



## ORDINARY COUNCIL MEETING

### NOTICE OF MEETING

To: Mayor Jan-Claire Wisdom

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

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

**Tuesday 22 October 2019**  
**6.30pm**  
**63 Mt Barker Road Stirling**

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

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

**Andrew Aitken**  
**Chief Executive Officer**



## **ORDINARY COUNCIL MEETING**

**AGENDA FOR MEETING**  
**Tuesday 22 October 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 Ian Bailey (14 October – 3 November) approved 24 September 2019

Cr Malcolm Herrmann 28/10/19 – 5/11/19

3.3. Absent

**4. MINUTES OF PREVIOUS MEETINGS**

Council Meeting – 24 September 2019

*That the minutes of the ordinary meeting held on 24 September 2019 as supplied, be confirmed as an accurate record of the proceedings of that meeting.*

**5. DECLARATION OF CONFLICT OF INTEREST BY MEMBERS OF COUNCIL**

**6. PRESIDING MEMBER'S OPENING REMARKS**



**7. QUESTIONS ADJOURNED/LYING ON THE TABLE**

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

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

- 8.1. Petitions  
Nil
- 8.2. Deputations  
Nil
- 8.3. Public Forum

**9. PRESENTATIONS (by exception)**

**10. QUESTIONS ON NOTICE**

- 10.1. Building Safety

**11. MOTIONS ON NOTICE**

- 11.1. Publishing Recordings of Council Meetings

**12. OFFICER REPORTS – DECISION ITEMS**

- 12.1. Time & Place of Council Meetings, Workshops, Professional Development

- 1. *The report be received and noted.*
- 2. *The Ordinary Council meeting schedule, with meetings commencing at 6.30pm on the fourth Tuesday of the month, to be held at 63 Mt Barker Road, Stirling be adopted, as follows:*
- 3.

Meeting Date
*Tuesday, 17 December 2019
Tuesday, 28 January 2020
Tuesday, 25 February 2020
Tuesday, 24 March 2020
Tuesday, 21 April 2020
Tuesday, 26 May 2020
Tuesday, 23 June 2020
Tuesday, 28 July 2020
Tuesday, 25 August 2020
Tuesday, 22 September 2020
Tuesday, 27 October 2020
Tuesday 24 November 2020
Tuesday, 15 December 2020
*Resolved Previously

4. *Special Council meeting times and venues are to be determined by the Chief Executive Officer.*
5. *Regarding Workshop and Professional Development Informal Gatherings:*
  - *Workshop Sessions be scheduled ordinarily at 6.30pm on the 2nd Tuesday of each month, to be held at 36 Nairne Road, Woodside.*
  - *Professional Development Sessions be scheduled ordinarily at 6.30pm on the 3rd Tuesday of each month, to be held at 63 Mt Barker Road, Stirling.*
  - *The Chief Executive Officer be authorised to make changes to the informal gathering schedule, timings and locations.*
6. *That Community Forums be held in 2019 according to the following indicative schedule:*
  - *Tuesday 31 March 2020 at Mylor*
  - *Tuesday 30 June 2020 at Basket Range*
  - *Tuesday 29 September 2020 at Birdwood*
7. *That the Chief Executive Officer be authorised to make changes to the Community Forum schedule to accommodate venue availability or other matters arising which necessitate change.*

12.2. Draft Corporate Carbon Management Plan

1. *That the report be received and noted.*
2. *Council adopts the Corporate Carbon Management Plan contained within Appendix 1 of this report.*
3. *That the CEO be authorised to make any formatting, nomenclature or other minor changes to the Plan, including the production of a summary document for publication purposes.*

12.3. Local Heritage Grant Fund

1. *That the report be received and noted.*
2. *To approve the Local Heritage Grant Fund Guidelines Procedure as detailed in Appendix 1 of this report.*
3. *That the Chief Executive Officer be authorised to make minor amendments, not affecting the intent of the Guidelines or the Fund, as required from time to time.*
4. *That recommendations for successful grant recipients be reported to Council for consideration before any grants are awarded.*
5. *That any remaining grant funds in a particular financial year be rolled over to the next financial year over the intended 3 year life of the Grant Fund.*

12.4. Draft Public Consultation Policy

1. *That the report be received and noted.*
2. *To endorse the draft Public Consultation Policy, as contained in Appendix 1, for consultation purposes.*
3. *That the CEO be authorised to:*
  - a. *Make any formatting, nomenclature or other minor changes to the Policy prior to being released for public consultation and;*
  - b. *Determine the consultation timings, media and processes while ensuring consistency and compliance in accordance with s50(6) of the Local Government Act 1999 for a period of one month.*
4. *That the results of the consultation be presented back to the Council for consideration as part of adopting a final Public Consultation Policy.*

12.5. Crown Land Review

1. *That the report be received and noted*
2. *That Council commence a community land revocation process in relation to the following land (refer to agenda item):*
3. *Community consultation be undertaken in accordance with the Council's Public Consultation Policy.*
4. *A further report be presented to Council following completion of the community consultation process.*

12.6. Road Reserve adj Piccadilly Road, Piccadilly

1. *That the report be received and noted.*
2. *To make a Road Process Order pursuant to the Roads (Opening & Closing) Act 1991 to close the piece of land identified as "A" in the Preliminary Plan attached to this report.*
3. *Subject to the closure of the road identified in the Preliminary Plan attached, that:*
  - *The closed road be included as Community Land dedicated as Civic Purpose pursuant to the Local Government Act 1999; and*
  - *The piece marked "A" be retained by Council as road reserve.*
5. *Authorise the Chief Executive to finalise and sign all necessary documentation to close and retain the above portion of closed road pursuant to this resolution.*

12.7. Adelaide Wine Capital Cycle Trail Project

1. *Receive and note the project update report on the Adelaide Wine Capital Cycle Trail.*
2. *Support Light Regional Council to be the primary grant applicant on behalf of a consortium of six (6) councils to submit a grant application for the Adelaide Wine Capital Cycle Trail project into the Community Investment Stream – Round 4, of the Federal Government Building Better Regions Fund (BBRF4) when released, to prepare a \$168,000 project Business Case on behalf of those six (6) constituent councils.*
3. *Commit \$10,000 as Adelaide Hills Council's contribution to the collective pool of funds across the six (6) constituent councils in the Adelaide Wine Capital Cycle Trail project to fund up to 60% of the \$168,000 costs to finalise the project Business Case, conditional upon:*
  - a. *Each of the six (6) constituent councils committing equal funding towards the preparation of project Business Case, and*
  - b. *Successful grant notification under BBRF4 for the preparation of the Adelaide Wine Capital Cycle Trail project Business Case.*
4. *That Council Members be advised of the outcome of the decision by all partner Councils once known.*

12.8. Election of Deputy Mayor

1. *That the report be received and noted.*
2. *To determine that the method of selecting the Deputy Mayor be by an indicative vote to determine the preferred person utilising the process set out in this Agenda report.*
3. *To adjourn the Council meeting for the purposes of seeking nominations for and, if necessary, conducting an indicative vote to determine the preferred person for the Deputy Mayor's role and for the meeting to resume once the results of the indicative vote have been declared.*
4. *To appoint Cr..... to the position of Deputy Mayor for a .....month term to commence 27 November 2019 and conclude on 26 November 20XX (or the conclusion of the current Council term).*

12.9. Membership CEO Performance Review Panel

1. *That the report be received and noted.*
2. *To determine that the method of selecting the Chief Executive Officer Performance Review Panel Members to be by an indicative vote to determine the preferred persons for the two Council Member positions utilising the process set out in this Agenda report.*
3. *To adjourn the Council meeting for the purposes of seeking nominations for and, if necessary, conducting an indicative vote to determine the preferred persons for the Chief Executive Officer Performance Review Panel Member roles and for the meeting to resume once the results of the indicative vote have been declared.*
4. *To appoint Councillors..... as members of the Chief Executive Officer Performance Review Panel for a .....month term to commence 27 November*

*2019 and conclude on 26 November 20XX (inclusive) (or at the conclusion of the Council Term 2022).*

- 5. To determine that the method of selecting the Chief Executive Officer Performance Review Panel Presiding Member to be by an indicative vote to determine the preferred person utilising the process set out in this Agenda report.*
- 6. To adjourn the Council meeting for the purposes of seeking nominations for and, if necessary, conducting an indicative vote to determine the preferred person for the Chief Executive Officer Performance Review Panel Presiding Member role and for the meeting to resume once the results of the indicative vote have been declared.*
- 7. To appoint ..... to the position of Chief Executive Officer Performance Review Panel Presiding Member for a .....month term to commence 27 November 2019 and conclude on 26 November 20XX (inclusive) (or at the conclusion of the Council Term 2022).*

12.10. Strategic Planning Development Policy Presiding Member

- 1. That the report be received and noted*
- 2. To determine that the method of selecting the SPDPC Presiding Member to be by an indicative vote to determine the preferred person utilising the process set out in this Agenda report.*
- 3. To adjourn the Council meeting for the purposes of seeking nominations for and, if necessary, conducting an indicative vote to determine the preferred person for the SPDPC Presiding Member role and for the meeting to resume once the results of the indicative vote have been declared.*
- 4. To appoint ..... to the position SPDPC Presiding Member for a .....month term to commence 27 November 2019 and conclude on 26 November 20XX (inclusive) (or conclude when the Development Act 1993 is repealed or the aforementioned Act is superseded in its entirety by the Planning, Development and Infrastructure Act 2016, on or before 1 July 2020).*

12.11. Audit Committee Presiding Member

- 1. That the report be received and noted*
- 2. To determine that the method of selecting the Audit Committee Presiding Member to be by an indicative vote to determine the preferred person utilising the process set out in this Agenda report.*
- 3. To adjourn the Council meeting for the purposes of seeking nominations for and, if necessary, conducting an indicative vote to determine the preferred person for the Audit Committee Presiding Member role and for the meeting to resume once the results of the indicative vote have been declared.*
- 4. To appoint ..... to the position of Audit Committee Presiding Member for a .....month term to commence 27 November 2019 and conclude on 26 November 2020 (inclusive).*

12.12. Southern & Hills Local Government Association Membership

1. *That the report be received and noted.*
2. *To appoint Andrew Aitken to the position of Southern & Hills Local Government Association Board Member to 30 November 2022.*

12.13. Local Government Reform Submission

1. *That the report be received and noted*
2. *To lodge its Local Government Reform Submission at Appendix 1 to the Office of Local Government.*
3. *To delegate to the Chief Executive Officer the authority to make any minor changes to the Submission to reflect matters raised in the debate on the Local Government Reform Submission report.*

12.14. Delegations Review Report

*Refer to Agenda Item*

12.15. Status Report – Council Resolutions Update

*Refer to Agenda Item*

**13. OFFICER REPORTS – INFORMATION ITEMS**

- 13.1. Additional Borrowings to assist Capital Renewal Escalation

**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**

- 18.1.1. Council Assessment Panel – 9 October 2019  
*That the minutes of the CAP meeting held on 9 October 2019 as supplied, be received and noted.*
- 18.2. Special Strategic Planning & Development Policy Committee - 2 October 2019  
*That the minutes of the Special SPDPC meeting held on 2 October 2019 as supplied, be received and noted.*
- 18.3. Audit Committee  
*Nil*
- 18.4. CEO Performance Review Panel  
*Nil*

**19. CONFIDENTIAL ITEMS**

- 19.1. Draft Electricity Procurement Contract below 160 sites

**20. NEXT MEETING**

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

**21. CLOSE MEETING**

## Council Meeting/Workshop Venues 2019

DATE	TYPE	LOCATION	MINUTE TAKER
<b>NOVEMBER 2019</b>			
Thurs 14 November	CEO Performance Review	Stirling	TBA
Mon 18 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>			
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 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 22 October 2019  
AGENDA BUSINESS ITEM**

**Item:** 10.1 Question on Notice

**Originating from:** Cr Malcolm Herrmann

**Subject:** Building Safety – Aluminium Composite Panels

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**1. QUESTION**

1. Are any of the buildings identified in the State Government Audit located in the Adelaide Hills Council area?
2. If so, has the CEO been notified of the results of the Audit and what action has been/will be taken?
3. If applicable, what role does the Building Fire Safety Committee play?

**BACKGROUND**

Recent articles in the Press and on the Radio indicate that there is flammable cladding (Aluminium Composite Panels - ACP) at high risk levels in 30 buildings - both privately and publicly owned.

Residents are interested to know whether any of these building identified in the State Government Audit are located in the Adelaide Hills Council area.

**2. OFFICER'S RESPONSE – Marc Salver, Director Development & Regulatory Services**

The following responses are provided to each of the above questions in corresponding order:

1. There are no buildings identified in the State Government Audit located in the Adelaide Hills Council Area.
2. The CEO has been advised of the results of the Audit but as stated above there are no identified buildings in our Council area in the Audit.
3. The Council's Building Fire Safety Committee has been involved in the audit and inspection process regarding this matter and is investigating the possibility of other buildings in the AHC area that fall outside of the State Government Audit criteria.

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

**Item:** 11.1 Motion on Notice

**Originating from:** Cr Kirsty Parkin

**Subject:** Publishing recordings of Council meetings

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**1. MOTION**

**I move that Council resolves to request the Chief Executive Officer to provide a report to a future Council meeting on the practices of Australian local government entities for publishing Council Meeting audio recordings on their websites with a view to assessing the risks and benefits of adopting this practice at Adelaide Hills Council.**

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

The Administration is aware of a number of other councils in South Australia (and most likely across Australia) that record (and broadcast within the Chamber) their meetings, some of these councils make their meeting recordings available on their council website and a small number of these councils live stream their council meetings.

There is no legal requirement for council meetings to be recorded, however, should a council choose to do so in South Australia, it must comply with the requirements of the *Local Government Act 1999* (maintenance of confidentiality orders), *Freedom of Information Act 1991* (for the purposes of the retention of the record), the *Surveillance Devices Act 2016* (for the provisions relating to the use of surveillance devices) and the *Defamation Act 2005* (regarding the publication of defamatory statements).

The use of the recording device for council meetings at Adelaide Hills Council is provided for in the *Code of Practice for Council Meeting Procedures* (the Code) which was adopted on 22 August 2017. The current provisions at clause 5.1 are that the recording is an internal working document and is not the official record of the meeting. The official record is the published minutes.

Further, clause 5.1 provides that the recordings are made for the purposes of assisting in the preparation of the minutes; ensuring decisions are accurately recorded; and verifying the accuracy of the minutes prior to their confirmation. In practical terms, through the use on the contemporaneous production of the minutes at meetings, the recordings are rarely used for the preparation of the minutes.

As an internal working document, recordings are not made available to the public however they are subject to the provisions of the *Freedom of Information Act 1991*. In this regard, Council receives FOI applications from time to time.

The publication of the recording of Council Meeting does enable members of the community who are unable (for whatever reason) to have a richer level of engagement in the proceedings of the meeting over just reading the minutes when they are published. For some items, there could be as much interest in the content of the debate as the resulting resolution and minute.

Collection of information on the practices of other councils in the SA local government sector will be undertaken via the Governance & Policy Officers Network. Collection of information from other jurisdictions is somewhat more difficult and will need to be informed by the applicable legislative regimes applying to those councils.

It is envisaged that the preparation of the requested report would take approximately three (3) months, given other priorities. This timing may work well with any changes to meeting procedure arising from the Local Government Reform process (see separate report in the 22 October 2019 agenda) which could necessitate a review of the Code.

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

**Item:** 12.1

**Originating Officer:** Steven Watson, Governance & Risk Coordinator

**Responsible Director:** Andrew Aitken, Chief Executive Officer

**Subject:** Determination of Time and Place of Council Meetings,  
Workshop Sessions and Professional Development Sessions

**For:** Decision

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**SUMMARY**

One of the fundamental principles of Council is to provide open, responsive and accountable government. An important mechanism to facilitate this principle is that, whenever possible, council and committee meetings should be open to the public and documents made available.

The setting and publication of the meeting times and locations of Ordinary Council (Council) and Committee meetings is required to enable public notices to be given under the *Local Government Act 1999*.

Council's *Informal Council and Council Committee Gatherings and Discussions Policy* provide that Council sets the schedule of specific informal gatherings, which are workshops and professional development sessions.

The purpose of this report is to seek Council's resolution regarding the meeting schedule timings and locations for the Council, Informal Workshop sessions and Professional Development sessions for the balance of council term.

It also seeks resolution regarding the conduct of Community Forums in 2020.

**Council resolves that:**

- 1. The report be received and noted.**
- 2. The Ordinary Council meeting schedule, with meetings commencing at 6.30pm on the fourth Tuesday of the month, to be held at 63 Mt Barker Road, Stirling be adopted, as follows:**

Meeting Date
<b>*Tuesday, 17 December 2019</b>
<b>Tuesday, 28 January 2020</b>
<b>Tuesday, 25 February 2020</b>
<b>Tuesday, 24 March 2020</b>
<b>Tuesday, 21 April 2020</b>
<b>Tuesday, 26 May 2020</b>
<b>Tuesday, 23 June 2020</b>
<b>Tuesday, 28 July 2020</b>
<b>Tuesday, 25 August 2020</b>
<b>Tuesday, 22 September 2020</b>
<b>Tuesday, 27 October 2020</b>
<b>Tuesday 24 November 2020</b>
<b>Tuesday, 15 December 2020</b>
<b>*Resolved Previously</b>

3. Special Council meeting times and venues are to be determined by the Chief Executive Officer.
  4. Regarding Workshop and Professional Development Informal Gatherings:
    - Workshop Sessions be scheduled ordinarily at 6.30pm on the 2nd Tuesday of each month, to be held at 36 Nairne Road, Woodside.
    - Professional Development Sessions be scheduled ordinarily at 6.30pm on the 3rd Tuesday of each month, to be held at 63 Mt Barker Road, Stirling.
    - The Chief Executive Officer be authorised to make changes to the informal gathering schedule, timings and locations.
  5. That Community Forums be held in 2019 according to the following indicative schedule:
    - Tuesday 31 March 2020 at Mylor
    - Tuesday 30 June 2020 at Basket Range
    - Tuesday 29 September 2020 at Birdwood
  6. That the Chief Executive Officer be authorised to make changes to the Community Forum schedule to accommodate venue availability or other matters arising which necessitate change.
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## 1. GOVERNANCE

### ➤ Strategic Management Plan/Council Policy

Goal	Organisational Sustainability
Strategy	Governance

Determining, and publicising, the schedule of council/committee and informal gathering sessions is an important element of Council's commitment to open and transparent decision making which facilitates public accountability.

Council's *Informal Council and Council Committee Gatherings and Discussions Policy* (the Policy) requires Council to set the schedule for Workshop and Professional Development Sessions.

Council's three s41 Council Committees have, via their Council-approved Terms of Reference, been delegated the power to set their own meeting schedules.

Similarly, the Council Assessment Panel (CAP), through its Operating and Meeting Procedures, has been delegated to set its own meeting schedule.

### ➤ Legal Implications

In relation to council meetings, section 81 of the *Local Government Act 1999* (the Act) provides that:

- the ordinary meetings of a council will be held at times and places appointed by a resolution of the council.
- there must be at least one ordinary meeting in each month.
- if a time and place has not been appointed for the ordinary meeting, the chief executive must appoint the time and date.
- ordinary meetings may not be held on Sundays or on public holidays.

In relation to informal gatherings, Regulation 8AB(2) of the *Local Government (General) Regulations 2013* (the Regulations) defines a 'designated informal gathering or discussion' to mean an event organised and conducted by or on behalf of the council or chief executive officer 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.

On the basis of the above definition and as encapsulated in the Policy, workshops are likely to be 'designated informal gatherings or discussions' while professional development sessions generally are not.

➤ **Risk Management Implications**

The setting of a schedule for Ordinary Council Meetings, Workshops, Professional Development Sessions and Community Forums will assist in mitigating the risk of:

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

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

Note that there are many other controls that assist in mitigating this risk.

➤ **Financial and Resource Implications**

The resources involved in the notification for and conduct of Council, Workshops and Professional Development Sessions are provided for in the adopted annual budget.

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

The timing and location of Council Meetings and informal gatherings should be considerate of the desire for community members to attend and participate in the meetings (where appropriate). A consistent scheduling approach, where possible, supports accessibility and, anecdotally, is a factor in the setting of other community meetings (where Council Members are to be attending).

➤ **Environmental Implications**

Not applicable.

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

The setting of the timing and location of Council meetings and informal gatherings is the responsibility of Council and is not a matter stipulated for consultation, however, once determined this information is advertised in local media and on the Council's social media channels to ensure community members are given opportunity to attend the meetings.

*Council Committees:* Not Applicable

*Council Workshops:* Not Applicable

*Advisory Groups:* Not Applicable

*Administration:* The Executive Leadership Team and the Governance Team were previously consulted on and supported the proposals contained in this report.

*Community:* Not Applicable

## 2. BACKGROUND

### Council Meetings

At its meeting on 27 November 2018, Council resolved to adopt the following schedule for the period December 2018 through to December 2019.

#### 12.3 Time & Place of Council Meetings 2018 - 2019

8.03pm Cr Herrmann declared a Perceived Conflict of Interest as he is a member of the Birdwood CFS and “may have a conflict if I vote against holding meetings on the 1<sup>st</sup> Tuesday” as the CFS meets on that night, and left the Chamber.

Moved Cr Ian Bailey  
S/- Cr Andrew Stratford

280/18

Council resolves that:

1. The report be received and noted.
2. The Ordinary Council meeting schedule, with meetings commencing at 6.30pm, to be held at 63 Mt Barker Road, Stirling be adopted, as follows:

Meeting Date
Tuesday, 18 December 2018
Tuesday, 22 January 2019
Tuesday, 26 February 2019
Tuesday, 26 March 2019
Tuesday, 23 April 2019
Tuesday, 28 May 2019
Tuesday, 25 June 2019
Tuesday, 23 July 2019
Tuesday, 27 August 2019
Tuesday, 24 September 2019
Tuesday, 22 October 2019
Tuesday 26 November 2019
Tuesday, 17 December 2019

3. Special Council meeting times and venues are to be determined by the Chief Executive Officer in consultation with the Mayor.

Carried Unanimously
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Council's *Code of Practice for Meeting Procedures* identifies that Council meetings are to conclude at or before 10.00pm unless the meeting formally resolves on each specific occasion to continue beyond that time. Council will have the opportunity to review the Code in the coming months and may wish to revise this requirement at that opportunity.

### **Council Committee Meetings**

At its 25 July 2017 meeting Council adopted revised Terms of Reference for each of its Council Committee (Audit, SPDPC and CEOPRP) which came into effect on 1 September 2017. One of the revisions was to delegate to the respective Committee the power to set its own meeting schedule, locations and timing.

As such, the timing of Council Committee meetings is not the subject of this report.

### **Meeting Schedule**

For 2018-19, the meeting schedule was aligned to the Tuesday nights within the month as follows:

1 <sup>st</sup> Tuesday	No meeting (but available for Special Council if required)
2 <sup>nd</sup> Tuesday	Workshop
3 <sup>rd</sup> Tuesday	Professional Development/Workshop
4 <sup>th</sup> Tuesday	Ordinary Council

Some of the key reasons for retaining the Tuesday night schedule for all formal and informal meetings are:

- to enable Council Members and Officers to attend regular community meetings and private engagements on other nights;
- to avoid the confusion for Council Members, Officers and the community as to which meeting night is in which week (as occurred with a split night schedule); and
- to provide clarity within the community that one night (Tuesday) is designated for the various formal and informal council meetings and therefore Council Members will not be available for other meetings/events on that night.

### **Informal Gatherings (Workshops and Professional Development)**

Council makes use of informal gatherings to assist in preparing Council Members for upcoming agenda items in terms of providing contextual information, seeking views and perspectives, and to provide professional development in areas related to the Council Member's role and responsibilities.

Informal gatherings are strictly prohibited from being an opportunity for Council Members to make, or to effectively make, decisions that should be made by resolution in a Council meeting.

In relation to the two most common forms of informal gatherings attended by Council Members (excluding Advisory Groups), Council at its meeting on 27 November 2018, resolved to adopt the following indicative schedule.

Moved Cr Ian Bailey  
S/- Cr John Kemp

281/18

1. That regarding the Workshop and Professional Development Informal Gatherings:
  - a. Workshop Sessions be scheduled ordinarily at 6.30pm on the 2nd Tuesday of each month, to be held at 36 Nairne Road, Woodside.
  - b. Professional Development Sessions be scheduled ordinarily at 6.30pm on the 3rd Tuesday of each month, to be held at 63 Mt Barker Road, Stirling.
  - c. The Chief Executive Officer be delegated to make changes to the informal gathering schedule, timings and locations.

Carried Unanimously
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Informal Gathering sessions held for the period November 2018 to October 2019 is as follows:

Workshop Sessions	Professional Development Sessions	Community Forums	Total Informal Gatherings
74	19	2	94

### Community Forums

For a number of years, the Council has held forums in venues throughout the district (usually away from where Council Meetings are held) to enable community members to engage directly with Council Members.

Community Forums typically cost \$1,000 - \$1,500 each in venue hire, catering and advertising (including newspaper advertising, roadside signage and venue banners).

In 2019 Community Forums were held as follows:

- Tuesday 30 April 2019 at Houghton
- Tuesday 30 July 2019 at Gumeracha
- (to be held) Tuesday 29 October 2019 at Norton Summit

The two held so far this year were well attended and seem to have been appreciated by those who did attend.

A special forum was held on Tuesday 3 October 2019 at Woodforde, with a specific focus on the Campbelltown City Council boundary reform proposal. This did not take the usual format of Community Forums.

### 3. ANALYSIS

#### Meeting Timings

While there are no legislative impediments to meetings being held during the day, Council Meetings and Informal Gatherings have generally commenced at 6.30pm. This timing is considered to be a reasonable balance to enable Council Members and members of the public sufficient time to travel to meetings following their work day while providing adequate time for Council to do its business and conclude prior to the aforementioned 10.00pm conclusion.

The Administration is not aware of any concern within the community of the 6.30pm commencement time.

#### Meeting Locations

With the aforementioned resolution to change the Terms of Reference of the SPDPC and the predicted resultant reduction in meetings being held at Nairne Road (this was the usual SPDPC meeting venue), it was agreed that Council Workshops (currently 2<sup>nd</sup> week of the month) would be held at Nairne Road and that the first ten (10) minutes of each workshop would be a public forum. Thus it would provide residents from the northern and western areas of the Council area a more geographically-convenient forum to speak to the Council Members (albeit outside a formally constituted Council meeting).

The location of the workshop at Woodside, while having some logistical implications for the Administration, appears to be well regarded by Council Members. Attendance by members of the public at the public forums during 2018-19 has been very low and attendees for workshop items (which are published on Council's website in accordance with the *Informal Council and Committee Gatherings and Discussions Policy*) has, with a small number of exceptions for items of particular community interest, been very low.

#### Meeting Schedule

For 2020 it is proposed to retain the 2019 meeting schedule, that is

1 <sup>st</sup> Tuesday	No meeting
2 <sup>nd</sup> Tuesday	Workshop
3 <sup>rd</sup> Tuesday	Professional Development/Workshop
4 <sup>th</sup> Tuesday	Ordinary Council

Notwithstanding the above, please note that the December Council Meeting is proposed to be the 3<sup>rd</sup> Tuesday of that month (thereby replacing the Professional Development session).

Special Council Meetings (if required) can be accommodated on the 1<sup>st</sup>, 2<sup>nd</sup> or 3<sup>rd</sup> Tuesdays as necessary.

While Council generally sets its meeting schedule for the forthcoming year only, nothing prevents Council for setting the dates for the remainder of the Council term.

If Council is minded to consider dates for the remainder of the term, the following schedule is proposed:

<b>*Tuesday, 17 December 2019</b>	<b>Tuesday, 22 June 2021</b>
<b>Tuesday, 28 January 2020</b>	<b>Tuesday, 27 July 2021</b>
<b>Tuesday, 25 February 2020</b>	<b>Tuesday, 24 August 2021</b>
<b>Tuesday, 24 March 2020</b>	<b>Tuesday, 28 September 2021</b>
<b>Tuesday, 21 April 2020</b>	<b>Tuesday, 26 October 2021</b>
<b>Tuesday, 26 May 2020</b>	<b>Tuesday 30 November 2021</b>
<b>Tuesday, 23 June 2020</b>	<b>Tuesday, 14 December 2021</b>
<b>Tuesday, 28 July 2020</b>	<b>Tuesday, 25 January 2022</b>
<b>Tuesday, 25 August 2020</b>	<b>Tuesday, 22 February 2022</b>
<b>Tuesday, 22 September 2020</b>	<b>Tuesday, 22 March 2022</b>
<b>Tuesday, 27 October 2020</b>	<b>Tuesday, 26 April 2022</b>
<b>Tuesday 24 November 2020</b>	<b>Tuesday, 24 May 2022</b>
<b>Tuesday, 15 December 2020</b>	<b>Tuesday, 24 June 2022</b>
<b>**Wednesday 27 January 2021</b>	<b>Tuesday, 26 July 2022</b>
<b>Tuesday, 23 February 2021</b>	<b>Tuesday, 23 August 2022</b>
<b>Tuesday, 23 March 2021</b>	<b>Tuesday, 27 September 2022</b>
<b>Tuesday, 27 April 2021</b>	<b>***Tuesday, 25 October 2022</b>
<b>Tuesday, 25 May 2021</b>	<b>**Moved due to Public Holiday</b>
<b>*Resolved Previously</b>	<b>***Last Meeting of Council Term</b>

Note that there to be no Workshop or Professional Development sessions in January 2020. Additionally the fourth Tuesday of January 2021 falls on the 26th day, being Australia Day public holiday. This meeting has been scheduled for Wednesday 27 January 2021.

### **Informal Gatherings**

A total of 94 Informal Gathering sessions have been held for the period November 2018 to October 2019 with a combined Council Member attendance of 60%.

The informal gatherings are a combination of Workshops, Professional Development and Community Forums. In each case, these gatherings are not mandatory and Council Members have complete discretion as whether to attend. Notwithstanding this, considerable administrative resources are expended in preparing and delivering informal gathering sessions.

Workshops are scheduled to provide Council Members with background information on a matter coming to a formal Council meeting. These are not decision making forums yet they are useful for exploring strategic directions.

Professional development sessions are focused on building the knowledge, skillset and culture of Council Members.

Community Forums provide an opportunity for Council Members to meet in different areas of the Council district and to hear from those communities on items of interest and to convey information on relevant Council matters for that locality.

Council Members may wish to explore the value of altering the informal gatherings or even consider continuance given the Council Member attendance is currently averaging 60%.

### **Community Forums**

In developing options for 2020, the success factors for past forums were considered, with a view to having a topic of interest promoted for each one, while also allowing opportunities for raising issues unrelated to the topic. With this in mind, a potential program of Community Forums could be as follows:

- Tuesday 31 March 2020 at Mylor
- Tuesday 30 June 2020 at Basket Range
- Tuesday 29 September 2020 at Birdwood.

## **4. OPTIONS**

The Council has the following options in relation to the schedule, timing and locations of Council and informal gathering meetings:

1. To accept the recommendations contained in this report for (***Recommended***); or
2. To resolve an alternative meeting schedule (***Not Recommended***).

## **5. APPENDIX**

Nil



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

**Item:** 12.2

**Originating Officer:** Sharon Leith Sustainability Office

**Responsible Director:** Peter Bice Director Infrastructure and Operations

**Subject:** Draft Corporate Carbon Management Plan

**For:** Decision

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**SUMMARY**

The purpose of this report is to present the draft Corporate Carbon Management Plan (CCMP) contained within **Appendix 1** for endorsement. The CCMP has a key direction to guide Council in managing and reducing carbon emissions with regard to the Carbon Reduction Pathway.

Whilst global concerns are rising, Australian climate change policies are subject to change, and vary across States and Territories. There is therefore the opportunity for Councils to demonstrate leadership and action on climate change responses, and to influence the community approach to minimising climate impacts and carbon emissions. Council has now reinforced its commitment by formally declaring a climate emergency and emphasised the need for Council to take urgent action around carbon management. Council has been working for many years to address the carbon footprint of its corporate emissions and this has led to a 17% reduction in energy consumed by the top eight consuming Council assets in the last 4 years.

It is now timely to review and set out further goals and targets in managing carbon emissions. The draft CCMP includes targets for Council's corporate emissions of 100% renewable energy by 2024 and then continuing to reduce carbon emissions striving towards carbon neutrality. Becoming a carbon neutral Council is dependent on a reduction in emissions through a transition to Electric Vehicles (EV) which is a challenge due to topography and distance within the Council area. Therefore for Council to achieve carbon neutrality for its corporate emissions this will only be able to be achieved by purchasing carbon offsets. Ultimately the draft CCMP identifies the need to improve energy efficiency and reduce energy use prior to understanding how many offsets will be required.

Within the current financial budget 2019/20 there are numerous funded actions which are within the draft CCMP.

These include:

- Solar panel installations (Sustainability Reserve Fund) \$232,000;
- Further data management and incorporation of Scope 3 emissions \$25,000;
- Carbon Management Plan actions (to be based on the actions within the CCMP) \$50,000;
- Community Energy Program (CEP) promotion plan and update \$10,000. The CEP is the subject of a separate Council report in October.

As research, knowledge and technology within the carbon management field is rapidly evolving the intent with the CCMP is to annually review, monitor and evaluate the achievements and targets.

The preparation of the draft CCMP has identified a clear program of carbon management and reduction to be undertaken which will build on the current Council momentum and it is recommended that the draft CCMP be adopted.

## RECOMMENDATION

**Council resolves:**

1. **That the report be received and noted.**
2. **Council adopts the Corporate Carbon Management Plan contained within *Appendix 1* of this report.**
3. **That the CEO be authorised to make any formatting, nomenclature or other minor changes to the Plan, including the production of a summary document for publication purposes.**

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## 1. GOVERNANCE

### ➤ Strategic Management Plan/Council Policy

Goal 3	Places for people and nature
Strategy 3.1	We will strive for carbon neutrality as an organisation and encourage our community to do likewise.

Along with a recent climate emergency declaration and an energy efficiency and renewable energy program Council already has a strong commitment to strive towards carbon neutrality. In 2012 Council prepared a Greenhouse Gas audit which provided the initial direction to prepare building energy audits and identified a program to reduce energy use.

In addition Council is a key member of the Resilient Hills and Coasts (RH&C) group which is a partnership between local government, Natural Resource Management (NRM) Boards and State and Federal governments. The Regional Climate Change Adaptation Plan for the Adelaide Hills, Fleurieu Peninsula and Kangaroo Island region (the Adaptation Plan) was completed in February 2016.

➤ **Legal Implications**

The relevant legislation is the *Climate Change and Greenhouse Emissions Reduction Act 2007*.

*“An Act to provide for measures to address climate change with a view to assisting to achieve a sustainable future for the State; to set targets to achieve a reduction in greenhouse gas emissions within the State; to promote the use of renewable sources of energy; to promote business and community understanding about issues surrounding climate change; to facilitate the early development of policies and programs to address climate change; and for other purposes. “*

The creation of voluntary sector agreements is encouraged under Section 16 of the Act. Sector agreements are formal cooperative agreements between the SA Government and specific business entities, industries, community groups and regions to help tackle climate change. They are not legally binding contracts.

An agreement typically encourages actions to reduce greenhouse emissions and adapt to climate change and may include commitments such as:

- Improving energy efficiency;
- Reducing energy consumption;
- Promoting the use of renewable energy;
- Research, development and innovation in technologies or practices;
- Member awareness raising and behaviour change programs; and
- Identifying opportunities to adapt to climate change.

Resilient Hills and Coasts signed a Sector Agreement along with all the other project partners on the 5th June 2017. The development of a Corporate Carbon Management Plan with targets of 100% renewable energy and striving towards carbon neutrality aligns with the legislation.

➤ **Risk Management Implications**

The draft CCMP has targets of 100% renewable energy use and striving towards carbon neutrality which will guide the Council in its intent to reduce carbon emissions and mitigate climate change. This financial year 2019/20 the approved budget to commence actions will go a long way in implementing the priority actions and undertaking the supporting initiatives. If an ongoing budget is not allocated and actions are not implemented this would have the consequence of Council not meeting the target of 100% renewable energy use resolved by the Council on 26 March 2019.

The Corporate Carbon Management Plan and associated priority actions will assist in mitigating the risk of:

*contributing to a changing climate leading to increased energy costs, minimal adaptation and low resilience.*

Inherent Risk	Residual Risk	Target Risk
High (3B)	Medium (3C)	Medium (3C)

Whilst implementing the actions of the CCMP will ensure that Council progresses towards its targets and leads by example it is acknowledged that implementation of the actions by Council alone will have minimal impact on global emissions.

➤ **Financial and Resource Implications**

- The draft CCMP identifies high level estimated cost implications within the implementation planning section of the report as attached in **Appendix 1**. The cost implications have not been identified for all priority projects and supporting initiatives as many are difficult to determine such as the transition to an electric vehicle (or hybrid) fleet. Determining these costs will be reliant on further investigation, advancing technology and waiting for improved payback times. In addition costs associated with the carbon offsets which will be required to achieve carbon neutrality have not been included.

This financial year 2019/2020 budget already has significant investment identified for key actions from the CCMP.

These include:

- Solar panel installations (Sustainability Reserve Fund) \$232,000
- Further data management and incorporation of Scope 3 into the Trellis system \$25,000
- Carbon Management Plan actions (to be based on the priority actions within the CCMP) \$50,000
- Community Energy Program (CEP) promotion plan and update \$10,000. This is the subject of a separate report to be presented to Council in November.

Costs that are already incorporated into the Long Term Financial Plan include energy audits, further technical information on a transition to electric vehicles, behaviour change program, energy efficiency upgrades, EV charging station and battery storage installations.

If the CCMP is adopted as proposed, the LTFP will be amended in the next review to capture any anticipated expenditure not yet included. This expenditure relates to the progression of energy efficiency and other supporting initiatives. Whilst these will increase capital expenditure by approximately \$400,000 in the first few years there are operating savings that will result. These operating savings will commence in 2020/21 of \$43,000 rising to \$53,000 in 2021/22. This is an ongoing cost benefit based on reduced electricity costs on current charges.

It is important to note that any un-costed actions (ie. transition to electric vehicles) will be subject to the development of separate business cases. The impact on the financial sustainability ratio is summarised as follows.

	2020-21 Year 1 \$'000	2021-22 Year 2 \$'000	2022-23 Year 3 \$'000	2023-24 Year 4 \$'000	2024-25 Year 5 \$'000
<b>2019-20 Adopted LTFP Financial Indicators</b>					
Adopted LTFP Operating Surplus	325	324	384	459	493
Adopted LTFP Operating Surplus Ratio	0.70%	0.67%	0.77%	0.89%	0.93%
Adopted LTFP Net Financial Liabilities Ratio	52.20%	55.40%	55.20%	54.20%	53.10%
Adjusted Operating Surplus - Carbon Management Plan	280	304	393	459	443
Adopted LTFP Operating Surplus Ratio Carbon Management Plan	0.60%	0.63%	0.79%	0.89%	0.84%
Adopted LTFP Net Financial Liabilities Ratio Carbon Management Plan	52.50%	56.10%	55.80%	54.90%	53.60%

### ➤ Customer Service and Community/Cultural Implications

Council has been working for many years to address the environmental footprint of its corporate operations, showing leadership and aligning with the environmental awareness of the local community. The draft CCMP provides further energy efficiency, reduced energy use and carbon management actions that will provide encouragement to the community to adopt better practises within their own homes and workplaces.

### ➤ Environmental Implications

The draft CCMP has key targets which will reduce the impact on the environment with goals of 100% renewable energy use and striving towards carbon neutrality. The priority within the Carbon Reduction Pathway is to avoid emissions and improve energy efficiency. The next step is then to provide alternative electricity sources such as solar.

Council has been working for many years to address the environmental footprint of its corporate operations, showing leadership and aligning with the environmental awareness of the local community. Numerous energy efficiency and energy reduction actions have led to a 17% reduction in energy consumed by the top eight energy consuming Council assets in the last 4 years.

This shows that Council is serious about its intent to reduce energy use, reduce carbon emissions and improve environmental outcomes. The development and endorsement of the draft CCMP will provide further impetus and direction to reduce emissions and improve environmental outcomes.

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

Consultation on the development of the draft CCMP was as follows:

*Council Committees:* Not Applicable

*Council Workshops:* Information was presented at two Council Workshops. Initial goals, targets and the approach were presented and discussed on Tuesday 9 April 2019. A further Council workshop was held on Tuesday 11

	June 2019 to present and discuss the draft CCMP. The draft CCMP was also provided for comment during June and July 2019.
<i>Advisory Groups:</i>	The draft CCMP was presented and discussed at the Sustainability Advisory Group meeting Thursday 13 June 2019. The draft CCMP was also provided for comment during June and July 2019.
<i>Administration:</i>	Director Infrastructure and Operations Director Corporate Services Manager Sustainable Assets Manager Property Services Members of the Property and Building Management Team Manager Open Space (also manages the Council Fleet)
<i>Community:</i>	Not Applicable

## 2. BACKGROUND

In December 2011 Council prepared a Greenhouse Gas Inventory report for its operations based on available data sources for the 2010/2011 financial year. The primary purpose of this inventory was to understand the sources of greenhouse gas emissions so that appropriate strategies could be put in place to reduce emissions. However, street lighting was excluded. This inventory identified that the largest source of greenhouse gas emissions is from electricity consumed by Council owned buildings. Of these the top 80% of emissions are attributable to only six sites.

Energy audits were then undertaken for five of these key sites which have resulted in numerous energy efficiency and energy use reduction activities including solar PV panels, changes to LED light globes, incorporation of sensor lighting and instantaneous hot water systems instead of storage.

Key implementation actions have included:

- solar PV panels on the Heathfield Depot, Woodside Library, Torrens Valley Community Centre, Stirling Office and Library and more recently the Summit, Norton Summit;
- a data management system (Trellis currently managed by Balance Carbon) to enable tracking of electricity and water use (most electricity data is available from 2012);
- ability to track the environmental impact of printing and photocopying through a Papercut Scheme;
- a gradual change to light fleet vehicles by the purchase of three Toyota Corolla hybrids;
- successful grant funding to lease two further PHEV vehicles (including installation of two charging stations) to take community members to medical appointments;
- numerous lighting changes, instantaneous hot water systems, solar lights and sensor light systems for the Heathfield Depot, Woodside Library, Woodside Office, Torrens Valley Community Centre, Stirling Office and Library; and
- ongoing light changes for buildings and open space within property maintenance.

With a current Strategic Plan that identifies “We will strive for carbon neutrality as an organisation and encourage our community to do likewise” and as Council continues to implement energy saving measures prioritising the greatest payback on cost savings, it is timely to undertake a review and identify further opportunities and priorities. Therefore in the 2018/19 budget process a Carbon Neutrality Plan or Carbon Management Plan was

identified to document what Council has achieved and identify future actions and opportunities. The preparation of the draft CCMP and specific actions to further reduce carbon emissions is now timely.

In addition two information reports were also prepared to inform the CCMP and these included:

- Review of Electric Vehicle charging stations and
- Feasibility of battery storage opportunities.

These reports are provided in **Appendix 2** and **Appendix 3** and have informed actions within the draft CCMP.

Further investigation was also undertaken into the transition to LED streetlights and a report taken to Council in July 2019 where Council resolved to proceed with the transition.

ADELAIDE HILLS COUNCIL  
MINUTES OF ORDINARY COUNCIL MEETING  
TUESDAY 23 JULY 2019  
63 MT BARKER ROAD STIRLING

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**12.2 LED Street Lighting Upgrade**

7.43pm Cr Mark Osterstock left the Chamber

7.44pm Cr Mark Osterstock returned to the Chamber

Moved Cr Nathan Daniell

S/- Cr Kirrilee Boyd

188/19

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.

Carried Unanimously
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Council has recently become a member of the Cities Power Partnership and in March 2019 declared a climate emergency with a Motion on Notice (MON) in March 2019.

ADELAIDE HILLS COUNCIL  
MINUTES OF ORDINARY COUNCIL MEETING  
TUESDAY 24 JULY 2018  
63 MT BARKER ROAD STIRLING

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**12.3. Cities Power Partnership Membership Application**

Moved Cr Kirrilee Boyd  
S/- Cr Ron Nelson

166/18

Council resolves:

1. That the report be received and noted
2. That Council resolves to proceed with the application for Cities Power Partnership membership and that the Mayor be authorised to sign the letter on behalf of Council.

Carried Unanimously
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The Cities Power Partnership is a free, national program that brings together Australian towns and cities making the switch to clean energy. As part of this membership Council is asked to identify five items included in a Cities Power Partnership Pledge. These five items need to align with the CCMP and have therefore been included within the report.



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

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**11. MOTIONS ON NOTICE**

**11.1 Climate Emergency**

Moved Cr Nathan Daniell  
S/- Cr Kirrilee Boyd

61/19

That Council:

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

<b>Carried Unanimously</b>
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Council is also a key member of the Resilient Hills and Coasts regional climate change adaptation group and have recently been involved with the investigation of a Community Energy Program (CEP). The CEP was presented at a Council workshop on Tuesday 13 August 2019 and options will be provided to Council Members at the Council meeting in November 2019.

**3. ANALYSIS**

The Intergovernmental Panel on Climate Change has stated that by 2030 global emissions must be down by at least 45% from 2010 levels to keep global temperature from rising by no more than 1.5°C. This has formed the central aim of the Paris Agreement, which Australia became a signatory to in 2016. Australia's COP21 (Paris Agreement) commitment is to reduce emissions to 26-28 % on 2005 levels by 2030.

Whilst global concerns are rising, Australian climate change policies are subject to change, and vary across States and Territories. Therefore there is the opportunity for councils to demonstrate leadership and action on climate change responses, and to influence the community approach to minimising climate impacts and carbon emissions. Council has now reinforced its commitment by formally declaring a climate emergency and emphasised the need to take urgent action around carbon management.

Development of the CCMP was released for tender in early 2019 with Dsquared Consulting being the successful consultant. The CCMP includes only Council corporate information. This incorporates the electricity, water and vehicle fleet that Council use and the waste that it produces. It does not include any of the construction (capital works and operational projects) that Council undertakes as this is not a requirement of the National Carbon Offsets Standards (NCOS) reporting towards carbon neutrality. The intention is that the draft CCMP will provide Council with actions and priorities to lead by example and provide education opportunities for the community.

The draft CCMP approach has involved the following:

- Research and review of existing information, trends, data and plans;
- Familiarisation with the existing Council carbon management situation and achievements to date;
- Consultative approach with the Project Coordinator, Council Members, Council Officers and Sustainability Advisory Group (SAG) with meetings and workshops as listed in Section 1 Governance;
- Analysis and understanding of existing and new information;
- Development and confirmation of goals, targets and objectives;
- Synergy with Cities Power Partnership pledges; and
- High level costs and resource implications for budget consideration.

Through a multi-criteria analysis process, numerous carbon management projects and supporting initiatives have been identified. The proposed project implementation plan detailed in the report will transition Council to 100% renewable energy and towards carbon neutral operations. Achieving carbon neutrality is subject to further considerations and decisions around renewable energy, transition to an electric vehicle fleet and the purchase of carbon offsets.

The priority carbon management projects are:

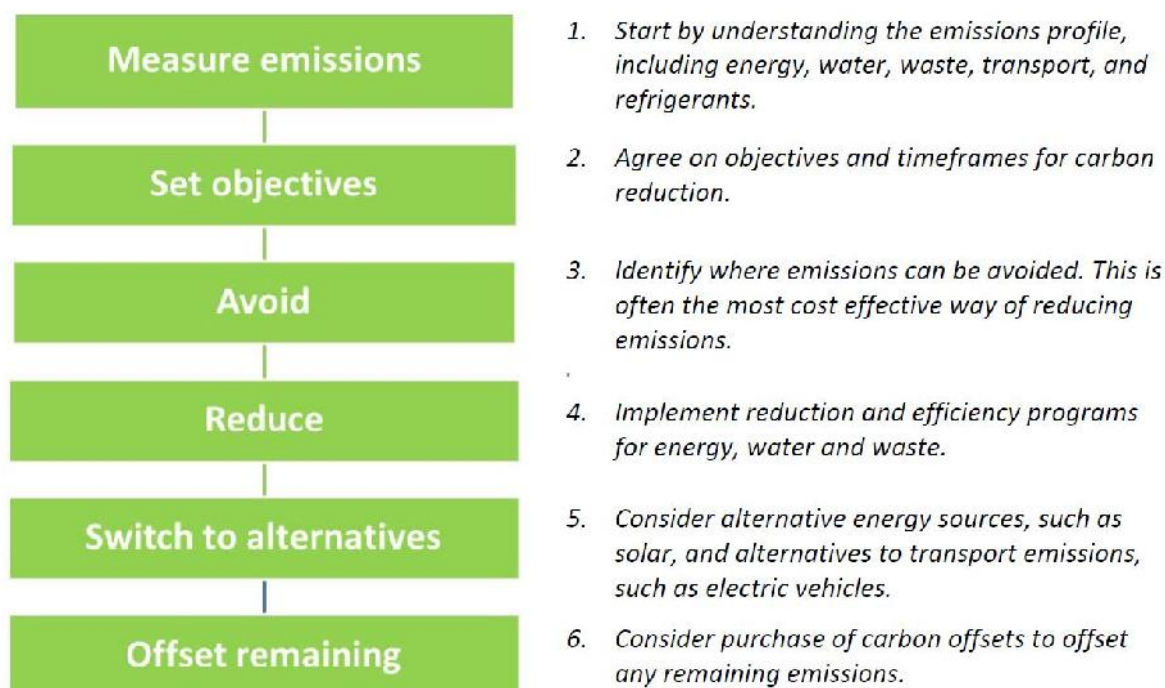
- Solar installation to buildings;
- Battery installation to buildings;
- Install EV charging points;
- Transition to EV fleet;
- Behaviour Change (Council staff) program ;
- Energy audits and efficiency upgrades for buildings;
- LED street lighting upgrade;
- Purchase 100% renewable power; and
- Become certified 100% carbon neutral.

In addition to the priority carbon management projects, there are numerous supporting initiatives that are necessary to undertake, report on and monitor the carbon management projects.

These include:

- Updated and complete carbon inventory;
- Data management and reporting plan;
- Technical assessment of a transition to electric vehicle fleet; and
- Project monitoring and evaluation that guides how the progress and outcomes of projects will be measured and tracked.

The projects and supporting initiatives are very much set up using the Carbon Reduction Pathway to achieve the most sustainable outcomes. The carbon reduction pathway is provided below.



The draft CCMP also provides guidance as to the staging of the projects and the supporting initiatives to enable the transition to 100% renewable energy use by 2024 subject to decisions around 100% renewable and electricity purchase agreements. The ability to achieve carbon neutrality is dependent on the transition to electric vehicles and the decisions around the purchase of carbon offsets. The intention is that the draft CCMP and implementation of the key projects is evaluated and monitored on an annual basis to determine the progress and reduction of carbon emissions.

In addition to the draft CCMP two information reports were also prepared on the feasibility of battery storage (refer **Appendix 2**) and the possibility of electric vehicle charging stations within the Council area (refer **Appendix 3**). These information papers have provided further technical detail on the opportunities and constraints of these issues. Actions identified within these information reports are also referenced within the draft CCMP.

The draft CCMP was released for internal consultation during July 2019 and was issued to Council Members, Sustainability Advisory Group (SAG) members, Executive Leadership Team and relevant council officers. In addition meetings were held with the Property and Building Management Team and the Fleet Manager (Manager Open Space) as these teams will be specifically involved in the implementation of the CCMP.

Minimal comments were received through this internal consultation process and minor changes have been made to the draft CCMP.

As the draft CCMP was prepared over two financial years a number of the priority actions have already received funding through the budget process.

These include:

- Solar panel installations (Sustainability Reserve Fund) \$232,000
- Further data management and incorporation of Scope 3 into the Trellis system \$25,000
- Carbon Management Plan actions (to be based on the actions within the CCMP) \$50,000
- Community Energy Program (CEP) promotion plan and update \$10,000. The CEP is the subject of a separate Council report in October and depending on the decision may not be required.

As research, knowledge and technology within the carbon management field is rapidly evolving the intent with the draft CCMP is to annually review, monitor and evaluate the achievements and targets.

#### **4. OPTIONS**

Council has the following options:

- I. To endorse the draft Corporate Carbon Management Plan provided in **Appendix 1** (Recommended)  
This option is recommended as the draft CCMP provides targets and clear direction for Council to reduce its carbon emissions and achieve 100% renewable energy use and strive towards carbon neutrality.
- II. To endorse the draft Corporate Carbon Management Plan provided in **Appendix 1** with any amendments made by Council.
- III. To not endorse the draft Corporate Carbon Management Plan.  
This option is not recommended as it will be in contradiction to the Motion on Notice declaring a climate emergency. (Not Recommended)

#### **5. APPENDICES**

- (1) Draft Corporate Carbon Management Plan
- (2) Draft Battery Storage Information Paper
- (3) Draft Electric Vehicle Charging Information Paper

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# **Appendix 1**

## *Draft Corporate Carbon Management Plan*

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# Adelaide Hills Council

## Corporate Carbon Management Plan DRAFT

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## Executive Summary

---

### Introduction

This Corporate Carbon Management Plan (the plan) has been prepared to assist Adelaide Hills Council (AHC) in understanding its current corporate carbon emissions footprint and how, over time, this can be meaningfully reduced in a financially responsible manner.

The AHC Strategic Plan (2016) states that “we will strive for carbon neutrality as an organisation and encourage our community to do likewise”.

Carbon emissions are often used as the holistic benchmark of environmental impact as it encompasses and reflects the benefits from other sustainability initiatives, such as energy efficiency, water conservation, waste reduction and transport management. Carbon neutrality is the term used to describe actions taken to reduce and/or offset all emissions associated with an activity, in this case all emissions from Council’s corporate activities.

The concept of carbon neutrality was tested at a Council workshop in April 2019. As AHC is in the early stages of this journey, it was agreed that the role of Council should be in managing its carbon emissions and undertaking projects that have a real impact on the environment, whilst also providing leadership and positive influence for the local community. It was therefore considered that the AHC journey should be around carbon management, and whilst carbon neutral may well be the end point of the journey, it is not the sole focus. Achieving 100% renewable energy usage is an agreed goal for Council.

Over the past 5 years, AHC have implemented several energy efficiency projects, which have resulted in a decrease in energy and carbon emissions. Combined with limited new development in the Council region, these actions have ensured that carbon emissions are on a downward trend. However, in order to make meaningful reductions from the current position, it is clear that AHC need an implementation pathway to prioritise and progress projects, and to monitor the reduction in future emissions.

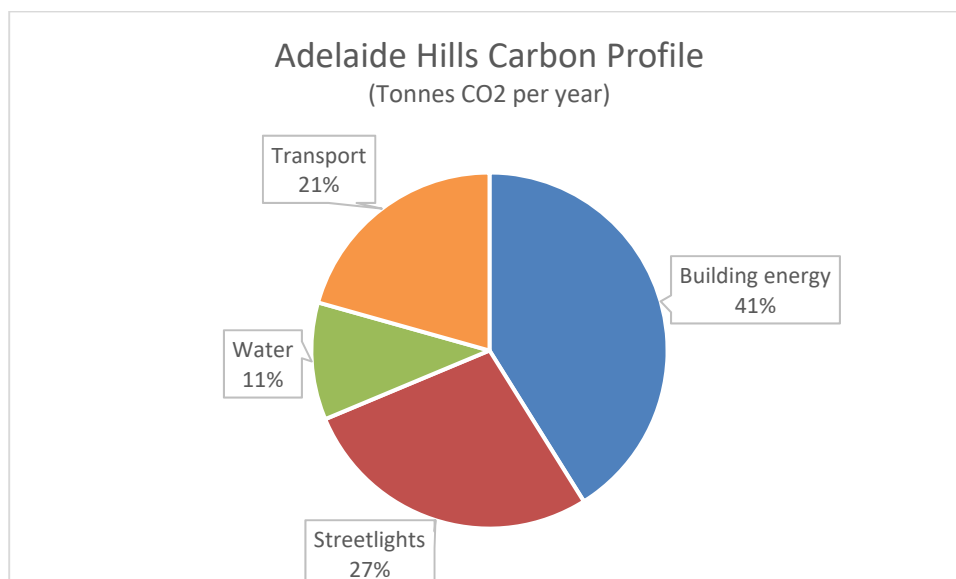
The plan sets out Council’s goals and targets in managing corporate carbon emissions and provides a roadmap to guide Council towards 100% renewable energy and carbon neutrality. It includes the identification of a suite of key projects and supporting initiatives, together with an implementation plan to strive towards carbon neutrality. This plan includes requirements for ongoing reviews to consider budget and resource implications of the various projects prior to implementation.

Specifically, the plan includes actions to transition to 100% renewable energy. Whilst this is a separate goal to carbon reduction, it contributes greatly to the reduction of carbon emissions due to energy use.

### Carbon Footprint

The current carbon footprint for AHC operations is estimated at 1,050 tonnes of carbon dioxide per year. The energy component of this is based on the current electricity contract, which has no renewables commitment within the contract. The estimate is based on the best available information at the time of this report for the purposes of planning for carbon management only; it should be noted that no waste or refrigerant information is included, and that the transport data is not complete.

The breakdown of the incomplete inventory is shown overleaf:



#### *Corporate Carbon Profile (incomplete)*

Energy consumption generally makes up a large component of an organisation's carbon footprint. At AHC, electricity is used in Council's buildings, utilities and street lighting. There is no piped gas in the AHC area, but some bottled gas is utilised.

Note again that this is a very high-level estimate only, due to gaps and inaccuracies in data for waste, refrigerants and transport. In order that a detailed and current understanding of Council's carbon production and the impact of projects implemented to reduce this level, it is recommended that a full carbon inventory analysis is undertaken in accordance with the National Carbon Offset Standard (NCOS) carbon accounting rules.

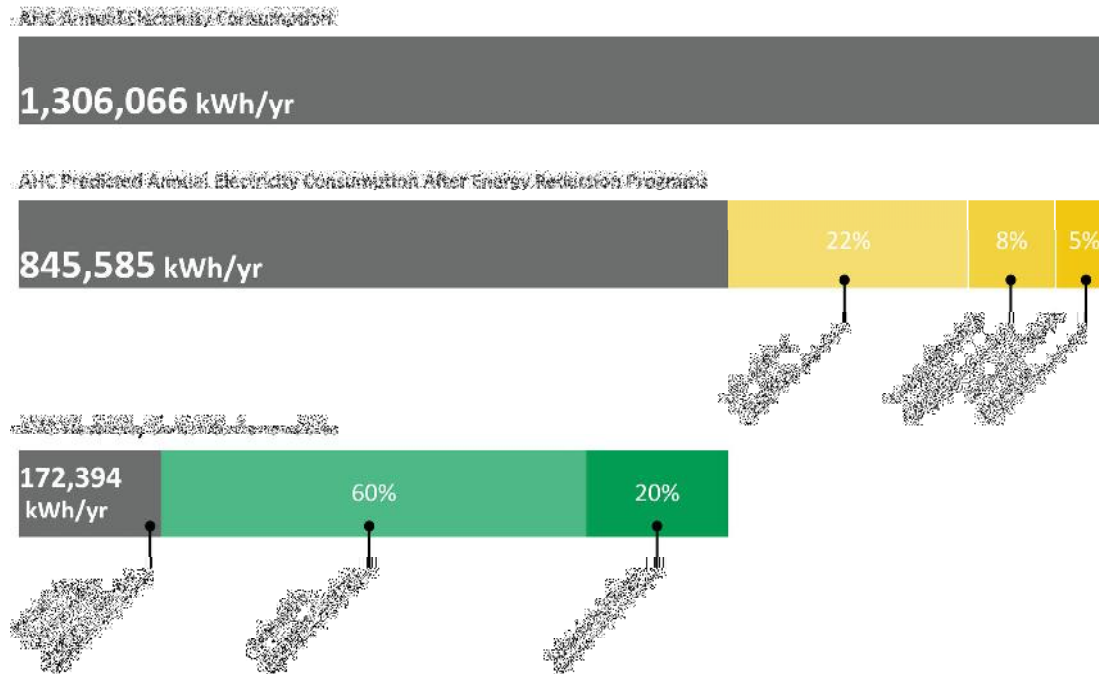
#### **Carbon Management Planning**

The projects recommended for implementation in this initial implementation plan are shown in the table below. Since the inception of this plan, some of these projects have been funded and progressed, and this is shown in the 'current commitment' column.

Priority Project	Current Commitment
Solar installation to buildings	Yes
Battery installation to buildings	
Install EV charging points	
Transition to EV fleet (subject to further analysis/funding review)	
Behaviour change program	
Energy audits and efficiency upgrades for buildings	Yes
LED street lighting upgrade	Yes
Purchase 100% renewable power	Partial
Become certified 100% carbon neutral	

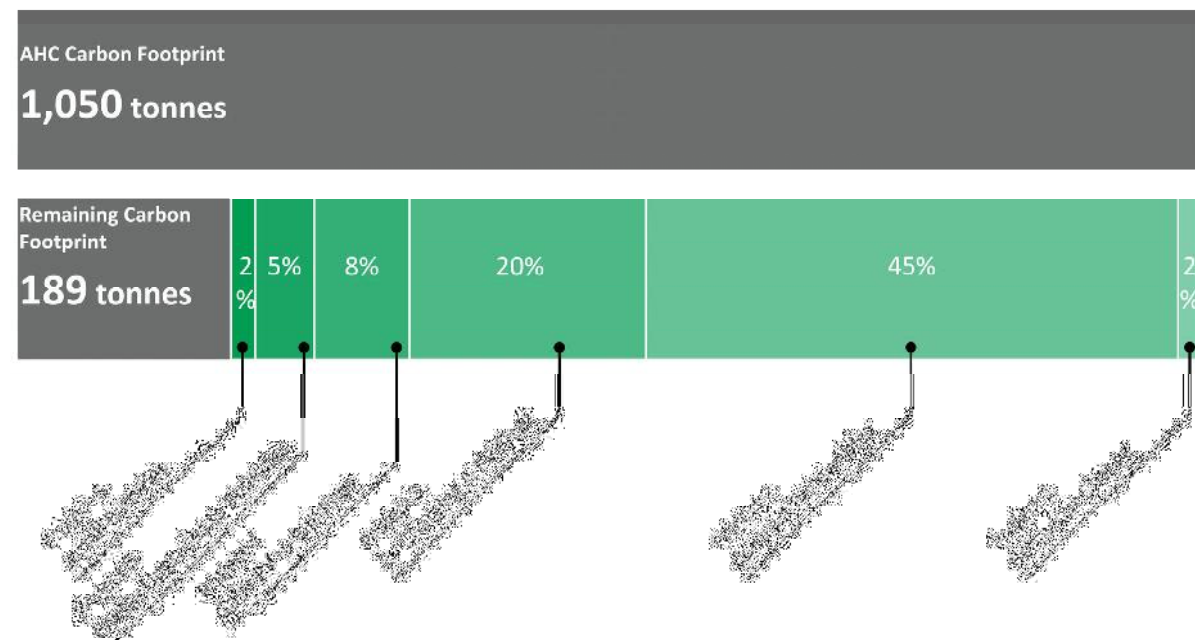


The proposed project implementation plan detailed in this report will transition AHC to achieve 100% renewable energy and to strive towards carbon neutral operations. The following images show the proposed project implementation plans to achieve these goals:



#### AHC project implementation trajectory – towards 100% renewable energy

This project implementation plan shows that 100% renewable energy could be achieved by financial year 2023/24 by focusing on energy efficiency, renewable energy and behavioural change, and finally, decisions around electricity contracting (moving from 60% to 100% renewable energy).



#### AHC project implementation trajectory – towards carbon neutrality



Achieving carbon neutrality is possible but follows a more complex trajectory, as shown in the graphic above. Due to this complexity, not all projects can be fully costed at this stage, therefore making it difficult to determine project budgets. In particular, a more detailed feasibility analysis is required to fully understand the impacts, timing and costs of transitioning to electric vehicles for Council fleet.

Even after significant investment in the recommended projects to reduce energy and transport related emissions, there is a remaining footprint which requires the ongoing purchase of carbon offsets to achieve carbon neutrality. It is recommended that there is an annual review of projects and carbon emissions to continue to take steps towards carbon neutrality based on up to date information on Council's annual carbon emissions and current changes to technologies and costs.

This plan also includes a suite of supporting actions to help AHC implement the above projects, not least of which is a recommendation for a detailed annual carbon inventory (to assist in project planning as noted above, and to fully understand Council's changing emissions over time). It is also important that the local community is brought along with AHC on this journey, through consultation and education, and preparation of a community carbon management plan.

Alongside this plan, two separate technical information papers have been prepared to provide additional information on battery storage and electric vehicle charging.

## Document Control

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Issue	Date	Change	Checked	Approved
01	29/05/2019	Initial draft for comment	GD	DD
02	14/06/2019	Updated with initial comments	GD	DD
03	25/06/2019	Updated with comments and workshop outcomes	GD	DD
04	1/7/2019	Final Draft	GD	DD
05	3/7/2019	Minor changes to final draft	GD	DD
06	4/9/2019	Consultation comments added to final draft	GD	DD
07	7/10/2019	Additional changes based on Council feedback	GD	DD

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## 1 Introduction

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### 1.1 Purpose

This Corporate Carbon Management Plan (the plan) has been prepared to assist Adelaide Hill's Council (AHC) in understanding and managing its current corporate carbon emissions footprint. This plan sets out Council's goals and targets in managing carbon emissions and sets a roadmap to guide Council towards renewable energy and carbon neutrality. It includes the identification of a suite of key projects and supporting initiatives, together with an implementation plan to achieve the stated goals.

Specifically, the plan includes actions to transition to achieve 100% renewable energy. Whilst this is a separate goal to carbon reduction, it contributes greatly to the reduction of carbon emissions due to energy use.

The plan includes recommended ongoing reviews of projects, budgets and resource allocations to assist Council to strive towards carbon neutrality in a financially responsible manner.

The plan has been prepared by dsquared Consultants, working in collaboration with Council.

### 1.2 Adelaide Hills Council Climate Commitments

The AHC Strategic Plan (2016) contains the following goal in relation to carbon management:

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

In March 2018, in response to community and Council concerns, Council formally declared a Climate Emergency for the Adelaide Hills region. This declaration reaffirmed Council's commitment to addressing the impacts of climate change on the local Hills community, and emphasised the need for Council to take urgent action to demonstrate leadership in carbon management.

The Climate Emergency commitment also noted an aspiration to transition to 100% renewable energy for Council's energy uses, and a need to set targets in relation to energy use and carbon emissions. It is important to note that targets for carbon reduction need to extend beyond energy projects to address all carbon emissions from Council's operations.

AHC is a signatory to the Cities Power Partnership, which is a national program to support Australian towns and cities working towards clean energy. As part of this partnership, AHC has agreed to pledge actions towards renewable energy, energy efficiency, transport, and working in partnership to tackle climate change. These pledges are included in Appendix B and align with the goals, targets and recommendations of this plan.

Council has separately prepared a Climate Adaptation Plan for the region with other Resilient Hills & Coast Councils.

### 1.3 Context

Concerns over climate change impact are increasingly on the agenda for many organisations. The Intergovernmental Panel on Climate Change has stated that by 2030 global emissions must be down by at least 45% from 2010 levels to keep global temperature from rising by no more than 1.5°C. This has

formed the central aim of the Paris Agreement, which Australia became a signatory to in 2016. Australia's COP21 (Paris Agreement) commitment is to reduce emissions to 26-28 per cent on 2005 levels by 2030.

This is driving policies at a national level on tackling climate change, and is leading to many public and private sector organisations taking steps to increase their commitment to their environmental agenda.

Additionally, the UN Sustainable Development Goals set an agenda for considering the wider environmental and social impact of our actions. The key goals related to Council include:

- Goal 3 Health and Wellbeing – Ensure healthy lives and promote well-being for all at all ages;
- Goal 9 Industry, Innovation and Infrastructure – Build resilient infrastructure, promote inclusive and sustainable industrialisation and foster innovation;
- Goal 11 – Sustainable Cities and Communities – Make cities and human settlements inclusive, safe, resilient and sustainable.

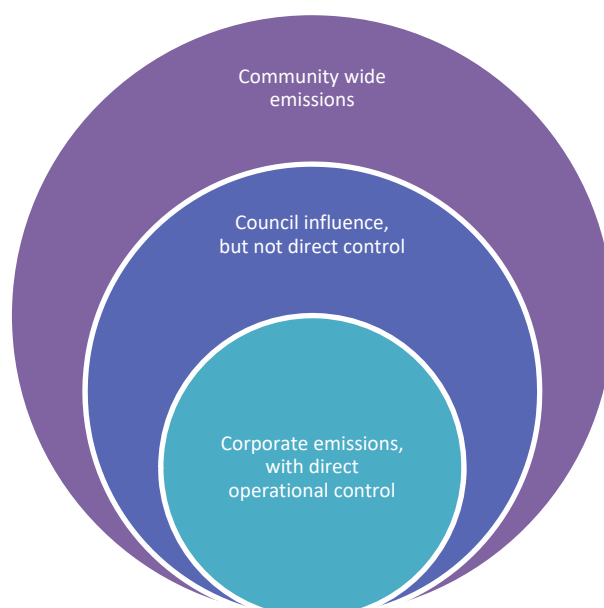
Whilst global concerns are rising, Australian climate change policies are subject to change, and vary across States and Territories. There is therefore an opportunity for Councils to demonstrate leadership and action in climate change responses, and to influence the community approach to minimising climate impacts and carbon emissions.

#### 1.4 Scope

This corporate plan relates to Council's corporate emissions, which can be defined as all emissions occurring from activities over which Council has direct operational control, such as operations within Council owned and operated buildings, including libraries and Council administration. It is recognised that Council also has an influence over emissions in the community, such as community waste collection and community groups using Council facilities, however as these are not under 'operational control' these are excluded from Council's corporate inventory.

However, Council has a unique position to offer leadership and influence in the wider community, and its ability to influence the emissions in the wider community will be the subject of future investigation.

Carbon emissions, boundaries, carbon neutrality and reduction processes are explained in section 2.



*Figure 1: Community Carbon Emissions Sources*

## 1.5 Consultation

Internal consultation has occurred to support the development of the high-level strategic goals, targets and projects associated with renewable energy and carbon management.

Informal consultation has been managed by Sharon Leith, Strategic and Sustainability Officer. Formal consultation has been carried out at the following workshops:

Council Workshop 1:	9 <sup>th</sup> April 2019
Council Workshop 2:	11 <sup>th</sup> June 2019
AHC Sustainability Advisory Group:	13 <sup>th</sup> June 2019

## 1.6 Current Achievements

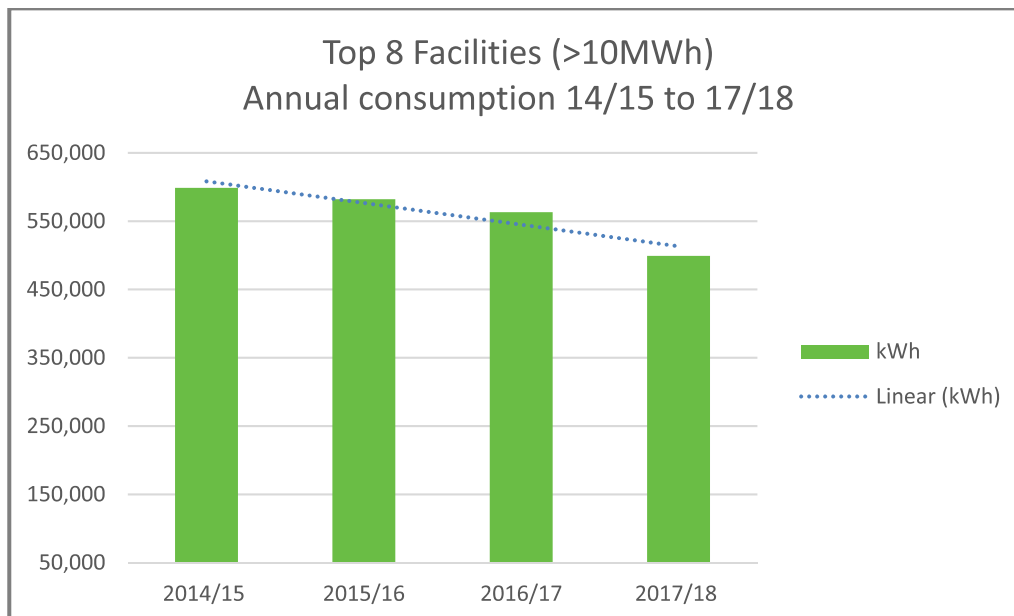
The Adelaide Hill's region has a national reputation as an area of beauty and well-preserved native landscape. Its location so close to Adelaide means the area holds special significance as a major environmental, recreational and tourism asset. The Hill's community are known to be active in environmental awareness and conservation concerns, as often happen with communities in areas of natural beauty.

Council has been working for many years to address the environmental footprint of its corporate operations, striving to show leadership and aligning with the environmental awareness of the local community. Some of Council's recent actions to address energy use in its own assets include:

- Energy efficiency upgrades to Council buildings, including lighting upgrades, air conditioning replacements and energy metering.
- Installation of solar PV across Council buildings.
- Improved record keeping, including energy and water data captured automatically in carbon accounting software Trellis.
- Behaviour change programs, focussing on waste and energy.

The combination of these actions has led to a 17% reduction in energy consumed by the top eight energy consuming Council assets in the last 4 years, as shown in the graph overleaf.





*Figure 2: Reducing energy consumption over time (up to FY 2017/18)*

Carbon reduction activities to date have mainly focussed on energy efficiency, and other carbon emitting activities, such as water, waste and transport, have been considered to a lesser degree. To address this, Council have recently undertaken the following technical feasibility studies:

#### **Battery storage**

A review of battery technology, and consideration of the opportunities and benefits of integrating these at Council's facilities.

#### **EV Charging**

A review of electric vehicles (EV) and their charging infrastructure, including assessment of current available EV charging in the Adelaide Hills community.

The recommendations of these papers are included as projects for implementation in this plan.

## 2 Carbon Management

### 2.1 Managing Carbon Emissions

Carbon emissions are often used as the holistic benchmark of environmental impact as it encompasses and reflects the benefits from other sustainability initiatives, such as energy efficiency, water conservation, waste reduction and transport management.

In order to manage and reduce carbon emissions, it is important to understand the source of these emissions. The following diagram shows the pathway to understanding carbon emissions:

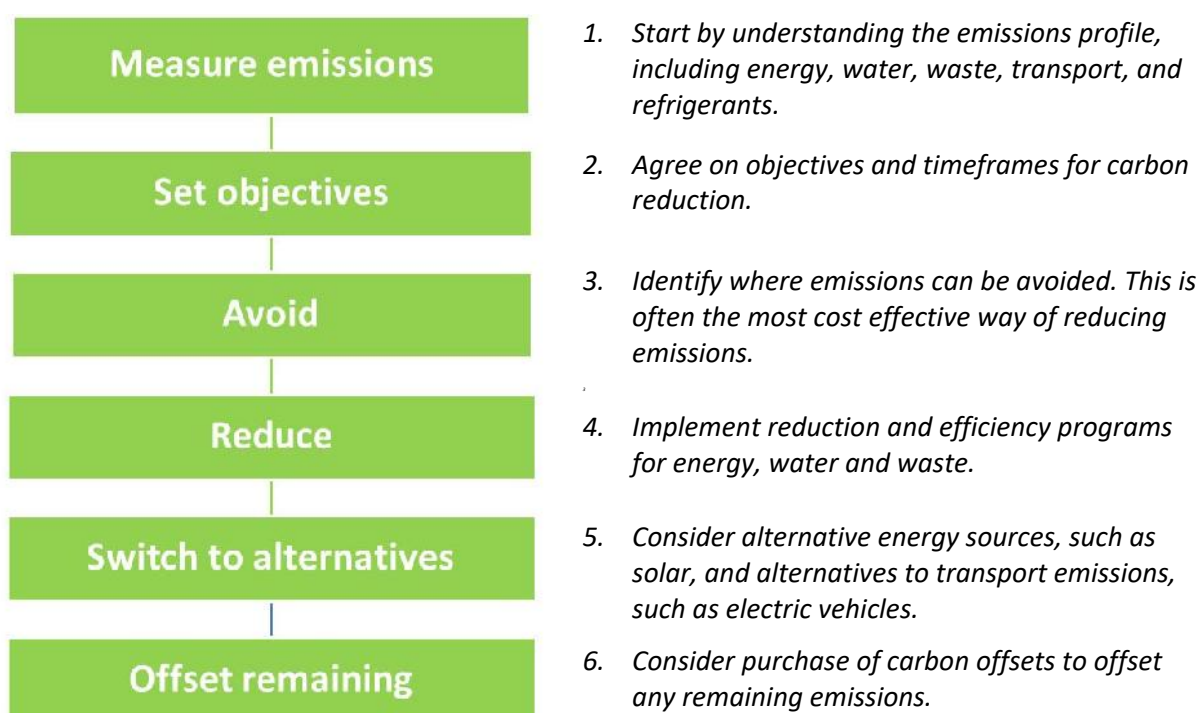


Figure 3: Carbon reduction pathway

### 2.2 Emissions Sources

To measure carbon emissions, a defined boundary needs to be set to understand which emissions lie within Council's responsibility. This plan considers Council's corporate emissions profile only (as noted in Section 1.4), excluding any emissions that come from third parties, such as service providers or the wider Adelaide Hill's community activities, and impacts from construction activities for community services (operational and capital works). This plan does not include the embodied energy in any of Council's assets.

The National Carbon Offset Standard (NCOS) gives a basis for understanding emissions sources and Council's control and influence over these sources. Understanding the corporate boundary is complex and can vary over time, i.e. some of Council's emissions may be considered 'immaterial' by the NCOS reporting standards, however Council may wish to include these in time. Additionally, Council may have limited access to data on some emissions, but improved reporting over time will allow these emissions to be included.

The following organisational emissions should be considered in a carbon inventory:

1. **Energy** (including lighting, heating and cooling, occupant energy use, plant equipment, other infrastructure and shared services). This includes all energy sources (grid electricity, on-site generated electricity, gas, diesel fuel etc.);
2. **Refrigerants** including air conditioning system leakage and replacement and refrigeration systems;
3. **Water** consumed, and **waste water** discharged (including emissions from off-site water treatment);
4. **Transport** to and from the precinct (including occupant commuting, occupant travel to and from a place of work, property management vehicles, forklifts, shuttle services etc.); and
5. **Waste** leaving the precinct (including all waste streams, and emissions associated with off-site waste recycling, processing, combustion, or disposal to landfill).

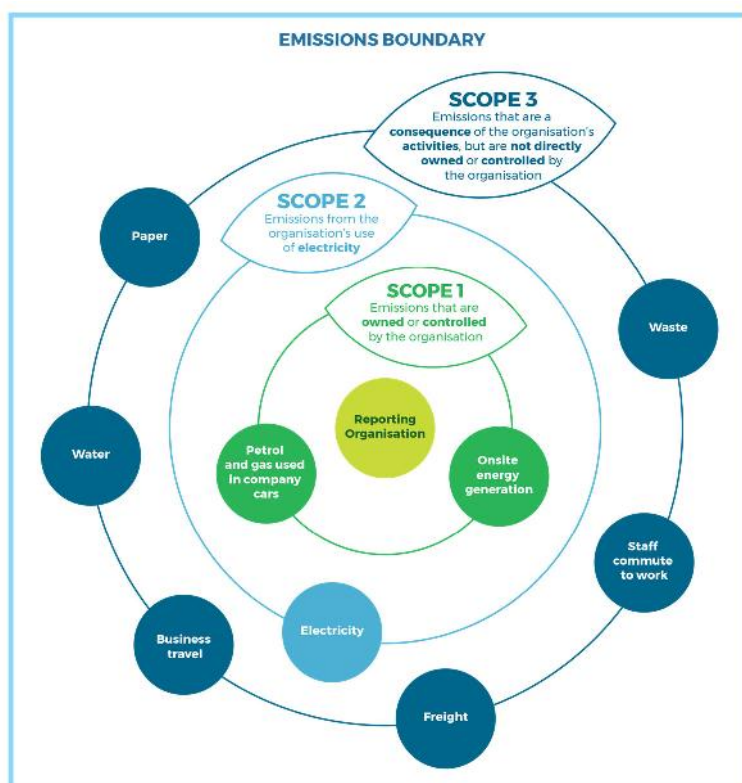


Figure 4: Defining emissions scopes. Source: NCOS

Depending on the level of control Council has over the emissions, they fall into various emissions categories and levels of reporting, as shown above and explained further here:

Scope 1 – direct emissions resulting from the organisation’s ownership and control, for example energy generated on site, fuel used in generators and company vehicles.

Scope 2 – the consumption of electricity generated elsewhere.

Scope 3 – emissions from electricity consumption and fuel use (indirect emissions from the extraction, production and transport of fuel burned at generation), and emissions from waste, business travel and accommodation, office paper and water use. Other scope 3 emissions sources that may be relevant include staff commuting, food and catering, postage and freight, stationery, office printing, cleaning services, IT services (e.g. data centres) and telecommunication services.

Further information relating to the NCOS standard, emissions boundaries and the certification process is included Appendix A.

### 2.3 Carbon Goals and Objectives

The Department of Environment and Energy defines carbon neutral as follows:

*'An activity, process, organisation, event, building or precinct is carbon neutral when its net greenhouse gas emissions (emissions) are equal to zero.'*

Achieving carbon neutrality involves calculating all emissions sources within the agreed boundary, undertaking reduction projects, and the purchase and cancelling of carbon offsets or carbon credits equivalent to the remaining emissions.

The concept of carbon neutrality was tested at a Council workshop in April 2019. As AHC is in the early stages of this journey, it was agreed that the role of Council should be in managing its carbon emissions and undertaking projects that have a real impact on the environment, whilst also providing leadership and positive influence for the local community. It was therefore considered that the AHC journey should be around carbon management, and whilst carbon neutral may well be the end point of the journey, it is not the sole focus. Achieving 100% renewable energy usage is an agreed goal for Council.

The focus of this plan is therefore to achieve and document the first five steps of the 'carbon reduction pathway' – to measure, set objectives, avoid, reduce, and switch to alternatives. No timeframe has been set to achieve carbon neutrality. This will be dependant on further review of the actions and outcomes achieved as projects are implemented, and available funding. It is recommended that this review is conducted annually.

### 2.4 Benefits of Carbon Reduction

Reducing the carbon from Council's corporate operations through various policy, efficiency, renewable energy, offsetting and electrification projects deliver a number of direct and indirect benefits to Council and to the broader Adelaide Hill's community.

Key direct benefits include:

- Direct emissions reductions for harmful GHG emissions and related environmental benefits.
- Long term financial gains through reduced energy costs for operations (although short term costs can rise, it is anticipated that longer term operational costs will likely be reduced and may offset short term capital costs).
- The value of Council's building assets can be improved through the transition to more energy and waste efficient operations. Additionally, healthy buildings are known to contribute towards improved productivity, and reduced sick leave and staff attrition.
- Reputational gains from Council's adoption of a leadership position, making the Adelaide Hills region a more desirable place to live, visit and work.
- A greater use of energy efficient technologies and renewable energy sources reduces Council's exposure to unpredictable energy market price fluctuations, and in particular, anticipated long term price increases.

Key indirect benefits include:

- Better staff health and general wellbeing through improved air quality in buildings.
- Council innovation and exemplary initiatives will educate and pave the way for other parts of the community to follow suit.

## 2.5 Carbon Offsets

The National Carbon Offset Standard (NCOS) provides a list of eligible offset units under the standard's rules, to ensure genuine and credible emission reductions.

Under the NCOS standard, any remaining emissions left after carbon management and reduction projects (as per carbon reduction pathway in figure 3) must be offset by purchasing carbon offsets (also known as carbon credits). These offsets are generated when a reduction in carbon is made elsewhere to compensate for the carbon emissions generated by Council.

Until recently, there were very few carbon offset projects in SA, making it difficult to buy local offsets. However, Australian and overseas approved offsets are available, in support of forestry, agriculture and renewable energy projects.

The cost of offset unit purchase is variable and market dependent. This means that the price fluctuates on a daily basis depending upon the availability of the standard of offset required, the market demand at the time the purchase needs to be made, and the quantity of offsets required to be purchased. As demand increases and availability decreases, the price increases. The price also decreases as the quantity required increases. Essentially, basic supply and demand principles apply.

At 1<sup>st</sup> May 2019, the market price range for accredited Grade A carbon offset units that support Australian projects ranges from \$14/tonne to \$34/tonne. The current Australian Government Treasury Report on Carbon Pricing advises that the current carbon offset range for Australia is a core price of \$20/tonne, and a high price of \$62/tonne. The Treasury modelling undertaken indicates that as the demand for carbon offset units increases over time, availability will decrease, and the price will therefore increase accordingly.

For the purposes of this report, an assumed rate of \$30/tonne has been applied. The purchase price will vary annually and is projected to increase over time. Alternatively, it is possible to bulk purchase offsets for future years, locking in an offset price at a low rate. The business case for this would need to be assessed at time of purchase.

## 2.6 Carbon Offset Projects – Case Studies

Australia's largest accredited biodiversity offset is the Yarra Biodiversity Corridor Offset, a revegetation project located 400km north of Perth. Managed by 'Carbon Neutral Consultants', this project involved planting seedlings in the wheatbelt region, to revegetate formerly cleared land.

<https://carbonneutral.com.au/yarra-yarra-biodiversity-corridor/>

In Tasmania, a large area of old growth forest previously designated for logging has been protected as a biodiversity forest, called the New Leaf Carbon Project. 28,000 hectares have been protected, and many companies, including Virgin Australia, buy carbon offsets from this project.

<http://marketplace.carbonmarketinstitute.org/new-leaf-carbon-project-2/>

The SA Department of Environment and Water (DEW) have been working on biodiversity projects to produce SA carbon offsets, including the Kangaroo Island Biodiverse Carbon Credit Pilot Project and an area of revegetation on the River Murray. The recent extension of Charlestown Conservation Park in the Adelaide Hills has been registered as a carbon conservation park with the Clean Energy Regulator, with the purpose of generating carbon offset credits through sequestration. It is difficult to obtain published information on these projects, however DEW have indicated that there may be opportunities for partnership with local organisations to create additional local biodiversity offsets. We recommend that further consultation is undertaken with DEW and SA Department of Premier and Cabinet to gain further clarity on what may be possible going forward.

### 3 Council's Corporate Emissions Profile

#### 3.1 Carbon Emissions Profile

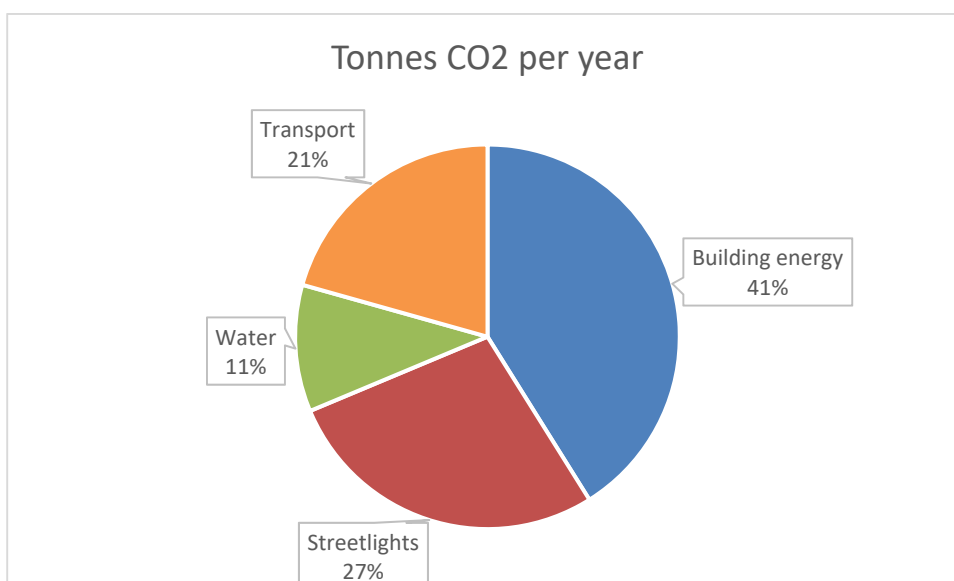
A corporate carbon inventory was prepared by Sustainable Focus in 2011. This report suggested a total carbon footprint of 1,472 tonnes CO<sub>2</sub>. It was noted at the time that there was inconsistent data, and some emissions sources were not accounted for, e.g. no waste data was available.

Since this time, AHC has been monitoring energy and water usage using Trellis, a web-based data management system. This means there is now accurate usage data available for some carbon emissions (energy and water). Waste and refrigerant emissions are not well recorded at present, and transport data is spreadsheet based and noted to be incomplete.

However, we have used the up to date energy and water data to complete a high-level carbon profile for Council for this plan, as follows:

*Table 1: Annual Carbon Profile (incomplete)*

Carbon Emissions	Tonnes CO <sub>2</sub> per year
Building energy	432
Streetlights	290
Water	112
Waste	Unknown
Refrigerant	Unknown
Transport	217 (incomplete)
<b>Total</b>	<b>1,050</b>



*Figure 5: Annual emissions breakdown (incomplete)*

This is comparable to the initial inventory. It is expected that some of the reduction in carbon emissions is due to energy efficiency projects. However, it must also be reiterated that this is a very high-level summary and cannot be claimed as accurate due to inaccuracies in data collection for waste, refrigerants and transport. In order that a detailed and current understanding of Council's carbon production and the impact of projects implemented to reduce this level, it is recommended that a full carbon inventory analysis is undertaken in accordance with the NCOS carbon accounting rules.

### 3.2 Current Energy Consumption

Energy consumption generally makes up a large component of an organisation's carbon footprint. At AHC, electricity is used in Council's buildings, utilities and street lighting. There is no piped gas in the AHC area, but some bottled gas is utilised. Therefore, when 'energy' is discussed in this report, it is mainly related to electricity usage (grid and renewable electricity generated from PV panels). The graph below shows a breakdown of Council's annual electricity usage based on 2017/18 energy consumption data (not costs) extracted from Trellis.

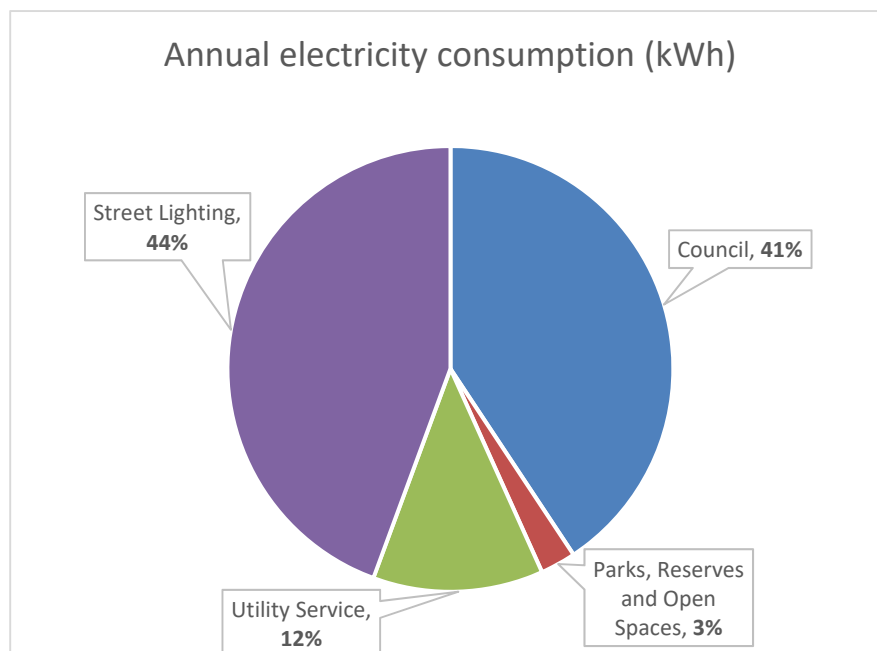


Figure 6: AHC Energy (electricity) Usage

Buildings are the biggest energy user under AHC direct control.

Council's annual electricity consumption is 1,306,696kWh (based on 2017/18 financial year). Note that this number excludes all energy associated with the Adelaide Hills Business & Tourism Centre, where tenancy energy use makes up the vast majority of the energy profile.

AHC has implemented several energy efficiency projects, reducing energy consumption by 17% in the past four years, with many of the buildings now including solar PV panels on their roof to manage their energy profile.

### 3.3 Electricity Contract

AHC's current electricity contract with Origin Energy does not contain any commitment to renewable energy. At the time of writing this report, AHC is considering a new electricity contract under an arrangement with the LGA for many of South Australia's Council's. The street lighting and above 160MWh

sites contract (3 years) has been confirmed to include a 60% renewable energy commitment. It is also likely that Council's electricity supply contract will be a minimum of 60% renewable for the small sites (below 160MWh). The carbon reduction implementation in this report assumes that this is a project to be implemented to step towards 100% renewable energy.

It is worth noting that the proposed LGA electricity contract is with a local SA electricity provider (Infigen) and supports actual renewable energy projects (in this case a wind farm). This contract is not GreenPower. Although GreenPower is an accredited renewable energy contract, it supports the renewable energy industry in committing to more renewable projects, rather than purchasing renewable energy directly from the provider (as is the case with the Infigen contract).

### 3.4 Water

Water is used in Council buildings, and in public parks and reserves, mainly for irrigation. This is a combination of mains (potable) water from SA Water, bore water and recycled water from Council's Community Wastewater Management Systems (CWMS).

Total annual mains (potable) water consumption is currently 51,942kL (based on 2017/18 year).

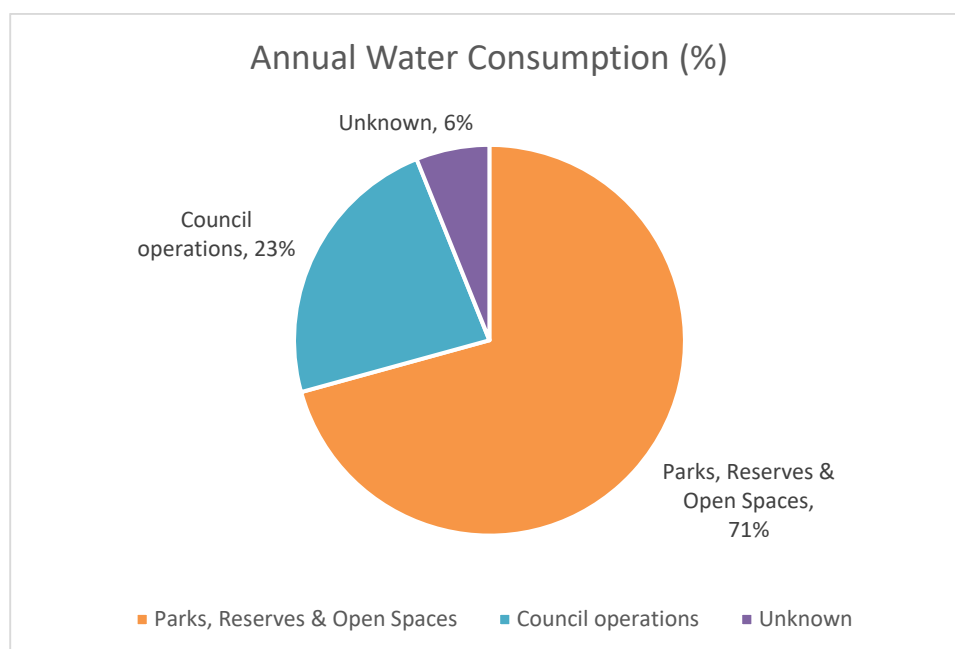


Figure 7: AHC Mains Water Usage

Carbon emissions from water are a result of the extraction, storage, treatment and distribution of freshwater through the reticulated system by SA Water. These emissions are typically included in the carbon account of the water authority. The water consumed within a building or precinct typically carries these embodied scope 3 emissions.

