consultation timings, media and processes while ensuring consistency and compliance with the provisions of Council's Public Consultation Policy.

LOST

Moved Cr Linda Green

S/- Cr Pauline Gill

68/19

That the question be put.

Carried

The motion was put.

There being an equality of votes, the Mayor exercised her casting vote in the negative and the motion was LOST.

Action: Include definitions for competitive & non-competitive events. Expand CAMS within policy. Remove '(but is not limited to)' from Guideline No. 1. Event Signage to display legible date/time. Incorporate 'Festivals' into the Policy.

**ADELAIDE HILLS COUNCIL
MINUTES OF ORDINARY COUNCIL MEETING
TUESDAY 26 MARCH 2019
63 MT BARKER ROAD STIRLING**

Moved Cr Malcolm Herrmann

S/- Cr Nathan Daniell

69/19

That the meeting be extended for one hour.

Carried Unanimously

12.2 Aboriginal Place Naming

Moved Cr John Kemp

S/- Cr Kirsty Parkin

70/19

Council resolves:

- 1. That the report be received.**
- 2. That advice on the potential for Aboriginal place naming be sought from the Reconciliation Working Group, including a proposed approach for progressive implementation.**

Carried Unanimously

12.3 Proposed Pome Fest Event

Moved Cr Linda Green

S/- Cr John Kemp

71/19

Council resolves:

- 1. That the report be received and noted**
- 2. That in-principle support is provided to the establishment of Pome Fest 2019.**
- 3. That the Council contributes up to \$7,500 and in kind support in 2018/19 to facilitate and support the proposed event.**

Carried Unanimously

12.4 Operation Flinders

This item was discussed at an earlier part of the meeting.

With the leave of the meeting, Items 12.9 Strategic Plan Review Approach, 12.14 Election of GAROC Members and 12.15 Nomination for Strategic Roads Committee, were brought forward to this point of this meeting.

**ADELAIDE HILLS COUNCIL
MINUTES OF ORDINARY COUNCIL MEETING
TUESDAY 26 MARCH 2019
63 MT BARKER ROAD STIRLING**

12.9 Strategic Plan Review Approach

Moved Cr Ian Bailey
S/- Cr Leith Mudge

72/19

Council resolves:

1. That the report be received and noted.
2. That the Strategic Plan Review indicative key activities and timelines be received and adopted.
3. That the Strategic Plan Review Engagement Plan, contained in Appendix 1, be adopted.

Carried Unanimously

12.14 Election of GAROC Members

Moved Cr Mark Osterstock
S/- Cr Linda Green

73/19

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:
 - Cr Grant Piggott, and
 - Mayor Jill Whittaker
 and to lodge the completed ballot paper in accordance with the process set out in Appendix One (1).

Carried

12.15 Nomination for Strategic Roads Committee

Moved Cr Malcolm Herrmann
S/- Cr John Kemp

74/19

Council resolves that the report be received and noted

Carried Unanimously

**ADELAIDE HILLS COUNCIL
MINUTES OF ORDINARY COUNCIL MEETING
TUESDAY 26 MARCH 2019
63 MT BARKER ROAD STIRLING**

12.5 Harms Avenue, Birdwood

Moved Cr Malcolm Herrmann

S/- Cr Kirsty Parkin

75/19

Council resolves that:

1. The report be received and noted
2. Additional signage be provided that highlights and numbers the identified properties as Harms Avenue, Birdwood.

Carried Unanimously

12.6 Kenton Valley War Memorial Park

Moved Cr Malcolm Herrmann

S/- Cr Pauline Gill

76/19

Council resolves:

1. That the report be received and noted.
2. To commence a Community Land Revocation process in regards to the land comprised in Certificate of Title Register Book Volume 5718 Folio 775 being Allotment 64 in Filed Plan No. 155479 ("Land") with a view to the land being sold
3. As a first step in the revocation process, a letter be sent to the residents of Kenton Valley informing them of Council's decision and inviting them to attend an information session to explain the project.
4. As part of the consultation for the revocation of community land, seek feedback from the community about the expenditure of funds from a sale (if progressed).
5. Following community consultation, that a report be presented to Council detailing the outcomes of the consultation and suggestions for the expenditure of sale proceeds.

Carried Unanimously

Action: Staff to identify and advise Council Members if any biodiversity studies have been undertaken on the parcel of land.

**ADELAIDE HILLS COUNCIL
MINUTES OF ORDINARY COUNCIL MEETING
TUESDAY 26 MARCH 2019
63 MT BARKER ROAD STIRLING**

12.7 Randell's Cottages, Beavis Court, Gumeracha

Moved Cr Malcolm Herrmann

S/- Cr Pauline Gill

77/19

1. That the report be received and noted
2. That, acknowledging that a land division in Watershed (Primary Production) is non-complying, an initial approach be made to the State Commission Assessment Panel to determine the possibility of a land division to create a separate allotment for the potentially local heritage listed building located at 1 Beavis Court, Gumeracha known as Randell's Cottages being supported.
3. That subject to the response from the State Commission Assessment Panel, a Development Application be lodged for a non-complying land division.
4. That, if a land division is not supported, an expression of interest (EOI) process be undertaken in respect of the local heritage listed building located at 1 Beavis Court, Gumeracha known as Randell's Cottages to determine any interest in restoring the building for tourism or other purpose (other than long term residential) under a long term lease arrangement.
5. That the CEO be delegated to prepare the necessary documentation to undertake the EOI.
6. That a report be presented to Council following the EOI detailing the results of that process and providing further options.

Carried Unanimously

12.8 Scott Creek Cemetery Reserve Fund

Moved Cr Kirrilee Boyd

S/- Cr Ian Bailey

78/19

Council resolves:

1. That the report be received and noted
2. That the reserve funds held in relation to the Scott Creek Cemetery be expended to achieve the following outcomes:
 - a. Marking of unmarked graves with a small and simple identification piece detailing the name and date of death of the deceased;
 - b. Installation of a single plaque with the names of the deceased who are buried in unmarked graves where the exact location of the graves is unknown;
 - c. Renewal of existing gravel driveways; and
 - d. Creation/extension of driveways to facilitate expansion of the cemetery.

Carried Unanimously

**ADELAIDE HILLS COUNCIL
MINUTES OF ORDINARY COUNCIL MEETING
TUESDAY 26 MARCH 2019
63 MT BARKER ROAD STIRLING**

12.9 Strategic Plan Review Approach

This item was discussed at an earlier point of the meeting

12.10 Tree Management Policy Review

Moved Cr Chris Grant

S/- Cr Linda Green

79/19

Council resolves:

- 1. That the report be received and noted.**
- 2. With an effective date of 9 April 2019, to revoke the Tree Management Policy dated 10 May 2016 and to adopt the Tree Management Policy dated 26 March 2019 with the following revisions:**
 - **Section 5 POSITION STATEMENT, Disputes involving trees between neighbours**
The Council's position in respect to this matter is that property owners will be encouraged to resolve disputes between themselves and other parties through community mediation.
 - **Section 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.**
- 3. That the Chief Executive Officer be authorised to make minor content, grammatical and formatting amendments to the Tree Management Policy prior to the effective date of adoption.**

Carried Unanimously

**ADELAIDE HILLS COUNCIL
MINUTES OF ORDINARY COUNCIL MEETING
TUESDAY 26 MARCH 2019
63 MT BARKER ROAD STIRLING**

12.11 Road Widening – Lower Hermitage Road, Lower Hermitage

10.45pm Cr Kemp left the meeting and did not return.

**Moved Cr Malcolm Herrmann
S/- Cr Linda Green**

80/19

Council resolves:

1. That the report be received and noted
2. To purchase the area of land being 481.718 sqm identified in red on the Land Acquisition Plan attached as Appendix 2 ("land") from Dean Roger Cottle the land owner at 579A Lower Hermitage Road, Lower Hermitage, and to negotiate a purchase price of up to \$7,000 (excl GST) plus all reasonable costs to vest the Land as public road.
3. To purchase the area of land being 817.138sqm, identified in red on the Land Acquisition Plan attached as Appendix 2 ("land"), from Carissa Ann Courtney & David Ian Courtney, the land owners of the land at 579B Lower Hermitage Road, Lower Hermitage, and to negotiate a purchase price of up to \$12,000 (excl GST) plus all reasonable costs to vest the Land as public road.
4. To purchase the area of land being 888.686sqm, identified in red on the Land Acquisition Plan attached as Appendix 2 ("land"), from Peter Ronald Browning and Alison Rosemary Browning, the land owners at 579C Lower Hermitage Road, Lower Hermitage, and to negotiate a purchase price of up to \$13,000 (excl GST) plus all reasonable costs to vest the Land as public road.
5. To purchase the area of land being 725.619sqm, identified in red on the Land Acquisition Plan attached as Appendix 2 ("land"), from Anthony James Holland and Janice Irene Holland, the land owners at 579D Lower Hermitage Road, Lower Hermitage, and to negotiate a purchase price of up to \$10,500 (excl GST) plus all reasonable costs to vest the Land as public road.
6. That the Mayor and CEO be authorised to sign all necessary documentation, including affixing the common seal, to give effect this resolution.

Carried Unanimously

12.12 East Waste 2019/2020 Annual Plan

This item was discussed at an earlier point of the meeting

**ADELAIDE HILLS COUNCIL
MINUTES OF ORDINARY COUNCIL MEETING
TUESDAY 26 MARCH 2019
63 MT BARKER ROAD STIRLING**

12.13 Community Information Display Policy

Moved Cr Kirrilee Boyd

S/- Cr Kirsty Parkin

81/19

That the Council resolves:

- 1. That the report be received and noted.**
- 2. That with an effective date of 9 April 2019, the Community Information Display Policy adopted on 9 February 2016 be revoked and the Community Information Display Policy contained in Appendix 1 be adopted.**

Carried Unanimously

12.14 Election of GAROC Members

This item was discussed at an earlier point of the meeting

12.15 Nomination for Strategic Roads Committee

This item was discussed at an earlier point of the meeting

12.16 Delegations Review – March 2019

This item was withdrawn from the Agenda.

12.17 Council Resolutions Update including 2 year update to outstanding resolutions

Moved Cr Ian Bailey

S/- Cr Pauline Gill

82/19

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
28/08/2018	Ordinary Council	207/18	Road Widening Oakwood Road Oakbank
11/09/2018	Special Council	233/18	Road Closure Glenside Lane, Crafers
25/09/2018	Ordinary Council	252/18	Unmade Road Reserves, Charleston Conservation Park
22/01/2019	Ordinary Council	5/19	Udder Delights First Right of Refusal AHBTC

**ADELAIDE HILLS COUNCIL
MINUTES OF ORDINARY COUNCIL MEETING
TUESDAY 26 MARCH 2019
63 MT BARKER ROAD STIRLING**

Date	Meeting	No	Heading
12/02/2019	Ordinary Council	261/18	Lobethal Primary School Safety Concerns
26/02/2019	Ordinary Council	27/19	MON Presentations at Designated Informal Gatherings & Workshops
26/02/2019	Ordinary Council	32/19	External Audit Engagement Letter and Plan
26/02/2019	Ordinary Council	35/19	Nomination to Ministerial Advisory Committee
26/02/2019	Ordinary Council	36/19	Nomination to Dog & Cat Management Board
26/02/2019	Ordinary Council	37/19	Budget Review 2
26/02/2019	Ordinary Council	38/19	Long Term Financial Plan 2019 Update
26/02/2019	Ordinary Council	40/19	Burning Permit Policy
26/02/2019	Ordinary Council	41/19	Directional Signage Policy Review
26/02/2019	Ordinary Council	43/19	Revision of Strategic Internal Audit Plan 2018 - 2022
26/02/2019	Ordinary Council	38/19A	Long Term Financial Plan 2019 Update

Carried Unanimously

13. OFFICER REPORTS - INFORMATION ITEMS

13.1 Animal Management Plan Status Report

Moved Cr Chris Grant

S/- Cr Pauline Gill

83/19

Council resolves that the report be received and noted.

Carried Unanimously

14. MISCELLANEOUS ITEMS

Nil

Moved Cr Leith Mudge

S/- Cr Malcolm Herrmann

84/19

That the meeting be extended for 15 minutes.

Carried

**ADELAIDE HILLS COUNCIL
MINUTES OF ORDINARY COUNCIL MEETING
TUESDAY 26 MARCH 2019
63 MT BARKER ROAD STIRLING**

15. QUESTIONS WITHOUT NOTICE

Cr Malcolm Herrmann asked a question regarding the Ministers approval of the Local Heritage DPA.

Cr Malcolm Herrmann asked a question regarding redevelopment of the Balhannah Railway Station.

Cr Ian Bailey asked a question regarding deputations.

16. MOTIONS WITHOUT NOTICE

Nil

17. REPORTS

17.1 Council Member Activities

Mayor Jan-Claire Wisdom

- 18 March 2019, State Libraries Study Tour at Riverland locations
- 19 March 2019, State Libraries Study Tour at Riverland locations
- 21 March 2019, LGA Board Meeting at Adelaide Hills Council
- 23 March 2019, Hills Harmony Picnic at Gumeracha

Cr Chris Grant

- 5 March 2019, working bee at HK Fry Reserve, Crafers West
- 7 March 2019, Meeting with South Australian Nature Alliance, Trees for Life, Brooklyn Park
- 18 March 2019, Basket Range CFS, Basket Range
- 20 March 2019, working bee at Engelbrook Reserve Bridgewater
- 21 March 2019, Biodiversity Advisory Group meeting of selection panel for community members, Stirling.
- 23 March 2019, Hills Harmony Picnic, Gumeracha
- 23 March 2019, Meeting with Forest Range Hall trustee re DPTI safety railing blocking access to oval
- 25 March 2019, Volunteer Connect training session, Woodside.

Cr Kirsty Parkin

- 22 Feb 2019, Opening of Stirling Fringe
- 28 Feb 2019, Attendance at Stirling Fringe performance "Lords of Strut" and Fringe garden
- 1 March 2019, Attendance at Stirling Fringe performance "Wolves" at Stirling library and Fringe garden
- 7 March 2019, Tour of Stirling Theatre and presentation by director Michelle Nightingale

**ADELAIDE HILLS COUNCIL
MINUTES OF ORDINARY COUNCIL MEETING
TUESDAY 26 MARCH 2019
63 MT BARKER ROAD STIRLING**

- 7 March 2019, CAP selection review panel
- 14 March 2019, CAP selection review panel
- 21 March 2019, CAP selection review panel

Cr Leith Mudge

- 7 March 2019, Stirling Community Theatre Tour & Information Session, Stirling
- 16 March 2019, Visits to The Old School Community Garden, Stirling East
- 23 March 2019, Hills Harmony Picnic, Gumeracha
- 23 March 2019, Mt Barker Show, Mt Barker

Cr John Kemp

- 20 March 2019, Conservation Council SA – DPTI presentation on PDI Phase 1
- 21 March 2019, The Community Centre – Board Meeting

Cr Nathan Daniell

- 27 February 2019, Morialta Residents Association @ Stirling
- 28 February 2019, ICAC Elected Members Forum @ Adelaide CBD
- 13 March 2019, Opening of Birdwood High School STEM building @ Birdwood
- 20 March 2019, Met with resident & rep from Aldgate Primary School re parking @ Aldgate

Cr Linda Green

17 Mar 2019, Presentation Tour Down Under to Love Woodside
18 Mar 2019, Meeting with resident re parking Crafers
23 Mar 2019, Harmony Day, Gumeracha

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

Nil

17.3 CEO Report

Nil

**ADELAIDE HILLS COUNCIL
MINUTES OF ORDINARY COUNCIL MEETING
TUESDAY 26 MARCH 2019
63 MT BARKER ROAD STIRLING**

18. REPORTS OF COMMITTEES

18.1 Council Assessment Panel – 13 March 2019

Moved Cr Kirsty Parkin
S/- Cr Leith Mudge

85/19

That the minutes of the Council Assessment Panel meeting of 13 March 2019, as distributed, be received and noted.

Carried Unanimously

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 Sale of land at the former Onkaparinga Woollen Mills site at Lobethal – Exclusion of the Public

Moved Cr Ian Bailey
S/- Cr Linda Green

86/19

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 Property Services, Natalie Westover
- Minute Secretary, Kylie Hopkins
- Governance & Risk Coordinator, Steven Watson

**ADELAIDE HILLS COUNCIL
MINUTES OF ORDINARY COUNCIL MEETING
TUESDAY 26 MARCH 2019
63 MT BARKER ROAD STIRLING**

be excluded from attendance at the meeting for Agenda Item 19.1: Sale of land at the former Onkaparinga Woollen Mills site at Lobethal 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:

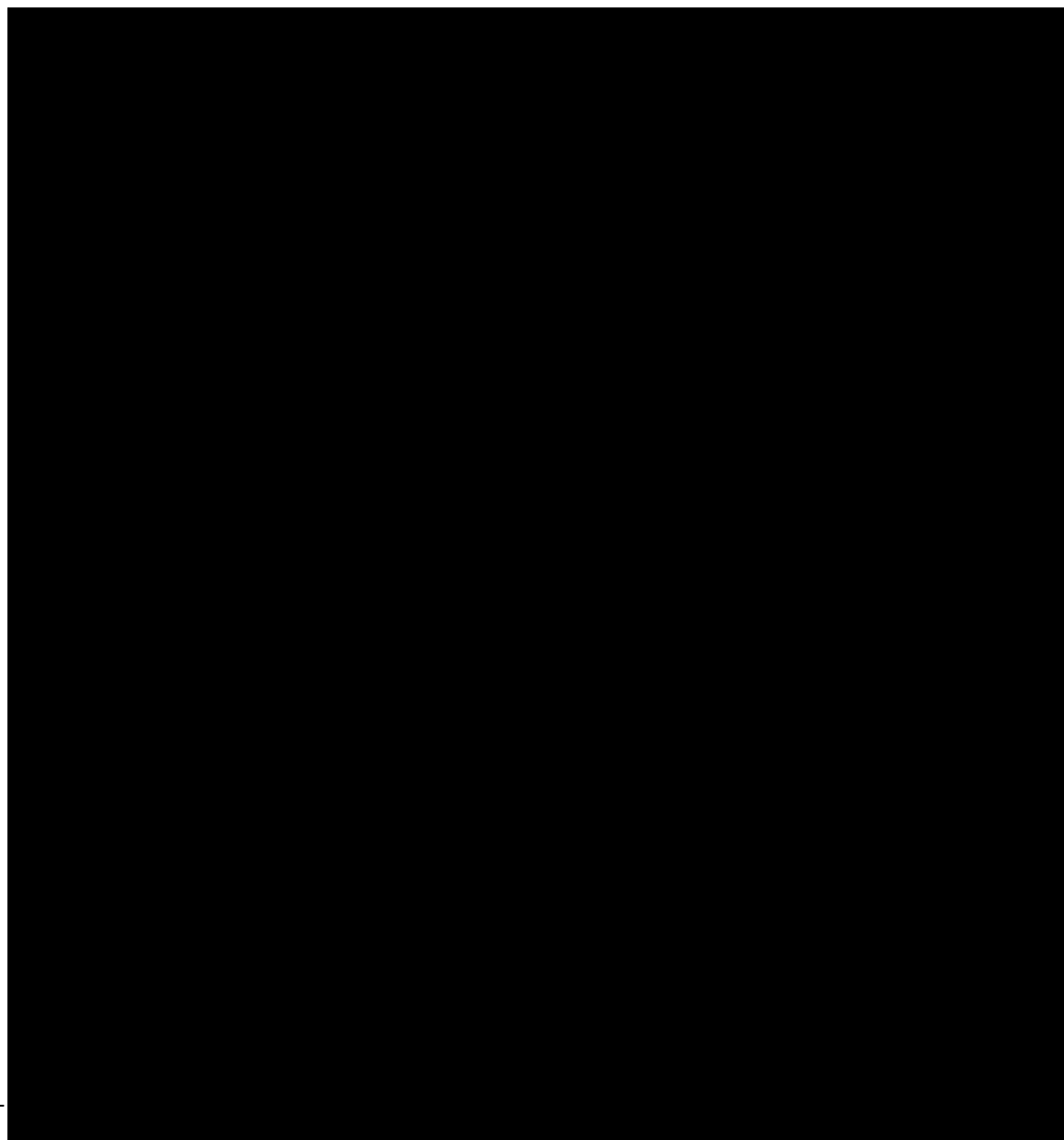
Section 90(3)(d) of the *Local Government Act 1999*, the information to be received, discussed or considered in relation to this Agenda Item is commercial information of a confidential nature (not being a trade secret) the disclosure of which could reasonably be expected to prejudice the commercial position of the person who supplied the information, or to confer a commercial advantage on a third party and would, on balance, be contrary to the public interest.

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

Carried Unanimously

**ADELAIDE HILLS COUNCIL
MINUTES OF ORDINARY COUNCIL MEETING
TUESDAY 26 MARCH 2019
63 MT BARKER ROAD STIRLING**

19.2 Sale of land at the former Onkaparinga Woollen Mills site at Lobethal – Confidential Item



**ADELAIDE HILLS COUNCIL
MINUTES OF ORDINARY COUNCIL MEETING
TUESDAY 26 MARCH 2019
63 MT BARKER ROAD STIRLING**

19.3 Sale of land at the former Onkaparinga Woollen Mills site at Lobethal – Period of Confidentiality

Moved Cr Kirsty Parkin
S/- Cr Mark Osterstock

88/19

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 report, related attachments and the minutes of Council and the discussion and considerations of the subject matter be retained in confidence until the earlier of settlement of Pieces 302 and 303 and Lot 304 or 12 months.

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.

Carried Unanimously

20. NEXT MEETING

The next ordinary meeting of the Adelaide Hills Council will be held on Tuesday 23 April 2019 from 6.30pm at 63 Mt Barker Road, Stirling.

21. CLOSE MEETING

The meeting closed at 11.10pm.

**ADELAIDE HILLS COUNCIL
ORDINARY COUNCIL MEETING
Tuesday 23 April 2019
AGENDA BUSINESS ITEM**

Item: 10.1 Question on Notice

Originating from: Cr John Kemp

Subject: Milan Terrace Stirling – Pedestrian & Road Safety

1. QUESTION

When the wombat crossing on Milan Terrace adjacent to the Stirling Hospital is completed, what options are available to extend the 40kph limit via a Local Area Speed Zone?

2. OFFICER'S RESPONSE – David Collins, Manager Sustainable Assets

There may be a least two alternatives to request a longer length of 40km/h on Milan than is mandated as per the Code of Technical Requirements of a wombat crossing installation.

These options can include asking DPTI to consider a lengthening of the zone associated with the wombat crossing once operating. Council can also investigate and consider a broader 40km/h local area speed zone that would be more extensive than just Milan Terrace.

This process requires a process of data collection and analysis to build any future case for consideration. DPTI will be the assessing and approving authority for any of these two speed limit options.

**ADELAIDE HILLS COUNCIL
ORDINARY COUNCIL MEETING
Tuesday 23 April 2019
AGENDA BUSINESS ITEM**

Item: 10.2 Question on Notice

Originating from: Cr Malcolm Herrmann

Subject: Street Sweeping

1. QUESTION

1. What is the Administration's policy on the frequency of street sweeping?
2. In urban areas, how often does council sweep (a) main roads and (b) side streets?
3. When do these sweeps normally take place?
4. Are residents permitted to sweep streets and remove leaves etc. from the gutters?
5. What is the 2018/19 budget allocation for street sweeping and what expenditure has been incurred from 1 July 2018 to 31 March 2019?

BACKGROUND

Recently residents requested that streets in Birdwood be swept as many of them had become choked with leaf debris. They were concerned that should a heavy rain occur, the litter would be washed into the side entry pits and block drains.

The main roads (Shannon Street and Williams Street) were swept together with a side street (August Street), but other side streets were omitted despite a large amount of leaf debris.

2. OFFICER'S RESPONSE – Craig Marshall, Senior Infrastructure Planning Engineer

1. What is the Administration's policy on the frequency of street sweeping?

In developing the current tender, the kerb network was analysed and broken into Arterial/Collector and Local streets and a matrix was developed based on location and appropriate frequency. This was indicatively costed and mapped as part of the tender process. (Detailed maps are available for all towns and the district – see example below)

2. In urban areas, how often does council sweep (a) main roads and (b) side streets?

Main Streets are swept every 8 weeks and local streets 2 (Bi-annual) times a year where a kerb is present.

An additional 8 week cycle is undertaken through autumn in pre-identified (see map) high leaf areas throughout the district where required.

3. When do these sweeps normally take place?

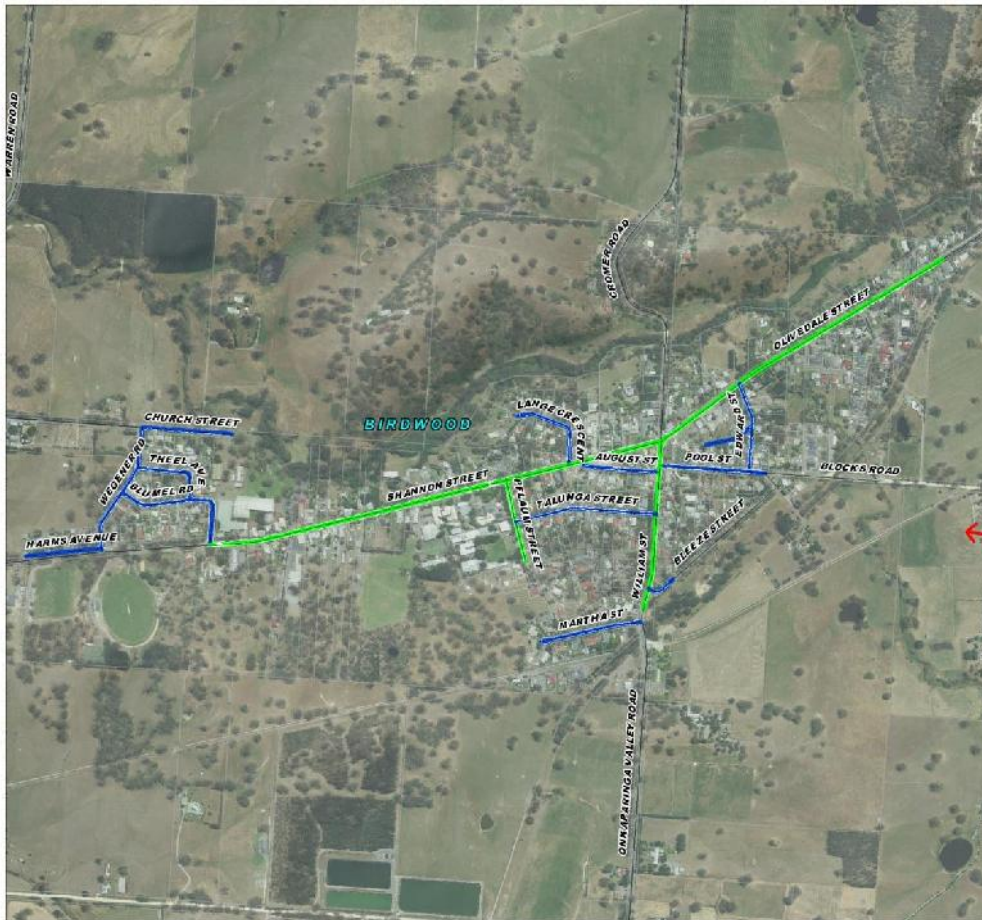
- 8 Week Cycle- February, April, June, August, October & December
- Bi-Annual Cycle – May/June & November/December
- Autumn Cycle – April/May

4. Are residents permitted to sweep streets and remove leaves etc. from the gutters?

Council understands that residents often maintain their verge area and part of this may involve sweeping of leaf litter from the gutters.

5. What is the 2018/19 budget allocation for street sweeping and what expenditure has been incurred from 1 July 2018 to 31 March 2019?

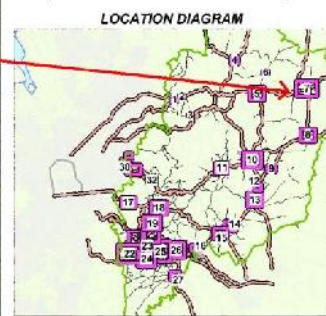
The Annual budget is \$110,000 and YTD Spend to 31st March 2019 - \$51,566 (Bi-Annual Sweep Planned for May/June will finalise available budget)




MAP No 7
STREET SWEEPING
IN
BIRDWOOD

SCALE 1: 8,000
 (1cm on map = 80m @ A3)

LEGEND
Street Sweeping Frequency
 Green - 8 Weekly
 Blue - Bi Annual
 AUTUMN CYCLE
 Kerb Locations
 Concrete Kerbs



DISCLAIMER:
 Whilst every care has been taken in the preparation of this map, the Adelaide Hills Council is not responsible for any errors or omissions, or for any consequences arising from the use of the information contained herein. The Adelaide Hills Council is not responsible for any errors or omissions, or for any consequences arising from the use of the information contained herein. The Adelaide Hills Council is not responsible for any errors or omissions, or for any consequences arising from the use of the information contained herein.

**ADELAIDE HILLS COUNCIL
ORDINARY COUNCIL MEETING
Tuesday 23 April 2019
AGENDA BUSINESS ITEM**

Item: 11.1 Motion on Notice

Originating from: Cr Chris Grant

Subject: Ban of enclosed yabby nets in South Australia

1. MOTION

I move that the Chief Executive Officer write to Hon David Speirs, Minister for Environment and Water to highlight the issues associated with enclosed yabby nets and encourage the Minister to ban the use of enclosed yabby nets and their retail sale in South Australia.

2. BACKGROUND

The Rakali (*Hydromys chrysogaster*) inhabits habitat along Aldgate Valley Creek, Cox Creek, the Onkaparinga and the River Torrens. It is considered to be a threatened and declining species in the Adelaide Mount Lofty Ranges and loss of habitat and changes to creek flow regimes are believed to be major factors driving this trend. It is well documented that the species is frequently killed by the recreational use of enclosed yabby traps, especially opera house traps (OHT) which the Rakali will enter and drown in. Other aquatic wildlife (including platypus and freshwater turtles) also can drown in such enclosed traps.

Council are therefore seeking to highlight the issues and encourage the Minister of Environment to ban enclosed yabby traps, including OHTs, across the state and bring South Australian fishing regulations for yabbing into line with those of Tasmania and Western Australia. Victoria will ban these traps from July 2019.

3. OFFICER'S RESPONSE – Chris Janssan, Manager Open Space

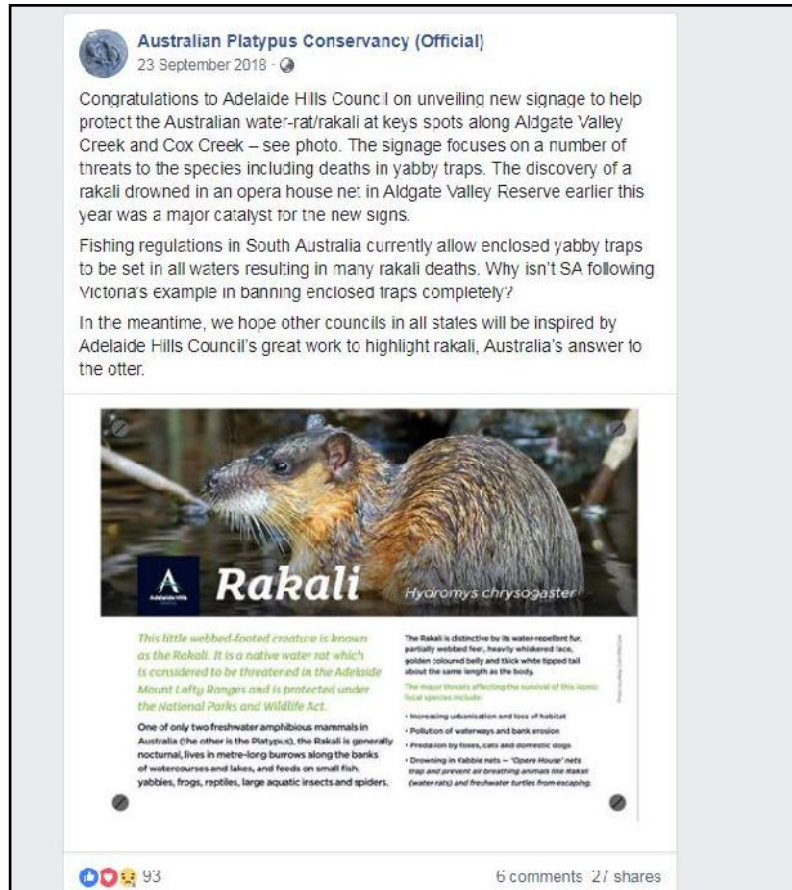
In 2018 Council Biodiversity Officers discovered a drowned Rakali in a homemade enclosed yabbie net in the Aldgate Creek. Following the discovery that the species is still utilising habitats along the Aldgate Valley Creek and other local creek lines, such as the Cox Creek, Council developed some interpretive signage. These were installed in Council reserves containing the appropriate riparian habitat including Aldgate Valley Reserve, Mylor Oval, Woorabinda Lake, Bridgewater Lions Club Reserve).



Rakali signage developed in 2018

The signage has received a fair amount of media exposure, including local newspaper articles including the Courier (see below) and the Weekender Herald, social media and a local radio interview. Dr Jan-Claire Wisdom and members of the local Friends Group and President of Aldgate Valley Landcare Group were in attendance at the unveiling of the sign at Aldgate Valley Reserve. Council's efforts were also featured on the Victorian based Australian Platypus Conservancy's Facebook page to publicise what local councils could be doing to highlight the species and the bycatch mortalities issue. See post below.

The Biodiversity Team were very pleased with the exposure it received and all the promotion hopefully leading to further appreciation and protection of this iconic local species.



Australian Platypus Conservancy post September 2018



Rakali unveiling 2018

**ADELAIDE HILLS COUNCIL
ORDINARY COUNCIL MEETING
Tuesday 23 April 2019
AGENDA BUSINESS ITEM**

Item: 11.2 Motion on Notice

Originating from: Cr Nathan Daniell

Subject: Membership of the Strategic Planning & Development Policy Committee – Cr Boyd

1. MOTION

I move that Council appoints Cr Kirrilee Boyd to the Strategic Planning & Development Policy Committee for the term of the current Council.

2. BACKGROUND

At its 27 November 2018 Ordinary meeting, Council determined the membership of the Strategic Planning & Development Policy Committee. Cr Kirrilee Boyd was an apology for that meeting and was, unfortunately, not able to nominate for a position.

Council resolved to appoint all Council Members present at the meeting for the term of the Council.

3. OFFICER'S RESPONSE – Lachlan Miller, Executive Manager Governance & Performance

Council's resolution regarding the SPDPC membership was:

12.6.1 Membership Strategic Planning Development Policy Committee - Appointment of Members

Moved Cr Nathan Daniell
S/- Cr Ian Bailey

288/18

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.

Carried Unanimously

Clause 5 of the Terms of Reference for the SPDPC sets out the provisions for membership, as follows:

5. MEMBERSHIP

- 5.1 The Committee will comprise of up to 13 Council Members.
- 5.2 All members of the Committee will be appointed by the Council.
- 5.3 It is desirable for the Council Members to be appointed to the Committee to have a sound understanding of the role and functions of the Committee.
- 5.4 In considering appointments to the Committee, Council should give consideration to the diversity of the membership.
- 5.5 The term of office for Committee members shall be as determined by Council.

As such, Cr Boyd is eligible for membership of the SPDPC and has expressed an interest in being appointed.

**ADELAIDE HILLS COUNCIL
ORDINARY COUNCIL MEETING
Tuesday 23 April 2019
AGENDA BUSINESS ITEM**

Item: 11.3 Motion on Notice

Originating from: Cr Malcolm Herrmann

Subject: 20th Anniversary of Gumeracha & District Civic Centre

1. MOTION

That the CEO provides a report to council at the May meeting on options to celebrate the 20th anniversary of the Gumeracha and District Civic Centre on 29 April 2020.

2. BACKGROUND

The Gumeracha and District Civic Centre was officially opened by the inaugural Mayor of the Adelaide Hills Council , Anita Aspinall on 29 April 2000. It is appropriate that council recognizes the importance of the building and the community services provided.

Receiving the report at the May meeting will enable funds, if necessary, to be considered in the 2019/20 draft budget.

3. OFFICER'S RESPONSE – David Waters, Director Community Capacity

The report as contemplated in the motion can be prepared.

**ADELAIDE HILLS COUNCIL
ORDINARY COUNCIL MEETING
Tuesday 23 April 2019
AGENDA BUSINESS ITEM**

Item: 12.1

Originating Officer: Lachlan Miller, Executive Manager Governance & Performance

Responsible Director: Andrew Aitken, Chief Executive Officer

Subject: Local Government Reform Submission

For: Decision

SUMMARY

The Minister for Local Government has initiated a local government reform process across four key themes, as follows:

- Strong council member capacity and better conduct
- Efficient and transparent local government representation
- Lower costs and enhanced financial accountability, and
- Simpler regulation

The LGA is requesting submissions from member councils in relation to the reform process by 26 April 2019 to inform their advocacy position.

An AHC Local Government Reform Submission has been drafted on the basis of feedback received from Council Members and Officers.

RECOMMENDATION

Council resolves:

1. That the report be received and noted
 2. To lodge its Local Government Reform Submission at Appendix 2 to the Local Government Association for input into that organisation's advocacy position.
 3. To delegate to the Chief Executive Officer the authority to make any minor changes to the Submission to reflect matters raised in the debate on the Local Government Reform Submission report.
-

1. GOVERNANCE

➤ Strategic Management Plan/Council Policy

Goal: Organisational Sustainability
Strategy: Governance

A key element of the Governance Strategy within the Strategic Plan is that Council 'is committed to open, participative and transparent decision making and administrative processes'.

The matters addressed in the Reform Submission have the potential to improve the legislative framework applying to the local government sector.

➤ Legal Implications

During 2018, two key 'reform'-orientated bills were introduced into Parliament being the *Local Government (Rate Oversight) Amendment Bill 2018* and the *Local Government (Ratepayer Protection and Related Measures) Amendment Bill 2018*. It appears unlikely that either Bill will gain the support of both houses and, as such, will eventually be defeated.

The Minister for Local Government has indicated an intention to introduce a new 'reform' Bill into the House of Assembly in the New Year developed on four key theme areas, as follows:

- Strong council member capacity and better conduct
- Efficient and transparent local government representation
- Lower costs and enhanced financial accountability, and
- Simpler regulation

Council's submission and the LGA's advocacy do not have any direct legal implications. It will only be when a Bill is assented to, that legal implications impact on Council.

➤ Risk Management Implications

Providing considered and responsible feedback into the LGA's advocacy position 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 no direct financial implications arising from this report.

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

It is reasonable to assume that the community could expect Council to provide feedback that promotes open, responsive and accountable government.

➤ **Environmental Implications**

There are no direct environmental implications arising from this report.

➤ **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>	The Local Government Reform agenda was discussed briefly at the 15 April 2019 Audit Committee meeting in terms of a potential impact on Council's Long Term Financial Plan
<i>Council Members:</i>	Members were invited via email to provide comments for input to the Submission.
<i>Council Workshops:</i>	Not Applicable
<i>Advisory Groups:</i>	Not Applicable
<i>Administration:</i>	Members of Council's management team (with functional responsibility for matters covered in the Reform Submission) have been consulted and provided input.
<i>Community:</i>	Not Applicable

2. BACKGROUND

As set out in the Legal Implications section above, the Minister for Local Government's reform agenda has encouraged the LGA to refresh its advocacy position.

As such, the LGA, via circular, requested all councils to make submissions to the LGA for incorporation into a revised advocacy document for discussion with Members of Parliament and the Office of Local Government by 26 April 2019.

As a starting point the LGA produced a *Local Government Reform Discussion Paper – March 2019* (see **Appendix 1**). The Discussion Paper sets out the LGA's preliminary comments in relation to the reform themes, which is largely a rehash of previous submissions put to the LGA by member councils.

In addition to the LGA's efforts, the Minister has also announced other mechanisms to generate input to the reform process. To this end, a 'yourSAY' public consultation site has been established seeking community feedback on the theme areas.

Further the Office of Local Government (OLG) has established Local Government Reform Working Groups on each of the four theme areas with representatives from relevant stakeholder groups (e.g. OLG, LGA, Auditor-General's Office, Governance and Policy Officers Network (GPON), Local Government Rate Administrators Group, Financial Managers' Group). Council's Executive Manager Governance & Performance, Lachlan Miller, has been elected as the GPON representative on the 'Efficient and transparent local government representation' Working Group.

3. ANALYSIS

Both the Council Members and the Administration were requested to provide feedback in relation to the Discussion Paper. This feedback has been incorporated into the Council's *Local Government Reform Submission (Appendix 2)*.

The Submission aims to capture the diversity of perspectives of the Council Members and Officers in relation to the reform themes rather than attempting to articulate a singular position on an issue. This diversity of perspective is likely a subset of the broader diversity within the local government sector.

As identified in the Discussion Paper, there will be additional opportunities for councils, the LGA and members of the public to have input into the reform process.

4. OPTIONS

Council has the following options:

- I. To resolve to lodge the Local Government Reform Submission at Appendix 2, with or without minor amendment (Recommended)
- II. To determine that more significant changes are required to the Submission. Doing so will place considerable pressure on the submission timeframe of 26 April 2019. Such a decision however will require a delegation to the Mayor or CEO to finalise and lodge the Submission. (Not Recommended)

5. APPENDICES

- (1) LGA *Local Government Reform Discussion Paper – March 2019*
- (2) *Local Government Reform Submission – April 2019*

Appendix 1

*LGA Local Government Reform Discussion Paper –
March 2019t*

Local Government Reform

Discussion Paper

March 2019

Note: This Discussion Paper has been prepared by the LGA Secretariat for consultation purposes only. The content of this paper has not been endorsed by the LGA Board of Directors.

About the LGA

The LGA is a membership organisation for all councils in South Australia and is the voice of local government in this State. All 68 councils are members of the Association.

The LGA is recognised by the South Australian Parliament through the *Local Government Act 1999*.

The mission of the LGA is to provide leadership to councils for the benefit of the South Australian community.

The LGA provides representation, quality service and leadership relevant to the needs of member councils. The LGA also operates specific units/entities providing:

- All public liability and professional indemnity cover for all South Australian councils;
- All workers compensation cover for all South Australian council employees and associated local government bodies;
- Asset cover for South Australian councils; and
- Extensive education and training; procurement; online services and a research and development scheme.

The LGA is a constituent member of the Australian Local Government Association.

Introduction

The Local Government Association welcomes the opportunity to partner with the South Australian Parliament to progress sensible and effective reform within local government. This is a pivotal time for the local government sector to work in collaboration with the State Government and the Parliament on robust and meaningful reform that will deliver lasting benefits to the community and drive downward pressure on council rates.

The Government's reform program will focus on changes to the *Local Government Act 1999* and the *Local Government (Elections) Act 1999* across four theme areas, being:

- strong council member capacity and better conduct
- efficient and transparent local government representation
- lower costs and enhanced financial accountability, and
- simpler regulation

The LGA has its own ideas for change that have been developed in consultation with members, as well as a range of issues and ideas raised and supported by members at previous LGA general meetings. These reform ideas are outlined within this Discussion Paper.

The purpose of this Paper is for the LGA to continue the reform discussion with member councils. The paper shares some preliminary reform ideas and seeks feedback from members on these ideas and other reform opportunities that members would like to see further explored. This is an opportunity for you to tell your Association what change you want to see, what that change should look like and what it should achieve for councils and communities.

While the LGA acknowledges the State Government has placed parameters on its review, the LGA invites feedback from councils on local government reform issues that fall outside the *Local Government Act 1999* and the *Local Government (Elections) Act 1999*, which could form part of the LGA's broader advocacy agenda.

Feedback on reform issues is requested **by 5pm on Friday 26 April 2019**. All feedback received will be carefully considered by the LGA Board of Directors and the positions that have high levels of support from members will be put forward to the State Government as part of a sector-wide submission. To ensure that all member views are considered, we would also appreciate a copy of any submissions made directly to the State Government.

The LGA looks forward to working with members and representing the views of the sector throughout all stages of the reform program.

Timeline and Reform Process

The LGA will use best endeavours to provide as much opportunity as possible for councils to contribute ideas, feedback and influence to the reform process. However, we will be working within the ambitious timelines that have been set by the Government, which may not always be best suited to council meeting cycles, and may be subject to change. The chart below provides a broad outline of the LGA's reform program, including consultation with councils highlighted in green.

	March 19	April 19	May 19	June	Jul 19	Aug 19	Sept 19	Oct 19	Nov 19	Dec 19	Q1 2020	Q2 2020
Release LGA Reform Discussion Paper												
Call for feedback and ideas from members												
Further investigations and research on the sector's ideas												
Advocacy and representation - State Government Reform Discussion Papers and Potential Reform Bill 1												
Consult members on potential Reform Bill 1												
Consultation with members on Reform Discussion Papers – workshops, focus groups, submissions												
Advocacy and representation – Development of Reform Bill 2												
Consult members on Reform Bill 2												
Advocacy and representation – parliamentary process												

Preliminary Reform Ideas

Reform issue	LGA's preliminary comments
STRONGER COUNCIL MEMBER CAPACITY AND BETTER CONDUCT	
Strengthening the Code of Conduct for Council Members	<p>For a number of years the LGA has advocated for a review of the conduct framework for council members, including amendments to the statutory Code of Conduct for Council Members that would result in meaningful changes to the way complaints against councillors are considered, investigated, determined, and prosecuted. The LGA has also advocated for a clear and uncomplicated framework that makes it easier for councillors to understand their obligations and avoid offending conduct.</p> <p>It is important the Code of Conduct for Council Members produces timely and effective outcomes through cost-efficient and transparent processes that are fair and reasonable, and reflect councillors' status as democratically elected representatives. It is also important that local government is empowered to self-determine the expectations of acceptable behaviour that align with community expectations.</p> <p>Proposals marked in earlier LGA advocacy included: (1) increased devolution of responsibility to councils to handle behaviour matters internally, with expedient ways to escalate serious misconduct matters as appropriate, (2) broadening the range of penalties so that effective action can be taken commensurate with the circumstances of each case, and (3) clearer classifications of misconduct, in particular a specific definition of bullying and harassment.</p> <p>Other reform proposals could include, for example:</p> <ul style="list-style-type: none"> • Temporary exclusion powers of the presiding member to enable better management of council member behaviour at meetings (with associated accountability measures for how those powers may be used) • Clear classification of sexual harassment • Suspension or exclusion mechanisms to protect the health and safety of council members and council employees while serious misconduct allegations are investigated, where a potential ongoing threat is identified

Reform issue	LGA's preliminary comments
	<ul style="list-style-type: none"> • Powers for an appropriate oversight body to dismiss individual council members following an investigation into serious misconduct • Effective deterrents for frivolous and vexatious complaints that abuse the processes available and waste public resources.
Prevention to Intervention	<p>While it is important to have a strong ethical framework to address instances of inappropriate behaviour and serious misconduct by elected members, it is also important to recognise that council behaviour and morale cannot be solely managed through intervention mechanisms like a Code of Conduct.</p> <p>In accordance with the LGA's <i>Prevention to Intervention</i> strategies, it is important that behaviour strategies are seen as a continuum beginning with prevention and ending with intervention. Prevention strategies should be focused on policies and procedures that councils and council members can use to promote good governance and avoid non-constructive behaviour and/or fractured relationships within council or the wider community.</p> <p>Statistics show that approximately half of all Code of Conduct complaints are lodged by a council member against another council member. Some behaviour or conduct of a council member may make a complaint unavoidable, but in other instances there is merit in (1) strengthening the skills of councillors to deal with conflict, de-escalate disagreement and find ways to work constructively and respectfully with each other, and (2) providing access to early-intervention mechanisms, such as internal conciliation.</p> <p>Clear and consistent processes that assist communication between parties and the rapid resolution of disagreements could assist in maintaining healthy council dynamics.</p>
General duties of council members (section 62 <i>Local Government Act 1999</i>)	<p>There are a number of general duties prescribed in section 62 of the <i>Local Government Act 1999</i> with which council members must comply. These are based on the principle that council members should at all times behave in a way that generates community trust and confidence in them as individuals, which will in turn reflect positively on the council and help to maintain and enhance the role and image of council.</p> <p>In summary, the general duties in section 62 of the Act include:</p> <ul style="list-style-type: none"> • A council member must at all times act honestly and with reasonable care and diligence in the performance and discharge of official functions and duties

Reform issue	LGA's preliminary comments
	<ul style="list-style-type: none"> • A council member, or former council member, must not make improper use of information acquired by virtue of their position to gain directly or indirectly an advantage for them or another person or to cause detriment to the council • A council member must not make improper use of their position to gain directly or indirectly an advantage for them or another person or to cause detriment to council • A council member, or former council member, must not disclose information or a document to which a confidentiality order applies (unless required by law). <p>While the prescribed general duties are reasonable expectations of a council member, enforcement of breaches of the general duties is in some instances unclear, and in other cases, requires court intervention. If these duties are to truly be a general expectation of council members, there should be clear and proportionate mechanisms for addressing council member actions that breach these general expectations. One possible solution is to provide for enforcement within the statutory Code of Conduct for Council Members.</p>
Mandatory Training Requirements	<p>Currently, the <i>Local Government Act 1999</i> and the <i>Local Government (General) Regulations 2013</i> require councils to have a training and development policy that complies with LGA <i>training standards for council members</i> approved by the Minister. The LGA training standards for council members includes mandatory training requirements for council members. The imposition of mandatory requirements via a training standard that must be adopted into a council policy, makes enforcement against non-participating council members difficult for councils. Provision of minimum mandatory requirements in the regulations would simplify and solidify the expectations on council members to participate in certain mandatory training. The elevation of minimum mandatory training requirements to statute would be reflective of the value the local government sector places on ongoing training and development for council members.</p> <p>Previous LGA advocacy on Code of Conduct reform also included a proposal for a failure to comply with mandatory training requirements to be treated as misconduct under the Code of Conduct for Council Members, to enable enforcement where training requirements were not met by a council member.</p>
EFFICIENT AND TRANSPARENT LOCAL GOVERNMENT REPRESENTATION	
2014 Elections Review &	Local government participated in a lengthy review of the <i>Local Government (Elections) Act 1999</i> following the 2014 local government elections, but the resulting amendment bill was not passed by Parliament prior to the 2018 State Government election. The LGA supports the reintroduction and passage of the reforms outlined in

Reform issue	LGA's preliminary comments
the Local Government (Elections) Amendment Bill 2017	the <i>Local Government (Elections) Amendment Bill 2017</i> , which mostly provides for technical changes that will simplify processes and provide relief from some of the frustrations again felt at the 2018 elections, such as allowing all candidates to access an electronic copy of the voters roll. A copy of the bill can be found on www.legislation.sa.gov.au , here: Local Government (Elections) Amendment Bill 2017
2018 Elections Review	<p>In the LGA's <i>delivering the LGA 2018 State Election Agenda: Local Government Reform Package</i>, which was provided to all parties and independent members prior to the 2018 State Government elections, a number of reforms to local government elections were proposed including requirements for all candidates to disclose:</p> <ul style="list-style-type: none"> • certain information, such as political interests, which is currently required to be disclosed by sitting councillors on primary and ordinary returns • whether or not the candidate resides in the council area of the council for which he or she is standing. <p>The 2018 local government elections, raised a number of new policy and technical difficulties that could be remedied through legislative change. Some of the issues the LGA has identified through its own elections experience, and preliminary feedback from councils, are the need for the:</p> <ul style="list-style-type: none"> • simplification of the process for the submission of candidate statements, by allowing candidates to provide a website/social media link as part of their nomination • simplification of the process for enrolment on the supplementary roll with a view to providing a full online option • simplification of the process for nomination with a view to providing a full online option for candidates • incorporation of a provision to deal with the death or withdrawal of a candidate after nominations close • requirement for unsuccessful candidates to remove social media accounts related to the election • reconsidering how the deadline for close of votes is calculated to minimise receipt of late votes • alternatives to voters roll purging to increase non-residential ratepayer participation • improvements to the presentation and useability of the supplementary roll supplied to councils.
Representation Reviews	The <i>Local Government Act 1999</i> requires councils to carry out "representation reviews" as scheduled by the Minister under the regulations (approximately every 8 years). During these reviews councils must consider

Reform issue	LGA's preliminary comments
	<p>options relating to (1) the composition of the council, including the number of council members, (2) whether or not the council should be divided into wards, and (3) the size and boundary areas of wards, if they exist. A council may also use this process to change its name or change the name of a ward.</p> <p>Based on advice from the Electoral Commission of South Australia (ECSA), the LGA understands that some councils have experienced difficulty obtaining the services of appropriately qualified consultants to assist them with the workload. Some councils have had to undertake multiple public consultation processes as a result of community feedback and changing options. Council members also face the challenge of having to make controversial decisions on potential changes to the composition of a council that might affect their own positions.</p> <p>Most councils required assistance from ECSA to comply with the extensive technical requirements set out in section 12 of the <i>Local Government Act 1999</i> in order to enable them to achieve certification by the deadline date.</p> <p>Representation reviews are an important feature of local democracy. ECSA has been reviewing the efficacy of current processes and its role in supporting councils to undertake representation reviews, and the LGA considers it prudent to use this reform program as a vehicle for revising the procedural and decision-making processes prescribed in the <i>Local Government Act 1999</i> for representation reviews.</p>
<p>Electronic voting in local government elections</p>	<p>The LGA will continue to advocate for electronic voting for local government elections. It is considered that the legal framework should enable electronic voting in anticipation of a secure and cost effective technical solution being available in the future.</p> <p>At the LGA's 2017 OGM members asked the Association to investigate trialling electronic voting in local government elections. Following consultation with ECSA it was determined that a cost-effective and feasible model is not yet available (with commercially available solutions presenting a number of risks that make them unsuitable at this time). In 2017 the Electoral Council of Australia and New Zealand (ECANZ) (comprising electoral commissioners of Aus, NZ, and each state and territory) established a national electronic voting working group, which has committed to creating a purpose-built internet voting system for federal, state, territory and local government elections. Development of the government-specific internet voting model is considered a 4-5 year project and the LGA Board determined to keep a 'watching brief' on its progress. The LGA has recently asked the Electoral Commissioner for an update on the working group and will advise members of his response when received.</p>

Reform issue	LGA's preliminary comments
	<p>The LGA notes with interest recommendation 4 of the ECSA's 2018 State Election Report, which recommends the electronic delivery and return of ballot papers for overseas, interstate or remote South Australian voters in State elections. Consultation can be undertaken with ECSA to determine if a similar procedure can be applied to local government elections. A copy of ECSA's State Election Report is available on its website at https://ecsa.sa.gov.au</p>
Supplementary Elections	<p>Where a council is unable to carry a casual vacancy, the <i>Local Government (Elections) Act 1999</i> requires a council to undertake a supplementary election. Supplementary elections must be funded by council and can involve substantial expense. Where a supplementary election is required more than once during a term of the council, costs for a council can be significant.</p> <p>The LGA is aware that other Australian local government jurisdictions have other types of arrangements for filling casual vacancies and these could be investigated, with necessary changes made to the <i>Local Government (Elections) Act 1999</i> to accommodate more cost-effective and efficient measures for replacing council members who leave office during the course of their term.</p>
Caretaker Policy and Code of Conduct	<p>Section 91A(7) of the <i>Local Government (Elections) Act 1999</i> says "the caretaker policy of a council is to be taken to form part of each code of conduct required to be prepared and adopted in relation to council members and staff under the <i>Local Government Act 1999</i> or the <i>City of Adelaide Act 1998</i>."</p> <p>Firstly, the language 'required to be prepared and adopted' no longer accurately reflects that Codes of Conduct are prescribed by regulation. If prescribed codes of conduct are to remain, the language should be changed to refer to their prescription.</p> <p>Secondly, the Code of Conduct for Council Employees was changed on 2 April 2018 to deal solely with gifts and benefits and no longer deals with general workplace behaviour of employees. A link to the behaviour-type issues to arise in relation to a caretaker policy seem to no longer be an appropriate fit within the Code of Conduct for Council Employees and consideration should be given to changing this section.</p>
LOWER COSTS AND ENHANCED FINANCIAL ACCOUNTABILITY	
Audit Committees	<p>The <i>Local Government Act 1999</i> requires a council to have an audit committee to review the financial statements of the council, provide advice on council's Strategic Management Plan and Annual Business Plan and review the adequacy of council's internal controls and financial management systems. Audit committees</p>

Reform issue	LGA's preliminary comments
	<p>have become embedded as an important part of local government's financial and governance performance measurement framework.</p> <p>Many councils have voluntarily expanded the role of their audit committee beyond what is legally required. Each audit committee must have at least one independent member and it is widely acknowledged within the sector that having more than one independent member, including an independent Chair is best practice. The role of audit committees can be strengthened by use of a best practice model that includes:</p> <ul style="list-style-type: none"> • requiring a majority of independent members • diversifying the skill sets and knowledge of audit committee members • appointing an independent chair • expanding responsibilities to include greater oversight of strategic management plans, rating practices, performance monitoring, quality of financial management, and the council's use of public resources • empowering the Chair to make public statements on the audit committee's work and findings. <p>Contemplation of legislative change should include review of the availability and costs of attracting qualified and skilled members to council audit committees, particularly in country areas, and to propose solutions that assist all councils to achieve best practice standards. This might include the option of a 'shared service' approach to establishing audit committees in regional areas, or providing exclusions from some requirements for regional or remote councils.</p> <p>The way in which many councils have established their audit committees demonstrates that a heavy-handed legislative response is not always required to achieve positive change within local government. The legislative framework should enable a best practice approach without unnecessary heavy prescription, and provide appropriate exemptions to assist regional councils.</p>
Standardising external audits	<p>All councils must appoint an external auditor to review and provide an opinion on the council's financial statements and a separate opinion on the adequacy of internal controls to provide reasonable assurance that the financial transactions of the council have been conducted properly and in accordance with law.</p> <p>In some other states, the external auditing of councils falls within the remit of the state's Auditor General. The LGA has commissioned research and consulted with councils about the option of adopting this model in</p>

Reform issue	LGA's preliminary comments
	<p>South Australia. We have found that while it may lead to some greater degree of consistency, the benefits would not outweigh the considerable additional costs to ratepayers.</p> <p>An alternative approach to achieving greater standardisation would be allowing or requiring the Auditor-General to issue binding interpretations of auditing standards applicable to local government. This would ensure consistency between private sector auditors. The LGA provides interpretation of accounting standards to the sector through the Model Financial Statements, the use of which are mandated in Regulations. However these standards apply to local governments, not to auditors, who have their own professional standards to observe.</p>
Fee for lodgement of a section 270 complaint	<p>At the LGA Annual General Meeting on 26 October 2018 members asked the LGA to <i>request the Government consider placement of a small 'lodgement fee' on all section 270 complaints made to various councils. Should a complaint be upheld then the fee would be refunded in full.</i></p> <p>Section 270 of the <i>Local Government Act 1999</i> requires a council to develop and maintain policies, practices and procedures for dealing with complaints about the actions of the council, employees of the council, or other persons acting on behalf of council. Currently, section 270(3) of the Act provides that a council is not entitled to charge a fee on an application for review. The operation of section 270 furthers council commitment to open, responsive and accountable government by providing a process by which persons adversely affected by a decision or action of council can have their grievances considered. That said, an investigation of complaints can be costly and require the reallocation of administrative resources and a reasonable fee may provide an effective deterrent to frivolous or vexatious complaints.</p>
Increasing the maximum penalty for breach of a by-law	<p>At the LGA Annual General Meeting on 26 October 2018 members requested the LGA to <i>advocate for an amendment to section 246(3)(g) of the Local Government Act 1999 to increase the maximum penalty that can be fixed for any breach of a by-law and by extension the maximum expiation fee that can be fixed under section 246(5) of the Act.</i></p> <p>Section 246(3)(g) of the Act provides councils with a power to fix a maximum penalty for any breach of a by-law provided that the maximum penalty does not exceed \$750. The prescribed \$750 maximum has not been amended since commencement of the Act in 1999. Section 246(5) of the Act provides councils with the power to fix an expiation fee for alleged offences against by-laws provided that the expiation fee for alleged offences against by-laws does not exceed 25 per cent of the maximum fine for the offence to which it relates. As the maximum penalty for a breach of a by-law is set at \$750, the maximum expiation fee is \$187.50. For</p>

Reform issue	LGA's preliminary comments
	<p>particular by-law offences this maximum expiation fee may not be a commensurate penalty or cause sufficient deterrent.</p> <p>A proposal to increase the maximum penalty for a by-law, thereby allowing a higher expiation fee, will need to consider the relationship between the <i>Local Government Act 1999</i> and the <i>Expiation of Offences Act 1999</i>. If the expiation fee is to be expiated in accordance with the <i>Expiation of Offences Act 1999</i>, section 5(3) of that Act provides power to fix an expiation fee in a by-law that does not exceed \$315 or 25 per cent of the maximum fine prescribed for the offence, whichever is lesser.</p>
Benchmarking	<p>While there is a considerable amount of information already available to communities about what their council is doing, this information is often spread across multiple documents and platforms, can be difficult to find, and is not easy to compare with other councils.</p> <p>There is merit in developing a sophisticated online platform for councils to share and compare meaningful data about their performance, and enhance the transparency and accessibility of council data for the community.</p> <p>Having access to up to date, consistent and reliable data from across the sector will enable local government to monitor trends, identify future challenges and make evidence-based decisions about reform and practice improvement.</p> <p>Gathering information about councils and how they are operating is beneficial for a number of reasons, including:</p> <ul style="list-style-type: none"> • determining if councils are performing well, being fiscally responsible and are financially sustainable • assessing the relative efficiency of the sector and the value for money being delivered to communities • measuring and evaluating the outcomes that are being achieved and whether the community is satisfied with what councils are delivering • identifying opportunities for continuous improvement and reform programs to strengthen the sector. <p>In developing a benchmarking framework, care needs to be taken to reflect that councils are as diverse as the communities they serve. Not all measures will be comparable across all councils and financial information will tell only one side of the story. It is important that there be a suite of meaningful performance measures that build a more complete picture of the financial and governance health of the sector and the public value of the services and programs delivered by councils.</p>

Reform issue	LGA's preliminary comments
Prescribed format for Asset Management Plans and Long-Term Financial Plans	There is currently no standard format prescribed in the Local Government Act or in regulations that provide for a consistent approach to asset management planning and long-term financial planning. This makes it difficult to synthesise information from different councils or to apply a minimum standard for these documents. A prescribed format in regulations that sets minimum standards could be considered.
SIMPLER REGULATION	
Informal gatherings	<p>The LGA is aware the legislative requirements regarding informal gatherings are a cause of frustration for many councils and that legislative change could result in more practical mechanisms for council discussions on projects, services and other matters involving council.</p> <p>Section 90(8) of the <i>Local Government Act 1999</i> allows informal gatherings or discussions to be held provided that the gathering or discussion does not obtain, or effectively obtain, a decision on a matter outside a formally constituted meeting of the Council or Council committee.</p> <p>Informal gatherings provide a valuable opportunity to enhance council decision making processes, by providing opportunity for council members to become better informed on issues and seek further clarification, and increase community opportunity for participation. Open and transparent council activities underpin representative democracy and ensure public confidence in council decision-making. Thus, the argument isn't that gatherings outside formal council meetings should be prohibited, but that the statutory requirements provide for their effective operation.</p> <p>The common areas of frustration that members communicate to the LGA include the difficulty in distinguishing between an informal gathering and a 'designated informal gathering' as well as whether the rules are intended to apply to informal gatherings of a few councillors or only all councillors (with the LGA receiving differing legal advice from the stated intentions of the previous State Government).</p>
Conflict of interest	<p>The conflict of interest provisions were introduced to the <i>Local Government Act 1999</i> as part of the <i>Local Government (Governance and Accountability) Amendment Act 2015</i>, and commenced on 31 March 2016. The provisions are based on provisions that operate in Queensland. There were a number of immediate teething problems with the provisions that the previous State Government attempted to rectify via amendment to the regulations following strong LGA advocacy. However, the overall complexity and rigidity of the rules in the Act continue to cause problems for council members.</p>

Reform issue	LGA's preliminary comments
	<p>The LGA wrote to the previous State Government consistently following the introduction of the provisions in 2016 to raise various concerns on behalf of members. The LGA continues to receive feedback from councillors about the complexity of the rules and the difficulties they face in ensuring adherence to the complicated rules. There is also continuing concern that application of the conflict of interest rules to council committees is prohibitive to community participation, especially by local business owners.</p> <p>This reform process provides an opportunity for the sector to consider a new and contemporary approach that is both simple for council members to apply and reinforces transparency and integrity within our sector. Reform could include simpler prescribed exclusion, or an ability for council or committee members to declare a material conflict of interest and stay in a meeting and debate/vote where it is in the public interest.</p>
Suspension of allowances during state or federal elections	<p>The suspension of an elected member from council while campaigning for state or federal election has featured in a number of notices of motion at recent LGA general meetings, and members have strongly supported LGA advocacy on this issue.</p> <p>Thus the policy position of the LGA is to support enforced leave for council members standing for state or federal election, including the suspension of allowances, subject to councils being permitted to meet inquorate where it is a consequence of the enforced leave. The proposal was included in the LGA's <i>delivering the LGA 2018 State Election Agenda: Local Government Reform package</i>, which was provided to members of the government, opposition, minor party and independent candidates prior to the 2018 State Government Election.</p>
Mobile food vendors (food trucks)	<p>In 2017, the previous State Government introduced mobile food vendor rules, which imposed state-wide requirements upon all South Australian councils irrespective of their local circumstances. The mobile food vendor rules prescribe that a council:</p> <ul style="list-style-type: none"> • Must establish guidelines around approved locations for mobile food vendors ('location rules') • Must approve all permit applications that comply with the local rule guidelines • Restrict the maximum amount a council may charge for a mobile food vendor permit. <p>The Small Business Commissioner has been given the role of umpire where there are disputes between vendors and councils.</p>

Reform issue	LGA's preliminary comments
	<p>Implementation of the rules has been a prime example of the difficulties and pitfalls in prescribing a one-size-fits all legislative approach for all councils.</p> <p>Councils in regional South Australia are rate income dependant for the majority of their revenue. Councils are required to balance the needs of their bricks and mortar “fixed” established rate paying businesses against the flexibility and vibrancy of pop-up mobile food vendors.</p> <p>In some areas that experience a large temporary population, such as seasonal high tourism, mobile food vendors are able to enhance the supply offering and satisfy the unusually high consumer demand. However, in other regional areas the business profile is one of fixed micro type businesses that rely on the high season for the majority of their cash flow and are at extreme risk due to pop up competitors that are perceived to have an unfair advantage.</p> <p>At its meeting in May 2018, the South Australian Regional Organisation of Councils (SAROC) Committee asked the LGA to advocate to the State Government for a review of the legislation governing mobile food vendors (<i>Local Government Mobile Food Vendors Amendment Act 2017</i>) particularly in regard to regional impact.</p> <p>The LGA consulted councils and was told:</p> <ul style="list-style-type: none"> • Flexibility is required to allow councils to balance support for both bricks and mortar business and catering for temporary seasonal demand and events held in council areas • Consideration should be given to allowing regional South Australia to have a more flexible regime than metropolitan Adelaide.
Public consultation requirements in the <i>Local Government Act 1999</i>	<p>In general, public consultation requirements throughout the <i>Local Government Act 1999</i> lack consistency and clarity. There is opportunity to review the approach to public consultation throughout the Act to remove uncertainty, and in turn, provide the best outcomes for both councils and the communities they consult. In particular, there is an opportunity to review and clarify the requirements set out in section 50 of the <i>Local Government Act 1999</i> following judicial interpretation of section 50 in the decision of <i>Coastal Ecology Protection Group Inc & Ors v City of Charles Sturt</i> [2017] SASC 136 (Coast Park decision).</p>
Requirements to publish in newspapers	<p>A review of public consultation requirements should be broadened to also consider requirements throughout the <i>Local Government Act 1999</i> to publish various notices in newspapers. Not only is publication in</p>

Reform issue	LGA's preliminary comments
	<p>newspapers very expensive for councils, it doesn't necessarily reflect a contemporary approach to community engagement that is seeing communities increasingly rely on internet-based and/or social media communication. Each community is different so it may be a matter of providing councils with greater flexibility to determine the communication methods that suit their community and the context of the matter at hand.</p>
<p>Public consultation requirements for permits under sections 221 and 222 of the <i>Local Government Act 1999</i></p>	<p>The <i>Local Government Act 1999</i> empowers councils to evaluate and where appropriate issue permits for applications received to close public roads and footpath areas for a 'business purpose' to enable commercial activities to be undertaken pursuant to sections 221 and 222 of the Act. Examples of what may be considered a 'business purpose' are prescribed in section 222(1) of the <i>Local Government Act 1999</i>, but this is not an exhaustive list; a common basis for receiving an application to close roads, which is not prescribed on that list, is to enable construction companies to undertake concrete pours or receive deliveries of large building materials via crane. A council has faced challenge by a ratepayer regarding the requirement to undertake public consultation, in accordance with section 223 of the Act and regulation 25(1) of the Local Government (General) Regulations 2013, in relation to any proposal to issue a permit that authorises the use of a public road for a business purpose, where any part of the road is to be fenced, enclosed or partitioned so as to impede passage of traffic to a material degree.</p> <p>Competing legal opinions have been received regarding the meaning of impeding the passage of traffic to a material degree. If the complete enclosure of a public road for an extended period of time, that prevents vehicle and/or pedestrian traffic from travelling through the road, was found to impede the passage of traffic to a material degree, public consultation would be required to be undertaken for a period of 21 days in relation to every such permit application.</p> <p>This issue was presented to the State Local Government Red Tape Reduction Taskforce, and the Office of Local Government committed to seeking Crown legal advice on the matter (which is pending). Notwithstanding what the Crown advice may say, the fact there are differing legal opinions is sufficient reason to seek legislative change to place the public consultation requirements in relation to permits for the purposes of section 221 and 222 of the <i>Local Government Act 1999</i> beyond doubt.</p>
<p>Developer contributed assets</p>	<p>There is a perception that councils have to accept an asset when it is offered for free from a developer, but councils do not have to accept an asset and may undertake a prudential report to ensure it is up to standard and financially viable for council to maintain. Accepting an asset has long-term financial implications for a council and prudential management issues should be considered prior to a council accepting an asset.</p>

Reform issue	LGA's preliminary comments
Rating equity for commercial and/or industrial land uses	<p>Section 48 of the <i>Local Government Act 1999</i> could clarify the right of council to undertake a prudential report and/or decline an asset.</p> <p>Council rates are generally considered a proportional land tax in terms of social 'fairness', in that tax payers contribute proportionally based on the value of their property. Currently South Australian councils face considerable rating constraints for selected major developments (e.g. wind farms, feedlots, solar farms and mines) and exempt properties, resulting in local communities paying more than their fair share to subsidise the cost of servicing certain land uses. These constraints include:</p> <ul style="list-style-type: none"> the inability to levy appropriate and equitable rates on electricity generators (including wind farms and solar farms) as a result of the exclusion of improvements such as electricity generating plant and equipment from capital valuations under legislation; and the inability to effectively categorise intensive land uses for differential rating purposes given the limited permitted rating categories available under legislation. <p>A report on this issue, commissioned by the Legatus Group, highlights considerable differences in the manner in which properties are valued and categorised, and in which rates are able to be levied in other mainland States. SA councils are significantly disadvantaged when compared to the approaches adopted in Queensland, WA and NSW with respect to the rating of resources sector (mining) properties. SA councils are also disadvantaged when compared to the approaches adopted in Queensland and Victoria with respect to the rating of electricity generation sites (including wind and solar farms).</p> <p>The report can be found on the Legatus Group website at: https://legatus.sa.gov.au/wp-content/uploads/2018/07/Final-Report-Rating-Equity-for-CommercialIndustrial-Land-Uses-Outside-Towns-in-SA-1.pdf</p> <p>The following changes in legislation could be considered to address these constraints and ensure equity between ratepayers:</p> <ul style="list-style-type: none"> allow councils to recover appropriate payments in lieu of rates directly from electricity generators – rather than landowners – under a regulated formula subject to indexation (a similar system currently exists in Victoria where Councils receive payments based on a methodology under State legislation); and

Reform issue	LGA's preliminary comments
	<ul style="list-style-type: none"> enable additional flexibility in the categorisation of different land uses for differential rating purposes to provide councils with greater capacity to levy appropriate rates based on intensity of land use (e.g. mining/resources, feedlots). <p>As outlined in the Report, the resulting additional revenue would allow the redistribution of the tax rating burden on a broader ratepayer base. In other words, case studies show that addressing this issue could put downward pressure on the rates paid by households.</p> <p>These changes would likely require consequential change to Acts outside the responsibility of the Minister for Local Government (e.g. the <i>Electricity Corporations Restructuring and Disposal Act 1999</i> is the responsibility of the Treasurer), so further consultation will be required with other Ministers as necessary.</p>
Regulations for section 245A of the <i>Local Government Act 1999</i> (Development Bonds)	<p>In 2009, section 245A was inserted into the <i>Local Government Act 1999</i> with the intention of enabling a council to require a developer to enter into an agreement - that complies with any requirements prescribed by regulations - to cover the cost of potential damage to council infrastructure. This agreement could take the form of a bond or other security, which would be called upon only if damage occurred during development works. Shortly after insertion of section 245A it became apparent that without the development of regulations section 245A could not be enforced. Thus, should damage occur, there is no security to councils to oblige developers to pay for damage caused to infrastructure without court action.</p> <p>Since this time, the LGA has been seeking to have relevant regulations made but this has previously been met with opposition by both industry and the previous State Government. The LGA proposes to continue to seek the making of appropriate regulations, to safeguard council's infrastructure and enable councils to recoup the cost or repairing related to development damage.</p>
Regulation 21 of the Local Government (Procedures at Meetings) Regulations 2013 (CEO may submit report recommending revocation or amendment of council decision)	<p>Regulation 21 of the Local Government (Procedures at Meetings) Regulations 2013 allows a CEO to submit a report to the council recommending the revocation or amendment of a resolution passed since the last general election of the council. It is believed the intention of the drafters of regulation 21 was to provide an alternative process to regulation 12(3) which requires a council member to place a notice of motion to amend or revoke a council resolution passed since the last general election. However, regulation 21 has not been integrated appropriately with regulation 12(3) and the requirement for a council member to place a written notice of motion remains in force in relation to a CEO recommendation for revocation or amendment of a resolution. Thus, at present the CEO report recommendation needs to be brought back to council at the next meeting through a notice of motion put forward by a council member under regulation 12(3). This means, at</p>

Reform issue	LGA's preliminary comments
	<p>best regulation 21 empowers the CEO to draw a council's attention that he/she considers a revocation or amendment would be appropriate, after which a written notice of motion must be lodged by a council member at a second meeting before the council could pass a rescission motion based on the recommendation of the CEO.</p> <p>The LGA has previously requested amendment to regulation 21 to ensure proper integration between regulation 21 and regulation 12(3) so that a written notice of motion by a council member (therefore necessary to wait for a second meeting) is not required. Amendment has not yet occurred and the LGA recommends continued advocacy to remedy the anomaly.</p>
OTHER REFORM ISSUES	
Management of unmade roads	<p>The <i>Local Government Act 1999</i> and the <i>Road Traffic Act 1961</i> do not give councils appropriate powers to manage unmade public roads, especially in rural areas. There are many 'public roads' laid out in old rural subdivisions which have never been formed, or are no longer used, and over time have been occupied by adjacent landowners. In some cases, there is remnant public infrastructure in place, including culverts and bridges. While some are required/used as fire trails, many are purely used for private access or private purposes. The increase in four wheel drive enthusiasts has seen an increase in complaints from adjacent landowners, and exposes council to a potential liability for the use or misuse, and damage to either the user's vehicle or the road and road infrastructure. Clearer statutory provisions are needed so council can effectively close a road to all, or certain classes of vehicles, and be able to effectively enforce the road closures.</p>
Community housing	<p>The State Government is transferring public housing properties to Community Housing Providers to facilitate their upgrade and renewal. This transfer makes properties eligible for a mandatory 75% rebate on council rates, whereas the State Government previously paid full rates on these properties.</p> <p>The State Government transferred 4,000 public housing properties to CHPs in September 2017. This followed the transfer of 1,100 properties in 2015. The approximate annual revenue loss across the 17 councils impacted is approximate \$4.4 million for every 5,000 properties that are transferred through a long-term lease to community housing providers.</p> <p>Public housing is a State Government responsibility. Applying the mandatory rebate to the transferred properties leads to an inequitable burden on other ratepayers in affected councils, often in lower socio economic communities that can least afford the additional impost.</p>

Reform issue	LGA's preliminary comments
	The LGA advocates for legislative change to remove the 75% rebate on council rates for community housing providers.
Fees and charges	<p>Cost shifting also occurs when councils are required by legislation or an agreement with the state government to provide a service, but the regulated fee for providing that service falls well below costs.</p> <p>Many of the fees and charges that council can raise are set in Regulations. Some are set at cost recovery, others are not. Some are indexed annually, others are not. There are some activities for which councils are not permitted to charge any fee. Councils and community need more clarity and certainty about fees and charges.</p> <p>The LGA advocates for review of local government fees and charges regulated by the state government to establish modern price setting principles which promote efficiency, flexibility and fairness in service delivery. This will cover a number of Acts outside the <i>Local Government Act 1999</i> and the <i>Local Government (Elections) Act 1999</i> and will require consultation with other Ministers.</p>

Member Feedback

Members are invited to provide feedback on these preliminary ideas, which have been identified through previous member feedback. We also welcome the submission of further ideas for positive reform based on the expertise and experiences of member councils. As a guide, the following key questions may be considered in providing feedback.

Will these ideas contribute positively to local government and provide benefits to the community?

What would be the barriers or issues that would need to be overcome in order to successfully implement these ideas?

Are there alternative solutions to the problems that have been identified that should be further explored?

What are the other issues that should be addressed through this reform program, and what are the potential solutions?

What are the areas of the Local Government Act and Local Government (Elections) Act that are working well and should not be altered through this reform program?

Feedback on reform issues is requested by **5pm on Friday 26 April 2019** in order for your ideas to be considered by the LGA and form part of the Association's initial response to the State Government. However, we appreciate that some councils may require additional time and we would gratefully accept your feedback at any stage as will continue to submit ideas and issues to the Government and all members of Parliament throughout the entire reform process.

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Appendix 2

Local Government Reform Submission – April 2019

LOCAL GOVERNMENT REFORM DISCUSSION PAPER -APRIL 2019 – ADELAIDE HILLS COUNCIL SUBMISSION

Reform Issue	LGA's Preliminary Comments	AHC Comments
STRONGER COUNCIL MEMBER CAPACITY AND BETTER CONDUCT		
Strengthening the Code of Conduct for Council Members	<p>For a number of years the LGA has advocated for a review of the conduct framework for council members, including amendments to the statutory Code of Conduct for Council Members that would result in meaningful changes to the way complaints against councillors are considered, investigated, determined, and prosecuted. The LGA has also advocated for a clear and uncomplicated framework that makes it easier for councillors to understand their obligations and avoid offending conduct.</p> <p>It is important the Code of Conduct for Council Members produces timely and effective outcomes through cost-efficient and transparent processes that are fair and reasonable, and reflect councillors' status as democratically elected representatives. It is also important that local government is empowered to self-determine the expectations of acceptable behaviour that align with community expectations.</p> <p>Proposals marked in earlier LGA advocacy included: (1) increased devolution of responsibility to councils to handle behaviour matters internally, with expedient ways to escalate serious misconduct matters as appropriate, (2) broadening the range of penalties so that effective action can be taken commensurate with the circumstances of each case, and (3) clearer classifications of misconduct, in particular a specific definition of bullying and harassment.</p> <p>Other reform proposals could include, for example:</p> <ul style="list-style-type: none"> • Temporary exclusion powers of the presiding member to enable better management of council member behaviour at meetings (with associated accountability measures for how those powers may be used) • Clear classification of sexual harassment • Suspension or exclusion mechanisms to protect the health and safety of council members and council employees while serious misconduct allegations are investigated, where a potential ongoing threat is identified • Powers for an appropriate oversight body to dismiss individual council members following an investigation into serious misconduct • Effective deterrents for frivolous and vexatious complaints that abuse the processes available and waste public resources. 	Adelaide Hills Council strongly supports the LGA's proposals.
Prevention to Intervention	<p>While it is important to have a strong ethical framework to address instances of inappropriate behaviour and serious misconduct by elected members, it is also important to recognise that council behaviour and morale cannot be solely managed through intervention mechanisms like a Code of Conduct.</p> <p>In accordance with the LGA's Prevention to Intervention strategies, it is important that behaviour strategies are seen as a continuum beginning with prevention and ending with intervention. Prevention strategies should be focused on policies and procedures that councils and council members can use to promote good governance and avoid non-constructive behaviour and/or fractured relationships within council or the wider community.</p> <p>Statistics show that approximately half of all Code of Conduct complaints are lodged by a council member against another council member. Some behaviour or conduct of a council member may make a complaint unavoidable, but in other instances there is merit in (1) strengthening the skills of councillors to deal with conflict, de-escalate disagreement and find ways to work constructively and respectfully with each other, and (2) providing access to early-intervention mechanisms, such as internal conciliation.</p> <p>Clear and consistent processes that assist communication between parties and the rapid resolution of disagreements could assist in maintaining healthy council dynamics.</p>	<p>Adelaide Hills Council strongly supports the LGA's proposals.</p> <p>Strengthening the skills of councillors could include encouraging them to raise their concerns in an appropriate manner with their peers in the first instance.</p>

LOCAL GOVERNMENT REFORM DISCUSSION PAPER -APRIL 2019 – ADELAIDE HILLS COUNCIL SUBMISSION

Reform Issue	LGA's Preliminary Comments	AHC Comments
General duties of council members (section 62 Local Government Act 1999)	<p>There are a number of general duties prescribed in section 62 of the Local Government Act 1999 with which council members must comply. These are based on the principle that council members should at all times behave in a way that generates community trust and confidence in them as individuals, which will in turn reflect positively on the council and help to maintain and enhance the role and image of council.</p> <p>In summary, the general duties in section 62 of the Act include:</p> <ul style="list-style-type: none"> • A council member must at all times act honestly and with reasonable care and diligence in the performance and discharge of official functions and duties • A council member, or former council member, must not make improper use of information acquired by virtue of their position to gain directly or indirectly an advantage for them or another person or to cause detriment to the council • A council member must not make improper use of their position to gain directly or indirectly an advantage for them or another person or to cause detriment to council • A council member, or former council member, must not disclose information or a document to which a confidentiality order applies (unless required by law). <p>While the prescribed general duties are reasonable expectations of a council member, enforcement of breaches of the general duties is in some instances unclear, and in other cases, requires court intervention. If these duties are to truly be a general expectation of council members, there should be clear and proportionate mechanisms for addressing council member actions that breach these general expectations. One possible solution is to provide for enforcement within the statutory Code of Conduct for Council Members.</p>	Adelaide Hills Council strongly supports the LGA's proposals.
Mandatory Training Requirements	<p>Currently, the Local Government Act 1999 and the Local Government (General) Regulations 2013 require councils to have a training and development policy that complies with LGA training standards for council members approved by the Minister. The LGA training standards for council members includes mandatory training requirements for council members. The imposition of mandatory requirements via a training standard that must be adopted into a council policy, makes enforcement against non-participating council members difficult for councils. Provision of minimum mandatory requirements in the regulations would simplify and solidify the expectations on council members to participate in certain mandatory training. The elevation of minimum mandatory training requirements to statute would be reflective of the value the local government sector places on ongoing training and development for council members.</p> <p>Previous LGA advocacy on Code of Conduct reform also included a proposal for a failure to comply with mandatory training requirements to be treated as misconduct under the Code of Conduct for Council Members, to enable enforcement where training requirements were not met by a council member.</p>	<p>Adelaide Hills Council strongly supports the LGA's proposals.</p> <p>Further Council would like to see the exploration of competency-based assessment rather than the current attendance-based regime.</p>
EFFICIENT & TRANSPARENT LOCAL GOVERNMENT REPRESENTATION		
2014 Elections Review & the Local Government (Elections) Amendment Bill 2017	<p>Local government participated in a lengthy review of the Local Government (Elections) Act 1999 following the 2014 local government elections, but the resulting amendment bill was not passed by Parliament prior to the 2018 State Government election. The LGA supports the reintroduction and passage of the reforms outlined in the Local Government (Elections) Amendment Bill 2017, which mostly provides for technical changes that will simplify processes and provide relief from some of the frustrations again felt at the 2018 elections, such as allowing all candidates to access an electronic copy of the voters roll. A copy of the bill can be found on www.legislation.sa.gov.au, here: Local Government (Elections) Amendment Bill 2017</p>	Adelaide Hills Council supports the LGA's proposals.

LOCAL GOVERNMENT REFORM DISCUSSION PAPER -APRIL 2019 – ADELAIDE HILLS COUNCIL SUBMISSION

Reform Issue	LGA's Preliminary Comments	AHC Comments
2018 Elections Review	<p>In the LGA's delivering the LGA 2018 State Election Agenda: Local Government Reform Package, which was provided to all parties and independent members prior to the 2018 State Government elections, a number of reforms to local government elections were proposed including requirements for all candidates to disclose:</p> <ul style="list-style-type: none"> • certain information, such as political interests, which is currently required to be disclosed by sitting councillors on primary and ordinary returns • whether or not the candidate resides in the council area of the council for which he or she is standing. <p>The 2018 local government elections, raised a number of new policy and technical difficulties that could be remedied through legislative change. Some of the issues the LGA has identified through its own elections experience, and preliminary feedback from councils, are the need for the:</p> <ul style="list-style-type: none"> • simplification of the process for the submission of candidate statements, by allowing candidates to provide a website/social media link as part of their nomination • simplification of the process for enrolment on the supplementary roll with a view to providing a full online option • simplification of the process for nomination with a view to providing a full online option for candidates • incorporation of a provision to deal with the death or withdrawal of a candidate after nominations close • requirement for unsuccessful candidates to remove social media accounts related to the election • reconsidering how the deadline for close of votes is calculated to minimise receipt of late votes • alternatives to voters roll purging to increase non-residential ratepayer participation • improvements to the presentation and useability of the supplementary roll supplied to councils. 	<p>Adelaide Hills Council strongly supports the LGA's proposals.</p> <p>Further Council would like to see the exploration of a full postal-based system (i.e. no ballot papers delivered to councils) and for campaign donation return management being the responsibility of ECSA.</p> <p>Alternative views included:</p> <ul style="list-style-type: none"> • From a cost-effectiveness perspective, that councils themselves could conduct the election. • Exploring the potential for compulsory voting. • Changing to an optional preferential voting system. <p>More granular reporting of voter participation (i.e. by postcode) would be useful to target under-represented areas within a council district.</p>
Representation Reviews	<p>The Local Government Act 1999 requires councils to carry out "representation reviews" as scheduled by the Minister under the regulations (approximately every 8 years). During these reviews councils must consider options relating to (1) the composition of the council, including the number of council members, (2) whether or not the council should be divided into wards, and (3) the size and boundary areas of wards, if they exist. A council may also use this process to change its name or change the name of a ward.</p> <p>Based on advice from the Electoral Commission of South Australia (ECSA), the LGA understands that some councils have experienced difficulty obtaining the services of appropriately qualified consultants to assist them with the workload. Some councils have had to undertake multiple public consultation processes as a result of community feedback and changing options. Council members also face the challenge of having to make controversial decisions on potential changes to the composition of a council that might affect their own positions.</p> <p>Most councils required assistance from ECSA to comply with the extensive technical requirements set out in section 12 of the Local Government Act 1999 in order to enable them to achieve certification by the deadline date.</p> <p>Representation reviews are an important feature of local democracy. ECSA has been reviewing the efficacy of current processes and its role in supporting councils to undertake representation reviews, and the LGA considers it prudent to use this reform program as a vehicle for revising the procedural and decision-making processes prescribed in the Local Government Act 1999 for representation reviews.</p>	<p>Views within Adelaide Hills Council vary considerably in relation to representation reviews.</p> <p>Some prefer to broadly retain the current process but require legislative change to provide greater weight on the responses received during the consultations and the potential to provide two options in the Representation Review Report.</p> <p>An alternate position is for the representation review process to be managed by ECSA (on a cost-recovery basis) to remove the inherent (but currently legal) conflict of interest of council members determining ward boundaries and composition. This would achieve greater consistency between council areas.</p>

LOCAL GOVERNMENT REFORM DISCUSSION PAPER -APRIL 2019 – ADELAIDE HILLS COUNCIL SUBMISSION

Reform Issue	LGA's Preliminary Comments	AHC Comments
Electronic voting in local government elections	<p>The LGA will continue to advocate for electronic voting for local government elections. It is considered that the legal framework should enable electronic voting in anticipation of a secure and cost effective technical solution being available in the future.</p> <p>At the LGA's 2017 OGM members asked the Association to investigate trialling electronic voting in local government elections. Following consultation with ECSA it was determined that a cost-effective and feasible model is not yet available (with commercially available solutions presenting a number of risks that make them unsuitable at this time). In 2017 the Electoral Council of Australia and New Zealand (ECANZ) (comprising electoral commissioners of Aus, NZ, and each state and territory) established a national electronic voting working group, which has committed to creating a purpose-built internet voting system for federal, state, territory and local government elections. Development of the government-specific internet voting model is considered a 4-5 year project and the LGA Board determined to keep a 'watching brief' on its progress. The LGA has recently asked the Electoral Commissioner for an update on the working group and will advise members of his response when received.</p> <p>The LGA notes with interest recommendation 4 of the ECSA's 2018 State Election Report, which recommends the electronic delivery and return of ballot papers for overseas, interstate or remote South Australian voters in State elections. Consultation can be undertaken with ECSA to determine if a similar procedure can be applied to local government elections. A copy of ECSA's State Election Report is available on its website at https://ecsa.sa.gov.au</p>	Adelaide Hills Council strongly supports the LGA's proposals.
Supplementary Elections	<p>Where a council is unable to carry a casual vacancy, the Local Government (Elections) Act 1999 requires a council to undertake a supplementary election. Supplementary elections must be funded by council and can involve substantial expense. Where a supplementary election is required more than once during a term of the council, costs for a council can be significant.</p> <p>The LGA is aware that other Australian local government jurisdictions have other types of arrangements for filling casual vacancies and these could be investigated, with necessary changes made to the Local Government (Elections) Act 1999 to accommodate more cost-effective and efficient measures for replacing council members who leave office during the course of their term.</p>	Adelaide Hills Council strongly supports the LGA's proposals to reduce the costs associated with supplementary elections.
Caretaker Policy and Code of Conduct	<p>Section 91A(7) of the Local Government (Elections) Act 1999 says "the caretaker policy of a council is to be taken to form part of each code of conduct required to be prepared and adopted in relation to council members and staff under the Local Government Act 1999 or the City of Adelaide Act 1998."</p> <p>Firstly, the language 'required to be prepared and adopted' no longer accurately reflects that Codes of Conduct are prescribed by regulation. If prescribed codes of conduct are to remain, the language should be changed to refer to their prescription.</p> <p>Secondly, the Code of Conduct for Council Employees was changed on 2 April 2018 to deal solely with gift and benefits and no longer deals with general workplace behaviour of employees. A link to the behaviour-type issues to arise in relation to a caretaker policy seem to no longer be an appropriate fit within the Code of Conduct for Council Employees and consideration should be given to changing this section.</p>	Adelaide Hills Council strongly supports the LGA's proposals to review the wording of s91A(7) to remove the anomaly.

LOCAL GOVERNMENT REFORM DISCUSSION PAPER -APRIL 2019 – ADELAIDE HILLS COUNCIL SUBMISSION

Reform Issue	LGA's Preliminary Comments	AHC Comments
LOWER COSTS AND ENHANCED FINANCIAL ACCOUNTABILITY		
Audit Committees	<p>The Local Government Act 1999 requires a council to have an audit committee to review the financial statements of the council, provide advice on council's Strategic Management Plan and Annual Business Plan and review the adequacy of council's internal controls and financial management systems. Audit committees have become embedded as an important part of local government's financial and governance performance measurement framework.</p> <p>Many councils have voluntarily expanded the role of their audit committee beyond what is legally required. Each audit committee must have at least one independent member and it is widely acknowledged within the sector that having more than one independent member, including an independent Chair is best practice. The role of audit committees can be strengthened by use of a best practice model that includes:</p> <ul style="list-style-type: none"> • requiring a majority of independent member • diversifying the skill sets and knowledge of audit committee members • appointing an independent chair • expanding responsibilities to include greater oversight of strategic management plans, rating practices, performance monitoring, quality of financial management, and the council's use of public resources • empowering the Chair to make public statements on the audit committee's work and findings. <p>Contemplation of legislative change should include review of the availability and costs of attracting qualified and skilled members to council audit committees, particularly in country areas, and to propose solutions that assist all councils to achieve best practice standards. This might include the option of a 'shared service' approach to establishing audit committees in regional areas, or providing exclusions from some requirements for regional or remote councils.</p> <p>The way in which many councils have established their audit committees demonstrates that a heavy-handed legislative response is not always required to achieve positive change within local government. The legislative framework should enable a best practice approach without unnecessary heavy prescription, and provide appropriate exemptions to assist regional councils.</p>	<p>Adelaide Hills Council believes it is important to maintain the current approach to the appointment of Audit Committees as this has delivered good outcomes across the State. Support the LGA's view that any reform that supports further enhancement of skills for members of Audit Committees that align to their roles would be a good outcome.</p> <p>Adelaide Hills Council acknowledges that good governance practice in the profit and not-for-profit sectors is for independent presiding members but believes that councils should retain the discretion regarding the appointment of the presiding member.</p> <p>Further Council is not supportive of the proposal in the Ratepayers Protection Bill for the Auditor-General to develop a register of 'suitable' independent member candidates.</p>
Standardising external audits	<p>All councils must appoint an external auditor to review and provide an opinion on the council's financial statements and a separate opinion on the adequacy of internal controls to provide reasonable assurance that the financial transactions of the council have been conducted properly and in accordance with law.</p> <p>In some other states, the external auditing of councils falls within the remit of the state's Auditor General. The LGA has commissioned research and consulted with councils about the option of adopting this model in South Australia. We have found that while it may lead to some greater degree of consistency, the benefits would not outweigh the considerable additional costs to ratepayers.</p> <p>An alternative approach to achieving greater standardisation would be allowing or requiring the Auditor-General to issue binding interpretations of auditing standards applicable to local government. This would ensure consistency between private sector auditors. The LGA provides interpretation of accounting standards to the sector through the Model Financial Statements, the use of which are mandated in Regulations. However these standards apply to local governments, not to auditors, who have their own professional standards to observe.</p>	<p>Adelaide Hills Council supports the LGA's view that the benefits of transferring responsibility of external audits to the Auditor General would not outweigh the significant additional costs that would be incurred by Councils.</p> <p>Council believes that additional targeted reviews being undertaken by the Auditor General that help to drive consistent application of auditing standards applicable to Local Government could be beneficial.</p>
Fee for lodgement of a section 270 complaint	<p>At the LGA Annual General Meeting on 26 October 2018 members asked the LGA to request the Government consider placement of a small 'lodgement fee' on all section 270 complaints made to various councils. Should a complaint be upheld then the fee would be refunded in full.</p> <p>Section 270 of the Local Government Act 1999 requires a council to develop and maintain policies, practices and procedures for dealing with complaints about the actions of the council, employees of the council, or other persons acting on behalf of council. Currently, section 270(3) of the Act provides that a council is not entitled to charge a fee on an application for review. The operation of section 270 furthers council commitment to open, responsive and accountable government by providing a process by which persons adversely affected by a decision or action of council can have their grievances considered. That said, an investigation of complaints can be costly and require the reallocation of administrative resources and a reasonable fee may provide an effective deterrent to frivolous or vexatious complaints.</p>	<p>A sound complaint handling process should ensure that frivolous or vexatious complaints/review applications are refused (i.e. no cost burden to council).</p> <p>While a fee for service regime could be explored it should not prevent access to decision review process for legitimate applicants on the basis of cost.</p>

LOCAL GOVERNMENT REFORM DISCUSSION PAPER -APRIL 2019 – ADELAIDE HILLS COUNCIL SUBMISSION

Reform Issue	LGA's Preliminary Comments	AHC Comments
Increasing the maximum penalty for breach of a by-law	<p>At the LGA Annual General Meeting on 26 October 2018 members requested the LGA to advocate for an amendment to section 246(3)(g) of the Local Government Act 1999 to increase the maximum penalty that can be fixed for any breach of a by-law and by extension the maximum expiation fee that can be fixed under section 246(5) of the Act.</p> <p>Section 246(3)(g) of the Act provides councils with a power to fix a maximum penalty for any breach of a bylaw provided that the maximum penalty does not exceed \$750. The prescribed \$750 maximum has not been amended since commencement of the Act in 1999. Section 246(5) of the Act provides councils with the power to fix an expiation fee for alleged offences against by-laws provided that the expiation fee for alleged offences against by-laws does not exceed 25 per cent of the maximum fine for the offence to which it relates. As the maximum penalty for a breach of a by-law is set at \$750, the maximum expiation fee is \$187.50. For particular by-law offences this maximum expiation fee may not be a commensurate penalty or cause sufficient deterrent.</p> <p>A proposal to increase the maximum penalty for a by-law, thereby allowing a higher expiation fee, will need to consider the relationship between the Local Government Act 1999 and the Expiation of Offences Act 1999. If the expiation fee is to be expiated in accordance with the Expiation of Offences Act 1999, section 5(3) of that Act provides power to fix an expiation fee in a by-law that does not exceed \$315 or 25 per cent of the maximum fine prescribed for the offence, whichever is lesser.</p>	<p>The current maximum penalty of \$750 for a breach of a by-law and the adopted expiation fee of \$187.50, the maximum allowable, has so far not hindered Council in pursuing offences committed against the by-laws. As Council can only fix an expiation amount that is 25% of the maximum penalty, consideration must be given to raising the penalty amount to a commensurable level. An increase to no more than \$1500 would be seen to be acceptable.</p>
Benchmarking	<p>While there is a considerable amount of information already available to communities about what their council is doing, this information is often spread across multiple documents and platforms, can be difficult to find, and is not easy to compare with other councils.</p> <p>There is merit in developing a sophisticated online platform for councils to share and compare meaningful data about their performance, and enhance the transparency and accessibility of council data for the community.</p> <p>Having access to up to date, consistent and reliable data from across the sector will enable local government to monitor trends, identify future challenges and make evidence-based decisions about reform and practice improvement.</p> <p>Gathering information about councils and how they are operating is beneficial for a number of reasons, including:</p> <ul style="list-style-type: none"> determining if councils are performing well, being fiscally responsible and are financially sustainable assessing the relative efficiency of the sector and the value for money being delivered to communities measuring and evaluating the outcomes that are being achieved and whether the community is satisfied with what councils are delivering identifying opportunities for continuous improvement and reform programs to strengthen the sector. <p>In developing a benchmarking framework, care needs to be taken to reflect that councils are as diverse as the communities they serve. Not all measures will be comparable across all councils and financial information will tell only one side of the story. It is important that there be a suite of meaningful performance measures that build a more complete picture of the financial and governance health of the sector and the public value of the services and programs delivered by councils.</p>	<p>Council performance benchmarking exists in a number of states such as Victoria (legislated) and through the PwC LG Professionals Performance Excellence Program with the aim of improving transparency and accountability and identifying opportunities for continuous improvement.</p> <p>However, there are complexities in relation to both data gathering, and ensuring comparable measures and Council operations and regions. Adelaide Hills Council services a geographically dispersed peri-urban region. The cost implications of the development of an online platform also need to be considered.</p>
Prescribed format for Asset Management Plans and Long-Term Financial Plans	<p>There is currently no standard format prescribed in the Local Government Act or in regulations that provide for a consistent approach to asset management planning and long-term financial planning. This makes it difficult to synthesise information from different councils or to apply a minimum standard for these documents. A prescribed format in regulations that sets minimum standards could be considered.</p>	<p>Adelaide Hills Council strongly supports any recommendation that seeks to provide a more consistent approach to the development of both Asset Management Plans and Long Term Financial Plans across the Local Government Sector. This approach would facilitate the ability to not only provide for a consolidated picture of the sector, but also avenues for additional comparative analysis where appropriate. A key outcome from this would be an overall improvement in these two key areas across the State.</p>

LOCAL GOVERNMENT REFORM DISCUSSION PAPER -APRIL 2019 – ADELAIDE HILLS COUNCIL SUBMISSION

Reform Issue	LGA's Preliminary Comments	AHC Comments
SIMPLER REGULATION		
Informal gatherings	<p>The LGA is aware the legislative requirements regarding informal gatherings are a cause of frustration for many councils and that legislative change could result in more practical mechanisms for council discussions on projects, services and other matters involving council.</p> <p>Section 90(8) of the Local Government Act 1999 allows informal gatherings or discussions to be held provided that the gathering or discussion does not obtain, or effectively obtain, a decision on a matter outside a formally constituted meeting of the Council or Council committee.</p> <p>Informal gatherings provide a valuable opportunity to enhance council decision making processes, by providing opportunity for council members to become better informed on issues and seek further clarification, and increase community opportunity for participation. Open and transparent council activities underpin representative democracy and ensure public confidence in council decision-making. Thus, the argument isn't that gatherings outside formal council meetings should be prohibited, but that the statutory requirements provide for their effective operation.</p> <p>The common areas of frustration that members communicate to the LGA include the difficulty in distinguishing between an informal gathering and a 'designated informal gathering' as well as whether the rules are intended to apply to informal gatherings of a few councillors or only all councillors (with the LGA receiving differing legal advice from the stated intentions of the previous State Government).</p>	<p>Adelaide Hills Council believes that the previous prohibitions on decision making within informal gatherings were sufficient and that the current informal gatherings regime is bureaucratic and unnecessary.</p> <p>If the regime is to be retained, clarity regarding the number of council members triggering a designated informal gathering must be contained in regulation.</p>
Conflict of interest	<p>The conflict of interest provisions were introduced to the Local Government Act 1999 as part of the Local Government (Governance and Accountability) Amendment Act 2015, and commenced on 31 March 2016. The provisions are based on provisions that operate in Queensland. There were a number of immediate teething problems with the provisions that the previous State Government attempted to rectify via amendment to the regulations following strong LGA advocacy. However, the overall complexity and rigidity of the rules in the Act continue to cause problems for council members.</p> <p>The LGA wrote to the previous State Government consistently following the introduction of the provisions in 2016 to raise various concerns on behalf of members. The LGA continues to receive feedback from councillors about the complexity of the rules and the difficulties they face in ensuring adherence to the complicated rules. There is also continuing concern that application of the conflict of interest rules to council committees is prohibitive to community participation, especially by local business owners.</p> <p>This reform process provides an opportunity for the sector to consider a new and contemporary approach that is both simple for council members to apply and reinforces transparency and integrity within our sector. Reform could include simpler prescribed exclusion, or an ability for council or committee members to declare a material conflict of interest and stay in a meeting and debate/vote where it is in the public interest.</p>	<p>Adelaide Hills Council strongly supports the LGA's proposals.</p> <p>Further views have been expressed to explore the ability for council members with material conflicts of interest to be prevented from moving/seconding motions but being able to speak in relation to an issue and then vacate the chamber prior to the matter being put.</p>
Suspension of allowances during state or federal elections	<p>The suspension of an elected member from council while campaigning for state or federal election has featured in a number of notices of motion at recent LGA general meetings, and members have strongly supported LGA advocacy on this issue.</p> <p>Thus the policy position of the LGA is to support enforced leave for council members standing for state or federal election, including the suspension of allowances, subject to councils being permitted to meet inquorate where it is a consequence of the enforced leave. The proposal was included in the LGA's delivering the LGA 2018 State Election Agenda: Local Government Reform package, which was provided to members of the government, opposition, minor party and independent candidates prior to the 2018 State Government Election.</p>	<p>Adelaide Hills Council believes that the current general duties, conflict of interest and Code of Conduct provisions are sufficient and that enforced leave is unnecessary and denies sections of the community to be represented during these proposed suspensions.</p>

LOCAL GOVERNMENT REFORM DISCUSSION PAPER -APRIL 2019 – ADELAIDE HILLS COUNCIL SUBMISSION

Reform Issue	LGA's Preliminary Comments	AHC Comments
Mobile food vendors (food trucks)	<p>In 2017, the previous State Government introduced mobile food vendor rules, which imposed state-wide requirements upon all South Australian councils irrespective of their local circumstances. The mobile food vendor rules prescribe that a council:</p> <ul style="list-style-type: none"> • Must establish guidelines around approved locations for mobile food vendors ('location rules') • Must approve all permit applications that comply with the local rule guidelines • Restrict the maximum amount a council may charge for a mobile food vendor permit. <p>The Small Business Commissioner has been given the role of umpire where there are disputes between vendors and councils.</p> <p>Implementation of the rules has been a prime example of the difficulties and pitfalls in prescribing a one-size fits all legislative approach for all councils.</p> <p>Councils in regional South Australia are rate income dependant for the majority of their revenue. Councils are required to balance the needs of their bricks and mortar "fixed" established rate paying businesses against the flexibility and vibrancy of pop-up mobile food vendors.</p> <p>In some areas that experience a large temporary population, such as seasonal high tourism, mobile food vendors are able to enhance the supply offering and satisfy the unusually high consumer demand. However, in other regional areas the business profile is one of fixed micro type businesses that rely on the high season for the majority of their cash flow and are at extreme risk due to pop up competitors that are perceived to have an unfair advantage.</p> <p>At its meeting in May 2018, the South Australian Regional Organisation of Councils (SAROC) Committee asked the LGA to advocate to the State Government for a review of the legislation governing mobile food vendors (Local Government Mobile Food Vendors Amendment Act 2017) particularly in regard to regional impact.</p> <p>The LGA consulted councils and was told:</p> <ul style="list-style-type: none"> • Flexibility is required to allow councils to balance support for both bricks and mortar business and catering for temporary seasonal demand and events held in council areas • Consideration should be given to allowing regional South Australia to have a more flexible regime than metropolitan Adelaide. 	<p>Adelaide Hills Council would caution against implementing any restrictions that would look to further restrict competition. In a competitive market:</p> <ul style="list-style-type: none"> • consumers have choice; • businesses have greater incentives to innovate to reduce their costs, as well as, to increase their revenues by better meeting consumer preferences; and • efficiency improvements are encouraged through the entry of new, or expansion of existing, more efficient businesses and the decline, or exit, of less efficient ones. <p>The recommendation of the Harper National Competition Review (2015) recommended that legislation should not restrict competition unless it can be demonstrated that the benefits of the restriction to the community as a whole outweigh the costs, and the objectives of the legislation can only be achieved by restricting competition. Experience in the Adelaide Hills of the requirements of the MFV legislation has been underwhelming to date. There has been neither an influx of MFV (one application so far) nor any complaints received.</p>
Public consultation requirements in the Local Government Act 1999	<p>In general, public consultation requirements throughout the Local Government Act 1999 lack consistency and clarity. There is opportunity to review the approach to public consultation throughout the Act to remove uncertainty, and in turn, provide the best outcomes for both councils and the communities they consult. In particular, there is an opportunity to review and clarify the requirements set out in section 50 of the Local Government Act 1999 following judicial interpretation of section 50 in the decision of Coastal Ecology Protection Group Inc & Ors v City of Charles Sturt [2017] SASC 136 (Coast Park decision).</p>	<p>The 2007 amendments to s50 of the Act relating to specified engagement for the Annual Business Plan are not working and need to be reviewed. For example, the requirement to hold a public meeting could be replaced with other types of engagement more relevant to communities.</p>
Requirements to publish in newspapers	<p>A review of public consultation requirements should be broadened to also consider requirements throughout the Local Government Act 1999 to publish various notices in newspapers. Not only is publication in newspapers very expensive for councils, it doesn't necessarily reflect a contemporary approach to community engagement that is seeing communities increasingly rely on internet-based and/or social media communication. Each community is different so it may be a matter of providing councils with greater flexibility to determine the communication methods that suit their community and the context of the matter at hand.</p>	<p>Adelaide Hills Council supports the concept of greater flexibility but sees value in retaining newspapers as a communication medium due to the variability in levels of digital literacy.</p>

LOCAL GOVERNMENT REFORM DISCUSSION PAPER -APRIL 2019 – ADELAIDE HILLS COUNCIL SUBMISSION

Reform Issue	LGA's Preliminary Comments	AHC Comments
Public consultation requirements for permits under sections 221 and 222 of the Local Government Act 1999	<p>The Local Government Act 1999 empowers councils to evaluate and where appropriate issue permits for applications received to close public roads and footpath areas for a 'business purpose' to enable commercial activities to be undertaken pursuant to sections 221 and 222 of the Act. Examples of what may be considered a 'business purpose' are prescribed in section 222(1) of the Local Government Act 1999, but this is not an exhaustive list; a common basis for receiving an application to close roads, which is not prescribed on that list, is to enable construction companies to undertake concrete pours or receive deliveries of large building materials via crane. A council has faced challenge by a ratepayer regarding the requirement to undertake public consultation, in accordance with section 223 of the Act and regulation 25(1) of the Local Government (General) Regulations 2013, in relation to any proposal to issue a permit that authorises the use of a public road for a business purpose, where any part of the road is to be fenced, enclosed or partitioned so as to impede passage of traffic to a material degree.</p> <p>Competing legal opinions have been received regarding the meaning of impeding the passage of traffic to a material degree. If the complete enclosure of a public road for an extended period of time, that prevents vehicle and/or pedestrian traffic from travelling through the road, was found to impede the passage of traffic to a material degree, public consultation would be required to be undertaken for a period of 21 days in relation to every such permit application.</p> <p>This issue was presented to the State Local Government Red Tape Reduction Taskforce, and the Office of Local Government committed to seeking Crown legal advice on the matter (which is pending). Notwithstanding what the Crown advice may say, the fact there are differing legal opinions is sufficient reason to seek legislative change to place the public consultation requirements in relation to permits for the purposes of section 221 and 222 of the Local Government Act 1999 beyond doubt.</p>	Adelaide Hills Council strongly supports the LGA's proposals and seeks legislative clarity around the definition of what "material degree" is.
Developer contributed assets	<p>There is a perception that councils have to accept an asset when it is offered for free from a developer, but councils do not have to accept an asset and may undertake a prudential report to ensure it is up to standard and financially viable for council to maintain. Accepting an asset has long-term financial implications for a council and prudential management issues should be considered prior to a council accepting an asset.</p> <p>Section 48 of the Local Government Act 1999 could clarify the right of council to undertake a prudential report and/or decline an asset.</p>	Adelaide Hills Council supports the LGA's view that Section 49 of the <i>Local Government Act 1999</i> could be amended to clarify the rights of councils in relation to undertaking a prudential review and / or decline an asset.

LOCAL GOVERNMENT REFORM DISCUSSION PAPER -APRIL 2019 – ADELAIDE HILLS COUNCIL SUBMISSION

Reform Issue	LGA's Preliminary Comments	AHC Comments
Rating equity for commercial and/or industrial land uses	<p>Council rates are generally considered a proportional land tax in terms of social 'fairness', in that tax payers contribute proportionally based on the value of their property. Currently South Australian councils face considerable rating constraints for selected major developments (e.g. wind farms, feedlots, solar farms and mines) and exempt properties, resulting in local communities paying more than their fair share to subsidise the cost of servicing certain land uses. These constraints include:</p> <ul style="list-style-type: none"> the inability to levy appropriate and equitable rates on electricity generators (including wind farms and solar farms) as a result of the exclusion of improvements such as electricity generating plant and equipment from capital valuations under legislation; and the inability to effectively categorise intensive land uses for differential rating purposes given the limited permitted rating categories available under legislation. <p>A report on this issue, commissioned by the Legatus Group, highlights considerable differences in the manner in which properties are valued and categorised, and in which rates are able to be levied in other mainland States. SA councils are significantly disadvantaged when compared to the approaches adopted in Queensland, WA and NSW with respect to the rating of resources sector (mining) properties. SA councils are also disadvantaged when compared to the approaches adopted in Queensland and Victoria with respect to the rating of electricity generation sites (including wind and solar farms).</p> <p>The report can be found on the Legatus Group website at: https://legatus.sa.gov.au/wpcontent/uploads/2018/07/Final-Report-Rating-Equity-for-CommercialIndustrial-Land-Uses-Outside-Towns-inSA-1.pdf</p> <p>The following changes in legislation could be considered to address these constraints and ensure equity between ratepayers:</p> <ul style="list-style-type: none"> allow councils to recover appropriate payments in lieu of rates directly from electricity generators – rather than landowners – under a regulated formula subject to indexation (a similar system currently exists in Victoria where Councils receive payments based on a methodology under State legislation); and enable additional flexibility in the categorisation of different land uses for differential rating purposes to provide councils with greater capacity to levy appropriate rates based on intensity of land use (e.g. mining/resources, feedlots). <p>As outlined in the Report, the resulting additional revenue would allow the redistribution of the tax rating burden on a broader ratepayer base. In other words, case studies show that addressing this issue could put downward pressure on the rates paid by households.</p> <p>These changes would likely require consequential change to Acts outside the responsibility of the Minister for Local Government (e.g. the Electricity Corporations Restructuring and Disposal Act 1999 is the responsibility of the Treasurer), so further consultation will be required with other Ministers as necessary.</p>	<p>Adelaide Hills Council supports the comments put forward by the LGA in relation to this.</p> <p>In addition, there are a number of other reforms that should be considered in relation to rating that have not been highlighted. These include rating of Crown Land, mandatory rebates for certain land uses or ownership, and the inequitable application of Notional Capital Values for a large number of Adelaide Hills properties.</p>
Regulations for section 245A of the Local Government Act 1999 (Development Bonds)	<p>In 2009, section 245A was inserted into the Local Government Act 1999 with the intention of enabling a council to require a developer to enter into an agreement - that complies with any requirements prescribed by regulations - to cover the cost of potential damage to council infrastructure. This agreement could take the form of a bond or other security, which would be called upon only if damage occurred during development works. Shortly after insertion of section 245A it became apparent that without the development of regulations section 245A could not be enforced. Thus, should damage occur, there is no security to councils to oblige developers to pay for damage caused to infrastructure without court action.</p> <p>Since this time, the LGA has been seeking to have relevant regulations made but this has previously been met with opposition by both industry and the previous State Government. The LGA proposes to continue to seek the making of appropriate regulations, to safeguard council's infrastructure and enable councils to recoup the cost of repairing related to development damage.</p>	<p>Adelaide Hills Council strongly supports the LGA's proposals</p>

LOCAL GOVERNMENT REFORM DISCUSSION PAPER -APRIL 2019 – ADELAIDE HILLS COUNCIL SUBMISSION

Reform Issue	LGA's Preliminary Comments	AHC Comments
Regulation 21 of the Local Government (Procedures at Meetings) Regulations 2013 (CEO may submit report recommending revocation or amendment of council decision)	<p>Regulation 21 of the Local Government (Procedures at Meetings) Regulations 2013 allows a CEO to submit a report to the council recommending the revocation or amendment of a resolution passed since the last general election of the council. It is believed the intention of the drafters of regulation 21 was to provide an alternative process to regulation 12(3) which requires a council member to place a notice of motion to amend or revoke a council resolution passed since the last general election. However, regulation 21 has not been integrated appropriately with regulation 12(3) and the requirement for a council member to place a written notice of motion remains in force in relation to a CEO recommendation for revocation or amendment of a resolution. Thus, at present the CEO report recommendation needs to be brought back to council at the next meeting through a notice of motion put forward by a council member under regulation 12(3). This means, at best regulation 21 empowers the CEO to draw a council's attention that he/she considers a revocation or amendment would be appropriate, after which a written notice of motion must be lodged by a council member at a second meeting before the council could pass a rescission motion based on the recommendation of the CEO.</p> <p>The LGA has previously requested amendment to regulation 21 to ensure proper integration between regulation 21 and regulation 12(3) so that a written notice of motion by a council member (therefore necessary to wait for a second meeting) is not required. Amendment has not yet occurred and the LGA recommends continued advocacy to remedy the anomaly.</p>	While Adelaide Hills Council has not needed to use Regulation 21 it supports the LGA's proposal in this regard.
OTHER REFORM ISSUES		
Management of unmade roads	The Local Government Act 1999 and the Road Traffic Act 1961 do not give councils appropriate powers to manage unmade public roads, especially in rural areas. There are many 'public roads' laid out in old rural subdivisions which have never been formed, or are no longer used, and over time have been occupied by adjacent landowners. In some cases, there is remnant public infrastructure in place, including culverts and bridges. While some are required/used as fire trails, many are purely used for private access or private purposes. The increase in four wheel drive enthusiasts has seen an increase in complaints from adjacent landowners, and exposes council to a potential liability for the use or misuse, and damage to either the user's vehicle or the road and road infrastructure. Clearer statutory provisions are needed so council can effectively close a road to all, or certain classes of vehicles, and be able to effectively enforce the road closures.	Adelaide Hills Council strongly supports the LGA's proposals
Community housing	<p>The State Government is transferring public housing properties to Community Housing Providers to facilitate their upgrade and renewal. This transfer makes properties eligible for a mandatory 75% rebate on council rates, whereas the State Government previously paid full rates on these properties.</p> <p>The State Government transferred 4,000 public housing properties to CHPs in September 2017. This followed the transfer of 1,100 properties in 2015. The approximate annual revenue loss across the 17 councils impacted is approximate \$4.4 million for every 5,000 properties that are transferred through a long-term lease to community housing providers.</p> <p>Public housing is a State Government responsibility. Applying the mandatory rebate to the transferred properties leads to an inequitable burden on other ratepayers in affected councils, often in lower socio economic communities that can least afford the additional impost.</p> <p>The LGA advocates for legislative change to remove the 75% rebate on council rates for community housing providers.</p>	Adelaide Hills Council strongly supports the view of the LGA that the transfer of Public Housing to Community Housing Providers results in an inequitable burden on other ratepayers in affected Councils.
Fees and charges	<p>Cost shifting also occurs when councils are required by legislation or an agreement with the state government to provide a service, but the regulated fee for providing that service falls well below costs.</p> <p>Many of the fees and charges that council can raise are set in Regulations. Some are set at cost recovery, others are not. Some are indexed annually, others are not. There are some activities for which councils are not permitted to charge any fee. Councils and community need more clarity and certainty about fees and charges.</p> <p>The LGA advocates for review of local government fees and charges regulated by the state government to establish modern price setting principles which promote efficiency, flexibility and fairness in service delivery. This will cover a number of Acts outside the Local Government Act 1999 and the Local Government (Elections) Act 1999 and will require consultation with other Ministers.</p>	<p>Adelaide Hills Council would strongly support a review of local government fees and charges regulated by the state government to establish modern price setting principles which promote efficiency, flexibility and fairness in service delivery. Current fees structures continue to result in a considerable level of cost shifting that is not clearly evident to ratepayers.</p> <p>As indicated by the LGA this would cover a number of Acts outside the <i>Local Government Act 1999</i> and the <i>Local Government (Elections) Act 1999</i> and will require consultation with other Ministers.</p>

LOCAL GOVERNMENT REFORM DISCUSSION PAPER -APRIL 2019 – ADELAIDE HILLS COUNCIL SUBMISSION

Reform Issue	LGA's Preliminary Comments	AHC Comments
Paralleling accountability, transparency and conduct provisions between the State and Local Government sectors	Not specifically identified.	Adelaide Hills Council would like to see provisions regarding accountability, transparency and conduct provisions for both Elected Members and staff to be broadly consistent between the state and local government sectors to reflect the reality that all are public officers and as such there should be consistency in their guidelines. Areas could include codes of conduct, informal gatherings, publication of credit card usage and travel, conflict of interest management, etc.

