



ORDINARY COUNCIL MEETING

NOTICE OF MEETING

To: Mayor Jan-Claire Wisdom

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

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

Tuesday 28 January 2020
6.30pm
63 Mt Barker Road Stirling

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

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

Andrew Aitken
Chief Executive Officer



ORDINARY COUNCIL MEETING

AGENDA FOR MEETING
Tuesday 28 January 2020
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
- 3.3. Absent

4. MINUTES OF PREVIOUS MEETINGS

Council Meeting – 17 December 2019

That the minutes of the ordinary meeting held on 17 December 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. Council Boundary Reform
 - 8.1.2. Gumeracha Main Street Masterplan
- 8.2. Deputations
 - 8.2.1. Joe Frank – Internal Review of Council Decision Process
- 8.3. Public Forum

9. PRESENTATIONS (by exception)

- 9.1. Mt Lofty Botanic Gardens re Masterplan
- 9.2. Clayton Church Homes

10. QUESTIONS ON NOTICE

Nil

11. MOTIONS ON NOTICE

- 11.1. Cudlee Creek Bushfire Condolence Message (Cr Green)
Council's thoughts are with those who have been impacted by the December Cudlee Creek Fire, especially those who have lost their homes and livelihood. We are saddened by the loss of a resident in the fire, and we extend our sympathy to family and friends.

The Cudlee Creek Fire threatened people's lives and the emergency and community response was extraordinary. The Council thanks all those involved including people who chose to evacuate, the CFS and farm firefighting units, people who defended their homes, Police and Ambulance officers, community support services like Salvation Army and Red Cross, SES, people initiating community led relief efforts like the Lobethal Recovery Centre, people who provided food, and everyone who supported the response effort in any way.

The loss of life and property is very deeply felt, and if at times words fail us, our thoughts are with everyone who has been impacted.

11.2. Citizen of the Year location (Cr Gill)

The Administration explore the feasibility of rotating the presentation of Citizen of the Year throughout the Council area, commencing January 2021.

That the location be influenced by where the recipient of the Citizen of the Year is from.

That Council recognises that this presentation is a celebration of citizens who make an enormous contribution to the Adelaide Hills community and recipients should be able to be recognised within the local community which has nominated them.

12. OFFICER REPORTS – DECISION ITEMS

12.1. Cudlee Creek Bushfire

- 1. That the report be received and noted.*
- 2. To recognise the impact of the Cudlee Creek Bushfire on the communities within the Adelaide Hills Council district, the Mount Barker District Council, the Rural City of Murray Bridge and the Mid-Murray Council and, in particular, recognises the personal impact on those directly and indirectly affected by the fires.*
- 3. To recognise the exceptional work of the various emergency services, government and non-governmental support agencies, community groups, volunteers and members of the community alike who worked on the bushfire response, and now recovery.*
- 4. To express its sincere thanks and gratitude to those councils, both locally and interstate, which have offered support of various kinds.*
- 5. To continue to commit to the National Principles of Disaster Recovery and acknowledges the long term nature of the recovery effort.*
- 6. To continue to commit to working with other affected councils, government agencies and non-governmental organisations on behalf of its community as part of the local recovery structure including the Local Recovery Coordinator and the Local Recovery Committee.*
- 7. The CEO be authorised to commit expenditure up to an amount of \$2m to support bushfire emergency maintenance and recovery works, noting potential opportunities to offset a large proportion of these costs through various funding sources.*
- 8. That the Chief Executive Officer or delegate continues to provide regular reports to Council Members on the progress of the bushfire recovery effort.*

12.2. Council Boundary Change Survey Responses

- 1. That the report be received and noted.*
- 2. To note that electronic copies of the Council Boundary Change Survey Report have been provided to the residents and ratepayers who participated in the survey and to the Mayor of Campbelltown City Council.*
- 3. To provide the Council Boundary Change Proposal Survey Report at Appendix 1 to the Boundaries Commission, the Minister for Local Government and the Member for Morialta.*

12.3. Draft Public Consultation Policy

- 1. That the report be received and noted.*
- 2. With an effective date of 10 February 2020, to revoke the 8 September 2015 Public Consultation Policy and to approve the Public Consultation Policy as contained in Appendix 1.*
- 3. That the Chief Executive Officer, or delegate, be authorised to make any formatting, nomenclature or other minor changes to the Policy prior to coming into effect.*

12.4. Revocation of Community Land – Bridgewater Retirement Village

- 1. That the report be received and noted*
- 2. Subject to the Supreme Court issuing an order granting approval for a trust variation scheme, a report be prepared and submitted to the Minister for Planning seeking approval to revoke the community land classification of Allotment 220 in Filed Plan No. 8131 known as 511 Mt Barker Road Bridgewater.*
- 3. The Mayor and CEO be authorised to sign all necessary documentation to give effect to this resolution.*

12.5. Naming of Houghton Village Green

- 1. That the report be received and noted*
- 2. To name of the reserve bounded by Horn, Blackhill and Lower North East Road, Houghton as the “Houghton Square”*
- 3. To notify all relevant government authorities of the naming of the reserve*
- 4. To erect a sign on the reserve identifying the name of the reserve, consistent with the updated Council branded signage used at Woorabinda & Bushland Park*
- 5. To install a plaque on the site acknowledging the significant contribution Mr & Mrs Day made to its redevelopment and beautification programme and their subsequent donation of the land.*

12.6. Road Closure adj 307 Scott Creek Road Longwood

- 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 No. 19/0047 attached to this report with Allotment 61 in Filed Plan No. 159338 comprised in Certificate of Title Volume 5776 Folio 896.*
- 3. Subject to the closure of the road identified in the Preliminary Plan attached, that:*
- 4. The closed road be excluded as Community Land pursuant to the Local Government Act 1999; and*
- 5. The piece marked “A” be sold to Mr Paul Reed, the owner of the property with which it is merging for the amount of \$69,500 plus GST (if applicable) and all fees and charges associated with the road closure process.*
- 6. 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.*

- 12.7. Council Member Conduct Policy – Realignment of Complaint Handling Procedure
1. *That the report be received and noted.*
 2. *With an effective date of 11 February 2020, to revoke the 24 November 2015 Council Member Conduct Policy and to adopt the January 2020 Council Member Conduct Policy as per Appendix 1.*
 3. *That the Chief Executive Officer be authorised to make any formatting, nomenclature or other minor changes to the January 2020 Council Member Conduct Policy prior to it coming into effect.*
- 12.8. Development Application Fee Waiver Request – Lobethal & District Aged Homes Inc., Oakbank Racing Club Inc. and Development Application 473/995/19
1. *That the report be received and noted.*
 2. *To approve the waiver of development fees up to \$345 for Lobethal & District Aged Homes Inc. in relation to Development Application 473/566/18 for a development at 8 Woodside Road and 5 Jeffrey Street Lobethal.*
 3. *To approve the waiver of development fees up to \$356 for Oakbank Racing Club Inc. in relation to Development Application 473/1039/19 for a development at 46 Oakwood Road Oakbank.*
 4. *To approve the waiver of \$108.75 in application fees for Development Application 473/995/19 at 115 Institute Road Montacute as a recipient of the South Australian Heritage Grants Program.*
- 12.9. CEO PRP Independent Membership
1. *That the report be received and noted*
 2. *That in relation to the CEO Performance Review Panel:*
 - a. *To undertake a recruitment process for the selection of one Independent Ordinary Member for the CEO Performance Review Panel for a term of 24 months, indicatively commencing 1 March 2020.*
 - b. *To appoint _____, _____ and the Executive Manager Organisational Development as members of the CEO Performance Review Panel Independent Member Selection Panel.*
- 12.10. Code of Practice for Meeting Procedures
1. *That the report be received and noted.*
 2. *That with an effective date of 10 February 2020, to revoke the 22 August 2017 Code of Practice for Council Meeting Procedures and to adopt the draft Code of Practice for Council Meeting Procedures in Appendix 1.*
 3. *That the Chief Executive Officer, or delegate, be authorised to make any formatting, nomenclature or other minor changes to the Code of Practice for Council Meeting Procedures prior to it coming into effect.*
 4. *To request the Adelaide Hills Region Reconciliation Working Group to review the current Opening Statement within the Code and provide advice on its suitability as an Acknowledgement of Country for the commencement of Adelaide Hills Council Ordinary Council meetings.*

- 12.11. Status Report – Council Resolutions Update
Refer to Agenda Item

13. OFFICER REPORTS – INFORMATION ITEMS

Nil

14. MISCELLANEOUS ITEMS

15. QUESTIONS WITHOUT NOTICE

16. MOTIONS WITHOUT NOTICE

17. REPORTS

- 17.1. Council Member Function or Activity on the Business of Council
- 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
Nil
- 18.2. Strategic Planning & Development Policy Committee
Nil
- 18.3. Audit Committee
Nil
- 18.4. CEO Performance Review Panel
Nil

19. CONFIDENTIAL ITEMS

- 19.1. Open Office Pty Ltd Contract Novation Deed

20. NEXT MEETING

Tuesday 25 February 2020, 6.30pm, 63 Mt Barker Road, Stirling

21. CLOSE MEETING

Council Meeting/Workshop Venues 2020

DATE	TYPE	LOCATION	MINUTE TAKER
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 Committee	Stirling	TBA
Tues 21 April	Professional Development	Stirling	N/A
Tues 28 April	Council	Stirling	Pam Williams

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

Community Forums 2020

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 28 January 2020
AGENDA BUSINESS ITEM**

Item: 8.1.1

Originating Officer: Steven Watson, Governance & Risk Coordinator

Responsible Director: Andrew Aitken, CEO

Subject: Petition re proposed boundary changes

For: Decision

SUMMARY

A petition has been received with 61 signatories stating:

“We are Adelaide Hills Council residents/ratepayers and live within the area of the proposed boundary changes initiated by Campbelltown City Council.

We do not want under any circumstance to be incorporated into Campbelltown City Council and be affected by their own requirements in regards to planning and building regulation signage etc.

We understand that the wishes and concerns of residents so affected must be of paramount importance when assessing and deciding on such important issues”.

RECOMMENDATION

Council resolves that the petition signed by 61 signatories, advising that the petitioners from Rostrevor do not want to be incorporated into Campbelltown City Council, be received and noted.

Council has received a petition organised by Jeff Fuller of Rostrevor and signed by 61 signatories.

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

**ADELAIDE HILLS COUNCIL
ORDINARY COUNCIL MEETING
Tuesday 28 January 2020
AGENDA BUSINESS ITEM**

Item: 8.1.2

Originating Officer: Steven Watson, Governance & Risk Coordinator

Responsible Director: Andrew Aitken, Chief Executive Officer

Subject: Gumeracha Main Street Masterplan

For: Decision

SUMMARY

A petition has been received with 13 signatories stating:

We, the undersigned oppose the Protrusion opposite the Gumeracha Child Care Centre and Federation Park at Gumeracha –

1. Takes away at least 2 car parking spaces on either side of Albert Street, Gumeracha
 - a. Limited parking in main part of Albert Street
 - Will Council make any provision for much needed off-street parking?
 - b. Trucks turning off/on Albert Street veer into oncoming traffic

RECOMMENDATION

Council resolves that the petition signed by 13 signatories, concerning the Gumeracha Main Street Masterplan, be received and noted.

Council has received a petition organised by Anne Cooper of Forreston and signed by 13 signatories.

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

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.

**ADELAIDE HILLS COUNCIL
ORDINARY COUNCIL MEETING
Tuesday 28 January 2020
AGENDA BUSINESS ITEM**

Item: 11.1 Motion on Notice

Originating from: Cr Linda Green

Subject: Cudlee Creek Bushfire Condolence Message

1. MOTION

Council's thoughts are with those who have been impacted by the December Cudlee Creek Fire, especially those who have lost their homes and livelihood. We are saddened by the loss of a resident in the fire, and we extend our sympathy to family and friends.

The Cudlee Creek Fire threatened people's lives and the emergency and community response was extraordinary. The Council thanks all those involved including people who chose to evacuate, the CFS and farm firefighting units, people who defended their homes, Police and Ambulance officers, community support services like Salvation Army and Red Cross, SES, people initiating community led relief efforts like the Lobethal Recovery Centre, people who provided food, and everyone who supported the response effort in any way.

The loss of life and property is very deeply felt, and if at times words fail us, our thoughts are with everyone who has been impacted.

2. BACKGROUND

A fire started at Cudlee Creek on 20th December in extreme weather conditions. The CFS responded, Police set up road blocks and advised people to leave. Some people listened to the advice and evacuated, those who stayed fought to protect their, and others' property. As the emergency escalated and properties were impacted, everyone did what they could to protect life and property, providing food, comfort and shelter for those who had lost their homes. Support for each other, too, was an essential part of the emergency response. As we listen to what people did, we feel very deeply for those impacted. We are thankful for each and every response. I encourage Council and everyone to take every opportunity to give thanks for everyone involved in the emergency response.

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

It is appropriate for the Council to formally extend its gratitude and sympathies as described in this motion. A report later in this agenda for this meeting addresses the fire and the Council's response in more detail and provides the Council with the opportunity to make other resolutions in relation to the matter.

**ADELAIDE HILLS COUNCIL
ORDINARY COUNCIL MEETING
Tuesday 28 January 2020
AGENDA BUSINESS ITEM**

Item: 11.2 Motion on Notice

Originating from: Cr Pauline Gill

Subject: Citizen of the Year Presentation Location

1. MOTION

I move that

The Administration explore the feasibility of rotating the presentation of Citizen of the Year throughout the Council area, commencing January 2021.

That the location be influenced by where the recipient of the Citizen of the Year is from.

That Council recognises that this presentation is a celebration of citizens who make an enormous contribution to the Adelaide Hills community and recipients should be able to be recognised within the local community which has nominated them.

2. BACKGROUND

The past two years the recipient of the Citizen of the Year has come from the northern end of the Council and has then been expected to travel to Stirling to receive their award. This has meant they have not been able to celebrate with their communities which can diminish the award for the recipient. While this year concessions were made to ensure the Citizen of the Year was able to celebrate with their community, they had to leave the celebrations early to get to Stirling for the official ceremony. There is a feeling from organisers of smaller Australia Day celebrations that they are losing crowds because there are no major awards given out at their events and people are going to Stirling instead of staying in the local area to celebrate. This is impacting their ability to fundraise towards other projects within the community as most events are hosted by local Lions or Rotary Clubs. This motion seeks to give the Citizen of the Year ceremony back to the community by sharing it around to different communities to host the event.

3. OFFICER'S RESPONSE – Jennifer Blake, Manager Communications Engagement & Events

In recent years, the Citizen of the Year, Young Citizen of the Year and Community Event of the Year Awards have been presented at a single ceremony in Stirling by the Mayor in conjunction with a Citizenship Ceremony. Winners have, however, been given the opportunity to attend any community celebration in the area and to be acknowledged at that celebration as well.

Civic Award recipients are encouraged to attend one of the community celebrations nearest to where they live to receive their award.

The citizenship and awards ceremony at Stirling is organised and managed by the Council, whereas the other celebrations across the district are community run events. Four of these are financially supported by Council; Mylor, Uraidla, Gumeracha and Woodside (\$1,500 each).

The Stirling ceremony has been deliberately timed to avoid clashing with the times of the long standing community celebrations as far as practicable to allow for attendance by award winners, supporters, the Mayor and other Council Members at community celebrations. It is acknowledged, however, that it is sometimes difficult for a recipient of either citizenship or an award to attend both a local community celebration and a formal ceremony at different locations.

The Administration has already commenced discussions with local community celebration organisers with a view to identify challenges and opportunities presented with conducting the citizenship and awards ceremonies at different locations. Should this motion be successful, further work will be done to develop options for enabling award recipients to be recognised in their local community.

**ADELAIDE HILLS COUNCIL
ORDINARY COUNCIL MEETING
Tuesday 28 January 2020
AGENDA BUSINESS ITEM**

Item: 12.1

Originating Officer: Andrew Aitken, Chief Executive Officer

Responsible Director: All Directors

Subject: Cudlee Creek Fire Update

For: Decision

SUMMARY

On Friday 20 December 2019, a fire began in Cudlee Creek which spread through Lenswood, Lobethal, Woodside, Harrogate, Brukunga, Charleston, Mt Torrens and Kenton Valley. The fire remained uncontrolled for a number of days and was not declared contained until 31 December 2019.

In response to the outbreak of the fire, Council's emergency management preparedness level was changed from *alert* mode to *operations* mode. The Designated Commander initiated a full activation of Council's Incident Management Team (CIMT) and established the West Wing Conference Room at Stirling as the Council's Emergency Operations Centre. The CIMT managed all requests for assistance from emergency services and coordinated support services such as road clearing and waste disposal.

At the same time, other Council staff commenced community recovery planning, initiating contact with the State Recovery Office immediately and continuing to work with key government agencies and non-government organisations on relief and recovery activities in the following days and weeks.

Approximately 831 properties were directly affected by fire. Figures to date indicate that 66 homes were lost in the Adelaide Hills Council district, with a further 7 sustaining major damage and 13 with minor damage. Further, 413 outbuildings and 260 vehicles were either damaged or destroyed. There were several burns victims and, tragically, a life was lost.

RECOMMENDATION

Council resolves:

1. That the report be received and noted.
2. To recognise the impact of the Cudlee Creek Bushfire on the communities within the Adelaide Hills Council district, the Mount Barker District Council, the Rural City of Murray Bridge and the Mid-Murray Council and, in particular, recognises the personal impact on those directly and indirectly affected by the fires.

3. To recognise the exceptional work of the various emergency services, government and non-governmental support agencies, community groups, volunteers and members of the community alike who worked on the bushfire response, and now recovery.
 4. To express its sincere thanks and gratitude to those councils, both locally and interstate, which have offered support of various kinds.
 5. To continue to commit to the National Principles of Disaster Recovery and acknowledges the long term nature of the recovery effort.
 6. To continue to commit to working with other affected councils, government agencies and non-governmental organisations on behalf of its community as part of the local recovery structure including the Local Recovery Coordinator and the Local Recovery Committee.
 7. The CEO be authorised to commit expenditure up to an amount of \$2m to support bushfire emergency maintenance and recovery works, noting potential opportunities to offset a large proportion of these costs through various funding sources.
 8. That the Chief Executive Officer or delegate continues to provide regular reports to Council Members on the progress of the bushfire recovery effort.
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1. GOVERNANCE

➤ Strategic Management Plan/Council Policy

Strategic Plan: Organisational Sustainability

Strategies: Financial Sustainability
Risk and Responsibility

➤ Legal Implications

Sections 6, 7 and 8 of the *Local Government Act 1999*, set out the principal roles of, functions of, and principles to be observed by, councils.

In particular, 7(d) contains a function “to take measures to protect its area from natural and other hazards and to mitigate the effects of such hazards”

The *Emergency Management Act 2004* defines no specific role for local government in emergency management, but the principles contained in Section 2 include that emergency management arrangements must:

- (b) reflect the collective responsibility of all sectors of the community, including both State and local government, the business and non-government sectors, and individuals; and
- (c) recognise that effective arrangements require a co-ordinated approach from all sectors of the community, including both State and local government, the business and non-government sectors, and individuals.

Disasters, such as the Cudlee Creek fire, divert resources and energy away from other normal activities of a council and can therefore pose challenges to meeting other legislative obligations.

➤ **Risk Management Implications**

Prudent decision making in determining the level and type of initiatives undertaken in the recovery phases of the fire will assist in mitigating the risk of:

Inability to discharge the role and functions of a local government entity leading to a loss of community confidence

Inherent Risk	Residual Risk	Target Risk
Extreme (5C)	High (5E)	High (5E)

➤ **Financial and Resource Implications**

Council will incur significant direct costs in the current financial year as a result of the Cudlee Creek Fire. Every attempt will be made to recover as much as possible through government disaster funding arrangements, other relief funding and insurance. Any expenditure not recovered will ultimately have to be borne within the Adelaide Hills community by ratepayers.

This report seeks authorisation for the CEO to commit expenditure up to an amount of \$2m to support bushfire emergency maintenance and recovery works, noting potential opportunities to offset a large proportion of these costs through various funding sources. It should be noted that at this time expenditure of approximate \$1 million has already been incurred, and that indirect costs will also arise in the form of diverted resources and in previously planned projects being delayed or cancelled.

Costs in future years have yet to be estimated, but are likely to be substantial given the scale of the bushfire event and the long term nature of recovery initiatives.

The Council has access to the South Australian Government Disaster Assistance Arrangements to help manage costs associated with “eligible expenses” following a natural disaster. In simple terms, financial assistance becomes available at a rate of 50% for Council expenditure (over and above normal operating costs) exceeding a threshold of 2% of rate income. Assistance increases to 75% for expenditure exceeding 3.5% of rate income.

In turn, the State Government has access to similar Commonwealth Government arrangements.

Council Members will be aware of the Prime Minister’s announcement on 9 January 2020 that specified councils suffering severe impacts from bushfires will receive an immediate \$1million payment to assist with disaster recovery costs. This payment was made via the State Governments under the federal disaster recovery funding arrangements. Adelaide Hills Council has received the payment.

Although details of the funding criteria are still being sought, it is understood that the Council will need to specify a program of initiatives to be undertaken with the funding within three months. Proposals will need to be developed and put to the Council for consideration in the coming weeks.

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

Clearly a disaster of this magnitude affects people across the region – both directly and indirectly. Beyond the obvious impacts of homelessness, physical and psychological trauma, loss of productivity and decreased tourist visitation, there are less obvious impacts including breakdown in social networks, strain on relationships and potential loss of employment as people focus expenditure on essential needs.

It is important to recognise that people affected exist not only in local geographic communities, but also in communities of interest. Both are a focus in a sound community recovery process.

➤ **Environmental Implications**

There has been significant loss of flora, fauna and habitat across the fire ground. Of note is Lobethal Bushland Park, which was completely burnt through. This site and others not only contained high value biodiversity, but provided opportunities for active lifestyles through bushwalking and social connections through bushcare work. It will be a significant task to fully assess the impact of the fire on Council's conservation reserves and to fully understand the imminent risks associated with weed incursion, soil erosion and others factors.

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

Council Committees: Not Applicable

Council Workshops: A Council workshop was held on 14 January 2020 where Council Members were briefed on the role Council played in the emergency response, received information from Australian Red Cross on disaster recovery and communicating with disaster survivors, and received a briefing on early stage recovery activities and longer term recovery planning.

Advisory Groups: Not Applicable

Administration: Director Development and Regulatory Services
Director Infrastructure and Operations
Director Community Capacity
Director Corporate Services
Manager Waste and Emergency Management
Manager Civil Services
Manager Open Space
Manager Property Services
Biodiversity Officer
GIS & Asset Management Officer

Community: Nil

2. BACKGROUND

During an incident, the Council supports the South Australian emergency management arrangements by:

- Managing Council's own assets and services to the community
- Supporting emergency services and control agencies in response to an emergency
- As requested or offered, making council assets available including facilities for refuge and relief
- Providing local knowledge to support responses to emergencies
- Helping other councils impacted by an emergency as a participating agency in the Local Government Functional Support Group
- Supporting the community during recovery.

Over the last two years, the Administration has been developing and refining the emergency management arrangements to assist in dealing with a disaster event. An 'all-hazards' approach has been taken in developing these arrangements which are based on the four stages of the disaster management lifecycle being: prevention, preparedness, response and recovery. Considerable resources have been dedicated to the prevention and preparedness stages in recent years.

To enable this, Council has in place an *Incident Operations Manual* (the Manual) which outlines how Council will manage its **response** to emergencies in support of the State Emergency Management Arrangements. A key component of the Manual is an Incident Management Team, which has the following designated roles:

- Council Commander
- CIMT Operations
- CIMT Communications
- CIMT Safety Advisor
- CIMT Planning
- CIMT Logistics
- CIMT Admin' Support

The Manual also defines four functional modes of preparedness level as follows:

- Standby
- Alert
- Operations
- Restore

The Manual also provides for Council Commanders who have overall responsibility for managing Council's response to an emergency event. There are a wide range of other key support and specialist roles which also enable our response and management of emergency management situations. The Manual is predominantly a response document, however noting the importance of community recovery, the Manual does include early stage recovery elements such as re-establishing waste services and the clearing of roads.

Although the Council has no specific plan outlining its role in the **recovery** phase of an emergency, national and state based guidelines exist and these are used as a reference.

3. ANALYSIS

Incident response

The level of Council's emergency management preparedness was changed from *standby* mode to *alert* mode on 18 December 2019 by the Council Commander due to declared extreme fire danger in the Mount Lofty Ranges forecast for 18 December 2019. On 19 December 2019, the level of preparedness was maintained at *alert* mode to due to forecast catastrophic fire conditions on 20 December 2019.

When the Cudlee Creek Fire started, the Council's level of preparedness was moved from *alert* mode to *operations* mode and the CIMT was activated. CIMT shifts were in place overnight into Saturday, and continued from 7am-7pm daily until 31 December 2019 when the CIMT was deactivated in line with other key agencies once the fire was declared *contained*. Council's level of emergency management preparedness moved to *restore* mode and then to *standby* mode on 6 January 2020.

The CIMT functioned extremely well, and was ably supported by a wide range of other field and office staff. At the same time, other staff continuing on with usual Council business provided support where possible and fielded many queries from affected residents, community members and groups.

The CIMT, guided by the Manual, worked collaboratively with the Local Government Functional Support Group and other councils to coordinate response activities to achieve the best possible outcome under the circumstances.

There were many key focus areas of activity which Council were either supporting or referring affected community to other agencies to provide support for, not the least of which are tree assessment and clearance, road assessments, establishment of fire control lines, waste management, inter-agency collaboration, communication, rostering and fatigue management, contractor coordination, and animal management.

The Administration recognised very early on that there was potential to salvage timber that was being removed as a result of the fire. Currently all of the salvaged material is being stored and processed on a Council site at Mount Charles (former landfill site). The processing includes sorting the product into pieces that can be used for firewood with the remaining being ground down into mulch (this mulch is a rough product and not suitable for garden use). The Administration is also investigating the viability of keeping some suitable pieces for use in a community activity as part of the recovery process, for instance, turning some timber into community memorial pieces.

Community recovery

As mentioned earlier, Council took steps to initiate recovery activity on the day the fire started. In the early days, actions focussed on building awareness of the impacts of the fire and liaison with state government agencies and non-government organisations as they mobilised to provide relief and recovery services.

Although tree assessment and road clearance were managed through the CIMT, it should be recognised as one of the immediate recovery activities undertaken by Council as it restored an essential service (road access) to communities. Likewise, immediate action was taken to restore waste management services. Skip bins were provided in townships for the disposal of household waste where people had lost kerbside bins or where safe access to waste collection vehicles was not possible. East Waste accessed supplies of bins and expedited delivery to those requiring replacements.

Much of the early recovery activity involved liaison with government and non-government bodies seeking local information and advice, venue facilitation, connections to local community members and trouble-shooting. The Administration worked with the State Recovery Office to identify and set up a suitable location within the community for a Recovery Centre and this was subsequently established at Fabrik in Lobethal. The Council has had a dedicated Customer Service Officer and a Planner at the Centre to provide immediate support to those presenting with Council-related queries.

A number of non-government organisations have been supported, including a payment of \$5,000 to support the establishment of a BlazeAid camp at Lobethal.

Liaison arrangements are in place with key industry representative bodies such as Adelaide Hills Wine Region, the Apple and Pear Growers' Association of South Australia and Adelaide Hills Tourism, to ascertain the impact of the fire on their stakeholders and to assist where possible with connections through to recovery support services.

The Council has used its strong relationship with Australian Red Cross to facilitate training sessions, including *Supporting the Supporters*, a session held for people who are supporting those impacted by the fire. The Administration in the process of arranging sessions for the broader community, including those directly impacted, at the appropriate stages of the recovery process.

Waste management has arisen as a key area of focus in early stage recovery. Council is holding additional free green organics drop-off days (for the whole community) and providing special roadside hardwaste collection services and tip-passes for those affected by the fires. The Environment Protection Authority (EPA) has identified asbestos, treated pine posts, fencing wire, irrigation pipe and farm chemicals as the key waste streams needing particular focus. The Administration is working with the EPA and other agencies on schemes to manage the safe disposal of each.

A number of people have made early enquiries about rebuilding and temporary accommodation on their properties. The Council's Manager Development Services is actively participating on a sub-committee looking at housing reconstruction and temporary accommodation. It can be expected that the initial stream of reconstruction development applications will be for sheds and other outbuildings associated with farming as primary producers look to get business back on track.

Housing development is likely to be spread over a much longer period of time (years) as people work through insurance processes and contemplate whether or not to rebuild, and what form their rebuild may take. At this stage there has been no move by the State Government to bring in special regulations to alter the normal planning and development rules and processes. In principle, the Administration will be looking to fast-track applications for rebuilding in the fire affected area and are currently looking into the resource implications likely with the influx of applications.

The Council's role in providing leadership and comfort to the community should not be understated. The Mayor and Councillors have shown a regular presence across the affected area and contributed to instilling a sense of hope and support, as well as practical help through referral and following-up for those in need.

During the incident and continuing into the recovery process, the Mayor has provided updates to the media, and thereby, the community and been a voice for the Adelaide Hills community on the implications and effects of the bushfire.

The National Principles of Disaster Recovery provide an important basis for approaching community recovery. Successful recovery relies on these six principles:

- understand the context
- recognise complexity
- use community-led approaches
- coordinate all activities
- communicate effectively
- recognise and build capacity

Council Members were provided with further detail on the principles at the workshop held on 14 January 2020.

The following four domains are recognised as providing a good basis upon which to identify the impacts of any disaster and to plan recovery activities:

1. Social
2. Environmental
3. Economic
4. Infrastructure/built

While some agencies and organisations have a focus on one or two domains, councils typically operate across all four. As such, the Council's *Recovery Action Plan*, which needs to be adaptive and develop over time, will need to identify agreed objectives for each domain and actions against each objective. It is crucial to recognise and regularly review the Council's role in recovery; sometimes the Council is a direct provider of recovery services (like restoring waste services) but often the Council is a facilitator (venues for meetings), referral agency (connecting impacted people to services) or partner (community events).

One of the key roles the Council plays is as a member of the Local Recovery Committee. A number of Council Members were invited onto the Committee by the Local Recovery Coordinator to provide local community input, while the Director Community Capacity participates as the Council's 'agency representative'. The Mayor and CEO are ex-officio members of the Committee.

The recovery process is going to be a long and complex one for the Adelaide Hills community. The Council has a good track record of supporting its community through this process and is on a sound footing for doing so again on this occasion.

4. OPTIONS

The Council has the following options:

- I. To receive the report and support the recommendations as outlined (Recommended)
- II. Resolve to not receive the report and support the recommendations as outlined (Not Recommended)

5. APPENDIX

Nil

**ADELAIDE HILLS COUNCIL
ORDINARY COUNCIL MEETING
Tuesday 28 January 2020
AGENDA BUSINESS ITEM**

Item:	12.2
Originating Officer:	Lachlan Miller, Executive Manager Governance & Performance
Responsible Director:	Andrew Aitken, Chief Executive Officer
Subject:	Council Boundary Change Proposal Survey Results
For:	Decision

SUMMARY

In January 2019, Campbelltown City Council (CCC) lodged a Council Boundary Change Proposal to the Boundaries Commission for the boundary between CCC and Adelaide Hills Council (AHC) to be realigned to the eastern and southern side of Woodforde and Rostrevor suburbs, effectively moving those suburbs into CCC's area.

On 3 September 2019, a community information meeting was held at Rostrevor College for anyone who wanted to know more about the Council Boundary Change Proposal. The community meeting was attended by approximately 122 members of the local community.

On 24 September 2019, AHC resolved to undertake a survey of residents and ratepayers of the areas of Rostrevor and Woodforde affected by the CCC boundary change proposal. The purpose of the survey was to determine the level of support for the proposal in the community.

In November 2019 AHC residents and ratepayers in Woodforde and Rostrevor were invited to complete a short survey regarding the Council Boundary Change Proposal. The survey was accompanied with a document setting out key information relating to the potential impacts of the proposed boundary change. The survey was available online from the AHC website and in hard-copy from 25 November 2019 until 8 December 2019.

In summary, 268 survey responses were received from Rostrevor and Woodforde residents and from absentee landlords. The majority of all respondents (68%) were against the boundary change proposal with variations in the level of support between the two suburbs.

The purpose of the report is to provide Council with the results of the survey and to seek direction with regards to the further distribution of the Survey Report (**Appendix 1**).

RECOMMENDATION

Council resolves:

1. That the report be received and noted.
 2. To note that electronic copies of the Council Boundary Change Survey Report have been provided to the residents and ratepayers who participated in the survey and to the Mayor of Campbelltown City Council.
 3. To provide the Council Boundary Change Proposal Survey Report at Appendix 1 to the Boundaries Commission, the Minister for Local Government and the Member for Morialta.
-

1. GOVERNANCE

➤ Strategic Management Plan/Council Policy

Goal 4 Explore
Strategy 4.5 We will work with neighbouring councils and stakeholders to ensure Council boundaries best serve our communities.

Goal: Organisational Sustainability
Strategy: Governance

Goal: Organisational Sustainability
Strategy: Financial sustainability

➤ Legal Implications

Chapter 3 – Constitution of councils, Part 2 – Reform proposals of the *Local Government Act 1999* (the Act) sets out the provisions applying to the initiation, investigation, assessment, governance and decision making regarding reform proposals including, but not limited to, boundary alignment proposals.

➤ Risk Management Implications

Realignment of Council boundaries bordering Campbelltown City Council leading to financial, resource allocation, social and representation changes

Inherent Risk	Residual Risk	Target Risk
High (2B)	High (2B)	Medium

Council has very limited ability to manage (control) the financial risks associated with a reform proposal. Risk planning will be more focused on mitigating the potential impacts should a proposal be accepted.

➤ Financial and Resource Implications

There are no direct costs associated with this report. In resolving to conduct the survey Council allocated \$10,000 to fund survey costs. While the costs associated with conducting the survey are yet to be finalised, the estimated total cost is \$5,194.

Costs associated with a boundary reform process (as opposed to outcomes of boundary reform) are borne by the initiating council(s).

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

The results of the survey clearly demonstrate the community preferences in the affected areas in relation to the Boundary Change Proposal. It should be noted that the entire populations of both councils will be affected if the Proposal comes into effect.

➤ **Environmental Implications**

There are no direct environmental implications from this report however there may be implications from boundary realignment.

➤ **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: Nil

Advisory Groups: Not Applicable

Administration: Manager Communications, Engagement and Events,
Community Engagement Coordinator

Community: Council Boundary Change Proposal Survey Participants.

2. BACKGROUND

Woodforde/Rostrevor Boundary Change Proposal

At its 26 February 2019 meeting, Council received a report regarding the new boundary reform legislation and the Campbelltown City Council's 22 January 2019 resolution to authorise staff to submit a Stage 1 Boundary Realignment Proposal to the Boundaries Commission regarding the Woodforde and Rostrevor boundary.

The proposal (in summary) is for the boundary between CCC and AHC to be realigned to the eastern and southern side of Woodforde and Rostrevor suburbs respectively, effectively moving those suburbs into CCC.

On 6 May 2019, Council received correspondence from the Chair of the SA Local Government Boundaries Commission advising that the Commission had considered CCC's Stage 1 proposal at its 21 March 2019 meeting and determined that CCC may refer a Stage 2 general proposal to the Commission. The Chair further advised that the Commission had encouraged CCC to contact AHC to discuss the proposal.

At its 18 June 2019 Ordinary meeting, CCC considered a report seeking endorsement for submission of Stage 2 of the Boundary Realignment Proposal to the Commission. While the minutes had not been publically released at the time of writing this report, advice from the CCC Administration is that the Council resolved to authorise the staff to prepare and submit the proposal.

A community information meeting was held at Rostrevor College on 3 September for anyone who wanted to know more about the Council Boundary Change Proposal. The community meeting was attended by approximately 122 members of the local community. A copy of the presentation and minutes from the meeting can be accessed here: <https://engage.ahc.sa.gov.au/boundaryreview2>.

At its 24 September 2019 meeting Council resolved the following motions:

11.1 Boundary Reform Proposal Engagement

Moved Cr Pauline Gill
S/- Cr John Kemp

245/19

Council resolves to:

1. Continue to engage with the affected residents and ratepayers of Rostrevor and Woodforde to keep them informed on the progress of the Campbelltown City Council Boundary Realignment Proposal
2. Request Campbelltown City Council to provide Adelaide Hills Council with their project plan and their engagement plans (or equivalents) for the development and lodgement of the Stage 2 Boundary Realignment Proposal
3. Defer the provision of further assistance to Campbelltown City Council regarding the Stage 2 Boundary Realignment Proposal pending the receipt of the requested project plan and engagement plan.

Carried Unanimously

Consistent with Council's resolution a request was made to CCC for copies of their project plan and their engagement plan. These were provided and there have been a number of pieces of correspondence between the councils regarding these documents and the requests that CCC has made for information from AHC to facilitate the development of their Stage 2 Submission to the Boundaries Commission.

11.2 Boundary Reform Proposal Survey of Residents in Rostrevor & Woodforde

Moved Cr Nathan Daniell

S/- Cr Ian Bailey

246/19

- 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.**

Carried Unanimously

Council Boundary Change Proposal Survey

The Council Boundary Change Survey (the Survey) was developed in consultation with an external Stakeholder Engagement Specialist to minimise any bias in terms of survey design and/or response analysis.

The Survey was distributed by hand via a third party distribution company to all properties in the proposed boundary change zone (including residents and businesses). In addition, the Survey was also posted to all property owners who had a postal address outside the boundary change zone (i.e. absentee landlords).

Processes were put in place to avoid the potential for multiple surveys to be received from the some respondent(s).

The Survey pack included a fold-out information sheet, single page survey and reply-paid envelope. The fold out information sheet contained:

- Project summary
- Boundary change proposal map
- Boundary change process diagram
- Overview of key points of interest between AHC and CCC
- Links to policies and reports on each council's website
- Planning policy comparisons between AHC and CCC.

The Survey and accompanying background information was also made available online on Council's engagement portal.

The Survey asked the following questions:

- Name, address, phone and year of birth
- Do you support the Campbelltown City Council's boundary change proposal? (yes/ no/ undecided/ no preference)
- Why do you say that?
- What are your top three areas of interest about the council boundary change proposal?
- Do you have any further comments about the Campbelltown City Council's boundary change proposal that you would like Adelaide Hills Council?

3. ANALYSIS

The full survey results are contained in the Survey Outcomes Report at **Appendix 1**.

In summary, the results are as follows:

- 268 respondents (174 on-line, 76 hard copy and 18 email)
- 47% of respondents were from Rostrevor (AHC component), 41% Woodforde and 12% from other suburbs (absentee landlords)
- 65% of respondents were against the boundary change proposal, 28% in favour, 5% undecided and 2% no preference. The percentages in favour/against the proposal vary between the suburbs.
- Key issues of concern for those respondents in favour are: community services, rates, footpaths, road and park maintenance.
- Key issues for those respondents against are: planning and development, environmental sustainability, council rules and regulations and climate change.

As identified in the Background section, the analysis of the survey results was conducted by an external Stakeholder Engagement specialist to mitigate perceptions of bias, given Council's interest in the matter.

In addition to the full Survey Report, a one-page summary has also been prepared.

Distribution of these documents will include posting these on the Council's engagement site, emailing survey participants and posting copies to anyone who did not provide an email address following the publication of the Council Agenda.

In addition, a copy of the full Survey Report will be provided to the CCC Mayor following the publication of the Council Agenda.

Council may wish to consider the recommendation to provide copies to the Boundaries Commission, the Minister for Local Government and the Member for Morialta (this State electorate contains the affected suburbs of Rostrevor and Woodforde).

4. OPTIONS

Council has the following options:

- I. Approve the proposed recommendation regarding consultation report distribution (Recommended)
- II. To determine alternative courses of action.

