ORDINARY COUNCIL MEETING

NOTICE OF MEETING

To: Mayor Jan-Claire Wisdom

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

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 17 December 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

Adelaide Hills
COUNCIL

ORDINARY COUNCIL MEETING

AGENDA FOR MEETING
Tuesday 17 December 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 Kirrilee Boyd (22 October to 31 December 2019) approved 22 October 2019

3.3. Absent

4. MINUTES OF PREVIOUS MEETINGS

Council Meeting – 26 November 2019
That the minutes of the ordinary meeting held on 26 November 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
8.1.1. Skate Park for Stirling

Council resolves that the online petition containing 657 names, requesting a skate park in Stirling, be received and noted.

8.2. Deputations
8.2.1. Dept for Environment & Water re unmade public road reserve adjacent Charleston Conservation Park
8.2.2. Ben Mumford re Old Stirling East School Community Garden

8.3. Public Forum

9. PRESENTATIONS (by exception)

Nil

10. QUESTIONS ON NOTICE

10.1. Overcharge by SA Power Networks

1. *Has Council received advice regarding the total amount to be paid to the local government industry, following the Local Government Association's (LGA) successful action against the SA Power Networks?*
2. *If so, what was the total mount, what is the Adelaide Hills Council's share and when will funds be transferred to council?*
3. *On what basis were the allocations made to councils?*

10.2. Old Stirling East School Heritage Listing

What is the nature of the heritage listing attached to the Old Stirling East School on Old Mt Barker Road? Can you explain the protections afforded by the listing?

11. MOTIONS ON NOTICE

11.1. Median Rule Land Division Tool for Country Living Zone

That Council resolves to formally request Department of Planning, Transport and Infrastructure to include either a subzone or Technical and Numeric Variation Overlay to carry over Council's current Award-Winning median rule land division tool with its absolute 2,000 square metre minimum allotment size into the new Residential Neighbourhood Zone as contained in the Draft Planning & Design Code.

11.2. Range Road South, Houghton, Pedestrian Movements

I move that the CEO, liaises with the CEO of the City of Tea Tree Gully and users, and investigate how pedestrian movement can be improved on Range Road South, Houghton and provide a report to Council by 31 March 2020.

12. OFFICER REPORTS – DECISION ITEMS

12.1. Road Closure UPR adj to Charleston Conservation Park

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 and merge the pieces of land identified as "A" in the Preliminary Plan attached to this report with Section 3942 and Section 3943 as comprised in Certificate of Title Volume 5772 Folio 824 and Volume 5481 Folio 673 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 Local Government Act 1999;*
   - *The piece marked "A" be transferred to the Minister for Sustainability, Environment and Conservation (Department of Environment and Water), the owners of the property with which it is merging for $1.00 (if demanded); and*
   - *all fees and charges associated with the road closure process be the responsibility of the Minister for Sustainability, Environment and Conservation.*
4. *Authorise the Chief Executive Officer to finalise and sign all necessary documentation to give effect to this resolution.*

12.2. Community Energy Program

1. *That the reports be received and noted*
2. *That resources developed under the Community Energy Program will be published for use by the community, industry and local government sector, and Council involvement be wound up (Option 2).*

12.3. Road Closure Cnr Kain Ave & Mt Barker Road Bridgewater

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 Preliminary Plan No 19/0031 attached to this report as Appendix 2 (Road Land).*
3. *Subject to the closure of the Road Land, that:*
   - *the Road Land be retained by Council as a reserve;*
   - *the Road Land be retained as Community Land and entered onto the Council's Community Land Register; and*
   - *the Council's Community Land Management Plan be amended to include the Road Land as an Informal Recreation Reserve.*
4. *Authorise the Chief Executive to finalise and sign all necessary documentation to give effect to this resolution.*

12.4. Road Exchange Montacute Road Montacute

1. *That the report be received and noted*
2. *To execute under seal a Deed of Assignment of Rights to Occupation to bring land identified as proposed Allotment 11 in DP 72622 under the Real Property Act 1886.*
3. *To, in conjunction with Giuseppe Meccariello, Filomena Sanche, Vincenzo Meccariello and Telstra Corporation Ltd, undertake the road widening process in accordance with the plan attached as Appendix 2, to vest allotments 12 and 14 as public road for nil consideration.*
4. *The road to be closed as identified as "A" in Preliminary Plan 05/0056 be excluded as Community Land pursuant to the Local Government Act 1999*
5. *To authorise the Chief Executive Officer and Mayor to finalise and sign all documentation, including under seal if necessary, to give effect to this resolution.*

12.5. Highercombe Golf Course Lease Disclosure Statement

1. *That the report be received and noted*
2. *To issue a Disclosure Statement as required pursuant to Section 12 of the Retail & Commercial Leases Act 1995 upon renewal of the current lease to the Highercombe Golf & Country Club Inc; and*
3. *To authorise the Mayor and Chief Executive Officer to sign all documents necessary to give effect to this resolution.*

12.6. World Heritage Bid Annual Report 2018 – 2019

1. *That the report be received and noted*
2. *That the Annual Report 18/19 and the Expert Review report for the World Heritage Listing Bid Project for the Mount Lofty Ranges be received and noted.*

12.7. Uraidla Safer Place Signs

1. *That the report be received and noted.*
2. *That CEO write to the Executive Officer of the Adelaide Mount Lofty Ranges Bushfire Management Committee requesting the committee review the CFS decision not to provide Bushfire Safer Place signage within Uraidla.*

12.8. Internal Audit Quarterly Update

1. *That the report be received and noted.*
2. *That Council adopt the revised Strategic Internal Audit Plan as contained in Appendix 1.*

12.9. GRFMA Charter

1. *That the report be received and noted.*
2. *That following a review of the Charter for the Gawler River Floodplain Management Authority, the Council notes and takes into account the recommendations of the GRFMA and adopts the amended charter for the GRFMA as set out in Appendix 3 of this report.*
3. *To authorise the Chief Executive Officer to advise the Gawler River Floodplain Management Authority Board that the Adelaide Hills Council adopts the amended 2019 GRFMA Charter.*

12.10. Audit Committee Terms of Reference

1. *That the report be received and noted*
2. *To adopt the draft Audit Committee Terms of Reference at Appendix 1.*

12.11. River Torrens Governance Model

1. *That Council notes the report commissioned by the Adelaide and Mount Lofty Ranges Natural Resources Management Board (AMLRNRM) regarding the proposed governance structure for the River Torrens forming Appendix 1 of this report.*
2. *That Council authorises the CEO to provide the following feedback to the AMLRNRM in relation to the proposed structure:*
3. *That the Adelaide Hills Council:*

a. *provides in principle support for the 'River Torrens Roundtable and Convener' as the governance structure for the River subject to consideration of the following:*
   - *the Governance Structure is established as a subgroup or committee of Green Adelaide (once established) under the proposed Landscapes Act*
   - *the Roundtable report direct to the Green Adelaide Board (once established)*
   - *the Roundtable cannot mandate financial contributions from the Council*
   - *funding of the new governance structure be borne by the Adelaide and Mount Lofty Ranges Natural Resources Management Board (Green Adelaide Board in the future).*
   - *supports the appointment of up to five Independent Members of the Roundtable with the appropriate skills and expertise.*

b. *That Council provides in principle support for the establishment of the River Torrens as a living integrated natural entity, however, Council's final position will be dependent on the Kaurna people's position on management and governance of watercourses within their country.*

12.12. Status Report – Council Resolutions Update

Refer to Agenda Item

12.13. Mylor BMX Bike Track

1. *That the report be received and noted.*
2. *That broad community consultation be undertaken in accordance with the consultation plan set out in this report*
3. *That, following completion of community consultation and further investigations by Council staff, a further report is presented to Council for consideration.*

13. OFFICER REPORTS – INFORMATION ITEMS

13.1. Risk Management Plan Update

13.2. CEO PRP Performance Target Update

13.3. Audit Committee Presiding Member's Report 2019

14. MISCELLANEOUS ITEMS

15. QUESTIONS WITHOUT NOTICE

16. MOTIONS WITHOUT NOTICE

17. REPORTS

17.1. Council Member Reports

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

17.3. CEO Report

18. REPORTS OF COMMITTEES

18.1. Council Assessment Panel – 13 November 2019
That the minutes of the CAP meeting held on 13 November 2019 as supplied, be received and noted.

18.2. Special Strategic Planning & Development Policy Committee – 10 December 2019
That the minutes of the SPDPC meeting held on 10 December 2019 as supplied, be received and noted.

18.3. CEO Performance Review Panel – 14 November 2019
That the minutes of the CEOPRP meeting held on 14 November 2019 as supplied, be received and noted.

18.4. Audit Committee - 18 November 2019
That the minutes of the Audit Committee meeting held on 18 November 2019 as supplied, be received and noted

19. CONFIDENTIAL ITEMS

19.1. Citizen of the Year Award 2020

19.2. Appointment of East Waste Chair

20. NEXT MEETING

Tuesday 28 January 2020, 6.30pm, 63 Mt Barker Road, Stirling

21. CLOSE MEETING

Council Meeting/Workshop Venues 2020

DATE	TYPE	LOCATION	MINUTE TAKER
JANUARY 2020			
Wed 15 January	Council Assessment Panel	TBA	Karen Savage
Tue 28 January	Council	Stirling	Pam Williams
FEBRUARY 2020			
To be advised	CEO Performance Review	Stirling	TBA
Tues 11 Feb	Workshop	Woodside	N/A
Wed 12 Feb	CAP	TBA	Karen Savage
Mon 17 Feb	Audit Committee	Stirling	TBA
Tues 18 Feb	Professional Development	Stirling	N/A
Tues 25 Feb	Council	Stirling	Pam Williams
MARCH 2020			
Tues 10 March	Workshop	Woodside	N/A
Wed 11 March	CAP	TBA	Karen Savage
Tues 17 March	Professional Development	Stirling	N/A
Tues 24 March	Council	Stirling	Pam Williams
APRIL 2020			
Wed 8 April	CAP	TBA	Karen Savage
Tues 14 April	Workshop	Woodside	N/A
Mon 20 April	Audit	Stirling	TBA
Tues 21 April	Professional Development	Stirling	N/A
Tues 28 March	Council	Stirling	Pam Williams

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

Community Forums 2019

6.00 for 6.30pm

(dates and venues to be confirmed)

DATE	LOCATION
Tues 31 March	Mylor
Tues 30 June	Basket Range
Tues 29 September	Birdwood

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

For full details, see Code of Practice for Meeting Procedures on www.ahc.sa.gov.au

1. A request to make a deputation should be made by submitting a Deputation Request Form, (available on Council's website and at Service and Community Centres) to the CEO seven clear days prior to the Council meeting for inclusion in the agenda.
2. Each deputation is to be no longer than ten (10) minutes 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

For full details, see Code of Practice for Meeting Procedures on www.ahc.sa.gov.au

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

ADELAIDE HILLS COUNCIL
ORDINARY COUNCIL MEETING
Tuesday 17 December 2019
AGENDA BUSINESS ITEM

Item:	**8.1.1**
Originating Officer:	**Steven Watson, Acting Executive Manager Governance and Performance**
Responsible Director:	**Andrew Aitken, Chief Executive Officer**
Subject:	**Online Petition re Skate Park for Stirling**
For:	**Decision**

SUMMARY

A petition has been received with 657 names stating:

"There are many skaters, BMXers and scooter riders here in Stirling and in the Hills area. We commonly struggle to find a place to skateboard without annoying shop owners by skating outside their shop or business. We often get told to leave from wherever we are skating and get told to skate at a skate park. The one problem with that is that we do not have a skate park that we are able to go to in the Stirling/Aldgate area."

RECOMMENDATION

Council resolves that the online petition containing 657 names, requesting a skate park in Stirling, be received and noted.

Council has received an online petition organised by Fraser Fuller and containing 657 names from the Council district, Australia-wide and overseas.

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

The Petition states:

"There are many skaters, BMXers and scooter riders here in Stirling and in the Hills area. We commonly struggle to find a place to skateboard without annoying shop owners by skating outside their shop or business. We often get told to leave from wherever we are skating and get told to skate at a skate park. The one problem with that is that we do not have a skate park that we are able to go to in the Stirling/Aldgate area."

This Petition does not meet the legislative requirements (and therefore Council's *Petitions Policy*) for a compliant petition in that it does not include the name and address of each person who signed or endorsed the petition, or clearly set out the request or submission of the petitioners. Nevertheless, the CEO has exercised his delegation, under 7.4.2 of the Policy, and determined to bring the petition to Council's attention following a Deputation by the head petitioner on 26 November 2019.

The petition contains the name and location of interested persons from the Adelaide Hills Council area (approximately 87 people), wider Adelaide area, various parts of Australia and overseas.

ADELAIDE HILLS COUNCIL
ORDINARY COUNCIL MEETING
Tuesday 17 December 2019
AGENDA BUSINESS ITEM

Item: **10.1 Question on Notice**

Originating from: **Cr Malcolm Herrmann**

Subject: **Overcharge by SA Power Networks**

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1. QUESTION

1. Has Council received advice regarding the total amount to be paid to the local government industry, following the Local Government Association's (LGA) successful action against the SA Power Networks?
2. If so, what was the total mount, what is the Adelaide Hills Council's share and when will funds be transferred to council?
3. On what basis were the allocations made to councils?

2. BACKGROUND

Recent Press reports indicate that the LGA was successful in challenging the tariffs charged to councils for street lighting etc. Residents are seeking more information in regard to the AHC's share.

3. OFFICER'S RESPONSE – Terry Crackett, Director Corporate Services

1. Yes, Council has been advised of the total amount to be paid to the local government industry, being just over $13m.
2. Adelaide Hills Council's share of this amount is $95k but this will be offset by a council contribution to the cost of the action the LGA took on councils' behalf. Although the final costs of this action are still not finalised, LGA estimate these costs as less than $5k. Council has been advised that the distribution of costs will be calculated based on the proportion of the total payback amount received by each council.

   Council has been advised that the amount will be paid directly to Council by SA Power Network (SAPN) prior to 31 December 2019 and as such will be reflected within Budget Review 2.
3. The SAPN allocation to each council is based on a percentage of the total payments made by each public lighting customer during the period of overcharging, being for the period 1 July 2010 to 30 June 2015, as a proportion of the total payback amount.

ADELAIDE HILLS COUNCIL
ORDINARY COUNCIL MEETING
Tuesday 17 December 2019
AGENDA BUSINESS ITEM

Item:	**10.2 Question on Notice**
Originating from:	**Cr Kirsty Parkin**
Subject:	**Old Stirling East School – Heritage Listing**

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1. QUESTION

What is the nature of the heritage listing attached to the Old Stirling East School on Old Mt Barker Road? Can you explain the protections afforded by the listing?

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

The former Stirling East School at 100 Old Mount Barker Road Stirling is listed as a Local Heritage Place in Table AdHi/2 of Council's Development Plan. As such any building work would require Council approval. However, Development Approval would not be required for the following works as detailed in Schedule 3 of the *Development Regulations 2008*:

"(4) In respect of a local heritage place, the installation of, or an alteration of or addition to a building that is necessary for or incidental to the installation of—
(a) an individual air handling unit mounted on a wall, window or floor; or
(b) a ceiling or roof fan or fan coil section of air conditioning systems not exceeding 100 kilograms and installed within the ceiling space; or
(c) an exhaust fan; or
(ca) any electrical, gas, water, sewage and sullage, or telecommunications service (including appliances and fittings),
where the item being installed—
(d) does not encroach on a public street or affect the ability of the place to resist the spread of fire; and
(e) will not, when installed, be able to be seen by a person standing at ground level in a public street.

(4a) The external painting of a local heritage place—
(a) where the painting involves the repainting of an existing painted surface in the same or similar colours and so as to provide the same or similar texture, finish and effect; or

(b) without limiting paragraph (a), where the painting does not materially affect the heritage value of the place. "

As noted above, Development Approval would be required if works are proposed to the school building which would materially affect the heritage value of the place, e.g. painting the external part of the building with a different colour than what currently exists, punching a hole through any wall to put in a new door or window, installing a different window style than what currently exists, etc.

Further, as part of the assessment of a Development Application for such work, a referral to Council's Local Heritage Advisor is required in order to assess the impact of such proposed works on the heritage character of the school building.

Lastly, note that if the building is to be publicly accessible, then additional works will be required to provide disabled access in order to comply with the *Disability Discrimination Act 1992*, and comply with Building Fire Safety requirements of the National Construction Code.

ADELAIDE HILLS COUNCIL
ORDINARY COUNCIL MEETING
Tuesday 17 December 2019
AGENDA BUSINESS ITEM

Item: **11.1 Motion on Notice**

Originating from: **Cr Kirsty Parkin**

Subject: **Median Rule Land Division Tool for the Country Living Zone**

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1. MOTION

I move:

That Council resolves to formally request Department of Planning, Transport and Infrastructure to include either a subzone or Technical and Numeric Variation Overlay to carry over Council's current Award-Winning median rule land division tool with its absolute 2,000 square metre minimum allotment size into the new Residential Neighbourhood Zone as contained in the Draft Planning & Design Code.

Should the Department of Planning, Transport and Infrastructure (DPTI) accept this, it would ensure that the minimum allotment size calculations in the Country Living Zone remain as Council have voted them to be.

2. BACKGROUND

On 3 December 2019, Tom Victory and Sally Smith from DPTI held an information session at Mount Barker Council for Elected Members from Mount Barker, Adelaide Hills and Alexandrina Councils. I raised a concern that the 2,000 square metre minimum allotment size proposed for what is currently the Country Living Zone would be left open to further subdivision, as there are a number of large properties in the zone which could be subject to land division if the median rule land division tool was not carried over into the Planning and Design Code.

DPTI assured us they wanted wherever possible to leave the minimum allotment size restrictions intact, and should Adelaide Hills Council wish to retain the median rule land division tool, it could possibly be accommodated with a subzone or Technical and Numeric Variation Overlay should Council indicate that we want to do this. They suggested we give them this feedback as soon as possible, to allow them to take this in to consideration in their process.

On 13 September 2016 (Item 12.2) the Strategic Planning & Development Policy Committee resolved to include the now Award winning median rule land division tool within the Townships & Urban Areas Development Plan Amendment which allows for an absolute minimum allotment size of 2,000 square metres within the Country Living Zone where the tool results in an allotment size of less than this. This allowed for some subdivision of land as long as they are connected to mains sewer or CWMS (Community Wastewater

Management Scheme), but placed clear restrictions in order to preserve native vegetation on private property and the general amenity and garden nature of the area we choose to live in.

We should work with DPTI to maintain the median rule land division tool that planning staff worked so hard to build together with the minimum 2,000 square metre block size in the current Country Living Zone in order to protect our bush and wildlife, and so we can be assured that the beautiful area we all live in today will still be as beautiful in the future.

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

Administration supports the motion as put forward by Cr Parkin as it was intended to include such a request in the draft feedback to DPTI in relation to the draft Planning & Design Code. The motion would therefore reaffirm Administration's intent and position in this regard to ensure that the median rule land division tool is carried over into the new Planning and Design Code as either a subzone or Technical and Numeric Variation (TNV) Overlay.

ADELAIDE HILLS COUNCIL
ORDINARY COUNCIL MEETING
Tuesday 17 December 2019
AGENDA BUSINESS ITEM

Item: **11.2 Motion on Notice**

Originating from: **Cr Malcolm Herrmann**

Subject: **Range Road South, Houghton - Pedestrian movement**

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1. MOTION

I move that the CEO, liaises with the CEO of the City of Tea Tree Gully and users, and investigate how pedestrian movement can be improved on Range Road South, Houghton and provide a report to Council by 31 March 2020.

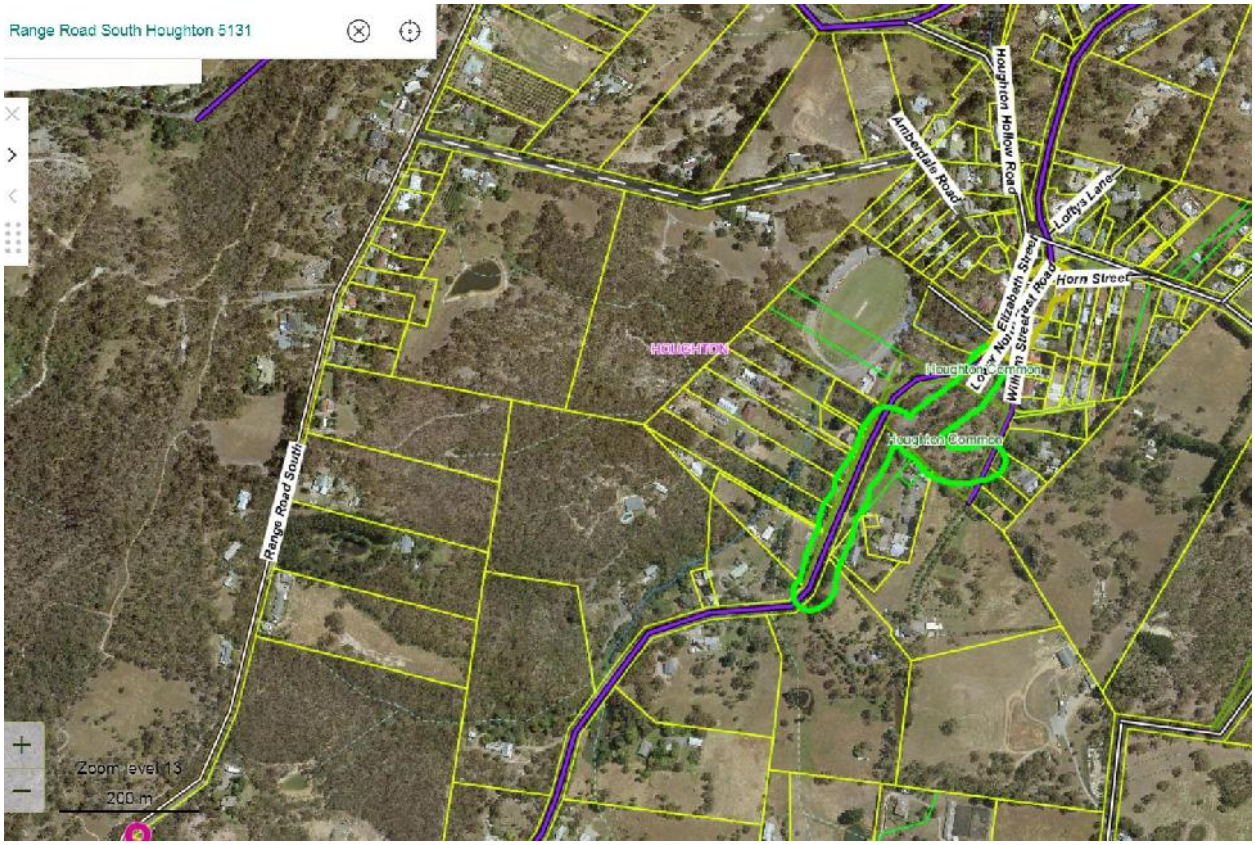
2. BACKGROUND

In recent days, there has been considerable traffic on social media regarding the lack of facilities for safe pedestrian movement of this busy road, which forms part of the boundary between the Adelaide Hills Council and the Tea Tree Gully Council.

3. OFFICER'S RESPONSE – Peter Bice, Director Infrastructure & Operations

While Range Road South is considered outside the township boundary of Houghton, and is therefore not considered a priority for exploring in terms of footpath infrastructure, staff will explore potential improvements or connections as part of the Trails and Cycle Audit being undertaken in early 2020. We will involve City of Tea Tree Gully in these investigations.

Should Council resolve this way, staff anticipate a report being able to be prepared by 31 March 2020.


Range Road South Houghton 5131
Amberdale Road
Houghton Hollow Road
Lofty's Lane
Horn Street
HOUGHTON
Houghton Common
Houghton Common
Range Road South
Zoom level 13
200 m

ADELAIDE HILLS COUNCIL
ORDINARY COUNCIL MEETING
Tuesday 17 December 2019
AGENDA BUSINESS ITEM

Item:	**12.1**
Originating Officer:	**Kylie Caruso, Roads Officer**
Responsible Director:	**Terry Crackett, Director Corporate Services**
Subject:	**Proposed Road Closure, Unmade Public Road (UPR) adjacent to Charleston Conservation Park**
For:	**Decision**

SUMMARY

The purpose of this report is to seek a resolution to issue a Road Process Order under the *Roads (Opening & Closing) Act 1991* to close the unmade roads adjoining the Charleston Conservation park as public roads and amalgamate them with the Charleston Conservation Park (CCP) as identified by the area in blue detailed in ***Appendix 1*** (Road Land).

The Charleston Conservation Park is located on Bell Springs Road, about 4km east of the Charleston township. It is a conservation site for grassy woodlands.

The proposal, instigated by the Minister for Sustainability, Environment and Conservation (the Department of Environment and Water (DEW))in March 2017 is for the Road Land to be vested as part of the CCP for nil consideration to enable the conservation and preservation of native vegetation that exists on the Road Land.

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 and merge the pieces of land identified as "A" in the Preliminary Plan attached to this report with Section 3942 and Section 3943 as comprised in Certificate of Title Volume 5772 Folio 824 and Volume 5481 Folio 673 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 *Local Government Act 1999;***

- **The piece marked "A" be transferred to the Minister for Sustainability, Environment and Conservation (Department of Environment and Water), the owners of the property with which it is merging for $1.00 (if demanded); and**

- **all fees and charges associated with the road closure process be the responsibility of the Minister for Sustainability, Environment and Conservation.**

4. Authorise the Chief Executive Officer to finalise and sign all necessary documentation to give effect to this resolution.

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1. GOVERNANCE

➢ **Strategic Management Plan/Council Policy**

Goal 3	Places for People and Nature
Strategy	Management of Biodiversity

The proposal put forward by DEW is for the better future management and protection of native vegetation and wildlife habitat on the Road Land and in the CCP.

➢ **Legal Implications**

The *Roads (Opening & Closing) Act 1991* (Act) sets out the process for a road closure and the issuance of a Road Process Order.

➢ **Risk Management Implications**

The closure of a section of unmade road that is deemed to be surplus to Council's current and future needs as a public road will assist in mitigating the risk of:

> *Holding assets surplus to Council strategic requirements leading to reduction of the liability to Council for insurance, maintenance, vegetation management and regulatory functions.*

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

This is an existing mitigation control.

➢ **Financial and Resource Implications**

All external costs including the initial and subsequent survey, valuation, conveyancing, advertising and government charges have been paid by DEW.

The Council has met its own administrative cost of the proposed road closure including the initial investigation, liaison with adjoining land owners, liaison with surveyor and conveyancer and internal processes to undertake the road closure.

Under the Council's *Disposal of Assets Policy*, the Council is required to dispose of land at or above current market value unless there are reasons for Council to accept a lesser return which is consistent with the Council's overall strategic direction.

The assessment undertaken by Council staff indicate that the amalgamation of the Road Land into the CCP will have positive biodiversity benefits for the future management of the vegetation of the Road Land and the CCP and is considered a relevant consideration for the Council to vest the Road Land for under market value.

It is recommended that the Road Land be sold for $1.00, if demanded.

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

The CCP is a publicly accessible open space for passive recreation activities such as bushwalking. Bikes, domestic animals and camping are prohibited.

As the land remains accessible to the community for passive recreation, it is unlikely that there is a negative community implication to the proposal.

- **Environmental Implications**

The closure of the unmade roads will result in this land being added to the CCP. The addition of the land to the conservation park will provide it with greater protection under the *National Parks and Wildlife Act 1972*.

The area proposed as an addition to the park contains significant biodiversity value, which is outlined in the letter from DEW dated 15 November 2019 (see ***Appendix 3***).

Endangered Candle bark *Eucalyptus dalrympleana*, Blue Gum *E. leucoxylon* and Manna Gum *E. viminalis cygnetensis* woodland occurs throughout, with intact grassy woodland understory including *Lepidosperma viscidum, Hibbertia crinita* and many rare flora species. Formerly widespread, this ecological community is now considered Vulnerable in South Australia following extensive clearance for agriculture and degradation from grazing.

The Road Land and CCP provide habitat for at least 77 native plant species. Two of these species are of State conservation significance (listed under the *National Parks and Wildlife Act 1972*) and a further five are rated Rare or Vulnerable in the Fleurieu IBRA (Interim Biogeographic Regionalisation of Australia) subregion.

The CCP also provides habitat for at least 87 native fauna species. Five of these species are of State conservation significance, including the Vulnerable Yellow-tailed Black Cockatoo and the Diamond Firetail. A further 11 are rated rare or vulnerable in the Fleurieu IBRA subregion.

The road closure proposal is supported by the Friends of Charleston Conservation Park.

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

Council Committees:	Not Applicable
Council Workshops:	Not Applicable
Advisory Groups:	Property Advisory Group, Biodiversity Advisory Group
Administration:	Manager Property Services Biodiversity Officer
Community:	Community Consultation was undertaken in accordance with the public notice requirements set out in the Act with no formal objections received.

2. BACKGROUND

By way of letter dated 28 March 2017, the then Department of Environment, Water and Natural Resources (now DEW) sought in principle agreement from Council for a proposal to close and amalgamate the Road Land immediately to the east and south of the CCP. The primary reason stated for the proposal was the protection of native vegetation.

Initial internal assessments undertaken within Council did not identify any concerns with the proposal. The road has never been formed and for all intents and purposes it forms part of the CCP. The Council's Biodiversity Officer advised that the Road Land had been the subject of unauthorised clearance over a number of years.

For many years the Road Land has caused management problems for the CCP due to the unauthorised clearance which progressively encroached into the park. This activity has promoted weeds that threaten the park and incrementally clears native vegetation each year.

In early 2018, DEW acquired an additional parcel of land to the east of the existing CCP and requested that the Road Land adjacent to this new parcel also be included for consideration for closure and amalgamation with the CCP.

DEW has expressed a concern that with the expansion of the CCP there might come an increase of this unauthorised clearance activity further damaging the significant native vegetation along the Road Land to the east.

The addition of the Road Land to the existing park would allow DEW staff to manage these activities with powers of compliance under the *National Parks and Wildlife Act 1972.*

DEW's proposal for the closure and amalgamation of the Road Land was on the basis that DEW would pay the costs associated with the road closure and amalgamation but for no monetary consideration for the value of the land.

This proposal was discussed with members of Council's Property Advisory Group who expressed that the Council should comply with its *Disposal of Assets Policy* and seek a

valuation to determine the market value of the Road Land so that the Council had all the necessary information at hand to make an informed decision.

Council's Disposal of Land Policy includes the following provision:

> 7.3 If Land is to be disposed of via a select tender or direct sale, then (unless the Council resolves otherwise) one independent valuation must be obtained to ensure that an appropriate market value is obtained. The independent valuation must be made no more than 6 months prior to the proposed disposal.

In accordance with Council's *Disposal of Asset Policy*, Council staff requested DEW obtain a valuation in accordance with the above so that a clear understanding as to the value of the land was available to present to Council for consideration as part of the proposal.
On the 21st of March 2019 DEW provided a Valuer-General's assessment of the road land to be $20,000.

DEW's postion has been firm from the commencement of this road closure process that there is no funding available for the purchase of road reserves from Councils.
Council staff met with representatives of DEW on 13 November 2019 to discuss the rationale behind this convention and work through potential solutions.

Standard practice state-wide for road transactions between Councils and DEW is that provision of closed roads by Council (in particular, for inclusion into the parks system) is undertaken for nil consideration to the State. This reciprocal convention also applies in the situation where State or Crown land is provided to a Council for the creation of new roads or for road widening to rectify anomalies such as road encroachments. Where Council road encroaches into a park or Crown Land, DEW has typically also funded the cost of survey on behalf of Council. One such situation is currently being rectified within the Adelaide Hills Council area at no cost to Council.

This convention is also supported by the intent of the *Roads (Opening and Closing Act) 1991*, which sets out that when land is transferring to the Crown under these circumstances, there is no need for a formal "transfer" to be effected. Where there is a clear approval by Council for the land to vest in the Crown, the Road Process Order can reflect this, and the formal issue of a title and transfer of the land can be bypassed (being a cost benefit for both parties).

Under the Act, it is a requirement that the Council, prior to entering into a preliminary agreement with any party for the closure and sale of a public road, invite offers from adjoining land owners.

As required, the Council wrote to the adjoining land owners on 15 January 2019 inviting offers to purchase the Road Land. Responses from the three adjoining land owners detailed that they did not wish to purchase the Road Land. One land owner was in support of the proposal however the other two expressed some concerns/objections with the proposal and notified that they are likely to lodge objections to the road closure process during the future statutory public notification period. The main concern expressed by these land owners is from a fire risk perspective if vegetation becomes more dense up to the fence line and a fire track is not maintained.

3. ANALYSIS

The road closure process was formally commenced and undertaken by DEW in accordance with the requirements of the Act.

The Road Land was assessed by Council staff to ascertain its suitability for a closure and sale and this assessment indicated that it was suitable.

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 road being merged with the land owned by DEW, which is open to the public as a Conservation Reserve. Currently the road is not made, heavily vegetated, with a plan to increase the biodiversity to the area.

Formal public notification as required under the Act occurred in August 2019, with no formal objections received to the proposed road closure process. Public support for the road closure has been received from some of the adjoining land owners and also the general public. Refer ***Appendix 3***

An assessment of the potential use of the Road Land by bushwalkers included the following:

- A review of the Adelaide Hills 20 Year Trail Strategy & Action Plan which does not identify the Road Land as a potential linkage of trails
- Confirmation from the Office of Recreation and Sport that the Road Land is not considered a strategic trail linkage at State level
- Walking SA held no objection to the proposed road closure
- This Road Land being incorporated into the CCP will allow the community to continue to explore and enjoy the offerings of the CCP within the restraints imposed by the State Government.

It is the opinion of Council staff that the vesting of the Road Land to DEW for incorporation into the CCP will result in the long term benefit to the community and environment given the remnant native vegetation will be managed by DEW.

The ongoing responsibility for management of the land, including management of fire risk and control of third party impacts would rest with DEW.

4. OPTIONS

Council has the following options:

I. Resolve to enter an agreement to transfer the Road Land for the value of $1.00 (if demanded) to close the road and issue a Road Process Order (Recommended)

II. Resolve to enter an agreement to transfer the Road land for an amount lesser than the valuation amount and to close the road and issue a Road Process Order (not recommended as DEW have advised that they are unable to complete the process if monetary consideration is required)

III. Resolve to close the road and issue a Road Process Order and the land vested in DEW for the value of $20,000 (plus GST) (not recommended as DEW have advised that they are unable to complete the process if monetary consideration is required).

IV. Resolve to not endorse the road closure (Not Recommended)

5. APPENDICES

(1) Identification of Road Land
(2) Preliminary Plan identifying the Road Land and merging parcels
(3) Supporting Letter from DEW dated 15 November 2019

Appendix 1

Identification of Road Land

24-Sep-2019

UPR adj to Charleston Conservation Park

Adelaide Hills COUNCIL

N

Annotations
- Polygon3
- Polygon2
- Polygon1

AHC Core
- Parks
- Townships
- RoadsStreetView
  - ADJOINING LGA RD
  - AHC & PRIVATE
  - AHC RD
  - DPTI RD
  - PRIVATE RD
  - SHARED RD
- PropertyOwner
- Parcels
- Roads
- AHC LGA
- LGAs
- Suburbs
- Rivers
  - River
  - Creeks
  - Streams

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Scale = 12065.76

500 m

Appendix 2

Preliminary Plan identifying the Road Land and merging parcels

PRELIMINARY PLAN No.

ADELAIDE HILLS COUNCIL
HUNDRED OF ONKAPARINGA
CHARLESTON

REF: A17013P1.1 DATE: 29/01/18 MJL,CML

MOSEL SURVEYORS Land Solutions
KADINA
6 Graves Street SA 5554
08 8821 3544
info@mosel.com.au
mosel.com.au
ACN 144 516 398
CLARE
08 8842 1228
ADELAIDE & MURRAY BRIDGE
1300 853 203

ROAD TO BE CLOSED LETTERED 'A'
'A' TO BECOME A NEW ALLOTMENT

APPROVED BY THE ADELAIDE HILLS COUNCIL
DATED THIS 17th DAY OF June, 2019

SIGNED .....

TITLE Manager Property Services

I HEREBY CERTIFY THAT THE PORTION OF ROAD TO BE CLOSED LETTERED A HEREON IS PUBLIC ROAD WITHIN THE MEANING OF SECTION 3 OF THE ROADS (OPENING AND CLOSING) ACT, 1991.
(AUTHORITY: GOVT ROAD)

MICHAEL LIEBELT
LICENSED SURVEYOR

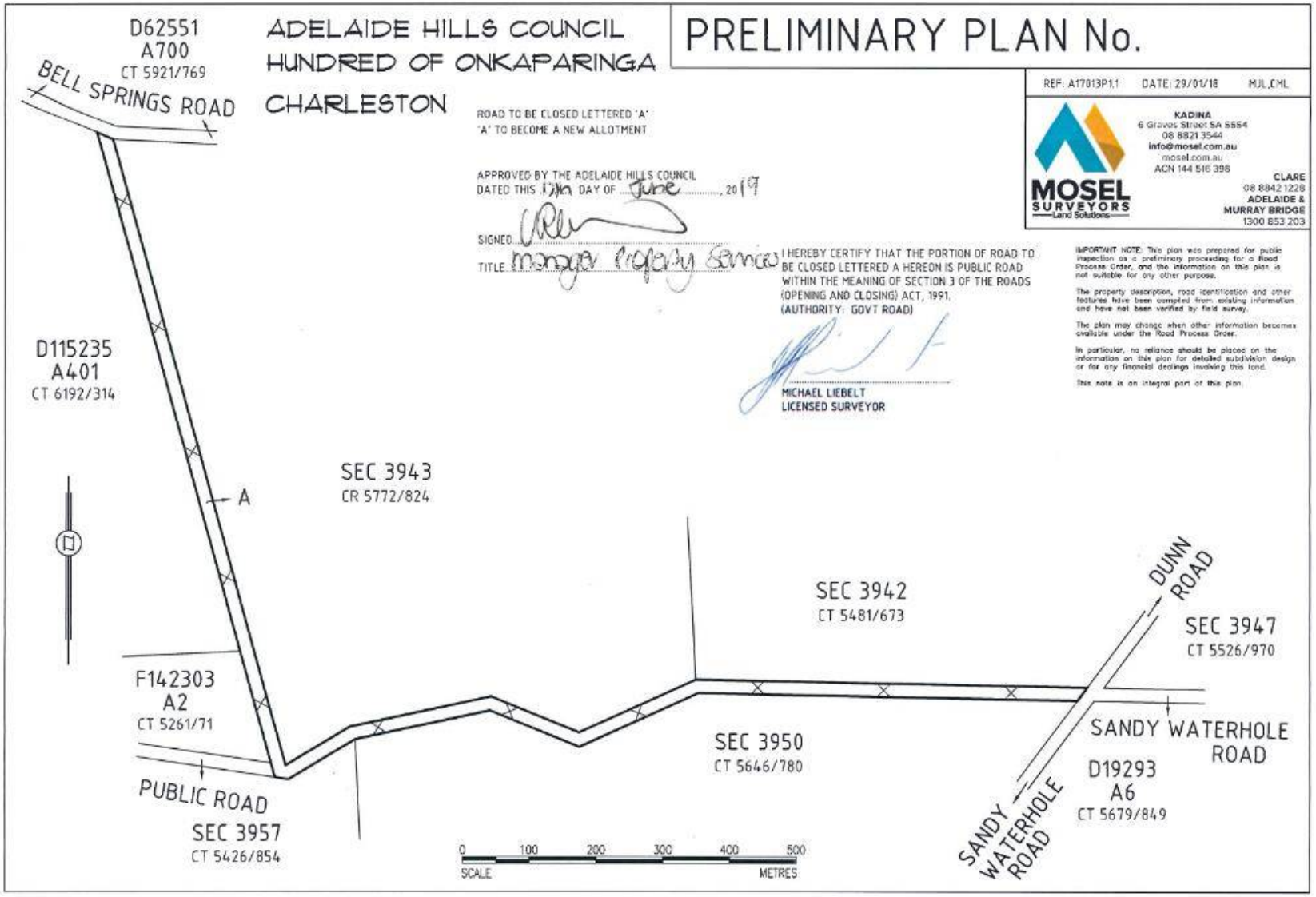
IMPORTANT NOTE: This plan was prepared for public inspection as a preliminary proceeding for a Road Process Order, and the information on this plan is not suitable for any other purpose.

The property description, road identification and other features have been compiled from existing information and have not been verified by field survey.

The plan may change when other information becomes available under the Road Process Order.

In particular, no reliance should be placed on the information on this plan for detailed subdivision design or for any financial dealings involving this land.

This note is an integral part of this plan.



Appendix 3

Supporting Letter from DEW dated 15 November 2019

Government of South Australia
Department for Environment and Water

National Parks and Protected Area Program
Level 9
81-95 Waymouth St
Adelaide SA 5000
GPO Box 1047
Adelaide SA 5001
Australia
Ph: +61 8207 7747

www.environment.sa.gov.au

Date: 15 November 2019

Adelaide Hills Council Property Advisory Group
C/- Kylie Caruso
Roads Officer
kcaruso@ahc.sa.gov.au

RE: PROPOSED CLOSURE OF PUBLIC ROAD ADJACENT CHARLESTON CONSERVATION PARK

I write regarding DEW's proposal to Council to close the public road reserve abutting the Charleston Conservation Park (CP) and transfer the land to the Crown, for future inclusion in the Charleston CP. A map is provided in Attachment 1.

Department for Environment and Water (DEW) National Parks and Protected Area Program staff Amy Allen (policy officer) and Tammie Edwards (property officer) met with Council staff Kylie Caruso (Roads officer) and Natalie Westover (Manager Property Services) on 13 November 2019 to further discuss the proposal. As a result of this meeting, we have provided some additional information for the consideration of the Property Advisory Group in forming their recommendation to Council.

DEW's proposal is that the transfer be for nil consideration, and that DEW will cover all costs associated with the transfer. As discussed at the abovementioned meeting, the National Parks and Protected Area Program operates on very limited resourcing, and road closures are only proposed when there is a significant environmental and/or management benefit in doing so. The rationale for this proposed road closure is set out below.

Environmental benefit of proposed closure and addition to Charleston CP

The unmade road reserve bordering Charleston CP conserves significant native vegetation in a landscape where very little remains. Endangered Candle bark *Eucalyptus dalrympleana*, Blue Gum *E. leucoxylon* and Manna Gum *E. viminalis cygnetensis* woodland occurs throughout, with intact grassy woodland understory including *Lepidosperma viscidum, Hibbertia crinita* and many rare flora species. Formerly widespread, this ecological community is now considered Vulnerable in South Australia following extensive clearance for agriculture and degradation from grazing.

DEW has recently acquired the land parcel to the east of the existing park due to the significant opportunity it represents for restoration of this critical habitat. The intact vegetation within the road reserve plays a valuable contribution to the restoration of this new parcel.

Charleston CP is located within the Fleurieu IBRA subregion and Eden Valley environmental association, both of which have less than 5% in protected areas and, as such, are very high priorities for further protection.

The road reserves proposed for closure and addition provide habitat for at least 77 native plant species, all of which have either been recorded in the road reserves or in similar habitat in Charleston CP. Two of these species are of State conservation significance (listed under the *National Parks and Wildlife Act 1972*) and a further five are rated Rare or Vulnerable in the Fleurieu IBRA subregion.

The land also provides habitat for at least 87 native fauna species. Five of these species are of State conservation significance, including the Vulnerable Yellow-tailed Black Cockatoo and the Diamond Firetail. A further 11 are rated rare or vulnerable in the Fleurieu IBRA subregion.

Closure of these road reserves and their proclamation as park would provide the appropriate legislative protection under the *National Parks and Wildlife Act 1972.*

Management benefit of proposed closure and addition to Charleston CP

For many years the road reserve has caused management problems for the Charleston CP, with the neighbouring landowner annually rotary tilling the road reserve, progressively encroaching into the park. This activity has promoted weeds that threaten the park and incrementally clears native vegetation each year. There is a concern that with the expansion of the conservation park might come an expansion of this clearance activity further into the significant native vegetation along the road reserve to the east. Its addition the existing park would allow DEW staff to manage these activities with powers of compliance under the *National Parks and Wildlife Act 1972.*

The ongoing responsibility for management of the land, including management of fire risk and control of third party impacts, would rest with DEW. Further information on the fire management plans for the Charleston CP can be provided if necessary.

Community support

This proposal has been subject to thorough consultation with neighbours and community stakeholders being informed via letters from the Department and from Council.

The proposal has received significant support from neighbouring land holders, with one neighbour sending a letter of support for the proposed closure (Attachment 2). No objections were raised during the formal *Roads (Opening and Closing Act) 1991* consultation process. Community interest groups, in particular the Friends of Charleston CP, have shown significant support for the proposal, including through a previous Deputation to Council.

Rationale for proposed nil consideration transfer

Standard practice state-wide for road transactions between Councils and DEW is that provision of closed roads by Council (in particular, for inclusion into the parks system) is undertaken for nil consideration to the State. This reciprocal convention also applies in the reverse situation, i.e. where Crown land is provided to Councils for creation of new roads, or for road widening to rectify anomalies such as Council encroachments, there is no charge to Councils. Where Council road encroaches into a park, DEW has typically also funded the cost of survey on behalf of Council. One such situation is currently being rectified within the Adelaide Hills Council area at no cost to Council.

This convention is also supported by the intent of the *Roads (Opening and Closing Act) 1991*, which sets out that when land is transferring to the Crown under these circumstances, there is no need for a formal "transfer" to be effected. Where there is a clear approval by Council for the land to vest in the Crown, the Road Process Order can reflect this, and the formal issue of a title and transfer of the land can be bypassed (being a cost benefit for both parties). The provision of this direct approach within the Act and the associated processes is demonstrative of the intent for these types of transactions to be undertaken in this way between local and State Government.

Council has previously advised the opinion that a nil consideration transfer is not in line with Council's disposal of assets policy. Whilst the Council Policy is weighted towards economic return, it also specifies that the principles are not restricted to price alone and contains other significant

provision for consideration of the value of environmental benefits, community benefits and risk analysis outcomes.

National Parks and Protected Area Program staff have consistently advised that DEW cannot fund a purchase of these road reserves. DEW has covered all costs associated with the transaction, and has expended significant funds to date progressing the closure to what is now the final stages. In addition to the costs already incurred, significant amounts of staff time (both DEW and Council's) has been spent on this transaction.

Regrettably, if the transaction could not proceed for nil consideration, the road closure process would be unable to progress. Due to the high biodiversity values and management issues associated with the land, DEW as an adjacent landholder would not support any future closure and sale to another party.

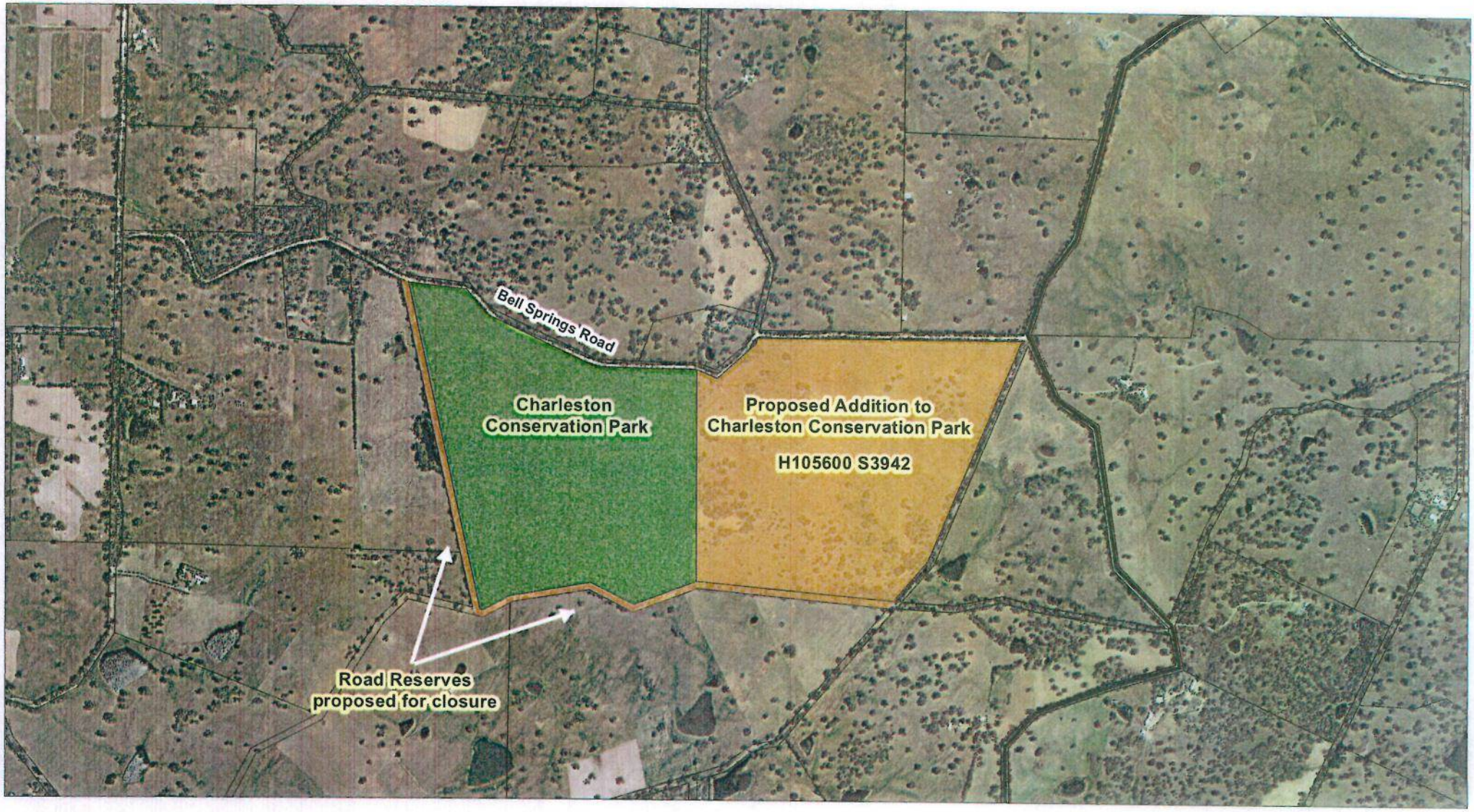
I hope that this additional information can be considered in forming a final recommendation to Council. I would like to thank Council staff, in particular Kylie Caruso and Natalie Westover, for their continued support and communication throughout this process.

Yours Sincerely,

Kathryn Nicolai
Coordinator Park Establishment and Strategic Advice
National Parks and Protected Area Program, Department for Environment and Water

Attachment 1 – location map
Attachment 2 – Letter of neighbour support

Charleston Conservation Park



Conservation Park

Proposed additions to Charleston CP

N

0 350

Metres

Produced by Protected Areas Unit
Department for Environment, Water and Natural Resources
Level 9, 81-95 Waymouth St Adelaide SA 5000
www.environment.sa.gov.au

Data Source DEWNR, DPTI
Compiled 31 January, 2018
Projection Lambert Conformal Conic
Datum Geocentric Datum of Australia, 1994

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Government of South Australia

REF A17013

8-819.

ROAD CLOSURE, CHARLESTON

ADELAIDE HILLS COUNCIL
RECEIVED
19 AUG 2019

ATTENTION: KYLIE CARUSO
ADELAIDE HILLS COUNCIL
63 MOUNT BARKER ROAD
STIRLING SA. 5152.

1/ I OWN LAND D115235 A401, C.T. 6192/314 WHICH ADJOINS NEW ALLOTMENT "A" ON PRELIMINARY PLAN NO 19/0017, ON THE WESTERN BOUNDARY.

2/ I CONSIDER THIS LAND MORE THAN APPROPRIATE TO BE TRANSFERRED TO SEC 3943 CT. 5772/824 AS BOTH AREAS CONTAIN THE SAME TYPE OF VEGETATION AND WILD LIFE HABITATION AS EACH OTHER.

3/ IT WOULD ENHANCE THE CONSERVATION PARK WHICH MUST ONLY BE PROTECTED AND IMPROVED FOR THE FUTURE OF ALL SOUTH AUSTRALIANS. THERE IS NOT ENOUGH LAND BEING SET ASIDE FOR WILD LIFE RESERVES IN THE MOUNT LOFTY RANGES AND THIS WOULD HELP THIS OBJECTIVE.

4/ THE ROADWAY "A" ON THE SOUTHERN SIDE OF THE CONSERVATION PARK WAS, NOT MANY YEARS AGO, COVERED WITH YACCAS HAKEA, SHE OAKS AND ORCHIDS ETC WITH PLENTY OF EXTENSIVE UNDERSTORY. THIS WAS ALL CLEARED SYSTEMATICLY, BIT BY BIT, AND POSSIBLY UNLAWFULLY, WHERE NOW ONLY LARGE TREES EXIST. THIS AREA IS NOW CULTIVATED EVERY YEAR AND NO NATIVE VEGETATION CAN EXIST. IT WOULD BE NICE TO SEE IT REVEGETATE AGAIN AS IT WAS BEFORE AND PROVIDE SHELTER AND FOOD FOR OUR WILDLIFE.

5/ FIRE BREAKS CAN BE MADE AND MAINTAINED ON PRIVATE LAND.

6/ I TRUST THIS NOTE WILL RECEIVE YOUR FAVOURABLE CONSIDERATION

F.A. O'CONNOR
DAD 27

ADELAIDE HILLS COUNCIL
ORDINARY COUNCIL MEETING
Tuesday 17 December 2019
AGENDA BUSINESS ITEM

Item:	**12.2**
Originating Officer:	**Sharon Leith Sustainability Officer**
Responsible Director:	**Peter Bice Director Infrastructure and Operations**
Subject:	**Community Energy Program**
For:	**Decision**

SUMMARY

The purpose of this report is to seek Council direction on whether to invest in a regional Community Energy Foundation, or to instead hand over developed resources for community and industry use.

With high power prices affecting the cost of living and doing business in the region, six regional Councils have partnered to explore options to cut those costs while enabling the whole community to transition to renewable energy. A suggested model has been developed through the Resilient Hills and Coasts (RH&C) regional climate partnership. The six partner Councils, including Adelaide Hills Council, are now being asked to decide whether they are prepared to support the approach.

A commissioned Design Report (refer ***Appendix 1***) concluded that the most appropriate community energy model for the region is to establish an independent, not-for-profit Foundation that would:

- Leverage the region's collective buying power to broker a competitive deal on renewable energy for regional households and businesses, via a partnership with an energy retailer
- Transition to become a self-funding not-for-profit, by returning a dividend from each bill to the Foundation and
- Deliver an ongoing program of services and projects that help households and businesses to use energy more efficiently.

The Design Report estimates a potential cost-saving benefit to the region of up to $3 million per year. This would be a social dividend and no financial return to Council is envisaged in the program design.

A Local Government Research & Development Scheme (LGAR&D) Grant of $45,000 was secured to further test and develop the program design. When the grant-funded project is complete, a toolkit of legal advice, governance documents and a community engagement and marketing plan will be published open source for use by the Local Government sector, energy industry and wider community.

There are now two options for Councils to consider:

- Option 1-Progress an Expression of Interest to gauge community interest, with a threshold of 750 potential customers needed to continue with retailer negotiations; or
- Option 2-Finalise Council involvement, and publish the resources developed by the project for community, industry and local government sector use.

The proposed Adelaide Hills Council contribution to the Foundation under this model for Option 1 would be approximately $108,824 over five years at a diminishing rate, calculated using the Southern & Hills LGA funding formula. Should any of the 6 partner Councils not endorse Option 1, the remaining Councils will need to consider whether they can shoulder the additional shared costs. If not, viability of the Foundation (and therefore of continuing with Option1) would be at risk. Similarly, should expected State or Federal Government grants, forecasted revenue not be achieved, viability of the Foundation would be at risk.

All 6 Councils have been presented to at a workshop or Informal Gathering and each raised diverse views about the potential risks and opportunities presented by the Community Energy Program (CEP). Council Members generally expressed positive interest in the proposed outcomes but there were many questions raised about the program design and how it would mitigate legal, financial, market-based and regulatory risks. Some of those risks are addressed in the Design Report and further legal advice, other risks will not be able to be fully quantified or addressed until the Foundation is established, business planning completed and retailer agreement formed.

On the basis of the Adelaide Hills Council workshop discussion it was identified that Option 1 provides a level of concern associated with continued Council involvement with the CEP and therefore is not the preferred option. However, the investigation into the CEP especially associated risk, legal implications, governance, approach and an engagement process provides valuable information for any community group or individuals interested in undertaking a community energy project.

RECOMMENDATION

Council resolves:

1. **That the reports be received and noted**
2. **That resources developed under the Community Energy Program will be published for use by the community, industry and local government sector, and Council involvement be wound up (Option 2).**

---

1. GOVERNANCE

➢ **Strategic Management Plan/Council Policy**

Goal 3	Places for people and nature
Strategy 3.1	We will work with our community to encourage sustainable living and commercial practises
Strategy 3.2	We will strive for carbon neutrality as an organisation and encourage our community to do likewise

Strategy 3.10 We will investigate 'off-grid' power opportunities for facilities and households in our community. We're open to the idea of whole townships doing the same.

The environment is continually changing influenced by climate, economic considerations and human impact. 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 to undertake actions into climate change adaptation. 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 act 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 South Australia's climate change legislation. 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 (including AHC) signed a Sector Agreement along with all the other project partners on the 5th June 2017. The development of a Community Energy Program aligns with this agreement and the legislation.

HWL Ebsworth, Local Government Association SA's (LGASA) preferred legal services provider was appointed to draft legal advice and governance documents following a Request For Quotation (RFQ) process. A summary of this information is provided in ***Appendix 2***. They provided a letter of advice covering organisational and tax structures, competition and consumer law, and energy licensing and regulation. This legal advice was obtained with grant funding from the LGA R&D fund.

Key points of the advice include:

- There are no legal barriers to partner Councils establishing a Community Energy Foundation
- There are some commercial and legal risks to manage, which can readily be achieved
- An Australian Competition and Consumer Commission (ACCC) authorisation will likely be needed to secure legal protection for collective bargaining
- Consumer law issues will remain an ongoing compliance consideration of the Foundation
- The Foundation should be structured as an incorporated association
- The Foundation may be eligible for tax-exempt status and DGR (charity) status
- Partner Councils should take a direct and active governance role for an initial 'transitional' period, reducing over time to make way for community control and
- Council representatives on a management committee do not have LG Act statutory immunity.

With the tight regulation of the energy market a recent compliance action taken by the ACCC against "One Big Switch", essentially for false advertising of cost savings, was considered in the legal advice.

➢ **Risk Management Implications**

The establishment of a Community Energy Program including a Foundation has been investigated based on providing the community with renewable energy, reduced costs for electricity and ensuring that the economic benefits stay within the region.

A suggested model (Option 1) has been developed through the Resilient Hills and Coasts regional climate partnership. The six partner Councils, including Adelaide Hills Council, are now being asked to decide whether they are prepared to support the approach.

In September 2018, $45,000 in LGA R&D grant funding was secured to resolve how partner Councils could procure innovative energy services while minimising exposure to financial, legal and governance risks.

The 4 deliverables of the grant funding included:

- A legal review of the proposed concept
- The preparation of core governance documents to first draft stage
- The design of a community engagement and marketing plan for the Retail Offer and
- Mapping the project journey as a case study and developing a toolkit of the deliverables for use by others.

The legal review was delivered in February 2019, a summary has been provided in ***Appendix 2*** and the community engagement and marketing plan in September 2019, a copy provided as ***Appendix 3***. The remaining deliverables under the LGA R&D grant will be completed by March 2020.

Each of the 6 partner Councils are now being asked to decide on how to progress. Given the complexity of forming a consensus view of 6 Councils, the working party is presenting two options for consideration.

- Option 1-Progress to a non-binding expression of interest (EOI) stage to gauge community interest, with a threshold of 750 potential customers needed to continue with retailer negotiations; or
- Option 2-Finalise Council involvement, and publish the resources developed by the project for community, industry and local government sector use.

However, the EOI process (Option 1) will likely generate community expectation for Councils to progress the initiative, which would require an expected $450,000 in total seed funding across 5 years and shared between 6 Councils. Sample budget provided on page 43 of the Community Energy Program Design Report. Refer ***Appendix 1***.

Adelaide Hills Council's contribution to the Foundation would be $108,824.11 over five years if Option 1 is progressed. Should any of the six partner Councils not endorse Option 1, Council would need to consider whether it can shoulder the additional shared costs. If not, viability of the Foundation (and therefore of continuing with Option 1) would be at risk. Similarly, should expected State or Federal Government grants (or a private partnership) of $950,000 not be secured, viability of the Foundation would be at risk.

The threshold of 750 customers across the region is a figure estimated by the consultants as the baseline to commence negotiations with retailers. To become financially self-sufficient, further customers will need to be attracted. Exact numbers to hit 'break even' will not be known until a retailer agreement has been reached.

In order to deliver Option 1, the EOI process would also result in the following resourcing implications:

- Council administration would need to be actively involved in promoting the process and answering queries and questions from the community. Customer service staff may be required to accept EOI applications or support individuals to upload their details.
- Working Party members would continue to invest time in progressing the project, including managing the EOI process and the next stage of Council approvals, and recruiting a foundation manager.

In order to deliver Option 2, finalising and publishing the Toolkit, the only further staff resourcing requirement would be acquitting the grant and managing consultant contracts.

All 6 Councils have been presented to at a workshop or Informal Gathering and each raised diverse views about the potential risks and opportunities presented by the CEP. The Adelaide Hills Council presentation occurred on Tuesday 13 August 2019 at a Council Workshop. The aim of the presentation was to brief Council Members on the project while trying to gain a sense of each Councils appetite to invest in a CEP and in particular the creation of an energy foundation.

Council Members generally expressed positive interest in the proposal but there were many questions raised about the program design and how it would mitigate legal, financial, market-based and regulatory risks. Some of those risks are addressed in the Design Report and legal advice, other risk will not be able to be fully quantified or addressed until the Foundation is established, business planning completed and retailer agreement formed.

On the basis of the AHC Council Workshop discussion and risks associated with the program it was identified that Option 1 provides a level of concern associated with continued Council involvement with the CEP and therefore is not the preferred option. However, the investigation into the CEP specially associated risk, legal implications, governance, approach and an engagement process provides valuable information for any community group or individuals interested in undertaking a community energy project.

The investigations into a Community Energy Program and the preparation of an associated toolkit will assist in mitigating the risk of: minimal community expertise and knowledge on community energy leading to communities progressing these initiatives with increased risk, costs, liabilities and governance implications.

Inherent Risk	Residual Risk	Target Risk
Medium (3C)	Medium (2C)	Low (1D)

➢ **Financial and Resource Implications**

For Option 1 to successfully transition from a Council-initiated project to a financially self-sufficient, community-led initiative, the Design Report recommends the Foundation be supported by an initial five years of seed funding.

The proposed Council component of this seed funding is $450,000, split between the six partner Councils in accordance with the Southern & Hills LGA contributions formula. The funding would be weighted in Years 1 and 2, tapering off through years 3 to 5 as the Foundation transitions to financial self-sufficiency.

Note: In the Design Report, the consultants estimated a total budget requirement of $600,000 over five years from Councils, and $800,000 over five years from State and Federal Government grants. The Working Party determined a more realistic budget for Councils and a more ambitious target for grant funding would be preferable, with a proposed split of $450,000 from Councils and $950,000 from grants.

The proposed Adelaide Hills Council contribution to the Foundation under this model for Option 1 would be approximately $108,824 over five years at a diminishing rate, calculated using the Southern & Hills LGA funding formula. Should any of the 6 partner Councils not endorse Option 1, the remaining Councils will need to consider whether it can shoulder the additional shared costs. If not, viability of the Foundation (and therefore of continuing with Option1) would be at risk. Similarly, should expected State or Federal Government grants, forecasted revenue not be achieved, viability of the foundation would be at risk.

The first step in the process would be running an Expression of Interest (EOI) to the community.

This would include:

- Branding for the Foundation
- Community events and marketing (social media, local news, radio)
- Building and managing a microsite for collecting pledges and estimated demand (Customer Relationship Management system)
- Customer service and enquiries.

Within this year's (19/20) current budget there is a $10,000 allocation for this component of the EOI and CEP promotion. This would be spent if Council wish to pursue Option 1.

If Option 2 is progressed there would be no further budget investment required.

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

The Design Report (Option 1) estimates a potential cost-saving benefit to the region of up to $3 million per year. This would be a social dividend and no financial return to Council is envisaged in the program design. The program targets all households and businesses and not just those who own their own home/premises and can afford rooftop solar. It could therefore benefit retirees, aged care residents, renters, low income earners and small businesses through lower electricity costs and energy efficiency measures. However, there is no restriction to being involved. Retailer negotiations would seek to ensure that the retail arrangement also benefits those with rooftop solar.

In order to deliver Option 1 Council administration and customer service would need to be actively involved in promoting the process and answering queries and questions from the community. Customer service staff may be required to accept EOI applications or support individuals to upload their details.

- **Environmental Implications**

The Foundation would enable every household and every business in the region to transition to renewable energy. It would also deliver projects and services assisting households and businesses in the region to use energy more efficiently.
The proposal therefore aligns with the Resilient Hills & Coasts Regional Climate Change Adaptation Plan priority to "Advocate and facilitate the use of more energy efficient inputs for housing," and Council's current Strategic Plan.

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

In 2018, community energy consultants Moreland Energy Foundation and Tandem Energy undertook community engagement associated with the Design Report process. This included in-depth community research, interviews, a survey and workshops with community, council staff and Council Members.

In June 2019, the Working Party hosted two Community Energy Forums in the region – in Port Elliot and Mount Barker. Attendees heard from Federal Member for Mayo Rebekha Sharkie MP, and project consultants, on the community energy concepts, case studies from elsewhere, and how a model could work in our region.

Consultation on the development of this report was as follows:

Council Committees:	Not Applicable
Council Workshops:	The CEP was presented at a workshop on Tuesday August 13 2019 by the Project Coordinator.
Advisory Groups:	An information update was issued to the Sustainability Advisory Group on August 28 2019 detailing the progress of the Community Energy Program. A brief presentation to the Sustainability Advisory Group was also undertaken on Thursday 5 December 2019.

Administration:	Manager Sustainable Assets Director Infrastructure and Operations Chief Executive Officer Executive Leadership Team
Community:	Not Applicable

2. BACKGROUND

This collaborative project was initiated by Victor Harbor Council, which in 2009 spearheaded the first solar bulk buy scheme in South Australia, alongside Alexandrina and Yankalilla Councils. That scheme was so successful that one in two households in the region now have rooftop solar – the highest uptake rate in Australia – and the Local Government Association of SA (LGASA) rolled out the scheme to another 35 Councils.

However, when a similar initiative was attempted a few years later to target regional businesses, the subsidies, feed-in tariffs and hardware pricing had moved on to the point that such a program was no longer viable. Despite this setback, the outcome of cheaper, cleaner power for all households and businesses was still considered a goal worth pursuing.

From an AHC perspective community energy has been discussed within the Sustainability Advisory Group since 2010 when Hepburn Wind came and presented to the group. In addition the potential of community energy has been further discussed at regular intervals but the extent of expertise required, fast paced and dynamic industry made an investigation for AHC alone out of reach. The potential to investigate community energy by collaborating as a regional partnership was seen as one way to explore the opportunities for AHC.

In mid-2017, staff from Resilient Hills & Coasts partner Councils established a Working Party to explore how the Councils could work with each other, and our communities, to deliver a regional Community Energy Program. The Working Party secured a partnership with Regional Development Authority (RDA) Adelaide Hills, Fleurieu and Kangaroo Island to jointly invest $24,000 in a detailed program design report and associated community consultation, and in September 2017, secured consent from the Southern & Hills LGA (S&HLGA) Board to call for Expressions of Interest (EOI) from the market.

In April 2018, community energy experts Moreland Energy Foundation and Tandem Energy were engaged by the Resilient Hills & Coasts partner councils to deliver a Design Report and associated community engagement process. In September 2018, the Design Report was completed by the consultants. Refer ***Appendix 1.***

The report was informed by:

- Engagement with the regional community, Elected Members, and Southern & Hills LGA
- Research on successful models in Australia and around the world and
- The consultants' own experiences developing and operating community energy projects.

Also in September 2018, $45,000 in Local Government Research & Development Scheme (LGAR&D) funding was secured to resolve how partner Councils could procure innovative energy services while minimising exposure to financial, legal and governance risks.

Deliverables include:

- Legal review of the program design;
- Developing core governance documents to first draft stage;
- Preparing a community engagement and marketing plan; and
- Mapping the project journey as a case study and developing a toolkit of the other deliverables for use by other councils.

The legal review was delivered in February 2019 and a summary report has been provided in ***Appendix 2*** and the community engagement and marketing plan in September 2019 which has been provided in ***Appendix 3***. The remaining deliverables will be completed by March 2020.

In June 2019, two Community Energy Forums were held in the region, in Port Elliot and Mount Barker. Attendees heard from Federal Member for Mayo Rebekha Sharkie MP, and three of the project consultants on what community energy is, and how it could work in the region. Between 2 July and 9 September 2019, a presentation was given at informal gatherings and workshops at each of the six member Councils to update Council Members on progress to date, and to seek advice on Councils' appetite to invest in a Community Energy Foundation and what risks they see in doing so. The Resilient Hills and Coasts Project Coordinator presented to Adelaide Hills Council on Tuesday August 13 2019.

The six partner Councils are now being asked to decide on how to progress, from one of two options.

3. ANALYSIS

Working with community energy experts Moreland Energy Foundation and Tandem Energy, the Working Party has endeavoured to establish a working model for a Community Energy Program that meets the regional community's needs, complies with market regulations, and minimises exposure to financial, legal and governance risks (Option 1). The consultants' Design Report (refer ***Appendix 1***) concluded that the most appropriate community energy model for the region is to establish an independent, not-for-profit Foundation that would:

- Leverage the region's collective buying power to broker a competitive deal on renewable energy for regional households and businesses, via a partnership with an energy retailer
- Transition to become a self-funding not-for-profit, by returning a dividend from each bill to the Foundation and
- Deliver an ongoing program of services and projects that help households and businesses to use energy more efficiently.

The proposed Foundation would seek to empower the whole community to access and benefit from renewable energy and improved energy efficiency. This is the basis of Option 1 and it would aim to:

- Reduce cost pressures for all residents and businesses – not just those who own their own home/premises and can afford rooftop solar
- Keep energy spend within the region – by funding projects and services to improve energy efficiency and
- Curb regional carbon emissions and identify the Hills & Coasts as a climate-ready region.

There are now two options for Councils to consider:

- Option 1-Progress an Expression of Interest (EOI) to gauge community interest, with a threshold of 750 potential customers needed to continue with retailer negotiations or
- Option 2-Finalise Council involvement, and publish the resources developed by the project for community, industry and local government sector use.

In considering Option 1, Councils should note that:

- The EOI will generate likely community expectation for Councils to progress the initiative, which would require an expected $450,000 in total seed funding across five years and six Councils.
- Adelaide Hills Council's contribution to the Foundation would be $108,824.11 over five years. Should any of the six partner Councils not endorse Option 1, this Council will need to consider whether it can shoulder the additional shared costs. If not, viability of the Foundation (and therefore of continuing with Option 1) would be at risk. Similarly, should expected State or Federal Government grants (or a private partnership) of $950,000 not be secured, viability of the Foundation would be at risk.
- The threshold of 750 customers across the region is a figure estimated by the consultants as the baseline to commence negotiations with retailers. To become financially self-sufficient, further customers will need to be attracted. Exact numbers to hit 'break even' will not be known until a retailer agreement has been reached.
- The EOI process will involve collecting sensitive data, including copies of electricity bills to estimate collective demand. Care will need to be taken to ensure privacy and data security.
- The electricity sector is tightly regulated, particularly when it comes to advertising savings. The EOI will therefore be restricted in what it can offer potential future customers – 'cheaper power' cannot be guaranteed and therefore cannot be advertised. It is expected that early adopters would instead be motivated by the community benefits of the Foundation i.e. using a renewable energy supply
- In addition Moreland Energy Foundation was engaged to deliver a Community Engagement and Marketing Plan for the EOI process (part of the LGASA grant funding) proposed under Option 1 refer ***Appendix 3***. If Option 1 is progressed the EOI process would be undertaken by Councils in accordance with this plan.

The EOI process is estimated to cost approximately $25,000 (for 6 councils), including some in kind support, which would cover:

- Branding for the Foundation;
- Community events and marketing (social media, local news, radio);
- Building and managing a microsite for collecting pledges and estimated demand (Customer Relationship Management system); and
- Customer service and enquiries.

The EOI contribution from the Adelaide Hills Council has been included in this financial year's budget and would not be required if Option 2 is endorsed.

In considering Option 2, Councils should note that:

- A Local Government R&D Scheme grant of $45,000 was secured to deliver four components of a community energy toolkit – legal advice, governance documents, a community engagement and marketing plan, and project case study. A condition of the grant is that these deliverables are made publicly available for local government sector and community use.
- The legal review was delivered in February 2019, and the community engagement and marketing plan in September 2019. The remaining deliverables will be completed by March 2020.
- It is proposed that the Design Report also be published as part of the toolkit.
- In this rapidly evolving sector, a clear path is not always visible. It can take substantial investment and specialised expertise to establish a working model that complies with market regulations and minimises exposure to financial, legal and governance risks. Publishing the toolkit is therefore expected to significantly lower barriers to entry for any Council or community seeking to develop a community energy project.
- In developing the toolkit, the Working Party has delivered ground-breaking and innovative research that will contribute substantial value to this emerging sector and provide information for the community.

4. OPTIONS

Council has the following options:

- Option 2-Finalise Council involvement, and publish the resources developed by the project for community, industry and local government sector use (**Recommended**). This option is recommended as the developed resources and investigation undertaken provides an excellent basis for a community driven energy project. In addition no further investment would be required from Council.

- Option 1-Progress an Expression of Interest to gauge community interest, with a threshold of 750 potential customers needed to continue with retailer negotiations (Not Recommended). This option is not recommended on the basis of the Council Member workshop discussion and risks where this option provides a level of concern associated with a continued Council role and involvement with the CEP.

5. APPENDICES

(1) Community Energy Program Design Report
(2) Community Energy Program Summary of Legal Review
(3) Community Energy Program Community Engagement and Marketing Plan

Appendix 1

Community Energy Program Design Report

Resilient Hills and Coasts Community Energy Program Final Report

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1 Executive summary

Cost of living pressures, especially rising energy prices, are impacting heavily on Resilient Hills and Coasts (RH&C) communities. Residents have demonstrated they want to be part of the energy future - taking up solar in record numbers. The 37% of households and businesses who have solar are already reducing the energy bill of the region by $50m per year.

The six Councils in the RH&C region have the opportunity to play a key role in shaping the region's future energy system. Waiting for state/federal governments and the energy sector to deliver the best outcomes for local residents and businesses has not worked.

Communities and councils around Australia are showing local leadership and taking energy matters into their own hands. They are building community resilience, tackling climate change, producing local economic benefits and shaping energy solutions to suit the needs of their communities.

In order to deliver on both Council and community priorities this report recommends the establishment of a Community Energy Foundation; an organisation which is community-led but supported (and in the early years partly resourced) by RH&C Councils to ensure successful outcomes are achieved.

The Foundation would lead the necessary change by:

1. Leveraging the collective buying power of the region to broker a competitive electricity deal for local consumers via a partnership with a community-oriented energy retailer; and
2. Delivering an ongoing program of community energy activities that seek to address cost of living concerns for local electricity consumers and accelerate local uptake of renewable energy.

1.1 Rationale for a community energy program

A community energy program can: ***aggregate*** energy needs of multiple customers to unlock a better deal for consumers; ***supply*** cheaper, locally produced renewable energy; and help customers to ***demand*** energy in the cheapest and most-efficient ways.

The region spends $150m per year on electricity and a further $200m on transport fuels. Energy security reports have already identified that renewable resources could power the whole region and provide confidence in long term energy security.

Renewable energy should be affordable for everyone, not just the wealthy.
Community Survey Respondent

We suggest Councils reflect on the following four questions:

- To what extent can ratepayers' energy bills be reduced?
- How much of this expenditure can be captured locally to improve the region's economy?
- What is the value of other outcomes? – e.g. improved energy reliability, meeting climate change targets, community connection and resilience.
- Who should fund a community energy program?

The answer to these questions depends on the scale and ambition of the program. Studies on electricity retailer performance, energy efficiency opportunities and the falling costs of renewable energy suggest cost savings of up to 20% are achievable for those participating in the program.

Influencing only one tenth of the regional electricity spend to achieve this 20% cost saving would represent ***a potential benefit to the region of up to $3m per year***.

Much of the investment to realise savings will be spent on local labour, skills and dividends if the program is designed to place a priority on local outcomes.

Achieving these outcomes will also depend on building relationships - empowering communities, working with suppliers who can provide local capacity building and community benefits and partnering with other governments and the energy sector to support and fund local activities.

1.2 Results

This report has been commissioned to identify how the region could implement an effective community energy program. The brief anticipated that the program should be inclusive, staged to grow over time with a business model that could become self-funding and help to deliver communities that are more resilient and climate-ready.

The report brings evidence from the community energy sector on successful business models, some based on commercial returns, some that attract government funding and some that leverage community resources and determination to drive for better local outcomes.

The project team ran three stakeholder workshops, collected survey results from 380 community participants and conducted 11 interviews with electricity retailers, community energy groups and local community leaders.

The results of this engagement process show strong support for a community energy program from both the community and amongst councillors. The top priorities, with over 90% support, were delivering local renewable generation and solar-battery systems. Equal numbers in the community nominate energy bills and environmental impact as their top energy concern.

In our workshops, council stakeholders indicated a preference for a program at arms-length from councils. In our key informant interviews community leaders emphasised that councils need to make a robust commitment in order to ensure the program is successful. Our recommendations attempt to balance the project requirements while minimising risk exposure of the Councils.

1.3 Program Recommendations

Having consulted widely to identify council and community priorities, we recommend the program is structured around a Community Energy Foundation to be established as a community-led, council supported organisation.

For the model to be successful, Councils must facilitate and provide initial resourcing and funding.

The early priority of the Foundation should be to establish a Community Retail Offer by partnering with an electricity retailer that can best deliver community benefits.

Early engagement with potential customers, suppliers and funders is the other major priority of the Foundation and can be used to help shape future program delivery.

Work on the Foundation and the plans for engagement with customers and partners could be progressed by the Councils over the next six months. Once a collective level of ambition has been established by the Councils, an interim committee of community leaders should be established to help prepare for the transition to community ownership of the Foundation.

Our detailed recommendations are provided in Section 8.

2 Background

2.1 About the Project

Resilient Hills and Coasts (RH&C) is a collaborative project formed to develop a regional climate change Adaptation Plan for the Adelaide Hills, Fleurieu Peninsula and Kangaroo Island region of South Australia. This includes the council areas administered by Adelaide Hills Council, Alexandrina Council, City of Victor Harbor, District Council of Mount Barker, District Council of Yankalilla and Kangaroo Island Council.

RH&C aims to strengthen the resilience of the region's communities, economies, natural and built environments to respond and adapt to the changing climate.

Delivering a community energy program aligns with many of the strategic objectives and priority adaptation options identified in the RH&C Regional Adaptation Plan, including promoting and facilitating the advancement of climate-ready homes and buildings. Additionally, the program provides an opportunity for community engagement around climate change adaptation and mitigation. The community energy program reflects the region's commitments to sustaining economic activity, mitigating and adapting to the effects of climate change, and to enhancing the health and social welfare of its communities and in particular, supporting vulnerable members of the community.

In September 2017, with support from the Board of the Southern & Hills Local Government Association, the City of Victor Harbor issued a call for Proposals from the market, on behalf of RH&C partner Councils, for the design and delivery of a regional community energy program.

Moreland Energy Foundation Limited (MEFL) and Tandem Energy were appointed to develop the program design and governance structure for a regional community energy program on the basis of bids to the EOI process and subsequent interviews.

MEFL has 18 years' experience in delivering energy services to its Council and community. Established originally from the proceeds of privatisation of electricity assets, the Foundation has been charged with delivering community benefits from the outset. MEFL has grown as it expands to serve multiple councils and communities. Its main product is its energy advisory services, helping homes and businesses in their purchasing choices. MEFL has been well positioned to design and deliver specific programs and campaigns for partners like Sustainability Victoria and sectors such as low-income households.

Tandem Energy are a South Australian energy consultancy with strong links to the community energy sector nationally and a record of advocacy for support to develop community energy projects within South Australia. The model proposed by Tandem Energy in its EOI was considered worthy of further consideration. It asserted that a community electricity retailer and a MEFL style organisation were the two foundations for a community energy program that could grow and sustain itself over time, while delivering benefits to the region.

It was clear from the original proposals from MEFL and Tandem that genuine costs and governance detail could not be provided until the region's stakeholders provided insight into the relevant priorities and objectives of a community energy program.

This report reflects that next stage of work and combines the results of further research with the insights and advice from stakeholders, especially elected members, council staff and informed members of the community.

The project team ran three workshops with elected members, staff and key advisors from each Council. A community survey was shared widely and completed by 380 people from across the region to identify the knowledge, attitudes and behaviours of residents. Key informant interviews were conducted with 11 community leaders, 4 electricity retailers and 3 community energy organisers. The process has been well supported by the RH&C steering committee and project managers, allowing key staff in each council to become more familiar with the challenges and opportunities faced. Further details on the methodology and approach to this project can be found in Appendix A - Project Methodology.

2.2 Project rationale

Section 3 of this report provides the evidence base in support of a community energy program. The region has long been concerned about local energy security, the increasing cost of energy and impact on cost of living pressures, and South Australia as a whole has been actively grappling with the changes in our energy system as it is increasingly powered by decentralised renewable energy sources. The reasons for pursuing a community energy program can be summarised as follows:

Fulfilling Council responsibilities
All Councils in the region are committed to tackling climate change and this project stems from the region's climate adaptation plan. Councils are responsible for the management of open space, community facilities and streetlights. The collective energy bill for RH&C Councils is approximately $2.4m per year. Council buildings can be seen as assets within a community energy program, providing rooftop space and generation or storage capacity. Likewise, councils are responsible for waste, and use of the waste resource and assets overlaps with the energy sector. Councils' role in the planning sector may be one of its most important responsibilities. New businesses, homes and real estate developments work with councils and energy providers to obtain appropriate approvals and to gain access to energy supply. Development decisions have long term impacts for energy costs, resilience and suitability of investment.

Despite multiple responsibilities for energy related decisions, councils often lack the expertise to engage effectively with a rapidly changing energy sector.

A community energy program can increase the capacity within councils and also provide them with access to independent expert advice.

Supporting the community
Collectively, the region spends around $150m on electricity each year, with much of this revenue leaving our communities. Without rooftop solar, which is used by over a third of the region's households, this bill would be $200m. Rising energy costs are also increasingly impacting economic activity and were highlighted as a key constraint to growing local businesses in the 2017 Victor Harbor Business Survey[1]. Consumer confidence and satisfaction in energy retailers is at an all-time low, with a recent report by the Australian Energy Market Commission[2] indicating that trust in the energy sector has dropped from 50% in 2017 to 39% in 2018. Energy security and climate change are also key concerns of residents with strong support for a cleaner, more reliable system.

A community energy program can provide support through energy education and help homes and businesses reduce energy expenditure. It can also work closely with SA Power Networks to improve electricity reliability. A community retailer can improve the financial viability of local renewable energy projects.

[1] https://www.victor.sa.gov.au/businesssurvey
[2] AEMC, 2018 Retail Energy Competition Review, Final Report

An economic dividend to the region
Any investment in local energy generation and energy efficiency diverts some expenditure into the region.

For example, the solar value of $50m per year may represent a capital expenditure of $300m that the region has already made. 20-50% of that expenditure would go to installers which can mean local jobs when the providers are sourced locally. Many energy efficiency initiatives, such as installing insulation, are labour intensive and can generate 10x more jobs than solar investments (where investment is dominated by the cost of the solar panel). Other generation projects that use local renewable resources can be capital intensive, although resources like waste and biomass involve jobs in the collection and preparation of the resource. Offering the investment opportunity in local projects to local investors can be an attractive way to keep project revenue in the region's economy.

A significant investment from the region is made to electricity distribution infrastructure and this report outlines ways that the electricity market is changing, allowing more capacity to be delivered locally and reducing expenditure on the traditional grid. These investments may localise some of the $70m currently flowing to SA Power Networks and Electranet.

The proposal for a local electricity retailer, recognises that retailing is dominated by sales, marketing and customer support. While backend services like billing systems, market contracts and risk hedging may remain better served by interstate providers, the customer contacts can easily be managed by local staff and therefore support additional jobs in the region.

Economic development is not only about the "import-replacement" concepts proposed above. Skills and innovation are widely recognised as foundations that allow an economy to grow. In a rapidly changing energy landscape, increasing the skill level of all professions that impact on household and business energy decisions can help the region directly and improve individual employability. Two attractive models for innovation revolve around the willingness to try new things and learn, and the enriched learning that occurs through collaboration. The state government continues to promote innovative projects, often with lead customers and clustering[3] as methods for supporting economic development at a state-wide level.

A community energy program can ensure that some electricity revenue remains within the region and could increase skills levels and the scale of innovative projects delivered across the region.

Capacity building for the long term
Adapting to the future is a challenge for all households and businesses across the region. The ambition for a resilient region highlights the need for communities to be able to respond to challenges. It is well known that climate change creates challenges. The rapid transition in energy systems and price rises relate to both technology development and the global effort to tackle climate change, which are driving change across the sector.

The community energy program can support the region at a local community level. This can create resilience that comes with stronger community connection and also provide confidence in successfully meeting challenges together.

2.3 Project objectives

The ideal community energy program is equitable, can grow through a staged approach, can be sustainably funded over time, and helps the region and its residents to become climate-ready.

[3] See for example, https://invest.sa.gov.au/wp-content/uploads/2017/02/Future_industries_and_advanced_manufacturing.pdf

The region deserves access to energy that is affordable, reliable, good for the local economy and good for the environment. This project explores how community energy could place downwards pressure on energy prices for residential and commercial customers whilst facilitating the uptake of renewable energy.

This project aims to design a Community Energy Program to;

- reduce cost of living pressures for local residents and businesses,
- localise the benefits of energy supply by keeping money in the region,
- help transition the community toward a clean energy future,
- identify the region as a region of choice for climate-ready development and investment.

A key part of the program design is to understand how local governments and the community can work together to achieve these objectives.

2.4 Purpose of this report

This report summarises the key project elements (background research, engagement and analysis) and provides the key recommendations for the design and governance of the RH&C Community Energy Program. The report is supplemented by a Public Resource Folder the team has developed to ensure all of the research and valuable information collected during this phase of the program can be utilised by the relevant parties.

There are three audiences for this report:

1. The Resilient Hills and Coasts (RH&C) steering committee has commissioned the report. It has been considering the role of a community energy program for some time. It already understands that Councils can successfully run or contract out programs like a solar/battery bulk buy program. The past success of these programs serves as a benchmark for the community energy program proposal. Past bulk buys saved the community money on energy bills, generated local economic activity in supply and installation of solar panels and demonstrated leadership in the uptake of clean energy. The report seeks to demonstrate that a community energy program can achieve a longer-term impact. It also recommends the steps that must be taken to establish a durable community energy program in order to maximise the chances of achieving the desired impact.