**ADELAIDE HILLS COUNCIL
ORDINARY COUNCIL MEETING
Tuesday 23 April 2019
AGENDA BUSINESS ITEM**

Item:	12.2
Originating Officer:	Lachlan Miller, Executive Manager Governance & Performance
Responsible Director:	Andrew Aitken, Chief Executive Officer
Subject:	Council Committee and Council Assessment Panel Sitting Fees
For:	Decision

SUMMARY

Council utilises Council Committees to provide advice to Council which collectively contribute to the achievement of Council's goals and strategies and discharge of its legislative obligations. Council has established three Council Committees being the Strategic Planning & Development Policy Committee (SPDPC), the Audit Committee and the Chief Executive Officer Performance Review Panel (CEOPRP). The Audit Committee and the CEOPRP Terms of Reference respectively provide for Independent Members and for the payment of sitting fees to these members for attendance at meetings and training courses. The sitting fees for Independent Members were last reviewed in September 2017.

On 26 December 2017, Council established the Council Assessment Panel (CAP) pursuant to Sections 82 and 83 of the *Planning, Development and Infrastructure Act 2016* (PDI Act), this replaced the Council Development Assessment Panel (CDAP) established under the *Development Act 1993*. The CAP consists of one Council Member and four Independent Members. The sitting fees for Independent Members were last reviewed on 28 March 2017 and it was recommended that these be reviewed prior to the next appointment of independent members to CAP in mid-2019. Note that the current term of office of the current Independent members expires on 31 May 2019 and Council will appoint new CAP members for a two year term commencing on 1 June 2019 at its meeting on 23 April 2019.

The Administration has conducted surveys of other councils to determine to appropriateness and competitiveness of the fee structure.

RECOMMENDATION

Council resolves:

- 1. That the report be received and noted**
- 2. That in relation to the Audit Committee:**
 - a. To determine the sitting fees for Members, effective immediately, as follows:**
 - i. Independent Presiding Member - \$550 (excl GST) per attended meeting.**
 - ii. Independent Ordinary Member - \$400 (excl GST) per attended meeting.**
 - iii. Authorised Training \$75 (excl GST) per hour of training attended excluding travel time but with a travel allowance being paid at the standard Council rate.**
 - b. That in the event that an Independent Ordinary Member is required to preside at a meeting in the absence of the Presiding Member, then that Member receives the \$550 (excl GST) sitting fee for that meeting.**
- 3. That in relation to the Chief Executive Officer Performance Review Panel:**
 - a. To determine the sitting fees for Members, effective immediately, as follows:**
 - i. Independent Presiding Member - \$550 (excl GST) per attended meeting.**
 - ii. Independent Ordinary Member - \$400 (excl GST) per attended meeting.**
 - iii. Authorised Training \$75 (excl GST) per hour of training attended excluding travel time but with a travel allowance being paid at the standard Council rate.**
 - b. That in the event that an Independent Ordinary Member is required to preside at a meeting in the absence of the Presiding Member, then that Member receives the \$550 (excl GST) sitting fee for that meeting.**
- 4. That in relation to the Council Assessment Panel:**
 - a. To determine the sitting fees for Members, effective from the commencement of the next term of Members, as follows:**
 - i. Independent Presiding Member - \$500 (excl GST) per attended meeting.**
 - ii. Independent Ordinary Member - \$380 (excl GST) per attended meeting.**
 - iii. Council Member or Deputy Council Member - \$190 (excl GST) per attended meeting**
 - iv. Authorised Training \$75 (excl GST) per hour of training attended excluding travel time but with a travel allowance being paid at the standard Council rate.**
 - b. That in the event that an Independent Ordinary Member is required to preside at a meeting in the absence of the Presiding Member, then that member receives the \$500 (excl GST) sitting fee for that meeting.**
 - c. The above mentioned sitting fees be reviewed prior to the next appointment of CAP Members in mid-2021**

1. GOVERNANCE

➤ Strategic Management Plan/Council Policy

Goal	People and Business Prosper
Strategy	Places for People and Nature

Goal:	Organisational Sustainability
Strategy:	Governance

A key element of the Governance Strategy within the Strategic Plan is that Council 'is committed to open, participative and transparent decision making and administrative processes.' A suite of Council Committees and CAP with clear roles and functions and skilled membership facilitates the achievement of this commitment.

➤ Legal Implications

Council Committees

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

Section 41 committees may contain members who are not members of council and other sections of the Act require independent members (i.e. Audit Committee).

The SPDPC is not considered further in this report as the Terms of Reference provides only for Council Member membership.

The Terms of Reference (TOR) for the Audit Committee and CEOPRP were reviewed and adopted in September 2017. Both TORs provided for Independent Members, three for the Audit Committee and one for the CEOPRP. Further the TORs provide for the payment of sitting fees for the Independent Members with the discretion for Council to determine a higher sitting fee for the presiding member

Council Committee Member Remuneration

For the purposes of *The Remuneration Tribunal Determination of Allowances for Members of Local Government Councils* the SPDPC, Audit Committee and the CEO Performance Review Panel are 'prescribed committees'. A prescribed committee is 'a committee that endures, irrespective of whether the council has assigned any particular work for the committee to perform and assist council or provides advice to the council.'

The annual allowance for a councillor who is a presiding member of one or more prescribed committees is equal to one and a quarter (1.25) times the annual allowance for councillors of that council. There is no allowance payment for councillors who are members of Council Committees.

Fees for independent members (presiding and ordinary) are set by Council and not the Remuneration Tribunal.

Council Assessment Panel

The Adelaide Hills Council Assessment Panel (CAP) was appointed as a relevant authority under Section 82 and 83 of the *Planning, Development and Infrastructure Act 2016* (PDI Act) by resolution of the Adelaide Hills Council (the Council) on 26 September 2017. The CAP is a relevant authority under the Act and, during transition to the Act, will act as a delegate of the Council for the purpose of the *Development Act 1993*, and the *PDI Act* when the relevant sections become operational, noting that this will occur by no later 1 July 2020. The CAP consists of one Council Member and four Independent Members.

➤ **Risk Management Implications**

Adequately and responsibly remunerating Council S41 Committee and CAP Independent Members 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 are in place to mitigate this risk.

➤ **Financial and Resource Implications**

Sitting fees have been factored into the draft 2019-20 Annual Business Plan and budgets for the responsible departments

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

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

Specific to the CAP, these independent experts ensure rigour in the assessment process, and provide for a higher level of independent scrutiny of applications placed before it. Further, representors and applicants have an opportunity to be heard by the Panel which leads to improved customer service outcomes

➤ **Environmental Implications**

It is considered that having a CAP comprising of Independent Members with the required skills set (including urban and regional planning, architecture and design, landscape architecture and environmental management) provides for more rigour in the assessment process, and in general ensures that any environmental implications are mitigated where possible and necessary.

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

No public consultation is required in this instance. However, a benchmarking survey of a number of metropolitan and outer metropolitan councils regarding sitting fees has been conducted.

Consultation on the development of this report was as follows:

Council Committees: Not Applicable

Council Workshops: Not Applicable

Advisory Groups: Not Applicable

Administration: Chief Executive Officer
Director, Development & Regulatory Services
Executive Manager Governance and Performance
Assessment Manager
Governance & Risk Coordinator

Community: Not Applicable

2. BACKGROUND

Council Committees

At its meeting of 26 September 2017 (Item 14.7) Council resolved that:

12.9.1 Membership of Audit Committee

Moved Cr Linda Green
S/- Cr Lynton Vonow

215/17

Council resolves:

That in relation to the Audit Committee:

d. To determine the sitting fees for Audit Committee Independent Members for the next membership term to be as follows:

- i. Presiding Member - \$525 (excl GST) per meeting.**
- ii. Ordinary Member - \$380 (excl GST) per meeting.**
- iii. Authorised Training - \$75 (excl GST) per hour of training attended excluding travel time but with a travel allowance being paid at the standard Council rate.**

CAP

At its meeting of 28 March 2017 (Item 14.7) Council resolved that:

14.7. Review of CDAP Independent Member Sitting Fees

Moved Cr Ian Bailey
S/- Cr Jan Loveday

66/17

Council resolves:

1. That the report be received and noted.
2. The sitting fees paid to Independent members of the Development Assessment Panel remain unchanged as follows:
 - Independent Presiding Member \$500 (Excl. GST) per meeting
 - Independent Ordinary Member \$380 (Excl. GST) per meeting
3. That in the event that either the Deputy Presiding Member or another Panel Member is required to preside at a meeting in the absence of the Presiding Member, then that independent member receive the \$500 (excl GST) sitting fee for that meeting.
4. The above mentioned sitting fees be reviewed prior to the next appointment of Independent members to CDAP in mid 2019.

Carried Unanimously

At its meeting of 28 November 2017 (Item 11.1) Council resolved that:

11.1. Council Assessment Panel Sitting Fees

Moved Cr Jan Loveday
S/- Cr Val Hall

274/17

That the Council Member or Deputy Council Member on the Council's Assessment Panel is paid a sitting fee of \$190 per meeting, starting 1 November 2017.

Carried Unanimously

3. ANALYSIS

Council Committees

Council has currently approved the payment of \$525 (excl GST) per meeting sitting fee to the Independent Presiding Member and \$380 (excl GST) per meeting sitting fee to ordinary Independent members.

The current presiding members of the Audit Committee and CEOPRP are Council Members and therefore no sitting fee is payable however they do attract the additional allowance as set out in the Legal Implications section.

The Committees meet 4-6 times per annum.

The Administration conducted a survey of 13 metropolitan and outer metropolitan councils (refer to **Appendix 1**) which reflects that the range of current sitting fees is as follows:

- Independent Presiding Members
 - Range: \$450 - \$1,372 per meeting
 - Median: \$505 per meeting
 - Mean: \$658 per meeting
- Independent Ordinary Members
 - Range: \$362 - \$1,000 per meeting
 - Median: \$400 per meeting
 - Mean: \$485 per meeting

On the basis of the survey, it is considered that Council's current sitting fees for members are generally comparable and competitive with those of the councils surveyed, albeit at the lower ends of the range. The Administration therefore recommends a modest increase to the sitting fees as follows:

- Independent Presiding Member \$550 per meeting (excl GST)
- Independent Ordinary Members \$400 per meeting (excl GST)

Further, it is considered that when another Independent Ordinary Member is required to preside at a meeting in the absence of the Presiding Member, then that member receive the \$550 (excl GST) sitting fee for that meeting in recognition of the increased responsibilities that they take on in this instance.

CAP

Council currently pays a \$500 (excl GST) per meeting sitting fee to the Independent Presiding Member, \$380 (excl GST) per meeting sitting fee to ordinary Independent members and \$190 per meeting to Council or Deputy Council member.

The CAP meets 12 times per annum.

The Administration conducted a survey of 16 metropolitan and outer metropolitan councils (refer to **Appendix 2**) which reflects that the range of current sitting fees is as follows:

- Independent Presiding Members
 - Range: \$350 - \$908 per meeting
 - Median: \$500 per meeting
 - Mean: 533 per meeting
- Independent Ordinary Members
 - Range: \$208 - \$500 per meeting
 - Median: \$400 per meeting
 - Mean: \$376 per meeting
- Council Member
 - Range: \$0 - \$500 per meeting
 - Median: \$375 per meeting
 - Mean: \$254 per meeting

On the basis of the survey, it is considered that Council's current sitting fees for members remain comparable and competitive with those of the councils surveyed. The Administration therefore recommends that the sitting fees remain unchanged as follows:

- Independent Presiding Member \$500 per meeting (excl GST)
- Independent Ordinary Members \$380 per meeting (excl GST)
- Council Member or Deputy Council Member \$190 per meeting

Further, it is considered that when another Panel Member is required to preside at a meeting in the absence of the Presiding Member, then that member receive the \$500 (excl GST) sitting fee for that meeting in recognition of the increased responsibilities that they take on in this instance.

4. OPTIONS

Council has the following options:

- A. To adopt the suite of recommendations as contained in this report (Recommended)
- B. To determine an alternate fee schedule. (Not Recommended)

5. APPENDICES

- (1) Comparative Table of Sitting Fees for Council Committee Members
- (2) Comparative Table of Sitting Fees for CAP Members

Appendix 1

*Comparative Table of Sitting Fees for Council
Committee Members*

Council	S41 Committee Independent Member Presiding Member Sitting Fee per meeting	S41 Committee Independent Member Ordinary Member Sitting Fee per meeting	Meetings Per Year	Independent Member Training	Increase/Review
Adelaide	\$600	\$500	Min 4	N/A	N/A
Charles Sturt	Council Member	\$400	4	N/A	N/A
Holdfast Bay	\$500	\$400	5	N/A	N/A
Marion	\$1,200	\$1,000	Min 4	N/A	N/A
Mitcham	\$505	\$400	5	N/A	N/A
Salisbury	\$500	\$500	5	N/A	N/A
Unley	\$450	\$300	Min 4	N/A	N/A
Mt Barker - Audit Committee	\$482	\$362	6	\$150	CPI Annually
Adelaide Hills Council - CEO	\$525 (Currently Council Member so Payment is 1.25% of CM Allowance)	\$380	4	\$75/hr excluding travel time	Completed at time of Membership Appointment
Adelaide Hills Council - Audit	\$525 (Currently Council Member so Payment is 1.25% of CM Allowance)	\$380	5	\$75/hr excluding travel time	Completed at time of Membership Appointment
Alexandrina Council - Audit	\$1,372.40 inc travel costs and GST	\$450	4	N/A	N/A
City of Charles Sturt - Audit	\$500	\$500	4	NIL	N/A
City of Port Adelaide Enfield	\$740	\$740	4	No further payments for attendance at training, we only cover the cost of the training	Australian Bureau of Statics (ABS) Adelaide All Groups CPI on the first July each year
Median	\$505	\$400			
Mean	\$658	\$485			

Appendix 2

Comparative Table of Sitting Fees for CAP Members

Council	December 2019 Survey of Sitting Fees for Council Assessment Panel Members		
	Independent Presiding Member	Independent Members	Council Members
Adelaide Hills Council	\$500 Recommended to remain unchanged	\$380 Recommended to remain unchanged	\$190 Recommended to remain unchanged
Adelaide City Council	\$600 unchanged Additional sitting fee of \$150 for workshops	\$500 unchanged Additional sitting fee of \$150 for workshops	\$500 unchanged Additional sitting fee of \$150 for workshops
Barossa Council	\$500 unchanged	\$300 unchanged	\$0 unchanged
City of Burnside	\$600 increase of \$50	\$400 increase of \$50	\$200 unchanged
Campbelltown City Council	\$500 increase of \$150	\$400 increase of \$100	\$400 increase of \$100
City of Charles Sturt	\$500 typically meets twice a month currently unchanged \$75 per hour for training	\$350 typically meets twice a month currently unchanged \$75 per hour for training	\$350 typically meets twice a month currently unchanged \$75 per hour for training
Clare & Gilbert Valleys Council	\$450 Plus travel unchanged	\$208 Plus travel unchanged	\$0 Pay travel unchanged
City of Marion	\$500 unchanged	\$400 unchanged	\$200 unchanged
City of Mitcham	\$540 unchanged	\$420 unchanged	\$215 unchanged
Mount Barker District Council	\$475 increase of \$25	\$400 increase of \$20	\$400 increase of \$20
Rural City of Murray Bridge	\$500 unchanged	\$300 unchanged	\$0 unchanged

Council	December 2019 Survey of Sitting Fees for Council Assessment Panel Members		
	Independent Presiding Member	Independent Members	Council Members
City of Norwood Payneham & St Peters	\$500 unchanged	\$400 unchanged	\$400 changed from \$0
City of Onkaparinga	\$550 unchanged	\$350 unchanged	\$350 unchanged
City of Tea Tree Gully	\$430 unchanged	\$320 unchanged	\$155 unchanged
City of Unley	\$520 unchanged	\$416 unchanged	\$400 unchanged
City of Victor Harbor	\$450 unchanged	\$350 unchanged	\$0 unchanged
City of West Torrens	\$908 unchanged	\$495 unchanged	\$495 unchanged
Mean	\$533	\$376	\$254
Median	\$500	\$400	\$375

**ADELAIDE HILLS COUNCIL
ORDINARY COUNCIL MEETING
Tuesday 23 April 2019
AGENDA BUSINESS ITEM**

Item: 12.3

Originating Officer: Mike Carey, Manager Financial Services

Responsible Director: Terry Crackett, Director Corporate Services

Subject: Long Term Financial Plan Consultation Results

For: Decision

SUMMARY

On 26 February 2019 an update of Council's Long Term Financial Plan (LTFP) was endorsed for community consultation. The consultation subsequently took place between 6 March 2019 and 29 March 2019.

This report tables the LTFP for adoption by Council prior to the consideration of the draft 2019/20 Annual Business Plan.

RECOMMENDATION

Council resolves:

1. That the report be received and noted.
 2. To adopt the Long Term Financial Plan, as contained in Appendix 1 to this report, in accordance with *Section 122 of the Local Government Act 1999*.
-

1. GOVERNANCE

➤ **Strategic Management Plan/Council Policy**

Goal	Organisational Sustainability
Key Issue	Risk and Responsibility

➤ **Legal Implications**

The Long Term Financial Plan is prepared as a part of the Strategic Management Plan and in accordance with Section 122(1)(a) of the *Local Government Act 1999*.

➤ **Risk Management Implications**

Preparing a Long Term Financial Plan as required by the Act and Regulations will assist in mitigating the 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
Extreme (5C)	High (5E)	High (5E)

It ensures that financial resources are deployed in areas that align with Council's Strategic Management Plans, are affordable and supported within the Council's Long Term Financial Plan.

➤ **Financial and Resource Implications**

Satisfactory internal financial controls provide the foundation for all of Council's financial sustainability.

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

There is an expectation that Council has appropriate corporate governance processes in place including an effective internal control environment.

➤ **Environmental Implications**

Not applicable.

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

Council Committees: The Audit Committee considered the LTFP on 18 February 2019.

Advisory Groups: Not Applicable

Administration: The Executive Leadership Team (ELT) has reviewed and endorsed the updated LTFP for presentation to Council.

Community: In accordance with Section 122 of the Act consultation with the community was undertaken on the Draft LTFP following endorsement by Council on 26 February 2019. The consultation process involved the following:

- Publishing the Draft LTFP on Council's engagement website
- Advertising the availability of the LTFP in local papers, and
- Making copies available at Council libraries.

2. BACKGROUND

The *Local Government Act 1999* requires Council to prepare a Long Term Financial Plan (LTFP) as part of its Strategic Management Plan, and to update it on the same basis. Members of the public are to be given a reasonable opportunity to be involved in the development and review of the Council's plan.

Council considers that its Long Term Financial Plan (LTFP) is a fundamental instrument of accountability and provides projections for Council's planned activities over a ten year timeframe.

The key objective of Council's LTFP is financial sustainability in the medium to long term, while still achieving Council's corporate objectives as specified in its Strategic Plan and Corporate Plans. At the same time the LTFP ensures that there is an understanding of the impact of decisions made today on future sustainability. This means ensuring the cost effective delivery of works and services, and the appropriate maintenance and renewal of our asset base in a financially sustainable manner.

The purpose of this plan is not to provide specific detail about individual works or services. The LTFP provides a decision making tool that allows various assumptions and sensitivity analysis to be carried out that will indicate the ability of Council to deliver cost effective services to our community in the future in a financially sustainable manner.

A Council's LTFP must contain a summary of the proposed operating and capital investment activities in the Uniform Presentation of Finance format for a period of at least ten years. It should include estimates of the key ratios, operating surplus, net financial liabilities and asset sustainability. This illustrates the expected long term financial performance of the Council, and hence whether financial sustainability is being achieved.

The model is a fluid document, continually reviewed, modified and refined as new information is discovered, usually at each Budget Review and during the construction and adoption of the annual budget.

Consultation formally commenced on 6 March 2019 and concluded on 29 March 2019.

3. ANALYSIS

The 10 year LTFP is prepared using a number of assumptions, with regard to projected rate income, projected fees, charges and grants and also includes assumptions about future operational and capital expenditure. Given that long term financial plans are derived from an estimate of future performance, it should be appreciated that actual results are likely to vary from the information contained in the LTFP.

The Long Term Financial Plan will continue to be amended to incorporate feedback from different sources (Management, Council Members, Public, new initiatives, new legislation and identified savings).

The LTFP is based upon 2018/19 Adopted Budget that has been revised for amendments required by Budget Review 2 (BR2) considerations. Indices have been applied to categories within the LTFP to produce an uplifted 2019/20 LTFP budget that is capable of being used as a "target" for the 2019/20 budget setting process.

Intuitively, if the LTFP demonstrates sustainability over a ten year period, and the 2019/20 LTFP target budget is embedded within the LTFP then the development of a 2019/20 budget that aligns with the LTFP target also demonstrates financial sustainability.

Key Outcomes:

Importantly the current LTFP demonstrates that the Council is financially sustainable over the 10 year term of the LTFP, whilst achieving the objectives outlined in the Strategic Plan.

This includes:

- Implementation and funding of the appropriate level of maintenance and renewal of the portfolio of infrastructure assets
- Meeting the ongoing expectations of service delivery to our community
- Managing the impact of cost shifting from other levels of government
- The appropriate use of debt as a means of funding asset renewal
- Ensuring the financial sustainability of Council's operations.

Financial sustainability has been demonstrated through adherence to the agreed target ranges in all of the following three key ratios:

- Operating Surplus Ratio, target range 0% to 10%
- Net Financial Liabilities Ratio, target range 0% to 100%
- Asset sustainability Ratio, target range 90% to 110%

In achieving these targets, which are explained in more detail within the LTFP, there is a level of certainty provided to the community that financial sustainability will be maintained.

Consultation Outcomes:

At the conclusion of the consultation period there were 2 formal responses provided. These responses were received from Council members and passed on to Administration. These comments and the Administration response are shown in **Appendix 3**. There was also reasonable interest in the Plan as highlighted in the following extract on the number of interactions recorded.



By way of clarification an 'aware' visitor (of which there were 28), or a visitor that we consider to be 'aware', has made one single visit to the site or project. An 'informed' visitor however (of which there were 19) has taken the next step from being aware and clicked on something shown on the site.

Based on a review of the consultation report, of the 19 individuals considered to be 'informed', 18 had downloaded a full copy of the LTFP for review and 4 had downloaded a copy of the Council report. A full copy of the EngageHQ consultation report is available at **Appendix 2**.

Council is periodically required by Section 122(a) of the Act to adopt an updated version. It is anticipated that the next version of the LTFP will be prepared for Audit Committee review once the actual results for 2018/19 are known and 2019/20 Budget is set.

4. OPTIONS

1. To endorse the draft Long Term Financial Plan as prepared without making any further amendments (Recommended).
2. Decline to adopt the Long Term Financial Plan, and suggest further amendments be made, with the amended Plan being re-presented to Council at a subsequent meeting (Not recommended).

5. APPENDICES

- (1) Long Term Financial Plan (February 2019)
- (2) Consultation Report from EngageHQ
- (3) Long Term Financial Plan Submissions

Appendix 1

*Long Term Financial Plan
(February 2019)*



Adelaide Hills
COUNCIL

2019-20

Long Term Financial Plan



Long Term Financial Plan

April 2019



Why does Council prepare a Long Term Financial Plan?

The *Local Government Act 1999* requires Council to prepare a Long Term Financial Plan (LTFP) as part of its Strategic Management Plan. This means that members of the public are to be given a reasonable opportunity to be involved in the development and review of the Council's plan.

Council considers that its Long Term Financial Plan (LTFP) is a fundamental instrument of accountability and provides projections for Council's planned activities over a ten year timeframe.

The key objective of Council's LTFP is financial sustainability in the medium to long term, while still achieving Council's corporate objectives as specified in its Strategic Plan, Corporate Plans and Functional Strategies. At the same time the LTFP ensures that there is an understanding of the impact of decisions made today on future sustainability. This means ensuring the cost effective delivery of works and services, and the appropriate maintenance and renewal of our asset base in a financially sustainable manner.

The purpose of this plan is not to provide specific detail about individual works or services. The LTFP provides a decision making tool that allows various assumptions and sensitivity analysis to be carried out that will indicate the ability of Council to deliver cost effective services to our community in the future in a financially sustainable manner.

A Council LTFP must contain estimated financials for a period of at least ten years. It should include estimates of the key ratios, operating surplus, net financial liabilities and asset renewal funding. This illustrates the expected long term financial performance of the Council, and hence whether financial sustainability is being achieved.

The model is a fluid document, continually reviewed, modified and refined as new information is discovered, usually at each Budget Review and during the construction and adoption of the annual budget.

How does Council prepare the plan?

The 10 year LTFP is prepared using a number of assumptions, with regard to projected rate income, projected fees, charges and grants and also includes assumptions about future operational and capital expenditure. Given that long term financial plans are derived from an estimate of future performance, it should be appreciated that actual results are likely to vary from the information contained in the LTFP.

The LTFP is based on a model which projects Council's future financial performance based on a very large range of variables applied to its performance in recent years. Because there are a large number of variables the model is quite complex. In order to use it to guide each year's budget setting process, the key variables have been divided into two groups:

- » Controllable variables – items that Council can control such as service levels, capital expenditure, rate increases and wage increases
- » Non-controllable variables – items outside Council's control, such as interest rates, inflation and economic growth (eg. residential development, new businesses, etc).

For controllable variables, Council is able to model different levels of activity to see what effect they have on financial performance. The long term effects of each decision can then be assessed.

For non-controllable variables, the plan uses reasonable long term estimates which do not change (except to update them at the beginning of each budget cycle). In this way the impact of different choices about the controllable variables can be assessed. For instance, inflation measured by CPI has fluctuated substantially in recent years. Because inflation works differently on different elements of Council's income and expense it can quickly and materially distort the LTFP, especially in its later years.

What key conclusions may be drawn from the plan?

Importantly the current LTFP demonstrates that the Council is financially sustainable over the 10 year term of the LTFP, whilst achieving the objectives outlined in the Strategic Plan. This includes:

- » Implementation and funding of the appropriate level of maintenance and renewal of the portfolio of infrastructure assets
- » Meeting the ongoing expectations of service delivery to our community
- » Managing the impact of cost shifting from other levels of government
- » Enabling the delivery of strategies identified within the Strategic Plan as well as other endorsed Functional Strategies
- » The appropriate use of debt as a means of funding new capital expenditure
- » Ensuring the financial sustainability of Council's operations.

Financial sustainability has been demonstrated through adherence to the agreed target ranges in all of the following three key ratios:

- 1. Operating Surplus Ratio, target range 0% to 10%**
- 2. Net Financial Liabilities Ratio, target range 0% to 100%**
- 3. Asset Renewal Funding Ratio, (formerly titled Asset Sustainability Ratio) target range 90% to 110%**

In achieving these targets, which are explained in more detail below, there is a level of certainty provided to the community that financial sustainability will be maintained.

Ratios

Operating Surplus Ratio

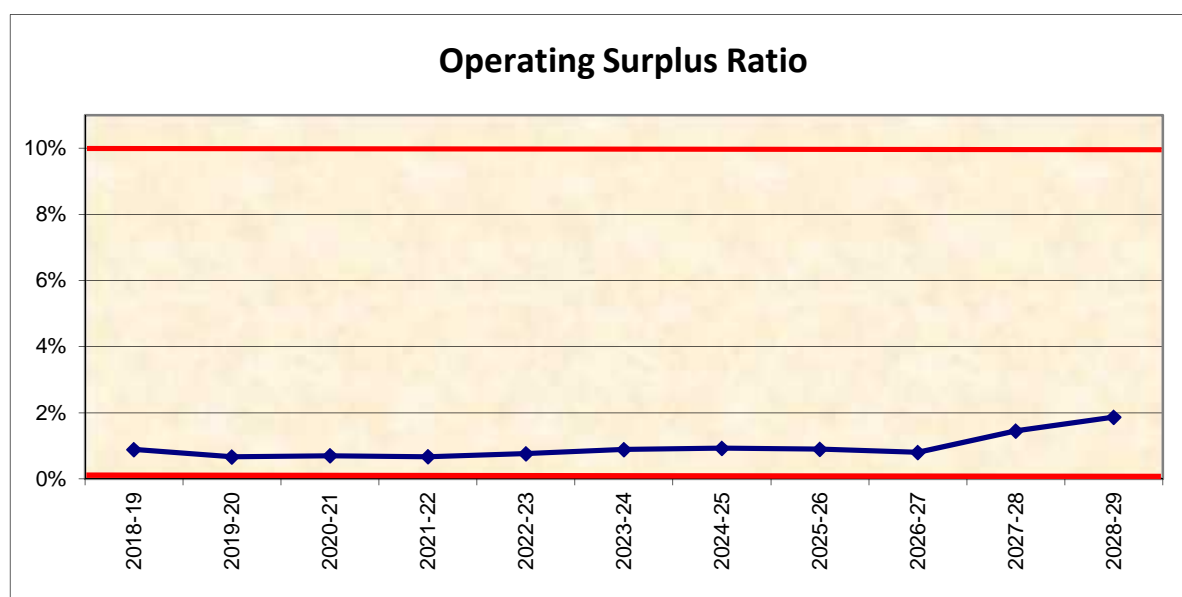
The operating surplus ratio indicates the extent to which operating revenue is sufficient to meet all operating expenses and whether current ratepayers are paying for their consumption of resources.

The Operating Surplus ratio expresses the operating surplus as a percentage of total operating income. A negative ratio indicates the percentage increase in total operating income required to achieve a break-even operating result. A positive ratio indicates the percentage of total rates available to fund capital expenditure over and above the level of depreciation expense without increasing council's level of net financial liabilities.

Target: 0–10%

10 Year Result Range: 0.7% - 1.9%

The ratio indicates the cost of services provided to ratepayers is being met from operating revenues with surplus's being used to fund infrastructure works in line with our LTFP projections.



Net Financial Liabilities Ratio

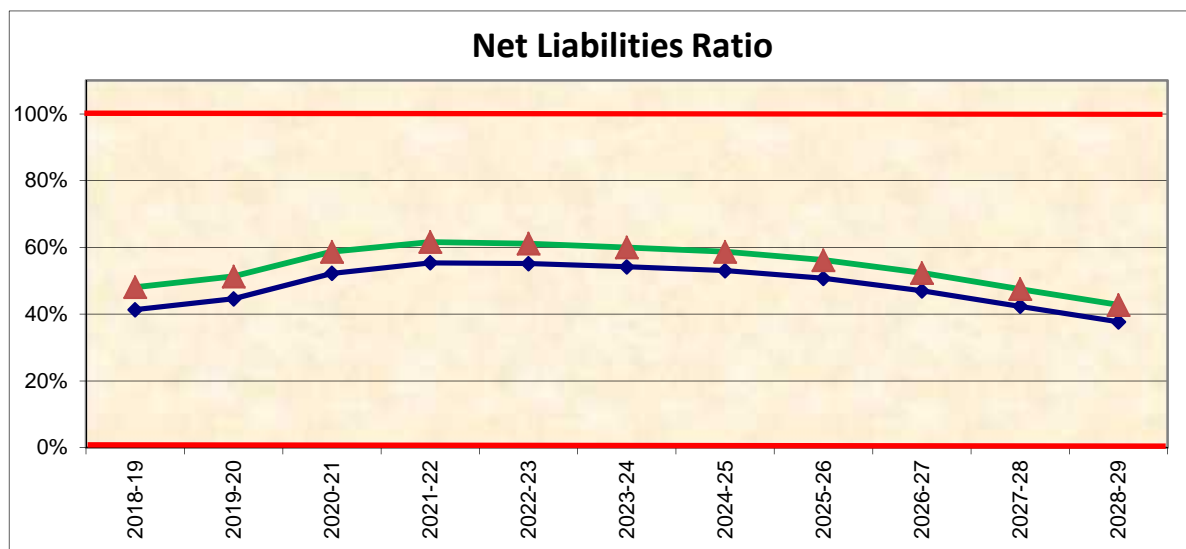
Net Financial Liabilities is an indicator of the Council's total indebtedness and includes all Council's obligations including provisions for employee entitlements and creditors.

This ratio indicates the extent to which the net financial liabilities of the Council can be met by the Council's total operating revenue. Where the ratio is falling, it indicates that the Council's capacity to meet its financial obligations from operating revenues is strengthening. Where the ratio is increasing, it indicates that a greater amount of Council's operating revenues is required to service its financial obligations.

Target: 0–100%

10 Year Result Range: 38% - 55%

This ratio demonstrates that council's total indebtedness (including borrowings) can be met by operating revenue.



Note: The additional liabilities ratio included above in 'green' projects the financial impact should a significant event (i.e. fire or storm) in the order of \$10m impact on the region.

Asset Renewal Funding Ratio (formerly titled Asset Sustainability Ratio)

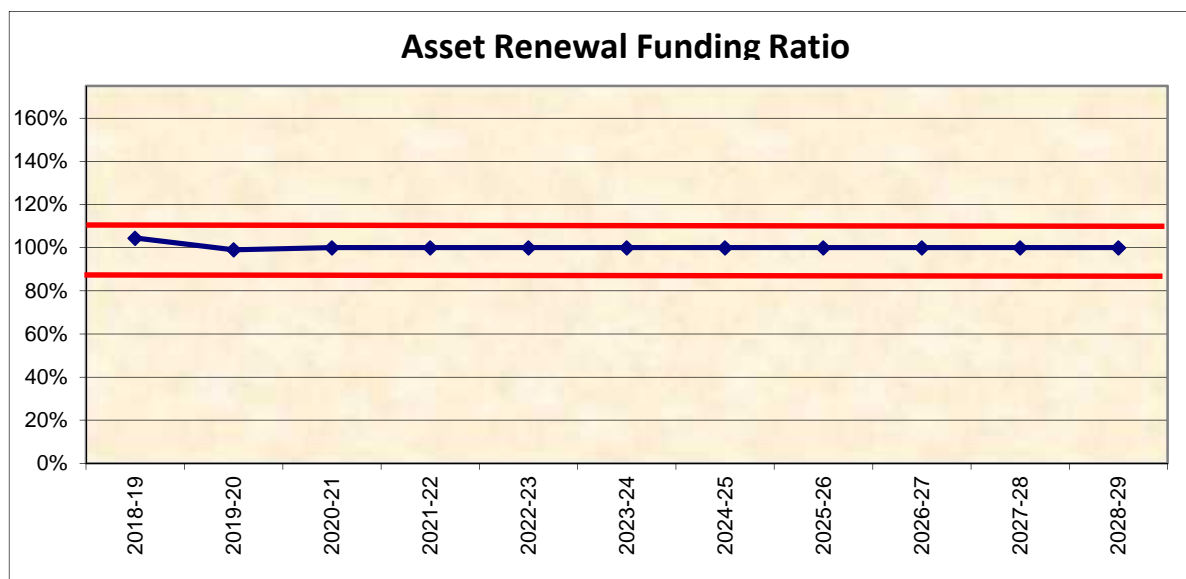
This ratio indicates whether a Council is renewing or replacing existing infrastructure assets at the same rate that its asset management plan requires.

The target for this ratio is to be between 90% and 110% in any given year, with 100% on average over five years. This would mean that Council is replacing 100% (or all) of the assets that require renewal.

Target: 90–110%

10 Year Result Range: 99% - 100%

The result achieved for this measure only varies minimally throughout the 10 year horizon of the LTFP as the amount of future renewal expenditure is based on the required asset management expenditure.



Key sections explained.....

Uniform Presentation of Finances

In accordance with the *Local Government (Financial Management) Regulations 2011* this section of the LTFP presents the financial position for the next 10 years in a manner consistent with the note in the *Model Financial Statements* entitled “Uniform Presentation of Finances”.

This section of the LTFP is broken into three key elements as follows:

- » A summary of all operating income and expenditure to highlight the Net Operating Surplus
- » Net Outlays on Existing Assets after providing for depreciation and proceeds from any replacement asset sales
- » Net outlays on new and upgraded assets after providing for grants received and proceeds from any surplus asset sales

The result of these three elements for each forecast year represents the impact on Council’s net financial liabilities whereby a net lending result reduces net financial liabilities, and a net borrowing result increasing net financial liabilities.

Statement of Comprehensive Income

This Statement provides a 10 year projection of operating income and expenditure using the 2018/19 adjusted Budget as the base year. The projections result from the application of the indices mentioned in a subsequent section of this Plan.

Key points of note include:

- » Rates revenue is shown to increase by CPI +1.75% from 2019/20 through 2022/23. The 1.75% in initial years is attributable to:
 - growth from new development of 0.75%, and
 - a 1% increase to support increased levels of renewal of capital works as forecast within current Asset Management Plans.After 2022/23 the increase applied is CPI + 0.5% (growth).
- » Projected Grant income falls significantly for 2019/20 as a result of the following:
 - Reduced levels of Supplementary Local Roads Funding
 - Removal of ‘once off’ disaster recovery funding received as a result of storm damage that occurred during 2016/17
- » Employee costs increase by 2.7% throughout the 10 years in line with forecasts for average weekly earnings and a provision for revaluation of current provisions and grade step increases. An allowance has been made for the proposed increase in Superannuation Guarantee levy from 2021-22.
- » Materials, Contractors and Other costs increased by CPI as well as being driven by projected movements in the cost of Power, Water and Waste.

Statement of Financial Position

This Statement provides a 10 year projection of Council's assets and liabilities using the projected 30 June 2019 Budget as the base year. The projections result from proposed capital expenditure emanating from the Asset Management Plans and adopted strategies, together with borrowings necessary to meet those capital requirements, and net funding generated by operations.

Key points of note include:

- » The Written Down Value (WDV) of Infrastructure and Fixed Assets increases from \$375m to \$443m over the ten year term.
- » Borrowings (both short term including draw down and long term) peak at \$23.0m in 2024/25.

Capital Investment by Asset Category

The Asset Management Plans are currently being reviewed given the previous adopted Plans were completed seven years ago in 2012 (refer to Council's website for details).

This review has highlighted the need for additional renewal expenditure in some of the infrastructure categories which has been provided for within the current LTFP.

Key points of note include:

- » Total capital expenditure projected over the 10 year period totals \$121m of which \$105m has been allocated to the renewal of current assets.
- » \$16m allocated to new, capacity/upgraded assets is derived from the adopted Strategic Plan and endorsed Functional Strategies. A separate summary of this amount broken down into each goal or strategy is provided in a subsequent section of the LTFP.

Summary of New Strategic Initiatives Expenditure

This section provides a detailed breakdown of all new expenditure that has been included within the LTFP to ensure that the current Strategic Plan and Functional Strategies can be delivered. Information is broken down into each goal area and strategic objective within the Plan, as well as each Functional Strategy. For a number of strategies, there is no additional funding required over and above existing operational requirements for delivering the strategy and as such the summary of total strategic initiatives expenditure shows \$Nil across projected years.

At the end of this section the amounts that have been brought into each year of the LTFP for both operating and capital expenditure are provided and show that the 10 year forecast requires \$15.2m in capital and \$13.5m in operating.

The overall total includes an amount of \$200k for each year as an allowance for Strategic Initiatives identified as part of the 2019-20 Annual Business Plan and Budget Build. This will be refined as part of Budget Workshops to be conducted in the last quarter of the 2018-19 financial year.

Economic Indicators

A key element of the LTFP relates to the economic indicators and indices used to project future year's income and expenditure. All the indices are changeable, and the effects of any amendment will flow through to the financial projections and associated graphs.

A summary of these indices is as follows:

- » Consumer Price Index (CPI) is used as a primary driver for income and expenditure in the model.
- » 'Rates' indices are adjustable for growth (new development) or rate increase over CPI. As previously indicated rates revenue is shown to increase by CPI +1.75% from 2019/20 through 2022/23. The 1.75% in initial years is attributable to growth from new development of 0.75% in addition to a 1% increase to support increased levels of renewal of capital works as forecast within current Asset Management Plans. After 2022/23 the increase applied is CPI + 0.5% (growth).
- » Employee costs increase by 2.7% throughout the 10 years in line with forecasts for average weekly earnings and a provision for revaluation of current provisions and grade step increases.
- » For materials contracts and other expenditure, unique indices have been applied where it is expected costs will vary significantly from CPI. In the current model separate indices have been included for waste collection, power and water.
- » Estimated future interest rates relating to loans (borrowings) and Cash Advance Debenture (CAD) interest have been included.

Risks Associated with the Long Term Financial Plan

The LTFP has been developed based on the best information and assumptions available at the time. However, users of this information should be aware that there are risks associated with using estimated increases to Consumer Price Index (CPI), Local Government Price Index (LGPI), Average Weekly Earnings (AWE) and predictions in finance costs and interest rates. In addition, the LTFP may be impacted by future changes such as new legislation that could materially affect the projected outcomes and results of the LTFP.

Council is aware that Campbelltown City Council (CCC) resolved in January 2019 to authorise their staff to submit a Stage 1 proposal to the Boundaries Commission for the boundary between CCC and Adelaide Hills Council to be realigned to the eastern and southern side of Woodforde and Rostrevor suburbs, effectively moving those suburbs into CCC's area. Given the preliminary nature of this proposal no adjustment has been made to Council's LTFP for any possible impact on rates revenue, servicing costs and capital expenditure.

In order to reduce risk the plan is reviewed and updated annually to incorporate the best available information for a given point in time. In addition, the LTFP and its assumptions are reviewed by Council's Audit Committee.

Appendix 2

Consultation Report from EngageHQ

Project Report

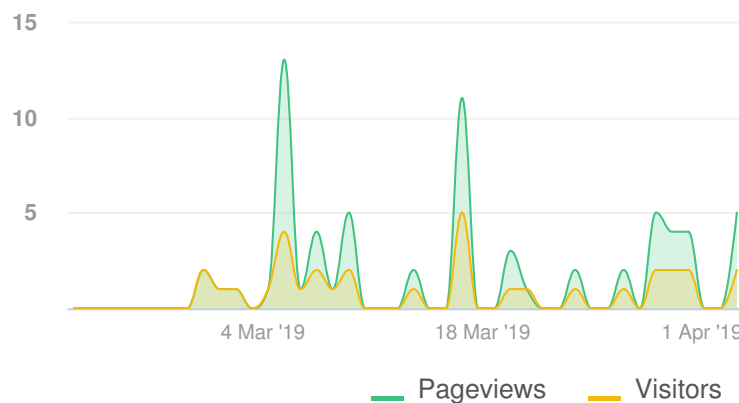
06 April 2016 - 01 April 2019

Hills Voice: your say

Long Term Financial Plan - open for comments 6 March - 29 March 2019



Visitors Summary

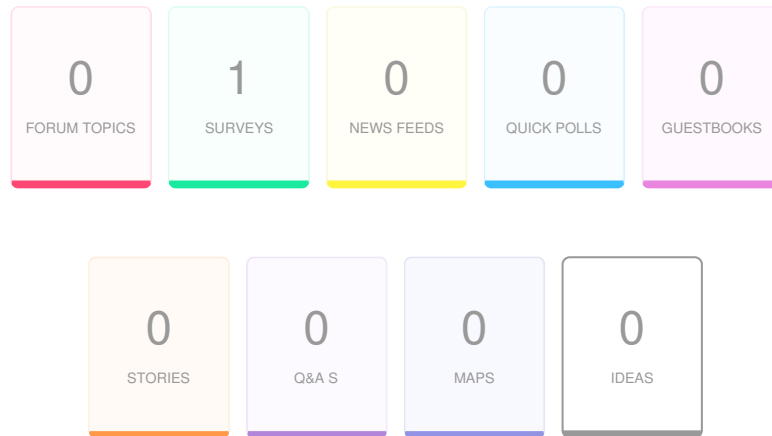


Highlights

TOTAL VISITS	MAX VISITORS PER DAY	
34	5	
NEW REGISTRATIONS		
0		
ENGAGED VISITORS	INFORMED VISITORS	AWARE VISITORS
0	19	28

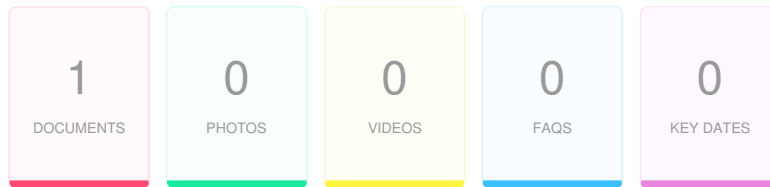
Aware Participants28		Engaged Participants0			
Aware Actions PerformedParticipants		Engaged Actions PerformedRegisteredUnverifiedAnonymous			
Visited a Project or Tool Page28					
Informed Participants19		Contributed on Forums000			
Informed Actions PerformedParticipants		Participated in Surveys000			
Viewed a video0		Contributed to Newsfeeds000			
Viewed a photo0		Participated in Quick Polls000			
Downloaded a document18		Posted on Guestbooks000			
Visited the Key Dates page0		Contributed to Stories000			
Visited an FAQ list Page0		Asked Questions000			
Visited Instagram Page0		Placed Pins on Places000			
Visited Multiple Project Pages18		Contributed to Ideas000			
Contributed to a tool (engaged)0					

ENGAGEMENT TOOLS SUMMARY



Tool Type	Engagement Tool Name	Tool Status	Visitors	Contributors		
				Registered	Unverified	Anonymous
Survey Tool	Have Your Say - Long Term Financial Plan	Published	1	0	0	0

INFORMATION WIDGET SUMMARY



Widget Type	Engagement Tool Name	Visitors	Views/Downloads
Document	Long Term Financial Plan for consultation	18	21
Key Dates	Key Date	0	0

Appendix 3

*Long Term Financial Plan
Submissions*

Community Consultation Feedback - Draft Long Term Financial Plan 2019				
No.	Method of contribution	Q&A Question	Response/Recommendation	Capital/ Operating
1	Email (via Council Member)	Respondent from Birdwood strongly supports the continuation of AG through to Mount Pleasant and endorses the accumulation of funds to achieve this.	No Proposed change to the Annual Business Plan. Comments to be noted.	Capital
2	Email (via Council Member)	Respondent advised that the LTFP should show enough money to fund Amy Gillett by accumulating funds so that if council had say \$1m in funds they could be used to match any grants received. The provision of \$500k every other year will achieve nothing.	No Proposed change to the Annual Business Plan Council has included funding for Amy Gillett Bikeway based on an understanding of the need for State or Federal Government Funding to support the project, and the impact of borrowings across years. It is noted that if Council's budgeted contribution is not required in a particular year then Council can make a decision to carry those funds forward to future years, thus accumulating an increased amount to match with other government funding. Council are exploring a number of mechanisms to achieve the completion of Amy Gillett including a joint approach as part of a broader inter regional cycle network. At this stage it is anticipated that a Carry forward of \$500k will be recommended to occur for the 2018-19 year, and therefore subject to Council approval for an additional \$500k in 2020/21 there will be \$1m available to progress the bikeway to support any State or Federal Government funding.	Capital

**ADELAIDE HILLS COUNCIL
ORDINARY COUNCIL MEETING
23 April 2019
AGENDA BUSINESS ITEM**

Item: 12.4

Originating Officer: Marc Salver, Director Strategy and Development

Responsible Director: Marc Salver, Director Strategy and Development

Subject: Gawler River Floodplain Management Authority (GRFMA)
2019/22 Business Plan and Draft 2019/20 Budget

For: Decision

SUMMARY

The Authority is a regional subsidiary established under the Local Government Act 1999 to co-ordinate the construction, operation and maintenance of flood mitigation infrastructure for the Gawler River and associated activities. In accordance with the Charter for the Gawler River Floodplain Management Authority (the Authority), Council received correspondence from the Executive Officer of the Authority on 24 March 2019 providing a copy of 2019/22 Business Plan (**Appendix 1**) and Draft 2019/20 Budget (**Appendix 2**) seeking approval from Council for its annual contribution.

The Authority maintains a three-year Business Plan and is required to review the Plan annually in consultation with its Constituent Councils. The Draft 2019/20 Budget has been prepared to be consistent with the activities and circumstances referred to in the Business Plan, and recommends a 2.9% CPI increase in Constituent Councils contributions, which will total \$230,300 for the 2019/20 Financial Year (FY) which is a decrease of \$1,276 from the 2018/19 years' contributions. For our Council this translates to an increase of \$411 for the 2019/20 FY as compared with last FY. Our Council's total contribution for the 2019/20 Financial Year will therefore be \$25,642. Note that this amount has been included in the Council's Draft Annual Business Plan and Budget for 2019/20.

Consistent with its charter, the Authority is seeking approval from all of the Constituent Councils in relation to their respective contributions in preparation for the adoption of the GRFMA's 2019/20 Draft Budget by the Authority's Board at its 13 June 2019 meeting.

RECOMMENDATION

Council resolves:

1. That the report be received and noted.
 2. To advise the Board of the Gawler River Floodplain Management Authority that it has reviewed its 2019/22 Business Plan and approves the Adelaide Hills Council's contribution of \$25,642 as set out in the draft 2019/20 Draft Budget.
-

1. GOVERNANCE

➤ Strategic Plan/Council Policy

Goal 1 **People and business prosper**
Goal 4 **Explore ideas and work with others**

Strategy 4.6 Pursue opportunities to share resources and partner with others for better community outcomes

➤ Legal Implications

GRFMA is a Regional Subsidiary established under Section 43 and Schedule 2 of the *Local Government Act 1999*.

Schedule 2 requires that a regional subsidiary must prepare and adopt a business plan. The Plan must set out the performance targets, a statement of the financial and other resources, and the performance measures to be used to monitor and assess performance against the performance targets. The plan can be a multi-year plan but the regional subsidiary must review its business plan on an annual basis in consultation with its Constituent Councils. It does not however, require approval from the Constituent Councils.

Schedule 2 also requires the regional subsidiary to prepare a budget for each financial year. This budget must deal with each principal activity of the subsidiary, be consistent with the business plan, comply with the regulations and must be provided to the Constituent Councils within 5 days after adoption.

The Authority's Charter states that the Authority will have a rolling Business Plan in respect of the ensuing three years. Further the Charter states that the budget must be submitted in draft form to each Constituent Council before 31 March for approval of its contribution for the following financial year.

➤ Risk Management Implications

Review the Business Plan and approving the AHC contribution to the Authority will assist in mitigating the risk of:

Failure to approve the AHC contribution to GRFMA leading to reduced ability of the Authority to discharge its role as set out in the GRFMA Charter.

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

➤ Financial and Resource Implications

As per the GRFMA Charter, the Constituent Councils are being asked to review the Business Plan and to approve their contribution but not approve the GRFMA Budget per se.

The Authority's Board will review and approve the Draft Budget after receiving advice from each of the Constituent Councils is received. This will be done at the forthcoming Board meeting scheduled for 13 June 2019.

The Authority's key sources of revenue are the contributions from the Constituent Councils for both administration and maintenance which have been increased by 2.9% for 2019/20 to achieve a balanced budget given the expenditure outlined below.

Council's contribution to the Authority is 1.73% for Capital Works and maintenance of Assets, and 16.66% (equal share) of the Operational Costs.

Operational contributions are calculated from the costs reflective of Administration of the GRFMA and general costs for the Gawler River Scheme Mark 2, and do not include capital works or maintenance of Assets. The maintenance contributions are calculated from the costs reflective of capital works or maintenance works for the North and South Para Works and the proposed Gawler River Scheme Mark 2 (Northern Floodway proposal) capital works.

In 2018/19 the Board resolved to undertake a catch-up capital works (Maintenance contributions) associated with the Bruce Eastick North Para Flood Mitigation Dam (hereafter referred to as 'the Dam') and road access and operational works. An additional amount of \$150,000 was budgeted for in the 2018/19 FY for these works which have largely been completed. The operational costs for 2019/20 relate entirely to administration of the Authority in the amount of \$77,900. Our Council's total contribution to the capital, maintenance and operational costs of the Authority for the 2019/20 FY amounts to \$25,642. Note that the Authority projects a total income of \$230,300 for 2019/20 FY. The draft 2019/20 Operational contributions of \$145,000 consist of Administration costs \$77,900, Flood Risk project costs of \$30,000, plus the Gawler River Mark 2 Scheme consultancies \$38,715, less \$1,615 in bank and other income. The draft 2019/20 Maintenance contributions of \$85,300 consist of Maintenance Flood Mitigation Scheme \$316,531 less \$231,231 of unfunded depreciation for the Dam itself. Note that the depreciation matter is still the subject of further debate by the Board before it is determined how to fund this.

➤ **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**

The Authority has engaged with Constituent Councils regarding the review and adoption of its Annual Business Plan and Budget. There is no requirement to consult with the community in this regard.

Council Committees: The Draft Annual Business Plan and Budget will be considered by the Board of the GRFMA at its meeting scheduled for 13 June 2019. Further, Council's Draft Annual Business Plan and Budget for 2019/20 was considered by the Audit Committee on 15 April 2019, which included the Council's contribution to the GRFMA.

Council Workshops: Not Applicable

Advisory Groups: Not Applicable

Administration: Manager Financial Services
Director Corporate Services

Community: The anticipated increase for our Council's contribution as proposed in the Draft GRFMA Budget has been included in Council's Draft 2019/20 Budget which is expected to be released for public consultation shortly. No further community consultation is required for the GRFMA Annual Business Plan and Draft Budget.

2. BACKGROUND

The Constituent Councils for the Authority are City of Playford, Adelaide Plains Council (formerly the District Council of Mallala), Town of Gawler, The Barossa Council, Light Regional Council and the Adelaide Hills Council.

The Gawler River catchment is fed predominantly by the North and South Para Rivers and it is via the latter that AHC is an interest in the Authority.

Before the Authority adopts its Budget, it requires approval from each of the Constituent Councils for their respective contributions for the year. Council's representatives on the GRFMA Board are Cr Malcolm Herrmann and Marc Salver, with Cr Pauline Gill as the Deputy Board Member.

The current flood mitigation infrastructure constructed to date by the Authority (including the Bruce Eastick Dam and the raising of the South Para Dam wall) does not mitigate a 1 in 100 year flood event in the lower reaches of the Gawler River Floodplain. As a result the Board has over the past decade been exploring various options to do so. The most cost effective option being pursued is known as the Northern Floodway project. This essentially involves the construction of a new levee system downstream of Old Port Wakefield Road, and the upgrading of the existing levee banks between Pederick Road and Port Wakefield Road, as well as selective levee upgrades upstream of Pederick Road. Once operational, it is considered that the Northern Floodway will protect hundreds of properties in the lower Gawler River Floodplain from flooding. The estimated capital cost of the Northern Floodway Project is \$27 million and the Authority is seeking contributions from both the State (50%) and Federal (50%) Governments to cover this amount. Under such an arrangement, the Authority would be responsible for the ongoing maintenance of this infrastructure.

3. ANALYSIS

The scope of the GRFMA Annual Budget is considered relatively small in comparison to the extensive undertakings by Constituent Councils.

The 2019/20 draft Budget has been prepared based on the 2018/19 Budget estimates with an annual increase based on the September 2018 Local Government Price Index of 2.9 % to general expenses, but not to programmed capital or maintenance projects. No increase has been applied to the honorarium for the Independent Chairman, the Executive Officer's consultancy costs, or the Audit Committee Chair honorarium. Constituent council

contributions for 2019/20 total \$230,300 which is a decrease of \$1,276 from the 2018/19 years' contributions.

With the above in mind, the 2019/20 Draft Budget for the Authority reflects a net loss of \$231,231 which is essentially the unfunded depreciation costs for the Dam and associated infrastructure. Note that the depreciation matter is still the subject of further debate by the Board before it is determined how to fund this.

Key elements of the 2019/22 Business Plan include:

- The Gawler River 2016 Flood Review report provides recommendations for flood mitigation works to be undertaken in the lower Gawler River with a first stage indicative cost of \$27 million for the:
 - a) proposed Gawler River Northern Floodway project
 - b) upgrade and maintenance of the levee system, and
 - c) management of the silt and pest vegetation.

The GRFMA has resolved to pursue Federal and State Government funding to progress the report recommendations in 2019.

- The Authority, in partnership with the University of Adelaide, has received funding via the *National Disaster Resilience Program* (NDRP), to develop an existing decision support tool (UNHaRMED) to explore how to manage flood risk into the future in an integrated and dynamic approach. The project will commence mid-2019 and conclude in late 2020.

This project will consider:

- Specific pilot studies (such as the possible raising of the Dam wall and Northern Floodway proposal) and analysis, as well as developing a methodology for continued use of the program for integrated planning of flood mitigation actions by GRFMA; and
 - Provide an example for other local government authorities and floodplain managers in integrated flood risk management supported by integrated risk modelling.
- Maintenance and operations during 2019 to 2022 will include:
 - Completion of the detailed Dam Failure Consequence Assessment of the Dam pursuant to Australian National Committee on Large Dams (ANCOLD) guidelines
 - Review of Dam Safety Emergency Plans and Operation and Maintenance Manuals
 - Dewatering and repair of the low-level inlet pipe and stilling basin
 - Scheduled inspections and environmental management of land associated with the Dam's location, and
 - Investigation into feasibility of a proposal for the establishment of a revegetated zone around the Dam.

Refer to **Appendix 2** for a copy of the draft 2019/2022 GRFMA Business Plan. With all the above in mind, Administration recommends that Council advises the Authority that it has reviewed the Gawler River Floodplain Management Authority's 2019/22 Business Plan and

approves the Adelaide Hills Council's contribution of \$25,642 as set out in the draft 2019/20 Budget.

4. OPTIONS

The following options are available to Council:

1. Endorse the Council's contribution of \$25,642 as contained in the Draft 2019/20 GRFMA Budget (Recommended), or
2. Not endorse the Council's contribution as contained in the Draft 2019/20 GRFMA Budget (Not Recommended).

5. APPENDICES

- (1) 2019/22 GRFMA Business Plan
- (2) Draft 2019/20 GRFMA Budget

Appendix 1

2019/22 GRFMA Business Plan

The background of the entire page is a photograph of a river with a waterfall. The water is white and frothy as it falls over rocks, creating a dynamic and natural scene. The colors range from deep blues and greys to bright whites and light greys where the water is in motion.

BUSINESS PLAN

2019-2022

Gawler River Floodplain Management Authority

Constituent Councils:

Adelaide Hills Council

Adelaide Plains Council

The Barossa Council

Town of Gawler

Light Regional Council

City of Playford

GRFMA

Business Plan 2019-2022

Gawler River Floodplain Management Authority (GRFMA)

The Gawler River

The Gawler River is formed by the confluence of the North Para and South Para in the town of Gawler, and is located in the Adelaide Plains district of South Australia. The district surrounding the river produces cereal crops and sheep for both meat and wool, as well as market gardens, almond orchards and vineyards. The farm gate output of the Gawler River floodplain horticultural areas is estimated to be at least \$225 million.

History

The river is subject to periodic flood events.

Desirable Levels of Protection Cost of Flooding	
Flood Frequency (ARI)	Estimated Damages
1 in 10	\$15m
1 in 20	\$24m
1 in 50	\$102m
1 in 100	\$182m
1 in 200	\$212m
Average Annual Damage	\$7.40m
Present Value of Damages*	\$109m



Properties at Risk				
Flood Frequency (ARI)	Number of residential properties within each hazard rating			
	Low	Medium	High	Extreme
1 in 50	1056	785	483	236
1 in 100	1559	1451	1179	457
1 in 200	1814	1652	1419	615

Following the November 2005 flood, which flooded the Virginia district and township, a series of meetings of the major stakeholders led to the approval of \$20 million in funding from Federal, State and Local Governments to fund the Gawler River Flood Mitigation Scheme (Scheme Works).

The Scheme Works had three parts:

- One The construction of a flood control dam on the North Para River near Turretfield designed to control a 1 in 100-year flood.
- Two The modification of the South Para Reservoir dam wall and spillway to provide 1 in 100-year flood control storage on top of full reservoir storage (completed 2012).
- Three The formalisation of controlled flow paths for floodwaters along the lower reaches of the Gawler River.

Following successful construction of the flood control Dam on the North Para (Bruce Eastick North Para Flood Mitigation Dam) in 2007 and modification of the South Para Reservoir Dam and spillway in 2012, the GRFMA Board has progressed the Gawler River Flood Mitigation Scheme, elements which include:

- further development of the preliminary assessment of possible local area levees prepared in the 2008 Gawler River Floodplain Mapping Study at Gawler, Angle Vale and Two Wells and to develop a levee strategy for Virginia.
- establishment of a protocol with the Floodplain Councils that where development of land in areas identified as 'at risk of flooding' is planned to proceed by the implementation of a local area levee that mapping of the proposed levees on the Gawler River Floodplain Mapping Study Model will be required.
- to develop a funding strategy for flood protection that is delivered by local area levees on the questions of who should own and maintain the levees and whether local area levees are regional works that the GRFMA should fund or are they local works that are the responsibility of the local Council.
- investigate opportunities for funding partners and grants to undertake the necessary assessments and designs.

Purpose of the GRFMA

The Gawler River Floodplain Management Authority (GRFMA) was formed as a Regional Subsidiary under Section 43 and Schedule 2 of the Local Government Act 1999 on 22 August 2002. The Constituent Councils are the Adelaide Hills Council, The Adelaide Plains Council, The Barossa Council, The Town of Gawler, Light Regional Council, and the City of Playford.

The Charter provides for one independent person, who is not an officer, employee or elected member of a constituent council, to be appointed as the Chairperson of the Board of Management of the GRFMA for a term of two years.

The Charter sets down the powers, functions, safeguards, accountabilities and an operational framework and the Business Plan sets down the operational plan and financial plan to achieve agreed objectives.

The Authority has been established for the following purposes:

- to co-ordinate the construction, operation and maintenance of flood mitigation infrastructure for the Gawler River. This purpose is the core business of the Authority;
- to raise finance for the purpose of developing, managing and operating and maintaining works approved by the Board;
- to provide a forum for the discussion and consideration of topics relating to the constituent council's obligations and responsibilities in relation to management of flood mitigation for the Gawler River; and
- upon application of one or more constituent councils pursuant to clause 12.4:
 - to coordinate the construction, maintenance and promotion and enhancement of the Gawler River and areas adjacent to the Gawler River as recreational open space for the adjacent communities; and
 - to enter into agreements with one or more of the constituent councils for the purpose of managing and developing the Gawler River.

A Technical Assessment Panel has been appointed to support the decision-making processes of the Board with delegated powers to provide advice and manage the technical aspects of the design, assessment and construction of the various parts of the Scheme.

An Audit Committee has been appointed to review:

- the annual financial statements to ensure that they present fairly the financial state of affairs of the Board; and
- the adequacy of the accounting, internal control, reporting and other financial management systems and practices of the Board on a regular basis.

The following Policies have been adopted to provide management guidelines for the day-to-day business of the GRFMA:

- Access to Meetings and Documents
- Internal Review of Decisions
- Procurement and Operations
- Dam Valuation
- Public Consultation
- Treasury Management



Further work will be undertaken to complete the Asset Management Plan in relation to the Bruce Eastick North Para Flood Mitigation Dam and associated land. This will provide a longer-term approach to management of GRFMA assets.

To meet the statutory and operational responsibilities the GRFMA will maintain appointment of a part time Executive Officer, and an Auditor, on a contract basis.

The Board is required to hold a minimum of 6 meetings per year and to provide the required, Business Plans, Budgets Reports and Audited Statements to its constituent councils required by the Charter and Local Government 1999.

The Board will conduct two reviews each year of its performance against the targets set in this Business Plan that will form part of the report to its constituent councils and will be included in its Annual Report.

Cost of Operations

The scope of the GRFMA annual budget and operations is small in comparison to the extensive undertakings by constituent councils.

Principally the budget revenue is sourced from predetermined “formulae based’ financial contributions by the six constituent councils, opportunistic funding applications and some interest from financial institutions. Recently any shortfalls in income (over expenditure) have been met from reserves.

Expenditure is principally budgeted on estimated costs of executive management and administrative and governance requirements of the Authority according to its charter. Some costs are incurred with maintenance of the Bruce Eastick North Para River Flood Mitigation Dam site and access.

The contributions of the constituent councils are based on the following percentage shares for capital works, maintenance of Scheme assets and operational costs of the Authority. (GRFMA Charter Clause 10)

Constituent Council Shares for Contributions

Constituent Council	Capital Works Percentage Share	Maintenance of Assets Percentage Share	Operational Costs Percentage Share
Adelaide Hills Council	1.73%	1.73%	16.66%
The Barossa Council	8.67%	8.67%	16.66%
Town of Gawler	17.34%	17.34%	16.66%
Light Regional Council	8.67%	8.67%	16.66%
Adelaide Plains Council	28.91%	28.91%	16.66%
City of Playford	34.68%	34.68%	16.66%
Total	100%	100%	100%

Work Priorities 2019/2022



In 2016/17 the GRFMA engaged:

- AECOM to provide a fatal flaw screening assessment for the potential raising of the North Para Dam by up to 10 metres to provide additional flood protection for a 1 in 100 Annual Event Probability (AEP) event to the township of Gawler and further downstream.
- Australian Water Environments to undertake the Gawler River 2016 Flood Review.

Both reports have been subsequently completed and following consultation with constituent councils the GRFMA have resolved that decision on extending the height (10mtr) of the dam be on held over pending the initiatives recommended in the Gawler River 2016 Flood Review report are implemented and outcomes considered. Feasibility of raising of the North Para Dam will then subsequently be considered.

The Gawler River 2016 Flood Review report provides three recommendations for works to be undertaken and provides first stage indicative costs of \$27 million:

- a) proposed Gawler River northern floodway;
- b) upgrade and maintenance of the levee system; and
- c) management of silt and pest vegetation.

The GRFMA resolved to progress the report recommendations in 2019 via submission to the Australian Government's Building Better Regions Fund (BBRF). The application was based on the total of cost elements as identified Table 7.1 items 1 to 5 of the Northern Floodway Project Prospectus, plus a price index escalator and contingency allowance.

These items include the major elements of preliminary works required to be undertaken first so that a more robust assessment of final project design and costs might be understood and considered prior to a further funding application (on the same 50/50 State and Federal Government funding contribution) for subsequent completion of the Project.

This effectively resulted in a total project cost of \$2 Million with the application seeking \$ 900,000 in BBR funding which is to be matched with a \$ 900,000 funding contribution (commitment received) from the State Government. An in-kind GRFMA contribution of \$200,000 was also included. There is to be no constituent council funding requirement.

Recent formal advice has now been received (March 2019) that the application was not successful. The Board will now reconsider options to continue pursuit of suitable funding from the State and Federal Government for the project.

The Authority, in partnership with the University of Adelaide, has received funding via the Federal and State Government *National Disaster Resilience Program* (NDRP), to develop an existing decision support tool (UNHaRMED) to explore how to manage flood risk into the future in an integrated and dynamic approach. The project will commence mid-2019 and conclude in late 2020.

This project will consider:

- Specific pilot studies (such as proposed Dam raise and Northern Floodway proposal) of analysis and developing a methodology for continued use of the program for integrated planning of flood mitigation actions by GRFMA; and
- Providing an example for other local government authorities and floodplain managers in integrated flood risk management supported by integrated risk modelling.

Key project aims are:

- Provide a platform for GRFMA constituent councils to compare flood mitigation options over time in an integrated and transparent manner, as the basis for preparing a master plan incorporating existing mitigation structures and on-going maintenance and operation for constituent councils and the community.
- Enable this platform to be used to engage the community in decision making, improve risk awareness and resilience and willingness to pay for risk reduction depending on risk appetite.
- Integrate social, economic, and environmental risk factors for a broad understanding of the Gawler River Catchment to inform long-term strategic planning.
- Highlight the role of research and science in local government decision-making and provide an example for similar councils and catchment management authorities across Australia.
- Develop a repeatable process to enable continued use of the project outputs and analysis frameworks for Local Government decision making across South Australia.

Review of the GRFMA Charter will be completed in 2019.

Maintenance and operations of the scheme during 2019 to 2022 will include:

- Completion of the detailed Dam Failure Consequence Assessment of the Dam pursuant to ANCOLD guidelines;
- Review of Dam Safety Emergency Plans and Operation and Maintenance Manuals;
- Dewatering and repair of the low-level inlet pipe and stilling basin; and
- Scheduled inspections and environmental management of land associated with the Dams location.
- Investigation into feasibility of a proposal for the establishment of a revegetated zone around the Bruce Eastick North Para Flood Mitigation Dam.

Appendix 2

Draft 2019/20 GRFMA Budget

Gawler River Floodplain Management Authority

Budget - Functions & Items

2019-2020

Code

2018-2019	
Budget	YTD

2019-2020	
Budget	YTD

REVENUE

Administration of the GRFMA

1,1	Member Subscriptions	142,100	142,100	145,000	
1,3	Interest LGFA	1,500	1,406	1,500	
1,4	Interest BankSA	12	174	15	
1,5	Other	4,924	4,924	100	
	Total	148,536	148,604	146,615	

Operations Flood Mitigation Scheme

2,1	Member Subscriptions	0		0	
2,3	State Grant	0		110,980	
2,4	Commonwealth Grant	0		0	
2,5	Sale of Land	0		0	
2,6	Other	0		0	
	Total	0		110,980	

Maintenance Flood Mitigation Scheme

3,1	Council Subscriptions	89,476	89,477	85,300	
3,3	Other	0		0	
	Total	89,476	89,477	85,300	

Capital Revenue Flood Mitigation Scheme

4,1	Council Subscriptions	0		0	
4,3	State Grant	0		0	
4,4	Commonwealth Grant	0		0	
4,5	Sale of land	0		0	
4,6	Other	0		0	
	Total	0	0	0	

5,1	Surplus C/ Forward			0	
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Net

	GST on Income			0	
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	Debtors paid /Payable				
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	TOTAL INCOME	238,012	238,081	342,895	
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EXPENDITURE	2018-2019	
	Budget	YTD

2019-2020	
Budget	YTD

Administration of the GRFMA

6,1	Executive Officer Contract	50,004	37,813	50,000	
6,2	Advt, Print, Stat, Postage	1,230	976	1,270	
6,3	Travelling Expenses	1,320	784	1,350	
6,4	Insurance - PL & PI	6,240	4,546	6,400	
6,41	Audit Committee	2,800	1,300	2,800	
6,5	Audit Fees	6,660	6,104	6,660	
6,6	Bank Fees	120	36	120	
6,7	Legal Advice	1,000	0	2,000	
6,8	Honarium Chairperson	7,008	5,850	7,000	
6,9	Other	240	233	300	
	Total	76,622	57,642	77,900	

Construction - North Para Works

7,4	Replace Weir and Station	0		0	
7,41	Construct Monuments	0		0	
7,5	Consultation	0		0	
7,61	Easement consideration	0		0	
7,62	Acquisition costs	0		0	
7,9	EO Supervision	0		0	
	Total	0	0	0	

Construction - South Para Works

8,2	SA Water GST Free			0	
8,3	SA Water			0	
8,4	EO Supervision			0	
	Total			0	

Gawler River Scheme Mark 2

9,7	Consultancies	6,200	5,000	179,695	
9,8				0	
9,9	EO Supervision			0	
	Total	6,200	5,000	179,695	

Maintenance Flood Mitigation Scheme

10,2	Maintenance Works	142,840	123,535	85,000	
10,3	Property Maintenance		0		
10,31	Rates - GST Free	260	121	300	
10,4	Depreciation Dam	231,000	0	231,231	
	Total	374,100	123,656	316,531	

GST on Expenditure		
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Creditors paid		\$0
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ALL EXPENDITURE	\$456,922	\$186,298
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SURPLUS/DEFICIT	-218,910	51,783
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	\$0
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\$574,126	
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-231,231	
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Profit & Loss [Budget Analysis]

July 2019 To June 2020

	Selected Period	Budgeted	\$ Difference
Income			
Admin of GRFMA			
Member Subscriptions	\$0	\$145,000	(\$145,000)
Interest LGFA	\$0	\$1,500	(\$1,500)
Interest Bank SA	\$0	\$15	(\$15)
Other	\$0	\$100	(\$100)
Total Admin of GRFMA	\$0	\$146,615	(\$146,615)
Operations Flood Mit Scheme			
State Grant	\$0	\$110,980	(\$110,980)
Total Operations Flood Mit Scheme	\$0	\$110,980	(\$110,980)
Maint Flood Mit Scheme			
Council Subscriptions	\$0	\$85,300	(\$85,300)
Total Maint Flood Mit Scheme	\$0	\$85,300	(\$85,300)
Total Income	\$0	\$342,895	(\$342,895)
Gross Profit	\$0	\$342,895	(\$342,895)
Expenses			
Admin of GRFMA			
Executive Officer Contract	\$0	\$50,000	(\$50,000)
Adv, printing, stationery post	\$0	\$1,270	(\$1,270)
Travelling Expenses	\$0	\$1,350	(\$1,350)
Insurance PL & PI	\$0	\$6,400	(\$6,400)
Audit Committee	\$0	\$2,800	(\$2,800)
Audit Fees	\$0	\$6,660	(\$6,660)
Bank Fees	\$0	\$120	(\$120)
Legal Fees	\$0	\$2,000	(\$2,000)
Honorarium - Chairperson	\$0	\$7,000	(\$7,000)
Other	\$0	\$300	(\$300)
Total Admin of GRFMA	\$0	\$77,900	(\$77,900)
Gawler River Scheme Mark 2			
Consultancies	\$0	\$179,695	(\$179,695)
Total Gawler River Scheme Mark 2	\$0	\$179,695	(\$179,695)
Maint Flood Mitigation Scheme			
Maintenance Contractors	\$0	\$85,000	(\$85,000)
Rates & Levies	\$0	\$300	(\$300)
Total Maint Flood Mitigation Scheme	\$0	\$85,300	(\$85,300)
Depreciation			
Depreciation	\$0	\$231,231	(\$231,231)
Total Expenses	\$0	\$574,126	(\$574,126)
Operating Profit	\$0	(\$231,231)	\$231,231
Total Other Income	\$0	\$0	\$0
Total Other Expenses	\$0	\$0	\$0
Net Profit/(Loss)	\$0	(\$231,231)	\$231,231

Balance Sheet

As of 3/23/2019

ABN: 12 925 534 861

Email: davidehitchcock@bigpond.com

Assets			
Current Assets			
Bank Accounts			
Bank SA Account	\$77,040.42		
LGFA Investment Account	\$13,670.78		
Total Bank Accounts		\$90,711.20	
Other Current Assets			
Trade Debtors	\$21,558.90		
Debtor	\$149.45		
ATO Payments & Refunds	\$12,455.00		
Total Other Current Assets		\$34,163.35	
Total Current Assets			\$124,874.55
Non-Current Assets			
Infrastructure	\$18,497,000.00		
Accum. Depr. Infrastructure	(\$2,311,850.00)		
Land	\$465,687.37		
Total Non-Current Assets		\$16,650,837.37	
Total Assets			\$16,775,711.92
Liabilities			
Current Liabilities			
GST Liabilities			
GST Collected	\$23,167.70		
GST Paid	(\$14,013.05)		
ATO Payments & Refunds	\$2,711.00		
Total GST Liabilities		\$11,865.65	
Total Current Liabilities		\$11,865.65	
Total Liabilities			\$11,865.65
Net Assets			\$16,763,846.27
Equity			
Accumulated Surplus		\$15,144,991.00	
Asset Revaluation Reserves		\$3,664,280.00	
Retained Earnings		(\$2,097,208.68)	
Current Year Surplus/Deficit		\$51,783.95	
Total Equity			\$16,763,846.27

**ADELAIDE HILLS COUNCIL
ORDINARY COUNCIL MEETING
Tuesday 23 April 2019
AGENDA BUSINESS ITEM**

Item:	12.5
Originating Officer:	Bernadette Walsh, Corporate Planning & Performance Coordinator
Responsible Director:	Terry Crackett, Director Corporate Services
Subject:	2019-20 Draft Annual Business Plan for Community Consultation
For:	Decision

SUMMARY

This report presents the draft 2019-20 Annual Business Plan (***Appendix 1***), incorporating the draft budget, for Council endorsement for the purposes of community consultation.

The draft Plan has incorporated a 2.8% rate increase, delivers a \$462k operating surplus and provides for a gross capital works program totalling \$14.084 million.

Section 123 of the *Local Government Act 1999* states that Council is obliged to consider community feedback with respect to its Annual Business Plan prior to its adoption.

RECOMMENDATION

Council resolves:

1. That the report be received and noted.
 2. The draft 2019-20 Annual Business Plan included as Appendix 1 to this report be endorsed for community consultation.
 3. The period of consultation for the draft 2019-20 Annual Business Plan be from 26 April 2019 to 31 May 2019.
 4. That the 28 May 2019 Ordinary Council meeting will, in accordance with s123(4)(i)(B) of the *Local Government Act 1999*, be the meeting at which members of the public may ask questions and make submissions.
 5. That the Chief Executive Officer, or delegate, be authorised to make any formatting or other minor content changes to the draft 2019-20 Annual Business Plan prior to its release for community consultation.
-

1. GOVERNANCE

➤ Strategic Management Plan/Council Policy

Goal: Organisational Sustainability
Strategy: Financial Sustainability

The Adelaide Hills Council has consistently met its financial sustainability targets and is on track to continue this strong trend into the foreseeable future. The draft 2019-20 Annual Business Plan attached to this report is built around the following key principles:

- Operating within our means
- Managing debt responsibly
- Reducing the infrastructure asset renewal backlog
- Keeping rate increases low
- Funding new or enhanced services through efficiency savings.

➤ Legal Implications

The preparation of an Annual Business Plan is a requirement of Section 123 of the *Local Government Act 1999* (the Act), and the *Local Government (Financial Management) Regulations 2011* (the Regulations).

Section 123(3) of the Act states that before a council can adopt its annual business plan that it must prepare a draft plan and follow the relevant steps set out in its public consultation policy (i.e. consultation for at least 21 clear days).

Section 123(4)(a) of the Act requires that publication of a notice in a newspaper circulating in the area informing the public of the preparation of the draft annual business plan and inviting interested persons to attend:

- A public meeting which must be held at least 21 days after the publication of the notice; or
- A meeting of the council at which members of the public may ask questions and make submissions for a period of at least one hour.

Section 123(7) of the Act requires that each budget of council must:

- Be considered in conjunction with the council's annual business plan (and must be consistent with that plan); and
- Be adopted by the council after the council has adopted its annual business plan.

➤ Risk Management Implications

Preparing an Annual Business Plan as required by the Act and Regulations will assist in mitigating the 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
Extreme (5C)	High (5E)	High (5E)

It ensures that financial resources are deployed in areas that align with Council's Strategic Management Plans, are affordable and support Council's Long Term Financial Plan.

➤ **Financial and Resource Implications**

Without an Annual Business Plan, Council risks allocating resources in a manner which compromises its financial sustainability.

Council has developed a Long Term Financial Plan (LTFP) that sets income and expenditure targets for the 2019-20 Budget. Any variations against those targets will potentially have an impact on the long term financial position of the Council.

The draft Annual Business Plan does however strongly align to the 2019-20 targets that have been established in the LTFP.

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

Without an Annual Business Plan, Council risks pursuing strategies and projects which fail to deliver acceptable levels of customer service and adversely affect the community.

➤ **Environmental Implications**

The Annual Business Plan incorporates projects and supports ongoing actions to deliver Council's environmental goals as set out in the Strategic Plan.

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

Council Committees: The LTFP has been considered by the Audit Committee at its February 2019 meeting. The Committee considered the draft Annual Business Plan at its 15 April 2019 meeting.

Council Workshops: Council has had a number of workshops in 2019 on the development of the LTFP and Asset Management Plans. The key workshops on the development of the draft Annual Business Plan occurred on 29 & 30 March 2019 and 2 April 2019.

Advisory Groups: While some Advisory Groups have considered projects and services contained in the draft Annual Business Plan, no Group has considered the Plan in its entirety.

Administration: All function owners across the organisation have provided input into the development of the Plan.

Community: Not Applicable

2. BACKGROUND

The draft 2019-20 Annual Business Plan has been developed to reflect the objectives endorsed within the Long Term Financial Plan (LTFP), Asset Management Plan (AMP) and Strategic Plan. Council resolutions, staff and community feedback and risk assessments have also informed projects and programs included in the Plan.

The draft Plan seeks to ensure a sustainable balance between service needs, financial responsibility (including infrastructure renewal and additions), and the capacity of the community to pay. The draft Plan also draws from all areas of Council's Strategic Management Plans because they present, in financial terms, the activities of Council as a whole.

The *Local Government Act 1999* has a number of requirements relating to the preparation of the Annual Business Plan and the Annual Statements and the setting of Rates. This report and the activities which it recounts address those requirements.

It should be noted that prior to consultation the draft Plan will incorporate minor refinements to ensure consistency in formatting, as well as capturing new or amended pictures.

The Audit Committee considered the draft Plan at its 15 April 2019 meeting. The Committee's consideration of the draft Plan was in the context of its function as set out in the Committee's Terms of Reference as follows:

- 3.1.1 Provide comment on the assumptions underpinning Council's Strategic Management Plans (Strategic Plan, Annual Business Plan and Budget and Long Term Financial Plan), the consistency between plans and the adequacy of Council's plans in the context of maintaining financial sustainability;

The Committee resolved:

8.1. Draft Annual Business Plan

Moved Peter Brass
S/- Geoff Purdie

13/AC19

The Audit Committee resolves:

1. That the report be received and noted.
2. To advise Council that the Committee is satisfied that the assumptions underpinning the draft 2019-20 Annual Business Plan are consistent with the Long Term Financial Plan and are adequate to maintain the Council's financial sustainability.

Carried

3. ANALYSIS

Assumptions used in the development of the budget reflect those endorsed within the LTFP and have been outlined within the Draft Annual Business Plan. Key variations within each major program have also been provided.

Operating Position

Council's draft 2019-20 budget included within the Plan provides for an operating surplus of \$462k, which reflects the careful control of both operating expenses and rates income.

The operating expenditure budget is projected at \$44.2 million, which includes \$8.94 million of depreciation. Operating revenue is projected at \$44.7 million and includes a proposed 2.8% increase in average rates plus anticipated growth from new development of 0.75% (including Woodforde and Inverbrackie).

A number of key factors have influenced the preparation of Council's draft Plan and Budget. These include:

- Local Government Price Index increases on relevant goods and services, which in recent years has tracked above CPI.
- The impact of China mandating and enforcing stringent quality requirements for imported recycled materials (China Sword) has an ongoing impact on Councils operating result of approximately 1% of rates, thus having an a significant financial impact on Council's budget.
- Provision for Enterprise Development Agreements for most staff which determines conditions of employment and provide for annual salary and wages increases.
- Maintaining asset management (renewal) expenditure at a sufficient level to ensure long term maintenance of Council infrastructure, property and IT assets.
- Increased maintenance requirements due to an increase in capital works and construction of new assets over recent years.
- Ensuring key strategies from Council's Strategic Plan and Functional Strategies are costed appropriately.
- In 2019-20 it is forecast Council ratepayers will pay \$768k in landfill levy to the State Government, an increase of over \$31k (4.2%) from 2018-19.
- A reduction in Grant funding, largely as a result of one off funding received in 2018-19 for Disaster Recovery funding for storm damage relating to previous years of \$406k and a DPTI contribution of \$200k for the Kersbrook Primary School pedestrian crossing.
- The divestment of the southern side of AHBTC resulting in reduced rental and reimbursement income but offset by reduced operating costs.
- The activation of an Arts and Heritage Hub resulting in a net cost of \$199k in 2019-20.

In response to the cost imposts on Council and to minimise the burden on ratepayers, Council has continued its work and review of saving strategies including service sustainability.

Saving strategies identified as part of the budget preparation include organisational initiatives, service reviews, contract management efficiencies and savings, infrastructure and work planning actions as well as people management initiatives. These reviews have

already identified savings in contracting budgets across the corporation which have been realised in building the 2019-20 budget.

Capital Expenditure

The 2019-20 Capital Budget continues to focus on the renewal of infrastructure. The Council has in excess of \$507m (Current Replacement Values) of infrastructure assets that it manages, to ensure that our current and future communities have access to the ongoing services these assets provide.

This year our capital investment program of \$14.085m will include \$9.274m on the renewal of our existing asset and \$4.811m in providing additional assets for capacity improvements to our infrastructure to meet service level demand.

The total of \$14.085m for the capital investment program is in line with the Long Term Financial Plan target and considered to be the appropriate level of sustainable investment to meet the Council strategic goal to have a proactive long term view regarding the renewal and maintenance of its infrastructure.

As in previous years a significant portion of the program is applied to road works, with buildings, footpaths, stormwater and plant accounting for a large proportion of the remaining allocation.

In 2018-19 we made considered adjustments to the investment levels across some asset classes, including roads, pavements, footpath, shoulders and unsealed roads, to ensure infrastructure and key assets continue to support the development of the region and the needs of our community. This level of renewal investment into our transport infrastructure has been maintained in 2019-20. The Sport and Recreational facilities renewal funding has been reduced against the LTFP numbers awaiting the outcome of the functional strategy and strategic investment decisions. The current program will continue to deliver much needed court resurfacing, oval surface improvement and playground upgrades.

The detailed Capital Works Program is in **Appendix 2** and you will see that we have not only included the planned budget for 2019-20, but also some intended budget amounts where projects have been identified for 2019-20 and 2020-21. These intended budget allocations for the subsequent years are indicative and pending adoption from the usual annual budget processes, but will assist Council in planning, scoping and project delivery of future projects and programs.

Council has identified \$597k of new capital investment across a number of asset classes in 2019-20 to continually increase our environmental sustainability. This includes the continuation of solar panel installations, water sensitive urban design work, irrigation design and upgrades to ensure the efficient use of water. We have also allocation \$50k to be utilised in emerging processes to ensure greater reuse of material in infrastructure projects.

Council receives many community requests, proposals and bids for new/ upgraded infrastructure that are considered as part of the development of the annual business plan. Not all projects can be funded and many are ranked as a lower priority, considering strategic plans/ documents, long term asset management and policy positions.

A detailed listing of capital expenditure items is provided as **Appendix 2** in the draft 2019-20 Annual Business Plan.

Operating Initiatives

The Annual Business Plan has been developed with the inclusion of a large number of ongoing and new operating initiatives and programs.

These types of projects are either one-off, short term projects, ongoing programs linked to the achievement of a strategy or a request to change the level of service. The request to change the level of service will also impact future budgets.

Further review of these projects will occur between now and June 2019, including consideration of feedback from this consultation process. Importantly these programs and initiatives, which total \$875k for 2019-20 have been provided for whilst still meeting the targets for both operating and capital expenditure as set out within the Long Term Financial Plan.

Rating Policy

Context

A detailed review of Rating Policy was undertaken prior to the adoption of the 2016-17 Budget with amendments to Policy, including an increase in the Fixed Charge, being incorporated into the Annual Business Plan for that year. Subsequently in 2018-19 a further detailed review of the Rating Policy was undertaken focussing on an analysis of impacts on the commercial and industrial sectors and rate rebates and in particular the review of discretionary rebates.

Given these recent reviews and the subsequent decisions by Council, it is considered that there would be no significant changes to Council's Rating Policy for 2019-20, with only minor amendments to the Rating Policy to provide increased clarity on Councils' Rating Position.

As a result, the 2019-20 Policy proposes:

- a continuation of the existing additional 15% for commercial and industries properties and
- a continuation of capping of the maximum discretionary rate rebate to 75% with the exception of community halls to ensure all ratepayers contribute an amount to basis service provision.

Further discussion on rate rebates is provided below.

Rate Rebates

In 2018-19, Council conducted a review of all the properties that currently receive a rate rebate (both mandatory and discretionary) as well as those properties that are exempt for rates to help determine a position that aligns to Council's rating principles particularly in relation to equity.

When rate rebates are applied to properties those rates foregone must then be redistributed to the rest of the community. This principle of equity requires Council to be cognisant of this distribution when considering the use of rebates.

As such, the following key policy positions in relation to discretionary rate rebates were included:

- a discretionary rebate of 100% will only be granted where community organisations seeking a rebate are significantly aligned to Council's outcomes, being services that would be required to be provided by Council if not undertaken/ offered by organisations seeking a rebate (and in particular Community Halls)
- in all other circumstances, the **maximum** discretionary rebate will be 75% to ensure ratepayers contribute an amount towards basic service provision.
- discretionary rebates should be considered for organisations which have a limited capacity to raise funds and not be provided to groups and organisations whose purposes are considered to be primarily the responsibility of State or Federal Government or to "for profit" organisations
- that approved discretionary rebates should only be granted for the period of the Council term
- a summary of discretionary rebates be reported to Council on an annual basis

In accordance with the Rating Policy, given that a new Council term commenced during 2018-19, an application form was required for all continuing discretionary rate rebates for the 2019-20 financial year and are currently being evaluated. It is proposed to bring all discretionary rebates that administration consider no longer meet the requirements for a discretionary rebate to the May Council Meeting for final consideration of Councils' position.

The updated draft Rating Policy is included as **Appendix 3 within the Annual Business Plan**.

Fixed Charge

The fixed charge provides a mechanism to recognise that all properties have access to "core" Council services, regardless of valuation, and ought to make a contribution to the cost of those services. In addition, the fixed charge provides a mechanism to adjust the rates contributions across high and low valued properties. This redresses the balance and equity of the rate system.

It is proposed that a fixed charge of \$652 be set for 2019-20, representing a 2.8% increase on the \$634 levied for 2018-19.

It should be noted that there is currently a Joint Committee of Parliament considering potential changes to valuation policy that would remove the ability to levy individual fixed charges based on occupancy for retirement villages. Should this policy change be implemented this would reduce Fixed Charge revenue by approximately \$200,000 for Adelaide Hills Council.

Primary Production Rates

Since 2009-10, the primary production General Rate in the dollar has been set at the same level as the Residential General Rate in the dollar given the majority of properties zoned Primary Production are now used only for residential purposes.

A rebate, however, continues to be available to those primary producers that are genuinely in the business of Primary Production and do not benefit from a Notional Capital Value. This rebate provides a 10% lower General Rate for Primary Production relative to Residential ratepayers.

Separate Rates

Stirling Business Separate Rate:

The draft Policy provides for a continuation of the separate rate for businesses in Stirling (Stirling Business Separate Rate). For 2018-19, this rate raised \$85k and was distributed to the Stirling Business Association to promote Stirling as a destination, the 'Gateway to the Hills'.

It is noted that the Stirling Business Association members at their 2018 Annual General Meeting endorsed a recommendation to Council to increase the levy raised by \$10k to \$95k. Projects tabled to necessitate the increase included: \$10k Entrance Statement (being concept designs to clean up on and off freeway), \$10k Buy Local Campaign and a \$5k website upgrade.

There are no proposed changes to the structure of the rate in relation to the categories of land use captured or the level of the 'top' and 'tail' that have been set in past years, being a maximum level of \$2,145 per property and a minimum of \$240.

Verrall Road Separate Rate:

The draft Policy also provides for a continuation of the separate rate for Verrall Road, Upper Hermitage which provided for the sealing of the northern end of the road in 2014-15. This rate is levied at a value of \$858 per annum on the properties that use this section of road.

Public Consultation process

Section 123 of the Act states that Council is obliged to consider community feedback with respect to its Annual Business Plan. Engagement in this instance will be of the 'consult' type in the context of the Council's Community Engagement Framework and will be conducted from 26 April to 31 May 2019.

Consultation will be publicised in a variety of ways including:

- An advertisement (notice) in the Courier newspaper and the Weekender Herald newspaper
- Information in the Council's e-newsletter, Hills Voice, distributed in early May
- Information on the Council's website and online engagement portal
- Posts through the Council's social media channels (Facebook and Twitter)

The draft Plan will be available for viewing in a number of ways including:

- On the Council's website and online engagement portal
- At the Council's customer service centres
- By mail on request.

Interested persons can query elements of the plan in person at the Council's service centres, by phone, by email or using the 'Question and Answer' facility on the Council's online engagement portal.

People will be able to make submissions in a number of ways including:

- Through the Council's online engagement portal
- In writing by mail or email
- In person at a public meeting of the Council at 6.30pm on 28 May 2019.

A workshop about the consultation outcomes will be held in June 2019. A report for the Council to formally consider the outcomes of the consultation process will be prepared for the Council Meeting to be held on 25 June 2019.

To maximise the opportunity for community participation in the budget process advertising for the community consultation has already been booked.

A full copy of Council's draft 2019-20 Annual Business Plan is included as an attachment to this report (**Appendix 1**).

4. OPTIONS

The Council has the following options:

1. To accept the recommendations contained in this report (Recommended)
2. To amend any/all aspect(s) of the recommendations
3. Defer the consultation period for the 2019-20 Draft Annual Business Plan.

It should be noted that the budget review mechanism provides for further adjustments to the draft Annual Business Plan after adoption if deemed necessary or appropriate prior to formal adoption.

5. APPENDIX

- (1) Draft 2019-20 Annual Business Plan for public consultation

Appendix 1

*Draft 2019-20 Annual Business Plan for public
consultation*



Adelaide Hills
COUNCIL

2019-20

Annual Business Plan (Draft)



Contents

Welcome	2
Mayor’s Message	3
Our community	5
Our district	6
Our team	7
Organisation structure	9
Strategic Plan delivery.....	11
Long Term Financial Plan context	28
Financial summary	29
Significant influences for the 2019-20 budget.....	30
Sources of revenue and application of expenditure.....	31
Borrowings for the 2019-20 Financial Year.....	32
Operating budget by Directorate.....	33
Additional funding for operating initiatives.....	34
Capital budget 2019-20.....	38
Capital program – renewal (by asset class)	39
Capital program – new projects.....	40
Rating Policy setting.....	45
Appendices.....	48

Welcome

This is our Annual Business Plan for 2019-20.

This publication is provided for our ratepayers, residents, business operators, visitors, government agencies and other interested people.

The Annual Business Plan meets the requirements of the *Local Government Act 1999*, and also provides relevant information for our community.

The plan outlines our objectives for 2019-20 and how we are going to achieve them. These objectives are linked primarily to our Strategic Plan, but also come from our other functional strategies and plans.

We hope this plan makes interesting reading and demonstrates our commitment to making the Adelaide Hills *a place for everyone*.

Where to get copies

A digital copy of this report is available at **ahc.sa.gov.au**.

Request a copy by contacting us
(08) 8408 0400

PO Box 44 Woodside SA 5244
mail@ahc.sa.gov.au

Feedback

We welcome your feedback on this report or any other Council matter. Please contact us in the ways described left.

Consultation

Consultation on the draft Annual Business Plan will run from 26 April 2019 to 31 May 2019 and we want to hear what you think about it.

Opportunities to be involved include:

- Reviewing the draft Plan online, asking questions and making submissions at engage.ahc.sa.gov.au
- Making written submissions by email to mail@ahc.sa.gov.au or by post to PO Box 44, Woodside SA 5244
- Attend a public meeting of the Council at 6.30pm on 28 May 2019 where members of the public have the opportunity to make in-person representations.

The Council will consider feedback received during the consultation period at its meeting on 25 June 2019 and take this feedback into account before adopting the final Annual Business Plan.

Copies of this Annual Business Plan can be viewed online at engage.ahc.sa.gov.au or in person at any Council Customer Service Centre.

Information about the draft Annual Business Plan is included in the Council's electronic newsletter, Hills Voice: your Adelaide Hills, distributed to subscribers on 1 May.



Mayor's Message

The focus of this Annual Business Plan is to continue to deliver on the goals and objectives of Council's Strategic Plan – *Your Adelaide Hills - A place for everyone*, in a responsible, innovative and collaborative manner, whilst striving to act in the best interests of the Adelaide Hills community.

You elected a new Council, including five new Council Members, in November 2018 under the revised two ward structure. Since this time we have focussed on working as a cohesive team to continue to build a happy, healthy and prosperous Hills community. Financial sustainability remains an important commitment for Council with the cost projections of all Strategic Plan and Functional Strategies included in the Long-Term Financial Plan as they are adopted. This enables both current and successive Councils to understand the cost implications of their strategic decisions and facilitate the prudent delivery of services and facilities to the community now and into the future.

While continuing to progress our strategic planning initiatives, Council has resolved to undertake a comprehensive review of the current Strategic Plan in line with legislative requirements. This review commenced in April 2019 with a new Strategic Plan to be adopted in 2020.

Adelaide Hills Council is well-placed to implement our Annual Business Plan having drafted a responsible and prudent budget that includes an expected increase in general rates of 2.8%. This increase will not only enable us to maintain all existing services as costs grow in line with the Consumer Price Index of 1.8%, but also fund increased levels of capital renewal works (in particular our road network) as identified within our Long Term Financial Plan.

Our Annual Business Plan has also funded a number of new projects and initiatives in response to community feedback, whilst at the same time dealing with a range of additional cost pressures through the achievement of savings strategies. The impact alone of China mandating stringent quality requirements for imported recycled materials has been in excess of 1% of rates revenue which we have so far managed to absorb through improved efficiencies.

Creating a vibrant and inclusive community for everyone, who lives, works and plays in the Adelaide Hills, remains at the heart of many Council initiatives. The former Onkaparinga Woollen Mill at Lobethal is being revitalised with the establishment of Fabrik, our Arts and Heritage Hub. This is a major step forward in the masterplanning process which aims to respect and celebrate the economic, heritage and cultural elements of the site and its surrounding district. We're working closely with the community in Gumeracha to revitalise the main street and surrounds and have achieved some major funding milestones to date. Events such as the Hills Harmony Picnic also reinforce our community spirit and recognise diversity and inclusion in our community. On a grass roots level our Community Centres, Libraries and volunteer activities continue to thrive and support people of all ages and backgrounds in the Hills.

To improve the liveability of the Adelaide Hills we have also planned significant investment in improving our walking and cycling trails, new footpaths, overcoming road blackspots and preserving our natural environment through programs such as our weed control and Roadside Marker Program.

We will finalise our Carbon Management Plan later this year, with a target of achieving 100% renewable energy (electricity use) for Council as an organisation in a financially sustainable way. We will also be commencing the implementation of the recycling strategy where we are looking to take a lead in the 'war on waste' with a greater emphasis on reduce, re-use and the circular waste economy.

Council has also identified almost \$600,000 of new capital investment to continually increase our environmental sustainability. This includes a substantial increase in solar panel installations, water sensitive urban design work, irrigation design and upgrades to ensure the efficient use of water. We also have an allocation \$50,000 to be utilised in emerging processes to ensure greater reuse of material in infrastructure projects.

This is the first Annual Business Plan of your new Council with a strong focus on delivering value for the rate dollar with responsive services for the community while working collaboratively with our staff, volunteers, partner councils and subsidiaries. We enthusiastically look forward to serving our community!

Jan-Claire Wisdom
Mayor

Photo credit: John Hemmings and the Weekender Herald

Our community

With its historical towns and villages, beautiful natural environment, and close proximity to metropolitan Adelaide, the Adelaide Hills Council district offers an appealing lifestyle for both residents and visitors.

The district is primarily a rural area with the population concentrated in 57 townships and localities. The towns are located throughout the area along with tracts of native vegetation and prime agricultural land which creates a unique character loved by our communities and visitors alike.

The Adelaide Hills has a resident population of 39,734 (ABS ERP 2018 with around two thirds of its working residents travelling outside the area for work. Those employed locally mainly work in education and training, food and wine production, tourism, or provide services for the local population.

The community is generally well educated and well connected. Employment levels are good and there are high levels of volunteering compared with Greater Adelaide.

While the proportion of babies and children are slightly greater than the South Australian average, there is a tendency for young people to move out of the district when they reach working age. Likewise, people find it challenging to live in the Hills as they age and the proportion of the population over 70 is lower than in other parts of South Australia.

Further information about our community profile, including trends and considerations, can be found at <https://profile.id.com.au/adelaide-hills>.



Population	38,863*
Median Age	44 (39 Greater Adelaide)
Number of Townships/Localities	57
Number of Dwellings	15,454
Density	49/km ²
Council Established	1997
Area	795km ²
Sealed Roads (Council)	610kms
Unsealed Roads (Council)	396kms
State Electorates	Bragg, Heyson, Kavel, Morialta, Newland, Schubert, Waite
Federal Divisions	Mayo

**Based on 2016 Australian Bureau of Statistics Census data*

Our district

The Adelaide Hills' unique characteristics and proximity to metropolitan Adelaide have created many opportunities for tourism and recreation.

There are over 1,000 kilometres of roads in our district: equivalent to the distance from Adelaide to Canberra. These roads carry city residents and visitors as they drive, ride, cycle, and walk to experience the Hills.

The district is well known for its natural environment and built character, wineries, eateries and a range of attractions and events.

While the rural and village character of the area remains, the Adelaide Hills is nonetheless undergoing significant change. Over the past decades the focus on traditional agriculture has reduced as some rural lands have transitioned into boutique industries, wineries or large residential properties. This transition from farming to urban fringe activities has impacted on local employment opportunities, particularly within smaller townships.

Much of the district is within the Adelaide watershed and, as such, development is largely restricted.

Like many other urban fringe areas, limited public transport, an ageing population, a changing agricultural and economic base and difficulties in accessing services have left some people in the area isolated and vulnerable. Nonetheless, the community has exhibited a strong desire, through numerous engagement opportunities, to preserve the hills character as paramount to the way of life within the hills.

Our dispersed population is well provided for with numerous facilities and community services including libraries, community centres, recreation facilities and halls. Some of these are Council owned while many are community owned and/or managed.

The Adelaide Hills area is also a biodiversity hot spot with numerous threatened species. Many volunteers and 'Friends of' park groups devote countless hours to preserving and enhancing the habitat value of these biodiversity hot spots.

This Annual Business Plan has been prepared in recognition of the many opportunities and challenges faced by our district and its community, while seeking to achieve the community's aspirations as contained in our Strategic Plan.

Our team

Elected Council

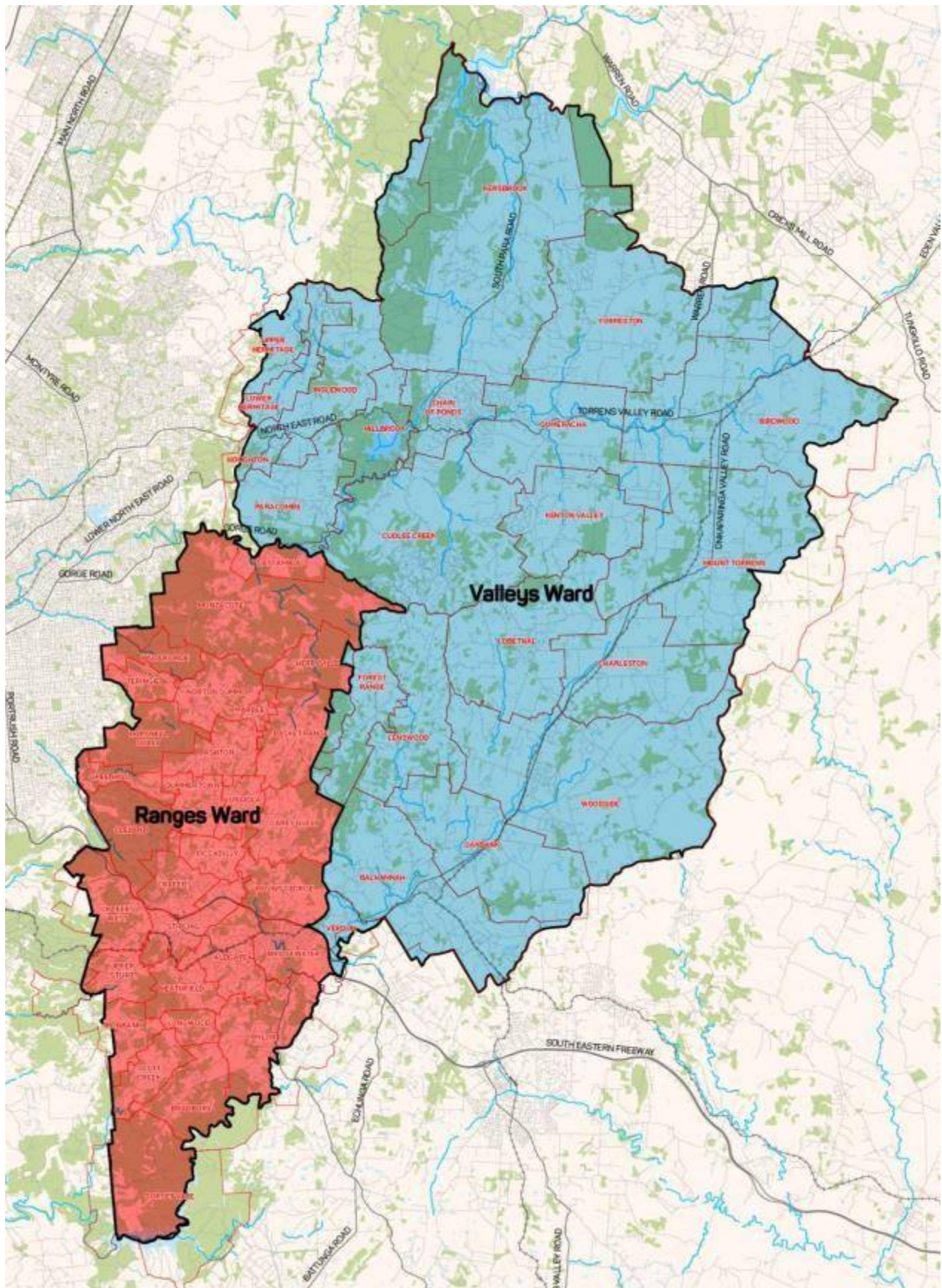
The Adelaide Hills Council was established in 1997 through the amalgamation of the then District Councils of East Torrens, Gumeracha, Onkaparinga and Stirling.

In 2017, Council completed an Elector Representation Review which examined the composition and structure of the representation arrangements which have been largely the same since the formation of the Council in 1997. The outcome of the review was a Council resolution to retain a popularly-elected Mayor and 12 Councillors and retain wards but reduce the number to two. The new Ranges Ward has seven councillors and the new Valleys Ward has five councillors. The new representation arrangements came into effect following the November 2018 Local Government Election.



Left to right: Cr Malcolm Herrmann, Cr Andrew Stratford, Cr Ian Bailey, Cr Leith Mudge, Cr Pauline Gill, Cr Mark Osterstock, Mayor Jan-Claire Wisdom, Cr Nathan Daniell (Deputy Mayor), Cr Kirsty Parkin, Cr Kirrilee Boyd, Cr John Kemp, Cr Chris Grant, Cr Linda Green.

Adelaide Hills Council's two ward structure, in place from the November 2018 Local Government Election.



Organisation structure

Council and Committees

The Elected Council's role is to provide for the government and management of the Council area. It does this through representing the interests of the community; providing and coordinating public services and facilities; encouraging and developing initiatives to improve the community's quality of life; and exercising, performing and discharging its functions under legislation in relation to the Council area.

Council has established three Council Committees to assist it to discharge its responsibilities in specific areas, these are the Strategic Planning & Development Policy Committee (SPDPC), the Audit Committee and the Chief Executive Officer Performance Review Panel (CEOPRP).

Advisory Groups

Council has established a number of Advisory Groups for key subject matters, which provide a unique way for skilled community members to participate in Council processes. These Groups provide advice to the Administration in the formulation of policy and other initiatives for Council's consideration.

Regional Subsidiaries

The Adelaide Hills Council is a member of four regional subsidiaries which assist Council in its strategic planning and service delivery activities. The subsidiaries are the Southern and Hills Local Government Association (SHLGA), the Eastern Waste Management Authority (East Waste), the Adelaide Hills Region Waste Management Authority (AHRWMA), and the Gawler River Floodplain Management Authority (GRFMA)

Administration

The Council's Administration is led by a Chief Executive Officer appointed by the Council.

The Chief Executive Officer appoints staff to carry out the functions and duties delegated to them and to implement Council decisions. The Administration is organised into directorates (see next page), each with a specific area of focus and functional responsibilities.

Volunteers play an important role in delivering services to our community. We are fortunate to have a large team of skilled and dedicated people contributing in this way. They teach, cook, garden, drive buses, lead groups, share skills, read, and shelve books and much, much more.

Number of Council Members

13 (including Mayor)

Number of electors per Councillor

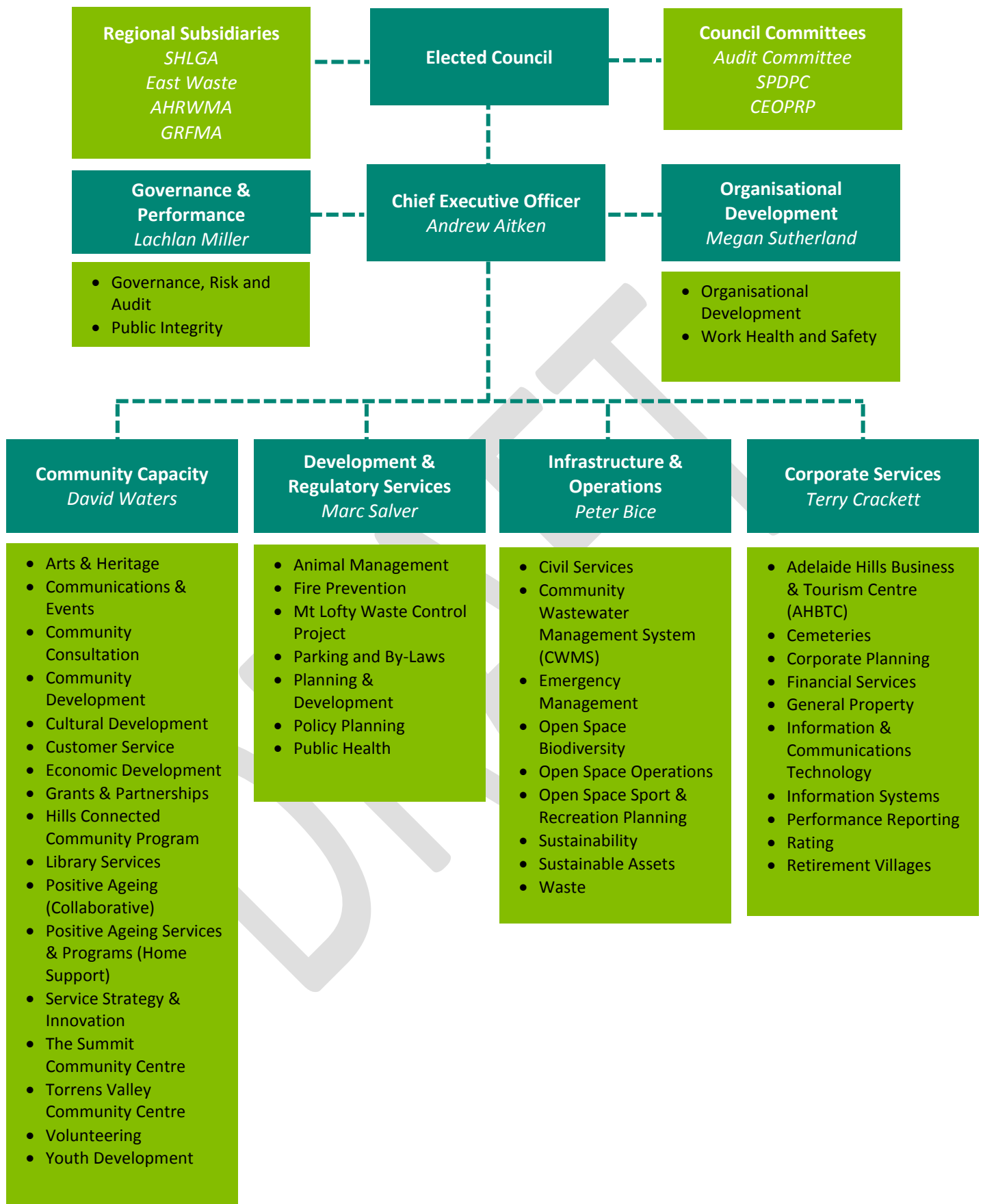
2,458

Number of budgeted staff

196.6 full time equivalents

Number of volunteers

209



Strategic Plan delivery

Our Strategic Plan *Your Adelaide Hills* provides a focus for the Council's service delivery over the coming years. Adopted in late 2016, it is our plan to make the Adelaide Hills a *place for everyone!*

The Strategic Plan doesn't include everything we do, but it helps us focus on those areas which need new or renewed attention to address emerging community needs and trends. There are four community goal areas in the plan, plus an organisational sustainability commitment. You can access a copy of the Strategic Plan at ahc.sa.gov.au.



Goal 1

People and Business Prosper

The Adelaide Hills is renowned for our historic towns and villages, outstanding natural environment, arts and cultural heritage, quality of local produce and related food and wine experiences. These elements are key attractors for residents and visitors. Living and doing business are entwined.

The Hills has one of the highest proportions of small and micro businesses in South Australia. These businesses are the backbone of our economy. Supporting businesses to thrive encourages greater economic diversity and local job opportunities, and contributes to residents' quality of life.

Improving the liveability and community wellbeing of the Adelaide Hills is a key priority for Council. This is being realised through our building community capacity, supporting our community to be healthy, active and involved, and providing quality community facilities, infrastructure (e.g. buildings, roads and pathways) and spaces.

In 2019-20, Council will be working on supporting local businesses, making the Adelaide Hills the visitor destination of choice, implementing the Planning and Design Code to enable a wider variety of housing opportunities, and improving the wellbeing of our community through targeted services, programs and events.

What success looks like:

Thriving businesses that uniquely say 'Adelaide Hills'
Healthy and happy people

Prosper Performance Measures

We will measure our performance using the following:

Performance Measure	2019-20 Target
Percent of businesses in the Adelaide Hills supported	Baseline to be established from first Quarter 2019-20 onwards
Growth in attendees at May Business Month	12.5%
Business Net Ease Score (ease of doing business)	Baseline to be established (June 2019)
Percent applicant rating of the overall level of service received for the development application process	85% (Excellent or Good)
Adelaide Hills self-reported wellbeing	Measure to be developed (community perception survey dependent)
Positive ageing wellbeing score	Average of at least 7 across the client group

Related service areas

Economic Development, Emergency Management and Business Continuity, Positive Ageing, Planning and Development, Public Health and Community Development



Key activities this year

SP1.1

We will pursue World Heritage Listing for the Mount Lofty Ranges as a working agricultural landscape.

With a heritage expert review having been completed in mid-2019, we will continue to work with other levels of government in order to progress the development of the bid, and to improve the community and key stakeholders understanding of the world heritage significance of the region.

SP1.2

We will work with Governments and industry to achieve Pest Free Area Status for the Adelaide Hills' primary production area.

We have begun working with primary producers and Primary Industries and Regions South Australia to develop a road map for achieving Pest Free Area Status. This will continue through 2019-20.

SP1.3

We will work towards making the Adelaide Hills the favoured tourism destination in the State.

We will continue to invest an additional \$50,000 per annum in visitor information servicing in the Adelaide Hills, bringing the total investment in Adelaide Hills Tourism to \$100,000 for the next year. With a big emphasis on digital technology, we will work with Adelaide Hills Tourism and Mount Barker District Council to ensure visitors to our region know what is on offer and how to get there.

SP1.5

We recognise that small and micro business is the backbone of our regional economy and will work with stakeholders to make it easier to do business in the Hills.

We will work with Mount Barker District Council to conduct May Business Month – a four week program of events, workshops and seminars to improve the skills, knowledge and networks for small business operators.

We will examine the feasibility of joining the Small Business Friendly Council scheme run by the Small Business Commissioner.

SP1.6

We will work with other levels of government to address transport needs for business.

We have co-funded a regional transport study supported by Regional Development Australia Hills, Fleurieu and Kangaroo Island. We will examine the study's outcome and determine the next steps.

We will continue to advocate for further development of options for a northern freight bypass to improve freight efficiency and reduce freight movements through the Hills.

SP1.7

We will connect key walking trails and cycling routes to make it easier for people to keep active in the Hills.