Bore water is also used, but records of this have not been assessed for this plan. Any carbon emissions associated with bore water extraction are a result of pump energy, therefore are included in the carbon emissions from energy.



### 3.5 Wastewater

Carbon emissions from wastewater occur from its treatment. Where wastewater is sent to sewer, the emissions are carried by SA Water. When treated at source, the emissions associated with the treatment are AHC emissions. SA Water operate four CWMS in the Adelaide Hills, and Council operate two. The CWMS operated by Council will also have electricity emissions associated with treatment, which are accounted for in the electricity accounts.

The CWMS supply treated wastewater for irrigation. Whilst volumes are recorded, recent records are inconsistent, and the accuracy of meters is being investigated. Electricity emissions associated with the treatment and pumping at the CWMS are included in the electricity profile as this is the only reliable information available for wastewater use.

### 3.6 Waste

Detailed waste records are not kept for Council's operations, rather they are collected only at whole district level by East Waste, who service the AHC Council area (and are a subsidiary company). It is recommended that detailed waste records (volume and type) are kept going forward to enable a complete corporate carbon inventory to be reported (scope 3 emissions).

Waste emissions have been excluded from the carbon profile in this report until more detailed records are available. It is recommended that Trellis is used to track waste emissions to enable all emissions records to be easily collated in one place.

### 3.7 Transport

AHC staff use a combination of vehicles in their business use, from small fleet cars, to ute's, 4WD's and trucks for Council related maintenance and operational activities. Whilst vehicle type and km's travelled are recorded, this record appears to be inconsistent in its use and difficult to work out where the majority of work travel is occurring. The level of information provided was not detailed enough to differentiate business travel from other work related travel, such as commuting.

However, these records have been used to estimate a total number of km's travelled in the order of 1,297,959km per year, which is a significant portion of the carbon profile, recorded as scope 3 emissions. It is recommended that Trellis is used to track transport emissions to enable all emissions records to be easily collated in one place. Transport emissions should be recorded separately for business travel and for commuting (travel to and from work in Council fleet vehicles).

## 4 Carbon Management Opportunities

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### 4.1 Potential Projects and Initiatives

A number of potential projects and supporting initiatives were identified to reduce Council's emissions, as listed in Appendix C. The list was then subjected to an initial shortlisting to identify those projects that were likely to have a measurable and significant impact on Council's energy and carbon emissions, or that were required to support recommended projects or broader internal Council activities around carbon management. These projects were then subjected to a detailed analysis, as described below.

### 4.2 Approach to Project Assessment

A Triple Bottom Line (TBL) based approach was taken to drive the selection and evaluation of an optimal suite of capital and non-capital initiatives that will help Council to achieve its carbon management goals.

The TBL approach considers environmental, social and financial impacts of each initiative. It goes beyond the traditional measures of profit, return on investment, and stakeholder (community) value to include environmental and social factors. By focusing on broader investment outcomes i.e. evaluating performance along the interrelated areas of profit, people and the environment, a triple bottom line approach is a strong tool to support sustainability goals.

The financial assessment for the majority of projects is based on recent quotations received by Council and/or industry tested knowledge of technology costs. Operations and maintenance costs are estimated based on industry knowledge. However, some of the costings related to transport related initiatives were not readily available or able to be quantified, due to lack of data and reporting in the AHC fleet use and needs. These costs are indicated in the recommended project tables in Section 5, and should be subject to further detailed investigations prior to implementation.

### 4.3 Multi-criteria assessment (MCA)

In order that Council selects the right projects to help it to drive towards 100% renewable energy and carbon neutrality, a bespoke multi-criteria assessment (MCA) framework was developed. The framework allows each potential project to be evaluated against a set of agreed TBL criteria and also relatively against other possible projects.

The criteria are based on strategic goals that were agreed with Council at a workshop in April 2019, with each being based around the TBL metrics. Criteria were distinct, weighted according to importance and double counting was avoided. Following detailed research, data gathering and analysis, 10 shortlisted projects were assessed via the MCA and a ranking was produced based on each projects strategic value.

Shortlisted projects have been scoped in more detail and a 'project on a page' reference was developed for each one (section 5).

The multi-criteria assessment was used only for assessing initiatives that directly impact on carbon emissions and electricity usage.

Other supporting initiatives (generation of new or renewed policies, plans, systems or procedures) were not assessed as they are considered to be required irrespective of MCA outcomes.

#### 4.4 Goals and assessment criteria

The following goals were developed in consultation with Council and used as the basis for the MCA assessment.

Factor	Goal statement
Environmental	To develop a roadmap for carbon reduction and 100% renewable energy, whilst reducing reliance on the purchase of offsets.
Social	To demonstrate scalable leadership in carbon management and energy generation and usage that involves the broader community where possible.
Financial	To make fiscally responsible decisions that demonstrate strong ROI and that do not impose financial stress on Council budgets.

The MCA assessment criteria that support the above goals are shown below.

Environmental	Reduces Council's carbon production (inc. through renewable energy use)
	Delivers other indirect environmental benefits
	Can be procured locally
Social	Demonstrates leadership in sustainability (e.g. through asset ownership)
	Directly involves or encourages the community to adopt better practices
	Opportunities to incorporate broader AHC community or geographical district
Financial	Requires a capital budget
	Impacts upon Council's operating and maintenance costs or savings
	Has a short payback
	Relies on new or unproven technologies (with risk and associated cost)



#### 4.5 Score Discussion

Scoring was conducted using a +3/-3 scale with clear score descriptions being developed for each criteria; as can be seen on the accompanying spreadsheet model in Appendix C. Criteria were also weighted in order to bring particular focus to certain factors that are considered of importance to Council:

- Primary weighting was at TBL level.
- Secondary weighting was at criteria level.

The outputs from the MCA and a detailed score discussion was documented and is included in the MCA summary in Appendix C.

## 5 Carbon Management Projects

### 5.1 Recommended Projects

From the MCA assessment, it was clear that there were a number of priority projects, and nine have been recommended for implementation. Costs for transport related initiatives have not been provided as these are subject to further detailed investigation and review.

Whilst these projects have been selected due to their ability to impact Council's carbon emissions and to meet the environmental, social and financial criteria identified in the MCA assessment, there are many supporting actions that are required to be implemented to support and lay the ground work for the projects listed here to be successful. These initiatives are listed in section 6.

The implementation strategy to plan the priority projects and supporting actions, and an associated cost and timeframe is detailed in Section 7.

Priority Project
Solar installation to buildings
Battery installation to buildings
Install EV charging points
Transition to EV fleet (subject to further analysis/funding review)
Behaviour change program
Energy audits and efficiency upgrades for buildings
LED street lighting upgrade
Purchase 100% renewable power
Become certified 100% carbon neutral

### 5.2 Solar PV to buildings

Initiative	Solar PV to Buildings
<b>Description</b>	Installation of 145kW solar PV to the following buildings: Stirling office and library: 70kW Woodside office: 20kW Nairne Road: 15kW The Summit: 10kW (in progress) Gumeracha Depot: 5kW Birdwood CWMS: 25kW
<b>Key benefits</b>	8% reduction in carbon emissions Continues roll out of Council owned renewable energy.
<b>Estimated capital cost</b>	Medium cost - \$215,000
<b>O+M costs</b>	Annual energy savings of \$43,000 from reduced energy costs
<b>Payback</b>	5 years
<b>Cost assumptions</b>	Allowed \$1,500 per kWh to allow for smaller systems, safe and good access, etc. Lower cost and therefore faster payback potentially

	achievable if tendering all projects together. Ground mounted solar to Birdwood CWMS has been obtained from a proposal prepared for Council.
<b>Delivery timing</b>	Can commission immediately, quick turn around, quick benefits.
<b>Key risks</b>	None, but dependant on structural assessment of buildings.

### 5.3 Battery Installation to Buildings

Initiative	Battery Installation to Buildings
<b>Description</b>	Consider installation of batteries to support PV and allow for electricity price management. Key sites are Heathfield Depot, Torrens Valley Community Centre and Woodside Library, which all export more than 40% of solar PV generation. Provides good backup power cover during emergency events or power outage periods.
<b>Key benefits</b>	Slight reduction (2%) in emissions from improved use of solar power Back-up power in event of power failure. Could reduce the need for diesel generators.
<b>Estimated capital cost</b>	Medium cost - \$120,000 for battery installation at three sites.
<b>O+M costs</b>	\$10,000 in annual savings, low maintenance requirements.
<b>Payback</b>	Approximately 10 - 12 years
<b>Cost assumptions</b>	Difficult to obtain reliable data from manufacturers for systems of this size. Refer to separate battery paper for details.
<b>Delivery timing</b>	Currently issues around battery supply and availability.
<b>Key risks</b>	Lithium-ion technologies are proposed due to their lower upfront cost and low maintenance requirements. Bushfire risk (low) will require management procedures to be in place.

### 5.4 Install Fast Charging EV charging points

Initiative	EV Charging
<b>Description</b>	Install EV charging stations at key strategic locations for Council and public use.
<b>Key benefits</b>	Public and visible demonstration of sustainability commitment. External community users can use EV charging point (possible charge for public users).
<b>Estimated capital cost</b>	Medium cost - \$70,000 for four sites

<b>O+M costs</b>	No emissions savings until EV fleet is activated. A fee for use model should be adopted to provide a future cost recovery source for the Council to operate and maintain the charging stations.
<b>Payback</b>	None at present.
<b>Cost assumptions</b>	Refer to separate EV paper for details.
<b>Delivery timing</b>	Can commission immediately, quick turn around.
<b>Key risks</b>	Rapidly evolving technology, risk of installing charger stations for cars that go out of production or that use different charging plugs.

## 5.5 Transition to EV Fleet

<b>Initiative</b>	<b>Transition to EV Fleet</b>
<b>Description</b>	Prepare and implement a vehicle procurement policy to transition the Council's vehicle fleet to electric vehicles.
<b>Key benefits</b>	Over time, move towards a zero-carbon transport strategy.
<b>Estimated capital cost</b>	Cost of purchasing equivalent number of EV vehicles. EV 50% cost premium over current light vehicles. The data for heavy vehicles is unknown and rapidly changing at present.
<b>O+M costs</b>	Ongoing fleet replacement with EV cars (or hybrid cars in a transitional period – to be confirmed after further investigation). Currently approximately 50% premium over current light vehicle purchase price. This will reduce as EV grows in popularity. Light fleet only initially, consider heavy fleet later as market matures.
<b>Payback</b>	Not calculated (insufficient data)
<b>Cost assumptions</b>	EV 50% cost premium over current vehicles.
<b>Delivery timing</b>	Recommend annual rollout of replacement of fleet to EV – one per year or faster, subject to further financial feasibility.
<b>Key risks</b>	<p>Due to lack of data and investigation needed outside of the scope of this plan, capital costs and whole of life costs are not fully understood.</p> <p>Timeframe for rollout is unclear due to ownership of vehicles and relationship with employment packages.</p> <p>Integration with EV charging points needs to be monitored as technology is rapidly evolving.</p> <p>Full EVs (non-hybrid) may not have sufficient range between charges to satisfy Council's km usage requirements. Hybrids may be a more appropriate choice in the short to medium term.</p>

*Note: also refer to section 6.3 for detailed notes on the Transition to EV fleet initiative and the further work required.*

## 5.6 Behavioural Change Program

Initiative	Behavioural Change Program
<b>Description</b>	Internal training and education program. Likely to result in a minimum 5% improvement in energy performance. Could extend to community education.
<b>Key benefits</b>	Minimal emissions reduction (3%), likely higher, but low cost. And with transferal opportunities to community through staff or outward facing education sessions or literature.  Education to reduce consumption throughout all environmental factors, e.g. water, waste.
<b>Estimated capital cost</b>	Approx. \$20,000 in year one
<b>O+M costs</b>	\$10,000 ongoing for implementation
<b>Payback</b>	2 years
<b>Cost assumptions</b>	Consultancy employed in year one, ongoing costs could be internal or external
<b>Delivery timing</b>	Can commence immediately
<b>Key risks</b>	None

## 5.7 Energy Audits and Efficiency Upgrades for Buildings

Initiative	Energy audits and efficiency upgrades for buildings
<b>Description</b>	Continue roll out of energy efficiency projects, including lighting, HVAC, insulation, etc. Consider indoor environment projects, such as planting, painting, etc.
<b>Key benefits</b>	5% emissions reduction. High level of staff interaction and education. Some indoor environment and wellbeing benefits might be possible.
<b>Estimated capital cost</b>	\$87,000 based on recent audit for Stirling Library and Administration building upgrade (this is budget for first year). Allow \$50,000 per year going forward for energy efficiency at other key Council assets, plus allowance should be made to re-do energy audits and develop priority energy efficiency actions specific to each site.
<b>O+M costs</b>	Reduced energy costs in the order of \$10-20,000 per year
<b>Payback</b>	Most energy efficiency projects paying back in 3-5 years
<b>Cost assumptions</b>	Costs are based on Stirling energy audits prepared by others.
<b>Delivery timing</b>	Energy audits could commence immediately, with upgrade projects in 2019/20.
<b>Key risks</b>	None



## 5.8 LED Street Lighting Upgrade

Initiative	LED Street Lighting Upgrade
<b>Description</b>	Upgrade to all streetlighting (1405 public streetlights) to include LED fittings, as per the paper presented for decision at the Ordinary Council Meeting on Tuesday 23 July 2019. Note only 900 to be upgraded in the first instance.
<b>Key benefits</b>	LED fittings are lower maintenance, have a longer life expectancy, and are more energy efficient, resulting in ongoing cost and emissions savings.
<b>Estimated capital cost</b>	\$550,000 for all lighting based on costs in the Council report \$360,000 for first 900 lights
<b>O+M costs</b>	Reduced maintenance and energy costs by approximately 50%
<b>Payback</b>	The Council report suggests a payback of 6-7 years.
<b>Cost assumptions</b>	Note that the summary presented above is based on information in the paper presented for decision at the Ordinary Council Meeting on Tuesday 23 July 2019. dsquared have not undertaken any independent assessment of this option.
<b>Delivery timing</b>	900 lights to be replaced in 2019/2020
<b>Key risks</b>	None

## 5.9 Purchase Renewable Power

Initiative	Purchase renewable power
<b>Description</b>	Initially considered that a 100% renewable energy contract may be available. During the time of writing this plan, it seems likely that a 60% renewable energy contract will be offered via the LGA contract for all sites and street lighting contracts.
<b>Key benefits</b>	45% of carbon emissions reduced through 60% renewable contract. 60% of carbon emissions could be reduced through 100% renewable contract (currently not an available option).
<b>Estimated capital cost</b>	None
<b>O+M costs</b>	Marginal increase in ongoing energy costs.
<b>Payback</b>	None
<b>Cost assumptions</b>	Relies on LGA contract negotiations.
<b>Delivery timing</b>	It is assumed that the LGA contract will run for a 3 year period. After this it is recommended that a 100% renewable energy contract is sought. This may be in conjunction with a community energy project.

<b>Key risks</b>	No perceived risks. Note that whilst this project is listed as 100% renewable energy, we have used the 60% contract for the first 3 years in the carbon projections.
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#### 5.10 Certified 100% Carbon Neutral

Initiative	Certified 100% carbon neutral
<b>Description</b>	Achieve NCOS certification for corporate emissions.
<b>Key benefits</b>	100% of carbon emissions offset. AHC a leader in Australia for carbon management. Public statement of commitment to the environment.
<b>Estimated capital cost</b>	\$90,000 in consultancy and audit costs
<b>O+M costs</b>	Costs vary depending on timing of NCOS certification. Offsetting entire emissions in 2019 would cost \$32,000 in offsets (noting that current data set is incomplete and therefore inaccurate).
<b>Payback</b>	None
<b>Cost assumptions</b>	Refer to NCOS section
<b>Delivery timing</b>	Can commence immediately, or after other carbon management projects have reduced overall carbon footprint.
<b>Key risks</b>	No energy, water, waste or transport reduction benefits to Council if 100% carbon offset purchased. No local benefit unless tied into a local offsets project. However, once other projects are implemented, there is a residual carbon amount that will require some form of offsetting to reach carbon neutrality and/or to achieve NCOS certification.

#### 5.11 Timing of Carbon Offsets

The final project option in this section is listed as '100% certified carbon neutral'. In reality, carbon neutrality can be achieved with or without NCOS certification. The steps to be considered are:

**Timing:** AHC could decide to purchase offsets today and become carbon neutral immediately. This would require an ongoing carbon offset purchase. To start this with Council's current carbon inventory would cost approximately \$32,000 per year (based on carbon price of approx. \$30 per tonne). However, the data collection needs more work to provide an accurate and auditable carbon inventory, and this would also bypass a crucial step to reduce emissions through the various other projects presented in this plan.

There is no payback and no follow on benefit, e.g. reduced energy costs. Refer to section 2.5 which notes rising carbon prices over time, and uncertainty in the carbon pricing market.

**Third Party Approval:** NCOS provides the benefit of a nationally approved carbon offset accreditation process. Without the certification, Council are limited in how proof of carbon neutrality can be justified. Other benefits of an NCOS certification are:

- Rigour of annual reporting in accordance with the framework, including annual 'Public Disclosure Summary' documenting carbon reduction commitments;
- Position of leadership and recognition;

- Enhanced corporate social responsibility; and
- Positive social and environmental outcomes.

**Carbon Offsets:** A decision would be required around which carbon offsets to purchase, i.e. local or international; renewable energy or biodiversity offsets; or initiating a new carbon offset project for the Adelaide Hills region through revegetation or biodiversity projects.

It is recommended that further analysis and consultation is undertaken to determine the most appropriate pathway to carbon neutrality.

#### 5.12 Other Projects

Two large scale solar projects were initially considered with the MCA assessment, however these were quickly discounted due to high capital costs, high risk to Council, and long payback for investment (in excess of 15 years).

Additionally, in light of the recent proposal to consider a 60% renewable electricity contract through the LGA (not yet confirmed), it is unlikely that these projects would now be supported, as the large capital cost and long payback will be further eroded due to the smaller emissions benefit of such systems when already purchasing power with a significant renewable energy component.

## 6 Supporting Initiatives

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### 6.1 Recommended Supporting Initiatives

It is imperative that Council implement additional initiatives to support the identified priority projects and Council's sustainability strategy. These supporting initiatives are generally policies and plans which lay the groundwork for the successful implementation of the priority projects. These include:

#### 1. Carbon Accounting and Reporting

In order to inform better decision-making, comprehensive and up-to-date information on carbon sources is critical. This will allow Council to allocate funds and efforts to the highest value carbon reduction initiatives and will also directly support any future certification, under NCOS or other platforms. Key actions include:

- An annually updated and complete carbon inventory, aligned to NCOS standards.
- Further utilisation of Trellis – to accurately record and monitor all carbon emissions and transition to easy annual carbon accounting.
- Consideration of human resource implications – to be managed by Council or with assistance from specialist consultants.
- A data management and reporting plan – data completeness, integrity and reporting are critical to informing good decision making when attempting to manage complex areas such as emissions and carbon. Understanding the impact of investments and process or behaviour changes allows active management of carbon and meaningful and current reporting to be generated.
- A carbon offset policy – when Council are ready to consider carbon offsets, a policy will be required to specify what type and mix of carbon offsets are approved for purchase. This policy should also consider the timing of carbon offset purchase and make recommendations for NCOS certification.
- Carbon reduction promotion and communications to ensure advocacy and information sharing, including case studies and progress on delivery of the plan. External communications of the plan delivery and outcomes could include:
  - Annual Council Report
  - Council website and Social Media pages
  - AHC articles, articles in broader newspapers (e.g. The Advertiser) and articles in industry publications
  - Reports to the AHC Sustainable Advisory Group and Council.

#### 2. Other Carbon Reduction Projects

Some initiatives are already being implemented by Council and have an impact on the carbon profile and in behaviour change.

- Continue to implement water conservation projects in accordance with the current Water Management Plan.
- Continue to implement resource recovery, waste management and minimisation projects, and implement separate corporate waste reporting.

- A technical assessment of a transition to EV fleet – this will allow for a position paper on transition, including timeframes, types of vehicles, consideration of light versus heavy vehicles, data management solutions, transition costs, whole of life costs, etc. Note that this is a key action to support the transition to EV – this initiative cannot be progressed without further investigation and understanding of cost implications. Refer Section 6.3 for more detail.
- Annual project monitoring and evaluation should guide how the progress of projects and the outcomes delivered will be measured and tracked. This should include factors such as targets, roles and responsibilities, time and cost considerations, issues and mitigations.

### 3. Plans and Policies

- A review of the procurement policy to include sustainable procurement– this will allow Council to influence how and from whom its goods and services are procured, taking account of traditional procurement factors but also the sustainability characteristics of the goods, services and vendors involved. Factors such as manufacturing materials, source location and transport logistics can all be addressed.
- An Environmental, Social and Governance plan to support future banking and investment activity – Government agencies and private entities are taking a growing direct interest in the types of businesses that they invest in, or that they borrow from. Environmental criteria consider how a company performs as a steward of our natural environment. Social criteria examine how it manages relationships with employees, suppliers, customers, and the communities where it operates. Governance deals with a company’s leadership, executive pay, audits, internal controls, and shareholder rights. A plan that helps to guide this type of activity can help to avoid risk and improve reputation for Council.
- A sustainable buildings policy – This plan will ensure that any future building upgrade works, or any new buildings, adhere to sustainable design requirements. For example, this could include minimum energy performance standards for lighting and air conditioning upgrades, eco credentials for new furniture and equipment purchase, etc.
- A staff travel survey - Workplace travel surveys are used to gather data on travel to, from and between workplaces. Key reasons for implementing workplace travel surveys are to:
  - Assist in choosing actions that are appropriate for influencing travel behaviours, for example to reduce KM travelled and GHG emissions.
  - Provide data that allows you to measure changes in behaviour after actions have been implemented.
  - Provide data to support carbon accounting for NCOS.

#### 6.2 Potential Community Initiatives

There are also a number of community initiatives that can help to communicate what Council is doing in leadership in carbon management, and to provide encouragement to members of the community to adopt better practices within their own homes and workplaces.

The initiatives can include:

- Community education, through the Council website, library information screens, booklets, community information nights, etc.

- Community consultation on some of the proposed projects included in this plan.
- Continue the proposed community energy project, being developed through a separate project with the Resilient Hills and Coasts Council group.
- A sustainable transport plan – A well targeted community sustainable transport plan can help to reduce GHG emissions, improve road safety, reduce congestion and increase the efficiency of transport systems. Others benefits often include incentivising a switch from cars to more sustainable transit modes such as walking, cycling, ride sharing and public transport. Electric vehicle opportunities can also be addressed.
- Prepare a Community Carbon Management Plan, to sit alongside this Corporate plan and to specifically address the Communities goals, targets and implementation.
- Consider supporting carbon neutral events, such as the Uraidla Sustainability Fair or Stirling Fringe. Events can be carbon neutral certified through NCOS, and is a very public demonstration of Council's community commitment.

### 6.3 Transition to Electric Vehicle (EV) Fleet

Given the likelihood of an ongoing renewable energy power agreement, the gradual transition to an EV fleet is a key component of a move to a more sustainable, carbon neutral Council. After the renewable energy contract is implemented, fleet emissions from work related travel are the next largest emission source. It is recognised that Council requires a large variety of vehicles for the delivery of its services and that for some vehicle classes, particularly heavy fleet and industrial type vehicles, EV alternatives are either hard and/or prohibitively expensive to source, or are not yet available to the market in Australia. Commercial type vehicles are being developed, however these are behind passenger vehicles in terms of development status and speed to market.

The initial focus therefore, should be on gradually transitioning light fleet / passenger vehicles from diesel, petrol or hybrid, to full EV. This would yield significant GHG savings, particularly if Council had already installed EV charging points that are fed by solar generated power. Solar powered EV charging would also yield additional vehicle operating cost savings, above and beyond those that could be anticipated through the running on EV fleet versus a traditional fossil fuelled fleet. Typically, EVs cost around 25% less to operate and maintain than equivalent diesel or petrol vehicles. Capital purchase costs for EVs tend to be higher (currently ~50% above current vehicle costs), however costs are steadily reducing. No costs are included in this report due to the lack of available information on Council's usage and rollout plan, as well as uncertainty in the timeframe for availability of heavy vehicles to suit Council's needs. *Therefore, the costs for this initiative do not contribute to the implementation costs for this Carbon Management plan.*

It is recommended that a comprehensive analysis is conducted on Council's light fleet / passenger vehicles to establish likely capital/whole of life costs and GHG implications. It should also be possible to negotiate fleet based pricing and servicing which may yield additional financial benefits versus more *ad hoc* purchase of various brands and from various dealers. This should be part of a wider feasibility study into the technical requirements, budget and timing of this initiative.

### 6.4 Council's Construction Activities

The corporate carbon inventory concentrates on operational emissions and does not include the embodied energy of materials that may be used in Council activities, such as the construction of a new building or laying of new asphalt for road works, or smaller construction and removal works. This is also

not a requirement of NCOS. However, Council may wish to develop a simple carbon accounting calculator for Council's construction related activities. This would transition Council's carbon commitment from their own internal corporate inventory towards a stewardship role over its activities and impact on community emissions and use of sustainable materials. This type of emissions accounting is considered by the industry to be a 'carbon positive' action – that is, going beyond carbon neutrality to positively impact the wider environment.

## 6.5 Ethical Banking, Investing, Borrowing

In recent years there has been an increased interest in ethical banking and responsible investment. This is underpinned by the three pillars of environmental, social and corporate governance, with these elements being brought together in a way that can be meaningfully assessed and understood by individual, government and corporate investors, lenders, investors and borrowers. Most large banks and investment institutions now have dedicated departments that exclusively look at responsible investing, and there are also now many smaller lenders and investment funds that specialise in offering only strongly ethical investment options. Furthermore, Australia's first dedicated ethical investment Exchange Traded Fund (ETF) has just been released to the open market.

These businesses or investments are evaluated and rated by methodologies such as the Equator Principles, which assess the environmental and social risk associated with specific investment activities and looks into the corporate governance of the entities involved. A key question for example is "does this business, investment or fund lend to, or benefit from, the fossil fuel industry?"

Banks and investment businesses operating with a socially conscious focus are fast coming to the foreground and customers of all types are actively expecting that the businesses they choose to deal with are socially responsible, sustainable, and contributing to the communities around them.

In this light, it is recommended that Council review its banking and investment activities and if necessary, actively refocus its financial dealings onto businesses that are competitive, have market leading products and that align with Councils own values and ESG principles.

## 6.6 Funding Opportunities

The following funding opportunities and grants are available to Council for projects which improve energy efficiency, invest in renewables, reduce waste to landfill and reduce emissions:

- **Green Industries SA (GISA): Solid Waste Opportunities Program (SWOP)** – Grants (up to \$15,000) for organisations aiming to increase diversion of their solid waste from landfill. The grant can be used for waste management assessments, feasibility studies, strategic planning and best practice waste segregation and diversion systems.
- **Green Industries SA (GISA): Resource Efficiency and Productivity (REAP)** – Grants up to \$10,000 for improving operations by saving resources and preventing or reducing waste. Additional \$10,000 available to implement resource efficiency recommendations with 25% co-contribution.
- **Clean Energy Finance Corporation (CEFC)** - The CEFC provides long term, fixed rate debt finance where funds are used for investment in clean energy solutions, including solar PV and other renewable energy generation systems, energy efficiency in buildings, facilities and equipment, and low emission technologies (for example, tri-generation).



In line with the Council's Climate Change Emergency declaration, the following grants are available to the Council to support initiatives which will assist in building resilience, adapting to climate change and improving waste recycling processes with East Waste.

- **NRM Water Sustainability Grants** - The Water Sustainability Grants are contributing to projects that will help reduce urban heat effects, treat stormwater run-off and re-use water.
- **GISA Recycling Infrastructure Grants** - Industry & Local Government – This grant has been included as an opportunity to engage with East Waste on improving recycling processes and reduce landfill waste.



## 7 CMP implementation planning

### 7.1 Project Implementation

The approach to project planning and implementation is to break key project elements down into manageable, measurable and accountable steps. Robust planning will help to establish an approach that has the right balance between resources, skills and tasks.

The various projects will each be allocated to and delivered by the most appropriate departments within Council, utilising Council's existing project management, contracting and risk management procedures as required. Note that the factors influencing the priority of projects may change over time, with further development of plans and policies, budget availability, policy settings, technology development, etc, and so Council should adopt an approach of continuous review and re-optimisation in order to stay on the front of managing their emissions.

Delivery and ongoing delivery of projects will be supported through the suite of policies and plans described in section 6, as well as by Council's existing embedded processes.

### 7.2 Detailed Project Program

The implementation program shown in the graph below, and expanded as a project program overleaf, shows the recommended program of carbon management and supporting initiatives over a timeline from now until FY23/24. Projects have been carefully scheduled to deliver optimised benefits and to position Council to quickly make meaningful reductions to its carbon emissions. The initial focus is to achieve 100% renewable electricity in the short term, and to prioritise projects which result in reductions in the carbon footprint.

Figure 8 below shows that 100% renewable energy is achievable by 2023/24 when the energy efficiency and renewable energy projects have been implemented and the electricity contract changes to 100% renewable energy.

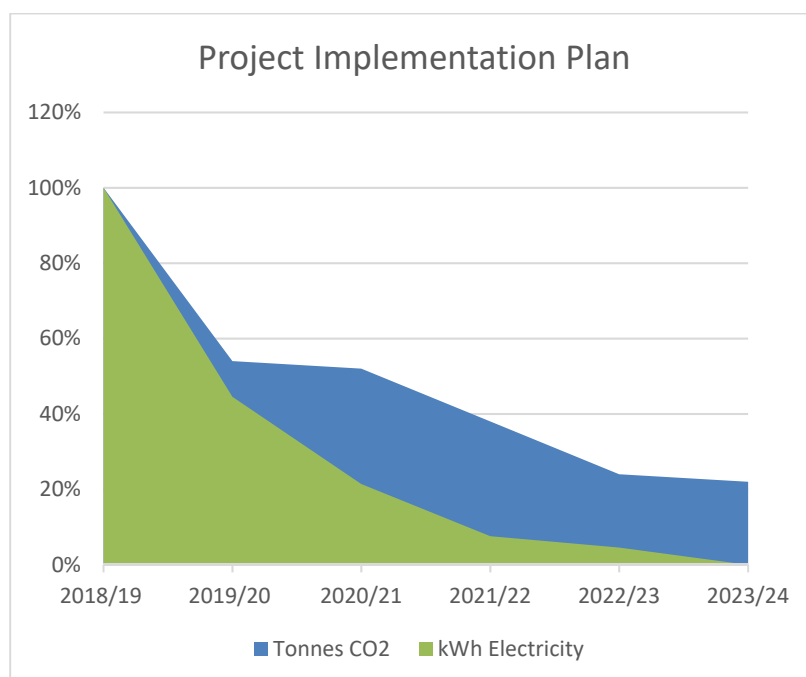


Figure 8: AHC project implementation trajectory



The timeframe for achieving carbon neutrality is subject to detailed analysis of offset strategies and ongoing review of the impact of the carbon reduction projects, including further studies and review of funding.

Figure 9 presents the program in more detail, with a suggested timeframe for all projects and supporting activities.

The implementation strategy was presented to Council in June, and the workshop slides are included in Appendix C.

Figure 9: Detailed Project Implementation Plan

Initiative Description	FY18/19	FY19/20	FY20/21	FY21/22	FY22/23	FY23/24	FY24/25
Council commitment to carbon neutral journey							
Declaration of Climate Change Emergency							
Development of CMP for Council corporate activities							
Solar installation to buildings							
Battery installation to buildings							
Install EV charging points							
Transition to EV fleet (subject to further analysis/funding review)							
Behaviour Change Program							
Energy audits and Efficiency Upgrades							
LED Streetlights							
Purchase renewable power		Go to 60%	60%	60%	Go to 100%	100%	100%
Certified 100% carbon neutral							
Commence data collection and NCOS understanding							
Develop full carbon inventory							
Review procurement policy to include sustainability							
Develop Env, Social, Corporate Governance (ESG) Plan							
Develop Sustainable Buildings Policy							
Develop Sustainable Transport Plan							
Continue to implement waste and water projects							
Develop EV Fleet Transition Plan							
Initiate staff travel survey							
Develop Community Carbon Reduction Plan							
Initiate community engagement sessions							
Support community energy project							
Monitoring & evaluation of policies, plans, and projects							
	Completed						
	New Initiative						
	In progress						

### 7.3 Project Implementation Activities

The following tables summarise the key carbon reduction activities to Council will undertake on a year-by-year basis. No costs have been provided for a transition to EV fleet and this is the subject of further investigation.

Fin Year 19/20	Initiative category	Initiative description	Est. capital cost
<b>Priority Projects</b>	Buildings	<ul style="list-style-type: none"> <li>Commence energy upgrades</li> </ul>	\$50,000
		<ul style="list-style-type: none"> <li>Installation of 145kW solar PV to the following buildings: <ul style="list-style-type: none"> <li>✓ Stirling - 70kW</li> <li>✓ Woodside: 20kW</li> <li>✓ Nairne Road: 15kW</li> <li>✓ The Summit: 10kW (in progress)</li> <li>✓ Gumeracha Depot: 5kW</li> <li>✓ Birdwood CWMS: 25kW</li> </ul> </li> </ul>	\$215,000
		LED lighting upgrade	\$500,000
		Carbon management	\$15,000
<b>Supporting initiatives</b>	Feasibility & investigations	<ul style="list-style-type: none"> <li>Run staff travel survey for journeys to, from and within workplaces to establish baseline data</li> </ul>	\$10,000
	Data and reporting	<ul style="list-style-type: none"> <li>Collate data around Council's energy use and carbon production</li> </ul>	N/A
		<ul style="list-style-type: none"> <li>Review procurement policy to include sustainability</li> </ul>	Complete
	Monitoring & Evaluation	<ul style="list-style-type: none"> <li>Commence - Monitor appropriateness of relevant Policies, Plans &amp; Projects and amend as required</li> </ul>	N/A
	Policies & plans	<ul style="list-style-type: none"> <li>Develop data and reporting plan</li> </ul>	\$10,000
	Behaviour change	<ul style="list-style-type: none"> <li>Initiate Behaviour Change Program</li> </ul>	\$15,000
	Renewable energy	<ul style="list-style-type: none"> <li>Purchase of 60% renewable energy through LGA contract</li> </ul>	N/A

Certification	<ul style="list-style-type: none"> <li>Gain detailed understanding for NCOS (or similar) costs, certification prerequisites and ongoing requirements</li> </ul>	N/A
Community	<ul style="list-style-type: none"> <li>Support community carbon awareness engagement sessions</li> <li>Support community energy project</li> </ul>	N/A \$20,000

Fin Year 20/21	Initiative category	Initiative description	Est. capital cost
<b>Priority Projects</b>	Buildings	<ul style="list-style-type: none"> <li>Continue energy upgrades (allowance is for Stirling library and administration building)</li> </ul>	\$100,000
	Transport	<ul style="list-style-type: none"> <li>Install EV charging points</li> </ul>	\$35,000
<b>Supporting initiatives</b>	Feasibility & investigations	<ul style="list-style-type: none"> <li>Develop full Carbon Inventory for all Council activities (to inform possible future NCOS certification)</li> </ul>	\$10,000
	Data and reporting	<ul style="list-style-type: none"> <li>Ongoing - Collate data around Council's energy use and carbon production</li> </ul>	N/A
	Monitoring & Evaluation	<ul style="list-style-type: none"> <li>Ongoing - Monitor appropriateness of relevant Policies, Plans &amp; Projects and amend as required</li> </ul>	N/A
	Policies & plans	<ul style="list-style-type: none"> <li>Develop Sustainable Buildings Policy</li> </ul>	\$10,000
		<ul style="list-style-type: none"> <li>Develop ESG policy</li> </ul>	\$20,000
		<ul style="list-style-type: none"> <li>Develop Sustainable Transport Plan</li> </ul>	\$12,000
		<ul style="list-style-type: none"> <li>Develop EV Fleet Transition Plan</li> </ul>	\$10,000
		<ul style="list-style-type: none"> <li>Ongoing - Monitor appropriateness of relevant Policies, Plans &amp; Projects and amend as required</li> </ul>	N/A
	Behaviour change	<ul style="list-style-type: none"> <li>Monitor behaviour change impacts</li> </ul>	N/A
	Renewable energy	<ul style="list-style-type: none"> <li>Ongoing purchase of 60% renewable energy through LGA contract</li> </ul>	N/A
	Certification	<ul style="list-style-type: none"> <li>Prepare for NCOS (or similar) certification</li> </ul>	N/A
	Community	<ul style="list-style-type: none"> <li>Ongoing - community energy project</li> </ul>	\$10,000

Fin Year 21/22	Initiative category	Initiative description	Est. capital cost
<b>Priority Projects</b>	Buildings	• Install battery storage at Heathfield Depot, Torrens Valley Community Centre and Woodside Library	\$120,000
		• Roll out energy audits and efficiency upgrades	\$50,000
	Transport	• Continue to install EV charging points	\$35,000
		• Carry out detailed feasibility into transition to EV (or hybrid) fleet, including technology, budget and timeframes	\$TBC
<b>Supporting initiatives</b>	Feasibility & investigations	• Periodic staff travel surveys to capture data and improvement opportunities	\$5,000
	Data and reporting	• Ongoing - Collate data around Council's energy use and carbon production	N/A
	Monitoring & Evaluation	• Ongoing - Monitor appropriateness of relevant Policies, Plans & Projects and amend as required	N/A
	Policies & plans	• Develop Carbon Offset Policy – include local biodiversity offsets	\$8,000
	Behaviour change	• Periodic – Behaviour Change Program updates	\$5,000
	Renewable energy	• Ongoing purchase of 60% renewable energy through LGA contract	N/A
	Certification	• Prepare for NCOS (or similar) certification	N/A
	Community	• Periodic community carbon awareness engagement sessions requirements	N/A
		• Develop Community Carbon Management Plan	\$20,000
		• Ongoing - community energy project	\$5,000

Fin Year 22/23	Initiative category	Initiative description	Est. capital cost
<b>Priority Projects</b>	Buildings	• Roll out energy audits and efficiency upgrades	\$50,000
	Transport	• Ongoing - transition to EV (or hybrid) fleet	\$TBC
<b>Supporting initiatives</b>	Feasibility & investigations	• N/A	N/A

Data and reporting	<ul style="list-style-type: none"> <li>Ongoing - Collate data around Council's energy use and carbon production</li> </ul>	N/A
Monitoring & Evaluation	<ul style="list-style-type: none"> <li>Ongoing - Monitor appropriateness of relevant Policies, Plans &amp; Projects and amend as required</li> </ul>	N/A
Policies & plans	<ul style="list-style-type: none"> <li>N/A</li> </ul>	N/A
Behaviour change	<ul style="list-style-type: none"> <li>Monitor behaviour change impacts</li> </ul>	N/A
Renewable energy	<ul style="list-style-type: none"> <li>Initiate purchase of 100% renewable energy through LGA contract</li> </ul>	N/A
Certification	<ul style="list-style-type: none"> <li>Prepare for NCOS (or similar) certification</li> </ul>	N/A
Community	<ul style="list-style-type: none"> <li>Ongoing - community energy project</li> </ul>	\$5,000

Fin Year 23/24	Initiative category	Initiative description	Est. capital cost
<b>Priority Projects</b>	Buildings	<ul style="list-style-type: none"> <li>Roll out energy audits and efficiency upgrades</li> </ul>	\$50,000
	Transport	<ul style="list-style-type: none"> <li>Ongoing - transition to EV (or hybrid) fleet</li> </ul>	\$TBC
<b>Supporting initiatives</b>	Feasibility & investigations	<ul style="list-style-type: none"> <li>Periodic staff travel surveys to capture data and improvement opportunities</li> </ul>	N/A
	Data and reporting	<ul style="list-style-type: none"> <li>Ongoing - Collate data around Council's energy use and carbon production</li> </ul>	N/A
	Monitoring & Evaluation	<ul style="list-style-type: none"> <li>Ongoing - Monitor appropriateness of relevant Policies, Plans &amp; Projects and amend as required</li> </ul>	N/A
	Policies & plans	<ul style="list-style-type: none"> <li>N/A</li> </ul>	N/A
	Behaviour change	<ul style="list-style-type: none"> <li>Periodic – Behaviour Change Program updates</li> </ul>	\$5,000
	Renewable energy	<ul style="list-style-type: none"> <li>Ongoing - Purchase of 100% renewable energy through LGA contract</li> </ul>	N/A
	Certification	<ul style="list-style-type: none"> <li>First year of full carbon accounting in accordance with NCOS protocol in preparation for NCOS certification (subject to ongoing review)</li> </ul>	\$10,000
	Community	<ul style="list-style-type: none"> <li>Periodic community carbon awareness engagement sessions requirements</li> </ul>	N/A
		<ul style="list-style-type: none"> <li>Ongoing - community energy project</li> </ul>	\$5,000

Fin Year 24/25	Initiative category	Initiative description	Est. capital cost
<b>Priority Projects</b>	Buildings	<ul style="list-style-type: none"> <li>Roll out energy audits and efficiency upgrades</li> </ul>	\$50,000
	Transport	<ul style="list-style-type: none"> <li>Ongoing - transition to EV (or hybrid) fleet</li> </ul>	\$TBC
<b>Supporting initiatives</b>	Feasibility & investigations	<ul style="list-style-type: none"> <li>N/A</li> </ul>	N/A
	Data and reporting	<ul style="list-style-type: none"> <li>Ongoing - Collate data around Council's energy use and carbon production</li> </ul>	N/A
	Monitoring & Evaluation	<ul style="list-style-type: none"> <li>Ongoing - Monitor appropriateness of relevant Policies, Plans &amp; Projects and amend as required</li> </ul>	N/A
	Policies & plans	<ul style="list-style-type: none"> <li>N/A</li> </ul>	N/A
	Behaviour change	<ul style="list-style-type: none"> <li>Monitor behaviour change impacts</li> </ul>	N/A
	Renewable energy	<ul style="list-style-type: none"> <li>Ongoing - Purchase of 100% renewable energy through LGA contract</li> </ul>	N/A
	Certification	<ul style="list-style-type: none"> <li>Become 100% carbon neutral certified (NCOS or similar)</li> </ul>	\$50,000
	Community	<ul style="list-style-type: none"> <li>Ongoing - community energy project</li> </ul>	\$5,000



## Appendix A – National Carbon Offset Standard

### Introduction

The Australian Government, in partnership with the property sector and business, has developed the *National Carbon Offset Standard (NCOS) for Precincts (Precinct Standard)*. The organisational standard is a voluntary standard to manage greenhouse gas emissions and to achieve carbon neutrality. It provides best-practice guidance on how to measure, reduce, offset, report and audit emissions that occur as a result of the operations of an organisation.

### NCOS

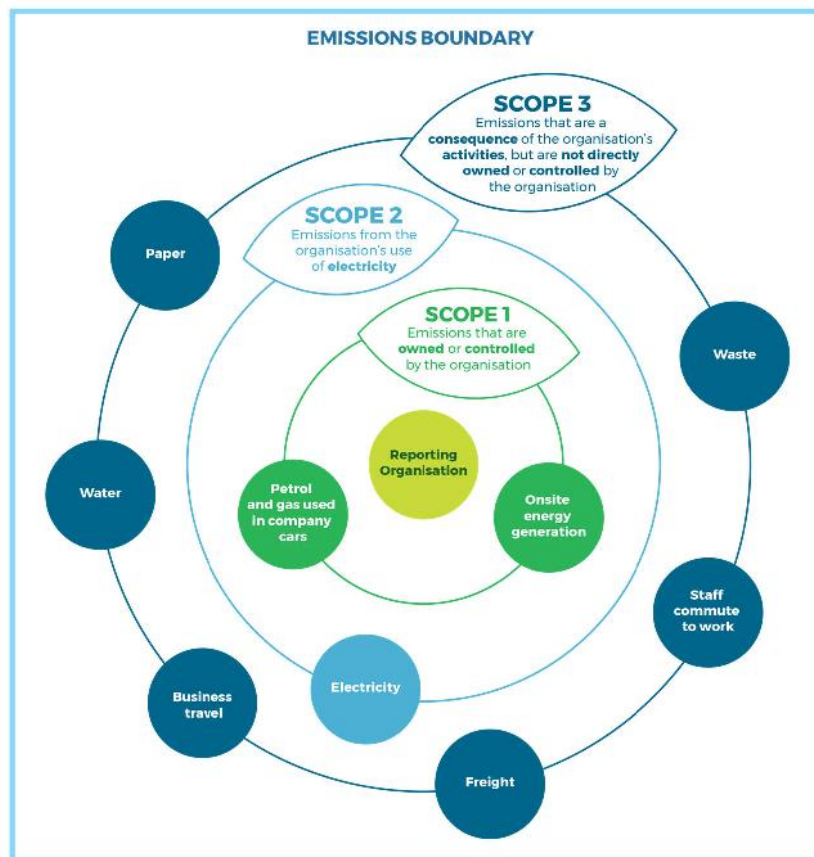
The purpose of NCOS is to provide a structured, auditable pathway for organisations to work towards carbon neutrality. The NCOS standard encourages the measurement, management and reduction of greenhouse gas emissions as far as is practicable, with the remaining emissions cancelled out by the purchase of accredited offset units.



Appendix Figure 1: NCOS Pathway to certification. Source: NCOS

The following operational emissions are to be accounted for:

1. **Energy** (including lighting, heating and cooling, occupant energy use, plant equipment, other infrastructure and shared services). This includes all energy sources (grid electricity, on-site generated electricity, gas, diesel fuel etc.) and all emissions scopes (Scope 1, 2 & 3: see Figure 2);
2. **Refrigerants** including air conditioning system leakage and replacement and refrigeration systems;
3. **Water** consumed, and **waste water** discharged (including Scope 3 emissions associated with off-site water treatment);
4. **Transport** to and from the precinct (including occupant commuting, occupant travel to and from a place of work, property management vehicles, forklifts, shuttle services etc.); and
5. **Waste** leaving the precinct (including all waste streams, and Scope 3 emissions associated with off-site waste recycling, processing, combustion, or disposal to landfill).



Appendix Figure 2: Defining emissions scopes. Source: NCOS

## Emissions Scope

The organisation emissions include all emissions that the organisation has control over. They fall into the three globally accepted categories:

Scope 1 – direct emissions resulting from the organisation's ownership and control, for example energy generated on site, fuel used in generators and company vehicles.

Scope 2 – the consumption of electricity generated elsewhere.

Scope 3 – emissions from electricity consumption and fuel use (indirect emissions from the extraction, production and transport of fuel burned at generation), and emissions from waste, business travel and accommodation, office paper and water use. Other scope 3 emissions sources that may be relevant include staff commuting, food and catering, postage and freight, stationery, office printing, cleaning services, IT services (e.g. data centres) and telecommunication services.

The carbon account must include carbon dioxide (CO<sub>2</sub>), methane (CH<sub>4</sub>), nitrous oxide (N<sub>2</sub>O), hydrofluorocarbons (HFCs), perfluorocarbons (PFCs), sulphur hexafluoride (SF<sub>6</sub>), and nitrogen trifluoride (NF<sub>3</sub>). Any exclusions must be disclosed and justified.

## NCOS Certification

The annual carbon account needs to be audited by an independent third party which carries NERS Accreditation at least every three years. Once the emissions inventory has been confirmed, the carbon is then cancelled via the purchase of certified offsets, following which a submission can be made to NCOS for certification. Full details regarding NCOS is available here:

<http://www.environment.gov.au/climate-change/government/carbon-neutral/ncos>

## Example NCOS Data Collection Sheet

The following shows the basic data collection required by NCOS:

### Carbon Emission Profile Calculator

	Total	Units	Emission Factor	Carbon Emission (tonnes)
<b>Scope 1 emissions</b>				
On-site stationary fuel use		KL		
Transport fuel use		KL		
Natural gas use		kg		
Refrigerant use		kg		
<b>Total Scope 1 Emissions</b>				
<b>Scope 2 emissions</b>				
Electricity Use		kWh		
Renewable Energy Purchase		kWh		
<b>Total Scope 2 Emissions</b>				
<b>Scope 3 emissions</b>				
Electricity – Transmission & Distribution		kWh		
Water		kL		
Wastewater		kL		
Waste (Landfill)		tonnes		
Waste (Mixed Recycling)		tonnes		
Waste (Organic)		tonnes		
Waste (Cardboard/Paper)		tonnes		
Employee commuting (car)		km travelled		
Employee commuting (public transport)		km travelled		
Flights		km travelled		
Taxis		\$ Spent		
Fleet Vehicles		km travelled		
<b>Total Scope 3 Emissions</b>				0.00
<b>Total Carbon Footprint</b>				0.00
<b>Total Carbon Footprint Without Renewables</b>				0.00

## Appendix B – Cities Power Partnership Pledges

The following pledges have been selected to best align with the commitments of this Carbon Management Plan, from a long list supplied by the Cities Power Partnership.

Theme	Pledge
Renewable energy	Install renewable energy (solar PV & battery storage) on Council buildings.
	Power Council operations by renewables, directly (with solar PV or wind), or by purchasing Greenpower (from electricity retailers). Set targets to increase the level of renewable power for Council operations over time.
Energy Efficiency	Public lighting can use a large proportion of a city's energy budget - roll out energy efficient lighting (particularly street lighting) across the municipality.
Sustainable Transport	Ensure Council fleet purchases meet strict greenhouse gas emissions requirements and support the uptake of electric vehicles.
Work together and Influence	Implement an education and behaviour change program to influence the behaviour of Council officers, local residents and businesses within the municipality to drive the shift to renewable energy, energy efficiency and sustainable transport.
	Promote knowledge sharing and strengthen the local community's capacity and skills in renewable energy, energy efficiency and sustainable transport.

## Appendix C – Multi Criteria Analysis

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Adelaide Hills Council - Carbon Management Plan  
Project List

Initiative	Summary Description	Further Costing
Roll out behavioural change program for energy and waste.	Internal training and education program. Likely to result in a minimum 5% improvement in performance. Could extend to community education.	Yes
Solar install to buildings	Add to current solar PV where suitable: Stirling - 70kW Woodside: 20kW Nairne Road: 15kW The Summit: 10kW Gumeracha Depot: 5kW Total: 120kW	Yes
Solar farm	Consider feasibility of a large solar farm (1.8MW) to meet all of AHC electricity demands. Possible location is Mount Charles landfill.	Yes
Ground mounted solar	250kW solar installation on vacant land as a smaller installation but not limited by roof area. Good for community visibility.	Yes
Battery install	As detailed in the battery technical paper, consider installation of batteries to support PV and allow for electricity price management.	Yes
EV charging points	As detailed in the EV technical paper, consider installation of EV points as an enabler for transitioning to EV fleet.	Yes
Transition to full EV fleet	Transition all AHC vehicles to EV	Yes
Community electric bus	Support the ageing community with a free local bus - electric or solar powered.	This is a community initiative and not subject to further analysis as part of the corporate AHC carbon management plan.
Bike and e-bike free parking	Refer EV technical paper.	This is a community initiative and not subject to further analysis as part of the corporate AHC carbon management plan.
Water conservation upgrades to buildings	Reference to existing water management plan.	As AHC are already implementing water initiatives, continue to roll these out.
Update carbon inventory	Complete an updated inventory based on NCOS emissions boundaries.	Recommended as a supporting action to the Carbon Management Plan.
Implement further waste management initiatives	Refer AHC waste management plan and program of initiatives (not yet reviewed)	As AHC are already implementing waste initiatives, continue to roll these out.
Develop sustainable procurement plan	This plan can be used to guide low emission procurement decisions, such as carbon neutral products, etc. A centralised system streamlining procurement decisions can also save money, which can be fed into other sustainability initiatives.	Recommended as a supporting action to the Carbon Management Plan.
Develop ESG (environmental, social, governance) plan for banking and investments	To support consideration of sustainability commitments in the AHC supply chain.	Recommended as a supporting action to the Carbon Management Plan.

Develop sustainable buildings policy	Code for new developments or major refurbishments, with specific focus on energy efficiency and sustainability strategies. Check LGA project on this.	Recommended as a supporting action to the Carbon Management Plan.
Develop carbon offset policy	For AHC but also could be available for public use.	Recommended as a supporting action to the Carbon Management Plan.
Annual reporting on energy and carbon progress	Document the journey and publish on website. Explore with Trellis. Needs governance plan.	Recommended as a supporting action to the Carbon Management Plan.
Data management system	Further consider opportunities for data management with Trellis.	Recommended as a supporting action to the Carbon Management Plan.
NCOS or 3rd party certification	Achieve National Carbon Offset Certification.	Yes
Energy efficiency of buildings	Continue roll out of energy efficiency projects, including lighting, HVAC, etc. Consider indoor environment projects, such as planting, painting, etc.	Yes
Purchase renewable power	Through LGA contract or solar purchase power arrangement.	Yes
Carbon neutral events/zero waste events	Stirling Markets? Fringe? Uraidla Sustainability Fair. Get NCOS event certified.	This is a community initiative and not subject to further analysis as part of the corporate AHC carbon management plan.
Sustainability savers fund (internal)	Where savings are made from existing or new projects (such as energy savings from solar panels) use \$ savings to reinvest in new sustainability projects.	Already implemented by AHC sustainability team.
Staff travel survey	Undertake staff travel survey and use this to inform emissions reduction in transport.	Recommended as a supporting action to the Carbon Management Plan.
Sustainable transport policy	Including development of bike and walking paths? Public transport?	This is a community initiative and not subject to further analysis as part of the corporate AHC carbon management plan.
Explore potential for partnering with renewable energy provider	e.g. AGL Hydro Kanmantoo	This is a community initiative and not subject to further analysis as part of the corporate AHC carbon management plan.
Develop a Community Energy Plan with RHC Councils	Refer to work with the Regional Hills and Coast group.	This is a community initiative and not subject to further analysis as part of the corporate AHC carbon management plan.
Upgrade street lights	Refer LGA project	This initiative is being managed by the LGA.
Community education projects	Guides, info papers, website, use library screens, etc	This is a community initiative and not subject to further analysis as part of the corporate AHC carbon management plan.
Community sustainability fund	Extend existing fund for community organisation for sustainability upgrades.	This is a community initiative and not subject to further analysis as part of the corporate AHC carbon management plan.
EV contracted services	Such as waste fleet with East Waste.	Set up a discussion with East Waste to see if this can compliment the Carbon Management Plan. Possibly consider in the fleet project.

Adelaide Hills Council - Carbon Management Plan  
Project List

Total annual kWh	Total annual carbon
1,306,066	1,050

5%

Ref	Initiative	Summary Description	kWh Reduction	Abated Carbon (CO2-e tonnes)	Carbon Abateme	Est. Capital Cost	Annual Savings (\$)	Est. Payback	O&M Considerations
1	Solar installation to buildings	Add to current solar PV where suitable - total: 24kW	165,840	85	8%	\$180,000	\$35,000	5	Stirling council buildings works best when integrated with battery
2	Large Scale Solar Farm	Consider feasibility of a large solar farm (1.8MW) to meet all of AHC electricity demands. Possible location is Mount Charles landfill.	2,487,600	1269	121%	\$5,940,000	\$470,184	13	Allow \$25,000 in annual maintenance costs.
3	Local ground mounted solar	250kW solar installation on vacant land as a smaller installation but not limited by roof area. Good for community visibility.	345,500	124	12%	\$675,000	\$45,088	15	Allow \$4,000 in annual maintenance costs.
4	Battery installation to buildings	As detailed in the battery technical paper, consider installation of batteries to support PV and allow for electricity price management.	NA	17	2%	\$120,000	\$10,400	12	
5	Install EV charging points	As detailed in the EV technical paper, consider installation of EV points as an enabler for transitioning to EV fleet.	NA	NA	0%	\$70,000	NA	NA	No savings until EV fleet project activated. Carbon abatement listed in project 6.
6	Transition to EV fleet	Transition all AHC light vehicles to EV	NA	217	21%	NA	NA	Nil	Needs detailed technical assessment
7	Behaviour Change Program	Internal training and education program. Likely to result in a minimum 5% improvement in performance. Could extend to community education.	65,303	33	3%	\$20,000	\$10,449	2	Have used Stirling electricity rate as savings - bigger savings associated with behaviour change in other facilities.
8	Stirling Library and Admin energy upgrade	Continue roll out of energy efficiency projects, including lighting, HVAC, etc. Consider indoor environment projects, such as planting, painting, etc.	105,436	54	5%	\$87,317	\$23,907	3.7	Used 2016 Stirling Library Audit as example project.
9	Purchase 100% renewable power	Through LGA contract or solar purchase power arrangement.	0	666	63%	\$0	-\$235,092	0	Assumed 100% renewable energy contract is double existing electricity supply rate.
10	Certified 100% carbon neutral	Achieve National Carbon Offset Certification.	NA	1050	100%	\$90,000	-\$52,500	NA	NCOS costs include \$20K certification, \$40K audit and \$30K consultancy fees. Ongoing annual costs approximately \$30,000 in certification and consultancy, plus operational offset costs.



Goals

Environmental	To develop a roadmap for carbon reduction and 100% renewable energy, whilst reducing reliance on the purchase of offsets.
Social	To demonstrate scalable leadership in carbon management and energy generation and usage that involves the broader community where possible.
Financial	To make fiscally responsible decisions that demonstrate strong ROI and that do not impose financial stress on Council budgets.

MCA Criteria

		Project 1	Project 2	Project 3	Project 4	Project 5	Project 6	Project 7	Project 8	Project 9	Project 10
	Commentary	Solar installation to buildings	Large scale solar farm	Local ground mounted solar	Battery installation to buildings	Install EV charging points	Transition to EV fleet	Behaviour change programme	Stirling library & admin energy project	Purchase 100% renewable energy	Certified 100% carbon neutral
Environmental	Reduces Council's carbon production (inc. through renewable energy use)	9% reduction in carbon emissions.	Generates sufficient electricity to offset 100% of AHC carbon emissions.	Vacant land next to Stirling freeway roundabout assessed as test case for larger solar (not limited by building roof area). 250kW provides 18% of AHC carbon emissions.	Slight reduction in emissions from improved use of solar power.	No or minimal reduction until transition to EV fleet.	Reduces fuel emissions over time when combined with EV charging stations powered by solar panels.	Ongoing behaviours change program results in small \$ reduction, but 5% ongoing emissions reduction.	Stirling upgrade used as example project. 8% reduction in electricity emissions annually.	100% of electricity demand is provided by renewable power.	100% of carbon emissions are offset.
	Delivers other indirect environmental benefits	No other indirect environmental benefits.	Allows creation and on sell of locally generated carbon offsets.	No other indirect environmental benefits.	Back up power in event of power failure. Could reduce the need for diesel generators.	External community users can use EV changing point.	Saves fuel costs, further utilises solar panel efficiency.	Education to reduce consumption throughout all environmental factors, e.g. water, waste.	Improved IEQ benefits from better lighting quality. Also results in increased productivity and improved staff health and wellbeing.	Increases demand for renewable energy projects in SA.	Can offset emissions from all sources. May be able to generate wider environmental impacts through type of offset purchased.
	Can be procured locally	Reputable local suppliers are available and competitively priced.	Reputable local suppliers are available and competitively priced.	Reputable local suppliers are available and competitively priced.	Local suppliers, some supply issues.	Reputable local suppliers are available and competitively priced.	Bought from local dealer, but not manufactured locally.	Local consultants or internal program.	Reputable local suppliers are available and competitively priced.	Yes, 100% renewable energy contract to be sourced through LGA.	SA carbon offsets not widely available right now, but potential to work with others to create new local offsets. Currently assessed as 0 as offset source not known.
Social	Demonstrates leadership in sustainability (e.g. through asset ownership)	Visible investment in renewable technology. Easy to communicate benefits to public via live energy data screens, etc.	First investment in large scale solar in AHC area.	Highly visible demonstration of leadership.	Demonstration of leadership in new technologies. Needs promotion.	Public and visible demonstration.	Public and visible demonstration.	Public and visible demonstration.	Staff might perceive some leadership from the upgrades.	Public and visible demonstration.	Leading in Council's in Australia.
	Directly involves or encourages the community to adopt better practices	No direct involvement or encouragement with public.	Potential for community to purchase local carbon offsets.	No direct involvement or encouragement with public.	No direct involvement or encouragement with public.	Recommended that EV are available for public use.	Shows a leadership and influence position, but not direct involvement.	Information produced/training sessions could be made available to the public as free community sessions.	No direct involvement or encouragement with public.	Encourages community to consider 100% renewable energy contract options.	Encourages community to consider 100% carbon offset contract options.
	Opportunities to incorporate broader AHC community or geographical district	Not scalable beyond roof area of buildings. Note this does not include potential community energy project.	Potential to increase scale of solar farm to allow more community purchase of electricity or offsets.	Only sized for small parcel of vacant AHC owned land.	Not scalable beyond AHC buildings and related assets. Note this does not include potential community energy project.	Fully scalable across AHC or community facilities.	Does not directly translate into wider community.	Information produced/training sessions could be made available to the public as free community sessions.	First project is Stirling. Energy efficiency upgrades can be rolled out across all assets.	Not scalable beyond AHC buildings and related assets. Note this does not include potential community energy project.	Not scalable beyond AHC buildings and related assets. Note this does not include potential community energy project.
Financial	Requires a capital budget	Capital outlay of \$180,000	High capital outlay of \$5.8M	High capital outlay of \$675,000.	Medium capital outlay	Assumed only standard EV in 2 locations, \$20,000	Assume rolling replacement of cars as technology evolves.	Low capital expense.	Medium capital outlay	No capital costs.	Ongoing certification and audit fees.
	Impacts upon Council's operating and maintenance costs or savings	Ongoing energy savings	100% of energy costs offset	Ongoing energy savings	Medium ongoing cost savings	Assumes council adopts a cost recovery model to recover O&M costs.	Lower ongoing maintenance costs and reduced ongoing fuel cost.	Sustained energy savings.	Medium ongoing cost savings	Increased ongoing operating costs (20%).	Increased ongoing operating costs (4%).
	Has a short payback	5 year payback	13 year payback is not considered desirable	15 year payback is not considered desirable	10 year payback is not considered desirable	Currently, no return on investment. In future, could be powered by renewables and used for EV fleet.	Likely payback is more than 5 years. This may reduce in time as cost come down.	This is an ongoing project, ongoing commitment required to maintain benefits.	4 year payback	No payback.	No payback.
	Relies on new or unproven technologies (with risk and associated cost)	Safe and reliable technology. Well proven. Easy to operate and maintain.	Safe technology, but large scale solar farm relatively new application, and risks associated with site.	Safe and reliable technology. Well proven. Easy to operate and maintain.	New technology but widespread use and application. Some issues with supply of this size of battery.	New technology but widespread use and application. Some plugs may become obsolete over time.	New technology but common use and application.	No risk.	No risk.	No risk.	No risk.

Adelaide Hills Council - Carbon Management Plan  
MCA Results

	Project 1	Project 2	Project 3	Project 4	Project 5	Project 6	Project 7	Project 8	Project 9	Project 10
	Solar installation to buildings	Large scale solar farm	Local ground mounted solar	Battery installation to buildings	Install EV charging points	Transition to EV fleet	Behaviour change programme	Stirling library & admin energy project	Purchase 100% renewable energy	Certified 100% carbon neutral
Unweighted	4	8	2	2	7	5	14	6	8	6
Weighted 1	1.65	2.60	0.90	0.90	1.80	1.45	4.75	2.30	2.75	2.00
Weighted 2	0.38	0.78	0.17	0.04	0.23	1.45	1.35	0.53	1.06	0.91

		Unweighted	Rank		Weighted 1	Rank		Weighted 1 & 2	Rank
Project 1	Solar installation to buildings	4	8		1.65	7		0.38	7
Project 2	Large scale solar farm	8	3=		2.6	3		0.78	5
Project 3	Local ground mounted solar	2	10=		0.9	10=		0.17	9
Project 4	Battery installation to buildings	2	10=		0.9	10=		0.04	10
Project 5	Install EV charging points	7	4		1.8	6		0.23	8
Project 6	Transition to EV fleet	5	7		1.45	8		1.45	1
Project 7	Behaviour change programme	14	1		4.75	1		1.35	2
Project 8	Stirling library & admin energy project	6	6=		2.3	4		0.53	6
Project 9	Purchase 100% renewable energy	8	3=		2.75	2		1.06	3
Project 10	Certified 100% carbon neutral	6	6=		2	5		0.91	4



## Appendix D – Carbon Management Implementation Presentation

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1

April Workshop

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

What we discussed:

- Achieve 100% renewable energy
- Cities Power Partnership Commitments
- Towards carbon neutral




2

April Workshop

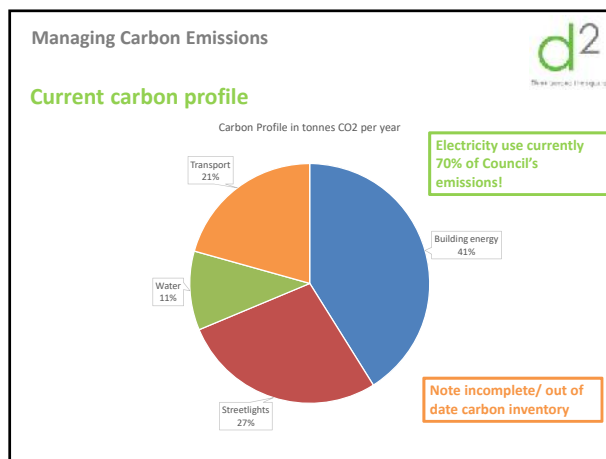
*"We will strive for carbon neutrality as an organisation and encourage our community to do likewise"*

What's happened since?

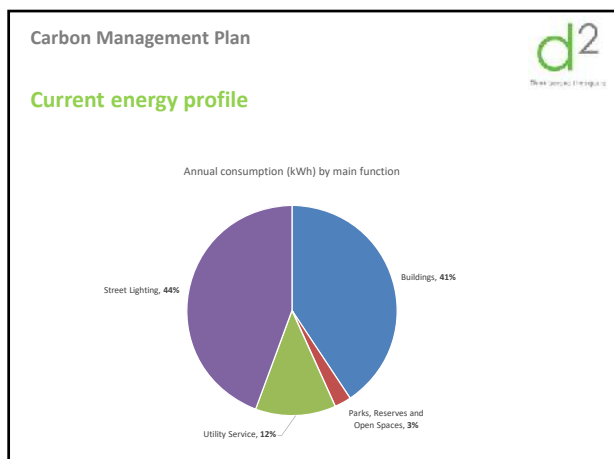
- Council clean energy contract for 60% renewable power (tbc)
- Transition to LED public street lighting
- Community energy project



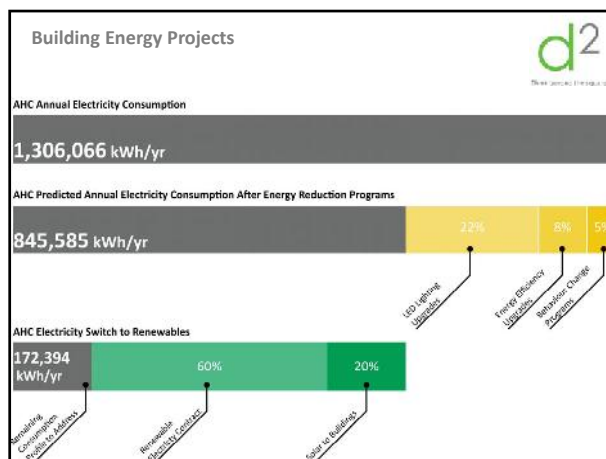

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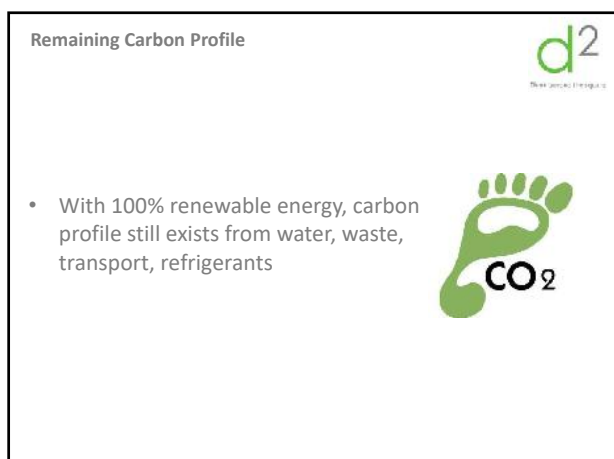
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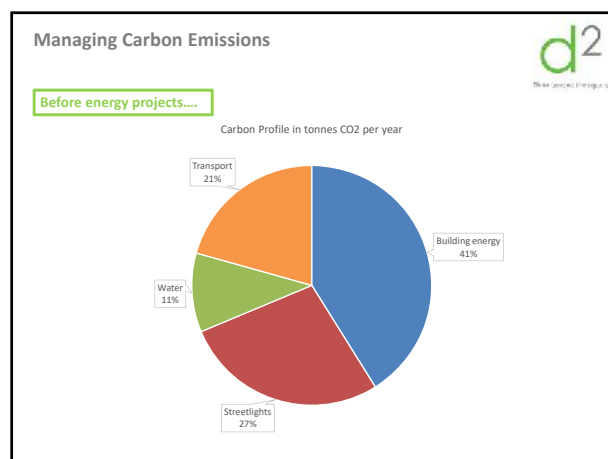
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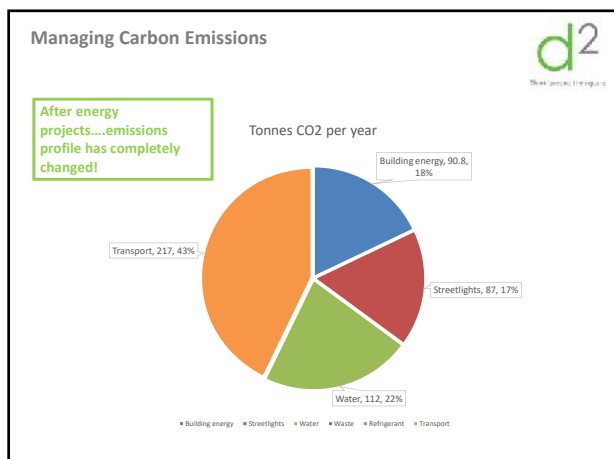
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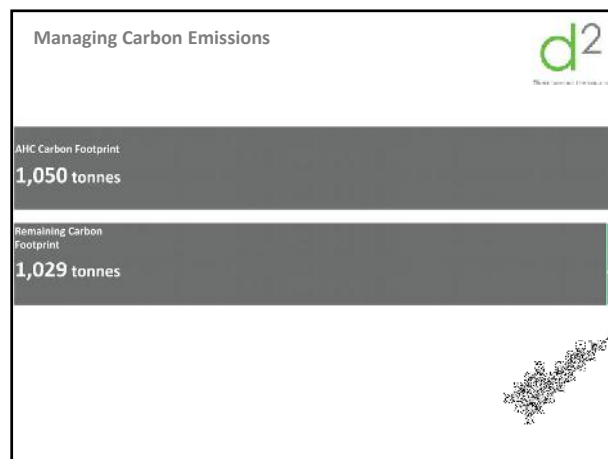
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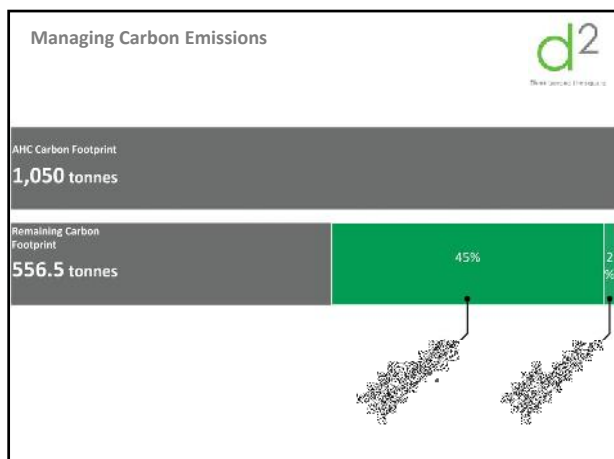
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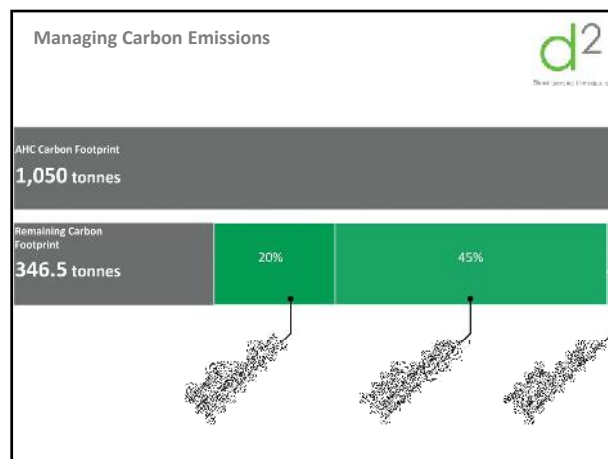
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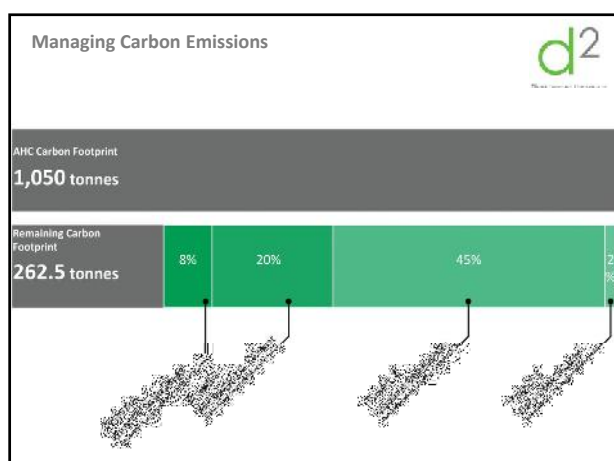
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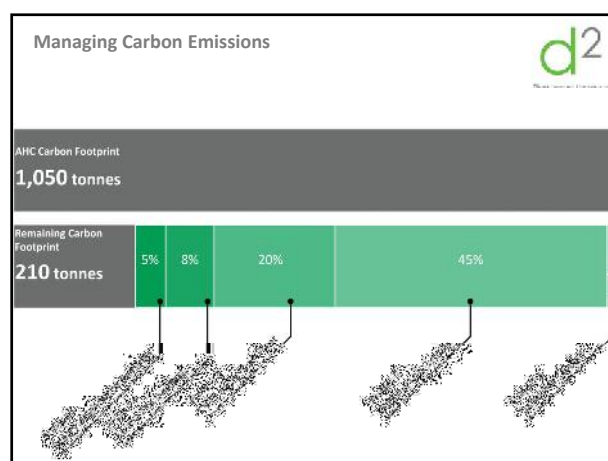
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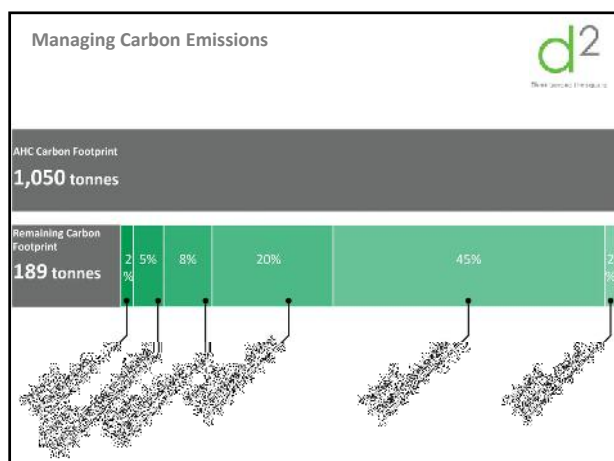
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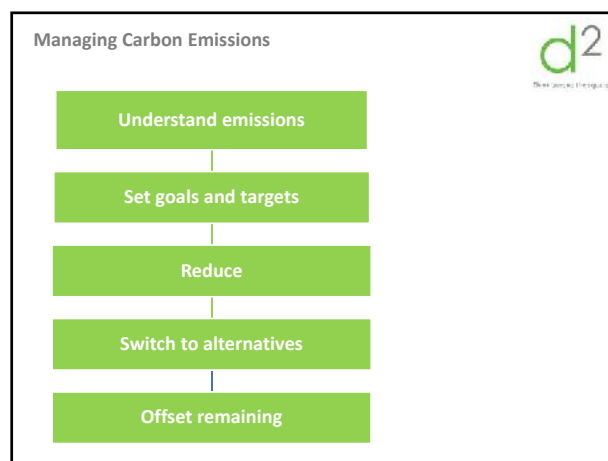
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16

Cities Power Partnership Pledges....discuss

Theme	Pledge
Renewable energy	Install renewable energy (solar PV & battery storage) on council buildings. Power council operations by renewables, directly (with solar PV or wind), or by purchasing Greenpower (from electricity retailers). Set targets to increase the level of renewable power for council operations over time.
Energy Efficiency	Public lighting can use a large proportion of a city's energy budget - roll out energy efficient lighting (particularly street lighting) across the municipality.
Sustainable Transport	Ensure Council fleet purchases meet strict greenhouse gas emissions requirements and support the uptake of electric vehicles.
Work together and Influence	Implement an education and behaviour change program to influence the behaviour of council officers, local residents and businesses within the municipality to drive the shift to renewable energy, energy efficiency and sustainable transport. Promote knowledge sharing and strengthen the local community's capacity and skills in renewable energy, energy efficiency and sustainable transport.

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- Next Steps
- Remaining energy?
  - Remaining emissions?
  - What's in a name.....Carbon neutral, carbon reduction, carbon management, carbon positive?!
  - Priority Projects....comments to Sharon
  - Cities Power Partnership Pledges....comments to Sharon

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Share your story through us



NATIONAL CARBON  
OFFSET STANDARD  
QUALITY NEUTRAL ORGANISATION



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## **Appendix 2**

### *Battery Storage Information Paper*

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ESD and Sustainability Consultants  
Master Planning  
Resource Management  
Strategic Advice  
Governance  
Advocacy

# Adelaide Hills Council

## Battery Storage Information Paper

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## Executive Summary

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This information paper provides a review of the Adelaide Hills Council's (AHC) energy infrastructure and battery storage recommendations including available technologies and their capabilities and opportunities for integration battery storage into Council operations.

The following battery storage key recommendations are proposed:

- **Battery storage should be considered in conjunction with other projects to improve energy efficiency and reduce carbon emissions in the Corporate Carbon Management Plan.**
- **Due to high cost and low payback, it is recommended that battery storage options are integrated at a later date, unless it makes good sense on a project by project basis. This allows time for battery costs to reduce and payback to improve.**
- **Of the sites investigated, battery storage solutions are most suited to Heathfield Depot, Torrens Valley Community Centre and Woodside Library.**
  - These sites are all exporting greater than 40% of solar PV generation.
  - 10-14 year payback (longer than the <7 year payback typically preferred).
- **Lithium-ion technologies are preferred due to their lower upfront cost and low maintenance requirements.**
  - Flow (zinc-bromine) batteries have a lower fire risk however higher upfront capital cost and 1-2 weekly maintenance cycle. Although readily recyclable, significant advances in battery storage technologies will occur over the life of the battery which will reduce the likelihood of the system being refurbished.
  - Molten salt battery technologies are yet to achieve commercial scalability and are unlikely to provide appropriate solutions in the near future.
- **It is recommended to increase the solar PV system installed at the Stirling Office and Library to a total of 90-100kW as a priority over battery installation at this site.**
  - Removal of the older 5kW system and relocating the existing system will increase overall install cost.
  - Lower commercial electricity rates with peak demand tariffs increase the payback period compared to what can be achieved for residential/small business properties.
  - 6-8 year payback.
- **Integrate battery storage into the new solar PV system at the Stirling Office and Library if power continuity and decreasing grid dependence is a priority.**
  - 15 year combined payback period (solar + battery storage).
  - Investigate viability of the diesel generator.
- **Investigate high off-peak usage at Torrens Valley Community Centre, to look to reduce energy consumption prior to installing any battery technology.**

## Document Control

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Issue	Date	Change	Checked	Approved
1	15/04/2019	First issue	JP	DD
2	13/05/2019	Second issue - Minor update and reorder	JP	DD
3	17/05/2018	Third issue – Minor updates based on feedback	JP	DD
4	26/06/2019	Minor update	JP	DD
5	4/09/2019	Final update	JP	DD

*It should be recognised that the commercial battery storage industry in Australia is relatively young compared to residential battery storage, with competing companies promoting alternative technologies (lead-acid, lithium-ion and zinc-bromine). For this reason, it is important that this guidance is accepted as current at the time of writing only, and that the proposed battery storage systems are regularly reviewed for currency.*

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## 1 Introduction

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This information paper provides a review of the Adelaide Hills Council's (AHC) energy infrastructure and battery storage recommendations including available technologies and their capabilities and opportunities for integration battery storage into Council operations.

This information has been used to inform AHC's Carbon Management Plan, to provide recommendations for integrating solar PV and battery storage solutions.

## 2 Current Operations

The table below provides a breakdown of Council facilities, annual electricity consumption and solar photovoltaic (PV) system information to allow an accurate sizing of potential battery storage systems. The list has been arranged by Council operated sites with consumption greater than 10,000kWh per annum. Utilities (pump stations, TV tower, etc.) have been removed from the table.

It should be noted that the Council's top 8 facilities have reduced consumption over the last 4 years by 17%.

Location	Solar PV System	2014/15 Consumption (kWh)	2017/18 Consumption (kWh)	Decrease	%	2017/18 Peak / Off-peak
<b>Stirling Office</b>	29.8	379,624	342,208	-37,416	-10%	Peak: 59% Off-peak: 41%
<b>Woodside Planning Office</b>	N	68,966	38,166	-30,800	-45%	Peak only
<b>Nairne Road Office</b>	N	29,803	26,893	-2,910	-10%	Peak only
<b>Torrens Valley Community Centre</b>	30	45,514	26,220	-19,294	-42%	Peak: 57% Off-peak: 43%
<b>Heathfield Depot</b>	30	32,406	25,040	-7,366	-23%	Peak: 58% Off-peak: 42%
<b>Norton Summit Office</b>	N	15,806	14,950	-856	-5%	Peak only
<b>Woodside Library</b>	15	13,993	13,457	-536	-4%	Peak only
<b>Gumeracha Depot</b>	N	12,471	12,265	-206	-2%	Peak only
<b>Total</b>		<b>598,583</b>	<b>499,199</b>	<b>-99,384</b>	<b>-17%</b>	

Table 1: Top 8 Facilities by consumption

### 3 Battery Technologies

A wide range of battery storage mediums and technologies are available with various advantages and disadvantages associated with each type. The main battery storage systems used for grid connected applications include lithium-ion, lead-acid and flow (zinc-bromine) batteries. Appendix A provides a summary of the main types of batteries with additional information on their characteristics.

The below are examples of commercial battery storage solutions.

#### 3.1 Packaged Units

Complete battery storage solution with integrated monitoring and control systems, inverters and cooling systems such as the Tesla Powerpack (Commercial).



Figure 1: Tesla Powerpack

#### 3.2 Packaged Battery Packs

Batteries connected to approved/compatible inverters and controls systems, such as the Redflow zinc-bromine battery.



Figure 2: Redflow install - Darling Building

### 3.3 Custom Design

Storage room or container with various inverters and battery technologies. Custom designed solutions are becoming less economically viable as commercial systems enter the market. Example project:

- SA Government battery demonstration project (ZEN Energy) – Demand and time-of-use management with no back-up power provisions.



Figure 3: LG Chem battery rack



Figure 4: Adelaide High School battery container



## 4 Battery Technology for Energy Management

The following stages and initiatives are for consideration and to ensure that the battery storage system is not oversized or used to hide inefficient energy use. As a guide, battery storage should only be implemented following optimisation of Council's operations and as a final stage to managing energy use and costs.

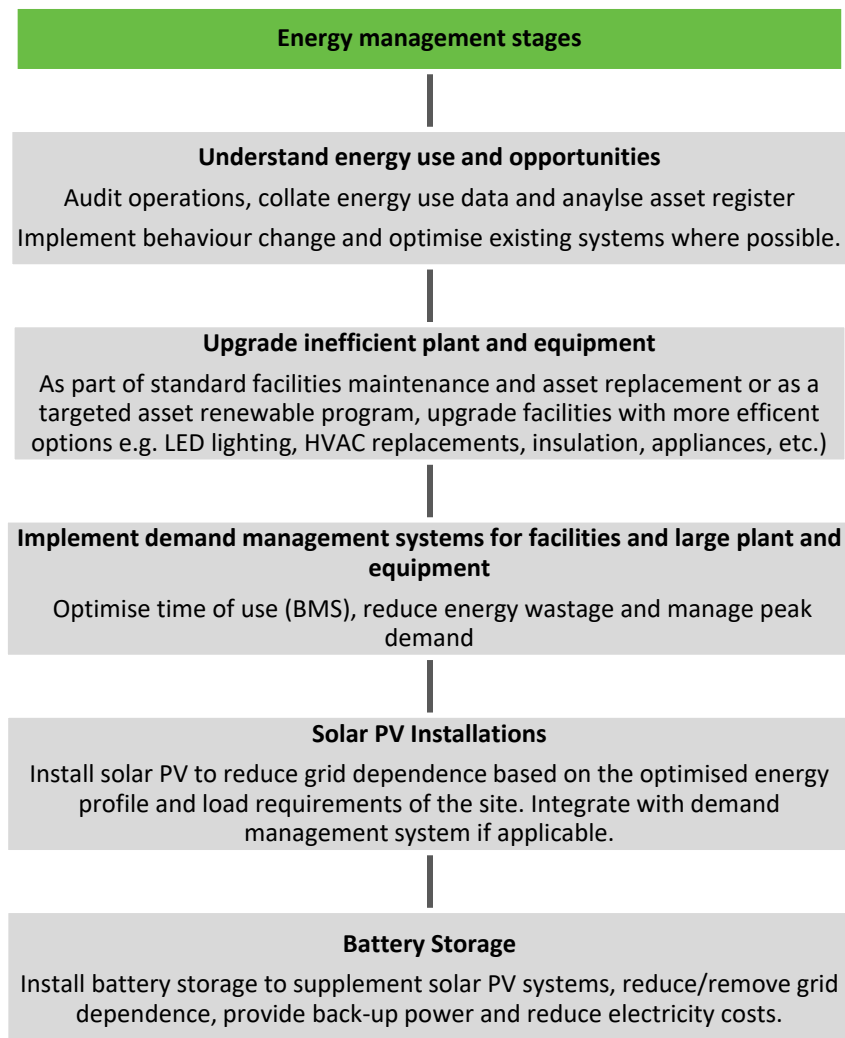


Figure 5: Energy management stages

## 5 Battery Storage Functions

Commercial buildings, similar to Council operations, typically operate during peak periods when solar PV systems are generating and therefore there are reduced opportunities to charge the battery from solar.

Battery storage can be utilised to provide a number of different energy management functions and the intended use by the Council will change the design and complexity of the battery solution. The following table provides a summary of options and intended functions which should be considered.

Battery function/service	Summary	Most appropriate scenario
<b>Time-of-use consumption management</b>	Optimising the use of energy to reduce consumption costs e.g. charging during off-peak periods and discharging in peak periods to reduce consumption costs.	Small market electricity account with a peak and off-peak tariff per kWh.
<b>Increase use of on-site solar PV generation use</b>	Maximise the use of solar PV generation at the facility	Sites with a relatively large amount of solar PV export occurring from existing systems.  More appropriate for residential where the peak rate is far higher than the Feed-in-Tariff (FiT)
<b>Demand Management</b>	Reduce peak demand charges from SA Power Networks by “defending/discharging” in peak periods only (12-9pm).	Sites with a large market electricity account with an Actual (BD) or Agreed (LV) demand tariff.
<b>Back-up power supply – Critical Assets</b>	Provision of back-up supply to selected circuits and critical assets (ICT, food storage, vulnerable community member services).	Critical community service required e.g. Council centre becomes community hub for vulnerable individuals in the event of a community wide emergency.
<b>Back-up power supply – Off-grid</b>	Provision of full back-up supply for Council operations at selected locations	Critical community service required and entire facility must be operational.
<b>Distributed Energy Resources and Demand response</b>	Create an integrated Distributed Energy Resource across Council operations with solar PV, demand controls and battery storage to engage in demand response incentive programs.	May be an additional/future income stream as part of demand response incentive programs.

Table 2: battery storage functions

## 6 Battery Prices

The price of battery storage and in particular lithium-ion has reduced significantly over the past 3-5 years and is projected to continue to reduce as economies of scale are achieved and as the technologies continue to mature (refer figure 6). The projections in Figure 3 are from Bloomberg New Energy Finance (BNEF), Navigant Research and the US Energy Information Administration (EIA) with an average created by the Rocky Mountain Institute. The projections are based on the battery cell only and additional costs for inverters and installation apply. Packaged systems such as the Tesla Powerwall are an integrated solution with inverters and control gear and are not represented in the below projections.

Current prices for battery cells and installation range between \$900-\$2,100 per kWh depending on the size (residential vs commercial) and intended function. Based on the below battery prices will continue to decrease and it may be more viable for the Council to invest in battery storage in the next 2-3 years.

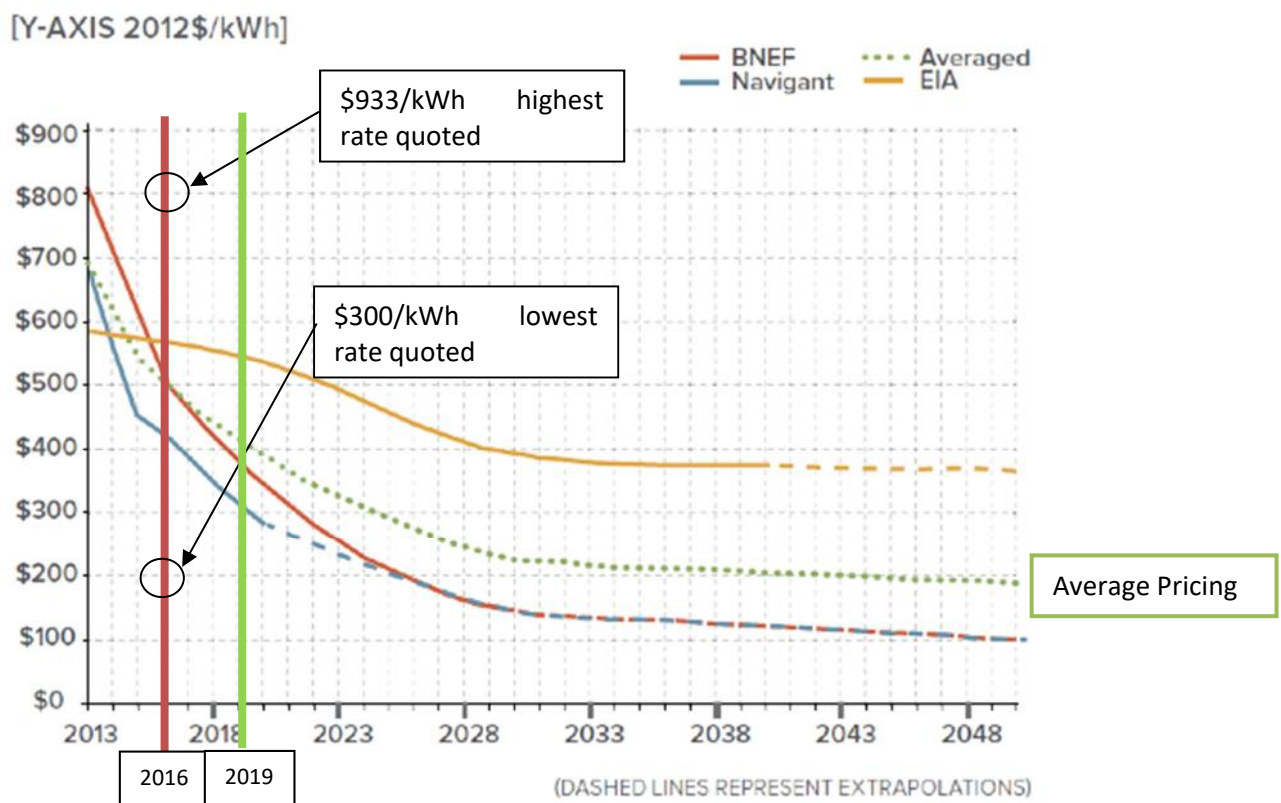


Figure 6: Battery price projections- Rocky Mountain Institute

Table 3 below provides a breakdown of battery cell costs by the main technology types.

Technology	TRL	MRL	Minimum cost (\$/kWh)	Average cost (\$/kWh)	Maximum cost (\$/kWh)
Advanced lead acid	8	7	750	875	1050
Zinc bromide	5	4	1100	1300	1750

Table 3: Battery price by main cell type (CSIRO)

## 7 Greenhouse Gas Emissions and Bushfire Risk

### 7.1 Greenhouse Gas Emissions

Battery storage does not generate GHG emissions (except during manufacture), therefore the source of energy will determine whether emission reductions are possible. In the event that the Council implements a 100% renewable energy supply for electricity, battery storage will provide the intended battery function with no emissions reduction. In the case that the Council's electricity contract does not include renewable energy and the battery is charged from excess solar PV generation, the battery will maximise solar PV consumption and therefore reduce energy imported from the grid and emissions associated with the electricity supply.

However, as South Australia's energy supply continues to transition from fossil fuels to renewable energy (solar and wind), the emission reductions will reduce over time.

### 7.2 Bushfire Risk

All battery storage solutions include a level of fire risk due to the chemical reaction occurring in the battery and the transmission of electricity. The following provides a breakdown of the fire risk and management strategies to reduce the likelihood of a fire occurring:

- **Lead-acid:** Off-gassing can occur when appropriate charging/voltage levels are not maintained and if appropriate ventilation is not provided. The gas emitted by the battery is highly flammable.
  - **Control measures:**
    - Implement appropriate ventilation and controls and monitoring systems as part of the design and ensure ignition sources (e.g. smoking) are not authorised around the battery.
    - Temperature control, state of charge management and monitoring systems are designed to minimise the likelihood of off-gassing.
- **Lithium-ion:** Thermal runaway may occur and result in battery combustion. Due to the lithium component the batteries are highly combustible and once alight are problematic to extinguish. In larger lithium-ion batteries (EVs and commercial batteries), the approach can be to let the fire consume the fuel source and ensure the fire does not spread.
  - **Control measures:**
    - Battery cell design/chemistry, temperature control, state of charge management and monitoring systems are designed to minimise the likelihood of thermal runaway.
    - Monitoring systems can be integrated into fire/alarm systems to automatically notify the MFS/CFS to attend.
    - Fire rated enclosures can ensure that in the event of a fire, there is a 2-3 hour window before the fire spreads (typically implemented if adjacent buildings and fire hazards).
  - **Note:** The majority of lithium-ion battery fires have been the result of using inexperienced installers and installing poorly designed systems.
- **Zinc-bromine:** The fire risk is low as the zinc bromine has fire retardant qualities. With all electrical systems there is a risk of other parts of the battery control gear, inverters and cabling shorting or failing which can lead to a fire.
  - **Control measures:** Monitoring and control systems should be sufficient to manage risks.

## 8 Recommended Battery Storage Solutions

The highest return on investment for AHC is achieved through the installation of battery storage at Council facilities which have excess solar PV generation such as the Heathfield Depot, Torrens Valley Community Centre and Woodside Library. The recommended battery storage technology is lithium-ion due to the lower upfront capital cost, shorter payback period and recyclability at end of life.

Although prices have decreased significantly for residential batteries, which are suitable for the Council's smaller operations, commercial batteries are yet to achieve competitive paybacks for the Council. This is due to the lower per kWh electricity rate for large market commercial contracts (\$0.36 compared to \$0.16 per kWh), increased controls required to manage peak demand (kVA) and minimal excess solar PV generation at the Council's largest site (Stirling Office / Library).