2. The Councils in the RH&C region will ultimately decide on the desired level of ambition for the community energy program and the role of Councils within that program. Most elected members are relatively new to thinking about energy issues and Council elections in November 2018 mean that there will be many new councillors involved in decision making for the next four-year term of council. The report therefore seeks to establish the case for a community energy program, on the basis of existing Council responsibilities and commitments, community concerns and challenges, and on the opportunities presented by the clean energy transition and the business case for action.

3. Community Leadership sits at the heart of our recommendations. The core group of citizens works with the Councils to drive the community energy program, will be key to its success. The report seeks to provide this group with the background research, insights and examples that will allow it to hit the ground running and build effectively on the work undertaken to date.

3 Research and results

3.1 Rapidly changing energy systems

Our energy systems are changing rapidly in response to climate change targets and an unprecedented fall in the cost of renewable energy technology. In 2011, the region was concerned about energy security and focused on ensuring sufficient energy infrastructure was built to accommodate growth. In a few short years, solar uptake went from 'early adopter' status to mainstream and the challenges across the electricity network changed overnight. New discussions about battery technology suggest it will follow the same pathway, and many commentators think electric vehicle uptake will happen fast to soak up an abundance of cheap renewable energy.

SA Power Networks (SAPN)[4] is planning for a future with smart systems that better support energy loads, storage, generation and new technology. To do so, the business sector recognises that it needs to better understand community needs. Energy Networks Australia[5] has modelled the benefits of using distributed energy and demonstrated it as the lower cost pathway for households, 30% cheaper than a business-as-usual approach. Most recently, the Australian Energy Market Operator (AEMO)[6] is consulting on the management of the electricity grid to economically optimise demand and supply.

However, the current system is still designed around the older centralised electricity model. AEMO highlights that customers will suffer if the system does not act to coordinate the distributed renewable resources. It cites voltage issues, constraints on customers which will limit their ability to recoup on investments such as solar or batteries, and expensive investments by SAPN as some of the issues that could undermine the potential for a cheaper system.

The convergence of electricity markets with gas and transport fuels also cannot be underestimated. A recent report by the Alternative Technology Association[7] demonstrates that an all-electric home can be a cost-effective choice, with solar electricity and high efficiency heat pump (air-conditioning) based electric heating becoming cheaper than gas.

There is a clear gap at the moment between 'what could be' and 'what is'. The energy market players are not incentivised to unlock the community benefits in the 'what could be' equation and this is a major argument for councils and communities to pay attention and consider becoming more heavily involved.

3.2 Consumer confidence

According to latest consumer research from the Australian Electricity Market Commission (AEMC)[8], in South Australia residential customer bills have increased by 19% and small business bills by 24% over the past year.

Consumer confidence is at an all-time low with less than 24% of South Australians believing their retailer has their best interests at heart. Less than 38% of consumers are satisfied with the value for

[4] https://www.sapowernetworks.com.au/centric/corporate/about_sa_power_networks/future_operating_model.jsp
[5] https://www.energynetworks.com.au/electricity-network-transformation-roadmap
[6] https://www.aemo.com.au/-/media/Files/Electricity/NEM/DER/2018/OEN-Final.pdf
[7] http://www.ata.org.au/wp-content/projects/Household_fuel_choice_in_the_NEM.pdf
[8] https://2018.aemc.gov.au/competition-review/

money from electricity. While the number of customers on hardship programs fell, SA still has almost 16,000 customers on hardship programs - the highest level in Australia.

Savings available to South Australian households from switching away from the median standing offer to the cheapest market offer have almost doubled from $426 to $832 over the past year. Only 20% of consumers are switching retailers in any given year.

3.3 Energy and economy

Access to energy resources and energy infrastructure has always been a significant factor in the development of a regional economy. Businesses locate and expand when they have access to sufficient energy at acceptable prices. Population growth and new housing relies on access to energy.

Creating capacity for regional growth from existing assets should be one of the aims of a community energy program.

Electricity used in the region is worth around $200m per year. The cost stack (Figure 1) shows approximately what that expenditure is buying and the incredible value that rooftop solar is delivering to householders and business, clearly demonstrating the positive attitude the community already has towards renewable energy. Energy efficiency can also deliver value directly to the end consumer and improve the circumstances of vulnerable consumers. Australia has not been ambitious in this regard and compares poorly with other countries.

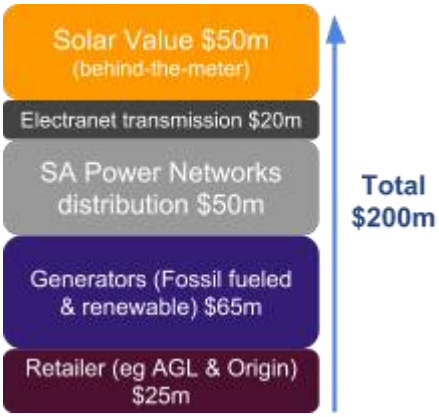

Figure 1 – Cost stack showing approximate energy expenditure in the region

The energy market in Australia is complex due to the significant number of interested parties. These include:

- Energy retailers
- Distribution network provider (SA Power Networks)
- State government
- Federal government
  Regulatory bodies (Australian Energy Regulator (AER), Australian Energy Market Commission (AEMC), Australian Energy Market Operator (AEMO)and local regulator, ESCOSA (Essential Services Commission of SA)
- Councils
- Commercial providers, small businesses and trades

For further discussion on the role each of these entities play in the energy market, see Appendix C – Research and results detail.

3.4 Brief demographic overview[9]

Population

The population of the Hills and Coasts region is 125,054. Approximately 22% of the population is over 65, which is higher than the state average of 18%. Alexandrina, Victor Harbor and Yankalilla have the highest proportion of retirees (over 27% of the population) and a lower proportion of

[9] All regional data has been taken from the Australian Bureau of Statistics Census 2016. Refer to the RH&C Public Resource Folder for the full data set sorted by topic and region.

working age population. This age profile is generally most suited to solar PV and energy efficiency upgrades as they are more likely to be home during the day and often looking to invest in their homes to reduce their living costs.

Housing

The majority of people in the region either own their home (37%) or have a mortgage (37%) in 60,000 homes across the region. The dominant housing type is separate house with over 90% of the region characterised by this housing type. Household income for the region is relatively evenly spread across the four income brackets, with approximately one quarter in each. These housing characteristics are preferable for a community energy program as households are in a good position to invest in their home.

Electricity and LPG are the main sources of energy for the region, with only a limited number of properties using natural gas via the Adelaide-Murray Bridge pipeline and homes also accessing wood for heating.

3.5 Energy usage

Energy expenditure

The region's energy expenditure as illustrated in Figure 2, has been calculated based on ABS data[10] combined with additional energy price information. This method is intended to be indicative only. Transport and gas usage from the household sector have been included to highlight the longer-term potential for transitioning these uses to renewable electricity. Regional energy costs; Household electricity $100m, Business $50m, (Solar value $50m), and Transport fuel $200m.

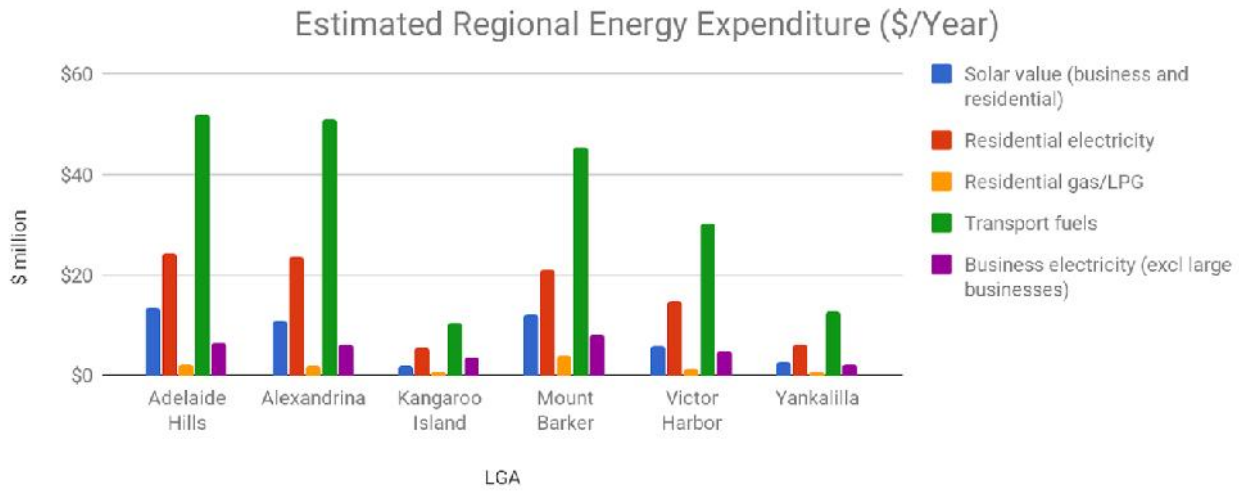

Figure 2 - Estimated energy expenditure for households, businesses and transport across the region (ABS 2012)

[10] ABS, Household Energy Consumption Survey, 2012

Table 1 - Energy consumption summary within the region

Type of usage	Numbers	Typical energy consumers	Other fuels
Households and other accommodation	60,000 homes plus holiday homes, hotels, care facilities	Lighting, heating, cooling, refrigeration, hot water, appliances	Gas/LPG, wood, and transport fuels
Building-based businesses	Over 1,130 office buildings and 750 shops	Lighting, heating, cooling, IT equipment	Transport fuels
Industrial uses	At least 400 industrial premises	Pumping compressed air, industrial processing, chilling and heating	Gas/LPG and diesel

3.6 Energy assets

Renewable electricity in the region is generated mostly through rooftop solar systems and the Starfish Hill wind farm (34.5MW). There are almost 23,000 solar PV installations across the region, with a combined peak capacity of 88MW. **Error! Reference source not found.**3 illustrates how this is distributed across the region. Solar PV is estimated to reduce regional energy costs by $50 million annually.

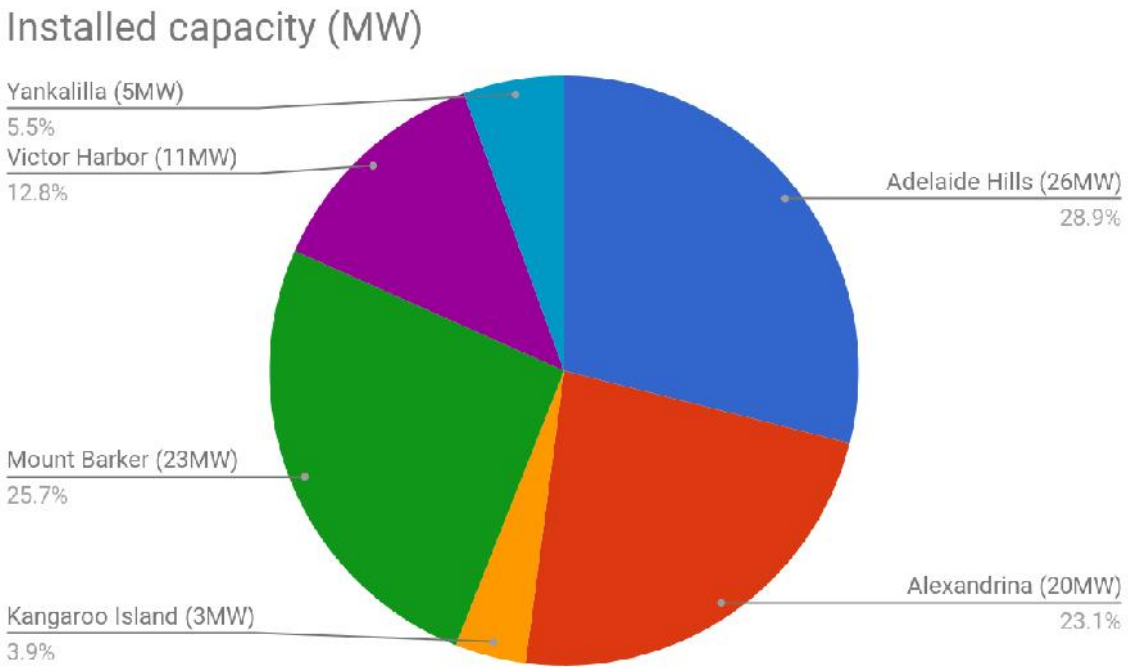

Figure 3 - Total installed capacity of solar PV by local government area in the region (APVI, 2018)

Over three quarters of the region's solar capacity comes from household installations, which are under 10kW. The region has a high uptake of solar PV; in all areas except Kangaroo Island, as over 35% of dwellings have solar PV installed (**Error! Reference source not found.**4). This is well above the state average of 31.6% of dwellings. South Australia has the second highest percentage of dwellings with solar PV installed in Australia, behind Queensland.

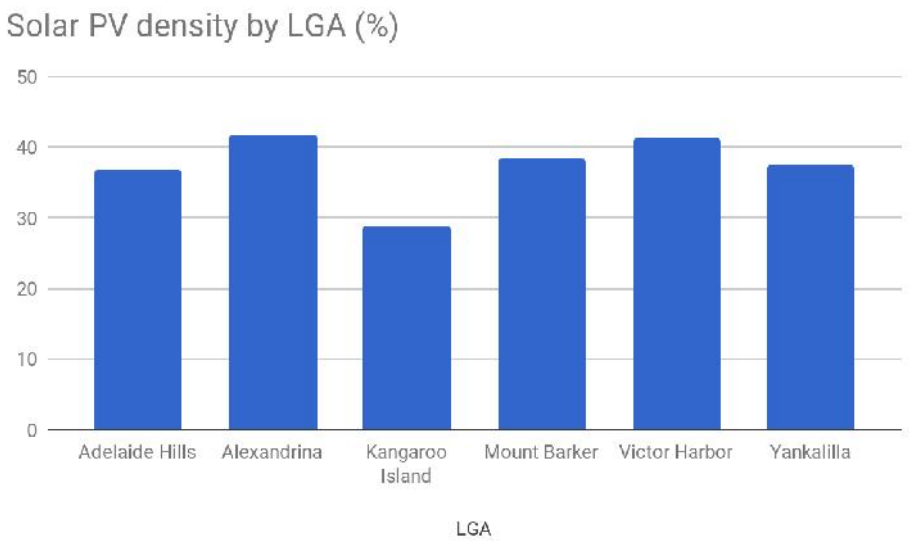

Figure 4 - Density of households with solar PV installed by local government area in the region (APVI, 2018)

The region has ample renewable energy resources and a community that is willing to engage with the changing energy system as demonstrated by the rates of solar PV uptake.

The region has assessed its renewable energy resources through a number of studies looking at energy security:

- Local Energy Security Study for the SA Murray-Darling Basin Community (2011)
- Demand Side Opportunities in the Fleurieu Region (2012)
- Energy Security Strategy for Adelaide Hills Council (2012)
- Toward 100% Renewable Energy for Kangaroo Island (2016)

Some of the reports also focus on the importance of energy efficiency and demand management.

The findings of these studies are discussed further in C– Research and Results detail. In addition to the standard renewable energy resources of solar and wind, the region is also rich in biomass and commercial waste which can both be a reliable source of energy. Waste and its overlap with community energy is discussed further in Appendix C – Research and Results detail.

3.7 Community energy opportunities

In simple terms, community energy is a group of people coming together to generate, own, manage, or reduce consumption of energy. Every community energy initiative is different and developed for different reasons, from tackling climate change to generating local jobs.

Community energy is relatively new to Australia. There are now over 100 community energy groups in Australia, with over 70 projects, and local governments are increasingly getting involved.

The opportunities for the region can be categorised by the aspect of the electricity market they affect/respond to.

Aggregation refers to the pooling of resources, skills or electricity demand to obtain better outcomes than participants could achieve when acting along. Opportunities include solar and battery (and other technology) bulk buys, a community-based electricity retailer, and electricity broking services.

Supply-side opportunities are intended to increase or enhance the electricity available to the region, including by developing local renewable generation (e.g. wind, solar, biomass etc.), collaborating with developers (e.g. to build microgrids) and building energy security for emergency and other key community facilities.

Demand-side opportunities intend to reduce the amount of electricity required by the region. This can happen through energy efficiency education, advice and services for homes and businesses, home improvement and advisory services.

3.8 What are other councils and communities doing?

Most councils around Australia are attuned to community concerns about energy and climate. The Climate Council launched its Cities Power Partnership[11] last year to promote the leadership being shown by local governments and to provide resources and support for those who do.

The Zero Carbon Communities Guide[12] by Beyond Zero Emissions highlights examples of councils and communities working together around Australia.

Appendix D – Potential energy activities describes these activities in more detail and provides examples from around Australia, including council support.

[11] http://citiespowerpartnership.org.au/
[12] http://bze.org.au/zero-carbon-communities-guide/

4 Summary of program model

4.1 Program design considerations

As described in the report introduction, this project aims to design a Community Energy Program to;

- reduce cost of living pressures for local residents and businesses,
- localise the benefits of energy supply by keeping money in the region,
- help transition the community toward a clean energy future,
- identify the region as a region of choice for climate-ready development and investment.

The energy market in Australia and globally is complex and changing rapidly through a variety of pressures. This means that there are many diverse opportunities to meet these objectives in the region.

Our program model recognises that without infinite resources to explore every opportunity, the model needs to provide a mechanism to filter through the available opportunities and encourage those that will unlock maximum benefit for local communities.

> *I think we should all be encouraged towards conservative energy use. Even if all our energy supply was renewable it is still a greater cost in resources to build greater capacity.*
> ***Community Survey Respondent***

Price and affordability of electricity has been consistently identified by Council staff, Elected Members and community as a priority, however this can be challenging to influence. The program model recommended in this report aims to reduce the region's total spend on energy, rather than a sole focus on reducing individual electricity tariff rates. This can be achieved by reducing the consumption of energy, for example by driving behaviour change such as using solar more wisely, and also by introducing innovative mechanisms through a friendly retailer to assist in potentially reducing electricity tariffs and improving affordability.

This project has been commissioned by local government organisations rather than evolving through grassroots community interest and so by necessity involves a top-down approach to activating local communities and enabling community energy projects. The region has a limited capability to fund this program and so project design also incorporates community input through volunteers as well as identifying potential partnerships and funding that can assist with implementation and operation.

4.2 Development of model

Figure 5 below is adapted from the RH&C Community Energy Program preliminary publication (referenced in background documents in Appendix I – Public Resource Folder), which was used to capture RH&C's intent for the program prior to engaging MEFL and Tandem. The diagram was based on MEFL and Tandem's original proposals, and this project was designed to test the knowledge and assumptions behind those proposals.

Both MEFL and Tandem have significant experience in the community energy sector and both recommended that the community energy program deliver a range of activities across the region in

order to best serve community needs and also exploit renewable energy opportunities. At the heart of the model sits a group, "Hills and Coasts Community Energy Board" that can raise funds and deliver community energy activities. A community-oriented retailer is included in the model because it can deliver benefits arising from aggregation of local electricity demand and capture revenue that delivers energy programs and services for the region. A strong relationship between the retailer and the community also helps with the viability of community energy generation projects

In-depth research, interviews, survey and workshops were used, and provided detail for structuring the model so that it will be successful (see Appendix A - Project methodology).

If the councils invest in large solar or wind, they could help subsidise batteries for home owners … which would further stabilise our supply and help reduce prices.
Community Survey Respondent

The research team considered the needs of councils to support equitable program delivery, and to provide a good return for the community. Councils also indicated a preference for the program to be operated at arm's length and to become self-funding over time. The research team also considered feedback from community leaders that strong support from councils is needed for success and the expectation from the community survey that councils show leadership in developing local energy opportunities.

As a result, we have recommended that the 'Hills & Coasts Community Energy Board' take the form of a 'Foundation' with a Board sitting at the helm of this organisation. Section 6 details the rationale for a Foundation and further recommendations on the steps to be taken to create it.

The community energy retailer can most easily be achieved by establishing a retail partnership with an existing market participant. The recommendations on how to proceed with the retail partnership, including exploring local ownership and control over time are made in Section 7.

The goal to reduce cost of living pressures for local residents and businesses is recognised as a regional priority. The best source of savings is through support to consumers to reduce energy use and choose cheaper products. The balance between using any surplus to grow the Foundation vs creating immediate benefits in the region will be a continuous challenge and is best made by the ongoing decisions of the Board.

The initial model outlined distinct Phases - 1, 2 and 3, however it is recommended to be more integrated rather than delivering separate phases. The Foundation should be established first and, dependent on level of resourcing, would conduct energy activities aimed at improving demand and supply, while also working towards the engagement of the community energy retail partner. Section 6 discusses the community energy activities in detail.

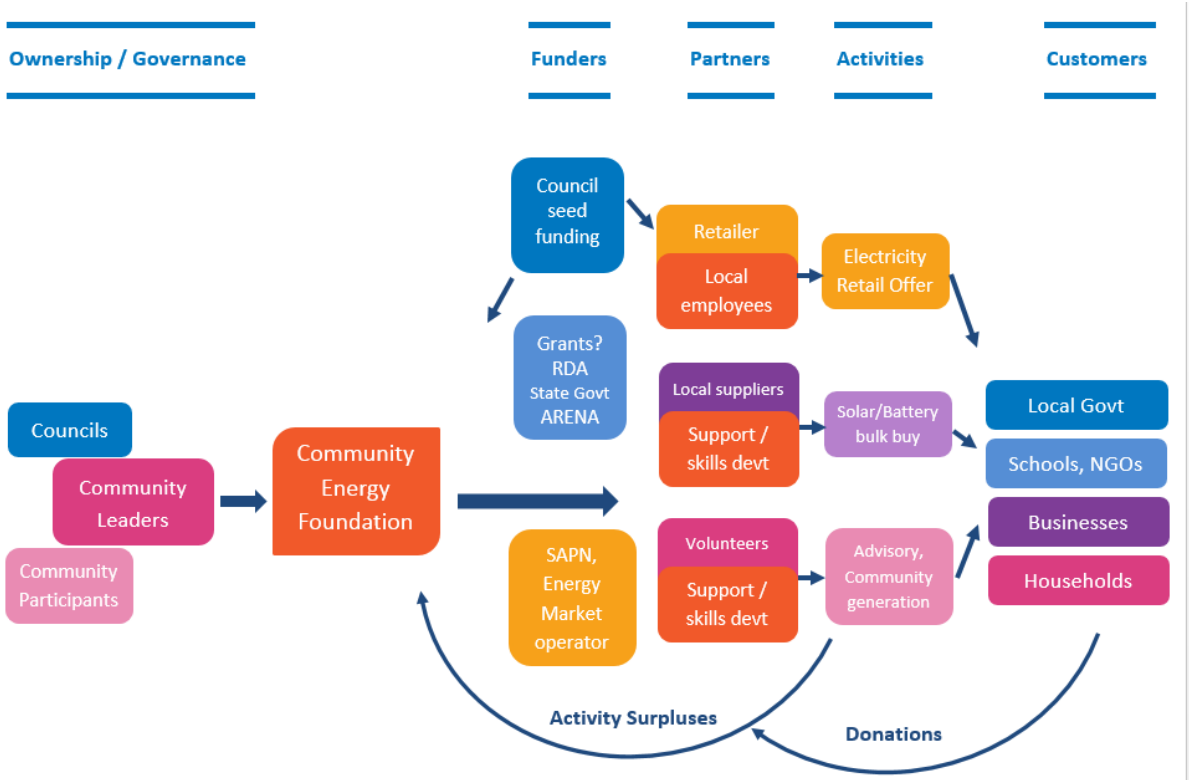

Figure 5 - Community energy program model

4.3 Role of the Councils in this model

The Councils to facilitate but not become an energy retailer

- The intent of setting up a Foundation with the remit and resources to engage experts as required is to reduce the risk exposure to councils. Councils would provide financial and in-kind support in a variety of ways but would not become an energy retailer, build a solar or wind farm, or directly participate in the energy market. In fact, it is unlikely that the Foundation would do so either, instead strategic partnerships with organisations able to deliver desired outcomes would be developed.

The Councils to support but not own the model

- The best chance of success for this program is to be funded by the Councils both in start-up phase and an ongoing basis over the medium term, however this does not require the Councils to own the process. Instead, individuals (Elected Members or staff) may choose to nominate for the Foundation's board and assist in ownership that way, while the Councils should play a leadership role over a number of years whilst transitioning to a community-owned approach.

Councils to provide and source resourcing and funding for the model to be successful

- Regardless of the time and effort invested into developing a robust community energy model with appropriate governance, if the implementation and ongoing operation is not adequately resourced then there is very little likelihood that the desired outcomes will be achieved. The Councils and RH&C can demonstrate this commitment in a number of ways, including;

- Determining the level of ambition from the councils.
  This is required to set KPIs for the Foundation as well as determining the likelihood of securing financial support and other resources from the Councils.
- Supporting the board and energy activities.
  This can include in-kind support such as marketing/web design, room hire/office space and promotion through social media channels.
- Government lobbying.
  Through their unique positions, Councils and RH&C are able to support the board and community retailer by opening and facilitating discussion with state and federal governments around key energy policy and regulations.
- Energy procurement.
  A community retailer will have the best chance to thrive if a strong baseload of demand is obtained early and easily. This can happen if the Councils choose the community retailer to provide their energy supply, and encourage community groups and others to do the same.
- Planned energy efficiency expenditure.
  Planned council expenditure on energy efficiency activities at their own sites, e.g. energy audits, lighting upgrades, staff education, could be managed through the Foundation. This would ensure money stays in the region and help build expertise within the Foundation while council objectives continue to be met. A multi-year commitment by the Councils to an internal energy efficiency program would bring certainty and revenue to the Foundation in the traditionally lower income early years.
- Direct resourcing.
  This is an essential component of the model, and will vary dependent on the Councils' level of ambition. It goes without saying that the more resources that are put into a correctly constituted organisation, the more success can be expected. Potential resourcing required for each component is outlined in detail in the following chapters, with consideration of the outcomes from MEFL and comparable organisations around Australia. Any investment in the program over $120,000 will greatly enhance both the community engagement able to be achieved, and the projects able to be delivered, while funding under this threshold will mean the program will take much longer to achieve any significant outcomes. Investments could be sourced directly from Councils' budgets or via leveraging grant opportunities, or a combination of the two.

4.4 Risk assessment

This model has been developed specifically to reduce the Councils' risk exposure while creating change in the community. Messaging from the workshops and interviews was clear that while participants were strongly supportive of the community energy retailer concept, they felt it was not the Councils' responsibility to carry this risk. The following table describes identified risks for the Foundation and community energy program in general. It is recommended that the Councils develop their own risk assessment as this table and report focusses on project risks.

Table 2 - Identified risks to project & risk management strategy summary

IDENTIFIED RISKS TO PROJECT	
General	
Hazard / Risk	**Mitigation / Management response**
COUNCIL specific: Inadequate funding ('another impoverished NGO'). FOUNDATION specific: Inadequate funding leads to 'another impoverished NGO' which doesn't have the ability to effectively deliver on its objectives.	Councils to determine internal level of ambition and commit to fixed multi-year funding arrangements. Funding arrangements and relevant KPIs to be set with realistic expectations and based on the experience gathered via this process (organisation will not be "set up to fail").
Political risks – Not viewed as council's core responsibility – Councils heading into caretaker period. – Understanding the ramp up time to deliver an ROI.	Communication with elected members, council staff and general community to focus on how this does address council's responsibilities – leadership on climate change, local economic development, supporting vulnerable members Consistent and clear reporting to all stakeholders about the outcomes of the Community Energy Foundation (and level of investment from council).
Low community engagement – community engagement is critical for the success of the Foundation. It will drive participation in the board, volunteering in general as well as sales of energy products and services.	Significant investment.
Board/Governance	
Risk	**Risk management strategy**
Overly democratic governance where decisions/priorities fluctuate and action flounders.	Board design.
Lack of local representation on the Foundation's board (a Board of Energy Experts not local leaders).	Specifications on make-up of board members (skills and location).
Community Retailer	
Risk	**Risk management strategy**
Lack of take up of retail offer / slow start.	Significant investment in marketing / community engagement. In-kind support from councils to promote. Incentivise community groups / leaders to refer.
Unable to deliver cheaper prices to the community – perceived lack of value.	Education of community and other benefits of the community retailer to reduce perception of cost as primary outcome.

Risk	Risk management strategy
Unable to find retail partner.	Informant interviews suggest this is unlikely however the Foundation could consider creating their own retailer, or following other community groups and run alternative energy activities.
Commercial failure of retail partner – leaving customers in the lurch and damaging reputation.	Procurement approach to include financial risk assessment and energy market analysis, to ensure financial viability of both retail partner and the regional retail business model. Clear contractual termination clauses. Clear & regular communication with customers (as the Energy Foundation not just via the retail partner).
Poor customer service of retail partner – damaging reputation.	Procurement approach to include customer service feedback and assessment. Clear contractual termination clauses. Clear & regular communication with customers (as the Energy Foundation not just via the retail partner).
Energy activities	
Risk	**Risk management strategy**
Individual project failure.	Rigorous due diligence on program design and execution by Foundation. Identify delivery partners with experience to work with as skills and experience grows.

4.5 Summary of key recommendations

In order to manage the risks outlined above whilst maintaining momentum and clarifying ambition, we recommend the following:

1. a) Councils note recommendations contained in this report while deferring the main decisions on financing and legal structures for approval by new Councils in 2019.

   b) RH&C Steering Committee maintain progress by applying for an LGA R&D grant to develop drafts of governance, legal, business planning and marketing documents and/or explore alternative mechanisms for maintaining progress should grant be unsuccessful.

2. Councils to review report and recommendations and determine a shared level of ambition that determine a shared level of scale and ambition that will frame the remaining process. The level of ambition will determine the speed and scale of implementation and thus the amount of funding and in-kind support required. Develop indicative budget bids for the 19/20 financial year.

5 Hills and Coasts Community Energy Board and Foundation

5.1 Why a Community Energy Foundation?

The original model envisages a decision-making body (a Board) that can prioritise funds in order to deliver a range of community energy activities. The activities are a combination of commercial offerings and public services. In the workshops with councillors and council staff there was a strong sentiment that the Councils should remain at arm's length from a community energy program and not take on risks that it didn't have the expertise to manage. In contract, key informant interviews and experience across the community energy sector emphasise that long-term support from councils plays a significant role in the success of any program.

The community energy program therefore needs to be seen as a partnership between councils and their communities with its own organisational structure. We are calling the organisation a "Foundation" to reflect the fact that it would be established to serve the region. International experiences demonstrate that mature, not-for-profit institutions are essential to community energy leadership in many regions. MEFL is the only example of this type of organisation in Australia.

This section explains the considerations for governance models with our recommendation based on the success stories of the community energy sector, and the experience of both MEFL and Tandem. Ultimately the decision on legal form should be made by the inaugural board of the Foundation.

5.2 Potential models for a Community Energy Foundation

Control, ownership, leadership, resources and responsibility are concepts that need to be teased out in any governance structure. At the heart of the early decision making is the core group of people who step up to lead and take responsibility. Local government leadership and community leadership exist on a spectrum and there are advantages to both. There is no perfect solution and the governance is likely to need to adapt as the community energy program expands its responsibilities. The energy sector and the state government are also key potential partners and the governance model will need to consider how to involve them appropriately in program delivery.

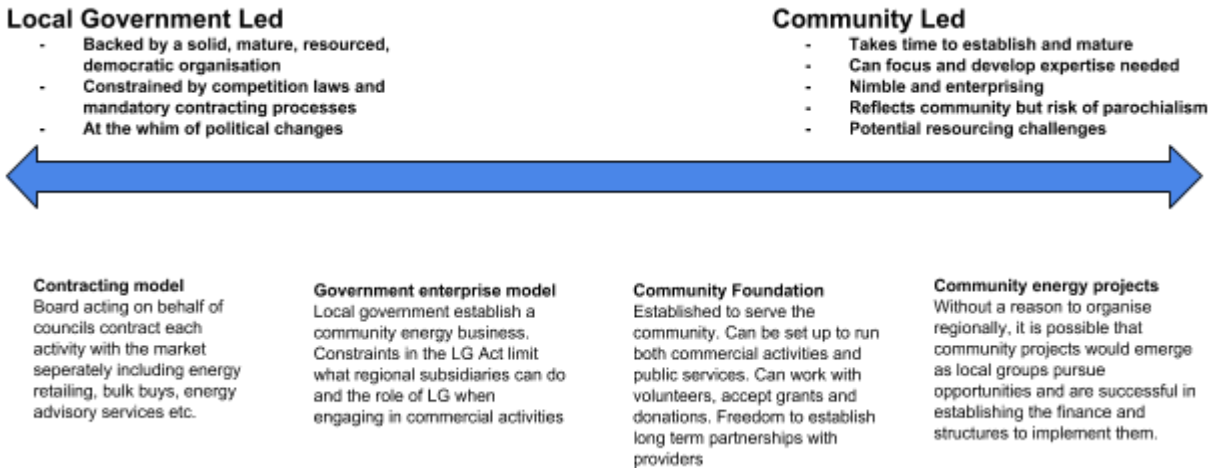

Figure 6 - Spectrum of governance of organisations

At the council-led end of the spectrum, councils can contract directly with delivery organisations or set up a local government-based organisation to deliver community energy activities. Both of these models leave councils at the heart of the model and responsible for the effectiveness of the program over the long term.

This is not the recommended approach at this stage because it may fail to empower community participants and will be subject to political whims with each term of council. Most importantly, this is not the solution advocated for by councillors or council staff. Most workshop participants highlighted a series of risks that would be difficult for councils to manage without strong energy sector expertise. Some felt energy was not council responsibility and therefore a council model that took on new risks could not be justified.

If communities are encouraged to lead without a region-wide program, it can be expected that some towns with more urgent energy issues will organise local responses. This is a grass-roots approach and at this stage there is little indication from the community that we can expect local energy leadership to emerge without strong regional leadership.

We recommend the community-led Foundation approach. A very strong partnership with the region's councils should be a goal so that the Foundation can best serve the needs of all the communities in the region.

Build collective momentum and pride in the community.
Elected member and staff comment

The Foundation should work closely with councils and there will be activities that are better suited to Resilient Hills & Coasts or the Councils themselves (such as applying for some grants). We recommend that the Foundation is established as a non-profit and considers the benefits of charity status.

A Governance Analysis has been developed that is referenced in Appendix 1 – Public Resources Folder that discusses governance considerations in more detail and provides stronger rationale for the foundation model.

5.3 Critical elements

The core group that will lead the Foundation through its first phase of operation should have a major say in decisions around organisational structure. It is envisaged that this group could be formed as an interim committee in the first instance and a number of informal recruitment and engagement

iterations will be needed before the main leaders and potential nominees for a paid CEO position emerge.

Key considerations for the interim committee and the Councils are noted below. They can be incorporated in the structure through the legal model, the objectives and constitution of the Foundation and also through the terms of any funding agreements that are signed.

1. Trustworthiness is key to the success of the Foundation.
   This feedback was delivered consistently throughout workshops and in survey comments. The board of the Foundation and leadership group needs continually work at ensuring its authority and legitimacy is earned and it is seen to be accountable to community stakeholders.

2. Establish a culture and ambition that encourages community participation.
   The funding stream to support the Foundation's establishment and growth is likely to be modest. Engaging with communities and accessing community resources for the delivery of community energy activities could be as significant as council funding in driving the growth of the organisation.

3. The Foundation serves the region.
   The Foundation needs to make a clear proposal on how it will serve the whole region and also honour local priorities.

4. Fund the new Foundation over the long-term.
   The Councils need to be clear about the conditions that will allow a long-term funding agreement to be signed with a fledgling organisation. At a minimum, the Councils need to be assured that funding will deliver community benefits, that equity principles will ensure all householders and businesses will be given fair opportunities and that the Foundation's board will be elected on democratic principles after the start-up period.

5. Decide on the parameters of local economic development.
   If local economic development is agreed to be a requirement of the community energy program, then the Foundation needs to understand the extent to which it can preference skills development and local procurement over purely competitive, price-based market outcomes.

6. Set a realistic timeframe.
   A timeframe - longer than 5 years - for growing the Foundation and allowing it to mature as a regional institution needs to be understood. In this time frame the energy system will continue to change at breakneck speed, so the adaptability of the Foundation is a key attribute.

7. Relationships need to be built from the outset.
   These relationships should engage funders, supporters and other organisations with a strong community presence. A number of large institutions serve the region and have a role to play in the long-term outcomes for energy and regional economic development.

8. Resource the interim committee.
   The Councils should resource the establishment of the interim committee and support it through to the point that ongoing Council or other funding is awarded. This is likely to involve at least 0.5 FTE of staff support and funds for legal advice at a minimum. It is understood that RH&C has applied for an LGA R&D grant for some of the work.

9. Councils work with the interim committee.
   The Councils should work closely with the interim committee to understand an achievable budget, jointly shared goals and to draft a funding agreement that is likely to be realistic for the Councils to approve. In addition, a short-term plan for quick wins and further community engagement can be agreed and costed.

10. Councils help the committee engage key stakeholders.
    The Councils should provide a series of delegations and include committee members to engage with and lobby key stakeholders such as state government, the regional development authority, the LGA and SA Power Networks with the aim of exploring other sources of funding for the program and establishing senior level support for the initiative the region is taking.

5.4 Skills of the Foundation

It is recommended that board positions should be unpaid to maintain the spirit of a non-profit, community-led organisation. Ideally, paid support staff/seconded council staff will provide operational support while the volunteer board provides strategic guidance. The Foundation's ambition should be a paid CEO as the main recruitment priority. The early work of this person will be relationship building to attract funding, create partnerships and supporting board members to do the same.

As with any board, diversity offers the basis for stronger decision-making due to the different insights diverse board members can offer. Adequately speaking for each community across the region will be important, as will relationships with each Council and other partners across the region. One more way to achieve this would be to limit the number of board members from each council area.

Board members and the CEO should be recruited who have one or more of the following skills or attributes:

- Project management
- Technical
- Financial
- Communications and marketing
- Legal / governance

The core group should continue to audit its complement of skills, knowledge and connections and should also develop partnerships with others willing to support the emergence of the Foundation whenever skills gaps emerge. Partnerships can provide the mentoring which will support the core group to grow its skills base.

Appropriately skilled staff can also be seconded by councils or allocated to provide support to the Foundation.

5.5 Funding of the Foundation

5.5.1 Recommended funding arrangement

The level of ambition for the Foundation will need to be kept in line with the funding available. We recommend that starting small, with a specific focus on the Community Energy Retail Offer will be the best short-term strategy for success.

In order to fund this, we propose that the Councils enter into a five-year funding agreement with the Board to establish the Foundation and to set up the Community Energy Retail Partnership and Offer (see section 8.3 for more information on the sample budget).

5.5.2 Funding examples

The Moreland Energy Foundation Ltd (MEFL)

MEFL was established with an annual investment from Moreland City Council from interest generated by the sale of the Brunswick Electricity Supply. For 18 years MEFL has enjoyed the support of council in the form of core funding to look after the base administrative requirements of the organisation. The funding agreement is usually structured for a four to five-year term and increases by CPI annually. MEFL currently receives a little over $400,000 per annum in core funding and receives an additional $300-$400,000 to deliver on elements of MEFL's Zero Carbon Evolution Strategy[13][14]. This funding come with very high expectations and targets for energy savings and carbon reductions to be achieved in the Moreland Community. MEFL also obtains income from a variety of other sources including grants and contracts with other councils.

The Yarra Energy Foundation

The Yarra Energy Foundation has been operating since 2010 and receives approximately $300,000 per year from Yarra City Council with a similar model of four to five-year funding agreements.

Community Power Hubs (CPH)

The three CPHs recently established in Victoria have each received $300,000 of funding that is going to existing local community groups to accelerate their efforts. This is a state government funded program. Bendigo Sustainability Group, for example, will spend $100,000 per year for three years on a number of part time staff who were formerly volunteering within the 'core group' where the unpaid nature of their roles limited their capacity to deliver. As a CPH they will expand their capacity to deliver projects. The ambition is for these projects to produce a longer-term income stream for the organisation.

5.5.3 Potential sources of additional funding

- The state government should be approached for a partnership with the Foundation for many of the same reasons that local government is involved. The energy future is arriving fast and governments need to adjust equally quickly in how they support communities to benefit.
- Federal funding is most likely to come through ARENA grants for innovative projects and regional development grants.
- The market bodies (AER, AEMO and AEMC) support Energy Consumers Australia which offers a range of small grants for work that fits within energy market reforms.

[13] http://www.moreland.vic.gov.au/globalassets/key-docs/policy-strategy-plan/zero-carbon-evolution-strategy.pdf
[14] https://morelandzerocarbon.org.au

- SA Power Networks could also be approached for a partnership with the Foundation. As a regulated monopoly, its ability to supply funding is likely to be constrained and the Foundation will need to explore which services it might be able to offer for SAPN. The peak body, Energy Networks Australia, has a research fund for projects that will help distribution companies understand new opportunities.

- State government programs, new and old, may be sources of funds especially if the Foundation can negotiate that they be delivered locally instead of from Adelaide. These include the Retailer Energy Efficiency Scheme, energy advisory services and utility literacy for low income households, the battery subsidies, virtual power plants and newer demand management programs.

- Each Council and other large organisations in the community can contract with the Foundation to deliver energy services in a consulting capacity and to install solar and energy efficiency products. Regular income streams of this nature support the organisation to become financially viable.

5.6 Summary of key recommendations

3. Establish a volunteer interim committee consisting of a core group of community leaders that will work with RH&C to establish the Foundation, supported by council staff and funding. Transition the interim committee to become the founding board of the Foundation and continue supporting them to develop a funding agreement for council consideration after the November 2018 council elections.

4. Transition the interim committee to become the founding board of the Foundation and continue supporting them to secure a funding agreement with participating Councils.

5. Councils to provide funding over a five-year agreement with the Foundation which is aligned with council priorities and ambitions and the Foundation business plan (please note this is included in the seed funding outlined in the Sample budget in Section 8.3). A figure of $100 to $150K has been identified as the minimum collective investment needed to cover set up costs in addition to an ongoing annual core payment. This is required to cover legal costs, the early community engagement work as well as attracting additional funding. Note that this investment does not include the funding required to establish, market and deliver the Community Energy Retail Partnership or any other energy activities.

6. Recruitment of a CEO and agreement on in-kind resources from councils to proceed as soon as financially possible.

6 Community Energy Retailer (procurement approach)

6.1 Why a community energy retailer?

The establishment of a community energy retailer has been identified as a central platform for this broader community energy program since its early stages of design in February 2018. The retailer model has been selected as it offers:

- The greatest potential for early income generation that can be used by the Foundation to invest in other energy programs (such as energy efficiency upgrades for vulnerable communities etc.);
- Can offer flexible and innovative approaches to buying and selling electricity that will support development of community energy projects e.g. PPAs, solar farms;
- A clear and focused offering to sell to the community, increasing the speed of market penetration by reducing confusion or promoting programs with higher barriers to participation; and
- The possibility of lowering energy bills for community members.

It is critical to note that while improving the affordability of energy in the region has been consistently rated as a top concern this program has been designed to address, the establishment of a community energy retailer will not guarantee lower tariffs and therefore lower bills. Lower tariffs primarily depend on the ability to build a large-scale customer base, allowing the retailer to access capital and hedge risk by taking a longer-term view of the market. Other energy activities conducted by the Foundation will assist in reducing energy consumption and consequently cost.

Localising the energy supply and having a mechanism for investing would be amazing. Just think what it would mean for our community to be somewhat independent of the State network!
Community Survey Respondent

Instead, a community energy retailer can offer a greater community benefit of closing at least part of the economic loop and maintaining more local wealth within the region, investing in other projects with the community and helping community members save on their electricity bill in other ways, for example with energy efficiency upgrades and small behavioural changes.

As the community engagement deepens, the community energy retailer can also work with their customers to understand the scale required to ensure the price of electricity does not increase and will, over time, become cheaper than the major retailers.

In the early stages of preliminary program design the concept of a coordinating a traditional aggregated purchasing model on behalf of the region, similar to One Big Switch, was explored. However, despite the very positive marketing messages from these commercially driven programs, the actual data on customer savings is very difficult to uncover and an aggregated “switch” program will not realise any of the broader environmental or economic benefits a community energy retailer can. Instead the supporting councils can work with the Foundation to utilise elements of those campaigns to begin community engagement and commence aggregating demand and customer data that will ultimately support the RFQ process.

6.2 Support for a community energy retailer

Almost 90% of the community survey respondents were interested in switching to a community-based retailer, either categorizing themselves as enthusiastic about the idea (28%) or willing to do it if there were benefits to the community (31%) or to themselves (30%).

The key informant interviews generally supported the concept, however many interviewees (particularly those with experience in the retailing space) warned about the complexities and risks that need to be addressed, as well as the level of resourcing required. Many of these have been included in the discussion and recommendations below.

The workshops with Elected Members and Council staff demonstrated a strong level of support for further exploring the establishment of a community energy retailer (support ranked at an average of 4.2 out of 5). However, it is important to note that energy efficiency advice and education actually ranked as the highest priority within those workshops, with a solar and battery bulk buy and community energy retailer coming in equal second.

Establishing a community energy retailer, or any community energy organisation, is not an easy task. Only one wholly owned community energy retailer has been launched and continues to operate in Australia after four years, Enova Energy. Other communities grappling with this challenge are exploring alternative options that still generate community benefit while also minimising risk.

6.3 Potential models for a community energy retailer

There are many diverse models for structuring a community energy retailer, the current operating models are documented in Appendix B – Electricity Retailer Models. In order to narrow down the possibilities, MEFL and Tandem have explored three possible models for establishing a community retailer in the region through this project.

Model one: Building a community owned energy retailer from scratch. This is not a recommended model at this stage of development.

Model two: Establishing a council owned and operated energy retailer with benefits flowing directly back to the community. This is a model currently being explored by several councils in Victoria[15]. It is our recommendation that the Councils stay in touch with the Northern Alliance for Greenhouse Action as this model develops. This is not a recommended model at this stage.

Model three: Supporting the Foundation to partner with an existing retailer to "white label" a Community Energy Retail Offer that may generate a smaller benefit to the community while minimising the significant risks inherent to the electricity retail environment. This is the recommended model, particularly in the short to medium term (next 2 to 5 years).

Our recommendation
Our recommendation is to focus the next stage of this program around the third model - to partner with an existing retailer via the Foundation. However, even within this model there remains a large range of possible structures and solutions, depending on the risk (and potential reward) appetite of the Foundation's board.

These partnership options exist along a continuum from those that are commercially focused and those that have a stronger community focus. We recommend that the Foundation starts with a partnership in the middle of the spectrum to allow time to build up a local presence, a strong

[15] http://www.naga.org.au/uploads/9/0/5/3/9053945/electricity_retailing_in_victoria.pdf

customer base and a depth of knowledge, experience and networks in the sector that will further minimise risks.

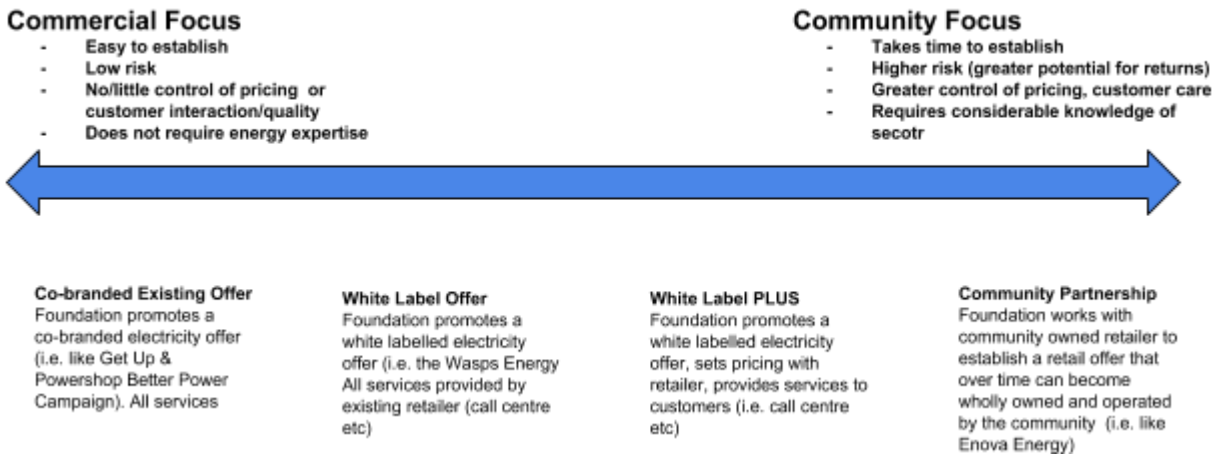

Figure 7 - Spectrum of focus for the retailer

6.4 Critical elements

The partnership model that is being recommended for this stage of the program design will need to include the following elements:

- The Councils support the Foundation to develop the request for quotation (RFQ) (our recommendations for the RFQ are included below) and the governing agreement for the successful retailer (noting that the agreement will need to be executed by the Foundation).
- The Councils provide between $100,000 and $150,000 as seed funding for the establishment of the Community Energy Retail Partnership (please note this is in addition to the seed funding being supplied to establish the Foundation). This funding will primarily be utilised to build the brand, website and marketing materials used to promote or advertise the Community Energy Offer.
- Once the partnership agreement is established, the Foundation will be responsible for governing the agreement.
- The Councils will continue to support the promotion and marketing of the Community Energy Offer.
- The Foundation will be responsible for building relationships with other organisations to support the promotion and marketing via council and other channels.

6.5 Potential income

According to the interviews undertaken to date and based on MEFL's experience, the retailer could be realistically expected to generate a return of approximately $100 per customer to the Foundation per annum. This amount is not based on a simple $100 referral fee, but instead it is a very conservative estimate that has been simplified for necessity. The partnership could structure the payments to the Foundation in a variety of ways (i.e. percentage of energy sold, income generated etc.) and the rate of payment will be dependent on the elements of the program that the Foundation wants to service (for example, does the Foundation take a higher cut from the retail partner and take on responsibility for customer service, with associated local jobs?). There would obviously be a higher return for small to medium businesses.

In the first year of operation we would recommend a target of 1,000 customers (approximately 1.5% of the potential residential market), generating a minimum of $100,000 in the first full year of operation (see also Section 8.3). It is important to note that this is $100,000 of income, not surplus. Over time, and as the customer base is built up, the surplus could be distributed back to customers or invested in activities with a broader community benefit (or a combination of both).

6.6 The recommended business model

Audience / Customers

- All households - homeowners, renters, tenants.
- Small to medium businesses.
- Community organisations (as customers and as a marketing channel).

Process

- Localised marketing (by region, municipality or town).
- Online platform to request quote
  Customer Relationship Management tool owned by Foundation with details fed to Retail Partner. This will allow the Foundation to 'own' the customer data, independent of the retailer agreement. This will be of significant value to sell future products and services, but also if the retailer partner changes.
- Local helpdesk for further information (needs to be budgeted for - could be staffed part time or by volunteers in short term).
- Information and education sessions held by Retailer, Foundation and Council.
- Retail partner to offer locally relevant energy products, report regularly and pay monies owed quarterly.

Figure 8 - Community energy retail offer process

Resources

- The Foundation (local leadership and legal framework for partnership).
- Set up funds ($100,000 to $150,000).
- Council marketing channels.
- Customer referral program (for local community groups, consider a profit share or referrer fee).
- Brand, website, CRM, social media presence, phone line, volunteers.

Value proposition

A community led alternative to the major retailers. This energy retailer will:

- Reinvest profits into the community.
- Keep jobs and money in the local economy.
- Support customers to use less energy and save money.

Partners

- The Councils.
- Retailer to provide 'white label' and backend services.
- Community organisations.
- Business leaders.

Marketing/Sales

Council channels:

- Website.
- Social Media.
- Newsletters.
- Library.
- On hold messages.
- Local paper.
- Events.
- Local media.
- Media releases, photo opportunities, advertising.
- Consider a local partnership for competitions etc.
- May consider (in conjunction with the Retail Partner) offering an energy savings guarantee by offering an energy audit and identifying savings. This will need to be resourced by volunteers in the short term.

6.7 Finding the right partner - the RFQ

Developing the right retail partnership is critical to the early stages of success for this element of the Community Energy Program. Below is a list of the key elements we recommend need to be included in the RFQ to find a Community Energy Retail Partner.

Key Elements of the RFQ

It has to be simple. In order to create equal opportunities for community-led or lean, socially driven organisations to participate in the RFQ process as well as the well-resourced commercial operators, it is critical that the RFQ is simple and relatively easy to respond to. This could take the form of a high level RFQ with an invitation for detailed interviews with the Foundation for a select group.

The RFQ should include the proposed draft agreement with key terms set by the Foundation. This should include detail such as the length of the agreement (we propose two years), clear termination clauses, confidentiality requirements and intellectual property considerations.

It may be prudent to obtain energy market expert advice to ensure the RFQ and responses contain adequate rigour and realistic assumptions.

Ensure potential partners can articulate:

- How this program fits within their business model and strategic directions.
- How their proposed model offers community value - i.e. lower prices, local economic benefits, support for energy saving, any other opportunities.
- Their financial viability (and any key risks).
- What support they can provide to accelerate customer acquisition, sales and marketing.
- Their knowledge of the South Australian Energy Market and relationship with SAPN.
- Their proposed model for profit sharing with the Foundation (including any start-up funding required for customisation).
- Their targets for customer acquisition (Do they have minimum numbers that have to be reached and over what time frame?).
- Their ideas for how the partnership can be expanded (over time) to include further innovative energy projects and offers.
- Detail regarding customer management (i.e. how customers will be handled between the two organisations and considerations for who "owns" the customer and how customers can be managed in the event of termination of the contract).
- Opportunities to increase local ownership and control over time.

6.8 Summary of key recommendations

7. Secure $100,000 to $150,000 in start-up funding for the Community Energy Retail Offer (please note this is included in the seed funding outlined in the sample budget below). Funding will be used to build the brand, website, customer relationship management tool and marketing materials used to promote the offer.

8. Councils to provide ongoing support for promoting the Community Energy Retail Offer.

9. Support the Foundation to
   - commence community engagement and aggregation of potential customer data
   - lead the retailer RFQ process and partnership negotiations: i.e. identify the level of involvement / service delivery that the Foundation provides vs the retailer.

7 Energy activity delivery

7.1 Introduction

The fundamental way to create change in the community with the proposed model is to run a suite of energy activities. While some energy activities are simple and straightforward, such as solar bulk buys or education programs, those that create long lasting value and change in the community (e.g. community energy retailer, education programs) are generally complex or carry a higher level of risk.

The organisational structure proposed in this model allows the Foundation to carry that risk and undertake due diligence to ensure successful execution. It is worth noting again that the extent of energy activity able to be conducted in the region depends on the level of ambition of the Councils and subsequent resourcing provided to the Foundation (see Appendix D- Potential energy activities for further discussion).

Other sources of funding may set the priorities and the Foundation will need to assess the easiest activities to understand those which might produce quick wins and momentum for community energy in the region.

7.2 Prioritising energy activities

As pensioners, we are very conscious of our energy use but we have limited funds. So, we're looking forward to a system that saves us money, without a great deal of prior cost to us, that also benefits the environment.
Community Survey Respondent

Individual communities will have their own priorities and interests that will influence the energy activities they prefer to undertake. The majority of community survey respondents (64%) said that they currently invest in making their home more energy efficient and 51% said they shop around for their energy deal. Over 50% of respondents said that they already had solar electricity with a further 20% saying that they cannot have solar energy due to their circumstances. The desire to be rewarded by the way respondents use energy was high, with 59% expressing this view. 56% expressed the desire to have the ability to purchase energy that benefited the community.

The following table summarises community preferences for the activities covered in the community survey, where the lowest weighted average is the highest priority.

Table 3 - Preferred energy activities: community survey responses

Q10. Would you be interested in participating in any of the following community energy projects if they were available in your area?							
Answer Choices	**Yes, I'm enthusiastic**	**Yes, if there were community benefits**	**Yes, if there was a benefit to me**	**I don't know**	**No**	**Total**	**Weighted Average**
Switching to a community-based electricity retailer.	102	111	112	31	13	369	2.3
Supporting local renewable generation (e.g. wind, solar, biomass).	184	103	61	17	8	373	1.83
Receiving energy advice and services for homes & businesses.	142	74	91	28	28	363	2.25
Participating in a solar & battery bulk buy.	143	63	110	35	21	372	2.27
Solar and battery systems being coordinated for emergency power and/or better power prices.	173	95	61	31	11	371	1.95
Participating in peer to peer trading of surplus solar energy.	126	77	65	82	19	369	2.43

This information from the community survey, together with workshops and stakeholder interviews contribute to understanding the region's priorities and needs. The energy activities described below include those from the survey and additional activities that may be conducted in the region.

They are listed broadly in priority order based on the findings from survey results, ease of implementation and potential income.

The graphic besides each activity indicates whether it is likely to:

- make money
- break even
- require funding

Appendix D – Potential energy activities contains detailed descriptions and financial analysis for each activity.

Table 4 – Suggested priority order for energy activities

1. Supporting local renewable generation
2. Solar and battery systems for emergency power and/or better power prices
3. A community-based electricity retailer
4. Solar and battery bulk buy
5. Energy advisory services for homes and businesses
6. Peer to Peer trading of surplus solar
7. Local action plans for energy and climate
8. Collaboration with developers, e.g. to build microgrids
9. Home renovation, building education and home improvement services
10. Renewables for All

In addition, the Foundation should be encouraged to establish a revenue stream and skill base by working with Councils as an early customer base providing energy efficiency and support for all local council operations.

The Foundation should also continue to engage the community and other energy organisations around Australia to identify the most appropriate activities to deliver in the region.

7.3 Quick wins

There was strong feedback from all engagement activities suggesting that the model needs to deliver a series of quick wins to build confidence in the community energy program.

Early momentum will be demonstrated by establishing the Foundation, commencing marketing and engagement work to aggregate demand, and launching the retail partnership.

As the Foundation starts to build relationships and embed itself in the region, it can consider delivering low cost activities that also provide engagement and reach, such as;

- events,
- market research,
- contacting local community organisations and local energy businesses, who can in turn engage their staff and volunteers,
- establishing low cost partnerships with these early 'friends of' the community energy program and connecting them to community energy resources.

As the Foundation gains momentum, it can focus on early activities that earn income or attract grants. Negotiations with the Councils, state and federal government can be catalysed with a range of well costed and researched proposals. Delivery partners may also bring funded opportunities to the region.

Potential partners and organisations that should be involved in a community energy program were the subject of a question in the community energy survey. The responses can be found in Appendix H – Organisations to engage with.

7.4 Funding

The delivery of energy activities is the fundamental purpose of this model. The breadth and depth of the activities that are delivered depends almost entirely on the level of ambition of the Councils and the ability of the Foundation to attract other funding (state and federal government funding primarily). The resourcing and support provided to the Foundation over time is the primary indicator of the success of the model and energy activities proposed. Further discussion of the impact of Council resourcing is found in Section 4.3.

7.5 Summary of key recommendations

10. Prioritise the development and delivery of energy activities in line with stakeholder engagement and feedback. This will include engaging with:
    - community groups, energy product suppliers, and experienced community energy service providers to identify potential partnerships and activities; and
    - community members to test ideas and participation rates.

11. Develop relationships with potential funders and develop a range of well costed and researched proposals for proactively funding preferred program of energy activities.

8 Next Steps

8.1 Summary of recommendations and proposed timeline

Table 5 - Summary of recommendations and timeline

	Element	Recommendation	Proposed timeframe
1	General	a) Councils note recommendations contained in this report while deferring the main decisions on financing and legal structures for approval by new Councils in 2019. b) RH&C Steering Committee maintain progress by applying for an LGA R&D grant to develop drafts of governance, legal, business planning and marketing documents and/or explore alternative mechanisms for maintaining progress should grant be unsuccessful	Initial
2	General	Councils to review report and recommendations and determine a shared level of ambition that determine a shared level of scale and ambition that will frame the remaining process. The level of ambition will determine the speed and scale of implementation and thus the amount of funding and in-kind support required. Develop indicative budget bids for the 19/20 financial year.	Following 2018 Elections
3	Foundation	Establish a volunteer interim committee consisting of a core group of community leaders that will work with RH&C to establish the Foundation, supported by council staff and funding.	Q1-2 2019
4	Foundation	Transition the interim committee to become the founding board of the Foundation and continue supporting them to secure a funding agreement with participating Councils.	Q3-4 2019
5	Foundation	Councils to provide funding over a five-year agreement with the Foundation which is aligned with council priorities and ambitions and the Foundation business plan (please note this is included in the seed funding outlined in the sample budget below). A figure of $100 to $150K has been identified as the minimum collective investment needed to cover set up costs in addition to an	2019-20 budget cycle

	Element	Recommendation	Proposed timeframe
		ongoing annual core payment. This is required to cover legal costs, the early community engagement work as well as attracting additional funding. Note that this investment does not include the funding required to establish, market and deliver the Community Energy Retail Partnership or any other energy activities.	
6	Foundation	Recruitment of a CEO and agreement on in-kind resources from councils to proceed as soon as financially possible.	Q3-4 2019
7	Retailer	Secure $100,000 to $150,000 in start-up funding for the Community Energy Retail Offer (please note this is included in the seed funding outlined in the sample budget below). Funding will be used to build the brand, website, customer relationship management tool and marketing materials used to promote the offer.	2019-20 budget cycle
8	Retailer	Support the Foundation to - commence community engagement and aggregation of potential customer data - lead the retailer RFQ process and partnership negotiations: i.e. identify the level of involvement / service delivery that the Foundation provides vs the retailer.	Q3-4 2019
9	Retailer	Councils to provide ongoing support for promoting the Community Energy Retail Offer.	Ongoing as of Q3-4 2019
10	Energy activity program	Prioritise the development and delivery of energy activities in line with stakeholder engagement and feedback. This will include engaging with: - community groups, energy product suppliers, and experienced community energy service providers to identify potential partnerships and activities; and - community members to test ideas and participation rates.	Q1-2 2020
11	Energy activity program	Develop relationships with potential funders and develop a range of well costed and researched proposals for proactively funding preferred program of energy activities.	Ongoing as of Q1-2 2020

8.2 Timeline

Table 6 – Visual timeline of recommendations

Recommendation	2018	Q1/2 2019	Q3/4 2019	Next 3-5yrs
1. Interim Work to maintain progress				
a. Councils to note recommendations	★			
b. Apply for LGA R&D grant	★			
2. Councils determine shared level of ambition and budget bids				
3. Establish volunteer interim committee				
4. Transition interim committee to Foundation Board				
5. Provide Foundation seed funding				
6. Recruit CEO and agree in-kind resources			★	
7. Provide funding for Community Energy Retail Offer				
8. Council to support Foundation to				
a. Commence community engagement			★	
b. Lead Retailer RFQ process				
9. Ongoing promotion of Retail Offer				
10. Develop energy activities				
11. Partner with funders				

★ **Milestones**

8.3 Sample budget

A sample budget has been drafted to further assist decision making regarding the next steps for the community energy program design. As has been discussed throughout the report, the level of shared ambition and ability to invest in that ambition will dictate the scale and speed of the establishment and success of the Foundation, Retail Offer and any associated Energy Activities.

This budget has been drafted with consideration for the potential of funding available (i.e. likely to be limited) and based firmly in the experience of similar organisations such as the Moreland Energy Foundation, Yarra Energy Foundation and Darebin Climate Emergency Foundation.

Out of necessity, assumptions have been made regarding the budget, these include:

- Seed funding is required to appoint inaugural CEO, additional budget is allocated in Year 1 to pay contractors and consultants to support the CEO.
- Seed funding in Year 1 will also cover the costs associated with appointing a Retail Partner and launching the Community Energy Retail Offer.
- In Year 2, the Foundation will grow to include an administrative / project support role.
- Significant in-kind support is provided by partnering Councils (as per earlier recommendations).
- Conservative estimates for grant / project income from state and federal government assume that delivery partners or contractors will be appointed to deliver the project i.e. it won't be the already employed Foundation staff delivering the project. However, Foundation to budget to ensure a minimum 20% of project income is maintained to support operational costs).
- Income estimates for the retailer sales are very conservative.
- Additional income estimates are also very conservative.

It is suggested that the Southern & Hills Local Government Association funding formula be applied to ensure equitable funding of the project between the Councils.

Table 7 - Sample budget for Foundation and retailer

	Year 1	Year 2	Year 3	Year 4	Year 5	TOTAL
INCOME						
Council Seed Funding (shared across all partners)	$300,000	$150,000	$75,000	$50,000	$25,000	$600,000
Grant Funding (Local, State or Federal)	$0	$100,000	$150,000	$250,000	$300,000	$800,000
Sales – Retailer	$0	$75,000	$125,000	$200,000	$300,000	$700,000
Sales - Energy Services (i.e. Energy Assessments)	$0	0	$10,000	$12,000	$15,000	$37,000
Sales - Other Products (i.e. solar, batteries, LED)	$0	$0	$25,000	$50,000	$75,000	$150,000
SUBTOTAL	**$300,000**	**$325,000**	**$385,000**	**$562,000**	**$715,000**	**$2,287,000**
EXPENSES						
Set up costs - Constitution - Board Recruitment - Brand, Website etc. - CRM	$34,500	$0	$0	$0	$0	$34,500
Community Engagement & Marketing	$60,000	$25,000	$35,000	$40,000	$50,000	$210,000
Staffing / contractors	$150,000	$165,000	$175,000	$250,000	$300,000	$1,040,000
Office costs (rent, stationery etc.)	$5,000	$10,000	$12,000	$15,000	$25,000	$67,000
General Administration (bookkeeping, insurance etc.)	$12,500	$15,000	$17,500	$20,000	$25,000	$90,000
Project Expenses (assumes 20% margin)	$0	$80,000	$120,000	$200,000	$240,000	$640,000
Other projects (community fund)	$0	$0	$15,000	$20,000	$25,000	$60,000
SUBTOTAL	**$262,000**	**$295,000**	**$374,500**	**$545,000**	**$665,000**	**$2,141,500**
Net Position (for the year)	$38,000	$30,000	$10,500	$17,000	$50,000	
Balance (cumulative)	$38,000	$68,000	$78,500	$95,500	$145,500	

9 Glossary

Behind the meter: energy generated and used separate to the main energy grid, which by law stops at the customer meter.

Board: the Board in this model is responsible for overseeing the operations and direction of the Foundation.

Community Energy Foundation, Foundation: a decision-making body (including a Board) with its own organisational structure that can retain resources, recruit staff, make decisions and prioritise funds, on behalf of the community, to deliver a range of community energy activities.

Community energy retailer: this term is used throughout this document as a conceptual term to describe the proposed entity that is able to buy and sell electricity to local consumers. It is recommended that this entity is formed via a contractual relationship between the Foundation and an existing energy retailer (the Retail Partner).

Community energy retail offer: contracts designed by electricity retailer to deliver energy to the consumer

Community energy retail partner: the retailer selected by the Foundation to establish and deliver the community energy retailer and associated retail offers.

Community survey: a survey consisting of twelve questions which was promoted by the Councils and completed by 380 community members to help determine the level of support for a community energy program.

Councils: specific reference to the six councils that are partners in Resilient Hills and Coast, being Adelaide Hills Council, Alexandrina Council, City of Victor Harbor, District Council of Mount Barker, District Council of Yankalilla and Kangaroo Island Council.

council, councils (uncapitalised): generic reference to local government organisations.

Informant interviews: interviews conducted with 18 key informants to gain critical insights and lessons learned from their experience either as a retailer, community energy organisations or community leader.

Interim Committee: organisation founded and supported by the Councils to guide formation of governance and funding requirements for the Foundation.

LGA (Local Government Authority): the organisation providing support and services to all SA councils.

MEFL (Moreland Energy Foundation): one of the two partners delivering the Resilient Hills and Coast energy model.

PPA, power purchasing agreement: a contract between two parties, one that generates electricity (seller) and another who purchases the electricity.

Public Resource Folder - an online collection of reports, data and other documents used in the collation of this report.

PV: photovoltaic cells are a technology used to convert the sun's energy into electricity.

Region: refers to the area of the six Councils engaged in this process (Adelaide Hills, Fleurieu Peninsula and Kangaroo Island region of South Australia).

RE, renewable energy: energy that is generated from renewable sources such as solar, wind, geothermal, hydro, and tidal.

RH&C: Resilient Hills & Coasts: a collaborative project formed to develop a regional climate change Adaptation Plan for the Adelaide Hills, Fleurieu Peninsula and Kangaroo Island region of South Australia, and the organisation that commissioned this report.

SAPN (South Australian Power Networks): sole electricity distributor in South Australia.

Tandem Energy: one of the two partners delivering the Resilient Hills and Coast energy model.

Thin wire: describes the thin connection that a behind the meter system has to the main energy grid and cannot supply all the electricity loads behind the meter. By contrast, SAPN will normally connect (and charge for) larger infrastructure to meet the full capacity of every load and ignore renewable generation and storage that can offset some of that capacity.

VPP, Virtual power plant: a virtual power plant is created by a network of solar photovoltaic (PV) and battery systems all working together to generate, store and sell energy back onto the energy market.

Workshops: three workshops designed and conducted as part of this project and attended by Elected Members and Council staff to seek their views on the design of a community energy program for the region.

10 Appendices

Appendix A - Project Methodology

Introduction

The methodology used for the Resilient Hills and Coast Community Energy Program report for this project was designed by MEFL and Tandem in collaboration with the RH&C steering committee to capture community and stakeholder input while ensuring we capitalised on the experience and knowledge gained by other communities and councils grappling with similar issues and finding ways to empower themselves.

The agreed key deliverables of the project were to provide:

- Recommendations for program design
- Indicative costs, business model and recommended governance structure
- An agreed approach to establishing H&C Community Energy Board
- Advice for attracting customers and requirements to achieve sufficient aggregation for sustainability of recommended model
- Recommendations for procurement approach for energy procurement with effective delivery of benefits to the community
- Identification of community priorities and preferred business model for delivery of first program/projects
- Early engagement and identification of community leaders and key stakeholders (to be completed during the process.

Program Principles

Program design principles (Figure 1)were outlined by RH&C in a briefing document which can be found in the RH&C Public Resource Folder.

Figure 1 - Program design principles

Information gathering

Background research

Extensive background research was conducted to understand the context of the region including demographics, renewable energy uptake, existing electricity infrastructure and energy consumption for Council and the community. This helped build the evidence base and identify opportunities for

further investigation. The outcomes of this research are summarised in Section 4 with further detail in the Appendices where appropriate.

Stakeholder Workshops

In May/June 2018, the project team delivered three workshops across the region for elected members, council staff and key stakeholders. The workshops aimed to inform and gain support for the Program from key council members to ensure success and longevity. The workshops were designed to present an overview of community energy and potential design options for the Program and seek feedback from attendees on the information presented. The workshops were well attended, with an estimated 60 attendees across the three events.

The clear outcomes from the workshop were that the program needed to:

- Deliver reliable and affordable energy for all community members
- Have the community needs as its core
- Increase local investment and jobs in the region
- Have council support but not owned or run by council
- That a board be put in place make decisions and to deliver projects
- Gain community trust and support by a well-executed communication plan
- Be agile to adapt to a changing environment (energy and natural environment)
- Have a risk mitigation strategy that covers things such as a lack of uptake, lack of resources and external factors

There was strong support for the program overall with participants giving an average score of 4.2 out of 5 indicating their level of support for the initiative. Out of all the projects that the program could potentially deliver, energy education, the introduction of a community based retailer and solar/storage bulk-buys were the most popular.

The key themes emerging from the workshops have been reflected in the detailed program design and recommendations. Refer to Appendix G for a summary of the workshop outcomes.

Key Informant Interviews

Detailed interviews were conducted with 18 key stakeholders to gain critical insights and lessons learned from their experience either as a retailer, community energy organisation or community leaders. Interviews conducted are detailed in the table below. Interviews were requested from community leaders, identified by elected members and Council staff, across all six Council regions.

Table 1 - Informant interviewees

Retailers	Community energy organisations	Community leaders
Enova	Totally Renewable Yackandandah	7 x Adelaide Hills
Powershop	Bendigo Sustainability Group	3 x Yankalilla
Energy Locals	Darebin Council (Climate Emergency Foundation)	1 x Kangaroo Island
DC Power Co		

Retailer and community energy organisations interviews were conducted by MEFL and covered a standard set of questions. Community leader interviews were conducted by Tandem Energy, with stakeholders identified through the workshops, council recommendations and consultant knowledge. These interviews also covered a standard set of questions. The questions asked and a summary of findings from the interviews are included in Appendix E.

The key issues raised by community leaders were:

- The importance of establishing long term support from councils and ensuring stability away from the political fluctuations that occur at councillor level.
- Every community may focus on quite different and local energy issues. Finding the motivations of individuals is important.
- Helping people understand energy issues and painting a future they can imagine is essential.

The key issues raised by retailers were similar and included feedback around:

- The need for long term, public council endorsement and support of the community energy program/retailer.
- The broad spectrum of models available for a community energy retailer or retail offer (made via a partnership) means that the design can only be finalised once the level of aspiration is finalised (the speed, scale and impact will all be determined by the investment of money, in-kind and political support).

The key issues raised by community groups were:

- The activities undertaken by groups at the local level must match the local context, needs and capacity to deliver
- If pursuing an electricity retail offering in their local region, the potential benefits of the approach must be balanced with the potential risk taken on by the group and other local partners
- Establishing and maintaining momentum towards delivering community energy projects is key – prioritise and re-prioritise energy activities if necessary to ensure low hanging fruit and quick wins are capitalised on to build local support and participation.

In addition, exploratory meetings were held with SA Power Networks to gauge the extent of their interest in the project and attempt to map the organisation's reach within the region, and this is described in Appendix C.

<u>Community Survey</u>
To help determine the support from the community for a community energy program, a survey consisting of twelve questions was constructed and circulated through the RH&C and Councils social media and contact channels. In total, 380 people responded to the survey.

When asked to rank which energy issues concerned them the most, energy costs and the impact of our current electricity system on our climate and environment were of most concern. The impact of energy costs to the community (particularly vulnerable citizens) was also a focus, as well as the reliability of the system.

Respondents expressed a desire to be rewarded by the way they use energy as well as a desire to have the ability to purchase energy that benefited the community.

Respondents were most enthusiastic about energy projects that supported local renewable energy

generation and for solar and battery systems that provided emergency power and or better prices. The vast majority of respondents were enthusiastic about switching to a community energy retailer if there were benefits to the community or to themselves.

This information has informed the detailed program design and recommendations. Refer to Appendix F for a summary of the findings.

Steering Committee guidance

The RH&C Steering Committee, consisting of one council staff member from each Council, provided assistance with promotion of survey and following up workshop invites, attendance at workshops and general project oversight.

Appendix B - Electricity Retailer Models

The electricity retail sector continues to be criticised for failing to deliver customer value. A recent AEMC review highlighted that trust in the energy sector has dropped from 50% last year to 38% in 2018[1]. Satisfaction and confidence are also down. The models that retailers use to capture customers can contribute to this lack of trust with opaque financing of brokers and discount rates across the sector having no standard basis. Retailers know that customers will not shift frequently and use this 'stickiness' to their advantage. In South Australia 'residential customer bills have increased by 19% and small business bills by 24% in the past year. The representative consumer in SA could save $832 by shifting from the median standing offer to the cheapest market offer'[2]. There have been many attempts to improve the situation and some retailers are innovating for the benefit of customers. The list below explains the range of models that are interesting to note when considering the retailer approach that would best suit the community.

AGL community: For the past year AGL has moved to rebranding some of its products with "community" branding. One key informant highlighted how much better AGL had become in their attitudes to the electricity transition and at listening to consumers. The community energy sector has been wary that AGL is leveraging off the brand and goodwill that the sector itself has created. Many of AGL's community products relate to solar, eg premium feed-in rates, the ability to purchase surplus solar from other roofs etc. There is a risk that solar payments are being cross-subsidised by higher rates for normal energy and many customers may not be better off. There is also a risk that these products appeal to those with solar, leaving the low income and rental markets without competitive offers.

Powershop: Powershop has been a supporter of the community energy sector by promoting local energy to its customers. It regularly collects enough surplus from customers to provide a $10,000 grant to a community energy project. This has been a product that customers have opted into called Your Community Energy. Powershop has also explored local energy products where customers can buy green energy from their local postcode. Powershop have indicated a willingness to provide a white-label product and have experience of doing so through a rugby club in the UK[3].

Enova Energy: Enova Energy is community owned. Its company structure has a limit on the voting rights of each shareholder to ensure every shareholder can have a say in the organisation. Its dividends are shared 50/50 between a community organisation, Enova Community and shareholders. Enova is still maturing as an organisation and yet to break into profit after the original $3m fundraising through a share offer. Enova's ambition is to be a model that can be used around Australia. As it has yet to establish a branch or franchise in another region, it is open to the model through which this might best be done. From its own experience, it can see that managing electricity market licences, the risks and overheads associated with interacting with the electricity market create expenses that are best shared by providing a solid 'back-end services' model. Marketing, sales and possibly support can all be provided locally and contribute to a local regional economy.

[1] AEMC Retail Energy Competition Review 2018 https://2018.aemc.gov.au/competition-review/
[2] Ibid
[3] https://www.waspsenergy.co.uk/home/

Energy Locals: Energy Locals is a privately owned social enterprise. It aims to disrupt the current electricity market by slashing retailer profit margins and giving that economic power back to the consumers. It operates an extremely lean back end retail model with a range of wholesale partnerships. Energy Locals reaches electricity customers through white label arrangements with other organisations, community based as well as commercial partners. Each partnership has a different model for how the white labelled retail offer works, flexibility and agility is built into the model. One of the successful products has been in partnership with Sonnen, a battery manufacturer. Customers are charged a flat rate and the batteries are operated like a virtual power plant. Energy Locals currently has 5000 customers across QLD and NSW, is almost ready to launch in SA, VIC and ACT.

Origin Energy won aggregated contract for low income consumers in SA: The former state government went through a comprehensive process to choose a preferred retailer for low income consumers[4]. The government then wrote to all concession holders to offer them the discounted rate. As a single offer it did not suit all users, especially those who produce solar energy or buy green power. For consumers who regularly shop around, an 18% discount may not result in any savings. This approach is valuable for creating a benchmark offer that is competitive, has been assessed by experts and considered value-for-money.

Comparison sites, OneBigSwitch and Choice: Retailers have arrangements with brokers and traders and they are either paid up front referral fees or an ongoing minor proportion of the customer bill. Comparison sites make their money by signing up customers[5]. They are paid if a customer switches over and can be quite persistent in chasing someone who has logged in to browse pricing. OneBigSwitch aggregates, goes to market and then makes the best offer back to those who signed up (some proportion of whom might take up the offer). Choice has recently launched its transformer program[6] arguing that customers should switch every quarter to keep on top of the best pricing. Its model is to charge the customer $99 per year and automatically switch them whenever it makes financial sense. The Choice model highlights the transparency and independence that is needed to be a trusted organisation.

Preferred retailer model - CCSA and Diamond Energy: Many retailers offer a referral bonus of $30-$100 when you sign up a friend. In a similar vein, groups like the Conservation Council of SA can choose a preferred supplier (In this case because Diamond Energy was considered the greenest electricity retailer in SA) and opt to receive the referral fee every time one of their members switches to Diamond.

DC Power: DC Power has recently raised $7m in crowdfunding, mostly in $50 investments because business crowdfunding became legal in late 2017. It proposes to be an organisation that can effectively serve solar customers with a mixture of good retail products and technology to improve household use of energy and optimisation of solar.

Energy Democracy and RAA: Energy Democracy aims to be a cooperative based electricity retailer. This model well established in the UK and Co-op Energy is the lead retailer supporting community energy, mainly through power purchasing agreements with community energy generation projects. Cooperatives are also the main model for community energy in Germany with local government being substantial investors alongside ordinary members in German coops. The Royal Automotbile

[4] https://www.originenergy.com.au/for-home/campaign/origin-value/sa-concession.html
[5] The government's comparison site energymadeeasy.gov.au does not and can also be quite difficult to decipher. The best offers may still be found by ringing the retailer directly.
[6] https://canisaveonenergy.com.au/

Association of SA (RAA) is a mutual service organisation which functions like a cooperative in that members control the organisation. RAA has been investigating a potential role in electricity retailing and RH&C and the Foundation should keep a watching brief on developments in this area.

Commercial models

Origin Energy won local government joint purchasing: Local Government went to market in October 2017 and Origin Energy won the tender. Some councils brokered their own deals outside of the main tender arrangement but there is little evidence of better pricing. Competitive pricing can depend on the volume and timing of electricity tendering.

SA Water model: There is little evidence of innovative retailing products that can reward customers if they reduce retailer risk and price. SA Water recognised that it could time its pumping strategically to lower prices. The lack of benefits offered by the retailer led to SA Water starting its own wholesale purchasing almost 8 years ago. SA Water has recently announced that it will aim for zero energy costs by 2020 and invest in renewable electricity generation across its sites.

SIMEC Zen Energy won state government and SACOME bulk purchasing contracts: Sanjeev Gupta is now a majority shareholder of Zen and has supported its transition to electricity retailing, partly based on the need to secure electricity supply for Whyalla Steel Mills and to support the renewable electricity investments that the Steel Mill will be powered by in the longer term. Zen has announced almost $1bn in renewable energy and storage investments, creating diversity in its renewable energy portfolio. The deal with state government provides power until the solar thermal plant is operational. The deal with the SACOME bulk purchasing group is for 8 years and has been announced as a 20-50% saving on electricity pricing for those large industries.

PPA signed with Aurora solar thermal plant: The State Government spends up to $50m on electricity per year to power hospitals, schools and office buildings. The Power Purchase Agreement (PPA) signed with the proposed solar thermal plant lasts for 20 years. The long term in the deal provides the financial foundation for the plant to be built. The storage in the thermal project mitigates its electricity market risk, allowing it to provide guaranteed pricing to the state government. Other major renewable generation projects have indicated that PPAs with end customers rather than electricity retailers are becoming increasingly common and may be used to underpin project finances. The challenge with all deals is the ability to match supply and demand and manage the risk where there is shortfall.

Flow Power: Flow Power offers a wholesale market product where customers take the risk of occasional extreme prices, in order to make money from lower average prices. It's digital interface helps customers know when to respond and reduce energy consumption.

Redmud energy: Redmud energy has been an innovator, installing 200-400kW solar plants on low value land across the Riverland. The income of these sites is dependent on the value generated by the Renewable Energy Target over the next 12 years and so Redmud is actively exploring customer PPAs and small-scale retailing to optimise the solar value.

Appendix C - Research and results detail

Who is responsible for energy?

Understanding the organisations involved in the energy market assists in identifying those parties that should join the community energy program as partners and funders. Relationships with each should be explored as well as frank conversations about whether the region should be better served.

Retailers

AGL and Origin Energy are the two dominant electricity retailers in South Australia. They also own and operate most of the fossil fuel power stations and have been accused of extracting outsize profits from the retail and wholesale energy markets in SA. Many smaller retailers have not entered the SA market due to challenges in adequately hedging risks and the ability to purchase competitively priced power. The market structure of the SA electricity system means the main relationship for any customer is with its electricity retailer. The regulatory system emphasises the importance of competition and choice for customers. At the same time, the recent review of retail energy competition[7] was scathing about the numerous ways that customers' needs are not being met. A community-focused retailer is at the heart of this proposal as a sensible approach to ensuring a customer friendly focus. Appendix B - Electricity Retailer Models highlights a range of retail and contracting models that are emerging.

Poles and Wires - Distribution Network

SA Power Networks is the monopoly provider of South Australia's distribution network. Its relationship with the customer stops at the electricity meter. In some cases, multi-tenant sites such as nursing homes and apartment buildings operate their own internal electricity system with a single meter to the site. These are known as embedded networks, with regulatory arrangements to guide their operation and protect consumers. Every customer has a relationship with SA Power Networks and might have contact during blackouts, faults and maintenance works. The challenge for SA Power Networks is to direct its investment appropriately. The ability of communities to produce their own power means the funds for continuously growing and strengthening the network are no longer available. SA Power Networks predicts it will move to a 'thin wire grid' in the long term but it is still learning about how to make that transition at the moment. The thin wire refers to electrical capacity for a locality being provided only partially by the network with the rest generated locally. This vision of the future can only be achieved with some orchestration of energy loads to ensure that the energy is used or stored whenever it is available with the ability to manage peak loads. Councils are already faced with decisions regarding energy supply for new developments. If local energy assets are needed but not part of the SAPN asset base, the long term operation and maintenance of these assets needs to be secured for communities.

SA Power Networks have numerous interactions with Councils including:

- Regional network planning. SAPN publishes an annual planning report and data from the substations across the region that are monitored. For some investments it is obligated to approach the market for alternative solutions such as local generation and grid support.
- System reliability is monitored and regional issues may involve conversations with local SAPN staff or stakeholders.

[7] https://2018.aemc.gov.au/competition-review/

- Operations and maintenance staff in the region are managed by the customer service manager at either the St Marys or Mt Barker depots. A smaller local presence exists at Victor Harbor, Kingscote, Gumeracha and Murray Bridge.
- Street lighting is often owned, operated and maintained by SAPN. The tariffs for streetlights are set in advance because the actual energy consumption is not individually metered. The desire to install energy efficient street lights and reduce council costs has triggered a fraught negotiation between the LGA and SAPN over the past decade which has not yet been fully resolved.
- Tree lopping and bushfire hazards can also cause tension between councils and SAPN. A dedicated reference group involving councils' representatives and arborists has been running for 5 years and is starting to see positive results based on a stronger relationship.
- The innovation team and network solutions group within SA Power Networks have a number of trial project concepts, sometimes linked to innovation funding through ARENA or Energy Networks Australia. These may find suitable challenges within the region and a willing local presence will always make a project more viable for SA Power Networks.
- SAPN is committed to improving its engagement approach and has a consumer consultative panel and dedicated reference groups focused on renewable energy, low income consumers, business and councils.

Further details of the region's SAPN assets and performance are covered in the discussion on regional energy assets and Appendix C - Southern Hills and Coasts Electricity Assets.

State Government

State governments are committed to the national electricity market and retain their ability to jointly set policy and instruct the regulatory bodies. The mechanism for this is the Ministerial Council on Energy and the Council of Australian Governments. Individual state legislation creates the electricity market so there remain some differences in each state. Reforms are largely driven by the regulatory bodies although attempts at changing the policy context can be seen in the Finkel Review and the National Energy Guarantee. The conclusion is that our state government could play a stronger role in ensuring market changes if it chose to and therefore should be given the opportunity to experience the community energy program and understand its value and the market barriers it faces.

Energy efficiency is widely acknowledged by all governments as a market failure and the resources for supporting energy efficiency have varied significantly over time. Australia has the worst energy efficiency performance internationally of all OECD countries[8]. "Poor standards in energy efficiency have considerable consequences for those most vulnerable in our society"[9] By contrast, Europe sees energy efficiency as the cheapest and most effective replacement for a power station and has a target for a 27% improvement by 2030[10], a target the same size as its renewable energy target.

Energy efficiency is a neglected program area in SA. The Energy Division in state government operates a helpline and telephone/website advisory service with a small number of staff. An Energy Partners program supports council staff and energy auditors in the low income sector with a regular newsletter and has provided training in the past. The Retailer Energy Efficiency Scheme obligates electricity retailers to purchase a set amount of energy efficiency each year.

Demand management and the ability to navigate future energy technology decisions could equally be termed market failures as there is an enormous information and knowledge imbalance between customers who could act to reduce their energy bills and the energy sector who know which actions

[8] http://aceee.org/research-report/i1801
[9] Tim Storer, SA Independent Senator, announcing his proposal for stronger standards in rental housing
[10] https://ec.europa.eu/clima/policies/strategies/2030_en

will genuinely reduce the cost of the system over the long term. The current Liberal Government came to power with strong election promises to unlock demand management opportunities and implement the recommendations of the Finkel review. It is working on three new programs:

- $10 million towards demand response trials to demonstrate how consumers can benefit financially from changing their consumption patterns
- $10 million towards demand aggregation trials to reward consumers for demand flexibility and reduce peak demand to lower energy system costs
- $10 million towards integrating distributed generation assets into the network to address challenges associated with this technology and maximise the benefits it can provide.