We will complete the review of our cycling and trail strategies, included costed priorities for implementation.

We will continue to support events being held in the Adelaide Hills Council area, and partner with key agencies to pursue funding and expansion opportunities to further improve the status of the Adelaide Hills as a mountain biking destination.

SP1.8

We will amend the Development Plan to make farming in the Hills easier.

We will advocate for change to development policies to make farming easier and allow for value adding activities such as food tourism and on-farm shops in primary production areas.

SP1.9

We will work to make the district more age-friendly.

We will increase the ability for people to access our Positive Ageing Programs by providing better information online and more streamlined booking systems.

We will develop and provide opportunities to increase and assist community members to understand brain health and memory loss by providing information and resources in easily accessible locations.

SP1.10

We will use the amended Development Plan to encourage more housing opportunities for first home buyers and those wishing to age in our community.

The Council's Development Plan has now been amended to allow for a wider variety of housing opportunities in the district. We will commence with the conversion of our Development Plan into the new State Planning & Design Code over the next two years to assist with the transition to the new State Planning System. This will also include the roll out of an electronic Development Application system by the State Government in order to streamline assessment processes and improve processing efficiencies for new homes.

SP1.11

We will embrace nature play concepts in play space developments.

Council's Sport & Recreation Strategy (2017-2021) acknowledges that the natural environment of our region is unique and that we have an opportunity to provide play spaces that complement their surroundings. Opportunities for unstructured, open ended and self-directed play, along with the freedom to roam, seek adventure and explore have been and will continue to be incorporated into Council's Play Space designs, encouraging creativity and imagination, inspired by nature.

To support this strategy we've made an allocation within the Long Term Financial Plan for play space developments in across the district. Areas of greatest need will be identified and natural play elements will be incorporated where suitable to ensure play spaces have the right mix of fun, risk and adventure.

SP1.12

We will seek opportunities to increase the wellbeing and resilience of our community to withstand, recover and grow in the face of challenges.

We will complete a review of fire prevention activities undertaken by Council in relation to roadside vegetation and fire prevention on private land. Council will continue to modify the provision of sites and services on forecast extreme and catastrophic fire danger days to ensure the safety of the community and staff.

We will review our Public Health Plan, incorporating updated public health data and commence the pilot community wellbeing alliance project.

We will also increase our resources to help improve wellbeing for those living with disability in our community, including the development of a new Disability Access and Inclusion Plan to align with the State Disability Access and Inclusion Plan.

SP1.13

We will work with other levels of government to improve safety for road users (including pedestrians and cyclists).

We will continue to advocate for projects which aim to improve safety for road users, including through the provision of feedback in relation to policy positions which may lead to improvements, and seeking to partner with State and Federal Government to fund project delivery.

Other highlights

- We will work with Adelaide Hills Tourism to improve tourism operators' digital capability.
- We will increase opportunities for ageing community members to receive home support in line with increased Commonwealth funding.

Goal 2

Activities and opportunities to connect

In an increasingly fast-paced and technological world, opportunities to connect are crucial. Connection can be with a place, people, activities or ideas. A connected community is inclusive and welcoming, engaged, empowered and dynamic. Its members are confident and resilient.

The Hills community values learning and sees it as a lifelong pursuit. Technology has enabled people to connect with communities of interest beyond their local area, bringing new ideas and expectations.

The Adelaide Hills is a place for everyone. To be welcoming and respecting of individual uniqueness we must strive to understand, accept and value differences. We need to do more to recognise and respect the region's first people. Both the Peramangk and Kaurna people have connections with the Hills and we will continue to collaborate with them.

In 2019-20 Council will be working on building cultural awareness through the Reconciliation Working Group and training of staff, enhancing community and youth leadership through our development programs, progressing Fabrik, our Arts and Heritage Hub, and supporting events in our district.

What success looks like:

A welcoming and inclusive community where people support, respect and celebrate each other for their differences as much as for their shared values

Connect Performance Measures

We will measure our performance using the following:

Performance Measure	2019-20 Target
Percent of staff training participants aware of the importance of Aboriginal culture and heritage	Baseline to be established from first Quarter 2019-20 onwards
Percent of residents who view the Adelaide Hills as a welcoming and inclusive community	Measure to be developed (community perception survey dependent)
Library service visits per capita compared with the state average	5% above
Overall satisfaction with library service	90% Satisfied or Very Satisfied
Program attendance as a percent of Adelaide Hills community (including Library, Community Development/Youth)	Baseline to be established from first Quarter 2019-20 onwards
Percent of participants who agree that Council's community development programs/events have increased their feeling of community connection	80%

Related service areas

Cultural Development, Community Development, Library Services, Youth Development



Key activities this year

SP2.1

We recognise and respect Aboriginal culture and the descendants of our first people. We will implement a Reconciliation Action Plan.

We will work with Mount Barker District Council and the newly formed Reconciliation Working Group to determine what should be included in the next version of our Reconciliation Action Plan to take our understanding and recognition of Aboriginal culture to the next level.

SP2.2

We recognise diversity in the community is one of our greatest strengths and we will support and promote opportunities for social inclusion.

We'll pursue activities arising from our Multicultural Action Plan to make the district more welcoming to people from diverse backgrounds. We will enhance the profile of the Harmony Picnic and incorporate cultural awareness in our Youth Leadership Program.

We will assess library programs and collections to ensure effectiveness in promoting social inclusion.

SP2.3

We will establish a community leadership program to help unlock the potential of people in the community to improve the community.

We will run our third Community Leadership Workshop Series to support community leaders and groups to reach their full potential.

We will implement a leadership development program specifically for young people.

SP2.4

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.

We will develop stage 1 of Fabrik Arts and Heritage at the Old Woollen Mill in Lobethal, incorporating artist studios, exhibition spaces and heritage interpretation. This will drive increased visitation to the area and provide artists the opportunity to connect with each other and showcase their work.

SP 2.5

We will support opportunities for learning in our community to increase the confidence, wellbeing and health of our citizens.

We will develop a Library Services Strategy to identify a vision for the future of library services in the Hills and a plan to get there.

We will work with local history groups to examine the feasibility of digitising collections to increase their availability to the broader community.

SP 2.6

We will seek to bring events to our district that have social, cultural, environmental and economic benefits.

We hope to again feature prominently in the 2020 Women's and Men's Tour Down Under.

SP 2.7

We will seek opportunities to improve transport options for those who need it most.

We will review and improve our community transport services for eligible home support clients to maximise the use of available transport resources.

SP2.8

We will improve the engagement and participation of younger people in our district.

We will have a bigger focus on developing young people as the leaders of tomorrow through a new youth leadership development program.

Other highlights

- We will undertake a volunteer engagement survey and review volunteer management processes to increase the effectiveness of recruitment, support and recognition.
- We will work with Mount Barker District Council to promote and develop the Volunteer Connect platform, which helps community groups attract volunteers.

Goal 3

Places for people and nature

The Adelaide Hills is renowned for its unique natural and built environments. From native vegetation and productive farming land to village townships and community facilities, the district comprises a blend of land use which allows people and nature to thrive.

Good facilities provide places for people to meet, connect and participate. These range from fields for organised sport to spaces for meeting friends in the main street.

Managing our natural environment effectively and preparing for and overcoming challenges such as: weed invasion, habitat fragmentation, bushfires and climate change are critical. Through responsible management and supporting community based activities, we can work together to improve biodiversity and enable ecosystems to thrive.

In 2019-20 Council will be working on developing a Carbon Management Plan, completing our scheduled program of road reserves and reserve assessments, implementing our Dog and Cat Animal Management Plan and encouraging community-led place making at Gumeracha.

What success looks like:

Vibrant places which contribute to increased wellbeing
Thriving ecosystems

Place Performance Measures

We will measure our performance using the following:

Performance Measure	2019-20 Target
Energy usage: Decrease Council's kilowatt hour use and increase solar PV generation	Kilowatt hour use below 2.5 million
Diversion rate of recyclable material away from landfill	≥48%
Percent delivery of Arboriculture (Tree) Zone Maintenance Program	90%
Availability of Council-owned sports grounds (condition assessment)	95%
Percent delivery of capital works program	90%
Percent operational tasks completed within the Civil Zone Maintenance Program	80%

Related service areas

Sustainability, Waste and Resource Recovery, Community Wastewater Management Systems, Biodiversity and Habitat Conservation, Open Space Operations, Sport and Recreation Management, Asset Management, Civil Operations Services, Regulatory Services, Cemeteries, Property Services



Key activities this year

SP3.1

We will work with our community to encourage sustainable living and commercial practices.

We are investigating water reuse opportunities and designing and implementing various Water Sensitive Urban Design initiatives where they are possible, including creek restoration and bio-filtration.

We are also working with the Resilient Hills and Coasts Regional Climate Change Adaptation Group to explore the potential of a Community Energy Program across the region.

SP3.2

We will strive for carbon neutrality as an organisation and encourage our community to do likewise.

We're striving for carbon neutrality and encouraging our community to do likewise, so we are developing a Carbon Management Plan for our operations, and will continue our investment in providing sustainability grants through our Community and Recreation Facilities grant program.

SP3.3

We will complete the road reserves and reserve assessments Native Vegetation Marker System (NVMS), leading the nation in conservation and biodiversity management practices.

We will complete the road reserves and reserve assessments, leading the nation in conservation and biodiversity management practices.

We recognise the importance of remnant native vegetation on roadsides and reserves. Accordingly, we have increased our investment in the Native Vegetation Marker System program. These sites will receive ongoing monitoring and active management to protect and conserve areas of high biodiversity and habitat value.

SP3.4

We will work with State Government to complete the Amy Gillett Bikeway.

We continue to work with the State Government to complete the Amy Gillett Bikeway from Mount Torrens to Birdwood and Mount Pleasant in the Barossa. Additionally, we are exploring opportunities for a broader Inter-regional Cycle Network, to create linkages between key economic and tourist offerings across South Australia.

SP3.5

We will take a proactive approach, and a long term view, to infrastructure maintenance and renewal.

We continue to invest heavily in renewing the assets we already have before they deteriorate below a serviceable standard. Examples include:

- We are developing business workflows in our Asset Management System to enable real time defect information against Council Assets to be logged in the field as they are discovered
- Delivering Community and Recreation Facility Grant Funding
- Developing guiding frameworks for strategic investment across Sport and Recreation Assets.

We will undertake a review of Council's cemetery operations and procedures and the development of master and managements for each of the Council's cemeteries over the next 3 - 5 years. We will also review existing and develop new management plans for Council's community land.

SP3.6

We will reduce the impact of cats on native flora and fauna.

We will undertake further community education around responsible dog and cat ownership and monitor animal owners' compliance with the microchipping and desexing requirements.

We will continue to implement the 2018-22 Dog and Cat Animal Management Plan and consider cat management matters in the lead up to the cat confinement requirements in 2021-22. We will also review the case for a second off-leash dog park within the Council area.

SP3.7

We will drive further reduction in waste consigned to landfill

We are exploring the potential for soft plastic recycling within the Council area, in conjunction with East Waste and in line with Council's Waste and Resource Management Strategy.

We will be undertaking kerbside bin audits and exploring opportunities for further recycling services within prominent public places, with the aim to reduce waste to landfill and maximize recycling.

SP3.9

We will encourage community-led place making approaches to enhance townships and public spaces.

We will continue to work with the Gumeracha community to implement key elements of the masterplan for the Gumeracha main street and surrounds. The focus will be on creating a precinct conducive to business, tourism and social activities, with a major component being the undergrounding of Powerlines in Partnership with the Department for Planning Transport and Infrastructure and SA Power Networks.

Other highlights

- A comprehensive review of our Biodiversity Strategy 2013-18 will occur, which will benefit from community consultation and a new strategy to be released in 2019.
- We will offer food safety training to food businesses and community organisations. We will continue to progress the development of our Community and Recreation Facility Framework.
- We will undertake a Road Rent review and update.

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Goal 4

Explore ideas and work with others

Exploring ideas and collaboratively working with others is central to understanding and meeting our community's needs and delivering long-term benefits. We seek community input for important decisions and to help us set directions.

Technological innovations are continually providing new ways to design, develop and deliver services and more effectively consult and engage with a broader range of stakeholders.

As the world changes around us, the Council needs to be aware of the impacts on its community and advocate accordingly. The community needs Council to be easy to work with and to act in its interest.

In 2019-20, Council will be working on a major review of our website, identifying more opportunities for customers to do business with Council online, engaging with the Boundaries Commission regarding potential changes to boundaries adjoining Woodforde and Rostrevor, and implementing our new organisational information management system.

What success looks like:

Council working with our community and others to pursue new ideas and address emerging needs

Explore Performance Measures

We will measure our performance using the following:

Performance Measure	2019-20 Target
Percent satisfaction with Council's consultation and engagement efforts	Measure to be developed (community perception survey dependent)
Percent growth in Council's social media community	20%
Fabrik – measures to be developed in line with the targets set in Adelaide Hills Arts and Heritage Hub Business Development Framework 2018-23. <i>Preliminary measures:</i> <i>Number of people attending Fabrik site for exhibitions, events and workshops (1,000)</i> <i>Percentage of available Fabrik studio spaces occupied (50%)</i>	Measures to be finalised prior to adoption of Annual Business Plan in June 2019

Related service areas

Community Engagement, Communication and Events, ICT and Information Systems, Creativity and Arts & Heritage Hub Services



Key activities this year

SP4.1

We will embrace contemporary methods of engagement so it's easy for everyone to have their say.

We will embark on a major review of the Council's website, with a view to streamlining access to the most important information and optimise functionality on mobile devices.

We will actively work to increase the number of people receiving regular communication from the Council via email and social media.

SP4.2

We will explore the opportunities that emerging technologies present to people living, working, visiting or doing business in our district.

We will continue to develop and implement the Internet of Things (IOT) Network to support emerging technologies and seek to work with other Councils on expanding the network.

SP4.3

We will offer greater access to services and realise business efficiencies through online services.

In conjunction with the website review, we will identify more opportunities for customers to do business with Council online. This will include completing and submitting commonly used forms and tracking the progress of requests online.

We will support staff with the use of modern technology platforms and solutions such as the development of the Records Hub, mobile phones in the field, cloud solutions and field staff include in the Active Directory and Exchange.

SP4.4

We will foster creativity in the community and embrace it as an organisation.

We will continue to encourage public art and place-making through the provision of community grants.

SP4.5

We will work with neighbouring councils and stakeholders to ensure Council boundaries best serve our communities.

We will engage with the Boundaries Commission, the Campbelltown City Council and the community in relation to assessment of the proposal to realign the common boundary adjoining Woodforde and Rostrevor.

Other highlights

- We'll lead by example by purchasing more efficient vehicles with enhanced safety features (all fleet vehicles now 5 star ANCAP rated)

Organisational sustainability

Local Government is a highly regulated and scrutinised sector. People need to be able to trust us. We place great value on being open, transparent and responsive. We strive for accountable and strategic decision-making and we pursue excellence and equity in service delivery.

We have defined commitments outlined in our Strategic Plan in the following areas: Our organisation, Work health and safety, Financial sustainability, Customer service commitment, Risk and responsibility, Collaboration on public policy setting, and Governance.

In 2019-20 Council will be working to continue to improve our work health and safety management practices, implementing our new Purchasing Framework and improving the useability of our digital platforms and reviewing our Strategic Plan.

What success looks like:

Our people are supported and safe. Our organisation is financially sustainable. Our decision-making is open, transparent, and accountable. Excellence and equity in service delivery that meets our legislative obligations and community needs.

Organisational Sustainability Performance Measures

We will measure our performance using the following:

Performance Measure	2019-20 Target
Employee Turnover	7-15%
Number of Lost Time Injuries	0
Operating Surplus Ratio	0-10%
Net Financial Liabilities Ratio	0-100%
Asset Renewal Funding Ratio	90-110%
Technology: serviceability rating (performance against response service standards)	90%
Overall Customer Satisfaction	75%
Overall Net Ease Score	50
Percent of decisions considered in open session by Council	95%
Percent of attendance of Council Members at ordinary meetings	95%

Related service areas

Organisational Development and Workplace Health and Safety, Financial Services, ICT and Information Systems, Customer Service, Organisational Innovation, and Governance.

Key activities this year

- We will implement initiatives identified through our Corporate Plan through the following elements:
 - Leadership
 - People
 - Strategy and Policy
 - Partnerships and Resources
 - Processes, systems and customer service
 - Results
- We will develop methods to regularly measure customer satisfaction and the ease of doing business with Council.
- We will continue to develop our work health and safety (WHS) management practices with the use of the integrated safety management system (Skytrust)
- We will further develop People Leaders in understanding their WHS responsibilities through improved induction processes and development via People Leader Gatherings
- We will develop a process to provide current and new employees with training on their decision making and responsibilities as Public Officers. We will also ensure this process is included in employee inductions.
- We will review our performance management process to ensure it is clear and relevant to our people and enables the goals setting, monitoring and completion of work to be managed on a 6 monthly basis.
- We will continue the internal auditing of our WHS procedures and develop improvement plans from the findings.
- We will implement our Procurement Framework and related procedures.
- We will develop a Strategic Financial Framework to ensure the continued prudent and responsible use of financial resources.
- We will implement quarterly performance reporting aligned with strategic and annual business plans to ensure improved transparency and accountability to the community.
- We will improve the useability of our digital platforms including the website and social media to enhance community awareness of council services and activities.
- We will develop an organisation wide project management framework to improve consistency and quality of project delivery across the organisation.
- We will implement our organisational information management system across Council
- We will review our legislative delegations management systems to identify and implement improvements.
- We will collaborate with Adelaide Hills' residents and ratepayers to review the Council's Strategic Plan to set the direction for services and infrastructure provision in the medium-term.
- We will develop and implement a Service Review process to cyclically assess the appropriateness, effectiveness and efficiency of Council's service provision to the community.

Long Term Financial Plan context

The *Local Government Act 1999* requires the Council to prepare a Long Term Financial Plan (LTFP) as part of its suite of strategic management plans, and to update it on the same basis. This means that members of the public are to be given a reasonable opportunity to be involved in the development and review of the Council's Plan.

Prior to the development of the Annual Business Plan a detailed review of the LTFP was undertaken in consultation with the community with a view to adoption at Council's 23 April 2019 meeting.

The key objective of our LTFP is financial sustainability in the medium to long term, while still achieving the objectives outlined in our Strategic Plan and Corporate Plan. At the same time the LTFP ensures that there is an understanding of the impact of decisions made today on future sustainability. This means ensuring the cost effective delivery of works and services, and the appropriate maintenance and renewal of our asset base in a financially sustainable manner. A copy of the LTFP can be found at ahc.sa.gov.au.

In addition, the LTFP has been used to set the context and targets for the development of the 2019-20 budget.

Key conclusions drawn from the LTFP

Importantly the current LTFP demonstrates that the Council is financially sustainable over the 10 year term of the LTFP, whilst achieving the objectives outlined in the Strategic Plan. This includes:

- Implementation and funding of the appropriate level of maintenance and renewal of the portfolio of infrastructure assets
- Meeting the ongoing expectations of service delivery to our community
- Managing the impact of cost shifting from other levels of government
- Enabling the delivery of strategies identified within the Strategic Plan as well as other endorsed Functional Strategies
- The appropriate use of debt as a means of funding new capital expenditure
- Ensuring the financial sustainability of Council's operations.

Financial sustainability has been demonstrated through adherence to the agreed target ranges in all of the following three key ratios:

1. Operating Surplus Ratio, target range 0% to 10%
2. Net Financial Liabilities Ratio, target range 0% to 100%
3. Asset sustainability Ratio, target range 90% to 110%

In achieving these targets, there is a level of certainty provided to the community that financial sustainability will be maintained.

Financial summary

The Annual Business Plan for 2019-20 has been prepared in accordance with the priorities of Adelaide Hills Strategic Plan, Corporate Plan and functional strategies, while ensuring the financial targets adopted by Council at its Council Meeting in February 2019 are met. Key financial information for 2019-20 is summarised below:

- General Rate Increase 2.80%
- Rates Growth (new rateable properties and improvements) 0.75%

Budget Summary	\$'000
General Rates Income	35,475
All Other Operating Income	9,183
Total Operating Income	44,658
Operating Expenses (excluding Initiatives)	43,321
Operating Initiatives (Net)	875
Operating Surplus	462
Gross Capital Renewal Program Expenditure	9,273
Gross New Capital Expenditure	4,811
Total Gross Capital Expenditure	14,084
Estimated New Borrowings	2,500
Repayment of Fixed Term Borrowings	Nil

Outcome: Council will raise sufficient income to cover its operating expenses and undertake repayment of its debt.

Key Financial Targets for 2019-20

Indicator	Adopted Target	2019-20 Budget
Operating Surplus Ratio	0 - 10%	1.0%
Net Financial Liabilities Ratio	0 - 100%	45%
Asset Sustainability Ratio	90 – 110%	103%

Impact on ratepayers

It is proposed that the overall amount existing ratepayers will pay in general rates will increase on average by 2.8%. For a residential property of average value, this equates to an increase in general rates of approximately \$55 for the 2019-20 year. Rate increases may vary from the average where there has been new development, capital improvements or other significant change to the value of the property.

Significant influences for the 2019-20 budget

A number of factors have influenced the preparation of Council's 2019-20 Annual Business Plan. These include:

- Local Government Price Index increases on relevant goods and services, which in recent years has tracked above CPI.
- The impact of China mandating and enforcing stringent quality requirements for imported recycled materials (China Sword) has an ongoing impact on Councils operating result of approximately 1% of rates, thus having a significant financial impact on Council's budget.
- Provision for Enterprise Development Agreements for most staff which determines conditions of employment and provide for annual salary and wages increases.
- Maintaining asset management (renewal) expenditure at a sufficient level to ensure long term maintenance of Council infrastructure, property and IT assets.
- Increased maintenance requirements due to an increase in capital works and construction of new assets over recent years.
- Ensuring key strategies from Council's Strategic Plan and Functional Strategies are costed appropriately.
- In 2019-20 it is forecast Council ratepayers will pay \$768k in landfill levy to the State Government, an increase of over \$31k (4.2%) from 2018-19.
- A reduction in Grant funding, largely as a result of one off funding received in 2018-19 for Disaster Recovery funding for storm damage relating to previous years of \$406k and a DPTI contribution of \$200k for the Kersbrook Primary School pedestrian crossing.
- The divestment of the southern side of AHBTC resulting in reduced rental and reimbursement income but offset by reduced operating and capital costs.
- The activation of an Arts and Heritage Hub resulting in a net cost of \$199k in 2019-20.

Savings Strategies

In response to the cost imposts on Council and to minimise the burden on ratepayers, Council has continued its work and review of saving strategies including service sustainability.

Saving strategies identified as part of the 2019-20 Budget preparation include organisational initiatives, service reviews, contract management efficiencies, infrastructure and work planning actions as well as people management initiatives. These reviews have already identified savings across the corporation which have been captured in building the 2019-20 budget in areas such as:

- overtime costs
- fuel purchases
- electricity costs
- banking fees and
- road permits.

Sources of revenue and application of expenditure

Revenue

Rate revenue is the Council's primary source of income (86%) with grants, fees and charges making up the remainder. We continue to pursue grant income and partnerships with external funders where possible to minimise the requirement for revenue via rates.

Expenses

Thirty-eight percent of the Council's costs are attributable to the payment of salaries and wages and around 40% is applied to materials, contracts and other expenses. Depreciation represents the rate at which assets such as roads, buildings, footpaths, IT equipment and plant deteriorate. Budgeting for depreciation ensures we can afford to renew assets as and when they need it.

Fees and Charges

Section 188 of the *Local Government Act 1999* provides the legal context:

- fees and charges are determined by resolution of council either as a direct resolution or by by-law or via delegation
- a council is unable to fix or vary fees or charges prescribed under other Acts
- in respect of fees for the use of facilities, services or works requests a council need not fix fees or charges by reference to the cost of the council
- Council is required to keep the list of fees and charges on public display and provide updates where fees and charges are varied during the year.

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

- reflect (or move progressively toward) the cost of the services given
- are comparable with market rates, where appropriate
- take into account benefit derived by users of community facilities
- are consistent with Council directions articulated through existing policy or plans
- are consistent with Council's LTFP assumptions

Generally, this has resulted in proposed fee increases that are in line with CPI, insofar as this is practicable.

Borrowings for the 2019-20 Financial Year

Borrowing is an important funding source, especially for expenditure relating to new Capital and is undertaken in accordance with Council's Treasury Policy. The key objective of the Policy is to manage the finances of the Council holistically in accordance with the overall financial sustainability strategies and targets.

An independent local government report on financial sustainability encourages the increased use of borrowings to promote intergenerational equity. This involves spreading costs in relation to significant capital expenditure based on the pattern of benefits over time so that one generation is not excessively subsidising another.

Where there is a persuasive argument relating to intergenerational equity, Council will consider the appropriate use of borrowings. This will be managed within financial targets with the intention that future cash flows are sufficient to recoup borrowings with minimal impact on general operations over the medium term.

Borrowing	\$'000
Forecast Opening Balance of Fixed Term Borrowings July 2019	10,000
Estimated Borrowing for 2019-20	2,500
Repayment of principal repayments for 2019-20	Nil
Forecast Closing Balance of Fixed term Borrowings June 2020	12,500
Cash Advance Debenture (Short Term Borrowings)	2,159
Forecast Closing Balance of all Borrowings June 2020	14,659

Operating budget by Directorate

The following table provides a summary of the budget with each Directorate of the organisation. A detailed breakdown by program within each of these Directorates is included at Appendix 1.

	2018-19 Annual Budget \$'000s	2019-20 Proposed \$'000s	Variation to 2018-19 Budget Fav/(Unfav) \$'000s
Income			
Community Capacity	1,659	1,719	60
Corporate Services	37,847	38,557	710
Development & Regulatory Services	1,187	1,229	42
Infrastructure & Operations	3,811	3,152	(659)
Income Total	44,504	44,658	154
Expenses			
Community Capacity	6,819	6,983	(164)
Corporate Services	8,960	8,682	278
Development & Regulatory Services	3,651	3,618	33
Infrastructure & Operations	24,677	24,913	(236)
Expenses Total	44,106	44,196	(90)
Operating Surplus (Deficit)	398	462	64

The following table provides a summary of funded staff establishment full-time equivalent movements. Details by Directorate are found in Appendix 1.

FTEs	2018-19 Budget	2019-20 Budget	FTE Movement	Externally Funded
	FTEs	FTEs	FTEs	FTEs
Community Capacity	48.74	49.79	1.05	7.14
Corporate Services & CEO	35.38	35.78	0.40	
Infrastructure & Operations	78.50	81.57	3.07	
Development & Regulatory Services	28.79	29.45	0.66	0.5
Total FTEs	191.41	196.59	5.18	7.64

Additional funding for operating initiatives

The Annual Business Plan has been developed with the inclusion of a large number of new operating initiatives and programs.

These types of projects are either one-off, short term projects, ongoing programs linked to the achievement of a strategy or a request to change the level of service. The request to change the level of service will also impact future budgets.

These projects are to be funded by Council's rates income and therefore affect the level of rates increase being considered. The Council is considering a rate increase of 2.8 % plus estimated growth of 0.75% and the draft Budget proposes to fund a net amount of \$875k of operating projects.

Further review of these projects will occur between now and June 2019, including consideration of feedback from this consultation process. Importantly these programs and initiatives, which total \$875k for 2019-20 have been provided for whilst still meeting the targets for both operating and capital expenditure as set out within the Long Term Financial Plan.

Project Name	Project Description	2019-20	Intended 2020-21	Intended 2021-22
Goal 1: People and business prosper				
Wellbeing Measures	Undertake community wellbeing and resilience initiatives and investigate and implement wellbeing measures.	0	0	20,000
Regional Health Planning	Undertake regional public health planning, monitoring and reporting.	20,000	20,500	26,000
Disability Planning	Develop a Disability Inclusion Action Plan as required by new legislation (year 1) and resource support for inclusion strategies (year 2 and beyond).	35,000	35,900	36,800
Community Wellbeing & Resilience - Materials	Materials and costs associated with the development of initiatives and measures relating to wellbeing and resilience.	10,000	10,000	10,000
Reconciliation Action Plan	To increase existing funding for Aboriginal cultural recognition from \$5,000 per year to \$10,000 from 2020-21 onwards.	0	0	5,000
Goal 2: Activities and opportunities to connect				
Aboriginal Cultural Centre support	Support for an Aboriginal Cultural Centre in the Adelaide Hills (funding may recognise lost rental income through provision of space). This has been earmarked in the Arts & Heritage Hub Business Development Framework.	0	10,000	10,000
Public Art Acquisition	Increase the level of community and public art adding value to cultural and place making strategies. Reflects outcomes of community consultation in this area.	2,500	2,500	15,000
Arts and Heritage Hub - Operating	Establish and operate an Arts and Heritage Hub at the Old Woollen Mill, Lobethal.	199,000	208,000	159,000

Project Name	Project Description	2019-20	Intended 2020-21	Intended 2021-22
Digital Literacy Services	Resource a dedicated part time Digital Training Officer to enable the Library Service to meet the gap in services occasioned by closure of the federally funded Digital Hub and meet Council's Strategic Plan to 'support opportunities for learning in our community (Connect Goal item 2.5).	39,000	40,000	41,000
Women's Tour Down Under	Grow Council's involvement in the Women's Tour Down Under	10,000	10,000	10,000
Support for Small Events	Additional capacity to support small community based events	5,000	5,000	5,000
Youth Leadership Program	Provide a youth leadership development program, with professionally facilitated workshops which will provide young leaders across the district with enhanced leadership skills and employability, and experiential learning.	11,000	11,000	11,000
Goal 3: Places for people and nature				
Smart Living Workshops	These workshops are being rolled out across Adelaide in partnership with The Adelaide & Mount Lofty Ranges Natural Resource Management Board using the Smart Living approach. These workshops are aimed at community members and go through sustainable living requirements (e.g. energy management).	3,000	3,000	3,000
CEP Promotion Plan & Website Update	Promotion of the Community Energy Program to the community and contribution to the establishment of a Resilient Hills and Coasts website.	10,000	3,000	0
Feral Cat Study and Action Plan	To study and investigate the effects feral & semi-owned cats pose on native flora and fauna within the Council area.	0	30,000	30,000
Landfill Waste Reduction	As part of its Waste & Resources Management Strategy 2016 - 2021, Council aims to divert as much waste as possible from landfill. In order to understand residents waste disposal habits, kerbside bin audits are to be undertaken on a regular basis.	10,000	10,000	0
Green Waste Scoping Study	To develop a detailed scoping study in regards to the various options to achieve improved financial and environmental outcomes in relation to Green Waste.	15,000	0	0
Solar bins / Smart bins	Funding for a pilot to see if solar bins can provide a more cost effective way of collecting waste in certain areas. Future allocations pending Carbon Management Plan Outcomes.	6,700	0	0
Local Heritage Fund	Funding for the establishment of a Local Heritage Fund. The state government recently announced that it will be providing \$500k for grants for State heritage listed buildings. This fund will complement that program and be available for local heritage items/buildings.	20,000	20,000	20,000

Project Name	Project Description	2019-20	Intended 2020-21	Intended 2021-22
Goal 4: Explore ideas and work with others				
Online Customer Portal - annual licence	Annual licence fee associated with the Online Customer Portal (item 637)	0	0	30,000
Update Website CMS - Annual Licence	Annual licence fee associated with the website content management system (item 638)	0	0	30,000
Boundary Reform Provision	To develop/respond to proposals for the realignment of the Council boundaries.	20,000	20,000	0
Organisational sustainability				
Sky Trust Implementation	Costs associated with Skytrust (WHS system) implementation to improve the way we centrally manage our WHS safe systems of work and to provide greater access to information organisationally.	28,000	28,700	29,400
Customer Experience Survey	Conducting a survey of a sample of people who have dealt with us to determine their level of satisfaction and opportunities for improvement. The survey looks at omni-channel interactions with the Council. A number of SA councils participate in a group survey scheme and results can be benchmarked against each other.	10,000	10,000	10,000
Community Perception Survey	To survey a random selection of community members to determine satisfaction with Council performance and services (across a range of services).	5,000	0	5,000
Strategic Plan Review	Consultancy services to review the Strategic Plan in accordance with legislative requirements and the new Council's policy agenda.	25,000	0	10,000
Corporate Plan Review	Review the Corporate Plan in its third year of implementation.	0	5,000	0
Performance Benchmarking	Conduct of the LG Professional Performance Excellence Benchmarking Program.	8,500	8,750	9,000
Emergency Management Plan Consultancy	To access expert consultancy services to enhance Council's Bushfire Action Planning for facilities and personnel.	10,000	10,000	0
Waste Water Inspections (Continuation)	This initiative will finalise the required wastewater inspections due to changes in the Public Health Act.	35,000	0	0
Building Compliance Officer	Additional resource to support building and swimming pool inspections to ensure legislative compliance	75,000	77,000	79,000
Economic development strategy				
Additional Economic Development Resources	Additional resourcing to support the implementation of the Economic Development Strategy.	0	100,000	102,500
Sport and recreation strategy				
Sport and Recreation Officer (0.8 FTE)	Additional resource to support sport and recreation in line with the progression of the Recreation and Sport Strategy and facilities management framework.	80,000	82,000	84,000

Project Name	Project Description	2019-20	Intended 2020-21	Intended 2021-22
Biodiversity strategy				
Heritage Agreements	Funds to cover assessment and statutory (state government) costs (i.e. land rededication)	5,000	5,000	5,000
Roadside Marker Program Implementation	Continued Funding of \$45k to progress the implementation of initiatives to protect roadside areas identified through the Roadside Marker Program	45,000	45,000	45,000
Bush Regenerator/ Landcare Officer	Increase FTE to improve the quality of our reserves, and support Weed Control Post Burn at key sites.	100,000	102,000	104,000
Climate change strategy				
Landscape Conservation	Investigation into local climate change implications for biodiversity conservation and revegetation.	10,000	10,000	10,000
Resilient community facilities and open space	Review and changes to facilities and open space e.g. water fountains to cope with changing climate.	0	0	20,000
Emergency Management	Funding for projects to consider the growing demand for emergency management services as the risk of extreme events increase.	0	0	20,000
Vulnerable members of the Community	Funding for projects to consider the health, safety and well-being of vulnerable members of the community as the risk of extreme events increase.	0	0	30,000
Agriculture	Funding for projects to consider how agricultural productivity and water security is maintained given projected declining rainfall and increasing temperature.	0	0	10,000
Water management plan				
Turf & Irrigation Design & Management Plan	Preparation of irrigations designs to improve efficiencies or water re-use opportunities to decrease reliance on mains and bore water.	20,000	20,000	20,000
Water Sensitive Urban Design (WSUD) Training	Investigate and undertake WSUD training in liaison with Water Sensitive SA for Council officers planning, designing and installing stormwater infrastructure.	2,000	0	0
Water Audits on Buildings/ Facilities	Undertake water audits on council owned buildings and facilities to understand current use and where savings maybe made.	0	20,000	0
TOTAL		\$874,700	\$962,350	\$1,054,700

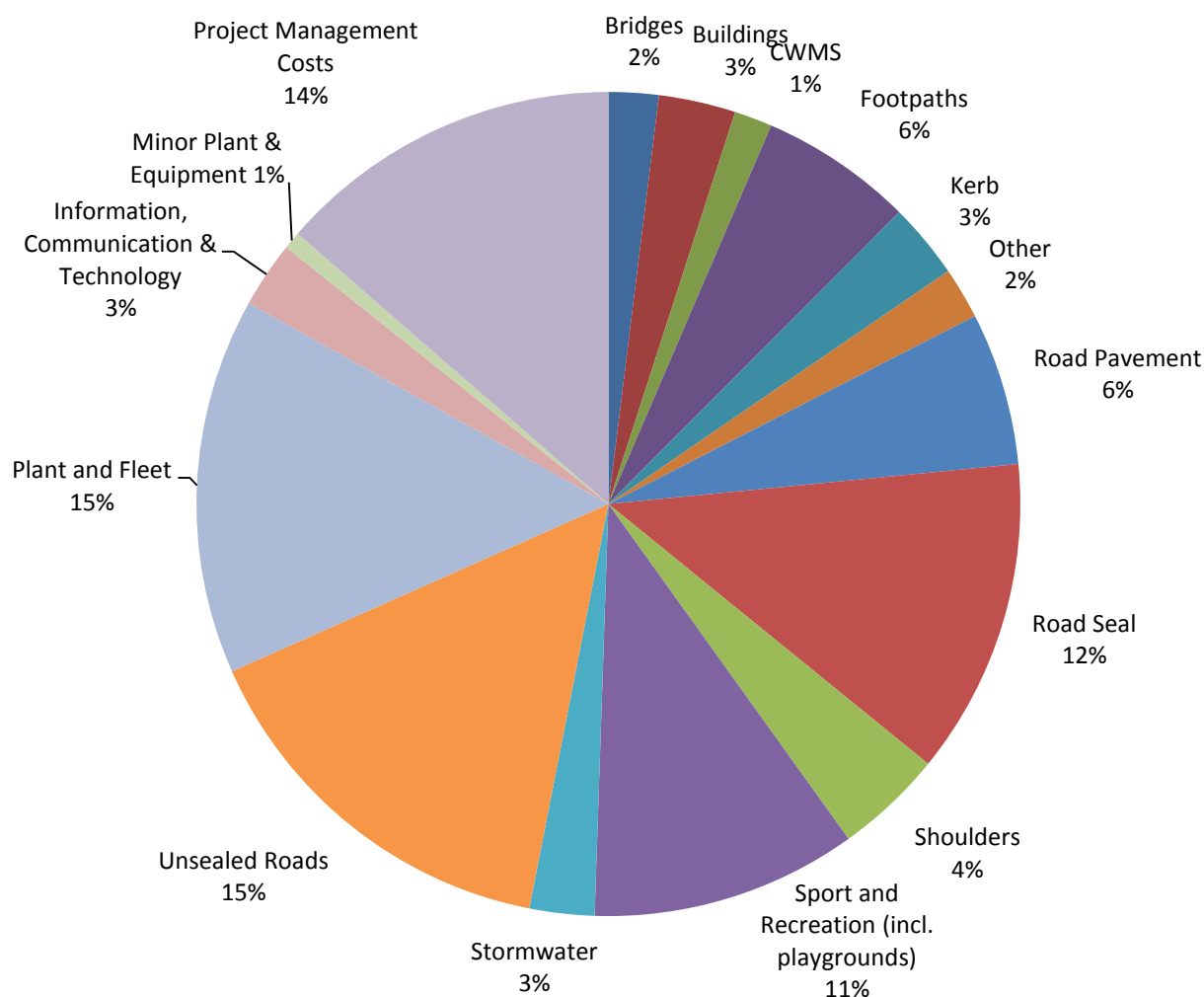
Capital budget 2019-20

The 2019-20 Capital Budget continues to focus on the renewal of infrastructure. The Council has in excess of \$507m (Current Replacement Values) of infrastructure assets that it manages, to ensure that our current and future communities have access to the ongoing services these assets provide.

This year our capital investment program will include \$9.274m on the renewal of our existing asset and \$4.811m in providing additional assets for capacity improvements to our infrastructure to meet service level demand.

The total of \$14.085m for the capital investment program (excluding new capital initiatives) is slightly higher than the Long Term Financial Plan target of \$ 13.852m and considered to be the appropriate level of sustainable investment to meet the Council strategic goal to have a proactive long term view regarding the renewal and maintenance of its infrastructure.

The detailed Capital Works Program is in **Appendix 2** and contains the planned budget for 2019-20, as well as some intended budget amounts for 2020-21 and 2021-22. These intended budget allocations for the subsequent years are indicative and pending adoption from the usual annual budget processes, but will assist Council in planning, scoping and project delivery of future projects and programs.



Capital program – renewal (by asset class)

As in previous years a significant portion of the program is applied to road works, with buildings, footpaths, stormwater and plant accounting for a large proportion of the remaining allocation.

In 2018-19 we made considered adjustments to the investment levels across some asset classes, including roads, pavements, footpath, shoulders and unsealed roads, to ensure infrastructure and key assets continue to support the development of the district and the needs of our community. This level of renewal investment into our transport infrastructure has been maintained. The Sport and Recreational facilities renewal funding has been reduced against the LTFP numbers awaiting the outcome of the functional strategy and strategic investment decisions. The current program will continue to deliver much needed court resurfacing, oval surface improvement and playground upgrades.

Capital Expenditure Renewal Summary

Asset Category	2019-20 Allocation \$'000	LTFP Target Renewal \$000	Variance to LTFP
Bridges	185	55	(130)
Buildings	285	310	25
CWMS	140	68	(72)
Footpaths	567	580	13
Kerb & Water	280	300	20
Other (Guardrail / Retaining Walls / Cemeteries / Street Furniture / Traffic Control)	191	150	(41)
Road Pavement	565	475	(90)
Road Seal	1,171	1,200	29
Shoulders	400	400	0
Sport and Recreation (including Playgrounds)	985	1,195	210
Stormwater	240	275	35
Unsealed Roads	1,441	1,500	59
Plant and Fleet	1,393	1,393	0
Information, Communication & Technology	245	200	(45)
Minor Plant & Equipment (including Library fittings)	65	65	0
Project Management Costs	1,284	1,284	0
NET RENEWALS	9,436	9,450	14

Capital program – new projects

Like many other councils, Adelaide Hills Council is experiencing an increasing demand to provide services in an environment of ageing assets, increased liability and continual constraints on funding.

New capital expenditure may not significantly impact on Council rates in the year of creation but will affect the rates income in the future by way of increased depreciation, maintenance and interest expenses. As such the funding for any new project is focused on the delivery of outcomes identified within the Strategic Plan or Functional Strategies. The following table provided detail on all new projects proposed against the relevant plan or strategy. Details by asset category can be found in **Appendix 2**.

New capital will largely be funded through borrowings; however Council commits to investigate, where possible, grants to help fund these new assets.

Capital Expenditure – New Initiatives Listing

Project Name	Project Description	Asset Category	2019-20	Intended 2020-21	Intended 2021-22
Goal 1: People and business prosper					
New Bus Shelters	Program to install new bus shelters across Council's transport network	Other	40,000	40,000	40,000
Key Walking & Cycling Trails	Capital investment in delivering on improved walking & cycling trails in the Adelaide Hills Council area	Footpaths	150,000	75,000	75,000
New Footpaths	New Footpaths Program – see Capital Detail in Appendix 2	Footpaths	356,000	232,000	269,000
New Stormwater	North East Road - Inglewood Footpath (Stormwater)	Stormwater	25,000	0	0
Guardrail Roadside Hazard Protection	Provision of additional guardrail protection across the Adelaide Hills Council.	Other	40,000	0	0
Shoulder Sealing Program	Undertake targeted shoulder sealing across Council's sealed road network.	Shoulders	0	200,000	200,000
Council's Blackspot Contribution	Contribution towards 19/20 Blackspot submissions for Paracombe Road, Morgan Road and Ironbank Road sections.	Road Pavements	299,000	0	0
Goal 2: Activities and opportunities to connect					
AHBTC Activation – Capital	Undertake physical works required to establish an Arts and Heritage Hub in the Old Woollen Mill, Lobethal.	Buildings	221,000	590,000	400,000

Project Name	Project Description	Asset Category	2019-20	Intended 2020-21	Intended 2021-22
AHBTC Capital Divestment - Capital Cost	Division and sale of new allotments for the various tenancy areas of the AHBTC site (except the identified Arts & Heritage Hub) - this project reflects the cost of undertaking the service separations/upgrades, land divisions and sales.	Buildings	700,000	150,000	0
Newman Road Charleston	Reconstruction new kerb and gutter	Kerb & Water	180,000	0	0
Newman Road Charleston	Reconstruction for road widening and car park	Road Pavement	250,000	0	0
Newman Road Charleston	Reconstruction new stormwater including WSUD	Stormwater	90,000	0	0
Winton Road Gumeracha Sealing	Winton Road Sealing	Road Seal	70,000	0	0
Milan Tce Pedestrian Crossing	Install a wombat crossing adjacent the Stirling Hospital	Other	100,000	0	0
Woodside Rec Ground Exit Upgrade	Increase the pavement width of the exist road from WRG onto Nairne Road to allow simultaneous left and right hand turns out of WRG	Pavement	14,000	0	0
Goal 3: Places for people and nature					
Actions from Carbon Neutrality Plan	Additional funding for actions identified for implementation within the Carbon Neutrality Plan.	Buildings	50,000	150,000	50,000
Incorporate Scope 3 information into Trellis system	Funding to incorporate Scope 3 (e.g. paper use, flights) emission data within the Trellis system.	ICT	25,000	0	0
LED Street Lighting	Investigation and installation of LED lights for street lights throughout the Council district.	Street Lighting	40,000	40,000	0
Purchase of EV Cars for Fleet	Investigate and purchase electric vehicles as light fleet cars concurrently with the installation of EV charging stations throughout the hills.	Plant & Fleet	0	20,000	20,000
Additional Solar Panel Installations	Application of the remaining funds held in the Sustainability Reserve are to be applied to the installation of additional solar panels to Council buildings.	Buildings	232,000	0	0
Birdwood to Mount Pleasant Amy Gillett Bikeway	Contribution towards completion of Stage 5 of the State Government initiated Amy Gillett Bikeway.	Footpaths	0	500,000	0

Project Name	Project Description	Asset Category	2019-20	Intended 2020-21	Intended 2021-22
Heathfield Resource Recovery Centre Infrastructure	Installation of Infrastructure to provide a new service for the free recycling of soft plastics (\$30k) and required security camera replacement (\$10k)	Buildings	40,000	0	0
Implementation Federation Park & Oval Masterplan	Council has commenced a process to prepare a masterplan for the Gumeracha Precinct - Federation Park and oval area. The next stage of this approach is to implement the action plan prepared along with the masterplan.	Sport & Recreation	50,000	100,000	50,000
Gumeracha Stage 2 Residents win	The Gumeracha Main Street Working Group applied for and received an initial Residents Win grant funding to undertake a design framework for the main street. A further grant application has resulted in further funds being made available to undertake design documentation and the installation of 'quick wins'. Funding will be required in the future to implement other projects within the design framework to ensure that the community's vision is achieved.	Other	100,000	50,000	50,000
Undergrounding PLEC Contribution	A contribution towards undergrounding of the powerlines within Gumeracha	Street lighting	500,000	0	0
Gumeracha Main Street Stormwater	Install stormwater in the Gumeracha Main Street in line with Stormwater Master Plan as part of construction works for PLEC and main street upgrade.	Stormwater	150,000	200,000	0
Goal 4: Explore ideas and work with others					
Update Website CMS	Procure a new content management system (CMS) for the Council's website.	ICT	0	100,000	0
Organisational sustainability					
Online Customer Portal	Establish a system which enables customers to 'self-serve' and access records of their own interactions with the Council (like MyGov)	ICT	0	200,000	0
CRM Integration	Integrate the Customer Relationship Management System with other enterprise systems including Confirm (asset management) and Lync (call management).	ICT	30,000	0	0
Broadcasting Council Meetings	Purchase of equipment to enable the capture and broadcasting of Council and Committee meetings via the website.	ICT	0	30,000	0

Project Name	Project Description	Asset Category	2019-20	Intended 2020-21	Intended 2021-22
Communications and Marketing Plan	Establish roadside signage at key points throughout the district, which will be used to promote local events, Council consultations, seasonal reminders, etc.	Other	15,000	25,000	15,000
Project Management Framework	Development of an organisation-wide Project Management Framework	Other	15,000	0	0
Emergency Management Plan Consumables	Purchase of consumables to support the activation of the Business Continuity Plan in response to a disruption event.	Other	20,000	20,000	20,000
Asset management plan					
Kiln Crt Woodforde Stormwater	Kiln Crt Woodforde Stormwater	Stormwater	100,000	0	0
Spring St Kersbrook Culvert	Spring St Kersbrook Culvert installation	Stormwater	195,000	0	0
Lower Hermitage Road	Increase the capacity of road crossing to reduce flooding	Stormwater	20,000	130,000	0
Stormwater Masterplanning	Stormwater Masterplanning	Stormwater	25,000	0	0
Building Upgrades	Funding to ensure minor upgrade works can be undertaken when identified as appropriate	Buildings	100,000	100,000	100,000
Cemetery Upgrades	Cemetery Upgrades (including new shelters)	Other	36,000	37,000	38,000
CWMS Upgrades	CWMS Capacity Upgrades	CWMS	410,000	480,000	510,000
Stormwater Investigation	Storm water management William Street Birdwood near Talunga Street	Stormwater	5,000	0	0
Biodiversity strategy					
Capital - Erosion & Reshaping Works	Undertaking reshaping of the Montacute creek line and priority erosion control works within the Michael Moran Reserve area.	Stormwater	20,000	0	0
Bushland Park Signage	Additional signage at Lobethal Bushland Park	Other	13,000	0	0
Climate change adaptation plan					
Infrastructure Assets	Incorporation of climate change adaptation requirements into infrastructure projects to increase resilience	Stormwater	50,000	50,000	50,000
Water management plan					
Woodside Recreation Ground (WRG) Water reuse-design & implementation	Planning, design and implementation of water reuse from the Bird in Hand CWMS for the Woodside Recreation Ground ovals and pitches.	CWMS	0	200,000	200,000

Project Name	Project Description	Asset Category	2019-20	Intended 2020-21	Intended 2021-22
WSUD implementation for WRG	There are opportunities to incorporate WSUD initiatives across the WRG to improve water quality before entry into the Onkaparinga River. These initiatives include regrading, erosion control and revegetation of the creek and biofiltration areas.	Stormwater	50,000	20,000	0
Implement Irrigation Systems	Planning, design and implementation of irrigation systems to improve water use and management on ovals and pitches.	Sport & Recreation	100,000	100,000	100,000
Investigate & Implement Central Irrigation Control System	The central management of Council irrigation systems will result in improved water efficiencies and reduced resource requirements. Investigation into the feasibility of these systems is required as an initial step.	Sport & Recreation	50,000	150,000	0
		TOTAL	4,811,000	3,914,000	2,112,000
AHBTC Capital Divestment - Forecast Revenue	Division and sale of new allotments for the various tenancy areas of the AHBTC site (except the identified Arts & Heritage Hub) - this project reflects the forecast revenue from the sales of the new allotments.	Buildings	(1,000,000)	0	0

Rating Policy setting

In setting the rates for 2019-20 Council proposes to continue with its current method of rating, which is two differential rates with a fixed charge, applied against the capital value of properties. Council considers this to be a fair and equitable method of rating for the Adelaide Hills Council.

Rates are used to deliver the services. Rates are a form of property taxation, and property values determine how much each property contributes. This system of taxation means that the rates paid may not directly relate to the services used by each ratepayer.

The 2019-20 Budget provides for a general rate increase of 2.8% over that of the current year with a further estimated increase of 0.75% from growth. Growth represents new development (primarily related to the Woodforde and Inverbrackie developments), capital improvements to existing properties and changes to value as a result of land divisions and will be confirmed by the Valuer-General as part of completing the valuation of the Council area.

As highlighted in the following table the 2.8% general rate increase incorporates estimated inflation (CPI) of 1.8% and 1.0% for additional capital renewal works as identified within the Long Term Financial Plan and summarised in the previous section.

The table below provides a summary of the average rate increases that have been applied in recent years as well as the increase for 2019-20.

Description	2013-14	2014-15	2015-16	2016-17	2017-18	2018-19	2019-20
To meet inflation (CPI)	2.8%	2.5%	1.7%	1.5%	1.25%	2.3%	1.8%
To fund increased capital renewal	1.0%	0.9%	1.0%	1.0%	1.0%	1.0%	1.0%
Sampson Flat Bushfire (one year only)	-	-	1.0%	(1.0%)	-	-	-
TOTAL INCREASE	3.8%	3.4%	3.7%	1.5%	2.25%	3.3%	2.8%

Summary Basis of Rating (Rating Policy)

A full copy of the 2019-20 Rating Policy can be viewed at Appendix 3.

Key elements of the Policy include:

- A fixed charge rating structure that includes a fixed charge applying to all properties. This charge is to increase from \$634 to \$652 which represents a 2.8% increase in line with the average increase highlighted in the above table.
- The same rate in the dollar, based on capital value, being applied to all categories of ratepayer, except commercial and industrial ratepayers who pay a 15% premium.
- Primary production ratepayers genuinely in the business of primary production but not benefitting from a notional capital value for their property can apply for a 10% rebate.
- A separate rate for businesses in Stirling that generates \$95k that is distributed to the Stirling Business Association (SBA) to promote Stirling as a destination, the "Gateway to the Hills". This is an increase of \$10k from previous years as a result of a request from the SBA to reflect funding requirements for future initiatives.
- A separate rate to provide for the sealing in 2014-15 of the northern end of Verrall Road, Upper Hermitage. This rate is levied on those properties that actually adjoin this section of road.

Rate Statistics

Council has nearly 18 500 assessments split by land use as follows:

- Residential: just over 13 000 assessments
- Commercial and Industrial differential rate category: approximately 700 assessments
- Primary production assessments: approximately 3,100
- Vacant: over 620 assessments
- Other: approximately 200 assessments
- Non-rateable: over 800 assessments

Rates Modelling

The valuation of the Council area by the Valuer- General is ongoing and information provided to date reflects an increase of just over 1% in valuation for existing properties. This valuation information is still being updated as well as being subject to Valuer-General and internal quality assurance processes and revisits.

Analysis indicates that:

- Residential properties, representing over 70% of the overall valuation, had an average valuation increase of just over 1.1%
- Primary production properties, being 17% of total assessments, have an average valuation increase of less than 0.3%
- The remaining non-residential properties, including commercial, had an average valuation increase of 1.7%.

The Budget has been formulated on the basis of retaining differential rates for all categories of ratepayer, including commercial and industrial ratepayers at the appropriate rate in the dollar to provide an overall increase in rates of 2.8% excluding growth.

Valuation Method

The Council uses the capital value method of valuing properties. This method values the land and all improvements on the land. It is the most widely used method across South Australian councils.

Council considers this valuation method the most equitable method to spread the rates burden across the measure of wealth within the Adelaide Hills Council area. It equates to the taxation principle that people should contribute to community, social and physical infrastructure in accordance with their capacity to pay as measured by property wealth.

In determining how rates are applied, and in determining the rate in the dollar, Council uses the following options.

Differential Rates

Section 153 of the Act allows councils to 'differentiate' rates based on the use of the land, the locality of the land, the use and locality of the land or on some other basis determined by the council. The application of a Differential General Rate is generally intended to alter the amount payable by particular land uses.

Council has determined to apply the same rate in the dollar, based on capital value, to all categories of ratepayer, except commercial and industrial ratepayers who pay a differential rate in the dollar that is 15% higher than the rate in the dollar charged for other categories of ratepayer.

Council has considered the higher amount payable by the Commercial & Industrial sector with reference to the Economic Development function as well as the services and activities that the sector does not regularly use.

Fixed Charge

Under the *Local Government Act 1999* (the Act), Council has some mechanisms available to enable all ratepayers to contribute more equitably to the administration of Council's services and the development and maintenance of the community's infrastructure. Council considers a fixed charge (applying equally to all rateable properties) to be the most fair and equitable means of achieving this.

The Council is unable to raise more than 50% of total rate revenue by the imposition of a fixed charge component of general rates as per section 151(10) of the Act.

It should be noted that there is currently a Joint Committee of Parliament considering potential changes to valuation policy that would remove the ability to levy individual fixed charges based on occupancy for retirement villages. Should this policy change be implemented this would reduce Fixed Charge revenue by approximately \$200,000 for Adelaide Hills Council.

Natural Resource Management Levy

The Adelaide Hills Council area largely falls within the Central Group of the Adelaide and Mount Lofty Ranges Natural Resource Management (NRM) Board but does have a small number of assessments falling in the area of the SA Murray-Darling Basin Natural Resource Management Board (SAMDB).

Council is required, under the *Natural Resources Management Act 2004*, to contribute towards the funding of the NRM Board and operates as a revenue collector for the Board by imposing a levy against properties.

Council has been advised that the amount to be paid to the Mount Lofty Ranges NRM Board in 2019-20 is \$966,053 compared to \$959,634 in 2018-19. This represents an increase of 0.6%.

The SAMDB Natural Resource Management Board has advised that the 2019-20 contribution will be \$6,252, which Council pays on behalf of ratepayers.

Council does not retain this revenue or determine how the revenue is spent.

Community Wastewater Management System

The Council provides Community Wastewater Management System (CWMS) to some areas within the Council district. To fund the provision of this service Council imposes an annual service charge to recover the cost to the council of establishing, operating, maintaining, improving and replacing infrastructure (taking into account depreciation of any assets and including future capital works).

Following a detailed assessment of the cost of providing CWMS services, in accordance with the guidelines set by the Essential Services Commission of South Australia (ESCOSA*), it has been identified that current charging is below the levels necessary to achieve full cost recovery. As such charging for CWMS services are to be increased by 5% in 2019-20 as the last incremental step towards full recovery over a three year period.

**ESCOSA is an independent economic regulator whose objective is the protection of the long term interests of South Australian consumers with respect to the price, quality and reliability of essential services. These essential services include water, waste water (sewerage), gas and electricity. The Commission ensures that consumers of regulated services are adequately protected and that entities such as councils are accountable for the essential services they operate. Council is required to abide by ESCOSA's guidelines with regard to the delivery of CWMS services to parts of our community.*

Appendix 1

Operating Budget Detail

Including service area budgets and staffing

The figures in the Service Area Operating Budget Detail have been rounded and consequently individual sub-totals, whilst being correct, may differ slightly from the sum of the rounded amounts.

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Adelaide Hills Council 2019-20 Proposed Budget Community Capacity Income by Function			
\$000s	2018-19 Revised Budget	2019-20 Proposed Budget	Variation to 2018-19 Budget Fav/(Unfav)
Communications, Engagement & Events	5	5	0
Community Development (management and partnerships)	-	-	-
Cultural Development	-	-	-
Customer Service	0	0	(0)
Director's Office - Community Capacity	-	-	-
Economic Development	85	95	10
Fabrik Arts and Heritage Hub	23	66	43
Grants & Partnerships	-	-	-
Hills Connected Communities Projects	61	63	1
Library Services	346	344	(2)
Positive Ageing (Home and Social Support)	982	996	14
Positive Ageing Project (Collaborative)	100	92	(8)
Service Strategy & Innovation	-	-	-
The Summit Community Centre	18	22	4
Torrens Valley Community Centre	37	35	(1)
Volunteering	-	-	-
Youth Development	2	2	-
Income Total	1,659	1,719	60

Adelaide Hills Council 2019-20 Proposed Budget Community Capacity Expenditure by Function			
\$000s	2018-19 Revised Budget	2019-20 Proposed Budget	Variation to 2018-19 Budget Fav/(Unfav)
Communications, Engagement & Events	641	649	(8)
Community Development (management and partnerships)	270	326	(56)
Cultural Development	143	147	(3)
Customer Service	828	848	(20)
Director's Office - Community Capacity	288	290	(2)
Economic Development	409	431	(21)
Fabrik Arts and Heritage Hub	279	265	14
Grants & Partnerships	229	232	(3)
Hills Connected Communities Projects	62	63	(1)
Library Services	1,792	1,830	(38)
Positive Ageing (Home and Social Support)	1,020	1,035	(15)
Positive Ageing Project (Collaborative)	93	92	1
Service Strategy & Innovation	207	201	6
The Summit Community Centre	166	174	(8)
Torrens Valley Community Centre	161	164	(3)
Volunteering	80	82	(2)
Youth Development	151	156	(5)
Expenditure Total	6,819	6,983	(164)
Net Expenditure/(Net Revenue) Total	5,160	5,264	(104)

Communications, Engagement & Events

Function Overview

The Communications, Engagement and Events function works to ensure communication between the Council and the community is accurate, relevant and engaging across multiple communication channels and that community is appropriately involved in decision making.

It works with government, community groups and commercial operators to stage and support events that help build social cohesion and attract economic activity. The team also supports internal communications and promotes and supports effective community engagement across the organisation. It includes the management of Council's online engagement portal, with associated training and support.

Resource Summary (\$'000)

Description	2018-19 Revised Budget	2019-20 Budget	Variance Fav/(Unfav)	Variation Explanation
Revenue	5	5	0	
Expenditure*	641	649	(8)	Normal cost escalation, offset partly by reduced budget allocation for videography.
NET Cost/(Rev)	636	644	(8)	
Description	2018-19 Revised Budget	2019-20 Budget	Increase/ (Decrease)	Variation Explanation
FTE	3.0	3.6	0.6	Consolidation of FTE from the Community Consultation function, with overall reduction of 0.2.

* Expenditure includes Operating Costs, Program Costs, Salaries & Wages

Key Initiatives

Events	Attract and deliver events that align to our strategic plan goal to bring events to our district that have social, cultural, environmental and economic benefits.
Digital and social media	Improve and grow existing digital communications channels including the website, e-newsletters, social media and exploration of other digital opportunities.
Marketing & Communication Plan	Update the Marketing and Communications plan to identify strategies to improve effectiveness and engagement for stakeholders. Explore new communication channels and innovative engagement opportunities.
Review Community Consultation Policy and Community Engagement Framework	Undertake periodic review of the Community Consultation Policy and review the Community Engagement Framework to ensure alignment of both documents and that community engagement approaches reflect contemporary practice.
Crisis Communication Plan	Develop a crisis communication plan to complement the Council's emergency management plan.
Video	Initiate the use of video in Council communications and produce three videos.

NOTE: In prior years, Communications and Events was presented as a separate function to Community Consultation. The two areas are now combined functionally for operational reasons and the associated budgets and staffing allocations have been brought together.

Community Development (management and partnerships)

Function Overview

The Community Development Management function provides leadership, support and policy development for the Community Development Department, including Community Centres, Home Support Program, Positive Ageing, Youth Development, Volunteering, Arts and Cultural Development. It also manages Community Grants and Partnerships and is responsible for community leadership, community wellbeing and disability access and inclusion. This function is responsible for a number of regional programs including regional health planning, Hills Community Transport, Hills Connected Consortium, Hills and partnerships with organisations such as The Hut Community Centre.

Resource Summary (\$'000)

Description	2018-19 Revised Budget	2019-20 Budget	Variance Fav/(Unfav)	Variation Explanation
Revenue	0	0	0	
Expenditure*	270	326	(56)	This is the result of funding for Regional Health Planning and Disability Access and Inclusion, partly offset by savings made within the department.
NET Cost/(Rev)	270	326	(56)	
Description	2018-19 Revised Budget	2019-20 Budget	Increase/ (Decrease)	Variation Explanation
FTE	1.0	2.0	1.0	Additional 0.6FTE for regional health planning and disability access and inclusion work. Additional 0.4FTE to correct anomaly in 2018-19 Annual Business Plan (no additional budget).

* Expenditure includes Operating Costs, Program Costs, Salaries & Wages

Key Initiatives

Regional Health Planning Initiatives	Review and prepare the next Public Health Plan incorporating updated public health data and commence the pilot community wellbeing alliance project.
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Cultural Development

Function Overview

Community cultural development seeks to build social capital and community capacity through arts and culture. This function focusses on cultural diversity, Aboriginal respect and recognition, the arts and grants giving.

Resource Summary (\$'000)

Description	2018-19 Revised Budget	2019-20 Budget	Variance Fav/(Unfav)	Variation Explanation
Revenue	0	0	0	
Expenditure*	143	147	(3)	
NET Cost/(Rev)	143	147	(3)	
Description	2018-19 Revised Budget	2019-20 Budget	Increase/ (Decrease)	Variation Explanation
FTE	1.0	1.0	0	

* Expenditure includes Operating Costs, Program Costs, Salaries & Wages

Key Initiatives

Multicultural Action Plan	Promote the cultural diversity of the Hills through images and information. Celebrate cultural diversity through events and activities. Participate in Harmony Day and Refugee Week. Identify cultural groups and stakeholders in our area and build relationships.
Reconciliation Action Plan (RAP)	Seek advice on initiatives to recognise Aboriginal people and culture from the newly formed Reconciliation Working Group in partnership with Mount Barker District Council. Undertake cultural awareness training for staff and elected members. Celebrate Aboriginal culture through events and activities. Participate in Reconciliation Week and NAIDOC Week. Support the Just Too Deadly awards. Investigate dual place names.
Arts Action Plan	Build Council's role in relation to supporting a vibrant culture of visual, literary and performing arts through the implementation of an Arts Action Plan. Investigate venues across the area that may suit Arts activities. Investigate an Arts Register. Develop a Collections Policy, Acquisition Guidelines and Public Art Strategy.

Customer Service

Function Overview

Council's frontline customer service is co-located within the Stirling Library and integrated within the Woodside and Gumeracha libraries. Customer Service Officers are cross skilled, providing library and Council customer services and staffing the Contact Centre phones. They rotate regularly through all four service points. While Officers aim to resolve enquiries at first point of contact, they also use a Customer Relationship Management (CRM) system to create cases for referral on to other departments. They also process payments including rates payments, plus dog registrations and development applications. The resources listed are for nominal non-library related front desk and Contact Centre customer service.

Resource Summary (\$'000)

Description	2018-19 Revised Budget	2019-20 Budget	Variance Fav/(Unfav)	Variation Explanation
Revenue	0	0	0	
Expenditure*	828	848	(20)	Normal cost escalations.
NET Cost/(Rev)	828	848	(20)	
Description	2018-19 Revised Budget	2019-20 Budget	Increase/(Decrease)	Variation Explanation
FTE	6.00	8.75	2.75	Reallocation between Library Services and Customer Services. (No net change overall)

* Expenditure includes Operating Costs, Program Costs, Salaries & Wages

Key Initiatives

Front line customer service delivery	Develop streamlined knowledge in liaison with other Council departments for front line customer service delivery.
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Note: prior to 2018-19, the Library Services and Customer Service functions were presented in the Annual Business Plan as a combined function. They are now presented separately to better align with other reporting requirements for Library Services.

Director's Office - Community Capacity

Function Overview

The Community Capacity Directorate delivers library services, customer services, ageing and home support services, youth development, community capacity programs, cultural development, events support and Council communications to the community.

The Director's Office is the executive section of the Directorate and consists of the Director and an Executive Assistant. The role of the Director's Office is to provide leadership for, to represent, and to monitor the performance of, the Directorate. The Director's Office also strives to enhance and improve the ability of the team to deliver services efficiently and effectively and thereby improve community benefit.

Resource Summary (\$'000)

Description	2018-19 Revised Budget	2019-20 Budget	Variance Fav/(Unfav)	Variation Explanation
Revenue	0	0	0	
Expenditure*	288	290	(2)	Normal cost escalations offset by reduced allowance for unforeseen consultant use.
NET Cost/(Rev)	288	290	(2)	
Description	2018-19 Revised Budget	2019-20 Budget	Increase/ (Decrease)	Variation Explanation
FTE	1.7	1.7	0	

* Expenditure includes Operating Costs, Program Costs, Salaries & Wages

Economic Development

Function Overview

This area is responsible for implementing Council's Economic Development Strategy to support a strong, diverse and sustainable local economy. The Strategy aims to develop a better understanding of local business issues in our region through both direct action and funding support of regional business development organisations. This will enable Council to provide networking opportunities, coordinate local development efforts, promote branding and tourism initiatives, identify options to lessen regulatory impact, and be useful advocates to other levels of government to support projects and investments that will benefit the local economy.

This function also includes revenue and expenditure of the Stirling special rate (\$95,000 passed on to the Stirling Business Association), the Council's contribution to Adelaide Hills Tourism (\$103,500), contribution to Hills, Fleurieu and Kangaroo Island Regional Development Australia (\$65,000) and contribution to the World Heritage Bid (\$15,000).

Resource Summary (\$'000)

Description	2018-19 Revised Budget	2019-20 Budget	Variance Fav/(Unfav)	Variation Explanation
Revenue	85	95	10	This additional income relates to the Stirling Business Separate Rate which is distributed to the Stirling Business Association (SBA). The SBA has requested an increase of \$10,000.
Expenditure*	409	431	(21)	Increase reflects the increased distribution to the SBA (\$10,000) and normal cost escalations, partly offset by reduced contribution to Regional Development Australia
NET Cost/(Rev)	324	336	(11)	
Description	2018-19 Revised Budget	2019-20 Budget	Increase/ (Decrease)	Variation Explanation
FTE	1.0	1.0	0	

* Expenditure includes Operating Costs, Program Costs, Salaries & Wages

Key Initiatives

Regional Development Australia	Funding support provided (by all 3 spheres of government) to identify economic opportunity and challenges for the region – and manage and coordinate ways to address them.
Adelaide Hills Tourism	To provide funding support to Adelaide Hills Tourism in order to encourage a vibrant, sustainable and visitor focussed tourism industry in the Region.
UNESCO World Heritage Bid	To provide in-kind and funding support for the progression and preparation of the World Heritage bid nomination for the Mt Lofty Ranges Region.
Business Month in May	Undertake a month long program to raise awareness within the region of the services and training opportunities available to small business and to encourage participation as good business practice.

Fabrik Arts and Heritage Hub

Function Overview

Fabrik, the arts and heritage hub being established in the former Lobethal Woollen Mill, will bring together arts, history, and the community through exhibitions, artist studios, heritage interpretations, artists in residence and cultural events. An Aboriginal cultural element will also feature in the site. Fabrik will drive increased visitation to the region and boost creative industries development.

Resource Summary (\$'000)

Description	2018-19 Revised Budget	2019-20 Budget	Variance Fav/(Unfav)	Variation Explanation
Revenue	23	66	43	Increased income expected as rentable studio spaces become available.
Expenditure*	279	265	14	Reduced expenditure due to once-off costs being incurred in the first year (2018-19) of the development of Fabrik,
NET Cost/(Rev)	256	199	57	
Description	2018-19 Revised Budget	2019-20 Budget	Increase/ (Decrease)	Variation Explanation
FTE	1.6	2.0	0.4	Two full time effective staff for the whole of 2019-20, in line with the Business Development Framework.

* Expenditure includes Operating Costs, Program Costs, Salaries & Wages

Key Initiatives

Establish an Arts and Heritage Hub	Develop Stage 1 of Fabrik Arts and Heritage at the Old Woollen Mill in Lobethal, incorporating artist studios, exhibition spaces and heritage interpretation.
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Grants & Partnerships

Function Overview

Grants are used to support community based initiatives designed to achieve positive community development outcomes. Partnerships are formed with other stakeholders to deliver regional or local outcomes. Partnerships include those with The Hut, Hills Community Passenger Network and include activities such as Volunteer Movie Day.

Resource Summary (\$'000)

Description	2018-19 Revised Budget	2019-20 Budget	Variance Fav/(Unfav)	Variation Explanation
Revenue	0	0	0	
Expenditure*	229	232	(3)	
NET Cost/(Rev)	229	232	(3)	
Description	2018-19 Revised Budget	2019-20 Budget	Increase/ (Decrease)	Variation Explanation
FTE	0	0	0	

* Expenditure includes Operating Costs, Program Costs, Salaries & Wages

Key Initiatives

Community Grants	Provide a community grants program aimed at working collaboratively with community to build community capacity
The Hut Partnership	Partner with The Hut Community Centre to provide community support and development services.
Volunteer Movie Day	Partner with neighbouring councils to provide a thank you Volunteer Movie Day

Hills Connected Communities Project

Function Overview

The Hills Connected Communities Project is a regional program externally funded by the State Government with a consortium approach across AHC Community Centres (The Summit and Torrens Valley Community Centre), Mount Barker Community Centre and The Hut Community Centre. This program works in the Results Based Accountability space, measuring community wellbeing and how people are better off from being involved in our programs. This program attracts external funding for us to work collaboratively within our region to develop and implement targeted strategies and programs.

Resource Summary (\$'000)

Description	2018-19 Revised Budget	2019-20 Budget	Variance Fav/(Unfav)	Variation Explanation
Revenue	61	63	1	
Expenditure*	62	63	(1)	
NET Cost/(Rev)	0	0	0	
Description	2018-19 Revised Budget	2019-20 Budget	Increase/ (Decrease)	Variation Explanation
FTE	0.60	0.58	(0.02)	

* Expenditure includes Operating Costs, Program Costs, Salaries & Wages

Key Initiatives

Cross agency collaboration	Work with community centres across the Hills region to identify gaps in service delivery and create programs and services that address needs and increase social connections, learning and sharing of skills.
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Library Services

Function Overview

The Library Service is comprised of a main branch at Stirling, two subsidiary branches at Woodside and Gumeracha plus Outreach Services that include a Mobile Library and a home delivery van. Both the Mobile and Home Service vehicle cover the whole of the Council region and provide library services to those unable to access our static branches. The Library Service provides welcoming and inclusive environments which provide space in which the community can meet and access information and resources for learning or leisure, whether traditional or digital. It supports lifelong learning with access to and training in the use of computers and technology; with literacy programs, book clubs and author discussions; with workshops and exhibitions that support arts and crafts; and is increasingly aligning its programs with S.T.E.A.M. principles. It encourages intergenerational interaction; partners with community groups and businesses; supports local history groups; and welcomes the many skills of volunteers.

Resource Summary (\$'000)

Description	2018-19 Revised Budget	2019-20 Budget	Variance Fav/(Unfav)	Variation Explanation
Revenue	346	344	(2)	Decrease in community usage of revenue raising activities
Expenditure*	1,792	1,830	(38)	Normal cost escalations, partly offset by efficiency savings.
NET Cost/(Rev)	1,446	1,486	(40)	
Description	2018-19 Revised Budget	2019-20 Budget	Increase/ (Decrease)	Variation Explanation
FTE	19.16	16.11	(3.05)	Reallocation between Library Services and Customer Services.

* Expenditure includes Operating Costs, Program Costs, Salaries & Wages

Key Initiatives

Digital learning	Review digital learning outcomes and identify future needs
Mobile Library project	Implement recommendations from Library Review as endorsed by Council
Library strategic plan	Develop strategic plan for Library Services based on Library Review recommendations and Council endorsements
Social inclusion project	Assess collections and programs to ensure effectiveness in building social inclusion
Local History online	Work with local history groups to assess viability of moving collections online through Portfolio

Note: prior to 2018-19, the Library Services and Customer Service functions were presented in the Annual Business Plan as a combined function. They are now presented separately to better align with other reporting requirements for Library Services.

Positive Ageing (Home and Social Support)

Function Overview

The Hills Home Support Program (which incorporates Positive Ageing Programs) plays an important role in supporting, maintaining and building capacity in the lives of older residents of the Adelaide Hills Council area. The program is predominantly externally funded the Commonwealth Government.

Resource Summary (\$'000)

Description	2018-19 Revised Budget	2019-20 Budget	Variance Fav/(Unfav)	Variation Explanation
Revenue	982	996	14	Increased external "growth" Funding for CHSP program
Expenditure*	1,020	1,035	(15)	Based on increased external funding received - increased expenditure required
NET Cost/(Rev)	38	39	(1)	
Description	2018-19 Revised Budget	2019-20 Budget	Increase/ (Decrease)	Variation Explanation
FTE	6.03	5.96	(0.07)	

* Expenditure includes Operating Costs, Program Costs, Salaries & Wages

Key Initiatives

Building Wellbeing and Wellness	Expand the understanding and accurately capture the use of wellbeing, wellness and reablement initiatives with the client group.
Increasing online presence and access	Increase the online visibility and options to access to the Positive Ageing Programs by embracing and using online technology.
Increase availability of Home Maintenance Services	Increase availability of Home Maintenance services for eligible community members in need, in line with growth funding.

Positive Ageing Project (Collaborative)

Function Overview

The Hills Positive Ageing Collaborative Project is a Commonwealth and Council joint funded project which aims to support aged care services and service users in the local government areas of Adelaide Hills, Mt Barker and part of Alexandrina (Strathalbyn) to implement aged care reforms. Reporting to a Regional Executive Committee, the project leads innovative, responsive and collaborative projects that facilitate the development of positive ageing initiatives across the Hills. Adelaide Hills Council hosts and manages the project in lieu of contributing funds.

Resource Summary (\$'000)

Description	2018-19 Revised Budget	2019-20 Budget	Variance Fav/(Unfav)	Variation Explanation
Revenue	100	92	(8)	Reflects funding provided by the State Government.
Expenditure*	93	92	1	
NET Cost/(Rev)	(7)	0	(7)	
Description	2018-19 Revised Budget	2019-20 Budget	Increase/ (Decrease)	Variation Explanation
FTE	0.57	0.60	0.03	

* Expenditure includes Operating Costs, Program Costs, Salaries & Wages

Key Initiatives

Dementia Friendly Communities Project	Foster and promote tourism, social and retail destinations that are dementia friendly. The project will support Adelaide Hills businesses to demonstrate awareness, respect and responsiveness to people living with dementia. The project will be a collaboration between the Hills Inclusive Tourism (HIT) group and the Hills Dementia Action Group (HDAG).
Wellbeing and Reablement Training	Assist aged care service providers to understand and implement wellness and reablement within current government frameworks and best practice guidelines.
The Brain Hub	Develop and provide opportunities to increase and assist community members understand brain health and memory loss by providing information, valuable resources and information collections in easily accessible locations.
High Tea Dance	A high tea dance event to provide an opportunity for community members that may be at risk of social isolation and or loneliness, to connect and engage with others, offer physical activity in a fun and non-judgemental setting and to provide health information and resources from relevant stakeholders.

Service Strategy & Innovation

Function Overview

This function works collaboratively across Council departments to improve service delivery to our customers and the community. Key areas of focus include improving the customer culture throughout the organisation, delivering initiatives and projects to improve the customer experience, oversight of functionality of the Customer Relationship Management system and driving organisational improvement through a continuous improvement approach.

Resource Summary (\$'000)

Description	2018-19 Revised Budget	2019-20 Budget	Variance Fav/(Unfav)	Variation Explanation
Revenue	0	0	0	
Expenditure*	207	201	6	Removal of a once-off special project undertaken in 2018-19.
NET Cost/(Rev)	207	201	6	
Description	2018-19 Revised Budget	2019-20 Budget	Increase/ (Decrease)	Variation Explanation
FTE	1.6	1.6	0	

* Expenditure includes Operating Costs, Program Costs, Salaries & Wages

Key Initiatives

CRM Integration	Continue integration of the Customer Relationship Management system with the Confirm asset management system to streamline management of infrastructure related customer enquiries
Knowledge Management	Build and develop an internal customer service knowledge bank to improve first contact resolution and efficiency and effectiveness of service delivery
Online Customer Portal	Design and build a new online 'portal' to improve digital service delivery

The Summit Community Centre

Function Overview

The Summit Community Centre at Norton Summit exists to deliver community development outcomes both on site and at outreach locations, predominantly in the eastern and central parts of the district. Through a range of services and programs, people are able to engage with their own community, improve health and wellbeing, participate in lifelong learning, share their skills and experience, and contribute to their community through volunteering. A range of community driven opportunities are provided and include parent support groups, nature play activities, painting groups, seniors social and fitness groups and art exhibitions by local artists. The Red Shed volunteers run a number of activities and work with local schools to share skills, encourage intergenerational connections and provide support for younger members of the community.

Resource Summary (\$'000)

Description	2018-19 Revised Budget	2019-20 Budget	Variance Fav/(Unfav)	Variation Explanation
Revenue	18	22	4	
Expenditure*	166	174	(8)	Normal cost escalations.
NET Cost/(Rev)	148	152	(4)	
Description	2018-19 Revised Budget	2019-20 Budget	Increase/ (Decrease)	Variation Explanation
FTE	1.58	1.58	0	

* Expenditure includes Operating Costs, Program Costs, Salaries & Wages

Key Initiatives

Community Development	Support programs that build community leadership skills and promote inclusion. Engage community leaders to inform program development.
Outreach programs	Run more programs where they need to be and link with other services to form partnerships in service and program development. Connect more with local groups and community members.
The Uraidla Red Shed	Grow this program to create a suite of inclusive workshops for women, children and families that encourage interaction with local community members. Network and build relationships with other sheds to assist with program development.

Torrens Valley Community Centre

Function Overview

The Torrens Valley Community Centre at Gumeracha exists to deliver community development outcomes both on site and at outreach locations, predominantly in the northern parts of the district. Through a range of services and programs, people are able to engage with their own community, improve health and wellbeing, participate in lifelong learning, share their skills and experience, and contribute to their community through volunteering. The centre volunteers run a community op shop, a gardening program and assist community at the front counter of the Gumeracha Civic Centre. The Green Shed volunteers run a number of activities and work with local schools to share skills, encourage intergenerational connections and provide support for younger members of the community. Shopping transport is also provided through the centre.

Resource Summary (\$'000)

Description	2018-19 Revised Budget	2019-20 Budget	Variance Fav/(Unfav)	Variation Explanation
Revenue	37	35	(1)	
Expenditure*	161	164	(3)	Normal cost escalations offset partly by cost reductions.
NET Cost/(Rev)	124	129	(4)	
Description	2018-19 Revised Budget	2019-20 Budget	Increase/ (Decrease)	Variation Explanation
FTE	1.58	1.58	0	

* Expenditure includes Operating Costs, Program Costs, Salaries & Wages

Key Initiatives

Community Development	Support programs that build community leadership skills, and promote inclusion. Engage community leaders to inform program development.
Outreach programs	Run more programs where they need to be and link with other services to form partnerships in service and program development. Connect more with local groups and community members.
The Gumeracha Green Shed and Op Shop	Work with these programs to consolidate on previous achievements and consider future goals. Network and build relationships with other sheds to assist with program development.

Volunteering

Function Overview

To grow and support voluntary participation across the Adelaide Hills by inspiring people to take action and contribute to building cohesive, more connected communities. This is achieved by providing meaningful opportunities for volunteers to engage in Council delivered community services and to connect individuals to volunteer involving community groups and organisations throughout the Adelaide Hills region.

Resource Summary (\$'000)

Description	2018-19 Revised Budget	2019-20 Budget	Variance Fav/(Unfav)	Variation Explanation
Revenue	0	0	0	
Expenditure*	80	82	(2)	
NET Cost/(Rev)	80	82	(2)	
Description	2018-19 Revised Budget	2019-20 Budget	Increase/ (Decrease)	Variation Explanation
FTE	0.52	0.72	0.20	Hills Volunteering funding was redirected to this salary line as the result of a Council resolution to manage that service in-house.

* Expenditure includes Operating Costs, Program Costs, Salaries & Wages

Key Initiatives

Volunteer Engagement	Progress updates of volunteer management systems and processes to increase effectiveness of recruitment, support and recognition.
Volunteer Management Capacity and Capability	Provide staff training to develop capability and capacity to support volunteers in a systematic and strategic way.
External volunteering support	Review ways in which the Council supports volunteering in the community (outside of Council) to ensure approaches are effective and contemporary.

Youth Development

Function Overview

Youth Development supports young people in a period of their life in which they go through a range of transitions, ultimately becoming thriving, productive and connected adults. This includes youth participation and leadership development, and direct service delivery to young people by building resilience, engagement and skill development through involvement in programs and events, as well as working at a strategic level on the planning and provision of services to young people in the region. Key services include Council's Youth Advisory Committee (YAC) and its various projects and programs, Youth Leadership Series (new), school holiday activities, youth-led programs such as XitH LAN parties and Woodside Jams, and regular young drivers awareness courses.

Resource Summary (\$'000)

Description	2018-19 Revised Budget	2019-20 Budget	Variance Fav/(Unfav)	Variation Explanation
Revenue	2	2	0	
Expenditure*	151	156	(5)	Normal cost escalations offset partly by a reduction in special project costs.
NET Cost/(Rev)	149	154	(5)	
Description	2018-19 Revised Budget	2019-20 Budget	Increase/ (Decrease)	Variation Explanation
FTE	1.0	1.0	0	

* Expenditure includes Operating Costs, Program Costs, Salaries & Wages

Key Initiatives

Youth Leadership Program	Progress the new Youth Leadership Program. Participants will develop transferrable leadership and professional skills through workshops featuring both facilitated learning and experiential learning opportunities. Young people will also have opportunities to put newly learnt skills into action via involvement in developing youth events and activities of their choice and interest. These may include taking action on a particular youth need; organising an event, program or developing a resource focussing on a particular interest; exploration and celebration of achievements of Hills Young people, and others.
Implement Youth Action Plan	Implement strategies contained in the Youth Action Plan

Adelaide Hills Council
2019-20 Proposed Budget
Corporate Services Income by Function

\$000s	2018-19 Revised Budget	2019-20 Proposed Budget	Variation to 2018-19 Budget Fav/(Unfav)
Adelaide Hills Business & Tourism Centre	647	300	(347)
Cemeteries	179	210	31
Director's Office - Corporate Services	3	3	0
Financial Services	36,828	37,964	1,136
General Property	56	56	1
Governance & CEO Office	-	-	-
ICT	-	-	-
Information Systems	-	-	-
Organisational Development & Work Health and Safety	-	-	-
Retirement Villages	135	24	(111)
Income Total	37,847	38,557	710

Adelaide Hills Council
2019-20 Proposed Budget
Corporate Services Expenditure by Function

\$000s	2018-19 Revised Budget	2019-20 Proposed Budget	Variation to 2018-19 Budget Fav/(Unfav)
Adelaide Hills Business & Tourism Centre	465	250	215
Cemeteries	259	279	(20)
Director's Office - Corporate Services	303	311	(8)
Financial Services	567	508	59
General Property	2,646	2,718	(72)
Governance & CEO Office	1,420	1,390	30
ICT	1,383	1,405	(22)
Information Systems	1,241	1,255	(14)
Organisational Development & Work Health and Safety	500	527	(26)
Retirement Villages	175	40	135
Expenditure Total	8,960	8,682	278

Net Expenditure/(Net Revenue) Total	(28,887)	(29,875)	988
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Adelaide Hills Business & Tourism Centre

Function Overview

The Adelaide Hills Business & Tourism Centre (AHBTC) is located at the former Onkaparinga Woollen Mills site at Lobethal and is managed by the Adelaide Hills Council. The site has evolved from a business incubator and currently has a diverse group of commercial and community tenants. Through these business activities, the site currently provides employment for over 155 people.

Resource Summary (\$'000)

Description	2018-19 Revised Budget	2019-20 Budget	Variance Fav/(Unfav)	Variation Explanation
Revenue	647	300	(347)	Variation reflects current and proposed divestment of allotments at AHBTC
Expenditure*	465	253	215	
NET Cost/(Rev)	(182)	(50)	(132)	Variation reflects current and proposed divestment of allotments at AHBTC
Description	2018-19 Revised Budget	2019-20 Budget	Increase/ (Decrease)	Variation Explanation
FTE	1.0	1.0	0	

* Expenditure includes Operating Costs, Program Costs, Salaries & Wages

Key Initiatives

Divestment of Commercial Tenancies	Investigation to determine if the balance of the buildings occupied by commercial tenants can be subdivided by community title division to enable a sale to the occupying tenant
Maintenance of commercial tenancies	Ongoing maintenance of buildings in Council ownership and occupied under commercial tenancy arrangements

Cemeteries

Function Overview

Property Services are responsible for ongoing maintenance and management of 17 cemeteries within Adelaide Hills Council boundaries. Council functions include the issuing and renewal of Interment Rights, facilitating interments, attending funerals, ordering plaques, approving memorial applications and ensuring legislative compliance with the requirements of the Burial & Cremation Act 2013.

Resource Summary (\$'000)

Description	2018-19 Revised Budget	2019-20 Budget	Variance Fav/(Unfav)	Variation Explanation
Revenue	179	210	31	Variation reflects trends over the past 2 years for interments and makes allowance for CPI increase of fees and charges
Expenditure*	259	279	(20)	Variation reflects increased resource allocation to ensure statutory requirements are met
NET Cost/(Rev)	81	70	11	
Description	2018-19 Revised Budget	2019-20 Budget	Increase/ (Decrease)	Variation Explanation
FTE	0.5	1.0	0.5	Increased resource allocation to ensure statutory requirements are met

* Expenditure includes Operating Costs, Program Costs, Salaries & Wages

Key Initiatives

Cemetery Review	Progression of the review of Council's cemetery operations and procedures and the development of master and managements for each of the Council's cemeteries over the next 3 - 5 years.
Stirling Masterplan	Development of a masterplan for the Stirling Cemetery to map out expansion areas and native vegetation protection zones.
Survey and aerial mapping of cemeteries	Progressively undertake survey and aerial mapping over the next 3 - 4 years to compliment spreadsheet data for implementation into the Cemetery Management System.
Cemetery Management System	Implementation of management system to electronically hold all cemetery records and provide workflows for all cemetery administrative functions.

Director's Office - Corporate Services

Function Overview

The Corporate Services Directorate provides a wide range of key services to both the organisation and the broader community. These services include finance, rates, property management and compliance, AHBTC oversight, Information Services (including records), corporate planning and performance reporting. The Director's Office is the executive section of the Directorate and consists of the Director and an Executive Assistant. The role of the Director's Office is to provide leadership for, to represent, and to monitor the performance of the directorate. The Director's Office also strives to enhance and improve the ability of the team to deliver services efficiently and effectively and thus improve community benefit.

Resource Summary (\$'000)

Description	2018-19 Revised Budget	2019-20 Budget	Variance Fav/(Unfav)	Variation Explanation
Revenue	3	3	0	
Expenditure*	303	311	(8)	
NET Cost/(Rev)	300	308	(8)	
Description	2018-19 Revised Budget	2019-20 Budget	Increase/ (Decrease)	Variation Explanation
FTE	1.8	1.8	0	

* Expenditure includes Operating Costs, Program Costs, Salaries & Wages

Financial Services

Function Overview

The Financial Services function provides accounting and financial operations activities including payment of invoices, collection of rates and recovery of debt, treasury management, procurement support as well as financial decision making required for Council's operations, including statutory reporting obligations.

Resource Summary (\$'000)

Description	2018-19 Revised Budget	2019-20 Budget	Variance Fav/(Unfav)	Variation Explanation
Revenue	36,828	37,964	1,136	Variation primarily relates to expected increase in rate revenue
Expenditure*	567	508	59	Variation relates to reductions in interest expense and additional plant recoveries
NET Cost/(Rev)	(36,262)	(37,457)	1,195	
Description	2018-19 Revised Budget	2019-20 Budget	Increase/ (Decrease)	Variation Explanation
FTE	7.5	7.5	0	

* Expenditure includes Operating Costs, Program Costs, Salaries & Wages

Key Initiatives

Annual Financial Statements	To complete the Annual Financial Statements in accordance with the agreed timelines for inclusion in the Annual Report for 2018-19.
Development of 2020-21 Long Term Financial Plan	Development of 2020-21 Long Term Financial Plan.
Budget Development including rating strategy and fees and charges consideration	To develop the budget for 2020-21 in accordance with agreed timelines for inclusion in the Annual Business Plan.
Sale of Land	To undertake further Sale of Land for non-payment of rates process, under Section 184 of the <i>Local Government Act 1999</i> .
Procurement Framework	To implement the Procurement Framework and tools to support Council's adopted Procurement Policy (including purchase cards).

General Property

Function Overview

Property Services is responsible for the ongoing maintenance and management of Council's real estate assets including some 380+ parcels of land and 180+ buildings owned and managed by Adelaide Hills Council Property Services Department, many of which are leased to sporting and community groups. The portfolio includes service centres and operational sites that have a much higher operational cost than sites that are occupied for sport, recreation or community use. Property Services also manages the Council's unmade roads (including rentals and closures/sales), Outdoor Dining Permits, Roadside Trading Permits and Mobile Food Van Permits and provides support to other Council departments for property related matters.

Resource Summary (\$'000)

Description	2018-19 Revised Budget	2019-20 Budget	Variance Fav/(Unfav)	Variation Explanation
Revenue	56	56	1	
Expenditure*	2,646	2,718	(72)	Variation relates to increases in utility charges, maintenance costs, accommodation and salary costs and consultation costs.
NET Cost/(Rev)	2,591	2,662	(71)	
Description	2018-19 Revised Budget	2019-20 Budget	Increase/ (Decrease)	Variation Explanation
FTE	4.6	4.6	0	

* Expenditure includes Operating Costs, Program Costs, Salaries & Wages

Key Initiatives

Community & Recreation Facility Framework	Continue to develop a Community & Recreation Facility Framework for all of Council's community and sporting/recreation facilities.
Community Land Register and Management Plans	Review existing and develop new management plans for Council's community land.
Crown Land Review	Review the 77 Crown Land parcels dedicated to Council to determine occupation and consistency with dedicated purpose and strategic value to the community and Council with recommendations to Council where changes are seen as appropriate.
Unmade Road Review	Review Council's unmade road network and create a register determining current occupation and use, encroachments, strategic value to the community and Council as possible future road network including walking trail and native vegetation purposes or that are suitable for closure and sale.
Public Toilet Review	Review the public toilet facilities available in the Council area, including those not owned by Council, to develop a long term plan for location, type of service and renewal options.
Accommodation Review	Review Council's accommodation arrangements to ensure the effective and efficient delivery of services to the community.

Governance & CEO Office

Function Overview

The Governance area incorporates both the CEO Office and the Governance and Performance function from a budget perspective.

The CEO Office provides executive support for the CEO and the Mayor in the discharge of the roles and responsibilities set out in legislation; to support the leadership of the Council and the Administration; and the achievement of the Strategic Plan. Consultation, advocacy and liaison with federal state and other local government members and entities, community and business groups and members of the public are key functions of the CEO Office.

The Governance function provides civic governance services for the elected Council and the community and corporate governance services for the organisation. Civic governance services include: secretariat for Council, Council Committees and informal gatherings; Council Member support, advice and professional development; coordination of elections, boundary reforms and representation reviews; liaison with inquiry agencies; and oversight of community requests for Section 270 reviews for escalated complaints. Corporate governance services include: corporate risk management, audit and review activities; strategic, corporate and business planning; insurance, business continuity planning; coordination of legislative policies, codes, delegations and authorisations; and corporate performance reporting.

Resource Summary (\$'000)

Description	2018-19 Revised Budget	2019-20 Budget	Variance Fav/(Unfav)	Variation Explanation
Revenue	0	0	0	
Expenditure*	1,420	1,390	30	Variation relates to the inclusion of the strategic plan review and boundary reform initiatives, a reduction in the CEO contingency fund and the removal of 2018 Local Government Election and Council Member induction costs.
NET Cost/(Rev)	1,420	1,390	30	
Description	2018-19 Revised Budget	2019-20 Budget	Increase/ (Decrease)	Variation Explanation
FTE	5.0	5.0	0	

* Expenditure includes Operating Costs, Program Costs, Salaries & Wages

Key Initiatives

Delegations Management System Upgrade	To review the current legislative delegations management systems and processes and identify and implement improvements.
Boundary Reform Provision	To develop and/or respond to proposals for the realignment of the AHC boundaries.
Strategic Plan Review	To review the Strategic Plan in accordance with legislative requirements and the new Council's policy agenda.
Service Review Framework	To develop a Framework setting out the methodology, resourcing and schedule for service reviews within Adelaide Hills Council.

ICT

Function Overview

ICT (Information, Communication and Technology) is a critical function to the operation of Council services and service improvement initiatives. The department is responsible for providing a range of technology services for both internal and external service provision. The ICT team supports over 1300 technology devices, 250 system users and 100 public access devices for Libraries and Community Centres. Its key objectives are the delivery of ICT Operational and Capital Works programs, Technology Helpdesk Support, ICT Systems Security, ICT Asset Maintenance & Renewal Programs.

Resource Summary (\$'000)

Description	2018-19 Revised Budget	2019-20 Budget	Variance Fav/(Unfav)	Variation Explanation
Revenue	0	0	0	
Expenditure*	1,383	1,405	(22)	Increase to operational telecommunication costs for the provision of services across all departments
NET Cost/(Rev)	1,383	1,405	(22)	
Description	2018-19 Revised Budget	2019-20 Budget	Increase/ (Decrease)	Variation Explanation
FTE	4.0	4.0	0	

* Expenditure includes Operating Costs, Program Costs, Salaries & Wages

Key Initiatives

Multifunction Device Renewal	Due to the expiry of leased infrastructure a program of works is scheduled for the renewal of Multifunction Devices across Council Buildings.
Tablets/Laptops and Computers	Due to the expiry of leased infrastructure a program of works is scheduled for the renewal of Tablets/Laptops and Computers across Council Buildings.
Server Storage and Switching	Due to the expiry of leased infrastructure a program of works is scheduled for the renewal of Server Storage and Switching in key datacentres.
Internet of Things (IoT)	Continue to develop and implement IoT Networks within the Adelaide Hills Council District to support emerging technologies and seek to work with other Councils on expanding the network.

Information Systems

Function Overview

The Information Management function is responsible for the capture, dissemination, storage, security, accessibility and management of information that is both received and generated by the Council. The function manages digital information, (digital documents, databases, line of business systems, corporate software etc.) and information in hard copy formats. The function guides and supports the various internal and external facing service areas of Council to support best practice information management. The function also undertakes a variety of externally facing services including the coordination of Section 7 Certificates; the collation and management of Freedom of Information Requests; management of requests for documents subject to copyright. The function also assumes responsibility for corporate software systems maintenance and management including procurement. There are currently over 80 individual software line of business systems supported.

Resource Summary (\$'000)

Description	2018-19 Revised Budget	2019-20 Budget	Variance Fav/(Unfav)	Variation Explanation
Revenue	0	0	0	
Expenditure*	1,241	1,255	(14)	CPI adjustments
NET Cost/(Rev)	1,241	1,255	(14)	
Description	2018-19 Revised Budget	2019-20 Budget	Increase/ (Decrease)	Variation Explanation
FTE	6.8	6.8	0	

* Expenditure includes Operating Costs, Program Costs, Salaries & Wages

Key Initiatives

Implementation of Organisational Information Management System	A new enterprise organisational information management system has been developed on a contemporary technology platform. The solution will be implemented across the organisation, on a rolling basis one department at a time. The Information Systems team will support each team as they begin using the system and migrate essential information from legacy systems.
Destruction of hard copy records	The Information Management team will focus on reviewing and destroying hard copy records that are due for destruction under the Legislative rules of the General Disposal Schedule.
Hard Copy Records digitisation	Hard Copy records that have been identified as "at risk of deterioration" will be scanned and captured electronically. This project will focus on historical waste water records and building records.
Information Management System Integration	Integrating corporate line of business systems into the Enterprise Information Management system, to ensure documents created in these systems are saved inside the enterprise system. This includes our Development, Environmental Health, CRM and Asset Management systems.

Organisational Development & Work Health and Safety

Function Overview

The Organisational Development (OD) Department provides a range of services internally (including OD, human resource management, work health and safety and payroll) to enable the effective management and leadership of our employees. This is achieved through the provision of frameworks, policy, procedure and supporting documents for People Leaders (those who manage employees) and employees to use. More specifically this includes the whole of the employment lifecycle: recruitment, induction, performance, development, industrial relations, work health and safety and exit. OD team members provide advice, guidance and support across the organisation.

Resource Summary (\$'000)

Description	2018-19 Revised Budget	2019-20 Budget	Variance Fav/(Unfav)	Variation Explanation
Revenue	0	0	0	
Expenditure*	500	527	(26)	Variation relates to the Skytrust (WHS system) implementation being undertaken with a current staff member
NET Cost/(Rev)	500	527	(26)	
Description	2018-19 Revised Budget	2019-20 Budget	Increase/ (Decrease)	Variation Explanation
FTE	3.68	4.08	0.40	Reflects resource requirements for the implementation of Skytrust. This resource previously budgeted as an external contract

* Expenditure includes Operating Costs, Program Costs, Salaries & Wages

Key Initiatives

WHS People Leader Development	Further develop People Leaders in understanding their WHS responsibilities through improved induction processes and development via People Leader Gatherings.
Develop employees in Public Officer responsibilities	Develop a process to provide current and new employees with training on their decision making and responsibilities as Public Officers. Ensure this process is included in employee inductions.
Review our 4X8 Performance Process	Review the 4X8 Performance process to ensure it is clear and relevant to our people and enables the goals setting, monitoring and completion of work to be managed on a 6 monthly basis.

Retirement Villages

Function Overview

Adelaide Hills Council owns and operates 1 retirement village at Bridgewater comprising 6 independent living units. Council's functions include negotiation and issuing of occupation agreements, management and maintenance of the villages and ensuring compliance with the Retirement Villages Act 2016. In 2018, Council sold its other 5 retirement villages at Balhannah, Crafers, Gumeracha, Lobethal and Woodside to Clayton Church Homes.

Resource Summary (\$'000)

Description	2018-19 Revised Budget	2019-20 Budget	Variance Fav/(Unfav)	Variation Explanation
Revenue	135	24	(111)	Variation relates to sale of 5 of the 6 Retirement Villages during 2018-19
Expenditure*	175	40	135	Variation relates to sale of 5 of the 6 Retirement Villages during 2018-19
NET Cost/(Rev)	41	16	25	
Description	2018-19 Revised Budget	2019-20 Budget	Increase/ (Decrease)	Variation Explanation
FTE	0.5	0	(0.5)	Resource not required following sale of 5 of the 6 retirement villages

* Expenditure includes Operating Costs, Program Costs, Salaries & Wages

Key Initiatives

Retirement Village	Investigation of the Trust and potential disposal of remaining Council retirement village at Bridgewater.
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Adelaide Hills Council
2019-20 Proposed Budget
Development & Regulatory Services Income by Function

\$000s	2018-19 Revised Budget	2019-20 Proposed Budget	Variation to 2018-19 Budget Fav/(Unfav)
Animal Management	395	402	7
Director's Office - Development & Regulatory Services	-	-	-
Fire Prevention	12	13	0
Mt Lofty Waste Control Project	63	50	(13)
Parking and By-Laws	90	91	1
Planning & Development	502	512	10
Policy Planning	-	-	-
Public Health	125	162	37
Income Total	1,187	1,229	42

Adelaide Hills Council
2019-20 Proposed Budget
Development & Regulatory Services Expenditure by Function

\$000s	2018-19 Revised Budget	2019-20 Proposed Budget	Variation to 2018-19 Budget Fav/(Unfav)
Animal Management	455	399	56
Director's Office - Development & Regulatory Services	311	318	(7)
Fire Prevention	171	128	43
Mt Lofty Waste Control Project	49	50	(1)
Parking and By-Laws	153	149	3
Planning & Development	1,808	1,927	(119)
Policy Planning	169	148	21
Public Health	536	499	37
Expenditure Total	3,651	3,618	33

Net Expenditure/(Net Revenue) Total	2,463	2,388	75
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Animal Management

Function Overview

The Regulatory Services Team promote responsible dog and cat ownership under the provisions of the ***Dog and Cat Management Act 1995***, Council's Dog and Cat Animal Management Plan and the Dog and Cat By-laws. The Team provide a number of animal management services including:

- Establishment and monitoring of dog off-leash areas which provide an appropriate venue for owners and dogs to enjoy the freedom of the off-leash environment while minimising the risk to native animals and members of the public
- General dog management services including investigation of barking dog complaints and dog harass/attack matters reported to Council
- Eradication of European Wasp nests via a callout service which helps to protect the amenity and safety of the district (note that funding to assist with the provision of this service has been withdrawn by the State Government)
- Responding to nuisance and hazards caused by other animals including poultry complaints and wandering stock
- Undertaking education and encouragement activities in the first instance followed by enforcement action if required.

Resource Summary (\$'000)

Description	2018-19 Revised Budget	2019-20 Budget	Variance Fav/(Unfav)	Variation Explanation
Revenue	395	402	7	Anticipated increase in income due to increased dog registrations
Expenditure *	455	399	56	Decrease in expenditure due to excess revenue from the 2017-18 period required to be spent in 2018-19
NET Cost/(Rev)	60	(3)	63	Overall net decrease due predominantly to excess revenue from the 2017-18 period being spent in 2018-19
Description	2018-19 Revised Budget	2019-20 Budget	Increase/(Decrease)	Variation Explanation
FTE	2.85	3.05	0.2	Reallocation of staff FTEs between Regulatory Services functions

* Expenditure includes Operating Costs, Program Costs, Salaries & Wages

Key Initiatives

DCAMP Implementation	Continued implementation of the Dog and Cat Animal Management Plan (DCAMP) and consider cat management matters in the lead up to the cat confinement requirements of 2021-22.
Cats By-law review	Upon completion of the feral cats study in 2021, review Cats By-law and consider what changes, if any, are required to reduce the impact of cats on our environment and biodiversity.

Director's Office - Development & Regulatory Services

Function Overview

The Director's Office is the executive section of the Development & Regulatory Services Directorate and consists of the Director and an Executive Assistant. The role of the Director's Office is to provide leadership for and to monitor the performance of the directorate. The Director's Office also strives to enhance and improve the ability of the Team to deliver services efficiently and effectively and thus improve Community benefit. The Director represents Council on a number of internal and external bodies, project groups and regional subsidiaries such as the Rural Land Management Advisory Group, the World Heritage Project Management Group and the Gawler River Floodplain Management Authority (GRFMA).

Resource Summary (\$'000)

Description	2018-19 Revised Budget	2019-20 Budget	Variance Fav/(Unfav)	Variation Explanation
Revenue	0	0	0	
Expenditure*	311	318	(7)	Small increase in expenditure predominantly due to CPI
NET Cost/(Rev)	311	318	(7)	
Description	2018-19 Revised Budget	2019-20 Budget	Increase/ (Decrease)	Variation Explanation
FTE	2.0	2.0	0	

* Expenditure includes Operating Costs, Program Costs, Salaries & Wages

Fire Prevention

Function Overview

The Regulatory Services Team is responsible for a range of functions under the *Fire and Emergency Services Act 2005*. Council currently has five qualified Fire Prevention Officers to undertake the various roles as outlined in the legislation. The responsibilities include: assessing the extent of bushfire hazards within the Council area; assisting in providing advice and information to the Bushfire Management Committee; and providing advice to land owners in respect of bushfire prevention and management.

Resource Summary (\$'000)

Description	2018-19 Revised Budget	2019-20 Budget	Variance Fav/(Unfav)	Variation Explanation
Revenue	12	13	0	
Expenditure*	171	128	43	Decrease in expenditure due to reallocation of staff and funds.
NET Cost/(Rev)	158	115	43	
Description	2018-19 Revised Budget	2019-20 Budget	Increase/ (Decrease)	Variation Explanation
FTE	1.15	0.93	(0.2)	Reallocation of staff FTEs between Regulatory Services functions

* Expenditure includes Operating Costs, Program Costs, Salaries & Wages

Key Initiatives

Review of Council Fire Prevention & Mitigation Activities	The Bushfire Mitigation Operation Group will be reviewing all aspects of Council's current operations, including private property and Council land. The review will include reviewing Council's community education and private property inspection programmes along with our open space and roadside vegetation management (woody weeds) works programmes.
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Mt Lofty Waste Control Project

Function Overview

The Mt Lofty Ranges Waste Control Project has been operating since 2001 focusing on the identification and rectification of failing wastewater systems impacting on the catchment. The project is undertaken collaboratively with major funding partner SA Water. Council manages the project as an in kind contribution and also contributes some funding through the wastewater application fees generated by the project. The Project Officer works with property owners to ensure failing waste control systems are either upgraded or replaced.

Resource Summary (\$'000)

Description	2018-19 Revised Budget	2019-20 Budget	Variance Fav/(Unfav)	Variation Explanation
Revenue	63	50	(13)	Decrease due to removal of the vehicle and associated costs as this is now a part time role.
Expenditure*	49	50	(1)	Small increase due to CPI and is covered by the funds received from SA Water.
NET Cost/(Rev)	(14)	0	(15)	
Description	2018-19 Revised Budget	2019-20 Budget	Increase/(Decrease)	Variation Explanation
FTE	0.5	0.5	0	

* Expenditure includes Operating Costs, Program Costs, Salaries & Wages

Key Initiatives

Investigate impact of wastewater system on catchment	In conjunction with other project partners, investigate and survey onsite wastewater systems potentially impacting the water catchment.
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Parking and By-Laws

Function Overview

The Regulatory Services Team undertake regulatory functions to ensure the safety of the community is maintained and improved. In doing so, the team enforce a wide range of legislation including the *Local Government Act 1999*, Australian Road Rules and Environment Protection Polices under the *Environment Protection Act 1993*. The Team also enforces Council's By-laws in relation to activities on Local Government land, moveable signs, roads and bird scaring devices.

Parking enforcement is aimed at maximising the safety of the road environment for all road users and pedestrians. In addition, the Team monitors parking controls which ensures shop traders, customers, event organisers and attendees have appropriate access to such facilities.

The Team also assist with events such as the Tour Down Under, local Christmas Pageants, Mt Lofty Botanic Gardens Autumn Festival, the monthly Stirling Market and the Gumeracha Medieval Fair. To ensure community safety is provided for over the weekends, the Team provide a Weekend Ranger Service from 8.30am to 5.00 pm on Saturdays and Sundays. An after hours emergency callout service is also provided by the Team.

Resource Summary (\$'000)

Description	2018-19 Revised Budget	2019-20 Budget	Variance Fav/(Unfav)	Variation Explanation
Revenue	90	91	1	
Expenditure*	153	149	3	
NET Cost/(Rev)	63	59	4	
Description	2018-19 Revised Budget	2019-20 Budget	Increase/ (Decrease)	Variation Explanation
FTE	1.15	1.30	0.15	Staff establishment picking up the extra FTE from the 2018-19 Compliance Initiative

* Expenditure includes Operating Costs, Program Costs, Salaries & Wages

Key Initiatives

Community Education on local nuisance and litter control matters	To undertake a community education program regarding litter, illegal dumping, insanitary or unsightly conditions of land, and noise complaints to clarify which types of noise are Council's responsibility.
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Planning & Development

Function Overview

The Development Services Team undertakes Council's statutory responsibilities for the assessment of development applications and manages compliance of development activities within the district. Some of these activities result in appeals of decisions and enforcement cases in the Environment, Resources and Development Court which need to be defended by the Council. Council also has a responsibility for reviewing the fire safety of buildings with public access (which includes commercial, industrial and accommodation buildings). As the new development legislation (*Planning, Development and Infrastructure Act [PDI Act] 2016*) is rolled out in stages, changes to the development assessment service will begin to occur with a greater focus on electronic information systems including electronic lodgement of development applications. In advance of the state reform, Council has changed the assessment system to an electronic one and the team can accept development applications electronically and send decisions electronically. The on-line payment of fees has been rolled out soon to assist with the streamlining of the process.

Resource Summary (\$'000)

Description	2018-19 Revised Budget	2019-20 Budget	Variance Fav/(Unfav)	Variation Explanation
Revenue	502	512	10	Projected increased fee income based on development values increasing
Expenditure*	1,808	1,927	(119)	Increase due CPI increases in expenditure, and additional resource to support inspections and an additional contribution to DPTI for the ePlanning Portal.
NET Cost/(Rev)	1,306	1,415	(108)	
Description	2018-19 Revised Budget	2019-20 Budget	Increase/ (Decrease)	Variation Explanation
FTE	15.67	16.63	0.96	Additional resource to support building and swimming pool inspections

* Expenditure includes Operating Costs, Program Costs, Salaries & Wages

Key Initiatives

Electronic Development Application Assessment	Continued implementation of the Electronic Development Assessment System with improved processing efficiencies to assist in making it easier to do business in the district.
Review of Development Application Assessment Process	To review development processes and task allocations, and reduce file loads in preparation for full implementation of the Planning, Development and Infrastructure legislation, and thereby improve processing efficiencies

Policy Planning

Function Overview

Planning Policy undertakes large scale policy and research projects such as Development Plan Amendments (DPA) and a variety of Strategic Policy work, as well as Council policies, responses and submissions to government planning policy proposals, and support functions for the Rural Management Advisory Group, and associated research and analysis work. A major piece of work in the lead up to the 1 July 2020 date for the commencement of the State's new Planning & Design Code will be the conversion of the Council's Development Plan into the Code.

Resource Summary (\$'000)

Description	2018-19 Revised Budget	2019-20 Budget	Variance Fav/(Unfav)	Variation Explanation
Revenue	0	0	0	
Expenditure*	169	148	21	Decrease primarily due primarily to reductions in contractor costs for DPAs Decrease due to the removal of 2018-19 Stirling and Crafers Masterplans initiatives and the addition of the new Local Heritage Fund Initiative for 2019-20
NET Cost/(Rev)	169	148	21	Net decrease due primarily to reduced contractor and other costs
Description	2018-19 Revised Budget	2019-20 Budget	Increase/ (Decrease)	Variation Explanation
FTE	1.0	1.0	0	

* Expenditure includes Operating Costs, Program Costs, Salaries & Wages

Key Initiatives

UNESCO World Heritage Bid	To provide in-kind and funding support for the progression and preparation of the World Heritage bid nomination for the Mt Lofty Ranges Region.
State's Planning Reform Agenda	To provide comments on various discussion papers, practice directions, policy papers etc. as issued by the Department of Planning, Transport and Infrastructure as part of the roll out of the State's Planning Reform agenda
Conversion of Council's Development Plan	As a result of the roll out of the State's Planning Reforms, Council will need to convert its Development Plan into the new Planning and Design Code when Phase 3 of the Code is released in late 2019/early 2020

Public Health

Function Overview

Council has responsibilities under various Acts with regard to public health within its area (e.g. *SA Public Health Act 2011*, *Food Act 2001*, *Safe Drinking Water Act 2011* and *Local Litter & Nuisance Control Act 2016*). The functions identified by the legislation include to preserve, protect and promote public health, identify risks and to take remedial action to reduce or eliminate adverse impacts. The majority of the functions are legislative and require actions to be undertaken such as inspections of food businesses, assessment and inspection of the collection, treatment and disposal of on-site wastewater, inspection of public swimming pools, monitoring of high risk manufactured water systems, etc.

Resource Summary (\$'000)

Description	2018-19 Revised Budget	2019-20 Budget	Variance Fav/(Unfav)	Variation Explanation
Revenue	125	162	37	Increase due to increased contribution from SA Health for immunisations
Expenditure*	536	499	37	Decreased in costs due to FTE changes detailed below
NET Cost/(Rev)	411	337	74	
Description	2018-19 Revised Budget	2019-20 Budget	Increase/ (Decrease)	Variation Explanation
FTE	4.47	4.04	(0.43)	Variation due to the addition of an extra resource for the Waste Water Inspections initiative (legislative requirement) and the reallocation of the former Manager Health and Regulatory to a different Department

* Expenditure includes Operating Costs, Program Costs, Salaries & Wages

Key Initiatives

Conversion of files to electronic e-files	To convert hardcopy files for wastewater applications and food premises to electronic copies and increase the number of e-files available for access in the field using mobile devices
Food Safety Training	Food Safety Training Program will be offered to Food Businesses and Community Organisations in order to provide an understanding of appropriate food safety and food handling practices and thereby reduce possible incidents of food poisoning
Process Waste Water System Applications Electronically	To set up and commence in early 2020 the processing of waste water system applications electronically in order to improve processing efficiencies

Adelaide Hills Council 2019-20 Proposed Budget Infrastructure & Operations Income by Function			
\$000s	2018-19 Revised Budget	2019-20 Proposed Budget	Variation to 2018-19 Budget Fav/(Unfav)
Civil Services	2,048	1,288	(759)
Community Wastewater Management System (CWMS)	1,664	1,755	91
Director's Office - Infrastructure & Operations	-	-	-
Emergency Management	-	-	-
Open Space Biodiversity	-	-	-
Open Space Operations	28	28	-
Open Space Sport & Recreation Planning	2	10	8
Sustainability	-	-	-
Sustainable Assets	-	-	-
Waste	69	70	1
Income Total	3,811	3,152	(659)

Adelaide Hills Council 2019-20 Proposed Budget Infrastructure & Operations Expenditure by Function			
\$000s	2018-19 Revised Budget	2019-20 Proposed Budget	Variation to 2018-19 Budget Fav/(Unfav)
Civil Services	11,426	11,567	(141)
Community Wastewater Management System (CWMS)	968	1,002	(34)
Director's Office - Infrastructure & Operations	308	315	(7)
Emergency Management	84	92	(8)
Open Space Biodiversity	485	559	(73)
Open Space Operations	5,058	5,151	(93)
Open Space Sport & Recreation Planning	943	986	(43)
Sustainability	305	244	61
Sustainable Assets	498	530	(32)
Waste	4,603	4,466	136
Expenditure Total	24,677	24,913	(236)

Net Expenditure/(Net Revenue) Total	20,866	21,761	(894)
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Civil Services

Function Overview

The Civil Services Department maintains a significant portion of Council's infrastructure including sealed and unsealed roads, signage, stormwater drainage, and rapid response activities. The Department is also accountable for the Project Management of the majority of Council's capital works program. This includes delivery of the annual renewal work plan for civil asset classes such as bridges, community wastewater management systems, sealed and unsealed roads, kerbs and footpaths, and stormwater infrastructure. It also includes new or upgrade projects within those classes, as well as road safety improvement projects.

Resource Summary (\$'000)

Description	2018-19 Revised Budget	2019-20 Budget	Variance Fav/(Unfav)	Variation Explanation
Revenue	2,048	1,288	(759)	This reduction in revenue mostly comprises a reduction of \$200,000 for the one-off operating grant for the Kersbrook Primary School Koala Crossing, as well as a reduction in expected roads grants at both State and Federal levels.
Expenditure*	11,426	11,567	(141)	This increase in expenditure is largely due to increases in depreciation costs, especially for sealed roads.
NET Cost/(Rev)	9,378	10,279	(901)	
Description	2018-19 Revised Budget	2019-20 Budget	Increase/ (Decrease)	Variation Explanation
FTE	46.0	44.0	(2.0)	Council's Workshop Staff have moved from the Civil Services Team to the Open Space Team, to more closely align with other Fleet Management functions.

