



ORDINARY COUNCIL MEETING

NOTICE OF MEETING

To: Mayor Jan-Claire Wisdom

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

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

Tuesday 27 July 2021
6.30pm
Zoom Virtual Meeting Room

Notice of this meeting is supplied to Council Members under Section 83 of the Act.

Public notice of this meeting is supplied under Section 84 of the Act.

Following amendments to s90 of the Act, this meeting of the Council is taken to be conducted in a place open to the public given that the Council Members will be participating via electronic means and the public can access a live stream of the meeting via the link contained on Council's website.

Chief Executive Officer



ORDINARY COUNCIL MEETING

AGENDA FOR MEETING
Tuesday 27 July 2021
6.30pm
Zoom Virtual Meeting Room

ORDER OF BUSINESS

1. COMMENCEMENT

2. OPENING STATEMENT

Council acknowledges that we meet on the traditional lands and waters of the Peramangk and Kaurna people. They are Custodians of this ancient and beautiful land and so we pay our respects to Elders past, present and emerging. We will care for this country together by ensuring the decisions we make will be guided by the principle that we should never decrease our children's ability to live on this land.

3. APOLOGIES/LEAVE OF ABSENCE

- 3.1. Apology
Apologies were received from
- 3.2. Leave of Absence
Cr Kirrilee Boyd, 25 May to 27 July 2021, approved at Council 25/5/21
Cr Pauline Gill, 13 July to 31 August 2021, approved at Special Council 13/7/21
- 3.3. Absent

4. MINUTES OF PREVIOUS MEETINGS

Council Meeting – 22 June 2021

That the minutes of the ordinary meeting held on 22 June 2021 as supplied, be confirmed as an accurate record of the proceedings of that meeting.

Special Council Meeting 13 July 2021

That the minutes of the special meeting held on 13 July 2021 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. MAYOR'S OPENING REMARKS

7. QUESTIONS ADJOURNED/LYING ON THE TABLE

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

8. PETITIONS / DEPUTATIONS / PUBLIC FORUM

- 8.1. Petitions
Nil
- 8.2. Deputations
 - 8.2.1. Andrew Admiraal, AGI Sport Adelaide Hills Rally
- 8.3. Public Forum
No public forum due to electronic meeting

9. PRESENTATIONS (by exception)
Nil

10. QUESTIONS ON NOTICE
Nil

11. MOTIONS ON NOTICE

- 11.1. Assistance to Residents on Catastrophic Fire Danger Days – Cr Leith Mudge

12. ADMINISTRATION REPORTS – DECISION ITEMS

- 12.1. Support for Road Closures 2021 Adelaide Hills Rally
- 12.2. Adelaide Hills Reconciliation Working Group Terms of Reference & Membership
- 12.3. Policy Review - Development Application Fee Refund Policy
- 12.4. Revised LGIPP Grant Deed for Water Management Projects
- 12.5. Finalisation of 2020-21 CEO Performance Review Targets
- 12.6. Revocation of Community Land Classification – Closed Roads R2142AA & R1573AB
- 12.7. Status Report – Council Resolutions Update

13. ADMINISTRATION REPORTS – INFORMATION ITEMS

- 13.1. Bushfire Safer Places
- 13.2. Local Government Legislative Reform

14. QUESTIONS WITHOUT NOTICE

15. MOTIONS WITHOUT NOTICE

16. REPORTS

- 16.1. Council Member Function or Activity on the Business of Council
- 16.2. Reports of Members/Officers as Council Representatives on External Organisations
- 16.3. CEO Report

17. REPORTS OF COMMITTEES

- 17.1. Council Assessment Panel – 14 July 2021
That the minutes of the CAP meeting held on 14 July 2021 as supplied, be received and noted.
- 17.2. Audit Committee
Nil
- 17.3. CEO Performance Review Panel – 8 July 2021
That the minutes of the CEOPRP meeting held on 8 July 2021 as supplied, be received and noted.

