



## 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 July 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**

**18/7/19**



## **ORDINARY COUNCIL MEETING**

**AGENDA FOR MEETING**  
**Tuesday 23 July 2019**  
**6.30pm**  
**63 Mt Barker Road Stirling**

### **ORDER OF BUSINESS**

**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  
Cr Chris Grant (3 July to 27 July) approved 25 June 2019

Cr Malcolm Herrmann 13 August to 30 August 2019  
Mayor Jan-Claire Wisdom 13 August to 16 September

3.3. Absent

**4. MINUTES OF PREVIOUS MEETINGS**

Council Meeting – 25 June 2019, adjourned to 2 July 2019

*That the minutes of the ordinary meeting held on 25 June 2019, adjourned to 2 July 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
- 7.2. Questions Lying on the Table

Item 12.11.1 Status Report Council Resolutions Update – Refer Item 12.11  
Cr Osterstock asked “Do Council Members, in making this decision, who have previously declared a Conflict of Interest, have a Conflict of Interest for this item?”

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

- 8.1. Petitions  
Nil
- 8.2. Deputations
  - 8.2.1. Richard Taylor, Terramin Australia Limited
- 8.3. Public Forum

**9. PRESENTATIONS (by exception)**  
Nil

**10. QUESTIONS ON NOTICE**  
Nil

**11. MOTIONS ON NOTICE**

- 11.1. Domestic Wood Heaters

*Council resolves that the Chief Executive Officer provide a report to Council on measures that can be implemented to reduce air pollution due to domestic wood heaters, for Council's consideration by no later than 31 October 2019.*

*The report shall include the following:*

- 1. *Causes of air pollution from domestic wood heaters*
- 2. *Health effects due to air pollution from domestic wood heaters*
- 3. *An assessment of the extent of this problem in the Adelaide Hills Council area*
- 4. *An exploration of the following measures to reduce air pollution:*
  - a. *Current regulatory mechanisms used and/or available*
  - b. *New regulatory measures that could be implemented*
  - c. *Educational measures*
  - d. *Incentive programs*
- 5. *A recommendation to Council on a course of action to achieve the aim of reducing air pollution due to domestic wood heaters.*

11.2. Additional Borrowings for Capital Renewal Escalation

- 1. That the CEO prepares a report for the Ordinary meeting to be held on 22 October 2019 with a cost/benefit analysis on the concept of taking up borrowings in the short term (maybe one or two years) to take advantage of the very low current interest rates.*
- 2. In the lead up to Council considering the report, Council holds a workshop to which members of the Local Government Finance Authority are invited to attend.*

11.3. Naming of Reserve, Houghton

*That the CEO investigate, in accordance with Council's Public Place and Road Naming Policy, and report on naming of the reserve on the corner of Horn, Blackhill and Lower North East Roads, Houghton.*

**12. OFFICER REPORTS – DECISION ITEMS**

12.1. Fee Waiver Request for Adelaide Hills Catholic Parish

- 1. That the report be received and noted*
- 2. That a maximum of \$782.50 in development fees be authorised to be waived for the Adelaide Hills Catholic Parish for Development Application 18/266/473 in accordance with Council's Development Application Fee Waiver Policy.*

12.2. LED Street Lighting Upgrade

- 1. That the report be received and noted.*
- 2. To approve an increase of \$365k in Council's 2019/20 capital budget to commence the transition of 900 P – category public streetlights to LED with the funding source to be recommended to Council at its next budget review.*
- 3. That Council engage SAPN to commence the changeover of P-Category lights to LED public lighting on Council roads and that authority is given to the CEO to finalise a contract with SAPN and sign that agreement.*
- 4. That Council enter into a PLC tariff agreement for public lighting with SAPN until 30 June 2020 and subsequently move to the tariff set by the Australian Energy Regulator from July 2020.*
- 5. That Council continues to liaise with SAPN and DPTI on the changeover of Council public lighting on roads under the care and control of the State Government.*
- 6. That a further report be provided to Council on the outcome of the continued discussions with SAPN and DPTI.*

12.3. Community Land Management Plans

- 1. That the report be received and noted*
- 2. That public consultation on the revocation of the current Community Land Management Plans be carried out in accordance with section 198 of the Local Government Act 1999*

3. *That public consultation on the adoption of the draft Community Land Management Plans (Appendix 1) be carried out in accordance with Council's Public Consultation Policy consistent with section 197 of the Local Government Act 1999*
4. *That the Crown Lands Unit of the Department for Environment and Water be consulted on all Community Land Management Plans that relate to categories of land containing Crown land under Council's care, control and management, in accordance with section 196(4) of the Local Government Act 1999*
5. *That following the completion of consultation processes, a further report be presented to Council for the revocation of the current Community Land Management Plans and Community Land Register and the adoption of the draft Community Land Management Plans and Register, subject to amendments that may result from consultation processes.*

12.4. Proposed 2019-2020 CEO Performance Targets

1. *That the report be received and noted*
2. *To confirm that the CEO has achieved the outcomes of the 2018-2019 Performance Targets per Attachment 1.*
3. *To adopt the proposed 2019-2020 CEO Performance Targets recommended by the Panel as per Appendix 2.*

12.5. Council Representative LGFA & LGA AGM

1. *That the report be received and noted.*
2. *The following Notice of Motion for the 2019 LGA Annual General Meeting:*

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3. *The following Notice of Motion for the 2019 LGFA Annual General Meeting:*

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12.6. Grant Giving Policy Review

1. *That the report be received and noted*
2. *With an effective date of 6 August 2019, to revoke the 8 August 2017 Grant Giving Policy and to adopt the 23 July 2019 Grant Giving Policy as per Appendix 1.*
3. *That the Chief Executive Officer be authorised to make any formatting, nomenclature or other minor changes to the 6 August 2019 Grant Giving Policy prior to the effective date of adoption.*

12.7. Establishment of Community & Recreation Facility Framework Internal Working Group

- 1. That the report be received and noted*
- 2. To create the Community & Recreation Facility Framework Internal Working Group ("CRFFIWG") and adopt the draft Terms of Reference contained in Appendix 1.*
- 3. That the Chief Executive Officer be authorised to make minor content, formatting or design changes necessary to finalise the draft Community & Recreation Facility Framework Internal Working Group Terms of Reference document contained in Appendix 1.*
- 4. To determine that the method of selecting the Council Members (up to 4 Council Members) for the CRFFIWG be by an indicative vote to determine the preferred person(s) utilising the process set out in this Agenda report.*
- 5. To adjourn the Council meeting for the purposes of seeking nominations for and, if necessary, conducting an indicative vote to determine the preferred person(s) for the CRFFIWG Council Member roles and for the meeting to resume once the results of the indicative votes have been declared.*
- 6. To appoint the Council Members identified for an initial 12 month term to commence on 23 July 2019 and to conclude on 22 July 2020 (inclusive), to be reviewed prior to the expiration of the said term.*

12.8. Biodiversity Strategy Review

- 1. That the report be received and noted.*
- 2. To endorse the release of the Draft AHC Biodiversity Strategy for public consultation, as contained in Appendix 1.*
- 3. That the CEO be authorised to:*
  - a. Make any formatting, nomenclature or other minor changes to the Draft 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.*
- 4. That following the public consultation a further report be brought back to the Council detailing the public consultation outcomes and draft strategy by 24 September 2019.*

12.9. Telecommunications Installation Small Cell Stobie Pole Mounted Antennae Policy

1. *That the report be received and noted*
2. *To adopt the Draft Telecommunications Installation - Small Cell Stobie Pole Mounted Antennae Policy as detailed in Appendix 1*
3. *That the Policy be reviewed no later than July 2021 or earlier if there are changes in State or Federal Government policies or legislation in this regard or if there is a justification for a further review.*

12.10. Informal Council & Committee Gatherings & Discussions Policy

1. *That the report be received and noted.*
2. *That with an effective date of 06 August 2019, to revoke the 08 November 2016 Informal Council and Council Committee Gatherings and Discussions Policy and to adopt the Draft Informal Council and Council Committee Gatherings and Discussions Policy, as contained in Appendix 1.*
3. *That the Chief Executive Officer, or delegate, be authorised to make any formatting, nomenclature or other minor changes to the Policy during the period of its currency.*

12.11. Council Resolutions Update – Conflict of Interest Legal Advice  
*Council resolves that the report be received and noted.*

12.12. Status Report – Council Resolutions Update

**13. OFFICER REPORTS – INFORMATION ITEMS**

- 13.1. Sturt Valley Road Lower Side Trail
- 13.2. Update on Bird in Hand Gold Mine

**14. MISCELLANEOUS ITEMS**

**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 – 11 July 2019  
*That the minutes of the CAP meeting held on 11 July 2019 as supplied, be received and noted.*
- 18.2. Strategic Planning & Development Policy Committee  
*Nil*
- 18.3. Audit Committee  
*Nil*
- 18.4. CEO Performance Review Panel – 20 June 2019  
*That the minutes of the CEO Performance Review Panel meeting held on 20 June 2019 as supplied, be received and noted.*
- 18.5. CEO Performance Review Panel – 11 July 2019  
*That the minutes of the CEO Performance Review Panel meeting held on 11 July 2019 as supplied, be received and noted.*

**19. CONFIDENTIAL ITEMS**

*Nil*

**20. NEXT MEETING**

Tuesday 27 August 2019, 6.30pm, 63 Mt Barker Road, Stirling

**21. CLOSE MEETING**

## Council Meeting/Workshop Venues 2019

DATE	TYPE	LOCATION	MINUTE TAKER
<b>AUGUST 2019</b>			
Thurs 8 August	CEO Performance Review	Stirling	TBA
Mon 12 August	Audit Committee	Stirling	TBA
Tues 13 August	Workshop	Woodside	N/A
Wed 14 August	Council Assessment Panel	TBA	Karen Savage
Tues 20 August	Professional Development	Stirling	N/A
Tues 27 August	Council	Stirling	Pam Williams
<b>SEPTEMBER 2019</b>			
Tues 10 September	Workshop	Woodside	N/A
Wed 11 September	Council Assessment Panel	TBA	Karen Savage
Tues 17 September	Professional Development	Stirling	N/A
Tues 24 September	Council	Stirling	Pam Williams
<b>OCTOBER 2019</b>			
Tues 8 October	Workshop	Woodside	N/A
Wed 9 October	Council Assessment Panel	TBA	Karen Savage
Mon 14 October	Audit Committee	Stirling	TBA
Tues 15 October	Professional Development	Stirling	N/A
Tues 22 October	Council	Stirling	Pam Williams
<b>NOVEMBER 2019</b>			
Thurs 7 November	CEO Performance Review	Stirling	TBA
Mon 11 November	Audit Committee	Stirling	TBA
Tues 12 November	Workshop	Woodside	N/A
Wed 13 November	Council Assessment Panel	TBA	Karen Savage
Tues 19 November	Professional Development	Stirling	N/A
Tues 26 November	Council	Stirling	Pam Williams
<b>DECEMBER 2019</b>			
Tues 3 December	Workshop	Woodside	N/A
Wed 11 December	Council Assessment Panel	TBA	Karen Savage
Tues 17 December	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**

DATE	LOCATION
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.

## 8. DEPUTATIONS

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*For full details, see Code of Practice for Meeting Procedures on [www.ahc.sa.gov.au](http://www.ahc.sa.gov.au)*

1. A request to make a deputation should be made by submitting a Deputation Request Form, (available on Council's website and at Service and Community Centres) to the CEO seven clear days prior to the Council meeting for inclusion in the agenda.
2. Each deputation is to be no longer than ten (10) minutes in duration, excluding questions from Members.
3. Deputations will be limited to a maximum of two per meeting.
4. In determining whether a deputation is allowed the following considerations will be taken into account:
  - the subject matter of the proposed deputation;
  - whether it is within the powers of the Council;
  - relevance to the Council agenda nominated – and if not, relevance to the Council's powers or purpose;
  - the integrity of the request; and
  - the size and extent of the agenda for the particular meeting.

### 8.3 PUBLIC FORUM

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*For full details, see Code of Practice for Meeting Procedures on [www.ahc.sa.gov.au](http://www.ahc.sa.gov.au)*

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

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

**Item:** 11.1 Motion on Notice

**Originating from:** Cr Leith Mudge

**Subject:** Domestic Wood Heaters

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**1. MOTION**

Council resolves that the Chief Executive Officer provide a report to Council on measures that can be implemented to reduce air pollution due to domestic wood heaters, for Council's consideration by no later than 31 October 2019.

The report shall include the following:

1. Causes of air pollution from domestic wood heaters
2. Health effects due to air pollution from domestic wood heaters
3. An assessment of the extent of this problem in the Adelaide Hills Council area
4. An exploration of the following measures to reduce air pollution:
  - a. Current regulatory mechanisms used and/or available
  - b. New regulatory measures that could be implemented
  - c. Educational measures
  - d. Incentive programs
5. A recommendation to Council on a course of action to achieve the aim of reducing air pollution due to domestic wood heaters.

**2. BACKGROUND**

Wood heaters are a popular residential heating appliance in the Adelaide Hills. During winter, domestic wood-burning heaters are one of the main sources of pollution affecting air quality in the Adelaide Hills. Air pollution due to wood smoke can become significant in higher population density areas of the Hills on certain days, where local topography and inversion layers can trap wood smoke.

There is good evidence that long-term exposure to particulate matter from wood heaters decreases lung function and increases the risk of developing heart and lung diseases like angina and chronic bronchitis.

Short-term exposure (over hours or days) to high levels of wood smoke may cause eye and respiratory tract irritation, aggravate asthma or worsen heart disease.

While wood smoke can affect anyone - children, the elderly and people with heart or lung conditions like angina, asthma or emphysema are most likely to be affected by wood smoke.

As air pollution due to domestic wood heaters can be a particular problem in the Adelaide Hills it is important that Council take steps to reduce it. A possible council strategy for reduction of smoke from domestic wood heaters is provided by the Firewood Association of Australia in Appendix 1.

This motion instructs the CEO to examine this issue and provide recommendations to Council for further action.

### **3. OFFICER'S RESPONSE – Matt Ahern, Team Leader Regulatory Services**

Over the last 3 years Council has received approx. seven (7) complaints regarding smoke pollution from domestic wood heaters. The cause of air pollution from domestic wood heaters is generally caused by residents burning material that is not suitable for burning in wood combustion heaters. It is an offence under the *Local Nuisance and Litter Control Act 2016* to cause a smoke nuisance and penalties can apply.

Council educates residents regarding appropriate use of wood heaters via various social and other media channels. This includes details about what materials should be used in domestic wood heaters. The recent education program included:

- 13 May 2019 | [News story](#) on Council website (31 May – home page banner added)
- 15 May 2019 | Twitter post  
256 impressions  
6 engagements
- 17 May 2019 | Twitter post  
233 impressions  
3 engagements
- 18 May 2019 | Facebook post  
1,569 people reached  
198 engagements  
13 reactions  
1 share
- 20 May 2019 | Twitter post  
1,571 impressions  
18 engagements (including 3 retweets)
- 23 May 2019 | Editorial, Weekender Herald (page 6)

These education programs can be run before winter each year to ensure that residents understand the potential smoke pollution impacts of domestic wood heaters and how to operate them correctly.

It is noted that the potential health effects of air pollution from domestic wood heaters are that long-term exposure to particulate matter decreases lung function and increases the risk of developing heart and lung diseases like angina and chronic bronchitis (Chronic Obstructive Pulmonary Disease). Short-term exposure (over hours or days) to high levels of wood smoke may cause eye and respiratory tract irritation, aggravate asthma or worsen heart disease.

With regard to regulating smoke pollution, the Environmental Protection Authority (EPA) developed an Air Quality Policy in 2016. This policy aims to regulate the sale of solid fuels

for domestic wood heaters to the public under *Division 2 section 13 (1) Subject to subclause (2), a person must not cause or permit the sale of firewood or other solid fuel for use in a solid fuel heater if the moisture content of the firewood or other solid fuel exceeds 25% dry weight (when measured in accordance with AS/NZS 1080.1:2012).* This is to ensure that the right fuel is being sold to the public. This Policy also stipulates that all commercial wood sale outlets must be accredited by the EPA. The Air Quality Policy also aims to reduce and regulate the amount of excessive smoke coming from a domestic wood heater under *Division 2 Section 12 (1) The owner or occupier of premises at which a solid fuel heater is used must not cause or permit excessive smoke to be emitted to the air from the heater. (2) Without limiting the circumstances in which smoke may be taken to be excessive for the purposes of subclause (1), smoke emitted to the air from a solid fuel heater will be taken to be excessive if a visible plume of smoke extends into the air from the flue or chimney of the heater for a continuous period of not less than 10 minutes, including a period of not less than 30 seconds when the plume extends into the air at least 10 metres from the point at which the smoke is emitted from the flue or chimney.*

Council's Environmental Health Team acts immediately on any complaints regarding domestic wood heaters, noting there have been minimal complaints regarding domestic wood heaters over the last 3 years. When this occurs, Council officers look to educate the resident and where necessary, changes to alleviate the smoke nuisance issues are suggested. In one such case a complaint was alleviated by the resident extending the flue on a property, noting this issue was caused by the topography and not the type of material being burnt.

It is noted that the Environmental Protection Authority (EPA) has not and does not undertake air quality monitoring in the Hills as no air quality issues have arisen triggering such a need. Further, Council does not undertake air quality monitoring as this is the jurisdiction of the EPA.

With the above information in mind, the Administration considers that a report as recommended in the Motion on Notice is not required as it is considered that there isn't a widespread air pollution issue in relation to domestic wood heaters in the District. The Administration considers that the information outlined within the *Local Government Guide For the Reduction of Smoke from Domestic Wood Heaters* is useful but does not consider it necessary to undertake the suggested actions outlined for a council to undertake as there is no widespread wood heater smoke issue in the District. It is further considered that property owners are responsible for the maintenance and proper use of their domestic wood heaters. However, Council will continue to educate residents each year via social and other media channels or when visiting properties as a result of a complaint, regarding the proper use of domestic wood heaters.

#### **4. APPENDICES**

- (1) Local Government Guide for the Reduction of Smoke from Domestic Wood Heaters, Firewood Association of Australia (provided by Cr Mudge)
- (2) Environmental Protection (Air Quality) Policy 2016

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# **Appendix 1**

*Local Government Guide for Reduction of Smoke from  
Domestic Wood Heaters  
(Firewood Association of Australia)*

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A black and white photograph of a residential street. In the foreground, there's a sidewalk and a road. A car is parked on the right side of the road. The background is filled with large, leafy trees. A house is partially visible on the left. The sky is cloudy.

LOCAL GOVERNMENT GUIDE

# For the Reduction of Smoke from Domestic Wood Heaters

THE FIREWOOD ASSOCIATION OF AUSTRALIA INC.

[WWW.FIREWOOD.ASN.AU](http://WWW.FIREWOOD.ASN.AU)

FOREWORD.....	5	THE SMOKE REDUCTION 5 STAGE PROCESS.....	14
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What causes wood smoke? .....	11	REVIEW RESULTS.....	22
How to correctly operate a wood fire to reduce smoke.....	12	SUMMARY .....	23
Tips for identifying poorly operated wood heaters.....	13	TERMINOLOGY .....	24
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**FIREWOOD ASSOCIATION OF AUSTRALIA INC.**

**T** 1300 131 481 **F** (03) 8738 0266

**E** [info@firewood.asn.au](mailto:info@firewood.asn.au) **W** [www.firewood.asn.au](http://www.firewood.asn.au)



FIREWOOD ASSOCIATION  
OF AUSTRALIA INC™





**Craig Bourke**  
**Hills Shire Council Environmental Health Officer**

*The Hills Shire Council undertook an innovative approach to improving the air quality in our council area by agreeing to undertake a joint project with the Firewood Association of Australia. Our project focused on locating individual houses that were causing large amounts of smoke pollution and then educating the heater operators on correct heater use and maintenance.*

*We had great success from the trials that were completed in the project and can see this approach to be an effective way to reduce air quality issues and improve resident health without the need to restrict the use of wood heaters.*

*This guide will be a useful asset to assist in training our environmental health staff in the years to come.*

**Joel Belnick**  
**Jetmaster Australia**

*We have been a supporter of the Firewood Association of Australia for many years. Despite our company not being a firewood merchant and therefore not a full member, we have recognised the fantastic work the FAA does to educate and promote wood heating as the best renewable greenhouse friendly heating option.*

*Jetmaster were pleased to contribute funds to the joint project the FAA and Hills Shire Council completed in 2016, as we can see the benefit in a locally based approach to addressing nuisance wood smoke and poorly operated wood heaters.*

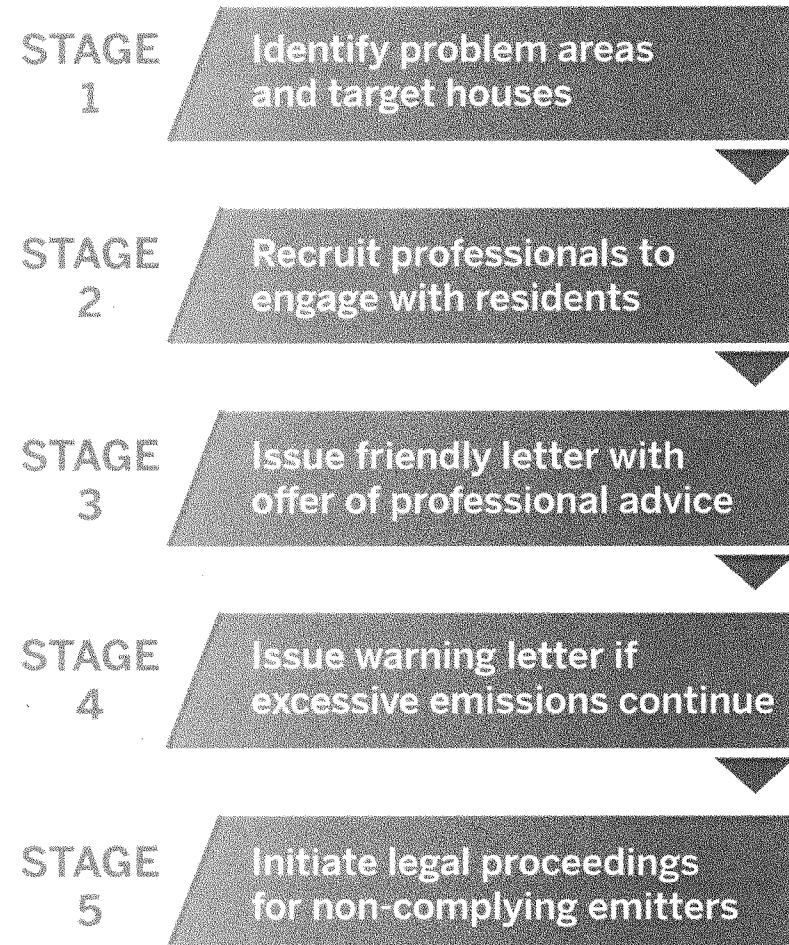
*As a manufacturer and retailer of gas and wood heaters we see first-hand the passion and joy a wood heater brings to our customers. We are in favour of any moves to improve air quality for our cities that doesn't prevent or restrict residents in their ability to have free choice on their heater type.*

The intent of this Local Government Guide is to provide local government in Australia with a simple and effective methodology for the reduction of smoke from domestic wood fires within their constituency.

The Guide contains advice on how councils can reduce the amount of complaints they receive about wood-fire smoke and improve air quality for their residents by using a low cost management program.

The process that is outlined in this Guide was successfully demonstrated in a joint three year project between the Firewood Association of Australia and the Hills Shire Council in Sydney<sup>1</sup>.

## Smoke Reduction 5 Stage Process



## Legislation Brief

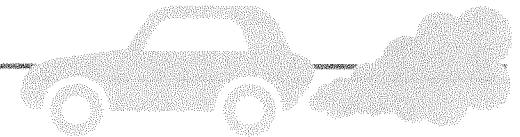
In 2011 the Council of Australian Governments (COAG) identified air quality as a *Priority Issue of National Significance* and agreed that the COAG Standing Council on Environment and Water (SCEW) would develop a National Plan for Clean Air to improve air quality, and community health and wellbeing. The first stage of the National Plan for Clean Air focuses on fine particles ( $PM_{2.5}$ ) and this Guide aligns with the initial action item of the National Plan, which is aimed at reducing the emissions from wood heaters.

In December 2015 the federal and state and territory governments signed the National Clean Air Agreement<sup>2</sup> which provides a framework for action to address air quality problems in Australia. One of the activity streams in the initial work plan under the Agreement is aimed at reducing the emissions from wood heaters. Since then, the wood heater industry have taken action to develop more efficient heaters, however this alone will not achieve the desired outcome of lower emissions; as even the most efficient wood heaters still rely on correct user control.

## Greenhouse Benefits

In June 2014 the NSW Department of Planning and Environment reduced the greenhouse gas emission rating attributed to residential wood-fire heating within the Building Sustainability Index (BASIX) calculator. This change was brought about because of research conducted by the CSIRO and other international greenhouse research organisations which all recognise the greenhouse neutral status of sustainably produced biomass.

The CSIRO research<sup>3</sup> stated conclusively that firewood produced less greenhouse gas than all other readily available domestic heating options. With the improved BASIX rating, wood heaters achieve a much better energy use "score" than any other selectable heating option, including 5-star natural gas heaters or 6-star reverse cycle air conditioners and ground source heat pumps. This confirms that wood heating is the most environmentally responsible way to heat our houses.



## WHAT IS $PM_{2.5}$

$PM_{2.5}$  refers to airborne Particulate Matter smaller than 2.5 microns in diameter. Particulates are any solid or liquid particles suspended in the atmosphere. All types of combustion will generate some amount of fine particulate, which we commonly see as smoke.  $PM_{2.5}$  is unhealthy to breathe in and in most cases is the prime reason a local government wood smoke reduction project will be initiated. Government air quality departments monitor and record levels of  $PM_{2.5}$  around Australia.

Some other common sources of  $PM_{2.5}$  that contribute to the amount of fine particles in a community are: Car, bus and truck exhausts (and other vehicles), coal fired power plants, forest and grass fires and other operations that involve burning of fuels (such as crop residue burns, heating oil or coal), dusts (road, brake, coal and other mining), sea salt and plant spores. Additionally inside the house  $PM_{2.5}$  is generated by tobacco smoke, cooking (eg. frying, grilling etc.), house dust and burning candles.





## Previous Research on Smoke Reduction

Wood heaters are a popular and important residential heating appliance throughout Australia. They offer a cost effective and appealing alternative to the other available heating options. Firewood as a heating fuel is essential to many areas of Australia as it provides a cheap accessible fuel. The firewood supply industry employs many people, predominantly in rural areas; and if it is sustainably harvested, it is a carbon neutral fuel. As shown in the table opposite, in 2014 about 900,000 Australian households, some 2.35 million people, relied on firewood to heat their homes as their main heating source, with an estimate of approximately another 350,000 households using it as a secondary heating source.

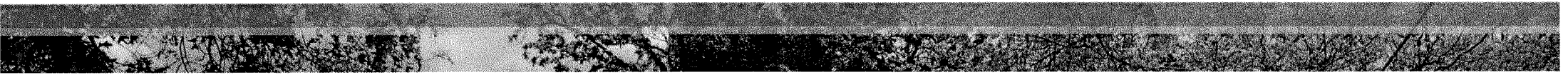
It is widely accepted that wood heaters and open fires do not create significant smoke pollution when they are operated correctly. The small percentage of houses that do not operate and maintain their wood fires correctly are responsible for most of the wood smoke complaints received by councils, and also the high levels of winter smoke pollution that can occur in some areas.

Studies carried out by the University of New England (UNE) in Armidale by Bullar & Hine<sup>4</sup> in 2012 found that 85% of the smoke in the town was created by just 15% of the wood burning houses.

## Firewood used as the main heating source in 2014<sup>5</sup>

State	Total household	% of houses per state	% of houses in non capital cities
NSW	290,700	10.2%	19.2%
VIC	228,100	10.2%	24.9%
QLD	101,700	5.6%	7.9%
SA	98,200	14.2%	29.9%
WA	109,800	11.3%	26.4%
TAS	53,900	25.6%	33.4%
NT	1,300	1.9%	*
ACT	5,000	3.3%	*
TOTAL	888,700	9.9%	18.4%

\* No regional split of data for NT & ACT



Previous research<sup>6</sup> carried out in Launceston indicated that a significant reduction in the number of households that emit high levels of wood smoke can be achieved by directly targeting the operators of these heaters with a combined education and enforcement intervention strategy.

There are two major difficulties that have prevented the widespread adoption of this method by councils:

1. Identifying the high emitting households can be difficult, especially at night, and would require substantial resources in a large urban area.
2. Successfully engaging with many of the highest smoke emitters, to motivate them to change their wood fire operating behaviour, can be challenging.

The FAA Smoke Reduction Project<sup>1</sup> and this Guide addresses these two problems in a proven, common sense and efficient manner. The project demonstrated the capability of a novel car based smoke detection system called 'SmokeTrak' developed by Kenelec Scientific Pty Ltd. This system was developed specifically for the purpose of locating high wood smoke emitting households.

In the second phase of the project, high emitting households were subjected to face-to-face education on wood heater operation and had their wood heaters inspected and cleaned.

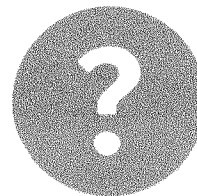
The third phase of the project assessed the effectiveness of the targeted education and enforcement interventions.

By the end of the project, out of the 20 households that had received the face-to-face education intervention only one household continued to emit excessive amounts of wood smoke and would require some form of enforcement to effect a change in behaviour.

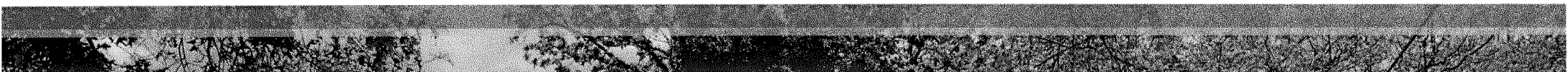
The proven success of this project clearly showed that the best way to deal with domestic wood smoke is through a program of targeted intervention delivered directly to the few households that are the main cause of wood smoke problems.

**IMPORTANT: It is recommended councils should not carry out any community awareness raising activities while conducting a targeted smoke reduction program.**

**It is possible that alerting residents that a council will be monitoring household wood smoke emissions could create fear and hostility towards council staff that are carrying out the surveys. The simultaneous conduct of two programs will also make it difficult to assess the effectiveness of either program.**

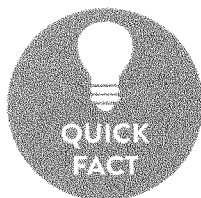


What do we do with vehicles that emit excessive smoke pollution? The process is to address each air pollution case and get the polluter to fix the vehicle. The answer isn't to ban the use of all vehicles to stop the few that pollute.



As stated earlier, it is a well-established fact that the poor operation of wood heaters is the cause of excessive smoke. An instant reduction in smoke emissions can be achieved simply by modifying the operating practice of the wood fire operator.

Whilst the FAA Smoke Reduction Project Report recommends the use of third party wood fire experts (eg. chimney sweeps and wood heater service providers) to deliver advice on heater operation where necessary, it will be beneficial for local government officers to have a basic understanding in the correct operation of wood heaters and the causes of smoke.



Did you know that the energy in the form of heat that is released when wood is burned does not vary significantly between different types of wood? All hardwood species release approximately 19 MJ/kg provided combustion is complete.<sup>7</sup>



## What causes wood smoke?

When wood burns it does so from the outside to the middle in various stages according to its temperature.

**Stage 1:** In the first stage (up to 200 °C) the wood is drying out and moisture is evaporating. Some gases are emitted from the oils in the wood and the wood chars but solid wood does not ignite.

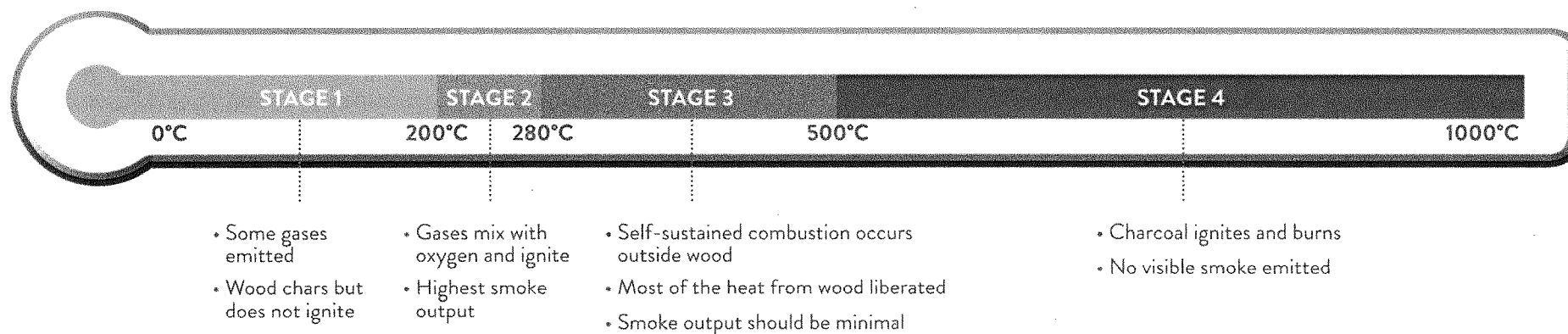
**Stage 2:** In the second stage (200 ° – 280 °C) the emitted gases mix with oxygen and will ignite, provided that there is sufficient external heat. The highest concentration of smoke occurs at this stage.

**Stage 3:** In the third stage (280 ° – 500 °C) flaming self-sustained exothermic combustion occurs outside the wood where the emerging gases and tars are able to mix with sufficient oxygen. One half to two thirds of the heat of combustion of wood is liberated in this stage by the flaming gases.

In this stage of combustion the gases coming from the heated wood effectively cover the wood surface and exclude oxygen, which prevents the charcoal underneath from burning. When the emission of these gases eases, oxygen is able to reach the surface of the wood and the charcoal ignites.

**Stage 4:** In the final stage of combustion (500 °C +) the charcoal glows red and at 1000 °C it burns freely but with little visible flame.

If there is **insufficient heat** or **inadequate oxygen**, combustion of the gases emitted during the second and third stages of combustion will be incomplete. The unburnt gases and tars will condense as they cool to form creosote and fine particles which we see as smoke.



## How to correctly operate a wood fire to reduce smoke

The main way to stop a wood heater from smoking is to ensure that there is adequate air flow into the fire during the early stages of combustion when gas release is at its maximum (**stage 1 and 2**). This can be achieved by initially burning small pieces of wood or kindling which have a large surface area compared to their mass. This allows the wood to rapidly reach the temperature required for **stage 3** exothermic combustion and also ensures plenty of oxygen can get to the emitting gas. Additionally it is important to keep the air intake open for the first 20 minutes to allow a draft up the chimney and oxygen to the fire.

As the fire gets hotter the size of the pieces of wood can be increased without causing the temperature of the fire to drop below third stage combustion temperature. Once the wood has reached final stage temperatures there is little gas released and therefore not much smoke, so the amount of air entering the heater can be reduced to provide heat over a longer time.

## New Low Emission Wood Heater Technology

**1<sup>st</sup>**

### Combustion Area

Air feeds directly into the coal bed to provide quick startup and a complete burn.

**3<sup>rd</sup>**

### Combustion Area

Carefully metered air flows up the sides of the firebox then through a manifold of stainless steel tubes. The air is superheated and injected under the baffle into the hottest area of the heater, igniting the rising gases from the wood.

**2<sup>nd</sup>**

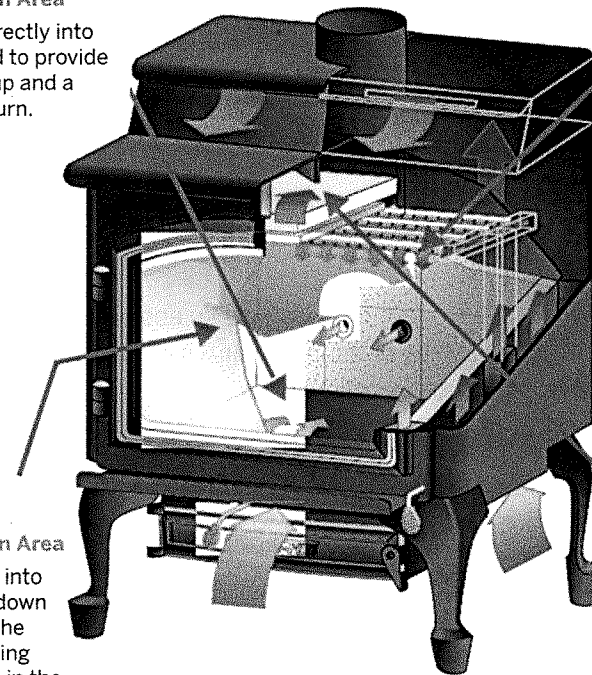
### Combustion Area

Air is drawn into the heater, down the face of the door, providing combustion in the front of the heater greatly increasing efficiency.

**4<sup>th</sup>**

### Combustion Area

Jets of pre-heated air provide oxygen to an area just above the baffle, igniting almost all remaining impurities from the wood, to reduce any remaining smoke.

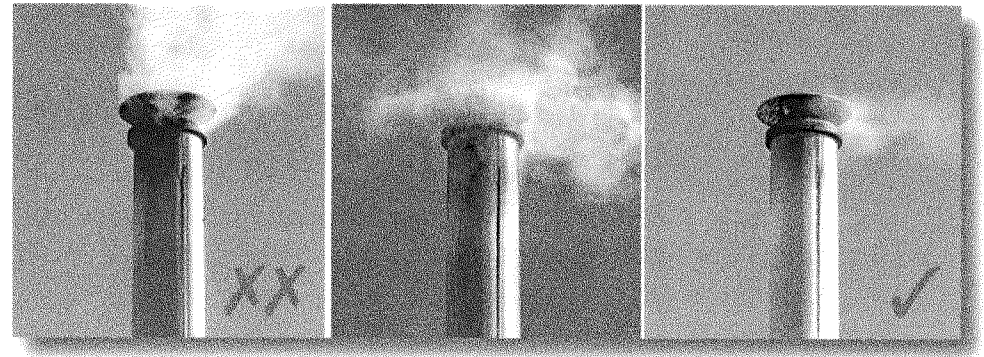




## Tips for identifying poorly operated wood heaters

All wood fires will smoke for a few minutes initially, but if operated correctly there should be very little visible smoke after the fire has established. Here are a few common problems and solutions for why a wood heater might be continuing to smoke:

- **Not using dry kindling or small wood when lighting the fire:**  
Smaller pieces of wood burn hotter much faster than larger pieces. By using kindling when starting a fire or when restarting the fire from a few coals, the flames on the kindling will help to ignite the gases and tars from the larger pieces that are added later.
- **Using wet (unseasoned) wood:**  
Leaving wood stored uncovered or burning unseasoned wood lowers the fire's efficiency. (Note: Seasoned wood is defined as wood that has a moisture content of 25% or less on a dry weight basis<sup>8</sup>). When wood has high moisture content, the water in the wood must boil out before the wood will ignite. The water vapour also cools the fire and results in less gases and tars being ignited, leading to more smoke.
- **Over filled wood heater:**  
The gases released from wood require oxygen to burn, and a good amount of air flow through the heating chamber that can reach the wood surface helps combustion. When filling a heater for adequate air flow, make sure that the stacked wood has space between the pieces, and also between the top, sides and the door of the heater.



*Identifying a smokey chimney*

- **Blocked chimney:**  
As with the over filled heater, an adequate air flow up the flue and chimney is imperative for a fire to burn efficiently. When a fire burns, the gases from the wood that are not burnt condense into little droplets of tar when cooled below 50°C. These droplets either leave the chimney as smoke or adhere to the inside of the flue and cause a build-up of the carbon residue (creosote), which effectively narrows the internal diameter of the flue and further lowers the efficiency of the wood heater.

# THE SMOKE REDUCTION 5 STAGE PROCESS

## Stage One –Identifying Target Houses

**STEP  
1**

**Use a smoke detection system to identify high emitting areas**

**STEP  
2**

**Correlate initial survey with other council data**

**STEP  
3**

**Conduct a high detail survey of a selected high emitting area**

**STEP  
4**

**Re-survey suspect houses and gather photographic evidence**

Correcting the wood fire operating practice of the few households that regularly emit excessive smoke should be the primary target for any local government wood smoke reduction program. Even though all wood fires will emit some smoke for short periods after start-up and refuelling, it is when people have to endure smoke from a neighbour's wood fire for prolonged periods or on a frequent basis that they will feel the need to lodge a complaint with their council.

Finding the excessively smoky households can be as simple as instructing council staff to record the address of any households that they observe emitting excessive smoke during their routine duties. Complaints made to council by residents about smoke emitted by a neighbour are another way to identify the potential high emitters, however complaints about smoke can also be stimulated by neighbour disputes and should be independently verified by council staff. Any council wishing to implement a proactive wood smoke reduction program will need to carry out a methodical survey to identify the high level sources of wood smoke.



# THE SMOKE REDUCTION 5 STAGE PROCESS

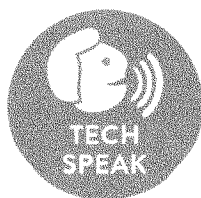
## 1: Use a smoke detection system to identify high emitting areas

As demonstrated during the FAA's Domestic Wood Smoke Reduction Project, a GPS enabled wood smoke detection system can be used to effectively and affordably survey a large urban area in a reasonably short time. A wood smoke detection system is essentially any portable, real-time particulate analyser along with a GPS sensor that is connected to a web based mapping and recording program.

This type of system can be used to create a visual display of ground level smoke (fine particulate such as  $PM_{2.5}$ ) concentrations projected onto a map which allows the user to identify areas with high levels of wood smoke (or other particulate) and to also locate high smoke emitting households with reasonable accuracy.



*An example of a smoke detection system, this one is called "SmokeTrak" created by Kenelec Scientific Pty Ltd.*

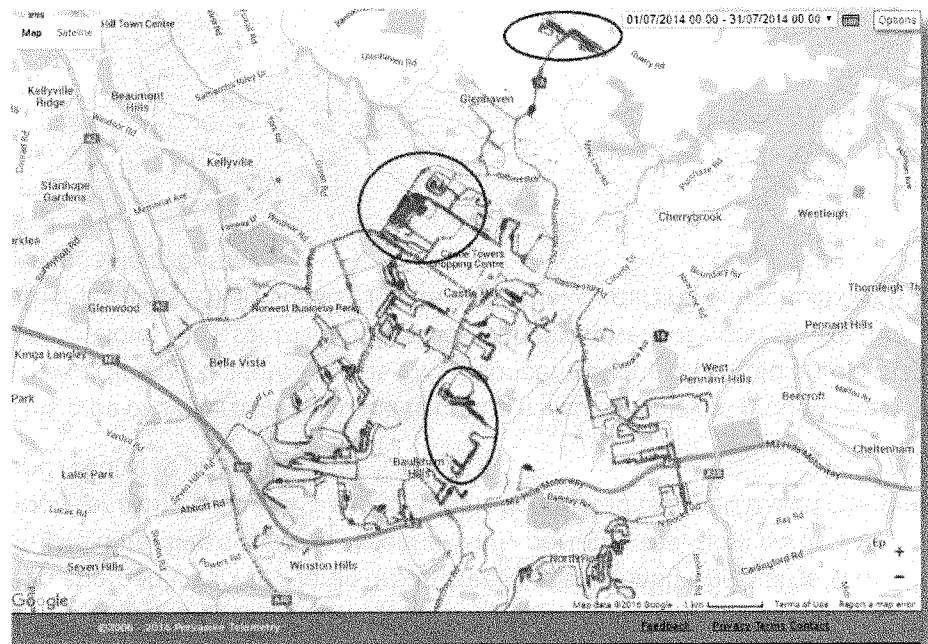


## HOW A SMOKE DETECTION SYSTEM WORKS

When switched on, the smoke detection system works in the following way: A pump in the real-time particle analyser sucks in air from outside the car (at 3 litres per minute) through the inlet tube. The air is passed through the particle analyser for measurement of particle concentrations which are displayed as milligrams of particulate per cubic metre of air. Particle concentration readings are sent continuously to a data logger which transmits the readings to a remote telemetry web site along with the current GPS co-ordinates. If mobile phone access is temporarily unavailable, the data logger stores the readings and transmits them when a phone connection is next obtained.

# THE SMOKE REDUCTION 5 STAGE PROCESS

Once the system is operational, councils can use the system to 'map' smoke concentrations within their jurisdictions. The image below shows a typical smoke concentration map produced by the system.



*An initial drive through the area showing several areas of high particulate accumulation.*

## 2: Correlate initial survey with other council data

After the broad area data collection is complete, council staff can then correlate the data against any resident complaints about nuisance smoke, or other observations that staff have recorded. This will help to narrow the focus to the highest priority areas within the council.

Please note: Residential complaints of nuisance smoke can often be misleading if used as a sole source to identify high smoke emitting houses. This is because a smoke complaint being raised against a resident could be part of an ongoing neighbourly dispute as opposed to a genuine health or environmental concern. Houses that have received several different complaints need to be identified and used as more reliable data.

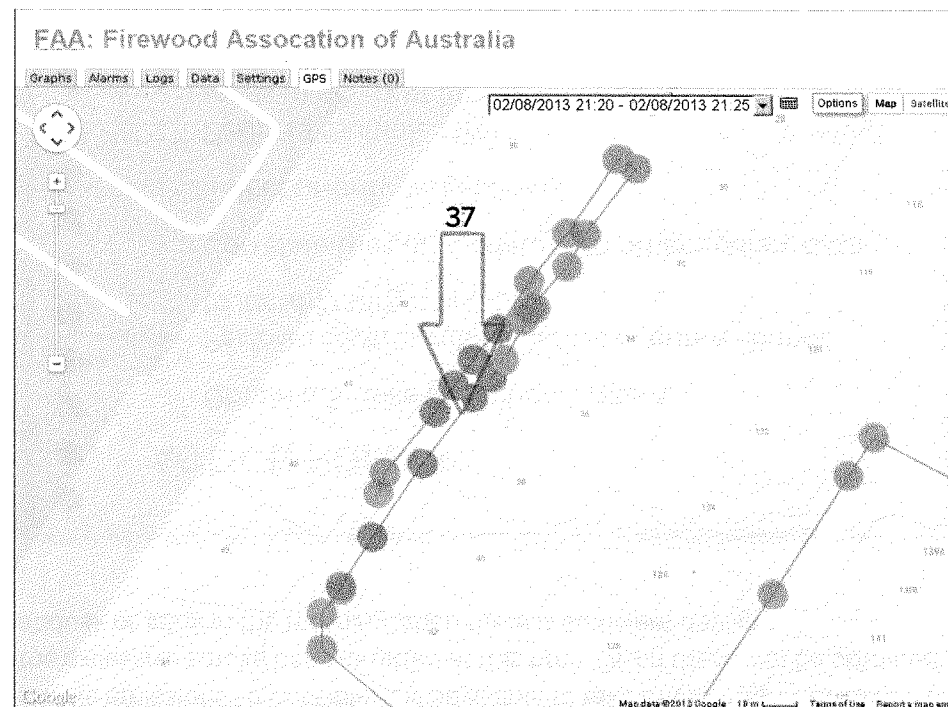
# THE SMOKE REDUCTION 5 STAGE PROCESS

## 3: Conduct a high detail survey of a selected high emitting area

Once the highest emitting areas are identified, the next step is to conduct a thorough survey of each street in the areas using the smoke detection system. It is best to only conduct any night time surveys on reasonably calm nights, although a slight breeze will assist with the location of source by focusing the spread of smoke.

It is important to record the wind direction during each survey to make sure the data can be read correctly. A high detail, street-by-street survey of a defined area will not take much time and should be completed several times over a few weeks.

Smoke emissions from wood heaters can vary extensively, depending on the user's behaviour. In a laboratory test a wood heater that was intentionally operated badly emitted approximately 100g/kg of fine particulates, which is more than 100 times worse than the most efficient heaters.<sup>9</sup>



*The excessive smoke in this example was coming from the house at No 37. The smoke was drifting in a southerly direction due to a light northerly breeze, as indicated by the arrow.*



# THE SMOKE REDUCTION 5 STAGE PROCESS

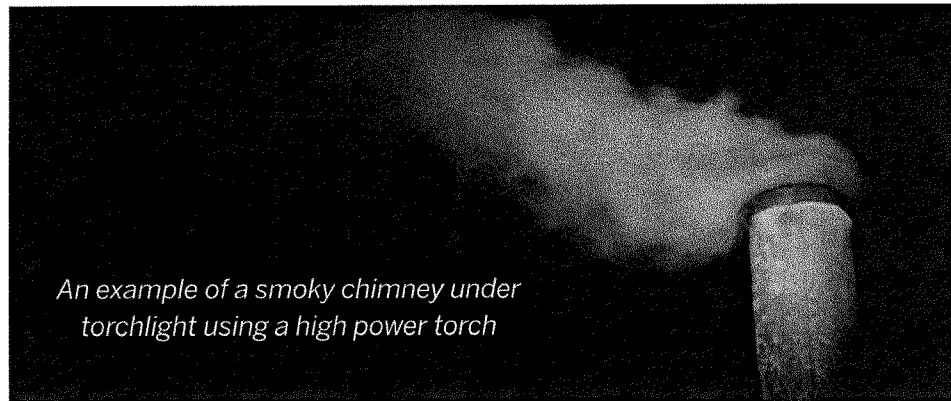
## 4: Re-survey suspect houses and gather photographic evidence

It is preferable to do some surveys in daylight and some at night to ensure that the genuine, regular high emitters are found. Households who emit short term smoke during heater start up should not be targeted, therefore it is advisable to re-survey households repeatedly and at different times to ensure that they are true high emitters.

During daylight it is reasonably simple to accurately identify smoky flues but at night wood smoke cannot be seen without the aid of artificial light. When a high smoke particle reading is obtained it is usually necessary to confirm the

high smoke emitting house by the use of a high powered, narrow beam torch. This is because two adjoining houses can have flues that are separated by just a few metres, or the smoke might be coming from a residence that backs onto the presumed high emitter.

Once the address of a high smoke emitting house is known, the house should be monitored several times to confirm that there is a regular pattern of high smoke emissions. If possible, it is advisable to take photographic evidence of the excessive smoke being emitted at this time. Often these can be obtained at dusk or early in the morning when there is sufficient daylight.



*An example of a smoky chimney under torchlight using a high power torch*

High power-narrow beam torches can be purchased from most hunting equipment stores. When selecting the torch, the narrower or more focused that the torch beam is the better it will be for the task. The incidental illumination of surrounding trees and buildings should be avoided as much as is possible to avoid alarming residents.



### ACTION POINTS:

- ✓ Obtain a Smoke Detection System
- ✓ Perform several initial surveys of entire council to identify target areas
- ✓ Correlate the survey data with other council data
- ✓ Select priority target areas
- ✓ Perform multiple street-by-street surveys of target areas in different times and conditions
- ✓ Analyse data to locate target high smoke emitting houses
- ✓ Re-survey the target houses and take photographs to confirm behaviour

# THE SMOKE REDUCTION 5 STAGE PROCESS

## Stage Two – Recruit Chimney Sweeps

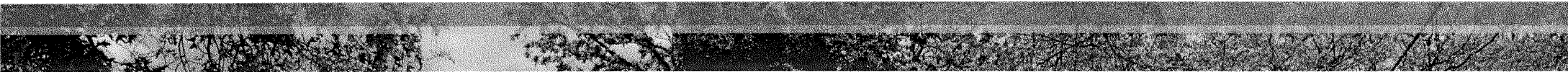
When a council has decided to carry out a domestic wood smoke reduction program using the targeted intervention method that was found to be effective during the Hills Shire Council trial, it is necessary to recruit wood heater service professionals (eg. chimney sweeps) that operate within the council's boundaries. Wood heater service professionals are the preferred agents to deliver the non-threatening face-to-face education on wood heater operation, and also advise the householder on any installation or maintenance issues that may be causing their wood fire to emit excessive smoke.

It will be necessary for a council to assess each company's competence, availability and compliance with council requirements (ie insurances). It should be straightforward to obtain willing companies to assist in the smoke reduction education program, as was found by the companies who participated in the FAA/Hills Shire Council project, the flue cleans carried out under the program often led to repeat business and additional repair or maintenance work. This should allow the council to negotiate a discounted rate for the flue cleans and operator education.

To ensure that there is consistency in the delivery of the education by the service providers, it is recommended that they be requested to complete a checklist at the completion of each flue clean conducted during the program. This checklist should be completed in the presence of the householder to reinforce the delivered messages and to ensure that all aspects of wood heater operation and maintenance are covered. A sample checklist is included in the appendices.

### ACTION POINTS:

- ✓ Recruit Chimney Sweep companies
- ✓ Assess companies for competence and compliance
- ✓ Provide companies with intervention checklists



# THE SMOKE REDUCTION 5 STAGE PROCESS

## Stage Three - Issue friendly flue clean offer

By far the most effective and efficient way to reduce domestic wood smoke is to get high smoke emitting householders to take responsibility for their wood fire's emissions. When a high emitter accepts that their wood fire is emitting excessive amounts of smoke, in most cases they will take appropriate action to ensure that their fire does not smoke excessively.

As has been shown in the FAA<sup>1</sup> and Launceston<sup>6</sup> projects, the most effective way to engage with high smoke emitting householders is to make personal contact with them in a non-threatening manner. The initial contact needs to focus on the fact that the smoke emissions from their heater are "abnormal" and are therefore socially unacceptable. To prevent these high emitters from putting up psychological barriers that will prevent them from willingly changing their wood heater operating practices, all mention of the health effects of wood smoke should be avoided.

It is suggested that, regardless of whether the high emitter was identified by the smoke surveys, by council staff or by a neighbour complaint, initial contact with high smoke emitters should be established via a "non-threatening" letter that advises the householder that their wood fire is emitting "abnormal" amounts of smoke. Depending on the budget allocated to a wood smoke reduction program, councils can elect to offer a free flue clean as an incentive to the householder to invite a wood heater service professional into their homes to deliver education and advice, or simply recommend that the householder use one of the listed service professionals to carry out the intervention at a discounted rate. A sample letter of each option is included in the appendix.

It is advisable to attach a time and date stamped photograph of the smoking chimney to this initial letter. This will prevent the householder from believing that the smoke is coming from a neighbouring wood fire or that the claim of excessive smoke is an exaggeration. It was found in the FAA Project that many high emitters were ignorant of the fact that they were emitting smoke.

### ACTION POINTS:

- Option 1 – Send letter stating Council offers to pay for professional inspection
- Option 2 – Send letter recommending discount flue clean from service provider list
- Service providers to report acceptance or refusal
- Service providers to submit completed evaluation checklists
- Follow up survey by council officer



# THE SMOKE REDUCTION 5 STAGE PROCESS

## Stage Four – Issue more forceful letter if required

It is important that the sweeps participating in the program submit the completed inspection reports to council as soon as practicable after they deliver the intervention. Where the service provider has recommended repairs or modifications to the flue, such as an increase in flue height, it will be possible to confirm that these modifications are made by observation.

In most cases there will be a noticeable reduction in smoke emissions from the targeted household following the intervention. It is recommended that the targeted household be monitored for smoke emissions for an extended period to ensure that the improvement is sustained. If the intervention was carried out towards the end of the winter wood fire season, the effectiveness of the intervention may not be able to be confirmed until the following year's wood heating season commences.

If a target house has refused to contact a service professional, or follow up surveys show that the household is still emitting excessive smoke, then some form of additional intervention will be required. During the FAA/Hills Shire Council project a more forceful letter was sent to the few non-compliant households who had received a free flue clean intervention and had not altered their behaviour. This letter notified the resident that they could be subject to prosecution under NSW regulations if they continued to emit excessive smoke. In almost all cases this letter was sufficient to bring about an improvement in the household's wood smoke emissions. A pro forma follow-up letter is included in the appendix.

### ACTION POINTS:

✓ Issue more forceful letter indicating penalties

✓ Follow up survey by council officer

# THE SMOKE REDUCTION 5 STAGE PROCESS

## Stage Five – Initiate penalty proceedings if required

In the unlikely event that the household continues to emit excessive smoke after the “warning” letter, then it may be necessary to initiate punitive action under state air quality legislation. We suggest in these rare cases the council liaise with the relevant state’s E.P.A. for the ensuing legal action.

It will be necessary to still conduct occasional follow up surveys of each of the targeted houses, but in particular the households that were issued penalties.

### ACTION POINTS:

✓ Liase with relevant E.P.A to initiate penalty proceedings

✓ Follow up surveys by council officer

## Review Results

After each high emitting house identified in the initial survey has undergone the education process and their wood fire operation behaviour has improved, there will be a noticeable improvement in winter air quality in the local area. If smoke persists it is possible that smoke from nearby high emitting households is drifting into the area. If this is the case these households will need to be identified and subjected to the same intervention program.

After a substantive improvement in air quality has been achieved in the initial prioritised area, another area can be selected for intensive survey and the high emitting households in this area can be subjected to the education-intervention process outlined above.

For this program to work, it is important that the Council does not run any smoke awareness programs carried out in conjunction with the project, as the ‘arms reach’ method of using wood heater professionals and a non-threatening letters relies on the targets not feeling that they are being monitored or victimised for using a wood heater.

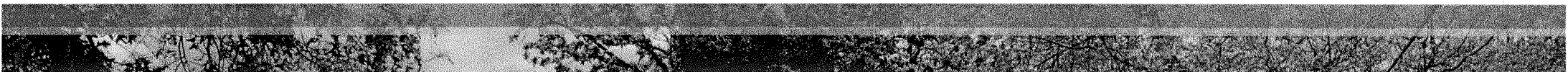


### Improved Air Quality

Depending on the resources that are devoted to the program, it should only take a few seasons to achieve a noticeable reduction in the number of wood smoke complaints that are received by council each year.

The steady improvement in winter air quality will certainly be noticed by residents who have become accustomed to being subjected to high levels of wood smoke each winter and they will improve their overall health and well-being.

The process undertaken in this Guide will ensure that residents can still have the ability to choose wood heating as their preferred heating choice without impacting on the welfare of their neighbours. It will also assist in keeping the best renewable, carbon-neutral heating option a part of our future.



### **Carbon Neutral**

Is the state where the net amount of carbon dioxide or other carbon compounds released into the atmosphere is reduced to zero as it is balanced by the actions to reduce or offset these emissions. The CSIRO have stated that sustainably collected firewood is virtually a carbon neutral resource.

### **Combustion**

Is a high temperature chemical reaction between a fuel and oxygen. When firewood is heated it undergoes pyrolysis and the gases released are flammable which then heat the wood to produce more gases.

### **Creosote**

Burning wood without adequate airflow causes incomplete combustion of the oils in the wood and as the wood burns they are carried up the chimney as smoke. As the smoke rises and cools, the carbon and other compounds condense to become a black oily residue on the interior surface of the flue.

### **FAA**

The Firewood Association of Australia Inc. is a not for profit organisation representing sustainable firewood merchants who abide by the Voluntary Code of Practice for Firewood Merchants.

### **Particulate**

Are small solid or liquid particles suspended in the atmosphere. They are generally discussed as pollutants and vary in size expressed in microns. Particles with less than 2.5µm in diameter (PM<sub>2.5</sub>) are referred to as fine particles and the reduction of them is the main focus for community health.

### **Renewable**

A natural resource or source of energy that is not depleted by use. If firewood production is managed correctly, it is a renewable energy source.

### **Smoke Detection System**

A portable, real-time particulate analyser along with a GPS sensor that is connected to a web based mapping and recording program.

### **Wood Heater**

A wood heater is a residential heating appliance that controls combustion of firewood.



1. McGreevy, A., Barnes, G. (2016). Domestic Wood Smoke Reduction in the Urban Environment.
2. National Clean Air Agreement, Commonwealth of Australia.
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A black and white photograph of a residential street. The scene is filled with large, leafy trees that line both sides of the road. On the left, a house is partially visible behind a fence. On the right, a dark-colored car is parked on the street. The sky is bright with some clouds. A white rectangular box with a thin black border is centered in the middle of the image, containing the word "APPENDICES" in a bold, white, sans-serif font.

# APPENDICES

EXAMPLE

## WOOD FIRE INSPECTION REPORT

Date of Inspection; \_\_\_\_\_

Name: \_\_\_\_\_

Reference Number: \_\_\_\_\_

Address: \_\_\_\_\_

Who normally lights and manages the fire? \_\_\_\_\_

Heater/fireplace details: \_\_\_\_\_

### Probable cause/s of excessive smoke?

<b>Heater Maintenance</b>	
Build-up of creosote	
Air inlet blocked	
Soot build up	
Ash build up	
Other maintenance issues	
<b>Installation</b>	
Flue/chimney height	
Flue/chimney location	
Other factors affecting draft	
<b>Fuel</b>	
Supplier/Self collected	
Sleepers/treated/painted wood	
Overly large piece size	
Wood type/species	
Wood moisture content	
Rubbish/incinerator	
<b>Lighting</b>	
Lack of kindling	
Poor fire build procedure	
Inadequate air flow at start-up	
No starting wood	
<b>Operation</b>	
Air vents not open 20 min	
Overfilled fire box	
Lack of coals on refill	
Other cause for operating temperature less than 500°C	
<b>General Comments</b>	

EXAMPLE

## OPTION 1

<<Council letterhead>>

<<date>>

Dear <<name>>

Free Flue Clean Offer

Flue Clean Ref:

---

This winter the \_\_\_\_ Council is conducting a program aimed at improving the performance of wood heaters and improving wood fire safety in the home. Under this program we are offering a limited number of households a free wood heater/fireplace safety check and flue/chimney clean.

Excessive smoke emissions can sometimes be an indicator that there is something wrong with your heater/fireplace or its operation. You have been chosen to receive this free offer because while undertaking a local air quality measurement it was noticed that higher than average smoke was being emitted by your wood heater. To make sure that there are no safety concerns with your heater/open fireplace and to assist you to minimise smoke coming from your wood fire we encourage you to accept this offer.

To accept this free offer simply call one of the wood heater service professionals listed below and quote the reference number provided at the top of this page. Please note your free flue/chimney clean and safety check will need to be carried out at a time when you are at home and the fire will need to be unlit and cool.

Please note that the chimney sweeping companies listed below have offered their services for this program with the costs being covered by the Council. However, the chimney sweep companies listed are not recommended by the Council above any other chimney sweep company and you may wish to engage your own cleaner at your cost.

This offer expires on \_\_\_\_\_.

If you require any additional information or clarification you are welcome to contact me on \_\_\_\_\_, email during normal office hours.

<<Chimney Sweeps / Flue cleaners:>>

- 
- 
- 

Yours faithfully



## OPTION 2

EXAMPLE

<<Council letterhead>>

<<date>>

Dear Mr & Mrs

Flue Clean Offer

Flue Clean Ref:

---

This winter the \_\_\_\_ Council is conducting a program aimed at improving the performance of wood heaters and improving wood fire safety in the home. You have been sent this because while undertaking a local air quality measurement it was noticed that higher than normal smoke was being emitted by your wood heater. Excessive smoke emissions can sometimes be an indicator that there is something wrong with your heater/fireplace or its operation.

To make sure that there are no safety concerns with your heater/open fireplace and to assist you to minimise smoke coming from your wood fire we encourage you to engage a wood heater service professional to carry out a wood heater/fireplace safety check and flue/chimney clean.

The below listed companies have agreed to participate in this Council program and have offered to provide their service at a discounted rate. To obtain the discount please quote the above reference number when making your booking. Please note that these companies are not recommended by the Council above any other chimney sweep company and you may wish to engage your own cleaner.

If you require any additional information or clarification on this matter you are welcome to contact me on \_\_\_\_\_, email during normal office hours.

<<Chimney Sweeps / Flue cleaners:>>

- 
- 
- 

Yours faithfully

<date>

Our Ref: \_\_\_\_\_

Dear Mr & Mrs

**Excessive Wood Smoke from -**

---

It has been brought to my attention that excessive smoke is being emitted from a wood heater located on the above mentioned property. Excess smoke has been noted on a number of occasions this winter.

I note that this matter was raised with you on the \_\_\_\_\_ and at that time you were invited to participate in a program in which you were offered a free (*or discounted as appropriate*) flue / chimney clean which included advice from the contractor on the best operating procedure for the heater.

You are required to take appropriate action to reduce the amount of smoke emitted from the heater.

Your prompt attention to this matter is appreciated.

Failure to minimise excess smoke may result in regulatory action being taken.

If you require any additional information or clarification in regards to this matter please contact me on \_\_\_\_\_ during normal business hours or email, \_\_\_\_\_

Yours faithfully

---

## **Appendix 2**

*Environmental Protection (Air Quality) Policy 2016*

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South Australia

## **Environment Protection (Air Quality) Policy 2016**

under section 28 of the *Environment Protection Act 1993*

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1 Revocation of environment protection policies

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2 Policy not to apply for 2 years in relation to existing prescribed activities of environmental significance

Legislative history

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## Part 1—Preliminary

### 1—Short title

This policy may be cited as the *Environment Protection (Air Quality) Policy 2016*.

### 2—Commencement

This policy will come into operation on a day to be fixed by the Governor by notice in the Gazette.

### 3—Interpretation

(1) In this policy, unless the contrary intention appears—

*Act* means the *Environment Protection Act 1993*;

*agriculture* includes horticulture;

*agriculture waste* means waste produced in the course of agriculture and includes dead stock, diseased crops, crop stubble or other crop waste and waste resulting from the clearing of land for farming;

*AS/NZS 1080.1:2012* means AS/NZS 1080.1:2012 *Timber - Methods of test Method 1:Moisture Content* published jointly by Standards Australia and Standards New Zealand, as in force at the commencement of this policy;

*AS/NZS 2918:2001* means AS/NZS 2918:2001 *Domestic solid fuel burning appliances - Installation* published jointly by Standards Australia and Standards New Zealand, as in force at the commencement of this policy;

*AS/NZS 4012:2014* means AS/NZS 4012:2014 *Domestic solid fuel burning appliances - Method for determination of power output and efficiency* published jointly by Standards Australia and Standards New Zealand, as in force at the commencement of this policy;

**AS/NZS 4013:2014** means AS/NZS 4013:2014 *Domestic solid fuel burning appliances - Method for determination of flue gas emissions* published jointly by Standards Australia and Standards New Zealand, as in force at the commencement of this policy;

**boiler** means a vessel in which water is heated for any purpose by any combustible materials with a total heat release of 100 or more megajoules per hour;

**certificate of compliance**, in relation to a solid fuel heater, means a certificate issued or approved by the Authority certifying that solid fuel heaters of the same model as that heater comply with AS/NZS 4012:2014 and AS/NZS 4013:2014 (or an overseas standard approved by the Authority as being equivalent to, or more stringent than such a standard);

**cubic metre** or  $m^3$  means that volume of dry gas which occupies a cubic metre at a temperature of 0° Celsius and at an absolute pressure equivalent to 101.3 kilopascals (1 atmosphere);

**domestic incinerator** means an incinerator that is situated on residential premises for burning waste from the premises;

**emit a pollutant to air**—see subclause (2);

**fire danger season** has the same meaning as in the *Fire and Emergency Services Act 2005*;

**mandatory measures**, in relation to a provision of this policy or a code, standard or other document, means measures that are expressed in the provision, code, standard or document as mandatory rather than as recommendations;

**mandatory provision**—see subclause (5);

**occupier**, of land, includes a person with responsibility for the care, control or management of the land;

**overseas standard** means a standard from an overseas jurisdiction;

**particles as  $PM_{2.5}$**  means particulate matter with an equivalent aerodynamic diameter of 2.5 micrometres or less;

**particles as  $PM_{10}$**  means particulate matter with an equivalent aerodynamic diameter of 10 micrometres or less;

**ppm** means parts per million by volume;

**prescribed Act**—each of the following is a prescribed Act:

- (a) *Botanic Gardens and State Herbarium Act 1978*;
- (b) *Crown Land Management Act 2009*;
- (c) *Forestry Act 1950*;
- (d) *National Parks and Wildlife Act 1972*;
- (e) *Wilderness Protection Act 1992*;

**prohibited substance**—see clause 7(1);

**recommended measures**, in relation to a provision of this policy or a code, standard or other document means measures that are expressed in the provision, code, standard or document as recommendations rather than as mandatory;

**solid fuel heater** means any solid fuel burning appliance that is designed, manufactured or adapted for use in domestic premises (whether or not it is actually used in such premises);

**stack**, in relation to premises, means an outlet intended for the emission to air of pollutants produced on the premises, and includes a chimney, flue or vent;

**tyre waste** means waste comprised of tyres or tyre pieces.

- (2) For the purposes of this policy, a person emits a pollutant to air if the person causes or allows the pollutant to be emitted into the air or fails to prevent it from entering or escaping into the air.
- (3) A reference in this policy to the burning of matter in the open includes a reference to the burning of matter in a domestic incinerator.
- (4) For the purposes of this policy, a fire will be regarded as burning in the open despite the fact that it is burning in connection with the operation of any fuel-burning equipment, or within a container of some kind, if the equipment or container does not have a stack for the emission of pollutants to the air.
- (5) In this policy, the expression **mandatory provision** followed by a statement as to the category of offence is to be taken to signify that contravention of the provision at the foot of which the expression appears is, for the purposes of Part 5 of the Act, an offence of the category so stated.

**Note—**

Unless the contrary intention appears, terms used in this policy that are defined in the Act have the respective meanings assigned to those terms by the Act.

#### **4—Application of policy**

- (1) This policy does not apply in relation to—
  - (a) the destruction of property pursuant to a direction of the Commissioner of Police under section 52E of the *Controlled Substances Act 1984*; or
  - (b) an activity undertaken in the course of, or in connection with, fire-fighting, or the training of firefighters or fire investigators, by or on behalf of—
    - (i) the South Australian Metropolitan Fire Service; or
    - (ii) the South Australian Country Fire Service; or
    - (iii) the South Australian State Emergency Service; or
    - (iv) the South Australian Fire and Emergency Services Commission; or
  - (c) the disposal, in accordance with an environmental authorisation, of gaseous waste produced in the course of a prescribed activity of environmental significance; or
  - (d) burning undertaken in accordance with a permit or other authority issued under the *Fire and Emergency Services Act 2005* or as otherwise authorised by or under that Act; or
  - (e) burning for the purposes of fuel load reduction or other fire prevention or control purposes as required or authorised by or under the *Fire and Emergency Services Act 2005*; or

- (f) burning for the purposes of native vegetation clearance as required or authorised by or under the *Native Vegetation Act 1991*; or
  - (g) burning as required or authorised by or under a prescribed Act.
- (2) Nothing in this policy affects the operation of an authority or exemption given by or under any Act or law (other than the *Environment Protection Act 1993*) and in force immediately before the commencement of this policy.
- (3) In this clause—  
*firefighter* has the same meaning as in the *Fire and Emergency Services Act 2005*;  
*fire-fighting* has the same meaning as in the *Fire and Emergency Services Act 2005*.

## Part 2—Air quality measures

### Division 1—Burning offences

#### 5—Burning in the open in council areas

- (1) A person must not cause or permit the burning of matter by fire in the open on any land within a council area.  
Mandatory provision: Category B offence.
- (2) However—
- (a) subclause (1) does not prevent a person from carrying out the following burning activities within a metropolitan council area or within a township in a non-metropolitan council area:
    - (i) lighting or maintaining a fire using charcoal, dry wood or other dry plant material for the purpose of preparing food or beverages;
    - (ii) burning charcoal (but not wood or other plant material) in a brazier, chiminea or fire pit for domestic heating;
    - (iii) burning agriculture or forestry waste, burning off vegetation for fire prevention or control, or burning vegetation for any other purpose, outside a fire danger season, provided that—
      - (A) the burning activity is carried out in accordance with a burning permit issued under clause 6; and
      - (B) the person complies with any mandatory measures of a prescribed burning code of practice that apply in relation to the burning activity; and
      - (C) the person has regard to any recommended measures of a prescribed burning code of practice that apply in relation to the burning activity; and
  - (b) subclause (1) does not prevent a person from carrying out the following burning activities within a non-metropolitan council area (other than a township):
    - (i) lighting or maintaining a fire in the open on land using charcoal, dry wood or other dry plant material—



- (A) for the purpose of preparing food or beverages; or
  - (B) for a campfire or barbecue in the course of camping, scouting or a similar outdoor recreational activity;
- (ii) burning charcoal, dry wood or other dry plant material in a brazier, chiminea or fire pit for domestic heating;
- (iii) burning agriculture or forestry waste, burning off vegetation for fire prevention or control, or burning vegetation for any other purpose, outside a fire danger season, provided that—
  - (A) the burning activity takes place only on land owned or occupied by the person or on land with the consent or authority of the owner or occupier; and
  - (B) the person complies with any mandatory measures of a prescribed burning code of practice that apply in relation to the burning activity; and
  - (C) the person has regard to any recommended measures of a prescribed burning code of practice that apply in relation to the burning activity.
- (3) For the purposes of subclause (2)(a)(i) and (b)(i), a fire will not be taken to be for the purpose of preparing food or beverages unless the fire is of a size, and has been built in a way, that reasonably corresponds to that purpose.
- (4) This clause—
  - (a) applies subject to any ban, prohibition, restriction or other requirement under the *Fire and Emergency Services Act 2005*, the *Native Vegetation Act 1991* or a prescribed Act; and
  - (b) does not apply in relation to the burning of a prohibited substance.
- (5) In this clause—
  - metropolitan Adelaide** has the same meaning as in the *Development Act 1993*;
  - metropolitan council area** means a council area within metropolitan Adelaide;
  - non-metropolitan council area** means a council area outside of metropolitan Adelaide;
  - plant material** includes paper, cardboard and garden prunings;
  - prescribed burning code of practice** means—
    - (a) the *Broadacre Burning Code of Practice April 2015* prepared by the South Australian Country Fire Service; or
    - (b) the *Vegetation Rubbish Pile Burning Code of Practice April 2015* prepared by the South Australian Country Fire Service;
  - township** has the same meaning as in the *Local Government Act 1999*.

---

## 6—Burning permits

- (1) The Authority or relevant council delegate may issue a permit (a *burning permit*) authorising a person or class of persons to carry out any 1 or more of the following burning activities outside of a fire danger season:
  - (a) burning agriculture or forestry waste; or
  - (b) burning off vegetation for fire prevention or control; or
  - (c) burning vegetation for any other purpose.
- (2) An application for a burning permit must be made in writing in a manner and form determined by the Authority or relevant council delegate.
- (3) A burning permit—
  - (a) is issued—
    - (i) by notice in writing to the person to whom the permit applies; or
    - (ii) by notice published on the relevant council's website and in a newspaper circulating within the council area; and
  - (b) must specify the conditions to which the permit is subject, which may include—
    - (i) a condition requiring the burning activity to take place only during specified times or periods, under specified circumstances or in a specified manner; or
    - (ii) a condition permitting only specified matter or a specified class of matter to be burned; or
    - (iii) any other condition considered necessary or desirable to control or minimise air pollution from the burning activity; and
  - (c) cannot authorise a person to carry out a burning activity on land if the person is not the owner or occupier of the land or does not have the consent or authority of the owner or occupier; and
  - (d) cannot authorise the burning of a prohibited substance; and
  - (e) comes into operation on the day on which it is issued or such later date as may be specified in the permit; and
  - (f) remains in force according to its terms for a period specified in the permit or until revoked; and
  - (g) may be varied or revoked at any time by further notice given in the same manner as for its issuing (under paragraph (a)).
- (4) An application for a burning permit may be refused on the grounds that the applicant is not a suitable person to be issued with such a permit.
- (5) The fact that the holder of a burning permit has complied with the conditions of the permit does not of itself—
  - (a) relieve the holder from liability for any loss, damage or harm caused by a fire lit under the authority of the permit; or

- (b) prevent proceedings for enforcement of the general environmental duty under section 25 of the Act, or for any offence under the Act, in relation to the burning activity.
- (6) In this clause—
  - relevant council delegate**, for a burning permit authorising a burning activity within a council area, means—
    - (a) if the council for the area is an administering agency—
      - (i) that administering agency; or
      - (ii) any person or body (as contemplated under section 18C of the Act) to which that administering agency's functions under this clause have been delegated; or
    - (b) any council, officer of the council or other person or body (as contemplated under section 115 of the Act) to which the Authority's powers or functions under this clause have been delegated.

## **7—Burning of prohibited substances**

- (1) A person must not cause or permit the burning of a substance listed in Schedule 1 (a **prohibited substance**) by fire, whether inside a building or in the open.  
Mandatory provision: Category B offence.
- (2) Subclause (1) does not apply in relation to the burning of a prohibited substance by fire in accordance with an environmental authorisation.

## **8—Environmental harm**

For the purposes of section 5(1)(b) of the Act, the emission to the environment of ash or other residual matter caused by burning a prohibited substance by fire in contravention of clause 7 is declared to constitute environmental harm.

## **Division 2—Solid fuel heaters**

### **9—Sale of solid fuel heaters**

- (1) A person must not sell a solid fuel heater unless—
  - (a) the heater is marked as being compliant with AS/NZS 4012:2014 and AS/NZS 4013:2014; and
  - (b) a certificate of compliance exists in relation to the heater; and
  - (c) in the case of the sale to a person whose business includes the wholesale or retail sale of heaters, a copy of the certificate has been given to the purchaser.

Mandatory provision: Category B offence.

- (2) If the Authority is satisfied that an overseas standard applies to the solid fuel heater and contains measures that are equivalent to, or more stringent than, a standard referred to in subclause (1), the Authority may determine that this clause applies as if a reference to that standard so referred to were a reference to the overseas standard.
- (3) This clause does not apply in relation to a solid fuel heater that is a fixture in premises that are being sold.

## **10—Installation of solid fuel heaters**

- (1) A person must not install a solid fuel heater unless the heater is marked as being compliant with AS/NZS 4012:2014 and AS/NZS 4013:2014.  
Mandatory provision: Category B offence.
- (2) A person must, when installing a solid fuel heater, comply with any mandatory measures of AS/NZS 2918:2001, AS/NZS 4012:2014 and AS/NZS 4013:2014 that apply in relation to the installation of solid fuel heaters of that kind.  
Mandatory provision: Category B offence.
- (3) A person must, when installing a solid fuel heater, have regard to any recommended measures of AS/NZS 2918:2001, AS/NZS 4012:2014 and AS/NZS 4013:2014 that apply in relation to the installation of solid fuel heaters of that kind.
- (4) If the Authority is satisfied that an overseas standard applies to the solid fuel heater and contains measures that are equivalent to, or more stringent than, a standard referred to in a preceding provision in this clause, the Authority may determine that the provision applies as if a reference to that standard so referred to were a reference to the overseas standard.

## **11—Interference with solid fuel heaters**

- (1) A person must not—
  - (a) alter, or cause or permit the alteration of, the structure, exhaust system or air inlet of a solid fuel heater in relation to which a certificate of compliance exists; or
  - (b) mark a heater, or cause or permit a heater to be marked, as being compliant with the solid fuel heater standards referred to in clause 9(1)(a) if the heater is not of a model that is the subject of a certificate of compliance to that effect.Mandatory provision: Category B offence.
- (2) Nothing in this clause prevents a person from carrying out genuine repair work on a heater.

## **12—Prevention of excessive smoke**

- (1) The owner or occupier of premises at which a solid fuel heater is used must not cause or permit excessive smoke to be emitted to the air from the heater.  
Mandatory provision: Category B offence.
- (2) Without limiting the circumstances in which smoke may be taken to be excessive for the purposes of subclause (1), smoke emitted to the air from a solid fuel heater will be taken to be excessive if a visible plume of smoke extends into the air from the flue or chimney of the heater for a continuous period of not less than 10 minutes, including a period of not less than 30 seconds when the plume extends into the air at least 10 metres from the point at which the smoke is emitted from the flue or chimney.

### 13—Sale of green firewood etc

- (1) Subject to subclause (2), a person must not cause or permit the sale of firewood or other solid fuel for use in a solid fuel heater if the moisture content of the firewood or other solid fuel exceeds 25% dry weight (when measured in accordance with AS/NZS 1080.1:2012).

Mandatory provision: Category B offence.

- (2) Subclause (1) does not apply to the sale of firewood or other solid fuel to a wholesaler or retailer of firewood or solid fuel.
- (3) If a retailer stores firewood or other solid fuel with a moisture content exceeding 25% dry weight (when measured in accordance with AS/NZS 1080.1:2012) on retail premises, the firewood or other solid fuel must be kept in a separate area that is clearly marked by a sign stating that the firewood or other solid fuel in that area is not available for retail sale.

Mandatory provision: Category B offence.

- (4) A retailer commits an offence against subclause (1) or (3) if a selection of 10 or more pieces of the wood or other solid fuel available for retail sale on the retailer's premises exceeds 25% dry weight (when measured in accordance with AS/NZS 1080.1:2012).

- (5) In this clause—

*retail premises*, in relation to firewood or other solid fuel, includes any place or vehicle occupied by the retailer for the purpose of selling the firewood or solid fuel.

## Division 3—Localised air quality objectives

### 14—Localised air quality objectives

- (1) The Authority may, by amendment of this policy under clause 17, declare that localised air quality objectives apply within a designated area of the State.
- (2) A declaration under subclause (1)—
- (a) must specify—
    - (i) the designated area, by map or description (or both); and
    - (ii) the air quality objectives sought to be achieved by the declaration; and
    - (iii) the class of persons to which the declaration applies; and
  - (b) may specify—
    - (i) measures for achieving the air quality objectives, including—
      - (A) mandatory or recommended measures regarding emission concentrations for particular pollutants; and
      - (B) any other mandatory or recommended measures; or
    - (ii) the testing, monitoring or modelling methodology to be used in determining compliance with the measures.

- (3) A person to whom a declaration under subclause (1) applies must comply with any mandatory measures specified in the declaration.  
Mandatory provision: Category B offence.
- (4) A person to whom a declaration under subclause (1) applies must have regard to any recommended measures specified in the declaration.
- (5) If another provision of this policy is inconsistent with a declaration under subclause (1), the former will not apply to the extent of the inconsistency.

## Division 4—Miscellaneous

### 15—Taking reasonable and practicable measures to avoid emissions from premises

- (1) The occupier of premises (other than domestic premises) must ensure that the emission of pollutants to air from the premises is not caused through any failure to take reasonable and practicable measures—
  - (a) to maintain fuel-burning equipment, control equipment or any other plant or equipment in an efficient condition; or
  - (b) to operate fuel-burning equipment, control equipment or any other plant or equipment in a proper and efficient manner; or
  - (c) to carry out maintenance of fuel-burning equipment, control equipment or any other plant or equipment in a proper and efficient manner; or
  - (d) to process, handle, move or store goods or materials in or on the premises in a proper and efficient manner.

Mandatory provision: Category B offence.

- (2) In this clause—

***control equipment*** means any device that controls, limits, measures, records or indicates air pollution;

***fuel-burning equipment*** means any machine, engine, apparatus or structure in which, or in the operation of which, combustible material is burned, but does not include a motor vehicle.