5. APPENDIX

- (1) Council Boundary Change Proposal – Survey Report – January 2020

Appendix 1

*Council Boundary Change Proposal – Survey Report –
January 2020*

2020



COUNCIL BOUNDARY CHANGE PROPOSAL

SURVEY OUTCOMES REPORT

Council Boundary Change Proposal Survey Analysis

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Quick summary

Purpose of this report

This report contains a summary of feedback received as part of the Council Boundary Change Proposal Survey undertaken in November/ December 2019. The intention is for a summary document and this longer report to be made available to anyone who participated in the survey.

Background

In January 2019 Campbelltown City Council (CCC) put forward a Council Boundary Change Proposal to the Boundaries Commission for the boundary between CCC and Adelaide Hills Council (AHC) to be realigned to the eastern and southern side of Woodforde and Rostrevor suburbs, effectively moving those suburbs into CCC's area.

A community information meeting was held by AHC at Rostrevor College on 3 September for anyone who wanted to know more about the Council Boundary Change Proposal. The community meeting was attended by approximately 122 members of the local community. A copy of the presentation and minutes from the meeting can be accessed here:

<https://engage.ahc.sa.gov.au/boundaryreview2>

In September 2019 AHC decided to undertake a survey of residents and ratepayers of the areas of Rostrevor and Woodforde affected by the CCC boundary change proposal. The purpose of the survey was to determine the level of support for the proposal in the community.

In November 2019 AHC residents and ratepayers in Woodforde and Rostrevor were invited to complete a short survey about the Council Boundary Change Proposal. The survey was accompanied with a document setting out key information relating to the potential impacts of the proposed boundary change.

The survey was available online from the AHC website and in hard-copy from 25 November 2019 until 8 December 2019 for those invited to participate.

Snapshot of results

We received 268 survey responses during the consultation. Here's a snapshot of the feedback received:

- 65% of all respondents are against the boundary change proposal
- 28% of respondents are in favour of it
- 7% are undecided or have no preference
- A large majority (81%) of **Rostrevor** respondents are against boundary change and 15% are in favour
- A small majority of **Woodforde** residents and those living in other Council areas (i.e. absentee landlords) who responded to the survey indicated that they are against boundary change (52%), balanced against an average of 42% being in favour.
- The key issues of interest for those **against** boundary change are: planning and development, environmental sustainability, council rules and regulations and climate change.
- For those in **favour** of boundary reform they key issues of interest are: community services, rates, footpaths, road and park maintenance.

1. Council Boundary Change Proposal Zone

CCC proposes to move the boundary eastwards so that the parts of Rostrevor and Woodforde that are currently in AHC, move to the CCC area in their entirety (see Figure 1 below).

Figure 1: Council Boundary Change Proposal Zone



2. Survey approach

In November 2019 Adelaide Hills Council residents and ratepayers in Woodforde and Rostrevor (including absentee landlords) were invited to complete a short survey about the Council Boundary Change Proposal.

The survey was available online from the AHC website and in hard-copy from 25 November 2019 until 8 December 2019.

What we asked

- Name, address, phone and year of birth
- Do you support the Campbelltown City Council's boundary change proposal? (yes/ no/ undecided/ no preference)
- Why do you say that?
- What are your top three areas of interest about the council boundary change proposal?
- Do you have any further comments about the Campbelltown City Council's boundary change proposal that you would like Adelaide Hills Council?

Distribution

The survey was distributed by hand via a third party distribution company to all properties in the proposed boundary change zone (including residents and businesses). In addition, the survey was also posted to all property owners who had a postal address outside the boundary change zone (i.e. absentee landlords).

Survey pack contents

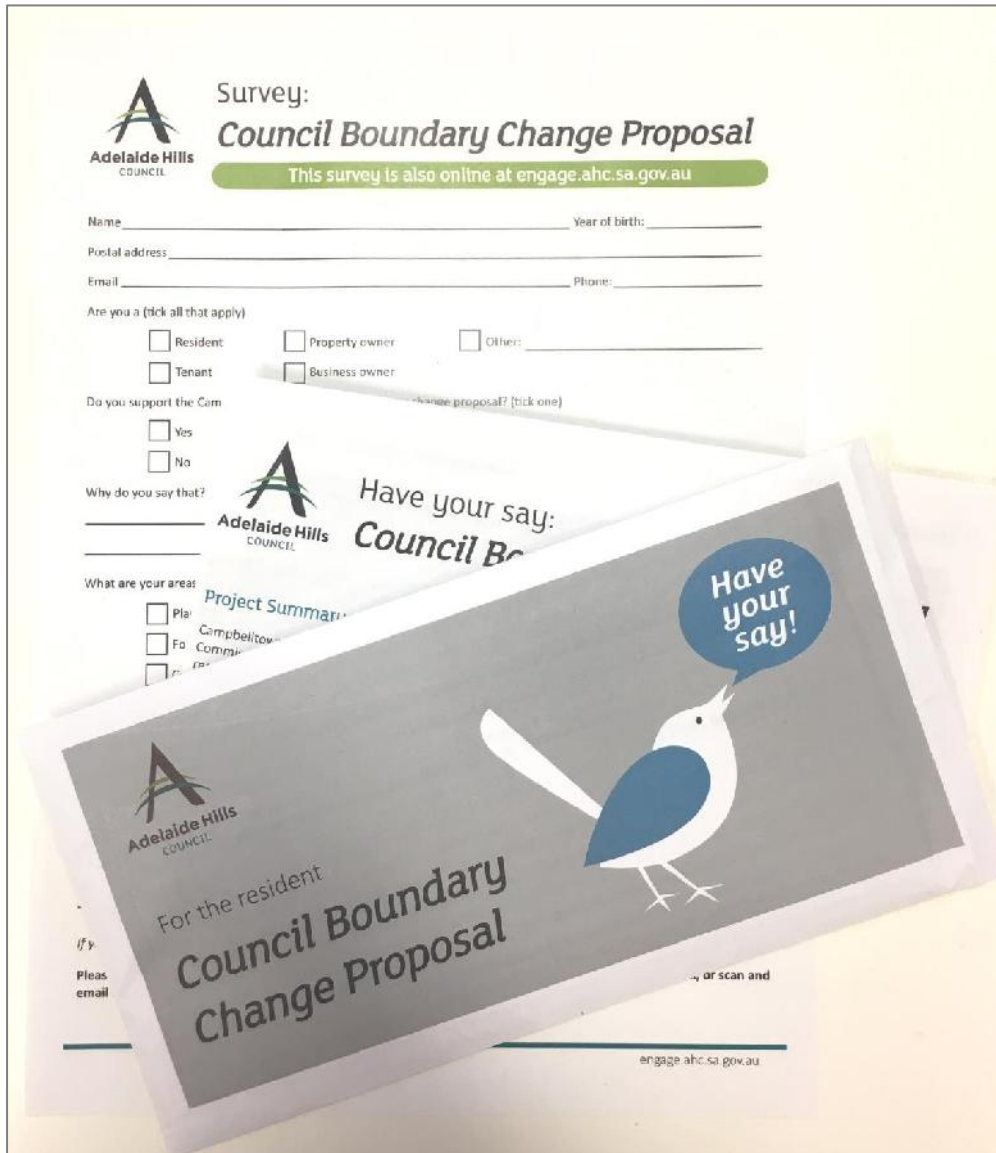
The survey pack included a fold-out information sheet, single page survey and reply-paid envelope (Refer to Appendix A).

The fold-out information sheet contained:

- Project summary
- Boundary change proposal map
- Boundary change process diagram
- Overview of key points of interest between AHC and CCC
- Links to policies and reports on each council's website
- Planning policy comparisons between AHC and CCC.

To help the survey pack stand out amongst other mail it was packaged in a brightly designed envelope (see Figure 2).

Figure 2: Survey pack distributed to boundary change zone



Adelaide Hills COUNCIL

Survey:
Council Boundary Change Proposal

This survey is also online at engage.ahc.sa.gov.au

Name _____ Year of birth: _____

Postal address _____

Email _____ Phone: _____

Are you a (tick all that apply)

☐ Resident ☐ Property owner ☐ Other: _____

☐ Tenant ☐ Business owner

Do you support the Council Boundary Change proposal? (tick one)

☐ Yes ☐ No

Why do you say that?

Adelaide Hills COUNCIL Have your say:
Council Boundary Change Proposal

What are your areas of interest? (tick one)

☐ Plains ☐ Campbelltown ☐ Forestville ☐ Other: _____

Adelaide Hills COUNCIL

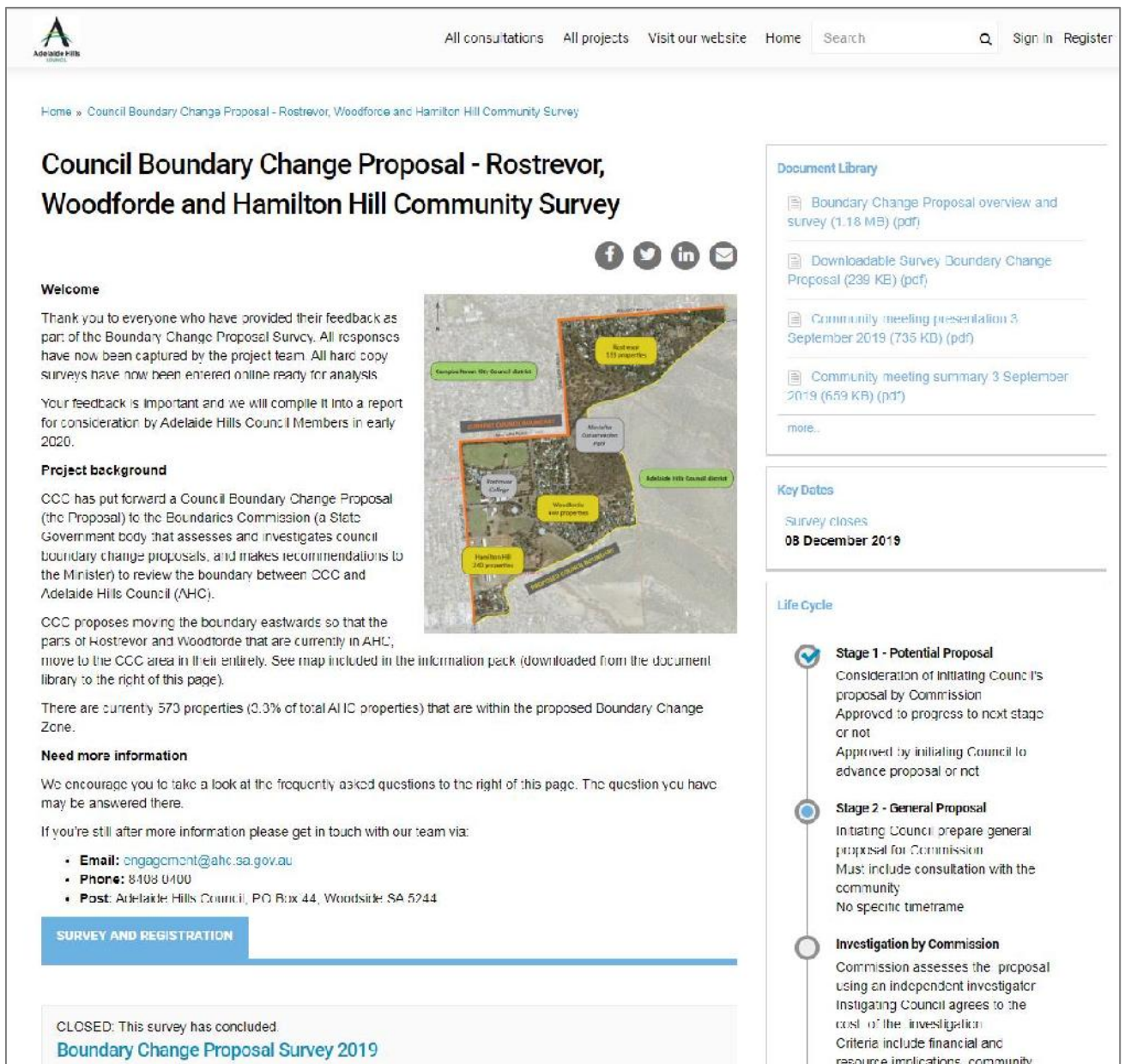
For the resident
Council Boundary Change Proposal

Have your say!

engage.ahc.sa.gov.au

The survey and accompanying background information was also made available online on our engagement portal engage.ahc.sa.gov.au

Figure 3: Engagement website home page



The screenshot shows the Adelaide Hills Council website's engagement portal for the Council Boundary Change Proposal survey. The page features a navigation bar with links to 'All consultations', 'All projects', 'Visit our website', 'Home', and a search bar. The main heading is 'Council Boundary Change Proposal - Rostrevor, Woodforde and Hamilton Hill Community Survey'. A 'Welcome' section thanks participants and states that responses have been captured. A 'Project background' section explains the proposal to move the boundary eastwards. A 'Need more information' section provides contact details for email, phone, and post. A 'SURVEY AND REGISTRATION' button is visible. On the right, there is a 'Document Library' with links to the survey overview, downloadable survey, community meeting presentation, and summary. Below that is a 'Key Dates' section stating the survey closes on 08 December 2019. A 'Life Cycle' section outlines the stages: Stage 1 - Potential Proposal, Stage 2 - General Proposal, and Investigation by Commission.

Council Boundary Change Proposal - Rostrevor, Woodforde and Hamilton Hill Community Survey

Welcome

Thank you to everyone who have provided their feedback as part of the Boundary Change Proposal Survey. All responses have now been captured by the project team. All hard copy surveys have now been entered online ready for analysis.

Your feedback is important and we will compile it into a report for consideration by Adelaide Hills Council Members in early 2020.

Project background

CCC has put forward a Council Boundary Change Proposal (the Proposal) to the Boundaries Commission (a State Government body that assesses and investigates council boundary change proposals, and makes recommendations to the Minister) to review the boundary between CCC and Adelaide Hills Council (AHC).

CCC proposes moving the boundary eastwards so that the parts of Rostrevor and Woodforde that are currently in AHC, move to the CCC area in their entirety. See map included in the information pack (downloaded from the document library to the right of this page).

There are currently 573 properties (0.3% of total AHC properties) that are within the proposed Boundary Change Zone.

Need more information

We encourage you to take a look at the frequently asked questions to the right of this page. The question you have may be answered there.

If you're still after more information please get in touch with our team via:

- **Email:** engagement@ahc.sa.gov.au
- **Phone:** 8408 0400
- **Post:** Adelaide Hills Council, PO Box 44, Woodside SA 5244

SURVEY AND REGISTRATION

Document Library

- Boundary Change Proposal overview and survey (1.18 MB) (pdf)
- Downloadable Survey Boundary Change Proposal (239 KB) (pdf)
- Community meeting presentation 3 September 2019 (735 KB) (pdf)
- Community meeting summary 3 September 2019 (659 KB) (pdf)
- more...

Key Dates

Survey closes
08 December 2019

Life Cycle

- Stage 1 - Potential Proposal**
Consideration of Initiating Council's proposal by Commission
Approved to progress to next stage or not
Approved by Initiating Council to advance proposal or not
- Stage 2 - General Proposal**
Initiating Council prepare general proposal for Commission
Must include consultation with the community
No specific timeframe
- Investigation by Commission**
Commission assesses the proposal using an independent investigator
Initiating Council agrees to the cost of the investigation
Criteria include financial and resource implications, community

CLOSED: This survey has concluded.
Boundary Change Proposal Survey 2019

Participants could also choose to register online to be kept informed about the project via email updates.

3. Survey responses

As shown in Table 1, 268 people completed the survey during the engagement timeframe (25 November to 8 December 2019).

Table 1: Survey response type

Survey response type	Number
Online engage.ahc.sa.gov.au	174
Hard copy Posted back to Council or hand delivered to Customer Service Centre	76
Emailed as attachment engagement@ahc.sa.gov.au	18
Total	268

When looking at the location of respondents there were:

- 126 respondents in Rostrevor (47% of the total number of survey respondents)
- 109 respondents in Woodforde (41% of the total number of survey respondents)
- 33 respondents from other suburbs (12% of the total number of survey respondents).

Response numbers by location are shown in Figure 4 below.

Figure 4: Map of responses



4. Boundary change proposal analysis

All responses received by 8 December were analysed (including emails, hard copy surveys and online responses).

Overarching sentiment

Across all survey responses, 65% are against the boundary reform proposal, which represents a majority. However it should be noted that there are clear differences between Rostrevor and Woodforde respondents.

Respondents from Rostrevor are against boundary reform by a large majority.

These percentages are underpinned by the detailed survey analysis and feedback from open response questions stemming from Rostrevor.

Responses from Woodforde fall into two groups:

- Respondents who feel similarly to Rostrevor respondents against boundary reform and cite similar concerns and issues
- Respondents who support boundary reform.

The numbers of respondents in Woodforde against boundary reform still outweigh those in favour (52% against versus 42% in favour).

The overall tone of feedback received, with some exceptions, in responses from Woodforde and other suburbs is also considered less emphatic and impassioned compared to responses from Rostrevor.

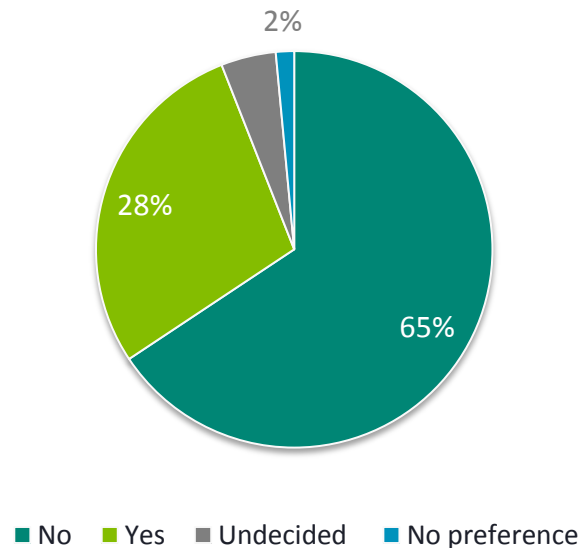
The key issues of interest for those against boundary reform are planning and development, environmental sustainability, council rules and regulations and climate change.

For those in favour of boundary form, it is community services, rates, footpaths, road and park maintenance.

The analysis to follow provides detailed findings and insights.

Figure 5: Overall survey results

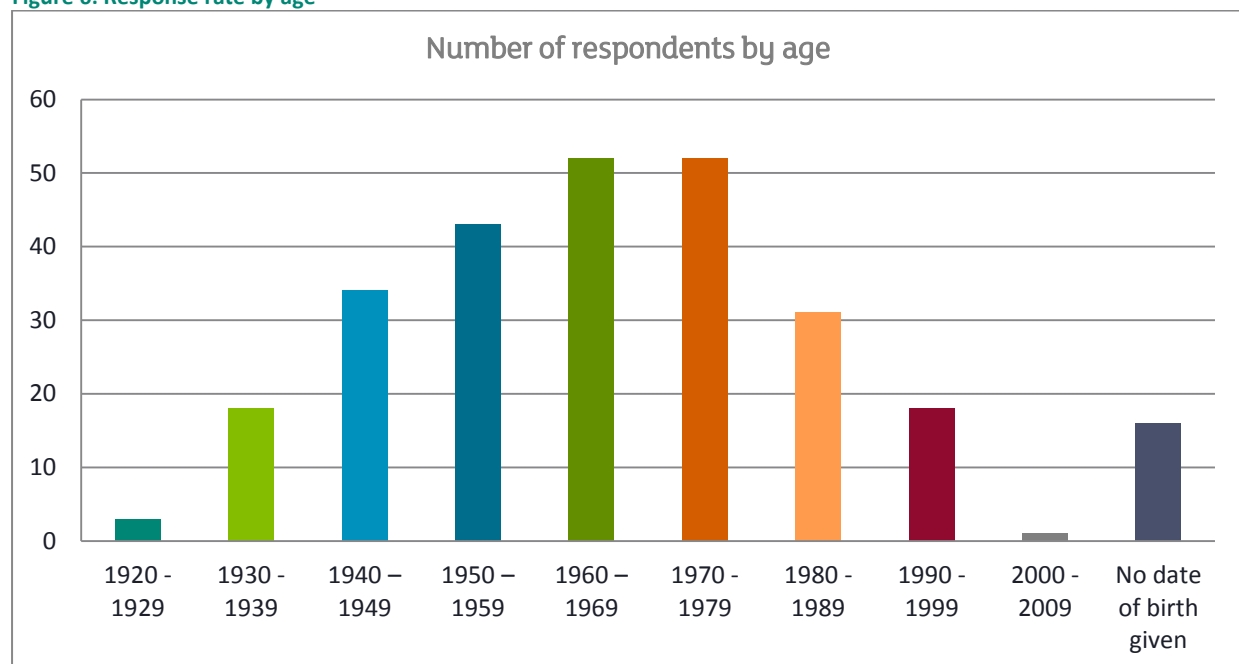
Do you support the Campbelltown City Council's boundary change proposal?



Survey responses by age bracket

We briefly assessed responses by age of respondents. As shown in Figure 6, the highest response rate was from Generation X (those born between 1960 – 1979). 16 people did not provide their age.

Figure 6: Response rate by age



While there was some variation by age group, with residents born in the 70s and 80s being most in favour of boundary reform, the overall age distribution of respondents was similar across the suburbs and the overall pattern of opinions and preferences expressed by respondents remained consistent across the age groups (refer to Table 2).

Table 2: Response sentiment by age

Date of birth	Total	In favour of boundary reform	Against boundary reform	Undecided	No preference
1920 - 1929	3	0	3 (100%)	0	0
1930 - 1939	18	3 (17%)	14 (77%)	0	1 (6%)
1940 - 1949	34	7 (21%)	23 (68%)	4 (11%)	0
1950 - 1959	43	14 (34%)	28 (64%)	1 (2%)	0
1960 - 1969	52	15 (30%)	35 (67%)	2 (3%)	0
1970 - 1979	52	18 (35%)	29 (56%)	3 (6%)	2 (3%)
1980 - 1989	31	12 (39%)	18 (58%)	1 (3%)	0
1990 - 1999	18	4 (22%)	14 (78%)	0	0
2000 - 2009	1	0	1 (100%)	0	0
No date of birth given	16	3 (19%)	11 (69%)	1 (6%)	1 (6%)
TOTAL	268	76 (28%)	176 (65%)	12 (5%)	4 (2%)

Survey response by location

A review of survey responses found that an analysis of findings by suburb best reflects respondent sentiments and enables clear identification of the key themes of interest and / or concern. Our analysis has been divided into:

- Responses from Rostrevor
- Responses from Woodforde
- Responses from other suburbs (landlords who have a post address outside the boundary change proposal zone i.e. absentee landlords)

Table 3: Response number by location

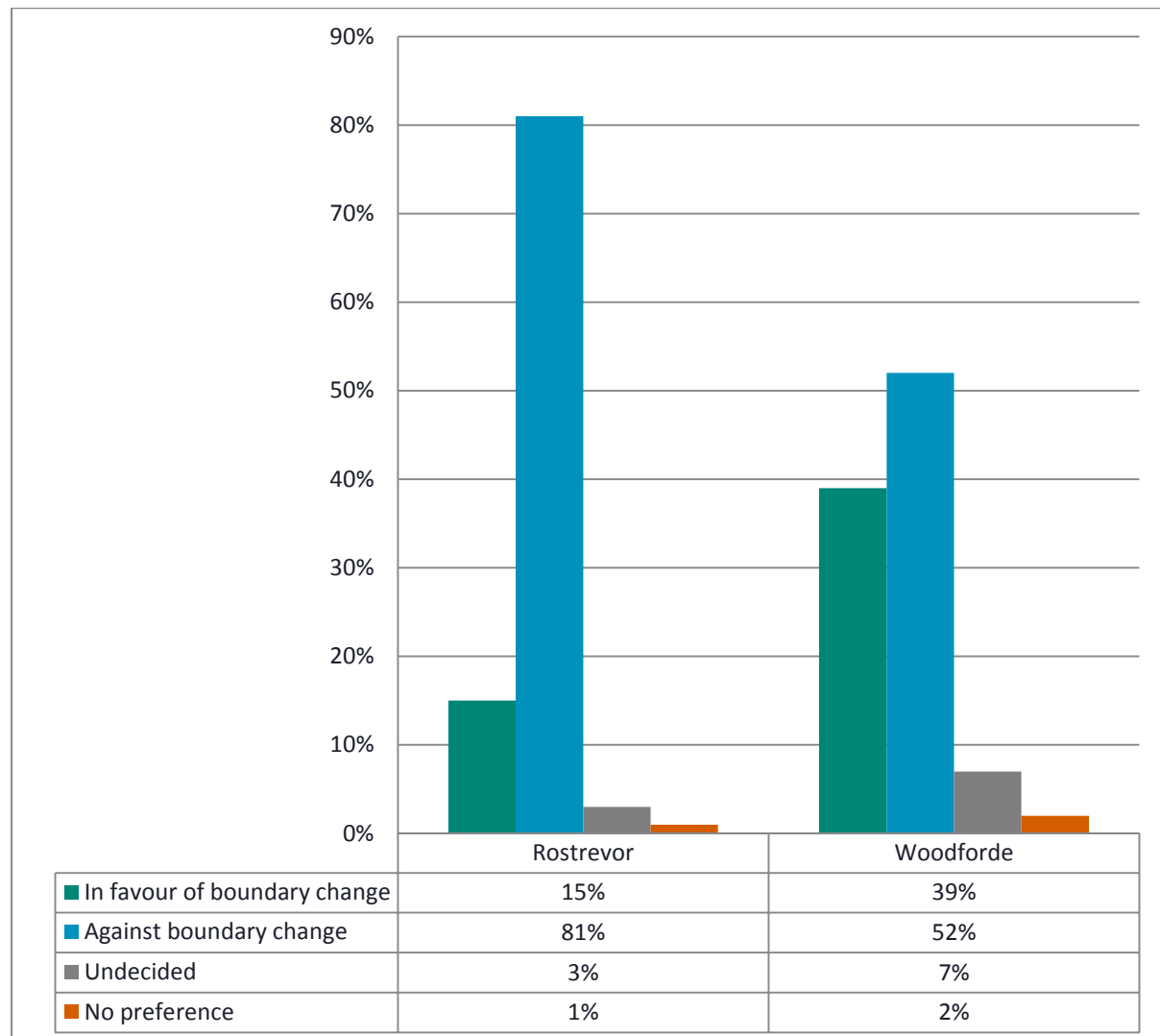
Suburb	Response number
Rostrevor	126
Woodforde	109
Other suburbs	33
TOTAL	268

As indicated by Figure 7, 81% of respondents in Rostrevor have indicated they are against boundary change, 15% are in favour and 4% are undecided or have no preference.

This compares to a more even distribution of opinion from Woodforde residents, with 52% of respondents indicating they are against boundary change balanced against 39% being in favour and 9% being undecided or indicating they have no preference.

Of the 33 respondents in other suburbs 45% indicated they were in favour of the boundary change, 52% against the boundary change and 3% undecided.

Figure 7: Response Sentiment by Location



5. Survey findings – Rostrevor

There were 126 responses from residents/ businesses in Rostrevor. Of these 19 were in favour of the boundary change proposal, 102 were against the boundary change proposal, 3 undecided and 2 had no preference (Refer to Table 4).

Table 4: Rostrevor responses

	Response number	In favour of boundary change	Against boundary change	Undecided	No preference
Rostrevor	126	19 (15%)	102 (81%)	3 (3%)	2 (1%)

As part of the boundary change survey, respondents were asked to indicate their top three areas of interest about the proposal.

The responses for Rostrevor are summarised below and the boxes shaded, in Table 5, indicate issues that are of interest to the majority of respondents.

Environmental sustainability and climate change are not nominated by those in favour of the boundary change proposal. Instead, those in favour of the boundary change proposal are focussed on community services and footpaths, roads and park maintenance.

Table 5: Rostrevor Areas of Interest

Area of interest	In favour of boundary change	Against boundary change
Planning and development	9	95
Footpaths, road and park maintenance	13	13
Community services	18	10
Environmental sustainability	-	81
Annual council rates	8	12
Climate change	-	26
Council rules and regulations	2	29
Community grants	-	-
Level of representation	-	2

As shown in the survey analysis for Woodforde (see section 6 below), the issues of interest follow the same pattern.

Rostrevor respondents in favour of the boundary change proposal

Rostrevor respondents in favour of the boundary change proposal raise two issues:

- Geographic location
- Level of support

It is worth noting the respondent responses are less emotive and shorter than for those against boundary change.

Note: Quotes in italics have been corrected for grammatical errors. In some instances quotes are extracts from respondent feedback, this does not change the intent of the statements made.

Geographic location

Respondents felt that the location of this pocket of Rostrevor is disconnected by distance from the rest of the Adelaide Hills and is instead, directly connected to the CCC. As a result, respondents stated the services provided by the CCC are closer and easier to access than those in the hills.

"Living at the base on the hills at Rostrevor, I feel closer engaged to the Campbelltown community. All council services at Campbelltown are within minutes, where the Adelaide Hills Council services are a 30min plus drive into the hills."

"If you stepped back and drew the council lines again, common sense would say that Rostrevor is within Campbelltown Council."

"These properties are logically connected to Campbelltown City Council not the Adelaide Hills council due to both their proximity and their nature (ie contiguous with other residential areas within the Greater Adelaide region, and they are residential blocks rather than larger rural properties)."

Level of support

A small number of respondents stated they have had little engagement with AHC and that requests for assistance or services have met with no support or response.

"Adelaide Hills Council seems not to hear when I call for assistance."

"We don't feel that we get any support from or use services provided by the Adelaide Hills Council."

"We have had little almost no contact from Adelaide Hills Council since living in the area (20 years) and there has been no assistance, beautification or upgrade of footpath/verge."

The following additional points were reiterated and emphasised in the final open response question of the survey:

- CCC services are closer and more readily accessible and the location of the suburb means it is more logical to be part of Campbelltown and not AHC.
- There is a perception amongst respondents that AHC focusses less effort and spend on the foot hills suburbs – and that the residents in these areas are neglected / ignored / poorly understood.

Rostrevor respondents against the boundary change proposal

The themes raised by Rostrevor respondents against the boundary change proposal are highly consistent and are summarised below. Examples of the feedback obtained in the open response question about boundary change are also included to provide a sense of the flavour of the feedback.

It should be noted that there were more comments against the boundary change from Rostrevor than in support and this is why this section of the report is larger than other sections.

Note: Quotes in italics have been corrected for grammatical errors. In some instances quotes are extracts from respondent feedback, this does not change the intent of the statements made.

The top themes raised align with the issues of interest nominated, that is, planning and development and environmental sustainability. The themes are listed in priority order.

Planning and development

It is strongly felt by respondents that the CCC has very different policies, principles and perspectives towards sub-division and development when compared to AHC. The CCC is perceived to be pro-development, irrespective of the character of the neighbourhood, with a track record of rezoning to reduce block sizes, reduce green spaces and tree canopy and enable sub-divisions and high density development. The potential for this to occur in this part of Rostrevor, should boundary change proceed, is by far the most significant issue of concern to respondents.

Respondents provided examples of development on the boundary of the AHC area which they feel are “typical” of what is allowed by CCC – and which they do not wish to see in the AHC portion of Rostrevor - such as the Chapel Estate development, townhouse and infill developments on Arcoona Avenue and the construction of large new houses in close proximity to each other and with little surrounding green space in the Yalpara Avenue area. The fact these developments have been allowed on the “doorstep” of the portion of Rostrevor that sits within AHC is viewed as evidence that a change to council boundaries would see the spread of such development.

Respondents also favourably referenced the opposition shown by AHC to development at the end of Wandilla Drive and expressed they did not feel the CCC would hold this position.

Some respondents stated they used to live in the CCC and personally experienced the increased rate of development and sub-division in their former neighbourhood. This was a driver for them to move away. Purchasing a property within the AHC area was furthermore seen as a form of “security” against overdevelopment. Respondents believe AHC has a strong track record of protecting the character of its semi-rural areas and resisting the opportunities presented by property developers in favour of protecting the Hills Face Zone, existing green spaces, large block sizes and low housing density.

It is understood that the CCC has sought to reassure residents that the area will continue to be protected from sub-divisions and development if the boundary change goes ahead, but it is fair to say the majority of survey respondents feel this is a somewhat “empty promise”, that will likely to be upheld for a short amount of time but then overturned.

Respondents therefore felt that a change to the CCC would cause a significant qualitative deterioration to the portion of Rostrevor currently within the AHC area.

Respondents also referenced the new state planning system and the uncertainty this brings. It is felt the protection of sensitive areas such as this portion of Rostrevor will, more than ever before, require residents and other groups to champion that protection. Respondents also made it clear the support from AHC is very important to them as they have to date seen the organisation as agreeing with and endorsing the efforts of residents to retain the bush-like amenity of the area. The expectation is therefore that AHC will continue to do this into the future.

“The Morialta area only looks like it does today because, over a period of more than fifty years, the residents and the Adelaide Hills Council (and its precursor) have worked together to create that bush-like area by planting thousands of trees and shrubs; by paying to have our electrical wires undergrounded; and by, every now and then, having to fight off inappropriate development by developers who don't give a toss about what happens to the area, as long as they make a quick buck.”

“We are deeply concerned that the Campbelltown Council will allow development and subdivision of allotments which are currently subject to Adelaide Hills Council development regulations and approval processes.”

“I am appalled at the rate of subdivision and overdevelopment through Campbelltown Council area in the last 2-5 years or so, and have very little faith that the strategic plan and vision for Campbelltown Council in any way aligns with the semi-rural nature of my area, particularly the zone behind Morialta.”

“I have great concerns that our beautiful neighbourhood is going to be subject to the tiny blocks and subdivision that Campbelltown is known for.”

“We do not agree with the minimum property zones Campbelltown consents to. We have already received a notice from a building development company interested in purchasing and subdividing our land.”

“We love that the homes around us in Rostrevor have a minimum 1000m² and plenty of green space.”

“Adelaide Hills Council acknowledges the unique area known locally as ‘Morialta’, and demonstrates its commitment to preserving its unique character by stating principles of development control, including low density detached housing, with detached dwellings requiring a minimum frontage of 20m and semi-detached 18m. This demonstrates the Adelaide Hills Council’s appreciation and commitment to maintaining the character of the policy area, which is in line with what we as residents desire and expect in this distinct and environmentally beautiful area.”

The semi-rural characteristics of the suburb are aligned with the broader Adelaide Hills Council area

Respondents expressed a strong sense that the area is unique and the priority should be to preserve its characteristics and surrounding green spaces, which align closely to those of the AHC.

Respondents felt AHC has resident and environmental interests in mind with its approach to planning and development decisions and zoning.

Respondents did not feel that CCC would take into account resident preferences and feedback or environmental considerations. Further to this respondents felt that this portion of Rostrevor, if it were to be absorbed within the CCC, would be a “minority” within the context of the whole council area and its needs would therefore be seen as being at odds with the urbanised majority – and therefore likely to be glossed over and ignored.

“I truly believe that, while we are only 12km from the city, the true nature of the area surrounding Morialta in the affected zones of Rostrevor and Woodforde are not “metropolitan”, but rather are much more aligned with the nature of property types and landscape through the Adelaide Hills Council area.”

“This pocket (aside from Hamilton Hill) is a hills environment which has a completely different feel, community and environment to the suburbia that is the whole of the Campbelltown City Council area. Just cross any street that marks the council boundary and you enter a different world.”

“The overwhelming sentiment is that residents are happy with Adelaide Hills Council, who have historically backed the area in environmental and other matters. We DO NOT want this change.”

“I enjoy being part of the Adelaide Hills Council because I believe that it appreciates the unique characteristics of the area, including the large blocks and bushy surrounds, and will do all in its power to preserve it into the future in these uncertain times of planning change.”

Environmental considerations

It is felt by respondents that the development ethos of the CCC has had a significant side-effect of a significant reduction in the quality and volume of tree canopy cover. While it is acknowledged some replanting has taken place, this is not seen as having replaced what was removed in both quantity and quality. More broadly, it is felt by respondents that CCC has less regard for the preservation of flora, fauna and the environment than AHC.

This pocket of Rostrevor is viewed by respondents as part of the Adelaide Hills, offering natural habitats for wildlife, open spaces, large blocks and old trees – a place where nature is nurtured and respected as it is elsewhere in the AHC area.

Preserving and enhancing the natural environment is of vital importance to respondents and a fundamental part of their choice to live in the area. They also felt that AHC is better equipped to protect the Morialta area from bushfires through clearing notices and organic waste drop-off days and the like.

"We desperately want to restrict the overdevelopment and urban infill for which Campbelltown is so notorious, for the sake of the residents' amenity but also, in a state of climate emergency, for the sake of the environment."

"Campbelltown City Council is well known to be one of the major urban infill suburbs, subdividing properties in a non-environmentally sustainable way. We live in a protected area with which offers shelter for native flora and fauna and deserves to be protected."

"Adelaide Hills Council policies are by far more closely aligned, and more sympathetic to the amenity and natural environment of the area."

"My area does not share any communities of interest with the Campbelltown City Council. We are firmly aligned culturally, services, values and environmentally with Adelaide Hills Council. Adelaide Hills Council has done a brilliant job of protecting the natural environment in this area and increasing amenity."

City of Campbelltown seeking increased income

Despite assertions to the contrary by representatives from the CCC, many respondents expressed they still feel that the move to change the council boundary is primarily driven by "numbers and dollars" and there is no other obvious rationale.

"Campbelltown Council is engaging in a blatant land grab."

"We need to keep greedy councils and developers away from our environs."

"The way they support their community is financially business driven for expansion, not to retain the living environment enjoyed by those of the Morialta part of Rostrevor."

No compelling reason to change

A number of respondents simply state there is no reason or justification for change. They express their overall satisfaction with AHC services and policies and do not wish to see change for the sake of it.

"Change is totally unnecessary."

"Adelaide Hills Council is the best."

"Happy to be in Adelaide Hills Council."

"I own properties in both Council areas and the claimed benefits and reasons provided by the City of Campbelltown are spurious."

"In short, we have enjoyed a long period of productive cooperation with the Adelaide Hills Council. Why change to a council that we suspect may not share the same values as us?"

Council services and rates

Council rates and services were hardly referenced by respondents against boundary change.

A handful of respondents stated that slightly lower rates are not an inducement to support council boundary change. Respondents also make the point that rates are not part of the decision-making to

live in the AHC area – or not – but that other factors such as amenity, block size, development policies and the semi-rural characteristics of the area are far more significant factors.

Some respondents also felt that AHC facilities and services were superior to those of the CCC – but more importantly, better tailored to the area as they are more aligned with the needs of rural and semi-rural areas than metropolitan and highly developed areas.

Additional points raised in the final open response question of the survey

Respondents added further detail and repeated their position on issues already raised. In addition, it was very clear that respondents feel the vast majority of residents in their area are against boundary change – an assumption that is verified by the survey findings.

Respondents clearly state they do not wish to be rezoned and feel their majority opinion should be the only decision-making driver. Many respondents point out that when they purchased their property, a big selling point was being part of the AHC area and this should be respected.

Survey respondents have actively requested the support of AHC to fight the boundary change request and support their preferred outcome – which is to remain within the AHC area.

“We don’t want to be rezoned, and feel the residents should have the final say. We bought here for a reason and feel that by changing boundaries could jeopardise the reasons we love living here!”

“Please continue to fight to maintain us. We do not want to lose our quality of life. We are very happy with the services and support provided by Adelaide Hills Council, including rates. It is not about the money!”

“I would appreciate the support of Adelaide Hills in this matter and not allow Campbelltown City to pursue the takeover. It would be devastating for the area if the takeover is executed as it is visually obvious what Campbelltown City Council has been done with their own council area with the continuous over development.”

“I would like Adelaide Hills Council to vehemently fight this take-over. It is clear that the majority of residents in the proposed takeover area are opposed and wanting Adelaide Hills Council support in this.”

“Please support the residents of your council area to prevent this boundary change.”

“The Minister for Planning (and Member for Morialta Hon John Gardner) must give strong consideration to the views of residents in this decision. If the majority of residents are opposed to this boundary change, then the Minister must reject the proposal.”

It was reiterated by respondents that planning and development policies and environmental protection are other key issues of concern. Respondents felt that CCC has a very different perspective on these issues and does not listen or respect the sentiments and concerns of their residents.