* Expenditure includes Operating Costs, Program Costs, Salaries & Wages

Key Initiatives

Project Management Manual	As per Council's Corporate Plan, finalise development of, then implement, a Project Management Manual suitable for use Council wide. An important element of the manual will be that it is scalable for use across projects of varying size.
Online Maintenance Program	Continue to refine Council's Planned Maintenance Program and enhance its online presence.
Capital Project Delivery	Delivery of the civil and open space component of 2019-20 Capital Works Program, whilst enhancing reporting capability.

Community Wastewater Management System (CWMS)

Function Overview

Council owns, operates and maintains Community Wastewater Management Systems (CWMS), including associated infrastructure, in Birdwood, Mt Torrens, Kersbrook, Charleston, Verdun, Woodside and Stirling. Each connected property has a septic tank which is desludged on a four yearly basis by Council's contractor. The CWMS Team is responsible for the management and operation of the CWMS.

Council holds a Water Retail Licence under the *Water Industry Act 2012* to provide CWMS services, and the CWMS Team ensures compliance with the regulatory, economic and consumer protection framework overseen by the Essential Services Commission of SA (ESCOSA). Additionally, the CWMS Team manages the Council's compliance requirements with a wide range of regulatory and legislative obligations to meet under various Acts, regulations, standards, codes and guidelines in relation to the operation and management of the CWMS.

Resource Summary (\$'000)

Description	2018-19 Revised Budget	2019-20 Budget	Variance Fav/(Unfav)	Variation Explanation
Revenue	1,664	1,755	91	5% increase in service fees towards full cost recovery as required by ESCOSA pricing principles.
Expenditure*	968	1,002	(34)	Variation due to FTE internal resource reallocation
NET Cost/(Rev)	(697)	(753)	56	Variation predominantly due to requirement to move to full cost recovery
Description	2018-19 Revised Budget	2019-20 Budget	Increase/(Decrease)	Variation Explanation
FTE	0.55	0.9	0.35	Increase in FTE due to internal reallocation of Manager Waste & Emergency Management.

* Expenditure includes Operating Costs, Program Costs, Salaries & Wages

Key Initiatives

Asset management	Complete maintenance and upgrade works across the network to continue to provide safe, reliable and effective wastewater collection and disposal, as per Council's Asset Management Plan 2012.
Legislative and Regulatory Compliance	Progress actions identified in Council's CWMS Safety Reliability Maintenance Technical Management Plan. Provide a reliable CWMS service and manage the system in accordance with legislative and regulatory obligations to ensure the sustainability of the CWMS business.
CWMS Review	Continue review of CWMS management and operations to ensure the most cost efficient and effective service is provided to CWMS customers at the lowest risk to Council. Transition to full cost recovery in compliance with ESCOSA's price determination and pricing principles.
Septic Tank Desludge Program	Continue to desludge septic tanks connected to the CWMS on a scheduled four yearly frequency so as CWMS infrastructure and assets are maintained and protected.
Supply of recycled water	Continue supply agreements for the provision of treated wastewater for community and private reuse schemes and explore new opportunities as they arise.

Director's Office - Infrastructure & Operations

Function Overview

The Infrastructure and Operations Directorate delivers a wide range of key services to the Community, including civil and open space related maintenance; engineering and design; sustainability initiatives, capital works, including asset renewal and other construction projects; waste management, community wastewater; emergency management; sport and recreation planning and natural resources management.

The Director's Office is the executive section of the Infrastructure and Operations Directorate and consists of the Director and an Executive Assistant. The role of the Director's Office is to provide leadership for, to represent, and to monitor the performance of the directorate. The Director's Office also strives to enhance and improve the ability of the Team to deliver services efficiently and effectively and thus improve community benefit.

Resource Summary (\$'000)

Description	2018-19 Revised Budget	2019-20 Budget	Variance Fav/(Unfav)	Variation Explanation
Revenue	0	0	0	
Expenditure*	308	315	(7)	
NET Cost/(Rev)	308	315	(7)	
Description	2018-19 Revised Budget	2019-20 Budget	Increase/ (Decrease)	Variation Explanation
FTE	2.0	2.0	0	

* Expenditure includes Operating Costs, Program Costs, Salaries & Wages

Emergency Management

Function Overview

The Emergency Management Team works in collaboration with other Council staff, Emergency Service agencies and the Community to take measures to protect its area from natural and other hazards and to mitigate the effects of such hazards.

Resource Summary (\$'000)

Description	2018-19 Revised Budget	2019-20 Budget	Variance Fav/(Unfav)	Variation Explanation
Revenue	0	0	0	
Expenditure*	84	92	(8)	Variation due to the decrease of the amount required for an 2018-19 initiative and the addition of the Manager Waste & Emergency Management
NET Cost/(Rev)	84	92	(8)	
Description	2018-19 Revised Budget	2019-20 Budget	Increase/ (Decrease)	Variation Explanation
FTE	0	0.2	0.2	Emergency Management includes the FTE for the Manager Waste and Emergency Management, which also sees a corresponding reduction in the Development and Regulatory Services Directorate following the restructure.

* Expenditure includes Operating Costs, Program Costs, Salaries & Wages

Key Initiatives

Emergency Management Planning	Continued development and implementation of emergency management arrangements.
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Open Space Biodiversity

Function Overview

Our district boasts a wide range of habitats, including our iconic Stringybark and Candlebark forests, Red Gums and sedges of our waterways and the specialist vegetation of our wetland systems. The native flora and fauna of our region contributes to the character of the Adelaide Hills, and many of the ecosystems and the services they provide are essential to our productivity, economy, health and sense of wellbeing. Our plants and wildlife face a number of challenges. The area contains a significant proportion of the state's remaining native vegetation, and all are vulnerable to a number of threats including weed invasion, habitat fragmentation, exotic pests, risk of bushfire, and climate change. Council's response to help mitigate these threats is the Biodiversity Strategy, detailing activities the Council will be undertaking over the following years to both conserve and improve local biodiversity on Council managed land. These include weed management, habitat conservation and expansion, improving our knowledge about how we can best manage our local biodiversity and supporting the community in their activities to protect and support biodiversity. Staff from the Open Space team together with Council Members, community groups, government agencies, non-government organisations and industry professionals work to improve local biodiversity and to support ecosystems and the services they provide to enable them, and ourselves, to thrive. The Biodiversity budget supports the delivery of Council's Biodiversity Strategy.

Resource Summary (\$'000)

Description	2018-19 Revised Budget	2019-20 Budget	Variance Fav/(Unfav)	Variation Explanation
Revenue	0	0	0	
Expenditure*	485	559	(73)	The increase is due to the addition of a new resource Bush Regenerator/Landcare Officer
NET Cost/(Rev)	485	559	(73)	
Description	2018-19 Revised Budget	2019-20 Budget	Increase/ (Decrease)	Variation Explanation
FTE	2.0	3.47	1.47	Increase due to project officer to finish surveys of Roadside Marker Sites and a new Bush Regenerator/Landcare Officer

* Expenditure includes Operating Costs, Program Costs, Salaries & Wages

Key Initiatives

Biodiversity Monitoring and Management	Council reserves of conservation value are monitored using the Bushland Assessment Methodology and attributed a biodiversity value. This dataset enables regional prioritisation of works across all sites. Sites are reassessed every 5 years to determine efficacy of works undertaken at each site. The dataset has also enabled development and implementation of the Sensitive Sites Register and resulted in the proposal of entering several sites in to Heritage Agreements.
Community capacity building	Allocate funding to the Council Community Grants Scheme under the 'Environment' category. Contracted works to support volunteer activity on sites of conservation value. Support community conservation projects by funding signage, flyers/brochures and 'citizen science' initiatives (i.e. wildlife monitoring). Continue to develop Council brochures/booklets to educate the local community.
Native Vegetation Marker System Program	The Adelaide Hills Council Native Vegetation Marker System sites assessed and monitored using the Bushland Assessment Methodology (developed and utilised by Native Vegetation Council - DEW) to determine condition and attribute a biodiversity value. Data is used to determine priority works and feeds into a collaborative Roadside Vegetation Work Plan co-funded by Natural Resources Adelaide Mount Lofty Ranges (DEW). Specialist contractors are then engaged to use minimal disturbance techniques to preserve, maintain and improve sites.
Management and monitoring of prescribed burn sites	Several Council sites have been identified under the CFS Bushfire Management Area Plan for 'treatment' to reduce fuel loads. For a number of sites, this will take the form of a prescribed burn. AHC will be implementing a biannual bird monitoring program undertaken in Spring

	and Autumn pre and post burn to ensure that impacts to bird populations on site are managed responsibly, as well as an 8 year post-burn follow up weed control program to manage weed dominance following the disturbance event.
Implement the 2019 - 2024 Biodiversity Strategy	Finalisation and implementation of the revised Biodiversity Strategy.

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Open Space Operations

Function Overview

The Open Space Department maintains a significant portion of Council's parks and reserves, biodiversity, sport and recreation sites, trees, horticulture, building projects, cemeteries and fire breaks/tracks. The Open Space Department carries out capital upgrade works, in particular relating to buildings and open space projects, including playgrounds. Additionally, the department is responsible for the purchase and maintenance of Council vehicle fleet and heavy plant and equipment to enable our Service Provision activities.

Resource Summary (\$'000)

Description	2018-19 Revised Budget	2019-20 Budget	Variance Fav/(Unfav)	Variation Explanation
Revenue	28	28	0	
Expenditure*	5,058	5,151	(93)	The increase is due in part to increased data collection of trees and increased cost of vehicle registrations, also transfer of playground material and wages from Open Space Sport and Recreation Planning
NET Cost/(Rev)	5,030	5,123	(93)	
Description	2018-19 Revised Budget	2019-20 Budget	Increase/ (Decrease)	Variation Explanation
FTE	20.8	22.8	2.0	Council's Workshop Staff have moved from the Civil Services Team to the Open Space Team, to more closely align with other Fleet Management functions.

* Expenditure includes Operating Costs, Program Costs, Salaries & Wages

Key Initiatives

Elm Leaf Beetle Treatment	To manage the detrimental impacts caused to Elm trees as a result of Elm Leaf Beetle infestation, council engages contractors to undertake systemic insecticide treatments to selected high value Elm trees.
Veteran Tree Management	Undertake proactive veteran tree management pruning principles to high value large trees within prominent urban locations and areas of high public significance.
Asset protection zones	Review all asset protection zones in conjunction with the Mount Lofty Ranges Bushfire Management Area Plan.
Fleet & Plant Management	Lead by example in purchase of more efficient vehicles with enhanced safety features (all fleet vehicles now 5 star ANCAP rated)

Open Space Sport & Recreation Planning

Function Overview

Sport and Recreation Planning plays a key role in ensuring that Adelaide Hills Council makes informed and consistent decisions to enhance the quality of Sport and Recreation opportunities available to our Community and its visitors. The Sport and Recreation Planner is responsible for leading the Council's Sport and Recreation Strategy and associated initiatives across the District. Our focus is to continue to guide the strategic planning, management and utilisation of the Council's sport, recreation and open space assets; while also supporting the clubs and community who utilise these spaces.

Resource Summary (\$'000)

Description	2018-19 Revised Budget	2019-20 Budget	Variance Fav/(Unfav)	Variation Explanation
Revenue	2	10	8	To reflect actual monies received for oval maintenance
Expenditure*	943	986	(43)	Additional resource to support sport and recreation in line with the progression of the Recreation and Sport Strategy and facilities management framework
NET Cost/(Rev)	941	976	(35)	
Description	2018-19 Revised Budget	2019-20 Budget	Increase/ (Decrease)	Variation Explanation
FTE	1.0	1.8	0.8	Additional resource to support sport and recreation in line with the progression of the Recreation and Sport Strategy and facilities management framework

* Expenditure includes Operating Costs, Program Costs, Salaries & Wages

Key Initiatives

Community & Recreation Facility Grants	Deliver the Community and Recreation Facility Grant Funding round.
Sport & Recreation Masterplanning Projects	Continue to develop and implement the various Sport and Recreation Masterplanning Projects.
Play Space Upgrades	Plan and deliver Play Space Upgrades based upon Council's endorsed upgrade program.
Club Development Workshops	Provide capacity building, networking and development opportunities for sport and recreation clubs in our region.

Sustainability

Function Overview

Energy efficiency, water management, sustainable landscapes, community resilience, climate change mitigation and adaptation are all sustainability directives for the Adelaide Hills Council (AHC). AHC has undertaken audits and monitoring of energy use for the main AHC facilities and buildings and has a corporate energy reduction program that includes the installation of solar PV panels. There is also now an emphasis on providing the community and local groups with opportunities to reduce energy use. Sustainability criteria has been included in the facilities and recreation community grant program to enable the community to install energy efficiency measures. An investigation into a Community Energy Program has commenced as part of the Regional Climate Change Adaptation Steering Group (along with Yankalilla, Mt Barker, Alexandrina, Victor Harbor and Kangaroo Island Councils). The Council has also undertaken investigation into water reuse from the Bird in Hand Community Wastewater Management Scheme (CWMS) for irrigation purposes at the Woodside Recreation Ground (WRG). In addition numerous Water Sensitive Urban Design (WSUD) initiatives such as creek restoration and biofiltration areas will be implemented at the WRG.

Resource Summary (\$'000)

Description	2018-19 Revised Budget	2019-20 Budget	Variance Fav/(Unfav)	Variation Explanation
Revenue	0	0	0	
Expenditure*	305	244	61	Completion of one off operational projects including Carbon Management Plan, battery storage feasibility, and Electric Vehicle charging station feasibility within 2018-19. Reduction in funding of water efficiency project investigations as we move into capital implementation.
NET Cost/(Rev)	305	244	61	
Description	2018-19 Revised Budget	2019-20 Budget	Increase/ (Decrease)	Variation Explanation
FTE	1.0	1.0	0	

* Expenditure includes Operating Costs, Program Costs, Salaries & Wages

Key Initiatives

Community Energy Program	Explore the implementation options and associated funding for a Community Energy Program across the region through the Resilient Hills and Coasts Climate Change Adaptation Project Group.
Investigate water reuse for Woodside Recreation Ground irrigation	Investigate and analyse the feasibility of using reuse from the Bird in Hand Community Wastewater Treatment Scheme for irrigation of ovals and pitches at the Woodside Recreation Ground.
Design and implement WSUD initiatives at the Woodside Recreation Ground	Undertake design development, documentation and implementation of Water Sensitive Urban Design (WSUD) initiatives, including creek restoration and biofiltration areas at the Woodside Recreation Ground.
Investigation into circular economy products for inclusion in Council's capital and operational works.	To investigate what and how AHC can incorporate more products through the circular economy principles and objectives. The use of recycled products is critical to assist with addressing the resource recovery industry.

Sustainable Assets

Function Overview

The Sustainable Assets team develops and refines Asset Management Plans, plans for future Capital Works programs, and provides organisational support for the Geographical Information and Asset Management Systems. Council owns infrastructure assets that have a replacement value of over \$500 million dollars (including land). The ongoing management, maintenance and planning for replacement of assets ensures that public infrastructure is safe and appropriate for current and future community needs.

Resource Summary (\$'000)

Description	2018-19 Revised Budget	2019-20 Budget	Variance Fav/(Unfav)	Variation Explanation
Revenue	0	0	0	
Expenditure*	498	530	(32)	
NET Cost/(Rev)	498	530	(32)	
Description	2018-19 Revised Budget	2019-20 Budget	Increase/ (Decrease)	Variation Explanation
FTE	4.0	4.0	0	

* Expenditure includes Operating Costs, Program Costs, Salaries & Wages

Key Initiatives

GIS Integration	Update the GIS version and restructure the GIS data management to ensure full integration with Confirm Asset Management
Asset Management Plan Review	Review asset management plans prior to Long Term Financial Plan update in February 2020.
Confirm Asset Management	Develop the business workflow to capture real time operational data defect against asset classes. Ensure ongoing integration with CRM for asset related workflow process to the field.

Waste

Function Overview

To reduce costs to ratepayers and environmental impact Council continues to minimise waste to landfill and maximise recycling through the provision of waste and recycling services and implementation of Council's *Waste and Resource Management Strategy 2016 - 2021*

The Adelaide Hills Council provides kerbside waste collection services to over 16,500 properties across the district. Subject to location, a three bin service is provided comprising waste, recycling and green organics (townships only). Residents who are not in the green organic kerbside collection area are eligible to receive two organic waste vouchers, per financial year, for use at the Heathfield Resource Recovery Centre (HRRC). Free green organic drop off days are available to all Council residents at Heathfield, Gumeracha and Woodside throughout the year.

Council also operates the HRRC. This facility offers a multi stream waste and recycling service where material is sorted into different streams to maximise recycling and minimise residual waste to landfill. The HRRC offers many free waste disposal options including X-ray's, electronic waste (TV's, computers printers etc.), steel, newspapers, cardboard and vehicle oil. A free 'at call' kerbside hard waste collection service is also available to residents as an alternative to the HRRC.

Resource Summary (\$'000)

Description	2018-19 Revised Budget	2019-20 Budget	Variance Fav/(Unfav)	Variation Explanation
Revenue	69	70	1	Small increase for growth in additional bins.
Expenditure*	4,603	4,466	136	Decrease due to costs savings made by East Waste.
NET Cost/(Rev)	4,534	4,396	138	
Description	2018-19 Revised Budget	2019-20 Budget	Increase/ (Decrease)	Variation Explanation
FTE	1.16	1.4	(0.24)	Administrative adjustment to reflect allocation of Manager Waste and Emergency Management

* Expenditure includes Operating Costs, Program Costs, Salaries & Wages

Key Initiatives

Kerbside Bin Audits	Undertake kerbside bin audits with the aim to reduce waste to landfill and maximise recycling in accordance with Waste and Resource Management Strategy
Domestic Kerbside Collection	Provide a kerbside waste, recyclables, green organics and hard waste collection service.
Green Organic Drop Off Days	Continued provision of free green organic drop off days to assist with bushfire fuel reduction for fire prevention
Household Chemical and Paint Drop Off	Introduce a free household chemical and paint drop off service at the Heathfield Resource Recovery Centre.
Waste Management and Recycling	We will continue to implement initiatives in the Waste and Resource Management Strategy and Recycling Strategy to maximise diversion of recyclable material from landfill.

Appendix 2

Capital Budget Detail

Projects for new and renewed assets

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CAPITAL EXPENDITURE RENEWAL SUMMARY

ASSET CATEGORY	2019/20 ALLOCATION ('000)	LTFP TARGET RENEWAL ('000)	Variance to LTFP
Bridges	185	55	(130)
Buildings	210	310	100
CWMS	140	68	(72)
Footpaths	567	580	13
Kerb & Water	280	300	20
Other (Guardrail/RetWalls/Cemeteries/SFurniture/Traffic Cont)	191	150	(41)
Road Pavement	565	475	(90)
Road Seal	1,158	1,200	42
Shoulders	400	400	0
Sport and Recreation (including Playgrounds)	970	1,195	225
Stormwater	160	275	115
Unsealed Roads	1,441	1,500	59
Plant and Fleet	1,393	1,393	0
Information, Communication & Technology	265	200	(65)
Minor Plant & Equipment (including Library fittings)	65	65	0
Project Management Costs	1,284	1,284	0
GROSS RENEWALS	9,274	9,450	176

CAPITAL EXPENDITURE SUMMARY - NEW / CAPACITY / UPGRADE

ASSET CATEGORY	2019/20 ALLOCATION ('000)	LTFP TARGET RENEWAL ('000)	Variance to LTFP
Bridges	0	0	0
Buildings	1,343	1,363	20
CWMS	410	410	0
Footpaths	356	350	(6)
Kerb & Water	180	180	0
Other (Guardrail/RetWalls/Cemeteries/SFurniture/Traffic Cont)	904	843	(61)
Road Pavement	563	549	(14)
Road Seal	70	70	0
Shoulders	0	0	0
Sport and Recreation (including Playgrounds)	200	200	0
Stormwater	730	565	(165)
Unsealed Roads	0	0	0
Plant and Fleet	0	0	0
Information, Communication & Technology	55	102	47
Minor Plant & Equipment (including Library fittings)	0	2	2
GROSS NEW / CAPACITY / UPGRADE	4,811	4,634	(177)

Bridge Renewal

Proposed Project Name	Project Description	Suburb	2019/20 Proposed ('000)	2020/21 Intended ('000)	2021/22 Intended ('000)
Forreston Road Bridge	Replace guardrail and Bridge rails	GUMERACHA	\$55		
Forreston Road Bridge	Concrete Patch and Repair	GUMERACHA	\$30		
Whitehead Road Bridge	Scour protection of Abutments (cost share construction cost with Mt Barker)	MYLOR	\$100		
Year 2 Funding	Specific allocations in year 2 to be considered following review of asset category	REGIONWIDE		\$218	
Year 3 Funding	Specific allocations in year 3 to be considered following review of asset category	REGIONWIDE			\$218

PROGRAM PROPOSED	Totals ('000)	\$185	\$218	\$218
LTFP ADOPTED	Totals ('000)	\$55	\$218	\$218

New / Capacity / Upgrade Initiatives

Proposed Project Name	Project Description	Suburb	2019/20 Proposed ('000)	2020/21 Intended ('000)	2021/22 Intended ('000)
Nil Proposed					

PROGRAM PROPOSED	Totals ('000)	\$0	\$0	\$0
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Building Renewal

Proposed Project Name	Project Description	Suburb	2019/20 Proposed ('000)	2020/21 Intended ('000)	2021/22 Intended ('000)
Retirement Villages	Bridgewater - Refurbishment	REGIONWIDE	\$25		
Gumeracha Depot	Roofing at Gumeracha Depot	GUMERACHA	\$45		
Montacute Hall	Salt Damp - 3yr Remediation Project	MONTACUTE	\$25		
Toilet Renewal Planning	Identify current usage/ condition/ Capacity and functional requirements for service delivery	REGIONWIDE	\$30		
Stonehenge - Toilet	Toilet Refurbishment - Floor, Lighting, Pans & Cisterns (subject to Council decision on site)	STIRLING	\$40		
Summertown Bore and Shed	Summertown Bore and Shed	SUMMERTOWN	\$15		
Asset Management	Workflow System Development	REGIONWIDE	\$30		
Year 2 Funding	Specific allocations in year 2 to be considered following review of asset category	REGIONWIDE		\$951	
Year 3 Funding	Specific allocations in year 3 to be considered following review of asset category	REGIONWIDE			\$799

PROGRAM PROPOSED	Totals ('000)	\$210	\$951	\$799
LTFP ADOPTED	Totals ('000)	\$310	\$951	\$799

New / Capacity / Upgrade Initiatives

Proposed Project Name	Project Description	Suburb	2019/20 Proposed ('000)	2020/21 Intended ('000)	2021/22 Intended ('000)
AHBTC Activation - Capital	Undertake physical works required to establish an Arts and Heritage Hub in the Old Woollen Mill, Lobethal.	LOBETHAL	\$221	\$590	\$400
AHBTC Capital Divestment - Capital Cost	Division and sale of new allotments for the various tenancy areas of the AHBTC site (except the identified Arts & Heritage Hub) - this project reflects the cost of undertaking the service separations/upgrades, land divisions and sales.	LOBETHAL	\$700	\$150	\$0
Actions from Carbon Neutrality Plan	On completion of the Carbon Neutrality Plan (item 620) there will be numerous actions identified for implementation.	REGIONWIDE	\$50	\$150	\$50
Heathfield Resource Recovery Centre Infrastructure	Heathfield Resource Recovery Centre installation of Infrastructure to provide a new service for the free recycling of soft plastics (\$30k) and required security camera replacement (\$10k)	HEATHFIELD	\$40	\$0	\$0
Building Upgrades	Building Upgrades	REGIONWIDE	\$100	\$100	\$100
Additional Solar Panel Installations	Application of the remaining funds held in the Sustainability Reserve are to be applied to the installation of additional solar panels to Council buildings.	REGIONWIDE	\$232	\$0	\$0

PROGRAM PROPOSED	Totals ('000)	\$1,343	\$990	\$550
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CWMS Renewal

Proposed Project Name	Project Description	Suburb	2019/20 Proposed ('000)	2020/21 Intended ('000)	2021/22 Intended ('000)
Woodside PS3 (Felix Street)	Control Cabinet Replacement	WOODSIDE	\$20		
Filter Skid	Filter Skid	BIRDWOOD	\$15		
Irrigation Tank Roof	Renewal of Roof to Storage Tank and Kersbrook Oval	KERSBROOK	\$15		
Stirling Pump Station	Replace 2 pumps and control cabinet	STIRLING	\$35		
Church St Pump Station	Control Cabinet Replacement	BIRDWOOD	\$30		
Church Street Pumps	Replace 2 pumps at pump station	BIRDWOOD	\$25		
Pumps	4 Pumps Various	REGIONWIDE		\$50	
Pumps	5 Pumps Various	REGIONWIDE			\$50

PROGRAM PROPOSED	Totals ('000)	\$140	\$50	50
LTFP ADOPTED	Totals ('000)	\$68	\$132	68.5

New / Capacity / Upgrade Initiatives

Proposed Project Name	Project Description	Suburb	2019/20 Proposed ('000)	2020/21 Intended ('000)	2021/22 Intended ('000)
Woodside Gravity Main	Capacity replacement - Woodside Rec Ground to Nairne Road	WOODSIDE	\$410		
Birdwood Gravity Main	Capacity replacement - line behind Motor Museum	BIRDWOOD		\$480	
Woodside Trunk Gravity Main	Capacity Replacement - section before pump station	WOODSIDE			\$510
Woodside Recreation Ground (WRG) Water reuse-design & implementation	Detailed design and implementation of water reuse from the Bird in Hand CWMS for the Woodside Recreation Ground ovals and pitches.	WOODSIDE		\$200	\$200

PROGRAM PROPOSED	Totals ('000)	\$410	\$680	\$710
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Footpath Renewal

Proposed Project Name	Project Description	Suburb	2019/20 Proposed ('000)	2020/21 Intended ('000)	2021/22 Intended ('000)
Mount Barker Road	No 294 Mount Barker Road to Eton Road	BRIDGEWATER	\$ 567		
Strathalbyn Road	Strathalbyn Road - Fairview Rd - Primary School (Aldgate) to Aldgate Valley Ro	ALDGATE			
Cox Place	Main Street to No 1 Cox Place (Including Kerb Renewal)	CRAFERS			
Cricklewood Road	Devonshire Rd to 27 Cricklewood Rd (Various Sections)	HEATHFIELD			
Kumnick Street	No 8 Kumnick Street to Ridge Road	LOBETHAL			
Ayers Hill Road	Laurel Ave to 32 Ayers Hill Rd	STIRLING			
Braeside Road	Snows to Pepper	STIRLING			
Braeside Road	St Wilfred Avenue to Paratoo	STIRLING			
Longwood Road	Sturt Valley Rd to Spencer St	STIRLING			
Old Mount Barker Road	No 100 Old Mount Barker Road to No 100 Old Mount Barker Road	STIRLING			
Paratoo Road	Wakefield Court to Braeside Road	STIRLING			
Upper Sturt Road	No 187 Upper Sturt Road to No 189 Upper Sturt Road	UPPER STURT			
Upper Sturt Road	No 163 Upper Sturt Road to Sturt Valley Road	UPPER STURT			
Moffett Street	Onkaparinga Valley Road to Robert Street	WOODSIDE			
Year 2 Funding	Specific allocations in year 2 to be considered following review of asset category	REGIONWIDE		\$400	
Year 3 Funding	Specific allocations in year 3 to be considered following review of asset category	REGIONWIDE			\$400

PROGRAM PROPOSED	Totals ('000)	\$567	\$400	\$400
LTFP ADOPTED	Totals ('000)	\$580	\$400	\$400

New / Capacity / Upgrade Initiatives

Proposed Project Name	Project Description	Suburb	2019/20 Proposed ('000)	2020/21 Intended ('000)	2021/22 Intended ('000)
Year 1-3 Funding	Specific allocations for new footpaths in for the next 3 years are to be considered following review of the asset category	REGIONWIDE	\$356	\$732	\$269

PROGRAM PROPOSED	Totals ('000)	\$356	\$732	\$269
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Kerb Renewal

Proposed Project Name	Project Description	Suburb	2019/20 Proposed ('000)	2020/21 Intended ('000)	2021/22 Intended ('000)
Cox Place	No.3 Main Street To No.1 Cox Place	CRAFERS	\$ 280		
Cox Place	Main Street To No.1 Cox Place	CRAFERS			
Moffett Street	Onkaparinga Valley Road To Robert Street	VERDUN			
Onkaparinga Valley Road	Smith Street To No.764 Onkaparinga Valley Road	OAKBANK			
Onkaparinga Valley Road	Junction North Road To Bridge Street	BALHANNAH			
Main Street,	Wattle Street To Church Street	LOBETHAL			
Lezayre Avenue, Bridgewater	27.7M Before Morella Grove To Morella Grove	BRIDGEWATER			
Gould Road	Mount Barker Road To No.11 Gould Road	STIRLING			
Glover Road	Smithers Road to Emma Road	KERSBROOK			
Hillcrest Road	60 Metres along length to Cul De Sac	CRAFERS			
Pepper Ave	Braeside Road to Old Mt Barker Road	STIRLING			
Onkaparinga Valley Road	No. 26 Onkaparinga Valley Road To Oval Entrance Gates	WOODSIDE			
Cricklewood Road	Hillside Road to Heathfield Road	HEATHFIELD			
Year 2 Funding	Specific allocations in year 2 to be considered following review of asset category	REGIONWIDE			
				\$300	
Year 3 Funding	Specific allocations in year 3 to be considered following review of asset category	REGIONWIDE			
					\$300

PROGRAM PROPOSED	Totals ('000)	\$280	\$300	\$300
LTTP ADOPTED	Totals ('000)	\$300	\$300	\$300

New / Capacity / Upgrade Initiatives

Proposed Project Name	Project Description	Suburb	2019/20 Proposed ('000)	2020/21 Intended ('000)	2021/22 Intended ('000)
Newman Road Reconstruction	Newman Road reconstruction and kerbing	CHARLESTON	\$ 180		

PROGRAM PROPOSED	Totals ('000)	180	0	0
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Other Renewal					
Proposed Project Name	Project Description	Suburb	2019/20 Proposed ('000)	2020/21 Intended ('000)	2021/22 Intended ('000)
Crafer Tennis Retaining Wall	Replace and amend retaining wall to address flooding of clubroom.	CRAFERS	\$35		
Paratoo Avenue	Retaining Wall Replacement (Linked to Footpath Renewal)	BRIDGEWATER	\$30		
Street Litter Bin Replacement	Ongoing cage replacement	REGIONWIDE	\$10		
Cemetery Renewal Program	Upgrade cemeteries to meet legislative requirements. Community expectations and safety.	REGIONWIDE	\$40		
Bus Shelter Replacement	Replace 2 bus shelters	REGIONWIDE	\$20		
Druids Avenue	Fence Renewal 100m	STIRLING	\$50		
Onkaparinga Road	108 Onkaparinga Valley Rd - Retaining Wall	BALHANNAH	\$6		
Street Litter Bin Replacement	Ongoing cage replacement	REGIONWIDE		\$10	
Bus Shelter Replacement	Replace 2 bus shelters	REGIONWIDE		\$20	
Guard fence Replacement	Peacocks Road and Martins Road	REGIONWIDE		\$40	
Onkaparinga Road	Guard fence Replacement	BRIDGEWATER		\$55	
Retaining Wall & Fencing	Longwood Road	STIRLING		\$70	
Cemetery Renewal Program	Upgrade cemeteries to meet legislative requirements. Community expectations and safety.	REGIONWIDE		\$40	
Osterley Avenue	Retaining Wall Replacement	BRIDGEWATER		\$25	
Fence Renewal Program	Fence Renewal (50m)	REGIONWIDE		\$30	
Street Litter Bin Replacement	Ongoing cage replacement	REGIONWIDE			\$12
Bus Shelter Replacement	Replace 2 bus shelters	REGIONWIDE			\$20
Cemetery Renewal Program	Upgrade cemeteries to meet legislative requirements. Community expectations and safety.	REGIONWIDE			\$40

PROGRAM PROPOSED	Totals ('000)	\$191	\$290	\$72
LTFP ADOPTED	Totals ('000)	\$150	\$150	\$150

New / Capacity / Upgrade Initiatives					
Proposed Project Name	Project Description	Suburb	2019/20 Proposed ('000)	2020/21 Intended ('000)	2021/22 Intended ('000)
New Bus Shelters	Program to install new bus shelters across Council's transport network	REGIONWIDE	\$40	\$40	\$40
Guardrail Roadside Hazard Protection	Provision of guardrail protection across the Adelaide Hills Council. Woods Hills Road and Montacute Road	REGIONWIDE	\$40		
Gumeracha Stage 2 Residents win	The Gumeracha Main Street Working Group applied for and received an initial Residents Win grant funding to undertake a design framework for the main street. A further grant application has resulted in further funds being made available to undertake design documentation and the installation of 'quick wins'. Funding will be required in the future to implement other projects within the design framework to ensure that the community's vision is achieved.	GUMERACHA	\$100	\$50	\$50
Communications and Marketing Plan	Establish roadside signage at key points throughout the district, which will be used to promote local events, Council consultations, seasonal reminders, etc.	Other	\$15	\$25	\$15
Emergency Management Plan Consumables	Purchase of consumables to support the activation of the plan	Other	\$20	\$20	\$20
Cemetery Upgrades	Cemetery Upgrades	REGIONWIDE	\$21	\$21	\$21
Bushland Park Interpretative Signage	Lobethal Bushland Park Interpretative Signage	LOBETHAL	\$13	\$0	\$0

LED Street Lighting	Investigation and installation of LED lights for street lights throughout the Council district.	REGIONWIDE	\$40	\$40	
Undergrounding PLEC Contribution	A contribution towards undergrounding of the powerlines within Gumeracha Main Street	GUMERACHA	\$500		
Cemetery Shelters	Program to Upgrade or install new shelters at Council Cemeteries	Regional	\$15	\$16	\$17
Milan Tce Pedestrian Crossing	Install a wombat crossing adjacent the Stirling Hospital	Stirling	\$100		

PROGRAM PROPOSED	Totals ('000)	904	212	163
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Pavement Renewal

Proposed Project Name	Project Description	Suburb	2019/20 Proposed ('000)	2020/21 Intended ('000)	2021/22 Intended ('000)
Newman Road	Reconstruction of Road Pavement in Charleston Township - Onkaparinga Valley Road to Jocelyn Avenue - (project includes new stormwater, kerbing and pavement)	CHARLESTON	\$450		
Asset Management	Workflow System Development	REGIONWIDE	\$30		
Pavement Investigation and Design	Tiers Road and Deviation Investiagtion and Design	LENSWOOD	\$40		
Major Road Patch Program	Major Patch Pavement Rehabilitation - Checker Hill, Coldstore Road, Tiers Road, Scott Creek Road (Future Years subject to Business Case)	REGIONWIDE	\$45		
Year 2 Funding	Specific allocations in year 2 to be considered following review of asset category	REGIONWIDE		\$957	
Year 3 Funding	Specific allocations in year 3 to be considered following review of asset category	REGIONWIDE			\$1,054

PROGRAM PROPOSED	Totals ('000)	\$565	\$957	\$1,054
LTFP ADOPTED	Totals ('000)	\$475	\$957	\$1,054

New / Capacity / Upgrade Initiatives

Proposed Project Name	Project Description	Suburb	2019/20 Proposed ('000)	2020/21 Intended ('000)	2021/22 Intended ('000)
Newman Road Reconstruction	Widening and adjacent car park.	CHARLESTON	\$250		
Council's Blackspot Contribution	Contribution towards 19/20 Blackspot submissions for Paracombe Road, Morgan Road and Ironback Road sections.	Road Pavements	\$299		
Woodside Rec Ground Exit Upgrade	Increase the pavement width of the exist road from WRG onto Nairne Road to allow simultaneous left and right hand turns out of WRG	Woodside	\$14		

PROGRAM PROPOSED	Totals ('000)	\$563	\$0	\$0
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Seals Renewal

Proposed Project Name	Project Description	Suburb	2019/20 Proposed ('000)	2020/21 Intended ('000)	2021/22 Intended ('000)
Exeter Road	Kingsland Road to Suffolk Road	ALDGATE	\$ 1,158		
Hawker Road	Penola Road to End of Road	ALDGATE			
Kanmantoo Road	Yappo Road to Monarto Road	ALDGATE			
Monarto Rd	Kanmantoo Road to Sunny Spring Glen Rd	ALDGATE			
Penola Road	Hawker Road to Wilpena Terrace	ALDGATE			
Sunnyspring Glen Rd	Monarto Rd to Rudida Grove	ALDGATE			
Wilpena Terrace	Arkaba Road to Conifer Close	ALDGATE			
Wilpena Terrace	Conifer Close to Penola Road	ALDGATE			
Oak Avenue	Osterley Avenue to Ophir Avenue	BRIDGEWATER			
Wattle Street	Oratava Avenue to Osterley Avenue	BRIDGEWATER			
Georgina Avenue	Piccadilly Road to End of Seal	CRAFERS			
Lesley Crescent	Old Mount Barker Road to Kalmia Avenue	CRAFERS			
Lesley Crescent	Kalmia Avenue to Old Mount Barker Road	CRAFERS			
Sneddon Avenue	Bradshaw Avenue to End of Road	CRAFERS			
Glen Street	Hill Street to End of Seal	CRAFERS WEST			
Hillcrest Avenue	30m from Heather Road (fork junction) to End of Road	CRAFERS WEST			
Sheoak Road	Princes Avenue to Albert Avenue	CRAFERS WEST			
Prairie Road	Gorge Road to End of Seal	CUDLEE CREEK			
Carroll Road	Devonshire Road to End of Seal	HEATHFIELD			
Scott Creek Road	After RA 178 to Morgan Road	HEATHFIELD			
Glover Street	Emma Street to Smithers Court	KERSBROOK			
Glover Street	Scott Street to Emma Street	KERSBROOK			
Copeland Street	Reserve Ave to Private Road	LOBETHAL			
Magpie Avenue	Riley Street to School Road	LOBETHAL			
Pioneer Avenue	Main Street to End Pioneer Avenue	LOBETHAL			
Riley Street	Magpie Avenue to Mill Road	LOBETHAL			
Harvey Road	Hurst Road to End of Seal	PARACOMBE			
Curtis Close	Piccadilly Road to End of Seal	PICCADILLY			
Range Road South	Rural Property Address 29 to Amberdale Road	HOUGHTON			
Gall Road	Paracombe Road to End of Seal	PARACOMBE			
Garrod Place	Garrod Crescent to End of Road	STIRLING			
Old Carey Gully Road	Nara Road to Golfinks Road	STIRLING			
Old Mount Barker Road	Gould Road to Pepper Avenue	STIRLING			
Waverley Court	Howard Drive to End of Road	STIRLING			
Naughtons Road	Henry Street to Rural Property Address 52 (End of Sealed section)	WOODSIDE			
Gardenia Drive	Jacaranda Road to Grevillea Way	WOODSIDE			
Gilburn Court	Norton Summit Road to End of Seal	TERINGIE			
Knoll Crescent	Valley Road to End of Road	TERINGIE			
Teringie Drive	25 Metres West of Woodland Way to 50 Metres East of Woodland Way at Seal Change	TERINGIE			
Teringie Drive	Norton Summit Road to 18 Teringie Drive	TERINGIE			
Woodland Way	Swiss Place to Alpine Place	TERINGIE			
Jacaranda Drive	Onkaparinga Valley Road to Sandlewood Dr (Intersection)	WOODSIDE			
Jacaranda Drive	Gravillia Way to Gardenia Way	WOODSIDE			
Moffett Street	Onkaparinga Valley Road to Robert Street	WOODSIDE			
Ridge Road	John Street to Jacaranda Drive	WOODSIDE			
Ridge Road	Elizabeth Street to John Street	WOODSIDE			
Year 2 Funding	Specific allocations in year 2 to be considered following review of asset category	REGIONWIDE		\$1,200	
Year 3 Funding	Specific allocations in year 3 to be considered following review of asset category	REGIONWIDE			\$1,500

PROGRAM PROPOSED	Totals ('000)	\$1,158	\$1,200	\$1,500
LTFP ADOPTED	Totals ('000)	\$1,200	\$1,200	\$1,500

New / Capacity / Upgrade Initiatives

Proposed Project Name	Project Description	Suburb	2019/20 Intended ('000)	2020/21 Intended ('000)	2021/22 Intended ('000)
Winton Road Sealing	Sealing of section to Torrens Valley Cherries, stormwater upgrade and possible kerbing required (approx 350m will remain unsealed)	GUMERACHA	\$70		
PROGRAM PROPOSED	Totals ('000)		\$70	\$0	\$0

Shoulder Renewal

Proposed Project Name	Project Description	Suburb			
Murdoch Hill Road	Rural Property Address 135 to Donoghue Road	WOODSIDE	\$400		
Murdoch Hill Road	Wuttke Road to Rural Property Address 135	WOODSIDE			
Murdoch Hill Road	Nairne Road to Wuttke Road	WOODSIDE			
Bird In Hand Road	Landara Road to Hiscocks Road	WOODSIDE			
Bird In Hand Road	Burnley Road to Warmington Run	WOODSIDE			
Bird In Hand Road	Rural Property Address 487 to Burnley Road	WOODSIDE			
Bird In Hand Road	Hiscocks Road to Rural Property Address 487	WOODSIDE			
Bird In Hand Road	Rural Property Address 86 to Reefton Road	WOODSIDE			
Bird In Hand Road	Drummond Road to Rural Property Address 86	WOODSIDE			
Military Road	Property Address 221 to Five Bob Road	WOODSIDE			
Military Road	Piney Ridge Road to Rural Property Address 221	WOODSIDE			
Military Road	Moore Road to Council Boundary	WOODSIDE			
Military Road	Five Bob Road to Moore Road	WOODSIDE			
Military Road	Woodside Nairne Road to Piney Ridge Road	WOODSIDE			
Sturt Valley Road	Wychwood Grove to Manoah Drive	UPPER STURT			
Sturt Valley Road	Elmstead Drive to Wychwood Grove	UPPER STURT			
Sturt Valley Road	Upper Sturt Road to Elmstead Drive	UPPER STURT			
Sturt Valley Road	Whitewood Drive to Ironbank Road	UPPER STURT			
Sturt Valley Road	Manoah Drive to Whitewood Drive	UPPER STURT			
Year 2 Funding	Specific allocations in year 2 to be considered following REGIONWIDE review of asset category			\$500	
Year 3 Funding	Specific allocations in year 3 to be considered following REGIONWIDE review of asset category				\$400

PROGRAM PROPOSED	Totals ('000)	\$400	\$500	\$400
LTFP ADOPTED	Totals ('000)	\$400	\$500	\$400

New / Capacity / Upgrade Initiatives

Proposed Project Name	Project Description	Suburb	2019/20 Proposed ('000)	2020/21 Intended ('000)	2021/22 Intended ('000)
Shoulder Sealing Program	Priority sites to be determined considering road widths, cyclist routes and road crashes.		\$0	\$200	\$200

PROGRAM PROPOSED	Totals ('000)	\$0	\$200	\$200
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Sport and Recreation (including Playgrounds) Renewal

Proposed Project Name	Project Description	Suburb	2019/20 Proposed ('000)	2020/21 Intended ('000)	2021/22 Intended ('000)
Mount Torrens Oval Playspace	Local Playspace Renewal	MOUNT TORRENS	\$120		
Charleston Centennial Park Playspace	Local Playspace Renewal	CHARLESTON	\$120		
Kersbrook Oval	Local Playspace Renewal	KERSBROOK	\$120		
Bradwood Park Carpark / Driveway / Drainage	Driveway / Carpark / Drainage Renewal	BRADBURY	\$80		
Woodside Recreation Ground (Cricket & Warriors Soccer) Oval / Pitch Drainage	Oval Pitch Drainage Renewal	REGIONWIDE	\$80		
Court Resurfacing	To be determined by new Framework position and resolution of redevelopment options	REGIONWIDE	\$450		
Local Playspace Renewal	Specific allocations in year 2 to be considered following review of asset category	REGIONWIDE		\$600	
Court Resurfacing	To be determined by new Framework position and resolution of redevelopment options	REGIONWIDE		\$500	
Local Playspace Renewal	Specific allocations in year 3 to be considered following review of asset category	REGIONWIDE			\$120
Court Resurfacing	To be determined by new Framework position and resolution of redevelopment options	REGIONWIDE			\$600

PROGRAM PROPOSED	Totals ('000)	\$970	\$1,100	\$720
LTFP ADOPTED	Totals ('000)	\$1,195	\$1,128	\$1,183

New / Capacity / Upgrade Initiatives

Proposed Project Name	Project Description	Suburb	2019/20 Proposed ('000)	2020/21 Intended ('000)	2021/22 Intended ('000)
Implementation Federation Park & Oval Masterplan	Council has commenced a process to prepare a masterplan for the Gumeracha Precinct - Federation Park and oval area. The next stage of this approach is to implement the action plan prepared along with the masterplan.	GUMERACHA	\$50	\$100	\$50
Implement Irrigation Systems	Design and implementation of irrigation systems to improve water use and management on ovals and pitches.	REGIONWIDE	\$100	\$100	\$100
Investigate & Implement Central Irrigation Control System	The central management of Council irrigation systems will result in improved water efficiencies and reduced resource requirements. Investigation into the feasibility of these systems is required as an initial step.	REGIONWIDE	\$50	\$150	\$0

PROGRAM PROPOSED	Totals ('000)	\$200	\$350	\$150
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Stormwater Renewal

Proposed Project Name	Project Description	Suburb	2019/20 Proposed ('000)	2020/21 Proposed ('000)	2021/22 Proposed ('000)
Renown Avenue Crafers	Undertake renewal to ensure minimum service level	CRAFERS	\$30		
Minor Stormwater Projects	Unspecified allocation for small stormwater issue that ar	REGIONWIDE	\$40		
Henry Street Stormwater	Detailed design and renewal of back of block drain replacement	WOODSIDE	\$60		
Heather Road Stormwater	#19 Heather Ave Stormwater renewal	WOODFORDE	\$30		
Minor Stormwater Projects	Unspecified allocation for small stormwater issue that arise during the year. Typical value of individual project \$ 5k to \$ 20k)	REGIONWIDE		\$40	
Minor Stormwater Projects	Unspecified allocation for small stormwater issue that arise during the year. Typical value of individual project \$ 5k to \$ 20k)	REGIONWIDE			\$40

PROGRAM PROPOSED	Totals ('000)	\$160	\$40	\$40
LTFP ADOPTED	Totals ('000)	\$275	\$240	\$210

New / Capacity / Upgrade Initiatives

Proposed Project Name	Project Description	Suburb	2019/20 Proposed ('000)	2020/21 Intended ('000)	2021/22 Intended ('000)
Kiln Crt Stormwater	Construction of new system from Norton Summit out fall to Kiln Crt	WOODFORDE	\$100		
Spring Street, Kersbrook, Culvert	Stage 3 - Install larger culvert under Scott Streetto minimise flooding	KERSBROOK	\$195		
Stormwater Masterplanning	High level review of exisitng infrastructure to ensure minimum service stards are met.	REGIONWIDE	\$25		
Lower Hermitage Road Stormwater	Design of Pipe crossing upgade near 375 Lower Hermitage		\$20		
Newman Road Reconstruction	New stormwater system associate with road reconstruction, Newman Road	CHARLESTON	\$90		
North East Raod - Inglewood Footpath	Extend stormwater to allow footpath extension	INGLEWOOD	\$25		
Capital - Erosion & Reshaping Works	Undertaking reshaping of the Montacute creek line, and priority erosion control works within the Michael Moran Reserve area.	Stormwater	\$20		
Infrastructure Assets	Incorporation of climate change adaptation requirements into infrastructure projects to increase resilience	Stormwater	\$50	\$50	\$50
WSUD implementation for WRG	There are opportunities to incorporate WSUD initiatives across the WRG to improve water quality before entry into the Onkaparinga River. These initiatives include regrading, erosion control and revegetation of the creek and biofiltration areas.	Stormwater	\$50	\$20	\$0
Lower Hermitage Road Stormwater	Replace exisitng 900mm pipe with 1500mm to deliver service level capcity upgrade.	LOWER HERMITAGE		\$130	
Gumeracha Main Street Stormwater	Install stormwater in the Gumeracha Main Street in line with Stormwater Master Plan as part of construction works for PLEC and main street upgrade.	Gumeracha	\$150	\$200	
Storm water management William Street Birdwood near Talunga Street		Birdwood	\$5		

PROGRAM PROPOSED	Totals ('000)	\$730	\$400	\$50
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Unsealed Renewal

Proposed Project Name	Project Description	Suburb	2019/20 Proposed ('000)	2020/21 Intended ('000)	2021/22 Intended ('000)
Baldocks Road	End of Sealed Section to RPA 99 (End of Road)	WOODSIDE	\$1,441		
Banksia Road	Murray Road to RPA 81 (End of Road)	OAKBANK			
Coach Road	Ridge Road to RPA 45 (End of Gravel Road)	ASHTON			
Cranwell Road	Ridge Road to RPA 88 (End of Road)	SUMMERTOWN			
Deloraine Road	RPA 304 to Watts Gully Road	KERSBROOK			
Deloraine Road	South Para Road to RPA 217 (Beginning of Fire Trac	KERSBROOK			
Gall Road	End of Sealed Section of Gall Road to RPA 46 (End of Road)	PARACOMBE			
Gurr Road North	Nicholls Road to End Of Road (RA 36)	BRADBURY			
Harvey Road	RPA 4 (End of Sealed Section) to RPA 82 (End of Road)	PARACOMBE			
High Street	Allambi Drive to 15m before Scott Street (Start Seal)	STIRLING			
High Street	Scott Street to End of Road	STIRLING			
Hurst Road	End of Sealed Section to End Of Road	PARACOMBE			
Jungfer Road	End of Seal to Onkaparinga Valley Road	CHARLESTON			
Lewis Road	Springhead Road to Hartmann Road	MOUNT TORRENS			
Lewis Road	Hartmann Road to Bell Springs Road	CHARLESTON			
Magarey Road	Cyanide Road to RPA 208	MOUNT TORRENS			
Magarey Road	Burton Road to RPA 110	MOUNT TORRENS			
Mattners Road	RPA 206 to Council Boundary	BALHANNAH			
Mattners Road	Daniels Road to RPA 206	BALHANNAH			
Mattners Road	End of Seal to Daniels Road	BALHANNAH			
Mcvitties Road	Rural Property 292 to Rural Property 362 (End of Gravel Road)	BIRDWOOD			
Mcvitties Road	Blocks Road to Rural Property 292	BIRDWOOD			
Mount George Road	Muller Road to RPA 168 (End of Road)	MOUNT GEORGE			
Mylkappa Road	Angus Creek Road to RPA 66 (End of Road)	BIRDWOOD			
Narrow Range Road	Montacute Road to RPA 61	CHERRYVILLE			
Pedare Park Road (North)	Burns Road to START of PRIVATE Right of way	WOODSIDE			
Pedare Park Road (South)	End of PRIVATE Right of way (RA 145) to Tiers Road	WOODSIDE			
Pfeiffer Road	RPA 557 (End of Sealed Section) to Teakles Road	CHARLESTON			
Size Road	End of Seal to End Of Road	OAKBANK			
Tembys Road	Marble Hill Road to RPA 37 (End of Road)	NORTON SUMMIT			
Udys Road	End of Sealed Section of Udys Road to Carinya Road	PICCADILLY			
Willow View Road	End of Seal to RPA 59 (End of Road)	WOODSIDE			
Wuttke Road	Murdoch Hill Road to RPA 113 (End of Road)	WOODSIDE			
Year 2 Funding	Specific allocations in year 2 to be considered following review of asset category	REGIONWIDE		\$1,500	
Year 3 Funding	Specific allocations in year 3 to be considered following review of asset category	REGIONWIDE			\$ 1,400

PROGRAM PROPOSED	Totals ('000)	\$1,441	\$1,500	\$1,400
LTFP ADOPTED	Totals ('000)	\$1,500	\$1,500	\$1,400

New / Capacity / Upgrade Initiatives

Proposed Project Name	Project Description	Suburb	2019/20 Proposed ('000)	2020/21 Intended ('000)	2021/22 Intended ('000)
NIL PROPOSED					

PROGRAM PROPOSED	Totals ('000)	\$0	\$0	\$0
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Plant and Fleet Renewal

Proposed Project Name	Project Description	Suburb	2019/20 Proposed ('000)	2020/21 Intended ('000)	2021/22 Intended ('000)
Maintenace North	9 tonne Tipper (former P1126)				
Grader Support	Tandem Tipper (former P1208)				
Grader South	Tandem Tipper (former P1209)				
Tree Team	Wood Chipper (Former P1612)				
Parks Team	Slasher for Bulldozer				
Light Fleet	Renewal on 3 year program				
Maintenance	Roller (Former P808)				
Parks Team	Zero Turn Mower (Former P915)				
Maintenance South	9 tonne Tipper (Former P1129)				
Tree Team	Chipper Truck (Former P1130)				
Maintenance North	9 tonne Tipper (Former P1131)				
Bitumen Team South	Flocon (Former 1307)				
Parks Team	Trailer (Former T61)				
Drainage Team	Excavator Trailer (Former T66)				
Light Fleet	Renewal on 3 year program				
Grading Team South	Motor Grader				
Parks Team	Mower/loader				
Community Woodside	12 Seat Bus				
Community Aldgate	12 seat Bus				
Maintenance South	Tractor				
Maintenance Gumeracha	Mini Excavator				
Parks Team	Front Deck Mower				
Light Fleet	Renewal on 3 year program				

PROGRAM PROPOSED	Totals ('000)	\$1,393	\$1,418	\$1,296
LTFP ADOPTED	Totals ('000)	\$1,393	\$1,498	\$1,296

New / Capacity / Upgrade Initiatives

Proposed Project Name	Project Description	Suburb	2019/20 Proposed ('000)	2020/21 Intended ('000)	2021/22 Intended ('000)
Purchase of EV Cars for Fleet	Investigate and purchase electric vehicles as light fleet cars concurrently with the installation of EV charging stations throughout the hills.	Plant & Fleet		\$20	\$20

PROGRAM PROPOSED	Totals ('000)	\$0	\$20	\$20
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ICT Renewal

Proposed Project Name	Project Description	Suburb	2019/20 Proposed ('000)	2020/21 Intended ('000)	2021/22 Intended ('000)
General ICT Renewals	Information Management Records Hub – Stage 1 of TRIM renewal program (records system renewal program)	REGIONWIDE	\$180		
	SQL – Renewal of the Virtual SQL Server for corporate line of business applications	REGIONWIDE	\$20		
	Network Security – Renewal of Network including security segmentation	REGIONWIDE	\$20		
Library ICT Renewals	RFID staff stations , Label printers, Slip printers , Hand held scanners	LIBRARY	\$45		
General ICT Renewals	Allocated in accordance with replacement schedule	REGIONWIDE		\$200	
General ICT Renewals	Allocated in accordance with replacement schedule	REGIONWIDE			\$200

PROGRAM PROPOSED	Totals ('000)	\$265	\$200	\$200
LTFP ADOPTED	Totals ('000)	\$200	\$200	\$200

New / Capacity / Upgrade Initiatives

Proposed Project Name	Project Description	Suburb	2019/20 Proposed ('000)	2020/21 Intended ('000)	2021/22 Intended ('000)
Incorporate Scope 3 information into Trellis system	Council is currently able to report on the majority of Scope 1 and 2 emissions (e.g. use of electricity, fuel use) through Trellis, the online data reporting system. Council has not at this stage been reporting on Scope 3 (e.g. paper use, flights) and require further investigation into the incorporation of Scope 3 emission data within the Trellis system.	ICT	\$25		
CRM Integration	Integrate the Customer Relationship Management System with other enterprise systems including Confirm (asset management) and Lync (call management).	ICT	\$30		
Update Website CMS	Procure a new content management system (CMS) for the Council's website.	ICT		\$100	
Online Customer Portal	Establish a system which enables customers to 'self-serve' and access records of their own interactions with the Council (like MyGov)	ICT		\$200	
Broadcasting Council Meetings	Purchase of equipment to enable the capture and broadcasting of Council and Committee meetings via the website.	ICT		\$30	

PROGRAM PROPOSED	Totals ('000)	\$55	\$330	\$0
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Minor Plant and Equipment Renewal

Proposed Project Name	Project Description	Suburb	2019/20 Proposed ('000)	2020/21 Proposed ('000)	2021/22 Intended ('000)
Minor Plant - Small Plant	Minor Plant - Small Plant items		\$13		
Minor Plant - Furniture	Fixtures and Furniture		\$15		
Minor Plant - Library	Library Equipment Renewal including digital		\$37		
Minor Plant - General Renewal	Includes minor plant, furniture and library			\$60	
Minor Plant - General Renewal	Includes minor plant, furniture and library				\$60

PROGRAM PROPOSED	Totals ('000)	\$65	\$60	\$60
LTFP ADOPTED	Totals ('000)	\$65	\$60	\$60

New / Capacity / Upgrade Initiatives

Proposed Project Name	Project Description	Suburb	2019/20 Proposed ('000)	2021/22 Proposed ('000)	2020/21 Intended ('000)
Nil					

PROGRAM PROPOSED	Totals ('000)	\$0	\$0	\$0
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Appendix 3

Rates Policy Detail

Including rebates, deferral and capping options

DRAFT

COUNCIL POLICY

 <p>Adelaide Hills COUNCIL</p>	RATING
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Policy Number:	FIN-02
Responsible Department(s):	Financial Services
Other Relevant Policies:	None
Relevant Procedure(s):	None
Relevant Legislation:	<i>Local Government Act 1999</i> <i>Valuation of Land Act 1971</i> <i>Natural Resources Management Act 2004</i> <i>Aged Care Act 1987 (Commonwealth)</i> <i>Community Housing Providers National Law</i> <i>Community Titles Act 1996</i> <i>Education Act 1972</i> <i>Health Commission Act 1976</i>
Policies and Procedures Superseded by this policy on its Adoption:	Rating, 28 June 2016, Item 14.9, 1.11, 122 Rating, 27 June 2017, Item 14.3, 1.11, 130/17 Rating, 26 June 2018, Item 12.3, 1.11 , 138/18
Adoption Authority:	Council
Date of Adoption:	25 June 2019
Effective From:	1 July 2019
Minute Reference for Adoption:	Item 12.3, 138/18
Next Review:	June 2020 or as legislatively required

RATING POLICY

1. INTRODUCTION

- 1.1 In South Australia, council rates are a form of property tax levied by Local Government, as our primary source of funding for the many mandatory and discretionary services that are provided by councils. Rates are administered by each council in line with the *Local Government Act 1999* (the Act) which allows some flexibility for each council to make decisions that suit its local community. This document sets out the policy of the Adelaide Hills Council for setting and collecting rates from its community.

2. PURPOSE

- 2.1 The purpose of this policy is to outline Council's approach towards rating its communities and to meet the requirements of the Act with particular reference to section 123 which requires Council to have a rating policy that must be prepared and adopted (as part of the Annual Business Plan) each financial year in conjunction with the declaration of rates.

3. DEFINITIONS

- 3.1 **'Act'** refers to the *Local Government Act 1999* (SA).
- 3.2 **'Capital value'** refers to the valuation methodology used in determining the value of land, as defined in the *Valuation of Land Act 1971*.
- 3.3 **'Council'** refers to the elected Council body.
- 3.4 **'CWMS'** refers to the Community Wastewater Management System within the Council area.
- 3.5 **'Differential rate'** refers to a rate that may be applied to a category of land that is different to the rate applied to other land categories (termed differential rates under the Act).
- 3.6 **'Fixed charge'** refers to a charge that must apply equally to each separate piece of rateable land in the area under section 152(1) of the Act.

4. POLICY STATEMENT

- 4.1 Council's powers to raise rates are found in Chapter 10 of the Act which provides the framework within which the Council must operate, but also leaves room for the Council to make a range of policy choices. This document includes reference to compulsory features of the rating system, as well as the policy choices that the Council has made on how it imposes and administers the collection of rates.

All land within a Council area, except for land specifically exempt (e.g. Crown Land, Council occupied land and a few other limited categories under section 150(a) of the Act, is rateable.

Rates are not fees for services. They constitute a system of taxation for Local Government purposes. Council considers the fairest and most equitable method of charging rates to our community is through the combined use of a fixed charge component and a variable rate per rateable property.

4.1 PRINCIPLES OF TAXATION

This Policy represents the Council's commitment to balancing the five main principles of taxation.

- i) **Benefits received** (i.e. services provided, or resources consumed). Reliance on this principle suggests that (all other things being equal) a person who received more benefits should pay a higher share of tax.
- ii) **Capacity to pay.** This principle suggests that a person who has less capacity to pay should pay less; and that persons of similar means should pay similar amounts.
- iii) **Administrative simplicity.** This principle refers to the costs involved in applying and collecting the tax and how difficult it is to avoid.
- iv) **Economic efficiency.** This refers to whether or not the tax distorts economic behaviour.
- v) **Policy consistency.** The principle that taxes should be internally consistent, and based on transparent, predictable rules that are understandable and acceptable to taxpayers.

Further, in achieving equity across the community, this policy has an overriding principle that all ratepayers should contribute an amount to basic service provision.

4.2 VALUATION OF LAND

Council is permitted to adopt one of three valuation methodologies to value the properties in its area (section 151 of the Act):

- **Capital Value** – the value of the land and all of the improvements on the land.
- **Site Value** – the value of the land and any improvements which permanently affect the amenity of use of the land, such as drainage works, but excluding the value of buildings and other improvements.
- **Annual Value** – a valuation of the rental potential of the property.

The Council has adopted the use of capital value as the basis for valuing land. Council considers that this method provides the fairest way to distribute the rate burden across all ratepayers on the following basis:

- the 'capacity to pay' principle of taxation requires that ratepayers of similar wealth pay similar taxes and ratepayers of greater wealth pay more tax than ratepayers of lesser wealth;

- the 'property value' is a relatively good indicator of wealth (when lifetime incomes, including incomes from capital gains, are taken into account). Capital value closely approximates the market value of a property, provides the best indicator of overall property value

Council does not determine property valuations but chooses to exercise the right under Section 151 of the Act to adopt the capital valuations as assessed by the Valuer-General through the State Valuation Office. If you are dissatisfied with the valuation made by the State Valuation Office your rates notice will include information about how to object to the valuation. The Council has no role in this process. The lodgement of an objection does not change the due date for the payment of rates.

4.3 COMPONENTS OF RATES

Fixed Charge or Minimum Rate

Council has discretion to apply either:

- a fixed charge (applying equally to all rateable properties); or
- a minimum rate (to lower-value properties)

but cannot use both of these mechanisms.

The Adelaide Hills Council will apply a fixed charge this financial year as in previous years. Council considers a fixed charge to be the most fair and equitable means of ensuring that all ratepayers contribute equally to the administration of Council's services and the development and maintenance of the community's infrastructure. In addition, the fixed charge provides a mechanism to adjust the rates contributions across high and low valued properties. This redresses the balance and equity of the rate system.

The Council is unable to raise more than 50% of total rate revenue by the imposition of a fixed charge component of general rates as per section 151(10) of the Act.

A rate in the dollar

The largest component of rates levied is the component that is calculated by reference to the value of the property. Property values reflect, among other things, the relative availability of and access to Council services. This applies to all types of land use, and to land in all locations.

The Act allows councils to 'differentiate' rates based on the use of the land, the locality of the land, the use and locality of the land or on some other basis determined by the council. The Council applies different rates on the basis of land use.

Definitions of the use of the land are prescribed by regulation and are categorised as follows for rating purposes:

- Residential
- Commercial
- Industrial
- Primary Production
- Vacant Land
- Other

In accordance with Section 148 of the Act, Council assesses any piece or section of land subject to separate ownership or separate occupation.

Commercial and Industrial Differential Rate:

Those properties categorised as commercial or industrial will pay a differential rate in the dollar that is 15% higher than the rate in the dollar charged for other categories of ratepayer.

Council has considered the higher amount payable by the Commercial & Industrial sector with reference to the Economic Development function as well as the services and activities that the sector does not regularly use.

If a ratepayer believes that a particular property has been wrongly classified as to its land use, then an objection may be made with the Council.

Separate Rate

Stirling Business Separate Rate:

A separate rate for businesses in Stirling (Stirling Business Separate Rate) will be applied to carry out the activity of promoting and enhancing business viability, profitability, trade and commerce within the zone.

This rate is levied on all properties within the precinct known as the District Centre (Stirling) Zone and businesses fronting both sides of Mt Barker Road east of the District Centre (Stirling) Zone to Pine Street, excluding land attributed a land use category 1 (residential) and government owned land. Council also sets a maximum amount ('top') and a minimum amount ('tail') per property each financial year for this separate rate. The amount raised is distributed to the Stirling Business Association to promote Stirling as a destination, the 'Gateway to the Hills'.

Verrall Road Separate Rate:

A separate rate for Verrall Road, Upper Hermitage at a value of \$858 will be applied for a period of 10 years to 2023/24. This rate which provided for the sealing of the northern end of the road in 2014/15 is levied on the properties that use that section of road.

Natural Resources Management Levy

The Council is required under the Natural Resources Management Act 2004 to make a specified contribution to the Adelaide and Mt Lofty Ranges Natural Resources Management Board region. This is done by imposing a separate rate against all rateable properties.

This separate rate is effectively a State tax that Councils are required to collect, and return to a State Government agency, the local Natural Resources Management Board.

Community Wastewater Management System

The Council provides Community Wastewater Management System (CWMS) to some areas within the Council district. To fund the provision of this service Council imposes a service charge to recover the cost to the council of establishing, operating, maintaining, improving and replacing infrastructure (taking into account depreciation of any assets and including future capital works).

Following a detailed assessment of the cost of providing CWMS services, in accordance with the guidelines set by the Essential Services Commission of South Australia (ESCOSA) as part of the 2017/18 Budget, it was identified that current charging was approximately 30% below the levels necessary to achieve full recovery. As such charging for CWMS services has been increased by 5% in 2019/20 being the final year of an incremental step towards full recovery over a three year period.

4.4 RATES CAPPING

The Act (s153(3)) requires a council to decide each year whether to apply a maximum rate increase (or a rates cap) to a ratepayers principal place of residence. A cap is applied to provide relief against a substantial change in rates payable incurred due to rapid changes in valuations.

The Council has determined that it will apply a maximum increase (rates cap) of 15% for the general rate to be charged on rateable land constituting the principal place of residence of a principal ratepayer.

4.5 REBATE OF RATES

Mandatory rebates

Councils are required to rebate (discount) the rates payable on some land.

The Adelaide Hills Council will act in accordance with the Local Government Act in providing mandatory rebates as referenced in Section 160 – 165 of the Act.

A 100% rebate must be applied to land used for:

- Health services,
- Religious purposes,
- Public cemeteries,
- The Royal Zoological Society.

A compulsory rebate of at least 75% must be applied to land used by:

- Community service organisations, and
- Schools and universities.

Where a “community services organisation” is eligible for a mandatory rebate, the residential rate must be applied to the land to which the rebate relates in accordance with Section 161 (2) of the Act. This is as a result of Council declaring differential rates according to land use and providing for a distinct residential rate.

Where the Council is satisfied from its own records, or from other sources, that a person or body meets the necessary criteria for a mandatory rate rebate, the Council will grant the rebate accordingly.

Where the Council is not satisfied based upon the information in its possession or otherwise does not hold relevant information it will require the person or body to lodge an application form with such information as stipulated and any other information that the Council may reasonably require.

Applicants who satisfy the criteria for a mandatory rebate will be granted the rebate at any time provided the application is lodged prior to the 30 June of the rating year and provided the entitlement to the rebate existed at 1 July of the rating year.

Council will confirm the continuation of a person or body's eligibility for a mandatory rebate on a regular basis (at least biennially) to ensure that rebates are only granted where they are warranted. This will require the relevant person or body to lodge an application form with such information as stipulated and any other information that the Council may reasonably require to confirm the continuation of eligibility.

Discretionary rebates

As identified in Section 166 of the Act Council may grant a discretionary rebate of rates up to and including 100% of the relevant rates under a number of criteria and for a period not exceeding the timeframe.

Council has determined that only where a not-for-profit community services organisation, that in the opinion of the Council provides a direct benefit or service to the local community under Section 166 (j) of the Act that would be required to be provided by Council if not undertaken/ offered by organisations seeking a rebate (including Community Halls); a discretionary rebate of 100% will be granted

In all other circumstances, the maximum discretionary rebate will be 75% to ensure ratepayers contribute an amount towards basic service provision.

This includes organisations that provide community services that support the disadvantaged or sections of the community that require assistance to ensure consistency with the application of mandatory rate rebates.

Under the same premise, although Council may, pursuant to the Act, increase a mandatory rebate by up to a further 25%, Council will not grant any additional discretionary rebate to ensure ratepayers contribute an amount towards basic service provision.

In deciding whether to grant a discretionary rebate for land uses, Council will take the matters as detailed in Section 166 (1a) of the Act to determine its decision.

Financial assistance via discretionary rate rebates will be aimed at persons who or bodies which have a limited capacity to raise funds. Discretionary rebates will not be provided to groups and organisations whose purposes are considered to be primarily the responsibility of State or Federal Government or to "for profit" organisations.

Persons who or bodies which seek a discretionary rebate will be required to submit an application form to the Council and provide to the Council such information as

stipulated on the application form and any other information that the Council may reasonably require.

All persons who or bodies which wish to apply to the Council for a discretionary rebate of rates must do so on or before 30 April prior to the rating year unless the application is a result of a change in eligibility for a mandatory rebate or rate exemption. In those circumstances where an application relates to a change in rebate/rate exemption in a relevant rating year, then the application will be applied for the full rating year if received within 2 months of the change in rebate/exemption being advised. The Council reserves the right to refuse to consider applications received after the specified date.

Persons or bodies who previously received a discretionary rebate greater than 75% may apply for a phasing in period (up to 2 years) in circumstances where the above change impacts significantly on the persons or bodies' financial capacity. In these circumstances, an application will be considered if received within 2 months of the change in rebate being advised. The Council reserves the right to refuse to consider applications received after the specified date.

Where there is no maximum timeframe specified for a rebate provided under Section 166, Council will grant a discretionary rebate to the last rating period commencing within a Council term to allow for a regular review of discretionary rate rebates.

A summary of all discretionary rebates applied for, including whether they have been successful or not and the associated reasons will be reported to Council on an annual basis.

Each rebate that is granted either reduces the Council's revenue and hence its capacity to provide services, or else it effectively increases the amount that must be collected from other ratepayers. The principles of equity dictate that Council remains diligent in only awarding rebates and exemptions where they are warranted.

Council has determined that those primary production properties genuinely in the business of primary production but not benefitting from a notional capital value for their property can apply for a 10% rebate on the differential rate.

If you or your organisation wishes to apply for a discretionary rate rebate, you may apply by contacting the Council's Rate Administrator.

All rebates

As Council's CWMS service charges are set to recover the cost to the council of establishing, operating, maintaining, improving and replacing infrastructure (taking into account depreciation of any assets and including future capital works) no rebates are provided by Council.

If an entitlement to a rebate ceases or no longer applies during the course of a financial year, council will recover rates proportionate to the remaining part of the financial year.

If a person or body has the benefit of a rebate of rates and the grounds on which the rebate has been granted cease to exist, the person or body must immediately inform the Council of that fact and (whether or not the Council is so informed) the entitlement

to a rebate ceases. If a person or body fails to do so that person or body is guilty of an offence.

The Council will, in writing, advise an applicant for the rebate of its determination of that application. The advice will state:

- if the application has been granted, the amount of the rebate; or
- if the application has not been granted, the reasons why.

Any person or body who is aggrieved by a determination of the delegated officer in respect of an application for a rebate may seek a review of that decision in accordance with Council's Internal Review of Council Decisions Policy.

Single Farming Enterprise

The Local Government Act 1999 provides that "if two or more pieces of rateable land within the area of the Council constitute a single farm enterprise, only one fixed charge may be imposed against the whole of the land".

A Single Farm Enterprise is defined in the Local Government Act -

"A reference to a single farm enterprise is a reference to two or more pieces of rateable land

(a) which –

- (i) are farm land; and*
- (ii) are farmed as a single enterprise; and*
- (iii) are occupied by the same person or persons,*
whether or not the pieces of land are contiguous; or

(b) which –

- (i) as to all the pieces except one, are farm land farmed as a single enterprise occupied by the same person or persons; and*
- (ii) as to one piece contiguous with at least one of the other pieces, is the principal place of residence of that person or one of those persons."*

In effect, this means that land can be recognised as a "single farming enterprise" and not attract a fixed charge to each of the assessments, provided:

- that if the occupier of all the land concerned is the same person, (this means that if there is a house being occupied that is not your principal place of residence, it cannot be part of the single farm enterprise)
- all of the land is used to carry on the business of primary production, and
- managed as a single unit for that purpose,

Primary producers can apply to the Council for the 'single farming enterprise' provisions of the Local Government Act.

You should also be aware that if the grounds on which you apply for a single farm enterprise cease to exist, the person or body who have the benefit of the provisions must immediately inform the Council of the fact.

4.6 **RATE RELIEF**

Council applies rate remissions and postponement in accordance with the Act.

Remission of rates

The Council has a discretion to partially or wholly remit (i.e. waive) rates on the basis of hardship. If you are suffering financial hardship, you may contact the Council's Rates Administrator to discuss the matter. Such inquiries are treated confidentially, and any application will be considered on its merits.

Seniors Postponement

If you hold a State Seniors Card then (unless you have a mortgage entered before 2007 that is greater than 50% of your home's value) you are eligible to postpone, on a long-term basis, a large component of the rates on your principal place of residence. The postponed amount is subject to a monthly interest charge, with the accrued debt falling due for payment only when the property is sold or transferred to someone else, or no longer becomes the principal place of residence. However, some or all of the debt may be paid at any earlier time, at your discretion.

Persons other than the holders of a Seniors Card may also apply for postponement of rates. The Council will consider each case on its merits, but any successful applicant should expect that any postponed rates would be subject to accruing interest charges in the same manner as the Seniors Rate Postponement Scheme.

4.7 **PAYMENT OF RATES**

Rates are declared annually, and may be paid, at your discretion, either in one lump sum, or in quarterly instalments that fall due in September, December, March and June. The exact dates that rates fall due, and the various options for paying rates, are clearly indicated on your rates notice.

If you have (or are likely to have) difficulty meeting these payments, you should contact the Council's Rates Administrator to discuss alternative payment arrangements. Such inquiries are treated confidentially.

4.8 **LATE PAYMENT OF RATES**

The Act provides that councils must impose a penalty of 2% on any payment for rates by instalment, which is not paid on or before the due date. A payment that continues to be late is then charged a prescribed interest rate for each month it continues to be late.

When Council receives a payment in respect of overdue rates Council applies the money received in accordance with the Act as follows:

- First – to satisfy any costs awarded in connection with court proceedings;
- Second – to satisfy any interest costs;
- Third – in payment of any fines imposed;
- Fourth – in payment of rates, in chronological order (starting with the oldest account first).

4.9 NON- PAYMENT OF RATES

A separate Debt Recovery Policy has been adopted by Council and is available for review on the Adelaide Hills Council website.

The purpose of this policy is to set out Council's principles in regard to the management of debt and to ensure that money owed to Council is collected as soon as possible through efficient and effective debt recovery practices. This policy assists to ensure a strategic, equitable, accountable, consistent and transparent approach to Council's debt management, collection decisions and practices.

It should be noted that Council may sell any property where the rates have been in arrears for three years or more. Council is required to notify the owner of the land of its intention to sell the land, provide the owner with details of the outstanding amounts, and advise the owner of its intention to sell the land if payment of the outstanding amount is not received within one month.

CONTACTING THE COUNCIL'S RATES ADMINISTRATOR

- 5.1 If you believe that Council has failed to properly apply this policy you should contact the Council's Rates Administrator to discuss the matter. (See contact details below). If after this, you are still dissatisfied then you should write to the Council's Chief Executive Officer at PO Box 44, Woodside SA 5244.

For further information, queries, or to lodge an application for rate postponement or remissions please contact the Council's Rates Administrator on:

Phone: 8408 0400
E-mail: mail@ahc.sa.gov.au
Post: PO Box 44, Woodside SA 5244

5. DELEGATIONS

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

6. AVAILABILITY OF THE POLICY

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

Appendix 4

Budgeted Financial Statements

A statutory requirement

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Uniform Presentation of Finances

Adelaide Hills Council

BUDGETED UNIFORM PRESENTATION OF FINANCES 2019-20 Proposed Budget

	2019-20 Proposed Budget \$'000	2018-19 \$'000
INCOME		
Rates	38,547	37,186
Statutory charges	1,118	1,100
User charges	607	891
Grants, subsidies and contributions	3,622	4,334
Investment income	26	38
Reimbursements	192	377
Other income	447	478
Net gain - equity accounted Council businesses	100	-
Total Income	44,658	44,504
EXPENSES		
Employee costs	17,290	16,461
Materials, contracts & other expenses	17,357	18,219
Depreciation, amortisation & impairment	8,945	8,758
Finance costs	604	668
Net loss - equity accounted Council businesses	-	-
Total Expenses	44,196	44,106
NET BUDGETED SURPLUS / (DEFICIT) BEFORE CAPITAL AMOUNTS	462	398
Net Outlays on Existing Assets		
Capital Expenditure on Renewal and Replacement of Existing Assets	(9,273)	(11,870)
Proceeds from Sale of Replaced Assets	512	536
Depreciation	8,945	8,758
NET OUTLAYS ON EXISTING ASSETS	184	(2,576)
Net Outlays on new and Upgraded Assets		
Capital Expenditure on New and Upgraded Assets & Remediation costs	(4,811)	(5,756)
Capital Grants and Monetary Contributions for New and Upgraded Assets	250	1,178
Proceeds from Sale of Surplus Assets	2,484	12,749
NET OUTLAYS ON NEW AND UPGRADED ASSETS	(2,077)	8,171
Net Lending/ (Borrowing) for Financial Year	(1,432)	5,993
Net Financial Liabilities at Beginning of Year	(18,405)	(24,298)
Non Cash Equity Movement	(100)	(100)
Net Financial Liabilities at End of Year	(19,936)	(18,405)

Financial Indicators

	2019-20 Budget		2018-19 Budget	
\$ '000				

These Financial Indicators have been calculated in accordance with Information paper 9 - Local Government Financial Indicators prepared as part of the LGA Financial Sustainability Program for the Local Government Association of South Australia.

1. Operating Surplus Ratio

Operating Surplus - \$000's	462	1.0%	398	0.9%
Total Operating Revenue - \$000's	44,658		44,504	

This ratio expresses the operating surplus as a percentage of total operating revenue

2. Net Financial Liabilities Ratio

Net Financial Liabilities - \$000s	19,936	45%	18,405	41%
Total Operating Revenue \$000's	44,658		44,504	

Net Financial Liabilities are defined as total liabilities less financial assets these are expressed as a percentage of total operating revenue.

3. Asset Sustainability Ratio

Asset Renewals - \$000's	9,273	103%	11,334	104%
Infrastructure & Asset Management Plan required expenditure \$000s	9,022		10,853	

Asset renewal expenditure is defined as capital expenditure on the renewal and replacement of existing assets, and excludes new capital expenditure on the acquisition of additional assets.

Appendix 5

Glossary of Terms

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Glossary of Terms

Acronym	Description
AHBTC	Adelaide Hills Business & Tourism Centre
AMP	Asset Management Plan
CBD	Central Business District
CPI	Consumer Price Index
CRM	Customer Relationship Management
CWMS	Community Wastewater Management Systems
DDA	Disability Discrimination Act
DPA	Development Plan Amendment
FBT	Fringe Benefits Tax
ICLEI	International Council for Local Environmental Initiatives
ICT	Information & Communication Technology
IS	Information Systems
JV	Joint Ventures
KPIs	Key Performance Indicators
LTFP	Long Term Financial Plan
NDI	Non-Disclosed Information
PV	Photovoltaic
SP	Strategic Plan
WH&S	Work Health & Safety

**ADELAIDE HILLS COUNCIL
ORDINARY COUNCIL MEETING
Tuesday 23 April 2019
AGENDA BUSINESS ITEM**

Item: 12.6

Originating Officer: Lachlan Miller, Executive Manager Governance & Performance

Responsible Director: Andrew Aitken, Chief Executive Officer

Subject: Attendance at National General Assembly of Local Government, 16 to 19 June 2019

For: Decision

SUMMARY

The National General Assembly of Local Government (NGA19) is being held in Canberra from Sunday 16 to Wednesday 19 June 2019.

Consistent with the *Council Member Training & Development Policy* (the Policy), the attendance at a conference or seminar in an official (representative) capacity is not considered a developmental activity however, where projected costs exceed \$1,500, approval of the Council is required.

Mayor Jan-Claire Wisdom has advised that she wishes to attend NGA19 in a representative capacity. Other Council Members may apply to attend NGA19 as a developmental opportunity.

The overall cost of attendance at NGA19, including registration, fares and accommodation, is approximately \$3,700 per person.

These application(s) are to be considered for approval by the Council under the provisions of the Policy given that the indicative costs exceed the \$1,500 threshold.

RECOMMENDATION

Council resolves:

1. That the report be received and noted.
 2. To approve Mayor Jan-Claire Wisdom's attendance in a representative capacity at the National General Assembly of Local Government in Canberra in June 2019 and coverage of related costs estimated at \$3,700, in accordance with the *Council Member Training and Development Policy*.
 3. To approve Cr.....'s attendance as a developmental opportunity at the National General Assembly of Local Government in Canberra in June 2019 and coverage of related costs estimated at \$3,700, in accordance with the *Council Member Training and Development Policy*.
-

1. GOVERNANCE

➤ Strategic Management Plan/Council Policy

Goal: Organisational Sustainability
Strategy: Collaboration on public policy setting
Governance

Clause 7 of the Policy provides that attendance at conferences and seminars where the estimated costs are greater than \$1,500 must be approved by the Council.

Clause 8 of the Policy provides that the Mayor is the default representative of Council in an official capacity at events such as the NGA19. Where costs exceed \$1,500, requests to attend functions in an official capacity shall be the subject of a report to Council for consideration.

Clause 9 of the Policy further provides that Council Members who have attended an external training and development activity will provide a summary written report at the next Council meeting outlining the nature of the program/activity, the benefits gained from attendance along with feedback on ideas to enhance Council's activities.

➤ Legal Implications

There are no direct legal implications in regard the matters contained in this report.

Section 80A of the *Local Government Act 1999* requires that a council must prepare and adopt a training and development policy for its members. Council's current policy was adopted on 8 September 2015.

➤ Risk Management Implications

Council Members who attend a range of professional development activities, including Local Government assemblies and conferences, ensure they continue to be informed and improve their understanding of current issues across local government which will assist in mitigating the risk of:

Poor representation of the community by Council Members leading to formal decisions that do not appropriately take account of the community needs.

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

➤ Financial and Resource Implications

Sufficient funds are available in the CEO's budget for the costs associated with the attendance of Mayor Wisdom and a Council Member(s) approved to attend.

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

Attendance at the National General Assembly may build up to date knowledge of local government issues and improve understanding of local community requirements.

➤ **Environmental Implications**

Not applicable

➤ **Engagement/Consultation with Committee, Regional Subsidiary, Advisory Group 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: Chief Executive Officer
Executive Assistant Mayor & CEO

Community: Not Applicable

2. **BACKGROUND**

The National General Assembly of Local Government is being held in Canberra from 16 to 19 June 2019. A copy of the NGA19 Program is at **Appendix 1**.

Mayor David O'Loughlin, the ALGA President, states:

"Our theme this year acknowledges that change is constant - and we know you want your council to be positioned to seize the opportunities and reap the rewards for your communities."

The Council Member Training & Development policy states:

For the purposes of this Policy, attendance at meetings as a representative of Council (i.e. ALGA National Assembly, LGASA General Meetings) is not a Training and Development activity although it is acknowledged that there is a development element in attendance at these fora.

The cost of attending the Conference, Regional Cooperation & Development Forum and formal dinners is \$1,485. Travel, accommodation, taxis and meals over 4 days are estimated to be an extra \$2,200.

3. ANALYSIS

The National General Assembly of Local Government is a significant gathering of local government representatives and other key stakeholders from across the country. It is the peak decision making forum for local government in Australia and provides direction as well as formal and informal discussion on topical issues.

All Council Members may apply to attend NGA19 as a developmental opportunity.

As the overall cost of attendance at the Assembly, including registration, fares and accommodation is in excess of \$1,500, in accordance with the Policy, any such requests from Council Members to attend the Assembly, requires approval by Council.

Council Members have been provided with the details of NGA19 and either prior to, or at the meeting, will indicate their willingness to be considered for approval to attend.

4. OPTIONS

Council can determine to either:

1. Approve Council Members' attendance at NGA19 and payment of related costs in accordance with the *Council Member Training and Development Policy* (Recommended).
2. Not approve the attendance of Council Members at NGA19 (Not Recommended).

5. APPENDIX

- (1) NGA Program

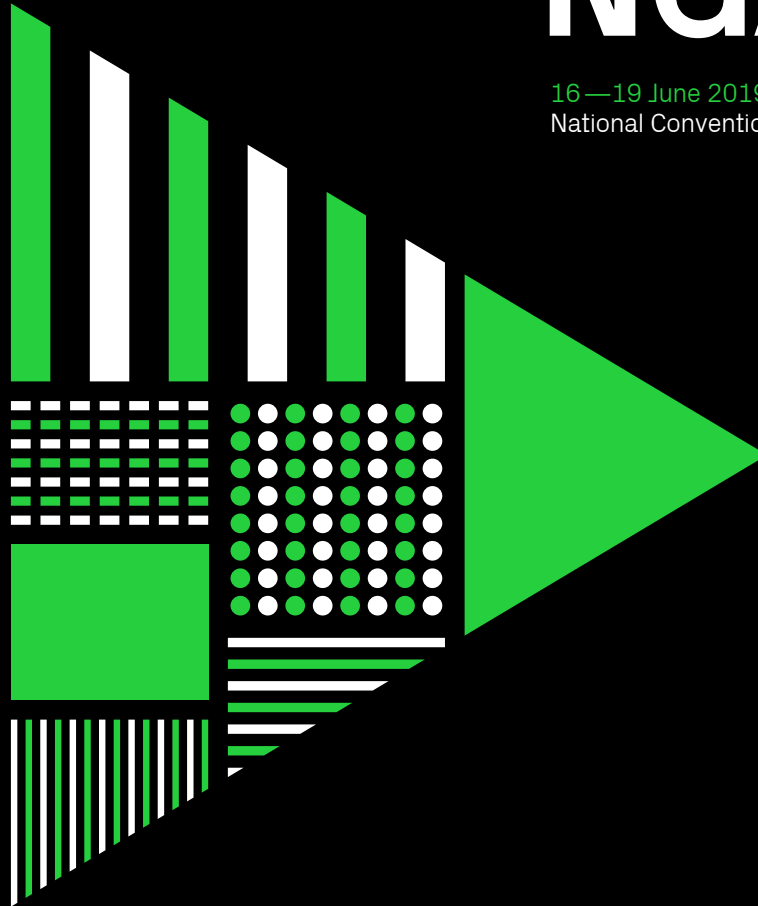
Appendix 1

NGA Program

Future
Focused

NGA19

16 — 19 June 2019. Canberra
National Convention Centre



AUSTRALIAN
LOCAL GOVERNMENT
ASSOCIATION

Celebrating 25 Years of NGA

NGA19

Charity Partner



Foundation Sponsors



Platinum Sponsors

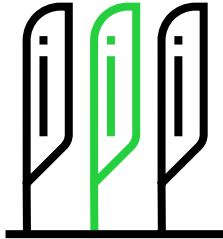


Great Benefits of NGA



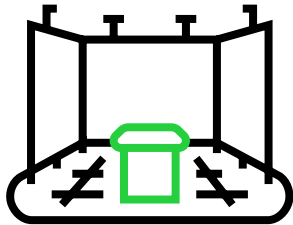
Experts and influencers

— Meet experts and influencers face to face.



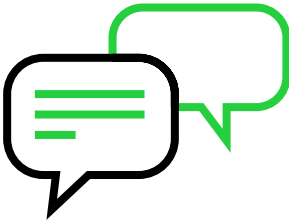
60+ exhibitors

— Encounter over 60 exhibitors with innovative and new solutions specifically to address Local Government issues.



Largest national conference

— for Local Government held in Australia with over 870 delegates.



140+ motions debated

— Over 140 motions debated and used to engage with 24 Ministers and Federal portfolios.



15+ networking hours

— Over 15 hours available to network with other local Government leaders.

President Welcome

National General Assembly
16—19 June 2019

Dear Colleagues,

It is my pleasure to invite you to the 2019 National General Assembly of Local Government at the National Convention Centre in Canberra on 16 to 19 June.

This year we are Future Focused as we mark the NGA's 25th anniversary, celebrating past achievements whilst firmly focused on the future.

Our theme this year acknowledges that change is constant - and we know you want your council to be positioned to seize the opportunities and reap the rewards for your communities.

Change is everywhere be it digital transformation, community activism, ageing demographics, population policies, planning overlays, voice recognition, artificial intelligence and even self-driving cars are just around the corner. Layers of complexity are added by attitudes to climate change, energy generation, cost shifting and tax distributions. Not to mention increasing community expectations about the level and types of services and infrastructure provided by councils.

It is up to each and every council to understand these developments, work through the challenges, and find the best way to shape their response to

their communities. The NGA this year will consider what councils can do today to get ready for the challenges, opportunities and changes that pave the path ahead.

As part of our exciting program, delegates can look forward to hearing from leading politicians; receiving deep insights from nation-leading experts; being inspired by keynote speakers at the forefront of community engagement and crowd-powered communities; and concurrent sessions exploring housing affordability and density pressures; community harm and waste. Together we will ignite thought-provoking discussions about what can be expected as we look to the future.

Previous NGAs have provided participants with experiences, inspiration, information and an abundance of tools and techniques to take back and apply in their councils. This year will be no exception.

This year's NGA will also be held just after the next federal election. Before the dust settles, join us to make sure the incoming government is focussed on the future of our sector, and the future prosperity and wellbeing of our communities. When we come together, the power of our collective voices working to sustain vital funding and programs for local government cannot be denied - it is an unmissable opportunity for your council's voice to be heard.



The NGA is the only event on the local government calendar that truly brings councils, staff and industry together nationwide to advocate, network, celebrate, learn and build strategic relationships that, collectively, will position participants at the forefront of local governance in Australia.

Are you *Future Focused*?



Mayor David O'Loughlin
ALGA President

Future
Focused

NGA 19

25 Years of NGA

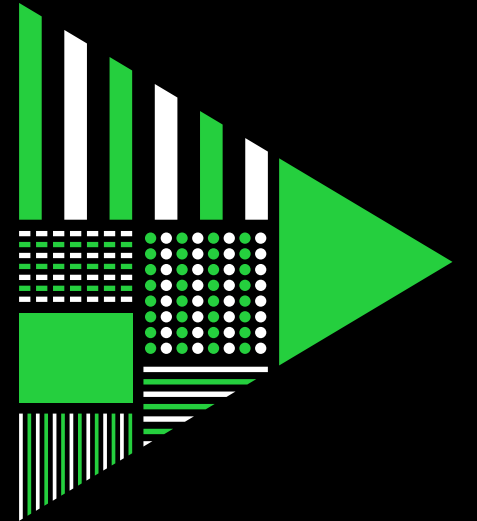
Key Dates:

Submissions of Motions for Debate
By 11:59pm Friday 29 March 2019

Early Bird Registration
On or before Friday 10 May 2019

Standard Registration
On or before Friday 7 June 2019

Late Registration
After Friday 7 June 2019



2019 Speakers

Keynote Speakers



KAREN MIDDLETON

Political Commentator

The ins-and-outs for Local Government post-election.



KURT FEARNLEY

Paralympic Champion

An incredible story of drive and courage who will also provide insights into the opportunities to improve services for the disabled.



KYLIE COCHRAN

Community Engagement Specialist

A fantastic presenter that makes understanding community engagement a pleasure through practical examples and humour.



STEVE SAMMARTINO

Australian Futurist, Author, Technologist and Speaker

Futurist, whose energy and passion will challenge current thinking and what to anticipate in the future.



GRETEL KILLEEN

TV Personality

Gretel's knack for humorous story telling draws on her family farming background and varied TV hosting experiences.



NATALIE EGLETON

CEO — Foundation for Rural and Regional Renewal

Natalie works with philanthropists, business and government to strengthen rural, regional and remote communities.



DR JÓN SIGFÚSSON

Drug Prevention in Iceland

An international perspective on how to tackle youth drug use.



DR ERIN LALOR

CEO — Alcohol and Drug Foundation

Providing insights on how councils are achieving great outcomes in reducing drug and alcohol use in their communities.

Provisional Program

2019 National General Assembly
16 — 19 June

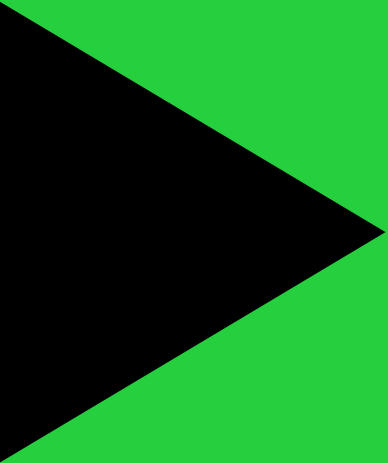
National Convention Centre
Canberra

Future Focused
25 Years of NGA

SUNDAY 16 JUNE	
08:00am	Registration Opens
05:00pm 07:00pm	Welcome Reception
MONDAY 17 JUNE	
09:00am	Opening Ceremony Wally Bell — Welcome to Country
09:20am	ALGA President Opens the Assembly
09:30am	Prime Minister Address
10:00am	ALGA President Address
10:30am	MORNING TEA
11:00am	Keynote Address Karen Middleton — How did Local Government Fair Post Election
11:45am	Panel of Mayors Opportunities for Local Government Post Election
12:30pm	LUNCH
01:30pm	Keynote Address Steve Sammartino — Crowd Powered Communities <i>Exploring a future where the way forward is about handing over the technology tools of design and production to those who populate our communities.</i>
02:30pm	Councils Using Technology to Excel
03:00pm	AFTERNOON TEA
03:30pm	Debate on Motions
04:30pm	Federal Minister for Local Government
04:55pm	ALGA President Close
07:00pm	Networking Dinner Australian War Memorial

TUESDAY 18 JUNE	
09:00am	Keynote Address Andrew Beer: Dean of Research and Innovation UniSA — The Role of Local Government in Housing Australians in the 21st Century
10:30am	Keynote Address Kylie Cochrane: Global Leader in Community Engagement — Engaging with your Community into the Future
11:00am	MORNING TEA
11:30am	Debate on Motions
12:30pm	LUNCH
01:30pm	Concurrent Sessions Housing your Community TBC Reducing Community Harm Dr Jón Sigfússon — Working with local government in alcohol and drug misuse in youth – a preventative approach from Iceland Dr Erin Lalor — Local Drug Action Teams – an Australian community led approach to alcohol and drug misuse Built Environment in Your Community TBC Your Community, Your Environment TBC
03:00pm	AFTERNOON TEA
03:30pm	Leader of the Opposition Address
04:00pm	Debate on Motions
07:00pm 11:00pm	National General Assembly Dinner To be announced

WENESDAY 19 JUNE	
09:00am	The Great Debate Revenue, Cost Shifting, Rate Capping
10:00am	David Pich; CEO, Institute of Managers and Leaders — Leadership Matters
10:30am	MORNING TEA
11:00am	Keynote Address Kurt Fearnley — Overcoming the Odds
12:00pm	ALGA President's Close — ALGA National Lobbying Priorities
12:30pm	LUNCH



PROVISIONAL PROGRAM

2019 REGIONAL COOPERATION AND DEVELOPMENT FORUM

SUNDAY 16 JUNE

NATIONAL CONVENTION CENTRE
CANBERRA

REGIONS ARE DYNAMIC, MOVING THROUGH BOOM AND BUST CYCLES AND TIMES OF GROWTH AND DECLINE.

WITH CASE STUDIES AND FACILITATED HYPOTHETICAL SESSIONS AND Q&A PANELS OF INDUSTRY EXPERTS, THIS YEAR'S FORUM FOCUSES ON 2 MAIN THEMES:

BOOM OR BUST: THE REGIONAL YO-YO DIET

The rising pressures of rapidly growing regions, and those in decline, who are the winners and losers and how it relates to housing, youth, immigration and social cohesion, the impact of drought, funding and resilience.

CONNECTED COMMUNITIES

Digital readiness, the importance of social connectivity in a digital world, transport linkages and the challenges of digital demography with large, geographically-dispersed communities.

SUNDAY 16 JUNE

09:30am	Wally Bell — Welcome to Country
09:40am	ALGA's President Opening
09:50am	Keynote Address Gretel Killeen — Personal experiences in our regions, setting the scene and hypothetical introduction
10:05am	Boom or Bust: the Regional Yo-Yo Diet Examining regional growth and decline related to social cohesion, settlement, impacts of drought and funding
11:15am	Morning Tea
11:45am	Shadow Minister for Regional Services, Territories and Local Government Address
12:00pm	Q&A Panel How regional leaders are tackling real problems in our rural and regional communities
12:45pm	State of the Regions Report Launch
01:15pm	Lunch
02:15pm	Connected Communities Exploring digital readiness telecommunications, transport, youth projects and successful Local Government initiatives
03:30pm	Afternoon Tea
04:00pm	Minister for Regional Development, Territories and Local Government
04:15pm	Closing remarks

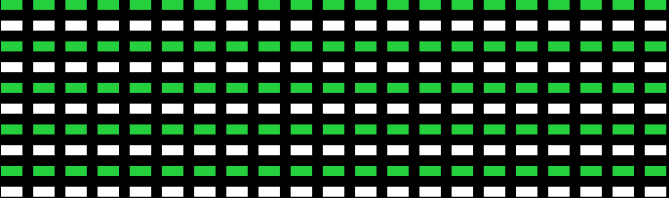


REGIONAL
FORUM 2019

General Registration

GENERAL ASSEMBLY REGISTRATION FEES		INCLUSIONS
Registration Fees — Early Bird Payment received by Friday 10 May 2019	\$989.00	<div>— Attendance at all General Assembly sessions</div> <div>— Morning tea, lunch and afternoon tea as per the General Assembly program</div> <div>— 1 Ticket to the Welcome Reception: Sunday 16 June</div> <div>— General Assembly satchel and materials</div>
Registration Fees — Standard Payment received on or before Friday 7 June 2019	\$1,099.00	
Registration Fees — Late Payment received after Friday 7 June 2019	\$1,199.00	

GENERAL ASSEMBLY REGISTRATION FEES		INCLUSIONS
Monday 17 June 2019	\$529.00	<div>— Attendance at all General Assembly sessions on the day of registration</div> <div>— Morning tea, lunch and afternoon tea as per the General Assembly program on that day</div> <div>— General Assembly satchel and materials</div>
Tuesday 18 June 2019	\$529.00	
Wednesday 19 June 2019	\$280.00	

SUNDAY REGIONAL FORUM REGISTRATION FEES		
Forum Only — <i>Sunday 16 June 2019</i>	\$445.00	
NGA Delegate <i>Delegates attending the Regional Form and the NGA are entitled to this discount</i>	\$245.00	

ACCOMPANYING PARTNERS REGISTRATION FEES		INCLUSIONS
Accompanying Partners Registration Fee	\$280.00	<div>— 1 Ticket to the Welcome Reception — Sunday 16 June</div> <div>— Day Tour ‘Lake Cruise to Monet’— Monday 17 June</div> <div>— Day Tour ‘Pottery and Wine Experience’— Tuesday 18 June</div> <div>— Lunch with General Assembly Delegates — Wednesday 19 June</div>

General Information



Payment Procedures:

Payment can be made by:

Credit card

MasterCard and Visa

Cheque

Made payable to ALGA

Electronic Funds Transfer

Bank: Commonwealth Bank

Branch: Curtin

BSB No: 062905

Account No: 10097760

NOTE: If paying via EFT you must quote your transaction reference number on the registration form.

Cancellation Policy:

All alterations or cancellations to your registration must be made in writing and will be acknowledged by email. Notification should be sent to:

Conference Co-ordinators

PO Box 4994

Chisholm ACT 2905

Facsimile: 02 6292 9002

E-mail: conference@confco.com.au

An administration charge of \$110.00 will be made to any participant cancelling before Friday 10 May 2019.

Cancellations received after Friday 10 May 2019 will be required to pay full registration fees. However, if you are unable to attend, substitutes are welcome at no additional cost.

By submitting your registration you agree to the terms of the cancellation policy.

Photographs:

During the National General Assembly there will be a contracted photographer; the photographer will take images during the sessions and social functions.

If you have your picture taken it is assumed that you are giving consent for ALGA to use the image.

Images may be used for print and electronic publications.

Privacy Disclosure:

ALGA collects your personal contact information in its role as a peak body for local government. ALGA may disclose your personal contact information to the sponsors of the event for the purposes of commercial business opportunities. If you consent to ALGA using and disclosing your personal contact information in this way, please tick the appropriate box on the registration form.

Importantly, your name may also be included in the General Assembly List of Participants. You must tick the appropriate box on the registration form if you wish your name to appear in this list.

Canberra Weather in June:

Winter days in Canberra are characterised by clear sunny skies but the days are cool at around 12-15C and temperatures do drop to 1c on average in the evenings, so be sure to bring a warm jacket. Mornings can be foggy so keep this in mind when booking flights. It is best to avoid early arrivals or departures in case of delays due to fog.

Coach Transfers:

Welcome Reception and Exhibition Opening — Sunday 16 June 2019

Coaches will collect delegates from all General Assembly hotels (except Crowne Plaza Canberra) at approximately 4:45pm. The return coaches will depart at 7:00pm.

Daily Shuttles to and from the National Convention Centre

A shuttle service between all General Assembly hotels (except Crowne Plaza Canberra) and the National Convention Centre will operate between 8:00am and 8:30am. Return shuttles will depart the National Convention Centre at 5:30pm.

Networking Dinner: Australian War Memorial — Monday 17 June

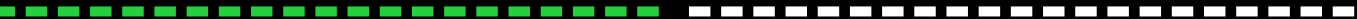
Coaches will collect delegates from all General Assembly hotels at approximately 6:45pm. A return shuttle service will commence at 10:15pm.

General Assembly Annual Dinner: To be announced — Tuesday 18 June

Coaches will collect delegates from all General Assembly hotels at approximately 6:45pm. A return shuttle service will operate between 10:30pm and 11:45pm.

Car Parking:

Parking for delegates is available underneath the National Convention Centre for a cost of approximately \$19.00 per day. Alternatively, voucher public parking is available 300m from the Centre at a cost of approximately \$15.70 per day. The voucher machines accept either coins or credit cards (Visa or MasterCard).



Social Functions

Welcome Reception and Exhibition Opening

Sunday 16 June 2019

Venue: National Convention Centre

The Welcome Reception will be held in the exhibition hall and foyer.

05:00pm—07:00pm

\$50.00 per person for day delegates and guests. No charge for full registered delegates. No charge for registered accompanying partners.

Dress Code: Smart casual.

Networking Dinner

Monday 17 June 2019

Venue: Australian War Memorial

The dinner is being held in the Anzac Hall.

07:00pm—11:00pm

\$110.00 per person.

Dress Code: Smart casual.

This year we take the Networking Dinner to the Australian War Memorial, regarded as one of the most significant war memorials worldwide.

Dinner will be held in the Anzac Hall where you can see historical Military items such as famous Lancaster bomber G for George in the Striking By Night exhibit, a midget submarine created from sections of two full sized submarines in Sydney Under Attack, and world war

aircraft in the Over The Front: The Great War In The Air exhibition.

You are welcome to browse these at your leisure whilst also having the opportunity to network with delegates from other councils and organisations.

Note: Numbers are limited and booking early is highly recommended.

General Assembly Dinner

Tuesday 19 June 2019

Venue: To be announced.

07:00pm—11:00pm

\$140.00 per person.

Dress Code:
Lounge suit/collar & tie for men
Cocktail for women.

Note: Bookings are accepted in order of receipt.

Partner Tours

Monday 17 June 2019

Lake Cruise to Monet

Enjoy the view from the recently refurbished MV Southern Cross Yacht as you cruise around Lake Burley Griffin learning about some of Canberra monuments, museums and political landmarks.

After lunch, there will be an opportunity to view the Monet: Impression, Sunrise Exhibition at the National Gallery Australia. This exclusive exhibition will feature Monet pieces on lend from Paris and London along with work from artists like JMW Turner inspired by the impressionist master.

Tuesday 18 June 2019

Pottery and Wine Experience

Today we will be travelling just out of Canberra to nearby town of Murrumbateman. Here we will be visiting Hillgrove Pottery where we will be treated to a history of pottery, demonstrations and a tour of the centre.

We will also be joined by local boutique winery, Idyllic Hills Wines, who will provide tastings and the opportunity for you to ask any questions you have ever had in the process of wine making.

We will then begin making our way back to Canberra with a stop for lunch along the way.

Accommodation

Crowne Plaza

1 Binara Street, Canberra

The Crowne Plaza is adjacent to the Convention Centre.

Twin option at the hotel consists of two double beds.

Superior Room \$325 per night
— Single/twin/double

Deluxe Room \$375 per night
— Single/twin/double

Avenue Hotel

80 Northbourne Avenue, Canberra

The Avenue Hotel is one of the newest options in Canberra and offers guests both studio and apartment style rooms. The hotel is a 15-20 minute walk from the Convention Centre.

Twin option at the hotel consists of two king singles.

Superior King Rooms: \$280 per night
— Single/twin/double

1 Bedroom Apartments \$330 per night
— Single/double

Waldorf

2 Akuna Street, Canberra

Located in the heart of Canberra's CBD, the Waldorf is only a five minute walk from the National Convention Centre.

Twin option at the hotel consists of two single beds. Additional costs will apply if more than 2 guests are within the one room.

Studio Apartment: \$210 per night
— Single/twin/double

1 Bedroom Apartment \$230 per night
— Single/twin/double

Mantra

84 Northbourne Avenue, Canberra

Mantra on Northbourne is centrally located within the CBD and approximately a 15-20 minute walk from the National Convention Centre.

Bedding configuration in a hotel room is one king or two single beds and a 1 bedroom apartment has one queen or two singles.

Hotel Room \$240 per night
— Single/twin/double

1 Bedroom Apartment \$280 per night
— Single/twin/double

Novotel

65 Northbourne Avenue, Canberra

Located on Northbourne Avenue, one of Canberra's main thoroughfares, the Novotel is a 15 minute walk from the National Convention Centre.

Twin option for the Standard Room type consists of two double beds and the

Executive Room type consists of one king bed and a pull out sofa bed.

Standard Room \$290 per night
— Single/twin/double

Executive Room \$325 per night
— Single/twin/double

Medina Apartment Hotel

74 Northbourne Avenue, Canberra

The Medina Apartments Hotel James Court is approximately a 15-20 minute walk from the National Convention Centre

Twin option at the hotel consists of two single beds.

Note: Reception operates between the hours of 06:30am and 11:00pm

1 Bedroom Apartment \$225 per night
— Single/twin/double

2 Bedroom Apartment \$299 per night
— Single/double

QT Hotel

1 London Circuit, Canberra

QT Hotel is a modern hotel with boutique e style furnishings, central to the city and a 10 minute walk to the National Convention Centre.

Twin option at the hotel consists of two single beds.

Standard Room \$249 per night
— Single/twin/double

Future
Focused

NGA19

16—19 June 2019. Canberra
National Convention Centre



Registration:

Online: nga19.com.au

Hard copy registration
forms and PDF versions
are available by emailing:

NGA@confco.com.au



Debate on Motions:

To assist in identifying
motions for the 2019 NGA,
a discussion paper has
been prepared and is
available at: ALGA.asn.au

Submission of motions
can also be accessed at:
ALGA.asn.au



AUSTRALIAN
LOCAL GOVERNMENT
ASSOCIATION

Celebrating 25 Years of NGA

nga19.com.au

**ADELAIDE HILLS COUNCIL
ORDINARY COUNCIL MEETING
Tuesday 23 April 2019
AGENDA BUSINESS ITEM**

Item: 12.7

Originating Officer: Lachlan Miller, Executive Manager Governance & Performance

Responsible Director: Andrew Aitken, Chief Executive Officer

Subject: Code of Practice for Access to Council, Council Committee and Designated Informal Gathering Meetings and Documents - Draft for Adoption

For: Decision

SUMMARY

Council adopted its current *Code of Practice for Access to Council, Council Committee and Designated Informal Gatherings Meetings & Documents* (the Code) at its 14 November 2017 meeting following a mandatory public consultation period.

Section 92(2) of the *Local Government Act 1999* provides that the Code must be reviewed within the 12 months of a new Council term. While there has not been any legislative change, the commencement of a new term of Council has brought fresh perspectives to the Chamber and it is opportune to ensure that the Code is reflective not only of the legislative provisions but also the openness and transparency expectations of the Council Members, both new and returning.

Council considered a revised draft at its 26 February 2019 meeting and approved the draft for public consultation in accordance with Council's *Public Consultation Policy*.

The public consultation period ran from 6 – 31 March 2019 and while there were 11 promising page views and one document download, no submissions were received.

The revised Code is provided for Council's consideration for adoption.

RECOMMENDATION

Council resolves:

1. That the report be received and noted
 2. That with an effective date of 7 May 2019, to revoke the 14 November 2017 *Code of Practice for Access to Council, Council Committee and Designated Informal Gathering Meetings & Documents* and to adopt the proposed *Code of Practice for Access to Council, Council Committee and Designated Informal Gathering Meetings & Documents* as contained in Appendix 1.
-

1. GOVERNANCE

➤ Strategic Management Plan/Council Policy

Goal: Organisational Sustainability
Strategy: Governance

A key element of the Governance Strategy within the Strategic Plan is that Council 'is committed to open, participative and transparent decision making and administrative processes.' Ensuring that members of public have appropriate access to Council and Council Committee meetings and documents is an important foundation stone to achieving this strategy.

Council's *Informal Council and Council Committee Informal Gatherings and Discussions Policy* impacts on the Code with respect to the conduct of *designated informal gatherings* held both open to the public and in confidence.

The provisions of the Code (for access to meetings and documents) have close links to the *Code of Practice for Council Meeting Procedures*. The latter is current also under review and there is the potential for changes in one document to require changes in the corresponding provisions in the other to achieve synchronicity.

➤ Legal Implications

Section 92 of the *Local Government Act 1999* (the Act) sets out the provisions relating to the Code as follows:

92—Access to meetings and documents—code of practice

- (1) A council must prepare and adopt a code of practice relating to the principles, policies, procedures and practices that the council will apply for the purposes of the operation of Parts 3 and 4.
- (2) A council must, within 12 months after the conclusion of each periodic election, review the operation of its code of practice under this section.
- (3) A council may at any time alter its code of practice, or substitute a new code of practice.
- (4) A code of practice must include any mandatory provision prescribed by the regulations.
- (5) Before a council adopts, alters or substitutes a code of practice under this section it must—
 - (a) make copies of the proposed code, alterations or substitute code (as the case may be) available for inspection or purchase at the council's principal office and available for inspection on a website determined by the chief executive officer; and
 - (b) follow the relevant steps set out in its public consultation policy.

Council's *Public Consultation Policy* requires that notices will be published inviting interested persons to make submissions to the Council within a period being at least 21 clear days from the date of the notice.

➤ **Risk Management Implications**

The adoption of practical and legislatively compliant Code 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)

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

➤ **Financial and Resource Implications**

The resource implications of administering the provisions are accommodated in the current budget.

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

Council and Committee agendas and minutes are a key source of information for the community to be informed about Council's considerations and deliberations on matters of interest.

Equally public access to Council, Council Committee and Designated Informal Gathering meetings to observe and participate in these deliberations (where appropriate) is an important mechanism in the local government system of democracy.

➤ **Environmental Implications**

Not applicable.

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

Consultation on the development of this report was as follows:

Council Committees: Not Applicable

Council Workshops: The Code of Practice for Access to Council, Council Committee and Designated Informal Gathering Meetings and Documents was briefly discussed at the Council's 12 February 2019 workshop.

Advisory Groups: Not Applicable

Administration: Director Community Capacity
 Manager Communications, Engagement and Events
 Governance & Risk Coordinator
 Executive Assistant CEO & Mayor

Community: Not Applicable

2. BACKGROUND

The Code was significantly reviewed in 2017 to incorporate the provisions of the *Local Government (General) Variation Regulations 2016*, which amended the *Local Government (General) Regulations 2013*.

The key changes were the definition of a ‘designated informal gathering or discussion’; the requirement for these gatherings or discussions to be open to the public unless specifically determined to be in confidence; and for the details of these gatherings or discussions to be published on Council’s website.

In consideration of the revised Code, following public consultation, Council at its 14 November 2017 Special Meeting resolved as follows:

Moved Cr Linda Green
S/- Cr John Kemp

264/17

Council resolves that:

1. That the report be received and noted.
2. With an effective date of 28 November 2017, to revoke the 13 October 2015 Code of Practice for Access to Council and Council Committee Meetings & Documents and to adopt the revised Code of Practice for Access to Council, Council Committee and Designated Informal Gathering Meetings & Documents in Appendix 1.

Carried Unanimously

At its 26 February 2019 meeting, Council considered a revised draft of the Code and resolved as follows:

Moved Cr Mark Osterstock
S/- Cr Ian Bailey

30/19

Council resolves:

1. That the report be received and noted
2. To approve the proposed Code of Practice for Access to Council, Council Committee and Designated Informal Gathering Meetings & Documents at Appendix 1 for public consultation in accordance with the provisions of Council’s Public Consultation Policy and for the further report to be provided to Council following the consultation process.
3. That the CEO be authorised to:
 - a. Make any formatting, nomenclature or other minor changes to the Code prior to being released for public consultation and
 - b. Determine the consultation timings, media and processes while ensuring consistency and compliance with the provisions of applicable legislation and Council’s Public Consultation Policy.

Carried Unanimously

Advertisements regarding the public consultation were placed in the *Mount Barker Courier* and the *Weekender Herald* along with website and other social media posts. Council's Engage HQ portal was used to manage the consultation which ran from 6 - 31 March 2019. A summary of campaign activity is at **Appendix 2**.

By way of clarification an 'aware' visitor (of which there were 4), or a visitor that is considered to be 'aware', has made one single visit to the site or project. An 'informed' visitor however (of which there was one) has taken the next step from being aware and clicked on something shown on the site, in this case they downloaded the Code.

Notwithstanding the above activity, no submissions were received.

3. ANALYSIS

While there have not been any legislative changes, minor revisions were made to the Code to facilitate integration of the associated policy suite (specifically the *Code of Practice for Council Meeting Procedures* and the *Informal Council and Council Committee Informal Gatherings and Discussions Policy*).

The key changes to the Code (shown in track changes in **Appendix 1**) are as follows:

1. Separating out the guidance for the public's access to meeting agendas between Council & Council Committees and Designated Informal Gatherings due to the material differences (clauses 5 & 6)
2. Clarifying that Designated Informal Gathering agendas and minutes are not be published on the website or generally made available to the public (clauses 6.2 & 14.2)
3. Strengthening references to the *Informal Council and Council Committee Informal Gatherings and Discussions Policy* via footnotes
4. Separating out the guidance for the process to exclude the public from a meeting between Council & Council Committees and Designated Information Gatherings due to the material differences (clauses 8 & 9)
5. Inclusion of the provision to report details of Designated Informal Gatherings in the Annual Report (clauses 16.2).

4. OPTIONS

The Committee has the following options:

- I. To approve the proposed Code as contained in Appendix 1. (Recommended)
- II. To determine not to approve the proposed Code or to make further changes to the Code.

Should Council identify the need for substantial amendments to the proposed Code, it is recommended that they be referred to staff for review, so as to allow for analysis of the implications of the amendments, prior to being brought back to Council for consideration.


5. APPENDIX

1. Draft Code of Practice for Access to Council, Council Committee and Designated Informal Gathering Meetings and Documents – April 2019
2. Engagement HQ – Campaign Monitoring Report

Appendix 1

*Draft Code of Practice for Access to Council, Council
Committee and Designated Informal Gathering
Meetings and Documents – April 2019*

COUNCIL POLICY

	CODE OF PRACTICE FOR ACCESS TO COUNCIL, COUNCIL COMMITTEE AND DESIGNATED INFORMAL GATHERING MEETINGS & DOCUMENTS
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Policy Number:	GOV-17
Responsible Department(s):	Governance & Performance
Relevant Delegations:	None
Other Relevant Policies:	<i>Code of Practice for Meeting Procedures Council Member Conduct Policy Informal Council and Council Committee Gatherings and Discussions Policy</i>
Relevant Procedure(s):	None
Relevant Legislation:	<i>Local Government Act 1999 Local Government (General) Regulations 2013</i>
Policies and Procedures Superseded by this policy on its Adoption:	<i>Code of Practice for Access to Council, Council Committee and Designated Informal Gatherings Meetings & Documents - 14 November 2017, Item 5.2, 264/17</i>
Adoption Authority:	Council
Date of Adoption:	<i>To be updated administratively</i>
Effective From:	<i>To be updated administratively</i>
Minute Reference for Adoption:	<i>To be updated administratively</i>
Next Review:	No later than November 2019-2023 or as required by legislation or changed circumstances

Table of Contents

1. STATEMENT OF PRINCIPLE.....	3
2. OBJECTIVES	3
3. INTRODUCTION.....	3
4. COMMUNITY INVOLVEMENT IN THE DEVELOPMENT OF THE CODE	4
5. PUBLIC ACCESS TO THE AGENDA FOR COUNCIL AND COUNCIL COMMITTEE MEETINGS.....	4
6. PUBLIC ACCESS TO THE AGENDA FOR DESIGNATED INFORMAL GATHERINGS.....	5
7. PUBLIC ACCESS TO MEETINGS	65
8. PROCESS TO EXCLUDE THE PUBLIC FROM A COUNCIL OR COUNCIL COMMITTEE MEETING	6
9. PROCESS TO EXCLUDE THE PUBLIC FROM A DESIGNATED INFORMAL GATHERING	7
10. MATTERS FROM WHICH THE PUBLIC CAN BE EXCLUDED	7
11. USE OF THE CONFIDENTIALITY PROVISIONS.....	9
12. EXAMPLE CONFIDENTIALITY PROVISIONS	1110
13. REVIEW OF CONFIDENTIALITY ORDERS	12
14. PUBLIC ACCESS TO MINUTES	1312
15. PUBLIC ACCESS TO DOCUMENTS.....	1312
16. ACCOUNTABILITY AND REPORTING TO THE COMMUNITY.....	14
17. AVAILABILITY OF THE CODE	15
18. REVIEW OF THE CODE.....	15
19. GRIEVANCE	15

CODE OF PRACTICE FOR ACCESS TO COUNCIL, COUNCIL COMMITTEE AND DESIGNATED INFORMAL GATHERING MEETINGS & DOCUMENTS

1. STATEMENT OF PRINCIPLE

- 1.1. In fulfilling the role of an effective council that is responsive to the needs of the community and which operates within the legal framework prescribed by the *Local Government Act 1999* (the Act), the Adelaide Hills Council (Council) is fully committed to the principle of open and accountable government.
- 1.2. However, Council also recognises that on a limited number of occasions it may be necessary, in the broader community interest, to restrict public access to discussion/decisions and/or documents.