### 16—Testing points

- (1) The Authority or another administering agency may, by notice in writing to the occupier of premises (other than domestic premises) at which an activity is carried on that causes the emission of pollutants to the air, fix a suitable testing point at the premises to enable the Authority or another administering agency to evaluate the emissions from the premises.
- (2) An occupier to whom a notice has been given under subclause (1) must ensure that the testing point is, at all times, in a suitable condition and available for testing on request by an authorised officer.

Mandatory provision: Category B offence.



## Part 3—Matters relating to Part 5 of Act

### 17—Amendment of policy by Gazette notice under section 32 of Act

- (1) Pursuant to section 32(1)(c) of the Act, this policy may be amended by the Minister, by notice in the Gazette—
  - (a) so as to modify the definition of *prescribed burning code of practice* for the purposes of clause 5; or
  - (b) so as to modify the references to the moisture content of firewood or other solid fuel in clause 13 from "25%" to a lower percentage; or
  - (c) so as to declare, for the purposes of clause 14, that localised air quality objectives apply within a designated area of the State;
  - (d) so as to modify any Schedule in this policy (other than Schedule 5); or
  - (e) as a consequence of—
    - (i) an amendment to the Act, the making, variation or revocation of regulations under the Act or the making, amendment or revocation of another environment protection policy; or
    - (ii) the amendment, revocation or substitution of another Act, or a code, standard, guidelines or other document, referred to in the policy; or
  - (f) so as to make any other amendments (including amendment of Part 1) as a consequence of an amendment referred to in a preceding subparagraph.
- (2) An amendment is to be in the form of a textual amendment and, as such, a provision may be deleted from, substituted in or inserted into the policy and material may be deleted from, substituted in or inserted into a provision of the policy.
- (3) The Authority cannot make a recommendation to the Minister for an amendment referred to in this clause unless—
  - (a) the proposal has been reduced to writing, clearly setting out the purpose and likely impact of and reasons for the proposed amendment; and
  - (b) in addition, in the case of an amendment under subclause (1)(b) or (c)—consultation has been undertaken as follows:
    - (i) relevant organisations and industries and the community likely to be affected by the proposed amendment have been consulted;
    - (ii) the views expressed by those consulted have been considered by the Authority and communicated to the Minister.

## Part 4—Matters relating to Part 6 of Act

### 18—Matters relating to Part 6 of Act

- (1) In determining any matters under Part 6 of the Act in relation to an activity (including a related development), the Authority must take into account the following matters (to the extent to which they are relevant):
- (a) **ground level concentrations**—whether the activity has resulted, or may result, in the concentration of a pollutant specified in column 1 of the table in Schedule 2 clause 2 exceeding the maximum concentrations specified in column 4 or 5 for that pollutant over the averaging time specified in column 3 for that pollutant (based on evaluations at ground level using a prescribed testing, assessment, monitoring or modelling methodology for the pollutant and activity);
  - (b) **odour levels**—whether the activity has resulted, or may result, in the number of odour units specified in column 2 of the table in Schedule 3 being exceeded for the number of persons specified in column 1 over a 3 minute averaging time 99.9% of the time (based on evaluations at ground level using a prescribed testing, assessment, monitoring or modelling methodology for the pollutant and activity);
  - (c) **stack emissions**—if the Authority is satisfied that it is not reasonably practicable or feasible to make evaluations in relation to the activity under paragraph (a) or (b)—whether the activity (being an activity specified in column 2 of the table in Schedule 4) has resulted, or may result, in the emission to air of a pollutant specified in column 1 of the table in Schedule 4—
    - (i) at a level exceeding that specified for the pollutant in column 3; or
    - (ii) in contravention of a requirement (if any) specified for the pollutant in column 4,(based on evaluations at the stack using a prescribed testing, assessment, monitoring or modelling methodology for the pollutant and activity);
  - (d) **evaluation distances**—whether the assessment requirements set out in the document entitled *Evaluation Distances for Effective Air Quality and Noise Management 2016* prepared by the Authority give rise to requirements for separation distances between the activity and other premises;
  - (e) **localised air quality objectives**—any localised air quality objectives (within the meaning of clause 14) that apply in relation to the activity;
  - (f) **any other kind of air pollution**—whether the activity has resulted or may result in the pollution of the air in any other manner;
  - (g) **requirements to be imposed on all relevant persons**—the requirements that should, in the event of an environmental authorisation being granted, be imposed on all relevant persons for the purposes of preventing or minimising the pollution of the air or its harmful effects.

(2) In this clause—

***prescribed testing, assessment, monitoring or modelling methodology***, for a pollutant or activity, means—

- (a) a testing, assessment, monitoring or modelling methodology set out for the pollutant or activity in—
  - (i) *Ambient Air Quality Assessment 2016* prepared by the Authority; or
  - (ii) *Emission Testing Methodology for Air Pollution 2012* prepared by the Authority; or
- (b) some other testing, assessment, monitoring or modelling methodology approved by the Authority for the pollutant or activity.

## Schedule 1—Prohibited substances

A listed waste (ie waste of a kind specified in Schedule 1 Part B of the Act)

Copper chromium arsenate or other timber preservation chemicals

Plastics

Tyre waste

A substance or material containing, or contaminated with, any substance listed above.

## Schedule 2—Ground level concentrations (clause 18(1)(a))

### 1—Interpretation

(1) In this Schedule—

**IARC** means the International Agency for Research on Cancer;

**USEPA** means the United States Environmental Protection Agency.

- (2) A reference to a classification specified in column 2 of the table in clause 2 followed by "(IARC)" or "(USEPA)" is a reference to that classification as determined by IARC or USEPA (as the case may be).

### 2—Ground level concentrations

Pollutant	Classification	Averaging time	Maximum concentration (mg/m <sup>3</sup> unless otherwise specified)	Maximum concentration (ppm)
Acetaldehyde	Odour	3 minutes	0.083	0.042
	Toxicity	3 minutes	6.44	3.2
Acetic acid	Odour	3 minutes	0.55	0.20
	Toxicity	3 minutes	0.9	0.32
Acetone	Toxicity	3 minutes	44	16.7
Acrolein	extremely toxic (USEPA)	3 minutes	0.00084	0.00033

**23.7.2016 to 31.8.2016—Environment Protection (Air Quality) Policy 2016**  
Ground level concentrations (clause 18(1)(a))—Schedule 2

Pollutant	Classification	Averaging time	Maximum concentration (mg/m <sup>3</sup> unless otherwise specified)	Maximum concentration (ppm)
Acrylic acid	Toxicity	3 minutes	0.22	0.067
Acrylonitrile	Group 2B carcinogen (IARC)	3 minutes	0.015	0.0067
Alpha chlorinated toluenes and benzoyl chloride	Group 2A carcinogen (IARC)	3 minutes	0.019	0.0033
Ammonia	Toxicity	3 minutes	0.66	0.83
Aniline	Toxicity	3 minutes	0.27	0.067
Antimony and compounds	Toxicity	3 minutes	0.019	-
Arsenic and compounds	Group 1 carcinogen (IARC)	3 minutes	0.00019	-
Asbestos	Group 1 carcinogen (IARC)	3 minutes	0.33 fibres/litre	-
Asphalt (petroleum) fumes	Toxicity	3 minutes	0.19	-
Barium (soluble compound)	Toxicity	3 minutes	0.019	-
Benzene	Group 1 carcinogen (IARC)	3 minutes	0.058	0.017
		12 months	0.01	0.003
Benzo(a)pyrene as a marker for polycyclic aromatic hydrocarbons	Group 1 carcinogen (IARC)	3 minutes	0.0008	-
		12 months	0.3 nanogram/m <sup>3</sup>	-
Beryllium and beryllium compounds	Group 1 carcinogen (IARC)	3 minutes	0.000008	-
Biphenyl	Toxicity	3 minutes	0.047	0.0067
Bromochloromethane	Toxicity	3 minutes	38	6.7
Bromoform (tribromomethane)	Toxicity	3 minutes	0.19	0.017
Bromotrifluoromethane	Toxicity	3 minutes	222	33
1,3-butadiene	Group 1 carcinogen (IARC)	3 minutes	0.08	0.033
n-Butanol	Odour	3 minutes	0.98	0.3

**Environment Protection (Air Quality) Policy 2016—23.7.2016 to 31.8.2016**

## Schedule 2—Ground level concentrations (clause 18(1)(a))

Pollutant	Classification	Averaging time	Maximum concentration (mg/m <sup>3</sup> unless otherwise specified)	Maximum concentration (ppm)
n-Butyl acetate	Toxicity	3 minutes	5.57	1.7
	Odour	3 minutes	2.02	0.39
Butyl acrylate	Toxicity	3 minutes	26	5.0
	Odour	3 minutes	0.2	0.035
Butyl mercaptan	Odour	3 minutes	0.013	0.004
	Toxicity	3 minutes	0.066	0.017
Cadmium and cadmium compounds	Toxicity; Group 1 carcinogen (IARC)	13 minutes	0.000036	-
Carbon black	Toxicity	3 minutes	0.11	-
Carbon disulphide	Odour	3 minutes	0.14	0.042
	Toxicity	3 minutes	1.02	0.32
Carbon monoxide	Toxicity	1 hour	31.24	25
		8 hours	11.25	9.0
Carbon tetrachloride (tetrachloromethane)	Toxicity	3 minutes	0.023	0.0033
Chlorine	Toxicity	3 minutes	0.11	0.033
Chlorine dioxide	Toxicity	3 minutes	0.01	0.0033
Chlorobenzene	Odour	3 minutes	0.22	0.042
	Toxicity	3 minutes	1.64	0.32
Chloroform (trichloromethane)	Toxicity	3 minutes	1.75	0.33
Chloromethane (methyl chloride)	Toxicity	3 minutes	3.7	1.7
Chromium (III) compounds	Toxicity	3 minutes	0.019	-
Chromium VI compounds	Group 1 carcinogen (IARC)	3 minutes	0.00019	-
Copper dusts and mists	Toxicity	3 minutes	0.036	-
Copper fume	Toxicity	3 minutes	0.0073	-
Cotton dust (raw)	Toxicity	3 minutes	0.0073	-
Crotonaldehyde	Toxicity	3 minutes	0.22	0.067
Cumene (isopropyl benzene)	Odour	3 minutes	0.043	0.008
	Toxicity	3 minutes	8.8	1.6
Cyclohexane	Toxicity	3 minutes	38.2	10

**23.7.2016 to 31.8.2016—Environment Protection (Air Quality) Policy 2016**  
Ground level concentrations (clause 18(1)(a))—Schedule 2

Pollutant	Classification	Averaging time	Maximum concentration (mg/m <sup>3</sup> unless otherwise specified)	Maximum concentration (ppm)
Cyclohexanol	Toxicity	3 minutes	7.5	1.7
Cyclohexanone	Odour	3 minutes	0.53	0.12
	Toxicity	3 minutes	3.5	0.82
Cyanide (as CN)	Toxicity	3 minutes	0.19	-
Diacetone alcohol	Odour	3 minutes	1.42	0.28
o-Dichlorobenzene	Toxicity	3 minutes	10.9	1.7
1,2-dichloroethane (ethylene dichloride)	Mutagen (USEPA); Group 2B carcinogen (IARC)	3 minutes	0.14	0.033
1,2-Dichloroethylene	Toxicity	3 minutes	28.7	6.7
Dichlorvos	Toxicity	3 minutes	0.036	0.0033
Diethylamine	Odour	3 minutes	0.07	0.02
	Toxicity	3 minutes	1.06	0.32
Dimethylamine	Odour	3 minutes	0.019	0.0094
	Toxicity	3 minutes	0.64	0.32
Dinitrobenzene (all isomers)	Toxicity	3 minutes	0.036	0.005
Dinitrotoluene	Toxicity	3 minutes	0.06	-
Diphenyl ether	Odour	3 minutes	0.15	0.02
Epichlorohydrin	Group 2A carcinogen (IARC)	3 minutes	0.027	0.0067
Ethanol	Odour	3 minutes	4.1	2.0
	Toxicity	3 minutes	68.4	33.3
Ethanolamine	Toxicity	3 minutes	0.27	0.1
Ethyl acetate	Odour	3 minutes	24.1	6.3
	Toxicity	3 minutes	25.76	6.6
Ethyl acrylate	Odour	3 minutes	0.0009	0.0002
	Toxicity	3 minutes	0.72	0.16
Ethylbenzene	Toxicity	3 minutes	15.8	3.3
Ethyl butyl ketone	Toxicity	3 minutes	8.4	1.7
Ethyl chloride (chloroethane)	Toxicity	3 minutes	94.5	33.3
Ethylene glycol (vapour)	Toxicity	3 minutes	2.2	-



**Environment Protection (Air Quality) Policy 2016—23.7.2016 to 31.8.2016**

Schedule 2—Ground level concentrations (clause 18(1)(a))

Pollutant	Classification	Averaging time	Maximum concentration (mg/m <sup>3</sup> unless otherwise specified)	Maximum concentration (ppm)
Ethylene oxide	Group 1 carcinogen (IARC)	3 minutes	0.0066	0.0033
Fluoride	Bioaccumulation	24 hours	0.003	0.0034
		7 days	0.002	0.002
		90 days	0.001	0.00059
Fluorine	Toxicity	3 minutes	0.058	0.033
Formaldehyde	Toxicity; Group 1 carcinogen (IARC)	13 minutes	0.044	0.033
		24 hours	0.054	0.04
n-Hexane	Toxicity	3 minutes	6.4	1.7
2-Hexanone	Toxicity	3 minutes	3.6	0.83
Hydrogen chloride	Toxicity	3 minutes	0.27	0.17
Hydrogen cyanide	extremely toxic (USEPA)	3 minutes	0.404	0.33
Hydrogen sulphide	Odour	3 minutes	0.00015	0.0001
	Toxicity	3 minutes	0.51	0.32
Iron oxide fume	Toxicity	3 minutes	0.19	-
Lead (as particles)	Toxicity	12 months	0.0005	-
Magnesium oxide fume	Toxicity	3 minutes	0.36	-
Maleic anhydride	Toxicity	3 minutes	0.036	0.0083
Manganese and compounds	Toxicity	3 minutes	0.036	-
MDI (Diphenylmethane diisocyanate)	extremely toxic (USEPA)	3 minutes	0.00008	-
Mercury				
- inorganic	Bioaccumulation	3 minutes	0.004	-
- organic	Bioaccumulation	3 minutes	0.00036	-
Methanol	Odour	3 minutes	6.0	4.3
	Toxicity	3 minutes	9.5	6.7
Methyl acrylate	Toxicity	3 minutes	1.3	0.33
Methylamine	Odour	3 minutes	0.0055	0.0042
	Toxicity	3 minutes	0.47	0.32
Methyl bromide (bromomethane)	Toxicity	3 minutes	0.69	0.17

**23.7.2016 to 31.8.2016—Environment Protection (Air Quality) Policy 2016**  
Ground level concentrations (clause 18(1)(a))—Schedule 2

Pollutant	Classification	Averaging time	Maximum concentration (mg/m <sup>3</sup> unless otherwise specified)	Maximum concentration (ppm)
Methylene chloride (dichloromethane)	Toxicity	3 minutes	6.3	1.7
Methyl ethyl ketone	Odour	3 minutes	6.4	2.0
	Toxicity	3 minutes	17.5	4.9
Methyl isobutyl ketone	Odour	3 minutes	0.45	0.1
	Toxicity	3 minutes	7.3	1.6
Methyl mercaptan	Odour	3 minutes	0.00092	0.00042
	Toxicity	3 minutes	0.035	0.016
Methyl methacrylate	Odour	3 minutes	0.23	0.05
	Toxicity	3 minutes	14.63	3.2
Methyl styrene	Odour	3 minutes	0.27	0.052
	Toxicity	3 minutes	8.84	1.7
Nickel and nickel compounds	Group 1 carcinogen (IARC)	3 minutes	0.00036	0.00017
Nitric acid	Toxicity	3 minutes	0.19	0.067
Nitrobenzene	Odour	3 minutes	0.005	0.00094
	Toxicity	3 minutes	0.175	0.032
Nitrogen dioxide	Toxicity	1 hour	0.25	0.12
		12 months	0.06	0.03
Particles as PM <sub>10</sub>	Toxicity	24 hours	0.05	-
Particles as PM <sub>2.5</sub>	Toxicity	24 hours	0.025	-
		12 months	0.008	-
Pentachlorophenol	extremely toxic (USEPA)	3 minutes	0.0019	-
n-Pentane	Toxicity	3 minutes	65.5	20
2-Pentanone	Toxicity	3 minutes	25.4	6.7
Perchloroethylene (tetrachloroethylene)	Odour	3 minutes	6.9	0.94
	Toxicity	3 minutes	12.2	1.7
Phenol	Odour	3 minutes	0.039	0.0094
	Toxicity	3 minutes	0.14	0.032
Phosgene	extremely toxic (USEPA)	3 minutes	0.014	0.0033
Phosphine	Odour	3 minutes	0.0061	0.0042
	Toxicity	3 minutes	0.015	0.01

**Environment Protection (Air Quality) Policy 2016—23.7.2016 to 31.8.2016**

## Schedule 2—Ground level concentrations (clause 18(1)(a))

Pollutant	Classification	Averaging time	Maximum concentration (mg/m <sup>3</sup> unless otherwise specified)	Maximum concentration (ppm)
Photochemical oxidants (as ozone)	Toxicity	1 hour	0.21	0.1
		4 hours	0.17	0.08
Phthalic anhydride	Toxicity	3 minutes	0.22	0.033
n-propanol	Odour	3 minutes	0.082	0.03
	Toxicity	3 minutes	17.9	6.2
Propylene glycol monomethyl ether	Toxicity	3 minutes	13.1	3.3
Propylene oxide	Group 2B carcinogen (IARC)	3 minutes	0.17	0.067
Pyridine	Odour	3 minutes	0.014	0.0042
	Toxicity	3 minutes	0.57	0.16
Respirable crystalline silica— inhaled in the form of quartz or cristobalite (measured as PM <sub>2.5</sub> )	Group 1 carcinogen (IARC)	3 minutes	0.00036	-
Silver metal	Toxicity	3 minutes	0.004	-
Silver, soluble compounds (as Ag)	Toxicity	3 minutes	0.00036	-
Styrene (monomer)	Odour	3 minutes	0.23	0.05
	Toxicity	3 minutes	7.6	1.64
Sulphur dioxide	Toxicity	1 hour	0.57	0.2
		24 hours	0.23	0.08
		12 months	0.06	0.02
Sulphuric acid	Toxicity	3 minutes	0.036	-
TDI (toluene-2,4-diisocyanate (USEPA) and toluene-2,6-diisocyanate)	extremely toxic	3 minutes	0.00008	-
Toluene	Odour	3 minutes	0.71	0.17
		3 minutes	13.4	3.2
		24 hours	4.11	1.0
		12 months	0.41	0.1
1,1,1-trichloroethane (methyl chloroform)	Toxicity	3 minutes	24.8	4.2
1,1,2-trichloroethane	Toxicity	3 minutes	1.97	0.33

Pollutant	Classification	Averaging time	Maximum concentration (mg/m <sup>3</sup> unless otherwise specified)	Maximum concentration (ppm)
Trichloroethylene	Group 1 carcinogen (IARC)	3 minutes	0.98	0.17
Trichlorofluoromethane	Toxicity	3 minutes	204	33.3
Triethylamine	Odour	3 minutes	0.39	0.09
	Toxicity	3 minutes	0.43	0.1
Trimethylbenzene (mixed isomers)	Toxicity	3 minutes	4.4	0.83
Vinyl chloride	Group 1 carcinogen (IARC)	3 minutes	0.047	0.017
Vinyl toluene	Toxicity	3 minutes	8.8	1.7
Welding fume (total particulate)	Toxicity	3 minutes	0.19	-
Wood dust				
- hardwoods	Group 1 carcinogen (IARC)	3 minutes	0.036	-
- softwoods	Group 1 carcinogen (IARC)	3 minutes	0.019	-
Xylenes (as total of ortho, meta and para isomers)	Odour	3 minutes	0.38	0.08
	Toxicity	3 minutes	12.4	2.7
		24 hours	1.18	0.25
		12 months	0.95	0.2
Zinc chloride fume	Toxicity	3 minutes	0.036	-
Zinc oxide fume	Toxicity	3 minutes	0.19	-

### Schedule 3—Odour levels (clause 18(1)(b))

Number of people	Odour units (3 minutes average, 99.9% of time)
2000 or more	2
350 - 1999 (inclusive)	4
60 - 349 (inclusive)	6
12 - 59 (inclusive)	8
Single residence (fewer than 12)	10

## **Schedule 4—Stack emissions (clause 18(1)(c))**

<b>Pollutant</b>	<b>Activity</b>	<b>Maximum pollutant level</b>	<b>Other requirements</b>
Antimony or its compounds	Any activity	10mg/m <sup>3</sup> as antimony	
Arsenic or its compounds	Any activity	10mg/m <sup>3</sup> as arsenic	
Cadmium or its compounds	Any activity	3mg/m <sup>3</sup> as cadmium	
Lead or its compounds	Any activity	10mg/m <sup>3</sup> as lead	
Mercury or its compounds	Any activity	3mg/m <sup>3</sup> as mercury	
Any 2 or more of the preceding 5 pollutants	Any activity	10mg/m <sup>3</sup> (as the respective pollutants (in total))	
Carbon monoxide	Any activity	1000mg/m <sup>3</sup>	
Chlorinated dioxins and furans	Production of energy from waste	0.1ng (nanograms) /m <sup>3</sup>	
Chlorine or inorganic chlorine compounds	Any activity	200mg/m <sup>3</sup> as chlorine equivalent	
Fluorine, hydrofluoric acid or inorganic fluorine compounds	Any activity except primary aluminium smelters	50mg/m <sup>3</sup> as hydrofluoric acid equivalent	
	Primary aluminium smelters	20mg/m <sup>3</sup> as hydrofluoric acid equivalent	
Hydrogen sulphide gas	Any activity	5mg/m <sup>3</sup>	
Nickel carbonyl	Any activity	0.5mg/m <sup>3</sup> as nickel	
Nickel or its compounds (other than nickel carbonyl)	Any activity	20mg/m <sup>3</sup> as nickel	

<b>Pollutant</b>	<b>Activity</b>	<b>Maximum pollutant level</b>	<b>Other requirements</b>
Nitric acid or oxides of nitrogen	Manufacture of nitric acid or sulphuric acid	2000mg/m <sup>3</sup> as nitrogen dioxide equivalent	The plume must be colourless
Oxides of nitrogen	Fuel burning (other than internal combustion engines or the manufacture of nitric acid, sulphuric acid, glass or cement) with a maximum heat input rate greater than 150 000 MJ/hr gross—		
	(a) for gaseous fuels	350mg/m <sup>3</sup> referenced to 7% by volume of oxygen	
	(b) for liquid or solid fuels	500mg/m <sup>3</sup> referenced to 7% by volume of oxygen	
	Power generation of 250MW or greater	700mg/m <sup>3</sup> referenced to 7% by volume of oxygen	
	Gas turbines for power generation of 10MW or greater—		
	(a) for gaseous fuels	70mg/m <sup>3</sup> referenced to 15% by volume of oxygen	
	(b) for liquid or solid fuels	150mg/m <sup>3</sup> referenced to 15% by volume of oxygen	
	Gas turbines for power generation of less than 10MW	90mg/m <sup>3</sup> referenced to 15% by volume of oxygen	
Particulate matter	Any activity other than heating metals or metal ores	100mg/m <sup>3</sup> , referenced, in the case of boilers and incinerators, to 12% by volume of carbon dioxide	
	Heating metals or metal ores (other than cold blast cupolas)	100mg/m <sup>3</sup>	
Sulphur dioxide	Sulphuric acid plant	1000mg/m <sup>3</sup>	
Sulphuric acid mist or sulphur trioxide	Any activity	100mg/m <sup>3</sup> as sulphur trioxide equivalent	

## **Schedule 5—Revocations and transitional provisions**

### **Part 1—Revocation of environment protection policies**

#### **1—Revocation of environment protection policies**

The following environment protection policies are revoked:

- (a) the *Environment Protection (Air Quality) Policy 1994*;

- (b) the *Environment Protection (Burning) Policy 1994*;
- (c) the *Environment Protection (Motor Vehicle Fuel Quality) Policy 2002*;
- (d) the *Environment Protection (Solid Fuel Heaters) Policy 2015*.

## **Part 2—Transitional provisions**

### **2—Policy not to apply for 2 years in relation to existing prescribed activities of environmental significance**

If, immediately before the commencement of this policy, a person was undertaking a prescribed activity of environmental significance in accordance with an environmental authorisation, nothing in this policy will affect that activity so undertaken by the person until the expiry of the second year of operation of this policy.



## Legislative history

### Notes

- For further information relating to the Act and subordinate legislation made under the Act see the Index of South Australian Statutes or [www.legislation.sa.gov.au](http://www.legislation.sa.gov.au).

### Principal policy

Notice	Provision under which notice is made	Publication of policy in Gazette	Commencement
Gazette 21.7.2016 p2965	s 28	<i>Gazette 21.7.2016 p2966</i>	23.7.2016: cl 2

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

**Item:** 11.2 Motion on Notice

**Originating from:** Cr Malcolm Herrmann

**Subject:** Additional Borrowings for Capital Renewal Escalation

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**1. MOTION**

- 1. That the CEO prepares a report for the Ordinary meeting to be held on 22 October 2019 with a cost/benefit analysis on the concept of taking up borrowings in the short term (maybe one or two years) to take advantage of the very low current interest rates.**
- 2. In the lead up to Council considering the report, Council holds a workshop to which members of the Local Government Finance Authority are invited to attend.**

**2. BACKGROUND**

Currently, interest rates are historically low. As council borrows funds to undertake works of a capital nature, there may be some financial benefit of council bringing works forward with additional borrowings to take advantage of the low rates. There would be implications for the Long Term Financial Plan. These should form part of the CEO's report. The date of the October meeting has been selected so that if there is any change emanating from the report, those matters can be considered by staff when preparing the draft Annual Budget and Business Plan for 2020/21

**3. OFFICER'S RESPONSE – Mike Carey, Manager Financial Services**

The Motion to investigate the cost / benefit of additional borrowings and to hold a workshop to consider the outcomes is supported.

Whilst undertaking additional capital works at a time when it is possible to lock in borrowings at historically low rates of interest may on face value seem appropriate, there are a range of impacts that would need to be considered in some detail to ensure Council's Long Term Financial Plan continues to deliver desired outcomes.

Key areas that will need to be addressed within the cost / benefit analysis will include:

- The impact on the currently endorsed financial sustainability ratios, in particular the operating surplus ratio given any additional cost of borrowings (i.e. interest expense)
- The status of existing Asset Management Plans and the levels of additional renewal expenditure required
- The timing of any works proposed against the intention to lock in interest rates whilst they remain low (i.e. the potential need to borrow and have a holding cost prior to spending the funds).
- The resourcing requirements necessary to ensure the timely delivery of an escalated works program
- The potential impacts on market pricing for an escalated program (i.e. a larger program could reduce the cost of works through size or it could increase)
- The application of Council's approved Treasury Policy

The LGFA has advised that they are able to attend a Council workshop, currently scheduled for October 2019.

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

**Item:** 11.3 Motion on Notice

**Originating from:** Cr Malcolm Herrmann

**Subject:** Naming of Reserve, Houghton

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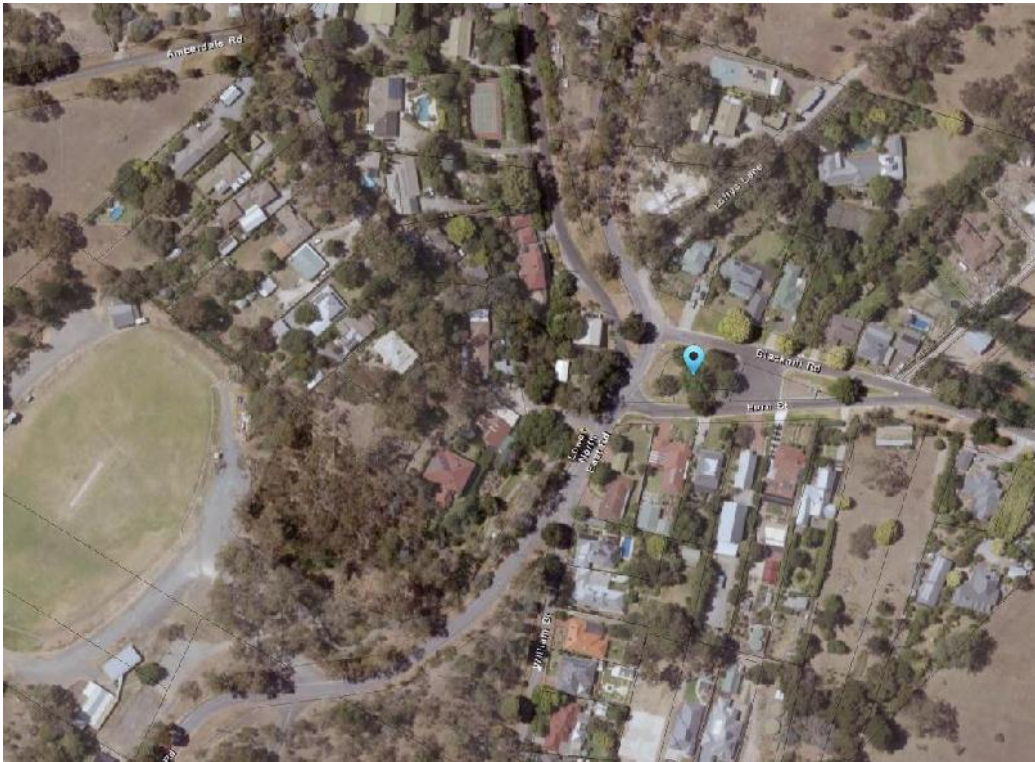
**1. MOTION**

**That the CEO investigate, in accordance with Council's Public Place and Road Naming Policy, and report on naming of the reserve on the corner of Horn, Blackhill and Lower North East Roads, Houghton.**

**2. BACKGROUND**

At the June meeting of Council, Council received a report about the consolidation of land parcels on this site. Local residents refer to the site by many different names and it is now appropriate for Council to formally assign a name to the Reserve pursuant to the provisions of Sec 219 the Local Government Act. The Council policy requires Community Engagement through a number of media including notification to residents and property owners, notification in the local press and social media.





3. **OFFICER'S RESPONSE – Natalie Westover, Manager Property Services**

A process can be commenced under the Council's *Public Place and Road Naming Policy* and in accordance with the *Geographical Names Act 1991*.

The process includes community consultation in accordance with the *Geographical Names Act 1991* and the Council's *Public Consultation Policy*.

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

**Item:** 12.1

**Originating Officer:** Deryn Atkinson, Manager Development Services

**Responsible Director:** Marc Salver, Director Development & Regulatory Services

**Subject:** Development Application Fee Waiver Request for Adelaide Hills Catholic Parish

**For:** Decision

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**SUMMARY**

The Adelaide Hills Catholic Parish has lodged Development Application 19/266/473 with Council for a community facility, being a hall to be used in association with the existing place of worship, including associated car parking, landscaping, retaining walls (maximum height 450mm) and earthworks at 1 Wembley Avenue Bridgewater.

The Adelaide Hills Catholic Parish is a community organisation and seeks a waiver of portion of the fees associated with Development Application 19/266/473. The cost of the development is \$350,000. As the development cost exceeds \$100,000, in accordance with point 11 of the Council's Development Application Fee Waiver Policy the request must be reported to Council for approval.

In this instance, the applicable development application fees are \$1,585.15. If the fee waiver is granted, \$782.50 of the development fees will be waived in accordance with Council's Development Application Fee Waiver Policy. The balance of fees (\$802.65) will be payable by the Adelaide Hills Catholic Parish.

**RECOMMENDATION**

**Council resolves:**

1. That the report be received and noted
  2. That a maximum of \$782.50 in development fees be authorised to be waived for the Adelaide Hills Catholic Parish for Development Application 18/266/473 in accordance with Council's Development Application Fee Waiver Policy.
-

## 1. GOVERNANCE

### ➤ Strategic Management Plan/Council Policy

Goal Places for People & Nature

### ➤ Legal Implications

*Development Act, 1993*

Section 39(4) (c) of the *Development Act, 1993* allows the relevant authority to waive payment of whole or part of the application fees for the assessment of a development application. To provide for a consistent approach in the consideration of such requests, Council has an approved Development Application Fee Waiver Policy.

### ➤ Risk Management Implications

There is a risk of an inconsistent approach to fee waiver requests. The Development Application Fee Waiver Policy is an existing control to mitigate 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
Medium 3C	Low 1D	Low 1D

The Policy provides limited circumstances where staff can grant fee waivers and requires other requests to be reported to Council.

### ➤ Financial and Resource Implications

If the waiver of fees is granted the Council will forego up to \$782.50 of income (if building rules consent is issued by Council) or \$682.50 if only development plan consent is sought, noting that a private certifier may be engaged to undertake the building rules assessment.

The Council Policy requires a community group to pay all the building rules assessment fees associated with the application except for the first \$100 of these fees. On this basis, the Adelaide Hills Catholic Parish is still required to pay the remaining fees of \$802.65.

### ➤ Customer Service and Community/Cultural Implications

By authorising the waiver of the development application fees Council will be supporting a community group in the construction of a new hall associated with the church at Bridgewater.

➤ **Environmental Implications**

Not applicable

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

No public consultation is required in this instance as Council is only considering the merits the fee waiver in accord with Council's adopted Policy.

Consultation on the development of this report was as follows:

*Council Committees:* Not applicable

*Council Workshops:* Not applicable

*Advisory Groups:* Not applicable

*Administration:* Director Development & Regulatory Services  
Building Officer

*Community:* Not applicable

## **2. BACKGROUND**

The Adelaide Hills Catholic Parish has lodged Development Application 19/266/473 with Council for a community facility, being a hall to be used in association with the existing place of worship, including associated car parking, landscaping, retaining walls (maximum height 450mm) and earthworks at 1 Wembley Avenue Bridgewater.

The Adelaide Hills Catholic Parish is a community organisation providing services to the local community.

A previous waiver of fees was provided to the Adelaide Hills Catholic Parish in October 2014 when the church applied for the construction of a shed at the Bridgewater church. This was approved by staff in accordance with the Council's adopted Policy.



### 3. ANALYSIS

The Adelaide Hills Catholic Parish has applied for a waiver of the relevant fees in accordance with the Council's Development Application Fee Waiver Policy. Pursuant to the Policy, the Manager Development Services has delegation to waive fees for developments with a construction value up to \$100,000 for community organisations. The construction value of this proposal is \$350,000 and the Council is the relevant authority to determine whether a waiver of the fees should be approved.

The following fees are ordinarily payable:

Lodgement fees	\$ 136.00
Planning assessment fee	\$ 437.50
Category 2 public notification fee	\$ 109.00
Building assessment fee	\$ 758.90
Essential safety provisions fee	\$ 98.00
Certificate of occupancy	\$ 45.75

TOTAL	\$1,585.15
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In accordance with the Development Application Fee Waiver Policy, \$682.50 in planning fees and \$100.00 in building fees could be waived, a total of \$782.50 with the remaining fees of \$802.65 payable by the community organisation.

The proposed development is likely to benefit the community and the waiver of the development application fees above will assist the Adelaide Hills Catholic Parish in undertaking the construction of the new hall for their Bridgewater church.

### 4. OPTIONS

Council has the following options:

- I. To approve the waiver of up to \$782.50 in development fees (Recommended)
- II. To not approve the waiver of development fees (Not Recommended)

### 5. APPENDIX

Nil

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

**Item:** 12.2

**Originating Officer:** David Collins, Manager Sustainable Assets

**Responsible Director:** Ashley Curtis, Acting Director Infrastructure & Operations

**Subject:** LED Street Lighting Upgrade

**For:** Decision

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**SUMMARY**

The purpose of this report is to provide an update and recommendation for Council to transition to Light Emitting Diode (LED) public street lighting.

An important strategic direction for Council is to strive for carbon neutrality as an organisation. A reduction in energy use is something Council has been progressively investigating and implementing. Further reductions will be through the transition to more efficient LED street lighting, with energy cost savings to Council. Council is also targeting 100% renewable in its energy use and purchase. This project will assist in meeting these outcomes.

Council has 1405 total public streetlights. SA Power Networks (SAPN) manages these public lights on behalf of Council. Council pays a tariff to SAPN for this service and pays for the electricity use of these lights to its contracted energy retailer. Council also contributes to lighting costs provided by the Department of Planning Transport and Infrastructure (DPTI) where DPTI considers this lighting provides associated pedestrian benefit.

Street Lighting accounts for 44% of Council's energy use and 27% of Council's recorded CO<sub>2</sub> emissions.

This project recommends changing over 900 public street lights on Council roads in order to reduce Council's electricity use and CO<sub>2</sub> emissions for these lights by over 70%; an estimated 168,190 kWh/yr and CO<sub>2</sub> by 98 Tonnes.

It is proposed that Council funds the capital cost of the new lights and the installation by SAPN. The Council will then enter into a PLC (Public Lighting Customer Funded) LED tariff with SAPN to operate and maintain the lights. This results in a lower tariff fee payable to SAPN over the life of the public light asset. The capital cost to Council will be up to \$365k.

The Council will benefit from lower energy use payable to our retailer and a lower tariff fee payable to SAPN. The reduction in the payments is estimated to be \$56k per annum. Considering debt financing the proposal is estimated to be \$28k per annum cash positive.

The transition of the remaining street lights to LED requires additional discussion with DPTI and SAPN to finalise standards and identify cost effective luminaire replacements.

## **RECOMMENDATION**

### **Council resolves:**

- 1. That the report be received and noted.**
  - 2. To approve an increase of \$365k in Council's 2019/20 capital budget to commence the transition of 900 P – category public streetlights to LED with the funding source to be recommended to Council at its next budget review.**
  - 3. That Council engage SAPN to commence the changeover of P-Category lights to LED public lighting on Council roads and that authority is given to the CEO to finalise a contract with SAPN and sign that agreement.**
  - 4. That Council enter into a PLC tariff agreement for public lighting with SAPN until 30 June 2020 and subsequently move to the tariff set by the Australian Energy Regulator from July 2020.**
  - 5. That Council continues to liaise with SAPN and DPTI on the changeover of Council public lighting on roads under the care and control of the State Government.**
  - 6. That a further report be provided to Council on the outcome of the continued discussions with SAPN and DPTI.**
-

## 1. GOVERNANCE

### ➤ Strategic Management Plan/Council Policy

#### AHC Strategic Management Plan

Goal 3	Places for people and nature
Strategy 3.2	We will strive for carbon neutrality as an organisation and encourage our community to do likewise

Carbon neutrality has long been on the agenda for Council and included in the past two Strategic Plans. The intent of the current Strategic Plan and strategy is to continually undertake works which reduce AHC carbon footprint and the transition to LED street lights would contribute to this reduction.

Goal 3	Places for people and nature
Strategy 3.2	We will take a proactive approach, and long-term view, to infrastructure maintenance and renewal.

#### Council Policy

Council Policy INF-08	Street Lighting Policy
Objective 2.5	Ensure street lighting is energy efficient.

The most recent update of the Policy identified LED lights as a preferred type of asset for the public lighting function.

#### Climate Emergency (61/19)

At the March 2019 Ordinary Council Meeting, AHC declared a 'Climate Emergency' to reflect Council's preparedness to provide leadership for the community in addressing climate change. This included Council's commitment to finalise the Carbon Management Plan by December 2019 and that the Plan includes a target of 100% renewable energy (electricity) for AHC as an organisation.

### ➤ Legal Implications

The provision of public lighting needs to meet the associated Australian Standard AS1158.6. The LED lights (Sylvania, StreetLED) proposed meet the required standards and SAPN technical requirements.

### ➤ Risk Management Implications.

LEDs have now become a proven technology that provides effective street lighting, with lower maintenance and replacement requirements, whilst having a lower energy demand.

The move to a regulated public lighting framework significantly reduces the risk to AHC as the Australian Energy Regulator will set the maximum tariff fee for public lighting, for a five year period. This means the risk of price increases for Council is reduced.

*Not transitioning to LED will delay and/or prevent AHC reaching sustainability goals relating to reducing carbon emissions, energy usage and energy costs.*

Inherent Risk	Residual Risk	Target Risk
High (3B)	Low (1D)	Low (1D)

Previous investigations have identified public street lighting as one of our larger energy use items and transitioning to LED lighting will provide further reduction in Council energy use.

➤ **Financial and Resource Implications**

The proposed Phase 1 Rollout of 900 LED public lights on Council roads and the associated capital cost of the replacements are not in the current 2019/20 Annual Business Plan. Council will need to include an additional \$365k to its 2019/20 budget.

Council will continue to be required to fund the on-going operation of street lighting. The PLC tariff is the most cost effective long-term option for Council. Council will be cash positive each year in the order of \$28k with an estimated improvement in the operating result of \$10k per annum to take into account that the assets are now owned by Council and incur a depreciation amount each year. This is based on modelling assumptions using a 4.5% interest rate over a 20 year term.

The base case for the assessment of the benefits has assumed the new electricity rates that the Council has entered into via the sector wide LGA contract. The rate is a relative indicator as the cost to Council will always be less with the LED light than the current public lights.

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

LED street lights are more energy efficient than existing lights, require less maintenance and generate a warm to white light. The lights are more efficient in spreading light evenly along and across footpaths and roads. The lighting will appear different to residents. Visibility along the street will be improved and look more natural. In addition, there should be less glare and back spill into properties due to improved optics.

➤ **Environmental Implications**

The transition to LED street lighting technology will reduce Council's emissions, energy consumption and maintenance costs per annum, and helps Council progress towards carbon neutrality.

### Project Environmental Summary

	Existing Lighting	New LED Lighting	Net Benefit	Net Benefit (%)
Energy Consumption (kWh/yr)	235,559	67,368	168,190	71.4%
Greenhouse Gas Emissions (t CO <sub>2</sub> -e/yr)	137	39	98	71.4%

#### Corporate Carbon Management Plan

The preparation of a Corporate Carbon Management Plan has commenced to explore opportunities to further reduce carbon emissions. The change to LED public street lighting will help facilitate this plan by reducing energy use.

Key environmental benefits are summarised below:

- Require less maintenance and so cost savings are expected.
- Have a longer life expectancy and so operating costs are expected to be lower.
- Luminaires are more energy efficient which will reduce carbon emissions.
- No more mercury: This project would eliminate the use of mercury-containing lamps if all legacy lighting is changed. Almost all legacy lighting types including mercury vapour, high pressure sodium, metal halide and fluorescent lamps contain mercury. Mercury is a powerful neurotoxin and consequently lamps must be handled with extreme care and be carefully recycled to avoid potential harm to both humans and the wider environment.
- Reduced light pollution: Properly selected LED luminaires together with good lighting design provide better optical control than legacy lighting and can significantly reduce obtrusive light beyond the road reserve into private properties. The reduced upward waste light of LED lighting will also significantly reduce light pollution to the night sky as a result of this project

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

*Council Committees:* Not Applicable

*Council Workshops:* Verbal Update Report to Council workshop on 9/7/2019

*Advisory Groups:* Staff provided an update to the Sustainability Advisory Group on Thursday 7 June 2018 which advised that the LGASA will not be establishing a public lighting company for councils, and that AHC will investigate the best approach and tariff structure to use for LED street lighting.

*Administration:* Sustainability Officer

Manager Financial Services  
Director Corporate Services  
Manager Civil Services  
Director Infrastructure and Operations  
Chief Executive Officer

*Community:* Not Applicable

## 2. BACKGROUND

At its November 2017 Meeting Council resolved the following;

### 12.5. LED Streetlight Review

Moved Cr Ian Bailey  
S/- Cr Ron Nelson

281/17

Council resolves:

1. That the report be received and noted
2. 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
3. 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.

Carried Unanimously

Subject to advice from the LGASA at the completion of that process, a further report was put to a Special Council meeting in July 2018.

### 6.4 LED Street Lighting Program

Moved Cr Ian Bailey  
S/- Cr Ron Nelson

156/18

Council resolves:

1. That the report be received and noted
2. That further investigation is undertaken to understand the best approach and tariff structure for transitioning to LED street lighting as soon as practicable.

	Carried Unanimously
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## Adelaide Hills Council current public street lighting

There are two primary lighting standards, P Category and V Category. P Category lighting is associated with the provision of lighting considering pedestrians. These are typically the lights on Council maintained roads. V Category lighting is a higher level of lighting associated with lighting the road for road traffic safety. These lights are typically the lights on roads under the care and control of the Department for Planning, Transport and

Infrastructure (DPTI) such as Mount Barker Road and Onkaparinga Valley Road. Public lights on these main roads are a combination of Council and DPTI responsibility.

SA Power Networks (SAPN) currently manages and provides public lighting services for Council's public streetlights. Such services include the replacement of luminaires, ongoing maintenance, inspection, and operation of these public lighting installations, and the design, procurement and construction of new public lighting installations as requested by Council. Council has 1405 total public streetlights.

Council has a mix of luminaire types that it pays a tariff to SAPN to manage. The majority of our public streetlights (1,327 of the 1,405) are on a tariff known as SLUoS (Street Lighting Use of System). The tariff will vary depending on the type of luminaire. The remainder of the public street lights are under what is known as a CLER tariff. These are typically column and luminaire/lights that Council has installed and SAPN provides a service to maintain these lights. Council pays a lower CLER tariff but is responsible for the replacement costs of the infrastructure. Some of these assemblies currently do not have an approved LED luminaire fitting or the fittings are very expensive and are not being considered as part of the initial phase of transition. Council currently has 29 LED public street lights that have been changed by SAPN due to light failures.

While SAPN provides the street lights services under an agreement with Council, Council pays the cost of the energy (estimated or unmetered) consumed by the lights via a normal retailer agreement, in addition to a tariff paid to SAPN to maintain and replace the light globes, poles and fixtures. Council, through the LGA wide procurement process, has entered into a new supply contract for the next 3 years. Supply rate savings and increased renewable source proportion were achieved from this sector wide procurement process.

There are also a number of streetlights on Department of Planning, Transport and Infrastructure (DPTI) roads within the district which AHC contributes a part payment towards the pedestrian and community lighting benefit provided by the road lighting. Under regulation Council is required to contribute to lighting costs.

Council will continue to be required to fund the ongoing operation of public street lighting. Currently the provision of the service costs is around \$230k per annum.

Public Street Lighting 18/19	
Payments	Total
Department of Planning, Transport & Infrastructure	\$ 16k
Origin Energy Electricity Ltd	\$ 102k
SA Power Networks	\$ 115k
<b>Grand Total</b>	<b>\$ 233k</b>

It is estimated that Council's electricity consumption is 425,705 KWh/yr and 247 t (CO<sub>2</sub>-e/yr) of greenhouse gas emissions from its public lighting network.

### **The transition to LED public street lighting**

AHC has been exploring options to transition to LED technology for its public street lights for some time, as have other councils.



There have been many discussions between SAPN, the Local Government Association of South Australia (LGASA) and councils on options to transition to LED public street lighting. In 2017, the LGASA was looking into establishing a public lighting company to provide lighting for councils, and at the time AHC decided to delay its transition to LED street lighting until the LGA confirmed its intent. However, the LGA decided not to proceed with that option, and in 2018 it was determined that AHC would investigate the best approach and tariff structure for its street lighting network.

The Australian Energy Regulator (AER) recently determined that for the 2020 – 2025 regulatory period that public lighting will move from a Negotiated Distribution Service (NDS) to an Alternate Control Service (ACS). This will mean that the AER will be regulating public lighting, which involves setting a price cap on tariffs (effective from 1 July 2020 for a 5 year period). The capping of tariff prices by the AER, rather than price being negotiated between Council and SAPN, means the risk of price increases for Council is reduced over the regulatory period. The AER gives AHC the confidence and comfort that the tariff price will be fair and reasonable, as well as stable.

SAPN presented information at a ‘Public Lighting Information Session’ on 28 November 2018 to local government, including staff from AHC. Some key issues presented at this session was to inform the group about changes to public lighting classification to an ‘Alternative Control Service’ from 1st July 2020, rather than continuing as a negotiated distribution service, and the associated capping of pricing by the AER.

Following that session a Working Party was formed including representatives from Local Government, SAPN and DPTI to collaborate on the service levels required by the customers and the cost base used by SAPN to determine its tariff structures.

SAPN has submitted their initial proposal in January 2019 to the AER for the 2020 – 2025 regulatory period. (see Appendix 1) That submission is publically available on the AER website. In May 2019, the Local Government Association has provided a submission to the AER in response to the initial SAPN submission. (see Appendix 2)

The proposed Phase 1 roll-out of street lights in the Council area is for 900 street lights. These identified public streetlights provide a straightforward like for like fitting that is cost effective and approved by SAPN for use on its infrastructure. Other public lights on the state maintained road network and higher standard V Category lights along with pole top light assemblies across the Council area require further discussion and consideration to ensure cost effective and energy reduction outcomes.

The Phase 1 roll-out is expected to reduce Council electricity use and CO<sub>2</sub> emissions by over 70%; an estimated 168,190 kWh/yr and CO<sub>2</sub> by 98 Tonnes.

Future Phases;

Council currently has about 155 public lights that are V Category lighting. In addition, there are about 200 P-Category lights on roads under the care and control of the Department for Planning, Transport and Infrastructure. DPTI has indicated if Council wishes to change these lights to LED then the higher lighting standard needs to apply. That is; V Category lighting. Also there are a range of light assemblies across the Council area, some of these assemblies such as pole top lighting do not currently have a cost effective LED replacement. Further investigation is required into options for the changeover of V Category and ‘pole top’ type assemblies to understand the full cost implications. The future phase of the roll-out will

require a report to Council once sufficient information is available to bring a proposal to Council.

### 3. ANALYSIS

The largest component of the total cost is associated with the tariff payment to SAPN. This payment is associated with management of the infrastructure and the ongoing maintenance of public street lighting assets. Council has 1,405 public streetlights managed by SAPN.

Council will continue to pay for the electricity usage associated with the public street lighting. A reduction in electricity usage is one of the advantages of LED lighting. This will result in an on-going cost saving paid to the electrical retailer. The final saving will depend on the mix of current luminaires and the associated replacement LEDs.

The increased interest in LED's in recent years has resulted in SAPN offering alternate tariff that allow for the transition of public lighting to LED. There are two options available for the transition to LED public streetlights. The difference is in who pays for the up-front capital cost of the new LED luminaire; either the customer (Council) or SAPN.

- Council funded tariff is known as the PLC Tariff.
- SAPN funded tariff is known as the SAPN LED Tariff.

#### Option 1 – Preferred – Council Funds the Capital cost to replace phase 1 rollout of 900 public lights with LED's.

Council has a relatively small number of public street lighting assets it is viable for Council to up-front fund the capital upgrade that is available for the transition to LED. This will allow Council to pay a lower on-going tariff that could, over the longer term, reduce the ongoing cost to the community to provide this service.

The proposed Phase 1 roll-out of street lights in the Council area is for 900 street lights the up-front capital cost to purchase the luminaires is estimated to be \$180k - \$200k

In addition, Council is required to engage the services of SAPN to undertake the changeover of the public lights to LED lights on SAPN assets. The base cost to undertake the changeover is \$192.10 per light.

The financial risk for the luminaire performance and replacement will remain with Council. Through the PLC tariff, SAPN will continue to maintain the luminaires and undertake other necessary infrastructure renewals such as cables and columns as required.

Therefore, the total upfront capital cost is estimated to be \$ 365k. Whilst, this is a significant up-front cost Council will have reduced costs in electricity use and the tariff rates. One consideration would be to borrow to finance the transition and it is estimated to be \$ 28k per annum cash positive.

The operation cost savings and finance option summary are summarised below;

### Project Operational Cost Summary

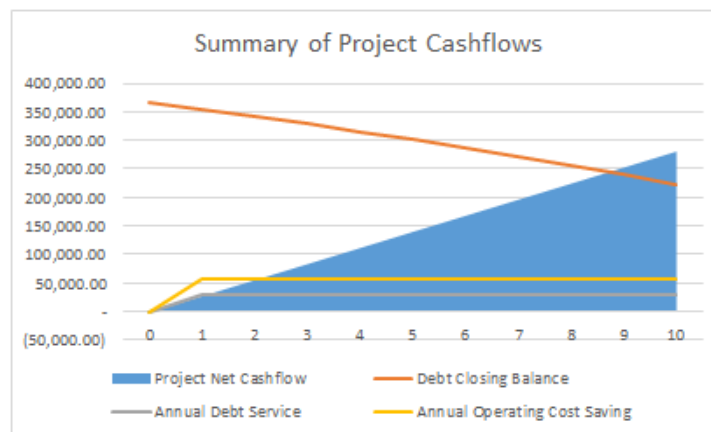
	Existing Lighting (\$/yr)	New LED Lighting (\$/yr)	Net Benefit (\$/yr)
Energy costs (\$/yr)	\$28,974	\$8,286	\$20,687
Maintenance (& Capital Tariffs if applicable) (\$/yr)	\$81,546	\$45,987	\$35,559
<b>Total Operational Cost (\$/yr)</b>	<b>\$110,520</b>	<b>\$54,274</b>	<b>\$56,246</b>

### Key Project Outputs

Net cash saving/(outflow) p.a	\$56,246
Payback period in years	6.49
NPV of project cashflows	\$48,666
Reduction in energy usage	71.4%
Emissions abated (t CO <sub>2</sub> -e/yr)	97.55

### Debt Financing Summary

Assumed Interest Rate on Borrowings	4.50%
Debt term (years)	20
Estimated annual repayment	\$28,084
Net cash saving/(outflow) p.a if debt funded	\$28,163



See Appendix 3 for Financial Model

The public light (luminaire) assets become a Council asset and as such Council is responsible for the warranty and the replacement costs due to any failures. However, installation of LED lights to date has shown very low failure rates. SAPN as part of its submission to the AER has indicated a 17 year life in the assumptions.

The Phase 1 roll-out is expected to reduce Council electricity use and CO<sub>2</sub> emissions by over 70%; an estimated 168,190 kWh/yr and CO<sub>2</sub>, by 98 Tonnes.

The LGA Public Light Working Group has indicated that the option where Council funds the up-front capital is considered the most cost effective long term position for Council.

Option 2 – Council adopt the SAPN LED tariff in the phase 1 rollout of 900 public lights with LED's.

If SAPN was to fund the initial up-front capital investment then it is reasonable to expect that they would seek a return on that investment. This will require Council to pay a premium for that capital investment.

However, based on the current 2018/19 SAPN published tariff rates, Council would pay SAPN an additional \$535k over a 17-year period should it choose the SAPN LED tariff.

The Council is still required to fund the installation undertaken by SAPN. The base cost to undertake the changeover is \$192.10 per light.

Therefore, Council will have an upfront cost of \$ 173k to engage SAPN to undertake the changeover works. This option provides for the benefit in energy costs; however the tariff fee paid to SAPN remains similar to the existing costs.

The operation cost savings and finance option summary are summarised below;

**Project Operational Cost Summary**

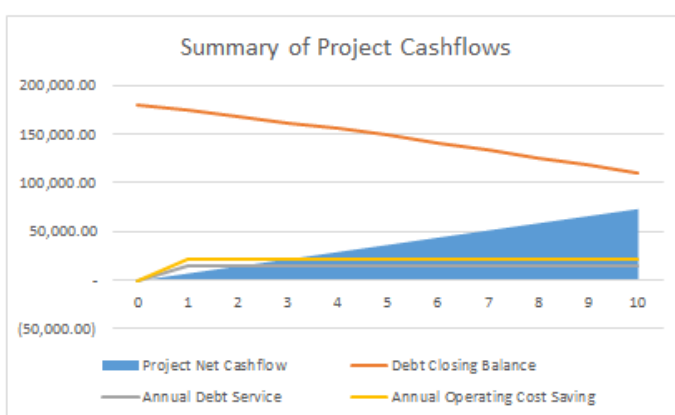
	Existing Lighting (\$/yr)	New LED Lighting (\$/yr)	Net Benefit (\$/yr)
Energy costs (\$/yr)	\$28,974	\$8,286	\$20,687
Maintenance (& Capital Tariffs if applicable) (\$/yr)	\$81,546	\$81,079	\$467
<b>Total Operational Cost (\$/yr)</b>	<b>\$110,520</b>	<b>\$89,365</b>	<b>\$21,154</b>

### Key Project Outputs

Net cash saving/(outflow) p.a	\$21,154
Payback period in years	8.48
NPV of project cashflows	-\$23,768
Reduction in energy usage	71.4%
Emissions abated (t CO <sub>2</sub> -e/yr)	97.55

### Debt Financing Summary

Assumed Interest Rate on Borrowings	4.50%
Debt term (years)	20
Estimated annual repayment	\$13,797
Net cash saving/(outflow) p.a if debt funded	\$7,358



The Phase 1 roll-out is expected to reduce Council electricity use and CO<sub>2</sub> emissions by over 70%; an estimated 168,190 kWh/yr and CO<sub>2</sub>, by 98 Tonnes.

#### Option 3 – Delay the installation until the final determination of tariff rates by the AER.

As discussed previously in the report, public lighting is moving to an Alternate Control Service. This means that the AER ultimately sets the tariff that customers pay for public lighting. The new AER tariff arrangements do not commence until 1 July 2020.

The AER will not be making a draft determination until September 2019 and following an opportunity for feedback on that determination, a final determination will be made in April 2020.

The current phase 1 roll-out proposal is to enter into a contract agreement with SAPN up until 30 June 2020. The rates are as per the published SAPN rates and these rates have been used in the evaluation in this report. The PLC tariff fee that Council will pay will transfer from the SAPN set rate to the rate established by the AER from 1 July 2020.

Whilst, Council does not know the future tariff rates, it is reasonable to assume that the rates will not be higher than the current SAPN submission. These submission rates are very

much in line with SAPN current rates. It is considered more likely that any movement in the tariff rates set by the AER will be lower and not higher than the current SAPN submission. Therefore, given that Council intends to enter into a contract with SAPN that will use the AER tariff from 1 July 2020, and that it is most likely that the tariff will not increase, there does not appear to be any benefit in delaying the transition to LED lighting.

#### *Option 4 – Do Nothing*

It should be noted that SAPN, as part of its programmed maintenance, is currently changing over any failed lamps on its programmed maintenance changeover using LED lights. This will mean that over time the public light asset stock would organically eventually be LED lights. Council currently has 29 LED lights that are operating as they were changed over from a failed lamp. Therefore, if Council was to do nothing, the public street lights would eventually all be LED. However, this would occur over a period of years as lighting failed. The benefits of reduced electricity use would not be immediate.

Council could choose fund the LED changeover as and when the lights fail and gain incremental benefits. This would reduce the need for up-front large capital expenditure, however, the timeline to get the reduce electricity consumption are unknown but will be a number of years.

## **4. OPTIONS**

Council has the following options:

- I. Commence Phase 1 Rollout (PLC Tariff) - Enter immediately into a contract agreement with SAPN to change over Council's public streetlights to LED technology using the PLC tariff. This option will require Council entering into a contract with SAPN. Council will be required to fund the up-front capital cost of the luminaire replacement and engage SAPN to install the new lights. Council estimates the cost of the lights to be between \$180k and \$200k. The base fee per light changed over by SAPN will be \$192.10 with the final cost dependant on exact number of lights that are changed. Considering debt financing the proposal is estimated to be \$ 28k per annum cash positive. (Recommended)
- II. Commence Phase 1 Rollout (SAPN LED Tariff) - Enter immediately into a contract agreement with SAPN to change over Council's public streetlights to LED technology using the SAPN LED tariff. This will require Council entering an agreement direct with SAPN in which SAPN will fund the upfront cost of the new LED luminaire. Council will then pay the capital cost to SAPN as part of the tariff structure. Council will be required to engage SAPN to install the new lights. The base fee per light changed over by SAPN will be \$192.10 with the final cost dependant on exact number of lights that are changed. Whilst the financial risk for the capital costs and replacement rest with SAPN Council will need to continue to pay the higher tariff for a proposed minimum of 17 years. ( Not Recommended)
- III. Council waits until the AER makes it determination. Under this option, Council will have final certainty regarding the tariff rates. However, the risk of significant tariff increases is considered unlikely. (Not Recommended)

- IV. Council undertakes no action and allow the public lighting to change over to LED when the existing lights fail. (Not Recommended)

**5. APPENDICES**

- (1) SAPN Alternate Control Service Attachment provided to the Australian Energy Regulator
- (2) LGA Response to SAPN Proposal
- (3) Phase 1 LED Rollout - Estimated tariff and electricity use reduction.

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# **Appendix 1**

*SAPN Alternate Control Service Attachment provided to  
the Australian Energy Regulator*

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# Attachment 14

## Alternative Control Services

2020-25  
Regulatory Proposal  
31 January 2019

### This section outlines:

- › how we have developed proposed prices, and the proposed price control mechanisms, for customer-specific services to be provided during the 2020-25 Regulatory Control Period; and
- › how we have incorporated customer and stakeholder feedback into our proposals.



## Company information

SA Power Networks is the registered Distribution Network Service Provider (**DNSP**) for South Australia. For information about SA Power Networks visit [www.sapowernetworks.com.au](http://www.sapowernetworks.com.au)

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## Disclaimer

This document forms part of SA Power Networks' Regulatory Proposal (**the Proposal**) to the Australian Energy Regulator (**AER**) for the 1 July 2020 to 30 June 2025 regulatory control period (2020-25 **RCP**). The Proposal and its attachments were prepared solely for the current regulatory process and are current as at the time of lodgment.

This document contains certain predictions, estimates and statements that reflect various assumptions concerning, amongst other things, economic growth and load growth forecasts. The Proposal includes documents and data that are part of SA Power Networks' normal business processes, and are therefore subject to ongoing change and development.

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## Note

This attachment forms part of our Proposal for the 2020-25 RCP. It should be read in conjunction with the other parts of the Proposal.

Our Proposal comprises the overview and attachments listed below, and the supporting documents that are listed in Attachment 18:

Document	Description
	Regulatory Proposal overview
	Customer and stakeholder engagement report
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Attachment 15	Negotiated services framework and criteria
Attachment 16	Connection policy
Attachment 17	Tariff Structure Statement
Attachment 18	List of Proposal documentation



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## 14. Alternative Control Services

### 14.1 Overview

Alternative control services (**ACS**) are direct control services that are initiated by and/or are directly attributable to specific customers (ie where the cost of the service can be assigned to an individual customer), that are subject to direct regulatory oversight.

The costs of these services:

- are recovered directly from the customer who requests or otherwise initiates (by action or inaction) the provision of the service; and
- do not form part of our revenue requirements for standard control services (**SCS**).

In July 2018, the Australian Energy Regulator (**AER**) published the final Framework and Approach (**F&A**) paper to apply to SA Power Networks for the 2020–25 regulatory control period (**RCP**). In its F&A, the AER proposed to classify type 5 and 6 metering services (legacy metering services), various other metering related services, non-standard connection services, network ancillary services and public lighting services as ACS.

The AER subsequently published in October 2018 the first Electricity Distribution Service Classification Guideline (**EDSC Guideline**) and indicated that any changes made in the final version of the EDSC Guideline may constitute a material change of circumstances that justifies a departure by the AER from the position stated in the F&A.<sup>1</sup>

The service classification in the EDSC Guideline is substantially similar to the final F&A but distinguishes three types of connection services – basic connection services, standard connection services and negotiated connection services – with each type of connection service involving different degrees of work to connect a premises, or to extend and/or augment our network. The AER proposed that basic connection services, standard connection services and negotiated connection services relating to premises be classified as ACS.

For the 2015-20 RCP, some metering services (eg meter testing at a customer's request), non-standard connection services, public lighting services and a wide range of other ancillary services were classified as negotiated distribution services (**NDS**). The proposed change in classification from NDS to ACS will improve consistency in how services are classified across jurisdictions and provide greater regulatory oversight on price setting.

We accept the AER's approach to classify legacy metering services, various other metering related services, connection services (other than basic connection services relating to premises which we maintain should be classified as SCS in accordance with the final F&A), network ancillary services, and public lighting services as ACS and to apply a price cap form of control to those ACS. Details of our proposed service classification are set out in Attachment 12- Classification of services.

For this Proposal, we have grouped the ACS under three sub-headings:

- legacy metering services – type 5 and 6 meter maintenance, reading and data services and legacy capital cost recovery;
- fee-based and quoted services – customer or third-party initiated services; and

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<sup>1</sup> Clauses 6.12.3(b),(c) and (c1) of the NER set out the circumstances where the AER can depart from the position stated in the F&A in the distribution determination.

- public lighting – including the provision, construction and maintenance of public lighting installations and emerging public lighting technology.

## 14.2 Rule requirements

Clause 6.8.2(c)(3) of the National Electricity Rules (**NER**) states that our Proposal must include:

- a demonstration of the application of the control mechanism for ACS set out in the F&A; and
- necessary supporting information for that demonstration.

Clause 6.2.6(b) of the NER provides that for ACS, the control mechanism must have a basis stated in the distribution determination for the 2020-25 RCP.

In addition, clause 6.2.6(c) of the NER provides that the control mechanism for ACS may (but need not) utilise elements of Part C of Chapter 6 of the NER (relating to building block determinations – with or without modification).

## 14.3 Metering Services

### 14.3.1 Overview

Metering assets are used to measure electrical energy flows at a connection point on our network for a particular premises to record consumption for the purposes of billing.

In 2015, the Australian Energy Market Commission (**AEMC**) made a rule introducing metering contestability effective from 1 December 2017, as part of its broader Power of Choice reform package.<sup>2</sup> From 1 December 2017, all electricity meters that are installed must be a remotely read interval (or 'smart') meter, where the provision of the new or replacement smart meter is the responsibility of the metering coordinator (**MC**) appointed for the connection point, by the customer's retailer. Currently, legacy meters are being replaced at an average rate of about 6% per annum.

On the introduction of metering contestability on 1 December 2017, distribution network service providers (**DNSPs**), including SA Power Networks, were deemed to be the initial MC for all existing 'legacy' type 5 and type 6 meters. As the initial MC, we are responsible for just under 1 million legacy meters, with the majority of these being type 6 basic accumulation meters which record electrical energy flow on an accumulation basis. We have about 9,000 type 5 meters (manually read interval meters), which are generally installed on smaller commercial or rural premises. We will continue to be responsible for reading and maintaining these legacy meters in accordance with the NER until they are replaced with smart meters. However, as noted above we no longer install or replace electricity meters, with this work now being the responsibility of the retailer appointed MC.

In the AER's distribution determination for SA Power Networks for the 2010-15 RCP (**2010 Determination**), the AER reclassified these legacy metering services as ACS in preparation for the commencement of metering contestability.<sup>3</sup>

Up until 30 June 2015, the capital cost of installing type 5 and type 6 meters was added to our regulated metering asset base (**MAB**) and recovered over the life of the asset. From 1 July 2015, in accordance with the 2015 Determination<sup>4</sup>, the capital costs associated with customer requested new meter installations

<sup>2</sup> *National Electricity Amendment (Expanding competition in metering and related services) Rule 2015 No. 12.*

<sup>3</sup> *AER, Final Framework and approach paper ETSA Utilities 2010-15, November 2008*

<sup>4</sup> *AER, Final decision – SA Power Networks determination 2015-16 to 2019-20, Attachment 16 – Alternative control services, October 2015, p 8.*



were funded up-front by customers, with these costs no longer being added to the MAB. Meter replacements, initiated by us, continued to be added to the MAB for ongoing capital recovery.

The AER in its F&A proposed to retain the classification of ACS for legacy metering services,<sup>5</sup> and apply a price cap to these services using the formulae set out in Figures 2.2 and 2.3 of the F&A.<sup>6</sup> As an ACS, cost reflective prices for legacy metering services are applied, enabling customers to make effective decisions regarding their future metering requirements.

We agree with the AER's classification and form of control mechanism, as well as the formulae set out in the F&A, and propose to apply a 'building block approach' to determine prices for legacy metering services under the price cap control mechanism for the 2020-25 RCP.

Our proposed legacy metering service charges for the 2020-25 RCP have been developed in accordance with the AER's price cap formula set out in the F&A. These charges are set out in Attachment 17 - Tariff Structure Statement (Appendix I).<sup>7</sup>

### 14.3.2 Scope of legacy metering services

As the initial MC for legacy metering services, we are responsible for providing the following metering services for legacy meters installed on our distribution network:

- routine meter reading (either monthly or quarterly);
- undertaking special reads initiated by us to validate routine meter reading data<sup>8</sup>;
- validating meter reading data and forwarding this data to market participants in accordance with the Australian Energy Market Operator's (AEMO's) meter data provision procedures;
- undertaking visual inspection of meters where required to confirm effective operation of the metering equipment;
- completion of in-service compliance testing to ensure the meters continue to comply with the accuracy requirements of the NER;
- inspection and testing of our low voltage current transformers, in accordance with the NER; and
- notifying the retailer of any failed legacy metering installation, either due to in-service failure of an individual meter or failure of a family of meters.

As mentioned above, we are no longer permitted to complete any new meter installation or replacement activities. When a legacy meter needs to be replaced due to failure, we will notify the retailer for the relevant connection point. Following notification, the retailer must appoint a MC, who is then required to replace the meter within the timeframe requirements as prescribed within the NER.

The detailed strategy and approach used to manage metering assets, for which we are the MC, are documented within our asset management plan for metering (see Supporting Document 14.1 – Metering Asset Management Plan).

<sup>5</sup> AER, *Final framework and approach – SA Power Networks Regulatory control period commencing 1 July 2020*, July 2018, p 30.

<sup>6</sup> Ibid, p 58 to 59.

<sup>7</sup> Approved charges for legacy metering services for the 2015-20 RCP are contained within Supporting Document 14.2 – Metering Model and PTRM.

<sup>8</sup> Special reading of legacy meters requested by retailers form part of our fixed-fee services, refer to section 14.4 within this Attachment.

### 14.3.3 Current and forecast legacy meter population

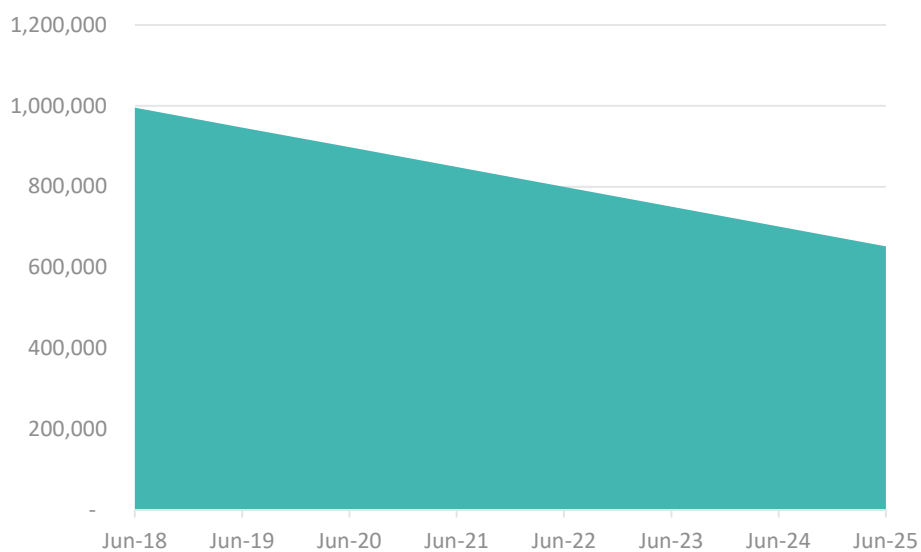
As mentioned above, we currently manage just under 1 million legacy meters, with these legacy meters forecast to be steadily replaced with contestably provided smart meters. The drivers for legacy meter removal include:

- individual meter failure;
- family meter failures (resulting from testing against AS1284.13 – Electricity Metering In-service Compliance Testing);
- connection alterations, including solar installations, requiring meter upgrade; and
- retailer-initiated replacements.

Historical data has been used to forecast the reduction in our legacy meter population, with the population estimated to reduce by approximately 50,000 meters per year. Each premise with legacy metering has an estimated average of 1.3 meters installed, therefore a reduction of 50,000 meters will reduce the number of premises for which legacy metering services are provided by SA Power Networks by approximately 39,000 premises each regulatory year. Approximately 26,600 legacy meters were replaced with smart meters between 1 December 2017 and 31 December 2018. We expect this number to continue to grow as maturity in the contestable metering market improves.

Figure 14.1 illustrates our forecast population of legacy meters to June 2025.

**Figure 14.1: Forecast remaining legacy meter population**



The number of legacy meters installed on premises connected to our distribution network will drive the quantity of legacy metering services that are required to be provided by SA Power Networks over the 2020-25 RCP.

### 14.3.4 Metering service charges

To develop our proposed price caps, we have applied a ‘building block approach’, where the total revenue reflects the forecast return on capital, return of capital (depreciation), operating expenditure (**opex**), and tax liability.

**Table 14.1: Proposed building blocks for the 2020-25 RCP**

<b>\$m, nominal</b>	<b>2020/21</b>	<b>2021/22</b>	<b>2022/23</b>	<b>2023/24</b>	<b>2024/25</b>	<b>Total</b>
Return on capital	1.87	1.53	1.18	0.80	0.41	5.79
Return of capital (depreciation)	6.20	6.53	6.87	7.22	7.59	34.42
Operating Expenditure	9.08	9.08	9.06	9.02	8.93	45.18
Net tax allowance	-	-	-	-	-	-
<b>Annual revenue requirement<sup>9</sup></b>	<b>17.16</b>	<b>17.14</b>	<b>17.11</b>	<b>17.05</b>	<b>16.94</b>	<b>85.39</b>

We propose legacy metering service charges for the 2020-25 RCP that consist of two components:

- A capital charge – associated with MAB return on and return of (depreciation) capital, which will be charged to all customers who had legacy meters installed as at 1 July 2015<sup>10</sup>; and
- A non-capital charge – reflecting our efficient opex that will be charged to all customers with a current legacy meter installed.

This is consistent with the charges for the 2015-20 RCP set out in the 2015 Determination, apart from the upfront metering charge for the installation of new type 5 and type 6 meters. This upfront metering charge is no longer applicable as SA Power Networks has not been responsible for installing or replacing meters since the introduction of metering contestability on 1 December 2017.

We also propose to simplify our legacy metering service charges for the 2020-25 RCP by removing price variations associated with whole current and current transformer connected metering. As discussed in section 14.3.6 below, we propose to use a ‘base-step-trend’ methodology to determine opex for our legacy metering services for the 2020-25 RCP. This base-step-trend approach does not forecast operating costs by meter type, therefore we are no longer able to accurately allocate costs between whole current and current transformer connected metering installations. The proposed annual revenue requirement (as provided in Table 14.1) will be recovered uniformly across all legacy meter types. This will improve the simplicity of the legacy metering pricing structures for SA Power Networks, retailers and customers.

The proposed legacy meter service charges have been developed using our metering pricing model, comprising of the AER’s post tax revenue model (**PTRM**) and roll forward model (**RFM**) as provided in Supporting Document 14.2 – Metering Model and PTRM and 14.3 – Metering Roll Forward Model. The key inputs to our pricing proposal are discussed further below.

### 14.3.5 Metering asset base

The MAB consists of the unrecovered capital cost of legacy metering equipment installed on a customer’s premises. We have used the AER’s RFM to calculate the opening value of the MAB as at 1 July 2020 of \$34.4 million (\$June 2020).

The MAB is predominantly made up of legacy meters installed prior to 1 July 2015, with metering equipment installed after this date funded through an upfront metering charge.

No new capital is forecast for legacy metering services during the 2020-25 RCP.

The opening MAB value of \$34.4 million, has an estimated remaining life of 5.49 years, which would leave a closing balance of \$3.6m as at 30 June 2025 (refer to Table 14.2).

<sup>9</sup> Annual revenue requirement for these ACS is as provided within the Metering Pricing Model, this may not balance to the sum of the components in Table 14.1 due to rounding.

<sup>10</sup> The capital charge will continue to be charged for all premises where a legacy (type 5 or type 6) meter was installed as at 1 July 2015, even if the meter has been subsequently removed. This charge will continue to apply until the MAB is fully recovered.

**Table 14.2: Roll forward of MAB for the 2020-25 RCP**

<b>\$m, nominal</b>	<b>2020/21</b>	<b>2021/22</b>	<b>2022/23</b>	<b>2023/24</b>	<b>2024/25</b>
Opening MAB (1 July 2020)	34.4	29.1	23.4	17.5	10.7
Forecast capex / additions	-	-	-	-	-
Depreciation	(6.2)	(6.4)	(6.5)	(7.2)	(7.4)
Inflation on Opening MAB	0.9	0.7	0.6	0.4	0.3
Closing balance (30 June 2025)	29.1	23.4	17.5	10.7	3.6

The remaining life of the MAB as at 30 June 2025 is half a year. We propose to accelerate the depreciation of the MAB during the 2020-25 RCP to enable the MAB to be fully depreciated by the end of the 2020-25 RCP. This will result in an increase in depreciation of approximately \$3.4 million over the 2020-25 RCP, with a marginal average increase in capital recovery charges of about \$0.84 per customer per regulatory year<sup>11</sup>.

Accelerating the depreciation of the MAB in the 2020-25 RCP will provide the following benefits:

- Reduced administrative burden for SA Power Networks, retailers and the AER – with only operating and maintenance costs to be included within the 2025-30 RCP for legacy metering services; and
- Ease of communication – customers will cease paying MAB capital recovery fees at the end of the 2020-25 RCP, enabling clear and concise communication to customers regarding the cessation of capital recovery charges. Customers who had a legacy meter installed as at 30 June 2015<sup>12</sup> and who have since had these meters replaced with smart meters, will no longer receive a metering charge from SA Power Networks after 30 June 2025.

We discussed the proposed accelerated depreciation of the MAB with the SA Power Networks Customer Consultative Panel (CCP), who supported this proposal as a sensible way forward.

The roll forward of the MAB with accelerated depreciation is provided in Table 14.3 below.

**Table 14.3: Roll forward of MAB for 2020-25 RCP (accelerated)**

<b>\$m, nominal</b>	<b>2020/21</b>	<b>2021/22</b>	<b>2022/23</b>	<b>2023/24</b>	<b>2024/25</b>
Opening MAB (1 July)	34.4	28.2	21.7	14.8	7.6
Forecast capex / additions	-	-	-	-	-
Depreciation	(7.1)	(7.2)	(7.4)	(7.6)	(7.8)
Inflation on Opening MAB	0.9	0.7	0.5	0.4	0.2
Closing balance (30 June)	28.2	21.7	14.8	7.6	-

### 14.3.6 Operating costs

We have used a ‘base-step-trend’ methodology to determine our opex forecast for legacy metering services for the 2020-25 RCP, consistent with the AER’s preferred approach to assessing opex categories<sup>13</sup>.

Our base opex for legacy metering services has been calculated on a per customer basis, using the average opex for legacy metering services for the 2015/16, 2016/17, and 2017/18 regulatory years divided by average customer numbers over the same regulatory years, refer to Table 14.4 below. To

<sup>11</sup> Accelerated PTRM provides increased capital recovery of \$3.4 million over the 2020-25 RCP (\$June 2020). This is recovered across 806,550 customers who had legacy meters installed as at 1 July 2015. Resulting in increased annual charge of approximately \$0.84 per customer.

<sup>12</sup> Meters installed after 30 June 2015 were subject to an upfront charge and were no longer added to the MAB.

<sup>13</sup> AER, *Better regulation: Expenditure forecast assessment guideline for distribution*, November 2013, p. 32.

minimise the impact of cyclical variability in some legacy metering cost elements, we propose to use average opex for legacy metering services across three regulatory years as the base. These years were selected as most representative of the actual cost of providing legacy metering services, noting that the full retail contestability (meter energy data services) costs were only reported in ACS from 1 July 2015. The actual opex for legacy metering services for the 2015/16, 2016/17, and 2017/18 regulatory years are derived from Regulatory Information Notice (RIN) data, as provided annually to the AER.

**Table 14.4: Base opex per customer (\$June 2020)**

<b>\$ June 2020</b>	<b>2015/16</b>	<b>2016/17</b>	<b>2017/18</b>	<b>Average</b>
Opex	10,658,970	9,660,182	8,462,054	9,593,735
Customer numbers	813,093	812,834	794,582	806,836
Average Opex / Customer				11.89

We do not propose any step changes to our proposed base level opex.

To derive our forecast opex for legacy metering services, we trended forward the base opex for legacy metering services over the 2020-25 RCP, applying forecast customer numbers, real price growth, and a metering contestability productivity adjustment, which are discussed further below.

#### 14.3.6.1 Customer numbers

Legacy metering service charges are applied per National Metering Identifier (NMI), irrespective of the number of physical meters installed on the premises. Each premise with legacy metering is estimated to have an average of 1.3 meters installed.

Using historical installation and maintenance data for type 5 and type 6 meters, we have forecast legacy meters to be replaced at a rate of approximately 50,000 meters per annum, this equates to about 39,000 premises, with meters removed due to:

- individual meter failure;
- failure of a family of meters (resulting from testing against AS1284:13);
- customer requested connection alterations, including solar installations, requiring meter upgrade; or
- a retailer-initiated replacement.

This meter churn forecast has been used to estimate the remaining volume of premises with legacy metering installed for the 2020-25 RCP.

#### 14.3.6.2 Real price growth

A real price change adjusts the base opex to account for forecast changes in input costs above or below the Consumer Price Index (CPI). Consistent with SCS, we have included a real increase in labour price growth, adopting an average of BIS Oxford Economics and Deloitte Access Economics (DAE) utilities sector labour price growth forecasts for metering opex (see section 6.7.3.2 of Attachment 6 – Operating expenditure for further information).

**Table 14.5: Forecast labour price growth for the 2020-25 RCP**

	<b>2020/21</b>	<b>2021/22</b>	<b>2022/23</b>	<b>2023/24</b>	<b>2024/25</b>
BIS Oxford Economics %	1.16%	1.53%	1.72%	1.62%	1.36%
Deloitte Access Economics %	0.40%	0.60%	0.70%	0.57%	0.57%
<b>Average labour price growth %</b>	<b>0.78%</b>	<b>1.07%</b>	<b>1.21%</b>	<b>1.09%</b>	<b>0.96%</b>

### 14.3.6.3 Metering contestability productivity adjustment

Metering opex is composed of fixed and variable components, where only some cost components will be avoided as customer numbers reduce and legacy meters are progressively replaced with smart meters. As customer numbers and consequently legacy meter numbers decline, fixed costs will need to be spread over a smaller number of meters, resulting in an increase in opex per customer even though the total metering opex will decline.

Some costs are fixed in the short term, including for meter sample testing and meter data services. Sample testing is cyclical; each population of meters is tested to maintain compliance with the NER, with the compliance period determined based on previous test results. A population may be deemed compliant for 7 years, 5 years, or 2 years, with a requirement to complete sample testing prior to the end of this compliance period to confirm ongoing compliance. Sample sizes are determined in accordance with AS1284.13 – Electricity Metering In-service Compliance Testing. While costs for sample testing are cyclical, they are expected to remain relatively fixed until there are significant movements in customer numbers. To minimise cyclical variations in metering testing costs, an average cost has been used over the past three regulatory years, with this component forecast to remain fixed over the 2020-25 RCP.