"Clearly development and environment are my key concerns, and I imagine would be key concerns of most residents through the affected area, as most if not all are fiercely passionate to protect the semi-rural environment in which we invested and the homes within it that we love. I understand that there are State Planning Code changes to occur in July 2020. This does not alter my opinion that I fiercely reject Campbelltown's bid to acquire the areas of Rostrevor and Woodforde, which is very obviously driven by greed on Campbelltown's part."

"Past behaviour is the best predictor of future behaviour, and on this basis I believe Adelaide Hills Council and Campbelltown City Council have shown their true nature (Adelaide Hills Council having helped residents preserve the magnificent characteristics of the area and Campbelltown City Council allowing as much infill development as possible) and that is why I want to stay with Adelaide Hills Council."

"Extremely concerned about CCC's propensity to approve high density living as can be seen in the current planning policy comparisons between the two councils. This will affect wildlife and drive out the koalas, kangaroos and other native Australian animals and bird life."

"As a resident who does not use the services or facilities of Campbelltown council I strongly object to being governed by them. I am vehemently opposed to the boundary realignment. Campbelltown Council has destroyed the amenity of their area and I do not want it to happen to my home."

"I do not support the change as the Campbelltown Council does not respect the environment and is pushing to have my area as high density living. This area must remain protected for its unique value and proximity to nature."

It was reiterated that there are no compelling reasons for change and that respondents are satisfied with AHC.

"So-called geographic isolation from Stirling or Woodside has never been an issue in my 25 years as resident in this area."

"Adelaide Hills Council staff have always been easily contacted by phone and/or email and respond promptly to requests for service / assistance."

"Very comfortable with AHC - if it ain't broke, why change it."

Respondents indicated a lack of trust in CCC relating to their assurances around retention of the Hills Face Zone and existing AHC development policies and approaches for the area. In addition, they felt that CCC has misrepresented the residents in the area through claims they favour boundary change.

"Campbelltown City Council's claimed commitment to maintaining the hills face zone does not provide any guarantee whatsoever, given the turnover of staff and representation, and what would be dilution of our voice in the wider Campbelltown area, compared with a demonstrated commonality of interest in Adelaide Hills Council representation. I seek Adelaide Hills Council's rejection of the Campbelltown proposal."

"I oppose the proposal in the strongest possible terms, and urge Adelaide Hills Council to resist it. There is not the slightest reason to trust Campbelltown's promises that the character of the area will be maintained, when their only plausible rationale is to profit from through facilitating development."

"Campbelltown Council cannot be trusted to succumb to greedy developers. One has to only look at every street ruined in their area."

"Adelaide Hills Council has fought for keeping our street and neighbourhood free from developers in the past so we trust them!"

"Our physical environment is completely different to the area that Campbelltown city council presently has jurisdiction over. This clearly reflects they do not share the same philosophies with respect to the environment and our current climate change emergency."

Respondents expressed that a saving in Council rates is not a key decision-making factor for them.

"The prospect of a potential modest saving in annual rates is not worth the risk of being controlled by a Council with a long history of large scale, unsympathetic development."

"They have not shown any interest in the beauty and sustainability of the area. They seem purely concerned with making money. The State Government would be mad to let this happen."

"Let's be blunt, the Campbelltown City Council's actions are driven solely by money. Effectively, they want to steal a portion of the rates revenue from an adjoining council. Not very neighbourly."

Some respondents sum up their feelings with a very clear rejection of the boundary change proposal.

"This is unwelcome."

"We absolutely do not support this move and wish to remain under Adelaide Hills Council."

"I DO NOT SUPPORT MOVING TO CAMPBELLTOWN COUNCIL."

"Would be a disaster for Morialta and surrounds."

6. Survey findings - Woodforde

There were 109 responses from residents/ businesses in Woodforde. Of these 42 were in favour of the boundary change proposal, 57 were against the boundary change proposal, 8 undecided and 2 had no preference (Refer to Table 6).

Table 6: Rostrevor responses

Suburb	Response number	In favour of boundary change	Against boundary change	Undecided	No preference
Woodforde	109	42 (39%)	57 (52%)	8 (7%)	2 (2%)

As part of the boundary change survey, respondents were asked to indicate their top three areas of interest about the proposal.

The responses for Woodforde are summarised below, noting a total of 109 individual survey responses were received. No single issue was of interest to the majority of respondents. This is reflective of the overall findings for Woodforde being more evenly split between those in favour and against boundary change.

In alignment with Rostrevor respondents, the two top issues of interest for those against boundary change are planning and development and environmental sustainability.

Similarly, environmental sustainability and climate change are not identified as issues of interest for respondents in favour of boundary change in Woodforde (as was the case for Rostrevor). Their focus is instead on rates, community services and maintenance.

Table 7: Woodforde Areas of Interest

Area of interest	In favour of boundary change	Against boundary change
Planning and development	14	44
Footpaths, road and park maintenance	29	14
Community services	24	6
Environmental sustainability	3	33
Annual council rates	26	14
Climate change	2	7
Council rules and regulations	2	21
Community grants	-	4
Level of representation	2	4

Woodforde respondents in favour of the boundary change proposal

Woodforde respondents in favour of the boundary change proposal raised a range of reasons for their support, including council rates, geographic location and community services. Responses were generally short and little additional commentary was shared as part of the last open response question in the survey.

Note: Quotes in italics have been corrected for grammatical errors. In some instances quotes are extracts from respondent feedback, this does not change the intent of the statements made.

Geographic location

The most frequently raised issue in favour of boundary change is the belief that this part of Woodforde is more connected to the CCC than to the Adelaide Hills. The services provided by the CCC are closer and easier to access than those in the hills and it is seen as logical to change council boundaries. In addition, it is felt this part of Woodforde is more “metropolitan” than hills in terms of the services it needs and the characteristics of the suburb, which again means a better fit with the CCC.

“We live in the Hamilton Hill development, the areas that we use already lie within the Campbelltown City Council, we would not travel up into the hills, so makes sense to us to be within that council.”

“Makes sense, council chambers and depot are much closer and can serve the residents better than Adelaide Hills Council.”

“Woodforde is too far from Adelaide Hills Council.”

“I am a frequent and grateful user of Campbelltown's services. Council offices and various services are more accessible.”

“It makes sense. This Rostrevor/Woodforde area is a highly-populated suburban area - it belongs with a metro council.”

“We use more Campbelltown Council resources and have more engagement with them than Adelaide Hills Council. To go to Adelaide Hills Council office is a 45 min drive. I believe we are more likely to be a respected part of Campbelltown than being “not really a hills” resident.”

Council rates

Several respondents referenced that the potential reduction in council rates would be appealing.

Level of support

A small number of respondents stated they have experienced a disappointing level of service from AHC and feel this would be improved if they were part of the CCC.

“Better levels of service from Campbelltown. Council offices and depot located just down the road so quicker response to customer requests. Campbelltown have no debt and are well organised.”

“Shorter response times to service ratepayer needs.”

Woodforde respondents against the boundary change proposal

Respondents articulated a similar set of reasons to Rostrevor residents in explaining their position against boundary change. The themes are listed in priority order.

Note: Quotes in italics have been corrected for grammatical errors. In some instances quotes are extracts from respondent feedback, this does not change the intent of the statements made.

Planning and development

As was the case for respondents from Rostrevor, the most significant issue for Woodforde respondents against boundary change is the concern that the CCC has very different policies, principles and perspectives towards sub-division and development when compared to AHC. It is felt by respondents that CCC will actively seek to bring more people into the area through changes to zoning and this is not supported. Respondents do not trust the CCC to keep the green spaces, which are not national parks or protected, undeveloped.

It was also frequently stated the area has distinctly “hills” characteristics and a strong sense of community – which are viewed as being consistent with the AHC area and not CCC.

“We feel that we are part of the hills and have more confidence in Adelaide Hills Council maintaining the integrity of these suburbs.”

“Recent high density development in Campbelltown is a concern even if the protest they will not do the same thing here.”

“We bought our house in Woodforde in 2011 due the beauty and character of the area. A change in planning law and increase in development density etc. will impact on the character and amenity of our area and potentially destroy the character of it.”

“Physically Campbelltown City Council may be closer but they are miles away in mind and so alien to us.”

“I do not like their policy of urban infill. It has ruined suburbs like Tranmere turning it into a concrete jungle.”

“The boundary change would change this area from being “hills” to being “metropolitan”. This change seems absurd to me, as anyone who has set foot in this area can clearly tell that it is much more hills than metropolitan in terms of environment, terrain, community and layout. Changing this doesn’t really seem to have any positive outcomes for me or my community.”

No compelling reason to change

A number of residents simply state there is no reason or justification for change and they are happy with the status quo.

“It seems like there is not any benefit.”

“Happy with Adelaide Hills Council.”

"Prefer to stay as Adelaide Hills resident."

"As a Hills facing suburb we prefer to be under the jurisdiction of a Hills Council."

Environmental considerations

Some respondents viewed the north-eastern parts of Woodforde (not Hamilton Hill), as part of the Adelaide Hills, offering natural habitats for wildlife, open spaces, large blocks and old trees – a place where nature is nurtured and respected as it is elsewhere in the AHC area. They felt AHC does more to protect green spaces and restrict development – which is preferred.

"Pushing more people into this area by allowing for smaller lot sizes and subdivisions will likely put stress on the local flora and fauna that we are so lucky to share this area with. Increased noise, traffic density, and population in general will most likely drive this wildlife back into the park, which would be a loss for the entire community."

"Because Adelaide Hills Council do more to protect the environment and don't just hand it over to developers!"

"I am concerned about the removal of so many mature trees in Campbelltown City Council. They are necessary for our climate and wildlife. They take a long time to grow and any replacements (if they find room for them) will be unsuitable for our wildlife for 40-50 years."

City of Campbelltown seeking increased income

Despite assertions to the contrary by representatives from the CCC, some respondents expressed they still feel that the move to change the council boundary is primarily driven by wanting to add more rateable properties to their area.

"Campbelltown are just making a cynical grab for more rates."

"This is a self-serving exercise by Campbelltown City Council rather than being centred on the interests of residents."

Lack of trust in City of Campbelltown assurances

A handful of respondents expressed a lack of trust and belief in the assurances provided by the CCC that planning and zoning policies in the area would not change if the boundary change were to go ahead.

"We are worried about Campbelltown City Council's planning and development in the long term despite their assurance it will never change. We simply don't believe them."

Property value

A small number of respondents referenced that they felt the boundary change would have a negative impact on property values, causing them to either stagnate or even decrease. Some respondents outlined direct experience of owning a property in CCC subject to stagnating or falling property prices while others made the assumption future higher density development in Woodforde as a result of boundary change would negatively impact property value.

"I don't want my property devalued and housing congested."

"Because they allow the building of "match box" type of dwelling being built on crowded allotments - which devalues our individual and unique properties - it is very bad and sad."

The following additional points were reiterated and emphasised by respondents in the final open response question of the survey:

- There is strong support for AHC stance on development and planning policy and respondents made it clear they wish for this to continue as this ethos protects the area from overdevelopment.
- Respondents request AHC take a strong stand and resist the council boundary change. In a similar vein, respondents also request AHC to listen and then act upon the wishes of the majority of residents in the area.
- There is a level of disappointment expressed at the time, energy and money being spent on a boundary change venture that appears, in the eyes of respondents, to be financially driven by CCC.
- Respondents emphasize they see themselves as part of the hills community and firmly believe the right fit for their area is to be part of AHC.

"Adelaide Hills Council should respect and support the wishes of residents."

"Unless there is an overwhelming majority of residents support the boundary change proposal, it should not proceed."

"As a resident of Woodforde I strongly object to any inclusion within the Campbelltown City Council area. There is no justification for their boundary change proposal."

"We identify strongly with the semi-rural lifestyle that being part of Adelaide Hills Council affords us and vehemently oppose what we believe is a revenue raising exercise by Campbelltown City Council with zero net benefit to us, the residents."

"In over 40 years in Woodforde, Campbelltown City Council has shown no interest in us until the development of Hamilton Hill estate. Campbelltown City Council sees this as a pot of gold to add to their revenue."

7. Respondents from suburbs outside

There were 33 survey responses in total from respondents in other suburbs. Of these 15 were in favour of the boundary change, 17 were against the boundary change and one respondent was undecided (Refer to Table 8).

Table 8: Response numbers from other suburbs

Suburb	Response number	In favour of boundary change	Against boundary change	Undecided	No preference
Other suburbs	33	15 (45%)	17 (52%)	1 (3%)	0

These respondents provided less detail in the open response questions posed but key themes were still able to be identified. Responses were in general pragmatic rather than impassioned – with the exception of a small number of responses against boundary change.

Issues of interest were broad, with climate change, council rules and regulations and community grants being of little to no interest.

Table 9: Other Suburbs Areas of Interest

Area of interest	In favour of boundary change	Against boundary change
Planning and development	4	9
Footpaths, road and park maintenance	10	5
Community services	10	3
Environmental sustainability	3	6
Annual council rates	8	6
Climate change	-	-
Council rules and regulations	-	2
Community grants	-	-
Level of representation	-	3

The themes identified below summarise all the issues raised both in favour and against council boundary change across both open response questions asked in the survey.

Respondents against council boundary change focussed on the following:

- Content with status quo and see no reason for the change.
- Preference for planning and development ethos / low density housing approach taken by AHC.
- Better rules and planning for fire protection within AHC.
- Outright rejection of the proposal (“It is not a good proposal.”)
- AHC viewed as taking better care of the natural environment.
- Sentiment that “ground rules” in terms of planning and development should not be allowed to change as a result of boundary change as people have specifically elected to purchase a

property in the area because of those rules and the characteristics of the suburb that are enjoyed as a result.

Respondents in favour of council boundary change provided the following reasons:

- The CCC is geographically better connected to Woodforde, making services easier and more convenient to access.
- Having a Council focussed on suburban / metropolitan needs suits the area better than one that is focussed on semi-rural / hills needs.
- AHC does not support the area particularly well.
- Given many residents use CCC services, it seems fair to also pay rates to that council.

8. Notes about survey

Survey parameters

Parameters for survey included:

- Participants must be 18 years or over
- Participating in the survey is not mandatory
- Multiple submissions per household accepted (e.g. if four adults living at address they can each provide a submission)
- Survey will only be available in English – but assistance to be provided if required
- One 'survey pack' sent to each household (additional copies can be requested from AHC Customer Service Centres)
- Renters are encouraged to participate
- Name and address details are required but the results will be anonymised and not associated with their contact details for Council consultation and public reporting
- Survey is available online and in hard copy

9. Appendix A

Have your say:

Council Boundary Change Proposal

Project Summary

Campbelltown City Council (CCC) has put forward a Council Boundary Change Proposal (the Proposal) to the Boundaries Commission (a State Government body that assesses and investigates council boundary change proposals, and makes recommendations to the Minister) to review the boundary between CCC and Adelaide Hills Council (AHC).

CCC proposes moving the boundary eastwards so that the parts of Rostrevor and Woodforde that are currently in AHC, move to the CCC area in their entirety. *See map included in this information pack.*

There are currently 573 properties (3.3% of total AHC properties) that are within the proposed Boundary Change Zone.

AHC does not have a formal position on the Proposal yet as we'd like your feedback on what you think about it first. Please take a moment to read this information sheet and complete the short survey.

Your feedback is important and AHC will compile it into a report for consideration by AHC Council Members, at this stage planned for early 2020.

How you can have your say

- Complete the hard copy survey attached, place it in the enclosed free return-paid envelope and post it back to us before Sunday 8 December 2019 (you don't need a postage stamp)
- Scan the survey and email it to engagement@ahc.sa.gov.au
- Head to our website engage.ahc.sa.gov.au and complete the online survey

Survey closes Sunday 8 December 2019

We are here to help

If you've got a question, want additional hard copy surveys, or further information about the Boundary Change Proposal please get in touch with our team.



engagement@ahc.sa.gov.au



(08) 8408 0587

Boundary Change Proposal Map



Important information

Please note this survey is only intended for people over 18 years of age who live, work, or own a property in the proposed Boundary Change Zone. All names and addresses will be cross checked against the electoral role and council's database, and any identifying data will be kept strictly confidential.

Further detailed information is available at engage.ahc.sa.gov.au, and additional hard copies of the survey can be requested by calling (08) 8408 0587 or emailing engagement@ahc.sa.gov.au.

This is just the beginning

This is the start of a comprehensive review process which will be undertaken by CCC and the Boundaries Commission. Adelaide Hills Council has no formal role to play in the process at this time. No decision has been made yet and the final decision lies with the Minister for Local Government.

Step 1 - Potential Proposal (January 2019)

Consideration of CCC's initial proposal by Boundaries Commission

Approved by Boundaries Commission to progress to next stage



Step 2 - General Proposal

CCC prepares general proposal for Boundaries Commission

CCC undertakes consultation with the community

Current
status



Step 3 (if proposal continues) - Investigation by Commission

Boundaries Commission assesses the proposal using an independent investigator

CCC must agree to the cost of the investigation

Criteria to be assessed include financial and resource implications and community support



Step 4 - Report to Minister

Boundaries Commission prepares a report for the Minister explaining recommendations

Published on Boundaries Commission website

Minister may make suggestions for further consideration



Step 5 - Decision

Minister decides whether proposal will proceed or not

Overview of the Boundary Change Proposal

We've summarised some of the key points of interest between AHC and CCC. If the information you are looking for is not covered here, take a look on our website, ahc.sa.gov.au, or call our Customer Service Team on 8408 0400.

	Adelaide Hills Council	Campbelltown City Council
Total population <i>Total number of people living in whole council area at 2018 Census.</i>	39,734 (0.50 persons per hectare)	51,469 (21.13 persons per hectare)
Land area <i>Total land size of whole council area.</i>	79,498 hectares	2,436 hectares
Electors* <i>The number of people living in the council area who are entitled to vote in Council elections.</i>	29,500 electors	35,000 electors
Council structure	One Mayor 12 Council Members Two Wards	One Mayor 10 Council Members Five Wards
Representation quota <i>The number of electors divided by all Council Members</i>	One Council Member represents 2,261 electors	One Council Member represents 3,183 electors
Annual Council Rates <i>Rate charged annually.</i>	AHC's rating structure consists of a Fixed Charge of \$662 and a Rate in the Dollar against Capital Value of 0.002469. <i>If rating structures remained the same, most residents within the proposed Boundary Change Zone would receive a reduction in annual rates ranging from approximately \$22 to \$450.</i>	CCC's rating structure consists of a Minimum Rate of \$984 and a Rate in the Dollar against Capital Value of 0.003050.
Planning and Development	There is a new Planning and Design Code being developed by the State Government which comes into effect on 1 July 2020. More details about planning and development comparison can be found overleaf.	
Minimum site area <i>For a detached dwelling</i>	The average minimum allowable site size in the AHC parts of Rostrevor and Woodforde (including Hamilton Hill) is 703m ² . <i>There is no suggestion, at this time, that either council would pursue changes to reduce allotment sizes in the Boundary Change Zone.</i>	In the CCC part of Rostrevor and Magill the average minimum site size is 350m ² .
Open space and civil services <i>Roads, footpaths, signs, street lights, parks, ovals, playgrounds, cemeteries.</i>	There are no noticeable differences in terms of open space and civil services functions and services between AHC and CCC.	

* The number of electors is obtained from the Electoral Commission of SA and the source date is 28 February 2018.

Environmental sustainability	AHC and CCC have both declared a climate emergency, and both councils have a number of sustainability initiatives.	
Kerbside bins	East Waste collects general waste weekly and recycling and green organics waste on alternating fortnights in both council areas.	
Green organics drop off days	AHC organises a number of free green organics drop off days throughout the year for residents.	CCC does not host free green organics drop off days.
Hard waste	Both AHC and CCC offer one 'at call' hard waste collection per property each financial year.	
Resource Recovery Centres	Residents can go to any resource recovery centre (including those outside of their council district). Each council has one resource recovery centre.	
School zones <i>In relation to which schools children are entitled to attend based on their residence.</i>	Catchment areas are not limited to council boundaries and are set by the State Government Department of Education.	
Community grants	In 2017-18 AHC awarded \$219,000 in funding through its grant program.	In 2017-18 CCC awarded \$41,341 in funding through its grant program.
Regulatory matters <i>This includes local laws established by councils to deal with issues specific to the relevant council area.</i>	There are no noticeable differences in regulatory matters between AHC and CCC except regarding domestic cats. In AHC cats must be confined to their owner's property from 1 January 2022. More information at ahc.sa.gov.au/council/delegations-and-by-laws .	

Need more information? Visit each council's website

	ahc.sa.gov.au	campbelltown.sa.gov.au
Council documents <i>Annual Reports, Strategic Plans, policies</i>	Council > Council Documents	Council > Documents and Publications
Community services <i>Youth, volunteering, diversity, seniors</i>	Community	Community
Community grants	Council > Grants and Tenders	Community > Grants
Regulatory matters <i>Local laws and rules</i>	Council > Delegations and By-laws	Council > Documents and Publications
Sport and recreation	Community > Sport and Recreation	Recreation and Leisure
Civil Services	Resident > Roads, Streetscapes, Works	Services > Capital Works Program
Environmental sustainability	Environment > Sustainability	Environment
Rates and property	Resident > Rates and Property	Council > Rates

Further information available at engage.ahc.sa.gov.au

Planning and Development

The South Australian planning system is changing on 1 July 2020. A new Planning and Design Code (P&D Code) will become the single source of planning policy for assessing development applications across the state.

What does this mean if the boundary change proposal was to proceed?

The new P&D Code being developed by the State Government will replace all council development plans. The new Code means that planning policy will be standardised across council boundaries (this includes AHC and CCC).

Any changes to zonings in either council district after 1 July 2020 would require public consultation as well as Ministerial approval.

For further information about specific development controls applicable under the proposed P&D Code, please contact the P&D Code Free Hotline on 1800 318 102, or review the new P&D Code at sapanningportal.sa.gov.au.

What happens to development applications submitted before 1 July 2020?

The current planning rules will stay the same before 1 July 2020. Any planning application submitted before that time will be assessed under the current planning rules.

Current planning policy comparisons between AHC and CCC:

	AHC		CCC
	Woodforde and Rostrevor	Hamilton Hill	Rostrevor and Magill
Site area The minimum size of a 'block' for a detached dwelling	Ranges from 929-1,000m ²	180m ²	Ranges from 350-500m ²
Frontage width The minimum width of a 'block' for a detached dwelling	21 metres	8 metres	Ranges from 7-20 metres
Front setback The minimum distance from the road to the house	6 metres	3 metres	5 metres
Rear setback The minimum distance from the back of the house to the back fence	4 metres	4 metres	4 metres
Site coverage The maximum percentage that a site can be covered by a dwelling	40%	60%	50%
Building height The maximum height allowed for a building	6 metres wall height	3 storeys	8.5 metres

Planning and Design Code Information Session

If you are interested in learning more about the SA Planning Reform please come along to our free Information Session.

Wednesday 27 November 2019 | 6:30pm - 8:00pm

Kelty Theatre, Rostrevor College

Register: planning-forum-woodforde.eventbrite.com.au or call 8408 0400

Survey:

Council Boundary Change Proposal

This survey is also online at engage.ahc.sa.gov.au

Name _____ Year of birth: _____

Postal address _____

Email _____ Phone: _____

Are you a (tick all that apply)

- | | | |
|-----------------------------------|---|---------------------------------------|
| <input type="checkbox"/> Resident | <input type="checkbox"/> Property owner | <input type="checkbox"/> Other: _____ |
| <input type="checkbox"/> Tenant | <input type="checkbox"/> Business owner | |

Do you support the Campbelltown City Council's boundary change proposal? (tick one)

- | | |
|------------------------------|--|
| <input type="checkbox"/> Yes | <input type="checkbox"/> Undecided |
| <input type="checkbox"/> No | <input type="checkbox"/> No preference |

Why do you say that?

What are your areas of interest about the council boundary change proposal? (tick your top three)

- | | |
|--|--|
| <input type="checkbox"/> Planning and development | <input type="checkbox"/> Annual Council Rates |
| <input type="checkbox"/> Footpaths, road and park maintenance | <input type="checkbox"/> Climate Change |
| <input type="checkbox"/> Community services | <input type="checkbox"/> Council rules and regulations |
| <input type="checkbox"/> Environmental sustainability | <input type="checkbox"/> Community grants |
| <input type="checkbox"/> Level of representation (number of electors represented by each Council Member) | |
| <input type="checkbox"/> Other _____ | |

Do you have any further comments about the Campbelltown City Council's boundary change proposal that you would like Adelaide Hills Council to consider?

If you need more space please use the back of this page or attach additional pages.

Please place your completed survey in the free reply-paid envelope provided and into your nearest mailbox, or scan and email to engagement@ahc.sa.gov.au by 8 December 2019.

**ADELAIDE HILLS COUNCIL
ORDINARY COUNCIL MEETING
Tuesday 28 January 2020
AGENDA BUSINESS ITEM**

Item: 12.3

Originating Officer: Sarah Hill, Community Engagement Coordinator

Responsible Director: David Waters, Director Community Capacity

Subject: Public Consultation Policy

For: Decision

SUMMARY

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

The current Adelaide Hills Council Public Consultation Policy was adopted on 8 September 2015 and was reviewed in September 2019.

Section 50 of the *Local Government Act 1999* requires that the proposal to adopt or alter a public consultation policy needs to be subject to a public consultation process as outlined in the Act. This consultation was conducted in November 2019 – January 2020.

This report seeks Council's adoption of the proposed Public Consultation Policy.

RECOMMENDATION

Council resolves:

1. That the report be received and noted.
 2. With an effective date of 10 February 2020, to revoke the 8 September 2015 Public Consultation Policy and to approve the Public Consultation Policy as contained in *Appendix 1*.
 3. That the Chief Executive Officer, or delegate, be authorised to make any formatting, nomenclature or other minor changes to the Policy prior to coming into effect.
-

1. GOVERNANCE

➤ Strategic Management Plan/Council Policy

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

➤ Legal Implications

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

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

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

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

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

➤ Risk Management Implications

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

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

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

A recent legal case involving another council highlights the risk of the above if a public consultation policy is not robust and clearly defined.

➤ Financial and Resource Implications

Not applicable.

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

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

➤ **Environmental Implications**

Not applicable.

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

Consultation on the development of this report was as follows:

Council Committees: Not Applicable

Council Workshops: 12 February 2019

Advisory Groups: Not Application

Administration: Executive Manager Governance & Performance
Manager Communication, Engagement and Events

Community: Public consultation was conducted from Wednesday 6 November 2019 to Sunday 19 January 2020. The consultation was extended to ensure it exceeded the requirements under the Act and to allow extra time over the holiday period.

2. BACKGROUND

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

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

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

The *Draft Public Consultation Policy* was endorsed for consultation on 22 October 2019.

12.4 Draft Public Consultation Policy

Moved Cr Linda Green
S/- Cr John Kemp

248/19

Council resolves:

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

Carried Unanimously

Consultation subsequently took place between 6 November 2019 to Sunday 19 January 2020, for a period of 10 weeks. The statutory requirement under the Act is at least one month.

3. ANALYSIS

The Public Consultation Policy sets out how council will conduct public consultation on matters mandated in the *Local Government Act (1999)*.

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

The Act mandates two core types of decisions where public consultation is to be undertaken; 1) either in accordance with the Act or 2) as set out in the council's Public Consultation Policy.

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

Following adoption of the Public Consultation Policy a revised Community Engagement Framework will be developed.

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

The Community Engagement Framework will be subject to a future workshop discussion.

Community Consultation

Section 50 of the *Local Government Act 1999* requires that the proposal to adopt or alter a public consultation policy needs to be subject to a public consultation process for a period of at least one (1) month. Consultation on the *Draft Public Consultation Policy* was conducted between Wednesday 6 November 2019 and Sunday 19 January 2020 as follows:

- A Public Notice placed in The Courier on Wednesday 6 November 2019.
- A Pubic Notice placed in The Courier on Wednesday 11 December 2019.
- Online survey was available during the consultation period on Council's Engagement HQ web platform and hard copy responses were available at all Council Service Centres.
- The consultation was advertised in the November Hills Voice e-newsletter with a link to the Engagement site.

No responses were received in any form from the public in relation to the *Draft Public Consultation Policy*, it is therefore recommended that the Policy be approved in its current form.

4. OPTIONS

Council has the following options:

- I. Approval of the draft *Public Consultation Policy* (**Appendix 1**). (Recommended)
- II. To determine not to approve the draft *Public Consultation Policy* at this time. (Not Recommended)

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

5. APPENDIX

- (1) Draft Public Consultation Policy

Appendix 1

Draft Public Consultation Policy

COUNCIL POLICY

 Adelaide Hills COUNCIL	Public Consultation Policy
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Policy Number:	COM-01
Responsible Department(s):	Communications, Engagement and Events
Other Relevant Policies:	None
Relevant Procedure(s):	None
Relevant Legislation:	Section 50, Local Government Act 1999
Policies and Procedures Superseded by this policy on its Adoption:	Public Consultation Policy 2015, Item 12.4,46
Adoption Authority:	Council
Date of Adoption:	<i>To be entered administratively</i>
Effective From:	<i>To be entered administratively</i>
Minute Reference for Adoption:	<i>To be entered administratively</i>
Next Review:	No later than <date> or as required by legislation or changed circumstances

PUBLIC CONSULTATION POLICY

1. INTRODUCTION

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

1.1. Purpose

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

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

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

1.2. Local Government Act 1999

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

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

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

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

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

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

2. OBJECTIVES

The objectives of this policy are:

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

3. DEFINITIONS

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

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

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

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

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

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

4. POLICY STATEMENT

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

4.3. Public Consultation Steps

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

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

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

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

1) The publication of a notice:

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

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

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

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

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

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

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

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

details), and

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

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

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

5. DELEGATION

The Chief Executive Officer has the delegation to:

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

6. AVAILABILITY OF THE POLICY

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

**ADELAIDE HILLS COUNCIL
ORDINARY COUNCIL MEETING
Tuesday 28 January 2020
AGENDA BUSINESS ITEM**

Item: 12.4

Originating Officer: Natalie Westover, Manager Property Services

Responsible Director: Terry Crackett, Director Corporate Services

Subject: Bridgewater Retirement Village Revocation of Community Land

For: Decision

SUMMARY

The purpose of this report is to seek a resolution of Council to prepare and submit a report to the Minister for Planning seeking approval to revoke the community land classification of the land located at 511 Mount Barker Road Bridgewater, being Allotment 220 in Filed Plan No. 8131 and portion of the Bridgewater Retirement Village ("Land") **Appendix 1**.

If the recommended resolution is made, an application will not be made until the Supreme Court has issued its order granting approval for the proposed trust variation scheme.

RECOMMENDATION

Council resolves:

1. That the report be received and noted
 2. Subject to the Supreme Court issuing an order granting approval for a trust variation scheme, a report be prepared and submitted to the Minister for Planning seeking approval to revoke the community land classification of Allotment 220 in Filed Plan No. 8131 known as 511 Mount Barker Road Bridgewater.
 3. The Mayor and CEO be authorised to sign all necessary documentation to give effect to this resolution.
-

1. GOVERNANCE

➤ **Strategic Management Plan/Council Policy**

Goal	Organisational Sustainability
Strategy	Risk & Responsibility – Legal Compliance

The incompatibility of the provisions of the *Local Government Act 1999* and the *Retirement Villages Act 2016* mean that Council currently breaches the requirements of section 202 of the *Local Government Act 1999* when granting an occupation agreement under the *Retirement Villages Act 2016*.

The charitable trust that exists over the Land specifies that the Land is to be used for a landscaped garden and a memorial to the Ash Wednesday Bushfires and the current use as a retirement village is inconsistent with the terms of the trust.

➤ **Legal Implications**

Under Section 202 of the *Local Government Act 1999*, Council cannot lease community land for a term exceeding a total of 42 years which is inconsistent with the *Retirement Villages Act 2016* which grants lifetime security of tenure to residents.

Also under Section 202 Council cannot lease community land for a term of greater than 5 years without first undertaking a public consultation process.

Occupation agreements issued pursuant to the *Retirement Villages Act 2016* are for a non-defined term which can be greater than 5 and 42 years at the option of the tenant.

The issuing of occupation agreements for a retirement village unit for a term greater than a total of 42 years and without conducting public consultation for terms greater than 5 years may result in the occupation agreement being invalid. Whilst we do not expect that this presents any immediate concerns, it is a less than ideal position for both the Council and the residents.

Undertaking a public consultation process in relation to a retirement village unit requires the disclosure of information in relation to the proposed lease which creates difficulties in maintaining the privacy of the proposed tenant.

The Land is the subject of a charitable trust and the existence of the retirement village on the Land is at variance with the terms of the Trust. An application to vary the Trust needs to be made to the Supreme Court pursuant to section 69b of the *Trustee Act 1936*.

The Council has granted a first right of refusal to Clayton Church Homes Inc. to purchase the Bridgewater Retirement Village, including the Land, subject to the Trust being varied to an alternate location and the Community Land classification being revoked. The Council cannot sell the Land whilst the Land is subject to the Trust and is Community Land.

➤ **Risk Management Implications**

The revocation of community land will assist in mitigating the risk of:

Non-compliance with legislation leading to possible invalidity of occupation agreements.

Inherent Risk	Residual Risk	Target Risk
Extreme (3A)	Extreme (3A)	Low (1E)

The mitigation action is specific to this circumstance as all other retirement villages owned by Council were excluded as community land in 2002.

The revocation of community land will assist in mitigating the risk of:

Non-compliance with the terms of the charitable trust leading to possible legal action to impose the terms of the trust on Council.

Inherent Risk	Residual Risk	Target Risk
Extreme (3A)	Extreme (3A)	Low (1E)

The mitigation action is specific to this circumstance.

➤ **Financial and Resource Implications**

The community land revocation process is being managed within existing allocated resources.

➤ **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**

Community consultation was undertaken in accordance with the Council's *Public Consultation Policy*.

Consultation on the development of this report was as follows:

Council Committees: Not Applicable

Council Workshops: The process required for the variation of the trust and the revocation of community land has been discussed at previous Council workshops and meetings

Advisory Groups: The process required for the variation of the trust and the revocation of community land has been discussed at previous Property Advisory Group meetings

Administration: Not Applicable

Community: Community Consultation was conducted between 20 November and 20 December 2019. Notices were placed in *The Courier* and *Weekender Herald* and the residents of the Bridgewater Retirement Village were provided with a copy of the consultation report. The

consultation was also on the Council's website under the "have your Say" section.

No responses or submissions were received in response to the community consultation process.

2. BACKGROUND

The Council owns the land located on the corner of Mt Barker Road and Second Avenue Bridgewater, contained in Certificate of Title Register Book Volume 5488 Folio 788 and known as 513 Mt Barker Road Bridgewater (Land).

The Land was previously owned by Mr Francis Henry Todd on which a residential dwelling was located. The dwelling was destroyed in the Ash Wednesday fire on 16 February 1983.

Following the Ash Wednesday fire, Mr Todd asked the then District Council of Stirling to accept the Land as a donation on the following conditions:

1. That Council agree to accept and dedicate the said land as reserve to be held in perpetuity.
2. That a suitable landscaped garden be established thereon for the use and enjoyment of the public.
3. That the garden contain a suitable memorial commemorating the 1983 Ash Wednesday Fire and that the garden be designated the Francis H Todd Garden.

The donation of the Land and the conditions agreed above create a charitable trust over the Land which was documented in a Declaration of Trust dated 31 August 1983 (Trust).

The value of the land at the time of transfer was determined to be \$15,000.

From historic records it appears that whilst a very preliminary draft plan of a garden was prepared, the landscaped garden contemplated by Mr Todd was not created on the Land. It has not been determined why this did not occur however it was most likely as a result of the financial implications of the Ash Wednesday fire on the District Council of Stirling.

The Land remained vacant through to the early 1990's. The Council received communication from residents in the early 1990's suggesting that the vacant land would be better used for some purpose other than vacant land and if a suitable purpose could not be found, that the Land be sold.

At that time, Council considered the option of putting aged accommodation on the Land in the form of a retirement village and undertook community consultation in relation to the proposal. That consultation included communication with the son of the late Mr Todd, Mr Frank Todd. Mr Frank Todd confirmed that he had no objections to the proposal and considered *"that it conforms with my late father's wishes that the land be used to best further the interest of the community, as determined by the Council from time to time"*.

Whilst Mr Frank Todd provided his consent to the development of the retirement village on the Land, that consent did not carry any legal weight in terms of varying the terms of the Trust. It is only the Attorney-General and the Supreme Court of South Australia that can issue an order to vary a charitable trust. The construction of a retirement village on the Land is a breach of the terms of the Trust.

When the *Local Government Act 1999* was commenced, Council was required to review its land holdings and determine what land was to be placed on its Community Land Register. Council, following consultation with the community, resolved to exclude the Bridgewater Retirement Village. Land that is subject to a charitable trust is not able to be excluded as community land so irrespective of the exclusion, the Land is still considered community land for the purposes of the *Local Government Act 1999*.

As the Land is community land, there is an incompatibility between the community land provisions of the *Local Government Act 1999* and the *Retirement Villages Act 2016* in that occupation agreements cannot be issued over community land for a period greater than 42 years whereas occupation agreements issued under the *Retirement Villages Act 2016* are lifetime agreements.

As such it is appropriate to commence a process to revoke the community land classification of the Land. However, as the Land is the subject of a charitable trust, it cannot be revoked as community land unless the Trust is varied or removed.

As the current use of the Land is at variance with the terms of the Trust it is appropriate to commence a process to vary the Trust to an alternate parcel of land where a landscaped garden can be developed and a memorial to the Ash Wednesday fire can be created. This will require consultation with the Attorney-General and an application to the Supreme Court.

An application to the Supreme Court to vary a charitable trust must include specific details as to how the trust will be implemented in an alternate location, or if the trust is to be removed for the purposes of sale, how the proceeds of sale will be applied in recognition of the Trust. If the Trust is to be varied to an alternate location then the application must also include the financial commitment to be made to implement the trust in that alternate location, otherwise the Supreme Court will make that direction. Generally, the financial commitment required will be equivalent to the site value of the land, which in the case of the Land, is \$290,000. The Supreme Court does however have the power to direct a portion, or all, of the capital value of the Land to be directed to that purpose.

At the meeting of 11 September 2018, Council resolved:

6.10 Revocation of Community Land – Bridgewater Retirement Village

Cr Lynton Vonow returned to the Chamber at 7.57pm

Moved Cr Ian Bailey
S/- Cr Lynton Vonow

232/18

That:

- 1. The report be received and noted.**
- 2. 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:**
 - a. Preparing a report as required under section 194(2)(a) of the Local Government Act 1999 and making it publicly available.**
 - b. Undertaking consultation in accordance with its Public Consultation Policy as required under section 194(2)(b) of the Local Government Act 1999.**
- 3. 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.**
- 4. 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.**
- 5. That a further report be presented to Council for consideration after community consultation and further investigations have been completed**

Carried Unanimously

The Council undertook community consultation to seek feedback into an appropriate location to vary the trust to. As a result of that consultation, to which only one submission was received, Council resolved the following on 27 August 2019:

12.7 Bridgewater Retirement Village – Trust Variation Scheme (Carripook Park)

Moved Cr John Kemp
S/- Cr Mark Osterstock

219/19

Council resolves:

1. That the report be received and noted
2. That 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.
3. That a further report be presented to Council following conclusion of community consultation in relation to the revocation of community land.

8.26pm Cr Mark Osterstock left the Chamber

Carried Unanimously

In the preliminary investigation it was determined that Carripook Park was not a reserve but public road, and therefore does not sit on the Council's community land register. As such a road closure process was commenced to close this land as public road and retain it as a reserve allotment such that it is included on the community land register and has an appropriate management plan for the land.

On 17 December 2019, Council resolved as follows:

12.3 Road Closure Cnr Kain Ave & Mt Barker Road Bridgewater

Moved Cr Ian Bailey
S/- Cr John Kemp

313/19

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.

Carried Unanimously

The road closure process is now in the hands of the Surveyor-General to finalise and a new title for Carripook Park is expected to be issued in the next month or two.