Energy standards for buildings, new build and renovations, can also be significantly improved. This involves all three tiers of Government through building codes, performance standards and approvals.

Federal Government

There is limited federal government support for energy programs at the moment. Its latest National Energy Productivity Plan is focused on its role in energy standards and its support for energy market reforms to lead changes. Its target is a 40% improvement in energy productivity by 2030. ARENA is the renewable energy agency for advancing the energy sector and a possible source of funding support for innovative projects.

Regulatory Bodies

The national electricity market (NEM) is regulated and managed by the Australian Energy Regulator (AER), the Australian Energy Market Commission (AEMC) and the Australian Energy Market Operator (AEMO). The local regulator, ESCOSA (Essential Services Commission of SA) has a role for a number of licensing and off-grid activities.

The regulatory environment has specified engagement processes for learning about real world challenges and opportunities. Any community energy program is unlikely to have the resources to engage effectively with the regulatory environment and will therefore need to rely on program partners like SAPN and the State Government to use the community energy experience to inform regulatory changes.

Councils

Councils can take an active role in energy efficiency and have done so in the past. Climate change leadership, community support and access to state and federal funding are all reasons that such programs have existed. The emergence of energy advisory services within many community-led programs suggests that communities continue to value access to trusted energy advice.

Councils have a key role in approving building works and could look more closely at the long term social and energy vulnerability ramifications of poor building design.

Councils need to consider a future responsibility for energy assets because the distributed energy model is becoming prevalent and communities may advocate for new communal assets.

Councils have always played a leadership role in their communities. Councils' approach to the energy transition and future energy sets a standard for the broader community.

Regional development (like energy) is not a policy area that sits with any one tier of government. Cross-government collaboration is required to ensure the benefits are experienced on the ground by communities. Councils have a stake in the economic outcomes of the energy transition.

Commercial Providers, small businesses and trades

Energy outcomes are often determined at the point of purchase and design and these decisions go on to determine the energy bill for the next 15 - 30 years. Customers might rely on electricians, plumbers and builders to provide advice. Businesses might use professional advisers like architects, engineers and auditors. Many decisions are simply based on the advice received from the businesses selling the appliances, solar panels, batteries etc. One of elements of success for the solar bulk buy programs that have been run in the region is that it provided a technical assessment of products and gave participants peace of mind around the technical robustness of the solution offered. Any community energy program needs to be committed to supporting local businesses and partnering with them. A goal for the whole region can be to improve the skills and knowledge around new energy technologies because this has positive implications for every customer that interacts with the variety of commercial providers across the region.

Electricity infrastructure[11]

Electricity and LPG are the main sources of energy for the region, with only a limited number of properties using natural gas via the Adelaide-Murray Bridge pipeline and homes also accessing wood for heating.

There are 38 substations across the region. Many are very small and the main towns have supplies ranging from 10MVA at Aldgate up to 64MVA at Mount Barker. There are three high voltage sources of supply for the region. The northern hills is fed through Angas Creek. The southern hills to Milang is fed through Mount Barker and Kangaroo Island is at the end of the line from the southern city that feeds all the way down the coast through Yankalilla.

80% of the transformers appear to be exporting power at times. More solar in the region will exacerbate this trend for SA Power Networks and speed up efforts to move load (such as hot water) into the middle of the day.

Most of the peak loads occur in summer on a February evening, with the exception of the Hills where winter peaks still dominate. The minimum loads occur in the middle of the day during milder months when solar export is high and air-conditioning is not needed.

SAPN is faced with many new options for solving problems on the electricity network. It can no longer rely on growth to justify investments in new network capacity. The last house on the street may have suffered from low voltages in the past, but can now worry about excessive voltage when its solar surplus drives electricity flows in the opposite direction. SAPN might need to limit the export that every house is allowed or install battery capacity in order to overcome such a problem.

The average utilisation factor of the customer feeders is 20% and the peak loads only occur for a few hours per year. In the long term, doubling the utilisation of SAPN assets should contribute to halving network costs. The region contributes around $50m per year towards distribution network assets.

The capacity across the region should therefore be seen as an asset because, in many cases, it will not be increased in the future. Instead the future energy outlook sees renewable generation, batteries and electric vehicles - all controlled via smart devices - working within the capacity constraints and making the most of the asset.

Renewable energy resources

The region has assessed its renewable energy resources through a number of studies looking at energy security:

- Local Energy Security Study for the SA Murray-Darling Basin Community (2011)

[11] Further details on the regions feeders and loads are provided in **Error! Reference source not found.** - Southern Hills and Coasts Electricity Assets

- Demand Side Opportunities in the Fleurieu Region (2012)
- Energy Security Strategy for Adelaide Hills Council (2012)
- Toward 100% Renewable Energy for Kangaroo Island (2016)

Some of the reports also focus on the importance of energy efficiency and demand management.

Solar and wind are variable sources of supply and need additional investment in batteries, load control or complementary 'dispatchable' generation.

For example, the Kangaroo Island study which aimed to make the island self-sufficient modelled the following:

- 4MW of solar, slightly more than double the current solar usage. Approximately half on rooftops, with the rest requiring land.
- Up to 17MW of onshore wind.
- 5-10 MW of biomass generation from on-island blue gum forests.
- 3-4MW of batteries.
- 8-16MW of diesel capacity which could be converted to biodiesel in the longer term.

The Adelaide Hills Council report recommended a focus on rooftop solar and biomass. The best use of the 4,000 tonnes/year of green waste was considered to be a combination of compost and pelletising for fuel, especially as many Hills residents have wood heating. The wind resource for the region was considered highly variable and difficult to exploit. Likewise, methane from existing landfill was likely to be difficult to convert to electricity at a commercial scale.

The Basin communities study mapped the wind and solar resources and highlighted some locations near to electricity infrastructure worthy of further investigation for MW scale generation. It concluded that the region had significant renewable resources and the bio-energy potential was worthy of further investigation. It particularly looked at agricultural waste, landfill, industrial process and animal waste and energy crops. Councils have direct responsibility for landfill and recycling so this topic is covered in more detail below.

Waste resources and value chains

Household and commercial waste has a range of potential overlaps with a community energy program:

- Landfill sites produce gases and greenhouse emissions for decades after a landfill is closed as the waste material continues to rot and breakdown. Some sites flare this gas to reduce its greenhouse impact, some convert it to energy through a landfill engine.
- Old landfill sites can provide low value land which is unsuitable for development but could be used for solar energy instead.
- Wastewater treatment is another source of bio-resources which produce methane as the biological component is digested.
- Waste can be converted to energy. There are a range of technologies from incineration to pyrolysis that seek to produce energy in a useable form and to appropriately manage the toxins, pollution and residues from the process.
- Reducing waste, like reducing energy, can be a cost-effective activity to promote to households and businesses.
- The surge in solar uptake and potential surge in battery technology will present an end of life challenge for waste authorities.

The region manages waste resources through the Fleurieu Regional Waste Authority and the Adelaide Hills Region Waste Management Authority. The State Government guides the flow of waste resources through its state strategy, supported by funding from waste levies managed by Green Industries SA (GISA). The sector has recently experienced changes in the China market. The Chinese *National Sword* program tightened the standards for recycled waste streams that would be accepted and many Australian streams have too much contamination or mixture of materials to be acceptable. In the wake of the changes, GISA is promoting grants for recycling market development and recycling infrastructure to assist the sector to become more robust because the value in recycling markets always fluctuates. For Councils this means that the cost of waste programs vary in relation to the costs or value in recycling markets as well as the contractual arrangement each Council has.

The latest state waste strategy[12] recognises the waste-to-energy opportunity and the latest consultation from the Environmental Protection Agency (EPA)[13] promises to deliver a technical standard to ensure emissions from such activities are appropriately regulated. A number of considerations are raised from the work of these two agencies:

- Energy production should be a lower value activity than recycling which is higher up the value chain.
- Waste to energy exists in other countries but has limited development in Australia and one major reason has been the scale of facilities and therefore the volume of waste needed for viability.
- Some niche opportunities may exist across the region and will depend on the resource, the business model, the technology and the longer term outlook of market alternatives.

"Energy from waste has the potential to deliver renewable or low carbon energy in a cost effective way. Because it is a constant (not intermittent) energy source, this supports energy security. Energy recovery can also support smaller decentralised energy generation."

South Australia's Waste Strategy 2015 - 2020

The EPA has provided maps of all landfill sites across the region. These are provided as additional resources in the RH&C Public Resource Folder.

[12] http://www.greenindustries.sa.gov.au/publications-waste-strategy-2015-2020
[13] https://www.epa.sa.gov.au/environmental_info/waste_management/reforming-waste-management-2015

Appendix D - Potential energy activities

1. **Supporting local renewable generation (e.g. wind, solar, biomass etc.)**

Description: There are a number of ways that local renewable energy (RE) can be generated and distributed for community benefit. This can involve community-ownership and operation, or a partnership between a local community organisation and Council. It can also be driven and financed by a community retailer.

Examples:

- **Lismore Council** borrowed from local investors to install a large scale solar on its waste-water treatment plant.
- **Power Purchase Agreements** - Retailers or end-use customers can write long term agreements to purchase power supplied from a renewable generator. This is common for underpinning the finance arrangements for many larger renewable energy generators.
- **Clear Sky Solar** - Develops solar projects on customers' roofs and attracts community investors to fund the project with attractive returns on investment.
- **Hepburn Wind** - The first community-owned wind farm in Australia; built, owned and operated by the community co-operative Hepburn Wind.

Value propositions: 93% of community survey respondents indicated interest in this activity, making it the highest rated activity mentioned in the survey.

The value of energy generated locally is realised locally and returned to the local community.

The Councils can support this activity directly by contract agreements to purchase locally generated electricity. This would be best facilitated via a community energy retailer.

The knowledge that electricity is being generated locally will assist in capturing and retaining customers for the community energy retailer.

Large scale renewable energy projects can be designed for profit, improve regional electricity supply, reduce carbon emissions, and in some cases help solve waste issues as well. Consideration has been made to the inclusion of a waste to energy plant as part of the mix of solutions for this community energy program and some supplementary recommendations are included in the footnotes below[14].

[14] **Waste to Energy Recommendations for community energy program**

1. Engage with well-developed generation proposals to:
    1. Understand the additional electricity market value the community energy program can offer to the generation project.
    2. Understand the drivers for councils, businesses and waste authorities to develop renewable energy generation projects.
    3. Understand any community benefits the project supports and government grant possibilities.
    4. Enter partnership arrangements if suitable.
2. Watch the product stewardship regulatory environment to ensure products promoted by the program don't cause long term waste difficulties for the region - especially in relation to solar panels and batteries.

The community engagement as part of a large RE project strengthens community connectedness and resilience and well as building local skills. Communities are well positioned to do the work of relationship building and community engagement and can take a 'sweat equity' stake for this vital upfront work.

The sense of community ownership that comes with personal investment in a large RE project also enhances community relationships and improves energy behaviours.

Key partnerships: Retailer for power purchase agreements, SAPN for project locations, Suppliers.

Funding sources: The ability of the retailer to on-sell generation may allow it to be the main project backer, Community investors, private investors (PPA model), philanthropists, grant funding.

Financials: Purchasing local RE directly would arguably provide a greater return to the generator than sale to the wholesale market. This would serve to create greater economic value within the region. Each project backed by the Foundation differs and due diligence must be applied on a case by case basis. As a benchmark, every 1MW of solar generation can be expected to cost $1m - $2m with a payback of around 6 yrs. A 5-10% return on investment could be anticipated.

2. Solar and battery systems for emergency power and/or better power prices

Description: Energy companies across Australia are looking for opportunities to own or control batteries in order to stimulate virtual power plants and give the companies flexibility during price events or network constraints. These efforts can go part way to funding battery investments. Solar and battery systems could be installed on emergency and other key community facilities to provide additional energy security and a place of refuge during emergencies such as bushfires and extreme heat events. These facilities often do not use large amounts of energy therefore have good storage capacity which could be drawn on when necessary.

Examples:

- **SAPN trial** for a virtual power plant was rolled out in Salisbury to avoid the costs associated with upgrading a feeder.

Value propositions: More robust emergency facilities and secure homes can be resourced by partnering with energy companies or suppliers.

Emergency support can be the starting point for virtual power plants (VPPs) and developing local network services.

89% of community survey respondents indicated they would be interested in this activity.

Key partnerships: SAPN, energy retailers, solar and battery suppliers

Funding sources: Grant funding, partnerships with suppliers

3. Explore opportunities to deliver waste programs alongside energy programs on behalf of councils and state governments as a source of income for the program.

Financials: Costs will vary depending on the size and scope of projects. This activity requires further investigation by the Foundation.

3. A community-based electricity retailer

Description: A community-based electricity retailer offers an alternative model to a traditional electricity retailer as it usually established with the aim to deliver benefits locally. This can include purchasing from local generation projects, offering competitively priced energy, employing local staff and channelling profits into local energy projects. The retailer facilitates the retention of expenditure on electricity within the region. This is a core element of this model and discussed in detail in Section 7 and Appendix G - Electricity Retailer Models.

Examples:

- **The Northern Alliance for Greenhouse Action** is a council body similar to Resilient Hills and Coasts which is investigating establishing its own energy retailer.
- **Enova Energy** - Australia's first and only community-owned energy retailer
- **Powershop 'Your Community Energy'** - customers can pay a premium on their electricity, with the premium amount going into a fund to support renewable energy projects across Australia
- **Energy Locals** - a social enterprise that retails electricity through community organisations

Value propositions: 88% of community survey respondents indicated interest in this activity, making it the equal second rated activity in the survey (along with emergency capability development).

Key partnerships: Councils, community energy retail partner, community.

Funding sources: Grant funding (for example the state government's Regional Growth Fund[15]) might be available to assist in developing a community energy retailer/retail offer. Alternatively, Councils will be required to fund this activity.

Financials: $100-150,000. Further discussion on financials for the retailer is found in Section 7.

4. Solar and battery bulk buy (can include other technology)

Discussion: Bulk buy programs can reduce energy consumption by providing cost effective options for energy efficiency and renewable energy products. Council-supported programs give households and businesses the confidence that the offer is commercially competitive and technically sound. A number of solar bulk buys have already been conducted in the region. Solar take up is already high. Competitiveness in the solar industry has made it increasingly difficult for a bulk buy to deliver surplus. Profit to the organisation is delivered only after reducing capital costs for customers, and can easily be reduced by ensuring reasonable customer service on products. Bulk buys for other

[15] www.pir.sa.gov.au/regionalgrowthfund

products, such as batteries, electric vehicles and monitoring equipment may provide better take up in the region.

Example:

- **MEFL** runs bulk buy campaigns as part of its contracts with various councils.
- **Suncrowd** - a social enterprise that partners with community groups to run local solar and battery bulk buy campaigns. The model provides operational income for local community groups through a small percentage added to the cost of the systems. (merged with ShineHub)
- **BREAZE** - Ballarat renewable energy and zero emissions is a community based non-profit with a focus on installing solar and energy efficient solutions in homes, schools and community buildings.

Value propositions: 85% of community survey respondents indicated they would be interested in participating in this activity.

The Councils already know how to conduct bulk buys and have done so successfully.

A similar program administered by the Foundation will help to build trust in the organisation, generate an income and help refine the bulk buy model.

Existing infrastructure concerns with excess solar in the region could be managed by encouraging uptake of batteries through a bulk buy. A battery bulk buy could also take advantage of the new state government battery subsidy.

A bulk buy using local service providers helps build regional capacity, provide good customer service and provides economic benefits to the region.

Key partnerships: Suppliers, wholesalers, installers.

Funding sources: The proposed state government battery subsidy of $1000 per household could enhance the benefits of a battery bulk buy. Otherwise this is a low-cost program to run.

Financials: This program can be designed to be cost-positive. Any upfront costs in marketing and supplier engagement can be recovered through sales of equipment. 1000 sales (2% of households in region) with $350 profit per sale (based on MEFL experience) => $350,000 per program

Delivery considerations: Low cost, low risk program that can obtain good results. This can be run by councils or community groups without need for the Foundation. Recommended as an early project to provide income for the Foundation and other positive effects.

4a. Energy efficiency and support for all local council operations

Description: The Councils will have capital works and project management programmed for their internal operations over a period of years. These works would be intended to improve energy efficiency and reduce climate impact in council buildings and operations.

Value propositions: By delegating responsibility for these operations to the Foundation, Councils can provide a safety net of revenue to the Foundation in the traditionally low-revenue early years of existence.

This will allow the Foundation to develop relationships with Councils and with local service providers. It will ensure that expenditure on these works remains largely within the region, and enhance the skills within the Foundation's staff.

Key partnerships: (to shape delivery model): Councils, local service providers, expert consultants.

Funding sources: Internal council budgets, grants or other funding as part of normal council business

Financials: Available funding varies greatly depending on the Councils' level of ambition to improve their own energy efficiency and capacity to divert operations to the foundation.

5. Energy advisory services for homes and businesses

Description: A service or program that provides easy to understand and trustworthy advice to the general public to enable them to make simple informed decisions on how to reduce the cost of energy use in their homes or businesses. These services can be developed based on the region's priorities and can include advice on energy efficiency and home improvement, as well as education and service delivery in these areas. These programs are seldom delivered by the market as they are cost-negative to deliver.

Example:

- **Positive Charge** - A program delivered by the Moreland Energy Foundation (MEFL) that provides energy saving advice, and links customers to selected suppliers and installers of energy efficiency and renewable energy products and services. MEFL's Positive Charge program is funded by councils for their constituency.

Value propositions: 85% of community survey respondents indicated they were interested in this activity.

A local program would benefit by leveraging purchasing power and discounts driven by government policy. A local scheme would potentially be able to access the South Australian Government's Retailer Energy Efficiency scheme to improve outcomes

Delivery of these programs by a foundation rather than individual councils improves efficiency and outcomes.

The existence of an organisation motivated to pursue grants and programs of benefit to the region may be successful in attracting a good proportion of available funding.

Home renovation and improvement services can improve outcomes in other council services such as planning and approvals.

Key partnerships: Expert consultants for program development, volunteers, suppliers, low income support services, REES (State Government), building industry

Funding sources: Councils, grant funding

Financials: Funding required will vary depending on the type of advice and support offered - high level information and short courses can be provided by volunteers, while detailed information and extensive education campaigns will need to be appropriately funded and resourced. Many community energy groups run programs of this nature, and the Foundation should conduct further research as part of program design.

6. Peer to peer trading of surplus solar energy

Description: Peer to peer trading gives households the opportunity to sell their excess solar generation locally, selling it direct to neighbouring households rather than back to the grid. This helps to maximise the benefits of renewable energy locally, manage demand and reduce network costs. Technology and regulatory rule changes will be needed to allow direct trading and in the meantime, the retailer can facilitate this activity. This is an emerging opportunity that will allow for greater local consumption of renewable energy.

Example:

- **The Community Grid Project -** A partnership between United Energy (distributor), the Mornington Peninsula Shire (Council) and GreenSync (energy technology company) to offer a solution that sees electricity loads shifted and managed in peak times, using a software platform to manage local loads, batteries and solar energy.

Value propositions: 73% of community survey respondents indicated interest in this activity.

The ability to connect sites to share electricity means that the imbalance of solar production (businesses continue to produce energy on weekends when they are not operating, while homes produce energy during the weekdays when occupancy is lower) can be reduced.

Key partnerships: Developer, supplier

Funding sources: The infrastructure to support peer to peer trading is currently funded by start-up investors and energy companies as they try to develop the model and business case for these innovative technologies. The technology offers efficiencies that are expected to lower electricity costs.

Financials: Costs will vary depending on the size and scope of projects.

7.Local action plans for energy and climate (and resilience)

Description: A community-wide strategy/action plan that sets renewable energy or carbon reduction targets to drive local action. This is often developed by Council with strong involvement from the local community, or in some cases driven by the local community. Community plans require volunteer involvement and drive from local community members. These initiatives can be assisted and inspired by modest funding for facilitators and community energy expertise.

Examples:

- **ZNET Uralla** - A program originally delivered in Uralla in response to a council competition between communities to be the first zero-net energy town. This model is currently being developed for Hepburn Shire in Victoria.
- **Totally Renewable Yackandandah** - Bottom up approach where a local community group was established with the aim of Yackandandah being 100% renewable energy by 2022
- **Beyond Zero Emissions** - BZE recently released a guide to zero carbon communities and facilitates workshops in communities.

Value propositions: Local action plans enable the community to identify priorities and progress towards reaching a shared goal.

The expertise gained by community members through the process will allow them to share these skills with the broader community. Unemployed or marginalised groups could be targeted through this process for skills development.

Key partnerships: Community groups and organisations

Funding sources: Grant funding, Council

Financials: Approximately $5,000 cost for each community group which could pay itself back in volunteering and project development

8. Collaboration with developers – e.g. to build microgrids

Description: The opportunity exists, both in new housing developments and remote areas such as KI, to develop microgrids (stand-alone or thin-wire connected) which reduce costs and return benefits to the community. Microgrids are a small-scale power grid that can operate independently or in conjunction with the area's main electrical grid. This can be a cheaper and more reliable solution than connecting to the main grid, particularly for new developments or locations with capacity constraints.

Example:

- **White Gum Valley housing development** - Solar and battery storage trial on an apartment building where solar will be traded between apartments

Value propositions: New developments involve significant capital investment in energy infrastructure and micro-grids offer a cheaper alternative.

Micro-grids can operate as an embedded network, with different rules compared to the main electricity network, one of which is lower contributions to SAPN for use of the wider grid.

Developing local skills in integration of infrastructure.

Reducing dependence on SAPN and the connected electricity grid.

Create awareness in the developer community about energy considerations for new developments.

Key partnerships: Developers, SAPN.

Funding sources: As microgrids can usually offer a cheaper alternative to traditional connection to the grid, funding can come from savings to the developer.

Financials: Costs will vary depending on the size and scope of projects.

9. Home renovation, building education and home improvement services

Description: Housing performance standards directly affect energy use and costs associated with running a house. Programs that look at improved home design and large scale retrofits as well as energy education can have a significant impact on emissions reduction. The scale and upfront financial requirements often mean these programs need be funded by State or Federal Government.

There are a number of opportunities to influence the design and construction of buildings to improve energy performance in the long term. Initiatives that intervene at critical decision points, promote best practice and encourage householders to demand that their buildings are future proofed for energy and climate are key.

Examples:

- **Moreland Home Renovator Service** - Free one hour consultation to help residents make sustainable design, material and product choices when renovating. The service is funded by Council and delivered as part of MEFL's Positive Charge program
- **Cooling Communities Project** - Delivered by MEFL through a State Government grant that looked at what could be achieved with a small retrofit budget using passive methods on 10 existing homes.

Value propositions: Improving homes can have long term benefits and the renovating process is a key time to influence home-owner decisions.

The trades and professions across the building and construction sector can benefit from a skill set that better accommodates knowledge of the changes in energy systems.

Planners within councils can also increase skills and can be presented with projects that are more likely to fulfil regulatory requirements.

Key partnerships: planners, builders and associated professions, suppliers.

Funding sources: This can sometimes work as a fee-for service but the examples above have been supported by council and government funding.

Financials: This activity would be positioned as a break-even proposition, to ensure maximum value is returned to the participants.

10. Renewables for All

Description: Many people are unable to access solar or other renewables due to suitability issues, rental or income concerns. Energy equity programs such as solar gardens (small-scale solar installations shared by groups of homes and businesses) aim to improve access.

Examples:

- **Darebin Solar Savers -** Council-led program targeting ratepayers on an old age pension that provided households with a no-interest loan to purchase solar panels with repayments made through the household's rates
- **Solar gardens** - Centralised solar array that offers people the opportunity to purchase or lease solar panels with the electricity generated credited to the customer's energy bill. This concept is being explored by a number of organisations in Australia.

Value propositions: Improving the accessibility of lower-cost RE can assist in protecting the most vulnerable households in the community from energy poverty.

Key partnerships: Low-income housing, suppliers, community.

Funding sources: The solar gardens program is exploring a number of financing models however is still in the trial phase. For low income consumers, access to cheap finance is essential but credit risk can make the sector unattractive to normal financial institutions. Micro-finance and No-Interest-Loan-Schemes are also possibilities for this sector.

Financials: This activity would be positioned as a break-even proposition, to ensure maximum value is returned to the participants.

Appendix E - Informant Interviews

Interview Questions

Interview Questions – Retailers

Now that you understand a bit about the proposed model how do you think you might engage with a program like this?

How does community energy (in all its forms) fit within your strategic direction/ business model?

What sort of community benefit mechanisms would you include in a program like this?

Types of unique products that could be offered to local consumers i.e. no-upfront cost solar combined with PPA

Types of collaborative services that could be offered by retailer ie VPP and micro grids

Facilitate grant programs ie SA Governments battery rebate

Are there opportunities for local economic development? What are they? i.e. Is there any potential for you to build a local presence…

How would you see the community being involved in a program like this? Opportunities for community ownership? Or investment? Or in the governance?

what do you think the likely take-up will be by the community and what are the compelling reasons for their participation

What do you see as the key governance considerations for a program like this? i.e. how would you interact with a local board? What are your governance arrangements? What sort of oversight? Opportunity for auditing etc.

What do you see as the key financial considerations for a program like this? i.e. income thresholds? Investment in marketing? Customer numbers (cost of acquisition) etc.

What do you see as the legal considerations for a program like this? i.e. contract? MOU? Length?

Tell us a bit about how you manage customers, going beyond basic customer service, are there opportunities for broader engagement or education?

Any other feedback?

Interview Questions - Community Energy Groups (who've done it/are doing it)

Tell us your story

Where did the concept originate? What was the problem you were trying to solve?

Are you solving it?

How long did it take to build from concept to reality

What were the critical success factors?

How was the project managed?

What governance structures did you/ do you have in place?

What sort of funding was required? Where did it come from?

Who were your key partners? What were their roles and responsibilities?

How did you address blockers ? and what were key concerns raised by the community

How do you describe your model and specifically the community benefit that is at the centre of your model?

Any feedback for the team?

If you had your time over again what would you do differently.

If not already answered …. what involvement has local government had in supporting your project. What have been the benefits/challenges of working with local government?

Interview questions - Community leaders

What interests you about this model? Why did you agree to be interviewed?

What concerns you about the proposed model?

What would you need to get involved? Information, support etc

With what you know about your local community, how do you think they will respond to this concept? How could we improve the concept to get more community buy-in?

What are the key ingredients? The key messages? The key stakeholders etc.

This program is responding to the current challenges the community is facing with regards to energy affordability and security, it is also about building an energy solution for the future. What do you think the region will look like in 2050? How do we best future proof the region?

Can you recommend any other people/groups/community leaders who you think would like to get involved?

Summary of interview responses

Reasons for supporting the Program

Reliability

- Everyone is concerned about the cost and reliability of energy
- Reliability comes from ability to generate own power
- One of the biggest issues is around reliability - need locally sourced power
- Link between power and communications very strong – need reliability (fire risk)
- Self-sufficiency reduces reliance

Affordability/financials

- Could mean buying in power, have some sort of way of collective bargaining of energy generated somewhere else
- Option in to buy-in/invest
- Businesses can't afford to insure against an extended outage - potential loss of income
- Many people can't afford systems on their own
- Economics – adds competition to the market
- A way to achieve immediate benefits

Community

- Localised energy production means communities are more connected
- Solutions grass roots up
- Bespoke solutions for communities because they all have such different needs
- Empowers local communities to take some control
- I would like to empower local communities to be able to claim the carbon credits that it makes
- Community owned, so the shareholders need to be community therefore board will be accountable – look for many ways to engage with the community
- Empowering the most vulnerable in the community to take action

Renewables and Storage

- People very enthusiastic around solar - some people can't have solar panels because they are shaded etc. want something to tap into
- Lots of solar, next development should be around battery
- Need localized storage – people own poles and wires again – be able to pass on to someone else
- There are lots of community buildings to put solar on

Other

- Number one focus should be around education – how to save money by switching energy retailers – direct debit brings biggest savings across the plans
- Energy Efficiency should be targeted but payback periods are an issue
- Sensible way to start is to be more efficient first before looking at investment
- Initially could look at using existing retailer – long term for local organisation to take over
- Start with program that offers them the best deal – then later on think about investing in their own retailer
- Peak demand management is critical for region

Considerations

Board/Organisation

- Believe board needs to be established first to make decisions
- Would like to see it as a not for profit model
- Setting up board needs to happen first – recommendations from MEFL/Tandem – make appropriate decisions
- People on board need to be appropriate people that can be trusted stakeholders (customers) need to be on it - experts to show alternatives
- Imperative that a financial person sits on the board so that they can identify risks
- Sufficient skill mix – operational business people rather than policy business people
- Framework to support the people on the board – don't want to pay them too much or nothing
- Board making the business shots but within the aspirations of the community

Commercial

- Commercial businesses are the ones that we really need to look at
- Look at new housing developments - council could enforce that new development incorporate solar on roof tops and battery storage that is community owned
- Businesses should also be targeted
- Lots of housing being built – grossly inefficient

Financial

- How much seed funding is needed
- Sufficient seed funding to do feasibilities and set up governance framework. Don't create another poor NGO - have sufficient baseline projects ready to go
- Major sponsor – a promotional face
- Need staff to manage and administer things, even if they are dealing with an outsourced provider
- NFP, run on volunteer time with a bit of support and the funds to operate the essentials
- Need to know there is no risk for council - if things go wrong, who gets sued?
- Need someone look at the analysis on the financial viability – need to agree with the model and assumptions, firm plan in place
- The devil is in the detail. Need to have more specifics.
- Probably needs a double check/reality with independent outsiders

Renewable and storage

- Need to be able to consume as much of the locally generated energy as possible rather than exporting
- Someone looks at all of the retailers – like with super - tell you what the best options are – give you the option of 5 different retailers
- PPA model has a place for specific target market

Retail/SAPN

- Someone looks at all of the retailers – like with super - tell you what the best options are – give you the option of 5 different retailers
- How to convince SAPN to pay for the services
- Make the retailer a buying group rather than a retailer
- Prefer to see retailer/board that brokers an energy deal that is better for the community – aggregation bulk power – needs to be consumer saving – lower the price of energy rather than profits made

General

- Transport accounts for much higher resource use than anything else in the region – need to look at this
- Will take a long time establish own renewably sourced energy, need other options in the meantime
- Add in intermediate technology solutions.

- Regional priorities – climate change sits up there
- Why is Onkaparinga not part of it? That would make a big difference
- Opportunity to engage heavily with SAPN to supply network services, demand management
- Arena should be throwing buckets of money and to get it right. SA consumers shouldn't have to carry the cost if fixing this problem badly because the rules dictate it
- Ensuring that the NEG supports these arrangements.

Concerns

Renewables/Storage

- Solar - VH has a ton of solar – market might already be saturated
- 35% of home in the area already connected to some sort of solar energy – perhaps those customers don't want to get involved
- Who is owning the renewable energy – who is buying it, who can claim carbon reductions

Customer base

- If you can't get the customers, you haven't got a business - needs to go beyond councils as the main customer, method of growing shareholding and customer base
- Not enough people buy into it – not having LG support
- Aggregation could prove to be difficult – if you go in for group deal (e.g. best energy contract for group buy) what if people decide to break away from the group. Individuals could compromise
- Is scale going to be a problem – not enough people to transition over

Financials

- How do we operate – how do we raise money – how is the council involved – needs to stack up financially
- What happens if initiatives go bust – who wears risk?
- How do savings get split if the retailer model is put in place?
- Huge risks if we don't get the fundamentals right.
- Everything double counted twice over
- Developing a 10 year plan – how will energy needs change with new developments

Retailer

- There should be an option not to tie in retailer for too long
- If Councils/state gov are spending money on this project is it going to commercial retailer?

Board

- That the board members are not all suits – they need to include people that are in touch with community
- Need to make sure that conflict of interest is removed.
- Who is the watch dog for the board?
- Is there enough expertise in the region for the board?
- Needs comms person on the board
- Higher risk of being undermined unless we have the advocacy

- Regional is a problem – how to allocate benefits in different regions, needs strong governance
- Guidelines and rules incentives this, transparency?

Community

- People in the hills are quite reserved people – slow to take up
- If households are the lynchpin then forget it because disengagement is too high to rely purely on this model
- Scepticism cynicism by some blocks of folk in community. Unravelling in community, drivers seem to be moving into two different camps.
- A key couple of drivers bring something into being but if they leave the whole thing falls in a heap
- Need to engage someone, and then a firm commitment to stay the course – 3 to 5 year plan.
- Council risk, totally directionless and will end up doing nothing. Mustn't be undermined by a new climate sceptic mayor, for example.

Communication

- Successful business case – once the board is setup, this should be the first step
- Having clear objectives
- Start conversation at a community level
- Have public meetings – good way to engage with the community – face-to-face
- Paint a picture of how the region will look in 10 years – here's an opportunity to plan for it
- Take technical aspects and put into terms that the community understands
- Info sessions, webpage – but need face-to-face contact - people need a face to be able to trust
- Need to give a reason for them to get involved – why it is important
- Clear one pager to describe how to get involved, what benefits are
- Shift the questioning to what's needed and what gets in the way of the solutions
- Show me something that is working - examples

Appendix F - Community Energy Survey

To help determine the support from the community for a community energy program, a survey consisting of twelve questions was constructed and circulated through the Resilient Hills and Coasts social media and contact channels. In total, 380 people responded to the survey, providing us with a good understanding of community sentiment.

The majority of the respondents live and or work in the region. Other responses came from those who have a holiday home or are interested in investing in the area. A small amount of responses came from outside of the six Council regions.

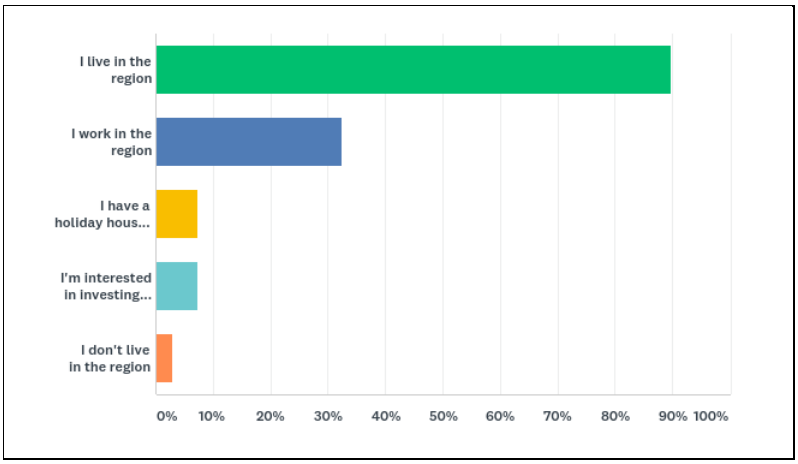

Figure 2 - Relationship to Hills and Coast region

The average age of respondents was dominated by those over 45, with 194 respondents being over the age of 55.

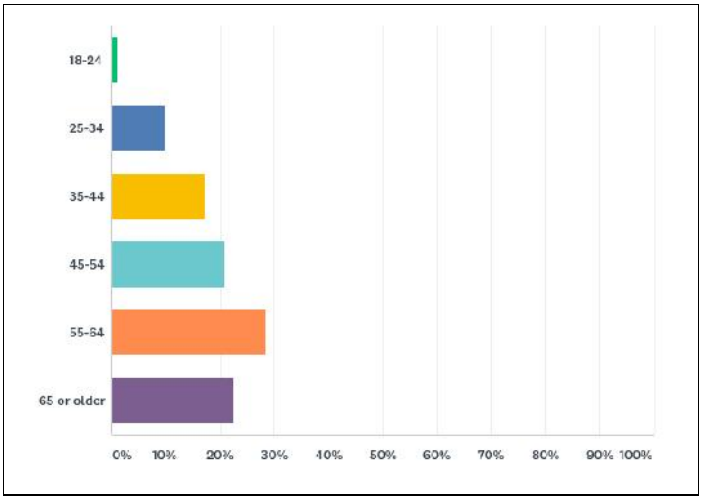

Figure 3 - Age of respondents

Out of the 380 responses, Alexandrina Council had recorded the highest participation in the survey, followed by Adelaide Hills and Victor Harbour.

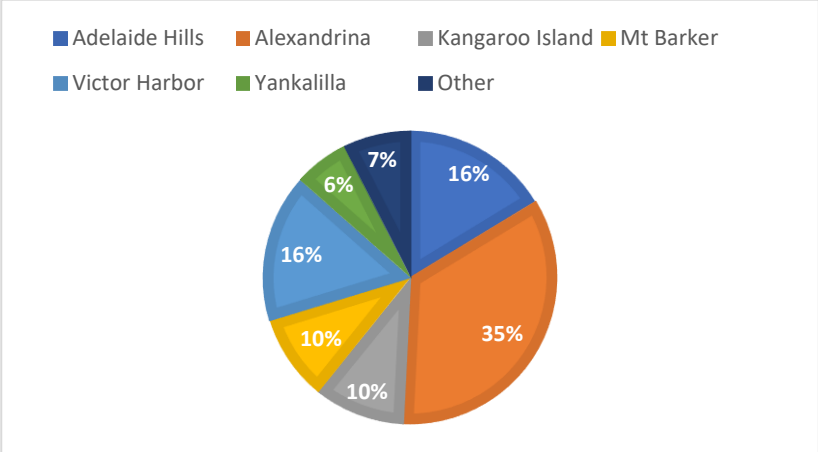

Figure 4 - Participation by council area

Understanding of energy and community energy

Most respondents rated their understanding of the South Australian energy market to be modest to good, erring towards modest. When given the opportunity to respond openly, much of the lack of understanding came from lack of trusted sources of information and a lack of transparency within the energy market. It was also commented that there is no simple way for consumers to know if they are getting the best energy deal.

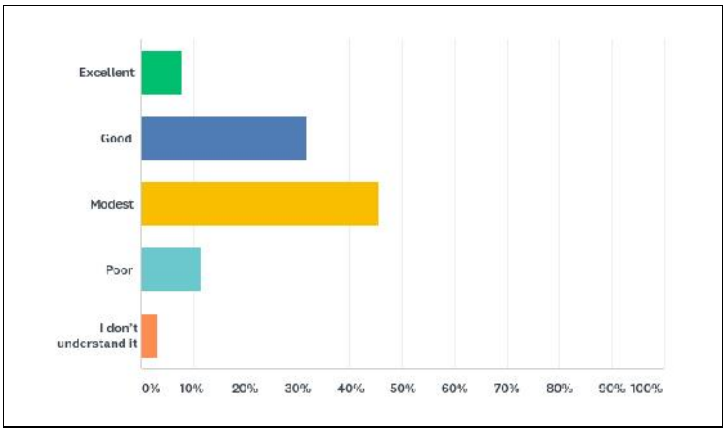

Figure 5 - Understanding of the South Australian energy market

When asked to explain their thoughts on community energy, 24% said that they were not sure but were interested to know more about community energy, 35% thought it sounded like a good idea, and 36% believed that greater community participation and community energy initiatives could help solve energy system challenges.

Energy concerns

When asked to rank which energy issues concerned them the most, **energy bills** and **the impact of our electricity system on our climate and environment** were of most concern, with 38% and 35% of respondents respectively rating them the number 1 issue. The impact of **energy costs to the community** (particularly vulnerable citizens) was also a focus, as well as the **reliability** of the system.

Table 2 - Concerns of respondents

Concern	1	2	3	4	5	6	7	Additional Comments *
Energy bills	**38.31%** 136	12.39% 44	12.11% 43	8.17% 29	13.24% 47	14.08% 50	1.69% 6	4
Impact of energy affordability on the community	11.33% 41	**27.07%** 98	22.65% 82	19.89% 72	13.81% 50	4.70% 17	0.55% 2	61
Reliability of supply	8.52% 30	**21.59%** 76	14.49% 51	19.89% 70	20.45% 72	13.35% 47	1.70% 6	24
Impact of energy reliability on community	3.81% 14	12.81% 47	23.71% 87	25.61% 94	20.44% 75	13.35% 49	0.27% 1	7
Impact of energy system on climate and environment	**35.44%** 129	15.66% 57	14.56% 53	11.26% 41	12.64% 46	8.52% 31	1.92% 7	42
Ability to make good energy decisions with frequent changes to energy system	4.70% 17	11.88% 43	12.43% 45	12.71% 46	16.85% 61	39.50% 143	1.93% 7	11
Not worried at all	2.74% 9	0.61% 2	0.91% 3	1.82% 6	1.82% 6	0.91% 3	**91.19%** **300**	

An opportunity to provide open comments on the topic was given, with many of the responses being an elaboration of the sentiments already displayed. Other comments included the desire to see more alternative energy sources as well as the types of sources desired. The majority wanted to see more solar, wind, wave and hydro, with a few concerns around why other opportunities were not being explored such as capturing methane from steds plants for energy and nuclear based generation (3 responses).

Frustration was expressed towards the privatisation of our energy network, and the reliance on SAPN. There were also comments around lack of action at State and Federal Government levels.

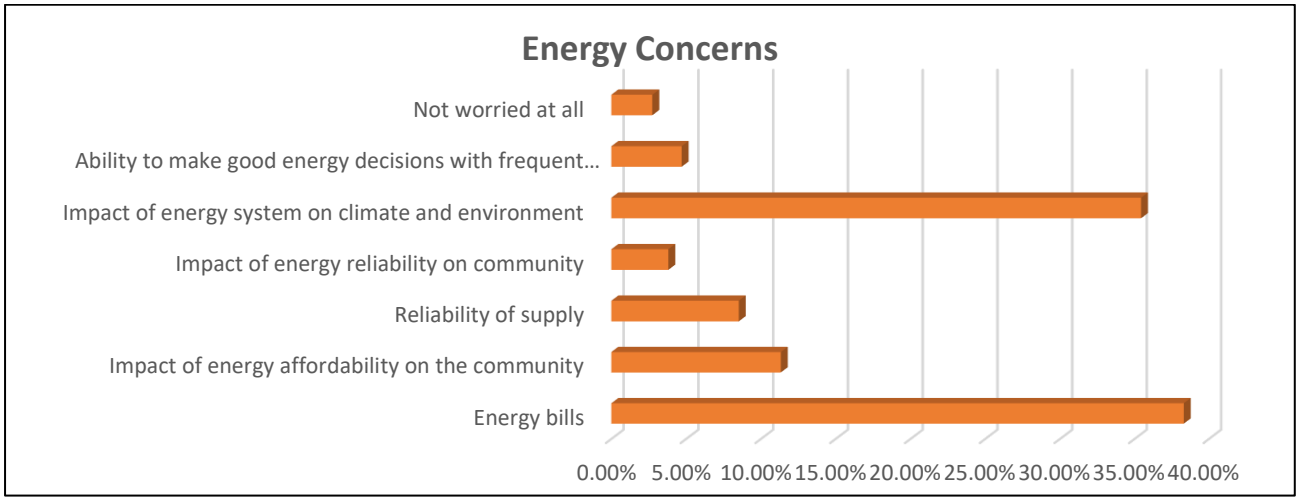

Figure 6 - Energy concerns ranked highest

Current actions

Respondents were asked to provide feedback around the types of energy actions that they are currently involved in or that they are interested in being involved in. The majority of respondents (64%) said that they currently invest in making their home more energy efficient and 51% said they shop around for their energy deal.

Over 50% of respondents said that they already had solar electricity with a further 20% saying that they cannot have solar energy due to their circumstances.

None of the respondents responded to the question around contributing to a local energy project or organisation or that they contribute to energy savings at work.

Table 3 - Participant energy actions

Action	Currently does this	Planning to do this	Interested but needs more information	Can't do due to circumstances	Doesn't do and not interested	Doesn't know
Has solar hot water	31.42% 115	11.75% 43	17.49% 64	26.50% 97	10.38% 38	2.46% 9
Has solar electricity	**52.13%** 196	15.16% 57	11.70% 44	18.88% 71	0.80% 3	1.33% 5
Work has solar electricity	22.02% 72	5.20% 17	4.28% 14	29.05% 95	10.09% 33	29.36% 96
Seeks expert advice on energy choices	38.76% 138	17.98% 64	25.56% 91	4.21% 15	8.71% 31	4.78% 17
Invests in making home energy efficient	**63.98%** 238	14.78% 55	10.48% 39	8.06% 30	1.34% 5	1.34% 5
Has a battery	4.71% 17	26.04% 94	35.73% 129	26.32% 95	3.88% 14	3.32% 12
Has a generator or power supply	15.63% 55	8.52% 30	14.77% 52	23.01% 81	32.67% 115	5.40% 19

Shops around for energy deal	**51.09%** 188	16.30% 60	17.66% 65	4.89% 18	6.52% 24	3.53% 13
Buys from retailer that contributes to community	10.92% 38	6.61% 23	27.59% 96	7.76% 27	6.32% 22	40.80% 142
Buys GreenPower	15.63% 55	10.23% 36	24.72% 87	11.93% 42	14.77% 52	22.73% 80
Has an electric vehicle	3.18% 11	11.85% 41	15.90% 55	33.24% 115	30.35% 105	5.49% 19
Uses smart control or energy monitoring	11.05% 39	9.92% 35	35.41% 125	16.71% 59	17.85% 63	9.07% 32

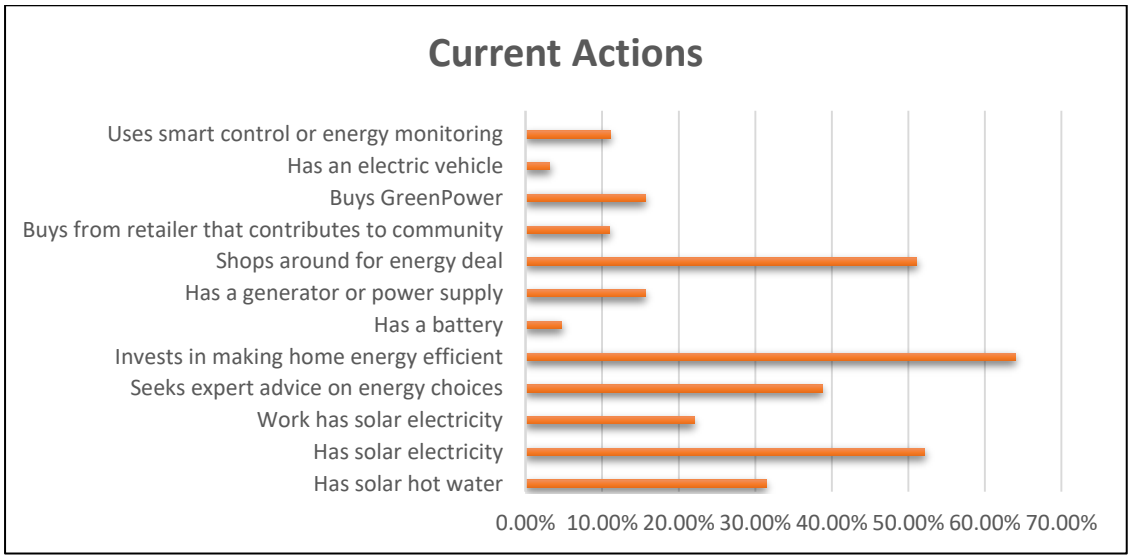

Figure 7 - Current actions

Responsibility

Respondents were then asked how much certain groups should be responsible for supporting local opportunities to generate renewable energy and to reduce energy demand. The overwhelming response was that State Government (78%), Federal Government (74%), and electricity companies (73%) are highly responsible. 32% felt that Local Government were highly responsible.

When analysing responses ranked very or highly responsible, 353 votes were given to State Government, 337 to Federal Government, 330 electricity companies, and 258 to Local Government.

Table 4 - Responsibility for renewable energy and energy efficiency

Responsibility	Not at all responsible	A little responsible	Moderately Responsible	Very Responsible	Highly Responsible
Local Council	2.90% 11	6.33% 24	22.69% 86	35.62% 135	32.45% 123
Individual Residents	1.86% 7	9.02% 34	31.83% 120	33.42% 126	23.87% 90
Local Businesses	3.46% 13	10.64% 40	29.52% 111	36.97% 139	19.41% 73

Local Community Groups	3.75% 14	15.01% 56	39.95% 149	26.01% 97	15.28% 57
Federal Government	1.06% 4	2.91% 11	6.88% 26	14.81% 56	**74.34%** 281
South Australian Government	0.53% 2	1.32% 5	5.01% 19	15.30% 58	**77.84%** 295
Electricity Companies	2.13% 8	3.19% 12	6.91% 26	14.10% 53	**73.67%** 277

Participation

When asked how respondents would like to take part in our energy system, the desire to be rewarded by the way respondents use energy was high, with 219 (59%) expressing this view. 208 respondents (56%) expressed the desire to have the ability to purchase energy that benefited the community.

Table 5 - Ways to participate in energy system

Interest	%	Respondents
Not interested in energy	3.48%	13
Would like to do more at home or work	35.29%	132
Would like to see a system that rewards me for the way I produce and use energy	**58.56%**	**219**
Would like choices to buy energy and energy products that benefit the community	**55.61%**	**208**
Would like to be involved in making changes to our energy system in street or town	35.29%	132
Would like to be involved in making changes to the energy system in the broader community	36.90%	138
Would like to invest in local energy projects	22.99%	86
Would like to be a community owner of my local energy system	36.63%	137

Potential Energy Projects

Respondents were most enthusiastic about energy projects that supported local renewable generation and for solar and battery systems that provided emergency power and or better prices. 102 respondents were enthusiastic about switching to a community energy retailer, with a further 213 respondents saying that they would switch to a community energy retailer if there were benefits to the community or to themselves.

Table 6 - Support for energy activities

Project	Enthusiastic	If there were benefits to community	If there was a benefit to me	Don't know	No
Switching to a community-based energy retailer	27.64% 102	30.08% 111	30.35% 112	8.40% 31	3.52% 13

Supporting local renewable generation	**49.33%** **184**	27.61% 103	16.35% 61	4.56% 17	2.14% 8
Receiving energy advice and services for homes & businesses	39.12% 142	20.39% 74	25.07% 91	7.71% 28	7.71% 28
Participating in a solar & battery bulk buy	38.44% 143	16.94% 63	29.57% 110	9.41% 35	5.65% 21
Solar and battery systems for emergency power and/or better power prices	**46.63%** **173**	25.61% 95	16.44% 61	8.36% 31	2.96% 11
Participating in peer to peer trading of surplus solar	34.15% 126	20.87% 77	17.62% 65	22.22% 82	5.15% 19

Finally, respondents were asked to share any other ideas they had relating to energy. Out of 208 responses, there were 6 main themes as well as some other general comments.

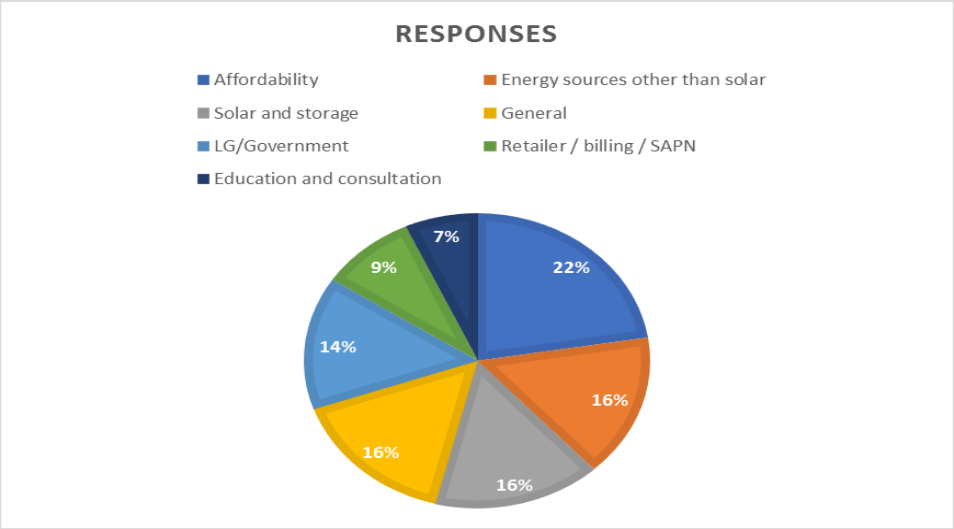

Figure 8 - Themes for energy related ideas

General comments provided in the free text sections of the survey have been collated and can be found in the Public Resource Library.

Appendix G - Elected Members and Staff Workshops

Hills & Coasts Elected Members and Council staff were invited to attend one of three workshops across the six Council regions to seek their views on the design of a community energy program for the region. The workshops were held on Thursday 31st May at Alexandrina and Adelaide Hills Councils and Friday 1st June at the District Council of Yankalilla with approximately 60 attendees over all workshops.

Participants were provided with a briefing paper prior to the sessions which can be found in the Public Resource Folder. The workshops commenced with an overview of the project design and process to-date, an explanation of community energy, and the proposed model for a Resilient Hills & Coasts Community Energy Program.

Part two of the workshop provided Elected Members and Council staff opportunity to express their ideas and concerns around the project. The following is a summary of the feedback taken over the three workshops as well as data taken from a feedback form, which was issued at the end of each workshop.

Vision
Participants were asked *what elements they felt needed to be considered in the design of a community energy program*. A program that delivered reliable and affordable energy to all was a strong theme throughout all of the sessions. The concern around vulnerable citizens was high, as well as the region becoming more self-sufficient and less susceptible to system failures. Climate change mitigation was also highlighted as an important factor.

The need for the community to be at the centre of program was made clear, with ownership and benefits staying within the region. The opportunity for increased investment and employment in the region was an attractive proposition.

Most were of the opinion that Council's role in the program should be one of support; to provide support through the initial start-up phase and to potentially buy energy from the retailer, but not to be the face of the program.

Success Factors
Participants *were asked what they felt were the key ingredients were if the program was to be a success*. The need for community engagement was the strongest theme throughout this session with the understanding that without community trust and buy-in the project cannot move forward. Clear communication of the program, therefore, was deemed vital, with the narrative adapted to the needs of each region as well as examples of successful projects.

When it came to the model itself, many participants highlighted that a detailed business model and financial plan needed to be developed, stating "the devil is in the detail". Starting small and building on successes was a highlighted as a way to minimise risk, with a phased approach being most appealing. The need for the program to be agile in light of a rapidly changing market was also noted.

Setting up a board with well-articulated priorities and good governance was highlighted as an important first step. It was agreed that the board should consist of skilled community members with experience in relevant fields such as finance and energy – not members of Councils.

Risk

Participants were asked *what the potential risks were in undertaking the proposed model.* A lack of customers to establish a retailer or move ahead with various projects was of highest concern within the group (the need for a retailer, enough customers to support it, high penetration of solar).

Community participation and buy-in was also of high concern, as well as the abilities of the community itself (enough skills in the regions to deliver, the potential for champion fatigue or burnout). A potential lack of skilled and willing board members was also highlighted, with a lack of adequate governance and management being threats that could undermine the program.

Over promising and under delivering was key concern, particularly when it came to council reputation – it would reflect negatively on council if the project doesn't deliver or fails. Lack of funding and the cost of the program was also of high concern.

Other factors such as market competition, policy changes, pushback from SAPN and rapid technology changes were highlighted as risks, as well as the difficulty in obtaining support and consensus across the regions in general, and the potential for regions to segment.

Ranked priorities

Participants were asked to prioritise projects that could potentially be delivered by the RH&C Energy Program on a scale of 1 to 9. The following chart displays the number of number 1 votes given to the various projects.

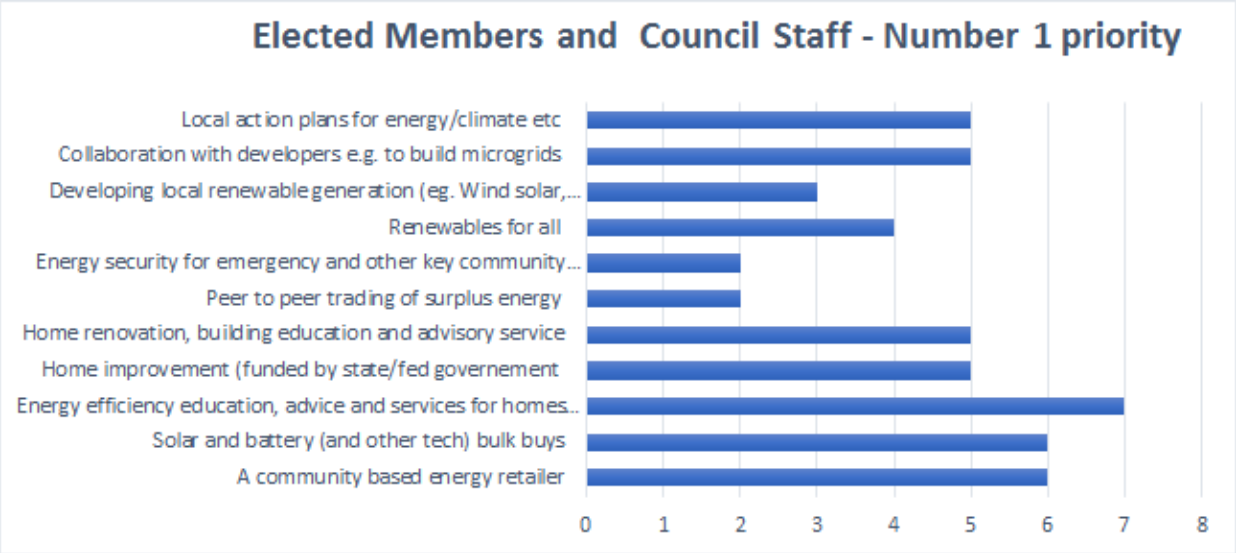

Figure 9 - Workshop priority results

Energy efficiency education was top priority for many participants with 7 votes, with bulk buys and a community-based retailer came in a close second with 6 votes each. Participants gave their second-place ranking to developing local renewable energy generation (3), energy security for emergencies (3), solar and battery bulk-buy (3) and a community energy retailer (3).The third-place ranking went

to collaboration with developers (3), bulk-buys (3) and a community energy retailer (3). Peer-to-peer energy trading was popular as a fourth choice.

Support for the program

As part of the feedback form, participants were asked to rate their level of support for the program, at this stage, on a scale of 1 to 5. The average rating was 4.16 with scores of 4 and 5 making up 76% of the total votes.

Appendix H - Organisations to engage with

Through the survey, interviews and workshops, participants were asked to identify organisations that should be involved in a community energy model. Research conducted as part of this project identified other organisations. The following list is not exhaustive however can serve as a starting point for the Foundation's engagement strategy.

Community Organisations

Bright New World

Cittaslow Goolwa

CORENA

Enova

John Dee

Port Elliot Town & Foreshore Improvement Association

Resilient Communities Adelaide Hills

Shine Hub

Solar Citizens

Stirling Business Association and other local business associations

Tindo

Commercial entities

Beyond development

ITM

Local businesses eg Jurlique

Tesla

Appendix I - Public Resource Folder

Due to the extensive nature of the research and data analysis for this project, a public folder holding additional information has been created as the Resilient Hills and Coasts Public Resource Folder. At the time of printing the following documents were in this library.

Background Documents

Draft Concept Document presented to Mayors and CEOs of the Southern Hills and Coasts, April 2018

Request for Proposals, Community Energy Program, November 2017

Moreland Energy Foundation Community Energy Program Proposal and presentation (March 2018)

Tandem Energy and Enova Energy Community Energy Program Proposal and presentation (March 2018)

Resilient Hills and Coasts climate change Adaptation Plan

Community Surveys by Region

Community survey results by Council area and other demographics (no of responses in brackets)

Full report(380), Adelaide Hills(62), Alexandrina(131), Kangaroo Island(38), Mount Barker(36), Victor Harbor(62), Yankalilla(23), Out of region(28), non solar owners(179), solar owners(196), Main issue is electricity bills(136), Main issue is climate impact(129).

Energy Security Reports

Local Energy Security Study for the SA Murray-Darling Basin Community (2011)

Demand Side Opportunities in the Fleurieu Region (2012)

Energy Security Strategy for Adelaide Hills Council (2012)

Toward 100% Renewable Energy for Kangaroo Island (2016)

Kangaroo Island Energy – Biomass study (2018)

Distribution Annual Planning Report 2017, SA Power Networks

Regional Data

Socio-Economic profile for the regional development zone, EconSearch 2017

Australian Bureau of Statistics Census 2016 Data for each council area plus linked spreadsheet to provide regional totals.

Electricity Consumption by Transformer

Substation data and graphs for substations across the Fleurieu and Eastern Hills, reported by council area:

Adelaide Hills(62), Alexandrina(131), Kangaroo Island(38), Mount Barker(36), Victor Harbor(62), Yankalilla

Waste and Recycling Licenses

Landfill maps. Waste and recycling licenses including historic landfill sites for each council area:

Statewide, Adelaide Hills, Alexandrina, Kangaroo Island, Mount Barker, Victor Harbor, Yankalilla

Governance Resources

Committee and Corporate Structures Available to Councils, July 2018

Evolution in Community Governance, Volumes 1&2

Local Governments and Communities Working Together – Induction Guide

Guide to Governing Shared Community Facilities

Various academic papers on community, renewable energy and climate change governance

Resources not made publicly available (may be requested)

Raw data from surveys, workshops and interviews.

Council energy data and related energy audits and reports

Solar analysis based on APVI data – spreadsheet

Consumption model based on a range of sources - spreadsheet

Appendix 2

Community Energy Program
Summary of Legal Review

Community Energy Program

Draft Legal Advice Summary, Decisions and Further Actions

Approved by the Working Party on 10 May 2019

The Foundation will pool the individual electricity demand of participating groups, businesses and individuals within the council areas, collectively invite tenders from and negotiate with electricity suppliers, enter into an electricity supply agreement with the preferred supplier, and participate in joint activities and decisions regarding the operation and administration of that agreement. Pooling electricity demand will provide the scale to negotiate more competitive offers from retailers than we could individually.

The likely public benefits from the Program include transaction cost savings, increased competition for the supply of electricity, increased incentives for investment in generating capacity, and the potential for RH&C councils to improve their competitiveness and benefit their community.

Legal Barriers and Risks

Legal advice was sought from LGASA's preferred legal provider, HWL Ebsworth. The advice sought to resolve how a regional LGA or Council(s) could establish a Community Energy Foundation while minimising exposure to any legal, financial and governance risks.

Questions raised in the advice were resolved by the Community Energy Working Party on 10 May 2019, with key decisions and further actions described in the following pages.

Key Findings

According to the advice, there are no fundamental legal barriers to establishing the Foundation in accordance with the CEP Report recommendations.

Some commercial and legal risks will need to be considered and addressed in the Foundation's structure and activities, but these can be readily overseen and resolved. In particular:

- An ACCC authorisation should be sought to secure legal protection for collective bargaining.
- Consumer law issues will remain an ongoing compliance focus.
- Once a retailer agreement is secured, the Foundation should have systems and processes in place to comply with statutory obligations for energy marketing activities.
- The Foundation should be structured as an incorporated association.
- Partner Councils should take a direct and active governance role, with majority control of the management committee for an initial transitional period, reducing over time to make way for community control. Council reps do not have LG Act statutory immunity.
- A community working party should deliver community engagement and act as an incubator for transitioning to a community led committee.
- The Foundation could self-assess as tax exempt, on the basis that it is a community service organisation, and is likely to be successful in applying for DGR (charity) endorsement.
- RH&C councils should revisit specific requirements of governance documents once further stages have been completed (eg. retailer negotiations, business planning).

RISK & BACKGROUND	MITIGATION	DECISIONS	FURTHER ACTIONS
ENERGY CONSUMERS			
• Marketing of energy products is regulated, but no authorisations or licences are needed. • ACCC actively polices energy businesses, with a 2018 case resulting in $25K penalties for One Big Switch making false and misleading claims about the size of consumer savings. • As an energy marketing agency, the Foundation's marketing messages and activities (such as door-to-door and tele sales), as well as customer contracts, would be subject to regulatory obligations.	• Moreland Energy Foundation is developing a community engagement and marketing plan, funded under the LGR&D Scheme. • Any plans for marketing energy products must include a legally robust compliance framework.	• A robust compliance framework should be developed prior to any activity that constitutes marketing of energy products (this may occur after an initial community interest/pledge campaign).	• Share initial advice with Moreland. • Ensure Moreland contract includes compliance considerations.
COMPETITION			
• Cartel conduct restrictions apply to collective bargaining and joint purchase arrangements. • It is common practice for groups of local councils to collaborate to procure services (e.g. waste). • Other organisations have successfully applied for ACCC authorisations to conduct similar activities, on the basis that public benefit outweighs private gain.	• Before the Foundation puts out an RFQ to partner with a retailer, it will likely need to secure an ACCC authorisation to secure legal protection. • HWL Ebsworth has indicated we are likely to be successful if we apply.	• ACCC authorisation should be secured before the retailer RFQ is put out.	• Seek quote and timeframes (including processing and eligibility periods) for HWL Ebsworth to make the ACCC application.
• Competitive neutrality principles ensure government-owned business activities do not have an unfair advantage over private sector businesses in a competitive market.	• Once the structure and other arrangements are clarified, we may need to consider if the Foundation complies with this principle.	• It is unlikely this principle applies.	

RISK & BACKGROUND	MITIGATION	DECISIONS	FURTHER ACTIONS
LEGAL STRUCTURE			
• During consultation on the CEP Report, there was a clear preference that the Foundation be structured 'at arms-length' from councils and that it become self-funding over time. • In HWL Ebsworth's view, a structure that, from the outset, does not involve the direct participation of councils in the governance of the Foundation presents certain commercial risks to partners which must be carefully considered. • In their view, during the critical establishment phase of the Foundation, RH&C councils may find their investment and the overall goals of the Foundation put at undue risk in circumstances where the governance and management of the Foundation is not controlled, or at least directly participated in, by RH&C council representatives.	• WHL Ebsworth recommends that RH&C councils take a direct and active role in the governance of the Foundation for an initial 'transitional' period of, say, 2 years, reducing over time to make way for community control. • This would allow councils to monitor and control their investment, with regular visibility of, and participation in, the commercial and operational decisions. • This could be complemented by a community-led advisory board established from the outset, which advises the Foundation on community requirements and expectations. Members may then become the initial community reps on the Foundation board.	• Partner councils should take a direct and active role in the initial management committee, to protect Council investment and ensure outcomes. • The preferred starting structure is a council-majority management committee assisted by a community working party. • Over a planned transition period, members of the community working party should replace S&HLGA reps on the management committee.	• See 'Foundation Governance' for more details.
• If we take the path of council control, the Foundation structure must have regard to the statutory limitations imposed on councils in establishing separate incorporated structures. • Under s47 of the Corporations Act, a council must not form a company or acquire shares in a company.	• An incorporated association, governed by a committee, is considered the most appropriate legal structure for the Foundation, noting that: ○ The proposed objects and activities of the Foundation are consistent with the legal	• The Foundation will not issue shares or operate outside SA in future. • Therefore, the Foundation should be established as an Incorporated Association.	

RISK & BACKGROUND	MITIGATION	DECISIONS	FURTHER ACTIONS
• Under s41 of the LG Act, councils may establish committees and subsidiaries. Benefits include council control and visibility and limited personal liability. However, they do not adequately support the collaborative nature of this project, and will not be appropriate longer-term (post-transition). • Under s36 of the LG Act, councils may enter into unincorporated structures such as joint ventures, trusts and partnerships, in connection with commercial projects. These structures require ongoing direct involvement and present potential legal liabilities, so do not meet our needs. • Under s36 of the LG Act, councils may also participate in incorporated associations or co-operatives. • Incorporated associations (IAs) are commonly employed in the not-for-profit sector. Under the *Associations Incorporation Act 1985*, IAs have the powers to acquire, hold and dispose of property and to sue and be sued in their corporate name. An IA cannot secure a profit for members, but may make a profit to further its purposes. As separate entities, IAs offer asset protection, risk separation through limited liability (making them an attractive vehicle for broad community participation), and perpetual succession (of both members and board).	purposes of an incorporated association and would justify registration. ○ We would be required (and intend) to re-invest any profits to further the Foundation's aims (ie community benefit). ○ Council reps will not have statutory immunity inferred by the LG Act, and may be personally liable if they fail to comply with their duties under the AI Act. • Given the greater complexity of the co-op structure, it is not recommended unless RH&C requires the Foundation to be capable of one or both of the following: ○ Raising funds by issuing shares, on the basis that shareholders may receive a distribution of profit, rebate etc. This flexibility may be desirable if other sources of revenue are insufficient in the medium to long term in becoming self-funding; and ○ Operating outside of South Australia.		

RISK & BACKGROUND	MITIGATION	DECISIONS	FURTHER ACTIONS
• Co-operatives are generally formed to meet the common economic, social or cultural goals of members. Under the *Co-operatives National Law (SA) Act 2013*, co-ops are democratically owned – each member has one vote – and members are required to be active or risk cancellation. A co-op can be 'distributing' or 'non-distributing' – that is, it can distribute surpluses to members or reinvest them. A board of directors, made up of a majority of active members, must meet at least every three months. Directors duties and other obligations are akin to those of the Corporations Act. Obligations include providing robust disclosure statements and lodging them with the registrar.			
TAX			

• There are a number of ways the Foundation can be set up as income tax exempt.
• This will depend on its legal structure, its principal purpose, whether it will be set up as a charity, and whether the Foundation wants to receive tax deductible donations.
• Choosing between IA and co-op structures will not impact tax exempt or DGR eligibility.
	• In WHL Ebsworth's view, it is likely the Foundation could achieve tax exempt status on the basis of being a 'community service organisation', provided that:
	  ○ Its activities and main objectives are to benefit the community by identifying, developing and procuring a lower cost and cleaner energy supply,
			• Ensure the Foundation's constituent documents explicitly integrate the project's three phases, emphasising activities which assist the community to transition to low carbon energy.
			• When the Foundation's purpose, objectives and constituent documents are available:
			  ○ Complete self-assessment of tax-

RISK & BACKGROUND	MITIGATION	DECISIONS	FURTHER ACTIONS
	○ It complies with all the substantive requirements in its governing rules, and ○ It applies its income and assets solely for the purpose for which it was established. • The Foundation may also be eligible for DGR endorsement (deductible gift recipient / charity status) on the basis it: ○ Is not-for-profit, ○ Acts for the public benefit, and ○ Has the principal purpose of 'protecting or advancing the natural environment'.		exempt status, and submit to committee for approval; and/or seek a private ruling from the Commissioner of Taxation requesting the ATO to confirm this position. ○ Request preliminary view from the Australian Charities and NFP Commission (ACNC) on likelihood of DGR endorsement (optional). ○ Seek registration and endorsement of DGR status from the ACNC and the Commissioner of Taxation.
FOUNDATION MEMBERSHIP			
• Under the AI Act, we can choose to have members or not. • If so, they make key decisions like changes to the rules of the Foundation. If not, all decisions are made by the committee. • If so, their role in Foundation governance is outlined in constituent documents, including: ○ Any annual subscription or membership fees ○ Any classes of membership (eg. restricted voting rights)	• Pros of membership may include: ○ fees, which could provide a reliable funding stream ○ commitment, with people prepared to pay fees being more likely to use services and ensure ongoing success. • Cons of membership may include:	• The Foundation should not have members initially. • The Foundation could change its constitution at a future AGM to include members if desired.	

RISK & BACKGROUND	MITIGATION	DECISIONS	FURTHER ACTIONS
○ Extent of entitlement to representation on the management committee and/or community advisory committee ○ Any fundamental matters reserved to a decision of members.	○ more convoluted administration and decision-making ○ raising the participation threshold, which may go against our principles of inclusivity and affordability.		
FOUNDATION GOVERNANCE			
• The rules of the Foundation (Rules) need to be drafted to clearly contemplate the proposed governance arrangements. • HWL Ebsworth recommends a two-part approach to the management committee – the founding committee structure (including RH&C council representatives) and the final committee structure (community-led), which should be implemented after a suitable transitional period. • There are no strict legal requirements regarding the membership of the committee. A number of questions will need to be resolved to draft the Rules. • As previously discussed, a community-led advisory board can also be established to support founding committee. We are free to structure the advisory board as appropriate to meet the requirements of the Foundation in its preliminary stages. • Securing endorsement for tax-exempt and DGR status require the Rules to clearly stipulate that the Foundation is established	• RH&C councils should consider the following factors when designing the initial committee and the ultimate committee structure: ○ Skills: Desired skills mix for the committee (e.g. financial, legal, energy sector expertise). This will drive the number of committee members as well as the recruitment process. ○ Size: Depending on required skills mix and representation, 5 to 9 members is usually an optimal size. Fewer may be appropriate in the early stages. ○ Representation: Which stakeholders are represented and to what	• Committee skill mix must include marketing, community engagement, energy, law and finance. • The initial committee should comprise 7 members – 4 S&HLGA reps and 3 skilled. The ultimate committee of 7 should comprise 4 community reps and 3 skilled. • Council reps should be drawn from S&HLGA Board membership or their nominated proxies, with 2 EMs and 2 Execs. Selection criteria to include distribution across the region and across skillsets. • The CEO should be an ex officio member.	• HWL Ebsworth to draft Foundation Rules reflecting these decisions, as well as objects of the Foundation that clearly guide its activities and provide for tax-exempt and DGR status endorsement. • HWL Ebsworth to draft community working party charter, defining its mandate, its nature and capacity, and its relationship with the committee.

RISK & BACKGROUND	MITIGATION	DECISIONS	FURTHER ACTIONS
for 'community service purposes' and 'to protect and enhance the natural environment'. A clause also needs to state that "in case of the winding-up of the Foundation, any surplus assets are to be transferred to another fund with similar objectives that is on the Register of Environmental Organisations."	degree (ie. number per Council/stakeholder). ○ Council Control: Desired degree of representation/control by RH&C councils in the transition period (i.e. total control, majority representation or non-majority representation). ○ CEO: It is common to make the CEO an ex officio committee member, ensuring a clear and direct line of communication from management to the board. • A charter outlining the mandate of the separate community committee / working party will be critical to ensure it adds value to the Foundation, and that there is a clear distinction between the nature and capacity of that group, as compared with the legally founded governance role of the Foundation committee. • The Rules of the Foundation will need to clearly identify the objects of the Foundation. These objects will guide the activities of the Foundation and must be	• The transition period would be on an aspirational timeline, with actual transition based on readiness, at the board's discretion.	

RISK & BACKGROUND	MITIGATION	DECISIONS	FURTHER ACTIONS
	framed to incorporate both current intent and longer-term strategic objectives.		
RETAILER RFQ			
• In due course, an Inter-Council Funding Agreement will be required as well as an RFQ and resultant agreement with the selected energy retailer. • HWL Ebsworth has advised they are not able to provide any detailed advice on these documents at this stage. The appropriate structure and content of these documents will be influenced by the ultimate agreed structure for the Foundation and concrete business plans adopted by the Foundation.	• This has implications for the staging of our project. The LGR&D Scheme funded project includes drafting white-labelled Inter-Council Funding Agreement, Retailer RFQ and Retailer Agreement.		• Request HWL Ebsworth to requote to deliver draft generic templates now, then review at a later date.

Appendix 3

Community Energy Program
Community Engagement and Marketing Plan

Resilient Hills and Coasts Community Energy Program
Community Engagement Strategy for Expressions of Interest in Community Energy Project

Engagement objectives and guiding principals

This engagement strategy is designed to:

- Obtain support from elected members
- Effectively engage with potential households interested in participating in the Community Energy Project, to explain what we are asking and why
- Obtain a list of at least 750 households expressing interest in participation, in order to present a case for funding to councils that are part of Resilient Hills and Coasts
- Ensure that disadvantaged households and engaged households are equally offered an opportunity to participate
- Highlight and explain the potential benefits of collecting expressions of interest, to form the basis for a Request for Quote (RFQ) for retailers in the market
- Highlight and explain the potential benefits of a community energy program to signatories and their communities
- Highlight the possible economic and environmental benefits of the program, as well as potential personal gains for each household
- Build trust and confidence in council, RH&C, the program and service providers that will be procured
- Foster trust in procurement processes and offer reassurance that providers (i.e. energy retailers) will provide a service in line with the desired outcomes of the program
- Cementing external relationships
- Offer households an incentive to sign the EOI
- Case studies will be a key component to the communications strategy – people like you have taken action, you can take action too

- Be transparent with the community about how their participation will influenc the decision or project, by reporting back and closing the loop with them
- Provide an opportunity for community feedback or questions

The strategy aims to:

- INFORM: providing reliable, balanced and objective information about the project and potential benefits. Information needs to be readily available for people to access.
- SUPPORT PARTICIPATION: support households in uploading billing data and signing EOI
- ASSIST: ensure that households feel some immediate value e.g. energy saving tips, understanding of power bills and possibly local discounts, to foster trust and demonstrate that the program is being designed to help people

Key messages:

- Personal benefit – e.g. reducing energy bills, accessing clean energy at a fair price
- Community benefit – keeping money in the local economy, supporting less privileged neighbours in the region, and
- Environmental – support the uptake of renewable energy, purchase renewable energy

Each council may wish to amplify one of the above messages, depending on their local demographic, engagement with renewable energy and council priorities.

Communication and engagement methods

A number of engagement and communication methods will need to be utilised, to deliver the engagement component of the project.

Councils have existing communication channels, which will need to be leveraged as much as possible, in order to get the message out to as many people as possible.

Wherever possible low to no cost communication channels should be utilised.

Where possible council officers are encouraged to get support from elected members and communications teams within their council.

A webpage will need to be created with information about the background of the project and a portal for uploading billing data. Households that sign up will have to opportunity to download an energy saving booklet. Local businesses will be invited to offer discounts and incentives to participants, which will be included in the booklet.

Council help desk staff will need to be notified that people may request support if they are not able to access the internet or upload their bills.

Once the EOI period has closed a decision will need to be made about whether or not the portal remains open, to continue gathering interest and data.

Households that sign the EOI and upload data should be contacted at the end of the EOI period with an update and timeline of planned next steps.

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Collateral	Distribution channels	Advantages	Cost implications and considerations
Printed/ printable collateral • Brochure/Flyer Copy (design / layout to be developed by relevant marketing teams) • Poster copy (design / layout to be developed by relevant marketing teams) • FAQs	• Flyers and information at council service centres, libraries, community centres and other council owned facilities (e.g. child care centres) • Real estate agents (to target renters and people who have moved)	• Supports people not accessing information on line • Potential to reach people who may not otherwise be aware of the program e.g. renters, who will not be reached by marketing through rates data	**Medium** • Design and printing • Potential to also train service desk staff to support people in uploading data and completing on line information. • Real estate agents may not support this engagement
Video case studies	On line – council websites and social media Social media promotion i.e. paid boosted posts, which can be targeted to particular demographics Utilise councils' existing social networks	• Case studies of people that residents can relate to – ideally real people from the community, ensure outcomes are tangible and advantages are clear	**High. However can be distributed widely at low cost** **Low cost version of case study is a photograph and copy without video**

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Web content and printed collateral. **Easily shareable posts for community groups and organisations.**	Accessing local groups and organisations, to share messaging, promote website and support uploading of data. E.g. • Churches • Local Residents or Area Based Groups • Communities of Interest • Faith Based Groups • Racial, Ethnic and Cultural Groups • Local Community and Voluntary Groups • Web Based or Virtual Groups • Community groups • School communities	• Community organisations and groups will utilise their own networks to promote engagement • May support harder to reach members of the community • Can tap into existing values supported by groups and organisations e.g. being part of something that supports the local ecomony	**Low – Medium** • Web portal will be set up for accessing and downloading content • Content for sharing through channels digitally low cost (and can be emailed) • Low- medium if printing collateral for groups to share hard copies
Printed local media advertising	Local newspaper	• Readily available to all • Local papers are often read in more detail by remote residents and those who do not rely on digital media for information	**Low- High** • Some councils may have an existing regular media presence • Some councils will need to pay for local advertising Needs council communications teams to support if utilising existing media presence

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Web portal with information and area to upload data	Ensure web portal is easily found and navigable from all participating council websites. The link to the portal can be shared through all communication channels and will be where interested households can fill in the EOI and upload their billing data.	• Allows people to engage when and where convenient to them • Useful for those who may be homebound e.g. carers, elderly people, parents with young children, rural residents • Can reach large numbers of people • Easily shared • Less time consuming than attending a workshop or public meeting	**Low** (after initial set up) Needs council communications teams to set up on council websites and council social media
On hold messages (to be recorded as per council process)	Councils typically have on-hold messages on their phone lines	• Ensures all residents that phone council have the opportunity to hear about the program • Enables harder to reach households the opportunity to hear about it	**Low** (will need council communications team to facilitate)

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Surveys	Surveys can be provided (on line and to council staff and community organisations), to gauge interest in community energy programs. A survey could also be completed after the end of the EOI period, to identify if the ways to save money and energy PDF booklet had been helpful and if any households had started taking action to reduce energy consumption and/or costs	• This will help with planning for future activity of the proposed energy foundation • Post EOI surveys will demonstrate value that has been realised through this engagement, as well as reinforce the opportunity for households to engage in the next steps	**Low**
Letter or DL flyer mailed directly to households • Mayoral / CEO Letter Copy (to be put on each councils letterhead) • DL flyer in rates notice	Mailed through council rates database	Reach all rate payers in municipality, including those who do not live full time in the area	**Medium- high** • Rates notes flyer lower cost than letter mailed separately • Printing and design costs • Need to coordinate with rates team. In most cases enclosing a flyer will be easier than individually mailed letters, as no data will need to be shared
Community event	Local town hall or community centre	• Opportunity to answer questions • Opportunity to help people upload data and complete on line information	**High** • Venue hire, refreshments • Child care • Staffing • IT to support people with on line elements

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Stall or similar at existing community event	e.g. farmers market, stock and feed, existing council community events	• Opportunity to speak with harder to reach members of the community	**Medium** • Staff costs • Printed materials
Energy saving tips PDF to download on completion of uploading billing data	In order to demonstrate immediate value (and keep households engaged) energy saving tips and advice, specific to certain groups e.g. renters, holiday home etc, can be downloaded	• If local traders are able to offer additional incentives by way of discounts and offers this will increase the benefit to households	**Low – Medium** AEF to provide content. Design and uploading. Engaging businesses to offer incentives requires staff time (council economic development support, local chamber of commerce etc)

Timeline of key activities

Activity	Weeks 1&2	Weeks 3&4	Weeks 5&6	Weeks 7&8	Weeks 8-10
Engage elected members					
Distribute collateral through council owned buildings					
Design and print promotional collateral					
Design on line content					
Design and create web portal					
Ensure privacy policies in place					

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Engage local businesses for promotion and any offers					
Design and upload downloadable PDF					
Engage council staff					
Engage local groups and real estate agents and provide with collateral and on line content					
Pre-program survey					
(if applicable) Plan and deliver 'town hall' event					
Collate EOIs and data and present to councils					
Agree timelines for next steps					
Review opportunities for future board members/ community leaders					
Evaluate engagement and downloads of information PDF					
Post sign up survey					

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Deliverables

- Database of a minimum of 750 EOIs

- Database of a minimum of 750 household energy billing data uploaded
- Database of interest in particular community energy models
- Database of potential board and community members for an energy foundation
- Energy advice delivered – energy saving, understanding your bill, getting a better deal

Risks

Success of this engagement will require time and money, as well as support from council communications teams and community members.

A number of risks have been identified (as per the proposal) for the engagement phase, as outlined below.

1. Unable to gain participation from stakeholders including elected members
2. Timeframe of engagement – availability of stakeholders within timeframe of the project
3. Inability to obtain billing data
4. Lack of investment to establish foundation and/or implement phase two (obtaining quotes and selecting a retailer for PPA)
5. Households will need to see a clear benefit in order to engage and, until we have support for the next phases the benefits may not be clear. That is why we will offer tips and advice – i.e. 'download your guide to energy saving', once billing data has been uploaded
6. Lack of support through council communication channels, council helpdesk and community groups and organisations may mean that engaging 750 households will take longer than outlined in the timeframe above

RH&C need to ensure that people are comfortable with sharing billing data and how their privacy will be protected.

DRAFT

ADELAIDE HILLS COUNCIL
ORDINARY COUNCIL MEETING
Tuesday 17 December 2019
AGENDA BUSINESS ITEM

Item:	**12.3**
Originating Officer:	**Kylie Caruso, Roads Officer**
Responsible Director:	**Terry Crackett, Director Corporate Services**
Subject:	**Road Closure – Road Reserve on Cnr Kain Avenue and Mt Barker Road, Bridgewater (Carripook Park)**
For:	**Decision**

SUMMARY

The purpose of this report is to seek a resolution of Council to close a section on unmade public road for the purposes of retention by Council as a reserve.

The reserve located at the corner of Kain Avenue and Mt Barker Road, Bridgewater, known as Carripook Park, is legally described as a public road and is identified by the area in blue detailed in ***Appendix 1*** (Road Land).

It is the preferred course of action to rectify this anomaly by undertaking a road closure process under the *Roads (Opening & Closing) Act 1991* to close the Road Land as public road and retain in Council ownership as a reserve, consistant with its current use.

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 as a reserve and dedicated as an Informal Recreation Reserve in the Council's Community Land Register and Community Land Management Plan.

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 Preliminary Plan No 19/0031 attached to this report as *Appendix 2* (Road Land).**

3. **Subject to the closure of the Road Land, that:**

   - **the Road Land be retained by Council as a reserve;**

- **the Road Land be retained as Community Land and entered onto the Council's Community Land Register; and**
- **the Council's Community Land Management Plan be amended to include the Road Land as an Informal Recreation Reserve.**

4. Authorise the Chief Executive to finalise and sign all necessary documentation to give effect to this resolution.

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1. GOVERNANCE

➢ **Strategic Management Plan/Council Policy**

Strategic Plan: Organisational Sustainability

Strategies: 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:

Public Road being used for a purpose inconsistent with its legal status leading to a perceived public reserve 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 and is being managed within existing resource allocations.

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

Nil – Carripook Park is an existing open space for the community to use and is a designated off-leash dog park. The process proposed in this report will result in the legal status of the Road Land being consistant with its current use.

➢ **Environmental Implications**

Not Applicable

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

Consultation on the development of this report was as follows:

Council Committees: Not Applicable

Council Workshops: Not Applicable

Advisory Groups: Property Advisory Group

Administration: Manager Property Services
GIS & Asset Management Officer
Biodiversity Officer

Community: Community Consultation was undertaken in accordance with the public notice requirements set out in the *Roads (Opening & Closing) Act 1991*.
However, it is noted that in accordance with section 198 (3) of the *Local Government Act 1999*, it is not necessary to undertake community consultation in relation to the addition of this land to Council's Community Land Management Plan. The addition of the land at Carripook Park will have no significant impact on the interests of the community.

2. BACKGROUND

Carripook Park is located on the corner of Mount Barker Road and Kain Avenue, Bridgewater. Historically it was the site of the bitumen making plant for the bitumen being used for surfacing of the road to Mount Barker.

The Road Land was known as Allotment 1 in Filed Plan 13439 being the land previously in Certificate of Title 5121/674. The land was transferred from Flora Petroff to Her Majesty Queen Elizabeth the Second for road purposes on 9 January 1995.

At about that time, volunteers and Council set about clearing the site of weeds, lining the creek with large stones, planting native reeds and creating a grassed playing area. The area was named Carripook Park to commemorate the nearby former railway siding. In April 1997, the park was opened to the public, and remains to be a space enjoyed by the community.