Meter data services encompass the function of receiving meter readings, validating and substituting these readings, and forwarding these readings to market participants in accordance with AEMO's meter data provision procedures. Meter data services includes the cost of our meter data management systems and processing meter reading exceptions, where operating and maintenance costs are attributed or allocated to ACS in accordance with our approved Cost Allocation Method (**CAM**). These costs will remain fixed over the 2020-25 RCP with approximately 650,000 legacy meters expected to be in service as at 30 June 2025.

Meter reading costs are variable, driven by the number of legacy meters read each period. While these costs are considered variable, we expect the cost of meter reading to increase on a per unit basis, as the distance between reads increases due to lower density of legacy meters.

To cater for the change in fixed and variable components of costs over time as our legacy metering sites reduce, we propose to apply a metering contestability productivity factor to legacy meter costs for the 2020-25 RCP. We have applied the same methodology to calculate our metering contestability productivity factor for ACS as the AER used in its draft decisions for NSW DNSPs in November 2018.<sup>14</sup>

To calculate this productivity factor, we have constructed a bottom up build of opex for the 2018-25 period, using RIN data. To develop this forecast, costs are classified as fixed or variable for the period. The productivity factor represents the relationship between change in customer numbers and change in opex by comparing an independent variable of the natural log of opex and the natural log of forecast customer numbers, as provided in Table 14.6 below.

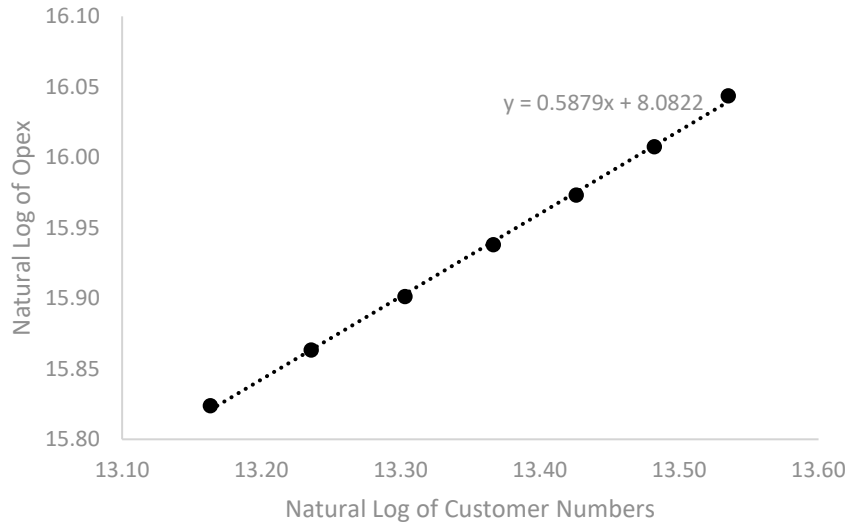
**Table 14.6: Base opex and customer number forecast for the 2018-25 period (pre-productivity adjustment)**

	2018/19	2019/20	2020/21	2021/22	2022/23	2023/24	2024/25
Customer Forecast	755,471	716,360	677,249	638,138	599,027	559,916	520,805
Natural Log of Customer Forecast	13.54	13.48	13.43	13.37	13.30	13.24	13.16
Opex Forecast	9,280,968	8,951,845	8,651,437	8,351,028	8,050,620	7,750,212	7,449,803
Natural Log of Opex	16.04	16.01	15.97	15.94	15.90	15.86	15.82

<sup>14</sup> See, eg, AER, Draft decision – Essential Energy distribution determination 2019-24, Attachment 15 – Alternative control services, p 30 to 33.

The results of applying a fit trend line to the opex set out in Table 14.6 as it relates to forecast legacy meter numbers are contained in Figure 14.2. The proposed metering contestability productivity factor of 58.79% has been applied to determine required opex for the 2020-25 RCP as provided in Supporting Document 14.2 –Metering Model and PTRM. This means a 1% reduction in customers numbers will result in a 0.59% drop in legacy metering opex.

**Figure 14.2: Forecast productivity factor for legacy metering services opex for the 2020-25 RCP**

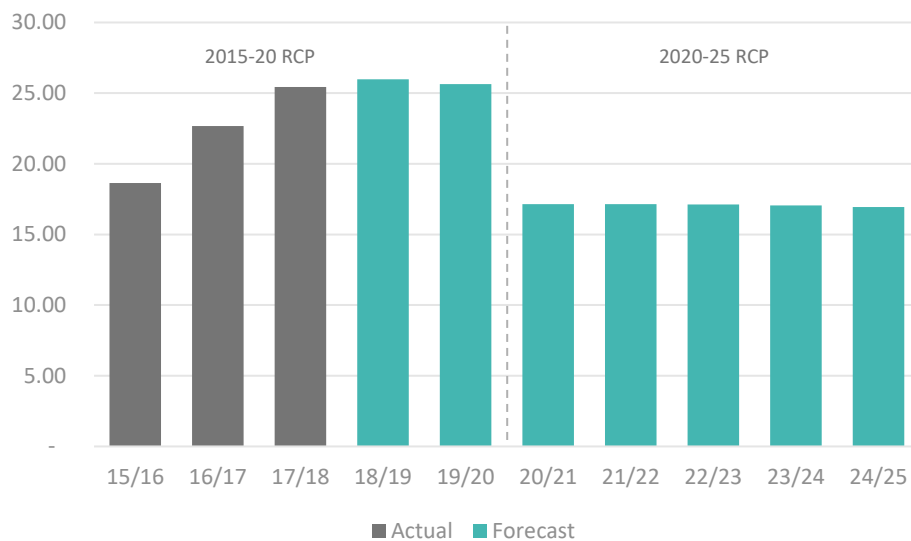


### 14.3.7 Metering services revenue

Our proposed revenue forecast for legacy metering services for the 2020-25 RCP is \$85m .

Actual and forecast revenue associated with providing legacy metering services for the 2015-20 RCP and the 2020-25 RCP is provided in Figure 14.3 and below. While legacy metering services opex is reducing year on year following the introduction of metering contestability, the reduction in proposed revenue for the 2020-25 RCP is predominantly driven by the declining MAB value, reducing the return on and return of capital for the 2020-25 RCP.

**Figure 14.3: Revenue for legacy metering services for the 2015-20 and 2020-25 RCPs (\$m, nominal)**



**Table 14.7: Revenue for legacy metering services for the 2015-20 and 2020-25 RCPs (\$m, nominal)**

	15/16	16/17	17/18	18/19	19/20	20/21	21/22	22/23	23/24	24/25
Actual / Forecast	18.65	22.66	25.43	25.98	25.63	17.16	17.14	17.11	17.05	16.94

## 14.4 Fee-based and quoted services

### 14.4.1 Overview

Fee-based and quoted services are customer or third-party initiated services related to our services classified as common distribution services.

These services include the individual fee-based or quoted services in the following service classification groupings:

- network ancillary services;
- metering services – for services other than metering services discussed in section 14.3;
- connection services – for services other than basic premises connections and extensions and augmentations; and
- public lighting.

Our fee-based and quoted services are provided to customers as either:

- **Fee-based services** – The work involved in some service activities is relatively standard and is charged on a fixed-fee basis. Fees are derived from the relevant labour rates, average time to perform the work, and other known costs. For fee-based services, the fixed-fee is charged irrespective of the actual time taken to provide the service; or
- **Quoted services** – Some service activities may vary considerably between jobs. This is often the case for one-off activities that are specific to a particular customer's request. For quoted services, charges are levied on a time and materials basis.

A detailed listing of our proposed fee-based and quoted services is provided in Attachment 17 - Tariff Structure Statement (Appendix I).

As an ACS, the full cost of providing fee-based and quoted services is recovered from the customer or third-party who requested, initiated or triggered the service.

The AER in its final F&A has proposed to classify network ancillary services, metering services, some connection services and public lighting services as ACS for the 2020–25 RCP, which is consistent with the classification of these services in other jurisdictions. This is a significant change from the current classification in South Australia, where these services are currently classified as NDS. As ACS, the AER will approve the prices we can charge our customers for these services.

Our proposed fee-based and quoted service charges have been developed in accordance with the price cap formulas set out in the F&A as detailed in section 14.6. Our proposed indicative prices for fee-based and quoted service for the 2020-25 RCP are contained in Attachment 17 - Tariff Structure Statement (Appendix I).<sup>15</sup>

<sup>15</sup> Charges applicable for negotiated services for the 2015-20 RCP are contained within Supporting Documents 14.9 - Network Negotiated Services & Public Lighting – 2015\_16, 14.10 - Network Negotiated Services & Public Lighting – 2016\_17, 14.11 - Network Negotiated Services & Public Lighting – 2017\_18 and 14.12 - Network Negotiated Services & Public Lighting – 2018\_19.



#### 14.4.2 Service costs

The build-up of costs to provide each fee-based and quoted service has been developed using historical data. We have employed a full absorption methodology for determining the costs to provide fixed-fee and quoted services for the 2020-25 RCP. Our 2020-25 RCP fee-based services, have been developed to provide full cost recovery for each individual service. In developing our fee-based service charges, we have identified a few instances where our negotiated service charge is not currently cost reflective. We have proposed increases in these fee-based charges to make them cost reflective from the commencement of the 2020-25 RCP.

All direct costs of undertaking the services have been attributed to ACS in accordance with the CAM, as provided in Table 14.8 below.

**Table 14.8: Directly attributed costs for ACS fee-based and quoted services**

Cost category	Description	Basis of attribution (driver)
<b>Labour and related costs</b>	Includes the following: <ul style="list-style-type: none"> <li>• Normal and overtime salaries and wages, associated payroll on-costs and employee / industry allowances.</li> <li>• Supplementary labour support from external providers.</li> </ul>	Standard rates specific to location and job type, directly attributed by employee timesheet to job/work order.
<b>Materials</b>	Stock items or purchases of irregular or low turnover items.	Directly attributed to job/work order. Stock materials incur a percentage on-cost for warehousing and delivery costs.
<b>Contractors</b>	Provision of services by external parties.	Directly attributed to job/work order.
<b>Operational vehicles</b>	Heavy fleet operating costs including fuel, registration, maintenance and repairs, and fleet management <sup>16</sup> .	Standard rates specific to vehicle type, directly attributed by employee timesheet to job/work order.

Further details on the build-up of costs directly attributed to our fee-based and quoted services is provided in the sections below.

Indirect costs are allocated to fixed-fee and quoted services in accordance with the CAM. A fixed overhead percentage, consistent with the rate currently applied to negotiated services in accordance with the CAM, has been utilised for the 2020-25 RCP. The overhead rates are made up of two components:

- Labour overhead – Accounts for the non-billable time (excluding travel<sup>17</sup>) of employees completing work. Non-billable time includes time planning work, attending safety briefing and other meetings, and completing training.
- Corporate overhead – Includes corporate costs, relating to the organisational groups supporting the operational functions of SA Power Networks. Examples of corporate support groups are Finance, Information Technology, Human Relations, Work, Health & Safety and Property Services.

For the 2020-25 RCP, we propose to include a margin for fee-based and quoted services in our indicative prices. The inclusion of a margin is consistent with the principle of competitive neutrality, with margins included in prices that would be observed for similar services in a competitive market.

The application of a margin is consistent with the revenue and pricing principles contained within the National Electricity Law (NEL), where ‘a price or charge for the provision of a direct control network

<sup>16</sup> Light fleet vehicles are allocated as indirect costs, included in business overheads

<sup>17</sup> Average travel time has been included in the time build-up assigned to each fixed-fee service. For quoted services, travel time will reflect the actual travel time required to travel to and from the work site.

service should allow for a return commensurate with the regulatory and commercial risks involved in providing the direct control network service to which that price or charge relates<sup>18</sup>. A 6% margin is proposed for fee-based and quoted services, this is commensurate with the typical margins applied for other DNSPs and accepted by the AER for this type of work.

This margin will be applied to the price build up for fee-based and quoted services, in a similar way to the application of indirect costs, with the margin applied at the end of the calculation.

#### 14.4.2.1 Labour

Labour is a major cost component in the provision of fixed-fee and quoted services. The cost of labour is determined by applying the employees applicable hourly rate with the time required to efficiently complete the service. SA Power Networks has a large range of pay rates applicable to employees who perform fixed-fee and quoted services. To simplify the development of our proposed prices for fixed fee services and inputs for quoted services, we propose to group our labour categories into 6 groups, where similar labour classifications are grouped under one labour code, as set out in Table 14.9. This process is consistent with the approach adopted by DNSPs in other jurisdictions.

**Table 14.9: Labour classifications**

Labour Code	Description	Labour categories covered	Proposed labour rate (excluding indirect costs)
Admin	Administrative Officer	Business support officers, project creation and close-out, administration relating to projects (invoicing, rebates)	\$58.94
PM	Project Manager	Network project officers, powerline network designers, network and field services project managers	\$102.40
FW	Field Worker	Trade skilled worker, asset locators, customer connect officers, compliance officers, substation construction, maintenance, testing, supervisors, transformer / recloser workshop, metering services	\$81.52
Tech	Technical Specialist	SCADA, telecommunication officers, network facilities, quality of supply officers, telecommunications network operating, network standards, network access, substation estimators, surveyors	\$105.80
Eng	Engineer	Substation design, network planning, network protection, earthing, project engineers	\$98.83
SEng	Senior Engineer	Protection engineers	\$119.50

The labour rate for each group has been calculated using the average base labour rate for employees performing the work, following analysis of labour costs allocated within our accounting systems. The base labour rates reflect the labour rates contained within SA Power Network's enterprise bargaining agreement (EBA)<sup>19</sup>, inclusive of statutory on-costs<sup>20</sup>.

For fee-based services, we have applied a quantity of labour to develop proposed prices for services. The efficient quantity of labour has been estimated using historical work order data taking into consideration:

<sup>18</sup> NEL section 7A (5)

<sup>19</sup> Utilities Management Pty Ltd Enterprise Agreement 2018

<sup>20</sup> For example, superannuation, workers compensation, leave and leave loading and payroll tax.

- the number of employees required to complete the work;
- the average time to travel to and from the worksite; and
- the average time required on-site to complete the work task.

Consistent with SCS, we have included a real increase in labour price growth, adopting an average of 1% labour price growth (refer to Attachment 6 – Operating expenditure for further information).

The labour cost build-up for fee-based services is contained within Supporting Document 14.4 – Fixed-fee and Quoted Services Pricing Model.

#### **14.4.2.2 Materials**

Materials are directly assigned to job/work orders at cost. They include stock items distributed through SA Power Networks' centralised warehouse and specific purchases of irregular or low turnover items. An on-cost is added to stock materials to cover the cost of warehousing and delivery of materials held in the central store. This is in the form of a percentage applied to the direct cost of material (calculated as the cost of warehousing and delivery over the value of materials distributed).

The materials worksheet contained in Supporting Document 14.4 – Fixed-fee and Quoted Services Pricing Model provides a list of material stock items and unit prices. Historical material usage has been used to build-up fixed-fee service costs. For quoted services, materials will be charged based on the requirements of the specific service.

#### **14.4.2.3 Contractors**

Contractor costs (or services costs), relating to services provided by external parties, are treated similarly to materials in that they are directly assigned to job/work orders at cost. Rates for common contract services are determined through a competitive tendering process.

Contracted services applicable for proposed fixed-fee and quoted services include:

- traffic management;
- trenching;
- meter reading; and
- disconnection and reconnection activities.

#### **14.4.2.4 Vehicles**

Operational vehicles (ie heavy fleet) are centrally managed by SA Power Networks fleet group and assigned to work groups. An average hourly rate per vehicle class is calculated to incorporate the total operating cost of vehicles including fuel, registration, maintenance and repairs, and fleet management, and divided by the expected productive hours of utilisation. The operating costs associated with light fleet (ie passenger vehicles) are incorporated in business overheads.

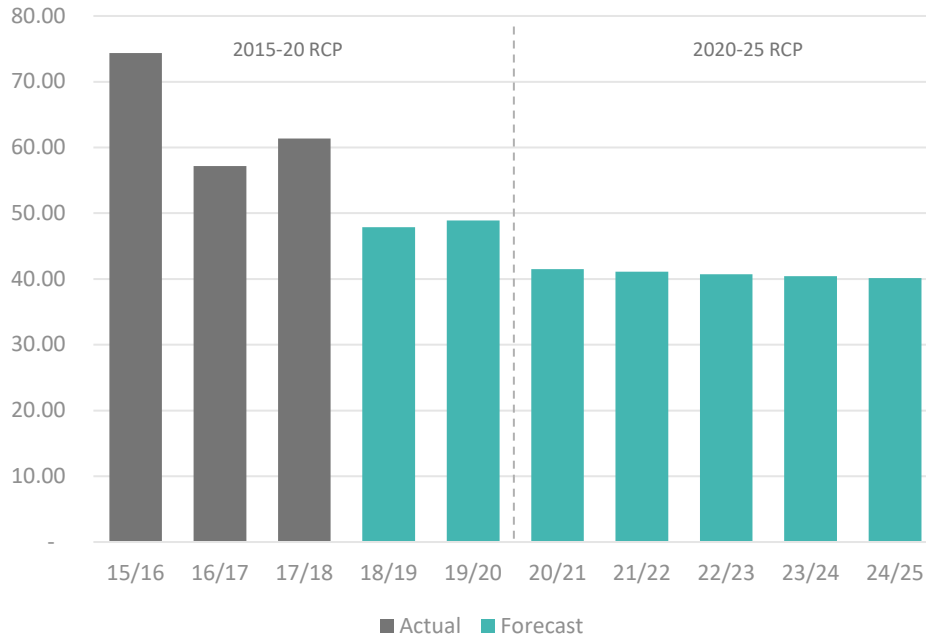
Operational vehicle costs are charged at standard rates directly to job/work orders by way of employee timesheets. Base vehicle rates have been calculated using rates applicable for the 2017/18 regulatory year.

### **14.4.3 Fee-based and quoted services revenue**

Our proposed revenue forecast for fee-based and quoted services for the 2020-25 RCP is \$204m.

Actual and forecast revenue associated with providing fee-based and quoted services for the 2015-20 RCP and the 2020-25 RCP are set out in Figure 14.4 and Table 14.10 below. Revenue varies annually according to the volume of individual services requested by our customers. Forecast volumes for the 2020-25 RCP have been estimated based on historical data. We have forecast volumes to remain stable for most services. Services impacted by metering contestability have been forecast to decline in line with expected reductions in legacy meters.

**Figure 14.4: Revenue for fee-based and quoted services for the 2015-20 and 2020-25 RCPs (\$m, June 2020)**



**Table 14.10: Revenue for fee-based and quoted services for the 2015-20 and 2020-25 RCPs (\$m, June 2020)**

	15/16	16/17	17/18	18/19	19/20	20/21	21/22	22/23	23/24	24/25
Actual / Forecast	74.34	57.16	61.38	47.86	48.89	41.48	41.09	40.74	40.43	40.14

## 14.5 Public lighting

### 14.5.1 Overview

We provide public lighting services for 67 customers throughout South Australia, including local councils and the South Australian Department of Planning, Transport and Infrastructure (DPTI).

Public lighting services are defined as:

- the operation, maintenance, repair and replacement of public lighting assets;
- the alteration and relocation of public lighting assets; and
- the provision of new public lights.

Public lighting improves the safety and amenity of our local communities through the supply, installation and maintenance around 230,000 public lights across South Australia. We are actively working with our public lighting customers to upgrade street lighting with energy efficient light emitting diodes (LEDs), providing improved outcomes for our customers and local communities.

The AER in its final F&A proposed to classify public lighting services as an ACS for the 2020–25 RCP, which is consistent with the classification of public lighting services by DNSPs in other jurisdictions. This is a change from the current classification in South Australia, where public lighting services are classified as NDS. As ACS, the AER will set price caps for public lighting services that reflect the efficient costs of providing the service.

We accept the AER’s approach to classify public lighting services as ACS and apply a price cap form of control. We propose to apply a building block approach to determine the efficient costs of providing public lighting services under the price cap control mechanism. Our detailed response to the AER’s proposed classification of services is set out in Attachment 12 – Classification of services.

As a NDS, SA Power Networks currently enters into formal contracts with public lighting customers for the provision of public lighting services. The term of these contracts often spans the useful life of luminaires installed.

The matter of long term contracts was raised during the F&A process but was not formally considered by the AER in the final F&A issued in June 2018. To understand the level of importance of this matter to our public lighting customers, we sought feedback as part of our public lighting survey issued in November 2018. In this survey, 94% of respondents indicated that price certainty is important for their organisation. Of these respondents, 93% indicated a 5-year price certainty period is acceptable to their organisation. Only 1 respondent provided a preference for a 10-year pricing period. Further detail on the public lighting survey is contained in section 14.5.2 below.

In line with feedback from our public lighting customers, we have not proposed any alternate long-term pricing options for public lighting. We will instead adopt the AER’s price cap form of control for all public lighting services for the 2020-25 RCP, with all public lighting customers transitioning to the AER approved prices from 1 July 2020.

Proposed price outcomes vary according to the build-up of costs for each individual light and the selected service package. Preliminary forecasts indicate customers would see an average increase of approximately 6% in their annual bill for public lighting services from 1 July 2020 (based on public lighting assets installed as at December 2018). The actual charges for public lighting will be determined based on the public lighting assets installed at the time of billing.

Our proposed public lighting charges for the 2020-25 RCP have been developed in accordance with the AER’s price cap formula set out in the F&A and as detailed in section 14.6. Our proposed indicative prices for public lighting services are set out in Attachment 17 - Tariff Structure Statement (Appendix I).<sup>21</sup>

#### **14.5.2 Customer feedback**

Our customer engagement program sought to understand the expectations and priorities of our customers, so we could make sure that our proposal for 2020-25 RCP is in their long-term interests.

In recent years we have engaged extensively with public lighting customers on service levels and pricing options. Individual arrangements are currently negotiated directly with public lighting customers. Our customers are supportive of the negotiated outcomes achieved to date. We proposed to transition all public lighting services to a consistent service level framework from 1 July 2020, where the current negotiated services agreement will form the basis of this framework. Amendments will be developed in consultation with our public lighting customers.

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<sup>21</sup> Charges applicable for negotiated services for the 2015-20 RCP are contained within Supporting Documents 14.9 - Network Negotiated Services & Public Lighting – 2015\_16, 14.10 - Network Negotiated Services & Public Lighting – 2016\_17, 14.11 - Network Negotiated Services & Public Lighting – 2017\_18 and 14.12 - Network Negotiated Services & Public Lighting – 2018\_19.

## Public Lighting engagement



In April 2018, we conducted a workshop with public lighting customers to consult on the reclassification of public lighting services as an ACS. Further workshops were held in August and November 2018.

We have used a building block approach to determine the efficient costs of providing public lighting services, which include luminaire capital, luminaire operating, infrastructure capital, infrastructure operating, and administration and systems support costs. This building block approach enables us to continue to support pricing flexibility and customer choice, aligned with the current negotiating framework, as approved by the AER in 2015. Price options vary depending on the service ‘package’ selected by customers. In a November 2018 workshop attended by public lighting customers and the AER, we outlined our building block approach which received wide support.

Following this workshop, we issued a public lighting survey to all public lighting customers to gather direct feedback on key topics of relevance in preparing our public lighting proposal. We received responses from 22 councils, representing a 33% response rate. Feedback is detailed in Table 14.11 below.

In collaboration with the Local Government Association (**LGA**), a smaller Public Lighting Working Group (representative of the broader public lighting customer base) has been established. This working group will assist with the ongoing consultation associated with our Proposal, the transition to ACS, and the development of our service level framework for public lighting services.

Constructive feedback received through our engagement has assisted with the build-up of our overall proposal and is summarised in Table 14.11.

**Table 14.11: Customer engagement survey feedback summary for public lighting services**

What we heard	Our Response	Evidence
<b>Technology development</b> Majority of our public lighting customers are supportive of the transition to LED lighting.	We are continuing to consult with councils and DPTI to proactively upgrade the remaining lights to LEDs where cost effective	97% supported the transition to LED lighting, with 3 respondents having completed a large part of their upgrade, 8 with roll-outs underway, and 8 in active discussions. For those customers who have not yet commenced upgrades, most expect to upgrade in the next 1 – 4 years.
Majority of our public lighting customers are also interested	We will continue to collaborate with public lighting customers on the introduction of new	94% of respondents indicated an interest in smart lighting services.

What we heard	Our Response	Evidence
in smart lighting services (including smart controls).	technology. New services will be introduced through our Annual Pricing Proposal ( <b>APP</b> ).	
<b>Price certainty</b> Majority of our public lighting customers value price certainty for public lighting services.	We have not proposed any alternate long-term pricing options for customers. We will adopt the AER's price cap control mechanism for all public lighting services.	94% supported price certainty, with most indicating the 5-year regulatory period provided adequate certainty. Only 1 respondent indicated a preference for 10-year price certainty.
<b>Access gateway/portal</b> Most of our public lighting customers support the development of a new access gateway/portal to improve access to information.	We have proposed \$300,000 in capex 2020/21 to finalise the development of a dedicated public lighting customer portal. This work is expected to commence in 2018/19 in collaboration with the public lighting working group.	84% of respondents were either very supportive or fairly supportive of the initiative. Only 2 respondents indicated they are fairly unsupportive of the initiative.
<b>Levels of service</b> The level of support for service levels varied greatly across our public lighting customers, with most customers comfortable with the levels of service proposed.	We have further engaged with the public lighting working group to understand survey results and any changes that may be required to the service levels we have used to develop our pricing proposal.	An average of 76% of respondents were comfortable with service levels, with 45% very or fairly supportive of service levels and 31% remaining neutral. Most negative responses were associated with billing, current reporting, and cost-effective services.
<b>Postage stamp pricing</b> Most public lighting customers support the retention of postage stamp pricing for all operating and maintenance costs, with metro/regional pricing for luminaire installations.	We have retained postage stamp pricing for all operating and maintenance costs, with a new metro/regional price introduced for luminaire installations.	68% of respondents support postage stamp pricing for operating and maintenance costs, with a metro/regional price for new installations or upgrades.
<b>Column pricing</b> Most public lighting customers support the recovery of infrastructure capital (column, cable replacement) costs through the public lighting asset base ( <b>PLAB</b> ), with costs recovered across all customers.	We propose to add all infrastructure capital costs as additions to the PLAB, with these costs recovered through PLAB recovery over a 28-year period.	71% of respondents support the continued recovery of column infrastructure replacement costs through the PLAB.
<b>Luminaire recovery period</b> Public lighting customers had mixed views about the recovery period for new luminaires, while most supported a 17-year recovery period, a number of customers recommended a 20-year period, with a small number	We propose to retain the luminaire recovery period at 17 years.	58% of respondents supported a 17-year capital recovery period for new luminaires installed, with 7 respondents supporting 20 years, 2 supporting 15 years, and 2 supporting 10-year recovery.

What we heard	Our Response	Evidence
suggesting a shorter recovery period apply.		
<i>"Can SAPN develop a standard contract clause that addresses the ACS changes commencing in 2020?"</i>		<i>"Thank you for providing the workshop and your efforts to collaborate openly."</i>
	<i>"I believe postage stamp pricing should apply for both installation and maintenance of lights in both city and regional areas. It seems unfair to postage stamp price everything else except charge for regional installations."</i>	



### 14.5.3 Public lighting assets

There are approximately 230,000 luminaires / public lighting installations across our network. The delivery of public lighting services requires the ongoing maintenance, inspection, and operation of these public lighting installations. Public lighting services also include the design, procurement and construction of new public lighting installations as requested by public lighting customers.

Each public lighting installation has several asset components:

- **Lamp** – Light globe that produces the illumination, lamps are mounted inside traditional high intensity discharge (**HID**) luminaires.
- **PE Cell** – Photo-electric cell which switches the light on in low light conditions<sup>22</sup>.
- **Luminaire** – Luminaire that distributes, filters or transforms the light transmitted from a light source, including lamps or LED modules.
- **Bracket** – Supporting structure to hold or extend the luminaire from a pole.
- **Pole / Column** – Structure that elevates the luminaire assembly above the ground, may be distribution network poles or dedicated lighting columns and poles.

The public lighting asset consists of a range of lamps, luminaires, PE cells, brackets, columns and associated wiring. SA Power Networks has a wide range of lamp types (globes) on its public lighting system. This has developed as technology changes have occurred and trends have altered across the world.

As at July 2018, about 35,000 (15%) of luminaires installed have been upgraded to more energy efficient LEDs, providing improved energy and maintenance outcomes for our public lighting customers<sup>23</sup>. 97% of public lighting customers have indicated their support for the transition to LED lighting. As a result, we are continuing to work with public lighting customers to proactively upgrade the remaining HID public lighting installations to LEDs where cost effective.

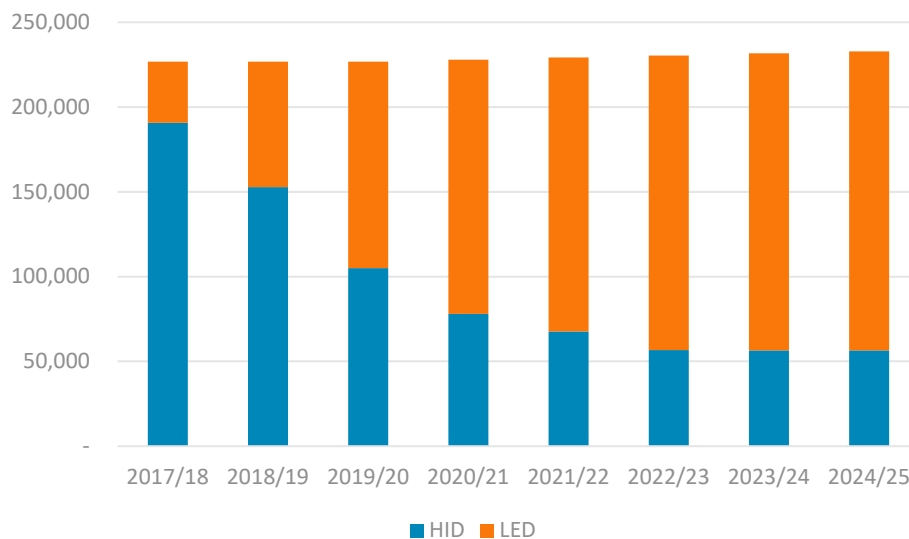
Figure 14.5 provides the expected transition from HID lights to LED's, with 74% of public lighting installations forecast to be converted to LEDs by 30 July 2025. We expect a growth rate of 1,200 public lighting installations per annum, with these installations expected to be LED installations.

The remaining volume of HID public lighting installations reflects:

- **'Post top' (decorative) luminaires** – which do not currently have a suitable LED replacement; and
- **Customer luminaires** – where replacement is the responsibility of the public lighting customer (Energy Only (**EO**) and Customer Light Equipment Rate (**CLER**) lights).

<sup>22</sup> D2 PE Cells are used in 'P' category (pedestrian / minor roads) HID lights, with NEMA PE cells used for all 'V' category (vehicular / main roads) and LED lights.

<sup>23</sup> With each new LED installed, public lighting customers reduce energy costs and greenhouse emissions by about 80%.

**Figure 14.5: Forecast transition from HID to LED luminaires**

Public lighting technology is continuing to change, with the evolution of smart lighting services. We are working with smart city technology providers to develop a cost-effective and ongoing smart lighting management platform that we can roll out in South Australia. Smart street lighting with remote monitoring enable automatic reporting of failures, improving maintenance outcomes for public lighting customers. Smart lighting services, such as smart controls can allow lights to be dimmed when streets are not used or ensure enhanced brightness for specific events or safety reasons. We will continue to explore this technology in collaboration with our public lighting customers, with approximately 94% of our public lighting customers indicating they are interested in smart control technology.

The AER has recognised this ongoing technology evolution, classifying emerging public lighting technology as ACS for the 2020-25 RCP. This classification enables SA Power Networks to introduce emerging public lighting technology products in a timely manner, without having to wait until the commencement of the 2025-30 RCP. We propose to include any new products as part of our APP.

#### 14.5.4 Public lighting services

The provision of public lighting services, and associated maintenance and replacement responsibility, is determined in accordance with the public lighting service ‘package’ selected by public lighting customers.

Public lighting customers can choose which public lighting service offering best suits their individual circumstances, including who funds the initial asset installation and future replacement, and who is responsible for the operational maintenance of the public lighting installations once installed. Our pricing proposal has been developed to continue to provide this flexibility in public lighting service offerings to our public lighting customers.

Our proposed public lighting service packages are as follows:

- **SA Power Networks (SAPN) or Street Light Use of System (SLUOS)** – Where we have funded the public lighting installation and provide a full maintenance service for approximately 85% of installed public lighting assets (poles and lights).
- **Transferred Infrastructure (TFI)** - Customers or developers fund the installation of new public lighting assets and gift the public lighting installation to us following completion. We then assume full maintenance responsibility for the public lighting installation, including responsibility for future replacement of the installation at the end of its useful life.

- **EO** - Customers fund the installation of the public lighting assets and retain ongoing responsibility for maintenance and replacement of these public lighting installations. Our responsibility for these assets is administrative only, with the public lighting installations recorded in our Geographic Information System (**GIS**) and any faults received forwarded to the public lighting customer for their action.
- **CLER** - Customers fund the installation of the public lighting assets, with SA Power Networks maintaining minor components (eg lamps). The customer retains responsibility for the future replacement of all major public lighting installation components.
- **Public Light Customer (PLC)** - With the introduction of LED lighting, a further service offering was introduced. Under this service offering, we undertake routine maintenance of the public lighting installation and have responsibility for future replacement of public lighting infrastructure (poles). The public lighting customer will retain financial ownership and be responsible for replacement cost of the luminaire.

Table 14.12 provides further details on the ownership and maintenance responsibilities for each public lighting service package.

**Table 14.12: Public lighting maintenance and replacement responsibilities by service package**

<b>Service Package</b>	<b>Description</b>	<b>Ownership</b>	<b>Installation / Replacement</b>	<b>Operation and Maintenance</b>
<b>SAPN / SLUOS</b>	SA Power Networks funds luminaire / infrastructure installation or upgrade.	SA Power Networks	SA Power Networks	SA Power Networks
<b>TFI</b>	Lighting luminaire / infrastructure is transferred ('gifted' or 'vested') to SA Power Networks.	SA Power Networks	SA Power Networks	SA Power Networks
<b>PLC</b>	Customer funds the luminaire installation or upgrade. SA Power Networks funds the installation and upgrade of infrastructure. SA Power Networks maintains assets over their life.	Public Lighting Customer (Luminaire) SA Power Networks (Infrastructure)	Public Lighting Customer (Luminaire) SA Power Networks (Infrastructure)	SA Power Networks
<b>CLER</b>	Customer funds all public lighting assets. SA Power Networks maintains assets over their life.	Public Lighting Customer	Public Lighting Customer	SA Power Networks (minor components)
<b>EO</b>	Customer funds and retains ownership of all public lighting equipment and maintenance responsibilities.	Public Lighting Customer	Public Lighting Customer	Public Lighting Customer

Where we are responsible for maintenance, we will maintain the public lighting installation to ensure public lighting installation continues to provide the initially agreed lighting levels.

SA Power Networks will offer to install new public lighting installations or replace existing public lighting installations under a PLC offering, where the customer will fund the installation up-front. This public lighting installation service has been included, and will be priced, as a quoted service (refer to section 14.4).

A summary of the components of our public lighting services is set out below, with further detail available in Supporting Document 14.5 – Public Lighting Asset Management Plan.

#### 14.5.4.1 Luminaire maintenance

Luminaire maintenance revolves around three key processes:

- the reactive repair of lights on failure via the Single Light Out (**SLO**) system;
- a proactive bulk replacement process for HID public lighting installations; and
- the testing and cleaning of LED public lighting installations.

Public lighting faults are reported by customers through our online SLO reporting tool or by phoning our call centre. Field crews will attend the relevant site with the aim of rectifying 98% of faults within 5 business days for metro areas and 10 business days for regional areas. Faults may be associated with the lamp, PE cell, wiring or the luminaire. Crews carry spares when attending faults to reduce the need for a second visit to rectify the fault. For SLO maintenance, we utilise a services contract in the metro area (which has a high density of lights) and local depot staff in regional areas (which has a low density of lights), with this mix providing the most efficient outcome for public lighting customers.

Bulk lamp replacement is a proactive program to minimise the failure rate of lighting components (eg lamps) and to maintain lighting levels. Bulk lamp replacement is only applicable for Category 'P' (minor road) lighting. The replacement period (as detailed in Table 14.13) is determined based on the age of the component and their associated failure rates. The luminaire will be visually inspected and cleaned at each lamp or PE cell change.

**Table 14.13: Planned bulk replacement of HID components**

Luminaire Type	Size (W)	Lamp Replacement	PE Cell Replacement
<b>Category 'P'</b>			
Compact Fluorescent	32, 42	4 Years	8 Years
Fluorescent	20, 40	2 Years	8 Years
High Pressure Sodium	50	3 Years	8 Years
Mercury Vapour	50, 70, 80	4 Years	8 Years

Historically the bulk lamp replacement program has resulted in the replacement of approximately 30,000 lamps per year, with this number reducing in line with the penetration of LEDs. Bulk replacement activities are delivered through a services contract for both metro and regional public lights.

Bulk lamp replacement is not completed on Category 'V' (main road) lights. Due to the high cost associated with these lights, they are maintained on a 'run to fail' basis. Further detail on the maintenance strategy for Category 'V' lighting is provided within our public lighting asset management plan (see Supporting Document 14.5 – Public Lighting Asset Management Plan)

LED globes are integrated into the luminaire and do not require any component replacement over the life of the luminaire. LEDs are also installed with a NEMA PE cell, with an estimated useful life of 20 years<sup>24</sup>. These PE cells will only be changed on failure.

<sup>24</sup> NEMA PE cell 20-year life aligns with the useful life of the LED luminaires

While no lamp or PE cell replacement program is required for LED lights, the lights will require regular cleaning to maintain lumen output in accordance with lighting standards. We propose to clean LED lights every 5 years. To assist us in validating the prudence of a 5-year cleaning cycle, we propose to undertake lux testing of a portion of installed LEDs. This testing is proposed to be completed after the LED has been installed for 4 years, 1 year prior to the scheduled LED cleaning cycle. We propose to test approximately 25% of LED's, covering high pollution and low pollution areas. This test will be conducted from the ground and confirm the light output from the LED compared to installed standards. We will use this data to adjust our cleaning cycles in the future if required.

If a LED fault occurs, the entire luminaire will be replaced. A warranty period is applicable to new LEDs installed, where we will return faulty luminaires to the manufacturer for replacement. While warranty will cover the cost of a replacement luminaire, it does not extend to the labour costs associated with completing the replacement activity.

It is important to note that following the introduction of LED technology, manufacturers of public lighting equipment are responding by ceasing HID manufacturing. This means some HID luminaires and lamps are no longer commercially available. In this instance, we will replace the luminaire with an equivalent output LED luminaire on lamp or HID luminaire failure, with this light placed on a 'SAPN LED tariff' to enable capital recovery over the life of the asset.

#### **14.5.4.2 Pole / column maintenance**

Public lights may be attached to a distribution stobie pole (shared pole) or a dedicated streetlight column or pole. Inspection and maintenance activities associated with shared poles is included within SCS. Public lighting customers only bear the inspection and maintenance costs associated with dedicated streetlight columns.

We are responsible for approximately 70,000 dedicated streetlight columns across our network, with the oldest columns installed in 1956. Columns are inspected on average every 7.5 years. Columns in high corrosion zones are inspected on a 5-year cycle and columns in low corrosion zones on a 10-year cycle. Inspections are focussed on the condition of the column, enabling identification of assets for replacement prior to asset failure. We plan to replace approximately 150 columns (0.2% of columns) annually, with these columns identified through our column inspection program. Currently 6% of the 9,000 columns inspected annually need replacement, where the columns inspected are in older areas and high corrosion zones. We forecast this replacement volume to reduce to around 2% of inspected columns from 2020/21 as inspection moves to lower corrosion zones.

Columns will also be replaced reactively when faults are reported that require immediate rectification (eg a customer reported fault). Reactive column replacements are forecast using the average replacements for the past 4 years.

#### **14.5.5 Minimum service standards**

Our public lighting proposal has been developed based on delivering the following minimum service levels for public lighting customers:

- operate public lighting assets safely, efficiently and effectively over their economic life;
- maintain compliance of the lighting levels to within 70% of the level applicable when public lighting installation was initially commissioned;
- repair 98% of public lighting faults, for which we are responsible, within 5 business days (metro) or 10 business days (for all other areas);

- where faults are not repaired within 5 business days (metro) or 10 business days (for all other areas), we will pay the first person who reported the fault \$25 for each period (5 business days or 10 business days depending on its location) in which the streetlight is not repaired<sup>25</sup>;
- replace HID category 'P' road lamps at least every 4 years or otherwise as required to maintain luminance output and minimise SLO lamp failures;
- clean luminaires to maintain luminance output, with HID lights cleaned at the time of a lamp change and LED lights cleaned every 5 years;
- operate a 24-hour call centre and online reporting tool for members of the public and public lighting customers to report faults;
- where a fault is reported, for which we are not responsible, we will notify the public lighting customer of the outage within one business day of receiving the outage report;
- invoices for public lighting services, specifying lamp types and volumes, will be issued by the 6<sup>th</sup> working day of the month, for the preceding month;
- public lighting asset data, including luminaire details and locations, will be provided to public lighting customers monthly;
- operational reports, detailing fault performance, will be provided to public lighting customers quarterly for the preceding quarter;
- all public lights assets mapped in SA Power Networks' GIS system, with GIS data provided to public lighting customers annually; and
- energy / carbon reporting will be provided to all major customers every six months.

SA Power Network will provide performance reports to each public lighting customer detailing performance against minimum service standards on an annual basis.

The proposed service levels are contained within our public lighting asset management plan. These service levels will also be incorporated into the proposed public lighting service level framework, which is intended to apply from 1 July 2020. This service level framework will be developed in consultation with our public lighting customers.

As part of our engagement with public lighting customers, we asked our customers for their views on our proposed service level. Of the 33% of public lighting customers who responded to our survey, 76% indicated they are either supportive (45%) or neutral (31%) about the proposed service levels.

Currently, a GSL payment of \$25 for each period (5 business days for metropolitan areas, and 10 business days for all other areas) in which the street light is not repaired is payable to the first person to report the fault. The Essential Services Commission of South Australia (**ESCoSA**) has recently completed a review of the reliability framework that will apply to SA Power Networks for the 2020-25 RCP, with no changes made to the GSL payment arrangements for public lighting.

#### 14.5.6 Pricing methodology

We have used a building block approach to determine the efficient cost of providing public lighting services. This building block approach enables us to continue to support pricing flexibility and customer choice, aligned with the current negotiated pricing framework. Charges vary depending on the service package selected by customers.

We have developed a Public Lighting Pricing Model for the purposes of determining the public lighting prices for the 2020-25 RCP (see Supporting Document 14.6 – Public Lighting Pricing Model). The model contains the proposed unit costs for labour and materials categories using the building block approach to determine the efficient cost of providing public lighting services.

<sup>25</sup> Electricity Distribution Code 12.1, section 2.3.1(c)

There are five components used in determining public lighting prices – luminaire capital, luminaire operating, infrastructure capital, infrastructure operating, and administration and systems costs. Table 14.14 details the components that apply to build up pricing for each service package.

**Table 14.14: Price components applicable to each service package**

Component	EO	CLER	PLC	TFI	SAPN	SLUOS
Luminaire Capital				✓ <sup>26</sup>	✓	✓
Luminaire Operating		✓	✓	✓	✓	✓
Infrastructure Capital			✓	✓	✓	✓
Infrastructure Operating			✓	✓	✓	✓
Administration & Systems	✓	✓	✓	✓	✓	✓

#### 14.5.6.1 Luminaire capital

Luminaire capital provides for the recovery of capital costs associated with the installation of new luminaires where SA Power Networks funds the installation, this is applicable for public lighting assets within the SAPN and SLUOS service packages<sup>27</sup>. The luminaire capital price component is calculated as an annuity. The rate of return is consistent with that applied for SCS (see Attachment 3 – Rate of Return).

As part of our engagement, we asked our public lighting customers if they were supportive of a 17-year recovery period for new luminaires installed, this is consistent with our current negotiated pricing. Most customers (58% of respondents) supported the 17-year recovery period, with 23% recommending a 20-year recovery period (which aligns with the useful life of the luminaire), and a small number suggesting a shorter recovery period of 10 or 15 years.

Following consideration of customer feedback, we propose to continue to apply the 17-year recovery period for new luminaires installed. At the end of this period, these lights will transition to a PLC price, where no further luminaire annuity charges are applicable. SA Power Networks bears the risk associated with luminaire recovery beyond the 10-year warranty period. If the luminaire fails after the 10-year warranty period, but prior to the end of the 17-year recovery period, the light will move across to a new luminaire annuity associated with the new installation. In this instance, we will forfeit the unrecovered capital from the initial installation.

Where a public lighting customer chooses to replace a luminaire or transition to a different service package (such as the PLC) prior to the end of the recovery period, a transition cost will be applicable. This transition cost will reflect the written down value of the luminaire. The written down value is calculated as the present value of the luminaire installation cost less the cumulative payments made in respect of the luminaire. These values will be determined in accordance with our Public Lighting Pricing Model (see Supporting Document 14.6 – Public Lighting Pricing Model).

To improve the cost reflectivity of public lighting services, we propose to retain a regional price for the luminaire annuity, including the additional costs associated with mobilisation of work crews in regional areas. This is consistent with current negotiated public lighting prices for new installations. These installation costs will be recovered over the annuity period, providing an estimated increased regional annuity charge per light of up to 5% per annum. This proposal received support from 68% of public lighting customers. Noting some customers suggested that installation services should be subject to the same postage stamp pricing arrangements as operating and maintenance costs.

TFI lights will attract a small luminaire capital annuity to recover the future costs associated with the replacement of the luminaire at the end of its useful life. For these assets initial installation was funded by the public lighting customer or developer, with the asset then transferring to SA Power Networks at

<sup>26</sup> Limited to capital associated with future replacement of the luminaire at the end of its useful life

<sup>27</sup> Luminaire capital is applied to TFI category lights associated with the replacement of the luminaire at the end of its useful life

completion. Replacement of TFI luminaires on failure or at the end of its life is the responsibility of SA Power Networks. This capital cost will be recovered over the life of the asset.

#### 14.5.6.2 Luminaire operating

The luminaire operating component reflects the costs associated with luminaire maintenance. This includes reactive SLO work, proactive inspection and cleaning, and bulk replacement activities (for applicable HID installations).

Historical fault data has been used to forecast future failure rates for luminaires and their components, resulting in different operating costs for each luminaire installed.

We propose to retain postage stamp pricing for the recovery of operating and maintenance costs, where metro and regional customers will pay the same for operation and maintenance of the same light type irrespective of the location of the public lighting installation. This is consistent with the SA Government policy position on regional pricing for small customers. Postage stamp pricing is supported by our public lighting customers, with 68% of customers preferring to retain postage stamp pricing for the 2020-25 RCP.

#### 14.5.6.3 Infrastructure capital

Infrastructure capital provides for the return of and on the PLAB.

The opening PLAB valuation for public lighting services as at 1 July 2020 has been determined within the RFM, allowing for actual and forecast public lighting capital expenditure and depreciation<sup>28</sup>.

In July 2016, we commenced recovering the costs of newly installed luminaires through an annuity, with these luminaires no longer resulting in additions to the PLAB. We propose to continue to apply an annuity model to the luminaire recovery for the 2020-25 RCP.

For the 2020-25 RCP, we propose to continue to assign infrastructure capital costs associated with column, bracket, and cable replacements to the PLAB. These costs will be recovered across the broader public lighting customer base. As part of our engagement, we asked our public lighting customers if they were supportive of this approach to infrastructure recovery. 71% of public lighting customers indicated their support for this funding arrangement.

We have adopted straight-line depreciation to calculate the depreciation allowance. A standard life of 28 years has been applied for public lighting assets, with a remaining life of approximately 18 years as at 1 July 2020. Forecast depreciation schedules have been determined based on the roll forward of the opening asset base and the forecast capex for non-contributed public light assets. The AER's PTRM has been used to calculate the depreciation forecast for the 2020-25 RCP (as shown in Table 14.15).

As discussed in section 7.5 of Attachment 7 – Corporate Income Tax, as new AER models reflecting the recommendations from the AER's final report in relation to its review of the regulatory tax approach are not currently available to properly calculate the estimated costs of corporate income tax and the regulatory tax allowance, our Proposal does not contain detailed workings for the tax building block. Instead, we have used a placeholder value of \$1 for the building block for the estimated costs of corporate income tax.

**Table 14.15: Roll forward of PLAB for 2020-25 RCP**

<b>\$m, nominal</b>	<b>2020/21</b>	<b>2021/22</b>	<b>2022/23</b>	<b>2023/24</b>	<b>2024/25</b>
Opening PLAB (1 July)	43.3	43.5	43.1	42.8	42.5

<sup>28</sup> The PLAB valuation is subject to an open dispute which is currently before the AER for decision. The outcome of this dispute may result in changes to the opening PLAB value as at 1 July 2020. Updates, as may be required, will be applied to our Revised Proposal once the final decision is handed down by the AER.



<b>\$m, nominal</b>	<b>2020/21</b>	<b>2021/22</b>	<b>2022/23</b>	<b>2023/24</b>	<b>2024/25</b>
Forecast capex / additions	1.5	1.1	1.4	1.4	1.5
Depreciation	(2.4)	(2.6)	(2.7)	(2.8)	(3.0)
Inflation on opening PLAB	1.1	1.1	1.1	1.1	1.0
Closing balance (30 June)	43.5	43.1	42.8	42.5	42.1

We have applied a consistent rate of return to ACS, as applied to SCS set out in Attachment 3 – Rate of Return.

#### **14.5.6.4 Infrastructure operating**

The infrastructure operating component reflects the costs of completing column inspections, associated column repairs, and cables repairs, resulting from SLO faults. Historical data has been used to forecast future infrastructure operating expenditure.

Columns are inspected on average every 7.5 years, with high corrosion zones inspected on a 5-year cycle and low corrosion zones on a 10-year cycle. Inspections are focussed on the condition of the column, wiring, and earth, reducing risk of in-service column failure and potential for the column to cause an electric shock. Further detail is available in our public lighting asset management plan (refer to Supporting Document 14.5 – Public Lighting Asset Management Plan).

#### **14.5.6.5 Administration and systems**

Administration and systems costs reflect the administrative costs directly attributed to provision of public lighting services. This includes systems and GIS data maintenance, SLO reporting, customer management, and asset management functions.

Following feedback from our public lighting customers, we propose to undertake a detailed asset data audit to validate public lighting billing data with assets physically installed in the field. This audit is estimated to cost on average \$0.60 per light per annum over the 2020-25 RCP.

We do not propose to charge public lighting customers for the direct costs associated with the operation and maintenance of shared poles used to support public lighting infrastructure, with these costs forming part of SCS. Consistent with current negotiated service agreements, we propose to charge a use of pole charge for public lighting installations on shared poles. This use of pole charge is for the right to access stobie poles to attach public lights. It is not associated with the act of attaching lights to poles. Rather it is analogous to the provision of an easement for the right to attach a light to a pole as an alternative to charging a customer for the erection of a dedicated lighting column for that light. The presence of public lighting means that it takes longer to perform standard functions than would otherwise be the case, these costs would be avoided if the public lighting installations were not there.

ESCoSA reviewed the application of use of pole charges for public lighting in 2000<sup>29</sup> and 2009<sup>30</sup>, in both cases confirming that some form of use of pole charge would be “fair and reasonable”. We also engaged Incenta Economic Consulting to conduct an independent review of the use of pole charge and application to public lighting in 2017<sup>31</sup>. This review concluded that a charge for use of pole with respect to the public lighting service is justified in the context of economic efficiency and the National Electricity Objective (NEO). We have proposed a use of pole charge of \$8 per Stobie pole, which is the minimum rate recommended by Incenta Economic Consulting in its final report.

<sup>29</sup> SAIIR PUBLIC STREET LIGHTING TARIFFS FINAL REPORT - November 2000 Section 3.7 Table 3.5 page 41.

<sup>30</sup> ESCoSA ETSA UTILITIES' PUBLIC LIGHTING EXCLUDED SERVICES CHARGES FAIR AND REASONABLE DETERMINATION – December 2009 Section 4 paragraphs 199 and 170 page 32

<sup>31</sup> Incenta Economic Consulting - 'Economic justification for a public lighting elevation charge' report for SA Power Networks October 2017

### 14.5.7 Public lighting revenue

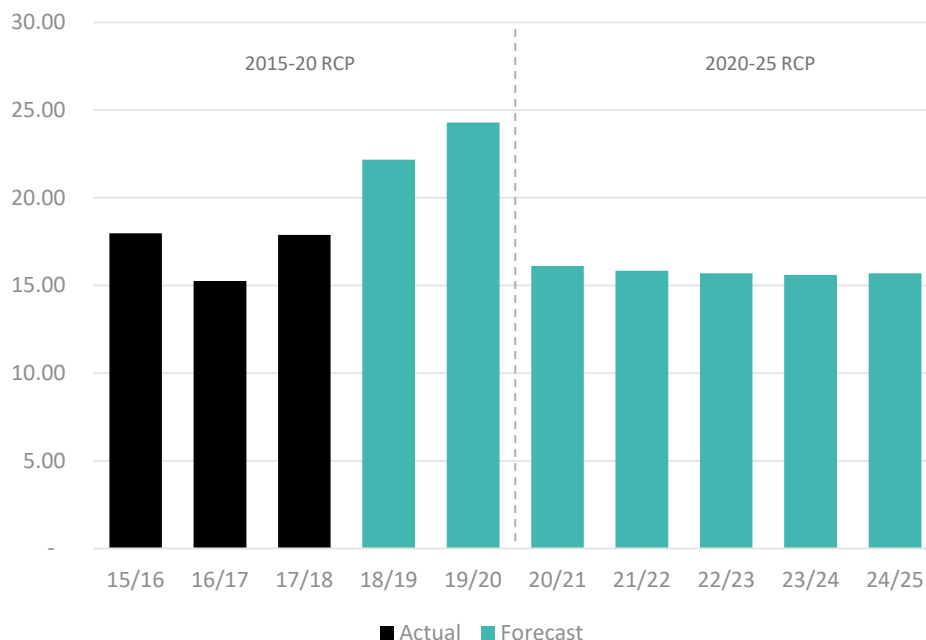
Our proposed revenue forecast for public lighting services for the 2020-25 RCP is \$79m.

Public lighting revenue for the 2015-20 RCP and forecast revenue for the 2020-25 RCP is provided in Figure 14.6 and Table 14.16 below. Revenue will vary as the volume and type of lights installed changes.

Actual revenue for 2017/18 regulatory year and forecast for 2018/19 and 2019/20 regulatory years includes revenue associated with the installation of LED's, where the installation cost was wholly funded by the customer at the time of installation. No forecast for customer funded LED installations has been included for 2020-25 RCP, this will be treated as a quoted service from 1 July 2020.

We expect about 65% of lights to be converted to LED by 1 July 2020, with an additional 10% of lights expected to be converted prior to the end of the 2020-25 RCP. We also forecast about 1,200 new lights to be installed each year, with these lights expected to be LED installations.

**Figure 14.6: Actual and forecast public lighting revenue for the 2015-20 and 2020-25 RCPs (\$m, June 2020)**



**Table 14.16: Actual and forecast public lighting revenue for the 2015-20 and 2020-25 RCPs (\$m, June 2020)**

	15/16	16/17	17/18	18/19	19/20	20/21	21/22	22/23	23/24	24/25
Actual / Forecast	17.97	15.26	17.88	22.17	24.30	15.84	15.70	15.61	15.61	15.64

## 14.6 Form of control mechanism

As mentioned above, the AER proposes to apply caps on the prices of individual services (price caps) for ACS in the 2020-25 RCP, in accordance with clause 6.2.5 of the NER.

The basis of the control mechanism is the method used to calculate the prices to be set for a group of services. The basis of control has been built into the pricing models developed for each service as follows:

- **Legacy metering services (type 5 and type 6)** – A building block approach has been applied for the 2020-25 RCP.
- **Services charged on a fixed fee or quoted basis** – A formula-based approach (cost-build up approach) will be applied in the first regulatory year and then a price path for the remaining regulatory years of the 2020-25 RCP.
- **Public lighting services** – A building block approach has been applied for the 2020-25 RCP.

SA Power Networks has proposed prices and pricing parameters that comply with the AER's pricing control mechanism and formula as set out in the final F&A. Refer to the pricing models for detail of the basis of control. The X-factors for the 2020-25 RCP will reflect the change in annual prices (on top of CPI) as detailed in our pricing models. See Supporting Documents 14.2 – Metering Model and PTRM, 14.4 – Fixed-fee and Quoted Services Pricing Model, and 14.6 – Public Lighting Pricing Model.

SA Power Networks will demonstrate compliance with the pricing control mechanism and formula for ACS by proposing prices that comply with the formula in its APP for each year of the 2020-25 RCP.

#### 14.6.1 Fee based services

The price cap formula to be applied to legacy metering, public lighting and ancillary fee-based services is as follows:

$$p_t^{-i} \geq p_t^i \quad i=1, \dots, n \text{ and } t=1, 2, \dots, 5$$

$$p_t^{-i} \geq p_{t-1}^{-i} \times (1 + CPI_t) \times (1 - X_t^i) + A_t^i$$

Where:

$p_t^{-i}$  is the cap on the price of service i in year t.

$p_t^i$  is the price of service i in year t. The initial value is to be decided in the 2020-25 distribution determination.

$p_{t-1}^{-i}$  the cap on price of service i in year t-1.

t is the regulatory year.

$\Delta CPI_t$  is the annual percentage change in the ABS consumer price index (CPI) All Groups, Weighted Average of Eight Capital Cities<sup>32</sup> from the December quarter in year t-2 to the December quarter in year t-1, calculated using the following method:

The ABS CPI All Groups, Weighted Average of Eight Capital Cities for the December quarter in regulatory year t-1

divided by

The ABS CPI All Groups, Weighted Average of Eight Capital Cities for the December quarter in regulatory year t-2

minus one.

<sup>32</sup>If the ABS does not, or ceases to, publish the index, then CPI will mean an index which the AER considers is the best available alternative index

$X_t^i$  is the X factor for service i in year t. The X factors are to be decided in the 2020-25 distribution determination and will be based on the approach SA Power Networks undertakes to develop its initial prices.

$A_t^i$  is the sum of any adjustments for service i in year t. Likely to include, but not limited to, adjustments for any approved cost pass through amounts (positive or negative) with respect to regulatory year t, as determined by the AER.

#### 14.6.2 Quoted services

The price cap formula we propose to apply to quoted services is as follows:

$$\text{Price} = \text{Labour} + \text{Contractor Services} + \text{Materials} + \text{Margin}$$

Where:

*Labour* consists of all labour costs directly incurred in the provision of the service which may include labour on-costs, fleet on-costs, and overheads. Labour is escalated annually by  $(1 + \Delta CPI_t)(1 - X_t^i)$  where:

$\Delta CPI_t$  is the annual percentage change in the ABS CPI All Groups, Weighted Average of Eight Capital Cities<sup>33</sup> from the December quarter in year t–2 to the December quarter in year t–1, calculated using the following method:

The ABS CPI All Groups, Weighted Average of Eight Capital Cities for December quarter in regulatory year t–1

divided by

The ABS CPI All Groups, Weighted Average of Eight Capital Cities for the December quarter in regulatory year t–2

minus one.

For example, for the 2020/21 regulatory year, year t–2 is the December quarter 2018 and year t–1 is the December quarter 2019.

$X_t^i$  is the X factor for service i in year t. The X factor is to be decided in the 2020-25 distribution determination and will be based on the approach SA Power Networks undertakes to develop its initial prices.

*Contractor Services* reflect all costs associated with the use of the external labour including overheads and any direct costs incurred. The contracted services charge applies the rates under existing contractual arrangements. Direct costs incurred are passed on to the customer.

*Materials* reflect the cost of materials directly incurred in the provision of the service, material on-costs and overheads.

*Margin* is equal to 6 percent of the total costs of labour, contractor services and materials.

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<sup>33</sup> If the ABS does not, or ceases to, publish the index, then CPI will mean an index which the AER considers is the best available alternative index.

The first three terms are defined in accordance with the AER’s F&A. For the 2020-25 RCP, we propose to include a margin as a fourth term. As provided in section 14.4.2, the inclusion of a margin for fee-based and quoted services is consistent with the principle of competitive neutrality and the revenue and pricing principles contained within the NEL, where customers pay an amount that is commensurate with the prices that would be observed in a competitive market.

We note that TasNetworks’ proposed a similar change to their quoted services formula in its recent regulatory proposal.<sup>34</sup> This proposal was accepted by the AER in its draft decision in September 2018.<sup>35</sup> This decision was not available at the time of the finalisation of SA Power Networks’ F&A. The inclusion of the margin in the form of control formula for quoted services provides a more simplistic approach to applying the margin to quoted services, with the margin able to be applied at the end of the quoted services charge calculation as a fixed percentage. We consider this meets the criteria for a material change in circumstances.

### 14.6.3 New service identified within the 2020-25 RCP

We seek to be able to introduce new charges as part of our APP, where a new service is identified that falls within an existing ACS service group classification. This will provide us with the flexibility to provide new services to our customers without having to wait until the 2025-30 RCP.

For example, 94% of our public lighting customers have indicated an interest in new public lighting technology such as smart controls. As this technology is not yet fully developed, we are unable to propose a price for this service at this time. We propose to continue to collaborate with public lighting customers on the introduction of this new technology, with new services introduced through our APP when required.

New prices will be introduced in one of two ways:

- **Fixed-fee services** – where the service is consistent with the other fixed-fee services approved by the AER as part of our distribution determination for the 2020-25 RCP, we will create a new price using our approved pricing model with updates to the relevant inputs. This updated model will be submitted to the AER for approval with our APP; or
- **Quoted services** – where a fixed-fee price is unable to be developed the service will be charged on a time and materials (quoted) basis. New quoted services will be provided to the AER for approval as part of our APP.

<sup>34</sup> TasNetworks – Tasmanian Transmission Revenue and Distribution Regulatory Proposal 2019-2024, section 20.3, page 209.

<sup>35</sup> AER – TasNetworks Distribution Determination 2019 – 2024, Attachment 13 Control Mechanisms, September 2018, section 13.5.

## Shortened Forms

Alternative Control Services .....	ACS
Annual Pricing Proposal .....	APP
Australian Bureau of Statistics .....	ABS
Australian Energy Market Commission .....	AEMC
Australian Energy Market Operator .....	AEMO
Australian Energy Regulator .....	AER
Capital Expenditure .....	Capex
Cost Allocation Method .....	CAM
Consumer Price Index .....	CPI
Customer Light Equipment Rate .....	CLER
Deloitte Access Economics .....	DAE
Direct Control Services .....	DCS
Distribution Network Service Provider .....	DNSP
Department of Planning, Transport and Infrastructure .....	DPTI
Electricity Distribution Service Classification Guideline .....	EDSC Guideline
Electricity, Gas, Water and Waste Services .....	EGWWS
Energy Only .....	EO
Enterprise Bargaining Agreement .....	EBA
Essential Services Commission of South Australia .....	ESCoSA
Framework and Approach .....	F&A
Geographic Information System .....	GIS
High Intensity Discharge .....	HID
Light Emitting Diode .....	LED
Local Government Association .....	LGA
Metering Asset Base .....	MAB
Metering Coordinator .....	MC
National Electricity Law .....	NEL
National Electricity Objective .....	NEO
National Electricity Rules .....	NER
National Metering Identifier .....	NMI
Negotiated Distribution Service .....	NDS
Operating Expenditure .....	Opex
Public Lighting Asset Base .....	PLAB
Public Light Customer .....	PLC
Post Tax Revenue Model .....	PTRM
Regulatory Control Period .....	RCP
Regulatory Information Notice .....	RIN
Roll Forward Model .....	RFM
Standard Control Services .....	SCS
SA Power Networks .....	SAPN
Single Light Out .....	SLO
Street Light Use of System .....	SLUOS
Tariff Structure Statement .....	TSS
Transferred Infrastructure .....	TFI
Wage Price Index .....	WPI
Weighted Average Costs of Capital .....	WACC

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## **Appendix 2**

*LGA Response to SAPN Proposal*

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*In reply please quote our reference:* ECM 678492 SN/SR

15 May 2019

Mr. Warwick Anderson  
General Manager, Networks Finance and Reporting  
Australian Energy Regulator  
GPO Box 3131  
Canberra ACT 2601

**Emailed: SAPN2020@aer.gov.au**

Dear Mr Anderson

**SA Power Networks Electricity Distribution Price Review for 2020/21 – 2024/25: Public Lighting**

The Local Government Association of South Australia (LGA) welcomes the opportunity to make a submission in relation to the SA Power Networks (SAPN) Electricity Distribution Price Review 2020/21-2024/25 for public lighting. The LGA would like to acknowledge the important role the Australian Energy Regulator (AER) plays in providing a fair and transparent for pricing determinations around public lighting.

The LGA is recognised as the peak representative body for local government in this State and prides itself on being the voice of local government. The LGA provides leadership to councils and representation outwards to State and Federal governments and other key stakeholders.

The LGA is federated nationally with interstate and territory associations in the Australian Local Government Association (ALGA). The LGA is also supported by the Parliament of South Australia in Schedule 1 to the Local Government Act 1999.

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

To achieve this mission the Association has set itself three key initiatives areas:

- Leadership and advocacy: Achieving greater influence for local government in matters affecting councils and communities.
- Capacity building and sustainability: Working with member councils to build capacity and increase.
- Best practice and continuous improvement: Facilitating continuous improvement in councils and the LGA.

Since late 2018, the LGA has chaired a Public Lighting Working Group (PLWG), formed to facilitate a practical and representative interface between SAPN and South Australian public lighting customers, including councils and the SA Government's Department of Planning Transport and Infrastructure (DPTI). It was established as a representative body for negotiating issues under the current regulatory framework and facilitating the practical transition to the new regulatory framework commencing in July 2020.



It is coordinated and chaired by the LGA, and further is comprised of 7 metropolitan and 3 regional councils, a representative from DPTI, with observers including the AER and two consultants that represent a number of councils in South Australia.

The introduction of the PLWG has resulted in a marked improvement in the relationship and level of communication between SAPN and the local government sector. The information provided through the PLWG has enabled councils to have a broader understanding of public lighting services and the ability to provide input into future processes.

The attached response to the Electricity Distribution Price Review 2020/21-2024/25 for public lighting has been developed in conjunction with street lighting experts Ironbark Sustainability with input from the local government representatives of the PLWG.

Also attached is a single appendix, the questions from a survey of South Australian councils undertaken in April-May 2019 for the purposes of this submission.

Please note that a commercial-in-confidence version of this submission is also be provided to the AER separately. It contains further sensitive information referenced in the public version as “commercial in confidence”.

The LGA greatly appreciate the information provided by SAPN, both through official channels such as the AER website, and “cleansed” versions of select documents to assist in our responses. SAPN provided detailed discussion of the inputs to the model and were forthcoming with requested information and data up to the submission of this response.

We look forward to continuing to work with SAPN, the PLWG and the AER during the price review period and value the contribution that the AER has made in determining that equitable and consistent approaches are made to pricing which represent the best value proposition for the community, industry and all levels of government.

Thank you for the opportunity to make this submission. Further enquiries can be forwarded to myself or [REDACTED] (Business Manager, Ironbark Sustainability) at [REDACTED]

Yours sincerely



Steve Nolis

**Executive Director Commercial**

Telephone: [REDACTED]

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Attach: Submission to the SAPN Electricity Distribution Price Review Process for 2020-21-2024-25 – Public Lighting  
Appendix 1 – questions from survey of South Australian councils



# **Submission to the SAPN Electricity Distribution Price Review Process for 2020/21-2024/25 – Public Lighting**

**May 2019**

## Prepared for

Local Government Association of South Australia

Version	Author	Date	Description of changes
V0a	Paul Brown	14/3/2019	First draft
V0b-c	Alexi Lynch	16/3/2019	Review and various updates on costs and expenditure
V1a	Paul Brown	11/4/2019	Updated
V1b	Paul Brown	15/4/2019	Release copy for comment from sub-committee
V1c	Alexi Lynch	17/4/2019	Release copy for comment from PLWG (councils only)
V1d	Paul Brown	7/5/2019	Review and updates with SAPN data late-April 2019
V1e	Alexi Lynch	13/5/2019	Release copy for public

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## About Ironbark Sustainability

Ironbark Sustainability is a specialist consultancy that works with government and business around Australia by assisting them to reduce energy and water usage through sustainable asset and data management and on-the-ground implementation.

Ironbark has been operating since 2005 and brings together a wealth of technical and financial analysis, maintenance and implementation experience in the areas of building energy and water efficiency, public lighting and data management. We pride ourselves on supporting our clients to achieve real action regarding the sustainable management of their operations.

## Our Mission

The Ironbark mission is to achieve real action on sustainability for councils and their communities.



Ironbark are a certified B Corporation. We have been independently assessed as meeting the highest standards of verified social and environmental performance, public transparency, and legal accountability to balance profit and purpose.

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# 1. Introduction

This document was commissioned by the Local Government Association of South Australia (LGA) and its members to respond to the proposals within the SA Power Networks (SAPN) Electricity Distribution Price Review (EDPR) for public lighting for the 2020/21-2024/25 period.

This document provides a summary of key areas for improvement that relate to the EDPR and more broadly to the strategic plans and asset management plans of SAPN over the coming 5-year period.

The LGA and councils have a healthy and robust collaborative relationship with SAPN and are working closely on a range of activities relating to public lighting. This is similar to the broader approach between SAPN and the Consumer Challenge Panel (CCP) currently working through the (non-public lighting) EDPR where the dialogue is open, challenging, and constructive, and the customers act as a “critical friend”. The LGA has supported program scoping and works between councils and SAPN for many years and specific projects to date have replaced over 50,000 street lights to LEDs.

Since late 2018, the LGA have chaired a Public Lighting Working Group (PLWG), formed to facilitate a practical and representative interface between SAPN and South Australian public lighting customers, including councils and the SA Government’s Department of Planning Transport and Infrastructure (DPTI). It was established as a representative body for negotiating issues under the current regulatory framework and facilitating the practical transition to the new regulatory framework commencing in July 2020.

The recommendations in this document should be considered in light of this collaborative relationship and the EDPR has been taken as an opportunity for councils to document existing views on strategic opportunities for collaboration as well as for comment on specific areas where improvement or clarification on pricing is sought.

## 1.1 About the LGA

The LGA is recognised as the peak representative body for local government in the state and prides itself on being the voice of Local Government South Australia. The LGA provides leadership to councils and representation outwards to State and Federal governments and other key stakeholders.

The LGA is federated nationally with interstate and territory associations in the Australian Local Government Association (ALGA). The LGA is also supported by the Parliament of South Australia in Schedule 1 to the Local Government Act 1999.

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

To achieve this mission the LGA has set itself three key initiatives areas:

**Leadership and advocacy:** Achieving greater influence for local government in matters affecting councils and communities.

**Capacity building and sustainability:** Working with member councils to build capacity and increase sustainability. An integrated and coordinated local government.

**Best practice and continuous improvement:** Facilitating continuous improvement in councils and the LGA.

## 1.2 Report Scope

This report focuses on the proposed plans for public lighting management and pricing over the 2020/21-2024/25 period. This is not a comprehensive review of all elements of the proposed EDPR. Lack of comment on other elements of the proposed reforms does not imply LGA support for those elements. LGA member councils may also have made their own submissions, which should be considered separately and in addition to this response.

### 1.2.1 A Note on Regional Pricing and “Postage Stamp Pricing” for Installations

The SAPN proposal includes a “regional price” for the installation of new and replacement luminaires, where this regional price will allow for the additional costs associated with mobilisation of work crews in regional areas. For example, the “SAPN Regional LED” tariff is higher than the “SAPN LED” tariff referred to in Section 2.5. Regional pricing versus “postage stamp” pricing is the subject of ongoing discussions within the Public Lighting Working Group. The LGA will continue to work on this matter with SAPN and would welcome the opportunity to discuss this matter in further detail with the AER.

## 1.3 Background to the Assessment of Pricing

The recommendations and comments within this report are based upon information provided by SAPN through the public EDPR process and information that has been provided to LGA through a consultation process during 2018 and 2019. Reference has been made to where the information discussed has been sourced from.

### 1.3.1 Meetings, Workshops and Documents

SAPN, councils, the LGA and DPTI have met several times in early 2019 to discuss the pricing models and their inputs and assumptions. During these meetings SAPN provided detailed discussion of the inputs to the model, supplied relevant public and non-public versions of the modelling used and summary documents including:

- Public Lighting Pricing Model – 2020-25 RCP (User Guide V0.5)
- SAPN – 14.5 – Public Lighting Asset Management Plan – January 2019 – Public.pdf
- D19-2978 – AER – Industry practice application note Asset replacement planning – 25 January 2019.pdf
- SAPN – 14.6 – Public Lighting Pricing Model – January 2019 – Cleansed

In addition, customers (councils and DPTI) met to discuss the key elements of this submission and to agree to the advocacy and service level items to be rejected, or indeed included in the modelling from SAPN (e.g. include auditing for column condition, reject cleaning of LED luminaires).

## 2. Public Lighting Cost Model

### 2.1 General Findings – Failure Rates

There are a number of areas where SAPN have used indicative predicted failure rates which are above historic norms and created new areas of maintenance and replacement without evidence of the need to do so. These include items covered within this report on cleaning of LED luminaires, cable replacements and column replacements. As a result of this, there is concern that additional areas where SAPN have not provided evidence for predicted failure rates may be over-stated and customers will bear the costs.

#### 2.1.1 Recommended Alternative Approach

We recommend that the following options be considered by the AER:

- That actual historic trends and numbers be averaged to allocate failure rates for the above items; or if this is not available
  - The rates allocated within the model and as listed above be decreased by 30% (in line with the average inflation we have seen for cable faults (Section 2.6)).
- That any testing and auditing be carried out independently of SAPN or with SAPN working in collaboration with customers. These activities determine a significant proportion of the costs customers must pay. Experience in assessing the public lighting model indicates that an active role by customers and/or the regulator is required to ensure these activities are not taken advantage of by unreasonably increasing DNSP revenue streams over time. Determination by the AER of how customers can be involved in these activities would be helpful.
- That the AER ensures that any estimated failure rates and their corresponding expenditure items result in costs being recouped by SAPN only in line with the actual replacements that occur (particularly for columns, cables and LED replacements).

Of course, where asset maintenance costs are justified and deliver appropriate asset management practice, customers support this activity if it is delivered in a transparent and cost reflective manner. Over-servicing is to be discouraged.

### 2.2 Other General Items for AERs Review

In reviewing public lighting pricing the AER has typically considered several elements for review. We would request that the AER benchmark and review the following items in accordance with previous review processes:

- Labour rates and materials pricing
- WACC
- Margins

### 2.3 Annuity Term for Luminaires

SAPN have proposed an annuity term of 17 years for LED and HID luminaires. In other jurisdictions, this amount matches the expected life of the assets, the expectation of which is outlined within the Australian Standards (Figure 1).

Gerard Lighting has been the main supplier of lighting to SAPN. Evidence of the life is provided publicly, and a screen shot of the current public data sheet is provided in Figure 2. This product sheet is for the StreetLED Mark II which is the “LED17\_R” tariff listed by SAPN. Please note the “20 Year Design Life” entry on the bottom left of the sheet.



This increased life is reflective of the views of all manufacturers and DNSPs who have experienced the much lower in field maintenance requirements of LED lighting than those assumed 5 years ago. Further information on failure rates nationally can be provided.

**Figure 1: Statement of service life Australian Road Lighting Standards<sup>1</sup>**

Industry expectations consider that luminaires will have a target service life of at least 20 years. This requirement nominates recommended materials recognized at the time of

**Figure 2: Gerard Lighting data sheet for StreetLED Mark II LED luminaire used by SAPN<sup>2</sup>**

SYLVANIA

A SMART CITY SOLUTION

(( ))

STREETLED MKII (cont.)

SPECIFICATIONS

**Electrical Characteristics:**

- Input Voltage: 2160V – 240V 50Hz/60Hz
- Power Factor: 0.9
- System watts: 17W-42W
- Class I

**Optical Characteristics:**

- CCT: Available in 4000K and 3000K
- CRI: > 70
- Optical chamber sealed to IP66

**Mechanical Characteristics:**

- Pressure die cast aluminium body
- Weight: 6.1kg
- Seld cleaning visor as standard
- Stainless steel fasteners, latches and clips
- Hinged access cover with quick access clips
- Easy to replace visor with quick access clips
- RAL 9006 finish as standard
- 27mm to 34mm spigot entry
- IP66
- 20 years design life

**Control Characteristics:**

- 1-10V Control
- NEMA 7
- Smart City ready

**Environmental & Standards:**

- Ambient Operation Temps: -10 to 40°C
- EMC compliant: AS/NZS CISPR15, AS/NZS 60598.1 & AS/NZS TS 1158.6: Luminaires - Performance
- IPART, VEET approved (applies to certain models)

**Options: (MOQ and additional leadtime applies)**

- Surge protection device (SPD)
- Fused terminal block
- Class II version (Double insulated)
- Visor options: Standard, Aeroscreen, Glare Shield, Louver
- D2 Cell

**SMART CITY SOLUTIONS**

- LOWPANG, ZIGBEE, LORAWAN, NB-IOT technologies
- Devices & sensors for smart city applications
- Customised platform integration

**Recommendation:** Alter the annuity term to 20 years in accordance with the expected luminaire life to be in line with Australian Standards, manufacturers recommendations and other DNSPs. This will reduce the annual annuity charges to customers.

## 2.4 Cleaning of LED Luminaires

SAPN propose to include an LED cleaning and testing program which would result in costs to customers of just over \$7m over the 5 years to 2024-25.

### 2.4.1 Evidence for Alternative Approach

According to the SAPN Public Lighting Strategy, SAPNs responsibility is, "to maintain the lighting output to at least 70% of the original lighting output. All the following strategies are undertaken to fulfil this requirement." The strategy then lists a range of public lighting asset management activities, including LED cleansing and testing.

The 70% assumption is based on a false set of design criteria used many decades ago to assume values associated with meeting Australian Standards for lighting levels. In many jurisdictions, this is now a calculated figure that determines this percentage based on the actual light in question. For example, an 80WMV actually has

<sup>1</sup> SA/SNZ TS 1158.6:2015 page 5

<sup>2</sup> <https://specify.gerardlighting.com.au/products/roadway/led/streetled-mk-ii>

a maintenance factor (which combines lamp depreciation and dirt build-up) of around 55% after 4 years, whilst many LEDs are as high as 85% after 10 years<sup>3</sup>.

#### How is “original lighting output” considered in other jurisdictions?

In Victoria, the five Victorian DNSPs (and VicRoads) work together to share information for the assessment of new public lighting products. As part of this process, technical requirements for new street lighting products have been released<sup>4</sup>.

The Guidelines specify the methodology by which the spacing performance of new SSL street lighting products must be assessed. Spacing analysis is generated by calculating Maintenance Factors (MFs) calculated in accordance with the Australian Standards and as outlined in the Guidelines. The luminaire maintenance factor (LMF) used assumes a clean at 10 yrs.

Following calculation of spacing tables as per the above method, a luminaire’s spacing performance is assessed against benchmark spacing tables. For Category P luminaires, benchmark spacing tables are based on the performance of the 80W mercury vapour, 2x14W T5 and 32W CFL. For Category V luminaires, benchmark spacing tables are based on the performance of the 150W HPS, 250W HPS and 400W HPS.

#### Theoretical Performance of SAPN Approved lights after 10 years (without clean)

SAPN have approved the Gerard StreetLED MKIII 17W. This luminaire has also been assessed and approved by Victorian DNSPs using the methodology outlined above (assuming a clean not before 10 years). The design outcomes for minor the meeting of minor road lighting standards are (Category P4 and P5) presented in Table 1 and Table 2.

Note – in the tables below **green** cells indicate compliance with spacing benchmarks

**Table 1 - StreetLED MKIII 17W semi cut-off P4 spacing table**

SYLVANIA STREETLED MKIII 17W													P4
Mounting Height	Road Reserve Width (m)												
	10	11	12	13	14	15	16	17	18	19	20	21	22
5.5m	67.4	67.3	67.2	67.1	67.0	66.8	66.7	66.6	66.4	65.4	64.3	62.8	
6.5m	73.6	73.5	73.4	73.3	73.2	73.0	72.9	72.8	72.7	72.2	71.3	70.3	69.3

**Table 2 - StreetLED MKIII 17W semi cut-off P5 spacing table**

SYLVANIA STREETLED MKIII 17W													P5
Mounting Height	Road Reserve Width (m)												
	10	11	12	13	14	15	16	17	18	19	20	21	22
6.5m	87.2	87.0	86.9	86.8	86.7	86.6	86.5	86.4	86.2	86.1	86.0	85.9	85.7
7.5m	93.9	93.9	93.8	93.7	93.6	93.5	93.4	93.3	93.2	93.0	92.9	92.8	92.6

<sup>3</sup> Evaluation of Low Energy Lights for Minor Road Lighting, Victorian Sustainable Public Lighting Action Group (VSPLAG) – Technical Reference Group, 2008

<sup>4</sup> SSL Street Lighting Design and Performance Guidelines – Victoria



## 2.4.2 Recommended Alternative Approach

As no evidence has been provided as to the need for cleaning within the period of the price review, and there is clear evidence that this is not likely to be required:

That no cleaning be included within the Public Lighting price models.

That the figures for testing in 2019/20 (i.e. \$0.03m for a sample of 2,000 lights) be allocated in the 2024/25 period in order to test whether cleaning is required during the next price review period.

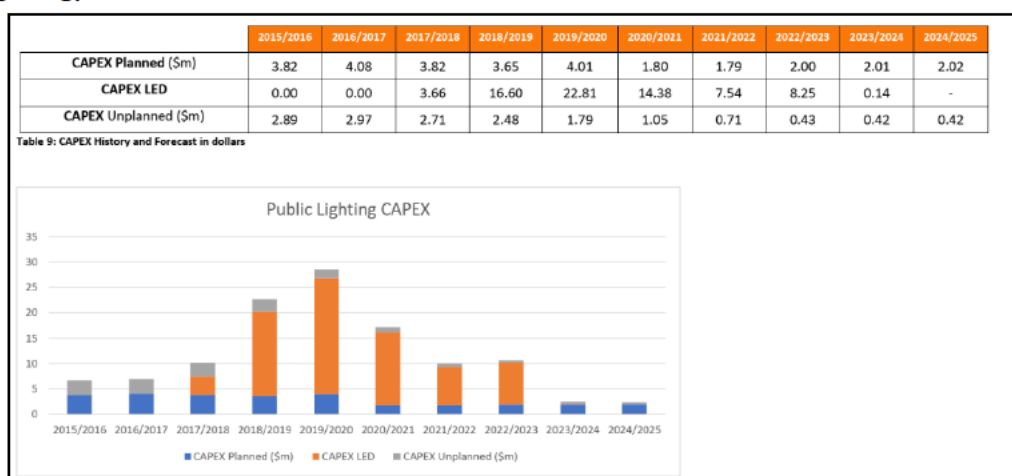
That this testing be **required** to be a collective process between customers and SAPN to ensure transparency and independence is maintained.