3. ANALYSIS

Council undertook community consultation from 20 November 2019 to 20 December 2019 in respect of the proposal to revoke the community land classification of the Land. No submissions were received.

An application to the Minister for Planning is required for approval to revoke the community land classification of the Land however this application can not be made until the Supreme Court has issued an order approving the trust variation scheme, thus action under the recommendation will not occur until the Supreme Court has issued that order.

4. OPTIONS

Council has the following options:

- I. Resolve to, subject to the Supreme Court issuing a trust variation scheme, apply to the Minister for Planning for approval to revoke the community land classification of the Land (Recommended)
- II. Resolve to not apply to the Minister for Planning for approval to the proposed revocation resulting in Council continuing to be in breach of the community land provisions of the *Local Government Act 1999* and the Land being unable to be sold (Not Recommended)

5. APPENDIX

- (1) Location of the Bridgewater Retirement Village

Appendix 1

Location of the Bridgewater Retirement Village



Bridgewater Retirement Village



Burnt Area Cudlee Creek

■ CudleeCreekBurntArea

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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13-Jan-2020

**ADELAIDE HILLS COUNCIL
ORDINARY COUNCIL MEETING
Tuesday 28 January 2020
AGENDA BUSINESS ITEM**

Item: 12.5

Originating Officer: Natalie Westover, Manager Property Services

Responsible Director: Terry Crackett, Director Corporate Services

Subject: Houghton Square Naming

For: Decision

SUMMARY

The purpose of this report is to seek a resolution to name the reserve bounded by Horn, Blackhill and Lower North East Road, Houghton as the “Houghton Square” as identified in **Appendix 1**.

Public consultation has been undertaken and a summary of the consultation feedback is set out in the analysis section of this report and in **Appendix 2**.

RECOMMENDATION

Council resolves:

1. That the report be received and noted
 2. To name of the reserve bounded by Horn, Blackhill and Lower North East Road, Houghton as the “Houghton Square”
 3. To notify all relevant government authorities of the naming of the reserve
 4. To erect a sign on the reserve identifying the name of the reserve, consistent with the updated Council branded signage used at Woorabinda & Bushland Park
 5. To install a plaque on the site acknowledging the significant contribution Mr & Mrs Day made to its redevelopment and beautification programme and their subsequent donation of the land.
-

1. GOVERNANCE

➤ **Strategic Management Plan/Council Policy**

Goal 3	Places for People and Nature
Strategy 3.9	We will encourage community led place making approaches to enhance townships and public spaces

To assign and formalise a name for the reserve, which provides a significant benefit to the community as a meeting place for the residents of Houghton.

➤ **Legal Implications**

Council's *Public Place and Road Naming Policy* sets out the process undertaken for the formal naming of a reserve and this has been followed consistent with the requirements of the *Geographical Names Act 1991* and the *Local Government Act 1999*.

➤ **Risk Management Implications**

The formal naming of the reserve will assist in mitigating the risk of:

the reserve being formally unnamed and referred to by different names by community members leading to confusion within the community

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

➤ **Financial and Resource Implications**

The process to formally name the reserve and erect signage will be managed within existing resources

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

Members of the community requested that the reserve be formally named which resulted in the commencement of the naming process via a Motion on Notice at the 23 July 2019 meeting.

➤ **Environmental Implications**

Not applicable

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

Consultation on the development of this report was as follows:

Council Committees: Not Applicable

Council Workshops: Not Applicable

Advisory Groups: Not Applicable

Administration: Not Applicable

Community: Community consultation was undertaken in accordance with the Council's *Place and Road Naming Policy* and *Public Consultation Policy*. Consultation included notifications in printed media, corflute signage on the site, posters in the local Post Office, Uniting Church, Preschool, Houghton Football Club and Oval Committee for dissemination.

2. BACKGROUND

The land referred to as Houghton Village Square / Green is located in the centre of Houghton Township as indicated on **Appendix 1**.

On 24 May 2016, Council resolved:

19.2.2. Land at Houghton – Request to Purchase – Confidential Item

RELEASED 27 SEPTEMBER 2016

Moved Cr Jan Loveday S/- Cr Jan-Claire Wisdom	105
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That a further report be prepared identifying how Council might best manage all the parcels of land in Houghton Green.

On 26 July 2016 Council resolved:

9.1.2 Land at Houghton – Request to Purchase – Confidential Item (cont)

RELEASED 27 SEPTEMBER 2016

Moved Cr John Kemp S/- Cr Jan Loveday	146
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1. The report be received and noted.
2. Approve 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.
3. 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.
4. 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.
5. 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.
6. The Mayor and the Chief Executive be authorised to finalise the above matter including signing all necessary documentation to complete all transactions.

Subsequent to the 26 July 2016 resolution, a number of processes were commenced for Council to obtain consistent ownership of the reserve and car park area.

All land parcels are now in Council ownership with the exception of the land currently owned by the Department of Planning, Transport and Infrastructure which is with the relevant Minister awaiting consent and transfer to Council for nil consideration.

On 23 July 2019, Council resolved:

11.3 Naming of Reserve, Houghton

Moved Cr Malcolm Herrmann

S/- Cr Linda Green

186/19

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.

Carried Unanimously

3. ANALYSIS

Community consultation was undertaken in accordance with the Council's *Place and Road Naming Policy* and *Public Consultation Policy*. Consultation included notifications in printed media, corflute signage on the site, posters were placed in the local Post Office, Uniting Church, Preschool, Houghton Football Club and Oval Committee for notification and circulation.

Information was placed on the Council's website with the following question being posed to the community:

"The Council wish to undertake a discussion as to what name the land, commonly known as Houghton Square / Houghton Village Green should be given. Council was gifted the land from the former owner and Council wishes to seek the community suggestions on an appropriate name."

The consultation received 195 visits to its web page, with 82 engaged participants who commented on what the name should be and suggestions were offered for an alternative name.

The responses were as follows:

- 73 respondents suggested the name should be Houghton Square
- 10 respondents suggested the name should be Houghton Village Green
- 9 respondents suggested the name should be a combination of the above, with the Day family name being included.

Mr & Mrs Day gifted a portion of the area that makes up the reserve to Council in 2016. Mr & Mrs Day were instrumental in developing and maintaining the reserve in the centre of Houghton which included the undergrounding of powerlines, installing stormwater drains, and sealing the car park, landscaping, refurbishing the soldiers memorial and building the gazebo.

Mr Day contacted Council during the consultation process and provided some background information on the reserve. Mr Day advised that the reserve has long been known as 'the Houghton Village Square', and he personally believes that it should continue to be called that name.

Mr Day was informed that a number of suggestions had been received recommending that his family name be included in the reserve's name. Mr Day has advised that while he has no objections to this occurring in the future, he would only want it to take place after he has passed on.

Mr Day advised that he has no objection to a plaque or some form of recognition being installed on the site acknowledging the gift to Council and the significant commitment he and his wife have had to the development and maintenance of the reserve.

4. OPTIONS

Council has the following options:

- I. Resolve to name the reserve as the Houghton Square and provide appropriate notification and signage (Recommended)
- II. Resolve to name the reserve as something other than the Houghton Square (Not Recommended)
- III. Not resolve to not officially name the reserve. (Not Recommended)

5. APPENDIX

- (1) Map identifying location of the land
- (2) Consultation summary

Appendix 1

Map identifying location of the land

15-Oct-2019



Houghton

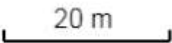


- AHC Core
- AHC LGA
 - LGAs
 - Suburbs

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Appendix 2

Consultation Summary

Tool Status	archived
Visitors	95
CONTRIBUTORS	82
Registered	0
Unverified	4
Anonymous	77
Admin	1
Submissions	91

Demographics Graphs Below

Date of contribution	Survey Response	
	<p>What do you think we should name the Houghton community land?</p>	Any other comments you'd like us to consider?
Nov 01 19 09:34:59 am	I've got a better idea (tell us here and tell us why),Day Village Green or Houghton Days Village Green	
Nov 03 19 02:52:04 pm	I've got a better idea (tell us here and tell us why),"Day's Houghton Village Green" The Day family developed and maintained the entire Village Green at their own cost for many years. This area has been used extensively for community activities for years. In recognition of this generosity I believe we should honour the Day family.	"Day's Houghton Village Green" The Day family developed and maintained the entire Village Green at their own cost for many years. This area has been used extensively for community activities for years. In recognition of this generosity I believe we should honour the Day family.
Nov 03 19 05:20:17 pm	Houghton Village Green	
Nov 03 19 05:21:49 pm	Houghton Village Green	
Nov 04 19 03:23:10 pm	Houghton Square	
Nov 06 19 11:29:21 pm	Houghton Square	
Nov 07 19 08:45:27 am	Houghton Square	
Nov 07 19 12:16:55 pm	Houghton Square	
Nov 07 19 12:18:47 pm	Houghton Village Green	
Nov 07 19 12:44:08 pm	I've got a better idea (tell us here and tell us why),Day Village Green	
Nov 07 19 02:40:35 pm	Houghton Square	

Nov 07 19 04:03:30 pm	Houghton Square	
Nov 07 19 04:55:06 pm	Houghton Square	
Nov 07 19 05:22:11 pm	I've got a better idea (tell us here and tell us why),Day village square I think it would be nice to mention bob days name as he has so much for our town over the years	Day village green I think it would be nice to mention bob days name as he has so much for our town over the years
Nov 07 19 05:45:31 pm	Houghton Square	
Nov 07 19 06:33:17 pm	Houghton Square	
Nov 07 19 07:13:45 pm	Houghton Square	
Nov 07 19 07:16:41 pm	Houghton Square	
Nov 07 19 07:18:32 pm	Houghton Square	
Nov 07 19 07:37:29 pm	Houghton Square	It's the Houghton Square.
Nov 07 19 07:38:40 pm	Houghton Square	
Nov 07 19 08:11:43 pm	I've got a better idea (tell us here and tell us why),Houghton Common - I think it has been know as this for many years. But I could be mistaken for another bit of land.	Is there an Aboriginal name for the area that has been considered?
Nov 07 19 08:25:56 pm	I've got a better idea (tell us here and tell us why),What about naming it after the local person who gifted the land to the Council. I believe it's long time local Bob Day.	

Nov 07 19 08:31:30 pm	Houghton Square	Yes clean your grass up
Nov 07 19 08:39:17 pm	Houghton Square	
Nov 07 19 08:39:39 pm	Houghton Square	
Nov 07 19 08:40:06 pm	Houghton Square	
Nov 07 19 09:02:55 pm	Houghton Square	The traditional name should stay, been a local from Paracombe for over 30 years and that's what I've always known it to be
Nov 07 19 09:08:42 pm	Houghton Square	It's already known for the Houghton square
Nov 07 19 09:09:11 pm	Houghton Square	
Nov 07 19 09:10:00 pm	Houghton Square	Don't you have better things to discuss and work on?
Nov 07 19 09:36:06 pm	Houghton Square	
Nov 07 19 09:43:39 pm	Houghton Square	
Nov 07 19 09:47:53 pm	Houghton Square	Houghton square is all I've ever known it as
Nov 07 19 09:57:06 pm	Houghton Square	We all know it as 'the square'. Lets stick to that! I do not believe a name should include anyone's name. le NO Given or Surnames please.

Nov 07 19 10:17:04 pm	Houghton Square	
Nov 07 19 10:25:33 pm	Houghton Square	
Nov 07 19 10:35:21 pm	Houghton Square	
Nov 07 19 10:52:31 pm	Houghton Square	Lived in Houghton since i was 2 years old- It has always been known as Houghton Square so please keep this name as known by all residents fondly this way.
Nov 07 19 11:07:57 pm	I've got a better idea (tell us here and tell us why),Days Village Green	Not only a gift to the community but also much done by the family to improve our local area (and other areas)
Nov 07 19 11:23:40 pm	Houghton Square	It's always been Houghton square let's not change it.
Nov 07 19 11:26:04 pm	Houghton Square	This area of land has been known as Houghton Square for over 100 years. I think it has earned that name!
Nov 07 19 11:29:26 pm	Houghton Square	
Nov 07 19 11:43:25 pm	Houghton Square	We live there and we have always called it that.
Nov 07 19 11:51:17 pm	Houghton Square	
Nov 08 19 07:17:19 am	Houghton Square	
Nov 08 19 07:18:35 am	Houghton Square	

Nov 08 19 07:23:38 am	Houghton Square	I was born in area and lived in area for 40 years. It is and always has been the Houghton Square.
Nov 08 19 07:40:04 am	Houghton Square	It's always been Houghton square!
Nov 08 19 08:25:07 am	I've got a better idea (tell us here and tell us why),Days Travellers village green.	Named so because of all the work the Day family have contributed to the green. The Travellers Rest inn that used to be there all part of the heritage of our area so important that we remember our pioneers.
Nov 08 19 08:43:51 am	Houghton Square	
Nov 08 19 08:56:07 am	Houghton Square	If council is considering options other than the two above please seek further community input.
Nov 08 19 08:56:45 am	Houghton Square	
Nov 08 19 09:04:15 am	Houghton Square	Even if you tried to rename the piece of land we'd all keep calling it Houghton square. It's been called that since day dot.
Nov 08 19 09:16:52 am	Houghton Square	It has always been Houghton Square. Why the need to change?
Nov 08 19 09:41:22 am	Houghton Square	I have lived on Houghton Square for nearly 20 years - it has always been Houghton Square - thanks
Nov 08 19 09:42:22 am	Houghton Square	
Nov 08 19 09:53:35 am	Houghton Square	
Nov 08 19 09:53:57 am	Houghton Square	

Nov 08 19 09:54:20 am	Houghton Square	
Nov 08 19 11:29:34 am	Houghton Square	
Nov 08 19 12:58:12 pm	Houghton Square	It has been known locally as Houghton Square for over 100 years. I heard senior citizens of the area in the 1970's referring to it as Houghton square, and they used to call it that when they were kids.
Nov 08 19 04:53:56 pm	Houghton Square	
Nov 08 19 04:57:07 pm	Houghton Square	
Nov 08 19 05:42:07 pm	Houghton Square	
Nov 08 19 06:23:42 pm	I've got a better idea (tell us here and tell us why),Day Square or something including the name Day in honor of all the work, time and money the Day family put into developing and up keeping the area for so long	Let's honor people who give to the community!
Nov 08 19 07:04:01 pm	Houghton Square	I would like to see some recognition of the input from he Day Family in creating and maintaining the square for so many years
Nov 08 19 08:05:57 pm	Houghton Village Green	Given it is a triangle, I think the name Houghton Square should be avoided.
Nov 08 19 08:13:13 pm	Houghton Square	
Nov 08 19 08:43:05 pm	Houghton Square	
Nov 09 19 09:08:19 am	Houghton Square	

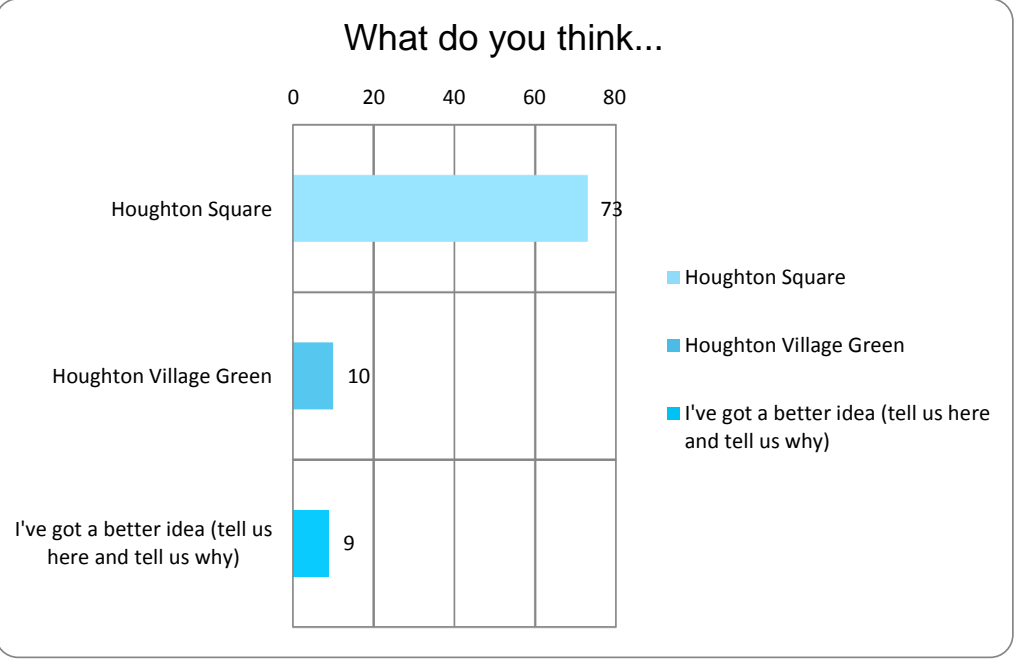
Nov 09 19 12:57:22 pm	Houghton Square	
Nov 09 19 02:26:15 pm	Houghton Square	Is has always been referred to as Houghton Square. There is a local Geoff Brown who has mentioned on the local FB site that he would like to do a sign once a name has been decided.
Nov 09 19 03:41:41 pm	Houghton Square	
Nov 09 19 05:04:02 pm	Houghton Square	
Nov 09 19 08:53:58 pm	Houghton Village Green	U grew up in Houghton when the general store and bakery were thriving and the ruins of the hotel were still there. Given its history, the ticked name sounds historical.
Nov 09 19 10:22:52 pm	Houghton Square	
Nov 10 19 07:44:16 am	Houghton Village Green	
Nov 10 19 09:42:52 am	Houghton Square	
Nov 10 19 04:14:17 pm	Houghton Village Green	Houghton and Inglewood. A private town was created in 1841 on some land leased by John Richardson from Sir John Morphett. Richardson named his property Houghton Lodge and then he subdivided some of it into Houghton village. At the centre of his village he laid out an English style green. It was planted with English trees- Elms, Oaks etc. The first significant building in the town, which still stands, albeit in
Nov 10 19 04:16:56 pm	Houghton Village Green	That's the historical name. Houghton and Inglewood. "A private town was created in 1841 on some land leased by John Richardson from Sir John Morphett. Richardson named his property Houghton Lodge and then he subdivided some of it into Houghton village. At the centre of his village he laid out an English style green. It was planted with English trees- Elms, Oaks etc."
Nov 10 19 05:12:01 pm	Houghton Square	
Nov 10 19 09:50:06 pm	Houghton Square	Has been known locally as The Houghton Square for a long time

Nov 10 19 10:04:02 pm	Houghton Square	
Nov 10 19 11:59:18 pm	Houghton Square	
Nov 11 19 03:34:31 pm	Houghton Square	I've been hanging out in the area for the past 40 years & it has always been the square. Never have I heard it being called the village green.
Nov 11 19 05:15:56 pm	Houghton Square	
Nov 13 19 08:46:23 am	Houghton Village Green	
Nov 13 19 02:01:52 pm	Houghton Square	
Nov 13 19 04:46:07 pm	Houghton Square, Houghton Village Green	I would be happy for either of the two names suggested. But whatever is decided upon, it MUST include the word "Houghton"
Nov 13 19 05:12:24 pm	Houghton Square	

Survey Responses Graph

**special characters like '&' will be removed from options*

<p>What do you think we should name the Houghton community land?</p>	
Houghton Square	73
Houghton Village Green	10
I've got a better idea (tell us here and tell us why)	9



**ADELAIDE HILLS COUNCIL
ORDINARY COUNCIL MEETING
Tuesday 28 January 2020
AGENDA BUSINESS ITEM**

Item: 12.6

Originating Officer: Kylie Caruso, Roads Officer

Responsible Director: Terry Crackett, Director Corporate Services

Subject: Road Closure – Unmade Public Road adjacent to 307 Scott Creek Road, Longwood

For: Decision

SUMMARY

Scott Creek Road is a made road in Longwood as identified by the area bordered in blue on **Appendix 1** (Road Land).

The owner of 307 Scott Creek Road, Longwood, Mr Paul Reed, has applied to the Council to purchase the unmade public road (UPR) that adjoins his property.

This report recommends the Council resolving to issue a Road Process Order to close the Road Land identified as “A” in **Appendix 2** and sell to Mr Reed for the amount of \$69,500.00 (plus GST) as the value attributed by an independent valuation dated 6 May 2019.

Whilst current delegations by Council provide authority for the Chief Executive Officer to deal with all matters associated with the making of a Road Process Order, current practice for these matters has been to bring them to Council for consideration.

RECOMMENDATION

Council resolves:

1. That the report be received and noted
 2. To make a Road Process Order pursuant to the *Roads (Opening & Closing) Act 1991* to close and merge the pieces of land identified as “A” in the Preliminary Plan No. 19/0047 attached to this report with Allotment 61 in Filed Plan No. 159338 comprised in Certificate of Title Volume 5776 Folio 896.
 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*; and
 - The piece marked “A” be sold to Mr Paul Reed, the owner of the property with which it is merging for the amount of \$69,500 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.
-

1. GOVERNANCE

➤ Strategic Management Plan/Council Policy

Strategic Plan: Organisational Sustainability

Strategies: Financial Sustainability
Risk and Responsibility

➤ Legal Implications

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

➤ Risk Management Implications

The closure of a section of unmade road that is deemed to be surplus to Council's current and future needs as a public road, reduces the risks to Council associated with safety and liability, vegetation control works and costs.

The closure and sale of the Road Land will assist in mitigating the risk of:

Private infrastructure on public road reserve leading to increased risk and liability for Council.

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

➤ Financial and Resource Implications

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

The Council's administrative cost is covered by the application fee paid by the applicants of the proposed road closure including the initial investigation, liaison with proposed purchasers, liaison with surveyor and conveyancer and internal processes to undertake the road closure.

If the recommendation is endorsed, Mr Reed will pay Council \$69,500 (plus GST) for the purchase of their portion of the Road Land.

If the recommendation is not endorsed then the respective owners will need to enter a road rent permit for the Road Land.

➤ 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
Biodiversity Officer
GIS & Asset Management Officer

Community: Community Consultation was undertaken in accordance with the public notice requirements set out in the *Roads (Opening & Closing) Act 1991*.

2. BACKGROUND

Mr Paul Reed owns the property at 307 Scott Creek Road, Longwood.

The adjoining land owner approached Council in May 2019 expressing an interest in purchasing the adjoining unmade public road to incorporate within his property boundary.

Mr Reed is currently maintaining the road to assist with fire reduction, and has water tanks stored within the road reserve.

The road closure proposes that 4754m² of unmade public road will be merged into the certificate of title for Mr Reed.

3. ANALYSIS

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 the boundary being merged with the land owned by Mr Reed.

The road closure process was commenced and is undertaken in accordance with the requirements of the *Roads (Opening & Closing) Act 1991*.

As required under the Council's *Disposal of Land Policy*, a valuation was obtained from an independent Valuer to determine the market value of the Road Land.

It is proposed that 307 Scott Creek Road, Longwood will have incorporated 4754 square metres of road land into the title boundary. The value attributed by the McLean Gladstone Valuers was \$69,500.

Public Consultation has occurred, with no objections received to the proposed road closure process.

4. OPTIONS

The Council has the following options:

- I. Resolve to close the road and issue a Road Process Order in accordance with the recommendation (Recommended)
- II. Resolve to not endorse the road closure which will result in the existing road rent/permit being maintained. (Not Recommended)

5. APPENDICES

- (1) Map identifying the Road Land
- (2) Preliminary Plan identifying the Road Land and merging parcels

Appendix 1

Identification of Road Land

19-December-2019

10211
287 Scott Creek Road



10010
307 Scott Creek Road

Scott Creek Road

307 Scott Creek Road Longwood 5153

Scale = 752.22

Appendix 2

*Preliminary Road Plan identifying land with with the
closed road will merge*

PRELIMINARY PLAN PP 19/0047

HUNDRED OF NOARLUNGA
AREA NAMED LONGWOOD
ADELAIDE HILLS COUNCIL

G. C. van SENDEN
Geoffrey C. van Senden

LICENSED SURVEYOR DATE 22/10/2019

CERTIFIED CORRECT AS TO INTENT:

DATE 24.10.19

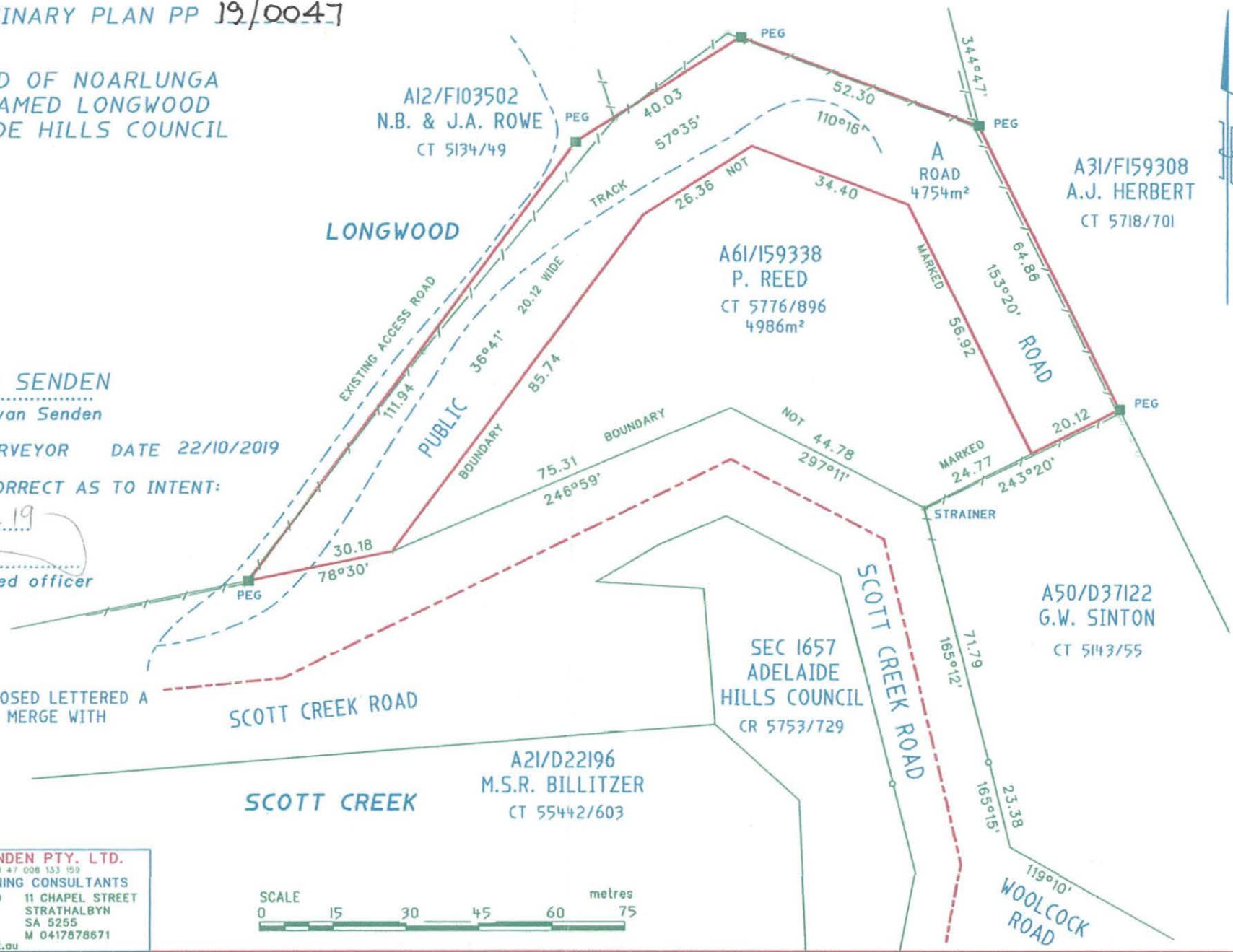
AHC Authorised officer

ROAD TO BE CLOSED LETTERED A
(4754m²) IS TO MERGE WITH
CT 5776/896

Ref: 4597PP V1

OLDEN & van SENDEN PTY. LTD.
ACN 008 133 159 ABN 47 008 133 159
SURVEYING & PLANNING CONSULTANTS
3/42 MT BARKER ROAD 11 CHAPEL STREET
STIRLING, S.A. 5152 STRATHALBYN
PH (08) 83709699 SA 5255
FAX (08) 83709699 M 0417878671
EMAIL olvs@bigpond.net.au

SCALE
0 15 30 45 60 75 metres



**ADELAIDE HILLS COUNCIL
ORDINARY COUNCIL MEETING
Tuesday 28 January 2020
AGENDA BUSINESS ITEM**

Item: 12.7

Originating Officer: Lachlan Miller, Executive Manager Governance & Performance

Responsible Director: Andrew Aitken, Chief Executive Officer

Subject: Council Member Conduct Policy – Realignment of Complaint Handling Procedure

For: Decision

SUMMARY

The expected conduct of Council Members is prescribed in the *Local Government Act 1999* and, more specifically, in the *Code of Conduct for Council Members* (the Code) published in accordance with Regulation 6A of the *Local Government (General) Regulations 1999*.

In January 2014 Council adopted the *Council Member Conduct Policy* (Conduct Policy) which was reviewed with minor alterations in November 2015. The Conduct Policy consists of three elements, being the prescribed Code of Conduct for Council Members, the Adelaide Hills Council Behavioural Standards and the Code of Conduct Complaint Handling Procedure.

The Complaints Handling Procedure has been applied to the seven (7) Part 2 complaints received since the Conduct Policy was adopted.

Over time the operating practices in relation to complaints handling have changed and the purpose of this report is to seek Council's consideration of proposals to align the Complaints Handling Procedure to those operating practices.

Given the current Local Government Reform process which has Council Member conduct as one of its focus areas, it is not proposed to make any other changes to the Conduct Policy ahead of the anticipated legislative change to occur in 2020.

RECOMMENDATION

Council resolves:

1. That the report be received and noted.
 2. With an effective date of 11 February 2020, to revoke the 24 November 2015 *Council Member Conduct Policy* and to adopt the January 2020 *Council Member Conduct Policy* as per Appendix 1.
 3. That the Chief Executive Officer be authorised to make any formatting, nomenclature or other minor changes to the January 2020 *Council Member Conduct Policy* prior to it coming into effect.
-

1. GOVERNANCE

➤ Strategic Management Plan/Council Policy

Goal: Organisational Sustainability
Strategy: Governance

A key element of the Governance Strategy within the Strategic Plan is that Council 'that Council diligently adheres to legislative requirements to ensure public accountability and exceeds those requirements where possible'. Further, that 'Our Council Member Code of Conduct goes above and beyond the minimum legislated standards'.

➤ Legal Implications

Part 4 Division 1 of the *Local Government Act 1999* (the Act) documents general duties and code of conduct for Council Members. Section 62 stipulates a number of general duties including:

- 1) A member of a council must at all times act honestly in the performance and discharge of official functions and duties.
- 2) A member of a council must at all times act with reasonable care and diligence in the performance and discharge of official functions and duties.

Section 63 requires that Council Members must observe the prescribed Code and stipulates that it is the personal responsibility of Council members to ensure they are familiar with, and comply with, the standards in the Code at all times.

The Code itself contains a series of mandatory provisions structured over three (3) parts and an appendix. In relation to Part 2 – Behavioural Code there is a requirement that councils develop and adopt a process for handling alleged breaches of that part of the Code.

The prescribed Code requires that each council will adopt a process for the handling of alleged breaches of Part 2 (behavioural code).

➤ **Risk Management Implications**

The adoption of practical and legislatively compliant Complaint Handling Procedures under the Code will assist in mitigating the risk of:

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

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

Note: the Conduct Policy is already part of the current control suite and therefore revising the policy does not bring about a reduction in the risk rating.

➤ **Financial and Resource Implications**

The resource implications of administering the provisions of the Conduct Policy, specifically the Complaints Handling Procedure, are accommodated in the Governance & Performance Department establishment. A high level estimate is that each complaint consumes approximately 40 hours of Administration time.

The costs associated with the referral and investigation of complaints to the Local Government Governance Panel (the Panel) averages approximately \$4,000 per referral dependent on the level of investigation required. While these costs are not specifically budgeted, they are accommodated through use of the CEO's contingency or other consultancy funds within the Governance & Performance budget.

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

The Conduct Policy is a publically available document. It can provide assurance to the Adelaide Hills community regarding the conduct standards to be upheld by Council Members and the fairness and robustness of the practices for dealing with alleged breaches of those standards.

➤ **Environmental Implications**

Not applicable.

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

Council Committees: Nil

Council Workshops: Nil

Advisory Groups: Not Applicable

Administration: Director Corporate Services

Community: Nil

No public consultation is prescribed during the review the Complaints Handling Procedures.

2. BACKGROUND

Code of Conduct for Council Members

Prior to 1 September 2013, in accordance with section 63 of the Act, councils were required to prepare and adopt a code of conduct to be observed by the members of the council. During early to mid-2013, the Office of Local Government consulted with the LGA and its member councils regarding the creation of a mandatory code to be observed by all council members. Adelaide Hills Council (AHC) participated in the consultation of the draft code and identified that the code was likely to set a minimum standard of conduct which was below that contained in the existing AHC Code of Conduct. On this basis, Council undertook a number of workshops in the August – November 2013 period to frame an 'Adelaide Hills Council Behavioural Standards Code'.

On 18 August 2013, the Minister for Planning, in accordance with Regulation 6 (A) of the Local Government (General) Regulations 1999 published the Code of Conduct for Council Members in the Government gazette. The legislative changes to the Act made on 1 September 2013 provided for the Governor to prescribe by regulation the code of conduct to be observed by all members of council.

The prescribed Code of Conduct for Council Members, in accordance with section 63(2), must be observed by all members of council. The Code has three parts: Part 1: Principles; Part 2: Behavioural Code; and Part 3: Misconduct.

On the 21 January 2014, Council adopted a Council Member Conduct Policy that combined the prescribed Code of Conduct, Adelaide Hills Council's Behavioural Standards and the Code of Conduct Complaint Handling Procedure into one document. This Policy was reviewed in November 2015 and a number of minor changes were adopted.

Complaints Handling Procedures

Part 2 of the Code requires that each council will adopt a process for the handling of alleged breaches of Part 2 (i.e. a complaint handling procedure). Clauses 2.17 – 2.25 set out the minimum requirements for the procedure.

The Code of Conduct Complaints Handling Procedure was developed as an amalgam of a LGA template and Clause 7 (Breaches of this Code of Conduct) of the AHC Code of Conduct for Elected Members.

The procedure sets out three options for handling allegations of Part 2 Code breaches, an internal process for minor matters and referral to the Panel for more serious (or unresolved internal process) matters. Thirdly a complaint may be dismissed (i.e. if it is trivial, vexatious or frivolous).

The Panel was established by the LGA in 2009 to assist councils to addressing complaints about Council Member conduct. The Panel consisted of a number of skilled and experienced investigators and mediators who reported to the LGA. Prior to the creation of the mandatory Code, the Panel would assess complaints, referred by the respective council, against the provisions of that council's code of conduct.

In 2017, the LGA contracted the functions of the Panel to an external provider, EMA Legal. To guide the complaint referral process, 'Rules of Engagement' were developed and operating practices between the referring council and the Panel have continued to evolve as both parties refine their protocols for handling complaints.

Complaints referred by Adelaide Hills Council to the Panel

Since 2014, seven (7) complaints of alleged breaches of Part 2 of the Conduct Policy have been referred to the Panel for initial assessment. Of these, five (5) complaints have progressed to a full investigation. Of those five (5), the Panel has recommended findings of one or more Part 2 breaches in four (4) of those complaints.

Reforming Local Government – Council Member Conduct

In August 2019 the Minister for Local Government released the *Reforming Local Government in South Australia Discussion Paper*. The Paper is structured into four reform areas being:

1. Stronger Council Member Capacity and Better Conduct
2. Local Costs and Enhanced Financial Accountability
3. Efficient and Transparent Local Government Representation
4. Simpler Regulation

Reform Area One: Stronger Council Member Capacity and Better Conduct contains a number of proposals relating to the conduct of Council Members as follows:

1.1 Clearly separate behavioural matters from integrity matters in the legislation.

1.2 Include standards of behaviour in the legislation, allowing councils to adopt more detailed 'examples of behaviour'.

1.3 Continue to give councils flexibility to deal with behavioural matters.

1.4 Provide principal members with enhanced powers to deal with disruptive behaviour at meetings.

1.5 Enable escalation of serious behavioural matters to an independent body that can suspend members (including suspension of an allowance).

Establish a new conduct management framework through—

- 1.9**
- Model 1 - The clarification of current legislation
 - Model 2 - Using governance committees
 - Model 3 - Establishing a Local Government Conduct Commissioner.

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.

Based on the proposals in the Discussion Paper it is highly likely that there will be some changes (potentially quite significant) regarding the conduct requirements and management of complaints of alleged breaches. As such, it is anticipated that there will be considerable work required to review the Conduct Policy in the latter stages of 2020 (although the timing of the Bill is entirely speculative).

3. ANALYSIS

As identified in the Background Section, the operating practices involving the referral of alleged breaches of Part 2 to the Governance Panel and the Panel's investigation and reporting practices have evolved over time. Similarly Council's practices for the receipt and processing of complaints have also been refined over the life of the Conduct Policy.

Further, previous advice received from Council's legal advisers and the ICAC Deputy Commissioner has been incorporated into the proposed revisions.

Given that there are no conduct complaints in progress, it is a preferable opportunity to revise the Procedures at this point in time.

Proposed changes to the Complaints Handling Procedures are contained in the draft Conduct Policy (**Appendix 1**) to promote greater alignment between the out-dated Procedures and the Panel's current operating practices.

Given the current Local Government Reform process which has Council Member conduct as one of its focus areas it is not proposed to make any other changes to the Conduct Policy ahead of the anticipated legislative change to occur in 2020.

4. OPTIONS

Council has the following options:

- I. To resolve to adopt the revised Conduct Policy as proposed to ensure that the procedural guidance aligns with operating practice. This is recommended as the Conduct Policy should clearly articulate the practices that will be undertaken in the receipt of and processing of complaints of alleged breaches of Part 2. This clarity provides certainty for both complainants and respondents.
- II. To determine alternate revisions or not to revise the Conduct Policy. This is not recommended as there will be a level of ambiguity and uncertainty for both complainants and respondents.

5. APPENDIX

1. Draft Council Member Conduct Policy – January 2020

Appendix 1

Draft Council Member Conduct Policy – January 2020

COUNCIL POLICY

	<h2>COUNCIL MEMBER CONDUCT</h2>
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Policy Number:	CM-04
Responsible Department(s):	Governance & Performance
Relevant Delegations:	None
Other Relevant Policies:	<i>Code of Practice for Council Meeting Procedures</i> <i>Code of Practice for Access to Council, Council Committee and Designated Informal Gathering Meetings & Documents</i> <i>Fraud & Corruption Prevention</i> <i>Caretaker</i> <i>Council Member Allowances and Support</i> <i>Public Interest Disclosure</i>
Relevant Procedure(s):	None
Relevant Legislation:	<i>Local Government Act 1999</i> <i>Local Government (Elections) Act 1999</i> <i>Independent Commissioner Against Corruption Act 2012</i> <i>Public Interest Disclosure Act 2018</i>
Policies and Procedures Superseded by this policy on its Adoption:	24 November 2015, Item 14.7, 187
Adoption Authority:	Council
Date of Adoption:	<i>To be updated administratively</i>
Effective From:	<i>To be updated administratively</i>
Minute Reference for Adoption:	<i>To be updated administratively</i>
Next Review:	No later than January 2022 or as required by legislation or changed circumstances

COUNCIL MEMBER CONDUCT

1. INTRODUCTION

On 29 August 2013, in accordance with Regulation 6A of the Local Government (General) Regulations 1999, the Minister for Planning published the Code of Conduct for Council Members. On 1 September 2013, the Code of Conduct for Council Members was made by Regulation.

The Code contains provisions for the handling of complaints under Part 2 and requires Council to adopt a process for the handling of alleged breaches under that Part.