18. CONFIDENTIAL ITEMS

- 18.1. 46 Mt Barker Road Stirling (Old Stirling Police Station)

19. NEXT MEETING

Tuesday 24 August 2021, 6.30pm, 63 Mt Barker Road, Stirling

20. CLOSE MEETING

Council Meeting/Workshop Venues 2021

| AUGUST 2021 | | | |
|-------------------|--------------------------|----------|--------------|
| Tues 10 August | Workshop | Woodside | N/A |
| Wed 11 August | CAP | TBA | Karen Savage |
| Thurs 12 August | CEO Performance Review | Stirling | TBA |
| Mon 16 August | Audit Committee | Stirling | TBA |
| Mon 17 August | Professional Development | Stirling | N/A |
| Tues 24 August | Council | Stirling | Pam Williams |
| SEPTEMBER 2021 | | | |
| Wed 8 September | CAP | TBA | Karen Savage |
| Tues 14 September | Workshop | Woodside | N/A |
| Tues 21 September | Professional Development | Stirling | N/A |
| Tues 28 September | Council | Stirling | Pam Williams |
| OCTOBER 2021 | | | |
| Tues 12 October | Workshop | Woodside | N/A |
| Wed 13 October | CAP | TBA | Karen Savage |
| Mon 18 October | Audit Committee | Stirling | TBA |
| Mon 19 October | Professional Development | Stirling | N/A |
| Tues 26 October | 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 2021

6.00 for 6.30pm

(dates and venues to be confirmed)

| DATE | LOCATION |
|------------------|--------------|
| Tues 31 August | Basket Range |
| Tues 30 November | Gumeracha |

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, 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 number of deputations that have already been granted for the meeting
 - the subject matter of the proposed deputation
 - relevance to the Council agenda nominated – and if not, relevance to the Council's powers or purposethe integrity of the request (i.e. whether it is considered to be frivolous and/or vexatious)
 - the size and extent of the agenda for the particular meeting and
 - the number of times the depute has addressed Council (either in a deputation or public forum) on the subject matter or a similar subject matter.

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
MINUTES OF ORDINARY COUNCIL MEETING
TUESDAY 22 JUNE 2021
63 MT BARKER ROAD STIRLING**

In Attendance

Presiding Member: Mayor Jan-Claire Wisdom

Members:

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

In Attendance:

| | |
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| Andrew Aitken | Chief Executive Officer |
| Terry Crackett | Director Corporate Services |
| Peter Bice | Director Infrastructure & Operations |
| Marc Salver | Director Development & Regulatory Services |
| David Waters | Director Community Capacity |
| Lachlan Miller | Executive Manager Governance & Performance |
| Natalie Westover | Manager Property Services |
| Jess Charlton | Manager Libraries and Customer Service |
| Mike Carey | Manager Financial Services |
| John McArthur | Manager Sustainability Waste and Emergency Management |
| James Sinden | Manager Information Services |
| Dan Souter | Team Leader ICT |
| Sharon Leith | Sustainability Officer |
| Renee O'Connor | Coordinator Sport and Recreation |
| Steven Watson | Governance & Risk Coordinator |
| Pam Williams | Minute Secretary |

1. COMMENCEMENT

The meeting commenced at 6.32pm.

**ADELAIDE HILLS COUNCIL
MINUTES OF ORDINARY COUNCIL MEETING
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2. OPENING STATEMENT

Council acknowledges that we meet on the traditional lands and waters of the Peramangk and Kaurna people. They are Custodians of this ancient and beautiful land and so we pay our respects to Elders past, present and emerging. We will care for this country together by ensuring the decisions we make will be guided by the principle that we should never decrease our children's ability to live on this land.

3. APOLOGIES/LEAVE OF ABSENCE

3.1 Apology

Nil

3.2 Leave of Absence

- Cr Kirrilee Boyd 25 May to 27 July 2021 inclusive, approved at Council 25 May 2021

Moved Cr Mark Osterstock

S/- Cr Nathan Daniell

114/21

That a Leave of Absence from all duties of office be granted to Mayor Jan-Claire Wisdom from Monday 2 August to Friday 6 August 2021 inclusive.

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| Carried Unanimously |
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3.3 Absent

Nil

4. MINUTES OF PREVIOUS MEETINGS

4.1 Council Meeting – 25 May 2021

Moved Cr Pauline Gill

S/- Cr Malcolm Herrmann

115/21

That the minutes of the Ordinary Council meeting held on 25 May 2021 as supplied, be confirmed as an accurate record of the proceedings of that meeting.