## 2.5 Capex LED

SAPN is expecting a major transition from HID lights to LED's, with 74% of public lighting installations forecast to be converted to LEDs by 30 July 2025. SAPN expect a growth rate of 1,200 (new) public lighting installations per annum, with these installations expected to be LED installations<sup>5</sup>.

SAPN also propose to undertake 46,809 LED Conversions in the 5-year period, on top of 33,000 planned in the 2018-19 year and 44,679 planned in the 2019-2020 year. This amounts to total capital expenditure of \$71.5 million on LED Conversions, including \$29.7 million over the 5-year period.

**Figure 3: Historic expenditure and Luminaire Replacement (Figure 6. SAPN Asset Mgt. Plan: 6.1.02 – Public Lighting)**



Customers have been informed that these costs are isolated to the "SAPN LED" and "SAPN Regional LED" tariffs, where SAPN pays for the upfront capital costs of the conversion, and councils essentially pay back the capital cost through the tariff. The alternative is the "PLC" tariff ("Public Lighting Customer" LED tariff) whereby councils cover the capital costs either through revenue or borrowing from a traditional lender such as a bank or through the Local Government Finance Authority (LGFA).

The PLC tariff provides a better return on investment over the life of the asset because councils can borrow the money to pay for the conversion through a standard internal budget bid or borrowing through traditional lenders or the LGFA at a low interest rate. Whereas under the SAPN LED tariff, council essentially borrows the money from SAPN and pays it back through the tariff at the weighted average cost of capital (WACC) over the life of the asset (nominally 17.5 years).

Under the PLC tariff, councils can also procure the hardware themselves, either directly through the manufacturer or third parties. SAPN has assumed that a total of 162,018 LED conversions will take place from 2016-2017 to

<sup>5</sup> From page 25 of SAPN Regulatory Proposal, Attachment 14, Alternative Control Services

2024-2025. This includes years within the proposed EDPR period and before the proposed EDPR period, broken up as follows<sup>6</sup>:

**Table 3 – LED Conversions from 2016-17 to 2024-25.**

Year	LED Conversions (SAPN LED Tariff)
2016-17	6,287
2017-18	31,243
2018-19	33,000
2019-20	44,679
2020-21	25,743
2021-22	10,006
2022-23	10,878
2023-24	182
2024-25	0
<b>Total</b>	<b>162,018</b>
<b>Total before EDPR period</b>	<b>115,209</b>
<b>Total in EDPR period</b>	<b>46,809</b>

These are LED conversions slated to be changed over on the SAPN LED tariff only. However, a survey of South Australian councils undertaken in April-May 2019 for the purposes of this submission found that the vast majority of councils are planning on changing via the PLC tariff<sup>7</sup>. That is, funding the changeover (or “conversion”) themselves so not requiring SAPN to accrue costs.

**Table 4 – Results from survey of SA Councils April-May 2019**

Which best describes how far progressed you are towards changing your lights to LEDs	Which tariff are you planning on signing up to?	What year are you planning on beginning a changeover to LEDs	How many "P-category" lights do council currently have on SAPN poles?
We've finished	SAPN LED (funded by SAPN)	Already completed!	2,950
We've finished	SAPN LED (funded by SAPN)	Already completed!	12,000
We've started	PLC (funded by council)	2019	8,500
Considering our options	PLC (funded by council)	2021	3,000
We've finished	PLC (funded by council)	Already completed!	4,980
We've finished	PLC (funded by council)	Already completed!	1,400
Considering our options	PLC (funded by council)	2021	12,000
We've started	PLC (funded by council)	2019	8,792
Considering our options	PLC (funded by council)	2019	1,663
We've finished	PLC (funded by council)	Already completed!	2,480
Considering our options	PLC (funded by council)	Not sure	9,000
We've finished	PLC (funded by council)	Already completed!	3,611
We've started	PLC (funded by council)	2019	2,624
Considering our options	Not sure	2019	1,560
Considering our options	Not sure	2020	3,954
We haven't started yet	Not sure	Not sure	0
I have no idea	Neither/NA	None/NA	1,750

A total of 16 councils responded to the survey, covering 80,264 Category-P (or “residential”) lights. This represents 50.01% of all Category-P lights in the SAPN network. From the survey and councils’ intentions, 72.3%

<sup>6</sup> From page 25 of SAPN Public Lighting Asset Management Plan (AMP – Supporting Document 14.5)

<sup>7</sup> See survey questions attached separately as appendix 1

of the lights (58,050) will be changed via the PLC tariff and only 18.6% (14,950) via the SAPN-funded SAPN LED tariff. This includes lights already changed on both PLC and SAPN LED tariffs, as the table below illustrates.

**Table 5 – Analysis of results from survey of SA Councils April-May 2019**

Total lights in survey	80,264	From survey
Total PLC	58,050	From survey
Total SAPN LED	14,950	From survey
Total "not sure"	7,264	From survey
Total PLC already installed	12,471	From survey
Total PLC to be installed	45,579	From survey
Total SAPN LED already installed	14,950	From survey
Total SAPN LED to be installed	0	From survey
Total "not sure"	7,264	From survey
Total SAPN Lights	229,989	Page 13 Asset Management Plan
Total Category-P Lights	160,501	Page 13 Asset Management Plan
Category-P Lights in survey	50.01%	

Based on this evidence, it is **very likely that SAPN will not undertake the number of planned conversions**, with councils seeking to fund the conversions themselves. Costs associated with SAPNs conversions of LED luminaires must therefore be isolated to the SAPN LED and SAPN Regional LED tariffs.

SAPN has been procuring the hardware at a higher cost than other parties (including South Australian councils), which is leading to unnecessary price increase for councils. There is a concern that SAPN will continue to pay for hardware considerably higher than other stakeholders – for the identical product and where customers are buying the same quantity and even *lower* numbers of lights.

### 2.5.1 Evidence for Alternative Approach

To assist councils in managing the complex procurement landscape associated with the transition to energy efficient street lighting, Local Government Associations in Victoria and Tasmania formed a partnership with Ironbark Sustainability to support councils from the start to the end of a bulk change program.

The first part of this process included establishing a tender panel for all approved (by any Victorian or Tasmanian DNSP) energy efficient lighting products. This panel is open to all Victorian and Tasmanian councils and allows for a competitive and transparent process for councils to order lights from manufacturers.

This has enabled councils to directly understand the costs of lighting from suppliers. The MAV and LGAT has approved this information to be supplied on a confidential basis to the AER for the purpose of understanding the pricing in the determination<sup>8</sup>.

The LGA submits that the pricing in the determination should utilise the MAV/LGAT tender panel of prices wherever they are relevant. In particular, the pricing is provided based on differing volumes: 0 to 1000, 1,001 to 5,000, 5,001 to 9,999 and 10,000+.

For the purpose of the determination we propose that the volumes for the main light types (all of which have tens of thousands of products within a given DNSP area) utilises at least the 5,001 to 9,999 rates (noting SAPN are proposing to replace over 100,000 street lights). These rates should be applied for those products approved for use on SAPN's network.

Importantly these rates apply to the specific products and model numbers that are **approved by SAPN**. There is no difference in the products being supplied.

<sup>8</sup> Pricing information sent separately to the AER as commercial in confidence submission and attachment(s)



To inform this submission, a separate (commercial-in-confidence) summary document has been provided referencing the pricing difference between the following procurement pathways:

- Purchasing the hardware (the LED) from SAPN
- Purchasing the hardware (the LED) from Enerven
- Purchasing the hardware (the LED) from the hardware supplier
- Purchasing the hardware (the LED) through the MAV-LGAT hardware panel

As is witnessed, the costs through the MAV-LGAT hardware panel are significantly cheaper than the other options, in some cases around 30-50% lower in price.

It is also worth noting that these prices apply to smaller regional councils in Victoria and Tasmania. For example, a small council such as Break O'Day Council in north-west Tasmania (population 6,000 with only 654 streetlights on residential streets) can currently purchase the identical light at a lower price than SAPN, planning on replacing over 100,000 streetlights on residential streets.

Furthermore, SAPN faces the potential of price increases due to foreign exchange “uplifts”, as happened on 29<sup>th</sup> March 2019 when their prices for the LED – already higher than what Break O'Day Council can purchase the light for – increased by around 14%. For Break O'Day, and 100 councils in Tasmania and Victoria, the prices are locked in until December 2019<sup>9</sup>.

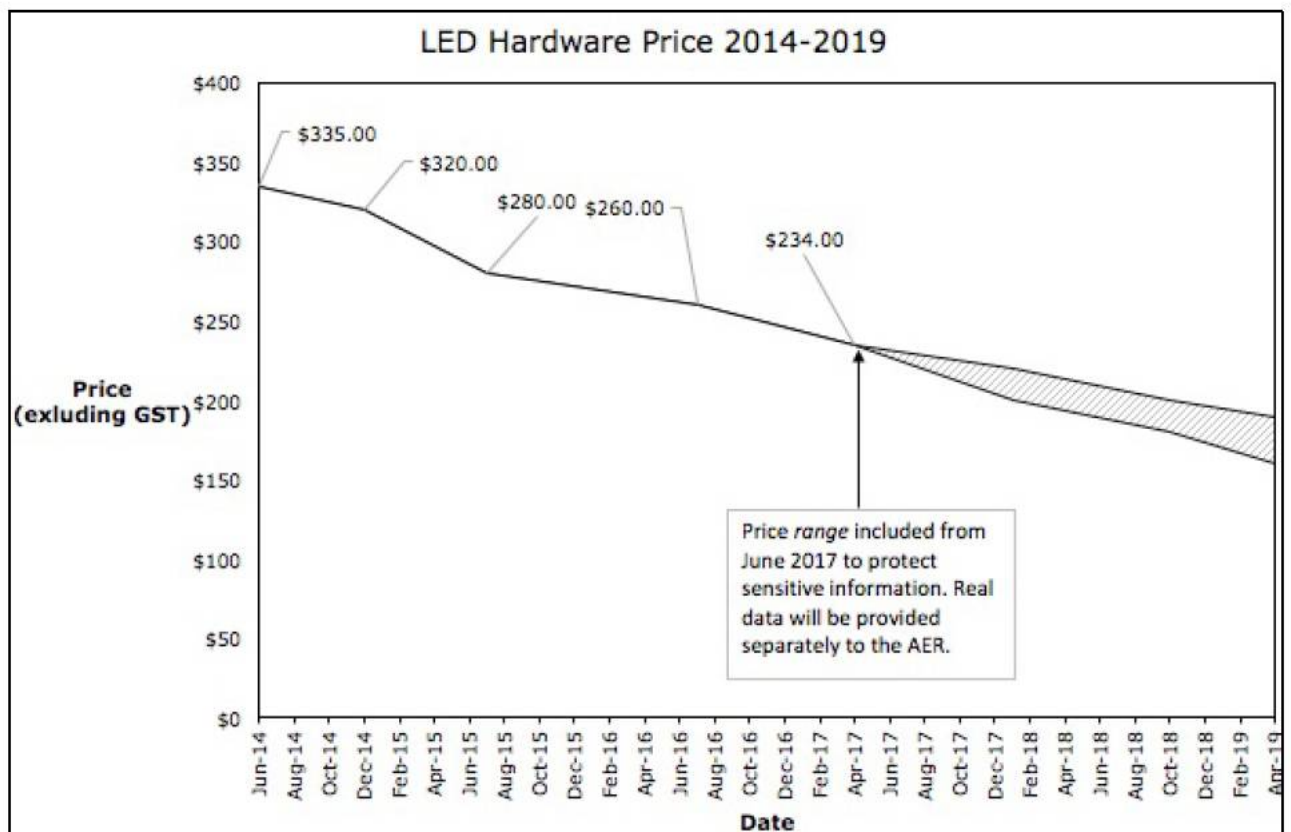
Finally, even though the MAV-LGAT procurement panel is only open to Tasmanian and Victorian councils, the prices from the panel are not restricted to only Tasmanian and Victorian councils and may be able to be procured in South Australia through LGA Procurement. The prices are available for South Australian councils that benchmark prices with other states. For example, the City of Unley in South Australia purchased the identical product via the hardware supplier and received the same price as available to the likes of Break O'Day Council<sup>10</sup>.

While generally prices for hardware (or any “widget”) in most sectors will increase over time, the price of LEDs are decreasing as the technology improves at a rapid rate. This is a global trend that has been witnessed in Australia over the last 5 years, as illustrated through the graph below demonstrating how the price of DNSP-approved LEDs has steadily reduced in price since first being installed en mass in the City of Warrnambool in Victoria in June 2014. Through engagement via the MAV Smart Lighting panel, Ironbark is able to track the price trend of this product and with increased competition (through alternative approved LEDs) this price is expected to continue to decrease.

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<sup>9</sup> Contract clause sent separately to the AER as commercial in confidence submission and attachment(s)

<sup>10</sup> Communications between Ironbark Sustainability and suppliers and contract sent separately to the AER as commercial in confidence submission and attachment



**Figure 4: LED hardware price 2014-2019.** Note from June 2017 a price *range* has been included to protect sensitive information that will be provided separately to the AER in a commercial in confidence submission.

## 2.5.2 Recommended Alternative Approach

The following is recommended of the AER:

- Ensure the costs associated with SAPNs replacement of LED luminaires is isolated to the SAPN LED and SAPN Regional LED tariffs. Noting that SAPN assumes the number of PLC tariff LEDs does not change (when in fact this will increase, subsequently decreasing the SAPN LEDs installed).
- As LED prices are decreasing rapidly over time the price used within public lighting models should be the lowest price available (either that can be achieved by local government procurement processes or the lowest price achieved by SAPN (whichever is lower)). This then provides room for SAPN to competitively negotiate improved pricing without capping customers costs at a much higher than market rate. This should ensure SAPN aggressively continues to look for all possible efficiencies and deliver all achievable price reductions through efficiency and innovation – and at least ensure the price is consistent with what other jurisdictions and indeed the City of Unley can achieve.

## 2.6 Cables

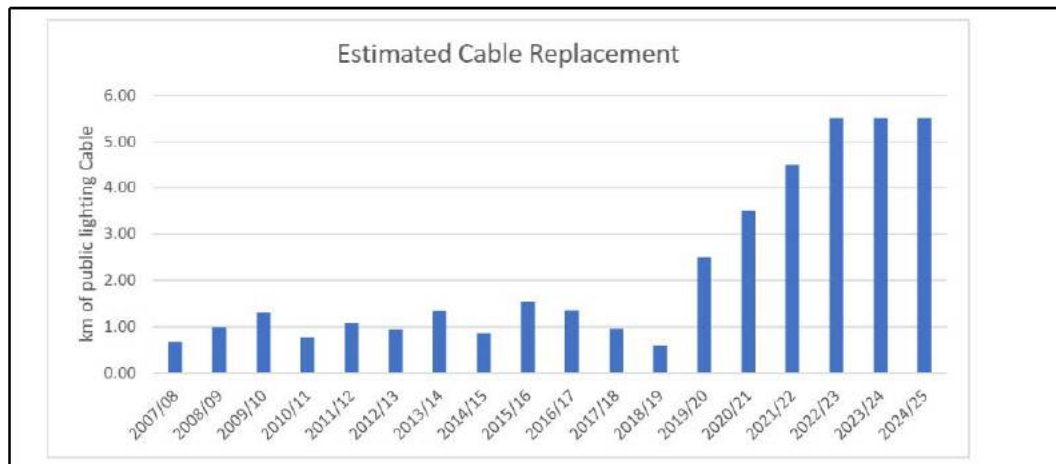
SAPN propose to change the current maintenance approach for dedicated public lighting underground electrical cables from reactive to a combination of reactive and proactive. This will increase the maintenance activity and costs by up to 10x current costs and by 2022/23 contribute around \$1m to the overall annual system costs.



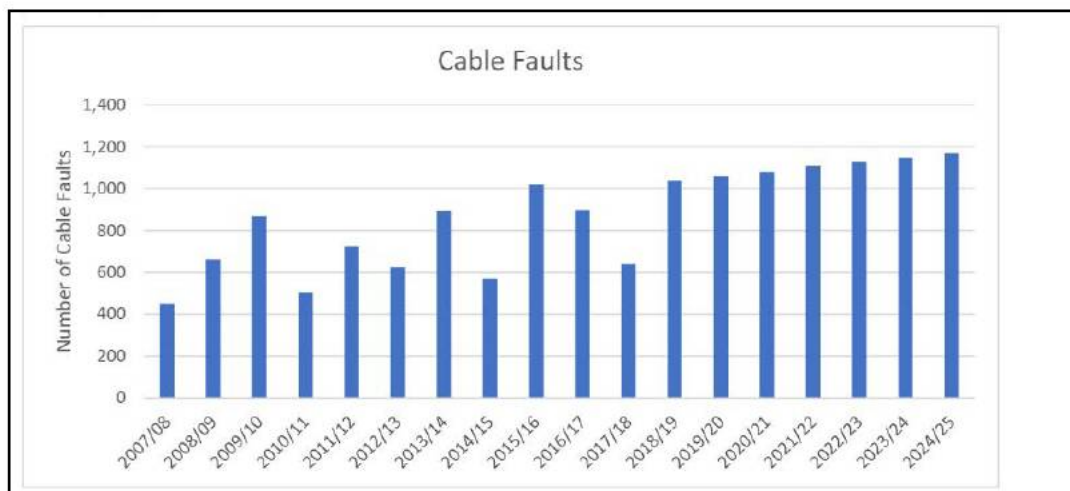
## 2.6.1 Evidence for Alternative Approach

The current evidence of cable faults indicates the overall failure rates remaining low and are not escalating. Figure 5 and Figure 6, from the SAPN Asset Management Plan (AMP), indicate that the current failure rate varies widely from year to year (e.g. approx. 600 faults in 17/18 and 1,000 in 15/16) and the subsequent cable replacement program varies as well. End of life for assets typically results in increasing failures. As such it is unclear why the proposed preventative maintenance is in fact required.

**Figure 5: Cable Replacement Distance (Figure 12. SAPN Asset Mgt. Plan: 6.1.02 – Public Lighting)**



**Figure 6: Number of Cable Faults Annually (Figure 11. SAPN Asset Mgt. Plan: 6.1.02 – Public Lighting)**

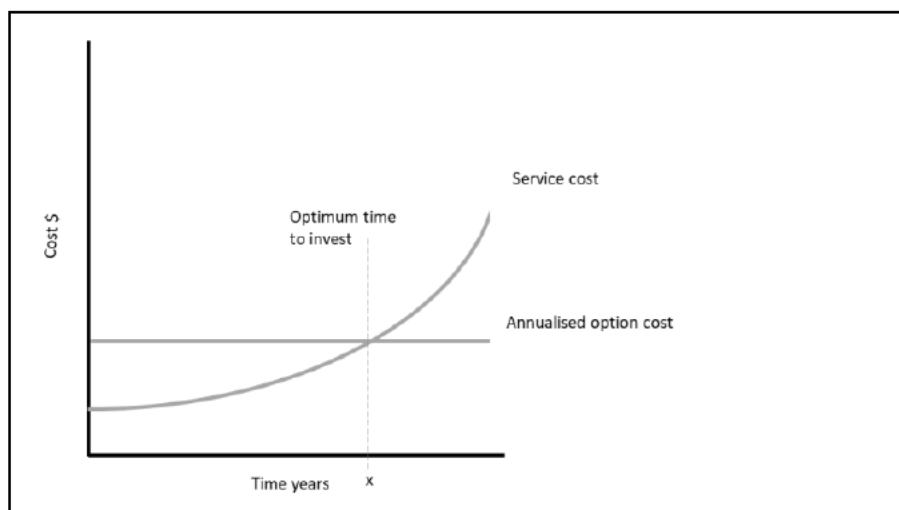


In addition, there is no evidence that the predicted increase in cable faults from 2018/19 onwards will occur given the historical trend demonstrated in Figure 6. The faults oscillate widely and we recommend a predicted fault trend be developed using the average historical trend, not based on planning for an out-of-trend upswing and indicated in this graph. Based on the historical trend the average fault appears to be between 400 and 1,000 faults per year (average of approximately 700). Not the over 1,000 per annum proposed by SAPN.

The AER has prepared, in consultation with Energy Networks Australia, guidance on the optimum time to replace assets. This practice notes includes a summary of economically appropriate times to replace assets as well as the need to assess appropriate options for this replacement. It appears that SAPN have not assessed these assets using this approach.



**Figure 7: Stylised representation of economically optimum timing of investment (Figure 1: D19-2978 - AER -Industry practice application note - Asset replacement planning - 25 January 2019.pdf)**



Under the current model the costs for customers are based on a per kilometre cost and there appear no synergies in this replacement built into the model. As a result the overall costs appear to increase in direct proportion to the distance being replaced. Figure 8 indicates this will result in a cost increase of approximately 10x between 2018/19 and 2020/22 from this activity.

**Figure 8: Summary of cable replacements (Table 12. SAPN Asset Mgt. Plan: 6.1.02 – Public Lighting)**

	2018/19	2019/20	2020/21	2021/22	2022/23	2023/24	2024/25
Planned Cable Replacements (km)							
Metro Cable Replacements	0.5	2.0	3.0	4.0	5.0	5.0	5.0
Regional Cable Replacements	0.1	0.5	0.5	0.5	0.5	0.5	0.5

Additional options that could be assessed include replacing the relevant cable length and lights with solar lighting not connected to the grid (estimated at approximately \$150-\$250,000 per km).

## 2.6.2 Recommended Alternative Approach

As no evidence has been provided for accelerating cable failures:

- Do not plan for proactive cable replacement program until failure statistics provide evidence of an accelerating rate of failures. This is expected to reduce costs by approximately \$4-5m over the period.
- Assume an average of the 2007/8 through to 2017/18 period is used to estimate the average cable faults for the coming period. This number should be around 700 faults per year. This is expected to reduce costs by approximately \$4-5m over the period.
- Work with customers to develop program options for future replacements taking into account approaches and analysis as recommended by the *AER - Industry practice application note Asset replacement planning*.<sup>11</sup>

<sup>11</sup> D19-2978 - AER -Industry practice application note Asset replacement planning - 25 January 2019.pdf

## 2.7 Column Audits and Replacements

SAPN propose to inspect the over 68,000 SAPN owned public lighting columns based on a 5 or 10-year auditing cycle. An additional 140-160 columns are proposed for replacement per year above historic norms. No evidence of the need for replacement, above historic norms, has been provided.

Auditing of the columns is planned, with 9,000 columns to be audited each year.

SAPN do not have current information on the age and condition of these assets.

**Figure 9: Number of column replacements, historic and future (Figure 9. SAPN Asset Mgt. Plan: 6.1.02 – Public Lighting)**

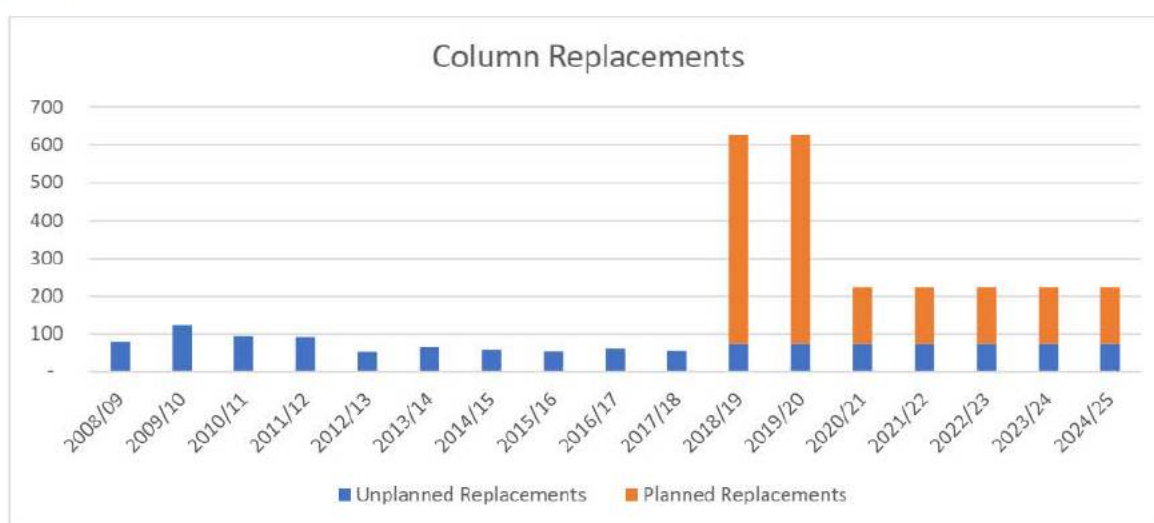


Figure 9 demonstrates that the historic failure rate of columns (2012/13 to 2017/18) was approximately 60 columns per year. SAPN have estimated that this will now move to 73 poles per year<sup>12</sup>.

**Note:** SAPN have indicated (in late April 2019) that there is more detailed information on required column replacements for 2018/19 and 2019/20 based on recent audits completed. This is expected to reduce the overall numbers of Planned Replacements and presumably reduce the Unplanned Replacements in the coming seven-year period.

### 2.7.1 Evidence for Alternative Approach

Auditing of columns to assess the risk and build a forward-looking asset management program does make sense and is a normal approach by most DNSPs.

Customers require that the number of columns replaced be based on real data – not modelled failure rates that are much higher than historic averages.

### 2.7.2 Recommended Alternative Approach

- That the AER ensures that data on predicted column replacements be updated based on actual audits to date.
- That the AER ensures the real funding by customers is based on the actual number of columns replaced (not a theoretical number currently identified by SAPN prior to auditing).
- That customers be fully informed by SAPN of the basis for asset management planning, including evidence of asset deterioration.

<sup>12</sup> SAPN - 14.6 - Public Lighting Pricing Model - January 2019 – Cleansed, Worksheet Column Replacement

- That the assumed average replacement required as part of routine maintenance use historic averages from the past 5 years to predict future trends (i.e. the blue columns in Figure 9) to be reduced from 73 columns to 60 columns replaced (unless further evidence to dispute the information provided in the SAPN Asset Mgt. Plan is provided).
- Although not within the timeframe of this determination the significant proposed replacement program prior to 2020 is managed in a similar fashion to the post 2020 period. We request that the AER advise customers of their options in ensuring this occurs<sup>13</sup>.

## 2.8 Use of Pole Charge

SAPN have included a “use of pole charge” for the majority of street lights. This charge is not based on any actual costs to SAPN. All costs associated with the street lighting system including capital expenditure, depreciation and maintenance are fully recouped by SAPN from customers in other cost elements within the model.

As such there is no economic justification for the “use of pole charge”.

In addition, this charge is not found in any other DNSP public lighting charges that we are aware of that have been regulated by the AER.

### 2.8.1 Recommended Alternative Approach

That the “use of pole charge” be removed from the model.

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<sup>13</sup> As per final recommendation under 2.5.2, *Recommended Alternative Approach*, above.





## Input into SAPN Public Lighting Tariff Price Review: Indication of LED Upgrades

Due COB Monday 6th May 2019

In their recent [public lighting pricing proposal](#), SA Power Networks are planning a \$72m program for the installation of 124,000 LED lights over the next 5 years. These would all be installed under the SAPN LED tariff, meaning SAPN would fund the capital cost of the LEDs and labour.

This has significant implications for future tariff prices and councils. It's not final - public lighting customers can respond to the pricing proposal through the Australian Energy Regulator (AER).

The Local Government Association of South Australia (LGA) is planning a response to the pricing proposal and has engaged street lighting experts Ironbark Sustainability to develop the response. On Wednesday 17th April the draft report was been provided to the local government members of the Public Lighting Working Group (PLWG)\*.

One way to try and reduce tariff costs through our response is to gauge an accurate number of councils planning to fund a changeover to LEDs through council funds or borrowing - via the PLC tariff - as opposed to those who are waiting or planning to changeover via the SAPN LED tariff which essentially means borrowing from SAPN (at a very high interest rate) and paying SAPN back through lighting bills.

When responding to the AER price reviews, a key to getting a good outcome is providing evidence. If the LGA response can provide **evidence** to the AER on the number of councils planning to undertake an LED project via internal funding or financing (through the PLC tariff) then we may be able to reduce overall costs.

By filing in the form below, we will be able to provide evidence to the AER as to the number of councils intending on signing up via the PLC tariff. This could in turn reduce the number of lights SAPN install which in turn reduces the aforementioned \$72m program and subsequently reduces tariffs.

**Filling in the form does not commit you or your council to anything. Your details will not be made public. We are simply gathering evidence for the submission.**

The submission to the AER is due on the 15th May 2019. This deadline cannot be changed. So we are seeking responses to this form by **COB Monday 6th May** to ensure information can be summarised and included in the final report.

*\* Representatives from all South Australian councils were invited to join the Working Group at a workshop held on Wednesday 28 November 2018 at the Precinct Conference Centre in Thebarton. The Working Group is now represented by the following Councils:*

- City of Charles Sturt
- City of Holdfast Bay
- City of Mitcham
- Mount Barker District Council

- *City of Mount Gambier*
- *City of Norwood Payneham and St Peters*
- *City of Onkaparinga*
- *City of Port Lincoln*
- *City of Prospect*
- *City of West Torrens*

**Which best describes how far progressed you are towards changing your lights to LEDs \***

- ☐ We haven't started yet
- ☐ We are considering our options
- ☐ We've approved an LED changeover
- ☐ We've started
- ☐ We've finished
- ☐ I have no idea

**If your planning on undertaking a changeover, which tariff are you planning on signing up to? \***

- ☐ SAPN LED (funded by SAPN)
- ☐ PLC (funded by council)
- ☐ Not sure
- ☐ Neither/NA

**What year are you planning on beginning a changeover to LED lights \***

- ☐ 2019
- ☐ 2020
- ☐ 2021
- ☐ 2022
- ☐ 2023
- ☐ Not sure
- ☐ None/NA
- ☐ Already completed!

**How many "P-category" lights do council currently have on SAPN poles? (also known as Pedestrian Category lights; lights on residential streets; "minor road lights"). This is for SLUoS lights only, not CLER or EO. An estimate is fine! \***

**Name \***

First Name

Last Name

Council \*

Email

Submit

148 Frome St  
Adelaide SA 5000

GPO Box 2693  
Adelaide SA 5001

T (08) 8224 2000

E [LGA@lga.sa.gov.au](mailto:LGA@lga.sa.gov.au)

**[www.lga.sa.gov.au](http://www.lga.sa.gov.au)**



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## **Appendix 3**

### *Financial Model Summary*

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## Operating and Debt Cashflow Summary

In this worksheet, update yellow cells for your organisation's financing assumptions

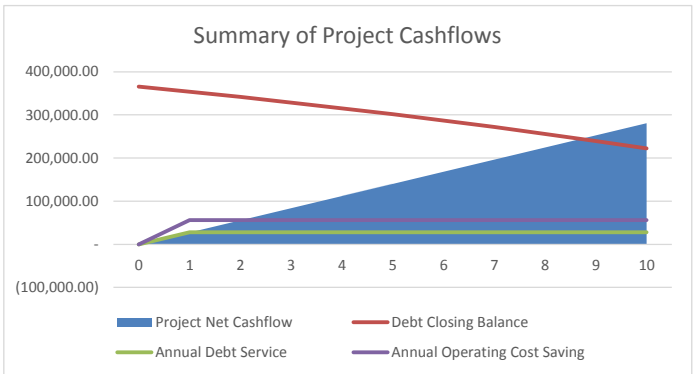
Outputs for inclusion in business case paper are summarised in the Financing Outputs and Lighting Outputs

Project Assumptions			
Total Capital Expenditure	\$		365,311
Total Grant Funding	\$		-
Debt Assumptions			
Loan Term	Yrs		20.00
Establishment Fee	%		0.25%
Interest Rate	%		4.50%

Operating Assumptions			
Useful Life	Yrs		17
Ongoing Capital Expenditure	\$/Qtr		5360
Expected Net Savings/Op Cashflow	\$/Qtr		56,246
Business As Usual Assumptions			
Opening Cash Balance	\$		-
Avg BAU Net Cashflow	\$/Qtr		-
Internal Project Discount Rate	%		6.0%

Debt Output Summary		
Total Facility Size		\$365,311
	Max per Qtr	Total
Establishment Fees	\$913	\$913
Interest over Facility Tenor	\$16,439	\$137,744
P&I Payments	\$28,084	\$280,837

Cashflow Impact		
BAU Cashflow required for Debt Service (Above Project Cashflows)		
	Max Annual	Total
Net cash outflow from project	-	-
Project Net Cashflow Impact	56,246	562,462
Project NPV @ 6.00% Discount Rate		\$48,666



Exclusive of terminal cashflows, and assuming all equity and grant funding applied in same period of first debt draw.

Debt Workings		0	1	2	3	4	5	6	7	8	9	10
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Period Counter	#	0	1	2	3	4	5	6	7	8	9	10
Payments Remaining Counter	#	0	20	19	18	17	16	15	14	13	12	11
<b>Debt Facility (Credit Foncier)</b>												
Opening Balance	\$	-	365,311.00	353,666.29	341,497.58	328,781.27	315,492.72	301,606.19	287,094.77	271,930.33	256,083.50	239,523.55
Drawdown	\$	365,311.00	-	-	-	-	-	-	-	-	-	-
Interest Accrual	\$		16,439.00	15,914.98	15,367.39	14,795.16	14,197.17	13,572.28	12,919.26	12,236.87	11,523.76	10,778.56
Interest Repayment	\$		(16,439.00)	(15,914.98)	(15,367.39)	(14,795.16)	(14,197.17)	(13,572.28)	(12,919.26)	(12,236.87)	(11,523.76)	(10,778.56)
Principal Repayment	\$		(11,644.71)	(12,168.72)	(12,716.31)	(13,288.54)	(13,886.53)	(14,511.42)	(15,164.44)	(15,846.84)	(16,559.94)	(17,305.14)
Closing Balance	\$	365,311.00	353,666.29	341,497.58	328,781.27	315,492.72	301,606.19	287,094.77	271,930.33	256,083.50	239,523.55	222,218.41
<b>Fees Payable</b>												
Facility Balance	\$	-	-	-	-	-	-	-	-	-	-	-
Establishment Fee	\$		913.28									
Total Fees Payable	\$		913.28	-	-	-	-	-	-	-	-	-
<a href="#">Back to Summary</a>												

Debt Summary												
	Sum											
Project CFADS	\$	562,462.07	-	56,246.21	56,246.21	56,246.21	56,246.21	56,246.21	56,246.21	56,246.21	56,246.21	56,246.21
Establishment Fee	\$	913.28	913.28	-	-	-	-	-	-	-	-	-
Total Fees Payable	\$	913.28	913.28	-	-	-	-	-	-	-	-	-
Interest Repayments	\$	137,744.42	-	16,439.00	15,914.98	15,367.39	14,795.16	14,197.17	13,572.28	12,919.26	12,236.87	11,523.76
Principal Repayments	\$	143,092.59	-	11,644.71	12,168.72	12,716.31	13,288.54	13,886.53	14,511.42	15,164.44	15,846.84	16,559.94
Total Debt Service	\$	280,837.01	-	28,083.70	28,083.70	28,083.70	28,083.70	28,083.70	28,083.70	28,083.70	28,083.70	28,083.70
Debt Closing Balance	\$		365,311.00	353,666.29	341,497.58	328,781.27	315,492.72	301,606.19	287,094.77	271,930.33	256,083.50	239,523.55
Debt Servicing Deficit (Project)	\$0.00		-	(28,162.51)	(28,162.51)	(28,162.51)	(28,162.51)	(28,162.51)	(28,162.51)	(28,162.51)	(28,162.51)	(28,162.51)
<a href="#">Back to Summary</a>												

Cashflow Summary (Pre-tax)												
	Sum											
<b>Business As Usual (BAU)</b>												
Avg BAU Net Cashflow	\$	-	-	-	-	-	-	-	-	-	-	-
<b>Project impact on BAU Cashflow</b>												
Net Operating Cashflow	\$	562,462.07	-	56,246.21	56,246.21	56,246.21	56,246.21	56,246.21	56,246.21	56,246.21	56,246.21	56,246.21
Initial Capex	\$	(365,311.00)	(365,311.00)	-	-	-	-	-	-	-	-	-
Net Investment Cashflow	\$	(365,311.00)	(365,311.00)	-	-	-	-	-	-	-	-	-
New Debt Net Cashflows	\$	83,560.71	364,397.72	(28,083.70)	(28,083.70)	(28,083.70)	(28,083.70)	(28,083.70)	(28,083.70)	(28,083.70)	(28,083.70)	(28,083.70)
Grant Funding	\$	-	-	-	-	-	-	-	-	-	-	-
Net Financing Cashflow	\$	83,560.71	364,397.72	(28,083.70)	(28,083.70)	(28,083.70)	(28,083.70)	(28,083.70)	(28,083.70)	(28,083.70)	(28,083.70)	(28,083.70)
Project Net Cashflow	\$	280,711.78	(913.28)	28,162.51	28,162.51	28,162.51	28,162.51	28,162.51	28,162.51	28,162.51	28,162.51	28,162.51
Opening Cash Balance			-	(913.28)	27,249.23	55,411.73	83,574.24	111,736.75	139,899.25	168,061.76	196,224.26	224,386.77
Total Net Cashflow - BAU + Project			(913.28)	28,162.51	28,162.51	28,162.51	28,162.51	28,162.51	28,162.51	28,162.51	28,162.51	28,162.51
Closing Cash Balance			(913.28)	27,249.23	55,411.73	83,574.24	111,736.75	139,899.25	168,061.76	196,224.26	224,386.77	252,549.28
Operating/Investment Cashflow - Project Only			(365,311.00)	56,246.21	56,246.21	56,246.21	56,246.21	56,246.21	56,246.21	56,246.21	56,246.21	56,246.21
Discount Factor	NPV		1.00	0.94	0.89	0.84	0.79	0.75	0.70	0.67	0.63	0.59
Discounted Project cashflows		48,665.98	(365,311.00)	53,062.46	50,058.92	47,225.40	44,552.26	42,030.44	39,651.36	37,406.94	35,289.57	33,292.04

End Sheet

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

**Item:** 12.3

**Originating Officer:** Richard Fox, Senior Property Projects Officer

**Responsible Director:** Terry Crackett, Director Corporate Services

**Subject:** Community Land Management Plans and Community Land Register

**For:** Decision

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**SUMMARY**

Council's current Community Land Management Plans have not been updated since 2013, and as such based on recent advice, may be vulnerable to legal challenge. New draft plans and a new register that re-categorises much of the land are presented as appendices to this report. The drafts expand the categories of community land and provide plans of multi-use sites.

Consultation processes are required by the relevant sections of the *Local Government Act 1999* (the "Act") for revocation of the current plans and adoption of new plans. Following the completion of consultation, the drafts will be returned to Council for adoption, amended as may be appropriate as a result of the consultation.

**RECOMMENDATION**

**Council resolves:**

1. That the report be received and noted
2. That public consultation on the revocation of the current Community Land Management Plans be carried out in accordance with section 198 of the *Local Government Act 1999*
3. That public consultation on the adoption of the draft Community Land Management Plans (*Appendix 1*) be carried out in accordance with Council's Public Consultation Policy consistent with section 197 of the *Local Government Act 1999*
4. That the Crown Lands Unit of the Department for Environment and Water be consulted on all Community Land Management Plans that relate to categories of land containing Crown land under Council's care, control and management, in accordance with section 196(4) of the *Local Government Act 1999*
5. That following the completion of consultation processes, a further report be presented to Council for the revocation of the current Community Land Management Plans and Community Land Register and the adoption of the draft Community Land Management Plans and Register, subject to amendments that may result from consultation processes.

## 1. GOVERNANCE

### ➤ Strategic Management Plan/Council Policy

Goal	Organisational Sustainability
Strategy	Risk and Responsibility – legal compliance

The outcomes of the recent decision in the Coastal Ecology Protection Group Inc & Ors v City of Charles Sturt [2017] SASC 136 case are that the Council's Community Land Management Plans are likely to be invalid due to insufficient information included regarding the objectives, performance targets and performance measures.

Goal 3                      Places for People and Nature  
Community Land is land held by the Council for the general benefit of the community. Community Land is used to provide places for people to interact, connect and enjoy as well as places for the conservation of our native flora and fauna.

The Community Land Management Plans reference and are informed by a range of other Council plans and strategies including the Dog and Cat Animal Management Plan 2018 – 2022, Adelaide Hills Council Development Plan, Sport and Recreation Strategy, Adelaide Hills Trails Network Strategy and the Biodiversity Strategy.

### ➤ Legal Implications

The legislative basis for Community Land Management Plans and the Community Land Register is found in sections 196 to 199 and section 207 of the *Local Government Act 1999* and section 23 of the *Local Government (General) Regulations 2013*.

The Act (Section 207) requires the Council to keep a register of all Community Land in its area.

In addition, the Act requires the Council to develop and maintain Community Land Management Plans for each of its Community Land parcels if it meets the following:

#### **196—Management plans**

- (1) A council must prepare and adopt a management plan or management plans for its community land if—
  - (a) the land falls within the ambit of section 194(1)(b) or (c); or
  - (b) the land is, or is to be, occupied under a lease or licence; or
  - (c) the land has been, or is to be, specifically modified or adapted for the benefit or enjoyment of the community.

Section 194 (1)(b) and (c) are as follows:

- (b) The classification of land as community land cannot be revoked if the land is required to be held for the benefit of the community under Schedule 8, under a special Act of Parliament relating to the land, or under an instrument of trust.
- (c) The classification of land as community land cannot be revoked if the power to revoke the classification of that land is excluded by regulation.

➤ **Risk Management Implications**

*The adoption of new Community Land Management Plans will assist in mitigating the risk of successful legal challenges to the Plans*

Inherent Risk	Residual Risk	Target Risk
Extreme (3A)	Medium (2C)	Medium (2C)

➤ **Financial and Resource Implications**

The review of the current Community Land Register and Community Land Management Plans and the development of draft new Community Land Management Plans has been undertaken within existing resource allocations.

The community consultation required to be undertaken, whilst not separately budgeted for, will be managed within existing budget allocations.

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

The proposed new Community Land Management Plans are in a more user friendly format which will make it easier for residents and visitors to find sites of relevance and interest to them and the plan associated with that site.

➤ **Environmental Implications**

A review of the current Community Land Register and the proposed re-categorisation of Community Land will result in approximately an additional 50 hectares of community land being classified for conservation outcomes which is consistent with their current use.

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

Consultation on the development of this report was as follows:

*Council Committees:* Not Applicable

*Council Workshops:* Workshop on 19 March 2019

*Advisory Groups:* Property Advisory Group

*Administration:* Executive Leadership Team  
Manager Waste and Emergency Management  
Ranger Regulatory Services  
Manager Development Services  
Team Leader Statutory Planning  
Community Liaison Officer  
Community and Cultural Development Officer  
Biodiversity Officers  
Sport and Recreation Officer  
Building Management Coordinator

## Manager Communications Engagement and Events

*Community:* Not applicable

### 2. BACKGROUND

Council's current Community Land Management Plans date from 2013. There has been some editing of the Community Land Register content since then to reflect the acquisition and disposal of land, but the content of the Community Land Management Plans has remained unchanged.

*Coastal Ecology Protection Group Inc & Ors v City of Charles Sturt [2017] SASC 136 (21 September 2017)* was the first occasion on which the community land provisions of the Act had been tested in a court. As a consequence of the judgement in this case, it became clear that the community land management plans of most councils in South Australia would be vulnerable to legal challenge and Adelaide Hills Council is no exception.

Council's current Community Land Management Plans do not meet the requirements that are now considered essential for valid plans following the decision in the above case.

The Council's Community Land Register information is not fully compliant with the regulations so is required to be updated to reflect all information required to be included.

### 3. ANALYSIS

The Council's Community Land Register has been reviewed and updated and the draft is attached as **Appendix 2**.

A review of the current plans indicates that a revision of the existing plans will not be sufficient and that they should be replaced. There are a number of reasons for this including:

- The current plans and register consist of a single document of more than one hundred pages in length, with a repetition of detail.
- The current plan can be difficult to navigate and find relevant information which is not deemed user friendly for members of the public that may wish to view or read this on Council's website.
- The current plan divides Council's community land into six categories and several site specific plans which does not adequately delineate and describe the variants in use of Community Land in the Council's area.
- The 2017 court case indicates that a better arrangement is required to adequately define objectives, performance targets and performance measures for Community Land.

There is no single, correct way in which community land management plans should be presented. A review of the plans of a range of other South Australian Councils indicates that there is a diversity of approaches. Some councils have one large plan encompassing all community land, others have several smaller plans. Some are high level documents in regard to their objectives and performance targets and others contain a mass of detail.

The principle that has been adopted in preparing the draft Community Land Management Plan is to ensure that the Community Land Management Plan appropriately describes the purpose and use of each land parcels in a manner that is clear, concise and easy to navigate and understand and meets the legislative requirements. To avoid unnecessarily limiting upgrade and renewal programs and to allow appropriate flexibility in use, greater detail is more appropriately included in other operational and management documents that do not require a legislative process and consultation processes in order to facilitate amendments.

The proposed approach for Adelaide Hills Council is for Council's community land to be grouped into twelve main categories, each of which has easily understood and simple objectives, performance targets and performance measures that are relevant to all of the land in a particular category.

There are 15 sites that have been identified as multi use, meaning they do not neatly fit into an individual category of land. The multiple uses of these sites are however consistent with uses detailed in the 12 categories. Rather than duplicate information, the multiple uses of these 15 sites have been referenced by images linking the various areas of each site to one of the 12 categories.

The proposed format is for the link page on the Council website to contain a series of icons, presenting the community land management plans and register as a series of chapters:

- A background provides the legislative and policy base for the plans and register
- An introductory plan provides information common to all the following plans
- By providing the background and introductory plan, the plans which follow for the individual categories of land are concise
- Site plans for all multi use community land locations link the uses of the land to the relevant category plan
- The Register

Section 197 of the Act requires that, before adopting a Community Land Management Plan, a Council must make copies of the draft available for inspection and follow its public consultation policy. Similarly, section 198 requires public consultation prior to the revocation of a community land management plan. A single consultation process can be run to cover both the revocation of the current plans and the adoption of the new draft plans.

Additionally, section 196(4) requires consultation in relation to land that is a component of Council's community land, but which is not owned by Council. As Council has custodianship of many Crown reserves, consultation is required with the Department for Environment and Water. While Council has also assumed control of three parcels of land in the ownership of others, these are unusual cases in that all the trustees or owners are deceased and there is no clear party to consult with however full community consultation will meet the Council's consultation obligations.

Upon completion of the consultation period, a further report will be brought to Council, with the plans amended as may be appropriate, to seek adoption by Council.



**4. OPTIONS**

Council has the following options:

- I. Proceed to consultation on the draft community land management plans (Recommended)
- II. Not proceed with consultation on the draft community land management plans, which will prevent their adoption by Council and leave the current plans in place (Not Recommended)

**5. APPENDICES**

- (1) Draft Community Land Management Plans
- (2) Draft Register of Community Land

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# **Appendix 1**

## *Draft Community Land Management Plans*

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# Adelaide Hills Council

## Community Land Management Plans and Register

July 2019



### **What is Community Land?**

Section 193 of the *Local Government Act 1999* (the Act) states that all land owned by a council or under a council's care control and management, other than roads, is classified as community land unless the council has resolved to exclude it from community land.

Some operational land owned by Council, such as depots and offices, has been excluded from community land and is not subject to a community land management plan.

### **Community Land Management Plans**

The Act and the *Local Government (General) Regulations 2013* set out a council's requirements in relation to community land. A council must prepare and adopt a management plan or management plans for its community land if the land is, or is to be, occupied under a lease or licence or the land has been, or is to be, specifically modified or adapted for the benefit or enjoyment of the community. The large majority of the community land of Adelaide Hills Council must be subject to a community land management plan.

Section 196 of the Act states that a management plan must:

- identify the land to which it applies
- state the purpose for which the land is held by the council
- state the council's objectives, policies (if any) and proposals for the management of the land
- state performance targets and how the council proposes to measure its performance against its objectives and performance targets.

### **Community Land Register**

A council must also keep a register of community land. The register must contain, in respect of each piece of community land in the area:

- the legal description of the land (being, in the case of land that has been brought under the provisions of the Real Property Act 1886, the Certificate of Title Register Book Volume and Folio Numbers)
- the street address of the land (if any)
- the name of the locality or suburb in which the land is situated
- the name by which the land is commonly known (if any)
- the area of the land
- the name of the owner of the land
- the following details concerning any lease or licence granted over the land
  - the name of the lessee or licensee
  - the term of the lease or licence including information on the term of any extension or renewal stated in the lease or licence
  - the actual land to which the lease or licence relates (which may be identified by a plan kept in conjunction with the register), and
  - the purpose for which the lease or licence has been granted.

While all community land must be included in the register, some does not need to be covered in a community land management plan.

A single management plan may cover multiple separate holdings of community land when similar management regimes and performance measures are applicable.

## **Adelaide Hills Council Community Land**

Adelaide Hills Council holds over 400 parcels of community land for the benefit of the community. Section 7 of the *Local Government Act 1999* explains the functions of a council, including the following:

- to plan at the local and regional level for the development and future requirements of its area;
- to provide services and facilities that benefit its area, its ratepayers and residents, and visitors to its area including community services or facilities, and cultural or recreational services or facilities
- to provide for the welfare, well-being and interests of individuals and groups within its community;
- to manage, develop, protect, restore, enhance and conserve the environment in an ecologically sustainable manner, and to improve amenity;
- to provide infrastructure for its community and for development within its area
- to promote its area and to provide an attractive climate and locations for the development of business, commerce, industry and tourism.

Land is held for various purposes in order to meet the requirements of Section 7 of the *Local Government Act 1999*, and this is reflected in the categories into which Council's community land is grouped. Council's community land is grouped into categories with similar characteristics, and each category has its own community land management plan.

## **Policies and Official Plans**

Council's community land management plans do not exist in isolation. They are underpinned by a wide range of legislation, by-laws, policies and strategies.

A reference to legislation includes all amending or consolidating legislation and any replacing legislation. It also includes any regulations and codes or standards adopted under the legislation. A reference to a by-law, policy or strategy includes all amended versions or replacement by-laws, policies and strategies.

## **Legislation**

### **Primary Act**

*Local Government Act 1999*

Planning and Development

*Planning, Development and Infrastructure Act 2016*

*Development Act 1993*

*Disability Discrimination Act 1992*

*Liquor Licensing Act 1997.*

Culture and Heritage

*Native Title Act 1993 (Cth)*

*Native Title Act (South Australia) Act 1994*

*Aboriginal Heritage Act 1988*

*Heritage Places Act 1993*

Environment and Natural Resources

*Native Vegetation Act 1991*

*Natural Resources Management Act 2004*

*Environment Protection Act 1993*

*National Parks and Wildlife Act 1972*

Environmental Health

*Local Nuisance and Litter Control Act 2016*

*Dog and Cat Management Act 1995*

*South Australian Public Health Act 2011*

*Graffiti Control Act 2001*

Land Management

*Crown Land Management Act 2009*

Tourism

*The Local Government (Mobile Food Vendors) Amendment Act 2017*

**Council By-Laws**

By-Law No 1 - Permits and Penalties

By-law No 2 - Moveable Signs

By-law No 3 - Local Government Land

By-law No 5 - Dogs

**Council Policies**

Asset Management

Cemetery Operating

Community Information Display

Festivals & Events

Liquor Licensing

Management of Built Heritage

Play Space

Public Consultation

Sport and Recreation

Tree Management

**Council Plans and Strategies**

Your Adelaide Hills: Strategic Plan

District Masterplan

Gumeracha Precinct, Federation Park and Oval Masterplan

Adelaide Hills Business Plan and Budget

Asset Management Plan

Dog and Cat Animal Management Plan 2018 - 2022

Adelaide Hills Council Development Plan

Sport and Recreation Strategy

Adelaide Hills Trails Network Strategy

Biodiversity Strategy

## COMMUNITY LAND MANAGEMENT PLANS

### **Plan 1 – Generic Plan for all Categories**

Information that applies to all categories of community is included in Plan 1 - Generic Plan for all categories of community land. This means that common information is not repeated.

### **Plan 2 - Conservation**

Primary purpose must be conservation. Low impact informal recreation is acceptable. Special consideration must be given to walking tracks, vehicle access, and the acceptability of dogs on or off leash. Depending on the size and location of the reserve, there may be a controlled fire regime. Revegetation activities, the control of feral species and possibilities for future linkages to other land of conservation significance may be important. Leases or licences will generally not be appropriate, but management agreements are acceptable in furtherance of the objectives for these reserves.

### **Plan 3 - Informal Recreation**

Wide range of informal open space sites with varying levels of development and use. May incorporate facilities for non-structured activities such as playgrounds, walking tracks, and picnic facilities. Many reserves in this category are essentially open space with a medium level of maintenance. Leases will not normally be appropriate for land in this category as they would prevent the land from being used for informal recreation. Licences or management agreements that permit continued public access may be appropriate in some circumstances.

### **Plan 4 - Community Use**

Sites used by non-sporting community organisations. Includes kindergarten or child care use, scouts or guides use and other community groups. Either the buildings on the land or the entirety of the land will generally be subject to lease or licence arrangements.

### **Plan 5 - Halls and Institutes**

Built facilities that are in public ownership and which may be used for a wide range of community purposes and events. Will normally be operated through management agreements, leases or licences to local community groups, rather than directly by Council. Not all halls within the area of Adelaide Hills Council are owned by Council.

### **Plan 6 - Recreation and Sport**

Sites with developed formal sporting facilities such as ovals and tennis courts. Sites will normally be leased to or managed by local management committees which manage sub-leases or seasonal licence arrangements. Facilities will normally be available for use by the wider public for unstructured activities outside of the hours of formal use. Not all recreation and sport facilities within the area of Adelaide Hills Council are owned by Council.

### **Plan 7 - Cemeteries**

Encompasses both operational and heritage cemetery sites. Includes cemeteries not owned by AHC or the Crown, but over which AHC is actively exercising care, control and management. In these cases, consideration should be given to formally assuming administration pursuant to section 49 of the *Burial and Cremation Act 2013* to formalise control. Interment rights will be issued. Not all cemeteries within the area of Adelaide Hills Council are owned by Council.



**Plan 8 - Walkways and other land held for access purposes**

Walkways, laneways, thoroughfares and other land held essentially for access purposes on land which is not public road. Leases or licences will not normally be appropriate.

**Plan 9 - Drainage Reserves**

Land held for drainage and stormwater management purposes. Leases or licences will not normally be appropriate.

**Plan 10 - Vehicle access restrictions**

Land held primarily to prevent vehicle movements from private property onto public roads, but may also act as a buffer. Generally, these exist to ensure that vehicles from allotments in newer residential subdivisions will enter major roads by way of feeder roads, rather than directly entering onto a major road. Leases or licences will not be appropriate for land in this category.

**Plan 11 - Civic Purpose**

Sites that serve a public purpose, such as community waste water management system infrastructure, and car parks. Some land in this category is not accessible to the public for reasons of safety.

**Plan 12 - Emergency Services**

Sites which have the purpose of providing operational bases for emergency services. All land in this category is subject to long-term lease for security of tenure. In some cases, the sites may be portion of a larger land parcel with other uses. Not all emergency services operational bases in the Adelaide Hills Council area are located on community land.

**Multi-purpose sites**

Some areas of Council's community land have a wide range of activities occurring on the same land. These sites do not fit comfortably into any of the categories of community land because of the diverse uses of the site. The following sites are multi-purpose sites:

- Grasby Park, Balhannah
- Johnston Memorial Park, Balhannah
- Bradwood Park, Bradbury
- Longwood Bradbury Hall and Bradbury CFS
- Bridgewater Oval Precinct, Bridgewater
- Crafers Tennis and Netball Courts and Crafers Hall
- Evelyn Halliday Reserve, Crafers
- Federation Park, Gumeracha
- Mylor Oval and Sherry Reserve
- Mylor Parklands
- Norton Summit joint use land
- Atkinson Reserve, Piccadilly
- Apex Park, Stirling
- Steamroller Park, Stirling
- Woodside Recreation Grounds

Each of these sites has a plan delineating which part of the site has the characteristics of which category of land. The land that has the characteristics of a particular category has the same

objectives, performance targets and performance measures as described in the community land management plan for the land within that category, unless the plan contains additional site specific objectives, performance targets and performance measures.

**Community land not requiring a community land management plan**

Council owns about 40 parcels of land that have not been excluded from community land but for which no community land management plan is required. This land has not been modified for a public purpose and is not subject to a lease or licence. This includes small parcels of land with no legal access, sections of closed roads and other small parcels of land not managed by Council but not excluded from community land. This land should be assessed for suitability for exclusion from community land for possible disposal in most cases.

**PLAN 1****GENERIC PLAN FOR ALL CATEGORIES****Plan 1 – Generic Plan for all Categories of Community Land****Disclaimers**

Adelaide Hills Council has made every reasonable attempt to ensure the accuracy of the information presented in the Community Land Register. However, it does not guarantee the information is complete, correct or up to date and the information may be subject to change without notice.

In no event shall Adelaide Hills Council be liable to any third party who obtains access to the information contained in the Register under any law for any loss or damage (including, but not limited to, direct, indirect, economic and consequential damage) in respect of any matter whatsoever related to any information contained in the Register.

All information within the community land management plans is in addition to Council By-law No 3 - Local Government Land and does not replace the by-law. All provisions of Council By-law No 3 - Local Government Land continue to have force on land subject to a community land management plan.

In any community land management plan of Adelaide Hills Council, any reference to a decision of Council or an authorised act by Council includes any decision or action by any employee of Adelaide Hills Council with a relevant delegated authority and is not to be limited in meaning to a resolution of the elected members of Adelaide Hills Council unless explicitly described as such.

**The Register**

The Register lists and provides the required information for every parcel of community land owned by Council or under Council's care control and management to the extent that this is practicable. It also lists that land which has been identified that does not have a title but which is owned by Council. This is largely portions of roads that were closed prior to 1991 and for which titles were never issued. As this land had not been identified at the time of the introduction of the *Local Government Act 1999* it was not excluded from community land. It is likely that there is other land that has resulted from road closures prior to 1991 that is owned by Council but which has not yet been identified as such. Although any such land is community land of Council, it is not currently entered on the Register.

**Identification of Land**

The legal descriptions of the land and parcel identifiers enable the physical location of any land parcel to be identified. A change in the details of either or both does not constitute a change in the community land management plan for that land.

**Performance Targets**

The performance targets for community land management plans define desirable outcomes for the land. The ability to meet those targets may be affected by budgetary pressures, the availability of resources, practicability or circumstances beyond the control of Adelaide Hills Council, such as changes in legislation and the wider economic environment. A plan is not invalidated because of an inability to meet performance targets.

**Objectives of Community Land Management Plans**

The order in which objectives are listed in any community land management plan is for convenience only and is not to be interpreted as an order of priority.

**PLAN 1****GENERIC PLAN FOR ALL CATEGORIES****Leases, Licences and Permits on Community Land**

Leases, licences and permits are permitted on some categories of community land. Where the community land management plan for a category does not authorise the issuing of a lease, licence or permit, an application for a lease, licence or permit will not be accepted.

A lease, licence or permit for land in a category of land for which lease, licences and permits may be issued must be conditional on the activity or occupation being leased, licenced or permitted being compatible with the community land management plan for that category of land. All leases must be consistent with section 202 of the *Local Government Act 1999*.

If a lease, licence or permit is granted, it must:

- Be compatible with the use and objectives of the community land category to which the land belongs
- Be compatible with the performance targets of the community land category to which it belongs
- Be for activities that are consistent with the current and future needs of the community
- Not result in damage to the values of the category of land to which the subject land belongs
- Not create significant disturbance or nuisance to surrounding property owners
- Be compatible with the needs of the wider community
- Be subject to suitable insurance by the lessee, licensee or permit holder.

A change in the name or legal entity of a Lessor will not constitute a change in a community land management plan unless it will have a deleterious effect on the ability to meet the objectives or performance targets of the relevant land.

**Improvements on Community Land**

The improvements listed as envisaged as being compatible with each category of land are representative. An improvement that is listed as compatible with a category of community land may still require development approval and development on and community land that is dedicated Crown land will require the consent of the Minister for Sustainability, Environment and Conservation or his or her delegate before any development can occur.

**Dogs on Community Land**

Dogs are permitted on many, but not all, Council reserves with or without restrictions. The Dog and Cat Animal Management Plan 2018 – 2022 provides comprehensive information on the access to reserves by dogs accompanied by humans. Specific information for most community land is listed in Appendix 1 of the Dog and Cat Animal Management Plan 2018 – 2022. Dogs are permitted on a lead on all community land not specifically identified in the Dog and Cat Animal Management Plan 2018 – 2022. The management of dogs on all community land is as specified in the Dog and Cat Animal Management Plan 2018 – 2022, any amended version or versions of that plan, or its successors.

If at any time baiting for feral species occurs on any community land of Council, dogs may be prohibited from entering that land for their own safety until it is assessed as being safe for them again to do so.

**PLAN 1****GENERIC PLAN FOR ALL CATEGORIES**

An assistance dog, while accompanying and under the control of the person it assists, has the same access rights as the person, regardless of any restrictions that may apply to other dogs.

### **Closure of Community Land because of High Fire Risk**

Adelaide Hills Council encompasses much of the highest fire risk areas of South Australia. There have been serious bushfires across the Council area resulting in fatalities, injuries and property damage. Notwithstanding the rights of the community to access community land, Adelaide Hills Council may declare any community land to be closed to the public on any day when fire conditions are forecast to be or actually become Severe, Extreme or Catastrophic, with the exception of any land that may be designated by the South Australian Country Fire Service as a bushfire Safer Place or a Last Resort Refuge site.

### **Closure of Community Land because of Prescribed Burn Activities**

Some community land, especially in the Conservation category, may be included in prescribed burns undertaken in conjunction with the Department for Environment and Water or its successors. Notwithstanding the rights of the community to access community land, Adelaide Hills Council may declare any community land to be closed for the purpose of carrying out a prescribed burn.

### **Easements**

The granting of an easement over community land will only constitute a change of a Community Land Management Plan for that land if the easement would have a deleterious effect on the ability to achieve the objectives for the land or to meet the performance targets for the land.

### **Telecommunications infrastructure on Community Land**

The placement of telecommunications infrastructure on a building on community land will not constitute a change in a community land management plan. The placement of telecommunications infrastructure directly on community land will constitute a change of a community land management plan if the placement of the infrastructure would have a deleterious effect on the ability to achieve the objectives for the land or to meet the performance targets for the land.

### **Significance to Traditional Custodians**

The Adelaide Hills Council area is traditionally the land of the Peramangk and Kaurna people. Community land retains heightened significance to these peoples, containing as it does some of the few areas of their traditional lands that remain publicly accessible. At the time of the adoption of this plan, there is a consent determination over the Kaurna claim area, but no claim has been made by Peramangk people. While native title now continues to exist over only a small minority of the community land of Adelaide Hills Council, Council acknowledges that its community land retains significance to Peramangk and Kaurna people as traditional custodians, regardless of the native title status of the land.

### **Commercial Activities on Community Land**

Community land is held for the benefit of the whole community. While it is appropriate for not for profit organisations to operate on some community land, it is generally not appropriate for community land to be used by for profit entities. If any community land is subject to commercial activities, full commercial rental will be applied to the area occupied. Where commercial activities exist with the profits donated to not for profit causes and audited by Council, commercial rental will not be charged. Commercial for profit activities on Crown land under the care, control and management of Council will not be permitted under any circumstances.

**PLAN 1****GENERIC PLAN FOR ALL CATEGORIES****Disability and Mobility Impaired Access to Community Land**

Adelaide Hills Council aims to be inclusive for the whole community. In acknowledging this, not all community land can be accessible to everyone. The geography of the Adelaide Hills Council area means that much of the land in the conservation and informal recreation categories has steep to very steep terrain and land in the conservation category in particular often has dense vegetation. This will limit the accessibility of land with these attributes. In particular, some tracks and trails on this land may only be suitable for reasonably fit persons with no mobility limitations.

**Encroachments on Community Land**

An encroachment on community land is not compatible with a community land management plan as it prevents the land from being used for its designated purpose. An encroachment cannot be compatible with the objectives of a community land management plan. An encroachment on community land constitutes an unauthorised occupation and encroaching fences or structures will be required to be removed from community land.

**Vehicle Access Over Community Land**

Some community land, particularly in the Recreation and Sport category and the Cemetery category, has formed driveways and car parking areas. On land that does not have formed driveways or car parking areas, access by non-Council vehicles is limited to the following circumstances:

- Vehicles of contractors and event personnel that have been authorised to enter the land by Adelaide Hills Council
- Vehicles of statutory authorities that have a legal right of access
- Emergency services vehicles in the performance of duties
- Access to an adjoining property across a legal right of way that exists at the time of the adoption of this plan
- Temporary access, authorised by licence or permit, to access the rear of an adjoining property for construction purposes, but only if there is no alternative access and the vehicle access across the community land will not cause damage to the land, such as the removal of native vegetation, or create a risk to other users of the land.



**PLAN 2**

**CONSERVATION RESERVES**

**Plan 2 – Community Land Management Plan for Conservation Reserves**





**PLAN 2** CONSERVATION RESERVES

This Management Plan should be read in conjunction to the Introductory Information in Plan 1, which includes general information that relates to each individual plan.

Adelaide Hills Council is the centre of the high rainfall areas of the Mount Lofty Ranges. Many nationally and state listed threatened species are found within our boundaries. Council's Conservation Reserves are not only important in their own right, but provide important linkages to and between land protected under the *National Parks and Wildlife Act 1972* and privately owned land with biodiversity values. Council's commitment to its conservation reserves will help to halt the decline in threatened species and in recovery plans for those species.

A parcel of Community Land may be categorised as Conservation even if its biodiversity values are only modest at the time of the adoption of this plan if it has been identified for habitat restoration or as an important linkage between other land of higher biodiversity values.

Many natural areas will require, or in some cases already have, more detailed documents prepared to address revegetation, feral species control or ecological burning. Those documents provide greater detail pertaining to certain parcels of land covered by This Management Plan. This Management Plan is intended to provide context and guidance to those documents without replacing them.

This Management Plan pertains to all community land that has been placed into the category Conservation including that portion of multi-use sites that have a Conservation component.

Leases and licences are not consistent with the objectives of Conservation Reserves, but management agreements may apply to facilitate environmental works for the benefit of the biodiversity values of these reserves. Management agreements may also apply to buildings that already exist on reserves for conservation purposes at the time of the adoption of this plan.

Because of the risks of damage to native vegetation and introduction of weed species, horses are not permitted on Conservation reserves, with the exception of any track on a reserve for Conservation purposes which is marked as allowing horses, in which case horses must not leave the track within the Conservation reserve.

Some tracks in land in this category are narrow, have steps and uneven surfaces and for this reason are unsuitable for shared use. Unless a track has signs to the contrary, bicycles are permitted on any track with a width of three metres or more, but prohibited on any track with a width of less than three metres.

Some reserves in this category have heritage agreements attached to the land pursuant to section 23 of the *Native Vegetation Act 1991*. Council may seek to enter into heritage agreements for any other land in this category where the land is assessed as having sufficient biodiversity values to warrant an agreement. If a Crown reserve in this category is assessed as having sufficient biodiversity values for a heritage agreement, but such an agreement would be inconsistent with the current purpose of the dedication, Council will in the first instance apply for the land to be dedicated for a consistent purpose.

Land in this category may have high importance for Peramangk and Kaurna people, regardless of whether or not native title continues to exist over the land

**PLAN 2****CONSERVATION RESERVES****Operational considerations**

In order to protect the biodiversity values of land in the Conservation category, certain activities are authorised by this plan that will not normally be considered for land in any other category.

Prescribed burns may be carried out in conjunction with the Department for Environment and Water or its successors for ecological purposes. These burns help to provide a mix of habitats so that those species that prefer regenerating native vegetation and those that prefer vegetation that has remained unburnt for many years are both catered for. Many plants of the Mount Lofty Ranges have evolved to germinate after fire and prescribed burns encourage the germination of the seedbank in the soil.

Baiting to control feral animal species may occur on land in the Conservation category. Any baiting programs must be advertised in advance through the Council's website and signage must be placed at each public entrance to the land the subject of baiting warning the public of the presence of baits and the potential risk to dogs during the duration of the baiting program. If Council or its delegates consider it necessary, a reserve in this category may be temporarily closed to the public for the purpose of a baiting program. Alternatively, the land may remain open to the public but dogs may be temporarily prohibited from entering the land for their own safety.

**Improvements on reserves in the Conservation category**

Only very limited further improvements are appropriate on reserves in the Conservation category. The following may be acceptable following an investigation into the impacts on the biodiversity values of a particular site, but will not be approved if it involves the removal of intact native vegetation. If at the time of the adoption of this plan a reserve in this category has a minor portion of the land used for activities other than conservation, any improvements on that portion of the land must not impinge on the majority of the land with conservation values:

- Walking tracks with a small environmental footprint
- Directional signs
- Interpretive signage
- Seating
- Rubbish bins
- Bird Hide

**Objectives**

- The conservation of the biodiversity of the Mount Lofty Ranges.
- To provide linkages and connections between habitat remnants to increase range, allow gene flow and species movement to and between other land of biodiversity significance regardless of ownership.
- To encourage and support the activities of local community conservation groups, project partners, Government and non-Government agencies that will progress conservation outcomes.
- To provide opportunities for residents and visitors to enjoy and appreciate nature.
- To pursue heritage agreements pursuant to the *Native Vegetation Act 1991* where this will promote long-term conservation of biodiversity values.
- To provide educational opportunities to foster understanding and support for the conservation of the biodiversity of the Mount Lofty Ranges.

**PLAN 2****CONSERVATION RESERVES**

- To apply the precautionary principle in the management of reserves in the conservation category when comprehensive information or knowledge is not available.
- Where boundaries are fenced, to use fencing that permits the movement of native wildlife across property boundaries unless it should be restricted along any particular boundary.
- To allow passive recreation where it is not in conflict with the conservation of biodiversity.
- Where a minor portion of the land has been developed for recreational or other activities or facilities prior to the adoption of this plan, including community events, to permit the continuation of those activities, events or facilities and to prevent the encroachment of those activities and facilities onto that portion of the land of conservation significance.

**Performance Targets**

- Biodiversity values of reserves in the Conservation category are maintained.
- Residents and visitors appreciate the value of reserves in the Conservation category.
- Bushfire risks are managed while maintaining biodiversity values.
- Invasive species are controlled and, where practicable, eradicated.

**Performance Measures**

- Surveys of selected reserves demonstrate that the species diversity of reserves for Conservation purposes is maintained.
- Feedback received by Council and resident surveys demonstrate that the biodiversity values of the Adelaide Hills Council area are regarded as important.
- Asset protection zones are maintained and ecological burns occur in conjunction with the Department of Environment and Water or its successors.
- Programs are in place for the control of invasive species either directly by Council, by Friends groups or through management agreements.
- Recreational activities and events do not result in a loss of biodiversity values.

**PLAN 3**

**INFORMAL RECREATION RESERVES**

**Plan 3 - Community Land Management Plan for Informal Recreation Reserves**



**PLAN 3** INFORMAL RECREATION RESERVES

This Management Plan should be read in conjunction to the Introductory Information in Plan 1, which includes general information that relates to each individual plan.

Adelaide Hills Council has a large number of informal recreation reserves spread across the entire Council area. Reserves in this category display a wide range of features. Many of these reserves are largely undeveloped and provide public open space. Others are developed with playgrounds, park furniture, footpaths and amenity plantings. The level of development and standard of maintenance for any reserve in this category is site specific in that what is appropriate varies widely between locations. Informal recreation reserves in urban areas are generally developed to a greater extent and maintained to a higher level than informal recreation reserves outside of urban areas. Land in this category may be suitable for informal recreational sport, but does not have fully developed sports facilities that are suitable for club and competitive sporting activities.

This Management Plan pertains to all community land that has been placed into the category Informal Recreation including that portion of multi-use sites that have an Informal Recreation component.

Leases on Informal Recreation reserves are not consistent with the purpose of land in this category as a lease would prevent the land from being available to the public. Licences for the purpose of grazing to control bushfire risks can be appropriate for reserves in this category that are currently largely undeveloped.

**Improvements on Informal Recreation Reserves**

A wide range of improvements are appropriate on reserves in this category:

- Playgrounds
- Skateboard park
- BMX track
- Public toilets
- Park furniture, including benches and tables
- Rubbish bins
- Space for unstructured and informal sport activities
- Public barbecues
- Walking tracks and footpaths
- Fencing
- Off leash dog parks, fenced or unfenced
- Car parking for visitors

**Objectives**

- To provide public open space to communities across the area of Adelaide Hills Council.
- To provide opportunities for a wide range of informal recreational activities, including passive activities and unstructured sport.
- To provide playgrounds and play spaces for children that meet Australian standards across the area of Adelaide Hills Council.
- To provide appropriate spaces for the exercising of dogs in accordance with Councils Dog and Cat Animal Management Plan 2018 – 2022.



**PLAN 3****INFORMAL RECREATION RESERVES****Performance Targets**

- There is a spread of public open space across the area of Adelaide Hills Council.
- Playgrounds are safe for children to play on.
- Reserves do not present an unacceptable fire risk.
- Dog access is managed consistent with Council's Dog and Cat Animal Management Plan 2018 – 2022 or its successors.
- Public toilets are regularly cleaned and maintained.

**Performance Measures**

- All Adelaide Hills communities have access to public open space.
- All playgrounds meet current Australian Standards.
- Damaged play equipment is rendered unusable until it is repaired.
- Development of playspaces is consistent with Council's Play Space Policy.
- Vegetation near playgrounds or in high use areas does not present as snake habitat.
- Vegetation is managed to reduce fire risk to an acceptable level.
- Reserves in this category that have high levels of use for walking and exercising dogs have dog tidy bag dispensers that are refilled on a regular basis available at all times.
- Regulatory Services staff respond promptly to reports of aggressive or other unacceptable dog or dog owner activity.
- Public toilets are maintained in an acceptable condition.

**PLAN 4**

**COMMUNITY USE RESERVES**

**Plan 4 – Community Land Management Plan for Community Use Reserves**





**PLAN 4** COMMUNITY USE RESERVES

This Management Plan should be read in conjunction to the Introductory Information in Plan 1, which includes general information that relates to each individual plan.

This Management Plan pertains to all community land that has been placed into the category Community Use including that portion of multi-use sites that have a Community Use component.

Land in the community use category is normally leased to a not for profit organisation for a community purpose, or may be hired directly from Council. Long term occupants include scout and guide groups, kindergartens, children's centres, toy library, Meals on Wheels and similar uses. It includes outdoors activities including community garden and woodlot activities. Long term occupants may have exclusive use of both buildings and land. The leases to the Hut Bookshed at Apex Park and the Stirling Community Shop Incorporated at Steamroller Park, both at Stirling, by resolution of Council specifically permit the sale of goods for profit, with the proceeds to be distributed to the community.

Buildings and other infrastructure on Community Use Reserves may be owned by Adelaide Hills Council, or Council may make the land available for organisations to construct their own premises.

**Improvements on land in the Community Use category**

The appropriateness of improvements on land in this category is tied to the specific community use of each site. The following improvements are envisaged for land in this category.

- The construction of new buildings for use by community organisations, or additions to existing buildings
- The maintenance of existing buildings
- Driveways and car parks
- Fencing
- Garden areas
- Woodlots

**Objectives**

- To provide locations and facilities that meet the needs of not for profit non-sporting community organisations requiring long term occupancy of land or buildings for activities that result in a community benefit.
- To provide a venue for hire for groups.

**Performance Targets**

- Leases validate long term occupancy of Community Purpose land, or buildings on portion of the land, by not for profit organisations.
- Selling of goods for profit on Community Purpose land has appropriate authorisation.
- Council owned improvements are on asset registers and asset management plans.

**PLAN 4**

**COMMUNITY USE RESERVES**

**Performance Measures**

- Leases are in place for each occupancy of Community Purpose land, or buildings on portion of the land, by not for profit organisations.
- Resolutions of Council validate selling of goods for profit on Community Purpose land.
- Council owned improvements are included in asset management programs.

**PLAN 5**

**HALLS AND INSTITUTES**

**Plan 5 – Community Land Management Plan for Halls and Institutes**



**PLAN 5****HALLS AND INSTITUTES**

This Management Plan should be read in conjunction to the Introductory Information in Plan 1, which includes general information that relates to each individual plan.

This Management Plan pertains to all community land that has been placed into the category Halls and Institutes including that portion of multi-use sites that have a Halls and Institutes component.

Adelaide Hills Council owns ten halls and institutes for the use of its communities. All of these sites have leases, licences or management agreements with local community organisations, which may then hire or sub-licence the halls to other community groups or for private functions.

Council remains responsible for all structural maintenance.

Not all community halls within the area of Adelaide Hills Council are owned by Council and those owned by other entities are not subject to this plan.

**Improvements on land in the Halls and Institutes category**

The land in this category is largely covered by the footprint of the buildings on the land. As such, the only improvements envisaged are as follows:

- Redevelopment or refurbishment of existing halls and institutes

**Objectives**

- To provide buildings for the use of local communities for a wide range of community activities that may be held on a regular or occasional basis.

**Performance Targets**

- Halls and Institutes are leased, licenced or managed by local community organisations for the benefit of their communities.
- Halls and institutes are maintained in a suitable condition for safe and long-term use by their communities.

**Performance Measures**

- Each hall and institute has a formal agreement in place with a not for profit local community organisation by which the hall or institute is managed for the benefit of the local community.
- Halls and institutes are included on the asset register and asset management programs of Adelaide Hills Council.



PLAN 6

RECREATION AND SPORT

**Plan 6 – Community Land Management Plan for Recreation and Sport Reserves**



**PLAN 6****RECREATION AND SPORT**

This Management Plan should be read in conjunction to the Introductory Information in Plan 1, which includes general information that relates to each individual plan.

This Management Plan pertains to all community land that has been placed into the category Recreation and Sport including that portion of multi-use sites that have a Recreation and Sport component.

Land in the Recreation and Sport category has well developed and maintained formal sporting facilities. A wide range of sports are catered for, including netball, tennis, football, soccer, cricket, lawn bowls, petanque, golf and equestrian activities.

The sports that may be catered for are not restricted to those currently using Council's recreation and sport reserves. Any other sport for teams or individuals will be acceptable on land in this category provided the facilities are suitable and can be available for the use of that sport. In the event that a sport would require significant resource inputs before it could use land in this category, a comprehensive business case must be presented to Council for its decision.

The usage of the land in this category must be sufficiently flexible to permit for changing community requirements. This can include the increase or decrease in playing surface area for any particular sport, the expansion of playing or club facilities at any particular site and the extension of hours of use through the lighting of playing surfaces.

The land in this category is intended to be leased either directly to not for profit sporting organisations, or to not for profit local community organisations that may then sub-licence to individual sporting organisations. All such agreements will clearly define the respective responsibilities of Council and the relevant organisation.

Where an organisation has an exclusive lease over clubrooms, it may use the premises for functions beyond its own members, subject to meeting all requirements relating to liquor licencing and noise levels.

Playing areas may be licenced for the use of a sporting club and that club will have exclusive use of the surface during all times that are booked for playing or practicing the sport. The public has access to these areas at all other times.

Land in this category may be utilised as bushfire Safer Places or Last Resort Refuges, as designated by the South Australian Country Fire Service.

Not all recreation and sport facilities within the Council area are owned by Adelaide Hills Council and those in other ownership are not subject to This Management Plan. One of the objectives for land in this category is to provide equitable access to sporting facilities across the Council area. Any assessment of equity will include access to recreation and sporting facilities not in the ownership of Council but available to local communities.

### **Improvements on land in the Recreation and Sport category**

A wide range of improvements associated with recreation and sport activities are envisaged on land in this category. The following are acceptable, subject to formal development approval where required:

**PLAN 6****RECREATION AND SPORT**

- Grassed playing surfaces
- Sealed courts for sports such as netball and tennis
- Other playing surfaces consistent with the requirements of any sport authorised by lease or licence to occupy or use land in this category
- Fencing of sufficient scale to prevent balls from exiting the site to adjoining properties or roads, where necessary to minimise nuisance or risk
- Clubrooms, incorporating any or all of change rooms, meeting rooms, kitchen and bar facilities and dining areas
- Spectator seating and shelters
- Toilets
- Lighting for evening use of sports facilities
- Storage sheds or buildings for housing maintenance equipment
- Driveways and car parking areas
- Spectator seating, including grandstands

**Objectives**

- To provide facilities for organised sporting activities strategically located across the area of Adelaide Hills Council.
- To provide equitable access to sporting facilities to clubs within the area of Adelaide Hills Council.
- To provide occupation rights for organised sport by way of leases, licences or management agreements.
- To facilitate the development, redevelopment or expansion of recreational and sporting facilities for the community on land in this category.
- To provide bushfire Safe Places and Last Resort Refuge sites where appropriate.

**Performance Targets**

- There is an equitable spread of recreation and sporting facilities across the Adelaide Hills Council area, to the extent that it is within the capacity of Council to provide such facilities.
- There are long term occupation or management agreements with not for profit organisations to facilitate the management of sites.
- Playing surfaces that are the responsibility of Adelaide Hills Council are maintained to a standard that is safe for the playing of the sports intended for those surfaces.
- Facilities that are the responsibility of Council are part of Council's asset management programs.