Adelaide Hills Council Members acknowledge their obligations to comply with the requirements of the Code of Conduct and consider that it represents a set of minimum standards that all Members must comply with. Adelaide Hills Council Members wish to provide for an additional agreed set of behavioural principles and standards to complement and confirm the requirements of the Code of Conduct, and have adopted a suite of AHC Behavioural Standards for that purpose.

Alleged breaches of the AHC Behavioural Standards will also be managed in accordance with the process established to respond to Part 2 of the Code of Conduct.

2. SCOPE

Section 63(2) of the *Local Government Act 1999* provides that Council Members of councils must observe the Code of Conduct.

The AHC Behavioural Standards apply to Members of Adelaide Hills Council in accordance with the requirement of clause 2.6 of the Code of Conduct which requires Council Members to comply with all Council policies, codes and resolutions.

3. POLICY ELEMENTS

The published Code of Conduct for Council Members is at Attachment A.
The AHC Behavioural Standards are at Attachment B.
The Code of Conduct Complaint Handling Procedure is at Attachment C.

4. FURTHER INFORMATION

This Policy will be available for inspection at the Council's Offices during ordinary business hours and via the Council's website www.ahc.sa.gov.au.

Copies will also be provided to the public upon request, and upon payment of a fee in accordance with the Council's Schedule of Fees and Charges.

The AHC Behavioural Standards and the Code of Conduct Complaint Handling Procedure will be reviewed within 12 months after a general Local Government election.

Council may, at any time, alter the AHC Behavioural Standards Code and/or the Code of Conduct Complaint Handling Procedure.

ATTACHMENT A**CODE OF CONDUCT FOR COUNCIL MEMBERS**

Published by the Minister for Planning for the purposes of Section 63 (1) of the Local Government Act 1999.

This Code of Conduct is to be observed by all Council members.

Council members must comply with the provisions of this Code in carrying out their functions as public officials. It is the personal responsibility of Council members to ensure that they are familiar with, and comply with, the standards in the Code at all times.

PART 1 PRINCIPLES**1. Higher principles—Overarching Statement**

This part does not constitute separate enforceable standards of conduct.

Council members in South Australia have a commitment to serve the best interests of the people within the community they represent and to discharge their duties conscientiously, to the best of their ability, and for public, not private, benefit at all times.

Council members will work together constructively as a Council and will uphold the values of honesty, integrity, accountability and transparency, and in turn, foster community confidence and trust in Local Government.

As representatives of open, responsive and accountable government, Council members are committed to considering all relevant information and opinions, giving each due weight, in line with the Council's community consultation obligations.

In the performance of their role, Council members will take account of the diverse current and future needs of the local community in decision-making, provide leadership and promote the interests of the Council.

Council members will make every endeavour to ensure that they have current knowledge of both statutory requirements and best practice relevant to their position. All Councils are expected to provide training and education opportunities that will assist members to meet their responsibilities under the Local Government Act 1999.

Council members will comply with all legislative requirements of their role and abide by this Code of Conduct.

PART 2 BEHAVIOURAL CODE

2. Behavioural Code

In line with 'Part 1 - Higher Principles' of this Code, the following behaviour is considered essential to upholding the principles of good governance in Councils.

This Part is for the management of the conduct of Council members that does not meet the reasonable community expectations of the conduct of Council members. It deals with conduct that does not, and is not likely to, constitute a breach of Part 3—Misconduct or criminal matters such as those contained in the Appendix to this document.

Robust debate within Councils that is conducted in a respectful manner is not a breach of this Part.

It is intended that each Council will adopt a process for the handling of alleged breaches of this Part. This process will be reviewed within 12 months of a general Local Government election.

Council members must:

General behaviour

- 2.1 Show commitment and discharge duties conscientiously.
- 2.2 Act in a way that generates community trust and confidence in the Council.
- 2.3 Act in a reasonable, just, respectful and non-discriminatory way when dealing with people.
- 2.4 Show respect for others if making comments publicly.
- 2.5 Ensure that personal comments to the media or other public comments, on Council decisions and other matters, clearly indicate that it is a private view, and not that of the Council.

Responsibilities as a member of Council

- 2.6 Comply with all Council policies, codes and resolutions.
- 2.7 Deal with information received in their capacity as Council members in a responsible manner.
- 2.8 Endeavour to provide accurate information to the Council and to the public at all times.

Relationship with fellow Council Members

- 2.9 Endeavour to establish and maintain a respectful relationship with all Council members, regardless of differences of views and opinions.
- 2.10 Not bully or harass other Council members.

Relationship with Council staff

- 2.11 Not bully or harass Council staff.
- 2.12 Direct all requests for information from the Council administration to the Council's Chief Executive Officer or nominated delegate/s.
- 2.13 Direct all requests for work or actions by Council staff to the Council's Chief Executive Officer or nominated delegate/s.
- 2.14 Refrain from directing or influencing Council staff with respect to the way in which these employees perform their duties.

Requirement to report breach of Part 3

- 2.15 A Council member who is of the opinion that a breach of Part 3 of this Code (Misconduct)— has occurred, or is currently occurring, must report the breach to the Principal Member of the Council or Chief Executive Officer, the Ombudsman or the Office for Public Integrity.
- 2.16 A failure to report an alleged or suspected breach of Part 3 of this Code is in itself a breach under this Part (Behavioural Code).

Complaints

- 2.17 Any person may make a complaint about a Council member under the Behavioural Code.
- 2.18 Complaints about behaviour alleged to have breached the Behavioural Code should be brought to the attention of the Principal Member or Chief Executive Officer of the Council, or nominated delegate/s.
- 2.19 A complaint may be investigated and resolved in any manner which that Council deems appropriate in its process for handling alleged breaches of this Part. This can include, but is not limited to: a mediator or conciliator, the Local Government Governance Panel, a regional governance panel or an independent investigator.
- 2.20 A complaint may be considered within this process to be trivial, vexatious or frivolous, and accordingly not investigated.
- 2.21 A failure of a Council member to cooperate with the Council's process for handling alleged breaches of this Part may be referred for investigation under Part 3.
- 2.22 A failure of a Council member to comply with a finding of an investigation under this Part, adopted by the Council, may be referred for investigation under Part 3.
- 2.23 Repeated or sustained breaches of this Part by the same Council member may be referred, by resolution of the Council, to the relevant authority as a breach of Part 3.
- 2.24 A breach of the Behavioural Code must be the subject of a report to a public meeting of the Council.

Findings

- 2.25 If, following investigation under the Council's complaints handling process, a breach of the Behavioural Code by a Council member is found, the Council may, by resolution:
- 2.25.1 Take no action;
 - 2.25.2 Pass a censure motion in respect of the Council member;
 - 2.25.3 Request a public apology, whether written or verbal;
 - 2.25.4 Request the Council member to attend training on the specific topic found to have been breached;
 - 2.25.5 Resolve to remove or suspend the Council member from a position within the Council (not including the member's elected position on Council);
 - 2.25.6 Request the member to repay monies to the Council.

PART 3 MISCONDUCT**3. Misconduct**

Failure by a Council member to comply with this Part constitutes misconduct. The provisions within this Part may refer to statutory matters under the Local Government Act 1999. Any breach of these provisions will be investigated under that legislation.

Any person may report an alleged breach of this Part to the Council, the Ombudsman, the Electoral Commissioner (for alleged breaches of Code 3.8) or the Office for Public Integrity. Alleged breaches of this Part made to a Council or to the Office for Public Integrity may be referred to the Ombudsman for investigation under Section 263 of the Local Government Act 1999, by the Council's Chief Executive Officer or by the Independent Commissioner Against Corruption, where he or she so determines.

A report from the Ombudsman that finds a Council member has breached this Part (Misconduct) of the Code of Conduct must be provided to a public meeting of the Council. The Council must pass resolutions, that give effect to any recommendations received from the Ombudsman, within two ordinary meetings of the Council following the receipt of these recommendations.

An investigation under Part 3 of this Code does not preclude an investigation being launched as a potential breach of the criminal matters listed in the Appendix to this document.

Member duties

Council members must:

- 3.1 Act honestly at all times in the performance and discharge of their official functions and duties;
- 3.2 Perform and discharge their official functions and duties with reasonable care and diligence at all times;
- 3.3 Not release or divulge information that the Council has ordered be kept confidential, or that the Council member should reasonably know is information that is confidential, including information that is considered by Council in confidence;

- 3.4 Not exercise or perform, or purport to exercise or perform, a power, duty or function that he or she is not authorised to exercise or perform;
- 3.5 Not attempt to improperly direct a member of Council staff to act in their capacity as a Local Government employee for an unauthorised purpose;
- 3.6 Ensure that relationships with external parties cannot amount to interference by improper influence, affecting judgement, decisions and/or actions.

Gifts and benefits

- 3.7 Council members must not:
 - 3.7.1 Seek gifts or benefits of any kind;
 - 3.7.2 Accept any gift or benefit that may create a sense of obligation on their part or may be perceived to be intended or likely to influence them in carrying out their public duty;
 - 3.7.3 Accept any gift or benefit from any person who is in, or who seeks to be in, any contractual relationship with the Council.
- 3.8 Notwithstanding Code 3.7, Council members may accept campaign donations as provided for in the Local Government (Elections) Act 1999.
- 3.9 Notwithstanding Code 3.7.3, Council members may accept hospitality provided in the context of performing their duties, including:
 - 3.9.1 Free or subsidised meals, beverages or refreshments of reasonable value provided in conjunction with:
 - 3.9.1.2 Council work related events such as training, education sessions workshops and conferences;
 - 3.9.1.3 Council functions or events;
 - 3.9.1.4 Social functions organised by groups such as Council committees and community organisations.
 - 3.9.2 Invitations to, and attendance at, local social, cultural or sporting events.
- 3.10 Where Council members receive a gift or benefit of more than a value published in the *Government Gazette* by the Minister from time to time, details of each gift or benefit must be recorded within a gifts and benefits register maintained and updated quarterly by the Council's Chief Executive Officer. This register must be made available for inspection at the principal office of the Council and on the Council website.

Note: The Minister for Planning in the Government Gazette on 18 August 2013 specified the value to be \$100.

Register of Interests

- 3.11 Council members must lodge with the Council a complete and accurate primary return of their interests, and subsequent ordinary returns, as required by legislation.

Campaign donation returns

- 3.12 Council members must ensure that following each election an accurate campaign donation return is provided to the Chief Executive Officer of the Council as required by legislation.

Conflict of interest

- 3.13 Council members must be committed to making decisions without bias and in the best interests of the whole community and comply with the relevant conflict of interest provisions of the Local Government Act 1999.

Misuse of Council resources

- 3.14 Council members using Council resources must do so effectively and prudently.
- 3.15 Council members must not use Council resources, including services of Council staff, for private purposes, unless legally or properly authorised to do so, and payments are made where appropriate.
- 3.16 Council members must not use public funds or resources in a manner that is irregular or unauthorised.

Repeated or sustained breaches of Part 2

- 3.17 At the discretion of the Council to which the member is elected, repeated or sustained inappropriate behaviour, as listed in Part 2, may be escalated to an allegation of misconduct under this Part.
- 3.18 A failure to comply with a finding of inappropriate behaviour (by the Council, independent investigator or Ombudsman) under Part 2 is also grounds for a complaint under this Part.

APPENDIX—CRIMINAL MATTERS

The matters within this Appendix are matters for which a criminal penalty attaches. As separate legislation operates to cover such conduct, this part does not form part of the Code of Conduct for Council Members.

Allegations of conduct breaching these matters will be investigated in accordance with the legislation governing that conduct and they are included within this document only in order to provide a complete overview of the standards of conduct and behaviour expected of Council members.

Alleged breaches of matters outlined in this Appendix should be reported to the Office for Public Integrity in the first instance.

Breaches of the Local Government Act 1999**Member duties**

A member of a Council must not, whether within or outside the State, make improper use of information acquired by virtue of his or her position as a member of the Council to gain, directly or indirectly, an advantage for himself or herself or for another person or to cause detriment to the Council (Section 62 (3)).

A member of a Council must not, whether within or outside the State, make improper use of his or her position as a member of the Council to gain, directly or indirectly, an advantage for himself or herself or for another person or to cause detriment to the Council (Section 62 (4)).

Provision of false information

A member of a Council who submits a return under Chapter 5 Part 4 (Register of interest) and Schedule 3 of the Local Government Act 1999, that is to the knowledge of the member, false or misleading in a material particular (whether by reason of information included in or omitted from the return) is guilty of an offence (Section 69).

Restrictions on publication of information from Register of Interests

A Council member must not publish information, or authorise publication of information, derived from a Register unless the information constitutes a fair and accurate summary of the information contained in the Register, and is published in the public interest, or comment on the facts set forth in a Register, unless the comment is fair and published in the public interest and without malice (Section 71).

Breaches of other Acts

Acting in his or her capacity as a public officer, a Council member shall not engage in conduct, whether within or outside the state, that constitutes corruption in public administration as defined by Section 5 of the Independent Commissioner Against Corruption Act 2012, including:

An offence against Part 7 Division 4 (Offences relating to public officers) of the Criminal Law Consolidation Act 1935, which includes the following offences:

- bribery or corruption of public officers;
- threats or reprisals against public officers;
- abuse of public office;
- demanding or requiring benefit on basis of public office;
- offences relating to appointment to public office.

Any other offence, including an offence against Part 5 (Offences of dishonesty) of the Criminal Law Consolidation Act 1935, committed by a public officer while acting in his or her capacity as a public officer, or by a former public officer and related to his or her former capacity as a public officer, or by a person before becoming a public officer and related to his or her capacity as a public officer, or to an attempt to commit such an offence.

Any of the following in relation to an offence referred to in a preceding paragraph:

- aiding, abetting, counselling or procuring the commission of the offence;
- inducing, whether by threats or promises or otherwise, the commission of the offence;
- being in any way, directly or indirectly, knowingly concerned in, or party to, the commission of the offence;
- conspiring with others to effect the commission of the offence.

ATTACHMENT B**ADELAIDE HILLS COUNCIL MEMBER BEHAVIOURAL STANDARDS****1. INTRODUCTION**

- 1.1 Adelaide Hills Council Members acknowledge their obligations to comply with the requirements of the prescribed Code of Conduct. Adelaide Hills Council Members consider that the Code of Conduct represents a set of minimum standards that all Members must comply with. Adelaide Hills Council Members wish to provide an additional agreed set of behavioural principles and standards to complement and confirm the requirements of the Code of Conduct, and have adopted these Standards for that purpose.
- 1.2 The behavioural standards outlined in this document apply to members of Adelaide Hills Council in addition to the standards prescribed in the Code of Conduct, the *Local Government Act 1999* and other relevant Acts and Regulations applicable to Members in the performance of their role, responsibilities, functions and duties.

2. Part 1: Higher Principles of Member Behaviour

- 2.1 In addition to the principles outlined in Part 1 of the Code of Conduct, the Members of Adelaide Hills Council have adopted the following additional higher principles of Member behaviour. While these principles do not constitute a standard of separate, enforceable conduct, they do represent the adopted values that Members of Adelaide Hills Council are expected to observe. The additional higher principles are to be read and applied in conjunction with those principles set out in the Code of Conduct.
- 2.2 These principles of expected and agreed behaviour of the Adelaide Hills Council Members are as follows:
- To act fairly and with integrity.
 - To lead by example in working with others to achieve agreed goals in the Adelaide Hills Council Strategic Plan.
 - To communicate clearly, constructively and directly with others in a regular and timely manner.
 - To act in a manner that is respectful, non-discriminatory, fair and that is not aggressive or intimidating.
 - To demonstrate respect for individuals, Council and other Members.
 - To encourage and listen attentively to the opinions and advice of the community, Council staff and other Members and to respond in a manner which best considers the interests of all stakeholders.
 - To be open, flexible and adaptable to change.
 - To demonstrate teamwork and collaboration with Council staff, other Members and the community.
 - To contribute and participate constructively, robustly and open-mindedly in Council debates and decision-making processes.

- To be committed to representing the Council in a manner which encourages long-term trust, respect and confidence in Council staff and other Members.
- To be accountable and responsible for their own behaviour and to be willing to acknowledge mistakes.

3. Part 2: Behavioural Code

- 3.1 In addition to the Behavioural Code requirements outlined in Part 2 of the Code of Conduct, the Members of Adelaide Hills Council have adopted these additional aspirational behavioural standards that Council expects will be observed by all Members.
- 3.2 For clarity purposes, the requirements of Part 2 of the Code of Conduct are listed alongside the applicable Adelaide Hills Council's Behavioural Standards below.

Behavioural Code in Code of Conduct for Council Members		Adelaide Hills Council Behavioural Standards	
Council members must:		Council members of Adelaide Hills Council will:	
General Behaviour			
2.1	Show commitment and discharge duties conscientiously.	AH1	Act in the long-term best interests of the overall Council area and the community, by balancing the interest of all stakeholders and taking an active interest in local community affairs as well as affairs across the whole Council district.
2.2	Act in a way that generates community trust and confidence in the Council.	AH2	Be objective in reaching Council decisions
2.3	Act in a reasonable, just, respectful and non-discriminatory way when dealing with people.	AH3	Accept the responsibility associated with Council decisions and the collective decision making process.
2.4	Show respect for others if making comments publicly.		
2.5	Ensure that personal comments to the media or other public comments, on Council decisions and other matters, clearly indicate that it is a private view, and not that of the Council.		
Responsibilities as a member of Council			
2.6	Comply with all Council policies, codes and resolutions.	AH4	Use information received in their capacity as Council members only for the purpose of Council business.

Behavioural Code in Code of Conduct for Council Members		Adelaide Hills Council Behavioural Standards	
Council members must:		Council members of Adelaide Hills Council will:	
2.7	Deal with information received in their capacity as Council members in a responsible manner.	AH5	Follow Council's guidelines for the making of public statements on behalf of Council, as outlined in these Behavioural Standards.
2.8	Endeavour to provide accurate information to the Council and to the public at all times.	AH6	Attend, participate in and aim to facilitate constructive Council, Committee meetings, workshops and advisory groups and apologise or obtain a leave of absence in advance for non-attendance.
		AH7	Act responsibly in the allocation of and proper and responsible use of Council resources and expenditure.
		AH8	Be open, approachable and fair in dealings with individuals and organisations and behave in a manner that facilitates constructive and collaborative communication between Council and the community.
		AH9	Be actively aware of any situation that may create tension between their public and private roles and work towards minimising any tension arising.
		AH10	Ensure that communication (written, verbal or otherwise) is not offensive or otherwise defamatory to any person.
Relationship with fellow Council members			
2.9	Endeavour to establish and maintain a respectful relationship with all Council members, regardless of differences or views and opinions	AH11	Use their best endeavours to establish working relationships with fellow Council Members that recognise and respect a diversity of opinion amongst members and actively seek to achieve the best possible outcomes for the community.
2.10	Not bully or harass other Council members	AH12	Promote behaviours with fellow Council Members that are conducive to establishing mature and constructive working relationships.
		AH13	Respect and encourage that all points of view be heard.

Behavioural Code in Code of Conduct for Council Members		Adelaide Hills Council Behavioural Standards	
Council members must:		Council members of Adelaide Hills Council will:	
Relationship with Council staff			
2.11	Not bully or harass Council staff.	AH14	Seek to achieve a team approach when dealing with Council staff in an environment of mutual respect, trust, and acceptance of the different roles of Council staff and Members in achieving the Council's objectives and policies.
2.12	Direct all requests for information from the Council administration to the Council's Chief Executive Officer or nominated delegate/s.	AH15	Promote mature and constructive working relationships with the Senior Leadership Team and other Council staff, based on mutual trust and respect.
2.13	Direct all requests for work or actions by Council staff to the Council's Chief Executive Officer or nominated delegate/s.	AH16	Respect the role of Council staff in providing professional opinion, guidance and expertise.
2.14	Refrain from directing or influencing Council staff with respect to the way in which these employees perform their duties.	AH17	Utilise appropriate channels established by the Chief Executive Officer under Section 61 of the <i>Local Government Act 1999</i> for the purposes of obtaining official Council documents or information that is not publicly available.

4. Media Releases, Public Comment & External Communication

- 4.1 The Mayor or Chief Executive Officer (or another person delegated by them) may make statements to the media relating to the policy of Council or its position on particular issues.
- 4.2 Questions on Council business or those of a technical nature should be directed to the Chief Executive Officer or appropriate Director.
- 4.3 In accordance with clause 2.5 of the Code of Conduct, if members of Council make personal statements to the media, they should indicate that the statement reflects their personal view and is not necessarily the policy or position of Council, unless an individual has been specifically authorised by Council to convey a particular position to the media.

5. Gifts and Benefits

- 5.1 Part 3 of the Code of Conduct contains specific guidance regarding Council Member obligations in relation to gifts and benefits. Further, clause 3.10 establishes the requirement for gifts and benefits received above a specified value to be recorded in the Council Gifts and Benefits Register.

- 5.2 The Members of the Adelaide Hills Council believe that the principles of open and accountable government can most effectively be promoted in this respect by committing to register all gifts and benefits regardless of value.

6. Dress Code

- 6.1 Adelaide Hills Council Members will afford respect to their official role and the community they represent by maintaining a standard of dress equivalent to neat business attire when attending Council meetings.

7. Breaches of the Behavioural Standards

- 7.1 Clause 2.6 of the Code of Conduct provides that members of councils must comply with all council policies, codes and resolutions. A breach of the Behavioural Standards is therefore considered by Council to be a breach of Clause 2.6 of the Code of Conduct and will be dealt with accordingly.
- 7.2 Alleged breaches of both the Code of Conduct and the Behavioural Standards are managed through the Code of Conduct Complaint Handling Procedure at Attachment C.

ATTACHMENT C**Code of Conduct Complaint Handling Procedure****1. Introduction**

- 1.1 On 1 September 2013, a new *Code of Conduct for Council Members* was made by Regulation. The Code of Conduct applies to all Council Members across the Local Government sector and may be the subject of a Council investigation or an Ombudsman investigation, depending on the nature of the issue. The Code of Conduct also contains sanctions which may be imposed by Council on a Council Member where a breach of the Code is found to be sustained.
- 1.2 The preamble to Part 2 of the Code requires each Council to adopt a process for the handling of alleged breaches of Part 2 and that the process will need to be reviewed within 12 months of a general local government election.
- 1.3 On 21 January 2014, the Adelaide Hills Council initially adopted the AHC Behavioural Standards which provide for an additional agreed set of behavioural principles and standards to complement and confirm the requirements of the Code of Conduct.
- 1.4 Clause 2.6 of the Code of Conduct requires Council Members to comply with Council policies, codes and resolutions; therefore a breach of the Behavioural Standards is a breach of Part 2 of the Code of Conduct.

2. Purpose and Scope

- 2.1 This procedure applies when the Council receives a complaint against a Council Member under the Code of Conduct for Council Members as gazetted on 29 August 2013.

3. Provisions of the Code of Conduct

- 3.1 The Code of Conduct for Council Members contains the following clauses regarding Complaints and Findings (of alleged breaches under Part 2):
 - 2.17 *Any person may make a complaint about a Council member under the Behavioural Code.*
 - 2.18 *Complaints about behaviour alleged to have breached the Behavioural Code should be brought to the attention of the Principal Member or Chief Executive Officer of the Council, or nominated delegate/s.*
 - 2.19 *A complaint may be investigated and resolved in any manner which that Council deems appropriate in its process for handling alleged breaches of this Part. This can include, but is not limited to: a mediator or conciliator, the Local Government Governance Panel, a regional governance panel or an independent investigator.*
 - 2.20 *A complaint may be considered within this process to be trivial, vexatious or frivolous, and accordingly not investigated.*
 - 2.21 *A failure of a Council member to cooperate with the Council's process for handling alleged breaches of this Part may be referred for investigation under Part 3.*

- 2.22 *A failure of a Council member to comply with a finding of an investigation under this Part, adopted by the Council, may be referred for investigation under Part 3.*
- 2.23 *Repeated or sustained breaches of this Part by the same Council member may be referred, by resolution of the Council, to the relevant authority as a breach of Part 3.*
- 2.24 *A breach of the Behavioural Code must be the subject of a report to a public meeting of the Council.*
- 2.25 *If, following investigation under the Council's complaints handling process, a breach of the Behavioural Code by a Council member is found, the Council may, by resolution:*
- 2.25.1 *Take no action;*
 - 2.25.2 *Pass a censure motion in respect of the Council member;*
 - 2.25.3 *Request a public apology, whether written or verbal;*
 - 2.25.4 *Request the Council member to attend training on the specific topic found to have been breached;*
 - 2.25.5 *Resolve to remove or suspend the Council member from a position within the Council (not including the member's elected position on Council);*
 - 2.25.6 *Request the member to repay monies to the Council.*

- 3.2 The Complaint Handling Procedure supplements (but does not replace) the requirements of the above clauses of the Code of Conduct.

4. Breaches the Code of Conduct

- 4.1. Breaches of the Code of Conduct may relate to behaviour (in Part 2 of the Code) or misconduct (in Part 3 of the Code). Criminal or corruption matters, which are subject to separate legislation, do not form part of the *Code of Conduct for Council Members* but are referred to in the Appendix to the Code. This procedure covers referral of these types of complaints to other agencies.
- 4.2. Where an alleged breach occurs the [Complainant](#) should report the allegation, in writing, to the Council, addressed to the CEO. The allegation should:
- be specific;
 - provide as much supporting evidence as possible to assist an investigation
 - provide the name of the [Council](#) Member who has allegedly breached the Code [\(the Respondent\)](#).
- 4.3. The CEO must acknowledge receipt of the complaint within three (3) clear business days of receiving the complaint.
- [4.4.](#) Complainants can, at any time, take the alternative option of lodging the complaint directly to the Ombudsman or with the Office of Public Integrity (OPI), which will direct the complaint in accordance with the ICAC Act.
- [4.5.](#) [Where the Complainant is an Adelaide Hill Council Member or Officer they will be required to maintain confidence with respect to the identity of the Respondent](#)

and the details of the complaint with the exception of disclosures necessary to facilitate the investigation of the complaint.

4.6. Where the Complainant is not an Adelaide Hills Council Member or Officer they will be requested to maintain confidence with respect to the identity of the Respondent and the details of the complaint with the exception of disclosures necessary to facilitate the investigation of the complaint.

4.7. The CEO must advise the Mayor (or if ~~it relates to~~ the Mayor is the Complainant or the Respondent, his/her deputy) of receipt of a complaint within three (3) clear business days. (Hence forth in this procedure reference to the Mayor will be taken as the Mayor or deputy-).

4.8. The CEO will allocate a Council Officer to assist the Mayor with document management and liaison with the parties to the complaint.

4.4.4.9. The Mayor -will determine whether the complaint relates to:

- behavior which falls under Part 2 of the Code
- misconduct which triggers action under Part 3 of the Code or
- criminal or corrupt behaviour

4.5.4.10. Complaints relating to misconduct, corrupt or criminal behaviour must be referred to the appropriate authorities immediately. (See below at clauses 8 and 9).

4.6.4.11. Council maintains jurisdiction where the complaint deals with conduct that falls into Part 2 of the Code. Part 2 deals with conduct that reflects reasonable community expectations of how Council Members should conduct themselves. Robust debate within Council which is conducted in a respectful manner is not a breach of this Part.

4.7.4.12. Having regard to the seriousness of the Part 2 allegation and information provided, the Mayor may:

- seek to resolve the matter internally; or
- refer the complaint to the Local Government Governance Panel; or
- dismiss the allegation.

4.13. Where the Mayor is satisfied that the investigation of the matter will not be compromised, the Mayor ~~Within three (3) clear business days of being advised in accordance with clause 4.5, the Mayor must~~will, as soon as practicable, advise the ~~Member, who is the subject of the complaint~~Respondent, of the ~~of the~~ complaint and its substance. The ~~Member-Respondent~~ will also be advised of the manner in which the Mayor intends to deal with the complaint under clause 4.12.

4.8.4.14. The Respondent will be required to maintain confidence with respect to the identity of the Complainant and the details of the complaint with the exception of disclosures necessary to facilitate the investigation of the complaint.

4.9.4.15. The Mayor must ensure that the principles of procedural fairness and natural justice are observed.

4.16. Upon being advised of the complaint, the Mayor must bring the fact of the complaint and the manner in which the Mayor intends to deal with the complaint under clause 4.12 but not the details of the allegations to the attention of the Council at the next formal meeting of the Council.

4.17. Where a complaint is dismissed or withdrawn during the complaint handling process, a report will be provided to a public meeting of Council stating the status (i.e. dismissed/withdrawn) but not the details of the allegations.

5. Alleged Breach of Part 2 - Internal response

5.1. Only matters which are determined to be of a minor nature will be dealt with internally and only with the agreement of the parties. The Mayor, may hold meetings with the Ccomplainant and the Council MemberRespondent and may seek mediation and conciliation between the parties in an attempt to resolve the matter to the satisfaction of all parties (this may be appropriate, for example, where the complainant is also a Council Member). An appropriately qualified person may be engaged, in consultation between the Mayor and the CEO, to assist the Mayor in this process.

5.2. Where the matter is resolved to the satisfaction of all the parties, the Mayor will send written confirmation to all the parties within three (3) clear business days confirming that the matter has been resolved.

5.3. Where the matter cannot be resolved, the Mayor will refer the original complaint to the Local Government Governance Panel. Neither the Mayor nor the CEO (or delegate) will investigate a complaint.

6. Alleged Breach of Part 2 – Referral to the Local Government Governance Panel

6.1. Where there has been an allegation that a Council MemberRespondent has breached Part 2 of the Code, the complaint may be referred to the independent Local Government Governance Panel by the Mayor under this procedure clause 4.9.

6.2. Complaints referred to the Governance Panel will specify the ground/s of the complaint, set out the circumstances of the complaint and be accompanied by any other material that is available to support the complaint. The Respondent will also be requested to provide the Governance Panel with a response to the allegation.

~~6.2.6.3.~~ A copy of the Governance Panel's procedures is available on the Governance Panel webpage on the LGA's website under *Rules of Engagement*. [www.lga.sa.gov.au]

6.4. The Panel Manager will make an initial assessment of the allegation based on the information received to~~The matter will be assessed initially by the Panel Chairperson who will determine if the matter falls within the remit of the Panel, or whether the complaint should be referred elsewhere in relation to the Code (for example, to the Office for Public Integrity or to the Ombudsman).~~the process to be followed and the person who will deal with the matter. The Panel Manager will also determine whether the matter may should be dismissed if it is on the basis that the complaint is frivolous, vexatious, misconceived or lacking in substance.

6.5. At the conclusion of the Initial Assessment, a report will be provided to the Mayor and will contain a recommendation as to whether the matter should proceed to a full investigation or be dealt with in another manner.

6.6. Upon receiving an Initial Assessment Report, the Mayor will give consideration to the recommendation and determine the next step in the process. Both the Complainant and Respondent will be advised of the Mayor's decision.

6.7. Where a complaint progresses to a ~~full~~ investigation, a Preliminary Investigation Report will be prepared by the Panel Manager and forwarded to the Mayor. Consistent with the principles of procedural fairness and natural justice, the Preliminary Investigation Report will be provided to the Complainant and the Respondent. Comments/feedback received on the Preliminary Investigation Report is provided to the Panel Manager for consideration in the finalisation of the Investigation Report.

~~6.3.6.8.~~ The Final Investigation Report will contain details of the complaint, the results of the investigation and a conclusion in relation to the allegation (on the balance of probabilities). Where a breach of the Code has been found, report will be prepared by the Panel and will be provided to the Council. The report may recommend to the Council appropriate action in relation to the matter, including the imposition of any of the sanctions available to a Council under clause 2.25 of the Code of Conduct (see below).

7. Alleged Breach of Part 2 – Finding Reports to Council

7.1. If, following a resolution to a complaint employing the Internal Response method (clause 5 above) in which no breach of Part 2 of the Code is found, a report will be provided to a public meeting of Council stating the finding but not the details of the allegations.

7.2. If, following a resolution to a complaint employing the Internal Response method (clause 5 above) in which a breach of Part 2 of the Code is found, the breach must be the subject of a report to a public meeting of Council (clause 2.24 of the Code). The Complainant's identifying details will not be disclosed in the report as the identity is irrelevant to the Council's determination of the matter and publication of the same could act as a disincentive for the making of complaints.

7.3. Consistent with the principles of procedural fairness and natural justice, while recognising that the Respondent will have conflict of interest legislative obligations and will not be able to remain in the Chamber when the matter is being considered, the Mayor will provide the Respondent with the opportunity to provide a written submission addressing any matters that they may wish for the Council to take into account in considering the report. The submission, if so provided, will be included as an Appendix to the report on the matter.

~~7.2.7.4.~~ The Council may, by resolution, take any of the following actions (under clause 2.25 of the Code):

- Take no action;
- Pass a censure motion in respect of the Council Member;
- Request a public apology, whether written or verbal;
- Request the Council Member to attend training on the specific topic found to have been breached;
- Resolve to remove or suspend the Council Member from a position within the Council (not including the Member's elected position on Council)

- Request the member to repay monies to the Council.

~~7.3-7.5.~~ If, following investigation by the Governance Panel, no breach of the Part 2 of the Code is found, a report will be provided to a public meeting of Council stating the finding but not the details of the allegations.

7.6. If, following investigation by the Governance Panel, a breach of the Part 2 of the Code is found, the breach must be the subject of a report to a public meeting of Council (clause 2.24 of the Code). The Panel's Final Investigation Report will be appended to the Council report. The Complainant's identifying details will be redacted from the Final Investigation Report as the identity is irrelevant to the Council's determination of the matter and publication of the same could act as a disincentive for the making of complaints.

7.7. Consistent with the principles of procedural fairness and natural justice, while recognising that the Respondent will have conflict of interest legislative obligations and will not be able to remain in the Chamber when the matter is being considered, the Mayor will provide the Respondent with the opportunity to provide a written submission addressing any matters that they may wish for the Council to take into account in considering the report. The submission, if so provided, will be included as an Appendix to the Officer's Report on the matter.

~~7.4-7.8.~~ The Council may, by resolution, take any of the following actions (under clause 2.25 of the Code):

- Take no action;
- Pass a censure motion in respect of the Council Member;
- Request a public apology, whether written or verbal;
- Request the Council Member to attend training on the specific topic found to have been breached;
- Resolve to remove or suspend the Council Member from a position within the Council (not including the Member's elected position on Council)
- Request the member to repay monies to the Council.

8. Part 3 - Mandatory Code (Misconduct)

- 8.1. Any person may report an alleged breach of Part 3 of the Code to the Council, the Ombudsman or the Office for Public Integrity. Alleged breaches of this Part made to Council or to the Office for Public Integrity may be referred to the Ombudsman for investigation.
- 8.2. Under the Code of Conduct, a Council Member who is of the opinion that a breach of Part 3 of the Code has occurred, or is currently occurring, must report the breach to the Mayor of the Council or Chief Executive Officer, the Ombudsman or the Office for Public Integrity.
- 8.3. A failure to report an alleged or suspected breach of Part 3 of the Code is in itself a breach under Part 2 of the Code.

-
- 8.4. A failure of a Council Member to co-operate with the Council's process for handling alleged breaches of Part 2 of the Code may be referred for investigation under Part 3.
- 8.5. A failure of a Council Member to comply with a finding of an investigation under Part 2 of the Code, adopted by the Council, may be referred for investigation under Part 3.
- 8.6. Repeated or sustained breaches of Part 2 of the Code by the same Council Member may be referred, by resolution of the Council, to the relevant authority as a breach of Part 3.
- 8.7. A report from the Ombudsman that finds a Council Member has breached Part 3 of the Code of Conduct must be the subject of a report to a public meeting of the Council.
- | [8.8.](#) The Council must pass a resolution to give effect to any recommendations received from the Ombudsman, within two ordinary meetings of the Council following the receipt of these recommendations.

9. Criminal Matters – Appendix to the Code of Conduct

- 9.1. The matters within the Appendix to the Code of Conduct are matters for which a criminal penalty attaches. These matters must be reported to the OPI. In addition, allegations of a breach of any of the offence provisions in the *Local Government Act 1999* must also be reported to the OPI. (See Council's *Fraud and Corruption Prevention Policy* for further information on reporting requirements or the *Directions and Guidelines* issued by the Independent Commissioner Against Corruption).
- 9.2. In compliance with the *Independent Commissioner Against Corruption Act 2012*, referral of such complaints to the OPI will remain confidential.

**ADELAIDE HILLS COUNCIL
ORDINARY COUNCIL MEETING
Tuesday 28 January 2020
AGENDA BUSINESS ITEM**

Item: 12.8

Originating Officer: Deryn Atkinson, Manager Development Services

Responsible Director: Marc Salver, Director Development & Regulatory Services

Subject: Development Application Fee Waiver Requests

1. Lobethal & District Aged Homes Inc. – Development Application 473/566/18
2. Oakbank Racing Club Inc. - Development Application 473/1039/19
3. Building Conservation Technology – Development Application 473/995/19 for internal repairs to State Heritage listed dwelling

For: Decision

SUMMARY

Council's *Development Application Fee Waiver Policy* (the Policy) defines the criteria for the waiver of application fees for community not-for-profit organisations. The Administration has the delegation to waive fees where the development cost is no more than \$100,000 for these organisations. Where the development cost exceeds \$100,000 the Policy requires the waiver of fees to be approved by Council (as per clause 11 of the Policy).

Two community not-for-profit organisations namely, Lobethal & District Aged Homes Inc. (Restvale) and Oakbank Racing Club Inc. currently have development applications with Council with the development costs exceeding \$100,000. The Administration seeks approval from Council to waive a portion of the application fees as described in this report.

A third development application fee waiver request relates to the South Australian Heritage Grants approved for the owners of a State Heritage Place at 115 Institute Road Montacute for internal restoration work to the dwelling. This is one of two South Australian State Heritage grants approved in the Adelaide Hills Council area. Heritage SA is seeking support from Council to waive the associated development application fees for the two grant recipients. One is a community organisation and the fee waiver is covered by the Policy. The other is Development Application 473/995/19 by Building Conservation Technology. It is recommended that Council approves the waiver of development application fees of \$108.75 in this instance in support of the South Australian Heritage Grants Program request.

RECOMMENDATION

Council resolves:

1. That the report be received and noted.
2. To approve the waiver of development fees up to \$345 for Lobethal & District Aged Homes Inc. in relation to Development Application 473/566/18 for a development at 8 Woodside Road and 5 Jeffrey Street Lobethal.
3. To approve the waiver of development fees up to \$356 for Oakbank Racing Club Inc. in relation to Development Application 473/1039/19 for a development at 46 Oakwood Road Oakbank.
4. To approve the waiver of \$108.75 in application fees for Development Application 473/995/19 at 115 Institute Road Montacute as a recipient of the South Australian Heritage Grants Program.

1. GOVERNANCE

➤ Strategic Management Plan/Council Policy

Goal	Organisational Sustainability
Strategy	Governance

The request has been considered in accordance with Council's adopted *Development Application Fee Waiver Policy (DEV-05)*.

➤ Legal Implications

Section 39(4) (c) of the *Development Act, 1993* allows the relevant authority to waive payment of whole or part of the application fees for the assessment of a development application.

➤ Risk Management Implications

The consideration of the development application fee waiver by Council as required by the *Development Application Fee Waiver Policy* will assist in mitigating the risk of:

A poor perception of Council and its policies and procedures if these matters are not reported to Council for approval in accordance with the Policy.

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

The Policy is an existing control to mitigate the risk of poor governance in relation to the waiver of Development Application fees. The Policy only relates to the waiver of fees for community not-for-profit organisations. A full report is needed for each development application fee waiver where the Policy criteria requires a Council decision.

➤ **Financial and Resource Implications**

If the three waivers of fees are granted, Council will forego up to \$810.25 of total fee income for the three development applications.

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

By authorising the waiver of portion of the development application fees in relation to Development Applications 473/566/18 and 473/1039/19 Council will be supporting the Lobethal & District Aged Homes Inc. and the Oakbank Racing Club Inc. in upgrading their facilities. By authorising the waiver of the development application fees for the heritage grant recipients, Council will be showing support for preservation of state heritage buildings.