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| Carried Unanimously |
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**ADELAIDE HILLS COUNCIL
MINUTES OF ORDINARY COUNCIL MEETING
TUESDAY 22 JUNE 2021
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4.2 Special Council Meeting – 8 June 2021

Moved Cr Ian Bailey

S/- Cr Linda Green

116/21

That the minutes of the Special Council meeting held on 8 June 2021 as supplied, be confirmed as an accurate record of the proceedings of that meeting.

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5. DECLARATION OF CONFLICT OF INTEREST BY MEMBERS OF COUNCIL

5.1 Perceived Conflict of Interest, Cr Ian Bailey, Item 12.8 AHRWMA Annual Business Plan and Budget 2021-22.

Under Section 75A of the *Local Government Act 1999* Cr Ian Bailey disclosed a Perceived Conflict of Interest in Item 12.8 AHRWMA Annual Business Plan and Budget 2021-22, the nature of which is as follows:

- Cr Bailey is a Board Member of AHRWMA.

Cr Ian Bailey intends to:

- Participate in discussions and vote on Item 12.8 AHRWMA Annual Business Plan and Budget 2021-22.

6. PRESIDING MEMBER'S OPENING REMARKS

Mayor Wisdom advised that she will be attending a Senate Enquiry into Cudlee Creek Bushfire being held in July 2021, and will update Council following the Enquiry.

7. QUESTIONS ADJOURNED/LYING ON THE TABLE

7.1 Questions Adjourned

Nil

7.2 Questions Lying on the Table

Nil

8. PETITIONS/DEPUTATIONS/PUBLIC FORUM

8.1 Petitions

Nil

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8.2 Deputations

Nil

8.3 Public Forum

Billy Jo Brewer, Friends of Lobethal Bushland Park

9. PRESENTATIONS

Nil

10. QUESTIONS ON NOTICE

Nil

11. MOTIONS ON NOTICE

Nil

12. OFFICER REPORTS – DECISION ITEMS

12.1 Mobile Library Replacement

Moved Cr Kirsty Parkin
S/- Cr Mark Osterstock

117/21

Council resolves:

- 1. That the report be received and noted.**
- 2. That the Administration proceed with the replacement of the mobile library with a customised van and that the amount carried forward into 2021-22 be adjusted from \$480,000 to \$200,000.**

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| Carried Unanimously |
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**ADELAIDE HILLS COUNCIL
MINUTES OF ORDINARY COUNCIL MEETING
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12.2 Lobethal Bushland Park Masterplan

Moved Cr Malcolm Herrmann

S/- Cr Ian Bailey

118/21

- 1. That the report be received and noted.**
- 2. That the CEO conducts targeted consultation with the Friends of Lobethal Bushland Park and the Lobethal Bushland Park Community Reference Group with the view of reporting the results of that consultation by 31 August 2021.**

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| Carried Unanimously |
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7.28pm Cr Malcolm Herrmann left the meeting.

7.28pm Cr John Kemp left the meeting.

7.29pm Cr Chris Grant left the meeting.

7.30pm Cr Chris Grant returned to the meeting.

7.30pm Cr Malcolm Herrmann returned to the meeting.

7.33pm Cr John Kemp returned to the meeting.

12.3 Community & Recreation Facilities Framework & Play Space Framework – Drafts for Consultation

Moved Cr Kirsty Parkin

S/- Cr Nathan Daniell

119/21

Council resolves:

- 1. That the report be received and noted.**
- 2. To receive and endorse the draft Community and Recreation Facilities Framework and the draft Play Space Framework and implement Stage 3 of Engagement (consultation).**
- 3. That the results of Stage 3 Engagement and the final draft Frameworks be presented to Council for their consideration by December 2021.**
- 4. That the CEO be authorised to:**
 - a. Make any formatting, nomenclature or other minor changes to the Draft Framework documents prior to being released for public consultation and**
 - b. Determine the consultation timings, media and processes while ensuring consistency and compliance with the provisions of applicable legislation and Council's *Public Consultation Policy*.**

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| Carried Unanimously |
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12.4 Local Government Infrastructure Partnership Program Grant Deed & Associated Projects

Moved Cr Linda Green
S/- Cr Malcolm Herrmann

Council resolves:

1. That the report be received and noted
2. To commit \$750,000 to the Local Government Infrastructure Partnerships Program grant funding and associated sustainable water management projects.
3. To authorise the Chief Executive Officer and Mayor to execute all documentation, including under seal as necessary, to give effect to this resolution.
4. To authorise the Chief Executive Officer to undertake any document changes required to execute the draft Grant Deed and associated documentation.