**Performance Measures**

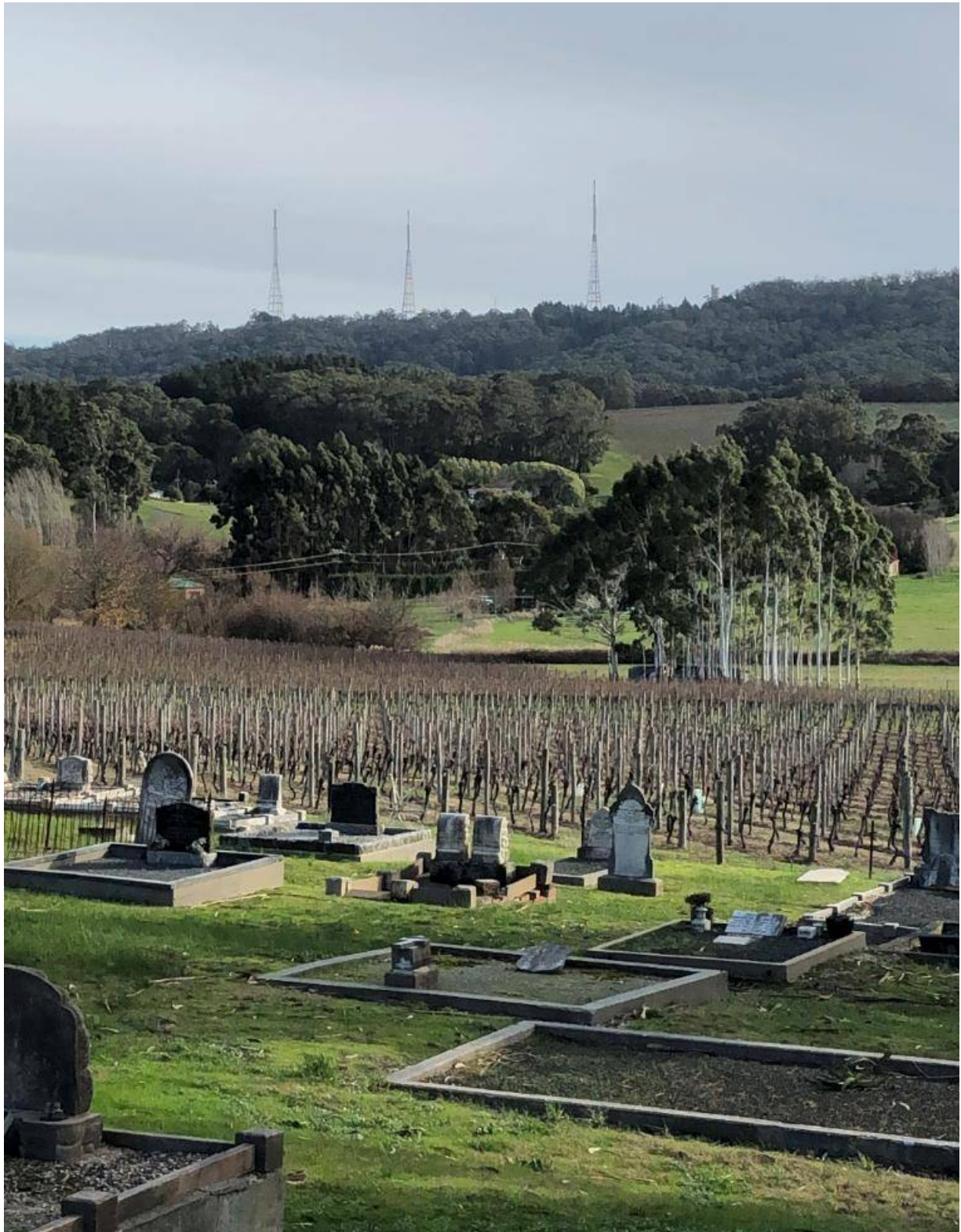
- All Adelaide Hills Council communities have access to sport and recreation facilities, although not every community will necessarily have access to facilities for every sport.
- Playing surfaces that are the responsibility of Adelaide Hills Council are safe for playing the sport or sports intended for that surface.
- Facilities are maintained in accordance with Council's asset management programs.



**PLAN 7**

**CEMETERIES**

**Plan 7 – Community Land Management Plan for Cemeteries**



**PLAN 7****CEMETERIES**

This Management Plan should be read in conjunction to the Introductory Information in Plan 1, which includes general information that relates to each individual plan.

As each community developed within what is now the Adelaide Hills Council in the early decades of European settlement, cemeteries were established for the benefit of those communities. Consequently, Council is now responsible for 23 cemeteries spread across its area.

The ownership of these cemeteries is diverse and includes land in Council's freehold ownership, dedicated Crown land under Council's care, control and management and land held under Crown condition agreements. Additionally, Council has informally assumed the care, control and management of three cemeteries held in trust by other entities but not managed by the trustees. Three of the cemeteries in this category are now closed cemeteries, but are still most appropriately placed in this category for management purposes.

Other than interment rights, a lease of cemetery land is not consistent with the purpose of the land. Where a cemetery has a significant area of undeveloped land, a licence for grazing purposes to an adjoining landowner may be issued to facilitate weed control and reduce fire risk, provided the licensee maintains fencing sufficient to prevent stock from entering the developed portion of the land.

There are a number of other cemeteries within the area of Adelaide Hills Council that are attached to churches or owned or managed by other entities. These do not form part of Council's community land and as such are not subject to this community land management plan.

**Improvements on land in the Cemeteries category**

Improvements on land in the Cemetery category are limited to the following:

- Perimeter fencing and gates
- Driveways and footpaths
- Rubbish bins
- Seating
- The installation of headstones, concrete plinths for lawn cemetery areas, memorial walls and other memorial works
- Amenity planting

**Objectives**

- To maintain access to cemeteries for communities across the area of Adelaide Hills Council.
- To manage the operation of cemeteries in accordance with the Burial and Cremation Act 2013.
- To provide for interment rights for burial and cremated remains, except within closed cemeteries.
- To maintain records as a resource for interested parties.
- For a cemetery that is a heritage place pursuant to the Heritage Places Act 1993, to maintain those values that justify it being a heritage place.
- Where a cemetery is held in trust by Adelaide Hills Council, to manage the cemetery in a manner that is consistent with the trust.

**PLAN 7****CEMETERIES****Performance Targets**

- Cemeteries are readily accessible to the public
- The requirements of the Burial and Cremation Act 2013 and the Burial and Cremation Regulations 2014 are complied with in the management and operation of cemeteries.
- Interment right documentation is produced for each interment.
- Interment records are available from Council.
- Council is not exposed to liability through cemetery operations.
- To formalise the administration of cemeteries pursuant to sections 48 or 49 of the Burial and Cremation Act 2013 as may be appropriate, where Council has informally assumed care, control and management.

**Performance Measures**

- Cemeteries are open to the public during daylight hours and are maintained in a condition such that they can be safely visited.
- All documentation is properly authorised.
- There are no contemporary interments that do not have interment rights linked to them.
- Council responds to all requests for interment information if an enquirer is unable to locate the information they seek on line.
- Funeral directors and gravediggers provide evidence of public liability insurance on request, and gravediggers provide evidence of having licences for equipment on request.



**PLAN 8**

**WALKWAYS AND ACCESS RESERVES**

**Plan 8 – Community Land Management Plan for Walkways and Access Reserves**





**PLAN 8****WALKWAYS AND ACCESS RESERVES**

This Management Plan should be read in conjunction to the Introductory Information in Plan 1, which includes general information that relates to each individual plan.

Adelaide Hills Council owns or has the care, control and management of a number of mostly small parcels of land that provide pedestrian linkages between roads. They are largely maintained only to the standard of walking tracks, rather than formed or paved footpaths, and may not be suitable for all people. No lighting is provided and they are intended for daytime use only. The level of use of these reserves is variable.

Leases or licences are not contemplated for land in this category.

**Improvements on reserves in the Access and Walkways category**

Improvements are not contemplated on these reserves, unless Adelaide Hills Council or its delegates decides to upgrade the standard of walking track on any reserve.

**Objectives**

- To provide convenient pedestrian access during daylight hours, in the absence of which pedestrians would have to walk a greater distance on road reserves to reach their destination.

**Performance Targets**

- Reserves in the Walkways and Access category are accessible to the public at all times during daylight hours.
- Walkways are safe for use by people with no mobility limitations.

**Performance Measures**

- There are no restrictions to pedestrian use during daylight hours, subject to the standard of path maintained for an individual reserve.
- There are no reports of injuries by people using walkways.

**PLAN 9**

**DRAINAGE RESERVES**

**Plan 9 – Community Land Management Plan for Drainage Reserves**



**PLAN 9****DRAINAGE RESERVES**

This Management Plan should be read in conjunction to the Introductory Information in Plan 1, which includes general information that relates to each individual plan.

Leases or licences are not contemplated for land in this category.

**Improvements on reserves in the Drainage category**

Only limited development is appropriate for reserves in this category, especially the following:

- Channels, swales, pipework and culverts associated with drainage works
- Footbridges
- Minor passive recreation development where there is sufficient space within the reserve

**Objectives**

- To facilitate the free flow of water to minimise the risk of flooding to other properties.
- To minimise erosion along flow lines.

**Performance Targets**

- Drainage lines are free from blockages.
- Swales are grassed.
- Drainage reserves do not present a risk to human health or safety.

**Performance Measures**

- Inspections demonstrate that drainage lines do not present any impediments to the flow of water.
- There is no or minimal erosion evident along drainage reserves.
- Drainage reserves do not present a fire risk during the bushfire season.



**PLAN 10**

**VEHICLE ACCESS CONTROL RESERVES**

**Plan 10 – Community Land Management Plan for Vehicle Access Control Reserves**





**PLAN 10** VEHICLE ACCESS CONTROL RESERVES

This Management Plan should be read in conjunction to the Introductory Information, which includes generic information that relates to each individual plan.

Adelaide Hills Council has over 30 parcels of community land that have a purpose of controlling vehicle access. The underlying reason for the existence of these reserves is to promote road safety. Most of these reserves are small and do not normally have amenity values.

These reserves are of two types:

1. Small sections of roads that have been closed to prevent through traffic on minor roads.
2. Narrow strips of land which prevent direct access from residential properties onto busy roads by requiring residents to exit their properties onto a feeder road before entering a major road. These reserves are normally not fenced from the road reserve and generally have the appearance of being part of the road reserve and are usually maintained as such.

Leasing or licensing of these reserves is not contemplated.

**Improvements on reserves in the Vehicle Access Control category**

Only very limited development is contemplated on reserves in this category:

- Fencing and kerbing to physically prevent vehicle movements across the land
- Barriers and signage for safety purposes such that drivers are aware of the presence of vehicle access restrictions
- Minor amenity landscaping

**Objectives**

- To prevent through traffic movements on roads that have been identified as being unsuitable for through traffic.
- To direct vehicle movements from residential properties on to feeder roads before entering major roads.

**Performance Targets**

- Vehicle Access Control Reserves are maintained such that vehicles do not traverse them.

**Performance Measures**

- No vehicle movements across Vehicle Access Control Reserves are observed or reported.

**PLAN 11**

**CIVIC PURPOSE RESERVES**

**Plan 11 – Community Land Management Plan for Civic Purpose Reserves**



**PLAN 11** CIVIC PURPOSE RESERVES

This Management Plan should be read in conjunction to the Introductory Information in Plan 1, which includes general information that relates to each individual plan.

This Management Plan pertains to all community land that has been placed into the category Civic Purpose including that portion of multi-use sites that have a Civic Purpose component.

Land in this category is used for the benefit of the community, but not for direct access by the community. It is comprised of land used for community wastewater management systems, quarries, refuse depots and recycling centres. Public access is only permitted under controlled conditions. Unrestricted public access would present an unacceptable risk.

Land in the Civic Purpose category may be subject to leases or licences for the operation of the infrastructure on part or the whole of the land, or management agreements to facilitate operational activities by contractors.

**Improvements on land in the Civic Purpose category**

Improvements on land in this category should be consistent with the civic purpose of the specific site. Depending on the civic purpose use at the time of the adoption of this plan, the following are consistent improvements:

- Community wastewater management system infrastructure, including water dispersal
- Infrastructure required for quarrying activities
- Infrastructure required for the operation of waste collection or recycling activities
- Secure fencing to contain risks
- Car parks
- Sections of driveways or roads that are not public roads

**Objectives**

- To provide suitable locations for community wastewater management system operations for all towns within the area of Adelaide Hills Council that require these systems.
- To provide centres for the collection of waste materials and the recycling of these materials wherever practical.
- To provide locations for the quarrying or storage of extractive materials.
- To permit vehicle access.

**Performance Targets**

- Suitable locations are identified and made available for civic purpose activities.
- Community wastewater management system centres are managed such that they do not present unacceptable conditions for surrounding properties.
- Community wastewater management system centres meet Australian Standards.
- Fencing of land in the Civic Purpose category is maintained to a standard that prevents the land from presenting an unacceptable risk to the safety of the public.
- Recycling centres are managed such that they do not present unacceptable conditions for surrounding properties.
- Car parks and driveways are safe for vehicle use.

**PLAN 11**

**CIVIC PURPOSE RESERVES**

**Performance Measures**

- Each town within Adelaide Hills Council that requires a community wastewater management system has one.
- There are no complaints regarding the operation of community wastewater management system sites.
- There are no complaints regarding the operation of recycling centre sites.
- Fencing at sites that may present a public risk remains intact.



**PLAN 12**

**EMERGENCY SERVICES RESERVES**

**Plan 12 – Community Land Management Plan for Emergency Services Reserves**





**PLAN 12** EMERGENCY SERVICES RESERVES

This Management Plan should be read in conjunction to the Introductory Information in Plan 1, which includes general information that relates to each individual plan.

This Management Plan pertains to all community land that has been placed into the category Emergency Services including that portion of multi-use sites that have a Passive Recreation component.

All of these reserves house Country Fire Services operational bases and one also houses a South Australian Ambulance Service operational base.

Adelaide Hills Council contains much of the highest bushfire risk country in South Australia. During the course of European settlement in South Australia there have been many catastrophic bushfires throughout the Council area, with loss of life and significant property loss. For the protection of the residents, visitors and property of the Adelaide Hills Council area it is essential that emergency services have suitable operational bases for their life and property saving activities.

Adelaide Hills Council provides over 20 locations for Country Fire Service (CFS) stations spread across the Council area, as well as one ambulance station. These are small reserves that have the purpose of providing sufficient land for emergency services buildings and parking. Two CFS stations at Cherryville and Montacute within the Council area are located on road reserves. As road reserves are excluded from the definition of community land, these two stations are not subject to this community land management plan.

Ambulance stations provide a base for emergency response to critical incidents that endanger human life.

Not all CFS and ambulance stations within the area of Council are located on land owned by Council. Those stations not located on Council's community land are not subject to this plan.

For security of occupation, long term leases are in place for all land in this category. If there is a change in the name of the Lessee, this will not constitute a change in the management plan for Emergency Services reserves.

**Improvements on reserves in the Emergency Services category**

The following improvements are consistent with the purpose of the land in this category:

- The construction or upgrading of buildings for the housing of emergency services vehicles and operational facilities.
- Parking areas for the staff and volunteers that operate from the operational facilities.
- Towers for drying hoses at CFS stations.
- Training facilities that are consistent with emergency services operations.

**PLAN 12****EMERGENCY SERVICES RESERVES****Objectives**

- To support the activities of emergency services by providing suitable locations for their operational bases throughout the area of Adelaide Hills Council.

**Performance Targets**

- Suitable locations are available throughout the area of Adelaide Hills Council for the operational bases of emergency services.
- Emergency services operational bases located on community land of Adelaide Hills Council have long term security of tenure.




**Performance Measures**

- The Minister for Emergency Services, or the successor to that position, or Ministerial delegates are satisfied with the provision of locations for emergency services operational bases by Adelaide Hills Council.
- All emergency services operational bases located on land of Adelaide Hills Council have long term leases in place.

**Kemp Reserve Aldgate**

**CR 5753/714**



-  Boundary of Kemp Reserve Aldgate
-  Recreation and Sport
-  Informal Recreation



**Grasby Park Balhannah**

**CT 5185/534**



Boundary of Grasby Park



Conservation






Community Use

**Johnston Memorial Park Balhannah**

**CT 5094/759**






-  Boundary of Johnston Memorial Park, Balhannah
-  Recreation and Sport
-  Emergency Services



**Bradwood Park**

**CT 5960/38**



-  Boundary of Bradwood Park
-  Recreation and Sport
-  Conservation



**Longwood Bradbury Hall and Bradbury CFS**

**CT 6184/878**



Boundary of Longwood Bradbury Hall and Bradbury CFS land



Halls and Institutes



Emergency Services







Civic Purpose

### Bridgewater Sports Precinct

CR 5753/710, CT 5710/474, CT 5895/788, CT 5505/498, CT 5677/671, CT 5546/706, R7461 AA,  
R7461 AB, CT 5627/71

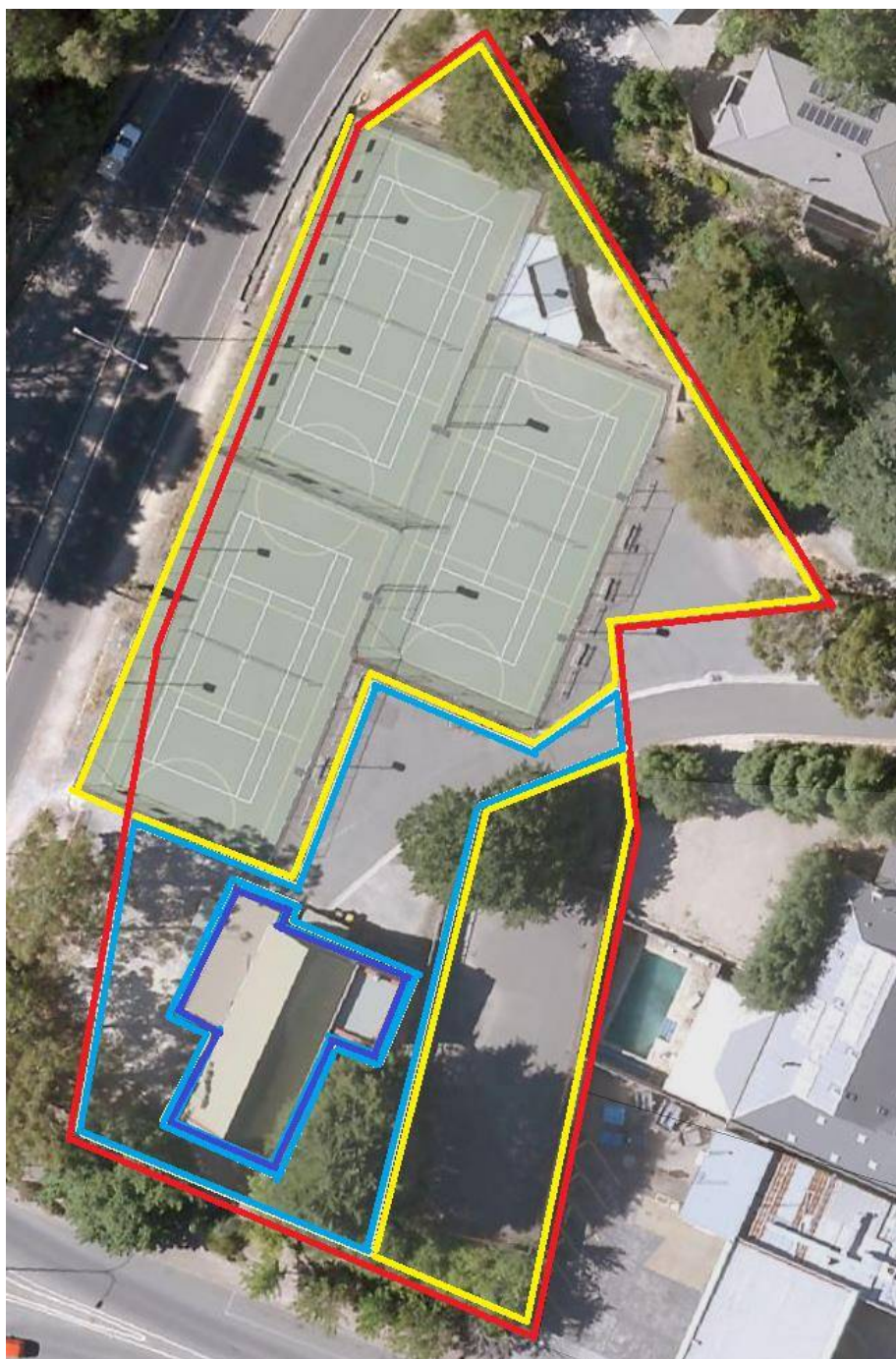






-  Boundary of Bridgewater Sports Precinct
-  Recreation and Sport
-  Conservation
-  Civic Purpose



**Crafers Tennis and Netball Courts and Crafers Hall**

**CT 5192/258**







-  Boundary of Crafers Tennis and Netball Courts and Crafers Hall
-  Recreation and Sport
-  Halls and Institutes
-  Civic Purpose

**Evelyn Halliday Reserve**

**CT 5324/737**



-  Boundary of Evelyn Halliday Reserve
-  Informal Recreation
-  Conservation
-  Community Use



# Federation Park





CT 6085/90



- Boundary of Federation Park
- Recreation and Sport
- Informal Recreation
- Halls and Institutes
- Excluded from Community Land
- Joint Management – Gumeracha Sports Club Inc & Gumeracha and District Town Hall Committee

**Mylor Oval and Sherry Park**  
**CT 5661/374, CT 5661/375, CR 5753/727**








-  Boundary of Mylor Oval and Sherry Park
-  Recreation and Sport
-  Conservation
-  Informal Recreation



## Mylor Parklands

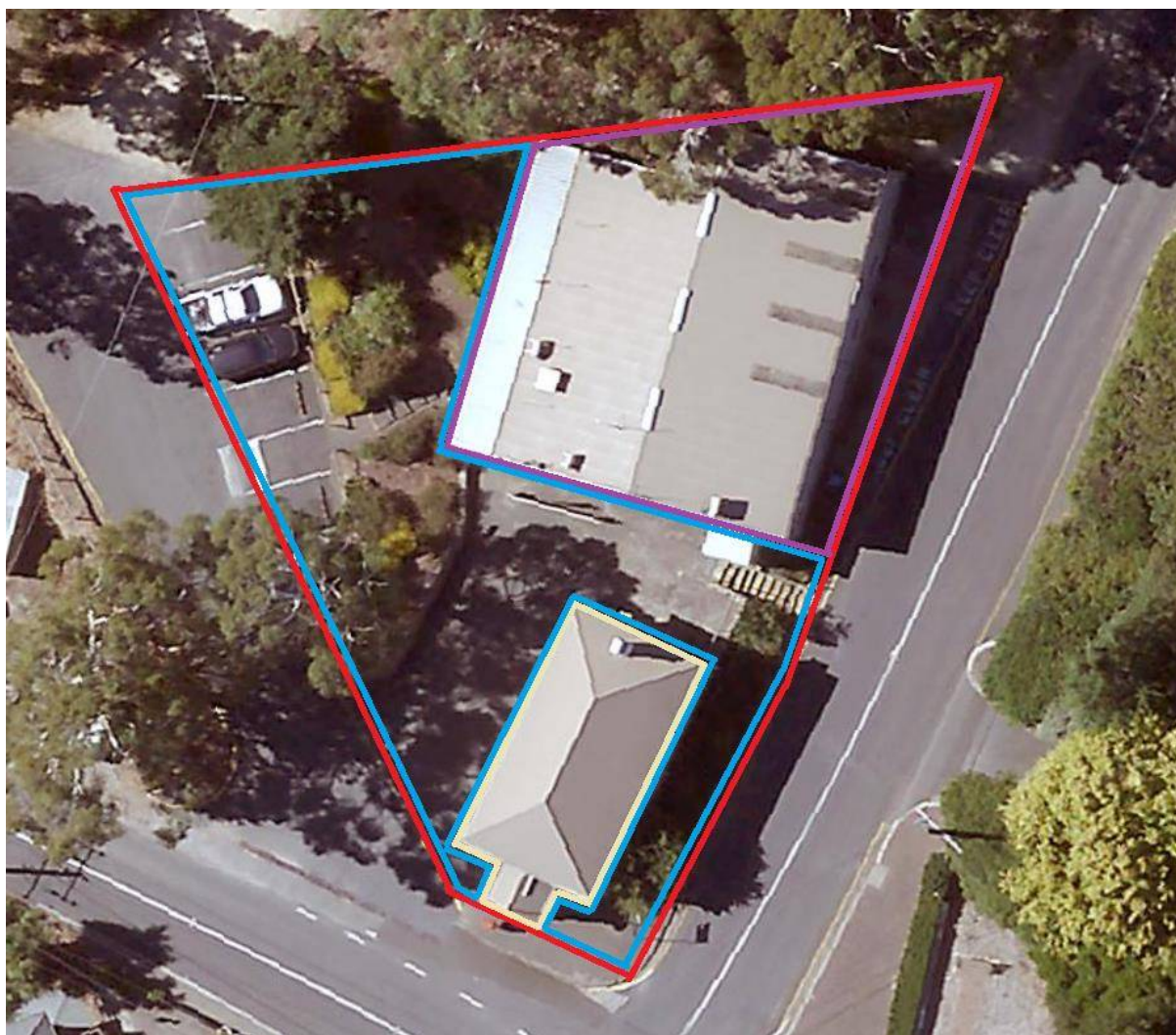
CR 6143/903







-  Boundary of Mylor Parklands
-  Recreation and Sport
-  Community Use
-  Civic Purpose
-  Conservation – balance of land

**Norton Summit**

**CT 5624/6**






-  Boundary of Norton Summit
-  Emergency Services
-  Community Use
-  Civic Purpose



**Atkinson Reserve Piccadilly**

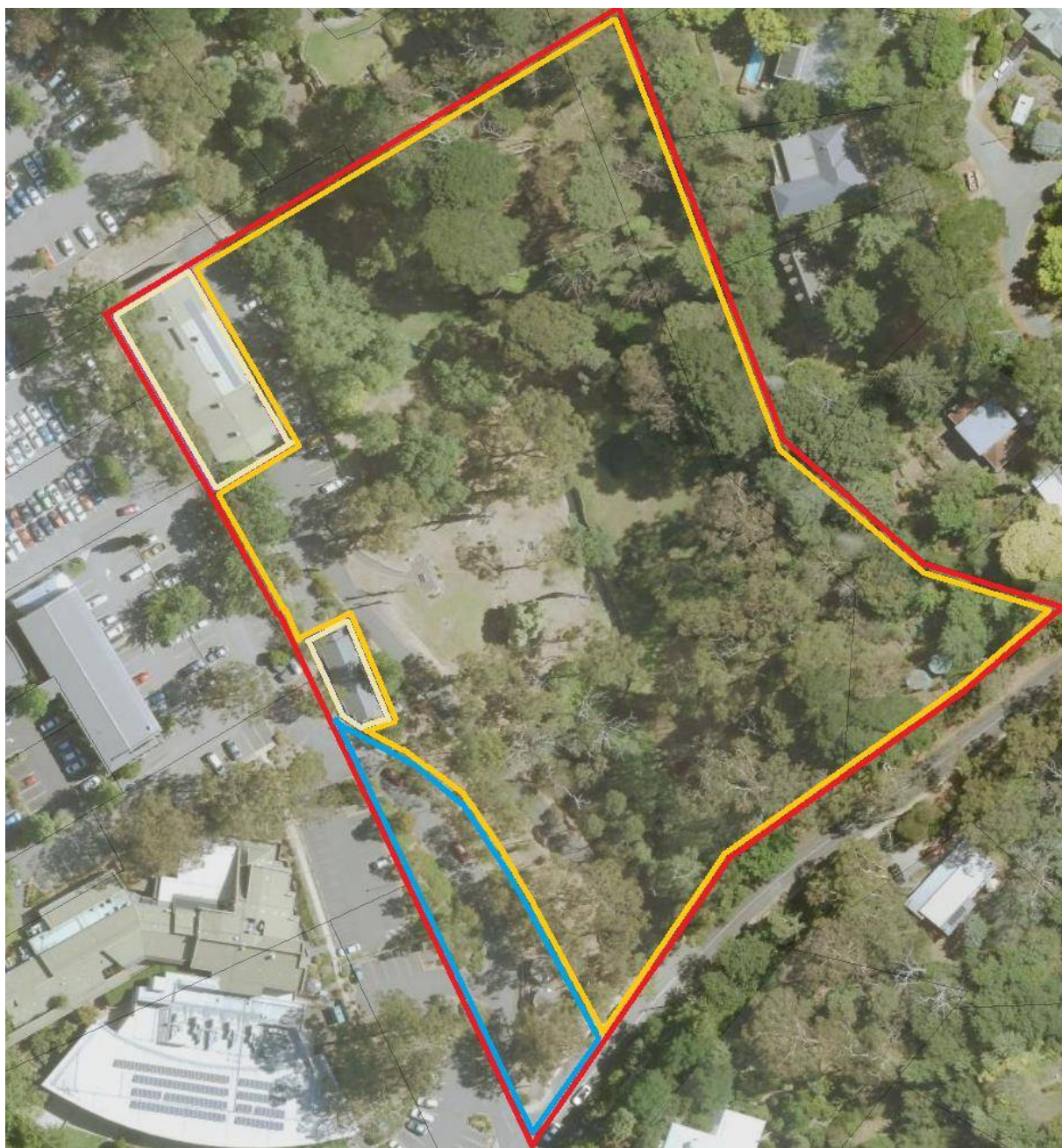
**CT 5661/776**



-  Boundary of Atkinson Reserve
-  Recreation and Sport
-  Emergency Services



**Apex Park**  
**CT 5505/217, R7281 AA**

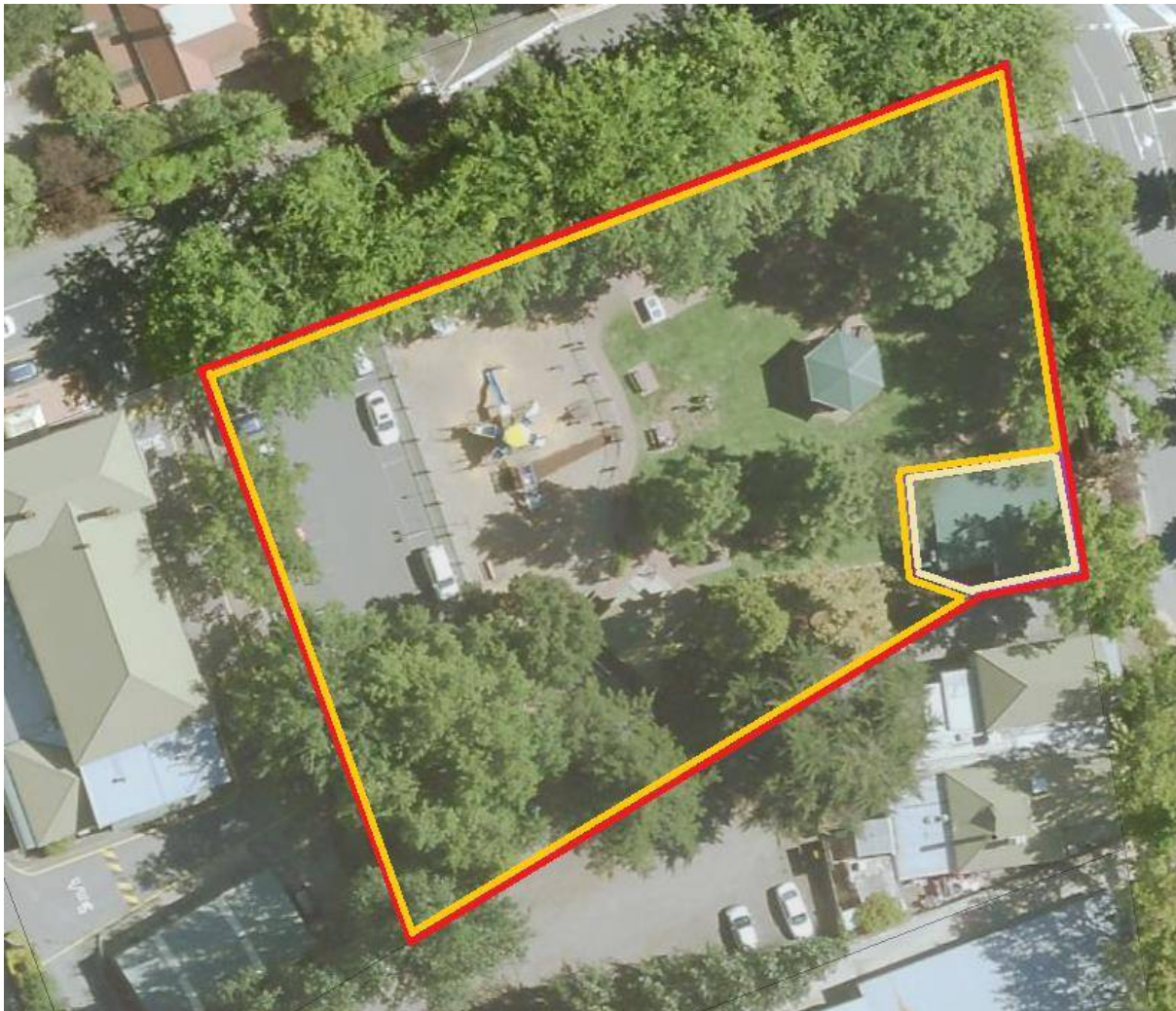





-  Boundary of Apex Park
-  Informal Recreation
-  Community Use
-  Civic Purpose



**Steamroller Park**

**CT 5841/790**



-  Boundary of Steamroller Park
-  Informal Recreation
-  Community Use - Stirling Community Shop

### Woodside Recreation Grounds Precinct

CT 5774/732, CT 5445/392, CT 5739/141, CT 5742/216, CT 5740/772,  
CT 5553/381, CT 5508/561, CT 5546/480



- Boundary of Woodside Recreation Grounds Precinct
- Recreation and Sport
- Informal Recreation
- Emergency Services
- Civic Purpose
- Excluded from Community Land



### **Land Not Requiring a Community Land Management Plan**

Adelaide Hills Council is the owner of almost 40 parcels of land that are not held for a specific purpose. Most of these are small sections of former roads that were closed prior to the introduction of the *Roads (Opening and Closing) Act 1991* and for which titles were never issued. It is only through recent research that Council became aware of its ownership of this land. Some of this land has no legal access. As this land was not excluded from the classification of community land in accordance with section 193(1)(a) of the Local Government Act 1999, it is classified as community land and must therefore be included on the register of community land for Adelaide Hills Council.

As none of this land is, or is to be, occupied under a lease or licence and has not been, or is not intended to be, modified or adapted for the benefit or enjoyment of the community, it does not require a community land management plan.

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## **Appendix 2**

*Draft Community Land Register*

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**INFORMAL RECREATION**

Legal Description of Land	Parcel Identifier	Address	Name	Valuation Number	Area	Registered Owner	Endorsements	Trust	Lease/Licence
CT 5401/228 R7460 AA, AC	D3451 A191 R7460 AA, AC	<b>Aldgate,</b> 1 Sunnyspring Road	Rubida Grove Reserve	3304545003	9,347 m² 6,749 m²	AHC	Nil	Nil	Nil
CT 2762/68	D6882 A23	<b>Aldgate,</b> 154 Strathalbyn Road	Candlebark Reserve	330075430*	6,140 m²	AHC	Nil	Nil	Nil
CR 5753/743	H105600 S551	<b>Balhannah,</b> Section 551 Swamp Road		5676258258	8,094 m²	The Crown	Care & Control to AHC – Water Purposes 25.12.1879	Nil	Nil
CT 5094/758	D35017 A10	<b>Balhannah,</b> Lot 10 River Street	Gilleston Park	5672153459	8.938 ha	AHC	Nil	Nil	Nil
CT 5525/35	D48711 A723	<b>Balhannah,</b> Lot 723 Carawa Avenue	Carawa Reserve	5672052906	1.509 ha	AHC	Nil	Nil	Nil
CT 5546/507	D17397 A205	<b>Balhannah,</b> 12 Corana Court	Corana Reserve	5672053757	6,538 m²	AHC	Nil	Nil	Nil
CT 5546/427	D17645 A501	<b>Balhannah,</b> Illinga Avenue	Illinga Reserve	5672050839	5,023 m²	AHC	Nil	Nil	Nil
CT 6004/773	D76847 A106	<b>Balhannah,</b> 49a Junction Road		5672075091	2,619 m²	AHC	Nil	Nil	Nil
CT 6080/856	D86987 A38	<b>Balhannah,</b> Lot 33 Junction Road		5672073950	600 m²	AHC	Nil	Nil	Nil
CT 6040/557	D80033 A122	<b>Balhannah,</b> 13 Lutana Grove	Lutana Reserve	5672053466	1,906 m²	AHC	Nil	Nil	Nil
CT 5295/412 5118/420	CT D43675 A14 A303	<b>Balhannah,</b> 14 Sunningdale Court	Suningdale reserve	5672134768 5672134856	3,310 m² 1,061 m²	AHC	Nil	Nil	Nil
CR 6142/329	D92214 A42	<b>Balhannah,</b> Lot 501 Greenhill Road		5676404008	1.607 ha	The Crown	Care & Control to AHC- Water Purposes 6.7.1961	Nil	Nil
CT 5539/368	D21788 A18	<b>Birdwood,</b> Lot 18 Lange Crescent	Lange River Reserve	4710917006	1.525 ha	AHC	Nil	Nil	Several 'Road Rents'.
CT 5387/217	D25414 A14	<b>Birdwood,</b> Lot 14 Olivedale Street	Olivedale Reserve	4710618006	6,058 m²	AHC	Nil	Nil	Nil
CR 5763/637	H105900 S85	<b>Birdwood,</b> Section 85 Torrens Valley Road		4710635009	9,632 m²	The Crown	Care & Control to AHC-Water Purposes 1857, portion removed 16.2.1860 control granted again 3.7.1873 & portion removed 14.2.1929	Nil	Nil
CT 5740/556	D10625 A37	<b>Birdwood,</b> Lot 37 Wegener Street	Rex Amber Reserve	4710855001	7,125 m²	AHC	Nil	Nil	Nil
CR 5800/17	H105900 S86	<b>Birdwood,</b> Section 56 Torrens Valley Road		4713557501	3,298 m²	The Crown	Care & Control to AHC for Water purposes - pursuant to Waste Lands Act – 3.7.1873	Nil	Nil
CR 5752/185	D33531 A1	<b>Bridgewater,</b> 32 Honeysuckle Grove		330038007	9,379 m²	The Crown	Care & Control to AHC – Bridle Path & Walking Purposes 20.2.1992	Nil	Nil

CR 5849/424	F159177 A13 A14	F159177	<b>Bridgewater,</b> 13 Mount Barker Road	Lot Bridgewater Lions Park	3304556001	2,484 m²	AHC	Nil	In Trust as a site for an Institute	Nil
CT 5610/742	D1949 A168 A169 D1949 A219 D220	D1949 D1949 A218 D1949	<b>Bridgewater,</b> 51 Osterley Avenue	47- A J Vincent Playground and Reserve	3300264001	3,804 m²	AHC	Caveat 2397174 by Amos Lincoln Vincent 6.12.1962. Advises of Trust and prevents further transactions in respect of the land.	In Trust as Public Recreation Reserve via Declaration of Trust by District Council of Stirling 19.9.1962.	Nil
CR 5753/730	H105500 S1658 S1659	H105500	<b>Bridgewater,</b> Sections 1658 and 1659 Rosewarne Crescent	Rudd Reserve	3304563105	3,972 m²	The Crown	Care & Control to AHC-Plantation Purposes 24.1.1985	Nil	Nil
CT 5466/352	D3265 A219		<b>Bridgewater,</b> Wembley Avenue	36 Wembley Reserve	3300808021	5,394 m²	AHC	Nil	Nil	Nil
CT 5818/26	F11230 A2		<b>Bridgewater,</b> Wembley Avenue	73	3300608302	757 m²	AHC	Nil	Nil	Nil
CR 5753/741	H105600 S543 S544	H105600	<b>Charleston,</b> Sections 533, 544 Sandy Waterhole Road		5678887402 5678887701	2.427 ha	The Crown	Care & Control to AHC. – Water Purposes 27. 11. 1879	Nil	Nil
CR 6215/351	D119476 A120		<b>Crafers,</b> 2 Main Street	War Memorial Reserve	3305468409	1,575 m²	The Crown	Care & Control to AHC–War Memorial Purposes 30.4.1998	Nil	Nil
CT 5879/539	D7328 A104		<b>Crafers,</b> 19 Miels Road	Crafers Playground	3305050002	1,416 m²	AHC	Nil	Nil	Nil
CR 5777/52	D51943 A334		<b>Crafers West,</b> Castle Close	2 Castle Close Reserve	3302950988	7,144 m²	The Crown	Care & Control to AHC- Recreation Purposes 1.4.1999	Nil	Nil
CT 2891/169	D6930 A37		<b>Crafers West,</b> Charlick Road	95 Charlick Reserve	3302886509	7,202 m²	AHC	Nil	Nil	Nil
CT 5496/268	F7816 A4		<b>Forest Range,</b> 4 Lobethal Road	Lot Forest Range Memorial	5677310003	1.076 ha	AHC	Nil	Nil	Nil
CR 5753/758	H105900 S62		<b>Forresteron,</b> Section 62 Reserve Road		4713383003	1.355 ha	The Crown	Care & Control to AHC for recreation purposes 15.8.1974	Nil	Nil
CT 5119/166 5145/218	CT D36238 A103 A54	D37303	<b>Gumeracha,</b> Beavis Court,	1 2 Beavis Court Reserves	4710504025 4710504041	6,261 m² 202 m²	AHC	Nil	Nil	Nil
CT 5145/216	D37303 A36		<b>Gumeracha,</b> Beavis Court	18 Beavis Court Reserves	4710504367	834 m²	AHC	Nil	Nil	Nil
CT 5145/215	D37303 A33		<b>Gumeracha,</b> Beavis Court	21 Beavis Court Reserves	4710504420	1,190 m²	AHC	Nil	Nil	Nil
CT 5095/872	D35440 A18		<b>Gumeracha,</b> 18 John Fisher Avenue	Lot Ring of Oaks Reserve	4710334054	2,578 m²	AHC	Nil	Nil	Nil
CT 5145/219	D37303 A55		<b>Gumeracha,</b> 55 Randell Terrace	Lot	471052005*	623 m²	AHC	Nil	Nil	Nil
CT 5343/353	F132827 A36		<b>Houghton,</b> 36 Lower North East Road	Lot	4711780005	3,920 m²	AHC	Nil	Nil	Nil

CT 5343/354 5363/452 5363/842 CT 5592/413	CT	F132876 A85 A12	D26030 D26030 A11	<b>Houghton,</b> 2,4 Blackhill Road	Houghton Village Green	4711767003 4711768057	475 m <sup>2</sup> m <sup>2</sup> 815 m <sup>2</sup>	35	AHC	Nil	Nil	Nil
		F206834 Q91 Q92	F206834	<b>Houghton,</b> Lots 91 and 92 Lower North East Road	Houghton Common	4711781008	1.902 ha		George Morphett	Nil	Nil	Nil
CR 5753/754		H105700 S511		<b>Inglewood,</b> Section 511 North East Road		4714211502	5.665 ha		The Crown	Care & Control to AHC-Water & Stone Purposes 11.7.1901	Nil	Nil
CT 5718/775		F155479 A64		<b>Kenton Valley,</b> Lot 64 Kenton Valley Road	Kenton Valley Memorial Park	4713779008	4,616 m <sup>2</sup>		AHC	Nil	Via Transfer 12.12.1986. 'To maintain the land as memorial grounds & for no other consideration	Nil
CR 5772/79		H105900 S240		<b>Kenton Valley,</b> Section 240 Burfords Hill Road		4713783007	6.273 ha		The Crown	Care & Control to AHC – Forestry Purposes 22.12.1955	Nil	Nil
CR 5753/752		H105700 S490		<b>Kersbrook,</b> Section 490 Sires Road East		4713154008	1.011 ha		The Crown	Care & Control to AHC-Water Purposes 11.7.1901	Nil	Nil
CR 5753/747		H105700 S392 S393	H105700	<b>Kersbrook,</b> Sections 392 and 393 South Para Road		4713255001	3.329 ha		The Crown	Care & Control to AHC- Recreational Purposes 4.8.1938 and portion removed 12.6.1969	Nil	Nil
CT 6052/899		D7351 A18		<b>Lobethal,</b> Copeland Avenue	6	567142400*	691 m <sup>2</sup>		AHC	Nil	Nil	Nil
CT 3351/133		D8483 A16		<b>Lobethal,</b> Dearman Road	15	5671257002	1,987 m <sup>2</sup>		AHC	Nil	Nil	Nil
CT 6115/561		D7351 A53		<b>Lobethal,</b> Reserve Avenue	3	5671391009	3,010 m <sup>2</sup>		AHC	Nil	Nil	Nil
CT 5456/229		D48212 A15		<b>Lobethal,</b> Noske Court	13	5670775211	1,596 m <sup>2</sup>		AHC	Nil	Nil	Nil
CR 5753/742		H105600 S547		<b>Lobethal,</b> Section 547 Schuberts Road		5678347000	1.618 ha		The Crown	Care & Control to AHC – Plantation Purposes 30.7.1981	Nil	Nil
CT 5793/676		F170988 A95		<b>Lobethal,</b> 95 Woodside Road	Lot Bundara Reserve	5671482007	4.328 ha		AHC	Nil	Via Transfer 28.8.1991. "To be used for recreation purposes at all times"	Nil
CT 5799/278		F130438 A84		<b>Montacute,</b> Lot 84 Institute Road	Montacute Common	313125007	5.633 ha		AHC	Dedicated Recreation Purposes Via Govt. Gazette 19.3.1970 pg1229	Nil	Lease to Montacute Residents Association – 21 years from 15.3.2009
CT 1731/24		D9012 A19		<b>Mount George,</b> Foxhill Road	21	3305583001	6,870 m <sup>2</sup>		AHC	Nil	Nil	Nil
CR 5763/634		H105900 S71		<b>Mount Torrens,</b> Section 71 Magarey Road		4713647005	777 m <sup>2</sup>		The Crown	Care & Control to AHC-Water Purposes 3.7.1873	Nil	Nil
CR 5763/635		H105900 S72		<b>Mount Torrens,</b> Section 72 Magarey Road		4713642503	2.767 ha		The Crown	Care & Control to AHC-Water Purposes 3.7.1873	Nil	Nil
CR 5753/712		H105500 S1471		<b>Mylor,</b> Sec 1471 Silver Lake Road	Cooper Reserve	3305905103	3.237 ha		The Crown	Care & Control to AHC – Water purposes 12.11.1964	Nil	Nil

CT 5401/915		D22046 A18		<b>Norton Summit,</b> Lot 18 Colonial Drive		0311795103	2,491 m²	AHC	Nil	Nil	Nil
CT 5401/914		D22046 A11		<b>Norton Summit,</b> 191 Norton Summit Road	Vineyard Reserve	0311786207	1.398 ha	AHC	Nil	Nil	Nil
CR 5753/735		H105600 S470		<b>Oakbank,</b> 13 Gillman Road	Gillman Reserve Go-kart track	5672321002	3.440 ha	The Crown	Care & Control to AHC. Recreation & Plantation Purposes 23.2.1950	Nil	Nil
CT 5201/20	CT	D39893 A19	D28467	<b>Oakbank,</b>	Children's Reserve	567223948*	5,937 m²				
5370/757	CT	A22	D39893 A20	16 - 16c, 25a Oak		5672224499	4,820 m²				
5201/21	CT	D28467 A23	D49294	Drive		5672239455	2,900 m²	AHC	Nil	Nil	Nil
5370/758	CT	A12				5672224448	3,304 m²				
5540/940						5672222514	4,077 m²				
CR 5753/729		H105500 S1657		<b>Scott Creek,</b> Section 1657 Scott Creek Road		3305771053	3,300 m²	The Crown	Care & Control to AHC – Recreation Purposes 31.7.1986	Nil	Nil
Part CT 6030/806		F158325 A79		<b>Stirling,</b> 63 Mount Barker Road	Coventry Library Gardens	Part 3303953005	2,320 m²	AHC	Nil	Nil	Nil
CT 5774/563		D52865 A43		<b>Stirling,</b> Lot 43 Braemar Terrace		3301713200	441 m²	AHC	Nil	Nil	Nil
CR 5753/728		H105500 S1634		<b>Stirling,</b> 23-25 Pomona Terrace	Women's War Memorial	3303868505	1.070 ha	The Crown	Care & Control to AHC, Plantation purposes 7.1.1982	Nil	Nil
CT 5543/568		D15323 A36		<b>Summertown,</b> Lot 36 Anya Crescent	Anya Crescent Reserve	0312431205	1.205 ha	AHC	Nil	Nil	Summertown Village Water Co Periodic Agreement from 1.4.1998
CT 5546/374		D19758 A91		<b>Teringie,</b> Lot 91 Braeside Avenue	Teringie Reserve	0309615003	529 m²	AHC	Nil	Nil	Nil
CT 5538/655		D2205 A84		<b>Teringie,</b> Lot 84 Braeside Avenue	Third Creek Reserve	0309621059	1.628 ha	AHC	Nil	Nil	Nil
CT 5538/652		D22054 A102		<b>Teringie,</b> Lot 102 Carsten Court	Carsten Court Reserve	0309614000	380 m²	AHC	Nil	Nil	Nil
CT 5096/381		S12093 A7		<b>Teringie,</b> Lot 7 Carsten Court		0309614019	435 m²	AHC	Nil	Nil	Nil
CT 5427/350		D22446 A104		<b>Teringie,</b> Lot 104 Coach House Road		0309584622	3,282 m²	AHC	Nil	Nil	Nil
CT 5427/285		D22446 A88		<b>Teringie,</b> Lot 88 Coach House Road		0309585596	2,977 m²	AHC	Nil	Nil	Nil
CT 5427/286		D22446 A89		<b>Teringie,</b> Lot 89 Coach House Road		0309585836	866 m²	AHC	Nil	Nil	Nil
CT 5129/160		D36382 A101		<b>Teringie,</b> Lot 101 Coach House Road		0309586150	6,405 m²	AHC	Nil	Nil	Nil



CT 5538/654	D22054 A85		<b>Teringie,</b> Lot 85 Coach House Road	309614254	1,763 m²	AHC	Nil	Nil	Nil
CT 5538/651	D22054 A103		<b>Teringie,</b> Lot 103 Coach House Road	030961465*	293 m²	AHC	Nil	Nil	Nil
CT 5427/289	D22446 A106		<b>Teringie,</b> Lot 106 Colonial Court	0309585107	281 m²	AHC	Nil	Nil	Nil
CT 5427/288	D22446 A105		<b>Teringie,</b> Lot Havana Reserve 105 Havana Court	0309584833	300 m²	AHC	Nil	Nil	Nil
CT 5427/287	D22446 A90		<b>Teringie,</b> Lot 90 Langman Drive	0309585430	3,474 m²	AHC	Nil	Nil	Nil
CT 5538/606	D7330 A100		<b>Teringie,</b> Valley Reserve Lot 100 Norton Summit Road	0309336004	8,722 m²	AHC	Nil	Nil	Nil
CT 5735/948	D7330 A104		<b>Teringie,</b> Ridgeland Reserve Lot 104 Ridgeland Drive	0309443002	653 m²	AHC	Nil	Nil	Nil
CT 5847/295	F218356 A42		<b>Upper Sturt,</b> Lot 42 Sturt Valley Road	3303663307	3,521 m²	AHC	Nil	Nil	Nil
CT 5755/265	D16388 A10		<b>Uraidla,</b> 1181 Uraidla Park Greenhill Road	0312463055	3,117 m²	AHC	Nil	Nil	Nil
CT 5711/348	D11060 A12		<b>Uraidla,</b> 1242 Dyer Reserve Greenhill Road	0312648009	2,275 m²	AHC	Nil	Nil	Nil
CT 1434/41 and 1579/4	CT D6530 A117	D6530	<b>Woodforde,</b> 16 Arran Court Reserve Arran Court	0309280004	1.413 ha	AHC	Nil	Nil	Nil
CT 5511/787	D43868 Q303 Q305	D43868	<b>Woodforde,</b> Windmill Reserve 151 Norton Summit Road	0309334607	7.830 ha	AHC	Nil	Nil	Nil
CT 6182/969	D114195 A5004		<b>Woodforde,</b> A 5004 Norton Summit Road	0309334199	5.459 ha	AHC	Nil	Nil	Nil
CT 6187/562	D115165 A2001		<b>Woodforde,</b> Lot 2001 Buchanan Drive	0309306024	1,353 m²	AHC	Nil	Nil	Nil
CT 6187/563	D115165 A2002		<b>Woodforde,</b> Lot 2002 Buchanan Drive	0309306024	1,883 m²	AHC	Nil	Nil	Nil
CT 5893/810	D61697 A53		<b>Woodside,</b> Lot 53 St Marks Drive	5672597607	2,101 m²	AHC	Nil	Nil	Nil
CT 5893/811	D61697 A54		<b>Woodside,</b> Lot 54 St Marks Drive	5672598781	736 m²	AHC	Nil	Nil	Nil
CT 5370/754	D28776 A124		<b>Woodside,</b> 62 Grevillea Way	567260255*	3,580 m²	AHC	Nil	Nil	Nil
CT 5550/809	D17456 A104		<b>Woodside,</b> 9 Jacaranda Drive	5672602955	2,820 m²	AHC	Nil	Nil	Nil

CT 5546/534	CT	D17456 A74	D28776	<b>Woodside,</b>	37	5672602816						
5370/738	CT	A131	D31490 A510	- 41 Jacaranda Drive		5672602672	5,447 m²					
5346/923	CT	D32413 A511	D41570			5672605937	1,946 m²					
5519/151	CT	A999	D52347 A801			5672605937	5,119 m²	484	AHC	Nil	Nil	Nil
5242/216	CT					5672605937	m²	4,823 m²				
5674/171						5672605937	3,426 m²					
Pt CT 5445/392		F156619 A84		<b>Woodside,</b>	22							
				Onkaparinga Valley Road		58672401053	2,225 m²		AHC	Nil	Nil	Nil
CR 5753/745		H105600 S556		<b>Woodside,</b>	Section							
				656 Tiers Road		5677725508	1.024 ha		The Crown	Care & Control to AHC-Stone Purposes 16.1.1879	Nil	Nil

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

<b>Item:</b>	<b>12.4</b>
<b>Originating Officer:</b>	<b>Megan Sutherland, Executive Manager Organisational Development</b>
<b>Responsible Director:</b>	<b>Andrew Aitken, Chief Executive Officer</b>
<b>Subject:</b>	<b>CEO Performance Targets – Finalisation of 2018-2019 Targets and Proposed 2019-2020 Targets</b>
<b>For:</b>	<b>Decision</b>

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**SUMMARY**

In the CEO's Employment Agreement (the Agreement) there is opportunity for annual performance targets to be identified and agreed.

These performance targets, along with the CEO's duties and position description provide the means by which the CEO Performance Review Panel (the Panel) monitors the performance of the CEO and provides recommendations back to the Council on matters relating to the CEO's performance.

The role of the Panel includes reviewing the performance of the CEO ensuring the performance targets remain relevant and aligned to Council's strategic goals.

This report is to finalise the recommendations from the Panel on:

1. the outcome of the 2018-2019 CEO Performance Targets, and
2. the proposed 2019-2020 CEO Performance Targets, following input from Council Members and the Panel.

**RECOMMENDATION**

**Council resolves:**

1. That the report be received and noted
  2. To confirm that the CEO has achieved the outcomes of the 2018-2019 Performance Targets per *Attachment 1*.
  3. To adopt the proposed 2019-2020 CEO Performance Targets recommended by the Panel as per *Appendix 2*.
-

## 1. GOVERNANCE

### ➤ Strategic Management Plan/Council Policy

Goal Organisational Sustainability  
 Key Issue Governance

We diligently adhere to legislative requirements to ensure public accountability and exceed these requirements where possible.

### ➤ Legal Implications

This process needs to be undertaken appropriately to ensure the CEO is provided with a fair and consistent approach to determine appropriate performance targets, as the performance targets are used in the annual performance review process that directly affects decisions made in relation to the CEO, his performance and remuneration discussions.

Section 96 (Council to have a chief executive officer) of the Local Government Act 1999

### ➤ Risk Management Implications

Undertaking regular reviews of the CEO's performance is an important control mitigating the risk of:

*Deficient CEO performance review practices resulting in a lack of accountability and loss of stakeholder confidence in the organisation.*

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

Note: there are many other controls that also assist in managing this risk.

*Non-achievement of CEO performance targets result in loss of community benefit and/or opportunities and/or stakeholder confidence in the organisation.*

Inherent Risk	Residual Risk	Target Risk
High (3B)	Medium (3D)	Medium (3D)

Note: there are many other controls that also assist in managing this risk.

### ➤ Financial and Resource Implications

Not applicable.

### ➤ Customer Service and Community/Cultural Implications

There is a community expectation that the CEO will manage the organisation's human, financial and physical resources to ensure they are utilised for the best outcomes for the community.

➤ **Environmental Implications**

Not applicable.

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

Consultation on proposed CEO Performance Targets has been undertaken with those listed below.

*Council Committees:* An initial discussion was held with the Panel at its 12 April 2018 meeting. Further discussion was held at the Panel's 20 June 2019 and 11 July 2019 meetings.

*Council Workshops:* The proposed performance targets were presented to Council Members on 9 July 2018 for feedback.

*Advisory Groups:* Not Applicable

*Administration:* Chief Executive Officer  
Director Community Capacity  
Director Corporate Services  
Director Infrastructure & Operations  
Director Development & Regulatory Services  
Executive Manager Governance and Performance  
Executive Manager Organisational Development

*Community:* Not Applicable

## **2. BACKGROUND**

### ***CEO Performance Review Panel (the Panel)***

The Panel Terms of Reference were adopted by Council on 25 July 2017 and state the Panel's specific functions as follows:

### **3. SPECIFIC FUNCTIONS**

- 3.1 The function of the Panel is to provide advice to Council on the CEO's performance and development, including the following matters:
  - 3.1.1 Determining the Performance Targets for the forthcoming 12 month performance period;
  - 3.1.2 Monitoring the progress on the CEO's agreed Performance Targets for the current 12 month performance period;
  - 3.1.3 Reviewing the CEO's performance over the preceding 12 month performance period, in particular the performance against the agreed Performance Targets and position description requirements;
  - 3.1.4 Identifying development opportunities for the CEO; and
  - 3.1.5 Reviewing the remuneration and conditions of employment of the CEO.

### **CEO Employment Agreement**

The CEO's current Employment Agreement commenced on 1 July 2017.

Clause 12 of the Agreement contains the provisions for a performance review process with the following key feature regarding performance indicators:

- 12.4      *The performance review will review the CEO's Position Description and any key performance indicator(s).*

## **3. ANALYSIS**

The CEO Performance Targets, along with the CEO Position Description, are documents referenced when undertaking review of the CEO's annual performance.

### **Finalisation of 2018-2019 CEO Performance Targets**

The Panel reviewed the work undertaken to complete the suite of 8 performance targets for 2018-2019 via the Panel meetings over the 12 month period. At its meeting on 11 July 2019, based on the discussion and assessment of the outcomes of the performance targets the Panel decided to recommend to Council that the performance targets have been achieved.

### **Proposed 2019-2020 CEO Performance Targets**

The Performance Targets have been considered to ensure alignment with Council's Strategic and Annual Business Plans. Discussions have been undertaken with the Panel on the proposed 2019-2020 CEO Performance Targets and took place with Council members on 9 July 2019. In considering the CEO's Performance Targets, the Panel and the CEO openly discussed the proposed Targets. The CEO provided valuable input and clarity to the Panel, with the Panel resolving to amend Performance Target 6 and recommend the Performance Targets to Council for adoption, attached at **Appendix 2**.

#### **7.2 Proposed 2019-2020 CEO Performance Targets**

Moved Paula Davies  
S/- Mayor Wisdom

The CEO Performance Review Panel resolves:

1. That the report be received and noted
2. The CEO amend Appendix 1, Target 6 to:  
*'Develop a draft Community & Recreation Facilities Framework (including financial implications) for consideration by Council based on an approach that has consistency, equity and shared responsibility.*
3. To recommend to Council to adopt the proposed 2019-2020 CEO Performance Targets per Appendix 1.

Carried
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#### 4. OPTIONS

Council has the following options:

##### ***Finalisation of 2018-2019 CEO Performance Targets***

- I. To resolve that the 2018-2019 CEO Performance Targets have been achieved per *Appendix 1*. (Recommended)
- II. To resolve that the 2018-2019 CEO Performance Targets have partially been achieved. (Not Recommended)
- III. To resolve that the 2018-2019 CEO Performance Targets have not been achieved. (Not Recommended)

##### ***Proposed 2019-2020 CEO Performance Targets***

- IV. To resolve to adopt the proposed 2019-2020 CEO Performance Targets per *Appendix 2*. (Recommended)
- V. To resolve to adopt the proposed 2019-2020 CEO Performance Targets with amendments. (Not Recommended)
- VI. To resolve an alternative suite of 2019-2020 CEO Performance Targets, in consultation and agreement with the CEO. (Not Recommended)

#### 5. APPENDICES

- (1) 2018-2019 CEO Performance Targets – Final
- (2) Proposed 2019-2020 CEO Performance Targets

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# **Appendix 1**

*2018-2019 CEO Performance Targets - Final*

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## 2018-2019 CEO PERFORMANCE TARGETS – FINAL

Target	Update
<p><b>1. CWMS Review</b> Provide a recommendation to Council following the EOI process on the future management model for Adelaide Hills Council's Community Wastewater Management System (CWMS).</p>	<p><b>COMPLETE:</b> Stage 2 of the CWMS Review Workshop was completed on 14 August. The Prudential Review Report has been completed and was provided to and noted by the Audit Committee 13 August.</p> <p>A CWMS review report was provided to Council at the 28 August meeting outlining the results of the EOI process undertaken with a recommendation to:</p> <ul style="list-style-type: none"> <li>• Undertake a Request for Tender (RFT) process for potential divestment of CWMS assets</li> <li>• To continue to work collaboratively with other participant councils</li> <li>• To continue to undertake further analysis of maintaining CWMS ownership for RFT comparative purposes.</li> </ul> <p>Council resolved as recommended.</p>
<p><b>2. Reconciliation Action Plan</b> Establish a Reconciliation Action Plan (RAP) Working Group (comprising Aboriginal people, Council Members and local residents) to support the development of our RAP, with its membership and its draft Terms of Reference being subject to Council approval.</p>	<p><b>COMPLETE:</b> The successful nominees for the working group have been selected and endorsed by Council along with the election of a Council representative being Cr Kirlee Boyd. Mount Barker District Council has now endorsed the nominees and selected a representative. AHC adopted the draft Terms of Reference at its meeting on 28 August 2018. The first meeting of the Adelaide Hills Reconciliation Working Group (AHRWG) was held on Wed 22 May at Fabrik. Key actions from this meeting include forming an <i>internal Reconciliation Working Group</i> of staff across key areas of Council business to develop the Reconciliation Action Plan for our Council in collaboration with the AHRWG. These staff would then champion the RAP across Council.</p>
<p><b>3. CRM Integration</b> Enhance the use of the Customer Relationship Management system (CRM) by integrating CRM with the asset management software and the call centre software to enable more seamless management of customer enquiries and requests.</p>	<p><b>COMPLETE:</b> The new Contact Centre software was implemented in September 2018 and included integration with the CRM system. This now enables calls to be more efficiently turned into customer cases and for customer details and history to be more readily available to customer service officers. Integration between the Asset Management System (Confirm) and the CRM system has been designed and developed. In 2018-19 the aim was to apply the integration to two asset classes - trees and playgrounds. The tree phase was completed in December 2018 and the playgrounds phase in June 2019. A presentation on both these integrations is planned for the 9 July Council Member Workshop.</p>

## 2018-2019 CEO PERFORMANCE TARGETS – FINAL

Target	Update
<b>4. Recycling/Waste Strategy</b> Develop a strategy, to Council's satisfaction, that considers approaches, including long term approaches, for the future collection and processing of recyclables with a view to maximising environmental outcomes, reduce contamination rates and provide a cost effective kerbside recycling service.	<b>COMPLETE:</b> The Resource Recovery and Recycling Strategy was adopted by Council Members at the 25 June 2019 Council meeting. The Strategy will now be implemented as per the priorities identified in the document.
<b>5. Customer Experience Survey/Action Plan</b> Undertake a customer experience survey and present an action plan of identified improvement opportunities to Council Members. <i>(As a separate exercise, staff to consider a general satisfaction survey of a random sample of residents.)</i>	<b>COMPLETE:</b> The Customer Experience Survey of 400 customers was conducted during September 2018.  The results have been analysed by staff, with outcomes leading to a survey Action Plan and revisions to our Customer Experience Action Plan. The results of the survey and the action plan and improvement opportunities have been presented to ELT and subsequently to Council Members at a workshop on 14 May 2019.
<b>6. Library Services Review</b> Review our library services to better understand community preferences in the context of a modern and progressive library service and provide the outcomes of the review with recommendations to Council.	<b>COMPLETE:</b> The Library Services Review report was received and noted by Council at its 25 June 2019 meeting.
<b>7. Arts and Heritage Hub</b> Provide a status report to Council on the implementation of the Business Development Framework within 6 months of the appointment of the Hub's director.	<b>COMPLETE:</b> The Arts and Heritage Hub (Fabrik) Director commenced on 23 July 2018. A report, including an update on the implementation of the Business Development Framework, was presented to Council for noting at its meeting held on 22 January 2019.
<b>8. Stormwater Assets</b> Use the stormwater asset class as a model for refining service levels to ensure they inform and drive asset maintenance plans and report to Council.	<b>COMPLETE:</b> The Stormwater Service Levels report was received and noted by Council at its 25 June 2019 meeting.

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## **Appendix 2**

### *Proposed 2019-2020 CEO Performance Targets*

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## PROPOSED 2019-2020 CEO PERFORMANCE TARGETS

	Target
1.	<p>Strategic Plan</p> <p>Finalise an engagement led draft Adelaide Hills Council Strategic Plan for Council's consideration by February 2020.</p> <p>Organisational Sustainability</p>
2.	<p>Carbon Management Plan</p> <p>Finalise the draft Carbon Management Plan for Council's consideration by December 2019. Ensure the draft 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.</p> <p>Place</p>
3.	<p>Boundary Reform</p> <p>Establish a plan to review the current Adelaide Hills Council boundaries, including an approach to engaging with relevant councils and stakeholders to discuss with a view to possible boundary reform, for Council's consideration by October 2019.</p> <p>Explore</p>
4.	<p>Community Perception &amp; Engagement Survey</p> <p>Undertake a community perception and engagement survey and present an action plan of identified improvement opportunities to Council Members by March 2019. The survey will seek input from a range of community members (including those who normally engage with us and those who don't) to identify how Council is perceived and how our community prefers to engage with us. It will also inform the development of wellbeing and engagement related performance measures. Incentives to encourage community members to participate will also be explored. Also consider opportunities to use the survey to educate people on how Council functions.</p> <p>Connect</p>
5.	<p>Planning Assessment System</p> <p>Ensure the Adelaide Hills Council has the systems, procedures, accreditations and delegations established and functional by 30 June 2020 in order to successfully transition into the new South Australian planning and assessment system as required by the new PDI Act implementation (which commences on 1 July 2020). Development Services staff will continue to work with staff from the Department of Planning, Transport &amp; Infrastructure and consult with other AHC staff and Council Members as part of this process.</p> <p>Prosper</p>
6.	<p>Community &amp; Recreation Facilities Framework</p> <p>Develop a draft Community &amp; Recreation Facilities Framework (including financial implications) for consideration by Council based on an approach that has consistency, equity and shared responsibility.</p> <p>Prosper</p>



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

**Item:** 12.5

**Originating Officer:** Steven Watson, Coordinator Governance & Risk

**Responsible Director:** Andrew Aitken, Chief Executive Officer

**Subject:** LGA & LGFA AGM and Consider any Notice of Motion

**For:** Decision

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**SUMMARY**

The Local Government Association (LGA) and the Local Government Finance Authority (LGFA) will be holding their Annual General Meetings (AGMs) on Thursday 31 October 2019 at the Adelaide Oval. The LGA AGM is often associated with a number of conference sessions however these details are yet to be finalised.

Under the *Council Member Training & Development Policy*, the Mayor (or the Deputy in the Mayor's absence) is the default representative of Council in an official capacity for these meetings. For previous AGMs and Ordinary General Meetings (OGMs) other Council Members have taken the opportunity from a professional development perspective to attend these types of meetings.

There is also the option for Council to place forward any Notice of Motion to the 2019 LGA or LGFA AGM.

**RECOMMENDATION**

**Council resolves:**

- 1. That the report be received and noted.**
- 2. The following Notice of Motion for the 2019 LGA Annual General Meeting:**

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- 3. The following Notice of Motion for the 2019 LGFA Annual General Meeting:**

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## 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 *Council Member Training & Development Policy* provides guidance on the attendance of Council Members at meetings associated with local government governance in both an official representative capacity and as a development opportunity.

### ➤ Legal Implications

Section 15(1) of the *Local Government Finance Authority of South Australia Act 1983*, provides that:

"Every Council is entitled to appoint a person to represent it at a general meeting of the Authority"

### ➤ Risk Management Implications

Participation with the LGA and LGFA provides AHC with the opportunity to participate in the broader agenda of the LGA and LGFA and ensure the AHC interests are represented. This assists in managing the risk of:

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

Inherent Risk	Residual Risk	Target Risk
Extreme (%C)	Medium (5C)	Medium (5C)

### ➤ Financial and Resource Implications

Clause 10.2 of the *Council Member Allowances and Benefits Policy* provides that Council will reimburse expenses incurred in travelling to LGA and LGFA Meetings.

Any attendance by a Council Officer is allowed for under an employment contract and where required Council will reimburse expenses incurred in travelling to LGA and LGFA Meetings.

Any administrative assistance required for the nominated Council Member/Council Officer will be provided within existing resources.

While the cost of the LGA AGM (and associated conference sessions) is yet to be finalised it is anticipated that the costs will be appropriately \$650 per person. These costs have been budgeted for in the Council Member professional development budget.

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

The community can reasonably expect that Adelaide Hills Council has representation and advocates at the LGA and LGFA level.

➤ **Environmental Implications**

Not Applicable

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

There is no requirement for community consultation in relation to the nomination of Council Member/Council Officer to represent Council at the LGA LGFA Meetings.

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 Manager Governance & Performance

*Community:* Not Applicable

## **2. BACKGROUND**

The LGFA has written to AHC seeking AHC nominated representative in relation to their AGM being held Thursday 31 October 2019.

Section 15(1) of the *Local Government Finance Authority of South Australia Act 1983*, provides that:

“Every Council is entitled to appoint a person to represent it at a general meeting of the Authority”

As the Meetings of the LGA will also be held on the above day, it is suggested that the same person be appointed to represent Council on the Association and the Authority.

As identified above, under clause 8.1 of the *Council Member Training & Development Policy*, the Mayor (or the Deputy in the Mayor’s absence) is the default representative of Council in an official capacity for these meetings.

For previous AGMs and Ordinary General Meetings (OGMs) other Council Members have taken the opportunity from a professional development perspective to attend these types of meetings.

Additionally Council has the option of placing forward a Notice of Motion to the meeting. The Administration is not proposing any items at this time.

The nominated Council representative information and any Notice of Motion must be received by the LGFA by Friday 16 August 2019.

### **3. ANALYSIS**

The role of the AHC representative is to:

- Make reasonable endeavours to attend the LGA and LGFA AGMs.
- Contribute to the LGA and LGFA AGMs by providing leadership for local government and pursuing the objectives of the AHC.
- Represent the AHC a positive manner to the wider community in SA and, if the opportunity arises, nationally and internationally

The nominated Council representative and Notice of Motion information must be received by the LGFA by Friday 16 August 2019. Any Council nomination and Notice of Motion will be submitted to the LGFA's Returning Officer utilising the nomination and notice of motion forms provided and will be signed by the council's CEO.

While requests for Notices of Motion have not yet been requested for the LGA AGM, given the long lead time for these motions, it would be timely for Council to give consideration to any potential motions so that they can be development and submitted to the LGA to meet the board paper agenda timelines.

Regarding any Council Members attending the LGA AGM in a development capacity, the cost of attendance is less than \$1,500 the approval of attendance is delegated under the *Council Member Training & Development Policy* to the Mayor for approval.

### **4. OPTIONS**

Council has the following options:

- I. Determine to lodge a Notice of Motion for the LGA and/or LGFA 2019 Annual General Meetings; or
- II. Determine not to lodge a Notice of Motion for the LGA and/or LGFA 2019 Annual General Meetings.

### **5. APPENDIX**

- (1) Correspondence from the LGFA

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# **Appendix 1**

*Correspondence from the LGFA*

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2 July 2019



TO: Chief Executive Officers - Member Councils  
FROM: Chief Executive Officer - LGFA  
RE: **LGFA Annual General Meeting – Thursday 31 October 2019**

Advance notice is hereby given that the Annual General Meeting of the Local Government Finance Authority of South Australia will be held on Thursday 31 October 2019 at the Adelaide Oval, William Magarey Room, War Memorial Drive, North Adelaide. This meeting will again coincide with the Annual General Meeting of the Local Government Association of S.A. with the commencement time to be advised.

1. Appointment of Council Representative

Section 15 (1) of the Local Government Finance Authority of South Australia Act 1983, provides that:-

" Every Council is entitled to appoint a person to represent it at a general meeting of the Authority."

As the Meetings of the Local Government Association of South Australia will also be held on the above day, it is suggested that the same person be appointed to represent your Council on the Association and the Authority.

A form (Appendix 1) is attached for your convenience to notify us of your representative.  
Please return same to this Authority no later than Friday 16 August 2019.

2. Nominations for Members of the Board

A representative member of the Board currently holds office for a term of two years and, as an election took place last year, nominations for members of the Board are not being sought this year.

3. Notice of Motion

The Rules of the Authority in relation to Annual General Meeting procedures require that a Notice of Motion specifying the resolution which is to be proposed has been given in writing to the Chief Executive Officer not less than forty two days prior to the meeting and to comply with this Rule, it is necessary for Notices of Motion to be submitted to the Local Government Finance Authority of South Australia office on or prior to Friday 16 August 2019.

Member Councils are requested to lodge the Notice of Motion in the following manner:-

- (a) Notice of Motion
- (b) Reason
- (c) Suggested Action

A copy of the appropriate form (Appendix 2) is attached for your convenience.

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

PAUL SLATER  
CHIEF EXECUTIVE OFFICER

Local Government Finance Authority  
Of South Australia  
Suite 1205, 147 Pirie Street  
ADELAIDE SA 5000  
P: 08 8223 1550 F: 08 8223 6085  
E: [admin@lgfa.com.au](mailto:admin@lgfa.com.au) W: [www.lgfa.com.au](http://www.lgfa.com.au)  
ABN: 80 189 672 209



**APPOINTMENT OF COUNCIL REPRESENTATIVE**

**LOCAL GOVERNMENT FINANCE AUTHORITY OF SOUTH AUSTRALIA**

**2019 ANNUAL GENERAL MEETING**

I advise that Mayor / Chairperson / Councillor / Officer / or any other person  
is appointed Council Representative to the Local Government Finance Authority of South Australia.

<b>Council Name</b>	
<b>Council Delegate (Full Name)</b>	Mayor / Chairperson / Councillor / Officer
<b>Delegate Home Address</b>	
<b>Name of Chief Executive Officer</b>	
<b>Signature of Chief Executive Officer</b>	

Please return completed Appointment of Council Representative Form to [admin@lqfa.com.au](mailto:admin@lqfa.com.au)  
by CLOSING DATE: **Friday 16 August 2019**

(or post to Local Government Finance Authority of SA, Suite 1205, 147 Pirie Street, Adelaide SA 5000)

**NOTICE OF MOTION**

**2019 ANNUAL GENERAL MEETING**

NAME OF COUNCIL: .....

NOTICE OF MOTION:

.....

REASON:

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.....

SUGGESTED ACTION:

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.....

Please return completed Notice of Motion Form to [admin@lgfa.com.au](mailto:admin@lgfa.com.au)  
by CLOSING DATE: **Friday 16 August 2019**

(or post to Local Government Finance Authority of SA, Suite 1205, 147 Pirie Street, Adelaide SA 5000)

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

**Item:** 12.6

**Originating Officer:** Lynne Griffiths, Community & Cultural Development Officer

**Responsible Director:** David Waters, Director Community Capacity

**Subject:** Grant Giving Policy Review

**For:** Decision

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**SUMMARY**

This report seeks Council endorsement of minor changes to the Grant Giving Policy to ensure that the Policy reflects current practices.

Councils Grant Giving Policy is scheduled for a full review in July 2020 at which time the various grant types, assessment criteria and processes for awarding grants will be considered. Community consultation and Council Workshops will form part of the review process.

The minor changes documented in this report have been presented ahead of the full review to meet the requirements of a motion without notice at the council meeting on 28 August 2018 requiring the policy be reviewed before the next grant round which is due to be advertised in August 2019.

At the Council meeting of 28 August 2018 concern was expressed regarding the wording in the Grant Giving Policy under 3.3 Eligibility Criteria that included:

*Grant funding **will not** be provided for:*

- *services that are a primary funding responsibility of either the State or Federal Government, e.g. schools, Country Fire Service, government health services*

It was felt that this dot point may exclude the Country Fire Service in a way that does not reflect current practise or intention. The motion for review was endorsed to ensure that this change was considered ahead of the next grant round. This report proposes that this “dot point” be retained in the Grant Giving Policy as it is considered to be a major change to the policy that would benefit from reconsideration as part of the major policy review scheduled for 2020.

In undertaking this minor review other potential changes were also identified in relation to the Primary Development Grants and Community and Recreation Grants where the Grant Giving Policy does not align with current practise and guidelines.

This report seeks Council’s endorsement of the ***Proposed Changes to the Grant Giving Policy (Appendix 1)***.

## RECOMMENDATION

### Council resolves:

1. That the report be received and noted
  2. With an effective date of 6 August 2019, to revoke the 8 August 2017 Grant Giving Policy and to adopt the 23 July 2019 Grant Giving Policy as per Appendix 1.
  3. That the Chief Executive Officer be authorised to make any formatting, nomenclature or other minor changes to the 6 August 2019 Grant Giving Policy prior to the effective date of adoption.
- 

### 1. GOVERNANCE

#### ➤ Strategic Management Plan/Council Policy

Goal 4 Explore ideas and work with others  
Strategy 4.6 We will actively pursue opportunities to share resources and partner with others for better community outcomes

#### ➤ Community Strategy 2015 - 2020

Goal Area 1 Capacity Building  
Grant Giving Improve grant giving systems and provide grant opportunities that contribute to community capacity building and well-being.

#### ➤ Legal Implications

Not applicable

#### ➤ Risk Management Implications

There is a risk that community groups may be confused or misled regarding grants available and the eligibility of their organisation or planned project. This lack of clarity could impact on community perception in relation to the fairness and transparency of Council's grant giving.

*The proposed changes to the Grant Giving Policy will assist in mitigating the risk of community group's eligibility to apply for a grant leading to confusion and discontent with the perceived level of transparency and fairness in Council's grant giving programs.*

*The proposed changes to the Grant Giving Policy will also assist in mitigating the risk of applicants being confused or misled by the inaccurate information regarding the grants available.*

Inherent Risk	Residual Risk	Target Risk
Moderate 3C	Low 2D	Low2D

➤ **Financial and Resource Implications**

The amount of funds allocated to Grant Giving is decided under Council's annual budgeting process.

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

Council is committed to ensuring consistent and clear direction to the community on eligibility in applying for Council grants. Inaccurate information regarding available grants and criteria that do not reflect current practise or the intended outcomes of the grant giving programs may confuse potential applicants. As a result some groups may not apply when the project planned may, in fact, be eligible. This may lead to groups not applying for grants for projects that have merit and would result in positive outcomes for the community.

➤ **Environmental Implications**

Not applicable

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

Consultation on the development of this report was as follows:

*Council Committees:* Not Applicable

*Council Workshops:* Not Applicable

*Advisory Groups:* Not Applicable

*Administration:* Sport and Recreation Planner  
Manager Community Development

*Community:* Not Applicable

## 2. **BACKGROUND**

At the Council meeting of 28 August 2018 concern was expressed regarding the wording in the Grant Giving Policy under Eligibility Criteria that included:

*Grant funding **will not** be provided for:*

- *services that are a primary funding responsibility of either the State or Federal Government, e.g. schools, Country Fire Service, government health services*

It was felt that this dot point excluded the Country Fire Service in a way that does not reflect current practise or intention.

At the Council Meeting of 28 August 2018 a motion without notice was put to review the Council's Community Grants Policy.

**16. MOTIONS WITHOUT NOTICE**

Having taken into account the Guiding Principles, the Mayor accepted the following Motion Without Notice.

**16.1 Review of Community Grants Policy**

Moved Cr Ron Nelson

S/- Cr Ian Bailey

213/18

That the community grants policy be reviewed before the next round of community grants.

Carried Unanimously
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*Community Development Grants and Community and Recreation Facilities Grants* rounds open in September annually. (This varied in 2018 to accommodate the caretaker period of the Council elections with the 2018/19 grants round open in July 2018).

In reviewing the Grant Giving Policy further inaccuracies were identified in relation to *Primary Production Grants* and *Sport and Recreation Facilities Grants* which have been addressed in this report.

At the Council meeting of 24 April 2018 Council endorsed changing the name of *Sport and Recreation Facilities Grants* to *Community and Recreation Facilities Grants* and endorsed reviewed Guidelines for these grants.

**12.9. Sport & Recreational Facility Grants**

8.22pm Cr Malcolm Herrmann entered the Chamber

8.23pm Cr Lynton Vonow left the Chamber

Cr Ron Nelson declared a Perceived Conflict of Interest at Agenda Item 5 'Declaration of Interest by Members of the Council' in relation to Item 12.9. Cr Ron Nelson remained in the Chamber and voted.

Moved Cr Linda Green

S/- Cr Ian Bailey

95/18

Council resolves:

1. That the report be received and noted
2. To adopt the Community and Recreation Facility Grant Guidelines as contained in Appendix 1 with the amendment to the Who Can Apply section to read "whose role is to manage community facilities, active recreation or sport facilities"
3. To authorise the Chief Executive Officer to make any formatting, nomenclature or other minor changes to the Guidelines during the period of its currency.

Carried Unanimously
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### 3. ANALYSIS

The purpose of Council's Grant Giving is to assist community groups, organisations and individuals to establish and undertake innovative projects or activities that are beneficial to the community and align with Adelaide Hills Council's Strategic Plan objectives.

The current Grant Giving Policy includes the wording:

*Grant funding **will not** be provided for:*

- *services that are a primary funding responsibility of either the State or Federal Government, e.g. schools, Country Fire Service, government health services*

It was felt that this dot point excluded groups such as the Country Fire Service in a way that does not reflect current practise or intention.

It is recognised that in the past Community grants have been awarded to organisations whose core business and service delivery are the primary funding responsibility of State or Federal Government should the project for which the grant is being sought meet the eligibility criteria and reflect the purpose and desired outcomes of Council's Grant Giving programs. For example the funding of an item of equipment that supports the safety or comfort of Country Fire Service volunteers.

However, this report proposes that this "dot point" be retained in the Grant Giving Policy as it is considered to be a major change to the policy that would benefit from reconsideration as part of the major policy review scheduled for 2020.

However, in reviewing the Grant Giving Policy further minor changes were identified.

#### Primary Production Grants

Primary Production Grants are included in the policy as follows:

#### Primary production grants (2017-18 only)

*Primary production grants provide a funding source for specific projects or initiatives which subsidise training and installation for emerging technologies on primary production land, and deliver an incentive to keep primary production properties in use, where a modest investment by the Council to supplement funding from other sources will ensure that a project can proceed.*

*The maximum grant available under this program is up to 50% of project cost, to a maximum of \$10,000 per occasion.*

However, the Rural Land Management Advisory Group (RLMAG) has recommended that this program be discontinued with the funds to be redirected to other Council initiatives to assist primary producers. This matter will be addressed via a separate report to Council to be considered at its 27 August 2019 meeting.