2. OBJECTIVES

- 2.1. The objectives of the Code of Practice for Access to Council and Council Committee¹ and Designated Informal Gathering² Meetings & Documents (Code) are:
 - Clearly outline to the community for what purpose and on what basis Council may apply the provisions of the Act to restrict public access to meetings or documents;
 - Provide information on Council's code of practice to the community; and
 - Summarise the legal position relating to public access to Council and Council Committee meetings and documents.

3. INTRODUCTION

- 3.1. This Code sets out the commitment of Council to provide public access to Council, Council Committee and Designated Informal Gathering meetings and [Council and Council Committee](#) documents and outlines the policies and procedures contained within the Act, to restrict public access. The Code includes:
 - information on the relevant provisions of the Act;
 - Council's policy on public access and participation;
 - the process that will be adopted where public access to a meeting or a document is restricted;
 - grievance procedures to be followed if a member of the public believes that the Council has unreasonably restricted public access on a particular matter.

¹ Council Committee means a committee established under Section 41 of the *Local Government Act 1999*

² Designated Informal Gathering as defined in Regulation 8AB(2) of the *Local Government (General) Regulations 2013* is an event organised and conducted by or on behalf of the Council or Chief Executive Officer (CEO) to which Members of the Council or Council Committee (as the case may be) have been invited and that involves discussion of a matter that is, or is intended to be, part of the agenda for a formal meeting of the Council or Council Committee

- 3.2. This Code sets out the policy of Council for access to meetings and documents and includes information relating to:

- access to the agenda for meetings;
- public access to meetings;
- the process to exclude the public from meetings;
- matters for which the Council, a Council Committee, or a Designated Informal Gathering can order that the public be excluded;
- how the Council will approach the use of the confidentiality provisions in the Act;
- public access to documents, including minutes;
- review of confidentiality orders;
- accountability and reporting to the community, and the availability of the code; and
- grievances about the use of the code by Council.

4. COMMUNITY INVOLVEMENT IN THE DEVELOPMENT OF THE CODE

- 4.1. In preparing this Code of Practice for adoption, and prior to alteration or substitution of a Code, the Council must make copies available for inspection or purchase at the principal office and follow the relevant process set out in its public consultation policy.
- 4.2. The Code was made available for public consultation in accordance with Council's Public Consultation Policy from ~~20 September until 13 October 2017~~6 – 31 March 2019.

5. PUBLIC ACCESS TO THE AGENDA FOR COUNCIL AND COUNCIL COMMITTEE MEETINGS

- 5.1. At least three (3) clear days³ before the Council or Council Committee meeting (unless it is a special meeting⁴) the Chief Executive Officer (CEO) must give written notice of the meeting to all Council/Committee ~~M~~members setting out the date, time and place of the meeting. ~~The practice of Council is to provide the notice five (5) clear days before the Council meeting. Where possible, the CEO will endeavour to have notices available in advance of the above timeframe.~~
- 5.2. The notice of meeting and agenda will be placed on public display at each office of the Council that is open to the public for the general administration of Council business ~~within its area at Council's Service Centres, and~~ on Council's website www.ahc.sa.gov.au ~~and in the mobile library.~~
- 5.3. Items listed on the agenda will be described accurately and in reasonable detail.
- 5.4. The notice and agenda will be kept on public display and continue to be published on the website until the completion of the relevant Council or Council Committee meeting.

³ 'clear days' means that the time between the giving of the notice and the day of the meeting, but excluding both the day on which the notice was given and the day of the meeting, e.g. notice is given on a Thursday for a following Monday meeting, the clear days are Friday, Saturday and Sunday.

⁴ Special meetings under s83(2) of the *Local Government Act 1999* require at least four (4) hours' notice.

- 5.5. Copies of the agenda documents and non-confidential reports that are to be considered at the meeting will be made available to members of the public ~~in attendance. A reasonable number of copies will also be available for public inspection as soon as practicable after they are supplied to the members of Council/Committee both prior to and at the meeting.~~
- 5.6. Members of the public may obtain a copy of the agenda and any particular reports for a fee to cover the costs of photocopying, in accordance with a Council's schedule of fees and charges.
- 5.7. Where the CEO (after consultation with the principal member, or in the case of a Committee - the presiding member) believes that a document or report on a particular matter should be considered in confidence with the public to be excluded, the basis under which the order could be made in accordance with section 90(3) of the Act will be specified. [see sections 83(5) (Council) and 87(10) (Committee) of the Act.]
- 5.8. The above provisions apply to Council meetings, committees that have as part of their responsibility some regulatory activities and those other committees to which Council has determined these procedures will apply⁵. Where a committee is not performing a regulatory activity these procedures may be varied, e.g. notice may be given in a form decided by the committee, and need not be given for each meeting separately. Public notice may be given at a place determined by the CEO taking into account the nature and purpose of the Committee.

6. PUBLIC ACCESS TO THE AGENDA FOR DESIGNATED INFORMAL GATHERINGS⁶

- 6.1. Prior to a designated informal gathering the CEO will ensure that the following information will be published on the Council's website:
- the place, date and time at which the designated informal gathering or discussion will be held;
 - the matter that is to be discussed at the designated informal gathering or discussion;
 - whether or not the designated informal gathering or discussion is to be held at a place open to the public.
- 6.2. Agenda documents will not be published on the website or generally made available to the public (see clause 15 regarding Access to Documents).
- 6.3. Where a confidential informal discussion declaration applies to a designated informal gathering or discussion, the reason for the designated informal gathering or discussion being held entirely or partially in confidence must be published on the Council's website.

⁵ Council's Code of Practice for Meeting procedures sets out the Council Committees to which clause 5 applies.

⁶ Further details of the provisions applying to Designated Informal Gatherings, are contained in Council's *Informal Council and Council Committee Informal Gatherings and Discussions Policy* available at ahc.sa.gov.au

6.7. PUBLIC ACCESS TO MEETINGS

6.1.7.1. Council, Council Committee and Designated Informal Gathering meetings are open to the public and attendance is encouraged, except where the Council, the Council Committee or in the case of a Designated Informal Gathering, the Council or CEO, believes it is necessary in the broader community interest to exclude the public from the discussion (and, if necessary, decision⁷) of a particular matter.

7.2. The public will only be excluded when considered proper and necessary (i.e. the need for confidentiality outweighs the principle of open decision-making). The following is an example:

Council is intending to bid at an auction to acquire land and would not want others involved, such as the vendor to have prior knowledge of what Council was setting as an upper limit to bid at the auction, as to do so would prejudice the position of Council and disadvantage the community.

6.2.7.3. Council encourages public attendance at meetings of the Council, Committees and Designated Informal Gatherings through public notification of meetings in the Council, Committee and Designated Informal Gatherings Meetings Schedule, located on Council's website.

6.3.7.4. Council has adopted the *Informal Council and Council Committee Gatherings and Discussions Policy* which provides information on the manner in which the provisions in Section 90 relating to informal gatherings and designated informal gatherings will be managed.

7.8. PROCESS TO EXCLUDE THE PUBLIC FROM A COUNCIL OR COUNCIL COMMITTEE MEETING

7.1.8.1. Before a Council or Council Committee meeting orders that the public be excluded to enable the receipt, discussion and consideration of a particular matter, the meeting must, in public, formally determine if this is necessary and appropriate, and then pass a resolution to exclude the public while dealing with that particular matter.

7.2.8.2. If this occurs then the public must leave the room. This means that all members of the public (including staff), unless exempted by being named in the resolution as entitled to remain, are required to leave the room. For the operation of section 90(2) a member of the public does not include a Member of Council/Committee.

7.3.8.3. Once Council or a Council Committee has made the order, it is an offence for a person, who knowing that an order is in force, enters or remains in a room in which such a meeting is being held. It is lawful for an employee of Council or a member of the police to use reasonable force to remove the person from the room if he or she fails to leave on request.

7.4.8.4. Once discussion on that particular matter is concluded, the public are then permitted to re-enter the meeting. If there is a further matter that needs to be

⁷ Designated Informal Gatherings do not make decisions on any matter that is, or is intended to be, part of the agenda for a formal meeting of the Council or Council Committee

considered in confidence it is necessary to again undertake the formal determination process and to resolve to exclude the public as above.

~~7.5.8.5.~~ Please note that the Council, or the Council Committee, can by inclusion within the resolution permit a particular person or persons to remain in the meeting. An example would be allowing a ratepayer who is suffering personal hardship to remain in the meeting when their circumstances concerning the payment of rates are being discussed.

~~7.6.8.6.~~ Council's practice is that, for the convenience of the public present at a meeting, where it is resolved to consider a matter in confidence, that the matter (unless there are pressing reasons as to why it should be debated at that point of the meeting) may be deferred until all other business has been dealt with. This is the preferred option of Council rather than asking the public to leave the room and wait for however long it takes until the matter is concluded and then invite them back to the meeting room with the possibility of the same process being repeated for a subsequent matter.

9. PROCESS TO EXCLUDE THE PUBLIC FROM A DESIGNATED INFORMAL GATHERING⁸

~~7.7.9.1.~~ The Council or CEO may, on a case-by-case basis, declare a designated informal gathering or discussion to be a 'confidential informal discussion' where the designated informal gathering or discussion is either:

- (i) a planning session of a general or strategic nature; or
- (ii) is a briefing session relating to information or a matter of a confidential nature within the ambit of section 90(3) of the Local Government Act [\(see clause10 below for the provisions of s90\(3\)\)](#).

~~7.8.9.2.~~ If a designated informal gathering or discussion has been declared to be a 'confidential informal discussion', then the designated informal gathering or discussion may be attended by Council Members, the CEO and any other person invited to attend by the Council or the CEO.

~~7.9.9.3.~~ If a confidential informal discussion declaration has been made in respect of only some of the matters to be discussed at a designated informal gathering or discussion, then these confidential matters will [normally](#) be scheduled to be discussed at the end of the agenda for the designated informal gathering or discussion. The designated informal gathering or discussion will be open to the public until immediately prior to the discussion on confidential matters commencing [and post the discussion, as applicable](#).

8.10. MATTERS FROM WHICH THE PUBLIC CAN BE EXCLUDED

~~8.1.10.1.~~ In accordance with the requirements of section 90(3) of the Act, Council, or a Council Committee, may order that the public be excluded in the following circumstances:

⁸ Further details of the provisions applying to Designated Informal Gatherings, are contained in Council's [Informal Council and Council Committee Informal Gatherings and Discussions Policy](#) available at ahc.sa.gov.au

-
- (a) *information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead);*
 - (b) *information the disclosure of which—*
 - (i) *could reasonably be expected to confer a commercial advantage on a person with whom the Council is conducting, or proposing to conduct, business, or to prejudice the commercial position of the Council; and*
 - (ii) *would, on balance, be contrary to the public interest;*
 - (c) *information the disclosure of which would reveal a trade secret;*
 - (d) *commercial information of a confidential nature (not being a trade secret) the disclosure of which—*
 - (i) *could reasonably be expected to prejudice the commercial position of the person who supplied the information, or to confer a commercial advantage on a third party; and*
 - (ii) *would, on balance, be contrary to the public interest;*
 - (e) *matters affecting the security of the Council, members or employees of the Council, or Council property, or the safety of any person;*
 - (f) *information the disclosure of which could reasonably be expected to prejudice the maintenance of law, including by affecting (or potentially affecting) the prevention, detection or investigation of a criminal offence, or the right to a fair trial;*
 - (g) *matters that must be considered in confidence in order to ensure that the Council does not breach any law, order or direction of a court or tribunal constituted by law, any duty of confidence, or other legal obligation or duty;*
 - (h) *legal advice;*
 - (i) *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;*
 - (j) *information the disclosure of which—*
 - (i) *would divulge information provided on a confidential basis by or to a Minister of the Crown, or another public authority or official (not being an employee of the Council, or a person engaged by the Council); and*
 - (ii) *would, on balance, be contrary to the public interest;*
 - (k) *tenders for the supply of goods, the provision of services or the carrying out of works;*
 - (l) *information relating to a proposed amendment to a Development Plan under the Development Act 1993 before a Plan Amendment Report*

relating to the amendment is released for public consultation under that Act; or

- (m) *information relating to a proposed amendment to a Development Plan under the Development Act 1993 before a Development Plan Amendment proposal relating to the amendment is released for public consultation under that Act;*
- (n) *information relevant to the review of a determination of a Council under the Freedom of Information Act 1991.*

8.2.10.2. The Act provides for a definition of “personal affairs”, being a person’s financial affairs, criminal records, marital or other personal relationships, personal qualities, attributes or health status, or that person’s employment records, employment performance or suitability for a particular position, or other personnel matters relating to the person, but does not include the personal affairs of a body corporate.

8.3.10.3. In some sections under section 90(3) of the Act a public interest balancing test must be satisfied for the ground of exclusion to apply. The “*public interest balancing test*” applies to sections:

- 90(3)(b)(ii) – ‘commercial advantage’;
- 90(3)(d)(ii) – ‘commercial information’; and
- 90(3)(j)(ii) – ‘information provided on a confidential basis’.

This test requires that public interest reasons for closing a meeting to the public must outweigh the general requirements for meetings to be held in public. This requirement to satisfy a public interest test is mirrored in certain provisions of the *Freedom of Information Act 1999* (SA) (“the FOI Act”).

8.4.10.4. In considering whether an order should be made under section 90(2), it is irrelevant that discussion of a matter in public may:

- cause embarrassment to the Council or Committee concerned, or to members or employees of the Council; or
- cause a loss of confidence in the Council or Committee. [s.90(4)]

8.5.10.5. If a decision to exclude the public is taken, the Council or the Council Committee is required to make a note in the minutes of the making of the order and the grounds on which it was made. Sufficient detail of the grounds on which the order was made will be included in the minutes.

9.11. **USE OF THE CONFIDENTIALITY PROVISIONS**

9.1.11.1. Any consideration of the use of the confidentiality provisions to exclude the public from the discussion of a particular matter at a meeting will require the identification of one or more of the grounds listed within section 90(3) of the Act and the factual reasons for the relevance and application of the ground(s) in the circumstances. These are listed in paragraph 8.1 of this Code.

9.2.11.2. In relation to Council and Council Committee meetings, Council's policy approach is as follows:

9.2.1.11.2.1. The principle of open and accountable government is strongly supported;

9.2.2.11.2.2. Information of the grounds on which an order to exclude the public is made will be conveyed to the public at the time of them being ordered to leave the meeting – the public will not be excluded until after a confidentiality motion has been debated and passed and sufficient reasons for the need to exclude the public given;

9.2.3.11.2.3. Once discussion of the matter is concluded, the meeting will then consider if it is necessary to make an order that a document associated with this agenda item (including minutes) remain confidential. In determining this, the meeting will have regard to the provisions of section 91 and in particular section 91(8) which details when a Council or Committee must not order that a document remain confidential;

9.2.4.11.2.4. If the meeting determines that it is proper and necessary to keep a document confidential, then a resolution for an order to this effect is required to be resolved by the meeting in accordance with section 91(7) of the Act. When making an order the meeting must specify the duration of the order or the circumstances in which the order will cease to apply, or a period after which the order must be reviewed. ;

9.2.5. ~~The Council or Committee will not consider a number of agenda items "in confidence" together (i.e. en bloc). It will determine each item separately and consider the exemptions relevant to each item.~~

9.2.6.11.2.5. Once discussion of the matter is concluded and the public have returned, the decision of the meeting in relation to this matter will be made publicly known unless the Council or Committee has resolved to order that some information remain confidential. Details relating to any order to keep information or a document confidential in accordance with section 91(7) are also to be made known. ~~When making an order the meeting must specify the duration of the order or the circumstances in which the order will cease to apply, or a period after which the order must be reviewed.~~

9.2.7.11.2.6. In all cases the objective is that the information be made publicly available at the earliest possible opportunity and that the community is informed of any Council or Committee order and the associated implications; and

11.2.7. Where a person provides information to the Council or Committee and requests that it be kept confidential, Council or Committee is not able to even consider this request unless the matter is one that falls within section 90(3). If this is the case, Council or Committee will then be in a position to consider the request on its merits.

11.3. There is no legal requirement to resolve to "come out of confidence" or to go back into "public session". The public may and should be invited to re-enter the meeting when consideration of the relevant Agenda Item has concluded. The

public are also entitled to be present for the debate on whether any subsequent item should be considered in confidence.

11.4. The Council or Committee will not consider a number of agenda items “in confidence” together (i.e. en bloc). It will determine each item separately and consider the exemptions relevant to each item.

9.3.

10.12. EXAMPLE CONFIDENTIALITY PROVISIONS

10.1.12.1. The Council will record in the minutes of any Council or Council Committee meetings the making of an order in accordance with sections 90(2) and (3) and section 91(7) as follows:

Example: If Council were considering the terms for a waste resources contract.

A Section 90(3)(b) order would be made before Council went into confidence such as:

Pursuant to section 90(2) of the Local Government Act 1999 the Council orders that all members of the public, except Joe Bloggs, CEO of ABC Council and Ivana Citizen, lawyer, XYZ Lawyers, be excluded from attendance at the meeting for Agenda Item 10.1 (Terms of Waste Resources Contract).

The Council is satisfied that, pursuant to section 90(3)(b) of the Act, the information to be received, discussed or considered in relation to this Agenda Item is information the disclosure of which could reasonably be expected to confer a commercial advantage on a person with whom the Council is proposing to conduct business, and the information would prejudice the commercial position of the Council, in that the Council is currently engaged in a post tender negotiation with a preferred tenderer to finalise the terms and conditions of engagement for this service – the information to be considered in relation to this Agenda Item include detailed costings for in-house provision of waste resources services and other specific financial information, the disclosure of which would prejudice the Council’s commercial position during the current ongoing negotiations.

In addition, the disclosure of this information would, on balance, be contrary to the public interest. The public interest in public access to the meeting has been balanced against the public interest in the continued non-disclosure of the information. The benefit to the public at large resulting from withholding the information outweighs the benefit to it of disclosure of the information. The Council is satisfied that the principle that the meeting be conducted in a place open to the public has been outweighed in the circumstances because the disclosure of Council’s commercial position may severely prejudice Council’s ability to be able to negotiate a cost-effective proposal for the benefit of the Council and the community in this matter and in relation to other contract negotiations.

If the Council resolved for the report containing the commercial information to remain in confidence, a Section 91(7) would be made at the conclusion of considering the item, such as:

That having considered Agenda Item 10.1 (Terms of Waste Resources Contract) in confidence under section 90(2) and (3)(b) of the Local Government Act 1999, the Council, pursuant to section 91(7) of that Act orders that the Tender documents and related Council reports and all minutes be retained in confidence for a period of 2 years, or until a contract has been signed.

11.13.REVIEW OF CONFIDENTIALITY ORDERS

11.1.13.1. A confidentiality order made under section 91(7) of the Act must specify the duration of the order or the circumstances in which the order will cease to apply, or a period after which the order must be reviewed.

11.2.13.2. An order will lapse if the time or event specified has been reached or carried out. There is no need for the Council to resolve for the confidentiality order to be lifted. Once the order has lapsed, the minutes and/or documents automatically become public.

Orders that exceed 12 months must be reviewed annually and the Council must assess whether the grounds for non-disclosure are still relevant and, if so, provide the relevant grounds and reasons for the minutes and/or documents remaining confidential.

11.3.13.3. The conduct of the annual review can be delegated to the Chief Executive Office and sub-delegated to an employee of the Council if appropriate.

11.4.13.4. If there are any items that require a fresh confidentiality order because the original order is about to expire, then the reviewer will prepare a report to Council making recommendations with respect to each item to be retained in confidence.

11.5.13.5. Each item must then be addressed separately and assessed against section 90(3) and section 91(7) of the Act.

11.6.13.6. While a Council may delegate the power to undertake an annual review, the Council cannot delegate the power to apply sections 90(3) and 91(7) of the Act.

11.7.13.7. A Council may resolve to exclude the public from a meeting to discuss and undertake consideration of the recommendations arising from the annual review in confidence, subject to the application of the relevant ground under section 90(3) of the Act. Section 90(3) of the Act must be applied separately to each item and not en bloc.

11.8.13.8. If there is no longer any need for the confidentiality order then the Council or Council Committee may delegate to an employee of the Council the power to revoke an order made in accordance with section 91(7) of the Act. The Council or Council Committee may also include in the resolution whether any

delegation is given to an employee to revoke the order and if relevant, any conditions associated with the delegation.

12.14. PUBLIC ACCESS TO MINUTES

14.1. Minutes of a meeting of Council or a Council Committee will be publicly available, within 5 days after the meeting, at each office of the Council that is open to the public for the general administration of Council business at Council's Service and Community Centres, and on Council's website www.ahc.sa.gov.au.

14.2. Formal minutes are not recorded at designated informal gatherings. While notes may be taken at these gatherings, they will not be published on the website or made available to the public unless otherwise provided for in Council policy (see clause 15 regarding Access to Documents).

13.15. PUBLIC ACCESS TO DOCUMENTS

13.1.15.1. Various documents can be available for inspection and purchase (for a fee) by the public. Council may also make a document available in electronic form and place it on the Internet for public access.

13.2.15.2. The Council or the Council Committee will only order that a document associated with a discussion from which the public are excluded is to remain confidential if it is considered proper and necessary in the broader community interest (as per the processes described above).

13.3.15.3. The Council or the Council Committee can only resolve to keep minutes and/or documents confidential under section 91(7) if they were considered in confidence pursuant to sections 90(2) and 90(3).

13.4.15.4. In accordance with section 91(8) the Council or the Council Committee must not make an order to prevent:

- the disclosure of the remuneration or conditions of service of an employee of the Council after the remuneration or conditions have been set or determined; or
- the disclosure of the identity of a successful tenderer for the supply of goods or the provision of services (including the carrying out of works), or of any reasons adopted by the Council as to why a successful tenderer has been selected; or
- the disclosure of the amount or amounts payable by the Council under a contract for the supply of goods or the provision of services (including the carrying out of works) to, or for the benefit of, the Council after the contract has been entered into by all parties to the contract; or
- the disclosure of the identity of land that has been acquired or disposed of by the Council, or of any reasons adopted by the Council as to why land has been acquired or disposed of by the Council.

~~13.5.~~15.5. Where keeping a document confidential is considered proper and necessary, a resolution to this effect is required which shall include:

- the grounds for confidentiality; and
- the duration of the order or the circumstances in which the order will cease to apply, or a period after which the order must be reviewed – if the order has a duration of more than 12 months, the order must be reviewed at least once in every year; and
- (if applicable) whether the power to revoke the order will be delegated to an employee of the Council. [s.91(9)]

~~13.6.~~15.6. Requests to access Council and Council Committee documents can be made under the *Freedom of Information Act 1991*.

~~13.6.1.~~15.6.1. Freedom of Information applications should be submitted using the correct application form and be as specific as possible to enable the correct documents to be identified.

~~13.6.2.~~15.6.2. Application forms are available from Council's Service and Community Centres or on the State Records website: www.archives.sa.gov.au, under Freedom of Information, Forms for FOI Process. The application form contains details of the fees payable and fee waivers available.

~~13.6.3.~~15.6.3. Freedom of Information requests should be addressed to:
Freedom of Information Officer
Adelaide Hills Council
PO Box 44
WOODSIDE SA 5244

14.16. ACCOUNTABILITY AND REPORTING TO THE COMMUNITY

~~14.1.~~16.1. A report on the use of sections 90(2) and 91(7) by the Council and Council Committees must be included in the annual report of Council as required by Schedule 4 of the Act. This supports commitment to the principle of accountability to the community. The reporting should include the following information, separately identified for both Council and Council Committees:

- Number of occasions each of the provisions of sections 90(2) and 90(3) were utilised;
- Number of occasions each of the provisions of sections 90(2) and 90(3) and section 91(7) were utilised, expressed as a percentage of total agenda items considered;
- An indication of any particular issues that contributed to the use of confidentiality provisions on more than one occasion (e.g. a proposal to acquire a parcel of land was considered on 3 separate occasions);

- Number of occasions that information originally declared confidential has subsequently been made publicly available; and
- Number of occasions that information declared confidential has not been made publicly available and the reason for this in each case.

16.2. The Council's Annual Report will include details of informal gatherings held by Council in the preceding financial year, including their purpose, the matters discussed at workshops and professional development/training sessions and whether the public were able to attend⁹.

15.17.AVAILABILITY OF THE CODE

15.1.17.1. This Code is 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.

16.18.REVIEW OF THE CODE

16.1.18.1. Council is required to review this Code within 12 months after the conclusion of each periodic election, therefore the next mandated review is due to occur in November 20192023. However, Council has the ability to review this Code at any time if considered desirable.

17.19.GRIEVANCE

17.1.19.1. Council has established procedures for the review of decisions under section 270 of the Act for:

- Council, and its Committees;
- employees of the Council; and
- other persons acting on behalf of the Council.

17.2.19.2. Should a person be aggrieved about public access to either a meeting or a document then they can lodge an application for review of that decision under the procedures established by Council. The Procedures are available in Council's *Internal Review of Council Decisions Policy* which is available at Council's Service and Community Centres or on Council's website www.ahc.sa.gov.au.

18.20.DELEGATION

18.1.20.1. The CEO has the delegation to:

⁹ Further details of the provisions applying to Designated Informal Gatherings, are contained in Council's *Informal Council and Council Committee Informal Gatherings and Discussions Policy* available at ahc.sa.gov.au

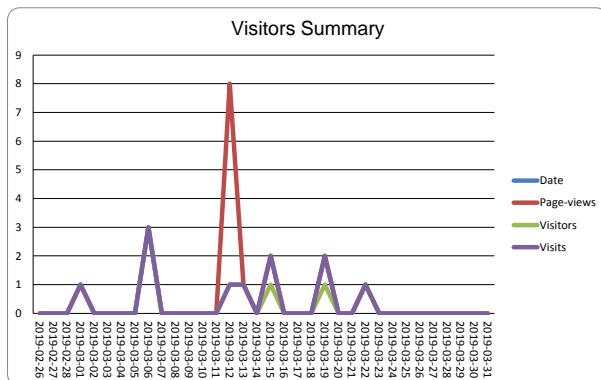
~~18.1.1.~~20.1.1. Approve, amend and review any procedures that shall be
consistent with this Code.

~~18.1.2.~~20.1.2. Make any formatting, nomenclature or other minor changes to
the Code during the period of its currency.

Appendix 2

Engagement HQ – Campaign Monitoring Report

Project Report:	Draft Code of Practice for Access to Council, Council Committee and Designated Informal Gathering Meetings and Documents	6/03/2019	to	31/03/2019
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Project Highlights

Total Visits	11
New Registrations	0
Video views	0
Photo Views	0
Document Downloads	1

Admin Notes

ENGAGED PARTICIPANTS	0		
Engaged Actions Performed	Registered	Unverified	Anonymous
Contributed on Forums	0	0	0
Participated in Surveys	0	0	0
Contributed to Newsfeeds	0	0	0
Participated in Quick Polls	0	0	0
Posted on Guestbooks	0	0	0
Contributed to Stories	0	0	0
Asked Questions	0	0	0
Placed Pins on Places	0	0	0
Contributed to Ideas	0	0	0

INFORMED PARTICIPANTS	1
Informed Actions Performed	Participants
Viewed a video	0
Viewed a photo	0
Downloaded a document	1
Visited the Key Dates page	0
Visited an FAQ list Page	0
Visited Instagram Page	0
Visited Multiple Project Pages	1
Contributed to a tool (engaged)	0

AWARE PARTICIPANTS	4
Aware Actions Performed	Participants
Visited at least one Page	4

ENGAGEMENT TOOLS SUMMARY								
Forum Topics	0	Guestbooks	0	Maps	0	News Feeds	0	Ideas
Qandas	0	Quick Polls	0	Stories	0	Survey Tools	1	0

Tool Type	Engagement Tool Name	Tool Status	Visitors	Contributors		
				Registered	Unverified	Anonymous

INFORMATION WIDGET SUMMARY								
DOCUMENTS	1	PHOTOS	0	VIDEOS	0	FAQS	0	KEYDATES
								1

Widget Type	Engagement Tool Name				Visitors	Downloads/Views
Document	Draft Code of Practice for Access 2019				1	1
Key Dates	Key Date				0	0

**ADELAIDE HILLS COUNCIL
ORDINARY COUNCIL MEETING
Tuesday 23 April 2019
AGENDA BUSINESS ITEM**

Item: 12.8

Originating Officer: Lachlan Miller, Executive Manager Governance & Performance

Responsible Director: Andrew Aitken, Chief Executive Officer

Subject: Delegations Review – April 2019

For: Decision

SUMMARY

Council's Register of Delegations is required to be reviewed in accordance with Section 44 (6) of the *Local Government Act 1999* at least once in every financial year. At Adelaide Hills Council a review occurs quarterly covering a proportion of the Register examining delegations under a number of Acts. This manages the annual review of each delegation in four manageable segments and also allows changes in legislation to be enacted in a timely fashion.

This report addresses delegations under the following Acts:

- *Burial & Cremation Act 2013 and the Burial and Cremation Regulations 2014*
- *Electricity Act 1996*
- *Environment Protection Act 1993 and Environment Protection (Waste Management) Policy 2010*
- *Expiation of Offences Act 1996*
- *Food Act 2001*
- *Gas Act 1997*
- *Heavy Vehicle National Law (South Australia) Act 2013*
- *Local Government Act 1999*
- *Local Nuisance and Litter Control Act 2016 and Local Nuisance and Litter Control Regulations 2017*
- *Real Property Act 1886*
- *Safe Drinking Water Act 2011*
- *Supported Residential Facilities Act 1992*
- *Unclaimed Goods Act 1987*
- *Water Industry Act 2012 and Water Industry Regulations 2012*

Council currently has delegations operating for all of the above Acts. Council must now determine if it will continue to delegate some or all of the powers and functions contained in the attached Instruments.

RECOMMENDATION

Council resolves:

1. That the report be received and noted
2. That, having conducted its quarterly review of Council's Delegations Register, in accordance with Section 44(6) of the *Local Government Act 1999*, the Council:

2.1 Revocation

Hereby revokes its previous delegations to the Chief Executive Officer of those powers and functions under the following Acts:

- *Instrument of Delegation under the Burial & Cremation Act 2013 and the Burial and Cremation Regulations 2014*
- *Instrument of Delegation under the Environment Protection Act 1993 and Environment Protection (Waste Management) Policy 2010*
- *Instrument of Delegation under the Expiation of Offences Act 1996*
- *Instrument of Delegation under the Food Act 2001*
- *Instrument of Delegation under the Heavy Vehicle National Law (South Australia) Act 2013*
- *Instrument of Delegation under the Local Government Act 1999*
- *Instrument of Delegation under the Local Nuisance and Litter Control Act 2016 and Local Nuisance and Litter Control Regulations 2017*
- *Instrument of Delegation under the Real Property Act 1886*
- *Instrument of Delegation under the Safe Drinking Water Act 2011*
- *Instrument of Delegation under the Supported Residential Facilities Act 1992*
- *Instrument of Delegation under the Unclaimed Goods Act 1987*
- *Instrument of Delegation under the Water Industry Act 2012 and Water Industry Regulations 2012*

2.2 Delegations made under the *Local Government Act 1999*

2.2.1 In exercise of the power contained in Section 44 of the *Local Government Act 1999* 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, 10, 11, 12, 13, 14 and 15 (each of which is individually identified as indicated below) are hereby delegated this 23rd day of April 2019 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 proposed Instrument of Delegation.

- *Instrument of Delegation under the Burial & Cremation Act 2013 and the Burial and Cremation Regulations 2014*
- *Instrument of Delegation under the Environment Protection Act 1993 and Environment Protection (Waste Management) Policy 2010*
- *Instrument of Delegation under the Expiation of Offences Act 1996*
- *Instrument of Delegation under the Food Act 2001*
- *Instrument of Delegation under the Heavy Vehicle National Law (South Australia) Act 2013*
- *Instrument of Delegation under the Local Government Act 1999*

- ***Instrument of Delegation under the Local Nuisance and Litter Control Act 2016 and Local Nuisance and Litter Control Regulations 2017***
- ***Instrument of Delegation under the Real Property Act 1886***
- ***Instrument of Delegation under the Safe Drinking Water Act 2011***
- ***Instrument of Delegation under the Supported Residential Facilities Act 1992***
- ***Instrument of Delegation under the Unclaimed Goods Act 1987***
- ***Instrument of Delegation under the Water Industry Act 2012 and Water Industry Regulations 2012***
- ***Instrument of Delegation under the Gas Act 1997 (New Instrument)***
- ***Instrument of Delegation under the Electricity Act 1996 (New Instrument)***

2.2.2 Such powers and functions may be further delegated by the Chief Executive Officer in accordance with Sections 44 and 101 of the *Local Government Act 1999* as the Chief Executive Officer sees fit, unless otherwise indicated herein or in the Schedule of Conditions contained in each such proposed Instrument of Delegation.

1. GOVERNANCE

➤ **Strategic Management Plan/Council Policy**

Goal	Organisational Sustainability
Strategy	Governance

The review of Delegations is an important element of Council's commitment to open and transparent decision making which facilitates public accountability.

➤ **Legal Implications**

An annual review of the legislation and delegations to staff is required under Section 44(6) of the *Local Government Act 1999*.

➤ **Risk Management Implications**

The maintenance of a robust legislative delegation regime is an important control in managing 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: there are many other controls that also assist in mitigating this risk.

➤ **Financial and Resource Implications**

Not directly applicable

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

Delegations allow Council's legislative obligations to be discharged in an effective and efficient manner and enable the administration to provide more timely service.

➤ **Environmental Implications**

Not directly applicable

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

Council Committees: Not Applicable

Council Workshops: Not Applicable

Advisory Groups: Not Applicable

Administration: The following officers are to be consulted following Councils consideration:

- Director Corporate Services
- Director Strategy & Development
- Director Community & Customer Services
- Director Engineering & Assets
- Executive Manager Organisational Development
- Manager Civil Services
- Manager Open Space
- Manager Property Services
- Manager Development Services
- Manager Finance
- Manager Waste & Emergency Management
- Governance & Risk Coordinator
- Team Leader Regulatory Services
- Team Leader Public Health

Community: Not Applicable

2. BACKGROUND

Legislation is constantly changing and a review is required to ensure Council and staff are working with the updated legislation and have the appropriate delegations to carry out the various legislative functions. Model Delegations are prepared by Norman Waterhouse Lawyers on behalf of the Local Government Association (LGA) and have been used as a basis for this review.

Delegations can be revoked by the Council at any time and Council retains the right to act on any matter even if it has been delegated.

A schedule of reviews (**Appendix 1**) has been developed to ensure delegations under all Acts/Regulations are reviewed over the course of the year.

3. ANALYSIS

This report incorporates the remainder of updates identified in the 'Table of Updates' (**Appendix 2**), dated 31 December 2018, and 'Table of Updates' (**Appendix 3**), dated 01 March 2019 provided by the Local Government Association.

As per the table of updates and Council's schedule of reviews, the following Acts and Regulations are being reviewed this quarter:

- *Burial & Cremation Act 2013 and the Burial and Cremation Regulations 2014*
- *Environment Protection Act 1993 and Environment Protection (Waste Management) Policy 2010*
- *Expiation of Offences Act 1996*
- *Food Act 2001*
- *Heavy Vehicle National Law (South Australia) Act 2013*
- *Local Government Act 1999*
- *Local Nuisance and Litter Control Act 2016 and Local Nuisance and Litter Control Regulations 2017*
- *Real Property Act 1886*
- *Safe Drinking Water Act 2011*
- *Supported Residential Facilities Act 1992*
- *Unclaimed Goods Act 1987*
- *Water Industry Act 2012 and Water Industry Regulations 2012*

The Acts/Regulations with amendments in this review are:

- *Instrument of Delegation under the Heavy Vehicle National Law (South Australia) Act 2013*
- *Instrument of Delegation under the Local Government Act 1999*
- *Instrument of Delegation under the Real Property Act 1886*
- *Instrument of Delegation under the Supported Residential Facilities Act 1992*
- *Instrument of Delegation under the Water Industry Act 2012 and Water Industry Regulations 2012*

All changes have been highlighted or tracked on the attached instruments.

3.1 Instrument of Delegation under the Heavy Vehicle National Law (South Australia) Act 2013

It is recommended that additional powers and functions relating to Para 1.4, Para 1.4A, Para 1.5 and Para 1.6 be delegated to the Chief Executive Officer.

3.2 Instrument of Delegation under the Local Government Act 1999

It is recommended that additional powers and functions relating to Para 94.1 and Para 131.1 be delegated to the Chief Executive Officer.

3.3 Instrument of Delegation under the Supported Residential Facilities Act 1992

It is recommended that additional powers and functions relating to Para 2.4, Para 3.2, Para 7.1, and Para 7.2 be delegated to the Chief Executive Officer.

3.4 Instrument of Delegation under the Water Industry Act 2012 and Water Industry Regulations 2012

It is recommended that additional powers and functions relating to Para 38.1 be delegated to the Chief Executive Officer.

Additionally two (2) new instruments of delegation have been established and included in this review:

- **Instrument of Delegation under the Gas Act 1997 (New Instrument)** which provides delegations for council's power to agree to a gas entity to carry out work on public land that the council is responsible for, and;
- **Instrument of Delegation under the Electricity Act 1996 and Electricity (Principles of Vegetation Clearance) Regulations 2010 (New Instrument)** provides delegations for council's powers to agree for an electricity entity to carry out work on public land that the council is responsible for, and for council powers relating to vegetation clearance arrangements with an electricity entity.

There have been no changes to the other delegations in this review.

If the powers contained in the attached instruments were not delegated all decisions must come to Council for its consideration and the Chief Executive Officer will not be empowered to act in relation to such matters.

As with all Council delegations, delegating a power under these Acts does not transfer that power from the Council to the delegate, it merely replicates it. As such, where the situation requires, matters will be brought to Council for decision.

4. OPTIONS

It is a matter for Council to determine whether it will delegate to the Chief Executive Officer some or all of the powers and functions contained in the appendices. The previous delegations must be revoked and replaced with the new delegations.

5. APPENDICES

- (1) Delegations Review Schedule
- (2) LGA Table of updates dated 31 December 2018
- (3) LGA Table of updates dated 31 March 2019
- (4) Instrument of Delegation under the Burial & Cremation Act 2013 and the Burial and Cremation Regulations 2014
- (5) Instrument of Delegation under the Environment Protection Act 1993 and Environment Protection (Waste Management) Policy 2010
- (6) Instrument of Delegation under the Expiation of Offences Act 1996
- (7) Instrument of Delegation under the Food Act 2001
- (8) Instrument of Delegation under the Heavy Vehicle National Law (South Australia) Act 2013
- (9) Instrument of Delegation under the Local Government Act 1999
- (10) Instrument of Delegation under the Local Nuisance and Litter Control Act 2016 and Local Nuisance and Litter Control Regulations 2017
- (11) Instrument of Delegation under the Real Property Act 1886
- (12) Instrument of Delegation under the Safe Drinking Water Act 2011

- (13) Instrument of Delegation under the Supported Residential Facilities Act 1992
- (14) Instrument of Delegation under the Unclaimed Goods Act 1987
- (15) Instrument of Delegation under the Water Industry Act 2012 and Water Industry Regulations 2012
- (16) Instrument of Delegation under the Gas Act 1997 (New Instrument)
- (17) Instrument of Delegation under the Electricity Act 1996 (New Instrument)

Appendix 1

Delegations Review Schedule – March 2019

Act	Mar-19	Apr-19	Jun-19	Sep-19	Dec-19
LGA Circular Number	Month of Review		Month of Review	Month of Review	Month of Review
Burial & Cremation Act 2013 and the Burial and Cremation Regulations 2014	Deferred to April 2019	23-Apr-19			
Community Titles Act 1996					17-Dec-19
Crown Land Management Act 2009					17-Dec-19
Development Act 1993 and Development Regulations 2008			25-Jun-19		
Dog & Cat Management Act 1995			25-Jun-19		
Electricity Act 1996		New 23/04/2019	25-Jun-19		
Electronic Conveyancing National Law (SA) Act				24-Sep-19	
Environment Protection Act 1993 and Environment Protection (Waste to Resources) Policy 2010	Deferred to April 2019	23-Apr-19			
Expiation of Offences Act 1996	Deferred to April 2019	23-Apr-19			
Fences Act 1975			25-Jun-19		
Fire and Emergency Services Act 2005 and Fire and Emergency Services Regulations 2005				24-Sep-19	
Food Act 2001	Deferred to April 2019	23-Apr-19			
Freedom of Information Act 1991 & Freedom of Information (Fees & Charges) Regulations 2003			25-Jun-19		
Gas Act 1997		New 23/04/2019	25-Jun-19		
Heavy Vehicle National Law (South Australia) Act 2013		Update 23/04/2019			17-Dec-19
Land & Business (Sale and Conveyancing) Act 1994			25-Jun-19		
Liquor Licensing Act 1997					17-Dec-19
Local Government Act 1999		Update 23/04/2019	25-Jun-19		
Local Nuisance and Litter Control Act 2016 and Local Nuisance and Litter Control Regulations 2017	Deferred to April 2019	23-Apr-19			
Natural Resources Management Act 2004, Natural Resources Management (General) Regulations 2005 and Natural Resources Management (Transitional Provisions - Levies) Regulations 2005			25-Jun-19		
Planning, Development and Infrastructure Act 2016				24-Sep-19	
Private Parking Areas Act 1986					17-Dec-19
Real Property Act 1886		Update 23/04/2019	25-Jun-19		
Road Traffic Act 1961 (SA), Road Traffic (Miscellaneous) Regulations 2014 and Road Traffic (Road Rules – Ancillary and Miscellaneous Provisions) Regulations 2014			25-Jun-19		
Roads (Opening & Closing) Act 1991				24-Sep-19	
Safe Drinking Water Act 2011	Deferred to April 2019	23-Apr-19			
South Australian Public Health Act 2011, South Australian Public Health (Legionella) Regulations 2013 and the South Australian Public Health (Wastewater) Regulations 2013				24-Sep-19	
Strata Titles Act 1999					17-Dec-19
Supported Residential Facilities Act 1992	Deferred to April 2019	23-Apr-19			
Unclaimed Goods Act 1987	Deferred to April 2019	23-Apr-19			
Water Industry Act 2012 and Water Industry Regulations 2012	Deferred to April 2019	23-Apr-19			
Work Health Safety Act 2012					17-Dec-19

Appendix 2

LGA Table of Updates 31 December 2018

LOCAL GOVERNMENT ASSOCIATION
UPDATES OF DELEGATION TEMPLATES ON WEBSITE

(Note: Paragraph references below refer to updated version – As at 31 December 2018)

Act Document/ Page on Website	Para number in instrument which contain changes	Section number of Act/ Regulation	Whether change is Addition/ Amendment/ Deletion	Reason for change	Date of latest version	Recommendation
Webpage entitled – 'Delegations – Introduction'						
Webpage entitled – 'General Information'						
Instrument of Delegation under the Burial and Cremation Act 2013 and Burial and Cremation Regulations 2014						
Instrument of Delegation under the Community Titles Act						
Instrument of Delegation under the Development Act, Development (Development Plans) Amendment Act 2006 and Development Regulations 2008						
Instrument of Delegation under the Dog & Cat Management Act						
Instrument of Delegation under the Electronic Conveyancing National Law (South Australia) Act 2013						

Act Document/ Page on Website	Para number in instrument which contain changes	Section number of Act/ Regulation	Whether change is Addition/ Amendment/ Deletion	Reason for change	Date of latest version	Recommendation
Instrument of Delegation under the Environment Protection Act						
Instrument of Delegation under the Expiation of Offences Act						
Instrument of Delegation under the Fences Act						
Instrument of Delegation under the Fines Enforcement and Debt Recovery Act 2017						
Instrument of Delegation under the Fire & Emergency Services Act						
Instrument of Delegation under the Food Act						
Instrument of Delegation under the Freedom of Information Act						
Instrument of Delegation under the Heavy Vehicle National Law Act	1.4	156A(1)	Amendment	Legislative amendment	31 December 2018	Adopt updated Instrument as soon as possible.
	1.4A	156A(2)	Addition	Legislative amendment	31 December 2018	
	1.5	156A(3)	Amendment	Legislative amendment	31 December 2018	
	1.6	156A(4)	Amendment	Legislative amendment	31 December 2018	
Instrument of Delegation under the Land & Business (Sale & Conveyancing) Act						

Act Document/ Page on Website	Para number in instrument which contain changes	Section number of Act/ Regulation	Whether change is Addition/ Amendment/ Deletion	Reason for change	Date of latest version	Recommendation
Instrument of Delegation under the Liquor Licensing Act						
Instrument of Delegation under the Local Government Act 1999	131.1	256(1) and (2)	Amendment	Legislative amendment	31 December 2018	Adopt updated Instrument as soon as possible.
Instrument of Delegation under the Local Nuisance and Litter Control Act 2016 and Local Nuisance and Litter Control Regulations 2017						
Instrument of Delegation under the Natural Resources Management Act						
Instrument of Delegation under the Planning, Development and Infrastructure Act 2016						
Instrument of Delegation under the Real Property Act						
Instrument of Delegation under the Roads (Opening & Closing) Act						
Instrument of Delegation under the Road Traffic Act 1961, Road Traffic (Miscellaneous_ Regulations 2014 and Road Traffic (Road Rules – Ancillary and Miscellaneous Provisions) Regulations 2014						
Subdelegations to Chief Executive Officer under the Road Traffic Act 1961						

Act Document/ Page on Website	Para number in instrument which contain changes	Section number of Act/ Regulation	Whether change is Addition/ Amendment/ Deletion	Reason for change	Date of latest version	Recommendation
Authorisations under Road Traffic Act 1961						
Instrument of Delegation under the Safe Drinking Water Act 2011						
Instrument of Delegation under the South Australian Public Health Act 2011, South Australian Public Health (Legionella) Regulations 2013, South Australian Public Health (Wastewater) Regulations 2013, South Australian Public Health (General) Regulations 2013 and South Australian Public Health (Fees) Regulations 2018						
Instrument of Delegation under the Strata Titles Act 1988						
Instrument of Delegation under the Supported Residential Facilities Act	2.4	24(10)	Amendment	Legislative amendment	31 December 2018	Adopt updated Instrument as soon as possible.
	3.2	27(4)	Amendment	Legislative amendment	31 December 2018	
	7.1	32(3)	Amendment	Legislative amendment	31 December 2018	
	7.2	32(4)	Amendment	Legislative amendment	31 December 2018	
Instrument of Delegation under the Water Industry Act 2012 and Water Industry	34	80(2)(h)	Amendment	Legislative amendment	31 December 2018	Adopt updated Instrument as soon as possible.

Act Document/ Page on Website	Para number in instrument which contain changes	Section number of Act/ Regulation	Whether change is Addition/ Amendment/ Deletion	Reason for change	Date of latest version	Recommendation
Regulations 2012	38.1	85(1)	Amendment	Legislative amendment	31 December 2018	
Instrument of Delegation under the Work Health Safety Act 2012						
Instrument of Delegation under the Unclaimed Goods Act 1987						
Webpage entitled – 'Guide for use – Template Resolutions'						
Draft Resolutions for the making of Delegations						
Webpage entitled – 'Documents for Making Subdelegations'						
Template Instrument of Subdelegation						
Notification of Subdelegations for Council Officers						
Notification of delegations to Officers who are 'acting' in a position						
Webpage entitled – 'Legislative Requirements'						
Webpage entitled – 'Best Practice Recommendations'						

Appendix 3

LGA Table of Updates 01 March 2019

LOCAL GOVERNMENT ASSOCIATION
UPDATES OF DELEGATION TEMPLATES ON WEBSITE

(Note: Paragraph references below refer to updated version – As at 7 March 2019)

Act Document/ Page on Website	Para number in instrument which contain changes	Section number of Act/ Regulation	Whether change is Addition/ Amendment/ Deletion	Reason for change	Date of latest version	Recommendation
Webpage entitled – 'Delegations – Introduction'						
Webpage entitled – 'General Information'						
Instrument of Delegation under the Burial and Cremation Act 2013 and Burial and Cremation Regulations 2014						
Instrument of Delegation under the Community Titles Act						
Instrument of Delegation under the Development Act, Development (Development Plans) Amendment Act 2006 and Development Regulations 2008						
Instrument of Delegation under the Dog & Cat Management Act						
Instrument of Delegation under the Electronic Conveyancing National Law (South Australia) Act 2013						

Act Document/ Page on Website	Para number in instrument which contain changes	Section number of Act/ Regulation	Whether change is Addition/ Amendment/ Deletion	Reason for change	Date of latest version	Recommendation
Instrument of Delegation under the Environment Protection Act						
Instrument of Delegation under the Expiation of Offences Act						
Instrument of Delegation under the Fences Act						
Instrument of Delegation under the Fines Enforcement and Debt Recovery Act 2017						
Instrument of Delegation under the Fire & Emergency Services Act						
Instrument of Delegation under the Food Act						
Instrument of Delegation under the Freedom of Information Act						
Instrument of Delegation under the Heavy Vehicle National Law Act						
Instrument of Delegation under the Land & Business (Sale & Conveyancing) Act						
Instrument of Delegation under the Liquor Licensing Act						
Instrument of Delegation under the Local Government Act 1999	94.1	202(1) and 202(5)	Amendment	Error	31 December 2018	Use at next review
Instrument of Delegation under the Local Nuisance and Litter Control Act 2016 and						

Act Document/ Page on Website	Para number in instrument which contain changes	Section number of Act/ Regulation	Whether change is Addition/ Amendment/ Deletion	Reason for change	Date of latest version	Recommendation
Local Nuisance and Litter Control Regulations 2017						
Instrument of Delegation under the Natural Resources Management Act						
Instrument of Delegation under the Planning, Development and Infrastructure Act 2016						
Instrument of Delegation under the Real Property Act						
Instrument of Delegation under the Roads (Opening & Closing) Act						
Instrument of Delegation under the Road Traffic Act 1961, Road Traffic (Miscellaneous_ Regulations 2014 and Road Traffic (Road Rules – Ancillary and Miscellaneous Provisions) Regulations 2014						
Subdelegations to Chief Executive Officer under the Road Traffic Act 1961						
Authorisations under Road Traffic Act 1961						
Instrument of Delegation under the Safe Drinking Water Act 2011						

Act Document/ Page on Website	Para number in instrument which contain changes	Section number of Act/ Regulation	Whether change is Addition/ Amendment/ Deletion	Reason for change	Date of latest version	Recommendation
Instrument of Delegation under the South Australian Public Health Act 2011, South Australian Public Health (Legionella) Regulations 2013, South Australian Public Health (Wastewater) Regulations 2013, South Australian Public Health (General) Regulations 2013 and South Australian Public Health (Fees) Regulations 2018						
Instrument of Delegation under the Strata Titles Act 1988						
Instrument of Delegation under the Supported Residential Facilities Act						
Instrument of Delegation under the Water Industry Act 2012 and Water Industry Regulations 2012						
Instrument of Delegation under the Work Health Safety Act 2012						
Instrument of Delegation under the Unclaimed Goods Act 1987						
Webpage entitled – 'Guide for use – Template Resolutions'						
Draft Resolutions for the making of Delegations						

Act Document/ Page on Website	Para number in instrument which contain changes	Section number of Act/ Regulation	Whether change is Addition/ Amendment/ Deletion	Reason for change	Date of latest version	Recommendation
Webpage entitled – 'Documents for Making Subdelegations'						
Template Instrument of Subdelegation						
Notification of Subdelegations for Council Officers						
Notification of delegations to Officers who are 'acting' in a position						
Webpage entitled – 'Legislative Requirements'						
Webpage entitled – 'Best Practice Recommendations'						

Appendix 4

*Instrument of Delegation under the
Burial & Cremation Act 2013 and the Burial and
Cremation Regulations 2014*

	Direct Delegation from Council	Conditions/ Limitations
INSTRUMENT OF DELEGATION UNDER THE BURIAL AND CREMATION ACT 2013		
1. Offence to Dispose of Bodily Remains Except in Cemetery or Natural Burial Ground		
1.1. The power pursuant to Section 8(2) of the Burial and Cremation Act 2013 (the Act) to grant approval to a person to inter bodily remains in a prescribed area on land within the Council's area outside a cemetery or natural burial ground.	CEO	NIL
2. Opening of Interment Sites, Exhumation and Re-interment		
2.1. The power pursuant to Section 13(6) of the Act to consult with the Attorney-General in relation to an approval for the purposes of Section 13(1) of the Act where the Council is the relevant authority for the cemetery or natural burial ground.	CEO	NIL
3. Disposal of Unclaimed Cremated Human Remains		
3.1. The power pursuant to Section 18(2) of the Act, to, if the cremated remains of a deceased person processed at a crematorium are not claimed within 6 months, to dispose of them as the delegate thinks fit where the Council is the relevant authority for the crematorium.	NIL	NIL
4. Establishment of Cemeteries, Natural Burial Grounds and Crematoria		
4.1. Subject to the Act, the power pursuant to Section 19 of the Act, to establish a cemetery, natural burial ground or crematorium.	NIL	NIL
5. Power of Councils to Establish and Manage Public Mortuaries		
5.1. The power pursuant to Section 20 of the Act, to establish and manage public mortuaries for the temporary repose of bodily remains prior to their disposal.	NIL	NIL
6. Establishment of Mausolea Within Cemeteries		
6.1. The power pursuant to Section 21 of the Act, to, on the delegate's own initiative or on application by any person, establish mausolea within the cemetery for which the Council is the relevant authority.	NIL	NIL
7. Designation of Natural Burial Grounds Within Cemeteries		
7.1. The power pursuant to Section 22 of the Act to set apart any part of a cemetery as a natural burial ground where the Council is the relevant authority for the cemetery.	NIL	NIL
8. Power to Set Apart Part of Cemetery or Natural Burial Ground for Particular Religions		

	Direct Delegation from Council	Conditions/ Limitations
8.1. The power pursuant to Section 23 of the Act, to set apart any part of a cemetery or natural burial ground for the interment of human remains in accordance with the customs and practices of a particular religion where the Council is the relevant authority for the cemetery or natural burial ground.	NIL	NIL
9. Closure of Cemeteries and Natural Burial Grounds		
9.1. Subject to Section 24 of the Act, the power pursuant to Section 24(1) of the Act, where the Council is the relevant authority for a cemetery or natural burial ground, to close the cemetery or natural burial ground if:	NIL	NIL
9.1.1. the cemetery or natural burial ground is or has become unsuitable for the disposal of human remains; or		
9.1.2. or more years have elapsed since human remains were last interred in the cemetery or natural burial ground.		
9.2. The power pursuant to Section 24(8) of the Act, if, when a cemetery or natural burial ground for which the Council is the relevant authority is closed under Section 24 of the Act, there are unexercised interment rights in force in relation to the cemetery or natural burial ground, to, by agreement with the holder of such an interment right:	CEO	NIL
9.2.1. discharge the interment right and give the former holder a refund equal to the current fee payable for an interment right of the same kind; or	CEO	NIL
9.2.2. discharge the interment right and issue to the former holder, free of charge:	CEO	NIL
9.2.2.1. a new interment right in relation to another cemetery or natural burial ground administered by the Council as the relevant authority; or	CEO	NIL
9.2.2.2. if the closure relates only to part of the cemetery or natural burial ground - a new interment right in relation to another part of the cemetery or natural burial ground.	CEO	NIL
9.3. The power pursuant to Section 24(9) of the Act, if, when a cemetery or natural burial ground for which the Council is the relevant authority is closed under Section 24 of the Act, there are interment rights in force in relation to the cemetery or natural burial ground pursuant to which human remains have been interred, to, by agreement with the holder of such an interment right:	CEO	NIL
9.3.1. discharge the interment right and issue to the former holder, free of charge:	CEO	NIL
9.3.1.1. a new interment right in relation to another cemetery or natural burial ground administered by the Council as the relevant authority; or	CEO	NIL
9.3.1.2. if the closure relates only to part of the cemetery or natural burial ground - a new interment	CEO	NIL

	Direct Delegation from Council	Conditions/ Limitations
right in relation to another part of the cemetery or natural burial ground; and		
9.3.2. remove any human remains interred at the original interment site and re-inter the remains pursuant to the new interment right; and	CEO	NIL
9.3.3. remove any memorial erected at the original interment site and re-position the memorial at the new interment site.	CEO	NIL
9.4. The power pursuant to Section 24(10) of the Act, if the Council as the relevant authority and the holder of an interment right cannot reach an agreement to discharge the interment right, to refer the matter to an independent party for mediation in accordance with guidelines approved by the Minister subject to Section 24(11) of the Act.	CEO	NIL
9.5. The power pursuant to Section 24(12) of the Act, to, if a cemetery or natural burial ground closed under Section 24 of the Act has been lawfully consecrated according to the rites or practices of a particular religious or ethnic group and the Council is the owner of the land, offer the closed cemetery or natural burial ground as a gift to that group.	NIL	NIL
10. Dedication of Closed Council Cemeteries as Park Lands		
10.1. Subject to Sections 24 and 25(7) of the Act, the power pursuant to Section 25(4) of the Act, if a closed cemetery for which the Council is the relevant authority is dedicated as park lands, to do any of the following:	NIL	NIL
10.1.1. remove memorials to deceased persons;	NIL	NIL
10.1.2. relocate memorials to deceased persons in the park lands;	NIL	NIL
10.1.3. replace memorials to deceased persons with some other form of memorial in the park lands.	NIL	NIL
11. Conversion of Closed Cemeteries into Public Parks or Gardens		
11.1. The power pursuant to Section 26(2) of the Act, subject to Sections 26(1), (3), (4) and (8) of the Act, where the Council is the relevant authority for a closed cemetery, to convert the cemetery into a public park or garden.	NIL	NIL
11.2. Subject to Sections 24 and 26(8) of the Act, the power pursuant to Section 26(6) of the Act, if a closed cemetery for which the Council is the relevant authority, is converted into a public park or garden to:	CEO	NIL
11.2.1. remove memorials to deceased persons;	CEO	NIL

	Direct Delegation from Council	Conditions/ Limitations
11.2.2. relocate memorials to deceased persons in the park or garden;	CEO	NIL
11.2.3. replace memorials to deceased persons with some other form of memorial in the park or garden.	CEO	NIL
12. Powers of Relevant Authorities in Relation to Closed Cemeteries		
12.1. The power pursuant to Section 27(1) of the Act, where the Council is the relevant authority for a closed cemetery to, for the purpose of converting the cemetery into park lands or a public park or garden:	CEO	NIL
12.1.1. construct roads and pathways on the land; and	CEO	NIL
12.1.2. erect or construct buildings or structures on the land; and	CEO	NIL
12.1.3. construct on or under the land any vault or other structure as a repository for human remains that are not to be removed from the cemetery for interment elsewhere; and	CEO	NIL
12.1.4. erect lighting, seating and any other infrastructure or public amenity; and	CEO	NIL
12.1.5. take such other action as the delegate thinks fit for laying out the land as park lands or a public place or garden.	CEO	NIL
13. Issue of Interment Rights		
13.1. Subject to Section 30 of the Act, the power pursuant to Section 30(1) of the Act, where the Council is the relevant authority for a cemetery or natural burial ground, to agree to the interment of human remains in the cemetery or natural burial ground, and issue an interment right that:	CEO	NIL
13.1.1. identifies the person to whom the interment right is issued; and	CEO	NIL
13.1.2. identifies the person or persons whose remains may be interred pursuant to the interment right or provides that a specified person or person of a specified class may, at some future time, nominate the person or persons whose remains may be interred pursuant to the interment right; and	CEO	NIL
13.1.3. identifies the site at which remains may be interred pursuant to the interment right or provides for determination, in a manner set out in the interment right, of the site at which the remains may be interred pursuant to the interment right; and	CEO	NIL

	Direct Delegation from Council	Conditions/ Limitations
13.1.4. specifies the period for which the interment right is granted; and	CEO	NIL
13.1.5. sets out the rights to renewal of the interment right; and	CEO	NIL
13.1.6. specifies whether the interment right may be cancelled or transferred and sets out the conditions (if any) governing its cancellation or transfer.	CEO	NIL
13.2. The power pursuant to Section 30(3) of the Act to make provision in an interment right for the interment of such number of deceased persons at the site in which remains are to be interred pursuant to the interment right as the delegate considers to be within the capacity of the site to hold.	CEO	NIL
13.3. Subject to the Act, the power pursuant to Section 30(4) of the Act, to, in relation to an interment right, permit a memorial to the deceased person to be erected at the site.	CEO	NIL
13.4. The power pursuant to Section 30(5) of the Act where the Council is the relevant authority to, at the request of the holder of an interment right, carry out a lift and deepen procedure at the site to which the interment right relates for the purpose of interring additional human remains there.	CEO	NIL
14. Duration of Interment Rights		
14.1. The power pursuant to Section 31 of the Act where the Council is the relevant authority to issue an interment right:	CEO	NIL
14.1.1. for the period specified in the interment right; or	CEO	NIL
14.1.2. in perpetuity.	CEO	NIL
15. Renewal of Interment Rights		
15.1. The power pursuant to Section 32(1) of the Act where the Council is the relevant authority to, on application by the holder of an interment right and payment of the renewal fee fixed by the Council as the relevant authority, renew the interment right for a period of not less than 5 years.	CEO	NIL
15.2. The power pursuant to Section 32(1) of the Act where the Council is the relevant authority to fix a renewal fee.	CEO	NIL
16. Transfer of Interment Rights		
16.1. The power pursuant to Section 33(1) of the Act to transfer an interment right.	CEO	NIL
17. Re-use of Internment Sites		
17.1. Subject to the Act, the power pursuant to Section 38(1) of the Act, if an interment right expires, to, where the Council is the relevant authority:	CEO	NIL

	Direct Delegation from Council	Conditions/ Limitations
17.1.1. re-use the interment site to which the interment right related; and	CEO	NIL
17.1.2. remove any memorial to a deceased person erected on or at the site.	CEO	NIL
18. Ownership of Memorial		
18.1. The power pursuant to Section 39(2) of the Act, to, where the Council is the relevant authority for a cemetery or natural burial ground in which a memorial is situated, deal with and dispose of the memorial in accordance with the Act.	CEO	NIL
19. Duty to Maintain Memorial		
19.1. The power pursuant to Section 40 of the Act to enter into an agreement with the holder of an interment right in respect of an interment site in a cemetery or natural burial ground for which the Council is the relevant authority for the maintenance of a memorial at that site.	CEO	NIL
20. Power to Require Repair, Removal or Reinstatement of Memorial		
20.1. The power pursuant to Section 41(1) of the Act, if a memorial to a deceased person in a cemetery for which the Council is the relevant authority becomes unsafe, to, by notice in a form approved by the Minister given personally or by post to the owner of the memorial, require repair, removal or reinstatement of the memorial within the period specified in the notice	CEO	NIL
20.2. The power pursuant to Section 41(2) of the Act, if the required work is not carried out within the time allowed in the notice, to have the work carried out and recover the cost of doing so as a debt from the owner of the memorial.	CEO	NIL
20.3. The power pursuant to Section 41(3) of the Act, subject to Sections 41(4) and (5) of the Act, if:	CEO	NIL
20.3.1. a memorial to a deceased person in a cemetery for which the Council is the relevant authority becomes unsafe; and	CEO	NIL
20.3.2. urgent action to repair, remove or reinstate the memorial is considered necessary by the delegate,	CEO	NIL
to, instead of giving a notice under Section 42(1) of the Act, have the work carried out and recover the cost of doing so as a debt from the owner of the memorial.	CEO	NIL
21. Power of Relevant Authority to Dispose of Unclaimed Memorial		
21.1. The power pursuant to Section 42(1) of the Act, if:	CEO	NIL
21.1.1. 2 years or more have elapsed:	CEO	NIL

	Direct Delegation from Council	Conditions/ Limitations
21.1.1.1. since an interment site in a cemetery or natural burial ground for which the Council is the relevant authority, has expired; or	CEO	NIL
21.1.1.2. since a cemetery for which the Council is the relevant authority was dedicated as park lands or converted into a public park or garden; and	CEO	NIL
21.1.2. a memorial to a deceased person interred in the cemetery or natural burial ground is situated at the interment site or elsewhere in the cemetery or natural burial ground; and	CEO	NIL
21.1.3. the Council as the relevant authority for the cemetery or natural burial ground has given notice of its intention to remove and dispose of the memorial:	CEO	NIL
21.1.3.1. by public advertisement in a newspaper circulating throughout the State; and	CEO	NIL
21.1.3.2. by written notice affixed to the memorial; and	CEO	NIL
21.1.4. the Council as the relevant authority has taken reasonable steps to give written notice to the owner of the memorial of its intention to remove and dispose of the memorial; and	CEO	NIL
21.1.5. 6 months have elapsed since the cemetery authority gave notice under this subsection and no person has claimed the memorial within that period,	CEO	NIL
to remove the memorial from the cemetery or natural burial ground and dispose of it as the delegate thinks fit.	CEO	NIL
22. General Powers of Relevant Authority		
22.1. The power pursuant to Section 43 of the Act where the Council is the relevant authority for a cemetery, natural burial ground or crematorium to:	CEO	NIL
22.1.1. enlarge the cemetery, natural burial ground or crematorium; and	CEO	NIL
22.1.2. improve or embellish the cemetery, natural burial ground or crematorium; and	CEO	NIL
22.1.3. restrict interments in any part of the cemetery or natural burial ground, except as may be required by interment rights granted before the commencement of the Act; and	CEO	NIL
22.1.4. take any other action that the delegate considers necessary or desirable for the proper management and maintenance of the cemetery, natural burial ground or crematorium.	CEO	NIL
23. Power to Restrict Interments in any Part of Cemetery or Natural Burial Ground		

	Direct Delegation from Council	Conditions/ Limitations
23.1. The power pursuant to Section 45(1) of the Act, subject to Section 45(2) of the Act, where the Council is the relevant authority for a cemetery or natural burial ground to restrict interments in any part of the cemetery or natural burial ground.	CEO	NIL
24. Neglected Cemeteries and Natural Burial Grounds		
24.1. The power pursuant to Section 46(1) of the Act, subject to Section 46(2) of the Act, if:	CEO	NIL
24.1.1. the delegate is of the opinion that a cemetery or natural burial ground within its area:	CEO	NIL
24.1.1.1. is in a neglected condition; or	CEO	NIL
24.1.1.2. fails in any manner to comply with the requirements of this Act;	CEO	NIL
to by notice in writing to the relevant authority, require the relevant authority to carry out specified work for the purpose of remedying the condition of neglect or complying with that requirement.	CEO	NIL
24.2. The power pursuant to Section 46(3) of the Act, if:	CEO	NIL
24.2.1. the work required by a notice under Section 46(1) of the Act is not carried out within the time specified in the notice; and	CEO	NIL
24.2.2. no application for review of the decision to give the notice is made within 14 days after the notice is given,	CEO	NIL
to have the work carried out.	CEO	NIL
24.3. The power pursuant to Section 46(4) of the Act, if:		
24.3.1. the work required by a notice under Section 46(1) of the Act is not carried out within the time specified in the notice; and	CEO	NIL
24.3.2. an application for review of the decision to give the notice is determined in favour of the Council	CEO	NIL
to, within 14 days after the determination of the review, have the work carried out.	CEO	NIL
24.4. The power pursuant to Section 46(5) of the Act to recover the costs incurred by the Council in carrying out works required by a notice given under Section 46 of the Act as a debt from the relevant authority to whom the notice was given.	CEO	NIL
25. Right of Review		

	Direct Delegation from Council	Conditions/ Limitations
25.1. The power pursuant to Section 47(1) of the Act where the Council is the relevant authority to which a notice is given under Section 46 of the Act, to within 14 days after receipt of the notice, apply to the District Court for a review of the decision of the council or designated Minister (as the case may be) to give the notice to the relevant authority.	CEO	NIL
26. Power of Councils to Accept Conveyance of Cemetery or Natural Burial Ground Land from Trustees		
26.1. The power pursuant to Section 48(1) of the Act, subject to Section 48(4) of the Act, to accept a trust from the trustees of land in the Council's area held on trust for a cemetery or natural burial ground.	NIL	NIL
27. Power of Councils to Assume Administration of Cemeteries and Natural Burial Grounds		
27.1. Subject to Section 49 of the Act, the power pursuant to Section 49(1) of the Act to assume the administration of a cemetery or natural burial ground within the Council's area if:	NIL	NIL
27.1.1. there is no existing relevant authority for the cemetery or natural burial ground; or	NIL	NIL
27.1.2. the relevant authority for the cemetery or natural burial ground is unknown and is not reasonably ascertainable; or	NIL	NIL
27.1.3. the relevant authority for the cemetery or natural burial ground agrees to transfer it to the Council.	NIL	NIL
28. Public Access to Cemeteries, Natural Burial Grounds and Crematoria		
28.1. The power pursuant to Section 50(2) of the Act where the Council is the relevant authority for a cemetery, natural burial ground or crematorium, to, if the delegate has reason to suspect that a person has committed, is committing or is about to commit an offence in the cemetery, natural burial ground or crematorium, require the person to leave the cemetery, natural burial ground or crematorium.	CEO	NIL
29. Disposal of Surplus Cemetery Land, etc		
29.1. Subject to Section 51(2) of the Act, the power pursuant to Section 51(1) of the Act to deal with land that comprises or forms part of a cemetery or natural burial ground that has not been used for the interment of human remains in the ordinary course of commerce.	NIL	NIL
30. Disposal of Land After Closure of Cemetery Etc		
30.1. The power pursuant to Section 52(1) of the Act, if:	NIL	NIL
30.1.1. a cemetery or natural burial ground has been closed in accordance with this Act; and	NIL	NIL
30.1.2. all human remains interred in the cemetery or natural burial ground, and all memorials to deceased	NIL	NIL

	Direct Delegation from Council	Conditions/ Limitations
persons erected in the cemetery or natural burial ground, have been removed from the cemetery or natural burial ground,		
to deal with the land comprising that cemetery or natural burial ground in the ordinary course of commerce.	NIL	NIL
31. Power of Public Trustee to Act on Behalf of Holder of Interment Right etc		
31.1. The power pursuant to Section 56(1) of the Act, if reasonable attempts by the Council as the relevant authority for a cemetery or natural burial ground to ascertain or locate:	CEO	NIL
31.1.1. the holder of an interment right in relation to the cemetery or natural burial ground; or	CEO	NIL
31.1.2. the owner of a memorial erected in a cemetery or natural burial ground,	CEO	NIL
fail, to request the Public Trustee act on behalf of the holder or owner.	CEO	NIL
32. Authorised Officers		
32.1. The power pursuant to Section 58(2) of the Act to appoint as an authorised officer a specified officer or employee of the Council, or an officer or employee of the Council of a specified class.	CEO	NIL
32.2. The power pursuant to Section 58(3) of the Act to make an appointment under Section 58 of the Act subject to conditions limiting the period during which, the area within which or the purposes for which the appointee may exercise the powers of an authorised officer.	CEO	NIL
32.3. The power pursuant to Section 58(7) of the Act to, at any time, revoke an appointment made under Section 58 of the Act, to vary or revoke a condition of such an appointment or impose a further such condition.	CEO	NIL
INSTRUMENT OF DELEGATION UNDER THE BURIAL AND CREMATION REGULATIONS 2014		
33. Filling of Sunken Interment Sites		
33.1. The power pursuant to Regulation 16 of the Burial and Cremation Regulations 2014 (the Regulations), if the surface of an interment site in a cemetery or natural burial ground for which the Council is the relevant authority, sinks below the level of the natural surface of the ground, to cause the site to be filled up to that level.	CEO	NIL
34. Powers of Relevant Authority in Relation to Mausolea and Vaults		
34.1. The power pursuant to Regulation 19(1) of the Regulations, where the Council is the relevant authority for a cemetery to, if the delegate suspects on reasonable grounds that:	CEO	NIL

	Direct Delegation from Council	Conditions/ Limitations
34.1.1. a mausoleum or vault in the cemetery does not comply with the Regulations; or	CEO	NIL
34.1.2. offensive odours or noxious gases or fluids have escaped or are escaping from a mausoleum or vault in the cemetery,	CEO	NIL
open the mausoleum or vault and inspect it.	CEO	NIL
34.2. The power pursuant to Regulation 19(2) of the Regulations, if, after inspecting a mausoleum or vault, the delegate is satisfied that:	CEO	NIL
34.2.1. the mausoleum or vault does not comply with the Regulations; or	CEO	NIL
34.2.2. offensive odours or noxious gases or fluids have escaped or are escaping from a mausoleum or vault,	CEO	NIL
to, by notice in writing to a person who holds an interment right in force in relation to that mausoleum or vault or who is, under such an interment right, entitled to have his or her remains interred in that mausoleum or vault, require the person to take specified remedial action within a reasonable period specified in the notice.	CEO	NIL
34.3. The power pursuant to Regulation 19(3) of the Regulations to, if a person refuses or fails to comply with a notice under Regulation 19(2) of the Regulations, cause the work to be carried out and recover the costs as a debt from the person.	CEO	NIL
35. Removal and Disposal of Name Plate etc from Coffin Before Cremation		
35.1. The power pursuant to Regulation 21 of the Regulations, subject to Regulation 21(2) of the Regulations, where the Council is the relevant authority for a crematorium to dispose of:	CEO	NIL
35.1.1. a name plate, metal or plastic fitting or any other object removed before cremation from the exterior of a coffin containing the bodily remains of a deceased person; or	CEO	NIL
35.1.2. any other thing that comes into the possession of the Council as a result of a cremation.	CEO	NIL
36. Power of Relevant Authority in Relation to Things on Interment Sites		
36.1. The power pursuant to Regulation 26 of the Regulations where the Council is the relevant authority for a cemetery or natural burial ground to:	CEO	NIL
36.1.1. cause to be removed from an interment site in the cemetery or natural burial ground any unattached ornament, empty flower container, broken masonry, decayed or broken wreath or dead flowers; and	CEO	NIL

	Direct Delegation from Council	Conditions/ Limitations
36.1.2. cause to be pruned, cut down or removed any plant on an interment site in the cemetery or natural burial ground that is, in the opinion of the delegate, unsightly or overgrown.	CEO	NIL
37. Power of Relevant Authority to Require Persons to Leave Cemetery or Natural Burial Ground.		
37.1. The power pursuant to Regulation 27(1) of the Regulations, where the Council is the relevant authority for a cemetery or natural burial ground to, if the delegate has reason to suspect that a person has committed, is committing or is about to commit an offence in the cemetery or natural burial ground, require the person to leave the cemetery or natural burial ground.	CEO	NIL

Appendix 5

*Instrument of Delegation under the Environment
Protection Act 1993 and Environment
Protection (Waste Management) Policy 2010*

	Direct Delegation from Council	Conditions/ Limitations
INSTRUMENT OF DELEGATION UNDER THE ENVIRONMENT PROTECTION ACT 1993 AND THE ENVIRONMENT PROTECTION (WASTE TO RESOURCES) POLICY 2010		
1. The power pursuant to Section 85(3) of the Environment Protection Act 1993 (“the Act”), to appoint authorised officers for the purposes of the Act.	CEO	NIL
2. The power pursuant to Section 85(4) of the Act to make an appointment under Section 85(3) of the Act subject to conditions to be specified in the instrument of appointment, and subject to conditions prescribed by regulation.	CEO	NIL
3. The power pursuant to Section 85(5) of the Act to revoke an appointment or to vary or revoke a condition specified in the instrument of such an appointment or impose a further such condition.	CEO	NIL
4. Site Contamination Assessment Orders		
4.1 The power pursuant to Section 103H(4) of the Act, where a proposed site contamination assessment order or a proposed variation of such an order would require the undertaking of an activity for which a permit would, but for Section 129 of the Natural Resources Management Act 2004, be required under that Act, and where the Council is the authority under the Natural Resources Management Act 2004 to whom an application for a permit for the activity would otherwise have to be made, to make written submissions in relation to the proposal within a period specified in the notice from the Authority.	CEO	NIL
5. Site Remediation Orders		
5.1 The power pursuant to Section 103J(4) of the Act, where a proposed site remediation order (except an emergency site remediation order) or a proposed variation of a site remediation order would require the undertaking of an activity for which a permit would, but for Section 129 of the Natural Resources Management Act 2004, be required under that Act, and where the Council is the authority under the Natural Resources Management Act 2004 to whom an application for a permit for the activity would otherwise have to be made, to make written submission in relation to the proposal within a period specified in the notice from the Authority.	CEO	NIL
6. Deliberately left blank	Deliberately left blank	Deliberately left blank
DELEGATIONS UNDER THE ENVIRONMENT PROTECTION (WASTE TO RESOURCES) POLICY 2010		
6A. [Metropolitan Councils only] The duty pursuant to Clause 10(2) of the Environment Protection (Waste to Resources) Policy 2010 (“the Policy”), in order to facilitate the proper management of waste to be collected under Clause 10(1)(b) of the Policy, to provide a weekly kerbside	CEO	NIL

	Direct Delegation from Council	Conditions/ Limitations
waste collection service (other than for recyclable waste or vegetative matter) in respect of residential premises within its area.		
7. The duty pursuant to Clause 5(2) of the Environment Protection (Waste Management) Policy 1994 (“the Waste Management Policy”) to ensure that the following provisions are complied with in relation to any medical waste received by the Council:	CEO	NIL
(a) if any other waste is mixed with medical waste, the other waste is to be dealt with under this clause in the same way as is required in relation to medical waste;	CEO	NIL
(b) all medical waste must be stored in containers that are weatherproof, shatterproof, insect and vermin proof, and leak proof or, in the case of containers storing only medical sharps or any other sharp articles, leak resistant;	CEO	NIL
(c) all containers for medical waste that are kept for further use must be thoroughly cleaned and disinfected as soon as reasonably practicable after emptying;	CEO	NIL
(d) all containers used for the storage or transport of medical waste must be clearly labelled as containing medical waste;	CEO	NIL
(e) all containers of medical waste must be stored in a secure location;	CEO	NIL
(f) all necessary equipment required to clean and disinfect the area in case of accidental spillage of medical waste must be readily available and accessible;	CEO	NIL
(g) discarded medical sharps or any other sharp articles must be contained for disposal in containers that comply with the requirements of the Standards, as amended from time to time, set out in Clause 17(2)(g)(i) of the Policy and the containers must not be subject to compaction by a compacting device nor placed for storage or transport in a portable or mobile compactor;	CEO	NIL
(h) medical waste must be disposed of as soon as reasonably practicable;	CEO	NIL
(i) all medical waste must be:	CEO	NIL
(i) disposed of by incineration; or	CEO	NIL
(ii) disposed of by such other method of treatment or disposal as is approved by the Authority and subject to such conditions as the Authority thinks fit;	CEO	NIL

	Direct Delegation from Council	Conditions/ Limitations
(iii) collected for disposal by -	CEO	NIL
(A) a licensed waste transporter authorised to collect and transport medical waste; or	CEO	NIL
(B) a council;	CEO	NIL
(j) before the collection of medical waste for disposal, the transporter must be advised of the nature of the waste, hazards associated with the waste and any precautions that need to be taken during the collection, transport or disposal of the medical waste;	CEO	NIL
(k) the transporter must be given such assistance as is required to ensure that loading operations are carried out in such a way as to prevent spillage of any medical waste.	CEO	NIL

Appendix 6

*Instrument of Delegation under the Expiation of
Offences Act 1996*

		Direct Delegation from Council	Conditions/ Limitations
INSTRUMENT OF DELEGATION UNDER THE EXPIATION OF OFFENCES ACT 1996			
1. Certain Offences May Be Expiated			
1.1	The power pursuant to Section 5(1) of the Expiation of Offences Act 1996 ("the Act") to issue an expiation notice under the Act to a person alleged to have committed an offence under an Act, regulation or by-law, and the alleged offence may accordingly be expiated in accordance with the Act	CEO	NIL
2. Expiation Notices			
2.1	The power pursuant to Section 6(3)(b)(ii) of the Act to authorise a person in writing to give an expiation notice for an alleged offence.	CEO	NIL
3. Review of Notices on Ground that Offence is Trifling			
3.1	The power pursuant to Section 8A(2) and (3) of the Act to require an alleged offender who is seeking a review of the notice on the ground that the offence is trifling:	CEO	NIL
3.1.1	to provide further information; and	CEO	NIL
3.1.2	to provide a statutory declaration verifying the information contained in, or supporting, an application for review.	CEO	NIL
3.2	The power pursuant to Section 8A(4) of the Act to determine an application for review before providing the Chief Recovery Officer with relevant particulars under Section 22 of the Fines Enforcement and Debt Recovery Act 2017 in respect of the offence to which the application relates.	CEO	NIL
3.3	The duty pursuant and subject to Section 8A(5) and (6) of the Act upon being satisfied the offence is trifling to withdraw the expiation notice in respect of the offence by giving written notice to the alleged offender.	CEO	NIL
3.4	The power pursuant to Section 8A(6a) of the Act, if an enforcement determination made under section 22 of the Fines and Enforcement Debt Recovery Act 2017 is revoked on the ground that the alleged offender had not had a reasonable opportunity to apply for review of the notice under Section 8A of the Act, and the alleged offender makes an application under Section 8A of the Act within 14 days of being notified of the revocation, to withdraw the expiation notice under Section 8A of the Act.	CEO	NIL
3A. Deliberately left blank		Deliberately left blank	Deliberately left blank
4. Expiation Reminder Notices			
4.1	The duty pursuant to Section 11(1) of the Act where an alleged offender has neither paid the expiation fee nor	CEO	NIL

	Direct Delegation from Council	Conditions/ Limitations
entered into an arrangement under Section 20 of the Fines Enforcement and Debt Recovery Act 2017 and the Council has not received a statutory declaration or other document sent to the Council by the alleged offender in accordance with a notice required by law to accompany the expiation notice, by the end of the expiation period, and before the Delegate takes any action under this Act or the Fines Enforcement and Debt Recovery Act 2017 to enforce the expiation notice, to give an expiation reminder notice in the prescribed form to the alleged offender.		
5. Expiation Enforcement Warning Notices		
5.1 The duty pursuant to Section 11A(1) of the Act where the Council has received a statutory declaration or other document sent to the Council by the alleged offender in accordance with a notice required by law to accompany the expiation notice or expiation reminder notice, and before the Delegate takes action under this Act or the Fines Enforcement and Debt Recovery Act 2017 to enforce the expiation notice, to give an expiation enforcement warning notice, in the prescribed form, to the alleged offender.	CEO	NIL
6. Late Payment		
6.1 The power pursuant to Section 12 of the Act to accept late payment of the amount due under an expiation notice at any time before an enforcement determination is made under Section 22 of the Fines Enforcement and Debt Recovery Act 2017.	CEO	NIL
7. Deliberately left blank	Deliberately left blank	Deliberately left blank
8. Withdrawal of Expiation Notices		
8.1 The power pursuant to Section 16(1) of the Act, to withdraw an expiation notice with respect to all or any of the alleged offences to which an expiation notice relates where:	CEO	NIL
8.1.1 in the opinion of the Delegate the alleged offender did not commit the offence or offences, or that the notice should not have been given with respect to the offence or offences;	CEO	NIL
8.1.2 the Council as issuing authority receives a statutory declaration or other document sent to the Council by the alleged offender in accordance with a notice required by law to accompany the expiation notice or expiation reminder notice; or	CEO	NIL
8.1.3 the notice is defective; or	CEO	NIL
8.1.3A in the opinion of the Delegate the alleged offender is suffering from a cognitive impairment that excuses the alleged offending; or	CEO	NIL

		Direct Delegation from Council	Conditions/ Limitations
8.1.4	the Delegate decides that the alleged offender should be prosecuted for the offence or offences.	CEO	NIL
8.2	The power pursuant to Section 16(5) of the Act, where an expiation notice is withdrawn under subsection (1), to commence prosecution for an offence to which the notice related.	CEO	NIL
8.3	The duty pursuant to Section 16(6) of the Act, subject to Section 16(7) of the Act, to withdraw an expiation notice if it becomes apparent that the alleged offender did not receive the notice until after the expiation period, or has never received it, as a result of error on the part of the Council as issuing authority or failure of the postal system or failure in the transmission of an email.	CEO	NIL
8.4	The duty pursuant to Section 16(11) of the Act, where an expiation notice is withdrawn under Section 16 of the Act and the notice of withdrawal does not specify that the notice is withdrawn for the purposes of prosecuting the alleged offender, and if an enforcement determination has been made under Section 22 of the Fines Enforcement and Debt Recovery Act 2017, to inform the Chief Recovery Officer of the withdrawal of the notice.	CEO	NIL
9. Giving of Certain Notices and Certificates			
9.1	The power pursuant to Section 18 of the Act to enter into an agreement with the Chief Recovery Officer in relation to:	CEO	NIL
9.1.1	the manner in which the Chief Recovery Officer is to provide information to the Council in relation to action taken by the Chief Recovery Officer under the Act in respect of an expiation notice issued by the Council; and	CEO	NIL
9.1.2	the manner in which the Council is to provide information to the Chief Recovery Officer in relation to the issuing of an expiation notice by the Council or any other action taken by the Council in respect of an expiation notice so issued.	CEO	NIL

Appendix 7

Instrument of Delegation under the Food Act 2001

	Direct Delegation from Council	Conditions/ Limitations
INSTRUMENT OF DELEGATION UNDER THE FOOD ACT 2001		
1. Seizure		
1.1 The power pursuant to Section 42(2) of the Food Act 2001 (“the Act”) to approve the removal or interference with the thing to which a seizure order under Part 4 of the Act relates before an order is made under Section 42(3)(b) or the order is discharged under Section 42(3)(c) of the Act.	CEO	NIL
1.2 The power pursuant to Section 42(3)(a) of the Act to authorise –	CEO	NIL
1.2.1 upon application, the release of anything seized under Part 4 of the Act to the person from whom it was seized or to any person who had a right to possession of it at the time of its seizure, subject to such conditions as the Delegate thinks fit, including conditions as to the giving of security for satisfaction of an order under Section 42(3)(b)(i)(B) of the Act; or	CEO	NIL
1.2.2 in the case of food or any other perishable thing, order that it be forfeited to the Council.	CEO	NIL
1.3 The duty pursuant to Section 42(3)(d) of the Act where any food or other perishable thing is seized under Part 4 of the Act in relation to an expiable offence and the offence is expiated –	CEO	NIL
1.3.1 if the food or other perishable thing has not already been forfeited by order of the Delegate under Section 42(3)(a)(ii) of the Act, to deal with it in accordance with any determination of the Minister; and	CEO	NIL
1.3.2 not make payment of any compensation in respect of the food or other perishable thing.	CEO	NIL
1.4 The power pursuant to Section 42(3)(e) of the Act to dispose of anything seized under Part 4 of the Act and forfeited under Section 42 of the Act, by sale, destruction or otherwise as the Delegate directs.	CEO	NIL
2. Review of Decision to Refuse Certificate of Clearance		
2.1 The power pursuant to Section 51(1) of the Act where a person aggrieved by a decision to refuse to give a certificate of clearance under Part 5 of the Act makes application to the Tribunal under Section 34 of the South Australian Civil and Administrative Tribunal Act 2013 for a review of the decision, to respond to the review body on behalf of the Council.	CEO	NIL
3. Review of Order		
3.1 The duty pursuant to Section 52(2) of the Act where there were no grounds for the making of a prohibition order, to pay such compensation to the applicant for compensation as is just and reasonable.	CEO	NIL

		Direct Delegation from Council	Conditions/ Limitations
3.2	The duty pursuant to Section 52(3) of the Act to send written notification of the determination as to the payment of compensation under Section 52 of the Act, to each applicant for the payment of such compensation.	CEO	NIL
3.3	The power pursuant to Section 52(4) of the Act where an applicant for the payment of compensation under Section 52 of the Act is dissatisfied with a determination under Section 52(3) of the Act, as to the refusal to pay compensation or the amount of compensation and has applied to the Tribunal under Section 34 of the South Australian Civil and Administrative Tribunal Act 2013 for a review of the determination, to respond to that review body on behalf of the Council.	CEO	NIL
4.	Auditing and Reporting		
4.1	The duty pursuant to Section 79(1) of the Act to determine:	CEO	NIL
4.1.1	the priority classification of individual food businesses for the purposes of the application of any requirements of the Regulations relating to food safety programs; and	CEO	NIL
4.1.2	the frequency of auditing of any food safety programs required to be prepared by the Regulations in relation to the food business	CEO	NIL
	In accordance with Section 79(2) of the Act.		
4.2	The duty pursuant to Section 79(3) of the Act to provide written notification to the proprietor of a food business of -	CEO	NIL
4.2.1	the priority classification it has determined for the food business; and	CEO	NIL
4.2.2	the frequency of auditing of any food safety programs required to be prepared by the Regulations in relation to the food business; and	CEO	NIL
4.2.3	the date by which the food business must have implemented any food safety program required to be prepared by the Regulations in relation to the food business.	CEO	NIL
4.3	The power pursuant to Section 79(4) of the Act to change the priority classification of an individual food business if the Delegate believes that the classification is inappropriate for any reason, including as a result of changes made to the conduct of a food business.	CEO	NIL
4.4	The duty pursuant to Section 79(5) of the Act to provide written notification to the proprietor of food business of any change in priority classification of the food business under Section 79(4) of the Act.	CEO	NIL
5.	Reporting Requirements		
5.1	The duty pursuant to Section 81(1) of the Act to receive a report from a food safety auditor in relation to an order or	CEO	NIL

	Direct Delegation from Council	Conditions/ Limitations
assessment carried out by the food safety auditor for the purposes of this Act.		
5.2 The duty pursuant to Section 81(7) of the Act to provide a copy of a report in relation to an audit or assessment to the proprietor of the food business concerned.	CEO	NIL
6. Notification of Food Businesses		
6.1 The duty pursuant to Section 86(1) of the Act to receive written notice, in the approved form, from the proprietor of a food business of the information specified in the Food Safety Standards that the proprietor is required to notify to the Council before the business is conducted.	CEO	NIL
6.2 The duty pursuant to Section 86(2) of the Act to receive written notice, in the approved form, from the proprietor of a food business that is being conducted when the notification requirements of the Food Safety Standards commence, of the information specified in the Food Safety Standard that is to be notified to the Council.	CEO	NIL
6.3 The duty pursuant to Section 86(3) of the Act where a food business is transferred to another person or where there is a change in the name or address of a food business to receive written notice, in the approved form, from the proprietor of the food business (being, in the case where a food business is transferred to another person, the new proprietor) of the transfer or change (as the case may be) that would be required to be given to the Council if the notification were an initial notification under Section 86(1) or (2) of the Act.	CEO	NIL
7. Appointment of Authorised Officers		
7.1 The power pursuant to Section 94(1) of the Act to appoint a person to be an authorised officer for the purposes of the Act, subject to the duty upon the Delegate to be satisfied that the person has appropriate qualifications or experience to exercise the functions of an authorised officer.	CEO	NIL
7.2 The duty pursuant to Section 94(2) of the Act to prepare and maintain a list of authorised officers appointed for the purposes of Section 94(1) of the Act.	CEO	NIL
7.3 The duty pursuant to Section 95(1) of the Act to provide each authorised officer with a certificate of authority as an authorised officer.	CEO	NIL
7.4 The power pursuant to Section 95(2) of the Act to limit the powers of an authorised officer through the certificate of authority which is provided pursuant to Section 95(1) of the Act.	CEO	NIL
8. Offences		
8.1 The power pursuant to Section 29(2) of the Act where the Delegate forms the opinion that an offence has been committed under the Act to take proceedings by way of prosecution (or, at the discretion of the Delegate, by the	CEO	NIL

	Direct Delegation from Council	Conditions/ Limitations
issuing of an expiation notice or notices where the offence is expiable) in respect of the following offences –		
Section 13(1) Handling food intended for sale in a manner that the person knows will render, or is likely to render, the food unsafe.	CEO	NIL
Section 13(2) Handling food intended for sale in a manner that the person ought reasonably to know is likely to render the food unsafe.	CEO	NIL
Section 14(1) Selling food that the person knows is unsafe	CEO	NIL
Section 14(2) Selling food that the person ought reasonably to know is unsafe	CEO	NIL
Section 16(1) Handling food intended for sale in a manner that will render, or is likely to render, the food unsafe.	CEO	NIL
Section 16(2) Selling food that is unsafe.	CEO	NIL
Section 17(1) Handling food intended for sale in a manner that will render or is likely to render the food unsuitable.	CEO	NIL
Section 17(2) Selling food that is unsuitable.	CEO	NIL
Section 21(1) Failing to comply with any requirement imposed by a provision of the Foods Standards Code in relation to the conduct of a food business or to food intended for sale or food for sale.	CEO	NIL
Section 21(2) Selling food that does not comply with any requirement of the Food Standards Code that relates to the food.	CEO	NIL
Section 39 Failure, without reasonable excuse, to comply with a requirement of an authorised officer.	CEO	NIL
Section 40 Providing information or producing any document that the person knows is false or misleading in a material particular.	CEO	NIL
Section 41(1) Resisting, obstructing, or attempting to obstruct, without reasonable excuse, an authorised officer in the exercise of his/her functions under the Act.	CEO	NIL
Section 41(2) Impersonating an authorised officer.	CEO	NIL
Section 42(2) Removing or interfering with a thing seized under Part 4 of the Food Act 2001 without the approval of the Council.	CEO	NIL
Section 50 Contravening or failing, without reasonable excuse, to comply with an improvement notice or a prohibition order.	CEO	NIL

		Direct Delegation from Council	Conditions/ Limitations
Section 86(1) Failure to notify of a food business before the business is conducted.		CEO	NIL
Section 86(2) Failure to notify of a food business that is being conducted.		CEO	NIL
Section 86(3) Failure to notify of a food business that is transferred or which has changed its name or address.		CEO	NIL
8.2	The power to elect to charge a person who is alleged to have committed an offence against Division 2, Part 2 of the Act, with a summary offence.	CEO	NIL
8.3	The duty pursuant to Section 29(4) of the Act where a person who is alleged to have committed an offence against Division 2, Part 2 of the Act has been given an expiation notice in respect of the offence and does not expiate the offence, to bring proceedings for prosecution of the offence as a summary offence.	CEO	NIL

Appendix 8

*Instrument of Delegation under the Heavy Vehicle
National Law (South Australia) Act 2013*

		Direct Delegation from Council	Conditions/ Limitations
INSTRUMENT OF DELEGATION UNDER THE HEAVY VEHICLE NATIONAL LAW (SOUTH AUSTRALIA) ACT 2013			
1. Deciding Request for Consent Generally			
1.1	The power pursuant to Section 156(1) of the <i>Heavy Vehicle National Law (South Australia) Act 2013 (the Act)</i> , to, subject to Sections 156(2), (3) (4) and (6) of the Act, if the Regulator asks for the Council's consent to the grant of a mass or dimension authority, decide to give or not to give the consent:	CEO	NIL
1.1.1	within:	CEO	NIL
1.1.1.1	28 days after the request is made, unless Section 156(1)(a)(ii) of the Act applies; or	CEO	NIL
1.1.1.2	if Section 156 of the Act applies because the Council gave the Regulator a notice of objection to the grant under Section 167 of the Act – 14 days after giving the notice of objection; or	CEO	NIL
1.1.2	within a longer period, of not more than 6 months after the request is made, agreed to by the Regulator.	CEO	NIL
1.2	The power pursuant to Section 156(2) of the Act, to ask for a longer period under Section 156(1)(b) of the Act only if:	CEO	NIL
1.2.1	consultation is required under a law with another entity (including, for example, for the purpose of obtaining that entity's approval to give the consent); or	CEO	NIL
1.2.2	the delegate considers a route assessment is necessary for deciding whether to give or not to give the consent; or	CEO	NIL
1.2.3	the Council is the road authority for the participating jurisdiction and the delegate considers that a local government authority that is not required under a law to be consulted should nevertheless be consulted before deciding whether to give or not to give the consent.	CEO	NIL
1.3	The power pursuant to Section 156(2)(c) of the Act to, in relation to the Regulator obtaining the consent of the road manager for a road for the purpose of granting a mass or dimension authority make submissions where the road manager is the road authority for the participating jurisdiction and considers that the Council, whilst not required under a law to be consulted should nevertheless be consulted before the road manager decides whether to give or not to give consent.	CEO	NIL
1.4	The power pursuant to Section 156A(1) of the Act if the Regulator asks the Council, being the road manager for a road, for the Council's consent to the grant of a mass or dimension authority, to decide not to give the consent only if the delegate is satisfied:	CEO	NIL

		Direct Delegation from Council	Conditions/ Limitations
1.4.1	the mass or dimension authority will, or is likely to:	CEO	NIL
1.4.1.1	cause damage to road infrastructure; or	CEO	NIL
1.4.1.2	impose adverse effects on the community arising from noise, emissions or traffic congestion or from other matters stated in approved guidelines; or	CEO	NIL
1.4.1.3	impose significant risks to public safety arising from heavy vehicle use that is incompatible with road infrastructure or traffic conditions; and	CEO	NIL
1.4.2	it is not possible to grant the authority subject to road conditions or travel conditions that will avoid, or significantly minimise:	CEO	NIL
1.4.2.1	the damage or likely damage; or	CEO	NIL
1.4.2.2	the adverse effects or likely adverse effects; or	CEO	NIL
1.4.2.3	the significant risks or likely significant risks.	CEO	NIL
1.4A	The power pursuant to Section 156A(2) of the Act, if the delegate considers that the consent would be given if the mass of the vehicle under the application for the authority was less than applied for, to give the consent subject to a road condition that the vehicle not exceed the mass.	CEO	NIL
1.5	The power pursuant to Section 156A(3) of the Act, in deciding whether or not to give the consent, to have regard to:	CEO	NIL
1.5.1	for a mass or dimension exemption – the approved guidelines for granting mass or dimension exemptions; or	CEO	NIL
1.5.2	for a class 2 heavy vehicle authorisation – the approved guidelines for granting class 2 heavy vehicle authorisations.	CEO	NIL
1.6	The power pursuant to Section 156A(4) of the Act, if the delegate decides not to give consent to the grant of the authority, to give the Regulator a written statement that explains the delegate's decision and complies with Section 172 of the Act.	CEO	NIL
2.	Action Pending Consultation with Third Party		
2.1	The power pursuant to Section 158(2) of the Act, if the consultation with the other entity is not yet completed, to, as far as practicable, deal with the request for consent and decide to give or not to give the consent (even though the consultation with the other entity is not completed).	CEO	NIL

		Direct Delegation from Council	Conditions/ Limitations
2.2	The power pursuant to Section 158(4) of the Act, if:	CEO	NIL
2.2.1	the consultation with the other entity is completed and the other entity's approval is required; and	CEO	NIL
2.2.2	the delegate has not yet decided to give or not to give the consent,	CEO	NIL
	To -	CEO	NIL
2.2.3	decide not to give the consent, on the ground that the consent would be inoperative; or	CEO	NIL
2.2.4	decide to give the consent.	CEO	NIL
3. Deciding Request for Consent if Route Assessment Required			
3.1	The power pursuant to Section 159(1) and (2) of the Act to, form the opinion a route assessment is necessary for deciding whether to give or not to give the consent and notify the Regulator of the following:	CEO	NIL
3.1.1	that a route assessment is required for deciding whether to give or not to give the consent;	CEO	NIL
3.1.2	the fee payable (if any) for the route assessment under a law of the jurisdiction in which the road is situated.	CEO	NIL
3.2	The power pursuant to Section 159(4) of the Act, if a fee is payable for the route assessment under a law of the jurisdiction in which the road is situated to stop considering whether to give or not to give the consent until the fee is paid.	CEO	NIL
4. Imposition of Road Conditions			
4.1	The power pursuant to Section 160(1) of the Act and in accordance with Section 160(2) of the Act, to consent to the grant of the authority subject to:	CEO	NIL
4.1.1	except in the case of a class 2 heavy vehicle authorisation (notice) – the condition that a stated road condition is imposed on the authority; or	CEO	NIL
4.1.2	in the case of a class 2 heavy vehicle authorisation (notice) – the condition that a stated road condition of a type prescribed by the national regulations is imposed on the authority.	CEO	NIL
4.2	The power pursuant to Section 160(2) of the Act to, if the delegate consents to the grant of the authority subject to a condition as mentioned in Section 160(1)(a) of the Act to give the Regulator a written statement that explains the decision to give consent to the grant of the authority subject to the condition and complies with Section 172 of the Act.	CEO	NIL

		Direct Delegation from Council	Conditions/ Limitations
5. Imposition of Travel Conditions			
5.1	The power pursuant to Section 161(1) of the Act, to, consent to the grant of the authority subject to the condition that a stated travel condition is imposed on the authority.	CEO	NIL
5.2	The power pursuant to Section 161(2) of the Act, if the delegate consents to the grant of the authority as mentioned in Section 161(1) of the Act to give the Regulator a written statement that explains the decision to give consent to the grant of the authority subject to the condition and complies with Section 172 of the Act.	CEO	NIL
6. Imposition of Vehicle Conditions			
6.1	The power pursuant to Section 162(1) of the Act, where the delegate gives consent to the grant of the authority to ask the Regulator to impose a stated vehicle condition on the authority.	CEO	NIL
7. Expedited Procedure for Road Manager's Consent for Renewal of Mass or Dimension Authority			
7.1	The power pursuant to Section 167(2)(b) of the Act, to give the Regulator a notice of objection to the application of Section 167 of the Act to the proposed replacement authority within the period of:	CEO	NIL
7.1.1	14 days after the request for consent is made; or	CEO	NIL
7.1.2	28 days after the request for consent is made if the delegate seeks the extension of time within the initial 14 days.	CEO	NIL
8. Granting Limited Consent for Trial Purposes			
8.1	The power pursuant to Section 169(1) of the Act to give consent to the grant of a mass or dimension authority for a trial period of no more than 3 months specified by the delegate.	CEO	NIL
9. Renewal of Limited Consent for Trial Purposes			
9.1	The power pursuant to Section 170(3) of the Act to give the Regulator a written objection within the current trial period to the renewal of a mass or dimension authority for a further trial period of no more than 3 months.	CEO	NIL
10. Amendment or Cancellation on Regulator's Initiative			
10.1	The power pursuant to Section 173(3)(d) of the Act to make written representations about why the proposed action should not be taken.	CEO	NIL

	Direct Delegation from Council	Conditions/ Limitations
11. Amendment or Cancellation on Request by Relevant Road Manager		
11.1 The power pursuant to Section 174(1) of the Act to form the opinion and be satisfied that the use of heavy vehicles on a road under the authority:	CEO	NIL
11.1.1 has caused, or is likely to cause, damage to road infrastructure; or	CEO	NIL
11.1.2 has had, or is likely to have, an adverse effect on the community arising from noise, emissions or traffic congestion or from other matters stated in approved guidelines; or	CEO	NIL
11.1.3 has posed, or is likely to pose, a significant risk to public safety arising from heavy vehicle use that is incompatible with road infrastructure or traffic conditions.	CEO	NIL
11.2 The power pursuant to Section 174(2) of the Act to ask the Regulator to:	CEO	NIL
11.2.1 amend the mass or dimension authority by:	CEO	NIL
11.2.1.1 amending the category of vehicle to which the authority applies; or	CEO	NIL
11.2.1.2 amending the type of load that may be carried by vehicles to which the authority applies; or	CEO	NIL
11.2.1.3 amending the areas or routes to which the authority applies; or	CEO	NIL
11.2.1.4 amending the days or hours to which the authority applies; or	CEO	NIL
11.2.1.5 imposing or amending road conditions or travel conditions; or	CEO	NIL
11.2.2 cancel the authority.	CEO	NIL
12. Amendment or Cancellation on Application by Permit Holder		
12.1 The power pursuant to Section 176(4)(c) of the Act to consent to the amendment of a mass or dimension authority.	CEO	NIL
13. Amendment or Cancellation on Request by Relevant Road Manager		
13.1 The power pursuant to Section 178(1) of the Act to form the opinion and be satisfied that the use of heavy vehicles on a road under the authority:	CEO	NIL
13.1.1 has caused, or is likely to cause, damage to road infrastructure; or	CEO	NIL
13.1.2 has had, or is likely to have, an adverse effect on the community arising from noise, emissions or traffic congestion or from other matters stated in approved guidelines; or	CEO	NIL

		Direct Delegation from Council	Conditions/ Limitations
13.1.3	has posed, or is likely to pose, a significant risk to public safety arising from heavy vehicle use that is incompatible with road infrastructure or traffic conditions.	CEO	NIL
13.2	The power pursuant to Section 178(2) of the Act to ask the Regulator to:	CEO	NIL
13.2.1	amend the mass or dimension authority, including, for example, by:	CEO	NIL
13.2.1.1	amending the areas or routes to which the authority applies; or	CEO	NIL
13.2.1.2	amending the days or hours to which the authority applies; or	CEO	NIL
13.2.1.3	imposing or amending road conditions or travel conditions on the authority; or	CEO	NIL
13.2.2	cancel the authority.	CEO	NIL

Appendix 9

*Instrument of Delegation under the Local Government
Act 1994*

		Direct Delegation from Council	Conditions/ Limitations
INSTRUMENT OF DELEGATION UNDER THE LOCAL GOVERNMENT ACT 1999			
1. Composition and Wards			
1.1.	The power pursuant to Section 12(1) of the Local Government Act 1999 ('the Act') to, by notice in the Gazette, after complying with the requirements of Section 12 of the Act,	CEO	Subject to the approval of Council
1.1.1.	alter the composition of the Council;	CEO	Subject to the approval of Council
1.1.2.	divide, or redivide, the area of the Council into wards, alter the division of the area of the Council into wards, or abolish the division of the area of the Council into wards.	CEO	Subject to the approval of Council
1.2.	The power pursuant to Section 12(2) of the Act, also by notice under Section 12 of the Act, to	CEO	Subject to the approval of Council
1.2.1.	change the Council from a municipal council to a district council, or change the Council from a district council to a municipal council;	CEO	Subject to the approval of Council
1.2.2.	alter the name of:	CEO	Subject to the approval of Council
1.2.2.1.	the Council;	CEO	Subject to the approval of Council
1.2.2.2.	the area of the Council;	CEO	Subject to the approval of Council
1.2.3.	give a name to, or alter the name of, a ward, (without the need to comply with Section 13 of the Act).	CEO	Subject to the approval of Council
1.3.	The duty pursuant to Section 12(3) of the Act to, before publishing a notice, conduct and complete a review under Section 12 of the Act for the purpose of determining whether the Council's community would benefit from an alteration to the Council's composition or ward structure.	CEO	NIL
1.4.	The power pursuant to Section 12(4) of the Act to review a specific aspect of the composition of the Council, or of the wards of the Council, or of those matters generally and the duty to ensure that all aspects of the composition of the Council, and the issue of the division, or potential division, of the area of the Council into wards, are comprehensively reviewed at least once in each relevant period that is prescribed by the regulations.	CEO	NIL

		Direct Delegation from Council	Conditions/ Limitations
1.5.	Deliberately left blank.	Deliberately left blank.	Deliberately left blank.
1.6.	Deliberately left blank.	Deliberately left blank.	Deliberately left blank.
1.7.	The duty pursuant to Section 12(5) of the Act to initiate the preparation of a representation options paper by a person who, in the opinion of the Delegate, is qualified to address the representation and governance issues that may arise with respect to the matters under review.	CEO	NIL
1.8.	The duty pursuant to Section 12(7) of the Act to give public notice of the preparation of a representation options paper and notice in a newspaper circulating within the Council's area, and to ensure that the notice contains an invitation to interested persons to make written submissions to the Council or the Delegate on the subject of the review within a period specified by the Council or the Delegate, being a period of at least six weeks.	CEO	NIL
1.9.	The duty pursuant to Section 12(8) of the Act to make copies of the representation options paper available for public inspection (without charge) and purchase (on payment of a fee fixed by the Council) at the principal office of the Council during the period that applies under Section 7(a)(ii).	CEO	NIL
1.10.	At the conclusion of public consultation under Section 12(7)(a), the duty pursuant to Section 12(8a) of the Act to prepare a report that:	CEO	NIL
1.10.1.	provides information on the public consultation process undertaken by the Council and the Council's or the Delegate's response to the issues arising from the submissions made as part of that process; and	CEO	NIL
1.10.2.	sets out:	CEO	NIL
1.10.2.1.	any proposals that the Council or the Delegate considers should be carried into effect under Section 12 of the Act; and	CEO	NIL
1.10.2.2.	in respect of any such proposal - an analysis of how the proposal relates to the principles under Section 26(1)(c) of the Act and the matters referred to in Section 33 of the Act (to the extent that may be relevant); and	CEO	NIL
1.10.3.	sets out the reasons for the Council's or the Delegate's decision insofar as a decision of the Council or the Delegate is not to adopt any change under consideration as part of the representation options paper or the public consultation process.	CEO	NIL
1.11.	The duty pursuant to Section 12(9) of the Act to make copies of the report available for public inspection at the	CEO	NIL

	Direct Delegation from Council	Conditions/ Limitations
principal office of the Council and to give public notice, by way of a notice in a newspaper circulating in its area, informing the public of its preparation of the report and its availability and inviting interested persons to make written submissions on the report to the Council or the Delegate within a period specified by the Council or the Delegate, being not less than three weeks.		
1.12. The duty pursuant to Section 12(10) of the Act to give any person who makes written submissions in response to an invitation under Section 12(9), an opportunity to appear personally or by representative before the Council or a Council committee or the Delegate and to be heard on those submissions.	CEO	NIL
1.13. The duty pursuant to Section 12(11) of the Act to finalise the report including recommendations with respect to such related or ancillary matters as it sees fit.	CEO	NIL
1.14. With respect to a proposal within the ambit of Section 12(11a), the power pursuant to Section 12(11b) of the Act:	CEO	NIL
1.14.1. insofar as may be relevant in the particular circumstances, to separate a proposal (and any related proposal), from any other proposal contained in the report; and	CEO	NIL
1.14.2. to determine to conduct the relevant poll in conjunction with the next general election for the Council or at some other time.	CEO	NIL
1.15. Where a poll is required under Section 12(11a) of the Act the duty pursuant to Section 12(11c)(b) of the Act to:	CEO	NIL
1.15.1. prepare a summary of issues surrounding the proposal to assist persons who may vote at the poll; and	CEO	NIL
1.15.2. obtain a certificate from the Electoral Commissioner that he or she is satisfied that the Council or the Delegate has taken reasonable steps to ensure the summary is a fair and comprehensive overview of the arguments for and against the proposal; and	CEO	NIL
1.15.3. after obtaining the certificate of the Electoral Commissioner, ensure that copies of the summary are made available for public inspection at the principle office of the Council, and on the internet and distributed in any other manner as may be directed by the Electoral Commissioner.	CEO	NIL
1.16. The duty pursuant Section 12(12) of the Act having then taken into account the operation of Section 12(11d) of the Act to refer the report to the Electoral Commissioner.	CEO	NIL
1.17. The duty pursuant to Section 12(12a) of the Act to send with the report copies of any written submissions received by the Council or the Delegate under Section 12(9) of the Act that relate to the subject matter of the proposal.	CEO	NIL
1.18. The power pursuant to Section 12(15)(b) of the Act to provide by notice in the Gazette, for the operation of any proposal that is recommended in the report, where a certificate is given by the Electoral Commissioner.	CEO	NIL

	Direct Delegation from Council	Conditions/ Limitations
1.19. The power and duty pursuant to Section 12(16) of the Act to take such action as is appropriate in circumstances (including the power, as the Delegate thinks fit, to alter the report) where the matter is referred back to the Council by the Electoral Commissioner and the power to then refer the report back to the Electoral Commissioner.	CEO	NIL
1.20. Where the Council or the Delegate makes an alteration to the report under Section 12(16)(a) of the Act, the duty pursuant to Section 12(17) of the Act to comply with the requirements of Sections 12(9) and (10) of the Act as if the report, as altered, constituted a new report, unless the Council or the Delegate determines the alteration is of a minor nature only.	CEO	NIL
1.21. The duty pursuant to Section 12(24) of the Act to undertake a review of ward representation within a period specified by the Electoral Commissioner, where the Electoral Commissioner notifies the Council in writing that the number of electors represented by a councillor for a ward varies from the ward quota by more than 20%.	CEO	NIL
2. Status of a Council or Change of Various Names		
2.1. The power pursuant to Section 13(1) of the Act, to, by notice in the Gazette, after complying with the requirements of Section 13 of the Act:	NIL	NIL
2.1.1. change the Council from a municipal council to a district council, or change the Council from a district council to a municipal council;	NIL	NIL
2.1.2. alter the name of:	NIL	NIL
2.1.2.1. the Council;	NIL	NIL
2.1.2.2. the area of the Council;	NIL	NIL
2.1.3. alter the name of a ward.	NIL	NIL
2.2. The duty, pursuant to Section 13(2) of the Act, to, before publishing a notice, comply with the following requirements:	CEO	NIL
2.2.1. to give public notice of the proposal and invite any interested persons to make written submissions on the matter within a specified period, being no less than six weeks;	CEO	NIL
2.2.2. publish the notice in a newspaper circulating within the area; and	CEO	NIL
2.2.3. give any person who makes written submissions in response to the invitation an opportunity to appear personally or by representative before the Council, Council committee or the Delegate and be heard on those submissions.	CEO	NIL

	Direct Delegation from Council	Conditions/ Limitations
3. Staffing Arrangements		
3.1. Deliberately left blank	Deliberately left blank	Deliberately left blank
4. Functions of Panel		
4.1. Deliberately left blank	Deliberately left blank	Deliberately left blank
5. Council Initiated Proposal		
5.1. Deliberately left blank	Deliberately left blank	Deliberately left blank
5.2. Deliberately left blank	Deliberately left blank	Deliberately left blank
5.3. The power pursuant to section 27(7) of the Act, to, in relation to the proposal submitted by the Council or the Delegate, request or consent to the Minister:	CEO	NIL
5.3.1. amending the proposal;	CEO	NIL
5.3.2. substituting an alternative proposal.	CEO	NIL
6. Public Initiated Submissions		
6.1. The power pursuant to Section 28(6) of the Act, on the receipt of a submission under Section 28(2) of the Act, to consider the issues determined by the Council or the Delegate to be relevant to the matter and to then decide whether or not it is willing to:	CEO	NIL
6.1.1. conduct a review in relation to the matter under Division 2 of Part 1 of the Act; or	CEO	NIL
6.1.2. formulate (or participate in the formulation of) a proposal in relation to the matter under Division 4 of Part 2 of the Act	CEO	NIL
6.2. Where the Council is affected by a public initiated proposal under apter 3 of the Act, the duty to ensure that copies of the summary prepared by the Panel are made available for public inspection at the principal office of the Council and distributed to electors in accordance with the directions of the Panel, pursuant to Section 28(23)(f) and (g).	CEO	NIL
7. General Powers and Capacities		
7.1. The power pursuant to Section 36(1)(a)(i) of the Act to enter into any kind of contract or arrangement where the	CEO	NIL

		Direct Delegation from Council	Conditions/ Limitations
common seal of the Council is not required.			
7.2.	The power pursuant to Section 36(1)(c) of the Act to do anything necessary, expedient or incidental but within any policy or budgetary constraints set by the Council to perform or discharge the Council's functions or duties or to achieve the Council's objectives.	CEO	NIL
7.3.	The power pursuant to Section 36(2) of the Act to act outside the Council's area:	CEO	NIL
7.3.1.	to the extent considered by the Delegate to be necessary or expedient to the performance of the Council's functions; or	CEO	NIL
7.3.2.	in order to provide services to an unincorporated area of the State.	CEO	NIL
7.4.	The duty pursuant to Section 36(3) of the Act to take reasonable steps to separate the Council's regulatory activities from its other activities in the arrangement of its affairs.	CEO	NIL
8. Provision Relating to Contract and Transactions			
8.1.	The power pursuant to Section 37(b) of the Act to authorise another officer, employee or agent of the Council to enter into a contract, on behalf of the Council, where the common seal of the Council is not required.	CEO	NIL
9. Committees			
9.1.	The power pursuant to Section 41(1) and (2) of the Act to establish committees.	NIL	NIL
9.2.	The power pursuant to Section 41(3) of the Act to determine the membership of a committee.	NIL	NIL
9.3.	The power pursuant to Section 41(4) of the Act to appoint a person as a presiding member of a committee, or to make provision for the appointment of a presiding member.	NIL	NIL
9.4.	The power pursuant to Section 41(6) of the Act to appoint the principal member of the Council as an ex officio member of a committee.	NIL	NIL
9.5.	The power and duty pursuant to Section 41(8) of the Act, to, when establishing a committee, determine the reporting and other accountability requirements that are to apply in relation to the committee.	NIL	NIL
10. Delegations			
10.1.	The duty pursuant to Section 44(6) of the Act to cause a separate record to be kept of all delegations under the Act.	CEO	NIL
10.2.	The duty pursuant to Section 44(7) of the Act to make available the record of delegations for inspection (without charge) by the public at the principal office of the Council during ordinary office hours.	CEO	NIL

	Direct Delegation from Council	Conditions/ Limitations
11. Principal Office		
11.1. The duty pursuant to Section 45(1) of the Act to nominate a place as the principal office of the Council for the purposes of the Act.	NIL	NIL
11.2. The power and duty pursuant to Section 45(2) of the Act to determine the hours the principal office of the Council will be open to the public for the transaction of business and the duty to keep the principal office of Council open to the public for the transaction of business during hours determined by the Delegate or the Council.	CEO	NIL
11.3. The power pursuant to Section 45(3) of the Act to consult with the local community in accordance with Council's public consultation policy about the manner, places and times at which the Council's offices will be open to the public for the transaction of business and about any significant changes to those arrangements.	CEO	NIL
12. Commercial Activities		
12.1. Subject to the Act, the power pursuant to Section 46(1) of the Act to, in the performance of the Council's functions, engage in a commercial activity or enterprise ('a commercial project').	CEO	NIL
12.2. The power pursuant to Section 46 (2) of the Act, to, in connection with a commercial project:	CEO	NIL
12.2.1. establish a business;	CEO	NIL
12.2.2. participate in a joint venture, trust, partnership or other similar body.	CEO	NIL
13. Interests in Companies		
13.1. The power pursuant to Section 47(2)(b) of the Act to participate in the formation of, or to become a member of a company limited by guarantee established as a national association to promote and advance the interests of an industry in which local government has an interest.	NIL	NIL
14. Prudential Requirements for Certain Activities		
14.00 The power and duty pursuant to Section 48(aa1) of the Act and in accordance with Section 48(a1) of the Act, to develop and maintain prudential management policies, practices and procedures for the assessment of projects to ensure that the Council -	CEO	Policy to submitted to Audit Committee prior to adoption by Council
14.00.1 acts with due care, diligence and foresight; and	CEO	Policy to submitted to Audit

	Direct Delegation from Council	Conditions/ Limitations
		Committee prior to adoption by Council
14.00.2 identifies and manages risks associated with a project; and	CEO	Policy to submitted to Audit Committee prior to adoption by Council
14.00.3 makes informed decisions; and	CEO	Policy to submitted to Audit Committee prior to adoption by Council
14.00.4 is accountable for the use of Council and other public resources.	CEO	Policy to submitted to Audit Committee prior to adoption by Council
14.0 The duty pursuant to Section 48(a1) of the Act to ensure the prudential management policies, practices and procedures developed by the Council for the purposes of Section 48(aa1) of the Act, are consistent with any regulations made for the purposes of Section 48(a1) of the Act.	CEO	NIL
14.1. Without limiting Section 48(aa1) of the Act, the power and duty pursuant to Section 48(1) of the Act to obtain and consider a report, that addresses the prudential issues set out at Section 48(2) of the Act, before the Council:	NIL	NIL
14.1.1. Deliberately left blank.	Deliberately left blank.	Deliberately left blank.
14.1.2. engages in any project (whether commercial or otherwise and including through a subsidiary or participation in a joint venture, trust, partnership or other similar body) -	CEO	NIL
14.1.2.1. 14.1.2.1 where the expected operating expenses calculated on an accrual basis of the Council over the ensuring five years is likely to exceed 20 per cent of the Council's average annual operating expenses over the previous five financial years (as shown in the Council's	NIL	NIL

		Direct Delegation from Council	Conditions/ Limitations
financial statements); or			
14.1.2.2.	14.1.2.2 where the expected capital cost of the project over the ensuing five years is likely to exceed \$4,000,000.00 (indexed); or	CEO	NIL
14.1.2.3.	14.1.2.3 where the Council or Delegate considers that it is necessary or appropriate.	NIL	NIL
14.2.	Deliberately left blank.	Deliberately left blank.	Deliberately left blank.
14.3.	The power and duty pursuant to Section 48(5) of the Act to make a report under Section 48(1) of the Act available for public inspection at the principal office of the Council once the Council has made a decision on the relevant project (and the power to make the report available at an earlier time unless the Council orders that the report be kept confidential until that time).	CEO	NIL
15. Contracts and Tenders Policies			
15.0.	The power and duty pursuant to Section 49(a1) of the Act to develop and maintain procurement policies, practices and procedures directed towards:	CEO	Policy to be submitted to Audit Committee prior to adoption. Policy to be adopted by Council
15.0.1.	obtaining value in the expenditure of public money; and	CEO	Policy to be submitted to Audit Committee prior to adoption. Policy to be adopted by Council
15.0.2.	providing for ethical and fair treatment of participants; and	CEO	Policy to be submitted to Audit Committee prior to adoption. Policy to be adopted by Council

	Direct Delegation from Council	Conditions/ Limitations
15.0.3. ensuring probity, accountability and transparency in procurement operations.	CEO	Policy to be submitted to Audit Committee prior to adoption. Policy to be adopted by Council
15.1. Without limiting Section 49(a1) of the Act, the power and duty pursuant to Section 49(1) of the Act to prepare and adopt policies on contracts and tenders including policies on the following:	CEO	Policy to be submitted to Audit Committee prior to adoption. Policy to be adopted by Council
15.1.1. the contracting out of services; and	CEO	Policy to be submitted to Audit Committee prior to adoption. Policy to be adopted by Council
15.1.2. competitive tendering and the use of other measures to ensure that services are delivered cost effectively; and	CEO	Policy to be submitted to Audit Committee prior to adoption. Policy to be adopted by Council
15.1.3. the use of local goods and services; and	CEO	Policy to be submitted to Audit Committee prior to adoption. Policy to be adopted by Council

	Direct Delegation from Council	Conditions/ Limitations
15.1.4. the sale or disposal of land or other assets.	CEO	Policy to be submitted to Audit Committee prior to adoption. Policy to be adopted by Council
15.2. The power and duty pursuant to Section 49(2) of the Act to ensure that any policies on contracts and tenders:	CEO	Policy to be submitted to Audit Committee prior to adoption. Policy to be adopted by Council
15.2.1. identify circumstances where the Council will call for tenders for the supply of goods, the provision of services or the carrying out of works, or the sale or disposal of land or other assets; and	CEO	Policy to be submitted to Audit Committee prior to adoption. Policy to be adopted by Council
15.2.2. provide a fair and transparent process for calling tenders and entering into contracts in those circumstances; and	CEO	Policy to be submitted to Audit Committee prior to adoption. Policy to be adopted by Council
15.2.3. provide for the recording of reasons for entering into contracts other than those resulting from the tender process; and	CEO	Policy to be submitted to Audit Committee prior to adoption. Policy to be adopted by Council

	Direct Delegation from Council	Conditions/ Limitations
15.2.4. are consistent with any requirement prescribed by the regulations.	CEO	Policy to be submitted to Audit Committee prior to adoption. Policy to be adopted by Council
15.1. The power pursuant to Section 49(3) of the Act to, at any time, alter a policy under Section 49 of the Act, or substitute a new policy or policies (but not so as to affect any process that has already commenced).	CEO	Policy to be submitted to Audit Committee prior to adoption. Policy to be adopted by Council
15.2. The duty pursuant to Section 49(4) of the Act to make available for inspection (without charge) a policy adopted under this Section at the principal office of Council during office hours.	CEO	NIL
16. Public Consultation Policies		
16.1. The power and duty pursuant to Section 50(1) and (2) of the Act to prepare and adopt a public consultation policy which sets out the steps the Council will follow:	CEO	Policy to be adopted by Council
16.1.1. in cases where the Act requires the Council to follow its public consultation policy; and	CEO	Policy to be adopted by Council
16.1.2. in other cases involving Council decision making, if relevant.	CEO	Policy to be adopted by Council
16.2. The duty pursuant to Section 50(3) of the Act to include in the steps set out in the public consultation policy reasonable opportunities for interested persons to make submissions in cases where the Act requires the Council to follow its public consultation policy and to make other arrangements appropriate to other classes of decisions, within the scope of the policy.	CEO	Policy to be adopted by Council
16.3. The duty pursuant to Section 50(4) of the Act to ensure that the public consultation policy, in cases where the Act requires the policy to be followed, provides for:	CEO	Policy to be adopted by Council

	Direct Delegation from Council	Conditions/ Limitations
16.3.1. the publication of a notice:	CEO	Policy to be adopted by Council
16.3.1.1. in a newspaper circulating within the area of the Council; and	CEO	Policy to be adopted by Council
16.3.1.2. on a website determined by the Chief Executive Officer,	CEO	Policy to be adopted by Council
16.3.1.3. describing the matter under consideration and inviting interested persons to make submissions in relation to the matter within a period (which must be at least 21 days) stated in the notice; and	CEO	Policy to be adopted by Council
16.3.2. the consideration of any submissions made in response to that invitation.	CEO	Policy to be adopted by Council
16.4. The power pursuant to Section 50(5) of the Act, to, from time to time, alter the Council's public consultation policy, or substitute a new policy.	CEO	Policy to be adopted by Council
16.5. Before the Council or the Delegate adopts a public consultation policy or alters, or substitutes a public consultation policy, the duty pursuant to Section 50(6) of the Act to:	CEO	Policy to be adopted by Council
16.5.1. prepare a document that sets out its proposal in relation to the matter; and	CEO	Policy to be adopted by Council
16.5.2. publish in a newspaper circulating within the area of the Council, a notice of the proposal inviting interested persons to make submissions on the proposal within a period stated in the notice, which must be at least one month.	CEO	Policy to be adopted by Council
16.5.3. consider any submissions made in response to an invitation made under Section 50(6)(d) of the Act.	CEO	Policy to be adopted by Council
16.6. The power pursuant to Section 50(7) of the Act to determine if the alteration of a public consultation policy is of minor significance that would attract little or no community interest.	CEO	Policy to be adopted by Council
16.7. The duty pursuant to Section 50(8) of the Act to ensure the public consultation policy is available for inspection (without charge) at the principal office of Council during ordinary office hours.	CEO	NIL
17. Deliberately left blank.	Deliberately left blank.	Deliberately left blank.