This piece of land remains dedicated as public road had it is the preferred course of action to remedy this anomaly.

3. ANALYSIS

The Road Land has been assessed by Council staff to ascertain its suitability for a closure and this assessment indicated that it was suitable given that the proposal is for the Road Land to be retained by Council as a reserve.

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 received to the proposed road closure process. SA Water have requested an easement for sewerage purposes for their sewerage infrastructure which is already contained within the Road Land and this is reflected in Preliminary Plan No. 19/0031 attached as ***Appendix 2.***

4. OPTIONS

The Council has the following options:

I. Resolve to close the road and issue a Road Process Order to retain the Road Land as Community Land (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

Appendix 1

Map identifying the Road Land

25-Nov-2019

Carripook Park, Bridgewater

Adelaide Hills COUNCIL

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Annotations
- Polygon1

AHC Core
- Parks
- Townships

RoadsStreetView
- ADJOINING LGA RD
- AHC & PRIVATE
- AHC RD
- DPTI RD
- PRIVATE RD
- SHARED RD

- PropertyOwner
- Parcels
- Roads
- AHC LGA
- LGAs
- Suburbs

Rivers
- River
- Creeks
- Streams

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Scale = 1508.22

50 m

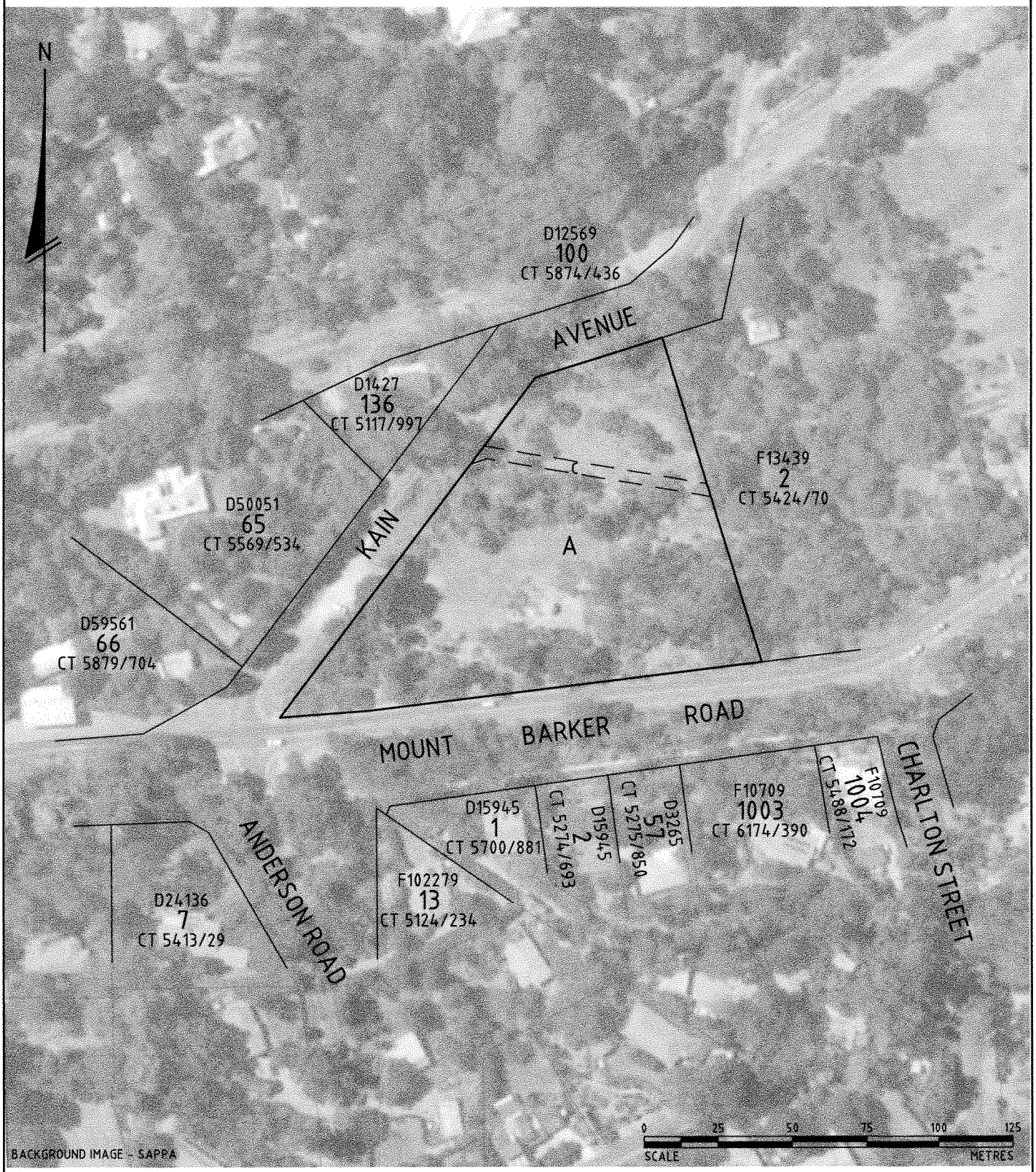
Appendix 2

Preliminary Plan identifying the Road Land and merging parcels

PRELIMINARY PLAN No 19/0031

ADELAIDE HILLS COUNCIL
IN THE AREA NAMED BRIDGEWATER

ROAD TO BE CLOSED LETTERED "A"
CLOSED ROAD "A" TO RETAINED BY COUNCIL



PROPOSAL CERTIFIED CORRECT AS TO INTENT

DATED 9/9/2019

AUTHORISED OFFICER

PORTION OF CLOSED ROAD MARKED "C" IS TO BE SUBJECT TO AN EASEMENT FOR SEWERAGE PURPOSES TO SOUTH AUSTRALIAN WATER CORPORATION

I HEREBY CERTIFY THAT THE PORTION OF ROAD TO BE CLOSED LETTERED "A" HEREON IS PUBLIC ROAD WITHIN THE MEANING OF SECTION 3 OF THE ROADS (OPENING AND CLOSING) ACT 1991

AUTHORITY: F13439

17/07/19

LICENSED SURVEYOR

ORIGINAL SHEET SIZE A3

ADELAIDE HILLS COUNCIL
ORDINARY COUNCIL MEETING
Tuesday 17 December 2019
AGENDA BUSINESS ITEM

Item:	**12.4**
Originating Officer:	**Kylie Caruso, Roads Officer**
Responsible Director:	**Terry Crackett, Director Corporate Services**
Subject:	**Road Exchange – Montacute Road, Montacute**
For:	**Decision**

SUMMARY

Ensuring Council's road land and infrastructure is either located on Council owned or controlled land or secured by some other form of legal tenure is important for appropriate risk management of Council infrastructure and community safety.

The purpose of this report is to obtain a resolution to undertake a road widening process to widen the road verge along a section of Montacute Road, Montacute. This will be undertaken in conjunction with a road closure to rectify a boundary encroachment of a dwelling onto Montacute Road, and an encroachment of Montacute Road onto Allotment 90 Montacute Road, Montacute. Refer to ***Appendix 1***.

The proposed allotment 11 in DP 72622 (as shown in ***Appendix 2***) is currently owned and under occupation by Giuseppe Meccariello, Filomena Sanche and Vincenzo Meccariello. This land does not currently fall under the provisions of the *Real Property Act 1886 (RPA)*. In order to achieve the outcome of this report, this parcel of land must firstly be brought under the RPA.

To achieve the desired outcomes to rectify the current road alignment, this road exchange and widening process is required. Pieces of land are required from the existing land owned by the Meccariello family and Telstra to widen the legal road reserve to reflect the physical location of the road and maintain the minimum width of 12 metres.

RECOMMENDATION

Council resolves:

1. **That the report be received and noted**
2. **To execute under seal a Deed of Assignment of Rights to Occupation to bring land identified as proposed Allotment 11 in DP 72622 under the *Real Property Act 1886*.**
3. **To, in conjunction with Giuseppe Meccariello, Filomena Sanche, Vincenzo Meccariello and Telstra Corporation Ltd, undertake the road widening process in accordance with the plan attached as *Appendix 2*, to vest allotments 12 and 14 as public road for nil consideration.**
4. **The road to be closed as identified as "A" in Preliminary Plan 05/0056 be excluded as Community Land pursuant to the *Local Government Act 1999***
5. **To authorise the Chief Executive Officer and Mayor to finalise and sign all documentation, including under seal if necessary, to give effect to this resolution.**

---

1. GOVERNANCE

➢ Strategic Management Plan/Council Policy

Goal	Organisational Sustainability
Strategy	Risk & Responsibility (Community Welfare and Legal Compliance)

Ensuring Council's road land and infrastructure is either located on Council owned or controlled land or secured by some other form of legal tenure is important for appropriate risk management of Council infrastructure and community safety.

➢ Legal Implications

The road exchange process is undertaken pursuant to the provisions of the *Roads (Opening & Closing) Act 1991* and Section 223LF of the *RPA* which will have the effect of closing a portion of existing unmade public road in exchange for the opening of a section of public road currently in private ownership.

➢ Risk Management Implications

The purchase of the Land will assist in mitigating the risk of:

Council road infrastructure being located on privately owned land leading to inappropriate ownership, liability and road management for road infrastructure.

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

The instance of Council road infrastructure on or affecting privately owned land is an ongoing issue across the Council area and one that Council will see raised more regularly as Council and land owners survey their boundaries with more accurate survey information and equipment.

- **Financial and Resource Implications**

The road exchange process will be managed within existing resource and budget allocations.

- **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**

Council Committees:	Not Applicable
Council Workshops:	Not Applicable
Advisory Groups:	Property Advisory Group
Administration:	Manager, Property Services Infrastructure and Operations - Technical Officer GIS & Asset Management Officer
Community:	Nil

2. BACKGROUND

Council was approached in 2005 by the owners of Allotment 90 Montacute Rd, Montacute, Mr BJ Earl and Ms JH Dowsett to conduct a road closure in respect to a section of Montacute Road, Montacute, the purpose of which is to rectify an encroachment of their dwelling onto the said road. Council commenced a road opening and closing process in 2006.

At the Council meeting held 7 February 2006, it was resolved for Council to:

11.7. Road Closure Montacute Road Montacute
P/7013 Karen Sinclair

Moved Cr Bill Gale **Carried unanimously**
S/- Cr Ron Nelson **B31**

1. **That Council advises B.J. Earl and J.H. Dowsett that the 397m^2 section of road required to rectify an encroachment of their dwelling be transferred and merged with their property Allotment 90 Montacute Rd, Montacute for nil consideration subject to:**
   - **B.J. Earl and J.H. Dowsett agreeing to transfer to council a 397m^2 area of Allotment 90 to be merged with Montacute Rd for nil consideration.**
   - **B.J. Earl and J.H. Dowsett sharing all costs associated with the procedures under the Roads (Opening and Closing) Act 1991, as amended, equally with Adelaide Hills Council to close and open the respective sections of Montacute Rd and Allotment 90 Montacute Rd.**
2. **That, subject to no objections being received and the Roads (Opening and Closing) Act 1991 procedures being completed, the Mayor and Chief Executive Officer be authorised to sign and seal the necessary documents.**

A preliminary plan was prepared for the road closure process and lodged with the Surveyor-General. The Surveyor-General raised concerns about the proposed road process as the outcome would be a legal road reserve of only 2.56 metres in width.

The Surveyor-General required Montacute Road to be widened to the north to maintain the minimum width of 12 metres.

The physical location of the made road traversed onto privately owned land to the north. The land on the northern side of Montacute Road (proposed allotment 11) is owned/ occupied by the Meccariello family and is complicated as being land not currently regulated under the *RPA*.

There is also a small allotment of land (Allotment 88) owned by Telstra Corporation Ltd of which a portion is required for public road.

3. ANALYSIS

To achieve the desired outcomes to rectify the current road alignment, this road exchange and widening process is required.

Pieces of land are required from the existing land owned by the Meccariello family and Telstra to widen the legal road reserve to reflect the physical location of the road and maintain the minimum width of 12 metres. This will be undertaken by a boundary realignment which will have the effect of vesting the new Allotments 12 and 14 in Council as public road.

Prior to the boundary realignment being undertaken, the Surveyor-General requires the Meccariello land to first be brought under the provisions of the *RPA*. The Meccariello family have engaged lawyers to facilitate this process and are seeking Council's assistance with an application under Part 4 of the *RPA*.

In order to progress the process to being the Meccariello family land under the provisions of the RPA, the Registrar-General has requested that the Council execute a Deed of Assignment of Rights to Occupation of Land as regards the land occupied by Council as public road. This document specifies that the Meccariello family will undertake the necessary steps required to complete this road widening component of this project.

4. OPTIONS

Council has the following options:

I. Resolve to execute the required documentation to assist with the Part 4 Application under the *RPA* and accept a vesting of land as public road (Recommended)

II. Resolve not to execute the required documentation and road widening process in accordance with the recommendation which will result in inaccurate road boundaries including encroachments on the road. (Not Recommended)

5. APPENDICES

(1) Montacute Road, Montacute – Location/Street Map

(2) DP 72622

Appendix 1

Location Street Map

Montacute Road NUA Road Exchange

Adelaide Hills COUNCIL

N

AHC Core
- Parks
- Townships

RoadsStreetView
- ADJOINING LGA RD
- AHC & PRIVATE
- AHC RD
- DPTI RD
- PRIVATE RD
- SHARED RD

- PropertyOwner
- Parcels
- Roads
- AHC LGA
- LGAs
- Suburbs

Rivers
- River
- Creeks
- Streams

Aerial Imagery
- AerialPhoto_2018
- AerialPhoto_2015
- AerialPhoto_2011
- AerialPhoto_1949

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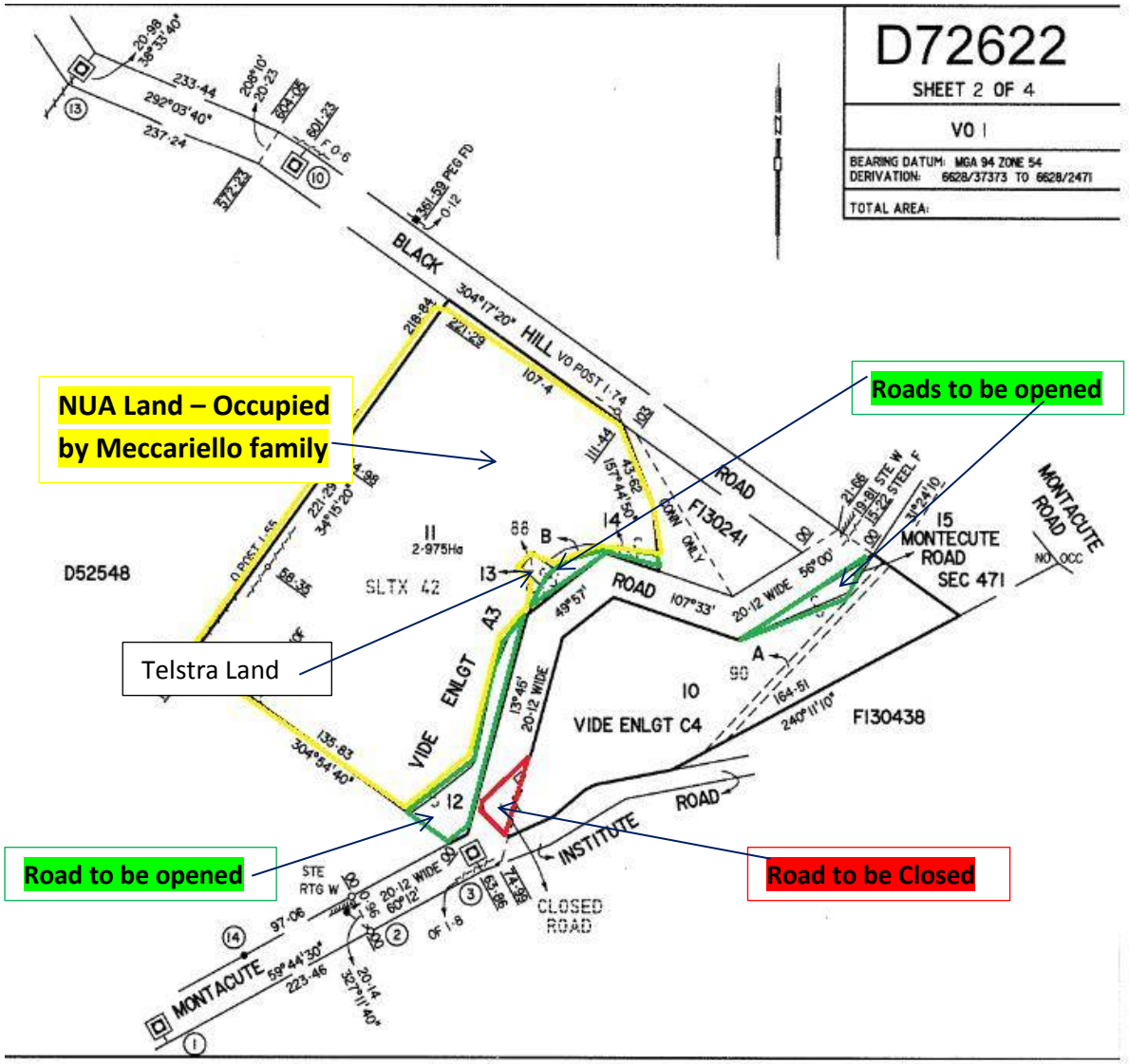
22-Oct-2019

Appendix 2

DP 72622


D72622
SHEET 2 OF 4
VO 1
BEARING DATUM: MGA 94 ZONE 54
DERIVATION: 6628/37373 TO 6628/2471
TOTAL AREA:
NUA Land – Occupied by Meccariello family
Roads to be opened
Telstra Land
Road to be opened
Road to be Closed
BLACK HILL ROAD
F130241
D52548
SLTX 42
VIDE ENLGT A3
VIDE ENLGT C4
MONTECUTE ROAD
SEC 471
F130438
INSTITUTE ROAD
CLOSED ROAD
MONTACUTE

ADELAIDE HILLS COUNCIL
ORDINARY COUNCIL MEETING
Tuesday 17 December 2019
AGENDA BUSINESS ITEM

Item:	**12.5**
Originating Officer:	**Natalie Westover, Manager Property Services**
Responsible Director:	**Terry Crackett, Director Corporate Services**
Subject:	**Highercombe Golf & Country Club – Lease Disclosure Statement**
For:	**Decision**

SUMMARY

The purpose of the report is to obtain a resolution to serve a Disclosure Statement pursuant to the requirements of Section 12 of the *Retail & Commercial Leases Act 1995* (Act) for the extension of lease for the Highercombe Golf & Country Club (Club) at Paracombe.

The Club has exercised its right to extend its lease agreement for a further 5 years from 1 September 2019. The Act requires a new Disclosure Statement to be served upon the Lessee when a Lease is renewed.

Currently the Council does not have delegations under the Act to issue Disclosure Statements.

RECOMMENDATION

Council resolves:

1. **That the report be received and noted**
2. **To issue a Disclosure Statement as required pursuant to Section 12 of the *Retail & Commercial Leases Act 1995* upon renewal of the current lease to the Highercombe Golf & Country Club Inc; and**
3. **To authorise the Mayor and Chief Executive Officer to sign all documents necessary to give effect to this resolution.**

---

1. GOVERNANCE

- **Strategic Management Plan/Council Policy**

Goal	Organisational sustainability
Strategy	Risk & responsibility - legal compliance

Ensuring that Council complies with its legal obligations under the Act.

- **Legal Implications**

The *Retail & Commercial Leases Act 1995,* section 12 requires that a Disclosure Statement be given to the lessee when a Lease is renewed.

- **Risk Management Implications**

The issue of a Disclosure Statement under the Act will assist in mitigating the risk of:

> *Non compliance with legislative requirements leading to possible legal action and orders issued from the Magistrates Court.*

Inherent Risk	Residual Risk	Target Risk
High (2B)	Low (2E)	Low

This is a new mitigation action. The Local Government Association has been requested to draft delegations for the Act for consideration by Councils.

- **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

Consultation on the development of this report was as follows:

Council Committees: Not Applicable

Council Workshops: Not Applicable

Advisory Groups: Not Applicable

Administration: Not Applicable

Community: Not Applicable

2. BACKGROUND

The Club leases a 1.5 hectare parcel of land at Paracombe consisting of a clubhouse, outbuildings and carpark adjacent to the public golf course. The land has been under Lease from Council for the past 10 years, with an option to extend the lease for a further 5 year term.

The Club is also a party to a Management Agreement for the golf course (separate to its lease of the buildings) which is linked to the term of the lease.

The Club has been established for a significant number of years and the site was previously leased by them from the City of Tea Tree Gully and District Council of Gumeracha prior to amalgamation and boundary reforms.

At the Council meeting of 7th April 2009, it was resolved:

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ADELAIDE HILLS COUNCIL
MINUTES OF MEETING 7 APRIL 2009
HELD AT 36 NAIRNE ROAD WOODSIDE

10.6. **Lease – Highercombe Golf Club**
16.51.2 Paul Haylock

Moved Cr Lisa Brinkley **Carried unanimously**
S/- Cr Ian Bailey **107**

1. **That Council support the creation of a lease to the Highercombe Golf and Country Club for the 1.5 hectare area of Pt Bk 22 Hundred of Yatala being the land in CT 5257/764 for a period of ten (10) years with a single five (5) year option for renewal generally in terms outlined in the draft lease at Attachment 2.**

2. **That Council authorise public consultation in relation to the creation of the lease as referred to above for a period of 10 years with an option for a 5 year extension.**

3. **That subject to there being no substantive objections to the proposed lease, the Highercombe Golf and Country Club be offered the lease as indicated above and Council authorise the Mayor and Chief Executive Officer to sign and seal any necessary documents to establish the said lease.**

3. ANALYSIS

The Club has exercised its right of renewal for the final 5 year term of the current lease.
It is a requirement under the Act that a Disclosure Statement be given to the lessee when a lease is renewed.

The purpose of a Disclosure Statement is to detail the outgoings that the tenant is required to pay to the landlord (Council) during the term of the lease. These include contributions towards services, pest control, asbestos inspections and fire protection inspections/services.

The extension of lease is on the same terms as the original lease with CPI increases in rent annually and a percentage of green fees paid to Council. The Club is responsible for paying all cost associated with their operation and maintenance of the golf course. The Council retains typical landlord liabilities for the structural maintenance of the Council owned buildings.

At present there are no delegations for the service of Disclosure Statements under the Act to the CEO. The Council has requested the LGA to include the drafting of delegations for this Act in future delegation updates.

The Act is currently under review by the State Government and it is expected that one of the updates to the Act will be the removal of the application of the Act to community leases such as those for community halls and sporting facilities leased to not-for-profit associations.

4. OPTIONS

Council has the following options:

I. Resolve to issue the Disclosure Statement in accordance with the *Retail & Commercial Leases Act 1995* (SA) section 12 (Recommended)
II. Resolve not to issue the Disclosure Statement leaving the Council liable for non compliance (Not Recommended)

5. APPENDIX

(1) Disclosure Statement

Appendix 1

Disclosure Statement

DISCLOSURE STATEMENT

Premises:

Highercombe Golf Course
Paracombe Road Paracombe SA 5132

Lessee:
The Highercombe Golf and Country Club Inc

Form 1—Disclosure statement under section 12 of *Retail and Commercial Leases Act 1995*

Information for lessees

Please read the following information carefully.

What is a lease?

A lease is a very important document. It is a legally binding contract between the lessor (landlord) and the lessee (tenant). It sets out the rights and obligations of the lessor and the lessee.

A document that binds the lessee to enter into a lease or to take a shop on lease for a renewed term should be treated as if it were the lease.

What should I look for in a lease?

The main features to consider are—

- the term of the lease;
- whether there is an option to renew or extend the lease (and the method of exercising any such option);
- the rent and the basis for rent reviews;
- the amounts that the lessee will have to pay in addition to rent eg fit out costs, maintenance and repair costs and shared operating expenses;
- the consequences of breaching a term of the lease.

Make sure you read the whole document and understand the obligations it will place on you, especially the extra charges in addition to rent that you will have to pay.

If the lease is a sublease, you should seek information about the lessor's rights and obligations under the head lease that are relevant to the lease of the shop.

What information is the lessor required to give me?

The lessor must give you a copy of the proposed lease and this disclosure statement. The disclosure statement must contain the matters set out in section 12 of the *Retail and Commercial Leases Act 1995*.

What should I do before signing a lease or other binding document?

Do not sign until you understand exactly what your obligations under the lease will be.

Before signing a lease or other binding document, you should obtain independent legal and financial advice.

- You should discuss the lease (or any agreement for a lease) and the disclosure statement with your own lawyer or leasing adviser.
- You should seek advice about the financial commitments under the lease from your own accountant or recognised financial or business adviser.
- You should also seek advice from an association representing the interests of lessees.

Before signing a lease or other binding document, oral representations made by the lessor or the lessor's agent on which you have relied should be reduced to writing and signed by or on behalf of the lessor.

Before signing a lease or other binding document, the lessee should sign an acknowledgment of receipt of the disclosure statement.

1—Details of shop

Address: **Allotment 63 in the Area named Paracombe, Hundred of Yatala Paracombe Road**

Paracombe SA 5132

Lettable area: 1036.32 approx [Lettable area]

The shop may only be used for: **Golf Facility**

2—Term of lease

Term of lease:**Five years**

1 September 2019 to 31st August 2024

3—Renewal or extension of lease

[Tick 1 box.]

[x] There is no right to renew or extend the term of the lease.

[ ] The lease gives a right to renew or extend the term of the lease as follows:
[Insert details]

4—Access to shop

Hours during which the lessee will have access to the shop outside trading hours:

Unrestricted

Date on which the shop will be available for occupation: **Immediately**

5—Monetary obligations

The lessee's obligations to pay rent, to pay or reimburse outgoings, to make or reimburse capital expenditure and any other monetary obligations imposed on the lessee are set out in Appendix A.

6—Retail shopping centre details

[Tick 1 box.]

[ ] The shop is in a retail shopping centre within the meaning of the *Retail and Commercial Leases Act 1995*.
See Appendix B for details.

[x] The shop is not in a retail shopping centre within the meaning of the *Retail and Commercial Leases Act 1995*.

7—Consequences of breach

The legal consequences of early termination of the lease by the lessee as set out in **clauses 31, 32,33,34,36 and 38** of the lease are as follows:

Depending upon the nature of the early termination by the lessee, the lessor may do one or more of the following:

(a) sue the lessee for damages, with or without accepting the termination;

(b) accept the lessee’s termination and re-enter the premises (with or without claiming damages);

(c) require the lessee to pay default interest on unpaid money (including unpaid rent).

The legal consequences of other breaches as set out in
[clause numbers or other id of relevant components of lease] of the lease are as follows:

In addition to the consequences relating to early termination of the lease by the lessee, the lessor may do one or more of the following (depending upon the nature of the breach):

(a) distrain for unpaid rent (i.e. enter the premises and seize and sell the lessee's goods);

(b) terminate the lease;

(c) re-enter the premises;

(d) remedy the breach itself and recover the cost of doing so from the lessee;

(e) obtain specific performance of the lessee's obligations under the lease;

(f) obtain an injunction against any breaches by the lessee.

8—Warnings

Oral representations made by the lessor or the lessor's agent on which the lessee has relied should be reduced to writing and signed by or on behalf of the lessor before the lessee enters into the lease.

The lessee should obtain independent legal and financial advice before entering into the lease.

Date: .....

Signature of lessor: ……

Name: **Adelaide Hills Council**

Address: **PO Box 44 Woodside SA 5244**

Acknowledgment of receipt

I acknowledge receipt of this disclosure statement including:
[Tick 1 or more boxes as applicable.]

- [X] Appendix A—Monetary obligations under lease
- [ ] Appendix B—Retail shopping centre details
- [ ] Attachment—Shop fitting or refitting obligations

Date: ..... …

Signature: .....

Name:

Address:

Appendix A—Monetary obligations under lease

Part 1—Rent

1—Base rent

The base rent payable for the shop is or is calculated as follows:
$6531.50 (GST Inclusive)

2—Basis on which base rent may be changed

The base rent may be changed on the following basis:

CPI ANNUAL – SEE CLAUSE 4 OF THE LEASE

3—Other rent

Other rent payable for the shop is or is calculated as follows:

PERCENTAGE RENT – SEE CLAUSE 3 OF THE LEASE

Part 2—Capital expenditure

4—Permissible obligations (section 13 of *Retail and Commercial Leases Act 1995*)

The lessee will be liable for capital expenditure as follows:
[Tick 1 or more boxes as applicable.]

- [X] to pay or reimburse the cost of making good damage to the premises arising when the lessee is in possession or entitled to possession of the premises
- [ ] to fit or refit the shop as set out in the attachment marked "Shop fitting or refitting obligations"
- [ ] to provide fixtures, plant or equipment as set out in the attachment marked "Fixtures, plant or equipment obligations"
- [ ] to contribute to a sinking fund to cover major items of repair or maintenance as set out in the attachment marked "Sinking fund obligations"

Part 3—Outgoings

5—Categories and estimate of annual liability

The lessee will be liable to pay or reimburse outgoings as follows:

Category of outgoings	Estimate of lessee's annual liability
local government rates and charges	Nil
electricity	Lessee direct charge
gas and oil	Lessee direct charge
water and sewerage rates and charges	Lessee direct charge
sewerage disposal and sullage	Lessee direct charge
energy management systems	Lessee direct charge
air conditioning/ventilation	Lessee direct charge
building intelligence and emergency systems	Nil
fire protection	$ 370.00 plus GST
security	Lessee direct charge
lifts and escalators	Nil

Category of outgoings	Estimate of lessee's annual liability
public address/music	Nil
signs	Nil
public telephones	Nil
insurance	Lessor to insure
pest control	$ 1200.00 plus GST
uniforms	Nil
car parking	Nil
child minding	Nil
gardening	Lessee direct charge
cleaning	Lessee direct charge
audit fees	At councils cost
management costs	Nil
maintenance and repairs	Lessee direct charge
other *[specify]* Asbestos audit annually	$ 480.00 plus GST
Total	$ 2050.00 plus GST

[Tick 1 box.]

[x] The lessee is liable for the full amount of the outgoings.

[ ] The lessee is liable for a proportion of the outgoings calculated according to the following formula:
[Insert Details, provide category and formula in each case if applicable]

6—Margin of profit

[Tick 1 box.]

[x] The amount the lessee is required to pay towards outgoings does not include a margin of profit for the lessor.

[ ] The amount the lessee is required to pay towards outgoings includes a margin of profit for the lessor as follows:
[Provide the percentage profit or the basis on which the profit is to be calculated]

Part 4—Other monetary obligations

7—Other

[Tick 1 box.]

[ ] The lessee will not be liable for any other kinds of monetary obligations.

[x] The lessee will also be liable for the following kinds of monetary obligations:
[Details of other monetary obligations, inc estimate of annual cost of complying]

GST ON RENT AND OUTGOINGS – UTILITY CHARGES

ADELAIDE HILLS COUNCIL
ORDINARY COUNCIL MEETING
Tuesday 17 December 2019
AGENDA BUSINESS ITEM

Item:	**12.6**
Originating Officer:	**Marc Salver, Director Development & Regulatory Services**
Responsible Director:	**Marc Salver, Director Development & Regulatory Services**
Subject:	**Mount Lofty Ranges World Heritage Bid Annual Report April 2018 to June 2019**
For:	**Decision**

SUMMARY

A consortium of ten councils[1], the University of Adelaide and Regional Development Australia Barossa have been collaborating to progress the bid for World Heritage Listing of the Mount Lofty Ranges working agricultural landscapes for the past seven years. The governance arrangement consists of a Protect Steering Group (PSG), comprising the Mayors and CEOs of the respective councils, and the Project Management Group (PMG) comprising staff from the collaborating councils. The PSG provides the strategic direction and high level decision making and the PMG undertakes the required work to progress the bid.

This report provides a copy of the Mount Lofty Ranges World Heritage project's Annual Report for 2018/19 (refer to ***Appendix 1***), the Expert Review (refer to ***Appendix 2***) and an update on the progress of activities and actions undertaken to progress the World Heritage listing of the region.

Most notably, the key focus for the year in question was the commissioning of an external expert review of the strength of the World Heritage Bid and to identify next steps in order to progress the project. The review (refer to ***Appendix 2***) concluded that a potential case for World Heritage listing exists, however, further research and analysis is required which will be undertaken in the new year. It is considered that with the Independent Expert Review having identified that the Bid has merit, the project should be progressed as it will not only tell South Australia's ground-breaking early history, including that of our Aboriginal communities, but also put the region on the world stage. This will enable the region to reap additional economic development opportunities, including in the area of Heritage Tourism which is one of the State Government's recent economic development initiatives.

Noting that the future governance arrangements are yet to be determined and will be discussed at a future Project Steering Group (PSG) meeting, it is not certain at this stage what future ongoing in-kind and/or financial support from the collaborating councils and other project partners will be required. If future ongoing financial support is required, then this will be considered during the 2020/21 budget deliberations of Council.

[1] The 10 collaborating councils are the Adelaide Hills, Alexandrina, Barossa, Clare & Gilbert Valleys, Mount Barker, Yankalilla, City of Onkaparinga, Light Regional, Mid Murray and Mitcham.

The PMG has continued to engage with the State Government, specifically the Department of Environment and Water (DEW) that has actively participated in the project by having a member of staff on the Project Management Group (PMG) for the last two years. This has assisted with building a mutual understanding of the Bid project and identifying opportunities to refine its value proposition, or in World Heritage terms, the strength and clarity of the 'statement of significance' via the expert review.

Lastly, during the annual report period, a new State Government was elected resulting in changes at key government agencies and departments. Local Government elections were also held during the reporting period which resulted in some new Mayors and Council Members. A federal election was also held with changes ensuing to Federal Government Ministers and departments. The political changes are both a challenge and opportunity which will require new relationships to be formed and education on the bid's rationale and potential benefits to the state and region.

RECOMMENDATION

Council resolves:

1. **That the report be received and noted**
2. **That the Annual Report 18/19 and the Expert Review report for the World Heritage Listing Bid Project for the Mount Lofty Ranges be received and noted.**

---

1. GOVERNANCE

➢ **Strategic Management Plan/Council Policy**

Goal 1	People and business prosper
Strategy 1.1	We will pursue World Heritage Listing for the Mount Lofty Ranges as a working agricultural landscape

➢ **Legal Implications**

Not applicable.

➢ **Risk Management Implications**

Council has been a key participant in the World Heritage Listing Bid project since its inception and has to date contributed both in-kind and financially. Receiving and noting the Annual Report and the Expert Review report will mitigate the risk of:

Presumed abandonment of the project before pursuing state government support and completing the additional research work as outlined in the Expert Review report which may lead to reputational damage.

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

- **Financial and Resource Implications**

In-kind and funding ($15,000) support for the progression and preparation of the World Heritage bid nomination for the Mt Lofty Ranges Region is provided for in Council's 2019/20 Annual Business Plan. Further, the PMG is continuing to pursue State Government support and funding for this project.

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

The region is considered worthy of listing due to its unique history of settlement. Improving the understanding of this history creates an opportunity for the community to connect more strongly with their history and potential marketing and branding opportunities for primary producers, tourism operators and the wide range of businesses in the region.

- **Environmental Implications**

The Bid is based on the successful evolution of this region as a settlement landscape from early colonisation into the present day. The current environmental balance between farming, biodiverse parks and townscapes is an essential element of that successful evolution, and is intended to be maintained.

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

There has been an increased focus on engaging with the State Government, specifically the Department of Environment and Water (DEW). Encouragingly, DEW has actively participated in the project by having a member of staff on the Project Management Group (PMG) which has assisted with building mutual understanding of the Bid project. As part of this work, the PMG has identified opportunities to refine the Bid's value proposition, or in World Heritage terms, the strength and clarity of the 'statement of significance' via the expert review.

Consultation on the development of this report was as follows:

Council Committees:	Not Applicable
Council Workshops:	Not Applicable
Advisory Groups:	Not Applicable
Administration:	Executive Leadership Team Manager Economic Development Senior Strategic & Policy Planner
Community:	Community consultation and engagement has been undertaken over the past few years and will be ongoing in the 2019/20 Financial Year as and when required.

2. BACKGROUND

In early 2010 a number of councils within the Mount Lofty Ranges were approached by Professor Randy Stringer of the School of Agriculture, Food and Wine at the University of Adelaide to consider exploring the feasibility of mounting a World Heritage bid to UNESCO. Extensive feasibility work was undertaken indicating strong historical and economic cases.

In early 2013 four councils entered into a Memorandum of Understanding to pursue World Heritage listing (WHL) of the Mount Lofty Ranges.

The Adelaide Hills Council, along with five other councils (Alexandrina, Barossa, Mt Barker Onkaparinga and Yankalilla), Regional Development Australia (RDA) Barossa and Global Food Studies at the University of Adelaide, began pursuing the World Heritage listing of agricultural landscapes within the Mount Lofty Ranges region.

The region is believed to be worthy of the listing due to its unique history of settlement, based on the principles of '*systematic colonisation*' developed by Edward Gibbon Wakefield, John Stuart Mill and Jeremy Bentham.

The potential area for listing will be further refined in due course with the recent recommendations of the Expert Review in mind, which may include incorporating the City of Adelaide into the Bid. To date, the area considered for WHL stretches from the Fleurieu Peninsula in the south, to the Clare Valley in the north and includes the world-renowned food, wine and tourism regions of the Barossa Valley, the Adelaide Hills, Clare Valley and McLaren Vale.

3. ANALYSIS

3.1 Activity Report

3.1.1 Independent Expert Review

In February 2019 Duncan Marshall and Dr Jane Lennon AM, both of whom are renowned World Heritage experts were awarded the contract to undertake an independent review of the Mount Lofty Ranges World Heritage proposal. This included reviewing the rationale behind the bid and providing a report which outlines the work required to progress the project to the level necessary to be considered by the State and Federal Government for Tentative Listing (the key step towards achieving World Heritage listing).

The consultants presented their final report to the PMG in June 2019, concluding that the core of the current rationale for pursuing a World Heritage listing for parts of the Mount Lofty Ranges reflecting the 19th century model of systematic colonisation appears sound, and importantly that there is a good case for seeking World Heritage listing. However, a number of initial observations and research gaps were identified that requires further work to be undertaken (refer to ***Appendix 2***).

The report also considered the question of the possible name for the 'property' (i.e. the region to be listed), and proposed the following - "Systematic Colonisation Settlement Landscape of South Australia." The report noted that it is not yet clear

whether the property is best presented as a single component (i.e. the entire region) or serial property (i.e. a number of exemplary sites which demonstrate the systematic colonisation story within the region), and the scale of the property is also yet to be established. The consultants advised that once the values and attributes are clear, then these can be mapped, their integrity and authenticity assessed, and boundaries developed. They further advised that the scale and character of the property will then emerge.

The report outlines a work plan to support the development of the Tentative List submission, including further required research to:

- strengthen the understanding of Outstanding Universal Value as much as possible, noting this task will continue through the development of the nomination dossier
- refine the understanding of the attributes
- further clarify and give some indication of possible boundaries (noting the previous work undertaken in this regard), which are subject to further refinement, and
- develop initial information about likely management implications.

For further details in this regard, please refer to the Expert Review Report contained in ***Appendix 2***.

3.1.2 Digital Knowledge Bank

In early 2018 the project team successfully applied for and obtained a $40,000 Building Better Regions Fund (BBRF) matched grant to establish a digital knowledge platform (i.e. a website based central repository of project information) for strategic planning and knowledge sharing of the World Heritage Bid project. This was matched with $20,000 of consortium funds, and the balance was received from the University of Adelaide, Light Regional, Clare and Gilbert Valleys and Mid Murray Councils.

Adelaide Hills Council took the lead on this project and assumed full responsibility for the execution and delivery of the project on behalf of the Consortium. An external IT consultancy, Dialog IT, was engaged in August 2018 to build the Digital Knowledge Bank (DKB) and who completed their work in March this year. The PMG members have since been populating the DKB with all the historical information about the project including research reports, agendas, minutes and information papers. Note that the DKB functionality will allow relevant content to be published to the website/portal to promote interaction and public participation with the bid.

It was noted during the development of the DKB that the current project website does not provide the necessary functionality for this project. The PMG therefore engaged a website development consultancy, Freerange Future, in February to build a new front end website to host the DKB, using the balance of the matched grant funds available. The website platform has since been completed and a copywriter is currently developing suitable content for the website. The new website and associated DKB will be launched this week.

3.2 Next Steps

In terms of progressing the project, the following key tasks need to be undertaken over the next financial year:

1. Hold a meeting with the Minister for Environment and Water, the Hon. David Spiers, in order to brief him on the Expert Review Report and seek to identify ongoing collaboration opportunities to progress the bid. At the meeting the Chairs of the PSG and PMG, will also seek to understand what the pathway might look like to obtain his support to put the bid forward at a future COAG Meeting of Environment Ministers (MEM) for tentative listing to UNESCO.

2. Undertake the additional research work identified in the Expert Review Report and any other matters raised by the Minister in order to obtain his support.

3. Undertake a governance review to identify the best model for the next phase of the bid process which will include input from the PSG comprising Mayors and CEOs of the Collaborating Councils.

4. Explore possible collaboration with the City of Adelaide's World Heritage bid, noting that the City is part of the early systematic colonisation story, and was a recommendation of the Expert Review report.

Noting that the future governance arrangements are yet to be determined and will be discussed at a future PSG meeting, it is not certain at this stage what future ongoing in-kind and/or financial support from the collaborating councils and other project partners will be required at this stage. If future ongoing financial support is required, then this will be considered during the 2020/21 budget deliberations of Council.

4. OPTIONS

Council has the following options:

I. To receive and note the World Heritage Listing Bid project Annual Report for 2018/19 and the Expert Review report (Recommended)
II. To not receive and note the World Heritage Listing Bid project Annual Report for 2018/19 and the Expert Review report (Not Recommended).

5. APPENDICES

(1) Mount Lofty Ranges World Heritage Bid Annual Report 2018-19
(2) Independent Expert Review

Appendix 1

Mount Lofty Ranges World Heritage Bid – Annual Report 2018-19

mount lofty ranges | WORLD HERITAGE BID

ANNUAL REPORT

April 2018 to June 2019

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The images in this report have been provided by Christo Reid, Leeo Photography, The Barossa Council, City of Onkaparinga, Adelaide Hills Council, District Council of Mount Barker and the McLaren Vale Grape Wine and Tourism Association

FOREWORD

The key focus for the year was an external expert review of the work undertaken to date to inform the next steps, the strength of the bid and future project stakeholders (with whom to engage). The review confirmed that a potential case for World Heritage listing exists, however, further research and analysis is required.

The expert review also considered the Federal Government's feedback on the National Heritage listing nomination, which acknowledged the depth of the research undertaken for the bid and extent of community support, but noted concerns about the size of the area being nominated and the lack of clear State Government support for the bid.

In response there has been increased focus on engaging with the State Government and specifically the Department of Environment and Water (DEW). Encouragingly, DEW have actively participated in the expert review which has assisted with building mutual understanding and identifying opportunities to refine the bid's value proposition, or in world heritage terms, the strength and clarity of the 'statement of significance'. It is anticipated that this will enhance understanding and provide a strong foundation for ongoing engagement with the next goal being to seek the Minister for Environment and Water's support to put the bid forward for World Heritage listing at a future Council of Australian Governments (COAG) Meeting of Environment Ministers.

This annual report period saw the first full year of the newly elected State Government and changes at key government agencies and departments. Local government elections were also held resulting in some new Mayors and elected members. A federal election was also held with changes ensuing to Federal Government Ministers and departments. The significant political changes are both a challenge and opportunity which will require new relationships to be formed and education on the bid's rationale and potential benefits to occur.

In conclusion I wish to acknowledge the ongoing support to date of the partnering Councils through the combined efforts of the Project Steering and Management Groups, as well as the efforts of our Project Consultant (whose contract ended in June 2018). It is however noted that the Project governance arrangements will be reviewed in 2019/20. Next year provides an exciting opportunity to take the findings of the expert review forward and to collaborate with the State Government in progressing our bid. In this regard it is noted that DEW is pursuing a new Heritage Tourism agenda to which the World Heritage bid could be a major contributor in attracting tourists to Adelaide and our region. Lastly I wish to acknowledge the community's increasing appreciation for the outstanding and universal values of the cultural landscape of our Mount Lofty Ranges region and I look forward to progressing our bid in 2019/20.

Mayor Jan-Claire Wisdom

Chair - Project Steering Group

ABOUT THE BID

Dorrit Black - The Olive Plantation 1946

INTRODUCTION

Mount Lofty Ranges World Heritage Bid spans the renowned food, wine and tourism regions of the Barossa Valley, the Adelaide Hills, McLaren Vale, the Clare Valley, and the Fleurieu Peninsula. The Adelaide Hills, Alexandrina, Barossa, Mt Barker, Onkaparinga, Yankalilla, Clare and Gilbert Valleys, Light Regional, Mid Murray and Mitcham councils are collaborating with Regional Development Australia Barossa and Global Food Studies at the University of Adelaide to pursue World Heritage listing with the United Nations Educational, Scientific and Cultural Organisation (UNESCO).

The bid for World Heritage listing seeks to encourage the identification, protection, preservation and promotion of cultural and natural heritage around the world that is considered to be of outstanding value to humanity. Our bid process has a core ambition to promote collaboration between all tiers of government and the private sector to deliver real and lasting cultural, environmental and economic benefits to the region.

We are pursuing listing for the heritage values associated with a ground-breaking 19th century model of colonisation. South Australia was the first place in Australia to be planned and developed by free settlers without the use of convict labour, and possibly the first place in the world to apply the 'systematic colonisation' model developed by Edward Gibbon Wakefield, John Stuart Mill, Jeremy Bentham and members of the British- based 'National Colonisation Society'.

According to Wakefield, it was 'the first attempt since the time of the ancient Greeks to colonise systematically'. The region's links to this unique philosophical movement of universal significance, and the continuing reflection of utopian ideals in the contemporary landscape form the basis of the World Heritage bid. It is acknowledged that the colonisation story is not one which sits comfortably with the region's Aboriginal groups and to date the Project Management Group has engaged with some of them in order to explore the opportunity to tell their side of the colonisation story. It is noted that on 30 November 2017 representatives of the three Kaurna Aboriginal Groups signed a Statement of Support for the World Heritage Project. As Lynette Crocker, a Kaurna Aboriginal Elder stated at the aforementioned event, "This project enables truth telling and provides an opportunity for us to tell our side of the colonisation story." "We are putting our signature on this document so that we can walk this journey together. This becomes part of the healing of our community and helps us understand our place and where we belong." The potential World Heritage area is yet to be defined and could include exemplary sites within the region stretching from the Fleurieu Peninsula in the south to the Clare Valley in the north.

ABOUT THE BID

NATIONAL HERITAGE LIST NOMINATION

As previously reported the nomination for the National Heritage List (NHL) was submitted in February 2017. Unfortunately the nomination was not included on the list of new places for the Australian Heritage Council (AHC) to assess in the 2017-18 assessment period.

The nomination was automatically reconsidered in the 2018 round but regrettably was again unsuccessful with only two bids selected for progression. This decision does not prevent the same or an amended nomination being made again in the future.

As reported in the last annual report Federal heritage staff see merit in the proposal and have indicated that work on the World Heritage bid can continue and run concurrently with any NHL bid. In fact, to facilitate a faster World Heritage nomination research process the Federal government now promotes a 'partnership' approach with proponents themselves encouraged to assist with research and documentation, a task previously the sole responsibility of the government.

Accordingly, work on the World Heritage bid continues including ongoing advocacy (in particular with the State government), community engagement where appropriate and specialist research. This process will also require consideration of longer term governance arrangements and potential corporate involvement.

GOVERNANCE

MEMORANDUM OF UNDERSTANDING

An initial step in the World Heritage Bid project was the creation of a Memorandum of Understanding (MoU) which confirmed the support/ buy-in from those Councils that supported the project. The initial MoU between Adelaide Hills, Barossa, Mount Barker and Onkaparinga councils was subsequently amended to include Alexandrina and Yankalilla councils.

In broad terms the MoU addressed project ownership and objectives; project deliverables, timelines, roles and responsibilities; budget, financial administration, project partners, reporting arrangements; and operational issues such as media management, releases and interactions between partners and stakeholders.

The MOU contained no provision for extension and therefore expired on 13 June 2018, five years after coming into effect.

The MOU also established a specific project oriented governance structure. Despite the MOU expiring, project management and activities continued during 2018/19 as indicated below. Note that a new governance arrangement will be explored in order to progress this iconic project.

PROJECT STEERING GROUP

The Project Steering Group (PSG) which comprised Mayors and CEOs of the participating Councils met once, in May 2018. At that meeting the PSG discussed future resourcing and management options for the project, acknowledging the imminent expiry of the MOU; the expiry of the contractual arrangement with the then Project Consultant on 30 June 2018; and also the fact that the Feasibility Study (2012) did not envisage council funding being required beyond Stage 1.

The PSG agreed that an external review of the project be undertaken to refine the project 'narrative', to validate the work undertaken to date, and to confirm that a strong case for listing exists. In addition the PSG resolved to pursue further discussions with the State Government to jointly manage a resource to progress the project to the next level.

PROJECT MANAGEMENT GROUP

The Project Management Group (PMG) was responsible for governance, management and progression of the project bids. This group is comprised of nominated staff representatives of each council, a representative of RDA Barossa, Adelaide University and, until end June 2018, the Project Manager.

Despite the expiry of the MOU members of the PMG continued to meet as required to monitor and manage ongoing projects and actions, and to ensure ongoing advocacy with State government officials in particular. Meetings were held as follows:

- 27 August 2018
- 5 November 2018
- 6 March 2019
- 24 May 2019
- 24 June 2019

GOVERNANCE

PROJECT MANAGER/CONSULTANT

Given the current status of the project it was determined that the contractual arrangement with the Project Consultant, Stephanie Johnston, was no longer required and came to an end on 30 June 2018. The PMG and representatives of non-member Councils expressed their appreciation and gratitude to Stephanie for her commitment and dedication to the project including many pro-bono hours that she committed to the World Heritage Bid project over the previous seven years, including prior to the formal bid project being instigated.

ADVISORY GROUP

The six advisory groups established in April 2014 did not meet during the reporting period. The future role and function of the groups will be reviewed in the context of any future governance structure review.

ENGAGEMENT, COMMUNICATIONS AND ADVOCACY

EVENTS

- Attendance at ICOMOS networking drinks which were attended by the Australia ICOMOS executive committee, SA ICOMOS members and Adelaide heritage networks including Department of Environment and Water staff from the heritage section and South Australian Heritage Council members

- Joint sponsorship (in conjunction with Jacob's Creek) of "Jeremy Bentham, New South Wales and the South Australian experiment" presented by The Selden Society at the Hetzel Theatre, State Library of South Australia on 10 July 2018

- In-kind support for "The radical ideas that created South Australia", Tim Causer in conversation with Stephanie Johnston, presented by Adelaide Festival of Ideas, at Bradley Forum, Hawke Building, UniSA City West Campus on 13 July 2018

PRESENTATIONS

- Stephanie Johnston presentation to the national Australia ICOMOS executive committee in Adelaide, 18 May 2018

- Stephanie Johnston presentation of paper titled 'History at the landscape scale: Building the case for world heritage listing of the Mount Lofty Ranges' at the Australian Historical Association's Conference, 2 - 6 July 2018.

ADVOCACY

Meetings

Project Management Group members continued to advocate for the project during informal discussions with members of various stakeholder groups but no formal advocacy meetings were held during the reporting period.

Letters

- Submission on Environment Resources and Development Committee's Inquiry to the Heritage System (Note: Mr Adrian Pederick MP, Presiding Member subsequently acknowledged receipt of the submission, extending best wishes for the project endeavours)

- Letter was received from Minister for Environment and Water, the Honourable David Spiers, which was a letter of encouragement for the progression of the bid and undertaking of the independent expert review.

Aboriginal Group Agreement

Engagement with the Aboriginal peoples and nations within the project region is very important for the progression of the bid and is one of the requirements of the UNESCO World Heritage Convention. It also presents an opportunity for these Aboriginal groups to tell their side of the colonisation story and move towards reconciliation and healing for these groups. As previously reported a Statement of Support was signed by the three Kaurna groups (the Kaurna Nations Cultural Heritage Association Inc., the Kaurna Yerta Aboriginal Corporation and the Kaurna Warra Karrpanthi Aboriginal Corporation) on 30 November 2017. Engagement with the other Aboriginal groups within the project region is required to hopefully achieve the same outcome and to help secure benefits from the project for these groups.

Corporate Sponsorship

A sponsorship agreement was previously prepared to enable appropriate transparency and governance in the event of corporate sponsorship being offered, and an agreement to provide in kind support of $10,000 over the 2017/2018 financial year was signed with Pernod Ricard Winemakers. This was extended through to the end of the 2018 calendar year, and subsequently extended to June 2019.

Newsletters

No newsletters were sent out during the reporting period. However, a Summer newsletter will be distributed to the project's database in late 2019.

PROJECTS

Digital Knowledge Bank

In early 2018 the project team successfully applied for a $40,000 Building Better Regions Fund (BBRF) matched grant to establish a digital knowledge platform (a website based central repository of project information) for strategic planning and knowledge sharing of the World Heritage bid project. At its meeting in February 2018 the PSG agreed to allocate $20,000 of consortium funds to the DKB project. Subsequently

the Centre for Global Food Studies at the University of Adelaide, Light Regional, Clare and Gilbert Valleys and Mid Murray Councils all agreed to financially contribute to the project, enabling the consortium councils to match the $40,000 BBRF grant funding.

Adelaide Hills Council as the eligible Grantee took the lead and assumed full responsibility for the execution and delivery of the project on behalf of the other funding parties. The project formally commenced in April 2018 with Dialog Information Technology engaged in August 2018 to undertake the project. The project was completed in March 2019 and the DKB website/portal will be accessible by the public in late 2019 when the front end website, which is currently under development, is completed.

Independent Student Review

Simon Marek, a student at the University of Adelaide, assisted with the Digital Knowledge Bank project as part of his university internship. In association with this he undertook a review of the World Heritage bid project itself. His report, based on conversations with key people and a review of the data around national and world heritage bids, will be used to inform further development of the bid. His key findings were as follows:

- The National Heritage bid document is very detailed and would benefit from additional refinement
- Geographical area is large and needs further boundary definition
- Identifying and describing the uniqueness of the story is key
- Boundaries – guidelines have changed in this regard and the boundary becomes less important if you have a clear set of values
- Comparative Analysis – not many around, however there are similar examples in New Zealand which should be looked at to prove whether we are exemplary, and
- Prioritise consultation with the State Government

Independent World Heritage Expert Review

Following receipt of advice that the nomination for National Heritage listing had not been shortlisted for further consideration, the PSG in May 2018 recognised that the development of both National and World Heritage listing nominations is an iterative process of debate, research and refinement with input and guidance from heritage experts. However, the PSG also noted that the project has always been funded on the basis that there is a World Heritage case and after seven years of research and discussion, it was time to assess the strength of that case. The PSG determined that the project had reached a point where an independent review and consolidation of where the project 'sat' would greatly assist in informing both the next steps and who the future project stakeholders are.

In February 2019 a contract was awarded to Duncan Marshall (B.Arch (Hons) BA MICOMOS) and Dr Jane Lennon AM (MICOMOS) to undertake the review and to present a report that clearly communicates the rationale for the Mount Lofty Ranges World Heritage proposal and to outline the work required to progress the project to the level required to be considered by the State and Federal Government for Tentative Listing.

In particular the expectation was for the report to assist with:

- the preparation of a clear narrative and core message for the bid
- clarifying which National Heritage criteria the nomination should focus on
- identifying which World Heritage criteria are best addressed to match that narrative
- identifying research gaps, potential comparative sites and key exemplar sites within the nomination area
- refine and confirm the Mount Lofty Ranges NHL bid boundary

The consultants presented their final report in June 2019, concluding that the core of the current rationale for pursuing a World Heritage listing for parts of the Mount Lofty Ranges reflecting the 19th century model of systematic colonisation appears sound at this stage and importantly that there is a good case for seeking World Heritage listing. However, a number of issues were identified that will need to be addressed.

ENGAGEMENT, COMMUNICATIONS AND ADVOCACY

The report concludes that the core narrative previously developed is helpfully structured according to the World Heritage criteria and contains key text which also speaks clearly to the possibility of World Heritage value or Outstanding Universal Value. It notes that while at this stage such text looks promising, again much depends on the supporting and detailed justification that needs to be provided.

The report also considered the question of the possible name for the 'property', and proposed the "Systematic Colonisation Settlement Landscape of South Australia". The report noted that it is not yet clear whether the property (i.e. the region) is best presented as a single component or serial property (i.e. exemplary sites within the region), and the scale of the property is also not yet established. Once the values and attributes are clear, and drafts of these are provided below, then these can be mapped, their integrity and authenticity assessed, and boundaries can be developed. The scale and character of the property (i.e. single component or serial) will then emerge.

The report advises that with regard to what further research is needed to support the development of the Tentative List submission, in one sense it might be possible to proceed with a submission based on current information. However, in practical terms stakeholders and the local community will probably be keen to know the likely boundaries and management implications, and the submission may trigger criticism if these matters are not outlined, even in a draft form.

A detailed suggested work plan was included in the report including further required research to:

- strengthen the understanding of Outstanding Universal Value as much as possible, noting this task will continue through the development of the nomination dossier
- refine the understanding of attributes
- give some indication of possible draft boundaries, noting these are subject to further refinement, and
- develop initial information about likely management implications.

The report will be presented to project partners in late 2019 to determine the next steps. The report will also be presented to the State Minister for Environment and Water seeking a letter of support and collaboration to progress the World Heritage bid.

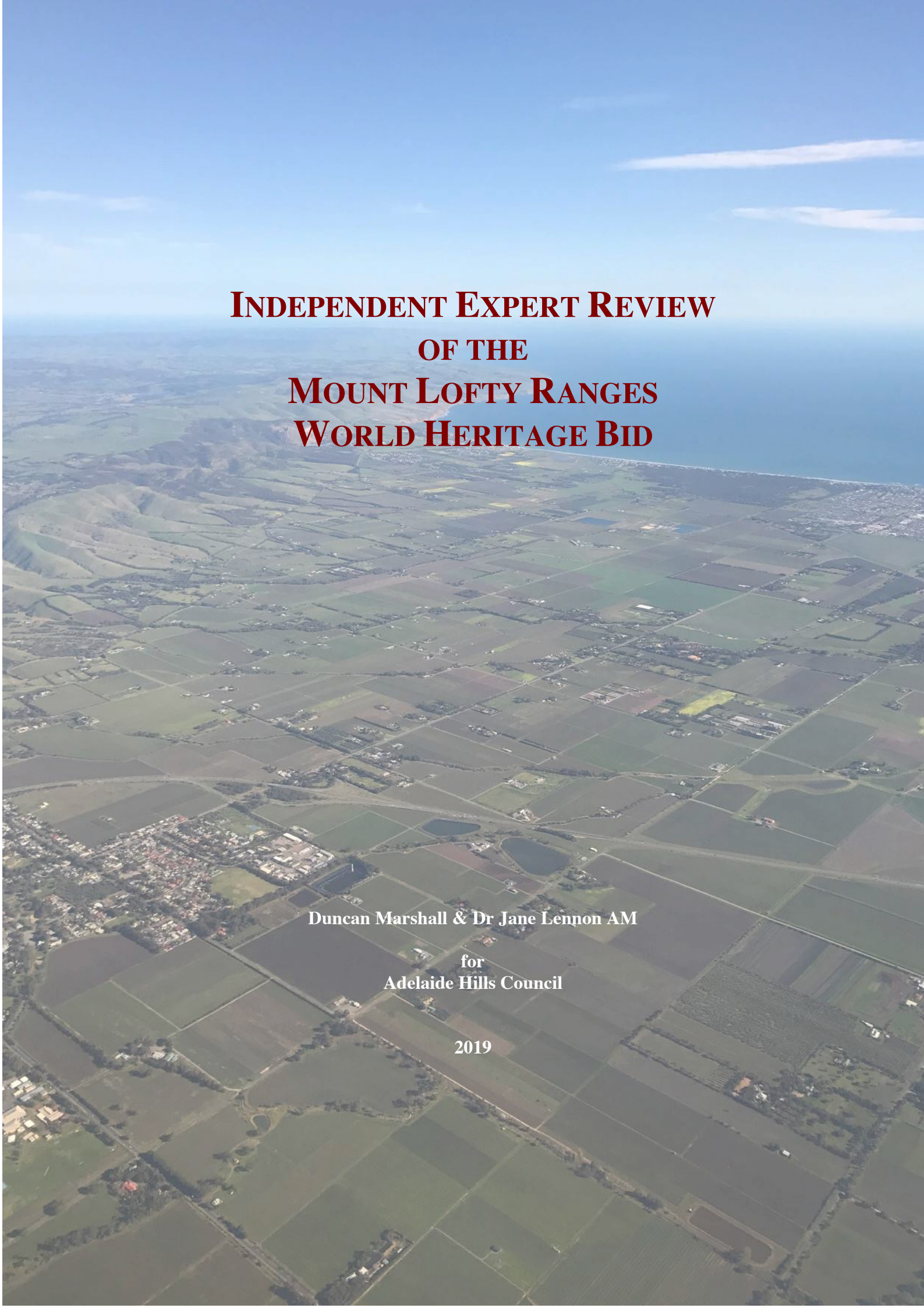
CONCLUSION

The bid process is at a crucial point in terms of State and Federal Government advocacy, planning for Stage 2, investigating governance arrangements, potentially seeking external funding and establishing new alliances and partnerships.

A key conclusion drawn by the project partners, in consideration of the independent review and government feedback, is that State Government support is now critical if the bid is to progress. Gaining this support will be a key focus in 2019/20.

Appendix 2

Independent Expert Review



INDEPENDENT EXPERT REVIEW OF THE MOUNT LOFTY RANGES WORLD HERITAGE BID

Duncan Marshall & Dr Jane Lennon AM

for
Adelaide Hills Council

2019

EXECUTIVE SUMMARY

Since 2011-12 a consortium of Councils across the Mount Lofty Ranges has been exploring the potential for World Heritage listing of the agrarian and cultural landscapes of the region. This independent expert review has been commissioned to consider the work undertaken to date to achieve World Heritage listing, to inform the next steps, the strength of the bid and future project stakeholders.

The review has considered a range of issues including the:

- existing rationale for seeking World Heritage listing;
- the current draft Outstanding Universal Value (OUV), proposed criteria, and criteria statements;
- attributes and areas that most strongly reflect the potential OUV in the landscape; and
- research gaps and additional work required.

The review was to involve consultation with other recognised and respected experts as necessary.

Perhaps the key question underlying this independent expert review is whether there is a good case for seeking World Heritage listing for the Mount Lofty Ranges? The brief answer is – yes, there is a good case. However, to realise this potential, a number of issues will need to be addressed.

With regard to the **rationale** text, this begins to present the core justification for World Heritage listing in terms which resonate with the purpose, scope, criteria and threshold of the World Heritage List. But this text is, of course, only the start of the justification needed, or rather, it is a brief summary of research already undertaken. The World Heritage nomination would present an extended justification of the proposed Outstanding Universal Value.

Importantly, the core of the current rationale for pursuing a World Heritage listing for parts of the Mount Lofty Ranges reflecting the 19th century model of systematic colonisation appears quite sound at this stage.

The core **narrative** previously developed is helpfully structured according to the World Heritage criteria and contains key text which also speaks clearly to the possibility of World Heritage value or Outstanding Universal Value. While at this stage such text looks promising, again much depends on the supporting and detailed justification that can be provided. For example, there is a need to develop text on:

- the broader theme of migration, into which the South Australian example and systematic colonisation can be contextualised;
- the character of non-systematic colonisation;
- the Enlightenment/post-Enlightenment, and the impact on the development of model societies;
- a refined description of the characteristics of systematic colonisation;
- an overview of the authoritative historical assessments of systematic colonisation, including whether there is a prevailing consensus about its importance;

- the comparative analysis, especially regarding other examples of systematic colonisation in the world and what landscape evidence survives of these; and
- the analysis related to agricultural innovation.

Brief draft text for two of these aspects is included in the body of the report below.

While the analysis and commentary undertaken presents a generally positive view of the possibilities for World Heritage, albeit with qualifications, it is also worth highlighting there are potential weaknesses and difficulties that may be encountered.

A review of the potential **World Heritage criteria** found:

- the stronger criteria relevant to the proposed property are (ii), (iv) and (vi);
- weaker or more difficult criteria are (iii) and (v), or at least parts of claims that could be made under criterion (v). In the case of (ii), one aspect of the use of this criterion might also be weak – related to the influence on non-British immigrant communities; and
- the criterion which is clearly not relevant is (i).

The report considered the question of the possible **name for the property**, and proposes the Systematic Colonisation Settlement Landscape of South Australia.

Previously, brief draft **justification text** or criteria text had been developed against four criteria – (ii), (iv), (v) and (vi). Based on further analysis, this justification text has been revised and is the core of the current draft Outstanding Universal Value for the property. Based on this draft OUV, related attributes have been identified. However, refining the mapping of attributes beyond a broad scale becomes difficult because of the lack of detail about the exact location of attributes. Some general comments about the qualities present in the landscape of the likely property area are provided.

One of the project tasks related to the question of whether the property should be considered a **historic site or cultural landscape**. The technical context is that:

- sites and cultural landscapes can both be large or small in area;
- sites and cultural landscapes can both be single component World Heritage properties or serial properties with multiple components, and, at a practical level, a serial property can contain both sites and landscapes even though it may get classified as just one or other; and
- in formal terms, sites include cultural landscapes because sites are a higher order definition of cultural heritage under the World Heritage Convention.

In this case, the Systematic Colonisation Settlement Landscape of South Australia is clearly a cultural landscape because at its heart it displays the interaction of humans with the environment – an Aboriginal landscape evolved from the natural environment which was then modified by European settlers. The adaptation of an idealised settlement pattern to the local topography, such as the path of water courses, is a simple if clear example of this interaction.

However, it is not yet clear whether the property is best presented as a single component or serial property, and the scale of the property is also not yet established. Once the values and attributes are clear, and drafts of these are provided below, then these can be mapped, their integrity and authenticity assessed, and boundaries can be developed. The scale and character of the property (ie. single component or serial) will then emerge.

Initial work was undertaken regarding the **comparative analysis** for the property. Four suggested contexts for the comparative analysis were identified:

- Wakefield systematic colonisation;
- European free migration following the Age of Discovery;
- post-Enlightenment attempts to create a model society; and
- agricultural innovation.

Using this framework, an initial list of potentially comparable properties was identified and analysed, based on a limited review and research.

The **development of the nomination** may be broadly divided into the following stages:

- development of a Tentative List submission, to some extent drawing on the initial tasks below;
- development of the nomination – initial tasks – refine draft Outstanding Universal Value, develop comparative analysis, refine attributes and identify boundaries;
- development of the nomination – later tasks – ongoing refinement of Outstanding Universal Value, comparative analysis, attributes and boundaries, and development of the remaining parts of the nomination; and
- other important tasks (eg. development of a management plan or system which will be vital to support the nomination).

A preliminary **workplan** is presented structured according to these stages. Additional comments are also provided regarding the development of a Tentative List submission.

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1. INTRODUCTION

Since 2011-12 a consortium of Councils across the Mount Lofty Ranges has been exploring the potential for World Heritage listing of the agrarian and cultural landscapes of the region. The basis of the bid is the region's association with a transformational shift in the four-hundred-year history of modern European colonisation. The project to date has been funded on the basis that there is a World Heritage case.

After seven years of research and discussion, the consortium considers it is time to assess the strength of that case, particularly as a related National Heritage nomination has so far been unsuccessful in being accepted by the Commonwealth for evaluation. The project has therefore reached a point where an independent expert report with a considered review, and consolidation of where the project bid is at, would greatly assist in informing both the next steps, the strength of the bid and future project stakeholders.

On behalf of the consortium, the Adelaide Hills Council has commissioned this review project to undertake the following tasks:

- Review of existing rationale for seeking World Heritage listing.
- Assessment and comparison of the strength in progressing a nomination as either a historical site or cultural landscape listing, including initial assessment against comparative sites.
- Review of the current draft Outstanding Universal Value (OUV), proposed criteria, and criteria statements and suggest refinement of the statements including the identification of both the strong and weak criteria.
- Identification of the attributes and areas that most strongly reflect the potential OUV in the landscape.
- Identification of research gaps and additional work required to develop the draft OUV, criteria statements and development of World Heritage nomination, including recommended processes and realistic timeframes for preparing Tentative Listing documentation and a nomination document.
- Consultation, discussion and review with other recognised and respected World Heritage experts.

This review was constrained by a number of factors including modest resourcing, the available research and access to certain expertise. None the less, where further research or expertise is needed, this is identified in the body of the report below as part of future work planning.

The consultants for the review project are Duncan Marshall B.Arch(Hons) BA MICOMOS and Dr Jane Lennon AM MICOMOS.

The consultants are grateful to the following people for their assistance.

Melissa Bright	Adelaide Hills Council
Divya Bali Dogra	City of Onkaparinga
Dr Douglas Bardsley	University of Adelaide
Kristal Buckley AM	World Heritage expert
Stephanie Johnston	Urban and Rural Planning Consultant

Paul Mahoney	Department of Conservation (NZ)
Dr Susan Marsden	Historian
Emeritus Professor Erik Olssen ONZM	University of Otago
Dr Elisa Palazzo	University of NSW

2. Rationale and Core Narrative for World Heritage

2.1 Review of Existing Rationale for Seeking World Heritage Listing

World Heritage listing is a wonderfully ambitious objective for any community. It brings global recognition for the listed property and represents an offering and a commitment by a local community to protect and present a property of World Heritage value, or formally, of Outstanding Universal Value. But it is also the most difficult listing to achieve, requiring sound research, considerable time and effort, and persistence.

In the case of the Mount Lofty Ranges, the current summary rationale for seeking World Heritage listing is as follows.

> **What is the Mount Lofty Ranges World Heritage Bid?**
>
> The Mount Lofty Ranges World Heritage Bid spans the world-renowned food, wine and tourism regions of the Clare and Barossa Valleys, the Adelaide Hills, McLaren Vale and the Fleurieu Peninsula. The Adelaide Hills, Alexandrina, Mount Barker, Barossa, Clare and Gilbert Valleys, Mid-Murray, Mitcham, Onkaparinga and Yankalilla councils are collaborating with Regional Development Australia Barossa and the Centre for Global Food Studies and Resources at the University of Adelaide to pursue National Heritage listing of the region's agricultural landscapes as a precursor to World Heritage nomination. The council consortium are in ongoing discussions with the South Australian government and the Australian federal government around developing a nomination for World Heritage listing in tandem with the National Heritage Listing nomination.
>
> The World Heritage list seeks to encourage the identification, protection, preservation and promotion of cultural and natural heritage around the world considered to be of outstanding value to humanity.
>
> **What are the grounds for World Heritage listing of the agricultural landscapes of the Mount Lofty Ranges?**
>
> We are pursuing listing for the heritage values associated with a ground-breaking 19th century model of colonisation. South Australia was the first place in Australia to be planned and developed by free settlers without the use of convict labour, and the first place in the world to apply the 'systematic colonisation' model developed by Edward Gibbon Wakefield, John Stuart Mill, Jeremy Bentham and members of the British-based 'National Colonization Society.' According to Wakefield, it was 'the first attempt since the time of the ancient Greeks to colonise systematically'.
>
> The region's links to this unique philosophical movement of universal significance, and the continuing reflection of those original utopian ideals in the contemporary landscape and contemporary land management practice form the basis of the World Heritage bid.
>
> The potential World Heritage area is yet to be defined but is based on the early South Australian survey areas in a series of landscapes stretching from the Fleurieu Peninsula in the south to the Clare Valley in the north. A feasibility report and economic impact study presenting the argument and rationale for World Heritage listing can be accessed at the link below while an interactive online map and original survey map can be found at the Maps section of this website. (www.mountloftyranges.org/about.html, accessed 28 March 2019)

The crucial parts of this rationale are:

- the presence of heritage values associated with a ground-breaking 19th century model of colonisation or systematic colonisation; and

- the links to a philosophical movement of universal significance, and the continuing reflection of those original utopian ideals in the contemporary landscape and land management practices.

This text begins to present the core justification for World Heritage listing in terms which resonate with the purpose, scope, criteria and threshold of the World Heritage List. There is reference to a ground-breaking model of colonisation, and to a philosophical movement of universal significance. This initial conclusion is informed by the authoritative views of the late Professor Eric Richards in his earlier contributions to the overall World Heritage bid project (for example, Richards 2017).

But this text is, of course, only the start of the justification needed, or rather, it is a brief summary of research already undertaken. The World Heritage nomination would present an extended justification of the proposed Outstanding Universal Value. Other chapters of this report will consider in more detail issues related to the justification.

The rationale also notes that the likely boundary for a World Heritage property is yet to be defined however, the early survey areas are a likely starting point. These seems a reasonable conclusion at this stage. Many factors will be taken into account in finally determining boundaries, including the proposed Outstanding Universal Value, attributes which convey this value, their authenticity, integrity, protection and management.

Other parts of the rationale are background information or descriptive, but are not part of the core argument. For example, the reference to the 'world-renowned food, wine and tourism regions'. While such text sounds impressive, it is not, as yet, clear that such statements are part of the World Heritage justification, although they do provide background to the continuity of farming and viticulture in the region.

The rationale also notes the link to the National Heritage nomination submission. It is important to note that governments in Australia have made a procedural link between National Heritage and World Heritage. That is, National Heritage should be achieved before World Heritage is attempted. However, given the quite different criteria for National Heritage and World Heritage, it is not necessarily a helpful link in terms of justifying World Heritage. There is also the problem of the different provisions regarding the possibility of serial nominations – they are possible under World Heritage but not currently under National Heritage. Accordingly, the National Heritage step is worth noting in terms of the ideal process, but ultimately it may not prove helpful in framing the World Heritage justification and nomination.

In summary, the core of the current rationale for pursuing a World Heritage listing for parts of the Mount Lofty Ranges reflecting the 19th century model of systematic colonisation appears quite sound. If it continues to be useful, this rationale should be revised in the light of continuing research and analysis, and its strength or weakness may change as a result.

2.2 THE CORE NARRATIVE FOR THE MOUNT LOFTY RANGES WORLD HERITAGE PROPOSAL

The current core narrative is defined in the following table, along with an analysis of the narrative. Concluding comments are offered at the end of the section.

Table 1. Analysis of Core Narrative	
Current Core Narrative	**Analysis/Commentary**
NARRATIVE UNDERPINNING THE NATIONAL AND GLOBAL SIGNIFICANCE OF THE AGRO-PASTORAL SETTLEMENT LANDSCAPES OF THE MOUNT LOFTY RANGES (Version of 28 February 2018)	The purpose of this narrative is understood, encompassing National Heritage as well as World Heritage. This current review is focused only on World Heritage. It is also worth being very clear that World Heritage is not the same as global or international significance. Many places might be of international significance in some way, but World Heritage has a higher threshold of Outstanding Universal Value, and World Heritage places will be a small subset of places of international significance.
National and global themes: Migration; The Enlightenment; Planned settlement; Multiculturalism; Agriculture and Viticulture	These themes flow from the proposed heritage values.
WHC = World Heritage Criterion NHC = National Heritage Criterion	
WHC 6: Associations with events and ideas of universal significance **NHC a: Events and processes; NHC h: Significant people**	
The agro-pastoral settlement landscapes of the Mount Lofty Ranges are the tangible product of a transformational shift in European migration history in the second half of the second millennium. Purposefully linked to the sale of the town surveys of colonial Adelaide, the rural surveys and settlements established in the ranges between 1836 and 1856 correspond with the second main wave of Australia's settlement history, when the focus shifted from penal colonies to agricultural development through free settlers. In a global context the Preliminary District and Special Survey areas represent the earliest and most outstanding manifestation of Edward Gibbon Wakefield's inspired contribution to the systematic colonisation movement of the 1820s.	Two parts of this text speak clearly to possible Outstanding Universal Value: • the transformational shift in European migration history in the second half of the second millennium; and • the earliest and most outstanding manifestation of Wakefield's inspired contribution to the systematic colonisation movement of the 1820s. The transformational shift idea has a grand breadth, focused on a major theme in world history (European migration), across a major period of time, and representing an important change (Richards 2017). If this can be fully justified and demonstrated by attributes, then it is a powerful argument for World Heritage. Migration is already a theme recognised in various ways in the World Heritage List (eg. the Statue of Liberty, Colonial City of Santo Domingo, Melaka and Georgetown, indeed all colonial settlements probably have a degree of migration, the Island of Gorée (related to slavery – unfree migration) and the Australian Convict Sites (related to convictism – unfree migration)). The early and outstanding manifestation of systematic colonisation is the important detail supporting the transformational shift.

Table 1. Analysis of Core Narrative	
Current Core Narrative	**Analysis/Commentary**
	This text also starts to identify possible attributes: agro-pastoral landscapes, town and rural surveys, and settlements.
The Wakefield model rejected prevailing colonisation strategies involving prisoners and low-income, mostly unemployed male settlers with a revolutionary approach that aimed for the establishment of a self-sustaining, prosperous agricultural economy settled by young, middle-class couples operating commercially viable farms concentrated close to urban markets. The model was debated, shaped, influenced and promoted by the Philosophical Radicals, an enormously influential group of nineteenth century politicians, social scientists and philosophers. Through the London-based "National Colonization Society" they articulated a progressive political economy model for the South Australian province that became known as the "Wakefield Plan". The model encompassed Jeremy Bentham's utilitarianism, Adam Smith's economics, John Austin's jurisprudence and John Stuart Mill's rationale for democracy and universal suffrage, ideas that evolved from the Enlightenment and that are central to the concept of modern democratic societies. The same group championed gender equality, the secret ballot, Aboriginal rights and the abolition of slavery.	This text really just expands upon the first paragraph and provides more detail. However, it does introduce the link to the Enlightenment, which was a major intellectual and philosophical movement in the 18th century. This is important for World Heritage criterion (vi). The link to the Enlightenment also adds substantial weight to the claim for OUV, because of the importance of this movement at that time and through to the present day. Attributes that demonstrate the application of the Wakefield model will be important for this part of the core narrative.
WHC 2: Important interchange of values (Influences) **NHC b: Rarity; NHC h: Significant people**	
The Wakefield Plan for South Australia advocated an agriculture-based, unregulated market economy founded on the planned migration of free settlers selected according to demographic profile, and the carefully managed survey and sale of town and country landholdings. The model was developed on principles of a secular, self-governing democratic society that recognised the legal rights of Aboriginal people and purposefully designed policies to encourage long-term income equality.	This text is background.
The implementation of the Wakefield Plan established a historical inflection point nationally and globally. The successful adoption and subsequent adaption of the model to the South Australian landscape can be measured in the spectacular diversion of thousands of young, free emigrants in a way that appeared inconceivable in prior decades. It engineered a revolution in human capital, as the new colony received extraordinarily high-quality migrants, and in the process designed its own demography as no other society had ever done before. In addition, the settlement process, religious freedom and social ideals associated with the colonisation system fostered the establishment of culturally distinct townships and rural communities of British, German and Polish origin that are seminal and enduring elements of today's multicultural Australian society, and of our globally	This text is background.

Table 1. Analysis of Core Narrative	
Current Core Narrative	**Analysis/Commentary**
significant food and wine industries. These include the Barossa family dynasties of Gramp and Sons (Jacob's Creek), the Seppelts family (Seppeltsfield), the Henschkes (Hill of Grace), the Paech family of Hahndorf (Beerenberg) and Thomas Hardy and Sons in McLaren Vale.	
Wakefield's innovative model for providing access to agricultural land and regulating land markets influenced global debates and global practice for more than a century. Chapter 33 of Karl Marx's Das Kapital focuses on Wakefield's colonisation theory. The Wakefield model was a direct and powerful influence on new societies in Darwin, New Zealand and Canada and shaped land laws and development policies elsewhere in Australia, Brazil, Canada, France, India, New Zealand, South Africa, Sri Lanka, and the United States. The central role played by land administrators in the new colony led to the innovation of the Torrens Title, a land registration system adopted in countries across Asia, North America, Russia and Europe, while the practice of assisted migration endured in Australia and New Zealand through to the late 19th century.	This text presents the core argument for the important interchange of human values – which must be in terms of landscape design given the character of the property. The criterion does not explicitly relate to the influence on creating new societies or land registration systems – it must be tied back to an influence in the landscape and be demonstrated by specific attributes. The geographic scope of influence also appears impressive enough, but this needs to be tested. What was the actual influence on the ground in these other places? Was it a landscape influence? Was it an important and lasting influence, or just a minor and short-term influence? By way of example, the rural landscape around Christchurch in New Zealand strongly reflects the influence of the 80 acre farms (sections) as found in South Australia. There is also the suggestion, made in the context of the New Zealand examples of systematic colonisation, that they were precursors of the Garden City movement (Olssen 1997, p. 207). There is also another form of interchange not explicitly referred to in this text although it is obliquely mentioned above. This is the influence of systematic colonisation on non-British immigrant communities, who adapted their settlements within the overall colonisation model. It is not yet clear how important such an interchange would be within the context of Outstanding Universal Value. There is the outline of a possible justification in this text, but it needs to be tied closely to the actual criterion, and as with all criteria, it also needs to go beyond apparently persuasive words to be supported by solid justification text.
WHC 4: Outstanding example of a type of landscape which illustrates (a) significant stage(s) in human history (Typology)	
The radical principles on which the Mount Lofty Ranges agro-pastoral landscapes were settled are evident in the founding documents of the Province of South Australia, including King William the Fourth's Letters Patent recognizing Aboriginal rights; in 80-acre rural sections that were originally allocated to Aboriginal ownership; in the continuing agro-pastoral and viticultural land uses; in the autonomous adaptation, innovation and creative	This text is more descriptive rather than clearly explaining what type of landscape is involved, why it is outstanding, and what significant stage in human history is illustrated. It hints at why it might be outstanding (eg. radical principles) but goes no further. The text is helpful in terms of identifying potential attributes.

Table 1. Analysis of Core Narrative	
Current Core Narrative	**Analysis/Commentary**
achievements of generations of family farming enterprise; in the enduring success of the 80-acre section proposed by Wakefield; in the survey markers, grid patterns, section boundaries and minor road systems; in the early survey maps and title descriptions still in existence in the South Australian land title system; in the location, layout and extraordinary diversity of religious and cultural infrastructure of the numerous colonial villages and townships augmented by mining and secondary industry; in the connecting cultural and historic routes; in surveys adapted to water courses in ways that ensured equal access for all; in surviving and revitalized rural estates and agricultural infrastructure; in heritage vineyards (amongst the oldest in the world) that predate Europe's phylloxera epidemic of the late 19th century; and in Aboriginal and European archaeological sites.	This part of the narrative needs to be re-focused to present a summary justification against the actual criterion, which can then be embellished with such descriptive text if needed. The justification needs to make clear why the property is the/an outstanding example, and this might be framed in terms of it being the first, the fullest and the most intact of the Wakefield settlement landscapes, assuming such qualities can actually be demonstrated. In addition, the justification needs to make clear why such landscapes as a category are of Outstanding Universal Value. In relative terms, the size of the migration to South Australia does not seem sufficient justification, as noted below, and the question of its wider influence is dealt with under criterion (ii). Instead, the justification might rest on the property reflecting a substantially different settlement system from that which prevailed at the time, that it was a successful system (if this can be supported, noting such problems as the 1841 land sales collapse and resulting bankruptcy, and doubts about the viability of 80 acre farms (sections)), and that it reflected the Enlightenment ideals of the period. One particular point deserves comment. The recognition of Aboriginal rights was an important aspiration expressed through the Letters Patent, and reflects progressive social ideals related to the Enlightenment. However, it is understood there was little real impact from the aspiration. While some reserves were created, this stands for little given the widespread dispossession which took place. The recognition of Aboriginal rights should be part of the systematic colonisation story, but it requires a balanced treatment and the positive aspects should not be over-stated.
WHC 5: Outstanding example of a land use representative of human interaction with the environment under threat (Land use) **NHC d: Principal characteristics of a class of places or environments**	
The agro-pastoral landscapes, built environment, social attributes, economic activities and land policy processes of the Mount Lofty Ranges are inextricably linked to the core ideas and founding principles of their radical settlement plan, which in turn took advantage of the pre-existing Aboriginal-managed landscape. Like many other Australian settlement landscapes, the Mount Lofty Ranges are filled with Aboriginal peoples' sacred sites and their ancestral connections to creation stories, oral histories and pre-colonisation memories, and present a shared post-colonisation history filled with broken promises, missed opportunities and evolving reconciliation.	This is largely background text, introducing the radical settlement plan related to land use.

Table 1. Analysis of Core Narrative	
Current Core Narrative	**Analysis/Commentary**
Today the agro-pastoral settlement landscapes of the Mount Lofty Ranges continue to be shaped by their intimate and dynamic relationship with the city of Adelaide, and export markets. Rising as a well-watered "green island" from a largely flat and arid continent, they remain a bio-culturally diverse and highly productive landscape of ongoing importance to Australia and the world. This is evident in the diversity of primary production and in the use and appreciation of the landscape's natural resources, including the innovative ongoing management of its water resources and nationally significant biodiversity. One of 15 national biodiversity hotspots, the ranges are a site of convergence for animal and plant species from Australia's east and west coasts, and from xeric and mesic environments.	This text is also background. It introduces the relationship to the city of Adelaide, which is a reminder that attributes might be found in the city itself. Some parts of the text introduce ideas that do not look closely related to the criterion – the 'productive landscape of ongoing importance to Australia and the world' and the biodiversity aspect.
The level of legislative protection afforded to the cultural landscape's primary production values and environmental values is unique in a national and global context in terms of the size of the area protected (984,009 hectares), and the nature of the protection. In a framework of global uncertainty, the agro-pastoral and viticultural attributes of the protected landscape and its primary production components remain largely intact, despite their close proximity to an urban centre. A 175-year-old heritage of forward planning, adaption to new conditions, agricultural experimentation and innovative farming practice is enabling a process of effective adaptation to a future increasingly shaped by global climate change, financial volatility, agricultural intensification and accelerating urbanisation.	The strongest part of this text relevant to the criterion seems to be the 'heritage of forward planning, adaption to new conditions, agricultural experimentation and innovative farming practice is enabling a process of effective adaptation to a future' (drawing on ideas from Bardsley & Palazzo 2018). In terms of the criterion, this would be best characterised as a human interaction with the environment. As with the stronger looking statements under other criteria, while at this stage such claims may hold some promise, much depends on the supporting and detailed justification that can be provided. The doubt is that it may be very hard to prove that the property is an outstanding example of such land use, given the evolution in agriculture has presumably occurred for thousands of years and in most inhabited parts of the world. There is also the possibility of justifying value in terms of a traditional land-use related to systematic colonisation, although this is not raised in the narrative text. The unique protection system does not seem to be an aspect relevant to the criterion, unless the argument is turned around to stress the vulnerability of the landscape. If so, the sense of vulnerability does not come through clearly. Rather, planning and adaptation make it seem like vulnerability has been avoided.

In summary, the core narrative is helpfully structured according to the World Heritage criteria and contains key text which speaks clearly to the possibility of World Heritage value or Outstanding Universal Value. While at this stage such text looks promising, much depends on the supporting and detailed justification that can be provided, and the identification of relevant attributes.