➤ **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: Not applicable

Administration: Not applicable

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

2. BACKGROUND

Lobethal & District Aged Homes Inc. and Oakbank Racing Club Inc.

Lobethal & District Aged Homes Inc. (Restvale) has lodged Development Application 473/566/18 through their architect (Simon Girst) for alterations & additions to existing aged care facility, including deck (maximum height 1.2m) & associated upgrades to car park at 8 Woodside Road and 5 Jeffrey Street Lobethal. The cost of the development is \$1.2 million and it is recommended that the waiver of \$345 in development application fees is approved.

Oakbank Racing Club Inc. have lodged Development Application 473/1039/19 with Council for alterations & additions to the existing racing club facility, including demolition of the TAB building, interim fire safety upgrade (members bar), alterations and additions to the members bar building, repair and painting of the grandstands and installation of air conditioning unit to a kitchen at 46 Oakwood Road Oakbank. The Racing Club is a State Heritage Place and the application requires referral to the State Heritage Branch.

Both Lobethal & District Aged Homes Inc. and the Oakbank Racing Club are community organisations providing services to the local community.

Waiver of development application fees for South Australian State Heritage Grants Recipients

As part of the 2018-2019 State Budget, the State government established a new Heritage Grants Program to provide \$500,000 of funding over two years (2018-2019 and 2019-2020). The Program is to assist owners of State Heritage Places to undertake vital conservation and restoration work to their properties. As part of the Program, the Minister for Environment and Water authorised the waiver of heritage referral fees for development applications relating to the restoration work. Council was asked to consider waiving the other relevant development application fees for grant recipients (refer **Appendix 1**). At the time the Program was announced it was considered that the waiver of fees would be considered at the time of lodgement of a development application. The development application (473/995/19) for the internal repairs to the State Heritage listed dwelling, which is the subject of a heritage grant, has now been lodged for 115 Institute Road Montacute.

3. ANALYSIS

Lobethal & District Aged Homes Inc.

Lobethal & District Aged Homes Inc. is seeking a waiver of the relevant fees in accordance with Council's Policy. Pursuant to the Policy, the Manager Development Services has delegation to waive fees for developments with a development cost up to \$100,000 for community organisations. The development cost of the proposal in Development Application 473/566/18 is \$1.2 million and Council is the relevant authority to determine if the fees should be waived.

The following fees are ordinarily payable:

Lodgement fees	\$	136.00
Planning assessment fee	\$	1500.00
Building assessment fee	\$	3123.20
Certificate of titles	\$	78.00
TOTAL	\$	4837.20

In accordance with the Policy, \$136 in lodgement fees and \$109 in planning fees and \$100 in building fees are recommended to be waived, a total of \$345. The remaining fees of \$4,492.20 would be payable by Lobethal & District Aged Homes Inc. unless Council determines otherwise.

Oakbank Racing Club Inc.

Oakbank Racing Club Inc. is seeking a waiver of the relevant fees in accordance with Council's Policy. The development cost of the proposal in Development Application 473/1039/18 is \$184,295 and Council is the relevant authority to determine if the fees should be waived.

The following fees are ordinarily payable:

Lodgement fees	\$	142.50
Planning assessment fee	\$	230.37
Building assessment fee	\$	124.29
State Heritage Referral	\$	238.00
TOTAL	\$	735.16

In accordance with the Policy, \$142.50 in lodgement fees and \$114 in planning fees and \$100 in building fees are recommended to be waived, a total of \$356.50. The remaining fees of \$378.66 would be payable by Oakbank Racing Inc. unless Council determines otherwise.

The proposed developments are likely to benefit the community and the waiver of portion of the development application fees above will assist both the Lobethal & District Aged Homes Inc. and the Oakbank Racing Club in undertaking the alterations and additions to their facilities.

Waiver of development application fees for South Australian Heritage Grants Recipients

Development Application 473/995/19 by Building Conservation Technology has been lodged on behalf of the owners (the Gobell family) for the internal repairs to the dwelling at 115 Institute Road Montacute. The internal restoration works are being funded as part of a South Australian Heritage Grant. The development application fees associated with the development proposal are \$108.75. It is recommended that Council approves the waiver of development application fees in this instance in support of the South Australian Heritage Grants Program.

4. OPTIONS

Council has the following options:

- I. To approve the fee waiver requests as outlined in this report (Recommended)
- II. To not approve the fee waiver requests for the developments outlined in this report (Not Recommended)

5. APPENDIX

- (1) Request to waiver Development Application fees for South Australian Heritage Grants Program recipients

Appendix 1

*Request to waiver Development Application fees for
South Australian Heritage Grants Program
recipients*



DEW BH 2 Heritage Grants

Date: 5th December 2018

Local council

**Re: South Australian Heritage Grants Program – Request to waive Development
Application fees for heritage conservation work**

As part of the 2018-19 State Budget, the State government is establishing a new Heritage Grants Program (the Program) - \$500,000 over two years (2018-19 and 2019-20). The Program will help owners of State heritage-listed properties undertake vital conservation and restoration work to their properties. It is anticipated that applications for 2018-19 will be open from late December 2018 and the Program provide grants for around 20-30 projects per year, with individual grants of between \$1,000 and \$20,000. Attached is a fact sheet about the new Program and further information will be available on our DEW website.

As part of the establishment of the Program, the Minister for Environment and Water has authorised the waiving of his portion of the heritage referral fees for Development Applications (DA) relating to grant-related heritage conservation work. In order to further reduce the costs and red tape for owners undertaking such work, we ask you consider also waiving your portion of this DA referral fee. It is anticipated that our heritage conservation architects will be working with each grant recipient to ensure the conservation work is compliant and the process of the DA referral will be purely procedural.

If a DA for heritage conservation work also triggers planning or building code considerations, we ask that your Council also consider waiving the relevant fees in these circumstances.

Could your Council please consider this request regarding Council fees for heritage conservation work associated with a heritage grant and provide your decision to Kirsty Nield, Heritage Officer, Heritage South Australia, via email at Kirsty.Nield@sa.gov.au.

If you would like to discuss this request in further detail, please contact Kirsty by calling Heritage South Australia on 8124 4960 or by her email address.

Yours sincerely

Beverley Voigt
Manager, Heritage South Australia

**ADELAIDE HILLS COUNCIL
ORDINARY COUNCIL MEETING
Tuesday 28 January 2020
AGENDA BUSINESS ITEM**

Item: 12.9

Originating Officer: Lachlan Miller, Executive Manager Governance & Performance

Responsible Director: Andrew Aitken, Chief Executive Officer

Subject: CEO Performance Review Panel - Independent Membership

For: Decision

SUMMARY

Council utilises its Council Committees to provide advice to Council which collectively contribute to the achievement of Council's goals and strategies and discharge of its legislative obligations.

Council has established three Council Committees being the Strategic Planning & Development Policy Committee (SPDPC), the Audit Committee and the Chief Executive Officer Performance Review Panel (CEOPRP).

This report addresses matters related to the Independent Membership of the CEOPRP, with the key matter being to establish a selection panel for recruitment of one Independent Member following the receipt of a notice of intention to resign from the Panel from the current Independent Member.

RECOMMENDATION

Council resolves:

1. That the report be received and noted
 2. That in relation to the CEO Performance Review Panel:
 - a. To undertake a recruitment process for the selection of one Independent Ordinary Member for the CEO Performance Review Panel for a term of 24 months, indicatively commencing 1 March 2020.
 - b. To appoint _____, _____ and the Executive Manager Organisational Development as members of the CEO Performance Review Panel Independent Member Selection Panel.
-

1. GOVERNANCE

➤ Strategic Management Plan/Council Policy

Goal: Organisational Sustainability
Strategy: Governance

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

➤ Legal Implications

Council Committees

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

Section 41 committees may contain members who are not Council Members.

There is currently no legal requirement for a council to establish a CEOPRP (or similar).

➤ Risk Management Implications

The selection of qualified and experienced members for s41 committees will assist in mitigating the risk of:

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

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

Note that there are many other controls that are in place to mitigate this risk.

➤ Financial and Resource Implications

The costs specifically associated with this report relate to advertising for Expressions of Interest for membership of the CEOPRP and the payment of Independent Member sitting fees. The costs have been incorporated in the adopted budget.

The resource implications are predominately in relation to the conduct of the Independent Member selection process.

The sitting fees for the Independent Member of the CEOPRP were considered by Council at the 23 April 2019 Ordinary Council Meeting and were resolved as follows:

3. That in relation to the Chief Executive Officer Performance Review Panel:

- a. To determine the sitting fees for Members, effective immediately, as follows:**
 - i. Independent Presiding Member - \$550 (excl GST) per attended meeting.**
 - ii. Independent Ordinary Member - \$400 (excl GST) per attended meeting.**
 - iii. Authorised Training - \$75 (excl GST) per hour of training attended excluding travel time but with a travel allowance being paid at the standard Council rate.**
- b. That in the event that an Independent Ordinary Member is required to preside at a meeting in the absence of the Presiding Member, then that Member receives the \$550 (excl GST) sitting fee for that meeting.**

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

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

➤ **Environmental Implications**

Not applicable.

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

Council Committees: Correspondence and discussion with the CEOPRP Presiding Member

Council Workshops: Not Applicable

Advisory Groups: Not Applicable

Administration: Executive Manager Organisational Development

Community: Not Applicable

There is no requirement for community consultation in relation to the appointment of Independent Members to Council Committees.

2. BACKGROUND

CEOPRP Terms of Reference

At its 27 November 2018 meeting, Council received a report on the CEOPRP and its Terms of Reference (TOR) and resolved (283/18) as follows:

- 2. To retain the Chief Executive Officer Performance Review Panel for the term of the Council with the Terms of Reference in Appendix 1.**

Clause 5 of the CEOPRP TOR (**Appendix 1**) provides the following regarding the membership:

5.1 The Panel will comprise five (5) members as follows:

- 5.1.1 Mayor and Deputy Mayor;
- 5.1.2 Two (2) Council Members ; and
- 5.1.3 One (1) Independent Member.

5.2 All members of the Panel will be appointed by the Council.

5.3 The Independent Member of the Panel shall have recent and relevant skills and experience in fields related to the role and functions of the Panel.

5.4 It is desirable for the Council Members to be appointed to the Panel to have a sound understanding of the role and functions of the Panel.

5.5 In considering appointments to the Panel, Council should give consideration to the diversity of the membership.

5.6 Appointments to the Panel shall be for a period of up to three (3) years.

5.7 Members of the Committee are eligible for reappointment at the expiration of their term of office.

The attendance of the Independent Member is not required for a meeting of the Panel to proceed as long as a quorum is maintained.

CEOPRP Independent Membership

The current Independent Membership of the CEOPRP was considered by Council at the 23 January 2018 Ordinary Council Meeting and was resolved as follows:

19.1.1. CEO Performance Review Committee and Audit Committee Independent Members Appointments – Confidential Item

RELEASED 1 FEBRUARY 2018

Moved Cr John Kemp
S/- Cr Malcolm Herrmann

22/18

Council resolves:

1. That the report be received and noted
2. To appoint Paula Davies to the CEO Performance Review Panel for a term to commence immediately until 30 November 2020 (inclusive)

In December 2019, the current Independent Member, Paula Davies, advised her intention to resign from the CEOPRP. Ms Davies is also an Independent Member of the Audit Committee and has indicated her intention to continue on that Committee until the expiry of her term on 30 November 2020.

Reforming Local Government – Audit Committee Provisions

In August 2019 the Minister for Local Government released the *Reforming Local Government in South Australia Discussion Paper*. The Paper is structured into four reform areas being:

1. Stronger Council Member Capacity and Better Conduct
2. Local Costs and Enhanced Financial Accountability
3. Efficient and Transparent Local Government Representation
4. Simpler Regulation

Reform Area One: Stronger Council Member Capacity and Better Conduct contains a number of proposals relating to the employment relationship between the Elected Council and the CEO as follows:

1.16 Require councils to receive independent advice on CEO selection and remuneration.

1.17 Give responsibility for determining CEO remuneration to the Remuneration Tribunal of South Australia

1.18 Require councils to conduct annual performance reviews of CEOs, with independent oversight.

1.19 Require annual performance reviews to be completed before the extension of a CEO contract.

1.20 Require councils to receive independent advice before terminating a CEO contract.

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.

Based on the proposals in the Discussion Paper it is highly likely that there will be some greater prescription regarding the employment relationship between the Elected Council and the CEO. As such, it is anticipated that there may be a requirement to review the adequacy of the CEOPRP TOR in the latter stages of 2020 (although the timing of the Bill is entirely speculative).

3. ANALYSIS

The current CEOPRP Independent Member, Paula Davies has indicated some flexibility in her resignation date to accommodate the timing of the recruitment practices for an Independent Member. Nevertheless subject to the Council resolution, it is intended to commence recruitment activities as soon as practicable as this will enable the new Member to be in place for the 2019/20 Performance and Remuneration Review and the development of the 2020/21 Performance Targets.

The sitting fees, as resolved by Council (see above) have been recently benchmarked and are considered to be appropriate.

Clause 5.4 of the TOR requires the Independent Member to have recent and relevant skills in fields related to the role and functions of the Panel. Candidates with senior executive (potentially CEO) experience in a public sector environment would be highly desirable due to their intimate knowledge of the determinants and indicators of executive performance.

Selection Panel

If Council determines to commence a recruitment process for the selection of an Independent Member, it will also need to determine a Selection Panel. Historically the Selection Panel for the CEOPRP Independent Member has consisted of two (2) of the four (4) Council Members currently appointed to the CEOPRP (Mayor Wisdom, Councillors Daniell, Osterstock and Parkin). It is proposed that the Executive Manager Organisational Development also be appointed to the Selection Panel due to her expertise in the disciplines associated with the CEOPRP's functions.

If Council seeks to utilise a voting process for the determination of the Selection Panel members, the Appointments to Positions Process contained in Clause 4.7 Council's *Code of Practice for Code of Practice for Council Meeting Procedures* with modifications to suit the legislative requirements of the conflict of interest and informal gatherings provisions can be utilised.

Once the Selection Panel has completed its process, a recommendation will come to Council with the 24 March 2020 meeting targeted.

4. OPTIONS

Council has the following options:

- I. To determine to commence the CEOPRP Independent Member selection process and appoint the Selection Panel Members as proposed (Recommended).
- II. Given the uncertainty regarding the Reforming Local Government Process as it relates to the CEOPRP, to determine to defer the recruitment of an Independent Member until there is more clarity on the incoming legislative provisions. This option is not recommended as the Council will not be able to benefit from the contribution of a skilled and knowledgeable Independent Member in 2020 and it will place greater pressure on the achievement of quorums for Panel meetings.
- III. To determine an alternative course of action (Not recommended).

5. APPENDIX

1. CEO Performance Review Panel – Terms of Reference

Appendix 1

CEO Performance Review Panel – Terms of Reference

ADELAIDE HILLS COUNCIL

CEO Performance Review Panel



TERMS OF REFERENCE

1. ESTABLISHMENT

- 1.1 The CEO Performance Review Panel (the Panel) of Council is established under Section 41 of the *Local Government Act 1999* (the Act).
- 1.2 The Panel does not have executive powers or authority to implement actions in areas which management has responsibility and does not have any delegated financial responsibility. The Panel does not have any management functions and is therefore independent from management.

2. ROLE

- 2.1 The Council is responsible for the selection, remuneration and management of the Chief Executive Officer (CEO). The overall role of the Panel is to provide advice to Council on matters relating to the performance and development of the CEO.

3. SPECIFIC FUNCTIONS

- 3.1 The function of the Panel is to provide advice to Council on the CEO's performance and development, including the following matters:
 - 3.1.1 Determining the Performance Targets for the forthcoming 12 month performance period;
 - 3.1.2 Monitoring the progress on the CEO's agreed Performance Targets for the current 12 month performance period;
 - 3.1.3 Reviewing the CEO's performance over the preceding 12 month performance period, in particular the performance against the agreed Performance Targets and position description requirements;
 - 3.1.4 Identifying development opportunities for the CEO; and
 - 3.1.5 Reviewing the remuneration and conditions of employment of the CEO.

4. OTHER MATTERS

The Panel shall:

- 4.1 Have access to reasonable resources in order to carry out its duties, recognising the constraints within Council's Budget;
- 4.2 Be provided with appropriate and timely training, both in the form of an induction programme for new members and on an ongoing basis for all members;

- 4.3 Give due consideration to laws and regulations of the Act;
- 4.4 Where the Panel is required to act jointly with or to obtain the concurrence of the CEO in the performance of its functions, the Council expects that both parties will negotiate and consult in good faith to achieve the necessary objectives; and
- 4.5 At least once in its term, review its own performance and terms of reference to ensure it is operating at maximum effectiveness and recommend changes it considers necessary to the Council for approval.

5. MEMBERSHIP

- 5.1 The Panel will comprise five (5) members as follows:
 - 5.1.1 Mayor and Deputy Mayor;
 - 5.1.2 Two (2) Council Members ; and
 - 5.1.3 One (1) Independent Member.
- 5.2 All members of the Panel will be appointed by the Council.
- 5.3 The Independent Member of the Panel shall have recent and relevant skills and experience in fields related to the role and functions of the Panel.
- 5.4 It is desirable for the Council Members to be appointed to the Panel to have a sound understanding of the role and functions of the Panel.
- 5.5 In considering appointments to the Panel, Council should give consideration to the diversity of the membership.
- 5.6 Appointments to the Panel shall be for a period of up to three (3) years.
- 5.7 Members of the Committee are eligible for reappointment at the expiration of their term of office.

6. SITTING FEES

- 6.1 The applicable Remuneration Tribunal (or its successor) Determination outlines the applicable allowance for Council Members on the Panel.
- 6.2 The Independent Member is to be paid a sitting fee as determined by Council for attendance at meetings and authorised training sessions. Council may determine a higher sitting fee for the presiding member.

7. PRESIDING MEMBER

- 7.1 The Council will appoint the Presiding Member of the Panel.
- 7.2 The Council authorises the Panel to determine if there will be a Deputy Presiding Member of the Committee and, if so, authorises the Panel to make the appointment to that position for a term determined by the Panel.
- 7.3 If the Presiding Member of the Panel is absent from a meeting the Deputy Presiding Member (if such position exists) will preside at that meeting. If there is no position of Deputy

Presiding Member, or both the Presiding Member and the Deputy Presiding Member of the Panel are absent from a meeting of the Panel, then a member of the Panel chosen from those present will preside at the meeting until the Presiding Member (or Deputy Presiding Member, if relevant) is present.

7.4 The role of the Presiding Member includes:

7.4.1 overseeing and facilitating the conduct of meetings in accordance with Act and the *Local Government (Procedures at Meetings) Regulations 2013* (the Regulations); and

7.4.2 Ensuring all Panel members have an opportunity to participate in discussions in an open and encouraging manner.

8. REPORTING RESPONSIBILITIES

8.1 For the purposes of Section 41(8) of the Act, the Panel's reporting and accountability requirements are:

8.1.1 The minutes of each Panel meeting will be included in the agenda papers of the next ordinary meeting of the Council;

8.1.2 The Presiding Member will attend a meeting of the Council at least once per annum to present a report on the activities of the Panel;

8.1.3 The panel shall make whatever recommendations to the Council it deems appropriate on any area within its terms of reference where in its view action or improvement is needed; and

8.1.4 The Presiding Member may attend a Council meeting at any time that the Presiding Member sees fit to discuss any issue or concern relating to the Panel's functions. Depending on the nature of the matter, this may be held in confidence in accordance with Section 90 of the Act and staff may be requested to withdraw from the meeting.

9. MEETING PROCEDURE

9.1 Meeting procedure for the Panel is as set out in the Act, Parts 1, 3 and 4 of the Regulations. Insofar as the Act, the Regulations, or these Terms of Reference do not prescribe the procedure to be observed in relation to the conduct of a meeting of the Panel, the Panel may determine its own procedure.

9.2 In accordance with Section 90(7a), one or more panel members may participate in the meeting by telephone or other electronic means provided that members of the public can hear the discussion between all Panel members.

9.3 Only members of the Panel are entitled to vote in Panel meetings. Unless otherwise required by the Act not to vote, each member must vote on every matter that is before the Panel for decision.

9.4 Council Employees may attend any meeting as observers or be responsible for preparing papers for the Panel.

10. SECRETARIAL RESOURCES

- 10.1 The Chief Executive Officer shall provide sufficient administrative resources to the Panel to enable it to adequately carry out its functions.

11. FREQUENCY OF MEETINGS

- 11.1 The Panel shall meet at appropriate times and places as determined by the Panel. A special meeting of the Committee may be called in accordance with the Act.
- 11.2 If after considering advice from the CEO or delegate, the Presiding Member of the Panel is authorised to cancel the respective Panel meeting, if it is clear that there is no business to transact for that designated meeting.

12. NOTICE OF MEETINGS

- 12.1 Notice of the meetings of the Panel will be given in accordance with Sections 87 and 88 of the Act. Accordingly, notice will be given:

12.1.1 To members of the Panel by email or as otherwise agreed by Panel members at least 3 clear days before the date of the meeting; and

12.1.2 To the public as soon as practicable after the time that notice of the meeting is given to members by causing a copy of the notice and agenda to be displayed at the Council's offices and on the Council's website.

12.2 PUBLIC ACCESS TO MEETINGS & DOCUMENTS

- 12.3 Members of the public are able to attend all meetings of the Panel, unless prohibited by resolution of the Panel under the confidentiality provisions of Section 90 of the Act.
- 12.4 Members of the public have access to all documents relating to the Panel unless prohibited by resolution of the Panel under the confidentiality provisions of Section 91 of the Act.

13. MINUTES OF MEETINGS

- 13.1 The Chief Executive Officer shall ensure that the proceedings and resolutions of all meetings of the Panel, including recording the names of those present and in attendance are minuted and that the minutes otherwise comply with the requirements of the Regulations.
- 13.2 Minutes of Panel meetings shall be circulated within five days after a meeting to all members of the Panel and will (in accordance with legislative requirements) be available to the public.

**ADELAIDE HILLS COUNCIL
ORDINARY COUNCIL MEETING
Tuesday 28 January 2020
AGENDA BUSINESS ITEM**

Item: 12.10

Originating Officer: Lachlan Miller, Executive Manager Governance and Performance

Responsible Director: Andrew Aitken, Chief Executive Officer

Subject: Code of Practice for Council Meeting Procedures

For: Decision

SUMMARY

The meeting procedures that apply to council meetings are set out in the legislation. Within these parameters, some requirements of the legislation are capable of being varied at the discretion of the council. Further, where the legislation is silent on a matter of meeting procedure, a council can develop additional procedure to the extent that it is not inconsistent with the prescribed elements of procedure.

In developing its discretionary and/or additional meeting procedures councils are required to prepare and adopt a code of practice.

Adelaide Hills Council has had successive codes of practice for meeting procedure for many years. In previous iterations the code also applied to meetings of the Strategic Planning and Development Policy Committee (SPDPC) however this was removed for the latest iteration of the code due to its Terms of Reference being revised to enable the development of its own meeting procedures.

The legislation requires Council to review the operation of its code of practice on an annual basis.

The purpose of this report is for Council to consider changes to the *current Code of Practice for Council Meeting Procedures* based on a review of the operation of the Code over the last 12 months.

RECOMMENDATION

Council resolves:

1. That the report be received and noted.
 2. That with an effective date of 10 February 2020, to revoke the 22 August 2017 *Code of Practice for Council Meeting Procedures* and to adopt the draft *Code of Practice for Council Meeting Procedures* in Appendix 1.
 3. That the Chief Executive Officer, or delegate, be authorised to make any formatting, nomenclature or other minor changes to the *Code of Practice for Council Meeting Procedures* prior to it coming into effect.
 4. To request the Adelaide Hills Region Reconciliation Working Group to review the current Opening Statement within the Code and provide advice on its suitability as an Acknowledgement of Country for the commencement of Adelaide Hills Council Ordinary Council meetings.
-

1. GOVERNANCE

➤ Strategic Management Plan/Council Policy

Goal: Organisational Sustainability
Strategy: Governance

A key element of the Governance Strategy within the Strategic Plan is that Council 'is committed to open, participative and transparent decision making and administrative processes'. Council meetings are an important window for the community to see these principles in action and the adoption of a robust and legislatively compliant suite of meeting procedures facilitates this process.

The Council policy directly impacted by this report is the *Code of Practice for Council Meeting Procedures* (the Code). Associated policies are:

- *Code of Practice for Access to Council and Council Committee and Designated Informal Gathering Meetings & Documents;*
- *Petitions Policy;*
- *Informal Council and Council Committee Gatherings & Discussions Policy; and*
- *One Team – Communication Protocols for Council Members and the Administration*

➤ Legal Implications

Chapter 6 of the *Local Government Act 1999* (the Act) sets out the legislative requirements regarding (Part 1) council meetings.

Section 86 states that, subject to the Act, the procedures to be observed at a meeting of a council will be:

- a) As prescribed by regulation;
- b) Insofar as the procedure is not determined by regulation – as determined by the council.

The *Local Government (Procedures at Meetings) Regulations 2013* (the Regulations), set out the procedures to be followed in council and council committee meetings.

The Regulations (Part 2, Division 2) prescribe a number of procedures that must be complied with for:

- a) The meetings of council;
- b) The meetings of council committees performing regulatory functions; and
- c) The meetings of any other council committee if the council has by resolution, determined that Part 2 should apply to that committee.

Regulation 6 states that where a provision of Part 2 is capable of being varied at the discretion of council, then the council may, by a resolution supported by at least **two-thirds of the council members**, determine that a code of practice be adopted that establishes its own procedures for matters which will apply in substitution of the relevant provision in Part 2.

➤ **Risk Management Implications**

Ensuring the currency of practical and legislatively compliant meeting arrangements 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**

Costs and resourcing associated with Council meetings are accommodated in the Governance & Performance Department budget and establishment.

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

There is a high expectation that Council has appropriate governance and accountability mechanisms in place in relation to its meeting structures and that the public have a reasonable opportunity to engage and observe with these meetings.

➤ **Environmental Implications**

Not applicable.

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

Consultation on the development of this report was as follows:

Council Committees: Not applicable as Council Committees are not bound by the Code.

Council Workshops: Proposals to amend the Code were discussed and the 19 November 2019 workshop.

Advisory Groups: Not Applicable

Administration: Executive Leadership Team
Governance & Performance Department
Community and Cultural Development Officer

Community: Not Applicable

2. BACKGROUND

Opening Statement

At its 8 December 2010 Council meeting, newly-elected Mayor Bill Spragg acknowledged that Council meets on the traditional lands of the Kurna and Peramangk peoples. This Opening Statement, which was effectively an Acknowledgement of Country, was further expanded at the 11 January 2011 meeting to be the Opening Statement that has been used ever since to open meetings.

At its 28 August 2018 meeting, Council endorsed the establishment of an Adelaide Hills Region Reconciliation Working Group (RWG) in partnership with Mount Barker District Council.

The role of the RWG is to:

- assist AHC and MBDC with the implementation of current Reconciliation Action Plans
- assist AHC and MBDC with the development of next level Reconciliation Action Plans
- advise Council staff on matters that impact the local Aboriginal and Torres Strait Islander Community

Code of Practice for Meeting Procedures

The last major review of the Code occurred at Council's 22 August 2017 meeting with the following key changes:

- Removal of references (and therefore the application of the Code) to the SPDPC
- Inclusion of reference to the *Code of Practice for Access to Council, Council Committee and Designated Informal Gathering Meetings & Documents*
- Revision of the legislative references to the conflict of interest provisions
- Reordering of the Order of Business to bring 'business items' earlier in the agenda and 'information items' later in the agenda

- Removing information contained in Council's *Petitions Policy*, to avoid desynchronisation
- Updating the process regarding recommendations from Committees to reflect current practice.

During the current term of Council there has been a minor review of the Code with the removal of the requirement to stand when addressing Council as follows:

11.1 Amendment to Code of Practice for Meeting Procedures

Moved Cr Mark Osterstock
S/- Cr Kirsty Parkin

321/18

1. That Council amends clause 4.14 [Meeting Protocols] of the Code of Practice for Council Meeting Procedures [the Code] by removing the requirement for elected members and staff to *stand* when addressing the Council.
2. All other aspects of clause 4.14 of the Code remain unchanged, aside from any consequential changes that may be required as a result of the aforementioned amendment.

Carried

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

Reform Area 1 - Strong council member capacity and better conduct contains a range of proposals that have the potential to alter directly or indirectly the meeting procedures. 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.

Based on the proposals in the Discussion Paper it is highly likely that there will be changes to council meeting procedure which will flow into the Code. As such, it is anticipated that another review of the Code will be required in the latter stages of 2020 (although the timing of the Bill is entirely speculative).

3. ANALYSIS

Opening Statement

With the establishment of the RWG, it might be timely for Council to seek advice on the suitability of the Opening Statement in terms of a contemporary 'Acknowledgement of Country'.

This piece of work would likely span a number of meetings of the RWG and, as such, any advice received regarding the Opening Statement could be considered at a subsequent review of the Code.

Code of Practice for Meeting Procedures

The annual review of the Code provides the opportunity to update the document on the basis of changed practice and the production of other policy guidance that impacts on meeting procedures (such as the Petitions Policy).

The key changes proposed to the Code (**Appendix 1**) are as follows:

- Changing Presiding Member to Mayor in recognition that the Code only applies to Council meetings (clause 1.1);
- Change the aspirational agenda publication milestone from five clear days to four clear days in recognition of the difficulties in publishing an agenda so close to the lodgement of Motions on Notice (MON) and Questions on Notice (QON) (clause 2.2);
- Notification of apologies and requests for leave of absence to be provided in writing (i.e. email) to the Government and Performance Department (clause 3.5);
- Provision for Deputation Request Forms to be lodged until the day before the meeting where the deputation relates to a matter on the Council agenda and the limit of two (2) approved deputations has not been exceeded (clause 3.11);
- Clarifying that the Mayor determines deputation requests (clause 3.11);
- Amendments to the criteria for considering deputation requests and for the depute's conduct during a deputation (clause 3.11);
- Amendments to the guidelines for Public Forums and for the speaker's conduct (clause 3.12);
- Preamble/Background for Questions On Notice (QON) to be included in agenda to provide context (clause 3.14);
- Encouraging Council Members intending to lodge Motions On Notice (MON) to liaise with the CEO or nominated delegates prior to lodgement (clause 3.15);
- Guidance on the structure of motions (clause 3.15);
- Restrictions on the matters to be considered as Motions Without Notice (MWN) (clause 3.18);
- Provision of a written copy of the proposed MWN to the Mayor, where practicable (clause 3.18);

- Process for the Mayor to consult with the CEO on the perceived implications of an MWN prior to it being accepted for seconding (clause 3.18);
- Updating of the Indicative Voting process for making Appointments to Positions (clause 4.7);
- Removal of the restrictions recording meetings on members of the public (clause 5.1); and
- Amendments to the MON and Administration Report templates (Appendices B and C)

At the 19 November 2019 workshop, there was a suggestion to move the Governance Section of Administration Reports to an Appendix, nominally to shorten the length of the report. The Administration, considered this suggestion and concluded that doing so, rather than shortening reports, would lead to duplication in the Background and Analysis Sections due to the need to contextualise these sections with information relating the various implications (i.e. strategic plan, legal, risk, financial, environmental) covered in the Governance Section. On this basis, it is not proposed to restructure the Administration Reports in this way but, as always, remains the prerogative of the Chamber to determine such a change.

Once Council has resolved their required changes to the Code any associated guidelines and information sheets will be updated with the new provisions.

4. OPTIONS

Council has the following options:

- I. To adopt the suite of recommendation to make the proposed changes to the Council's meeting arrangements (Recommended)
- II. To determine not to adopt some or all of the recommendations

5. APPENDIX

- (1) Draft Code of Practice for Council Meeting Procedures – January 2020

Appendix 1

*Draft Code of Practice for Council Meeting Procedures –
January 2020*

COUNCIL POLICY

	CODE OF PRACTICE FOR COUNCIL MEETING PROCEDURES
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Policy Number:	GOV-14
Responsible Department(s):	Governance & Performance
Relevant Delegations:	None
Other Relevant Policies:	<i>Council Member Conduct Policy</i> <i>Code of Practice for Access to Council and Council Committee and Designated Informal Gathering Meetings & Documents</i> <i>Petitions Policy</i> <i>Informal Council and Council Committee Gatherings & Discussions Policy</i> <i>One Team – Communication Protocols for Council Members and the Administration</i>
Relevant Procedure(s):	None
Relevant Legislation:	<i>Local Government Act 1999</i> <i>Local Government (Procedures at Meetings) Regulations 2013</i>
Policies and Procedures Superseded by this policy on its Adoption:	Code of Practice for Council Meeting Procedures, 22 August 2017, Item 14.9, 191/17
Adoption Authority:	Council
Date of Adoption:	<i>To be updated administratively</i>
Effective From:	<i>To be updated administratively</i>
Minute Reference for Adoption:	<i>To be updated administratively</i>

Next Review:

**No later than [January 2021](#) or as required by legislation
or changed circumstances**

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CODE OF PRACTICE FOR COUNCIL MEETING PROCEDURES

1. INTRODUCTION

Adelaide Hills Council (AHC) is committed to the principle of honest, open and transparent governance and encourages community participation in the business of Council. The rules and procedures for all meetings of Council and its Committees are outlined in the:

- *Local Government Act 1999* (the Act)
- *Local Government (Procedures at Meetings) Regulations 2013* (the Regulations)

These Regulations provide that a council may develop and adopt a Code of Practice for its own meetings of Council and Committees that add to, or vary certain aspects of, these provisions. Committees, in this regard, refer to committees established under section 41 of the Act.

The purpose of this Code is to establish a consistent approach and provide clear expectations to Council Members, staff, residents, ratepayers and guests for the order of business, procedures and etiquette of AHC Council meetings.

This Code supplements the legislation, with any procedures that are required by legislation inserted into the document with reference to the relevant regulation (provided in boxes, with wording in italics). This enables the Code to be read in conjunction with AHC's meeting procedure requirements. Please note that this only applies to procedures at the meeting, rather than those aspects that relate to frequency, timing, and notice of meetings, where reference has only been made to the relevant section within the Act.

1.1. Application of the Code of Practice

This Code applies to all ordinary and special meetings of Council.

The section 41 committees of Council will be guided by the Act and Regulations as applicable to those committees and any provisions set out in the committee terms of reference.

[References to the Mayor also include the acting Presiding Member in the Mayor's absence.](#)

1.2. Guiding Principles

Regulation 4 of the Regulations prescribes guiding principles that should be applied with respect to the procedures to be observed at a meeting of a council of council committee.

In determining a matter of meeting procedure, the ~~Presiding Member~~Mayor should consider the extent to which the proposed action upholds the following principles:

Legislation – Regulation 4

The following principles (the Guiding Principles) should be applied with respect to the procedures to be observed at a meeting of a Council or Council Committee.

- a) *procedures should be fair and contribute to open, transparent and informed decision making.*
- b) *procedures should encourage appropriate community participation in the affairs of the Council.*
- c) *procedures should reflect levels of formality appropriate to the nature and scope of responsibilities exercised at the meeting.*
- d) *procedures should be sufficiently certain to give the community and decision makers confidence in the deliberations undertaken at the meeting.*

These Guiding Principles underpin the details documented in this Code of Practice.

2. OPERATING PROCEDURES – BEFORE THE MEETING

2.1. Calling Meetings

Ordinary Meetings

Section 81 of the Act prescribes the legislative requirements for the frequency and timing of ordinary council meetings.

The schedules for [Ordinary Council Meetings](#) are [resolved in advance and are maintained on the Council website](#).

Special Meetings

Section 82 of the Act prescribes the legislative requirements for the calling of special meetings of council.

Details of special meetings of Council will be placed on the Council website as soon as possible after the decision to call the meeting.

2.2. Notice and Agendas for Meetings – Ordinary and Special Meetings

Sections 83 and 84 of the Act prescribe the legislative requirements for providing Council Members and the public with notice for Council meetings.

At least three (3) clear days¹ before the Council meeting (unless it is a special meeting²) the Chief Executive Officer (CEO) must give written notice of the meeting to all Council Members setting out the date, time and place of the meeting.

¹ 'clear days' means that the time between the giving of the notice and the day of the meeting, but excluding both the day on which the notice was given and the day of the meeting, (e.g. notice is given on a Thursday for a following Monday meeting, the clear days are Friday, Saturday and Sunday). If a notice is given after 5 p.m. on a day, the notice will be taken to have been given on the next day

² Special meetings under s83(2) of the *Local Government Act 1999* require at least four (4) hours' notice.

The notice must contain or be accompanied by the agenda³ and, as far as practicable, the documents and reports that are to be considered at the meeting. Council's practice, whenever possible, is to provide the notice ~~four~~^{ive} (45) clear days before the meeting (i.e. by 5.00pm Thursday for a Tuesday evening meeting).

Each Council Member may indicate their preference for delivery of the notice of meeting, agenda and reports for all Council meetings. Any changes to the delivery arrangements must be requested in writing.

For members of the public, a ~~printed~~ copy of the notice of meeting, agenda and reports (with the exception of confidential items) will be displayed for viewing at Council's Service and Community Centres and in the mobile library, on Council's website www.ahc.sa.gov.au, and will be available at the meeting

Hard copies of the agenda and reports or parts thereof are available at a fee detailed in Council's *Fees & Charges Register*.

For Special Meetings, the CEO must ensure that each Member of the Council is given at least four (4) hours' notice of a special meeting of the Council.

Notices of special meetings ~~may~~^{will} be distributed by email to the Council-provided email address for each Member, and will be displayed on Council's website for viewing by members of the public.

2.3. Public Access to Meetings

Council meetings will be conducted in a place open to the public unless the Council makes an order to exclude the public in order to discuss a matter of confidence, in accordance with the requirements of section 90 of the Act.

Council has adopted ~~a Code of Practice for Access to Council, Council Committee and Designated Informal Gathering Meetings & Documents~~¹ which outlines a commitment by AHC to provide public access to meetings and policies, procedures and practices on why and how the Council may use the provisions in the Act to restrict public access.

2.4. Questions for Clarification Prior to the Meetings

To facilitate efficient and effective meetings, Council Members are encouraged to contact the CEO or nominated delegate prior to Council meetings to clarify matters appearing on the agenda. For Administration Reports, the nominated delegate is the Council Officer whose name is listed as the Responsible Officer.

³ 'agenda' under s4(1) of the *Local Government Act 1999* means a list of items of business to be considered in a meeting. For clarity, reports and documents that accompany those business items are not considered to be the 'agenda'.

3. OPERATING PROCEDURES – THE ORDER OF BUSINESS

3.1. Commencement of Meetings and Quorums

Legislation – Regulation 7

- (1) *A meeting will commence as soon after the time specified in the notice of meeting as a quorum is present.*
- (2) *If the number of apologies received by the chief executive officer indicates that a quorum will not be present at a meeting, the chief executive officer may adjourn the meeting to a specified day and time.*
- (3) *If at the expiration of 30 minutes from the time specified in the notice of meeting as the time of commencement a quorum is not present, the presiding member or, in the absence of a presiding member, the chief executive officer, will adjourn the meeting to a specified day and time.*
- (4) *If a meeting is adjourned for want of a quorum, the chief executive officer will record in the minute book the reason for the adjournment, the names of any members present, and the date and time to which the meeting is adjourned.*
- (5) *If a meeting is adjourned to another day, the chief executive officer must-*
 - (a) *give notice of the adjourned meeting to each member setting out the date, time and place of the meeting; and*
 - (b) *give notice of the adjourned meeting to the public by causing a notice setting out the date, time and place of the meeting to be placed on display at the principal office of the council.*

A quorum for Council is determined under s85 of the Act by 'dividing the total number of members of the council for the time being in office by 2, ignoring any fraction resulting from the division, and adding one'.

[In the normal course of events, AHC's quorum is seven \(7\) Council Members.](#)

3.2. Order of Business

The order of business for Council meetings will generally be in accordance with the attached agenda template – refer **Appendix A**. However the [Presiding Member Mayor](#) at his/her own initiative or at the request of a Member of Council may bring forward items, with the leave of the meeting, for debate and resolution where:

- a large contingent of interested parties is present in the gallery
- contractors or consultants are present to make presentations; or
- it may otherwise be considered expedient or appropriate.