	Direct Delegation from Council	Conditions/ Limitations
18. Inspection of Register		
18.1. The duty pursuant to Section 70(1) of the Act to make available for inspection (without charge) the Register of Interests at the principal office of the Council during ordinary office hours.	CEO	NIL
19. Reimbursement of Expenses		
19.1. The power pursuant to Section 77(1)(b) of the Act to reimburse to members of the Council expenses of a kind prescribed for the purposes of Section 77(1)(b) of the Act and approved by the Council (either specifically or under a policy established by the Council for these purposes) incurred in performing or discharging official functions and duties.	CEO	NIL
19.2. The duty pursuant to Section 77(3) of the Act to make available for inspection (without charge) any policy of Council concerning these reimbursements at the principal office of the Council during ordinary office hours.	CEO	NIL
20. Register of Allowances and Benefits		
20.1. The duty pursuant to Section 79(3) of the Act to make available for inspection (without charge) the Register of Allowances and Benefits, at the principal office of the Council during ordinary office hours.	CEO	NIL
21. Insurance of members		
21.1. The duty pursuant to Section 80 of the Act to take out a policy of insurance insuring every member of the Council and a spouse, domestic partner or another person who may be accompanying a member of the Council, against risks associated with the performance or discharge of official functions and duties by members.	CEO	NIL
22. Training and Development		
22.1. The power and duty pursuant to Section 80A(1) of the Act to prepare a training and development policy in accordance with Section 80A(2) of the Act for the Council's members.	CEO	Policy to be adopted by Council
22.2. The duty pursuant to Section 80A(2) of the Act to ensure that the Council's training and development policy is aimed at assisting the Council's members in the performance and discharge of their functions and duties.	CEO	Policy to be adopted by Council
22.3. The power pursuant to Section 80A(3) of the Act to, from time to time, alter the Council's training and development policy or substitute a new policy.	CEO	Policy to be adopted by Council
22.4. The duty pursuant to Section 80A(4) and (5) of the Act to make available the training and development policy for inspection (without charge) at the principal office of the Council during ordinary office hours and for purchase (on payment of a fee fixed by the Council).	CEO	NIL

	Direct Delegation from Council	Conditions/ Limitations
23. Committee Meetings		
23.1. The power pursuant to Section 87(1) of the Act and in accordance with Section 87(2) of the Act to determine the times and places of ordinary meetings of Council committees.	NIL	NIL
23.2. The duty pursuant to Section 87(2) of the Act in appointing a time for the holding of an ordinary meeting of a Council committee to take into account:	NIL	NIL
23.2.1. the availability and convenience of members of the committee; and	NIL	NIL
23.2.2. the nature and purpose of the committee.	NIL	NIL
24. Meetings To Be Held in Public Except in Special Circumstances		
24.1. The duty pursuant to Section 90(7) of the Act to make a note in the minutes of the making of an order under Section 90(2) of the Act and the grounds on which it was made.	CEO	NIL
24.2. The power pursuant to Section 90(8a)(a) of the Act to adopt a policy on the holding of informal gatherings or discussions subject to Section 90(8b) of the Act.	CEO	NIL
24.3. The power pursuant to Section 90(8c) of the Act, to, from time to time, alter the Council's policy or substitute a new policy.	CEO	NIL
25. 25. Minutes and Release of Documents		
25.1. The duty pursuant to Section 91(3) to supply each member of the Council with a copy of all minutes of the proceedings of the Council or Council committee meeting, within 5 days after that meeting.	CEO	NIL
25.2. Subject to Section 91(7), the duty pursuant to Section 91(4) of the Act to place a copy of the minutes of a meeting of the Council on public display in the principal office of the Council within 5 days after the meeting and to keep those minutes on display for a period of 1 month.	CEO	NIL
25.3. Subject to Section 91(7) of the Act, the duty pursuant to Section 91(5) of the Act to make available for inspection, without payment of a fee, at the principal office of the Council:	CEO	NIL
25.3.1. minutes of the Council and Council committee meetings; and	CEO	NIL
25.3.2. reports to the Council or to a Council committee received at a meeting of the Council or Council committee; and	CEO	NIL
25.3.3. recommendations presented to the Council in writing and adopted by resolution of the Council; and	CEO	NIL

	Direct Delegation from Council	Conditions/ Limitations
25.3.4. budgetary or other financial statements adopted by the Council.	CEO	NIL
26. Access to Meetings and Documents – Code of Practice		
26.1. The power and duty pursuant to Section 92(1) of the Act, and subject to Section 92(4) of the Act, to prepare and adopt a Code of Practice relating to the principles, policies, procedures and practices that the Council will apply for the purposes of the operation of Parts 3 and 4 of Chapter 6 of the Act.	CEO	Subject To Council Approval
26.2. The power and duty pursuant to Section 92(2) of the Act to review the operation of the Council’s Code of Practice within 12 months after the conclusion of each periodic election.	CEO	Subject To Council Approval
26.3. The power pursuant to Section 92(3) of the Act, to, at any time, alter the Council’s code of practice or substitute a new code of practice.	CEO	Subject To Council Approval
26.4. The duty pursuant to Section 92(5) of the Act to ensure that before the Council or the Delegate adopts, alters or substitutes a code of practice that:	CEO	NIL
26.4.1. copies of the proposed code, alterations or substitute code (as the case may be) are made available for inspection or purchase at the Council’s principal office and available for inspection on a website determined by the Chief Executive Officer; and	CEO	NIL
26.4.2. the relevant steps set out in the Council’s Public Consultation Policy are followed.	CEO	NIL
26.5. The duty pursuant to Section 92(6) and (7) of the Act to ensure that the Code of Practice is available for inspection (without charge) and purchase (on payment of a fee fixed by the Council) at the principal office of Council during ordinary office hours.	CEO	NIL
27. Meetings of Electors		
27.1. The power pursuant to Section 93(1) of the Act to convene a meeting of electors of the area or part of the area of the Council.	CEO	NIL
27.2. The duty pursuant to Section 93(11) of the Act to provide each member of the Council with a copy of the minutes of any meeting of electors within 5 days of that meeting.	CEO	NIL
27.3. The power pursuant to Section 93(14) of the Act to determine the procedure for the purposes of making a nomination under Sections 93(3)(a)(ii) or 93(3)(b)(ii).	CEO	NIL
28. Obstructing of Meetings		
28.1. The power pursuant to Section 95 of the Act to take proceedings under the Act against a person who intentionally	CEO	NIL

	Direct Delegation from Council	Conditions/ Limitations
obstructs or hinders proceedings at a meeting of the Council or a Council committee or at a meeting of electors.		
29. Register of Remuneration Salaries and Benefits		
29.1. The duty pursuant to Section 105(3) of the Act to make available the Register of Salaries of employees of the Council for inspection by the public at the principal office of the Council during ordinary office hours.	CEO	NIL
30. Certain Periods Of Service To Be Regarded As Continuous		
30.1. The duty pursuant to Sections 106(2) and 106(2a) of the Act to ensure any other council receives within one month of the Council having received written notice requiring payment, the appropriate contribution to an employee's service benefits.	CEO	NIL
30.2. The duty pursuant to Section 106(4) of the Act to supply to any other council, at its request, details of the service of an employee or former employee of the Council.	CEO	NIL
30.3. The duty pursuant to Section 106(5) of the Act to hold and apply a payment or contribution received by the Council under Section 106 in accordance with the Regulations.	CEO	NIL
31. Deliberately left blank	Deliberately left blank	Deliberately left blank
32. Application of Division		
32.1. The power pursuant to Section 111(b) of the Act to declare any other officer, or any other officer of a class, to be subject to the operation of Chapter 7, Part 4, Division 1 of the Act.	CEO	NIL
33. Certain Aspects of Strategic Management Plans		
33.1. The duty pursuant to Section 122(6) of the Act to develop a process or processes to ensure that members of the public are given a reasonable opportunity to be involved in the Council's development and review of its strategic management plans.	CEO	NIL
33.2. The duty pursuant to Section 122(7) of the Act to ensure that copies of the Council's strategic management plans are available for inspection (without charge) and purchase (on payment of a fee fixed by the Council) by the public at the principal office of the Council.	CEO	NIL
34. Annual Business Plans and Budgets		
34.1. Before the Council adopts an annual business plan, the duty pursuant to Section 123(3) of the Act to, -	CEO	NIL
34.1.1. prepare a draft annual business plan; and	CEO	NIL

	Direct Delegation from Council	Conditions/ Limitations
34.1.2. follow the relevant steps set out in the Council's public consultation policy, taking into account and complying with the requirements of Section 123(4) of the Act.	CEO	NIL
34.2. The duty pursuant to Section 123(5) of the Act to ensure that copies of the draft annual business plan are available at the meeting arranged pursuant to and in accordance with Section 123(4)(a)(i) and (4)(b) of the Act, and for inspection (without charge) and purchase (on payment of a fee fixed by the Council) at the principal office of the Council and on the website at least 21 days before the date of that meeting	CEO	NIL
34.3. The duty pursuant to Section 123(5a) of the Act to ensure that provision is made for:	CEO	NIL
34.3.1. a facility for asking and answering questions; and	CEO	NIL
34.3.2. the receipt of submissions,	CEO	NIL
on the Council's website during the public consultation period.	CEO	NIL
34.4. After the Council has adopted an annual business plan and a budget, the duty, pursuant to Section 123(9) of the Act, to:	CEO	NIL
34.4.1. ensure:	CEO	NIL
34.4.1.1. that a summary of the annual business plan is prepared in accordance with the requirements set out at Sections 123(10), (11) and (12) of the Act, so as to assist in promoting public awareness of the nature of the Council's services and the Council's rating and financial management policies, taking into account its objectives and activities for the ensuing financial year; and	CEO	NIL
34.4.1.2. that a copy of the summary of the annual business plan accompanies the first rates notice sent to ratepayers after the declaration of the Council's rates for the financial year; and	CEO	NIL
34.4.2. ensure:	CEO	NIL
34.4.2.1. that copies of the annual business plan and the budget (as adopted) are available for inspection (without charge) or purchase (on payment of a fee fixed by the Council); and	CEO	NIL
34.4.2.2. that copies of the summary of the annual business plan are available for inspection and to take (without charge),	CEO	NIL
34.4.2.3. at the principal office of the Council; and	CEO	NIL
34.4.3. ensure that electronic copies of the annual business plan and the budget (as adopted) are published on a	CEO	NIL

	Direct Delegation from Council	Conditions/ Limitations
website determined by the Chief Executive Officer.		
35. Accounting Records to be Kept		
35.1. The duty pursuant to Section 124(1) of the Act to:	CEO	NIL
35.1.1. keep such accounting records as correctly and adequately record and explain the revenues, expenses, assets and liabilities of the Council;	CEO	NIL
35.1.2. keep the Councils accounting records in such manner as will enable:	CEO	NIL
35.1.2.1. the preparation and provision of statements that fairly present financial and other information; and	CEO	NIL
35.1.2.2. the financial statements of the Council to be conveniently and properly audited.	CEO	NIL
35.2. The power pursuant to Section 124(2) to determine the form or forms and the place or places (within the state) to keep the accounting records of the Council.	CEO	NIL
36. Internal Control Policies		
36.1. The duty pursuant to Section 125 of the Act to ensure that appropriate policies, practices and procedures of internal control are implemented and maintained in order to assist the Council to carry out its activities in an efficient and orderly manner, to achieve its objectives, to ensure adherence to management policies, to safeguard the Council's assets, and to secure (as far as possible) the accuracy and reliability of the Council's records.	CEO	NIL
37. Audit Committee		
37.1. The power and duty pursuant to Section 126(1) of the Act to appoint an audit committee in accordance with Section 126(2) of the Act.	NIL	NIL
37.2. If an audit committee is appointed by the Delegate or the Council, the power to determine the membership of any audit committee in accordance with Section 126(2) of the Act.	NIL	NIL
38. Financial Statements		
38.1. The duty pursuant to Section 127(1) of the Act to prepare for each financial year:	CEO	NIL
38.1.1. financial statements and notes in accordance with standards prescribed by the regulations; and	CEO	NIL
38.1.2. other statements and documentation referring to the financial affairs of the Council required by the Regulations.	CEO	NIL

		Direct Delegation from Council	Conditions/ Limitations
38.2.	The duty pursuant to Section 127(2) of the Act to ensure that the financial statements prepared for the Council pursuant to Section 127(1) of the Act:	CEO	NIL
38.2.1.	are prepared as soon as is reasonably practicable after the end of the relevant financial year and in any event before the day prescribed by the Regulations; and	CEO	NIL
38.2.2.	comply with standards and principles prescribed by the Regulations; and	CEO	NIL
38.2.3.	include the information required by the Regulations.	CEO	NIL
38.3.	The duty pursuant to Section 127(3) of the Act to submit for auditing by the Council's auditor the statements prepared for each financial year.	CEO	NIL
38.4.	The duty pursuant to Section 127(4) of the Act to submit a copy of the auditor's statements to the persons or bodies prescribed by the Regulations on or before the day prescribed by the Regulations.	CEO	NIL
38.5.	The duty pursuant to Section 127(5) of the Act to ensure that copies of the Council's audited statements are available for inspection (without charge) and purchase (on payment of a fee fixed by the Council) by the public at the principal office of the Council.	CEO	NIL
39.	39. The Auditor		
39.1.	The power and duty pursuant to and in accordance with Section 128(2), (3) (4), (4a), (5), (6), (7) and (8) of the Act to appoint an auditor on the recommendation of the Council's audit committee.	CEO	NIL
39.2.	The duty pursuant to Section 128(8) of the Act to comply with any requirements prescribed by the Regulations with respect to providing for the independence of the auditor.	CEO	NIL
39.3.	The duty pursuant to Section 128(9) of the Act to ensure that the following information is included in the Council's annual report:	CEO	NIL
39.3.1.	information on the remuneration payable to the Council's auditor for work performed during the relevant financial year, distinguishing between:	CEO	NIL
39.3.1.1.	remuneration payable for the annual audit of the Council's financial statements; and	CEO	NIL
39.3.1.2.	other remuneration;	CEO	NIL
39.3.2.	39.3.2 if a person ceases to be the auditor of the Council during the relevant financial year, other than by virtue of the expiration of his or her term of appointment and is not being reappointed to the office - the reason or reasons why the appointment of the Council's auditor came to an end.	CEO	NIL

		Direct Delegation from Council	Conditions/ Limitations
40.	Conduct of Audit		
40.1.	The duty pursuant to Section 129(9) of the Act to ensure the opinions under Section 129(3) of the Act provided to Council under Section 129 of the Act accompany the financial statements of the Council.	CEO	NIL
41.	Other Investigations		
41.1.	The power, pursuant to and in accordance with Sections 130A(1) and (2) of the Act, as the Delegate thinks fit, to request the Council's auditor, or some other person determined by the Delegate to be suitably qualified in the circumstances, to examine and report on any matter relating to financial management, or the efficiency and economy with which the Council manages or uses its resources to achieve its objectives, that would not otherwise be addressed or included as part of an annual audit under Division 4 of Chapter 8 of the Act and that is considered by the Delegate to be of such significance as to justify an examination under this Section.	CEO	NIL
41.2.	Unless Section 130A(7) of the Act applies, the duty pursuant to Section 130A(6) of the Act to place the report prepared pursuant to Section 130A(1) of the Act on the agenda for consideration:	CEO	NIL
41.2.1.	unless Section 130A(6)(b) of the Act applies – at the next ordinary meeting of the Council in accordance with Section 130A(6)(a), of the Act;	CEO	NIL
41.2.2.	if the agenda for the next ordinary meeting of the Council has already been sent to members of the Council at the time that the report is provided to the principal member of the Council – at the ordinary meeting of the Council next following the meeting for which the agenda has already been sent unless the principal member of the Council determines, after consultation with the Chief Executive Officer, that the report should be considered at the next meeting of the Council as a late item on the agenda in accordance with Section 130A(6)(b) of the Act.	CEO	NIL
42.	Annual Report to be Prepared and Adopted		
42.1.	The duty pursuant to Section 131(1) of the Act and in accordance with Sections 131(2) and (3) of the Act, to prepare and adopt on or before 30 November each year, an annual report relating to the operations of the Council for the financial year ending on the preceding 30 June.	CEO	Subject to Council Approval
42.2.	The duty pursuant to Section 131(2) and (3) of the Act to include in that report the material, and include specific reports on the matters, specified in Schedule 4 as amended from time to time by regulation.	CEO	NIL
42.3.	The duty pursuant to Section 131(4) of the Act to provide a copy of the annual report to each member of the Council.	CEO	NIL

		Direct Delegation from Council	Conditions/ Limitations
42.4.	The duty pursuant to Section 131(5) of the Act to submit a copy of the annual report to:	CEO	NIL
42.4.1.	the Presiding Member of both Houses of Parliament; and	CEO	NIL
42.4.2.	to the persons or body prescribed by the Regulations,	CEO	NIL
	on or before the date determined under the Regulations.	CEO	NIL
42.5.	The power pursuant to Section 131(7) of the Act to provide to the electors for the area an abridged or summary version of the annual report.	CEO	NIL
42.6.	The duty pursuant to Section 131(8) of the Act to ensure that copies of Council's annual report are available for inspection (without charge) and purchase (on payment of a fee fixed by the Council) by the public at the principal office of the Council.	CEO	NIL
43.	43. Access to Documents		
43.1.	The duty pursuant to Section 132(1) of the Act to ensure a member of the public is able:	CEO	NIL
43.1.1.	to inspect a document referred to in Schedule 5 of the Act at the principal office of the Council during ordinary office hours without charge; and	CEO	NIL
43.1.2.	to purchase a document referred to in Schedule 5 to the Act at the principal office of the Council during ordinary office hours for a fee fixed by the Council.	CEO	NIL
43.2.	The power pursuant to Section 132(2) of the Act to make a document available in electronic form for the purposes of Section 132(1)(a).	CEO	NIL
43.3.	The power and duty, pursuant to and in accordance with Section 132 (3) of the Act, to make the following documents available for inspection on a website determined by the Chief Executive Officer within a reasonable time after they are available at the principal office of the Council:	CEO	NIL
43.3.1.	agendas for meetings of the Council or Council committees;	CEO	NIL
43.3.2.	minutes of meetings of the Council or Council committees;	CEO	NIL
43.3.3.	codes of conduct or codes of practice adopted by the Council under this Act or the Local Government (Elections) Act 1999;	CEO	NIL
43.3.4.	the Council's contract and tenders policies, public consultation policy and order-making policies;	CEO	NIL
43.3.5.	the Council's draft annual business plan, annual business plan (as adopted by the council) and the summary	CEO	NIL

	Direct Delegation from Council	Conditions/ Limitations
of the annual business plan required under Part 2 of this Chapter;		
43.3.6. the Council's budget (as adopted by the Council for a particular year);	CEO	NIL
43.3.7. a list of fees and charges imposed by the Council under this Act;	CEO	NIL
43.3.8. by-laws made by the Council and any determination in respect of a by-law made under Section 246(3)(e) of the Act;	CEO	NIL
43.3.9. procedures for the review of decisions established by the Council under Part 2 of Chapter 13;	CEO	NIL
43.3.10. the audited financial statements of the Council;	CEO	NIL
43.3.11. the annual report of the Council;	CEO	NIL
43.3.12. the Council's most recent information statement under the Freedom of Information Act 1991, unless the Council provides it as part of the annual report of the Council.	CEO	NIL
44. Related Administrative Standards		
44.1. The power and duty pursuant to Section 132A of the Act to ensure that appropriate policies, practices and procedures are implemented and maintained in order:	CEO	NIL
44.1.1. to ensure compliance with any statutory requirements; and	CEO	NIL
44.1.2. to achieve and maintain standards of good public administration.	CEO	NIL
45. Sources of Funds		
45.1. Subject to the Act, the power pursuant to Section 133 of the Act to obtain funds as permitted under the Act or another Act and as may otherwise be appropriate in order to carry out the Council's functions under the Act or another Act.	CEO	NIL
46. Ability of a Council to Give Security		
46.1. The power pursuant to Section 135(1) of the Act and subject to Section 135(2) of the Act to provide various forms of security, including:	CEO	NIL
46.1.1. guarantees (including guarantees relating to the liability of a subsidiary of the Council);	CEO	NIL
46.1.2. debentures charged on the general revenue of the Council (including to support a guarantee provided under Section 135(1) of the Act);	CEO	NIL

	Direct Delegation from Council	Conditions/ Limitations
46.1.3. bills of sale, mortgages or other charges (including to support a guarantee provided under Section 135(1)(a) of the Act.	CEO	NIL
46.2. The power and duty pursuant to Section 135(2) of the Act, if the Council or the Delegate proposes to issue debentures on the general revenue of the Council to:	CEO	NIL
46.2.1. assign a distinguishing classification to the debentures to be included in the issue so as to distinguish them from those included or to be included in previous or subsequent issues; and	CEO	NIL
46.2.2. if the debentures are being offered generally to members of the public, appoint a trustee for the debenture holders.	CEO	NIL
47. Expenditure of Funds		
47.1. Subject to the Act or another Act, the power pursuant to Section 137 of the Act to expend the Council's approved budgeted funds in the exercise, performance or discharge of the Council's powers, functions or duties under the Act or other Acts.	CEO	NIL
48. Investment Powers		
48.1. The power pursuant to Section 139(1) of the Act to invest money under the Council's control.	CEO	NIL
48.2. The duty pursuant to Section 139(2) of the Act in exercising the power of investment, to:	CEO	NIL
48.2.1. exercise the care, diligence and skill that a prudent person of business would exercise in managing the affairs of other persons; and	CEO	NIL
48.2.2. avoid investments that are speculative or hazardous in nature.	CEO	NIL
48.3. The duty pursuant to Section 139(3) of the Act to take into account when exercising the power of investment, so far as is appropriate in the circumstances and without limiting the matters which may be taken into account, the following matters:	CEO	NIL
48.3.1. the purposes of the investment;	CEO	NIL
48.3.2. the desirability of diversifying Council investments;	CEO	NIL
48.3.3. the nature of and risk associated with existing Council investments;	CEO	NIL
48.3.4. the desirability of maintaining the real value of the capital and income of the investment;	CEO	NIL
48.3.5. the risk of capital or income loss or depreciation;	CEO	NIL

	Direct Delegation from Council	Conditions/ Limitations
48.3.6. the potential for capital appreciation;	CEO	NIL
48.3.7. the likely income return and the timing of income return;	CEO	NIL
48.3.8. the length of the term of a proposed investment;	CEO	NIL
48.3.9. the period for which the investment is likely to be required;	CEO	NIL
48.3.10. the liquidity and marketability of a proposed investment during, and on determination of, the term of the investment;	CEO	NIL
48.3.11. the aggregate value of the assets of the Council;	CEO	NIL
48.3.12. the likelihood of inflation affecting the value of a proposed investment;	CEO	NIL
48.3.13. the costs of making a proposed investment;	CEO	NIL
48.3.14. the results of any review of existing Council investments.	CEO	NIL
48.4. Subject to the matters specified in Section 139(3) of the Act, the power pursuant to Section 139(4) of the Act, so far as may be appropriate in the circumstances, to have regard to:	CEO	NIL
48.4.1. the anticipated community benefit from an investment; and	CEO	NIL
48.4.2. the desirability of attracting additional resources into the local community.	CEO	NIL
48.5. The power pursuant to Section 139(5) of the Act to obtain and consider independent and impartial advice about the investment of funds or the management of the Council's investments from the person whom the Delegate reasonably believes to be competent to give the advice.	CEO	NIL
49. Review of Investment		
49.1. The duty pursuant to Section 140 of the Act to review the performance (individually and as a whole) of the Council's investments, at least once in each year.	CEO	NIL
50. Gifts to a Council		
50.1. Within the confines of Section 44(3) of the Act:	CEO	NIL
50.1.1. the power pursuant to Section 141(1) of the Act to accept a gift made to the Council;	CEO	NIL
50.1.2. the power pursuant to Section 141(2) of the Act to carry out the terms of any trust (if any) that affects a gift to Council;	CEO	NIL

	Direct Delegation from Council	Conditions/ Limitations
50.1.3. the power pursuant to Section 141(3) of the Act to apply to the Supreme Court for an order varying the terms of a trust for which the Council has been constituted a trustee;	CEO	NIL
50.1.4. where a variation is sought in the terms of a trust, the duty pursuant to Section 141(4) of the Act to give notice describing the nature of the variation by public notice and in any other such manner as may be directed by the Supreme Court; and	CEO	NIL
50.1.5. the duty pursuant to Section 141(6) of the Act to publish a copy of any order of the Supreme Court to vary the terms of the trust, in the Gazette, within 28 days after that order is made.	CEO	NIL
51. Duty to Insure Against Liability		
51.1. The duty pursuant to Section 142 of the Act to take out and maintain insurance to cover the Council's civil liabilities at least to the extent prescribed by the Regulations.	CEO	NIL
52. Writing off Bad Debts		
52.1. The power pursuant to Section 143(1) of the Act to write off any debts owed to the Council:	CEO	NIL
52.1.1. if the Council has no reasonable prospect of recovering the debts; or	CEO	NIL
52.1.2. if the costs of recovery are likely to equal or exceed the amount to be recovered,	CEO	NIL
up to and including an amount of \$5,000.00 in respect of any one debt.	CEO	NIL
52.2. The duty pursuant to Section 143(2) of the Act to ensure that no debt is written off unless the Chief Executive Officer has certified:	CEO	NIL
52.2.1. reasonable attempts have been made to recover the debt; or	CEO	NIL
52.2.2. the costs of recovery are likely to equal or exceed the amount to be recovered.	CEO	NIL
53. Recovery of Amounts due to Council		
53.1. The power pursuant to Section 144(1) of the Act to recover as a debt, by action in a Court of competent jurisdiction, any fee, charge, expense or other amount recoverable from a person or payable by a person under this or another Act.	CEO	NIL
53.2. The power pursuant to Section 144(2), (3) and (4) of the Act to recover any fee, charge, expense or other amount as if it were a rate declared on the property, after giving at least 14 days notice requiring payment, where the fee, charge, expense or other amount payable to the Council relates to something done in respect of rateable or other	CEO	NIL

	Direct Delegation from Council	Conditions/ Limitations
property.		
54. Land Against Which Rates May be Assessed		
54.1. The power and duty pursuant to Section 148(2) of the Act to make decisions about the division of land and the aggregation of land for the purposes of Section 148(1) of the Act fairly and in accordance with principles and practices that apply on a uniform basis across the area of the Council.	CEO	NIL
55. Basis of Rating		
55.1. Before the Council:	CEO	NIL
55.1.1. changes the basis of the rating of any land (including by imposing differential rates on land that has not been differentially rated in the preceding financial year, or by no longer imposing differential rates on land that has been differentially rated in the preceding financial year); or	CEO	NIL
55.1.2. changes the basis on which land is valued for the purposes of rating; or	CEO	NIL
55.1.3. changes the imposition of rates on land by declaring or imposing a separate rate, service rate or service charge on any land;	CEO	NIL
55.1.4. the power and duty pursuant to Section 151(5)(d) and (e) of the Act to:	CEO	NIL
55.1.5. prepare a report on the proposed change in accordance with Section 151(6) of the Act; and	CEO	NIL
55.1.6. follow the relevant steps set out in its public consultation policy in accordance with Section 151(7) of the Act.	CEO	NIL
55.2. The duty pursuant to Section 151(8) of the Act to ensure that copies of the report required under Section 151(5)(d) of the Act are available at the meeting held under Section 151(7)(a)(i) of the Act, and for inspection (without charge) and purchase (on payment of a fee fixed by the Council) at the principal office of the Council at least 21 days before the end of the period for public consultation.	CEO	NIL
56. General Rates		
56.1. The power pursuant to Section 152(2)(d) and (3) of the Act to determine, on application, if two or more pieces of rateable land within the area of the Council constitute a single farm enterprise.	CEO	NIL
57. Service Rates and Service Charges		
57.1. The duty pursuant to Section 155(6) of the Act, subject to Section 155(7) of the Act, to apply any amounts held in a reserve established in connection with the operation of Section 155(5) of the Act for purposes associated with	CEO	NIL

	Direct Delegation from Council	Conditions/ Limitations
improving or replacing Council assets for the purposes of the relevant prescribed service.		
57.2. The power pursuant to Section 155(7) of the Act, if a prescribed service under Section 155(6) of the Act is, or is to be, discontinued, to apply any excess funds held by the Council for the purposes of the service (after taking into account any expenses incurred or to be incurred in connection with the prescribed service) for another purpose specifically identified in the Council's annual business plan as being the purpose for which the funds will now be applied.	CEO	NIL
58. Basis of Differential Rates		
58.1. The power pursuant to Section 156(3), (9), (10), (11) of the Act to attribute the use of the land for any basis for a differential rate and to decide objections to any of those attributions.	CEO	NIL
58.2. The power and duty pursuant to Section 156(14a) of the Act, before the Council changes from declaring differential rates in relation to any land on the basis of a differentiating factor under either paragraphs (a), (b) or (c) of Section 156(1) of the Act to a differentiating factor under another of those paragraphs, to -	CEO	NIL
58.2.1. prepare a report on the proposed change in accordance with Section 156(14b) of the Act; and	CEO	NIL
58.2.2. follow the relevant steps set out in its public consultation policy in accordance with Section 156(14d) of the Act.	CEO	NIL
58.3. The duty pursuant to Section 156(14e) of the Act to ensure that copies of the report required under Section 156(14a)(a) of the Act are available at the meeting held under Section 156(14d)(a)(i); and for inspection (without charge) and purchase (on payment of a fee fixed by the Council) at the principal office of the Council at least 21 days before the end of the period for public consultation.	CEO	NIL
59. Notice of Differentiating Factors		
59.1. If the Council declares differential rates, the duty pursuant to Section 157 of the Act in each rates notice, to specify the differentiating factor or combination of factors that governs the calculation of rates on the land to which the account relates.	CEO	NIL
60. Preliminary		
60.1. The power pursuant to Section 159(1) of the Act to determine the manner and form and such information as the Delegate may reasonably require, for a person or body to apply to the Council to determine if grounds exist for the person or body to receive a rebate of rates.	CEO	NIL
60.2. The power pursuant to Section 159(3) to grant a rebate of rates if satisfied that it is appropriate to do so (whether on application or on the Delegate's own initiative).	CEO	NIL

		Direct Delegation from Council	Conditions/ Limitations
60.3.	The power pursuant to Section 159(4) of the Act to increase the rebate on the Delegate's initiative, if a rebate specifically fixed by Division 5 Chapter 10 of the Act is less than 100%.	CEO	NIL
60.4.	The power pursuant to Section 159(10) of the Act to determine, for proper cause, that an entitlement to a rebate of rates in pursuance of Division 5 no longer applies.	CEO	NIL
61.	Rebate of Rates - Community Services		
61.1.	The power pursuant to Section 161(1) and (3) of the Act to grant a rebate of more than 75% of the rates on land being predominantly used for service delivery or administration (or both) by a community service organisation, where that organisation:	CEO	NIL
61.1.1.	61.1.1 is incorporated on a not-for-profit basis for the benefit of the public; and	CEO	NIL
61.1.2.	61.1.27 provides community services without charge or for charge that is below the cost to the body of providing their services; and	CEO	NIL
61.1.3.	61.1.3 does not restrict its services to persons who are members of the body.	CEO	NIL
62.	Rebate of Rates - Educational Purposes		
62.1.	62.1 The power pursuant to Section 165(1) and (2) of the Act to grant a rebate of rates at more than 75% on land:		
62.1.1.	62.1.1 occupied by a Government school under a lease or license and being used for educational purposes; or	CEO	NIL
62.1.2.	62.1.2 occupied by non-Government school registered under the Education and Early Childhood Services (Registration and Standards) Act 2011 and being used for educational purposes; or	CEO	NIL
62.1.3.	62.1.3 land being used by University or University College to provide accommodation and other forms of support for students on a not-for-profit basis.	CEO	NIL
63.	Discretionary Rebates of Rates		
63.1.	The duty pursuant to Section 166(1a) of the Act to take into account, in deciding an application for a rebate under Section 166(1)(d), (e), (f), (g), (h), (i) or (j):	CEO	NIL
63.1.1.	the nature and extent of the Council's services provided in respect of the land for which the rebate is sought in comparison to similar services provided elsewhere in its area; and	CEO	NIL

	Direct Delegation from Council	Conditions/ Limitations
63.1.2. the community need that is being met by activities being carried out on the land for which the rebate is sought; and	CEO	NIL
63.1.3. the extent to which activities carried out on the land for which the rebate is sought provides assistance or relief to disadvantaged persons;	CEO	NIL
63.1.4. any other matter considered relevant by the Council or the Delegate.	CEO	NIL
63.2. The power pursuant to Section 166(1), (2) and (4) of the Act and taking into account Section 166(1a) of the Act and in accordance with Section 166(3b) of the Act to grant a rebate of rates or service charges on such conditions as the Delegate sees fit and such rebate may be up to and including 100% of the relevant rates or service charge, in the following cases:	CEO	NIL
63.2.1. where the rebate is desirable for the purpose of securing the proper development of the area or part of the area;	CEO	NIL
63.2.2. where the rebate is desirable for the purpose of assisting or supporting a business in the area;	CEO	NIL
63.2.3. where the rebate will be conducive to the preservation of buildings or places of historic significance;	CEO	NIL
63.2.4. where the land is being used for educational purposes;	CEO	NIL
63.2.5. where the land is being used for agricultural, horticultural or floricultural exhibitions;	CEO	NIL
63.2.6. where the land is being used for a hospital or health centre;	CEO	NIL
63.2.7. where the land is being used to provide facilities or services for children or young persons;	CEO	NIL
63.2.8. where the land is being used to provide accommodation for the aged or disabled;	CEO	NIL
63.2.9. where the land is being used for a residential aged care facility that is approved for Commonwealth funding under the Aged Care Act 1997 (Commonwealth) or a day therapy centre;	CEO	NIL
63.2.10. where the land is being used by an organisation which, in the opinion of the Delegate, provides a benefit or a service to the local community;	CEO	NIL
63.2.11. where the rebate relates to common property or land vested in a community corporation under the Community Titles Act 1996 over which the public has a free and unrestricted right of access and enjoyment;	CEO	NIL
63.2.12. where the rebate is considered by the Delegate to be appropriate to provide relief against what would	CEO	NIL

		Direct Delegation from Council	Conditions/ Limitations
otherwise amount to a substantial change in rates payable by a ratepayer due to:			
63.2.12.1.	redistribution of the rates burden within the community arising from a change to the basis or structure of the Council's rates; or	CEO	NIL
63.2.12.2.	change to the basis on which land is valued for the purpose of rating, rapid changes in valuations, or anomalies in valuations.	CEO	NIL
63.2.13.	63.2.13 where the rebate is considered by the Delegate to be appropriate to provide relief in order to avoid what would otherwise constitute:	CEO	NIL
63.2.13.1.	63.2.13.1 liability to pay a rate or charge that is inconsistent with the liabilities that were anticipated by the Council in its annual business plan; or	CEO	NIL
63.2.13.2.	63.2.13.2 liability that is unfair or unreasonable;	CEO	NIL
63.2.14.	63.2.14 where the rebate is to give effect to a review of a decision of the Council under Chapter 13 Part 2; or	CEO	NIL
63.2.15.	63.2.15 where the rebate is contemplated under another provision of the Act.	CEO	NIL
63.3.	The power pursuant to Section 166(3) of the Act to grant a rebate of rates or charges for a period exceeding 1 year but not exceeding 10 years in the following cases:	CEO	NIL
63.3.1.	63.3.1 where the rebate is desirable for the purpose of securing a proper development of the area or part of the area; or	CEO	NIL
63.3.2.	63.3.2 where the rebate is desirable for the purpose of assisting or supporting a business in the area; or	CEO	NIL
63.3.3.	63.3.3 where the rebate relates to common property or land vested in a community corporation under the Community Titles Act 1996 over which the public has a free and unrestricted right of access and enjoyment.	CEO	NIL
63.4.	63.4 The power pursuant to Section 166(3a) of the Act to grant a rebate of rates or charges under Section 166(1)(l) of the Act for a period exceeding 1 year but not exceeding 3 years.	CEO	NIL
64.	64. Valuation of Land for the Purposes of Rating		
64.1.	64.1 The power pursuant to Section 167(1) of the Act to adopt valuations that are to apply to land within the Council's area, for rating purposes for a particular financial year.	CEO	Subject to Council Approval
64.2.	64.2 For the purpose of adopting a valuation of land for rating, the duty pursuant to Section 167(2) of the Act	CEO	NIL

		Direct Delegation from Council	Conditions/ Limitations
and in accordance with Section 167(3), (4) and (5) of the Act, to adopt:			
64.2.1.	64.2.1 valuations made, or caused to be made, by the Valuer-General; or	CEO	NIL
64.2.2.	64.2.2 valuations made by a valuer employed or engaged by the Council, or by a firm or consortium of valuers engaged by the Council;	CEO	NIL
or a combination of both.		CEO	NIL
64.3.	64.3 The duty pursuant to Section 167(6) of the Act to publish a notice of the adoption of valuations in the Gazette, within 21 days after the date of the adoption.	CEO	NIL
65.	65. Valuation of Land		
65.1.	65.1 The power pursuant to Section 168(1) of the Act to request the Valuer-General to value any land within the Council's area (being land that is capable of being separately rated).	CEO	NIL
65.2.	65.2 The duty pursuant to Section 168(2) of the Act to furnish to the Valuer-General any information requested by the Valuer General for the purposes of valuing land within the area of the Council.	CEO	NIL
65.3.	65.3 The power and duty pursuant to Section 168(3)(b) and (c) of the Act to enter a valuation in the assessment record, as soon as practicable after the valuation has been made and to give notice of the valuation to the principal ratepayer in accordance with the Regulations.	CEO	NIL
66.	66. Objections to Valuations Made by Council		
66.1.	The duty pursuant to Section 169(1), (2), (3), (4) and (5) of the Act to refer an objection to a valuation of land to the valuer who made the valuation and to request the valuer to reconsider the valuation, where:	CEO	NIL
66.1.1.	66.1.1 the objection does not involve a question of law; and	CEO	NIL
66.1.2.	66.1.2 the objection is made in writing (setting out a full and detailed statement of the grounds on which the objection is based); and	CEO	NIL
66.1.3.	66.1.3 is made within 60 days after the date of service of the notice of the valuation to which the objection relates (unless the Delegate, in his/her discretion, allows an extension of time for making the objection).	CEO	NIL
66.2.	66.2 The power pursuant to Section 169(3)(b) of the Act to grant an extension of time for making an objection to a valuation of land.	CEO	NIL
66.3.	The duty pursuant to Section 169(7) of the Act to give the objector written notice of the outcome of the	CEO	NIL

		Direct Delegation from Council	Conditions/ Limitations
	reconsideration of the objection.		
66.4.	The duty pursuant to and in accordance with Section 169(8) and (9) of the Act to refer the valuation to the Valuer-General for further review, if the objector remains dissatisfied with the valuation and requests such further review, provided the request is:	CEO	NIL
66.4.1.	66.4.1 in the prescribed manner and form;	CEO	NIL
66.4.2.	66.4.2 made within 21 days after the objector receives notice of the outcome of his or her initial objection; and	CEO	NIL
66.4.3.	66.4.3 accompanied by the prescribed fee.	CEO	NIL
66.5.	The power pursuant to Section 169(15) of the Act to apply to SACAT for a review of the decision of a valuer after a further review on a request under Section 169(8) of the Act, in accordance with Section 169(15a) of the Act.	CEO	NIL
67.	Notice of Declaration of Rates		
67.1.	The duty pursuant to Section 170 of the Act to ensure the notice of declaration of a rate or service charge is published in the Gazette and in a newspaper circulating in the area within 21 days after the date of the declaration.	CEO	NIL
68.	Alterations to Assessment Record		
68.1.	68.1 The power pursuant to Section 173(3) and (5) of the Act to determine the procedure for a review of a decision by the Chief Executive Officer on an application for alteration of the assessment record.	CEO	NIL
68.2.	68.2 The duty pursuant to Section 173(6) of the Act to give a person written notice of Council's decision on a review of a decision of the Chief Executive Officer concerning alteration of the assessment record.	CEO	NIL
69.	Inspection of Assessment Record		
69.1.	69.1 The duty pursuant to Section 174(1) and (2) of the Act to ensure that the assessment record is available for inspection and purchase of an entry (on payment of a fee fixed by the Council), by the public at the principal office of the Council during ordinary office hours.	CEO	NIL
70.	Liability for Rates		
70.1.	70.1 The power pursuant to Section 178(3) of the Act and subject to Section 178(9) of the Act to recover rates as a debt from:	CEO	NIL
70.1.1.	70.1.1 the principal ratepayer; or	CEO	NIL

			Direct Delegation from Council	Conditions/ Limitations
70.1.2.	70.1.2	any other person (not being a principal ratepayer) who is an owner or occupier of the land; or	CEO	NIL
70.1.3.	70.1.3	any other person who was at the time of the declaration of the rates an owner or occupier of the land.	CEO	NIL
70.2.	70.2	The power pursuant to Section 178(4) of the Act by written notice to a lessee or a licensee of land in respect of which rates have fallen due, to require him or her to pay to the Council rent or other consideration payable under the lease or a licence in satisfaction of any liability for rates.	CEO	NIL
70.3.	70.3	Where a notice under Section 178(4) of the Act is given to a lessee or a licensee of land, the power pursuant to Section 178(5) of the Act to make and give notice of an additional charge of 5% of the amount in arrears, as payable and recoverable as part of the debt for unpaid rates.	CEO	NIL
70.4.	70.4	The power pursuant to Section 178(6) of the Act to remit the charge of 5% of the amount in arrears payable under the Act in whole or in part.	CEO	NIL
71.	71.	Liability for Rates if Land is Not Rateable for the Whole of the Financial Year		
71.1.	71.1	The power pursuant to Section 179(2) of the Act to adopt a valuation of land that has become rateable after the adoption of valuations by the Council for the relevant financial year.	CEO	NIL
71.2.	71.2	The duty pursuant to Section 179(5) of the Act to refund to the principal ratepayer an amount proportionate to the remaining part of the financial year, if land ceases to be rateable during the course of a financial year and the rates have been paid.	CEO	NIL
72.	72.	Service of Rate Notice		
72.1.	72.1	The duty pursuant to Section 180(1) of the Act and in accordance with Section 180(2) of the Act to send to the principal ratepayer or, in the case of a service charge, the owner or occupier of the relevant land, a rates notice, as soon as practicable after:	CEO	NIL
72.1.1.	72.1.1	the declaration of a rate; or	CEO	NIL
72.1.2.	72.1.2	the imposition of a service charge; or	CEO	NIL
72.1.3.	72.1.3	a change in the rates liability of land.	CEO	NIL
73.	73.	Payment of Rates – General Principles		
73.1.	73.1	The power pursuant to Section 181(2) of the Act to determine the day on which each instalment of rates falls due in the months of September, December, March and June of the financial year for which the rates are	CEO	NIL

		Direct Delegation from Council	Conditions/ Limitations
	declared.		
73.2.	73.2 If the Council declares a general rate for a particular financial year after 31 August in that financial year, the power, pursuant to Section 181(3) of the Act, to adjust the months in which instalments would otherwise be payable under Section 181(1) (taking into account what is reasonable in the circumstances).	CEO	NIL
73.3.	73.3 The power pursuant to Section 181(4)(b) of the Act to agree with the principal ratepayer that rates will be payable in such instalments falling due on such days as may be specified in the agreement and in that event, the ratepayer's rates will then be payable accordingly.	CEO	NIL
73.4.	73.4 The duty pursuant to Section 181(5) of the Act in relation to each instalment of rates to send a rates notice to the principal ratepayer shown in the assessment record in respect of the land setting out in accordance with Sections 181(6) and (7) of the Act:	CEO	NIL
73.4.1.	73.4.1 the amount of the instalment; and	CEO	NIL
73.4.2.	73.4.2 the date on which the instalment falls due, or in the case where payment is to be postponed under another provision of the Act, the information prescribed by the Regulations.	CEO	NIL
73.5.	73.5 The power pursuant to Section 181(7a) of the Act where the Council has entered into an agreement with a principal rate payer under Section 181(4)(b) of the Act, as part of the agreement, to vary the periods for the provision of a notice under Section 181(7) of the Act.	CEO	NIL
73.6.	73.6 The power pursuant to Section 181(9) of the Act to remit any amount payable under Section 181(8) of the Act in whole or in part.	CEO	NIL
73.7.	73.7 The power pursuant to Section 181(11) of the Act to grant discounts or other incentives in order to encourage:	CEO	NIL
73.7.1.	73.7.1 the payment of instalments of rates in advance; or	CEO	NIL
73.7.2.	73.7.2 prompt payment of rates.	CEO	NIL
73.8.	73.8 The power pursuant to Section 181(12)(b) of the Act to impose a surcharge or administrative levy not exceeding 1% of the rates payable in a particular financial year with respect to the payment of rates by instalments under Section 181(4)(b) of the Act.	CEO	NIL
73.9.	73.9 The power pursuant to Section 181(13) and subject to Section 44(3)(b) of the Act in relation to the payment of separate rates or service rates, by written notice incorporated in a notice for the payment of those rates sent to the principal ratepayer shown in the assessment record in respect of the land at the address shown in the	CEO	NIL

			Direct Delegation from Council	Conditions/ Limitations
		assessment record, at least 30 days before an amount is payable in respect of the rates for a particular financial year, to impose a requirement that differs from the requirements of Section 181 of the Act.		
73.10.	73.10	The power pursuant to Section 181(15) of the Act to decide that rates of a particular kind will be payable in more than 4 instalments in a particular financial year and in such case:	CEO	NIL
	73.10.1.	73.10.1 the instalments must be payable on a regular basis (or essentially a regular basis) over the whole of the financial year, or the remainder of the financial year depending on when the rates are declared; and	CEO	NIL
	73.10.2.	73.10.2 the Delegate must give at least 30 days notice before an instalment falls due.	CEO	NIL
74.	74.	Remission and Postponement of Payment		
74.1.	74.1	The power pursuant to Section 182(1) of the Act to decide on the application of a ratepayer that payment of rates in accordance with the Act would cause hardship and, if so, to:	CEO	NIL
	74.1.1	postpone payment in whole or in part for such period as the Delegate thinks fit; or	CEO	NIL
	74.1.2	remit the rates in whole or in part.	CEO	NIL
74.2.	74.2	The power pursuant to Section 182(2) of the Act on a postponement of rates:	CEO	NIL
	74.2.1	to grant the postponement on condition that the ratepayer pay interest on the amount affected by the postponement at a rate fixed by the Delegate (but not exceeding the cash advance debenture rate);	CEO	NIL
	74.2.2	to grant the postponement on other conditions determined by the Delegate; and	CEO	NIL
	74.2.3	to revoke the postponement, at the Delegate's discretion (in which case the Delegate must give the ratepayer at least 30 days written notice of the revocation before taking action to recover rates affected by the postponement).	CEO	NIL
74.3.	74.3	The power pursuant to Section 182(3) of the Act to grant other or additional postponements of rates:	CEO	NIL
	74.3.1	to assist or support a business in the Council's area; or	CEO	NIL
	74.3.2	to alleviate the affects of anomalies that have occurred in valuations under the Act.	CEO	NIL
74.4.	74.4	The power pursuant to Section 182(4) of the Act to grant other or additional remissions of rates on the same basis as applies under the Rates and Land Tax Remission Act 1986, (such remissions will be in addition to the remissions that are available under that Act).	CEO	NIL
74.5.	74.5	The power pursuant to Section 182(5) of the Act to require a ratepayer who claims to be entitled to a	CEO	NIL

		Direct Delegation from Council	Conditions/ Limitations
	remission of rates by virtue of a determination under Section 182(4) of the Act to provide evidence to the satisfaction of the Delegate verifying that entitlement.		
74.6.	74.6 The power pursuant to Section 182(6) of the Act to revoke a determination under Section 182(4) of the Act at any time (but the revocation will not effect an entitlement to remission in relation to rates declared before the revocation takes effect).	CEO	NIL
75.	75. Postponement of Rates - Seniors		
75.1.	75.1 The power pursuant to Section 182A(2) of the Act to require that an application pursuant to Section 182A(1) of the Act be accompanied by such information as the Delegate may reasonably require.	CEO	NIL
75.2.	75.2 The power pursuant to Section 182A(3) of the Act, on an application for a postponement of the payment of the prescribed proportion of rates for the current or future financial made in accordance with Sections 182A(1) and (2) of the Act to:	CEO	NIL
	75.2.1 reject an application for the postponement of rates; or	CEO	NIL
	75.2.2 impose conditions on the postponement of rates but only in accordance with the Regulations.	CEO	NIL
76.	76. Application of money in respect of rates		
76.1.	76.1 The power and the duty to apply monies received or recovered in respect of rates pursuant to and in accordance with Section 183 of the Act.	CEO	NIL
77.	77. Sale of Land for Non-Payment of Rates		
77.1.	77.1 The power pursuant to Section 184(1) of the Act to sell land, if an amount payable by way of rates in respect of the land, has been in arrears for 3 years or more.	CEO	Subject to Council Approval
77.2.	77.2 The duty pursuant to Section 184(2) of the Act before selling land for non-payment of rates, to send a notice to the principal ratepayer at the address appearing in the assessment record:	CEO	NIL
	77.2.1. 77.2.1 stating the period for which the rates have been in arrears; and	CEO	NIL
	77.2.2. 77.2.2 stating the amount of the total liability for rates presently outstanding in relation to the land; and	CEO	NIL
	77.2.3. 77.2.3 stating that if that amount is not paid in full within 1 month of service of the notice (or such longer time as the Delegate may allow), the Council intends to sell the land for non-payment of rates.	CEO	NIL

		Direct Delegation from Council	Conditions/ Limitations
77.3.	77.3 The duty pursuant to Section 184(3) of the Act to send a copy of a notice sent to a principal ratepayer under Section 184(2) of the Act:	CEO	NIL
77.3.1.	77.3.1 to any owner of the land who is not the principal ratepayer; and	CEO	NIL
77.3.2.	77.3.2 to any registered mortgagee of the land; and	CEO	NIL
77.3.3.	77.3.3 if the land is held from the Crown under a lease, licence or agreement to purchase, to the Minister who is responsible for the administration of the Crown Lands Act 1929.	CEO	NIL
77.4.	77.4 If:	CEO	NIL
77.4.1.	77.4.1 the Delegate cannot, after making reasonable enquiries, ascertain the name and address of a person to whom a notice is to be sent under Section 184(2) or (3) of the Act; or	CEO	NIL
77.4.2.	the Delegate considers that it is unlikely that a notice sent under Section 184(2) or (3) of the Act would come to the attention of the person to whom it is to be sent,	CEO	NIL
77.4.3.	the power pursuant to Section 184(4) of the Act to effect service of the notice by:	CEO	NIL
77.4.4.	placing a copy of the notice in a newspaper circulating throughout the State; and	CEO	NIL
77.4.5.	leaving a copy of the notice in a conspicuous place on the land.	CEO	NIL
77.5.	The power pursuant to Section 184(5) of the Act to proceed to have the land sold, if the outstanding amount of rates is not paid in full within the time allowed in the notice given to the ratepayer under Section 184(2) of the Act.	CEO	NIL
77.6.	The duty pursuant to Section 184(6) and (7) of the Act to conduct the sale of land for non-payment of rates by public auction and the power to set the reserve price for the purposes of the auction, except in the case of land held from the Crown under a lease, licence or agreement to purchase, unless the Minister responsible for the administration of the Crown Lands Act 1929 grants consent to sale by public auction.	CEO	NIL
77.7.	The duty pursuant to Section 184(8) of the Act to advertise the auction of land under Section 184 of the Act on at least 2 separate occasions in a newspaper circulating throughout the State.	CEO	NIL
77.8.	The duty pursuant to Section 184(9) of the Act to call off the auction, if before the date of such an auction, the outstanding amount and the costs incurred by the Council in proceeding under this Section are paid to the Council.	CEO	NIL
77.9.	The power pursuant to Section 184(10) of the Act to sell the land by private contract for the best price that can be reasonably obtained, if an auction fails or an auction is not held because the land is held from the Crown under a lease, licence or agreement to purchase.	CEO	NIL

		Direct Delegation from Council	Conditions/ Limitations
77.10.	The power and duty to apply monies received by the Council in respect of the sale of land for non-payment of rates pursuant to and in accordance with Section 184(11) of the Act.	CEO	NIL
77.11.	The duty pursuant to Section 184(12) of the Act to make reasonable enquiries to find the owner of land to be sold for non-payment of rates and where the owner cannot be found, the power to deal with the amount payable to the owner as unclaimed money under the Unclaimed Moneys Act 1981.	CEO	NIL
78.	78. Objection, Review or Appeal		
78.1.	If an objection, review or appeal in respect of a valuation of land results in the alteration of a valuation or of a decision to attribute a particular land use to land, and a due adjustment is made, the power pursuant to Section 186(2) of the Act and subject to Section 186(3), (4) and (5) of the Act:	CEO	NIL
78.1.1.	to refund or credit the overpaid amount against future liabilities for rates on the land subject to the rates; or	CEO	NIL
78.1.2.	to recover an additional amount payable on account of an alteration of the value as arrears after at least 30 days have expired from the date on which notification of the alteration is given to the person who initiated the objection, review or appeal.	CEO	NIL
79.	79. Certificate of Liabilities		
79.1.	The power pursuant to Section 187(1) of the Act to issue a certificate, on application by or on behalf of a person who has an interest in land within the area, stating that:	CEO	NIL
79.1.1.	the amount of any liability for rates or charges on the land imposed under Part 1 of Chapter 10 or Schedule 1B of the Act (including rates and charges under Part 1 of Chapter 10 or Schedule 1B of the Act that have not yet fallen due for payment, and outstanding interest or fines payable in respect of rates and charges under Part 1 of Chapter 10 or Schedule 1B of the Act); and	CEO	NIL
79.1.2.	any amount received on account of rates or charges on the land imposed under this part, that is held in credit against future liabilities for rates or charges in relation to the land.	CEO	NIL
80.	80. Investigation by Ombudsman		
80.1.	The duty pursuant to Section 187B(6) of the Act if the Ombudsman's report prepared pursuant to Section 187B(3) of the Act makes any recommendations as to action that should be taken by the Council, to within 2 months after receipt of that report, provide a written response to:	CEO	NIL
80.1.1.	the Ombudsman; and	CEO	NIL

	Direct Delegation from Council	Conditions/ Limitations
80.1.2. f relevant, the person who made the complaint.	CEO	NIL
80.2. The power pursuant to Section 187B(7) of the Act to grant a rebate or remission of any rate or service charge, or of any charge, fine or interest under Part 1 of Chapter 10 of the Act, if the Ombudsman recommends that the Council do so on the ground of special circumstances pertaining to a particular ratepayer.	CEO	NIL
81. Fees and Charges		
81.1. The power pursuant to Section 188(1) and (2) of the Act to impose fees and charges:	CEO	NIL
81.1.1. for the use of any property or facility owned, controlled, managed or maintained by the Council;	CEO	NIL
81.1.2. for services supplied to a person at his or her request;	CEO	NIL
81.1.3. for carrying out work at a person's request;	CEO	NIL
81.2. The power pursuant to Section 188(3) of the Act to provide for:	CEO	NIL
81.2.1. specific fees and charges;	CEO	NIL
81.2.2. maximum fees and charges and minimum fees and charges;	CEO	NIL
81.2.3. annual fees and charges;	CEO	NIL
81.2.4. the imposition of fees or charges according to specified factors;	CEO	NIL
81.2.5. the variation of fees or charges according to specified factors in respect of fees and charges set under Section 188(1)(a) – (c) of the Act inclusive; and	CEO	NIL
81.2.6. the reduction, waiver or refund, in whole or in part, of any fees and charges.	CEO	NIL
81.3. The power pursuant to Section 188(5) of the Act to fix, vary or revoke those fees and charges set under Section 188(1)(a), (b) and (c) of the Act.	CEO	NIL
81.4. 81.4 The duty pursuant to Section 188(6) of the Act to keep a list of fees and charges imposed under this Section on public display during ordinary office hours at the principal office of the Council.	CEO	NIL
81.5. The duty pursuant to Section 188(7) of the Act to, if the Council fixes or varies a fee imposed under this Section, update the list referred to in Section 188(6) of the Act and take reasonable steps to bring the fee or charge, or variation of the fee or charge, to the notice of persons who may be affected.	CEO	NIL
82. Acquisition of Land by Agreement		

	Direct Delegation from Council	Conditions/ Limitations
82.1. The power pursuant to Section 190 of the Act to acquire land by agreement.	CEO	NIL
83. Compulsory Acquisition of Land		
83.1. The power pursuant to Section 191(1) of the Act to acquire land compulsorily, in circumstances which require the Minister's written approval, after the Council has obtained the Minister's approval.	CEO	NIL
83.2. The power pursuant to Section 191(2) of the Act to acquire land compulsorily for a purpose classified by the Regulations as an approved purpose.	CEO	NIL
84. 84. Assumption of Care, Control and Management of Land		
84.1. The power pursuant to Section 192(1) of the Act to assume the care, control and management of land in the Council area that has been set aside for the use or enjoyment of the public or a section of the public under the circumstances specified in Section 192(1)(a) and (b) of the Act.	CEO	NIL
84.2. The duty pursuant to Section 192(4) of the Act to immediately cause a copy of a resolution under Section 192(1) of the Act to assume the care, control and management of land to be published in the Gazette.	CEO	NIL
85. Classification		
85.1. The duty pursuant to Section 193(6) of the Act to give notice in the Gazette of a resolution:	CEO	NIL
85.1.1. to exclude land from classification as community land under Section 193(4) of the Act; or	CEO	NIL
85.1.2. to classify as community land, land that had previously been excluded from classification as such under Section 193(5) of the Act.	CEO	NIL
86. Revocation of Classification of Land as Community Land		
86.1. The duty pursuant to Section 194(2) of the Act before the Council revokes the classification of land as community land to:	CEO	NIL
86.1.1. prepare and make publicly available a report on the proposal containing:	CEO	NIL
86.1.1.1. a summary of reasons for the proposal; and	CEO	NIL
86.1.1.2. a statement of any dedication, reservation or trust to which the land is subject; and	CEO	NIL
86.1.1.3. a statement of whether revocation of the classification is proposed with a view to sale or disposal of the land and, if so, details of any Government assistance given to acquire the land and the statement of how the Council proposes to use the proceeds; and	CEO	NIL

		Direct Delegation from Council	Conditions/ Limitations
86.1.1.4.	an assessment of how implementation of the proposal would affect the area and the local community; and	CEO	NIL
86.1.1.5.	if the Council is not the owner of the land, a statement of any requirements made by the owner of the land as a condition of approving the proposed revocation of the classification; and	CEO	NIL
86.1.2.	follow the relevant steps set out in the Council's public consultation policy.	CEO	NIL
86.2.	After complying with the requirements of Section 194(2) of the Act, the duty pursuant to Section 194(3) of the Act to prepare a report on all submissions made on it as part of the public consultation process.	CEO	NIL
86.3.	86.3 The power pursuant to Section 194(4) of the Act to consult with the Minister in relation to a regulation made under Section 194(1) over a specific piece of land.	CEO	NIL
87. Effect of Revocation of Classification			
87.1.	If it appears from the Register Book that the land is subject to a dedication, reservation or trust, other than a dedication, reservation or trust under the Crown Lands Act 1929, the duty pursuant to Section 195(2) of the Act immediately after the revocation of the classification of the land as community land, to give notice of the revocation to the Registrar-General in the manner and form approved by the Registrar-General.	CEO	NIL
88. Management Plans			
88.1.	The power and duty pursuant to and in accordance with Section 196(1), (2), (3) and (7) of the Act to prepare and adopt management plan or management plans for the Council's community land, for which a management plan must be prepared, that:	CEO	Subject to Council Approval
88.1.1.	identifies the land to which it applies; and	CEO	Subject to Council Approval
88.1.2.	states the purpose for which the land is held by the Council; and	CEO	Subject to Council Approval
88.1.3.	states the Council's objectives, policies (if any) and proposals for the management of the land; and	CEO	Subject to Council Approval
88.1.4.	states performance targets and how the Council proposes to measure its performance against its objectives and performance targets.	CEO	Subject to Council Approval

	Direct Delegation from Council	Conditions/ Limitations
88.2. If a management plan relates to land that is not in the Council's ownership, the power and duty pursuant to Section 196(4) of the Act to consult with the owner of the land at an appropriate stage during the preparation of the plan and the plan must:	CEO	NIL
88.2.1. identify the owner of the land; and	CEO	NIL
88.2.2. state the nature of any trust, dedication or restriction to which the land is subject apart from the Act; and	CEO	NIL
88.2.3. contain any provisions that the owner reasonably requires and identify those provisions as provisions required by the owner.	CEO	NIL
88.3. The duty pursuant to Section 196(5) of the Act to ensure (as far as practicable) that the management plan is consistent with other relevant official plans and policies about conservation, development and use of the land and contains any special provisions required under the Regulations.	CEO	NIL
89. Public Consultation on Proposed Management Plan		
89.1. Before the Council adopts a management plan for community land, the duty to pursuant to Section 197(1) of the Act and subject to Section 197(2) of the Act:	CEO	NIL
89.1.1. make copies of the proposed plan available for inspection or purchase at the Council's principal office; and	CEO	NIL
89.1.2. follow the relevant steps set out in Council's public consultation policy.	CEO	NIL
89.2. The duty pursuant to Section 197(3) of the Act to give public notice of the adoption of a management plan.	CEO	NIL
90. Amendment or Revocation of Management Plan		
90.1. The power pursuant to Section 198(1) of the Act and in accordance with Section 198(2) and (3) of the Act to amend or revoke a management plan by the adoption of a proposal for its amendment or revocation.	CEO	Subject to Council Approval
90.2. The power pursuant to Section 198(2) and (3) of the Act to conduct public consultation prior to the Council or the Delegate adopting a proposal for amendment to or revocation of a management plan, unless in the opinion of the Delegate the amendment has no impact or no significant impact on the interests of the community.	CEO	Subject to Council Approval
90.3. The duty pursuant to Section 198(4) of the Act to give public notice of Council's or the Delegate's adoption of a proposal for the amendment or revocation of a management plan.	CEO	Subject to Council Approval
91. Effect of Management Plan		
91.1. The duty pursuant to Section 199 of the Act to manage community land in accordance with any management plan	CEO	NIL

	Direct Delegation from Council	Conditions/ Limitations
for the relevant land.		
92. Use of Community Land for Business Purposes		
92.1. The power pursuant to Section 200(1), (2) and (3) of the Act to approve a person's use of community land for a business purpose, consistent with provisions of the management plan and on any conditions the Delegate considers appropriate.	CEO	NIL
93. Sale or Disposal of Local Government Land		
93.1. The power pursuant to Section 201(1) of the Act to sell or otherwise dispose of an interest in land:	CEO	NIL
93.1.1. vested in the Council in fee simple; or	CEO	NIL
93.1.2. vested in the Council as lessee.	CEO	NIL
93.2. The power pursuant to Section 201(2) of the Act to:	CEO	NIL
93.2.1. grant an easement (including a right of way) over community land; and	CEO	NIL
93.2.2. grant an easement (excluding a right of way) over a road or part of a road.	CEO	NIL
94. Alienation of Community Land by Lease or Licence		
94.1. The power pursuant to Section 202(1) and (5) of the Act and subject to Section 202(7) of the Act to grant a lease or licence over community land (including community land that is, or forms part of, a park or reserve), and to make provision in a lease or licence for:	CEO	NIL
94.1.1. the erection or removal of buildings and other structures for the purpose of activities conducted under the lease or licence;	CEO	NIL
94.1.2. the exclusion, removal or regulation of persons, vehicles or animals from or on the land, and the imposition of admission or other charges (subject to the fixing or varying of the charge by Council, pursuant to Section 44(3)(j) of the Act);	CEO	NIL
94.1.3. any other matter relevant to the use or maintenance of the land.	CEO	NIL
94.2. The duty pursuant to Section 202(2) and (3) of the Act and subject to Section 202(7) of the Act before granting a lease or licence relating to community land to follow the relevant steps set out in Council's public consultation policy, unless:	CEO	NIL
94.2.1. the grant of the lease or the licence is authorised in an approved management plan for the land and the	CEO	NIL

	Direct Delegation from Council	Conditions/ Limitations
term of the proposed lease or licence is 5 years or less; or		
94.2.2. the Regulations provide, in the circumstances of the case, for an exemption from compliance with the public consultation policy.	CEO	NIL
94.3. The power and duty pursuant to Section 202(4) of the Act and subject to Section 202(4a) and Section 202(7) of the Act to grant or renew a lease or a licence for a term (not exceeding 42 years) and to extend the term of the lease or licence but not so that the term extends beyond a total of 42 years.	CEO	NIL
94.4. The duty pursuant to Section 202(6) of the Act and subject to Section 202(7) of the Act to ensure that a lease or licence relating to community land is consistent with any relevant management plan.	CEO	NIL
95. Register		
95.1. The duty pursuant to Section 207(1) of the Act to keep a register of all community land in Council's area.	CEO	NIL
95.2. The duty pursuant to Section 207(2)(a) and (b) of the Act to ensure that the register:	CEO	NIL
95.2.1. contains the information required by the Regulations; and	CEO	NIL
95.2.2. contains copies of current management plans.	CEO	NIL
95.3. The power pursuant to Section 207(2)(c) of the Act to include in the register (if the Delegate so decides) a computer record of the relevant information.	CEO	NIL
95.4. The duty pursuant to Section 207(3) and (4) of the Act to make available the register of all community land in the Council's area for inspection (without charge) or purchase (on payment of a fee fixed by the Council) by the public at the principal office of the Council during ordinary office hours.	CEO	NIL
96. Ownership of Public Roads		
96.1. The duty pursuant to Section 208(4) of the Act to cause a copy of a resolution declaring a road or land to be a public road, or preserving an easement under Section 208(3), to be published in the Gazette.	CEO	NIL
97. Ownership of Fixtures and Equipment Installed on Public Roads		
97.1. The power pursuant to Section 209(3) of the Act to enter into an agreement with the provider of public infrastructure or the holder of an authorisation or permit under Section 209(1) and (2) of the Act which provides for the vesting of property in fixtures and equipment in the Council.	CEO	NIL
98. Conversion of Private Road to Public Road		

	Direct Delegation from Council	Conditions/ Limitations
98.1. The duty pursuant to Section 210(1)(b) of the Act to make reasonable enquiries to find the owner of a private road which the Council is seeking to declare be a public road.	CEO	NIL
98.2. The duty pursuant to Section 210(2) of the Act at least 3 months before the Council makes a declaration under Section 210 of the Act to:	CEO	NIL
98.2.1. if the identity and whereabouts of the owner of the road are known to the Council, give written notice to the owner of land subject to the proposed declaration; and	CEO	NIL
98.2.2. if a person has some other form of registered legal interest over the road and the identity and whereabouts of that person are known to the Council – give written notice to the person of the proposed declaration; and	CEO	NIL
98.2.3. give public notice of the proposed declaration.	CEO	NIL
98.3. The duty pursuant to Section 210(5) to publish in the Gazette a declaration of the Council made in accordance with Section 210(1) of the Act.	CEO	NIL
98.4. The duty pursuant to Section 210(7) of the Act to furnish to the Registrar-General a copy of any declaration under Section 210 of the Act in a manner and form approved by the Registrar-General immediately after it is made.	CEO	NIL
99. Highways		
99.1. The power pursuant to Section 211(1)(a) of the Act to enter into an agreement with the Commissioner of Highways in order for the Council to exercise its powers under Part 2 of Chapter 11 of the Act in relation to a highway.	CEO	NIL
100. Power to Carry Out Roadwork		
100.1. The power pursuant to Section 212(1) of the Act to have road works carried out in the Council's area or, by agreement with another Council, in the area of another Council.	CEO	NIL
100.2. The power pursuant to Section 212(3) of the Act to do anything reasonably necessary for, or incidental, to roadwork pursuant to Section 212(2) of the Act, providing that:	CEO	NIL
100.2.1. the roadwork is carried out in compliance with any relevant requirement under the Road Traffic Act 1961; and	CEO	NIL
100.2.2. before carrying out roadwork in relation to a road that runs into or intersects with a highway (and that may have an affect on the users of that highway), consult with the Commissioner of Highways; and	CEO	NIL
100.2.3. the roadwork in relation to a private road is only carried out if:	CEO	NIL

	Direct Delegation from Council	Conditions/ Limitations
100.2.3.1. the owner agrees; or	CEO	NIL
100.2.3.2. the Council has given the owner reasonable notice of the proposed roadwork and a reasonable opportunity to make representations and has considered any representations made in response to the notice; or	CEO	NIL
100.2.3.3. the identity or whereabouts of the owner is unknown; and	CEO	NIL
100.2.4. the roadwork on other private land is carried out with the agreement of the owner (unless otherwise provided in the Act).	CEO	NIL
101. Recovery of Cost of Roadwork		
101.1. Where roadwork has been carried by agreement, the power pursuant to Section 213(1) of the Act to recover the whole of the cost or an agreed contribution determined by the Delegate under the terms of the agreement.	CEO	NIL
101.2. Where roadwork has been carried out to repair damage to a road, the power pursuant to Section 213(2) of the Act to recover the cost of carrying out the work, as a debt, from:	CEO	NIL
101.2.1. the person who caused the damage; or	CEO	NIL
101.2.2. in the case of damage caused by the bursting, explosion or fusion of any pipe, wire, cable, fitting or other object – the person who is the owner, or who has control of that infrastructure.	CEO	NIL
101.3. If the Council carries out roadwork on a private road, the power pursuant to Section 213(3) of the Act to recover the cost of the work or a contribution towards the cost of the work determined by the Delegate as a debt from the owner of the private road.	CEO	NIL
102. Contribution Between Councils where Road is on Boundary Between Council Areas		
102.1. Where roadwork is a carried out on a road on the boundary between 2 Council areas, the power pursuant to Section 214(1) and (2) of the Act to recover a reasonable contribution from the other Council towards the cost of the work, being an amount agreed between the Councils or, in the absence of an agreement, an amount determined by the Court in which the action for contribution is brought.	CEO	NIL
103. Special Provisions for Certain Kinds of Roadwork		
103.1. If the Council changes the level of a road, the duty pursuant to Section 215(1) of the Act to:	CEO	NIL
103.1.1. ensure that adjoining properties have adequate access to the road; and	CEO	NIL

	Direct Delegation from Council	Conditions/ Limitations
103.1.2. construct any retaining walls, embankments or other structures necessary to provide protection required in consequence of the change of level.	CEO	NIL
103.2. The power pursuant to Section 215(2) of the Act to carry out road work to allow water from a road to drain into adjoining property if, in the Delegate's opinion:	CEO	NIL
103.2.1. there is no significant risk of damage to the adjoining property; or	CEO	NIL
103.2.2. the road work does not significantly increase the risk of damage to adjoining property.	CEO	NIL
103.3. The duty pursuant to Section 215(4) of the Act to give reasonable notice of proposed action to drain water into land under Section 215(2) of the Act to the owner of the land, except in a case of urgency.	CEO	NIL
104. Power to Order Owner of Private Road to Carry out Specific Roadwork		
104.1. The power pursuant to Section 216(1) of the Act to, by order in writing in accordance with Section 216(2) of the Act to the owner of a private road, require the owner to carry out specified roadwork to repair or improve the road.	CEO	NIL
104.2. The duty pursuant to Section 216(2) of the Act to apply Divisions 2 and 3 of Part 2 of Chapter 12 of the Act with respect to:	CEO	NIL
104.2.1. any proposal to make an order; and	CEO	NIL
104.2.2. if an order is made, any order,	CEO	NIL
under Section 216(1) of the Act.	CEO	NIL
105. Power to Order Owner of Infrastructure on Road to Carry Out Specified Maintenance or Repair Work.		
105.1. The power pursuant to Section 217(1) of the Act by order in writing to the owner of a structure or equipment (including pipes, wires, cables, fittings and other objects) installed in, on, across, under or over a road, to require the owner:	CEO	NIL
105.1.1. to carry out specified work by way of maintenance or repair; or	CEO	NIL
105.1.2. to move the structure or equipment in order to allow the Council to carry out roadwork.	CEO	NIL
105.2. Where the order made pursuant to Section 217(1) of the Act is not complied with within a reasonable time fixed in the order, the power pursuant to Section 217(2)(a) of the Act to take action required by the order and to recover the cost of doing so as a debt from the owner.	CEO	NIL
106. Power to Require Owner of Adjoining Land to Carry Out Specific Work		

	Direct Delegation from Council	Conditions/ Limitations
106.1. The power pursuant to Section 218(1) of the Act to, by order in writing in accordance with Section 218(2) of the Act to the owner of land adjoining the road, require the owner to carry out specified work to construct, remove or repair a crossing place from the road to the land.	CEO	NIL
106.2. The duty pursuant to Section 218(2) of the Act to apply Divisions 2 and 3 of Part 2 of Chapter 12 of the Act with respect to:	CEO	NIL
106.2.1. any proposal to make an order; and	CEO	NIL
106.2.2. if an order is made, any order	CEO	NIL
under Section 218(1) of the Act.	CEO	NIL
107. Power to Assign a Name, or Change the Name, of a Road or Public Place		
107.1. The power pursuant to Section 219(1) of the Act to assign a name to a public or private road, or to a public place, or change the name of a public or private road, or of a public place.	CEO	NIL
107.2. The duty pursuant to Section 219(1a) of the Act to assign a name to a public road created after the commencement of Section 219(1a) of the Act by land division.	CEO	NIL
107.3. Where it is proposed to change the name of a public road that runs into the area of an adjoining council, the duty pursuant to Section 219(2) of the Act to:	CEO	NIL
107.3.1. give the adjoining council at least 2 months notice of the proposed change; and	CEO	NIL
107.3.2. consider any representations made by the adjoining council in response to that notice.	CEO	NIL
107.4. The duty pursuant to Section 219(3) of the Act to:	CEO	NIL
107.4.1. immediately notify the Registrar-General, the Surveyor-General and the Valuer-General of the assignment of a name, or the change of a name, under Section 219 of the Act; and	CEO	NIL
107.4.2. on request by the Registrar-General, the Surveyor-General or the Valuer-General, provide information about the names of roads or public places in the Council's area.	CEO	NIL
107.5. The duty pursuant to Section 219(4) of the Act to give public notice of the assigning or changing of a name under Section 219(1) of the Act.	CEO	NIL
107.6. The power pursuant to Section 219(5) of the Act to prepare and adopt a policy relating to the assigning of names under Section 219 of the Act.	CEO	Subject to Council Approval

	Direct Delegation from Council	Conditions/ Limitations
107.7. The power pursuant to Section 219(6) of the Act to, at any time, alter a policy or substitute a new policy.	CEO	NIL
107.8. The duty pursuant to Section 219(7) of the Act to give public notice of the adopting or altering of a policy under Section 219 of the Act.	CEO	NIL
107.8.1. in the Gazette; and	CEO	NIL
107.8.2. in a newspaper circulating in the area of the council; and	CEO	NIL
107.8.3. on a website determined by the Chief Executive Officer.	CEO	NIL
108. Numbering of Premises and Allotments		
108.1. The power pursuant to Section 220(1) of the Act to adopt a numbering system for buildings and allotments adjoining a road.	CEO	NIL
108.2. The duty pursuant to Section 220(1a) of the Act to assign a number (as part of its primary street address) to all buildings or allotments adjoining a public road created after the commencement of Section 220(1a) of the Act by land division.	CEO	NIL
108.3. The duty pursuant to Section 220(1b) of the Act to ensure that an assignment under Section 220(1a) of the Act occurs within 30 days after the issue of certificate of title in relation to the relevant land division in accordance with any requirements prescribed by regulations made for the purposes of Section 220(1b) of the Act.	CEO	NIL
108.4. The power pursuant to Section 220(2) of the Act to, from time to time, alter a numbering system, or substitute a new numbering system, under Section 220 of the Act.	CEO	NIL
108.5. The duty pursuant to Section 220(3) of the Act to give public notice of the adopting, altering or substituting of a numbering system for a particular road.	CEO	NIL
108.6. The duty pursuant to Section 220(4) of the Act to notify the Valuer-General of the decision to adopt, alter or substitute a numbering system.	CEO	NIL
108.7. The power pursuant to Section 220(6) of the Act to request an owner of land to ensure that the appropriate number for the owner's building or allotment is displayed in a form directed or approved by the Delegate.	CEO	NIL
109. Alteration of Road		
109.1. The power pursuant to Section to 221(1) and (2) of the Act to authorise a person (other than the Council or a person acting under some other statutory authority) to make an alteration to a public road, such as:	CEO	NIL

	Direct Delegation from Council	Conditions/ Limitations
109.1.1. altering the construction or arrangement of the road to permit or facilitate access from an adjacent property; or	CEO	NIL
109.1.2. erecting or installing a structure (including pipes, wires, cables, fixtures, fittings and other objects) in, on, across, under or over the road; or	CEO	NIL
109.1.3. changing or interfering with the construction, arrangement or materials of the road; or	CEO	NIL
109.1.4. changing, interfering with or removing a structure (including pipes, wires, cables, fixtures, fittings and other objects) associated with the road; or	CEO	NIL
109.1.5. planting a tree or other vegetation on the road, interfering with vegetation on the road or removing vegetation from the road.	CEO	NIL
109.2. Before authorising the erection or installation of a structure under Section 221(2)(b) of the Act the duty pursuant to Section 221(4) of the Act to give consideration as to whether the structure will:	CEO	NIL
109.2.1. unduly obstruct the use of the road; or	CEO	NIL
109.2.2. unduly interfere with the construction of the road; or	CEO	NIL
109.2.3. have an adverse effect on road safety.	CEO	NIL
109.3. The power pursuant to Section 221(6) of the Act to grant an authorisation under Section 221 of the Act:	CEO	NIL
109.3.1. for a particular act or occasion; or	CEO	NIL
109.3.2. for a term which is, subject to revocation for breach of a condition, to remain in force for a term (not exceeding 42 years) stated in the authorisation and, at the expiration of the term, the power to renew the term for a further term (not exceeding 42 years) fixed by the Delegate at the time of the renewal.	CEO	NIL
110. Permits for Business Purposes		
110.1. The power pursuant to Section 222(1) of the Act to authorise a person to use a public road for business purposes and to give a permit to do so.	CEO	NIL
110.2. Subject to the Act, the power pursuant to Section 222(2) of the Act to issue a permit that grants rights of exclusive occupation in relation to part of a public road.	CEO	NIL
110.3. The power pursuant to Section 222(3) of the Act to issue a permit to use a public road for a particular occasion or for a term stated in the permit.	CEO	NIL

	Direct Delegation from Council	Conditions/ Limitations
111. Public Consultation		
111.1. The duty pursuant to Section 223(1) of the Act before granting the authorisation to alter a public road or the permit to use a public road for business purposes, to follow the relevant steps set out in Council's public consultation policy, if the Delegate proposes to grant an authorisation or permit:	CEO	NIL
111.1.1. 111.1.1 that confers a right of exclusive occupation; or	CEO	NIL
111.1.2. 111.1.2 that would have the effect of restricting access to a road; or	CEO	NIL
111.1.3. in relation to a use or activity for which public consultation is required under the Regulations.	CEO	NIL
111.2. The duty pursuant to Section 223(2) of the Act to give written notice of the proposal to agencies that are, under the Regulations, to be notified of the proposal to grant an authorisation to alter a public road or to permit the use of a public road for business purposes.	CEO	NIL
112. Conditions of Authorisation or Permit		
112.1. The power pursuant to Section 224 of the Act, subject to Sections 224(2) and (4) of the Act, to grant an authorisation or permit under Division 6 of Part 2, Chapter 11 on conditions the Delegate considers appropriate.	CEO	NIL
113. Cancellation of Authorisation or Permit		
113.1. The power pursuant to Section 225(1) of the Act by notice in writing to the holder of an authorisation or permit:	CEO	NIL
113.1.1. in the case of a permit for the purposes of a mobile food vending business under Section 222 of the Act – cancel the permit for breach of a condition if the breach is sufficiently serious to justify cancellation of the permit; or	CEO	NIL
113.1.2. 113.1.2 in the any other case - cancel the authorisation or permit for breach of a condition.	CEO	NIL
113.2. The duty pursuant to Section 225(2) of the Act before cancelling an authorisation or permit, to:	CEO	NIL
113.2.1. give the holder of the authorisation or permit a written notice of the proposed cancellation stating the grounds on which the Delegate proposes to act and allowing the holder a reasonable period to make written representations to the Delegate on the proposed cancellation; and	CEO	NIL
113.2.2. consider any representations made in response to the notice.	CEO	NIL
113.3. The power pursuant to Section 225(3) of the Act to determine if a shorter period of notice should apply under Section 225(2)(a) of the Act, to protect the health or safety of the public, or otherwise to protect the public interest.	CEO	NIL

	Direct Delegation from Council	Conditions/ Limitations
113.4. The power pursuant to Section 225(4) of the Act if the Council cancels a permit under Section 225(1)(a) of the Act, to specify at the time of cancellation a period (not exceeding six months) that an application for a permit for the purposes of a mobile food vending business under Section 222 of the Act must not be made by or on behalf of the person who, before the cancellation, held the permit.	CEO	NIL
113A Location Rules – General		
113A.1 The power pursuant to Section 225A(1) of the Act and subject to Section 225A(2) of the Act, to prepare and adopt rules (location rules) that set out locations within the Council area in which mobile food vending businesses may operate.	CEO	NIL
113A.2 The power pursuant to Section 225A(4) of the Act to:	CEO	NIL
113A.2.1 from time to time amend the Council's location rules;	CEO	NIL
113A.2.2 amend its location rules in order that the rules comply with:	CEO	NIL
113A.2.2.1 any requirement specified by the Minister under Section 225A(2)(b) of the Act; or	CEO	NIL
113A.2.2.2 any direction given by the Small Business Commissioner under Section 225A(7) of the Act.	CEO	NIL
114. Register		
114.1. The power and duty pursuant to Section 231(1) and (2) of the Act to keep a register of public roads in the Council's area, which:	CEO	NIL
114.1.1. includes the information required by regulation; and	CEO	NIL
114.1.2. may consist (if the Delegate so decides) of a computer record of the relevant information.	CEO	NIL
114.2. The duty pursuant to Section 231(3) and (4) of the Act to make the register available for public inspection (without charge) and purchase of extracts (upon payment of a fee fixed by the Council) at the principal office of the Council during ordinary office hours.	CEO	NIL
115. Trees		
The power pursuant to Section 232 of the Act to plant vegetation or authorise or permit the planting of vegetation, on a road, only after complying with the following matters (in addition to complying with any other statutory requirement):	CEO	NIL
115.1. giving consideration to whether the vegetation is, on balance, appropriate to the proposed site taking into account -	CEO	NIL
115.1.1. environmental and aesthetic issues; and	CEO	NIL

	Direct Delegation from Council	Conditions/ Limitations
115.1.2. the use and construction of the road (including the potential for interference with the construction of the road or with structures (including pipes, wires, cables, fixtures, fittings or other objects) in the road); and	CEO	NIL
115.1.3. road safety matters; and	CEO	NIL
115.1.4. other matters (if any) considered relevant by the Delegate; and	CEO	NIL
115.2. where the vegetation may have a significant impact on residents, the proprietors of nearby businesses or advertisers in the area, to follow the relevant steps set out in its public consultation policy.	CEO	NIL
116. Damage		
116.1. The power pursuant to Section 233(1) and (2) of the Act to recover damages, in the same way as damages for a tort, where a person, without the Council's permission, intentionally or negligently damages a road or a structure (including pipes, wires, cables, fixtures, fittings and other objects) belonging to the Council associated with the road.	CEO	NIL
117. Council's Power to Remove Objects etc from Roads		
117.1. The power pursuant to Section 234(1) of the Act to remove and dispose of any structure, object or substance from a road if:	CEO	NIL
117.1.1. it has been erected, placed or deposited on the road without the authorisation or permit required under Part 2 of Chapter 11 of the Act; or	CEO	NIL
117.1.2. an authorisation or permit has been granted but has later expired or been cancelled.	CEO	NIL
117.2. The power pursuant to Section 234(2) of the Act to recover the cost of acting under Section 234 of the Act as a debt from the person who erected, placed or deposited the structure, object or substance on the road.	CEO	NIL
117.3. Where, as a result of an accident involving a vehicle or vehicles, any wreckage, objects or materials are left on a road, the power pursuant to Section 234(3) of the Act to clear the area and to recover the cost from the driver of the vehicle or, if more than one vehicle was involved, the driver of any one of the vehicles.	CEO	NIL
118. Deliberately Left Blank		
119. Abandonment of Vehicles and Farm Implements		
119.1. The power pursuant to Section 236(2) of the Act to seek an order from the court by which a person is convicted of an offence against Section 236(1) of the Act, that the convicted person pay to the Council any costs incurred by the Council in removing or disposing of a vehicle abandoned on a public road or public place.	CEO	NIL

	Direct Delegation from Council	Conditions/ Limitations
120. Removal of Vehicles		
120.1. The duty pursuant to Section 237(4) of the Act to ensure that the owner of the vehicle is notified of the removal of the vehicle	CEO	NIL
120.1.1. by written notice in the prescribed form:	CEO	NIL
120.1.1.1. served on the owner personally; or	CEO	NIL
120.1.1.2. served on the owner by the use of person-to-person registered post,	CEO	NIL
as soon as practicable after the removal of the vehicle; or	CEO	NIL
120.1.2. if the owner is unknown or cannot be found – by public notice published in a newspaper circulating generally in the State within 14 days after the removal of the vehicle.	CEO	NIL
120.2. If the owner of a removed vehicle does not, within 1 month after service or publication of the notice, pay all expenses in connection with the removal, custody and maintenance of the vehicle, and of serving, publishing or posting the notice, and take possession of the vehicle, the power and duty pursuant to Section 237(5) of the Act to, subject to Section 237(6)(b) of the Act, offer the vehicle for sale by public auction or public tender.	CEO	NIL
120.3. The power pursuant to Section 237(6) of the Act to dispose of the vehicle in such manner as the Delegate thinks fit if:	CEO	NIL
120.3.1. the vehicle is offered for sale but not sold; or	CEO	NIL
120.3.2. the Delegate reasonably believes that the proceeds of the sale of the vehicle would be unlikely to exceed the costs incurred in selling the vehicle or the costs incidental to removing or holding the vehicle, or those costs combined.	CEO	NIL
120.4. The duty pursuant to Section 237(7) of the Act, where the vehicle is sold, to apply the proceeds of sale as follows:	CEO	NIL
120.4.1. firstly, in payment of the costs of and incidental to the sale;	CEO	NIL
120.4.2. secondly, in payment of the costs of and incidental to the removal, custody and maintenance of the vehicle and of the notice served, posted or published under Section 237 of the Act;	CEO	NIL
120.4.3. thirdly, in payment of the balance to the owner of the vehicle.	CEO	NIL
120.5. The duty pursuant to Section 237(8) of the Act to make reasonable inquiry to find the owner of the vehicle following sale and, if after that reasonable inquiry, the owner cannot be found, the duty to pay the balance of the proceeds of	CEO	NIL

	Direct Delegation from Council	Conditions/ Limitations
sale to the Council.		
120.6. The duty pursuant to Section 237(9) of the Act to take reasonable steps to return property found in the vehicle, and where the property cannot be returned, the duty to deal with the property as unclaimed goods under the Unclaimed Goods Act 1987 as if the Council were the bailee of those goods.	CEO	NIL
121. Time Limits for Dealing with Certain Applications		
121.1. Where the power to decide upon certain applications to which the Section applies has been delegated, the duty pursuant to Section 242(1) and (2) of the Act within two months after the relevant date, to make a decision in respect of the application and, if not so decided, it is taken to have been refused.	CEO	NIL
121.2. The duty pursuant to Section 242(3) of the Act to notify the applicant in writing as soon as practicable of a decision or presumptive decision on an application to which Section 242 of the Act applies.	CEO	NIL
122. Registrar-General to Issue Certificate of Title		
122.1. The duty pursuant to Section 243(1) of the Act to apply to the Registrar-General for the issue of a Certificate of Title for the land under the Real Property Act 1896, where land vests for an estate in fee simple in the Council under this Act.	CEO	NIL
122.2. The duty pursuant to Section 243(2) of the Act to make such application to the Registrar-General for the issue of a Certificate of Title as follows:	CEO	NIL
122.2.1. in a manner and form approved by the Registrar-General; and	CEO	NIL
122.2.2. accompanied by:	CEO	NIL
122.2.2.1. Deliberately left blank	CEO	NIL
122.2.2.2. any surveys of the land and other materials that the Registrar-General may reasonably require; and	CEO	NIL
122.2.2.3. a fee fixed by the Registrar-General.	CEO	NIL
123. Liability for Injury, Damage or Loss Caused by Certain Trees		
123.1. The power and duty pursuant to Section 245 of the Act to take reasonable action in response to a written request by an owner or occupier of property adjacent to a road for the Council to take reasonable action to avert a risk of damage to property of the owner or occupier from a tree growing in the road (whether planted by the Council or not).	CEO	NIL

	Direct Delegation from Council	Conditions/ Limitations
124. Council May Require Bond or Other Security in Certain Circumstances		
124.1. Subject to Section 245A of the Act, if,	CEO	NIL
124.1.1. a person has approval to carry out development under the Development Act 1993; and	CEO	NIL
124.1.2. the delegate has reason to believe that the performance of work in connection with the development could cause damage to any local government land (including a road) within the vicinity of the site of the development,	CEO	NIL
the power, pursuant to Section 245A of the Act, to, by notice in writing serve on the person who has the benefit of the approval, require the person to enter into an agreement that complies with any requirements prescribed by the regulations so as to ensure that money is available to address the cost of any damage that may be caused.	CEO	NIL
124.2. The power pursuant to Sections 37(b) and 245A of the Act, where a person has approval to carry out development under the Development Act 1993 and a notice in writing has been served pursuant to Section 245A of the Act on the person who has the benefit of the approval, to enter into an agreement that complies with any requirements prescribed by the regulations so as to ensure that money is available to address the cost of any damage that may be caused.	CEO	NIL
125. Power to Make By-Laws		
125.1. The duty pursuant to Section 246(4a) of the Act, if the Council makes a determination under Section 246(3)(e) of the Act, to ensure that notice of the determination is published in the Gazette and in a newspaper circulating in the area of the Council.	CEO	NIL
126. Passing By-Laws		
126.1. If it is proposed that the Council make a by-law, then at least 21 days before the Council resolves to make the by-law, the duty pursuant to Section 249(1) of the Act to:	CEO	NIL
126.1.1. make copies of the proposed by-law (and any code, standard or other document proposed to be applied or incorporated by the by-law) available for public inspection, without charge and during ordinary office hours, at the principal office of the Council, and so far as is reasonable practicable on the Internet; and	CEO	NIL
126.1.2. by notice in a newspaper circulating in the area of the Council:	CEO	NIL
126.1.2.1. inform the public of the availability of the proposed by-law; and	CEO	NIL
126.1.2.2. set out the terms of the by-law, or describe in general terms the by-law's nature and effect.	CEO	NIL

	Direct Delegation from Council	Conditions/ Limitations
126.2. Before the Council makes a by-law, the duty pursuant to Section 249(4) of the Act to obtain a certificate, in the prescribed form, signed by a legal practitioner certifying that, in the opinion of the legal practitioner:	CEO	NIL
126.2.1. the Council has power to make the by-law by virtue of a statutory power specified in the certificate; and	CEO	NIL
126.2.2. the by-law is not in conflict with the Act.	CEO	NIL
126.3. The duty pursuant to Section 249(5) of the Act to publish a by-law in the Gazette.	CEO	NIL
126.4. The duty pursuant to Section 249(7) of the Act to publish a notice of the making of a by-law under Section 249 of the Act in a newspaper circulating in the area of the Council.	CEO	NIL
127. 127. Model By-Laws		
127.1. The duty pursuant to Section 250(5) of the Act to publish the resolution adopting a model by-law or alteration made under Section 250 of the Act in the Gazette.	CEO	NIL
127.2. The duty pursuant to Section 250(7) of the Act to publish a notice of the adoption of a model by-law or alteration made under Section 250 of the Act in a newspaper circulating in the area of the Council.	CEO	NIL
128. Register of By-Laws and Certified Copies		
128.1. The duty pursuant to Section 252(1) and (2) to cause a separate register to be kept of all by-laws made or adopted by the Council; such register to include a copy of any code, standard or other document referred to or incorporated in a by-law.	CEO	NIL
128.2. The duty pursuant to Section 252(3) and (4) of the Act to make available the register of by-laws for inspection or purchase an extract from the register (on payment of a fee fixed by the Council) by the public at the principal office of the Council during ordinary office hours.	CEO	NIL
128.3. The duty pursuant to Section 252(5) of the Act to make available, on payment of a fee fixed by the Council, a certified copy of a by-law of the Council in force at the particular time.	CEO	NIL
129. Power to Make Orders		
129.1. The power pursuant to Section 254 of the Act to order a person to do or to refrain from doing a thing specified in Column 1 of the Table in Part 2 of Chapter 12, if in the opinion of the Delegate, the circumstances specified in Column 2 of the Table exist and the person is within the description in Column 3 of the Table.	CEO	NIL
130. Procedures to be Followed		

	Direct Delegation from Council	Conditions/ Limitations
130.1. The duty pursuant to Section 255(1) of the Act before taking action to make an order under Part 2 of Chapter 12 (but subject to this Section), to give the person to whom it is proposed that the order be directed a notice in writing:	CEO	NIL
130.1.1. 130.1.1 stating the proposed action, including the terms of the proposed order and the period within which compliance with the order will be required; and	CEO	NIL
130.1.2. 130.1.2 stating the reasons for the proposed action; and	CEO	NIL
130.1.3. inviting the person to show, within a specified time (being a reasonable period), why the proposed action should not be taken (by making representations to the Delegate).	CEO	NIL
130.2. If a notice of intention to make an order is directed to a person who is not the owner of the relevant land, the duty pursuant to Section 255(2) of the Act to take reasonable steps to serve a copy of the notice on the owner.	CEO	NIL
130.3. The power pursuant to Section 255(3) of the Act after considering representations made within the time specified under Section 255(1) of the Act:	CEO	NIL
130.3.1. to make an order in accordance with the terms of the original proposal; or	CEO	NIL
130.3.2. to make an order with modifications from the terms of the original proposal; or	CEO	NIL
130.3.3. to determine not to proceed with an order.	CEO	NIL
130.4. The power pursuant to Section 255(5) of the Act to:	CEO	NIL
130.4.1. include two or more orders in the same instrument;	CEO	NIL
130.4.2. direct two or more persons to do something specified in the order jointly.	CEO	NIL
130.5. The duty pursuant to Section 255(6) of the Act to ensure that the order:	CEO	NIL
130.5.1. subject to Section 255 of the Act, specifies a reasonable period within which compliance with the order is required; and	CEO	NIL
130.5.2. states the reasons for the order.	CEO	NIL
130.6. The duty pursuant to Section 255(7) of the Act to serve an order in accordance with Part 2 of Chapter 14 of the Act on the person to whom it is addressed.	CEO	NIL
130.7. If an order is directed to a person who is not the owner of the relevant land, the duty pursuant to Section 255(8) of the Act to take reasonable steps to serve a copy of the order on the owner.	CEO	NIL

	Direct Delegation from Council	Conditions/ Limitations
130.8. The power pursuant to Section 255(11) of the Act at the request or with the agreement of the person to whom an order is directed, to vary the order on the Delegate's own initiative, or to revoke an order if satisfied that it is appropriate to do so.	CEO	NIL
130.9. If the Delegate, in the circumstances of a particular case, considers:	CEO	NIL
130.9.1. that an activity constitutes, or is likely to constitute, a threat to life or an immediate threat to public health or public safety; or	CEO	NIL
130.9.2. that an emergency situation otherwise exists,	CEO	NIL
the Delegate has the power pursuant to Section 255(12) of the Act to:	CEO	NIL
130.9.3. Proceed immediately to make an order under this Section without giving notice under Section 255(1); and	CEO	NIL
130.9.4. require immediate compliance with an order despite Section 255(6)(a).	CEO	NIL
131. Rights of Review		
131.1. The duty pursuant to Section 256(1) and (2) of the Act to ensure that an order made under Part 2 of Chapter 12 includes a statement setting out the rights of the person to seek a review of the order under the Act, and to include the information specified by the Regulations to the Act.	CEO	NIL
132. Action on Non-Compliance		
132.1. The power pursuant to Section 257(1) of the Act, where the requirements of an order are not complied with within the time fixed for compliance, or if there is an application for review, within 14 days after the determination of the review, to (subject to the outcome of any review) take the action required by the order.	CEO	NIL
132.2. The power pursuant to Section 257(2) of the Act to authorise an employee or another person to take action under Section 257(1) of the Act.	CEO	NIL
132.3. The power pursuant to Section 257(3) of the Act to take action to recover the reasonable costs and expenses incurred by the Council in taking action for the non-compliance with an order, as a debt from the person who failed to comply with the requirements of the order.	CEO	NIL
132.4. The power pursuant to Section 257(5) of the Act where an amount is recoverable from a person by the Council for action of non-compliance with an order, by notice in writing to the person, to fix a period, being not less than 28 days from the date of the notice, within which the amount must be paid and, if the amount is not paid by the person within that period:	CEO	NIL

	Direct Delegation from Council	Conditions/ Limitations
132.4.1. the person is liable to pay interest charged at the prescribed rate per annum on the amount unpaid; and		
132.4.2. if the person is the owner of the land to which the order relates – the power, in accordance with Schedule 6, to impose a charge over the land for the unpaid amount, together with interest.		
133. Councils to Develop Policies		
133.1. The power and duty pursuant to Section 259(1) of the Act to take reasonable steps to prepare and adopt policies concerning the operation of Part 2 of Chapter 12 of the Act.	CEO	Subject to Council Approval
133.2. The power and duty pursuant to Section 259(2) of the Act to:	CEO	NIL
133.2.1. prepare a draft of a Policy; and	CEO	NIL
133.2.2. by notice in a newspaper circulating in the area of the Council, give notice of the place or places at which copies of the draft are available for inspection (without charge) and purchase (on payment of a fee fixed by the Council) and invite interested persons to make written representations on the draft within a period specified by the Council or the Delegate (being at least four weeks).	CEO	NIL
133.3. The duty pursuant to Section 259(3) of the Act to consider any submission made on a proposed policy in response to an invitation under Section 259(2) of the Act.	CEO	NIL
133.4. The power pursuant to Section 259(4) of the Act to amend a policy at any time.	CEO	NIL
133.5. The duty pursuant to Section 259(5) of the Act before adopting an amendment to a policy, to take the steps specified in Section 259(2) and (3) (as if the amendment were a new policy), unless the Council or the Delegate determines the amendment is only of minor significance.	CEO	NIL
133.6. The duty pursuant to Sections 259(6) and (7) of the Act to make a policy available for inspection (without charge) and purchase (upon payment of a fee fixed by the Council) at the principal office of the Council during ordinary office hours.	CEO	NIL
133.7. The duty pursuant to Section 259(8) of the Act in considering whether to make an order under Part 2 of Chapter 12 of the Act, to deal with the particular case on its merits and the duty to take into account any relevant policy under Division 3 of Part 2, Chapter 12 of the Act.	CEO	NIL
134. Appointment of Authorised Persons		
134.1. The power, pursuant to Section 260(1) of the Act by instrument in writing, to appoint a person (other than a member of the Council) to be an authorised person.	CEO	NIL

	Direct Delegation from Council	Conditions/ Limitations
134.2. The power pursuant to Section 260(2) of the Act to make an appointment of an authorised person subject to such conditions or limitations as the Delegate determines and specified in the instrument of appointment.	CEO	NIL
134.3. The power and duty pursuant to Section 260(3) of the Act to issue to an authorised person an identity card:	CEO	NIL
134.3.1. containing a photograph of the authorised person; and	CEO	NIL
134.3.2. identifying any conditions or limitations imposed under Section 260(2) of the Act.	CEO	NIL
134.4. The power pursuant to Section 260(5) of the Act to at any time revoke an appointment under Section 260 of the Act, or to vary or revoke a condition or limitation, or impose a further condition or limitation on the appointment.	CEO	NIL
135. Procedures for Review of Decisions and Requests for Services		
135.00 The power and duty pursuant to Section 270(a1) of the Act and in accordance with Sections 270(a2) and (4a) of the Act, to develop and maintain policies, practices and procedures for dealing with: The power and duty pursuant to Section 270(a1) of the Act and in accordance with Sections 270(a2) and (4a) of the Act, to develop and maintain policies, practices and procedures for dealing with:	CEO	Policy to be adopted by Council
135.00.1 any reasonable request for the provision of a service by the Council or for the improvement of a service provided by the Council; or		
135.00.1 any reasonable request for the provision of a service by the Council or for the improvement of a service provided by the Council; and		
135.00.2 complaints about the actions of the Council, employees of the Council, or other persons acting on behalf of the Council.		
135.1. The power and duty pursuant to Section 270(a2) of the Act to ensure the policies, practices and procedures required under Section 270(a1) of the Act, are directed towards:	CEO	NIL
135.1.1. 135.0.1 dealing with the relevant requests or complaints in a timely, effective and fair way; and		
135.1.2. 135.0.2 using information gained from the Council's community to improve its services and operations.		
135.2. Without limiting Sections 270(a1) and (a2) of the Act, the power and duty pursuant to Section 270(1) of the Act and in accordance with Sections 270(2) and (4a) of the Act, to establish procedures for the review of decisions of: The duty pursuant to Section 270(1) of the Act to establish procedures for the review of decisions of:	CEO	NIL
135.2.1. the Council;	CEO	NIL

	Direct Delegation from Council	Conditions/ Limitations
135.2.2. employees of the Council;	CEO	NIL
135.2.3. other persons acting on behalf of the Council,	CEO	NIL
135.3. The duty pursuant to Section 270(2) of the Act to ensure that the procedures established under Section 270(1) of the Act address the following matters (and any other matters which the Delegate or the Council determines to be relevant): the duty pursuant to Section 270(2) of the Act to ensure that the internal review procedures established under Section 270(1) of the Act address the following matters (and any other matters which the Delegate determines to be relevant):	CEO	NIL
135.3.1. the manner in which an application for review may be made;	CEO	NIL
135.3.2. the assignment of a suitable person to reconsider a decision under review;	CEO	NIL
135.3.3. the matters that must be referred to the Council itself for consideration or further consideration;	CEO	NIL
135.2.3A in the case of applications that relate to the impact that any declaration of rates or service charges may have had on ratepayers – the provision to be made to ensure that these applications can be dealt with promptly and, if appropriate, addressed through the provision of relief or concessions under the Act;	CEO	NIL
135.3.4. the notification of the progress and outcome of an application for review;	CEO	NIL
135.3.5. the timeframes within which notifications will be made and procedures on a review will be completed.	CEO	NIL
135.4. The power pursuant to Section 270(4) of the Act to refuse to consider an application for review of a decision under Section 270 of the Act, if:	CEO	NIL
135.4.1. the application was made by an employee of the Council and relates to an issue concerning his or her employment; or	CEO	NIL
135.4.2. it appears that the application is frivolous or vexatious; or	CEO	NIL
135.4.3. the applicant does not have a sufficient interest in the matter.	CEO	NIL
135.5. The power and duty pursuant to Section 270(5) of the Act to ensure that copies of a document concerning the policies, practices and procedures that apply under Section 270 of the Act are available for inspection (without charge) and purchase (on payment of a fee fixed by the Council) by the public at the principal office of the Council.	CEO	NIL
135.6. The power pursuant to Section 270(6) of the Act to, from time to time, amend the policies, practices and procedures established under Section 270 of the Act.	CEO	Policy to be adopted by Council

	Direct Delegation from Council	Conditions/ Limitations
135.7. The power and duty pursuant to Section 270(8) of the Act to, on an annual basis, initiate and consider a report that relates to:	CEO	NIL
135.7.1. the number of applications for review made under Section 270; and	CEO	NIL
135.7.2. the kinds of matters to which the applications relate; and	CEO	NIL
135.7.3. the outcome of applications under this Section; and	CEO	NIL
135.7.4. such other matters as may be prescribed by the Regulations.	CEO	NIL
135.8. The power pursuant to Section 270(9) of the Act on an application for the provision of some form of relief or concession with respect to the payment of those rates, to, if appropriate, in view of the outcome of the application, refund the whole or a part of any amount that has been paid.	CEO	NIL
136. Mediation, Conciliation and Neutral Evaluation		
136.1. The power pursuant to Section 271(1) of the Act as part of, or in addition to, the procedures established under Section 270 of the Act, to make provision for disputes between a person and the Council to be dealt with under a scheme involving mediation, conciliation or neutral evaluation.	CEO	NIL
136.2. The duty pursuant to Section 271(2) of the Act to provide for the constitution of panels of persons who are available to act as mediators, conciliators and evaluators, and for the selection of an appropriate mediator, conciliator or evaluator, if a dispute is to be dealt with under a Scheme established under Section 271(1) of the Act.	CEO	NIL
136A. Provision of Information to Minister		
136A.1 The power and duty, pursuant to Section 271A of the Act, to, at the request of the Minister, provide to the Minister specified information, or information of a specified kind, relating to the affairs or operations of the Council.	CEO	NIL
136A.2 The power pursuant to Section 271A(3) of the Act to, provide information in accordance with a request under Section 271A(1) of the Act, even if:	CEO	NIL
136AA.2.1 the information was given to the Council in confidence; or	CEO	NIL
136AA.2.2 is held on a confidential basis under Chapter 6 Part 4.	CEO	NIL
136B. Investigation of a Council		
136B.1 The power pursuant to Section 272(3) of the Act, to, before the Minister refers a matter, explain the Council's	CEO	NIL

	Direct Delegation from Council	Conditions/ Limitations
actions and make submissions to the Minister.		
136B.2 The power pursuant to Section 272(5) of the Act, to make submissions to the Minister in relation to the matter.	CEO	NIL
136C. Action on a Report		
136C.1 The power pursuant to Section 273(3) of the Act to make submissions to the Minister on the report on which the action is based.	CEO	NIL
136E. Action on a Report		
136E.1 The power pursuant to Section 275(2) of the Act to make submissions to the Minister.	CEO	NIL
137. Special Jurisdiction		
137.1. The power pursuant to Section 276(1) and (2) of the Act to commence, defend or participate in the following proceedings before the District Court, on behalf of the Council:	CEO	NIL
137.1.1. proceedings to try the title of a member to an office;	CEO	NIL
137.1.2. proceedings to try the right of a person to be admitted or restored to an office;	CEO	NIL
137.1.3. proceedings to compel restoration or admission;	CEO	NIL
137.1.4. proceedings to compel the Council to proceed to an election, poll or appointment;	CEO	NIL
137.1.5. proceedings to try the validity of a rate or service charge;	CEO	NIL
137.1.6. proceedings to try the validity of a by-law;	CEO	NIL
137.1.7. proceedings to compel the production or delivery of any books, voting papers, or other documents or papers to the production or possession of which the Council or person is entitled under this Act.	CEO	NIL
138. Service of Documents by Councils etc		
138.1. Where a document is required or authorised to be served on or given to a person by the Council, the power and duty to effect service in accordance with and pursuant to Section 279 of the Act.	CEO	NIL
139. Service of Documents on Councils		
139.1. The power pursuant to Section 280(1)(c) and (d) of the Act to determine the means available for service of documents on the Council and the power to accept or authorise a person to accept documents on Council's behalf.	CEO	NIL
140. Recovery of Amounts from Lessees or Licensees		

	Direct Delegation from Council	Conditions/ Limitations
140.1. Where an owner of land is liable to pay an amount to the Council, the power pursuant to Section 281(1) of the Act by written notice to a lessee or licensee of the land, to require him or her to pay to the Council rent or other consideration payable under the lease or license in satisfaction of the liability to the Council.	CEO	NIL
141. Ability of Occupiers to Carry out Works		
141.1. Where an owner of land fails to carry out work that the Council has required the owner to carry out under an Act, the power pursuant to Section 282(1) of the Act to give approval to the occupier of the land to cause the work to be carried out.	CEO	NIL
142. Power to Enter and Occupy Land in Connection with an Activity		
142.1. The duty pursuant to Section 294(1a) of the Act and subject to Section 294(1b) of the Act, to give an owner or occupier of land at least 48 hours notice in writing of an intention to exercise a power under Section 294(1)(b) or (c) of the Act.	CEO	NIL
142.2. The duty pursuant to Section 294(3) of the Act:	CEO	NIL
142.2.1. to pay to the owner or occupier of the land rent on a quarterly or half-yearly basis, at a rate to be determined by agreement between the Council and the owner or occupier or, in default of agreement, by the Land and Valuation Court; and	CEO	NIL
142.2.2. to pay to the owner or occupier of the land within 1 month after occupying the land - reasonable compensation for damage caused to any crops on the land; and	CEO	NIL
142.2.3. within 6 months of ceasing to occupy the land:	CEO	NIL
142.2.3.1. remedy damage to land caused by the Council while in occupation of the land (to such extent as this may be reasonably practicable); and	CEO	NIL
142.2.3.2. to pay to the owner or occupier of the land reasonable compensation for any other loss or damage caused by the Council, including the full value of any earth, minerals or resources taken from the land;	CEO	NIL
142.3. The duty pursuant to Section 294(5) of the Act, at the request of an owner or occupier of the land entered and occupied by Council, to erect a fence of reasonable quality and design between the occupied land and the adjoining land.	CEO	NIL
143. Reclamation of Land		

	Direct Delegation from Council	Conditions/ Limitations
143.1. Where the Council raises, fills in, improves, drains, levels or reclaims land in the area of the Council, the power pursuant to Section 296(1) of the Act to recover the whole or a proportion of the cost of the work from the owners of adjacent or adjoining rateable land improved by the performance of the work in proportion to additional value the work has added to the land.	CEO	NIL
143.2. The power pursuant to Section 296 (2) of the Act to appoint a valuer to determine the additional value added to the land by Council's activities, under Section 296(1) of the Act.	CEO	NIL
143.3. The duty pursuant to Section 296(3) of the Act to give notice of a valuation to the relevant owner under this Section of the Act.	CEO	NIL
143.4. The duty pursuant to Section 296(5) of the Act to conduct an objection or appeal in the same manner as an objection to or appeal against a valuation under Division 6 of Part 1, Chapter 10 of the Act.	CEO	NIL
144. Property in Rubbish		
144.1. The power pursuant to Section 297 of the Act to sell or dispose of any rubbish that the Council collects within its area, as the Delegate thinks appropriate.	CEO	NIL
145. Power of Council to Act in Emergency		
145.1. Where flooding in the area of the Council has occurred or is imminent and the Delegate is of the opinion that a situation of emergency has arisen in which there is danger to life or property, the power pursuant to Section 298(1) of the Act to order that action be taken as the Delegate thinks fit to avert or reduce the danger.	CEO	NIL
146. Vegetation Clearance		
146.1. Deliberately left blank.	Deliberately left blank.	Deliberately left blank.
146.2. Deliberately left blank.	Deliberately left blank.	Deliberately left blank.
147. Costs of Advertisements		
147.1. The duty pursuant to Section 300(1) of the Act to pay the cost of an advertisement required by the Act, or where the Council or an employee of the Council takes any action that immediately necessitates the advertisement.	CEO	NIL
148. Whistleblowing		
148.1. The duty pursuant to Section 302B of the Act to ensure that a member of staff of the Council who has the qualifications prescribed by the Local Government (General) Regulations 2013 is designated as the responsible	CEO	NIL

	Direct Delegation from Council	Conditions/ Limitations
officer for the Council for the purposes of the Whistleblowers Protection Act 1993.		
148A Use of Facilities		
148A.1 The power pursuant to Clause 13 of Schedule 1A of the Act to arrange with the Authority for the Authority to make use of the services of the staff, equipment or facilities of the Council.	CEO	NIL
149. Deliberately left blank	Deliberately left blank.	Deliberately left blank.
150. Deliberately left blank	Deliberately left blank.	Deliberately left blank.
151. Deliberately left blank	Deliberately left blank.	Deliberately left blank.
151A Preparation of Stormwater Management Plans by Councils		
151A.1 The power pursuant to Clause 17(1) of Schedule 1A of the Act to prepare a stormwater management plan which: <ul style="list-style-type: none"> (a) complies with the guidelines issued by the Authority; and (b) is prepared in consultation with the relevant regional NRM board or boards; and (c) is prepared in accordance with any other procedures or requirements prescribed by the Regulations. 	CEO	NIL
151B Authority May Issue Order		
151B.1 The power pursuant to Clause 20(5) of Schedule 1A of the Act, before the Authority takes any action under Clause 20(4) of Schedule 1A of the Act, to make submissions to the Authority in relation to the matter.	CEO	NIL
151B.2 The power pursuant to Clause 20(6) of Schedule 1A of the Act, if costs and expenses are to be recovered from the Council as a debt, to enter into an agreement with the Authority for the debt to be repaid over a period of time, subject to the payment by the Council of interest on the debt (and the power to agree the rate with the Authority).	CEO	NIL
152. Deliberately left blank	Deliberately left blank	Deliberately left blank
153. Deliberately left blank	Deliberately left blank	Deliberately left blank
154. Special Powers in Relation to Land		
154.1. The power pursuant to Clause 24(1) of Schedule 1A of the Act and in accordance with Clause 24(2) of Schedule 1A of the Act, for the purpose of taking action consistent with the provisions of an approved stormwater management plan or a condition imposed on approval of a stormwater management plan or action required by an order under	CEO	NIL

	Direct Delegation from Council	Conditions/ Limitations
<p>Clause 20 of Schedule 1 of the Act, to:</p> <ul style="list-style-type: none"> (a) enter and occupy any land; and (b) construct, maintain or remove any infrastructure; and (c) excavate any land; and (d) inspect, examine or survey any land and for that purpose: <ul style="list-style-type: none"> (i) fix posts, stakes or other markers on the land; and (ii) dig trenches or sink test holes in the land to determine the nature of the top soil and underlying strata; and (iii) remove samples for analysis. (e) alter water table levels, stop or reduce the flow of water in a watercourse, divert water flowing in a watercourse to another watercourse or to a lake or control the flow of water in any other manner; and (f) hold any water in a watercourse or lake or by any other means; and (g) divert water to an underground aquifer, dispose of water to a lake, underground aquifer or the sea, or deal with water in any other manner; and (h) deepen, widen or change the course of a watercourse, deepen or widen a lake or take action to remove any obstruction to the flow of water; and (i) undertake any other form of work (including work undertaken for the purposes of stormwater management or flood mitigation); and (j) undertake any testing, monitoring or evaluation; and (k) undertake any other activity of a prescribed kind. 		
154.2. The power pursuant to Clauses 24(2)(b) and 25 of Schedule 1A of the Act to acquire an easement or other appropriate interest over the relevant land by agreement with the owner or in accordance with the Land Acquisition Act 1969 and any other applicable laws.	CEO	NIL
155. Entry and Occupation of Land Other Than Council Land		
155.1. The power pursuant to Clause 25(2) of Schedule 1A of the Act, subject to Clause 25(3) of Schedule 1A of the Act, to give reasonable notice of an intention to enter, or to enter and occupy, land in accordance with Clause 24 of Schedule 1A of the Act to the occupier of the land.	CEO	NIL
155.2. The power pursuant to Clause 25(3)(b) of Schedule 1A of the Act to, in an emergency, give such notice (if any) as the delegate considers is reasonable in the circumstances.	CEO	NIL

	Direct Delegation from Council	Conditions/ Limitations
156. Vesting of Infrastructure, etc		
156.1. The power pursuant to Clause 26(3) of Schedule 1A of the Act to, before the Minister publishes a notice vesting the care, control and management of infrastructure or land in the Council under Clauses 26(1) or (2) of Schedule 1A of the Act make submissions to the Minister in relation to the proposed notice.	CEO	NIL
157. Building Upgrade Agreement (May only be delegated to CEO)		
157.1. The power pursuant to Clause 2(1) of Schedule 1B of the Act, subject to Clause 2 of Schedule 1B of the Act, to, in relation to a building situated on land within the area of the Council, enter into an agreement (a building upgrade agreement) under which:	CEO	NIL
157.1.1. the building owner agrees to undertake upgrade works in respect of the building; and	CEO	NIL
157.1.2. a finance provider agrees to advance money to the building owner for the purpose of funding those upgrade works; and	CEO	NIL
157.1.3. the Council agrees:	CEO	NIL
157.1.3.1. to levy a charge on the relevant land (a building upgrade charge), to be paid by the building owner, for the purpose of recouping the money advanced by the finance provider for the upgrade works (and any interest or other charges payable to the finance provider under the agreement); and	CEO	NIL
157.1.3.2. to pay to the finance provider any money paid to the Council by way of the building upgrade charge (other than any service fee or late payment fee that the Council is permitted by the agreement to deduct and retain).	CEO	NIL
157.2. The power pursuant to Clause 2(3) of Schedule 1B of the Act to include in a building upgrade agreement, payment to the finance provider of penalty interest on money advanced by the finance provider under the agreement, at such rate as determined in accordance with the regulations, and, if the regulations do not provide for the determination of the rate at such rate as determined in accordance with the agreement.	CEO	NIL
157.3. The power pursuant to Clause 2(4) of Schedule 1B of the Act to agree that a building upgrade agreement may be entered into by any other persons that the delegate considers should be parties to the agreement.	CEO	NIL
158. Variation or Termination of Agreement (May only be delegated to CEO)		
158.1. The power pursuant to Clause 4 of Schedule 1B of the Act to vary or terminate a building upgrade agreement by further agreement between the primary parties.	CEO	NIL

	Direct Delegation from Council	Conditions/ Limitations
159. Contents of Agreement (May only be delegated to CEO)		
159.1. The power pursuant to Clause 5(1) of Schedule 1B of the Act to make a building upgrade agreement in writing and specify:	CEO	NIL
159.1.1. the upgrade works to be undertaken by or on behalf of the building owner under the agreement; and	CEO	NIL
159.1.2. the amount of money to be advanced by the finance provider under the agreement; and	CEO	NIL
159.1.3. the amount of the building upgrade charge to be levied by the Council under the agreement; and	CEO	NIL
159.1.4. the schedule for the payment, by the building owner, of a building upgrade charge to the Council; and	CEO	NIL
159.1.5. the amount of, or a method for calculating the amount of, any service fee or late payment fee that the Council may deduct and retain; and	CEO	NIL
159.1.6. any prescribed matters.	CEO	NIL
159.2. The power pursuant to Clause 5(2) of Schedule 1B of the Act to, in a building upgrade agreement:	CEO	NIL
159.2.1. provide for the early repayment of any amount payable under the agreement; and	CEO	NIL
159.2.2. include and agree to other provisions.	CEO	NIL
160. Declaration of Building Upgrade Charge (May only be delegated to CEO)		
160.1. The power pursuant to Clause 6(1) of Schedule 1B of the Act, after the Council enters into a building upgrade agreement, to, in accordance with the terms of the agreement, declare a building upgrade charge in respect of the relevant land (being a charge of the agreed amount specified in the building upgrade agreement).	CEO	NIL
160.2. The power pursuant to Clause 6(2) of Schedule 1B of the Act, if the Council or delegate declares a building upgrade charge, to, within 28 days after the declaration give the building owner written notice in accordance with Clauses 6(3) and (4) of Schedule 1B of the Act specifying:	CEO	NIL
160.2.1. the name and address of the building owner; and	CEO	NIL
160.2.2. a description of the relevant land in respect of which the building upgrade charge is being levied; and	CEO	NIL
160.2.3. the building upgrade agreement under which the building upgrade charge is being levied; and	CEO	NIL
160.2.4. the amount for which the building owner is liable; and	CEO	NIL
160.2.5. the manner of payment of the amount; and	CEO	NIL

	Direct Delegation from Council	Conditions/ Limitations
160.2.6. the due date for payment of the amount, in accordance with the schedule for the payment of the building upgrade charge to the Council (specified in the building upgrade agreement); and	CEO	NIL
160.2.7. the amount of, or method of calculating, any service fee of the Council authorised by the building upgrade agreement and any late payment fee that may be imposed by the Council if the building owner fails to pay an amount for which the building owner is liable by the due date; and	CEO	NIL
160.2.8. any prescribed matters.	CEO	NIL
160.3. The power pursuant to Clause 6(4) of Schedule 1B of the Act, to, in relation to each payment in respect of a building upgrade charge for which a building owner is liable, give a notice under Clause 6(2) of Schedule 1B of the Act to the building owner at least 28 days before the date for payment specified in the notice.	CEO	NIL
161. Payment of Building Upgrade Charge		
161.1. The power pursuant to Clause 7(2) of Schedule 1B of the Act, on payment of money in respect of a building upgrade charge to the Council, to deduct and retain any service fee and late payment fee authorised by the building upgrade agreement.	CEO	NIL
161.2. The power pursuant to Clause 7(3) of Schedule 1B of the Act in relation to money paid to the Council in respect of a building upgrade charge, to, other than any service fee and late payment fee retained by the Council,	CEO	NIL
161.2.1. hold that money on behalf of the finance provider pending payment to the finance provider; and	CEO	NIL
161.2.2. pay that money to the finance provider in accordance with the terms of the building upgrade agreement under which the charge was levied.	CEO	NIL
162. Sale of Land for Non-payment of Building Upgrade Charge		
162.1. The power pursuant to Clause 9(1) of Schedule 1B of the Act, subject to clause 9 of Schedule 1B of the Act to, if an amount for which a building owner is liable in respect of a building upgrade charge remains unpaid for more than 3 years, sell the relevant land in accordance with the regulations.	CEO	NIL
162.2. The power pursuant to Clause 9(2) of Schedule 1B of the Act to, apply any money received by the Council in respect of the sale of land under Clause 9 of Schedule 1B of the Act as follows:	CEO	NIL
162.2.1. firstly – in paying the costs of the sale and any other costs incurred in proceeding under Clause 9 of Schedule 1B of the Act;	CEO	NIL
162.2.2. secondly – in discharging any liabilities to the Council in respect of the land (other than any building	CEO	NIL

	Direct Delegation from Council	Conditions/ Limitations
upgrade charge, service fee or late payment fee in relation to a building upgrade charge);		
162.2.3. thirdly – in discharging any liability to the Council for a building upgrade charge, service fee or late payment fee in relation to a building upgrade charge;	CEO	NIL
162.2.4. fourthly – in discharging any liability to the Crown for rates, charges or taxes, or any prescribed liability to the Crown in respect of the land;	CEO	NIL
162.2.5. fifthly – in discharging any liabilities secured by registered mortgages, encumbrances or charges;	CEO	NIL
162.2.6. sixthly – in discharging any other mortgages, encumbrances or charges of which the Council has notice;	CEO	NIL
162.2.7. seventhly – in payment to the owner of the land.	CEO	NIL
162.3. The power pursuant to Clause 9(3) of Schedule 1B of the Act, if the owner cannot be found after making reasonable inquiries as to his or her whereabouts, to deal with an amount payable to the owner as unclaimed money under the Unclaimed Moneys Act 1891.	CEO	NIL
163. Repayment of Advances to Finance Provider		
163.1. The power pursuant to Clause 10(2) of Schedule 1B of the Act, if a building upgrade agreement is terminated before all the money that the finance provider agreed to advance to the building owner is advanced, to:	CEO	NIL
163.1.1. adjust the building upgrade charge to reflect the lower amount advanced to the building owner; and	CEO	NIL
163.1.2. give the building owner written notice of the adjustment.	CEO	NIL
163.2. The power pursuant to Clause 10(3) of Schedule 1B of the Act, if, as a result of an adjustment being made to a building upgrade charge under clause 10 of Schedule 1B of the Act:	CEO	NIL
163.2.1. the building owner has made payment in respect of the charge in excess of the adjusted amount; and	CEO	NIL
163.2.2. the excess amount has been paid by the Council to the finance provider,	CEO	NIL
to refund the building owner the excess amount paid.	CEO	NIL
164. Register of Building Upgrade Agreements		
164.1. The power pursuant to Clause 13(1) of Schedule 1B of the Act to keep a register of building upgrade agreements in accordance with Clause 13(2) of Schedule 1B of the Act.	CEO	NIL
164.2. The power pursuant to Clause 13(3) of Schedule 1B of the Act to make available the register for inspection (without charge) by a member of the public at the principal office of the Council during ordinary office hours and to provide a	CEO	NIL

	Direct Delegation from Council	Conditions/ Limitations
person with an extract from the register (without charge).		