However, the narrative for World Heritage becomes a little obscured by aspects more

strongly related to National Heritage, realising the narrative was an earlier attempt to address both. One aspect that could be strengthened is to tie the text closely to the World Heritage criteria – assuming a single focus for this narrative. In particular, the text against criterion (iv) needs revision to present a summary justification against the criterion. In addition, perhaps not all of the background or descriptive text is needed in the overall narrative. The purpose of the narrative needs to be clear, and would guide such decisions.

If this narrative is to have a future role in the bid project, consideration should be given to tying the text more closely to the short criteria statements considered in the next chapter. While these short statements were used in the development of the narrative, their strength may have been reduced by the dual-purpose of the narrative, and the length of some of the background text.

The narrative might also benefit from some additional contextual information to place the European settlement of South Australia in the broader picture of migration, such as the following text.

> Migration is a major and enduring theme through much of world history from ancient times to the present day. European emigration coupled with colonisation from about 1500 CE was itself of great historical importance marking the beginning of globalisation, and it arose as a result of the explorations in the Age of Discovery. From 1500-1783 CE there were 1.4 million migrants, and from 1815-1930 CE there were 60 million migrants. The Americas were the major destination, with 32 million people travelling to the USA in 1821-1932 CE. In the same period, Australia received 2.9 million migrants. These migrants could be either free or indentured (contracted).
>
> The systematic colonisation of South Australia saw the arrival of 110,000 people [to be updated – this is a population figure not arrivals] in the initial period of the settlement scheme from 1836-1857 CE.
>
> The migrations to other places prior to South Australia tended to involve a number of problems related to land acquisition, labour shortages and the consequent reliance on unfree labour such as convicts or indentured labour. Previous Australian colonisation efforts were characterised by an unstructured approach. Wakefield's systematic colonisation was informed by Enlightenment ideals and was designed to avoid these problems and result in a superior colony based on free settlement, the sale of land at a sufficient price, funding to assist emigration, and the careful selection of migrants to create a viable colony. (Wikipedia, 'European migration', https://en.wikipedia.org/wiki/European_emigration and 'European colonization of the Americas', https://en.wikipedia.org/wiki/European_colonization_of_the_Americas, accessed 8 April 2019; 'Migration', http://sahistoryhub.com.au/subjects/migration-0, accessed 8 April 2019; Richards 2017)

This text relies on a range of readily available secondary sources, some of which may not be entirely reliable, and it needs to be more closely checked and better referenced to ensure accuracy.

The text also highlights one of the challenges for the justification of the property for World Heritage – how can the property be of Outstanding Universal Value in the overall migration theme when the number of migrants was very small compared to other European emigration such as to the Americas.

A longer though still brief description of the Wakefield system might also be helpful to include or append. For example,

> The central features of Wakefield systematic colonisation were related to activating free emigration to Australia:
>
> - the commitment by the colony to massive financing to generate migrant inflows; and
> - the recruitment and selection of specific immigrants for a very long-distance destination.

It aimed for long-term sustainability and resilience, rather than a short-term profit for its founders, and the colony was to be self-funding from the sale of land.

Detailed aspects included:

- minimum land pricing to concentrate settlement, and not land grants;
- use of funds from land sales which were synchronised to subsidise immigration of free settlers/labour for the colony, avoiding the need for government support;
- the transfer of colonial labour supply from the private sector to the government;
- prescribing the composition of the population according to age and gender – meaning the recruitment of younger families, to ensure a balance of sexes, and from the lowest occupational strata but still a more literate population than the average;
- recruitment of free rather than indentured labour, that is free settlement, and certainly no convict labour;
- detailed surveying of town and country landholdings ahead of sale;
- containing urban and rural settlement within surveyed districts;
- town acres within the city of Adelaide and a framework of Preliminary Districts and Special Surveys (the latter criticised by Wakefield himself) in the rural areas with 80 acre farm units (sections) in order to promote intensive forms of farming rather than pastoral activities;
- linking 1 acre town block and 80 acre rural land purchases as part of the preliminary land order system;
- generally locating towns near the middle of hundreds (a land area initially of 100 sections), with smaller sections closer to the township;
- settlement policies to avoid unemployment; and
- an Arcadian ideal of a self-supporting society of agriculturists, as well as the founders' utopian principles including egalitarianism, religious freedom and a recognition of Indigenous rights.

The initial system contained aspects which were not supported by Wakefield, such as the Special Surveys, although it has been argued that in reality these also helped achieve the social goals and aspiration of the system. There were also changes made during the implementation of the system which departed from the original intentions (ie. a temporary lowering of the minimum price of country land, and developing land remote from the capital in the southern Preliminary Districts). (Richards 2017; 'Systematic colonisation', http://boundforsouthaustralia.com.au/historical-background.html, accessed 8 April 2019; Pretty 1967, http://adb.anu.edu.au/biography/wakefield-edward-gibbon-2763, accessed 8 April 2019; Wikipedia, 'Land administrative divisions of South Australia', https://en.wikipedia.org/wiki/Lands_administrative_divisions_of_South_Australia, accessed 18 April 2019; Mount Lofty Ranges National Heritage nomination, Appendix 3, National Heritage values analysis; Herraman 2017).

As above, this text relies on a range of readily available secondary sources, some of which may not be entirely reliable, and this brief description should be confirmed with scholars of systematic colonisation. In addition, the concept of utopianism deserves further scrutiny or contextualisation. At least one scholar portrays Wakefield's scheme as partly a rejection of utopianism, presumably in the sense of it being naïve and unrealistic (Olssen 1997, p. 201).

The story of the size of sections (or farm units) needs further clarification. While 80 acre sections are commonly referenced, it is understood that other sizes were also used, perhaps more commonly (eg. 134 and 200 acre sections).

As part of any nomination dossier, a glossary would also assist to understand some specific terms.

While the above analysis and commentary presents a generally positive view of the possibilities for World Heritage, albeit with qualifications, it is also worth highlighting some of the potential weaknesses or difficulties that may be encountered:

- the colonial settlement theme may broadly be considered problematic, although there does not seem to have been a general antipathy to such properties in the World

Heritage system to date;

- the historical assessments of the importance of Wakefield's systematic colonisation have been mixed with some positive and others negative (see for example Olssen 1997; Woollacott 2015; Ballantyne 2014). There is also a related question about the extent to which Wakefield should be the sole focus of attention, and how much the contributions of others such as Bentham, Mill and Owen should be acknowledged;
- there are inconsistencies between the theory and the practice of the system in the range of countries, such as regarding free settlement yet the involvement of indentured labour in some cases, and the formal recognition of indigenous rights yet the actual dispossession of indigenous peoples, and their exploitation, including open warfare in New Zealand (Woollacott 2015; Ballantyne 2014);
- the difficulty in applying the theory of systematic colonisation in Australian landscapes that varied greatly in productive capacity;
- suggestions that the South Australian experiment failed or at least displayed significant difficulties (Woollacott 2015); and
- suggestions that some parts of South Australian settlement were underpinned by British financiers with links to the slave trade (Wikipedia, 'History of South Australia', https://en.wikipedia.org/wiki/History_of_South_Australia, accessed 8 April 2019; 'Slavery in Australia, https://en.wikipedia.org/wiki/Slavery_in_Australia, accessed 2 May 2019).

Some of these points may lead to criticism of any nomination, especially if there is any sense of glossing over aspects now viewed as important or important to recognise as part of the overall history. Key responses to such points include:

- any portrayal of Wakefield's systematic colonisation and the history of the South Australian property should be a balanced and contextual portrayal, recognising the characteristics of the period, the positive and negative aspects of the story, the strengths and the weaknesses of systematic colonisation, and the differences between theory and practice; and
- the range of authoritative views about Wakefield's systematic colonisation should be presented, but with a focus on the prevailing consensus, if one exists.

3. Strength of the Narrative and Associated World Heritage Attributes

3.1 Review of the Current Draft Outstanding Universal Value, Proposed Criteria and Criteria Statements

To achieve World Heritage, a property needs to meet at least one of the criteria defined in the *Operational Guidelines for the Implementation of the World Heritage Convention* (UNESCO World Heritage Centre 2017). The summary justification against any criteria which are met can be referred to as criteria statements, and these statements form a core part of the Outstanding Universal Value.

One of the outcomes of a workshop in November 2017 was the identification of four World Heritage criteria, (ii), (iv), (v) and (vi), along with draft justification text for each.

In terms of the criteria identified, and other possible criteria, the following table presents a brief updated analysis of each of the World Heritage cultural criteria and their possible relevance for the Mount Lofty Ranges proposal. While such an analysis has been undertaken previously, such as at the 2017 workshop, an updated review at this stage seems worthwhile.

Table 2. Analysis of World Heritage Cultural Criteria and their possible application to the Mount Lofty Ranges Proposal

No.	Criteria	Analysis/Comments
(i)	represent a masterpiece of human creative genius	This criterion is not relevant to the Mount Lofty Ranges proposal. There is no apparent sense of any creative genius within the meaning of the criterion, which is often applied to great works of architecture and the like.
(ii)	exhibit an important interchange of human values, over a span of time or within a cultural area of the world, on developments in architecture or technology, monumental arts, town-planning or landscape design	This criterion is relevant to the proposed property. As noted in the narrative above, the systematic colonisation first developed in South Australia appears to have been influential in other parts of the world. This is exactly the kind of influence or interchange which is found on the World Heritage List in many different forms. The possible influence on the Garden City movement might be another dimension to consider, although it would need to be an important or indeed outstanding influence. The other use of this criterion relates to the influence on non-British immigrant communities in South Australia. As noted in the preceding chapter, it is not clear whether this would be regarded as an important interchange within the context of Outstanding Universal Value.
(iii)	bear a unique or at least exceptional testimony to a cultural tradition or to a civilization which is living or which has disappeared	This criterion is not strongly relevant to the Mount Lofty Ranges proposal. The systematic colonisation is not a cultural tradition within the meaning of the criterion, and it is highly unlikely

Table 2. Analysis of World Heritage Cultural Criteria and their possible application to the Mount Lofty Ranges Proposal		
No.	**Criteria**	**Analysis/Comments**
		that it would be regarded as exceptional testimony of British civilisation. There are many possible examples of such testimony, and it is by no means clear that systematic colonisation would be regarded as exceptional in this context. Further exploration of this criterion is not recommended because of the apparent weakness.
(iv)	be an outstanding example of a type of building, architectural or technological ensemble or landscape which illustrates (a) significant stage(s) in human history	This criterion is relevant to the proposed property. As noted in the narrative above, the property is an outstanding example of a landscape reflecting a new type of settlement illustrating a significant stage in human history – the transformational period in European migrations.
(v)	be an outstanding example of a traditional human settlement, land-use, or sea-use which is representative of a culture (or cultures), or human interaction with the environment especially when it has become vulnerable under the impact of irreversible change	This criterion does appear relevant to the proposed property in two ways: because it is a human interaction with the environment and it might now be regarded as a traditional land-use. As noted in the previous chapter, it is suspected that it may be very hard to prove that the property is an outstanding example of such human interaction, given the evolution in agriculture has presumably occurred for thousands of years and in most inhabited parts of the world. In addition, the current landscape might now be considered a traditional land use related to systematic colonisation. However, the property would not be regarded as a traditional land use at the time of settlement, given it was an innovation at the time rather than part of a continuing and longstanding land use practice. Previous World Heritage nominations which have sought to use this criterion for the first or innovative example which went on to become a tradition have not generally been successful. The possible weaknesses are that the tradition might be considered relatively short-lived and limited to a small number of examples worldwide. This criterion could be further explored however, there are doubts about parts of the justification.
(vi)	be directly or tangibly associated with events or living traditions, with ideas, or with beliefs, with artistic and literary works of outstanding universal significance. (The Committee considers that this criterion should preferably be used in conjunction with other criteria)	This criterion is strongly relevant to the proposed property. The strong link to the Enlightenment and broad progressive social ideas, leading to systematic colonisation, provides a sound basis for continuing to develop its use. Although it is noted that Enlightenment influences are many throughout the world and the key will be demonstrating the outstanding qualities in this case.

Accordingly:

- the stronger criteria relevant to the proposed property are (ii), (iv) and (vi);

- weaker or more difficult criteria are (iii) and (v), or at least parts of claims that could be made under criterion (v). In the case of (ii), one aspect of the use of this criterion might also be weak – related to the influence on non-British immigrant communities; and
- the criterion which is clearly not relevant is (i).

The remainder of this section considers the draft justification text or criteria statements developed at the November 2017 workshop.

In all of the following text, the question of the name of the property to be nominated needs to be decided. As suggested in the existing draft justification text, and otherwise, there are various options:

- Mount Lofty Ranges;
- Colonial Settlement Landscape of South Australia;
- Wakefield Settlement Landscape of South Australia; and
- Systematic Colonisation Settlement Landscape of South Australia.

The last two options would seem the most appropriate in terms of providing a descriptive characterisation of the property, with the latter being the most clear and recommended. Shorter versions of the last option might also be suitable, for example either Systematic Colonisation Landscape of South Australia or Settlement Landscape of South Australia.

Criterion (ii) exhibit an important interchange of human values, over a span of time or within a cultural area of the world, on developments in architecture or technology, monumental arts, town-planning or landscape design

The draft justification text previously developed for this criterion is as follows.

> The Mount Lofty Ranges (Colonial [or Wakefield] Settlement Landscape of South Australia [might be a better name]) is the outstanding example of the 19th century Wakefield systematic settlement model for a progressive society and free migration. Within the context of the major European migrations in the second half of the second millennium, it was a radical and influential departure from the prevailing Atlantic and forced migrations.
>
> The Colonial [or Wakefield] Settlement Landscape of South Australia was the powerful model for the development of new colonial societies in many other countries from the 19th century. Based on an ideal model developed in the United Kingdom, the landscape also demonstrates the vital adaptation of the model to the real and local conditions of South Australia, including significant adaptation by immigrants of different cultural groups within the overall settlement enterprise.

Based on the analysis and comments provided above, this justification text has been revised.

> The Systematic Colonisation Settlement Landscape of South Australia is the outstanding example of the 19th century Wakefield systematic colonisation model for the creation of a viable settler community based on free migration and a progressive society. Within the context of the major European migrations from about 1500 CE to 1914 CE, it was a radical and influential departure from the prevailing Atlantic and forced migrations, and was the first example of systematic colonisation.
>
> The Systematic Colonisation Settlement Landscape of South Australia was the powerful model for the development of new colonial societies in several other countries from the 19th century. Based on an ideal model developed in the United Kingdom, the landscape also demonstrates the vital adaptation of the model to the real and local conditions of the recipient colony, including significant adaptation by immigrants of different cultural groups within the overall settlement enterprise.

Criterion (iv) be an outstanding example of a type of building, architectural or technological ensemble or landscape which illustrates (a) significant stage(s) in human history

The draft justification text previously developed for this criterion is as follows.

> The Colonial [or Wakefield] Settlement Landscape of South Australia is the outstanding example of the implementation of the 19th century Wakefield systematic settlement model, which in part took advantage of the pre-existing Aboriginal managed landscape. This model marked a major change in European colonisation towards a progressive society and free migration to the far-distant lands of Australia.

Based on the analysis and comments provided above, this justification text has been revised.

> The Systematic Colonisation Settlement Landscape of South Australia is the outstanding example of the implementation of the 19th century Wakefield systematic colonisation model, which in part took advantage of the pre-existing Aboriginal managed landscape. Key features of the model included land sales synchronised to subsidise immigration of free settlers/labour for the colony, the recruitment of younger families as ideal settlers, concentrated settlement, 80 acre farm units (sections), and broader utopian principles such as religious freedom.
>
> This model is reflected in the landscape and marks an important change in the period of major European migrations and associated colonisation towards a progressive society and free migration to the far-distant lands of Australia. The property is the original and most enduring expression of systematic colonisation.

Criterion (v) be an outstanding example of a traditional human settlement, land-use, or sea-use which is representative of a culture (or cultures), or human interaction with the environment especially when it has become vulnerable under the impact of irreversible change

The draft justification text previously developed for this criterion is as follows.

> The cultural landscapes are novel agricultural ecosystems that demonstrate the heritage of innovation which is both colonial and modern in adaption to irreversible change. Initially the Wakefield system was constantly being adapted by emigrant communities in responses to the environmental and climatic conditions, strongly influenced by the settlement traditions of British, German and Polish colonising, expressed in the land use and township patterns that included the 80-acre sections and 45 towns.
>
> Modern farming practices are enabling a process of effective adaptation to a future increasingly shaped by global climate change, financial unpredictability, agricultural intensification and urbanisation.
>
> The autonomous adaptation by farmers and latterly by vignerons continues to be assisted by the types of planned adaptation that has led to the region being an outstanding example of agrarian learning and experimentation.

Based on the analysis and comments provided above, this justification text has been revised.

> The cultural landscapes of the Systematic Colonisation Settlement Landscape of South Australia are novel agricultural ecosystems that demonstrate the heritage of innovation which is both colonial and modern in adaption to irreversible change. Initially the Wakefield system was constantly being adapted by immigrant communities in response to environmental and climatic conditions, strongly influenced by the settlement traditions of British, German and Polish colonists, expressed in the land use and township patterns that included the 80 acre farms (sections).

Modern farming practices are enabling a process of effective adaptation to a future increasingly shaped by global climate change, financial unpredictability, agricultural intensification and urbanisation.

The autonomous adaptation by farmers and latterly by vignerons continues to be assisted by the types of planned adaptation that has led to the region being an outstanding example of agrarian learning and experimentation.

The Systematic Colonisation Settlement Landscape of South Australia is also the outstanding example of a traditional land-use expressing the Wakefield systematic settlement model, representing an important change in European colonisation during the period of major migrations. Taking advantage of Aboriginal managed lands, European colonists settled on systematically surveyed land based around 80 acre farms (sections). The history of settlement is still reflected in the landscape and its land use patterns, and in the presence of early surviving land uses including vineyards and orchards.

Criterion (vi) be directly or tangibly associated with events or living traditions, with ideas, or with beliefs, with artistic and literary works of outstanding universal significance. (The Committee considers that this criterion should preferably be used in conjunction with other criteria)

The draft justification text previously developed for this criterion is as follows.

The Colonial [or Wakefield] Settlement Landscape of South Australia is the supreme realisation of the transformational shift in European colonisation in the second half of the second millennium. The unprecedented colonisation strategy was based on a progressive political/economic model which evolved from the Enlightenment and championed free settlement and the abolition of slavery, assisted free migration, free markets, gender equality, the secret ballot and Aboriginal rights, in order to create a secular, self-governing, democratic and modern society. The Colonial [or Wakefield] Settlement Landscape of South Australia and its associated ideas were highly influential in the creation of other new colonial societies in the period, and these ideas have become central to the concept of modern democratic societies.

Based on the analysis and comments provided above, this justification text has been revised.

The Systematic Colonisation Settlement Landscape of South Australia is the supreme realisation of the transformational shift in European colonisation in the period from about 1500 CE to 1914 CE. The unprecedented colonisation strategy was based on a progressive political/economic model which evolved from the Enlightenment and championed free settlement and the abolition of slavery, assisted free migration, free markets, gender equality, the secret ballot, religious tolerance and Indigenous rights, in order to create a secular, self-governing, democratic and modern society. However, in practice these utopian ideals were in some cases not fully realised, and some proved a failure, especially in the case of Aboriginal rights.

The Systematic Colonisation Settlement Landscape of South Australia and its associated ideas were highly influential in the creation of other new colonial societies in the period, and these ideas have become central to the concept of modern democratic societies.

3.2 Identification of the Attributes and Areas that Most Strongly Reflect the Potential OUV in the Landscape

Attributes are those tangible or intangibles aspects of a place that embody or convey heritage values, including Outstanding Universal Value in the case of World Heritage. Tangible aspects might include buildings, land patterns or plantings, whereas intangible aspects might be uses and activities associated with the place.

The starting point to identify attributes is the proposed Outstanding Universal Value, as presented in the previous section. In the following table, key text from the draft Outstanding Universal Value is presented along with the related attributes.

Table 3. Analysis of Draft Outstanding Universal Value and Related Attributes

Draft Outstanding Universal Value	Attributes
Wakefield systematic colonisation… key features of the model included land sales synchronised to subsidise immigration of free settlers/labour for the colony, the recruitment of younger families as ideal settlers, concentrated settlement, 80 acre farm units (sections), and broader utopian principles such as religious freedom	• Surveyed town and country landholdings – town acres within the city of Adelaide and a framework of Preliminary Districts and Special Surveys in the rural areas with 80 acre farm units (sections) • Concentrated settlement – contained urban and rural settlement within surveyed districts • Surveyed towns and villages generally located near the middle of rural hundreds, with smaller sections closer to the township • Linked 1 acre town block and 80 acre rural land purchases as part of the preliminary land order system • Survey markers, roads, fences and other markers of section, hundred, county, Preliminary District and Special Survey boundaries • 80 acre farm units (sections), including those with surviving original farmhouses and rural buildings • An area of McLaren Vale representing the purest grid form of the Wakefieldian survey system • Original rural land uses • The diversity of places of religious worship and other cultural places reflecting religious/cultural freedom (eg. related to German, Austrian and Polish Lutherans, Jesuits and Catholic migrants) • Aboriginal reserves reflecting the early but practically limited recognition of Indigenous rights
Vital adaptation of the model to the real and local conditions of the recipient colony, including significant adaptation by immigrants of different cultural groups within the overall settlement enterprise	• Examples of adaptation of the land settlement to environmental conditions • Examples of adaptation of the land settlement to different cultural groups, and the religious and cultural places associated with such groups
Heritage of innovation… adapted by immigrant communities in response to environmental and climatic conditions, strongly influenced by the settlement traditions of British, German and Polish	• Examples of adaptation of the land settlement to environmental conditions • Examples of adaptation of the land settlement to different cultural groups

Table 3. Analysis of Draft Outstanding Universal Value and Related Attributes	
Draft Outstanding Universal Value	**Attributes**
colonists, expressed in the land use and township patterns that included the 80 acre farms (sections)	
Autonomous adaptation by farmers and latterly by vignerons continues to be assisted by the types of planned adaptation that has led to the region	• Examples of adaptation by farmers and latterly by vignerons
History of settlement is still reflected in the landscape and its land use patterns, and in the presence of early surviving land uses including vineyards and orchards	• Examples of early surviving land uses including vineyards and orchards

The project was intended to identify areas which strongly reflect the potential OUV in the landscape. Such areas will be those which contain the attributes noted above. At the broadest scale, the maximum possible extent of the potential World Heritage property is known, corresponding to the extent of the Preliminary Districts and Special Surveys. As part of the process of refining the area for the property, there is also the suggestion above that an area of McLaren Vale represents the purest grid form of the Wakefieldian survey system.

However, refining the mapping of attributes beyond this point becomes difficult because of the lack of detail about the exact location of attributes. A review of the previous work by the University of Adelaide to map a variety of qualities in the Mount Lofty Ranges found it only of limited assistance for this task, and more detailed mapping of a range of specific attributes would still appear to be needed.

Some general comments about the qualities present in the landscape of the likely property area are possible though. This area:

- will reflect the best surviving evidence of Wakefield systematic colonisation;
- this will include rural area/s with 80 acre farm units (sections), especially those with surviving original farmhouses and rural buildings, and continuing rural land uses, as well as associated surveyed towns and villages, and associated survey markers;
- will includes examples of original Aboriginal reserves;
- will include examples of adaptation of the land settlement to environmental conditions;
- will include examples of adaptation of the land settlement to different cultural groups, such as the hufendorf settlement patterns;
- will include examples of the diversity of places of religious worship and other cultural places reflecting religious/cultural freedom, probably usually associated with surveyed towns and villages;
- will include examples of adaptation by farmers and latterly by vignerons;
- will include examples of early surviving land uses including vineyards and orchards;
- will include representation from Preliminary Districts as well as Special Surveys;
- may include examples of town acres within the city of Adelaide, if the specific link to rural sections can be established; and
- may include the original surveyed city of Adelaide, though this requires further consideration.

3.3 Assessment and Comparison of the Strength in Progressing a Nomination as either a Historical Site or Cultural Landscape Listing

Part of the context to this question might be a concern about the size of any possible World Heritage property focused on the evidence of systematic colonisation, and also whether a single component property is proposed or a serial property with more than one component. Before addressing these issues, it is worth considering the definitions provided in the *Operational Guidelines for the Implementation of the World Heritage Convention* (UNESCO World Heritage Centre 2017). Several key extracts are below.

> 'For the purposes of this Convention, the following shall be considered as "cultural heritage"… sites: works of man or the combined works of nature and of man, and areas including archaeological sites which are of outstanding universal value from the historical, aesthetic, ethnological or anthropological points of view.' (Paragraph 45, quoting the World Heritage Convention)

> 'Cultural landscapes are cultural properties and represent the 'combined works of nature and man' as designated in Article 1 of the Convention. They are illustrative of the evolution of human society and settlement over time, under the influence of the physical constraints and/or opportunities presented by their natural environment and of successive social, economic and cultural forces, both external and internal.' (Paragraph 47)

Three categories of cultural landscape are defined,

> 'the clearly defined **landscape designed and created intentionally by man**. This embraces garden and parkland landscapes constructed for aesthetic reasons which are often (but not always) associated with religious or other monumental buildings and ensembles…
>
> the **organically evolved landscape**. This results from an initial social, economic, administrative, and/or religious imperative and has developed its present form by association with and in response to its natural environment. Such landscapes reflect that process of evolution in their form and component features. They fall into two sub-categories:
>
> - a relict (or fossil) landscape is one in which evolutionary process came to an end in the past, either abruptly or over a period. Its significant distinguishing features are, however, still visible in material form.
> - a continuing landscape is one which retains an active social role in contemporary society closely associated with the traditional way of life, and in which the evolutionary process is still in progress. At the same time it exhibits significant material evidence of its evolution over time…
>
> the **associative cultural landscape**. Such landscapes are included on the World Heritage List by virtue of the powerful religious, artistic or cultural associations of the natural element rather than material cultural evidence, which may be insignificant or even absent.' (Annex 3, paragraph 10)

Importantly, sites include cultural landscapes because sites are a higher order definition of cultural heritage under the World Heritage Convention, along with monuments and groups of buildings. None the less, many sites are generally small and proscribe a feature such as a building, rock art, garden or archaeological ruin. On the other hand, some sites can be quite extensive, such as large archaeological sites.

Cultural landscapes tend to be larger and contain features developed on the natural landform such as roads following contours or water courses, settlements at crossing points, community buildings, farm units and boundaries. They must include the geography of the landscape as the basis of the human interaction with it. On the other hand, designed landscapes, for example, can be quite small, although these are not relevant in this case.

Accordingly, the key issue is not to contrast sites and cultural landscapes as different categories, because sites include cultural landscapes. The key issue is whether the Outstanding Universal Value relates to a place being a combined work of nature and people. If it is not, then it will be a site, or monument or group of buildings being the other categories of cultural heritage. If it is a combined work, then it will be a site as well as a cultural landscape.

The Systematic Colonisation Settlement Landscape of South Australia is clearly a cultural landscape because at its heart it displays this interaction, this combination of a 'natural' environment, recognising this was in fact an Aboriginal landscape, with the work of people – European settlers. The adaptation of an idealised settlement pattern to the local topography, such as the path of water courses, is a clear example of this interaction.

It is interesting to note that in a practical sense, a single World Heritage property can also include both sites, such as fragments of structures or non-building structures, and landscapes within the same property. An example is the Australian Convict Sites property which is a serial property of both sites in this sense (ie. Cascades Female Factory and Yard 4 North, and Coal Mines Historic Site) and larger cultural landscapes (ie. Brickendon Estate, Woolmers Estate, Port Arthur Historic Site, Old Government House and Government Domain, and Kingston and Arthurs Vale Historic Area). This property also has buildings or groups of buildings. However, in formal terms, the property is regarded as a serial of groups of buildings.

In summary:

- sites and cultural landscapes can both be large or small in area;
- sites and cultural landscapes can both be single component World Heritage properties or serial properties with multiple components, and, at a practical level, a serial property can contain both sites and landscapes even though it may get classified as just one or other; and
- in formal terms, sites include cultural landscapes because sites are a higher order definition of cultural heritage under the World Heritage Convention.

With regard to the Systematic Colonisation Settlement Landscape of South Australia, this is a cultural landscape because it is a combined work of nature and people. However, it is not yet clear whether the property is best presented as a single component or serial property, and the scale of the property is also not yet established. Once the values and attributes are clear, and drafts of these are provided above, then these can be mapped, their integrity and authenticity assessed, and boundaries can be developed. The scale and character of the property (ie. single component or serial) will then emerge.

3.4 Initial Assessment against Comparable Sites

Framework for the Comparative Analysis

The purpose of the comparative analysis is to identify whether there are other properties with the same values and attributes that are on the World Heritage List or which might be nominated in future. Being a highly selective list, in theory only one or a very few such properties can be included in the World Heritage List. The comparative analysis is a very important part of a nomination, and many nominations fail because of inadequacies with the analysis provided.

Identifying comparable properties requires defining the context for the analysis, which arises from the proposed Outstanding Universal Value and the related attributes. In this case, the core of the values relate to:

- Wakefield systematic colonisation, with higher-order themes being European free migration following the Age of Discovery, European free and un-free migration more broadly in this period, as well as post-Enlightenment attempts to create a model society; and
- agricultural innovation.

This formulation offers five potential contexts for the comparative analysis. At this stage, it seems likely that European free and un-free migration following the Age of Discovery would not need to be considered, as the lower-order theme of European free migration in the period would appear to be an important enough theme in World Heritage terms. Although the broad sweep of migration, both free and unfree would be addressed in the history chapter of a nomination.

On the other hand, limiting the analysis to just Wakefield systematic colonisation, while the obvious context and one that must be addressed, risks appearing too narrow. The purpose of considering a broader migration theme is to contrast Wakefield systematic colonisation with other forms of colonisation, to consider what might, in some instances, appear superficially similar properties, and to demonstrate significant differences, if any.

Accordingly, the suggested contexts for the comparative analysis are:

- Wakefield systematic colonisation;
- European free migration following the Age of Discovery;
- post-Enlightenment attempts to create a model society; and
- agricultural innovation.

Potentially Comparable Properties

Using the framework above, the following table presents an initial list of potentially comparable properties with an initial analysis, based on a limited review and research.

Table 4. Potentially Comparable Properties on the World Heritage List or Otherwise			
Country	**Name**	**Date inscribed on World Heritage List/Criteria/Size of property/ buffer zone**	**Initial Analysis**
Wakefield Systematic Colonisation			
Australia	South Australia (1836)	Not listed/--/--/--	The original and best surviving example of systematic colonisation reflecting a post-Enlightenment attempt to create a model society focused on rural enterprise.
Australia	Australind (1840)	Not listed/--/--/--	Based on an area of 420 square kilometres, it was surveyed and included a detailed plan for a town. It included 100 acre farms. However, the settlement began to fail early, little of the town was developed, and settlement plans were officially abandoned in 1875. Now a dormitory suburb of Bunbury. A handful of historic buildings survive. (Woollacott 2015, pp. 51-2; Wikipedia, 'Australind, Western Australia', https://en.wikipedia.org/wiki/Australind,_Western_Australia, accessed 19 April 2019)
Australia	Darwin (1863)	Not listed/--/--/--	The implementation of Wakefield principles was attempted in the settlement after South Australia annexed its Northern Territory, but the settlement was a failure as an example of systematic colonisation. 'the soil was too poor and the climate too difficult for the port's few residents to replicate the kind of farming established in the hinterland of the southern city of Adelaide. The Territory's climate and remoteness generally defeated efforts by South Australians to recreate the closely settled and populous rural-and-town pattern so established on the Adelaide Plains and in the Ranges. Nor could the South Australian government foster private land development. As Powell concludes, 'the commercial-agricultural base of South Australia consistently failed to develop in the north'.' (Mount Lofty Ranges National Heritage nomination)
New Zealand	Wellington (1840)	Not listed/--/--/--	Few details about the New Zealand examples have been found so far. Wakefield came to disparage the Australian examples, and thought positively of the New Zealand colonies, at least for a period. While the other New Zealand colonies had problems, at least initially, Canterbury was regarded as a success due to its much higher rate of settlers compared to land speculators. This led to productive use of the land, and jobs for colonists who were not in a financial
New Zealand	Wanganui (1840)	Not listed/--/--/--	
New Zealand	New Plymouth/ Taranaki (1841)	Not listed/--/--/--	
New Zealand	Nelson(1841)	Not listed/--/--/--	
New Zealand	Otago (1848)	Not listed/--/--/--	
New Zealand	Canterbury (1850)	Not listed/--/--/--	

Table 4. Potentially Comparable Properties on the World Heritage List or Otherwise			
Country	**Name**	**Date inscribed on World Heritage List/Criteria/Size of property/ buffer zone**	**Initial Analysis**
			position to be able to buy land. However, the settlement of Otago and Canterbury gave greater prominence to religion, perhaps undermining the early ideal of religious freedom. An adequate supply of land proved difficult at Wellington. At Wanganui there were tensions with Maori about land acquisition, commercial development was slow and the town remained small and undeveloped. New Plymouth was also troubled by land conflicts, and the lack of a harbour until the 1880s. (Ballantyne 2015, pp. 96-97)
Brazil	Not known		Wakefield's ideas were influential in reframing the key land law in 1850. However, it is not clear if there was an associated physical impact in the landscape similar to systematic colonisation. (Ballantyne 2014, p. 98)
Canada	Not known		Wakefield's ideas were influential in land policies from the 1840s. However, it is not clear if there was an associated physical impact in the landscape similar to systematic colonisation. (Ballantyne 2014, p. 96)
France	Not known		Wakefield's ideas were influential on French reflections on the nature of colonial societies. However, it is not clear if there was an associated physical impact in the landscape similar to systematic colonisation. (Ballantyne 2014, p. 98)
India	Not known		The details of influence in India has not yet been established.
Jamaica	Not known		Wakefield's ideas were influential in debates about providing immigrants to resolve a labour crisis. However, it is not clear if there was an associated physical impact in the landscape similar to systematic colonisation. (Ballantyne 2014, p. 98)
South Africa	Cape Colony and Natal		Wakefield's ideas were influential on population movement to settler colonies. Colonial land sales funded transportation and accommodation for new colonists. However, it is not clear if there was an associated physical impact in the landscape similar to systematic colonisation. (Ballantyne 2014, p. 95)
Sri Lanka	Not known		Wakefield's ideas were influential on land policies but it is not known if this resulted in a distinctive landscape similar to

Table 4. Potentially Comparable Properties on the World Heritage List or Otherwise			
Country	**Name**	**Date inscribed on World Heritage List/Criteria/Size of property/ buffer zone**	**Initial Analysis**
			systematic colonisation. (Ballantyne 2014, p. 98)
USA	Not known		Wakefield's ideas were influential in debates about land, markets and migration. However, it is not clear if there was an associated physical impact in the landscape similar to systematic colonisation. (Ballantyne 2014, p. 98)
European Free Migration following the Age of Discovery			
Argentina and Brazil	Jesuit Missions of the Guaranis: San Ignacio Mini, Santa Ana, Nuestra Señora de Loreto and Santa Maria Mayor (Argentina), Ruins of São Miguel das Missões (Brazil) (17th and 18th centuries)	1983, extended 1984/iv/--/--	This property displays a version of systematic colonisation. However, the theoretical basis for the colonisation seems to display significant differences to the South Australian example, such as the evangelising objective. This property is also comprised of buildings and architectural ensembles, it does not have a landscape dimension or embrace rural enterprise.
Bolivia	Jesuit Missions of the Chiquitos (1696-1760)	1990/iv, v/--/--	This property displays a version of systematic colonisation. However, the theoretical basis for the colonisation seems to display significant differences to the South Australian example, such as the evangelising objective. This property is also comprised of buildings and architectural ensembles, it does not have a landscape dimension or embrace rural enterprise.
Canada	Landscape of Grand Pré (17th century)	2012/v, vi/ 1,323.24 ha/buffer 5,865 ha	While an example of colonisation involving rural enterprise and a landscape, it is not clear what aspects might be regarded as systematic. The Acadians were also deportees, reflecting unfree migration. The theoretical basis for the colonisation seems to display significant differences to the South Australian example.
Denmark	Christiansfeld, Moravian Church Settlement (1773)	2015/iii, iv/21 ha/ buffer 385 ha	This is an example of systematic colonisation, related to Enlightenment ideals. However, this is a town without the associated rural/agricultural landscape. The theoretical basis for the colonisation also seems to display significant differences to the South Australian example, such as the religious basis of the settlement.
Dominican Republic	Colonial City of Santo Domingo (1498)	1990/ii, iv, vi/106 ha/--	This is an example of systematic colonisation in the sense of a planned colonial city which was very early in the history of European migrations to the New World. However, it does not include a landscape of rural enterprise. In addition, the theoretical basis for the colonisation

Table 4. Potentially Comparable Properties on the World Heritage List or Otherwise			
Country	**Name**	**Date inscribed on World Heritage List/Criteria/Size of property/ buffer zone**	**Initial Analysis**
			seems to display significant differences to the South Australian example, it is well before the Enlightenment, and the settlement had an evangelising role.
Malaysia	Melaka and Georgetown (15th century)	2008/ii, iii, iv/219 ha/buffer 393 ha	These are historic colonial trading towns. Their qualities related to systematic colonisation are not clear, and they do not include rural enterprise and associated landscapes.
Paraguay	Jesuit Missions of La Santísima Trinidad de Paraná and Jesús de Tavarangue (17th and 18th centuries)	1993/iv/28 ha/ buffer 37 ha	This property displays a version of systematic colonisation. However, the theoretical basis for the colonisation seems to display significant differences to the South Australian example, such as the evangelising objective. This property is also comprised of archaeological ruins of urban complexes, it does not have a landscape dimension or embrace rural enterprise.
USA	Statue of Liberty (1886)	1984/i, vi/6 ha/--	A powerful symbol of free migration but not related to a post-Enlightenment attempt to create a model society or rural enterprise.
Post-Enlightenment attempts to create a Model Society			
Germany	Garden Kingdom of Dessau-Wörlitz (18th century)	2000/ii, iv/14,500 ha/--	Enlightenment era planned landscape expressing philosophical principles of the time, including agricultural lands. Not related to migration.
Netherlands and Belgium	Colonies of Benevolence (1818)	Nominated 2017, referral 2018/iii, v, vi/Not available	An example of a post-Enlightenment attempt to create a model society focused on rural enterprise. Included unfree labour and is not related to migration.
United Kingdom	New Lanark (1786)	2001/ii, iv, vi/146 ha/buffer 667 ha	An example of a post-Enlightenment attempt to create a model society but focused on housing for industrial workers. Not an example of rural enterprise or related to migration.
United Kingdom	Old and New Towns of Edinburgh (1767-1850)	1995/ii, iv/--/--	An example of a post-Enlightenment attempt to create a model society but focused on town planning. Not related to rural enterprise or migration.
United Kingdom	Saltaire (1853)	2001/ii, iv/20 ha/buffer 1,078 ha	An example of a post-Enlightenment attempt to create a model society but focused on housing for industrial workers. Not related to rural enterprise or migration.
United Kingdom	Port Sunlight (1888)	Not listed/--/--/--	An example of a post-Enlightenment attempt to create a model society but focused on housing for industrial workers. Not related to rural enterprise or migration.
Agricultural Innovation			
Germany	Garden Kingdom of Dessau-Wörlitz (18th century)	2000/ii, iv/14,500 ha/--	Enlightenment era planned landscape expressing philosophical principles of the

Table 4. Potentially Comparable Properties on the World Heritage List or Otherwise			
Country	**Name**	**Date inscribed on World Heritage List/Criteria/Size of property/ buffer zone**	**Initial Analysis**
			time, including agricultural lands. Demonstrated new farming methods.
Spain	Cultural Landscape of the Serra de Tramuntana	2011/ii, iv, v/30,745 ha/buffer 78,617 ha	The agricultural landscape demonstrates adaptation to difficult environmental conditions, and is testimony to the continuous evolution of human settlement.

Discussion of Certain Potentially Comparable Properties

In order to compare places of colonial settlement an understanding of previous types of migration is necessary. They were either forced as in slavery or convictism, or by indenture or contract, or unregulated. The theoretical Wakefield model for free migration was a revolutionary concept emerging from Enlightenment thinkers.

The Wakefield system was also used later in South Australia's Northern Territory in Darwin, as well in New Zealand and the USA but there is little evidence of its use in rural areas. Darwin and its hinterland is of particular interest in a comparative analysis of regions surveyed and settled on the basis of Wakefield's principles, as the South Australians themselves attempted to follow those principles in establishing the northern Australian settlement. South Australia annexed its 'Northern Territory' in 1863 for systematic colonization on the basis that the Territory must pay for itself, but the Territory's sub-tropical climate and remoteness generally defeated constant efforts by South Australians to recreate the closely-settled and populous rural-and-town pattern so prevalent on the Adelaide Plains and in the adjacent ranges.

Edward Gibbon Wakefield emigrated to New Zealand in the early 1850s and although his ideas were the basis for six settlements there of which the last, Canterbury, has associated rural lands. Wakefield regarded these settlements positively although New Zealand historians of the 1940s and 1950s thought they were not successful. Nevertheless, his land settlement ideas were influential in British Empire settler societies – Australia, New Zealand, Lower Canada, Ceylon and Jamaica, and also in Brazil which was a Portuguese colony.

In settler societies and in Europe there were also planned settlements undertaken by religious or cultural groups wanting to establish a new way of life for both their adherents and for the Indigenous people they were usurping. In all these properties the ideas of the founders became realities in the landscapes. The following examples are inscribed on the World Heritage List.

The **Jesuit Missions of La Santísima Trinidad de Paraná and Jesús de Tavarangue** are part of a series of 30 missions in the Río de la Plata basin established by the Society of Jesus (the Jesuits) during the 17th and 18th centuries. Seven of these missions were located in Paraguay and the rest in the present-day countries of Argentina and Brazil. The mission complexes were attached to reducciones (settlements) and are evidence of a unique urban scheme.

In Argentina, the four **Jesuit-Guarani Missions**, located in the southern Misiones

province, provide an exceptional example of systematic and organized territorial occupation. The properties' surviving ruins depict the experience of the Society of Jesus in South America, where there emerged a singular system of spatial, economic, social, and cultural relations in 30 settlements – referred to as reducciones – that included ranches, mate plantations (mate is a species of holly used to make a beverage), and networks of trails and waterways extending across the Uruguay River and its tributaries. This particular model of the reducciones also included smaller structures and constructions designed to support the basic functions of the settlements. Together, these elements, each closely integrated within productive lands, and each manifesting the distinct potential and complementary traits of the various settlements and the other Jesuit provinces in the region, inform this underlying interpretation, reflected by the serial heritage property in a singular and specific fashion.

Unlike other Jesuit missions in South America, the **Jesuit Missions of the Chiquitos** in Bolivia survived the expulsion of the Society of Jesus in 1767, though by the 1850s the reducciones system of the missions had disappeared. These traditional architectural ensembles have more recently become vulnerable under the impact of changes following the agrarian reform of 1953 that threatened the local social and economic infrastructure.

By way of contrast, **Christiansfeld** founded in 1773 in South Jutland, Denmark, is an example of a planned settlement of the Moravian Church, a Lutheran free congregation centred in Herrnhut, Saxony. The town was planned to represent the Protestant urban ideal, constructed around a central Church square. The architecture is homogenous and unadorned, with one and two-storey buildings in yellow brick with red tile roofs. The democratic organization of the Moravian Church, with its pioneering egalitarian philosophy, is expressed in its humanistic town planning. The settlement's plan opens onto agricultural land and includes important buildings for the common welfare such as large communal houses for the congregation's widows and unmarried men and women. The buildings are still in use and many are still owned by the local Moravian Church community.

Situated in the southern Minas Basin of Nova Scotia, Canada, the **Grand Pré** marshland and the remains of the associated old villages constitute a cultural landscape bearing testimony to a remarkable effort, over many centuries, using the polder technique to develop agricultural farmland, in a maritime location with extreme tides. In particular, it demonstrates the permanency of its hydraulic drainage system using dykes and aboiteaux, and its agricultural use through a community-based management system established by the Acadians and then taken over by the Planters and their modern successors. Grand Pré is also testimony to the history of the Acadians in the 17th and 18th centuries and their deportation. The landscape is an exceptional example of the adaptation of the first European settlers to the conditions of the North American Atlantic coast.

The influence of the Enlightenment can be seen in many areas of urban planning and settlement, for example **Edinburgh New Town** and **New Lanark**. Inscribed in 1992 for its a dramatic reflection of significant changes in European urban planning, from the inward looking, defensive walled medieval city of royal palaces, abbeys and organically developed burgage plots in the Old Town, through the expansive formal Enlightenment planning of the 18th and 19th centuries in the New Town. While New Lanark in Scotland is a model industrial community based on textile production built by Utopian idealist Robert Owen (1771-1858) who formulated his Utopian vision of a society without crime, poverty and misery. New Lanark prospered under his enlightened management.

In the Netherlands, the **Colonies of Benevolence** have been nominated to the World Heritage List because of their design. Between 1818 and 1825, a series of seven colonies were built as a visionary solution that combined education, employment and land clearing, an approach in which relief for the poor and the prevention of crime more or less overlapped. Large areas of uncultivated heathland were systematically cleared to make way for the construction of agricultural colonies, and in addition to systematic land use planning there were consistent building styles.

Plantations may be another category of property worth considering in the comparative analysis. While there have been 'plantations' of settlers in Europe over time like the Moors in Spain and the English in Ireland, in the New World settlements there were plantations such as for cotton and sugar in the eastern USA, and tea plantations in India and Sri Lanka. Plantations were large-scale estates which usually had a planned form. The scale of these estates therefore compares with planned settlements involving a collection of smaller-scale farms and towns.

4. RESEARCH GAPS, ADDITIONAL WORK & WORK PLAN

4.1 RESEARCH GAPS AND ADDITIONAL WORK REQUIRED TO DEVELOP THE PROPOSAL

There are several initial points to recall in the development of a World Heritage nomination:

- such nominations are the largest and most complex tasks in the heritage sector, usually taking many years, requiring resourcing and persistence, and resulting in a substantial document of many hundreds of pages. There is a set format for the contents of a nomination provided in Annex 5 of the *Operational Guidelines*;
- a carefully planned approach is essential, usually involving a team and a lead author, and supported by other experts, stakeholders and political leaders, often structured into groups or committees;
- developing a nomination is invariably an iterative process. For example, Outstanding Universal Value may be drafted, tested, revised, tested, informed by the comparative analysis, revised, informed by issues of integrity, authenticity, protection and management, revised, peer reviewed, and so on. This is normal and part of the strength of the process;
- while the task is large it is commensurate with the rewards of World Heritage listing;
- successful nominations are usually the result of a body of expert work coupled with a campaign to develop a broader international body of expert opinion in favour of the nomination – a critical mass of supportive expert opinion. There are various ways of encouraging such support, and the efforts of other countries provide a range of examples in achieving this;
- successful nominations are also the result of ensuring or developing support within governments and the local community; and
- in the case of the Mount Lofty Ranges, the Councils and others supporting the process realise the challenges, the process has been underway for many years, a large body of work has been developed, and expert, stakeholder, community and political support has already been encouraged.

The development of the nomination may be broadly divided into the following stages:

- development of a Tentative List submission, to some extent drawing on the initial tasks below;
- development of the nomination – initial tasks – refine draft Outstanding Universal Value, develop comparative analysis, refine attributes and identify boundaries;
- development of the nomination – later tasks – ongoing refinement of Outstanding Universal Value, comparative analysis, attributes and boundaries, and development of the remaining parts of the nomination; and
- other important tasks (eg. development of a management plan or system which will be vital to support the nomination).

In the case of the Tentative List submission, the connection between this step and National Heritage listing should be clarified. While previously the policy has been to require National Heritage listing before inclusion on the Tentative List, recent developments suggest this is not strictly always the case.

The following table presents an overall preliminary workplan for these stages. Initial tasks are highlighted in green. To some extent, there is some potential or real overlap between the Tentative List tasks and the nomination tasks. Hopefully, many of the proposed tasks may be able to build upon the previous work undertaken on the World Heritage project, and in some cases the work or organisation may fully exist. Further development of the workplan would include an assessment of this previous work and organisation, and its usefulness for the next phase of the project.

Table 5. Preliminary World Heritage Nomination Workplan

No.	Task	Comments	Timing
Tentative List Submission			
	Clarification of connection between National Heritage listing and inclusion on the Tentative List, and other matters	At present it appears there is some flexibility in the policy linking National Heritage and World Heritage. This flexibility should be confirmed in the case of the proposed property. Given the possible Aboriginal history and lands might be part of the property, the requirements of the Commonwealth regarding demonstrating Aboriginal consent should also be clarified.	7-8/2019
	Preparation of draft Tentative List submission (number of drafts TBA)	Initial task • The submission is quite short, and will draw on tasks below related to the development of the nomination itself • Identify lead for the submission and core team • Develop more detailed workplan for the submission • Review of current or possible additional committees or reference groups to support the submission • Strengthen the understanding of Outstanding Universal Value as much as possible, noting this task will continue through the development of the nomination dossier • Refine the understanding of attributes • Give some indication of possible draft boundaries, noting these are subject to further refinement • Develop initial information about likely management implications	7-11/2019
	Expert review/s	Initial task • Related to the expert reviews for the nomination itself, but with a more limited scope • Identify experts to support the submission development through reviewing drafts	10/2019
	Governments/community/ stakeholder engagement	Initial task • Develop a strategy to promote understanding and encourage government/community/stakeholder support, including government heritage authorities	7/2019 + implement-tation to follow

Table 5. Preliminary World Heritage Nomination Workplan			
No.	**Task**	**Comments**	**Timing**
		• Implement the strategy	
	Government agencies' review/s	Initial task • Presumably review by related local government Councils, the SA Heritage Council, SA Department for Environment and Water, Australian Heritage Council and Commonwealth Department of the Environment and Energy	By 2/2020
	State government support/ agreement	Initial task • Building upon earlier engagement with State government agencies as part of other tasks, this task is the decision point for formal State government support to take the proposal to the Meeting of Environment Ministers	7/2020
	Meeting of Environment Ministers agreement	Initial Task	By 11/2020
	Final government review	Initial task	12/2020
	Preparation of final Tentative List submission	Initial task	1/2021
	Despatch to WHC by the Commonwealth	Initial task	Before 1/2/2021
Nomination – General Tasks			
	Nomination planning	Initial task • This workplan is a first draft version	To be determined
	Coordination	Ongoing task • Should include a review of current or possible additional committees or steering/reference groups to support the nomination • Identify lead for nomination project and core team	
	Community/stakeholder consultation	Initial task • Develop a communication strategy (this might include an evolving short nomination summary and other fact sheets to address issues, amongst other products) • Implement the strategy	
	Draft Nomination (number of drafts TBA)	Later task	
	Expert review/s	Ongoing task • Maybe worth establishing a panel of reviewers whose support will be needed periodically, including World Heritage and subject matter experts – not clear if this group will meet or work separately • Includes international peer review, which might partly be addressed through an international workshop • Develop an indicative schedule for expert reviews	
	Government agencies' review/s	Later task	
	Printing of draft	Later task	

Table 5. Preliminary World Heritage Nomination Workplan			
No.	**Task**	**Comments**	**Timing**
	Send draft nomination to WHC	Later task	
	WHC review of draft nomination	Later task	
	Final government review	Later task	
	Final Nomination	Later task	
	Nomination production	Later task	
	Despatch to WHC by the Commonwealth	Later task	
Nomination – Components of the Dossier			
1.	Identification of the Property		
1.a	Country (and State Party if different)	Later task	
1.b	State, Province or Region	Later task	
1.c	Name of Property	Initial task • Important for the branding/recognition/ publicity of the property, even if it may change later	
1.d	Geographical coordinates to the nearest second	Later task	
1.e	Maps and plans, showing the boundaries of the nominated property and buffer zone	Initial task • Source good quality topographical and cadastral base mapping • Generate base mapping of relevant attributes • Begin mapping of possible boundaries based on identified attributes • Refine as attributes are refined and other issues considered (integrity, authenticity, protection, management)	
1.f	Area of nominated property (ha.) and proposed buffer zone (ha.) Area of nominated property:_ ha Buffer zone _____ ha Total _____ ha	Later task	
2.	Description		
2.a	Description of Property	Later task	
2.b	History and Development	Later task	
3.	Justification for Inscription		
3.1.a	Brief synthesis	Initial task	
3.1.b	Criteria under which inscription is proposed (and justification for inscription under these criteria)	Initial task • Development of the justification text to support/refine the criteria text • Develop text on the broader theme of migration, into which the South Australian example and systematic colonisation can be contextualised • Develop background text on the character of non-systematic colonisation, with examples	

Table 5. Preliminary World Heritage Nomination Workplan			
No.	**Task**	**Comments**	**Timing**
		• Develop background text on the Enlightenment/post-Enlightenment, and the impact on the development of model societies • Develop an understanding of the role of the city of Adelaide (eg. the town acres) and its role in the systematic colonisation story • Refine the description of the characteristics of systematic colonisation, including the size and variability of sections (farm units) • Ensure the presentation of systematic colonisation reflects both the idealised theory as well as the reality of its implementation, including a fair reading of positive and negative aspects • Develop an overview of the authoritative historical assessments of systematic colonisation, including whether there is a prevailing consensus about its importance • Revise the draft OUV in the light of the comparative analysis	
3.1.c	Statement of Integrity	Initial task • Ongoing refinement of attributes • Establish integrity of attributes and overall property	
3.1.d	Statement of Authenticity (for nominations made under criteria (i) to (vi)	Initial task • Establish authenticity of attributes and overall property	
3.1.e	Protection and management requirements	Later task	
3.2	Comparative Analysis	Initial task • Develop the analysis, especially regarding other examples of systematic colonisation in the world and what landscape evidence exists of these • Also develop the analysis related to agricultural innovation • A closer check of Tentative Lists should be included	
3.3	Proposed Statement of Outstanding Universal Value	Initial task • Based on inputs from other tasks	
4.	State of Conservation and factors affecting the Property		
4.a	Present state of conservation	Later task	
4.b	Factors affecting the property	Later task	
4.b(i)	Development Pressures (e.g., encroachment, adaptation, agriculture, mining)	Later task	
4.b(ii)	Environmental pressures (e.g., pollution, climate change, desertification)	Later task	
4.b(iii)	Natural disasters and risk preparedness (earthquakes, floods, fires, etc.)	Later task	

Table 5. Preliminary World Heritage Nomination Workplan			
No.	**Task**	**Comments**	**Timing**
4.b(iv)	Responsible visitation at World Heritage sites	Later task	
4.b(v)	Number of inhabitants within the property and the buffer zone Estimated population located within: Area of nominated property Buffer zone Total Year	Later task	
5.	Protection and Management of the Property		
5.a	Ownership	Later task	
5.b	Protective designation	Later task	
5.c	Means of implementing protective measures.	Later task	
5.d	Existing plans related to municipality and region in which the proposed property is located (e.g., regional or local plan, conservation plan, tourism development plan)	Later task	
5.e	Property management plan or other management system	Later task	
5.f	Sources and levels of finance	Later task	
5.g	Sources of expertise and training in conservation and management techniques	Later task	
5.h	Visitor facilities and infrastructure	Later task	
5.i	Policies and programmes related to the presentation and promotion of the property	Later task	
5.j	Staffing levels and expertise (professional, technical, maintenance)	Later task	
6.	Monitoring		
6.a	Key indicators for measuring state of conservation	Later task	
6.b	Administrative arrangements for monitoring property	Later task	
6.c	Results of previous reporting exercises	Later task	
7.	Documentation		
7.a	Photographs and audiovisual image inventory and authorization form	Later task	
7.b	Texts relating to protective designation, copies of property management plans or documented management	Later task	

Table 5. Preliminary World Heritage Nomination Workplan			
No.	**Task**	**Comments**	**Timing**
	systems and extracts of other plans relevant to the property		
7.c	Form and date of most recent records or inventory of property	Later task	
7.d	Address where inventory, records and archives are held	Later task	
7.e	Bibliography	Ongoing task	
8.	Contact Information of responsible authorities		
8.a	Preparer Name: Title: Address: City, Province/State, Country: Tel: Fax: E-mail:	Later task	
8.b	Official Local Institution/Agency	Later task	
8.c	Other Local Institutions	Later task	
8.d	Official Web address http:// Contact name: E-mail:	Later task	
9.	Signature on behalf of the State Party	Later task	
Other Tasks			
	Development of management plan/system	Later task	
	Development of tourism management plan, including interpretation	Later task	

One opportunity to note is the international ICOMOS General Assembly to be held in Sydney in October 2020. This major international meeting will bring to Australia a large number of overseas experts, and it will provide a focus on Australia's World Heritage activities. This may provide an opportunity to both present the possible World Heritage case for the Systematic Colonisation Settlement Landscape of South Australia, and also to seek international expert views on the property. The General Assembly might also be a useful target to be able to announce the positive decision of the Meeting of Environment Ministers, if that can be achieved.

With regard to the possible budget required to develop a nomination following submission of the Tentative List proposal, there are many factors which will influence this budget, such as:

- the ultimate complexity of the nominated property, including its physical extent;
- the extent of in-kind support provided by councils, the State Government and Australian and overseas experts – noting some degree of support is likely;
- the timeframe for the project – a shorter timeframe perhaps entailing greater cost; and

- the production quality of the nomination dossier – while not required, nominations can be very handsome productions, but this adds to the overall cost.

A preliminary estimate is that a budget of $250,000 to $350,000 would be required, possibly with additional funding for:

- supporting any current or additional committees or groups that may be needed;
- implementation of community/stakeholder consultation;
- expert peer reviews;
- technical support for attribute and boundary mapping;
- development of a management plan or system, if existing management planning or systems are not adequate; and
- development of a tourism management plan, including interpretation, if existing planning is not adequate.

4.2 Work Plan required to Progress the Project to the level required to be considered by the State and Federal Government for Tentative Listing

The Tentative List is a formal part of the overall process for the development of the World Heritage List, especially related to nominations to the List. As noted in the *Operational Guidelines for the Implementation of the World Heritage Convention* (UNESCO World Heritage Centre 2017),

> 'A Tentative List is an inventory of those properties situated on its territory which each State Party considers suitable for nomination to the World Heritage List. States Parties should therefore include, in their Tentative Lists, details of those properties which they consider to be of potential Outstanding Universal Value and which they intend to nominate during the following years.' (Paragraph 62)
>
> 'Tentative Lists are a useful and important planning tool for States Parties, the World Heritage Committee, the Secretariat, and the Advisory Bodies, as they provide an indication of future nominations.' (Paragraph 70)

Several important points to note are:

- Tentative List submissions are checked for completeness of the documentation, but are not evaluated in terms of the claimed Outstanding Universal Value;
- the submission is usually quite short, perhaps a few pages;
- Tentative List submissions are not meant to be based on a fully developed case for World Heritage listing. There needs to be reasonable expert grounds for believing a property may meet the requirements for World Heritage, but this does not mean absolute certainty is required. Such certainty, or at least greater certainty, only arises through the research to prepare the actual nomination dossier. State Parties have on occasions included properties on the Tentative List which have subsequently been found through such research not to have a good case for Outstanding Universal Value. This is exactly how the Tentative List should operate;
- a property needs to be on the Tentative List for one year before it can be nominated;
- Australia has, over decades, not been able to develop a meaningful Tentative List for many reasons. One of those reasons has been that successive governments have been reluctant to list properties unless the Commonwealth and relevant State or Territory governments were in full agreement. While this is largely a political issue, there is also a technical dimension as the support of Commonwealth, State or Territory heritage authorities is also a factor. This has also sometimes meant that Tentative Listing has only occurred when there has been a full commitment to proceed with a nomination;
- it is noted that South Australia has another likely Tentative List proposal, and other States are also likely to have proposals (eg. Victoria). Tentative Listing is not a competition. State Parties can submit any number of properties, there is no limit. The only limit applies to nominations that can be submitted in any given year – which is one nomination. But recognising that it takes considerable time to develop a nomination, there is actually likely to be no competition between 'rival' Australian nominations;
- the development of a Tentative List submission is a relatively small and simple technical/expert task, especially given the reasonable progress with research to date regarding the settlement landscape. However, this can and should be strengthened in certain key areas, as discussed below; and
- the more difficult task may be achieving Commonwealth and State political and expert support.

With regard to what further research is needed to support the development of the Tentative List submission, in one sense it might be possible to proceed with a submission based on current information. However, in practical terms stakeholders and the local community will probably be keen to know the likely boundaries and management implications, and the submission may trigger criticism if these things are not outlined, even in a draft form. The previous indications about the boundary will be taken as the likely future boundaries unless alternative information is provided. It should be noted the Tentative List submission does not include or require boundary information. Such information is only provided with the nomination.

Accordingly, further research might usefully:

- strengthen the understanding of Outstanding Universal Value as much as possible, noting this task will continue through the development of the nomination dossier;
- refine the understanding of attributes;
- give some indication of possible draft boundaries, noting these are subject to further refinement; and
- develop initial information about likely management implications.

The tasks on OUV and attributes will be inputs to the submission, and the boundary and management implications information will be helpful for stakeholders including governments, their heritage authorities, and the local community.

In order to address the issues noted regarding governments, community and stakeholders, including government heritage authorities, it seems worthwhile developing a strategy to promote understanding and encourage support for the submission.

The work plan to develop the Tentative List submission, taking into account the points made above, is included in Table 5 in the preceding section. A timetable is suggested, targeting 1 February 2021 for submission to the World Heritage Centre. This date has some benefit in case a completed nomination is to be submitted in 2022. However, much depends less of the technical side than on the achieving the support of governments, community and stakeholders. If there are delays or difficulties regarding these sectors, then a later Tentative List submission date is likely.

5. CONCLUSIONS

Perhaps the key question underlying this independent expert review is whether there is a good case for seeking World Heritage listing for the Mount Lofty Ranges? The brief answer is – yes, there is a good case. However, to realise this potential, a number of issues will need to be addressed.

With regard to the **rationale** text, this begins to present the core justification for World Heritage listing in terms which resonate with the purpose, scope, criteria and threshold of the World Heritage List. But this text is, of course, only the start of the justification needed, or rather, it is a brief summary of research already undertaken. The World Heritage nomination would present an extended justification of the proposed Outstanding Universal Value.

Importantly, the core of the current rationale for pursuing a World Heritage listing for parts of the Mount Lofty Ranges reflecting the 19th century model of systematic colonisation appears quite sound at this stage.

The core **narrative** previously developed is helpfully structured according to the World Heritage criteria and contains key text which also speaks clearly to the possibility of World Heritage value or Outstanding Universal Value. While at this stage such text looks promising, again much depends on the supporting and detailed justification that can be provided. For example, there is a need to develop text on:

- the broader theme of migration, into which the South Australian example and systematic colonisation can be contextualised;
- the character of non-systematic colonisation;
- the Enlightenment/post-Enlightenment, and the impact on the development of model societies;
- a refined description of the characteristics of systematic colonisation, including the size and variability of sections (farm units);
- an overview of the authoritative historical assessments of systematic colonisation, including whether there is a prevailing consensus about its importance;
- the comparative analysis, especially regarding other examples of systematic colonisation in the world and what landscape evidence exists of these; and
- the analysis related to agricultural innovation.

Brief draft text for two of these aspects is included in the body of the report above.

While the analysis and commentary undertaken presents a generally positive view of the possibilities for World Heritage, albeit with qualifications, it is also worth highlighting there are potential weaknesses and difficulties that may be encountered.

A review of the potential **World Heritage criteria** found:

- the stronger criteria relevant to the proposed property are (ii), (iv) and (vi);
- weaker or more difficult criteria are (iii) and (v), or at least parts of claims that could be made under criterion (v). In the case of (ii), one aspect of the use of this criterion might also be weak – related to the influence on non-British immigrant communities; and
- the criterion which is clearly not relevant is (i).

The report considered the question of the possible **name for the property**, and proposes the Systematic Colonisation Settlement Landscape of South Australia.

Previously, brief draft **justification text** or criteria text had been developed against four criteria – (ii), (iv), (v) and (vi). Based on further analysis, this justification text has been revised and is the core of the current draft Outstanding Universal Value for the property. Based on this draft OUV, related attributes have been identified. However, refining the mapping of attributes beyond a broad scale becomes difficult because of the lack of detail about the exact location of attributes. Some general comments about the qualities present in the landscape of the likely property area are provided.

One of the project tasks related to the question of whether the property should be considered a **historic site or cultural landscape**. The technical context is that:

- sites and cultural landscapes can both be large or small in area;
- sites and cultural landscapes can both be single component World Heritage properties or serial properties with multiple components, and, at a practical level, a serial property can contain both sites and landscapes even though it may get classified as just one or other; and
- in formal terms, sites include cultural landscapes because sites are a higher order definition of cultural heritage under the World Heritage Convention.

In this case, the Systematic Colonisation Settlement Landscape of South Australia is clearly a cultural landscape because at its heart it displays the interaction of humans with the environment – an Aboriginal landscape evolved from the natural environment which was then modified by European settlers. The adaptation of an idealised settlement pattern to the local topography, such as the path of water courses, is a simple if clear example of this interaction.

However, it is not yet clear whether the property is best presented as a single component or serial property, and the scale of the property is also not yet established. Once the values and attributes are clear, and drafts of these are provided above, then these can be mapped, their integrity and authenticity assessed, and boundaries can be developed. The scale and character of the property (ie. single component or serial) will then emerge.

Initial work was undertaken regarding the **comparative analysis** for the property. Four suggested contexts for the comparative analysis were identified:

- Wakefield systematic colonisation;
- European free migration following the Age of Discovery;
- post-Enlightenment attempts to create a model society; and
- agricultural innovation.

Using this framework, an initial list of potentially comparable properties was identified and analysed, based on a limited review and research.

The **development of the nomination** may be broadly divided into the following stages:

- development of a Tentative List submission, to some extent drawing on the initial tasks below;
- development of the nomination – initial tasks – refine draft Outstanding Universal Value, develop comparative analysis, refine attributes and identify boundaries;
- development of the nomination – later tasks – ongoing refinement of Outstanding

Universal Value, comparative analysis, attributes and boundaries, and development of the remaining parts of the nomination; and

- other important tasks (eg. development of a management plan or system which will be vital to support the nomination).

A preliminary **workplan** is presented structured according to these stages. Additional comments are also provided regarding the development of a Tentative List submission.

6. REFERENCES

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ADELAIDE HILLS COUNCIL
ORDINARY COUNCIL MEETING
Tuesday 17 December 2019
AGENDA BUSINESS ITEM

Item:	**12.7**
Originating Officer:	**John McArthur, Manager Waste and Emergency Management**
Responsible Director:	**Peter Bice, Director Infrastructure and Operations**
Subject:	**Uraidla Bushfire Safer Place Signs**
For:	**Decision**

SUMMARY

Council has been approached by Tom Feinle-Bisset, representing the Uraidla Bushfire Safer Place Committee, seeking Council support in regard to the installation of a limited number of Bushfire Safer Place signs within the Uraidla township.

RECOMMENDATION

Council resolves:

1. **That the report be received and noted.**
2. **That the CEO writes to the Executive Officer of the Adelaide Mount Lofty Ranges Bushfire Management Committee requesting the committee review the CFS decision not to provide Bushfire Safer Place signage within Uraidla.**

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1. GOVERNANCE

- **Strategic Management Plan/Council Policy**

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

- **Legal Implications**

Not Applicable.

- **Risk Management Implications**

Supporting the Uraidla Bushfire Safer Place Committee regarding their request will assist in mitigating the risk of:

> *Not supporting the request for support regarding the installation of Bushfire Safer Place Signs in Uraidla leading to potential reputational damage to Council.*

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

The report recommendation is a new mitigation activity.

- **Financial and Resource Implications**

Not Applicable.

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

Supporting the recommendation assists the Uraidla Bushfire Safer Place Committee with their endeavours to arrange for the installation of Bushfire Safer Place signage in the Uraidla township.

- **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: The timing of the next Bushfire Advisory Group meeting did not allow for this matter to be considered.

Administration: Director Infrastructure and Operations

Community: Tom Feinle-Bisset representing the Uraidla Bushfire Safer Place Committee, who also raised this matter at the Community Forum held at Norton Summit 29 October 2019.

2. BACKGROUND

Bushfire Safer Places are not currently sign posted within South Australia. However, Places of Last Resort are sign posted.

Mr Feinle-Bisset has been in liaison with the SA Country Fire Service (CFS) over the last 12 to 18 months (intermittently) seeking support and approval for the installation of approximately 4 to 6 Bushfire Safer Place signs at strategic locations within the Uraidla township (Days Road and Swamp Road).

Appendix 1 details the Uraidla Bushfire Safer Place precinct.

The Uraidla Bushfire Safer Place Committee believes Uraidla has unique characteristics that warrant the installation of Bushfire Safer Place signage. These characteristics have been defined by the Uraidla Bushfire Safer Place Committee and are provided in ***Appendix 2.***

The Uraidla Bushfire Safer Place Committee advises that the CFS has not supported the proposal for the following reasons:

- No current standards in place for signage to direct people to Bushfire Safer Places at any such place in the state
- Financial considerations
- Potential for Bushfire Safer Places to change (e.g. areas added or removed)

In response to the CFS not supporting the proposal Mr Feinle-Bisset wrote to the Minster for Police, Emergency Services and Correctional Services the Honourable Corey Wingard, regarding this matter (refer ***Appendix 3***). The Minister's response is attached (refer ***Appendix 4***) which outlines the lack of standards for Bushfire Safer Places and that state-wide signage would be difficult to establish and maintain.

Further, the Minister outlines in his correspondence for the matter to be further considered, Adelaide Hills Council would need to request that it be considered by the Adelaide and Mount Lofty Ranges Bushfire Management Committee.

3. ANALYSIS

The Uraidla Bushfire Safer Place Committee is proposing the Bushfire Safer Place signage be installed to raise awareness of Uraidla as a safer place, to assist identify the location of the Bushfire Safer Place area and to assist minimise traffic congestion in the event of a bushfire. In addition, the Committee is mindful of the area being used as a CFS staging point in a major fire and believes the signs are necessary to assist with the movement of private vehicles into the Bushfire Safer Place without impacting on CFS vehicles.

Council is a member of the Adelaide and Mount Lofty Ranges Bushfire Management Committee with the Manager Waste and Emergency Management being the Council representative. Accordingly, a request can be made to the Executive Officer of the Adelaide and Mount Lofty Ranges Bushfire Management Committee for this matter to be considered. Further, this matter has been discussed with Council staff.

Bushfire Safer Places are common throughout South Australia and therefore this matter may have broader implications. Nonetheless, the arguments put forward by the Uraidla Bushfire Safer Place Committee are noted and therefore it is appropriate for Council to seek that this matter be referred to the Adelaide and Mount Lofty Ranges Bushfire Management Committee for review.

If the Adelaide and Mount Lofty Ranges Bushfire Management Committee supports the installation of Bushfire Safer Place signage this matter would be referred to the State Bushfire Coordinating Committee for approval and action.

4. OPTIONS

Council has the following options:

I. To endorse the recommendation to seek that the Adelaide and Mount Lofty Ranges Bushfire Management Committee undertake a review of the CFS decision to not support Bushfire Safer Place signs in Uraidla. This is the recommended option as it is the most likely scenario to facilitate a review of the decision.

II. To not endorse the recommendation to seek that the Adelaide and Mount Lofty Ranges Bushfire Management Committee undertake a review of the CFS decision to not support Bushfire Safer Place signs in Uraidla. This option is not recommended.

5. APPENDICES

(1) Uraidla Bushfire Safer Place

(2) 'A special case for Uraidla to have fixed Bushfire Safer Place signs' (provided by the Uraidla Bushfire Safer Place Committee)

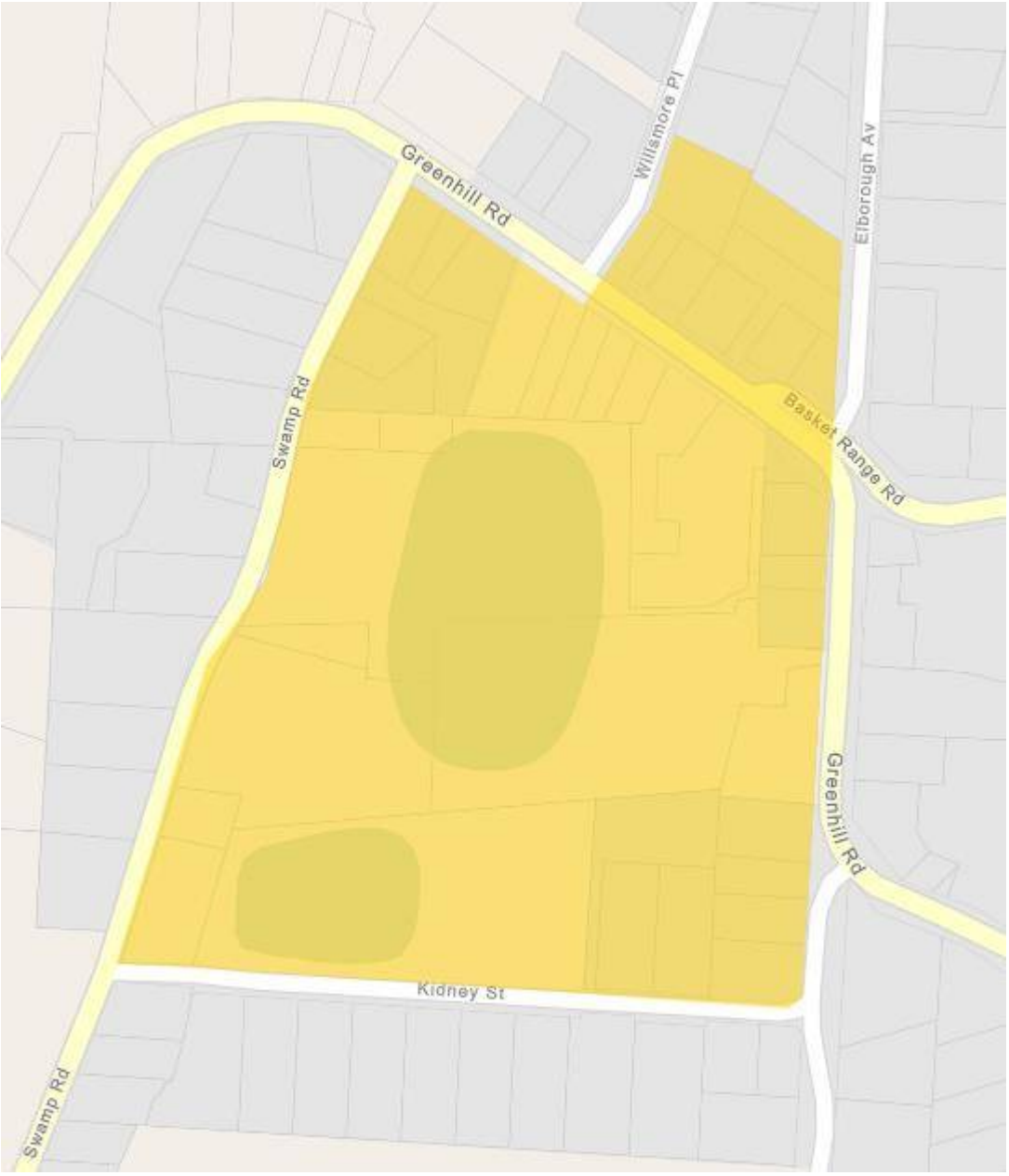
(3) Correspondence to the Honourable Corey Wingard from Mr Feinle-Bisset

(4) Correspondence to Mr Feinle-Bisset from the Honourable Corey Wingard

Appendix 1

Uraidla Bushfire Safer Place

Uraidla Bushfire Safer Place



Appendix 2

A special case for Uraidla to have fixed Bushfire Safer Place signs

Signs for Uraidla Bushfire Safer Place

A Special case for Uraidla to have fixed Bushfire Safer Place signs

- Geographical location, physical features and infrastructures including water supply, enhanced with recent new developements in the Piccadilly valley adjacent
- A natural 'catchment' for residents living in surrounding high fire risk localities with no other safe routes to alternative safer places, Stirling being the closest one
- Identified CFS Staging Area within, possible traffic congestion with limited public access
- Community Group has consulted widely including relevant gov't agencies in formulating an alternative public access route to the Show Hall within this Safer Place
- Limited knowledge of Uraidla Safer Place by both district residents and visitors, despite CFS promotional efforts
- Uraidla and Summertown is now a popular destination for visitors with a choice of dining venues
- Uraidla Primary School within this area has a medium risk fire rating ie can be open on catastrophic days, compared with the two nearby small schools
- Obtained govt funding to assist with backup power
- A strategic DEW and local CFS fuel reduction burn's program being carried out around Uraidla and Summertown townships partly in recognition of this Safer Place area
- This area could also accommodate domestic pets including horses (at owner's risk)
- Appropriate signage along Greenhill Road, a major arterial road, running through this area, would ensure maximum awareness of Uraidla's Bushfire Safer Place

Provided by the Uraidla Bushfire Safer Place Committee

Appendix 3

Correspondence to the Honourable Corey Wingard from Mr Feinle-Bisset

To the
Hon Corey Wingard
Minister for Police, Emergency Services and Correctional Services

Uraidla, August 27, 2018

Dear Minister Wingard,

I write on behalf of a local committee dedicated to having an action plan for our district community, based on the Uraidla Bushfire Safer Place, in the event of a major bushfire threat.
Despite our support for the official CFS advice which is to leave early and head down to Adelaide, we are convinced that many district residents will head to Uraidla and the main oval for relative safety (especially with animals), rather than risk a trip down to the city or suburbs. This open area is well known to many as a sporting hub and events site and is located adjacent to the local Kindergarten and Primary School.

We have held numerous meetings over the last year with regional members of Adelaide Hills Council, CFS, Red Cross and Emergency Housing, and direct contact also with SAPOL in order to formulate our plan. We were successful in gaining a grant to secure independent generator wiring for the three main infrastructures, including the water supply, last year. Our volunteer emergency co-ordinator attended a Red Cross Resilience Workshop hosted by the Adelaide Hills Council earlier this year.

One of the main issues and concerns for us is that since the main part of this Safer Place area has been identified as a CFS Task Force staging area, the potential for confusion and possible chaos for both the public attempting to gain access to this restricted area and CFS operational movements here will be extremely high.

Within the Safer Area, the Show Hall (outside of the CFS staging area) has been identified as an appropriate shelter for people to seek refuge if they chose to stay in the area. This would be manned by one or more of our volunteers.

Although we have distributed the official CFS Safer Place brochure around the area, and the identity of the six Bushfire Safer Places in the Adelaide Hills Council area are quite easily accessed on the CFS website, we are extremely concerned at the alarmingly low level of public knowledge as to where these are located. The location of the Bushfire Places of Last Resort Refuges are clearly identified, with signs in place, statewide. In response, and in view of CFS Task Force plans for here, we have attempted to organise appropriate signage for Uraidla which we believe would greatly assist the movement of the private vehicles into the Safer Place without impacting on CFS traffic.
Despite having the full support (including funding) from Adelaide Hills Council Management for these signs, CFS Headquarters has rejected our repeated request for approval.

Our committee firmly believes that the Uraidla Bushfire Safer Place has a number of unique features, including its strategic location within an extremely high fire risk area, to make it a justifiable exemption in setting a precedent for Safer Place signage.

Therefore, we ask you respectfully to look into this issue with a degree of urgency and support our request to gain CFS approval for Safer Place signs for Uraidla. Unfortunately, with the weather patterns being so unstable, it appears to be a case of when, not if, another major bushfire occurs in the Adelaide Hills, and we want to be as ready as possible in helping to protect our community. Representatives of our committee would be more than happy to discuss this further with you.

Kind regards
Tom Feinle-Bisset
on behalf of Imagine Uraidla Inc., Uraidla & Summertown Show Society and the Uraidla District Soldiers Memorial Park

Cc. Hon John Gardiner, Member for Morialta, Jon Richards, Community Group Safer Place Co-ordinator, and Peter Bice Director, Engineering and Assets, Adelaide Hills Council

Tom Feinle-Bisset
28 Basket Range Road
(Postal: PO Box 293)
Uraidla SA 5142
Ph 08 8390 1124
Mob 0427 967 084
Email tfeinle-bisset@bigpond.com

Appendix 4

Correspondence to Mr Feinle-Bisset from the Honourable Corey Wingard

Hon Corey Wingard MP

Government
of South Australia

Minister for Police,
Emergency Services and
Correctional Services

Minister for Recreation,
Sport and Racing

GPO Box 603
ADELAIDE SA 5001
DX 450

T: (08) 8463 6841
F: (08) 8463 6842

E: Minister.Wingard@sa.gov.au

18EMS0144

Mr Tom Feinle-Bisset
PO Box 293
URAIDLA SA 5142

Dear Mr Feinle-Bisset

Thank you for your correspondence dated 27 August 2018 regarding signage for the Uraidla Bushfire Safer Place.

I am advised that the South Australian Country Fire Service does not currently have any standards for signage to direct people to Bushfire Safer Places. Bushfire Safer Places are currently not sign posted anywhere in South Australia. I am informed that state-wide signage would be difficult to establish and maintain.

Bushfire Safer Places and Places of Last Resort are managed by local Bushfire Management Committees. If this initiative was to be further considered, the Adelaide Hills Council would need to take this proposal to the Adelaide Mount Lofty Ranges Bushfire Management Committee.

If supported the proposal could then be sent to the State Bushfire Coordinating Committee for approval and action. Following this approval the design of any signage would need to occur in consultation with the Department of Planning Transport and Infrastructure.

I trust this information is of assistance to you.

Yours sincerely

Hon Corey Wingard MP
Minister for Police, Emergency Services and Correctional Services

19 / 10 /2018

cc: Mr John Gardner MP, Member for Morialta

ADELAIDE HILLS COUNCIL
ORDINARY COUNCIL MEETING
Tuesday 17 December 2019
AGENDA BUSINESS ITEM

Item:	**12.8**
Originating Officer:	**Steven Watson, Acting Executive Manager Governance and Performance**
Responsible Director:	**Andrew Aitken, Chief Executive Officer**
Subject:	**Internal Audit Quarterly Update**
For:	**Decision**

SUMMARY

This report provides Council with an update on progress of internal audits nominated in the 2018/19-21/22 Strategic Internal Audit Plan (the SIAP) and seeks Council's approval on the Audit Plan as contained in Appendix 1

RECOMMENDATION

Council resolves:

1. **That the report be received and noted.**
2. **That Council adopt the revised Strategic Internal Audit Plan as contained in Appendix 1.**

---

1. GOVERNANCE

- **Strategic Management Plan/Council Policy**

Goal 5	Organisational Sustainability
Strategy 5.7	Governance

- **Legal Implications**

Section 125 of the *Local Government Act 1999* (the Act) requires councils to ensure that appropriate policies, practices and procedures of internal controls are implemented and maintained in order to assist the council to carry out its activities in an efficient and orderly manner to achieve its objectives, to ensure adherence to management policies, to safeguard Council's assets, and to secure (as far as possible) the accuracy and reliability of Council records.

The Internal Audit program is an important tool to provide an objective appraisal of the adequacy on internal controls in managing our risk and supporting the achievement of council objectives.

- **Risk Management Implications**

The implementation of the internal audit program will assist in mitigating the risk of:

Internal control failures occur which lead to greater uncertainty in the achievement of objectives and/or negative outcomes.

Inherent Risk	Residual Risk	Target Risk
High (4C)	Medium (3C)	Medium (3C)

- **Financial and Resource Implications**

The Internal Audit budget for this financial year includes funding to resource the proposed audits and enable them to be outsourced under the oversight of the Executive Manager Governance and Performance. Given the range of demands on this role, and the specialised nature of a number of the audits, it is not possible to undertake audits internally and while not necessary, it does promote the objectivity of the audit process.

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

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

- **Environmental Implications**

Not applicable

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

Consultation in the preparation of the report was as follows:

Council Committees: The adequacy of the SIAP was discussed at the November 2019 Audit Committee meeting.

Advisory Groups: Not Applicable

Workshops: Not Applicable

Administration: Director Corporate Services
Manager Financial Services
Executive Manager Governance and Performance

Community: Not Applicable

2. BACKGROUND

In June 2019, the Administration engaged a Risk & Internal Audit Consultant (the Consultant) to develop the project briefs for the following series of internal audits on the SIAP, being:

- Recruitment and retention practices
- Budgetary management
- Payroll function
- Use of purchase cards.

The Use of Purchase Cards Audit was conducted in July 2019 and the audit report provided to the August 2019 Audit Committee meeting.

To date, none of the audits carried over from 2018-19 has been commenced due to conflicting priorities primarily relating to the Boundary Reform and Local Government Reform legislative changes, a vacancy in the Governance & Performance Department, the commencement of the Strategic Plan Review in 2019, and a significantly higher than average number of s270 Internal Reviews of Council Decisions (i.e. 9 lodged in 2018-19).

3. ANALYSIS

The SIAP has been revised to reflect the delays in commencement of the scheduled internal audit projects (see SIAP v1.2a in ***Appendix 1***). The rescheduling has necessitated the proposed extension of the SIAP into 2022-23 and the corresponding reshuffling of projects across those years.

There is some optimism on the resourcing of the function to achieve the proposed revised SIAP due to the staffing vacancy being filled from 2 December, the completion of the Strategic Plan in February 2020 and the transfer of the Internal Review of Council Decisions function to a different Directorate from 1 January 2020.