It is proposed that reference to Primary Production Grants be deleted from the Grant Giving Policy.

### Sport and Recreation Facilities Grants

At the Council meeting of 24 April 2018 Council endorsed the name change of this grant to Community and Recreation Facilities Grants and endorsed reviewed Guidelines for these grants.

It is proposed to reflect this name change throughout the Grant Giving Policy.

The endorsed Community and Recreation Facilities Grant Guidelines state:

*Applications will be accepted from organisations that have received grant funding in previous financial years, but please be aware that if the total number of eligible applications received exceeds the amount of funds available, priority will be given to organisations that have not received funding within the previous three years.*

This does not align with the current Grant Giving Policy, it is therefore proposed that the following “dot points” be deleted.

*(3.3 Eligibility Criteria - The following eligibility criteria apply to grant programs:)*

- *applicants may not receive funding in successive financial years.*

*(3.3 Eligibility Criteria - Grant funding will not be provided for:)*

- *applicants who have received funding in the previous year’s funding round.*

All of the proposed changes are indicated in **Appendix 1 Proposed Changes to the Grant Giving Policy**.

Councils Grant Giving Policy is scheduled for a full review in July 2020 at which time the various grant types, assessment criteria and processes for awarding grants will be considered. Community consultation and Council Workshops will form part of the review process.

## **4. OPTIONS**

The Council has the following options:

- I. To adopt the revised draft Grant Giving Policy in **Appendix 1**. (Recommended).
- II. To determine not to adopt the Grant Giving Policy or to suggest changes are made to the Grant Giving Policy.

Should the Council identify the need for substantial amendments to the proposed Policy, 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 for consideration.

## **5. APPENDICES**

- (1) Proposed Changes to Grant Giving Policy

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# **Appendix 1**

## *Proposed Changes to the Grant Giving Policy*

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# **Appendix 1**

## *Proposed Changes to the Grant Giving Policy*

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## COUNCIL POLICY

 <p>Adelaide Hills COUNCIL</p>	<h3>GRANT GIVING</h3>
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<b>Policy Number:</b>	COM-05
<b>Responsible Department(s):</b>	Community Development
<b>Relevant Delegations:</b>	Nil
<b>Other Relevant Policies:</b>	Sport and Recreation Policy (Facilities)
<b>Relevant Procedure(s):</b>	Grants Program – Guidelines and Eligibility Criteria
<b>Relevant Legislation:</b>	<i>Local Government Act 1999</i>
<b>Policies and Procedures Superseded by this policy on its Adoption:</b>	Community (& Primary Production) Grants - Item 12.5, 21, 8/4/14 Minor Grants – Item 9.2.2, 17/2/14
<b>Adoption Authority:</b>	Strategic Planning and Development Policy Committee
<b>Date of Adoption:</b>	<del>8-August-2017</del> <u>23 July 2019</u>
<b>Effective From:</b>	<del>22-August-2017</del> <u>6 August 2019</u>
<b>Minute Reference for Adoption:</b>	<del>SP38/17</del>
<b>Next Review:</b>	July 2020

## GRANT GIVING

### 1. INTRODUCTION

This policy sets out principles for providing financial assistance to groups and individuals. The policy will assist Council to address the issues of equity, fairness and transparency in grant giving.

The amount available for grant giving and individual grant giving programs will be determined by Council on an annual basis as part of the normal budget setting process.

A separate document “Grants Program – Guidelines and Eligibility Criteria” provides prospective grant applicants with detailed information and guidance around the nature and amounts of grants, application, and assessment and acquittal process.

### 2. OBJECTIVES

To ensure that Council delivers grant giving programs under a framework that ensures equity fairness and transparency, while achieving strategic social, cultural, environmental and economic outcomes.

### 3. POLICY STATEMENT

The purpose of grant giving is to assist community groups, organisations and individuals to establish and undertake innovative projects or activities that are beneficial to the community and align with Adelaide Hills Council’s Strategic Plan objectives.

Grant giving should assist groups or organisations that:

- provide activities and programs that are consistent with the goals and objectives outlined in the Council’s Strategic Plan
- promote community collaboration and partnerships
- promote community participation and social connection
- support wellbeing through active and healthy lifestyles
- promote participation, self-sufficiency and resilience, community leadership, community ownership and innovation
- are based within, or primarily service, the Adelaide Hills Council district community.

Council provides the following grant programs:

- Community Grants
- Youth Incentive Grants
- Matched Funding
- Minor Community Grants
- [Sport-Community](#) and Recreation Facility Grants
- [Primary Production Grants \(2017-18 only\)](#).



Council also provides the following financial assistance:

- Self-servicing loans
- Annual funding to support established initiatives by separate agreement.

### **3.1 Grant programs**

#### Community Development Grants

Community Development Grants support organisations and groups in the delivery of local initiatives which make a positive contribution to the building of community capacity and promotion of the wellbeing of residents in the district through initiatives focused on:

- arts and cultural development
- lifelong learning
- sport, recreation and active lifestyles (non-facility related)
- sustainability
- Aboriginal culture and heritage

The maximum grant available under this program is \$2,500 per occasion.

#### Youth Incentive Grants

Youth Incentive Grants provide support for young people (up to 21 years of age) in the district to attend national or international representative activities. Activities may include sporting or cultural endeavors. The maximum grant available under this program is \$100 per occasion.

#### Matched Funding

Matched funding provides financial support for projects with community benefit where a modest investment by the Council to supplement funding from other tiers of Government or bodies will ensure that a project can proceed. Contributions under this program will be considered on a case by case basis and are generally limited to 25% of project cost to a maximum of \$5,000 per occasion.

#### Minor Grants

Minor grants are considered in circumstances where the Council is requested to provide once-off low level funding support outside of other grant funding programs, or where the level of funding requested may not warrant a complex application and evaluation process. The maximum grant available under this program is \$300 per occasion.

#### ~~Sport~~ Community and Recreation Facility Grants

~~Sport~~ Community and Recreation Facility Grants are available to not-for-profit community organisations located within the Adelaide Hills Council area that provide sporting or recreation services to our community.

Grants are available for improvements or upgrades to facilities that will contribute to the development of sport and recreation within the region, are beneficial to the community, improve sustainability and support the Council's Strategic Plan and Sport and Recreation Strategy. Funding

is also available for facility planning documents such as master plan development or feasibility study projects.

Separate guidelines exist for sport and recreation facility grants.

#### Primary production grants (2017-18 only)

~~Primary production grants provide a funding source for specific projects or initiatives which subsidise training and installation for emerging technologies on primary production land, and deliver an incentive to keep primary production properties in use, where a modest investment by the Council to supplement funding from other sources will ensure that a project can proceed.~~

~~The maximum grant available under this program is up to 50% of project cost, to a maximum of \$10,000 per occasion.~~

### **3.2 Financial assistance**

#### Self-servicing loans

Self-servicing loans provide a mechanism to support community groups with significant projects on a cost-recovery basis. These are considered by the Council on a case by case basis.

#### Annual funding

The Council may support groups or organisations conducting ongoing initiatives or events with annual funding or donations. These are determined by resolution of the Council on a case by case basis and are subject to separate agreement. Groups receiving ongoing support are not eligible for funding under specific grant programs unless the guidelines for the grant program indicate otherwise.

### **3.3 Eligibility criteria**

The following **eligibility criteria** apply to grant programs:

- applications will only be considered by groups and organisations which are located in the Adelaide Hills Council district or provide a significant benefit to the Adelaide Hills Council community
- applicants must be, or apply under the auspice of, an incorporated, not for profit community group or voluntary association (except ~~eligible businesses under the Primary Production Grants and~~ individuals under Youth Incentive Grants)
- ~~applicants may not receive funding in successive financial years.~~

Grant funding **will not** be provided for:

- commercial activities (with the exception of Primary Production Grants)
- political activities
- the employment of staff
- the production of business plans or feasibility studies
- services that are a primary funding responsibility of either the State or Federal Government, e.g. schools, Country Fire Service, government health services
- the reimbursement of funds already spent prior to receiving approval, i.e. applicants cannot seek funds retrospectively

- proposals that will lead to a dependence on Council funds, e.g. ongoing operational expenses such as public liability insurance
- fundraising or general sponsorship
- equipment with a short life
- institutions of religion, unless there is a clear community benefit from the project
- applicants who have an outstanding debt owing to Council, excluding community loans where terms and conditions are being met
- applicants that have an outstanding grant acquittal from a previous funding round
- ~~applicants who have received funding in the previous year's funding round.~~

Preference will be given to:

- applications that demonstrate community collaboration and partnership
- applications that will benefit a wide range of people in the community
- applications that widen the range of activities available in the community and encourage the inclusion of all groups within the community
- applications that can demonstrate that the activity or project will be ongoing in nature
- organisations or groups who have been unable to obtain other grant funds
- applications for capital funding resulting in physical improvements including improvements to physical access and mobility and/or maintenance
- organisations which can demonstrate financial viability and ongoing group support
- groups or organisations who are actively engaged in helping themselves and can demonstrate the capacity to contribute to the project with either in-kind or financial support.

### 3.4 Promotion, application and approval

Procedures will be put in place which provide for:

- promoting competitive grant giving opportunities in a broad and open manner
- a fair and widely accessible application process
- evaluating grant applications according to merit against the grant program objectives and the requirements of this policy
- approving the giving of grants to successful applicants
- acquitting approved grants and ensuring acknowledgement of the Council as a grant provider

In the case of Community Development Grants, [Sport-Community](#) and Recreation Grants and Matched Funding Grants, the final decision on awarding grants will rest with the Council. In all other cases, grants may be awarded by staff in line with the applicable program budget and in consultation with any applicable Advisory Group.

### 3.5 Exceptions

The Council reserves the right to make donations to, or in other ways financially support, groups and projects that benefit the community as part of normal budget setting and program management processes.

#### **4. 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.

#### **5. AVAILABILITY OF THE POLICY**

This Policy will be available for inspection at the Council's Offices during ordinary business hours and via the Council's website [www.ahc.sa.gov.au](http://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.

PROPOSED POLICY CHANGES

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

**Item:** 12.7

**Originating Officer:** Natalie Westover, Manager Property Services

**Responsible Director:** Terry Crackett, Director Corporate Services

**Subject:** Establishment of Community & Recreation Facility Framework Internal Working Group

**For:** Decision

---

**SUMMARY**

The purpose of this report is to seek a resolution of Council to establish a new internal working group to provide advice to Council staff on the development of the Community and Recreation Facility Framework ("CRFF").

The proposed Community and Recreation Facility Framework Internal Working Group ("CRFFIWG") will comprise 4 Elected Members and 2 Council staff, being the Sport & Recreation Planner and the Manager Property Services.

The CRFF is being developed to provide structure and guidance to both the Council and Community & Sporting Associations regarding the commitment and support Council will provide to community and sporting associations, leasing and occupation of Council owned or managed land, obligations to maintain and renew assets and infrastructure and ownership of assets and infrastructure.

**RECOMMENDATION**

**Council resolves:**

1. That the report be received and noted
2. To create the Community & Recreation Facility Framework Internal Working Group ("CRFFIWG") and adopt the draft Terms of Reference contained in *Appendix 1*.
3. That the Chief Executive Officer be authorised to make minor content, formatting or design changes necessary to finalise the draft Community & Recreation Facility Framework Internal Working Group Terms of Reference document contained in *Appendix 1*.
4. To determine that the method of selecting the Council Members (up to 4 Council Members) for the CRFFIWG be by an indicative vote to determine the preferred person(s) utilising the process set out in this Agenda report.
5. To adjourn the Council meeting for the purposes of seeking nominations for and, if necessary, conducting an indicative vote to determine the preferred person(s) for the

**CRFFIWG Council Member roles and for the meeting to resume once the results of the indicative votes have been declared.**

- 6. To appoint the Council Members identified for an initial 12 month term to commence on 23 July 2019 and to conclude on 22 July 2020 (inclusive), to be reviewed prior to the expiration of the said term.**
- 

## **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'.

While working groups do not have a legal structure and do not make decisions for or on behalf of Council, it is important that the governance arrangements relating to these working groups are clearly documented and understood.

Due to the nature of internal working group meetings and the Council Member membership of these Groups, *Council's Informal Council and Council Committee Gatherings and Discussions Policy* applies to these meetings.

### **➤ Legal Implications**

The proposed CRFFIWG, in much the same way as Advisory Groups, are a creation of the Council for the purpose (as stated in the Advisory Group Operation & Conduct Policy) '..to provide advice to staff on specific matters'.

The group does not have a legal foundation under the *Local Government Act 1999* (the Act), as opposed to Section 41 Council Committees but under the provisions of the Act are considered to be an informal gathering.

Section 90(8) of the Act is very specific that informal gatherings cannot deal with matters that would ordinarily form part of an agenda for a council or council committee meeting in such a way as to obtain, or effectively obtain, a decision on the matter outside a formally constituted meeting of the council or council committee. Council's *Informal Council and Council Committee Gatherings and Discussions Policy* created under s90(8a) of the Act sets out the provisions for the conduct of a Designated Informal Gathering.

Sections 73 and 74 of the Act set out the provisions regarding Material Conflicts of Interest. Council Member membership of an internal working group may possibly constitute a personal benefit under s73 of the Act. As there are no allowance or fees payable it is unlikely that a Member would receive a pecuniary benefit under s73.

Sections 75 and 75A of the Act set out the provisions regarding Actual and Perceived Conflicts of Interest. A Council Member seeking to be appointed to the CRFFIWG may in actuality, or could be perceived by an impartial person to, have a conflict between their



personal interests and the public interest that might lead to a decision that is contrary to the public interest.

Therefore a Council Member seeking to be appointed to the CRFFIWG could have a Material, Actual or Perceived Conflict of Interest and would need to consider declaring the interest and leave the Chamber prior to the discussion of the matter under s74(1) or s75A(2), as appropriate.

➤ **Risk Management Implications**

The adoption of practical and legislatively compliant arrangements for the CRFFIWG will assist in mitigating the risk of:

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

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

The adoption of the CRFFIWG will assist in mitigating the risk of:

*Not progressing the Community & Recreation Facility Framework in a timely manner which leads to a not managing risk in an appropriate manner and loss of stakeholder confidence*

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**

Nil.

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

It is reasonable to assume that the community could expect Council to have mechanisms to provide advice and consideration of matters to assist the Council to discharge its responsibilities and achieve its strategic intent.

➤ **Environmental Implications**

Not Applicable

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

Consultation on the development of this report was as follows:

*Council Committees:* Not Applicable

*Council Workshops:* Not Applicable

*Advisory Groups:* Property Advisory Group

*Administration:* Executive Leadership Team  
Manager Open Space

*Community:* Not Applicable

## **2. BACKGROUND**

Council has used Advisory Groups (in various forms including working groups) over many years to provide advice to staff and, ultimately, to the Council in relation to a variety of subject matters.

The last holistic review of the Advisory Group arrangements occurred in December 2018 when Council resolved to adopt the current suite of Advisory Group TORs and the *Advisory Group Operation and Conduct Policy*. The proposed CRFFIWG will be subject to the provisions of the *Advisory Group Operation and Conduct Policy* where appropriate.

The CRFF is being developed to provide structure and guidance to both the Council and Community & Sporting Associations regarding the support Council provides to Community and Sporting Associations across its Council area including upgrades and maintenance of buildings and facilities, leasing and occupation of Council owned or managed land, obligations to maintain and renew assets, infrastructure and ownership of assets and infrastructure.

Council staff have held 4 workshops with Council Members since 2017 to present and discuss the various complex issues and seek some direction. Additional workshops with Council Members are required however a smaller working group through the proposed CRFFIWG will provide Council staff with more regular feedback into the direction that the CRFF is taking.

The proposed CRFF is to provide a position on the following:

- **Strategic Context / Framework Introduction** (Principles & classifications to base upgrades & developments on.)
- **Service Levels** (Based on classifications & lease & licence policy requirements.)
- **Project Methodology** (Our approach to, & principles for upgrades & maintenance. Including a community engagement and consultation approach.)
- **Lease & Licencing Policy** (Considers ownership of assets, WHS obligations, insurance, responsibilities, upgrade, maintenance, etc land owner consent.)
- **Community & Recreation Facility Support Policy** (renewal, upgrades, maintenance, support for ovals, courts, other playing surfaces, associated infrastructure such as scoreboards, goal posts, nets, lighting etc and community buildings such as halls)
- **Upgrade Programs** (Working documents that contain information regarding: buildings, courts, ovals / pitches, driveway / carpark / drainage, etc. All must reflect lease & licence obligations and arrangements, classifications and service levels, audit data & relevant usage & participation at the site.)
- **Maintenance Program** (Working documents that contain maintenance principals and obligations.)

### 3. ANALYSIS

#### **Indicative Voting Process for Determining Council Appointed Positions**

Due to the potential implications of the Material Conflict of Interest provisions under s73 and the Actual and Perceived Conflicts of Interest under s75 (see Legal Implications above) regarding the appointment of Council Members, it is proposed that the Council adjourn the meeting for the purposes of seeking nominations for and, if necessary, conducting an indicative vote (Indicative Voting Process) to determine the preferred person(s) for the positions of CRFFIWG member.

As the Indicative Voting Process involves discussion of a matter that is, or is intended to be, part of the agenda for a formal meeting of the Council or Council Committee, it is a Designated Informal Gathering for the purposes of s90 and the *Informal Council and Council Committee Gatherings and Discussions Policy* (the Policy). As a Designated Informal Gathering, the Chief Executive will conduct the meeting in accordance with the Policy.

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

The proposed Indicative Voting Process is:

- a) Chief Executive Officer calls for self-nominations for the available positions of membership for the CRFFIWG.
- b) If the number of nominees is equal to or less than the number of positions, no election will be required. If the number of nominees is greater, an election will be necessary.
- c) The CEO (or another Council staff member) will be appointed as the Returning Officer and may enlist other Council staff to assist with the conduct of the vote and the count.
- d) The method of voting will be by secret ballot utilising the preferential counting system.
- e) Each Council Member (including the Mayor) shall have one vote.
- f) Ballot papers will be provided to each Council Member.
- g) The nominee's names will be drawn to determine the order on the ballot paper.
- h) Each nominee will have two (2) minutes to speak to the Gathering in support of the candidacy. The speaking order will be as listed on the ballot paper.
- i) Completed ballot papers will be collected by the Returning Officer and the count will be undertaken in a separate room with an observer (another Council staff member) present.
- j) In the event of a tie, the result will be decided by the Returning Officer drawing lots, the candidate first drawn being the candidate excluded.
- k) After all votes have been counted, publicly announce the final votes cast for each candidate and formally declare the result of the election (i.e. the preferred person).
- l) The ballot papers will be shredded.

#### **Independent Membership of the CRFFIWG**

It is not proposed to appoint independent members to this CRFFIWG. There are a number of considerations to this decision including:

- Substantial consultation will occur with community and sporting associations once a draft of the CRFF has been prepared and endorsed by Council for consultation
- Difficulty in finding independent members who have experience on a community or sporting association committee or membership and will not have a conflict of interest
- Content of the items put to the CRFFIWG in the development of the draft CRFF will be of a strategic and planning nature for Council where confidentiality is required

#### **Proposed Chronology of Events**

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

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

- I. Council will consider the process that it will use to choose the preferred persons for the CRFFIWG positions. Council would give effect to this by dealing with Recommendation 4 (or a variant) at this time.

- II. Having decided the method, Council will then have to adjourn the meeting to enable the process to be undertaken. Council would give effect to this by dealing with Recommendation 5 (or a variant) at this time.
- III. Once the Indicative Voting Process has been completed the Council meeting will resume in accordance with the previous resolution.

Upon resumption, the Council Members who nominated for the CRFFIWG roles would be advised to consider their obligations to declare a Material, Actual or Perceived Conflict of Interest as appropriate.

- IV. Council can then resolve for the preferred persons to be appointed as the CRFFIWG members for an initial 12 month term. Council would give effect to this by dealing with Recommendation 6 (or a variant) at this time.

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

#### **4. OPTIONS**

Council has the following options:

- I. To resolve in general accordance with the recommendations proposed in this report. Doing so would enable the CRFFIWG to be created and members appointed (Recommended)
- II. To determine not to progress in accordance with this report, doing so may result in the CRFF taking longer to develop and implement (Not Recommended)

#### **5. APPENDIX**

- (1) Draft Community and Recreation Facility Framework Internal Working Group – Terms of Reference

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# **Appendix 1**

*Draft Community and Recreation Facility Framework  
Internal Working Group  
Terms of Reference*

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# COMMUNITY & RECREATION FACILITY FRAMEWORK INTERNAL WORKING GROUP

TERMS OF REFERENCE  
JULY 2019

**These Terms of Reference are to be read in conjunction with Council's Procedures for Advisory Groups (where applicable).**

## BACKGROUND

In the Council area, there are 27 ovals/pitches, 130 playing courts and 26 community halls. In addition there are other sporting facilities such as the Adelaide Hills Swimming Centre, lawn bowl and petanque clubs. These facilities are a mix of Council owned/controlled sites and community owned sites.

The Council is looking to formalise its position as to how it supports these sites, and the associations that manage the sites, in a fair and equitable manner.

A Community & Recreation Facility Framework is to be developed as the overarching framework that will incorporate the following:

- Strategic Context/Framework Introduction
- Service Levels
- Project Methodology
- Lease and licence policy
- Community & Recreation Facility Support Policy
- Upgrade Programs
- Maintenance Programs

## ROLE

The Community & Recreation Facility Framework Internal Working Group (the Group) provides advice to the Executive Officer on issues and strategies for the development of the Community & Recreation Facility Framework.

## STRATEGIC LINKS

### Strategic Plan

**Prosper** – People and business prosper

Active lifestyles are synonymous with the Hills and we recognise the role we play in supporting health and recreation

**Connect** – 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.

## ADELAIDE HILLS COUNCIL

### Community & Recreation Facility Framework Internal Working Group

<b>Place</b> – Places for people and nature		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. Built spaces like libraries, community centres and halls provide hubs for people to come together, learn and interact. These spaces should constantly evolve to meet new and changing needs.
<b>Place</b> – Places for people and nature	3.5	We will take a proactive approach, and long term view, to infrastructure maintenance and renewal
<b>Place</b> – Places for people and nature	3.9	We will encourage community-led place making approaches to enhance townships and public spaces
<b>Explore</b> – Explore ideas and work with others		To meet changing community expectations the Council needs to be agile. Our strategies, policies, processes and systems must be current and relevant to community needs.
<b>Organisational Sustainability</b>		Risk and responsibility <ul style="list-style-type: none"> <li>• Legal compliance</li> <li>• Financial &amp; asset sustainability</li> </ul>

## FUNCTIONS

The Group is expected to provide advice to the Executive Officers on:

- Development of the draft Community & Recreation Facility Framework
- Development of the Community Consultation Plan and implementation
- Implementation of the Community & Recreation Facility Framework

## MEMBERSHIP

The Group shall comprise up to four (4) Council Members.

The Manager Property Services (or nominee) and the Sport & Recreation Planner, or other officer appointed by the Chief Executive Officer, shall act as joint Executive Officers for the Group.

## SELECTION CRITERIA & APPOINTMENT

Council Members shall have experience in the operation of community/sporting associations and be aware of the challenges of these associations.

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

**Item:** 12.8

**Originating Officer:** Tonia Brown, Biodiversity Officer

**Responsible Director:** Ashley Curtis, Acting Director Infrastructure & Operations

**Subject:** Biodiversity Strategy Review

**For:** Decision

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**SUMMARY**

This report seeks Council's approval to release the Draft AHC Biodiversity Strategy for public consultation.

The current draft has undergone several rounds of consultation, and now that it has been reviewed to address internal feedback from the Biodiversity Advisory Group (BioAG), Council Members and Council Staff, the next phase is to release a draft for external consultation to independent agencies, volunteers, community groups and the general public.

**RECOMMENDATION**

**Council resolves:**

1. That the report be received and noted.
  2. To endorse the release of the Draft AHC Biodiversity Strategy for public consultation, as contained in Appendix 1.
  3. That the CEO be authorised to:
    - a. Make any formatting, nomenclature or other minor changes to the Draft 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
  4. That following the public consultation a further report be brought back to the Council detailing the public consultation outcomes and draft strategy by 24 September 2019.
-

## 1. GOVERNANCE

### ➤ Strategic Management Plan/Council Policy

Goal 3 Place

Strategy 3.1 We will work with our community to encourage sustainable living and commercial practices.

Strategy 3.3 We will complete the road reserves and reserve assessments (blue marker project), leading the nation in conservation and biodiversity management practices.

### ➤ Legal Implications

The plan to undertake consultation with the community has no direct legal implications. The consultation will be in accordance with Council's Public Consultation Policy and consistent with the attached draft Consultation Plan.

The Local Government Act 1999 provides the legislative framework under which Council's Biodiversity Strategy initiatives are implemented. The following are excerpts from relevant sections of the Act:

Section 6 - Principal role of a Council

Section 7 - Functions of a Council

Section 8 - Principles to be observed by a Council

The following Acts and By Laws also provide guidance in our Biodiversity initiatives:

- Native Vegetation Act 1991
- National Parks and Wildlife Act 1972
- By – Law No 3 – Local Government Land
- Natural Resources Management Act 2004
- Environment Protection and Biodiversity Conservation Act (1999)

### ➤ Risk Management Implications

This strategy and its actions will broadly reflect the strategic direction of Council's biodiversity programs and operations and assist Council and the community in understanding the priorities, allocate resources, encourage community involvement and valuable partnering opportunities.

*The effective implementation of the Biodiversity Strategy will facilitate a strategic approach to biodiversity management (habitat protection, restoration activities), sustainable management of natural areas, community engagement and collaborations, compliance issues and will assist in mitigating the risk of legislative non-compliance, environmental degradation and poor community perception. Actions arising from Council resolutions may not be completed in a transparent and efficient manner, resulting in biodiversity loss and not achieving corporate objectives.*

Inherent Risk	Residual Risk	Target Risk
Extreme (4A)	Low (2D)	Low (2D)

➤ **Financial and Resource Implications**

Actions arising from the Biodiversity Strategy are planned and budgeted each year as part of the normal budget setting processes. Finances and resources to implement the Biodiversity Strategy are sourced from general rate revenue, State and Federal Government funding, and contributions from other agencies and organisations. There are minimal financial implications of undertaking public consultation, and this has been accounted for in the Biodiversity Program budget.

Cost implications for the new Strategy will be developed prior to Councils adoption of the final Biodiversity Strategy.

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

By developing the Strategy, the Council demonstrate a commitment to biodiversity conservation, the conservation community and the need to collaboratively develop a set of meaningful actions to reduce and strive to reverse biodiversity degradation within the district.

Customer service staff will be provided information and website links to assist in managing queries during the consultation period.

➤ **Environmental Implications**

Although much has been undertaken to reduce further ecosystem degradation, biodiversity loss will continue unless we act to address the decline now. If the necessary actions are undertaken by government, landholders, community and industry leaders, the decline in South Australia's biodiversity can be minimised.

Timely and strategic conservation and management of biodiversity will help to maintain ecosystem services, which will in turn deliver immediate and long-term benefits to South Australia and all its inhabitants, including the native wildlife, vegetation and primary production landscape around us.

➤ **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: 11 June 2019, Presentation by Council Biodiversity Officer to Elected Members

Advisory Groups: 20 May 2019 – presentation to Biodiversity Advisory Group

Administration: Staff consulted by Biodiversity Officers:

- Chris Janssan, Manager Open Space
- Ashley Curtis, Acting Director Infrastructure & Operations
- Renee O'Connor, Sports and Recreation Officer, Open Space
- Sharon Leith, Sustainability Officer, Sustainable Assets
- Joel Eckermann, Manager Civil Services, Civil Services
- Andrew Kirkley, Technical Officer, Open Space
- James Szabo, Senior Strategic & Policy Planner

Community: June 17 2019 Community workshop - involved Community / volunteers in the review to identify what they see as priorities – held at Stirling West Wing with 10 attendees including Elected Member representation.

## 2. BACKGROUND

The Adelaide Hills Council Strategic Management Plan identified the development of the previous Biodiversity Strategy (the Strategy) as a priority action (AHC, 2010). The Strategy was Council's response to manage threats to biodiversity within the region, detailing the specific activities Council would undertake to both conserve and improve local biodiversity on Council managed lands. The previous document was endorsed by Council on 13 September 2013 and operated for a period of five years, until 2018. The new strategy document will direct Council's activities in Biodiversity management for the period of 2019-2024.

Accordingly, local community conservation groups, Council staff, Elected Members, industry professionals, government and non-government agencies were engaged to consultatively review and develop the new Biodiversity Strategy. Through engaging with these groups, the Strategy consultation process developed a set of meaningful and coordinated actions based on local knowledge and capacity, which have been incorporated into the draft Strategy.

See table for Biodiversity Review consultation Plan.

Date	Task	Comment
Late 2018	2 x Workshops	Internal staff NRM involving the DOs and regional ecologists
March	ELT Presentation	
20 May 2019	BioAG Workshop	New BioAG members including 2 x new EMs
11 June 2019	Elected Member Workshop	
June 17 2019	Community / volunteer workshop	Involve Community / volunteers in the review to identify what they see as priorities – held at Stirling West Wing. 10 attendees including Elected Member
23 July 2019	Ordinary Council Meeting	Recommending the release of the draft Strategy for public consultation



Date	Task	Comment
July / Aug 2019	Public consultation (3 Weeks)	<ul style="list-style-type: none"> <li>• Engagement HQ page</li> <li>• Email/SMS blast to volunteers and community groups with feedback link</li> <li>• Social media</li> <li>• Hills Voice - Courier/e-news</li> <li>• Media release</li> <li>• News item &amp; banner on AHC website</li> </ul>
24 Sept 2019	Ordinary Council Meeting	Seeking Endorsement for Final Report. Also provide report to Summarise the results of the Public Consultation and actions taken.
Sept/Oct 2019	Final version of Strategy to go up on website	<ul style="list-style-type: none"> <li>• Media Release</li> <li>• News item on website with link</li> </ul>

At its SPDPC meeting of 23 July 2013 Council resolved:

**12.2 AHC Biodiversity Strategy**

Moved Cr Kate Hosking S/- Cr John Kemp	Carried Unanimously 36
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That:

1. The Committee approves the Draft AHC Biodiversity Strategy for release for public comment until 21 August 2013
2. A report outlining the public comments received and seeking endorsement of a final plan be presented not later than 30 September 2013.

At its Council meeting of 10 September 2013 Council resolved:

**13.6 AHC Biodiversity Strategy**  
05.20.11 Renae Eden

Moved Cr John Kemp S/- Cr Lynton Vonow	Carried Unanimously 166
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That Council adopts the Biodiversity Strategy and notes that:

1. this is the first step to a wider strategy incorporating the mapping and recognition of non-Council owned land of biodiversity significance to ensure the most effective environmental management of our entire district.
2. this Strategy will enhance its relationship with private land owners engaged in conservation work on their own properties and to encourage new projects on private land.
3. when the Biodiversity Strategy is reviewed in 12 months that any changes in government policy or directions with relevant agencies will be taken into consideration.

### **3. ANALYSIS**

The Strategy guides the strategic direction for managing natural areas and habitats on Council lands within the Adelaide Hills region. It seeks to address the following:

- Identifies relevant legislation and policy that applies to protection and management of native and exotic flora, fauna and habitats and how they apply
- Defines guiding principles for native vegetation conservation, enhancement and management
- Reviews priorities and implications for native vegetation and biodiversity management within a local, national and global context
- Aids in decision making to prioritise the location and level of conservation, restoration and management of native vegetation including the preparation of Vegetation Management Plans
- Applies a monitoring and evaluation processes to measure success of management activities
- Recognises biodiversity management as a core business activity on Council land
- Identifies the significance of biodiversity toward a sustainable future for the Adelaide Hills
- Ensures adaptive management is embedded within the Strategy.

It also identifies a series of prioritised management actions associated with five key management themes including:

Goal 1: Protect - Protect and maintain areas of high biodiversity or habitat value.

Goal 2: Restore - Increase or maximise habitat value of degraded sites.

Goal 3: Link - Connect habitat remnants to increase range, facilitate gene flow and species movement.

Goal 4: Support - Support community groups, support from project partners.

Goal 5: Inform - Interpret the natural environment and educate the community.

Approval of the release of the draft for public consultation will enable the next phase of consultation to collate feedback and ensure that the Strategy reflects community priorities and identify any gaps before aligning budgets and staff resources to priority actions.

### **4. OPTIONS**

Council has the following options:

- I. Approval of the AHC Biodiversity Strategy for public consultation facilitating the next phase of the project. (Recommended)
- II. Rejection of the AHC Biodiversity Strategy for public consultation restricting the next phase of the project. (Not Recommended)

### **5. APPENDIX**

- (1) Draft Biodiversity Strategy - Part 1: Strategic Framework (2019 – 2024)

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# **Appendix 1**

*Draft Biodiversity Strategy - Part 1:  
Strategic Framework (2019 – 2024)*

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# BIODIVERSITY STRATEGY

Part 1: Strategic Framework | 2019 – 2024



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## Mayors Message





## Introduction

Australia is an ancient continent consisting of a variety of habitats and microclimates which support an impressive variety of distinctive and often unusual or 'endemic' plants and animals. One of 17 'megadiverse' countries, the country is recognised globally for its abundance of different species, many of which are notably unique. The Adelaide Hills Council (the Council) district, is located within the Mount Lofty Ranges, a federally listed 'biodiversity hotspot', where a high variety of locally native flora and fauna species continue to survive.

However, the region has changed significantly since European settlement. Vegetation clearance has been extensive, contributing to a steady decline in the ecological value of remaining areas, which is broadly consistent with the biodiversity degradation occurring across the wider Mount Lofty Ranges.

It is possible to slow the decline of biodiversity in the Mount Lofty Ranges, but it will require a committed strategic and active management approach. The Council recognises that as a manager of public lands containing good quality remnant habitat in the region, there is an important opportunity to play a pivotal role in strategically managing these open spaces and engaging with the community and other organisations to halt, and hopefully reverse the decline of native species.

In 2010 the Adelaide Hills Council Strategic Management Plan<sup>1</sup> identified the development of the Biodiversity Strategy (2013-2018) as a priority action to guide how Council responds to the known threats to biodiversity in our region and manages land under its care and control. The 2013-2018 Biodiversity Strategy detailed the short, medium, and long term objectives, strategies and actions Council needed to achieve the following:

- conserve and improve local biodiversity, through weed management, habitat conservation and expansion;
- improving knowledge about how we can best manage our local biodiversity; and
- supporting community in their activities to protect and support biodiversity.

A review of the 2013-2018 Biodiversity Strategy was undertaken throughout 2018-19. This has involved further consultation and engagement with the key stakeholder groups and community members to assist in reviewing Council's existing strategic direction in biodiversity management, the key management themes and associated actions, whilst also capturing any additional priority actions for the next management period. This strategy document sets out the strategic goals and actions for the period of 2019-2024.

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<sup>1</sup> AHC, 2010. Adelaide Hills Council Strategic Management Plan

## What is Biodiversity?

Biodiversity defines the variety of all forms of life on earth – genes, species of plants, animals and micro-organisms and the ecosystems of which they are a part. The biodiversity across the Mount Lofty Ranges region, including the Adelaide Hills Council area is still considered to be reasonably high. Since European settlement, more than 450 native fauna species have been recorded from the region, including over 75% of the bird species recorded within South Australia, and also approximately 1,500 native vascular plant species (DEH, 2009).<sup>2</sup>

It is widely accepted that more diverse natural systems that are functioning in a stable state possess a greater capacity to effectively deliver ‘ecosystem services’. Ecosystem services provide us with food, water, clothing, clean air, clean water, raw materials for building and industry, climate regulation, organic waste decomposition, soil stabilisation, plant pollination, and inspiration for our societies and cultures. Tourism and recreation, nature conservation, pastoralism, agriculture, horticulture, forestry, aquaculture and fishing all benefit from healthy ecosystems. Our primary production systems require biodiversity for pest control, soil production and stabilisation, pollination, and water purification. The significance and abundance of invertebrates in the environment is often overlooked, yet their roles in maintaining soil fertility, nutrient recycling and plant pollination are critical in a balanced ecosystem. All life depends upon these services that natural systems provide.

Greater species diversity also promotes better resilience. That is, a resilient ecosystem can better withstand disturbances and rebuild itself when necessary.

There are many ongoing pressures on local ecosystems that continue to threaten biodiversity. Many of these threats, including widespread clearance of native vegetation, weed invasion and predation by exotic pest species, over-grazing, pollution and soil degradation, inappropriate fire regimes, destruction of habitat and more recently climate change, are directly contributing to the decline of numerous native species and communities. Many of these are now threatened and facing extinction. A significant number of local extinctions have already occurred, especially amongst small mammal species, birds and plants species.

The native flora and fauna of the Adelaide Hills provides much of the appeal of living in the area. We all share and enjoy the societal and economic benefits of biological wealth and biodiversity, particularly in the Adelaide Hills where aesthetics, productivity, tourism and recreation are all enjoyed by its residents. For all these reasons, it is vital that we manage these valuable resources to

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<sup>2</sup> DEH. (2009). *Informing Biodiversity Conservation for the Adelaide and Mount Lofty Ranges Region, South Australia. Priorities, Strategies and Targets*. Department for Environment and Heritage, Government of South Australia.

maintain their value and all they offer and provide, to ensure that we can all continue to benefit from them in the generations to come.

## The Strategy

The Council's Biodiversity Program is responsible for managing biodiversity values within its reserves and road reserves. By developing the Strategy, the Council demonstrates its commitment to biodiversity conservation, the conservation community and the need to collaboratively achieve a set of meaningful actions to reduce and strive to reverse biodiversity degradation within the district. The Strategy guides the strategic direction for managing native vegetation and habitat on Council land and specifically:

- Identifies key relevant legislation and policy for flora, fauna and habitats and how it applies;
- Defines guiding principles for native vegetation conservation, enhancement and management;
- Reviews priorities and implications for native vegetation and biodiversity management within a local, national and global context;
- Aids in decision making to prioritise the location and level of conservation, restoration and management of native vegetation including the preparation of Vegetation Management Plans;
- Applies a monitoring and evaluation process to measure success of management activities;
- Recognises biodiversity management as a core business activity on Council land;
- Identifies the significance of biodiversity toward a sustainable future for the Adelaide Hills; and
- Ensures adaptive management is embedded within the Strategy.

## Report structure

The Strategy is a 5-year action plan for the region (this document). It provides a strategic framework direction for the Adelaide Hills Council's biodiversity operational programs and plans and sets out the broad themes (goals) and key actions to protect and manage biodiversity across the region. The Strategy contains 85 actions associated with the 5 management themes.

The Strategy is structured in three parts:

1. **Strategic Framework** for the Adelaide Hills Council region (2019-2024) - a 5-year strategic plan for the region (this document).

2. **Implementation Plan** - outlines Council investment in biodiversity management and other funding sources, responsibility and monitoring and evaluation to track and assess the success of the Strategy.
3. **Technical document** - *Biodiversity of the Adelaide Hills Council* - contains the reference material including biodiversity values and assets, management issues / threats to biodiversity within the region.

## Management Themes

The key management themes were developed and refined over the consultation period. Council engaged key stakeholder groups and community members including local community conservation groups and residents, Council staff, Council Elected Members, industry professionals, Government and non-Government agencies. Through the engagement process a set of meaningful and coordinated management actions based on local knowledge and capacity have been developed. Due consideration was also paid to the previous Strategy document in recognition that many of the management actions are ongoing.

The five key themes for the new Strategy broadly reflect the strategic direction of Council's existing programs and operations, whilst also capturing some of the important aspirational directions Council will be striving to achieve.

### 1. **Protect – *Protect and maintain areas of high biodiversity or habitat value***

Conservation of natural areas is the cornerstone to biodiversity conservation combined with habitat restoration and regulatory and legislative approaches to control and manage harmful activities. By providing robust and ongoing protection to areas of high biodiversity or habitat value, Council aims to reduce the impacts of known threats and encourage the survival of the region's indigenous fauna and flora species, with a strong focus on threatened species, threatened ecological communities and other important natural values.

Adelaide Hills Council has the capacity to help build a protected area network which connects up with other high value habitats located across public and private lands in the Mount Lofty Ranges that can also be integrated with other uses of our open space network.

### 2. **Restore – *Increase or maximise habitat value of degraded sites***

Key threatening processes such as weed invasion, feral animals, Phytophthora and a changing climate threaten our natural areas with significant deterioration in vital ecosystem services and function. This in turn reduces biological resilience and adaptability to change.

Ecological restoration is therefore a central component to biodiversity management in assisting the recovery of an ecosystem and helping to sustain and enhance ecological communities and the species they support.

Council's role in driving restoration across the district is dependent on its long-term commitment to site management as well as sustaining, and building on strong partnerships and collaborations.

### **3.     *Link – Connect habitat remnants to increase range, facilitate gene flow and species movement***

Landscape connectivity remains a key challenge for Council and other regional land managers across the Mount Lofty Ranges as the region's terrestrial biodiversity faces increasing threats from habitat loss and fragmentation. Loss of connectivity can directly disrupt and impede native species ability to move through areas of suitable habitat and further isolates populations within smaller patches, thus becoming highly vulnerable to reduced resource availability (food and shelter), invasive pest species, reduced genetic variation and catastrophic events (ie bushfire, floods etc). In addition, the impacts of climate change will see more species beginning to seek out new habitats in the landscape as they try to adapt, but home-range shifts will likely be hindered by current habitat fragmentation levels.

Many conservation efforts aimed at improving landscape connectivity, involve protecting and enhancing native bushland remnants and actively connecting habitat through the creation of wildlife corridors.

It is Council's aim to strategically identify key areas to improve landscape connectivity by investing and partnering in restoration and revegetation programs to build resilience and provide long-term conservation benefits to the region.

### **4.     *Support – Support community groups, support from project partners***

Community partnerships and collaboration are vital to the success of implementing Council's Biodiversity Program. Council aims to continue to work closely with public and private community organisations, to engage local knowledge and support and facilitate biodiversity outcomes outlined in the Strategy. Working collectively can make a difference to enhancing the natural environment, whilst also providing a sense of achievement and increasing overall fulfilment to volunteers through achieving strategic and long term objectives in biodiversity management.

### **5.     *Inform – Interpret the natural environment and educate the community***

To improve attitudes and increase knowledge and environmental awareness, it is essential that Council engage and educate the community on the value of our natural environment and what it

means to live in the Adelaide Hills environment. It is Council's priority to continue to involve local schools and kindergartens in Council programs, projects and initiatives that increase the knowledge and awareness of Biodiversity in our young residents.

The strategies and associated actions with projected timeframes for implementation are listed in the tables under *Management Actions* section. Many of the actions cross over multiple management theme areas and have therefore been listed in the most appropriate theme to avoid excessive repetition.

## Strategy Review and Assessment

By adopting an adaptive management approach, any progress on management actions will be gathered and communicated annually providing the basis for review of the effectiveness of the Strategy. This will involve reviewing the currency and content of the information within the Strategy and the relevance of the management actions. If necessary, the actions and/or priorities may be adjusted as new knowledge becomes available.



## Management Actions

### Goal 1 - Protect

*Protect and maintain areas of high biodiversity or habitat value*

Theme	Strategy	Action	Timeframe
Goal 1: Protect	Undertake Council activities to protect native species and habitat	Review <i>Adelaide Hills Council Roadside Vegetation Management Plan (2015-2020)</i>	2020
		Maintain the Council's Sensitive Site Register	Ongoing
		Support the development and promote the use of <i>Native Vegetation Council Local Government Tree Management Guidelines (2018)</i>	2018
		Develop AHC best practice procedure for maintenance of AHC riparian zones and investigate implementation	2021
		Continue to promote use of AHC Best Practice Operating Procedure (BPOP) and help facilitate permit applications under the Natural Resources Management Act, 2003 for Water Affecting Activities (WAA)	Ongoing
		Provide support for review of AHC Community Lands Register and Community Lands Management Plan to better reflect land uses	2019
		Support new initiative <i>AHC Exotic fuel reduction in roadside vegetation</i> by facilitating the collection and collation of weed data to help strategically manage areas of high weed infestation across the Council road network	2019-2024
		Seek greater compliance support under Council Bylaws	Ongoing
		Proactively review Unformed Public Roads to ascertain connectivity potential and habitat value. Prioritise biodiversity value /connectivity potential for future management	2022
	External formal and permanent protection	Seek Heritage Agreement status ( <i>Native Vegetation Act 1991</i> ) over high value Council Reserves	Ongoing
		As an accredited Third Party Provider under the under Section 25C(12) of the Native Vegetation Act 1991, facilitate site applications to nominate Significant Environmental Benefits (SEBs) on council lands	Ongoing
	Prevent and manage encroachments	Develop Encroachment Policy (eg Kuringai's Bushland Encroachment Policy) (James/Andrew/Richard) to manage 'encroachment' and development (access points, recreational facilities, trails), Heritage Agreements/Biodiversity sites surveyed, managing fuel loads, dumping	2020
		Proactive review of AHC lands which back on to private properties, send letters and information to adjacent properties	2020
	Ongoing monitoring and management of Council reserves and NVMS sites	Biannual bird surveys conducted at all sites incorporated in the DEW Burning on Private Lands Program	Ongoing
		Protect and develop a record of important habitat trees, especially mature hollow bearing individuals	2020 - ongoing
		Managing fuel loads (weed management programs (DEW Burning on Private Lands Program, AHC Woody Weed Control Program, and management of APZ's, Council Management Plans and collaborative Work Plans, collaborations (Trees for Life / Conservation Volunteers Australia etc)	Ongoing
		Facilitate baseline surveys and repeat assessments of reserves and NVMS sites using NVC developed Bushland Assessment Monitoring technique	Ongoing
		Undertake audit of NVMS (blue marker) sites. Develop a process for nominating new NVMS sites and for appropriate removal of degraded sites and maintain database to capture audit data	Ongoing

Theme	Strategy	Action	Timeframe
		Explore fire as an ecological tool (ie <i>DEW Burning on Private Lands Program</i> )	Ongoing
		Monitor the need for installation of Phytophthora hygiene stations in Council reserves	Ongoing
	Promotion and utilisation of GIS tools to inform AHC staff of areas of biodiversity/habitat value	Aims to package GIS layers to help inform internal staff of potential sensitivities across the council district - SSA – Spectral Spatial Analyst)	2019
		BDBSA data <ul style="list-style-type: none"> <li>provide threatened species data to DEW (for inclusion into BDBSA)</li> <li>Obtain annual datasets from DEW</li> <li>Identifying key habitats for threatened species</li> </ul>	Ongoing
		Annually renew data sharing Agreement with DEW/ NRAMLR	2019 - ongoing
	Participate in collaborative groups	Bushfire Management Operational Group (AHC)	Ongoing
		Community Conservation Groups/NGOs <ul style="list-style-type: none"> <li>Green Web</li> <li>Friends meetings</li> </ul>	Ongoing
		State Government <ul style="list-style-type: none"> <li>NRM District Officer meetings</li> <li>Scott Creek and Mt Bold Biodiversity Group</li> <li>South Para Biodiversity Project</li> </ul>	Ongoing
		Local Councils in the region	Ongoing
		Resilient Hills and Coasts - Climate Change Adaptation Regional Groups	Ongoing
		Local Government Biodiversity Network	Ongoing
	Prevent and manage unauthorised activities where AHC have powers	Compliance/expiations/enforcement under LG Act – <ul style="list-style-type: none"> <li>Identifying council powers to halt works and designate responsible officers to respond/enforce and potentially issue expiations.</li> <li>Develop formal Council process for halting/dealing with unauthorised native vegetation clearance</li> <li>Make enquiries regarding the utilisation of Authorised Officers under NRM Act, 2003</li> </ul>	2019-2020
		Proactive detection of unauthorised native vegetation clearance by analysis of aerial imagery	2020
		Reporting of breaches under the <i>Native Vegetation Act, 1991</i> , to NVC Compliance unit	Ongoing
	Participate in Planning reforms	Share GIS datasets to State Government <ul style="list-style-type: none"> <li>NVMS Layer</li> <li>Roadside weeds layer</li> </ul>	Ongoing
	Recognise and manage the importance of weeds as habitat	Develop a Council Weed Management Policy to assist with the management approach, control methods and the habitat potential of the species	2019
	Identification of underrepresented vegetation communities for active monitoring and management	Generate accurate vegetation association GIS layer for AHC lands	2019
		Develop and review Council Management Plans for high value reserves	Ongoing
		Support and collaborate with NRM on Council reserve Work Plans and the AHC Roadside Weed Control Work Plan.	Ongoing
	Increase protected area network	Investigate opportunities to increase protected areas within the council reserve network	Ongoing

## Goal 2 - Restore

*Increase or maximise habitat value of degraded sites*

Key Theme	Strategy	Action	
Goal 3: Restore	Manage key threatening processes across Council lands	Undertake restoration activities in Council's highest value reserves and NVMS/roadside sites	Ongoing
		Support NRM Work Plans for Council reserves and NVMS/roadside sites	Ongoing
		Annually review Bushland Assessment monitoring data to determine the highest priority sites for management	Ongoing
		Continue Woody Weed Control Program. Annually review of sites to comply with the developed criteria	Ongoing
	Collaborate with DEW on the <i>Burning on Private Lands Program</i> on Council Lands	Undertake post burn weed management to assist with the secondary benefits of prescribed burning (weed management and bush restoration outcomes)	Ongoing
		Investigate opportunities with DEW for ecological burns in other location on Council Lands (not included in the <i>Burning on Private Lands Program</i> ) to encourage the emergence of fire responsive native flora species and weed management objectives.	Ongoing
	Seek and maintain collaborations to deliver restoration projects	Seek, maintain and facilitate essential partnerships and collaborations in biodiversity management in Council reserves and NVMS/roadside sites: <ul style="list-style-type: none"> <li>• Government,</li> <li>• philanthropic</li> <li>• Landcare</li> <li>• Trees for Life</li> <li>• private organisations</li> <li>• NGO organisations,</li> <li>• Friends Groups (volunteers)</li> </ul>	Ongoing
	Proactively identify underrepresented vegetation communities for active monitoring and management	Generate accurate vegetation association GIS layer for AHC lands	2019
		Develop and review Council Management Plans for high value reserves	Ongoing
	Habitat creation	Relocate hollows and other disused organic materials (trees) to enhance habitat	Ongoing
		Recognise and manage the importance of weeds as habitat - Develop a Council Blackberry Management Policy to assist with the management approach, control methods and the habitat potential of the species.	2019
		Use of other material for habitat creation (ie wooden crates for Southern Brown Bandicoots)	Ongoing
	Investigate programs to assist with climate change resilience	Explore programs including Vision 2020 "Where should all the trees go?"	2021
		Green infrastructure – Water Sensitive Urban Design/multi use of urban space (for habitat/biodiversity)	2021
		Collate data on climate change related impacts to local biodiversity (eg Stringybark mortalities)	2020 - ongoing
	Register appropriate sites for SEB Third Party Offsets	Attract external funding for restoration projects currently under resourced – eg, Watercourses, degraded and previously managed reserves	Ongoing

Key Theme	Strategy	Action	
	Investigate management of watercourses	Identify all sections of watercourses that occur on Council land for assessment and consideration of management	2020
		Seek collaborative programs between NRM/AHC to focus on key watercourses (if funding/resourcing can be secured)	2021
		Produce Watercourse Management Plans for key rivers and creeks within the AHC region	2022-24

### Goal 3 - Link

*Connect habitat remnants to increase range, facilitate gene flow and species movement*

Theme	Strategy	Action	Timeframe
Goal 2: Link	Identify corridors and linkages	Build on findings of Draft <i>Adelaide Hills Council Biodiversity Corridor Linkages</i> report (2016)	2021
		Develop GIS datasets detailing valuable clusters of reserves, road reserves, vegetation remnants, key habitats linked by pollinator movement	2020
		Continue to capture and review threatened species and threatened ecological community (TEC) data	Ongoing
		Investigate potential protection measures for high value Unformed Public Roads	2021
		Seek information regarding NRAMLR work plans in relation to private landowners to ascertain connectivity potential with Council lands	2021
		Identify priority sites for linking based on spatial information (GIS) or Draft <i>Adelaide Hills Council Biodiversity Corridor Linkages</i> report (2016) to assist with developing linkage plans	2022
		Investigate opportunities to promote wildlife friendly fencing for private properties to allow for fauna movement	2022
		Partner with surrounding Councils – especially Hills Face Zone shared roads/roadsides – Seek to develop MOUs	2022
	Register linkage sites for SEB Third Party Offsets	Attract external funding for underrepresented vegetation communities or functional linkages where AHC are currently under-resourced to actively/effectively manage., eg, Watercourses, degraded and previously managed reserves	Ongoing
	Manage existing linkages	Support broader NRM initiatives for landscape scale restoration, (including NRM Work Plans for Council reserves and NVMS/roadside sites)	Ongoing

## Goal 4 - Support

*Support community groups, support from project partners*

Key Theme	Strategy	Management Action	Timeframe
Goal 4: Support	Resource and knowledge sharing	Engage with experienced land management groups to promote knowledge exchange. <ul style="list-style-type: none"> <li>SA Power Networks</li> <li>State Government (County Fire Service (CFS), Native Vegetation Council (NVC), Native Vegetation Management Unit (NVMU) and Fire Management Unit, Natural Resources Adelaide and Mt Lofty Ranges (NRAML), Department of Planning and Transport (DPTI)</li> <li>Local Government Association (LGA) and Local Government Biodiversity Network</li> <li>Community Conservation Groups (Friends)</li> <li>Education Department (Schools and Kindys)</li> <li>Non-Government Organisations (NCSSA (Nature Conservation Society of South Australia), NT (National Trust), TFL (Trees for Life (BFL), Landcare)</li> </ul>	Ongoing
	Project collaboration/delivery	Continue to support of: <ul style="list-style-type: none"> <li>Trees for Life (Bush For Life) funding and partnership Agreement</li> <li>NRM on Council reserve Work Plans and the <i>AHC Roadside Weed Control Work Plan</i></li> </ul>	Ongoing
	Continue providing support to biodiversity projects	Support teams / projects (Conservation Volunteers Australia (CVA) TFL / BFL (Bushcare's Big Day Out etc) and other volunteer organisations	Ongoing
		Administrative support, mailouts, purchase of community tools, use of plant nursery, co-funding on Council Land, promotion of activities through social media and newsletters, knowledge support	Ongoing
	Environmental grants	Support community grant applications	Ongoing
		AHC will continue to seek and apply for grants to assist with biodiversity management projects	Ongoing
	Revegetation projects	National Tree Day	Ongoing
		Foster involvement with Schools/Kindergarten groups	Ongoing



## Goal 5 - Inform

*Interpret the natural environment and educate the community*

Key Theme	Strategy	Action	Timeframe
Goal 5: Inform	Develop informative and attractive signage in Council reserves/playgrounds	Identify well used parks that require signage upgrade and include what activities are/are not permitted	Ongoing
		Target specific reserves with specific interpretive signage to inform park users of unique features of reserve. Interpretive signage including: <ul style="list-style-type: none"> <li>Aboriginal heritage</li> <li>Phytophthora affected sites</li> <li>Biodiversity values (Threatened species habitat, Threatened Ecological Communities etc)</li> <li>Regulatory issues (wildlife feeding, use of trapping devices etc)</li> <li>Active volunteering /contribution to conservation</li> </ul>	Ongoing
	Develop Council Website environment/biodiversity section	Build on and consistently update existing information content	Ongoing
		Link to other Websites to support citizen science initiatives (eg fungi foray, frog watch, Great Australian Bird Count etc)	2020
		Develop fact sheets for each Council reserve. Include: <ul style="list-style-type: none"> <li>appropriate use of the park</li> <li>links to volunteer/Friends group</li> <li>develop 'find a reserve near me' mapping tool</li> </ul>	2020
	Promote biodiversity	Update Native Habitat Landscape and Gardening e-book	Ongoing
		Develop Publications for community use - 1 page flyer series (quick guide) - SEB Offsets, Vegetation/ Threatened fauna and flora / Fungi/ common native grasses of the Adelaide Hills, weed management, watercourse management, Phytophthora awareness, habitat creation (Native insect hotels, Southern Brown Bandicoots, Rakali etc), Living with wildlife (Possums, kangaroos, snakes, ants, spiders etc)	2020
		Butterfly kits annually available to residents	Ongoing
		Promote what the Biodiversity team does with physical displays in supermarkets/libraries	?
		Educational engagement with schools/kindy groups (STEM, monitoring, revegetation, presentations etc)	Ongoing
		Contribute relevant information in new resident welcome pack	2019
		Use media (Newspaper, Social media and radio) to promote events (ie Posts and Biodiversity Blog), volunteer groups and achievements	Ongoing

## Appendices

### Appendix 1- Glossary and Abbreviation of Terms

<b>Adaptive management</b>	An approach to the management of natural resources that is based on learning by doing, and on making decisions as part of an on-going process of monitoring, review, and adaptation. A planned course of action is kept under constant review, and is adapted where appropriate as new information becomes available from the monitoring of results, publication of new findings and expert judgments, and changing needs of society.
<b>BDBSA</b>	Biological Database of South Australia (managed by DEW)
<b>Biodiversity</b>	The variability among living <i>organisms</i> from all sources (including ne and other aquatic <i>ecosystems</i> and the ecological complexes of which they are part) and includes diversity within and between species and the diversity of <i>ecosystems</i> .
<b>Conservation</b>	All the processes and actions of looking after a <i>place</i> so as to retain its <i>natural significance</i> and always includes <i>protection</i> , <i>maintenance</i> and <i>monitoring</i> .
<b>Degradation</b>	Any significant decline in the quality of natural resources or <i>natural integrity</i> of a <i>place</i> or the viability of an <i>ecosystem</i> , caused directly or indirectly by human activities.
<b>DEW</b>	Department of Environment and Water
<b>Ecosystem</b>	A dynamic complex of <i>organisms</i> and their non-living environment, interacting as a functional unit.
<b>Ecosystem services</b>	The biological transformation of a set of natural assets (soil, plants and animals, air and water) into things that we value. For example, when fungi, worms and bacteria transform the raw "ingredients" of sunlight, carbon and nitrogen into fertile soil this transformation is an ecosystem service.
<b>Endemic</b>	A plant or animal that is native to a certain limited area.
<b>Enhance</b>	To increase or improve native vegetation or habitat quality, value, or extent.
<b>EPBC Act</b>	<i>Environment Protection and Biodiversity Conservation Act 1999</i>
<b>Habitat</b>	The structural environments where an <i>organism</i> lives for all or part of its life, including environments once occupied (continuously, periodically or occasionally) by an <i>organism</i> or group of <i>organisms</i> .
<b>Heritage Agreement -</b>	A contractual agreement between a landholder and the State Government for the protection in perpetuity of a particular area of native vegetation.
<b>Indigenous species</b>	A species that occurs at a <i>place</i> within its historically known natural range art of the natural <i>biodiversity</i> of a <i>place</i> .
<b>Introduced species</b>	A translocated or alien species occurring at a <i>place</i> outside its known natural range as a result of intentional or accidental dispersal.
<b>Native Vegetation</b>	Flora indigenous to the area
<b>NPW Act</b>	<i>National Parks and Wildlife Act 1972</i>
<b>NPW</b>	National Parks and Wildlife
<b>NRAML</b>	Natural Resource Adelaide and Mt Lofty Ranges
<b>NRM Act</b>	<i>Natural Resources Management Act 2004</i>
<b>NV Act</b>	<i>Native Vegetation Act 1991</i>
<b>NVC</b>	Native Vegetation Council
<b>Regeneration</b>	The natural recovery of <i>natural integrity</i> following disturbance or <i>degradation</i> .

<b>Remnant</b>	Vegetation remaining after an area has been cleared or modified.
<b>Resilience</b>	The capacity of an ecosystem to tolerate disturbance without collapsing into a qualitatively different state that is controlled by a different set of processes. A resilient ecosystem can withstand shocks and rebuild itself when necessary.
<b>Restoration</b>	Returning existing <i>habitats</i> to a known past state or to an approximation of the natural condition by repairing <i>degradation</i> , by removing <i>introduced species</i> or by <i>reinstatement</i> .
<b>Revegetation</b>	Replanting endemic plants similar to what existed before the site was disturbed. Revegetation can increase the area of suitable habitat in the landscape, improve the quality of existing habitat and help to link remnant or isolated habitats by providing 'stepping stones' and corridors.
<b>NVMS</b>	Native Vegetation Marker Scheme
<b>SEB</b>	Significant Environmental Benefit
<b>Species diversity</b>	The variety of species in a <i>place</i> .
<b>TEC</b>	Threatened Ecological Community
<b>Weeds</b>	Plants growing where they are not wanted and in competition with desired plant species.
<b>Woody Weeds</b>	Any perennial weed that has a woody stem – includes species such as Pine and Olive, Gorse, Broom and Spanish Heath.

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

**Item:** 12.9

**Originating Officer:** James Szabo, Senior Strategic and Policy Planner

**Responsible Director:** Marc Salver, Director Development & Regulatory Services

**Subject:** Draft Policy on Telecommunications Installation - Small cell stobie pole mounted antennae

**For:** Decision

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**SUMMARY**

In February 2019, Council received notification from a Telecommunication Carrier regarding the pending installation of two 'low-impact facilities' on Council land in the townships of Aldgate and Bridgewater. In both instances, the installation proposed a small cell stobie pole mounted antennae (SCSPMA) and an associated ground based cabinet. To the Administration's knowledge this was the first of such installations in the Council Area and further investigations revealed that these low-impact facilities are exempt from local planning controls under the *Telecommunications Act, 1997*.

The Adelaide Hills Council area is renowned for its leafy suburbs and country towns, and scenic landscapes which are traversed by tourist routes. In order to protect the scenic character and amenity of these areas from the impact of the future rollout of these stobie pole mounted low-impact facilities, the Council at its Meeting held on 26 March 2019 carried a motion unanimously calling for Administration to formulate a policy position in relation to the future installation of such low impact facilities, namely small cell stobie pole mounted antennae, on Council land.

A key consideration in forming a view on the matter was to understand what Council's scope is to influence the location, design and finish of these low-impact facility installations, and the objection process under the Telecommunications Act. With this in mind, and the preference for Council to apply the precautionary principle in this matter, the draft Policy states that Council does not support the installation of low-impact facilities, where the installation will unreasonably impact on the visual amenity and character of a locality.

**RECOMMENDATION**

**Council resolves:**

1. That the report be received and noted
  2. To adopt the Draft Telecommunications Installation - Small Cell Stobie Pole Mounted Antennae Policy as detailed in *Appendix 1*
  3. That the Policy be reviewed no later than July 2021 or earlier if there are changes in State or Federal Government policies or legislation in this regard or if there is a justification for a further review.
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## 1. GOVERNANCE

### ➤ Strategic Management Plan

- Goal 1. Business and People Prosper  
Goal 3. Places for People and Nature

The scenic quality of the Adelaide Hills townships and landscapes is an asset to the community. Encouraging outcomes that are consistent with Council's Strategic Plan is an important aspect of the draft Policy.

It is noted that Council has no legal basis for implementing this draft Policy, as controlling legislation exists at the Commonwealth level, with no delegations to the local government level. That said this policy provides Council with a basis for lobbying other levels of government, the private sector, and land owners within its jurisdiction in relation to the desired visual outcomes for the installation of low-impact facilities.

### ➤ Legal Implications

*Telecommunications Act, 1997*

*Telecommunications (Low-impact Facilities) Determination, 1997*

*Telecommunications Code of Practice 2018*

The *Telecommunications Act, 1997* administered at the Commonwealth level provides exemptions from local planning controls for Telecommunication Carriers to install small cell stobie pole mounted antennae. The *Telecommunications (Low-Impact Facilities) Determination, 1997* (refer to **Appendix 2**) has regulation function that stipulates the criteria for how a Telecommunications Carrier must install such a facility and the procedure with respect to consultation with a land owner prior to any installation on their land. The Telecommunications Code of Practice, 2018 sets out further requirements for which Telecommunication Carriers must adhere to.

### ➤ Risk Management Implications

The receiving and noting of this report and adoption of the draft Policy will assist in mitigating the risk of:

*Not having a policy position to advocate for the reduction of the potential visual impacts of small cell stobie pole mounted antennae resulting in negative impacts on the character and amenity of the Hills scenic townships and suburbs.*

Inherent Risk	Residual Risk	Target Risk
Medium (3C)	Low (1D)	Low

### ➤ Financial and Resource Implications

There are no financial or resources implications to Council by adopting this draft Policy.

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

Having a policy position in relation to small cell stobie pole mounted antennae provides a basis for Council to lobby other levels of government, the private sector, and land owners within its jurisdiction in relation to such facilities on behalf of its community, if required.

➤ **Environmental Implications**

Having a policy position in relation to small cell stobie pole mounted antennae aims to protect the scenic amenity and character of townships and suburbs within the Adelaide Hills Council area.

It should be noted that Council has no jurisdiction in the matter of electromagnetic energy (EME) exposure and that this is governed by the Australian Communications and Media Authority. As such, the draft policy does not speak to this issue.

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

Consultation on the development of this report was as follows:

*Council Committees:* Not Applicable

*Council Workshops:* Not Applicable

*Advisory Groups:* Not Applicable

*Administration:* Director Development & Regulatory Services

*Community:* Not Applicable – consultation with the broader community was not considered necessary prior to drafting the Policy.

## **2. BACKGROUND**

The need for this Policy position arose from a Motion on Notice and subsequent resolution of Council on 26 March 2019 in response to the roll out of two small cell stobie pole mounted antennae in Bridgewater and Aldgate. At that meeting the Council resolved:



## **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
  - 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**

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In accordance with the above resolution, a draft Policy has been prepared (refer to **Appendix 1**) for Council's consideration. The draft Policy in essence states that Council does not support installation of small cell stobie pole mounted antennae where the installation will unreasonably impact the visual amenity and character of a particular locality. In addition, it provides guidance for the Administration when negotiating with Telecommunication Carriers as to the location, design and colour and finish of low-impact facility installations during the notification period as stipulated by the *Telecommunication (Low-Impact Facilities) Determination*, 1997 (refer to **Appendix 2** for a copy).

It is noted that the draft Policy is a cautious response to the potential ubiquitous rollout of these facilities across the Council Area.

**What is a low-impact facility?**

Low-impact facilities, including small cell stobie pole mounted antennae (SCSPMA), are those which, because of their size and location, are considered to have a low impact and be less likely to raise significant planning, heritage or environmental concerns. The *Telecommunications (Low-impact Facilities) Determination*, 1997 lists low-impact facilities as:

- small radio communications dishes and antennae (including SCSPMA)
- underground cabling and cable pits, and
- public payphones.

Under the Act, the maximum height of a small cell stobie pole mounted antennae is 6.5 metres. The most commonly installed facility is 5.8 metres above natural ground level. By contrast, mobile phone towers are generally 25–30 metres high.

It is noted that the installation of small cell stobie pole mounted antennae aims to address specific black spots in relatively small local areas (serving residents within a radius of 100m – 400m of the antennae). Figure 1 and 2 below depict the two common types of 4G SCSPMA installed at Aldgate and Bridgewater respectively (The antennae are circled in red for clarity).



**Figure 1 & 2: Low-impact facilities (SCSPMA) recently installed at Aldgate and Bridgewater**

### 3. ANALYSIS

As outlined in the draft policy the exemptions afforded under the *Telecommunication Act* 1997, for Telecommunication Carriers to install SCSPMA without the need to gain Council development approval, could lead to poorly considered facility installations across the Adelaide Hills Council Area. If the installations occur in an ad hoc manner, it is likely that from a singular and cumulative perspective, that these SCSPMA could contribute to a degradation of the amenity and character of township localities.

In the absence of a formal development assessment process, the *Telecommunications Act*, 1997 stipulates that a Telecommunication Carrier must notify the owner of the land in which they intend to install a SCSPMA. This notification process offers the best opportunity for Administration to influence the location, design and colour and finish of SCSPMA.

On this basis the draft policy has been formulated (refer to **Appendix 1**) to ensure a consistent approach from Administration when responding to proposals during the notification period. In this regard Council's policy position in section 5 of the draft Policy reads as follows:

#### 5. POLICY STATEMENT

- 5.1 Adelaide Hills Council supports the installation of small cell stobie pole mounted antennae, where the installation appropriately responds to the visual amenity and character of a particular locality.
- 5.2 Adelaide Hills Council **does not** support the installation of small cell stobie pole mounted antennae, where the installation will unreasonably impact the visual amenity and character of a particular locality.
- 5.3 Council will work cooperatively with Telecommunication Carriers to ensure that appropriate design and location outcomes, using best available and most feasible solutions, are achieved with regard to the installation of small cell stobie pole mounted antennae in the Adelaide Hills Council Area.

If a proposed installation is fundamentally at odds to any of the above or if a Carrier refuses to respond to a reasonable request from Council, then there is ability under the *Telecommunication Act*, 1997 to object to the proposal, at which point it is escalated to the Telecommunications Industry Ombudsman (TIO) who has the power of direction. Administration would in this instance undertake this process and lodge the objection with the TIO.

With regard to Policy Statement 5.3, Section 2.8 of the draft Policy sets out Council's priorities with regard to the specific design and location outcomes sought.

It was considered prudent that the draft Policy outline the general principles to be applied in the event that a change to the above stated policy position is being contemplated. In this regard Council's policy position in section 6 of the draft Policy reads as follows:

## **6. REVIEW OF THE POLICY**

The following general principles will be applied in an instance where a change to the above stated Policy of the Adelaide Hills Council is being contemplated:

- 6.1 It is noted that flexibility to review and change policy is required to enable individuals, the Telecommunication Carriers, the community and/or government to adapt to and adopt change where appropriate.
- 6.2 Any changes to this Policy shall provide an opportunity for public input and debate/discussions before any changes are made.
- 6.3 If any legislative changes are proposed, then Council considers that public consultation be undertaken by the Federal Government. Council would seek to have the opportunity to consider all issues and then comment on those that are appropriate. Where a legislative change by the Federal Government relating to low-impact facilities on the Council's policy position, then the Policy shall be reviewed as expeditiously as possible.

## **4. OPTIONS**

Council has the following options:

- I. To adopt the draft Policy to ensure a consistent approach from the Administration during the notification period and to assist in negotiations where small cell stobie pole mounted antennae installations are proposed (Recommended).
- II. To alter or substitute elements of the Policy. Should Council resolve to amend the Policy, it is recommended that any substantive changes be referred back to Administration for analysis before the actual change is made (Not Recommended).
- III. To not adopt the draft Policy, and rely on the Administration to make judgement calls on each individual small cell stobie pole mounted antennae installation (Not Recommended).

Administration is therefore recommending that the Policy as detailed in **Appendix 1** be adopted for a period of 2 years. However, an earlier review may be required if changes occur to State or Federal Government policies or legislation in this regard.

## **5. APPENDICES**

- (1) Draft Policy on Telecommunications Installation - Small Cell Stobie Pole Mounted Antennae
- (2) Telecommunications (Low Impact Facilities) Determination 1997


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## **Appendix 1**

*Draft Policy on Telecommunications Installation - Small  
Cell Stobie Pole Mounted Antennae*

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## DRAFT COUNCIL POLICY

 <b>Adelaide Hills COUNCIL</b>	<b>Telecommunications Installation - Small Cell Stobie Pole Mounted Antennae</b>
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<b>Policy Number:</b>	<b>ENV-0*</b>
<b>Responsible Department(s):</b>	<b>Development &amp; Regulatory Services</b>
<b>Relevant Delegations:</b>	<b>None</b>
<b>Other Relevant Policies:</b>	<b>None</b>
<b>Relevant Procedure(s):</b>	<b>None</b>
<b>Relevant Legislation</b>	<i>Telecommunications Act 1997 (Federal)</i>
<b>Policies and Procedures Superseded by this policy on its Adoption:</b>	<b>N/A</b>
<b>Adoption Authority:</b>	<b>Council</b>
<b>Date of Adoption:</b>	<b>23 July 2019 (Item 0.0)</b>
<b>Minute Reference for Adoption:</b>	<b>000/19</b>
<b>Effective From:</b>	<b>6 August 2019</b>
<b>Next Review:</b>	<b>No later than July 2021 or earlier if there are changes in State or Federal Government policies or legislation in this regard, or if there is a justification for a further review</b>



## TELECOMMUNICATIONS INSTALLATION (LOW-IMPACT FACILITIES)

### 1. INTRODUCTION

This policy has been prepared to articulate Council's position with regard to the installation of low impact telecommunication facilities in the Adelaide Hills Council area, in particular small cell stobie pole mounted antennae (**SCSPMA**). The need for this Policy position arose from a Motion on Notice and subsequent resolution of Council on 26 March 2019 in response to the installation of these antennae in Bridgewater and Aldgate. In line with this resolution, the policy position aims to protect the character and amenity of the District's residential settlements from the potential negative visual impacts of such facilities and provides for guidelines for minimising these impacts. The Policy also outlines the general principles that will be applied in a situation where a change to the Council's adopted policy position in this instance is being contemplated.

Telecommunication Carriers need to install facilities to be able to deliver services to their customers. While current government policy allows the rollout of these facilities, one of the aims of the Telecommunications Act, 1997 is to balance the needs of telephone companies with the rights of landowners, occupiers and local residents.

When installing large telecommunications facilities such as mobile phone towers, Telecommunication Carriers generally need to obtain development approval from local councils and comply with relevant state and territory planning laws. However, telecommunication companies licensed by the Australian Communications and Media Authority (ACMA) as 'carriers' may install a limited range of facilities (e.g. new antennae and microwave dishes, etc.) without the need to seek state or territory planning approval. The most common of these are 'low-impact facilities' such as stobie pole mounted antennae.

Council considers that low-impact facilities, in particular SCSPMA, have the potential to impact the visual amenity and character of localities if their location, position and appearance is not properly considered. Given the likely roll out of additional SCSPMA facilities in the Adelaide Hills Council area, there is a need to state Council's precautionary position on this issue and enable it to advocate for suggested ways to reduce the visual impacts of such antennae on the surrounding locality. Hence this Policy.

### 2. BACKGROUND

#### 2.1 What are Low-Impact Facilities<sup>1</sup>?

Low-impact facilities are those which, because of their size and location, are considered to have a low impact and be less likely to raise significant planning, heritage or environmental concerns. The Telecommunications (Low-impact Facilities) Determination 1997 lists types of low-impact facilities as follows:

- small radio communications dishes and antennae (small cell stobie pole mounted antennae)
- underground cabling and cable pits, and
- public payphones.

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<sup>1</sup> Installation of telecommunications facilities - a guide for consumers - ACMA. Network facilities (/Industry/Telco/Infrastructure/Network-facilities)

It is noted that low-impact facilities can take on numerous configurations and forms. However, this policy is only concerned with small cell stobie pole mounted antennae involving principally panel, yagi, or omni antennae and their associated structures.

The following images in Figure 1 and 2 depict the current configuration of 4G small cell stobie pole mounted antennae being rolled out in the Council area at Aldgate and Bridgewater respectively. In addition, Figure 3 depicts an alternative example of a pole mounted antennae and enclosure.



**Figure 1 & 2: Current 4G installations with omni antenna on utility pole and ground based enclosure (Aldgate and Bridgewater installation)**



**Figure 3: Current 4G installations using a “Koala” equipment enclosure on the pole (no ground based cabinet)**

## 2.2 Current Exemptions From State Planning Laws<sup>2</sup>:

Part 1 of Schedule 3 to the Telecommunications Act 1997 allows a carrier to enter onto land and install a facility if the facility is a low-impact facility, without the need to acquire development plan approval under relevant state laws.

A low-impact facility is specified in the Telecommunications (Low-impact Facilities) Determination 1997, only if it is installed in a corresponding area identified in the determination. The areas identified have an order of sensitivity, based on local zoning regimes. The order of priority is:

- area of environmental significance (World Heritage Area)
- residential areas
- commercial areas
- industrial areas
- rural areas.

The determination defines where low-impact facilities may be installed based on these zoning considerations. For example, a facility that is deemed low impact in an area zoned rural or industrial may not be low impact if it is installed in a residential area. A facility in an area of environmental significance, such as a World Heritage area or an area on the Register of the National Estate, cannot be designated as a low-impact facility. Figure 4 below outlines the types of low-impact facilities and the area in which the exemptions apply.

Facility	Notes	Residential	Commercial	Industrial	Rural
Panel, yagi or other like antenna	<ul style="list-style-type: none"> <li>• ≤ 2.8m long with ≤ 3m mounting arm</li> <li>• colour matched or agreed</li> </ul>	Low impact	Low impact	Low impact	Low impact
Array of antenna	<ul style="list-style-type: none"> <li>• ≤ 4.5m long with ≤ 2m mounting arm omnidirectional only</li> <li>• ≤ 5m apart</li> </ul>	Not low impact	Not low impact	Low impact	Low impact
Radiocommunications dish	<ul style="list-style-type: none"> <li>• ≤ 1.2m diameter with ≤ 2m protrusion</li> <li>• attached to supporting structure</li> <li>• colour-matched or agreed</li> </ul>	Low impact	Low impact	Low impact	Low impact
Extension to tower	<ul style="list-style-type: none"> <li>• ≤ 5m</li> <li>• max. of one extension</li> </ul>	Not low impact	Not low impact	Low impact	Low impact
Underground housing	<ul style="list-style-type: none"> <li>• Pit surface ≤ 2 sqm OR</li> <li>• Manhole surface area ≤ 2 sqm OR</li> <li>• Underground equip shelter/housing surface area ≤ 2 sqm</li> </ul>	Low impact	Low impact	Low impact	Low impact
Underground cabling	<ul style="list-style-type: none"> <li>• Trench, direct burial, bore or directional drill hole</li> <li>• New trench, bore or directional drill hole subject to dimensional and access to property requirements</li> <li>• May utilise pre-existing trench</li> </ul>	Low impact	Low impact	Low impact	Low impact
Public payphones	<ul style="list-style-type: none"> <li>• Solely for carriage and content services</li> </ul>	Low impact	Low impact	Low impact	Low impact

Figure 4 – Types of Low-Impact Facilities (Source: ACMA – Factsheet Placement of mobile phone towers)

<sup>2</sup> Installation of telecommunications facilities - a guide for consumers - ACMA. Network facilities (/Industry/Telco/Infrastructure/Network-facilities)

As outlined in Section 2.1, this policy is only related to low impact facility installations involving row 1 in Figure 4 above, namely small cell stobie pole mounted “Panel, yagi, or other like antennae”. Column 2 to 6 in Figure 4, further stipulate the parameters by which the facility must be installed and where to ensure the installation qualifies as exempt. In the case of small cell stobie pole mounted antennae they must not exceed 2.8m in length, be fixed to a mounting arm not exceeding 3m and the colour must match its surrounds or be agreed upon with the local authority for that locality, with negotiations to take place during the public notification process.

### 2.3 Telecommunications Code of Practice:

While engaged in low-impact facility activities, the carrier must comply with the requirements in the Telecommunications Act and the Telecommunications Code of Practice 1997.

The Telecommunications Code of Practice, gazetted in 1997 and amended in 2002, requires that when a carrier is installing low-impact facilities, it must take all reasonable steps to:

- ensure as little detriment, damage and inconvenience as practicable is caused
- ensure that the land is restored to a condition that is similar to its condition before the installation began
- act in accordance with good engineering practice
- protect the safety of persons and property
- minimise interference with public utilities, roads and paths, traffic and land use
- protect the environment (including ecosystems, people and communities; resources; qualities and characteristics of locations and areas, and the social, economic and cultural aspects of all these)
- co-locate facilities with the existing facilities of other carriers or public utilities, or utilise public easements
- cooperate with any other carriers or utilities engaging in a similar activity for the same land to cause as little detriment, damage and inconvenience as possible
- find out whether it is necessary to notify the Environment Secretary of the installation.

### 2.4 How Does a Carrier Select a Location?

It is noted that the installation of small cell stobie pole mounted antennae aims to address specific black spots in relatively small locations (serving residents within a radius of 100m – 400m of the antennae). There are a number of factors for a Carrier to consider when selecting a location for a small cell stobie pole mounted antennae. The items below are considered by Telecommunication Carriers to be the most pertinent when determining site selection for such a facility:

- Planning requirements (i.e. heritage listings, conservation areas etc.)
- Property tenure
- Ensure established agreements with respective area Power Distributors (i.e. SA Power Networks)
- AC Power availability
- Transmission (fibre or radio) availability in the immediate area
- Utility pole structural determination
- Power Distributor technical requirements (i.e. cannot install above bare power line conductors)
- Clearances from property boundaries
- Tree / Building clutter for suitable Radio Frequency (RF) performance

In addition, under the Act, the maximum height allowance of a small cell stobie pole mounted antennae is 6.5 metres above natural ground level. The most commonly installed facility is 5.8 metres high. By contrast, mobile phone towers are generally 25–30 metres high.

Telecommunication Carriers are required to keep a minimum of 1.2m physical clearance from un-insulated SA Power Networks power lines for antennas or other ancillary items. This is an SA Power Networks requirement. Clearances can be reduced on poles with insulated cables upon approvals from SA Power Networks.

Carriers can only co-site on certain types of SA Power Networks poles (i.e. not on those with switching/capacitive devices or transformers for example).

Carriers also have their own industry EME precautionary clearances to adhere to for transmitting antennas. Nominally a 5.0m clearance above ground level is required for antennas (base off), for Common Public Areas, however this can be reduced to 4.0m if conditions can be met ensuring any public EME exposure cannot occur. Each type of antenna will emit different EME patterns (plumes), horizontally and vertically from the antenna(s), so physical antenna clearances will vary, so carriers only work with the extremities of the plumes they emit. Telstra for example ensure RPS3 Occupational limit zones (Non-Public “yellow” zones) do not cross property boundaries unless at least 10.0m above ground level and/or at least 3.0m from building rooftops / balconies etc. To ensure compliance there are distinct guidelines that must be adhered to.

## **2.5 Public Notification and Objection Resolution Process:**

The Telecommunications Code of Practice requires a carrier to:

- notify the Council at least 10 business days before commencing the installation of a small cell stobie pole mounted antennae on Council land
- make reasonable efforts to consult with, and resolve an objection from a council if a written objection is submitted
- respond to any objection in writing
- refer the matter to the Telecommunications Industry Ombudsman (TIO) if a council requests this (referral) in writing within five business days of receiving the carrier's written response
- comply with any direction from the TIO.

The Council can object to the carrier about the installation of a small cell stobie pole mounted antennae on Council land under the Telecommunications Code of Practice. Objections may be made about:

- the use of the land to engage in the activity
- the location of a facility on the land
- the date when the carrier proposes to start the installation, engage in it or stop it
- the likely effect of the installation on the land
- the carrier's proposals to minimise detriment and inconvenience, and to do as little damage as practicable, to the land.

### Summary

Strict timeframes apply to the objection process. An objection under the Telecommunications Code of Practice must be made in writing to the carrier at least five business days before the commencement date for the installation in the carrier's notice. In addition to the ‘what Council

can object to' list above, it is noted that a preference for a colour or finish treatment should be made at this point in the process.