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Moved Cr Nathan Daniell
S/- Cr Leith Mudge

120/21

Council resolves that

1. The report be received and noted
2. The CEO completes an economic and environmental cost benefit analysis for the Woodside Water Reuse Project
3. This analysis be presented at a Council workshop and then subsequently a report be prepared for Council by 30 September 2021.

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| Carried Unanimously |
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12.5 Private Cemeteries

Moved Cr Malcolm Herrmann
S/- Cr Chris Grant

121/21

Council resolves:

- 1. That the report be received and noted**
- 2. With an effective date of 6 July 2021 that the *Cemetery Operating Policy* be amended as attached in *Appendix 1*.**

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| Carried Unanimously |
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12.5.1 Adjournment

Moved Cr Chris Grant
S/- Cr Kirsty Parkin

That the Council meeting adjourns for a short break.

122/21

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| Carried Unanimously |
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The meeting adjourned at 8.28pm.
The meeting resumed at 8.39pm.

ADELAIDE HILLS COUNCIL
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12.6 Annual Business Plan Adoption

Moved Cr Linda Green

S/- Cr Pauline Gill

123/21

Council resolves:

1. That the report be received and noted
 - 1.1 Pursuant to and in accordance with section 123(6) of the *Local Government Act 1999* ("the Act") and Regulation 6 of the *Local Government (Financial Management) Regulations 2011* and having considered all submissions and consultation feedback received, the Annual Business Plan (Appendix 1) as laid before Council for the financial year ending 30 June 2022, be adopted.
 - 1.2 Pursuant to and in accordance with section 123(7) of the Act and regulation 7 of the *Local Government (Financial Management) Regulations 2011*, having considered the Budget in conjunction with, and determined the Budget to be consistent with, the Council's Annual Business Plan, the Budget for the financial year ending 30 June 2022, as laid before the Council at this meeting, be adopted.
 - 1.3 Determination and Adoption of Valuations – 2021-22
 - 1.3.1 Rates assessed on rateable land in the area of the Council will be based on the capital value of land for all rateable land.
 - 1.3.2 Pursuant to section 167(2)(a) of the Act the most recent valuations of the Valuer General available to the Council of the capital value of land within the Council area, be adopted for rating purposes for the financial year ending 30 June 2022, totalling \$11,179,522,160.
 - 1.4 Determination of Basis for Differential Rating

Having taken into account the general principles of rating contained in section 150 of the Act and the requirements of section 153(2) of the Act, and in order to raise the amount as per paragraph 1.2, pursuant to section 152(1)(c) of the Act the Council declares that general rates for the financial year ending 30 June 2022 will consist of two components:

 - 1.one being based on the value of the land; and
 - 2.the other being a fixed charge

Pursuant to sections 153(1)(b) and 156(1)(a) of the Act the Council declares the following differential general rates for the financial year ending 30 June

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2022 on rateable property within the Council area, based upon the capital value of the land and varying according to land use categories in accordance with Regulation 14 of the Local Government (General) Regulations 2013:

- 1.4.1 On rateable land assigned category (a), (g), (h) & (i) (Residential, Primary Production, Vacant and Other), a rate of 0.2453 cents in the dollar of the capital value of such land;
- 1.4.2 On rateable land assigned category (b), (c), (d), (e) and (f) (Commercial – Shop, Office and Other and Industrial – Light and Other) a rate of 0.2821 cents in the dollar of the capital value of such land.

1.5 Declaration of General Rates – Annual Fixed Charge

Pursuant to section 152(1)(c)(ii) of the Act, the Council declares a fixed charge of \$699 in respect of all rateable land in the Council area for the financial year ending 30 June 2022.