The following provides a breakdown of scenarios in order of highest return on investment, applicable battery solution and recommended sites for battery storage.

### 8.1 Maximise solar PV consumption

To maximise onsite solar PV consumption and reduce grid dependence, it is recommended that Council install a battery storage system at Heathfield Depot, Torrens Valley Community Centre and Woodside Library, as all three sites are exporting more than 40% of their solar PV generation. The batteries will reduce consumption costs and provide back-up power provisions for short periods of time (5-10 hours).

Back-up power will be dependent on solar PV performance, consumption/load and battery charge level. For example, if a power outage occurs during a heat wave with high consumption and there is dense cloud cover, the battery will have a reduced capacity to provide back-up power.

The below options have been limited to a 45kWh capacity to match the average daily solar PV export and keep the battery size within packaged residential battery units to reduce costs and simplify the install.

Site	Battery size	Battery function	Indicative cost	Electricity savings*	Maintenance costs	Payback
<b>Heathfield Depot</b>	Up to 45kWh	Time-of-use and solar PV charging	\$40,000- \$50,000	\$3,300- \$4,000	N/A – Maintenance inspection not specified by manufacturers	10-14 Years
<b>Torrens Valley Community Centre</b>	Up to 45kWh		\$40,000- \$50,000	\$3,300- \$4,000		
<b>Woodside Library</b>	20-25kWh		\$25,000- \$30,000	\$2,000- \$2,400		

\*Based on 90% daily discharge (Lithium), 80% efficiency with 50% battery charge provided by excess solar PV generation and the remainder imported from the grid (\$0.36 per kWh).

#### Potential packaged options:

- Tesla Powerwall - 13.5kWh
- Sonnen Batterie - 13.5kWh
- Redflow ZCell - 10kWh

### Heathfield Depot:

Heathfield Depot exports a large amount of excess solar PV generation however also has a more unique load profile due to the early start and finish time of the depot staff. Load typically increases between 6:30-7:30am before solar PV is generating and there is an opportunity to use battery storage to reduce electricity imported from the grid in the mornings and out of hours.

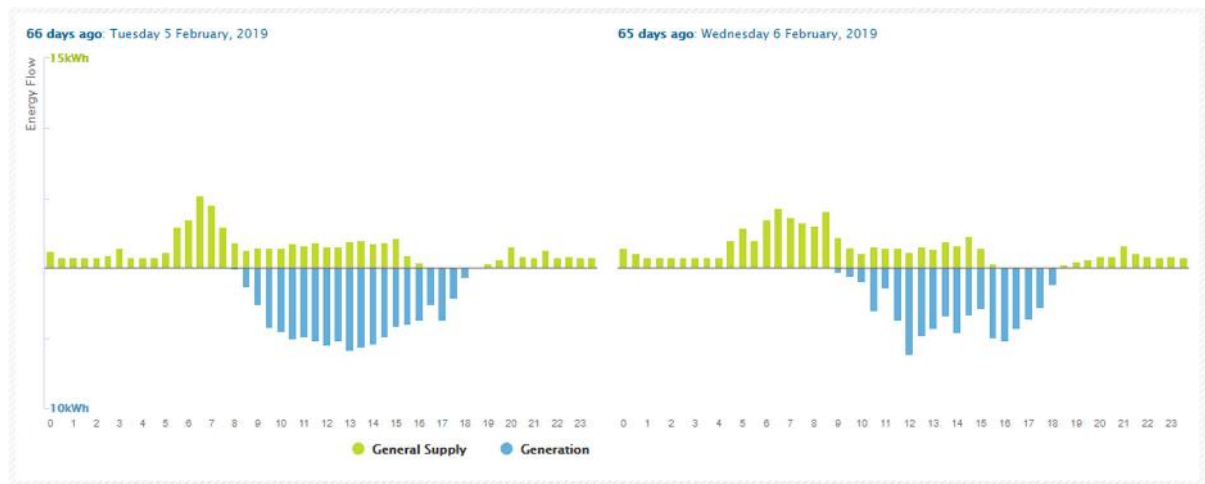


Figure 7: Meter data graph - Blue represents electricity exported to the grid

### Torrens Valley Community Centre:

Similar to the Heathfield Depot, the community centre is exporting a large amount of excess solar PV generation with a peak in consumption in the morning between 8-9am (typically in winter) and occasional evening use (community groups). Battery storage will enable the excess solar generation to reduce electricity imported from the grid in the morning and evenings and provide back-up power provisions. The site also has relatively high/constant off-peak consumption and it is recommended this is investigated further.

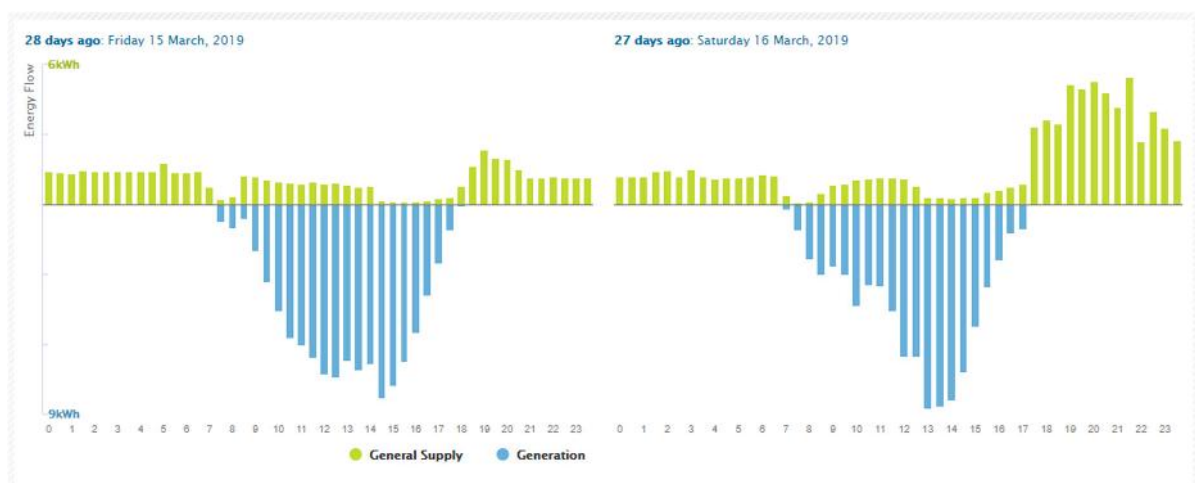


Figure 8: Meter data graph - Blue represents electricity exported to the grid

### Woodside Library:

Interval data is not available as the site has a simple import/export meter. A 20-25kWh battery is recommended based on an assumed 70% peak and 30% off-peak consumption profile.



## 8.2 Stirling Office and Library - power continuity (back-up power)

If power continuity is the intended outcome for the battery storage system, sites with critical infrastructure and community services should be targeted. As the main township community facility, the Stirling Office and Library would require a significant battery storage solution and a larger solar PV system to provide back-up power for the centre. The viability of the existing diesel generator will need to be investigated in this scenario.

To cover the site's peak load and consumption and provide sufficient excess energy to charge a battery storage system, the optimum solar PV system would need to be >200kW. Due to lack of available roof space and shading from adjacent trees, the maximum solar PV size is approximately 90-100kW. This would require a redesign of the existing system, removal of the original 5kW system and installation of a new 70kW solar PV system. Based on the additional 70kW of solar PV the sites average consumption and generation profile would be as follows.



Figure 9: Average electricity load and additional 70kW solar PV generation

**Note:** Generation is higher during the summer period and covers a greater percentage of site load:



Figure 10: Summer average electricity load and additional 70kW solar PV generation

### 8.2.1 Recommended Solar PV System:

Due to the site's average load exceeding the solar PV generation there is insufficient excess energy to charge a battery storage solution for the majority of the year and therefore the solar PV system would typically be reducing electricity imported from the grid. Excess generation of approximately 10,000kWh per annum will occur on peak generation days during summer and on weekends and public holidays.

Solar PV System	Indicative cost*	Electricity savings**	Annual maintenance costs***	Estimate annual savings	Payback
<b>70kW</b>	\$90,000 to \$105,000 + \$5,000-\$10,000 to remove existing system and redesign remaining system <b>\$105,000</b>	\$15,000-\$16,000 <b>\$15,500</b>	\$1,000	\$14,500	6-8 Years

\*Install cost will depend on the quality of system and whether safe roof access provisions are included

\*\*Additional peak demand savings likely however not guaranteed due to intermittency of solar

\*\*\*Maintenance costs will depend on the type of system and the Council's maintenance schedule

### 8.2.2 Recommended battery storage system:

Battery storage would predominantly be charged from the grid in off-peak periods and on weekends and discharged during peak demand periods which increases the payback period. Based on the analysis of a number of battery sizes, a 420kWh battery maximises demand savings without oversizing the battery.

Battery	Battery function	Indicative cost	Electricity savings	Annual Maintenance costs*	Payback
<b>2x50kW / 210kWh Tesla Powerpack 420kWh</b>	Back-up power + Demand + time-of-use management	\$400,00-\$500,000	Peak demand (kW): \$12,000-\$14,000  Consumption (kWh): \$8,200	\$1,000-2,000	20 Years

\*Based on prices from the CSIRO Future Trends Report. Tesla mandate a maintenance program for warranty purposes

### 8.2.3 Integrate Solar PV and Battery Storage

The combined cost of installing an additional 70kW solar PV system and 420kWh Tesla Powerpack battery storage solution would be approximately \$550,000 to \$600,000 with a 15 year payback.



### 8.3 Energy Savings

An analysis of consumption and demand savings has been undertaken to determine if a smaller demand management battery is viable for the Stirling Office and Library. Due to a lower kWh electricity rate and minimal excess solar PV generation, the payback is longer than would be achieved at sites such as the Heathfield Depot. As a result battery storage as a straight cost savings measure is not recommended.

An analysis of a Redflow zinc-bromine system has also been undertaken due to the lower fire hazard however the capital cost increases the payback significantly. Although zinc-bromine systems are readily recyclable and the zinc bromide solution can be cleaned and reused, it is expected significant improvements in energy management and battery storage systems will occur over the life and expected payback of the battery and more advanced solutions will be available at end of life.

Battery size	Battery function	Indicative cost	Electricity savings*	Annual Maintenance costs	Payback
<b>Tesla Powerpack 50kW / 210kWh**</b>	Demand management and time-of-use	\$200,000-\$250,000 (\$950-1,200 per kWh)	Peak demand (kW): \$5,800 Consumption (kWh): \$4,200 <b>Total: \$10,000</b>	\$500-1,000	20-30 Years
<b>Redflow ZBM2 x20 60kW / 180kWh</b>		\$390,000 (\$1,400-\$2,100 per kWh)	Peak demand (kVA): \$7,000 Consumption (kWh): \$3,500 <b>Total: \$10,500</b>	\$500-\$1,000	

\*Peak demand savings do not include solar PV generation due to the intermittency of solar. Additional demand savings will be achieved depending on PV performance.

\*\* Tesla mandate a maintenance program for warranty purposes.

### 8.4 Additional opportunities

Implementing battery storage into Council operations will allow a demonstration of battery storage capabilities to local residents and businesses through interactive displays which can available online and as part of existing public displays. In particular, different demonstration examples could be shown with demand management (targeting commercial businesses with peak demand charges) and maximising solar PV and time-of-use (residential and small business) being shown at different sites. The intention of the demonstration is to show real-world energy and cost savings achievable from battery storage, however this should only be implemented for projects with favourable payback periods.

Key sites for battery demonstration include Stirling Office and Library as a commercial example and Woodside Library as a residential/small business example. Additional budget to create publicly accessible displays appropriate for the target audience, integrated with ICT systems, will be required.



## Appendix A: Summary of battery cell technologies for storage applications

Think beyond the square

Battery type	Capital Cost	Advantages	Disadvantages	Typical number of cycles	Round-trip efficiency	Depth of discharge (DoD)
Advanced Lead Acid	<b>Low-Medium</b> due to technology maturity	Mature tech Low cost Readily recyclable	Heavy Low DoD Sensitive to high temp Off-gassing may occur which is a high fire hazard	1,500-4,000	80-90%	40-80%
Lithium-ion	<b>Medium-High</b> - reducing significantly	High efficiency and DoD Wide temp range (optimum <30 degrees) Strong back-up power performance	Minimal recycling programs for large systems Thermal run-away possible – fire monitoring/protection required	1,000-10,000	90-97%	90-100% (80-90% recommended)
Flow (Zinc-bromine)	<b>High</b> relatively new technology and low market share	High temp threshold (50°) Recyclable No thermal run-away (low fire hazard)	New tech Requires 1-2 weekly maintenance cycle (2hrs) where the battery is not available**	1,500-4,000	75-80%	100% (full discharge with no damage to battery)

\* Redflow warrants a 100% daily discharge for 10 years (3650 cycles)

\*\*Can be addressed with multiple battery units (e.g. the maintenance cycle will only impact one battery bank at a time) however reduces guaranteed total capacity

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## **Appendix 3**

### *Electric Vehicle Charging Station Information Paper*

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Think beyond the square

ESD and Sustainability Consultants  
Master Planning  
Resource Management  
Strategic Advice  
Governance  
Advocacy

# Adelaide Hills Council

## Electric Vehicle Charging Information Paper

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## Executive Summary

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This information paper provides an overview of electric vehicles (EV's) in Australia, including current charging infrastructure in the Adelaide Hills Council (AHC) boundary, recommendations for future charging stations and opportunities for integrating additional EV's into the Council's fleet.

This information has been used to inform AHC's Carbon Management Plan, to provide recommendations for the integration of EV infrastructure and fleet.

The following key recommendations are proposed:

- **Install EV charging stations at key strategic locations for Council and public use**
  - Capital funding is recommended for Council EV fleet charging stations
  - A fee for use model should be adopted to provide a cost recovery model to maintain and operate the stations
  - Grant programs or commercial agreements are alternative models to implement EV charging stations
  - Develop detailed specifications to ensure charging stations cater for all EV makes and models
- **Implement a vehicle procurement policy to transition the Council's vehicle fleet to EVs**
  - Staged process to gradually transition to EVs
  - Include process for all future medium and heavy vehicle purchases to include an EV comparison and cost benefit analysis
- **Work with East Waste to investigate electric waste trucks**

## Document Control

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Issue	Date	Change	Checked	Approved
1	15/04/2019	First issue	JP	DD
2	08/05/2019	Second issue – Reordered and additional information added	JP	DD
3	17/05/2019	Third issue – Minor update based on feedback	JP	DD
4	26/06/2019	Minor update	JP	DD
5	4/09/2019	Final update	JP	DD

*It should be recognised that the electric vehicle industry in Australia is relatively young and rapidly evolving, with competing industry advocacy bodies promoting alternative technologies which are not always directly compatible. For this reason, it is important that this guidance is accepted as current at the time of writing only, and that the proposed systems to be deployed is regularly reviewed for currency.*

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## 1 Introduction

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This information paper provides an overview of electric vehicles (EV's) in Australia, including current charging infrastructure in the Adelaide Hills Council (AHC) boundary, recommendations for future charging stations and opportunities for integrating additional EV's into the Council's fleet.

This information has been used to inform AHC's Carbon Management Plan, to provide recommendations for the integration of EV infrastructure and fleet.



## 2 Electric Vehicles in Australia

### 2.1 Private Electric Vehicles

Electric vehicles have been commercially available in Australia since 2010 with an exponential growth occurring in vehicle registrations since 2014. Latest estimates are that over 2,700 EV's were sold in 2018 and this is based on EV registrations and unofficial Tesla sales figures (Tesla do not release sale figures). The following figure shows the growth of EV sales in recent years.

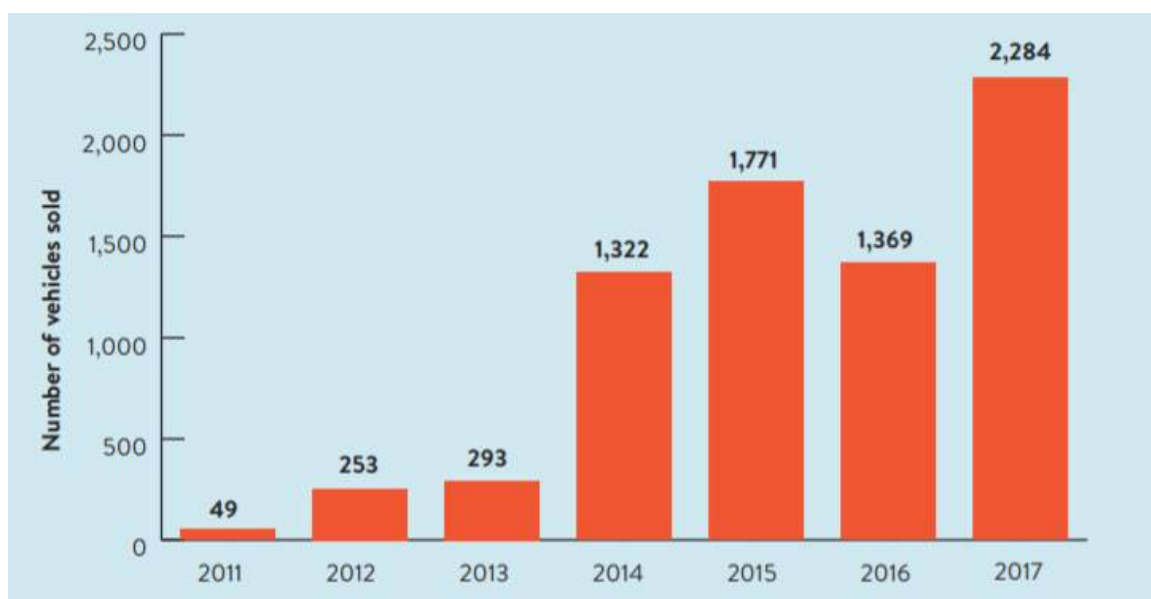


Figure 1: Electric Vehicle Registrations 2010-2017. Source: Climate Works Australia

Consistent with Australian vehicle sales generally, the most popular electric vehicles are manufactured predominantly by Japanese firms (comprising 80% of total registrations in 2016). Tesla have captured the premium vehicle market (comprising 9% of 2016 registrations), supported in part by their investment in “Supercharger” stations which provide electricity to Tesla owners for free, with the Australian arm of GM, Holden, making inroads in the economy market with a 7% market share. This will continue to change as new EV manufacturers and lower cost options enter the Australian market and as Holden has ceased selling the Volt in Australia. In particular Hyundai, Kia and Tesla are all expected to release EV's <\$60,000 for sale in 2019 which will impact the market share distribution.

Latest projections from the Australian Energy Market Operator (AEMO) are that with moderate intervention from across government, EV sales will increase from approximately 2,700 vehicles in 2018, to 70,000 by 2023 and will make up the majority of vehicle sales by 2050<sup>1</sup>. Moderate intervention includes targets being set by state governments as part of net-zero strategies, transitioning state and local government fleets to EV's and the rollout of charging infrastructure.

Figure 2 illustrates the increased uptake of EV sales in various scenario's of Government intervention.

<sup>1</sup> “Australian Electric Vehicle Market Study”, Australian Energy Market Operator, p. 6-7

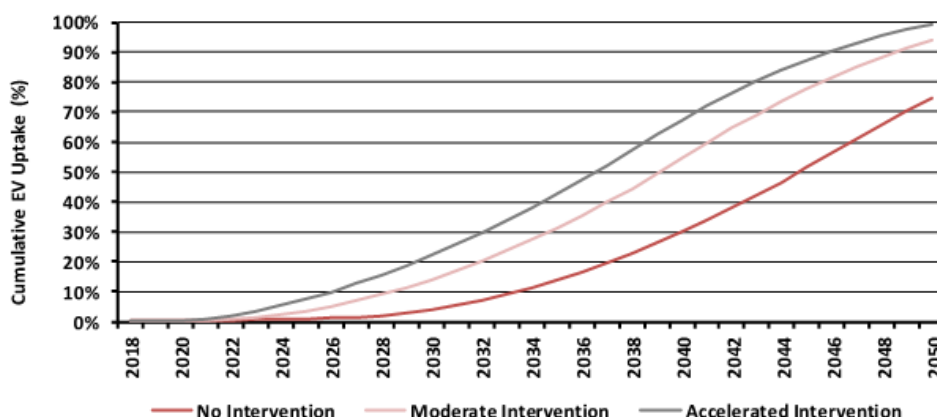


Figure 2: The State of Electric Vehicles in Australia”, Climate Works Australia, June 2018, p. 4

The uptake of electric vehicles in South Australia is currently one of the highest per capita in Australia which may be due to the availability of public charging stations (second highest per capita<sup>2</sup>) and the knowledge that a large percentage of our electricity comes from renewable sources i.e. fossil fuel electricity generation is often cited as a reason not to support EV’s due to the emissions associated with coal and gas fired power stations. EV’s have been further supported by programs such as the City of Adelaide Council’s Electric Vehicle Charging Hub and on-street stations in the Adelaide CBD where there are now 46 charging stations available. Since these stations were implemented there have been over 4,000 vehicle charging sessions and over 12MWh of electricity delivered to EV’s<sup>3</sup>.

Although there are no specific studies into distances travelled between charges for electric vehicles and where they are charged (home versus public charging), the average daily commute for South Australian’s is 13.76km<sup>4</sup> or 137.6km per week which is well within the range of a single charge for most EV’s. It is expected that the majority of EV owners charge their vehicle at home overnight using either a standard wall plug or with a home charging station, unless convenient charging stations are provided at their place of employment or parking complex.

The provision of public charging infrastructure by government (Federal/State/Local) is one of the top three areas that consumers believe will increase the uptake of electric vehicles, along with subsidies for EV’s and installing home charging systems<sup>5</sup>. With current projections this provides an argument to increase investment in EV charging stations by the Council to support EV owners in visiting the Adelaide Hills region.

## 2.2 Medium and Heavy Vehicles

In line with passenger EV’s, current uptake of medium and heavy electric vehicles (trucks and buses) is relatively low, however is expected to grow significantly in the coming years. Electric truck and bus sales are expected to grow between 9% to 17% per annum through to 2030<sup>6</sup> across OECD countries.

Some of the key challenges for medium and heavy EV’s is the need for significant charging infrastructure required to charge the vehicles efficiently and distances travelled for regional routes exceeding currently available EV ranges without charging infrastructure being available. Companies such as Volvo, Volkswagen, Izuzu (Mitsubishi), Iveco and Tesla are all developing heavy EV’s. Trials are also underway,

<sup>2</sup> “The State of Electric Vehicles in Australia”, Climate Works Australia, June 2018, p. 13

<sup>3</sup> Adelaide City Council, <https://www.cityofadelaide.com.au/media-centre/whats-new/46-electric-vehicle-charging-stations-now-available-in-adelaide>, accessed 09/04/19

<sup>4</sup> Australian Bureau of Statistics - Census of Population and Housing: Commuting to Work

<sup>5</sup> “The State of Electric Vehicles in Australia”, Climate Works Australia, June 2018, p. 4

<sup>6</sup> Navigant Research - Market Data: Electric Trucks and Buses

with Woolworths trialling electric distribution trucks and Councils in WA and VIC trialling electric waste trucks, which have relatively fixed routes with known travel distances. It is recommended the Council engage with East Waste to investigate options to transition to an EV waste fleet, which will reduce emissions and pollution associated with waste trucks.

As the Council operates a community bus and it is expected that the distance travelled will be fairly consistent, it is recommended the Council investigate transitioning to an electric bus when the current vehicle is due for replacement.

### 2.3 Electric Bikes and Scooters

Australia has adopted the European standard (EN15194) for electric bikes and scooters (e-bikes) which limits the speed to 25km/h and motor power to 250W for pedal assisted bikes, however this standard was not adopted across all states until 2015. As a result, e-bike uptake has been relatively slow compared to international markets (in particular Europe and China). E-bike sales are expected to increase as battery prices continue to decrease and as more models become available. Depending on the battery size, motor power and the type of use, e-bikes typically have a range of 50-200km. Prices range from approximately \$1,200 for entry level to \$10,000 for premium off-road models.

Due to the range of different battery sizes and types found in e-bikes, each bike will have a compatible charger which plugs into a standard mains supply power point (240V). Current e-bikes for sale in Australia have a charge time of 4-10 hours for a full charge or 2 hours for a meaningful extension of range. As a result, it is expected that providing public charging infrastructure will have minimal impact on uptake as the user is required to carry their charger with them and leave their bike and portable charger in a public area for extended periods. Most e-bikes allow the user to remove the battery and therefore charge in more convenient locations (e.g. inside the library or local café).

Newer e-bikes are starting to enter the market with faster charging capabilities (2-4 hours for a full charge) and this may increase the need for providing public charging stations, however these bikes will also have increased range. For example, newer higher capacity batteries have a range of 150-200km which will allow a user to travel from Stirling to Mount Pleasant and return on the same charge including taking into account the topography.

### 3 Electric Vehicles

#### 3.1 Makes and Models

The following provides a breakdown of the current Australian plugin EV fleet. The Mitsubishi Outlander and Holden Volt (65% of the fleet) are both hybrid plug-in EV's with a petrol and electric engine to provide assurance that the vehicle will not run out of charge without a nearby charging station.

Vehicle	% of the current Australian fleet
Mitsubishi Outlander	58%
Nissan Leaf	15%
Tesla Model S	9%
Holden Volt	7%
Balance of fleet	11%

As EV's and battery technologies have continued to improve, range anxiety are less of a concern with new models providing between 200-600km per charge. The following EV's are entering the market in 2019.

Vehicle	Range
Tesla Model 3	350-520km
Nissan Leaf (second gen)	240km
Kia e-Niro	500km
Hyundai Kona	400km

#### 3.2 Adelaide Hills Council EV Fleet

The AHC EV fleet currently consists of Toyota Hybrid Corollas, which charge while driving (not plug-in), and Mitsubishi PHEV hybrid plugin vehicles. Although plug-in hybrid options provide a good balance between emissions, performance and reducing range anxiety, it is recommended the Council transition to full electric vehicles as part of a planned phase out of internal combustion engine (ICE) vehicles to reduce vehicle emissions. This is further supported by reducing costs and improved performance/range for EV's.

Moreland City Council have implemented a mandatory procurement policy for all light vehicles which highly preferences EV's over hybrids and ICE vehicles unless there is a specific need that an EV is unable to achieve (e.g. long-distance regional travel). It is recommended the Council implement a similar process to gradually phase out ICE and hybrid vehicles over time, including a cost benefit analysis comparing whole of life costs.

## 4 Charging Stations and Plug Types

Charging Stations provide the connection point between the electricity supply network and the vehicle charging system. Charging stations can be either wall or floor mounted and the selection of a station will need to be made cognisant of the car park design, access, and other physical constraints. Depending on the charging station type (AC vs. DC) and number of plugs catered for, charging stations can be relatively unobtrusive and should have a minimal impact on car park designs (see Appendix C for examples).

Charging stations also provide customer billing, customer service, and energy management services if connected to an integrated management system. These are highly recommended. It is also recommended that SA Power Networks (SAPN) are engaged early to plan the installation of EV charging stations as SAPN will need to understand the potential impact on the electricity network, and also use EV charging stations to monitor the status of the grid below transformer level.

### 4.1 Charging Stations Charge Rate

The Society of Automotive Engineers (SAE) International have established a charging level protocol in order to define the speed and therefore quality of charging that a station can provide (refer Appendix B for detailed information). The protocol has 6 levels with 3 AC standard charging rates and 3 DC fast charging rates.

The main public EV charging stations available in Australia are AC “Level 2” 7.4kW and “Level 3” 22kW chargers which provide a higher charge rate than home installations and DC charging stations such as Tesla Superchargers (DC “Level 3”).

### 4.2 EV Charging Capacity

To ensure the vehicle charging stations match the available EV fleet in Australia, it is important to understand the maximum charge capacity and plug types of available EV’s, which is as follows:

Vehicle	Battery Charge Capacity <sup>1</sup>	Charging plug type (AC / DC)
Mitsubishi Outlander	3.7kW	J-1772 / CHAdeMO
Nissan Leaf	3.3kW to 6.6kW	J-1772 / CHAdeMO
Tesla Model S	11kW to 22kW	Tesla combo charge plug
Holden Volt	6.6kW	J-1772 / CHAdeMO
Balance of fleet	3.3kW to 7.4kW <sup>(1)</sup>	Various

<sup>1</sup> This is the charge rate of the battery (its capacity to charge) not the total energy required to charge the battery.

The vehicle charge capacity for new <\$60,000 electric vehicles entering the market in 2019 is as follows:

Vehicle	Battery Charge Capacity <sup>1</sup>	Charging Plug Type (AC / DC)
Tesla Model 3	11kW	Type 2 / CCS
Nissan Leaf (second gen)	6.6kW	J-1772 / CHAdeMO
Kia e-Niro	7.2kW	Type 2 / CCS
Hyundai Kona	7.2kW	Type 2 / CCS

As per the above, the majority of EV’s in Australia are not capable of AC charging rates higher than 7.4kW and therefore charging stations with AC Level 2 (7.4kW) charge stations are recommended.

#### 4.3 EV Charging Plugs

Following identification of the charging station charge rate, it is important that the charging station plug types are also compatible with the majority of EV's and consider future trends. The electric vehicle industry has yet to agree on a global common standard for charging plug types.

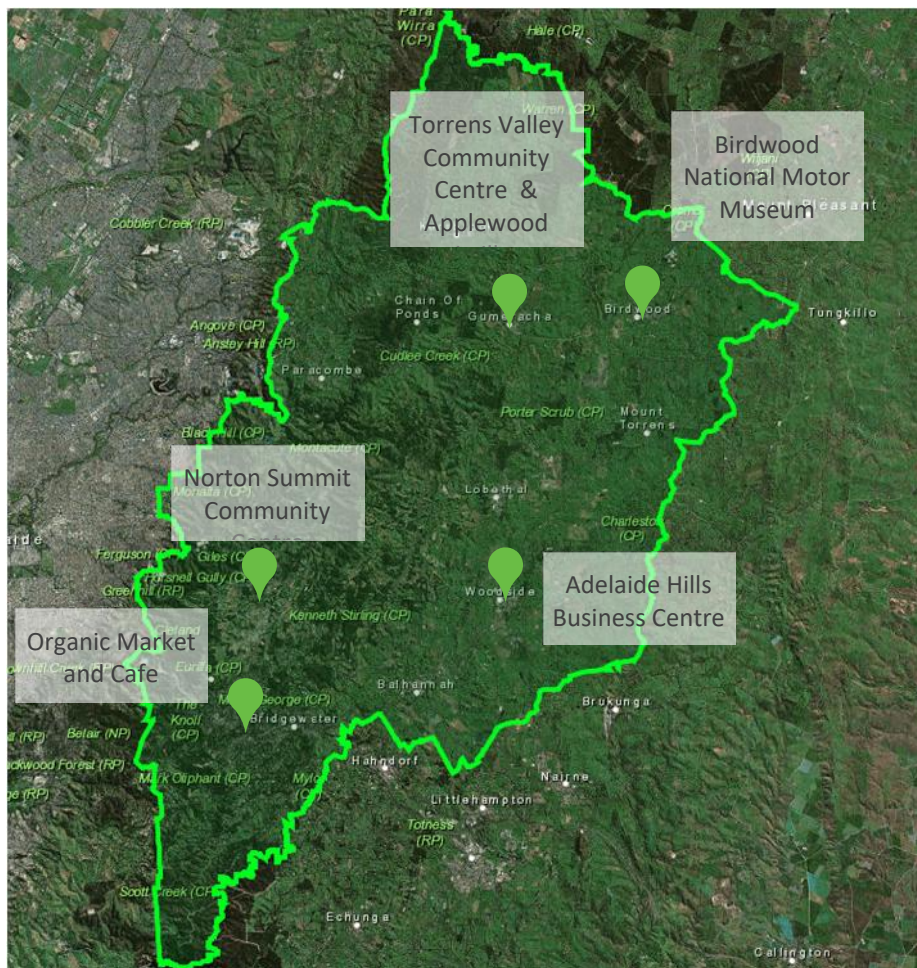
The J-1772 (AC) and CHAdeMO (DC) plugs are the most prominent charging plugs currently in use in Australia, and were the preferred plug type of more than 80% of the Australian vehicle market place (Japanese car manufacturers). The remaining 20% and newer EV's (Tesla Model 3, Kia and Hyundai) use European charging plug architecture with the Type 2 "Mennekes" (AC) and SAE CCS (DC) plugs or Tesla Combo Plugs for older models.

It is therefore recommended that dual AC J-1772 / Type 2 Mennekes and dual DC CHAdeMO / CCS options are provided in all new charging stations for the near future to cater for both existing and new EV's. Appendix A provides detailed information on plug types.



## 5 Existing infrastructure

The Council boundary covers a significant area and there are currently 6 publicly listed charging stations available within the boundary and the Council maintains 2 of the stations for their hybrid EV fleet. This information has been derived from PlugShare, an online crowdsourced platform, and Tesla's online maps.



Charging Station Location	Type	Charge Sockets	Charge rate
<b>Adelaide Hills Business Centre</b>	Private	1 x J-1772	Level 2 – 7.4kW <sup>1</sup>
<b>National Motor Museum</b>	Private	2 x Tesla (AC) Wall/Mains Socket	Level 2 – Up to 22kW
<b>Torrens Valley Community Centre</b>	AHC	1 x J-1772	Level 2 – 7.4kW
<b>Applewood Distillery (Gumeracha)</b>	Private	2 x Tesla (AC)	Level 2 – Up to 11kW
<b>Norton Summit Community Centre</b>	AHC	1 x J-1772	Level 2 – 7.4kW
<b>Organic Market and Café</b>	Private	1 x Tesla (AC) 2 x J-1772	Level 2 – Up to 22kW

<sup>1</sup> Information not publicly available – charge rate assumed

## 6 Recommended charging station solutions

The most suitable charging stations to support the uptake of EV's in the Adelaide Hills region include:

- **Level 2 (7.4kW) AC Charging:**
  - In areas with high passive supervision and appropriate public street lighting Level 2 (7.4kW) charging stations with dual J-1772 and Type 2 Mennekes plug. This will cater for all EV's and will complement existing Level 2 J-1772 and Tesla stations in the AHC region.
  - Locations adjacent restaurants and tourist/public facilities (e.g. Stirling Library, The Stirling Hotel or car park facilities) are recommended which will provide an incentive for EV owners to visit, charge their EV while using the facilities and then continue visiting destinations in the Adelaide Hills.
- **Level 2 (22.1kW) AC Charging:**
  - 22.1kW charging stations are only recommended in key strategic locations if attracting EV's with a higher charge rate (>11kW) is a Council priority (e.g. Tesla).
- **DC Fast Charging:**
  - Providing Level 3 fast charging is recommended to increase the likelihood of EV owners visiting the region by providing convenient and fast charging options. However, fast charging stations have increased power capacity requirements ( e.g. >50kW) which may exceed the intended locations mains supply capacity if multiple stations are installed.
  - If capital budget is not available it is recommended that the Council investigate a commercial arrangement with a private operator. This will remove upfront capital costs and reduce risks associated with operating the infrastructure, providing adequate power supply to the charging station and nominating appropriate technologies to reduce redundancy.
  - Although Tesla may be a high profile option, providing universal Level 3 DC charging is recommended to ensure all EV makes and models are catered for.

### 6.1 Bike charging stations

It is not recommended that the Council provide public e-bike charging stations unless there is readily available access to services and secure bike storage facilities (e.g. secure/locked bike facilities).

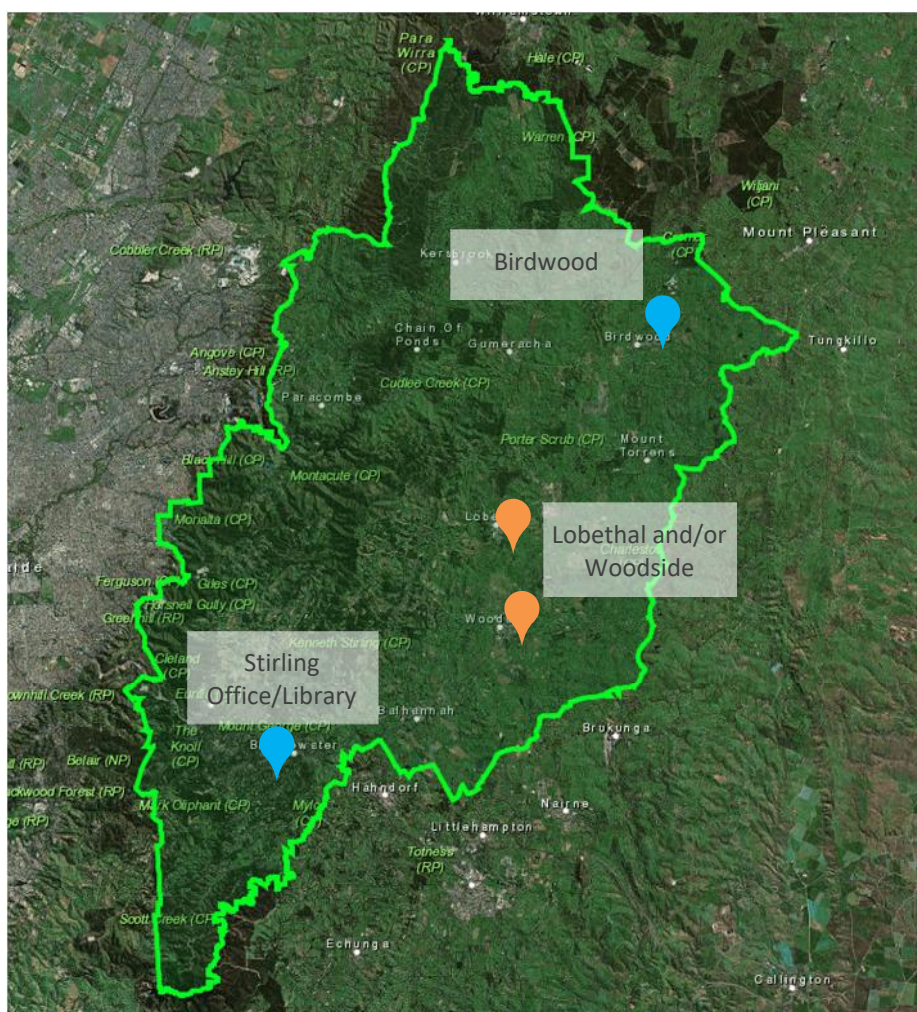
Although current use of bikes for commuting to work is minimal for Council employees, e-bike ownership is expected to increase significantly as prices continue to decrease and performance improves. It is recommended that the Council consider e-bike charging infrastructure in employee bike storage facilities (existing or planned) to promote low emission and active forms of travel. For example, providing accessible power sockets in Council employee bike storage facilities will provide options for employees to ride an e-bike to work and charge during the day.





## 7 Potential new charging locations

The following criteria has been considered to determine potential locations for new charging stations. Whilst we have considered the location of some private EV charging stations, all proposed new EV equipment would be located on Council owned land.

Location	Major Town/ Tourist Attraction	Main Rd / Freeway / Scenic Drive	Existing EV Charging	Fast charging	% EV Models	Quality off-street parking	New Charging Station
Stirling	Y	Y	Y	N	80-90%	Y	Yes
Woodside	N	N	Y	N	80%	Y	Maybe
Lobethal	Y	N	N	N/A	0%	Y	Maybe
Gumeracha	N	Y	Y	N	80%	Y	No
Birdwood	Y	Y	Y	N	10%	Y	Yes



 Proposed new locations

 Potential additional locations

## Stirling

As the main township in the Adelaide Hills Council region with public facilities and due to the close vicinity to the main freeway, Stirling has an opportunity to provide an incentive for EV owners to visit and recharge their vehicles while accessing local businesses and the Adelaide Hills region.

Locations include the Stirling Office car park and other off-street car parks. To support the implementation of EV's in the Council's fleet, it is recommended that charging stations are installed in the Stirling Office car park. This will be further supported in the event that additional solar PV is installed (up to 100kW) on the library roof as per the AHC's Corporate Carbon Management Plan.

Sites near to large retail operators such as Woolworths (or Coles at Bridgewater) are not recommended as it is expected large retailers will begin to provide free EV charging stations in the near future to attract EV owners.

## Birdwood

The current charging stations provide limited options for EV owners (Tesla only or wall plug) and providing additional public charging stations will continue to promote Birdwood's rich vehicle history while also supporting drivers visiting the town on the Torrens Valley Scenic Drive. A potential location is the Foodland and bakery car park due to the close vicinity to most town facilities. Birdwood High School and the Birdwood Institute car park may be a second option due to the school recently installing a 70kW solar PV system on the roof of the gymnasium. This will allow a demonstration of integrating solar PV and EV charging.

Due to not being a major town or near a major highway, DC fast charging may not be viable and it is recommended the Council wait for fast charging networks to be implemented at scale before exploring commercial agreements to install fast charging stations.

## Lobethal / Woodside

As larger townships in the region with tourism attractions, EV owners may be incentivised to visit Lobethal and Woodside by providing charging stations.

**Woodside:** Although Woodside has an existing charging station which supports 80% of EV's, the location does not support the Council in implementing additional EV's in their fleet. A potential location is in the Woodside Library car park to support both Council EV's and public use. Providing 1 charging station dedicated to the Council during business hours and publicly available outside of hours is recommended. If this option is pursued the Council should have procedures in place to ensure their vehicles are not left in the charging bay all day without requiring additional charge.

**Lobethal:** Lobethal has no public charging stations and a potential location is adjacent the Lobethal Bierhaus and Emmalines Country Kitchen where there is existing off-street parking facilities. As the Council do not have any operations in Lobethal, providing EV charging is purely a support measure to increase EV's in visiting the region.

Due to not being major towns or near a major highway, DC fast charging may not be viable and it is recommended the Council wait for fast charging networks to be implemented at scale before exploring commercial agreements to install fast charging stations. Alternatively, this could be progressed in consultation with local businesses and/or local petrol stations.

## 7.1 Charging station costs

The following approximate costs are expected to install EV charging stations but this does not include any electrical infrastructure upgrades (if required).

Proposed location	Charging station and rate	Plug type <sup>2</sup>	Approximate cost <sup>3</sup>
Stirling Office	AC Level 2 (7.4kW or 22kW) <sup>1</sup>	J-1772 / Type 2	\$5,000-15,000
	DC Level 1 (50kW)	CHAdemo / SAE CCS	\$40,000-\$60,000
Birdwood	AC Level 2 (7.4kW or 22kW) <sup>1</sup>	J-1772 / Type 2	\$5,000-15,000

1 Council will need to identify the target charging station rate – 7.4kW is recommended

2 Dual charging stations are recommended to cater for both existing and new EV's entering the Australian market

3 Costs will vary depending on availability and capacity of electrical infrastructure, distance for trenching and cabling and the complexity of the monitoring and control systems.

## 7.2 Charging station funding models

There are a number of options for installing EV charging stations and the intended use of the station will determine the fee model:

- **Capital Investment:** If the main purpose is to support transitioning the Council to an EV fleet, the Council should investigate budget availability to install charging stations. To maximise usage it is recommended that the stations are publicly accessible with a fee for use model outside of business hours. This will support the Council's transition to low emission vehicles and incentivise owners to visit the region.
  - Charging based on the Council's electricity rate (with a minimum/flat charge) is not expected to be a deterrent to EV owners due to the Council improving access to charging infrastructure. It is recommended that if the Council elects to install EV charging stations with a fee, the stations are not restricted to one service provider and provide credit/debit card payment option. This can be achieved by developing specifications when requesting proposals from commercial service providers
- **Grant Programs:** If the purpose is to support EV uptake and incentivise EV owners to visit the region, it is recommended that the Council implement a grant program to support businesses in installing EV charging stations. For example, City of Adelaide provide grants of up to 50% or \$5,000 per plug as part of their Sustainability Incentives Scheme.
  - In this model the private operator would set a fee for use e.g. free to increase EV's using their facility or a fee for use system.
- **Commercial Arrangement:** A third option is to enter into a commercial arrangement where a charging station network operator is engaged to install and operate the stations and the Council either provides the land or facilitates the location. Detailed specifications should be developed to ensure the charging stations support all EV's and payments methods. It is expected that commercial arrangements will become more prevalent as the uptake of EV's in Australia increases.

The average price to charge EV's with a 50km extension in range is as follows:

Vehicle	Battery charge (kWh)	Charge cost <sup>1</sup>
Mitsubishi Outlander	6.7	\$1.10 - \$2.40
Nissan Leaf	8.65	\$1.40 - \$3.10
Tesla Model S	9.9	\$1.60 - \$3.60
Holden Volt	6.75	\$1.10 - \$2.40




<sup>1</sup> Based on the Council's large market \$0.16(lowest) and small market \$0.36 (highest) peak electricity rate per kWh

### 7.3 Time limits



To ensure a high turnover of vehicles accessing the EV charging stations it is recommended that a 2 hour time limit is set which will allow users sufficient time to access the facilities (e.g. lunch or visiting the library) while ensuring cars are not left blocking a charging station. 2 hours will provide sufficient time for EV owners to extend their range by approximately 25-50km based on the AC charge capacity of currently available EV's.

Providing appropriate signage and additional information on the Council's website is recommended to promote accessing the stations and ensure users abide by the time limits.

## Appendix A: Electric Charging Plugs (Detailed)

Charging Plug Image	Type and description
	<p><b>SAE J1772</b></p> <p>This plug type is standard across all Japanese, US and Australian made vehicle models, and has become recognised as the Australian standard plug type for general Level 2 AC charging.</p>
	<p><b>IEC 62196 Type 2 "Mennekes"</b></p> <p>The Mennekes plug type is being transitioned in Europe as the preferred plug for AC Level 2 charging in European manufactured vehicles, as it provides a faster charge capability than the SAE J1772. The Japanese vehicle industry remains committed to the use of SAE J1772 plugs and so we would consider that the Mennekes plug is not likely to transition at scale into the Australian market for the time being. However, the Hyundai Ioniq and Kona have a Mennekes plug and therefore may begin to increase the share of Meenekes plug.</p>
	<p><b>TEPCO CHAdeMO</b></p> <p>The CHAdeMO plug type has been developed by the Japanese vehicle industry to deliver DC Level 1 fast charging. The plug is used in addition to the J1772 plug, requiring that the vehicle has two separate plug points.</p> <p>Tesla owners were previously provided with a Tesla-CHAdeMO adaptor allowing Tesla customers to use CHAdeMO compatible charging stations. However later Tesla vehicles (Model 3 and Y) are being issued with a CCS charging plug ).</p> <p>CHAdeMO was the preferred plug type for Nissan, Mitsubishi, Kia, and Toyota however more recent information from inverter companies is that these manufacturers may be transitioning to SAE CCS2.</p> <p>CHAdeMO plugs and cables use CAN as the communications protocol, allowing the vehicle charging and battery management system to communicate directly with the charging station management system. This protocol was developed for the purpose of car-to-charger communications for the supply of energy to the vehicle only.</p>



Charging Plug Image	Type and description
	<p><b>SAE Combo Charge System (CCS)</b></p> <p>The SAE Combo plug type has been developed by the US and European vehicle industry to deliver DC Level 1 fast charging. The plug combines a DC connector with a J1772 connector so that only a single plug point is required in the vehicle.</p> <p>CCS is the preferred plug type for BMW, Ford, Volkswagon, Audi, Chevrolet and others.</p> <p>CCS plugs and cables use PLC (or “Home Plug PHY”) as the communications protocol, allowing the vehicle charging and battery management system to communicate directly with the charging station management system. This protocol also allows communication with a Smart grid management network, allowing energy to be drawn from the vehicle battery as well as supplied to it.</p>
	<p><b>Tesla</b></p> <p>Tesla have developed their own Combo plug which, similar to the SAE CCS, combines a DC connector with a J1772 connector.</p> <p>The Tesla Combo is only directly compatible with Tesla “Superchargers”, which provide DC Level 3 charging using 120kW capacity stations.</p> <p>Tesla customers can obtain an adaptor which allows the Tesla plug to be connected to a CHAdeMO charging point.</p> <p>Tesla are a member of the SAE group which has likely led to the development of the Tesla-CCS compatible adaptor for new vehicles.</p>

## Appendix B: Charging Stations (Detailed)

EV batteries are charged using Direct Current (DC). AC chargers rely on the EVs onboard charging system to convert electricity from AC to DC to charge the battery. DC chargers convert from AC to DC external to EV and bypass the EV's charging system to charge the battery directly.

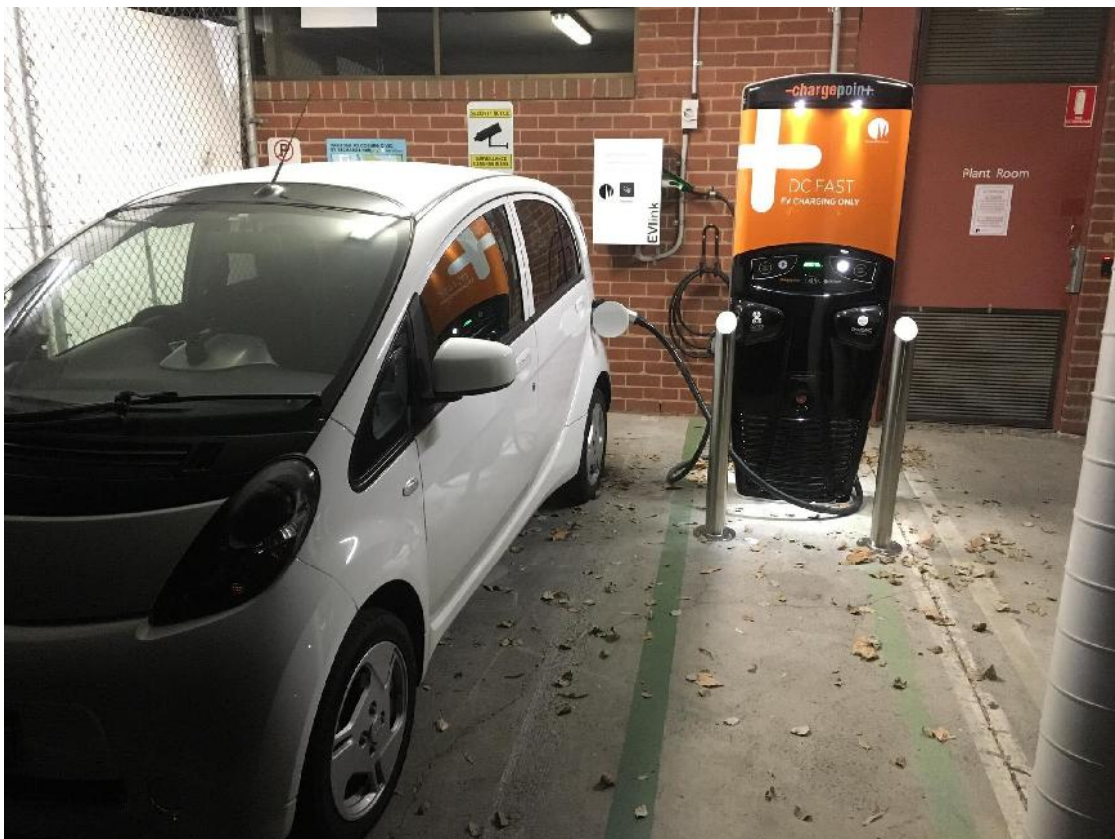
Charge Type	Charge Capacity	Plug Types	Typical Applications
<b>AC Level 1</b>	Up to 2.4kW. Can charge an electric vehicle in 7-17 hours.	Domestic Plug SAE J1772.	Home charging of vehicles, typically occurring overnight. Charging E-Bikes.
<b>AC Level 2</b>	Up to 19.2kW. Can charge an electric vehicle in 1-3 hours dependent upon the vehicle charger capacity.	SAE J1772. IEC 62196 Type 2 "Mennekes"	Charging Stations, typically 7.4kW capacity, offering "Level 2 Charging". <sup>(1)</sup>
<b>AC Level 3</b>	Greater than 20kW.	SAE J1772 IEC 62196 Type 2 "Mennekes"	Charging Stations, typically 22.1kW and 43kW capacity.
<b>DC Level 1</b>	Up to 50kW. Can charge an electric vehicle with a 20kW charge capacity in 22 minutes to 1 hour.	CHAdEMO. SAE CCS.	Charging Stations, typically 43kW or 50kW capacity offering "Level 3 Charging". <sup>(2)</sup>
<b>DC Level 2</b>	Up to 90kW. Can charge an electric vehicle with a 45kW charge capacity in 10 to 20 minutes.	CHAdEMO. SAE CCS. Tesla Combo.	Charging Stations. This level of fast charging is typically not offered commercially. This type of charging was initially offered by Tesla, but who have subsequently moved to DC Level 3.
<b>DC Level 3</b>	Up to 240kW. Can charge an electric vehicle with a 45kW charge capacity in less than 10 minutes.	CHAdEMO. SAE CCS. Tesla Combo.	Tesla "Supercharger" Charging Stations. Supercharger stations are reserved for Tesla vehicle owners only and are currently rated at 120kW capacity. <sup>(3)</sup>

SAE International EV Charging Standard Protocol. Source: SAE International

- (1) "Level 2 Charging" has become the broadly used name for AC Level 2 Charging and has been adopted for use in this way by Adelaide City Council.
- (2) "Level 3 Charging" has become the broadly used name for DC Level 1 Charging and has been adopted for use in this way by Adelaide City Council.
- (3) The EV industry is starting to refer to this informally as "Level 4 Charging".

### Appendix C: Charging Stations Examples

The below is an example of Moreland City Council's dual J-1772 / Type 2 Mennekes and fast charging stations.





**ADELAIDE HILLS COUNCIL  
SPECIAL COUNCIL MEETING  
Tuesday 22 October 2019  
AGENDA BUSINESS ITEM**

**Item:** 12.3

**Originating Officer:** James Szabo, Senior Strategic & Policy Planner

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

**Subject:** Local Heritage Grant Fund

**For:** Decision

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**SUMMARY**

The Adelaide Hills is renowned for its unique culture and heritage. The conservation of our built heritage contributes to the character of the District and its tourism appeal, and results in places that meet the aspirations of the community. The Local Heritage Grant Fund (LHGF) seeks to promote and support the conservation of local heritage listed places by reimbursing property owners with a proportion of the costs involved in retaining, reinforcing or reinstating the heritage significance of these places. This is the first of its kind for the Council and \$20,000 was set aside in the 2019/20 Annual Business Plan and Budget for this purpose.

This report details the Local Heritage Grant Fund Guidelines Procedure which is intended to support the operation of this initiative and is provided as **Appendix 1**. Administration is recommending that Council approve the aforementioned Guidelines Procedure. Once approved, the grant fund will then be advertised between November 2019 and January 2020. Note that it is proposed that recommendations from Administration regarding proposed grant recipients be reported back to Council for consideration before any grants are awarded. Further, as some grant recipients may only be able to complete works after the end of a particular financial year, and as there are limited grant funds available each year, it is recommended that any remaining funds in a particular financial year be rolled over to the next financial year over the intended 3 year life of the Grant Fund.

**RECOMMENDATION**

**Council resolves:**

1. That the report be received and noted.
  2. To approve the Local Heritage Grant Fund Guidelines Procedure as detailed in **Appendix 1** of this report.
  3. That the Chief Executive Officer be authorised to make minor amendments, not affecting the intent of the Guidelines or the Fund, as required from time to time.
  4. That recommendations for successful grant recipients be reported to Council for consideration before any grants are awarded.
  5. That any remaining grant funds in a particular financial year be rolled over to the next financial year over the intended 3 year life of the Grant Fund.
-

## 1. GOVERNANCE

### ➤ Strategic Management Plan/Council Policy

#### Goal 3 Places for people and nature

The conservation of our built heritage contributes to the character of the District and its tourism appeal, and results in great places that meet the aspirations of the community. Further, Council has a *Management of Built Heritage Policy* which outlines Council's commitment to the preservation and ongoing management of the built heritage within its area and acknowledges the significant and positive contribution that heritage buildings and places make to the character and appeal of our townships and rural areas.

The following objectives taken from the Policy help to provide the context for how built heritage is managed within the Council area. They articulate Council's strategic objectives in relation to the management of built heritage within the Adelaide Hills Council district. In particular, they help to ensure Council's goal of *Places for people and nature* is achieved.

- Heritage places conserved for present and future generations
- Heritage places managed so that they contribute strongly to the District's attractiveness as a place to live, work, visit and do business
- Heritage places conserved and maintained and adaptively re-used while retaining heritage value
- Effective partnerships forged with owners of heritage places that contribute to the ongoing management and maintenance of heritage buildings
- High quality of workmanship and authenticity in all works to heritage places, and
- Awareness of, and support for, heritage conservation and management among the Adelaide Hills Community.

### ➤ Legal Implications

*Development Act 1993*

*Planning, Development and Infrastructure Act 2016*

#### **Local Heritage**

Local heritage is managed at the local government level and any new development involving a local heritage place is administered under the above-mentioned Acts.

The Act does not prescribe that a Local Government Authority must have a local heritage grant scheme. However, a number of councils have such a scheme in place which has been established on a discretionary basis.

Currently within the Adelaide Hills Council Development Plan there are 242 listed local heritage places. It is the intention of the LHGF to support and facilitate conservation works affecting these local heritage places only.

## State Heritage

State Heritage Places are managed at the State Government level and any new development involving a state heritage place is also administered under the above-mentioned Acts. Any proposed development involving a state heritage place is referred to the State Heritage Branch of the Department for Environment and Water (DEW) for assessment and comment. Note that DEW has established a grant fund for development activities involving such places.

### ➤ Risk Management Implications

The cost to undertake works to upgrade or preserve heritage items/buildings may be a barrier for their continued upkeep. As such, if an asset was to fall into a state of disrepair, this may jeopardise the heritage listing into the future. Having a Grant Fund in place will assist in mitigating the risk of:

*Local heritage places falling into a state of disrepair leading to a loss of their heritage significance and listing attributes*

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

Implementing the LHGF would reduce this risk by providing financial assistance for the upgrading of local heritage places.

### ➤ Financial and Resource Implications

The LHGF has been approved for the 2019/20 financial year with a budget allocation of \$20,000. Note that as some grant recipients may only be able to complete works after the end of a particular financial year, and as there are limited grant funds available each year, it is recommended that any remaining funds in a particular financial year be rolled over to the next financial year over the intended 3 year life of the Grant Fund.

The LHGF will be administered within the Development and Regulatory Services Directorate, with input from a specialist Heritage Advisor (already contracted by Council) where necessary.

### ➤ Customer Service and Community/Cultural Implications

An information page on Council's website will be developed to provide information to potential applicants on the LGHF guidelines. The program will be promoted from time to time through the Council's normal communications channels.

In addition, the program will enable Council to foster community awareness and appreciation of the district's heritage through promotion and education.

### ➤ Environmental Implications

Where conservation works on a building or place has a direct visual connection with the public realm, it is considered that there is potential for the LHGF to have a beneficial environmental impact on the existing built environment

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

*Council Committees:* Not Applicable

*Advisory Groups:* Not Applicable

*Administration:* Director Development & Regulatory Services  
Executive Manager Governance & Performance  
Manager Financial Services  
Community and Cultural Development Officer

*Community:* Not Applicable

## **2. BACKGROUND**

There are currently 242 local heritage listed places in the District, with 40 of those recently added via the Local Heritage Stage 1 (Public Places) Development Plan Amendment (DPA). When the aforementioned DPA was considered by the Strategic Planning and Development Policy Committee (SPDPC) at its meeting held in August 2018, it resolved:

Moved Cr Malcolm Herrmann  
S/- Cr Linda Green

SP18/1

The Strategic Planning and Development Policy Committee resolves:

1. That the report be received and noted
2. To approve the attached Summary of Consultations and Proposed Amendments report and the draft Local Heritage – Stage 1 (Public Places) Development Plan Amendment (DPA) for submission to the Minister for Planning for approval, with the exception of those sections of the Kersbrook Hall which do not form part of the original structure. If the aforementioned condition is not possible, then the exception lapses.
3. To recommend to Council that it consider the establishment of a heritage incentive fund in its 2019/20 budgetary process.
4. That the Chief Executive Officer be authorised to make any necessary minor amendments to the DPA as directed by relevant officers of the Department of Planning, Transport and Infrastructure or by the Minister for Planning.

Carried Unanimously
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In accordance with resolution 3 above, the merits of a heritage incentive scheme were investigated by Administration, and a business case was put forward for consideration as part of the 2019/20 budget setting process.

The scheme was subsequently approved as a new operating initiative for an intended period of three years.

### **3. ANALYSIS**

The Adelaide Hills is renowned for its unique culture and heritage. The conservation of our built heritage contributes to the character of the District and its tourism appeal, and results in great places that meet the aspirations of the community. The LHGF seeks to promote and support the conservation of local heritage listed buildings by reimbursing property owners with a proportion of the costs involved in retaining, reinforcing or reinstating the heritage significance of these places.

#### **Objectives**

The key objectives of the LHGF are to:

- develop a community understanding of the importance of heritage conservation and encourage owners to support the designation/retention of buildings as local heritage Places
- assist partnerships with property owners in the management of built heritage to engender pride in and support of heritage buildings
- provide owners with financial incentives and professional advice to conserve and revitalise their heritage buildings
- maximise conservation works that visually enhance the public realm, and
- ensure conservation work is undertaken to an appropriate standard

#### **Rationale**

The preservation of local heritage inherently results in community benefits, through the protection of cultural heritage and improved amenity within the built environment, and Council as the local authority values this contribution. The LHGF would demonstrate Council's commitment to maintaining and enhancing such heritage places, through direct monetary contribution to conservation works.

There is a perception – and sometimes a real cost impost – that caring for heritage places is a burden for owners. This is often a result of conservation work requiring expensive specialist trades and materials to complete the works to the necessary standard. The scheme acknowledges this and seeks to address this perception/cost burden through subsidising the work.

It is noted that 17 out of 26 councils in the Greater Metropolitan Adelaide region have a scheme of this nature in place. Staff's enquiries have established that each scheme is administered in different ways, with the majority of councils capping the contribution between 30-50% of the cost of works and providing a maximum subsidy between \$1,000 - \$5,000. A summary of the 17 councils currently operating a heritage grants scheme (or similar) is provided in Table 1 below:

<b>Council</b>	<b>Percentage of the cost of works</b>	<b>Max subsidy</b>
City of Adelaide	50%	\$20,000 - 250,000
City of Burnside	50%	\$2,000
City of Unley	50%	\$5,000
City of Charles Sturt	50%	\$2,000
City of Prospect	50%	\$2,000
City of Mitcham	25%	\$3,000
City of Marion	30%	\$2,500
City of Holdfast Bay	50%	\$2,000
City of Port Adelaide Enfield	50%	\$3,000
City of Tea Tree Gully	50%	\$2,500
City of Onkaparinga	30% or 25%	\$5,000 or \$7,500
Mt Barker DC	25% up to 50%	\$3,000
City of Victor Harbour	50%	\$3,000
Alexandrina Council	Negotiable	Negotiable (capped within annual budget)
Barossa Council	Negotiable	Negotiable (capped within annual budget)
Light Regional Council	Negotiable	\$1,000
Town of Gawler	Negotiable	\$1,500

It is noted that two metropolitan councils namely, the City of Norwood Payneham and St Peters (NPSP) and the City of West Torrens have recently (within the last 5 years) discontinued their heritage grants scheme, citing contrasting reasons. In the case of NPSP there was a high demand that could not be met within the budget allocation. By contrast, the issue for the City of West Torrens appears to have been a lack of uptake to justify continued budget allocation. This demonstrates the importance of ongoing review and refinement where necessary.

#### **Case Study – Adelaide City Council**

Adelaide City Council Heritage Incentive Scheme was established in 1988 and offers up to 50% of the value of conservation work with a maximum of \$20,000 for minor work and \$250,000 for major work. The cost of advice, plans and preparation can also be subsidised, and low interest loans are available as well as technical heritage advice.

Due to the large funds available and the long history of the scheme, the Adelaide City Council Heritage Incentive Scheme is widely recognised as being a benchmark in the field.

For the reasons noted above the Adelaide City Council Heritage Incentive Scheme has provided the template for the proposed Adelaide Hills LHGF Guidelines (refer to **Appendix 1**)

### **Proposed LHGF Eligibility**

To be eligible to apply for funding under the LHGF, the grant application must relate to a Local Heritage Place listed in the Adelaide Hills Council Development Plan.

Funding is provided for conservation works that are associated with heritage fabric such as:

- those elements of the heritage place designated as of heritage value in the Adelaide Hills Development Plan or works that ensure the structural integrity of the building, or
- reinstatement of lost elements or fabric of the building where there is physical or archival evidence, such as historical photos or drawings, or remnant site fabric of elements (e.g. conjectural works will not generally be supported except where no evidence exists and a heritage consultant is engaged to achieve an authentic and appropriate outcome agreed with Council heritage advisors).

### **Proposed Categories of Funding**

The following category of funding will apply:

- Conservation Works – For conservation works, a grant of up to \$2500 or 50% of the total project cost, whichever is the lesser amount, is available. Eligible projects must have a minimum cost of \$1000.

However, it is noted that additional categories may be added in future, if required.

### **Proposed LHGF Process**

All applications must be submitted via Council's online Grant Portal, with applications to be received within the prescribed grant round funding period.

All eligible applications will be subject to the following five step process:

- Step 1 – Lodge Application
- Step 2 – Assessment of Application
- Step 3 - Funding Allocation
- Step 4 – Implementation
- Step 5 – Payment of Funding

For a comprehensive description of the above steps and other administrative responsibilities please refer to the Local Heritage Grant Fund Guidelines Procedure provided as **Appendix 1**.

In accordance with the precedent set with regard to awarding Council's other Community and Sport & Recreation Grants, Administration will report recommendations regarding proposed grant recipients back to Council for consideration and determination before any grants are awarded.

Lastly, as some grant recipients may only be able to complete works after the end of a particular financial year, and as there are limited grant funds available each year, it is recommended that any remaining funds in a particular financial year be rolled over to the next financial year over the intended 3 year life of the Grant Fund.

#### 4. Conclusion

Administration has undertaken a comparative analysis to ensure that a best practice approach has been developed to implement the Local heritage Grant Fund initiative.

As such it is recommended that the Local Heritage Grant Fund Guidelines Procedure (refer **Appendix 1**) be approved by Council to allow the first round of Local Heritage Grant Funding to commence. However, as this is the first of its kind for Council, it is recommended that a review of these Guidelines be undertaken in 12 months' time.

#### 5. OPTIONS

Council has the following options:

- I. Approve the Local Heritage Grant Fund Guidelines Procedure as detailed in **Appendix 1** with or without amendment (Recommended)
- II. Not approve the Local Heritage Grant Fund Guidelines Procedure as detailed in **Appendix 1** (Not Recommended)

#### 6. APPENDIX

- (1) Proposed Local heritage Grant Fund Guidelines



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# **Appendix 1**

## *Proposed Local Heritage Grant Fund Guidelines Procedure*

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# COUNCIL PROCEDURE

 <b>Adelaide Hills</b> COUNCIL	<b>LOCAL HERITAGE GRANT FUND GUIDELINES</b>
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<b>Procedure Number:</b>	<b>(To be numbered by Governance)</b>
<b>Responsible Department(s):</b>	<b>Development and regulatory Services</b>
<b>Relevant Policies:</b>	<b>Management of Built Heritage Policy Grant Giving Policy</b>
<b>Other Relevant Procedure(s):</b>	
<b>Version:</b>	<b>1.0</b>
<b>Procedures superseded by this procedure</b>	<b>N/A</b>
<b>Adopted/Approved by:</b>	<b>Council</b>
<b>Effective From:</b>	<b>22 October 2019</b>
<b>Next Review:</b>	<b>November 2020</b>

## LOCAL HERITAGE GRANT FUND GUIDELINES - PROCEDURE

### 1. INTRODUCTION

- 1.1 The Adelaide Hills Council is renowned for its historic architecture and cultural heritage. The conservation of our built heritage will continue to create a district of outstanding places that meets the aspirations of the community.
- 1.2 The Local Heritage Grant Fund (LHGF) promotes and supports the conservation of Local listed buildings by reimbursing property owners with a proportion of the costs involved in retaining, reinforcing or reinstating the heritage significance of these places.

### 2. STRATEGIC CONTEXT

Strategic Alignment	Comment
<b>Strategic goal and strategy</b>	<p>Goal 2 - Activities and opportunities to connect - goal recognises heritage as an important tool in connecting communities</p> <p>Goal 3 – Places for People and Nature - recognises what makes the Hills District unique and it is considered that built heritage contributes to this sense of place. The LHGF is considered necessary to strengthen this recognition</p>
<b>Functional strategy</b>	N/A
<b>Strategic risk</b>	Low
<b>Legislative requirement</b>	N/A
<b>Council policy/resolution</b>	The Adelaide Hills Council Development Plan identifies 242 existing Local Heritage Places. Specific policies in the Development Plan seek to protect, enhance and conserve buildings of heritage value
<b>Other</b>	The 30 Year Plan for Greater Adelaide seeks to strengthen the state's focus on "protecting and recognising our heritage"

### 3. OBJECTIVES

The key objectives of the LHGF are to:

- develop a community understanding of the importance of heritage conservation and encourage owners to support the designation/retention of buildings as Local Heritage Places
- assist partnerships with property owners in the management of built heritage to engender pride in and support of heritage buildings
- provide owners with financial incentives and professional advice to conserve and revitalise their heritage buildings
- maximise conservation works that visually enhance the public realm, and

- ensure conservation work is undertaken to an appropriate standard.

#### 4. OPERATING GUIDELINES

##### 4.1 ELIGIBILITY

To be eligible to apply for funding under the LHGF, the grant application must relate to a Local Heritage Place listed in the Adelaide Hills Council Development Plan.

Funding is provided for conservation works that will improve and enhance the heritage fabric of a place such as:

- those elements of the heritage place designated as of heritage value in the Adelaide Hills Council Development Plan or works that ensure the structural integrity of the building, or
- reinstatement of lost elements or fabric of the building where there is physical or archival evidence, such as historical photos or drawings, or remnant site fabric of elements (e.g. conjectural works will not generally be supported except where no evidence exists and a heritage consultant is engaged to achieve an authentic and appropriate outcome agreed with Council heritage advisors).

In the case of works resulting from an insurance claim, any grants would be for actual funds spent by the owner/incorporated body and for works not covered by the insurance claim.

##### 4.2 CATEGORIES OF FUNDING

The following category of funding applies:

**Conservation Works** – For conservation works, a grant of up to \$2,500 or 50% of the total project cost, whichever is the lesser amount, is available. Eligible projects must have a minimum cost of \$1,000.

However, it is noted that additional categories may be added in future, if required.

##### 4.3 PROCESS

###### 4.3.1 Step 1 – Lodge Application

All applications must be submitted via Council's grant portal, with applications to be received within the prescribed grant round funding period.

Applications should include the following information:

- Site Plan identifying the location of the building and proposed works on the property
- details of construction techniques to be used
- specification of the work to be undertaken

- drawings with sufficient detail regarding the proposed works including plans, elevations and sections, and
- two written quotes based on the agreed scope of works.

If an application is incomplete or inaccurate, it will not be processed until the owner has had the opportunity to rectify any deficiencies, and if not satisfactorily rectified, it will be rejected. Note that Council reserves the right to accept or reject any applications at the initial assessment stage.

Development Approval under the Development Legislation must be obtained prior to the works being undertaken. The application must reflect any written advice provided by Council's Local Heritage Advisor as part of the Development Approval process.

#### 4.3.2 Step 2 – Assessment of Application

All grants will be assessed and evaluated at the sole discretion of Council, and Council will determine which conservation work it will or will not fund. Once the application is submitted it will be assessed against the guidelines. The assessment will be undertaken by Council staff and will be based on the condition of the building and the merit of the application, and will be ranked using the following criteria:

Principle	Criteria	Rank
Need for the building works	<p>Works to undertake to address one or more of the following:</p> <ul style="list-style-type: none"> <li>• Restoration of original heritage fabric of the place</li> <li>• The stability of the building</li> <li>• Emergency work</li> <li>• Useability and economic viability of the building (i.e. adaptive reuse)</li> <li>• Conservation works to be undertaken to an appropriate standard</li> </ul>	High
Visual contribution to the public realm	<p>Works to undertake to address one or more of the following:</p> <ul style="list-style-type: none"> <li>• Conservation work that contributes to the public realm or is accessible to the general public</li> </ul>	High
Heritage value of the building	<p>Works to undertake to address one or more of the following:</p> <ul style="list-style-type: none"> <li>• Retaining, reinforcing and reinstating the heritage significance of the building</li> <li>• Projects that directly support the building's elements of heritage value, identified in the Adelaide Hills Council Development Plan</li> </ul>	High

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Level of past LHGF financial assistance	<ul style="list-style-type: none"> <li>Properties that have not previously received LHGF funding will be given preference</li> </ul>	Medium
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The applicant is required to obtain Development and/or other approvals (e.g. landowner consent) before work can commence. For example most construction projects involving Local Heritage places require Development Approval under the Development Legislation, and some projects require agreement from other affected parties (e.g. lessees, lessors, owners, encumbrancers). Applicants should seek these approvals at an early stage as approvals are required before work can commence. If the applicant is unable to obtain any of the aforementioned approvals, then the grant application will automatically lapse.

#### **4.3.3 Step 3 – Funding Allocation**

Applications will be accepted within the prescribed grant round funding period. Typically a grant funding round will be open for a period of two months within any financial year.

After completing the assessment process referred to in paragraph 4.3.2 (Step 2) above, staff will then report recommendations regarding proposed grant recipients to Council for consideration before any grants are awarded to a specific applicant. Once funding for a specific project has been approved by Council, they will be allocated to the project and set aside for a period not exceeding 12 months. If the funding allocation period expires, then the applicant shall notify Council of any delays, at which time Council will assess whether an extension of time and rollover of the funding into the next financial year is appropriate.

The amount of funding allocated to a particular project will not be increased once the grant allocation is approved.

An owner may apply to vary a grant allocation. However, this request would be assessed as a new application against these guidelines.

Note: Grants are based on the real costs incurred to owners/incorporated bodies.

#### **4.3.4 Step 4 – Implementation**

Once funding approval has been obtained, the owner is required to:

- comply with the conditions of the funding allocation and Development Approval
- notify Council staff that the works are about to commence, and
- notify Council staff once the works have been completed.

The project must be commenced within 12 months of the date of grant allocation; otherwise the funding may be forfeited.

#### 4.3.5 Step 5 – Payment of Funding

On completion of the conservation works Council staff and/or the Local Heritage Advisor will inspect the work before reimbursement is made. If the work is considered acceptable for Council's grant purposes, then the owner must provide evidence of payment of the cost of the works.

Once satisfied that the conservation work has been satisfactorily completed to an appropriate standard for LHGF grant purposes, Council staff will arrange reimbursement of the grant funded portion of the costs of the works to the applicant.

## 5. ADMINISTRATIVE REQUIREMENTS

### 5.1 Legislative Requirements

The identification, statutory protection, conservation, development and other works affecting heritage and historic character streetscapes should be undertaken in accordance with statutory criteria and processes. The relevant legislative documents are:

- *Development Act 1993* and associated *Regulations 2008*, and the *Planning, Development and Infrastructure Act 2016* and associated *Regulations*
- Adelaide Hills Council Development Plan or the Planning & Design Code (commencing 1 July 2020)
- National Construction Code

Other relevant documents are:

- The Australian ICOMOS Charter for the Places of Cultural Significance (The Burra Charter)

### 5.2 Definitions

**Conservation works** are building works that directly contribute to the heritage values of a heritage place by restoring, conserving, enhancing or reinstating historic fabric or features (including removal of cladding/screening devices on existing facades).

**Development** is as defined in the *Development Act 1993* and the *Planning, Development & Infrastructure Act 2016*.

**Local Heritage Place** is a building which is listed in Council's Development Plan and satisfies one or more of the criteria for listing under Section 23 of the *Development Act 1993* or Section 67 of the *Planning, Development and Infrastructure Act 2016*.

### 5.3 Roles and Responsibilities

The Director of Development and Regulatory Services has overall responsibility for the implementation and monitoring of these Procedural Guidelines as well as ensuring the processing of applications for Development Approval is undertaken

pursuant to the Development Legislation. Other specific roles and responsibilities include:

**Assessment Manager** – Council will ensure development applications seeking to restore, enhance or repurpose a Local Heritage Place are processed in accordance with the requirements of the Development Legislation.

**Local Heritage Advisor** - Council will support the management and conservation of heritage places through the provision of advice through the Local Heritage Advisory Service and the LHGF.

**Information Provider** - Council will foster community awareness and appreciation of the district's heritage through promotion and education.

**Advocate** - Council will advocate to:

- other tiers of Government for funding to support heritage conservation
- Property owners to invest in their heritage assets.

The Council has the sole authority to approve the allocation of matched grant funding up to a maximum of \$2,500 per application for conservation works.

#### 5.4 Restrictions and Limitations

The following will not be funded:

- projects that do not meet the eligibility criteria
- applications that do not accurately describe the agreed scope of works or are not supported by adequate quotes
- improvements to buildings on Federal, State or Local Government owned property
- individual owners within a strata or community title building
- ongoing maintenance tasks that are not dependent on the heritage status of the building such as:
  - repainting
  - Termite treatment, treatment and remediation of internal walls unless the interior is heritage listed
- additions or enhancements that do not relate to heritage values, such as:
  - Landscaping and paving
  - Construction of additions and outbuildings
  - Re-plumbing, re-wiring and installation of security devices
- cost of property owner's labour.

Council reserves the right to withdraw funding if a project is not proceeding as agreed e.g. incomplete, poorly executed or not in accordance with the approved plans.

## 6. KEY PERFORMANCE INDICATORS

The key performance indicators for the LHGF are:



- 80 percent of approved projects completed (\*Note: there may be some time lag in measurement e.g. not all approved projects will commence in the same financial year as the allocation of funding)
- all commenced projects are completed to an adequate quality as determined by staff and the Council's Local Heritage Advisor
- administration of the scheme occurs in accordance with the guidelines.

## **7. MONITORING AND IMPLEMENTATION**

The performance of the LHGF will be monitored through the administrative and financial system. An annual report of the performance of the LHGF against the KPIs will be provided to Council no more than 3 months after the end of the financial year.

## **8. REVIEW**

The LHGF Procedural Guidelines will be reviewed in November 2020.

## **9. REVISION HISTORY**

<b>Revision Summary</b>	<b>Approval Date</b>	<b>Council or Committee</b>	<b>Decision</b>	<b>TRIM Reference</b>	<b>Related Policy</b>
<b>Local Heritage Grant Fund Adopted</b>					

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

**Item:** 12.4

**Originating Officer:** Jennifer Blake, Manager Communication, Engagement and Events

**Responsible Director:** David Waters, Director Community Capacity

**Subject:** Draft Public Consultation Policy

**For:** Decision

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**SUMMARY**

Section 50 of the *Local Government Act 1999* states that a council must prepare and adopt a public consultation policy. The policy must set out the steps that the council will follow in cases where it is required under the Act to undertake public consultation.

The current Adelaide Hills Council (AHC) Public Consultation Policy was adopted on 8 September 2015 and was due for review in September 2018 (**Appendix 2**). The review was delayed pending release of a new Local Government Association (LGA) model policy which commenced development in 2018. The LGA review was in response to the legal case known as *Coastal Ecology Protection Group Inc & Ors v City of Charles Sturt (2017)* (called the Coast Park case) which provided a new interpretation of Section 50. Further developments in the Coast Park case in 2018/2019 led to the LGA seeking additional legal advice on section 50. The local government reform program in early 2019 also informed the LGA's development of a model Public Consultation Policy.

On 27 August 2019 the LGA informed Council staff that it would not be providing a model policy. However, they provided some learning to councils from the City of Charles Sturt example and this has been incorporated into this draft AHC Public Consultation Policy (**Appendix 1**).

Section 50 of the *Local Government Act 1999* requires that the proposal to adopt or alter a public consultation policy needs to be subject to a public consultation process for a period of at least one (1) month. This report seeks Council's approval to release the Draft Public Consultation Policy for public consultation.

## RECOMMENDATION

### Council resolves:

1. That the report be received and noted.
  2. To endorse the draft *Public Consultation Policy*, as contained in *Appendix 1*, for consultation purposes.
  3. That the CEO be authorised to:
    - a. Make any formatting, nomenclature or other minor changes to the Policy prior to being released for public consultation and;
    - b. Determine the consultation timings, media and processes while ensuring consistency and compliance in accordance with s50(6) of the *Local Government Act 1999* for a period of one month.
  4. That the results of the consultation be presented back to the Council for consideration as part of adopting a final *Public Consultation Policy*.
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## 1. GOVERNANCE

### ➤ Strategic Management Plan/Council Policy

Goal 4	Explore Ideas and work with others
Strategy 4.1	We will embrace contemporary methods of engagement so it's easy for everyone to have their say.

### ➤ Legal Implications

Section 50 of the *Local Government Act 1999* states that a council must prepare and adopt a public consultation policy that sets out the steps that the council will follow in cases where it is required under the Act to undertake public consultation.

The policy must provide interested persons with a reasonable opportunity to make submissions and must, at a minimum, provide for the publication of a notice, in a newspaper circulating in the council area. The notice must adequately describe the matter and invite interested persons to make submissions within a period (which must be at least 21 days).

Before a council can adopt, alter or substitute a public consultation policy, the proposed policy must itself be subject to a public consultation process involving the publication of a notice regarding the consultation (in a newspaper circulating within the council area) and inviting interested persons to make submissions on the proposed policy within a period of at least one month.

Any submissions received in response to the invitation must be considered prior to the adoption of the policy.

In accordance with the learnings from recent legal cases the draft policy is limited in its application to decisions that the Policy must apply to under the Act.

➤ **Risk Management Implications**

The effective implementation of the Public Consultation Policy will facilitate compliant public consultation practices, mitigating the risk of:

*Legislative non-compliance leading to poor community perception, reputational damage and adverse legal findings.*

Inherent Risk	Residual Risk	Target Risk
Extreme (4A)	Low (2E)	Low

Recent legal cases highlight the risk of the above if a public consultation policy is not robust and clearly defined.

➤ **Financial and Resource Implications**

Not applicable.

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

Engaging with the community leads to better outcomes both for the community and the Council. This policy sets out how Council is mandated to consult on matters in the Act and will ensure it meets its obligations to 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:* 12 February 2019

*Advisory Groups:* Local Government Association SA

*Administration:* Executive Manager Governance & Performance  
Community Engagement Coordinator (Consulting)

*Community:* Not Applicable

## 2. BACKGROUND

Public consultation processes are essential to a councils' ability to perform its roles and functions. Under the *Local Government Act 1999* Part 5, Section 50(2) Council is required to prepare and adopt a Public Consultation Policy.

The current policy was adopted by Council on 8 September 2015 (Item 12.4, 46). It incorporated the *Public Notification Policy* and the *Public Consultation Policy* into one *Public Consultation Policy*. It referenced the Community Engagement Framework 2015 and Communication and Marketing Plan 2014, both of which are currently under review.

Review of the current *Public Consultation Policy* has been informed by the LGA's work over the past year to develop a new model Public Consultation Policy. The draft policy incorporates suggested approaches from the LGA given that development of a new model policy has been postponed indefinitely.

## 3. ANALYSIS

The *Public Consultation Policy* sets out how council will conduct public consultation on matters mandated in the *Local Government Act (1999)*. However, Council is committed to making it easy for everyone in the community to have their say and recognises the importance of non-legislated consultation, which is not covered by this Policy.

On occasions where community consultation may be desirable, when there is no statutory requirement to undertake it, the approach will be determined with reference to the Council's *Community Engagement Framework*. The Framework is a 'how to' guide that describes the tools and techniques that can be used to engage the local community. It includes the use of contemporary approaches not mandated in legislation.

It is useful to define the language regarding public consultation and community engagement.

**Public Consultation** (based on the International Association for Public Participation)

- Involves providing information and opportunities for community input to inform the decision maker.
- It involves keeping the public informed, providing the opportunity for feedback, listening to and acknowledging concerns and aspirations.
- At the conclusion of the consultation period feedback should be provided on how public input influenced the decision.

**Community Engagement**

- Involves the broad range of interactions between council and the community
- Engagement can include a variety of approaches such as communication and consultation
- LGA definition: "Community engagement is about involving communities in decision making processes, which is critical in the successful development of acceptable policies and sustainable decisions in government, the private sector and the community."

The Act mandates two core types of decisions where public consultation is to be undertaken; either in accordance with the Act or as set out in the council's *Public Consultation Policy*. These are outlined in the following table.

While the *Public Consultation Policy* covers only legislated instances requiring *public consultation*, it does not preclude the Council from carrying out broader *community engagement* or other public consultation activities in relating to the subject topics or other matters arising. Indeed, it is commonplace for this Council to go 'over and above' the minimum requirements in engaging with its community.

Type 1 Mandatory Consultation		Type 2 Consultation in line with PCP	
Section of the Act	Power / function	Section of the Act	Power / function
s. 12	Representation Reviews	s. 45	Principal Office
s. 13	Status of a Council/Change of Name	s. 92	Access to meetings and documents – code of practice
s. 48	Prudential Requirements for Certain Activities	s. 123	Annual business plans and budgets
s. 50	Public Consultation Policies	s. 151	Basis of rating
s. 122	Strategic Management Plans	s. 156	Basis of differential rates
s. 249	Passing By-Laws	s. 194	Revocation of classification of land as community land
s. 259	Councils to Develop Policies on Orders	s. 197	Public consultation on proposed management plan
		s. 198	Amendment or revocation of management plan
		s. 202	Alienation of community land by lease or licence
		s. 223	Public consultation (control of work on roads)
		s. 232	Trees

Research has been conducted into other councils' policies and Council staff have attended a number of LGA briefings to inform the review of the current policy and changes to the draft *Public Consultation Policy*.

The main changes to the existing policy are:

- Refined scope to only include consultation mandated under the Act (removed current section 2 and 3)
- Updated objectives to relate specifically to mandated consultation (current section 4)
- Updated policy statement (current section 5) to incorporate some of the legislative framework outlined in current section 3)
- Combined current sections 6 through to 8 and refined to only include information related to consultation mandated by the Act
- Updated and relabelled the tables previously called 'Minimum requirements prescribed by the *Local Government Act 1999*' and 'Minimum requirements as per Council's Public Consultation Policy' to (in the draft policy); Table 1: Matters requiring public consultation in accordance with the Act, and Table 2: Matters requiring public consultation in accordance with Council's Public Consultation Policy.
- Refined the consultation steps relating to these tables.

Following consultation on the Public Consultation Policy a revised Community Engagement Framework will be developed. The Framework will include guiding principles for how the Council may undertake community engagement more broadly than that defined in the Policy, and define the role community engagement plays in the overall decision making process. It will also articulate the practical steps for planning, delivering and reporting on engagement. Feedback received from the community as part of consultation on the Public Consultation Policy will also inform the development of this supporting document.

The Framework will assist Council to meet its Strategic Plan goals and be more innovative in community engagement, and go beyond the use of the traditional survey or feedback form to gather information and feedback from the community.

The Community Engagement Framework will be presented to Council Members via a future workshop.

#### **4. OPTIONS**

Council has the following options:

- I. Approval of the draft *AHC Public Consultation Policy* (**Appendix 1**) for public consultation in accordance with the Act. (Recommended)
- II. Rejection of the *AHC Public Consultation Policy* for public consultation. (Not Recommended)

Should the Council wish to make significant amendments to the proposed draft, it is recommended that the matter be referred back to the Administration for further review.

#### **5. APPENDICES**

- (1) Draft Public Consultation Policy
- (2) Public Consultation Policy 2015

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# **Appendix 1**

*Draft Public Consultation Policy*

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# COUNCIL POLICY

 <b>Adelaide Hills</b> COUNCIL	<b>Public Consultation Policy</b>
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<b>Policy Number:</b>	The Governance team will allocate the policy number.
<b>Responsible Department(s):</b>	Communications, Engagement and Events
<b>Other Relevant Policies:</b>	None
<b>Relevant Procedure(s):</b>	None
<b>Relevant Legislation:</b>	Section 50, Local Government Act 1999
<b>Policies and Procedures Superseded by this policy on its Adoption:</b>	Public Consultation Policy 2015 adopted on 8 September 2015
<b>Adoption Authority:</b>	Council
<b>Date of Adoption:</b>	<i>To be entered administratively</i>
<b>Effective From:</b>	<i>To be entered administratively</i>
<b>Minute Reference for Adoption:</b>	<i>To be entered administratively</i>
<b>Next Review:</b>	No later than October 2023 or as required by legislation or changed circumstances

## PUBLIC CONSULTATION POLICY

### 1. INTRODUCTION

Section 50 of the *Local Government Act 1999 (SA)* (the Act) provides that the Council must prepare and adopt a public consultation policy.

#### 1.1. Purpose

The purpose of this Policy is to set out the steps that Council intends to take under the Act in relation to public consultation. This Policy only applies to matters relating to the Act.

Community consultation prescribed under other legislation will be undertaken in accordance with the requirements of that legislation, rather than this Policy.

Council recognises that there are occasions where community engagement may be desirable, but there is no statutory requirement to undertake the same. Although the Council acknowledges the importance of these occasions, they are not covered by the requirements of this Policy.

#### 1.2. Local Government Act 1999

Under Chapter 2 of the Act a council is established to provide for the governance and management of its area at the local level and, in particular:

- (a) to act as a representative, informed and responsible decision-maker in the interests of its community; and
- (b) to provide and co-ordinate various public services and facilities and to develop its community and resources in a socially just and ecologically sustainable manner; and
- (c) to encourage and develop initiatives within its community for improving the quality of life of the community; and
- (d) to represent the interests of its community to the wider community; and
- (e) to exercise, perform and discharge the powers, functions and duties of local government under this and other Acts in relation to the area for which it is constituted.

Section 8 of the Act (*Principles to be observed by a council*) outlines the performance of its roles and function including but not limited to:

- provide open, responsive and accountable government;
- be responsive to the needs, interests and aspirations of individuals and groups within its community;
- seek to facilitate sustainable development and the protection of the environment and to ensure a proper balance within its community between economic, social, environmental and cultural considerations; and
- seek to provide services, facilities and programs that are adequate and appropriate and seek to ensure equitable access to its services, facilities and programs.

The Council recognises that consultation can result in diverse views being expressed in relation to

a particular matter or proposal. In all cases, the Council will consider all relevant facts and circumstances, weighing and balancing competing considerations where necessary, before making a determination. The final decision in matters will rest with the Council.

## 2. OBJECTIVES

The objectives of this policy are:

- To demonstrate the accountability and responsibility of the Adelaide Hills Council to its community and stakeholders;
- Ensure that the Council complies with the mandatory consultation steps prescribed by the Act (type 1 decisions);
- Outline the standard consultation steps that the Council will follow in cases where the Council must comply with its Public Consultation Policy as required by the Act (type 2 decisions); and
- Ensure that the Council complies with the standard consultation steps contained in its Public Consultation Policy as required by the Act (type 2 decisions).

## 3. DEFINITIONS

**“Communication”** The imparting or exchange of information between the Council and the community to produce a greater understanding.

**“Community”** a general term for the people who live, work, study, own property, conduct private or government business, visit or use the services, facilities and public spaces and places of the Adelaide Hills Council. The community are often referred to as “stakeholders” in the affairs of Council. A community may be a geographic location (community of place), a community of similar interest (community interest), or a community of affiliation or identify (such as an industry or sporting club).

**“Stakeholders”** are recognised as individuals and organised groups that have an interest in a decision or proposal, or may be directly or indirectly affected by a decision that has been made or is being proposed. Business owners, retail outlets, State and Federal Governments, community groups, Local Government and not for profit organisations are all considered stakeholders. Stakeholders may also be individuals, groups or organisations who have a role to play in policy development and program or service delivery.

**“Engagement”** is a generic term to describe the broad range of interactions between Council and the community. Engagement can include a variety of approaches, such as communication, and consultation.

**“Public Consultation”** is a planned process of engagement where information is provided and community and stakeholders are formally invited, as per the relevant requirements in the Act, in particular s50 (3) of the Act, to comment about matters on which Council will deliberate.

**“The Act”** is the *Local Government Act 1999 (SA)*.

#### 4. POLICY STATEMENT

Section 50 of the Act requires that a council must prepare and adopt a public consultation policy, which may be altered from time to time or substituted with a new policy.

Elsewhere, the Act makes reference to public consultation in various sections.

In some cases, the Act prescribes that public consultation be undertaken in accordance with the minimum requirements of the Act. Refer Part 1 below.

In other cases, the Act prescribes that public consultation be undertaken in accordance with Council’s public consultation policy. Refer Part 2 below.

In other cases, the Act does not require that public consultation be undertaken.

##### 4.1. Part 1: Council decisions where the Act prescribes specific public consultation requirements (Type 1 decisions)

The matters listed below require Council to follow the public consultation steps prescribed in the relevant parts of the Act. Refer **Table 1**.

**Table 1: Matters requiring public consultation in accordance with the Act**

Matter	Act Section reference
Representation Reviews	Section 12
Status of a council/change of names	Section 13
Commercial Activities – Prudential Requirements	Section 48
Public Consultation Policy	Section 50
Strategic Management Plans	Section 122(6)
Applying to vary certain trusts	Section 141

Conversion of Private Road to Public Road	Section 210
Impounding of vehicles	Section 237
Passing By-laws	Section 249
Policies on Orders	Section 259
Stormwater Management Plans	Schedule 1A, Clause 16(2)(c)

In relation to Type 1 decisions as set out in *Table 1*, the Council will comply with its legislative obligations under the Act. For each of the matters set out in *Table 1* refer to the *Local Government Act 1999* for the minimum steps to be undertaken.

#### **4.2. Part 2: Council decisions where the Act requires that Council follow its Public Consultation Policy (Type 2 decisions)**

The matters listed below require Council to follow public consultation steps prescribed in the Council's Public Consultation Policy. Refer **Table 2**.

**Table 2: Matters requiring public consultation in accordance with Council's Public Consultation Policy**

<b>Matter</b>	<b>Act Section reference</b>
Principal Office – Opening hours	Section 45(3)
Code of Practice – Access to meetings and documents	Section 92(5)(b)
Annual Business Plan	Section 123(3) and (4)
Changes to Basis of Rating	Section 151(5),(7) and (8)
Rating – Differential Rates	Section 156(14a) and (14d)
Community Land – Revocation of Classification	Section 194(2)(b)
Community Land – Adoption of a Management Plans	Section 197(1)
Community Land – Amendment or Revocation of a Management Plan	Section 198 (2)
Community Land – Alienation by lease or licence	Section 202(2)
Roads – Permits that would result in any part of a road being fenced, enclosed or partitioned so as to impede the passage of traffic to a material degree or for use or activity requiring public consultation under regulations	Section 223
Trees – Planting of vegetation if the vegetation may have a significant impact on residents, the proprietors of nearby businesses or advertisers in the area	Section 232

### 4.3. Public Consultation Steps

In relation to matters set out in Table 2, the Council will consult in accordance with the steps set out below, together with any other requirements under the Act.

**Step 1:** Prepare a public consultation plan in relation to the matter having regard to the requirements of the Act, in particular s 50 (3) of the Act, and public consultation policy.

**Step 2:** Obtain approval of the proposed public consultation plan from the CEO or delegate.

**Step 3:** Conduct (plan, deliver and manage) consultation activities in accordance with the approved public consultation plan. The consultation activities will provide for, at least the following:

1) The publication of a notice:

- in a newspaper or newspapers circulating within the area of the council; and
- the Adelaide Hills Council website or such other website as may be determined by the CEO describing the matter under consideration and inviting interested persons to make submissions in relation to it within a period (which must be at least 21 calendar days) stated in the notice; and

2) Copies of the proposal being made available for inspection and purchase at the council's service centres and available for inspection at council service centres and on the Adelaide Hills Council website or a website determined by the CEO; and

3) The consideration by the council of any submissions made in response to an invitation made in relation to sub-step (1) above; and

4) Implementation of any other public consultation requirements (if any) prescribed in the relevant parts of the Act; and

5) In addition to sub-steps (1) to (4) above; in circumstances where Council is conducting a public consultation process to which Sections 123(4)(a), 151(7)(a) and (b), and 156(14d)(a) of the Act apply, inviting interested persons to attend a public meeting to be held at least 21 calendar days after publication of the notice regarding that meeting.