If the Council's objection is not resolved, the Council can require the carrier to refer the matter to the TIO. Once a carrier has considered the objection and responded to Council in writing, the Council has five business days to request the carrier in writing to refer the objection to the TIO.

The TIO may investigate the proposal and decide whether to issue a direction to the carrier about the installation. Carriers must comply with a TIO direction. The TIO can also investigate complaints that a carrier has failed to give notice as required by the Telecommunications Code of Practice or about the manner in which the carrier has entered the land. Due to the tight time frames involved in this objection process, Administration would in this instance undertake this process and lodge the objection with the TIO.

## **2.6 Projected Roll Out of Small Cell Stobie Pole Mounted Antennae Installations in Adelaide Hills Council**

Most recently, two small cell stobie pole mounted antennae installations occurred in Bridgewater and Aldgate, but it is understood anecdotally, that there is only moderate demand in the near term for Carriers to install additional 4G small cell stobie pole mounted antennae facilities within the Council area. This is largely on account of the low population base, however it is difficult to project how many small cell stobie pole mounted antennae facilities may be required within the Adelaide Hills Council Area in the longer term. It is considered that more of these small cell stobie pole mounted antennae may be required in the future as part of the 5G upgrade to mobile phone infrastructure and through an emerging preference for Telecommunication Carriers to install low-impact facilities over traditional large phone towers.

## **2.7 What Solutions Exist to Minimise the Visual Impact?**

Telecommunication Carriers are aware of the need to ensure the installation of small cell stobie pole mounted antennae is done as sensitively as possible within a given locality. Experience has demonstrated that there is a willingness for Carriers to cooperate with Council to ensure improved outcomes. For example, in previous instances Council has requested that antennae installed as part of a small cell stobie pole mounted facility be finished in a neutral grey tone, with the associated ground based enclosure a heritage green, so as to blend in with its surrounds. This demonstrates that there is scope for Council to negotiate appropriate outcomes during the public notification process with regards to colour and finishes (as outlined in Section 2.6).

In addition to colour and finish treatments, there are additional solutions currently under development by Carriers that seek to further reduce the visual impact of these facilities. As demonstrated by Figure 5, a 'pod' solution is currently under trial that combines both the antennas and the radio units inside one tubular casing. This design markedly reduces visual clutter by removing the need for a ground based enclosure. Investigations have confirmed that these 'pods' can be finished in a range of colours to suit the locality in which they are installed. In a particularly sensitive area this could be a reasonable solution.





**Figure 5: The pod solution (concept under trial) includes antennas/radio units all in one unit.**

Another treatment under trial is a reflective wrap for the antennas, which aims to reduce the visual impact through concealment (refer to Figure 6 below). The wrap essentially reflects the colours of the sky and surrounds and thereby minimises its visual impact when viewed from a distance. This is considered an additional option to explore where a proposed location may make it difficult for colour and finish treatments alone to mitigate the visual impact of the proposed facility.



**Figure 6: Reflective wrap installed on antennae to reflect background and respond to changing light conditions**

## 2.8 Applying Design and Location Principles to Minimise Impact

As outlined in Section 2.5, under the Telecommunications Act 1997, Council has limited scope to influence all outcomes relating to the installation of small cell stobie pole mounted antennae. Notwithstanding, given the Adelaide Hills Council area is renowned for its leafy suburbs and country towns, and scenic landscapes which are traversed by tourist routes, it is considered necessary that to protect the visual amenity and character of these areas, the policy seeks to influence Telecommunication Carriers with regard to the location, design and colour and finish treatments of low-impact facilities. To this end the following principles should be applied to the installation of SCSPMA:

- Be placed on stobie poles that are in the least obtrusive locations to minimise their visual impact on the locality
- Be mounted on the top of a pole as opposed to the side mounted option
- Be either dark grey or dark green as opposed to white, or any other light colour, in order for them to blend in as much as possible, and

In addition, the following principles should be applied to the installation of any associated ancillary boxes:

- Be located at the base (rather than part way up) and behind the respective stobie pole in order to reduce the visual impact of these on the locality, and
- Be either dark grey or dark green as opposed to white, or any other light colour, in order for them to blend in as much as possible.

It is noted that the location of SCSPMA is largely determined by technical requirements and hence some alternate locations may not be feasible. However, agreement by Telecommunication Carriers to the application of these location, design and finishing principles will go some way to minimising the potential visual impact of these facilities on the character and amenity of the locality in which they are to be placed.

## 3. TERMS & DEFINITIONS

**ACMA** – Australian Communications and Media Authority

**SCSPMA** – Small cell stobie pole mounted antennae

**Facility(ies)** – Low-Impact Facility including small cell stobie pole mounted antennae

**Carriers** – A telecommunication company authorised by regulatory agencies to operate a telecommunications system

**TIO** – Telecommunications Industry Ombudsman

**The Act** – The Telecommunications Act, 1997

**The Determination** – Telecommunications (Low-impact Facilities) Determination 1997

## 4. OBJECTIVES

- 4.1 To minimise the impact of the installation of small cell stobie pole mounted antennae in the Adelaide Hills Council area for current and future generations.

- 4.2 To state Council's position with regard to the installation of small cell stobie pole mounted antennae within the Adelaide Hills Council area.
- 4.3 To protect localities from potential negative visual amenity and character impacts as a result of the installation of small cell stobie pole mounted antennae.
- 4.4 To advocate that this infrastructure be placed on commercial land or infrastructure as opposed to public, where possible.
- 4.5 Balance the visual impact of small cell stobie pole mounted antennae with the requirement to address mobile black spots and provide adequate mobile coverage to Adelaide Hills residents, business and visitors for public safety, commerce and accessibility.

## 5. POLICY STATEMENT

- 5.1 Adelaide Hills Council supports the installation of small cell stobie pole mounted antennae, where the installation appropriately responds to the visual amenity and character of a particular locality.
- 5.2 Adelaide Hills Council **does not** support the installation of small cell stobie pole mounted antennae, where the installation will unreasonably impact the visual amenity and character of a particular locality.
- 5.3 Council will work cooperatively with Telecommunication Carriers to ensure that appropriate design and location outcomes, using best available and most feasible solutions, are achieved with regard to the installation of small cell stobie pole mounted antennae in the Adelaide Hills Council Area.

## 6. REVIEW OF THE POLICY

The following general principles will be applied in an instance where a change to the above stated Policy of the Adelaide Hills Council is being contemplated:

- 6.1 It is noted that flexibility to review and change policy is required to enable individuals, the Telecommunication Carriers, the community and/or government to adapt to and adopt change where appropriate.
- 6.2 Any changes to this Policy shall provide an opportunity for public input and debate/discussions before any changes are made.
- 6.3 If any legislative changes are proposed, then Council considers that public consultation be undertaken by the Federal Government. Council would seek to have the opportunity to consider all issues and then comment on those that are appropriate. Where a legislative change in relation to low-impact facilities or other circumstances influence Council's policy position, then the Policy shall be reviewed as expeditiously as possible.

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## **Appendix 2**

*Telecommunications (Low-Impact Facilities)*

*Determination 1997*

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# Telecommunications (Low-impact Facilities) Determination 1997

as amended

made under subclause 6 (3) of Schedule 3 of the

*Telecommunications Act 1997*

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This compilation was prepared on 23 November 2012  
taking into account amendments up to *Telecommunications (Low-impact  
Facilities) Determination 1997 (Amendment No. 1 of 2012)*

Prepared by the Office of Parliamentary Counsel, Canberra

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## Part 1 Preliminary

### 1.1 Citation [see Note 1]

This determination may be cited as the *Telecommunications (Low-impact Facilities) Determination 1997*.

### 1.2 Commencement

This determination commences on 1 July 1997.

#### Background to determination

Part 1 of Schedule 3 to the *Telecommunications Act 1997* authorises a carrier to enter on land and install a facility if the facility is a low-impact facility.

Under subclause 6 (3) of Part 1, the Minister may, by written instrument, determine that a specified facility is a low-impact facility.

Under subclauses 6 (4), (5) and (7), certain facilities cannot be low-impact facilities:

- designated overhead lines
- a tower that is not attached to a building
- a tower attached to a building and more than 5 metres high
- an extension to a tower that has previously been extended
- an extension to a tower, if the extension is more than 5 metres high.

A facility cannot be a low-impact facility unless it is specified in this determination. Therefore, new mobile telecommunications towers are not low-impact facilities.

Also, a facility will be a low-impact facility only if it is installed in particular areas identified in this determination. The areas have an order of importance, based on zoning under State or Territory laws, so that any area only has its “highest” possible zoning. The order of priority is:

- area of environmental significance
- residential areas
- commercial areas
- industrial areas
- rural areas.

One effect of this determination is that a facility in an area of environmental significance cannot be a low-impact facility.

Rules for the installation and maintenance of a low-impact facility can be found in Schedule 3 to the *Telecommunications Act* and the *Telecommunications Code of Practice 1997*.

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**Section 1.3**

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**Simplified outline of determination**

The determination has 3 Parts.

Part 2 identifies areas in which a facility may be installed, by reference to zoning arrangements under State and Territory planning laws.

Part 3 and the Schedule identify the low-impact facilities.

Definitions for words and expressions used in this determination are to be found in section 1.3.

**1.3 Definitions**

In this determination:

**Aboriginal person** has the same meaning as in Schedule 3 to the Act.

**Act** means the *Telecommunications Act 1997*.

**area of environmental significance** has the meaning given by section 2.5.

**building connection equipment** means a facility installed in a multi-unit building, where the facility is to be used (or intended to be used at some future time) by end users that are, or are to be, located in any of the following:

- (a) the building in which the facility is installed;
- (b) nearby and related buildings.

**co-located facilities** means one or more facilities installed on or within:

- (a) an original facility; or
- (b) a public utility structure.

**co-location volume** means the volume of materials that constitute:

- (a) co-located facilities; or
- (b) an original facility; or
- (c) a public utility structure;

where the materials are visible from a point outside the co-located facilities, original facility, or public utility structure.

**commercial area** has the meaning given by section 2.1.

**emergency**, for the installation of a facility, means circumstances in which the facility must be installed without delay to protect:

- (a) the integrity of a telecommunications network or a facility; or
- (b) the health or safety of persons; or
- (c) the environment; or
- (d) property; or
- (e) the maintenance of an adequate level of service.

**emergency services organisation** has the same meaning as in subsection 265 (11) of the Act.

*Note* At the commencement of this determination, the emergency service organisations were:

- a police force or service

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**Section 1.3**

- a fire service
- an ambulance service
- a service specified in the numbering plan (see Act, s 455) as an emergency services organisation
- a service for despatching the force or service.

**IEEE 1222-2011 Standard** means the Institute of Electrical and Electronics Engineers Standard – *IEEE Standard for Testing and Performance for All Dielectric Self-Supporting (ADSS) Fiber Optic Cable Use on Electric Utility Power Lines – IEEE 1222-2011*, as in force from time to time.

**in-building network equipment** means equipment installed within a building for purposes other than directly supplying carriage services to end users.

**in-building subscriber connection equipment** means a facility installed within a building:

- (a) with the aim of managing and maintaining the supply of carriage services to a customer of a carrier; or
- (b) that is, or is to be, part of a national network used, or for use, for the high speed carriage of communications on a wholesale-only and non-discriminatory access basis, where the facility is to be used (or intended to be used at some future time) by end users of carriage services delivered by such a network. For the avoidance of doubt, the end users are to be located in the building in which the facility is installed.

**industrial area** has the meaning given by section 2.2.

**installation**, for a facility, has the same meaning as in Part 1 of Schedule 3 to the Act.

*Note* Installation includes:

- construction of the facility
- attachment of the facility to a building or other structure
- any activity ancillary to installation.

**listed international agreement** has the same meaning as in Schedule 3 to the Act.

*Note* Listed international agreements are agreements specified in the regulations.

**national network** means a network that has:

- (a) a geographic reach into every state or mainland territory;
- (b) a significant number of end users connected, or likely to be connected; and
- (c) importance to the national economy.

**network termination unit** means a device that converts an optical signal to an electrical signal.

**optical fibre access terminal** means a connector device that allows one or more individual fibres from an optical fibre line link to be connected to an optical fibre drop cable.

**optical fibre drop cable** means fibre cable (whether deployed overhead or underground) from the optical fibre access terminal to either:

- (a) the optical fibre termination box; or
- (b) the network termination unit.

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**Section 1.3**

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**optical fibre splice enclosure** means an enclosure in which individual fibres from an optical fibre line link are separated out and spliced to an optical fibre drop cable or otherwise connected to an optical fibre access terminal.

**optical fibre termination box (Type A)** means an enclosure (and any associated devices) which is used to terminate an optical fibre drop cable (whether deployed overhead or underground) for the transition of that cable to another facility or in-building cabling.

**optical fibre termination box (Type B)** means an enclosure (and any associated devices) which is used to terminate an optical fibre line link or optical fibre drop cable (whether deployed overhead or underground) for the transition of that line link or cable to another facility or in-building cabling where it is attached to a multi-unit building.

**Nature Conservation Director** means the Director of National Parks and Wildlife under the *National Parks and Wildlife Conservation Act 1975*.

**original facility** means the original structure that is currently used, or intended to be used, for connection to a telecommunications network where the original structure was:

- (a) in place on the date on which the *Telecommunications (Low-impact Facilities) Determination 1997 (Amendment No. 1 of 1999)* took effect; or
- (b) installed after that date by means other than in accordance with Part 7 of the Schedule.

**planning law**, for an area, means a law of the State or Territory where the area is located dealing with land use, planning or zoning.

**power supply** means a device that connects a network termination unit to a supply of power.

**principal designated use**, for an area, has the meaning given by section 1.4.

**public utility** has the same meaning as in Schedule 3 to the Act.

**public utility structure** means a structure used, or for use, by a public utility, for the provision to the public of:

- (a) reticulated products or services, such as electricity, gas, water, sewerage or drainage; or
- (b) carriage services (other than carriage services supplied by a carriage service provider); or
- (c) transport services; or
- (d) a product or service of a kind that is similar to a product or service covered by paragraph (a), (b) or (c).

**relevant local government authority**, for land in a State or Territory, means an authority of the State or Territory responsible for the local government of the area where the land is located.

**residential area** has the meaning given by section 2.3.

**rural area** has the meaning given by section 2.4.

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**Section 1.4**

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**significant environmental disturbance** means significant interference with the relationship between a species or community and its immediate environment or habitat and includes, for example, significant interference with identified flora and fauna, ecological communities, geological features, wilderness values or scientific values within an area.

**subscriber connection** means an installation for the sole purpose of connecting premises to a telecommunications network.

**substantive volume** means the size of a facility measured in three dimensions, without including the size of any ancillary fixings, protrusions, or other attachments of an incidental nature in this calculation.

**Torres Strait Islander** has the same meaning as in Schedule 3 to the Act.

**tower** means a tower, pole or mast.

*Note* A number of other words and expressions used in this determination are defined in the *Telecommunications Act 1997* (see s 7), including ‘carrier’ and ‘facility’.

## **1.4 Principal designated use**

- (1) If an area is described, under a planning law, as having a sole or principal use, the use is the **principal designated use** of the area.
- (2) If an area is described, under a planning law, as having 2 or more uses, in terms that show that 1 of the uses is the predominant, preferred or most likely use, the use is the **principal designated use** of the area.
- (3) If an area is described, under a planning law, as having 2 or more principal uses, without any indication of the predominant, preferred or most likely use, the **principal designated use** of the area is determined on the following basis:
  - (a) if the uses include residential purposes, the principal designated use is for residential purposes;
  - (b) if the uses include commercial purposes, but not residential purposes, the principal designated use is for commercial purposes;
  - (c) if the uses include industrial purposes, but neither residential nor commercial purposes, the principal designated use is for industrial purposes.
- (4) If a carrier proposes to engage in a low-impact facility activity in an area under Chapter 4 of the *Telecommunications Code of Practice 1997*, the principal designated use of the area is to be determined by reference to the time when the carrier proposes to issue the first notice to the owner or occupier of land in the area under Part 5 of that Chapter.

*Note* Areas of environmental significance are identified in accordance with section 2.5, not by reference to planning laws.

The effect of this determination is that an area may be an area of environmental significance, and also a residential, commercial, industrial or rural area identified by reference to planning laws. However, the area’s status as an area of environmental significance is more important for the identification of low-impact facilities.

**Section 2.1**

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**Part 2 Areas****2.1 Commercial area**

An area is a commercial area if its principal designated use is for commercial purposes.

*Note* The use of an area is to be assessed at the time mentioned in subsection 1.4 (4).

**2.2 Industrial area**

An area is an industrial area if its principal designated use is for industrial purposes.

*Note* The use of an area is to be assessed at the time mentioned in subsection 1.4 (4).

**2.3 Residential area**

- (1) An area is a residential area if its principal designated use is for residential purposes.
- (2) A part of a built-up area is a residential area if it cannot otherwise be described as a commercial, industrial or rural area.

*Note* The use of an area is to be assessed at the time mentioned in subsection 1.4 (4).

**2.4 Rural area**

- (1) An area is a rural area if its principal designated use is for rural purposes.
- (2) An area that is not part of a built-up area is a rural area if it cannot otherwise be described as a commercial, industrial or residential area.

*Note* The use of an area is to be assessed at the time mentioned in subsection 1.4 (4).

**2.5 Area of environmental significance**

- (1) An area is an area of environmental significance if it is identified property for section 3A of the *World Heritage Properties Conservation Act 1983*.
- (2) An area is an area of environmental significance if it is an identified property (within the meaning of section 3A of the *World Heritage Properties Conservation Act 1983*).
- (3) An area is an area of environmental significance if it is a place that Australia is required to protect by the terms of a listed international agreement.
- (4) An area is an area of environmental significance if, under a law of the Commonwealth, a State or a Territory:
  - (a) it is designated as a reserve for nature conservation purposes; and
  - (b) the principal purpose of the designated reserve is for nature conservation.



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**Section 2.5**

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- (5) An area is an area of environmental significance if it is an area that, under a law of the Commonwealth, or a State or Territory, is protected from significant environmental disturbance.
- (6) An area is an area of environmental significance if it is entered in the Register of the National Estate or the Interim List for that Register.
- (7) An area is an area of environmental significance if, under a law of the Commonwealth, a State or a Territory, it consists of a place, building or thing that is entered in a register relating to heritage conservation.
- (8) An area is an area of environmental significance if, under a law of the Commonwealth, a State or a Territory, it is:
  - (a) entered in a register; or
  - (b) otherwise identified;as being of significance to Aboriginal persons or Torres Strait Islanders, in accordance with their traditions.

**Section 3.1**

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## **Part 3                      Low-impact facilities**

### **3.1              Facilities**

- (1) A facility described in column 2 of an item in the Schedule is a low-impact facility only if it is installed, or to be installed, in an area mentioned in column 3 of the item.
- (2) However, the facility is not a low-impact facility if the area is also an area of environmental significance.
- (3) For subsection (1), trivial variations for a facility mentioned in column 2 are to be disregarded.
- (4) A facility that is ancillary to a facility covered by subsection (1) is also a low-impact facility only if it is:
  - (a) necessary for the operation or proper functioning of the low-impact facility; or
  - (b) installed, or to be installed, solely to ensure the protection or safety of:
    - (i) the low-impact facility;
    - (ii) a facility covered by paragraph (a); or
    - (iii) persons or property in close proximity to the low-impact facility.

# Schedule

## Facilities and areas

(section 3.1)

### Part 1 Radio facilities

Column 1 Item no.	Column 2 Facility	Column 3 Areas
1	Subscriber connection deployed by radio or satellite terminal antenna or dish: (a) not more than 1.2 metres in diameter; and (b) either: (i) colour-matched to its background; or (ii) in a colour agreed in writing between the carrier and the relevant local authority	Residential Commercial Industrial Rural
1A	Subscriber connection deployed by radio or satellite terminal antenna or dish: (a) not more than 1.8 metres in diameter; and (b) either: (i) colour-matched to its background; or (ii) in a colour agreed in writing between the carrier and the relevant local government authority	Industrial Rural
2	Panel, yagi or other like antenna: (a) flush mounted to an existing structure; and (b) either: (i) colour-matched to its background; or (ii) in a colour agreed in writing between the carrier and the relevant local authority	Residential Commercial Industrial Rural
3	Panel, yagi or other like antenna: (a) not more than 2.8 metres long; and (b) if the antenna is attached to a structure — protruding from the structure by not more than 3 metres; and	Residential Commercial Industrial Rural

Column 1 Item no.	Column 2 Facility	Column 3 Areas
	(c) either: (i) colour-matched to its background; or (ii) in a colour agreed in writing between the carrier and the relevant local authority	
4	An omnidirectional antenna or an array of omnidirectional antennas: (a) not more than 4.5 metres long; and (b) not more than 5 metres apart; and (c) if the array is attached to a structure — protruding from the structure by not more than 2 metres	Industrial Rural
5	Radiocommunications dish: (a) not more than 1.2 metres in diameter; and (b) either: (i) colour-matched to its background; or (ii) in a colour agreed in writing between the carrier and the relevant local government authority; and (c) if attached to a supporting structure, the total protrusion from the structure is not more than 2 metres	Residential Commercial Industrial Rural
5A	Radiocommunications dish: (a) not more than 1.8 metres in diameter; and (b) either: (i) colour-matched to its background; or (ii) in a colour agreed in writing between the carrier and the relevant local government authority	Industrial Rural
6	Microcell installation with: (a) a cabinet not more than 1 cubic metre in volume; and (b) a separate antenna not more than 1 metre long	Residential Commercial Industrial Rural
7	In-building coverage installation: (a) to improve cellular coverage to mobile phone users operating inside a building; and (b) wholly contained and concealed in a building	Residential Commercial Industrial Rural
12	<i>Telecommunications (Low-impact Facilities) Determination 1997</i>	

Column 1 Item no.	Column 2 Facility	Column 3 Areas
8	Equipment installed inside a structure, including an antenna concealed in an existing structure	Commercial Industrial Rural
9	An extension to a tower if: (a) the height of the extension does not exceed 5 metres; and (b) there have been no previous extensions to the tower	Industrial Rural

## Part 2 Underground housing

Column 1 Item no.	Column 2 Facility	Column 3 Areas
1	Pit with surface area of not more than 2 square metres	Residential Commercial Industrial Rural
2	Manhole with surface area of not more than 2 square metres	Residential Commercial Industrial Rural
3	Underground equipment shelter or housing with surface area of not more than 2 square metres	Residential Commercial Industrial Rural

## Part 3 Above ground housing

Column 1 Item no.	Column 2 Facility	Column 3 Areas
1	Pillar: (a) not more than 2 metres high; and (b) with a base area of not more than 2 square metres	Residential Commercial Industrial Rural
2	Roadside cabinet: (a) not more than 2 metres high; and (b) with a base area of not more than 2 square metres	Residential Commercial Industrial Rural

Column 1 Item no.	Column 2 Facility	Column 3 Areas
3	Pedestal: (a) not more than 2 metres high; and (b) with a base area of not more than 2 square metres	Residential Commercial Industrial Rural
4	equipment shelter: (a) not more than 2.5 metres high; and (b) with a base area of not more than 5 square metres; and (c) either: (i) colour-matched to its background; or (ii) in a colour agreed in writing between the carrier and the relevant local authority	Residential Commercial Industrial Rural
5	equipment shelter: (a) used solely to house equipment used to assist in providing a service by means of a facility mentioned in Part 1; and (b) not more than 3 metres high; and (c) with a base area of not more than 7.5 square metres; and (d) either: (i) colour-matched to its background; or (ii) in a colour agreed in writing between the carrier and the relevant local authority	Residential Commercial Industrial Rural
6	In-building subscriber connection equipment	Residential Commercial Industrial Rural
7	Solar panel with a base area of not more than 7.5 square metres	Rural
8	Building connection equipment: (a) the substantive volume of which is not more than 0.21 cubic metres; and (b) that is, or is to be, part of a national network used, or for use, for the high speed carriage of communications, on a wholesale-only and non-discriminatory basis.	Residential Commercial Industrial Rural



Column 1 Item no.	Column 2 Facility	Column 3 Areas
9	In-building network equipment: (a) the substantive volume of which is not more than 0.21 cubic metres; and (b) that is, or is to be, part of a national network used, or for use, for the high speed carriage of communications, on a wholesale-only and non-discriminatory basis.	Residential Commercial Industrial Rural

## Part 4 Underground cable facilities

Column 1 Item no.	Column 2 Facility	Column 3 Areas
1	Underground conduit or cable deployed by: (a) narrow trench not more than: (i) 450 millimetres wide; or (ii) 650 millimetres wide if intended to be used by more than one carrier; or (b) direct burial; or (c) bore or directional drill hole at least 600 millimetres below the surface;  where: (d) access to business premises is not restricted between the hours of 8 am and 6 pm, Monday to Friday, or such other hours agreed to by the relevant local government authority; and (e) in relation to residential areas, not more than 100 metres of excavation is left open for each trench at any time and vehicle access to each property is not lost for more than 8 hours in total.	Residential Commercial Industrial Rural
2	Conduit or cabling to be laid in: (a) an existing trench; or (b) a trench created by a developer, relevant local government authority, public utility or carrier.	Residential Commercial Industrial Rural
3	Cable location marking post or sign	Residential Commercial Industrial Rural

Column 1 Item no.	Column 2 Facility	Column 3 Areas
4	Underground optical fibre splice enclosure: (a) forming part of (or integrated with) a cable; and (b) the substantive volume of which is not more than 0.046 cubic metres.	Residential Commercial Industrial Rural
5	Underground optical fibre access terminal: (a) the substantive volume of which is not more than 0.02 cubic metres.	Residential Commercial Industrial Rural

## Part 4A Above ground optical fibre facilities

Column 1 Item no.	Column 2 Facility	Column 3 Areas
1	A single optical fibre line link or a bundle of optical fibre line links: (a) suspended above the surface of: (i) land (other than submerged land); or (ii) a river, lake, tidal inlet, bay, estuary, harbour or other body of water; or (b) protruding from the surface of land (other than submerged land); and (c) the maximum external cross-section of any part is: (i) in the case of a single line link—30 millimetres; (ii) in the case of a bundle (of optical fibre line links)—30 millimeters; (d) deployed on, or attached to, a public utility structure, building or other structure; and (e) has electrical properties consistent with those specified for cables set out in the IEEE 1222-2011 Standard; and (f) that is, or is to be, part of a national network used, or for use, for the high speed carriage of communications, on a wholesale-only and non-discriminatory basis.	Residential Commercial Industrial Rural

Column 1 Item no.	Column 2 Facility	Column 3 Areas
2	Optical fibre splice enclosure: (a) suspended above the surface of: (i) land (other than submerged land); or (ii) a river, lake, tidal inlet, bay, estuary, harbour or other body of water; and (b) either: (i) forming part of (or integrated with) a cable; or (ii) clamped to, strung from, or otherwise mounted on a public utility structure, building or other structure; (c) the substantive volume of which is not more than 0.046 cubic metres; and (d) that is, or is to be, part of a national network used, or for use, for the high speed carriage of communications, on a wholesale-only and non-discriminatory basis.	Residential Commercial Industrial Rural
3	Optical fibre access terminal: (a) suspended above the surface of: (i) land (other than submerged land); or (ii) a river, lake, tidal inlet, bay, estuary, harbour or other body of water; and (b) clamped to, strung from, or otherwise mounted on a public utility structure, building or structure; (c) the substantive volume of which is not more than 0.02 cubic metres; and (d) that is, or is to be, part of a national network used, or for use, for the high speed carriage of communications, on a wholesale-only and non-discriminatory basis.	Residential Commercial Industrial Rural
4	A single optical fibre drop cable or a bundle of optical fibre drop cables: (a) suspended above the surface of: (i) land (other than submerged land); or (ii) a river, lake, tidal inlet, bay, estuary, harbour or other body of water; or (b) protruding from the surface of land	Residential Commercial Industrial Rural

Column 1 Item no.	Column 2 Facility	Column 3 Areas
	(other than submerged land); and	
	(c) either:	
	(i) clamped to an electrical drop cable or other cable; or	
	(ii) strung from a public utility structure, building or other structure; and	
	(d) attached to a building or other structure for the purposes of a subscriber connection;	
	(e) the maximum external cross-section of any part is:	
	(i) in the case where a single drop cable is attached to a single-unit building—13 millimetres; or	
	(ii) in the case where a bundle (of optical fibre drop cables) is attached to a single-unit building—13 millimetres; or	
	(iii) in the case where a single drop cable is attached to a multi-unit building—30 millimetres; or	
	(iv) in the case where a bundle (of optical fibre drop cables) is attached to a multi-unit building—30 millimetres; and	
	(g) has electrical properties consistent with those specified for cables set out in the IEEE 1222-2011 Standard); and	
	(h) that is, or is to be, part of a national network used, or for use, for the high speed carriage of communications, on a wholesale-only and non-discriminatory basis.	
5	Optical fibre termination box (Type A):	Residential
	(a) attached to a building or other structure for the purposes of a subscriber connection;	Commercial
	(b) the substantive volume of which is not more than 0.005 cubic metres; and	Industrial
	(c) that is, or is to be, part of a national network used, or for use, for the high speed carriage of communications, on a wholesale-only and non-discriminatory basis.	Rural

Column 1 Item no.	Column 2 Facility	Column 3 Areas
6	Optical fibre termination box (Type B): (a) attached to a multi-unit building; (b) the substantive volume of which is not more than 0.04 cubic metres; and (c) that is, or is to be, part of a national network used, or for use, for the high speed carriage of communications, on a wholesale-only and non-discriminatory basis.	Residential Commercial Industrial Rural
7	Network termination unit: (a) attached to a building or other structure for the purposes of a subscriber connection; (b) the substantive volume of which is not more than 0.02 cubic metres; and (c) that is, or is to be, part of a national network used, or for use, for the high speed carriage of communications, on a wholesale-only and non-discriminatory basis.	Residential Commercial Industrial Rural
8	Power supply: (a) attached to a building or other structure for the purposes of a subscriber connection; (b) the substantive volume of which is not more than 0.005 cubic metres; or (c) that is, or is to be, part of a national network used, or for use, for the high speed carriage of communications, on a wholesale-only and non-discriminatory basis.	Residential Commercial Industrial Rural

## Part 5 Public payphones

Column 1 Item no.	Column 2 Facility	Column 3 Areas
1	Public payphone cabinet or booth: (a) used solely for carriage and content services; and (b) not designed for other uses (for example, as a vending machine); and (c) not fitted with devices or facilities for other uses; and (d) not used to display commercial advertising other than advertising related to the supply of standard telephone services	Residential Commercial Industrial Rural
2	Public payphone instrument: (a) used solely for carriage and content services; and (b) not designed for other uses (for example, as a vending machine); and (c) not fitted with devices or facilities for other uses; and (d) not used to display commercial advertising other than advertising related to the supply of standard telephone services or displayed as part of the supply of a content service	Residential Commercial Industrial Rural

## Part 6 Emergency facilities

Column 1 Item no.	Column 2 Facility	Column 3 Areas
1	A temporary facility installed: (a) in an emergency; and (b) to provide assistance to an emergency services organisation	Residential Commercial Industrial Rural



## Part 7 Co-located facilities

Column 1 Item no.	Column 2 Facility	Column 3 Areas
1	<p>Facility mentioned in:</p> <p>(a) Part 1, 5 or 6; or</p> <p>(b) item 3 of Part 4;</p> <p>installed on or within:</p> <p>(c) an original facility; or</p> <p>(d) a public utility structure</p>	<p>Industrial</p> <p>Rural</p>
2	<p>Facility mentioned in:</p> <p>(a) Part 1, 5 or 6; or</p> <p>(b) item 3 of Part 4;</p> <p>installed on or within:</p> <p>(c) an original facility; or</p> <p>(d) a public utility structure;</p> <p>where:</p> <p>(e) the total co-location volume of the co-located facilities is no more than 25 per cent greater than the volume of the original facility or the original infrastructure; and</p> <p>(f) the levels of noise that are likely to result from the operation of the co-located facilities are less than or equal to the levels of noise that resulted from the operation of the original facility or the public utility structure</p>	<p>Residential</p> <p>Commercial</p>

**Table of Instruments****Notes to the *Telecommunications (Low-impact Facilities) Determination 1997*****Note 1**

The *Telecommunications (Low-impact Facilities) Determination 1997* (in force under subclause 6 (3) of the *Telecommunications Act 1997*) as shown in this compilation is amended as indicated in the Tables below.

**Table of Instruments**

<b>Title</b>	<b>Date of notification in Gazette or FRLI registration</b>	<b>Date of commencement</b>	<b>Application, saving or transitional provisions</b>
<i>Telecommunications (Low-impact Facilities) Determination 1997</i>	30 June 1997 (see Gazette 1997, No. S250)	1 July 1997	
<i>Telecommunications (Low-impact Facilities) Determination 1997 (Amendment No. 1 of 1999)</i>	17 Aug 1999 (see Gazette 1999, No. S377)	17 Aug 1999	—
<i>Telecommunications (Low-impact Facilities) Determination 1997 (Amendment No. 1 of 2011)</i>	15 Dec 2011 (see F2011L02696)	16 Dec 2011	—
<i>Telecommunications (Low-impact Facilities) Determination 1997 (Amendment No. 1 of 2012)</i>	22 Nov 2012 (see F2012L02218)	23 Nov 2012	—

**Table of Amendments****Table of Amendments**

ad. = added or inserted   am. = amended   rep. = repealed   rs. = repealed and substituted

<b>Provision affected</b>	<b>How affected</b>
<b>Part 1</b>	
S. 1.2.....	am. 2011 No. 1
S. 1.3.....	am. 1999 No. 1; 2011 No. 1
<b>Part 2</b>	
S. 2.5.....	am. 1999 No. 1
<b>Part 3</b>	
S. 3.1.....	am. 1999 No. 1; 2012 No. 1
<b>Schedule</b>	
<b>Part 1</b>	
Part 1.....	am. 1999 No. 1
<b>Part 3</b>	
Part 3.....	am. 1999 No. 1; 2011 No. 1
<b>Part 4</b>	
Part 4.....	am. 1999 No. 1; 2011 No. 1
<b>Part 4A</b>	
Part 4A .....	ad. 2011 No. 1
<b>Part 5</b>	
Part 5.....	am. 1999 No. 1
<b>Part 7</b>	
Part 7.....	am. 1999 No. 1; 2011 No. 1

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

**Item:** 12.10

**Originating Officer:** Steven Watson, Governance & Risk Coordinator

**Responsible Director:** Andrew Aitken, Chief Executive Officer

**Subject:** Informal Council and Council Committee Gatherings and Discussions Policy – Majority of Members Revision

**For:** Decision

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**SUMMARY**

The purpose of this report is to seek Council's approval of the revised *Informal Council and Council Committee Gatherings and Discussions Policy*, which has been amended due to recent legal advice received.

Subsequently the *Informal Council and Council Committee Gatherings and Discussions Policy* has been amended to trigger when:

- An informal gathering, whether organised by the Council or otherwise, brings about the discussion of a Council agenda item, and
- A majority of (in the case of AHC, seven (7) or more) Council Members are present outside of a formally constituted meeting of the Council.

**RECOMMENDATION**

**Council resolves:**

1. That the report be received and noted.
  2. That with an effective date of 06 August 2019, to revoke the 08 November 2016 *Informal Council and Council Committee Gatherings and Discussions Policy* and to adopt the Draft *Informal Council and Council Committee Gatherings and Discussions Policy*, as contained in Appendix 1.
  3. That the Chief Executive Officer, or delegate, be authorised to make any formatting, nomenclature or other minor changes to the Policy during the period of its currency.
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## 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 Legal Advice provide for the Policy to be amended to ensure it will be consistent with the advice and legislative requirements.

### ➤ Legal Implications

Council's Informal Council Gatherings Policy, was initially adopted in March 2016 and later that same year in November 2016 the Policy was amended and adopted as the Informal Council and Council Committee Gatherings and Discussions Policy (the Policy).

Recent legal advice provided by Norman Waterhouse Lawyers detailed:

#### *Informal Gatherings*

*As you would be aware, meetings of the Council (or Council committee) are required to be held a place open to the public save in certain limited circumstances. Section 90(8) of the Act provide that, notwithstanding this requirement, informal gatherings or discussions involving Council members (or Council committee members) or Council members (or Council committee members) and Council staff are not unlawful provided a matter that would ordinarily form part of the agenda for a formal meeting of the Council (or Council committee) is not dealt with in such a way as to obtain, or effectively obtain, a decision on the matter outside a formally constituted meeting.*

*The Council has, as required by the Act, a policy on the holding of informal gatherings or discussions which applies to designated informal gatherings and other informal gatherings.*

*In our view, the clear intention of Section 90 of the Act is to prohibit decisions being made (or effectively made outside a formally constituted Council (or Council committee) meeting and to ensure, as far as appropriate, that meetings of the Council or Council committee are open to the public.*

*In our view, the purpose of subsections 90(8) to 90(8e) of the Act is to permit and regulate informal gatherings or discussions called by the Council in accordance with its Policy.*

*Parliament has provided a number of examples of informal gatherings or discussions that may be held pursuant to Section 90(8) of the Act, including:*

- *planning sessions associated with the development of policies or strategies;*
- *briefing or training sessions;*

- *workshops; and*
- *social gatherings to encourage informal communication between members or between members and staff.*

*Some of these activities may involve the discussion of a matter that may form part of the agenda for a Council (or committee meeting). This discussion is lawful provided a decision on the matter is not reached or effectively reached.*

*Section 90(8a) regulates the holding of an informal gathering and provides the Council must adopt a policy on informal gatherings and informal gatherings must comply with such policy.*

*Whilst Section 90(8a) provides informal gatherings must comply with the Council's Informal Gathering Policy, it is our view that it is unlikely the Legislature intended to prohibit Council members from otherwise having discussions. In our view, whilst the Act provides that if the Council intends to hold an informal gathering, it must comply with Sections 90(8) – (8e) of the Act, this is not likely to mean Council members can only have informal discussions at informal gatherings. However, Council members can fall foul of Section 90(8) should they congregate to discuss any item(s) that forms part of the agenda for a formal meeting of the Council and, in the presence of a majority number of Council members, they effectively reach a decision on the agenda item(s) discussed.*

*It is our view that a breach of Section 90 of the Act will be triggered where an informal gathering, whether organised by the Council or otherwise, brings about the discussion of a Council agenda item and the Council members (or a majority of Council members) reach, or effectively reach, a decision on the agenda item being discussed outside of a formally constituted meeting of the Council.*

#### ➤ **Risk Management Implications**

The revision of the Policy based on the legal advice assists in mitigating the risk of:

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

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

#### ➤ **Financial and Resource Implications**

There are no direct financial or resource implications related to the adoption of the revised Policy other than the administrative effort to publish details of the informal gatherings on Council's website.

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

There is a high expectation that Council has appropriate policies and processes in place to comply with legislative requirements.

➤ **Environmental Implications**

Not applicable

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

There is no requirement for community consultation as part of the development of this policy. The newly adopted policy will be available for public viewing at council offices, on the AHC website and a paper copy can be provided upon request and payment of a fee in accordance with the Council's Schedule of Fees and Charges.

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 Corporate Services  
Director Community Capacity  
Director Development & Regulatory Services  
Director Infrastructure & Operations  
Executive Manager Governance & Performance  
Executive Manager Organisational Development

*Community:* Not Applicable

## **2. BACKGROUND**

The *Local Government (Accountability and Governance) Amendment Act 2015*, which amended the *Local Government Act 1999*, strengthened a number of accountability requirements for local government.

One of the amendments related to the use of informal gatherings for Council and Council Committee Members. The key thrust was to reinforce that informal gatherings are not to be used for obtaining, or effectively obtaining, a decision on a matter outside a formally constituted meeting of the Council or Council Committee.

Council's Informal Council Gatherings Policy, was initially adopted in March 2016 and revised in June 2016. The Policy was further revised in November 2018 as it did not include the default to open informal gatherings to the public nor provide for publication of details of designated informal gatherings or discussions on the council website and was renamed to the *Informal Council and Council Committee Gatherings and Discussions Policy* (the Policy).



### 3. ANALYSIS

Previous revisions of the Policy included a definition of a designated information gathering or discussion which cleared up the ambiguity around professional development and social functions. For clarity, they are informal gatherings but they are not designated informal gatherings and therefore the provisions of Reg 8AB do not apply. It also provided provisions relating to designated informal gatherings being open to the public to reinforce the principles of transparency and openness while the ability to hold specified sessions in confidence is applied discretionally. Previous revisions also required details of designated informal gatherings to be placed on Council's website.

Council's current Policy is silent on the number of Council Members that have to be present to trigger the Policy, although it is generally accepted that two or more Council Members being present enacted the Policy requirements.

Recent legal advice provided clarity on these matters. In summary the advice details, designated informal gatherings or discussion organised by the Council or otherwise, brings about the discussion of a Council agenda item, and a majority of (in the case of Adelaide Hills Council, seven (7) or more) Council Members being present outside of a formally constituted meeting of the Council, would enact the Policy requirements. The current Policy has been revised in line with the legal advice.

### 4. OPTIONS

Council has the following options:

- I. To adopt the draft *Informal Council and Council Committee Gatherings and Discussions Policy* (Recommended); or
- II. To adopt the draft *Informal Council and Council Committee Gatherings and Discussions Policy*, with amendment (Not Recommended); or
- III. To determine not to adopt the draft *Informal Council and Council Committee Gatherings and Discussions Policy* at this time. (Not Recommended)

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

### 5. APPENDIX

- (1) Draft *Informal Council and Council Committee Gatherings and Discussions Policy*

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# **Appendix 1**

*Informal Council and Council Committee Gatherings  
and Discussions Policy – July 2019*

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# COUNCIL POLICY

	<p align="center"><b>INFORMAL COUNCIL AND COUNCIL COMMITTEE GATHERINGS AND DISCUSSIONS</b></p>
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Policy Number:	GOV-12
Responsible Department(s):	Governance & Performance
Relevant Delegations:	Nil
Other Relevant Policies:	<i>Council Member Conduct Policy Code of Practice for Access to Council, Council Committee and Designated Informal Gathering Meetings &amp; Documents Code of Practice for Council Meeting Procedures</i>
Relevant Procedure(s):	Nil
Relevant Legislation:	<i>Local Government Act 1999 Local Government (General) Regulations 2013 Local Government (Procedures at Meetings) Regulations 2013</i>
Policies and Procedures Superseded by this policy on its Adoption:	Informal Council Gatherings Policy, Item 14.12, 125 – 28/6/16 Informal Council And Council Committee Gatherings And Discussions Policy, Item 12.2, 53 – 08 November 2016
Adoption Authority:	<del>Strategic Planning &amp; Development Policy Committee</del> <a href="#">Council</a>
Date of Adoption:	To be entered administratively
Effective From:	To be entered administratively (06 August 2019 proposed)
Minute Reference for Adoption:	To be entered administratively
Next Review:	No later than November 2023 or as required by legislation.

## INFORMAL COUNCIL AND COUNCIL COMMITTEE GATHERINGS AND DISCUSSIONS

### 1. INTRODUCTION

- 1.1 Informal gatherings provide a valuable opportunity to enhance Council decision-making processes by providing opportunities for Council Members to become better informed on issues and seek further clarification. Informal gatherings, however, should not be used, or be seen to be used, as a replacement for full debate and decision-making at Council meetings or Council Committee meetings. Open and transparent Council meetings and Council Committee meetings underpin representative democracy and ensure public confidence in Council's decision-making processes.

### 2. POLICY OBJECTIVE

- 2.1 The policy aims to ensure that the statutory requirements for openness and transparency in Council decision-making are observed; while providing an opportunity for confidential discussions among Council member where this is warranted by the nature of the gathering or subject matter to be discussed.

### 3. DEFINITIONS

- 3.1 ***“Designated informal gathering or discussion”*** 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. (Regulation 8AB(2), *Local Government (General) Regulations 2013*)

### 4. SCOPE

- 4.1 This policy applies to informal gatherings of the Council or a Council Committee, including designated informal gatherings or discussions, whether organised by the Council or otherwise, brings about the discussion of a Council or Council Committee agenda item, and a majority of (in the case of Adelaide Hills Council, seven (7) or more) Council Members are present outside of a formally constituted meeting of the Council.

- 4.14.2 An informal gathering which does not involve 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, is not a 'designated informal gathering or discussion'.

### 5. INFORMAL GATHERINGS OR DISCUSSIONS

#### 5.1 Purpose

- 5.1.1 Section 90(8) of the *Local Government Act 1999* (the Act) 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.
- 5.1.2 The Act sets out the following examples of informal gatherings or discussions:
- planning sessions associated with the development of policies or strategies
  - briefing or training sessions
  - workshops
  - social gatherings to encourage informal communication between Members or between Members and staff.
- 5.1.3 Informal gatherings of Council Members or Council Committee Members (either with or without Council staff) are, by their nature, non-compulsory. However, all Council Members and Council Committee Members are encouraged to attend relevant informal gatherings, particularly where the informal gathering or discussion is intended to provide history, context or additional information to Council Members or Council Committee Members.
- 5.1.4 Informal gatherings or discussions will be chaired by the CEO or another senior Council officer. The Chair is responsible for ensuring that the purpose, intent and outcomes of the designated informal gatherings or discussions are consistent with section 90 of the Local Government Act.

## **5.2 Administration**

- 5.2.1 A schedule of specific informal gatherings, (i.e. workshops and professional development/training sessions), is decided by Council. Generally workshops (which include briefings) and professional development sessions are each held on a monthly basis unless there is conflict with stipulated dates for Council or Committee meetings.
- 5.2.2 Other informal gatherings, including social gatherings, will be held as required by determination of the CEO.
- 5.2.3 A schedule of planned workshop and professional development sessions will be published on Council's website. Ordinary Council meeting agendas also will provide the dates/venues of the following three months workshops and professional development sessions together with Council and s41 Committee meetings and Community Forums
- 5.2.4 With the exception of social gatherings or events and activities arranged by the CEO to encourage informal communication between Council Members or between Council and Committee Members and Council employees, the following provisions will apply:
- (a) A record of the persons invited to attend and informal gathering and those persons present at the informal gathering will be maintained by Council Administration

- (b) An outline of topics and activities will be prepared for each informal gathering and the CEO will aim to circulate the outline to the invitees to provide reasonable notice for preparation, particularly where there is pre-reading recommended.
- (c) Informal gatherings or discussions are not subject to the procedural meeting requirements of the Act and *Local Government (Proceedings at Meetings) Regulations 2013*.
- (d) 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 attend

## **6. PURPOSE OF DESIGNATED INFORMAL GATHERINGS OR DISCUSSIONS**

- 6.1 Designated informal gatherings or discussions may be used to:
  - discuss issues that involve strategy or policy or other matters of Council administration
  - brief Council Members or Council Committee Members on issues relating to their functions.
- 6.2 Designated informal gatherings and discussions will be used solely for the purpose of information sharing and not for the purpose of determining, or effectively determining, matters which should be determined at a formally constituted meeting of the Council or Council Committee.
- 6.3 Both the CEO and the Council are responsible for ensuring designated informal gatherings or discussions are conducted in accordance with the Act.
- 6.4 Formal minutes will not be recorded of a designated informal gathering or discussion. Notes of a designated informal gathering or discussion may be tabled at the Council meeting following the designated informal gathering or discussion.

## **7. PURPOSE OF DESIGNATED INFORMAL GATHERINGS OR DISCUSSIONS TO BE OPEN TO THE PUBLIC, EXCEPT IN SPECIAL CIRCUMSTANCES**

- 7.1 Designated informal gatherings or discussions will be held at a place open to the public, except where the designated informal gathering or discussion has been declared by the Council or Chief Executive Officer to be a 'confidential informal discussion'.
- 7.2 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 Appendix 1).

- 7.3 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.
- 7.4 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 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.
- 7.5 An informal gathering or discussion of the Council or a Council Committee which is not a designated gathering or discussion will not be open to the public, unless otherwise determined by the Council or CEO.

## **8. PUBLICATION OF INFORMATION RELATING TO DESIGNATED INFORMAL GATHERINGS OR DISCUSSIONS**

- 8.1 Not less than three (3) clear days prior to a designated informal gathering the CEO will make every reasonable effort that the following information will be published on the Council's website:
- (i) the place, date and time at which the designated informal gathering or discussion will be held;
  - (ii) the matter that is to be discussed at the designated informal gathering or discussion;
  - (iii) whether or not the designated informal gathering or discussion is to be held at a place open to the public.
- 8.2 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.

## **9. DELEGATION**

- 9.1 The CEO has the delegation to approve, amend and review any procedures that shall be consistent with this Policy.

## **10. AVAILABILITY OF THE POLICY**

- 10.1 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](http://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 1

### Information and matters within the ambit of section 90(3), Local Government Act

- (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 Development Plan Amendment proposal relating to the amendment is released for public consultation under that Act;
- (m) information relevant to the review of a determination of a Council under the *Freedom of Information Act 1991*.

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

**Item:** 12.11

**Originating Officer:** Steven Watson, Governance & Risk Coordinator

**Responsible Director:** Andrew Aitken, Chief Executive Officer

**Subject:** Council Resolutions Update – COI Legal Advice

**For:** Decision

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**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.

During the Ordinary Council Meeting 25 June 2019, whilst considering the Council Resolution Update Report, Council resolved a Formal Motion and Administrative Action that are detailed below:

**12.11.1 FORMAL MOTION – Status Report, Council Resolutions Update**

Moved Cr Mark Osterstock  
S/- Cr Ian Bailey

178/19

That the question lie on the table.

Cr Osterstock asked "Do Council Members, in making this decision, who have previously declared a Conflict of Interest, have a Conflict of Interest for this item?"

Carried Unanimously
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*Administrative Action: Governance to seek legal advice on conflict of interest in relation to the Status Report*

The legal advice referred to in the administrative action has been sought and is contained within the body of this report.

**RECOMMENDATION**

- 1. Council resolves that the report be received and noted.**
-

## 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

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.

Recent legal advice provided by Norman Waterhouse Lawyers detailed:

*I understand that on a monthly basis the Council is presented with a report which details previous Council resolutions and their status, ie completed or outstanding (**the Status Report**). Therefore, the Status Report will deal with a number of items which have previously been considered by the Council and a decision made (**the Substantive Items**). The Council officer recommendation in the Status Report is that the report be received and noted.*

*You have sought advice in relation to the Substantive Items in the Status Report for which a Council member(s) may have declared a conflict of interest in at the time the Council originally considered the Substantive Item.*

*I do not propose to set out the conflict of interest provisions in the Local Government Act 1999 (**the LG Act**) in full but summarise the relevant part of the provisions below.*

#### **Material Conflict of Interest**

*A Council member will have a material conflict of interest in a matter to be discussed at a meeting of the Council if the Council member, or any of those persons listed in Sections 73(1)(b) – (h), would gain a benefit or suffer a loss whether directly or indirectly and whether of a personal or pecuniary nature depending on the outcome of the consideration of the matter at the meeting.*

#### **Actual and Perceived Conflict of Interest**

*A Council member will have an actual conflict of interest in a matter to be discussed at a meeting of the Council if there is a conflict between the Council member's interest and the public interest which might lead to a decision that is contract to the public interest.*

*A Council member will have a perceived conflict of interest in a matter to be discussed at a meeting of the Council if it could reasonably be taken, from the perspective of an impartial, fair-minded person, that there is a conflict between the Council member's interest and the public interest which might lead to a decision that is contract to the public interest.*

#### **Status Report**

*Your query is whether a Council member would have a conflict of interest in relation to receiving and noting a Status Report which relates to or includes a Substantive Item for which the Council member has, at a previous Council meeting, declared a conflict of interest.*

*The answer to your query will, to some extent, depend on the nature of the conflict of interest that arose for the Council member at the time the Council considered the Substantive Item.*

*However, generally I consider that it does not necessarily follow that a Council member will have a conflict of interest in the matter of receiving and noting the Status Report merely due to the Council member having previously declared a conflict of interest in relation to the Substantive Item to which the Status Report relates.*

*For example, a Council member may have declared a material conflict of interest in relation to the awarding of a contract. At a subsequent Council meeting, the Council then considers the Status Report which states that the contract has been executed by all the parties. The Council receives and notes the Status Report and thereby notes the contract has been executed. I do not consider there is a material conflict of interest for the Council member in merely receiving and noting the Status Report (and thereby noting the contract has been executed) notwithstanding that the Council member has declared a material conflict of interest in relation to the awarding of the contract at a previous Council meeting.*

*In the above example, it is my view it is unlikely that merely receiving and noting a Status Report is a matter for which the relevant Council member (or, if applicable, the persons listed in Sections 73(1)(b) – (h)) would gain a benefit or suffer a loss whether directly or indirectly and whether of a personal or pecuniary nature.*

*I consider the position would be similar in relation to actual and perceived conflicts of interest. Using the same example as above but where the Council member has declared a perceived conflict of interest in the awarding of the contract, it does not necessarily follow the Council member will, at a subsequent Council meeting, also have a perceived conflict of interest in relation to the receiving and noting of the Status Report which states the contract has been executed by all the parties.*

*However, Council members ought to be alert to the possibility that in receiving and noting the Status Report, the Substantive Item may very well become the subject of discussion or consideration at the Council meeting. In those circumstances, there is a real possibility the Council member would have the same conflict of interest as she or he had when the Substantive Item was originally considered.*

*This is because if the Council is doing more than merely receiving and noting the Status Report, but is in fact discussing or considering the Substantive Item, then the same conflict of interest which arose for the Council member at the time the Substantive Item was originally considered and decided upon may arise again for the Council member. If that were the case, then the Council member will need to give careful consideration to whether the discussion is such that he or she has a conflict of interest and needs to take appropriate action in accordance with the LG Act.*

➤ **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**

From time to time Council may require legal advice in order to gain clarity or understand the legal perspective on matters. There is a fixed fee attached to seeking this advice and on this occasion allowance is made in the 2019/20 annual budget.

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

There is a high expectation that Council has appropriate policies and processes in place to comply with legislative requirements.

➤ **Environmental Implications**

Not applicable

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

There is no requirement for community consultation as part of this report. Council Meetings are open to the public and Council agendas and minutes are available for public viewing at council offices, on the AHC website and a paper copy can be provided upon request and payment of a fee in accordance with the Council's Schedule of Fees and Charges.

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 Manager Governance & Performance

*Community:* Not Applicable

## 2. BACKGROUND

During the Ordinary Council Meeting 25 June 2019, whilst considering the Council Resolution Update Report, Council resolved a Formal Motion and Administrative Action that are detailed below:

### 12.11.1 FORMAL MOTION – Status Report, Council Resolutions Update

Moved Cr Mark Osterstock  
S/- Cr Ian Bailey

178/19

That the question lie on the table.

Cr Osterstock asked “Do Council Members, in making this decision, who have previously declared a Conflict of Interest, have a Conflict of Interest for this item?”

Carried Unanimously
---------------------

*Administrative Action: Governance to seek legal advice on conflict of interest in relation to the Status Report*

The administration has sought the legal advice which is contained within the body of this report.

## 3. ANALYSIS

The legal advice sets out the types of Conflicts of Interests Council Members may encounter when undertaking their decision making role. To ensure clarity the three (3) types of conflict of interest are Material, Actual and Perceived. The advice steps through an example of what may occur for Council Members when considering a Status Report that includes an item that a Council Member has previously declared a conflict of interest.

On the back of the legal advice the Administration proposes to add an additional column to the report which will detail if an item has previously had a conflict of interest declared at the time of considering it.

Even with this additional information included, the onus remains with the Council Member to carefully consider any and all conflicts of interest against a matter(s) being considered.

## 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.

Council has the following options:

- I. To determine to receive and note the report (Recommended); or
- II. To determine not to receive and note the report (Not Recommended); or
- III. To determine another course of action (Not Recommended).

## 5. APPENDIX

Nil

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

**Item:** 12.12

**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

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**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
22/01/2019	Ordinary Council	10/19a	Jungfer Road Charleston Speed Limit - Action Item
26/03/2019	Ordinary Council	62/19	Policy Position - Telecommunications Installation (Low-Impact Facilities)
26/03/2019	Ordinary Council	80/19	Road Widening – Lower Hermitage Road, Lower Hermitage
28/05/2019	Ordinary Council	110/19	MON Federal Election 2019
28/05/2019	Ordinary Council	111/19	MON Draft Policy Low Impact Telecommunications Facilities
4/06/2019	Special Council	132/19	MON Rescission and replacement of discretionary rates rebates for 2019/20
25/06/2019	Ordinary Council	145/19	Petition - Pomona Road visual & sound pollution
25/06/2019	Ordinary Council	146/19	Restvale Homes for the Aged Rates Rebate
25/06/2019	Ordinary Council	147/19	Mylor Fireworks
25/06/2019	Ordinary Council	148/19	Internal Review Investigator, Shannons Adelaide Rally Support for Road Closure decision
25/06/2019	Ordinary Council	151/19	Solid Waste Levy Increase
25/06/2019	Ordinary Council	154/19	2019/20 Annual Business Plan Community Consultation Outcomes
25/06/2019	Ordinary Council	157/19	2019/20 Annual Business Plan Adoption
25/06/2019	Ordinary Council	159/19	Resource Recovery & Recycling Strategy
25/06/2019	Ordinary Council	159/19	Resource Recovery & Recycling Strategy
25/06/2019	Ordinary Council	161/19	Public Interest Disclosure Policy Report
25/06/2019	Ordinary Council	175/19	Development Application involving Regulated Trees Policy
25/06/2019	Ordinary Council	177/19	Gawler River Floodplain Management Authority

## 1. GOVERNANCE

### ➤ Strategic Management Plan/Council Policy

Goal                      Organisational Sustainability  
Strategy                Governance

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

### ➤ Legal Implications

Not applicable

➤ **Risk Management Implications**

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

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

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

➤ **Financial and Resource Implications**

Not applicable

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

Not applicable

➤ **Environmental Implications**

Not applicable

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

Not applicable

**2. BACKGROUND**

At its meeting of 24 March 2015 Council resolved:

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

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

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

**3. ANALYSIS**

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

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

**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

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# Appendix 1

*Action List*

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Meeting Date	Meeting	Res No.	Item Name	Previously Declared COI	Action Required (Council Resolution)	Responsible Director	Status	Est. Completion	Status (for Council reporting)
27/05/2014	Ordinary Council	95/14	William St Birdwood Street Furniture, plaque	None declared	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	30/08/2019	As timber is unsuitable we are currently looking at an alternative solution. We are working with members of the Birdwood institute regarding the wording for the plaque. Small pieces of timber were made available to the Birdwood Institute but the timber was not suitable for turning.  Update 5/6/19 A local artist has been commissioned to undertake to build a suitable seat, plans are currently being drawn up. Information for a sign has been received and will be included in the project.  Update 9/07/19 Bench has been completed and draft of the sign has been approved, project will be complete early August 2019
24/03/2015	Ordinary Council	57/15	Confidential Item - Morella Grove	None declared	As per confidential minute	Peter Bice	In Progress	31/12/2019	A report will be provided to Council by the end 2019 on the status of and recommendations regarding this project.
22/03/2016	Ordinary Council	69/16	Land Acquisition Colonial Drive Norton Summit	None declared	Negotiate with the Anglican Church and CFS regarding the proposed boundary realignment and the preparation of preliminary plans	Terry Crackett	In Progress	31/12/2019	Final plans and valuation are being considered by the Anglican Church State Diocese and upon confirmation from them a report will be presented to Council for consideration. 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.

Meeting Date	Meeting	Res No.	Item Name	Previously Declared COI	Action Required (Council Resolution)	Responsible Director	Status	Est. Completion	Status (for Council reporting)
26/04/2016	Ordinary Council	83/16	Croft & Harris Road Precinct, Lenswood	None declared	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	30/06/2020	No change - 11/7/19.  Consideration to any future project investment is being discussed with the funding application partners. Forestry SA have expressed their continued support for potential sealing. This project has also been included as a potential priority project with Election Candidates.
24/05/2016	Ordinary Council	105/16	Land at Houghton Request to Purchase	None declared	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	30/09/2019	The acquisition from RJ & BE Day has been completed and registered at the Lands Titles Office.  Title for the land held by City of Tea Tree Gully has been reissued in the name of Adelaide Hills Council.  The Section 210 process has been completed.  The request to DPTI for the transfer of land has been made and DPTI have confirmed their agreement to transfer the land at no consideration subject to Council agreeing to declare the land as public road. Finalisation of the transfer is being progressed.

Meeting Date	Meeting	Res No.	Item Name	Previously Declared COI	Action Required (Council Resolution)	Responsible Director	Status	Est. Completion	Status (for Council reporting)
24/01/2017	Ordinary Council	7/17	Cromer Cemetery Revocation of Community Land	None declared	a report be prepared and submitted to the Minister for Local Government seeking approval for the revocation of the community land classification of a portion of the land contained in Certificate of Title Volume 5880 Folio 219 identified in red on the plan attached as Appendix 1.	Terry Crackett	In Progress	31/12/2019	DEWNR have requested that the revocation be put on hold whilst they investigate the requirements to alter the trust affecting the land and undertake an assessment of the native vegetation on the land, this is likely to take some months. DEW advised on 4/12/18 that there are some impediments to the progression of the proposed boundary realignment due to the mining operations on the adjacent land, which are being negotiated with the Dept for Mining. Advice is that these negotiations could take considerable time (2yrs). In the interim, consideration will be given to the granting of a right of way to ensure that the cemetery has legal access. DEW staff member dealing with this matter has left DEW so there may be an extended delay whilst it is reallocated and assessed.
25/07/2017	Ordinary Council	155/17	Reserve Gifting Proposal - Dunnfield Estate, Mt Torrens	Cr Linda Green (Material)	Subject to the approval of the land division variation application 473/D38/2011 by the Development Assessment Commission and the required Council engineering approvals for the infrastructure, being obtained: 1. That council accepts from Paul & Michele Edwards (the Developer), the donation of additional reserve land as described in Appendix 6 – Amended Plan of Division rev K dated 16.06.2017 Agenda Item 14.1, subject to the following conditions: The Council specified construction standards are metThe cost of all works are to be met by the DeveloperThe Developer enters into a legally binding Landscape Maintenance Agreement to agreed maintenance standards for a period of ten (10) yearsThe landscaping works are completed within two (2) years from the date of final approval. 2. That, in the event that there is a dispute between the Council and the Developer, the dispute is referred to an Independent Arbiter for resolution, with costs being shared equally by the parties.	Peter Bice	In Progress	4/02/2020	No change - 11/7/19  The land division variation application 473/D38/2011 has been approved by the Development Assessment Commission. Council staff have drafted a maintenance agreement which we will work through with the Developer.  Council staff and the developer have been working through the management of significant and regulated trees on the site, and recent works progressed very well. We are now looking to formally progress the draft maintenance agreement.  Final Approvals were obtained by the Developer on 5 February 2018, and Landscape works remain ongoing, with vesting of the reserve land occurring once these are completed, and Section 51 clearance is provided for the relevant stage.



Meeting Date	Meeting	Res No.	Item Name	Previously Declared COI	Action Required (Council Resolution)	Responsible Director	Status	Est. Completion	Status (for Council reporting)
26/09/2017	Ordinary Council	207c/17	Heritage Agreement Reports - Woorabinda Bushland Reserves	None declared	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	31/12/2019	Community Land Management Plan review is progressing, report being presented to Council at 23 July 2019 meeting.
24/10/2017	Ordinary Council	246/17	Road Closure and Disposal – Schapel Road, Lobethal	Cr Linda Green (perceived)	To make a Road Process Order pursuant to the <i>Roads (Opening &amp; 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	Terry Crackett	In Progress	31/08/2019	Final road document have been signed by Council and returned to surveyor to progress.

Meeting Date	Meeting	Res No.	Item Name	Previously Declared COI	Action Required (Council Resolution)	Responsible Director	Status	Est. Completion	Status (for Council reporting)
24/10/2017	Ordinary Council	250/17	DEW Fuel Reduction on Private Lands Program	None declared	That DEW's Strategic Fuel Reduction program is approved for the Adelaide Hills Council region	Peter Bice	In Progress	3/04/2020	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 has been completed as part of the 2019 autumn burn schedule. 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 on Thursday 16 May 2019 and 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.
28/11/2017	Ordinary Council	281/17	LED Streetlight Review	None declared	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 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.	Peter Bice	In Progress	26/07/2019	Report to Council in July 2019 recommending phase 1 of roll out of LED lighting. Council is has commenced discussions with SAPN regarding options for the transition to LED public lighting. SAPN has lodged their submission to the Australian Energy Regulatory (AER) for the July 2020 to 2025 regulatory period that includes public lighting as an Alternate Control Source for the first time. The LGA SA is submitting a response to the AER regarding the proposed tariff and services proposed. The AER will make a draft determination in September 2019. Public Lighting will move from a Negotiated Service (agreement between Council and SAPN) to an Alternate Control Service. This means that the maximum tariff price will be set by the Australian Energy Regulator (AER). This will not occur until 1/7/20. 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

Meeting Date	Meeting	Res No.	Item Name	Previously Declared COI	Action Required (Council Resolution)	Responsible Director	Status	Est. Completion	Status (for Council reporting)
23/01/2018	Ordinary Council	4/18	Road Exchange - Mt Torrens Walking Loop	None declared	<p>To issue a Road Process Order pursuant to the <i>Roads (Opening &amp; 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 &amp; 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 &amp; 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	31/12/2019	Documents have been executed by Council and returned to the Conveyancer for lodgement with the Surveyor-General.

Meeting Date	Meeting	Res No.	Item Name	Previously Declared COI	Action Required (Council Resolution)	Responsible Director	Status	Est. Completion	Status (for Council reporting)
27/02/2018	Ordinary Council	31/18	Arts & Heritage Hub	None declared	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	31/07/2019	<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	None declared	As per confidential minute	Terry Crackett	In Progress	30/09/2019	Matter being progressed per resolution
27/02/2018	Ordinary Council	58/18	AH Swimming Centre Shade Sail - Period of Confidentiality	None declared	that an order be made under the provisions of sections 91(7) and (9) of the <i>Local Government Act 1999</i> that the report and the minutes of Council and the discussion and considerations of the subject matter be retained in confidence until the matter is determined but not longer than 12 months. Pursuant to section 91(9)(c) of the <i>Local Government Act 1999</i> , Council delegates the power to revoke the confidentiality order either partially or in full to the Chief Executive Officer.	Terry Crackett	In Progress	30/09/2019	Progressing per confidential minutes
24/04/2018	Ordinary Council	102/18	Sale of Land for Non Payment of Rates	Cr Ian Bailey (Perceived)	Refer to Confidential Minute	Terry Crackett	In Progress	28/06/2019	Actions continuing in accordance with resolution. One remaining property that is working towards resolution.

Meeting Date	Meeting	Res No.	Item Name	Previously Declared COI	Action Required (Council Resolution)	Responsible Director	Status	Est. Completion	Status (for Council reporting)
17/07/2018	Special Council	156/18	LED Street Lighting Program	None declared	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	26/07/2019	As per LED review resolution 281/17
24/07/2018	Ordinary Council	162/18	MON Use of Recycled Material in Capital Works	None declared	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	27/08/2019	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. A summary of the 2018-19 Program delivery is currently being collated. Further details will be provided to Council as part of the Circular Procurement report at the August Council Meeting.
28/08/2018	Ordinary Council	197/18	Household Hazardous Waste Disposal	None declared	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	30/10/2019	Development approval obtained. Final review of agreement by all parties completed. Execution of agreement completed. On ground construction works commenced May 2019.  Council members will be advised via email of the opening date for the Household Hazardous Waste Disposal facility when further details are known.

Meeting Date	Meeting	Res No.	Item Name	Previously Declared COI	Action Required (Council Resolution)	Responsible Director	Status	Est. Completion	Status (for Council reporting)
28/08/2018	Ordinary Council	200/18	Proposal to enter 11 AHC Reserves into Heritage Agreements 2018	None declared	<p>1. That the report be received and noted.</p> <p>2. That the Biodiversity Officer be authorised to enter: Doris Coulls Reserve, 152 Old Mt Barker Road, Aldgate; Heathfield Waste Facility, 32 Scott Creed Road, Heathfield; Kiley Reserve, 15 Kiley Road, Aldgate; Shanks Reserve, 1 Shanks Road, Aldgate; Stock Reserve, Stock Road, Mylor; Leslie Creek Reserve, Leslie Creek Road, Mylor; Mi Mi Reserve, 125 Aldgate Valley Road, Mylor; Aldgate Valley 2 Reserve, 114 Aldgate Valley Road, Mylor; Kyle Road Nature Reserve, Kyle Road, Mylor; Carey Gully Water Reserve, Deviation Road, Carey Gully; Heathfield Stone Reserve, 215 Longwood Road, Heathfield all being of significant biodiversity value, into Heritage Agreements.</p> <p>3. That the Heritage Agreements retain the existing dog access arrangements in place for each of those reserves.</p>	Peter Bice	In Progress	30/06/2021	<p>Heritage Agreement applications lodged for:</p> <p>Following CTs (13/11/18) TRIM reference OC 18/16631</p> <ul style="list-style-type: none"> <li>• Doris Coulls Reserve, 152 Old Mt Barker Road, Aldgate</li> <li>• Heathfield Waste Facility, 32 Scott Creed Road, Heathfield</li> <li>• Kiley Reserve, 15 Kiley Road, Aldgate</li> <li>• Shanks Reserve, 1 Shanks Road, Aldgate</li> <li>• Kyle Road Nature Reserve, Kyle Road, Mylor</li> </ul> <p>Following CRs (27/11/18) TRIM reference OC18/17474</p> <ul style="list-style-type: none"> <li>• Leslie Creek Reserve, Leslie Creek Road, Mylor</li> <li>• Aldgate Valley 2 Reserve, 114 Aldgate Valley Road, Mylor</li> <li>• Mylor Parklands, Stock Road, Mylor</li> </ul>
28/08/2018	Ordinary Council	203/18	Community Wastewater Management Systems Review - Update and Consultation Outcomes	Cr Andrew Stratford (Material), Cr Linda Green (Material), Cr Malcolm Herrmann (Material)	<p>The report be received and noted. The CEO undertakes a request for tender process for the divestment of Council's CWMS assets to inform Council's decision to sell or retain these assets. The resolution to undertake a request for tender process is subject to there being no matters of material impact identified through further due diligence and request for tender preparation activities, as determined by the CEO. Subject to Council resolving to proceed to a request for tender for the divestment of Council's CWMS assets, the CEO be delegated to prepare and approve an evaluation plan for the purposes of assessing responses received including but not limited to the following criteria: CWMS customer pricing and fees; Sale price for CWMS assets; Respondents financial capacity; Respondents operational capacity and capability; Network investment and expansion. That ongoing analysis be undertaken on continued Council ownership of CWMS assets for request for tender comparison purposes to inform future decision making. The Prudential Review Report and the Probity Report be received and noted. The Council acknowledges that whilst</p>	Peter Bice	In Progress	31/12/2019	<p>In collaboration with project partners currently progressing with preparation of request for tender process and documentation.</p> <p>To assist inform future decision making external reports are being prepared on the value of the CWMS to Council and the implications of installing CWMS in the towns of Mylor, Summertown/Uraidla and Inglewood/Houghton.</p>

Meeting Date	Meeting	Res No.	Item Name	Previously Declared COI	Action Required (Council Resolution)	Responsible Director	Status	Est. Completion	Status (for Council reporting)
28/08/2018	Ordinary Council	213/18	MWN Review of Community Grants Policy	None declared	That the community grants policy be reviewed before the next round of community grants.	David Waters	In Progress	31/07/2019	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	None declared	A report is prepared to Council by 26 November 2019 on completion of the trial.	Peter Bice	In Progress	26/11/2019	A report will be prepared for the 26 November 2019 Council Meeting. This will incorporate outcomes from the Community Consultation to get underway in mid July 2019.
11/09/2018	Special Council	229/18	Road Exchange McBeath Drive, Skye Horsnell Gully	None declared	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 The closed road is excluded as Community Land pursuant to the Local Government Act 1999. Council approves the sale of the differential between the total area of closed road and the	Terry Crackett	In Progress	30/09/2019	Road exchange documentation has been executed and provided to Boral for lodgement with the Surveyor-General. Submission has been prepared and lodged with the Boundaries Commission jointly on behalf of the City of Burnside and Adelaide Hills Council, no feedback received as yet.



Meeting Date	Meeting	Res No.	Item Name	Previously Declared COI	Action Required (Council Resolution)	Responsible Director	Status	Est. Completion	Status (for Council reporting)
11/09/2018	Special Council	232/18	Revocation of Community Land – Bridgewater Retirement Village	None declared	<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</p>	Terry Crackett	In Progress	31/12/2019	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. A report to be presented to Council regarding investigations into land options for the charitable trust to be attached to.
11/09/2018	Special Council	238/18	Ashton Landfill – Confidential Item	None declared	<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	10/09/2019	Council continues to progress the matter.

Meeting Date	Meeting	Res No.	Item Name	Previously Declared COI	Action Required (Council Resolution)	Responsible Director	Status	Est. Completion	Status (for Council reporting)
22/01/2019	Ordinary Council	10/19	Jungfer Road Charleston Speed Limit	None declared	That the report be received and noted That 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	26/07/2019	Final approval plans have been received from DPTI and signs scheduled for installation. Awaiting final approval paperwork from DPTI for speed limit and then installation will occur. 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.
26/02/2019	Ordinary Council	29/19	Road Closure adjacent Charleston Conservation Park	None declared	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	31/10/2019	A Valuation has been received from DEW. The Preliminary Plan has been signed for submission to the Surveyor-General. Community consultation will now proceed, both by the Surveyor-General and Council, with a report to be presented to Council following the consultation period. Public consultation commencing 29 July 2019.
26/02/2019	Ordinary Council	31/19	Community Forums 2019	None declared	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	31/10/2019	The first forum of the year was held on 30 April at Houghton as per the resolution. The next forums will be held at Gumeracha on 30 July 2019 and Norton Summit on 29 October 2019. Venues have been booked.

Meeting Date	Meeting	Res No.	Item Name	Previously Declared COI	Action Required (Council Resolution)	Responsible Director	Status	Est. Completion	Status (for Council reporting)
26/02/2019	Ordinary Council	39/19	Proposal to Undertake CEO Performance Review Internally	None declared	That the report be received and notedTo 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	In Progress	30/08/2019	External Consultant has been appointed to undertake the total Employment Cost package/remuneration review. Council Member performance feedback process commencing 10/7/19, with feedback due by 19/7/19.
26/02/2019	Ordinary Council	47/19	Boundary Reform Proposal - Woodforde & Rostrevor	None declared	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	21/06/2019	The Boundaries Commission has advised that a Stage 2 submission is able to be lodged by the Campbelltown City Council. Council considered an update at its June 2019 meeting. Planning is in progress for the community meeting.
26/03/2019	Ordinary Council	61/19	Climate Emergency	None declared	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		The draft Corporate Carbon Management Plan has been completed and is currently available for internal comment.

Meeting Date	Meeting	Res No.	Item Name	Previously Declared COI	Action Required (Council Resolution)	Responsible Director	Status	Est. Completion	Status (for Council reporting)
26/03/2019	Ordinary Council	62/19	Policy Position - Telecommunications Installation (Low-Impact Facilities)	None declared	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	Completed	26/07/2019	This draft policy position will be considered by Council at its meeting on 23 July.
26/03/2019	Ordinary Council	76/19	Kenton Valley War Memorial Park	None declared	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 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. 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). Following community consultation, that a report be presented to Council detailing the outcomes of the consultation and suggestions for the expenditure of sale proceeds.  Action from discussion: Staff to identify and advise Council Members if any biodiversity studies have been undertaken on the parcel of land	Terry Crackett	In Progress	31/08/2019	Community meeting was held Monday 20 May at the Kenton Valley Golf Club. A group of residents was formed at that meeting to look at options to renew the memorial aspects of the reserve inline with its intended purpose. The Council's biodiversity officers have undertaken a vegetation assessment of the land. Full community consultation commenced on 25 June 2019. A further report will be presented to Council following consultation.