1.6 Imposition of Regional Landscape Levy

In accordance with section 69 of the *Landscape South Australia Act 2019*, and section 154 of the Act, in order to reimburse the Council the amount contributed to the Hills and Fleurieu Regional Landscape Board, the Council declares the following separate rates based upon the capital value of rateable land for the financial year ending 30 June 2022:

- 1.6.1 0.009002 cents in the dollar on all rateable land in the Council area and in the area of Hills & Fleurieu Regional Landscape Levy;

1.7 Annual Service Charge

Pursuant to section 155 of Act, for the financial year ending 30 June 2022 the Council imposes the following annual service charges based on the nature of the service and the level of usage of the service:

- 1.7.1 In respect of all land to which the Council provides or makes available the prescribed services known as:
- the Woodside Community Wastewater Management System
 - the Woodside Extension Community Wastewater Management System
 - the Birdwood and Mt Torrens Community Wastewater Management System
 - the Kersbrook Township Community Wastewater Management System

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- the Charleston Community Wastewater Management System
- the Verdun Community Wastewater Management System
- the Mt Lofty Ward Community Wastewater Management System

an annual service charge of \$897 in respect of land which is occupied and an annual service charge of \$450 in respect of land which is vacant.

1.8 Rate Cap and Rebates

1.8.1 Rate Cap (General Rates Maximum Increase for Principal Place of Residence)

That for the year ending 30 June 2022 pursuant to section 153(3) of the Local Government Act 1999 the Council will not fix a maximum increase in the general rate to be charged on any rateable land that constitutes the principal place of residence of a principal ratepayer.

1.8.2 Primary Production Rebate

Pursuant to section 166(1)(b) of the Act, Council continues to offer, for the year ending 30 June 2022, upon application, a discretionary Primary Production Rebate of 10% on the differential primary production general rate to those ratepayers in the business of primary production who do not have a notional capital value assessment of their property and who have applied for and been granted this rebate in any of the last three (3) rating years, namely 2018-19, 2019-20 and/or the 2020-21 rating year.

1.8.3 Revaluation Relief Rebate

Council has determined, pursuant to section 166(1)(i)(ii) of the Act, to provide a discretionary rebate for the purposes of fixing a maximum increase in general rates to be charged on any rateable land within its area to be applied by the Council either on its own initiative where Council considers that the ratepayer meets the eligibility criteria or by application from the ratepayer, in circumstances where:

- the general rates payable for the financial year ending 30 June 2022 exceed the general rates paid in the previous financial year by 12.5% or more

and where the increase in general rates is not as a result of:

- (i) improvements made to the property since 1 July 2020 and worth more than \$20,000, unless the ratepayer is located within the Cudlee Creek bushfire scar as determined by Council; or

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- (ii) a change to the land use of the property since 1 July 2020; or
- (iii) a change in ownership (unless a family transfer) of the rateable property since 1 July 2020

the amount of any cap being the difference between the amount of general rates in monetary terms (before any rebate was applied) imposed for the 2021-22 financial year and the amount of general rates in monetary terms (before any rebate was applied) for the 2020-21 financial year plus 12.5% of those rates.

1.9 Separate Rates

Declaration of Separate rate – Stirling Business Separate Rate

- 1.9.1** Pursuant to section 154 of the Act for the financial year ending 30 June 2022 in order to raise the amount of \$95,000 to carry out the activity of promoting and enhancing business viability, profitability, trade and commerce in that part of the Council's area comprising rateable land within the precinct known as the District Centre (Stirling) Zone and businesses fronting both sides of Mt Barker Road east of the District Centre (Stirling) Zone to Pine Street, excluding land attributed a land use category 1 (residential) and government owned land, the Council declares a differential separate rate of 0.0949 cents in the dollar on all other land uses based on the capital value of the rateable land within that part of the Council area.
- 1.9.2** In exercise of the powers contained in section 158(1)(a) of the Act the minimum amount that is payable by way of the Stirling Business separate rate is \$284 (affecting all properties within the area to which the separate rate applies where the capital value is below \$299,262).
- 1.9.3** In exercise of the powers contained in section 158(1)(b) of the Act the amount that would otherwise be payable by way of rates in respect of the Stirling Business separate rate is altered by fixing the maximum amount of the separate rate payable at \$2,538 (affecting all properties within the area to which this separate rate applies where the capital value is in excess of \$2,674,394).

1.10 Payment of Rates

- 1.10.1** That pursuant to the provisions of section 181 of the Act, the above rates including charges which have been imposed for the financial year ending 30 June 2022 are payable by four equal (or approximately equal) quarterly instalments (unless otherwise

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agreed with the principal ratepayer), falling due during the months of September and December 2021 and March and June 2022.