**Step 4:** At the conclusion of the public consultation activities, responsible staff will collate and analyse community contributions and responses.

**Step 5:** Responsible staff will then prepare a report which:

- Summarises the public consultation process and activities undertaken;
- Presents a summary of submissions received (excluding personal identifying

details); and

- Recommends changes (if applicable) to the proposal in response to the submissions made.

**Step 6:** Obtain a Council determination on the proposal (noting that, if there has been a material change to a proposal in response to submissions made, the Council may determine to undertake the standard consultation steps again in relation to the amended proposal).

**Step 7:** Communicate Council determination and how the consultation impacted the decision on Adelaide Hills Council website and/ or website determined by the CEO.

Note: where the Policy refers to consideration or determination by the Council, this may in fact be done by staff acting under delegation or sub-delegation when applicable.

## **5. 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; and

## **6. 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.

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## **Appendix 2**

*Public Consultation Policy 2015*

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# COUNCIL POLICY

 <b>Adelaide Hills</b> COUNCIL	<b>PUBLIC CONSULTATION</b>	
<b>Policy Number:</b>	COM-01	
<b>Responsible Department(s):</b>	Community Development	
<b>Relevant Delegations:</b>	None	
<b>Other Relevant Policies:</b>	None	
<b>Relevant Procedure(s):</b>	None	
<b>Relevant Legislation:</b>	Section 50, <i>Local Government Act 1999</i>	
<b>Policies and Procedures Superseded by this policy on its Adoption:</b>	Public Notification - 21 March 2006, Item 9.2.4, FS&P Public Consultation -1 December, 2009, Item 10.7, B422	
<b>Adoption Authority:</b>	Strategic Planning and Development Policy Committee	
<b>Date of Adoption:</b>	8 September 2015	
<b>Effective From:</b>	22 September 2015	
<b>Minute Reference for Adoption:</b>	Item 12.4, 46	
<b>Next Review:</b>	September 2018 or as required by legislation	

## PUBLIC CONSULTATION

### 1. INTRODUCTION

The purpose of this Policy is to foster and support a culture of effective community engagement through effective information and consultation strategies. The Policy outlines the principles and procedures that the Council will follow to involve the community in decision-making.

The Policy also ensures that Council meets its obligations under the *Local Government Act 1999* and other relevant Acts.

The Adelaide Hills Council is committed to communicating information to the community in an effective, cost-effective and consistent manner.

The Policy relates to Council's Strategic Management Plan *Lofty Aspirations Sustainable Actions 2014-2018*, Goal 4.3 Community Engagement, 4.3.1 and 4.3.3 and supports Council's *Community Engagement Framework* and *Communication and Marketing Plan* adopted May 2014.

### 2. SCOPE

This Policy will apply to all community engagement processes (utilising the 'Consult' method of the Community Engagement Framework) required under the *Local Government Act 1999* (unless specifically legislated otherwise) and to any other community engagement process that Council resolves to be submitted to a high standard of community engagement. This policy applies to all facets of Council's operations including Council's corporate, land use, strategic and financial planning and our day to day services and activities.

### 3. LEGISLATIVE FRAMEWORK

The preparation and adoption of this Policy fulfils Council's obligation under section 50 of the *Local Government Act 1999*. Section 50 states:

- Council must provide interested persons with a reasonable opportunity to make submissions regarding relevant matters
- Council must publish a notice (in a local newspaper) describing the matter under consideration and invite interested persons to make submissions within a period (which must be at least 21 days) stated in the notice
- Council will consider any submission received from the public during the prescribed consultation period
- Council may from time to time alter this policy or substitute a new policy. In the instance that any significant changes are being proposed to the public, Council must submit the proposal to a public consultation process
- A public consultation policy sets out the steps that Council will follow in cases where the Act requires that Council must follow its public consultation policy and may include steps that Council will follow in other cases involving Council decision making

The requirement for public consultation when altering this Policy is not required when the Council determines that the alteration is of only minor significance and would attract little (or no) community interest.

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#### **4. OBJECTIVES**

This Policy is underpinned by the following documents:

- The *Community Engagement Framework 2014* which provides an organisational approach to engagement activities where stakeholders invest in Council's decision making process
- The *Communication and Marketing Plan* which sets the framework and standards for communicating with Council's stakeholders and outlines the key projects and actions for implementation to ensure the Council's communication objectives are met.

The objectives of this Policy are reflected in Council's Communication and Marketing Plan and the Community Engagement Framework, 2014 and include:

- To ensure that the Council's responsibilities to effectively communicate and consult with stakeholders are fulfilled
- The Policy supports the Communication and Marketing Plan to:
  - Build community awareness of Council functions and services
  - Increase participation and access to Council's functions and services
  - Build understanding of Council's vision and strategic direction
  - Build and maintain community confidence in Council
  - Facilitate Council's leadership role
- The Policy supports the Community Engagement Framework to:
  - Better relationships and connectedness with community
  - Enhanced reputation for your organisation
  - Increased understanding of community issues, and
  - Better partnerships and networks.

#### **5. POLICY STATEMENT**

Communication keeps citizens and customers informed about the Council's processes and activities, whereas involvement enables the Council Members and the organisation to be confident that the Council's stakeholders are appropriately engaged in the process and that activities are planned and provided having regard for customers' requirements, while also meeting technical constraints.

The philosophy underpinning this Policy is to provide an opportunity for all stakeholders to examine the implications and effects of existing policy, service delivery, current directions and proposed changes in a rigorous manner, thus enabling Council to make informed choices and decisions and to minimise conflict for all parties.

## 6. COUNCIL PUBLIC CONSULTATION STANDARDS

For all public consultations, unless directed otherwise by an Act (see clause 7), the following minimum standards will be followed:

- A notice will be published in newspaper(s) circulating in the affected area or across the district as applicable to the matter and on the Council's website describing the matter for which community engagement is required, and inviting interested persons / stakeholders to make submissions to the Council within a period being **at least twenty-one (21) clear<sup>1</sup> days** from the date of the notice.
- On-site signage will be installed (where applicable) advising of community engagement occurring which relates to the site and details of how to obtain information from Council's website and Customer Service Centres.
- Further options may be chosen to enhance communication. Some of these additional options could include, but are not limited to, the following:
  - Flyers included in rates notices
  - Public Notice in The Advertiser newspaper
  - Paid advertisement in the local newspapers
  - Article in Hills Voice (if time permits)
  - Letters to residents and/or other stakeholders (via hand delivery or postage options)
  - Media releases
  - Community engagement documents available at Council venues
- All materials used in community engagement processes must be approved by an Officer of the Communications and Events Department.
- All Council Members will be advised of matters going to formal public consultation.
- All personal details provided as part of any public consultation will be excluded from Council reports or submission summaries. Personal details will not be disclosed without gaining the prior permission of the respondent, unless otherwise prescribed by legislation.
- Where submissions or comments received as part of a public consultation are deemed to be of an inflammatory or offensive nature, the following approach will be adopted:
  - If constructive feedback is provided, regardless of how the offensive language is used throughout the submission, the response will be edited to remove the offensive language while maintaining the integrity of the submission;
  - In cases where the submission or comment is unrelated to the question or topic and is of threatening or inflammatory content, the response will be removed from all Council reports and/or submission summaries.

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<sup>1</sup> 'clear days' means the time between the giving of the notice of the consultation and the closing of the consultation period, but excluding the day that the notice appears in the media and the day that the consultation period closes.

## 7. PUBLIC CONSULTATION CONTEXT

In general terms, Council's community engagement activities will be divided into the following categories:

### 7.1 Statutory Compliance

The *Local Government Act 1999* and other key Acts specifically refer to public consultation. In some cases, an Act will prescribe a specific public consultation requirement (these are generally in excess on the minimum requirements set out in s50); in other cases an Act will require compliance with the requirements as stated in the Council's Public Consultation Policy.

In the matters listed in the tables below, Council has no discretion and will be required to under public consultation in the manner prescribed in the relevant legislation.

#### Minimum requirements prescribed by *Local Government Act 1999*

Topic	Section Reference
Representation Reviews	Section 12 (7) (8) (9) (10)
Status of a Council/Change of Name	Section 13 (2)
Public Consultation Policies	Section 50
Annual Business Plan	Section 123 (3) (4) (5) (6) (7) (8) (9)
Rates and charges – Change to Basis of Rating Report	Section 151(5a) (5b) (5c) (5d) (5e) (7) (8) (8a)
Rating – Differential Rates	Section 156 (14) (14a) (14b) (14c) (14d) (14e) (14ea)
Passing by-laws	Section 249 (1) (2)
Councils to develop policies (power to make orders)	Section 259

#### Minimum requirements as per Council's Public Consultation Policy

Topic	Section Reference
Principal Office – Opening hours	Section 45 (3)
Commercial Activities – Prudential Requirements	Section 48 (2)(d) (5) (6)
Code of Practice – Access to meetings and documents	Section 92 (5) (6) (7)
Strategic Management Plans	Section 122 (6)
Administrative and financial accountability – Access to documents	Section 132 (1) (3d)
Community Land – Exclusion from Classification	Section 193 (2)
Community Land – Revocation of Classification	Section 194 (2) (3)
Topic	Section Reference
Community Land Management Plans	Section 197 (2) (3)
Amendment or revocation of Community Land management plans	Section 198 (2) (3)
Community Land – Alienation by lease or licence	Section 202 (3)
Authorisations/Permits	Section 223
Roads – Trees	Section 232
Time limits for dealing with certain applications	Section 242 (4)
Stormwater Management Plans	Schedule 1A: Section 13 (2)

## Other Acts (minimum requirements prescribed by the Act)

### ***Development Act 1993***

Topic	Section Reference
Development Plan Amendments (DPA) <ul style="list-style-type: none"> <li>Amendments by Council</li> <li>Amendments by the Minister</li> </ul>	Section 25 Section 26
Strategic Directions Reports <ul style="list-style-type: none"> <li>Alignment with State Government strategy and policy</li> </ul>	Section 30
Development Assessment	Section 38

### ***Roads (Opening and Closing) Act 1991***

Topic	Section Reference
Notification of proposed road process	Section 10
Objection or application for easement	Section 13
Notice of road process order	Section 19

### ***Land Acquisition Act 1969***

Topic	Section Reference
Additional right to object to prescribed private acquisition	Section 12B

## **7.2 Community Engagement Activities**

This category refers to non-legislative matters and Council has the discretion as to whether it resolves to undertake public consultation in accordance with this Policy. The key areas of discretionary consultation are:

### ***Targeted policies, strategies and initiatives***

This includes policy and strategy development on issues that impact particular groups and/or areas and can include positioning policies.

### ***Operational matters***

This includes activities undertaken to identify community need and establish community interests in the discretionary services and day to day operational matters of Council.

### ***Performance evaluation/customer satisfaction***

This group is made up of council-wide and individual service/issue assessments of community perceptions of council performance (otherwise known as satisfaction surveys or market research).

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## **8. APPROACH TO CONSULTATION**

Council will implement this Policy in terms of the requirements under the Local Government Act and will take account of the views and aspirations expressed by the community and stakeholders, balancing those views and aspirations with other influences such as budgetary constraints, and within the context of Council-endorsed strategic directions.

The minimum steps that should be followed when carrying out community consultation will be:

**Step 1:** Decide whether to engage or not to engage taking in to consideration legislative requirements and minimum standards as per the schedule and determined level of impact on the community

**Step 2:** Plan the Community Engagement Strategy

**Step 3:** Plan and manage engagement activities

**Step 4:** Collate and analyse community contributions/responses

**Step 5:** Decision making

**Step 6:** Provide feedback on engagement outcomes to participants

**Step 7:** Announce decision/s publicly

**Step 8:** Evaluation

## **9. DELEGATION**

The Chief Executive Officer has the delegation to approve, amend and review any procedures that shall be consistent with this Policy.

## **10. 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.

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

**Item:** 12.5

**Originating Officer:** Natalie Westover, Manager Property Services

**Responsible Director:** Terry Crackett, Director Corporate Services

**Subject:** Crown Land Review

**For:** Decision

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**SUMMARY**

A report was presented to the meeting of Council on 28 May 2019 following a review of all of Council's Crown reserves. As a consequence of that review, a range of recommendations were presented in relation to Crown reserves that were assessed as being surplus to the strategic requirements of Council, or could be more appropriately managed by other entities.

As a consequence of liaison with the Department for Environment and Water, public consultation and direct mail contact with adjoining owners of the relevant Crown reserves, it is now appropriate to commence to the next step in the process to enable return to The Crown of 19 reserves.

This step requires the the formal revocation of the land as community land as defined in the *Local Government Act 1999* ("Act").

**RECOMMENDATION**

**Council resolves:**

1. That the report be received and noted
2. That Council commence a community land revocation process in relation to the following land:
  - i. CR 5752/186, Lot 32 Fullgrave Road, Crafers
  - ii. CR 5753/725, Section 1609 Illert Road, Mylor
  - iii. CR 5753/729, Section 1657 Scott Creek Road, Scott Creek
  - iv. CR 5753/741, Sections 53 and 54 Sandy Waterhole Road, Woodside
  - v. CR 5753/742, Section 547 Schuberts Road, Lobethal
  - vi. CR 5753/744, Section 553 Pedare Park Road, Woodside
  - vii. CR 5753/745, Section 556 Tiers Road, Woodside
  - viii. CR 5753/746, Section 565 Old Carey Gully Road, Stirling
  - ix. CR 5753/751, Section 489 Chapman Road, Inglewood
  - x. CR 5753/754, Section 511 North East Road, Inglewood
  - xi. CR 5753/758, Section 262 Reserve Road, Forreston
  - xii. CR 5763/631, Section 1591 Silver Road, Bridgewater



- xiii. CR 5763/634, Section 71 Magarey Road, Mount Torrens
  - xiv. CR 5763/635, Section 72 Magarey Road, Mount Torrens
  - xv. CR 5763/636, Section 84 Forreston Road, Forreston
  - xvi. CR 6142/329, Lot 501 Greenhill Road, Balhannah
  - xvii. CR 5926/487, Lot 20 Bell Springs Road Charleston
  - xviii. CR 5753/718, Section 1544 Reserve Terrace Aldgate
  - xix. CR 5753/753, Section 495 off Kersbrook Road Kersbrook
3. Community consultation be undertaken in accordance with the Council's Public Consultation Policy.
4. A further report be presented to Council following completion of the community consultation process.
- 

1. **GOVERNANCE**

➤ **Strategic Management Plan/Council Policy**

Goal	Organisational Sustainability
Strategy	Financial Sustainability
	Risk and Responsibility

➤ **Legal Implications**

The land detailed in recommendation 2 above, is classified as community land under the provisions of the Act. Section 194 of the Act details the process required to revoke the community land classification of community land, commencing with a resolution of Council to commence the process and undertake community consultation.

Whilst it is not a statutory requirement to revoke the community land classification of land to be resumed by The Crown, Crown Lands has advised that this is a procedural requirement prior to the submission of a formal application for resumption of the land.

➤ **Risk Management Implications**

The reversion to The Crown of the land subject to this report will assist in mitigating the risk of:

*Future liabilities in relation to bushfire risks, proclaimed species control and public liability resulting in insurance claims.*

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

The land subject to this report has either no or very little management from Council. Whilst the land remains under the care, control and management of Council, Council may still face liabilities for this land relating to fire risks, proclaimed species control and public liability risks.

The return of the land to The Crown for disposal, change of custodian or incorporation into the protected area system will permanently remove any future liabilities.

➤ **Financial and Resource Implications**

Council commits nil resources for almost all of the land the subject of this report. Some resources have been committed to CR 5926/487 at Bell Springs Road Charleston over several years for landcare activities. While the direct financial resource implications are minimal, the removal of this land from Council's care, control and management will also remove any potential future liabilities associated with this land.

The community land revocation process will be managed within existing resource allocations.

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

Not applicable

➤ **Environmental Implications**

There will be some small gains in biodiversity protection if land becomes subject to the *National Parks and Wildlife Act 1972*.

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

A Council Workshop and internal consultation were undertaken in preparation for the report to Council of 28 May 2019. Consultation on the development of this report was as follows:

*Council Committees:* Not applicable

*Council Workshops:* Not applicable

*Advisory Groups:* Property Advisory Group

*Administration:* Not applicable

*Community:* Initial Community consultation was undertaken following the resolution of Council of 28 May 2019 which included notifications in the local printed media, information of the Council's website and a direct mail out to all adjoining land owners of the Crown reserves the subject of this report.

## **2. BACKGROUND**

A report was presented to Council on 28 May 2019 regarding various options for a number of Crown reserves under Council's care, control and management and Crown condition agreements, all subject to the *Crown Lands Management Act 2009*. This was presented following a comprehensive review of all of Council's Crown land holdings, both dedicated Crown reserves and Crown condition agreements. The Council resolved the following:

**12.6 Options for Crown Reserves**

Moved Cr Malcolm Herrmann  
S/- Cr John Kemp

116/19

Council resolves that:

1. The report be received and noted
2. A formal approach be made to the Department for Environment and Water to seek its support for
  - a. the revocation of dedications for the following Crown Records
    - i. CR 5752/186, Lot 32 Fullgrave Road, Crafers
    - ii. CR 5753/725, Section 1609 Illert Road, Mylor
    - iii. CR 5753/729, Section 1657 Scott Creek Road, Scott Creek
    - iv. CR 5753/741, Sections 53 and 54 Sandy Waterhole Road, Woodside
    - v. CR 5753/742, Section 547 Schuberts Road, Lobethal
    - vi. CR 5753/744, Section 553 Pedare Park Road, Woodside
    - vii. CR 5753/745, Section 556 Tiers Road, Woodside
    - viii. CR 5753/746, Section 565 Old Carey Gully Road, Stirling
    - ix. CR 5753/751, Section 489 Chapman Road, Inglewood
    - x. CR 5753/754, Section 511 North East Road, Inglewood
    - xi. CR 5753/758, Section 262 Reserve Road, Forreston
    - xii. CR 5763/631, Section 1591 Silver Road, Bridgewater
    - xiii. CR 5763/634, Section 71 Magarey Road, Mount Torrens
    - xiv. CR 5763/635, Section 72 Magarey Road, Mount Torrens
    - xv. CR 5763/636, Section 84 Forreston Road, Forreston
    - xvi. CR 6142/329, Lot 501 Greenhill Road, Balhannah
  - b. a change in custodian of Crown records 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.
  - c. the revocation of dedication for Crown Record CR 5926/487, Lot 20 Bell Springs Road Charleston, to be incorporated into the protected areas system.
  - d. 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).
3. Following a formal response from the Department for Environment and Water, community consultation be undertaken with the public being offered a minimum of 21 days in which to comment on the recommendations.
4. A further report be presented to Council following conclusion of the consultation period.

Carried
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**3. ANALYSIS**

Following the resolution of Council, there has been correspondence with the Department for Environment and Water (DEW), Meals on Wheels (SA) Inc and the Minister for Forests.

The Department for Environment and Water has responded that it will recommend that the Minister approve all of the proposed revocations from 2a, 2b and 2c of the meeting of 28 May 2019 on application by Council.

Negotiations remain in progress with Meals on Wheels (SA) Inc and the delegate to the Minister for Forests in relation to resolution 2b of the meeting of 28 May 2019.

## **Community Consultation**

Public consultation was carried out between 13 August and 11 September. There was limited engagement, with only 18 visitors to the online engagement site, who downloaded a total of 24 documents. No submissions were received in response to the general public consultation.

Letters were also sent to adjoining owners of all the reserves detailed in 2a of the 28 May 2019 resolution. Eleven adjoining owners responded to these letters and a summary of the responses is attached as **Appendix 2**. Of these, eight would be interested in acquiring the land once it reverts to The Crown. Other respondents advised that they:

- were tentatively interested in acquiring the adjoining Crown reserve but was unsure of the financial capacity to buy the land,
- wanted to ensure that a creek running through the reserve would be protected,
- wanted to ensure that access to their property would be maintained, and
- one respondent opposed to the return to The Crown of the Crown reserve adjoining his property on the grounds that he and the previous owner of his property had stewardship of the Crown reserve for many years (noting that formal occupation rights with the Crown ceased in 1986).

Council is now in a position to proceed with progressing to the next step in the reversions to The Crown of the land under its care, control and management as detailed in resolutions 2a, 2b and 2c of 28 May 2019, being the commencement of the community land revocation process and formal community consultation.

Crown Lands has advised that it is a requirement for the Council to undertake a formal community land revocation process, including obtaining consent from the Minister for Planning, to revoke the community land status of the Crown reserves prior to a formal application being lodged with them.

A formal community consultation process will now be undertaken in accordance with the requirements of Section 194 of the Act in relation to the land identified in 2a, 2b and 2c of the 28 May 2019 resolution and.

In relation to resolution 2d of the Council meeting of 28 May 2019, further work is required to finalise agreed outcomes. In the case of Melville Park, the timelines will be dependent on the completion of the recreation and sport strategy for this land.

## **4. OPTIONS**

Council has the following options:

- I. Resolve to commence a formal community land revocation process in respect of the land detailed in the recommendation. (Recommended)
- II. Resolve to not progress the Crown reserve dealings that are the subject of this report, which will result in the retention of custodianship of Crown reserves that are not of strategic value to Council and not enhancing the protection of biodiversity values on other Crown land (Not Recommended)

## **5. APPENDICES**

- (1) Location of land parcels proposed to be revoked as community land
- (2) Summary of consultation responses

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# **Appendix 1**

*Location of land parcels proposed to be revoked as  
community land*

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# CR 5752-186



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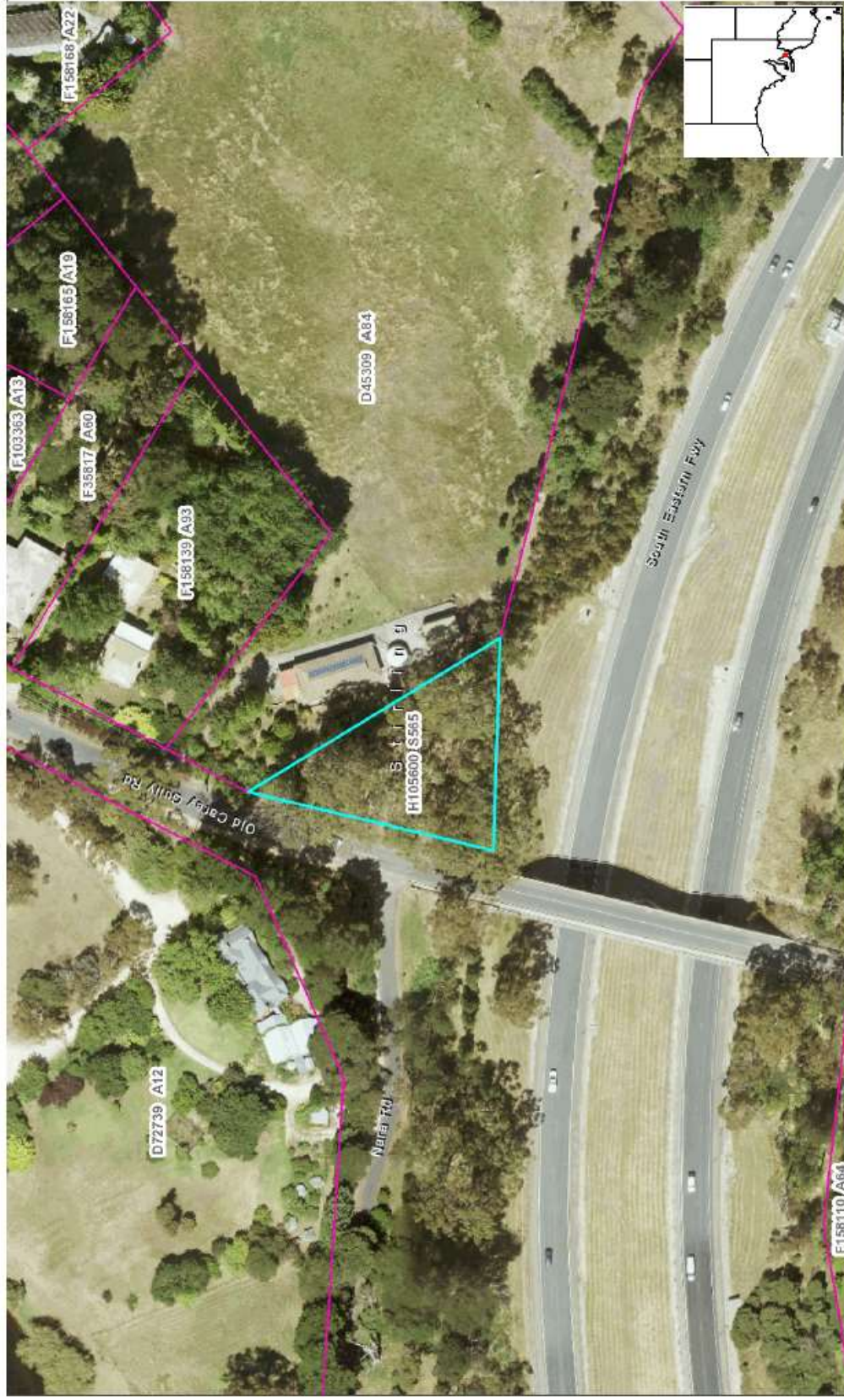
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This aerial map displays the Mount Lofty area, featuring several land parcels and roads. The parcels are labeled as follows:

- D23027 A13 (top left)
- H105900 S62.45 (top center)
- D23027 A12 (left side, near the cyan line)
- H105900 S72 (center, near the cyan line)
- D53558 A112 (center, near the cyan line)
- D53558 A111 (bottom center)

The roads shown include Mayday Rd (center) and Mount Lofty Rd (left side). A cyan line outlines a specific area, and a magenta line outlines another. An inset map in the top right corner shows the location of the area within a larger region.

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An aerial photograph of a rural landscape. A road, labeled 'MADRID HILL RD' and 'Forest Rd', runs diagonally across the upper portion of the image. To the right of the road is a large, rectangular field with a grid-like pattern, likely a vineyard, labeled 'F155234 A19'. To the left of the road is a large, irregularly shaped field with scattered trees, labeled 'H105900 584'. This field is outlined in cyan. Other fields are labeled 'F10742 A1' (top left), 'D50595 A102' (middle left), 'D93986 A211' (bottom left), and 'D93986 A210' (bottom right). A small inset map in the top right corner shows the location of the area within a larger regional context.

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**Government of South Australia**  
Department of Environment,  
Water and Natural Resources



CR 6142-329



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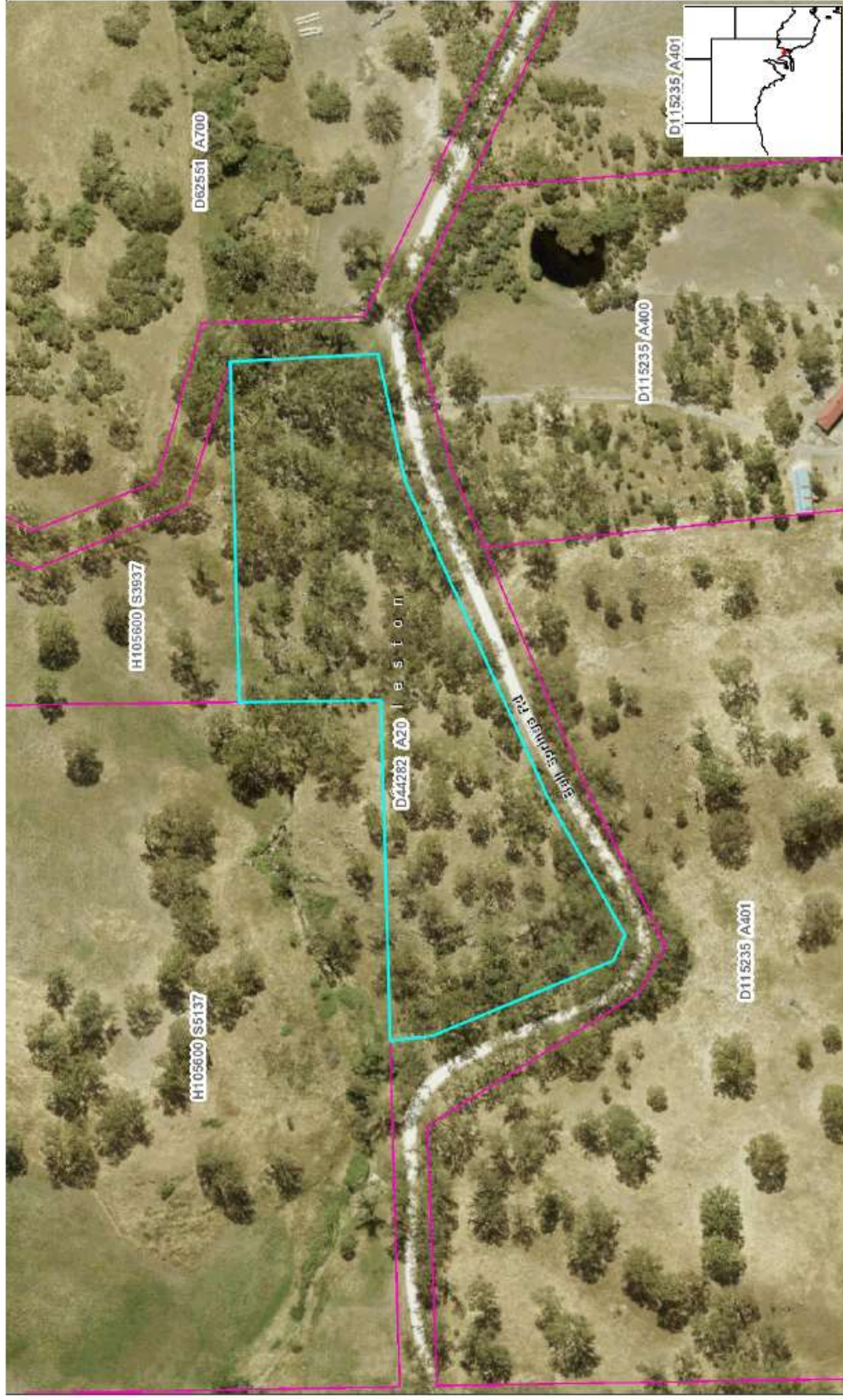
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Department of Environment,  
Water and Natural Resources



CR 5926-487



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 Department of Environment,  
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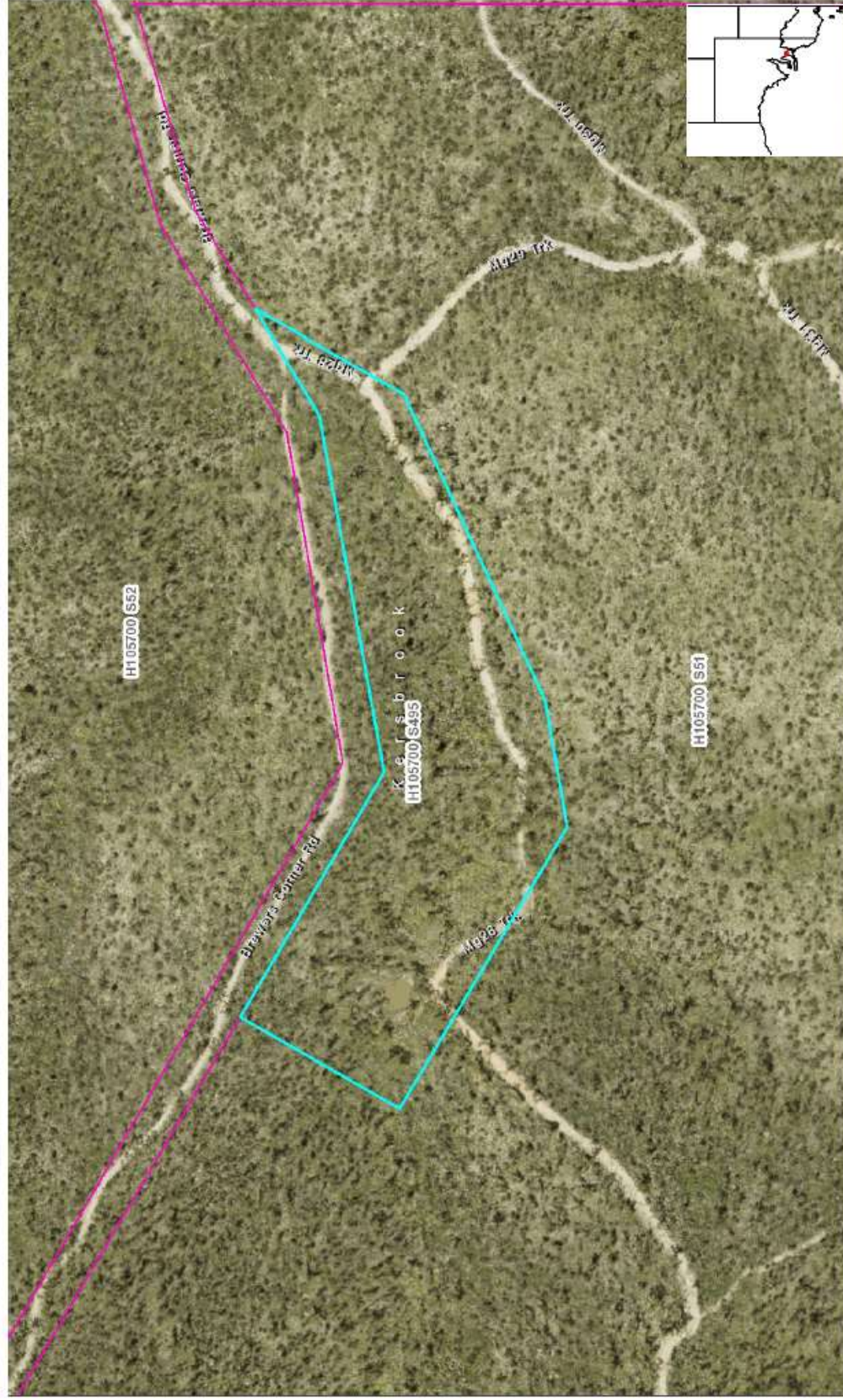
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Government of South Australia  
Department of Environment,  
Water and Natural Resources



CR 5753-753



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Government of South Australia  
Department of Environment,  
Water and Natural Resources



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## **Appendix 2**

*Summary of consultation responses*

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# Crown Land Review - Community Consultation Summary

Land Affected	Response content
1 6142-329 Lot 501 Greenhill Road Balhannah	We acquired the adjacent property (Vol 6142-327) in 2013 and since that time there has been no established boundary to the Crown Reserve which we largely surround. The reserve area includes portions of land either side of Reserve road and the single access to our property (2429A Greenhill Road). We would like to declare an interest in purchasing the land should this option be available as part of the future proposal. We currently intermittently graze the reserve to maintain bush fire safety and will continue to do so for the foreseeable time.
2 5753-744 Sec 553 Pedare Park Road Woodside	Interest in acquiring the land from the Crown or at least maintaining legal access to adjoining land (Lot 56 being the large dam block)
3 5753-725 Sec 1609 Illert Road Mylor	Interest in acquiring a portion of the land from the Crown (that adjoins their property)
4 5753-725 Sec 1609 Illert Road Mylor	Interest in acquiring a portion of the land from the Crown (that adjoins their property). Request that the Crown vest a section of land adjoining Cooper Road as road reserve as the made section of Cooper Road runs right on the boundary. Also requests that any disposal of land by the Crown be done in manner so as not to create additional allotments in the Watershed Zone, with land purchased to be amalgamated into the adjoining land.
5 5753-754 Sec 511 North East Road Inglewood	<p>I am writing to you regarding the Community Consultation with reference to the parcel listed above which adjoins my property F155617 A2 on your map CR 5753-754. I am concerned regarding what happens with this piece of land going forward for several reasons. I would like to give you my personal experience regarding this piece of land, so that whomever may be more informed about our situation and hopefully you will be able to alleviate any concerns we have. My wife and I purchased our property in 2002 (which was referred to on the title as Lot 2 Carpenter rd.) from John Carpenter who’s family were descendants of the original settlers. At that time we took over the Lease on the Land in question and were told by them and the agent who we bought the house through. That it was a Crown land lease which was part of our property and had been for almost a hundred years and that we only had to pay an ongoing peppercorn rent. Which at that time was \$60 per annum. We were also told that we could purchase the land outright if we chose to do so. Over the next couple of years nothing changed and we continued with the status quo, but then things changed and over the following few years the lease rent went from a small amount to well over a thousand dollars. We questioned the increase and were told once again that we could purchase the land if we did not want to pay the rent. We were unable to at that time purchase the land, we were told that we didn’t have to continue to lease the land if we didn’t want to and the Council would take over control of the land. That it could not be sold or disposed of in any way to anyone else without us getting the first choice but it would not be sold. We then received a bill for road rent as we solely used the land for our access to our house, but we were told that we had a right to access forever as it was preexisting any changes. Throughout this time we were trying to get a guard rail installed on the Eastern side of our driveway entrance as people are regularly driving through the front fence on Northeast rd. If you drive past you can see by the state of the fence it is still a problem it meant it was very difficult to run stock safely. We were told that the fencing repairs were our responsibility even though it wasn’t our land just a lease and as it was declared as not a Council road, it was therefore not the Council’s place to install a guardrail. This situation with the fence made it impractical to run stock, so I had the grass cut and bailed for hay which wasn’t financially viable either, eventually I was just slashing this area to reduce the fuel load for fire season.</p> <p>In 2013 as a family we moved out to travel around Australia for a year, at which time we rented out our property and we have continued to have it tenanted until the present time. It was during this time away that the then vacant block of land next door D92029 A8 was sold. From what I have been told, the Real estate Agent instead of parking on Chapman road and showing the property, would park her car next to our drive way in the paddock off Northeast road. Someone even cut the fence for access as there was no gate there at the time. Consequently the new owner decided to use our driveway to access their property and build their house rather than access the house site from Chapman road. This has caused problems for us, as the natural watercourse (declared by the Department of Environment and Water) that was flowing down the Western side of our driveway is now soaking up through the middle of our driveway causing constant erosion issues over winter. It has also caused issues for the tenants coming and going as it’s a single lane road and difficult to enter or exit off Northeast road or pull off the driveway to pass due to the soggy ground in winter. The only positive result of that drama is that we are now not the sole people accessing our property through the Crown land so neither party is required to pay road rent. Also since about 2013, the Council has been slashing this land, which has been great as it has meant that I haven’t had to do that job which is quite time consuming and costly. However the Blackberry that I used to slash and spray has got a bit out of control, along with other weeds but I haven’t had the time to deal with it.</p>

I am assuming that to avoid this ongoing cost and hassle is part of the reason why you are looking into moving the land to The Department for Environment and Water to control. In addition it appears the land has no evident benefit to the community or the Council as this was always someone else's farm and therefore their issue to deal with. Will The Department for Environment and Water Control continue with this slashing annually or even add a weed eradication program? Will they preserve the heritage of the site? This tract of land historically was used as the stock run to Adelaide. One other thing to take into account is the recent installation of the anodes by SA Water which hasn't been an issue for us, but they need access to check and maintain that equipment. These are marked by the orange posts which runs parallel to the water pipe between Tilmouth and Paracombe roads next to Northeast road. In closing, these are some of the reasons I am concerned about this process. We are open to different options which could include absorbing part or all of the land back into our farm and therefore taking responsibility for the slashing and working co-operatively with our new neighbors also. I still would like a guard rail installed for fence preservation. We have been fortunate that we haven't had a fatality but several people have been injured quite badly. I know this is a long email, but we would appreciate our knowledge and position to be heard. It is our hope that all of the interested parties can come to a mutual agreement and positive outcome moving forward.

- |    |  |  |
|----|--|--|
| 6  | 5753-729 Sec 1657 Scott Creek Road Scott Creek     | Please see below my response to the Community Consultation Crown Land Reserves, August 2019. I formally object to the proposal to return this land to the Department of Environment and Water. The identified land parcel H105500 S1567 has been under my stewardship since I purchased the property over 30 years ago, and under the care of the previous owner before then. I also note there is no information on how the proposal would be undertaken. Such as, the fence re-alignment does not look possible. It would require new fencing across the creek , which would affect creek flow and local fauna movement, including the Bandicoot. I have constructed a rural cattle proof electrified fence on the Western side of the creek to prevent cattle accessing or damaging the water course & or fouling the creek. To facilitate access to the eastern side of the creek a steel reinforced bridge has been constructed which allows me access to conduct land management and weed control program. As such I tender my objection to this proposal. If this matter is to be addressed at a council meeting, I would like to be advised as to when this will occur so that I may make further representation at the meeting. |
| 7  | 5753-746 Sec 565 Old Carey Gully Road Stirling     | The land was compulsorily acquired from his family for construction of the SE Freeway. He is interested in re-acquiring  |
| 8  | 5763-635 Sec 72 Magarey Road Mt Torrens            | Interested in acquiring this land  |
| 9  | 5763-636 Sec 84 Forreston Road Forreston           | Interested in the opportunity to purchase the land   |
| 10 | 5753-741 Sec 53 & 54 Sandy Waterhole Road Woodside | Interested in acquiring this land and the adjoining unmade road reserve  |
| 11 | 5753-745 Sec 556 Tiers Road Woodside               | Interested in outcomes and if feasible, interested in purchasing the land  |

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

**Item:** 12.6

**Originating Officer:** Kylie Caruso, Roads Officer, Property Services

**Responsible Director:** Terry Crackett, Corporate Services

**Subject:** Road Closure – Road Reserve adj. to 180 Piccadilly Road/Atkinson Reserve, Piccadilly

**For:** Decision

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**SUMMARY**

The road reserve adjoining 180 Piccadilly Road is a public road located in Piccadilly as identified by the area in blue detailed in **Appendix 1** (Road Land).

The Piccadilly CFS have built new premises adjacent to Atkinson Reserve, and as a part of this project, Council is assisting with the development by enabling the provision of additional/overflow car parking facilities for the CFS volunteers and users of Atkinson Reserve.

This report recommends the Council resolve to issue a Road Process Order to close the Road Land identified as “A” in **Appendix 2**, and retain the land for road reserve purposes of providing additional/overflow carparking areas for the CFS volunteers and users of the recreation reserve.

Whilst current delegations by Council provide authority for the Chief Executive Officer to deal with all matters associated with the making of a Road Process Order, current practice for these matters has been to bring them to Council for consideration.

**RECOMMENDATION**

**Council resolves:**

1. That the report be received and noted.
  2. To make a Road Process Order pursuant to the *Roads (Opening & Closing) Act 1991* to close the piece of land identified as “A” in the Preliminary Plan attached to this report.
  3. Subject to the closure of the road identified in the Preliminary Plan attached, that:
    - The closed road be included as Community Land dedicated as Civic Purpose pursuant to the *Local Government Act 1999*; and
    - The piece marked “A” be retained by Council as road reserve.
  4. Authorise the Chief Executive to finalise and sign all necessary documentation to close and retain the above portion of closed road pursuant to this resolution.
-

## 1. GOVERNANCE

### ➤ Strategic Management Plan/Council Policy

Strategic Plan: Organisational Sustainability

Strategies: Financial Sustainability  
Risk and Responsibility

### ➤ Legal Implications

The *Roads (Opening & Closing) Act 1991* sets out the process for a road closure and the issuance of a Road Process Order.

### ➤ Risk Management Implications

The closure of the Road Land will assist in mitigating the risk of:

*Council owned land being used for a purpose inconsistent with its legal status leading to land that is effectively community land not being managed in accordance with a community land management plan*

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

### ➤ Financial and Resource Implications

The Council has met its own administrative cost of the proposed road closure including the initial investigation, liaison with surveyor and internal processes to undertake the road closure.

### ➤ Customer Service and Community/Cultural Implications

There is a high level of community expectation that Council provides support and assistance to both community service and sporting organisations and the proposed arrangements will facilitate positive outcomes in this regard.

### ➤ Environmental Implications

Nil

➤ **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 Property Services  
Technical Officer, Infrastructure & Operations  
Manager Civil Services, Infrastructure & Operations  
Biodiversity Officer  
GIS & Asset Management Officer

*Community:* Community Consultation was undertaken in accordance with the public notice requirements set out in the *Roads (Opening & Closing) Act 1991*.

## **2. BACKGROUND**

The history of this matter dates back to 2002 when the CFS identified that their current facilities in Piccadilly were insufficient to house the CFS brigade requirements at that location. This matter was not progressed further until 2011 when funding became available for the construction of a new station for the Piccadilly CFS.

Due to varying factors and on-going negotiations with the various sporting groups utilising Atkinson Reserve this matter did not progress until 2015.

In August 2015, Council staff held discussions with the Surveyor-General and DPTI in relation to the proposal to close the Road Closure Land for Fire Station purposes. This was supported by both the Surveyor-General and DPTI. A surveyor was engaged to prepare the preliminary plans and commence a road closure process under delegation of the *Roads (Opening & Closing) Act 1991*.

At the Council meeting held on 23 August 2016, the below items were resolved:

**14.6 Piccadilly CFS Relocation**

**Moved Cr Jan Loveday  
S/- Cr Malcolm Herrmann**

**163**

**Council resolves:**

- 1. That the report be received and noted**
- 2. To delegate to the Chief Executive Officer , following consultation with the CFS, to determine the area of the portion of Atkinson Reserve to be used as the site of the Proposed CFS Location**
- 3. To commence a community consultation process, for a minimum period of 21 clear days in accordance with AHC’s public consultation policy, in relation to the proposed:**
  - 3.1 amendment of the Community Land Management Plan for that portion of Atkinson Reserve identified as the Proposed CFS Location from the current Category 4 Recreation and Sport to Category 6 – CFS**
  - 3.2 lease to the CFS for use as a CFS station (the proposed term being 21 years with an option to renew for another 21 years) of the Proposed CFS Location**
  - 3.3 road closure of an area of unmade road reserve adjacent to Atkinson Reserve as identified in Appendix 2 (“Road Closure Land”) to provide overflow car-parking for both the CFS station and users of Atkinson Reserve**
  - 3.4 the adoption of a community land management plan for the Road Closure Land for use as car parking conditional upon the Council issuing a Road Process Order**
- 4. That Council’s approval (as land owner) be given to the CFS to submit a Development Application for the construction of a fire station on the Proposed CFS Location noting that a Development Approval is conditional upon:**
  - Council resolving to amend the Community Land Management Plan as detailed in 2.1 above**
  - Council resolving to enter into a lease for the Proposed CFS Location in a form consistent with existing lease agreements for CFS sites in the AHC area**
  - Council resolving to issue a Road Process Order under the Roads (Opening and Closing) Act 1991 for the Road Closure Land and to develop a Community Land Management Plan for the Closed Road Land and addition of the Closed Road Land to the Community Land Register for car parking purposes.**



**Carried Unanimously**

**3. ANALYSIS**

The Road Land has been assessed by Council staff to ascertain its suitability for a closure and sale and this assessment indicated that it was suitable.

The road closure process was commenced and undertaken in accordance with the requirements of the *Roads (Opening & Closing) Act 1991*.

The proposed closure of the Road Land will not have any impact on the passage of vehicular or pedestrian traffic as the proposed closure will result in no physical change to the land. Public Consultation has occurred, with no objections or submissions received to the proposed road closure process.



#### **4. OPTIONS**

The Council has the following options:

- I. Resolve to close the road and issue a Road Process Order (Recommended)
- II. Resolve to not progress the road closure (Not Recommended)

#### **5. APPENDICES**

- (1) Map identifying the Road Land
- (2) Preliminary Plan identifying the Road Land and merging parcels

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# **Appendix 1**

*Map identifying the Road Land*

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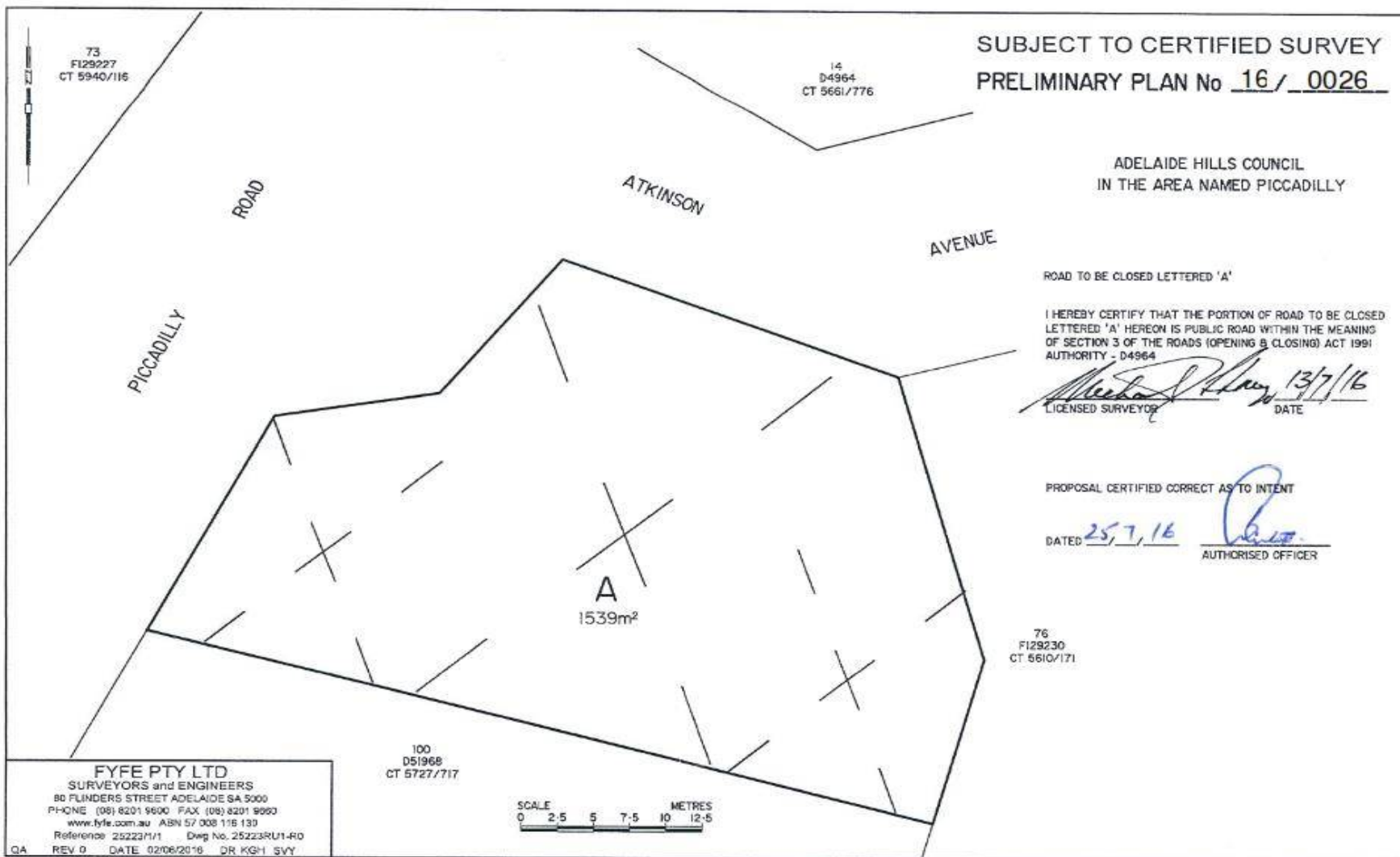
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## **Appendix 2**

*Preliminary Plan identifying the Road Land and merging  
parcels*

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

**Item:** 12.7

**Originating Officer:** Peter Bice, Director Infrastructure & Operations

**Responsible Director:** Peter Bice, Director Infrastructure & Operations

**Subject:** Adelaide Wine Capital Cycle Trail Project

**For:** Decision

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**SUMMARY**

To provide elected members with an update on the Adelaide Wine Capital Cycle Trail proposal and seek support for a \$10,000 contribution towards the proposed combined Council grant application to the Community Investment stream of the Commonwealth Government's Building Better Regions Fund.

The project update includes:

- The intent and scope of the project
- The project consortium members
- Business Case development
- Current project tasks
- Project activities that are currently underway
- The proposed route (general outline – Refer Attachment 1)
- Status of progress for each trail section for the overall route
- Common challenges for Councils across the trail network
- Stakeholder consultation update
- Summary and conclusion

## RECOMMENDATION

### That Council:

1. Receive and note the project update report on the Adelaide Wine Capital Cycle Trail.
  2. Support Light Regional Council to be the primary grant applicant on behalf of a consortium of six (6) councils to submit a grant application for the Adelaide Wine Capital Cycle Trail project into the Community Investment Stream – Round 4, of the Federal Government Building Better Regions Fund (BBRF4) when released, to prepare a \$168,000 project Business Case on behalf of those six (6) constituent councils.
  3. Commit \$10,000 as Adelaide Hills Council's contribution to the collective pool of funds across the six (6) constituent councils in the Adelaide Wine Capital Cycle Trail project to fund up to 60% of the \$168,000 costs to finalise the project Business Case, conditional upon:
    - a. Each of the six (6) constituent councils committing equal funding towards the preparation of project Business Case, and
    - b. Successful grant notification under BBRF4 for the preparation of the Adelaide Wine Capital Cycle Trail project Business Case.
  4. That Council Members be advised of the outcome of the decision by all partner Councils once known.
- 

## 1. GOVERNANCE

### ➤ Strategic Management Plan/Council Policy

Goal 1	People and Business Prosper
Strategy 1.7	We will connect key walking trails and cycling routes to make it easier for people to keep active in the Hills.
Goal 3	Places for People and Nature
Strategy 3.4	We will work with the State Government to complete the Amy Gillett Bikeway.
Goal 3	Places for People and Nature
Strategy 3.5	We will take a proactive approach, and a long term view, to infrastructure maintenance and renewal

The proposed project aligns broadly and directly with a number of Strategies outlined in *Your Adelaide Hills: Strategic Plan* and aligns with Council's *Acceptance of External Funding Policy*.

### ➤ Legal Implications

Not Applicable.



➤ **Risk Management Implications**

The support and contribution towards the Building Better Regions Fund application for the Adelaide Wine Capital Cycle Trail Project will mitigate the risk of:

*a disjointed approach leading to unnecessary funding competition amongst neighbouring Councils striving to achieve a likeminded goal*

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

➤ **Financial and Resource Implications**

The Project Working Party is requesting a financial contribution of \$10,000 ex GST from each member Council, including Adelaide Hills Council, to supplement existing project funds held (Approximately \$40,000), to fund approximately 60% of total business case and bid development cost that is subject of the BBRF round 4 grant application (with Light Regional Council the nominated applicant). This will be sourced from the existing allocations in the 2019/20 Annual Business Plan and does not require additional funds to be committed.

➤ **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**

All Stakeholders in the working group have been consulted, and the 6 Councils are all considering the same information via report seeking the \$10,000 contribution required to reach the desired level for the Building Better Regions Fund application.

Consultation on the development of this report was as follows:

*Council Committees:* Not Applicable

*Council Workshops:* A Council Workshop was held on 8 October 2019

*Advisory Groups:* Not Applicable

*Administration:* Manager Open Space  
Manager Civil Services  
Sport and Recreation Planner  
Chief Executive Officer

*Community:* Not Applicable

## **2. BACKGROUND**

The bike economy is growing with more than 3 million visitors to Australia choosing to cycle, generating \$254M in economic benefit for Australian communities. The health benefit for Australia is estimated at over \$150M with the bike economy growing at a rate of 5.3 per cent per annum.

The Adelaide Wine Capital Cycle Trail Project aims to create a world-renowned cycle tourism pilgrimage through South Australia linking the food and wine tourism regions of Clare, Barossa and the Adelaide Hills to McLaren Vale.

The project will add value to the South Australian Tourism Commission initiative – The Epicurean Way and the Australian Government’s interest in building cycling networks to build better regions, and its project’s intent is recognised in the objectives of the ‘South Australian Tourism Commission Infrastructure Strategy - Tourism Investment South Australia’ and the “Department of Industry and Skills Bike Economy Report’.

The Adelaide Wine Capital Cycle Trail Project has now reached a key juncture, which requires investment to position this 6-Council collaboration to progress to the “shovel-ready” stage.

This report seeks Adelaide Hills Council’s support for, and contribution of \$10,000 as part of a \$100,000 contribution (Including contributions from the other 5 Councils, as well as approximately \$40,000 of existing funding contributions) for a \$168,000 Building Better Regions Fund Round 4 (BBRF4) grant application, for which Light Regional Council will be the lead applicant on behalf of a consortia of 6 councils. The proposed BBRF4 grant project outcomes will be a business case that positions the project for capital investment by all constituent councils, other levels of government and the private sector.

This will help achieve some of the Strategic Goals of Council, including the long desired completion of the Amy Gillett Bikeway (Stage 4 from Mt Torrens to Birdwood, and Stage 5 from Birdwood to Mt Pleasant). Additionally, connection through from Balhannah to Hahndorf would provide a popular addition. The project would also unlock the potential for future connections via Verdun, Bridgewater, Aldgate, Stirling and Crafers through to Mt Lofty and the City of Adelaide.

## **3. ANALYSIS**

The Adelaide Wine Capital Cycle Trail Project aims to create a world-renowned cycle tourism pilgrimage through South Australia linking the food and wine tourism regions of Clare, Barossa and the Adelaide Hills to McLaren Vale in the first instance. Like Spain’s famous trail – the “Camino de Santiago”, the project seeks to capitalise on existing trail network infrastructure and expand that network to strategically link tourism businesses and support the development of new tourism experiences.

The strength of the project is the potential to increase the destination appeal for a variety of visitors who seek healthy, active holidays and to increase the dispersal of visitors to lesser known areas within our food and wine tourism regions. The project also seeks to link many small rural and peri-urban communities with a safe cycling and walking network to improve community health through providing safe and affordable leisure options.

A Memorandum of Understanding (**Appendix 2**) was developed in 2017 to position a regional collaboration between the City of Onkaparinga, District Council of Mount Barker, Adelaide Hills Council, The Barossa Council, Light Regional Council, the Clare and Gilbert Valley Council, Seppeltsfield Road Business Alliance (SRBA) and Regional Development Australia (RDA) – Barossa, Gawler, Light and Adelaide Plains (BGLAP).

Each Local Government Partner has previously equally contributed \$12,500 to undertake the necessary research, and begin development of the Business Case. The purpose of the partnership is to charter the progress of the Project, optimise the network of relationships with industry, government and community and jointly collaborate to secure funding rather than compete at a local level. The Project is positioned to deliver strategic objectives of State and Federal Government, and will seek grant funding from relevant programs for strategic planning and capital projects. Opportunities for direct funding approaches will also be explored.

### **Business Case Development**

Member Council representatives through the MOU have agreed to seek the necessary co-funding to enable the grant submission to be made through the completion of business case, cost-benefit analysis, and full mapping and cost accounting for project infrastructure. The business case, market research and supporting documents will identify a preferred route and associated fit for purpose cycle infrastructure that will link each wine region.

The cost benefit analysis will be delivered in a modular fashion, such that each Council understands the estimated costs and benefits for the sections of the trail through their Council. This modular approach is intended to inform co-contribution proposals (if necessary) for future capital funding bids, as well as leave each Council with project deliverables that are explicitly relevant and separable to each Council area. Thus if the BBRF application is unsuccessful, the deliverables support future plans and applications.

### **Grant Application Submission**

RDA - BGLAP has allocated resources to assist the development of a consortium of councils grant application to the Building Better Regions Fund – Community Infrastructure Program, Round 4. The Barossa Council is leading the coordination of the project and working with Craig Grocke from RDA - BGLAP to progress the project with funding partners. Light Regional Council's Administration considered the risks associated with being the primary grant applicant on behalf of the consortium and presented to its Council a recommendation to play that regional role which was subsequently endorsed at its 24 September 2019 Ordinary Council Meeting (subject to appropriate commitments from each Council towards joint grant funding obligations).

### **Current Project Tasks**

The four major project tasks areas to be completed to support a bid for capital funding are:

1. Route planning and cost accounting for capital works;
2. Business case and cost benefit analysis preparation;
3. Building Government, industry and community support; and
4. Branding and Communications collateral.

## The Proposed Route

**Appendix 1** shows the high-level trail network map as far as Mt Barker. Further work is underway to investigate route options to McLaren Vale and on to Aldinga as the final destination link to Coast Park. Current investigations for each trail segment sitting in each Council area are outlined in Table 1 below. **Appendix 3** shows other network opportunities that link State and Regional trail networks, some which require further augmentation and funding.

**Table 1: Route/Network link & Investigation Status**

Section	Council/Agent	Activities underway
<b><i>Clare to Riverton</i></b>	Claire & Gilbert Valley Council/ Claire Riesling Trail Committee	Route Planning (RP), Route Mapping (RM), Route Costing (RC) (Further Upgrades)
<b><i>Riverton to Tarlee</i></b>	CGVC	RP, RM, RC (New Infrastructure)
<b><i>Tarlee to Kapunda</i></b>	CGVC/ Light Regional Council (LRC)	RP, RM, RC
<b><i>Kapunda to Greenock</i></b>	LRC	RP, RM, RC (Road Reserve)
<b><i>Greenock to Tanunda</i></b>	LRC/ Seppeltsfield Road Business Alliance/ The Barossa Council (TBC)	RP, RM, RC, BC Land Holder Consent
<b><i>Lyndoch to Williamstown</i></b>	TBC	RP, RM, RC (New Infrastructure)
<b><i>Williamstown to Mt Pleasant</i></b>	TBC	RP, RM, RC (New Infrastructure)
<b><i>Mt Pleasant to Birdwood</i></b>	TBC/Adelaide Hills Council (AHC)	RP, RM, RC (New Infrastructure)
<b><i>Birdwood to Mt Torrens</i></b>	AHC	RP, RM, RC (New Infrastructure)
<b><i>Balhannah to Littlehampton (via Hahndorf)</i></b>	AHC/Mount Barker District Council (MBDC)	RP, RM (New Infrastructure)
<b><i>Littlehampton to Mt Barker</i></b>	MBDC	RP, RM (New Infrastructure)
<b><i>Mt Barker to Clarendon</i></b>	MBDC/City of Onkaparinga (CO)	RP (New Infrastructure)
<b><i>Clarendon to McLaren Vale</i></b>	CO	RP (New Infrastructure)
<b><i>McLaren Vale to Willunga</i></b>	CO	RP (Upgrades)
<b><i>Willunga to Aldinga</i></b>	CO	RP (New Infrastructure)

## Common challenges for Councils across the trail network

The partnership between MOU signatories provides strength in approaching State Government as a collective voice on common points of interest including:

- Access to Crown Land to build trail links;
- Disposal of Crown Land where Council is a suitable and willing landowner;
- Developing a trail network with a common brand and trail standard (sign systems, path quality) to match visitor needs and expectations;

- Cost sharing on public infrastructure that provides a benefit for all South Australian's and visitors to our State;
- Engaging regional and state wine and tourism industry groups; and
- Lobbying Australian Government for capital investment in regional development.

### **Stakeholder Consultation**

On 28 February 2018, representatives of the project team presented the project concept to relevant State Government Agencies, which included attendees from:

- SA Tourism Commission;
- Office of Recreation and Sport;
- Department of Environment Water and Natural Resources;
- PIRSA/Regions SA;
- Forestry SA;
- Department of Planning, Transport and Infrastructure; and
- DSD (apology but briefed on concept).

The objective was to brief and raise awareness of the project and the opportunity for ongoing discussion and collaboration in the lead up to getting the project bid investment ready.

The common points of interest for State Agencies were:

- Linking Wine Regions
- Linking Communities
- Addressing gaps in the Regional Trail Network (linking existing trails)
- Tourism as an Economic Development Tool and
- Building the Cycling Economy in South Australia linking keynote events such as the Tour Down Under.

The project was presented as adding value to, and supporting the following State initiatives:

- Food and Wine Experiences - enhancing the Epicurean Way;
- Premium Food and Wine Exports – visitors being able to experience places that constitute a wine story;
- Adelaide as a Wine Capital of the World – offering a premium wine-tourism trail
- Diversify Agribusinesses – to grow jobs in tourism and agriculture;
- Mt Lofty Ranges World Heritage Bid – experience the working agrarian landscapes and a culture of innovation and creativity that stemmed from the story of systematic colonisation; and
- Envidable Lifestyle and Community Wellbeing – attracting investment, new residents and supporting community development.

This introduction to the project was well received by the State Agencies in attendance, who all had interest in the project concept moving forward.

Additional feedback in 2019 is that the State Government is keen to support capital projects over funding strategic planning for the project. It does want to see an advanced business plan including details of the governance and management structure for the trail, industry and community consultation, and a cost – benefit analysis.

### Project Deliverables to Finalise Business Case

Members of the Project Working Party reviewed the project deliverables to present a 'shovel ready' project. The components and their cost are detailed in Table 2. While some components have begun, there is a need to develop a highly professional and well-conceived Business Case with supporting documents to withstand the rigorous assessment conducted on major projects by State and Federal Governments. **Approximately \$40K in partnership funding remains, leaving a gap of \$60K to create a competitive 60:40 split between proponent funding and grant request. The total cash contribution is \$100K ex GST and the grant amount requested is \$68K ex GST.**

The 60:40 split is the current standard recognised to be successful based on recent BBRF Round 3 successful projects.

**Table 2: Project Deliverables to Finalise the Business Case (all costs ex GST)**

<b>Deliverable</b>	<b>Cost</b>	<b>Purpose</b>
<b><i>Mapping Services and Graphics</i></b>	\$15K	Detailed route map for each Council Area to match the Regional Map
<b><i>Detailed Investigation of Projects across the trail network</i></b>	\$24K	Detail network investment – path construction, trail head infrastructure, signage system etc.
<b><i>Branding, Promotion and Marketing Communications</i></b>	\$30K	Public Relations / Marketing Collateral
<b><i>Cost accounting for capital infrastructure</i></b>	\$24K	Quantity Surveying of capital works along primary route
<b><i>Cost-Benefit Analysis</i></b>	\$50K	Demonstrate feasibility/impact
<b><i>Public/Industry Consultation</i></b>	\$15K	Awareness, ownership, partnership support, project collaboration
<b><i>Bid documentation</i></b>	\$10K	Compile bid documents
<b>TOTAL</b>	<b>\$168K</b>	<b>60% = \$100K total partner funding required leaving a funding gap of \$60,000</b>

### Summary and Conclusion

This document provides an updated briefing to Councils regarding the Adelaide Wine Capital Cycle Trail project.

The Project Working Party is seeking endorsement to submit a joint Council application to the Community Infrastructure Stream of the Building Better Regions Fund (BBRF). To submit a competitive consortium grant application required 60% of the cash contribution.

The Project Working Party is requesting a financial contribution of **\$10,000 ex GST** from each member Council to supplement existing project funds held to **fund approximately 60%** of total business case and bid development cost, that will be the subject of the BBRF round 4 grant application.

#### **4. OPTIONS**

Council has the following options:

- I. Support the progression of the delivery of an iconic project that will catalyse substantial visitor economy and other community benefits, at a local, Regional, State and National level. This will effectively position the project to secure the maximum possible capital investment via Commonwealth Government and other sources.  
(Recommended)
- II. Not Support the Resolution (Not Recommended)

#### **5. APPENDICES**

- (1) Adelaide Wine Capital Cycle Trail – Draft Trail Route
- (2) Memorandum of Understanding
- (3) Adelaide Wine Capital Cycle Trail – Potential Network Connections



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# **Appendix 1**

*Adelaide Wine Capital Cycle Trail – Draft Trail Route*

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# ADELAIDE WINE CAPITAL CYCLE TRAIL

LINKING WINE TOURISM REGIONS TO ADELAIDE

## MAP LEGEND

- Proposed Route Connection
- Existing Sealed Shared Path
- Existing Compacted Gravel Shared Path
- Roads
- Township

## SYMBOLS LEGEND

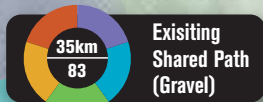
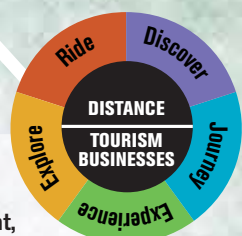
**RIDE.** Free and independent, point to point, experienced cyclists

**DISCOVER.** Family and friends, safety is important, short getaway

**JOURNEY.** Visit destinations to discover 'self', try new things

**EXPERIENCE.** Couples and singles, high spend, distinctive offer

**EXPLORE.** Indulgence and reward on a quick visit, find new places



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## **Appendix 2**

### *Memorandum of Understanding*

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**Partnership Group Memorandum of Understanding** 17/86608  
**Regional Cycle Trail Initiative – Funding of Business Case / Grant Application and Evidence**  
**Gathering / Submissions – November 2017**

**1. Purpose and Scope**

- 1.1 To document the shared objectives and governance arrangements for the funding of Business Case development with consultant Section 51  
1.2 Scope for the full Cycle Trail Initiative will be documented separately for agreement between the parties

**2. Objectives**

- 2.1 Partner to fund the deliverables of the Contracted Works identified in the:
- Section 51 Proposal – Cycle Path Infrastructure – Regions of and Linkages through: Barossa, Clare, Adelaide Hills, Seppeltsfield; Mount Barker (the Project)
  - Associated Services Agreement (Contract Ref: CO263/2017)
  - Agreed outcomes of the Seppeltsfield Road Business Alliance Barossa Grape and Wine Association Funding that align with the Regional Cycle Trail Initiative
- 2.2 Produce documentation that demonstrates the potential nation building outcomes of the Project to support federal funding applications  
2.3 Engage a consultant with the credentials and track record of success and federal network to secure the scale of funding required to deliver the Project

**3. Partner Organisations**

The Memorandum of Understanding (MOU) is between:

- 3.1 Adelaide Hills Council (AHC) rep: Peter Bice, Director Engineering & Assets [pbice@ahc.sa.gov.au](mailto:pbice@ahc.sa.gov.au)  
3.2 Clare and Gilbert Valleys Council (CGVC) rep: Leanne Kunoth, Manager Governance & Community [lkunoth@CGVC.sa.gov.au](mailto:lkunoth@CGVC.sa.gov.au)  
3.3 Light Regional Council (LRC) rep: Kieren Chappell, GM Economic Dev [kchappell@light.sa.gov.au](mailto:kchappell@light.sa.gov.au)  
3.4 District Council Mount Barker (MB) rep: David Cooney, Manager Open Space & Environment [dcooney@mountbarker.sa.gov.au](mailto:dcooney@mountbarker.sa.gov.au) NB: at the time of signing this MOU MB is in the process of scoping potential linkage options to include in the regional approach and any financial contribution is on hold pending its assessment of the potential cost / benefits of inclusion.  
3.5 Seppeltsfield Road Business Alliance (SRBA)  
3.6 The Barossa Council (TBC) rep: Jo Thomas, Director, Community Projects [jthomas@barossa.sa.gov.au](mailto:jthomas@barossa.sa.gov.au)  
3.7 It is noted that RDA Barossa will fund the high level inter-regional map as an overview of the project.

**4. Roles and Responsibilities**

- 4.1 The Partnership Group and each constituent partner is accountable for:
- 4.1.1 Providing funding for the Contracted Works (the Works) as follows:
- AHC – up to \$12,525 ex GST
  - CGVC – up to \$12,525 ex GST
  - SRBA – up to \$12,525 ex GST (NB: this is funding to which LRC has made a prior contribution)
  - TBC – up to \$12,525 ex GST
  - MB – up to \$12,525 ex GST
- Any variations to funding to be agreed by all parties in writing prior to expenditure.  
A provision of up to \$3,500 ex GST has been made for consultant travel and is included in the above figures.  
Each partner warrants that it has approved funding for its component of the Contracted Works.
- 4.1.2 TBC will produce the contract documentation for the services to be entered into with Section 51 on behalf of the Partnership Group and distribute for approval prior to release to the consultant. The contract relationship will be between TBC and Section 51. This MOU will determine the relationship between TBC and the partners. TBC will notify the Partnership Group in writing of any variations to its contract with Section 51.
- 4.1.3 TBC will invoice each partner in advance for its component of the funding (excluding travel costs) upon execution of the contract agreement with Section 51 and will hold the funds solely for the purposes of payment of the Contracted Works. Any residual sums to be returned to the partners at the conclusion of the Contracted Works.
- 4.1.4 The travel costs will be invoiced separately when quantified and at the end of the Contracted Works process.
- 4.1.5 TBC will take the role of contract superintendent on behalf of the partners



- 4.1.6 Each partner will respond to requests for input, authorisation and sign off of documentation (including consultant invoices) in a timely manner and within a maximum 5 working day timeframe.
- 4.1.7 TBC will be responsible for distribution of documentation to each partner where the consultant has not provided copies to all partners.
- 4.1.8 Raising any issues or concerns in relation to the consultant, Contracted Works, Objectives and outcomes arising from the scope of this MOU in a timely manner and including all partners in correspondence.
- 4.1.9 Each partner will notify the Partnership Group if something happens that will impact on the Project, Partnership and Project success.
- 4.1.10 It is noted that RDA Barossa will fund the high level inter-regional map as an overview of the project.

## **5. Governance**

- 5.1 Each Partner authorises TBC to make payment from designated funds held subject to requirements of section 4 of this MOU.
- 5.2 Broader governance arrangements to be documented in detail in the Scope referenced in s1.2.

## **6. Communication**

Communication will be based on the following principles:

- 6.1 the partners value a working relationship based on straight talk and good consultative processes with each other and the community.
- 6.2 the partners will commit to ensuring that all public announcements material to the themes of this MOU and associated projects/the role of the agencies involved are the subject of prior consultation and approval before public release with all the MOU Partner Organisations.
- 6.3 the partners understand the importance of appropriate confidentiality to good project governance and commit to ensuring the integrity of processes where commercial or sensitive material is exchanged or discussed. If in doubt about the confidentiality of a matter, the partners will check with each other before release of any information.
- 6.4 the partners understand that as government agencies, AHC, CGVC, LRC, MB and TBC are bound by disclosure requirements as legislated through The Freedom of Information Act 1991 and this needs to be a consideration in determining communication and information sharing processes.
- 6.5 the partners understand that as government agencies, AHC, CGVC, LRC, MB and TBC are bound by consultation requirements legislated under The Local Government Act 1999 and this needs to be a consideration in determining consultation strategies.

## **7. Monitoring and Review**

- 7.1 contract document will include arrangements for monitoring and reviewing performance of the Project
- 7.2 Partnership meetings will provide a regular agenda item for monitoring and reviewing performance of the contract


## **8. Conflict resolution**

- 8.1 If a disagreement arises the partners will apply the following principles:
- Discuss the situation in respectfully
  - Be specific about the issue that is causing disagreement – who, when, what, where,
  - Discuss how the issue impacts on individuals, the partners, the project.
  - Determine the specific cause of the conflict
  - Ask the partners for suggested solutions
  - Agree on the action to be taken

## **9. Authorisation**

- 11.1 The signing of this MOU is not a formal undertaking. It implies that the signatories will work to reach the objectives stated in the MOU to the best of their ability.

Partner: Adelaide Hills Council  
Name: PETER BICE  
Title: DIRECTOR ENGINEERING  
& ASSETS

Signature:   
Date: 24/11/17

Partner: Seppeltsfield Rd Business Alliance  
Name: AM Rogers (SHARIN ROGERS)  
Title: CHAIR SRBA

Signature: AM Rogers  
Date: 24/11/17

Partner: Clare & Gilbert Valleys Council  
Name: Leanne Kunoth  
Title: Mayor & Governance Comm

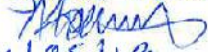
Signature:   
Date: 24/11/17

Partner: The Barossa Council  
Name: JOANNE THOMAS  
Title: DIRECTOR COMMUNITY PROTECTA

Signature: J Thomas  
Date: 24/11/17

Partner: Light Regional Council  
Name: Brian Carr  
Title: Chief Executive Officer

Signature:   
Date: 7/12/17

Partner: District Council of Mount Barker  
Name: Kate Vozzmann  
Title: Acting Planning and Development  
Signature:   
Date: 21/05/19

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## **Appendix 3**

### *Adelaide Wine Capital Cycle Trail – Potential Network Connections*

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# ADELAIDE WINE CAPITAL CYCLE TRAIL

LINKING WINE TOURISM REGIONS TO ADELAIDE

## LEGEND

- Primary Routes
- Future Potential Links



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

**Item:** 12.8

**Originating Officer:** Steven Watson, Governance & Risk Coordinator

**Responsible Director:** Andrew Aitken, Chief Executive Officer

**Subject:** Election of Deputy Mayor

**For:** Decision

---

**SUMMARY**

The *Local Government Act 1999* provides that a council may, if it so resolves, create the position of Deputy Mayor.

At its 27 November 2018 meeting, Council resolved to create the Deputy Mayor for the duration of the Council term and to appoint Councillor Daniell to the role for a period to conclude on 26 November 2019.

The purpose of this report is to seek Council's determination regarding the process and election of the Deputy Mayor for a specified term.

**RECOMMENDATION**

**That Council resolves:**

1. That the report be received and noted.
  2. To determine that the method of selecting the Deputy Mayor be by an indicative vote to determine the preferred person utilising the process set out in this Agenda report.
  3. To adjourn the Council meeting for the purposes of seeking nominations for and, if necessary, conducting an indicative vote to determine the preferred person for the Deputy Mayor's role and for the meeting to resume once the results of the indicative vote have been declared.
  4. To appoint Cr..... to the position of Deputy Mayor for a .....month term to commence 27 November 2019 and conclude on 26 November 20XX (or the conclusion of the current Council term).
-

## 1. GOVERNANCE

### ➤ Strategic Management Plan/Council Policy

Goal	Organisational Sustainability
Strategy	Governance

### ➤ Legal Implications

Section 51(3) of the *Local Government Act 1999* (the Act) provides that a council may, if it so resolves, create the position of Deputy Mayor.

Section 51(4) states that if there is to be a Deputy Mayor, he or she will be chosen by the members of the council from amongst their own number and will hold office for a term determined by the council. The term is not to exceed 4 years.

Section 51(5) states that on expiration of a term of office, the Deputy Mayor is eligible to be chosen for a further term.

Section 51(6) states that in the absence of the Mayor, a Deputy Mayor will act in the office of the Mayor. In doing so, the Deputy Mayor assumes the key duties of presiding over Council meetings and being the principal spokesperson of the Council.

Sections 73 and 74 set out the provisions regarding Material Conflicts of Interest. As the Deputy Mayor position earns an additional allowance, this likely constitutes a personal and/or pecuniary benefit under s73 and therefore Council Members seeking to be appointed to the office of Deputy Mayor could have a Material 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). However the Council Member may stay in the chamber and participate during an adjournment and informal gathering.

Council's *Informal Council and Council Committee Gatherings and Discussions Policy* created under s90(8a) sets out the provisions for the conduct of a Designated Informal Gathering.

### ➤ Risk Management Implications

The Council's consideration of the requirement for a Deputy Mayor will assist in mitigating the risk of:

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

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

Note that there are many other controls that assist in mitigating this risk.

➤ **Financial and Resource Implications**

An Independent Remuneration Tribunal has jurisdiction under section 76 of the Act to determine the allowances payable to council members. The Tribunal determines the annual allowance for councillors, principal members, deputy mayor, prescribed and non-prescribed committee presiding members and travel time allowances with the applicable determination of this term of council being *Determination 6 of 2018 – Allowances for Members of Local Government Councils*.

The Determination sets the annual allowance for a councillor who is a deputy mayor at 1.25 times the annual councillor allowance. This amount will be adjusted in accordance with the consumer price index at the next anniversary of the 2018 Local Government election in accordance with statutory requirements.

As a Group 2 Council for the purposes of the Determination, the Deputy Mayor's allowance is as follows:

Council Member Allowance (Nov 18 – Oct 19)	\$17,270
Deputy Mayor Allowance	\$4,317.50
Total Allowance for a Deputy Mayor	\$21,587.50.

Council's current budget has provision for the costs associated with the Deputy Mayor role.

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

A Deputy Mayor's role is to act in the Office of Mayor when the Mayor is absent or unable to perform the duties of the Mayor, which allows a continuance of mayoral activities within the Council Chamber and the community. The Deputy Mayor may also represent the office of the Mayor at community events when the Mayor is unable to attend.

➤ **Environmental Implications**

Not applicable.

➤ **Community Engagement/Consultation**

There is no requirement for community consultation in relation to the appointment of a Deputy Mayor as Section 51(4) of the Act is clear that the Deputy Mayor is chosen by resolution of the Council.

## 2. **BACKGROUND**

### **Role of Deputy Mayor**

The Adelaide Hills Council has resolved during each term to create the role of Deputy Mayor.

At its Ordinary Council Meeting held 27 November 2018, Council resolved to create the position of Deputy Mayor for the term of this Council as detailed below:

**12.2 Election of Deputy Mayor – Period of Appointment**

Moved Cr Linda Green  
S/- Cr Nathan Daniell

276/18

Council resolves:

1. That the report be received and noted
2. To create the position of Deputy Mayor for a term of 12 months

Cr Green, with the consent of Cr Daniell, sought and was granted leave of the meeting to vary the motion as follows.

Council resolves:

1. That the report be received and noted
2. To create the position of Deputy Mayor for the term of this Council.

Carried Unanimously
---------------------

Also at its Ordinary Council Meeting held 27 November 2018, Council resolved to appoint the Deputy Mayor for a period of 12 months as detailed below:

**12.2.3 Election of Deputy Mayor – Appointment of Deputy Mayor**

7.56pm Cr Daniell declared a Material Conflict of Interest at Item 12.2.3, Election of Deputy Mayor, as he will receive a pecuniary benefit if appointed to this position and left the Chamber.

7.56pm Cr Herrmann declared a Material Conflict of Interest at Item 12.2.3, Election of Deputy Mayor, as he will suffer a pecuniary loss and left the Chamber.

Moved Cr Mark Osterstock  
S/- Cr John Kemp

279/18

Council resolves to appoint Cr Nathan Daniell to the position of Deputy Mayor for a 12 month term to commence 27 November 2018 and conclude on 26 November 2019.

Carried Unanimously
---------------------

During the current Council term, the Deputy Mayor has deputised for the Mayor on several occasions and acted in the Office of the Mayor during periods of absence.

**3. ANALYSIS**

The Deputy Mayor position provides certainty and clarity regarding arrangements when the Mayor is unavailable to undertake official duties. Further, Council Members whom undertake the Deputy Mayor role gain and develop skills from undertaking the Presiding Members role.

The Act does not set out any specific qualifications or experience for the Deputy Mayor position however Council may wish to consider general suitability factors including (but not limited to):

- understanding or the ability to acquire the same in the role, function and strategic intent of the Council.
- understanding or the ability to acquire the same in meeting procedure generally and the meeting procedure set out in the *Local Government (Procedures at Meetings) Regulations 2013* and Council's *Code of Practice for Council Meeting Procedures* more specifically.
- expertise in chairing meetings of Council (if past experience exists), or other boards/committees in other organisations, public and private;
- ability to preside efficiently, firmly, impartially and fairly over Council meetings;
- ability to manage conflict and differing opinions;
- ability and availability to represent and have an affinity with the community as a whole;
- ability and availability to represent the Council in the presence of members of Parliament, dignitaries and peers;
- ability and availability to act in the Office of the Mayor during periods of absence.
- ability to deal with matters delegated under Council Policies to the Mayor (i.e. training and development, Council Member conduct);
- leadership, social and communication skills;
- relationship with the CEO, directors/departmental managers and staff of the Council;
- the opportunity to further develop presiding member skill;
- the opportunity to consider diversity in the role;
- current and future time commitments (i.e. there are a number of Council Committees, Regional Subsidiaries and Advisory Groups that also require Council Member representation).

#### **Indicative Voting Process for Determining Council Appointed Positions**

Due to the implications of the Material Conflict of Interest provisions under s74 (see Legal Implications above), 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 for the position of Deputy Mayor.

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 position of Deputy Mayor.
- 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 will appoint a 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 Member
- g) The nominees' 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 their 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, the Returning Officer shall formally declare the result of the election (i.e. the preferred person).
- l) The ballot papers will be shredded.

### **Proposed Chronology of Events**

The mechanics are relatively complicated due to the legislative provisions regarding conflict of interest and informal gatherings, as such the following chronology is suggested:

- I. At its Ordinary Council Meeting held 27 November 2019, Council previously resolved the position of Deputy Mayor for this term of this Council. Changing this position will constitute a rescission motion.
- II. Council will then consider the process that it will use to choose the preferred person. Council would give effect to this by dealing with Recommendation 2 (or a variant) at this time.
- III. 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 3 (or a variant) at this time.
- IV. 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 Deputy Mayor role would be advised to make declarations in accordance with *s74 – Dealing with material conflicts of interest* and leave the Chamber.

Council can then resolve for the preferred person to be appointed as the Deputy Mayor for an identified term, which could be the balance of the Council term or a shorter period.



Council would give effect to this by dealing with Recommendation 4 (or a variant) at this time.

Alternatively, should only one Member be interested in nominating for the position of Deputy Mayor, a Member may wish to move recommendations 1. and 4. without the need for an adjournment and designated informal gathering.

#### **4. OPTIONS**

The Council has the following options:

- I. To resolve to continue with the position of Deputy Mayor for a period and to undertake the processes as outlined in the report (***Recommended***)
- II. To determine not to continue with the position of Deputy Mayor (***Not Recommended***). Doing so would require a member chosen by the Council to act in the office of Mayor or Chairperson during periods of the Mayor's absence.

#### **5. APPENDIX**

Nil

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

**Item:** 12.9

**Originating Officer:** Steven Watson, Governance & Risk Coordinator

**Responsible Director:** Andrew Aitken, Chief Executive Officer

**Subject:** Chief Executive Officer Performance Review Panel –  
Membership & Presiding Member

**For:** Decision

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**SUMMARY**

The Chief Executive Officer Performance Review Panel (the CEO PRP) is created under Section 41 of the *Local Government Act 1999* (the Act).

At its 27 November 2018 meeting, Council resolved to appoint Councillors Osterstock and Parkin as members of the CEOPRP for a period to conclude on 26 November 2019 and for Councillor Osterstock to be the Presiding member for that period.

The purpose of this report is to seek the Council's determination regarding the process for the election of the membership and the Presiding Member for a specified term.

**RECOMMENDATION**

**That Council resolves:**

- 1. That the report be received and noted.**
- 2. To determine that the method of selecting the Chief Executive Officer Performance Review Panel Members to be by an indicative vote to determine the preferred persons for the two Council Member positions utilising the process set out in this Agenda report.**
- 3. To adjourn the Council meeting for the purposes of seeking nominations for and, if necessary, conducting an indicative vote to determine the preferred persons for the Chief Executive Officer Performance Review Panel Member roles and for the meeting to resume once the results of the indicative vote have been declared.**
- 4. To appoint Councillors..... as members of the Chief Executive Officer Performance Review Panel for a .....month term to commence 27 November 2019 and conclude on 26 November 20XX (inclusive) (or at the conclusion of the Council Term 2022).**

5. **To determine that the method of selecting the Chief Executive Officer Performance Review Panel Presiding Member to be by an indicative vote to determine the preferred person utilising the process set out in this Agenda report.**
  6. **To adjourn the Council meeting for the purposes of seeking nominations for and, if necessary, conducting an indicative vote to determine the preferred person for the Chief Executive Officer Performance Review Panel Presiding Member role and for the meeting to resume once the results of the indicative vote have been declared.**
  7. **To appoint ..... to the position of Chief Executive Officer Performance Review Panel Presiding Member for a .....month term to commence 27 November 2019 and conclude on 26 November 20XX (inclusive) (or at the conclusion of the Council Term 2022).**
- 

## 1. GOVERNANCE

### ➤ Strategic Management Plan/Council Policy

Goal	Organisational Sustainability
Strategy	Governance

### ➤ Legal Implications

Section 41 of the *Local Government Act 1999* (the Act) sets out the processes for the establishment of council committees. These committees may be formed to assist council in the performance of its functions; to enquire into matters; to provide advice to council and to exercise delegated powers functions and duties. The CEOPRP is a s41 Committee.

Sections 73 and 74 of the Act set out the provisions regarding Material Conflicts of Interest. Council Member membership of the CEOPRP in one of the two Council Member roles under the Panel's Terms of Reference (TOR), may possibly constitute a personal benefit under s73 of the Act. As the Presiding Member of a Prescribed Committee earns an additional allowance, this likely constitutes a personal and/or 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 a Committee may in actuality, or could be perceived by an impartial person to, have a conflict between their personal interests and the public interest that might lead to a decision that is contrary to the public interest.

Therefore a Council Member seeking to be appointed to a Panel Member role and/or the Presiding Member role 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. However the Council Member may stay in the chamber and participate during an adjournment and informal gathering.

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.

While Part 1 – Chief Executive Officer and Chapter 7 – Staff of the Act contains provisions for the requirement for a CEO, vacancies in the Office of CEO, appointment procedures and the role of the CEO, there are no provisions for the review of the CEO's performance. As such, the CEOPRP is an entirely discretionary committee.

➤ **Risk Management Implications**

The Council's consideration of the requirements for a CEOPRP will assist in mitigating the risk of:

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

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

Note that there are many other controls that assist in mitigating this risk.

➤ **Financial and Resource Implications**

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

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

As a Group 2 Council for the purposes of the Determination, the Prescribed Committees Presiding Member's allowance for the period November 2018 to October 2019 was approximately \$4,318

However, should the Mayor, Deputy Mayor or another Council Member who is in receipt of a Presiding Member's allowance be appointed as the CEOPRP Presiding Member, there is no additional allowance payable.

Further, while the allowances payable to Council Members are set by the Remuneration Tribunal, Council determines the sitting fees payable to Independent Members of Council Committees. At its 23 April 2019 meeting, Independent Member Sitting Fees for the CEOPRP were resolved as follows:

3. **That in relation to the Chief Executive Officer Performance Review Panel:**
  - a. **To determine the sitting fees for Members, effective immediately, as follows:**
    - i. **Independent Presiding Member - \$550 (excl GST) per attended meeting.**
    - ii. **Independent Ordinary Member - \$400 (excl GST) per attended meeting.**
    - iii. **Authorised Training - \$75 (excl GST) per hour of training attended excluding travel time but with a travel allowance being paid at the standard Council rate.**
  - b. **That in the event that an Independent Ordinary Member is required to preside at a meeting in the absence of the Presiding Member, then that Member receives the \$550 (excl GST) sitting fee for that meeting.**

The CEOPRP has met four (4) times during the period November 2018 to October 2019. If the Presiding Member of the CEOPRP was an Independent Member, the additional cost to Council would have been \$600 rather than the \$4,317 Council Member (Presiding Member) allowance.

In summary to the various cost implications of the selection of Presiding Member are as follows:

Presiding Member Arrangement	Cost (based on 4 meetings per annum)
Council Member not in receipt of additional allowance by other role	\$4,318
Mayor, Deputy Mayor or Council Member already in receipt of additional allowance	\$0
Independent Presiding Member	\$600

Council's current budget has provision for the costs associated with the CEOPRP Presiding Member role.

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

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

➤ **Environmental Implications**

Not applicable.

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

Consultation on the development of this report was as follows:

*Council Committees:* Not Applicable

*Council Workshops:* Not Applicable

*Advisory Groups:* Not Applicable

*Administration:* Not Applicable

*Community:* There is no requirement for community consultation in relation to the appointment of Council Members and the Presiding Member to the CEOPRP.

## **2. BACKGROUND**

### **CEOPRP Terms of Reference**

At its 25 July 2017 meeting Council adopted a revised TOR (**Appendix 1**) which came into effect on 1 September 2017.

At its 27 November 2018 meeting, in relation to the TOR, Council resolved (283/18) to retain the TOR as follows:

Cr Herrmann, with the consent of Cr Stratford, sought and was granted leave of the meeting to vary the motion as follows.

**Council resolves:**

- 1. That the report be received and noted**
- 2. To retain the Chief Executive Officer Performance Review Panel for the term of the Council with the Terms of Reference in Appendix 1.**
- 3. Council resolves to determine that the method of selecting the Chief Executive Officer Performance Review Panel Members to be by an indicative vote to determine the preferred persons for the two Council Member positions utilising the process set out in this Agenda report with an amendment to part (k) in that after all votes have been counted, the Returning Officer will formally declare the result of the election.**
- 4. Council resolves to adjourn the Council meeting for the purposes of seeking nominations for and, if necessary, conducting an indicative vote to determine the preferred persons for the Chief Executive Officer Performance Review Panel Member roles and for the meeting to resume once the results of the indicative vote have been declared.**

Carried Unanimously
---------------------

## **CEOPRP Membership**

The relevant elements of the Panel's TOR regarding membership and contained in clause 5, as follows:

- 5.1 The Panel will comprise five (5) members as follows:
  - 5.1.1 Mayor and Deputy Mayor;
  - 5.1.2 Two (2) Council Members ; and
  - 5.1.3 One (1) Independent Member.
- 5.2 All members of the Panel will be appointed by the Council.
- 5.3 The Independent Member of the Panel shall have recent and relevant skills and experience in fields related to the role and functions of the Panel.
- 5.4 It is desirable for the Council Members to be appointed to the Panel to have a sound understanding of the role and functions of the Panel.
- 5.5 In considering appointments to the Panel, Council should give consideration to the diversity of the membership.
- 5.6 Appointments to the Panel shall be for a period of up to three (3) years.

Council, at its 27 November 2018 meeting, in relation to the two Council Member positions on the CEOPRP resolved as follows:

### **12.5.1 Membership CEO Performance Review Panel – Appointment of Members**

Moved Cr Ian Bailey  
S/- Cr John Kemp

284/18

**Council resolves to appoint Councillors Kirsty Parkin and Mark Osterstock as members of the Chief Executive Officer Performance Review Panel for a 12 month term to commence 27 November 2018 and conclude on 26 November 2019 (inclusive).**

Carried Unanimously
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As such, the membership terms of Councillors Osterstock and Parkin are due to expire on the 26 November 2019. The CEOPRP requires Council Member appointment to commence from 27 November 2019.

In relation to the one Independent Member position on the CEOPRP, at its 23 January 2018 meeting, Council resolved as follows:



**19.1.1. CEO Performance Review Committee and Audit Committee Independent Members Appointments – Confidential Item**

**RELEASED 1 FEBRUARY 2018**

**Moved Cr John Kemp  
S/- Cr Malcolm Herrmann**

**22/18**

**Council resolves:**

- 1. That the report be received and noted**
- 2. To appoint Paula Davies to the CEO Performance Review Panel for a term to commence immediately until 30 November 2020 (inclusive)**

As such the membership term of the Independent Member (Paula Davies) is current and, while it could be changed by resolution of the Council, this is not the subject of this report.

**CEOPRP Presiding Member**

Clause 7.1 the TOR provides that the Council will appoint the Presiding Member of the Panel. Council has the flexibility to appoint the Presiding Member for a term of its choice within the bounds of the 3 year term as per clause 5.6.

If the Presiding Member of the Panel is absent from a meeting the Deputy Presiding Member (if such position exists) will preside at that meeting.

Note that the TOR does not preclude either a Council Member or an Independent Member from eligibility for the Presiding Member role.

Council, at its 26 September 2017 meeting, resolved (218/17) the sitting fees for CEOPRP Independent Members as follows:

Council, at its 27 November 2018 meeting, in relation to the CEOPRP Presiding Member role resolved as follows:

**12.5.3 CEO Performance Review Panel – Appointment of Presiding Member**

9.04pm Cr Mark Osterstock declared a Material Conflict of Interest as he will receive a pecuniary benefit if appointed as Presiding Member and left the Chamber

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

**286/18**

**Council resolves to appoint Cr Mark Osterstock to the position of Chief Executive Officer Performance Review Panel Presiding Member for a 12 month term to commence 27 November 2018 and conclude on 26 November 2019 (inclusive).**

<b>Carried Unanimously</b>
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As such, Councillor Osterstock's term as Presiding Member is due to expire on the 26 November 2019. The Presiding Member's position requires appointment to commence from 27 November 2019.