Meeting Date	Meeting	Res No.	Item Name	Previously Declared COI	Action Required (Council Resolution)	Responsible Director	Status	Est. Completion	Status (for Council reporting)
26/03/2019	Ordinary Council	77/19	Randell's Cottages, Beavis Court, Gumeracha	None declared	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 know as Randell's Cottages being supported. That subject to the response from the State Commission Assessment Panel, a Development Application be lodged for a non-complying land division. 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. That the CEO be delegated to prepare the necessary documentation to undertake the EOI. That a report be presented to Council	Terry Crackett	In Progress	30/09/2019	Council planning staff have met with DPTI staff and are progressing discussions
26/03/2019	Ordinary Council	78/19	Scott Creek Cemetery Reserve Fund	None declared	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 Creation/extension of driveways to facilitate expansion of the cemetery	Terry Crackett	In Progress	31/12/2019	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	Previously Declared COI	Action Required (Council Resolution)	Responsible Director	Status	Est. Completion	Status (for Council reporting)
26/03/2019	Ordinary Council	80/19	Road Widening – Lower Hermitage Road, Lower Hermitage	None declared	<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 &amp; 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>	Peter Bice	Completed	4/07/2019	All affected landowners have signed an Agreement to Undertake Boundary Realignment.
26/03/2019	Ordinary Council	86/19	Sale of land at the former Onkaparinga Woollen Mills site at Lobethal	None declared	As per confidential resolution	Terry Crackett	In Progress	31/07/2019	Progressing in accordance with the resolution

Meeting Date	Meeting	Res No.	Item Name	Previously Declared COI	Action Required (Council Resolution)	Responsible Director	Status	Est. Completion	Status (for Council reporting)
7/05/2019	Special Council	96/19	Road Closure Tay Crescent, Woodforde	None declared	That the report be received and noted.To make a Road Process Order pursuant to the <i>Roads (Opening &amp; Closing) Act 1991</i> to close and merge the piece of land identified as "A" in the Preliminary Plan No. 18/0057 and being portion of the land in Certificate of Title Volume 2546 Folio 56 with Allotment 11 in Deposited Plan No. 6530 comprised in Certificate of Title Volume 5637 Folio 217.Subject to the closure of the road identified in the Preliminary Plan attached, that:The closed road be excluded as Community Land pursuant to the <i>Local Government Act 1999</i> ; andThe piece marked "A" be sold to Mr Robert Walter & Mrs Sharyn Walter, the owners of the property with which it is merging for the amount of \$65,000 incl GST (if applicable) and all fees and charges associated with the road closure process. 4. Authorise the Chief Executive 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	30/09/2019	Progressing in accordance with the resolution. 5/6/19 - Road Process Order, Agreement to Transfer and final plans have been signed and returned to the Conveyancer for lodgement with the Surveyor General. Funds have been requested to be held in trust by McDonald Conveyancing pending finalisation of the Road Process Order by the Surveyor-General. 2/7/19 - Funds are currently held in trust by McDonald Conveyancing, and documents have been lodged with the Lands Titles Office



Meeting Date	Meeting	Res No.	Item Name	Previously Declared COI	Action Required (Council Resolution)	Responsible Director	Status	Est. Completion	Status (for Council reporting)
7/05/2019	Special Council	97/19	Road Closure Peake Road, Birdwood	None declared	<p>1. That the report be received and noted.</p> <p>2. To make a Road Process Order pursuant to the Roads (Opening &amp; Closing) Act 1991 to close and merge the pieces of land identified as "A" in the Preliminary Plan Number 19/0002 with Section 6286 being the land comprised in Certificate of Title Volume 5496 Folio 550.</p> <p>3. Subject to the closure of the road identified in the Preliminary Plan attached, that: The closed road be excluded as Community Land pursuant to the <i>Local Government Act 1999</i>; and The piece marked "A" be sold to Mr Paul &amp; Mrs Michele Edwards, the owners of the property with which it is merging for the amount of \$19,000 plus GST and all fees and charges associated with the road closure process.</p> <p>4. Authorise the Chief Executive to finalise and sign all necessary documentation to close and sell the above portion of closed road pursuant to this resolution.</p>	Terry Crackett	In Progress	30/09/2019	<p>Progressing in accordance with the resolution</p> <p>5/6/19 - Road Process Order, Agreement to Transfer and final plans have been signed and returned to the Conveyancer for lodgement with the Surveyor General. Funds have been requested to be held in trust by McDonald Conveyancing pending finalisation of the Road Process Order by the Surveyor-General.</p> <p>2/7/19 - McDonald Conveyancing expect to have funds in trust next week, and will then lodge documents.</p>

Meeting Date	Meeting	Res No.	Item Name	Previously Declared COI	Action Required (Council Resolution)	Responsible Director	Status	Est. Completion	Status (for Council reporting)
7/05/2019	Special Council	98/19	Road Closure Sandy Waterhole Road Woodside	None declared	<p>1. That the report be received and noted</p> <p>2. To make a Road Process Order pursuant to the <i>Roads (Opening &amp; Closing) Act 1991</i> to close and merge the pieces of land identified as "A" in the Preliminary Plan No. 19/0001 attached to this report with Section 3961 being the land comprised in Certificate of Title Volume 5471 Folio 906.</p> <p>3. Subject to the closure of the road identified in the Preliminary Plan attached, that: The closed road be excluded as Community Land pursuant to the <i>Local Government Act 1999</i>; and The piece marked "A" be sold to Deepwater Pty Ltd, the owners of the property with which it is merging for the amount of \$20,000 plus GST (if applicable) and all fees and charges associated with the road closure process.</p> <p>4. Authorise the Chief Executive to finalise and sign all necessary documentation to close and sell the above portion of closed road pursuant to this resolution.</p>	Terry Crackett	In Progress	30/09/2019	<p>Progressing in accordance with the resolution</p> <p>5/6/19 - Road Process Order, Agreement to Transfer and final plans have been signed and returned to the Conveyancer for lodgement with the Surveyor General. Funds have been requested to be held in trust by McDonald Conveyancing pending finalisation of the Road Process Order by the Surveyor-General.</p> <p>2/7/19 - Funds are currently held in trust by McDonald Conveyancing, and documents have been lodged with the Lands Titles Office</p>
7/05/2019	Special Council	94/19	Stonehenge Reserve Masterplan Update and Findings from Consultation	None declared	<p>That the report be received and noted. To not proceed with any of the masterplanning options at Stonehenge Reserve at this point in time. To proceed with resurfacing works at both the Stonehenge Reserve and Heathfield sites. To delegate to the CEO to seek variations and finalise arrangements to the grant funding agreements with the Office for Recreation, Sport &amp; Racing, and Tennis SA that allow new court construction at alternative sites. The CEO to report back to Council on those finalised arrangements. To notify those who have registered through the Stonehenge Reserve Project's engagement site of the outcome of the consultation and this report.</p>	Peter Bice	In Progress	30/12/2019	<p>Administration have begun discussions with the Office for Recreation, Sport &amp; Racing and Tennis SA regarding a variation to the grant funding agreement that allows new court construction at an alternative site.</p>

Meeting Date	Meeting	Res No.	Item Name	Previously Declared COI	Action Required (Council Resolution)	Responsible Director	Status	Est. Completion	Status (for Council reporting)
7/05/2019	Special Council	104/19	Unsolicited Approach to Purchase Community Land – Period of Confidentiality	None declared	that the report, related attachments and the minutes of Council and the discussion and considerations of the subject matter be retained in confidence until the matter is further presented to Council for a decision, but not longer than 12 months.	Terry Crackett	In Progress	6/05/2020	
28/05/2019	Ordinary Council	109/19	Road Closure for Adelaide Rally	Cr Chris Grant (Perceived)	That the report be received and noted That, in relation to the 2019 Adelaide Hills Rally, Council's support of the event and related road closures is contingent on UME, to the satisfaction of the CEO: Entering into a road repair agreement with Council to cover any rectification works required as a result of damage caused by the event; Agreeing to undertake road dilapidation reports of the route prior to and subsequent to the event at their cost; Providing evidence of satisfactory insurance to cover any damage to 3rd party property caused by the event; Providing written confirmation from affected business owners that they are aware of the road closures; Providing written confirmation to confirm that the concerns raised by affected residents have been addressed and that arrangements for egress and regress from those properties can be managed within the event; Written confirmation from Australian Securities and Investments Commission that UME is registered beyond 3 August 2019; and Written confirmation from UME that they will erect advance notices of road closures on the affected roads, in locations advised by Council.	David Waters	In Progress	30/09/2019	

Meeting Date	Meeting	Res No.	Item Name	Previously Declared COI	Action Required (Council Resolution)	Responsible Director	Status	Est. Completion	Status (for Council reporting)
28/05/2019	Ordinary Council	110/19	MON Federal Election 2019	None declared	<ol style="list-style-type: none"> <li>1. Council congratulates the Hon Scott Morrison MHR on being able to form a majority Coalition Government, and</li> <li>2. Seeks assurances from the Prime Minister that the new government will honour statements made during the election campaign by the Liberal Candidate for the seat of Mayo, Ms Georgina Downer. These statements for Projects in the Adelaide Hills Council include: <ol style="list-style-type: none"> <li>a. Reducing congestion at the intersection of Tiers, Nairne and Onkaparinga Valley Roads, Woodside,</li> <li>b. Upgrading of bike trails by completing the Amy Gillett Recreation Bikeway to Mount Pleasant, and</li> <li>c. Completing the Hahndorf/Verdun Interchange on the south eastern freeway</li> <li>d. Providing netting subsidies for fruit growers</li> </ol> </li> <li>3. The Chief Executive Officer writes to the Minister for Transport enclosing a copy of the correspondence and requesting the Minister to support projects in the Adelaide Hills Council Area.</li> <li>4. The Council congratulates Ms Rebekha</li> </ol>	Andrew Aitken	Completed	28/06/2019	Letters sent
28/05/2019	Ordinary Council	111/19	MON Draft Policy Low Impact Telecommunications Facilities	None declared	That the Council's 26 March 2019 resolution (62/19) for the provision of a report to Council on a policy position in relation to the future installation of low impact telecommunications facilities, specifically, antennae attached to stobie poles, by telecommunications providers be deferred from 30 June 2019 until the 23 July 2019 Council meeting.	Marc Salver	Completed	26/07/2019	Staff have completed the development of this policy position which will be considered by Council for adoption at its meeting on 23 July 2019 in accordance with the Motion on Notice
28/05/2019	Ordinary Council	112/19	Festivals & Events Policy	None declared	That the report be received and noted. To endorse the Draft <i>Festivals and Events Policy</i> , as contained in <i>Appendix 1</i> , for consultation purposes. That the CEO be authorised to: Make any formatting, nomenclature or other minor changes to the Policy prior to being released for public consultation and; Determine the consultation timings, media and processes while ensuring consistency and compliance with the provisions of Council's <i>Public Consultation Policy</i> .	David Waters	In Progress		Consultation opened on 5 June Closes on 28 June Advertising in local papers Wednesday 5 in Public notices and Wednesday 12 June (latter with emphasis that consultation includes motor sport and sporting events) Social media posts Wednesday 5 Report back to Council due August 2019

Meeting Date	Meeting	Res No.	Item Name	Previously Declared COI	Action Required (Council Resolution)	Responsible Director	Status	Est. Completion	Status (for Council reporting)
28/05/2019	Ordinary Council	113/19	20 Anniversary Gumeracha Civic Precinct Development	None declared	That the report be received and noted. That an initiative be included in the 2019-20 Annual Business Plan, with a budget of \$3,000, to hold an appropriate event, involving community groups and community members, to celebrate the 20th anniversary of the development of the civic precinct at Gumeracha and showcase the activities and opportunities available at the site.	David Waters	Not Started		
28/05/2019	Ordinary Council	116/19	Options for Crown Reserves	None declared	<p>The report be received and noted. A formal approach be made to the Department for Environment and Water to seek support for</p> <p>a. the revocation of dedications for the following Crown Records</p> <p>Refer to Minutes</p> <p>b. a change in custodian of Crown records</p> <p>CR 5753/718, Section 1544 Reserve Terrace Aldgate, and CR 5753/753, Section 495 off Kersbrook Road Kersbrook, subject to no objections being received from the proposed custodians of Meals on Wheels (SA) Inc and the delegate to the Minister for Forests respectively.</p> <p>the revocation of dedication for Crown Record CR 5926/487, Lot 20 Bell Springs Road Charleston, to be incorporated into the protected areas system.</p> <p>In principle support for division of Crown condition agreements CT 5168/474, 140 Upper Sturt Road Upper Sturt, and CT 5880/219, Section 83 Cromer Road, Birdwood, with part to revert to The Crown for incorporation into the protected area system, subject to further determination by Council as to the appropriate areas (if any).</p>	Terry Crackett	In Progress	30/06/2020	A formal approach has been submitted in accordance with the resolution

Meeting Date	Meeting	Res No.	Item Name	Previously Declared COI	Action Required (Council Resolution)	Responsible Director	Status	Est. Completion	Status (for Council reporting)
28/05/2019	Ordinary Council	AQON	Lower Hermitage Road Upgrade	None declared	Action item - Consider including Federation Park as possible site for trees removed from Lower Hermitage Road upgrade	Peter Bice	In Progress	30/08/2019	<p>We are currently investigating whether it would be appropriate to position some of the cleared trees (with hollows) in Kersbrook Stone Reserve around the open quarry area in the hope that the addition of the trees would:</p> <ul style="list-style-type: none"> <li>•Benefit wildlife through creation of additional habitat,</li> <li>•Encourage the formation of soil structure through the additional capture of resources and</li> <li>•Create/build up organic matter layer</li> </ul> <p>We are also considering using as nature play elements in upcoming playspace upgrades</p>
28/05/2019	Ordinary Council	A123/19	Adelaide Hills Council Roundabouts	None declared	Action - Report to June Council meeting on final roundabout designs for Council approval	Peter Bice	In Progress	24/09/2019	<p>Detailed roundabout concept designs were presented to Council at a Workshop on 18 June 2019. Feedback received was generally positive and it was agreed to proceed to the detailed design phase. A report based on the final designs and associated costings will be presented to Council, indicatively at the 24 September 2019 meeting.</p>

Meeting Date	Meeting	Res No.	Item Name	Previously Declared COI	Action Required (Council Resolution)	Responsible Director	Status	Est. Completion	Status (for Council reporting)
4/06/2019	Special Council	132/19	MON Rescission and replacement of discretionary rates rebates for 2019/20	Cr Kirrilee Boyd (Material), Cr Malcolm Herrmann (Perceived)	<p>1. The report be received.</p> <p>2. That the following applications for a discretionary rate rebate under Section 166 1) (d) of the Local Government Act 1999 be granted a 75% rate rebate for the rating years from 2019-20 until the end of the current Council term: Scout Association of Australia (SA Branch) 9 Pye Road Balhannah – Assessment No. 6589 Scout Association of Australia (SA Branch) 99 Milan Terrace Stirling – Assessment No. 12628 Lobethal and District Aged Homes 8 Woodside Road Lobethal – Assessment No. 4670</p> <p>3. That a discretionary rate rebate requested by the following applicants under Section 166 of the Local Government Act 1999 be declined on the basis that they do not meet the criteria set out in Council's Rating Policy: Stirling Hospital Inc – 20 Milan Terrace Stirling – Assessment No. 11270 KeyInvest – 18A Tolmer Road Woodside – Community Centre – Assessment No. 20383 Baptist Care (SA) Inc – 32 Wingrove Road Mylor – Assessment No. 10008 Scout Association of Australia (SA Branch) 37 Spring Gully Road Piccadilly – Assessment No. 106919 Spring</p>	Terry Crackett	Completed	21/06/2019	<p>Supersedes 118/19</p> <p>Council's rating system has been updated to reflect Council's decisions and applicants have been advised.</p>



Meeting Date	Meeting	Res No.	Item Name	Previously Declared COI	Action Required (Council Resolution)	Responsible Director	Status	Est. Completion	Status (for Council reporting)
4/06/2019	Special Council	135/19	Road Closures Adelaide Rally Event	None declared	That the report be received and noted. That, in relation to the Shannons Adelaide Rally 2019 and the Adelaide Rallysprint 2019, Council's support of the event is contingent on the organisers, to the satisfaction of the Chief Executive Officer: Providing evidence of satisfactory insurance to cover any damage to 3rd party property caused by the event; Entering into a road repair agreement with Council to cover any rectification works required as a result of damage caused by the event; Providing confirmation that affected business owners are aware of the road closures; Providing written confirmation to confirm that the concerns raised by affected residents have been adequately addressed and that arrangements for egress and regress from those properties can be managed within the event; Written confirmation from the organisers that they will erect advance notices of road closures on the affected roads, at least 3 weeks prior to the event. That subject to the requirements of 2. being undertaken, Council provides consent for road closure orders in relation to the two events, to be held on Sunday 6 October and between Wednesday 4 December and Saturday 1 December 2019 as follows:	David Waters	Not Started		
4/06/2019	Special Council	136/19	Strategic Plan Review - Key Themes Adoption	None declared	That the report be received and noted. That the Summary of Key Challenges, Opportunities and Implications ( <i>Appendix 1</i> ) identified as part of the environmental scan research be noted. That the draft strategic goal areas (Community, Economic, Environment and Organisational Capacity), related outcomes and key result areas included in <i>Appendix 2</i> of this report be endorsed for community consultation in Phase 2. To delegate to the Chief Executive Officer, or delegate, the authority to make any formatting or content changes to the draft strategic goal areas, related outcomes and key result areas to reflect matters raised in the Council's debate on the matter prior to its release for community consultation.	Terry Crackett	In Progress	31/01/2020	Following endorsement by Council of the key Goal Areas, a discussion paper is being prepared to use as the basis for Stage 2 consultation.

Meeting Date	Meeting	Res No.	Item Name	Previously Declared COI	Action Required (Council Resolution)	Responsible Director	Status	Est. Completion	Status (for Council reporting)
4/06/2019	Special Council	137/19	Magarey Road Renaming	None declared	The report be received and noted. That the southern section of Magarey Road Mount Torrens (as shown in Appendix 1) be renamed Barrett Road.	Peter Bice	In Progress	31/08/2019	Mandatory publication of name change in progress, name change has been gazetted and the Valuer General has been advised. Name change will come into effect 24 July 2019.
4/06/2019	Special Council	140/19	Confidential Item - Event Opportunity	None declared	As per Confidential Minute	David Waters	In Progress	30/06/2019	
4/06/2019	Special Council	141/19	Confidential Item - Event Opportunity	None declared	Minutes of Council and the discussion and considerations of the subject matter be retained in confidence until the event agreements are signed and the race routes are announced by the relevant Minister, but not longer than 31 December 2019.	David Waters	Not Started	31/08/2019	Announcements expected in August/September 2019.
4/06/2019	Special Council	135/19	Action - Road Closures Adelaide Rally Event	None declared	Officers to provide information to Council after the Event on actual times roads were open and closed	David Waters	Not Started	31/12/2019	This will be actioned after the event in December 2019.
25/06/2019	Ordinary Council	145/19	Petition - Pomona Road visual & sound pollution	None declared	Council resolves that the petition signed by 20 signatories, concerning Pomona Road Stirling visual and sound pollution, be received and noted.	Andrew Aitken	Completed		Letter sent 28/6/19
25/06/2019	Ordinary Council	146/19	Restvale Homes for the Aged Rates Rebate	Cr Kirrilee Boyd (Actual)	Council resolves that the petition signed by 352 signatories, requesting the reinstatement of the rate rebate for Restvale Homes for the Aged at Lobethal, be received and noted. The Board of Management be advised that Lobethal Homes for the Aged is entitled to a mandatory rebate and that the rate will be at the residential rate, pursuant to the provisions of Sec 161 of the Local Government Act 1999	Andrew Aitken	Completed		Letter to be sent 28/6/19 with input from Corporate Services

Meeting Date	Meeting	Res No.	Item Name	Previously Declared COI	Action Required (Council Resolution)	Responsible Director	Status	Est. Completion	Status (for Council reporting)
25/06/2019	Ordinary Council	147/19	Mylor Fireworks	None declared	Council resolves that the petition signed by ten signatories, concerning fireworks at Mylor Oval be received and noted. That the organiser of the petition be advised that the Council will consider the matter as part of its consideration of the Festivals and Events Policy, which is currently subject to public consultation	Andrew Aitken	Completed		Letter sent 28/6/19
25/06/2019	Ordinary Council	148/19	Internal Review Investigator, Shannons Adelaide Rally Support for Road Closure decision	Cr Nathan Daniell (Material)	To cease the current arrangements for the investigation of the Internal Review of the 28 August 2018 Shannons Adelaide Rally Support for Road Closure decision (resolution 196/18) in order to mitigate any perceptions of bias (including apprehension of bias) on the part of the investigator. That the CEO identify, for the Mayor's approval, an appropriate alternative investigator, whether internal or external, to enquire into resolution 196/18 in order to prepare a report to Council as the reviewer of that decision in accordance with the provisions of the <i>Internal Review of Council Decision Policy</i>	Andrew Aitken	Completed	16/07/2019	On 16 July 2019, the Mayor approved the engagement of NormanWaterhouse Lawyers as the investigator for the Internal Review of the 28 August 2018 Shannons Adelaide Rally Support for Road Closure decision (resolution 196/18).

Meeting Date	Meeting	Res No.	Item Name	Previously Declared COI	Action Required (Council Resolution)	Responsible Director	Status	Est. Completion	Status (for Council reporting)
25/06/2019	Ordinary Council	151/19	Solid Waste Levy Increase	None declared	<p>Council expresses its deep disappointment to the State Government for the 40% increase in the solid waste levy announced in the 2019-20 State Budget.</p> <p>The Levy is currently \$100 a tonne in metropolitan areas, but will rise to \$110 on 1 July 2019, and \$140 on 1 January 2020. In Council's non-metro areas the Levy will rise to \$55 on 1 July, and \$70 on 1 January 2020 (based on 50% of the metro rate). This will raise additional revenue for the State Government of \$14.8 million in 2019-20 and around \$24.9 million per annum from 2020-21 once fully implemented.</p> <p>This is a huge impost by State Government on Local Government and will put increased pressure on the ratepayers of the Adelaide Hills Council and threaten infrastructure and services provided by Council.</p> <p>Council is deeply disappointed with the State Government for the hypocrisy in heavily criticising local government for rate increases during the rate capping campaign and then passing on cost increases from the State Government to councils in this way and including putting the projected budget surplus</p>	Andrew Aitken	Completed		
25/06/2019	Ordinary Council	153/19	Feasibility Study Sturt Valley Road Stirling	None declared	<p>That Council Staff prepare a feasibility study including concept plan suitable for public consultation in regards to any options for a walking trail/path on the lower side of Sturt Valley Road, and that an associated budget of up to \$10,000 be added to the 2019-20 Budget to enable necessary surveying and drafting of the concept plan to occur.</p> <p>That prior to the aforementioned occurring, a report be prepared for Council on the merits or impediments to a walking trail/path on the lower side of Sturt Valley Road</p>	Peter Bice	Not Started	23/07/2019	An information report discussing the merits and impediments of a lower side walking trail along Sturt Valley Rd will be presented to Council at the 23 July 2019 meeting.

Meeting Date	Meeting	Res No.	Item Name	Previously Declared COI	Action Required (Council Resolution)	Responsible Director	Status	Est. Completion	Status (for Council reporting)
25/06/2019	Ordinary Council	154/19	2019/20 Annual Business Plan Community Consultation Outcomes	None declared	That the report be received and noted To receive the submissions made during the Community (Public) Consultation period in accordance with Section 123(6) of the <i>Local Government Act 1999</i> To note that the comments and results of the Community Consultation have been considered in finalising the 2019-20 Annual Business Plan	Terry Crackett	Completed	25/06/2019	Annual Business Plan endorsed by Council on 25 June 2019 and since published on the Adelaide Hills Council website.
25/06/2019	Ordinary Council	157/19	2019/20 Annual Business Plan Adoption	None declared	Refer to Minute	Terry Crackett	Completed	25/06/2019	Annual Business Plan endorsed by Council on 25 June 2019 and since published on the Adelaide Hills Council website.
25/06/2019	Ordinary Council	158/19	Boundary Reform - Approval to Explore	None declared	That the report be received and noted.To note that correspondence will be sent to the residents of Woodforde and Rostrevor (in the Council area) inviting them to a community meeting to discuss the boundary reform process and the status of the Campbelltown City Council proposal.That in relation to strategic boundary reform:Approve the engagement of a consultant to undertake a high level review of Council's boundaries to identify boundary reform options.Once the review has been undertaken and boundary reform options identified, that a workshop be held with the Elected Body (confidential if necessary) whereby the outcomes of the subject review can be presented prior to a formal report to council for consideration.	Andrew Aitken	In Progress	30/10/2019	Updated correspondence was sent to Woodforde and Rostrevor residents. Details of the community meeting are yet to be finalised. Scoping of the procurement documentation for the Strategic Boundary Review is under development.
25/06/2019	Ordinary Council	159/19	Resource Recovery & Recycling Strategy	None declared	That the report be received and noted.Council adopts the Resource Recovery & Recycling Strategy contained within Appendix 1 of this report.That the CEO be authorised to make any formatting, nomenclature or other minor changes to the Strategy prior to being released to the public.	Peter Bice	Completed	31/07/2019	Minor amendments have been made to strategy. Actions now complete
25/06/2019	Ordinary Council	159/19	Resource Recovery & Recycling Strategy	None declared	<i>Administrative Action: John McArthur to include batteries in free drop off and include information on the solid waste levy in the Strategy.</i>	Peter Bice	Completed	31/07/2019	Minor amendments have been made to the Strategy reflecting disposal of batteries at the HRRC and reference to the Solid Waste Levy will be made.

Meeting Date	Meeting	Res No.	Item Name	Previously Declared COI	Action Required (Council Resolution)	Responsible Director	Status	Est. Completion	Status (for Council reporting)
25/06/2019	Ordinary Council	161/19	Public Interest Disclosure Policy Report	None declared	That the report be received and notedWith an effective date of 01 July 2019, to revoke the 22 March 2016 Whistleblowers Protection Policy and adopt the draft Public Interest Disclosure Policy, as contained in Appendix 1.That the Chief Executive Officer be authorised to make any formatting, nomenclature or other minor changes to the 25 June 2019 Public Interest Disclosure Policy prior to the effective date.	Andrew Aitken	Completed		Policy activated and placed on website.
25/06/2019	Ordinary Council	164/19	2018 – 2019 Play Space Upgrades – Confidential Item	None declared	As per Confidential Minute	Peter Bice	Not Started		Playspace report going back to Council in October 2019.
25/06/2019	Ordinary Council	165/19	2018 – 2019 Play Space Upgrades – Confidential Item	None declared	the report, related attachments and the minutes of Council and the discussion and considerations of the subject matter be retained in confidence, but no longer than 6 months	Peter Bice	In Progress	31/12/2019	The matter remains in confidence and is ongoing.
25/06/2019	Ordinary Council	167/19	Lower Hermitage Road Widening Contract – Confidential Item	None declared	See Confidential Minute	Peter Bice	Not Started	31/12/2019	The matter remains in confidence and is ongoing.
25/06/2019	Ordinary Council	168/19	Lower Hermitage Road Widening Contract – Confidential Item	None declared	the value of the successful tenderer submission be retained in confidence until the contract is entered into.	Peter Bice	In Progress	31/12/2019	The matter remains in confidence and is ongoing.
25/06/2019	Ordinary Council	170/19	Land Acquisition Lower Hermitage Road - Confidential Item	None declared	See Confidential Minute	Terry Crackett	In Progress	31/08/2019	Progressing in accordance with the resolution
25/06/2019	Ordinary Council	171/19	Land Acquisition Lower Hermitage Road	None declared	the report, related attachments and the minutes of Council and the discussion and considerations of the subject matter be retained in confidence until the completion of the contract, but no longer than 12 months	Terry Crackett	In Progress	31/08/2019	

Meeting Date	Meeting	Res No.	Item Name	Previously Declared COI	Action Required (Council Resolution)	Responsible Director	Status	Est. Completion	Status (for Council reporting)
25/06/2019	Ordinary Council	173/19	Library Services Review	None declared	That the report be received and noted. That the Administration proceed with the replacement of the mobile library as per the provision in the 2018-19 Capital Works Budget and the Long Term Financial Plan as budgeted for in the 2018/19 Annual Business Plan, with the Council noting that the budget will need to be carried forward into 2019-20. That a Library Services Strategy be developed during 2019-20. That Council consults with the community on any changes to operating hours and services.	David Waters	Not Started		
25/06/2019	Ordinary Council	174/19	Declaration of Public Road - Houghton Village Green	None declared	That the report be received and noted. To declare Allotment 89 in Filed Plan No. 132880 contained in Certificate of Title Volume 5343 Folio 355 being Lot 89 Blackhill Road, Houghton as public road pursuant to Section 210 of the Local Government Act 1999. To authorise the publication of the resolution in the Government Gazette as required by Section 210 of the Local Government Act 1999 to declare the road to be public road. To delegate to the Chief Executive Officer the power to execute the necessary documentation to give effect to this resolution. To approve the write-off of \$5,252 for the outstanding rates on the Land.	Terry Crackett	In Progress	12/07/2019	Gazettal notice to appear in the Govt Gazette on 11 July 2019.
25/06/2019	Ordinary Council	175/19	Development Application involving Regulated Trees Policy	None declared	That the report be received and noted. With an effective date of 9 July 2019, to revoke the 14 June 2016 Development Applications Involving Regulated Trees – Procedures and Delegations Policy and adopt the draft June 2019 Development Applications Involving Regulated Trees Policy.	Marc Salver	Completed		The updated version of the Policy is on the Council Website
25/06/2019	Ordinary Council	176/19	Delegations Review Report	None declared	Refer to Minute	Andrew Aitken	In Progress	22/07/2019	Delegations updates are in progress.
25/06/2019	Ordinary Council	177/19	Gawler River Floodplain Management Authority	Cr Malcolm Herrmann (Perceived)	That the report be received and noted. To authorise the Chief Executive Officer to advise the Gawler River Floodplain Management Authority Board that the Adelaide Hills Council is supportive of the proposed 2019 Charter.	Andrew Aitken	Completed	28/05/2019	190628 - Correspondence from EMG&P forwarded advising of the Council outcomes.



Meeting Date	Meeting	Res No.	Item Name	Previously Declared COI	Action Required (Council Resolution)	Responsible Director	Status	Est. Completion	Status (for Council reporting)
25/06/2019	Ordinary Council	178/19	Formal Motion - Status Report	None declared	That the question lie on the table. Cr Osterstock asked "Do Council Members, in making this decision, who have previously declared a Conflict of Interest, have a Conflict of Interest for this item?"	Andrew Aitken	In Progress	23/07/2019	Report is being prepared for the 23 July 2019 Council meeting.
25/06/2019	Ordinary Council	181/19	Sale of Land for non payment of rates - CONFIDENTIAL	Cr Linda Green (Material)	As per confidential minute	Terry Crackett	In Progress	31/12/2019	Actions commenced in accordance with confidential minute.
25/06/2019	Ordinary Council	182/19	Sale of land for non payment of rates - period of confidentiality	Cr Linda Green (Material)	Until the notice for the proposed sale of land is published in a newspaper circulated in the State.	Terry Crackett	In Progress	30/09/2019	Actions commenced in accordance with the condidential minute.

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

**Item:** 13.1

**Originating Officer:** Ashley Curtis, Acting Director Infrastructure & Operations

**Responsible Director:** Ashley Curtis, Acting Director Infrastructure & Operations

**Subject:** Sturt Valley Road Lower Side Trail – Merits and Impediments

**For:** Information

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**SUMMARY**

Sturt Valley Road is a collector road that has been progressively upgraded over the years with wider vehicle lanes, guardrail and kerbing, to improve road safety. Sturt Valley Road did not feature a footpath, however it did have an unsealed shoulder that some pedestrians chose to walk along.

As part of the upgrade of a section of Sturt Valley Road in 2016, a footpath was accommodated from Avenue Road to the property access (gate) at #32, but it was not feasible to extend the footpath beyond this point due to the steep terrain present.

Subsequent Annual Business Plans have included budget allocation for the construction of footpath along Sturt Valley Road. A concept was developed for a walking trail loop however this was not able to be achieved due to the steeply sloping terrain as well as the lack of required easements to continue the trail over private property.

An alternate proposal has been received, to investigate the feasibility of constructing a shorter section of trail on the lower side of Sturt Valley Road. Prior to any feasibility study, the merits and impediments of the lower side trail are to be considered. Some merits include improved pedestrian safety, and improved walkability to Stirling. Some of the impediments include the steeply sloping terrain, narrow verges, and lack of strategic priority compared to other locations within the Council area.

**RECOMMENDATION**

**Council resolves that the report be received and noted.**

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## 1. GOVERNANCE

### ➤ Strategic Management Plan/Council Policy

Goal 1 People and businesses proposer.

Strategy 1.7 We will connect key walking trails and cycling routes to make it easier for people to keep active in the Hills.

### ➤ Legal Implications

Not Applicable

### ➤ Risk Management Implications

*The receiving and noting of this report will assist in mitigating the risk of:*

*Uninformed decision making leading to inefficient allocation of Council resources.*

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

### ➤ 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

Consultation on the development of this report was as follows:

*Council Committees:* Not Applicable

*Council Workshops:* Not Applicable

*Advisory Groups:* Property Advisory Group

*Administration:* Manager Civil Services  
Manager Property Services  
Coordinator Civil Projects  
Roads Officer  
Sports and Recreation Planner

*Community:* Not Applicable

## 2. BACKGROUND

Sturt Valley Road is a collector road with traffic of less than 1,000 vehicles per day. It is nearly 5km long and serves as local access for residential properties along its length, as well as a route into Stirling from Ironbank and an alternate route from Upper Sturt Road.

Historically Sturt Valley Road was characterised by a narrow carriageway, with tight winding curves and steep drop offs. Sturt Valley Road did not feature a footpath, however it did have an unsealed shoulder that some pedestrians would choose to walk along. The road has been progressively upgraded over the years to provide for wider vehicle lanes, guardrail and kerbing, to meet current Australian Standards and improve road safety.

The 2015/16 Annual Business Plan and Budget (ABP) included funds to upgrade Sturt Valley Road from Avenue Road to 640m west of Avenue Rd. In March 2016 Council resolved to fund the upgrade of the final 230m after matching funds from the Special Local Roads Program became available (refer resolution 59 below).

### 14.11 Sturt Valley Road Reconstruction

Moved Cr Kirrilee Boyd  
S/- Cr Jan-Claire Wisdom

59

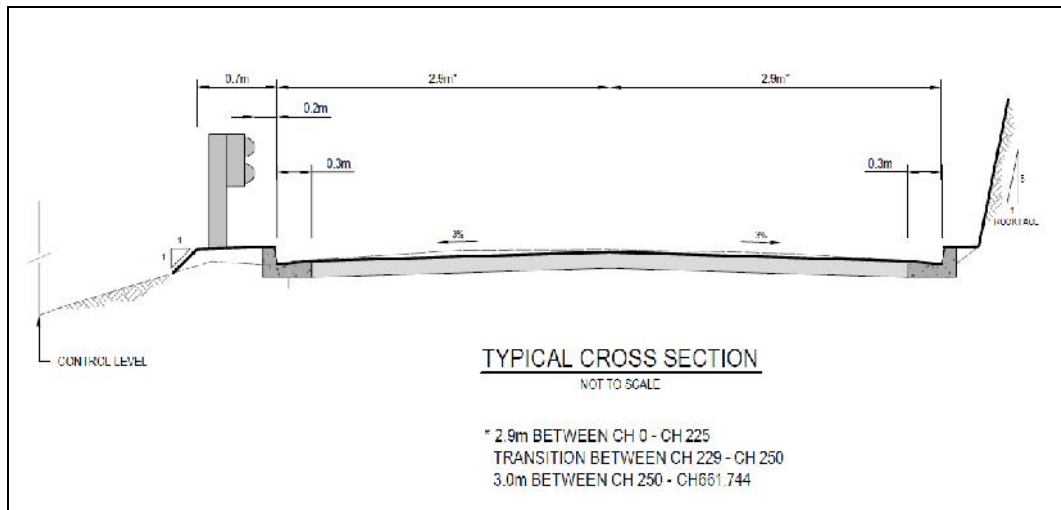
#### Council resolves:

1. That the report be received and noted.
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.

Carried Unanimously

Consultation undertaken with the community at that time indicated a desire for a footpath to be constructed along Sturt Valley Road for the purposes of exercise, leisure, and access to public transport at Avenue Road. Detailed design of the upgrade of Sturt Valley Road was able to accommodate footpath from Avenue Road to the property access (gate) at #32, which is the section of greatest housing density. However it was not found to be feasible to extend the footpath beyond this point due to the steep terrain present.

Guardrail was proposed throughout this section of Sturt Valley Road (refer typical cross section below), however this was put on hold as per the above resolution, and to date no further guardrail has been installed along Sturt Valley Road.



The 2016/17 ABP included a budget of \$150,000 for the “installation of footpath and guardrail alongside the current road upgrade...” with the qualifier that “This needs to be reviewed alongside the Sturt Valley Road bush trail design”. This project was deferred due to the 2016 storm event, and included in the 2017/18 ABP with a revised budget of \$250,000.

In 2017/18 Council staff worked with community and Council Members to determine the most appropriate footpath route for this location. A concept was developed for a walking loop along Sturt Valley Road, through to Upper Sturt Road, and back via Waverly Ridge Road and Rostrevor Road (refer Attachment 1). This proposed walking loop required a land swap with #38-42 where the existing verge was too narrow for a footpath, and a pedestrian access easement be granted through private property at #70 where the footpath needed to connect through to Upper Sturt Road. The project was deferred again, to allow extra time for these complicated negotiations to be carried out, however both owners ultimately decided not to grant pedestrian access over their land, ruling out the construction of this proposed walking loop at this location.

As the Sturt Valley Road footpath could no longer link to a broader trail or footpath network, Council staff recommended in the 2018/19 BR3 report to the 28 May meeting of Council that the project be cancelled. At this meeting Council subsequently resolved unanimously consistent with the report’s recommendations.

At the abovementioned Council meeting, a shorter section of trail on the lower side of Sturt Valley Road was proposed as an alternative to cancelling the project outright. This proposal was formalised at the 25 June 2019 meeting via a Motion On Notice, and amended to require a report be prepared for Council on the merits or impediments to a walking trail/path on the lower side of Sturt Valley Road (refer resolution 153/19 below). This information report addresses that motion.

**Moved Cr Kirrilee Boyd  
S/- Cr Kirsty Parkin**

**153/19**

- 1. That Council Staff prepare a feasibility study including concept plan suitable for public consultation in regards to any options for a walking trail/path on the lower side of Sturt Valley Road, and that an associated budget of up to \$10,000 be added to the 2019-20 Budget to enable necessary surveying and drafting of the concept plan to occur.**
- 2. That prior to the aforementioned occurring, a report be prepared for Council on the merits or impediments to a walking trail/path on the lower side of Sturt Valley Road.**

**Carried**

The owners of #38-42 Sturt Valley Road have submitted an application for road closure for a section of unmade road adjacent to their property. The section proposed to be closed as public road and amalgamated with the adjoining land comprises 572m<sup>2</sup> of land from the edge of the gravel road verge, down the steep embankment and encompassing the old stone building at the bottom of the embankment which currently straddles the property boundary. Public notification of that proposed road closure commenced in the week of beginning 8 July 2019.

### **3. ANALYSIS**

For the purposes of this analysis, the proposed route of a walking trail along the lower side of Sturt Valley Road starts at the existing sealed footpath at the gate of #32, and ends at the driveway of #38-42, just before the verge becomes too narrow to continue. This would result in approximately 330m of walking trail, mostly set back from Sturt Valley Road and at the bottom of the embankment.

The following items merit the construction of a walking trail along the lower side of Sturt Valley Road:

- The proposed section of walking trail would improve pedestrian safety by giving pedestrians who have chosen to walk along Sturt Valley Road an opportunity to step off the road sooner,
- The proposed section of walking trail would improve access to Stirling for those residents immediately adjacent the trail,
- Adopting a walking trail standard results in a reduced design criteria which would be more affordable and achievable than the footpath options explored behind the kerb in the previous Sturt Valley Road footpath project. The reduced criteria could include cheaper material (such as gravel), greater tolerance for slope (such as incorporating wooden sleeper steps), and narrower sections of path where required,
- None or minor land acquisition or easements are required as there is mostly sufficient road reserve width adjacent #34-36 and #38-42 in which to construct a walking trail,
- Constructing a lower side trail through this section of Sturt Valley Road would finalise the status of the verge adjacent the kerb for the same section, and allow for guardrail installation if required in the future.

The following are impediments in constructing a walking trail along the lower side of Sturt Valley Road:

- This section of path has not been identified as a priority in any of Council's heat mapping of the footpath network, and represents a significant investment to service relatively few users,
- This section of trail is not reflected in Council's *Adelaide Hills 20 Year Trail Strategy and Action Plan* document (currently under review), and it does not currently form part of a wider loop or trail network,
- The width from back of kerb to property boundary adjacent #32 is still very narrow and a minimum 900 mmm path may not be achievable,
- Steep slopes at #34-36 would require steps to continue the path down into the lower area. Whilst acceptable under a walking trail standard, this does not permit all ability access,
- Steep slopes at #38-42 would require steps to continue the path up to meet Sturt Valley Road, or would require a land acquisition or easement to traverse across privately owned land, as there is insufficient space between the bottom of the embankment and the old stone building to facilitate a walking trail at that point,
- Some vegetation clearance would be required to accommodate the low side path, the value and extent of which is to be determined,
- Access to this trail would be limited e.g. residents on the high side of Sturt Valley Road could not easily access it,
- Formal objection to the walking trail has been received from the residents at #38-42, on the basis of loss of privacy,
- The road closure application from the landowners at #38-42, if approved, would limit the area available for the walking trail to the verge adjacent to the back of kerb (noting that the road closure application is to realign the boundary so that the old stone building exists wholly within their allotment).

The following considerations have an unknown impact on the feasibility of constructing a walking trail along the lower side of Sturt Valley Road. They could be merits or impediments, depending on the results of any feasibility study and consultations:

- The walking trail would be in an area previously inaccessible to the public. It is not yet known if the residents of #34-36 would be supportive of the trail,
- A short section of driveway for #34-36 would need to be used to access the lower side trail. It is not yet known if those owners would be supportive of the proposal. Whilst these crossovers are wholly within Council road reserve, they are the responsibility of the property owner to maintain. Based on previous experience, objections on the grounds of maintenance and safety concerns may be received,
- Alternate walking trail loops (Heather Road to Longwood Road, and/or Whitewood Dr to Upper Sturt Road) that incorporate the Sturt Valley Road lower side trail were proposed as part of the Motion on Notice at the 25 June 2019 Council Meeting, but they are not reflected in the *Adelaide Hills 20 Year Trail Strategy and Action Plan* and it is unknown whether they will be considered a priority under a review of that document.



**4. OPTIONS**

Council has the following options:

- I. Receive the report (Recommended)

**5. APPENDICES**

- (1) Originally Proposed Walking Trail Loop
- (2) Indicative Lower Side Walking Trail (subject to feasibility study)

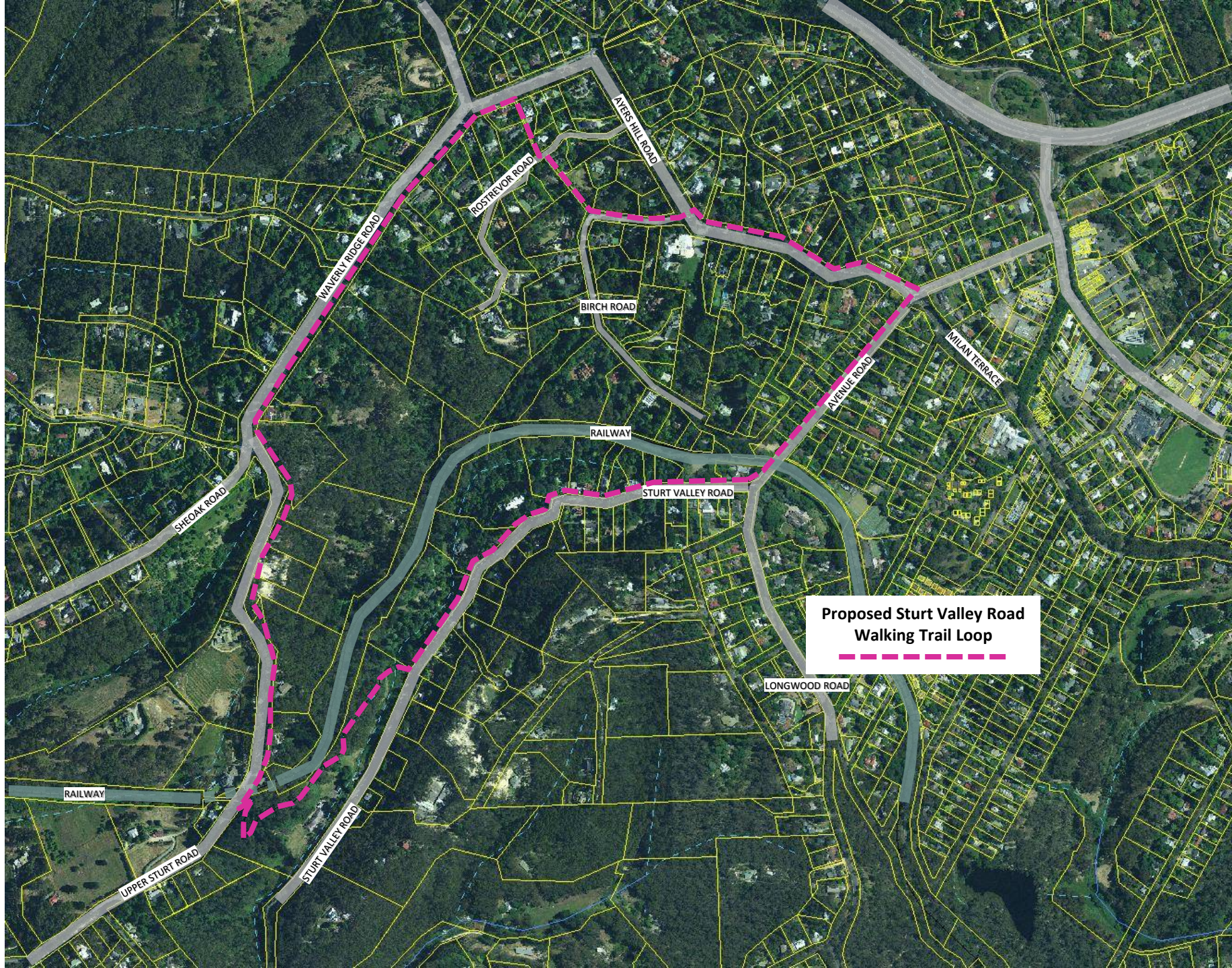
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# **Appendix 1**

## *Proposed Walking Trail Loop*

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**Proposed Sturt Valley Road  
Walking Trail Loop**

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## **Appendix 2**

*Indicative Lower Side Walking Trail (subject to  
feasibility study)*

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EXISTING ASPHALT FOOTPATH

8167  
32 Sturt Valley RD

Sturt Valley Road

8293  
25 Sturt Valley RD

14514  
34 Sturt Valley RD

8296  
33 Sturt Valley RD

8302  
39 Sturt Valley RD

INDICATIVE LOWER SIDE TRAIL

8306  
41 Sturt Valley RD

8295  
29 Sturt Valley RD

8307  
43 Sturt Valley RD

19614  
42 Sturt Valley RD

8308  
47 Sturt Valley RD

8297



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

**Item:** 13.2

**Originating Officer:** Marc Salver, Director Development & Regulatory Services

**Responsible Director:** Marc Salver, Director Development & Regulatory Services

**Subject:** Update on the Bird in Hand Gold Mine

**For:** Information

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**SUMMARY**

The purpose of this report is to provide an update on the status of the proposed Bird in Hand Gold mine located on Pfeiffer Road, Woodside between the Bird in Hand and Petaluma Wineries and Cellar Doors (refer to **Appendix 1** for more details). The proposed mine has been in an exploratory phase for many years, and on 21 June 2019, Terramin Australia (Terramin), the owners of the mine, applied to the Department for Energy and Mining (DEM) pursuant to Sections 35 and 53 of the *Mining Act, 1971* to obtain a Mining Lease Licence. Further, on 5 July 2019, Council received a formal invitation (refer to **Appendix 2**) from DEM to provide comments on the proposed mine. It is therefore considered prudent to update Council about the mine, noting that there has also been some recent media coverage in this regard as well.

It is noted that Council has no role or involvement in the mine approval process other than to provide comments to the Minister for Energy and Mining. Applications for mining operations are approved under the *Mining Act, 1971* by the Minister. Now that the application for the mining lease licence has been lodged, Council and other relevant stakeholders, including State Government Agencies, landowners and the general public are being invited to provide comments to the Minister on the proposed mine. The deadline for comments is 20 September 2019. Terramin will then be given an opportunity to respond to the public submissions, which will also be assessed by the Government's technical experts. The Minister will then make a decision with regard to the mining lease application. If approved, Terramin intend to commence mining operations within the next 12 to 24 months.

Now that the consultation process has commenced, Administration will review the proposal and provide comment on matters such as possible impacts on Council infrastructure, the community and the environment more generally. Administration will have a workshop on the proposal in August and will report the draft comments to Council for consideration before submitting them to DEM by the 20 September 2019 deadline.

**RECOMMENDATION**

**Council resolves that the report be received and noted.**

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## 1. GOVERNANCE

### ➤ Strategic Management Plan/Council Policy

Goal 1            People and business prosper  
Goal 3            Places for People & Nature

The Adelaide Hills Council District is a scenic area with a diversity of primary production activities and tourism offerings. The assessment of any proposed mining activity needs to be considered within this context, and any potential socio-economic benefits and potential negative impacts on both the environment and nearby tourism and primary production activities need to be mitigated or addressed as part of the assessment process.

### ➤ Legal Implications

*Mining Act, 1971*

*Development Act, 1993 and associated Development Regulations, 2008*

*Planning, Development and Infrastructure Act, 2016*

The Minister for Mineral Resources and Energy, as the relevant authority via the Department for Energy and Mines (DEM), considers and approves applications for mining operations pursuant to the *Mining Act, 1971*. Council has no role or involvement in the mine approval process other than to provide comments to the aforementioned Minister when provided with the opportunity to do so.

A referral to Council is also required pursuant to Section 75 (2) of the *Development Act, 1993*, and Regulation 84(1)(b) of the *Development Regulations, 2008*. The Minister for Mineral Resources and Energy, as the relevant authority, is required to refer the application for mining to the Minister for Planning where the mining operation is proposed within a council area listed in Schedule 20 of the Development Regulations. The Adelaide Hills Council is listed in Schedule 20 and therefore DEM would need to refer the application to the Minister for Planning who will then refer the application to the Extractive Industries Committee of SCAP for comment.

Lastly, Regulation 84(2) requires Building Rules Consent (BRC) to be issued by the relevant council for all housing, offices and work areas or other amenities which are not directly associated with the mining operations (e.g., staff canteen) which trigger the need for development approval. However, the "planning" consent approvals are issued by DEM under the *Mining Act, 1971*.

### ➤ Risk Management Implications

The receiving and noting of this report will assist in mitigating the risk of:

*Council not taking the opportunity to assess and comment on the possible impacts of the proposed mine on its infrastructure, the environment and the community.*

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



➤ **Financial and Resource Implications**

There are no financial implications as a result of this information report. However, any impacts (including financial impacts) on Council's infrastructure (e.g., our roads) will be assessed as part of the review of the proposal.

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

The mine has received opposition from the Inverbrackie Creek Catchment Group representing farmers in the locality, who are primarily concerned with the potential groundwater impacts on neighbouring farmers as a result of the proposed mining operations. Further, the neighbouring wineries and cellar doors are also opposed to the mine, as has been noted from recent media coverage in this regard, and consider that the proposed mine will negatively impact on their businesses. The community is being invited to provide comments/submission to the Minister for Energy and Mining as part of the legislative requirements and have been notified of the proposal via adverts in:

- The South Australian Government Gazette
- The Advertiser
- The Courier (Mount Barker)
- The Adelaide Hills Weekender Herald
- Southern Argus (Strathalbyn)
- The Times (Victor Harbor)

It is noted that all submissions received will be forwarded to Terramin for consideration and response, and will be made public, unless respondents request this not to occur.

➤ **Environmental Implications**

There have been general concerns expressed by the adjoining landowners/businesses, the community and the Inverbrackie Creek Catchment Group regarding the potential groundwater and other impacts on neighbouring farmers and businesses as a result of the proposed mining operations. Further, there may be noise, vibration and other environmental impacts which will need to be assessed. As stated earlier, Council and the general public now have the opportunity to comment on these issues and any other aspects of the proposed mine.

It is noted that Terramin have undertaken research into a broad range of issues, including ground and surface water impacts, soil and land impacts, air quality, noise, native fauna, Aboriginal Heritage, geotechnical hazards, etc. These matters are detailed in the Mining Lease Application which can be viewed on the Department for Energy and Mining website ([www.energymining.sa.gov.au/bird\\_in\\_hand\\_gold\\_project\\_consultation](http://www.energymining.sa.gov.au/bird_in_hand_gold_project_consultation)) or Terramin's website at [www.terramin.com.au](http://www.terramin.com.au).

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

Consultation on the development of this report was as follows:

Council Committees: Not Applicable

Council Workshops: Not Applicable

Advisory Groups: Not Applicable

Administration: Manager Economic Development  
Manager Sustainable Assets

Community: The Minister for Energy and Mining is required to consult with State Government Agencies, Council, landowners and the general public regarding the proposed mine. This has recently been advertised in the media and on 5 July 2019, Council was formally invited to provide comments on the proposal. Submissions need to be made to the Minister by 20 September 2019. Further, it is also noted that there has been extensive public consultation undertaken by Terramin over the years. In this regard, Terramin established the Woodside Community Consultative Committee (WCCC) on 5 June 2017. The WCCC has met on numerous occasions since then with its most recent meeting having occurred on 17 April 2019. These are public meetings and the details of the presentations to this Committee can be found on Terramin's website.

## **2. BACKGROUND**

The proposed Bird in Hand Gold mine is located on a 37 hectare site on Pfeiffer Road, Woodside between the Bird in Hand and Petaluma Wineries and Cellar Doors, and is over the road from the Artwine Cellar door (refer to **Appendix 1** for a locality plan and other details). Terramin purchased the mining rights from the previous owners, Maximus Resources, in 2014. If approved, the Mine will be developed utilising conventional drill and blast mining methods to make a tunnel down to the ore body. Any excavated rock will be taken to the surface and the gold ore will be transported to Strathalbyn using twelve 40 tonne truckloads daily. Any rock without gold (i.e. mullock) will be stored on the surface at the Bird in Hand Mine site before being progressively returned to the mine to fill in the excavated voids after the ore body has been removed. This mullock will be stored temporarily on a part of site behind existing vegetated earth bunds in order to minimise the visual impacts to surrounding properties. The underground mine will go down to a depth of approximately 450m, with blasting occurring twice a day for less than 30 seconds and result in minimal surface vibrations. The mine will operate 24/7 and will have a life of around 5 years. There will be no external lighting at night other than around the entrance to the site.

Terramin undertook an Economic Impact Assessment (EIA) of the proposed mine which outlines that:

- The project will generate a total positive impact on Gross State Product of an estimated \$222 million over 8 years (excluding the Gross Operating Surplus of the mining operation itself).
- This includes \$190 million of estimated wages and salaries paid to households, and the provision of a modelled 2,350 person years of employment (or an average of around 300 full time equivalent jobs per year). Only 25% of the jobs created are in Project operations itself, and some 10% from Project investment. The remainder is spread through the rest of the economy and impacts on sectors such as retail trade, business services, education, health services etc. generated through a combination of the support spend for the project, but also the on-spend of wages and taxes generated.
- 60% of the impact will occur in the Adelaide Hills Council area, around Woodside (an estimated 1,400 person years of employment), and 20% would be expected in the Fleurieu Peninsula, around Strathalbyn (501 person years of employment).

Further, the aforementioned EIA states that the mine is expected to generate 252,000 ounces (7,144 tonnes) of gold at 13.3 grams per tonne, which equates to \$468 million at current gold prices.

The mine has been in an exploratory phase for many years, and on 21 June 2019 Terramin applied to the Department for Energy and Mining (DEM) pursuant to Sections 35 and 53 of the *Mining Act, 1971* to obtain a Mining Lease Licence. **Appendix 3** is a chart which outlines the steps involved in the approval process. During the exploratory phase, Terramin advised that they have done extensive groundwater studies in order to see what impact there will be on surrounding bores and the water table, given the operation requires dewatering of the mine in order to get the ore body, and determined there would be minimal impact. Details about this analysis work can be viewed in the Mining Lease application on the Department for Energy and Mining website:

([www.energymining.sa.gov.au/bird\\_in\\_hand\\_gold\\_project\\_consultation](http://www.energymining.sa.gov.au/bird_in_hand_gold_project_consultation))

or on Terramin's website at [www.terramin.com.au](http://www.terramin.com.au). Terramin have also advised that there is a requirement for them to ensure they do not impact on surrounding users' groundwater.

The mine has received opposition from the Inverbrackie Creek Catchment Group representing farmers in the locality, who are mainly concerned about the potential groundwater impacts on neighbouring farmers as a result of the proposed mining operations. Further, the neighbouring wineries and cellar doors have also expressed their opposition to the proposed mine as has been noted from recent media coverage in this regard.

On 21 June 2019, Terramin lodged their Mining Lease Application with the Minister for Energy and Mining who will now process the Application in accordance with the legislated process as detailed in the *Mining Act, 1971*. On 5 July 2019, Council received a formal invitation from DEM (refer to **Appendix 2**) to provide comments to the Minister by no later than 20 September 2019.

### **3. ANALYSIS**

The Minister for Energy and Mining will review the project elements during the assessment to ensure:

- there is a reasonable prospect that a mineral resource can be ‘effectively and efficiently mined’
- all potential environmental impacts have been identified
- the proposed level of impact (environmental outcome) is acceptable given the economic and social benefits
- the proposed control strategies will achieve an acceptable level of impact
- there is a control mechanism at all stages during the development of the Bird in Hand Gold Project, and
- work with Terramin to ensure the regulatory requirements and expectations are met.

It is noted that Council has no role or involvement in the mine approval process other than to provide comments to DEM regarding the proposal. Applications for mining operations are approved under the *Mining Act, 1971* by the Minister. Now that the application for the mining lease licence has been lodged, Council and other relevant stakeholders, including State Government Agencies, landowners and the general public are being invited to provide comments to the Minister on the proposed mine. Terramin are also required to openly engage with all stakeholders (i.e., interested members of the public, local businesses etc.) when developing their proposal, which they have done over a number of years.

Once the comments/submissions have been received, Terramin will be given an opportunity to respond to these, which will also be assessed by the Government’s technical experts. The Minister will then make a decision with regard to the mining lease application. If approved, Terramin intend to commence mining operations within the next 12 to 24 months.

Now that the consultation process has commenced, Administration will review the proposal and provide comment on matters such as possible impacts on Council infrastructure, the community and the environment more generally. Administration will have a workshop on the proposal and will report the draft comments to Council for consideration before submitting them to DEM by the 20 September 2019 deadline.

### **4. OPTIONS**

Council has the following options:

- I. To receive and note the report (Recommended)
- II. To resolve to not receive and note the report and resolve to do otherwise.

### **5. APPENDICES**

- (1) March 2018 Presentation by Terramin on the Bird in Hand Gold Mine
- (2) Invitation from Department for Energy and Mining to make submissions on the proposed Bird in Hand Gold Mine
- (3) Overview of How Mining Leases are Assessed by the State Government

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# **Appendix 1**

*March 2018 Presentation by Terramin on the Bird in  
Hand Gold Mine*

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**TERRAMIN AUSTRALIA LIMITED**

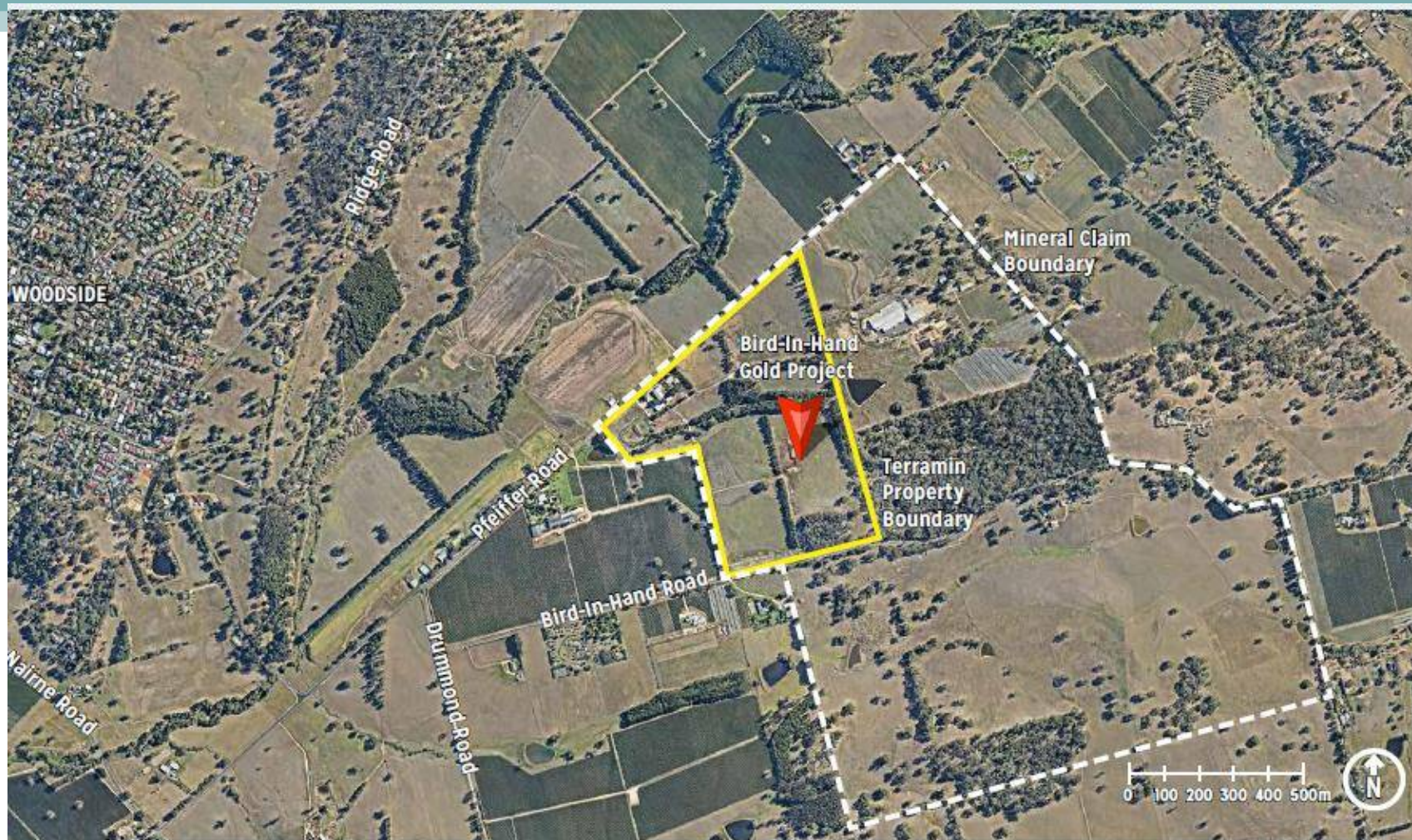
# Bird-in- Hand Gold Project



Martin Janes, Terramin Australia



# Location

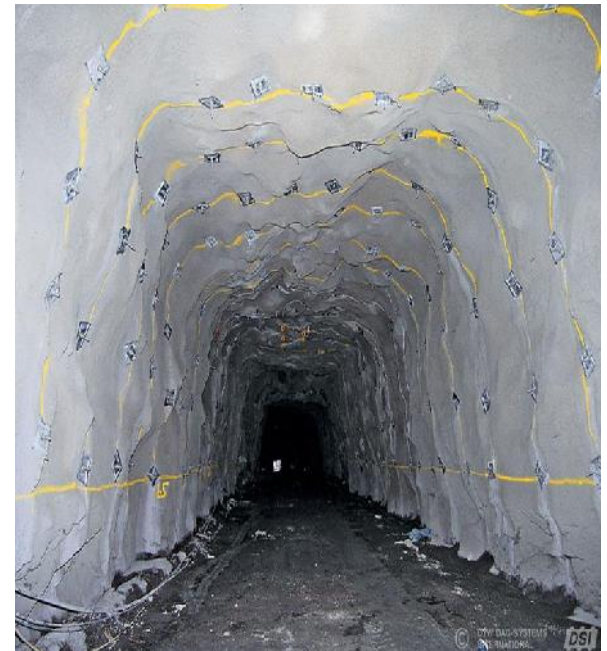




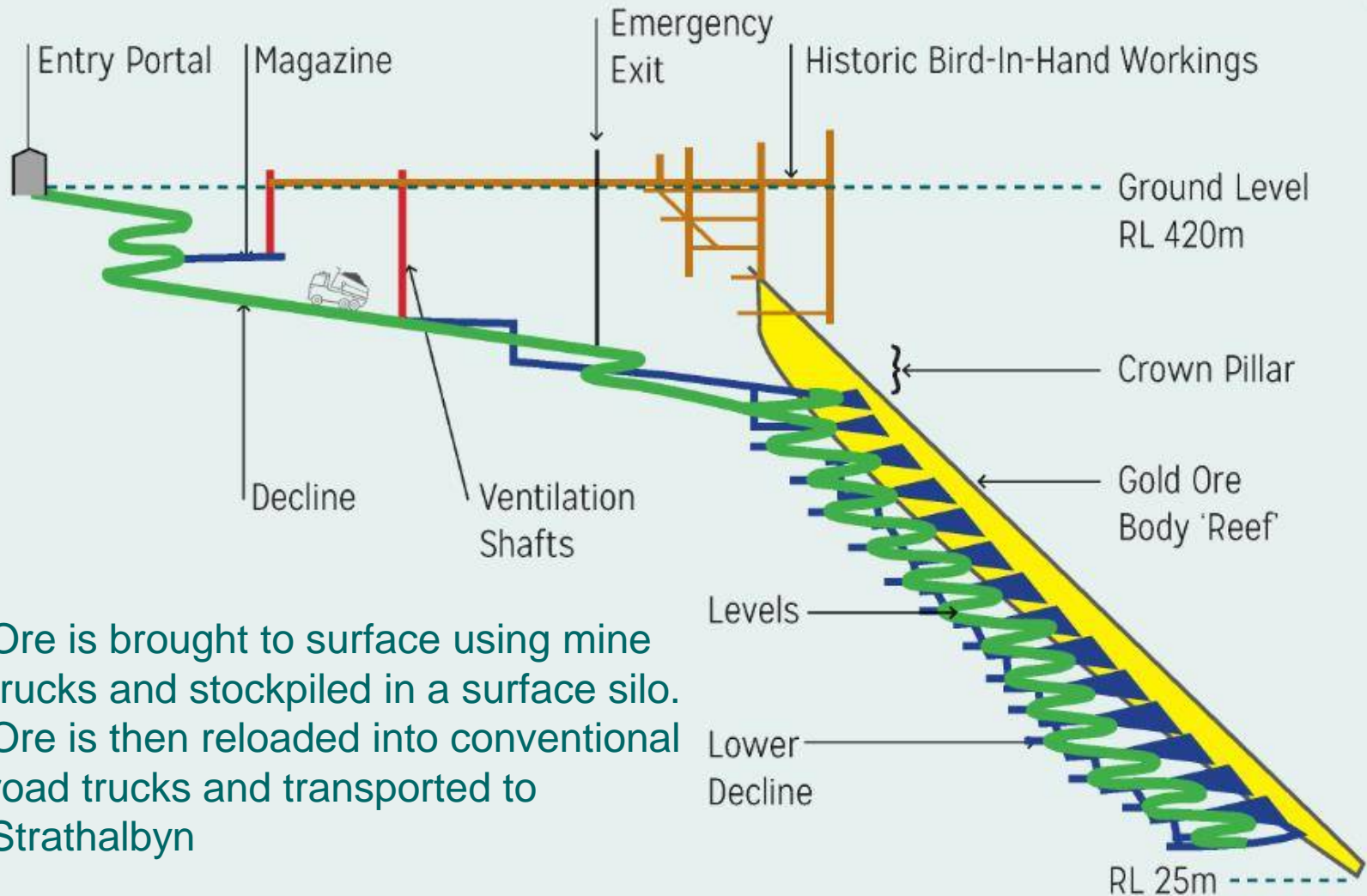
# Underground Mine



- Mining activities will occur underground
- No processing onsite



# Underground Mine Design



- Ore is brought to surface using mine trucks and stockpiled in a surface silo.
- Ore is then reloaded into conventional road trucks and transported to Strathalbyn



# Site Layout

Underground mine will not be seen, surface infrastructure has been designed to blend into the existing environment.



# Community Engagement



## How do we know what the community expects

- ❑ Commenced Community Consultation – December 2013
- ❑ Groundwater census – 95% of catchment bores
- ❑ Town Hall meetings
- ❑ CSIRO – independent survey into community perceptions
- ❑ Establishment of Woodside Community Consultation Committee
- ❑ Open days – Questions and answers, experts available
- ❑ Access to the company through web-page, e-mail, Community Hotline, and feedback forms at all events

# What is important to our Community



## What we've heard – Top concerns

- ☐ Protecting the groundwater resource
- ☐ Noise
- ☐ Visual Amenity
- ☐ Transport - trucks on the road
- ☐ Dust
- ☐ Vibration

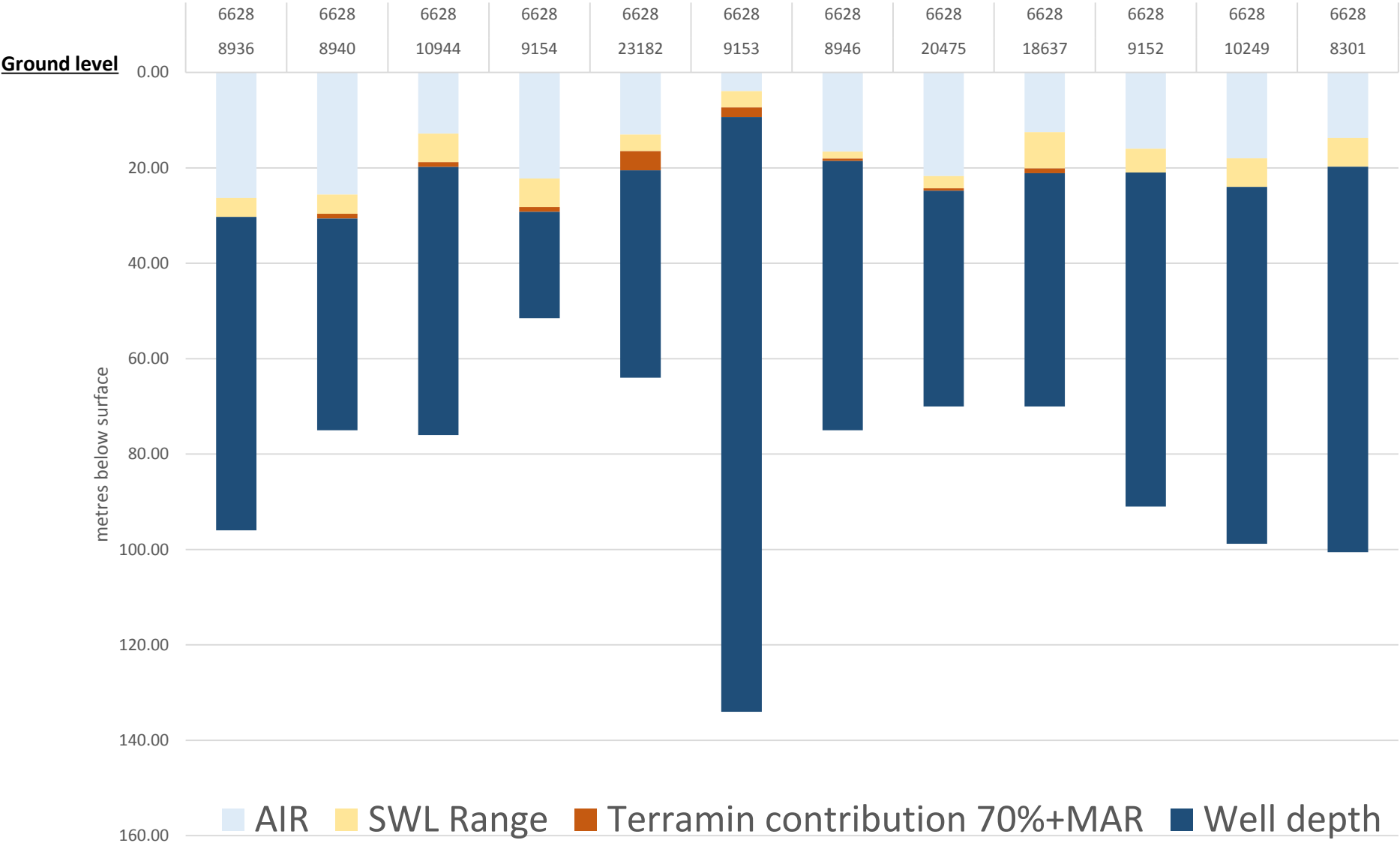
# Groundwater



## ❑ **Concern: Groundwater could impact businesses**

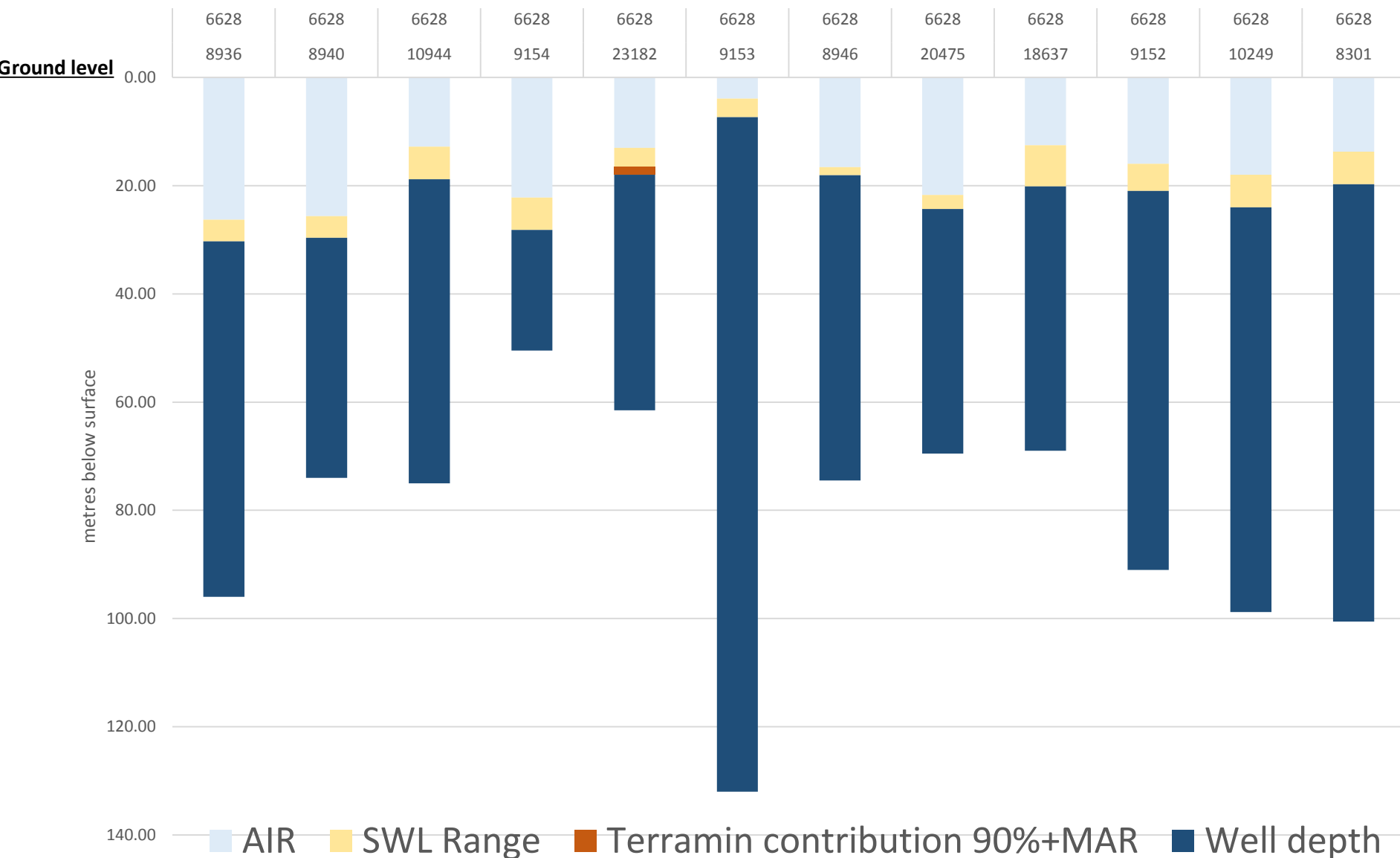
- We have designed water management system to not impact any agricultural businesses' ability to access water
- Proposal - Water neutral and licenced trading
- This includes
  - Fracture avoidance
  - Pre-excavation grouting
  - Reinjection of water which enters the mine (Managed Aquifer Recharge)
- 2018 Managed Aquifer Recharge test work is to confirm suitability of proposed water management system
- Live monitoring of groundwater level and quality

# Credible worst case – 70% Effective Grouting with MAR





# Expected Impact – 90% Effective Grouting with MAR





## Designed by Landscape architects to sit within existing amenity

- ❑ **Oxygen** – South Australian award winning company
- ❑ Visual amenity plan removes the ability to see mining infrastructure from neighbouring locations
- ❑ Visible elements include vegetation, dam and a silo which mimics the existing environment
- ❑ No infrastructure on Pfeiffer Road paddocks
- ❑ Visible paddock from Bird in Hand Road has vegetation and a dam

# Proposed Entrance

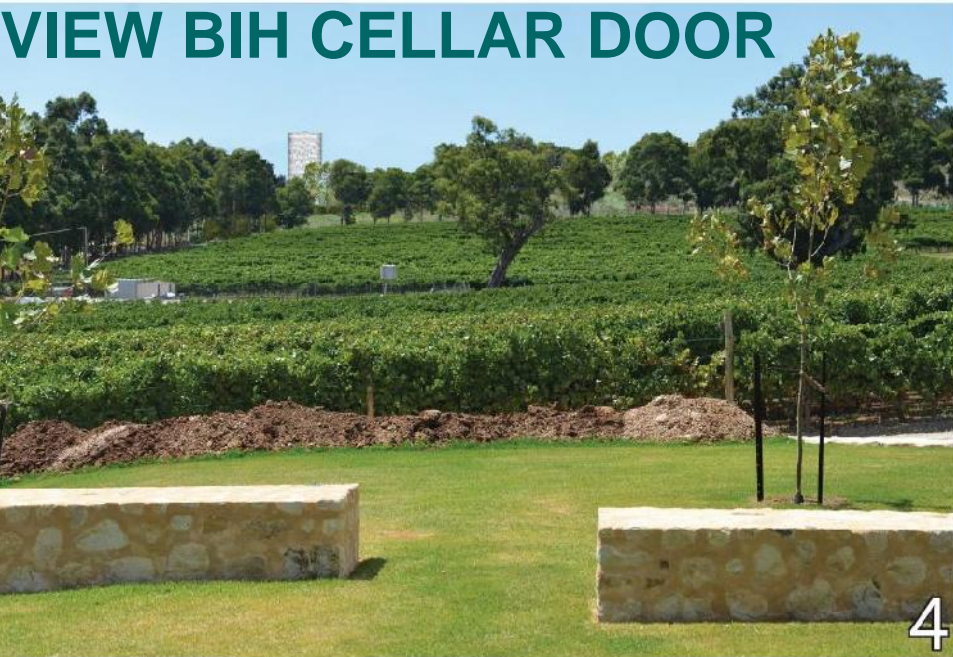




# View Once Built from Cellar doors



VIEW BIH CELLAR DOOR



4

VIEW ARTWINE CELLAR DOOR



# Current Vegetation Growth (18 months)



**60,000 Native plants established on 6ha of own property as areas of Biodiversity habitat. Will be 10ha after construction.**



- ❑ Baseline surveys undertaken
- ❑ Design criteria 10dB less than existing EPA Rural Industry limits (aligns with Rural Residential)
- ❑ Proposing to comply with EPA minus 5dB
- ❑ Includes acoustic mitigation strategies – enclosing, insulation, placing infrastructure underground
- ❑ Operating area situated behind earthen barriers to further mitigate noise from site
- ❑ Live monitoring



# Traffic and Transport



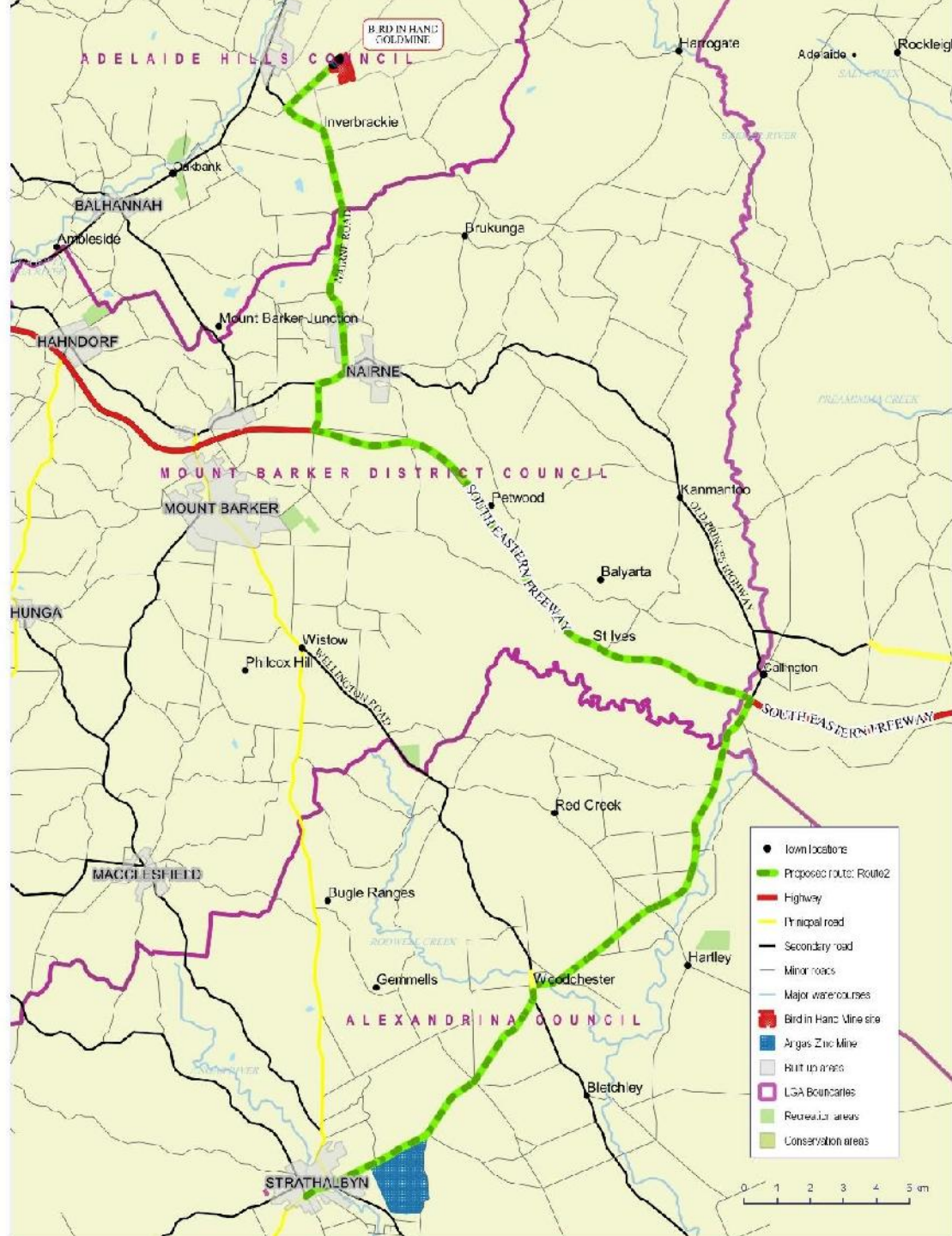
- ❑ Safety is top priority
- ❑ 12 loads of ore to Strathalbyn daily
- ❑ Dedicated access to site on Pfeiffer Road –
  - Wide enough with good sightlines
  - Dpt. Planning, Transport and Infrastructure approved design
- ❑ Exclusion times – no ore haulage between BIH and Angas
  - 10pm – 6am (excludes night)
  - 6am – 9am (excludes commuter traffic and school drop off)
  - 3pm – 4.30pm (excludes school pick up and buses)
- ❑ Reduced speed limit for Terramin trucks on Pfeiffer Road – 60km/hr
- ❑ Dash cams and GPS



# 19m Truck and Dog – General Access Vehicle









## ❑ **Concern: Dust could impact businesses**

- We have designed our site to remove most “normal” mining dust sources
- Bitumised roads, ore silo system, vegetation buffers, hydromulching
- Live monitoring

## ❑ **Agricultural Impact Assessment concludes:**

- Difficult to conceive any impact above and beyond normal background activities (spraying/slashing, etc.)
- No impact on productive capacity via dust deposition is envisaged based on the Air Quality Impact Assessment (sources removed or managed)



## Small scale underground mining

Tunneling technique requires detailed engineered design to ensure safety and cost control

- Small blast create minimal vibration - 2 blasts a day which last less than 30 seconds
  - Human context: similar to person walking next to you at residences and cellar doors
- Highly controlled millisecond detonation timing to control breakage and vibration

# Summary



- ❑ **Objective: Establish a low impact conventional underground mining operation at Woodside**
  
- ❑ **140 jobs**
- ❑ **\$150M into Adelaide Hills economy**
- ❑ **\$280M into South Australian economy**
  
- ❑ **Terramin is committed to working with communities to maximise the benefits and minimise the impacts resulting from our activities.**

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## **Appendix 2**

*Invitation from Department for Energy and Mining to  
make submissions on the proposed Bird in  
Hand Gold Mine*

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Doc ID: 2019D039547  
Our Ref: 2019/0826 and 2019/1021



Government of South Australia  
Department for Energy and Mining

5 July 2019

Mr Andrew Aitkin  
Chief Executive Officer  
Adelaide Hills Council  
28 Onkaparinga Valley Road  
WOODSIDE SA 5244

**SCANNED**

05 JUL 2019

ADELAIDE HILLS COUNCIL  
RECEIVED  
05 JUL 2019

Dear Mr Aitken

**Notice of Mining Lease and Miscellaneous Purposes Licence Applications  
and Invitation to Make Written Submissions**

On 21 June 2019 Terramin Exploration Pty Ltd and Terramin Australia Ltd (together referred to as 'Terramin') made applications respectively for a Mineral Lease over the area of Mineral Claim (MC) 4473 near Woodside and a Miscellaneous Purposes Licence near Strathalbyn, pursuant to sections 35 and 53 of the *Mining Act 1971* ('the Act') and Mining Regulations 2011.

The applications, which consist of application forms, a Mining Proposal and a Management Plan, together describe the existing environment, proposed operations, an assessment of potential environmental, social and economic impacts and a rehabilitation and closure plan for Terramin's 'Bird in Hand Gold Project'. Details of the nature and location of the applications are provided in Attachments 1 and 2.

In accordance with sections 35A and 53(4) of the Act, I have enclosed a copy of Terramin's applications for your information. I also now invite you to make a written submission to the Minister for Energy and Mining on one or both of those applications. I advise that the Minister will have regard to all submissions received when determining whether to grant or refuse the applications.

Any submission you wish to make must be received no later than **20 September 2019**.

The Department for Energy and Mining (DEM) has developed a dedicated webpage, which provides information on the application, public consultation and assessment processes: [http://energymining.sa.gov.au/bird\\_in\\_hand\\_gold\\_project\\_consultation](http://energymining.sa.gov.au/bird_in_hand_gold_project_consultation). All relevant documents can also be downloaded from this page. Printed copies of the Mining Proposal and Management Plan are also available for viewing on request at the Department for Energy and Mining (ph. 08 8463 3103) or at the Adelaide Hills and Alexandrina Councils.

Submissions may be made easily online via an online portal on the DEM webpage, by email to [DEM.miningregrehab@sa.gov.au](mailto:DEM.miningregrehab@sa.gov.au) or by post to Business Support Officer, DEM – Mining Regulation, GPO Box 320, Adelaide SA 5001.



Please note that all submissions received will be forwarded to Terramin for consideration and response, and will be made public. If you wish for your personal information to be withheld from publishing you must clearly request this by ticking the relevant box on the online form/submission template or including such request within your submission.

It would be appreciated if you please make available the supplied hard copy of the applications for viewing on request by interested persons in your council area.

Should you have any questions about the public consultation or government assessment process for Terramin's Bird in Hand Gold Project that are not answered on the webpage or in the attached documents, please contact DEM on 8463 3000.

Yours sincerely



**Junesse Martin**

**MINING REGISTRAR as Delegate of the Minister for Energy and Mining**

Att.:

1. Summary of Applications
2. Maps of Applications
3. Form 10: Mining Lease Application – Terramin Exploration Pty Ltd – MLA over MC4473
4. Form 17: Miscellaneous Purposes Licence Application – Terramin Australia Limited
5. Mining Lease Proposal and Management Plan – Terramin Exploration Pty Ltd and Terramin Australia Limited  
– Received 21 June 2019

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## **Appendix 3**

*Overview of How Mining Leases are Assessed by the  
State Government*

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The following diagram shows the current status of the project against the regulatory decision-making process.