Appendix 10

*Instrument of Delegation under the Local Nuisance and
Litter Control Act 2016 and Local Nuisance and Litter
Control Regulations 2017*

	Direct Delegation from Council	Conditions/ Limitations
INSTRUMENT OF DELEGATION UNDER THE LOCAL NUISANCE AND LITTER CONTROL ACT 2016 AND THE LOCAL NUISANCE AND LITTER CONTROL REGULATIONS 2017		
1. Authorised Officers		
1.1. The power pursuant to Section 12(3) of the Local Nuisance and Litter Control Act 2016 (the Act), to appoint:	CEO	NIL
1.1.1. specified officers or employees of the Council; or	CEO	NIL
1.1.2. a specified class of officers or employees of the Council,	CEO	NIL
to be authorised officers for the purposes of the Act.	CEO	NIL
1.2. The power pursuant to Section 12(4) of the Act to make an appointment subject to conditions specified in the instrument of appointment.	CEO	NIL
1.3. The power pursuant to Section 12(6) of the Act to, at any time, revoke an appointment, or vary or revoke a condition specified in the instrument of an appointment or impose a further such condition.	CEO	NIL
2. Identity Cards		
2.1. The duty pursuant to Section 13(2) of the Act where the Minister has not designated a card issued by the Council to an authorised officer appointed by the Council as an identity card for the purposes of the Act, to issue an authorised officer appointed under the Act, with an identity card in a form approved by the Minister:	CEO	NIL
2.1.1. containing the person's name and a recent photograph of the person; and	CEO	NIL
2.1.2. stating that the person is an authorised officer for the purposes of the Act; and	CEO	NIL
2.1.3. specifying the name of the Council.	CEO	NIL
2.2. The duty pursuant to Section 13(3) of the Act to issue an identity card as soon as is reasonably practicable after the appointment is made.	CEO	NIL
3. Limit Of Area Of Authorised Officers Appointed By Councils		
3.1. The power pursuant to Section 15(a) of the Act to agree in writing to an authorised officer appointed by another council exercising powers under the Act in the Council's area.	CEO	NIL
4. Provisions Relating to Seizure		
4.1. The duty pursuant to Section 16(1)(a) of the Act if a substance, material or thing has been seized under Division 3	CEO	NIL

		Direct Delegation from Council	Conditions/ Limitations
of the Act, to hold the substance, material or thing seized pending proceedings for an offence against the Act.			
4.2.	The power pursuant to Section 16(1)(a) of the Act, on application, authorise the release of the substance, material or thing seized to the person from whom it was seized, or to any person who had legal title to it at the time of its seizure, subject to such conditions as the delegate thinks fit.	CEO	NIL
4.3.	The power pursuant to Section 16(1)(e) of the Act if a person is, under section 16 of the Act, entitled to recover any substance, material or thing, to request the person do so.	CEO	NIL
4.4.	The power pursuant to Section 16(1)(f) of the Act to direct that any substance, material or thing forfeited under Section 16 of the Act be disposed of.	CEO	NIL
5.	Exemptions from Application of Section 18		
5.1.	The power pursuant to Section 19(1) of the Act to declare by notice in writing in accordance with Section 19 of the Act that a person is exempt from the application of Section 18 of the Act in respect of a specified activity to be carried on in the Council's area.	CEO	NIL
5.2.	The power pursuant to Section 19(2) of the Act to require an application for a declaration under Section 19 of the Act made to the Council to be accompanied by any other information in connection with the application that the delegate may require.	CEO	NIL
5.3.	The duty pursuant to Section 19(3) of the Act to not make a declaration under Section 19 of the Act unless the delegate is satisfied that:	CEO	NIL
5.3.1.	there are exceptional circumstances that justify the making of the declaration; and	CEO	NIL
5.3.2.	the applicant's nuisance management plan adequately sets out the measures that the person will take to prevent, minimise or address any anticipated adverse effects from the specified activity on the amenity value of the area concerned.	CEO	NIL
5.4.	The power pursuant to Section 19(4) of the Act to make a declaration unconditional or subject to conditions, including (but not limited to) conditions relating to:	CEO	NIL
5.4.1.	the permitted times or periods of time for carrying on the activity; or	CEO	NIL
5.4.2.	the manner of carrying on the activity.	CEO	NIL
5.5.	The power pursuant to Section 19(5) of the Act to, by further notice in writing, vary or revoke a declaration under Section 19 of the Act.	CEO	NIL

		Direct Delegation from Council	Conditions/ Limitations
5.6.	The:	CEO	NIL
5.6.1.	power pursuant to Section 19(7) of the Act to determine the website for publishing a declaration made under Section 19 of the Act and any variations of the declaration; and	CEO	NIL
5.6.2.	duty pursuant to Section 19(7) of the Act to publish a declaration made under Section 19 of the Act and any variations of the declaration, on a website determined by the Council or the delegate.	CEO	NIL
6.	Disposing of Litter		
6.1.	The power pursuant to Section 22(3)(a)(i) of the Act to provide a bin or other receptacle in the Council's area for the disposal of litter.	CEO	NIL
6.2.	The power pursuant to Section 22(3)(a)(ii) of the Act to approve or authorise the manner of the disposal of litter in the Council's area.	CEO	NIL
7.	Liability of Vehicle Owners		
7.1.	The duty pursuant to Section 26(3) of the Act, to accompany an expiation notice or expiation reminder notice given under the Expiation of Offences Act 1996 to the owner of a vehicle for an alleged offence against Section 26 of the Act involving the vehicle with a notice inviting the owner, if he or she was not the alleged principal offender, to provide the Council or officer specified in the notice, within the period specified in the notice, with a statutory declaration:	CEO	NIL
7.1.1.	setting out the name and address of the person who the owner believes to have been the alleged principal offender; or	CEO	NIL
7.1.2.	if he or she had transferred ownership of the vehicle to another prior to the time of the alleged principal offence and has complied with the Motor Vehicles Act 1959 or the Harbors and Navigation Act 1993 (as the case may require) in respect of the transfer – setting out details of the transfer (including the name and address of the transferee).	CEO	NIL
7.2.	The power pursuant to Section 26(4) of the Act, to bring a prosecution for an offence against Section 26 of the Act against one of the owners or against some or all of the owners jointly as co-defendants.	CEO	NIL
7.3.	The duty pursuant to Section 26(5) of the Act, before proceedings are commenced against the owner of a vehicle for an offence against Section 26 of the Act to send the owner a notice:	CEO	NIL
7.3.1.	setting out particulars of the alleged principal offence; and	CEO	NIL

		Direct Delegation from Council	Conditions/ Limitations
7.3.2.	inviting the owner, if he or she was not the alleged principal offender or the owner of the vehicle at the time of the alleged principal offence, to provide the Council, within 21 days of the date of the notice, with a statutory declaration setting out any matters referred to in subsection 3(a)(and (b).	CEO	NIL
7.4.	The duty pursuant to Section 26(9) of the Act, if:	CEO	NIL
7.4.1.	an expiation notice is given to a person named as the alleged principal offender in a statutory declaration under Section 26, or	CEO	NIL
7.4.2.	proceedings are commenced against such a person,	CEO	NIL
	to accompany the notice or summons, as the case may be, with a notice setting out particulars of the statutory declaration that named the person as the alleged principal offender.	CEO	NIL
7.5.	The duty pursuant to Section 26(10) of the Act to not include in the particulars of the statutory declaration provided to the alleged principal offender the address of the person who provided the statutory declaration.	CEO	NIL
8.	Notification of EPA of Serious or Material Environmental Harm		
8.1.	The duty pursuant to Section 29 of the Act, if the delegate has reason to believe that an offence committed under Sections 18 or 22 of the Act has, or may have, resulted in material environmental harm, or serious environmental harm, within the meaning of the Environment Protection Act 1993, to, as soon as practicable, notify the Environment Protection Authority of that belief.	CEO	NIL
9.	Nuisance and Litter Abatement Notices		
9.1.	The power pursuant to Section 30(1)(a) of the Act to issue a nuisance abatement notice for or in connection with securing compliance with Part 4 Division 1 of the Act.	CEO	NIL
9.2.	The power pursuant to Section 30(1)(b) of the Act to issue a litter abatement notice for or in connection with securing compliance with Part 4 Division 2 of the Act.	CEO	NIL
9.3.	The:	CEO	NIL
9.3.1.	duty pursuant to Section 30(2) of the Act in relation to a notice under Section 30 of the Act to ensure it:	CEO	NIL
9.3.1.1.	is in the form of a written notice served on the person to whom it is issued; and	CEO	NIL
9.3.1.2.	specifies the person to whom it is issued (by name or by a description sufficient to identify the person); and	CEO	NIL

		Direct Delegation from Council	Conditions/ Limitations
9.3.1.3.	specifies the purpose for which it is issued; and	CEO	NIL
9.3.2.	power pursuant to Section 30(2) of the Act, in relation to a notice under Section 30 of the Act, to:	CEO	NIL
9.3.2.1.	direct two or more persons to do something specified in the notice jointly; and	CEO	NIL
9.3.2.2.	impose a requirement that the person do one or more of the following:	CEO	NIL
(a)	discontinue, or not commence, a specified activity indefinitely or for a specified period or until further notice;	CEO	NIL
(b)	not carry on a specified activity except at specified times or subject to specified conditions;	CEO	NIL
(c)	take specified samples or conduct specified tests, examinations, monitoring or analyses at specified times or intervals or for a specified period or until further notice;	CEO	NIL
(d)	furnish to the Council specified results or reports within a specified period;	CEO	NIL
(e)	clean up litter that the Council or delegate considers to have been caused by a contravention of this Act;	CEO	NIL
(f)	make good any damage to property that the Council or delegate considers to have been caused by a contravention of this Act;	CEO	NIL
(g)	prepare, in accordance with specified requirements and to the satisfaction of the Council or delegate, a plan of action for the purposes of securing compliance with any requirement of the Act or preventing any future contravention of the Act;	CEO	NIL
(h)	take such other specified action in a specified way, and within a specified period or at specified times or in specified circumstances; and	CEO	NIL
(i)	in the case of a litter abatement notice, impose a requirement that the person prepare, in accordance with specified requirements and to the satisfaction of the Council or delegate, a plan of action for the purposes of:	CEO	NIL
A.	preventing the escape of litter from business premises; or	CEO	NIL
B.	keeping a specified area (not exceeding 100 metres) around business premises free from litter; and	CEO	NIL
(j)	impose any other requirement prescribed by regulation; and	CEO	NIL

		Direct Delegation from Council	Conditions/ Limitations
	(k) ensure it states that the person may, within 14 days, appeal against the notice to the Environment Resources and Development Court.	CEO	NIL
9.4.	The power pursuant to Section 30(3) of the Act to issue a notice under Section 30 of the Act jointly with one or more other councils to prevent the person contravening a provision of the Act in those council areas.	CEO	NIL
9.5.	The power pursuant to Section 30(4) of the Act to issue a notice under Section 30 of the Act that relates to an activity or conditions on premises to:	CEO	NIL
9.5.1.	the owner or occupier of the premises; or	CEO	NIL
9.5.2.	a person who has the management or control of the premises; or	CEO	NIL
9.5.3.	a person who is the trustee of a person referred to in paragraph (a) or (b) or Section 30(4) of the Act, or is managing the affairs of such a person on some other basis.	CEO	NIL
9.6.	The duty pursuant to Section 30(6) of the Act, if an emergency notice issued orally, to advise forthwith the person to whom the notice is issued of the person's right to appeal against the notice to the Environment, Resources and Development court.	CEO	NIL
9.7.	The power pursuant to Section 30(8) of the Act, to, by written notice served on a person to whom a notice under section 30 of the Act has been issued by the Council, vary or revoke the notice.	CEO	NIL
10.	Action on Non-compliance with Notice		
10.1.	The power pursuant to Section 31 of the Act, if the requirements of a nuisance abatement notice or litter abatement notice issued by Council are not complied with, to take any action required by the notice.	CEO	NIL
10.2.	The power pursuant to Section 31(2) of the Act to authorise a person to take action under section 31(1) of the Act on behalf of the Council.	CEO	NIL
10.3.	The duty pursuant to Section 30(3) of the Act, if the delegate authorises a person to take action under section 31(2) of the Act to issue the person with an instrument of authority.	CEO	NIL
10.4.	The power pursuant to Section 31(5) of the Act to recover the reasonable costs and expenses incurred by the Council in taking action under Section 31 of the Act as a debt from the person who failed to comply with the requirements of the notice.	CEO	NIL
10.5.	The power pursuant to Section 31(6) of the Act, if an amount is recoverable from a person under Section 31 of the Act, to by notice in writing to the person, fix a period, being not less than 28 days from the date of the notice,	CEO	NIL

		Direct Delegation from Council	Conditions/ Limitations
within which the amount must be paid by the person, and, if the amount is not paid by the person within that period, the person is liable to pay interest charged at the prescribed rate per annum on the amount unpaid.			
11. Civil Remedies			
11.1.	The power pursuant to Sections 33(1) and (6) of the Act to apply to the Environment, Resources and Development court for one or more of the following orders:	CEO	NIL
11.1.1.	if a person has engaged, is engaging or is proposing to engage in conduct in contravention of the Act – an order restraining the person from engaging in the conduct and, if the court considers it appropriate to do so, requiring the person to take any specified action;	CEO	NIL
11.1.2.	if a person has refused or failed, is refusing or failing or is proposing to refuse or fail to take any action required by the Act – an order requiring the person to take that action;	CEO	NIL
11.1.3.	if a person has caused damage to property by a contravention of the Act – an order requiring the person to take specified action to make good the damage and, if appropriate, to take specified action to prevent or mitigate further damage;	CEO	NIL
11.1.4.	if the Council has incurred costs or expenses in taking action to prevent or mitigate damage caused by a contravention of the Act, or to make good resulting damage – an order against the person who committed the contravention for payment of the reasonable costs and expenses incurred in taking that action;	CEO	NIL
11.1.5.	if the Council has suffered injury or loss or damage to property as a result of a contravention of the Act, or incurred costs and expenses in taking action to prevent or mitigate such injury, loss or damage – an order against the person who committed the contravention for payment of compensation for the injury, loss or damage, or for payment of the reasonable costs and expenses incurred in taking that action;	CEO	NIL
11.1.6.	if the court considers it appropriate to do so, an order against a person who has contravened the Act for payment to the Council.	CEO	NIL
11.2.	The power pursuant to Section 33(6) of the Act to make an application under Section 33 of the Act.	CEO	NIL
11.3.	The power pursuant to Section 33(8) of the Act to serve a copy of the application on the Minister within three days after filing the application with the court.	CEO	NIL
11.4.	The power pursuant to Section 33(9) of the Act to apply to the court for the Council to be joined as a party to the proceedings.	CEO	NIL

		Direct Delegation from Council	Conditions/ Limitations
11.5.	The power pursuant to Section 33(10) of the Act to make an application under Section 33 of the Act in a representative capacity (provided the consent of all persons on whose behalf the application is made is obtained).	CEO	NIL
11.6.	The power pursuant to Section 33(11) of the Act to make an application without notice to any person.	CEO	NIL
11.7.	The power pursuant to Section 33(14) of the Act to apply for an interim order without notice to any person.	CEO	NIL
11.8.	The power pursuant to Section 33(19) of the Act to apply to the court to vary or revoke an order previously made under Section 33 of the Act.	CEO	NIL
12.	Minister or Council May Recover Civil Penalty in Respect of Contravention		
12.1.	The power pursuant to Section 34(1) of the Act, subject to Section 34 of the Act, if the delegate is satisfied that a person has committed an offence by contravening a provision of the Act, to, as an alternative to criminal proceedings, recover, by negotiation or by application to the Environment, Resources and Development court an amount as a civil penalty in respect of the contravention.	CEO	NIL
12.2.	The duty pursuant to Section 34(2) of the Act to not recover an amount under Section 34 of the Act, in respect of a contravention if the relevant offence requires proof of intention or some other state of mind, and to, in respect of any other contravention, determine whether to initiate proceedings for an offence or take action under Section 34 of the Act, having regard to the seriousness of the contravention, the previous record of the offender and any other relevant factors.	CEO	NIL
12.3.	The duty pursuant to Section 34(3) of the Act to not make an application to the court under Section 34 of the Act to recover an amount from a person as a civil penalty in respect of a contravention:	CEO	NIL
12.3.1.	unless the Council or the delegate has served on the person a notice in the prescribed form advising the person that the person may, by written notice to the Council, elect to be prosecuted for the contravention and the person has been allowed not less than 21 days after service of the notice to make such an election; or	CEO	NIL
12.3.2.	if the person serves written notice on the Council, before the making of such an application, that the person elects to be prosecuted for the contravention.	CEO	NIL
12.4.	The power pursuant to Section 34(4) of the Act to recover by negotiation as a civil penalty in respect of a contravention a maximum amount being the sum of the amount specified by the Act as the criminal penalty in relation to that contravention and the amount of any economic benefit acquired by the person, or accrued or accruing to the person, as a result of the contravention.	CEO	NIL

	Direct Delegation from Council	Conditions/ Limitations
12.5. The power pursuant to Section 34(5) of the Act to apply to the Environment, Resources and Development court for an order the person pay to the Council an amount as a civil penalty (but not exceeding the sum of the amount specified by the Act as the criminal penalty in relation to that contravention and the amount of any economic benefit acquired by the person, or accrued or accruing to the person, as a result of the contravention).	CEO	NIL
12.6. The power pursuant to Section 34(8) of the Act, if conduct of a person constitutes a contravention of two or more provisions of the Act, to recover an amount from the person under Section 34 of the Act in relation to the contravention of one or more of those provisions (provided that the person is not liable to pay more than one amount as a civil penalty in respect of the same conduct).	CEO	NIL
12.7. The power pursuant to Section 34(13) of the Act to apply to the Attorney-General for authorisation to commence proceedings for an order under Section 34 of the Act more than three years and within 10 years after the date of the alleged contravention.	CEO	NIL
13. Statutory Declaration		
13.1. The power pursuant to Section 40 of the Act if a person is required by or under the Act to provide information to the Council, to require that the information be verified by statutory declaration and, in that event, the person will not be taken to have provided the information as required unless it has been so verified.	CEO	NIL
14. Orders in Respect of Contraventions		
14.1. The power pursuant to Section 45(1) of the Act, if, in proceedings under the Act, the court finds that the defendant contravened the Act and the contravention has resulted in injury to the Council or loss or damage to property, to apply to the court, in addition to any penalty it may impose, one or more of the following:	CEO	NIL
14.1.1. an order the person to take specified action to make good any damage and, if appropriate, to take specified action to prevent or mitigate further damage;	CEO	NIL
14.1.2. an order the person to take specified action to publicise the contravention and its consequences and any other orders made against the person;	CEO	NIL
14.1.3. 14.1.3 an order the person pay to the Council if the Council has incurred costs or expenses in taking action to prevent or mitigate or make good any damage (including, in the case of litter, taking action to remove or clean up, and lawfully dispose of the litter);	CEO	NIL
the reasonable costs and expenses so incurred, or compensation for the injury, loss or damage so suffered, as the case may be, in such a manner as is determined by the Court.	CEO	NIL

	Direct Delegation from Council	Conditions/ Limitations
14.2. The power pursuant to Section 45(2) of the Act if a person is found by a court to have contravened the Act, to apply to the court, for, in addition to any penalty it may impose, an order the person to pay to the Council an amount not exceeding the court's estimation of the amount of the economic benefit acquired by the person, or accrued or accruing to the person, as a result of the contravention.	CEO	NIL
14.3. The power pursuant to Section 45(5) of the Act to apply to the court for an order under Section 45 of the Act, fixing a period for compliance and imposing any other requirements the court considers necessary or expedient for enforcement of the order.	CEO	NIL
15. Recovery of Administrative and Technical Costs Associated with Contraventions		
15.1. The power pursuant to Section 48(1) of the Act, if a person has contravened this Act and the Council:	CEO	NIL
15.1.1. has taken action to:	CEO	NIL
15.1.1.1. investigate the contravention; or	CEO	NIL
15.1.1.2. issue a nuisance abatement notice or litter abatement notice in respect of the contravention; or	CEO	NIL
15.1.1.3. ensure that the person has complied with requirements imposed in relation to the contravention by a nuisance abatement notice or litter abatement notice or by an order of a court under the Act; or	CEO	NIL
15.1.2. has, in taking such action, incurred costs and expenses in taking samples or in conducting tests, examinations, monitoring or analyses,	CEO	NIL
to, by notice in writing served on the person, require the person to pay to the Council the reasonable costs and expenses incurred by the Council in taking such action.	CEO	NIL
15.2. The power pursuant to Section 48(2) of the Act to specify in the notice the period within which an amount payable to the Council in accordance with a notice under Section 48 of the Act must be paid.	CEO	NIL
15.3. The power pursuant to Section 48(3) of the Act, on application by a person who has been served a notice under Section 48 of the Act to, by notice in writing:	CEO	NIL
15.3.1. extend the time for payment of an amount payable in accordance with the notice; or	CEO	NIL
15.3.2. waive payment of such an amount or reduce the amount payable.	CEO	NIL
15.4. The power pursuant to Section 48(6) of the Act, if an amount payable to the Council is not paid in accordance with	CEO	NIL

		Direct Delegation from Council	Conditions/ Limitations
Section 48 of the Act to recover the amount as a debt.			
16.	Assessment of Reasonable Costs and Expenses		
16.1.	The duty pursuant to Section 49 of the Act, to for the purposes of the Act, assess the reasonable costs and expenses that have been or would be incurred by the Council or some other person or body in taking any action by reference to the reasonable costs and expenses that would have been or would be incurred in having the action taken by independent contractors engaged for that purpose.	CEO	NIL
17.	Evidentiary Provisions		
17.1.	The power pursuant to Section 50(4) of the Act to execute a certificate certifying as to the matter relating to:	CEO	NIL
17.1.1.	the appointment or non-appointment of a person as an authorised officer under the Act; or	CEO	NIL
17.1.2.	a delegation or authority under the Act; or	CEO	NIL
17.1.3.	a notice, requirement or direction of the Council or an authorised officer under the Act; or	CEO	NIL
17.1.4.	the receipt or non-receipt by the Council or an authorised officer of a notification, report or information given or required to be given or furnished to the Council or authorised officer under the Act.	CEO	NIL
17.2.	The power pursuant to Section 50(5) of the act to execute a certificate detailing the costs and expenses incurred by the Council and the purpose for which they were incurred.	CEO	NIL
DELEGATIONS UNDER THE LOCAL NUISANCE AND LITTER CONTROL REGULATIONS 2017			
18.	Annual Reports by Councils		
18.1.	The duty pursuant to Regulation 5 of the Local Nuisance and Litter Control Regulations 2017 (the Regulations), to, for the purposes of Section 8 of the Act, include in the Council's annual report details of:	CEO	NIL
18.1.1.	the number of complaints of local nuisance or littering received by the Council; and	CEO	NIL
18.1.2.	the number and nature of:	CEO	NIL
18.1.2.1.	offences under the Act that were expiated; and	CEO	NIL
18.1.2.2.	offences under the Act that were prosecuted; and	CEO	NIL
18.1.2.3.	nuisance abatement notices or litter abatement notices issued; and	CEO	NIL
18.1.2.4.	civil penalties negotiated under Section 34 of the Act; and	CEO	NIL

		Direct Delegation from Council	Conditions/ Limitations
18.1.2.5.	applications by the Council to the Court for orders for civil penalties under Section 34 of the Act and the number of orders made by the Court on those applications; and	CEO	NIL
18.1.3.	any other functions performed by the Council under the Act.	CEO	NIL
19.	Exemptions from Application of Section 18		
19.1.	The power pursuant to Regulation 6(1)(a)(ii) of the Regulations:	CEO	NIL
19.1.1.	to fix a lodgement period for an application in relation to an activity that is to take place over a period not exceeding 24 hours; and	CEO	NIL
19.1.2.	to fix a lodgement period for an application in relation to an activity that is to take place over a period of 24 hours or longer.	CEO	NIL
19.2.	The power pursuant to Regulation 6(2) of the Regulations, if an application for a declaration in relation to an activity is not lodged with the Council as required by Regulation 6(1)(a)(ii) of the Act, to refuse to consider the application.	CEO	NIL
19.3.	The power pursuant to Regulation 6(3) of the Regulations to require the following prescribed details to be contained in a site nuisance management plan to the extent relevant to the activity:	CEO	NIL
19.3.1.	an assessment of the potential for local nuisance and the number of residential and commercial premises occupied by persons likely to be affected by the local nuisance (potentially affected persons);	CEO	NIL
19.3.2.	a map showing:	CEO	NIL
19.3.2.1.	the proposed location of the activity and the likely fixed sources of local nuisance (for example, in the case of a concert, the location and orientation of stages and speakers); and	CEO	NIL
19.3.2.2.	the location of premises occupied by potentially affected persons and the distance of the premises from those sources;	CEO	NIL
19.3.3.	the name and contact details of the responsible person in relation to the activity;	CEO	NIL
19.3.4.	the proposed strategy for minimising, managing and monitoring the effects of the local nuisance on potentially affected persons;	CEO	NIL
19.3.5.	a copy of the notice (forming part of the communication strategy) proposed to be given to those persons to notify them of the activity, which must include the following details:	CEO	NIL

		Direct Delegation from Council	Conditions/ Limitations
19.3.5.1.	the nature of the proposed activity;	CEO	NIL
19.3.5.2.	the start and finish dates for the activity;	CEO	NIL
19.3.5.3.	the daily start and finish times for the activity;	CEO	NIL
19.3.5.4.	the anticipated sources of local nuisance generated by the activity;	CEO	NIL
19.3.5.5.	the proposed measures to be implemented to minimise the local nuisance;	CEO	NIL
19.3.5.6.	the name and contact details of the person who may be contacted by potentially affected persons regarding concerns or complaints in relation to the activity;	CEO	NIL
19.3.5.7.	such other details as the delegate may require;	CEO	NIL
19.3.6.	the proposed communication strategy with the Council, including reporting by the exempt person on progress of the activity and the site nuisance management plan and any unforeseen incidents;	CEO	NIL
19.3.7.	the proposed process for recording details about complaints, including:	CEO	NIL
19.3.7.1.	contact details for each complainant; and	CEO	NIL
19.3.7.2.	the date and time of the complaint; and	CEO	NIL
19.3.7.3.	a description of the complaint; and	CEO	NIL
19.3.7.4.	the nature of the activity giving rise to the complaint; and	CEO	NIL
19.3.7.5.	any action taken to address the complaint.	CEO	NIL
20.	Notification to EPA of Serious or Material Environmental Harm		
20.1.	The duty pursuant to Regulation 12 of the Regulations, to, for the purposes of Section 29 of the Act, include in notifications to the Environment Protection Authority:	CEO	NIL
20.1.1.	as many of the following details as may be in the possession of the Council:	CEO	NIL
20.1.1.1.	any investigation statements from authorised officers, witnesses or suspects;	CEO	NIL
20.1.1.2.	copies of relevant evidence (for example, images, photographs, video or audio recordings or transcripts, maps, reports of analyses, tests or samples, file notes, exhibit management records and any certificates under Section 50 of the Act or other relevant documents, orders, notes or information); and	CEO	NIL

		Direct Delegation from Council	Conditions/ Limitations
	20.1.2. details as to any limitation of time for prosecution or expiation of offences under the Act; and	CEO	NIL
	20.1.3. details of the application of any relevant prescribed period within the meaning of Section 16 of the Act in relation to a substance, material or thing seized under Part 3 Division 3 of the Act.	CEO	NIL
21.	21. Action on Non-compliance with Notice		
	21.1. The power pursuant to Regulation 13(2)(a) of the Regulations, to:	CEO	NIL
	21.1.1. for the purposes of creating the charge on land, give the Registrar-General a notice, in a form determined by the delegate or the Council on the recommendation or with the approval of the Registrar-General,	CEO	NIL
	21.1.1.1. setting out the amount recoverable under Section 31 of the Act; and	CEO	NIL
	21.1.1.2. setting out the land in relation to which the relevant action was taken; and	CEO	NIL
	21.1.1.3. requesting the Registrar-General to make a notation under Regulation 13(2) of the Regulations in relation to the relevant land.	CEO	NIL
	21.2. The power pursuant to Regulation 13(2)(f) of the Regulations to, in a case where Regulation 13(2)(d)(i)(B) of the Regulations applies, recover the amount as if it were a rate constituting a charge on land under Section 144(2) of the Act.	CEO	NIL
	21.3. The duty pursuant to Regulation 13(2)(g) of the Regulations, if the amount to which the charge relates is paid, to, by further notice to the Registrar-General (being a notice in a form determined by the Minister on the recommendation or with the approval of the Registrar-General), cancel the charge.	CEO	NIL
	21.4. The power pursuant to Regulation 13(3) of the Regulations to recover any costs or expenses incurred by the Council in relation to creating a charge over land or cancelling such a charge under Regulation 13 of the Regulations from the owner of the land in accordance with Section 144 of the Local Government Act 1999.	CEO	NIL
22.	Payment of Fees by Instalments		
	The power pursuant to Regulation 15(1) of the Regulations to, in allowing the payment of a fee under the Act or the Regulations by instalments, add to each amount payable as an instalment a charge by way of interest, or an administrative fee, determined by the delegate or the Council (as the case may be).	CEO	NIL
23.	Waiver or Refund of Fees		
	The power pursuant to Regulation 16 of the Regulations to waive or refund a fee or other amount (or part of a fee or other amount) payable under the Act or the Regulations if the delegate is satisfied that it is appropriate to do so in a particular	CEO	NIL

		Direct Delegation from Council	Conditions/ Limitations
case.			
24.	Recovery of Fees		
The power pursuant to Regulation 17 of the Regulations to recover a fee or other amount payable by a person under the Act or Regulations as a debt by action in a court of competent jurisdiction.		CEO	NIL

Appendix 11

Real Property Act 1886

NB: CONDITIONS/LIMITATIONS APPLYING TO ALL DELEGATIONS UNDER THE REAL PROPERTY ACT 1886:- Not to be exercised where the common seal of the council is required to be affixed to any form required to be deposited under the Act.

	Direct Delegation from Council	Conditions/ Limitations
INSTRUMENT OF DELEGATION UNDER THE REAL PROPERTY ACT 1886		
1. Lands granted prior to the day on which this Act comes into operation may be brought into operation under this Act		
1.1 The power pursuant to Section 27 of the Real Property Act 1886 (the Act) and in accordance with Sections 27, 28 and 29 of the Act to, as to land heretofore alienated from the Crown in fee but not under the provisions of any of the Real Property Acts (whether such land shall constitute the entire or only part of the land included in any land grant), to apply to the Registrar-General in the form of Schedule 2 to the Act, or in a form to the like effect, to bring the said land under the provisions of the Act where:	CEO	NB
1.1.1 the Council claims to be the person in whom the fee simple is vested either at law or in equity;	CEO	NB
1.1.2 the Council has power to appoint or dispose of the fee simple, at law or in equity and the application is made for the purpose of carrying such power into effect.	CEO	NB
1.2 The power pursuant to Section 27(a) of the Act, where the Council claims or appears to be beneficially entitled to land heretofore alienated from the Crown in fee but not under the provisions of any of the Real Property Acts, whether such land shall constitute the entire or only part of the land included in any land grant, to consent to an application to bring the said land under the provisions of the Act.	CEO	NB
1.3 The power pursuant to Section 27(c) of the Act, where the Council claims or appears to be beneficially entitled in reversion or remainder to land heretofore alienated from the Crown in fee but not under the provisions of any of the Real Property Acts, whether such land shall constitute the entire or only part of the land included in any land grant, to consent to an application to bring the said land under the provisions of the Act.	CEO	NB
2. Undivided shares and mortgaged land may not be brought under Act except upon conditions		
2.1 The power pursuant to Section 28 of the Act to join in the application with a view to bringing the entirety under the provisions of the Act, where,	CEO	NB
2.1.1 the Council appears to be entitled to an undivided share of the land; or	CEO	NB
2.1.2 the Council is the mortgagee of the land.	CEO	NB

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	Direct Delegation from Council	Conditions/ Limitations
3. Caveat against bringing land under Act		
The power pursuant to and in accordance with Section 39 of the Act, where the Council has or claims an estate or interest in any land sought to be brought under the provisions of the Act, to, within the time by the Registrar-General or under any order of the Court for that purpose limited, lodge a caveat in the Lands Titles Registration Office, in the form of Schedule 3 to the Act, forbidding the bringing of such land under the provisions of the Act.	CEO	NB
4. Applicant may withdraw his application		
4.1 The power pursuant to Section 41 of the Act, to:	CEO	NB
4.1.1 withdraw the Council's application at any time prior to the issuing of the certificate;	CEO	NB
4.1.2 request in writing signed by the Delegate the return to the Council or the person notified in the application as having a lien thereon of all documents of title deposited in support of the application.	CEO	NB
5. Proceedings under Caveat		
The power pursuant to Section 44 of the Act, whenever a caveat shall have been lodged in the Lands Titles Registration Office forbidding land to be brought under the provisions of the Act, to bring like proceedings as provided for in the Act for the removal of caveats, in the case of land already under the provisions of the Act, for removal of the caveat, and for the recovery of costs and damages from the caveator, in case the caveat shall have been lodged by the caveator wrongfully and without reasonable cause.	CEO	NB
6. Deliberately left blank	Deliberately Left Blank	Deliberately Left Blank
6A. Priority of instruments		
6A.1 The power pursuant to Section 56(5) of the Act and in accordance with Section 56(6) of the Act to apply to the Registrar-General, in the appropriate form, to vary the order of priority between 2 or more registered mortgages or encumbrances.	NIL	NIL
6A.2 The power pursuant to Section 56(6)(a) of the Act to consent to an application under Section 56(5) of the Act where the Council is the holder of a mortgage or encumbrance that is to have its order of priority varied.	NIL	NIL
6A.3 The power pursuant to Section 56(6)(b) of the Act, if a registered mortgage or encumbrance is, by virtue of the proposed variation of order of priority, to be postponed to a mortgage or encumbrance over which it has	NIL	NIL

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	Direct Delegation from Council	Conditions/ Limitations
had priority, to consent where the Council is the holder of the mortgage or encumbrance that is to be postponed.		
7. Certificates in lieu of surrendered certificates		
The power pursuant to Section 78 of the Act where the Council is a registered proprietor holding land under 1 or more certificates, to apply to the Registrar-General for the issue of one certificate for the whole of such land, or several certificates each comprising portion of such land.	CEO	NB
8. Deliberately left blank	Deliberately Left Blank	Deliberately Left Blank
9. Application for Certificate based on possession		
The power pursuant to Section 80A of the Act and in accordance with Section 80B of the Act, where the Council would have obtained a title by possession to any land which is subject to the Act if that land had not been subject to the Act, to apply to the Registrar-General for the issue to the Council of a certificate of title to that land.	CEO	NB
10. Caveats		
The power pursuant to and in accordance with Section 80F of the Act, where the Council claims an estate or interest in land to which an application under Part 7A relates, to lodge a caveat with the Registrar-General forbidding the granting of the application.	CEO	NB
11. Variation and Extinguishment of Easements		
11.1 The power pursuant to Section 90B(1) of the Act, and subject to Section 90B of the Act, where the Council is the proprietor of the dominant or servient land, to make application (in a form approved by the Registrar-General) to:	CEO	NB
11.1.1 vary the position of, or extend or reduce the extent of, an easement over servient land; or	CEO	NB
11.1.2 vary an easement by extending the appurtenance of the easement to other land owned by the proprietor of the dominant land; or	CEO	NB
11.1.3 extinguish an easement.	CEO	NB
11.2 The power pursuant to Section 90B(2) of the Act, where the Council is the proprietor of the dominant land or servient land, or has, or claims to have, an estate or interest in the dominant or servient land, to give written	CEO	NB

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	Direct Delegation from Council	Conditions/ Limitations
consent to the Registrar-General acting under Section 90B(1) of the Act.		
12. Easement subject to existing mortgage etc		
The power pursuant to Section 90F of the Act, where an easement is created over servient land and the dominant land or any part of it is subject to a mortgage or encumbrance held by the Council, to consent to the easement also being subject to the mortgage or encumbrance and endorse the Council's consent on the instrument granting the easement.	CEO	NB
13. Person now holding under lease or agreement may surrender		
13.1 The power pursuant to Section 92 of the Act, where the Council holds Crown lands under a lease or agreement for sale granted or made by or on behalf of the Crown, to, subject to the approval of the Minister of Lands, surrender the lease or agreement for a Crown lease of the land remaining subject to such lease or agreement, upon all the same terms as shall have been applicable to such land prior to the surrender but so that every person having any estate or interest in the surrendered land shall concur in the surrender.	CEO	NB
13.2 The power pursuant to Section 92 of the Act where a person holding any Crown lands under a lease or agreement for sale granted or made by or on behalf of the Crown and the lease or agreement for a Crown lease of the land remaining subject to such lease or agreement is to be surrendered, to as a person having an estate or interest in the surrendered land, concur in the surrender.	CEO	NB
14. Execution and registration of Crown Lease		
14.1 The power pursuant to Section 93(1) of the Act, where the Council is party to a Crown lease, to execute two copies of the lease, one of which must be lodged in the Lands Titles Registration Office for inclusion or recording in the Register of Crown Leases and the other of which must be delivered to the lessee.	CEO	NB
14.2 The power pursuant to Section 93(3a) of the Act to transfer, mortgage and deal with a Crown lease registered under Section 93(3) of the Act as if it were a lease registered in the Register Book (provided that an entry in respect of a lease that would ordinarily be made in the Register Book must instead be made in the Register of Crown Leases).	CEO	NB
15. Transfers		
15.1 The power pursuant to and in accordance with Section 96 of the Act, where the Council is the transferor or transferee of land intended to be transferred or a right of way or other easement intended to be created or	CEO	NB

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	Direct Delegation from Council	Conditions/ Limitations
transferred, to execute a transfer in the appropriate form to be lodged for registration in the Lands Titles Registration Office.		
15.2 Deliberately left blank	CEO	NB
16. Creation of easements by reservation		
The power pursuant to Section 96AA of the Act, to create an easement on the transfer under the Act of an estate of freehold or the granting of an estate of leasehold under the Act by reservation of the easement to the transferor or lessor in the instrument of transfer or the lease.	CEO	NB
17. Deliberately left blank	Deliberately left blank	Deliberately left blank
18. Deliberately left blank	Deliberately left blank	Deliberately left blank
19. Sale under Writ of fieri facias or Decree, Warrant or Order of Court		
The power pursuant to Section 105 of the Act in relation to a writ or warrant of execution against land, or of a decree or order (other than an order for sale for non-payment of rates) affecting land issued out of or made by the Court, or any Court of insolvency or other Court of competent jurisdiction, to sign a statement to accompany such a writ, warrant, decree or order where the Council is a party interested, specifying the land sought to be affected.	CEO	NB
20. Issue of certificate where land is vested by operation of law		
20.1 The power pursuant to Section 115A of the Act, in relation to an estate or interest in land that has become vested in the Council, to make an application to the Registrar-General, to:	CEO	NB
20.1.1 in the case of land under the provisions of the Act – register the Council as the proprietor of that estate or interest in the land; or	CEO	NB
20.1.2 in the case of land not under the provisions of the Act – bring the land under the provisions of the Act and register the Council as the proprietor of that estate or interest in the land.	CEO	NB
21. Lands, now leased		
The power pursuant to Section 116 of the Act, when any land is intended to be leased for a life or lives, or for any term of years exceeding one year, to execute a lease in the appropriate form, in accordance with Section 117 of the Act.	CEO	NB

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	Direct Delegation from Council	Conditions/ Limitations
22. Leases not to bind non-consenting mortgagees or encumbrancees		
The power pursuant to Section 118 of the Act, to consent in writing to a lease of mortgaged or encumbered land prior to the lease being registered where the Council is the mortgagee or encumbrancee of the land.	CEO	NB
23. Standard terms and conditions of lease		
The power pursuant to Section 119A(1) of the Act to deposit with the Registrar-General for filing in the Lands Titles Registration Office a document containing terms and conditions for incorporation as standard terms and conditions in leases under Section 119A of the Act.	CEO	NB
24. Lease may be surrendered by separate instrument		
The power pursuant to Section 120 of the Act to surrender a registered lease by instrument in the appropriate form, executed by the lessee and lessor.	CEO	NB
25. Registrar-General may enter surrender		
The power pursuant to Section 121 of the Act, where the lessee has given written notice to the Council as lessor or the Council's agent of his or her intention to give up possession of land comprised in a registered lease, to make application to the Registrar-General in the appropriate form and producing such evidence as the Registrar-General may require that the lessee has abandoned occupation of the land comprised in the lease, to make a record in the Register Book.	CEO	NB
26. Surrender where lease subject to mortgage or under lease		
The power pursuant to Section 123 of the Act, where the Council holds a mortgage or encumbrance over a lease or over land, to provide written consent to the surrender of the lease.	CEO	NB
27. Registrar-General to note particulars of re-entry in Register Book		
The power pursuant to Section 126 of the Act, where the Council is the lessor of land, to provide proof to the Registrar-General of the Council's re-entry of the land.	CEO	NB
28. Lands, now mortgaged or encumbered		
28.1 The power pursuant to Section 128(1) of the Act if land is to be charged or made security in favour of a person to execute a mortgage.	CEO	The delegation of the power contained in

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	Direct Delegation from Council	Conditions/ Limitations
		section 128 of the act is subject to section 44(3)(c) of the local government act 1999, that is, the delegate is not delegated the power to borrow money or obtain other forms of financial accommodation.
28.1.1 Deliberately left blank	Deliberately left blank	Deliberately left blank
28.1.2 Deliberately left blank	Deliberately left blank	Deliberately left blank
28.2 The power pursuant to Section 128(2) of the Act to lodge a mortgage for registration in the Lands Titles Registration Office in the appropriate form.	CEO	The delegation of the power contained in section 128 of the act is subject to section 44(3)(c) of the local government act 1999, that is, the delegate is not delegated the power to borrow money or obtain other forms of financial accommodation.
28.3 The power pursuant to Section 128(4) of the Act where the Council is a mortgagee in relation to a mortgage lodged for registration in the Lands Titles Registration Office to provide certification under Section 273(1) of the Act.	CEO	The delegation of the power contained in section 128 of the act is subject to section 44(3)(c) of the local government act 1999,

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	Direct Delegation from Council	Conditions/ Limitations
		that is, the delegate is not delegated the power to borrow money or obtain other forms of financial accommodation.
28A Encumbrance of land		
The power pursuant to Section 128B(1) of the Act if land is to be charged with or made security for the payment of an annuity, rent charge or sum of money in favour of a person, to execute an encumbrance in the appropriate form.	CEO	NB
29. Standard terms and conditions of Mortgage or Encumbrance		
The power pursuant to Section 129A(1) of the Act to deposit with the Lands Titles Registration Office a document containing terms and conditions for incorporation as standard terms and conditions in mortgages or encumbrances under Section 129A of the Act.	CEO	NB
30. Nature of Mortgage and Encumbrance and procedure in case of default		
The power pursuant to Section 132 of the Act, where the Council holds a mortgage or encumbrance and default is made in the payment of the principal sum, interest, annuity, or rent charge, or any part thereof thereby secured, or in the observance of any covenant therein expressed or implied and such default be continued for the space of one month, or for such other period of time as may therein for that purpose be expressly limited, to give to the mortgagor or encumbrancer notice in writing to pay the money then due or owing on such mortgage or encumbrance, or to observe the covenants therein expressed or implied, as the case may be and that sale will be effected if such default be continued, and to leave such notice on the mortgaged or encumbered land, or at the usual or last known place of abode in South Australia of the mortgagor or encumbrancer.	CEO	NB
31. Power of sale		
The power pursuant to and in accordance with Section 133 of the Act, if such default continues for the further space of one month from the date of such notice or for such period as may in such instrument be for that purpose limited, to sell the land so mortgaged or encumbered, or any part thereof and all the estate and interest therein of the mortgagor or encumbrancer and either altogether or in lots, by public auction or by private contract or by both such modes of sale, and subject to such conditions as the Delegate may think fit, and to buy in and resell the same and to	CEO	NB

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	Direct Delegation from Council	Conditions/ Limitations
make and execute all such instruments as shall be necessary for carrying the sale thereof into effect.		
32. Power of Mortgagee to enter, take possession, distrain, let or bring action for recovery of land		
32.1 The power pursuant to Section 137 of the Act, where the Council is a mortgagee or encumbrancee and there is a default in payment of the principal sum, interest, annuity, or rent charge secured by that mortgage or encumbrance, to:	CEO	NB
32.1.1 enter into possession of the mortgaged or encumbered land and receive the rents and profits thereof; or	CEO	NB
32.1.2 distrain upon the occupier or tenant of the land; or	CEO	NB
32.1.3 from time to time let the said land for any term not exceeding one year; or	CEO	NB
32.1.4 bring an action for recovery of the land either before or after entering into the receipt of the rent and profits or making any distress.	CEO	NB
33. Power of Mortgagee to distrain on tenant or occupier for arrears not exceeding the amount of rent due		
The power pursuant to and in accordance with Section 138 of the Act, where the Council is a mortgagee or encumbrancee and the principal sum, interest, annuity, or rent charge has been in arrears for 21 days and a further 7 days have elapsed from the date of application for the payment thereof to the occupier or tenant, to enter upon the mortgaged or encumbered land and distrain upon the goods and chattels of the occupier or tenant for such arrears to an amount not exceeding the rent then due from such occupier or tenant to the Council, and to dispose of the goods and chattels so distrained upon in like manner as landlords may do in ordinary distresses for rent, and out of the proceeds to retain the moneys distrained for, and all costs and expenses occasioned by such distress and sale.	CEO	NB
34. Application to Mortgagee to Registrar-General for foreclosure		
The power pursuant to Section 140(1) of the Act, and in accordance with Section 140(2) of the Act, when default has been made for six months in the payment of the principal or interest secured by any mortgage held by the Council, to make application, in writing, to the Registrar-General for an order for foreclosure.	CEO	NB
35. Provision for case where Mortgagee or Encumbrancee refuses to join in proceedings on default		
35.1 The power pursuant to Section 142A(1) of the Act, where the Council and one or more other persons are registered as mortgagees or encumbrances under the same mortgage or encumbrance, and default has been	CEO	NB

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made in payment of any money due under the mortgage or encumbrance or in the performance of any covenant in the said mortgage or encumbrance expressed or implied as entitles the mortgagees or encumbrances to exercise any of their rights or remedies under the Act or under the mortgage or encumbrance, and any such mortgagee or encumbrance fails or refuses to join in giving any notice, making any application or doing any other act or thing for the purpose of enforcing any of the said rights or remedies, to apply to the Court by originating summons to:		
35.1.1 appoint the Council or any other person to exercise on behalf of the mortgagees or encumbrances such of the said rights or remedies as the Court thinks proper;	CEO	NB
35.1.2 give any directions as to the mode of exercising the said rights or remedies and as to any other matters incidental thereto.	CEO	NB
36. Discharge of Mortgages and Encumbrances		
The power pursuant to and in accordance with Section 143(1) of the Act to wholly or partially discharge, by instrument in the appropriate form and executed by the Delegate, a mortgage or encumbrance held by the Council.	CEO	NB
37. Partial discharge of Mortgage or Encumbrance on Grant of Easement		
The power pursuant to Section 144 of the Act, where an easement is granted over land that is subject to a mortgage or an encumbrance and the Council is the mortgagee or encumbrancee, to endorse the Council's consent to the easement on the instrument granting the easement.	CEO	NB
38. Deliberately left blank		
39. Transfer of Mortgage Lease and Encumbrance		
The power pursuant to Section 150 of the Act to transfer a registered mortgage, lease or encumbrance by execution of a transfer in the appropriate form.	CEO	NB
40. Renewal or extension of Mortgage etc		
The power pursuant to Section 153(1) of the Act and in accordance with Sections 153(1) and (2) of the Act to renew or extend a mortgage, encumbrance or lease by registration of an instrument in the appropriate form.	CEO	NB
40AA Requirements for renewal or extension of mortgage		

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	Direct Delegation from Council	Conditions/ Limitations
The power pursuant to Section 153A(1) of the Act, in relation to an instrument lodged for registration in the Lands Titles Registration Office renewing or extending a mortgage, to provide certification required under Section 273(1) of the Act.	CEO	NB
40A Person who intends to lodge instrument may lodge priority notice		
40A.1 The power pursuant to Section 154A(1) of the Act to, where the Council intends to lodge an instrument, on payment of the prescribed fee, lodge in the Lands Titles Registration Office a notice (a priority notice), in accordance with Sections 154A(2), (3), (4) and (9) of the Act, for the purpose of giving priority to 1 or more instruments relevant to the same conveyancing transaction.	CEO	NB
40A.2 The power pursuant to Section 154A(6) of the Act to, if a priority notice is lodged in the Lands Titles Registration Office in relation to land, lodge a further priority notice in relation to the same land.	CEO	NB
40B Effect of priority notice		
40B.1 The power pursuant to Section 154B(2)(b) of the Act to, where a priority notice lodged by the Council is in force in relation to land, provide written consent to the Registrar-General to register, record or give effect to an instrument in relation to the land.	CEO	NB
40B.2 The power pursuant to Section 154B(2)(v) of the Act, where a priority notice is in force in relation to land, to make an application under the Act where the Council is a person to whom land has been transmitted for registration as proprietor of the land.	CEO	NB
40B.3 The power pursuant to Section 154B(2)(va) of the Act, where a priority notice is in force in relation to land, to make an application under the Act where the Council is a surviving joint proprietor to have the death of a joint proprietor recorded in the Register Book.	CEO	NB
40C Withdrawal of priority notice		
40C.1 The power pursuant to Section 154E of the Act to withdraw a priority notice lodged by the Council by lodging in the Lands Titles Registration Office a notice of withdrawal in the appropriate form.	CEO	NB
40D Cancellation of priority notice by Registrar-General		
40D.1 The power pursuant to Section 154F(1) of the Act where the Council is a person with an interest in land to which a priority notice is in force, to make application to the Registrar-General to cancel the notice on the	CEO	NB

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basis that the priority notice purports to protect the priority of an instrument that is unlikely to be registered or recorded within 90 days of the day on which the notice was lodged.		
40D.2 The power pursuant to Section 154F(2) of the Act, where the Registrar-General gives written notice to the Council as the person who lodged a priority notice, of an application under Section 154F(1) to cancel the priority notice, to provide written submissions in response to the application within a specified period.	CEO	NB
40E Cessation of priority notice		
40E.1 The power pursuant to Section 154G(6) of the Act, where the Council has lodged a priority notice, to make application to the Registrar-General to extend the duration of the notice for 30 days.	CEO	NB
41. Disclaimers		
41.1 The power pursuant to Section 169(1) of the Act, where the Council is registered as proprietor of an estate or interest in land, to advise the Registrar-General in writing that the registration occurred without the Council's consent.	CEO	NB
41.2 The power pursuant to Section 169(2a) of the Act to lodge with the Registrar-General a notice of objection to the registration of the instrument of disclaimer.	CEO	NB
41.3 The power pursuant to Section 169(6) of the Act, where the Council is a disclaimant who has received a notice under Section 169(4)(b) of the Act, to apply to the Court for an order that the Registrar-General take such action as is necessary to give effect to the disclaimer.	CEO	NB
42. Bankruptcy or assignment of lessee		
42.1 The power pursuant to Section 173(a) of the Act where the proprietor of a lease has heretofore, or shall hereafter, become bankrupt, or has heretofore made or shall hereafter make, a statutory assignment, and if the lease is not mortgaged or encumbered under the Act, to apply to the Registrar-General in writing as the lessor being a lessor in possession of a statement signed by the Official Receiver or by the trustee under bankruptcy or the assignment, certifying his or her refusal to accept the lease, to make a record in the Register Book of the refusal.	CEO	NB
42.2 The power pursuant to Section 173(b) of the Act and in accordance with Section 173(c) of the Act, where the Council is the mortgagee or encumbrancee of a lease and the registered proprietor of the lease has heretofore or shall hereafter become bankrupt or has heretofore made or shall hereafter make, a statutory	CEO	NB

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assignment to:		
42.2.1 apply to the Registrar-General in writing, accompanied by a statement in writing, signed by the Official Receiver or the trustee under such bankruptcy or assignment certifying his refusal to accept such lease to enter in the Register Book a note of such refusal.	CEO	NB
42.2.2 apply to the Registrar-General with proof that the Official Receiver has neglected or refused to certify such refusal or to become registered as proprietor of such lease within one month after being thereunto required by notice in writing given to him by the Council to enter in the Register Book a note of such refusal or neglect.	CEO	NB
42.3 The power pursuant to Section 173(c) of the Act, where the Council is the mortgagee or encumbrance of a lease and the registered proprietor of the lease has heretofore made or shall hereafter make, a statutory assignment to give fourteen days' notice in writing of the Council's intended application to every subsequent mortgagee or encumbrancee of the lease, or obtain their written consent.	CEO	NB
42.4 The power pursuant to Section 173(c) of the Act where the Council is a subsequent mortgagee or encumbrancee of a lease and the registered proprietor of the lease has heretofore or shall hereafter become bankrupt or has heretofore made or shall hereafter make a statutory assignment, to consent in writing to an application to the Registrar-General by a mortgagee or encumbrance to enter in the Register Book a note of the refusal or neglect of the Official Receiver or trustee under bankruptcy or assignment to accept such lease.	CEO	NB
42.5 The power pursuant to Section 173(d) of the Act where the Council is a lessor and the registered proprietor of the lease has heretofore, or shall hereafter, become bankrupt, or has heretofore made or shall hereafter make, a statutory assignment to:	CEO	NB
42.5.1 require the Official Receiver or the trustee under the bankruptcy or assignment by notice in writing to become registered as the proprietor of the lease;	CEO	NB
42.5.2 require the mortgagees or encumbrancees (if any) of the lease by notice in writing to have an entry operating as a foreclosure made in the Register Book under the provision in that behalf hereinafter contained.	CEO	NB
42.6 The power pursuant to Section 173(d) of the Act where the Council is a lessor and the registered proprietor of the lease has heretofore, or shall hereafter, become bankrupt, or has heretofore made or shall hereafter make a statutory assignment, and the Official Receiver or the trustee under the bankruptcy or assignment	CEO	NB

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certifies his refusal to accept the lease, or shall neglect or refuse to become registered as proprietor of the lease, within, one month after having been thereunto required by notice in writing given to him by the Council, and the mortgagees or encumbrancees (if any) of the lease shall neglect or refuse to have an entry operating as a foreclosure made in the Register Book under the provision in that behalf hereinBefore contained within the period of two months after having been thereunto required by notice in writing given to them by the Council, to apply to the Registrar-General in writing to enter in the Register Book a note of such neglect or refusal.		
43. Application to be made in such case		
The power pursuant to Section 176 of the Act where the Council is an executor before dealing with such estate or interest, make application in writing to the Registrar-General to be registered as the proprietor.	CEO	NB
44. Proceedings when executor etc refuse to transfer		
The power pursuant to Section 181 of the Act, whenever an executor, or administrator, or the Public Trustee, is registered as proprietor of any land, and refuses, or, after tender of a transfer, unnecessarily delays to transfer such land to the Council where the Council claims to be entitled to the land, to, apply to the Court for an order that the executor, administrator, or Public Trustee shall transfer the said land to the Council.	CEO	NB
45. Registration of survivor of joint proprietors, and of remainder-man entitled to estate in possession		
The power pursuant to Section 188 of the Act, upon the death of any person registered together with any other person as joint proprietor of any estate or interest in land, or when the life estate in respect of which any certificate has been issued has determined, and the Council has become vested in possession, or the Council has become entitled to the land for an estate in fee-simple in possession, to apply to the Registrar-General to make an entry thereof in the Register Book, that the Council is the registered proprietor of the estate or interest to which the Council is entitled.	CEO	NB
46. Caveats		
46.1 The power pursuant to and in accordance with Section 191 of the Act, where the Council is the settlor of land, beneficiary claiming under a will or settlement, or claiming to be interested at law or in equity whether under an agreement, or under an unregistered instrument or otherwise howsoever in any land to, lodge a caveat in the Lands Titles Registration Office	CEO	NB

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	Direct Delegation from Council	Conditions/ Limitations
46.2 The power pursuant to Section 191(d) of the Act, where the Council is the registered proprietor or other person claiming estate or interest in the land, to, by summons, call on any caveator, including the Registrar-General, to attend before the Court to show cause why the caveat should not be removed.	CEO	NB
46.3 The power pursuant to and in accordance with Section 191(e) of the Act except when the caveat is lodged by a settlor, or by a beneficiary under a will or settlement, to make application in writing to the Registrar-General to remove the caveat.	CEO	NB
46.4 The power pursuant to Section 191(fa) of the Act, where the Council is a caveator, to bring an action in the Court to establish the validity of the claim on which the caveat is based.	CEO	NB
46.5 The power pursuant to Section 191(g) of the Act to apply to the court to extend the period of 21 days until an action under Section 191(fa) is determined or for any other period.	CEO	NB
46.6 The power pursuant to Section 191(h) of the Act, to, by notice in writing to the Registrar-General, withdraw the Council's caveat at any time.	CEO	NB
46.7 The power pursuant to Section 191(k) of the Act to seek the permission of the Court to lodge a further caveat relating to the same matter.	CEO	NB
47. Ejectment		
47.1 The power pursuant to Section 192 of the Act, and in accordance with Section 193 of the Act, where the Council is:	CEO	NB
47.1.1 the registered proprietor of a freehold estate in possession;	CEO	NB
47.1.2 the registered mortgagee or encumbrancee where the person in possession of land is a mortgagor or encumbrancer in default or a person claiming under such mortgagor or encumbrancer;	CEO	NB
47.1.3 the lessor with power to re-enter where rent is in arrears for three months; or	CEO	NB
47.1.4 the lessor where a legal notice to quit has been given or the lease has become forfeited or the term of the lease has expired,	CEO	NB
to cause any person in possession of that land to be summoned to appear before the Court to show cause why the person summoned should not give up possession to the Council.	CEO	NB

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	Direct Delegation from Council	Conditions/ Limitations
48. Persons claiming may, before taking proceedings, apply to the Registrar-General for compensation		
The power pursuant to and in accordance with Section 210 of the Act, where the Council is sustaining loss or damage in any case in which the Council shall be entitled to institute proceedings to recover compensation against the Registrar-General as nominal defendant, to, before commencing such proceedings, make application in writing to the Registrar-General, for compensation, supported by affidavit or declaration.	CEO	NB
48A Reviews		
48A.1 The power pursuant to Section 221(1) of the Act, if the Delegate, is dissatisfied with a decision of the Registrar-General in relation to an application by the Council:	CEO	NB
48A.1.1 to have an instrument registered or recorded; or	CEO	NB
48A.1.2 to have a foreclosure order issued; or	CEO	NB
48A.1.3 to have the Registrar-General do or perform an act or duty under the Act, to seek a review of the decision by the Tribunal.	CEO	NB
48A.1A The power pursuant to Section 221(1a) of the Act, if the Delegate is dissatisfied with a decision of the Registrar-General to cancel the registration of a mortgage under Section 147 of the Act, to seek a review of the decision by the Tribunal.	CEO	NB
48A.2 The power pursuant to Section 221(2) of the Act, if the Registrar-General decides under Section 154A(12) of the Act that the Council is a vexatious lodger of priority notices, to seek a review of the decision by the Tribunal.	CEO	NB
48A.3 The power pursuant to Section 221(3) of the Act, if the Registrar-General rejects a priority notice lodged by the Council where the Council is a person in relation to whom a determination has been made under Section 154A(12) of the Act, to seek a review by the Tribunal of the decision to reject the notice.	CEO	NB
48A.4 The power pursuant to Section 221(4) of the Act, if the Registrar-General refuses an application by the Council under Section 154F of the Act for the cancellation of a priority notice, to seek a review by the Tribunal of the decision to refuse to cancel the notice.	CEO	NB
48A.5 The power pursuant to Section 221(5) of the Act, if the Registrar-General cancels a priority notice under Section 154F of the Act and the Council is affected by the cancellation to seek a review by the Tribunal of the	CEO	NB

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		Direct Delegation from Council	Conditions/ Limitations
	decision to cancel the notice.		
48A.6	The power pursuant to Section 221(9) of the Act, if the reasons of the Registrar-General are not given in writing at the time the Council receives notice of the decision, to within 21 days of receiving notice of the decision, require the Registrar-General to state the reasons in writing.	CEO	NB
48A.7	The power pursuant to Section 221(10) of the Act, to make an application to the Tribunal for any 1 or more of the following orders:	CEO	NB
48A.7.1	an order prohibiting a person from lodging a priority notice in the Lands Titles Registration Office;	CEO	NB
48A.7.2	an interim order extending the duration of a priority notice until the determination of the application or until a date specified by the Tribunal or until further order;	CEO	NB
48A.7.3	an interim order preventing the Registrar-General from registering or recording a specified instrument until the determination of the application.	CEO	NB
49. Applications for amendment			
49.1	The power pursuant to and in accordance with Section 223A(1) of the Act, and subject to Section 223A(3) of the Act, where the Council is the registered proprietor of land, to apply to have the certificate amended if:	CEO	NB
49.1.1	the boundaries, area, or position of the land described in the certificate differ from the boundaries, area or position of the land actually and bona fide occupied by it as being the land included in the certificate; or	CEO	NB
49.1.2	the description of the land in the certificate is erroneous or imperfect on the face of it.	CEO	NB
49.2	The power pursuant to Section 223A(2) of the Act, and subject to Section 223A(3) of the Act, where the Council is the registered proprietor of land, to apply to have the certificate of any other registered proprietor amended if any of the land described in the Council's certificate, and actually and bona fide occupied by the Council as being the land included in the certificate, is, by reason of any error in survey or in any misdescription, included in the certificate of the other registered proprietor.	CEO	NB
50. Caveats			

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	Direct Delegation from Council	Conditions/ Limitations
The power pursuant to Section 223D(1) of the Act and in accordance with Section 223D(2) of the Act, where the Council claims any estate or interest in any land in respect of which an application under Part 19A of the Act is made, to at any time before the application is granted lodge a caveat with the Lands Titles Registration Office forbidding the granting of the application.	CEO	NB
51. Rectification by consent		
The power pursuant to Section 223J of the Act to consent to the Registrar-General making any correction or amendment to any certificate of title for the purpose of reconciling the boundaries shown in the certificate with the boundaries of the land occupied.	CEO	NB
52. Application for Division of Land		
52.1 The power pursuant to Section 223LD of the Act and in accordance with Section 223LD(2), (3) and (11) of the Act, where the Council is the registered proprietor of land, to make application for the division of land to the Registrar-General.	CEO	NB
52.2 The power pursuant to Section 223LD(8) of the Act and subject to Section 223LD(9) of the Act to consent to the withdrawal or amendment of a plan of division or the application to which it relates.	CEO	NB
52.3 The power pursuant to and subject to Section 223LD(9) of the Act to amend the application or the plan to which it relates in order to comply with the Act or with a requirement of the Registrar-General under the Act.	CEO	NB
53. Application may deal with statutory encumbrances		
53.1 The power pursuant to Section 223LDA of the Act to:	CEO	NB
53.1.1 specify in an application under Part 19AB of the Act or the plan of division that variation or termination of a statutory encumbrance is to be registered or noted; and	CEO	NB
53.1.2 sign a certificate on behalf of the Council as the holder of the statutory encumbrance certifying that the requirements of the Act under which the encumbrance was entered into, or is in force, as to the variation or termination of the statutory encumbrance (if any) have been complied with.	CEO	NB
54. Consent to plans of division		
54.1 The power pursuant to Section 223LH(1) of the Act:	CEO	NB

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	Direct Delegation from Council	Conditions/ Limitations
54.1.1 where the deposit of a plan of division in the Lands Titles Registration Office will affect the estate or interest of the Council, in the land - to consent to the deposit of the plan and sign a certificate certifying that the Council has consented to the deposit of the plan;	CEO	NB
54.1.2 where the Council has or claims an estate or interest in the land to be divided - to consent to the deposit of the plan and sign a certificate certifying that the Council has consented to the deposit of the plan;	CEO	NB
54.1.3 where the land to be divided is subject to a statutory encumbrance held by the Council – to consent to the deposit of the plan and sign a certificate certifying that the Council has consented to the deposit of the plan.	CEO	NB
54.2 The power pursuant to Section 223LH(2) of the Act, where the deposit of a plan of division will operate to vest an estate or interest in land in the Council, to consent to the deposit of the plan and sign a certificate certifying that the Council has consented to the deposit of the plan.	CEO	NB
55. Amalgamation		
55.1 The power pursuant to Section 223LJ(1) of the Act and in accordance with Section 223LJ(2) and (3) of the Act, where the Council is the registered proprietor of two or more contiguous allotments, to apply to the Registrar-General for amalgamation of those allotments into a single allotment.	CEO	NB
55.2 The power pursuant to Section 223LJ(3) of the Act to consent to an amalgamation of allotments under Division 2 Part 19AB of the Act, where it appears from the Register Book that the Council has an interest as mortgagee or encumbrance of the land or any part of the land to be amalgamated or where such consent is required either in the opinion of the Registrar-General or by regulation.	CEO	NB

Appendix 12

*Instrument of Delegation under the Safe Drinking
Water Act 2011*

	Direct Delegation from Council	Conditions/ Limitations
INSTRUMENT OF DELEGATION UNDER THE SAFE WATER DRINKING ACT 2011		
5. Drinking water providers to be registered		
(2) The power pursuant to Section 5(2)(a) and (b) of the Safe Drinking Water Act 2011 (the Act) and in accordance with Section 5(3) of the Act to make an application for registration under the Act to the Minister and in a manner and form determined by the Minister.	CEO	NIL
8. Conditions of registration		
(3) The power pursuant to Section 8(3) of the Act where the Council holds a registration, to make application to the Minister in a manner and form determined by the Minister, requesting the variation of a condition to which the registration is subject.	CEO	NIL
9. Suspension of registration		
(5) The power pursuant to Section 9(5) of the Act after the Council has received notice from the Minister, lodge with the Minister a written objection (setting out the grounds of objection).	CEO	NIL
(6) The power pursuant to Section 9(5) of the Act to make submissions to the Minister in relation to the matter.	CEO	NIL
(10) The power pursuant to Section 9(10) of the Act where the Council's registration has been suspended to make application to the Minister for the cancellation of the suspension.	CEO	NIL
10. Appeals		
(1) The power pursuant to Section 10(1) of the Act and in accordance with Section 10(2) of the Act, to seek a review by the Tribunal under Section 34 of the <i>South Australian Civil and Administrative Tribunal Act 2013</i> of:	CEO	NIL
(a) a condition imposed by the Minister in relation to a registration under Part 2 of the Act;	CEO	NIL
(b) a variation of a condition of registration made by the Minister on the Minister's own initiative; or	CEO	NIL
(c) a decision of the Minister to refuse to grant an application to vary a condition of registration; or	CEO	NIL
(d) a decision of the Minister to suspend a registration under Part 2 of the Act.	CEO	NIL
12. Drinking water providers to prepare, implement and review risk management plans		
(1) The power pursuant to Section 12(1) of the Act and in accordance with Section 13 of the Act, to:	CEO	NIL
(a) prepare a risk management plan in relation to the supply of drinking water to the public; and	CEO	NIL

	Direct Delegation from Council	Conditions/ Limitations
(b) keep the plan under continuous review with a view to updating and improving it; and	CEO	NIL
(c) revise any aspect of the plan that is found, on review, to need revision.	CEO	NIL
(3) The power pursuant to Section 12(3) of the Act, if a standard risk management plan is in place under Section 12(2) of the Act and the Council falls within the specified class to which the standard risk management plan applies, to, subject to any requirement published by the Chief Executive in connection with the risk management plan and in a manner and form determined by the Chief Executive, adopt the standard risk management plan rather than preparing a separate plan under Section 12(1)(a) of the Act.	CEO	NIL
14. Related matters		
(2) The power pursuant to Section 14(2) of the Act, to furnish to the Minister in a manner and form determined by the Minister a copy of the Council's monitoring program and incident identification and notification protocol.	CEO	NIL
(3) (b) The power pursuant to Section 14(3)(b) of the Act to consult with the Minister in relation to alterations to the program or protocol (or both) submitted for the purposes of Section 14 of the Act.	CEO	NIL
(4) The power pursuant to Section 14(4) of the Act and in accordance with Section 14(5) of the Act, where the Council is required to make an alteration under Section 14(3) of the Act, to seek a review of the requirement by the Tribunal under Section 34 of the <i>South Australian Civil and Administrative Tribunal Act 2013</i> .	CEO	NIL
34. Appointment of authorised officers		
(1) The power pursuant to Section 34(1) of the Act, to appoint a person to be an authorised officer for the purposes of the Act, but only if the Delegate considers the person has appropriate qualifications or experience to exercise the functions of an authorised officer.	CEO	NIL
(2) The power pursuant to Section 34(2) of the Act to prepare and maintain a list of authorised offices appointed by the Council.	CEO	NIL
35. Certificates of authority		
(1) The power pursuant to Section 35(1) of the Act to provide each authorised officer appointed by the Council with a certificate of authority as an authorised officer.	CEO	NIL
(2) The power pursuant to Section 35(2) of the Act to limit the powers of an authorised officer by the authorised officer's certificate of authority.	CEO	NIL

	Direct Delegation from Council	Conditions/ Limitations
37. Seizure orders		
(3) (a) The power pursuant to Section 37(3)(a)(i) and (ii) of the Act to:	CEO	NIL
(i) authorise the release of a thing seized to the person from whom it was seized or any person who had a right to possession of it at the time of its seizure subject to such conditions as the Delegate thinks fit, including conditions as to the giving of security for satisfaction of an order under Section 37(3)(b)(i)(B) of the Act; or	CEO	NIL
(ii) order that the thing seized be forfeited to the Council;	CEO	NIL
(d) The power pursuant to Section 37(3)(d) of the Act if a thing seized is forfeited under Section 37 of the Act to dispose of it by sale, destruction or otherwise as the Delegate directs.	CEO	NIL
38. Notices		
(1) The power pursuant to Section 38(1) of the Act and in accordance with Section 38(2) of the Act to issue a notice under Section 38 for the purpose of:	CEO	NIL
(a) securing compliance with a requirement imposed by or under the Act; or	CEO	NIL
(b) averting, eliminating or minimising a risk, or a perceived risk, to the public in relation to drinking water.	CEO	NIL
(6) The power pursuant to Section 38(6) of the Act to, by written notice served on a person to whom a notice under Section 38 has been issued by the Council, vary or revoke the notice.	CEO	NIL
39. Action or non-compliance with a notice		
(1) The power pursuant to Section 39(1) of the Act, if the requirements of a notice under Division 3 of the Act are not complied with, to take any action required by the notice.	CEO	NIL
(2) The power pursuant to Section 39(2) of the Act to authorise another person to take action under Section 39(1) of the Act on the Council's behalf.	CEO	NIL
(4) The power pursuant to Section 39(4) of the Act to recover the reasonable costs and expenses incurred by the Council in taking action under Section 39 of the Act from the person who failed to comply with the requirements of the notice as a debt in a court of competent jurisdiction.	CEO	NIL
(5) The power pursuant to Section 39(5) of the Act, if an amount is recoverable from a person by the Council under Section 39 of the Act, to by notice in writing to the person, fix a period, being not less than 28 days from the date of the notice, within which the amount must be paid by the person.	CEO	NIL

		Direct Delegation from Council	Conditions/ Limitations
40.	Action in emergency situations		
(5)	The power pursuant to Section 40(5) of the Act to recover the reasonable costs and expenses incurred by an authorised officer in taking action under Section 40 of the Act as a debt in a court of competent jurisdiction.	CEO	NIL
41.	Specific power to require information		
(1)	The power pursuant to Section 41(1) of the Act, to by notice in writing under Section 41 of the Act require a person to furnish such information relating to the quality or supply of drinking water, or any other matter associated with the administration or operation of the Act, as the Delegate thinks fit.	CEO	NIL
42.	Appeals		
(3)	The power pursuant to Section 42(3) of the Act to apply for the Council to be a party to proceedings under Section 42 of the Act.	CEO	NIL
52.	Annual reports by enforcement agencies		
(1)	The power pursuant to Section 52(1) of the Act to on or before 30 September in each year, furnish to the Minister a report on the activities of the Council under the Act during the financial year ending on the preceding 30 June.	CEO	NIL

Appendix 13

*Instrument of Delegation under the Supported
Residential Facilities Act 1992*

	Direct Delegation from Council	Conditions/ Limitations
INSTRUMENT OF DELEGATION UNDER THE SUPPORTED RESIDENTIAL FACILITIES ACT 1992		
1. Appointment of Authorised Officers		
1.1 The power pursuant to Section 21(1) of the Supported Residential Facilities Act 1992 (“the Act”) to appoint a person to be an authorised officer under the Act;	CEO	NIL
1.2 The duty pursuant to Section 21(2) of the Act to issue to an authorised officer an identity card; and	CEO	NIL
1.3 The power pursuant to Section 21(4) of the Act by notice in writing served on an authorised officer, to revoke the appointment as an authorised officer.	CEO	NIL
2. Application for a Licence		
2.1 The power pursuant to Section 24(3) of the Act by notice in writing not later than two months after a licence application has been made, to require the applicant to furnish specified information;	CEO	NIL
2.2 The power pursuant to Section 24(5) of the Act to require any information included in an application or required by a notice to be verified by statutory declaration;	CEO	NIL
2.3 The power pursuant to Section 24(9) of the Act subject to such conditions as the Delegate thinks fit, to conditionally approve the issue of a licence in respect of proposed premises and the duty where satisfied that the premises have been established in substantial compliance with those conditions (and within such a period, if any as the Delegate may have determined), to grant a licence; and	CEO	NIL
2.4 Where an application for a licence is refused, the duty pursuant to Section 24(10) of the Act notify the applicant in writing of the refusal, the reasons for the refusal, and any rights of review that the applicant has under the Act.	CEO	NIL
2.5 The duty, pursuant to Section 25(1) of the Act in considering an application for a licence in respect of the use of premises as a supported residential facility, to take into account those matters specified in this Section and such other matters as the Delegate thinks fit;	CEO	NIL
2.6 The duty pursuant to Section 25(2) of the Act in determining whether or not an applicant is suitable to be granted a licence, to have regard to those matters specified in this Section and to such other matters as the Delegate thinks fit;	CEO	NIL
2.7 The duty pursuant to Section 25(3) of the Act in determining whether or not premises are suitable to be used as a supported residential facility, to have regard to those matters specified in Section 25(3) of the Act and to such other matters as the Delegate thinks fit;	CEO	NIL
2.8 The duty pursuant to Section 25(4) of the Act not to grant a licence where it appears that the facility would not be	CEO	NIL

	Direct Delegation from Council	Conditions/ Limitations
administered in accordance with the principles prescribed in Part 2 of the Act.		
3. Renewal of Licence		
3.1 The power pursuant to Section 27(3) of the Act at the Delegate's discretion, to determine a late application for renewal provided that the applicant pays the prescribed late application fee;	CEO	NIL
3.2 The duty pursuant to Section 27(4) of the Act by notice in writing served on the applicant, to give a decision on an application for the renewal of a licence before the date of expiry of the licence and where the Delegate decides to refuse an application for renewal of a licence, the duty to state in the notice of refusal the reasons for the refusal and the rights of review that the applicant may have under the Act.	CEO	NIL
3.3 The power pursuant to Section 28 of the Act to refuse to renew a licence on any ground on which a licence may be cancelled.	CEO	NIL
4. Licence Conditions		
4.1 The power pursuant to Section 29(2) of the Act to impose licence conditions with respect to such matters as are contemplated by the Act or as the Delegate considers necessary or expedient for the purposes of the Act;	CEO	NIL
4.2 Pursuant to Section 29(3) of the Act where conditions are imposed by the Delegate:	CEO	NIL
4.2.1 if imposed at the time of grant or renewal of the licence – the duty to include them in the licence itself;	CEO	NIL
4.2.2 if imposed during the currency of the licence – the duty to impose them by notice in writing served on the holder of the licence;	CEO	NIL
4.2.3 the power to vary or revoke conditions at any time by notice in writing served on the holder of the licence;	CEO	NIL
Deliberately left blank	Deliberately left blank	Deliberately left blank
5. Transfer of Licence		
5.1 The duty pursuant to Section 30(4) of the Act, upon due application under Section 30 of the Act and payment of the prescribed fee, to transfer the licence to the proposed transferee if satisfied that the proposed transferee would be a suitable person to be granted a licence under the Act.	CEO	NIL
6. Cancellation of Licence		
6.1 The power pursuant to Section 31(1) of the Act, to cancel a licence, on reasonable grounds, where satisfied that any of the matters specified in this Section are applicable;	CEO	NIL

		Direct Delegation from Council	Conditions/ Limitations
6.2	The duty pursuant to Section 31(2) of the Act before acting under this Section, to notify the holder of the licence in writing of the proposed cancellation of the licence and allow the holder of the licence at least 28 days within which to make submissions in relation to the proposed action;	CEO	NIL
6.3	The power pursuant to Section 31(3) of the Act pending the cancellation (or possible cancellation) of a licence under this Section, to impose conditions to protect the interests of the residents of the facility; and	CEO	NIL
6.4	The power pursuant to Section 31(4) of the Act, to appoint an administrator of the facility and to take such other steps as may be reasonable to secure the proper care of the residents of the facility.	CEO	NIL
7.	Appeals		
7.1	The power pursuant to Section 32(3) of the Act, if an application for review is in respect of an application for renewal of a licence, to order that the licence remain in force until the determination of the review.	CEO	NIL
7.2	The power pursuant to Section 32(4) of the Act to:	CEO	NIL
7.2.1	make an order under Section 32(3) of the Act subject to such conditions as determined by the Delegate and specified in the order; and	CEO	NIL
7.2.2	vary or revoke an order made by the Council under Section 32(3) of the Act by further order.	CEO	NIL
7.3	The duty pursuant to Section 33(1) of the Act, and subject to Section 33(2), where application is made for a licence in respect of a facility that was in operation during the period of three (3) months immediately preceding the commencement of the Section, to upon payment of the prescribed fee, grant a licence in accordance with the Act for a term of one year.	CEO	NIL
8.	Appointment of Manager		
8.1	The power pursuant to Section 34(1) of the Act where the proprietor of a facility is not directly involved in the management of the facility or the proprietor of a facility is a body corporate, to approve a natural person for the purpose of managing the facility under that person's personal supervision.	CEO	NIL
8.2	The power pursuant to Section 34(2) of the Act to extend the period of management without supervision.	CEO	NIL
9.	Death of Licensee		
9.1	The power pursuant to Section 35 of the Act, where the holder of a licence dies, to approve the personal representative or some other person to be taken to be the holder of the licence (on the same conditions as applicable to the former holder of the licence) as from the date of death until the expiration of six months from that date or until	CEO	NIL

	Direct Delegation from Council	Conditions/ Limitations
such later date as may be fixed by the Delegate.		
10. Rescission of Resident Contract by Proprietor		
10.1 The power pursuant to Section 39(2)(b) of the Act to approve the method of providing a termination notice subject to this Section.	CEO	NIL
11. Disputes		
11.1 The power pursuant to Section 43(2) of the Act on an application made in relation to any of the matters specified in Section 43(1) of the Act, to explore any possible avenue of achieving conciliation between the parties and for these purposes, the Delegate, may as he/she thinks fit, take any action in accordance with Section 43(3) of the Act;	CEO	NIL
11.2 The power pursuant to Section 43(6) of the Act, to require an applicant, to furnish such further information in relation to the subject matter of the application as the Delegate thinks necessary, and to verify any information by statutory declaration;	CEO	NIL
11.3 The duty pursuant to Section 43(7) of the Act to give the applicant and the respondent reasonable notice of the time and place of any hearing of the application;	CEO	NIL
11.4 The power pursuant to Section 43(9) of the Act where satisfied that an interim order is justified by the urgent circumstances of the case, to make an interim order pending final resolution of the matter.	CEO	NIL
11.5 The power pursuant to Section 43(11) of the Act to vary or revoke an order made under Section 43 of the Act;	CEO	NIL
11.6 The power, pursuant to Section 43(12) of the Act -	CEO	NIL
11.6.1 to decline to proceed with an application under this Section until satisfied that reasonable steps have been taken to resolve the dispute pursuant to other procedures specified by the Delegate;	CEO	NIL
11.6.2 to decline to proceed with an application under this Section if the Delegate considers that it would be more appropriate for proceedings to be taken in a court or tribunal constituted by law; or	CEO	NIL
11.6.3 to decline to proceed (or further proceed) with an application under this Section if proceedings related to the subject matter of the application have been commenced in a court or tribunal constituted by law; and	CEO	NIL
11.7 The duty pursuant to Section 43(13) of the Act in determining any application under this Section, to act with as much expedition as is reasonably practicable in the circumstances.	CEO	NIL
12. Attendance by Health Service Providers etc.		
12.1 The power pursuant to Section 47(1) of the Act to approve a health service provider, social worker, or any person, for	CEO	NIL

	Direct Delegation from Council	Conditions/ Limitations
the purposes of Section 47.		
13. Complaints		
13.1 The power pursuant to Section 49(1) of the Act to receive a complaint about the management of a supported residential facility or any residential-only premises or about the conduct of a resident of a supported residential facility or any residential-only premises.	CEO	NIL
13.2 The power pursuant to Section 49(2) of the Act to require a complaint to be reduced to writing.	CEO	NIL
13.3 The power pursuant to Section 49(3) of the Act to take such action as the Delegate thinks fit in view of the complaint.	CEO	NIL
13.4 The power pursuant to Section 49(4) of the Act to appoint an authorised officer to carry out an investigation into the circumstances surrounding the complaint and to attempt to resolve the matter as expeditiously as possible.	CEO	NIL
14. Pursuant to Sections 57(5) and (6) of the Act where the proprietor of a facility who holds a licence under the Act applies to the Council for an exemption from a regulation that applies to the facility and the Delegate is satisfied -	CEO	NIL
14.1 that the Delegate can grant the exemption without seriously affecting the interests of a resident of the facility; and	CEO	NIL
14.2 that it is appropriate for the Delegate to grant the exemption in the circumstances of the particular case,	CEO	NIL
the power to, by notice in writing to the proprietor, exempt the proprietor from the regulation to which the application relates, on such conditions as the Delegate thinks fit.	CEO	NIL
DELEGATIONS UNDER THE SUPPORTED RESIDENTIAL FACILITIES REGULATIONS 2009		
15. The duty pursuant to Regulation 4(1) of the Supported Residential Facilities Regulations 2009 (“the Regulations”) to decide an application for a licence under Section 24 of the Act within eight weeks of the application being made.	CEO	NIL
16. The duty pursuant to Regulation 4(2) of the Regulations, in considering an application for a licence in respect of the use of premises (or proposed premises) as a supported residential facility, to take into account the extent to which the premises (or proposed premises) accord with the standards prescribed by or under the Building Code of Australia.	CEO	NIL
17. The power pursuant to Regulation 5(2) of the Regulations to receive a copy of a prospectus, or a copy of an alteration to a prospectus, and a copy of the written statement required to accompany the prospectus or alteration to the prospectus pursuant to Regulation 5(2)(b) of the Regulations.	CEO	NIL
18. The power pursuant to Regulation 14(1)(b) of the Regulations to receive information of any untoward medical event that occurs in relation to a resident of a facility.	CEO	NIL
19. The power pursuant to Regulation 17(2) of the Regulations to approve an acting manager for the purpose of appointment to	CEO	NIL

		Direct Delegation from Council	Conditions/ Limitations
	or otherwise assuming the duties of the office of manager of a facility if, for a period exceeding seven days, a manager is absent from the duties of office, or the position of manager is temporarily vacant and a resident of the facility is in need of personal care services.		
20.	The power pursuant to Regulation 18(1) of the Regulations to approve a registered nurse as being a person who has appropriate qualifications, skills and experience to oversee the provision of nursing care at a facility.	CEO	NIL
21.	The power pursuant to Regulation 18(2) of the Regulations, if there is a change in the type or level of services provided at a nursing home, to revoke, by notice in writing to the proprietor, an approval under Regulation 18(1) of the Regulations and require that a new appointment be made to ensure that the person who oversees the provision of nursing care at the facility has the qualifications, skills and experience appropriate to the facility.	CEO	NIL
22.	The power pursuant to Regulation 21(1)(b) of the Regulations to approve a kitchen at a facility otherwise than in accordance with the requirements of Regulation 21(1)(b) of the Regulations.	CEO	NIL
23.	The power pursuant to Regulation 21(3)(e) of the Regulations to require the fitting of handrails, ramps and, for a multi-storey building, lifts.	CEO	NIL
24.	The power pursuant to Regulation 24(1) of the Regulations to direct the proprietor of a facility to install a communication system at the facility.	CEO	NIL
25.	The duty pursuant to Regulation 26(2) of the Regulations to remit amounts payable to the indemnity fund under Section 56(4) of the Act to the fund manager within 28 days after the end of the financial year in which they are received by the Council.	CEO	NIL

Appendix 14

*Instrument of Delegation under the Unclaimed Goods
Act 1987*

	Direct Delegation from Council	Conditions/ Limitations
INSTRUMENT OF DELEGATION UNDER THE UNCLAIMED GOODS ACT 1987		
1. Unclaimed Goods		
1.1. The power pursuant to Section 5(1)(b) of the Unclaimed Goods Act 1987 (the Act) where the Council is in possession of goods belonging to another (the bailor) in pursuance of an agreement or understanding under which the Council was to deliver the goods to the bailor, to make reasonable attempts to deliver the goods in accordance with the agreement or understanding.	CEO	NIL
1.2. The power pursuant to Section 5(1)(c) of the Act where the Council is in possession of goods belonging to the bailor and there is no agreement or understanding governing the collection or delivery of the goods, to request the bailor in accordance with Section 5(2) of the Act, to collect the goods.	CEO	NIL
1.3. The duty pursuant to Section 5(2) of the Act in making a request for the purposes of Section 5(1)(c) of the Act, to ensure the request -	CEO	NIL
1.3.1. states the address at which the goods are available for collection; and	CEO	NIL
1.3.2. contains a brief description of the goods; and	CEO	NIL
1.3.3. states the times at which, or the hours between which, the goods will be available for collection at that address; and	CEO	NIL
1.3.4. is made -	CEO	NIL
1.3.4.1. by post addressed to the last known address of the bailor; or	CEO	NIL
1.3.4.2. if the identity or whereabouts of the bailor is unknown - by notice in the prescribed form published in a newspaper circulating generally throughout the State.	CEO	NIL
2. Sale or Disposal of Unclaimed Goods		
2.1. The power pursuant to Section 6(1) of the Act and the power subject to Section 6 of the Act, where the Council is a bailee of unclaimed goods, to, after the expiration of three months from the relevant date -	CEO	NIL
2.1.1. sell the goods; or	CEO	NIL
2.1.2. if the value of the goods would be insufficient to defray the costs of sale - otherwise dispose of the goods.	CEO	NIL
2.2. The power pursuant to Section 6(2) of the Act to apply to the Court for an authorisation to sell or dispose of goods under Section 6(1) of the Act and the duty pursuant to Section 6(2) of the Act, if the value of the goods lies within scale 3, to not sell or dispose of the goods without such an authorisation.	CEO	NIL

	Direct Delegation from Council	Conditions/ Limitations
2.3. The duty pursuant to Section 6(3) of the Act where an application for an authorisation under Section 6(2) of the Act is made, to -	CEO	NIL
2.3.1. give notice of the application to the Commissioner of Police; and	CEO	NIL
2.3.2. give such notice (if any) as the Court thinks appropriate to the bailor and any other person who, in the opinion of the Court, may have an interest in the goods.	CEO	NIL
2.4. The power pursuant to Section 6(5) of the Act, if the value of unclaimed goods lies within scale 1 or 2, to sell or dispose of the goods under Section 6(1) of the Act without any authorisation by the Court and the duty pursuant to Section 6(5)(b) of the Act, if goods whose value lies within scale 2 are to be sold without such an authorisation, to	CEO	NIL
2.4.1. sell the goods by public auction; and	CEO	NIL
2.4.2. give notice in the prescribed form of the time and place of the proposed sale at least one month before the date of the proposed sale -	CEO	NIL
2.4.3. to the Commissioner of Police; and	CEO	NIL
2.4.4. to the bailor.	CEO	NIL
2.5. The power pursuant to Section 6(6) of the Act to give a notice under Section 6(5)(b) of the Act by post and, if the identity or whereabouts of the bailor is unknown, to give the notice to the bailor by advertisement in a newspaper circulating generally throughout the State.	CEO	NIL
3. Claim Made by Bailor After Commencement of Proceedings Under this Act		
3.1. The duty pursuant to Section 7(1) of the Act and subject to Section 7(2) of the Act, where the Council has commenced proceedings for the sale or disposal of goods under the Act but before the goods are sold or disposed of the bailor claims the goods, to not proceed with the sale or disposal of the goods, and to hand them over to the bailor.	CEO	NIL
3.2. The power pursuant to Section 7(2) of the Act to, before handing over goods under Section 7(1) of the Act, require the bailor to pay -	CEO	NIL
3.2.1. the reasonable costs incurred by the Council in proceeding under the Act;	CEO	NIL
3.2.2. the reasonable costs incurred by the Council in storing and maintaining the goods after the date on which the bailor should have collected or taken delivery of them;	CEO	NIL
3.2.3. the amount of any lien that the Council has over the goods.	CEO	NIL
3.3. The power pursuant to Section 7(3) of the Act, if at the expiration of 42 days after the Council has rendered a written	CEO	NIL

	Direct Delegation from Council	Conditions/ Limitations
account of the amounts claimed under Section 7(2) of the Act the bailor has not paid those amounts, to, subject to Section 7(4) of the Act, proceed to sell or dispose of the goods.		
4. Proceeds of Sale		
4.1. The power pursuant to Section 8(1) of the Act in relation to the proceeds of the sale of goods under the Act to -	CEO	NIL
4.1.1. retain from those proceeds -	CEO	NIL
4.1.1.1. the reasonable costs of the sale and of proceeding under the Act;	CEO	NIL
4.1.1.2. the reasonable costs of storing and maintaining the goods prior to sale;	CEO	NIL
4.1.1.3. the amount of any lien that the Council had over the goods; and	CEO	NIL
4.1.2. pay the balance to the Treasurer.	CEO	NIL

Appendix 15

*Instrument of Delegation under the Water Industry Act
2012 and Water Industry Regulations 2012*

	Direct Delegation from Council	Conditions/ Limitations
INSTRUMENT OF DELEGATION UNDER THE WATER INDUSTRY ACT 2012 AND WATER INDUSTRY REGULATIONS 2012		
1. Water Planning		
1.1. The power pursuant to Section 6(6) of the Water Industry Act 2012 (the Act), in relation to a proposal:	NIL	NIL
1.1.1. to create the State Water Demand and Supply Statement; or	NIL	NIL
1.1.2. to undertake a comprehensive review of the State Water Demand and Supply Statement,	NIL	NIL
to make written representations on the proposal to the Minister.	NIL	NIL
2. Application for Licence		
2.1. The power pursuant to Section 19(1) of the Act and in accordance with Sections 19(2), (3) and (4) of the Act, to apply to the Commission in a form approved by the Commission.	CEO	NIL
3. Licence fees and returns		
3.1. The power pursuant to Section 24(2) of the Act, where the Council is the holder of a licence issued for a term of 2 years or more, to,:	CEO	NIL
3.1.1. in each year lodge with the Commission, before the date prescribed for that purpose, an annual return containing the information required by the Commission by condition of the licence or by written notice; and	CEO	NIL
3.1.2. in each year (other than a year in which the licence is due to expire) pay to the Commission, before the date prescribed for that purpose, the relevant annual licence fee, or the first instalment of the relevant annual licence fee, as the case may require.	CEO	NIL
4. Variation of Licence		
4.1. The power pursuant to Section 28(2) of the Act to:	CEO	NIL
make application to the Commission to vary the terms or conditions of the Council's licence;	CEO	NIL
agree to the variation of the terms or conditions of the Council's licence;	CEO	NIL
make representations to the Commission about the proposed variation.	CEO	NIL
5. Transfer of Licence		
5.1. The power pursuant to Section 29(1) of the Act, and in accordance with Sections 29(4), (5) and (6) of the Act, to transfer a licence with the Commission's agreement.	CEO	NIL

	Direct Delegation from Council	Conditions/ Limitations
5.2. The power pursuant to Section 29(4) of the Act to consent to the transfer of a licence to the Council.	CEO	NIL
6. Surrender of Licence		
6.1. The power pursuant to Section 32(1) of the Act and in accordance with Section 32(2) of the Act to, by written notice given to the Commission, surrender the Council's licence.	CEO	NIL
6.2. The power pursuant to Section 32(3) of the Act to agree with the Commission that the required period of notice be shortened.	CEO	NIL
7. Suspension or cancellation of Licences		
7.1. The power pursuant to Section 33(3)(b) of the Act to make submissions to the Commission in relation to the Commission's proposed action under Section 33 of the Act.	CEO	NIL
8. Standard terms and conditions for retail services		
8.1. The power pursuant to Section 36(1) of the Act and in accordance with Section 36(4) of the Act to, from time to time, fix standard terms and conditions governing the provision of services by the Council to customers of a designated class.	CEO	NIL
8.2. The power pursuant to Section 36(2) of the Act to publish in the Gazette a notice setting out any standard terms and conditions fixed by the Council.	CEO	NIL
8.3. The power pursuant to Section 36(3) of the Act, when the Council publishes a notice in the Gazette under Section 36(2) of the Act, to also publish a notice in a newspaper circulating generally in the State describing the general nature of the standard terms and conditions and advising where a person may read or obtain a copy of the standard terms and conditions.	CEO	NIL
8.4. The power pursuant to Section 36(5) of the Act, subject to the conditions of a licence, to modify or exclude a standard term or condition fixed under Section 36 of the Act by express agreement with a customer of the Council.	CEO	NIL
9. Customer hardship policies		
9.1. The power pursuant to Section 37(3) of the Act to:	CEO	NIL
9.1.1. adopt a customer hardship policy published by the Minister under Section 37 of the Act; or	CEO	NIL
9.1.2. with the written approval of the Commission, adopt such a policy with modifications.	CEO	NIL
10. Power to take over operations		

	Direct Delegation from Council	Conditions/ Limitations
10.1. The power pursuant to Section 38(2) of the Act, before a proclamation is made under Section 38 of the Act, to make written representations giving reasons why the proclamation should not be made.	CEO	NIL
11. Appointment of operator		
11.1. The power pursuant to Section 39(3) of the Act to facilitate the take over of the relevant operations by the operator.	CEO	NIL
12. Appointment of water industry officer		
12.1. The power pursuant to Section 41(1) of the Act, subject to conditions or limitations determined by the Minister, to appoint a person to be a water industry officer for the Council.	CEO	NIL
The power pursuant to Section 41(2) of the Act, to give directions to a water industry officer appointed by the Council.	CEO	NIL
13. Conditions of appointment		
13.1. The power pursuant to Section 42(1) of the Act to appoint a water industry officer for a stated term or for an indefinite term that continues while the officer holds a stated office or position.	CEO	NIL
13.2. The power pursuant to Section 42(2) of the Act to remove a water industry officer from office.	CEO	NIL
14. Identity cards		
14.1. The power pursuant to Section 43(1) of the Act and in accordance with Section 43(2) of the Act, to give each water industry officer for the Council an identity card.	CEO	NIL
15. Power to enter land to conduct investigations		
15.1. The power pursuant to Section 44(1) of the Act and subject to Section 44(3) of the Act to, by agreement with the occupier of land or on the authorisation of the Minister, enter and remain on land to conduct investigations or carry out any other form of work to assess the suitability of the land for the construction or installation of water/sewerage infrastructure.	CEO	NIL
15.2. The power pursuant to Section 44(3) of the Act, if the Council enters land under the authorisation of the Minister, to:	CEO	NIL
15.2.1. give reasonable notice of the proposed entry on land under Section 44 of the Act to the occupier; and	CEO	NIL
15.2.2. minimise the impact of work carried out by the Council on activities of others on the land; and	CEO	NIL
15.2.3. comply with the conditions of the authorisation.	CEO	NIL
16. Power to carry out work on land		

	Direct Delegation from Council	Conditions/ Limitations
16.1. The power pursuant to Section 45(1) of the Act and in accordance with Sections 45(3), (11), (12), (13), (16), (17) and (20) of the Act:	CEO	NIL
16.1.1. to construct, install, improve or add to any water/sewerage infrastructure; or	CEO	NIL
16.1.2. to inspect, operate, maintain, test, repair, alter, remove or replace any water/sewerage infrastructure or equipment; or	CEO	NIL
16.1.3. to lay pipes and install, operate or inspect pumps and other equipment; or	CEO	NIL
16.1.4. to carry out other work in connection with the establishment or operation of any water/sewerage infrastructure or otherwise connected with any water service or sewerage service; or	CEO	NIL
16.1.5. to obtain or enlarge a supply of water; or	CEO	NIL
16.1.6. to protect, improve or restore the quality of water; or	CEO	NIL
16.1.7. to protect any infrastructure or equipment connected with any water service or sewerage service; or	CEO	NIL
16.1.8. to perform any other function brought within the ambit of Section 45 of the Act by the regulations.	CEO	NIL
16.2. The power pursuant to Section 45(3) of the Act, subject to Section 45 of the Act, if the Council seeks to enter public land under Section 45 of the Act, to:	CEO	NIL
16.2.1. give the authority responsible for the management of public land not less than 12 hours notice of the Council's intention to carry out work on the land; and	CEO	NIL
16.2.2. secure the authority's agreement to the carrying out of the work;	CEO	NIL
16.3. The power pursuant to Section 45(3)(b) of the Act, if an authorised entity seeks to enter public land under Section 45 of the Act and the Council is responsible for the management of the public land, to agree to the carrying out of the work.	CEO	NIL
16.4. The power pursuant to Section 45(5) of the Act to include in an agreement under Section 45(3) of the Act conditions the delegate considers appropriate in the public interest.	CEO	NIL
16.5. The power pursuant to Section 45(7) of the Act and subject to Section 45(8) of the Act if a dispute arises between the Council and the authority responsible for managing public land or an authorised entity and the Council about whether work should be permitted under Section 45 of the Act on the land or about the conditions on which work should be permitted on public land, to refer the dispute to the Minister.	CEO	NIL

	Direct Delegation from Council	Conditions/ Limitations
16.6. The power pursuant to Section 45(9) of the Act, if a dispute is referred to the Minister under Section 45 of the Act, to make representations to the Minister on the questions at issue in the dispute.	CEO	NIL
16.7. The power pursuant to Section 45(11) of the Act and subject to Section 45(3) of the Act, if the Council seeks to enter land other than public land for the first time, to give prior written notice to the occupier of the land stating the reason and the date and time of the proposed entry.	CEO	NIL
16.8. The power pursuant to Section 45(12) of the Act and subject to Section 45(13) of the Act, to give notice to the occupier of land in other circumstances prescribed by the regulations.	CEO	NIL
16.9. The power pursuant to Section 45(14) of the Act to use reasonable force to enter any land under Section 45 of the Act.	CEO	NIL
16.10. The power pursuant to Section 45(16) of the Act, at the reasonable request of an owner or occupier of land used for any purpose under Section 45 of the Act, to separate the land being used for the other part or parts of the land by a fence of reasonable construction and design (with such gates as may be necessary for the convenient use of any land) and, in the case of a dispute as to the fence to be constructed under Section 45 of the Act, to refer the matter to the Magistrates Court for resolution.	CEO	NIL
16.11. The power pursuant to Section 45(17) of the Act to make good any damage caused by the exercise of powers under Section 45 of the Act as soon as practicable (including so as to reinstate any road or other place) or pay reasonable compensation for the damage.	CEO	NIL
16.12. The power pursuant to Section 45(19) of the Act, in an emergency, to exercise a power under Section 45 of the Act at any time and without prior notice or agreement.	CEO	NIL
17. Acquisition of land		
The power pursuant to Section 46(1) of the Act and in accordance with Section 46(2) of the Act, to acquire land in accordance with the <i>Land Acquisition Act 1969</i> .	NIL	NIL
18. Requirement to connect to infrastructure		
<i>Section 48 applies to a water industry entity involved (or proposing to be involved) in the sale and supply of sewerage services for the removal of sewage (and the infrastructure to be used for the purposes of those services will be referred to as prescribed infrastructure under this section).</i>	CEO	NIL
18.1. The power pursuant to Section 45(2) of the Act to apply to the Minister for the approval of a scheme under Section 48 of the Act.	CEO	NIL
18.2. The power pursuant to Section 48(6) of the Act, if the Minister approves a scheme, to by notice that complies with any	CEO	NIL