### 3. ANALYSIS

#### **CEOPRP Membership**

As identified in the Background section above, the discretionary Council Member membership of the CEOPRP is limited to two (2) Council Members.

Clause 5.4 of the CEOPRP TOR provides that it is desirable for the Council Members to be appointed to the Panel to have a sound understanding of the role and functions of the Panel.

Given the limit of two positions, appointment to the Panel could be most effectively managed via the *Indicative Voting Process for Determining Council Appointed Positions* as detailed below.

Similarly in considering nominations of aspiring CEOPRP Members, Council may wish to consider, in addition to the requirements of clause 5.4, some or all of the *Characteristics of a Presiding Member* as detailed below.

While the characteristics regarding presiding member duties may appear onerous, Council is reminded that the Panel has the delegation to select a Deputy Presiding Member from amongst its members.

#### **CEOPRP Presiding Member**

##### Characteristics of a Presiding Member

The CEOPRP TOR does not set out any specific qualifications or experience for the CEOPRP Presiding Member position however Council may wish to consider general suitability factors including (but not limited to):

- understanding or the ability to acquire the same in meeting procedure generally and the meeting procedure set out in the *Local Government (Procedures at Meetings) Regulations 2013* and Meeting Procedure provisions set out in the CEOPRP TOR (clause 9);
- expertise in chairing meetings of s41 Committees (if past experience exists), or other boards/committees in other organisations, public and private;
- ability to preside efficiently, firmly, impartially and fairly over Committee meetings;
- ability to manage conflict and differing opinions;
- integrity, good conduct and diligence;
- the opportunity to further strengthen presiding member skills;
- the opportunity to consider diversity in the role;
- current and future time commitments (i.e. there are a number of Council Committees, Regional Subsidiaries and Advisory Groups that will also require Council Member representation); and
- the financial implications of the appointment.

### **Indicative Voting Process for Determining Council Appointed Positions**

Due to the potential implications of the Material Conflict of Interest provisions under s73 (see Legal Implications above) regarding the appointment of Panel Members and the Presiding Member (other than the Mayor, Deputy or any Council Member currently receiving a Presiding Member's allowance from a pecuniary interest perspective), 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 for the positions of Panel Member and then again separately for the role of Panel Presiding 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 position of CEOPRP Members or the Presiding Member, as appropriate.

Note that in relation to the Presiding Member role, the Independent Member of the Committee is also eligible to self-nominate.

- 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.

Note that while the Independent Member is eligible for the Presiding Member role, they will not have voting rights in this process.

- 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, the Returning Officer shall 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.

### **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 then consider the process that it will use to choose the preferred persons for the two Council Member positions. Council would give effect to this by dealing with Recommendation 2 (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 3 (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 CEOPRP Member 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 CEOPRP Members for an identified term. Council would give effect to this by dealing with Recommendation 4 (or a variant) at this time.

Once this matter is resolved, the Members who have declared Conflicts of Interest can return to the Chamber.

- V. Council will then consider the process that it will use to choose the preferred person for the CEOPRP Presiding Member role. Council would give effect to this by dealing with Recommendation 5 (or a variant) at this time.
- VI. 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 6 (or a variant) at this time.
- VII. Once the Indicative Voting Process has been completed the Council meeting will resume in accordance with the previous resolution.

Upon resumption, any Council Members who nominated for the Presiding Member role would be advised to make declarations in accordance with s74 – Dealing with material conflicts of interest.

Council can then resolve for the preferred person to be appointed as the CEOPRP Presiding Member for an identified term. Council would give effect to this by dealing with Recommendation 7 (or a variant) at this time.

Alternatively, should only one Member be interested in nominating for the position of Presiding Member, a Member may wish to move recommendations 1 and 4 without the need for an adjournment and designated informal gathering.

#### 4. OPTIONS

The Council has the following options:

- I. To resolve to appoint the membership of the CEOPRP and a Presiding Member for a period and to undertake the processes as outlined in the report (***Recommended***)
- II. To determine not to resolve the membership or the Presiding Member (***Not Recommended***). Doing so would effectively revert all CEO Performance Review processes to the full Council, which may be an inefficient use of Council time.

#### 5. APPENDIX

- (1) Chief Executive Officer Performance Review Panel Terms of Reference

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# **Appendix 1**

*CEO PRP Terms of Reference*

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# ADELAIDE HILLS COUNCIL

## CEO Performance Review Panel



### TERMS OF REFERENCE

#### 1. ESTABLISHMENT

- 1.1 The CEO Performance Review Panel (the Panel) of Council is established under Section 41 of the *Local Government Act 1999* (the Act).
- 1.2 The Panel does not have executive powers or authority to implement actions in areas which management has responsibility and does not have any delegated financial responsibility. The Panel does not have any management functions and is therefore independent from management.

#### 2. ROLE

- 2.1 The Council is responsible for the selection, remuneration and management of the Chief Executive Officer (CEO). The overall role of the Panel is to provide advice to Council on matters relating to the performance and development of the CEO.

#### 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.

#### 4. OTHER MATTERS

The Panel shall:

- 4.1 Have access to reasonable resources in order to carry out its duties, recognising the constraints within Council's Budget;
- 4.2 Be provided with appropriate and timely training, both in the form of an induction programme for new members and on an ongoing basis for all members;



- 4.3 Give due consideration to laws and regulations of the Act;
- 4.4 Where the Panel is required to act jointly with or to obtain the concurrence of the CEO in the performance of its functions, the Council expects that both parties will negotiate and consult in good faith to achieve the necessary objectives; and
- 4.5 At least once in its term, review its own performance and terms of reference to ensure it is operating at maximum effectiveness and recommend changes it considers necessary to the Council for approval.

## **5. MEMBERSHIP**

- 5.1 The Panel will comprise five (5) members as follows:
  - 5.1.1 Mayor and Deputy Mayor;
  - 5.1.2 Two (2) Council Members ; and
  - 5.1.3 One (1) Independent Member.
- 5.2 All members of the Panel will be appointed by the Council.
- 5.3 The Independent Member of the Panel shall have recent and relevant skills and experience in fields related to the role and functions of the Panel.
- 5.4 It is desirable for the Council Members to be appointed to the Panel to have a sound understanding of the role and functions of the Panel.
- 5.5 In considering appointments to the Panel, Council should give consideration to the diversity of the membership.
- 5.6 Appointments to the Panel shall be for a period of up to three (3) years.
- 5.7 Members of the Committee are eligible for reappointment at the expiration of their term of office.

## **6. SITTING FEES**

- 6.1 The applicable Remuneration Tribunal (or its successor) Determination outlines the applicable allowance for Council Members on the Panel.
- 6.2 The Independent Member is to be paid a sitting fee as determined by Council for attendance at meetings and authorised training sessions. Council may determine a higher sitting fee for the presiding member.

## **7. PRESIDING MEMBER**

- 7.1 The Council will appoint the Presiding Member of the Panel.
- 7.2 The Council authorises the Panel to determine if there will be a Deputy Presiding Member of the Committee and, if so, authorises the Panel to make the appointment to that position for a term determined by the Panel.
- 7.3 If the Presiding Member of the Panel is absent from a meeting the Deputy Presiding Member (if such position exists) will preside at that meeting. If there is no position of Deputy

Presiding Member, or both the Presiding Member and the Deputy Presiding Member of the Panel are absent from a meeting of the Panel, then a member of the Panel chosen from those present will preside at the meeting until the Presiding Member (or Deputy Presiding Member, if relevant) is present.

7.4 The role of the Presiding Member includes:

7.4.1 overseeing and facilitating the conduct of meetings in accordance with Act and the *Local Government (Procedures at Meetings) Regulations 2013* (the Regulations); and

7.4.2 Ensuring all Panel members have an opportunity to participate in discussions in an open and encouraging manner.

## **8. REPORTING RESPONSIBILITIES**

8.1 For the purposes of Section 41(8) of the Act, the Panel's reporting and accountability requirements are:

8.1.1 The minutes of each Panel meeting will be included in the agenda papers of the next ordinary meeting of the Council;

8.1.2 The Presiding Member will attend a meeting of the Council at least once per annum to present a report on the activities of the Panel;

8.1.3 The panel shall make whatever recommendations to the Council it deems appropriate on any area within its terms of reference where in its view action or improvement is needed; and

8.1.4 The Presiding Member may attend a Council meeting at any time that the Presiding Member sees fit to discuss any issue or concern relating to the Panel's functions. Depending on the nature of the matter, this may be held in confidence in accordance with Section 90 of the Act and staff may be requested to withdraw from the meeting.

## **9. MEETING PROCEDURE**

9.1 Meeting procedure for the Panel is as set out in the Act, Parts 1, 3 and 4 of the Regulations. Insofar as the Act, the Regulations, or these Terms of Reference do not prescribe the procedure to be observed in relation to the conduct of a meeting of the Panel, the Panel may determine its own procedure.

9.2 In accordance with Section 90(7a), one or more panel members may participate in the meeting by telephone or other electronic means provided that members of the public can hear the discussion between all Panel members.

9.3 Only members of the Panel are entitled to vote in Panel meetings. Unless otherwise required by the Act not to vote, each member must vote on every matter that is before the Panel for decision.

9.4 Council Employees may attend any meeting as observers or be responsible for preparing papers for the Panel.

## **10. SECRETARIAL RESOURCES**

- 10.1 The Chief Executive Officer shall provide sufficient administrative resources to the Panel to enable it to adequately carry out its functions.

## **11. FREQUENCY OF MEETINGS**

- 11.1 The Panel shall meet at appropriate times and places as determined by the Panel. A special meeting of the Committee may be called in accordance with the Act.
- 11.2 If after considering advice from the CEO or delegate, the Presiding Member of the Panel is authorised to cancel the respective Panel meeting, if it is clear that there is no business to transact for that designated meeting.

## **12. NOTICE OF MEETINGS**

- 12.1 Notice of the meetings of the Panel will be given in accordance with Sections 87 and 88 of the Act. Accordingly, notice will be given:

12.1.1 To members of the Panel by email or as otherwise agreed by Panel members at least 3 clear days before the date of the meeting; and

12.1.2 To the public as soon as practicable after the time that notice of the meeting is given to members by causing a copy of the notice and agenda to be displayed at the Council's offices and on the Council's website.

## **12.2 PUBLIC ACCESS TO MEETINGS & DOCUMENTS**

- 12.3 Members of the public are able to attend all meetings of the Panel, unless prohibited by resolution of the Panel under the confidentiality provisions of Section 90 of the Act.
- 12.4 Members of the public have access to all documents relating to the Panel unless prohibited by resolution of the Panel under the confidentiality provisions of Section 91 of the Act.

## **13. MINUTES OF MEETINGS**

- 13.1 The Chief Executive Officer shall ensure that the proceedings and resolutions of all meetings of the Panel, including recording the names of those present and in attendance are minuted and that the minutes otherwise comply with the requirements of the Regulations.
- 13.2 Minutes of Panel meetings shall be circulated within five days after a meeting to all members of the Panel and will (in accordance with legislative requirements) be available to the public.

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

**Item:** 12.10

**Originating Officer:** Steven Watson, Governance & Risk Coordinator

**Responsible Director:** Andrew Aitken, Chief Executive Officer

**Subject:** Strategic Planning & Development Policy Committee –  
Presiding Member

**For:** Decision

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**SUMMARY**

The Strategic Planning & Development Policy Committee (SPDPC) is created under Section 41 of the *Local Government Act 1999* to satisfy the requirements of Section 101A of the *Development Act 1993*.

At its 26 November 2018 meeting, Council appointed Councillor Green as the SPDPC Presiding Member for a period to conclude on 26 November 2019.

The purpose of this report is to seek the Council's determination for the election of the Presiding Member for a specified term.

**RECOMMENDATION**

**That Council resolves:**

- 1. That the report be received and noted**
  - 2. To determine that the method of selecting the SPDPC Presiding Member to be by an indicative vote to determine the preferred person utilising the process set out in this Agenda report.**
  - 3. To adjourn the Council meeting for the purposes of seeking nominations for and, if necessary, conducting an indicative vote to determine the preferred person for the SPDPC Presiding Member role and for the meeting to resume once the results of the indicative vote have been declared.**
  - 4. To appoint ..... to the position SPDPC Presiding Member for a .....month term to commence 27 November 2019 and conclude on 26 November 20XX (inclusive) (or conclude when the Development Act 1993 is repealed or the aforementioned Act is superseded in its entirety by the Planning, Development and Infrastructure Act 2016, on or before 1 July 2020).**
-

## 1. GOVERNANCE

### ➤ Strategic Management Plan/Council Policy

Goal	Organisational Sustainability
Strategy	Governance

### ➤ Legal Implications

Section 101A of the *Development Act 1993* requires that a council must establish a SPDPC and prescribes a series of functions.

Section 41 of the *Local Government Act 1999* (the Act) sets out the processes for the establishment of council committees. These committees may be formed to assist council in the performance of its functions; to enquire into matters; to provide advice to council and to exercise delegated powers functions and duties. The SPDPC is a s41 Committee.

Sections 73 and 74 of the Act set out the provisions regarding Material Conflicts of Interest. As the Presiding Member of a Prescribed Committee earns an additional allowance, this likely constitutes a personal and/or pecuniary benefit under s73 and therefore Council Members seeking to be appointed to the Presiding Member role could have a Material 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).

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 a Committee may in actuality, or could be perceived by an impartial person to, have a conflict between their personal interests and the public interest that might lead to a decision that is contrary to the public interest.

Therefore a Council Member seeking to be appointed to a Committee Member role and/or the Presiding Member role 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. However the Council Member may stay in the chamber and participate during an adjournment and informal gathering.

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.

### ➤ Risk Management Implications

The Council's consideration of the requirement for a SPDPC will assist in mitigating the risk of:

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

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

Note that there are many other controls that assist in mitigating this risk.

➤ **Financial and Resource Implications**

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

The annual allowance for a councillor who is a presiding member of one or more prescribed committees is equal to one and a quarter (1.25) times the annual allowance for councillors of that council. This amount will be adjusted in accordance with the consumer price index at the next anniversary of the 2018 Local Government election in accordance with statutory requirements. There is no allowance payment for councillors who are members of Council Committees.

As a Group 2 Council for the purposes of the Determination, the Prescribed Committees Presiding Member's allowance is as follows:

Council Member Allowance (Nov 18 – Oct 19)	\$17,270
Presiding Member Allowance	\$4,317.50
 Total Allowance for a Presiding Member	 \$21,587.50.

Should the Mayor, Deputy Mayor or another Council Member who is in receipt of a Presiding Member's allowance be appointed as the SPDPC Presiding Member, there is no additional allowance payable.

In summary to the various cost implications of the selection of Presiding Member are as follows:

Presiding Member Arrangement	Cost
Council Member not in receipt of additional allowance by other role	\$4,318
Mayor, Deputy Mayor or Council Member already in receipt of additional allowance	\$0

Council's current budget has provision for the costs associated with the SPDPC Presiding Member role to accommodate an appointment of someone who is not already the Mayor, Deputy Mayor or a presiding member.

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

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

➤ **Environmental Implications**

Not applicable.

➤ **Community Engagement/Consultation**

Consultation on the development of this report was as follows:

Council Committees: Not Applicable

Council Workshops: Not Applicable

Advisory Groups: Not Applicable

Administration: Not Applicable

Community: There is no requirement for community consultation in relation to the appointment of the SPDPC Presiding Member.

**2. BACKGROUND**

**SPDPC Meetings**

Prior to July 2017, the SPDPC's TOR in addition to containing the requirements of s101A of the *Development Act 1993* and had the delegation from Council to adopt policies and codes on the Council's behalf. With this role, the SPDPC met on a monthly basis.

At its 25 July 2017 meeting Council adopted a revised TOR which came into effect on 1 September 2017. The revised TOR was limited only to the requirements of s101A and, as such, the frequency of meetings was reduced to an as-needs basis, with two meetings held to during the period November 2018 to October 2019. The agenda items were as follows:

- 14 May 2019 Meeting
  - Draft Stirling Urban Design Framework and Guidelines and Community Engagement Plan
  - Local Heritage – Stage 1 (Public Places) Development Plan Amendment – Response to Ministerial Amendments
- 02 October 2019 Meeting
  - Stirling Urban Design Framework and Guidelines
  - Review of Privately Funded Development Plan Amendments Policy

**SPDPC Membership**

The TOR (clauses 5.1 & 5.2) provides the SPDPC will comprise of up to 13 Council Members with the membership to be appointed by the Council.

Council, through resolutions at the 27 November 2018 and 23 April 2019 meetings, has appointed all Council Members to the SPDPC for the Council term.



### **SPDPC Presiding Member**

Clause 7.1 provides that the Council will appoint the Presiding Member of the Committee. Council has the flexibility to appoint the Presiding Member for a term of its choice.

If the Presiding Member of the Committee is absent from a meeting the Deputy Presiding Member (if such position exists) will preside at that meeting.

Council, at its 27 November 2018 meeting, in relation to the role of Presiding Member resolved as follows:

**12.6.3 Membership Strategic Planning Development Policy Committee - Appointment of Presiding Member**

9.30pm Cr Linda Green declared a Material Conflict of Interest as she will receive a pecuniary interest if appointed as Presiding Member and left the Chamber

9.30pm Cr John Kemp declared a Material Conflict of Interest as he will suffer a pecuniary loss regarding the appointment of the Presiding Member, and left the Chamber

Moved Cr Kirsty Parkin  
S/- Cr Pauline Gill

290/18

Council resolves to appoint Cr Linda Green to the position of Strategic Planning Development Policy Committee Presiding Member for a 12 month term to commence 27 November 2018 and conclude on 26 November 2019 (inclusive).

Carried Unanimously
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As such, Councillor Green's term as Presiding Member is due to expire on the 26 November 2019. As Council resolved to retain the SPDPC for the term of Council, the Presiding Member's position requires appointment to commence from 27 November 2019.

### **3. ANALYSIS**

#### **SPDPC Terms of Reference**

The Department of Transport, Planning & Infrastructure (DPTI) has not given an indication as to the timing for the provisions of s101A to cease, although it is understood it will be no later than 1 July 2020.

The calling of meetings is best managed on the current as-needs basis which, in effect, will be facilitated through the calling of Special Meetings, generally at the request of the Presiding Member on the advice of the Administration.

## **SPDPC Presiding Member**

### Characteristics of a Presiding Member

The SPDPC TOR does not set out any specific qualifications or experience for the SPDPC Presiding Member position however Council may wish to consider general suitability factors including (but not limited to):

- understanding or the ability to acquire the same of the role and functions of the SPDPC;
- general understanding or the ability to acquire the same of the South Australian Planning System;
- understanding or the ability to acquire the same in meeting procedure generally and the meeting procedure set out in the *Local Government (Procedures at Meetings) Regulations 2013* and Meeting Procedure provisions set out in the SPDPC TOR (clause 9);
- expertise in chairing meetings of s41 Committees (if past experience exists), or other boards/committees in other organisations, public and private;
- ability to preside efficiently, firmly, impartially and fairly over Committee meetings;
- ability to manage conflict and differing opinions;
- integrity, good conduct and diligence;
- the opportunity to further strengthen presiding member skills;
- the opportunity to consider diversity in the role;
- current and future time commitments (i.e. there are a number of Council Committees, Regional Subsidiaries and Advisory Groups that will also require Council Member representation); and
- the financial implications of the appointment.

### **Indicative Voting Process for Determining Council Appointed Positions**

Due to the potential implications of the Material Conflict of Interest provisions under s73 (see Legal Implications above) regarding the appointment of the Presiding Member (other than the Mayor, Deputy Mayor or any Council Member currently receiving a Presiding Member's allowance from a pecuniary interest perspective), 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 for the position of SPDPC Presiding 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 position of SPDPC Presiding Member.
- 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 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, the Returning Officer shall 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.

### **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 the Presiding Member positions:

- I. Council will consider the process that it will use to choose the preferred person for the SPDPC Presiding Member role. Council would give effect to this by dealing with Recommendation 2 (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 3 (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 Presiding Member role would be advised to make declarations in accordance with *s74 – Dealing with material conflicts of interest* and leave the Chamber.

Council can then resolve for the preferred person to be appointed as the SPDPC Presiding Member for an identified term. Council would give effect to this by dealing with Recommendation 4 (or a variant) at this time.

Alternatively, should only one Member be interested in nominating for the position of Deputy Mayor, a Member may wish to move recommendations 1. and 4. without the need for an adjournment and designated informal gathering.

#### 4. OPTIONS

The Council has the following options:

- I. To resolve to appoint the SPDPC Presiding Member for a period and to undertake the processes as outlined in the report (**Recommended**)
- II. To determine not to resolve the Presiding Member (**Not Recommended**). Doing so would effectively cease the SPDPC operations.

#### 5. APPENDIX

- (1) Nil



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

**Item:** 12.11

**Originating Officer:** Steven Watson, Governance & Risk Coordinator

**Responsible Director:** Andrew Aitken, Chief Executive Officer

**Subject:** Audit Committee – Presiding Member

**For:** Decision

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**SUMMARY**

The Audit Committee is created under Section 41 of the *Local Government Act 1999* (the Act) to satisfy the requirements of Section 128 of the Act.

At its 27 November 2018 meeting, Council resolved to appoint Councillor Herrmann to be the Presiding Member for a period to conclude on 26 November 2019.

The purpose of this report is to seek the Council's determination on the Audit Committee's Presiding Member.

**RECOMMENDATION**

**Council resolves:**

1. That the report be received and noted
  2. To determine that the method of selecting the Audit Committee Presiding Member to be by an indicative vote to determine the preferred person utilising the process set out in this Agenda report.
  3. To adjourn the Council meeting for the purposes of seeking nominations for and, if necessary, conducting an indicative vote to determine the preferred person for the Audit Committee Presiding Member role and for the meeting to resume once the results of the indicative vote have been declared.
  4. To appoint ..... to the position of Audit Committee Presiding Member for a .....month term to commence 27 November 2019 and conclude on 26 November 2020 (inclusive).
-

## 1. GOVERNANCE

### ➤ Strategic Management Plan/Council Policy

Goal	Organisational Sustainability
Strategy	Governance

### ➤ Legal Implications

Section 128 - Audit Committee of the Act prescribes that a council must have an audit committee to fulfil the functions set out in that section. Regulation 17(1)(b) of the *Local Government (Financial Management) Regulations 2011* requires that the audit committee must include at least one person who is not a member of the council and who is determined by the council to have financial experience relevant to the functions of an audit committee (i.e. an independent member).

Regulation 17 of the *Local Government (Financial Management) Regulations 2011* provides that the audit committee of a council:

- a) must have between 3 and 5 members (inclusive); and
- b) must include 1 person who is not a member of the council and who is determined by the council to have financial experience relevant to the functions of an audit committee; and
- c) must not include, as a member, the council's auditor under Section 128 of the Act.

Section 41 of the *Local Government Act 1999* (the Act) sets out the processes for the establishment of council committees. These committees may be formed to assist council in the performance of its functions; to enquire into matters; to provide advice to council and to exercise delegated powers functions and duties. The Audit Committee is a s41 Committee

Sections 73 and 74 of the Act set out the provisions regarding Material Conflicts of Interest. Council Member membership of the Audit Committee in one of the two Council Member roles under the Committee's TOR, may possibly constitute a personal benefit under s73 of the Act. As the Presiding Member of a Prescribed Committee earns an additional allowance, this likely constitutes a personal and/or 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 a Committee may in actuality, or could be perceived by an impartial person to, have a conflict between their personal interests and the public interest that might lead to a decision that is contrary to the public interest.

Therefore a Council Member seeking to be appointed to a Committee Member role and/or the Presiding Member role 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. However the Council Member may stay in the chamber and participate during an adjournment and informal gathering.



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.

➤ **Risk Management Implications**

The Council's consideration of the requirements for an Audit Committee will assist in mitigating the risk of:

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

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

Note that there are many other controls that assist in mitigating this risk.

➤ **Financial and Resource Implications**

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

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

As a Group 2 Council for the purposes of the Determination, the Prescribed Committees Presiding Member's allowance for the period November 2018 to October 2019 the was approximately \$4,318

However, should another Council Member who is in receipt of a Presiding Member's allowance be appointed as the CEOPRP Presiding Member, there is no additional allowance payable.

Further, while the allowances payable to Council Members are set by the Remuneration Tribunal, Council determines the sitting fees payable to Independent Members of Council Committees. At its 24 April 2018 meeting, Independent Member Sitting Fees for the CEOPRP were resolved as follows:

**2. That in relation to the Audit Committee:**

- a. To determine the sitting fees for Members, effective immediately, as follows:**
  - i. Independent Presiding Member - \$550 (excl GST) per attended meeting.**
  - ii. Independent Ordinary Member - \$400 (excl GST) per attended meeting.**
  - iii. Authorised Training - \$75 (excl GST) per hour of training attended excluding travel time but with a travel allowance being paid at the standard Council rate.**
- b. That in the event that an Independent Ordinary Member is required to preside at a meeting in the absence of the Presiding Member, then that Member receives the \$550 (excl GST) sitting fee for that meeting.**

The Audit Committee has met four (4) times during the period November 2018 to October 2019. If the Presiding Member of the Audit Committee was an Independent Member, the additional cost to Council would have been \$600 rather than the \$4,317 Council Member (Presiding Member) allowance.

In summary to the various cost implications of the selection of Presiding Member are as follows:

<b>Presiding Member Arrangement</b>	<b>Cost (based on 4 meetings per annum)</b>
Council Member not in receipt of additional allowance by other role	\$4,318
Council Member already in receipt of additional allowance	\$0
Independent Presiding Member	\$600

Council's current budget has provision for the costs associated with the Audit Committee Presiding Member role.

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

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

➤ **Environmental Implications**

Not applicable.

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

Consultation on the development of this report was as follows:

*Council Committees:* Not Applicable

*Council Workshops:* Not Applicable

*Advisory Groups:* Not Applicable

*Administration:* Not Applicable

*Community:* There is no requirement for community consultation in relation to the appointment of Council Members and the Presiding Member to the Audit Committee.

## **2. BACKGROUND**

### **Audit Committee Terms of Reference**

At its 25 July 2017 meeting Council adopted a revised TOR which came into effect on 1 September 2017.

At its 27 November 2018 meeting, in relation to the TOR, Council resolved to retain the TOR as follows:

#### **12.7 Membership Audit Committee**

Moved Cr Linda Green  
S/- Cr Mark Osterstock

291/18

Council resolves:

1. That the report be received and noted
2. To retain the Audit Committee for the term of the Council with the Terms of Reference in Appendix 1.
3. Council resolves to determine that the method of selecting the Audit Committee Members to be by an indicative vote to determine the preferred persons for the two Council Member positions utilising the process set out in this Agenda report with an amendment to part (k) in that after all votes have been counted, the Returning Officer will formally declare the result of the election.
4. Council resolves to adjourn the Council meeting for the purposes of seeking nominations for and, if necessary, conducting an indicative vote to determine the preferred persons for the Audit Committee Member roles and for the meeting to resume once the results of the indicative vote have been declared.

Carried Unanimously
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### **Audit Committee Membership**

The relevant elements of the Committee's TOR regarding membership and contained in clause 5, as follows:

- 5.1 The Committee will comprise 5 members as follows:
  - 5.1.1 Three (3) Independent Members; and
  - 5.1.2 Two (2) Council Members
- 5.2 All members of the Committee will be appointed by the Council.
- 5.3 Independent Member(s) of the Committee shall have recent and relevant skills and experience in professions such as, but not limited to accounting, financial management, risk management, law, compliance, internal audit and governance.
- 5.4 It is desirable for the Council Members to be appointed to the Committee to have a sound understanding of financial management, risk management and governance.
- 5.5 In considering appointments to the Committee, Council should give consideration to the diversity of the membership.
- 5.6 Appointments to the Committee shall be for a period of up to three (3) years.

Council, at its 27 November 2018 meeting, in relation to the two Council Member positions on the Audit Committee resolved as follows:

#### **12.7.1 Membership Audit Committee – Appointment of Members**

Moved Cr Mark Osterstock  
S/- Cr Ian Bailey

292/18

**Council resolves to appoint Cr Malcolm Herrmann & Cr Leith Mudge as members of the Audit Committee for a 24 month term to commence 27 November 2018 and conclude on 26 November 2020 (inclusive).**

<b>Carried Unanimously</b>
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As such, the membership terms of Councillors Herrmann and Mudge are current and, while they could be changed by resolution of the Council, are not the subjects of this report.

Council, at its 23 January 2018 meeting, in relation to the three Independent Member positions on the Audit Committee resolved as follows:

**19.1.1. CEO Performance Review Committee and Audit Committee Independent Members Appointments – Confidential Item**

**RELEASED 1 FEBRUARY 2018**

**Moved Cr John Kemp  
S/- Cr Malcolm Herrmann**

**22/18**

**Council resolves:**

- 1. That the report be received and noted**
- 2. To appoint Paula Davies to the CEO Performance Review Panel for a term to commence immediately until 30 November 2020 (inclusive)**
- 3. That in relation to the Audit Committee Independent Membership:**
  - a. To appoint Peter Brass to the position of Independent Member for a term to commence immediately until 30 November 2019 (inclusive)**
  - b. To appoint Geoff Purdie to the position of Independent Member for a term to commence immediately until 30 November 2019 (inclusive)**
  - c. To appoint Paula Davies to the position of Independent Member for a term to commence immediately until 30 November 2020 (inclusive).**

**Carried Unanimously**

As such the membership terms of the Independent Members are current and, while they could be changed by resolution of the Council, are not the subjects of this report.

However as the terms of Peter Brass and Geoff Purdie are due to expire on 30 November 2019 and that Council is currently undertaking a recruitment process for those roles, it would be inappropriate for either Member to be considered for the Presiding Member vacancy at this time.

**Audit Committee Presiding Member**

Prior to the July 2017 TOR review, the Committee had the delegation to appoint a Presiding Member. While not codified in the then TOR, the practice over a number of years had been for the Presiding Member role to be rotated amongst the Independent Members.

Clause 7.1 the current (post July 2017) TOR provides that the Council will appoint the Presiding Member of the Committee. Council has the flexibility to appoint the Presiding Member for a term of its choice within the bounds of the 3 year term as per clause 5.6.

If the Presiding Member of the Committee is absent from a meeting the Deputy Presiding Member (if such position exists) will preside at that meeting.

Note that the TOR does not preclude either a Council Member or an Independent Member from eligibility for the Presiding Member role.

Council, at its 27 November 2018 meeting, in relation to the Audit Committee Presiding Member role resolved as follows:

**12.7.3 Membership Audit Committee – Appointment of Presiding Member**

9.52pm Cr Malcolm Herrmann declared a Material Conflict of Interest as he will receive a pecuniary benefit if appointed as Presiding Member and left the Chamber

**Moved Cr Mark Osterstock**

**S/- Cr Linda Green**

**294/18**

**Council resolves to appoint Cr Malcolm Herrmann to the position of Audit Committee Presiding Member for a 12 month term to commence 1 December 2018 and conclude on 26 November 2019 (inclusive).**

<b>Carried Unanimously</b>
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As such, Councillor Herrmann's term as Presiding Member is due to expire on the 26 November 2019. The Presiding Member's position requires appointment to commence from 27 November 2019.

**3. ANALYSIS**

**Audit Committee Terms of Reference**

The Audit Committee Terms of Reference is based on the aforementioned provisions of the Act and Regulations and good practice guidance from the Local Government Association.

In November 2018, the State Parliament passed the *Public Interest Disclosure Bill 2018* which commenced in mid-2019.

The preamble to the Act describes it as:

An Act to encourage and facilitate disclosures of certain information in the public interest by ensuring that proper procedures are in place for making and dealing with such disclosures and by providing protection for persons making such disclosures; and for other purposes.

The Audit Committee will need to consider an appropriate role in relation to this legislation and make recommendations to Council for changes to the Committee's TOR. In conjunction to the proposals arising from the Local Government Reform process, it is likely that this will occur at the Committee's and subsequently Council's February 2020 meeting and therefore it is suggested that any other (non-urgent) proposed changes to the Committee's TOR be incorporated into this review process.

## **Audit Committee Presiding Member**

### Characteristics of a Presiding Member

The Audit Committee TOR does not set out any specific qualifications or experience for the Audit Committee Presiding Member position however Council may wish to consider suitability factors including (but not limited to):

- understanding or the ability to acquire the same of the role and functions of the Audit Committee;
- understanding or the ability to acquire the same in meeting procedure generally and the meeting procedure set out in the *Local Government (Procedures at Meetings) Regulations 2013* and Meeting Procedure provisions set out in the Audit Committee TOR (clause 9);
- expertise in chairing meetings of s41 Committees (if past experience exists), or other boards/committees in other organisations, public and private;
- ability to preside efficiently, firmly, impartially and fairly over Committee meetings;
- ability to manage conflict and differing opinions;
- integrity, good conduct and diligence;
- the opportunity to further strengthen presiding member skills;
- the opportunity to consider diversity in the role;
- current and future time commitments (i.e. there are a number of Council Committees, Regional Subsidiaries and Advisory Groups that will also require Council Member representation); and
- the financial implications of the appointment.

### **Indicative Voting Process for Determining Council Appointed Positions**

Due to the potential implications of the Material Conflict of Interest provisions under s73 (see Legal Implications above) regarding the appointment the Presiding Member (other than any Council Member currently receiving a Presiding Member's allowance from a pecuniary interest perspective), 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 for the role of Committee Presiding 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 position of Audit Committee Presiding Member, as appropriate.

Note that in relation to the Presiding Member role, the Independent Members of the Committee are also eligible to self-nominate.

- b) If the number of nominees is equal to or less than the number of positions (i.e. one), 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.

Note that while the Independent Members are eligible for the Presiding Member role, they will not have voting rights in this process.

- 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, the Returning Officer shall formally declare the result of the election (i.e. the preferred person).
- l) The ballot papers will be shredded.

### **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 person for the Audit Committee Presiding Member role. Council would give effect to this by dealing with Recommendation 2 (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 3 (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 Presiding Member role would be advised to make declarations in accordance with *s74 – Dealing with material conflicts of interest* and leave the Chamber.

Council can then resolve for the preferred person to be appointed as the Audit Committee Presiding Member for an identified term. Council would give effect to this by dealing with Recommendation 4 (or a variant) at this time.

#### 4. OPTIONS

The Council has the following options:

- I. To resolve to appoint a Presiding Member for a period and to undertake the processes as outlined in the report. This period may be more than one year (***Recommended***).
- II. To determine not to resolve the Presiding Member (***Not Recommended***). Doing so would effectively breach Council's legislative obligations.

#### 5. APPENDIX

- (1) Nil

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

**Item:** 12.12

**Originating Officer:** Lachlan Miller, Executive Manager Governance & Performance

**Responsible Director:** Andrew Aitken, Chief Executive Officer

**Subject:** Southern & Hills Local Government Association Membership

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**SUMMARY**

Council is a constituent council of the Southern & Hills Local Government Association (SHLGA) regional subsidiary.

As such Council has board membership appointment rights to SHLGA in accordance with its charter.

The purpose of this report is to seek Council's consideration of the membership rights SHLGA and the process for the nomination and election to the upcoming vacant board member position.

Council has two Board Member positions on the SHLGA and is entitled to appoint a Deputy Board Member.

On 23 February 2018, Council appointed CEO Andrew Aitken to one of these Board Member positions until 1 November 2019. As that appointment is due to expire, it is appropriate for Council to consider an appointment to the position.

**RECOMMENDATION**

**That Council resolves:**

- 1. That the report be received and noted.**
  - 2. To appoint Andrew Aitken to the position of Southern & Hills Local Government Association Board Member to 30 November 2022.**
-

## 1. GOVERNANCE

### ➤ Strategic Management Plan/Council Policy

Goal	Organisational Sustainability
Strategy	Governance

The appointment of members to the regional subsidiaries is an important element of Council's commitment to open and transparent decision making which facilitates public accountability.

### ➤ Legal Implications

Section 43 of the *Local Government Act 1999* sets out the processes for the establishment of regional subsidiaries. Regional subsidiaries can be established to provide a specific service or services to carry out a specified activity or to perform a function of the councils. To establish a s43 regional subsidiary a resolution from each constituent council is required, a charter and other mandated arrangements agreed and Ministerial approval granted.

Sections 73 and 74 of the Act set out the provisions regarding Material Conflicts of Interest. Council Member membership of a Regional Subsidiary Board in one of the limited Board Member roles under the respective Subsidiary's Charter, may possibly constitute a personal benefit under s73 of the Act.

Sections 75 and 75A of the Act set out the provisions regarding Actual and Perceived Conflicts of Interest. A Council Member seeking to be appointed to a Committee may in actuality, or could be perceived by an impartial person to, have a conflict between their personal interests and the public interest that might lead to a decision that is contrary to the public interest.

Therefore a Council Member seeking to be appointed to a Board Member role 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 establishment of appropriately and effectively constituted regional subsidiaries will assist in mitigating the risk of:

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

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

Note that there are many other controls that assist in mitigating this risk.

➤ **Financial and Resource Implications**

There are a number of financial implications in relation to the regional subsidiaries; however this report concerns the appointment of Council representatives to the board of Regional Subsidiaries rather than a discussion regarding the operations of each Subsidiary.

Neither Council nor the Regional Subsidiaries pay allowances for attendance at meetings. As meetings are held in the Southern & Hills Region, travel to meetings is normally by vehicle with the exception of the Kangaroo Island meetings which incur costs associated with ferry travel.

Council Members are entitled to claim travel reimbursement in accordance with the *Council Member Allowance & Benefits Policy*. Council Officers, through the use of Council vehicles, do not incur any direct costs associated with attendance.

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

There are no direct end-user customer service implications regarding the appointment of Council representatives to a regional subsidiary board acknowledging however that Council itself is a customer of all Regional Subsidiaries.

➤ **Environmental Implications**

Not directly applicable.

➤ **Community Engagement/Consultation**

*Council Committees:* Not Applicable

*Council Workshops:* Not Applicable

*Advisory Groups:* Not Applicable

*Administration:* Consultation occurred with the Executive Leadership Team

*Community:* Not Applicable

➤ **BACKGROUND**

**Southern & Hills Local Government Association (SHLGA)**

SHLGA is a regional subsidiary with the following constituent councils: Mount Barker District Council, City of Victor Harbor, District Council of Yankalilla, Adelaide Hills Council, Alexandrina Council and Kangaroo Island Council.

SHLGA (see Charter at **Appendix 1**) has been established for the following purposes:

- To work collaboratively with the LGA to achieve the aims and objectives of the LGA.
- To encourage, promote, protect and foster an efficient and effective autonomous, democratic system of local government elected by and responsible to local communities.
- To identify available resources within the region and to co-ordinate or assist in co-ordinating the management of these resources for the betterment of their region's community.
- To encourage, assist, seek out, determine, assess and respond to the needs and aspirations of the region's constituents.
- To develop, encourage, promote, foster and maintain consultation and co-operation between local government authorities, State and Commonwealth Governments and their instrumentalities.
- To develop, encourage, promote, foster and maintain the financial and economic well-being and advancement of the region and if desirable for such purpose to undertake, establish, acquire, conduct or dispose of any business, enterprise, undertaking or venture which in the opinion of SHLGA is necessary, desirable or convenient.
- To effectively liaise and work with the State and Commonwealth Governments and their instrumentalities on a regional basis for the general enhancement of the region.

Clause 7.3 of the Charter provides that:

- Each of the Constituent Councils will appoint two persons to the Board. The Constituent Councils' appointees shall be not less than one elected member of the Constituent Council and the other appointee may be a Council Officer.
- Each Constituent Council may appoint either an Elected Member or a Council Officer as Deputy Board Member who may attend Board Meetings in the place of a Council Board Member who is absent.

The term of office for the board and deputy board member will be determined by the Constituent Council.

In relation to the SHLGA Board Member and Deputy Board Member positions, Council resolved as follows at its 23 January 2018 meeting:

**12.3.1. Section 43 Regional Subsidiary Membership – Southern & Hills Local Government Association – Board Member position until November 2019**

Moved Cr John Kemp  
S/- Cr Jan Loveday

7/18

**That Council resolves to appoint Andrew Aitken to the board member position until 1 November 2019.**

**Carried unanimously**

Following the 2018 Local Government Election, at its 27 November 2018 meeting, Council resolved in relation to the (then) vacant other Board Member and Deputy Board Member positions:

**12.8.4 Section 43 Regional Subsidiary Membership – Southern & Hills Local Government Association Board**

Moved Cr Nathan Daniell  
S/- Cr Kirsty Parkin

303/18

Council resolves that in relation to the Southern & Hills Local Government Association Board:

- a. To appoint Mayor Jan-Claire Wisdom to the Board Member (Council Member) position for a 2 year term to commence from 27 November 2018 and conclude on 26 November 2020 (inclusive)
- b. To appoint Lachlan Miller, Executive Manager Governance & Performance, to the Deputy Board Member position for a 2 year term to commence from 27 November 2018 and conclude on 26 November 2020 (inclusive)

Carried Unanimously
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## 2. ANALYSIS

### Board Membership Suitability

Council's membership on these regional subsidiaries is important given their ability to both provide services and financial returns and to incur risks and liabilities for Council.

While SHLGA is subsidiary of the Constituent Councils, aspiring Board Members must be cognisant of the fiduciary duty of Board Members to act in the best interests of the Subsidiary, which might conflict with the interests of the Council. Further the Conflict of Interest provisions relating to Regional Subsidiaries are more complicated, although training will be provided by the Governance Team.

The SHLGA Charter does not set out any specific qualifications or experience for potential Board Members, however Council may wish to consider more general suitability factors including (but not limited to):

- understanding or the ability to acquire the same of the charter, functions, operations and legislative framework of the respective Subsidiary;
- understanding or the ability to acquire the same of the roles and duties of a Board Member;
- understanding or the ability to acquire the same in meeting procedure generally and the meeting procedure set out in the *Local Government (Procedures at Meetings) Regulations 2013* and Meeting Procedure provisions of the respective Subsidiary;
- ability to manage conflict and differing opinions;
- integrity, good conduct and diligence;
- the opportunity to provide professional development;



- the opportunity to consider diversity in the role;
- willingness and ability to travel to meetings (given that these are regional groupings, meetings can be held a considerable distance from the Council district);
- willingness and ability to attend meetings during business hours and Special Meetings at short notice; and
- current and future time commitments.

#### **Council Officers on Regional Subsidiaries**

As identified in the Background section above, membership of SHLGA for each Constituent Council comprises two members, one of which must be a Council Member and the other can be a Council Member or a Council Officer.

The custom and practice for SHLGA is that the two Board Members are the Mayor and Chief Executive of each Constituent Council.

Andrew Aitken has indicated his willingness to be appointed for another term to the SHLGA Board.

#### **Term of Appointment**

As identified in the Background section above, the term of appointment is a matter for the Council. While terms have historically been for a two-year period, there is nothing to preclude an appointment for a longer period (i.e. if a Council Member for the remainder of the Council term or a Council Officer for any term Council determines).

#### **Indicative Voting Process for Determining Council Appointed Positions**

If Council wish to proceed with a voting process to determine the appointment to the SHLGA Board Member position, it can utilise the process set out in other reports in the 22 October 2019 Council meeting agenda for the election of office bearers.

### **3. OPTIONS**

The Council has the following options:

- I. To resolve to appoint Andrew Aitken to the SHLGA Board Member position. A term of 3 years is proposed however any other term is equally appropriate (**Recommended**).
- II. To decide to conduct an indicative voting process to determine the preferred person for the SHLGA Board Member position.
- III. To decide not to make any appointment to the SHLGA Board Member position. (**Not Recommended**). Doing so would mean that the Deputy Board Member would attend all Board meetings until a Board Member was appointed.

### **4. APPENDIX**

- (1) SHLGA Charter

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**Appendix 1**  
*SHLGA Charter*

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**LOCAL GOVERNMENT ACT 1999****SOUTHERN & HILLS LOCAL GOVERNMENT ASSOCIATION***Notice of Alteration to the Charter*

PURSUANT to Clause 21 of the Charter and Clause 19, Part 2, Schedule 2 of the Local Government Act 1999, the Charter published in the *Gazette* on 10 May 2007 at pages 1909 to 1915 was amended by unanimous resolution of the District Council of Mount Barker on 16 May 2011, City of Victor Harbor on 23 May 2011, District Council of Yankalilla on 19 May 2011, Adelaide Hills Council on 24 May 2011, Alexandrina Council on 1 August 2011, Kangaroo Island Council on 8 June 2011 and The Barossa Council on 17 May 2011.

The Charter, as amended, of the Southern & Hills Local Government Association is set out below:

**1. INTERPRETATION**

‘absolute majority’ means a majority of the whole number of the members.

‘Act’ means the Local Government Act 1999.

‘Association’ means the Southern & Hills Local Government Association.

‘Council’ means a Council as constituted under the Local Government Act 1999.

‘LGA’ means the Local Government Association of South Australia.

‘S&HLGA’ means the Southern & Hills Local Government Association.

**2. ESTABLISHMENT**

The S&HLGA is established by the Constituent Councils as a regional subsidiary pursuant to Section 43 and Schedule 2 (‘the Schedule’) of the Local Government Act 1999 (‘the Act’).

This Charter governs the affairs of the S&HLGA.

**3. CONSTITUENT COUNCILS**

The Authority is established by the District Council of Mount Barker, City of Victor Harbor, District Council of Yankalilla, Adelaide Hills Council, Alexandrina Council, Kangaroo Island Council and The Barossa Council (‘the Constituent Councils’).

The Authority is subject to the joint direction of the Constituent Councils.

**4. PURPOSE OF THE ASSOCIATION**

4.1 To work collaboratively with the LGA to achieve the aims and objectives of the LGA.

4.2 To encourage, promote, protect and foster an efficient and effective autonomous, democratic system of local government elected by and responsible to local communities.

4.3 To identify available resources within the region and to co-ordinate or assist in co-ordinating the management of these resources for the betterment of their region’s community.

4.4 To encourage, assist, seek out, determine, assess and respond to the needs and aspirations of the region’s constituents.

4.5 To develop, encourage, promote, foster and maintain consultation and co-operation between local government authorities, State and Commonwealth Governments and their instrumentalities.

4.6 To develop, encourage, promote, foster and maintain the financial and economic well-being and advancement of the region and if desirable for such purpose to undertake, establish, acquire, conduct or dispose of any business, enterprise, undertaking or venture which in the opinion of S&HLGA is necessary, desirable or convenient.

4.7 To effectively liaise and work with the State and Commonwealth Governments and their instrumentalities on a regional basis for the general enhancement of the region.

**5. POWERS**

S&HLGA will have the following powers (in addition to and without prejudice to any other powers herein expressed or implied or by virtue of any other legislation applicable):

5.1 To subscribe to, become a member of and/or co-operate with any other association or organisation whose objects are altogether or in part similar or complementary to those of S&HLGA and on such terms as S&HLGA deems appropriate.

5.2 To enter into any arrangements with any Government or authority that are incidental or conducive to the attainment of the objects and the exercise of the powers of S&HLGA.

5.3 To raise revenue through subscriptions or levies from Constituent Councils. To apply for grants from Government Agencies and to seek sponsorship from business enterprise.

5.4 To print or publish any newspapers, periodicals, books, leaflets, treatise, or other writing that S&HLGA may think desirable for the promotion of its objects.

- 5.5 To acquire, deal with and dispose of real and personal property (wherever situated) and rights in relation to real and personal property.
- 5.6 To enter into any kind of contract or arrangement.
- 5.7 To invest funds and in doing so to take into account Part 4 of Chapter 9 of the Act.
- 5.8 To establish committees for the following purposes:
  - 5.8.1 inquiring into and reporting on any matter within the terms of reference determined by the Board;
  - 5.8.2 exercising, performing and discharging delegated powers, functions or duties;
  - 5.8.3 investigating opportunities for resource sharing within the region and implementing strategies to take advantage of any such opportunities;
  - 5.8.4 a member of a committee established in accordance with Clause 10.8 holds office at the pleasure of the Board;
  - 5.8.5 the President of the S&HLGA shall be an *ex officio* member of all committees.
- 5.9 To delegate any function or duty except for any of the powers set out in Section 44 of the Local Government Act 1999, (where such powers are applicable to a Subsidiary).
- 5.10 To do anything else necessary or convenient for, or incidental to, the exercise, performance or discharge of its powers, functions or duties.

## 6. SOURCES OF REVENUE

The sources of revenue of the S&HLGA may include:

- 6.1 Subscriptions to be applied equally from Constituent Councils under such terms and conditions determined by the Board.
- 6.2 Service charges for services to Constituent Councils under such terms and conditions determined by the Board.
- 6.3 Grants from Government Agencies and the LGA.
- 6.4 Sponsorship from business enterprise.
- 6.5 Loan funds or overdraft, on such conditions as the S&HLGA sees fit for the purpose of the S&HLGA:
  - 6.5.1 A proposal for borrowing by the S&HLGA must be provided to each Constituent Council.
  - 6.5.2 The proposal to borrow must be approved by an absolute majority of the Constituent Councils in writing before it can be considered by the Board.
  - 6.5.3 An Order to Borrow must be approved an absolute majority of the Board.
- 6.6 Interest from the investment of funds.

## 7. THE BOARD—ROLE AND MEMBERSHIP

- 7.1 The S&HLGA will be governed by a Board.
- 7.2 The Board is responsible for the administration of the affairs of the S&HLGA. The Board must ensure insofar as it is practicable, that the Authority observes the objectives set out in this Charter, that information provided to the Constituent Councils is accurate and that Constituent Councils are kept informed of the solvency of the S&HLGA as well as any material developments which may affect the operating capacity and financial affairs of the S&HLGA.
- 7.3—
  - 7.3.1 Each of the Constituent Councils will appoint two persons to the Board. The Constituent Councils' appointees shall be not less than one elected member of the Constituent Council and the other appointee may be a Council Officer.
  - 7.3.2 Each Constituent Council may appoint either an Elected Member or a Council Officer as Deputy Board Member who may attend Board Meetings in the place of a Council Board Member who is absent.
  - 7.3.3 The Board may appoint observers to the Board. Such appointees will not be entitled to vote at meetings.
  - 7.3.4 Board members shall not be entitled to receive a sitting fee.
- 7.4 A certificate signed by the Chief Executive Officer of the appointing Constituent Council will be sufficient evidence of appointment.
- 7.5 The President shall preside over all meetings of the Board.
- 7.6 In the absence of the President, the Deputy President will preside over meetings of the Board.

- 7.7 In the absence of the President and Deputy President, the Board will elect a temporary Acting Chairperson from amongst their members.

**8. TERM OF OFFICE—THE BOARD**

- 8.1 Subject only to the following subclauses, the term of office of each member of the Board will be as determined by the Constituent Council responsible for the appointment of the member.
- 8.2 The Board may by a two-thirds majority vote of the members present (excluding the member subject to this Clause):
- 8.2.1 make a recommendation to the Constituent Council responsible for the appointment of the relevant member, seeking the appointing body's approval to terminate the appointment of the member.
- 8.3 The Constituent Council which appointed the member whose term of office has become vacant will be responsible to appoint the replacement member.

**9. PROCEEDINGS OF THE BOARD**

- 9.1 Subject only to the extent that they are modified by this Clause, the proceedings of the Board will be the same as those for committees of Council as defined in Part 2 of Chapter 6 of the Act and in accordance with the Regulations for 'Other Committees' comprised in Parts 1, 3 and 4 of the Local Government (Proceedings at Meetings) Regulations 2000.

References in Part 2 of Chapter 6 of the Act to 'the Chief Executive Officer' shall be read as if they were references to the Executive Officer of the Authority and references to 'the Council' or 'the committee' shall be read as if they were references to the Authority.

To the extent that this Charter and the Act and its associated Regulations are silent, the Board may determine its own meeting procedures.

- 9.2 Subject only to the special provisions of this Clause, no meeting of the Board will commence until a quorum of members is present and no meeting may continue unless there is a quorum of members present. A quorum of members will comprise half the members plus one. A time limit of 30 minutes shall apply from the advertised time of the meeting in which to reach a quorum. Failure to reach a quorum within this time limit shall result in a failed meeting.
- 9.3 At the commencement of a telecommunications meeting, each Board member must announce his/her presence to all other Board members taking part in the meeting. A Board member must not leave a telecommunication meeting by disconnecting his/her, audio-visual or other communication equipment, unless that Board member has previously notified the Chairperson of the meeting.
- 9.4 In the event that there is not a quorum present at two consecutive meetings of the Board, then an extraordinary meeting of the Board may be convened in the same manner as for a special meeting (see Clause 6.1), at which the business which was on the agendas for the two previous but failed meetings may be transacted at the extraordinary meeting of the Board where the requirement for a quorum is that there be at least one member representing each of the Constituent Councils in attendance. Decisions made at such a meeting will be binding on the subsidiary and all members of the Board and the Constituent Councils.
- 9.5 Subject only to any specific requirement of this Charter, all matters for decision at a meeting of the Board will be decided by a simple majority of the members present and entitled to vote on the matter. Both members from each Constituent Council present are entitled to vote on a matter. Voting members are entitled only to a deliberative vote. Board members may not vote by proxy.
- 9.6 In the event of equality of votes, the Chairperson will not have a casting vote and the matter will be deemed to have lapsed and may at some later time be reconsidered.
- 9.7 Meetings of the Board will be held at such time and such place as the Board decides subject only to the requirement that there will be at least one meeting in every two calendar months.
- 9.8 A special meeting of the Board may be held at any time and may be called at the request of the Chairperson or at the written request of eight members of the Board representing all of the Constituent Councils.
- 9.9 Notice of all meetings will be given in accordance with the provisions applicable to a committee meeting under Part 2 of Chapter 6 of the Act and the associated Regulations.
- 9.10 Meetings of the Board will be open to the public unless the Board so resolves to exclude the public pursuant to section 90 of the Act.
- 9.11 All members must keep confidential all documents and any information provided to them in confidence for their consideration prior to a meeting of the Board.
- 9.12 The Board must ensure that accurate written minutes of its proceedings are kept and are produced for verification at the subsequent meeting of the Board.

**10. OFFICES OF THE BOARD**

- 10.1 The Board shall elect, from the elected member Board members of different Constituent Councils, at the February meeting following the Local Government periodical elections and then every two years thereafter, the following offices for a period of two years:
  - 10.1.1 President, who shall be the Chairperson of the Board;
  - 10.1.2 Deputy President, who shall be the Deputy Chairperson of the Board.
- 10.3 A Board member cannot be elected to the same office for more than two consecutive terms.

**11. PROPRIETY OF MEMBERS OF THE BOARD**

- 11.1 The principles regarding conflict of interest prescribed in the Act will apply to all members of the Board as if they were elected members of a Council.
- 11.2 The members of the Board will not be required to comply with Division 2, Chapter 5 (Register of Interests) of the Act.
- 11.3 The members of the Board will at all times act in accordance with their duties of confidence and confidentiality and individual fiduciary duties including honesty and the exercise of reasonable care and diligence with respect to the Board as required by Part 4, Division 1, Chapter 5 of the Act and Clause 23 of Part 2 of Schedule 2.

**12. ADMINISTRATIVE MATTERS**

- 12.1 There will be an Executive Officer of the S&HLGA appointed by the Board on terms and conditions to be determined by the Board.
- 12.2 The Executive Officer will be responsible to the Board:
  - 12.2.1 to ensure that the policies and lawful decisions of the S&HLGA are implemented in a timely manner;
  - 12.2.2 for the efficient and effective management of the operations and affairs of the S&HLGA;
  - 12.2.3 to provide advice and reports to the Board on the exercise and performance of the S&HLGA powers and functions; and
  - 12.2.4 to give effect to the principles of human resource management generally applicable within the local government industry.
- 12.3 The Executive Officer has such powers, functions and duties prescribed by this Clause and as determined necessary by the Board from time to time to ensure the efficient and effective management of the operations and affairs of the S&HLGA.
- 12.4 The Board may employ other officers and it may authorise the Executive Officer to employ such other officers on its behalf as are required for the efficient and effective management of the operations and affairs of the Authority.
- 12.5 The Board may engage professional consultants and it may authorise the Executive Officer to engage professional consultants to provide services to the S&HLGA to ensure the proper execution of its decisions, the efficient and effective management of the operations and affairs of the S&HLGA and for giving effect to the general management objectives and principles of personal management prescribed by this Charter.

**13. BUSINESS PLAN**

- 13.1 The S&HLGA shall have a rolling Business Plan in respect of the ensuing four years.
- 13.2 The Business Plan must:
  - 13.2.1 state the services to be provided by the S&HLGA;
  - 13.2.2 identify how the S&HLGA intends to manage service delivery;
  - 13.2.3 identify the performance targets which the S&HLGA is to pursue;
  - 13.2.4 provide a statement of financial and other resources and internal processes that will be required to achieve the performance targets and objectives of the S&HLGA; and
  - 13.2.5 specify the performance measures that are to be used to monitor and assess performance against targets.
- 13.3 Prior to setting the draft budget each year the S&HLGA must review the Business Plan in conjunction with the Constituent Councils.

**14. BUDGET**

- 14.1 The S&HLGA must prepare a budget for the forthcoming financial year.
- 14.2 The budget must:
  - 14.2.1 deal with each principal activity of the S&HLGA on a separate basis;

- 14.2.2 be consistent with and account for activities and circumstances referred to in the S&HLGA's business plan;
- 14.2.3 identify the amount of surplus (deficit) brought forward from the previous year;
- 14.2.4 identify the amount of subscription to be made by each Constituent Council;
- 14.2.5 be submitted in draft form to each Constituent Council before 30 April for information of its proposed contribution for the ensuing year; and
- 14.2.6 not be adopted by the Authority until after 31 May but before 30 September.
- 14.3 The adoption of the budget requires a two-thirds majority of the Board members present.
- 14.4 The S&HLGA must provide a copy of its budget to each Constituent Council within five business days after adoption.
- 14.5 The S&HLGA must reconsider its budget in accordance with Regulation 7 of the Local Government (Financial Management) Regulations 1999.
- 14.6 The S&HLGA must submit to each Constituent Council for approval, any proposed amendment to the budget that provides for an additional financial contribution by the Constituent Councils.

## 15. ACCOUNTING

The S&HLGA must ensure that its accounting records, accounts and financial statements are prepared and maintained in accordance with all relevant Australian Accounting Standards. See Regulations 8 and 9, Local Government (Financial Management) Regulations 1999, in relation to particular accounting practices.

## 16. FINANCIAL MANAGEMENT

- 16.1 The S&HLGA shall maintain an operations bank account and such other accounts as it may determine from time to time. The operators of all bank accounts shall be the President and Executive Officer and not less than two members appointed at the AGM where any two of the bank operators are required to operate the accounts.
- 16.2 The Executive Officer shall cause adequate and proper books of account to be kept in relation to all affairs of the S&HLGA.
- 16.3 The Executive Officer shall prepare a draft Operations Manual for the Executive Committee and following any amendment, shall adopt the Operations Manual and make recommendations on the implementation of the manual.
- 16.4 The S&HLGA shall give due regard to Chapter 9, Part 4 of the Act when investing funds.
- 16.5 The financial year for the S&HLGA is from 1 July to 30 June.

## 17. AUDIT

- 17.1 The S&HLGA must appoint an Auditor.
- 17.2 The S&HLGA must provide its audited financial statements to the Chief Executive Officer of each Constituent Council by 30 September. See Part 5, Local Government (Financial Management) Regulations 1999, in relation to the S&HLGA's audit responsibilities.

## 18. REPORTS AND INFORMATION

- 18.1 The S&HLGA must submit its annual report on its work and operations including its audited financial statements, to each Constituent Council before 30 September.
- 18.2 Within two weeks following each ordinary meeting of the Board the Constituent Councils shall be provided with a Key Outcomes Summary of the meeting that shall include the Achievements Against the Business Plan Report for those meetings that it is received by the Board.
- 18.3 The Board shall report at any other time at the written request of a Constituent Council on matters being undertaken by the S&HLGA. Any such report shall be provided to all Constituent Councils.

## 19. THE SEAL

- 19.1 The S&HLGA will have a common seal which may be affixed to documents requiring execution under common seal and must be witnessed by the Chairperson of the Board and one other Board member present at the meeting.
- 19.2 The common seal must not be affixed to a document except to give effect to a resolution of the Board. The Executive Officer will maintain a register which records the resolutions of the Board giving authority to affix the common seal and details of the documents to which the common seal has been affixed with particulars of the persons who witnessed the fixing of the seal and the date.
- 19.3 The Board may by instrument under seal authorise a person to execute documents on behalf of the S&HLGA. The Executive Officer will maintain a register of such resolutions and details of any documents executed in this way, together with particulars of the person executing the document.



**20. DISPUTES**

- 20.1 In the event of any dispute or difference between one or more Constituent Councils and the S&HLGA concerning the operations or affairs of the Authority, the dispute process shall be initiated by a Constituent Council serving a notice of dispute on the S&HLGA with a contemporaneous copy being served on all other Constituent Councils. The Constituent Councils:
- 20.1.1 will attempt to settle the dispute or difference by negotiating in good faith;
  - 20.1.2 if good faith negotiations do not settle the dispute or difference within one month of the dispute arising then the dispute shall be referred to an expert for determination. The expert shall be a person with the skills and expertise necessary to resolve the dispute and shall be nominated by the President of the Local Government Association of South Australia. The expert is an expert and not an arbitrator. The expert's determination shall be final and binding on the Constituent Councils. The costs of the expert will be apportioned and payable in accordance with the expert's determination;
  - 20.1.3 if the dispute is unable to be resolved by the expert within six months then any Constituent Council may request the Minister to dissolve the S&HLGA; and
  - 20.1.4 notwithstanding the existence of a dispute or difference, the Constituent Councils will continue to meet their obligations to the S&HLGA.

**21. ALTERATION TO THE CHARTER**

- 21.1 This Charter may be amended by unanimous resolution of the Constituent Councils.
- 21.2 The Executive Officer of the S&HLGA must ensure that the amended Charter is published in the *Gazette*.
- 21.3 Before the Constituent Councils vote on a proposal to alter this Charter they must take into account any recommendations of the Board.

**22. ADDITION OF NEW MEMBER**

- 22.1 The Board may consider the addition of a new member to the S&HLGA.
- 22.2 The Constituent Councils must resolve unanimously to approve the addition of a new member to the S&HLGA and must obtain Ministerial approval.
- 22.3 The Charter shall be amended in accordance with the provisions of this Charter to address any new addition.

**23. WITHDRAWAL OF A CONSTITUENT COUNCIL**

- 23.1 Subject to the approval of the Minister, a Constituent Council may withdraw from the S&HLGA by giving not less than six months notice of its intention to do so to all other Constituent Councils and the Executive Officer.
- 23.2 In any event a withdrawal cannot become effective until 30 June following the expiry of the six months in the preceding subclause. Until withdrawal becomes effective, the Constituent Council proposing withdrawal from the Authority will remain liable for all financial contributions in the remaining period and through its members on the Board, the responsibility of ensuring the continued proper conduct of the affairs of the Authority.
- 23.3 A withdrawing Constituent Council is not entitled to any refunds of any contributions made.

**24. CIRCUMSTANCES NOT PROVIDED FOR**

- 24.1 If any circumstances arise to which this Charter is silent, incapable of taking effect or being implemented according to its strict provisions, S&HLGA will have the power to determine what action may be taken to ensure the effective administration and objectives of S&HLGA provided that such action will be determined at a meeting of S&HLGA.

**25. WINDING UP**

- 25.1 In addition to the provisions of Clause 33 of Schedule 2 of the Act, the S&HLGA may be wound up by the Constituent Councils.
- 25.2 In the event of dissolution and after payment of all expenses any surplus assets shall be returned to Constituent Councils in proportion to the subscription paid in the financial year prior to the passing of the resolution to dissolve.
- 25.3 In the event of dissolution where there are insufficient funds to pay all expenses due by S&HLGA a levy shall be struck to cover the deficiency, such levy being in proportion to the subscription payable in the financial year prior to dissolution.

**26. INSOLVENCY**

In the event of the insolvency of the S&HLGA each Constituent Council shall be responsible for the liabilities of the Association in proportion to the subscription payable in the financial year prior to its insolvency.

F. PEDLER, Executive Officer

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

**Item:** 12.13

**Originating Officer:** Lachlan Miller, Executive Manager Governance & Performance

**Responsible Director:** Andrew Aitken, Chief Executive Officer

**Subject:** Local Government Reform Submission

**For:** Decision

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**SUMMARY**

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

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

The *Reforming Local Government in South Australia Discussion Paper* was released for public comment in August 2019 with responses due by 1 November 2019.

An AHC Local Government Reform Submission (**Appendix 1**) has been drafted on the basis of feedback received from Council Members and Officers.

**RECOMMENDATION**

**Council resolves:**

1. That the report be received and noted
  2. To lodge its Local Government Reform Submission at Appendix 1 to the Office of Local Government.
  3. To delegate to the Chief Executive Officer the authority to make any minor changes to the Submission to reflect matters raised in the debate on the Local Government Reform Submission report.
-

## 1. GOVERNANCE

### ➤ Strategic Management Plan/Council Policy

Goal: Organisational Sustainability  
Strategy: Governance

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

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

### ➤ Legal Implications

During 2018, two key 'reform'-orientated bills were introduced into Parliament being the *Local Government (Rate Oversight) Amendment Bill 2018* and the *Local Government (Ratepayer Protection and Related Measures) Amendment Bill 2018*. It appears unlikely that either Bill will gain the support of both houses and, as such, will most likely not progress.

The Minister for Local Government has indicated an intention to introduce a new 'reform' Bill into the House of Assembly in the New Year (2020) developed on four key reform Areas, as follows:

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

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

### ➤ Risk Management Implications

Providing considered and responsible feedback into the reform process will assist in mitigating the risk of:

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

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

Note that there are many other controls that assist in mitigating this risk.

### ➤ Financial and Resource Implications

There are no direct financial implications arising from this report.

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

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

➤ **Environmental Implications**

There are no direct environmental implications arising from this report.

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

Consultation on the development of this report was as follows:

*Council Committees:* The Local Government Reform agenda was discussed briefly at the 12 August 2019 Audit Committee meeting.

*Council Members:* Members were invited via email to provide comments for input to the Submission.

*Council Workshops:* Council Members discussed a number of the proposals at its 19 September 2019 workshop.

*Advisory Groups:* Not Applicable.

*Administration:* Members of Council's management team (with functional responsibility for matters covered in the Reform Submission) have been consulted and provided input.

*Community:* Not Applicable

## **2. BACKGROUND**

As set out in the Legal Implications section above, local government reform has been gaining momentum for the last two years.

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

As a starting point the LGA produced a *Local Government Reform Discussion Paper – March 2019* The Discussion Paper sets out the LGA's preliminary comments in relation to the reform themes, which is largely a rehash of previous submissions put to the LGA by member councils. Adelaide Hills Council considered a draft submission at its 23 April 2019 meeting and resolved as follows:

## 12.1 Local Government Reform Discussion Paper Submission

Moved Cr Kirsty Parkin  
S/- Cr Pauline Gill

66/19

### Council resolves:

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

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

In April 2019, the Office of Local Government (OLG) established Local Government Reform Working Groups on each of the four theme areas with representatives from relevant stakeholder groups (e.g. OLG, LGA, Auditor-General's Office, Governance and Policy Officers Network (GPON), Local Government Rate Administrators Group, Financial Managers' Group). Council's Executive Manager Governance & Performance, Lachlan Miller, has been elected as the GPON representative on the 'Efficient and transparent local government representation' Working Group.

In August 2019, as a result of the submissions received in the first round of consultation, the Minister for Local Government released the *Reforming Local Government in South Australia Discussion Paper* (Discussion Paper) with responses due by 1 November 2019. The Discussion Paper has not been attached to this report but is available from the DPTI website [https://www.dpti.sa.gov.au/local\\_govt/local\\_government\\_reform](https://www.dpti.sa.gov.au/local_govt/local_government_reform).

As with the previous round of consultation, the 'yourSAy' public consultation site was refreshed to seek community feedback on the theme areas.

The Minister has advised that the current South Australian Productivity Commission's Local Government Inquiry will also inform his views as to reform areas for the foreshadowed Bill. While the Inquiry is not the subject of this report, it was formed (as per the Commission's website) to:

*'examine trends in local government costs and the drivers of these costs as well as developing and analysing measures of efficiency. Mechanisms and indicators that might be used by local government to measure and improve performance will also be identified. The Commission will provide advice and recommendations on options for improving efficiency in local government operations.'*

In late August 2019, the LGA provided preliminary comments against each reform proposals for council to consider in framing their own submissions. The LGA Board currently is in the process of determining their final submission.

### 3. ANALYSIS

The Discussion Paper contains 72 proposals for reform across the four Reform Areas. These proposals attempt to address key problematic areas of local government leadership and operation.

It could be argued that the thrust of the reforms is largely about rectifying deficiencies and anomalies in the current suite of legislation rather than proposing any ‘paradigm-shifting’ changes in South Australian local government. Further, notwithstanding that one of the Reform Areas is ‘Simpler Regulation’, it could be argued that the key reform ‘tool’ may be more legislation and prescription.

Council Members and Officers have provided input into the development of AHC’s Submission (**Appendix 1**). The LGA’s preliminary (August 2019) comments have being included in the document to provide some sectorial context, these will be removed from the final submission.

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

### 4. OPTIONS

Council has the following options:

- I. To resolve to lodge the Local Government Reform Submission at Appendix 1, with or without minor amendment (Recommended)
- II. To determine that more significant changes are required to the Submission. Doing so will place considerable pressure on the submission timeframe of 1 November 2019. Such a decision however will require a delegation to the Mayor or CEO to finalise and lodge the Submission. (Not Recommended)

### 5. APPENDIX

- (1) *Local Government Reform Submission – November 2019*

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# **Appendix 1**

*Local Government Reform Submission –  
November 2019*

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Reform Area 1 – Stronger Council Member Capacity & Better Conduct	LGA Comments (as at August 2019)	AHC Submission
1.1 Clearly separate behavioural matters from integrity matters in the legislation	The Ombudsman and ICAC are the appropriate bodies to deal with serious integrity issues. However, their processes take time and councils need fair and efficient processes to quickly resolve behavioural issues (eg bullying & harassment).	<p><b>Supported.</b></p> <p>There needs to be a clear delineation between behavioural matters and integrity matters and the paths for dealing with them.</p> <p>Behavioural matters should be managed by the council in an adopted process within legislative guidelines whereas integrity matters should be referred immediately to the ICAC or other appropriate integrity body.</p> <p>The referral provisions of Part 3 to the Ombudsman’s Office should be removed as investigating conduct matters is not consistent with the generally-accepted role of an ombudsman and is an untimely mechanism for managing these types of complaints.</p>
1.2 Include standards of behaviour in the legislation, allowing councils to adopt more detailed ‘examples of behaviour’.	<p>The legislation should contain clear standards and expectations. There should also be real and speedy consequences, for councillors who breach the rules.</p> <p>Q: Should the same standards of behaviour apply state-wide or should councils set their own standards?</p>	<p><b>Supported.</b></p> <p>While principle-based conduct guidance is usually preferable, given the experiences of poor conduct in the sector, specificity will be more effective for clearly defining unacceptable conduct. This should remain a role of the Governor as per s63(1).</p> <p>Council-adopted supplementary guidance is commendable however this has the potential for inconsistencies in content and application across the sector.</p> <p>Notwithstanding the above, the Adelaide Hills Council adopted a suite of behavioural standards soon after the mandatory Code of Council for Council Members was released as Members wished to hold each other to a higher standard. On the whole, these have served the Council well.</p>

Reform Area 1 – Stronger Council Member Capacity & Better Conduct	LGA Comments (as at August 2019)	AHC Submission
1.3 Continue to give councils flexibility to deal with behavioural matters.	The LGA agrees that councils should have clear behaviour policies and should try to resolve matters internally, before they are referred to an external conduct tribunal.	<p><b>Partially supported.</b></p> <p>Councils should continue to have a degree of flexibility to determine how behavioural matters will be managed, be it delegating a role, committee or external body to process.</p> <p>The level of skills and experience within the sector regarding conduct management are variable and therefore the flexibility should be bounded by clear legislative guidance.</p> <p>Adelaide Hills Council’s Code of Conduct Complaint Handling Procedure delegates a role to the Mayor to determine the nature of the allegation (i.e. Part 2 or 3) and, if a Part 2, the mechanism to deal with the allegation (i.e. dismiss as frivolous, mediation between the parties, referral to the LG Governance Panel).</p>
1.4 Provide principal members with enhanced powers to deal with disruptive behaviour at meetings.	<p>There is strong (but not unanimous) support across the sector for clarifying the role of Mayors and ensuring they have the powers necessary to chair meetings effectively.</p> <p>There is a wider spread of views, on the role of Mayors, more generally.</p> <p>Q: Should Mayors have the power to temporarily exclude elected members from council meetings? In what circumstances should these powers be exercised?</p>	<p><b>Supported.</b></p> <p>Regulation 29(5)(b) does currently provide the power for a council to suspend a Member for the duration of a meeting. Anecdotally this power is rarely used. Providing the presiding member with power to (unilaterally) deal with disruptive behaviour may be beneficial although could also raise complaints and subsequent reviews for improper usage of those powers.</p> <p>Equally there should be some consideration to the establishment of provisions in which the presiding member’s conduct is disruptive. The provisions of Regulation 29 should be able to deal with this with some amendments to enable a motion from the chamber to initiate the process.</p>

Reform Area 1 – Stronger Council Member Capacity & Better Conduct	LGA Comments (as at August 2019)	AHC Submission
<p>1.5 Enable escalation of serious behavioural matters to an independent body that can suspend members (including suspension of an allowance).</p>	<p>Agree. The LGA supports ‘Prevention to intervention’ strategies. Whilst councils should try to resolve disputes/issues at first instance, there need to be real consequences for elected members whose conduct does not meet behavioural standards.</p> <p>Q: Should a council be able to refer less-serious matters to the independent body if (for example):</p> <ul style="list-style-type: none"> <li>• the behaviour is on-going; or</li> <li>• internal council processes have failed to resolve it?</li> </ul> <p>Q: How should the Act deal with trivial or vexatious complaints made by elected members?</p>	<p><b>Supported.</b></p> <p>Under the current flexible model, councils can determine who and how they utilise external bodies to process behavioural conduct matters. This should remain.</p> <p>There are differing views as to whether the independent body should have the power to suspend members (allowance and/or attendance at meetings) or whether it should only make recommendations to the council.</p> <p>Clarity regarding the escalation triggers would be necessary (i.e. is it repeated minor matters and/or one-off serious matters).</p> <p>The utilisation of an independent body will almost certainly significantly extend the timeframes for dealing with behavioural matters. The duration of the investigation is particularly detrimental to the dynamics of the chamber and the public perception of council members.</p> <p>Consideration could be given to a requirement to publicly report on Council Members found to have breached conduct standards (e.g. notification on website and/or in the Annual Report).</p>
<p>1.6 Simplify the conflict of interest provisions by establishing ‘material’ and ‘non-material’ conflicts.</p>	<p>The ‘conflict of interest’ model in the Local Government Act is unnecessarily complicated and confusing. As a result, many councillors do not participate in debates, when their expertise would be valuable.</p>	<p><b>Supported.</b></p> <p>The current ‘conflict of interest’ model in the Local Government Act is unnecessarily complicated and confusing.</p> <p>Reverting to the previous provisions of ‘material conflicts of interest’ would be a significant improvement.</p>

Reform Area 1 – Stronger Council Member Capacity & Better Conduct	LGA Comments (as at August 2019)	AHC Submission
	<p>Simplification is supported. However, a distinction between ‘material’ and ‘non-material’ conflicts may not be useful.</p> <p>NB Many elected members have ongoing roles in other community organisations.</p> <p>Q: How can we manage conflict of interest issues without deterring community-minded people from running for council and legitimately participating in debates?</p>	<p>There are differing views as to whether involvement with a community organisation (particularly at the board/committee level) should preclude the Member from participating in the debate and casting a vote.</p>
<p>1.7 Simplify the process by which council members can be exempt from conflict of interest provisions, or seek approval to participate in a matter.</p>	<p>Conflict of interest rules should ensure that all relevant relationships are declared but should not prohibit participation in debate where duties owed to two organisations do not actually ‘conflict’.</p>	<p><b>Not supported.</b></p> <p>If the guidelines for determining a conflict are clear there should be no requirement for Members to seek exemptions. That is, if a conflict (as defined in the legislation) exists as per proposal 1.6, the Member should not be influencing the debate in the Chamber or the outcome of the deliberations by voting. Quorums exist to ensure sufficient diversity of perspective when considering matters and given that the Chamber makes decisions in the best interests of the whole community, Council Members should have no concerns about declaring conflicts and leaving the Chamber.</p>

Reform Area 1 – Stronger Council Member Capacity & Better Conduct	LGA Comments (as at August 2019)	AHC Submission
1.8 Clarify the application of conflict of interest rules to council committees and subsidiaries.	One set of conflict of interest rules should apply, whether at a council meeting, a committee or at a council subsidiary.	<p><b>Supported.</b></p> <p>One set of conflict of interest rules should apply, whether at a council meeting, a committee or at a council subsidiary.</p> <p>Clarity is required as to how conflicts are dealt with when matters are discussed at subsidiaries and then considered at the council.</p>
1.9 Establish a new conduct management framework through— Model 1 - The clarification of current legislation Model 2 - Using governance committees Model 3 - Establishing a Local Government Conduct Commissioner.	<p>Whilst councils should make efforts to resolve behavioural issues at first instance, there will be times when these processes fail. At present, there are few real consequences for poor behaviour.</p> <p>In those cases, where council processes have not succeeded, there is a need for an independent body that can make a speedy decision, with the ability to impose appropriate sanctions, enabling the council to move past the issues and to get on with business.</p> <p>Q: Which is the preferred model for managing conduct?</p> <p>Q: Could the existing arrangements work if the legislation was clearer or</p>	<p><b>Partially supported.</b></p> <p>Model 1 should remain for the management of less serious behavioural matters, taking into consideration the comments provided relating those proposals (1.1-1.4).</p> <p>Governance committees (Model 2) are currently used by a number of councils to manage conduct matters with specific powers delegated to the independent presiding member to receive complaints and determine (within the provisions of the respective council's conduct complaints handling procedure) how the complaint will be managed. This model is beneficial in that it reduces the potential for politicisation (or the perception therefore) of the management of a complaint. At present the delegation of powers to the governance committee (and/or the independent presiding member) are a matter for the council rather than being legislated. Should it become legislated, the costs associated with and the availability of appropriately qualified independent members will be a burden for some councils.</p> <p>While a Local Government Conduct Commissioner (Model 3) has some appeal for providing impartiality, the cost burden for councils is likely to be prohibitive and there would also be concerns regarding timeliness.</p>

Reform Area 1 – Stronger Council Member Capacity & Better Conduct	LGA Comments (as at August 2019)	AHC Submission
	<p>governance committees were created?</p> <p>Q: If an independent body is created (Model 3), what would an ideal model look like? eg: Who should appoint Commissioners? Who should pay for it?</p>	<p>Alternate provisions could be for breaches of the code of conduct (when found guilty) to be mandatorily reported to the Office of Local Government and the Act be amended to provide the Minister with the power to dismiss council members who demonstrate frequent and/or serious breaches of the code.</p>
<p>1.10 Clarify the role of council members to recognise their responsibility to ensure good working relationships within the council, and to support the conduct management framework.</p>	<p>Q: How should the role of council members be expressed? General principles? Black-and-white rules? Both?</p> <p>Q: Should the duties of members continue to be expressed in the Act, Code of Conduct? Or should these be consolidated?</p>	<p><b>Supported.</b></p> <p>Conduct guidance should be by explicit legislative provisions with little or no tailoring by councils thereby ensuring consistency across the sector.</p>
<p>1.11 Clarify the role of council members to recognise their obligation to complete mandatory training.</p>	<p>Mandatory training for elected members is supported by the LGA.</p> <p>Qs:</p> <ul style="list-style-type: none"> <li>• How can mandatory training be improved?</li> <li>• What penalties should apply, for members failing to complete the training? Is it 'Misconduct'?</li> </ul>	<p><b>Supported.</b></p> <p>The Act is already clear regarding the requirement for mandatory training for Council Members once they have been elected. The concept of mandatory training for candidates is contemplated in Reform Area 3.</p> <p>Greater use of on-line competency-based software could be used to facilitate Council Members demonstrating an understanding of, and competency in, the mandatory subject matter rather than the current attendance-only model.</p>

Reform Area 1 – Stronger Council Member Capacity & Better Conduct	LGA Comments (as at August 2019)	AHC Submission
<p>1.12 Clearly state the role of the principal member as a leader of the council, particularly in ensuring good working relationships within the council.</p>	<p>There is widespread support for clarifying the role of Mayors and ensuring they have the powers necessary to chair meetings effectively.</p> <p>Q: What level of prescription should the Act contain, about Mayoral powers?</p>	<p><b>Supported.</b></p> <p>The role of the principal member is already well understood.</p> <p>While behaviour in the Chamber is subject to the control of the principal member currently and even more so if proposal 1.4 is progressed, behaviour outside the Chamber (including fostering good working relationships) is subject to the influencing and interpersonal skills and abilities of the principal member.</p> <p>Under the chairperson model (in which the principal member is selected from amongst their peers) there is a greater likelihood that the principal member has the support of and influence over the conduct of their peers however under the directly elected (Mayoral) model the councillors may not recognise or respect the principal member as the leader of the council.</p>
<p>1.13 Provide directly elected Mayors with a deliberative vote on motions before council.</p>	<p>This idea has not been previously considered by the LGA.</p> <p>At present Mayors receive either a deliberative vote (along with all of the elected members) or a casting vote (only used if a vote is tied).</p> <p>Q: Should all Mayors have a deliberative vote but no casting vote (so, if there is no majority, the motion fails)?</p> <p>Q: Should Mayors have two votes (a deliberative and casting vote)?</p>	<p><b>Not supported.</b></p> <p>The current provisions for a directly elected Mayor should be retained and it reduces the potential (or the perception thereof) of the Mayor leading from the chair.</p> <p>Under the current system, Mayors are able to speak during the debate and as such can represent the views of their constituency for consideration by the councillors.</p>

Reform Area 1 – Stronger Council Member Capacity & Better Conduct	LGA Comments (as at August 2019)	AHC Submission
<p>1.14 Establish a mandatory training scheme within the regulations.</p>	<p>There are some council issues that all councillors should receive training in. However, different councils have different priorities and different training needs. These change over time.</p> <p>Q: What training components should be specified as mandatory?</p>	<p><b>Supported.</b></p> <p>The Act is already clear regarding the requirement however further prescription in the regulations can be provided.</p> <p>The four mandatory modules cover the key ‘common’ areas of knowledge for all councils, although the minimum duration of the mandatory modules is insufficient. An example in point is the Legal Responsibilities module which is inadequate for council members to gain an understanding of all of their obligations under the LG Act and associated legislation such as the ICAC Act and PID Act.</p> <p>Allied to this, greater use of on-line competency-based software could be used to facilitate Council Members demonstrating an understanding of, and competency in, the mandatory subject matter rather than the current attendance-only model.</p> <p>There are differing views as to whether returning council members should need to complete the mandatory modules. The use of competency-based on-line assessment could effectively confirm a Member’s understanding or the requirement to attend further training.</p> <p>Most councils conduct extensive induction and on-going training from their members on matters more specific to that council’s operations.</p>



Reform Area 1 – Stronger Council Member Capacity & Better Conduct	LGA Comments (as at August 2019)	AHC Submission
<p>1.15 Establish a timeframe for the completion of mandatory training and a penalty for non-compliance.</p>	<p>Whilst a deadline can be a useful spur to action, any requirement should have some flexibility built in (e.g. in cases of illness or exceptional circumstances).</p>	<p><b>Supported.</b></p> <p>The current 12 month timeframe is overly generous and can result in a Council Member completing almost a quarter of their term without even an exposure to (far less an understanding of) the key elements of their role and obligations. A timeframe of six months is more appropriate, which would in practical terms mean that Council Members would be attending mandatory training frequently (i.e. almost weekly) following election.</p> <p>Failure to complete the mandatory training within the legislated period should follow a similar process to non-compliance with the Register of Interests provisions under s68 of the Act.</p>
<p>1.16 Require councils to receive independent advice on CEO selection and remuneration.</p>	<p>Independent advice can add value to recruitment and remuneration processes and is relatively common in councils:</p> <p>Q: Is there currently a problem, requiring a legislative remedy?</p> <p>Q: Will independent advice prevent the recurrence of these problems?</p> <p>Whilst members of the public are sometimes aggrieved about their councils the CEO an salary levels, it does not necessarily follow that (i) the CEO is sub-standard; (ii) they make poor decisions or that (iii) problems are so acute that legislative intervention is required.</p>	<p><b>Supported.</b></p> <p>CEO selection is a highly complex undertaking and the level of acumen of most Council Members does not extend senior executive recruitment, performance management and contract negotiation skills.</p> <p>While senior Council Officers with human resource qualifications can provide professional advice during selection processes, the annual performance and remuneration reviews of incumbent CEOs can bring perceptions of conflicts of interest for those Council Officers.</p> <p>Given the significant impact of sub-optimal CEO selection and performance management, requiring independent professional advice is highly desirable.</p> <p>Adelaide Hills Council has established a CEO Performance Review Panel (s41) consisting of the Mayor, Deputy Mayor, two councillors and an independent member. Further, the Panel engages specialist independent advice in relation to performance and remuneration review.</p>

Reform Area 1 – Stronger Council Member Capacity & Better Conduct	LGA Comments (as at August 2019)	AHC Submission
<p>1.17 Give responsibility for determining CEO remuneration to the Remuneration Tribunal of South Australia.</p>	<p>The state government has not previously raised this issue with the LGA and more information is sought about the potential benefits compared with the costs to the sector.</p> <p>Q: Should the Remuneration Tribunal make mandatory determinations?</p>	<p><b>Partially supported.</b></p> <p>Section 99 of the Act sets out the role of the CEO and, as such, it is feasible that the Tribunal could set remuneration levels against these role statements potentially into salary bands based on a range of factors such as council size, complexity, financial capacity, remoteness, etc. similar to the West Australian model.</p> <p>Such a process would need to be cognisant that the job market for CEOs is truly national and that remuneration levels that were nationally non-competitive could result in sub-optimal candidate pools.</p> <p>Alternately the Tribunal could publish indicative, non-binding salary ranges based on the above factors and individual councils retain the final discretion in the negotiated salary.</p>
<p>1.18 Require councils to conduct annual performance reviews of CEOs, with independent oversight.</p>	<p>Annual performance reviews are generally a good idea but there can be good reasons for not conducting these. More information is sought about the potential benefits compared with the costs to the sector.</p> <p>Q: Should it be mandatory for councils to annually review their CEO's performance?</p>	<p><b>Partially supported.</b></p> <p>Annual reviews are too infrequent, it is reasonable for a mandatory formal CEO performance review biannually. Good practice would be quarterly and these could coincide with the quarterly budget review processes.</p> <p>These performance reviews should include clear KPIs measured against strategic objectives and have a measurable performance framework in place</p> <p>As discussed in proposal 1.16 above, the requirement for independent advice (not oversight) is highly desirable given the required skill sets. This advice is expensive however it is seen to be a sound investment.</p>

Reform Area 1 – Stronger Council Member Capacity & Better Conduct	LGA Comments (as at August 2019)	AHC Submission
1.19 Require annual performance reviews to be completed before the extension of a CEO contract.	<p>Annual performance reviews are generally a good idea but there can be good reasons for not conducting these.</p> <p>More information is sought about the potential benefits compared with the costs to the sector.</p> <p>Q: Should a performance review be mandatory, before a CEO contract is extended?</p>	<p><b>Supported.</b></p> <p>Conduct of a formal performance review immediately prior to the consideration of a contract extension would provide an objective basis upon which to consider the extension.</p> <p>This is the practice of the Adelaide Hills Council.</p>
1.20 Require councils to receive independent advice before terminating a CEO contract.	<p>In some cases, independent advice would be useful. In uncontroversial cases, the expense might not be justified.</p> <p>More information is sought about the potential benefits compared with the costs to the sector.</p> <p>Q: Should it be mandatory to seek independent advice, before a CEO contract is terminated?</p>	<p><b>Supported.</b></p> <p>Consideration of the termination of a CEO selection is a highly complex undertaking and the level of acumen of most Council Members does not extend to these matters. On this basis, independent professional advice is highly desirable.</p> <p>Anecdotaly a number of CEO terminations within the sector have been poorly managed leading to significant legal and financial liability to the council and a detrimental impact on council's productivity and public perception.</p>
Additional matter for consideration	Not applicable	The current requirement under s58(1)(a) for the principal member to be the presiding member of the council should be re-examined as suitability (in the eyes of the electors) for the role of principal member does not necessarily equate to suitability/competency as a presiding member.

Reform Area 1 – Stronger Council Member Capacity & Better Conduct	LGA Comments (as at August 2019)	AHC Submission
		The concept of a presiding member akin to a parliamentary speaker (elected by the chamber) could be considered thereby enabling the most effective chair to conduct the meetings. This is particularly relevant given this proposal to increase the presiding (principal) member's powers to deal with disruptive behaviour (1.4) and the proposal regarding the principal member having a deliberate vote (1.13), as the convention of the impartiality of the chair will be eroded.

Reform Area 2 Financial Accountability	LGA Comments (as at August 2019)	AHC Submission
2.1 Require audit committees to have a majority of independent members, and an independent chair.	This change is prudent but many regional councils struggle to find qualified audit committee members. So, some flexibility is required.	<p><b>Partially supported.</b></p> <p>Audit committees consisting of a majority of independent, professionally-qualified members are almost the default model in both the profit and not-for-profit sectors.</p> <p>The difficulty in recruiting qualified members in regional areas can be managed to a degree through dial-in arrangements. This is significantly more desirable than recruiting 'local' independent members with insufficient skills and experience to sit on the committee.</p> <p>While there is strong support for a majority of independent members, there are differing views as to whether the presiding member should be independent.</p> <p>Adelaide Hills Council's Audit Committee consists of three professionally-qualified independent members and two councillors. Council appoints the presiding member who may be either a councillor or an independent member.</p>

Reform Area 2 Financial Accountability	LGA Comments (as at August 2019)	AHC Submission
2.2 Strengthen the role of audit committees in councils' external audits, through a greater role in the appointment of the auditor and determining the scope of the audit, and as the chief liaison point with the auditor.	Q: Feedback is sought from councils on the implications of these proposals	<p><b>Supported.</b></p> <p>The proposal mirrors the practice of most councils currently as enshrined in their committee terms of reference.</p> <p>The notion of chief liaison point is unrealistic however most committees have the role of selecting the external auditor, determining the remuneration, the scope of the audit, monitoring the independence of the external auditor, considering reports and meeting with the auditor (in camera if necessary) as required to effectively oversee the audit conduct.</p>
2.3 Require audit committees to report on the council's approach to internal audit processes.	<p>SA councils have very different levels of size, complexity and business activities. These require differing levels of internal controls and audit reporting.</p> <p>Q: Feedback is sought from councils on the implications of these proposals.</p>	<p><b>Partially supported.</b></p> <p>There appears to be a lack of clarity as to whether the proposal is requiring councils to establish an internal audit function to which the audit committee will have oversight or that the audit committee will be required to make commentary on the council's system of internal controls (by whatever arrangement they choose to inform themselves).</p> <p>While smaller councils do not have the resources to establish internal audit functions, most medium to large councils have the function in place and the audit committee oversees the development of the strategic internal audit plan, the scope of individual audits, review reports and monitor the implementation of actions arising from audit findings.</p> <p>Smaller councils, like all councils, are required to have their internal financial controls audited on an annual basis which provides assurance on (a portion) of the council's system of internal controls.</p>

Reform Area 2 Financial Accountability	LGA Comments (as at August 2019)	AHC Submission
2.4 Require audit committee members to have specified skills, and an induction process.	This is broadly consistent with the LGA's approved position. Whilst a useful aim, it is not always possible to attract a diverse range of experienced skill sets, to some councils.	<p><b>Supported.</b></p> <p>The proposal mirrors the practice of most councils currently as enshrined in their committee terms of reference.</p> <p>The skills composition of an audit committee is crucial to its effectiveness. While this is manageable in terms of the selection of independent members, councils are potentially more limited in their appointment of council members to the committee with these skill sets.</p> <p>The difficulty in recruiting qualified members in regional areas can be managed to a degree through dial-in arrangements. This is significantly more desirable than recruiting 'local' independent members with insufficient skills and experience to sit on the committee.</p>
2.5 Allow councils to form regional audit committees.	Opportunities to share resources and expertise across a number of councils should be explored.	<p><b>Partially supported.</b></p> <p>The formation of regional audit committees is appealing in its potential to partially mitigate cost and skills shortage impacts.</p> <p>In practice, a committee's ability to concurrently oversee the financial reporting, external audit, internal audit, risk management system and associated functions of a number of councils is considered to be problematic.</p>
2.6 Require the Auditor-General to oversight all council audits.	The LGA understands that the Auditor-General could not take on this extra work without extra resourcing. So, this proposal would significantly increase costs to councils, as demonstrated by	<p><b>Not supported.</b></p> <p>Anecdotally the Auditor-General could not take on this extra work without extra resourcing. So, this proposal would significantly increase costs to councils, as demonstrated by interstate experiences with marginal to no benefit in the end product.</p>

Reform Area 2 Financial Accountability	LGA Comments (as at August 2019)	AHC Submission
	<p>interstate experiences.</p> <p>It is also very likely that the Auditor-General would out-source this extra work. In effect, the work may end up being done by the same external auditors who currently audit councils.</p> <p>The Auditor-General already has existing broad powers to audit councils and a broad discretion, as to the use of these powers. They can perform spot checks and can pursue the expenditure of any public monies.</p> <p>The standard of existing council audits is generally high and improving.</p> <p>Councils are already overseen by audit committees, auditors, ICAC, the Ombudsman, the OLG, the Minister, the Parliament and their ratepayers.</p> <p>It would more valuable to focus on enhancing the quality of existing audit processes.</p>	<p>It is also very likely that the Auditor-General would out-source this extra work. In effect, the work may end up being done by the same external auditors who currently audit councils.</p> <p>The Auditor-General already has existing broad powers to audit councils and a broad discretion as to the use of these powers. They can perform spot checks and can pursue the expenditure of any public monies. Reports emerging from these audits and reviews are beneficial to the sector.</p> <p>The standard of existing council audits is generally high and improving and no evidence has been made available indicating deficiencies in the conduct of local government external audits.</p> <p>Councils are already overseen by audit committees, auditors, ICAC, the Ombudsman, the OLG, the Minister, the Parliament and their ratepayers. It would more valuable to focus on enhancing the quality of existing audit processes.</p>

Reform Area 2 Financial Accountability	LGA Comments (as at August 2019)	AHC Submission
<p>2.7 Create ‘audit and risk committees’ that play an expanded role in councils’ financial management and performance. This could include—</p> <ul style="list-style-type: none"> <li>• Reviewing councils’ risk assessments and controls</li> <li>• Providing comment on councils’ rating policies and practices</li> <li>• Reporting to council on its use of public resources</li> <li>• Reporting to councils on prudential matters</li> <li>• Performance monitoring of councils.</li> </ul>	<p>Councils already have rigorous risk management controls and extensive reporting obligations. Previous LGA papers have contemplated the expansion of the role of audit committees.</p> <p>Q: Would expanding the focus of audit committees dilute the current focus on financial management and integrity?</p> <p>Q: Are there any new/additional areas of focus for an audit committee that should be mandatory?</p>	<p><b>Supported.</b></p> <p>While smaller councils may not have the resources to establish the full range of functions proposed, most medium to large councils either have these functions in place or could comfortably revise their current terms of reference to incorporate the expanded functions.</p>
<p>2.8 Require the chair of the ‘audit and risk committee’ to provide a report in the council’s annual report on governance standards and compliance.</p>	<p>The additional reporting requirement is probably unnecessary and a duplication of the existing report provided by audit committees.</p> <p>Q: Should it be mandatory for audit committees to focus on ‘governance standards and compliance’ and, if so, how should this be reported?</p>	<p><b>Partially supported.</b></p> <p>Many council audit committees provide annual reports to the council either verbally in the Chamber or in writing, as such inclusion of the report in the annual report could be easily accommodated.</p> <p>The notion that the audit committee presiding member provides commentary on ‘governance standards and compliance’ is significantly outside the scope of most audit committees and the proposed functions in proposal 2.7.</p> <p>Oversight for these types of functions would sit more appropriately with a governance committee (proposal 2.12) as they require potentially considerably different skill sets of the independent members.</p>



Reform Area 2 Financial Accountability	LGA Comments (as at August 2019)	AHC Submission
2.9 Require councils to develop and adopt a funding policy that would be reviewed by its audit and risk committee.	The LGA's May 2019 submission on LG Reform recommends councils have a 'revenue policy'.Q: Should a funding or revenue policy be mandatory?	<b>Partially supported.</b> The Long Term Financial Plan maps out the intended revenue sources and projections over the 10 year period. Nonetheless, a funding policy sounds like a useful optional document and, like all finance-related policies, it would be considered by the audit committee.
2.10 Require councils to release a summary of their draft annual business plan that states the proposed increase in total general rate revenue, and the reasons for this increase.	'Total general rate revenue' is influenced by many factors, such as growth in the number of ratepayers. A council could increase their rates by less than CPI but nevertheless generate increased revenue greater than CPI, e.g. because of population increases. A more important aim, is for each council to have a robust Long-term Financial Plan, which should focus councils on longer term planning and reduce the pressures imposed by the electoral cycle. The local government sector wishes to avoid pointless reporting and 'doubling-up'. The sector hopes to have discussions with the state government about cutting some of the ever-increasing red tape, so we balance the need for transparency and accountability, on the one hand, with council priorities of efficiently providing services to our communities.	<b>Supported.</b> Disclosure of the total general increase in rates and the reasons for the increase is seen as an appropriate level of transparency for such a critical component of Council's Annual Business Plan. This increase should also be reported against the forecasts included within the Long Term Financial Plan.