The Audit Committee supported the proposed changes and recommends to Council the revised SIAP as detailed below:

7.8. Internal Audit Quarterly Update

Moved Geoff Purdie
S/- Paula Davies **46/AC19**

The Audit Committee resolves to:

1. **Receive and note the report.**
2. **Recommend to Council to adopt the revised Strategic Internal Audit Plan as contained in Appendix 1**

Carried

4. OPTIONS

The Council has the following options:

I. To adopt the revised the SIAP as contained in Appendix 1; or
II. To identify an alternative course of action.

5. APPENDIX

(1) Strategic Internal Audit Plan 2018/19 – 22/23 v1.2a

Appendix 1

Strategic Internal Audit Plan 2018/19 – 22/23 v1.2a

Strategic Internal Audit Plan 2018/19 - ~~21/22~~ 22/23

Audit Engagement	Scope	Strategic/Corporate Risk Linkage	Year 1 2018/19	Year 2 2019/20	Year 3 2020/21	Year 4 2021/22	Year 5 2022/23
Recruitment & Retention Practices	Focusing on the role analysis, authorisation, recruitment process, remuneration determination, reward and recognition processes.	SR9a - Failure to manage, improve and develop the human resources available to the Council.	~~Q1~~	Q3			
Budgetary Management	Focussing on financial planning, control and reporting. Relationship of budget with LTFP, legislative and regulatory compliance.	SR9c - Failure to manage, improve and develop the financial resources available to the Council.	~~Q2~~	Q3			
Payroll Function	Focussing on the payroll operation, including a review of the processes, systems, activities, controls and risks. The extent to the audit engagement will consider aspects from commencement of employment to termination of individuals, including payment of wages, leave, changes to position security, administration and payroll reporting. Including PIR from 2014 audit.	SR9c - Failure to manage, improve and develop the financial resources available to the Council.	~~Q3~~	Q4			
Major Projects Review	Focussing on processes, activities associated with the project, including scoping, planning, implementation, monitoring, post project review, risk management, development of maintenance program and operations.	SR2 - Failure to deliver projects, programs and services in accordance with plans (time, budget, quality).	~~Q4~~ (AHBTC Divestment)	Q4 (AHBTC Divestment)	Q2	Q2	Q2
Use of Purchase Cards	Focussing on the systems, processes and documentation for the issuing, custody, use, transaction approval and oversight of Purchase Cards	SR9c - Failure to manage, improve and develop the financial resources available to the Council.	Completed				
Capital Works Programming & Delivery	Focussing on the planning, scheduling, approval, monitoring, and reporting processes and practices regarding the Capital Works Program. The procurement and contract management processes will be out of scope due to other scheduled audits on these subjects.	SR2 - Failure to deliver projects, programs and services in accordance with plans (time, budget, quality). SR6 - Failure to provide appropriate infrastructure for the community. SR4 - Failure to take measures to protect the community from natural and other hazards		~~Q1~~	Q1		
Treasury Management	Focusing on the processes, practices and policies regarding Treasury Management including compliance with legislative obligations.	SR9c - Failure to manage, improve and develop the financial resources available to the Council.		~~Q2~~	Q1		
Cyber Security	Focussing on the systems, processes and controls associated with securing and protection Council's IC&T network from penetration and data corruption/denial of service from external parties. Including PIR from 2015 audit.	SR9b - Failure to manage, improve and develop the information resources available to the Council.		~~Q2~~	Q2		
Emergency Management	Focussing on Emergency Management Plans, identification of risks associated with various types of disasters and the controls and processes to mitigate those risks, status of preparedness in the event of an emergency, recovery process and association with the Community and other Emergency Services.	SR4 - Failure to take measures to protect the community from natural and other hazards		~~Q4~~	Q4		
Business Continuity Plan	Focussing on the review of Business Continuity Plan (Disaster Recovery and Disruption) to key activities of Council including the identification, development, implementation of recovery plans and testing of conditions in the event of a disaster.	SR4 - Failure to take measures to protect the community from natural and other hazards			~~Q1~~	Q1	
Economic Development Strategy Implementation	Focusing on the strategy development and revisions processes, determination of actions and initiatives, funding of strategy implementation and evaluation of outcomes against strategy objectives.	SR7 - Failure to promote the Council area and provide an attractive climate and locations for the development of business, commerce, industry and tourism.			~~Q1~~	Q1	
Debt Management	Focusing on the processes, practices and policies regarding Debt Management including compliance with legislative obligations.	SR9c - Failure to manage, improve and develop the financial resources available to the Council.			~~Q3~~	Q3	
Procurement	Focussing on processes, activities, controls, risk, compliance through stages of the function, including planning, assessment, selection, and contract execution. Including the use of payment methods such as credit cards and petty cash. Including PIR from 2014 & 2015 audits. The contract management processes will be out of scope due to another scheduled audit on this subject.	SR2 - Failure to deliver projects, programs and services in accordance with plans (time, budget, quality). SR9c - Failure to manage, improve and develop the financial resources available to the Council.			~~Q4~~	Q4	
Training & Development Practices	Focusing of the identification of training and development (T&D needs, sourcing of T&D options, scheduling and support of activities, assessment of transfer into workplace and evaluation of T&D initiatives. This will include development activities such as coaching & mentoring.	SR9a - Failure to manage, improve and develop the human resources available to the Council.				~~Q1~~	Q1
Asset Operation	Focussing on Asset operation, processes, activities, controls, risk, service levels, planned work, maintenance programs, monitoring performance, asset registers and reporting. Including PIR from 2016 audit.	SR2 - Failure to deliver projects, programs and services in accordance with plans (time, budget, quality). SR6 - Failure to provide appropriate infrastructure for the community. SR8 - Failure to manage and develop public areas vested in, or occupied by the Council.				~~Q2~~	Q2
Contract Management	Focussing on the post-procurement processes, activities, controls, risk, compliance through stages of the function, including induction, payment approval, monitoring, superintending, reporting, contractual close and evaluation. The procurement processes will be out of scope due to another scheduled audit on this subject.	SR2 - Failure to deliver projects, programs and services in accordance with plans (time, budget, quality). SR11 - Failure to exercise, perform and discharge the powers, functions and duties under legislation, contracts, leases and policies.				~~Q4~~	Q4
Number of Audits			1	4	5	5	4

Version Control

Date Adopted	Version Comments	No.
30/04/2018	Initial plan considered by Audit Committee	1.0a
22/05/2018	Adopted by Council	1.0
26/02/2019	Amended plan adopted by Council (Purchase Card audit added)	1.1
18/11/2019	Proposed changes to SIAP to extend it for a year	1.2a

ADELAIDE HILLS COUNCIL
ORDINARY COUNCIL MEETING
TUESDAY 17 DECEMBER 2019
AGENDA BUSINESS ITEM

Item:	**12.9**
Originating Officer:	**Lachlan Miller, Executive Manager Governance & Performance**
Responsible Director:	**Andrew Aitken, Chief Executive Officer**
Subject:	**GRFMA Charter**

SUMMARY

Adelaide Hills Council is one of six member councils which make up the Gawler River Floodplain Management Authority (GRFMA) regional subsidiary, along with Barossa, Gawler, Light, Adelaide Plains and Playford.

The GRFMA operates under a Charter (refer to ***Appendix 1*** for a copy of the existing document) which was last amended in 2015. The GRFMA has been undertaking a review of the Charter and associated governance arrangements.

At its meeting of 25 June 2019 (adjourned to 2 July 2019 – Item 12.10), Council considered a report on the initial draft revised Charter and in essence resolved to support the revisions and advise the GRFMA Board accordingly. The GRFMA was subsequently advised of Council's decision. The comments from the constituent councils in this regard were then considered by the GRFMA at its ordinary Board meeting on 17 October 2019 where it resolved:

GRB 19/68

That the GRFMA:

1. *Receive the report;*
2. *Accept the final Charter Review document with minor grammatical changes only;*
3. *Request the Executive Officer to;*

a. *seek constituent council support to accept and adopt the final draft charter document, with minor grammatical changes only, as per clause 18.2 of the GRFMA Charter; and*

b. *in doing so advise constituent councils of the other changes suggested but not included and advise that they will be picked up in the Stage 2 process of the GRFMA Charter Review.*

Note that only minor grammatical errors were subsequently made and Council is now being asked to consider the final draft GRFMA Charter and indicate its approval. This will enable the Board to then lodge the revised Charter with the Minister for Local Government, the Hon. Stephan Knoll, for approval and gazettal. In accordance with Clause 17.1 of the existing Charter, the decision of the constituent councils has to be unanimous in order to enable this to occur. Note that this will then conclude Stage 1 of the Charter review process, with a review of the council contributions and any other matters (refer to ***Appendix 2*** for details) to be undertaken as part of Stage 2 process which will commence in the New Year.

RECOMMENDATION

That Council resolves:

1. **That the report be received and noted.**

2. **That following a review of the Charter for the Gawler River Floodplain Management Authority, the Council notes and takes into account the recommendations of the GRFMA and adopts the amended charter for the GRFMA as set out in Appendix 3 of this report.**

3. **To authorise the Chief Executive Officer to advise the Gawler River Floodplain Management Authority Board that the Adelaide Hills Council adopts the amended 2019 GRFMA Charter.**

---

1. GOVERNANCE

➢ **Strategic Management Plan/Council Policy**

Goal	Organisational Sustainability
Strategy	Governance
	Collaboration on public policy setting
	Risk and responsibility

Council's s43 Regional Subsidiary provides an important governance and service delivery function on behalf of Council.

➢ **Legal Implications**

The GRFMA is established pursuant to Section 43 and Schedule 2 of the *Local Government Act 1999*. In accordance with legislative requirements and the Authority's existing Charter, any amendments to the Charter require unanimous support from all 6 constituent Councils.

➢ **Risk Management Implications**

The GRFMA exists to manage the floodplain of the Gawler River within its area of responsibility in order to reduce the associated flooding risks to private and public property located within the floodplain.

The proposed revisions to achieve a sound and prudent charter for the GRFMA are an important control in managing the risk of:

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

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

Note: there are many other controls that also assist in managing this risk.

- **Financial and Resource Implications**

Not applicable.

The percentage rate contributions for the Adelaide Hills Council are as follows:

Capital Works Percentage Share	Maintenance of Assets Percentage Share	Operating Costs Percentage Share
1.73%	1.73%	16.66%

It is noted that the above contributions will be reviewed as part of Stage 2 process which will commence in the New Year.

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

There are no direct customer service implications with the proposed change to the GRFMA Charter.

- **Environmental Implications**

There are no direct environmental implications with the proposed change to the GRFMA Charter.

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

Consultation on the development of this report was as follows:

Council Committees: Not Applicable

Council Workshops: Not Applicable

Advisory Groups: Not Applicable

Administration: Director Development & Regulatory Services

Community: Not Applicable

2. BACKGROUND

The Gawler River Floodplain Management Authority (GRFMA) was formed in 2002 and is a Regional Subsidiary established pursuant to Section 43 and Schedule 2 of the *Local Government Act 1999*.

The Constituent Councils are the Adelaide Hills Council, The Barossa Council, Town of Gawler, Light Regional Council, Adelaide Plains Council and the City of Playford.
The Charter sets down the powers, functions, safeguards and accountabilities and a framework for the financial commitments of the GRFMA and each Constituent Council.

The Authority operates pursuant to a Charter which sets down the powers, functions, accountabilities and operating framework. The Charter was last amended in 2015 (refer to ***Appendix 1*** for a copy).

In May 2018 the GRFMA Board endorsed the creation of a Working Group to undertake a GRFMA Charter and Governance Review to include the review of the Charter and then once completed, to scope and consider other governance arrangements of the Authority.

Following the Working Group's completion of the Charter review, legal advice was obtained and the revised Charter considered at the GRFMA Board's April 2019 meeting. The Board resolved as follows:

That the GRFMA

1. *Request a copy of the final draft GRFMA Charter Review document, as amended, be provided to constituent councils for comment and support; and*
2. *Reinforces to all constituent councils that it will, amongst other aspects and as a priority, commit to a further review of the charter during the 2019/20 financial year that examines percentage rate contributions for each council.*

At its meeting of 25 June 2019 (adjourned to 2 July 2019 – Item 12.10), Council considered a report on the initial draft revised Charter and resolved:

12.10 Gawler River Floodplain Management Authority (GRFMA) Charter

Moved Cr Linda Green
S/- Cr John Kemp **177/19**

That Council resolves:

1. **That the report be received and noted.**

2. **To authorise the Chief Executive Officer to advise the Gawler River Floodplain Management Authority Board that the Adelaide Hills Council is supportive of the proposed 2019 Charter.**

Carried Unanimously

The GRFMA was subsequently advised of Council's decision. All the comments from the constituent councils were then considered by the GRFMA at its ordinary Board meeting on 17 October 2019 where it resolved:

GRB 19/68

That the GRFMA:

1. *Receive the report;*
2. *Accept the final Charter Review document with minor grammatical changes only;*
3. *Request the Executive Officer to;*

a. *seek constituent council support to accept and adopt the final draft charter document, with minor grammatical changes only, as per clause 18.2 of the GRFMA Charter; and*
b. *in doing so advise constituent councils of the other changes suggested but not included and advise that they will be picked up in the Stage 2 process of the GRFMA Charter Review.*

Note that only minor grammatical edits were made to the final draft Charter as a result of the constituent councils' comments. On 6 November 2019, Council received a letter from the GRFMA (refer to ***Appendix 2***) seeking Council's approval of the final draft of the Charter. This report seeks this outcome.

3. ANALYSIS

As reported to Council at its 25 June 2019 meeting (Item 12.10), the following are the key changes to the Charter which have not changed since then:

Clause	Proposed change
1.2	Provision of Definitions.
3.1.4	New wording to facilitate sustainable outcomes to ensure a proper balance between economic, social, environmental and cultural considerations.
3.3	New provision to provide that where a council requests the Authority to undertake an additional function separate to those undertaken by the Authority for all constituent councils a written agreement is required which includes and identifies percentage of capital costs to be met by the requesting council and identification of ownership and maintenance costs.
3.5	Provision regarding advice being sought from the Authority in relation to relevant development applications.
4.3.1.1	New provisions to identify Board and Deputy Board Members and provision for deputy members for both the CEO/CEO nominee Board Member and Council Member Board Member.
4.5.1	New process for appointment of Chairperson for a three-year term (by constituent councils) and to provide that the Authority may reappoint a Chairperson following that person's first term as Chairperson.
6.	Reworded and reorganised to reflect Role and Functions and provision for a new Code of Practice for Meeting Procedures (to be established)
7.2	Clarifies obligations of the Authority in regards to Register of Interest and Related Party Disclosures.
8.4. & 8.5	Provides authority to borrow money subject to approved budget and constituent council approval. If the Authority seeks to establish an overdraft facility, it will seek the approval of the Constituent Councils through the submission of a relevant policy to the Constituent Councils for approval.
9.4.1 and 9.4.2	Establishment of Committees - Provides opportunity for more than one independent Audit Committee member and term of appointment.
11.1	Requires separate funding agreement with constituent councils where capital or maintenance cost exceed $1 Million in any one year.
12	Provision for Annual Business Plan and Annual Budget - clarification that Council approve the Budget as a whole.
13	New Management Framework requiring a Long-Term Financial Plan, a Strategic Plan and an Asset Management Plan as well as annual budget.
21	Clarifies dispute resolution process between Authority and one or more constituent councils.
23.3	No change to financial contributions by constituent councils NOTE Depreciation falls within the scope of the Authorities operational costs.
24	New identification of non-derogation and Direction by constituent councils.

Council's Administration is supportive of adopting the final draft Charter (refer to ***Appendix 3***) as it incorporates contemporary governance practices relating to regional subsidiaries.

Council is now being asked to consider the final draft GRFMA Charter and indicate its approval in order to enable the Board to then lodge the revised Charter with the Minister for Local Government, the Hon. Stephan Knoll, for approval and gazettal. In accordance with Clause 17.1 of the existing Charter, the decision of the constituent councils has to be unanimous in order to enable this to occur.

It is noted that following receipt of constituent council resolutions, the GRFMA is required to:

1. Provide a copy of the amended charter together with relevant council resolutions to the Minister.
2. Ensure the amended charter is published on a relevant website, and
3. Ensure that notice of the fact of the amendment and a website address at which the charter is available for inspection is published in the Government Gazette (clauses 3(5) and 19(5) of Schedule 2 to the LG Act, respectively).

Note that this will conclude Stage 1 of the Charter review process, with a review of the council contributions and any other matters (refer to ***Appendix 2*** for details) to be undertaken as part of Stage 2 of the Charter review. This will facilitate a process to scope and consider other contemporary governance arrangements that the GRFMA might, with constituent council support, adopt in seeking to deliver its purpose of coordinating the planning, construction, operation and maintenance of flood mitigation infrastructure for the Gawler River.

4. OPTIONS

Council has the following options:

1. To advise the GRFMA Board that Council approves the final draft GRFMA Charter (Recommended).
2. To resolve to suggest amendments to the final draft GRFMA Charter (Not recommended).

Option 1 is recommended as the final draft Charter provides for greater clarity and consistency with regard to the governance arrangements of this regional subsidiary.

5. APPENDICES

1. Current charter (2015)
2. Letter from GRFMA dated 6 November 2019
3. Final Amended GRFMA Charter for Adoption

Appendix 1

Current Charter (2015)

LOCAL GOVERNMENT ACT 1999

GAWLER RIVER FLOODPLAIN MANAGEMENT AUTHORITY

Notice of Alteration to the Charter

PURSUANT to Clause 17 of the Charter, and Clause 19, Part 2, Schedule 2 of the Local Government Act 1999, the Charter published in the *Gazette* on 25 October 2012 at pages 4730 to 4735 was amended by a resolution passed in the same terms of the City of Playford on 28 April 2015, District Council of Mallala on 10 March 2015, Town of Gawler on 24 March 2015, The Barossa Council on 17 March 2015, Light Regional Council on 24 March 2015 and the Adelaide Hills Council on 24 March 2015.

The Charter, as amended, of the Gawler River Floodplain Management Authority is set out below.

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1. **ESTABLISHMENT**

The Gawler River Floodplain Management Authority ('the Authority') 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 Authority.

2. **CONSTITUENT COUNCILS**

The Authority is established by the City of Playford, District Council of Mallala, Town of Gawler, The Barossa Council, Light Regional Council and the Adelaide Hills Council ('the Constituent Councils').

The Authority is subject to the joint direction of the Constituent Councils.

3. **PURPOSE**

3.1 The Authority has been established for the following purposes:

3.1.1 to co-ordinate the construction, operation and maintenance of flood mitigation infrastructure for the Gawler River. This purpose is the core business of the Authority;

3.1.2 to raise finance for the purpose of developing, managing and operating and maintaining works approved by the Board;

3.1.3 to provide a forum for the discussion and consideration of topics relating to the Constituent Council's obligations and responsibilities in relation to management of flood mitigation for the Gawler River;

3.1.4 upon application of one or more Constituent Councils pursuant to clause 12.4:

3.1.4.1 to coordinate the construction, maintenance and promotion and enhancement of the Gawler River and areas adjacent to the Gawler River as recreational open space for the adjacent communities; and

3.1.4.2 to enter into agreements with one or more of the Constituent Councils for the purpose of managing and developing the Gawler River.

3.2 The Authority is not involved in a significant business activity as defined in the Clause 7 Statement prepared under the Competition Principles Agreement of the National Competition Policy.

4. **THE BOARD—ROLE AND MEMBERSHIP**

4.1 The Authority will be governed by a Board.

4.2 The Board is responsible for the administration of the affairs of the Authority. 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 Authority as well as any material developments which may affect the operating capacity and financial affairs of the Authority:

4.3 The Board will comprise:

4.3.1 One independent person who is not an officer, employee or elected member of a Constituent Council appointed by absolute majority of the Constituent Councils as the Chairperson for a term of two years and who has expertise in one or more of the following areas:

(a) environmental management;

(b) corporate financial management;

(c) general management;

(d) public sector governance.

4.3.2 The Chairperson is, at the expiry of his or her term of office, eligible for reappointment.

4.3.3 Each of the Constituent Councils will appoint two persons to the Board. The Constituent Councils' appointees shall be the Chief Executive Officer of the Constituent Council or his or her nominee plus one elected member of the Constituent Council.

4.3.4 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.

4.3.5 The Board may appoint observers to the Board. Such appointees will not be entitled to vote at meetings.

4.3.6 Board members (with the exception of the Chairperson), shall not be entitled to receive a sitting fee.

4.3.7 The Board may pay a sitting fee to the Chairperson in such amount as determined by the Board.

4.4 A certificate signed by the Chief Executive Officer of the appointing Constituent Council will be sufficient evidence of appointment.

4.5 In the absence of the Chairperson, the Board will elect a temporary acting Chairperson from amongst their members.

5. TERM OF OFFICE—THE BOARD

5.1 Subject only to the following subclauses, the term of office of each member of the Board, (with the exception of the Chairperson), will be as determined by the Constituent Council responsible for the appointment of the member and the Constituent Councils express a preference that members of the Board are appointed following each election of the Constituent Council for the term of the Council.

5.2 The Board may by a two-thirds majority vote of the members present (excluding the member subject to this clause) make a recommendation to the Constituent Council responsible for the appointment of the relevant member, that the Constituent Council terminate the appointment of the member in the event of:

5.2.1 any behaviour of the member which in the opinion of the Board amounts to impropriety;

5.2.2 serious neglect of duty in attending to the responsibilities of a member and/or Chairperson of the Board;

5.2.3 breach of fiduciary duty to the Board;

5.2.4 breach of the duty of confidentiality to the Board or the Constituent Councils;

5.2.5 breach of the conflict of interest rules of the Board; or

5.2.6 any other behaviour which may discredit the Board.

5.3 The Board may by a two-thirds majority vote of the members present (excluding the Chairperson) make a recommendation to the Constituent Councils that the appointment of the Chairperson be terminated in the event of:

5.3.1 any behaviour of the Chairperson which in the opinion of the Board amounts to impropriety;

5.3.2 serious neglect of duty in attending to the responsibilities of a member and/or Chairperson of the Board;

5.3.3 breach of fiduciary duty to the Board;

5.3.4 breach of the duty of confidentiality to the Board or the Constituent Councils;

5.3.5 breach of the conflict of interest rules of the Board; or

5.3.6 any other behaviour which may discredit the Board.

5.4 The Constituent Council which appointed the member whose term of office has become vacant will be responsible to appoint the replacement member.

6. PROCEEDINGS OF THE BOARD

6.1 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 Part 2 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.

6.2 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.

6.3 For the purpose of this clause, the contemporaneous linking together by an audio-visual or other interactive means, but excluding telephones ('telecommunication meeting') of a number of members of the Board provided that at least a quorum is present, is deemed to constitute a meeting of the Board. Each of the Board members taking part in the telecommunications meeting, must be able to hear and be heard by each of the other Board members present. At the commencement of the 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.

6.4 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.

6.5 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.

6.6 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.

6.7 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.

6.8 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 six members of the Board representing all of the Constituent Councils.

6.9 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.

6.10 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.

6.11 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.

6.12 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.

7. PROPRIETY OF MEMBERS OF THE BOARD

7.1 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.

7.2 The members of the Board will not be required to comply with Division 2, Chapter 5 (Register of Interests) of the Act.

7.3 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.

8. POWERS

8.1 The Authority is constituted as a body corporate under the Act and in all things acts through the Board.

8.2 The Authority has:

8.2.1 the power to acquire, deal with and dispose of real and personal property and rights in relation to real and personal property;

8.2.2 the power to compulsorily acquire land in accordance with the Land Acquisition Act 1969, provided that such acquisition is for the purposes of flood mitigation

8.2.3 the power to sue and be sued in its corporate name;

8.2.4 the power to enter into any kind of contract or arrangement;

8.2.5 the power to return surplus revenue to Constituent Councils in such proportions as the Board considers appropriate at the end of any financial year either by way of cash payment or reduction of annual contribution;

8.2.6 the power to set aside surplus revenue for future capital expenditure;

8.2.7 the power to invest funds and in doing so to take into account Part 4 of Chapter 9 of the Act;

8.2.8 the power to establish committees;

8.2.9 the power to delegate any function or duty except for the power to compulsorily acquire land as set out in Rule 8.2.2 and 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); and

8.2.10 the power to do anything else necessary or convenient for, or incidental to, the exercise, performance or discharge of its powers, functions or duties.

8.3 The Authority shall not act outside of the areas of the Constituent Councils without their prior approval that approval shall only be granted upon the basis that the Councils consider it necessary or expedient for the performance of their or the Authority's functions.[1]

8.4 The Authority will have a common seal which may be affixed to documents requiring execution under common seal and must be witnessed by the Chairman of the Board and one other Board member.

8.5 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.

8.6 The Board may by instrument under seal authorise a person to execute documents on behalf of the Authority. 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.

9. ADMINISTRATIVE MATTERS

9.1 There will be an Executive Officer of the Authority appointed by the Board on terms and conditions to be determined by the Board.

9.2 The Executive Officer will be responsible to the Board:

9.2.1 to ensure that the policies and lawful decisions of the Authority are implemented in a timely manner;

9.2.2 for the efficient and effective management of the operations and affairs of the Authority;

9.2.3 to provide advice and reports to the Board on the exercise and performance of the Authority's powers and functions; and

9.2.4 to give effect to the principles of human resource management generally applicable within the local government industry.

9.3 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 Authority.

9.4 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.

9.5 The Board may engage professional consultants and it may authorise the Executive Officer to engage professional consultants to provide services to the Authority to ensure the proper execution of its decisions, the efficient and effective management of the operations and affairs of the Authority and for giving effect to the general management objectives and principles of personal management prescribed by this Charter.

10. FINANCIAL CONTRIBUTIONS TO THE AUTHORITY

10.1 The contributions of the Constituent Councils shall be based on the following percentage shares for capital works, maintenance of assets of the Authority and operational costs of the Authority.

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

10.2 The Board will be responsible to provide the Constituent Councils with sufficient information for each of them to ascertain the level of and understand the reasons behind the funding required in the following financial year. This will be achieved via the business plan and the annual budget.

10.3 The Board will determine annually the funds required by the Authority to enable it to function. The Constituent Councils shall contribute the funds requested by the Board, in the annual budget and approved by the Council, and any additional funds that are required for the continuing function of the Authority and approved by the Council, in accordance with Clause 11. The Board must provide full details regarding the need for additional funds to the Constituent Councils.

10.4 The annual contribution will be paid by each Constituent Council in advance by six monthly instalments.

10.5 Additional contributions (if any) will be paid by each Constituent Council in the manner and at the time determined by the Board.

10.6 The Board is accountable to each Constituent Council to ensure that the Authority functions in accordance with its business plan and approved budgets.

10.7 The Board on behalf of the Authority may enter into separate funding arrangements with Constituent Councils and with any State or Federal Government or their agencies in respect of any project undertaken or to be undertaken by or on behalf of the Authority.

10.8 Where a Council or Councils enter into an agreement with the Authority under Clause 12.4 of this Charter the subscriptions payable under that agreement shall be additional to the subscriptions payable under this Clause.

11. BUDGET

11.1 The Authority must prepare a budget for the forthcoming financial year.

11.2 The budget must:

11.2.1 deal with each principal activity of the Authority on a separate basis;

11.2.2 be consistent with and account for activities and circumstances referred to in the Authority's business plan;

11.2.3 be submitted in draft form to each Constituent Council before 31 March for approval of its contribution for the year;

11.2.4 not be adopted by the Authority until after 31 May but before 30 September;

11.2.5 the adoption of the budget requires a two-thirds majority of the Board members present; and

11.2.6 identify the amount of and the reasons for the financial contributions to be made by each Constituent Council to the Authority.

11.3 The Authority must provide a copy of its budget to each Constituent Council within five business days after adoption.

11.4 The Authority must reconsider its budget in accordance with Regulation 9 of the Local Government (Financial Management) Regulations 2011.

11.5 The Authority must submit to each Constituent Council for approval, any proposed amendment to the budget that provides for an additional contribution by the Constituent Councils.

11.6 Where a Constituent Council has failed to approve a draft budget, or an amended budget, and has not served a notice on the Authority in accordance with Clause 20.2 within two months of the receipt of the draft budget, or amended budget by the Constituent Council, then the approval of the Constituent Council to the draft budget, or amended budget, will be deemed to have been given.

12. **BUSINESS PLAN**

12.1 The Authority shall have a rolling Business Plan in respect of the ensuing three years.

12.2 The Business Plan must:

12.2.1 state the services to be provided by the Authority;

12.2.2 identify how the Authority intends to manage service delivery;

12.2.3 identify the performance targets which the Authority is to pursue;

12.2.4 provide a statement of financial and other resources and internal processes that will be required to achieve the performance targets and objectives of the Authority; and

12.2.5 specify the performance measures that are to be used to monitor and assess performance against targets.

12.3 Prior to setting the draft budget each year the Authority must review the Business Plan in conjunction with the Constituent Councils. The Business Plan must be updated to ensure it presents a plan for the ensuing three years.

12.4 One or more of the Constituent Councils may request the Authority to undertake a function provided for in Clause 3.1.4 of this Charter, which function is additional to those undertaken by the Authority for all of the Constituent Councils. Where one or more Constituent Councils make a request under this Clause, the Constituent Council or Councils must enter into a written agreement with the Authority which commits the Council or Councils to annual subscription amounts and/or an equal percentages of classes of subscription to meet the costs of the Authority in undertaking the additional function and which deals, amongst other things, with the ownership and maintenance of any resultant infrastructure.

13. **ACCOUNTING**

The Authority must ensure that its accounting records, accounts and financial statements are prepared and maintained in accordance with all relevant Australian Accounting Standards. See Regulations 11 and 12, Local Government (Financial Management) Regulations 2011, in relation to particular accounting practices.

14. **AUDIT**

14.1 The Authority must appoint an auditor.

14.2 The Authority must provide its audited financial statements to the Chief Executive Officer of each Constituent Council by 30 September. See Part 6, Local Government (Financial Management) Regulations 2011, in relation to the Authority's audit responsibilities.

15. **FINANCE**

15.1 The Board must establish and maintain a bank account with such banking facilities and at a bank to be determined by the Board.

15.2 All cheques to be authorised must be signed by two members of the Board or one member of the Board and the Executive Officer.

15.3 The Executive Officer must act prudently in the handling of all financial transactions for the Board and must provide quarterly financial and corporate reports to the Board and if requested, the Constituent Councils.

15.4 The Board will, at the end of each financial year prepare a schedule of assets and liabilities. In addition, the Board must maintain a record to be known as the 'Schedule of Constituent Councils' Interests in Net Assets'.

15.5 The 'Schedule of Constituent Councils' Interests in Net Assets' will reflect the proportionate contribution each Constituent Council has made to capital, operations and maintenance to the Authority having regard to the proportionate contribution to subscriptions for each function undertaken by the Authority. The Schedule when updated by the Board at the end of each financial year will reflect the proportionate contribution of each Constituent Council since the commencement of the Authority and once accepted by each Constituent Council will be evidence of the agreed proportion of a Constituent Council's interests in the net assets as at 30 June in that year.

15.6 Where there is any dispute as to the Schedule, Clause 20 shall apply.

16. **REPORTS AND INFORMATION**

16.1 The Authority must submit its annual report on its work and operations including its audited financial statements, to each Constituent Council before 30 September.

16.2 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.

16.3 The Board shall report at any other time at the written request of a Constituent Council on matters being undertaken by the Authority. Any such report shall be provided to all Constituent Councils.

17. ALTERATION TO THE CHARTER

17.1 This Charter may be amended by unanimous resolution of the Constituent Councils.

17.2 The Executive Officer of the Authority must ensure that the amended Charter is published in the *Gazette*.

17.3 Before the Constituent Councils vote on a proposal to alter this Charter they must take into account any recommendations of the Board.

18. WITHDRAWAL OF A CONSTITUENT COUNCIL

18.1 Subject to the approval of the Minister, a Constituent Council may withdraw from the Authority by giving not less than six months notice of its intention to do so to all other Constituent Councils and the Executive Officer.

18.2 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.

18.3 A withdrawing Constituent Council is not entitled to any refunds of any contributions made.

19. ADDITION OF NEW MEMBER

19.1 The Board may consider the addition of a new member to the Authority.

19.2 The Constituent Councils must resolve unanimously to approve the addition of a new member to the Authority and must obtain Ministerial approval.

19.3 The Charter shall be amended in accordance with the provisions of this Charter to address any new addition.

20. DISPUTES

20.1 In the event of any dispute or difference between the Constituent Councils and the Authority concerning the operations or affairs of the Authority, the dispute process shall be initiated by a Constituent Council serving a notice of dispute on all other Constituent Councils with a contemporaneous copy being served on the Authority. 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 Authority; and

20.1.4 notwithstanding the existence of a dispute or difference, the Constituent Councils will continue to meet their obligations to the Authority.

20.2 In the event of any dispute or difference between one or more Constituent Councils and the Authority concerning the operations or affairs of the Authority, the dispute process shall be initiated by a Constituent Council, or the Authority, serving a notice of dispute on the Constituent Council or the Authority, as the case may be, with a contemporaneous copy being served on all other Constituent Councils:

20.2.1 will attempt to settle the dispute or difference by negotiating in good faith;

20.2.2 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 examine the issues 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 Council and the Authority. The costs of the expert will be apportioned and payable in accordance with the expert's determination; and

20.2.3 notwithstanding the existence of a dispute or difference, the Constituent Councils and the Authority will continue to meet their obligations to each other.

For the purposes of Clause 20.2 'dispute' includes where a Constituent Council has failed or refuses to approve the draft budget advised by the Authority under Clauses 11.2.3 or 11.5.

20A **LIMIT OF LIABILITY**

20A.1 Except insofar as clause 12.4 applies the liability of a Constituent Council to the Authority is limited to those functions undertaken by the Authority and to which the Constituent Council has made a financial contribution. The liability of a Constituent Council is proportional to the interest of that Council in the net assets of the Authority as determined under Clause 15 of this Charter.

20A.2 The liability of a Constituent Council to the Authority for any function undertaken by the Authority under clause 12.4 is limited to the requesting Constituent Council or Constituent Councils and as reflected in the agreement entered into with the Authority for those purposes.

21. **DISSOLUTION OF THE AUTHORITY**

21.1 The Authority may be dissolved by the Minister in the circumstances envisaged by Clause 33, Part 2 of Schedule 2.

21.2 In the event of there being net assets upon dissolution and after realisation of all assets and meeting all liabilities, the net assets will be distributed to the then Constituent Councils on the basis of their current interest in the net assets of the Authority as determined by Clause 15.

21.3 In the event of there being an insolvency of the Authority at the time of dissolution, the then Constituent Councils will be responsible jointly and severally to pay the liabilities of the Authority and between themselves in the proportion of their interest in the net assets last determined under Clause 15.

DEAN GOLLAN, Executive Officer

Appendix

Letter from GRFMA dated 6 November 2019

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

Andrew Aitken
Chief Executive Officer
Adelaide Hills Council
28 Onkaparinga Valley Road
Woodside SA 5244
By email mail@ahc.sa.gov.au
6 /11/19

Dear Andrew,

GRFMA Amended Charter.

I am writing regarding review of the Gawler River Floodplain Management Authority (GRFMA) Charter and to seek Council acceptance and adoption of the amended charter.

I refer to my previous correspondence of 11/6/19 which outlined the process undertaken to date in reviewing the existing GRFMA Charter.

Thank you for your Council's response in regard to that correspondence.

The 17/10/19 GRFMA Board meeting noted the draft Charter Review responses from Adelaide Plains Council, Adelaide Hills Council, The Barossa Council, Town of Gawler, Light Regional Council and the City of Playford.

Responses received from councils related to:

- Two minor grammatical changes to the proposed draft such as;
  - 3.1.4 the word *and* added at the end of the sentence.
  - 8.2.9 the word *Rule* removed and the word *Clause* added.

- Other matters .
  - Board Member attendance at meetings.
  - Clarifying Audit Committee membership.
  - Delegations.
  - Depreciation be included in Capital Works and that that 'Capital Works' be renamed as Asset Related Expenditure.
  - Amendments to Purpose and Function of the Board.
  - Teleconferencing meeting's and email decision processes.
  - Additional membership to the Authority.

The Board adopted the two minor grammatical changes and considered it would be more appropriate and timely to revisit the other matters in the next phase (Stage 2) of the Charter Review.

The GRFMA meeting subsequently resolved :

GRB 19/68

That the GRFMA:

1. *Receive the report;*
2. *Accept the final Charter Review document with minor grammatical changes only;*
3. *Request the Executive Officer to;*

a. *seek constituent council support to accept and adopt the final draft charter document, with minor grammatical changes only, as per clause 18.2 of the GRFMA Charter; and*

b. *in doing so advise constituent councils of the other changes suggested but not included and advise that they will be picked up in the Stage 2 process of the GRFMA Charter Review.*

Stage 2 of the Charter review will facilitate a process to scope and consider other contemporary governance arrangements that the GRFMA might, with constituent council support, adopt in seeking to deliver its purpose of coordinating the planning, construction, operation and maintenance of flood mitigation infrastructure for the Gawler River.

This process will also examine percentage rate contributions (subscriptions) pursuant to the current Charter(2015), Clause 10. Financial Contributions to the Authority (now Clause 11 in the proposed Charter, 2019)

An agenda report outlining suitable methodology to initiate and progress Stage 2 of the GRFMA Charter Review is to be considered at the 12/12/19 GRFMA Board meeting.

I now seek Councils support for adoption of the amended GRFMA Charter and would be pleased to receive advice of Councils' deliberation in this regard.

It is advised that in adopting the amended charter all six constituent councils of the GRFMA are required to resolve in the same terms. This means that each council must pass a resolution in the same or substantially the same terms.

To assist this process the following model council resolution is provided :

1. Following the review of the Charter for the Gawler River Floodplain Management Authority, the Council notes and takes into account the recommendation of the GRFMA that the Council adopt an amended charter for the GRFMA as set out in Appendix [X] to the report to the Council dated [Y] and titled [Z];

2. The Council adopts an amended charter for the GRFMA as set out in Appendix [X] to the report to the Council dated [Y] and titled [Z].

The first paragraph of the above recommendation is necessary as the Charter requires the constituent councils to take into account a recommendation of the GRFMA (This correspondence of 6/11/19 and GRB 19/68).

A copy of the amended charter *GRFMA Charter Final Copy 30 October 2019* is attached in accordance with the second paragraph of the above recommendation.

Amendment for relevant Appendix and Report reference should be undertaken.

Following receipt of constituent council resolutions the GRFMA is required to:

- Provide a copy of the amended charter together with relevant council resolutions to the Minister;
- Ensure the amended charter is published on a relevant website; and
- Ensure that notice of the fact of the amendment and a website address at which the charter is available for inspection is published in the Government Gazette [clauses 3(5) and 19(5) of Schedule 2 to the LG Act, respectively]

Should any matter require clarification please contact me on 0407717368.

Yours Sincerely

David Hitchcock
Executive Officer

Appendix

Final Amended GRFMA Charter for Adoption

GAWLER RIVER FLOODPLAIN MANAGEMENT AUTHORITY

CHARTER

1. INTRODUCTION

1.1 Name

The name of the subsidiary is the Gawler River Floodplain Management Authority (referred to as 'the Authority' in this Charter).

1.2 Definitions

'**AASB124**' means Australian Accounting Standards Board's Accounting Standard AASB124 Related Party Disclosure;

'**Act**' means the Local Government Act 1999 and includes all regulations made thereunder;

'**Annual Business Plan**' means the business plan adopted by the Authority pursuant to Clause 12.2;

'**Asset Management Plan**' means the asset management plan adopted by the Authority and approved by the Constituent Councils in accordance with Clause 13.3;

'**Board**' means the Board of the Authority set out at Clause 4;

'**Board Member**' means a member of the Board appointed pursuant to Clause 4.2;

'**Budget**' means the annual budget adopted by the Authority pursuant to Clause 12.1;

'**Chairperson**' means the member of the Board appointed pursuant to Clause 4.4;

'**Constituent Councils**' means those councils identified at Clause 2.2.

'**Council**' means a council constituted under the Act;

'Council Member' means a member of a Council;

'**Deputy Board Member**' means a deputy member of the Board appointed pursuant to Clause 4.3;

'**Dispute**' means a difference between one or more Constituent Councils and the Authority concerning the operations or affairs of the Authority and includes where a Constituent Council fails or refuses to approve the draft asset

management plan, budget, long term financial plan, or charter amendment as advised by the Authority;

'**Financial Statements**' has the same meaning as in the Act;

'**Financial Year**' means 1 July each year to 30 June in the subsequent year;

'**Long Term Financial Plan**' means the long term financial plan adopted by the Authority and approved by the Constituent Councils pursuant to Clause 13.1;

'**Executive Officer**' means the person appointed pursuant to Clause 10.1 as the Executive Officer of the Authority;

'**Region**' means the collective geographical areas of the Constituent Councils;

'**Strategic Plan**' means the strategic plan adopted by the Authority pursuant to Clause 13.2.

1.2.1 In the calculation of 'days':

1.2.1.1 the day on which the notice, document, report, etc is given will not be taken into account; and

1.2.1.2 Saturdays, Sundays and public holidays will be taken into account.

1.3 **Interpretation**

In this Charter, unless the context otherwise requires:

1.3.1 the singular includes the plural and vice versa;

1.3.2 words importing a gender include other genders;

1.3.3 words importing natural persons include corporates;

1.3.4 reference to a section is to a section of the Act and includes any section that substantially replaces that section and deals with the same matter;

1.3.5 headings are for ease of reference only and do not affect the construction of this clause;

1.3.6 an unenforceable provision or part of a provision of this Charter may be severed and the remainder of this Charter continues in force, unless this would materially change the intended effect of this Charter.

1.4 **Local Government Act**

1.4.1 This Charter must be read in conjunction with Parts 2 and 3 of Schedule 2 to the Act.

1.4.2 The Authority shall conduct its affairs in accordance with and comply with Schedule 2 to the Act except as modified by this Charter in a manner permitted by Schedule 2.

2. ESTABLISHMENT

2.1 The Gawler River Floodplain Management Authority is established by the Constituent Councils as a regional subsidiary pursuant to Section 43 and Schedule 2 of the *Local Government Act 1999*.

2.2 The Authority is established by the Adelaide Hills Council, Adelaide Plains Council, The Barossa Council, Town of Gawler, the Light Regional Council and the City of Playford.

2.3 The Authority is subject to the joint direction of the Constituent Councils.

3. PURPOSE AND FUNCTIONS

3.1 The Authority has been established for the purpose of coordinating the planning, construction, operation and maintenance of flood mitigation infrastructure for the Gawler River, and for the following functions:

3.1.1 to raise finance for the purpose of developing, managing and operating and maintaining works approved by the Board;

3.1.2 to provide a forum for the discussion and consideration of topics relating to the Constituent Council's obligations and responsibilities in relation to management of flooding of the Gawler River;

3.1.3 to advocate on behalf of the Constituent Councils and their communities where required to State and Federal Governments for legislative policy changes on matters related to flood mitigation and management and associated land use planning with Gawler River flood mitigation;

3.1.4 to facilitate sustainable outcomes to ensure a proper balance between economic, social, environmental and cultural consideration;and

3.1.5 to provide advice as appropriate to the Constituent Councils in relation to development applications relevant to the Authority's roles and functions.

3.2 One or more of the Constituent Councils may request the Authority to undertake a function set out in Clause 3.1 of this Charter for the Constituent Council(s), which function will be additional and separate to those undertaken by the Authority for all of the Constituent Councils.

3.3 Where one or more Constituent Councils makes a request provided for under Clause 3.2, the Constituent Council(s) and the Authority must enter into a written agreement which amongst other things provides for the Constituent Council(s) to pay to the Authority annual subscription amounts and/or equal percentages of classes of subscription to meet the costs of the Authority in

undertaking the additional function(s) and which also provides, with the ownership and maintenance of any resultant infrastructure.

3.4 The Authority is not involved in a significant business activity as defined in the Clause 7 Statement prepared under the Competition Principles Agreement of the National Competition Policy.

4. THE BOARD OF MANAGEMENT

4.1 The Board

4.1.1 The Authority will be governed by a Board and all decisions of the Board constitute decisions of the Authority.

4.1.2 The Board is responsible for the administration of the affairs of the Authority. The Board must ensure insofar as it is practicable, that the Authority complies with all legislative obligations including this Charter, that information provided to the Constituent Councils is accurate and that the Constituent Councils are kept informed of the solvency of the Authority as well as any material developments which may affect the operating capacity and financial affairs of the Authority.

4.2 Board Members

4.2.1 The Board will consist of 13 Board Members comprising:

4.2.1.1 the Chief Executive Officers of each of the Constituent Councils (including any persons acting in those offices from time to time) or his or her nominee who shall be an employee of the same Constituent Council as the Chief Executive Officer nominating the employee; and

4.2.1.2 one member of each Constituent Council appointed by each Constituent Council;

4.2.1.3 a Chairperson appointed pursuant to Clause 4.4.

4.2.2 A Board Member is at the expiry of his or her term of office eligible for reappointment.

4.2.3 Board Members (with the exception of the Chairperson) shall not be entitled to receive a sitting fee or other fee or remuneration for undertaking their role as a Board Member.

4.2.4 Written confirmation from the Chief Executive Officer of a Constituent Council will be sufficient evidence of that Constituent Council's appointment or revocation of the appointment of a Board Member.

4.2.5 In the event the office of a Board Member becomes vacant, the Constituent Council who appointed that Board Member will appoint another elected member to fill that vacancy:

4.2.5.1 if the Board Member whose office has become vacant was an elected member of a Constituent Council;

4.2.5.2 if the Board Member whose office has become vacant was a person nominated by the Chief Executive Officer of a Constituent Council, the Chief Executive Officer of that Constituent Council will act as a Board Member or nominate a person to be a Board Member.

4.2.6 The Constituent Councils will endeavour as far as practicable to ensure the Board comprises a gender balance and Board Members with a range of expertise including:

- environmental management;
- corporate financial management;
- general management;
- public sector governance;
- public works engineering management.

4.3 **Deputy Board Member**

4.3.1 Each Constituent Council must appoint:

4.3.1.1 an employee of that Constituent Council as a deputy Board Member who may act in the place of the Board Member being the Chief Executive Officer (or his or her nominee) of that Constituent Council as provided for in Clause 4.2.1.1 if that Board Member is unable for whatever reason to attend a meeting of the Board or otherwise able to act as a Board Member whilst the Board Member is unable to attend a meeting of the Board or to act as a Board Member; and

4.3.1.2 a member of that Constituent Council as a deputy Board Member who may act in the place of the Board Member appointed by that Constituent Council pursuant to Clause 4.2.1.2 if that Board Member is unable for whatever reason to attend a meeting of the Board or otherwise unable to act as a Board Member whilst the Board Member is unable to attend a meeting of the Board or act as a Board Member.

4.3.2 A deputy Board Member in attendance at a meeting of the Board may speak but is only entitled to vote on a matter to be decided by the Board if acting and in attendance at the meeting in accordance with Clauses 4.3.1.

4.4 **Chairperson**

4.4.1 A person who is neither an officer, employee or member of a Constituent Council will be appointed by the Constituent Councils as a Board Member and the Chairperson for a term of up to three years and

on such other terms and conditions as determined by the Constituent Councils and who the Constituent Councils consider has expertise in one or more of the following areas:

(a) environmental management;

(b) corporate financial management;

(c) general management;

(d) public sector governance.

4.4.2 In the event the Chairperson is absent or unable for whatever reason to act as Chairperson, the Board will elect a Board Member as the Acting Chairperson for the period the Chairperson is absent or unable to act as Chairperson.

4.4.3 The Chairperson is, at the expiry of his or her term of office, eligible for reappointment.

4.4.4 The Authority may at the expiry of the Chairperson's term of office as Chairperson appoint the Chairperson for a further term of up to three years and otherwise on the same terms and conditions as the Chairperson's original appointment.

4.4.5 The Authority may pay a sitting fee to the Chairperson in such amount as determined by the Authority.

4.4.6 The Chairperson will preside at all meetings of the Board and in the event the Chairperson is absent from a meeting, the Board must select a Board Member present to preside at that meeting only.

4.4.7 In the event there is a vacancy in the office of Chairperson, the Board will elect a Board Member to act as Chairperson for the balance of the original term or the appointment of a Chairperson, whichever occurs first.

5. TERM OF OFFICE

5.1 Subject to Clause 5.2, the term and other conditions of office of a Board Member, will be as determined by the Constituent Council appointing that Board Member.

5.2 The Constituent Councils will as far as practicable appoint Board Members, other than those Board Members who are the Chief Executive Officers of the Constituent Councils, following each periodic election of the Constituent Council until the next periodic election of the Constituent Council.

5.3 The Board may by a two-thirds majority vote of the Board Members present (excluding the member subject to this clause) make a recommendation to the Constituent Council that appointed the relevant Board Member, that the Constituent Council terminate the appointment of that Board Member in the event of:

5.3.1 any behaviour of the Board Member which in the opinion of the Authority amounts to impropriety;

5.3.2 serious neglect of duty in attending to the responsibilities of a Board Member and/or Chairperson of the Board;

5.3.3 breach of fiduciary duty to the Authority;

5.3.4 breach of the duty of confidentiality to the Authority or the Constituent Councils;

5.3.5 breach of the conflict of interest requirements applying to the Board Member; or

5.3.6 any other behaviour which may discredit the Authority or a Constituent Council.

5.4 The Authority may by a two-thirds majority vote of the Board Members present at a Board meeting (excluding the Chairperson) make a recommendation to the Constituent Councils that the appointment of the Chairperson be terminated in the event of:

5.4.1 any behaviour of the Chairperson which in the opinion of the Authority amounts to impropriety;

5.4.2 serious neglect of duty in attending to the responsibilities of a Board Member and/or Chairperson of the Board;

5.4.3 breach of fiduciary duty to the Authority;

5.4.4 breach of the duty of confidentiality to the Authority or the Constituent Councils;

5.4.5 breach of the conflict of interest requirements applying to a Board Member; or

5.4.6 any other behaviour which may discredit the Authority or a Constituent Council.

5.5 The Constituent Council which appointed the member whose term of office has become vacant will be responsible to appoint a Board Member to fill the vacancy.

5.6 A Board Member will cease to hold office and his or her office will become vacant:

5.6.1 if any of the grounds or circumstances in the Act as to when a Board Member’s office becomes vacant arises;

5.6.2 if he or she is convicted of an indictable offence punishable by imprisonment;

5.6.3 if the Constituent Council which appointed the Board Member ceases to be a Constituent Council;

5.6.4 in relation to a Board Member who is the Chief Executive Officer (or his or her nominee) of a Constituent Council, if the Board Member ceases to be an employee of the Constituent Council that he or she was an employee of at the time he or she was appointed or the Constituent Council by which the Chief Executive Officer or his or her nominee is employed ceases to be a Constituent Council;

5.6.5 upon the happening of any other event through which the Board Member would be ineligible to remain as a Board Member; or

5.6.6 if a Constituent Council revokes the appointment of a Board Member appointed by that Constituent Council.

6. ROLE, FUNCTIONS AND PROCEEDINGS OF THE BOARD

6.1 Role of the Board

The Board is the Authority's governing body and has the responsibility for the administration of the affairs of the Authority ensuring that the Authority acts in accordance with this Charter and all relevant legislation including the Act.

6.2 Functions of the Board

In addition to the functions of the Board set out in the Act, the functions of the Board include:

6.2.1 the formulation of Strategic and Business Plans in accordance with Clause 13;

6.2.2 providing professional input and policy direction to the Authority;

6.2.3 ensuring strong accountability and stewardship of the Authority;

6.2.4 monitoring, overseeing and measuring the performance of the Executive Officer of the Authority;

6.2.5 ensuring that ethical behaviour and integrity is established and maintained by the Authority, the Board and Board Members in all activities undertaken by the Authority;

6.2.6 developing and adopting such policies and procedures as give effect to good governance and administrative practices;

6.2.7 exercising the care, diligence and skill that a prudent person of business would exercise in managing the affairs of other persons; and

6.2.8 avoiding investments that are speculative or hazardous by nature.

6.3 Proceedings of the Board

6.3.1 All meetings of the Authority shall be meetings of the Board.

6.3.2 Ordinary meetings of the Board will be held at such times and places as determined by the Board except that there must be at least one ordinary meeting of the Board every two months.

6.3.3 An ordinary meeting of the Board will constitute an ordinary meeting of the Authority. The Board shall administer the business of the Authority at the ordinary meeting.

6.3.4 For the purpose of this Clause 6.3, the contemporary linking together by telephone, audio-visual or other instantaneous means (telecommunications meeting) of the Board Members provided that at least a quorum is present, is deemed to constitute a meeting of the Board. Each of the Board Members taking part in the telecommunications meeting must at all times during the telecommunications meeting be able to hear and be heard by each of the other Board Members present. At the commencement of the 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 telecommunications meeting by disconnecting his/her telephone, audio-visual or other communication equipment, unless that Board Member has previously notified the Chairperson of the meeting.

6.3.5 A proposed resolution in writing and given to all Board Members in accordance with procedures determined by the Board will be a valid decision of the Board and will constitute a valid decision of the Authority where a majority of Board Members vote in favour of the resolution by signing and returning the resolution to the Executive Officer or otherwise giving written notice of their consent and setting out the terms of the resolution to the Executive Officer. The resolution will be deemed a resolution of the Board and will be as valid and effective as if it had been passed at a meeting of the Board duly convened and held.

6.3.6 Subject to Clause 6.3.7, meetings of the Board will be open to the public and Chapter 6 Part 3 extends to the Authority as if it were a Council and the Board Members were members of the Council.

6.3.7 Any Constituent Council, the Chairperson or three Board Members may by delivering a written request to the Executive Officer require a special meeting of the Board to be held and any such special meeting shall constitute a special meeting of the Authority. The written request must be accompanied by the agenda for the special meeting and if an agenda is not provided the request has no effect.

6.3.8 On receipt of a written request pursuant to Clause 6.3.7, the Executive Officer must give notice to all Board Members at least four hours prior to the commencement of the special meeting.

6.3.9 A meeting of the Board must not commence until a quorum of Board Members is present and a meeting must not continue if there is not a quorum of Board Members present. A quorum of Board Members will comprise one half of the Board Members in office, ignoring any fraction, plus one.

6.3.10 The Board must adopt a Code of Practice for Meeting Procedures to apply to the proceedings at and conduct of meetings of the Board. The Code of Practice for Meeting Procedures must not be inconsistent with the Act or this Charter.

6.3.11 The Code of Practice for Meeting Procedures may be reviewed by the Board at any time and must be reviewed at least once every three years.

6.3.12 In the event of any inconsistency between this Charter and the Code of Practice for Meeting Procedures, this Charter shall prevail.

7. PROPRIETY OF MEMBERS OF THE BOARD

7.1 Subject to Clauses 20(6) and 20(7) of Schedule 2 to the Act, the provisions regarding conflict of interest prescribed in the Act apply to all Board Members as if they were elected members of a Council and the Authority was a Council.

7.2 Board Members must comply with Division 2, Chapter 5 (Register of Interests) of the Act and to use all reasonable efforts to assist the Authority to comply with any obligations including regarding related party disclosures as set out in AASB124.

7.3 Board Members must act in accordance with their duties of confidence and other legal and fiduciary duties including honesty and the exercise of reasonable care and diligence to the Authority as required by Part 4, Division 1, Chapter 5 of the Act and Clause 23 of Schedule 2, Part 2 of the Act.

7.4 Subject to the express provisions of Schedule 2 to the Act and this Charter, all provisions governing the propriety and duties of members of a Council and public officers under the Act and other South Australian legislation apply to Board Members.

8. POWERS

8.1 The Authority is constituted as a body corporate under the Act and in all things acts through the Board.

8.2 The Authority has subject, where relevant to Clauses 8.3, 8.4 and 8.5:

8.2.1 the power to acquire, deal with and dispose of real and personal property and rights in relation to real and personal property;

8.2.2 the power to compulsorily acquire land in accordance with the Land Acquisition Act 1969, provided that such acquisition is for the purposes of flood mitigation;

8.2.3 the power to sue and be sued in its corporate name;

8.2.4 the power to enter into any kind of contract or arrangement;

8.2.5 the power to return surplus revenue to Constituent Councils in such proportions as the Board considers appropriate at the end of any financial year either by way of cash payment or reduction of annual contribution;

8.2.6 the power to set aside surplus revenue for future capital expenditure;

8.2.7 the power to invest funds and in doing so to take into account Part 4 of Chapter 9 of the Act;

8.2.8 the power to establish committees, in accordance with Clause 9;

8.2.9 the power to delegate any function or duty except for the power to compulsorily acquire land as set out in Clause 8.2.2 and any of the powers set out in section 44 of the Act, (where such powers are applicable to the Authority); and

8.2.10 the power to do anything else necessary or convenient for, or incidental to, the exercise, performance or discharge of its powers, functions or duties.

8.3 The Authority has the power to incur expenditure as follows:

8.3.1 in accordance with a budget adopted by the Authority under Clause 12.1; or

8.3.2 with the prior approval of the Constituent Councils; or

8.3.3 in accordance with the Act, in respect of expenditure not contained in a budget adopted by the Authority for a purpose of genuine emergency or hardship.

8.4 Subject to Clause 8.5, the Authority has the power to borrow money as follows:

8.4.1 in accordance with a budget adopted by the Authority under Clause 12; or

8.4.2 with the prior approval of the Constituent Councils.

8.5 Unless otherwise approved by the Constituent Councils, any and all borrowings (except overdraft facilities) taken out by the Authority:

8.5.1 must be from the Local Government Financial Authority or a registered bank or financial institution within Australia; and

8.5.2 the Authority shall not act outside of the areas of the Constituent Councils without their prior approval and that approval shall only be granted upon the basis that the Constituent Councils consider it

necessary or expedient for the performance of their or the Authority's functions.

8.6 The Authority will have a common seal which may be affixed to documents requiring execution under common seal and must be witnessed by the Chairperson and one other Board Member.

8.7 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.

8.8 The Board may by instrument under the seal authorise a person to execute documents on behalf of the Authority. 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.

9. ESTABLISHMENT OF COMMITTEES

9.1 The Authority may establish committees.

9.2 A member of a committee holds office at the pleasure of the Board.

9.3 Without limiting the Board's power to establish additional committees, the following committee is established:

9.3.1 Audit Committee.

9.4 Audit Committee

9.4.1 The Audit Committee shall be composed of no more than three members of whom at least one shall be a person who is not a member of the Board ('Independent Member').

9.4.2 Members of the Audit Committee will be appointed by the Board biennially and at the expiry of a term of appointment are eligible for reappointment.

9.4.3 The Independent Member (or one of the Independent Members if there is more than one) shall be appointed by the Authority as the Chair of the Audit Committee. The Chair of the Audit Committee shall be paid such honorarium as the Authority determines.

9.4.4 Members of the Audit Committee must as far as practicable have recent and relevant financial, risk management or internal audit experience relevant to the functions of the Audit Committee as determined by the Authority.

9.4.5 The functions of the Audit Committee include:

9.4.5.1 reviewing annual Financial Statements of the Authority to ensure they provide a timely and fair view of the state of affairs of the Board; and

9.4.5.2 liaising with the external auditors of the Authority; and

9.4.5.3 reviewing the adequacy of the accounting, internal auditing, reporting, internal control and other financial management systems and practices of the Authority on a regular basis;

9.4.5.4 Considering and advising the Authority on risk management.

10. ADMINISTRATIVE MATTERS

10.1 There will be an Executive Officer of the Authority appointed by the Authority on terms and conditions to be determined by the Authority.

10.2 The Executive Officer will be responsible to the Board:

10.2.1 to ensure that the policies and lawful decisions of the Authority are implemented in a timely manner;

10.2.2 for the efficient and effective management of the operations and affairs of the Authority;

10.2.3 to provide advice and reports to the Board on the exercise and performance of the Authority's powers and functions; and

10.2.4 to give effect to the principles of human resource management generally applicable within the local government industry.

10.3 The Executive Officer has such powers, functions and duties prescribed by this clause and as determined necessary by the Authority from time to time to ensure the efficient and effective management of the operations and affairs of the Authority.

10.4 The Authority 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.

10.5 The Authority may engage professional consultants and it may authorise the Executive Officer to engage professional consultants to provide services to the Authority to ensure the proper execution of its decisions, the efficient and effective management of the operations and affairs of the Authority and for giving effect to the general management objectives and principles of personal management prescribed by this Charter.

11. FINANCIAL CONTRIBUTIONS TO THE AUTHORITY

11.1 The contributions of the Constituent Councils shall be based on the percentage shares for capital works, maintenance of assets of the Authority and operational costs of the Authority in accordance with Schedule 1.

Where the capital and/or maintenance cost exceeds $1 Million in any given year, Clause 11.7 shall apply.

11.2 The Authority will be responsible to provide the Constituent Councils with sufficient information for each of them to ascertain the level of and understand the reasons behind the funding required each financial year. This will be achieved via the business plan and the annual budget.

11.3 The Authority will determine annually the funds required by the Authority to enable it to function. The Constituent Councils shall contribute the funds requested by the Authority, in the annual budget and approved by the Constituent Councils, and any additional funds that are required for the continuing function of the Authority and approved by the Constituent Council. The Authority must provide full details regarding the need for additional funds to the Constituent Councils.

11.4 The annual contribution will be paid by each Constituent Council in advance by six monthly instalments.

11.5 Additional contributions (of any) will be paid by each Constituent Council in the manner and at the time determined by the Authority.

11.6 The Authority is accountable to each Constituent Council to ensure that the Authority functions in accordance with its business plan and approved budgets.

11.7 The Authority may enter into separate funding arrangements with Constituent Councils and with any State or Federal Government or their agencies in respect of any project undertaken or to be undertaken by or on behalf of the Authority.

11.8 Where a Constituent Council or Constituent Councils enter into an agreement with the Authority under Clauses 3.2 and 3.3 of this Charter the subscriptions payable under that agreement shall be additional to the subscriptions payable under this Clause.

12. BUDGET AND ANNUAL BUSINESS PLAN

12.1 Budget

12.1.1 The Authority must prepare a budget for each financial year.

12.1.2 The Budget must:

12.1.2.1 deal with each principal activity of the Authority on a separate basis;

12.1.2.2 be consistent with and account for activities and circumstances referred to in the Authority's Annual Business Plan;

12.1.2.3 be submitted in draft form to each Constituent Council before 31 March for approval;

12.1.2.4 not be adopted by the Authority until after 31 May but before 30 September;

12.1.2.5 identify the amount of and the reasons for the financial contributions to be made by each Constituent Council to the Authority.

12.1.3 The Budget may only be adopted where two thirds of the Board Members present vote in favour of the Budget.

12.1.4 The Authority must provide a copy of the adopted Budget to each Constituent Council within five clear days after adoption.

12.1.5 The Authority must reconsider its Budget in accordance with Regulation 9 of the Local Government (Financial Management) Regulations 2011.

12.1.6 The Authority must submit to each Constituent Council for approval, any proposed amendment to the Budget.

12.1.7 Where a Constituent Council has failed to approve a draft budget, or an amended budget, and has not served a notice on the Authority in accordance with Clause 21 within two months of the receipt of the draft budget, or amended budget by the Constituent Council, then the approval of the Constituent Council to the draft budget, or amended budget, will be deemed to have been given.

12.2 **Annual Business Plan**

12.2.1 The Authority shall have an Annual Business Plan in respect of the ensuing 12 months.

12.2.2 The Annual Business Plan must:

12.2.2.1 state the services to be provided by the Authority;

12.2.2.2 identify how the Authority intends to manage service delivery;

12.2.2.3 identify the performance targets which the Authority is to pursue;

12.2.2.4 provide a statement of financial and other resources and internal processes that will be required to achieve the performance targets and objectives of the Authority; and

12.2.2.5 specify the performance measures that are to be used to monitor and assess performance against targets.

13. MANAGEMENT FRAMEWORK

13.1 Long Term Financial Plan

13.1.1 The Authority must develop and adopt in consultation with the Constituent Councils a Long Term Financial Plan covering a period of at least ten (10) years in a form and including such matters which, as relevant, is consistent with Section 122 of the Act and the Local Government (Financial Management) Regulations 2011 as if the Authority were a council.

13.1.2 The Authority must review its Long Term Financial Plan in consultation with the Constituent Councils.

13.1.3 The Authority may at any time review the Long Term Financial Plan but must undertake a review of the Long Term Financial Plan as soon as practicable after the annual review of its Business Plan and concurrently with any review of its Strategic Plan.

13.1.4 In any event, the Authority must undertake a comprehensive review of its Long Term Financial Plan every four years.

13.2 Strategic Plan

13.2.1 The Authority must prepare and adopt in consultation with the Constituent Councils a Strategic Plan for the conduct of its business which will identify the Authority's objectives over the period of the Strategic Plan and the principal activities that the Authority intends to undertake to achieve its objectives.

13.2.2 The Authority must review its Strategic Plan in consultation with the Constituent Councils.

13.2.3 The Authority must undertake a comprehensive review of its Strategic Plan every four years.

13.3 Asset Management Plan

13.3.1 The Authority must prepare and adopt in consultation with the Constituent Councils an Asset Management Plan in a form and including such matters which, as relevant, is consistent with Section 122 of the Act as if the Authority were a council.

13.3.2 The Authority must review its Asset Management Plan in consultation with the Constituent Councils.

13.3.3 The Authority may at any time review its Asset Management Plan but must undertake a review of the Asset Management Plan as soon as practicable after the annual review of its Business Plan and concurrently with any review of its Strategic Plan.

13.3.4 In any event, the Authority must undertake a comprehensive review of its Asset Management Plan every four years.

14. ACCOUNTING

14.1 The Authority must ensure that its accounting records, accounts and financial statements are prepared and maintained in accordance with all relevant Australian Accounting Standards and legislation including the Local Government (Financial Management) Regulations 2011.

15. AUDIT

15.1 The Authority must appoint an auditor.

15.2 The Audit Committee must approve the audit strategy submitted by the external auditor before submission to the Board.

15.3 The Authority must provide its audited financial statements to the Chief Executive Officer of each Constituent Council by 30 September.

16. FINANCE

16.1 The Authority may establish and maintain a bank account with such banking facilities and at a bank to be determined by the Authority.

16.2 All cheques to be authorised must be signed by two Board Members or one Board Member and the Executive Officer.

16.3 Any payments made by Electronic Funds Transfer must be made in accordance with procedures which have received the prior approval of the auditor and been adopted by the Authority.

16.4 The Executive Officer must act prudently in the handling of all financial transactions for the Authority and must provide quarterly financial and corporate reports to the Authority and if requested, the Constituent Councils.

16.5 The Authority will, at the end of each financial year prepare a schedule of assets and liabilities. In addition, the Authority must maintain a record to be known as the 'Schedule of Constituent Councils' Interests in Net Assets'.

16.6 The Schedule of Constituent Councils Interests in Net Assets will reflect the proportionate contribution each Constituent Council has made to capital, operations and maintenance costs incurred by the Authority having regard to the proportionate contribution by way of subscriptions for each function undertaken by the Authority. The Schedule when updated by the Authority at the end of each financial year will reflect the proportionate contribution of each Constituent Council since the establishment of the Authority and once accepted by each Constituent Council will be evidence of the agreed proportion of a Constituent Council’s interests in the net assets as at 30 June in that year.

16.7 Where there is any dispute as to the Schedule, Clause 21 shall apply.

17. REPORTS AND INFORMATION

17.1 The Authority must submit an annual report on its work and operations including its audited financial statements, to each Constituent Council before 30 September.

17.2 The Authority shall report at any other time at the written request of a Constituent Council on matters being undertaken by the Authority. Any such report shall be provided to all Constituent Councils.

18. ALTERATION TO THE CHARTER

18.1 This charter may be amended by unanimous resolution of the Constituent Councils.

18.2 Before the Constituent Councils vote on a proposal to alter this Charter they must take into account any recommendations of the Authority.

19. WITHDRAWAL OF A CONSTITUENT COUNCIL

19.1 Subject to the approval of the Minister, a Constituent Council may withdraw from the Authority by giving not less than six months notice of its intention to do so to all other Constituent Councils and the Executive Officer.

19.2 In any event a withdrawal will not become effective until 30 June following the expiry of the six months notice as required by Clause 19.1 in the preceding sub-clause. Until a withdrawal becomes effective, the Constituent Council proposing withdrawal from the Authority will remain liable for all financial contributions whilst still a Constituent Council and will continue to be responsible for ensuring the proper conduct of the affairs of the Authority.

19.3 A withdrawing Constituent Council is not entitled to any refunds of any contributions made.

20. ADDITION OF NEW MEMBER

20.1 The Authority may consider the addition of a Council as a Constituent Council.

20.2 The Constituent Councils must resolve unanimously to approve the addition of a Council as a Constituent Council.

20.3 The Charter shall be amended in accordance with the provisions of this Charter to provide for a Council becoming a Constituent Council.

21. DISPUTES

21.1 In the event of any dispute or difference between the Constituent Councils or between one or more Constituent Councils and the Authority concerning this Charter or the Authority (**the Dispute**), a party may initiate the dispute process set out in this clause by serving a notice of dispute on all other Constituent Councils with a contemporaneous copy being served on the Authority. The parties:

21.1.1 will attempt to settle the dispute or difference by negotiating in good faith;

21.1.2 if good faith negotiations do not settle the dispute within one month of the Dispute arising or such longer time as the parties to the Dispute may agree, 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'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;

21.1.3 if the Dispute is unable to be resolved by the expert within six months then any Constituent Council may request the Minister wind up the Authority; and

21.1.4 notwithstanding the existence of a Dispute, the Constituent Councils will continue to meet their obligations to the Authority.

22. LIMIT OF LIABILITY

22.1 Except insofar as Clause 3.2 applies the liability of a Constituent Council to the Authority is limited to those functions undertaken by the Authority and to which the Constituent Council has made a financial contribution. The liability of a Constituent Council is proportional to the interest of that Council in the net assets of the Authority as determined under Clause 16 of this Charter.

22.2 The liability of a Constituent Council to the Authority for any function undertaken by the Authority under Clause 3.2 is limited to the requesting Constituent Council or Constituent Councils and as reflected in the agreement entered into with the Authority for those purposes.

23. DISSOLUTION OF THE AUTHORITY

23.1 The Authority may be dissolved by the Minister in the circumstances envisaged by Clause 33, Part 2 of Schedule 2 of the Act.

23.2 In the event of there being net assets upon the dissolution and after realisation of all assets and meeting all liabilities, the net assets will be distributed to the then Constituent Councils on the basis of their current interest in the net assets of the Authority as determined by Clause 16.

23.3 In the event of there being an insolvency of the Authority at the time of dissolution, the then Constituent Councils will be responsible jointly and severally to pay the liabilities of the Authority and between themselves in the proportion of their interest in the net assets last determined under Clause 16.

24. NON-DEROGATION AND DIRECTION BY CONSTITUENT COUNCILS

24.1 The establishment of the Authority does not derogate from the power of any of the Constituent Councils to act independently in relation to a matter within the jurisdiction of the Authority.

24.2 Provided that the Constituent Councils have all first agreed as to the action to be taken, the Constituent Councils may jointly direct and control the Authority.

24.3 Where the Authority is required pursuant to the Act or this Charter to obtain the approval of one or more of the Constituent Councils, that approval must only be granted and must be evidenced by a resolution passed by either or each of the Constituent Councils granting such approval.

24.4 Unless otherwise stated in this Charter, where the Authority is required to obtain the consent or approval of the Constituent Councils this means the consent or approval of both the Constituent Councils expressed in the same or similar terms.

24.5 For the purpose of this Clause 24, any direction given by the Constituent Councils must be communicated by notice in writing provided to the Executive Officer of the Authority together with a copy of the relevant resolutions of the Constituent Councils.

SCHEDULE 1 – FINANCIAL CONTRIBUTIONS

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

Capital Works are defined as building and engineering works that create an asset and the renewal of existing assets that has reached the end of its useful life.

Maintenance is defined as recurrent expenditure to ensure that existing assets function as designed and are kept in good condition.

Operational Costs are defined as recurrent expenditure incurred to ensure that the Authority can conduct day to day functions. Depreciation falls within the scope of the Authority's operational costs.

ADELAIDE HILLS COUNCIL
ORDINARY COUNCIL MEETING
Tuesday 17 December 2019
AGENDA BUSINESS ITEM

Item:	**12.10**
Originating Officer:	**Steven Watson, Acting Executive Manager Governance and Performance**
Responsible Director:	**Andrew Aitken, Chief Executive Officer**
Subject:	**Audit Committee Terms of Reference Review**
For:	**Decision**

SUMMARY

In July 2017, Council considered a report on its s41 Committee arrangements and resolved a number of changes to the Audit Committee TOR. The key change being to stagger the independent member terms to minimise the potential for the loss of all of the independent members 'corporate knowledge' at one time. The TOR came into effect on 1 September 2017.

Since the adoption of the Terms of Reference there have been changes to the legislation regime and the functions of Council (relevant to the Committee) which made it appropriate for the Committee to recommend minor changes to the Council for adoption.

The Local Government sector is in the midst of a significant legislative reform process and it is likely that more significant revisions of the Committee's Terms of Reference will need to be considered in mid – late 2020 as legislative changes come into effect.

The Audit Committee at its 18 November 2019 meeting resolved to recommend the draft Audit Committee Terms of Reference at ***Appendix 1*** to Council for adoption.

RECOMMENDATION

Council resolves:

1. **That the report be received and noted**
2. **To adopt the draft Audit Committee Terms of Reference at Appendix 1.**

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1. GOVERNANCE

Goal	Organisational Sustainability
Strategy	Governance

The maintenance of an appropriate and prudent TOR for the Audit Committee assists in meeting legislative and good governance responsibilities and obligations.

- **Legal Implications**

Section 126 of the *Local Government Act 1999* requires councils to have an audit committee and it provides guidelines on the membership of the committee and the functions of the committee.

The above legislative obligations are further expanded by Part 5 of the *Local Government (Financial Management) Regulations 2011* which provide additional guidance on the number of members, the requirement for at least one independent member and the prohibition of a council's external audit being a member.

The *Local Government (Procedures at Meetings) Regulations 2013* provide guidance on the meeting procedures that must apply to committees (such as Audit Committees).

- **Risk Management Implications**

Structuring the terms of reference for the Audit Committee in a manner that is legislatively compliant and reflects good practice 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 or resource implications from the review of the Audit Committee TOR.

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

There is a high expectation that Council has appropriate governance arrangements in place such as a well-structured and functioning Audit Committee.

- **Environmental Implications**

Not applicable

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

Council Committees: Audit Committee – there have been a number of discussions at meetings regarding the changes to legislation (both current and proposed) and the impact on the Committee's TOR. The Committee recommended a revised Terms of Reference to Council at its 18 November 2019 meeting.

Advisory Groups: Not Applicable

Administration: Chief Executive Officer
Director Corporate Services
Manager Financial Services
Executive Manager Governance & Performance

Community: Not Applicable

2. BACKGROUND

Review of s41 committees

At its 25 July 2017 meeting, Council considered a report on all of its s41 Committees as part of the wider Review of S41 Committees and Advisory Groups which recommended changes to the suite of TORs.

The key changes adopted by Council for the Audit Committee's TOR related to the membership terms. The three (3) independent members' terms, which were of three (3) years duration, were synchronised which was problematic as it could have resulted in the loss of all of the independent members 'corporate knowledge' at the same time. For this reason, Council resolved to introduce staggered terms (i.e. one independent member appointed on a different cycle to the other two members).

Other changes adopted by Council were:

- that decisions regarding the membership of the Committee are to include skills, experience and diversity considerations
- a number of standard clauses with respect to the presiding member, sitting fees, reporting arrangements, meeting procedure, public access to meetings and documents were incorporated into all of the Committee TORs.
- Committee members may participate in the meeting by telephone or other electronic means provided that members of the public can hear the discussion between all Committee members.

In consideration of the report, Council resolved as follows:

14.7 Council Committee Terms of Reference

Moved Cr Jan Loveday **S/- Cr Linda Green**	**161/17**

Council resolves:

1. **That the report be received and noted**
2. **That with an effective date of 1 September 2017, to revoke the 22 April 2014 Adelaide Hills Council Strategic Planning & Development Policy Committee Terms of Reference and to adopt the draft Adelaide Hills Council Strategic Planning & Development Policy Committee Terms of Reference in Appendix 2**
3. **That with an effective date of 1 September 2017, to revoke the 26 April 2016 Adelaide Hills Council Audit Committee Terms of Reference and to adopt the draft Adelaide Hills Council Audit Committee Terms of Reference in Appendix 4**
4. **That with an effective date of 1 September 2017, to revoke the 11 February 2014 Adelaide Hills Council CEO Performance Review Panel Terms of Reference and to adopt the draft Adelaide Hills Council CEO Performance Review Panel Terms of Reference in Appendix 6**
5. **That the Chief Executive Officer be authorised to make any formatting, nomenclature or other minor changes to the Council Committee Terms of Reference during the period of their currency.**

	Carried Unanimously

To enable the appropriate transition arrangements to be put in place, the Council resolved that the new Audit Committee TOR would come into effect on 1 September 2017.

Legislative Change

A *Whistleblowers Protection Policy* (the Policy) had been in place at Adelaide Hills Council (AHC) since 2007 to manage its obligations and responsibilities under the *Whistleblowers Protection Act 1993* (the WP Act).

Late in 2018 the South Australian Parliament passed the *Public Interest Disclosure Act 2018* (PID Act). The PID Act commenced operation on 1 July 2019 and as such repealed and replaced the WP Act.

The new PID Act removes any reference to whistleblowers and focuses instead on the disclosure of information. In short, the PID Act encourages and facilitates 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.

Section 12 of the PID Act sets out the duties of principal officers (i.e. CEO) which include the designation of responsible officers for the purposes of the PID Act, appropriate communication of the contact details of those responsible officers and the development of documentation setting out procedures for persons wanting to make disclosures and officers and employees dealing with such disclosures.

Local Government Reform

In August 2019, the Minister for Local Government released the *Reforming Local Government in South Australia Discussion Paper* (Discussion Paper). The Discussion Paper contains 72 proposals for reform across the following four Reform Areas:

1. Strong council member capacity and better conduct
2. Lower costs and enhanced financial accountability
3. Efficient and transparent local government representation, and
4. Simpler regulation

Ref*orm Area 2 - Lower costs and enhanced financial accountability* contains a range of proposals that have the potential to alter the role, composition and functions of council audit committees. Further, the Minister has advised that the current South Australian Productivity Commission's Local Government Inquiry will also inform his views as to reform areas.

The current consultation of the Discussion Paper has now closed and the Minister 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. It is anticipated that there will be further consultation at this point in time.

Service Improvement Program

In the period 2012-2017 Council had a Service Improvement Program based on achieving financial, productivity and service improvements through:

- Continuous Improvement Projects – initiatives identified by teams or individuals throughout the organisation which result in improved work practices and processes, typically with a financial saving or productivity improvement.

- Breakthrough Projects – initiatives identified through deliberate identification of opportunities to make significant financial savings or productivity improvements.

Benefits Realised Reports were provided to the Audit Committee on a bi-annual basis with the last report being provided at the 14 August 2017 meeting.

The 2017-18 Annual Business Plan contained a number of new saving strategies and on this basis the Service Improvement Program was refreshed to focus people and teams on improving process to reduce frustration, inefficiencies and to improve the customer experience. As such reporting to the Audit Committee on the Program ceased.

3. ANALYSIS

Given the legislative change regarding the PID Act and the ceasing of the Service Improvement Program it is prudent and pragmatic to reflect these changes in the draft Audit Committee's Terms of Reference (***Appendix 1***) at this point in time.

The Local Government Reform process will almost certainly result in further legislative change which will have a more fundamental impact on the Committee's functions and composition. As such, broader changes to the Terms of Reference (other than the programmatic changes list above) are premature.

The Audit Committee at its 18 November 2019 meeting resolved to recommend the draft Audit Committee Terms of Reference at Appendix 1 to Council for adoption as follows:.

7.6. Audit Committee Terms of Reference Review

Moved Paula Davies
S/- Geoff Purdie **44/AC19**

That the Audit Committee resolves to recommend the draft Audit Committee Terms of Reference at Appendix 1 to Council for adoption acknowledging the likely impact on Audit Committee functions and composition arising from the Local Government Reforms.

Carried

4. OPTIONS

The Committee has the following options:

I. To recommend to Council to revise the Committee's Terms of Reference as contained in Appendix 1.
II. To propose alternative changes or no change to the Terms of Reference.

5. APPENDIX

(1) Audit Committee Terms of Reference - Draft – November 2019

Appendix 1

Audit Committee Terms of Reference - Draft – November 2019

ADELAIDE HILLS COUNCIL
Audit Committee

TERMS OF REFERENCE

1. ESTABLISHMENT

1.1 The Audit Committee (the Committee) of Council is established under Section 41 of the *Local Government Act 1999* (the Act), for the purposes of Section 126 of the Act and in compliance with regulation 17 of the *Local Government (Financial Management) Regulations 2011*.

1.2 The Audit Committee 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 Audit Committee does not have any management functions and is therefore independent from management.

2. ROLE

2.1 The overall role of the Audit Committee will be to assist Council to accomplish its objectives by monitoring and providing advice on the adequacy and effectiveness of the systems and processes regarding financial management and reporting, internal control and risk management, internal audit and governance functions through the following functions:

3. SPECIFIC FUNCTIONS

3.1 Financial Reporting and Prudential Requirements

The Committee shall:

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

3.1.2 Review and provide advice to Council on the degree to which the annual financial statements present fairly the state of affairs of the Council;

3.1.3 Monitor the integrity of the financial statements of the Council, including its annual report, reviewing significant financial reporting issues and judgements which they contain.;

3.1.4 Review and challenge where necessary:

3.1.4.1 The consistency of, and/or any changes to, accounting policies;

3.1.4.2 The methods used to account for significant or unusual transactions where different approaches are possible;

3.1.4.3 Whether the Council has followed appropriate accounting standards and made appropriate estimates and judgements, taking into account the views of the external auditor;

DRAFT

3.1.4.4 The clarity of disclosure in the Council's financial reports and the context in which statements are made; and

3.1.4.5 All material information presented with the financial statements, such as the operating and financial review and the corporate governance statement (insofar as it relates to the audit and risk management);

3.1.5 Review prudential reports prepared under Section 48(1) of the Act and provide advice to Council, upon request, on other prudential matters.

3.2 Internal Controls and Risk Management Systems

The Committee shall:

3.2.1 Ensure that appropriate policies, practices and procedures of internal control (and other financial and risk management systems) are implemented, reviewed and maintained in order to assist the Council to carry out its activities in an efficient and orderly manner to achieve its objectives;

3.2.2 Review Council's risk management framework and monitor the performance of Council's risk management program;

3.2.3 Monitor the corporate risk profile and significant risk exposures for the organisation to ensure that there are appropriate management plans to manage and mitigate this business risk; and

3.2.4 Ensure an appropriate legislative compliance framework exists to identify risks and controls over compliance with applicable legislation and regulations.

3.3 ~~Whistle-blowing~~Public Interest Disclosures

The C~~c~~ommittee shall:

3.3.1 Review annually the Council's ~~Whistleblower Protection Policy~~ Public Interest Disclosure arrangements and compliance with the requirements of the *Public Interest Disclosure Act 2018*.

3.3.2 Provide recommendations to Council regarding ~~the Whistleblower Protection Policy to ensure that:~~Public Interest Disclosure Policy and resourcing required to comply with legislative requirements

~~3.3.2.1 There are adequate arrangements for Council employees to raise concerns, in confidence, about possible wrongdoing in financial reporting or other matters; and~~

~~3.3.2.2~~3.3.2.1 ~~The policy allows independent investigation of such matters and appropriate follow-up action in a manner that is in accordance with the Independent Commissioner Against Corruption Act 2012 and Regulations~~ 2013.

3.4 Internal Audit

The Committee shall:

3.4.1 Monitor and review the effectiveness of the Council's internal audit function in the context of the Council's overall risk management system;

3.4.2 Consider and make recommendation on the program of the internal audit function and the adequacy of its resources and access to information to enable it to perform its function effectively and in accordance with the relevant professional standards.

3.4.3 Review all reports on the Council's operations from the internal auditors;

3.4.4 Review and monitor management's responsiveness to the findings and recommendations of the internal auditor; and

3.4.5 Where appropriate, meet the "head" of internal audit (internal or outsourced) at least once a year, without management being present, to discuss any issues arising from the internal audits carried out. In addition, the head of internal audit shall be given the right of direct access to the Principal Member of the Council and to the Presiding Member of the committee.

3.5 External audit

The Committee shall:

3.5.1 Consider and make recommendations to the Council, in relation to the appointment, re-appointment and removal of the Council's external auditor. The Committee shall oversee the selection process for new auditors and if an auditor resigns the Committee shall investigate the issues leading to this and decide whether any action is required;

3.5.2 Oversee Council's relationship with the external auditor including, but not limited to:

3.5.2.1 Recommending the approval of the external auditor's remuneration, whether fees for audit or non-audit services, and recommending whether the level of fees is appropriate to enable an adequate audit to be conducted;

3.5.2.2 Recommending the approval of the external auditor's terms of engagement, including any engagement letter issued at the commencement of each audit and the scope of the audit;

3.5.2.3 Assessing the external auditor's independence and objectivity taking into account relevant professional and regulatory requirements and the extent of Council's relationship with the auditor, including the provision of any non-audit services;

3.5.2.4 Satisfying itself that there are no relationships (such as family, employment, investment, financial or business) between the external auditor and the Council (other than in the ordinary course of business);

3.5.2.5 Monitoring the external auditor's compliance with legislative requirements on the rotation of audit partners; and

3.5.2.6 Assessing the external auditor's qualifications, expertise and resources and the effectiveness of the audit process (which shall include a report

from the external auditor on the audit committee's own internal quality procedures);

3.5.3 Meet as needed with the external auditor. The Committee shall meet the external auditor at least once a year, without management being present; to discuss the external auditor's report and any issues arising from the audit;

3.5.4 Review and make recommendations on the annual audit plan, and in particular its consistency with the scope of the external audit engagement;

3.5.5 Review the findings of the audit with the external auditor. This shall include, but not be limited to, the following;

3.5.5.1 a discussion of any major issues which arose during the external audit;

3.5.5.2 any accounting and audit judgements; and

3.5.5.3 Levels of errors identified during the external audit. The committee shall also review the effectiveness of the external audit.

3.5.6 Review any representation letter(s) requested by the external auditor before they are signed by management;

3.5.7 Review the management letter and management's response to the external auditor's findings and recommendations.

3.6 Economy and Efficiency Audits

The Committee shall:

3.6.1 Propose and review the exercise of powers under Section 130A of the Act; to examine and report on any matter relating to financial management, or the efficiency and economy with which the council manages or uses its resources to achieve its objectives,

~~3.7 Service Improvement~~

~~The Committee shall:~~

~~3.7.1 Monitor the benefits achieved through Council's Service Improvement Program with a focus on efficiency and effectiveness.~~

4. OTHER MATTERS

The Committee 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 Make recommendations on co-ordination of the internal and external auditors;

4.5 Oversee any investigation of activities which are within its terms of reference;

4.6 Oversee action to follow up on matters raised by the external and internal auditors;

4.7 Invite Council's external auditors and internal auditors to attend meetings of the Committee, as considered appropriate; and

4.8 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 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.

5.7 Members of the Committee are eligible for reappointment at the expiration of their term of office.

5.8 The terms of appointment of the Independent Members should be arranged to ensure the orderly rotation and continuity of membership despite changes to the composition of the Council.

6. SITTING FEES

6.1 The applicable Remuneration Tribunal (or its successor) Determination outlines the applicable allowance for Council Members on the Committee.

6.2 The Independent Members are 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 Committee.

7.2 The Council authorises the Committee to determine if there will be a Deputy Presiding Member of the Committee and, if so, authorises the Committee to make the appointment to that position for a term determined by the Committee.

7.3 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. If there is no position of Deputy Presiding Member, or both the Presiding Member and the Deputy Presiding Member of the Committee are absent from a meeting of the Committee, then a member of the Committee 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 Committee 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 Committee's reporting and accountability requirements are:

8.1.1 The minutes of each Committee 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 Committee;

8.1.3 The Committee 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 Committee'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 Committee 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 Committee, the Committee may determine its own procedure.

9.2 In accordance with Section 90(7a), one or more Committee members may participate in the meeting by telephone or other electronic means provided that members of the public can hear the discussion between all Committee members.

9.3 Only members of the Committee are entitled to vote in Committee meetings. Unless otherwise required by the Act not to vote, each member must vote on every matter that is before the Committee for decision.

9.4 Council Employees may attend any meeting as observers or be responsible for preparing papers for the committee.

10. SECRETARIAL RESOURCES

10.1 The Chief Executive Officer shall provide sufficient administrative resources to the Committee to enable it to adequately carry out its functions.

11. FREQUENCY OF MEETINGS

11.1 The Committee shall meet at least four times a year at appropriate times and places as determined by the Committee. 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 Committee is authorised to cancel the respective Committee 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 Committee 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 Committee by email or as otherwise agreed by Committee 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 Committee, unless prohibited by resolution of the Committee under the confidentiality provisions of Section 90 of the Act.

12.4 Members of the public have access to all documents relating to the Committee unless prohibited by resolution of the Committee 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 Committee, 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 Committee meetings shall be circulated within five days after a meeting to all members of the Committee and will (in accordance with legislative requirements) be available to the public.

ADELAIDE HILLS COUNCIL
ORDINARY COUNCIL MEETING
Tuesday 17 December 2019
AGENDA BUSINESS ITEM

Item:	**12.11**
Originating Officer:	**Peter Bice, Director Infrastructure & Operations**
Responsible Director:	**Peter Bice, Director Infrastructure & Operations**
Subject:	**River Torrens Governance Model**
For:	**Decision**

SUMMARY

The Adelaide and Mount Lofty Ranges Natural Resources Management Board (ALMRNRMB) commissioned consultants to bring together the diverse and various stakeholders (including a Working Party of executive representatives from councils, Kaurna people, Department of Environment and Water and SA Water as the Managing Authorities / Organisations) involved in the River Torrens catchment to enable them to develop a governance model which meets their needs and considers shared ownership and management responsibilities of the River.