3.3. Length of Council Meetings

Council meetings will commence at the time set down in the Notice of Meeting.

Council has resolved that Council meetings will conclude at or before 10.00pm, unless the meeting formally resolves on each specific occasion to continue beyond that time.

Where a meeting is likely to continue beyond 10.00pm a motion is to be put to the meeting whether to continue or adjourn to another date and time. [Extensions of the meeting will normally be in 30 minute blocks.](#)

During the course of a Council meeting, a motion may be put to adjourn the meeting for [a](#) specified period (i.e. for 10 minutes).

3.4. Opening Statement

After calling a Council meeting to order, the meeting is opened with the following statement:

“Council acknowledges that we meet on the traditional lands of the Peramangk and Kurna 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.”

3.5. Attendees, Apologies and Absences

If a Member expects to be late or ~~be absent from~~ [unable to attend](#) a meeting the [Presiding Member or nominated delegate Governance & Performance Department \(governanceandperformance@ahc.sa.gov.au\)](#) is to be advised prior to the commencement of the meeting [or as soon as possible](#).

If a Member intends to seek a leave of absence, the request must be made in writing to the [Presiding Member the Governance & Performance Department \(governanceandperformance@ahc.sa.gov.au\) or nominated delegate](#), specifying the period of leave that is being requested, ~~and~~ prior to the commencement of the meeting. [A leave of absence will only be granted by a resolution of the Council. A leave of absence should not be retrospective.](#)

All apologies and leaves of absence will be listed in the Minutes for each Council meeting that it relates to.

If no apology has been received and there is no leave of absence and the Member is not present, they will be recorded in the [Mminutes](#) as being absent.

If a Member arrives after the meeting commences, the time of arrival will be included in the [Mminutes](#).

~~All Council Officers in attendance who address the at~~ Council meetings will ~~also~~ be recorded in the [Mminutes](#).

The number of members of the public or representation of any other organisations will not be recorded in the minutes, unless presenting on a specific item in the agenda.

3.6. Confirmation of Minutes

Legislation – Regulation 8

- (1) ~~The -minutes- of- the -proceedings- at -a -meeting- must -be -submitted- for~~ confirmation at the next meeting or, if that is omitted, at a subsequent meeting
- (2) No discussion on the minutes may occur before confirmation, except as to the accuracy of the minutes as a record of proceedings.

- (3) *On the confirmation of the minutes, the presiding member will-*
- (a) *initial each page of the minutes, which pages are to be consecutively numbered; and*
 - (b) *place his or her signature and the date of confirmation at the foot of the last page of the minutes.*

The [Minutes](#) submitted at the meeting will be those of the previous meeting less any information that is subject to an order under section 90 of the Act.

3.7. Declaration of Interest

The provisions in relation to a Council Member's interests are set out in sections 73, 74, 75 and 75A of the Act.

It is a Council Member's responsibility to ensure they are aware of, and understand, the provisions of sections 73, 74, 75 and 75A of the Act in relation to declarations of interest.

A Council Member who has an interest in a matter, as defined under sections 73 and 75 of the Act, must disclose the interest to the Council in accordance with the provisions of sections 74 and 75A of the Act.

[Disclosures will be recorded in the Minutes in accordance with the relevant provisions of the Act and Regulations.](#)

Council Members may seek advice about a possible interest before a meeting by contacting the CEO or [a nominated delegate the Governance & Performance Department governanceandperformance@ahc.sa.gov.au](#). If necessary, [the CEO or nominated delegate will assistance will be provided to](#) the Member to contact the Council's lawyers directly for advice, at Council's expense.

3.8. ~~Presiding Member~~Mayor's Opening Remarks

At each ordinary Council, the [Presiding Member](#)Mayor may present opening remarks which will be generally related to matters regarding the conduct of the meeting (e.g. acknowledging members of the gallery, advising break times, proposals to reorder the agenda) [or to acknowledge a significant civic, cultural or other event](#).

3.9. Questions Adjourned/Lying on the Table

[Sometimes 'questions'⁴ being debated in the Chamber may need to be adjourned for reasons such as required information not being available at that time. In these cases a 'formal motion'⁵ can be resolved to adjourn the matter for a later time.](#)

[Matters may be deferred at a meeting for a number of reasons including the requirement for additional information to be provided.](#)

[In these instances, unless a motion has been moved, the matter can be included in the agenda at a subsequent meeting and consideration of the matter recommence.](#)

⁴ Regulation 12 (14) refers to a motion that has been moved and seconded as a 'question'.

⁵ For more information on formal motions see clause 4.3 of this Code.

~~Where a motion has been moved on a matter, a formal motion (see clause 4.3) is required to either adjourn the question or have the question lie on the table.~~

Questions Adjourned

Legislation – Regulation 19

- (1) *If a formal motion for a substantive motion to be adjourned is carried:*
- (a) *The adjournment may either be to a later hour of the same day, to another day, or to another place; and*
 - (b) *The debate, will, on resumption, continue at the point at which it was adjourned.*
- (2) *If debate was interrupted for want of a quorum and the meeting is then adjourned, the debate will, on resumption, continue from the point at which it was adjourned.*
- (3) *Business adjourned from a previous meeting must be dealt with before any new business at a subsequent meeting*

The resolution to adjourn a question will nominate the time and place that debate on the question will continue and therefore they do not require a resolution for debate to resume (at the point of interruption) however these questions must be considered prior to any new business being dealt with.

Questions Lying on the Table

Questions Lying on the Table require a resolution for the question to be retrieved (and debate resumed at the point of interruption).

Legislation – Regulation 12

- (19) *Any question that lies on the table as a result of a successful formal motion under subregulation (14)(c) lapses at the next general election.*
- (20) *The chief executive must report on each question that lapses under subregulation (19) to the council at the first ordinary meeting of the council after the general election.*

3.10. Petitions

Petitions may be submitted to Council in line with Council's *Petition Policy*. [If the petition is a compliant petition for the purposes of the Act and the *Petition Policy*, it will be placed on the agenda for the next scheduled meeting of Council.](#)

The Council agenda will contain a report regarding petition(s) received. The report will contain the nature of the request or submission, the name and locality of the Principal Signatory, a brief statement as to the nature of the request or submissions, the number of signatories and a brief commentary on the relationship/relevance of the petition topic to the services/activities/plans/strategies of Council.

A full copy of the petition will not be included in the agenda to protect the privacy of individuals. Council Members may request a copy of the petition and it is the Members' responsibility not to distribute or publish a copy of the full petition.

If, in consideration of a petition, a Council Member determines to move a Motion Without Notice, the Council will deal with the motion at that point in the agenda, subject to the compliance with the applicable requirements of legislation/policy.

3.11. Deputations

A deputation is a formal opportunity to address the Council on a particular matter during a meeting.

Legislation – Regulation 11

Deputation means a person or group of persons who wish to appear personally before a council or council committee in order to address the council or committee (as the case may be) on a particular matter.

- (1) A person or persons wishing to appear as a deputation at a meeting must deliver (to the principal office of the council) a written request to the council.*
- (2) The chief executive officer must transmit a request received under subregulation (1) to the presiding member.*

Making a Deputation Request

A person or persons wishing to appear as a deputation at a Council meeting must forward a written request to the CEO, indicating the reasons for the deputation. Deputations will be limited to a maximum of two (2) per Ordinary Council meeting.

In the normal course of events this deputation request must be received before the close of the agenda, no less than seven (7) clear days prior to the Council meeting, for inclusion in the Agenda. Details of Council meeting dates are contained on the Council website and at Council's Service Centres.

If however the matter relates to an item of business on the Agenda and there are not two (2) deputations already approved for the meeting, the Deputation Request Form may be lodged up to 5.00pm on the day prior to the Council meeting.

A request to make a deputation should be made by submitting a *Deputation Request Form*, which is available on Council's website and at Council's Service Centres. The Form, which must be completed in full, includes an acknowledgment of the deputation obligations and procedures to be observed at the meeting.

A deputation may comprise one (1) or a number of persons. When a deputation appears at a meeting up to two (2) members of the deputation (e.g. deputies) will be allowed to speak, and to reply to questions from Council Members.

Should a deputy be speaking on behalf of an association, organisation or other body, they may be required to provide a copy of the constitution and rules of that organisation, association or other body prior to the deputy's address.

Processing a Deputation Request

Legislation – Regulation 11

- (3) The presiding member may refuse to allow the deputation to appear at a meeting.*

Whether or not a deputation may appear is to be determined on a case-by-case basis, ~~meeting by meeting, and with regard to the particular matter upon which the person or persons wish to address the meeting by the Mayor.~~ In determining whether a deputation request is ~~allowed granted~~ the following considerations will be taken into account:

- ~~the number of deputations that have already been granted for the meeting;~~
- 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 ~~(i.e. whether it is considered to be frivolous and/or vexatious); and~~
- ~~the size and extent of the agenda for the particular meeting; and~~
- ~~the number of times the deputy has addressed Council (either in a deputation or public forum) on the subject matter or a similar subject matter.~~

Legislation – Regulation 11 (cont.)

(4) The chief executive officer must take reasonable steps to ensure that the person or persons who requested a deputation are informed of the outcome of the request.

Written notification will be forwarded to the person who made the request for a deputation notifying them of the outcome of the deputation request. If approved they will be notified of the date and time of the meeting at which the deputation will be heard.

Legislation – Regulation 11 (cont.)

(5) If the presiding member refuses to allow a deputation to appear at a meeting, the presiding member must report the decision to the next meeting of the council or council committee (as the case may be).

(6) The council or council committee may resolve to allow a deputation to appear despite a contrary ruling by the presiding member.

(7) A council may refer the hearing of a deputation to a council committee.

Presenting a Deputation at a Council Meeting

~~A deputation may comprise one (1) or a number of persons. When a deputation appears at a meeting up to two (2) members of the deputation will be allowed to speak, except to reply to questions from Council Members (where any member of the deputation may respond).~~

The deputy(ies) will be invited by the ~~Presiding Member~~ Mayor to come forward and make the deputation on the topic or issue which has been nominated. The deputy must state their name and ~~address~~ locality, which will be recorded in the minutes to the meeting (which is a public document).

If notes or other documents are to be distributed for the deputation, fifteen (15) copies are to be provided to the Minute Secretary prior to the commencement of the meeting to distribute and may not be distributed at the meeting by the deputy. Any documents distributed during the meeting will be recorded in the minutes.

Powerpoint (or similar) presentations are to be lodged up to 5.00pm on the day prior to the Council meeting for the purposes of confirming software compatibility. Presentations provided at the Council meeting will not be displayed during the deputation.

Deputies may address questions to the Council. The Mayor will determine if an answer is to be provided.

In the interests of fairness, each deputation is to be no longer than ten (10) minutes in duration. Deputies may address questions to the Council which must be accommodated within the 10 minute allocation. The Mayor will determine if an answer is to be provided to any questions asked.

Following the Deputation, excluding questions from Members. Additional time a maximum of five (5) minutes will be allocated for Members to direct questions to the deputy(s) if required. Members of Council may ask questions of all persons appearing the deputy(s) presenting.

Care should be exercised in framing questions to ensure they clearly relate to the subject of the deputation. The Presiding Member Mayor will use their his/her best endeavours to manage this process fairly.

Notes or presentation material referred to provided as part of the deputation will be referenced in the minutes of the meeting.

Deputation Conduct

All deputations are to be conducted in an orderly manner. Deputations should reflect levels of formality appropriate to the nature and scope of the Council meeting. Any comments that may amount to a criticism of individual Council Members or staff Officers must not be made during the deputy's address. Any such criticism or comments should properly be directed in writing to the CEO.

Council meetings are also open to the public and there is unlikely to be any legal protection or other privilege attached to any statements made during a deputation in this forum. This means that anything said during the deputy's address is subject to the normal laws of defamation. Consequently all deputies should take care in the statements they make and how they make their address.

An 'Information Sheet – Deputations-Deputations and Public Forums – How to Address Council or Council Committees on Issues of Concern' provides a summary of the above requirements and is available on the Council website.

3.12. Public Forums

The Public Forum is a less formal opportunity to address Council on a particular matter during the meeting.

In the case of an ordinary meeting of Council, members of the public may be permitted to address or ask questions of the Council on a relevant and/or timely topic. The Presiding Member will determine if an answer is to be provided.

The guidelines which apply to Public Forum are:

- The total time allocation for the Public Forum will be ten (10) minutes, except with leave from the Council, in which case the time allocation can be increased.

- Each speaker in the Public Forum will have no longer than five (5) minutes (including questions), except with leave from the Council.
- If a large number of presentations have been requested, with leave from the Council, the time allocation of five (5) minutes may be reduced.
- People wishing to speak in the public forum ([speakers](#)) must advise the [Presiding MemberMayor](#) of their intention at the beginning of this section of the meeting. Those who do not flag their desire to speak at this time will only be permitted to speak at the discretion of the [Presiding MemberMayor](#).
- Where an intending speaker has made a deputation at the same meeting of Council they will not be permitted to speak in the public forum on the same or similar subject matter at that meeting.
- Upon being requested to come forward to address the Council, the Mayor will ask the speaker to state their name and locality and the subject matter they wish to speak on.
- These details will be recorded in the minutes of the meeting (which is a public document).
- The speaker will then wait for the Mayor to invite them to commence their speech.
- The speaker may address questions to the Council which must be accommodated within the five (5) minute allocation. The Mayor will determine if an answer is to be provided to any questions asked.
- Where a number of speakers are speaking on the same topic, the Mayor may encourage subsequent speakers to avoid repeating previous points and to focus on new points.
- 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.
- Members may ask questions of all [speakerspersons](#) appearing relating to the subject of their presentation.

Public Forum Conduct

All public forum presentations are to be conducted in an orderly manner. These should reflect levels of formality appropriate to the nature and scope of the Council meeting. Any comments that may amount to a criticism of individual Council Members or Officers must not be made during the presentation. Any such criticism or comments should properly be directed in writing to the CEO.

Council meetings are also open to the public and there is unlikely to be any legal protection or other privilege attached to any statements made during a presentation in this forum. This means that anything said during the speaker's address is subject to the normal laws of defamation. Consequently all speakers should take care in the statements they make and how they make their address.

An 'Information Sheet – Deputations and Public Forums – How to Address Council or Council Committees on Issues of Concern' provides a summary of the above requirements and is available on the Council website.

3.13. Presentations

Presentations are defined as an opportunity for an organisation, community group, Council officer(s) or member of the public to address Council to provide information relevant to the Council at the invitation of Council.

Such presentations do not include deputations or representations under the *Development Act 1993* or the *Planning, Development and Infrastructure Act 2016*.

~~Each presentation should, where appropriate, be accompanied by a report to Council which may include any available notes relating to the presentation.~~ The duration of each presentation is to be no longer than twenty (20) minutes plus ten (10) minutes for questions, if required. There is to be a limit of two (2) presentations per scheduled meeting, except with the leave of the meeting.

If notes or other documents are to be distributed for the presentation, fifteen (15) copies are to be provided to the Minute Secretary prior to the commencement of the meeting to distribute and may not be distributed at the meeting by the presenter.

Powerpoint (or similar) presentations are to be lodged up to 5.00pm on the day prior to the Council meeting for the purposes of confirming software compatibility. Presentations provided at the Council meeting will not be displayed during the presentation.

Notes or presentation material referred to as part of the presentation will be referenced in the minutes of the meeting.

3.14. Questions on Notice

Legislation – Regulation 9

- (1) *A member may ask a question on notice by giving the chief executive officer written notice of the question at least 5 clear days before the date of the meeting at which the question is to be asked.*
- (2) *If notice of a question is given under subregulation (1) -*
 - (a) *the chief executive officer must ensure that the question is placed on the agenda for the meeting at which the question is to be asked; and*
 - (b) *the question and the reply must be entered in the minutes of the relevant meeting.*
- (6) *The presiding member may rule that a question with or without notice not be answered if the presiding member considers that the question is vague, irrelevant, insulting or improper.*

Council Members are encouraged to submit questions on notice seven (7) clear days before the date of the meeting at which the question is to be asked to facilitate the preparation of the response.

When sending the questions to the CEO, the Member asking the question should provide a brief history, context, or reason why the question is being asked. This preamble will ~~not~~ be included in the agenda with the question(s).

On receipt of the questions the CEO will forward the questions to Presiding Member/Mayor. The Presiding Member/Mayor will inform the CEO on one of the following processes:

- Request that the CEO (or delegate) respond to the questions; or
- Respond to the questions themselves; or
- Make a determination at the nominated meeting regarding the response.

Process 1

If the ~~Presiding Member~~Mayor opts that the CEO (or delegate) responds to the questions and there is sufficient time to consider and respond to the questions, the questions and answers will appear in the Agenda and would then be replicated in the minutes in accordance with Regulation 9.

If the referral to the CEO (or delegate) does not allow for sufficient time to consider and respond to the questions and include the answers in the agenda, the CEO (or delegate) will arrange for answers to be tabled at the relevant meeting. The questions and answers will be included in the minutes in accordance with Regulation 9.

OR

Process 2

If the ~~Presiding Member~~Mayor opts to respond to the questions they can either:

- Provide the response to ~~staff~~ the CEO and, if these answers are provided in sufficient time, the questions and answers will be included in the Agenda and would be replicated in the minutes in accordance with Regulation 9.
- Table at the meeting the written responses to the questions on the night of the nominated meeting and the questions and answers will be included in the minutes in accordance with Regulation 9.

OR

Process 3

If the ~~Presiding Member~~Mayor opts to make a determination at the nominated meeting regarding a response, the questions will appear in the Agenda and these questions and the answers will be included in the minutes in accordance with Regulation 9.

This could include the ~~Presiding Member~~Mayor answering the questions, referring it to the CEO (or delegate) for a response on the night or rule not to accept the questions in accordance with Regulation 9(6).

If a ~~Presiding Member~~Mayor makes a determination that a question shall not be answered as per Regulation 9(6) the question and the reason for the determination shall be stated and recorded in the minutes.

3.15. Motions on Notice**Legislation – Regulation 12**

- (1) A member may bring forward any business in the form of a written notice of motion.
- (2) The notice of motion must be given to the chief executive officer at least 5 clear days before the date of the meeting at which the motion is to be moved.
- (3) A motion the effect of which, if carried, would be to revoke or amend a resolution passed since the last general election of the council must be brought by written notice of motion.
- (4) If a motion under subregulation (3) is lost, a motion to the same effect cannot be brought-
 - (a) until after the expiration of 12 months; or
 - (b) until after the next general election, whichever is sooner

Council Members are encouraged to submit motions on notice seven (7) clear days before the date of the meeting at which the motion is to be moved so that staff can prepare comments prior to the distribution of agenda papers.

Prior to lodging a motion, Members should liaise with the CEO or nominated delegates on the content of the proposed motion to explore options and implications.

In circumstances where a Motion on Notice has been placed on the Agenda and the Member who placed the Motion on Notice is not in attendance at the meeting, another Member may move the motion in their stead.

The following are desirable characteristics when framing a motion⁶:

- Form – a motion should be in a positive, affirmative form. It should not be in a negative form, unless it achieves some specific advantage or value;
- Content – a motion should be complete and plain, so that a resultant resolution when read in the future, identifies with certainty its object and substance;
- Wording – It should be in precise and definite language. Its intention and import should be clear; and
- Drafting – a motion should be framed and phrased in a way to enable persons to vote in favour of or against the proposal, and thus facilitate the ability of the meeting to make a decision.

The attached proforma should be used when framing Notices of Motion – refer **Appendix B**.

3.16. ~~Officer-Administration~~ Reports

Each Council agenda includes report items prepared by ~~Council staff~~the Council Administration, which may include recommendations. These recommendations are not a resolution, and have no status until moved by a Member. Alternatively Members may move a completely different motion.

~~Officer-Administration~~ Reports to Council will be prepared using the standard format – refer **Appendix C**.

~~Officer-Administration~~ Reports in the Order of Business will be grouped into the following categories:

- **Decision Items** – these are agenda items that are seeking the Council’s resolution in relation to a course of action in relation to the matter; and
- **Information Items** – these are agenda items that are informing the Council of the status of the matter. Generally, the recommendation in these reports will be for the receiving and noting of the item.

Where additional information is required this may be included as attachments to the report which will be inserted in the agenda papers immediately following the report.

In order to contain the number of reports going before Council, report writers should consider any subsequent steps and wherever practical include them in the initial report and

⁶ A. D. Lang (2015) Horsley’s Meetings procedure, Law and Practice (7th ed.), 119.

set of recommendations. Examples of these subsequent steps that should be included in the initial report include:

- the authorisation [for the Mayor and/or CEO](#) to sign and seal documents
- authorising the Chief Executive Officer or relevant Director to make minor amendments to an associated document
- if a working party or sub-committee is required, to indicate that in the report and include a recommendation seeking nominations for Membership of the working party etc.
- indicating a price or value range within which a delegated staff member can negotiate rather than a single fixed price.

Reports are to be prepared so as to communicate the required information in a clear and succinct way. The ~~arguments information~~ presented should [be impartial, balanced and evidence-based \(where reasonably possible\)](#). ~~logically lead to the officer's recommendations.~~

The author of the report should be identified so Council Members know where to direct any queries or requests for further information.

[In the normal course of business, report authors will not introduce their report unless requested by the Mayor. However the Mayor will ask the author whether there are any updates to be provided based on queries received or recent events since agenda distribution.](#)

3.17. Miscellaneous Items

Status Report – Council and Committee Resolutions Update

A report will be provided at each Council meeting for noting, setting out the status of each resolution from Council ~~and Committee~~ meetings until the item is completed.

3.18.3.17. Questions Without Notice**Legislation – Regulation 9**

- (3) *A member may ask a question without notice at a meeting.*
- (4) *The presiding member may allow the reply to a question without notice to be given at the next meeting.*
- (5) *A question without notice and the reply will not be entered in the minutes of the relevant meeting unless the members present at the meeting resolve that an entry should be made.*
- (6) *The presiding member may rule that a question with or without notice not be answered if the presiding member considers that the question is vague, irrelevant, insulting or improper.*

To facilitate the efficiency of meetings, Members are encouraged to use the availability of the CEO or nominated delegates prior to the meetings to clarify issues of concern.

Questions Without Notice can be asked at a meeting and the [Presiding Member Mayor](#) has the discretion to accept the questions in accordance with Regulation 9(6).

If the [Presiding Member Mayor](#) accepts the questions they will make the determination to choose to answer the questions or refer them to the CEO ([or delegate](#)) for a response. Where an answer is not possible at the meeting, the questions may be taken “on notice” and a response provided [by email](#) within 14 days.

In accordance with Regulation 9(5) Questions Without Notice and the reply will not be included in the minutes unless the Council meeting resolves to do so.

3.19.3.18. Motions Without Notice**Legislation – Regulation 12**

- (5) *Subject to the Act and these regulations, a Member may also bring forward any business by way of a motion without notice.*
- (6) *The presiding Member may refuse to accept a motion without notice if, after taking into account the Guiding Principles, he or she considers that the motion should be dealt with by way of a written notice of motion.*
- (7) *The presiding member may refuse to accept a motion if the subject matter is, in his or her opinion, beyond the power of the council or council committee (as the case may be)*

[As they have not been foreshadowed to Members or the broader community and do not have an accompanying analysis \(as do Motions On Notice and Administration Reports\), it is not considered to be in the interests of good governance practice, and is a denial of natural justice, to consider Motions Without Notice other than those that meet the following criteria.](#)

[In general, Motions Without Notice should be restricted to:](#)

- [A request that a report on a particular topic be presented at a future meeting;](#)
- [A simple matter, requiring little information to be considered, and the impact of which on Council is deemed to be minor;](#)

- A matter arising from an item before Council that has been considered in detail at that meeting, and where a Motion Without Notice is seen as the best way to resolve or progress the matter in a timely manner; and/or
- A matter of such urgency and importance that failure to consider it at the meeting would be likely to result in detriment to the Council or community.

Wherever practicable, Members wishing to move a Motion Without Notice (including a motion different from a report recommendation) are encouraged to make available a written copy of their motion to assist the Mayor in the conduct of the meeting and in the subsequent preparation of the minutes of the meeting.

Following the moving of a Motion Without Notice and prior to the seeking of a seconder, the Mayor will seek advice from the CEO or nominated delegate regarding the perceived implications of the motion.

The Presiding Member Mayor may refuse to accept the Motion Without Notice if, after taking into account the Guiding Principles (Regulation 4 and clause 1.2 of this Code), he or she considers that the motion should be dealt with by way of a written Motion On Notice.

Any Motions Without Notice which, in the opinion of the Presiding Member Mayor, require action involving the expenditure of unbudgeted resources should be on the basis of a Motion On Notice.

~~The Presiding Member may determine that only motions relating to matters of urgency will be considered without notice. Appropriate reasons must be given and leave granted for an item of urgent business to be considered.~~

3.20.3.19. Council Member Reports

At each ordinary Council meeting, Council Members may present a written or verbal report detailing those ~~activities or functions attended and media interactions in their official capacity~~ functions or activities on the business of Council but not the prescribed meetings of Council.

Council Members are encouraged to submit their written reports seven (7) clear business days before the date of the meeting to enable the report to be incorporated into the Agenda.

Reports will be recorded in the minutes in summary form and will not include commentary on the activities or functions reported or the attendance of other Council Members

3.21.3.20. Reports of Members/Officers as Council Representatives on External Organisations

At each Ordinary Council meeting, Members or Officers who are appointed as Council representatives on external organisations (e.g. ~~Local Government Finance Authority, Southern and Hills Local Government Association~~ regional subsidiaries) may provide a verbal or written report on their involvement in activities associated with that organisation.

Members and Officers are encouraged to submit their written reports seven (7) clear business days before the date of the meeting to enable the report to be incorporated into the Agenda.

~~3.22~~ **3.21. CEO Report**

At each ordinary Council meeting, the CEO will present a verbal report detailing the status of key activities and initiatives.

~~3.23~~ **3.22. Reports of Committees**

Committees will report to Council in accordance with the reporting requirements detailed in their specific terms of reference.

Council Committees will report to Council at the next Council meeting following the Committee meeting. The form of report will be by way of a verbal report from the Presiding Member (or other Member of the Committee should the Presiding Member not being present or the Presiding Member of the committee be an independent member and not a member of Council) in support of the minutes of the Committee meeting.

A copy of these minutes will be included in the [Agenda papers](#) of the next Council meeting. All recommendations from the Committee will be considered by Council in the form of an [Officer's Administration](#) Report.

~~3.24~~ **3.23. Confidential Items**

Council meetings are open to the public and attendance is encouraged, except where the Council believes it is necessary in the broader community interest to exclude the public from the discussion (and, if necessary, decision) of a particular matter.

Before Council orders that the public be excluded to enable the receipt, discussion and consideration of a particular matter, the meeting must, in public, formally determine if this is necessary and appropriate, and then pass a resolution to exclude the public while dealing with that particular matter.

If this occurs then the public must leave the room. This means that all members of the public (including staff), unless exempted by being named in the resolution as entitled to remain, are required to leave the room. For the operation of section 90(2) of the Act a member of the public does not include a Member of Council.

Once discussion on that particular matter is concluded, the public are then permitted to re-enter the meeting. If there is a further matter that needs to be considered in confidence it is necessary to again undertake the formal determination process and to resolve to exclude the public as above.

Additional information of the use of the confidentiality provisions of the Act are contained in Council's *Code of Practice for Access to Council, Council Committee and Designated Informal Gathering Meetings & Documents*.

4. OPERATING PROCEDURES – CONDUCT AT THE MEETING

4.1. Leave of the Meeting

Legislation – Regulation 3

- (4) A vote on whether leave of the meeting is granted may be conducted by a show of hands (but nothing in this subregulation prevents a division from being called in relation to the vote).*

4.2. Motions in General, Speaking to Motions and Rights of Reply

Legislation – Regulation 12

- (5) Subject to the Act and these regulations, a Member may also bring forward any business by way of a motion without notice.*
- (6) The presiding member may refuse to accept a motion without notice if, after taking into account the Guiding Principles, he or she considers that the motion should be dealt with by way of a written notice of motion.*
- (7) The presiding member may refuse to accept a motion if the subject matter is, in his or her opinion, beyond the power of the council or council committee (as the case may be)*
- (8) A motion will lapse if it is not seconded at the appropriate time.*
- (9) A member moving or seconding a motion will speak to the motion at the time of moving or seconding the motion.*
- (10) A member may only speak once to a motion except-*
- (a) to provide an explanation in regard to a material part of his or her speech, but not so as to introduce any new matter; or*
 - (b) with leave of the meeting ; or*
 - (c) as the mover in reply.*
- (11) A member who has spoken to a motion may not at a later stage of the debate move or second an amendment to the motion*

Seconding Speaking to a Motion

Regulation 12(9) is able to be varied at the discretion of Council and therefore Council has determined that the seconder has the option of reserving their right to speak to the motion at the time of seconding but if they choose to exercise this right it must be done prior to the mover in reply.

[For clarity, where a Member seconds a motion and reserves their right to speak to it, they will not be considered to have spoken to the motion until they have exercised that right.](#)

Questions Regarding a Motion

Council Members may ask and answer questions regarding a motion for the purpose of clarification (but not debate) and this will not be considered as speaking to the motion. Members should ensure that it is clearly a question and not used as an opportunity to contribute to the debate.

Rights of Reply

Only the mover of the original motion will be granted the right to reply (this shall close the debate). This will occur after any or all amendments have been dealt with and immediately

prior to the original motion or substantive motion being put to the meeting (i.e. immediately prior to the final vote).

The right of reply should be utilised to reinforce the rationale for moving the motion and to respond to issues raised in debate. Where possible, it should not be used to introduce new material into the debate.

4.3. Formal Motions

Legislation – Regulation 12

- (12) A member who has not spoken in the debate on a question may move a formal motion.
- (13) A formal motion must be in the form of a motion set out in subregulation (14) (and no other formal motion to a different effect will be recognised).
- (14) If the formal motion is:-
- (a) that **the meeting proceed to the next business**, then the effect of the motion, if successful, is, in the case of an amendment, that the amendment lapses and the meeting proceeds with the consideration of the motion before the meeting without further reference to the amendment and, in the case of a motion, that the motion lapses and the meeting proceeds to the next item of business; or
 - (b) that **the question be put**, then the effect of the motion, if successful, is that debate is terminated and the question put to the vote by the presiding member without further debate; or
 - (c) that **the question lie on the table**, then the effect of the motion, if successful, is that the meeting immediately moves to the next item of business and the question can then only be retrieved at a later time by resolution (and, if so retrieved, debate is then resumed at the point of interruption); or
 - (d) that **the question be adjourned**, then the effect of the motion, if successful, is that the question is disposed of for the time being but debate can be resumed at the later time (at the point of interruption); or
 - (e) that **the meeting be adjourned**, then the effect of the motion, if successful, is that the meeting is brought to an end immediately without the consideration of further business.
- (15) If seconded, a formal motion takes precedence and will be put by the presiding member without discussion unless the motion is for an adjournment (in which case discussion may occur (but only occur) on the details for resumption).
- (16) A formal motion does not constitute an amendment to a substantive motion.
- (17) If a formal motion is lost-
- (a) the meeting will be resumed at the point at which it was interrupted; and
 - (b) if the formal motion was put during debate (and not at the end of debate) on a question, then a similar formal motion (i.e., a motion to the same effect) cannot be put until at least 1 member has spoken on the question.
- (18) A formal motion for adjournment must include the reason for the adjournment and the details for resumption.
- (19) Any question that lies on the table as a result of a successful formal motion under subregulation (14)(c) lapses at the next general election.

[For clarity, a 'question' as referred to Regulation 12 \(14\)\(b-d\) is a motion that has been moved and seconded.](#)

A formal motion "the question be adjourned" must include the reasons for the adjournment and the details of time and place for the resumption of the debate.

If a formal motion that ‘the question lie on the table’ or ‘the question or meeting be adjourned’ as per Regulation 14(c), (d) and (e) is carried, the minutes shall record those that have spoken in the debate. This will ensure that the debate can recommence at the point of the interruption.

4.4. Amendments to Motions

Legislation – Regulation 12

(11) A member who has spoken to a motion may not at a later stage of the debate move or second an amendment to the motion.

Legislation – Regulation 13

- (1) A member who has not spoken to a motion at an earlier stage of the debate may move or second an amendment to the motion.*
- (2) An amendment will lapse if it is not seconded at the appropriate time.*
- (3) A person who moves or seconds an amendment (and, if he or she chooses to do so, speaks to the amendment) will, in so doing, be taken to have spoken to the motion to which the amendment relates.*
- (4) If an amendment is lost, only 1 further amendment may be moved to the original motion.*
- (5) If an amendment is carried, only 1 further amendment may be moved to the original motion.*

The purpose of an amendment is to refine or modify the substantive motion but not to substantially change the intent of the motion or contradict it. The [Presiding Member/Mayor](#) will not accept a proposed amendment that is direct negative of the motion.

[For the avoidance of doubt, any Member \(including the mover and seconder of the original motion and any other person who has spoken to the original motion at an earlier stage\) is entitled to speak to the amendment and, in doing so, is not taken to have spoken to the original motion.](#)

Members speaking in a debate on an amendment must confine their remarks to the amendment and not debate the substantive motion.

There is no right of reply to an amendment because it is not a motion. Likewise, no division can be called on an amendment because it is not a motion.

4.5. Variations

Legislation – Regulation 14

- (1) The mover of a motion or amendment may, with the consent of the seconder, request leave of the meeting to vary, alter or withdraw the motion or amendment.*
- (2) The presiding member must immediately put the question for leave to be granted and no debate will be allowed on that question.*

The withdrawal of a motion does not preclude another motion on the same matter being moved. Variations, alterations or withdrawal of a motion will be minuted in accordance with Regulation 8(4)(d).

4.6. Addresses by Members

Legislation – Regulation 15

- (1) A member must not speak for longer than 5 minutes at any 1 time without leave of the meeting*
- (2) A member may, with leave of the meeting, raise a matter of urgency*
- (3) A member may, with leave of the meeting, make a personal explanation*
- (4) The subject matter of a personal explanation may not be debated*
- (5) The contribution of a member must be relevant to the subject matter of the debate*

A personal explanation should provide the Member's account of the reasons or factors regarding an event or situation in which he/she had an involvement. The explanation should not: (a) make imputations of improper motives or contain personal opinions on fellow Council Members, the Administration or members of the public; or (b) be used for making statements regarding Council resolutions.

If a Member making a personal explanation wishes that the full text of that Personal Explanation be included in the minutes, it may be included by resolution of the Council, if not, only a brief account shall be included.

4.7. Voting

Council Meetings

Voting in Council meetings is applied as follows:

Legislation – Regulation 16

- (1) The presiding member, or any other member, may ask the chief executive officer to read out a motion before a vote is taken.*
- (2) The presiding member will, in taking a vote, ask for the votes of those members in favour of the question and then for the votes of those members against the question (and may do so as often as is necessary to enable him or her to determine the result of the voting), and will then declare the outcome.*
- (3) A person who is not in his or her seat is not permitted to vote*

Each Member present at the meeting of council, must, subject to the provisions of the Act to the contrary, vote on a question arising from that meeting [section 86(4)].

The Mayor, or another member presiding in the absence of the Mayor, at a meeting of council, does not have a deliberative vote on a question arising but has, in the event of an equality of votes, a casting vote.

In most cases the requirement is a simple majority of the members present and entitled to vote however there are provisions in both the Act and the Regulations that require either a two-thirds or an absolute majority of the members of Council for resolutions on specified matters.

Appointments to Positions

Due to the potential implications of the Conflict of Interest provisions under s73 and s75 regarding the appointment of Council Members to positions (particularly those with potential personal or pecuniary benefits), the Council should adjourn the meeting for the purposes of seeking nominations for and, if necessary, conducting an indicative vote (Indicative Voting Process) to determine the preferred person for the positions.

As the Indicative Voting Process involves discussion of a matter that is, or is intended to be, part of the agenda for a formal meeting of the Council, it is a Designated Informal Gathering for the purposes of s90 and the *Informal Council and Council Committee Gatherings and Discussions Policy* (the Policy). As a Designated Informal Gathering, the Chief Executive will conduct the meeting in accordance with the Policy.

The Indicative Voting Process is:

- a) The Mayor seeks a motion to adjourn the meeting for the purpose of conducting an Indicative Voting Process.
- b) Once the meeting is adjourned (and the Designated Informal Gathering has commenced), the Chief Executive Officer calls for self-nominations for the position(s). If Council Officers or Independent Committee Members are eligible for appointment to the position, they can also self-nominate.
- c) If the number of nominees is equal to or less than the number of positions, no election will be required. If the number of nominees is greater, an election will be necessary.
- d) The CEO will appoint a Council Officer as the Returning Officer and may enlist other Council Officers to assist with the conduct of the vote and the count.
- e) The method of voting will be by secret ballot utilising the preferential counting system
- f) Each Council Member (including the Mayor) shall have one vote.
- g) Ballot papers will be provided to each Council Member
- h) The nominee's names will be drawn by the Returning Officer to determine the order on the ballot paper.
- i) Each nominee will have two (2) minutes to speak to the Gathering in support of their candidacy. The speaking order will be as listed on the ballot paper.
- j) Members will cast their votes and the completed ballot papers will be collected by the Returning Officer and the count will be undertaken in a separate room with an observer (another Council Officer) present.
- k) In the event of a tie, the result will be decided by the Returning Officer drawing lots, the candidate first drawn being the candidate excluded.
- l) After all votes have been counted, the Returning Officer shall return to the Gathering and publicly declare the result of the election (i.e. the preferred person).
- m) The ballot papers will be shredded.
- n) With the conclusion of the Indicative Voting Process, the Council meeting will resume in accordance with the adjournment resolution.
- o) Upon resumption, any Council Members who nominated for the positions would be advised to consider their obligations under s74 or s75A of the Act (as applicable).
- p) Council can then consider a motion for the preferred person to be appointed to the position(s)

The process of determining a Council appointment to a particular position is as follows:

- Nominations will be called for the position/s to be filled.
- Council Members absent from the meeting may nominate for a position in writing/email in advance to the CEO to have their nomination recognised.
- If there are more nominees than positions to be filled, an election will be necessary.
- The CEO (or another Council staff member) will be appointed as the Returning Officer and may enlist other Council staff to assist with the conduct of the vote and the count.
- The method of voting will be by secret ballot.
- Each Council/SPDPC Member (including the Mayor) shall have one vote.
- The voting method to be used for both single and multiple member elections is the preferential system.
- Ballot papers will be provided and the nominee's names drawn to determine the order on the ballot paper.
- In the event of a tie, the result will be decided by drawing lots, the candidate first drawn being the candidate excluded.
- After all votes have been cast, the Returning Officer shall publically announce the final votes cast for each candidate and formally declare the result of the election.
- The ballot papers from each secret ballot will be shredded.
- Each appointment is by way of a resolution of the Council and is for the remainder of the Council term unless otherwise resolved for that position.

4.8. Divisions

Legislation – Regulation 17

- (1) A division will be taken at the request of a member.
- (2) If a division is called for, it must be taken immediately and the previous decision of the presiding member as to whether the motion was carried or lost is set aside.
- (3) The division will be taken as follows:
 - (a) the members voting in the affirmative will, until the vote is recorded, stand in their places;
 - (b) the members voting in the negative will, until the vote is recorded, sit in their seats;
 - (c) the presiding member will count the number of votes and then declare the outcome.
- (4) The chief executive officer will record in the minutes the names of members who voted in the affirmative and the names of the members who voted in the negative (in addition to the result of the vote).
- (5) Subregulation (3) may be varied at the discretion of the council pursuant to regulation 6

4.9. Tabling of Information

Legislation – Regulation 18

- (1) A member may require the chief executive officer to table any documents of the council relating to a motion that is before a meeting (and the chief executive officer must then table the documents within a reasonable time, or at a time determined by the presiding member after taking into account the wishes of the meeting, and if the member who has required the tabling indicates that he or she

is unwilling to vote on the motion until the documents are tabled, then the matter must not be put to the vote until the documents are tabled).