Reform Area 2 Financial Accountability	LGA Comments (as at August 2019)	AHC Submission
<p>2.11 If a council's proposed increase in total general rate revenue is above a prescribed level (such as the Local Government Price Index), require its audit and risk committee to provide a report to the council on the reasons for this increase.</p>	<p>'Total general rate revenue' is influenced by many factors, such as growth in the number of ratepayers.</p> <p>The focus and resources of auditors should not be needlessly diverted to irrelevant or non-productive tasks.</p>	<p><b>Partially supported.</b></p> <p>Whilst reporting the total general increase and the reasons for it is seen as appropriate, to require the audit committee to also produce a report on the reasons is seen as an unnecessary allocation of resources.</p> <p>Such a report could however clearly show where state government charges in excess of the LGPI had contributed to the reasons for the increase.</p>
<p>2.12 Create 'governance committees' to provide independent advice to councils on critical management, policies, processes and actions, potentially—</p> <ul style="list-style-type: none"> <li>• Councils' compliance and governance policies.</li> <li>• Councils' policies to improving ethical standards across councils and reduce fraud and corruption risks.</li> <li>• Councils' strategic management plans, and on progress to deliver priorities, particularly on the management of significant council projects.</li> </ul>	<p>Councils already have a significant range of mandatory policies, processes, reporting obligations, committees and auditing requirements. They devote enormous and increasing resources to 'governance' and are already under multiple layers of scrutiny</p> <p>Councils already receive advice on governance from their administrations and through their membership of the LGA.</p> <p>As part of their LGA membership, councils are provided with a comprehensive suite of model policies, guidelines and resources to assist them to meet their legislated governance responsibilities.</p>	<p><b>Partially supported.</b></p> <p>The potential range of functions of a governance committee has some merit and the current examples of these types of committee's in the SA local government sector (such as Adelaide Plains Council and Light Regional Council) have, anecdotally, performed well.</p> <p>If the proposed functions of the governance committee become legislative provisions, councils should retain the discretion as to whether to establish a 'governance committee' or to use an alternate committee (such as the audit committee) or council itself to consider these matters.</p> <p>If however the establishment of governance committees and its membership is to be legislated, there are concerns regarding the cost implications of another suite of independent members, particularly if a majority of independent members was required.</p> <p>As identified in previous reform proposals, the skill sets required for these types of committees are difficult to obtain in regional areas.</p>

Reform Area 2 Financial Accountability	LGA Comments (as at August 2019)	AHC Submission
<ul style="list-style-type: none"> <li>Council member conduct—both on policies and processes to improve it, and on specific conduct matters (as described in Reform Area 1).</li> <li>CEO appointment and management (as described in Reform Area 1).</li> </ul>	An additional council committee would add a further level of red tape, adding little extra value.	

Reform Area 3 Efficient and Transparent Local Government Representation	LGA Comments (as at August 2019)	AHC Submission
3.1 Change the timing of periodic council elections to the year following a state election.	<p>A Notice of Motion at LGA AGM October 2018 to move the timing of local government elections was lost (but similar motions have carried in past). Discussion focused on the benefits of building relationships with State Government during aligned terms.</p> <p>Q: Should the timing of local government elections be changed?</p>	<p><b>Partially supported.</b></p> <p>The rationale for this proposal while presented as avoiding voter fatigue appears to be more an accommodation of the resource constraints of the Electoral Commission and the difficulties of conducting a state and local government election in the same year.</p> <p>There is little benefit to local government from such a change unless a number of the other proposals in this Reform Area (i.e.3.5, 3.9 and 3.10) are progressed in which case the workload for ECSA would be larger for each periodic election.</p>

Reform Area 3 Efficient and Transparent Local Government Representation	LGA Comments (as at August 2019)	AHC Submission
<p>3.2 Enable ECSA to provide ballot papers electronically.</p>	<p>Note, the OLG proposal is only to replace long-distance postal voting with a secure system for the online delivery and return of ballot papers (which will require the printing, signing and scanning of ballot paper in order to vote).</p> <p>The LGA position advocates for the Act to enable full electronic voting when a suitable model is approved by ECSA.</p> <p>The Act should be amended, to enable electronic voting, when that approval is given.</p>	<p><b>Supported.</b></p> <p>Providing ballot papers would be beneficial for re-issues close to polling day assuming that appropriate safeguards can be put in place.</p> <p>Full electronic voting is obviously the preferred reform.</p>
<p>3.3 Clarify that councils are responsible for information sessions about the role of a council member, and that ECSA is responsible for election promotion.</p>	<p>Q: Should the Act make clear that councils are not responsible for election promotion?</p> <p>Q: Should ECSA have an obligation to consult the LGA on its election promotions?</p>	<p><b>Supported.</b></p> <p>The division of responsibilities as proposed will reduce the duplication and the inconsistencies between councils and ECSA. While the proposal suggests that it is councils that should have responsibility for information sessions, they will rely to some extent on the LGA for the development of these resources (and potentially some delivery) for tailoring at the local level.</p> <p>As with a number of the proposal in this Reform Area, Council is concerned about the need for ECSA to achieve value-for-money for any functions undertaken by ECSA for which the costs are charged back to councils.</p>

Reform Area 3 Efficient and Transparent Local Government Representation	LGA Comments (as at August 2019)	AHC Submission
3.4 Require councils to undertake specific activities to inform property franchise holders of their need to self-enrol, OR re-introduce the automatic enrolment of property franchise holders.	<p>The sector's submissions on this issue have changed on a number of occasions.</p> <p>The automatic enrolment of property franchise holders is a considerable administrative burden for councils. Figures show that this measure has only a small impact on voter turn-out (&lt;2%). Nevertheless, this measure has been popular with elected members.</p> <p>Q: Should the requirements be reinstated?</p>	<p><b>Partially supported.</b></p> <p>Many councils expend considerable resources in informing property franchise holders of their eligibility to enrol and to encourage them to enrol and exercise their vote. Notwithstanding this, the return on investment (i.e. turn-out rate) is very low.</p> <p>Automatic enrolment (as per pre-2010) is very problematic to verify that the franchise holder (and specifically the designated person) maintains the correct entitlement to exercise that vote. This can be a costly process to effectively undertake a confirmation of every single property franchise holder, which could involve multiple follow-ups.</p> <p>As a result, the preferred position is for specific provisions regarding the mandatory activities for councils to inform property franchise holders of their need to self-enrol.</p>
3.5 Require ECSA to receive all nominations and publish candidate profiles.	<p>The Electoral Commission is the independent body conducting elections. ECSA should remain in control of the integrity of the electoral roll, handling of nominations and the promotion of elections, generally.</p>	<p><b>Supported.</b></p> <p>As with State elections, this should be a fundamental role of ECSA.</p> <p>The current process is problematic with council staff providing advice to candidates that can potentially conflict with that provided by ECSA. There are also conflict of interest matters that would be eliminated. Further the, anecdotal, practice of candidates waiting to minutes before the close of nominations to 'ward-shop' would also be eliminated.</p> <p>As with a number of the proposal in this Reform Area, Council is concerned about the need for ECSA to achieve value-for-money for any functions undertaken by ECSA for which the costs are charged back to councils.</p>

Reform Area 3 Efficient and Transparent Local Government Representation	LGA Comments (as at August 2019)	AHC Submission
3.6 Remove the term limit on holding the office of Lord Mayor.	The LGA will seek the views of the City of Adelaide in relation to this proposal.	<b>Supported.</b> The provisions regarding the Office of the Lord Mayor should be consistent with those in the <i>Local Government Act 1999</i> .
3.7 Require candidates to 'tick a box' stating whether they live in the area they are contesting.	This proposal is supported by LGA policy.	<b>Supported.</b> To have a meaningful effect there will need to be guidelines as to what constitutes 'living' in the area being contested.  It appears somewhat anomalous to be encouraging property franchise holders to be on the roll (proposal 3.4) and yet this provision implies that 'non-residents' are a lesser class of candidates.
3.8 Require candidates to state whether they are a member of a political party or any association or body formed for political purposes, or have been within the past 12 months.	This proposal is supported by LGA policy.	<b>Supported.</b> This proposal would place new candidates and sitting Council Members on a more equal footing with respect to the disclosure of their political affiliations.
3.9 Require ECSA to host all information on donations received by candidates.	The Electoral Commission of SA is the independent body best able to collect and disclose candidate information.	<b>Supported.</b> As with State elections, this should be a fundamental role of ECSA.  As with a number of the proposal in this Reform Area, Council is concerned about the need for ECSA to achieve value-for-money for any functions undertaken by ECSA for which the costs are charged back to councils.

Reform Area 3 Efficient and Transparent Local Government Representation	LGA Comments (as at August 2019)	AHC Submission
3.10 Require candidates to report to ECSA any single donations above a prescribed amount (for example, \$2,000) within five business days of receipt.	<p>LGA policy supports the transparent and timely reporting of campaign donations.</p> <p>Q: Advice is sought from members about whether 5 business days is a reasonable timeframe.</p> <p>Q: What should be the consequences for a breach?</p>	<p><b>Supported.</b></p> <p>The penalty for a breach of this provision will be the key factor in the assessment of a recipient as to whether they disclose prior to the election (when it could influence the vote) or afterwards.</p>
3.11 Enable all candidates to request an electronic copy of the voters roll from the relevant council.	<p>The LGA position strongly supports this change. Currently the Act only allows for the supply of a printed copy, but some candidates who have connections to political parties are able to gain access to the electronic roll for the House of Representatives. The ability for some candidates to access a digital copy of the voters roll is perceived as an advantage over those candidates who are not connected to political parties. The LGA's policy position supports a level playing field for all candidates. Any provision of the roll should include a limitation that it only be used for the purpose for which it is provided.</p>	<p><b>Supported.</b></p> <p>This is a progressive proposal that recognises that digitisation and manipulation of hard copy roll has been occurring for a period of time.</p>

Reform Area 3 Efficient and Transparent Local Government Representation	LGA Comments (as at August 2019)	AHC Submission
3.12 Remove the requirement for councils to make a 'designated decision' within their caretaker policies on the use of council resources, in favour of a statement within general caretaker responsibilities that council resources must not be used to advantage particular candidates.	LGA policy supports this proposal. It should help councils get on with their business, most of which has little impact on election campaigns for councillors.	<p><b>Supported.</b></p> <p>The proposal has merit.</p>
3.13 Extend the voting period by one week to better allow for postal delays.	The LGA supports methods for reducing the number of late postal votes received by ECSA. It is arguable whether extending the voting period is the right solution, so further consultation is needed about other solutions.	<p><b>Supported.</b></p> <p>Full electronic voting is obviously the preferred reform however if this has the potential to increase voter turn-out, Council is supportive.</p>
3.14 Change the counting method to the 'exclusion method'.	The LGA does not have a policy on changes to the vote counting method and is seeking member views on this proposal. The 'Exclusion method' means that where candidates receive more than a quota of votes, or they are eliminated, their preferences are not distributed. Rather, the candidates	<p><b>Not supported.</b></p> <p>This concept is contrary to the principles of preferential voting in that any 'above quota' votes are removed from the count rather than reallocated (at the transfer value) to the next most preferred candidate on the ballot paper.</p> <p>Council understands that it simplifies the voting counting process for ECSA however perhaps consideration needs to be given to moderating the expectations that the result of the vote needs to be known within two-three days.</p>



Reform Area 3 Efficient and Transparent Local Government Representation	LGA Comments (as at August 2019)	AHC Submission
	<p>with the least amount of votes is always eliminated until there are the same number of candidates as positions.</p> <p>This may lead to unfair results: eg: The first candidate on a 'ticket' receives two or three quotas (ie enough votes to elect two or three councillors). However, in the exclusion method, these votes over quota are ignored. The people who are second and third on the ticket do not get elected, as they receive fewer (first preference) votes than other candidates.</p> <p>Q: What issues are associated with using/not using the exclusion method?</p> <p>Q: Is reform warranted?</p>	
<p>3.15 If a vacancy on a council is created within 12 months of a periodic election, allow this to be filled through a 'countback' of candidates.</p>	<p>By-elections to fill casual vacancies take up a lot of time and cost ratepayers large sums. Councils are generally supportive of any measure designed to reduce supplementary elections, while maintaining democratic integrity.</p>	<p><b>Supported.</b></p> <p>This is a practical and cost-effective approach to managing casual vacancies that occur in the year following a periodic election.</p> <p>There are differing views as to whether this regime could be in place throughout the Council term rather than just the initial 12 months. Doing so would obviate any need for councils to carry vacancies (as per proposals 3.16 and 3.17 below).</p>

Reform Area 3 Efficient and Transparent Local Government Representation	LGA Comments (as at August 2019)	AHC Submission
3.16 Extend the period of time in which a vacancy does not need to be filled to 12 months before a periodic election.	By-elections to fill casual vacancies take up a lot of time and cost ratepayers large sums. Councils are generally supportive of any measure designed to reduce supplementary elections, while maintaining democratic integrity.	<p><b>Supported.</b></p> <p>This is a practical and cost-effective approach to managing casual vacancies that occur in the year preceding a periodic election.</p> <p>If the alternative option in proposal 3.15 to fill vacancies through a countback at any time in the council term, have arrangements to carry vacancies (such as this proposal) are not required.</p>
3.17 Enable councils without wards, and with at least nine members, to 'carry' two vacancies.	By-elections to fill casual vacancies take up a lot of time and cost ratepayers large sums. Councils are generally supportive of any measure designed to reduce supplementary elections, while maintaining democratic integrity.	<p><b>Supported.</b></p> <p>This is a practical and cost-effective approach to managing casual vacancies for councils without wards.</p> <p>If the alternative option in proposal 3.15 to fill vacancies through a countback at any time in the council term, have arrangements to carry vacancies (such as this proposal) are not required.</p>
3.18 Simplify representation reviews, and make public consultation requirements more flexible.	The current arrangements are prescriptive and expensive. In particular, the current processes often result in councils having to undertake multiple rounds of time-consuming and expensive community consultation.	<p><b>Supported.</b></p> <p>Flexibility is supported however clarity as to the requirements is more important to prevent claims of inappropriate consultation and process negotiation being made.</p>

Reform Area 3 Efficient and Transparent Local Government Representation	LGA Comments (as at August 2019)	AHC Submission
3.19 Transfer the responsibility for representation reviews to the Local Government Boundaries Commission.	<p>The LGA has (Feb 2018) called on the state government to work with ECSA, the LGA and councils to review the technical and process issues and decision-making structures for representation reviews.</p> <p>Q: Should representative review decisions remain the responsibility of council?</p>	<p><b>Supported.</b></p> <p>In a similar manner to how electoral redistributions are managed by ECSA, the representation review process is specialised and councils are generally ill-equipped to effectively manage and discharge their legislative obligations in this regard.</p> <p>Providing this role to either ECSA or the Boundaries Commission would enable a more objective, evidence-based and strategic approach to the process. Councils would be a stakeholder in the process and make submissions (as appropriate).</p>
3.20 Suspend council members running for State Parliament for the duration of the election campaign.	<p>The LGA position (October 2018 OGM) is: "Any local government elected member on nomination, endorsement or declaration of candidacy for any position in State or Federal Parliament shall for the period of suspension to only be from when the nominations are lodged and accepted to the election outcome and that the elected member take leave of absence during this time and have all allowances suspended. This should include provision of motor vehicle and other support. The LGA will liaise with the Minister for LG to determine any further detail that makes the intent of this motion acceptable and enforceable"</p>	<p><b>Not supported.</b></p> <p>Section 62 of the <i>Local Government Act 1999</i> contains sufficient provisions to prevent a Member from deriving personal benefit of their position or information obtained in their position (at any time).</p> <p>It is erroneous to suggest that a Member's dedication of time and effort to a State or Federal election campaign is any more deleterious to the discharge of their Council duties as are other life events such as a serious illness, parenthood, a new job, none of which are suggested to require suspension.</p> <p>If however a Member chooses to voluntarily take a leave of absence with or without their allowance, this is welcomed.</p>



Reform Area 4 Simpler Regulation	LGA Comments (as at August 2019)	AHC Submission
<b>Community Engagement</b>		
4.1 Replace the prescriptive community engagement requirements in the Local Government Act with a more flexible 'Community Engagement Charter'.	We look forward to working with the state government on a complete overhaul of the complex and prescriptive consultation requirements, in favour of a more flexible best-practice approach where the type of consultation undertaken can be tailored to the scope and complexity of the issues involved.	<p><b>Supported.</b></p> <p>The proposal has merit particularly in light of the issues arising from the Coast Parks case.</p>
4.2 Review the requirements for councils to publish notices.	There are a wide range of ways that information can be provided to the community. More flexibility is welcomed.	<p><b>Partially supported.</b></p> <p>While Council supports the use of multiple forms of media to reach its diverse community, it has some concerns regarding removing the requirement to publish notices as it may inadvertently disenfranchise sections of the community with lower levels of computer literacy and/or connectivity.</p>
<b>Internal Review of Council Decisions</b>		
4.3 Allow councils to refuse a request for an internal review of a council decision where the request is substantially similar to a matter that has been reviewed, or is under review through another process.	<p>The legislation requires councils to devote considerable resources each time a council decision is reviewed. There is no point wasting ratepayers' dollars, to repeat a process that has already been undertaken.</p> <p>Q: Should this flexibility be extended to trivial and vexatious requests?</p>	<p><b>Supported.</b></p> <p>The proposal has considerable merit.</p> <p>In practice, it would be reasonably expected that the council would work with the applicant on the review that has already taken place/in progress to determine whether it satisfies their concerns thereby obviating the need for a second review.</p>

Reform Area 4 Simpler Regulation	LGA Comments (as at August 2019)	AHC Submission
<p>4.4 Enable councils to charge a small fee for internal review requests.</p>	<p>The official LGA position (OGM October 2018) supports this change. This reflects the costs to councils, when following the requirements in the legislation, each time a review of a council decision is requested.</p> <p>Q: Where a complaint is upheld, should the fee be refunded?</p>	<p><b>Partially supported.</b></p> <p>Adelaide Hills Council (anecdotally like a number of other councils) has been required to undertake internal reviews on the basis of applications that are of questionable merit. Each internal review has a considerable financial and resource cost impost. On this basis Council would welcome the ability to charge a fee (potentially similar to an FOI application fee) not to assist in defraying the costs (as it would be such a tiny contribution) but more to encourage the applicant to give greater consideration of the actual merit in their application prior to lodgement. This fee could be refundable if the internal review found that the original decision was flawed.</p> <p>Notwithstanding the above, there are two concerns regarding a fee regime. Firstly, it would be an unacceptable situation that the financial circumstances of an applicant could prevent them from seeking a review of a decision which they believe to be (and may actually be) flawed. Secondly, if the fee regime was structured as per the FOI regime, concession card holders would be exempt from payment and Council's experience is that this cohort is overrepresented in Internal Review applications. As such, the fee regime would have no effect.</p>
<p>4.5 Set a time limit on which requests for internal review of decisions can be made.</p>	<p>In a democratic environment, not everyone will agree with every decision. We note that all courts have time limits for making appeals and this provides certainty, for all involved, even those who disagree. Similarly, councils need to make decisions and move forward in implementing those decisions with a reasonable degree of certainty.</p>	<p><b>Supported.</b></p> <p>The proposal is consistent with the recommendations of the Ombudsman's 2016 audit of Internal Review Procedures. Adelaide Hills Council already specifies a six month time limit from the date of the decision with the ability for a long period (at the CEO's discretion) if the nature of the decision is that the effects may not be experienced in the six month period.</p>

Reform Area 4 Simpler Regulation	LGA Comments (as at August 2019)	AHC Submission
4.6 Require councils to consider recommendations for improved administrative practices in their annual report on internal reviews.	Q: What are the benefits of this change and do these outweigh the further additions to councils' regulatory 'red tape' burden?	<p><b>Not supported.</b></p> <p>In accordance with s270 of the Act, Council provides information in the Annual Report on the number and kinds of matters reviewed and the outcome of each application. While this is reported at a high level it does identify whether recommendations were made for changes to administrative practices. As such, greater detail is considered unnecessary given that there is no requirement to publish this level of detail for any other audits/reviews undertaken by the Council (some of which are arguably far more significant than an internal review).</p> <p>Further the current process for any decision in which the Elected Council is the reviewer (i.e. decisions of the CEO or the Elected Council) the full investigation report is considered by the Elected Council including any recommendation for changes to administrative practices, these are minuted and therefore on the public record.</p>
<b>Informal Gatherings and Discussions</b>		
4.7 Remove the 'informal gatherings' provisions in the Act, in favour of establishing a new category of meetings, such as 'information or briefing sessions'.	The existing sections of the Act and the Regulations are confusing. Councillors worry that legitimate conversations about the business of the council, will land them in trouble. We need to find a way to promote transparency in councils without criminalising legitimate conversations.	<p><b>Not supported.</b></p> <p>The proposal is simply a rebadging of the current informal gathering provisions and, as such, will do nothing to address the considerable flaws in the current provisions.</p> <p>The provisions of s90(8), which predated the informal gathering provisions of s90(8a)-(8e), were and are sufficient to set the expectation regarding conduct in gatherings that are not formal Council and Committee meetings.</p> <p>This is a clear example where the most effective way to achieve the aims of 'Simpler Regulation' would be to remove the additional regulation that has already been created and to enforce the provisions of s90(8) with those councils that</p>

Reform Area 4 Simpler Regulation	LGA Comments (as at August 2019)	AHC Submission
	Q: Does changing 'informal gathering' to 'information or briefing session' address the issues that have been experienced and identified by councils?	transgress rather than creating an onerous requirement on all councils for marginal (if any) benefit.  Creating a new category of meetings, would also mean greater formality and therefore bureaucracy.
4.8 Require councils to publish details of information sessions held, what was discussed, who attended, and whether the session was open or not.	Councils and councillors take part in many 'information sessions and other discussions caught by s90 of the Act. Requiring a report to be made of each would create a significant additional administrative burden, which would put an upward pressure on rates.  Q: What are the benefits of this change and do these outweigh the further additions to councils' regulatory 'red tape' burden?	<b>Not supported.</b> See response to proposal 4.7.  This proposal effectively requires the keeping of minutes of informal gatherings which makes the term a misnomer as it now becomes formal.  Notwithstanding the above, Adelaide Hills Council captures the majority of this information and it would be a modest resource impost to capture the additional elements and to publish these periodically.
Register of Interests		
4.9 Compile all council members' registers of interest into one, simple plain English form.	The local government sector is eager to work with the state government on clarifying and simplifying the register of interests and many other reporting requirements.	<b>Supported.</b> The proposal has considerable merit.  Concern has been raised about the need to disclose the details of family members (who are not public officers) on Returns and which therefore becomes public information.  The simplification of provisions should also apply to the Register of Interest provisions applying to Council Officers.



Reform Area 4 Simpler Regulation	LGA Comments (as at August 2019)	AHC Submission
4.10 Publish council members' Register of Interests in full on the council website (with the exception of specific residential address information)	Q: What are the benefits of this change and do these outweigh the further additions to councils' regulatory 'red tape' burden?	<b>Supported.</b>  Publication in full would reduce the requirement to effectively maintain two registers.
<b>Publication of Information</b>		
4.11 Require councils to publish any document that is currently available at a council office on its website (with the exception of the Assessment Record).	This proposal should be part of a general conversation about the information a council is required to place on their website. The costs of administering these changes should be fully understood, before proceeding.	<b>Supported.</b>  The proposal has merit although as with most of the other proposals there are additional resource implications.
4.12 Remove the requirement for councils to have documents 'available for inspection', but require them to print a copy at request (for a fee).	This proposal should be part of a general conversation about the information a council is required to place on their website and/or have available for inspection.	<b>Supported.</b>  The proposal has merit and, unlike most of the other proposals, may have the result of reducing administrative effort by removing the need to ensure document currency across multiple customer service points.
4.13 Include a single list of all material to be published on a council's website in the legislation.	Throughout the Act there are many individual requirements to publish material on a council's website. A consolidated list of all these requirements could be very useful.	<b>Supported.</b>  The proposal has merit.

Reform Area 4 Simpler Regulation	LGA Comments (as at August 2019)	AHC Submission
<b>Community Land Revocations</b>		
4.14 Create two categories of community land revocation proposals within the Act ('administrative' and 'significant') and require Ministerial approval only for 'significant' proposals.	<p>The local government sector agrees that the current arrangements are complex and in need of reform. Councils shouldn't need to go to the Minister every time they propose a minor change to the way they use land under their care and control.</p> <p>Q: Would it be preferable to create two categories of community land: 'administrative' and 'significant'?</p>	<p><b>Supported.</b></p> <p>The proposal has merit.</p> <p>Council agrees that two separate categories would be beneficial for revocations. Ministerial approval only required where the land is being sold or alienated such that it will not be available to the community for use.</p> <p>Where land should not be community land due to conflicts with other legislation (cemeteries, retirement villages) but is to be retained by Council, should not need Ministerial approval.</p>
4.15 Enable limited amendments to Schedule 8 to allow minor changes to the management of prescribed land.	Councils should be able to make minor changes to the management of prescribed land, without embarking on a complicated approval process.	<p><b>Supported.</b></p> <p>The proposal has merit. The financial and resource cost to undertake full community consultations and presentations to Council for minor amendments is not justifiable</p>
4.16 Clarify that councils do not need to undertake community land revocation proposal where the council's care, control and management of the land has been withdrawn under the Crown Land Management Act 2009.	This appears to be a sensible proposal to cut red tape.	<p><b>Supported.</b></p> <p>Council understands that is the current position so it would be beneficial to have that clarified.</p>

Reform Area 4 Simpler Regulation	LGA Comments (as at August 2019)	AHC Submission
4.17 Enable a council to revoke the classification of land as community land where owners cannot reasonably be found.	This appears to be a sensible proposal to cut red tape.	<p><b>Supported.</b></p> <p>The proposal has merit. Additionally, councils need the ability to revoke the community land classification for cemeteries (or make the provisions relating to the limitation on terms of tenure and public consultation exempt for cemeteries) as there is an inconsistency between the granting of interment rights (exclusive occupation of a section of land and was previously referred to as a lease under the old legislation) which are generally for a minimum term of 50 years but can be 100 years or in perpetuity. Many cemeteries are subject to trusts created to ensure their longevity as cemeteries for the community which prevents the ability to have the classification as community land revoked which leaves the council in the position of being in breach each time it grants an interment right.</p>
4.18 Provide a mechanism to allow councils to acquire private roads where the owner consents, where the owner is deceased or where the owner cannot reasonably be found and to allow the council to retain or transfer the land to another party.	This appears to be a sensible proposal to cut red tape.	<p><b>Supported.</b></p> <p>The proposal has merit.</p> <p>Council understands this is already permitted under s210, assuming this would allow the Council to acquire the private road land without it being declared as public road in the process.</p>
Authorisations and Permits for Use of Council Roads		
4.19 Review the public consultation requirements that apply to permits and authorisations, in line with a new community engagement approach.	Councils support reform of community consultation arrangements, in particular, to enable councils to take advantage of new technology. Councils also need flexibility in the way they consult: not every issue requires the same approach.	<p><b>Supported.</b></p> <p>The proposal has merit.</p> <p>Further, Council would support additional measures to define and clarify s221 &amp; s222 permits and authorisations including definitions.</p>

Reform Area 4 Simpler Regulation	LGA Comments (as at August 2019)	AHC Submission
4.20 Remove specific provisions regarding mobile food vendors, in favour of a 'general right of appeal' where a council has unreasonably affected a business.	The approved LGA position opposes a uniform approach across the State and supports greater council discretion/flexibility in regional areas.	<p><b>Supported</b></p> <p>It is noted that the experience in the Adelaide Hills of the requirements of the MFV legislation has been underwhelming to date. There has been neither an influx of MFV (one application so far) nor any complaints received. Council supports a flexible approach to allowing MFV in the district with an avenue for bricks and mortar businesses the right of appeal against council decisions should they feel aggrieved by a decision.</p> <p>Notwithstanding the above, Council would caution against provisions that restrict competition.</p>
LGA1 - Increase the maximum penalty under a council by-law.	The current maximum of \$750 has not increased since 1999. This means the maximum permissible expiation fee (at 25%) is only \$187.50.	<p><b>Supported</b></p> <p>These penalties have not been increased since the LG Act first came into operation and the maximum penalties are currently considered to be too low to act as a disincentive for committing breaches of the Act or bylaws. Any increases to the penalties are therefore supported.</p>
LGA2 - Performance Management	<p>The SA Productivity Commission are considering recommendations on mandatory performance management systems, to enable councils to compare performance and identify areas for improvement. Whilst there are risks, a carefully constructed performance management system could add value to the sector, eg if:</p> <ul style="list-style-type: none"> <li>• Information is gathered automatically from existing council systems.</li> </ul>	<p><b>Supported</b></p> <p>Council strongly supports the development of a mandatory performance management system that can reliably provide comparative information to support improved sector wide efficiency gains. The model currently in place in Victoria is seen as a potential framework for South Australia to adopt.</p>

Reform Area 4 Simpler Regulation	LGA Comments (as at August 2019)	AHC Submission
	<ul style="list-style-type: none"> <li>• Information is collected centrally and then used to report to government departments (in accordance with myriad Acts).</li> <li>• This can reduce duplication of council reporting requirements.</li> <li>• Information is systematically analysed (eg by LGA) to provide insights and advice to councils.</li> </ul>	
LGA3 - Prescribed format for Asset Management Plans and Long-Term Financial Plans	There is currently no standard format prescribed in the LG Act for a consistent approach to asset management planning and long-term financial planning. This makes it difficult to synthesise information from different councils or to apply a minimum standard for these documents.	<p><b>Supported</b></p> <p>Council strongly supports the adoption of standardised formats for Asset Management Plans and the Long Term Financial Plan. It is recognised that there will be organisational specific requirements that will need to be captured, but that should not prevent this initiative from progressing.</p>

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

**Item:** 12.14

**Originating Officer:** Steven Watson, Governance and Risk Coordinator

**Responsible Director:** Andrew Aitken, Chief Executive Officer

**Subject:** Delegations Review – October 2019

**For:** Decision

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**SUMMARY**

Council's Register of Delegations is required to be reviewed in accordance with Section 44 (6) of the *Local Government Act 1999* at least once in every financial year. At Adelaide Hills Council a review occurs quarterly covering a proportion of the Register examining delegations under a number of Acts. This manages the annual review of each delegation in four manageable segments and also allows changes in legislation to be enacted in a timely fashion.

This report is prepared outside of the regular review due to important legislative updates to the following Acts:

- *Development Act 1993, Development (Development Plans) Amendment Act 2006 and Development Regulations 2008, Development (Waste Reform) Variation Regulations 2019*
- *Planning, Development and Infrastructure Act 2016*

Council currently has delegations operating for all of the above Acts. Council must now determine if it will continue to delegate some or all of the powers and functions contained in the attached Instruments.

**RECOMMENDATION**

**Council resolves:**

1. That the report be received and noted
2. That, having considered a review of Council's Delegations as presented, the Council:
  - 2.1 Revocation

Hereby revokes its previous delegations to the Chief Executive Officer of those powers and functions under the following Acts:

**2.1.1     *Development Act 1993, Development (Development Plans) Amendment Act 2006 and Development Regulations 2008, Development (Waste Reform) Variation Regulations 2019***

**2.1.2     *Planning, Development and Infrastructure Act 2016***

**2.2       Delegations made under the *Local Government Act 1999***

**2.2.1     *In exercise of the power contained in Section 44 of the Local Government Act 1999 the powers and functions under the following Acts and specified in the proposed Instruments of Delegation contained in Appendices 1 and 2 (each of which is individually identified as indicated below) are hereby delegated this 22<sup>nd</sup> day of October 2019 to the person occupying the office of Chief Executive Officer subject to the conditions and or limitations specified herein or in the Schedule of Conditions in each such proposed Instrument of Delegation:***

- ***Development Act 1993, Development (Development Plans) Amendment Act 2006 and Development Regulations 2008, Development (Waste Reform) Variation Regulations 2019 (Appendix 1)***
- ***Planning, Development and Infrastructure Act 2016 (Appendix 2)***

**2.2.2     Such powers and functions may be further delegated by the Chief Executive Officer in accordance with Sections 44 and 101 of the *Local Government Act 1999* as the Chief Executive Officer sees fit, unless otherwise indicated herein or in the Schedule of Conditions contained in each such proposed Instrument of Delegation.**

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**1.       GOVERNANCE**

➤     **Strategic Management Plan/Council Policy**

Goal	Organisational Sustainability
Strategy	Governance

The review of Delegations is an important element of Council's commitment to open and transparent decision making which facilitates public accountability.

➤     **Legal Implications**

An annual review of the legislation and delegations to staff is required under Section 44(6) of the *Local Government Act 1999*.

➤     **Risk Management Implications**

The maintenance of a robust legislative delegation regime is an important control in managing the risk of:

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

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

Note: there are many other controls that also assist in mitigating this risk.

➤ **Financial and Resource Implications**

Not directly applicable

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

Delegations allow Council's legislative obligations to be discharged in an effective and efficient manner and enable the administration to provide more timely service.

➤ **Environmental Implications**

Not directly applicable

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

Consultation on the development of this report was as follows:

*Council Committees:* Not Applicable

*Council Workshops:* Not Applicable

*Advisory Groups:* Not Applicable

*Administration:* The following officers are to be consulted following Councils consideration:

- Director Development & Compliance
- Executive Manager Governance & Performance
- Manager Development Services

*Community:* Not Applicable

## **2. BACKGROUND**

Legislation is constantly changing and a review is required to ensure Council and staff is working with the updated legislation and has the appropriate sub-delegations to carry out the various legislative functions. Model Delegations are provided by the Local Government Association (LGA) and have been used as a basis for this review.

Delegations can be revoked by the Council at any time and Council retains the right to act on any matter even if it has been delegated.

A schedule of reviews has been developed to ensure delegations under all Acts/Regulations are reviewed over the course of the year. However on this occasion important legislative updates have prompted the review.



### 3. ANALYSIS

The Acts/Regulations with amendments in this review are:

- *Development Act 1993, Development (Development Plans) Amendment Act 2006 and Development Regulations 2008, Development (Waste Reform) Variation Regulations 2019 (Appendix 3)*
- *Planning, Development and Infrastructure Act 2016 (Appendix 4)*

All changes have been highlighted or tracked on the attached instruments.

It is recommended that additional powers and functions relating to the ***Development Act 1993, Development (Development Plans) Amendment Act 2006, Development Regulations 2008 And Development (Waste Reform) Variation Regulations*** be delegated to the Chief Executive Officer (***Appendix 1***).

It is recommended that additional powers and functions relating to the ***Planning, Development and Infrastructure Act 2016*** be delegated to the Chief Executive Officer (***Appendix 2***).

There have been no changes to the other delegations in this review.

If the powers contained in the attached instruments were not delegated all decisions must come to Council for its consideration and the Chief Executive Officer will not be empowered to act in relation to such matters.

As with all Council delegations, delegating a power under these Acts does not transfer that power from the Council to the delegate, it merely replicates it. As such, where the situation requires, matters will be brought to Council for decision.

### 4. OPTIONS

It is a matter for Council to determine whether it will delegate to the Chief Executive Officer some or all of the powers and functions contained in the appendices. The previous delegations must be revoked and replaced with the new delegations.

### 5. APPENDICES

1. Instrument Of Delegation Under The Development Act 1993, Development (Development Plans) Amendment Act 2006, Development Regulations 2008 and Development (Waste Reform) Variation Regulations 2019
2. Instrument of Delegation Under the Planning, Development and Infrastructure Act 2016

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## **Appendix 1**

*Instrument Of Delegation Under The Development Act  
1993, Development (Development Plans)  
Amendment Act 2006, Development  
Regulations 2008 and Development (Waste  
Reform) Variation Regulations 2019*

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	Direct Delegation from Council	Conditions/ Limitations
<b><u>INSTRUMENT OF DELEGATION UNDER THE DEVELOPMENT ACT 1993, DEVELOPMENT (DEVELOPMENT PLANS) AMENDMENT ACT 2006 AND DEVELOPMENT REGULATIONS 2008 AND DEVELOPMENT (WASTE REFORM) VARIATION REGULATIONS 2019</u></b>		To be read in conjunction with CAP Delegation Policy
<b>1. Concept of Change in the Use of Land</b>		
<b>1.1</b> The power pursuant to Section 6(3) of the Development Act 1993 ('the Act') and in circumstances where a particular use of land has been discontinued for a period of six months or more:	CEO/Council's Assessment Panel (CAP)	NIL
<b>1.1.1</b> to form the opinion that the revival of that use would be inconsistent with the Development Plan and have an adverse effect on the locality in which the land is situated; and	CEO/Council's Assessment Panel (CAP)	NIL
<b>1.1.2</b> to serve written notice on the owner and occupier of the land declaring that a revival of the use will be treated for the purposes of the Act as a change in the use of land.	CEO/Council's Assessment Panel (CAP)	NIL
<b>2. Appointment of Authorised Officers</b>		
<b>2.1</b> The power pursuant to Section 18(1) of the Act to appoint a person to be an authorised officer for the purposes of the Development Act 1993.	CEO	NIL
<b>2.2</b> The power pursuant to Section 18(2) of the Act to impose conditions on the appointment of an authorised officer.	CEO	NIL
<b>2.3</b> The duty, pursuant to Section 18(3) of the Act to issue an authorised officer with an identity card.	CEO	NIL
<b>2.4</b> The power pursuant to Section 18(5) of the Act to at any time, revoke an appointment which the Delegate or the Council has made, or vary or revoke a condition of such an appointment or impose a further such condition.	CEO	NIL
<b>3. Delegations</b>		
<b>3.1</b> The duty pursuant to Section 20(8) of the Act to ensure that notice of a delegation under Section 20 of the Act is, in prescribed circumstances, given in the Gazette.	CEO	NIL

	Direct Delegation from Council	Conditions/ Limitations
<b>4. Council or Minister May Amend a Development Plan</b>		
<b>4.1</b> Where an amendment relates to the area, or part of the area, of a council, the power pursuant to Section 24(1)(a)(i) of the Act to prepare an amendment to a Development Plan.	CEO	Subject to sign-off by SPDPC
<b>4.2</b> Where an amendment to a Development Plan relates to the areas, or parts of the areas, of two or more councils, the power pursuant to Section 24(1)(b)(i) to consult with the Minister.	CEO	NIL
<b>4.3</b> Where an amendment to a Development Plan relates to the areas, or parts of the areas, of two or more councils, the power pursuant to Section 24(1)(b)(ii) of the Act to prepare an amendment to a Development Plan at the request or with the approval of the Minister.	CEO	NIL
<b>4.4</b> The power pursuant to Section 24(1a) of the Act and in accordance with subdivision 2 of Division 2 Part 3 of the Act to act jointly with one or more councils in preparing amendments to 1 or more Development Plans under sub Section (1)(a)(i) or (1)(b)(ii) of the Act.	CEO	NIL
<b>4.5</b> The power pursuant to section 24(1)(a)(iva) of the Act, where the Council or the Delegate has, after commencing the processes associated with making an amendment as set out in Section 25 of the Act, to subsequently decide not to proceed with the amendment after all.	CEO	NIL
<b>4.6</b> The power pursuant to Section 24(1b) of the Act to make submissions in relation to the matter within the period specified by the Minister.	CEO	NIL
<b>4.7</b> The power pursuant to Section 24(2a) of the Act to make submissions (within a period specified in the notice) in relation to a matter.	CEO	NIL
<b>5. Amendments by a Council</b>		
<b>5.1</b> The power pursuant to Section 25(1) of the Act to prepare a 'Statement of Intent' in accordance with the Regulations.	CEO	Subject to sign-off by SPDPC
<b>5.2</b> The power pursuant to Section 25(1) of the Act to reach agreement with the Minister on a 'Statement of Intent' prepared by the Council.	CEO	Subject to sign-off by SPDPC

		Direct Delegation from Council	Conditions/ Limitations
<b>5.3</b>	Subject to Sections 25(4) and 25(5) of the Act the power pursuant to Section 25(3) of the Act to prepare a proposal, to be called a 'Development Plan Amendment' (or DPA) that complies with the following requirements:	CEO	Subject to sign-off by SPDPC
<b>5.3.1</b>	the DPA must be based on the outcome of investigations initiated by the Council or the Delegate in accordance with the terms of the Statement of Intent and such other investigations (if any) as the Council or the Delegate thinks fit;	CEO	Subject to sign-off by SPDPC
<b>5.3.2</b>	the DPA must include an assessment of the extent to which the proposed amendment:	CEO	Subject to sign-off by SPDPC
<b>5.3.2.1</b>	accords with the Planning Strategy; and	CEO	Subject to sign-off by SPDPC
<b>5.3.2.2</b>	accords with the Statement of Intent; and	CEO	Subject to sign-off by SPDPC
<b>5.3.2.3</b>	accords with other parts of the Development Plan; and	CEO	Subject to sign-off by SPDPC
<b>5.3.2.4</b>	complements the policies in the Development Plans for adjoining areas; and	CEO	Subject to sign-off by SPDPC
<b>5.3.2.5</b>	satisfies the matters prescribed in the Regulations;	CEO	Subject to sign-off by SPDPC
<b>5.3.3</b>	the DPA must include:	CEO	Subject to sign-off by SPDPC
<b>5.3.3.1</b>	an explanation of the intent of the proposed amendments, the relationship between that intent and the policy of the Statement of Intent, and a summary of the major policy changes (if any) that are proposed; and	CEO	Subject to sign-off by SPDPC

		Direct Delegation from Council	Conditions/ Limitations
<b>5.3.3.2</b>	a summary of the conclusions drawn from the investigations and assessments referred to above; and	CEO	Subject to sign-off by SPDPC
<b>5.3.3.3</b>	a draft of the amendment, or a draft of the relevant section of the Development Plan as amended (with the amendments shown in a distinctive manner);	CEO	Subject to sign-off by SPDPC
<b>5.3.4</b>	the DPA must include an assessment of the extent to which the proposed amendment accords with relevant infrastructure planning (with respect to both physical and social infrastructure) identified by the Council through strategic planning or other processes undertaken by the Council under the Act or the Local Government Act 1999 or identified by a Minister, or any other relevant government agency, in accordance with any scheme set out in the Regulations, in connection with the preparation of the DPA under the Act;	CEO	Subject to sign-off by SPDPC
<b>5.3.5</b>	the DPA must include any other matter prescribed by the Regulations.	CEO	Subject to sign-off by SPDPC
<b>5.4</b>	The power pursuant to Section 25(3)(a) of the Act to initiate investigations in accordance with the terms of the Statement of Intent and such other investigations as the Delegate thinks fit.	CEO	NIL
<b>5.5</b>	The duty, pursuant to Section 25(4) of the Act to prepare a DPA only after the Delegate has considered the advice of a person with prescribed qualifications.	CEO	NIL
<b>5.6</b>	The power pursuant to Section 25(5) of the Act to not, except as authorised by the Minister, propose an amendment to a part of a Development Plan that has been declared by the Minister by notice in the Gazette as being part of a set of standard policy modules for the purposes of the Act.	CEO	Subject to sign-off by SPDPC
<b>5.7</b>	The duty pursuant to Section 25(6) of the Act to deal with a DPA in accordance with process A, B or C as described by the Act, depending on an agreement reached between the Council or the Delegate and the Minister as part of the Statement of Intent or at some later time if so determined or agreed by the Minister.	CEO	NIL
<b>5.8</b>	The power pursuant to Section 25(6) of the Act to reach an agreement with the Minister as part of the Statement of Intent or at some later time if so determined or agreed by the Minister.	CEO	NIL

		Direct Delegation from Council	Conditions/ Limitations
<b>5.9</b>	<u>Process A</u>	CEO	NIL
<b>5.9.1</b>	The duty pursuant to Section 25(7)(a) of the Act to refer the DPA to any government Department or agency that has a direct interest in the matter, and any other body specified in the Statement of Intent, for comment within the period prescribed by the Regulations.	CEO	NIL
<b>5.9.2</b>	The power pursuant to Section 25(7)(b) of the Act, if a response is not received within the period that applies under Section 25(7)(a) of the Act, to assume that the particular Department, agency or other body does not desire to provide any comment.	CEO	NIL
<b>5.9.3</b>	The power pursuant to Section 25(7)(c) of the Act to consult with the Minister.	CEO	NIL
<b>5.9.4</b>	The duty pursuant to Section 25(7)(c)(i) of the Act to comply with the requirement of the Minister to make an alteration to the DPA.	CEO	NIL
<b>5.9.5</b>	Subject to Section 25(10), 25(11), 25(12) and 25(12a) of the Act, the duty pursuant to Section 25(7)(d) of the Act to release the DPA for public consultation in accordance with the Regulations), over a period of at least 8 weeks.	CEO	NIL
<b>5.10</b>	<u>Process B</u>	CEO	NIL
<b>5.10.1</b>	The duty pursuant to Section 25(8)(a) of the Act, if required by the Minister, to first refer the DPA to the Minister for consideration.	CEO	NIL
<b>5.10.2</b>	The power, pursuant to Section 25(8)(a) of the Act, to consult with the Minister.	CEO	NIL
<b>5.10.3</b>	The duty pursuant to Section 25(8)(a)(i) of the Act to comply with a requirement of the Minister to make an alteration to the DPA.	CEO	NIL
<b>5.10.4</b>	Subject to complying with Section 25(8)(a) of the Act, (if relevant) the duty and power pursuant to Section 25(8)(b)(i) of the Act to refer the DPA to any government Department or agency that has a direct interest in the matter, and any other body specified in the Statement of Intent for comment within a period of 8 weeks, and, if a response is not received within this period, to assume that the particular Department, agency or body does	CEO	NIL

	Direct Delegation from Council	Conditions/ Limitations
not desire to provide any comment.		
<b>5.10.5</b> Subject to Sections 25(10), 25(11), 25(12) and 25(12a) of the Act the duty pursuant to Section 25(8)(b)(ii) of the Act to release the DPA for public consultation in accordance with the Regulations over a period that is at least concurrent with the period that applies under Section 25(8)(b)(i) of the Act.	CEO	NIL
<b>5.11</b> <u>Process C</u>	CEO	NIL
<b>5.11.1</b> The duty and power pursuant to Section 25(9)(a) of the Act to refer the DPA to any government Department or agency that has a direct interest in the matter, and any other body specified in the Statement of Intent for comment within a period of 4 weeks, and, if a response is not received within this period, to assume that the particular Department, agency or body does not desire to provide any comment.	CEO	NIL
<b>5.11.2</b> Subject to Sections 25(10), 25(11), 25(12) and 25(12a) of the Act, the duty pursuant to Section 25(9)(b) of the Act to release the DPA for public consultation in accordance with the Regulations, over a period that is at least concurrent with the period that applies under Section 25(9)(a) of the Act.	CEO	NIL
<b>5.11.3</b> The duty pursuant to Section 25(9)(c) of the Act, at the time that the DPA is released for public consultation, to give:	CEO	NIL
<b>5.11.3.1</b> an owner or occupier of any land that is directly subject to the operation of the proposed amendment; and	CEO	NIL
<b>5.11.3.2</b> an owner or occupier of each piece of adjacent land to land that is directly subject to the operation of the proposed amendment,  a written notice in accordance with the Regulations.	CEO	NIL
<b>5.12</b> The duty pursuant to Section 25(10) of the Act to not release a DPA for public consultation unless or until the Chief Executive Officer of the Council has, on behalf of the Council, issued a certificate in the prescribed form relating to the extent to which the proposed amendment:	CEO	NIL



	Direct Delegation from Council	Conditions/ Limitations
<b>5.12.1</b> accords with the Planning Strategy; and	CEO	NIL
<b>5.12.2</b> accords with the Statement of Intent; and	CEO	NIL
<b>5.12.3</b> accords with other parts of the Development Plan; and	CEO	NIL
<b>5.12.4</b> complements the policies in the Development Plans for adjoining areas; and	CEO	NIL
<b>5.12.5</b> satisfies the matters prescribed in the Regulations.	CEO	NIL
<b>5.13</b> In addition to any requirement prescribed by the Regulations, the duty pursuant to Section 25(11) of the Act for the purposes of undertaking the public consultation, to:	CEO	NIL
<b>5.13.1</b> allow interested persons to make representations in writing in relation to the matter over the period that applies for the purposes of the public consultation; and	CEO	NIL
<b>5.13.2</b> subject to Section 25(11)(b) of the Act and in accordance with the Regulations, hold within the area of the Council at least 1 meeting where members of the public may attend and make representations in relation to the matter,	CEO	NIL
<b>5.13.3</b> appoint a committee (which may, but need not, include members of the Council) to consider any representations made under Sections 25(11)(a) or 25(11)(b) of the Act and to provide advice in relation to those representations.	CEO	NIL
<b>5.14</b> If a proposed amendment designates a place as a place of local heritage value, the duty pursuant to Section 25(12) of the Act, at or before the time when the DPA is released for public consultation, to give each owner of land constituting a place proposed as a place of local heritage value a written notice:	CEO	NIL
<b>5.14.1</b> informing the owner of the proposed amendment, and	CEO	NIL
<b>5.14.2</b> inviting the owner to make submissions on the amendment within the period provided for public consultation under the Regulations.	CEO	NIL

	Direct Delegation from Council	Conditions/ Limitations
<b>5.15</b> If a proposed amendment declares a tree to be a significant tree or a stand of trees to be significant trees, the duty pursuant to Section 25(12a) of the Act, at or before the time when the DPA is released for public consultation, to give each owner of land where the tree or trees are located a written notice:	CEO	NIL
<b>5.15.1</b> informing the owner of the proposed amendment; and	CEO	NIL
<b>5.15.2</b> inviting the owner to make submissions on the amendment within the period provided for public consultation under the Regulations.	CEO	NIL
<b>5.16</b> The duty pursuant to Section 25(13)(a) of the Act, after complying with the requirements of Sections 25(1)-(12a) of the Act, to, in accordance with the Regulations prepare a report on the matters raised during the consultation period, on the reasons for any failure to comply with any time set for any step under Sections 25(1)-(12a) of the Act, and on any recommended alterations to the proposed amendment.	CEO	NIL
<b>5.17</b> The power pursuant to Section 25(13)(b) of the Act, if the Delegate thinks fit, by notice in writing to the Minister, to decline to proceed any further with an amendment.	CEO	Subject to sign-off by SPDPC
<b>5.18</b> The duty to send to the Minister:	CEO	NIL
<b>5.18.1</b> a copy of a report under Section 25(13)(a); and	CEO	NIL
<b>5.18.2</b> a certificate from the Chief Executive Officer;	CEO	NIL
pursuant to and in accordance with Section 25(14) of the Act and the Regulations.	CEO	NIL
<b>5.19</b> The power pursuant to Sections 25(15)(d) and 25(15)(f) of the Act to consult with the Minister.	CEO	Subject to sign-off by SPDPC
<b>5.20</b> The power pursuant to and in accordance with Section 25(21) of the Act to consult with, and make submissions to the Minister.	CEO	Subject to sign-off by SPDPC

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<b>5.21</b> The power pursuant to Section 25(23) of the Act to consult with the Minister.	CEO	Subject to sign-off by SPDPC
<b>6. Amendments by the Minister</b>		
<b>6.1</b> The power pursuant to Section 26(5)(d)(i) of the Act, in relation to a DPA referred to the Council by the Minister, to make comment on the DPA to the Minister within a period of 8 weeks.	CEO	Subject to sign-off by SPDPC
<b>6.2</b> The power pursuant to Section 26(5a)(a) of the Act in relation to a DPA referred to the Council by the Minister, to make comment on the DPA to the Minister within a period of 8 weeks.	CEO	Subject to sign-off by SPDPC
<b>6.3</b> The power pursuant to Section 26(5b)(a) of the Act in relation to a DPA referred to the Council by the Minister, to make comment on the DPA to the Minister within a period of 4 weeks.	CEO	Subject to sign-off by SPDPC
<b>6.4</b> The power pursuant to Section 26(12) of the Act, to make comment to the Minister within a period determined by the Minister in relation to a proposal to act under Section 26(11) of the Act.	CEO	Subject to sign-off by SPDPC
<b>6.5</b> The power pursuant to, Section 26(12) of the Act to, by notice in writing, object to the Minister's proposed action.	CEO	Subject to sign-off by SPDPC
<b>7. Parliamentary Scrutiny</b>	CEO	Subject to sign-off by SPDPC
<b>7.1</b> The power pursuant to Section 27(6) of the Act to consult with the Minister.	CEO	Subject to sign-off by SPDPC
<b>8. Strategic Directions Reports</b>		
<b>8.1</b> The duty pursuant to Section 30(1) of the Act, to, from time to time, in accordance with the requirements of Section 30 of the Act, prepare a report under Section 30 of the Act (a Strategic Directions Report) that:	CEO	Subject to sign-off by SPDPC
<b>8.1.1</b> addresses the strategic planning issues within the area of the Council, with particular	CEO	Subject to sign-off by

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reference to:		SPDPC
<b>8.1.1.1</b> the Planning Strategy; and	CEO	Subject to sign-off by SPDPC
<b>8.1.1.2</b> any other policy or document prescribed by the regulations; and	CEO	Subject to sign-off by SPDPC
<b>8.1.2</b> addresses appropriate amendments to any Development Plan that applies within the area of the Council; and	CEO	Subject to sign-off by SPDPC
<b>8.1.3</b> sets out the Council's priorities for:	CEO	Subject to sign-off by SPDPC
<b>8.1.3.1</b> achieving orderly and efficient development through the implementation of planning policies; and	CEO	Subject to sign-off by SPDPC
<b>8.1.3.2</b> the integration of transport and land-use planning within its area; and	CEO	Subject to sign-off by SPDPC
<b>8.1.3.3</b> implementing any relevant targets set out in the Planning Strategy; and	CEO	Subject to sign-off by SPDPC
<b>8.1.3.4</b> implementing affordable housing policies set out in the Planning Strategy within its area; and	CEO	Subject to sign-off by SPDPC
<b>8.1.3.5</b> infrastructure planning (with respect to both physical and social infrastructure), taking into account any advice provided by a Minister, or any other relevant government agency, in accordance with a scheme set out in the regulations, and any of the Council's proposals with respect to infrastructure; and	CEO	Subject to sign-off by SPDPC
<b>8.1.3.6</b> other projects or initiatives considered to be relevant by the Council; and	CEO	Subject to sign-off by SPDPC

		Direct Delegation from Council	Conditions/ Limitations
<b>8.1.4</b>	contains such other material as may be:	CEO	Subject to sign-off by SPDPC
<b>8.1.4.1</b>	prescribed by the regulations; or	CEO	Subject to sign-off by SPDPC
<b>8.1.4.2</b>	required by the Minister.	CEO	Subject to sign-off by SPDPC
<b>8.2</b>	The duty pursuant to Section 30(2) of the Act to prepare and complete a report under Section 30 of the Act:	CEO	Subject to sign-off by SPDPC
<b>8.2.1</b>	within 12 months after an alteration is made to the Planning Strategy, or within such longer period as the Minister may allow, if:	CEO	Subject to sign-off by SPDPC
<b>8.2.1.1</b>	the Minister declares, by notice in the Gazette, that the alteration is considered to be a significant alteration that should trigger a review of Development Plans, or specified Development Plans, under Section 30 of the Act in relation to issues specified by the Minister; and	CEO	Subject to sign-off by SPDPC
<b>8.2.1.2</b>	the Development Plan that applies in relation to the Council's area (or a part of its area) falls within the ambit of the declaration; and	CEO	Subject to sign-off by SPDPC
<b>8.2.2</b>	in any event, within 5 years after the completion of the last report under Section 30 of the Act.	CEO	Subject to sign-off by SPDPC
<b>8.3</b>	The duty, pursuant to Section 30(3) of the Act, in connection with the preparation of a report under Section 30 of the Act, to:	CEO	Subject to sign-off by SPDPC
<b>8.3.1</b>	by public advertisement, invite interested persons to make written submissions to the Council within 2 months of the date of the advertisement or such longer period as may be allowed by the advertisement; and	CEO	Subject to sign-off by SPDPC

		Direct Delegation from Council	Conditions/ Limitations
<b>8.3.2</b>	consult with any prescribed authority or body in the manner specified by the regulations.	CEO	Subject to sign-off by SPDPC
<b>8.4</b>	The duty, pursuant to Section 30(4) of the Act, in connection with the operation of Section 30(3) of the Act, to prepare and make available the documentation prescribed by the regulations.	CEO	NIL
<b>8.5</b>	The duty pursuant to Section 30(5) of the Act to give a person who makes a written response to an invitation under Section 30(3)(a) of the Act an opportunity to appear personally or by representative before the Council or a Council Committee and to be heard on those submissions.	CEO	NIL
<b>8.6</b>	The duty pursuant to Section 30(6) of the Act, in preparing a report under Section 30 of the Act, to:	CEO	Subject to sign-off by SPDPC
<b>8.6.1</b>	reach agreement with the Minister on a Statement of Intent with respect to any proposed amendments to a Development Plan that applies within the area of the Council; and	CEO	Subject to sign-off by SPDPC
<b>8.6.2</b>	if relevant, prepare a DPA that is suitable for consideration under Section 25(3) of the Act.	CEO	Subject to sign-off by SPDPC
<b>8.7</b>	The duty pursuant to Section 30(7) of the Act to furnish a report under Section 30 of the Act to the Minister.	CEO	NIL
<b>8.8</b>	The duty pursuant to Section 30(8) of the Act to, then, in accordance with any reasonable request of the Minister, enter into an agreement with the Minister on the steps that the Council will take as a result of the matters contained in the report (and the report will not be taken to have been completed unless or until such an agreement is reached with the Minister).	CEO	Subject to sign-off by SPDPC
<b>8.9</b>	The power pursuant to Section 30(9) of the Act to request the Minister to exempt the Council:	CEO	Subject to sign-off by SPDPC
<b>8.9.1</b>	from a requirement to prepare a particular report under Section 30 of the Act; or	CEO	Subject to sign-off by SPDPC

	Direct Delegation from Council	Conditions/ Limitations
<b>8.9.2</b> from a particular requirement with respect to a report under Section 30 of the Act.	CEO	Subject to sign-off by SPDPC
<b>8.10</b> The duty pursuant to Section 30(12) of the Act to make copies of a report prepared under Section 30 of the Act available for inspection (without charge) by the public at the principal office of the Council.	CEO	NIL
<b>8.11</b> The duty pursuant to Section 30(13) of the Act, if a report proposes amendments to a Development Plan that applies within the area of the Council, to ensure that it releases a DPA for public consultation under Section 25 within the period prescribed by the regulations.	CEO	Subject to sign-off by SPDPC
<b>8.12</b> The power pursuant to Section 30(14) of the Act, to request in accordance with the regulations a Minister identified by the regulations for the purposes of this provision to furnish to the Council within the prescribed period a statement of the nature and extent of any infrastructure that, according to the Minister's assessment, should be taken into account in connection with the preparation of a report under Section 30 of the Act.	CEO	Subject to sign-off by SPDPC
<b>8.13</b> The power pursuant to Section 30(15) of the Act to act jointly with two or more councils under Section 30 of the Act and to act on behalf of, and with the agreement of, the other council or councils in undertaking any process or procedure under Section 30 of the Act.	CEO	Subject to sign-off by SPDPC
<b>9. Copies of Plans to be Made Available to the Public</b>		
<b>9.1</b> The duty pursuant to Section 31(3) of the Act to make copies of a Development Plan published under Section 31(1) of the Act that applies in relation to the area of the Council available for inspection (without charge) and purchase by the public at an office of the Council.	CEO	NIL
<b>10. Matters Against Which Development Must be Assessed</b>		
<b>10.1</b> The power, as the relevant authority and pursuant to Section 33 of the Act, to assess a development against and grant or refuse consent in respect of each of the following matters (insofar as they are relevant to that development):	CEO/CAP	NIL
<b>10.1.1</b> the provisions of the appropriate Development Plan;	CEO/CAP	Except:

	Direct Delegation from Council	Conditions/ Limitations
		<ol style="list-style-type: none"> <li>1. <u>new dwellings</u> outside of townships which must have the delegate report countersigned by another Statutory Planner prior to decision being issued.</li> <li>2. Licensed premises which must have the delegate report countersigned by another Statutory Planner prior to the decision being issued</li> <li>3. <u>refusals</u> which must be countersigned by either the Director Development &amp; Regulatory Services or Manager Development Services prior to decision being issued.</li> <li>4. <u>non-complying</u> applications determined as minor (only in accordance with Clause 3 of Schedule 9 of the Development Regulations 2008 and not where CAP</li> </ol>



	Direct Delegation from Council	Conditions/ Limitations
		delegation) – but delegate report must be <u>countersigned by</u> another Statutory Planner prior to SCAP concurrence being sought
<b>10.1.2</b> the provisions of the Building Rules;	CEO	Except: 1. <u>refusals</u> which must be countersigned by either the Director Development & Regulatory Services or Manager Development Services prior to decision being issued
<b>10.1.3</b> in relation to a proposed division of land (otherwise than under the Community Titles Act 1996 or the Strata Titles Act 1988) on the satisfaction of the conditions specified in Section 33(1)(c) of the Act;	CEO/CAP	With the exception of minor boundary realignments involving two allotments, delegate report to be countersigned by either the Director Development & Regulatory Services or Manager Development Services, or Team Leader Statutory Planning prior to decision being issued
<b>10.1.4</b> in relation to a division of land under the Community Titles Act 1996 or the Strata Titles Act	CEO/CAP	With the exception of minor boundary

	Direct Delegation from Council	Conditions/ Limitations
1988 on the satisfaction of the conditions specified in Section 33(1)(d) of the Act;		realignments involving two allotments, delegate report to be countersigned by either the Director Development & Regulatory Services or Manager Development Services, or Team Leader Statutory Planning prior to decision being issued
<b>10.1.5</b> the requirement that any encroachment of a building over, under, across or on a public place has been dealt with in a satisfactory manner; and	CEO/CAP	NIL
<b>10.1.6</b> such other matters as may be prescribed.	CEO/CAP	NIL
<b>10.2</b> The power pursuant to Section 33(3) of the Act, when granting a development plan consent, to reserve a decision on a specified matter until further assessment of the development under the Act.	CEO/CAP	Delegate report to be countersigned by either the Director Development & Regulatory Services or Manager Development Services, or Team Leader Statutory Planning prior to decision being issued
<b>10.3</b> If:	CEO	NIL
<b>10.3.1</b> a development only requires an assessment under paragraph (b) of Section 33(1) of the Act; and	CEO	NIL
<b>10.3.2</b> the Council:	CEO	NIL

	Direct Delegation from Council	Conditions/ Limitations
<b>10.3.2.1</b> is the relevant authority; and	CEO	NIL
<b>10.3.2.2</b> is to make the assessment under that paragraph; and	CEO	NIL
<b>10.3.3</b> the Council determines to grant consent under that paragraph,	CEO	NIL
the duty, pursuant to Section 33(4b) of the Act as the relevant authority, to issue the relevant development approval with the consent.	CEO	NIL
<b>11. Determination of Relevant Authority</b>	CEO	NIL
<b>11.1</b> The power pursuant to Section 34(1)(b)(iii) of the Act to request the Minister to declare the <del>State Development Assessment Commission Assessment Panel</del> <u>State Development Assessment Commission</u> to be the relevant authority for a proposed development.	CEO/CAP	NIL
<b>11.2</b> The power pursuant to Section 34(1a) of the Act, where the Minister has made a declaration under Section 34(1)(b)(vi) of the Act, to provide the <del>State Development Assessment Commission</del> <u>State Development Assessment Commission</u> with a report, relating to the application for development authorisation, within the time prescribed by the Regulations.	CEO/CAP	NIL
<b>11.3</b> The power pursuant to Section 34(8a) of the Act to, in conjunction with the Councils for the areas in relation to which a regional development assessment panel has been constituted, remove a member from the panel for a failure to comply with the requirements of Section 34(6a) or (7) of the Act or a breach of, or failure to comply with, a code of conduct under Section 21A of the Act.	CEO/CAP	NIL
<b>11.4</b> The power in accordance with Section 34(21) of the Act to withdraw from a regional development assessment panel	CEO/CAP	NIL
<b>11.5</b> The duty pursuant to Section 34(27)(a) of the Act to establish a policy relating to the basis upon which the Council will make the various delegations required by Section 34(23) of the Act.	CEO	NIL
<b>11.6</b> The duty pursuant to Section 34(27)(b) of the Act to ensure that a copy of the policy established by the Council under Section 34(27)(a) of the Act is available for inspection at the principal office of the	CEO	NIL

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council during ordinary office hours and for inspection on the internet.		
<b>12. Special Provisions Relating to Assessment Against Development Plans</b>		
<b>12.1</b> The duty pursuant to Section 35(1) of the Act to grant a development plan consent if the Regulations or the relevant Development Plan describes any proposed development as a complying development (subject to such conditions or exceptions as may be prescribed by the Regulations or the relevant Development Plan and subject to any other provision made by the Act or applying under the Regulations).	CEO	NIL
<b>12.2</b> The power pursuant to Section 35(1b) of the Act to determine a development that is assessed by a relevant authority as being a minor variation from complying development to be complying development.	CEO	NIL
<b>12.3</b> Subject to Sections 35 (1d) and (1e) of the Act, if a proposed development meets all but 1 criteria necessary for the development to be complying development, the duty, pursuant to Section 35(1c) of the Act to regard the aspect or aspects of the development that are consistent with the development being complying development accordingly and to assess the balance of the development as merit development.	CEO	NIL
<b>12.4</b> The power pursuant to Section 35(2) of the Act to assess whether or not a development is seriously at variance with the relevant Development Plan.	CEO/CAP	NIL
<b>12.5</b> The power pursuant to Section 35(3)(a) of the Act in appropriate cases, to concur in the granting of consent to a development described as a non-complying development.	CEO/CAP	<u>only non-complying</u> applications determined as minor or as Category 3 providing there were no representations in opposition in accordance with Clause 3 of Schedule 9 of the Development Regulations 2008 may be concurred with by staff. Where concurrence is <u>not</u>

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		<u>supported</u> or where a development is a non-complying category 3 with opposing representations development the matter must be reported to CAP
<b>12.6</b> Subject to the Act, the power and duty pursuant to Section 35(6) of the Act, to accept that a proposed development complies with the provisions of the appropriate development plan to the extent that such compliance is certified by a private certifier.	CEO	NIL
<b>13. Special Provisions Relating to Assessment Against the Building Rules</b>		
<b>13.1</b> The duty pursuant to Section 36(1) of the Act to grant a building rules consent if the Regulations provide that any proposed building work complies with the Building Rules.	CEO	NIL
<b>13.2</b> The power pursuant to and in accordance with Section 36(2) of the Act:		
<b>13.2.1</b> to assess whether a development is at variance with the Building Rules;	CEO	NIL
<b>13.2.2</b> to determine whether to grant building rules consent where the variance is with the performance requirements of the Building Code and the Building Rules Assessment Commission concurs in the granting of consent;	CEO	NIL
<b>13.2.3</b> to determine whether to grant building rules consent where the variance is with a part of the Building Rules other than the Building Code and to determine that it is appropriate to grant the consent despite the variance on the basis that the Delegate is satisfied that:	CEO	NIL
<b>13.2.3.1</b> the provisions of the Building Rules are inappropriate to the particular building or building work, or the proposed building fails to conform with the Building Rules only in minor respects and the variance is justifiable having regard to the objects of the Development Plan or the performance requirements of the Building Code and would achieve the objects of the Act as effectively, or more effectively, than	CEO	NIL

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if the variance were not to be allowed; or			
<b>13.2.3.2</b>	in circumstances where the development has already occurred the variance is justifiable in the circumstances of the particular case.	CEO	NIL
<b>13.3</b>	The duty pursuant to Section 36(3) of the Act to modify the application of the Building Rules to avoid an inconsistency between the Building Rules and the Development Plan in relation to a State heritage place or a local heritage place.	CEO	NIL
<b>13.4</b>	The duty pursuant to Section 36(3a) of the Act to seek and consider the advice of the Building Rules Assessment Commission before imposing or agreeing to a requirement under Section 36(3) of the Act that would be at variance with the performance requirements of the Building Code.	CEO	NIL
<b>13.5</b>	The duty pursuant to Section 36(4)(a) and (b) of the Act to accept that proposed building work complies with the Building Rules to the extent that:	CEO	NIL
<b>13.5.1</b>	such compliance is certified by the provision of technical details, particulars, plans, drawings or specifications prepared and certified in accordance with the Regulations; or	CEO	NIL
<b>13.5.2</b>	such compliance is certified by a private certifier.	CEO	NIL
<b>13.6</b>	The power pursuant to Section 36(6) of the Act to refuse to grant a consent in relation to any development if, as a result of that development, the type or standard of construction of a building of a particular classification would cease to conform with the requirements of the Building Rules for a building of that classification.	CEO	Delegate report to be countersigned by either the Director Development & Regulatory Services or Manager Development Services prior to the decision being issued
<b>14. Consultation With Other Authorities or Agencies</b>			
<b>14.1</b>	Subject to Section 37AA of the Act, the duty pursuant to Section 37(1)(a) and (b) of the Act where an assessment is required of an application for the consent or approval of a proposed development of a prescribed class to:	CEO/CAP	NIL

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<b>14.1.1</b>	refer the application, together with a copy of any relevant information provided by the applicant to a body prescribed by the Regulations and including the <del>State Commission</del> <a href="#">Development Assessment Panel</a> <a href="#">Commission</a> , and	CEO/CAP	NIL
<b>14.1.2</b>	not make a decision until a response has been received from the prescribed body in relation to the matter or matters for which the referral was made or the presumption is made that the body does not desire to make a response or concur (as the case requires).	CEO/CAP	NIL
<b>14.2</b>	The duty pursuant to Section 37(5)(a) of the Act where an application has been refused or conditions imposed in respect of a development authorisation by direction of a prescribed body, to notify the applicant that the application was refused, or the conditions imposed, by direction under Section 37 of the Act.	CEO/CAP	NIL
<b>14.3</b>	If a relevant authority is directed by a prescribed body to refuse an application and the refusal is the subject of an appeal under the Act, the power, pursuant to Section 37(6) of the Act to make application for the relevant authority to be joined as a party to the proceedings.	CEO	NIL
<b>15. Preliminary Advice and Agreement</b>			
<b>15.1</b>	The power pursuant to and in accordance with Section 37AA(2)(e) of the Act to be satisfied that an application accords with an agreement indicated by a prescribed body in accordance with Section 37AA(2)(c) of the Act.	CEO/CAP	NIL
<b>15.2</b>	The power pursuant to and in accordance with Section 37AA(4) of the Act to determine that an agreement under Section 37AA of the Act is no longer appropriate due to the operation of Section 53 of the Act.	CEO/CAP	NIL
<b>16. Proposed Development Involving Creation of Fortifications</b>			
<b>16.1</b>	The duty pursuant to Section 37A(1) of the Act where the Delegate has reason to believe that a proposed development may involve the creation of fortifications, to refer the application for consent to, or approval of, the proposed development to the Commissioner of Police ('the Commissioner').	CEO/CAP	NIL

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<b>16.2</b> The power pursuant to Section 37A(2)(b) of the Act to receive the Commissioner's written determination under Section 37A(2)(a) of the Act.	CEO/CAP	NIL
<b>16.3</b> The duty pursuant to Section 37A(5) of the Act if the Commissioner determines that the proposed development involves the creation of fortifications to:	CEO/CAP	NIL
<b>16.3.1</b> if the proposed development consists only of the creation of fortifications – refuse the application; or	CEO/CAP	Delegate report to be countersigned by either the Director Development & Regulatory Services or Manager Development Services prior to the decision being issued
<b>16.3.2</b> in any other case – impose conditions in respect of any consent to or approval of the proposed development prohibiting the creation of the fortifications.	CEO/CAP	NIL
<b>16.4</b> The duty pursuant to Section 37A(6) of the Act, if the Delegate acting on the basis of a determination of the Commissioner under subsection 37A(2) refuses an application or imposes conditions in respect of a development authorisation, to notify the applicant that the application was refused, or the conditions imposed, on the basis of a determination of the Commissioner under Section 37A of the Act.	CEO/CAP	NIL
<b>17. Public Notice and Consultation</b>		
<b>17.1</b> The duty, pursuant to Section 38(3) of the Act, where a person applies for a consent in respect of the Development Plan for a Category 1 development, to not on the Delegate's own initiative seek the views of the owners or occupiers of adjacent or other land in relation to the granting or refusal of development plan consent.	CEO	NIL
<b>17.2</b> Where a person applies for a consent in respect of the Development Plan for a Category 2A development, -	CEO	NIL



		Direct Delegation from Council	Conditions/ Limitations
<b>17.2.1</b>	the duty pursuant to Section 38(3a)(a) of the Act to:	CEO	NIL
<b>17.2.1.1</b>	subject to any exclusion or qualification prescribed by the Regulations – give an owner or occupier of each piece of adjoining land; and	CEO	NIL
<b>17.2.1.2</b>	give any other person of a prescribed class,	CEO	NIL
	notice of the application; and	CEO	NIL
<b>17.2.2</b>	the duty pursuant to Section 38(3a)(b) of the Act, to:	CEO	NIL
<b>17.2.2.1</b>	give consideration to any representations in writing made in accordance with the Regulations by a person who is entitled to be given notice under paragraph (a) of Section 38(3a) of the Act; and	CEO	NIL
<b>17.2.2.2</b>	forward to the applicant a copy of any representations that the relevant authority must consider under subparagraph (i) of Section 38(3a)(b) of the Act and allow the applicant an opportunity to respond in writing, to those representations within the period prescribed by the Regulations; and	CEO	NIL
<b>17.2.3</b>	if a representation is received under paragraph (b) of Section 38(3a) of the Act within the prescribed number of days, the power pursuant to Section 38(3a)(c) of the Act to, in the Delegate's absolute discretion, allow the person who made the representation to appear personally or by representative before it to be heard in support of the representation.	CEO/CAP	NIL
<b>17.3</b>	The duty pursuant to Section 38(4) of the Act to give notice of a proposal for a Category 2 development.	CEO	NIL
<b>17.4</b>	The duty pursuant to Section 38(5) of the Act to give notice of a proposal for a Category 3 development.	CEO	NIL
<b>17.5</b>	The duty pursuant to Section 38(8) of the Act to forward to an applicant a copy of any representation made regarding the proposed development, and to allow the applicant to respond in writing to those	CEO	NIL

	Direct Delegation from Council	Conditions/ Limitations
representations.		
<b>17.6</b> The power pursuant to Section 38(10)(a) of the Act, in respect of a Category 2 development, to determine whether to allow a person who made a representation to appear personally or by representative before the Delegate.	CEO/CAP	NIL
<b>17.7</b> The duty pursuant to Section 38(10)(b) of the Act, in respect of a Category 3 development, to allow a person who made a representation and who as part of that representation indicated an interest in appearing before the Delegate, a reasonable opportunity to appear personally or by representative to be heard in support of the representation.	CEO/CAP	NIL
<b>17.8</b> The duty pursuant to Section 38(11) of the Act to allow an applicant to appear personally or by representative before the Delegate or the <del>CAP</del> Council in order to respond to any relevant matter.	CEO/CAP	NIL
<b>17.9</b> The duty pursuant to Section 38(12) of the Act, where representations have been made under Section 38 of the Act, to give notice of the decision on the application to each person who made a representation and in respect of a Category 3 development of the person's appeal rights under the Act, and give notice to the Court.	CEO	NIL
<b>17.10</b> The power, pursuant to subsection 38(17) of the Act, where a relevant authority is acting under Section 38 of the Act in relation to a Category 2A or Category 2 development, to not take into account under Section 38 of the Act a representation made by a person who is not entitled to be given notice of the relevant application under Section 38 of the Act.	CEO/CAP	Subject to delegate report sign off by Team Leader Statutory Planning  Senior Statutory Planner, Manager Development Services or Director Development & Regulatory Services
<b>17.11</b> The power, pursuant to subsection 38(18) of the Act, to not take into account under Section 38 of the Act, a representation that is not made in accordance with any requirement prescribed by the Regulations for the purposes of Section 38.	CEO/CAP	Subject to delegate report sign off by Team Leader Statutory Planning  Senior Statutory Planner,

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			Manager Development Services or Director Development & Regulatory Services
<b>18. Application and Provision of Information</b>			
<b>18.1</b>	The power pursuant to Section 39(2) of the Act to request an applicant to:	CEO/CAP	NIL
<b>18.1.1</b>	provide such additional documents or information to enable assessment of the application;	CEO/CAP	NIL
<b>18.1.2</b>	remedy any defect or deficiency in any application or accompanying document or information required by or under the Act;	CEO/CAP	NIL
<b>18.1.3</b>	consult with an authority or body prescribed by the Regulations;	CEO/CAP	NIL
<b>18.1.4</b>	(where required by the Regulations) prepare a statement of effect in relation to non-complying development; and	CEO/CAP	NIL
<b>18.1.5</b>	comply with any other requirement prescribed by the Regulations.	CEO/CAP	NIL
<b>18.2</b>	If:	CEO	NIL
<b>18.2.1</b>	a development is of a kind that is complying development; and	CEO	NIL
<b>18.2.2</b>	the development falls within a class of development prescribed by the Regulations for the purpose of Section 39(2a)(b) of the Act; and	CEO	NIL
<b>18.2.3</b>	the applicant has complied with the requirements of Section 39(1)(a), (c) and (d),	CEO	NIL
	the duty, pursuant to Section 39(2a) of the Act, to, in making an assessment as to development plan consent, assess the application without requesting the applicant to provide additional documents or information.	CEO	NIL

		Direct Delegation from Council	Conditions/ Limitations
<b>18.3</b>	If:	CEO	NIL
<b>18.3.1</b>	a development falls within a class of development prescribed by the Regulations for the purposes of Section 39(2b)(b) of the Act; and	CEO	NIL
<b>18.3.2</b>	the applicant has complied with the requirements of Section 39(1)(a), (c) and (d) of the Act,	CEO	NIL
	the power and duty pursuant to Section 39(2b)(c) of the Act, to;	CEO	NIL
<b>18.3.3</b>	in making an assessment as to development plan consent, request the applicant to provide additional documents or information in relation to the application on 1 occasion only; and	CEO	NIL
	the duty pursuant to Section 39(2b)(d) of the Act, to;	CEO	NIL
<b>18.3.4</b>	make that request within a period prescribed by the Regulations.	CEO	NIL
<b>18.4</b>	Pursuant to Section 39(3)(b) of the Act, where a request is made under Section 39(2) of the Act and the request is not complied with within the time specified by the Regulations, the power pursuant to Section 39(3)(b) of the Act to:	CEO/CAP	Delegate report to be countersigned by Director Development & Regulatory Services, Manager Development Services Team Leader Statutory Planning
<b>18.4.1</b>	subject to Section 39(3)(b)(ii) of the Act, refuse the application; and	CEO/CAP	Delegate report to be countersigned by Director Development & Regulatory Services, Manager Development Services Team Leader Statutory Planning

	Direct Delegation from Council	Conditions/ Limitations
<b>18.4.2</b> refuse the application in prescribed circumstances (including, if the Regulations so provide, in a case involving development that is complying development).	CEO/CAP	Delegate report to be countersigned by Director Development & Regulatory Services, Manager Development Services Team Leader Statutory Planning
<b>18.5</b> The duty, pursuant to Section 39(3a) of the Act, in dealing with an application that relates to a regulated tree, to seek to make any assessment as to whether the tree is a significant tree without requesting the applicant to provide an expert or technical report relating to the tree, unless the Delegate considers that special circumstances apply.	CEO/CAP	Refer to special circumstances policy
<b>18.6</b> The duty, pursuant to Section 39(3b) of the Act, in dealing with an application that relates to a regulated tree that is not a significant tree, to seek to assess the application without requesting the applicant to provide an expert or technical report relating to the tree, unless the Delegate considers that special circumstances apply.	CEO/CAP	Refer to special circumstances policy
<b>18.7</b> The power pursuant to Section 39(4)(a) and Section 39(5) of the Act to permit an applicant to vary an application or vary any plans, drawings, specifications or other documents that accompanied an application.	CEO/CAP	NIL
<b>18.8</b> The power pursuant to Section 39(4)(b) and Section 39(5) of the Act to permit an applicant to lodge an application without the provision of any information or document required by the Regulations.	CEO	NIL
<b>18.9</b> The power pursuant to Section 39(4)(c) and Section 39(5) of the Act to waive payment of whole or part of the application fee or refund an application fee (to the extent that such fees are payable to the Council).	CEO	In accordance with Council Fee Waiver Policy

	Direct Delegation from Council	Conditions/ Limitations
<b>18.10</b> The power pursuant to Section 39(4)(d) of the Act and Regulation 17(3)(a) of the regulations to refuse an application that relates to a development of the kind that is described as a non-complying development under the Development Plan without proceeding to make an assessment of the application.	CEO/CAP	Delegate report to be countersigned by either the Director Development & Regulatory Services or Manager Development Services prior to the decision being issued
<b>18.11</b> The power pursuant to Section 39(4)(e) of the Act, if there is an inconsistency between any documents lodged with the Council for the purposes of Division 1 of Part 4 of the Act, or between any such document and a development authorisation that has already been given that is relevant in the circumstances, to return or forward any document to the applicant or to any other person and to determine not to finalise the matter until any specified matter is resolved, rectified or addressed.	CEO	NIL
<b>18.12</b> The power pursuant to Section 39(7) of the Act to approve an application for variation of the conditions of the development authorisation previously given under the Act, or to extend the period for which such authorisation remains operative.	CEO/CAP	Refer to CAP Delegations Policy for exceptions where staff must refer to CAP
<b>18.13</b> The power, pursuant to section 39(7)(c) to determine whether representations relate to any aspect of the development under consideration on account of an application for variation, and to determine whether, in the circumstances of the case, it is unnecessary to deal with the matter as Category 3 development.	CEO/CAP	NIL
<b>18.14</b> The power, pursuant to section 39(7)(d) of the Act, to approve the seeking of a variation to extend the period for which the relevant authorisation remains operative.	CEO/CAP	NIL
<b>18.15</b> Where granting an application for variation of a development authorisation pursuant to section 39(6), the power, pursuant to section 39(7a), to make specific provision for the variation of a condition imposed with respect to the original authorisation in its decision on the application for variation.	CEO/CAP	Refer to CAP Delegations Policy for exceptions where staff must refer to CAP
<b>18.16</b> The power pursuant to Section 39(8) of the Act to issue a consent which provides for the undertaking	CEO/CAP	NIL

	Direct Delegation from Council	Conditions/ Limitations
of development in stages.		
<b>18.17</b> The power pursuant to Section 39(9) of the Act to determine that the applicant is entitled to a refund of the application fee in the event that an application is withdrawn.	CEO/	In accordance with Council's Development Application Fee Refund Policy
<b>19. Determination of Application</b>		
<b>19.1</b> The duty pursuant to Section 40(1) of the Act to give notice of a decision in accordance with the Regulations (and in the case of a refusal, the duty to include the reasons for the refusal and any appeal rights that exist under the Act.)	CEO/CAP	NIL
<b>19.2</b> The power pursuant to Section 40(3) of the Act to extend the period of time within which a development authorisation remains operative.	CEO/CAP	NIL
<b>20. Time Within Which Decision Must be Made</b>		
<b>20.1</b> The duty, pursuant to Section 41(1) of the Act to deal with an application as expeditiously as possible and within the time prescribed by the Regulations.	CEO/CAP	NIL
<b>20.2</b> If:	CEO	NIL
<b>20.2.1</b> the relevant authority does not decide an application that relates to development that is a complying development within the time prescribed under Section 41(1) of the Act; and	CEO	NIL
<b>20.2.2</b> the applicant gives the relevant authority a notice in accordance with the Regulations on the basis that the decision on the application has not been made,	CEO	NIL
the duty pursuant to Section 41(5)(d) of the Act, subject to any exclusion or qualification prescribed by the Regulations, to refund the fee received by the relevant authority under Section 39(1)(d) in relation to the application.	CEO	NIL
<b>21. Conditions</b>		

	Direct Delegation from Council	Conditions/ Limitations
<b>21.1</b> The power pursuant to Sections 42(1) and (3) of the Act to attach such conditions as the Delegate thinks fit or as may be prescribed by regulation to any decision under Division 1 of Part 4 of the Act.	CEO/CAP	NIL
<b>21.2</b> The duty, pursuant to Section 42(4) of the Act, in accordance with Section 42(5) of the Act and subject to Sections 42(6) and (8) of the Act, if a development authorisation provides for the killing, destruction or removal of a regulated tree or a significant tree, to apply the principle that the development authorisation be subject to a condition that the prescribed number of trees (of a kind determined by the Delegate) must be planted and maintained to replace the tree (with the cost of planting to be the responsibility of the applicant or any person who acquires the benefit of the consent and the cost of maintenance to be the responsibility of the owner of the land).	CEO/CAP	NIL
<b>21.3</b> The power, pursuant to Section 42(6) of the Act, on the application of the applicant, to determine that a payment of an amount calculated in accordance with the Regulations be made into the relevant fund in lieu of planting one or more replacement trees under Section 42(4) of the Act.	CEO/CAP	Subject to sign off by Team Leader Statutory Planning, Manager Development Services or Director Development & Regulatory Services
<b>21.4</b> The power, pursuant to Section 42(8)(b) of the Act, after taking into account any criteria prescribed by the Regulations and if the Minister concurs, to determine that it is appropriate to grant an exemption under Section 42 of the Act in a particular case.	CEO/CAP	NIL
<b>22. Cancellation by a Relevant Authority</b>		
<b>22.1</b> The power pursuant to Section 43 of the Act to cancel a development authorisation previously given by the Council or the Delegate.	CEO/CAP	NIL
<b>23. Investigation of Development Assessment Performance</b>		
<b>23.1</b> The power pursuant to Section 45A(2) of the Act to explain the Council's actions and to make submissions (including, if relevant, an indication of undertakings that the Council is willing to give in order to take remedial action) to the Minister within a period (being at least 28 days) specified by the Minister.	CEO/CAP	NIL



		Direct Delegation from Council	Conditions/ Limitations
<b>23.2</b>	The duty pursuant to Section 45A(14) of the Act to comply with a direction under Section 45A(11) or (13) of the Act.	CEO/CAP	NIL
<b>23.3</b>	The power pursuant to Section 45A(12) of the Act to make submissions to the Minister on the report on which the action under Section 45A(11) of the Act is based within a period (being at least 28 days) specified by the Minister.	CEO/CAP	NIL
<b>24. Crown Development and Public Infrastructure</b>			
<b>24.1</b>	The power pursuant to Section 49(4a) of the Act to receive notice from the <del>State Development Assessment Commission Assessment Panel</del> containing the prescribed particulars of the development in accordance with the Regulations.	CEO/CAP	NIL
<b>24.2</b>	The power pursuant to Section 49(5) of the Act to report to the <del>State Development Assessment Commission Assessment Panel</del> on any matters contained in a notice from the <del>State Development Assessment Commission Assessment Panel</del> under Section 49(4a) of the Act.	CEO/CAP	NIL
<b>24.3</b>	The power pursuant to Section 49(9) of the Act to withdraw opposition to a State agency proposed development.	CEO/CAP	NIL
<b>25. Electricity Infrastructure Development</b>			
<b>25.1</b>	The power pursuant to Section 49A(4a) of the Act to receive notice from the <del>State Development Assessment Commission Assessment Panel</del> containing the prescribed particulars of the development in accordance with the Regulations.	CEO/CAP	NIL
<b>25.2</b>	The power pursuant to Section 49A(5) of the Act, where notice of a proposal to undertake development for the purposes of the provision of electricity infrastructure has been given to the Council pursuant to Section 49A(4a) of the Act, to report to the <del>State Development Assessment Commission Assessment Panel</del> on any matters contained in the said notice.	CEO/CAP	NIL
<b>25.3</b>	The power pursuant to Section 49A(9) of the Act, in circumstances where the Council's report to the <del>State Commission</del> <u>Development Assessment Panel</u> <u>Commission</u> under Section 49A(5) of the Act	CEO/CAP	NIL

		Direct Delegation from Council	Conditions/ Limitations
expressed opposition to the proposed development, to withdraw that opposition.			
<b>26. Open Space Contribution System</b>			
<b>26.1</b>	The power pursuant to Section 50(1) of the Act, with respect to an application for the division of land into more than 20 allotments where one or more allotments is less than one hectare in area, to require:	CEO/CAP	NIL
<b>26.1.1</b>	that up to 12.5% in area of the relevant area be vested in the Council to be held as open space; or	CEO/CAP	Subject to receipt of agreement from Manager Open Space and Director Engineering & Assets prior to the Development Plan Consent being issued
<b>26.1.2</b>	that the applicant make the contribution prescribed by the regulations in accordance with the requirements of by Section 50 of the Act; or	CEO/CAP	NIL
<b>26.1.3</b>	that the land be vested in the Council and that the applicant make a contribution determined in accordance with Section 50(7) of the Act, according to the determination and specification of the Council or Delegate.	CEO/CAP	Subject to receipt of agreement from Manager Open Space and Director Engineering & Assets prior to the Development Plan Consent being issued
<b>26.2</b>	The power pursuant to Section 50(1) of the Act, when proposing to take any action that is at variance with the Council's Development Plan to seek the concurrence of the <del>State Commission</del> <u>Development Assessment Panel Commission</u> .	CEO/CAP	NIL
<b>26.3</b>	The power pursuant to Section 50(3) and 50(2)(d) of the Act to enter into an agreement on behalf of the Council with the <del>State Commission</del> <u>Development Assessment Panel Commission</u> and the applicant under which certain land described by the relevant plan of division will be vested in the Council.	CEO/CAP	Subject to receipt of agreement from Manager Open Space and Director Engineering & Assets prior to the Development Plan

		Direct Delegation from Council	Conditions/ Limitations
			Consent being issued
<b>26.4</b>	The power pursuant to Section 50(3a) of the Act to concur on behalf of the Council to the vesting of land in the Council pursuant to a requirement of the <del>State Commission</del> <b>Development Panel Commission</b> that an area of the site of the development be kept as open space or in some other form that allows for active or passive recreation under Section 50(3a)(a) of the Act.	CEO/CAP	Subject to receipt of agreement from Manager Open Space and Director Engineering & Assets prior to the Development Plan Consent being issued
<b>26.5</b>	The power pursuant to Section 50(10) of the Act to receive payment of monies from an applicant under Section 50(1) of the Act and the duty to immediately pay that money into a special fund established for the purposes of Section 50 and to apply that money for the purpose of acquiring or developing land as open space.	CEO/	NIL
<b>26.6</b>	The power pursuant to Section 50(11) of the Act to determine that the division of land is being undertaken in stages such that Section 50 of the Act does not apply to an application for development authorisation to the extent that an earlier application in respect of the same development has addressed the requirements of Section 50 of the Act in respect of the area of land as a whole.	CEO/CAP	NIL
<b>27. Carparking Fund</b>			
<b>27.1</b>	The power pursuant to Section 50A(1) of the Act to establish a car parking fund.	CEO	NIL
<b>27.2</b>	The duty pursuant to Section 50A(1) of the Act to publish a notice in the Gazette in accordance with Section 50A(2) of the Act where the approval of the Minister has been obtained.	CEO	NIL
<b>27.3</b>	The power pursuant to Section 50A(5)(c) of the Act to determine that a proposal does not provide for sufficient spaces for the parking of cars at the site of a development.	CEO/CAP	NIL
<b>27.4</b>	The power pursuant to Section 50A(5)(d) of the Act to agree with an applicant that a contribution calculated in accordance with a determination of the Council or the Delegate can be made by the applicant to a car parking fund in lieu of providing a certain number of spaces for the parking of cars at the site of a development.	CEO/CAP	NIL

		Direct Delegation from Council	Conditions/ Limitations
<b>27.5</b>	The power pursuant to Section 50A(5) of the Act to make a determination for the purpose of calculating amounts to be paid into a carparking fund.	CEO/CAP	Subject to DPA being adopted by Strategic Planning & Development Policy Committee & Minister
<b>27.6</b>	The duty pursuant to and in accordance with Section 50A(6) of the Act to publish a determination for the purpose of calculating amounts to be paid into a carparking fund and any variations from time to time in the Gazette.	CEO	NIL
<b>27.7</b>	The power pursuant to and in accordance with Section 50A(7) of the Act to invest any money in a carparking fund and to pay any resultant income into the fund.	CEO	NIL
<b>27.8</b>	The power pursuant to and in accordance with Section 50A(8) of the Act to apply money standing to the credit of the car parking fund.	CEO	NIL
<b>28. Urban Trees Fund</b>			
<b>28.1</b>	The power, pursuant to Section 50B(1) of the Act, with the approval of the Minister, to establish an urban trees fund for an area designated by the Delegate (a designated area).	CEO	Subject to SPDPC approval
<b>28.2</b>	The duty, pursuant to Section 50B(2) of the Act, to effect establishment of the fund by notice in the Gazette.	CEO	NIL
<b>28.3</b>	The duty, pursuant to Section 50B(3) of the Act, to define a designated area by reference to an area established by the relevant Development Plan.	CEO	Subject to SPDPC approval
<b>28.4</b>	The power, pursuant to Section 50B(5) of the Act, to invest any money in an urban trees fund that is not for the time being required for the purpose of the fund and the duty to pay any resultant income into the fund.	CEO	Subject to concurrence by Director Development & Regulatory Services and Director Corporate Services