Following a series of workshops throughout 2019, a proposed governance structure has been prepared and is now being presented to the managing organisations for the River Torrens Catchment for in principle support. This report outlines the proposed governance strucutre as detailed in **Appendix 1** and seeks Council's in principle support for the proposed governance structure subject to a number of considerations discussed in this report.

RECOMMENDATION

1. **That Council notes the report commissioned by the Adelaide and Mount Lofty Ranges Natural Resources Management Board (AMLRNRM) regarding the proposed governance structure for the River Torrens forming Appendix 1 of this report.**
2. **That Council authorises the CEO to provide the following feedback to the AMLRNRM in relation to the proposed structure:**

   That the Adelaide Hills Council:

   a. **provides in principle support for the 'River Torrens Roundtable and Convener' as the governance structure for the River subject to consideration of the following:**

      - **the Governance Structure is established as a subgroup or committee of Green Adelaide (once established) under the proposed Landscapes Act**
      - **the Roundtable report direct to the Green Adelaide Board (once established)**

- **the Roundtable cannot mandate financial contributions from the Council**
- **funding of the new governance structure be borne by the Adelaide and Mount Lofty Ranges Natural Resources Management Board (Green Adelaide Board in the future).**
- **supports the appointment of up to five Independent Members of the Roundtable with the appropriate skills and expertise.**

b. That Council provides in principle support for the establishment of the River Torrens as a living integrated natural entity, however, Council's final position will be dependent on the Kaurna people's position on management and governance of watercourses within their country.

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1. GOVERNANCE

➢ Strategic Management Plan/Council Policy

Goal 3 Places for People and Nature
Strategy 3.1 We will work with our community to encourage sustainable living and commercial practices.

Water Management Plan (2017)
Biodiversity Strategy (2020)

➢ Legal Implications

- *Metropolitan Drainage Act 1935*
- *Linear Parks Act 2006*
- *Natural Resource Management Act 2004*

➢ Risk Management Implications

If the new governance structure is adopted Council will need to appoint a representative to the Roundtable. The proposed governance structure should introduce greater accountability for a consistent approach to management of the River Torrens Catchment. The in principle support of providing Council's feedback to the AMLRNRM outlined in this report will assist in mitigating the risk of:

Disjointed perspectives of River Torrens Stakeholders leading to poor River Torrens Management outcomes.

Inherent Risk	Residual Risk	Target Risk
High (4C)	Low (3E)	Low (3E)

Given that the *NRM Act 2004* is currently under review to be superceded by the *Landscape Act* which is to be administered by Green Adelaide. This Act includes Urban Waterways as part of its mandate, and it is logical that any legislation created to establish the proposed governance structure for the River Torrens should be incorporated into the new legislation and responsible to the Green Adelaide Board once established (or the AMLRNRM Board until the alternative is established).

- **Financial and Resource Implications**

The proposed governance structure recommends the appointment of a Convener and other administrative support. This will incur costs which should be funded by the AMLRNRMB (Green Adelaide in future) through the NRM Levy with no financial implications for Council, noting that this is yet to be decided or agreed.

Once a Strategic Plan is prepared by the Roundtable, there may be project or other initiaives that may have financial implications for the managing authorities. However, it is also anticipated that by taking a coordinated approach that this may open up opportunity for funding through the Federal Government. Note that Administration will seek to ensure that no cost shifting occurs regarding the governance and management responsibilities of the River Torrens.

To this end it is proposed that feedback be provided regarding the financial implications of the proposed governance structure to the effect that Council supports the Roundtable as long as it is funded through the NRM Levy and that the Roundtable has no power to commit a Council to fund future initiatives.

It is important to note that there are no River Torrens Catchment areas within the Adelaide Hills Council area that are under the care and control nor owned by Council, as they are all in private or State Government ownership.

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

A well maintained and healthy river corridor will provide a better amenity for the Community and encourage use of this important open space for recreational activities and Community interaction.

- **Environmental Implications**

An improvement in the management of the River Torrens will lead to a more sustainable riverine environment.

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

Throughout the process of reviewing the governance structure for the River Torrens, the consultants have engaged with interested parties and managing authorities responsible for the River. There are no community engagement implications in relation to this report however it is likely that there will be residents in the area that will have a strong interest in the future management of the River Torrens Linear Park and Council's involvement in its management.

Consultation on the development of this report was as follows:

Council Committees: Not Applicable

Council Workshops: Not Applicable

Advisory Groups: Not Applicable

Administration:	Chief Executive Officer Director Development and Regulatory Services Director Corporate Services Manager Open Space Biodiversity Offficers
Community:	Not Applicable

2. BACKGROUND

The management of the River Torrens and associated catchment is an issue that has had a long history with different approaches used to try and manage it in a sustainable manner for the benefit of the whole community.

The RTLP (River Torrens Linear Park) was established in 1982 as a joint State and Local Government venture, with the former Engineering and Water Supply Department (now SA Water) being responsible for the State's commitment to the scheme. The RTLP was primarily designed and managed for flood mitigation and has since become a significant open space and multi-functional recreational asset comprising walking and cycling trails, picnic areas and visitor facilities stretching from the Adelaide foothills to the coast.

In 1995 the State Government formed the Torrens Catchment Water Management Board (TCWMB) with the following vision:

'Throughout the catchment achieve sustainable water resources and healthy ecosystems through integrated catchment management.'

The establishment of the TCWMB was meant to signal a new era in thinking and action; an era characterised by coordinated and catchment-wide management of and care for precious water resources.

At the same time a catchment levy payable by all properties in the catchment was implemented. The levy was collected by Local Government on behalf of the Board.

In 2005 the TCWMB, together with 13 other Boards, was replaced by the AMLRNRM Board which has a much broader range of responsibilities than the TCWMB with a resultant loss of focus on integrated catchment management. The levy on all properties continued and is still collected by Local Government on behalf of the AMLRNRMB.

In 2012 the RTLP Coordinating Committee was formed via a MOU (Memorandum of Understanding) between the South Australian State Government (four departments) and eight Local Governments (excluding Adelaide Hills Council) with the purpose of promoting and fostering a co-operative approach to the management and development of the whole of the RTLP. The Committee does not deal with broader catchment and water quality matters.

In early 2019, the AMLRNRM commissioned the Review of the River Torrens governance structure as it was considered that a different governance model, with clearly defined roles and responsibilities, is needed to improve the management of and outcomes for the River Torrens, its tributaries and catchment.

3. ANALYSIS

The consultants, Democracyco, conducted a series of workshops over a period of time starting with a group of stakeholders / Community groups / citizens of the catchment who worked together to define the objectives to enable them to develop a governance model which meets their needs and has shared ownership.

The consultant's summary of workshops has been outlined in a paper that has been distributed to all councils within the Torrens River catchment and Government Departments with an interest in this issue (Refer **Appendix 1**).

The reasons put forward in **Appendix 1** for proposing this new governance structure is that:

- The core issue facing the Torrens is that no one individual or organisation is accountable for the quality of the water in the River

- The management of the Torrens comes under the auspices of many organisations, Governments, Councils and individuals. Even ownership of the Linear Park section of the catchment is broken up – a patchwork quilt of small areas under the auspices of different managing authorities

- There is a lack of clarity by these authorities about who is responsible for what within the catchment. There are areas or issues for which no-one is taking responsibility and there are differing views about who should be responsible

- The River Torrens and its health does not appear to be a central concern or priority for many of the managing authorities.

It is also argued that there is currently a small amount of funds available more generally to dedicate to river management.

The paper states that whilst the RTLP Coordinating Committee meet regularly (and effectively) to coordinate the provision of assets and to share information, when issues become significant or they go to matters of strategic import / direction, challenges arise in achieving a cohesive and strategic approach.

Perhaps the main example of this was the response to damage caused to various sections of the River Torrens during the large flows experienced in 2016.

The paper also states that it appears that there are a range of different philosophies or views about the specific purpose of managing the catchment / the river and the Linear Park – for both the short and long term. For example, is the purpose of management – flood mitigation, provision of recreation facilities, biodiversity protection, water quality enhancement, carbon capture or other. Whilst these ends may not be incongruous, different emphasis by different managing organisations without discussion and agreement across the authorities means that there is no unity of vision for this vital and valued green space.

Furthermore, the paper indicated that the quality of the water is poor year-round. It is beset with rubbish and clogged with silt which is particularly noticeable in the Torrens Lake and at the outlet when there are higher flows. It is at serious risk of blue green algal blooms in summer in particular at the Torrens Lake and at the bottom of the river's catchment. This situation has the following impacts:

- Economic impacts of people avoiding the Torrens precinct during times of low water levels or algal blooms (particularly in the CBD)
- Visual amenity issues for visitors and residents
- Further contribution to climate change as blue green algae emits methane
- Health impacts on humans if contact is made with blue green algae
- Continued and ongoing loss of biodiversity.

A number of governance models were presented and discussed at the various workshops.

Proposed Convener and Roundtable Model

The River Torrens Roundtable and Convener model outlined in **Appendix 1** was considered by representatives of the various managing organisations as the most appropriate.

Legislative Basis
The paper proposes that a new River Torrens Act is created (or included via an amendment to the pending Landscapes Act that will replace the Natural Resources Management Act) which is high level and not prescriptive. The Legislation would establish an administrative strucutre being a statutory authority or (similar). The objectives of the proposed legislation is described on page 6 of **Appendix 1**.

The proposed Roundtable will be responsible for a collaborative approach to setting the strategic direction through a high level plan (vision, values, objectives, outcomes, small number of measures and targets and determine work priorities). Measures would focus on measuring 'peak problems' / primary indicators and build on existing measurement arrangements.

The proposed Roundtable will have authority for setting the strategic directions for the management of the Torrens; monitoring the achievement of those strategic directions and determining the expenditure of any joint funding.

It is recommended that Council's feedback on the proposed governance model states that the Roundtable cannot mandate financial contributions from the Council or other councils within the catchment.

Makeup and role of Roundtable and Convener
The paper proposes that the Roundtable would be made up of:

- All managing authorities/ organisations in the catchment (including all catchment Councils and relevant Government agencies)
- Five individuals (as impartial voices / bridge builders),
- Two Kaurna representatives (one man and one woman)
- One representative from the Community Reference Group.

The Convener would facilitate the Roundtable, not as a traditional Chair/Presiding Member. The impartial Convener will have facilitation skills and be selected via open call. A panel of Roundtable members would review responses to the open call for the Convener, interview and provide up to three and no less than two options to the Minister for approval.

The Convener would be a permanent, and most likely a paid fulltime position (Not a Council staff member). The Convener is proposed to report directly to the Minister and produce a biennial report that is tabled in Parliament and published outlining how individual organisastions have delivered on their ascribed / agreed performance measures.

It is recommended that Council's feedback on this aspect of the proposal is that the Roundtable and Convener should instead report to the Green Adelaide Board (once established). This would help ensure the strategic management of the River Torrens is integrated in the river and catchment management priorities of the Green Adelaide Board. Further information on Green Adelaide and its prioriies can be accessed at:

https://www.environment.sa.gov.au/topics/green-adelaide

Selection of Independent Members

The paper proposes that five Independent Members sit on the Roundtable – as people who do not bring a strong agenda or have 'skin in the game'. The roles of the Independent Members is described on pages 5 – 7 of **Appendix 1**.

The paper proposes that the five Independent Members be by random invitation. However, most of the working party (representative of Councils) were uncomfortable with this method of selection. The consultants argued that this approach has been used successfully for other groups.

The Managing Organisations participants preferred a selection model known as Random Invitation but not random selection where:

- Selection criteria would be established by the Managing authorities – one of these criteria would have to be that the people are not part of the management system (ie Staff or Elected Members)
- Random invitations sent to residents of Adelaide metropolitan area
- Responses to the random invitation are assessed by the managing authorities as part of an assessment panel.

The Working Party also argued that there should be no Independent Members without the necessary skills and expertise to advise the Councils, however, this is not recommended by the consultants.

It is therefore recommended that Council's feedback on the selection of the Independent Members is by a random invitation method and that independent members should have the necessary skills and expertise to advise Councils / the Roundtable.

The River as legal entity

During the workshops some participants advocated for the River Torrens to be established as an entity in a similar manner to the Yarra River in Victoria. The new law in Victoria was enacted in September 2017 and recognises the various connections between the river and its traditional owners. The Kaurna people are currently developing a position on management and governance of watercourses within their country.

Whilst the legislation similar to that recently enacted in Victoria for the Yarra River as an entity should be supported, it is suggested that Council await the completion of the Kaurna position on management and governance of watercourses within their country before providing feedback.

Administrative budget and funding model

A new governance model will require a new administration budget. As a minimum this budget would need to cover the cost of a Convener, support staff and a small operating budget (eg communication material).

There are a number of different funding models that could be considered, including:

- All managing organisations contribute an equal amount, or
- All managing organisations contribute a different amount according to agreed criteria (such as catchment size), or
- The current AMLRNRM Board (noting transition to the Green Adelaide Board in the future), re-directs the funding currently spent on river operations to support the governance model. Noting that this option would need board approval prior to implementation, which is not currently in place.

Given that the original intent of the TCWMB and associated levy was to achieve many of the same objectives as are being suggested for this new governance model, it is recommended that the AMLRNRMB (Green Adelaide Board in the future) as the successors of TCWMB should be responsible for funding the proposed new governance structure.

Conclusion

The AMLRNRM Board has been reviewing the governance strucutre of the River Torrens Catchment. The proposed structure is a Roundtable and Convener which should lead to a more consistent approach to the management of the catchment and improved health of the River Torrens.

4. OPTIONS

Council has the following options:

I. That Council provides in principle support for the 'River Torrens Roundtable and Convener' as the governance structure for the River, and in principle support for the establishment of the River Torrens as a living integrated natural entity (Recommended)

II. That Council not support the recommendation (Not Recommended)

5. APPENDIX

(1) Proposed Governance Structure for the River Torrens

Appendix 1

Proposed Governance Structure for the River Torrens

Proposed Governance Structure for the River Torrens

September 2019

democracyCo

Proposed River Torrens Convener and Roundtable Model: Overview

The below summarises the high-level functions of the River Torrens Roundtable / Convener model which all participants have agreed is their preferred approach.

Each aspect is described in more detail further in the briefing paper attached.

Purpose of the Roundtable

Setting the strategic directions for the management of the Torrens

Monitoring the achievement of those strategic directions

Determining the expenditure of any joint funds

Membership

All managing authorities/ organisations in the catchment plus 5 individuals (as impartial voices / bridge builders), with one Kaurna man and one Kaurna woman. One person from Community Committee to attend all Roundtables.

Purpose of the Convener

Convener would facilitate the RoundTable, not as a traditional Chair/Presiding Member. The Convener will not have 'skin in the game' and have facilitation skills.

Legislative Authority

A new River Torrens Act is created (or amendment to Landscapes Act) - which is high level and not prescriptive.

Legislation establishes the governance structure.

Strategic Direction

Collaborative approach to setting the strategic direction through high level plan (vision, objectives/ outcomes, small numbers of measures and targets) and determines work priorities.

Accountability

Convener will report directly to Minister - produces a biennial report that is tabled in Parliament and published publicly which outlines how individual organisations have delivered on their ascribed/agreed performance measures.

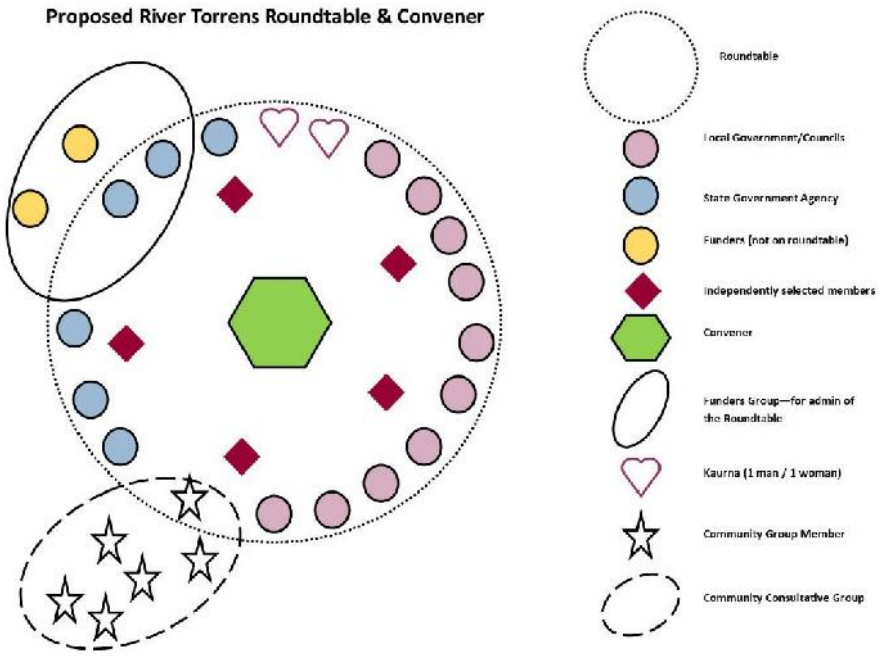
Roles/Responsibilities

To be determined by the roundtable. (At the outset, not expected to change the roles and responsibilities of managing organisations).

Convener core role is to ensure roundtable members acquit those roles.

Community Interaction

Community Committee established to support Roundtable and provide feedback (as part of bienial report) on Roundtable progress.



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Briefing Paper – River Torrens Governance

Purpose

This paper has been developed to seek endorsement in principle from Councils and relevant State Government Authorities for the Roundtable (supported by the Convener) governance model and to seek feedback on unresolved issues such as:

- Selection of independent members
- Proposing the river is treated by law as one 'entity'
- Budget and funding

Background and context

The Project: River Torrens Governance Review

As the major urban waterway in Adelaide, the River Torrens serves many civil, environmental, ecological, recreational, health and cultural functions. These multiple functions and changing land use throughout the catchment make managing the river and its catchment inherently complex.

Currently, numerous state government agencies, statutory authorities and local councils all have some river management responsibilities for the Torrens and its catchment. In addition, thousands of private land owners have a legislated duty of care for the river and its tributaries on their property.

A different governance model, with clearly defined roles and responsibilities, is needed to improve the management of, and outcomes for, the River Torrens, its tributaries and catchment. A good, effective governance model not only has clearly defined roles and responsibilities, but has shared ownership and buy-in.

democracyCo, has been commissioned by Adelaide and Mount Lofty Ranges Natural Resources Management Board to bring together the diverse and various stakeholders involved in the catchment to enable them to develop a governance model which meets their needs and has shared ownership.

This project is about putting the best possible system in place which helps us to make decisions around the Torrens together. The process is not about making those decisions. The central issue we are considering is – what sort of framework best supports improved decision making going forward.

The problem – the new governance structure seeks to address

The core issue facing the Torrens is that no one individual or organisation is accountable for the quality of the River.

The management of the Torrens comes under the auspices of many organisations, governments/ Councils and individuals. Even ownership of the Linear Park section of the catchment is broken up – a patchwork quilt of small areas under the auspices of different managing authorities.

What's more there is a lack of clarity by these authorities about who is responsible for what within the catchment. There are areas or issues for which no-one is taking responsibility and there are differing views about who should be responsible.

In general, the Torrens River and its health does not appear to be a central concern or priority for many of the managing authorities.

Understandably, one of the direct consequences of this is that these authorities are not prioritising the funding of measures which will help address the health of the Torrens. Understandably if an organisation isn't even aware or unclear that they have responsibilities they are unlikely to prioritise expenditure.

It is also argued that there is currently a paucity of funds available more generally to dedicate to river management.

Whilst a junior group of officials from the authorities along the Linear park meet regularly (and effectively) to coordinate the provision of assets and to share information; when issues become significant or they go to matters of strategic import / direction, challenges arise in achieving a cohesive and strategic approach.

There are however some issues of coordination where organisations aren't prioritising action (because it isn't important to them) and other organisations are waiting for this work to be done before they can 'do their part'.

There is considerable 'finger pointing' when issues or problems arise.

It appears that there are a range of different philosophies or views about the specific **purpose** of managing the catchment / the river and the Linear Park – for both the short and long term. For example, is the purpose of management – flood mitigation, provision of recreation facilities, biodiversity protection, water quality enhancement, carbon capture or other. Whilst these ends may not be incongruous – different emphasis by different managing organisations without discussion and agreement across the authorities means that there is no unity of vision for this vital and valued green space.

Whilst there are some regulations and codes which govern aspects of the river's management (such as building codes and water quality policies). There are question marks over whether there are enough compliance mechanisms in place or enough resources to implement them.

The direct consequence of ALL of the above is that the health of the river is suffering.

The quality of the water is poor year-round. It is beset with rubbish, clogged with silt. It is at serious risk of blue green algal blooms in summer. This situation has the following impacts;

- Economic impacts of people avoiding the Torrens precinct during times of low water levels or algal blooms (particularly in the CBD).[1]
- Visual amenity issues for visitors and residents.
- Further contribution to climate change as blue green algae emits methane.[2]
- Health impacts on humans if contact is made with blue green algae.[3]
- Continued and ongoing loss of biodiversity.

The Torrens is more than another creek flowing through South Australia, a storm water drain or a mechanism for managing water flows –it is the jewel in Adelaide's crown.

It is the focus of significant recreation activities (not only for residents but for people from across the city and beyond)– from rowing, cycling and running, to conferences and the arts and it provides a mostly beautiful backdrop to the city scape and suburbs alike. The Linear park and river are a highly valued part of our city.

[1] Noting there has not been work done to quantify this impact at this stage.

[2] Yale School of Forestry and Environmental Studies, March 27, 2019, https://e360.yale.edu/digest/worsening-algae-blooms-could-significantly-increase-global-methane-emissions?fbclid=IwAR2yv2J0XUC5zb799jbLukOde023GUQQNYnaThB_h5B48IvM2cvBYLbyQfY

[3] A Health – Water Quality Fact Sheet.

The River Torrens Roundtable and Convener (the Model)

Managing organisations have been working to identify a new governance model for the River Torrens, supported by facilitators democracyCo.

The "River Torrens Roundtable and Convener model" was agreed by all managing organisations present at the final meeting of the group on the 5th September (after a series of 4 previous workshops). The River Torrens Roundtable and Convener model responds to the problems we are currently facing and meets the 'brief' prepared by managing organisations and the community. It was also designed to be as cost effective as possible to maximise funds available for river management initiatives.

All managing organisations were present on the 5th September apart from DPTI and Burnside Council who were apologies, and Barossa Council who are yet to be engaged.

Objectives of the Model

To provide a strategic oversight and direction for the River Torrens, ensuring all people who have assets, skills and responsibilities work together. The model will:

1. support managing organisations in working together to develop their common vision and strategic plan
2. work to ensure that people who are accountable are held to account,
3. broker connections when needed,
4. Advocate for the River Torrens.

Membership and Role of Convener

The Roundtable would be made up of:

- All managing authorities/ organisations in the catchment (listed at Attachment A)
- 5 individuals (as impartial voices / bridge builders),
- 2 Kaurna representatives (1 man and 1 woman)
- 1 representative from the Community Reference Group

Convener would **facilitate** the Roundtable, not as a traditional Chair/Presiding Member. The Convener will not have 'skin in the game' and will have facilitation skills.

The impartial convener would be selected via open call. A panel of Roundtable members would review responses to the open call, interview and provide up to three and no less than two options to Minister for approval.

The Convener would be a permanent and most likely full-time position.

Issue 1 for feedback – Independent Members

DemocracyCo recommended that 5 impartial and independent South Australians be appointed to sit on the Roundtable and support the managing organisations in their deliberations.

Participants wanted to consider the risks and benefits of this approach further.

This is discussed further on page 8.

Kaurna Community Representation on the Roundtable

Kaurna will have one man and one woman appointed to the Roundtable. These representatives will be provided by the Kaurna Community.

Legislative Structure

It is proposed that a new ***River Torrens Act*** is created (or amendment to Landscapes Act) - which is high level and not prescriptive.

Legislation establishes an administrative structure – a statutory authority (or similar).

In particular, the legislation will:

- Enact the Roundtable and Convener
- Empower the Roundtable to act in the best interests of the River
- Detail membership of the Roundtable,
- Mandate base structural elements for a strategic plan,
- Place statutory limitations on the use of joint/ mutual funds
- Timelines and reporting requirements for Parliament.
- Make clear its relationship to Green Adelaide
- Establish review arrangements.
- Establish the role and responsibilities of the Roundtable

It is accepted that changes to subsidiary Acts may need to be made to make this new Act work.

Issue 2 for Feedback – Establishing the River as an 'Entity'

Participants who assisted in the development of this governance structure wanted to consider and discuss further the establishment of the Torrens (Karrawirra Parri) as a living entity.

Legislating this would enable the River and catchment to be managed as one single entity, rather than viewed in segmented pieces . (Similar to what has occurred in the Yarra River in Melbourne)

This issue is discussed further on page 9

Authority / Accountability

The Roundtable will have authority for –

- Setting the strategic directions for the management of the Torrens
- Monitoring the achievement of those strategic directions
- Determining the expenditure of any joint funds

Convener will report directly to Minister - produces a biennial report that is tabled in Parliament and published publicly which outlines how individual organisations have delivered on their ascribed/agreed performance measures.

Strategic Direction

Collaborative approach to setting the strategic direction through high level plan (vision, values, objectives/ outcomes, small numbers of measures and targets and determines work priorities. Measures to focus on measuring 'peak problems'/primary indicators and to build on existing measurement arrangements.

As appropriate, data for measures / targets to be collected along the river at borders between councils or by local councils.

Budget

There are options about how the governance structure can be funded. The options are outlined later in this document. In terms of the funding of initiatives regarding river management - organisations will determine what (specifically) they will fund in order to help achieve the agreed targets in the strategic plan.

Organisational implementation arrangements

The Roundtable will discuss how it operates and reach agreement on this once established.

Roles and Responsibilities

Convener roles and responsibilities

The Convener will:

- Bring people together, host collaborative processes to develop plan and priorities, acts as independent auditor – preparing reports on achievement of strategic plan for parliament (and public reporting).
- seek additional funding for Torrens and help projects get off the ground.
- prepare biennial reports for parliament and require audit reports from relevant data collecting agencies.

The convener will not have voting powers or power of veto – their job is to enable the Roundtable to agree and achieve consensus.

Roundtable Roles / Responsibilities

The strategic plan will establish a clear role and responsibilities for the Roundtable.

In terms of clarifying individual managing organisations roles and responsibilities (which managing organisation is responsible for what) the roundtable platform will provide a collaborative and respectful environment to work through conflicts in views about roles and responsibilities and or a platform for assigning / agreeing responsibility.

The Roundtable will adopt a collaborative approach to setting the strategic direction through high level plan (vision, objectives/ outcomes, small numbers of measures and determination of work priorities.

Managing Organisations have stated the following important considerations in relation to roles and responsibilities:

- Roles and Responsibilities must translate the vision into day to day activities
- How the group will prioritise responding (or not responding) to problems the river is experiencing
    - This may involve developing a hierarchy of 'order of works/projects' which enables the group to make decisions
- Needs to include deliberation about strategic infrastructure – who pays for it and who maintains it
- There is a difference between having ownership and having care/control/mgmt. The Round table will need to explore and understand what statutes apply.
- Critical events (storms, floods etc) – need a mechanism which ensures that everyone plays a role in a critical event.
- Need to negotiate scope – what's in and what's out. Inc what's happening when there is an 'outside' player involved in the process (for example office for rec and sport re walking trails)

Community Interaction with the Roundtable

The Community Consultative Committee will:

- Support the Roundtable in the selection of community members for the Roundtable
- Provide advice to Managing Organisations about the strategic plan
- Provide feedback on the biannual reports to Parliament (their feedback would be included in the report tabled in Parliament)

Membership of this group would be similar to the community representation which has been involved in the development of this governance process.

Issues requiring specific consideration

A number of aspects of the governance structure have not been finalised and require further discussion.

They are:
1. Involvement and or selection of 'independent' members to the Roundtable
2. The establishment of the River Torrens as an "entity"
3. Budget and funding

1. <u>Involvement & Selection of Independent Members to the Roundtable</u>

DemocracyCo recommended that 5 independent members sit on the Roundtable – as people who do not bring a strong agenda or have 'skin in the game'. The people in these 5 positions were seen as having the following roles:

- **Bridge builders** - It is very useful in making decisions about the best way forward to have people who don't have significant self-interest involved as they can help to broker a way forward between those who do have strong self-interests or positions. They remind the group what their core reason for being is and help facilitators to focus the group on the core business.
- **Innovators** - They are innovative – as more impartial observers they are 'freed' up / more easily able to consider innovative ideas. Quite often these ideas can build bridges between competing organisations – helping to find a way through an impasse.
- **Provide a community view** - The views of these people are very important and represent a significant section of the community.
- **Moderators** - They are voices of objectivity and balance!
- **Ensure workability of the group** – ultimately – because of the above- they are the people that will help ensure the governance structure works and is successful.

The Managing organisations (MO's) held some reservations about this concept but were interested in making it work as a point of difference and also as a way to maximise success of the Roundtable model.

The MO participants preferred a selection model known as *Random Invitation but not random selection* where

- Selection criteria would be established by the Managing authorities – one of these criteria would have to be that the people are not part of the management system
- Random invitations sent to residents of Adelaide metro area
- Responses to the random invitation are assessed by the managing authorities as part of an assessment panel to select participants from responses.

The alternative would be that there are no 'independent' members of the Round table.

DemocracyCo have recommended against this as it will create challenges for the 'workability' of the group. It also limits the perspective of the group and the group's ability to find solutions.

This aspect requires feedback from all Managing Organisations to assist in making a decision about it at the final workshop.

2. The establishment of the River as an Entity

Some participants advocated for the River Torrens to be established as an entity in a similar manner to the Yarra River in Victoria. (Attachment 2)

Kaurna are currently developing a position on management and governance of watercourses within their country.

3. Budget and funding

A new governance model will require a new administration budget. As a minimum this budget would need to cover the cost of a convenor, support staff and a small operating budget (e.g. communication material). The value of this model will be in the improved, coordinated outcomes for the River Torrens, and the ability to co-ordinate and collaborate on funding opportunities.

There are a number of different funding models that could be considered, including:

- All managing organisations contribute an equal amount; or
- All managing organisations contribute a different amount according to agreed criteria (such as catchment size); or
- The current AMLR NRM Board (noting transition to the Green Adelaide Board in the future), re-directs the funding currently spent on river operations to support the governance model. Noting that as an option this would need board approval (from the current and any future board) prior to implementation, which is not currently in place. And there are trade-offs in selecting this option; i.e. this could be instead of other NRM Board funded River Torrens activities.

Further negotiations will be needed to establish how the money is then spent for works within the catchment. For example, it could be that managing authorities spend like they have spent to date (within their responsibilities), or that all managing authorities and funding organisations pool an annual amount (determined through a similar approach to above) and that the roundtable as a group decide on an annual basis how the pooled money is spent.

Questions requiring Managing Organisation's feedback:

1. Does your organisation support in principle the further development of the "Convener supported by a Roundtable" model, for governance of the River Torrens?

Specific Issues

2. Does your organisation support the appointment of 5 independent members to the Roundtable as described?
3. Please provide your organisation's feedback or perspectives on the establishment of the River Torrens as an 'entity' as part of any legislative reform to establish this new governance structure?
4. Please provide your organisation's perspective on the budget options for funding improved governance of the River Torrens (including consideration of the trade-offs).

Appendix A: Managing Organisations and members of Roundtable

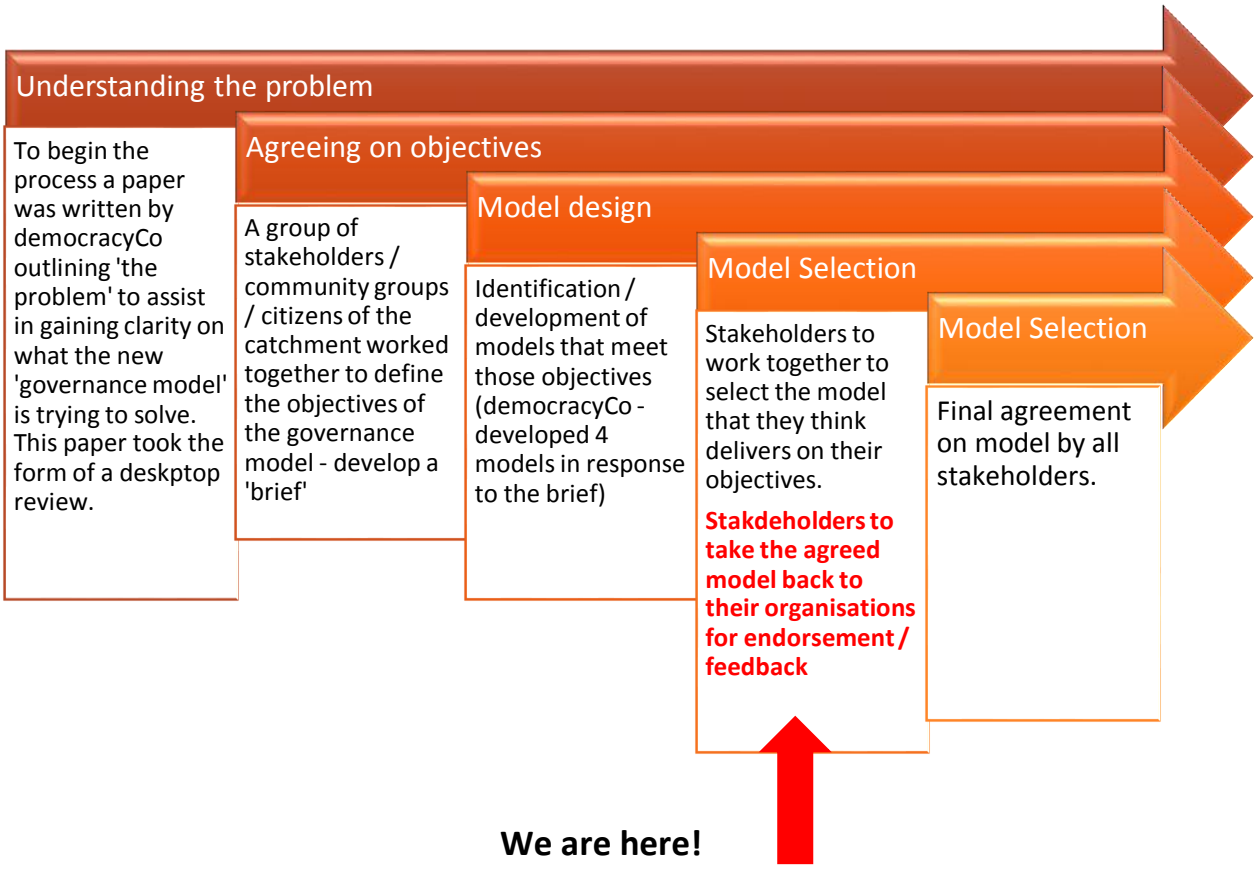
1. SA Water
2. Department of Environment and Water (DEW)
3. Environment Protection Authority (EPA)
4. Green Adelaide
5. Stormwater Management Authority
6. Department for Planning Transport and Infrastructure (DPTI): with a focus on planning
7. Adelaide Hills Council
8. City of Tea Tree Gully
9. Campbelltown City Council
10. City of Port Adelaide Enfield
11. Town of Walkerville
12. The City of Norwood Payneham and St Peters
13. City of Burnside
14. Adelaide City Council
15. City of Charles Sturt
16. City of West Torrens
17. Barossa Council

Other members of the Roundtable

18. Kaurna man
19. Kaurna woman
20. Potentially 5 independent members (to be decided)

Appendix 2: The Process

The process which has been undertaken to get to this point is shown below in brief:



Appendix 3 – Example extract of Yarra River Legislation

Part 1—Preliminary

1 Purposes

The main purposes of this Act are—

(a) to provide for the declaration of the Yarra River and certain public land in its vicinity for the purpose of protecting it as one living and integrated natural entity; and

(b) to provide for the development and implementation of a Yarra Strategic Plan as an overarching policy and planning framework in relation to the Yarra River and certain land in its vicinity; and

(c) to establish the Birrarung Council to provide advice to the Minister in relation to Yarra River land and other land, the use or development of which may affect Yarra River land, and other matters, and to report annually to the Minister on the implementation of a Yarra Strategic Plan by responsible public entities; and

(d) to set out principles to which responsible public entities must have regard when performing functions or duties or exercising powers in relation to Yarra River land or other land mentioned in paragraph (c); and

(e) to provide for the declaration of an area of land as a state significant urban natural entity to be known as the Greater Yarra Urban Parklands; and

ADELAIDE HILLS COUNCIL
ORDINARY COUNCIL MEETING
Tuesday 17 December 2019
AGENDA BUSINESS ITEM

Item:	**12.12**
Originating Officer:	**Lachlan Miller, Executive Manager Governance and Performance**
Responsible Director:	**Andrew Aitken, Chief Executive Officer**
Subject:	**Council Resolutions Update including 2 year update to outstanding resolutions**
For:	**Decision**

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
11/09/2018	Special Council	223/18	Pomona Road Bike Track Trial
26/02/2019	Ordinary Council	31/19	Community Forums 2019
26/03/2019	Ordinary Council	61/19	Climate Emergency
28/05/2019	Ordinary Council	116/19	Options for Crown Reserves
4/06/2019	Special Council	136/19	Strategic Plan Review - Key Themes Adoption
23/07/2019	Ordinary Council	185/19	Additional Borrowings for Capital Renewal Escalation
27/08/2019	Ordinary Council	211/19	Feral Deer Management
27/08/2019	Ordinary Council	221/19	Audit Committee Independent Membership
27/08/2019	Ordinary Council	236/19	Roundabout Landscaping Upgrade - Confidential item
24/09/2019	Ordinary Council	255/19	Independent Audit Committee Member Selection Panel
22/10/2019	Ordinary Council	245/19	Time & Place of Council Meetings, Workshops, Professional Development
22/10/2019	Ordinary Council	246/19	Draft Corporate Carbon Management Plan
22/10/2019	Ordinary Council	253/19	Appointment of Deputy Mayor
22/10/2019	Ordinary Council	255/19	Appointment CEO Performance Review Panel
22/10/2019	Ordinary Council	256/19	Appointment of CEO PRP Presiding Member
22/10/2019	Ordinary Council	258/19	SPDPC Presiding Member
22/10/2019	Ordinary Council	260/19	Appointment of Audit Committee Presiding Member
22/10/2019	Ordinary Council	261/19	SHLGA Membership
22/10/2019	Ordinary Council	263/19	Local Government Reform Submission
22/10/2019	Ordinary Council	268/19	MWN Bird in Hand Pty Ltd Proposed Development
26/11/2019	Ordinary Council	276/19	Petition - GM Crops

Meeting Date	Meeting	Res No	Item Name
26/11/2019	Ordinary Council	279/19	2019/2020 Community Development Grants
26/11/2019	Ordinary Council	281/19	Unreasonable Complainant Conduct, Internal Review, Request for Services and Complaint Handling Policies
26/11/2019	Ordinary Council	282/19	2018/2019 General Purpose Financial Statements
26/11/2019	Ordinary Council	283/19	2018-2019 End of Year Financial Results
26/11/2019	Ordinary Council	284/19	Annual Reports 2018-2019
26/11/2019	Ordinary Council	285/19	Code of Conduct Final Report Cr Leith Mudge
26/11/2019	Ordinary Council	286/19	Budget Review 1
26/11/2019	Ordinary Council	291/19	Review of Confidential Items
26/11/2019	Ordinary Council	292/19	Review of Confidential Items - Electricity Procurement 28 May 2019
26/11/2019	Ordinary Council	293/19	Review of Confidential items - CWMS EOI Outcomes 19 June 2018
26/11/2019	Ordinary Council	294/19	Review of Confidential Items - CWMS Review 26 September 2017
26/11/2019	Ordinary Council	295/19	Review of Confidential Items - CWMS Review 28 February 2017
26/11/2019	Ordinary Council	296/19	Review of Confidential Items - CWMS EOI 25 October 2015
26/11/2019	Ordinary Council	297/19	Review of Confidential Items - AHRWMA 22 April 2014

1. GOVERNANCE

- **Strategic Management Plan/Council Policy**

Goal Organisational Sustainability
Strategy Governance

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

- **Legal Implications**

Not applicable

- **Risk Management Implications**

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

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

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

- **Financial and Resource Implications**

Not applicable

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

Not applicable

- **Environmental Implications**

Not applicable

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

Not applicable

2. BACKGROUND

At its meeting of 24 March 2015 Council resolved:

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

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

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

3. ANALYSIS

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

4. OPTIONS

Council has the following options:

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

5. APPENDIX

(1) Action List

Appendix 1

Action List

Meeting Date	Meeting	Res No.	Item Name	Previously Declared COI	Action Required (Council Resolution)	Responsible Director	Status	Status (for Council reporting)
24/03/2015	Ordinary Council	57/15	Confidential Item - Morella Grove	None declared	As per confidential minute	Peter Bice	In Progress	Whilst it was anticipated that a report would be provided to Council by the end 2019 on the status of and recommendations regarding this project, this will now occur early 2020.
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	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 improvements for Cudlee Creek Forest Reserve.	Peter Bice	In Progress	No change - 09/12/19. 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	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 tranfer 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	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 assessement 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	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 Developer, the dispute is referred to an Independent Arbiter for resolution, with costs being shared equally by the parties.	Peter Bice	In Progress	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 occuring 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 has been refined, and will provide to the Developer in Dec 2019.
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 *Roads (Opening & Closing) Act 1991* 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 *Local Government Act 1999* .To authorise the Chief Executive Officer (or delegate) to finalise and sign all necessary documentation to close and sell the above portion of closed road pursuant to this resolution.	Terry Crackett	In Progress	Final road document have been signed by Council and returned to surveyor to progress. Settlement funds have been received. Awaiting gazettal notice to be published by 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	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 activies. 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. The burn at the new site located at Morgan Road, Ironbank was undertaken in Spring 2019 (Mon 7th Oct and Fri 15th Nov). Mailout to residents complete.

Meeting Date	Meeting	Res No.	Item Name	Previously Declared COI	Action Required (Council Resolution)	Responsible Director	Status	Status (for Council reporting)
23/01/2018	Ordinary Council	4/18	Road Exchange - Mt Torrens Walking Loop	None declared	To issue a Road Process Order pursuant to the *Roads (Opening & Closing) Act 1991* 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 necessary documentation to effect the road exchange and this resolution	Terry Crackett	In Progress	Documents have been executed by Council and returned to the Conveyancer for lodgement with the Surveyor-General. Awaiting confirmation of completion from Surveyor-General.
27/02/2018	Ordinary Council	31/18	Arts & Heritage Hub	None declared	That the report be received and noted.That the Business Development Framework for the establishment of an Arts and Heritage Hub in the Old Woollen Mill at Lobethal, contained in Appendix 1, be noted.That the Administration proceeds with the establishment of an Arts and Heritage Hub using the Business Development Framework as a guide.That the development of a Hub Evaluation Framework, as envisaged in the Business Development Framework, occur as early as possible and include key performance and results targets, and mechanisms for review of the implementation by Council to ensure alignment with budget allocations and strategic objectives.That $50,000 be allocated to the 2017-18 Operating Budget from the Chief Executive Officer's contingency provision to enable the initial actions to be taken.The CEO provides a progress report on the implementation of the Business Development Framework within 6 months from the date of appointment of the Director.	David Waters	In Progress	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 developed and is being utilised. It is undergoing peer review by an arts industry consultant prior to finalisation.
27/02/2018	Ordinary Council	57/18	Confidential Item - AH Swimming Centre Shade Sail	None declared	As per confidential minute	Terry Crackett	In Progress	Matter being progressed per resolution
27/02/2018	Ordinary Council	58/18	AH Swimming Centre Shade Sail - Period of Confidentiality	None declared	that an order be made under the provisions of sections 91(7) and (9) of the *Local Government Act 1999* that the report and the minutes of Council and the discussion and considerations of the subject matter be retained in confidence until the matter is determined but not longer than 12 months. Pursuant to section 91(9)(c) of the *Local Government Act 1999* , Council delegates the power to revoke the confidentiality order either partially or in full to the Chief Executive Officer.	Terry Crackett	In Progress	Progressing per confidential minutes

Meeting Date	Meeting	Res No.	Item Name	Previously Declared COI	Action Required (Council Resolution)	Responsible Director	Status	Status (for Council reporting)
28/08/2018	Ordinary Council	200/18	Proposal to enter 11 AHC Reserves into Heritage Agreements 2018	None declared	1. That the report be received and noted. 2. That the Biodiversity Officer be authorised to enter:Doris Coulls Reserve, 152 Old Mt Barker Road, AldgateHeathfield Waste Facility, 32 Scott Creed Road, HeathfieldKiley Reserve, 15 Kiley Road, AldgateShanks Reserve, 1 Shanks Road, AldgateStock Reserve, Stock Road, MylorLeslie Creek Reserve, Leslie Creek Road, MylorMi Mi Reserve, 125 Aldgate Valley Road, MylorAldgate Valley 2 Reserve, 114 Aldgate Valley Road, MylorKyle Road Nature Reserve, Kyle Road, MylorCarey Gully Water Reserve, Deviation Road, Carey GullyHeathfield Stone Reserve, 215 Longwood Road, HeathfieldMylor Parklands, Mylor all being of significant biodiversity value, into Heritage Agreements. 3. That the Heritage Agreements retain the existing dog access arrangements in place for each of those reserves.	Peter Bice	In Progress	Heritage Agreement applications lodged for: Following CTs (13/11/18) TRIM reference OC 18/16631 •Doris Coulls Reserve, 152 Old Mt Barker Road, Aldgate •Heathfield Waste Facility, 32 Scott Creed Road, Heathfield •Kiley Reserve, 15 Kiley Road, Aldgate •Shanks Reserve, 1 Shanks Road, Aldgate •Kyle Road Nature Reserve, Kyle Road, Mylor Following CRs (27/11/18) TRIM reference OC18/17474 •Leslie Creek Reserve, Leslie Creek Road, Mylor •Aldgate Valley 2 Reserve, 114 Aldgate Valley Road, Mylor •Mylor Parklands, Stock Road, Mylor
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)	The report be received and notedThe CEO undertakes a request for tender process for the divestment of Council's CWMS assets to inform Council's decision to sell or retain these assets.The resolution to undertake a request for tender process is subject to there being no matters of material impact identified through further due diligence and request for tender preparation activities, as determined by the CEO.Subject to Council resolving to proceed to a request for tender for the divestment of Council's CWMS assets, the CEO be delegated to prepare and approve an evaluation plan for the purposes of assessing responses received including but not limited to the following criteria: CWMS customer pricing and feesSale price for CWMS assetsRespondents financial capacityRespondents operational capacity and capabilityNetwork investment and expansion That ongoing analysis be undertaken on continued Council ownership of CWMS assets for request for tender comparison purposes to inform future decision making.The Prudential Review Report and the Probity Report be received and noted.The Council acknowledges that whilst S48 of the Local Government Act 1999 does not require a prudential review to be undertaken, the report in relation to this project is consistent with the provisions of S48.The Administration is to continue to work collaboratively with the City of Onkaparinga and Rural City of Murray Bridge for the potential divestment of Council's CWMS.That probity advisory services continue to be maintained throughout the CWMS review process.That a further report be provided to Council detailing the outcomes of the second stage request for tender and evaluation process with recommended next steps.	Peter Bice	In Progress	In collaboration with project partners currently progressing with preparation of request for tender process and documentation. Commercial advisory services have been engaged to ensure the approach to market is undertaken in such a manner to maximise return. 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. Council staff continue to work with project partners towards request for tender release forecast to be in February or March 2020.
11/09/2018	Special Council	223/18	Pomona Road Bike Track Trial	None declared	A report is prepared to Council by 26 November 2019 on completion of the trial.	Peter Bice	Completed	A report was prepared for the 26 November 2019 Council Meeting. Pomona BMX Track to remain, and opportunities to be improve explored and factored into future Annual Business Planning.

Meeting Date	Meeting	Res No.	Item Name	Previously Declared COI	Action Required (Council Resolution)	Responsible Director	Status	Status (for Council reporting)
11/09/2018	Special Council	229/18	Road Exchange McBeath Drive, Skye Horsnell Gully	None declared	In accordance with sections 12 and 15 of the Roads (Opening and Closing) Act 1991, as regards the land within the Adelaide Hills Council area, enter into an Agreement for Exchange with Boral Resources (SA) Ltd and issue a Road Process Order to open as road portions of Section 906 Hundred of Adelaide numbered "1", "2" and "3" on Preliminary Plan No. 17/0066 (Appendix 1) and in exchange to close portions of McBeath Drive marked "A","B", "C" and "D" on Preliminary Plan No. 17/0066, subject to the following:Boral Resources (SA) Ltd agreeing to pay all costs associated with the road exchange process including but not limited to all survey, valuation and reasonable legal costs; Boral Resources (SA) Ltd agreeing to pay all costs associated with a Council boundary adjustment between Adelaide Hills Council and the City of Burnside to rectify the resulting Council boundary anomaly from the road exchange process The closed road is excluded as Community Land pursuant to the Local *Government Act 1999.* Council approves the sale of the differential between the total area of closed road and the total area of opened road of approximately 1,242m2 to Boral Resources (SA) Ltd for the amount of $6,210 as determined by an independent valuation. 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	Terry Crackett	In Progress	Road exchange documentation has been executed and provided to Boral for lodgement with the Surveyor-General. Submission has been prepared and lodged with the Boundaries Commission jointly on behalf of the City of Burnside and Adelaide Hills Council. 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. Boral are negotiating a Land Management Agreement with the State Government which has delayed the completion of the land division and road exchange
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 for the preparation of an Application to the Supreme Court to vary the charitable trust. That a further report be presented to Council for consideration after community consultation and further investigations have been completed	Terry Crackett	In Progress	Initial consultation to identify possible locations for the establishment of a garden and memorial concluded on 28 January 2019 with only one submission received being a suggestion from the Retirement Village residents to investigate Carripook Park as their preferred option. Council, at the meeting of 27 August 2019, approved Carripook Park as the location to vary the trust to. Community consultation is open and runs until 20th December 2020.
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 *Local Government Act 1999* , 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	Matter continues to be progressed.

Meeting Date	Meeting	Res No.	Item Name	Previously Declared COI	Action Required (Council Resolution)	Responsible Director	Status	Status (for Council reporting)
26/02/2019	Ordinary Council	29/19	Road Closure adjacent Charleston Conservation Park	None declared	the report be received and notes that following receipt of a valuation for the land parcel that consultation will be undertaken in relation to the closure of the unmade road. the CEO takes all possible steps to prevent further degradation of the road reserve by unauthorised activities while this land remains in its custody.	Terry Crackett	In Progress	A report is being presented to Council at the 17th December 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 change.	David Waters	Completed	The third and final forum for 2019 was held at Norton Summit on 29 October 2019. The summary report is available on the AHC website and also the Have Your Say Community Forum page. Attendees will receive an email link to the summary by 13.11.19. 2020 Forum dates have been added to the Council website.
26/03/2019	Ordinary Council	61/19	Climate Emergency	None declared	Notes the October 2018 report of the Intergovernmental Panel on Climate Change;Notes the Federal government's latest greenhouse gas emissions data shows Australia's total greenhouse gas emissions have increased compared to 2012, not decreased;Recognises we are in a state of climate emergency that requires urgent action by all levels of government, including by local councils;Reaffirms its commitment to both mitigating against and adapting to the adverse impacts of climate change within the Adelaide Hills Council;Commits to finalising the Carbon Management Plan by December 2019 and that it includes a target of 100% renewable energy (electricity) for the Adelaide Hills Council (as an Organisation) by a defined date as well as a series of staged targets over the intervening period;Requests the CEO write to State and Federal Members of Parliament, which represent the Adelaide Hills Council region, advising them of Council's resolution and request they also act with urgency to address climate change.	Peter Bice	Completed	The Corporate Carbon Management Plan has been completed and is available on the website. Letters have been sent to State and Federal Ministers of Parliament advising of Councils resolution adn request that the Federal government act with urgency to address climat change. The State Government has recently declared a climate emergency.
26/03/2019	Ordinary Council	77/19	Randell's Cottages, Beavis Court, Gumeracha	None declared	That, acknowledging that a land division in Watershed (Primary Production) is non-complying, an initial approach be made to the State Commission Assessment Panel to determine the possibility of a land division to create a separate allotment for the potentially local heritage listed building located at 1 Beavis Court, Gumeracha know as Randell's Cottages being supported. That subject to the response from the State Commission Assessment Panel, a Development Application be lodged for a non-complying land division. That, if a land division is not supported, an expression of interest (EOI) process be undertaken in respect of the local heritage listed building located at 1 Beavis Court, Gumeracha known as Randell's Cottages to determine any interest in restoring the building for tourism or other purpose (other than long term residential) under a long term lease arrangement. That the CEO be delegated to prepare the necessary documentation to undertake the EOI. That a report be presented to Council following the EOI detailing the results of that process and providing further options.	Terry Crackett	In Progress	The land sits within the Enviromental 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, likley 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)

Meeting Date	Meeting	Res No.	Item Name	Previously Declared COI	Action Required (Council Resolution)	Responsible Director	Status	Status (for Council reporting)
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	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.
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	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	
28/05/2019	Ordinary Council	116/19	Options for Crown Reserves	None declared	The report be received and notedA 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	Completed	A formal approach has been submitted in accordance with the resolution. The Department for Environment and Water has responded positively. Initial public consultation has been completed. The Department of Environment and Water has advised that they require the various parcels of land to have the community land classification revoked before the land will be resumed by the Crown.

Meeting Date	Meeting	Res No.	Item Name	Previously Declared COI	Action Required (Council Resolution)	Responsible Director	Status	Status (for Council reporting)
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 prior to its release for community consultation.	Terry Crackett	Completed	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 and Council feedback as well as endorsed outcomes from all functional straties and plan. A workshop of Council was held on 12 November to to further develop these priorities. A report is scheduled for Council on 26 November 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	In Progress	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	Updated correspondence was sent to Woodforde and Rostrevor residents. The consultancy brief for the Strategic Boundary Review has been awarded wiht work to commence in November 2019.
25/06/2019	Ordinary Council	164/19	2018 – 2019 Play Space Upgrades – Confidential Item	None declared	As per Confidential Minute	Peter Bice	In Progress	Ongoing
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	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	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	
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	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 (Material)	As per confidential minute	Terry Crackett	In Progress	Actions are progressing in accordance with confidential minute. Outstanding rates have been received for all properties but one. A contract has been signed for the remaining property with settlement due prior to Christmas 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	Completed	Council Workshop held on 8 October 2019 with attendance by the LGFA. Report presented to 22 October 2019 meeting.

Meeting Date	Meeting	Res No.	Item Name	Previously Declared COI	Action Required (Council Resolution)	Responsible Director	Status	Status (for Council reporting)
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	Community consultation has been completed, a further report will be prepared to Council with the consultation outcomes
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	Meeting with DPTI and SAPN undertaken to discuss main road requirements. Assessment of requirements being investigated. Phase One roll-out of P Category street lights on Council roads has been completed. 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 hardward installation has commenced. Subject to availability of hardware, installation on site is proposed to commence prior to the end of the calander year. Follow-up contact made with SAPN to progress contract and management of roll-out including any design work, communications and project management.
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	Completed	Response was provided to PIRSA and DEW as per information tabled at the meeting where the MoN response was provided. Letter was drafted and now sent to the Minister.
27/08/2019	Ordinary Council	219/19	Bridgewater Retirement Village - Trust Variation Scheme (Carripook Park)	None declared	That the report be received and notedThat Carripook 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 (*Appendix 1*), 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 consultation in relation to the revocation of community land.	Terry Crackett	In Progress	Community consultation regarding the revocation of community land for the land attached to the F H Todd Trust is open until 20 December.

Meeting Date	Meeting	Res No.	Item Name	Previously Declared COI	Action Required (Council Resolution)	Responsible Director	Status	Status (for Council reporting)
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 *Roads (Opening & Closing) Act 1991* 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 *Local Government Act 1999;* andThe piece marked "A" be sold to Mr Peter McKay and Ms Simona Achitei, 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. 4. Authorise the Chief Executive to finalise and sign all necessary documentation to close and sell the above portion of closed road pursuant to this resolution.	Terry Crackett	In Progress	Final documentation and plans are being progressed with the surveyor and Surveyor-General
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	Completed	Recruitment process has been completed. A report is scheduled for November 2019 meeting for consideration of appointment recommendations.
27/08/2019	Ordinary Council	223/19	Review of Primary Produciton 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	Identification of topics for education of the community on rural land management issues have been discussed with and proposed by the RLMAG at its last 3 meetings. Staff will now prepare relevant material in this regard to put on Council's media channels. Further, depending on the number of wasp complaints received 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	236/19	Roundabout Landscaping Upgrade - Confidential item	None declared	as per confidential minute	Peter Bice	Completed	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	The Circular Procurement Project is now underway, and the Memorandum of Understanding has been executed. Amendments to Council's procurement processes underway to provide effect to Council's participation in the Circular Procurement trial. Staff to be trained in the Circular Procurement Project early 2020.

Meeting Date	Meeting	Res No.	Item Name	Previously Declared COI	Action Required (Council Resolution)	Responsible Director	Status	Status (for Council reporting)
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. 6. A report be presented on the results of the survey to the October 2019 Ordinary Council Meeting or as soon as practicable after that	Andrew Aitken	In Progress	Preparation of the survey form and information sheet is well underway. Anticipate that the survey will be delivered in late November and a report prepared for the January 2020 Council meeting.
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	No action required until August 2020. Working Group notified of Council's decision.
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	Initial discussions held with the Balhannah Soldiers Memorial Hall Committee about the proposal. Oakbank Soldiers Memorial Hall Committee has undertaken additional notification of the proposal with the Oakbank community. Council has received some contact from community members raising some concerns about the proposal. It has been requested that the committee hold a community meeting to enable community members to express their concerns.
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	Completed	Recruitment process has been completed. A report is scheduled for November 2019 meeting for consideration of appointment recommendations.

Meeting Date	Meeting	Res No.	Item Name	Previously Declared COI	Action Required (Council Resolution)	Responsible Director	Status	Status (for Council reporting)
22/10/2019	Ordinary Council	244/19	MON (Cr Parkin) Publishing Recordings of Council Meetings	None declared	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.	Andrew Aitken	In Progress	Initial data collection has commenced.
22/10/2019	Ordinary Council	245/19	Time & Place of Council Meetings, Workshops, Professional Development	None declared	The report be received and noted. 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: (refer Minutes) 3. Special Council meeting times and venues are to be determined by the Chief Executive Officer.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. That Community Forums be held in 2020 according to the following indicative schedule:Tuesday 31 March 2020 at MylorTuesday 30 June 2020 at Basket RangeTuesday 29 September 2020 at Birdwood 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.	Andrew Aitken	Completed	Dates have been posted to the Council website.
22/10/2019	Ordinary Council	246/19	Draft Corporate Carbon Management Plan	None declared	That the report be received and noted.Council adopts the Corporate Carbon Management Plan contained within Appendix 1 of this report.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.	Peter Bice	Completed	The Corporate Carbon Management Plan has been finalised and is now available on the AHC website. In addition a number of infographic images have been prepared, are available on the website and through social media.
22/10/2019	Ordinary Council	247/19	Local Heritage Grant Fund	None declared	That the report be received and noted.To approve the Local Heritage Grant Fund Guidelines Procedure as detailed in *Appendix 1* of this report subject to inclusion of the following sentence at the end of the definition of Conservation Works in Section 4.2 of the Procedure - "The Grant Funds may be used to cover some of the costs (up to $1,000) for obtaining professional advice from a heritage architect or tradesperson for the proposed works to be undertaken as part of the grant application."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.That recommendations for successful grant recipients be reported to Council for consideration before any grants are awarded.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.	Marc Salver	In Progress	The Grant has been advertised on Council's website and closes on 31 January 2020. Staff will then review the applications received and report the recommendations to Council for consideration in accordance with its resolutions in this regard.
22/10/2019	Ordinary Council	248/19	Draft Public Consultation Policy	None declared	That the report be received and noted.To endorse the draft *Public Consultation Policy* , as contained in *Appendix 1,* for consultation purposes.That the CEO be authorised to:Make any formatting, nomenclature or other minor changes to the Policy prior to being released for public consultation and;Determine the consultation timings, media and processes while ensuring consistency and compliance in accordance with s50(6) of the *Local Government Act 1999* for a period of one month.That the results of the consultation be presented back to the Council for consideration as part of adopting a final *Public Consultation Policy* .	David Waters	In Progress	A report on the outcomes of the consultation process is anticipated for the February 2020 Council Meeting.

Meeting Date	Meeting	Res No.	Item Name	Previously Declared COI	Action Required (Council Resolution)	Responsible Director	Status	Status (for Council reporting)
22/10/2019	Ordinary Council	249/19	Crown Land Review	None declared	That the report be received and notedThat Council commence a community land revocation process in relation to the following land: CR 5752/186, Lot 32 Fullgrabe Road, CrafersCR 5753/725, Section 1609 Illert Road, Mylor CR 5753/729, Section 1657 Scott Creek Road, Scott CreekCR 5753/741, Sections 53 and 54 Sandy Waterhole Road, WoodsideCR 5753/742, Section 547 Schuberts Road, LobethalCR 5753/744, Section 553 Pedare Park Road, WoodsideCR 5753/745, Section 556 Tiers Road, WoodsideCR 5753/746, Section 565 Old Carey Gully Road, StirlingCR 5753/751, Section 489 Chapman Road, InglewoodCR 5753/754, Section 511 North East Road, Inglewood CR 5753/758, Section 262 Reserve Road, ForrestonCR 5763/631, Section 1591 Silver Road, BridgewaterCR 5763/634, Section 71 Magarey Road, Mount TorrensCR 5763/635, Section 72 Magarey Road, Mount TorrensCR 5763/636, Section 84 Forreston Road, ForrestonCR 6142/329, Lot 501 Greenhill Road, BalhannahCR 5926/487, Lot 20 Bell Springs Road, CharlestonCR 5753/718, Section 1544 Reserve Terrace, AldgateCR 5753/753, Section 495 off Kersbrook Road, Kersbrook Community consultation be undertaken in accordance with the Council's Public Consultation Policy. A further report be presented to Council following completion of the community consultation process.	Terry Crackett	In Progress	Consultation Report is being prepared prior to going for community consultation
22/10/2019	Ordinary Council	250/19	Road Reserve adj Piccadilly Road Piccadilly	None declared	That the report be received and noted.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.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;* andThe piece marked "A" be retained by Council as reserve 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	Terry Crackett	In Progress	Final documentation and plans are being progressed with the surveyor and Surveyor-General
22/10/2019	Ordinary Council	251/19	Adelaide Wine Capital Cycle Trail Project	None declared	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:Each of the six (6) constituent councils committing equal funding towards the preparation of project Business Case, andSuccessful 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.	Peter Bice	In Progress	Pleased to advise that the following Councils have also committed: • Adelaide Hills Council • The Barossa Council • Onkaparinga • Light Regional Council • Clare & Gilberts Valleys Mt Barker District Council will have it going to an upcoming Council meeting for consideration.
22/10/2019	Ordinary Council	253/19	Appointment of Deputy Mayor	Cr Daniell - Material	To appoint Cr Nathan Daniell to the position of Deputy Mayor for a 12 month term to commence 27 November 2019 and conclude on 26 November 2020.	Andrew Aitken	Completed	Details updated including finance, website etc

Meeting Date	Meeting	Res No.	Item Name	Previously Declared COI	Action Required (Council Resolution)	Responsible Director	Status	Status (for Council reporting)
22/10/2019	Ordinary Council	255/19	Appointment CEO Performance Review Panel	Perceived - Cr Parkin	To appoint Councillors Parkin & Osterstock as members of the Chief Executive Officer Performance Review Panel for a 12 month term to commence 27 November 2019 and conclude on 26 November 2020 (inclusive).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.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.	Andrew Aitken	Completed	Details updated including finance, website etc
22/10/2019	Ordinary Council	256/19	Appointment of CEO PRP Presiding Member	Material - Cr Osterstock	That 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 2019 and conclude on 26 November 2020 (inclusive).	Andrew Aitken	Completed	Details updated including finance, website etc
22/10/2019	Ordinary Council	258/19	SPDPC Presiding Member	Material - Cr Kemp	That Council resolves to appoint Cr John Kemp to the position of SPDPC Presiding Member for a 12 month term to commence 27 November 2019 and 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 30 June 2020.	Andrew Aitken	Completed	Details updated including finance, website etc
22/10/2019	Ordinary Council	260/19	Appointment of Audit Committee Presiding Member	Material - Cr Herrmann	That Council resolves to appoint Cr Malcolm Herrmann to the position of Audit Committee Presiding Member for a 12 month term to commence 27 November 2019 and conclude on 26 November 2020 (inclusive).	Andrew Aitken	Completed	Details updated including finance, website etc
22/10/2019	Ordinary Council	261/19	SHLGA Membership	None declared	That the report be received and noted.To appoint Andrew Aitken to the position of Southern & Hills Local Government Association Board Member to 30 November 2022.	Andrew Aitken	Completed	Notification provided to S&HLGA.
22/10/2019	Ordinary Council	263/19	Local Government Reform Submission	None declared	That the report be received and noted.To lodge its Local Government Reform Submission at Appendix 1 to the Office of Local Government.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.	Andrew Aitken	Completed	Submission lodged with the Office of Local Government and a copy sent to the LGA.
22/10/2019	Ordinary Council	264/19	Delegations Review Report	None declared	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* Refer to Minutes	Andrew Aitken	In Progress	Details forwarded to Development & Regulatory Services for updating of sub delegations.
22/10/2019	Ordinary Council	268/19	MWN Bird in Hand Pty Ltd Proposed Development	None declared	1. Council notes the decisions of the Adelaide Hills Council Assessment Panel in respect to the Bird in Hand Pty Ltd proposed development dated 14 August 2019, and the subsequent decision of the State Commission Assessment Panel dated 10 September 2019. 2. Council is supportive of the proposed development. 3. That the Chief Executive Officer provides a copy of this resolution to the owners of the Bird in the Hand Winery, Woodside.	Andrew Aitken	Completed	Letter sent 28/10/2019

Meeting Date	Meeting	Res No.	Item Name	Previously Declared COI	Action Required (Council Resolution)	Responsible Director	Status	Status (for Council reporting)
22/10/2019	Ordinary Council	271/19	CONFIDENTIAL Electricity Procurement Contract Post 31/12/19 for below 160MWh sites	Material - Cr Green	as per Minute	Terry Crackett	In Progress	A Contract has been received from LGA Procurement and expected to be signed by the Chief Executive Officer in accordance with the resolution by mid December 2019.
22/10/2019	Ordinary Council	274/19	Electricity Procurement Contract Post 31/12/19 - Period of Confidentiality	Material - Cr Green	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.	Terry Crackett	In Progress	Awaiting signing of contracts.
26/11/2019	Ordinary Council	276/19	Petition - GM Crops	Non declared	Council resolves that the petition signed by 28 signatories, requesting Council to take action to ensure that Genetically Manipulated (GM) Crops are not grown in our region, be received and noted. That the Head Petitioner be provided with a copy of Council's submission to the State Government.	Andrew Aitken	Completed	Letter sent 27/11/19
26/11/2019	Ordinary Council	277/19	MON Water Usage from Bores	None declared	1. That the CEO investigates any circumstances where Council provides water to or receives water from a person/organisation. 2. Following the investigation, a report detailing, among other things, any contractual arrangements, costs, risks and liabilities, be provided to Council by 30 April 2020	Terry Crackett	Not Started	
26/11/2019	Ordinary Council	278/19	Pomona Road Bike Trial	Perceived - Cr Leith Mudge	That the report be received and noted. Allow the Pomona BMX Track to remain in place for the Community, and suggested improvements be reviewed by staff and considered as part of future Annual Business Planning processes	Peter Bice	In Progress	Council resolved at its meeting on 26 November 2019 to allow the Pomona BMX Track to remain in place for the Community, and suggested improvements be reviewed by staff and considered as part of future Annual Business Planning processes.
26/11/2019	Ordinary Council	279/19	2019/2020 Community Development Grants	Perceived - Cr Leith Mudge Material - Cr Chris Grant	That the report be received and noted That Council approves the 21 Community Development Grant application recommendations for 2019/20 totalling $44,109.90 as recommended in Appendix 1	David Waters	Completed	The resolution is self-fulfilling. Staff will process the payments to recipients administratively.
26/11/2019	Ordinary Council	280/19	2019/2020 Community & Recreation Facility Grants	Perceived - Cr Malcolm Herrmann	That the report be received and noted. That Council approve the 18 Community and Recreation Facility Grant application recommendations for 2019/20, totalling $105,000 as recommended in Appendix 1.	Peter Bice	In Progress	Council approved at its meeting on 26 November 2019 the 18 Community and Recreation Facility Grant application recommendations for 2019/20, totalling $105,000 as recommended.
26/11/2019	Ordinary Council	281/19	Unreasonable Complainant Conduct, Internal Review, Request for Services and Complaint Handling Policies	None declared	That the report be received and notedWith an effective date of 9 December 2019, to approve the 'Unreasonable Complainant Conduct Policy' as contained in Appendix 1.With an effective date of 9 December 2019, to revoke the 28 March 2017 'Internal Review of Council Decisions Policy' and to approve the 'Internal Review of Council Decisions Policy' as contained in Appendix 2 with the following change to the last dot point of 6.3, first sentence, to read as: "except in extremely limited circumstances a merits review will be conducted". With an effective date of 9 December 2019, to revoke the 13 June 2017 'Request for Services Policy' and to approve the 'Request for Services Policy' as contained in Appendix 3.With an effective date of 9 December 2019, to revoke the 27 March 2018 'Complaint Handling Policy' and to approve the 'Complaint Handling Policy' as contained in Appendix 4. That the Chief Executive Officer, or delegate, be authorised to make any formatting, nomenclature or other minor changes to the policies during the period of their currency.	David Waters	Completed	The policies are now in effect.
26/11/2019	Ordinary Council	282/19	2018/2019 General Purpose Financial Statements	None declared	That the report be received and noted.That, in accordance with Section 127 of the *Local Government Act 1999* and the *Local Government (Financial Management) Regulations 1999* , Council adopts the General Purpose Financial Statements for the financial year ended 30 June 2019.To authorise the Mayor and CEO to sign the General Purpose Financial Statements for the financial year ended 30 June 2019.	Terry Crackett	Completed	Financial Statements signed by the Mayor and CEO in accordance with the resolution.

Meeting Date	Meeting	Res No.	Item Name	Previously Declared COI	Action Required (Council Resolution)	Responsible Director	Status	Status (for Council reporting)
26/11/2019	Ordinary Council	283/19	2018-2019 End of Year Financial Results	None declared	the report be received and noted. the 2018-19 End of Year Financial Results in comparison to budget have been appropriately considered by Council.	Terry Crackett	Completed	Noted as complete.
26/11/2019	Ordinary Council	284/19	Annual Reports 2018-2019	None declared	That the report be received and noted.The 2018-19 Annual Report, as contained in Appendix 1, be adopted.That the Chief Executive Officer be authorised to make minor content, formatting or design changes necessary for publication purposes.	Andrew Aitken	Completed	Item presented to 26 November 2019 2019 Ordinary Council Meeting.
26/11/2019	Ordinary Council	285/19	Code of Conduct Final Report Cr Leith Mudge	Material - Cr Leith Mudge	That the report be received and notedTo note the *Final Investigation Report* of the Local Government Governance Panel at Appendix 1 and Cr Leith Mudge's submission at Appendix 2.To determine that Cr Leith Mudge's actions on 19 April 2019 were in breach of clauses 2.2, 2.3, 2.4, 2.5 and 2.6 of the Code of Conduct for Council Members.To censure Cr Leith Mudge for breaching clauses 2.2, 2.3, 2.4, 2.5 and 2.6 of the Code of Conduct for Council Members. To request a report be prepared by the Administration regarding the development of a policy position for the use of social media.	Andrew Aitken	Completed	Item presented to 26 November 2019 Ordinary Council Meeting.
26/11/2019	Ordinary Council	286/19	Budget Review 1	None declared	That the report be received and noted.To adopt the Operating Budget variations presented in Budget Review 1 resulting in no change to the Operating Surplus of $411k for the 2019-20 financial year.Subject to receiving matching grant funding for polystyrene foam recycling from Green Industries SA the current allocation of $30,000 for soft plastic recycling at the Heathfield Resource Recovery Centre be redirected to providing a polystyrene foam recycling service.To adopt the proposed Capital Works adjustments increasing capital income by $519k and capital expenditure by $670k.To adopt the proposed deferral of capital projects expenditure of $1.726m for intended inclusion in the 2020/21 year.To adopt the change in Council's current Net Borrowing Result from $5.010m to $3.433m as a result of the proposed Capital Program amendments.	Terry Crackett	Completed	Actions completed as per resolution.
26/11/2019	Ordinary Council	288/19	Strategic Plan Proposed Priorities for Consultation	None declared	1. That the report be received and noted. 2. That the draft strategic goal areas (Community, Economic, Environment and Organisational), related objectives and priorities included in *Appendix 1* of this report be endorsed for community consultation with the deletion of priority E5.2 "Explore opportunities to expand township district boundaries and rezone land to medium to low-density residential". 3. 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 objectives and priorities to reflect matters raised in the Council's debate on the matter prior to its release for community consultation.	Terry Crackett	In Progress	Final amendments made to the draft strategic goal areas, related objectives and priorities to reflect matters raised in the Council's debate. Consultation to commence 16 December 2019.

Meeting Date	Meeting	Res No.	Item Name	Previously Declared COI	Action Required (Council Resolution)	Responsible Director	Status	Status (for Council reporting)
26/11/2019	Ordinary Council	291/19	Review of Confidential Items	None declared	Council resolves that the report be received and noted. **1.** Pursuant to Section 91(7) of the *Local Government Act 1999* , Council orders that the following document(s) (or part) shall be kept confidential, being document(s) (or part) relating to a matter dealt with by the Council on a confidential basis under Sections 90(2) and 90(3)(d) of the Act: The Report of 22 October 2019, Item No. 19.1, Electricity Procurement Contract Post 31 December 2019 for below 160 MWh sites On the grounds that the document(s) (or part) relates to tenders for the supply of goods, the provision of services or the carrying out of works. Specifically, the present matter relates to a tender for Electricity Supply. This order shall operate until further order of the Council and will be reviewed at least annually in accordance with the Act. 2. 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.	Andrew Aitken	Completed	Item presented to 26 November 2019 2019 Ordinary Council Meeting.
26/11/2019	Ordinary Council	292/19	Review of Confidential Items - Electricity Procurement 28 May 2019	None declared	1. Pursuant to Section 91(7) of the *Local Government Act 1999* , Council orders that the following document(s) (or part) shall be kept confidential, being document(s) (or part) relating to a matter dealt with by the Council on a confidential basis under Sections 90(2) and 90(3)(d) of the Act:The Report of 28 May 2019, Item No. 19.1, Electricity Procurement On the grounds that the document(s) (or part) relates to tenders for the supply of goods, the provision of services or the carrying out of works. Specifically, the present matter relates to a tender for Electricity Supply. This order shall operate until further order of the Council and will be reviewed at least annually in accordance with the Act. 2. 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.	Andrew Aitken	Completed	Item presented to 26 November 2019 Ordinary Council Meeting.
26/11/2019	Ordinary Council	293/19	Review of Confidential items - CWMS EOI Outcomes 19 June 2018	Perceived - Cr Malcolm Herrman Perceived - Cr Linda Green Perceived - Cr Andrew Stratford	1. Pursuant to Section 91(7) of the *Local Government Act 1999* , Council orders that the following document(s) (or part) shall be kept confidential, being document(s) (or part) relating to a matter dealt with by the Council on a confidential basis under Sections 90(2) and 90(3)(b) of the Act:The Report of 19 June 2018, Item No. 6.1, CWMS Expression of Interest Outcomes On the grounds that the document(s) (or part) relates to tenders for the supply of goods, the provision of services or the carrying out of works. Specifically, the present matter relates to a tender for CWMS Services. This order shall operate until further order of the Council and will be reviewed at least annually in accordance with the Act. 2. 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.	Andrew Aitken	Completed	Item presented to 26 November 2019 Ordinary Council Meeting.

Meeting Date	Meeting	Res No.	Item Name	Previously Declared COI	Action Required (Council Resolution)	Responsible Director	Status	Status (for Council reporting)
26/11/2019	Ordinary Council	294/19	Review of Confidential Items - CWMS Review 26 September 2017	Perceived - Cr Malcolm Herrmann Perceived - Cr Linda Green Perceived - Cr Andrew Stratford	1. Pursuant to Section 91(7) of the *Local Government Act, 1999* , Council orders that the following document(s) (or part) shall be kept confidential, being document(s) (or part) relating to a matter dealt with by the Council on a confidential basis under Sections 90(2) and 90(3)(b) of the Act:The Report of 26 September 2017, Item No. 19.2, Community Wastewater Management Systems Review On the grounds that the document(s) (or part) relates to tenders for the supply of goods, the provision of services or the carrying out of works. Specifically, the present matter relates to a tender for CWMS Services. This order shall operate until further order of the Council and will be reviewed at least annually in accordance with the Act. 2. 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.	Andrew Aitken	Completed	Item presented to 26 November 2019 2019 Ordinary Council Meeting.
26/11/2019	Ordinary Council	295/19	Review of Confidential Items - CWMS Review 28 February 2017	Perceived - Cr Malcolm Herrmann Perceived - Cr Linda Green Perceived - Cr Andrew Stratford	1. Pursuant to Section 91(7) of the *Local Government Act, 1999* , Council orders that the following document(s) (or part) shall be kept confidential, being document(s) (or part) relating to a matter dealt with by the Council on a confidential basis under Sections 90(2) and 90(3)(b) of the Act:The Report of 28 February 2017, Item No. 19.2, Community Wastewater Management Systems Review On the grounds that the document(s) (or part) relates to tenders for the supply of goods, the provision of services or the carrying out of works. Specifically, the present matter relates to a tender for CWMS Services. This order shall operate until further order of the Council and will be reviewed at least annually in accordance with the Act. 2. 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.	Andrew Aitken	Completed	Item presented to 26 November 2019 Ordinary Council Meeting.
26/11/2019	Ordinary Council	296/19	Review of Confidential Items - CWMS EOI 25 October 2015	Perceived - Cr Malcolm Herrmann Perceived - Cr Linda Green Perceived - Cr Andrew Stratford	1. Pursuant to Section 91(7) of the *Local Government Act 1999* , Council orders that the following document(s) (or part) shall be kept confidential, being document(s) (or part) relating to a matter dealt with by the Council on a confidential basis under Sections 90(2) and 90(3)(d) of the Act:The Report of 25 October 2015, Item No. 19.1, CWMS Expression of Interest On the grounds that the document(s) (or part) relates to tenders for the supply of goods, the provision of services or the carrying out of works. Specifically, the present matter relates to a tender for CWMS Services. This order shall operate until further order of the Council and will be reviewed at least annually in accordance with the Act. 2. 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.	Andrew Aitken	Completed	Item presented to 26 November 2019 Ordinary Council Meeting.

Meeting Date	Meeting	Res No.	Item Name	Previously Declared COI	Action Required (Council Resolution)	Responsible Director	Status	Status (for Council reporting)
26/11/2019	Ordinary Council	297/19	Review of Confidential Items - AHRWMA 22 April 2014	None declared	Pursuant to Section 91(7) of the *Local Government Act 1999* , Council orders that the following document(s) (or part) shall be kept confidential, being document(s) (or part) relating to a matter dealt with by the Council on a confidential basis under Sections 90(2) and 90(3)(b)(d)(i) of the Act:The Report of 22 April 2014, Item No. 18.2, Adelaide Hills Regional Waste Management Authority On the grounds that the document(s) (or part): (i) could reasonably be expected to confer a commercial advantage on a person with whom the Council is conducting or proposing to conduct business, or to prejudice the commercial position of the Council; and (ii) would, on balance, be contrary to the public interest. Commercial information of a confidential nature (not being a trade secret) the disclosure of which: (i) could reasonably be expected to prejudice the commercial position of the person who supplied the information, or to confer a commercial advantage on a third party; and (ii) would, on balance, be contrary to the public interest. Specifically, the present matter relates to Council considering an offer from a competitor with regard to where to take its waste stream, and to consider the long term implications and options in relation to the Regional Waste Management Authority of which it is a member, and due to the fact that the competitor has initiated legal proceedings against the aforementioned Authority where Council disposes of its waste. This order shall operate until further order of the Council and will be reviewed at least annually in accordance with the Act.	Andrew Aitken	Completed	Item presented to 26 November 2019 Ordinary Council Meeting.
26/11/2019	Ordinary Council	299/19	Proposed Draft Practice Direction - Building Inspections	Perceived - Cr Andrew Stratford	That the report be received and noted That the submission on the Draft Practice Direction regarding Building Inspections be approved for forwarding to the State Planning Commission That the Chief Executive Officer be authorised to make any formatting, nomenclature or other minor changes to the submission as may be required prior to forwarding the submission to the State Planning Commission.	Marc Salver	Completed	The adopted Council comments on the Practice Direction were forwarded to DPTI on 4 December 2019.
26/11/2019	Ordinary Council	303/19	Appointment of Audit Committee Independent Members	None declared	As per confidential Minute	Andrew Aitken	In Progress	
26/11/2019	Ordinary Council	304/19	Appointment of Audit Committee Independent Members - 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 appointment have been confirmed with the applicants, but not longer than 2 months.	Andrew Aitken	In Progress	

ADELAIDE HILLS COUNCIL
ORDINARY COUNCIL MEETING
Tuesday 17 December 2019
AGENDA BUSINESS ITEM

Item:	**12.13**
Originating Officer:	**Tonia Brown, Biodiversity Officer**
Responsible Director:	**Peter Bice, Director Infrastructure & Operations**
Subject:	**Mylor BMX Bike Track**
For:	**Decision**

SUMMARY

The Mylor Parklands is Crown Land under the care and management of the Adelaide Hills Council. Much of the land, excluding the sporting facilities at the northern end, is managed for conservation with a Heritage Agreement application in progress.

An historic and unauthorised BMX track has been identified in an area of bushland located in the south of the Parklands (see map in Appendix 1). In recent weeks the BMX track has expanded significantly involving native vegetation removal, widespread earth moving and most recently, the building of artificial (wood and tyre) structures for jumps. The activity is considered to be having an adverse impact on the native vegetation and habitat values of the reserve. It was also acknowledged on site that there was a number of serious safety concerns associated with the new track elements, which led to the removal of the high risk features of the jumps (built structures) on the afternoon of Friday 29 November.

Furthermore, it is anticipated that this site will be earmarked for a prescribed burn under the State Government's Burning on Private Lands Program over the next few years which further enhances the sensitivities of the site during the recovery period.

Council recognises that BMX riding is a much loved and very popular pastime for people across a range of ages in the Adelaide Hills, and the Mylor track is used by many local young people.
Council is committed to providing a more appropriate site for this activity within the Mylor area, which seeks to halt further damage to the native vegetation and provide a more appropriate locality for BMX riders.

Council is currently providing an update to the relevant stakeholders within the community. This includes the installation of informative signage at the unauthorised track site and seeking input from the community to assist in achieving a sustainable solution. Residents will be invited to provide feedback on the web page about the Parkland and BMX track project, and sign-up to be informed about next steps.

In striving for a sustainable solution that protects the native vegetation across the Mylor Parklands and providing a more appropriate site for BMX track users, it is necessary that Council identify and assist in the development of an alternative facility.

RECOMMENDATION

Council resolves:

1. **That the report be received and noted.**
2. **That broad community consultation be undertaken in accordance with the consultation plan set out in this report**
3. **That, following completion of community consultation and further investigations by Council staff, a further report is presented to Council for consideration.**

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1. GOVERNANCE

➢ **Strategic Management Plan/Council Policy**

Goal 1	People and business prosper
Strategy 1.11	We will embrace nature play concepts in play space developments
Goal 3	Place
Strategy 3.1	We will work with our community to encourage sustainable living and commercial practices.
Strategy 3.3	We will complete the road reserves and reserve assessments (blue marker project), leading the nation in conservation and biodiversity management practices.

➢ **Legal Implications**

The plan to undertake consultation with the community has no direct legal implications. The consultation will be in accordance with Council's *Public Consultation Policy* and consistent with the draft engagement approach outlined below.

The following Acts and By Laws are of potential relevance to the unauthorised activity including clearance of native vegetation within the Mylor Parklands:

- *Crown Lands Act, 2009*
- *Native Vegetation Act 1991*
- *National Parks and Wildlife Act 1972*
- *Natural Resources Management Act 2004*
- *Environment Protection and Biodiversity Conservation Act (1999)*
- By – Law No 3 – Local Government Land
- *Local Government Act 1999*

- **Risk Management Implications**

The proposed relocation of the BMX Track currently in the Mylor Parklands will assist in mitigating the risk of the following:

Ongoing degradation of protected native vegetation and native fauna habitat values in the conservation areas of the Mylor Parklands leading to adverse public reaction, loss of confidence in Council, and potential for reduced wellbeing outcomes.

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

Local youth losing a highly popular sport and recreation facility leading to adverse public reaction, loss of confidence in Council, and potential for reduced wellbeing outcomes.

Inherent Risk	Residual Risk	Target Risk
Extreme (4B)	Medium (2C)	Low (2D)

- **Financial and Resource Implications**

Should an alternative location be identified for a formalised BMX Track, there are likely to be some operational costs associated with site establishment and ongoing maintenance which would be considered through the 2020/21 and subsequent Annual Business Planning processes. There may also be some costs associated with remediation of the existing BMX track in the Mylor Parklands but this will become clearer following the consultation period.

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

There are a number of local residents and Bushcare volunteers who do not wish for the BMX Track to remain in the existing location or anywhere in the Mylor Parklands. There are also some local users of the track who are supportive of the track to stay in its current location.

Customer service staff is providing information and website links to assist in managing queries.

- **Environmental Implications**

Excluding the sporting facilities at the northern end, the Mylor Parklands is managed for conservation with a long history of collaborative Natural Resources Adelaide & Mt Lofty Ranges (NRAMLR) / Council / volunteer financial and in-kind bushcare investment. A Heritage Agreement is currently in progress and the report submitted to the Native Vegetation Council does not currently outline the BMX activity operation within the reserve. It has been advised by DEW staff that this can be sought for approval from the department if necessary.

The track has involved some unauthorised clearance of native vegetation representing a potential breach under the *Native Vegetation Act, 1991*. The clearance report has been submitted by AHC to the Native Vegetation Council.

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

An extensive Community Consultation process is currently being undertaken as outlined below.

Consultation on the development of this report was as follows:

Council Committees:	Not Applicable
Council Workshops:	Not Applicable
Administration:	Director, Infrastructure and Operations Director Community Capacity Manager Communication, Engagement & Events Manager Property Services Manager Open Space Manager Civil Services Community Engagement Officer Community Development Officer-Youth and Recreation Sport & Recreation Planner Team Leader Regulatory Services
Community:	Proposed community engagement period between December 2019 - January 2020.