	Direct Delegation from Council	Conditions/ Limitations
requirements prescribed by the regulations and served on any owner of land adjacent to land where the designated part of the prescribed infrastructure is situated, require the owner to connect drains, equipment or works to the prescribed infrastructure in order to provide for the discharge of sewage into the infrastructure.		
18.3. The power pursuant to Section 48(9) of the Act, if the requirements of a notice under Section 48 of the Act are not complied with, to take any action required by the notice.	CEO	NIL
18.4. The power pursuant to Section 48(10) of the Act, to authorise a person to take action on behalf of the Council under Section 45(9) of the Act.	CEO	NIL
18.5. The power pursuant to Section 48(12) of the Act to recover the reasonable costs and expenses incurred by the Council in taking action under Section 45(9) or (10) as a debt from the person who failed to comply with the requirements of the notice.	CEO	NIL
18.6. The power pursuant to Section 48(13) of the Act to, from time to time, with the approval of the Minister, vary a scheme under Section 48 of the Act.	CEO	NIL
19. Encroachments		
19.1. The power pursuant to Section 49(1) of the Act to consent to a person:	CEO	NIL
19.1.1. constructing or placing a building, wall, fence or other structure on or over any water/sewerage infrastructure, or creating some other form of encroachment over any water/sewerage infrastructure (or any land directly associated with such infrastructure); or	CEO	NIL
19.1.2. creating any form of encroachment over any easement that exists for the purposes of any water service or sewerage service; or	CEO	NIL
19.1.3. obstructing, filling in, closing up or diverting any water/sewerage infrastructure; or	CEO	NIL
19.1.4. excavating or altering any land or structure supporting any water/sewerage infrastructure.	CEO	NIL
19.2. The power pursuant to Section 49(2) of the Act, if the delegate believes on reasonable grounds that a person has acted in contravention of Section 49(1) of the Act, to:	CEO Strategic Planning Development Policy Committee (SPDPC)	NIL
19.2.1. at any reasonable time, enter land and carry out an inspection of any place; and	CEO Strategic Planning	NIL

	Direct Delegation from Council	Conditions/ Limitations
	Development Policy Committee (SPDPC)	
19.2.2. as the delegate thinks fit (whether or not an inspection has taken place), by notice that complies with any requirements prescribed by the regulations and served on the person, require the person to take such action as may be specified in the notice to remedy any contravention of Section 49(1) of the Act.	CEO Strategic Planning Development Policy Committee (SPDPC)	NIL
19.3. The power pursuant to Section 49(3) of the Act if any entry under Section 49(2)(a) of the Act is refused or obstructed, to obtain a warrant under Part 10 of the Act to enter the land.	CEO	NIL
19.4. The power pursuant to Section 49(4) of the Act if the requirements of a notice under Section 49(2)(b) of the Act are not complied with, to take any action required by the notice.	CEO	NIL
19.5. The power pursuant to Section 49(6) of the Act to recover the reasonable costs and expenses incurred by the Council in taking action under Section 49(4) or (5) as a debt from the person who failed to comply with the requirements of the notice.	CEO	NIL
19.6. The power pursuant to Section 49(7) of the Act to authorise a person to take action on the Council's behalf under Section 49 of the Act.	CEO	NIL
20. Protection of infrastructure and equipment		
20.1. The power pursuant to Section 50(2) of the Act, if the delegate believes on reasonable grounds that a person has acted in contravention of Section 50(1), to:	CEO	NIL
20.1.1. at any reasonable time, enter any land and carry out an inspection of any place; and	CEO	NIL
20.1.2. as the delegate thinks fit (whether or not an inspection has taken place), after complying with any requirements prescribed by the regulations, disconnect, close, turn off or remove anything that has, in the opinion of the delegate been attached or used in connection with the contravention.	CEO	NIL
20.2. The power pursuant to Section 50(3) of the Act, if any entry under Section 50(2)(a) is refused or obstructed, to obtain a warrant under Part 10 of the Act to enter the land.	CEO	NIL
20.3. The power pursuant to Section 50(4) of the Act to authorise a person to take action on the Council's behalf under Section 50 of the Act.	CEO	NIL

	Direct Delegation from Council	Conditions/ Limitations
20.4. The power pursuant to Section 50(7) of the Act, if the Council suffers loss as a result of a contravention of Section 50 of the Act, to recover compensation for the loss from a person guilty of the contravention:	CEO	NIL
20.4.1. on application to a court convicting the person of an offence against Section 50 of the Act; or	CEO	NIL
20.4.2. by action in a court of competent jurisdiction.	CEO	NIL
21. Notice of work that may affect water/sewerage infrastructure		
21.1. The power pursuant to Section 51(4) of the Act, if the Council suffers loss as a result of a contravention of Section 51 of the Act, to recover compensation for the loss from a person guilty of the contravention:	CEO	NIL
21.1.1. on application to a court convicting the person of an offence against Section 51 of the Act; or	CEO	NIL
21.1.2. by action in a court of competent jurisdiction.	CEO	NIL
22. Duty to give notice before paving a road etc		
The power pursuant to Section 52(1) of the Act, before the Council begins:	CEO	NIL
22.1.1. to first lay the pavement or hard surface in any road; or	CEO	NIL
22.1.2. to relay the pavement or hard surface in any road; or	CEO	NIL
22.1.3. to widen or extend the pavement or hard surface in any road; or	CEO	NIL
22.1.4. to alter the level of any road; or	CEO	NIL
22.1.5. to construct or alter any footpaths, gutters, kerbing or water tables in any road; or	CEO	NIL
22.1.6. to construct or alter any drainage work in any road,	CEO	NIL
22.1.7. in which there is any water/sewerage infrastructure, to give the relevant water industry entity at least 14 days notice of the proposed work (being a notice that includes details of the nature and thickness of the pavement or hard surface proposed to be made or laid in any such work, and of any other work that is proposed to be undertaken).	CEO	NIL
22.2. The power pursuant to Section 52(2) of the Act, to within 14 days after receiving a notice, advise the person who gave the notice of any new water/sewerage infrastructure proposed in the relevant road and of any interference that is expected to be caused to the existing water/sewerage infrastructure.	CEO	NIL
22.3. The power pursuant to Section 52(3) of the Act, if any work referred to Section 52(1) would involve any alteration to any water/sewerage infrastructure that is owned or operated by a water industry entity, to subject to Section 52(5) of	CEO	NIL

	Direct Delegation from Council	Conditions/ Limitations
the Act, pay to the entity:		
22.3.1. unless Section 52(3)(b) applies – half of the actual cost of the alteration or any damage caused by the work;	CEO	NIL
22.3.2. in prescribed circumstances – an amount determined under the regulations.	CEO	NIL
22.4. The power pursuant to Section 52(6) of the Act, to under an agreement between the Council and a person otherwise required to give notice under Section 52 of the Act, waive the requirement to give such notice in relation to specified classes of work.	CEO	NIL
23. Unlawful abstraction, removal or diversion of water or sewage		
23.1. The power pursuant to Section 53(2) of the Act, to grant approval to a person to install or maintain a pipe capable of conveying water beyond the boundaries of a site occupied by that person where the Council supplies water to the site.	CEO	NIL
23.2. The power pursuant to Section 53(3) of the Act, if the Council suffers loss as a result of a contravention of Section 53, to recover compensation for the loss from a person guilty of the contravention:	CEO	NIL
23.2.1. on application to a court convicting the person of an offence against this Section; or	CEO	NIL
23.2.2. by action in a court of competent jurisdiction.	CEO	NIL
24. Water meters		
24.1. The power pursuant to Section 54(1) of the Act to, require a person who is supplied with water by the Council, to	CEO	NIL
24.1.1. allow a person authorised by the Council to enter land and fix a meter supplied by the Council;	CEO	NIL
24.1.2. ensure that a meter of a kind specified by the Council is fixed and used for purposes of measuring water supplied to the person.	CEO	NIL
24.2. The power pursuant to Section 54(1) of the Act, to authorise a person to enter land and fix a meter supplied by the Council.	CEO	NIL
24.3. The power pursuant to Section 54(3) of the Act, with the approval of the Commission or in prescribed circumstances, to include in a requirement under Section 54(1) of the Act a requirement that a person fix or use a meter supplied by the Council.	CEO	NIL
24.4. The power pursuant to Section 54(10) of the Act, if a person fails to comply with Section 54(9) of the Act, to serve written notice on the person requiring him or her to take such action as is specified in the notice to provide access to the meter or fitting.	CEO	NIL

	Direct Delegation from Council	Conditions/ Limitations
24.5. The power pursuant to Section 54(11) of the Act, if a person on whom notice has been served under Section 54(10) of the Act fails to comply with the notice within 1 month to enter the land and take such action (including altering the position of the meter or fitting) as the delegate thinks fit to provide access to the meter or fitting.	CEO	NIL
24.6. The power pursuant to Section 54(11) of the Act, if a person on whom a notice has been served under Section 54(10) of the Act fails to comply with the notice within one month, to authorise a person to enter land and take such action (including altering the position of the meter or fitting) as the person thinks fit to provide access to the meter or fitting.	CEO	NIL
24.7. The power pursuant to Section 54(12) of the Act, if the Council suffers loss as a result of a contravention of Section 54 of the Act, to recover compensation for the loss from a person found guilty of the contravention:	CEO	NIL
24.7.1. on application to a court convicting the person of an offence against this section; or	CEO	NIL
24.7.2. by action in a court of competent jurisdiction.	CEO	NIL
24.8. The power pursuant to Section 54(13) of the Act, if the Council incurs costs as a result of taking action under Section 54(11), to recover those costs as a debt by action in a court of competent jurisdiction.	CEO	NIL
25. Discharge of unauthorised material into water infrastructure		
25.1. The power pursuant to Section 55(3) of the Act, if the Council suffers loss as a result of a contravention of Section 55, to recover compensation for the loss from a person found guilty of the contravention:	CEO	NIL
25.1.1. on application to a court convicting the person of an offence against this Section; or	CEO	NIL
25.1.2. by action in a court of competent jurisdiction.	CEO	NIL
26. Discharge of unauthorised material into sewerage infrastructure		
26.1. The power pursuant to Section 56(3) of the Act, to, in relation to any sewerage infrastructure operated by the Council:	CEO	NIL
26.1.1. on application by any person, authorise the person to discharge waste material referred to in the authorisation into the infrastructure; or	CEO	NIL
26.1.2. as part of a contract in relation to the provision of a sewerage service, authorised a person to discharge waste material referred to in the contract into the infrastructure.	CEO	NIL
26.2. The power pursuant to Section 56(4) of the Act, to grant an authorisation to a person to discharge any solid, liquid or gaseous material, or any other item or thing, prescribed by the regulations.	CEO	NIL
26.3. The power pursuant to Section 56(5) of the Act, to grant an authorisation to a person to cause, permit or allow any	CEO	NIL

	Direct Delegation from Council	Conditions/ Limitations
rainwater, stormwater or surface water to flow into, or to otherwise enter, any sewerage infrastructure.		
26.4. The power pursuant to Section 56(7) of the Act, to attach such conditions to an authorisation under Section 56 of the Act as the delegate thinks fit and vary or revoke the authorisation at any time.	CEO	NIL
26.5. The power pursuant to Section 56(9) of the Act, to recover the reasonable costs and expenses incurred by the Council in addressing any damage or loss caused as a result of, or in remedying circumstances caused by, a contravention of Section 56 as a debt from the person in contravention of Section 56 of the Act.	CEO	NIL
27. Work to be carried out by owner at requirement of water industry entity with respect to sewerage infrastructure		
27.1. The power pursuant to Section 57(1) of the Act, and in accordance with Section 57(2) of the Act, to, in order:	CEO	NIL
27.1.1. to provide for the proper treatment (including the deodorising) of waste material before it is discharged from land into a drain connected to any sewerage infrastructure; or	CEO	NIL
27.1.2. to prevent the discharge of rainwater, stormwater or surface water into any sewerage infrastructure or to prevent the discharge into any sewerage infrastructure of waste material that has been prescribed as water material that may not be discharged into any sewerage infrastructure or that is, in the opinion of the delegate, likely to damage or be detrimental to any sewerage infrastructure,	CEO	NIL
by notice in writing served on the owner or occupier of the land, require the owner or occupier, within the time stated in the notice, to carry out work specified in the notice.	CEO	NIL
27.2. The power pursuant to Section 57(1) of the Act, to, by notice referred to in Section 57(1) of the Act require the person on whom it is served to:	CEO	NIL
27.2.1. install or construct in such locations as are specified in the notice;	CEO	NIL
27.2.2. connect to the infrastructure;	CEO	NIL
27.2.3. alter or replace;	CEO	NIL
27.2.4. maintain, repair or cleanse;	CEO	NIL
27.2.5. remove, block or disconnect,	CEO	NIL
27.2.6. such drains, equipment or works as are specified in the notice in the manner specified in the notice or take other action specified in the notice.	CEO	NIL
27.3. The power pursuant to Section 57(3) of the Act, to vary or revoke a notice referred to in Section 57(1) of the Act by a subsequent notice in writing served on the owner or occupier of the land.	CEO	NIL

	Direct Delegation from Council	Conditions/ Limitations
27.4. The power pursuant to Section 57(5) of the Act, if the requirements of a notice under Section 57 of the Act are not complied with, to take any action required by the notice.	CEO	NIL
27.5. The power pursuant to Section 57(6) of the Act, to authorise a person to take action under Section 52(5) of the Act on the Council's behalf.	CEO	NIL
27.6. The power pursuant to Section 57(8) of the Act, to recover the reasonable costs and expenses incurred by the Council in taking action under Section 57(6) or (7) as a debt from the person who failed to comply with the requirements of the notice.	CEO	NIL
28. Power to disconnect drains to restrict services		
28.1. The power pursuant to Section 58(1) of the Act, if the Council has grounds to believe that material:	CEO	NIL
28.1.1. is being discharged from land into sewerage infrastructure in contravention of Division 1 Part 6 of the Act; or	CEO	NIL
28.1.2. has been discharged from land into sewerage infrastructure in contravention of Division 1 Part 6 of the Act and that it is likely that a similar contravention will occur in the future,	CEO	NIL
28.1.3. to, after complying with any requirement prescribed by the regulations, close off or disconnect from the sewerage infrastructure 1 or more drains on the land that are connected to the infrastructure or restrict the provision of any sewerage service to the land.	CEO	NIL
28.2. The power pursuant to Section 58(2) of the Act, before reopening or reconnecting a drain closed off or disconnected under Section 58 of the Act, to require the owner or occupier of the relevant land to pay the prescribed fee.	CEO	NIL
29. Power to restrict or discontinue water supply		
29.1. The power pursuant to Section 59(1) of the Act, if the delegate believes on reasonable grounds:	CEO	NIL
29.1.1.	CEO	NIL
29.1.1.1. that the quantity of water available for supply by the Council is, or is likely to be, insufficient to meet the demands of the persons to whom it is required to supply water (either because of a reduction in the quantity of water available or an increase in demand); or	CEO	NIL
29.1.1.2. that the quantity or quality of water available for supply by the Council is, or is likely to be, below a standard set or adopted by the Council for the purposes of Section 59 of the Act, or prescribed by the regulations; or	CEO	NIL
29.1.1.3. that the capacity of any water infrastructure is, or is likely to be, insufficient to cope with existing	CEO	NIL

	Direct Delegation from Council	Conditions/ Limitations
or anticipated demand; and		
29.1.2. that action under Section 59(1) of the Act is justified in the circumstances,	CEO	NIL
29.1.3. to, after complying with any requirements prescribed by the regulations, exercise 1 or more of the powers specified under Section 59(3) of the Act.	CEO	NIL
29.2. The power pursuant to Section 59(1) and (3) of the Act and subject to Section 59(5) of the Act to:	CEO	NIL
29.2.1. lessen the supply of water through any infrastructure (to such extent and in such manner as the delegate thinks fit);	CEO	NIL
29.2.2. prohibit the use of water in a specified purpose or purposes, or restrict or regulate the purposes for which water can be used;	CEO	NIL
29.2.3. prohibit the use of water in a specified manner or by specified means, or restrict or regulate the manner in which, or the means by which, water may be used;	CEO	NIL
29.2.4. prohibit specified uses of water during specified periods, or restrict or regulate the times at which water may be used;	CEO	NIL
29.2.5. for such time or times as the delegate thinks proper, discontinue the supply of water.	CEO	NIL
29.3. The power pursuant to Section 59(3) of the Act, to provide in a requirement under Section 59(3) of the Act that a specified activity involving the use of water cannot occur without the authority of a permit issued by the Council in accordance with the regulations.	CEO	NIL
29.4. The power pursuant to Section 59(4) of the Act, to:	CEO	NIL
29.4.1. impose a prohibition or notice under Section 59(3) of the Act by a notice published or served in accordance with any requirements prescribed by the regulations; and	CEO	NIL
29.4.2. vary or revoke a prohibition or notice under Section 59(3) of the Act in accordance with any requirements prescribed by the regulations.	CEO	NIL
30. Power to require the use of devices to reduce flow		
30.1. The power pursuant to Section 60(1) of the Act and in accordance with Section 60(2) of the Act, if the delegate believes on reasonable grounds that action under Section 60 is justified in the circumstances to supply water during periods of high demand, to serve notice under Section 60(3) of the Act on the owner or occupier of land that is	CEO	NIL

	Direct Delegation from Council	Conditions/ Limitations
connected to water infrastructure operated by the Council.		
30.2. The power pursuant to Section 60(2) of the Act and subject to Section 60(3) of the Act, to, in the notice direct the owner or occupier:	CEO	NIL
30.2.1. to install (at his or her expense) a flow reducing device of the kind specified in the notice at the point specified in the notice (including at a point on the customer's side of any connection point) to enable the flow in the pipes on the land that are connected to the infrastructure to be reduced; and	CEO	NIL
30.2.2. to use the device to reduce flow in those pipes during the periods specified in the notice.	CEO	NIL
30.3. The power pursuant to Section 60(5) of the Act, if the requirements of a notice under Section 60 of the Act are not complied with, to install a flow reducing device to reduce the flow in the pipes on the relevant land notwithstanding that this reduction in flow will operate continuously instead of during the periods specified in the notice.	CEO	NIL
30.4. The power pursuant to Section 60(6) of the Act, to recover the reasonable costs and expenses incurred by the Council in taking action under Section 60(5) of the Act as a debt from the person who failed to comply with the requirements of the notice.	CEO	NIL
31. Disconnection in an emergency		
31.1. The power pursuant to Section 64 of the Act, to, without incurring any liability, cut off the supply of water to any region, area, land or place if it is, in the delegate's opinion, necessary to do so to avert danger to any person or property.	CEO	NIL
32. Responsibilities of water industry entity		
32.1. The power pursuant to Section 68(1) of the Act, to, where the Technical Regulator so requires of the Council:	CEO	NIL
32.1.1. prepare and periodically revise a safety, reliability, maintenance and technical management plan dealing with matters prescribed by regulation in accordance with any requirements specified by the Technical Regulator; and	CEO	NIL
32.1.2. obtain the approval of the Technical Regulator to the plan and any revision; and	CEO	NIL
32.1.3. comply with the plan as approved from time to time; and	CEO	NIL
32.1.4. audit from time to time the Council's compliance with the plans and report the results of those audits to the Technical Regulator.	CEO	NIL
33. Responsibilities of Customers		

	Direct Delegation from Council	Conditions/ Limitations
33.1. The power pursuant to Section 69(3) of the Act, if a person fails to comply with Section 69(1) of the Act to, where the Council is providing the service, disconnect the supply of water to the place, or the collection of sewerage from the place, or restrict the supply of services to that place.	CEO	NIL
34. Enforcement notices		
34.1. The power pursuant to Section 80(2)(h) of the Act to, within 14 days, apply for a review of the notice under the provisions of the Act and the South Australian Civil and Administrative Tribunal Act 2013.	CEO	NIL
35. Warning notices and assurances		
35.1. The power pursuant to Section 82(1)(b)(ii) of the Act and in accordance with Section 82(3) of the Act, to, in relation to a warning notice issued by the Commission to the Council give the Commission an assurance, in the terms specified in the notice, and within the period specified in the notice, that the Council will avoid a future contravention.	CEO	NIL
35.2. The power pursuant to Section 82(2)(b)(ii) of the Act, and in accordance with Section 82(3) of the Act, to, in relation to a warning notice issued by the Technical Regulator to the Council give the Technical Regulator an assurance, in the terms specified in the notice, and within the period specified in the notice, that the Council will avoid a future contravention.	CEO	NIL
36. Injunctions		
36.1. The power pursuant to Section 83(1) of the Act, to apply to the District Court for an injunction on the grounds that a person has engaged or proposes to engage in conduct that constitutes or would constitute a contravention of the Act.	CEO	NIL
36.2. The power pursuant to Section 83(8) of the Act, to consent to a final injunction being granted without proof that proper grounds for the injunction exist.	CEO	NIL
37. Review of decisions by Commission or Technical Regulator		
37.1. The power pursuant to Section 84(1) of the Act and subject to and in accordance with Section 84 of the Act to make an application to:	CEO	NIL
37.1.1. the Commission for the issue or variation of the terms or conditions of a licence under Part 4 of the Act, or for agreement to the transfer of such a licence, for review of a decision of the Commission to refuse the application; or	CEO	NIL
37.1.2. the Commissioner for review of a decision of the Commission under Part 4 of the Act to suspend or cancel the Council's licence or to vary the terms or conditions of the Council's licence; or	CEO	NIL

	Direct Delegation from Council	Conditions/ Limitations
37.1.3. the Technical Regulator where the Council has been given a direction under the Act by the Technical Regulator or an authorised officer for review of the decision to give the direction; or	CEO	NIL
37.1.4. the Technical Regulator where the Council is a person affected by the decision for review of a decision of an authorised officer or a water industry officer to disconnect or restrict a supply of water to a place, or the collection of sewage from a place, or to restrict the provision of a service.	CEO	NIL
38. Appeals		
38.1. The power pursuant to Section 85(1) of the Act and in accordance with Section 85(2) of the Act to make an application to the Tribunal:	CEO	NIL
38.1.1. in relation to a decision as confirmed, amended or substituted by the Commission or the Technical Regulator;	CEO	NIL
38.1.2. in relation to an enforcement notice issued under Part 8 Division 4 of the Act	CEO	NIL
Third Party Access Regime		
<i>Sections 86A – 86ZR apply in relation to operators of water infrastructure or sewerage infrastructure, and infrastructure services, to the extent that it is declared by proclamation to apply.</i>	NIL	NIL
38A. Information brochure		
38A.1 The power pursuant to Section 86F(1) of the Act to determine:	NIL	NIL
38A.1.1 the terms and conditions on which the Council is prepared to make the Council's regulated infrastructure available for use by others; and	NIL	NIL
38A.1.2 the procedures that the Council will apply in determining a proposal for access to any regulated infrastructure and infrastructure services; and	NIL	NIL
38A.1.3 the prices and costs associated with gaining access to (and using) regulated infrastructure and infrastructure services; and	NIL	NIL
38A.1.4 the standard access arrangement used by the Council.	NIL	NIL
38B. Specific information to assist proponent to formulate proposal	NIL	NIL
38B.1 The power pursuant to Section 86G(1)(c) of the Act, on the application of a person with a proper interest in making an access proposal to the Council, agree or refuse to provide access to regulated infrastructure and infrastructure services of a specified description and determine the general terms and conditions (including the likely price) on	NIL	NIL

	Direct Delegation from Council	Conditions/ Limitations
which the Council would be prepared to provide access.		
38B.2 The power pursuant to Section 86G(2) of the Act to make a reasonable charge (to be determined after taking into account any provision made by the regulations for the purposes of Section 86G(2) of the Act for providing information under Section 86G(2) of the Act.	NIL	NIL
38C. Access proposal	NIL	NIL
38C.1 The power pursuant to Section 86I(3) of the Act to require a proponent to provide further information about the proponent's proposal that the delegate reasonably requires in order to assess and respond to the proposal.	NIL	NIL
38C.2 The power pursuant to Section 86I(4)(b) of the Act to, within 1 month after the relevant day determine, and give the proponent a preliminary indication about,	NIL	NIL
38C.2.1 whether the Council is prepared to provide access to the regulated infrastructure and infrastructure services and, if so, on what terms and conditions; and	NIL	NIL
38C.2.2 if some alteration of, or addition to, existing infrastructure would be necessary to provide for access, whether the Council would agree to the alteration or addition and, if so, on what terms.	NIL	NIL
38C.3 The power pursuant to Section 86I(6) of the Act to give notice of an access proposal to affected third parties by publishing a notice in a newspaper circulating generally in the State stating:	NIL	NIL
38C.3.1 the name of the proponent and an address at which the proponent may be contacted; and	NIL	NIL
38C.3.2 the name of the operator and an address at which the regulated operator may be contacted; and	NIL	NIL
38C.3.3 the general nature of the access proposal.	NIL	NIL
38C.4 The power pursuant to Section 86I(7) of the Act to recover the reasonable costs of giving notice under Section 86I of the Act, as a debt, from the proponent.	NIL	NIL
38D. Duty to negotiate in good faith		
38D.1 The power pursuant to Section 86J(1) of the Act to negotiate in good faith with the proponent with a view to reaching agreement on whether the proponent's requirements as set out in the access proposal (or some agreed modification of the requirements) could reasonably be met, and, if so, the terms and conditions for the provision of access for the proponent.	NIL	NIL
38E. Existence of Dispute		
38E.1 The power pursuant to Section 86K(2) of the Act to refer a dispute to the regulator.	NIL	NIL

	Direct Delegation from Council	Conditions/ Limitations
38F. Power to refer dispute to arbitration		
38F.1 The power pursuant to Section 86N(3) of the Act to make submissions to the regulator about the selection of the arbitrator.	NIL	NIL
38G. Confidentiality of information		
38G.1 The power pursuant to Section 86Z(2) of the Act to make representations to the arbitrator regarding access to, or disclosure of, information or documentary material.	NIL	NIL
38H. Formal requirements related to awards		
38H.1 The power pursuant to Section 86ZD(1) of the Act to make representations to the arbitrator on the proposed award.	NIL	NIL
38I. Consent awards		
38I.1 The power pursuant to Section 86ZE of the Act to consent to a proposed award.	NIL	NIL
38J. Termination of variation of award		
38J.1 The power pursuant to Section 86ZG(1) of the Act to agree to terminate or vary an award.	NIL	NIL
38J.2 The power pursuant to Section 86ZG(3) of the Act, if a material change in circumstances occurs, to propose termination or variation of the award.	NIL	NIL
38K. Appeal on question of law		
38K.1 The power pursuant to Section 86ZJ of the Act to appeal to the Supreme Court from an award, or a decision not to make an award, on a question of law.	NIL	NIL
38L. Injunctive remedies		
38L.1 The power pursuant to Section 86ZK(5) of the Act to apply for an injunction under Section 38ZK of the Act.	NIL	NIL
38L.2 The power pursuant to Section 86ZK(6) of the Act to consent to an injunction.	NIL	NIL
38L.3 The power pursuant to Section 86ZK(8) of the Act to apply to the Court to discharge or vary an injunction.	NIL	NIL
38M. Compensation		
38M.1 The power pursuant to Section 86ZL(1) of the Act, if a person contravenes an award, to apply to the Supreme Court for compensation for loss or damage suffered as a result of the contravention.	NIL	NIL

	Direct Delegation from Council	Conditions/ Limitations
38N. Confidential information		
38N.1 The power pursuant to Section 86ZM(7) of the Act to, in connection with the operation of Section 86ZM of the Act, develop and maintain a policy to ensure that confidential information obtained by the Council is not disclosed or used except as authorised by Section 86ZM of the Act.	NIL	NIL
38O. Access by agreement		
38O.1 The power pursuant to Section 86ZN of the Act to enter into an access contract with another person on terms and conditions agreed between the parties.	NIL	NIL
38P. Review of Part		
38P.1 The power pursuant to Section 86ZR(2) of the Act to make written submissions to the regulator on the matters under review.	NIL	NIL
39. Water conservation measures		
The power pursuant to Section 92(5) of the Act, to consult with the Minister before a regulation is made under Section 92(2) of the Act.	NIL	NIL
DELEGATIONS UNDER THE WATER INDUSTRY REGULATIONS 2012		
40. Information as to amounts already paid for retail services etc		
40.1. The power pursuant to Regulation 11(1) of the Water Industry Regulations 2012 (the Regulations) to, on application by a person who has paid an amount to the Council for the provision of retail services, provide the person with a statement of the amount paid.	CEO	NIL
40.2. The power pursuant to Regulation 11(2) of the Regulations to, on application by a consumer, provide the consumer with a statement of the quantity of water supplied by the Council to the consumer in a financial year.	CEO	NIL
40.3. The power pursuant to Regulation 11(3) of the Regulations to, on application by any other person, in connection with the provision of retail services, provide that person with information of the kind referred to in Regulation 11(1) or (2) of the Regulations.	CEO	NIL
41. Certificate as to encumbrance		
41.1. The power pursuant to Regulation 12(1) of the Regulations to, on application by an interested person and payment of the fee prescribed in Schedule 1, provide the person with a statement as to the existence or non-existence of encumbrances in relation to the land to which the application relates that are prescribed encumbrances for the	CEO	NIL

	Direct Delegation from Council	Conditions/ Limitations
purposes of the Land and Business (Sale and Conveyancing) Act 1994 and the regulations under that Act and that are in favour of the Council.		
42. Protection of infrastructure – planting of trees etc on public land		
42.1. The power pursuant to Regulation 13(9) of the Regulations to grant written approval for trees and shrubs (except those listed in Schedule 2 and Schedule 3) to be planted on public land owned by the Council or where the Council operates sewerage infrastructure that may be affected by the planting.	CEO	NIL
42.2. The power pursuant to Regulation 13(b) of the Regulations to grant written approval for trees and shrubs to be planted on a road closer than 1 metre to any water infrastructure where the Council owns or operates the infrastructure.	CEO	NIL
43. Protection of infrastructure – action in relation to trees and shrubs		
43.1. The power pursuant to Regulation 14(1) of the Regulations, if:	CEO	NIL
43.1.1. a tree or shrub has been planted in contravention of Regulation 13; or	CEO	NIL
43.1.2. the delegate is of the opinion (based on reasonable grounds) that a tree or shrub on public land is causing, or is likely to cause, damage to water/sewerage infrastructure or a reduction in the efficiency of the operation of that infrastructure,	CEO	NIL
43.1.3. to, by written notice served on the Council or other person who owns or has the care, control or management of the land on which the tree or shrub is situated, direct that action specified in the notice (including the removal of the tree or shrub) be taken.	CEO	NIL
43.2. The power pursuant to Regulation 14(2) of the Regulations to, if a person on whom a notice has been served fails to comply with the notice, enter the land and take the specified action.	CEO	NIL
43.3. The power pursuant to Regulation 14(3) of the Regulations to, recover its costs of taking the specified action as a debt from the person on whom the notice was served.	CEO	NIL
44. Protection of infrastructure – damage caused by trees or shrubs		
44.1. The power pursuant to Regulation 15 of the Regulations to, if a tree or shrub has been planted in contravention of Regulation 13 of the Regulations, recover the Council's costs of taking action under Regulation 14 as a debt from:	CEO	NIL
44.1.1. the owner for the time being of the land on which the tree or shrub is, or was, situated; or	CEO	NIL
44.1.2. in the case of land under the care, control or management of a Council – that Council.	CEO	NIL

	Direct Delegation from Council	Conditions/ Limitations
45. Access to sewerage infrastructure		
45.1. The power pursuant to Regulation 16(2) of the Regulations to recover the Council's costs of repairing any damage caused to infrastructure owned or operated by the Council by a person using an inspection point under Regulation 16(1) of the Regulations as a debt due by that person to the Council.	CEO	NIL
46. Power to restrict or discontinue water supply		
46.1. The power pursuant to Regulation 17(1) of the Regulations to, if the Council proposes to exercise a power under Section 59(3)(a) to (e) (inclusive) of the Act in relation to water that may be used for human consumption, to:	CEO	NIL
46.1.1. obtain the approval of the prescribed authority before acting; and	CEO	NIL
46.1.2. notify the public of the intention to exercise the power by publishing a notice (specifying in the notice relevant details of the power to be exercised):	CEO	NIL
46.1.2.1. if the Council proposes to exercise a power under Section 59(3)(b), (c) or (d) – in the Gazette; and	CEO	NIL
46.1.2.2. in all cases:	CEO	NIL
a) on a website determined by the delegate and in accordance with Regulation 17(2) of the Regulations; and	CEO	NIL
b) in a newspaper circulating generally throughout the area of the State in which the persons affected by the exercise of the power are situated; and	CEO	NIL
c) in any other manner considered appropriate by the delegate for the purpose of notifying the persons affected by the exercise of the power.	CEO	NIL
47. Notices under Section 59 – Permits		
47.1. The power pursuant to Regulation 18(1) of the Regulations, for the purposes of Section 59(4) of the Act, if a specified use of water is prohibited except under the authority of a permit issued by a water industry entity, to issue such a permit to a person in accordance with Regulation 18 of the Regulations.	CEO	NIL
48. Fittings etc to be flush with road surface		
48.1. The power pursuant to Regulation 23(2)(a) of the Regulations to, if the surface height of a road, footpath or easement is altered and the Council has made the alteration, to give notice in writing to the water industry entity that owns, manages or uses the entry point, inspection point or other fitting of the alteration.	CEO	NIL

	Direct Delegation from Council	Conditions/ Limitations
48.2. The power pursuant to Regulation 23(2)(b) of the Regulations, if the surface height of a road, footpath or easement is altered, to at the cost of the Council, other authority or person who made the alteration, alter the height of the entry point, inspection point or other fitting.	CEO	NIL
48.3. The power pursuant to Regulation 23(3) of the Regulations, to recover the Council's costs as a debt from the Council, other authority or person.	CEO	NIL
49. Pipes must not lie across allotment boundaries		
49.1. The power pursuant to Regulation 34(1) of the Regulations, if, on the division of land, the boundary of adjoining allotments intersects the line on which a pipe connected to any water/sewerage infrastructure has been laid, to direct the owner or occupier of each allotment under Regulation 34 of the Regulations to disconnect the pipe from the water/sewerage infrastructure.	CEO	NIL
49.2. The power pursuant to Regulation 34(4) of the Regulations, if a pipe connected to any water/sewerage infrastructure lies across the boundary between adjoining allotments (except allotments in the same site under the Strata Titles Act 1988 or in the same community parcel under the Community Titles Act 1996), to give written notice to the owner or occupier of each of the allotments directing that the pipe be disconnected from the water/sewerage infrastructure by a qualified person in the manner, at the point and within the time stated in the notice.	CEO	NIL
49.3. The power pursuant to Regulation 34(7) of the Regulations, if a person to whom notice has been given fails to comply with the notice, to enter either allotment or any adjoining land and carry out the necessary work.	CEO	NIL
50. Water meters – estimates		
50.1. The power pursuant to Regulation 36 of the Regulations if:	CEO	NIL
50.1.1. the Council is unable for any reason to gain access to a meter or to read a meter for the purpose of measuring water supplied to the person by the Council; and	CEO	NIL
50.1.2. a code or rules made under the Essential Services Commission Act 2002 relating to the provision of retail services to customers does not apply to that supply of water,	CEO	NIL
50.1.3. to, in accordance with any requirements of the Commission, estimate the quantity of water supplied through the meter and take that quantity to be the quantity of water supplied for the purpose of any amount payable for the supply of the water.	CEO	NIL
51. Charge where land not connected or service to land reduced or discontinued		
51.1. The power pursuant to Regulation 38 of the Regulations to, for the purposes of Section 115(2)(c) of the Act, impose a	CEO	NIL

	Direct Delegation from Council	Conditions/ Limitations
charge in respect of land of a kind specified by the Minister by notice in the Gazette despite the fact that:		
51.1.1. the land is not connected to infrastructure by which a retail service is provided by the Council; or	CEO	NIL
51.1.2. the provision of a retail service to the land by the Council has been reduced or discontinued.	CEO	NIL

Appendix 16

Instrument of Delegation under the Gas Act 1986

		Direct Delegation from Council	Conditions/ Limitations
INSTRUMENT OF DELEGATION UNDER THE GAS ACT 1997			
1. Power To Carry Out Work On Public Land			
1.1	The power pursuant to Section 47(3)(b) of the Gas Act 1997 (the Act) to agree with a gas entity to the entity carrying out work on public land that the Council is responsible for the management of.	CEO	NIL
1.2	The power pursuant to Section 47(4) of the Act to include in an agreement under Section 47 of the Act such conditions the delegate considers appropriate in the public interest.	CEO	NIL
1.3	The power pursuant to Section 47(7) of the Act, if a dispute arises between a gas entity and the Council about whether work should be permitted under Section 47 of the Act on the land or about the condition on which work should be permitted on public land, to refer the dispute to the Minister.	CEO	NIL
1.4	The power pursuant to Section 47(9) of the Act, if a dispute is referred to the Minister under Section 47 of the Act:	CEO	NIL
1.4.1	to make representations to the Minister on the questions at issue in the dispute; and	CEO	NIL
1.4.2	to make a reasonable attempt to agree to settlement of the dispute on agreed terms.	CEO	NIL

Appendix 17

Instrument of Delegation under the Electricity Act 1997

	Direct Delegation from Council	Conditions/ Limitations
INSTRUMENT OF DELEGATION UNDER THE ELECTRICITY ACT 1996 AND ELECTRICITY (PRINCIPLES OF VEGETATION CLEARANCE) REGULATIONS 2010		
1. Power to Carry Out Work on Public Land	CEO	NIL
1.1. The power pursuant to Section 47(3)(b) of the Electricity Act 1996 (the Act), to agree with an electricity entity to the entity carrying out work on public land that the Council is responsible for the management of.	CEO	NIL
1.2. The power pursuant to Section 47(4) of the Act, to include in an agreement under Section 47 of the Act such conditions the delegate considers appropriate in the public interest.	CEO	NIL
1.3. The power pursuant to Section 47(7) of the Act, if a dispute arises between an electricity entity and the Council about whether work should be permitted under Section 47 of the Act on the land or about the conditions on which work should be permitted on public land, to refer the dispute to the Minister.	CEO	NIL
1.4. The power pursuant to Section 47(9) of the Act, if a dispute is referred to the Minister under Section 47 of the Act:	CEO	NIL
1.4.1. to make representations to the Minister on the questions at issue in the dispute; and	CEO	NIL
1.4.2. to make a reasonable attempt to agree to settlement of the dispute on agreed terms.	CEO	NIL
2. Duties in Relation to Vegetation Clearance	CEO	NIL
2.1. The power pursuant to Section 55(3) of the Act, where vegetation is planted or nurtured near a public powerline contrary to the principles of vegetation clearance, and the Council has the duty under Part 5 of the Act, to keep vegetation clear of the powerline, to remove the vegetation and recover the cost of so doing as a debt from the person by whom the vegetation was planted or nurtured.	CEO	NIL
3. Vegetation Clearance Schemes	CEO	NIL
3.1. The power pursuant to Section 55A(1) of the Act and subject to Sections 55A(3), (4) and (6) of the Act to agree a vegetation clearance scheme with an electricity entity governing the way in which vegetation is to be kept clear of public powerlines on land (other than private land) within both the Council's are and a prescribed area.	CEO	NIL

		Direct Delegation from Council	Conditions/ Limitations
3.2.	The power pursuant to Section 55A(2) of the Act, to agree a vegetation clearance scheme in accordance with Section 55A(1) of the Act that does one or more of the following:	CEO	NIL
3.2.1.	require the electricity entity to inspect and clear vegetation more frequently than is required under the principles of vegetation clearance or otherwise govern the way in which the entity will carry out its duty to clear vegetation;	CEO	NIL
3.2.2.	3.2.2 contain a delegation by the electricity entity of a function or power under Part 5 of the Act in relation to powerlines designed to convey electricity at 11 kV or less;	CEO	NIL
3.2.3.	3.2.3 require that the electricity entity be indemnified for any liability arising from an act or omission of the council under the delegation;	CEO	NIL
3.2.4.	3.2.4 confer on the Council the duty to keep vegetation of all kinds clear of specified public powerlines that are designed to convey electricity at 11 kV or less;	CEO	NIL
3.2.5.	3.2.5 exempt the Council from the principles of vegetation clearance relating to the planting or nurturing of vegetation near overhead public powerlines;	CEO	NIL
3.2.6.	3.2.6 impose obligations on the electricity entity or the Council with respect to clearance work or reducing the need for clearance work;	CEO	NIL
3.2.7.	3.2.7 make provision for other related matters.	CEO	NIL
3.3.	3.3 The power pursuant to Section 55A(4)(b) of the Act, to modify a vegetation clearance scheme by written agreement.	CEO	NIL
4.	4. Vegetation Clearance Scheme Dispute	CEO	NIL
4.1.	4.1 The power pursuant to Section 55B(2) of the Act and subject to Sections 55B(3) and (4) of the Act, by written notice to the Technical Regulator, ask the Technical Regulator to determine a vegetation clearance scheme dispute under Division 2, Part 5 of the Act.	CEO	NIL
4.2.	4.2 The power pursuant to Section 55C(2)(c) of the Act, to make an application to the Technical Regulator to not determine a vegetation clearance scheme on the basis that there are good reasons why the dispute should not be	CEO	NIL

	Direct Delegation from Council	Conditions/ Limitations
determined.		
5. Determinations	CEO	NIL
5.1. The power pursuant to Section 55D of the Act, to consent to the Technical Regulator, in determining a scheme or modification of a scheme, conferring on the Council the duty to keep vegetation clear of public powerlines.	CEO	NIL
6. Role of Councils in Relation to Vegetation Clearance Not Within Prescribed Areas	CEO	NIL
6.1. The power pursuant to Section 56(1) of the Act, to make an arrangement with an electricity entity conferring on the Council a specified role in relation to vegetation clearance around public powerlines that are not within a prescribed area.	CEO	NIL
6.2. The power pursuant to Section 56(2) of the Act to include in an arrangement:	CEO	NIL
6.2.1. a delegation by the electricity entity of a function or power under Part 5 of the Act; and	CEO	NIL
6.2.2. a requirement that the electricity entity be indemnified for any liability arising from an act or omission of the Council under a delegation; and	CEO	NIL
6.2.3. provision for the termination of the arrangement by the electricity entity or the Council; and	CEO	NIL
6.2.4. provision for the variation of the arrangement by the electricity entity and the Council.	CEO	NIL
7. 7. Program for Undergrounding of Powerlines	CEO	NIL
7.1. The power pursuant to Section 58A of the Act, in relation to undergrounding work included in a program, to agree to contribute to the cost of the work in the Council's area on the basis determined by the Minister.	CEO	NIL
7.2. The power pursuant to Section 58A(5) of the Act, to make submissions to the Minister in relation to a program, in preparing a program, the Minister must consult with, and seek proposals and submissions from, councils, electricity entities, bodies (other than councils) responsible for the care, control or management of roads and other persons as the Minister considers appropriate.	CEO	NIL
7.3. The power pursuant to Section 58A(8) of the Act, to make submissions to the Minister in relation to varying a	CEO	NIL

	Direct Delegation from Council	Conditions/ Limitations
program.		

ELECTRICITY (PRINCIPLES OF VEGETATION CLEARANCE) REGULATIONS 2010

	Direct Delegation from Council	Conditions/ Limitations
8. Duty of Electricity Entity or Council	CEO	NIL
8.1. The power pursuant to Regulation 4(4) of the Electricity (Principles of Vegetation Clearance) Regulations 2010 (the Regulations) to seek approval from the Technical Regulator to keep vegetation clear of the powerlines in accordance with the principles in Regulation 4(2)(b)(ii) of the Regulations.	CEO	NIL
9. Technical Regulator May Grant Exemption from Principles of Vegetation Clearance	CEO	NIL
9.1. The power pursuant to Regulation 7(3) of the Regulations to make submissions to the Technical Regulator in relation to an application under Regulation 7 of the Regulations.	CEO	NIL
10. Vegetation Clearance Scheme Outside Prescribed Areas Agreed Between Council and Electricity Entity	CEO	NIL
10.1. The power pursuant to Regulation 8(2) of the Regulations and subject to Regulations 8(3), (4), (5) and (6) of the Regulations, to agree a vegetation clearance scheme with an electricity entity governing the way in which the entity will carry out its duty to clear vegetation in the area of the Council or part of that area.	CEO	NIL
10.2. The power pursuant to Regulation 8(5)(b) of the Regulations, to vary or revoke a scheme by written agreement between the parties.	CEO	NIL
11. Objections Relating to Vegetation Clearance	CEO	NIL
11.1. The power pursuant to Regulation 10(5) of the Regulations, to reach an agreement with an objector as to how the objection might be resolved.	CEO	NIL

11.2. The power pursuant to Regulation 10(6)(b) of the Regulations, to enter into an agreement under Regulation 9 of the Regulations with the objector that relates to the subject matter of the objection.	CEO	NIL
11.3. The power pursuant to Regulation 10(8) of the Regulations to, when giving notice of an intention to enter private land to carry out work under Part 5 of the Act, include in or with the notice a statement of the rights of the owner or occupier to lodge an objection under Regulation 10 of the Regulations.	CEO	NIL

**ADELAIDE HILLS COUNCIL
ORDINARY COUNCIL MEETING
Tuesday 23 April 2019
AGENDA BUSINESS ITEM**

Item: 12.9

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
23/08/2016	Ordinary Council	163/16	Piccadilly CFS Relocation
25/07/2017	Ordinary Council	159b/17	Lobethal Recreation Ground - Transfer of Land
26/06/2018	Ordinary Council	136/18	AHC PLEC Projects
28/08/2018	Ordinary Council	193/18	MON Kenton Valley Memorial Park
28/08/2018	Ordinary Council	194/18	MON Randell's Workers' Cottages
28/08/2018	Ordinary Council	195/18	Traditional Aboriginal Names of Localities and Places
28/08/2018	Ordinary Council	199/18	Reconciliation Action Plan Working Group
28/08/2018	Ordinary Council	207/18	Road Widening Oakwood Road Oakbank
11/09/2018	Special Council	223/18	Pomona Road Bike Track Trial
11/09/2018	Special Council	233/18	Road Closure Glenside Lane, Crafers
25/09/2018	Ordinary Council	248/18	Harms Avenue Birdwood
25/09/2018	Ordinary Council	252/18	Unmade Road Reserves, Charleston Conservation Park
27/11/2018	Ordinary Council	305/18	Milan Tce Pedestrian Crossing Investigation
18/12/2018	Ordinary Council	322/18	Scott Creek Cemetery Funds
18/12/2018	Ordinary Council	323/18	Stonehenge Reserve MON
18/12/2018	Ordinary Council	324/18	Gumeracha Main Street Masterplan
18/12/2018	Ordinary Council	325/18	Gumeracha Precinct Federation Park and Oval Masterplan
18/12/2018	Ordinary Council	337/18	Location of Underground Services Federation Park & Gumeracha Oval
22/01/2019	Ordinary Council	5/19	Udder Delights First Right of Refusal AHBTC
22/01/2019	Ordinary Council	18/19	Annual Business Plan Workshop
22/01/2019	Ordinary Council	20/19	2019/20 Annual Business Plan Green Waste Drop Off & Bike Path
22/01/2019	Ordinary Council	18/19a	Annual Business Plan Workshop - Action Item
12/02/2019	Ordinary Council	261/18	Lobethal Primary School Safety Concerns
26/02/2019	Ordinary Council	28/19	Road Safety on DPTI Roads
26/02/2019	Ordinary Council	37/19	Budget Review 2
26/02/2019	Ordinary Council	38/19	Long Term Financial Plan 2019 Update
26/02/2019	Ordinary Council	40/19	Burning Permit Policy
26/02/2019	Ordinary Council	41/19	Directional Signage Policy Review
26/02/2019	Ordinary Council	49/19	Banking & Finance Services in Lobethal
26/02/2019	Ordinary Council	38/19A	Long Term Financial Plan 2019 Update
26/02/2019	Ordinary Council	41/19A	Directional Signage Policy Review
26/02/2019	Ordinary Council	44/19A	Status Report
26/03/2019	Ordinary Council	64/19	East Waste 2019/2020 Annual Plan
26/03/2019	Ordinary Council	65/19	Operation Flinders
26/03/2019	Ordinary Council	73/19	Election of GAROC Members
26/03/2019	Ordinary Council	79/19	Tree Management Policy Review
26/03/2019	Ordinary Council	81/19	Community Information Display Policy

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.

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	Status	Status (for Council reporting)
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	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 the May Council Meeting.
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	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	Report to Council by mid 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	Council is working collaboratively with neighbouring Councils as part of a broader Inter-Regional Cycle Network project. An update for Council Members will now be distributed in April 2019, with a briefinh held for CEO's and Mayor's of effected Councils in May.
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	Council discussions with key landowners regarding construction of a walking loop along Sturt Valley Rd which required access through their property to connect thorough to Upper Sturt Rd have been unsuccessful. A report to Council seeking direction (given a complete loop is now unachievable) will be forthcoming in the coming months.

Meeting Date	Meeting	Res No.	Item Name	Action Required (Council Resolution)	Responsible	Status	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	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. Council staff met with the State Diocese to discuss the matter and work through some of their queries. It is now in the hands of the State Diocese to present a formal position to Council for consideration.
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	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. Forestry SA have expressed their continued support for potential sealing. In discussions with DEW currently.
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	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 ups continue to be undertaken with DPTI. The Section 210 process has been commenced with Gazette notice appearing in Govt Gazette on 14 February which commenced the 3 month notification period to covert to public road.
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	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. The Landscapers are weaving the themes into the concept plans currently, with key options and recommendation to be brought to Council in the next few months.

Meeting Date	Meeting	Res No.	Item Name	Action Required (Council Resolution)	Responsible	Status	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 :</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 • Council resolving to enter into a lease for the Proposed CFS Location in a form consistent with existing lease agreements for CFS sites in the AHC area • Council resolving to issue a Road Process Order under the Roads (Opening and Closing) Act 1991 for the Road Closure Land and to develop a Community Land Management Plan for the Closed Road Land and addition of the Closed Road Land to the Community Land Register for car parking purposes 	Terry Crackett	Completed	DA granted by DPTI on 15 December 2017. Final leases executed by Council on 31 October 2018. Consultation as required under item 3 has been undertaken.
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	<p>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.</p> <p>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).</p> <p>In the interim, consideration will be given to the granting of a right of way to ensure that the cemetery has legal access.</p>

Meeting Date	Meeting	Res No.	Item Name	Action Required (Council Resolution)	Responsible	Status	Status (for Council reporting)
25/07/2017	Ordinary Council	155/17	Reserve Gifting Proposal - Dunnfield Estate, Mt Torrens	<p>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:</p> <p>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.</p> <p>2. That, in the event that there is a dispute between the Council and the Developer, the dispute is referred to an Independent Arbiter for resolution, with costs being shared equally by the parties.</p>	Peter Bice	In Progress	<p>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.</p> <p>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.</p> <p>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.</p>
25/07/2017	Ordinary Council	159b/17	Lobethal Recreation Ground - Transfer of Land	<p>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.</p>	Terry Crackett	Completed	Settlement occurred on 5 April 2019
8/08/2017	SPDPC	SP39/17	Update on Primary Production Lands DPA	<p>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.</p>	Marc Salver	In Progress	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 this year, noting that the Draft Code for Stage 3 (which includes our Council area) is to be released for public consultation in late 2019.

Meeting Date	Meeting	Res No.	Item Name	Action Required (Council Resolution)	Responsible	Status	Status (for Council reporting)
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 Local Government Act 1999. That the Chief Executive Officer be authorised to sign all necessary documentation to effect this resolution.	Peter Bice	In Progress	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.
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 372create an easement for transmission of electricity in favour of Distribution Lessor Corporationcreate a free and unrestricted right of way in favour of Allotment 13 being the land in CT Volume 5502 Folio 373accept 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	Surveyor has prepared final plan and road process order. LMA has been executed by both parties. Boral have indicated that completion will likely be in July 2019.
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	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 - 15-19 April 2019 (to be confirmed). 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 and more is planned for the coming 5 year period. An information report was provided to Council at its 25 September Ordinary Council Meeting. Draft Weed Management Plans have been submitted for Council staff to review for Lobethal Bushland Park and Mylor Oval site.

Meeting Date	Meeting	Res No.	Item Name	Action Required (Council Resolution)	Responsible	Status	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	<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</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	<p>Mr Willison passed away in late January '18 prior to road exchange documents being signed.</p> <p>Probate has been granted and documents are being prepared for execution to finalise the matter.</p> <p>Conveyancer has confirmed that they have re-engaged with the surveyor for the final plans to be prepared and lodged for consultation</p>

Meeting Date	Meeting	Res No.	Item Name	Action Required (Council Resolution)	Responsible	Status	Status (for Council reporting)
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	<p>The Hub Director commenced on 23 July 2018.</p> <p>The progress report was received by Council on 22 January 2019.</p> <p>The Evaluation Framework is in draft form and is being finalised for presentation to ELT.</p>
27/02/2018	Ordinary Council	57/18	Confidential Item - AH Swimming Centre Shade Sail	As per confidential minute	Terry Crackett	In Progress	Matter being progressed per resolution
27/02/2018	Ordinary Council	58/18	AH Swimming Centre Shade Sail - Period of Confidentiality	<p>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.</p> <p>Pursuant to section 91(9)(c) of the <i>Local Government Act 1999</i>, Council delegates the power to revoke the confidentiality order either partially or in full to the Chief Executive Officer.</p>	Terry Crackett	In Progress	Progressing per confidential minutes
24/04/2018	Ordinary Council	102/18	Sale of Land for Non Payment of Rates	Refer to Confidential Minute	Terry Crackett	In Progress	Actions continuing in accordance with resolution. One remaining property that is working towards resolution.
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	Completed	<p>AHC's application for undergrounding powerlines in Gumeracha was approved by PLEC.</p> <p>Funds have been included for adoption in the ABP and budget for Stage 1 to be undertaken in 19/20. As per the LTFP inclusion for 19/20.</p>
17/07/2018	Special Council	156/18	LED Street Lighting Program	That the report be received and noted. That 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	As per LED review resolution 281/17

Meeting Date	Meeting	Res No.	Item Name	Action Required (Council Resolution)	Responsible	Status	Status (for Council reporting)
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	Council Staff are in the process of identifying, measuring and recording recycled material usage as part of Capital Works projects. 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.
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	Council is now awaiting Heavy Vehicle Permits to undertake the move of the skate ramp to Lobethal, which will likely occur in May.
14/08/2018	Special SPDPC	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	The DPA was submitted to the Minister on 20 August 2018. The Minister for Planning responded to Council on 9 April and has suggested two amendments to the proposed listings which will be considered before a response is sent to the Minister.
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	Completed	Report presented to Council on 26.3.19
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	Completed	Report presented to Council on 26.3.19
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	Completed	Council received a report on this matter at its March 2019 meeting.

Meeting Date	Meeting	Res No.	Item Name	Action Required (Council Resolution)	Responsible	Status	Status (for Council reporting)
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	Development approval obtained 30 November 2018. Final review of agreement by all parties completed. Execution of agreement underway. Anticipated on ground works to commence late April or early May 2019.
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	Completed	The resolution was self-fulfilling. Mount Barker District Council made a similar resolution at its meeting held on 1 April 2019, thus bringing the group into existence.
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</p> <p>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	<p>Heritage Agreement applications lodged</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 • Mylor Parklands, Stock 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.

Meeting Date	Meeting	Res No.	Item Name	Action Required (Council Resolution)	Responsible	Status	Status (for Council reporting)
28/08/2018	Ordinary Council	203/18	Community Wastewater Management Systems Review - Update and Consultation Outcomes	The report be received and notedThe 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 feesSale price for CWMS assetsRespondents financial capacityRespondents operational capacity and capabilityNetwork 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 S48 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 S48.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.	Peter Bice	In Progress	In collaboration with project partners currently establishing and obtaining due diligence information in preparation for release of tender planned for mid 2019.
28/08/2018	Ordinary Council	205/18	Regional Transport Study Funding Request	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.	David Waters	In Progress	RDA is leading this project. GTA Consultants have been commissioned to undertake the study. Public survey was conducted in November. A draft report was provided and council staff provided feedback. The final study is expected sometime this month.
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	Completed	Plans have been finalised ready for lodgement with the Lands Titles Office. Documents signed by the landowners received on 5.2.19 and will be executed by Council prior to being lodged with the Lands Titles Office. Update - 12/3/19 - Land Division Documents lodged at the LTO on 1/3/19. Plan deposited 14.3.2019
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	The review is scheduled to be workshopped in July and go before the July Council Meeting for a decision.
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	Completed	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.

Meeting Date	Meeting	Res No.	Item Name	Action Required (Council Resolution)	Responsible	Status	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 Local <i>Government Act 1999</i>.</p> <p>Council approves the sale of the differential between the total area of closed road and the total area of opened road of approximately 1,242m² to Boral Resources (SA) Ltd for the amount of \$6,210 as determined by an independent valuation.</p> <p>Subject to the successful completion of the road exchange process, Council undertakes a process in conjunction with the City of Burnside to realign the local government boundary along the new location of McBeath Drive to the south side of pieces 42, 52 and 62 of the proposed residential allotments in accordance with the provisions of the Local Government (Boundary Adjustment) Amendment Act 2017 (to commence on 1 January 2019) and/or Part 2 of Chapter 3 of the Local Government Act 1999.</p> <p>The Mayor and Chief Executive Officer be authorised to sign all documents necessary, including affixation of the common seal, to give effect to this resolution.</p>	Terry Crackett	In Progress	Submission has been prepared and lodged with the Boundaries Commission jointly on behalf of the City of Burnside and Adelaide Hills Council.
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 Carripook Park, Candlebark Reserve and Vincent Playground Reserve, that may be suitable for the development of a landscaped garden for the benefit of the community and for the construction of a memorial to the Ash Wednesday Bushfires of 1983 as contemplated by the charitable trust over the Land and invite community suggestions and feedback in relation to any appropriate land parcels.</p> <p>To approve a budget allocation in the amount of \$10,000 for legal expenses for the preparation of an Application to the Supreme Court to vary the charitable trust.</p> <p>That a further report be presented to Council for consideration after community consultation and further investigations have been completed</p>	Terry Crackett	In Progress	Initial consultation to identify possible locations for the establishment of a garden and memorial concluded on 28 January 2019 with only one submission received being a suggestion from the Retirement Village residents to investigate Carripook Park as their preferred option. Consultation will now be undertaken in relation to the revocation of community land with a report to be presented to Council following conclusion of the consultation

Meeting Date	Meeting	Res No.	Item Name	Action Required (Council Resolution)	Responsible	Status	Status (for Council reporting)
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; and The 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 applicable) and all fees and charges associated with the road closure process.</p> <p>Authorise the Chief Executive Officer to finalise and sign all necessary documentation to give effect to this resolution</p>	Terry Crackett	Completed	Final plans and documents have been lodged with the Surveyor-General. Settlement has occurred with purchase monies paid to Council
11/09/2018	Special Council	238/18	Ashton Landfill – Confidential Item	<p>Until 10 September 2019.</p> <p>Pursuant to section 91(9)(c) of the <i>Local Government Act 1999</i>, Council delegates the power to revoke the confidentiality order either partially or in full to the Chief Executive Officer.</p> <p>Refer to confidential minute</p>	Peter Bice	In Progress	Council continues to progress the matter.
25/09/2018	Ordinary Council	13.2	Harms Avenue Birdwood	<p>That Council resolves that the report be received and noted.</p> <p>That the CEO provides a further report to Council by the end of March 2019.</p>	Terry Crackett	Completed	Report presented to Council on 26/3/19
25/09/2018	Ordinary Council	252/18	Unmade Road Reserves, Charleston Conservation Park	<p>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.</p>	Terry Crackett	Completed	Update report presented to Council at the 26 February meeting.
27/11/2018	Ordinary Council	297/18	Magarey Road Emergency Services Access	<ol style="list-style-type: none"> The report be received and noted The administration undertake the process to rename Magarey Road Mount Torrens in accordance with Council's <i>Public Place and Road Naming Policy</i>. 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	Objection to road renaming process received. Further feedback obtained from residents and further report to be provided to Council.

Meeting Date	Meeting	Res No.	Item Name	Action Required (Council Resolution)	Responsible	Status	Status (for Council reporting)
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	Completed	DPTI has been approached. DPTI request that Council consider a local area 40km/h - staff considering the merits and costs associated with assessment. Detailed design tender process commenced.
4/12/2018	Special Council	317/18	Appointment to CAP Selection Panel for Independent Members	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. That the Council Assessment Panel Independent Member Selection Panel report their recommendations to Council for approval by no later than April 2019.	Marc Salver	In Progress	The selection panel has completed its interview process and has recommended 4 people for appointment to the Panel. The recommendations of the selection panel will now be reported to Council on 23 April 2019 for a decision.
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	Completed	Report presented to Council on 26 March 2019
18/12/2018	Ordinary Council	323/18	Stonehenge Reserve MON	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: a. A Council Member workshop is held on the merits of each site during the community consultation period b. Council Members attend a site visit to the Stonehenge tennis courts and alternative sites (eg Piccadilly and Heathfield) c. A workshop is held to discuss the community consultation analysis 2. That the community consultation period be extended to 22 February 2019	Peter Bice	Completed	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. Workshops and a site visit have occurred, and the Community Consultation was extended to 22 February 2019. A workshop will be held following the analysis of the feedback, likely to be held in March/April.
18/12/2018	Ordinary Council	324/18	Gumeracha Main Street Masterplan	1. That the report be received and noted 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	Peter Bice	Completed	The consultant Jensen PLUS has considered and prepared a concept and associated cost estimate for bike separation measures. The cost is considered prohibitive within the available budget and bike separation measures will not be implemented.

Meeting Date	Meeting	Res No.	Item Name	Action Required (Council Resolution)	Responsible	Status	Status (for Council reporting)
18/12/2018	Ordinary Council	325/18	Gumeracha Precinct Federation Park and Oval Masterplan	That the report be received and noted That Council approves the draft Masterplan taking into consideration the broader community engagement process and outcomes. That the priority actions identified within the draft Masterplan be considered in the Long Term Financial Plan and budget process	Peter Bice	Completed	Have been considered and a high priority action (underground service location) will be undertaken this financial year 2018/19. In addition investigation is ongoing into the providing an automatic irrigation system at Federation Park and Oval. Other high priority actions specifically the tennis and netball court replacement were considered in the Recreation and Sport budget but was not included in the 2019/20 budget.
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):</p> <p>Biodiversity Advisory Group – Cr John Kemp, Cr Chris Grant</p> <p>Cemetery Advisory Group – Cr Ian Bailey, Cr Malcolm Herrmann</p> <p>Rural Land Management Advisory Group – Cr Ian Bailey, Cr Pauline Gill</p> <p>Sustainability Advisory Group – Cr Leith Mudge, Cr Ian Bailey</p>	Andrew Aitken	In Progress	Report of the outcomes of the selection processes to be considered at the 23 April 2019 Ordinary Council meeting.
18/12/2018	Ordinary Council	329/18	Acquisition of Private Roads Garrod Place and Crescent, Stirling	<p>That the report be received and noted</p> <p>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</p> <p>That the Land be excluded as Community Land pursuant to s193(4) of the <i>Local Government Act 1999</i></p> <p>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	<p>Settlement occurred on 27.2.2019</p> <p>Gazette notice to confirm exclusion of land as community land to occur.</p> <p>Additional report required to Council to declare the land as public road once the transfer to Council has been registered by the Lands Titles Office - being presented to Council at the & May Special Council Meeting</p>

Meeting Date	Meeting	Res No.	Item Name	Action Required (Council Resolution)	Responsible	Status	Status (for Council reporting)
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	Completed	Council Staff have undertaken a Dial Before You Dig enquiry, so we now have a good understanding of public services in the area. A contractor was engaged to locate and map the unknown underground services. This map will provide information for the upcoming irrigation design for Federation Park and oval. This project comprises a renewal plus upgrade of existing irrigation facilities, with design to be completed this Financial Year and implementation in 2019/20. Plans will be provided to interested community members.
22/01/2019	Ordinary Council	3/19	Rescission of LMA Kareda Close Balhannah	The report be received and notedThe Council agrees to rescind the registered LMA No. AG 108216630 from 3A Kareda Close (Lot:1 Sec: P4208 DP:76398 CT:6009/480) andThe CEO be authorised to sign the Note of Rescission of Land Management Agreement AG 108216630.	Marc Salver	In Progress	Documents for rescission have been executed by the parties and the lawyers are finalising the rescission
22/01/2019	Ordinary Council	5/19	Udder Delights First Right of Refusal AHBTC	That the report be received and notedThat a First Right of Refusal over the land shown in Appendix 3 be included in a new Lease to Udder Delights Australia Pty Ltd.	Terry Crackett	Completed	New lease incorporating the First Right of Refusal has been executed
22/01/2019	Ordinary Council	6/19	Annual Business Plan Development	That the report be received and notedTo adopt the 2019-20 Annual Business Plan & Budget indicative key activities and indicative timelines as below (see minute).	Terry Crackett	In Progress	Workshop with Council Members has been held regarding the Annual Business Plan and budget. Draft Annual Business Plan was considered by the Audit Committee on 15 April. The draft ABP will be considered by Council for public consultation at its 23 April 2019 meeting.
22/01/2019	Ordinary Council	10/19	Jungfer Road Charleston Speed Limit	That the report be received and notedThat Council undertake the installation of the extended 60km/h speed zone on Jungfer Road, Charleston, by 800m to immediately West of Juers Road, if approved by the Department for Planning, Transport and Infrastructure (DPTI).	Peter Bice	In Progress	DPTI has completed its assessment and approved an extension of 350m to cover the slow points - this extension is about 450m less than that requested by Council.Submission with supporting documentation provided to DPTI requesting extension of 60km/h. Contact made with DPTI to initiate review process on the speed limit.

Meeting Date	Meeting	Res No.	Item Name	Action Required (Council Resolution)	Responsible	Status	Status (for Council reporting)
22/01/2019	Ordinary Council	18/19	Annual Business Plan Workshop	That, for the March Annual Business Plan Workshop, the Chief Executive Officer provides information on what options, if any, are available for Council to assist orchardists who have been affected adversely by the recent hail storms.	David Waters	Completed	Options to support apple and pear industry provided to the Annual Business Plan workshop
22/01/2019	Ordinary Council	20/19	2019/20 Annual Business Plan Green Waste Drop Off & Bike Path	That Council considers the following items in the 2019/20 Annual Business Plan development process: free green waste drop off establishment of bike path from Aldgate to Stirling along Mt Barker Road	Terry Crackett	Completed	Items have been added to the New Initiatives Listing to be prioritised and addressed at Council 2019-20 Annual Business Plan and Budget Workshop 29 & 30 March 2019 Item No 9 Operating Initiatives and Item 13 Capital Initiatives
12/02/2019	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	Completed	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. Pram Ramp complete and 20m of linemarking on northwestern side of school road/mill street intersection is scheduled with operations
26/02/2019	Ordinary Council	28/19	Road Safety on DPTI Roads	That the CEO writes to Department Planning Transport & Infrastructure (DPTI) to ascertain what measures they are taking to improve safety and traffic flow for motorists and cyclists on DPTI roads in view of the increasing number of cyclists on Adelaide Hills roads, particularly in relation to narrow and winding roads such as (but not restricted to) Greenhill Road, Norton Summit Road, Lobethal Road and Gorge Roads.	Andrew Aitken	Completed	
26/02/2019	Ordinary Council	29/19	Road Closure adjacent Charleston Conservation Park	the report be received and notes that following receipt of a valuation for the land parcel that consultation will be undertaken in relation to the closure of the unmade road. the CEO takes all possible steps to prevent further degradation of the road reserve by unauthorised activities while this land remains in its custody.	Terry Crackett	In Progress	A Valuation has been received from DEW. Community consultation will now proceed with a report to be presented to Council following the consultation period.
26/02/2019	Ordinary Council	30/19	Code of Practice Access to Council Meetings, Committees & Documents Policy	That the report be received and notedTo approve the proposed Code of Practice for Access to Council, Council Committee and Designated Informal Gathering Meetings & Documents at Appendix 1 for public consultation in accordance with the provisions of Council's Public Consultation Policy and for the further report to be provided to Council following the consultation process. That the CEO be authorised to: a. Make any formatting, nomenclature or other minor changes to the Code prior to being released for public consultation and b. Determine the consultation timings, media and processes while ensuring consistency and compliance with the provisions of applicable legislation and Council's Public Consultation Policy.	Andrew Aitken	In Progress	The consultation process is has now finished. Following the analysis of the submissions, a revised Code will be presented to the 23 April 2019 Council meeting for adoption.

Meeting Date	Meeting	Res No.	Item Name	Action Required (Council Resolution)	Responsible	Status	Status (for Council reporting)
26/02/2019	Ordinary Council	31/19	Community Forums 2019	That the report be received and noted. That Community Forums be held in 2019 according to the following indicative schedule: Tuesday 30 April 2019 at Houghton Tuesday 30 July 2019 at Gumeracha Tuesday 29 October 2019 at Norton Summit That the Chief Executive Officer be and is hereby authorised to make changes to the Community Forum schedule to accommodate venue availability or other matters arising which necessitate change.	David Waters	In Progress	The first forum of the year is to be held on 30 April at Houghton as per the resolution.
26/02/2019	Ordinary Council	33/19	Electricity Procurement	That the report be received and noted That a further report be provided to Council following the completion of the evaluation of contract offers by Local Government Association Procurement (LGAP).	Terry Crackett	In Progress	Report to be prepared
26/02/2019	Ordinary Council	37/19	Budget Review 2	Receive and note the report. Adopt the Operating Budget adjustments presented in Budget Review 2 which increase the Budgeted Operating Surplus of \$302k to \$398k for the 2018-19 financial year. Adopt the proposed capital program adjustments which increase capital income by \$9.719m and reduce total capital expenditure by \$291k, resulting in a proposed capital expenditure budget of \$17.626m noting that the any works associated with the grant funds received for the Stirling Tennis Club and Heathfield Netball Club courts is subject to the outcomes of community consultation that is currently underway, and a subsequent report to Council. Adopt the change in Council's current Net Borrowing Result of \$4.513m to a Net Lending Result of \$5.993m for the 2018-19 financial year as a result of the operating budget and capital program adjustments.	Terry Crackett	Completed	2018-19 Budget has been revised in accordance with Council Resolution on 26 February 2019
26/02/2019	Ordinary Council	38/19	Long Term Financial Plan 2019 Update	Receives and notes the report. Endorse the Draft Long Term Financial Plan, as contained in Appendix 1 for community consultation in accordance with <i>Section 122 of the Local Government Act 1999</i> and Council's Public Consultation Policy. That the CEO be authorised to: Make any formatting, nomenclature or other minor changes to the Plan prior to being released for public consultation and Determine the consultation timings, media and processes while ensuring consistency and compliance with the provisions of applicable legislation and Council's Public Consultation Policy.	Terry Crackett	Completed	Endorsed Draft 2019-20 Long Term Financial Plan currently out for Community Consultation in accordance with Council Resolution
26/02/2019	Ordinary Council	39/19	Proposal to Undertake CEO Performance Review Internally	That the report be received and noted To undertake the 2019 CEO Performance Review using an internal process incorporating all of the Elected Members and utilise a consultant to undertake the Total Employment Cost package review.	Andrew Aitken	Not Started	
26/02/2019	Ordinary Council	40/19	Burning Permit Policy	That the report be received and noted. With an effective date of 12 March 2019, to rescind the 23 May 2017 Burning Permit Policy and adopt the revised Burning Permit Policy contained in <i>Appendix 2</i> of this report. That the Chief Executive Officer be authorised to make minor content, grammatical and formatting amendments to the Burning Permit Policy prior to the effective date of adoption. Subject to resolution 2 above, a review of the Burning Permit Policy be undertaken in November 2020 and be reported to Council outlining the results of the review and any recommendations prior to the end of the 2020/21 fire danger season, and to adopt a permit which covers the metropolitan areas of the Council as contained in <i>Appendix 5</i> of this report.	Marc Salver	Completed	

Meeting Date	Meeting	Res No.	Item Name	Action Required (Council Resolution)	Responsible	Status	Status (for Council reporting)
26/02/2019	Ordinary Council	41/19	Directional Signage Policy Review	That the report be received and noted.With an effective date of 12 March 2019, to revoke the 22 September 2015 Directional Signage Policy and to adopt the draft February 2019 Directional Signage Policy.That the Chief Executive Officer be authorised to make minor content, grammatical and formatting amendments to the Directional Signage Policy prior to the effective date of adoption.	Peter Bice	Completed	The Updated Policy is on Council's website.
26/02/2019	Ordinary Council	47/19	Boundary Reform Proposal - Woodforde & Rostrevor	Council resolves that the report be received and noted.That if a Stage 2 submission is invited by the Boundaries Commission, a community meeting is arranged for residents of the Woodforde & Rostrevor communities to attend.	Andrew Aitken	In Progress	The Boundaries Commission has advised that a Stage 1 submission has been received from Campbelltown City Council. A request for a copy from the Boundaries Commission was refused.
26/02/2019	Ordinary Council	49/19	Banking & Finance Services in Lobethal	That Council encourages the communities of Lobethal and surrounding districts in their endeavours to re-establish banking and finance services at Lobethal following the closure of BankSA and more recently, the ANZ Bank branches.	David Waters	Completed	No specific action proposed in furtherance of this resolution at this stage, however, if opportunities for Council Members or staff to assist in any movement to establish a community bank arise, this will be communicated to Council Members and action taken accordingly.
26/02/2019	Ordinary Council	55/19	Reconciliation Working Group - CONFIDENTIAL	As per Confidential Minute	David Waters	In Progress	
26/02/2019	Ordinary Council	56/19	Reconciliation Working Group - 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 appointments have been confirmed, but not longer than 3 months	David Waters	In Progress	
26/03/2019	Ordinary Council	61/19	Climate Emergency	Notes the October 2018 report of the Intergovernmental Panel on Climate Change;Notes the Federal government's latest greenhouse gas emissions data shows Australia's total greenhouse gas emissions have increased compared to 2012, not decreased;Recognises we are in a state of climate emergency that requires urgent action by all levels of government, including by local councils;Reaffirms its commitment to both mitigating against and adapting to the adverse impacts of climate change within the Adelaide Hills Council;Commits to finalising the Carbon Management Plan by December 2019 and that it includes a target of 100% renewable energy (electricity) for the Adelaide Hills Council (as an Organisation) by a defined date as well as a series of staged targets over the intervening period;Requests the CEO write to State and Federal Members of Parliament, which represent the Adelaide Hills Council region, advising them of Council's resolution and request they also act with urgency to address climate change.	Peter Bice	In Progress	Carbon Managment Plan has commenced.

Meeting Date	Meeting	Res No.	Item Name	Action Required (Council Resolution)	Responsible	Status	Status (for Council reporting)
26/03/2019	Ordinary Council	62/19	Policy Position - Telecommunications Installation (Low-Impact Facilities)	That the Chief Executive Officer formulate a policy position in relation to the future installation of low impact telecommunications facilities, specifically, antennae attached to stobie poles, by telecommunications providers, for Councils consideration by no later than 30 June 2019. That the policy position address (yet not be limited to) such issues as:Siting (Preference - Non-Public Land)DesignHeightColours and FinishesCharacter and AmenityLocal EnvironmentObjection ProcessThe need to balance the above with the requirement to address mobile black spots and provide adequate mobile coverage to Adelaide Hills residents, businesses and visitors for public safety, commerce and accessibility.	Marc Salver	In Progress	Staff have commenced the development of such a policy position.
26/03/2019	Ordinary Council	64/19	East Waste 2019/2020 Annual Plan	That the East Waste draft 2019/20 Annual Plan be given consent	Peter Bice	Completed	Letter sent to East Waste confirming that the Annual Plan was consented to be Council.
26/03/2019	Ordinary Council	65/19	Operation Flinders	Council continues to offer financial support for the Adelaide Hills expeditions by entering into a further three year agreement with Operation Flinders, for the period 2019/20 to 2021/22, at a cost of \$10,000 per annum. That Operation Flinders be asked to explore the inclusion of Birdwood High School in Operation Flinders expeditions	David Waters	Completed	Operation Flinders has been asked to include Birdwood High School in its pool of schools from which to source participants. It will pursue this.
26/03/2019	Ordinary Council	70/19	Aboriginal Place Naming	That advice on the potential for Aboriginal place naming be sought from the Reconciliation Working Group, including a proposed approach for progressive implementation	David Waters	Not Started	The matter will be raised at the first meeting of the Reconciliation Working Group, which is expected in May 2019. It is likely to take some time to work through this matter.
26/03/2019	Ordinary Council	71/19	Proposed Pome Fest Event	That in-principle support is provided to the establishment of Pome Fest 2019. That the Council contributes up to \$7,500 and in kind support in 2018/19 to facilitate and support the proposed event.	David Waters	In Progress	Planning has commenced for Pome Fest 2019 on 31 May and 1 June 2019
26/03/2019	Ordinary Council	72/19	Strategic Plan Review Approach	That the Strategic Plan Review indicative key activities and timelines be received and adopted. That the Strategic Plan Review Engagement Plan, contained in Appendix 1, be adopted.	Terry Crackett	In Progress	Workshop has been held in March 2019 with Council Members regarding the Strategic Plan Review approach and proposed timing. Report to Council at March 2019 meeting and the timelines and engagement plan were adopted. Project commences in April 2019.
26/03/2019	Ordinary Council	73/19	Election of GAROC Members	For the Mayor to mark the ballot paper with the Adelaide Hills Council's vote for:Cr Grant Piggott, andMayor Jill Whittaker and to lodge the completed ballot paper in accordance with the process set out in Appendix One (1)	Andrew Aitken	Completed	Ballot paper lodged.
26/03/2019	Ordinary Council	75/19	Harms Avenue, Birdwood	Additional signage be provided that highlights and numbers the identified properties as Harms Avenue, Birdwood	Peter Bice	Not Started	

Meeting Date	Meeting	Res No.	Item Name	Action Required (Council Resolution)	Responsible	Status	Status (for Council reporting)
26/03/2019	Ordinary Council	76/19	Kenton Valley War Memorial Park	<p>To commence a Community Land Revocation process in regards to the land comprised in Certificate of Title Register Book Volume 5718 Folio 775 being Allotment 64 in Filed Plan No. 155479 ("Land") with a view to the land being sold</p> <p>As a first step in the revocation process, a letter be sent to the residents of Kenton Valley informing them of Council's decision and inviting them to attend an information session to explain the project.</p> <p>As part of the consultation for the revocation of community land, seek feedback from the community about the expenditure of funds from a sale (if progressed).</p> <p>Following community consultation, that a report be presented to Council detailing the outcomes of the consultation and suggestions for the expenditure of sale proceeds.</p> <p>Action from discussion: Staff to identify and advise Council Members if any biodiversity studies have been undertaken on the parcel of land</p>	Terry Crackett	In Progress	Community meeting is being arranged and is expected to occur in mid to late May. Council's biodiversity officers have been asked to undertake a vegetation assessment of the land.
26/03/2019	Ordinary Council	77/19	Randell's Cottages, Beavis Court, Gumeracha	<p>That, acknowledging that a land division in Watershed (Primary Production) is non-complying, an initial approach be made to the State Commission Assessment Panel to determine the possibility of a land division to create a separate allotment for the potentially local heritage listed building located at 1 Beavis Court, Gumeracha known as Randell's Cottages being supported.</p> <p>That subject to the response from the State Commission Assessment Panel, a Development Application be lodged for a non-complying land division.</p> <p>That, if a land division is not supported, an expression of interest (EOI) process be undertaken in respect of the local heritage listed building located at 1 Beavis Court, Gumeracha known as Randell's Cottages to determine any interest in restoring the building for tourism or other purpose (other than long term residential) under a long term lease arrangement.</p> <p>That the CEO be delegated to prepare the necessary documentation to undertake the EOI.</p> <p>That a report be presented to Council following the EOI detailing the results of that process and providing further options.</p>	Terry Crackett	In Progress	The initial approach to the State Commission Assessment Panel will be made in late April.
26/03/2019	Ordinary Council	78/19	Scott Creek Cemetery Reserve Fund	<p>That the reserve funds held in relation to the Scott Creek Cemetery be expended to achieve the following outcomes: Marking of unmarked graves with a small and simple identification piece detailing the name and date of death of the deceased; Installation of a single plaque with the names of the deceased who are buried in unmarked graves where the exact location of the graves is unknown; Renewal of existing gravel driveways; and</p> <p>Creation/extension of driveways to facilitate expansion of the cemetery</p>	Terry Crackett	In Progress	Investigations as to options for marking of graves has commenced and once collated, Council staff will meet with the Scott Creek Progress Association Committee to progress.

Meeting Date	Meeting	Res No.	Item Name	Action Required (Council Resolution)	Responsible	Status	Status (for Council reporting)
26/03/2019	Ordinary Council	79/19	Tree Management Policy Review	<p>With an effective date of 9 April 2019, to revoke the Tree Management Policy dated 10 May 2016 and to adopt the Tree Management Policy dated 26 March 2019 with the following revisions:Section 5 POSITION STATEMENT, Disputes involving trees between neighbours</p> <p>The Council's position in respect to this matter is that property owners will be encouraged to resolve disputes between themselves and other parties through community mediation.Section 6 DELEGATION</p> <p>The Chief Executive Officer has the delegation to:Approve, amend and review any procedures that shall be consistent with this Policy; andMake any formatting, nomenclature or other minor changes to the Policy during the period of its currency. That the Chief Executive Officer be authorised to make minor content, grammatical and formatting amendments to the Tree Management Policy prior to the effective date of adoption</p>	Peter Bice	Completed	Tree Management Policy has been changed as per Council's Resolution and is ready to be uploaded to the Council Website.
26/03/2019	Ordinary Council	80/19	Road Widening – Lower Hermitage Road, Lower Hermitage	<p>To purchase the area of land being 481.718 sqm identified in red on the Land Acquisition Plan attached as Appendix 2 ("land") from Dean Roger Cottle the land owner at 579A Lower Hermitage Road, Lower Hermitage, and to negotiate a purchase price of up to \$7,000 (excl GST) plus all reasonable costs to vest the Land as public road.</p> <p>To purchase the area of land being 817.138sqm, identified in red on the Land Acquisition Plan attached as Appendix 2 ("land"), from Carissa Ann Courtney & David Ian Courtney, the land owners of the land at 579B Lower Hermitage Road, Lower Hermitage, and to negotiate a purchase price of up to \$12,000 (excl GST) plus all reasonable costs to vest the Land as public road.</p> <p>To purchase the area of land being 888.686sqm, identified in red on the Land Acquisition Plan attached as Appendix 2 ("land"), from Peter Ronald Browning and Alison Rosemary Browning, the land owners at 579C Lower Hermitage Road, Lower Hermitage, and to negotiate a purchase price of up to \$13,000 (excl GST) plus all reasonable costs to vest the Land as public road.</p> <p>To purchase the area of land being 725.619sqm, identified in red on the Land Acquisition Plan attached as Appendix 2 ("land"), from Anthony James Holland and Janice Irene Holland, the land owners at 579D Lower Hermitage Road, Lower Hermitage, and to negotiate a purchase price of up to \$10,500 (excl GST) plus all reasonable costs to vest the Land as public road.</p> <p>That the Mayor and CEO be authorised to sign all necessary documentation, including affixing the common seal, to give effect this resolution</p>	Peter Bice	Not Started	
26/03/2019	Ordinary Council	81/19	Community Information Display Policy	That with an effective date of 9 April 2019, the Community Information Display Policy adopted on 9 February 2016 be revoked and the Community Information Display Policy contained in Appendix 1 be adopted	David Waters	Completed	The resolution is self-fulfilling.
26/03/2019	Ordinary Council	86/19	Sale of land at the former Onkaparinga Woollen Mills site at Lobethal	As per confidential resolution	Terry Crackett	In Progress	Progressing in accordance with the resolution

Item 18 Minutes of Committees

Item 18 Minutes of Committees

**ADELAIDE HILLS COUNCIL
MINUTES OF COUNCIL ASSESSMENT PANEL MEETING
WEDNESDAY 10 APRIL 2019
63 MOUNT BARKER ROAD, STIRLING**

[Please Note: These minutes are unconfirmed until 8 May 2019]

Present

Presiding Member

Professor Stephen Hamnett

Members

Piers Brissenden

Linda Green

Rob McBryde

In Attendance

Marc Salver

Sam Clements

Melanie Scott

Doug Samardzija

Karen Savage

Darren Smith

Director Development & Regulatory Services

Acting Manager Development Services

Acting Team Leader Statutory Planner

Statutory Planner

Minute Secretary

Observer

1. Commencement

The meeting commenced at 6.31pm

2. Apologies/Leave of Absence

2.1 Apologies

Simon Bradley

2.2 Leave of Absence

Nil

3. Previous Minutes

3.1 Meeting held 13 March 2019

The minutes were adopted by consensus of all members

(9)

That the minutes of the meeting held on 13 March 2019 be confirmed as an accurate record of the proceedings of that meeting.

**ADELAIDE HILLS COUNCIL
MINUTES OF COUNCIL ASSESSMENT PANEL MEETING
WEDNESDAY 10 APRIL 2019
63 MOUNT BARKER ROAD, STIRLING**

[Please Note: These minutes are unconfirmed until 8 May 2019]

4. Delegation of Authority

Decisions of this Panel were determined under delegated authority as adopted by Council on 28 November 2017.

5. Presiding Member's Report

Nil

6. Declaration of Interest by Members of Panel

Nil

7. Matters Lying on the Table/Matters Deferred

7.1 Matters Lying on the Table

Nil

7.2 Matters Deferred

7.2.1 Development Application 18/401/473 (18/D23/473) by Neil Page for Land Division (1 into 2) (non-complying) at 25 Fern Hill Road, Bridgewater

Deferred from meeting 12 December 2018

"At the request of the applicant, that a decision on the matter be deferred to allow the applicant to consider alternative options, and public notification of an amended proposal to be undertaken."

Refer to Item 8.2 of these Minutes

**ADELAIDE HILLS COUNCIL
MINUTES OF COUNCIL ASSESSMENT PANEL MEETING
WEDNESDAY 10 APRIL 2019
63 MOUNT BARKER ROAD, STIRLING**

[Please Note: These minutes are unconfirmed until 8 May 2019]

8. Development Assessment Applications

- 8.1 Development Application 18/760/473 by Nikolas Carsiotis for two storey mixed use development incorporating shop, office, residential flat building (8 dwellings), undercroft car parking, retaining walls (maximum height 1.2m), fence (maximum height 3.4m), associated landscaping & earthworks, and demolition of existing dwelling and outbuildings at 14 Johnston Street, Stirling**

8.1.1 Representations

Name of Represantor	Address of Represantor	Nominated Speaker
Janet Sands	16 Johnston Street Stirling	Janet Sands
Ben & Karen Anthonysz	29 Milan Terrace Stirling	Ben Anthonysz
Greg & Inca Pearce	2 Oakbank Street Stirling	Greg Pearce

The applicant's representatives, Ben Seamark (independent Arborist) and Garth Heynen (Heynen Planning Consultants), addressed the Panel.

8.1.2 Decision of Panel

The following recommendation was adopted by consensus of all members (10)

The Council Assessment Panel considers that the proposal is not seriously at variance with the relevant provisions of the Adelaide Hills Council Development Plan, and GRANTS Development Plan Consent to Development Application 18/760/473 by Nikolas Carsiotis for Two storey mixed use development incorporating shop, office, residential flat building (8 dwellings), undercroft car parking, retaining walls (maximum height 1.2m), fence (maximum height 3.4m), associated landscaping & earthworks, & demolition of existing dwelling & outbuildings at 14 Johnston Street Stirling subject to the following conditions:

**ADELAIDE HILLS COUNCIL
MINUTES OF COUNCIL ASSESSMENT PANEL MEETING
WEDNESDAY 10 APRIL 2019
63 MOUNT BARKER ROAD, STIRLING**

[Please Note: These minutes are unconfirmed until 8 May 2019]

(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:

Drawing Title	Prepared By	Drawing Number	Revision	Received by Council
Index plan	Nicholas Carsiotis	DA.00	B	13/03/2019
Survey Plan	Nicholas Carsiotis	DA.01.02	B	13/03/2019
Demolition Plan	Nicholas Carsiotis	DA.02	B	13/03/2019
Satellite View	Nicholas Carsiotis	DA.01.01	B	13/03/2019
Earthworks Plan	Nicholas Carsiotis	DA.03	B	13/03/2019
Undercroft car park	Nicholas Carsiotis	DA.04	B	13/03/2019
Level 1 plan	Nicholas Carsiotis	DA.05	B	13/03/2019
Level 2 plan	Nicholas Carsiotis	DA.06	B	13/03/2019
Level 1 SW plan	Nicholas Carsiotis	DA.05.01	B	13/03/2019
Elevation drawings	Nicholas Carsiotis	DA.07.00	B	13/03/2019
Elevation drawing 10m marker	Nicholas Carsiotis	DA.07.01	B	13/03/2019
Sun study diagram	Nicholas Carsiotis	DA.08	B	13/03/2019
Section drawing	Nicholas Carsiotis	DA.09	B	13/03/2109
Boundary junction	Nicholas Carsiotis	DA.09.01	B	13/03/2019
Section drawing 16 Junction	Nicholas Carsiotis	DA.09.02	B	13/03/2019
Privacy screen	Nicholas Carsiotis	DA.10	B	13/03/2019
Tree to building	Nicholas Carsiotis	DA.T.00	B	13/03/2019
Landscaping plan level 1	Nicholas Carsiotis	DA.11	B	13/03/2109
Landscaping plan level 2	Nicholas Carsiotis	DA.12	B	13/03/2019
Tree study plan	Nicholas Carsiotis	DA.12	B	13/03/2109
Dimensioned elevation drawings	Nicholas Carsiotis	DA.07.03	B	21/03/2019
Letter	Nicholas Carsiotis	-	-	17/03/2019
Arborist Report	Ben Seamark	-	-	13/03/2019

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

**ADELAIDE HILLS COUNCIL
MINUTES OF COUNCIL ASSESSMENT PANEL MEETING
WEDNESDAY 10 APRIL 2019
63 MOUNT BARKER ROAD, STIRLING**

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(2) Vehicle Access Point Line Of Sight

The vehicle access point and cross-over shall be kept free of any obstructions that may obscure the line of sight of a driver e.g. vegetation, letterboxes, fences.

REASON: For safe and convenient movement of vehicles.

(3) Illuminated Signs

The illuminated signs shall not be of a light intensity so as to cause nuisance to adjacent properties.

REASON: Advertisements shall not detrimentally affect the amenity of the locality.

(4) Lighting Hours

The lighting for the signs shall be switched off at midnight of each day and shall not be switched on before sunrise of the following day.

REASON: Advertisements shall not detrimentally affect the amenity of the locality.

(5) Signage Kept In Good Repair

The signs shall at all times be kept in good repair and condition.

REASON: Advertisements shall not detrimentally affect the amenity of the locality.

(6) External Finishes

The external finishes to the building herein approved shall be as follows:

WALLS: Masonry Wall Stone Faced, and glass brick windows or similar
Timber louvered privacy screens, Aluminium privacy screens in charcoal

ROOF: Terracotta tiled roof or similar

REASON: The external materials of buildings should have surfaces which are of a low light-reflective nature and blend with the natural rural landscape and minimise visual intrusion.

**ADELAIDE HILLS COUNCIL
MINUTES OF COUNCIL ASSESSMENT PANEL MEETING
WEDNESDAY 10 APRIL 2019
63 MOUNT BARKER ROAD, STIRLING**

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- (7) **Car Parking Designed In Accordance With Australian Standard AS 2890.1:2004.**
All car parking spaces, driveways and manoeuvring areas shall be designed, constructed, drained and line-marked in accordance with Australian Standard AS 2890.1:2004. Line marking and directional arrows shall be clearly visible and maintained in good condition at all times.

REASON: To provide adequate, safe and efficient off-street parking for users of the development.

- (8) **Unloading And Storage Of Materials And Goods**
All materials and goods associated with the commercial uses shall at all times be loaded and unloaded within the designated delivery and storage area as depicted on the approved plan DA.04. Materials and goods shall not be stored on the land in areas delineated for use as car parking.

REASON: To provide safe and efficient movement of people and goods.

- (9) **Waste Bin Storage**
All waste bins shall only be stored in the designated waste collection/bin storage areas as depicted on approved plan DA.04.

REASON: To ensure the proposed development is undertaken in accordance with the approved plans and to maintain the amenity of the locality.

- (10) **Car Parking Directional Signage**
Directional signs indicating the location of car parking spaces shall be provided on the subject land and maintained in a clear and legible condition at all times.

REASON: To identify the location of off-street parking and ensure the free flow of traffic.

- (11) **Soil Erosion Control**
Prior to construction of the approved development straw bales (or other soil erosion control methods as approved by Council) shall be placed and secured below areas of excavation and fill to prevent soil moving off the site during periods of rainfall.

REASON: Development should prevent erosion and stormwater pollution before, during and after construction.

- (12) **Opening Hours**
The opening hours of the shop and office shall be 8am to 5pm on Monday to Sunday.

**ADELAIDE HILLS COUNCIL
MINUTES OF COUNCIL ASSESSMENT PANEL MEETING
WEDNESDAY 10 APRIL 2019
63 MOUNT BARKER ROAD, STIRLING**

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REASON: To ensure the development operates in accordance with the approval.

(13) Timeframe For Landscaping To Be Planted

Landscaping, including replacement trees detailed in plans DA.11 and DA.12 shall be planted in the planting season following occupation and maintained in good health and condition at all times. Any such vegetation shall be replaced in the next planting season if and when it dies or becomes seriously diseased.

REASON: To maintain and enhance the visual amenity of the locality in which the subject land is situated and ensure the survival and maintenance of the vegetation.

(14) Prior to Building Rules Consent Being Granted - Requirement For Stormwater Calculations

Prior to Building Rules Consent being granted, a final stormwater plan and associated calculations shall be provided to Council for review and approval.

REASON: To minimise erosion, protect the environment and to ensure no ponding of stormwater resulting from development occurs on adjacent sites.

(15) Prior to Building Rules Consent Being Granted - Requirement for Soil Erosion And Drainage Management Plan (SEDMP)

Prior to Building Rules Consent being granted the applicant shall prepare and submit to Council a Soil Erosion and Drainage Management Plan (SEDMP) for the site for Council's approval. The SEDMP shall comprise a site plan and design sketches that detail erosion control methods and installation of sediment collection devices that will prevent:

- a. soil moving off the site during periods of rainfall;
- b. erosion and deposition of soil moving into the remaining native vegetation; and
- c. soil transfer onto roadways by vehicles and machinery.

The works contained in the approved SEDMP shall be implemented prior to construction commencing and maintained to the reasonable satisfaction of Council during the construction period.

REASON: Development should prevent erosion and stormwater pollution before, during and after construction.

**ADELAIDE HILLS COUNCIL
MINUTES OF COUNCIL ASSESSMENT PANEL MEETING
WEDNESDAY 10 APRIL 2019
63 MOUNT BARKER ROAD, STIRLING**

[Please Note: These minutes are unconfirmed until 8 May 2019]

(16) Stormwater Overflow Directed To Street

All roof runoff generated by the development hereby approved shall be directed to a rainwater tank with overflow to the street to the satisfaction of Council within one month of the roof cladding being installed. All roof and hard paved water runoff shall be managed to prevent trespass onto adjoining properties.

REASON: To minimise erosion, protect the environment and to ensure no ponding of stormwater resulting from development occurs on adjacent sites.

(17) Tree Protection Zones

A tree protection zone (TPZ) around each tree as identified in the Arborist report is required. The protection zone is to encompass the structural root zone of the tree and shall be determined by the project arborist. During construction each TPZ shall be fenced with 2.0 metre high chain mesh material with posts at 3 metre intervals and incorporate on the east and south sides a clearly legible sign displaying the words "Tree Protection Zone". The following restrictions apply to each tree protection zone:

- a) No machine excavation is permitted.
- b) If any major roots (roots with a diameter greater than 25mm) are found outside the TPZ during construction the project arborist shall be contacted immediately to assess the situation.
- c) The works adjacent to the trees as identified in the report are to be supervised by the project arborist.
- d) A layer of organic mulch to a depth of 100mm shall be placed over all root systems so as to assist with moisture retention and to reduce the impact of compaction
- e) No material, equipment or temporary buildings shall be placed within any TPZ.
- f) No items shall be attached to each tree including temporary service wires, nails, screws or any other fixing device.
- g) Supplementary watering shall be provided to the trees through any dry periods during and after the construction process. Each tree is to be provided with a circular dripper system comprising 19mm polypipe, 4 litre per hour drippers spaced every 2 metres.
- h) No other works shall occur within a TPZ without the consent of an Arborist during the life of the retained trees.
- i) Any services such as stormwater, sewer and electrical that enter the TPZ are to be excavated using non-destructive methods such as Hydro vac® or directional boring systems. This work is to be supervised by the project arborist. If any tree roots are discovered at this time, the project arborist is to assess and address accordingly.

**ADELAIDE HILLS COUNCIL
MINUTES OF COUNCIL ASSESSMENT PANEL MEETING
WEDNESDAY 10 APRIL 2019
63 MOUNT BARKER ROAD, STIRLING**

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REASON: To protect the tree/s from the impact of the development.

(18) Footing Design for Protection Of Trees

The footing design for the proposed development along the south-west boundary (near tree 5), the rear north boundary (trees 3 and 4) and side north-east boundary (tree 2) of the allotment shall be a suspended slab design with supplementary irrigation as outlined in the Arborist's Report prepared by Tree Inspection Services and submitted as a strategy for management of the tree(s) and as identified on the approved plan DA.04.

REASON: To protect the regulated and native tree/s from impact of the development.

NOTES

(1) Works On Boundary

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.

(2) Sewer Connection

The dwelling shall be connected to SA Water mains sewer supply in accordance with the approval granted by SA Water. All work shall be to the satisfaction of SA Water.

(3) Development Plan Consent Expiry

This Development Plan Consent (DPC) is valid for a period of twelve (12) months commencing from the date of the decision (or if an appeal has been commenced the date on which it is determined, whichever is later). Building Rules Consent must be applied for prior to the expiry of the DPC, or a fresh development application will be required. The twelve (12) month time period may be further extended by Council agreement following written request and payment of the relevant fee.

(4) Footpath and Kerb Alterations

The footpath and kerb alterations shall be reinstated in a manner so as to ensure no road water runoff enters the crossover point and to the satisfaction of Council in order to prevent scouring or flooding on the footpath or road verge area.

**ADELAIDE HILLS COUNCIL
MINUTES OF COUNCIL ASSESSMENT PANEL MEETING
WEDNESDAY 10 APRIL 2019
63 MOUNT BARKER ROAD, STIRLING**

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(5) EPA Environmental Duty

The applicant is reminded of his/her general environmental duty, as required by Section 25 of the Environment Protection Act 1993, to take all reasonable and practical measures to ensure that the activities on the whole site, including during construction, do not pollute the environment in a way which causes, or may cause, environmental harm.

(6) Erosion Control During Construction

Management of the property during construction shall be undertaken in such a manner as to prevent denudation, erosion or pollution of the environment.

8.2 Development Application 18/401/473 (18/D23/473) by Neil Page for Land Division (1 into 2) (non-complying) at 25 Fern Hill Road, Bridgewater

8.2.1 Representations

Name of Representor	Address of Representor	Nominated Speaker
Darrell & Bianca Stanbridge	32 Fern Hill Road Bridgewater	Darrell Stanbridge
Nicola Barnes & Paul Angas	23 Fern Hill Road Bridgewater	Nicola Barnes
Zeke Scott	21 Fern Hill Road Bridgewater	Rob Young
Timothy Wallis	30 Fern Hill Road Bridgewater	Nicola Barnes

The applicant, Neil Page, addressed the Panel.

8.2.2 Decision of Panel

Moved Linda Green
S/- Rob McBryde

Carried
(11)

- A. The Council Assessment Panel considers that the proposal is not seriously at variance with the relevant provisions of the Adelaide Hills Council Development Plan, and seeks the CONCURRENCE of the State Commission Assessment Panel to GRANT Development Plan Consent and Land Division Consent to Development Application 18/401/473 (18/D23/473) by Neil Page for Land division (1 into 2) (non-complying) at 25 Fern Hill Road, Bridgewater SA 5155 subject to the following conditions:**

**ADELAIDE HILLS COUNCIL
MINUTES OF COUNCIL ASSESSMENT PANEL MEETING
WEDNESDAY 10 APRIL 2019
63 MOUNT BARKER ROAD, STIRLING**

[Please Note: These minutes are unconfirmed until 8 May 2019]

Planning Conditions

(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:

- Amended plans from Alexander Symonds Surveying Ref A023618.0000
Drawing number A023618PROP(C) Revision C dated 18 December 2018
sheets 1 & 2

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

COUNCIL NOTES

(1) Land Division Development Approval

This development approval is valid for a period of three (3) years from the date of the decision 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.

(2) Council Rubbish Collection

The applicant is advised that Council rubbish and recycling trucks will not enter the subject land. All collections will be from the kerbside. The onus is therefore on future landowners/occupiers to ensure that refuse bins are placed in suitable locations on the road verge so as to not obstruct motorists or pedestrians.

(3) Property Identifiers

The property identifiers for this property are now:

Proposed Lot 391 – 34 Fern Hill Road

Proposed Lot 392 – 25 Fern Hill Road

Council Land Division Statement of Requirements

(1) Prior to Section 51 Clearance – Design of Crossover

Prior to Section 51 Clearance the applicant shall submit to Council and have approved a crossover design which achieves a gradient less than 1 in 4.

REASON: To maintain safe and convenient movement of vehicles.

**ADELAIDE HILLS COUNCIL
MINUTES OF COUNCIL ASSESSMENT PANEL MEETING
WEDNESDAY 10 APRIL 2019
63 MOUNT BARKER ROAD, STIRLING**

[Please Note: These minutes are unconfirmed until 8 May 2019]

(2) Prior to Section 51 Clearance – Construction of Crossover

Prior to Section 51 Clearance, the crossover approved in land condition 1 shall be constructed and sealed in Hotmix bitumen, concrete, brick paving or similar material, from the edge of the sealed carriageway of Fern Hill Road to the property boundary and maintained to the satisfaction of Council at all times.

NOTE: The access shall be constructed to ensure no construction materials are deposited onto the carriageway of Fern Hill Road.

REASON: *To maintain safe and convenient movement of vehicles.*

Council Land Division Notes

(1) Nil

SCAP Land Division Statement of Requirements

(1) SA Water Requirements

The financial requirements of the SA Water Corporation shall be met for the provision of water supply and sewerage services (SA Water H0071861).

The internal drains shall be altered to the satisfaction of the SA Water Corporation.

REASON: *Statutory requirement in accordance with Section 51 of the Development Act 1993.*

(2) Final Plan

A final plan complying with the requirements for plans as set out in the Manual of Survey Practice Volume 1 (Plan Presentation and Guidelines) issued by the Registrar General to be lodged with the State Planning Commission for Land Division Certificate purposes.

On approval of the application, all internal water piping that crosses the allotment boundaries must be severed or redirected at the developers/owners cost to ensure that the pipework relating to each allotment is contained within its boundaries.

REASON: *Statutory requirement in accordance with Section 51 of the Development Act 1993.*

**ADELAIDE HILLS COUNCIL
MINUTES OF COUNCIL ASSESSMENT PANEL MEETING
WEDNESDAY 10 APRIL 2019
63 MOUNT BARKER ROAD, STIRLING**

[Please Note: These minutes are unconfirmed until 8 May 2019]

(3) Payment into the Planning and Development Fund

Payment of \$6830 into the Planning and Development Fund (1 allotment/s @ \$6830/allotment). Payment may be made by credit card via the internet at www.edala.sa.gov.au or by phone (7109 7018), by cheque payable to the State Planning Commission marked "Not Negotiable" and sent to GPO Box 1815, Adelaide 5001 or in person, by cheque or credit card, at Level 5, 50 Flinders Street, Adelaide.

REASON: Statutory requirement in accordance with Section 51 of the Development Act 1993.

SCAP Land Division Notes

(1) Nil

- B. That the CAP recommends to the Council that Land Management Agreement 6756212 be rescinded from Certificate of Title 5094/149 known as 25 Fern Hill Road, Bridgewater, with all costs associated with this rescission to be borne by the applicant.**

8.3 Development Application 18/515/473 by Guiseppe Ceravolo for demolition of existing buildings and construction of horticultural building, water storage tank (22,500L) & associated earthworks at 172 Woods Hill Road, Ashton

8.3.1 Representations

Name of Representor	Address of Representor	Nominated Speaker
Julie & Sandy Quigley	170 Woods Hill Road Ashton	Greg Vincent MasterPlan

The applicant, Guiseppe Ceravolo, addressed the Panel.

**ADELAIDE HILLS COUNCIL
MINUTES OF COUNCIL ASSESSMENT PANEL MEETING
WEDNESDAY 10 APRIL 2019
63 MOUNT BARKER ROAD, STIRLING**

[Please Note: These minutes are unconfirmed until 8 May 2019]

8.3.2 Decision of Panel

The following was adopted by consensus of all members (12)

That subject to an agreed position of the proposed horticultural building being determined between the applicant and the representor, the Council Assessment Panel considers that the proposal is not seriously at variance with the relevant provisions of the Adelaide Hills Council Development Plan, and delegates the decision to GRANT Development Plan Consent to Development Application 18/515/473 by Guiseppe Ceravolo for Demolition of existing buildings & construction of horticultural building, water storage tank (22,500L) & associated earthworks at 172 Woods Hill Road Ashton to the Assessment Manager, subject to the following conditions:

(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:

- Amended proposed site plan and floor plan and elevations from Zummo Design revision A09 dated 8 April 2019 (to be updated once an agreed position has been determined)
- Siteworks and drainage plan from Herriot Consulting Civil & Structural Engineers file number C1808-004 sheet C1 revision A

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

(2) Lighting

All external lighting shall be directed away from residential development and shielded if necessary to prevent light spill causing nuisance to the occupiers of those residential properties.

REASON: Lighting shall not detrimentally affect the residential amenity of the locality.

(3) External Finishes

The external finishes to the building herein approved shall be as follows:

WALLS:	Colorbond Woodland Grey or similar
ROOF:	Colorbond Woodland Grey or similar
TANK:	Colorbond Woodland Grey or similar

REASON: The external materials of buildings should have surfaces which are of a low light-reflective nature and blend with the natural rural landscape and minimise visual intrusion.

**ADELAIDE HILLS COUNCIL
MINUTES OF COUNCIL ASSESSMENT PANEL MEETING
WEDNESDAY 10 APRIL 2019
63 MOUNT BARKER ROAD, STIRLING**

[Please Note: These minutes are unconfirmed until 8 May 2019]

(4) Soil Erosion Control

Prior to construction of the approved development straw bales (or other soil erosion control methods as approved by Council) shall be placed and secured below areas of excavation and fill to prevent soil moving off the site during periods of rainfall.

REASON: Development should prevent erosion and stormwater pollution before, during and after construction.

(5) Stormwater Roof Runoff To Be Dealt With On-Site

All roof runoff generated by the development hereby approved shall be managed on-site to the satisfaction of Council using design techniques such as:

- Rainwater tanks
- Grassed swales
- Stone filled trenches
- Small infiltration basins

Stormwater overflow management shall be designed so as to not permit trespass into the effluent disposal area. Stormwater shall be managed on site with no stormwater to trespass onto adjoining properties.

REASON: To minimise erosion, protect the environment and to ensure no ponding of stormwater resulting from development occurs on adjacent sites.

(6) Stormwater Hardstand Runoff to Be Dealt With On Site

It is the owner's responsibility to ensure that stormwater from all paving areas of the site at 172 Woods Hill Road, Ashton is disposed of in such a manner that it does not result in the entry of water into any buildings, affect the stability of any building, cause erosion or affect adjoining landowners.

REASON: To minimise erosion, protect the environment and to ensure no ponding of stormwater resulting from development occurs on adjacent sites.

(7) Treatment To Excavations And Fill

All exposed excavations and fill as shown on the siteworks and drainage plan from Herriot Consulting Civil & Structural Engineers file number C1808-004 sheet C1 revision A shall be:

- a) rounded off and battered to match and blend with the natural contours of the land;
- b) covered with approximately 100mm of topsoil; and
- c) seeded to avoid erosion and visual concerns

**ADELAIDE HILLS COUNCIL
MINUTES OF COUNCIL ASSESSMENT PANEL MEETING
WEDNESDAY 10 APRIL 2019
63 MOUNT BARKER ROAD, STIRLING**

[Please Note: These minutes are unconfirmed until 8 May 2019]

prior to occupation of the approved development to the reasonable satisfaction of Council.

REASON: To maintain the visual amenity of the locality in which the subject land is located.

NOTES

(1) Development Plan Consent Expiry

This Development Plan Consent (DPC) is valid for a period of twelve (12) months commencing from the date of the decision (or if an appeal has been commenced the date on which it is determined, whichever is later). Building Rules Consent must be applied for prior to the expiry of the DPC, or a fresh development application will be required. The twelve (12) month time period may be further extended by Council agreement following written request and payment of the relevant fee.

(2) Erosion Control During Construction

Management of the property during construction shall be undertaken in such a manner as to prevent denudation, erosion or pollution of the environment.

(3) EPA Environmental Duty

The applicant is reminded of his/her general environmental duty, as required by Section 25 of the Environment Protection Act 1993, to take all reasonable and practical measures to ensure that the activities on the whole site, including during construction, do not pollute the environment in a way which causes, or may cause, environmental harm.

(4) Use Of Building

Should the building be used for retail sales, staff facilities, cold room facilities, washing, grading, processing and packing or storage of product then a separate application will need to be lodged with Council for change of use.

9. Policy Issues for Advice to Council
Nil

**ADELAIDE HILLS COUNCIL
MINUTES OF COUNCIL ASSESSMENT PANEL MEETING
WEDNESDAY 10 APRIL 2019
63 MOUNT BARKER ROAD, STIRLING**

[Please Note: These minutes are unconfirmed until 8 May 2019]

10. Other Business

- 10.1 Variation to Development Authorisations 15/698/473 & 17/759/473 – to vary Villa 1 to increase the building area and replace this villa with common guest facilities, including decks & swimming pool (14 villas to accommodate 28 persons) and alterations, associated earthworks and car park at 74 Mount Lofty Summit Road and 1 Mawson Drive, Crafers**

The following was adopted by consensus of all members (13)

The variation to Development Applications 15/698/473 and 17/759/473 submitted to Council on 26 March 2019 (19/256) be considered and determined by staff, and is not required to be submitted to the Council Assessment Panel.

- 10.2 Marc Salver and Sam Clements advised the Panel that the Accredited Professionals Scheme of the PDI Act became operational on 1 April 2019, but this does not affect the current Council Assessment Panel Members.**

- 11. Order for Exclusion of the Public from the Meeting to debate Confidential Matters**
Nil

- 12. Confidential Item**
Nil

- 13. Next Meeting**
The next ordinary Development Assessment Panel meeting will be held on Wednesday 8 May 2019.

- 14. Close meeting**
The meeting closed at 9.48pm.

**ADELAIDE HILLS COUNCIL AUDIT COMMITTEE
MINUTES OF MEETING
MONDAY 15 APRIL 2019
63 MT BARKER ROAD STIRLING**

In Attendance

Members:

Cr Malcolm Herrmann	Presiding Member
Peter Brass	Independent Member
Geoff Purdie	Independent Member
Paula Davies	Independent Member
Cr Leith Mudge	Council Member

In Attendance:

Andrew Aitken	Chief Executive Officer
Terry Crackett	Director Corporate Services
Lachlan Miller	Executive Manager Governance & Performance
Bernadette Walsh	Corporate Planning & Performance Coordinator
Mayor Jan-Claire Wisdom	Council Member

1. COMMENCEMENT

The meeting commenced at 6.00pm

2. APOLOGIES/LEAVE OF ABSENCE

2.1. Apology

2.2. Leave of Absence

Nil

2.3. Absent

Nil

**ADELAIDE HILLS COUNCIL AUDIT COMMITTEE
MINUTES OF MEETING
MONDAY 15 APRIL 2019
63 MT BARKER ROAD STIRLING**

3. MINUTES OF PREVIOUS MEETINGS

3.1. Audit Committee Meeting – 18 February 2019

Moved Peter Brass
S/- Geoff Purdie

11/AC19

That the minutes of the Ordinary Council meeting held on 18 February 2019, as supplied, be confirmed as an accurate record of the proceedings of that meeting.

Carried

4. Delegation of Authority

In accordance with the Audit Committee Terms of Reference, the Committee has no delegated decision-making powers. The Recommendations in Item 8.1 are to be submitted to Council for consideration.

5. DECLARATION OF CONFLICT OF INTEREST BY MEMBERS OF AUDIT COMMITTEE

Nil

6. QUESTIONS ON NOTICE

6.1. Cheques Issued by Council

7. MOTIONS ON NOTICE

7.1. Council Corporate Purchase Cards

Moved Cr Malcolm Herrmann
S/- Peter Brass

12/AC19

That the CEO provides a report to the Audit Committee on the use of Council Corporate Purchase Cards within the context of the Corporate Procurement Framework.

Carried

**ADELAIDE HILLS COUNCIL AUDIT COMMITTEE
MINUTES OF MEETING
MONDAY 15 APRIL 2019
63 MT BARKER ROAD STIRLING**

8. OFFICER REPORTS – DECISION ITEMS

8.1. Draft Annual Business Plan

Moved Peter Brass
S/- Geoff Purdie

13/AC19

The Audit Committee resolves:

1. That the report be received and noted.
2. To advise Council that the Committee is satisfied that the assumptions underpinning the draft 2019-20 Annual Business Plan are consistent with the Long Term Financial Plan and are adequate to maintain the Council's financial sustainability.

Carried

9. CONFIDENTIAL ITEMS

Nil

10. NEXT MEETING

Moved Paula Davies
S/- Lachlan Miller

14/AC19

That the next ordinary meeting of the Adelaide Hills Council Audit Committee will be held on Monday 13 May 2019 from 6.00pm at 63 Mt Barker Road, Stirling.

Carried

11. CLOSE MEETING

The meeting closed at 7.10pm

**ADELAIDE HILLS COUNCIL
ORDINARY COUNCIL MEETING
Tuesday 23 April 2019
CONFIDENTIAL AGENDA BUSINESS ITEM**

Item: 19.1

Originating Officer: John McArthur, Manager Waste and Emergency Management

Responsible Director: Peter Bice, Director Infrastructure and Operations

Subject: East Waste Kerbside Recycling Contract

For: Decision

1. Title of Confidential Item – East Waste Kerbside Recycling Contract

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 Waste and Emergency Management, John McArthur
- Minute Secretary, Pam Williams

be excluded from attendance at the meeting for Agenda Item 19.1: East Waste Kerbside Recycling 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*, 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 who supplied the information.

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

3. Recycling 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 report, related attachments and the minutes of Council and the discussion and considerations of the subject matter be retained in confidence until East Waste advise it is appropriate to release the information, but not longer than 28 April 2020

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.

**ADELAIDE HILLS COUNCIL
ORDINARY COUNCIL MEETING
Tuesday 23 April 2019
CONFIDENTIAL AGENDA BUSINESS ITEM**

Item: 19.2

Originating Officer: Marc Salver, Director Development & Regulatory Services

Responsible Director: Marc Salver, Director Development & Regulatory Services

Subject: Appointment of Independent Members to the Council's Assessment Panel (CAP)

For: Decision

1. Appointment of Independent Members to the Council's Assessment Panel (CAP) – 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
- Minute Secretary, Pam Williams

be excluded from attendance at the meeting for Agenda Item 19.2: (Appointment of Independent Members to Council's Assessment Panel (CAP)) in confidence.

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

Section 90(3)(a) of the Local Government Act, the information to be received, discussed or considered in relation to this Agenda Item is information relating to the appointment of Independent Members to the Council's Assessment Panel (CAP), the disclosure of which –

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

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

3. Appointment of Independent Members to the Council's Assessment Panel (CAP) – 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 19.2 in confidence under sections 90(2) and 90(3)(a) of the *Local Government Act 1999* and the provisions of the *Local Government (Access to Meeting and Documents) Amendment Act 2002*, 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 until the Community Representatives referred to in the item are appointed, but not longer than 23 April 2020.

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

**ADELAIDE HILLS COUNCIL
ORDINARY COUNCIL MEETING
Tuesday 23 April 2019
CONFIDENTIAL AGENDA BUSINESS ITEM**

Item: 19.3

Originating Officer: Lachlan Miller, Executive Manager Governance & Performance

Responsible Director: Andrew Aitken, Chief Executive Officer

Subject: Appointment of Advisory Group Independent Members

For: Decision

1. Appointment of Advisory Group Independent Members – 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
- Minute Secretary, Pam Williams

be excluded from attendance at the meeting for Agenda Item 19.3: (Appointment of Advisory Group Independent Members) in confidence.

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

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

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

3. Appointment of Advisory Group Independent Members – 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 19.3 in confidence under sections 90(2) and 90(3)(a) of the *Local Government Act 1999*, resolves that an order be made under the provisions of sections 91(7) and (9) of the *Local Government Act 1999* that the report and the minutes of Council and the discussion and considerations of the subject matter be retained in confidence until the candidates have been advised of Council's decision but no later than 30 June 2019.

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.