		Direct Delegation from Council	Conditions/ Limitations
<b>28.5</b>	The power, pursuant to Section 50B(6) of the Act, to apply money standing to the credit of an urban trees fund to:	CEO	NIL
<b>28.5.1</b>	maintain or plant trees which are, or will (when fully grown) constitute, significant trees under the Act; or	CEO	NIL
<b>28.5.2</b>	purchase land within the designated area in order to maintain or plant trees which are, or will (when fully grown) constitute, significant trees under the Act.	NIL	NIL
<b>28.6</b>	The duty, pursuant to Section 50B(7) of the Act, if the Council subsequently sells land purchased under Section 50B(6)(b) of the Act, to pay the proceeds of sale into an urban trees fund maintained by the Council under Section 50B of the Act subject to the following qualifications as prescribed by Sections 50B(7)(a) and (b) of the Act:	NIL	NIL
<b>28.6.1</b>	if an urban trees fund is no longer maintained by the Council, the proceeds must be applied for a purpose or purpose consistent with Section 50B(6)(a) or (b) of the Act;	CEO	Subject to concurrence by Director Development & Regulatory Services and Director Corporate Services
<b>28.6.2</b>	if money from an urban trees fund only constituted a proportion of the purchase price of the land (the designated proportion), the money that is subject to these requirements is the designated proportion of the proceeds of sale.	NIL	NIL
<b>29.</b>	<b>Certificate in Respect of the Division of Land</b>		
<b>29.1</b>	The duty pursuant to Section 51(2) of the Act to provide appropriate information to the <del>State Development Assessment Commission Assessment Panel</del> (upon request by the <del>State Development Assessment Commission Assessment Panel</del> <u>Commission</u> ) before it issues a certificate in respect of the division of land.	CEO	NIL
<b>30.</b>	<b>Saving Provisions</b>		

	Direct Delegation from Council	Conditions/ Limitations
<b>30.1</b> The power pursuant to Section 52(4) of the Act to extend the limitation period referred to in Section 52(2) of the Act in order to avoid or reduce hardship.	CEO/CAP	NIL
<b>31. Avoidance of Duplication of Procedures Etc</b>		
<b>31.1</b> The power pursuant to Section 52A(2)(a) of the Act to accept a document under the Commonwealth Environment Protection and Biodiversity Conservation Act, 1999 (and defined in Section 52A(9) of the Act, as a 'Commonwealth Act document') as an application, notice or other document for the purposes of the Act, if (subject to the provisions of Section 52A(7)) the document complies with the requirements of the Act.	CEO/CAP	NIL
<b>31.2</b> The power pursuant to Section 52A(2)(b) of the Act where a document has been accepted for the purposes of the Act, to direct that a procedure taken under the Commonwealth Environment Protection and Biodiversity Conservation Act 1999 in relation to the said document will be taken to have fulfilled the requirements for a procedure in relation to the relevant document under the Act, if the requirements of the Act in relation to the procedure have been complied with under the Commonwealth Environment Protection and Biodiversity Conservation Act 1999.	CEO/CAP	NIL
<b>31.3</b> The power pursuant to Section 52A(2)(c) of the Act to adopt or accept the whole or part of a document (whether a plan, report, statement, assessment or other document of the same kind or not) used or to be used for the purposes of the Commonwealth Environment Protection and Biodiversity Conservation Act 1999 as the document required under the Act, if (subject to the provisions of Section 52A(7) of the Act) the document has been prepared in compliance with the Act, and complies with the requirements of the Act.	CEO/CAP	NIL
<b>31.4</b> The power pursuant to Section 52A(5) of the Act where a controlled action under the Commonwealth Environment Protection and Biodiversity Conservation Act 1999 is an activity or part of an activity or includes an activity for which a development authorisation is required under the Act to, when considering an application for a development authorisation or for the variation of a development authorisation, for the activity, use information and other material provided to the Commonwealth Minister under the Commonwealth Environment Protection and Biodiversity Conservation Act 1999 for the purposes of the Commonwealth Minister deciding to give approval to the controlled action under the Commonwealth Environment Protection and Biodiversity Conservation Act 1999.	CEO/CAP	NIL

	Direct Delegation from Council	Conditions/ Limitations
<b>31.5</b> Where a controlled action under the Commonwealth Environment Protection and Biodiversity Conservation Act 1999 is an activity or part of an activity, or includes an activity, for which a development authorisation is required under the Act:	CEO/CAP	NIL
<b>31.5.1</b> in circumstances where:	CEO/CAP	NIL
<b>31.5.1.1</b> the Commonwealth Minister has given his or her approval to the controlled action; and	CEO/CAP	NIL
<b>31.5.1.2</b> the applicant for the development authorisation or the Commonwealth Minister has informed the relevant authority of that fact;	CEO/CAP	NIL
the duty pursuant to Section 52A(6)(a) of the Act to consider whether the conditions (if any) to be attached to the development authorisation should be consistent with the conditions (if any) attached to the Commonwealth Minister's approval under the Commonwealth Environment Protection and Biodiversity Conservation Act 1999; and	CEO/CAP	NIL
<b>31.5.2</b> the power pursuant to Section 52A(6)(b) of the Act to attach a condition to the development authorisation that requires compliance with all or some of the conditions attached to the Commonwealth Minister's approval under the Commonwealth Environment Protection and Biodiversity Conservation Act 1999.	CEO/CAP	NIL
<b>32. Requirement to Upgrade Building in Certain Cases</b>		
<b>32.1</b> Where an application is made for building rules consent for building work in the nature of an alteration to a building constructed before the date prescribed by regulation for the purposes of subsection 53A(1) of the Act, the power pursuant to Section 53A(1) of the Act to form the opinion that the building is unsafe, structurally unsound or in an unhealthy condition and therefore require as a condition of consent that building work that conforms with the requirements of the Building Rules be carried out to the extent reasonably necessary to ensure that the building is safe and conforms to proper structural and health standards.	CEO	NIL
<b>32.2</b> Where an application is made for building rules consent for building work in the nature of an	CEO	NIL

	Direct Delegation from Council	Conditions/ Limitations
alteration of a class prescribed by the Regulations the power pursuant to Section 53A(2) and subject to Section 53A(3) of the Act, to form the opinion that the affected part of the building does not comply with the performance requirements of the Building Code in relation to access to buildings and facilities and services within buildings, for people with disabilities and therefore require as a condition of consent that building work or other measures be carried out to the extent necessary to ensure that the affected part of the building will comply with those performance requirements of the Building Code.		
<b>33. Urgent Building Work</b>		
<b>33.1</b> The power pursuant to Section 54(2)(d) of the Act to issue any directions and specify a period of time with respect to building work performed as a matter of urgency.	CEO	NIL
<b>34. Action if Development Not Substantially Completed</b>		
<b>34.1</b> The power pursuant to Section 55(1) of the Act to apply to the Court for an order under Section 55(3) of the Act where the development to which an approval relates has been commenced but not substantially completed within the period prescribed by the Regulations for the lapse of the approval.	CEO/CAP	NIL
<b>34.2</b> The power pursuant to Section 55(5) of the Act where the Court makes an order under Section 55(3)(a), (b) or (ca) of the Act and a person fails to comply with the order within the period specified by the Court, to cause any work contemplated by the order to be carried out and to recover the cost of that work as a debt from the person.	CEO/CAP	NIL
<b>34.3</b> The power pursuant to Section 55(6) of the Act where an amount is recoverable from a person under Section 55(5) of the Act, by notice in writing to the person, fix a period being not less than 28 days from the date of the notice within which the amount must be paid.	CEO	NIL
<b>35. Completion of Work</b>		
<b>35.1</b> The power pursuant to Section 56(1) of the Act to issue a notice in writing requiring an owner of land to complete a development on the land within a period specified in the notice.	CEO/CAP	NIL
<b>35.2</b> The power pursuant to the Section 56(2) of the Act to cause the necessary work to be carried out	CEO/CAP	NIL



		Direct Delegation from Council	Conditions/ Limitations
where an owner has failed to carry out work as required by a notice under Section 56(1) of the Act.			
<b>35.3</b>	The power pursuant to Section 56(3) of the Act to recover the reasonable costs and expenses incurred by the Council or any person acting on behalf of the Council under Section 56 of the Act as a debt due from the owner.	CEO	NIL
<b>35.4</b>	The power pursuant to Section 56(4) of the Act to, by notice in writing to the person, fix a period being not less than 28 days from the date of the notice, within which the amount must be paid by the person where an amount is recoverable from the person under Section 56(3) of the Act.	CEO	NIL
<b>36. Council to Establish Development Assessment Panels</b>			
<b>36.1</b>	The duty pursuant to Section 56A(3) of the Act to appoint a presiding member to the council development assessment panel in accordance with the requirements set out in Section 56A(3)(b) of the Act.	CEO	Subject to Council approval
<b>36.2</b>	The duty pursuant to Section 56A(3) of the Act to appoint the remaining members of the council development assessment panel in accordance with the requirements set out in Section 56A(3)(c) of the Act.	CEO	Subject to Council approval
<b>36.3</b>	The duty pursuant to section 56A(3)(d) of the Act to ensure that, unless granted an exemption by the Minister, at least 1 member of the panel is a woman and at least 1 is a man and to ensure that insofar as is reasonably practicable, the panel consists of equal numbers of men and women.	CEO	Subject to Council approval
<b>36.4</b>	The duty pursuant to Section 56A(3)(e) to determine the term of office for a member of the council development assessment panel, which period cannot exceed 2 years.	CEO	Subject to Council approval
<b>36.5</b>	The duty pursuant to Section 56A(3)(f) of the Act to determine any other conditions of appointment of the members of the council development assessment panel.	CEO	Subject to Council approval
<b>36.6</b>	The power pursuant to Section 56A(3)(g) of the Act to remove a member of the council development assessment panel from office for:	CEO	Subject to Council approval
<b>36.6.1</b>	breach of, or failure to comply with, the conditions of appointment; or	CEO	Subject to Council

	Direct Delegation from Council	Conditions/ Limitations
		approval
<b>36.6.2</b> misconduct; or	CEO	Subject to Council approval
<b>36.6.3</b> neglect of duty; or	CEO	Subject to Council approval
<b>36.6.4</b> incapacity to carry out satisfactorily the duty of his or her office; or	CEO	Subject to Council approval
<b>36.6.5</b> failure to carry out satisfactorily the duty of his or her office; or	CEO	Subject to Council approval
<b>36.6.6</b> failure to comply with a requirement under Section 34(6) or (7) of the Act or a breach of, or failure to comply with, a code of conduct under Section 21A of the Act.	CEO	Subject to Council approval
<b>36.7</b> The duty pursuant to and in accordance with Section 56A(5) of the Act to give notice of an appointment.	CEO	NIL
<b>36.8</b> The duty pursuant to Section 56A(15)(b) of the Act and in accordance with Section 56A(17) of the Act to make minutes of meetings of a council development assessment available for reasonable access by members of the public.	CEO	NIL
<b>36.9</b> The duty pursuant to and in accordance with Section 56A(20) of the Act to provide information to the Minister where requested by the Minister.	CEO/CAP	NIL
<b>36.10</b> The duty pursuant to Section 56A(22) of the Act to appoint a public officer (who must not be a member of the council development assessment panel).	CEO	NIL
<b>36.11</b> The duty pursuant to Section 56A(23) of the Act to ensure that notice of the appointment of a public officer (including the public officer's name and contact details) is published in the Gazette.	CEO	NIL
<b>36.12</b> The power pursuant to Section 56A(27) of the Act to make an application to the Minister to exempt	CEO	Subject to Council

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the Council from the requirement to establish a council development assessment panel under Section 56A of the Act.		approval
<b>36.13</b> The power pursuant to Section 56A(28) of the Act to consult with the Minister in relation to revoking an exemption under Section 56A(27) of the Act.	CEO	Subject to Council approval
<b>37. Building Rules Assessment Audits</b>		
<b>37.1</b> The duty pursuant to Section 56B(2) to have its building assessment auditor audit the Council's activities in relation to the undertaking of assessments of proposed developments against the provisions of the Building Rules in accordance with the requirements of Section 56B.	CEO	NIL
<b>37.2</b> The duty pursuant to Section 56B(5) to ensure that after the expiration of the periods prescribed in Section 56B(4) an audit under Section 56B is completed at least once in every prescribed period.	CEO	NIL
<b>37.3</b> The power pursuant to Section 56B(10) to respond to a report prepared by a building assessment auditor prepared in relation to the Council under Section 56B.	CEO	Report to be provided to Council
<b>37.4</b> The power pursuant to Section 56B(14) to make submissions to the Minister in relation to a matter concerning the possible exercise of the Minister's powers under Section 56B(12).	CEO	NIL
<b>37.5</b> The duty pursuant to Section 56B(16) to comply with a direction given to the Council under Sections 56B(12) or 56B(15).	CEO	NIL
<b>37A. Development Plan Assessment Audits</b>		
<b>37A.1</b> The power and duty pursuant to Section 56C(2) of the Act to have the Council's activities in relation to Development Plan assessments audited by a development assessment auditor in accordance with the requirements of Section 56C of the Act.	CEO	NIL
<b>37A.2</b> The power pursuant to Section 56C(10) of the Act to provide a response to an auditor with a view to correcting any error or fact.	CEO	NIL
<b>37A.3</b> The power pursuant to Section 56C(14) of the Act to make submissions in relation to the matter to	CEO	NIL

		Direct Delegation from Council	Conditions/ Limitations
the Minister.			
37A.4	The power pursuant to Section 56C(15) of the Act to, if	CEO	NIL
37A.4.1	the Minister makes a recommendation to the Council under Section 56C(12)(a) of the Act; and	CEO	NIL
37A.4.2	the Minister subsequently considers that the Council has not, within a reasonable period, taken appropriate action in view of the recommendation,	CEO	NIL
consult with the Minister.		CEO	NIL
<b>38. Land Management Agreements</b>			
<b>38.1</b>	The power pursuant to Sections 57(2) and 57(2a) of the Act to enter into an agreement relating to the development, management, preservation or conservation of land within the area of the Council with the owner of the land.	CEO/CAP	1. Waiver of agreement terms for agreements previously resolved by Council may be agreed by planning staff in relation to trees that are not protected by legislation any longer 2. Not to be sub-delegated below Manager level
<b>38.2</b>	The duty pursuant to and in accordance with Section 57(2c) of the Act and Regulation 98A of the Regulations to establish and keep a register available for public inspection (without charge).	CEO	NIL
<b>38.3</b>	The duty pursuant to Section 57(2e) of the Act, in relation to the granting of development plan consent with respect to a Category 2A, Category 2 or Category 3 development, to note the existence of the agreement (or the proposal to enter the agreement), and the availability of copies of the agreement for public inspection on the notice of the relevant authority's decision.	CEO/CAP	NIL

	Direct Delegation from Council	Conditions/ Limitations
<b>38.4</b> The power pursuant to Section 57(3) of the Act to carry out on private land any work for which provision is made by agreement under Section 57 of the Act.	CEO	NIL
<b>38.5</b> The power pursuant to Section 57(5) of the Act, to apply to the Registrar-General to note the agreement against the relevant instrument of title or, in the case of land not under the provisions of the Real Property Act 1886, against the land.	CEO	NIL
<b>38.6</b> The power pursuant to Section 57(8) of the Act to apply to the Registrar-General where an agreement in relation to which a note has been made under Section 57 of the Act has been rescinded or amended, to enter a note of the rescission or amendment made against the instrument of title or against the land.	CEO	NIL
<b>38.7</b> The power pursuant to Section 57(11) of the Act to consent to the remission of rates payable to the Council provided for in an agreement entered into by the Minister.	CEO	NIL
<b>39. Land Management Agreements – Development Applications</b>		
<b>39.1</b> The power pursuant to and subject to Section 57A(1) of the Act to enter into an agreement under Section 57A of the Act with a person who is applying for a development authorisation under the Act.	CEO/CAP	Waiver of agreement terms for agreements previously resolved by Council may be agreed by planning staff in relation to trees that are not protected by legislation any longer
<b>39.2</b> The duty pursuant to Section 57A(3) of the Act to have regard to:	CEO/CAP	NIL
<b>39.2.1</b> the provisions of the appropriate Development Plan.	CEO/CAP	NIL
<b>39.2.2</b> the principle that the entering into of an agreement under Section 57A by the Council should not be used as a substitute to proceeding with an amendment to a Development Plan under the Act.	CEO/CAP	NIL

		Direct Delegation from Council	Conditions/ Limitations
<b>39.3</b>	The duty pursuant to Section 57A(5) of the Act to register agreements entered into under Section 57A in accordance with the Regulations.	CEO	NIL
<b>39.4</b>	The duty pursuant to Section 57A(6) of the Act to keep a register available for public inspection (without charge) in accordance with the Regulations.	CEO	NIL
<b>39.5</b>	The power pursuant to Section 57A(7) of the Act to provide a person, on payment of the prescribed fee, a copy of an agreement registered under Section 57A(5) of the Act.	CEO	NIL
<b>39.6</b>	The duty, pursuant to Section 57A(8) of the Act, where an agreement is entered into under Section 57A of the Act, in connection with an application for a development authorisation with respect to a Category 2A, Category 2 or Category 3 development, to include a note of the existence of the agreement on the notice of the relevant authority's decision under the Act.	CEO/CAP	NIL
<b>39.7</b>	The power pursuant to Section 57A(14) of the Act to apply to the Registrar-General to note the agreement against the relevant instrument of title, or in the case of land not under the provisions of the Real Property Act 1886, against the land.	CEO	NIL
<b>39.8</b>	The power pursuant to Section 57A(16) of the Act to apply to the Registrar-General where an agreement under Section 57A has been rescinded or amended to enter a note of the rescission or amendment against the instrument of title, or against the land.	CEO	NIL
<b>39.9</b>	The power pursuant to Section 57A (18) of the Act where an agreement under Section 57A does not have effect under Section 57A within the prescribed period, to, by notice given in accordance with the regulations, lapse the relevant development approval (and the agreement will then be rescinded by force of Section 57A(18) of the Act).	CEO/CAP	NIL
<b>40.</b>	<b>Notification During Building</b>		
<b>40.1</b>	The power pursuant to Section 59(3) of the Act to direct that building work stop when a mandatory notification stage has been reached.	CEO	NIL
<b>41.</b>	<b>Classification of Buildings</b>		

	Direct Delegation from Council	Conditions/ Limitations
<b>41.1</b> The power pursuant to Section 66(2) of the Act to assign to any building a classification that conforms with the Regulations and the duty pursuant to Section 66(4) of the Act to give notice in writing to the owner of the building to which the classification has been assigned.	CEO	NIL
<b>42. Certificates of Occupancy</b>		
<b>42.1</b> The duty pursuant to and in accordance with the requirements of Sections 67(2), (3), (4), (5) and (6) of the Act to give a certificate of occupancy.	CEO	NIL
<b>42.2</b> The power pursuant to Section 67(3)(a) of the Act to require information from an applicant for a certificate of occupancy.	CEO	NIL
<b>42.3</b> The duty pursuant to Section 67(10) of the Act to give written notice to an applicant of the refusal of the certificate of occupancy.	CEO	Delegate report to be countersigned by either the Director Development & Regulatory Services or Manager Development Services prior to the notice being issued
<b>42.4</b> The power pursuant to Section 67(13) of the Act to revoke a certificate of occupancy in prescribed circumstances.	CEO	Delegate report to be countersigned by either the Director Development & Regulatory Services or Manager Development Services prior to the revocation of the certificate
<b>43. Temporary Occupation</b>		
<b>43.1</b> The power pursuant to Sections 68(1) and (2) of the Act to approve the occupation of a building on a	CEO	NIL

	Direct Delegation from Council	Conditions/ Limitations
temporary basis without a certificate of occupancy and subject to such conditions as the Delegate thinks fit to impose.		
<b>43.2</b> The duty pursuant to and in accordance with Section 68(3) of the Act to give written notice to an applicant of the refusal of approval for temporary occupation of a building.	CEO	Delegate report to be countersigned by either the Director Development & Regulatory Services or Manager Development Services prior to the notice being issued
<b>44. Emergency Orders</b>		
<b>44.1</b> Where an owner of land fails to comply with the requirements of an emergency order issued under Section 69(1) of the Act:	CEO	NIL
<b>44.1.1</b> the power pursuant to Section 69(4) of the Act to cause the required work to be carried out; and	CEO	NIL
<b>44.1.2</b> the power pursuant to and in accordance with Sections 69(5) and 69(6) of the Act to recover the reasonable costs and expense of that work from the owner as a debt.	CEO	NIL
<b>44A Fire Safety</b>		
<b>44A.1</b> The power pursuant to Sections 71(18) and (19) of the Act to establish and designate a body as an appropriate authority.	CEO	NIL
<b>44A.2</b> The power pursuant to Section 71(19)(a)(i) of the Act to appoint a person who holds prescribed qualifications in building surveying to the appropriate authority.	CEO	NIL
<b>44A.3</b> The power pursuant to Section 71(19)(a)(ii) of the Act to determine if a person is to be nominated to the appropriate authority by the Chief Officer of the South Australian Metropolitan Fire Service or the Chief Officer of the South Australian Country Fire Service (after taking into account the nature of the	CEO	NIL



	Direct Delegation from Council	Conditions/ Limitations
Council or Council's area(s)).		
44A.4 The power pursuant to Section 71(19)(a)(iii) of the Act to appoint a person with expertise in the area of fire safety to the appropriate authority.	CEO	NIL
44A.5 The power pursuant to Section 71(19)(a)(iv) of the Act to determine and select a person to be appointed to the appropriate authority.	CEO	NIL
44A.6 The power pursuant to Section 71(19)(b) of the Act to determine the term of the office not exceeding three years of a member of the appropriate authority.	CEO	NIL
44A.7 The power pursuant to Section 71(19)(d) of the Act to appoint deputy members to the appropriate authority.	CEO	NIL
44A.8 The power pursuant to Section 71(19)(e) of the Act to determine the procedures of an appropriate authority.	CEO	NIL
<b>45. Building Inspection Policies</b>		
45.1 The duty pursuant to and in accordance with Section 71A of the Act to prepare and from time to time alter a building inspection policy.	CEO	Subject to Council endorsement except where a change is of a minor nature
<b>46. Advertisements</b>		
46.1 The power pursuant to and in accordance with Section 74(1) of the Act to:	CEO	NIL
46.1.1 form the opinion that an advertisement or advertising hoarding disfigures the natural beauty of a locality or otherwise detracts from the amenity of a locality or is contrary to a character desired for a locality under the relevant Development Plan; and	CEO	NIL
46.1.2 serve notice in writing requiring the removal or obliteration of the advertisement or the removal of the advertising hoarding (or both).	CEO	NIL

		Direct Delegation from Council	Conditions/ Limitations
<b>46.2</b>	The power pursuant to Section 74(3) of the Act where a person has failed to comply with a notice under Section 74(1) of the Act, to enter on land, carry out the terms of the notice and recover the costs of doing so as a debt from the person on whom the notice was served.	CEO	NIL
<b>47. Enforcement Notices</b>			
<b>47.1</b>	The power pursuant to and in accordance with Section 84(2) of the Act to issue an enforcement notice where the Delegate has reason to believe on reasonable grounds that a person has breached the Act or a repealed Act.	CEO	Delegate report to be countersigned by either the Director Development & Regulatory Services or Manager Development Services Team Leader Statutory Planning Team Leader Building prior to the notice being issued
<b>47.2</b>	The power pursuant to Section 84(3) of the Act to determine that a direction under Section 84(2) of the Act is urgently required and can be orally given by an authorised officer.	CEO	NIL
<b>47.3</b>	Where a person has failed to comply with a direction contained in a notice issued pursuant to Section 84(2)(b) of the Act:	CEO	NIL
<b>47.3.1</b>	the power pursuant to Section 84(6) of the Act to cause the necessary action to be undertaken; and	CEO	NIL
<b>47.3.2</b>	pursuant to and in accordance with Sections 84(7) and 84(8) of the Act to recover the costs of doing so as a debt from the person whose failure gave rise to the action.	CEO	NIL

	Direct Delegation from Council	Conditions/ Limitations
<b>48. Applications to Court</b>		
<b>48.1</b> The power pursuant to Section 85(1) of the Act to apply to the Court for an order to remedy or restrain a breach of the Act, or a repealed Act.	CEO	NIL
<b>48.2</b> Where the Court has made an order under Section 85(6)(d) of the Act and a person has failed to comply with the order, the power pursuant to and in accordance with Section 85(12) and Section 85(13) of the Act, to cause any work contemplated by the order to be carried out and to recover the costs of doing so as a debt from the person.	CEO	NIL
<b>49. General Right to Apply to Court</b>		
<b>49.1</b> Where the Council is a party to a dispute referred to in Section 86(1)(e) of the Act, the power pursuant to Section 86(1)(e) of the Act to apply to the Court for determination of the dispute.	CEO	NIL
<b>50. Authority to be Advised of Certain Matters</b>		
<b>50.1</b> The power pursuant to Section 93(1)(b)(iii) of the Act to require from a private certifier who is making a decision of a prescribed kind in relation to any aspect of building work such other information or documentation as the Delegate or the Council may require.	CEO	NIL
<b>51. Referrals</b>		
<b>51.1</b> The power pursuant to and in accordance with Section 94 of the Act to consent to the referral by a private certifier to the Council or Delegate of any function under the Act.	CEO	NIL
<b>52. Professional Advice to be Obtained in Relation to Certain Matters</b>		
<b>52.1</b> The power pursuant to Section 101(1) of the Act, in the exercise of a prescribed function, to rely on a certificate of a person with prescribed qualifications.	CEO	NIL
<b>52.2</b> The duty pursuant to Section 101(2) of the Act to seek and consider the advice of a person with prescribed qualifications or person approved by the Minister in relation to a matter prescribed by the	CEO/CAP	NIL

	Direct Delegation from Council	Conditions/ Limitations
Regulations.		
<b>DELEGATIONS UNDER THE DEVELOPMENT (DEVELOPMENT PLANS) AMENDMENT ACT 2006</b>		
<b>53. Transitional Provisions</b>		
<b>53.1</b> The power pursuant to and in accordance with Clause 5(1) of Schedule 1 to the Development (Development Plans) Amendment Act 2006 ('the DPA Act'), if the Council or the Delegate has, before the commencement of Clause 5 of Schedule 1 to the DPA Act reached an agreement with the Minister on a Statement of Intent with respect to an amendment to a Development Plan, or taken steps to prepare a Plan Amendment Report on the basis of such a Statement of Intent subject to Clause 5(2) of Schedule 1 to the DPA Act, to continue with the process as set out in Section 25 of the Act (as in force immediately before the commencement of Clause 5 of Schedule 1 to the DPA Act) as if the DPA Act had not been enacted until the relevant amendment is approved (with or without alteration) or otherwise dealt with by the Minister under Section 25(15) of the Act, subject to the qualification that the relevant Plan Amendment Report may be referred to as a Development Plan Amendment.	CEO	Subject to sign-off by SPDPC
<b>53.2</b> The power pursuant to Clause 5(2) of Schedule 1 to the DPA Act to agree on a Statement of Intent that is to supersede a Statement of Intent agreed between the Council or the Delegate and the Minister before commencement of Clause 5 of Schedule 1 to the DPA Act.	CEO	Subject to sign-off by SPDPC
<b>DELEGATIONS UNDER THE DEVELOPMENT REGULATIONS 2008</b>		
<b>53A. Complying Development – Development Plan Consent</b>	CEO	NIL
<b>53A.1</b> The power pursuant to Regulation 8A(1)(a) of the Development Regulations 2008 ('the Regulations'), for the purposes of Sections 33(1) and 35 of the Act (subject to Regulation 8A(2)) of the Regulations to:	CEO	NIL
<b>53A.1.1</b> in the case of a proposed development lodged for assessment as residential code development – assess the development as being in a form described in Schedule 4 clause 1(2) or (3), 2A, 2B or 2C (including a form specified or provided for in a relevant Development Plan referred to in Schedule 4 clause 1(2) or (3), 2A, 2B or 2C); and	CEO	NIL

	Direct Delegation from Council	Conditions/ Limitations
53A.1.2 in any other case – to assess the development as being in a form described in Schedule 4 Part 1 (including a form specified or provided for in a relevant Development Plan referred to in Schedule 4 Part 1).	CEO	NIL
53A.2 The power pursuant to Regulation 8A(1)(b) of the Regulations, for the purposes of Section 35(1b) of the Act, to:	CEO	NIL
53A.2.1 form the opinion that a variation from <i>complying</i> development (including <i>complying</i> development as declared under Regulation 8A(1)(a) of the Regulations) is minor; and	CEO	NIL
53A.2.2 determine that 2 or more minor variations, when taken together, constitute a ‘minor variation from <i>complying</i> development’.	CEO	NIL
<b>53B. Complying Building Work – Building Rules</b>		
53B.1 The power pursuant to Regulation 8B(1) of the Regulations, for the purposes of Section 36(1) of the Act to, subject to Regulation 8B(2) of the Regulations, assess building work as being in a form specified in Schedule 4 Part 2 (including a form specified or provided for in the <i>Building Code</i> referred to in Schedule 4 Part 2).	CEO	NIL
<b>54. Infrastructure Planning</b>		
The power pursuant to Regulation 9A(1) to, in preparing the DPA, to the extent (if any) required by the Statement of Intent, seek, in accordance with Regulation 9A(2), the advice of a Minister and any other government agency, specified by the Minister as part of the agreement on the Statement of Intent.	CEO	NIL
<b>55. Consultation with Government Departments or Agencies</b>		
<b>55.1</b> The duty pursuant to Regulation 10A(1) of the Regulations if the Council is subject to a requirement under Section 25(7)(a) of the Act to ensure that a copy of any written report received from a Department or agency is furnished to the Minister for the purposes of considering the matter under Section 25(7)(b) of the Act.	CEO	NIL

	Direct Delegation from Council	Conditions/ Limitations
<b>56. Public Consultation – Section 25 &amp; 26</b>		
<b>56.1</b> Subject to Regulations 11A(3) and 11A(6) of the Regulations, for the purposes of Sections 25 and 26 of the Act, the duty pursuant to Regulation 11A(1) of the Regulations to give public notice of a DPA by publication in the designated manner of a notice:	CEO	NIL
<b>56.1.1</b> advising the time and places at which the DPA is available for inspection (without charge) and purchase by the public; and	CEO	NIL
<b>56.1.2</b> inviting any interested person to make written submissions on the amendment to the council within the relevant period specified in the notice; and	CEO	NIL
<b>56.1.3</b> stating that the submissions will be available for inspection by any interested person at a place specified in the notice from the expiration of the period specified under Regulation 11A(1)(b) of the Regulations until the conclusion of any public meeting held for the purposes of Section 25(11)(b) or 26(5c)(b) of the Act (or, if no such meeting is to be held, until the decision is made not to hold the meeting); and	CEO	NIL
<b>56.1.4</b> providing information about when and where any public meeting is proposed to be held for the purposes of Sections 25(11)(b) or 26(5c)(b) of the Act (subject to a decision being made under the relevant section not to hold a meeting).	CEO	NIL
<b>56.2</b> If one or more written submissions are made in response to a notice published under Regulation 11A(1) of the Regulations, the duty pursuant to Regulation 11A(3) of the Regulations to make a copy of each submission available for inspection in accordance with the statement included under Regulation 11A(1)(c).	CEO	NIL
<b>56.3</b> For the purposes of Sections 25(9)(c) and 26(5b)(c) of the Act, the duty pursuant to Regulation 11A(4) of the Regulations to include in the written notice the same information as required for a notice under Regulation 11A(1) of the Regulations.	CEO	NIL
<b>56.4</b> The duty pursuant to Regulation 11A(5) of the Regulations, to ensure that a copy of any DPA released for public consultation under Section 25 of the Act is provided to the Minister within 2 business days	CEO	NIL

	Direct Delegation from Council	Conditions/ Limitations
after that release.		
<b>57. Public Meeting</b>		
<b>57.1</b> The duty pursuant to and in accordance with Regulation 12 of the Regulations to hold a public meeting if an amendment has been prepared by the Council or the Delegate.	CEO	NIL
<b>57.2</b> The power pursuant to Regulation 12(4) of the Regulations to adjourn a public meeting from time to time, and place to place if necessary or appropriate.	CEO	NIL
<b>58. Application to Relevant Authority</b>		
<b>58.1</b> The power pursuant to Regulation 15(1)(c) of the Regulations to require an additional or lesser number of copies of plans, drawings, specifications and other documents and information relating to a proposed development than the number prescribed in Regulation 15(1)(c) of the Regulations.	CEO	NIL
<b>58.2</b> The duty pursuant to and in accordance with Regulation 15(4) of the Regulations, if an application is lodged with the Council but a regional development assessment panel is the relevant authority, to retain a copy of the application and other accompanying information and to forward the application on to the appropriate person acting on behalf of the regional development assessment panel.	CEO	NIL
<b>58.3</b> The duty pursuant to and in accordance with Regulation 15(5) of the Regulations, when an application is lodged with the Council but the <del>State Commission</del> <u>Development Assessment Panel</u> <del>Commission</del> is the relevant authority, to forward all but one copy of the application and the accompanying information, as well as a written acknowledgment that the appropriate fees have been paid, including details of each fee component paid, to the <del>State Commission</del> <u>Development Assessment Panel</u> <del>Commission</del> .	CEO	NIL
<b>58.4</b> The power pursuant to Regulation 15(7)(b) of the Regulations to indicate, in such manner as may be determined by the <del>State Commission</del> <u>Development Assessment Panel</u> <del>Commission</del> , that the Delegate wishes to receive written documentation instead of electronic access to the relevant documents and information via the Internet.	CEO	NIL
<b>58.4A</b> The power and duty pursuant to Regulation 15(7b) of the Regulations, to within 2 business days of	CEO	NIL

		Direct Delegation from Council	Conditions/ Limitations
	receipt of a copy of an application form under Regulation 15(7a) of the Regulations, furnish to the private certifier:		
58.4A.1	the Development Assessment number assigned to the development proposed under the application; and	CEO	NIL
58.4A.2	if the private certifier, at the time of forwarding a copy of an application <u>form</u> under Regulation 15(7a) of the Regulations, requests advice on the matters set out in <del>subparagraphs (i)</del> <u>subparagraphs (i)</u> and <del>(ii)(ii)</del> , and if such advice is relevant:	CEO	NIL
58.4A.2.1	advice about any site contamination that is believed to exist at the site where the development would be undertaken; <del>and</del>	CEO	NIL
58.4A.2.2	advice about the likely need for approval to alter a public road under section 221 of the <del>Local Government Act 1999</del> <u>Local Government Act 1999</u> in order to establish a new access point; <del>and</del>	CEO	NIL
58.4A.2.3	advice about whether the relevant development plan specifies any requirements relating to finished floor levels (expressed by reference to AHD or ARI) in relation to the site where the development would be undertaken.	CEO	NIL
58.5	The power pursuant to Regulation 15(8) of the Regulations to extend the period prescribed in Regulation 15(8) for the lodging of an application for the appropriate development authorisation as required by Section 54(2)(c).	CEO	NIL
	<i>[City of Tea Tree Gully only]</i>		
58.6	If an application relates to a proposed development that involves the division of land in the Golden Grove Development Area which is complying development in respect of the Development Plan, the duty pursuant to Regulation 15(10)(c) to forward to the <u>State Development Assessment Commission Assessment Panel</u> within 5 business days after receipt of the application:	N/A	N/A
58.6.1	a copy of the application; and	N/A	N/A



	Direct Delegation from Council	Conditions/ Limitations
<b>58.6.2</b> a copy of the plans, drawings, specification and other documents or information accompanying the application.	N/A	N/A
<b>58.7</b> The power pursuant to Regulation 15(11) of the Regulations, to modify the requirements of Schedule 5 in relation to a particular application, subject to the following qualifications:	CEO	NIL
<b>58.7.1</b> in the case of an application that is lodged with the Council for assessment as <i>residential code</i> development – the requirements of Schedule 5 may not be modified in any way by the delegate assessing the application (whether so as to require more or less information), except on authority of the Minister under Section 39(1)(a) of the Act;	CEO	NIL
<b>58.7.2</b> in any other case, the delegate must not, when requiring plans, drawings, specifications and other documents in relation to the application, require the applicant to provide more information than that specified under Schedule 5 (subject to Section 39 of the Act).	CEO	NIL
<b>58.8</b> The power pursuant to Regulation 15(12) of the Regulations to, in exercising the discretion under Section 39(4)(b) of the Act, dispense with the requirements of Schedule 5 in relation to a particular application.	CEO	NIL
<b>59. Nature of Development</b>		
<b>59.1</b> The duty pursuant to Regulation 16(1) of the Regulations, where an application requires the assessment of a proposed development against the provisions of the Development Plan, to determine the nature of the development applied for.	CEO	NIL
<b>59.2</b> The power pursuant to Regulation 16(2) of the Regulations to form the opinion that a development is non-complying, and the duty if the Delegate is of the opinion that an application relates to a kind of development that is non-complying and the applicant has not identified the development as such, by notice in writing to inform the applicant of that fact.	CEO	NIL
<b>59.3</b> The power pursuant to Regulation 16(3) of the Regulations to, if an application in relation to a proposed development identifies the development as residential code development or designated development, form the opinion that the development is residential code development and the duty	CEO	NIL

	Direct Delegation from Council	Conditions/ Limitations
to, within 5 business days of receipt of the application, by notice in writing, inform the applicant of that fact.		
<b>59.4</b> The power pursuant to Regulation 16(4) of the Regulations to, if an application in relation to a proposed development identifies the development as residential code development or designated development, form the opinion that the development is not residential code development and the duty to, within 5 business days of receipt of the application, by notice in writing, inform the applicant of that fact and the reasons for the Delegate's opinion.	CEO	NIL
<b>60. Non-Complying Development</b>		
<b>60.1</b> The power pursuant to Regulation 17(3) of the Regulations, after receipt of an application which relates to a kind of development that is described as non-complying development to:	CEO/CAP	Sign off by Director Development & Regulatory Services Manager Development Services
<b>60.1.1</b> refuse the application pursuant to Section 39(4)(d) of the Act and notify the applicant accordingly; or	CEO/CAP	Sign off by Director Development & Regulatory Services Manager Development Services
<b>60.1.2</b> resolve to proceed with an assessment of the application.	CEO/CAP	Sign off by Director Development & Regulatory Services Manager Development Services Team Leader Statutory

		Direct Delegation from Council	Conditions/ Limitations
			Planning
<b>60.2</b>	The duty pursuant to Regulation 17(4) of the Regulations, in situations where the Delegate has resolved to proceed with the assessment of an application for non-complying development, to require the applicant to provide a statement of effect.	CEO/CAP	NIL
<b>60.3</b>	The power pursuant to Regulation 17(6) of the Regulations to determine that a proposed development is of a minor nature for the purposes of exemption from the requirements to provide a statement of effect.	CEO/CAP	A template delegate report note is prepared detailing reasons for sign off by Director Planning Manager Development Services Team Leader Statutory Planning
<b>61. Notification of Application for Tree-Damaging Activity to Owner of Land</b>			
<b>61.1</b>	Where the owner of land to which an application for a tree-damaging activity in relation to a regulated tree relates is not a party to the application, the duty pursuant to and in accordance with Regulation 18 of the Regulations:	CEO	NIL
<b>61.1.1</b>	to give the owner of land notice of the application; and	CEO	NIL
<b>61.1.2</b>	to give due consideration, in the assessment of the application, to any submission made by the owner within a reasonable time after the giving of notice of the application.	CEO	NIL
<b>62. Amended Applications</b>			
<b>62.1</b>	The power pursuant to Regulation 20(4) of the Regulations to form the opinion that variations to an application are not substantial and that repeating of the referral process under Part 5 of the Regulations, or the giving of notice under Part 6 of the Regulations is not required.	CEO/CAP	NIL
<b>62.2</b>	The power pursuant to Regulation 20(5) of the Regulations, where a variation to an application	CEO/CAP	NIL

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changes the essential nature of a proposed development to (by agreement with the applicant) proceed with the variation on the basis that the application will be treated as a new application.		
<b>63. Withdrawing/Lapsing Application</b>		
<b>63.1</b> The duty pursuant to Regulation 22(1) of the Regulations, where an applicant withdraws an application, to notify any agency to which an application was referred under Part 5 of the Regulations and any person who made a representation in relation to the application under Part 6 of the Regulations of the withdrawal.	CEO	NIL
<b>63.2</b> Where at least two years have passed since the date on which an application for development authorisation under Part 4 of the Act was lodged with the Council the power, pursuant to Regulation 22(2) of the Regulations to lapse the said application.	CEO	NIL
<b>63.3</b> Before taking action to lapse a development application under Regulation 22(2) of the Regulations the duty, pursuant to and in accordance with Regulation 22(3) of the Regulations to:	CEO	NIL
<b>63.3.1</b> take reasonable steps to notify the applicant of the action under consideration; and	CEO	NIL
<b>63.3.2</b> allow the applicant a reasonable opportunity to make submissions to the Council or the Delegate about the proposed course of action, and the power to determine the manner and form of those submissions.	CEO	NIL
<b>64. Contravening Development</b>		
<b>64.1</b> The power pursuant to Regulation 23(2) of the Regulations, by notice in writing to the applicant to decline to proceed with an application until proceedings under the Act have been concluded.	CEO/CAP	NIL
<b>65. Referrals</b>		
<b>65.1</b> The duty pursuant to Regulation 24(1) of the Regulations to refer an application of a prescribed kind together with a copy of any relevant information provided by the applicant to the relevant body prescribed by Schedule 8 of the Regulations and to not make a decision on the application until a response has been received from the referral body or the time period for receipt of a response has	CEO	NIL

	Direct Delegation from Council	Conditions/ Limitations
lapsed.		
<b>66. Procedure Where Concurrence Required</b>		
<b>66.1</b> The duty pursuant to Regulation 25 of the Regulations, if concurrence must be sought from another body prior to issuing a consent or approval to forward to the other body whose concurrence must be sought that information required by Regulation 25(b) of the Regulations.	CEO/CAP	NIL
<b>67. Additional Information or Amended Plans</b>		
<b>67.1</b> The duty pursuant to Regulation 27(1) of the Regulations, where an application has been referred to a prescribed body under Part 5 of the Regulations and additional information is received which is materially relevant to the referral, to repeat the referral process where the Delegate is of the opinion that the additional information or amendment is significant and the power to repeat the referral process in all other instances.	CEO/CAP	NIL
<b>68. Special Provisions – Referrals</b>		
<b>68.1</b> The duty pursuant to and in accordance with Regulation 28(3) of the Regulations to refer an application for building rules consent to the relevant fire authority for comment and report where the Delegate considers that:	CEO	NIL
<b>68.1.1</b> a proposed alternative solution within the meaning of the Building Code requires assessment against a performance requirement of the Building Code which provides for fire fighting operations of a fire authority; or	CEO	NIL
<b>68.1.2</b> the proposed development is at variance with a performance requirement of the Building Code which provides for fire fighting operations of a fire authority; or	CEO	NIL
<b>68.1.3</b> special problems for fire fighting could arise due to hazardous conditions of a kind described in Section E of the Building Code,	CEO	NIL
and the duty pursuant to Regulation 28(5) of the Regulations to have regard to any report received from the fire authority under Regulation 28.	CEO	NIL

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<b>68.2</b> The power pursuant to Regulation 28(4) of the Regulations, when a report from a fire authority pursuant to Regulation 28(3) is not received by the Council within 20 business days, to presume that the fire authority does not desire to make a report.	CEO	NIL
<b>68.3</b> If, in respect of an application referred to a fire authority under Regulation 28, the fire authority:	CEO	NIL
<b>68.3.1</b> recommends against the granting of building rules consent; or	CEO	NIL
<b>68.3.2</b> concurs in the granting of consent on conditions specified in its report,	CEO	NIL
but the Delegate:	CEO	NIL
<b>68.3.3</b> proposes to grant building rules consent despite a recommendation referred to in Regulation 28(5a)(a) of the Regulations; or	CEO	NIL
<b>68.3.4</b> does not propose to impose the conditions referred to in Regulation 28(5a)(b) of the Regulations, or proposes to impose the conditions in varied form, on the grant of consent,	CEO	NIL
the duty pursuant to Regulation 28(5a) of the Regulations to:	CEO	NIL
<b>68.3.5</b> refer the application to the Building Rules Assessment Commission; and	CEO	NIL
<b>68.3.6</b> not grant consent unless the Building Rules Assessment Commission concurs in the granting of consent.	CEO	NIL
<b>68.4</b> The duty pursuant to Regulation 28(6) of the Regulations to provide to the Building Rules Assessment Commission a copy of any report received from a fire authority under Regulation 28(1) that relates to an application referred to the Building Rules Assessment Commission under the Act.	CEO	NIL
<b>68.5</b> The duty pursuant to Regulation 28(7) of the Regulations, where building work comprises or includes the construction or installation of a private bushfire shelter, not to grant a building rules consent unless the Building Rules Assessment Commission concurs in the granting of the consent.	CEO	NIL

	Direct Delegation from Council	Conditions/ Limitations
<b>69. Land Division Applications</b>		
<b>69.1</b> The duty pursuant to Regulation 29(1) of the Regulations, subject to the provisions in Regulation 29(2) of the Regulations, to withhold making a decision on an application which relates to a proposed development that involves the division of land until a report has been received from the <del>State Commission</del> <u>Development Assessment Panel</u> <del>Commission</del> .	CEO	NIL
<b>69.2</b> The power pursuant to Regulation 29(2) of the Regulations, when a report from the <del>State Commission</del> <u>Development Assessment Panel</u> <del>Commission</del> pursuant to Regulation 29(1) of the Regulations is not received by the Council within eight weeks or within such longer period as the <del>State Development Assessment Commission</del> <u>Assessment Panel</u> may require by notice in writing to the Council, to presume that the <del>State Development Assessment Commission</del> <u>Assessment Panel</u> does not desire to make a report.	CEO/CAP	NIL
<b>70. Underground Mains Area</b>		
<b>70.1</b> The power pursuant to Regulation 30(1) of the Regulations to seek a report from the relevant electricity authority where the Delegate considers that an area should be declared an underground mains area.	CEO/CAP	NIL
<b>70.2</b> The power pursuant to Regulation 30(2) of the Regulations to declare an area as an underground mains area.	CEO	NIL
<b>70.3</b> The power pursuant to Regulation 30(4) of the Regulations, where a development includes the division of land within or partly within an underground mains area, to require, as a condition of the decision, that any electricity mains be placed underground.	CEO/CAP	NIL
<b>71. Preliminary Advice and Agreement - Section 37AA</b>		
<b>71.1</b> The power pursuant to Regulation 31A(6)(b) of the Regulations to determine that an application no longer accords with an agreement indicated by the prescribed body.	CEO/CAP	Subject to sign-off by Director Development & Regulatory Services, Manager Development

		Direct Delegation from Council	Conditions/ Limitations
			Services, Team Leader Statutory Planning Senior Statutory Planner,
<b>71.2</b>	The power pursuant to Regulation 31A(6) of the Regulations if:	CEO/CAP	NIL
<b>71.2.1</b>	a relevant authority permits an applicant to vary an application under Section 39(4) of the Act; and	CEO/CAP	NIL
<b>71.2.2</b>	the relevant authority determines that the application no longer accords with the agreement indicated by the prescribed body, to refer the application (unless withdrawn) to the prescribed body:	CEO/CAP	NIL
<b>71.2.3</b>	to obtain a variation to the agreement under Section 37AA of the Act; or	CEO/CAP	NIL
<b>71.2.4</b>	to obtain a response from the prescribed body for the purposes of Section 37 of the Act.	CEO/CAP	NIL
<b>71.3</b>	The power pursuant to Regulation 31A(7) of the Regulations if:	CEO/CAP	NIL
<b>71.3.1</b>	an application is withdrawn by the Applicant; and	CEO/CAP	NIL
<b>71.3.2</b>	the applicant sought to rely on an agreement under Section 37AA of the Act in connection with the application,	CEO/CAP	NIL
	to notify the relevant prescribed body of the withdrawal of an application.	CEO/CAP	NIL
<b>71.4</b>	The power pursuant to Regulation 31A(8) of the Regulations if:	CEO/CAP	NIL
<b>71.4.1</b>	an application is lapsed by a relevant authority under Regulation 22 of the Regulations; and	CEO/CAP	NIL
<b>71.4.2</b>	the applicant sought to rely on an agreement under Section 37AA of the Act in connection with the application,	CEO/CAP	NIL



	Direct Delegation from Council	Conditions/ Limitations
to notify the relevant prescribed body of the lapsing of an application.	CEO/CAP	NIL
<b>71.5</b> The power pursuant to Regulation 31A(9) of the Regulations if:	CEO/CAP	NIL
<b>71.5.1</b> an application seeks to rely on an agreement under Section 37AA of the Act in connection with the application; and	CEO/CAP	NIL
<b>71.5.2</b> a notice of decision is issued by the relevant authority under Regulation 42 of the Regulations,	CEO/CAP	NIL
to send a copy of the notice to the prescribed body within 5 business days after the notice is given to the applicant under Regulation 42 of the Regulations.	CEO/CAP	NIL
<b>71A. Public Notice Categories</b>		
<b>71A.1</b> The power pursuant to Regulation 32(2)(5) of the Regulations to determine that a form of development comprises 2 or more elements.	CEO	NIL
<b>72. Public Inspection of Certain Applications</b>		
<b>72.1</b> The duty pursuant to and in accordance with Regulation 34(1) of the Regulations, subject to Regulation 34(4) of the Regulations to ensure that copies of documents referred to in Regulation 34(1) concerning an application are reasonably available for inspection by the public (without charge).	CEO	NIL
<b>72.2</b> The duty pursuant to Regulation 34(2) of the Regulations, subject to Regulation 34(4) of the Regulations, where a request is made within the time period that applies under Regulation 34(1) of the Regulations and on payment of a fee fixed by Council to provide to a member of the public a copy of any document of information available for inspection under Regulation 34(1) of the Regulations.	CEO	NIL
<b>72.3</b> The power pursuant to Regulation 34(3) of the Regulations to require that a person who has made a request under Regulation 34(2) of the Regulations verify his or her name, address and contact details in such manner as the Delegate thinks fit.	CEO	NIL

	Direct Delegation from Council	Conditions/ Limitations
<b>72.4</b> The power pursuant to Regulation 34(4) of the Regulations to form the opinion that the present or future security of a building would be jeopardised if plans, drawings, specifications or other documents or information relating to the assessment of a proposed development against the Building Rules were to be made available for inspection.	CEO	NIL
<b>73. Response by Applicant</b>		
<b>73.1</b> The power pursuant to Regulation 36 of the Regulations to extend the time within which an applicant may respond to any representation	CEO	NIL
<b>74. Determination of Commission as Relevant Authority</b>		
<b>74.1</b> Where the <u>State Development Assessment Commission</u> <del>Assessment Panel</del> is the relevant authority under Section 34(1)(b) of the Act:		
<b>74.1.1</b> in a case where the Minister has made a declaration under Section 34(1)(b)(iii) or 34(1)(b)(vi) of the Act, the duty pursuant to and in accordance with Regulation 38(2)(a)(i) of the Regulations to forward to the <del>State Commission</del> <u>Development Assessment Panel</u> <del>Commission</del> any application received by the Council under the Act and the Regulations in relation to the matter together with accompanying documentation or information and, as appropriate, fees; and	CEO	NIL
<b>74.1.2</b> in any case, the power pursuant to and in accordance with Regulation 38(2)(b) to provide a report on matters under Section 33(1) (as relevant).	CEO	NIL
<b>74.2</b> Where the <del>State Commission</del> <u>Development Assessment Panel</u> <del>Commission</del> is the relevant authority under Section 34(1)(b)(iv) of the Act and the proposed development is to be undertaken within one kilometre of a boundary with the Council, the power, pursuant to Regulation 38(4) of the Regulations, to provide the <u>State Development Assessment Commission</u> <del>Assessment Panel</del> with comments on the proposed development.	CEO	NIL

	Direct Delegation from Council	Conditions/ Limitations
<b>75. Assessment in Respect of Building Rules Referred to the Council</b>		
<b>75.1</b> The duty pursuant to and in accordance with Regulation 39 of the Regulations, where the Council is the relevant authority pursuant to Section 34(2) of the Act, not to give any decision in respect of the assessment against the Building Rules until the <del>State Development Assessment Commission Assessment Panel</del> or the regional development assessment panel (as the case may be) has made its decision.	CEO	NIL
<b>76. Notification of Decision to Applicant (Including Conditions)</b>		
<b>76.1</b> The duty pursuant to and in accordance with Regulation 42 of the Regulations to give notice of a decision on an application under Division 1 of Part 4 of the Act including, but not limited to, the power to endorse approved plans and documentation under Regulation 42(4).	CEO	NIL
<b>77. Notification of Decision to a Prescribed Body</b>		
<b>77.1</b> The duty pursuant to and in accordance with Regulation 43 of the Development Regulations, to send a copy of the notice of decision issued under Regulation 42 of the Regulations to any prescribed body to which the application had been referred.	CEO	NIL
<b>77.2</b> The duty pursuant to and in accordance with Regulation 43(3) of the Regulations to send a copy of a notice of a decision on an application, if or when a development authorisation is issued in relation to a proposed division of land, to the <del>State Commission</del> <u>Development Assessment Panel</u> <del>Commission</del> .	CEO	NIL
<b>78. Notification of Decision to Owner of Land</b>		
<b>78.1</b> The duty pursuant to and in accordance with Regulation 44 of the Regulations to send a copy of any notice issued under Regulation 42 of the Regulations to the owner of land to which a decision on the application relates where the owner is not a party to the application.	CEO	NIL
<b>79. Scheme Description – Community Titles</b>		
<b>79.1</b> The duty pursuant to Regulation 45(2) of the Regulations to endorse a scheme description under	CEO	NIL

	Direct Delegation from Council	Conditions/ Limitations
Section 3 of the Community Titles Act 1996 in the following terms:		
<p><b>79.1.1</b> All the consents or approvals required under the Development Act 1993 in relation to the division of the land (and a change in the use of the land (if any)) in accordance with the scheme description and the relevant plan of community division under the Community Titles Act 1996 have been granted.</p> <p>OR</p> <p>No consent or approval is required under the Development Act 1993 in relation to the division of land (or a change in the use of the land) in accordance with this scheme description.</p> <p>This endorsement does not limit a relevant authority's right to refuse, or to place conditions on, development authorisation under the Development Act 1993 in relation to any other development envisaged by this scheme description.</p> <p>Signed:</p> <p>Dated:</p>	CEO	NIL
<p><b>79.2</b> The power pursuant to Regulation 45(2) of the Regulations to include in an endorsement of a scheme description under Section 3 of the Community Titles Act 1996, notes concerning conditions on any consent or approval, and notes concerning additional approvals that may be required in the future and to sign and date the endorsement.</p>		
<b>80. Special Provisions Relating to Staged Consents</b>		
<p><b>80.1</b> The duty pursuant to and in accordance with Regulation 46(1) of the Regulations, and in a case where the development is within the ambit of Schedule 1A, subject to, in accordance with Regulations 46(4) and (5) of the Regulations, any step that the Delegate, as the relevant authority considers it needs to take under Section 42 of the Act, to issue a Notice of Approval in the circumstances prescribed by Regulation 46 of the Regulations.</p>	CEO	NIL
<b>81. Endorsed Plans</b>		

	Direct Delegation from Council	Conditions/ Limitations
<b>81.1</b> The duty pursuant to Regulation 47 of the Regulations to return to a successful applicant, a copy of the plans, drawings, specifications and other documents and information lodged by the applicant duly endorsed with the building rules consent.	CEO	NIL
<b>81A. Minor Variation of Development Authorisation</b>		
<b>81A.1</b> The power pursuant to Regulation 47A(1) of the Regulations, if a person requests the variation of a development authorisation previously given under the Act (including by seeking the variation of a condition imposed with respect to the development authorisation) to form the opinion that the variation is minor in nature and, if the delegate is satisfied that the variation is minor in nature, to approve the variation.	CEO	NIL
<b>82. Lapse of Consent or Approval</b>		
<b>82.1</b> The power pursuant to Regulation 48(2) of the Regulations to extend the time when any consent or approval under Part 4 of the Act will lapse.	CEO	NIL
<b>83. Width of Roads and Thoroughfares</b>		
<b>83.1</b> The power pursuant to Regulation 51(4) of the Regulations to dispense with the requirements of Regulation 51(1) and (3) dealing with the width of any proposed road or thoroughfare where the Delegate is of the opinion that the prescribed width is not necessary for the safe and convenient movement of vehicles or pedestrians or for underground services.	CEO/CAP	Subject to receipt of advice from Council's Engineering Department prior to the Development Plan Consent being issued
<b>83.2</b> The power pursuant to Regulation 51(6) of the Regulations to dispense with the requirements of Regulation 51(5) dealing with the width of a road at the head of every cul-de-sac where it appears that the cul-de-sac is likely to become a through road.	CEO/CAP	Subject to receipt of advice from Council's Engineering Department prior to the Development Plan Consent being issued
<b>84. Road Widening</b>		

	Direct Delegation from Council	Conditions/ Limitations
<b>84.1</b> The power pursuant to Regulation 52(1) of the Regulations to require a road widening if land to be divided abuts an existing road.	CEO/CAP	Subject to receipt of advice from Council's Engineering Department prior to the Development Plan Consent being issued
<b>85. Requirement as to Forming of Roads</b>		
<b>85.1</b> The power pursuant to Regulation 53(1) and (2) of the Regulations to specify the width of roads.	CEO/CAP	Subject to receipt of advice from Council's Engineering Department prior to the Development Plan Consent being issued
<b>85.2</b> The power pursuant to Regulation 53(4) of the Regulations to dispense with the requirements of Regulation 53(3) of the Regulations that adequate provision be made for the turning of vehicles at the head of a cul-de-sac where the Delegate is of the opinion that the cul-de-sac is likely to become a through road.	CEO/CAP	Subject to receipt of advice from Council's Engineering Department prior to the Development Plan Consent being issued
<b>85.3</b> The power pursuant to Regulation 53(6) of the Regulations to dispense with the requirements of Regulation 53(5) dealing with the forming of footpaths, water-tables, kerbing, culverts and drains on proposed roads.	CEO/CAP	Subject to receipt of advice from Council's Engineering Department prior to the Development Plan Consent being issued
<b>86. Construction of Roads, Bridges, Drains and Services</b>		
<b>86.1</b> The power pursuant to Regulation 54(1) of the Regulations to require the paving and sealing of the roadway of proposed roads.	CEO/CAP	Subject to receipt of advice from Council's Engineering Department prior to the Development Plan Consent being issued

	Direct Delegation from Council	Conditions/ Limitations
<b>87. Supplementary Provisions</b>		
<b>87.1</b> The duty pursuant to Regulation 55(1) of the Regulations to consider and if appropriate approve a road location and grading plan for the forming of any proposed road, including every footpath, water-table, kerbing, culvert and drain.	CEO	Subject to receipt of advice from Council's Engineering Department prior to the Development Plan Consent being issued or work commencing.
<b>87.2</b> The duty pursuant to Regulation 55(2) of the Regulations to consider, and if appropriate approve, detailed construction plans and specifications signed by a professional engineer or licensed surveyor for all work referred to in Regulations 53 and 54 of the Regulations.	CEO	Subject to receipt of advice from Council's Engineering Department prior to work commencing.
<b>87.3</b> The duty pursuant to Regulation 55(4) of the Regulations to consider, and if appropriate accept, that all connections for water supply and sewerage services to any allotment delineated on a plan of division have been laid under the surface of a proposed road before the roadway is sealed.	CEO	Subject to receipt of advice from Council's Engineering Department prior to work commencing.
<b>88. General Land Division</b>		
<b>88.1</b> The power pursuant to and in accordance with Regulation 58(1) of the Regulations to enter into a binding arrangement with an applicant for land division for the satisfaction of outstanding requirements.	CEO	NIL
<b>88.2</b> The power pursuant to and in accordance with Regulation 58(2) of the Regulations to advise the <del>State Commission</del> <u>Development Assessment Panel</u> <del>Commission</del> that an applicant has entered into appropriate binding arrangements pursuant to Section 51(1) of the Act.	CEO	NIL
<b>89. Division of Land by Strata Title</b>		
<b>89.1</b> The power pursuant to Regulation 59(1) of the Regulations to advise the <del>State Commission</del> <u>Development Assessment Panel</u> <del>Commission</del> that an applicant has entered into a binding	CEO	NIL

	Direct Delegation from Council	Conditions/ Limitations
arrangement with the Council for the satisfaction of the requirements of Section 33(1)(d) of the Act and that the arrangement is supported by adequate security.		
<b>90. General Provisions</b>		
<b>90.1</b> The power pursuant to and in accordance with Regulation 60(1) of the Regulations to enter into a form of arrangement with an applicant to the satisfaction of the <u>State Development Assessment Commission Assessment Panel</u> for the purposes of Section 51(1) of the Act.	CEO/CAP	Subject to receipt of advice from the Director Infrastructure & Operations
<b>90.2</b> The power pursuant to Regulation 60(7) of the Regulations, for the purposes of Section 51(4) of the Act, to request (in such a manner as may be determined by the <u>State Commission Development Assessment Panel Commission</u> ) that a copy of a certificate or plan (or certificates and plans) referred to in Regulation <del>30</del> 60(4) of the Regulations be furnished to the Council by sending a written copy to the Council.	CEO	NIL
<b>90.3</b> The power pursuant to Regulation 60(9) of the Regulations to consult with the <u>State Development Assessment Commission Assessment Panel</u> before it grants an extension of the period prescribed by Regulation 60(8) of the Regulations.	CEO	NIL
<b>91. Declaration by The Minister - Section 46</b>		
<b>91.1</b> The duty pursuant to and in accordance with Regulation 61(2) of the Regulations, to transmit to the Minister any relevant documentation (including the application and any accompanying documentation or information lodged by the proponent with the Council under Division 1 of Part 4 of the Act) within 10 business days after the receipt of a copy of a notice required by Regulation 61(1) of the Regulations.	CEO	Subject to any covering letter being signed by the CEO
<b>91.2</b> At the same time that documents are transmitted to the Minister under Regulation 61(2) of the Regulations, the duty pursuant to Regulation 61(3) of the Regulations to also transmit to the Minister any fees that have been paid by the proponent under Schedule 6 (less any amount that the Minister determines should be retained by the Council).	CEO	NIL



	Direct Delegation from Council	Conditions/ Limitations
<b>91.3</b> Where an application lodged with the Minister under Section 46 of the Act requires an assessment against the Building Rules and the assessment against the Building Rules is to be referred to the Council, the power pursuant to Regulation 61(5)(d) of the Regulations, to require from the applicant additional copies of the plans, drawings, specifications and other documents and information required by Regulation 61(4) of the Regulations.	CEO	NIL
<b>92. Referral of Assessment of Building Work</b>		
<b>92.1</b> Where a development application which is subject to the operation of Section 48 of the Act is referred to the Council for assessment in respect of the Building Rules the duty pursuant to and in accordance with Regulation 64(2) of the Regulations, to ensure that the assessment is consistent with any development plan consent previously given under Section 48 of the Act.	CEO	NIL
<b>92.2</b> Where the Council acting under Regulation 64(1) of the Regulations determines that it is appropriate to give a certification with respect to the development complying with the Building Rules (and if the assessment of the Council is consistent with any development plan consent) the duty, pursuant to Regulation 64(3) of the Regulations to:	CEO	NIL
<b>92.2.1</b> provide the certification in the form set out in Schedule 12A; and	CEO	NIL
<b>92.2.2</b> to the extent that may be relevant and appropriate:	CEO	NIL
<b>92.2.2.1</b> issue a schedule of essential safety provisions under Division 4 of Part 12 of the Act; and	CEO	NIL
<b>92.2.2.2</b> assign a classification to the building under the Regulations; and	CEO	NIL
<b>92.2.2.3</b> ensure that the appropriate levy has been paid under the <i>Construction Industry Training Fund Act 1993</i> .	CEO	NIL
<b>92.3</b> Where the Council issues a certificate in the form set out in Schedule 12A of the Regulations as required by Regulation 64(3)(a) of the Regulations, the duty pursuant to Regulation 64(4) of the Regulations to furnish to the Minister a copy of the certificate together with a copy of any schedule of	CEO	NIL

	Direct Delegation from Council	Conditions/ Limitations
essential safety provisions.		
<b>93. Notifications During Building Work</b>		
<b>93.1</b> The power pursuant to Regulation 74(1)(b) to specify by notice in writing to the building owner, on or before development approval is granted in respect of the work, any stage of the building work, for the purposes of the notification requirements in Section 59(1) of the Act.	CEO	NIL
<b>93.2</b> The power pursuant to Regulation 74(1)(c) to specify by notice in writing to the building owner, on or before development approval is granted in respect of the work, any stage of the building work, for the purposes of the notification requirements in Section 59(1) of the Act.	CEO	NIL
<b>93.3</b> The duty pursuant to Regulation 74(4) of the Regulations to make a note on the relevant building file of any notice given in accordance with Regulation 74(3)(d) by a person by telephone.	CEO	NIL
<b>94. Essential Safety Provisions</b>		
<b>94.1</b> The duty pursuant to Regulation 76(4) of the Regulations, on either the granting of a building rules consent or on application by the owner of a building, to issue a schedule in the form set out in Schedule 16 specifying the essential safety provisions for buildings and the standards and requirements for maintenance and testing in respect of those provisions.	CEO	NIL
<b>94.2</b> The power pursuant to Regulation 76(10) of the Regulations to require compliance with Regulation 76(7) despite Regulation 76(9) of the Regulations if the essential safety provisions were installed under a modification of the Building Rules under Section 36(2) of the Act or the building has been the subject of a notice under Section 71 of the Act.	CEO	NIL
<b>94A Swimming Pool Safety</b>		
<b>94A.1</b> The power pursuant to Regulation 76D(4a) of the Regulations to, for the purposes of Section 71AA(7) of the Act, subject to Regulation 76(D)(4b) of the Regulations, establish a swimming pool inspection policy.	CEO	NIL
<b>95. Building Rules: Bushfire Prone Areas</b>		

	Direct Delegation from Council	Conditions/ Limitations
<b>95.1</b> Where:	CEO	NIL
<b>95.1.1</b> application is made for building rules consent for building work in the nature of an alteration to a class 1, 2 or 3 building under the Building Code; and	CEO	NIL
<b>95.1.2</b> the building is in a bushfire prone area under Regulation 78(1) of the Regulations; and	CEO	NIL
<b>95.1.3</b> the total floor area of the building would, after the completion of the proposed building work, have increased by at least 50% when compared to the total floor area of the building as it existed 3 years before the date of the application (or, in the case of a building constructed since that time, as it existed at the date of completion of original construction),	CEO	NIL
the power, pursuant to Regulation 78(2) of the Regulations, to require, as a condition of consent, that the entire building be brought into conformity with the relevant requirements of the Building Rules for bushfire protection.	CEO	NIL
<b>96. Construction Industry Training Fund</b>		
<b>96.1</b> The duty pursuant to Regulation 79(2) of the Regulations to withhold issuing a building rules consent until satisfied that the appropriate levy has been paid under the Construction Industry Training Fund Act 1993 or that no such levy is payable.	CEO	NIL
<b>96.2</b> The power pursuant to Regulation 79(4) of the Regulations to form an opinion whether the appropriate levy under the Construction Industry Training Fund Act 1993 has or has not been paid, or is or is not payable, and notify the applicant that a building rules consent cannot be issued until the Delegate is satisfied that the levy has been paid or is not payable.	CEO	NIL
<b>96.3</b> The power pursuant to and in accordance with Regulation 79(5)(b) of the Regulations to determine that the application has lapsed.	CEO	NIL
<b>96A Requirement to Up-grade Building in Certain Cases</b>		
<b>96A.1</b> The power pursuant to Regulation 80(1a) of the Regulations, if an application for a building rules consent relates to building work in the nature of an alteration to a class 2 to class 9 building	CEO	NIL

	Direct Delegation from Council	Conditions/ Limitations
constructed before 1 January 2002, to form the opinion that the building is unsafe, structurally unsound or in an unhealthy condition, and to require, as a condition of consent:		
<b>96A.1.1</b> that building work that conforms with the requirements of the Building Rules be carried out to the extent reasonably necessary to ensure that the building is safe and conforms to proper structural and health standards; or	CEO	NIL
<b>96A.1.2</b> that the building work comply with Minister's Specification SA: Upgrading health and safety in existing buildings (to the extent reasonably applicable to the building and its condition).	CEO	NIL
<b>97. Classification of Buildings</b>		
<b>97.1</b> The power pursuant to Regulation 82(3)(b)(i) of the Regulations to require such details, particulars, plans, drawings, specifications, certificates and other documents as may reasonably be required to determine a building's classification upon application by an owner of a building under Regulation 82(1) or (2) of the Regulations.	CEO	NIL
<b>97.2</b> The power pursuant to Regulation 82(4) of the Regulations and subject to Regulation 82(4a) of the Regulations, to assign the appropriate classification under the Building Code to a building upon being satisfied on the basis of the owner's application and accompanying documents that the building, in respect of the classification applied for, possesses the attributes appropriate to its present or intended use.	CEO	NIL
<b>97.2A</b> The power pursuant to Regulation 82(4a) of the Regulations, if an application under Regulation 82 of the Regulations is made in respect of an existing class 2 to class 9 building, to require the applicant to satisfy the delegate that Minister's Specification SA: Upgrading health and safety in existing buildings has been complied with (to the extent reasonably applicable to the building and its present or intended use).	CEO	NIL
<b>97.3</b> The power pursuant to Regulation 82(5) of the Regulations, on assigning a classification to a building (or part of a building), to, if relevant, determine and specify in the notice to the owner under Section 66(4) of the Act –  <b>97.3.1</b> the maximum number of persons who may occupy the building (or part of the building); and	CEO	NIL

	Direct Delegation from Council	Conditions/ Limitations
<b>97.3.2</b> If the building has more than one classification – the part or parts of the building to which each classification relates and the classification currently assigned to the other parts of the building.		
<b>98. Certificates of Occupancy</b>		
<b>98.1</b> The power pursuant to Regulation 83(2)(c) of the Regulations to require from an applicant for a certificate of occupancy reasonable evidence that conditions attached to a development approval have been satisfied.	CEO	NIL
<b>98.2</b> The power pursuant to Regulation 83(2)(d) of the Regulations where an application relates to the construction or alteration of part of a building and further building work is envisaged in respect of the remainder of the building, to require from an applicant for a certificate of occupancy reasonable evidence that in the case of a building of more than 1 storey, the requirements of Minister's Specification SA 83 have been complied with, or in any other case the building is suitable for occupation.	CEO	NIL
<b>98.3</b> The power pursuant to Regulation 83(3) of the Regulations to, other than in relation to a designated building on which building work involving the use of a designated building product is carried out after the commencement of the Development (Building Cladding) Variation Regulations 2018, dispense with the requirement to provide a Statement of Compliance under Regulation 83(2)(a) if the Delegate is satisfied that a person required to complete 1 or both parts of the Statement has refused or failed to complete that part and that the person seeking the issuing of the certificate of occupancy has taken reasonable steps to obtain the relevant certification(s) and it appears to the Delegate that the relevant building is suitable for occupation.	CEO	NIL
<b>98.4</b> Where:	CEO	NIL
<b>98.4.1</b> a building is required by the Building Rules:	CEO	NIL
<b>98.4.1.1</b> to be equipped with a booster assembly for use by a fire authority; or	CEO	NIL
<b>98.4.1.2</b> to have installed a fire alarm that transmits a signal to a fire station; and	CEO	NIL

	Direct Delegation from Council	Conditions/ Limitations
<b>98.4.2</b> facilities for fire detection, fire fighting or the control of smoke must be installed in the building pursuant to an approval under the Act,	CEO	NIL
the duty pursuant to Regulation 83(4) of the Regulations to not grant a certificate of occupancy unless or until a report has been sought from the fire authority as to whether those facilities have been installed and operate satisfactorily.	CEO	NIL
<b>98.5</b> The power pursuant to Regulation 83(5) of the Regulations, when a report from the fire authority pursuant to Regulation 83(4) is not received within 15 business days, to presume that the fire authority does not desire to make a report.	CEO	NIL
<b>98.6</b> The duty pursuant to Regulation 83(6) of the Regulations to have regard to any report received from a fire authority under Regulation 83(4) before issuing a certificate of occupancy.	CEO	NIL
<b>98.7</b> The power pursuant to Regulation 83(9) of the Regulations to revoke a certificate of occupancy.	CEO	NIL
<b>99. Certificate of Independent Technical Expert in Certain Case</b>		
<b>99.1</b> The power pursuant to Regulation 88(3) of the Regulations, in circumstances where Regulation 88 of the Regulations applies, to rely on the certificate of an independent technical expert.	CEO	NIL
<b>100. Fees</b>		
<b>100.1</b> The power pursuant to Regulation 95(2) of the Regulations to require an applicant to provide such information as the Delegate may reasonably require to calculate any fee payable under Schedule 6 and the power to make any other determination for the purposes of Schedule 6.	CEO	NIL
<b>100.2</b> The power pursuant to the provisions of Regulation 95(3) of the Regulations to calculate any fee on the basis of estimates made by the Delegate where the Delegate believes that any information provided by an applicant is incomplete or inaccurate.	CEO	NIL
<b>100.3</b> The power pursuant to Regulation 95(4) of the Regulations to, at any time, and despite any earlier acceptance of an amount in respect of the fee, reassess a fee payable under the Regulations.	CEO	NIL

	Direct Delegation from Council	Conditions/ Limitations
<b>100.4</b> The duty pursuant to Regulation 95(5) of the Regulations, on a reassessment under Regulation 95(4) of the Regulations:	CEO	NIL
<b>100.4.1</b> if it appears that an overpayment has occurred, to refund any amount due in accordance with the reassessment; and	CEO	NIL
<b>100.4.2</b> if it appears that an underpayment has occurred, to charge any further amount payable in accordance with the reassessment.	CEO	NIL
<b>101. Register Of Applications</b>		
<b>101.1</b> The duty pursuant to Regulation 98 of the Regulations to keep available for public inspection a register of applications for consent, approval, or the assignment of building classifications under the Act.	CEO	NIL
<b>101.2</b> The power pursuant to Regulation 98(3) to fix a fee and upon payment of that fee, make available to a member of the public a copy of any part of a register or document kept for the purposes of Regulation 98(1).	CEO	NIL
<b>102. Registration of Land Management Agreements</b>		
<b>102.1</b> The duty pursuant to and in accordance with Regulation 99(2) of the Regulations to establish a register of agreements entered into by the Council under Section 57(2) of the Act.	CEO	NIL
<b>102.2</b> The power pursuant to Regulation 99(3) of the Regulations to determine what other information may be contained in the Register.	CEO	NIL
<b>103. Land Management Agreements - Development Applications</b>		
<b>103.1</b> The duty pursuant to Regulation 100(2) of the Regulations to establish a register of agreements entered into by the Council under Section 57A of the Act.	CEO	NIL
<b>103.2</b> The duty pursuant to Regulation 100(3) of the Regulations to include in the register a copy of each agreement entered into by the Council under Section 57A of the Act and other information the	CEO	NIL

	Direct Delegation from Council	Conditions/ Limitations
Delegate considers appropriate.		
<b>103.3</b> The duty pursuant to Regulation 100(5) of the Regulations to keep the register at the principal office of the Council.	CEO	NIL
<b>103.4</b> The duty pursuant to Regulation 100(6) of the Regulations to keep the register available for public inspection during normal office hours for the office where the register is situated.	CEO	NIL
<b>103.5</b> The duty pursuant to Regulation 100(9) to give a copy of a notice under Regulation 100(8) to any owner of the land who is not a party to the agreement.	CEO	NIL
<b>104. Documents to be Preserved by a Council</b>		
104.0 The power and duty pursuant to Regulation 101(a1) of the Regulations to retain a copy of each document provided to the Council by a private certifier in relation to any application for a development plan consent assessed by the private certifier.	CEO	NIL
<b>104.1</b> The duty pursuant to Regulation 101(1) of the Regulations to retain a copy of the documents listed in Regulation 101 of the Regulations in relation to any building work approved under the Act.	CEO	NIL
104.1A The power and duty pursuant to Regulation 101(1a) of the Regulations to preserve any document referred to in Regulation 101(a1) for a period of at least 10 years.	CEO	NIL
<b>104.2</b> The duty pursuant to Regulation 101(2) of the Regulations to preserve any document referred to in Regulation 101(1) of the Regulations until the building to which the document relates is demolished or removed.	CEO	NIL
<b>104.3</b> The power pursuant to and in accordance with Regulation 101(3) of the Regulations to offer to give plans and specifications in the Council's possession to a building owner and if the building owner declines the offer, the power to destroy the documents.	CEO	NIL
<b>104.4</b> The power pursuant to and in accordance with Regulation 101(4) of the Regulations to make available for inspection at the offices of the Council during normal office hours any document retained by the Council under Regulation 101(a1) or (1) of the Regulations (without charge) and to fix a reasonable	CEO	NIL



	Direct Delegation from Council	Conditions/ Limitations
fee for a copy of any document retained by the Council under Regulation 101(a1) or (1) of the Regulations.		
<b>104.5</b> The power pursuant to Regulation 101(5) of the Regulations to not make available of any plans, drawings specifications or other documents or information:	CEO	NIL
<b>104.5.1</b> for inspection under Regulation 101(4)(a) if to do so would:	CEO	NIL
<b>104.5.1.1</b> in the opinion of the Delegate, unreasonably jeopardise the present or future security of a building; or	CEO	NIL
<b>104.5.1.2</b> constitute a breach of any other law; or	CEO	NIL
<b>104.5.2</b> for copying under Regulation 101(4)(b) if to do so would:	CEO	NIL
<b>104.5.2.1</b> in the opinion of the Delegate, unreasonably jeopardise the present or future security of a building; or	CEO	NIL
<b>104.5.2.2</b> involve an infringement of copyright in matter contained in a document; or	CEO	NIL
<b>104.5.2.3</b> constitute a breach of any other law.	CEO	NIL
<b>104A Documents to be Provided by Private Certifier</b>		
104A.1 The power pursuant to Regulation 102(2) of the Regulations to request a private certifier to produce to the Council within a reasonable period, a copy of any document that has been submitted to the private certifier for the purposes of an application for development plan consent (and that it is not already held by the Council under the Regulations) so that the Council can respond to a request from a member of the public for access to such document.	CEO	NIL
<b>105. Transfer of Development Potential</b>		
<b>105.1</b> The duty pursuant to Regulation 104 of the Regulations, wherever the provisions of the Development Plan provide for the transfer of development potential, to maintain a register of development rights	CEO/CAP	NIL

	Direct Delegation from Council	Conditions/ Limitations
containing the information prescribed in Regulation 104(1) and to make the said register available for public inspection on payment of the appropriate fee.		
<b>106. System Indicators</b>		
<b>106.1</b> The duty pursuant to Section 115(1)(a) of the Regulations to keep and collate the information specified in the system indicators document on a quarterly basis.	CEO	NIL
<b>106.2</b> The duty pursuant to Section 115(1)(b) of the Regulations to provide the information for each quarter to the Minister in a manner and form determined by the Minister, within 21 days after the end of the quarter.	CEO	NIL
<b>106.3</b> The power pursuant to Regulation 115(2) of the Regulations to apply to the Minister to exempt the Council from a requirement in the system indicators document.	CEO	NIL
<b>107. Schedule 1A – Demolition</b>		
<b>107.1</b> The power, pursuant to Clause 12(3) of Schedule 1A of the Regulations, to make an application to the Minister for an area to be declared by the Minister to be a designated area.	CEO	NIL
<b>107.2</b> The power pursuant to Clause 12(9) of Schedule 1A of the Regulations, before the Minister takes action to vary or revoke a declaration under Clause 12(3) of Schedule 1A of the Regulations or a condition under Clause 12(7) of Schedule 1A of the Regulations, to in response to a notice in writing from the Minister, show, within the specified time, why the proposed course of action should not be taken.	CEO	NIL
<b>108. Schedule 4 – New Dwellings</b>		
<b>108.1</b> The power pursuant to Clause 2B(4)(b) of Schedule 4 of the Regulations to form the belief that the allotment is, or may have been, subject to site contamination as a result of a previous use of the land or a previous activity on the land or in the vicinity of the land other than a previous use or activity for residential purposes.	CEO	NIL
<b>109. Schedule 6 - Fees</b>		

	Direct Delegation from Council	Conditions/ Limitations
<b>109.1</b> The power pursuant to Clause 1(7) of Schedule 6 to the Regulations to determine the amount of the fee to be charged to an applicant to cover the Council's reasonable costs in giving public notice of the application under Section 38(5) of the Act.	CEO	Subject to Council approval
<b>110. Schedule 8 – Development Near The Coast</b>		
<b>110.1</b> The power pursuant to Item 1(b) of Clause 2 of Schedule 8 of the Regulations, where development is on coastal land, to form the opinion that the development is of a minor nature only, and comprises the alteration of an existing building or the construction of a building to facilitate the use of an existing building.	N/A	N/A
<b>111. Schedule 8 - Development Adjacent To Main Roads</b>		
<b>111.1</b> The power pursuant to Item 3 of Clause 2 of Schedule 8 of the Regulations to form the opinion that development is likely to:	CEO/CAP	NIL
<b>111.1.1</b> alter an existing access; or	CEO/CAP	NIL
<b>111.1.2</b> change the nature of movement through an existing access; or	CEO/CAP	NIL
<b>111.1.3</b> create a new access; or	CEO/CAP	NIL
<b>111.1.4</b> encroach within a road widening setback under the Metropolitan Adelaide Road Widening Plan Act 1972,	CEO/CAP	NIL
in relation to an existing or proposed arterial road, primary road, primary arterial road or secondary arterial road, or within 25 metres of a junction with an existing or proposed arterial road, primary road, primary arterial road or secondary arterial road (as delineated in the relevant Development Plan).	CEO/CAP	NIL

	Direct Delegation from Council	Conditions/ Limitations
<b>112. Schedule 8 - State Heritage Places</b>		
<b>112.1</b> The power pursuant to Item 5(1) of Clause 2 of Schedule 8 of the Regulations to form the opinion that a development materially affects the context within which a State Heritage place is situated	CEO/CAP	NIL
<b>113. Schedule 8 – Mining – General</b>		
<b>113.1</b> The power pursuant to and in accordance with Item 7 of Clause 2 of Schedule 8 of the Regulations to form the opinion that development is of a minor nature only.	CEO/CAP	Delegate report to be countersigned by either the Director Development & Regulatory Services or Manager Development Services prior to the decision being made
<b>114. Schedule 8 - Activity of Environmental Significance</b>		
<b>114.1</b> The power pursuant to Item 10(b) of Clause 2 of Schedule 8 of the Regulations, where development involves, or is for the purposes of an activity specified in Schedule 21 of the Regulations (including, where an activity is only relevant when a threshold level of capacity is reached, development with the capacity or potential to operate above the threshold level, and an alteration or expansion of an existing development (or existing use) where the alteration or expansion will have the effect of producing a total capacity exceeding the relevant threshold level), other than development which comprises the alteration of, or addition to, an existing building, to form the opinion that the development does not change the use of the building, and is of a minor nature only, and does not have any adverse effect on the environment.	CEO/CAP	NIL
<b>115. Schedule 8 – Aquaculture Development</b>		
<b>115.1</b> The power pursuant to and in accordance with Item 15 of Clause 2 of Schedule 8 of the Regulations to form the opinion that development involves a minor alteration to an existing or approved development.	CEO/CAP	NIL

	Direct Delegation from Council	Conditions/ Limitations
<b>116. Schedule 8 – Development Within the River Murray Floodplain Area</b>		
<b>116.1</b> The power pursuant to and in accordance with Item 19(b) of Clause 2 of Schedule 8 of the Regulations to form the opinion that development materially affects the context within which a State Heritage place is situated.	CEO/CAP	NIL
<b>117. Schedule 8 – Development Within the River Murray Tributaries Area</b>		
<b>117.1</b> The power pursuant to and in accordance with Item 20(a) of Clause 2 of Schedule 8 of the Regulations to form the opinion that development materially affects the context within which a State Heritage place is situated.	CEO/CAP	NIL
<b>118. Schedule 9 - Part One, Category One Development and Part Two Category Two Development</b>		
<b>118.1</b> The power pursuant to Clause 1 of Part 1 to Schedule 9 of the Regulations in circumstances where a development would be a complying development under the Regulations or the relevant Development Plan but for the fact that it fails to meet the conditions associated with the classification, to form the opinion that the failure to meet those conditions is of a minor nature only.	CEO/CAP	Delegate report to be countersigned by other statutory planner prior to the decision being made
<b>118.2</b> The power pursuant to Clause 2(1)(g) of Part 1 to Schedule 9 of the Regulations to form the opinion that a development is of a kind which is of a minor nature only and will not unreasonably impact on the owners or occupiers of land in the locality of the site of the development.	CEO/CAP	Delegate report to be countersigned by other statutory planner prior to the decision being made
<b>118.3</b> The power pursuant to the following designated sub-paragraphs of Clause 3 of Part 1 to Schedule 9 of the Regulations, where a development is classified as non complying under the relevant Development Plan, to form the opinion that:	CEO/CAP	Delegate report to be countersigned by either the Director Development & Regulatory Services or Manager Development Services or Team Leader Statutory Planning  Prior To The Decision

	Direct Delegation from Council	Conditions/ Limitations
		Being Made
<b>118.3.1</b> the alteration of, or addition to, a building is of a minor nature only, pursuant to sub-paragraph (a);	CEO/CAP	Delegate report to be countersigned by either the Director Development & Regulatory Services or Manager Development Services or Team Leader Statutory Planning  Prior To The Decision Being Made
<b>118.3.2</b> the construction of a building to be used as ancillary to or in association with an existing building and which will facilitate the better enjoyment of the purpose for which the existing building is being used constitutes development of a minor nature only pursuant to sub-paragraph (b).	CEO/CAP	Delegate report to be countersigned by either the Director Development & Regulatory Services or Manager Development Services or Team Leader Statutory Planning  Prior To The Decision Being Made
<b>118.4</b> The power pursuant to Clause 5 of Part 1 to Schedule 9 of the Regulations to form the opinion:	CEO/CAP	NIL
<b>118.4.1</b> that the division of land (including for the construction of a road or thoroughfare) is for a proposed use which is consistent with the objective of the zone or area under the Development Plan; and	CEO/CAP	NIL
<b>118.4.2</b> whether the division will change the nature or function of an existing road.	CEO/CAP	NIL
<b>118.5</b> The power pursuant to Clause 11 of Part 1 to Schedule 9 of the Regulations, in circumstances where development comprises a special event and the special event will not be held over more than 3 consecutive days, to form the opinion that an event of a similar or greater size or of a similar or	CEO/CAP	NIL

	Direct Delegation from Council	Conditions/ Limitations
greater impact on surrounding areas, has not been held on the same site (or substantially the same site) within 6 months immediately preceding the day or days on which the special event is proposed to occur.		
<b>118.6</b> Pursuant to Clause 17 of Part 1 of Schedule 9 to the Regulations for the purpose of determining whether a development should be considered to be of a minor nature only:	CEO/CAP	Delegate report to be countersigned by another Statutory Planning prior to the decision being made
<b>118.6.1</b> the duty to not take into account what is included within Schedule 3 of the Regulations; and	CEO/CAP	NIL
<b>118.6.2</b> the power to take into account the size of the site of the development, the location of the development within that site, and the manner in which the development relates to the locality of the site; and	CEO/CAP	NIL
<b>118.6.3</b> the power to conclude, if relevant, that the development is of a minor nature only despite the fact that it satisfies some, but not all, of the criteria set out in item 2(d) of Part 1 of Schedule 9 to the Regulations.	CEO/CAP	Delegate report to be countersigned by either the Director Development & Regulatory Services Manager Development Services or Team Leader Statutory Planning prior to the decision being made
<b>118.7</b> The power pursuant to Clause 21 of Part 2 to Schedule 9 of the Regulations, except where development is classified as non-complying development under the relevant Development Plan, to form the opinion:	CEO/CAP	NIL
<b>118.7.1</b> that in respect of a proposed division of land that the applicant's proposed use of the land, is for a purpose which is consistent with the zone or area under the Development Plan; and	CEO/CAP	NIL

	Direct Delegation from Council	Conditions/ Limitations
<b>118.7.2</b> whether the proposed division will change the nature or function of an existing road.	CEO/CAP	NIL
<b>119.</b> <u>DELIBERATELY LEFT BLANK</u>	<u>DELIBERATELY LEFT BLANK</u>	<u>DELIBERATELY LEFT BLANK</u>
<u>DELEGATIONS UNDER THE DEVELOPMENT (WASTE REFORM) VARIATION REGULATIONS 2019</u>		
<u>120. Development Authorisations to Continue</u>		
<u>120.1</u> The power pursuant to clause 2(2) of Schedule 1 of the Development (Waste Reform) Variation Regulations 2019 ('the Waste Reform Regulations'), to, on the Delegate's own initiative or on application by an existing authorisee:	CEO	NIL
<u>120.1.1</u> grant a new development authorisation to the person; or	CEO	NIL
<u>120.1.2</u> revoke an existing development authorisation; or	CEO	NIL
<u>120.1.3</u> by notice in writing to the authorisee given within 2 years after the commencement of clause 2 of Schedule 1 of the Waste Reform Regulations:	CEO	NIL
<u>120.1.3.1</u> vary the terminology or numbering in the existing development authorisation; or	CEO	NIL
<u>120.1.3.2</u> impose or vary a condition of the existing development authorisation,	CEO	NIL
<u>if, in the opinion of the Delegate, it is necessary or desirable to do so as a consequence of the variation of Schedule 21 or 22 of the principal regulations by the Waste Reform Regulations.</u>	CEO	NIL
<u>120.2</u> The power pursuant to clause 2(3) of Schedule 1 of the Waste Reform Regulations, if the relevant authority takes action under clause 2(2) of Schedule 1 of the Waste Reform Regulations, to, dispense with the requirement for applications and payment of fees as the Delegate considers appropriate.	CEO	NIL



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## **Appendix 2**

*Instrument of Delegation Under the Planning,  
Development and Infrastructure Act 2016*

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	Direct Delegation from Council	Conditions/ Limitations
<b>INSTRUMENT OF DELEGATION UNDER THE PLANNING, DEVELOPMENT AND INFRASTRUCTURE ACT 2016 OF POWERS OF A COUNCIL AS:</b> <ul style="list-style-type: none"> <li>• A COUNCIL;</li> <li>• A DESIGNATED AUTHORITY;</li> <li>• A DESIGNATED ENTITY</li> </ul>		
<b>1. Planning Regions and Greater Adelaide</b>		
<b>1.1</b> The power pursuant to Section 5(5)(b) of the Planning, Development and Infrastructure Act 2016 ( <b>the PDI Act</b> ) to make submissions to the Minister on a proposed proclamation under Section 5 of the <b>PDI Act</b> .	CEO	NIL
<b>2. Subregions</b>		
<b>2.1</b> The power pursuant to Section 6(3)(b) of the <b>PDI Act</b> to make submissions to the Minister on the Minister's proposed course of action.	CEO	NIL
<b>3. Environment and Food Production Areas – Greater Adelaide</b>		
<b>3.1</b> The power pursuant to Section 7(5)(b) of the <b>PDI Act</b> , in relation to a proposed development in an environment and food production area that involves a division of land that would create 1 or more additional allotments: <u>to concur in the granting of the development authorisation to the development.</u>	CEO	NIL
<b>4. Functions</b>		
<del>3.24.1</del> <u>The power pursuant to seek the concurrenceSection 22(4)(a)(i) of the PDI Act to, if an inquiry is conducted by the Commission in the grantingunder Section 22(1)(e) of the authorisation;PDI Act make submissions or representations.</u>	CEO	NIL
<del>1.1.1.</del> <u>to concur in the granting of the development authorisation to the development;</u>		
<del>1.1.2.</del> <u>to, if the proposed development will create additional allotments to be used for residential development, refuse to grant development authorisation in relation to the proposed</u>		

	Direct Delegation from Council	Conditions/ Limitations
<del>development.</del>		
<b>4.5. Planning Agreements</b>		
<del>4.15.1</del> The power pursuant to Section 35(1)(a) of the <u>PDI Act and subject to Section 35 of the PDI</u> Act to enter into an agreement ( <b>a planning agreement</b> ) with the Minister relating to a specified area of the State <del>in accordance with Section 35 of the Act.</del>	CEO	NIL
<del>4.25.2</del> The power pursuant to Section 35(3) of the <u>PDI</u> Act to, in a planning agreement, include provisions that outline the purposes of the agreement and the outcomes that the agreement is intended to achieve and to provide for:	CEO	NIL
<del>4.2.15.2.1</del> the setting of objectives, priorities and targets for the area covered by the agreement; and	CEO	NIL
<del>4.2.25.2.2</del> the constitution of a joint planning board including, in relation to such a board:	CEO	NIL
<del>4.2.2.15.2.2.1</del> the membership of the board, being between 3 and 7 members (inclusive); and	CEO	NIL
<del>4.2.2.25.2.2.2</del> subject to Section 35(4) of the <u>PDI</u> Act, the criteria for membership; and	CEO	NIL
<del>4.2.2.35.2.2.3</del> the procedures to be followed with respect to the appointment of members; and	CEO	NIL
<del>4.2.2.45.2.2.4</del> the terms of office of members; and	CEO	NIL
<del>4.2.2.55.2.2.5</del> conditions of appointment of members, or the method by which those conditions will be determined, and the grounds on which, and the procedures by which, a member may be removed from office; and	CEO	NIL
<del>4.2.2.65.2.2.6</del> the appointment of deputy members; and	CEO	NIL
<del>4.2.2.75.2.2.7</del> <del>4.2.2.7</del> the procedures of the board; and	CEO	NIL
<del>4.2.35.2.3</del> the delegation of functions and powers to the joint planning board (including, if	CEO	NIL

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appropriate, functions or powers under another Act); and		
<del>4.2.4</del> <u>5.2.4</u> the staffing and other support issues associated with the operations of the joint planning board; and	CEO	NIL
<del>4.2.5</del> <u>5.2.5</u> financial and resource issues associated with the operations of the joint planning board, including:	CEO	NIL
<del>4.2.5.1</del> <u>5.2.5.1</u> the formulation and implementation of budgets; and	CEO	NIL
<del>4.2.5.2</del> <u>5.2.5.2</u> the proportions in which the parties to the agreement will be responsible for costs and other liabilities associated with the activities of the board; and	CEO	NIL
<del>4.2.6</del> <u>5.2.6</u> such other matters as the Delegate thinks fit.	CEO	NIL
<del>4.3</del> <u>5.3</u> The power pursuant to Section 35(5)(a) of the <u>PDI</u> Act, at the expiry of a planning agreement, to replace it with a new agreement (in the same or different terms).	CEO	NIL
<del>4.4</del> <u>5.4</u> The power pursuant to Section 35(5)(b) of the <u>PDI</u> Act, to vary or terminate a planning agreement by agreement between the parties to the agreement.	CEO	NIL
<b><u>6. Appointment of Administrator</u></b>		
<b><u>6.1</u></b> The power pursuant to Section 41(2)(a) of the <u>PDI</u> Act to make submissions to the Minister on the Minister appointing an administrator under Section 41 of the <u>PDI</u> Act.	CEO	NIL
<b><u>5.7. Community Engagement Charter</u></b>		
<del>5.17.1</del> The power pursuant to Section 44(6)(a) of the <u>PDI</u> Act, to, <del>in accordance with the Charter,</del> make submissions in relation to any proposal to prepare or amend a designated instrument under Part 5 Division 2 Subdivision 5 <u>of the PDI Act that is relevant to the Council</u> (unless the proposal has been initiated by the Council).	CEO	NIL
<b><u>7.2</u></b> The power pursuant to Section 44(9)(b) of the <u>PDI</u> Act to the extent that Section 44(9)(a) of the <u>PDI</u> Act	CEO	NIL