2. BACKGROUND

Excluding the sporting facilities at the northern end, the Mylor Parklands is managed for conservation. Many years of collaboration between the Natural Resources Adelaide & Mt Lofty Ranges, Adelaide Hills Council and Mylor Parklands Bushcare Group Inc. has strived to preserve the important natural values, including habitat to numerous national, State and regionally threatened flora and fauna species including the nationally endangered *Euphrasia collina* ssp*. osbornii* (Osborn's Eyebright) and the nationally endangered Southern Brown Bandicoot (*Isoodon obesulus obesulus*). The vegetation community is well connected and forms part of a much larger remnant of core habitat across the Central Hills region of the Mount Lofty Ranges.

A Heritage Agreement (conservation covenant under the *Native Vegetation Act, 1991*) is currently in progress and the site is also being registered as an SEB Credit (Significant Environmental Benefit) under the same legislation, reflecting the value of this important native vegetation remnant.

The Council's recently adopted Community Land Management Plan identifies the area where the unauthorised BMX track is located as being for conservation purposes and to be managed in accordance with that plan. The use as a BMX track is inconsistent with the conservation management plan.

The unauthorised BMX track, which has apparently been utilised since the mid 1970's, was recently inspected by Council staff. The track has been known to Council staff for many years and attempts to restrict the use of it have met with mixed results. This has included signage informing of the biodiversity significance of the Parklands and physical cordoning off of the site. In recent weeks the BMX track has expanded significantly, involving native vegetation removal, littering of the site, widespread earth moving and most recently the building of artificial (wood and tyre) structures for jumps. This recent activity is considered to be having an adverse impact on the native vegetation and habitat values of the reserve. The new track elements, which were considered to pose a serious safety risk, were removed on the afternoon of Friday 29 November, 2019.

Further, it is anticipated that this site will be earmarked for a prescribed burn under the State Government's Burning on Private Lands Program over the next few years. The careful post-burn management of these sites is critical to the recovery of the vegetation and habitat values and any ongoing and unregulated BMX activity may pose a risk to that restoration process.

Council recognises that BMX riding is a much loved and very popular pastime for people across a range of ages in the Adelaide Hills, and the Mylor track is used by many local young people. Our Sport and Recreation Strategy supports 'non-traditional' and unstructured recreation opportunities in the region (e.g. mountain biking).

In seeking to halt further damage to the native vegetation across the Mylor Parklands site and provide a more appropriate locality for BMX track users, Council is committed to identifying a more appropriate location for this activity within the Mylor area.

Site remediation will be a priority following any proposed relocation of the track. Soil mounds which have been created as jumps will need to be deconstructed, piles of green waste removed and existing compacted tracks treated to encourage natural regeneration with local native species. Pending the outcome of the community consultation, there may also need to be some educational signage installed to inform the public of the reasons why they are not permitted to utilise the BMX track at this location. Physical barriers (ie fencing) may also be a consideration should issues be repeated.

Council is currently providing an update to the key stakeholders in the community. This includes signage at the unauthorised track and seeking input from the community to assist in achieving a sustainable solution that protects the native vegetation across the Mylor Parklands and provides a more appropriate site for BMX track users. Further consideration is necessary to identify and assist in the development of an alternative locality.

Key principles:

- Find a sustainable solution for all (including neighbours, special interest groups, users and native flora and fauna)
- Undertake site remediation following potential relocation of the track
- Work with the local community to find a suitable space for a safe bmx track for local people

Proposed next steps:

1. **December – January** Meet with groups individually to bring people into process and set the context
2. **January** Get representatives from groups. Find out what day/ time is suitable for being part of the working group
3. **February** Commence working group involving community reps + council. Aim: understand what is important to each group, what could future look like, agree on location and design principles
4. **March** Wider consultation on initial concept plans
5. **April** Concept plan refinement
6. **May** Final consultation

3. ANALYSIS

A further report will be presented to Council at the conclusion of the stakeholder and community engagement with recommendations for consideration. The timing of this report will likely be April/May 2020.

4. OPTIONS

Council has the following options:

I. Resolve to undertake community consultation in accordance with this report (Recommended)
II. Resolve not to undertake community consultation and take an alternate course of action (Not Recommended)

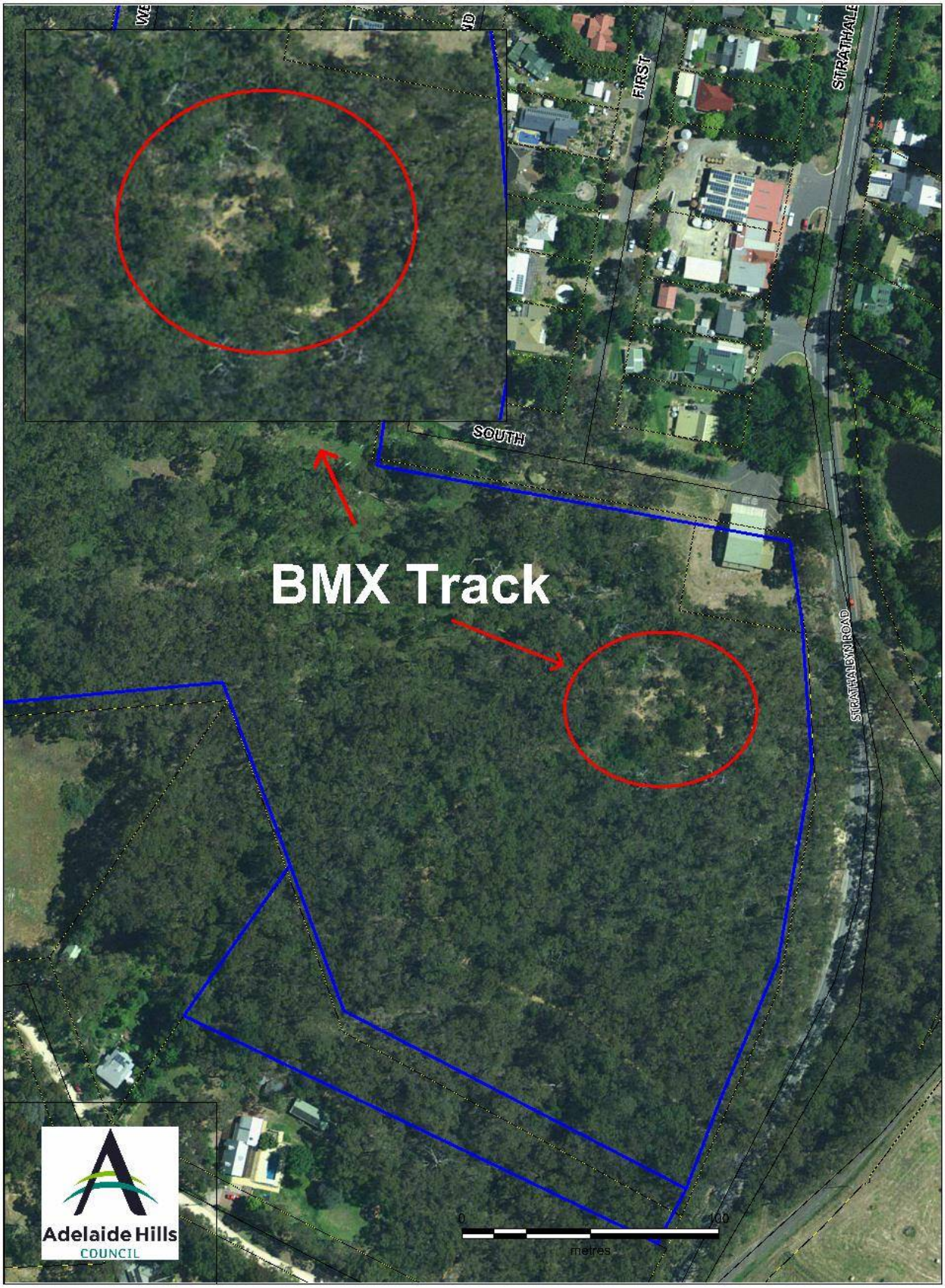
5. APPENDICES

(1) Mylor Parklands Map
(2) Mylor Parklands Photos

Appendix 1

Mylor Parklands Map

Mylor Parklands unauthorised BMX Track location



Appendix 2

Mylor Parklands Photos

Appendix 2 – Mylor Parklands BMX Track photos

Images show jumps which have now been removed from the site

Images show soil movement for tracks and jumps

Images show native vegetation removal and damage and littering at the site

Images show damage and removal of native vegetation at the site

ADELAIDE HILLS COUNCIL
ORDINARY COUNCIL MEETING
Tuesday 17 December 2019
AGENDA BUSINESS ITEM

Item:	**13.1**
Originating Officer:	**Steven Watson, Acting Executive Manager Governance & Performance**
Responsible Director:	**Andrew Aitken, Chief Executive Officer**
Subject:	**Risk Management Plan Update**
For:	**Information**

SUMMARY

This report provides the Council with an update on Risk Management activities including the current status of the Strategic Risk Profile and Management Plan.

In relation to the Strategic Risk assessments, there has been no change to the Inherent, Residual or Target risk ratings for the quarter.

In relation to the implementation of Mitigation Actions to manage the Strategic Risks, the following results have been achieved which is an improvement on the August 2019 results:

- Residual Risk: Nil change
- New Mitigation(s): 0 new mitigations identified
- Completed: 65% (50) is higher with 5 completed actions
- In Progress: Decrease to 32% (25) from 37% (29)
- Not Commenced: Steady from 3% to 3%

RECOMMENDATION

Council resolves that the report be received and noted.

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1. GOVERNANCE

Goal Organisational Sustainability
Strategy Risk and Responsibility

Updating the risk management framework addresses workplace health and safety, emergency management, business continuity, public liability and legislative accountability and assists in meeting legislative and good governance responsibilities and obligations.

➢ Legal Implications

A number of sections of the *Local Government Act 1999* require councils to identify and manage the risks associated with its functions and activities. Further, s125 requires council to have appropriate internal controls.

Similarly the *Work Health & Safety Act 2012* is structured around the protection of workers and others against harm to their health, safety and welfare through the elimination or minimisation of risk arising from work or specified substances or plant.

➢ Risk Management Implications

Improvements in the implementation of the risk management framework will assist in mitigating the risk of:

> *A lack of effective risk management occurs which leads to greater uncertainty in the achievement of objectives and/or negative outcomes.*

Inherent Risk	Residual Risk	Target Risk
Extreme (5C)	Medium (4D)	Medium (4D)

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

➢ Financial and Resource Implications

While there are no direct financial or resource implications from this report, a number of Strategic Risk Profile and Management Plan treatments are impacted by funding limitations.

➢ Customer Service and Community/Cultural Implications

There is a high expectation that Council has appropriate corporate governance processes in place including an effective corporate risk management system.

➢ Environmental Implications

Environmental matters have been considered within the development of the Strategic Risk Profile and Management Plan.

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

Council Committees: Not Applicable

Advisory Groups: Not Applicable

Administration:
Director Corporate Services
Director Community Capacity
Director Development & Regulatory Services
Director Infrastructure & Operations
Executive Manager Governance & Performance
Executive Manager Organisational Development
Manager ICT
Manager Waste & Emergency Management
Manager Property Services
Manager Sustainable Assets
Manager Economic Development
Manager Open Space
Senior Strategic & Policy Planner
Procurement Project Officer
Biodiversity Officer

Community: Not Applicable

2. BACKGROUND

Council's Strategic Risk Profile monitoring and reporting process has been in place since 2014 based on the, then, current Risk Management Policy and the Risk Management Framework.

The allocation of risk owners has been reviewed over time due to changes in the portfolio allocation within the Administration. The current allocations have been in place since May 2017.

Reports on the Strategic Risk Profile have been provided to the Audit Committee and subsequently Council on a quarterly basis since February 2016.

At its 13 May 2019 meeting, the Committee reviewed the Risk Management Policy and noted that only minor nomenclature changes were required, prior to recommending it for Council's consideration.

Council adopted the revised Policy at its 28 May 2019 meeting.

3. ANALYSIS

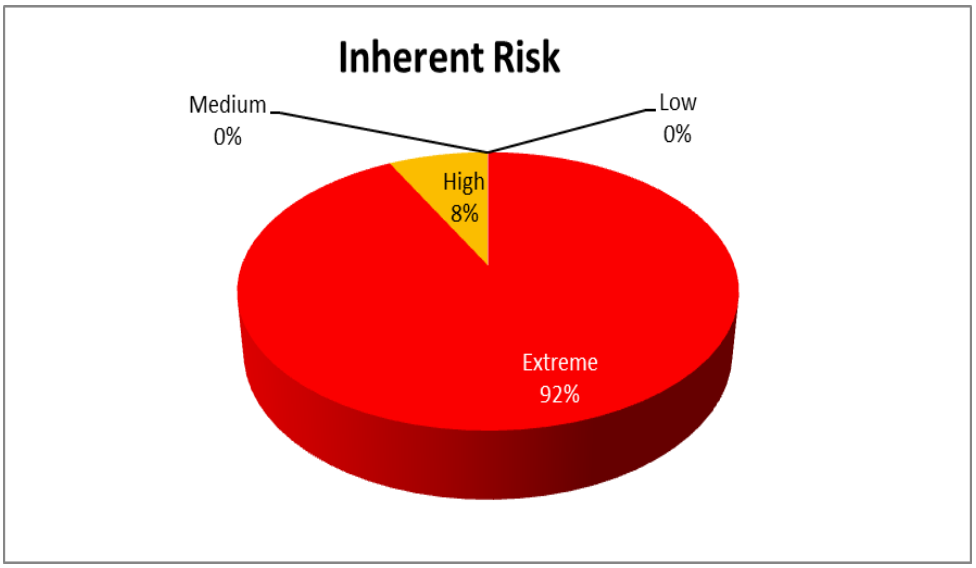
Strategic Risk Profile

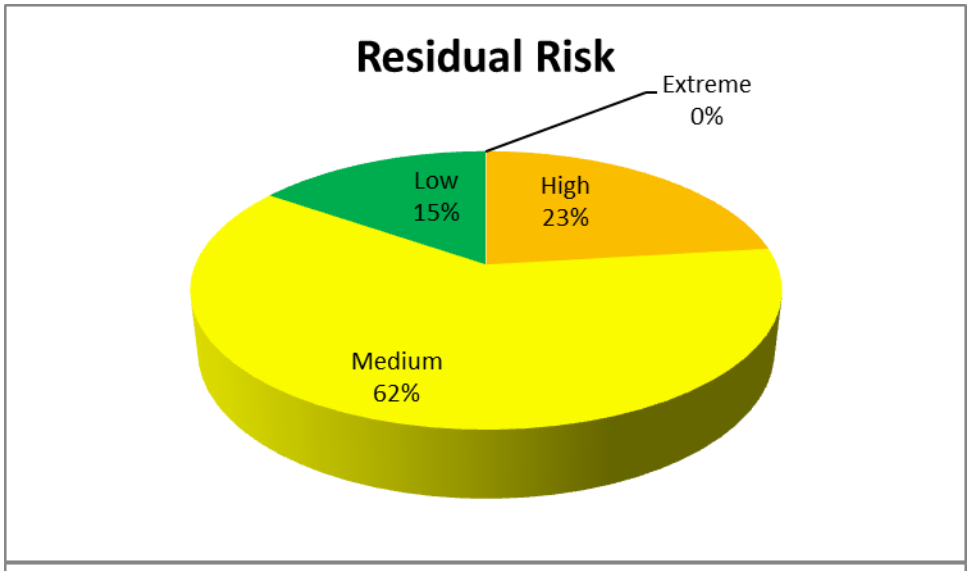
The Strategic Risks are regularly reviewed by the risk owners responding to triggers in the risk environment, changes in causation or impact, changes in the control environment and on the completion of mitigation actions (which then form part of the control environment) which collectively can impact the likelihood and/or consequence of the risk.

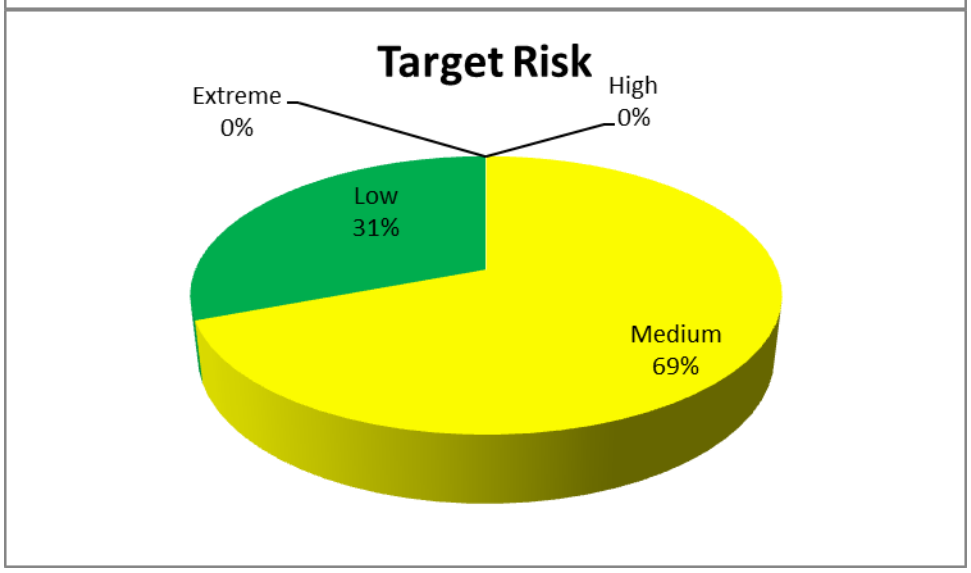
While an extract of the Strategic Risk Register is usually provided to the Committee and Council, at its 13 May 2019 meeting the Committee requested that the full Register be provided for the Committee's review. As was noted at the time, the full Register is quite large and therefore difficult to produce in a comprehensible form, nevertheless it is at ***Appendix 1***.

The Strategic Risks were recently reassessed and the following diagrams depict the Inherent, Residual and Target ratings. There has been no change to the Inherent or Target risk ratings from the August 2019 assessment.

There has been no change in the Residual Risk rating for the reporting period. Whilst this may be problematic if the risk were not being reviewed, officers regularly review their risks and mitigations, although the Residual Risk rating identifies no change for the reporting period.



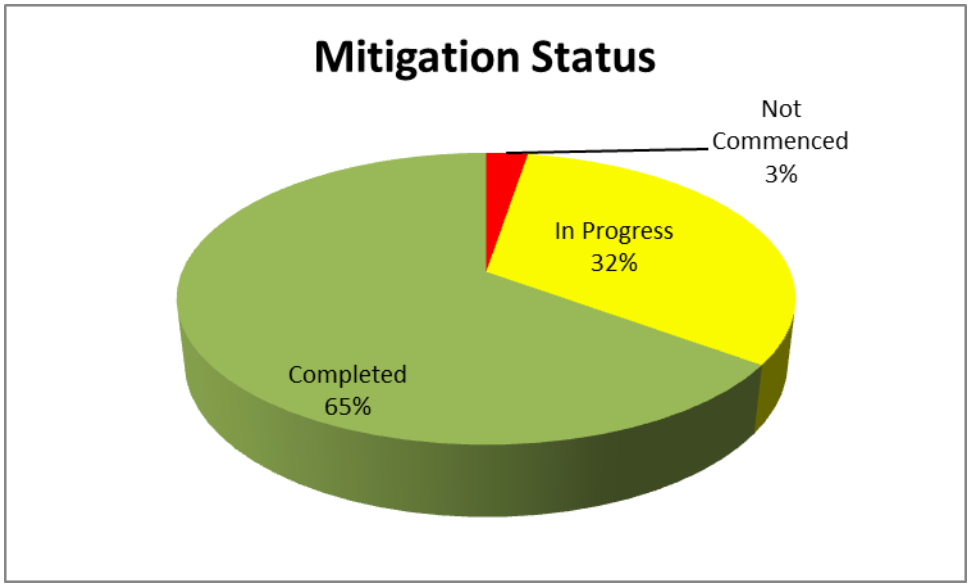




The implementation of Mitigation Actions has been progressing steadily. The current status is:

Status	February 2019	May 2019	August 2019	November 2019
Completed	64% (50 actions)	64% (50 actions)	61% (48 actions)	65% (50 actions)
In Progress	35% (27 actions)	33% (26 actions)	37% (29 actions)	32% (25 actions)
Not Commenced	1% (1 action)	3% (2 actions)	2% (2 actions)	2% (2 actions)
New Initiatives (in above totals)	Nil actions	Nil actions	Nil actions	Nil actions

This is shown diagrammatically below:



4. OPTIONS

The Council has the following options:

I. To note the update on the Strategic Risk Profile as presented (recommended),

II. To determine not to note either or both updates and/or identify additional actions to be undertaken.

5. APPENDIX

(1) Strategic Risk Register

Appendix 1

Strategic Risk Register

Work unit/activity being assessed: AHC Strategic Risk Assessment | **Assessment conducted by: ELT** | **Assessment date: 06 August 2019**

Context: To conduct a strategic risk assessment for the Adelaide Hills Council focusing on the function of the Council under the Local Government Act 1999.

Section 1: Risk identification				Section 2: Inherent Risk				Section 3: Controls		Section 4: Residual Risk				Section 5: Risk Evaluation		Section 6: Risk Mitigation								
No	**Risk Statement (use the situation-consequence technique)**	**Causes & Impact**	**Risk Owner**	**Category**	**Consequence**	**Likelihood**	**Risk Rating**	**Details**	**Effectiveness**	**Consequence**	**Likelihood**	**Risk Rating**	**Date of assessment**	**Mitigation actions required** (According to Risk Management Framework)	**Next assess-ment no later than**	**Mitigation Number**	**Mitigation Action**	**Responsible Officer**	**Original Due Date**	**Progress**	**Status Comment**	**Move to controls (Y/N)**	**Revised Due Date**	**Target Rating**
Example	*IT server failure leading to inability to provide service to customers*	***Cause** : Power surge, virus, malfunction* ***Impact** : Inability to access corporate information or undertake processing*	*Manager ICT*	*Service Continuity*	*Moderate*	*Likely*	*High (3B)*	*Virus scanning, surge protectors*	*Good*	*Moderate*	*Possible*	*Medium (3C)*	*1/03/14*	*Minimum biannual assessment of residual risk required or when causes or controls change or*	*28/08/14*		*Install parallel servers*	*Manager ICT*	*30/04/14*					*Low*
1	Failure to plan at the local and regional level for the future development and future requirements of the area. (F)	**Cause**: - Poor understanding of development, infrastructure, population, transport, demographics and trends - Ineffective liaison with state and federal planning and development agencies. - Unresponsive Development Plan that inappropriately restricts development opportunities & results in poor development outcomes. - Ineffective strategies to enhance and conserve character areas and iconic sites. - Poor place making strategies. - Deficient planning and building rules consent practices. - Ineffective infrastructure planning processes. - Lack of appropriately trained and experienced staff. - Poor business planning and budgeting processes to allocate sufficient resources to functions. **Impact**: - Poor planning & development outcomes, ad-hoc & reactionary planning, unresponsive approaches to addressing community needs and trends - Uncoordinated approaches to infrastructure provision, lack of partnership & funding arrangements, lack of collaborative & mutually beneficial outcomes for community, Council and State Govt., duplication of services & resources - Disempowered community with poor and inefficient use of public spaces - Dysfunctional organisation with a poor reputation resulting in community dissatisfaction with level and type of service provision resulting in a Council regime change - Non-compliant with legislative responsibilities resulting in considerable liability exposure - Inconsistent and misdirected operations and service provision	Director Development & Regulatory Services	Corporate Objectives	Major	Likely	Extreme (4B)	- Development Policy Planning function in place to monitor, analyse and advise - Program of conversion of Development Plan into the Planning & Design Code established - Up to date Development Plan in place - Privately -funded DPA and other development-related policies in place - Participation in relevant forums with State & Federal Govt and other stakeholder groups regarding any changes to development policy - Undertake responsibilities outlined in the Collaborative Work Plan between DPTI and Council regarding transitioning to the new Planning, Development & Infrastructure (PDI) Act 2016 - Transition the and amend where required the Council's Development Plan to the Planning & Design Code over the next 3 years in accordance with the PDI Act - Precinct Planning Framework and expertise in place - Skilled and experienced planning, building, infrastructure, sport & recreation planning, community development and economic development teams in place - Community engagement and consultation methodologies in place to accord with the Community Engagement Charter - Relevant development assessment staff and CAP members accredited in accordance with the State's Accreditation Scheme - 4x8 processes identifying training and development needs - Development and PDI Act delegations and sub-delegations - CAP in place and functioning - Adopted District Master Plan in place - Regional Climate Change Adaptation Plan - Resilient Hills and Coast - Completion of outstanding Development Plan Amendment (i.e. the Local Heritage DPA)	Good	Minor	Unlikely	Low (2D)	31/10/18	Minimum annual assessment of residual risk required or when causes or controls change or mitigations are implemented. Risk mitigation (treatment) plan optional.	31/10/19	**1**	Rollout of Precinct Planning methodologies as projects are identified	Director I&W	Ongoing	COMPLETE	COMPLETED. Rolled out Uraidla & Gumeracha project. Place Making Group established to identify and roll out future projects	Y	NA	Low
																2	Progression of outstanding DPA: Local Heritage (Stage 1 DPA) to be lodged with the Minister for approval in May 2018	Senior Strategic & Policy Planner	28/2/16	COMPLETE	COMPLETED. DPA approved by SPDPC on 14 August 2018 and with the Minister for Planning for approval. Response received from Minister on 9 April 2019 and minor suggested amendments requested. These were adopted at a Sepcial SPDPC meeting on 14 May 2019 and the DPA was sent back to the Minister on 16 May 2019.	y	30/11/18	
																3	Implementation of Planning, Development & Infrastructure Act reforms	Manager Development Services Senior Strategic & Policy Planner	31/07/20	IN PROGRESS	IN PROGRESS: The PDI Act being rolled out in stages and to be fully operational by July 2020. A Collaborative Work Plan between DPTI & Council has been executed. Ongoing transition to the new legislation will continue over the next 18 months	N	1/07/20	
																4	Transition of Development Plan into the new Planning & Design Code	Senior Strategic & Policy Planner	31/07/20	IN PROGRESS	IN PROGRESS: Changes to the Rural Planning Policy to be incorporated into development of Planning & Design Code. Entire Development Plan to be transitioned into the aforementioned Code by July 2020. Phase 3 of the Code is expected to available from DPTI for review in October 2019 at which time a workshops with Council Members will occur	N	1/07/20	
																5	Asset Management Planning - renewal and future requirements	Director I&W	30/06/16	IN PROGRESS	IN PROGRESS. Asset Management Plan reviews underway, and ongoing	Y	Ongoing	
																6	Regional Climate Change Adaptation Plan - Resilient Hills and Coast	Director I&W	31/12/21	COMPLETE	COMPLETED. Plan endorsed by Council 27/09/16	Y	NA	
2	Failure to deliver projects, programs and services in accordance with plans (time, budget, quality)	**Causes:** - Ineffective Budget Bid process (ineffective cost estimates preparation; possible lack of understanding of budget and budget process; - Unrealistic timeframes e.g. 12 months for design, consultation and delivery; Change or poorly defined scope; Inadequate specifications and documentation and design; Lack of stakeholder engagement. - Lack of effective consistent project management methodologies - Unforeseen weather and climate conditions, - Lack of appropriate plant and equipment, - Poor contractor management, - Lack of resources (Lack of adequate skilled resources; Loss of key staff,) - Change in government legislation or policy, - Reduction in grant funding, - Lack of scheduled maintenance - Unclear Service ranges and levels **Impact:** **-** Cost of projects escalates, unbudgeted spending, impacts on delivery of the projects - Damage to Council reputation - Outcomes of the project delivered fails to meet community's expectations - Weaknesses in infrastructure necessitating increased maintenance	Director Infrastructure & Ops	Finance & Assets	Major	Likely	Extreme (4B)	- Monthly capital reports from finance - Regular team meetings with project updates - Quarterly budget review process - 3 Year Capital Program - Procurement policy - Process and qualified staff/teams - Project reporting process - Panel contractors - Legislation and policy - KPI monitoring and reporting - Financial Reporting	Marginal	Moderate	Possible	Medium (3C)	31/10/18	Minimum biannual assessment of residual risk required or when causes or controls change or mitigations are implemented. Risk mitigation (treatment) plan optional.	27/07/16	**1**	Project Management a) Implementation of Project management framework. A trial with Built and Natural Assets is underway since 1/7/15. A review was undertaken in 2016 to assess and refine framework. Further review required now that Manager Civil Services appointed b) Process to audit and check project management. c) Implementation of scheduled program maintenance,	Director I&W	30/06/16	IN PROGRESS	IN PROGRESS. First review process has been undertaken, and capital project checklist put into place. Further review to be undertaken over coming months to ensure alignment with PMBOK (Project Management Body of Knowledge). Programmed Maintenance Programs now in place, and Project Management Documentation now being developed.	Y	30/12/19	Medium
																2	Refine the budget bid process to ensure that sufficient time is allocated to cost budget submissions and also timing recognising that some projects will need to span across multiple years due to lead times associated with planning, consultation and approvals. Action: develop a budget bid database with a two stage process by 30/3/2016	Director I&W	30/01/16	COMPLETE	COMPLETED. Initial 3 year program developed for 2017/18 ABP.	Y	NA	
																3	Start to promote multiple year project planning in line with Asset Management Planning	Director I&W	30/06/16	COMPLETE	COMPLETED. 3 Year Capital Program has been established, which help to achieve this goal.	Y	NA	
																4	Develop process in conjunction with Organisational Development to transfer knowledge once an employee has notified intent to leave the organisation (i.e. to capture staff knowledge with consideration of succession planning and transition to retirement)	Director I&W	30/09/16	IN PROGRESS	IN PROGRESS. Process development underway, however progress has stalled due to other delivery priorities. Looking to reinvest in this process development over the coming months.	N	30/12/19	

Section 1: Risk identification				Section 2: Inherent Risk				Section 3: Controls		Section 4: Residual Risk				Section 5: Risk Evaluation		Section 6: Risk Mitigation								
No	Risk Statement (use the situation-consequence technique)	Causes & Impact	Risk Owner	Category	Consequence	Likelihood	Risk Rating	Details	Effectiveness	Consequence	Likelihood	Risk Rating	Date of assessment	Mitigation actions required (According to Risk Management Framework)	Next assess-ment no later than	Mitigation Number	Mitigation Action	Responsible Officer	Original Due Date	Progress	Status Comment	Move to controls (Y/N)	Revised Due Date	Target Rating
																5	Amend LTFP and budget processes to capture all Strategic and Functional Strategy funding requirements.	Manager Financial Services	30/06/18	COMPLETE	COMPLETED: 2018/19 Budget adopted based on a revised LTFP that captured all Strategic and Functional Strategies.	Y	NA	
3	Failure to provide for the welfare, well-being and interests of the community (F)	**Cause**: - Ineffective public health programs (food, immunisation, waste water) - Ineffective community development programs - Failure to identify and respond to key community issues - Poor understanding of cultural and diversity issues in community. - Lack of effective active and passive recreation participation strategies. - Ineffective strategies to work with vulnerable members of the community. - Inappropriate behaviour of community facility users. - Unaffordable rates, fees and charges - Ineffective regulatory services activities (including management of dogs, noise, parking) - Poor facilities **Impact**: - Food poisoning, insanitary conditions, etc. - Decreased wellbeing and an over-reliance on social support - Loss of faith in Council's ability to meet community needs - Inability for people from diverse backgrounds to live/participate in the community - Decreased health and wellbeing across the community - Inability/difficulty for people of all socioeconomic backgrounds to live in the district - cultural disrespect	Director Community Capacity	Community, Social & reputational	Major	Likely	Extreme (5B)	- Well resourced department, with qualified staff making informed and evidence based decisions. - Regulatory responsibilities that incorporate inspection regimes, education and prosecution where necessary within a highly regulated environment. - Existence of Community Strategy - with identified community needs, gaps in service provision and reprioritised our CD efforts. Adopted June 2015. - Mandated 4-yearly development of strategic plan, incorporating community engagement, ensures effort is made periodically to understand issues important to the community. - Community engagement policy and other relevant policies - Regular satisfaction surveys and program evaluations. - Communicate with empathy, regular informal contact with the community. - Local engagement via Community Centres is occurring with cultural groups. - Ad-hoc engagement on an as-needs basis. - Development of the Reconciliation Action Plan (2015). - Disability Action Plan (2011)., Age Friendly Community Plan (2017) - Staff cultural awareness training. - Recreation and Open Space Planner position created in early 2016. - New Sport & Recreation Strategy was developed and adopted in Oct 2016. - Services currently being provided for vulnerable individuals including in-home support, centre based programs, events, support activities and advocacy. - Codes of conduct in place in some programs/services. - LTFP with sustainable and reasonable rates growth profile. Annual review process for fees and charges incorporates review by Exec and Council Members to ensure control. Internal efficiency improvement program aims to keep costs down. Volunteer Management Policy and Strategy. Well established and funded volunteer based programs. Little reliance on external funding. Safe Environments Policy has been adopted. AHC is now registered on the DCSI system for suitability for work screening and all existing staff in prescribed positions have now been checked.	Marginal	Moderate	Unlikely	Medium (3D)	2/10/19	Minimum biannual assessment of residual risk required or when causes or controls change or mitigations are implemented. Risk mitigation (treatment) plan optional.	30/03/20	1	Community Cultural Development Officer to develop Cultural Development principles and framework	Manager Community Development	31/12/16		IN PROGRESS, but will be delayed due to other priorities assigned to this role.	N	30/06/19	Medium
																3	Review Disability Action Plan and inform budget accordingly.	Manager Community Development	31/12/16	IN PROGRESS	IN PROGRESS. New legislation has recently passed parliament, and we await Ministerial Guidelines under that legisaltion, which will define the requirements for Council Disability Inclusion Action Plans.	N	30/06/19	
																6	Review facility management arrangements. Develop a more consistent approach to community facility users conduct across the various program areas.	Manager Property	31/12/16	IN PROGRESS	IN PROGRESS. Action Plan endorsed by Council for review of facilities under a Community and Recreational Facilities Framework. Revised due date established. A number of workshops held with Council and Framework endorsed. Action plan now being progressed. Workshop held with Council in Feb '19, followed by the establishment of a working group to further progress the matter. Working group have commenced review of Framework. Consideration to be given to a revised timeline to reflect level of complexity identified.	N	30/06/21	
4	Failure to take measures to protect the community from natural and other hazards (F)	**Cause:** - Poor fire prevention initiatives - Poor flood protection initiatives - Poor wind protection initiatives - Ineffective emergency management regimes - Ineffective asset maintenance and replacement plans and programs - Lack of participation in regional emergency management arrangements - Noncompliance with legislation - Poor Business Continuity Plan - Insufficient budget - Ineffective planning and preparations **Impact:**	Exec Manager Governance & Performance	ty, Social & reputational	Catastrophic	Likely	Extreme (5B)	- Participation in regional EM arrangements through the ZEMC, and the AMLRBMC and cooperation with other councils and agencies re EM - Provision of assistance to control agencies and the community to respond to emergency incidents as they arise and work with local units to resolve localised issues relating to EM. - Provision of assistance to the community and to relevant government and non-government agencies assist recovery from emergencies. - Contribute to, support and participate in community education programs including the SES Flood Safe Program, Red Cross REDiPlan program and CFS Community Fire Safety Meetings. - Ongoing replacement and maintenance of Council's infrastructure through implementation of Council's AMP and proactive and reactive maintenance programs including stormwater infrastructure (including Flood Plain Modelling), fire track maintenance and street sweeping program. - Ongoing fuel reduction programs on high risk Council owned land including woody weed control, slashing and maintenance of asset protection	Good	Major	Unlikely	Medium (4D)	5/11/19	Minimum biannual assessment of residual risk required or when causes or controls change or mitigations are implemented. Risk mitigation (treatment) plan	3/05/20	1	Development of new Emergency Management Plan.	Mgr Waste & EM	31/12/17	IN PROGRESS	EM Framework endorsed by ELT 14/2/17, EM responsibility now transferred to Infrastructure & Operations, Project timeframes to be reviewed. Update 02/10/19 - Draft Emergency Management Plan completed. Draft Incident Operations Manual (formerly within the Emergency Management Plan) to be considered for endorsement by ELT 3 October 2019. Council to participate in LGA Council Ready Program to complete Emergency Management Plan by September 2020 based on a risk assessment process. Update 07/11/19 - ELT formally resolved to commit to LGA Council Ready Program, scheduling of initial risk assessment workshop set for 9/12/19. Incident Operations Manual adopted by ELT 3 October and is currently being implemented.	N	31/08/20	Medium
																2	Commit to I Responda emergency response framework.	Ex Mgr Gov Perf	19/01/16	COMPLETE	Council is now part of this program . Its plan to be transferred to contemporary standard. Anticpated to be complete by 31/12/19.	Done	NA	
																3	Develop Emergency Management Team for ongoing development and review of Council's EM processes relating to emergencies that occur external to the organisation (not WHS emergency management)	Mgr Waste & EM	31/12/16	COMPLETE	To be developed under EM Framework. Update 05/08/19 - Draft Incident Operations Manual 95% complete. This document will be used with the draft Emergency Management Plan to plan, prepare, respond and recover from emergency events. Anticipated to be completed by 30 November 2019. Update 02/10/19 - Draft Incident Operations Manual to be considered by ELT for endorsement on 3 October 2019. Update 07/11/19 - Incident Operations Manual adopted by ELT 3 October 2019 including establishment of an Incident Management Team completing this action.	N	30/10/19	

Section 1: Risk identification				Section 2: Inherent Risk				Section 3: Controls		Section 4: Residual Risk				Section 5: Risk Evaluation		Section 6: Risk Mitigation								
No	Risk Statement (use the situation-consequence technique)	Causes & Impact	Risk Owner	Category	Consequence	Likelihood	Risk Rating	Details	Effectiveness	Consequence	Likelihood	Risk Rating	Date of assessment	Mitigation actions required (According to Risk Management Framework)	Next assess-ment no later than	Mitigation Number	Mitigation Action	Responsible Officer	Original Due Date	Progress	Status Comment	Move to controls (Y/N)	Revised Due Date	Target Rating
		- Significant property loss and damage - Loss of life, injury - Reputational damage - Exposure to liability and penalty - Loss of community normality - Council services stretched and some services may not be fully operational - Loss or damage of public and private infrastructure - Environmental and biodiversity impacts		Commun				zones. - Ensure ongoing compliance with the F&ES Act 2005 including annual property inspections to ensure community compliance with requirements of the Act, respond to breaches of the Act as they arise, ongoing appointment of Fire Prevention Officers pursuant with requirements of the Act and provide advice to residents on bushfire prevention and mitigation. - Ongoing implementation of tree maintenance programs including the monitoring and maintenance of high risk trees and undertaking reactive tree pruning and removal of high risk trees minimising failure in windy conditions.Commencement of Zone-based Preventative Maintenance Program. Bushfire Mitigation Operational Committee - i-Responda process and trained staff - Establishment of EM function in Infrastructure & Operations Directorate						optional.		4	Research the establishment of a dedicated EM role (temporary/permanent)	Exec Mgr Gov & Risk	31/03/16	COMPLETE		Done	NA	
																5	Establish Zone-based Preventative Maintenance Program	Mgs Open Space & Civil Works	1/02/16	COMPLETE	Zone program established	Done	NA	
																6	Review bushfire prevention and mitigation arrangements	Mgs Open Space and Team Leader Regulatory Service	30/06/17	COMPLETE	Structure in place	Done	NA	
5	Failure to manage, develop, protect, restore , enhance and conserve the environment in an ecologically sustainable manner and to improve amenity. (F)	**Cause**: -Lack of understanding of biodiversity. - Inadequate planning controls, - Lack of specific skill and knowledge of natural environment, - Insufficient budget, - Lack of internal coordination in project delivery, - Inadequate emergency response to environmental hazard, - Lack of longitudinal planning and service delivery, difficulty of meeting varying community expectation, - Ineffective natural resource management strategies and processes. - Poor environmental management practices. - Illegal dumping **Impact:** - Damage to local environment - Financial - restoration of failure to act (fines plus the works to restore) - Reputational damage - Impact on human health and wellbeing due to the loss of visual amenity and ability to interact with nature - Local amenity not maximised - Health and economic impacts due to climate change - Failure to meet stakeholder expectation	Director Infrastructure & Ops	Environment	Catastrophic	Possible	Extreme (5C)	- Biodiversity Strategy, - Water Management Plan - Biodiversity Advisory Group and Sustainability Advisory Group - Trained & qualified staff - Safe working procedures - Blue Marker sites - Spill kits - SDS - Customer request system for reporting to us - Machinery hygiene - Development Plan	Good	Catastrophic	Unlikely	High (5D)	31/10/18	Minimum quarterly assessment of residual risk required or when causes or controls change or mitigations are implemented. Risk mitigation (treatment) plan required.	29/01/19	1	Water Resources strategy to be developed	Sustainabaility Officer		COMPLETE	Water Management Plan endorsed by Council 13 December 2016.	Done	NA	Medium
																2	Project Management framework (see action above)	Director I&O		IN PROGRESS		N	30/12/18	
																3	Implementation plan for the Biodiversity Strategy to be developed; Interim review of Strategy	Biodiversity Officer		COMPLETE	Biodiversity Strategy endorsed by Council on 24/9/2019. Implementation plan for the Biodiversity Strategy complete.	N	2/10/19	
																4	Ensure adequate budget and human resources are allocated to the priority strategies articulated in the Biodiversity Strategy's Implementation Plan	Director I&O		COMPLETE	Implementation plan for the Biodiversity Strategy complete. The plan informs Annual Programming and LTFP.	Done	30/06/19	
																5	Establish a program to review the safe operating procedures to ensure that they incorporate contemporary management techniques to minimise environmental impacts.	Manager Open Space		COMPLETE	Budget Bids to support this years program were included in the 2018-19 Annual Business Plan and Budget Process.	N	N/A	
																6	Expansion of Blue Marker Sites	Manager Open Space	30/10/16	COMPLETE		Done	NA	
6	Failure to provide appropriate infrastructure for the community (F)	**Cause**: - Ageing infrastructure in need of renewal to remain fit for purpose and/or comply with legislation - Poor asset management regimes (data, revals) - Ineffective maintenance regimes - Leaseholders conducting works outside of contractual/legislative obligations. - Duplication or gaps in infrastructure provision to communities. - Lack of understanding community needs and trends **Impact**: - Increased cost to maintain infrastructure - Reduced confidence in Council by the community - Increased risks to staff and community when utilising facilities - Disadvantage to AHC community over that of other areas - Negative impact on community wellbeing	Director Infrastructure & Ops	Corporate Objectives	Major	Likely	Extreme (4B)	- Current Asset Management Plans for key asset categories - Long Term Financial Plan that captures the Strategic Plan and Asset Management Plans - Endorsed annual budget for maintenance program (all asset categories) - Annual Business Plan & Budget consultation undertaken - Customer Survey undertaken - Asset condition audits undertaken cyclically - Asset management system in place (Conquest) - Building inspections (last done 2013) - Compliance audits for buildings as per legislation - Customer request system captures community concerns/issues - Sport and Recreation Strategy - Bike Strategy - Preventative Maintenance regime	Good	Moderate	Possible	Medium (3C)	2/10/19	Minimum biannual assessment of residual risk required or when causes or controls change or mitigations are implemented. Risk mitigation (treatment) plan optional.	30/03/20	1	Update asset management plans as per cycle (and LTFP)	Mgr Sustainable Assets for Infrastructure and Strategic Property Officer for Land and Buildings	31/12/16	IN PROGRESS	Draft Transportation AMP prepared to go to Audit Committee and Council Nov 2019. 80% of assets in enterprise system - stormwater and kerb reamin to be transiitoned. AMS System purchased. Implementation is progressing well, with Playground assets loaded, training of internal and field staff underway, and Business Process Reviews for key asset classes also underway.	N	Ongoing	Medium
																2	Preventative Maintenance regime developed	Mgr Sustainable Assets for Infrastructure and Strategic Property Officer for Land and Buildings	1/01/17	COMPLETE		Done	NA	
																3	Establish service levels in consultation with community	Mgr Sustainable Assets for Infrastructure and Strategic Property Officer for Land and Buildings	1/03/16	IN PROGRESS	Updated to CRM response times completed. Levels of service refinements required as part of AMP reviews.	N	31/12/18	
																4	Establish cycle for condition audits and monitor (incl buildings)	Mgr Sustainable Assets for Infrastructure and Strategic Property Officer for Land and Buildings	31/12/16	IN PROGRESS	Condition audits identified in AMP and new system implementation and set up has delayed some condiiton auditing. Limited progress, though strategic property review commenced	N	30/06/18	
																5	Develop Bike Strategy to identify infrastructure requirements	Mgr Sustainable Assets for Infrastructure and Strategic Property Officer for Land and Buildings	1/01/17	COMPLETE	To Council Oct 16 - completed	Done	NA	
																6	Revise Sport and Recreation Strategy to identify infrastructure requirements	Mgr Sustainable Assets for Infrastructure and Strategic Property Officer for Land and Buildings	1/03/16	COMPLETE	Strategy completed and infrastructure requirements linked to Strategic Property Review. LTFP now capturing ongoing investment.	Done	NA	
																1	Implementation Plan for EDS finalised and approved Mar 2016	Director Developemnt & Regluartory Servcies	31/12/16	COMPLETE		Done	30/12/19	
																2	Identify significant economic infrastructure issues and opportunities	Director Developemnt & Regluartory Servcies	31/12/16	COMPLETE	Currently working with key stakeholders to progress two major transport routes - b-double access to Lobethal and Northern Freight Train Bypass	Done	30/12/19	

Section 1: Risk identification				Section 2: Inherent Risk				Section 3: Controls		Section 4: Residual Risk				Section 5: Risk Evaluation		Section 6: Risk Mitigation								
No	Risk Statement (use the situation-consequence technique)	Causes & Impact	Risk Owner	Category	Consequence	Likelihood	Risk Rating	Details	Effectiveness	Consequence	Likelihood	Risk Rating	Date of assessment	Mitigation actions required (According to Risk Management Framework)	Next assess-ment no later than	Mitigation Number	Mitigation Action	Responsible Officer	Original Due Date	Progress	Status Comment	Move to controls (Y/N)	Revised Due Date	Target Rating
7	Failure to promote the Council area and provide an attractive climate and locations for the development of business, commerce, industry and tourism (F)	**Cause**: - Dysfunctional local economy, loss of jobs, loss of basic retail and service functions - Poor engagement with business community, leading to relative disadvantage for business community -Lack of understanding of economic drivers, leading to potential wasted allocation of effort, stagnation of effort, and/or perception of Council being out of touch with business community. - Inappropriate infrastructure in industrial precincts or nodes, placing barriers on development of industrial precincts. - Lack of understanding of tourism demand, leading to potential wasted effort, stagnation of effort, and/or perception that the Council is unable/willing to support the tourism sector. - Poor support of tourism and business associations, leading to fragmentation of effort and discohesive strategies. - Unresponsive Development Plan that inappropriately restricts development opportunities & results in poor development outcomes. **Impact**: -- Loss of local jobs -- Loss of basic local retail and service businesses -- Devaluation of local residential and commercial property -- Rise in social problems deriving from a declining economy - The community procures goods outside of the area as business not vibrant and meeting local requirements	Director Community Capacity	Economic	Moderate	Likely	High (3B)	Economic Development Strategy (EDS); Economic Development Officer appointed Dec 2015; implementation plan approved Mar 2016; active and positive engagement with local business communities, integrated approach to creating a diverse and sustainable economy across the District, resources to provide required implementation of the EDS. EDS addresses need to work actively with business groups and associations, resources (such a business contact database) provided to interact and network on a consistent basis. Consistent framework for effective interaction. Ad-hoc engagement on an as-needs basis. Advisory Group exists for Primary Production. Higher level engagement occurs with one business association. Some engagement has occurred with industry reps and DPTI regarding specific transport issues. Council partners with DC Mt Barker, RDA and SATC to run Adelaide Hills Tourism, which is designed to help providers understand and leverage tourism opportunities. Support for AHT is high, but support for business associations is low. Adelaide Hills Council Economic Profile Sept 2014. Annual subscription to economy id. Business contact database Involvement in place making initiatives	Marginal	Moderate	Likely	High (3B)	5/08/19	Minimum quarterly assessment of residual risk required or when causes or controls change or mitigations are implemented. Risk mitigation (treatment) plan required.	3/11/19	**3**	Assess effectiveness of key points of AHC engagement with community	Director Developemnt & Regluartory Servcies	1/07/16	COMPLETE	Ongoing through role of Community Engagement Coordinator, more recently through the introduction of online engagement tool	N	30/12/19	Low
																4	Active and positive engagement with local business communities	Manager Economic Development	1/07/16	COMPLETE	Ongoing role of MED	Done	30/12/19	
																5	Encourage an integrated and coordinated approach across all levels of govt to create a diverse and sustainable economy across the District	Manager Economic Development	31/10/16	COMPLETE	Actively developing and maintaining relationships with relevant State and Commonwealth Govt agencies	Done	30/12/19	
																6	Work actively with business groups and associations, providing resources to interact and network on a consistent basis. Key role for EDO	Manager Economic Development	31/12/16	COMPLETE	The Manager ED is actively building relationships with existing business associations and working with communities that currently do not have business groups (e.g. Gumeracha, Northern Hills, Lobethal) to explore the benefits	Done	30/12/19	
																7	Assess effectiveness of key points of engagement with community e.g. website, contact centre, development approval process, waste, health and regulatory services	Manager Economic Development	31/12/16	IN PROGRESS	Quarterly e-Business newsletter sent to business associations and subscribed businesses. Website business page being developed and feedback on other AHC pages provided	N	30/12/19	
																8	Develop business contact database	Manager Economic Development	31/12/16	COMPLETE		Done	30/12/19	
																9	Identify significant organisations, roles and skillsets within region	Manager Economic Development	31/12/16	COMPLETE	Relationships with key contacts with business and industry organisations being regularly maintained and developed by the MED	Done	30/12/19	
																10	Improve partnership with DC Mt Barker and SATC to assist Adelaide Hills Tourism leverage tourism opportunities	Manager Economic Development	31/12/16	COMPLETE	MED active committee member of Adelaide Hills Tourism (AHT) and Visitor Information Servicing Group	Done	30/12/19	
																11	Improve engagement with local business associations	Manager Economic Development	31/12/16	COMPLETE	Regular communication established with SBA and WCA	Done	30/12/19	
																12	Undertake precinct planning/placemaking, with consideration of triple bottom line (As appropriate)	Manager Economic Development	31/12/16	COMPLETE	The MED is a member of Council's Placemaking group to ensure a coordinated approach	Done	30/12/19	
8	Failure to manage and develop public areas vested in, or occupied by the Council (F)	**Cause**: - Lack of strategic and operational processes to manage Council's property portfolio. - Poor sports, recreation and open space management practices. - Physical hazards to users (trips, slips, debris, falling items) - Poor climate adaptation regimes **Impact**: - Increased cost to maintain infrastructure - Reduced confidence in Council by the community - Increased risks to staff and community when utilising facilities - Disadvantage to AHC community over that of other areas - Negative impact on community wellbeing	Director Corporate Services	Community, Social & reputational	Major	Almost Certain	Extreme (4A)	-Community Land Management Plans updated 2019 - Asset Management Plans developed for property assets - Annual budget developed to include mtce funding - Strategic Plan that captures community facilities and open space - Recreation and Open Space Plan adopted by Council - High risk / high use assets (e.g.. playground equipment) inspected as per established regime - High risk tree audit plan established - Lease and licence arrangements in place for occupiers of council facilities - Maintenance regime in place for all reserves and buildings - Customer request system in place - Rec and Open space planner employed - Reviewed Property Function and Manager Property employed - Sport and Recreation Strategy endorsed by Council	Marginal	Moderate	Possible	Medium (3C)	2/10/19	Minimum biannual assessment of residual risk required or when causes or controls change or mitigations are implemented. Risk mitigation (treatment) plan optional.	30/03/20	**1**	Update Community Land Management Plans	Manager Property	31/12/06	COMPLETE	Action Plan endorsed by Council that included a review of the Community Land Mgt Plans. Review commenced and workshop presented to Council in Jan 2019. Draft Plans presented to Council 27 July 2019 and endorsed for Community Consulation. Consultation subsequently completed and updated CLMPOs adopted.	Y	N/A	Medium
																2	Programmed maintenance regime to be developed (land and buildings)	Mgr Civil Services Mgr Open Space/ Mgr Property	31/12/16	IN PROGRESS	Strategic Property Review endorsed by Council. Programmed maintenance schedules developed in Open Space and Civil Services areas. Building maintenance schedule being developed as part of Facility Framework, service standards to be developed	N	30/12/18	
																3	Review of Crown Lan under care and control of Council	Manager Property	31/12/19	IN PROGRESS	Detailed assessment of all land parcels undertaken and workshop and report provided to Council. Consultation completed in relation to potential land parcels to hand back to the Crown. Revocation of community land classification to be commenced	N	30/06/20	
		Cause: - Poor IR practices - Ineffective attraction and retention initiatives - Lack of workforce planning and development. - Deficient equity and diversity programs - Poor leadership - Failure to ensure appropriate WH&S for employees and volunteers. - Volunteers deterred by training/inductions requirements - Ageing population impacting on volunteer participation - Failure to engage young population as volunteers						- Volunteer Coordinator, volunteer management project and practices - Provide leadership training and development/coaching, - OD Team -trained and experienced; - Policy and procedures that include screening								**1**	Equity and diversity plan is being developed	Exec Manager Organisational Development	30/07/19	IN PROGRESS	Further development of the plan is being undertken through the Diversity and Inclusion Team. Some initial ideas for the plan have been researched. Further work to be progressed in 2020.	N	30/06/20	

Section 1: Risk identification				Section 2: Inherent Risk				Section 3: Controls		Section 4: Residual Risk				Section 5: Risk Evaluation		Section 6: Risk Mitigation								
No	Risk Statement (use the situation-consequence technique)	Causes & Impact	Risk Owner	Category	Consequence	Likelihood	Risk Rating	Details	Effectiveness	Consequence	Likelihood	Risk Rating	Date of assessment	Mitigation actions required (According to Risk Management Framework)	Next assess-ment no later than	Mitigation Number	Mitigation Action	Responsible Officer	Original Due Date	Progress	Status Comment	Move to controls (Y/N)	Revised Due Date	Target Rating
9a	Failure to manage, improve and develop the human resources available to the Council. (F)	**Impact**: - Increased financial cost; - potential litigation; decrease in morale; poor work performance; inability to deliver services; negative impact on council brand and reputation; lacking or ineffective policy/procedures; inability to meet the demand for volunteering opportunities, inability to offer attractive positions (older and younger workers), potentially lose volunteers who don't want to participate in induction and training, council could fail to meet the legislative requirements if training avoided; not having available staff/volunteers to undertake work at required times; heightened number of complaints around EEO; ineffective management of human resources, lose ability to innovate through poor leadership, fear of doing the wrong things and receiving punishment; more injured workers, potential death; litigation threatening the viability of the organisation; unable to attract employees and volunteers; lack of handover and transfer of valuable knowledge; challenges about fair and equitable process; higher turnover costs and negative affect on work culture; potentially losing good candidates.	Exec Manager Org Dev	Staff Welfare & Engagement	Major	Likely	Extreme (4B)	police and health checks; - Position descriptions for every position, - WHS & OD policies and procedures; - Trained leaders and employees; executive team trained and engaged in management of WH&S; - Active H&S Committee; WHS Advisor-expertise in organisation; - Well maintained plant and equipment; - Regular reporting in teams and across the organisation; - Annual audits by external party; - Access to LGAWCS/risk services for advice; - Proven track record of high achievement; - WHS improvement plan; WHS KPI action plan (annual); annual WHS KPI Audit (external party) - Fair Treatment, Workplace Bullying Procedures implemented and training provided - Grievance Procedures implemented	Marginal	Moderate	Possible	Medium (3C)	4/10/19	Minimum biannual assessment of residual risk required or when causes or controls change or mitigations are implemented. Risk mitigation (treatment) plan optional.	1/04/20	**2**	Update Fair Treatment and Bullying Procedures, and Grievance Resolution Procedure;	Exec Manager Organisational Development		COMPLETE	Fair Treatment, Workplace Bullying Procedures and Grievance Procedures implemented and published on Workspace	Done	20/12/19	Medium
																3	Undertake Fair Treatment and Bullying training	Exec Manager Organisational Development	30/04/16	COMPLETE	HR delivered training to all employees and People Leaders in March 2016. A network of Equity and Diversity Contact Officers established and trained in March 2016. Training will be undertaken annually for new employees.	Done	20/12/19	
9b	Failure to manage, improve and develop the information resources available to the Council. (F)	**Cause:** - Business systems do not effectively support organisational needs - Ineffective media and brand management strategies. - Poor information management practices (capture, use, storage, retrieval). **Impact:** - Inefficiency; increased risk of errors (from manual systems); negative impact on council brand & reputation; decreased staff morale; potential for increased turnover of staff; lack of consistency; increased cost in undertaking work; systems cannot be upgraded due to inadequate hardware layer; inability to test updates before being implemented; lack of information sharing, working in information silos, failure to capture corporate knowledge effectively, misinformation that leads to negative or undesired outcomes, residents being misinformed or mislead, potential legal or financial implications, poor uptake of services; customer confusion regarding branding of council programs and services	Director Corporate Services	Community, Social & reputational	Major	Likely	Extreme (4B)	Communications and branding team, corporate policies/procedures around media contact, brand style guide for consistency; records department; EDRMS - Records Policy Updated and endorsed by Council; range of internal communication system-emails, meetings, internet, Lync, CRM; business systems are reviewed and upgraded; employees are trained in basic system use; security access relevant to job requirements are provided; restricting permissions control; nightly backups; Workspace (intranet) - Website Champions in place; emails; corporate systems; security groups and access ICT Business Continuity Plan established Tender for new Asset Management System completed - System acquired New information management system acquired - rollout currently underway New data centre built in City and BCP in place for rollover	Marginal	Minor	Possible	Medium (2C)	29/07/19	Minimum biannual assessment of residual risk required or when causes or controls change or mitigations are implemented. Risk mitigation (treatment) plan optional.	12/01/16	**1**	Implement Asset Management System	Manager Sustainable Assets	30/06/18	IN PROGRESS	80% of Council assets transitioned into new Enterprise system.	N	NA	Medium
																2	Implement new records management system in conjunction with SharePoint upgrade	Manager IS	30/06/17	IN PROGRESS	New Sharepoint environment implemented, Record Point software acquired to replace TRIM and installed, project plan established for EDRMS and architecture completed. Build of Test Environment completed and software integration with line of business systems being undertaken. Live enviroment built and configured with a rollout plan commencing July 2019	N	30/12/19	
9c	Failure to manage, improve and develop the financial resources available to the Council. (F)	**Cause:** - Poor internal control environment - Poor procurement planning and processes. - Ineffective insurance arrangements. - Poor financial management processes (treasury, AP, AR) - Poor contract management **Impact:** Potential for qualified accounts as an audit outcome; inappropriate segregation of duties; increased potential for fraud; negative impact on Council brand & reputation; lack of consistency in process use; inability to measure process effectiveness and outcomes; increased risk of litigation; inappropriate assets with short medium and long term financial impacts; potential inability to pay; negative impact on ability to service the community; poor customer relations; poor supplier relationships; potential impact on income from rates, fees and charges; increased risk of litigation leading to financial instability	Director Corporate Services	Legal & Regulatory	Catastrophic	Likely	Extreme (5B)	Internal audit and annual review of internal controls; system security and configuration; induction procedures; recruitment and selection processes; financial delegations; an informed level of insurance cover through LGAMLS, rating policy, process and timeframes; asset management register and program; Manager Governance and Risk in organisation; qualified employees; trained in policies; conflict of interest declaration (Directors/CEO); WHS procedures on plant purchasing, consultation and risk assessment; Fraud and Corruption Policy; Whistleblowers Policy; insurance reviewed annually and all areas of insurance are reviewed and recalculated for following year; wage declaration which affects the insurance calculation annually; insurance claims process; quality accredited insurance company-LG Risk Services; insurer processes claims; professional internal advice; financial management system; Updated Procurement Policy and Procedures Adopted by Council in 2019 (delegation and authority included); Code of Conduct for Employees and Council Members; discipline processes; ongoing training and development; internal controls framework; debt recovery; Debt Recovery Policy and Accounts Reconciliation Policies updated and adopted External Fund Funding Policy adopted by Council (2017)	Marginal	Moderate	Unlikely	Medium (3D)	2/10/19	Minimum biannual assessment of residual risk required or when causes or controls change or mitigations are implemented. Risk mitigation (treatment) plan optional.	12/01/16	**1**	Review positions across council that require criminal history checks, including financial roles	EMOD	30/06/16	COMPLETE	Updated Policy and Procedure covering the relevant criminal history check requirements have been adopted and training completed. Identified positions requiring checks are being updated or undertaken currently.	Y	30/09/17	Medium
																2	Recruit Procurement Coordinator Role	Manager Financial Services	30/09/17	COMPLETE	Recruitment completed in June 2018	Y	NA	
																3	Review of Procurement Policy and procedures (Stage 1)	Procurement Coordinator	1/10/16	COMPLETE	Updated Policy and Procedure endorsed by Council in August 2019	Y	28/02/19	
																4	Review the process map of the insurance claims procedure to enable consistency of application.	EMOD	30/06/16	COMPLETE		Done	NA	
																5	Explore Grant funding opportunities	All budget owners	1/07/16	COMPLETE	A Grant Funding Policy endorsed by Council. Savings Strategy endorsed by ELT.	Y	NA	

Section 1: Risk identification				Section 2: Inherent Risk				Section 3: Controls		Section 4: Residual Risk				Section 5: Risk Evaluation		Section 6: Risk Mitigation								
No	**Risk Statement (use the situation-consequence technique)**	**Causes & Impact**	**Risk Owner**	**Category**	**Consequence**	**Likelihood**	**Risk Rating**	**Details**	**Effectiveness**	**Consequence**	**Likelihood**	**Risk Rating**	**Date of assessment**	**Mitigation actions required** (According to Risk Management Framework)	**Next assess-ment no later than**	**Mitigation Number**	**Mitigation Action**	**Responsible Officer**	**Original Due Date**	**Progress**	**Status Comment**	**Move to controls (Y/N)**	**Revised Due Date**	**Target Rating**
10	Failure to act as a representative, informed and responsible decision-maker in the interests of the community. (PR)	**Cause**: - Poor governance practices (CR22) - Poor risk management practices (CR21) - Poor representation arrangements (CR92) - Poor representation of the community by Council Members (CR62) - Lack of effective strategic planning and resource allocation processes. (CR63) - Lack of effective financial sustainability processes. (SR9c) - Ineffective performance management and reporting processes. (CR64) - Poor working relationship between Council and Administration. (CR65) **Impact**: - Decisions are not representative of community sentiment or made in the community's interest - Decisions are poorly or incorrectly informed leading to a high risk profile, errors, loss, waste, omissions, breaches of legislation. - Breaches of legislation, unenforceable decisions/resolutions, creation of liabilities/ additional risk to Council, stakeholder and/or regulator dissatisfaction and/or sanction.	Exec Manager Governance & Performance	Community, Social & reputational	Catastrophic	Possible	Extreme (5C)	Legal considerations considered in agenda report templates, Governance Manager advises council, functioning Audit Committee, flyers and updates from LGA, legal providers and professional associations. Professional and experienced management team. Polices (code of conduct, meeting procedures, allowances & benefits, caretaker, informal gatherings, COPAMD), delegations, agendas, minutes, training & development. Review of s41 Committee, Advisory Groups ,s43 subsidiary and external group fiduciary arrangements CRM Policy adopted, CRMF adopted, training provided to senior staff, RM considerations included in agenda report and project planning templates. General awareness of risk management principles and considerations. Provisions of Chpt 3 of the LG Act regarding composition of councils and wards, mandated representation reviews. Scheduled review completed in 2017. Strategic Plan, strategic, business and project planning and budgeting processes, trained and experienced staff. Budget review processes, provisions of LG Act regarding budget reviews and annual reporting, trained and experienced staff. Council Member and Administration training in the respective roles, team building and relationship development, performance reporting, One Team - Communication Protocols Governance & Performance Department expanded to include dedicated Governance & Risk Coordinator and Corporate Planning & Performance Coordinator.	Good	Moderate	Rare	Low (3E)	5/11/19	Minimum annual assessment of residual risk required or when causes or controls change or mitigations are implemented. Risk mitigation (treatment) plan optional.	4/11/20	**1**	Governance Framework Review	EMG&P	30/09/16	COMPLETE		Done	NA	Low
																2	Review of s41 Committee and Advisory Group Terms of Reference	EMG&P	30/0916	COMPLETE		Done	30/09/18	
																3	Rollout of ControlTrack (Internal control module)	Manager Financial Services	30/12/15	COMPLETE	Endorsed and implemented for Financial Controls	Done	NA	
																4	Review of Risk Management Framework	G&RC	30/09/16	IN PROGRESS	will form part of RM review	N	30/09/19	
																5	Mandated representation review project	EMG&P	30/04/17	COMPLETE		Done	NA	
																6	Participation in boundary reform initiatives	EMG&P	As Required	COMPLETE		N	NA	
																7	Review of s43 and external group fiduciary duties where Council members or staff are on Boards	EMG&P	31/12/16	COMPLETE		Done	NA	
																8	Election induction training	EMG&P	15/11/18	COMPLETE		N	30/06/19	
																9	Implementation of Corporate Planning & Performance Reporting Framework	EMG&P	30/06/19	COMPLETE		N	NA	
																10	Strategic Boundary Review project	EMG&P	30/10/19	IN PROGRESS		N	NA	
11	Failure to exercise, perform and discharge the powers, functions and duties under legislation, contracts, leases and policies (PR)	**Cause**: - Lack of awareness of legislative/contractual/lease/policy requirements - Ineffective delegation and authorisation mechanisms. - Poor contract management practices - Ineffective compliance management systems - Staff do not possess the appropriate KSE - Legislative changes, not being fully understood **Impact**: - Legislative/lease/policy of contractual obligations are not discharged leading to breaches of legislation and/ or contractual arrangements - Failure to effectively undertake the functions of a council - Contractual penalties and liabilities. - Inefficient systems that lead to loss of resources - Scrutiny and sanctions by integrity agencies	Exec Manager Governance & Performance	Legal & Regulatory	Major	Likely	Extreme (4B)	Legal considerations considered in agenda report templates, flyers and updates from LGA, legal providers and professional associations. Professional and experienced management team. Legislative delegations register regularly reviewed, role specific training & development. Policy registers, policies on web, MLS and WCS audits, contract registers, lease registers, internal audit program, external audit program Governance Legal Compliance Audit Full review of subdelegations and authorisations completed 2017. Employment of Procurement Coordinator Experienced property team.	Marginal	Moderate	Unlikely	Medium (3D)	5/11/19	Minimum biannual assessment of residual risk required or when causes or controls change or mitigations are implemented. Risk mitigation (treatment) plan optional.	3/05/20	**1**	Legislative compliance audit	EMG&P	30/06/16	COMPLETE		Done	NA	Low
																2	Development of contract management system, subject to funding	Manager Financial Services	31/12/16	COMPLETE		Done	NA	
																3	Development of a legal opinions database	EMG&P	30/06/20	NOT COMMENCED		N	31/12/19	
																4	Implementation of new delegations and authorisations management system and associated training.	G&RC	30/12/19	NOT COMMENCED		N	30/10/19	

ADELAIDE HILLS COUNCIL
ORDINARY COUNCIL MEETING
Tuesday 17 December 2019
AGENDA BUSINESS ITEM

Item:	**13.2**
Originating Officer:	**Megan Sutherland, Executive Manager Organisational Development**
Responsible Director:	**Andrew Aitken, Chief Executive Officer**
Subject:	**2019 – 2020 CEO Performance Target Update**
For:	**Decision**

SUMMARY

At the CEO Performance Review Panel (CEOPRP) meeting held on 14 November 2019, the Committee analysed the originally estimated timelines of the CEO Performance Targets and resolved to advise Council that while it recognises that some of the performance target interim timelines may not be achieved, it has confidence that all targets will be completed within the financial year. This reflects past Council practice.

RECOMMENDATION

Council resolves the report be received and noted.

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1. GOVERNANCE

- **Strategic Management Plan/Council Policy**

Goal	Organisational Sustainability
Key Issue	Governance

We diligently adhere to legislative requirements to ensure public accountability and exceed these requirements where possible.

- **Legal Implications**

The CEO Performance Review Panel is a Section 41 Committee of Council under the *Local Government Act 1999*.

This report summarises progress against the established and agreed Performance Targets for 2019-2020, and forms part of the performance review process to ensure the CEO is provided with a fair and consistent performance review process that would stand up under scrutiny.

- **Risk Management Implications**

The CEO Performance Targets update is an important control in managing the risks of:

Deficient CEO performance review practices resulting in a lack of accountability and loss of stakeholder confidence.

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

Note: there are many other controls that also assist in managing this risk.

Non-achievement of CEO Performance Targets resulting in loss of community benefit and/or opportunities and/or stakeholder confidence.

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

Note: there are many other controls that also assist in managing this risk.

- **Financial and Resource Implications**

There are no financial or resource implications in reporting on projects against the CEO Performance Targets.

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

There is a community expectation that the CEO will manage the organisation's human, financial and physical resources to ensure the best outcomes for the community.

There is a community expectation that the CEO is accountable for, and performs against, the agreed Performance Targets.

- **Environmental Implications**

Not applicable.

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

Consultation on the development of the attachment to this report showing progress on the performance targets (see Appendix 1) included:

Council Committees:	CEOPRP
Council Workshops:	Not applicable
Advisory Groups:	Not applicable
Administration:	Chief Executive Officer
	Director Community Capacity
	Executive Manager Organisational Development
	Executive Manager Governance and Performance
	Manager Communications Engagement and Events
	Manager Development Services
	Manager Property Services
	Sport & Recreation Planner
	Sustainability Officer
Community:	Not applicable

2. BACKGROUND

Council adopted a new suite of CEO Performance Targets on 23 July 2019 covering the 2019-2020 financial year.

At the 14 November 2019 CEOPRP meeting, the CEO updated the Panel on the progress against the Performance Targets to date and identified any issues for consideration. The Panel was able to undertake an interim analysis of the CEO Performance Targets and reviewed priorities and existing timeframes and resolved:

7.1 2019 – 2020 CEO Performance Target Update

Moved Cr Nathan Daniell
S/- Cr Kirsty Parkin **PRP21/19**

The Panel resolves:

1. **That the report be received and noted.**
2. **To advise Council that it recognises that some of the performance target interim timelines may not be achieved but has confidence that all targets will be completed within the financial year.**

Carried

3. ANALYSIS

Performance targets for the CEO are required to be completed within the financial year they have been set within.

Previously, the performance targets did not have specific dates identifying a completion date during the financial year. They were set up in this way as work undertaken on the performance targets may take longer to complete, or additional work may be needed. Rather than returning to Council periodically to adjust timeframes, past practice has been that as long as the performance targets were completed within the financial year they have been met.

This report is recognising this process and clarifying this expectation, particularly within the first year of the current term for this team of council members who have not been exposed to past practices.

4. OPTIONS

Council has the following options:

1. That the report be received and noted (*Recommended*).
2. That Council makes alternative/additional recommendations relating to the current suite of Performance Targets.

5. APPENDIX

(1) 2019-2020 CEO Performance Targets resolved by Council on 23 July 2019

Appendix 1

2019-2020 CEO Performance Targets

2019-2020 CEO PERFORMANCE TARGETS

	Target
1.	Strategic Plan Finalise an engagement led draft Adelaide Hills Council Strategic Plan for Council's consideration by February 2020. Organisational Sustainability
2.	Carbon Management Plan Finalise the draft Carbon Management Plan for Council's consideration by December 2019. Ensure the draft includes a target of 100% renewable energy (electricity) for the Adelaide Hills Council (as an organisation) by a defined date as well as a series of staged targets over the intervening period. Place
3.	Boundary Reform Establish a plan to review the current Adelaide Hills Council boundaries, including an approach to engaging with relevant councils and stakeholders to discuss with a view to possible boundary reform, for Council's consideration by October 2019. Explore
4.	Community Perception & Engagement Survey Undertake a community perception and engagement survey and present an action plan of identified improvement opportunities to Council Members by March 2019. The survey will seek input from a range of community members (including those who normally engage with us and those who don't) to identify how Council is perceived and how our community prefers to engage with us. It will also inform the development of wellbeing and engagement related performance measures. Incentives to encourage community members to participate will also be explored. Also consider opportunities to use the survey to educate people on how Council functions. Connect
5.	Planning Assessment System Ensure the Adelaide Hills Council has the systems, procedures, accreditations and delegations established and functional by 30 June 2020 in order to successfully transition into the new South Australian planning and assessment system as required by the new PDI Act implementation (which commences on 1 July 2020). Development Services staff will continue to work with staff from the Department of Planning, Transport & Infrastructure and consult with other AHC staff and Council Members as part of this process. Prosper
6.	Community & Recreation Facilities Framework Develop a draft Community & Recreation Facilities Framework (including financial implications) for consideration by Council based on an approach that has consistency, equity and shared responsibility. Prosper

ADELAIDE HILLS COUNCIL
ORDINARY COUNCIL MEETING
Tuesday 17 December 2019
AGENDA BUSINESS ITEM

Item:	**13.3**
Originating Officer:	**Lachlan Miller, Executive Manager Governance and Performance**
Responsible Director:	**Andrew Aitken, Chief Executive Officer**
Subject:	**Audit Committee Presiding Member's Report 2019**
For:	**Information**

SUMMARY

The Audit Committee Terms of Reference provides that the Presiding Member will attend a meeting of the Council at least once per annum to present a report on the activities of the Committee.

Cr Malcolm Herrmann is the current Presiding Member of the Audit Committee.

RECOMMENDATION

That the report be received and noted.

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1. GOVERNANCE

- **Strategic Management Plan/Council Policy**

Goal	Organisational Sustainability
Strategy	Risk and Responsibility
Strategy	Governance

The Audit Committee Presiding Member providing an annual report to the Council of the Committee's business is an important tool in facilitating accountability and transparency with the committee structures.

- **Legal Implications**

Section 126 of the *Local Government Act 1999* sets out the functions of an audit committee.

There is no legislative requirement for the Presiding Member of a s41 Committee to report to the Council.

- **Risk Management Implications**

The management of action items and the work plan 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**

Not applicable.

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

Not applicable.

- **Environmental Implications**

Not applicable.

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

Council Committees: Not Applicable

Advisory Groups: Not Applicable

Administration: Director Corporate Services

Community: Not Applicable

2. BACKGROUND

Clause 8.1.2 of the Audit Committee Terms of Reference provides that the Presiding Member will attend a meeting of the Council at least once per annum to present a report on the activities of the Committee

While the Audit Committee's 2019 Work Plan provided for the draft Report to be presented to the Committee's 18 November 2019 meeting, given that the Committee was still required to discharge significant elements of its functions at that meeting, it would have been inappropriate to pre-emptively report of the Committee's performance.

The Committee were advised that the report will be circulated out-of-session following its presentation to Council.

3. ANALYSIS

The Presiding Member has structured his report (***Appendix 1***) in accordance with the key functions of the Audit Committee Terms of Reference. The commentary provided demonstrates the manner in which and the activities undertaken by the Committee to fulfil it role.

4. OPTIONS

Council has the following options:

I. Note and receive the report.
II. Resolve that other actions are required.

5. APPENDIX

(1) 2019 Audit Committee Presiding Member's Report

Appendix 1

2019 Audit Committee Presiding Member's Report

REPORT TO THE ADELAIDE HILLS COUNCIL
ON THE OPERATIONS OF THE AUDIT COMMITTEE DURING 2019

INTRODUCTION

As outlined in Clause 8.1.2 of the Terms of Reference for the Audit Committee, the Presiding Member will attend a meeting of the Council at least once per annum to present a report on the activities of the Committee. This report provides an overview of the Adelaide Hills Council's Audit Committee operations for the 2019 calendar year.

This report includes:

- A summary of the work the Committee performed during the year aligned to the Committee's Terms of Reference;
- Details of meetings, including the number of meetings held during the period, and the number of meetings attended by each member; and
- Advising the future work scheduled for 2020.

The report is intended to invite comment from the Council on all of the above.

SUMMARY OF WORK PERFORMED AGAINST THE TERMS OF REFERENCE

For 2019, as in previous years, the Audit Committee had established a robust framework for the provision of information to meet the objectives established within the Terms of Reference. As a consequence some 48 reports were considered by the Committee for consideration over five meetings, and where appropriate, recommendations subsequently provided to Council.

The following sections of this report provide a brief summary of the work undertaken by the specific function of the Committee as set out in the Terms of Reference.

Financial Reporting and Prudential Requirements

A review of the *Long Term Financial Plan* (LTFP) was undertaken during February prior to consideration of the draft Annual Business Plan and Budget. The emphasis of the Committee was on the assumptions that had been used in the development of the Plan and alignment against previous versions that had been reviewed.

The Audit Committee reviewed both BR2 2018-19, the End of Year Financial Report 2018-19 and BR1 2019-20 prior to these reports going to Council but was not able to do the same for BR3 2018-19 due to timing issues.

Consideration of the draft *2019-20 Annual Business Plan and Budget* noted that the targets that had been established within the LTFP were met for operating income and expenditure as well as the capital program. The achievement of these targets provided a level of assurance around the ongoing financial sustainability of the Council.

At the 18 November 2019 meeting the Committee had an in depth discussion around the draft Annual Financial Statements that had been presented. The Committee was satisfied that the Statements present fairly the state of affairs of Council in accordance with the *Local Government Act 1999*, the *Local Government (Financial Management) Regulations 2011* and Australian Accounting Standards Notwithstanding this, the Committee proposed a number of minor amendments to the Statements that were subsequently incorporated by the administration.

Internal Controls and Risk Management Systems

Internal Controls

From the start of the 2015-16 financial year, Adelaide Hills Council has had additional obligations regarding the development and maintenance of a system of internal financial controls, consistent with the requirements of the *Local Government (Financial Management) Regulations 2011*. This has required Council's external auditors to provide an opinion on internal financial controls in accordance with s129(3)(b) of the Act.

Monitoring against the key risks and controls has been generated from a system called 'Control Track'. This system tracks the recognised 'core' controls and the agreed treatment plans by responsible officers. These have been provided to the Audit Committee on a bi-annual basis.

Risk Management

Throughout the year the Audit Committee has reviewed quarterly updates on the organisation's strategic risks and agreed actions. Further the Audit Committee considered and recommended the revised Risk Management Policy to Council for adoption.

Whilst the Committee is comfortable with the progress being made in oversight of risk, the Committee expressed a need for improved reporting of the risk profile of Council to ensure both operational and strategic risks have appropriate controls and mitigation strategies in place. This resulted in the full Strategic Risk Register being provided to the Audit Committee from the August 2019 meeting onwards. For 2020 this regime will be further expanded with directorate risk profile presentations being made at quarterly meetings in rotation.

At its August 2019 meeting, the Committee received a report on the placement of Council's insurance portfolio.

Council participated in the Local Government Risk Services (LGRS) Risk Evaluation in October with the results to be tabled at the February 2020 meeting.

Debtors

Quarterly reporting on the level of outstanding debtors was commenced in late 2016 to provide additional focus on this key area of control. The Committee has been very pleased to note the ongoing improvement in the level of debtors outstanding, with the most recent report highlighting that long term debt has now reduced by approximately 90% since additional monitoring commenced. There has also been a substantial improvement in the management of historic rate debtors as a result of the development and application of a Debt Recovery Policy.

New Policies

Key areas of interest for the Audit Committee are the procurement and contracting arrangements. At the August 2019 meeting, the Committee considered the Procurement Framework setting out the policies, procedures, tools and training to improve the control, effectiveness and strategic impact of Council's procurement activities. The revised *Procurement Policy* was recommended to Council for adoption.

The Committee also considered a draft *Disposal of Assets Policy* to replace the (then) current *Disposal of Materials* and *Disposal of Land* policies. Again this was recommended to Council for adoption.

Whistleblowing

The *Whistleblowers Protection Act 1993* was repealed during the year and replaced with the *Public Interest Disclosure Act 2018*. The Committee considered the draft *Public Interest Disclosure Policy* and other arrangements required under the provisions of the new legislation.

Internal Audit

At its 18 February 2019 meeting, the Audit Committee discussed the financial and reputation risks associated with purchase card usage in the local government sector. The Committee recommend to Council to amend the Strategic Internal Audit Plan 2018-19 – 2021-22 (SIAP) to include a purchase card audit, Council resolved the change at its February 2019 meeting.

The purchase card audit was conducted in July 2019 and reported to the Committee in August 2019, the audit identified a number of medium and low risk findings and opportunities for improvement. Management responses and agreed actions were prepared for each of the key findings and the Committee provided an opinion on these responses.

The Audit Committee is seeking more progress in the implementation of the SIAP and will be monitoring this closely in 2020.

All agreed actions from internal audits are captured within the Committee's Audit Actions Implementation Register and reported to the Committee on a bi-annual basis to ensure that appropriate actions are being undertaken.

External Audit

At its February 2019 meeting, the Committee considered the External Auditor's Engagement Letter and Audit Plan for the Annual Financial Statement and Internal Financial Control audits. The Committee considered the matter of auditor independence.

At the August 2019 meeting, the External Auditors, Galpins, presented the results of the Interim Audit and advised that the work to date was indicating unqualified audit reports. A number of recommendations were made by Galpins regarding potential improvements to the suite of internal financial controls and management responses and agreed actions adopted.

The Audit Committee met with Galpins in the absence of management at the 18 November 2019 meeting. The auditors advised that the financial management and reporting of council activities was of a very good standard. Galpins did however identify delays in the provision of information, particularly associated with asset revaluations, these delays did adversely impact on the timely completion of the audit.

The Committee also assessed the External Auditor's independence and objectivity taking into account relevant professional and regulatory requirements and the extent of Council's relationship with the auditor, including the provision of any non-audit services. The Committee is satisfied that for the 2018-19 financial year, there were no relationships between the External Auditor and the Council that compromise audit independence, and this was also confirmed in writing by the external auditor.

In their audit of the Council's Annual Financial Statements, the External Auditors (Galpins) have issued an unqualified audit opinion in the *2018-19 Audit Completion Report* providing the following statement:

In our opinion, the accompanying financial report presents fairly, in all material aspects, the financial position of the Council as at 30 June 2019, and its financial performance and its cash flow for the year then ended in accordance with the Australia Accounting Standards, Local Government Act 1999 and Local Government (Financial Management) Regulations 2011.

In auditing the internal financial controls, Council's External Auditors have issued an unqualified audit opinion in the *2018-19 Audit Completion Report* providing the following statement:

In our opinion, Adelaide Hills Council has complied, in all material respects, with Section 125 of the Local Government Act 1999 in relation to internal controls established by the Council in relation to the receipt, expenditure and investment of money, acquisition and disposal of property and incurring of liabilities so as to provide reasonable assurance that the financial transactions of the Council have been conducted properly and in accordance with law for the period 1 July 2018 to 30 June 2019.

TERMS OF REFERENCE REVIEW

At its November 2019 meeting, the Committee recommended changes to the Terms of Reference for Council's consideration. The changes were relatively minor acknowledging the likelihood of more significant changes arising from the current Local Government Reform process.

DETAILS OF MEETINGS

During 2019, a total of five (5) Audit Committee meetings were held being:

- 18 February 2019
- 15 April 2019
- 13 May 2019
- 12 August 2019
- 18 November 2019

The above meeting cycle is consistent with the requirements of the Committee's Terms of Reference which requires at least four meetings per year to be held.

The Audit Committee member attendance at meetings during the year was as follows:

Name	Attendance	Comments
Cr Malcolm Herrmann	5/5	Presiding Member
Peter Brass	5/5	
Geoff Purdie	4/5	Apology for August meeting
Paula Davies	5/5	
Cr Leith Mudge	5/5	

FUTURE WORK PROGRAM PROPOSAL

At the 18 November 2019 meeting of the Committee a work plan for 2020 was established. This work plan will ensure that the Committee continues to undertake its principal functions as set out in Section 126(4) of *the Local Government Act 1999* which include:

- reviewing annual financial statements to ensure that they present fairly the state of affairs of the Council;
- proposing, and providing information relevant to, a review of the Council's strategic management plans or annual business plan; and

- Liaising with the Council's auditor.

CONCLUSION

The body of work undertaken by the Committee is continuing to develop over time and the Committee is striving to ensure that its work is useful in the context of contributing to Adelaide Hills Council strategic objectives.

The Committee has also completed a self-assessment of its own performance for continuous improvement and invites Council's feedback on the opportunities for continuing development of the Committee's operations.

Finally, I would like to thank the other members of the Committee for their ongoing efforts in ensuring that the work undertaken is done so at both a highly professional and robust level. I would also like to thank those staff involved in preparing the reports and responding to questions at meetings, as their involvement has significantly aided in the review and decisions of the Committee.

Cr Malcolm Herrmann
Presiding Member
Adelaide Hills Council Audit Committee
21 November 2019

ADELAIDE HILLS COUNCIL
ORDINARY COUNCIL MEETING
Tuesday 17 December 2019
CONFIDENTIAL AGENDA BUSINESS ITEM

Item:	**19.1**
Originating Officer:	**Ebony Priest, Communications Officer**
Responsible Director:	**David Waters, Director Community Capacity**
Subject:	**Citizen of the Year Awards 2020**
For:	**Decision**

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1. Citizen of the Year Award 2020 – 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**
- **Acting Executive Manager Governance & Performance, Steve Watson**
- **Minute Secretary, Pam Williams**

be excluded from attendance at the meeting for Agenda Item 19.1: (Citizen of the Year Award recommendations) in confidence.

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

Section 90(3) (a) of the *Local Government Act 1999*, the information to be received, discussed or considered in relation to this Agenda Item is information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead), the disclosure of which could reasonably be expected to publicise the personal affairs of the Citizen of the Year Award nominees, in that details of their nominations will be discussed.

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

3. Citizen of the Year Award recommendations 2020 – 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, including provision of information on an embargoed basis to the media and to award winners and their nominators, Council, having considered Agenda Item 19.1 in confidence under sections 90(2) and 90(3) (a) of the *Local Government Act 1999*, resolves that an order be made under the provisions of sections 91(7) and (9) of the *Local Government Act 1999* that the report, related attachments and the minutes of Council and the discussion and considerations of the subject matter be retained in confidence until the presentation of the awards on 26 January 2020.

Pursuant to section 91(9)(c) of the *Local Government Act 1999*, Council delegates the power to revoke the confidentiality order either partially or in full to the Chief Executive Officer.

ADELAIDE HILLS COUNCIL
ORDINARY COUNCIL MEETING
Tuesday 17 December 2019
CONFIDENTIAL AGENDA BUSINESS ITEM

Item:	**19.2**
Originating Officer:	**Steven Watson, Acting Executive Manager Governance & Performance**
Responsible Director:	**Andrew Aitken, Chief Executive Officer**
Subject:	**Appointment of East Waste Independent Chair**
For:	**Decision**

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1. Appointment of East Waste Independent Chair – 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**
- **Acting Executive Manager Governance & Performance, Steven Watson**
- **Minute Secretary, Pam Williams**

be excluded from attendance at the meeting for Agenda Item 19.2: (Appointment of East Waste Independent Chair) in confidence.

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

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

3. Appointment of East Waste Independent Chair – Period of Confidentiality

Subject to the CEO, or his delegate, disclosing information or any document (in whole or in part) for the purpose of implementing Council's decision(s) in this matter in the performance of the duties and responsibilities of office, Council, having considered Agenda Item 19.2 in confidence under sections 90(2) and 90(3) (a) of the *Local Government Act 1999*, 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 30 March 2020 or until East Waste advises of the Independent Chairperson appointment whichever occurs earlier.

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.