- (2) The chief executive officer may, in tabling a document, indicate that in his or her opinion consideration should be given to dealing with the document on a confidential basis under section 90 or 91 of the Act.*

A record of any request for documents tabled at the meeting and a record of any documents tabled at the meeting must be made in the minutes of the meeting.

If the tabling of documents is crucial to the consideration of the matter, the meeting may consider a formal motion to adjourn the question.

4.10. Short-Term Suspension of Proceedings

Legislation – Regulation 20

- (1) If the presiding member considers that the conduct of a meeting would benefit from suspending the operation of all or some of the provisions of this Division for a period of time in order to allow or facilitate informal discussions, the presiding member may, with the approval of at least two-thirds of the members present at the meeting, suspend the operation of this Division (or any part of this Division) for a period determined by the presiding member.*
- (2) The Guiding Principles must be taken into account when considering whether to act under subregulation (1).*
- (3) If a suspension occurs under subregulation (1)—*
- (a) a note of the suspension, including the reasons for and period of suspension, must be entered in the minutes; and*
 - (b) the meeting may proceed provided that a quorum is maintained but, during the period of suspension—*
 - (i) the provisions of the Act must continue to be observed; and*
 - (ii) no act or discussion will have any status or significance under the provisions which have been suspended; and*
 - (iii) no motion may be moved, seconded, amended or voted on, other than a motion that the period of suspension should be brought to an end; and*
 - (c) the period of suspension should be limited to achieving the purpose for which it was declared; and*
 - (d) the period of suspension will come to an end if—*
 - (i) the presiding member determines that the period should be brought to an end; or*
 - (ii) at least two-thirds of the members present at the meeting resolve that the period should be brought to an end.*

Use of a short term suspension can be useful when members could benefit from some informal sharing of ideas, opinions without the constraints of speaking to motions. ~~It can also be applied to the process of conducting ballots to appoint members to specific roles or committees.~~

4.11. Points of Order

Legislation – Regulation 28

- (1) *The presiding member may call to order a member who is in breach of the Act or these regulations*
- (2) *A member may draw to the attention of the presiding member a breach of the Act or these regulations, and must state briefly the nature of the alleged breach*
- (3) *A point of order takes precedence over all other business until determined*
- (4) *The presiding member will rule on a point of order*
- (5) *If an objection is taken to the ruling of the presiding member, a motion that the ruling not be agreed with must be moved immediately*
- (6) *The presiding member is entitled to make a statement in support of the ruling before a motion under subregulation (5) is put*
- (7) *A resolution under subregulation (5) binds the meeting and, if a ruling is not agreed with –*
 - (a) *the ruling has no effect; and*
 - (b) *the point of order is annulled*

Points of order are not recorded in the minutes. The only entry in the minutes in relation to a point of order would be to record the process of a motion to disagree with a ruling by the [Presiding Member Mayor](#).

4.12. Interruption of Meetings by Members

Legislation – Regulation 29

- (1) *A member of a council or council committee must not, while at a meeting –*
 - (a) *behave in an improper or disorderly manner or*
 - (b) *cause an interruption or interrupt another member who is speaking*
- (2) *Subregulation (1)(b) does not apply to a member who is –*
 - (a) *objecting to words used by a member who is speaking or*
 - (b) *calling attention to a point of order or*
 - (c) *calling attention to want of a quorum*
- (3) *If the presiding member considers that a member may have acted in contravention of subregulation (1), the member must be allowed to make a personal explanation*
- (4) *Subject to complying with subregulation (3), the relevant member must leave the meeting while the matter is considered by the meeting*
- (5) *If the remaining members resolve that a contravention of subregulation (1) has occurred, those members may, by resolution –*
 - (a) *censure the member or*
 - (b) *suspend the member for a part, or for the remainder, of the meeting*
- (6) *A member who –*
 - (a) *refuses to leave a meeting in contravention of subregulation (4) or*
 - (b) *enters a meeting in contravention of a suspension under subregulation (5)**is guilty of an offence.*

Offences under Regulation 29 carry a financial penalty.

4.13. Interruption of Meetings by Others

Legislation – Regulation 29 <i>A member of the public who is present at a meeting of a council or council committee must not –</i> <i>(a) behave in a disorderly manner or</i> <i>(b) cause an interruption</i>

Offences under Regulation 29 carry a financial penalty.

4.14. Meeting Protocols

Mobile Phones/Pagers

Mobile phones/pagers will be switched off or silent during Council meetings unless prior approval is granted by the [Presiding Member Mayor](#) for the phone/pager to remain active.

Speaking during meetings

Council Members and ~~staff members~~ [Council Officers](#) will raise their hand and wait ~~for recognition from the~~ [to be invited to speak by the Presiding Member Mayor](#) prior to addressing the Council.

[Upon being invited to speak, the Member or Officer will turn their microphone on for the duration of their speech and will turn the microphone off when concluded.](#)

[When addressing Council, the Member or Officer will speak 'through the chair' \(e.g. 'through your Worship'\).](#)

Forms of Address

The Mayor shall be addressed as Your Worship or Mayor.

Councillors should be referred to as 'Councillor' followed by their surname.

~~Staff Members~~ [Council Officers](#) should be referred to by the relevant prefix followed by their surname [or by their position title \(i.e. CEO, Director Community Capacity\).](#)

Interaction with the Gallery

[The Mayor may speak to members of the Gallery for the purposes of welcoming attendees, arranging Deputies and Public Forum speakers and providing other information related to the functioning of the meeting.](#)

Council ~~lors~~ ~~Members~~ will not speak to members of the ~~G~~allery during the meeting or accept notes from those present in the Gallery. [The only exception is when Members of the Gallery are making a Deputation or speaking in the Public Forum.](#)

5. OPERATING PROCEDURES – DOCUMENTATION OF THE MEETING

5.1. Recording of Meetings

~~Members of the press and public are not permitted to make audio recordings of Council meetings without the express permission of the Presiding Member.~~

As a general rule, audio recordings will be ~~made-captured~~ by ~~Council staff~~the Administration of open Council meetings to be used for the purpose of:

- assisting in the preparation of minutes
- ensuring decisions are accurately recorded
- verifying the accuracy of minutes prior to their confirmation.

Audio recordings will be managed in accordance with the provisions of the *State Records Act 1997*, *Surveillance Devices Act 2016* and the *Freedom of Information Act 1991*.

The audio recording is an internal working document and is not the official record of the meeting. The official record of the meeting is the meeting minutes which require confirmation by resolution and are signed by the ~~Presiding Member~~Mayor.

Council is not obliged to provide the public with access to audio recordings of Council meetings. Members of the public are required to apply under the FOI Act.

Audio recordings will be provided to Council Members under the following conditions:

- Requests to access audio recordings must be made via the Chief Executive Officer.
- Audio recordings are not to leave Council premises and are provided to Council Members on the basis that they are not to be provided to any other person and are not to be duplicated.

5.2. Minutes of Meetings

In accordance with section 91 of the *Local Government Act 1999*, the CEO must ensure that minutes are kept of the proceedings at every meeting of Council.

If the CEO is excluded from a meeting, the ~~Presiding Member~~Mayor must ensure the minutes are kept.

Each Member of the Council must, within five (5) days after a meeting of a Council, be supplied with a copy of all minutes of the proceedings of the meeting.

Minutes of all Council meetings will be posted on Council's website and available ~~in printed copy~~ at the Stirling, Woodside or Gumeracha Service Centres as soon as practicable after they are completed.

More information of public access to Council documents is contained in the *Code of Practice for Access to Council, Council Committee and Designated Informal Gathering Meetings & Documents*.

Legislation – Regulation 8

- (1) *The minutes of the proceedings at a meeting must be submitted for confirmation at the next meeting or, if that is omitted, at a subsequent meeting.*
- (2) *No discussion on the minutes may occur before confirmation, except as to the accuracy of the minutes as a record of proceedings.*
- (3) *On the confirmation of the minutes, the presiding member will -*
 - (a) *initial each page of the minutes, which pages are to be consecutively numbered; and*
 - (b) *place his or her signature and the date of confirmation at the foot of the last page of the minutes.*
- (4) *The minutes of the proceedings of a meeting must include –*
 - (a) *the names of the members present at the meeting; and*
 - (b) *in relation to each member present -*
 - (i) *the time at which the person entered or left the meeting; and*
 - (ii) *unless the person is present for the whole meeting, the point in the proceedings at which the person entered or left the meeting; and*
 - (c) *each motion or amendment, and the names of the mover and seconder; and*
 - (d) *any variation, alteration or withdrawal of a motion or amendment; and*
 - (e) *whether a motion or amendment is carried or lost; and*
 - (f) *any disclosure of interest made by a member; and*
 - (g) *an account of any personal explanation given by a member; and*
 - (h) *details of the making of an order under subsection (2) of section 90 of the Act (see subsection (7) of that section); and*
 - (i) *a note of the making of an order under subsection (7) of section 91 of the Act in accordance with the requirements of subsection (9) of that section; and*
 - (j) *details of any adjournment of business; and*
 - (k) *a record of any request for documents to be tabled at the meeting; and*
 - (l) *a record of any documents tabled at the meeting; and*
 - (m) *a description of any oral briefing given to the meeting on a matter of council business; and*
 - (n) *any other matter required to be included in the minutes by or under the Act or any regulation.*

As the minutes are a reflection of decisions made by meeting as a whole, minutes of the meeting do not record (with the exception of Division in accordance with Regulation 17 [and as required under s75A – Dealing with actual and perceived conflicts of interest](#)) the names of the Members who voted in the affirmative or negative for a particular item. Minutes will also not record or reflect specifics of debate of an item.

6. ADMINISTRATIVE ARRANGEMENTS

6.1. Availability of the Code

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

6.2. Delegation

The CEO has the delegation to:

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

APPENDIX A - AGENDA TEMPLATE FOR ORDINARY COUNCIL MEETINGS

1. COMMENCEMENT
2. OPENING STATEMENT
3. APOLOGIES/LEAVE OF ABSENCE
 - 3.1. Apology
 - 3.2. Leave of Absence
 - 3.3. Absent
4. MINUTES OF PREVIOUS MEETINGS
5. DECLARATION OF INTEREST BY MEMBERS
6. ~~PRESIDING MEMBER~~MAYOR'S OPENING REMARKS
7. QUESTIONS ADJOURNED/LYING ON THE TABLE
 - 7.1. Questions Adjourned
 - 7.2. Questions Lying on the Table
8. PETITIONS / DEPUTATIONS / PUBLIC FORUM
 - 8.1. Petitions
 - 8.2. Deputations
 - 8.3. Public Forum
9. PRESENTATIONS
10. QUESTIONS ON NOTICE
11. MOTIONS ON NOTICE
12. ~~OFFICER ADMINISTRATION~~ REPORTS – DECISION ITEMS
13. ~~OFFICER ADMINISTRATION~~ REPORTS – INFORMATION ITEMS
- ~~14. MISCELLANEOUS ITEMS~~
 - ~~14.1. Status Report – Council Resolutions Update~~
- ~~15.~~14. QUESTIONS WITHOUT NOTICE
- ~~16.~~15. MOTIONS WITHOUT NOTICE
- ~~17.~~16. REPORTS
 - ~~17.1.~~16.1. Council Member Reports
 - ~~17.2.~~16.2. Reports of Members/Officers as Council/Committee Representatives on External Organisations
 - ~~17.3.~~16.3. CEO Report
- ~~18.~~17. REPORTS OF COMMITTEES
- ~~19.~~18. CONFIDENTIAL ITEMS
- ~~20.~~19. NEXT MEETING
- ~~21.~~20. CLOSE MEETING

APPENDIX B – MOTION ON NOTICE TEMPLATE

**ADELAIDE HILLS COUNCIL
ORDINARY COUNCIL MEETING
<day> <date>
AGENDA BUSINESS ITEM**

Item: 12.1 Motion on Notice

Originating from: Cr

Subject:

Strategic Plan Goal: _____

Strategic Plan Key Theme: _____

1. MOTION

I move... <body of motion>

2. BACKGROUND

3. OFFICER'S RESPONSE – Officer Name, Position

4. APPENDICES

2.1.4.1. Governance

APPENDIX 1 - GOVERNANCE

- **Strategic Management Plan Alignment**
- **Council Functional Strategy/Policy Linkages**
- **Legal Implications**
- **Risk Management Implications**
- **Financial and Resource Implications**
- **Customer Service and Community/Cultural Implications**
- **Sustainability Implications**
- **Engagement/Consultation Conducted**

APPENDIX C – ~~OFFICER~~ ADMINISTRATION REPORT TEMPLATE

**ADELAIDE HILLS COUNCIL
ORDINARY COUNCIL MEETING
<day> <date>
AGENDA BUSINESS ITEM**

Item: 14.

~~Originating Responsible~~ Officer: Officer Name
Position Title
Directorate

~~Responsible Director:~~ _____

Subject:

For: Decision/Information

SUMMARY

RECOMMENDATION

That Council resolves:

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

1. GOVERNANCE

- Strategic Management Plan/Council Policy
- Legal Implications
- Risk Management Implications
- Financial and Resource Implications
- Customer Service and Community/Cultural Implications
- Environmental Implications
- Committee, Regional Subsidiary, Advisory Group and Community Engagement/Consultation

2. BACKGROUND

3. ANALYSIS

4. OPTIONS

5. APPENDICES

**ADELAIDE HILLS COUNCIL
ORDINARY COUNCIL MEETING
Tuesday 28 January 2020
AGENDA BUSINESS ITEM**

Item: 12.11

Originating Officer: Lachlan Miller, Executive Manager Governance and Performance

Responsible Director: Andrew Aitken, Chief Executive Officer

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

For: Decision

SUMMARY

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

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

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

RECOMMENDATION

Council resolves:

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

Meeting Date	Meeting	Res No.	Item Name	Previously Declared COI
24/10/2017	Ordinary Council	246/17	Road Closure and Disposal – Schapel Road, Lobethal	Cr Linda Green (perceived)
26/02/2019	Ordinary Council	29/19	Road Closure adjacent Charleston Conservation Park	None declared
4/06/2019	Special Council	135/19	Action - Road Closures Adelaide Rally Event	None declared
25/06/2019	Ordinary Council	170/19	Land Acquisition Lower Hermitage Road - Confidential Item	None declared
25/06/2019	Ordinary Council	171/19	Land Acquisition Lower Hermitage Road	None declared
25/06/2019	Ordinary Council	181/19	Sale of Land for non payment of rates - CONFIDENTIAL	Cr Linda Green (Material)
22/10/2019	Ordinary Council	248/19	Draft Public Consultation Policy	None declared
22/10/2019	Ordinary Council	251/19	Adelaide Wine Capital Cycle Trail Project	None declared
22/10/2019	Ordinary Council	264/19	Delegations Review Report	None declared
22/10/2019	Ordinary Council	271/19	CONFIDENTIAL Electricity Procurement Contract Post 31/12/19 for below 160MWh sites	Material - Cr Green
22/10/2019	Ordinary Council	274/19	Electricity Procurement Contract Post 31/12/19 - Period of Confidentiality	Material - Cr Green
26/11/2019	Ordinary Council	280/19	2019/2020 Community & Recreation Facility Grants	Perceived - Cr Malcolm Herrmann
26/11/2019	Ordinary Council	299/19	Proposed Draft Practice Direction - Building Inspections	Perceived - Cr Andrew Stratford
26/11/2019	Ordinary Council	303/19	Appointment of Audit Committee Independent Members	None declared
26/11/2019	Ordinary Council	304/19	Appointment of Audit Committee Independent Members - Period of Confidentiality	None declared
17/12/2019	Ordinary Council	306/19	Petition - Skate Park for Stirling	None declared
17/12/2019	Ordinary Council	315/19	Highercombe Golf Course Lease Disclosure Statement	None declared
17/12/2019	Ordinary Council	316/19	World Heritage Bid Annual Report 2018 - 2019	None declared

17/12/2019	Ordinary Council	318/19	Internal Audit Quarterly Update	None declared
17/12/2019	Ordinary Council	319/19	GRFMA Charter	None declared
17/12/2019	Ordinary Council	320/19	Audit Committee Terms of Reference	None declared
17/12/2019	Ordinary Council	321/19	River Torrens Governance Model	None declared
17/12/2019	Ordinary Council	334/19	Appointment of East Waste Chair - Confidential	Perceived - Cr Linda Green

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)	Confidential
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.	TRUE
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.	TRUE
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	Following damage sustained in the recent fires, renewed conversations with Forestry SA and Bike SA are now underway to explore options.	FALSE
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 transfer the land at no consideration subject to Council agreeing to declare the land as public road. Finalisation of the transfer is being progressed with Ministerial approval being sought.	TRUE

Meeting Date	Meeting	Res No.	Item Name	Previously Declared COI	Action Required (Council Resolution)	Responsible Director	Status	Status (for Council reporting)	Confidential
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 assessment of the native vegetation on the land, this is likely to take some months. DEW advised on 4/12/18 that there are some impediments to the progression of the proposed boundary realignment due to the mining operations on the adjacent land, which are being negotiated with the Dept for Mining. Advice is that these negotiations could take considerable time (2yrs). In the interim, consideration will be given to the granting of a right of way to ensure that the cemetery has legal access. DEW staff member dealing with this matter has left DEW so there may be an extended delay whilst it is reallocated and assessed.	FALSE
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	The draft LMA has been refined, and has been provided to the Developer for consideration, and any suggested amendments and feedback.	FALSE
24/10/2017	Ordinary Council	246/17	Road Closure and Disposal – Schapel Road, Lobethal	Cr Linda Green (perceived)	To make a Road Process Order pursuant to the <i>Roads (Opening & Closing) Act 1991</i> to:close and merge the land identified as "A" in Preliminary Plan No 16/0020 (<i>Appendix 3</i>) with Allotment 28 in Filed Plan No 155743 comprised in Certificate of Title Volume 5502 Folio 372create an easement for transmission of electricity in favour of Distribution Lessor Corporationcreate a free and unrestricted right of way in favour of Allotment 13 being the land in CT Volume 5502 Folio 373accept consideration in the amount of \$40,000 (excl. GST) as detailed in <i>Appendix 3</i> of this report.The issuing of the Road Process Order is subject to:Boral Resources (SA) Ltd agreeing to enter into a Land Management Agreement with Council for the preservation of the native vegetation for the protection of native flora and fauna on the areas identified in the report attached as <i>Appendix 7</i> which is to be lodged with the Land Titles Office in conjunction with the Road Process Order.Boral Resources (SA) Ltd paying all fees and charges associated with the road closure process.The closed road be excluded as Community Land pursuant to the <i>Local Government Act 1999</i> .To authorise the Chief Executive Officer (or delegate) to finalise and sign all necessary documentation to close and sell the above portion of closed road pursuant to this resolution.	Terry Crackett	Completed	Final road document have been signed by Council and returned to surveyor to progress. Settlement funds have been received. Gazettal notice was published by the Surveyor-General on 19 December 19.	FALSE

Meeting Date	Meeting	Res No.	Item Name	Previously Declared COI	Action Required (Council Resolution)	Responsible Director	Status	Status (for Council reporting)	Confidential
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 activities. Weed management activities by DEW and AHC were undertaken at Heathfield Stone Reserve on June 28th 2018 and on Thursday 16 May 2019 and the coming 5 year period. Draft Weed Management Plans have been submitted for Council staff to review for Lobethal Bushland Park and Mylor Oval site. Council post fire weed management has been undertaken at the Mylor Oval site in July 2019. 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.	FALSE
23/01/2018	Ordinary Council	4/18	Road Exchange - Mt Torrens Walking Loop	None declared	<p>To issue a Road Process Order pursuant to the <i>Roads (Opening & Closing) Act 1991</i> to: Close and merge the land identified as "A" in Preliminary Plan No 17/0041 (<i>Appendix 1</i>) with Allotment comprising pieces 81 & 82 in Filed Plan No. 218134 comprised in Certificate of Title Volume 6025 Folio 732 owned by Brian Bruce Willison</p> <p>Open the land identified as "1" in Preliminary Plan No 17/0041 as public road being portion of Allotment comprising pieces 81 & 82 in Filed Plan No. 218134 comprised in Certificate of Title Volume 6025 Folio 732 owned by Brian Bruce Willison</p> <p>The closed road be excluded as Community Land pursuant to the Local Government Act 1999</p> <p>To undertake the road exchange for nil consideration with the Council to pay all necessary costs to effect this resolution</p> <p>To authorise the Chief executive Officer (or delegate) to finalise and sign all necessary documentation to effect the road exchange and this resolution</p>	Terry Crackett	In Progress	Documents have been executed by Council and returned to the Conveyancer for lodgement with the Surveyor-General. Awaiting confirmation of completion from Surveyor-General.	FALSE
27/02/2018	Ordinary Council	31/18	Arts & Heritage Hub	None declared	<p>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.</p>	David Waters	In Progress	<p>The Hub Director commenced on 23 July 2018.</p> <p>The progress report was received by Council on 22 January 2019.</p> <p>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.</p>	FALSE
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	TRUE

Meeting Date	Meeting	Res No.	Item Name	Previously Declared COI	Action Required (Council Resolution)	Responsible Director	Status	Status (for Council reporting)	Confidential
27/02/2018	Ordinary Council	58/18	AH Swimming Centre Shade Sail - Period of Confidentiality	None declared	That an order be made under the provisions of sections 91(7) and (9) of the <i>Local Government Act 1999</i> that the report and the minutes of Council and the discussion and considerations of the subject matter be retained in confidence until the matter is determined but not longer than 12 months. Pursuant to section 91(9)(c) of the <i>Local Government Act 1999</i> , Council delegates the power to revoke the confidentiality order either partially or in full to the Chief Executive Officer.	Terry Crackett	In Progress	Progressing per confidential minutes	FALSE
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, Aldgate Heathfield Waste Facility, 32 Scott Creed Road, Heathfield Kiley Reserve, 15 Kiley Road, Aldgate Shanks Reserve, 1 Shanks Road, Aldgate Stock Reserve, Stock Road, Mylor Leslie Creek Reserve, Leslie Creek Road, Mylor Mi Mi Reserve, 125 Aldgate Valley Road, Mylor Aldgate Valley 2 Reserve, 114 Aldgate Valley Road, Mylor Kyle Road Nature Reserve, Kyle Road, Mylor Carey Gully Water Reserve, Deviation Road, Carey Gully Heathfield Stone Reserve, 215 Longwood Road, Heathfield Mylor 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	FALSE
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 noted. The CEO undertakes a request for tender process for the divestment of Council's CWMS assets to inform Council's decision to sell or retain these assets. The resolution to undertake a request for tender process is subject to there being no matters of material impact identified through further due diligence and request for tender preparation activities, as determined by the CEO. Subject to Council resolving to proceed to a request for tender for the divestment of Council's CWMS assets, the CEO be delegated to prepare and approve an evaluation plan for the purposes of assessing responses received including but not limited to the following criteria: CWMS customer pricing and fees, Sale price for CWMS assets, Respondents financial capacity, Respondents operational capacity and capability, Network investment and expansion. That ongoing analysis be undertaken on continued Council ownership of CWMS assets for request for tender comparison purposes to inform future decision making. The Prudential Review Report and the Probity Report be received and noted. The Council acknowledges that whilst S48 of the Local Government Act 1999 does not require a prudential review to be undertaken, the report in relation to this project is consistent with the provisions of S48. The Administration is to continue to work collaboratively with the City of Onkaparinga and Rural City of Murray Bridge for the potential divestment of Council's CWMS. That probity advisory services continue to be 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. Council staff continue to work with project partners towards request for tender release forecast to be in March/April 2020.	FALSE

Meeting Date	Meeting	Res No.	Item Name	Previously Declared COI	Action Required (Council Resolution)	Responsible Director	Status	Status (for Council reporting)	Confidential
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 Local Government Act 1999.	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	FALSE
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. A report is being presented to Council at the January meeting	FALSE
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.	TRUE

Meeting Date	Meeting	Res No.	Item Name	Previously Declared COI	Action Required (Council Resolution)	Responsible Director	Status	Status (for Council reporting)	Confidential
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	Completed	Council has resolved to closed the road and merge with the adjacent Charleston Conservation Park	FALSE
26/03/2019	Ordinary Council	70/19	Aboriginal Place Naming	Nil	That advice on the potential for Aboriginal place naming be sought from the Reconciliation Working Group, including a proposed approach for progressive implementation	David Waters	In Progress	This matter will be worked through with the Reconciliation Working Group. It is likely to take some time to work through this matter.	FALSE
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)	FALSE
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.	FALSE
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.	FALSE
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		FALSE
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	Completed	SAPOL confirmed all roads were opened and closed as scheduled. Event organisers stated that some roads opened up to 30 minutes earlier than scheduled and roads were opened as soon as it was safe to do so.	FALSE

Meeting Date	Meeting	Res No.	Item Name	Previously Declared COI	Action Required (Council Resolution)	Responsible Director	Status	Status (for Council reporting)	Confidential
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	Rec 2: Updated correspondence was sent to Woodforde and Rostrevor residents regarding the community meeting - COMPLETED Rec 3a: C.L. Rowe & Associates engaged to conduct the Strategic Boundary Review - COMPLETED Rec 3b: Workshop tentatively scheduled for February 2020.	FALSE
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	TRUE
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.	FALSE
25/06/2019	Ordinary Council	170/19	Land Acquisition Lower Hermitage Road - Confidential Item	None declared	See Confidential Minute	Terry Crackett	Completed	Road widening acquisition process completed	TRUE
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	Completed		FALSE
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.	FALSE
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	Completed	Actions are completed with all outstanding ratesnow received	TRUE
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	Report being presented to Council at the January meeting to formally name the reserve	FALSE
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. SAPN Letter of Offer accepted. Hardware supplier agreed and notified. SAPN final contract offer being reviewed. Procurement process for hardware installation has commenced. Subject to availability of hardware, installation on site is proposed to commence prior to the end of the calendar year. Follow-up contact made with SAPN to progress contract and management of roll-out including any design work, communications and project management.	FALSE

Meeting Date	Meeting	Res No.	Item Name	Previously Declared COI	Action Required (Council Resolution)	Responsible Director	Status	Status (for Council reporting)	Confidential
27/08/2019	Ordinary Council	219/19	Bridgewater Retirement Village - Trust Variation Scheme (Carripook Park)	None declared	That the report be received and noted. That 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 (<i>Appendix 1</i>), be the nominated reserve to include in the trust variation scheme application to the Supreme Court to vary the F H Todd trust from the land at the corner of Second Avenue and Mt Barker Road Bridgewater contained in Certificate of Title Volume 5488 Folio 788. That a further report be presented to Council following conclusion of community consultation in relation to the revocation of community land.	Terry Crackett	In Progress	Report being presented to the January meeting of Council	FALSE
27/08/2019	Ordinary Council	220/19	Road Closure Portion Road Reserve adjacent 38-42 Sturt Valley Road Stirling	None declared	<ol style="list-style-type: none"> 1. That the report be received and noted 2. To make a Road Process Order pursuant to the <i>Roads (Opening & Closing) Act 1991</i> to close and merge the pieces of land identified as "A" in the Preliminary Plan attached to this report with Allotment 203 in Deposited Plan No 62796 comprised in Certificate of Title Volume 5907 Folio 850 as detailed in Appendix 2 of this report. 3. Subject to the closure of the road identified in the Preliminary Plan attached, that: The closed road be excluded as Community Land pursuant to the <i>Local Government Act 1999</i>; and The 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, awaiting confirmation of completion	FALSE
27/08/2019	Ordinary Council	223/19	Review of Primary Production Incentive Grant Funding	None declared	<ol style="list-style-type: none"> 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	Topics for education of the community on rural land management issues have been identified by the RLMAG its recent 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.	FALSE
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	<p>The Circular Procurement Project is now underway, and the Memorandum of Understanding has been executed.</p> <p>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.</p>	FALSE

Meeting Date	Meeting	Res No.	Item Name	Previously Declared COI	Action Required (Council Resolution)	Responsible Director	Status	Status (for Council reporting)	Confidential
24/09/2019	Ordinary Council	247/19	11.2Boundary 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	Recs 1-5 - COMPLETED Rec 6 - Report prepared for the January 2020 Council meeting.	FALSE
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.	FALSE
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. Community meeting to be scheduled for February.	FALSE

Meeting Date	Meeting	Res No.	Item Name	Previously Declared COI	Action Required (Council Resolution)	Responsible Director	Status	Status (for Council reporting)	Confidential
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.	FALSE
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 <i>Appendix 1</i> 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. So far only a handful of enquiries have been received but no applications have as yet been lodged. Staff will then review the applications received and report the recommendations to Council for consideration in accordance with its resolutions in this regard.	FALSE
22/10/2019	Ordinary Council	248/19	Draft Public Consultation Policy	None declared	That the report be received and noted.To endorse the draft <i>Public Consultation Policy</i> , as contained in <i>Appendix 1</i> , for consultation purposes.That the CEO be authorised to:Make any formatting, nomenclature or other minor changes to the Policy prior to being released for public consultation and;Determine the consultation timings, media and processes while ensuring consistency and compliance in accordance with s50(6) of the <i>Local Government Act 1999</i> 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 <i>Public Consultation Policy</i> .	David Waters	Completed	A report on the outcomes of the consultation process is being considered at the January 2020 Council Meeting.	FALSE
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	FALSE

Meeting Date	Meeting	Res No.	Item Name	Previously Declared COI	Action Required (Council Resolution)	Responsible Director	Status	Status (for Council reporting)	Confidential
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 <i>Roads (Opening & Closing) Act 1991</i> 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 <i>Local Government Act 1999</i> ; 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	FALSE
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	Completed	Pleased to advise all partner Councils have also committed: Adelaide Hills Council The Barossa Council Onkaparinga Light Regional Council Clare & Gilberts Valleys Mt Barker District Council	FALSE
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 <i>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</i> Refer to Minutes	Andrew Aitken	Completed	Details forwarded to Development & Regulatory Services for updating of sub delegations.	FALSE
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	Completed	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. Contracts Signed.	FALSE
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	Completed	Contracts Signed.	FALSE
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		FALSE

Meeting Date	Meeting	Res No.	Item Name	Previously Declared COI	Action Required (Council Resolution)	Responsible Director	Status	Status (for Council reporting)	Confidential
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.	FALSE
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	Completed	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. Update 14/01/2020 Grant payments are currently being processed	FALSE
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 <i>Appendix 1</i> 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.	FALSE
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.	FALSE
26/11/2019	Ordinary Council	303/19	Appointment of Audit Committee Independent Members	None declared	As per confidential Minute	Andrew Aitken	Completed	Successful and unsuccessful applicants advised on Council's resolution.	TRUE
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	Completed		FALSE
17/12/2019	Ordinary Council	306/19	Petition - Skate Park for Stirling	None declared	Council resolves that the online petition containing 657 names, requesting a skate park in Stirling, be received and noted.	Andrew Aitken	Completed		FALSE

Meeting Date	Meeting	Res No.	Item Name	Previously Declared COI	Action Required (Council Resolution)	Responsible Director	Status	Status (for Council reporting)	Confidential
17/12/2019	Ordinary Council	308/19	Road Closure UPR adj Charleston Conservation Park	None declared	<ol style="list-style-type: none"> That the report be received and noted. To make a Road Process Order pursuant to the <i>Roads (Opening & Closing) Act 1991</i> 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 <i>Appendix 2</i> of this report. Subject to the closure of the road identified in the Preliminary Plan attached, that: The closed road be excluded as Community Land pursuant to the <i>Local Government Act 1999</i>; 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. To authorise the Chief Executive Officer to finalise and sign all necessary documentation to give effect to this resolution. 	Terry Crackett	In Progress	Being progressed in accordance with resolution	FALSE
17/12/2019	Ordinary Council	309/19	Mylor BMX Bike Track	Perceived - Cr Leith Mudge	<ol style="list-style-type: none"> That the report be received and noted. That broad community consultation be undertaken in accordance with the consultation plan set out in this report That, following completion of community consultation and further investigations by Council staff, a further report is presented to Council for consideration. That consultation excludes any areas identified in the Community Land Management Plans as being for conservation purposes in the Mylor Parklands as a site considered for any potential BMX track in the Mylor region To reaffirm its commitment to the Heritage Agreement application in its current form, which is in progress for the Mylor Parklands To thank all community groups and volunteers who have contributed to the preservation and conservation of the Mylor Parklands over many years That compliance action be taken to stop further illegal use in Mylor Parklands, signs be placed informing visitors appropriately of activities that are, and are not, allowed in accordance with Community Land Management Plans. 	Peter Bice	Not Started		FALSE
17/12/2019	Ordinary Council	310/19	MON Median Rule Land Division Tool for Country Living Zone	None declared	That Council resolves to formally request the 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.	Marc Salver	In Progress	This matter will be incorporated into the proposed comments to DPTI on the Planning & Design Code which will be reported to a special meeting of SPDP in February.	FALSE
17/12/2019	Ordinary Council	311/19	MON Range Road South, Houghton, Pedestrian Movements	None declared	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.	Peter Bice	In Progress	Investigation is currently underway. CEO has sent a letter to the CEO of the City of Tea Tree Gully.	FALSE
17/12/2019	Ordinary Council	312/19	Community Energy Program	Material - Cr Linda Green Perceived - Cr Ian Bailey, Cr Nathan Daniell, Cr Chris Grant, Cr Leith Mudge, Cr	That the reports be received and noted 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).	Peter Bice	In Progress	The resources are still being developed and are likely to be completed in March 2020.	FALSE

Meeting Date	Meeting	Res No.	Item Name	Previously Declared COI	Action Required (Council Resolution)	Responsible Director	Status	Status (for Council reporting)	Confidential
17/12/2019	Ordinary Council	313/19	Road Closure Cnr Kain Aven & Mt Barker Road Bridgewater	None declared	<p>1. That the report be received and noted.</p> <p>2. To make a Road Process Order pursuant to the <i>Roads (Opening & Closing) Act 1991</i> to close the piece of land identified as "A" in Preliminary Plan No 19/0031 attached to this report as <i>Appendix 2</i> (Road Land).</p> <p>3. <i>Subject to the closure of the Road Land, that:</i> 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.</p> <p>4. <i>Authorise the Chief Executive to finalise and sign all necessary documentation to give effect to this resolution.</i></p>	Terry Crackett	Not Started	8/1/2020 - Road Process Order Documents are currently with the CEO for signing	FALSE
17/12/2019	Ordinary Council	314/19	Road Exchange Montacute Road Montacute	None declared	<p>1. That the report be received and noted</p> <p>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 <i>Real Property Act 1886</i></p> <p>3. <i>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</i></p> <p>4. <i>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</i></p> <p>5. <i>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.</i></p>	Terry Crackett	Not Started	8/1/2020 - Preparing documents for Council execution	FALSE
17/12/2019	Ordinary Council	315/19	Highercombe Golf Course Lease Disclosure Statement	None declared	<p>1. That the report be received and noted</p> <p>2. To issue a Disclosure Statement as required pursuant to Section 12 of the <i>Retail & Commercial Leases Act 1995</i> upon renewal of the current lease to the Highercombe Golf & Country Club Inc;</p> <p>3. To authorise the Mayor and Chief Executive Officer to sign all documents necessary to give effect to this resolution.</p>	Terry Crackett	Completed	Completed in accordance with resolution	FALSE
17/12/2019	Ordinary Council	316/19	World Heritage Bid Annual Report 2018 - 2019	None declared	<p>1. That the report be received and noted</p> <p>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</p>	Marc Salver	Completed	The Expert Review and Annual Reports have been placed on the new project website and all stakeholders and project consortium partners have been advised of the existence of these documents.	FALSE
17/12/2019	Ordinary Council	317/19	Uraidla Safer Place Signs	None declared	<p>1. That the report be received and noted.</p> <p>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.</p>	Peter Bice	In Progress	CEO has written to the AMLRBMC as outlined in the resolution.	FALSE
17/12/2019	Ordinary Council	318/19	Internal Audit Quarterly Update	None declared	<p>1. That the report be received and noted.</p> <p>That Council adopt the revised Strategic Internal Audit Plan as contained in Appendix 1</p>	Andrew Aitken	Completed		FALSE
17/12/2019	Ordinary Council	319/19	GRFMA Charter	None declared	<p>1. That the report be received and noted.</p> <p>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.</p> <p>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</p>	Andrew Aitken	Completed	GRFMA advised of Council's resolution	FALSE

Meeting Date	Meeting	Res No.	Item Name	Previously Declared COI	Action Required (Council Resolution)	Responsible Director	Status	Status (for Council reporting)	Confidential
17/12/2019	Ordinary Council	320/19	Audit Committee Terms of Reference	None declared	1. That the report be received and noted To adopt the draft Audit Committee Terms of Reference at Appendix 1	Andrew Aitken	Completed		FALSE
17/12/2019	Ordinary Council	321/19	River Torrens Governance Model	None declared	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. That Council authorises the CEO to provide the following feedback to the AMLRNRM in relation to the proposed structure: That the Adelaide Hills Council: 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 Actthe Roundtable report direct to the Green Adelaide Board (once established)the Roundtable cannot mandate financial contributions from the Councilfunding 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. 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	Peter Bice	Completed	Completed, correspondence has been sent.	FALSE
17/12/2019	Ordinary Council	331/19	Citizen of the Year Award 2020 - Confidential	Material - Cr Nathan Daniell Perceived -Cr Linda Green, Cr Leith Mudge, Cr Pauline Gill ,Cr Malcolm Herrmann, Cr Kirsty Parkin	Refer to Confidential minute	David Waters	In Progress	Recipients are currently being notified and an embargoed media release will be sent out prior to the Australia Day ceremony on 26 January.	TRUE
17/12/2019	Ordinary Council	332/19	Citizen of the Year Award 2020 - Period of Confidentiality	Material - Cr Nathan Daniell Perceived -Cr Linda Green, Cr Leith Mudge, Cr Pauline Gill, Cr Malcolm Herrmann and Cr Kirsty Parkin	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	David Waters	Not Started		FALSE
17/12/2019	Ordinary Council	334/19	Appointment of East Waste Chair - Confidential	Perceived - Cr Linda Green	Refer to Confidential minute	Andrew Aitken	Completed		TRUE
17/12/2019	Ordinary Council	335/19	Appointment of East Waste Chair - period of confidentiality	Perceived - Cr Linda Green	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.	Andrew Aitken	In Progress	09 Jan 2020 - Awaiting advice from East Waste of Appointment in order to release item.	FALSE

**ADELAIDE HILLS COUNCIL
ORDINARY COUNCIL MEETING
Tuesday 28 January 2020
CONFIDENTIAL AGENDA BUSINESS ITEM**

Item: 19.1

Originating Officer: James Sinden, Manager ICT

Responsible Director: Terry Crackett, Director Corporate Services

Subject: Open Office Pty Ltd Novation Deed

For: Decision

1. Open Office Pty Ltd Contract Deed – Exclusion of the Public

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

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

be excluded from attendance at the meeting for Agenda Item 19.1 Open Office Pty Ltd Novation Deed in confidence.

The Council is satisfied that it is necessary that the public, with the exception of Council staff in attendance as specified above, be excluded to enable Council to consider the report at the meeting on the following grounds:

Section 90(3) (d) of the *Local Government Act 1999*, that the information to be received, discussed or considered in relation to this Agenda Item is commercial information of a confidential nature (not being a trade secret) the disclosure of which could reasonably be expected to prejudice the commercial position of the person/agency/business who supplied the information by disclosing contractual commitments.

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. Open Office Pty Ltd Novation Deed – Period of Confidentiality

Subject to the CEO, or his delegate, disclosing information or any document (in whole or in part) for the purpose of implementing Council's decision(s) in this matter in the performance of the duties and responsibilities of office, Council, having considered Agenda Item 19.1 in confidence under sections 90(2) and 90(3)(d) of the *Local Government Act 1999*, resolves that an order be made under the provisions of sections 91(7) and (9) of the *Local Government Act 1999* that the report, related attachments and the minutes of Council and the discussion and considerations of the subject matter be retained in confidence until a public announcement is made from Open Office with regards to the new business entity and investment partner but no later than 12 months from the adoption of the recommendation within this report.

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.