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<u>does not apply, have regard to, and seek to achieve, any principles or performance outcomes that apply in a relevant case.</u>		
<b>7.3</b> The power pursuant to Section 44(10) of the PDI Act to:	CEO	NIL
<b>7.3.1</b> <u>seek the approval of the Commission to adopt an alternative way to achieving compliance with a requirement of the Charter; and</u>	CEO	NIL
<b>7.3.2</b> <u>with the approval of the Commission, adopt an alternative way to achieving compliance with a requirement of the Charter.</u>	CEO	NIL
<b>6.8. Preparation and Amendment of Charter</b>		
<del>6.18.1</del> The power pursuant to Section 45(2)(c) of the <u>PDI</u> Act to make representations ( <u>including</u> in writing or via the SA <u>p</u> Planning portal) on a proposal to prepare or amend the Charter.	CEO	NIL
<b>7.9. <del>6A.</del> Preparation and Amendment</b>		
<b>9.1</b> The power pursuant to Section 73(2)(b)(iv) of the PDI Act to:	CEO	NIL
<b>9.1.1</b> <u>seek the approval of the Minister to initiate a proposal to amend a designated instrument; and</u>	CEO	NIL
<del>7.1.19.1.2</del> <b>6A.1</b> <del>The power pursuant to Section 73(2)(b)(iv) of the Act to</del> initiate a proposal to amend a designated instrument with the approval of the Minister, acting on the advice of the Commissioner.	CEO	NIL
<del>7.2.19.2</del> <b>6A.2</b> <del>The power pursuant to Section 73(6) of the PDI Act where the Council is authorised or approved under Section 73 of the PDI Act, and</del> after all of the requirements of Section 73 <u>of the PDI Act</u> have been satisfied:	CEO	NIL
<del>7.2.19.2.1</del> <b>6A.2.1</b> <del>to prepare a draft of the relevant proposal; and</del>	CEO	NIL
<del>7.2.19.2.2</del> <b>6A.2.2</b> <del>to comply with the Community Engagement Charter for the purposes of consultation in relation to the proposal; and</del>	CEO	NIL

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<del>7.2.39.2.3</del> <del>6A.2.3</del> to the extent that paragraph (b) of Section 73(6) of the <u>PDI</u> Act does not apply, in the case of a proposed amendment to a regional plan that has been prepared by a joint planning board where the amendment is not being proposed by the joint planning board – to consult with the joint planning board; and	CEO	NIL
<del>7.2.49.2.4</del> <del>6A.2.4</del> to the extent that paragraph (b) of Section 73(6) of the <u>PDI</u> Act does not apply, in the case of a proposed amendment to the Planning and Design Code that will have a specific impact on 1 or more particular pieces of land in a particular zone or subzone (rather than more generally) – to take reasonable steps to give:	CEO	NIL
<del>7.2.4.19.2.4.1</del> <del>6A.2.4.1</del> —an owner or occupier of the land; and	CEO	NIL
<del>7.2.4.29.2.4.2</del> <del>6A.2.4.2</del> —an owner or occupier of each piece of adjacent land,	CEO	NIL
a notice in accordance with the regulations; and	CEO	NIL
<del>7.2.59.2.5</del> <del>6A.2.5</del> to consult with any person or body specified by the Commission and any other person or body as the delegate thinks fit; and	CEO	NIL
<del>7.2.69.2.6</del> <del>6A.2.6</del> to carry out such investigations and obtain such information specified by the Commission; and	CEO	NIL
<u>9.2.7</u> to comply with any requirement prescribed by the regulations.	CEO	NIL
<del>7.39.3</del> <del>6A.2.7</del> to comply with any requirement prescribed by the regulations. <u>The power pursuant to Section 73(7) of the PDI Act, after complying with Section 73(6) of the PDI Act to prepare a report in accordance with any practice direction that applies for the purposes of Section 73 of the PDI Act (including information about any change to the original proposal that the delegate considers should be made) and furnish a copy of the report to the Minister.</u>	CEO	NIL
<del>7.49.4</del> <del>6A.3</del> —The power pursuant to Section 73(8) of the <u>PDI</u> Act <del>to</del> , after the Council has furnished a report to the Minister under Section 73(7) of the <u>PDI</u> Act, <u>to</u> ensure that a copy of the report is published on the SA planning portal in accordance with a practice direction that applies for the purposes of Section 73 of the	CEO	NIL

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<u>PDI</u> Act.		
<del>7.59.5</del> <del>6A.4</del> — The power pursuant to Section 73(9) of the <u>PDI</u> Act to enter into an agreement with a person for the recovery of costs incurred by the Council in relation to an amendment of the Planning and Design Code or a design standard under Section 73 of the <u>PDI</u> Act (subject to the requirement to charge costs under Section 73(4)(b) of the <u>PDI</u> Act (if relevant)).	CEO	NIL
<del>8.10.</del> <del>6B.</del> — <b>Parliamentary Scrutiny</b>		
<del>8.110.1</del> <del>6B.1</del> — The power pursuant to Section 74(8) of the <u>PDI</u> Act if the ERD Committee is proposing to suggest an amendment under Section 74(4) of the <u>PDI</u> Act and the amendment is specifically relevant to the Council, to provide <del>a</del> comment and <del>a</del> response within the period of 2 weeks.	CEO	NIL
<del>9.11.</del> <del>6C.</del> — <b>Entities Constituting Relevant Authorities</b>		
<del>9.111.1</del> <del>6C.1</del> — The power pursuant to Section 82(d) of the <u>PDI</u> Act, subject to the <u>PDI</u> Act, to appoint an assessment panel.	CEO	NIL
<del>10.12.</del> <del>6D.</del> — <b>Panels Established by Joint Planning Boards or Councils</b>		
<del>10.112.1</del> <del>6D.1</del> — The power pursuant to Section 83(1) of the <u>PDI</u> Act in relation to an assessment panel appointed by the Council under Division 1 of Part 6 of the <u>PDI</u> Act, to:	CEO	NIL
<del>10.1.112.1.1</del> <del>6D.1.1</del> — appoint more than 1 assessment panel and if the delegate does so, to clearly specify which class of development each assessment panel is to assess;	CEO	NIL
<del>10.1.212.1.2</del> <del>6D.1.2</del> — determine:	CEO	NIL
<del>10.1.2.112.1.2.1</del> <del>6D.1.2.1</del> — the membership of the assessment panel, being no more than 5 members, only 1 of which may be a member of a <del>e</del> Council, and, if the delegate thinks fit, on the basis that the assessment panel will be constituted by a different number of members depending on the particular class of development that is being assessed by the assessment panel; and	CEO	NIL

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<del>10.1.2.2</del> <del>12.1.2.2</del> <del>6D.1.2.2</del> — the procedures to be followed with respect to the appointment of members; and	CEO	NIL
<del>10.1.2.3</del> <del>12.1.2.3</del> <del>6D.1.2.3</del> — the terms of office of members; and	CEO	NIL
<del>10.1.2.4</del> <del>12.1.2.4</del> <del>6D.1.2.4</del> — conditions of appointment of members, or the method by which those conditions will be determined, (including as to their remuneration) and the grounds on which, and the procedures by which, a member may be removed from office; and	CEO	NIL
<del>10.1.2.5</del> <del>12.1.2.5</del> <del>6D.1.2.5</del> — the appointment of deputy members; and	CEO	NIL
<del>10.1.2.6</del> <del>12.1.2.6</del> <del>6D.1.2.6</del> — who will act as the presiding member of the panel and the process for appointing an acting presiding member.	CEO	NIL
<del>10.2</del> <del>12.2</del> <del>6D.2</del> — The power pursuant to Section 83(1)(h) of the <u>PDI</u> Act to arrange the staffing and support required for the purposes of the operations of the panel.	CEO	NIL
<del>10.3</del> <del>12.3</del> <del>6D.3</del> — The power pursuant to Section 83(1)(i) of the <u>PDI</u> Act to substitute the existing members of the panel with new members if directed to do so by the Minister acting on recommendation of the Commission under Section 86 of the <u>PDI</u> Act.	CEO	NIL
<del>10.4</del> <del>12.4</del> <del>6D.4</del> — The power pursuant to Section 83(2) of the <u>PDI</u> Act to form the opinion and be satisfied that a person to be appointed as a member of an assessment panel who is a member, or former member, of a <u>Council</u> is appropriately qualified to act as a member of the assessment panel on account of the person's experience in local government.	CEO	NIL
<del>11.13.6E.</del> — <b>Panels Established by Minister</b>		
<u>13.1</u> <u>The power pursuant to Section 84(1)(c)(ii)(A) of the PDI Act to request the Minister to constitute a regional assessment panel in relation to the combined areas of the Council and one or more other councils.</u>	CEO	NIL
<del>11.13.2</del> <del>6E.1</del> — The power pursuant to Section 84(1)(c)(ii)(B) of the <u>PDI</u> Act to make submissions to the Minister about the constitution of a regional assessment panel in relation to the area of the Council <del>and one or</del>	CEO	NIL



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<del>part</del> more other councils (or parts of the areas such areas).		
<b><del>12.14.6F.</del> Substitution of Local Panels</b>		
<del>12.14.1</del> <b>6F.1</b> The power pursuant to Section 86(2)(a) of the <u>PDI</u> Act to make submissions to the Commission in relation to an inquiry.	CEO	NIL
<b><u>15. Notification of Acting</u></b>	CEO	NIL
<b>15.1</b> The power pursuant to Section 89(b) of the PDI Act to require an accredited professional to provide such information or documentation as the delegate may require.	CEO	NIL
<b><u>16. Essential Infrastructure – Alternative Assessment Process</u></b>		
<b>16.1</b> The power pursuant to Section 130(6) of the PDI Act to report to the Commission on any matters contained in a notice under Section 130(5) of the PDI Act.	CEO	NIL
<b>16.2</b> The power pursuant to Section 130(14) of the PDI Act to, if the Council has, in relation to any matters referred to the Council under Section 130(5) of the PDI Act, expressed opposition to the proposed development in its report under Section 130(6) of the PDI Act, withdraw the Council's opposition.	CEO	NIL
<b><del>13.17.</del> Initiation of Scheme</b>		
<del>13.17.1</del> The power pursuant to Section 163(3)(b) of the <u>PDI</u> Act to request the Minister initiate a proposal to proceed under Section 163 of the <u>PDI</u> Act.	CEO	NIL
<del>13.217.2</del> The power pursuant to Section 163(10) of the <u>PDI</u> Act to <del>consult with</del> make submissions to the Minister in relation to the draft outline.	CEO	NIL
<b><del>14.18.</del> Consideration of Proposed Scheme</b>		
<del>14.18.1</del> The power pursuant to Section 166(1)(c) of the <u>PDI</u> Act to consult with a scheme coordinator in relation to a scheme in accordance with the Community Engagement Charter.	CEO	NIL

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<b><del>15.19.</del> Adoption of Scheme</b>		
<del>15.19.1</del> The power pursuant to Section 167(7) of the <u>PDI</u> Act to <del>consult with</del> <u>make submissions to</u> the Minister in relation to a variation to <u>an outline of</u> a scheme.	CEO	NIL
<b><del>16.20.</del> Funding Arrangements</b>		
<del>16.20.1</del> The power pursuant to Section 169(2)(b) of the <u>PDI</u> Act in relation to a scheme that provides for the collection of contributions under Subdivision 8 of the <u>PDI</u> Act to apply for <u>any matter to be considered or determined by ESCOSA or some other prescribed person or body as part of</u> a periodic review of the levels and amounts of those contributions <del>and as part of such review for any matter to be considered or determined by ESCOSA.</del>	CEO	NIL
<del>1.2.</del> The power pursuant to Section 169(8) of the Act to approve a funding arrangement that provides for or includes the collection of contributions under subdivision 8 in relation to prescribed infrastructure.		
<del>16.22.2</del> The power pursuant to Section 169(9) of the <u>PDI</u> Act to <del>consult with</del> <u>make submissions to</u> the Commission in relation to a funding arrangement that is specifically relevant to the Council.	CEO	NIL
<b><del>17.21.</del> Contributions by Constituent Councils</b>		
<del>17.21.1</del> The power pursuant to Section 177(4) of the <u>PDI</u> Act to <del>consult with</del> <u>make submissions to</u> the Minister in relation to the Council's share.	CEO	NIL
<del>17.22.2</del> The power pursuant to Section 177(5) of the <u>PDI</u> Act to, at the request of the Minister, supply the Minister with information in the possession of the Council to enable the Minister to determine shares under Sections 177(2) and (3) of the <u>PDI</u> Act.	CEO	NIL
<b><del>18.22.</del> Imposition of Charge by Councils</b>		
<del>18.22.1</del> The power pursuant to Section 180(7) of the <u>PDI</u> Act, if the Council incurs costs in recovering a charge as a debt, to claim the reimbursement of those costs (insofar as they are reasonable) from the relevant fund established under subdivision 9, <u>Division 1, Part 13 of the PDI Act.</u>	CEO	NIL

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<b><u>19.23</u> Authorised Works</b>		
<b><u>19.123.1</u></b> The power pursuant to Section 187(1) of the <u>PDI</u> Act, subject to Section 187(3) of the <u>PDI</u> Act, to carry out any infrastructure works if the Council is authorised to so do by or under the <u>PDI</u> Act or any other Act.	CEO	NIL
<b><u>19.223.2</u></b> The power pursuant to Section 187(5) of the <u>PDI</u> Act, subject to Section 187(6) of the <u>PDI</u> Act, <del>to</del> in relation to a proposal that involves disturbing the surface of a road, or that otherwise relates to a road to:	CEO	NIL
<b><u>19.2.123.2.1</u></b> inform the relevant road maintenance authority of the proposal at least 28 days before the proposed commencement of any work; and	CEO	NIL
<b><u>19.2.223.2.2</u></b> give the relevant road maintenance authority a reasonable opportunity to consult with the Council in relation to the matter; and	CEO	NIL
<b><u>19.2.323.2.3</u></b> ensure that proper consideration is given to the views of the road maintenance authority.	CEO	NIL
<b><u>19.323.3</u></b> The power pursuant to Section 187(5)(b) of the <u>PDI</u> Act to <del>consult with</del> <u>make submissions to</u> the relevant road maintenance authority in relation to the matter.	CEO	NIL
<b><u>19.423.4</u></b> The power pursuant to Section 187(6) of the <u>PDI</u> Act, in a case of emergency, to only comply with Section 187(5) of the <u>PDI</u> Act to such extent as is practicable in the circumstances.	CEO	NIL
<b><u>20.24</u> Entry onto Land</b>		
<b><u>20.124.1</u></b> The power pursuant to Section 188(1) of the <u>PDI</u> Act to authorise a person for the purpose of undertaking any work or activity in connection with the exercise of a power under Division 2 of Part 13 of the <u>PDI</u> Act to:	CEO	NIL
<b><u>20.1.124.1.1</u></b> enter and pass over any land; and	CEO	NIL
<b><u>20.1.224.1.2</u></b> bring onto any land any vehicles, plant or equipment; and	CEO	NIL

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<del>20.1.3</del> <u>24.1.3</u> temporarily occupy land; and	CEO	NIL
<del>20.1.4</del> <u>24.1.4</u> do anything else reasonably required in connection with the exercise of the power.	CEO	NIL
<del>20.2</del> <u>24.2</u> The power pursuant to Section 188(4) of the <u>PDI</u> Act to pay reasonable compensation on account of any loss or damage caused by the exercise of a power under Section 188(1) of the <u>PDI</u> Act.	CEO	NIL
<del>21-25</del> <b>Acquisition of Land</b>		
<u>25.1</u> The power pursuant to Section 189(1) of the PDI Act, to:	CEO	NIL
<u>25.1.1</u> seek the consent of the Minister to acquire land for a purpose associated with infrastructure works under and in accordance with the <i>Land Acquisition Act 1969</i> ; and	CEO	NIL
<del>21.1.1</del> <u>25.1.2</u> <del>15.1</del> The power pursuant to Section 189(1) of the Act, to with the consent of the Minister, acquire land for a purpose associated with infrastructure works under and in accordance with the <i>Land Acquisition Act 1969</i> .	CEO	NIL
<u>26. Appointment of Authorised Officers</u>		
<u>26.1</u> The power pursuant to Section 210(1) of the PDI Act to:	CEO	NIL
<u>26.1.1</u> appoint a person to be an authorised officer for the purposes of the PDI Act; and	CEO	NIL
<u>26.1.2</u> appoint a person who holds the qualifications prescribed by the regulations to be an authorised officer for the purposes of the PDI Act if the Council is required to do so by the regulations.	CEO	NIL
<u>26.2</u> The power pursuant to Section 210(2) of the PDI Act to make an appointment of an authorised officer subject to conditions.	CEO	NIL
<u>26.3</u> The power pursuant to Section 210(3) of the PDI Act to issue each authorised officer an identity card:	CEO	NIL
<u>26.3.1</u> containing a photograph of the authorised officer; and	CEO	NIL

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<b>26.3.2</b> <u>stating any conditions of appointment limiting the authorised officer's appointment.</u>	CEO	NIL
<b>26.4</b> <u>The power pursuant to Section 210(5) of the PDI Act to, at any time, revoke an appointment which the Council has made, or vary or revoke a condition of such an appointment or impose a further such condition.</u>	CEO	NIL
<b>27. Enforcement Notices</b>		
<b>27.1</b> <u>The power pursuant to Section 213(1) of the PDI Act, if the delegate has reason to believe on reasonable grounds that a person has breached the PDI Act or the repealed Act, to do such of the following as the delegate considers necessary or appropriate in the circumstances:</u>	CEO	NIL
<b>27.1.1</b> <u>direct a person to refrain, either for a specified period or until further notice, from the PDI Act, or course of action, that constitutes the breach;</u>	CEO	NIL
<b>27.1.2</b> <u>direct a person to make good any breach in a manner, and within a period, specified by the delegate;</u>	CEO	NIL
<b>27.1.3</b> <u>take such urgent action as is required because of any situation resulting from the breach.</u>	CEO	NIL
<b>27.2</b> <u>The power pursuant to Section 213(2) of the PDI Act to give a direction under Section 213(1) of the PDI Act by notice in writing unless the delegate considers that the direction is urgently required.</u>	CEO	NIL
<b>27.3</b> <u>The power pursuant to Section 213(5) of the PDI Act, if a person fails to comply with a direction under Section 213(1)(b) of the PDI Act within the time specified in the notice, to cause the necessary action to be taken.</u>	CEO	NIL
<b>27.4</b> <u>The power pursuant to Section 213(6) of the PDI Act to recover the reasonable costs and expenses incurred by the Council (or any person acting on behalf of the Council) under Section 213 of the PDI Act, as a debt due from the person whose failure gave rise to the action.</u>	CEO	NIL
<b>27.5</b> <u>The power pursuant to Section 213(7) of the PDI Act, if an amount is recoverable from a person by the Council under Section 213 of the PDI Act to, by notice in writing to the person, fix a period, being not less</u>	CEO	NIL

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<u>than 28 days from the date of the notice, within which the amount must be paid by the person.</u>		
<b>28. Applications to Court</b>		
<b>28.1</b> <u>The power pursuant to Section 214(1) of the PDI Act to apply to the Court for an order to remedy or restrain a breach of the PDI Act or the repealed Act (whether or not any right of that person has been or may be infringed by or as a consequence of that breach).</u>	CEO	NIL
<b>28.2</b> <u>The power pursuant to Section 214(2) of the PDI Act to consent to proceedings under Section 214 of the PDI Act being brought in a representative capacity on behalf of the Council.</u>	CEO	NIL
<b>28.3</b> <u>The power pursuant to Section 214(4) of the PDI Act to make an application without notice to any person and to make an application to the Court to serve a summons requiring the respondent to appear before the Court to show cause why an order should not be made under Section 214 of the PDI Act.</u>	CEO	NIL
<b>28.4</b> <u>The power pursuant to Section 214(6) of the PDI Act to make submissions to the Court on the subject matter of the proceedings.</u>	CEO	NIL
<b>28.5</b> <u>The power pursuant to Section 214(9) of the PDI Act to appear before a final order is made and be heard in proceedings based on the application.</u>	CEO	NIL
<b>28.6</b> <u>The power pursuant to Section 214(10) of the PDI Act to make an application to the Court to make an interim order under Section 214 of the PDI Act.</u>	CEO	NIL
<b>28.7</b> <u>The power pursuant to Section 214(11) of the PDI Act to make an application for an interim order without notice to any person.</u>	CEO	NIL
<b>28.8</b> <u>The power pursuant to Section 214(12) of the PDI Act, if the Court makes an order under Section 214(6)(d) of the PDI Act and the respondent fails to comply with the order within the period specified by the Court, to cause any work contemplated by the order to be carried out, and recover the costs of that work, as a debt, from the respondent</u>	CEO	NIL
<b>28.9</b> <u>The power pursuant to Section 214(13) of the PDI Act, if an amount is recoverable from a person by the Council under Section 214(12) of the PDI Act to, by notice in writing to the person, fix a period, being not</u>	CEO	NIL

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<u>less than 28 days from the date of the notice, within which the amount must be paid by the person.</u>		
<b>28.10</b> <u>The power pursuant to Section 214(17) of the PDI Act to apply to the Court to vary or revoke an order previously made under Section 214 of the PDI Act.</u>	CEO	NIL
<b>29. Proceedings for Offences</b>		
<b>29.1</b> <u>The power pursuant to Section 219(1) of the PDI Act to commence proceedings for an offence against the PDI Act.</u>	CEO	NIL
<b>30. Adverse Publicity Orders</b>	CEO	NIL
<b>30.1</b> <u>The power pursuant to Section 223(2) of the PDI Act to make an application to the Court for an adverse publicity order.</u>	CEO	NIL
<b>30.2</b> <u>The power pursuant to Section 223(4) of the PDI Act, if the offender fails to give evidence to the Council in accordance with Section 224(1)(b) of the PDI Act to:</u>	CEO	NIL
<b>30.2.1</b> <u>take the action or actions specified in the order; and</u>	CEO	NIL
<b>30.2.2</b> <u>authorise a person in writing to take the action or actions specified in the order.</u>	CEO	NIL
<b>30.3</b> <u>The power pursuant to Section 223(5) of the PDI Act, if:</u>	CEO	NIL
<b>30.3.1</b> <u>the offender gives evidence to the Council in accordance with Section 223(1)(b) of the PDI Act; and</u>	CEO	NIL
<b>30.3.2</b> <u>despite the evidence, the delegate is not satisfied that the offender has taken the action or actions specified in the order in accordance with the order,</u>	CEO	NIL
<u>to apply to the court for an order authorising the Council, or a person authorised in writing by the Council, to take the action or actions and to authorise a person in writing to take the action or actions.</u>	CEO	NIL
<b>30.4</b> <u>The power pursuant to Section 223(6) of the PDI Act, if the Council, or a person authorised in writing by</u>	CEO	NIL

	Direct Delegation from Council	Conditions/ Limitations
<u>the Council, takes an action or actions in accordance with Section 223(4) of the PDI Act or an order under Section 223(5) of the PDI Act, to recover from the offender an amount in relation to the reasonable expenses of taking the action or actions, as a debt, due to the Council.</u>		
<b>31. Civil Penalties</b>	CEO	NIL
<b>31.1</b> <u>The power pursuant to Section 225(1) of the PDI Act, subject to Section 225 of the PDI Act, if the delegate is satisfied that a person has committed an offence by contravening a provision of the PDI Act, to, as an alternative to criminal proceedings, recover, by negotiation or by application to the Court, an amount as a civil penalty in respect of the contravention.</u>	CEO	NIL
<b>31.2</b> <u>The power pursuant to Section 225(2) of the PDI Act, in respect of a contravention where the relevant offence does not require proof of intention or some other state of mind, to determine whether to initiate proceedings for an offence or take action under Section 225 of the PDI Act, having regard to the seriousness of the contravention, the previous record of the offender and any other relevant factors.</u>	CEO	NIL
<b>31.3</b> <u>The power pursuant to Section 225(3) of the PDI Act to serve on the person a notice in the prescribed form advising the person that the person may, by written notice to the Council, elect to be prosecuted for the contravention.</u>	CEO	NIL
<b>31.4</b> <u>The power pursuant to Section 225(13) of the PDI Act to seek the authorisation of the Attorney-General to the commencement of proceedings for an order under Section 225 of the PDI Act.</u>	CEO	NIL
<b>31.5</b> <u>The power pursuant to Section 225(17) of the PDI Act to seek an authorisation from the Commission for the Council to act under Section 225 of the PDI Act.</u>	CEO	NIL
<b>32. Make Good Orders</b>	CEO	NIL
<b>32.1</b> <u>The power pursuant to Section 228(7) of the PDI Act to apply to the Court to vary or revoke an order under Section 228 of the PDI Act.</u>	CEO	NIL
<b>33. Recovery of Economic Benefit</b>	CEO	NIL
<b>33.1</b> <u>The power pursuant to Section 229(5) of the PDI Act to apply an amount paid to the Council in accordance</u>	CEO	NIL



	Direct Delegation from Council	Conditions/ Limitations
<u>with an order under Section 229(1) of the PDI Act for the purpose of acquiring or developing land as open space and to hold it in a fund established for the purposes of Section 198 of the PDI Act.</u>		
<b>34. Enforceable Voluntary Undertakings</b>		
<b>34.1</b> <u>The power pursuant to Section 230(1) of the PDI Act to accept (by written notice) a written undertaking given by a person in connection with a matter relating to a contravention or alleged contravention by the person of the PDI Act.</u>	CEO	NIL
<b>34.2</b> <u>The power pursuant to Section 230(4) of the PDI Act if the delegate considers that a person has contravened an undertaking accepted by the Council, to apply to the Court for enforcement of the undertaking.</u>	CEO	NIL
<b>34.3</b> <u>The power pursuant to Section 230(7) of the PDI Act to agree in writing with a person who has made an undertaking to:</u>	CEO	NIL
<b>34.3.1</b> <u>vary the undertaking; or</u>	CEO	NIL
<b>34.3.2</b> <u>withdraw the undertaking.</u>	CEO	NIL
<b>34.4</b> <u>The power pursuant to Section 230(11) of the PDI Act to accept an undertaking in respect of a contravention or alleged contravention before proceedings in respect of that contravention have been finalised.</u>	CEO	NIL
<b>34.5</b> <u>The power pursuant to Section 230(12) of the PDI Act if the delegate accepts an undertaking before the proceedings are finalised, to take all reasonable steps to have the proceedings discontinued as soon as possible.</u>	CEO	NIL
<b>34.6</b> <u>The power pursuant to Section 230(14) of the PDI Act to seek an authorisation from the Commission for the Council to act under Section 230 of the PDI Act.</u>	CEO	NIL
<b>35. Charges on Land</b>		
<b>35.1</b> <u>The power pursuant to Section 239(1) of the PDI Act if a charge on land is created under a provision of the</u>	CEO	NIL

	Direct Delegation from Council	Conditions/ Limitations
<u>PDI Act in favour of the Council, to deliver to the Registrar-General a notice in a form determined by the Registrar-General, setting out the amount of the charge and the land over which the charge is claimed.</u>		
<b>35.2</b> <u>The power pursuant to Section 239(6) of the PDI Act if a charge in the Council's favour exists and the amount to which the charge relates is paid, to by notice to the appropriate authority in a form determined by the Registrar-General, apply for the discharge of the charge.</u>	CEO	NIL
<b>36. Registering Authorities to Note Transfer</b>		
<b>36.1</b> <u>The power pursuant to Section 240(1) of the PDI Act to apply to the Registrar-General or another authority required or authorised under a law of the State to register or record transactions affecting assets, rights or liabilities, or documents relating to such transactions, to register or record in an appropriate manner the transfer to the Council of an asset, right or liability by regulation, proclamation or notice under the PDI Act.</u>	CEO	NIL
<b>22.37. Review of Performance</b>		
<del>22.137.1</del> <b>22.37.1</b> <u>The power pursuant to Clause 3(3) of Schedule 4 of the PDI Act to explain the Council's actions, and to make submissions (including, if relevant, an indication of undertakings that the Council is willing to give in order to take remedial action), to the Minister.</u>	CEO	NIL
<del>22.237.2</del> <b>22.37.2</b> <u>The power pursuant to Clause 3(14) of Schedule 4 of the PDI Act to make submissions to the Minister on the report on which the <del>action</del>PDI Action to be taken by the Minister under Clause 3(13) of Schedule 4 of the PDI Act is based.</u>	CEO	NIL
<del>22.337.3</del> <b>22.37.3</b> <u>The power pursuant to Clause 3(15) of Schedule 4 of the PDI Act, if the Minister makes a recommendation to the Council under Clause 3(13)(a) of Schedule 4 of the PDI Act and the Minister subsequently considers that the Council has not, within a reasonable period, taken appropriate action in view of the recommendation, <del>consult with</del>to make submissions to the Minister in relation to the directions of the Minister.</u>	CEO	NIL
<del>22.437.4</del> <b>22.37.4</b> <u>The power pursuant to Clause 3(16) of Schedule 4 of the PDI Act to comply with a direction under Clauses 3(13) or (15) of Schedule 4 of the PDI Act.</u>	CEO	NIL
<b>38. Planning and Design Code</b>		

	Direct Delegation from Council	Conditions/ Limitations
<b>38.1</b> The power pursuant to Clause 9(6)(a) of Schedule 8 of the PDI Act to apply to the Minister for approval to commence the process under Section 25 of the repealed Act.	CEO	NIL
<b>23.39. General Schemes</b>		
<b>23.139.1</b> The power pursuant to Clause 30(3) of Schedule 8 of the PDI Act to request the Minister make a declaration under Clause 30(2) of Schedule 8 of the PDI Act in relation to a scheme.	CEO	NIL
<b>PLANNING, DEVELOPMENT AND INFRASTRUCTURE (TRANSITIONAL PROVISIONS) REGULATIONS 2017</b>		
<b>40. Adoption Of DPAs</b>		
<b>40.1</b> The power pursuant to regulation 8(1)(c) of the planning, development and infrastructure (transitional provisions) regulations 2017 (the <b>Transitional Provisions Regulations</b> ) to apply to the minister under regulation 8 of the transitional provisions regulations in accordance with any requirement determined by the minister.	CEO	NIL

		Direct Delegation from Council	Conditions/ Limitations
<b>INSTRUMENT OF DELEGATION UNDER THE PLANNING, DEVELOPMENT AND INFRASTRUCTURE ACT 2016 OF POWERS OF A COUNCIL AS A RELEVANT AUTHORITY</b>			
<b>1.</b>	<b>Environment and Food Production Areas – Greater Adelaide</b>		
<b>1.1</b>	The power pursuant to Section 7(5)(a) and (d) of the Planning, Development and Infrastructure Act 2016 ( <b>the PDI Act</b> ), in relation to a proposed development in an environment and food production area that involves a division of land that would create 1 or more additional allotments:	CEO	NIL
<b>1.1.1</b>	to seek the concurrence of the Commission in the granting of the development authorisation to the development;	CEO	NIL
<b>1.1.2</b>	to, if the proposed development will create additional allotments to be used for residential development, refuse to grant development authorisation in relation to the proposed development.	CEO	NIL

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

**Item:** 12.15

**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:**

Meeting Date	Meeting	Res No.	Item Name	Previously Declared COI
27/05/2014	Ordinary Council	95/14	William St Birdwood Street Furniture, plaque	None declared
26/09/2017	Ordinary Council	207c/17	Heritage Agreement Reports - Woorabinda Bushland Reserves	None declared
24/07/2018	Ordinary Council	162/18	MON Use of Recycled Material in Capital Works	None declared
28/08/2018	Ordinary Council	197/18	Household Hazardous Waste Disposal	None declared
26/03/2019	Ordinary Council	76/19	Kenton Valley War Memorial Park	None declared
26/03/2019	Ordinary Council	86/19	Sale of land at the former Onkaparinga Woollen Mills site at Lobethal	None declared
4/06/2019	Special Council	135/19	Road Closures Adelaide Rally Event	None declared
23/07/2019	Ordinary Council	189/19	Community Land Management Plans	None declared
23/07/2019	Ordinary Council	195/19	Biodiversity Strategy Review	None declared
27/08/2019	Ordinary Council	215/19	Procurement Policy	None declared
27/08/2019	Ordinary Council	216/19	Disposal of Assets Policy	None declared
27/08/2019	Ordinary Council	227/19	Global Climate Strike	None declared
24/09/2019	Ordinary Council	244/19	Petition - Opposing New Wireless Telecommunication Infrastructure	None declared
24/09/2019	Ordinary Council	245/19	MON Boundary Reform Proposal Engagement	None declared
24/09/2019	Ordinary Council	248/19	Bird in Hand Mine Proposal	None declared
24/09/2019	Ordinary Council	249/19	Submission re Genetically Modified Crops	None declared
24/09/2019	Ordinary Council	250/19	Biodiversity Strategy Final Report	None declared
24/09/2019	Ordinary Council	251/19	Community Land Management Plan Review	Cr John Kemp - Perceived
24/09/2019	Ordinary Council	257/19	Delegations Review	None declared

## 1. GOVERNANCE

### ➤ Strategic Management Plan/Council Policy

Goal                      Organisational Sustainability  
Strategy                Governance

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

### ➤ Legal Implications

Not applicable

### ➤ Risk Management Implications

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

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

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

### ➤ Financial and Resource Implications

Not applicable

### ➤ Customer Service and Community/Cultural Implications

Not applicable

### ➤ Environmental Implications

Not applicable

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

Not applicable

## **2. BACKGROUND**

At its meeting of 24 March 2015 Council resolved:

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

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

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

## **3. ANALYSIS**

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

## **4. OPTIONS**

Council has the following options:

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

## **5. APPENDIX**

- (1) Action List



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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	Date of Update	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	Completed	3/09/2019	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 Update 3/09/19 Bench will be installed in the week beginning 9 September and there will be a dedication ceremony on Friday 13 September Update 9/10/19 Bench installed, project complete
24/03/2015	Ordinary Council	57/15	Confidential Item - Morella Grove	None declared	As per confidential minute	Peter Bice	In Progress	10/10/2019	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	10/10/2019	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. The Norton Summit Church has advised that they are actively working with the State Diocese to progress the matter.
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	Peter Bice	In Progress	10/10/2019	No change - 10/10/19.  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	10/10/2019	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 with Ministerial approval being sought.
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	10/10/2019	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.

Meeting Date	Meeting	Res No.	Item Name	Previously Declared COI	Action Required (Council Resolution)	Responsible Director	Status	Date of Update	Status (for Council reporting)
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	Peter Bice	In Progress	10/10/2019	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.  The date of Approval for the Variation to the Land Division was 5 February 2018 and thus the landscaping needed to be completed by 5 February 2020. This was the variation that increased the size of the reserve area.  A draft LMA is nearing completion and should be issued to the Developer in Late September 2019.
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	Completed	10/10/2019	New Community Land Management Plan adopted by Council at September 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 (Appendix 3) 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 Appendix 3 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 Appendix 7 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	Terry Crackett	In Progress	10/10/2019	Final road document have been signed by Council and returned to surveyor to progress. Settlement funds have been received and approval provided for lodgement of final documents with the Surveyor-General.
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	9/10/2019	2018 spring burns completed on Lobethal Bushland Park, Yanagin Reserve, Belair (Upper Sturt) site and Mylor Oval (recently included in the DEW Burning on Private Lands Program). Heathfield Waste Facility site 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. Draft Weed Management Plans have been submitted for Council staff to review for Lobethal Bushland Park and Mylor Oval site. Council post fire weed management has been undertaken at the Mylor Oval site in July 2019. A new site located at Morgan Road, Ironbank proposed for Spring 2019 (Mon 7th Oct and Fri 15th Nov). Moutout to residents complete.
23/01/2018	Ordinary Council	4/18	Road Exchange - Mt Torrens Walking Loop	None declared	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 (Appendix 1) with Allotment comprising pieces 81 & 82 in Filed Plan No. 218134 comprised in Certificate of Title Volume 6025 Folio 732 owned by Brian Bruce WillisonOpen the land identified as “1” in Preliminary Plan No 17/0041 as public road being portion of Allotment comprising pieces 81 & 82 in Filed Plan No. 218134 comprised in Certificate of Title Volume 6025 Folio 732 owned by Brian Bruce Willison The closed road be excluded as Community Land pursuant to the Local Government Act 1999 To undertake the road exchange for nil consideration with the Council to pay all necessary costs to effect this resolution To authorise the Chief executive Officer (or delegate) to finalise and sign all	Terry Crackett	In Progress	10/10/2019	Documents have been executed by Council and returned to the Conveyancer for lodgement with the Surveyor-General. Awaiting confirmation of execution of documents from land owners.

Meeting Date	Meeting	Res No.	Item Name	Previously Declared COI	Action Required (Council Resolution)	Responsible Director	Status	Date of Update	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	David Waters	In Progress	8/10/2019	The Hub Director commenced on 23 July 2018.  The progress report was received by Council on 22 January 2019.  A draft of the Evaluation Framework has been shared with ELT, has been reviewed by an arts industry consultant, and is ready for final review/adoption by ELT.
27/02/2018	Ordinary Council	57/18	Confidential Item - AH Swimming Centre Shade Sail	None declared	As per confidential minute	Terry Crackett	In Progress	10/10/2019	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	10/10/2019	Progressing per confidential minutes
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	Completed	10/10/2019	Council Staff are in the process of identifying, measuring and recording recycled material usage as part of Capital Works projects. We have had success in working with suppliers to include this type of information moving forward, as well as part of our Circular Procurement Project. We have however had some challenges with seeking retrospective information. 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, and has revealed some challenges with seeking this information retrospectively. These learnings will help us moving forward. Further details were provided to Council as part fo the Cricular Procurement report at the September 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	Completed	17/10/2019	The Heathfield Chemical and Paint drop off facility is now open as per email from John McArthur dated 13 September 2019.

Meeting Date	Meeting	Res No.	Item Name	Previously Declared COI	Action Required (Council Resolution)	Responsible Director	Status	Date of Update	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; Kiley Road Nature Reserve, Kyle Road, Mylor; Carey Gully Water Reserve, Deviation Road, Carey Gully; Heathfield Stone Reserve, 215 Longwood Road, Heathfield; Mylor Parklands, Mylor</p> <p>all being of significant biodiversity value, into Heritage Agreements.</p> <p>3. That the Heritage Agreements retain the existing dog access arrangements in place for each of those reserves.</p>	Peter Bice	In Progress	9/10/2019	<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 S48 of the Local Government Act 1999 does not require a prudential review to be undertaken, the report in relation to this project is consistent with the provisions of S48. The Administration is to continue to work collaboratively with the City of Onkaparinga and Rural City of Murray Bridge for the potential divestment of Council's CWMS. That probity advisory services continue to be</p>	Peter Bice	In Progress	17/10/2019	<p>In collaboration with project partners currently progressing with preparation of request for tender process and documentation.</p> <p>Commercial advisory services have been engaged to ensure the approach to market is undertaken in such a manner to maximise return.</p> <p>To assist and inform future decision making, external reports have been 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> <p>Request for Tenders forecast to be released November/December 2019 and evaluated in February/March 2020.</p>
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	Peter Bice	In Progress	10/10/2019	A report will be prepared for the 26 November 2019 Council Meeting. This will incorporate outcomes from the Community Consultation.
11/09/2018	Special Council	229/18	Road Exchange McBeath Drive, Skye Horsnell Gully	None declared	<p>In accordance with sections 12 and 15 of the Roads (Opening and Closing) Act 1991, as regards the land within the Adelaide Hills Council area, enter into an Agreement for Exchange with Boral Resources (SA) Ltd and issue a Road Process Order to open as road portions of Section 906 Hundred of Adelaide numbered "1", "2" and "3" on Preliminary Plan No. 17/0066 (Appendix 1) and in exchange to close portions of McBeath Drive marked "A", "B", "C" and "D" on Preliminary Plan No. 17/0066, subject to the following: Boral Resources (SA) Ltd agreeing to pay all costs associated with the road exchange process including but not limited to all survey, valuation and reasonable legal costs; Boral Resources (SA) Ltd agreeing to pay all costs associated with a Council boundary adjustment between Adelaide Hills Council and the City of Burnside to rectify the resulting Council boundary anomaly from road exchange process</p> <p>The closed road is excluded as Community Land pursuant to the Local Government Act 1999.</p> <p>Council approves the sale of the differential between the total area of closed road and the total area of opened road of approximately 1,242m<sup>2</sup> to Boral Resources (SA) Ltd for the amount of \$6,210 as determined by an independent valuation.</p> <p>Subject to the successful completion of the road exchange process, Council undertakes a process in conjunction with the City of Burnside to realign the local government boundary along the new location of McBeath Drive to the south side of pieces 42, 52 and 62 of the proposed residential allotments in accordance with the provisions of the Local Government (Boundary Adjustment) Amendment Act 2017 (to commence on 1 January 2019) and/or Part 2 of Chapter 3 of the Local Government Act 1999.</p> <p>The Mayor and Chief Executive Officer be authorised to sign all documents</p>	Terry Crackett	In Progress	10/10/2019	<p>Road exchange documentation has been executed and provided to Boral for lodgement with the Surveyor-General.</p> <p>Submission has been prepared and lodged with the Boundaries Commission jointly on behalf of the City of Burnside and Adelaide Hills Council. The Boundaries Commission has agreed to investigate the proposal and that process is underway. Further feedback has been provided to the Boundaries Commission to progress.</p> <p>Boral are negotiating a Land Management Agreement with the State Government which has delayed the completion of the land division and road exchange</p>

Meeting Date	Meeting	Res No.	Item Name	Previously Declared COI	Action Required (Council Resolution)	Responsible Director	Status	Date of Update	Status (for Council reporting)
11/09/2018	Special Council	232/18	Revocation of Community Land – Bridgewater Retirement Village	None declared	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. To commence a process to vary the charitable trust affecting the Land by investigating land parcels owned by the Adelaide Hills Council, including Carripook Park, Candlebark Reserve and Vincent Playground Reserve, that may be suitable for the development of a landscaped garden for the benefit of the community and for the construction of a memorial to the Ash Wednesday Bushfires of 1983 as contemplated by the charitable trust over the Land and invite community suggestions and feedback in relation to any appropriate land parcels. To approve a budget allocation in the amount of \$10,000 for legal expenses	Terry Crackett	In Progress	10/10/2019	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. Council, at the meeting of 27 August 2019, approved Carripook Park as the location to vary the trust to. Community consultation regarding the revocation of community land will now progress.
11/09/2018	Special Council	238/18	Ashton Landfill – Confidential Item	None declared	Until 10 September 2019. Pursuant to section 91(9)(c) of the <i>Local Government Act 1999</i> , Council delegates the power to revoke the confidentiality order either partially or in full to the Chief Executive Officer. Refer to confidential minute	Peter Bice	In Progress	17/10/2019	Council continues to progress the matter.
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	Terry Crackett	In Progress	10/10/2019	A Valuation has been received from DEW. The Preliminary Plan has been signed for submission to the Surveyor-General. Community consultation has been completed and a report will be presented to Council at the October meeting for consideration.
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 HoughtonTuesday 30 July 2019 at GumerachaTuesday 29 October 2019 at Norton SummitThat 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	David Waters	In Progress	9/10/2019	The third and final forum will be held at Norton Summit on 29 October 2019. Planning is underway for this meeting and community groups and local residents, business owners have been invited to attend.
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	Peter Bice	In Progress	9/10/2019	The draft Corporate Carbon Management Plan has been completed and will be presented to Council for endorsement on Tuesday 22 October 2019.
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.	Terry Crackett	Completed	10/10/2019	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. Community Consultation has been completed. COuncil resolved to not take any further action in relation to this item at the September 2019 meeting

Meeting Date	Meeting	Res No.	Item Name	Previously Declared COI	Action Required (Council Resolution)	Responsible Director	Status	Date of Update	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 known 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 following the EOI detailing the results	Terry Crackett	In Progress	10/10/2019	The land sits within the Environmental Food Protection Area and proposed use is not supported. An application will be made to DPTI for a review once the Minister announces the review, likely to be in mid 2020. Subject to a removal of the land from the EFPA, a development application will then be lodged for the division of the cottages (noting that it will be a non-complying development)
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	10/10/2019	Investigations as to options for marking of graves has commenced and once collated, Council staff have met with the Scott Creek Progress Association Committee to progress.
26/03/2019	Ordinary Council	86/19	Sale of land at the former Onkaparinga Woollen Mills site at	None declared	As per confidential resolution	Terry Crackett	Completed	10/10/2019	Progressing in accordance with the resolution
7/05/2019	Special Council	94/19	Stonehenge Reserve Masterplan Update and Findings from Consultation	None declared	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 & 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.	Peter Bice	In Progress	10/10/2019	Administration have begun discussions with the Office for Recreation, Sport & Racing and Tennis SA regarding a variation to the grant funding agreement that allows new court construction at an alternative site.
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	10/10/2019	

Meeting Date	Meeting	Res No.	Item Name	Previously Declared COI	Action Required (Council Resolution)	Responsible Director	Status	Date of Update	Status (for Council reporting)
28/05/2019	Ordinary Council	116/19	Options for Crown Reserves	None declared	The report be received and noted A formal approach be made to the Department for Environment and Water to seek its support for a. the revocation of dedications for the following Crown Records Refer to Minutes b. a change in custodian of Crown records 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. the revocation of dedication for Crown Record CR 5926/487, Lot 20 Bell Springs Road Charleston, to be incorporated into the protected areas system. 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). 3. Following a formal response from the Department for Environment and Water, community consultation be undertaken with the public being offered a minimum of 21 days in which to comment on the recommendations. A further report be presented to Council following conclusion of the consultation period.	Terry Crackett	In Progress	10/10/2019	A formal approach has been submitted in accordance with the resolution. The Department for Environment and Water has responded positively. Public consultation has been completed. A report will be presented to the November meeting of Council.
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	David Waters	Completed	9/10/2019	We have received confirmation from the organisers of all conditions 1 - 6. The Adelaide Rally Sprint event has been run without incident and the Adelaide Rally is to be held in early December.
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 (Appendix 1) 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 Appendix 2 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	Terry Crackett	In Progress	10/10/2019	Following endorsement by Council of the key Goal Areas and Objectives, considerable work has been undertaken by administration to develop initial priorities that capture community feedback as well as outcomes from all functional strates and plan. A workshop of Council has been scheduled for early November to further develop these priorities prior to a further round of community consultation.
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	9/10/2019	This will be actioned after the event in December 2019.
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	14/10/2019	Updated correspondence was sent to Woodforde and Rostrevor residents. The consultancy brief for the Strategic Boundary Review is out for quotation.
25/06/2019	Ordinary Council	164/19	2018 – 2019 Play Space Upgrades – Confidential Item	None declared	As per Confidential Minute	Peter Bice	In Progress	11/10/2019	Ongoing



Meeting Date	Meeting	Res No.	Item Name	Previously Declared COI	Action Required (Council Resolution)	Responsible Director	Status	Date of Update	Status (for Council reporting)
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	10/10/2019	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	10/10/2019	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	10/10/2019	
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	In Progress	9/10/2019	Procurement process for mobile library replacement is underway. Development of the library services strategy is underway.
25/06/2019	Ordinary Council	181/19	Sale of Land for non payment of rates - CONFIDENTIAL	Cr Linda Green	As per confidential minute	Terry Crackett	In Progress	10/10/2019	Actions are progressing in accordance with confidential minute. Sales of two properties scheduled for 22nd October 2019.
23/07/2019	Ordinary Council	185/19	Additional Borrowings for Capital Renewal Escalation	None declared	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.	Terry Crackett	In Progress	8/10/2019	Council Workshop held on 8 October 2019 with attendance by the LGFA. Report to be presented to 22 October 2019 meeting.
23/07/2019	Ordinary Council	186/19	Naming of Reserve, Houghton	None declared	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	Terry Crackett	In Progress	10/10/2019	Community consultation regarding naming options will be undertaken in late October, advertising material to be placed on the site is currently being arranged.
23/07/2019	Ordinary Council	188/19	LED Street Lighting Upgrade	None declared	That the report be received and noted.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.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.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.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.That a further report be provided to Council on the outcome of the continued discussions with SAPN and DPTI.	Peter Bice	In Progress	11/10/2019	The contractor has commenced the roll out of LED in the north of the Council area.  SAPN Letter of Offer accepted.  Hardware supplier agreed and notified. SAPN final contract offer being reviewed.  Procurement process for hardware installation has commenced. Subject to availability of hardware, installation on site is proposed to commence prior to the end of the calendar year.  Follow-up contact made with SAPN to progress contract and management of roll-out including any design work, communications and project management.
23/07/2019	Ordinary Council	189/19	Community Land Management Plans	None declared	That the report be received and notedThat public consultation on the revocation of the current Community Land Management Plans be carried out in accordance with section 198 of the <i>Local Government Act 1999</i> That public consultation on the adoption of the draft Community Land Management Plans ( <i>Appendix 1</i> ) be carried out in accordance with Council's Public Consultation Policy consistent with section 197 of the <i>Local Government Act 1999</i> 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 <i>Local Government Act 1999</i> 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	Terry Crackett	Completed	10/10/2019	New plans adopted by Council at September 2019 meeting

Meeting Date	Meeting	Res No.	Item Name	Previously Declared COI	Action Required (Council Resolution)	Responsible Director	Status	Date of Update	Status (for Council reporting)
23/07/2019	Ordinary Council	195/19	Biodiversity Strategy Review	None declared	That the report be received and noted.To endorse the release of the Draft AHC Biodiversity Strategy for public consultation, as contained in Appendix 1.That the CEO be authorised to:Make any formatting, nomenclature or other minor changes to the Draft 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 Public Consultation Policy. 4.That following the public consultation a further report be brought back to	Peter Bice	Completed	9/10/2019	Release of the Biodiversity Strategy Framework Draft released for 3 Week public consultation. Ending 8/9/2019. Consolidation and analysis of consultation feedback commenced.
27/08/2019	Ordinary Council	211/19	Feral Deer Management	None declared	That the Chief Executive Officer write to PIRSA and the responsible Ministers to:Bring to their attention the concerns the Adelaide Hills Council has in relation to increasing number of feral deer in the Adelaide Hills.Bring to their attention the damage being caused to vineyards and orchards, along with the hazard they create for road users.Ask if consideration to develop a state-wide deer management plan has occurred and if so what the outcome was. Ask what action(s) the government undertake to manage feral deer on government land including Forestry Land, DEW land and SA Water land	Peter Bice	In Progress	10/10/2019	Response was provided to PIRSA and DEW as per information tabled at the meeting where the MoN response was provided.
27/08/2019	Ordinary Council	215/19	Procurement Policy	None declared	That the report be received and noted.With an effective date of 1 October 2019, to revoke the November 2016 <i>Procurement Policy</i> and to adopt the revised draft <i>Procurement Policy</i> in Appendix 1 with the following changes to the 4th dot point of Section 5.6.2:  Remove the words "To the extent permitted by law, Council will give preference to economic benefit to the Adelaide Hills Council area when all other commercial considerations are equal (e.g. capability, capacity and competitiveness) 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	Terry Crackett	Completed	8/10/2019	Procurement Policy updated to reflect Council Decision and now on website. Procurement Framework updated in line with policy and training plan being rolled out to ensure users are conversant with new policy.
27/08/2019	Ordinary Council	216/19	Disposal of Assets Policy	None declared	That the report be received and notedWith an effective date of 10 September 2019, to revoke the <i>Disposal of Land Policy</i> , as detailed at Appendix 2, and to revoke the <i>Disposal of Materials Policy</i> , as detailed at Appendix 3 and to adopt the draft <i>Disposal of Assets Policy</i> in Appendix 1.That the Chief Executive Officer, or delegate, be authorised to make any formatting, nomenclature or other minor changes to the <i>Disposal of Assets Policy</i> during the period of its currency.	Terry Crackett	Completed	9/10/2019	Policy updated and placed on website.
27/08/2019	Ordinary Council	219/19	Bridgewater Retirement Village - Trust Variation Scheme (Carrivook Park)	None declared	That the report be received and notedThat Carrivook Park in Bridgewater, being land on the north eastern corner of Kain Avenue and Mt Barker Road Bridgewater previously identified as Allotment 137 in Deposited Plan No. 1427 ( <i>Appendix 1</i> ), be the nominated reserve to include in the trust variation scheme application to the Supreme Court to vary the F H Todd trust from the land at the corner of Second Avenue and Mt Barker Road Bridgewater contained in Certificate of Title Volume 5488 Folio 788.That a further report be presented to Council following conclusion of community	Terry Crackett	In Progress	10/10/2019	Community consultation regarding the revocation of community land for the land attached to the F H Todd Trust will commence in late October.
27/08/2019	Ordinary Council	220/19	Road Closure Portion Road Reserve adjacent 38-42 Sturt Valley Road Stirling	None declared	1. That the report be received and noted 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 attached to this report with Allotment 203 in Deposited Plan No 62796 comprised in Certificate of Title Volume 5907 Folio 850 as detailed in Appendix 2 of this report. 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> ; andThe piece marked "A" be sold to Mr Peter McKay and Ms Simona Achitel, the owners of the property with which it is merging for the amount of \$8,800.00 plus GST (if applicable) and all fees and charges associated with the road closure process.	Terry Crackett	In Progress	10/10/2019	Progressing in accordance with the resolution
27/08/2019	Ordinary Council	221/19	Audit Committee Independent Membership	None declared	That the report be received and notedThat in relation to the Audit Committee:To undertake a recruitment process for the selection of two Independent Ordinary Members for the Audit Committee for a term of 24 months, commencing 1 December 2019.	Andrew Aitken	In Progress	14/10/2019	Recruitment process is underway.  Interviews scheduled for late October and a report to the November meeting for consideration of appointment recommendations.

Meeting Date	Meeting	Res No.	Item Name	Previously Declared COI	Action Required (Council Resolution)	Responsible Director	Status	Date of Update	Status (for Council reporting)
27/08/2019	Ordinary Council	223/19	Review of Primary Production Incentive Grant Funding	None declared	1. That the report be received and noted. 2. That the Primary Production Incentive Grant be discontinued and the balance of the funds be redirected to community education on rural land management issues and European Wasp control for the benefit of the primary production sector.	Marc Salver	In Progress	9/10/2019	Identification of rural land management topics to educate the community on was discussed at the 25 September 2019 meeting of the RLMAG. This will be further considered at its forthcoming meeting to be held on the 23 October. Staff will then prepare relevant material in this regard to put on Council's media channels. Further, depending on the number of wasp complaints in the coming months, some of these funds may be used to increase capacity in the Regulatory Services Team to eradicate European wasp nests.
27/08/2019	Ordinary Council	227/19	Global Climate Strike	None declared	1. Publicly declares this Council's support for the Global Climate Strike on 20 September 2019; 2. Declares this Council's support for the three demands of the School Strike 4 Climate: No new coal, oil and gas projects, including the Adani mine 100% renewable energy generation and exports by 2030 a just transition & job creation for all fossil-fuel industry workers	Andrew Aitken	Completed	14/10/2019	No specific implementation action required.
27/08/2019	Ordinary Council	236/19	Roundabout Landscaping Upgrade - Confidential item	None declared	as per confidential minute	Peter Bice	In Progress	17/10/2019	Actions to be undertaken as per confidential resolution.
17/09/2019	Special Council	239/19	Circular Procurement Pilot Project	None declared	Council resolves: That the report be received and noted. To approve participation in the Circular Procurement Pilot Project. That the Chief Executive Officer be authorised to execute the Memorandum of Understanding as contained in Appendix 1 of this report. That the Council endorses, in principle, the following targets: subject to the procurement needs and requirements of Council in 2020/21 purchasing recycled plastic products or materials equivalent to 10% of the weight of plastic collected within the Council area, which is equivalent to approximately 25 tonnes based on 2017/18 data. subject to the procurement needs and requirements of Council, commencing in 2021/22 Council will incrementally increase its purchasing of recycled plastic products or materials thereafter until it is equivalent to 50% of the weight of plastic collected within the Council area, which is equivalent to 124 tonnes based on 2017/18 data. That a report be provided to Council in early 2021/22 providing an update on the Council's participation in the Circular Procurement Pilot Project for the period 2020/21.	Peter Bice	In Progress	17/10/2019	The Circular Procurement Project is now underway, and the Memorandum of Understanding has been executed.
24/09/2019	Ordinary Council	244/19	Petition - Opposing New Wireless Telecommunication Infrastructure	None declared	Council resolves that the petition signed by 131 signatories, opposing new wireless telecommunication infrastructure be received and noted.	Andrew Aitken	Completed	25/09/2019	Letter sent to Head Petitioner with copy of QON 10.1 re Telecommunications Facility
24/09/2019	Ordinary Council	245/19	MON Boundary Reform Proposal Engagement	None declared	Continue to engage with the affected residents and ratepayers of Rostrevor and Woodforde to keep them informed on the progress of the Campbelltown City Council Boundary Realignment Proposal. Request Campbelltown City Council to provide Adelaide Hills Council with their project plan and their engagement plans (or equivalents) for the development and lodgement of the Stage 2 Boundary Realignment Proposal. Defer the provision of further assistance to Campbelltown City Council regarding the Stage 2 Boundary Realignment Proposal pending the receipt of the requested project plan and engagement plan.	Andrew Aitken	Completed	14/10/2019	Mayor Wisdom wrote to Mayor Whittaker on 27 September 2019 advising Council's position. No response received to date.
24/09/2019	Ordinary Council	247/19	11.2 Boundary Reform Proposal Survey of Residents in Rostrevor & Woodforde	None declared	1. The CEO conducts a postal survey of the residents and ratepayers of the areas of Rostrevor and Woodforde affected by the Campbelltown City Council boundary change proposal to determine the level of support for the proposal in that community. 2. Distribution of the survey is accompanied by a short document that describes the impacts of the proposed boundary change in the areas such as planning, rating, service provision, representation etc. 3. The survey asks whether the participant supports, opposes or is undecided with respect to the proposal. 4. Space is provided in the survey for an explanation of reasons or general comments. 5. That an amount of \$10,000 be included in the 2019/20 budget to fund any costs associated with undertaking the survey.	Andrew Aitken	In Progress	25/09/2019	Preparation of the survey form and information sheet is well underway. Anticipate that the survey will be delivered in late October/early November and a report prepared for the December 2019 Council meeting.

Meeting Date	Meeting	Res No.	Item Name	Previously Declared COI	Action Required (Council Resolution)	Responsible Director	Status	Date of Update	Status (for Council reporting)
24/09/2019	Ordinary Council	248/19	Bird in Hand Mine Proposal	None declared	<ol style="list-style-type: none"> <li>1. That the report be received and noted.</li> <li>2. That the Council makes a submission to the Department for Energy and Mining as part of the consultation process for the Terramin Bird in Hand mining lease proposal.</li> <li>3. That the Council's submission be as contained in Appendix 1 and Appendix 2 to this report with the replacement of the first sentence of the third paragraph of Appendix 1 with "At its meeting on 24 September 2019, Council weighed up the risks and impacts (both positive and negative) of the proposed mine on the Woodside and wider Adelaide Hills community and resolved on balance to oppose the granting of the Mining Lease in its current form and to provide comments on the content of the application."</li> <li>4. To authorise the Chief Executive to make minor content changes to the submission to reflect matters raised in consideration of the agenda item prior to submission</li> </ol>	David Waters	Completed	25/09/2019	Letter and submission sent 25/9/19
24/09/2019	Ordinary Council	249/19	Submission re Genetically Modified Crops	None declared	That the report be received and noted.To endorse the submission on the State's proposed lifting of the Moratorium on Genetically Modified Food Crops as contained in <i>Appendix 3</i> of this report.That the Council's current <i>Genetically Modified Crops Policy</i> be reviewed should the Moratorium be	Marc Salver	Completed	9/10/2019	The Council approved submission was sent to PIRSA on 1 October 2019
24/09/2019	Ordinary Council	250/19	Biodiversity Strategy Final Report	None declared	That the report be received and noted.That the final draft AHC Biodiversity Strategy be approved for implementation, as contained in Appendix 1 with any funding implications to be considered during the next review of the Long Term Financial Plan.The public consultation outcomes report be accepted (in compliance with the provisions of Council's Public Consultation Policy). 4. That the CEO be authorised to make any formatting, nomenclature or	Peter Bice	Completed	9/10/2019	
24/09/2019	Ordinary Council	251/19	Community Land Management Plan Review	Cr John Kemp - Perceived	That the report be received and noted.That the current community land management plans be revoked in accordance with section 198 of the <i>Local Government Act 1999</i> .That the draft community land management plans as presented in <i>Appendix 1</i> and draft register presented as <i>Appendix 2</i> be adopted in accordance with section 196 of the <i>Local Government Act 1999</i> .	Terry Crackett	Completed	10/10/2019	New Community Land Management Plan and Community Land Register are available on Council's website
24/09/2019	Ordinary Council	252/19	Kenton Valley War Memorial Park	None declared	That the report be received and notedThat no further action be taken at this time to progress the revocation of community land classification for the land located at the intersection of Kenton Valley and Burfords Hill Roads known as the Kenton Valley War Memorial Park, being Allotment 64 in Filed Plan No. 155479 contained in Certificate of Title Volume 5718 Folio 775 ("Land")That Council staff provide assistance to the proposed community group to form plans for the use and maintenance of the Land within existing budget and resources, including assistance to identify grant opportunities that may be available to the groupA review be undertaken with the community working group in 12 months and an update report be provided to Council by 31 December 2020.	Terry Crackett	In Progress	10/10/2019	No action required until August 2020. Working Group notified of Council's decision.

Meeting Date	Meeting	Res No.	Item Name	Previously Declared COI	Action Required (Council Resolution)	Responsible Director	Status	Date of Update	Status (for Council reporting)
24/09/2019	Ordinary Council	253/19	Oakbank Soldiers Memorial Hall	None declared	That the report be received and notedThat the Council provides financial and administrative assistance to the Oakbank Soldiers Memorial Hall Inc ("Association") to make an application to the Supreme Court for a trust variation scheme to vary the charitable trust that exists over the Oakbank Soldiers Memorial Hall ("OSM Hall") located at 210 Onkaparinga Valley Road Oakbank contained in Certificate of Title Volume 5846 Folio 513.That the Council and the Association enter into a binding agreement regarding the level of financial and administrative support being provided, to a maximum of \$40,000, to undertake the trust variation scheme, and land division if deemed financially viable, with all agreed financial and administrative support to be reimbursed to Council upon sale of the OSM Hall.That the Council agree to enter into a trust variation scheme that would result in the trust being varied from the OSM Hall to the Council owned Balhannah Soldiers Memorial Hall ("BSM Hall") that would bind the BSM Hall to be held in perpetuity as a Memorial Hall in memory of the residents of the township and district of Oakbank who enlisted for and made the supreme sacrifice in the Great War 1914 - 1918 and preserve the same upon trust for the general benefit of the residents of the township of Oakbank and district, and including the Balhannah township and district, and accept monies from the Association to be held on trust for that purpose. 5. That the Mayor and CEO be authorised to sign all necessary documents, including affixing the common seal, to give effect to this resolution	Terry Crackett	In Progress	10/10/2019	Initial discussions held with the Balhannah Soldiers Memorial Hall Committee about the proposal. Oakbank Soldiers Memorial Hall Committee requested to undertake further notification with the Oakbank community about the position/resolution of the Association
24/09/2019	Ordinary Council	255/19	Independent Audit Committee Member Selection Panel	None declared	That the report be received and notedThat the Audit Committee Independent Member Selection Panel consists of three members.To appoint Cr Malcolm Herrmann, Cr Leith Mudge and the CEO (or delegate) as members of the Audit Committee Independent Member Selection Panel.	Andrew Aitken	In Progress	14/10/2019	Recruitment process is underway.  Interviews scheduled for late October and a report to the November meeting for consideration of appointment recommendations.
24/09/2019	Ordinary Council	257/19	Delegations Review	None declared	See Minute	Andrew Aitken	Completed	25/09/2019	Delegation register updated.

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

**Item:** 13.1

**Originating Officer:** Mike Carey, Manager Financial Services

**Responsible Director:** Terry Crackett, Director Corporate Services

**Subject:** Additional Borrowings to Assist Capital Renewal Escalation

**For:** Information

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**SUMMARY**

On 23 July 2019 Council considered a Motion on Notice that sought additional information on the merits of borrowing additional funds to bring forward capital expenditure whilst interest rates are at historically low levels.

Subsequently a workshop of Council was held on 8 October 2019 to enable consideration of the impacts of additional borrowing, both positive and negative, and also provide an opportunity for the Local Government Finance Authority to present information.

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.

This report provides information in response to the Motion on Notice.

Based on the analysis undertaken, and as outlined in the report below, if significant capital expenditure aligned to key strategic imperatives is required, current low interest rates present an opportunity to improve the cost/benefit analysis of the undertaking compared to recent years. Essentially now is a good time to borrow additional funds if Council has a need to borrow.

Before doing so however there are a number of key considerations that would need assessed to ensure the long term impacts on the ongoing financial sustainability of the organisation were taken into account. In particular, with a low operating surplus, any significant capital escalation will result in an ongoing and non-sustainable operating deficit unless funded by either a rate increase above current LTFP assumptions, reduced service levels or cost efficiencies.

**RECOMMENDATION**

**Council resolves that the report be received and noted.**

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## 1. GOVERNANCE

### ➤ Strategic Management Plan/Council Policy

Goal 5                      Organisational Sustainability  
Strategy 5.2              Financial Sustainability

Council's Long Term Financial Plan (LTFP) has been developed on the basis of:

- Operating within means
- Managing debt responsibly
- Meeting requirements for the renewal of infrastructure
- Keeping rate increases low
- Funding new or enhanced services through efficiency savings

The consideration whether it is appropriate to borrow additional funds at a time when debt levels are at historic lows needs to be in the context of maintaining long term financial sustainability.

### ➤ Legal Implications

Borrowing of funds

### ➤ Risk Management Implications

Reviewing the use of borrowings at a time when interest rates are at historic lows will:

*ensure that any risks (both positive or negative) associated with movements in interest rates can be considered in the context of the Long Term Financial Plan.*

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

Council reviews its LTFP annually to ensure that the organisation remains financially sustainable. Consideration of options associated with additional borrowings at times of low interest rates will assist in informing the next iteration of the LTFP.

### ➤ Financial and Resource Implications

There are no specific financial resource implications related to the consideration of this report. Any decision to subsequently use additional borrowings would be the subject of a further report to Council.

### ➤ Customer Service and Community/Cultural Implications

There are no customer service or community / cultural implications associated with this report.

### ➤ Environmental Implications

There are no environmental implications associated with this report.

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

Consultation on the development of this report was as follows:

*Council Committees:* Not Applicable

*Council Workshops:* A workshop of Council was held on 8 October 2019

*Advisory Groups:* Not Applicable

*Administration:* Director Corporate Services  
Manager Sustainable Assets

*Community:* Local Government Finance Authority

## 2. BACKGROUND

On 23 July 2019 a Motion on Notice was submitted by Cr Malcolm Herrmann in relation to the consideration of additional borrowings as follows:

### 11.2 Additional Borrowings for Capital Renewal Escalation

Moved Cr Malcolm Herrmann  
S/- Cr Ian Bailey

185/19

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.

Carried
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A subsequent workshop of Council was held on 8 October 2019 to consider the risk and opportunities associated with an escalated borrowings program given interest rates are at an historic low. A presentation was also provided to this workshop by senior officers of the Local Government Finance Authority (LGFA).

## 3. ANALYSIS

The following sections provide key information and analysis necessary to consider whether additional borrowings are appropriate to leverage off interest rates that are currently at historically low levels.

### Current Interest Rates

As previously indicated current interest rates are at low levels that have not previously been experienced by Adelaide Hills Council. Based on information provided the LGFA the following table summarises the movement in rates over the last 8 years:



Type / Term	Current	2015	2011
Interest & Principal – 5 year	2.55%	3.75%	6.3%
Interest & Principal – 10 year	2.8%	4.35%	6.5%
Interest Only – 5 year	2.85%	4%	6.55%
Interest Only – 10 year	3.1%	4.6%	6.75%
Cash Advance Debenture (CAD)	2.7%	4.25%	6.25%

As can be seen from this table current rates are at a level less than half what they were in 2011. They could fall further in the immediate future.

#### Application of Treasury Policy

As indicated by the LGFA, the Local Government sector has significantly improved the use of debt in recent years. In part as a result of:

- Improved Treasury Management Strategies & Policy settings
- Managing cash flow holistically in a strategic optimal way
- Not undertaking single-purpose borrowing to finance a project or activity regardless of borrowing profile or future cash flow projections
- Less reluctance to use debt when it is required
- Use of LTFP and future cash flow information and associated financial indicators to guide borrowing decisions

At Adelaide Hills Council an updated Treasury Policy was adopted in 2017 that has been included at **Appendix 1** (and can also be located at <https://www.ahc.sa.gov.au/ahc-council/Documents/Reports-Strategies-Policies-Plans/Policy-Finance/COUNCIL-POLICY-Treasury-2017.pdf>)

This amended Policy reflected more informed policy settings within an overall strategy to:

- Maintain a target range for Net Financial Liabilities ratio (i.e. largely rated to levels of debt)
- Generally only borrow funds to support cash flow and not specifically for particular Council projects (i.e. LTFP driven)
- Only retain or quarantine money for a particular future purpose when required by legislation or part of an agreement
- Apply funds not immediately required to reduce borrowings or to defer / reduce the level of new borrowings.

#### Legacy issues from current borrowing profile

Whilst there have been significant improvements within the sector a number of councils, including AHC, are still dealing with legacy issues with how debt has been managed in the past. At this time AHC still has two large fixed interest only loans totalling \$10 million which cannot be repaid without significant financial penalty. As indicated in the following table these loans are offset by cash and investment holdings as a result of recent sales of retirement villages as well as land at Adelaide Hills Business and Tourism Centre (AHBTC).

Facility	30 Sept 19 \$'000	30 June 19 \$'000
Interest Only Loan @ 6.75% - 15/6/21	5,000	5,000
Interest Only Loan @ 4.6% - 15/6/25	5,000	5,000
Cash at Bank	(50)	(50)
Cash & Investments	7,038	1,597
LGFA Investments	376	376
<b>NET Borrowings:</b>	<b>2,536</b>	<b>7,977</b>

As can be seen from this table the decision to lock in interest only loans for 10 years in 2011 and 2015 did not take into consideration the potential for future asset sales as these were not planned at that time, and as such Council has been unable to realise all the benefits in interest expense reduction due to these existing interest only loans.

It is important that any future decision is cognisant of the risk of repeating this if low rates are locked and then circumstances change.

The other point highlighted in the previous table is the significant variability that occurs in Council's cash flow throughout the year. This is largely driven by the timing of receipt of rates each quarter and the delivery of the majority of the capital works program that occurs in the later part of the year. The impact of this cash flow variability sees a need to pay down debt in the first half of the year and then subsequently drawdown on debt in the later part of the year.

There is there a risk of locking in longer term investments or borrowings as it can easily result in "negative carry" (i.e. having locked in debt at the same time as there is cash available to pay it down). To manage this risk Council does have a Cash Advance Debenture facility \$10.2m which acts as an effective tool in managing cash flow variability during and across years.

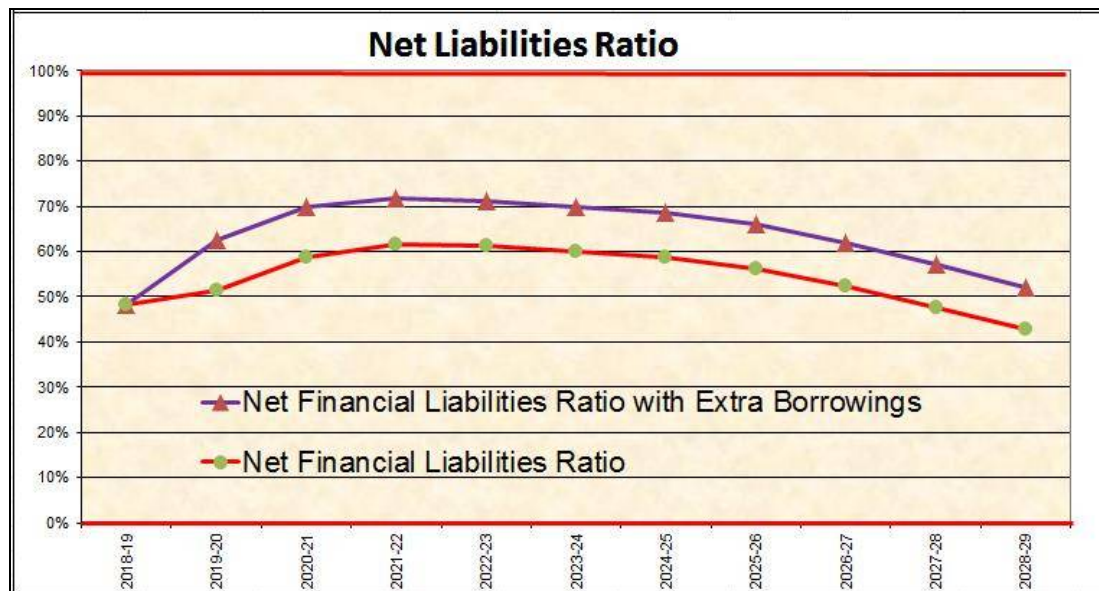
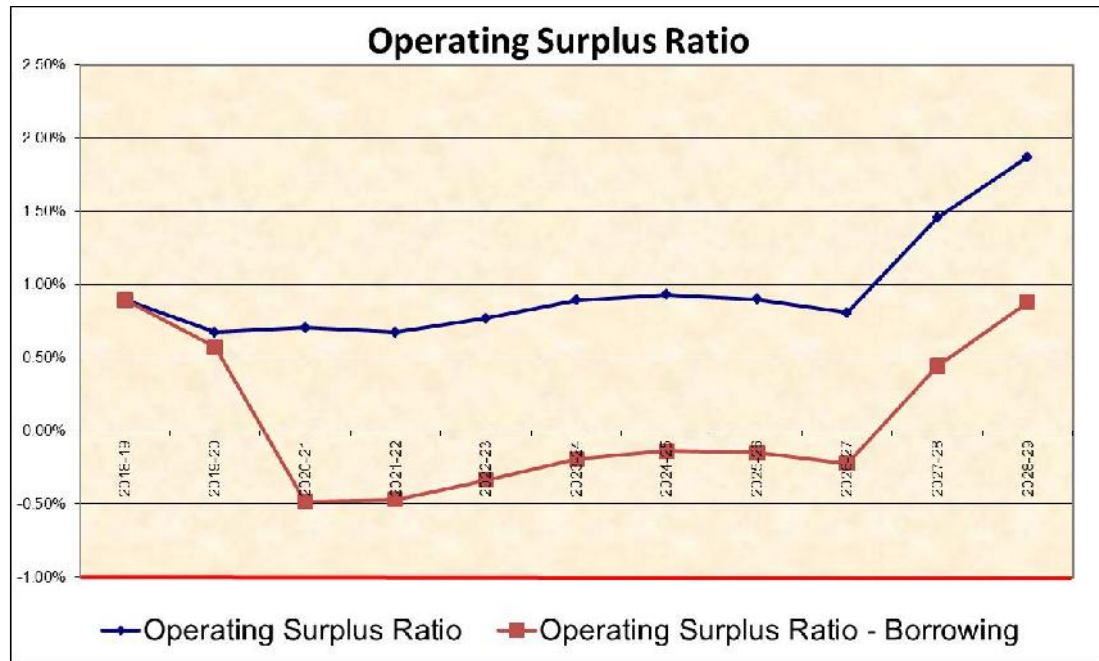
#### **Impact of additional borrowings on the financial sustainability ratios**

The recently updated Treasury Policy, as well as the annual review of the LTFP, form part of Council's strategy of ensuring any financial decisions that are made do not compromise endorsed financial sustainability ratios and targets. This is particularly important given Council's relatively low operating surplus ratio means that any additional cost, including borrowing expense, can quickly erode Council's Operating Surplus.

In order to gain an appreciation of the potential impact of additional borrowings on the operating surplus the following table has been prepared after analysing additional borrowings of both \$5 million and \$10 million to fund further infrastructure works.

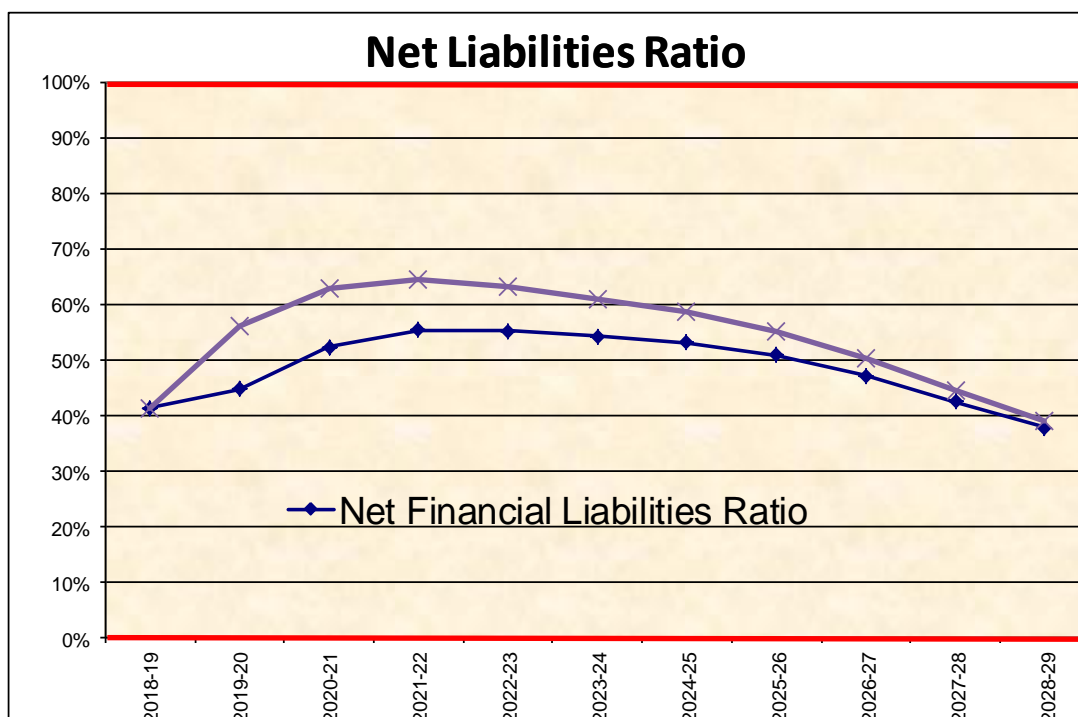
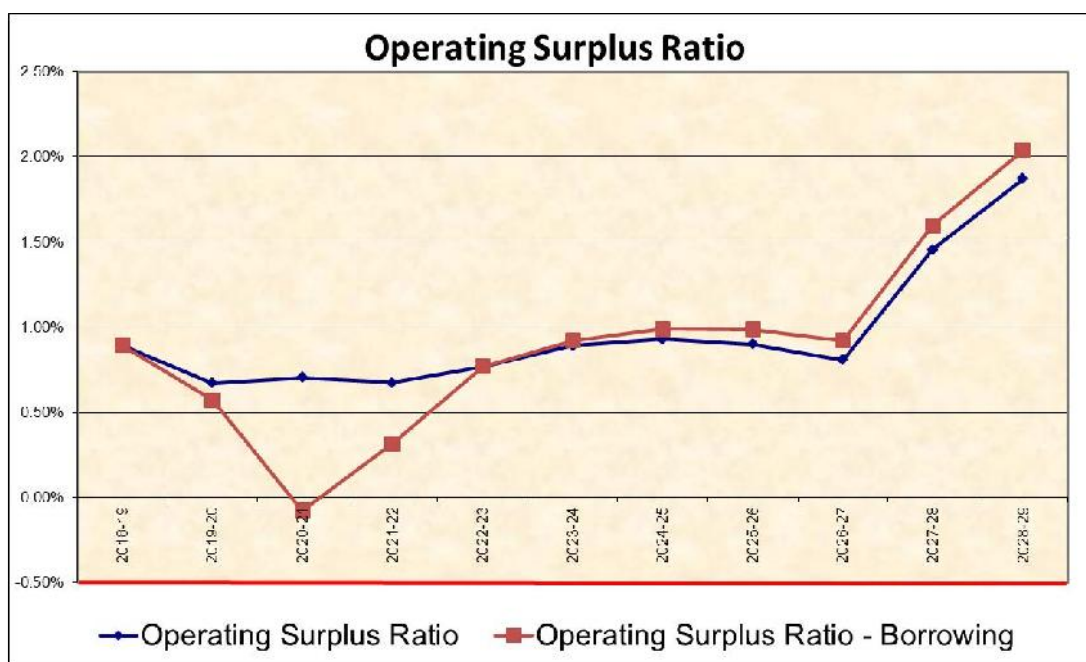
<b>Description</b>	<b>\$5 million Borrowing</b>	<b>\$10 million Borrowing</b>
Interest Expense	150,000	300,000
Estimated additional Maintenance	150,000	300,000
Estimated additional depreciation	250,000	500,000
<b>Impact on Operating Result</b>	<b>550,000</b>	<b>1,100,000</b>
Existing Operating Surplus	420,000	420,000
<b>Revised operating Surplus / (Deficit)</b>	<b>(130,000)</b>	<b>(680,000)</b>

The following graphs show the impact on both the Operating Surplus Ratio as well as the Net Liabilities Ratio of an additional \$5 million of borrowings to fund infrastructure works:



As can be seen from the above graphs, whilst the impact on the Net Liabilities Ratio remains within the target range, the Operating Surplus Ratio drops below the bottom of the range and moves into deficit. Whilst a deficit for short periods of time can often be appropriate, an ongoing deficit is not seen as financially sustainable and would need to be addressed.

For the purposes of modelling if \$5 million in additional borrowings was addressed through rating (as opposed to service reductions or operating efficiencies), it would require an increase of 0.5% for three consecutive years above current LTFP forecasts to return the Operating Surplus Ratio and Net Liabilities Ratio to current levels. This is highlighted in the following graphs.



## Renewal Expenditure

As previously reported the LTFP is based on existing Asset Management Plans and the renewal expenditure requirements identified within those Plans. There is however considerable work being undertaken to update all asset category Plans following the implementation of a new Asset Management System (Confirm). Whilst these updates are yet to be finalised, the work completed thus far has not revealed any significant areas of backlog that would benefit from an immediate escalation of renewal expenditure that has not already been captured within the current LTFP.

That said, there are some asset categories that will benefit from further condition audit investigations and reassessment of unit rates to confirm future expenditure requirements.

If these audits and unit rate assessments identify the need for additional renewal expenditure they will be subject to an appropriate business case to determine potential borrowing impacts for capture within the next iteration of the LTFP.

It should be noted that in past years any proposed increases have usually been managed by a reallocation across asset categories within the overall renewal program rather than an increase in the total program.

### **Resourcing impacts**

Should Council wish to extend the works program through the use of additional borrowings it will be important to carefully consider the resourcing necessary to ensure timely delivery. The budget for the capital works program in 2019/20 is currently at \$19.3 million after provision for carry forward items. Any further increase is likely to require an increase in project management resources at a time when there is recognised difficulty in accessing good project management skills externally.

It is also important that any business case developed to extend the works program considers the potential impacts on market pricing related to an escalated program. Whilst it is quite possible that a larger program will provide a reduction in costs through economies of scale, there is also the potential for a market premium in pricing if demand is already high in the area under consideration.

### **CONCLUSIONS**

Based on the analysis undertaken, and as outlined in the above report, if significant capital expenditure aligned to key strategic imperatives is required, current low interest rates present an opportunity to improve the cost/benefit analysis of the undertaking compared to recent years. Essentially now is a good time to borrow additional funds if Council has a need to borrow, but at this time there is no identified strategic imperative for funding.

Before doing so however there are a number of key considerations that would need assessed to ensure the long term impacts on the ongoing financial sustainability of the organisation were taken into account. In particular:

- With a low operating surplus, any significant capital escalation will result in an ongoing and non-sustainable operating deficit unless funded by either a rate increase above current LTFP assumptions, reduced service levels or cost efficiencies
- An assessment of community benefit would be required, and comfort reached, to potentially increase rates for 3 years in the order of 1% per \$10 million of spend to still maintain an Operating Surplus ratio within target over the medium term
- Council's significant cash flow variability and borrowing profile makes it difficult to use fixed interest borrowing without increasing risk of "negative carry", which is contrary to adopted *Treasury Policy* principles
- There is limited capacity to project manage any further increases in capital works without increases resources, which may in turn offset potential interest savings
- Other capital expenditure market risks which may also lead to increased costs offsetting any interest savings
- There is limited scope to increase asset renewal work at this time given updated asset management plans are not revealing any significant areas of backlog that would benefit from an escalation of renewal expenditure

**4. OPTIONS**

Council has the following options:

- I. Receive and note the report (Recommended)

**5. APPENDIX**

- (1) Treasury Policy 2017

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# **Appendix 1**

*Treasury Policy 2017*

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# *Council Policy*

## Treasury





# COUNCIL POLICY

 <b>Adelaide Hills</b> COUNCIL	<b>TREASURY</b>
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<b>Policy Number:</b>	<b>FIN-03</b>
<b>Responsible Department(s):</b>	<b>Finance</b>
<b>Other Relevant Policies:</b>	<b>None</b>
<b>Relevant Procedure(s):</b>	<b>None</b>
<b>Relevant Legislation:</b>	<i>Local Government Act 1999.</i>
<b>Policies and Procedures Superseded by this policy on its Adoption:</b>	<b>Treasury, 10 June 2014, Item 12.3, 36</b>
<b>Adoption Authority:</b>	<b>Council</b>
<b>Date of Adoption:</b>	<b>26 September 2017</b>
<b>Effective From:</b>	<b>10 October 2017</b>
<b>Minute Reference for Adoption:</b>	<b>Item 12.3, 208/17</b>
<b>Next Review:</b>	<b>No later than November 2020 or as required by legislation or changed circumstances</b>

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## TREASURY POLICY

### 1. INTRODUCTION

This policy underpins Council's decision-making in the financing of its operations in the context of its annual business plan & budget and long-term financial plan and associated projected and actual cash flow receipts and expenditure.

Council has developed a Long Term Financial Plan and is committed to operating in a financially sustainable manner.

### 2. POLICY OBJECTIVES

This Treasury Policy provides direction to management, staff and Council in relation to the treasury function and establishes a decision framework that:

- ensures funds are available as required to support strategic objectives and approved expenditure
- ensures that interest rate and other risks (e.g. liquidity risks and investment credit risks) are acknowledged and responsibly managed
- is reasonably likely to minimise on average over the longer term, the net interest costs associated with borrowing and investing
- ensures that outstanding debt is repaid as quickly as possible and therefore that the gross level of debt held by Council is minimised, and
- ensures that medium to longer term objectives of the Long Term Financial Plan are not compromised.

### 3. DEFINITIONS

**"Annual Business Plan"** In accordance with s123 of the *Local Government Act 1999* Council must have for each financial year a plan and budget that outlines annual and long term objectives, annual activities and measures of performance.

**"Financial Sustainability"** A Council's long term financial performance and position is sustainable where planned long term service and infrastructure levels and standards are met without unplanned increases in rates or disruptive cuts to services.

**"Intergenerational Equity"** Intergenerational equity (or fairness) involves the costs associated with expenditure being spread over time in accordance with the distribution of the benefits that are generated from that expenditure.

**"LGFA – Local Government Financing Authority"** A Government guaranteed statutory authority established to develop and implement borrowing and investment programs for the benefit of Councils and prescribed local government bodies within the State.

**"Long Term Financial Plan"** In accordance with s122 of the *Local Government Act 1999* Council must develop and adopt a long term financial plan for a period of at least 10 years.

**“Net Financial Liabilities (NFL)”** NFL equals total liabilities less financial assets, where financial assets for this purpose include cash, investments, receivables and prepayments, but exclude equity held in a Council subsidiary, inventories and assets held for sale. The Net Financial Liabilities Ratio is calculated by expressing net financial liabilities at the end of the year as a percentage of total operating revenue for the year.

**“Surplus Funds”** Funds over and above a level which is required to meet Council’s immediate working capital requirements

**“Treasury Management** Refers to those activities which are related to the funding of Council operations. This includes funds management, cash flow budgeting, investment of surplus funds and borrowings

#### **4. TREASURY MANAGEMENT STRATEGY**

Operating and capital expenditure decisions are made based on:

- community need and benefit relative to other expenditure options
- cost effectiveness of the proposed means of service delivery
- affordability of proposals having regard to Council’s long-term financial sustainability (including consideration of the cost of capital and the impact of the proposal on Council’s Net Financial Liabilities), and
- whether a borrowing needs to be raised and if so the nature of it is a separate decision to the expenditure one and it is made in accordance with the criteria specified in this policy.

Council manages its treasury functions – borrowings, investments and associated cash flow holistically in accordance with its overall financial sustainability strategies and targets.

This means Council will:

- maintain a target range for its Net Financial Liabilities ratio
- generally only borrow funds to support cash flow and not specifically for particular Council projects
- only retain or quarantine money for a particular future purpose when required by legislation or part of an agreement
- apply where cost effective any funds that are not immediately required to meet approved expenditure, to reduce its level of borrowings or to defer and/or reduce the level of new borrowings that would otherwise be required.

Council recognises that on average the rate of return that can be received from investing money is less than the interest rate charged on borrowed funds. As such, cash inflows that are surplus to short or medium term needs can be applied in the first instance to reduce the level of borrowings that would otherwise be necessary. This is more readily and effectively achievable with variable interest rate borrowings.

Community self-funding loans borrowed on behalf of community groups fall outside this definition, having no net impact on Council’s cash position.

## **5. POLICY**

### **5.1 INTERGENERATIONAL EQUITY FUNDING**

Council shall strive to achieve equity between generations of ratepayers (intergenerational equity) whereby the mechanisms to fund specific capital expenditure and operations take into account the ratepayers who benefit from the expenditure and therefore on a user pay basis, who should pay for the costs associated with such expenditure.

### **5.2 BORROWINGS**

The level of borrowings shall be considered in the context of Council's strategic priorities within the adopted Net Financial liabilities ratio and in conjunction with Council's Long Term Financial Plan to ensure the long-term sustainability of Council.

#### **5.2.1 Short Term Cash Flow Management**

Short term cash advances may be used to sustain the cash flows of Council having regard to anticipated receipts and expenditures and the annual cash flow budget. For this purpose Council may operate a cash advance facility from a financial institution and/or an overdraft on its bank account.

#### **5.2.2 Interest Rate Risk Exposures**

Council recognises that future movements in interest rates are uncertain in direction, timing and magnitude. Council considers that a mixture of both fixed and variable interest rate borrowings will assist in meeting Council's policy objective of minimizing net interest costs on average over the longer term and at the same time managing interest rate movement risks.

Management shall not speculate on interest rate movements.

#### **5.2.3 Fixed and Variable Interest Rate Borrowings**

Having regard to cost effectiveness, risk management criteria and flexibility, Council has restructured its portfolio of borrowings as old borrowings mature and new ones are raised to progressively achieve and thereafter strive to maintain a mixture of fixed and variable loans.

In order to spread its exposure to interest rate movements, Council will aim to have a variety of maturity dates on its fixed interest rate borrowings over the practically available maturity spectrum.

#### **5.2.4 Risk Minimisation**

To reduce the level of risk:

- Council approval is required for all new loans
- Loans are to be provided by institutions with long term credit ratings in line with the four major Australian banks
- All new loans are to be tendered to at least two lending institutions.

#### **5.2.5 Borrowing Redemption**

When surplus funds exist, the decision to repay borrowings shall be made based on the facts available at the time giving due regard to minimising the overall cost to Council.

### 5.3 INVESTMENTS

Any funds that are not immediately required for operational needs and cannot be applied to either reduce existing borrowings or avoid the raising of new borrowings will be invested. The balance of funds held in any operating bank account that doesn't generate investment returns shall be kept at a level that is no greater than is required to meet immediate working capital requirements.

Any funds invested will be lodged at call or, having regard to differences in interest rates for fixed term investments of varying maturity rates, may be invested for a fixed term. The maturity date for a fixed term investment would not exceed a point in time where the funds otherwise could have been applied to cost-effectively either defer the need to raise a new borrowing or reduce the level of Council's variable interest rate borrowing facility.

When investing funds within the above criteria the investment which delivers the best value to Council is to be selected having regard to investment returns, transaction costs and other relevant and objectively quantifiable factors.

Investments are limited to the following (unless as specifically endorsed by Council):

- Deposits with the Local Government Finance Authority
- Bank interest bearing deposits
- Bank accepted/ endorsed bank bills, and
- State / Commonwealth Government Bonds.

To manage the level of risk Council will limit its investments to secure organisations. The following investment types are prohibited under this policy:

- Derivative based instruments
- Principal only investments or securities that provide potentially nil or negative cash flow
- Stand alone securities issued that have underlying futures, options, forwards contracts and swaps of any kind, and
- Leveraging (borrowing to invest).

In addition, Council is prohibited from directly acquiring shares in a company.

### 5.4 REPORTING

On or before 30 November, Council shall receive a specific report regarding treasury management performance of the previous financial year relative to this policy document.

This report shall highlight:

- For each Council borrowing and investment - the quantum of funds, its interest rate and maturity date, and changes in the quantum since the previous report
- The portion of fixed interest rate and variable interest rate borrowings at the end date of the reporting period, and
- Full details and explanation of any instances of deviation from this policy during the year.

## 6. DELEGATION

Section 44 Part 1c of the Act provides that a council must approve all loans and clearly states that the power to borrow money cannot be delegated from the Council itself.

In terms of Investments, there is no restriction upon the delegation of the powers at Section 139 or the duty at Section 140 of the Act.

Investment/Loan Transactions within **new** facilities which must be within the debt levels approved by Council have been delegated to two of the following to authorise:

- CEO
- Directors
- Manager Financial Services

Investment/Loan Transactions within **existing** approved facilities are delegated to one of the following to authorise:

- CEO
- Directors
- Manager Financial Services
- Management Accountant

In relation to the above delegations, the officer initiating the transaction must be separate from the officer authorising the transaction.

The Chief Executive Officer, or delegate, is authorised to make any formatting, nomenclature or other minor changes to the Policy during the period of its currency.

In addition, the Chief Executive Officer has the delegation to approve, amend and review any procedures that shall be consistent with this Policy.

## 7. AVAILABILITY OF THE POLICY

This Policy will be available for inspection at the Council's Offices during ordinary business hours and via the Council's website [www.ahc.sa.gov.au](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.

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

**Item:** 19.1

**Originating Officer:** Mike Carey, Manager Financial Services

**Responsible Director:** Terry Crackett, Director Corporate Services

**Subject:** Electricity Procurement Contract Post 31 December 2019 for below 160 MWh sites

**For:** Decision

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**1. Electricity Procurement Contract Post 31 December 2019 for below 160 MWh sites – Exclusion of the Public**

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

- CEO, Andrew Aitken
- Director Infrastructure & Operations, Peter Bice
- Director Development & Regulatory Services, Marc Salver
- Director Corporate Services, Terry Crackett
- Director Community Capacity, David Waters
- Executive Manager Governance & Performance, Lachlan Miller
- Manager Financial Services, Mike Carey
- Manager, Sustainable Assets, David Collins
- Sustainability Officer, Sharon Leith
- Governance & Risk Coordinator, Steven Watson
- Minute Secretary, Pam Williams

be excluded from attendance at the meeting for Agenda Item 19.X: *Electricity Procurement Contract Post 31 December 2019 for below 160 MWh sites* in confidence.

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

Section 90(3) (d) of the Local Government Act 1999, that the information to be received, discussed or considered in relation to this Agenda Item is commercial information of a confidential nature (not being a trade secret) the disclosure of which could reasonably be expected to prejudice the commercial position of the person/agency/business who supplied the information by disclosing specific quotes and modelling by a number of tenderers.

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

**2. Electricity Procurement Contract Post 31 December 2019 – Period of Confidentiality**

**Subject to the CEO, or his delegate, disclosing information or any document (in whole or in part) for the purpose of implementing Council's decision(s) in this matter in the performance of the duties and responsibilities of office, Council, having considered Agenda Item 19.1 in confidence under sections 90(2) and 90(3)(d) of the *Local Government Act 1999*, resolves that an order be made under the provisions of sections 91(7) and (9) of the *Local Government Act 1999* that the report, related attachments and the minutes of Council and the discussion and considerations of the subject matter be retained in confidence until the contracts are signed, but not longer than 31 December 2019.**

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