1.10.2 In exercise of the powers contained in section 44 of the *Act*, the Council delegates to the Chief Executive Officer

- the power pursuant to section 181(2) of the *Act* to determine the day on which each instalment falls due in the months specified in part 1.10.1 of this resolution; and,
- the power pursuant to section 181(4)(b) of the *Act*, to enter into agreements with principal ratepayers relating to the payment of rates in any case of hardship or financial difficulty.

1.11 Adoption of Rating Policy

1.11.1 With an effective date of 1 July 2021, to revoke the 30 June 2020 Rating Policy and adopt the Rating Policy, in Appendix 2 of the 2021-22 Annual Business Plan in Appendix 1 of this report.

1.11.2 That the Chief Executive Officer, or delegate, be authorised to make any formatting, nomenclature or other minor changes to the Policy prior to the effective date.

1.12 Council Resolutions pertaining to 2020-21 Expenditure

Council resolves as a result of the Council Resolutions relating to 2020-21 Budgeted Expenditure to endorse the budgeted amounts totalling \$6.206m to be transferred to the 2021-22 financial year and update the associated budgets accordingly (as per *Appendix 3*).

1.13 Borrowings

Council resolves to:

1.13.1 borrow the sum up to \$10.350m (including 2020-21 budgeted expenditure requirements transferred to the 2021-22 financial year) for the purpose of funding the 2021-22 Budget.

1.13.2 authorise the Chief Executive to negotiate and agree the interest rate and any terms and conditions of the above borrowing arrangements in accordance with the Treasury Policy as adopted by Council.

1.13.3 authorise the Chief Executive to negotiate and agree a Convertible Cash Advance Debenture (CAD) facility or extension of existing arrangements for \$727k at an discounted interest rate of 0.75% off

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the standard variable rate with the Local Government Financial Authority for a three-year term from date of establishment, noting the exemption from Procurement Policy for this transaction

- 1.13.4** authorise the affixation of the common seal as necessary to give effect to Council's resolutions in this matter and that this be undertaken by the Mayor and the Chief Executive Officer.

2. That the CEO be authorised to:

- 2.1** Make changes to the ABP to reflect *Appendix 3* prior to publication
- 2.2** Make any formatting, nomenclature or other minor changes to the Plan prior to being released for published and
- 2.3** Determine the publishing timings, processes and related media promotion while ensuring consistency and compliance with the provisions of applicable legislation.

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| Carried Unanimously |
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12.7 Draft 2021-22 Fees and Charges

Moved Cr Chris Grant

S/- Cr Kirsty Parkin

124/21

Council resolves:

- 1. That the report be received and noted.**
- 2. To adopt the 2021-22 Fees and Charges Schedule included at Appendix 1 to apply on and from 1 July 2021.**
- 3. Council notes that the statutory fees will be included on the fees and charges register available for public inspection subsequent to being gazetted.**

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| Carried unanimously |
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12.8 Adelaide Hills Region Waste Management Authority Annual Business Plan & Budget 2021-22

Cr Ian Bailey declared a Perceived Conflict of Interest in Item 12.8 Adelaide Hills Region Waste Management Authority Annual Business Plan & Budget 2021-22.

Moved Cr John Kemp

S/- Cr Linda Green

125/21

Council resolves:

- 1. That the report be received and noted**
- 2. To approve the Adelaide Hills Region Waste Management Authority Draft Annual Business Plan and Budget 2021-22.**

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| Carried Unanimously |
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Cr Ian Bailey voted in favour of the motion and the majority of Council Members voted in favour of the motion.

12.9 Confidential Items Register, June 2021

DECISION 1

Moved Cr Nathan Daniell

S/- Cr Pauline Gill

126/21

Council resolves:

- 1. That the report be received and noted.**
- 2. That the items held as confidential in the Confidential Items Register (Appendix 1) be noted.**

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| Carried Unanimously |
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DECISION 2

Moved Cr Malcolm Herrmann

S/- Cr Ian Bailey

127/21

1. Pursuant to Section 91(7) of the *Local Government Act 1999*, Council orders that the following document(s) (or part) shall be kept confidential, being document(s) (or part) relating to a matter dealt with by the Council on a confidential basis under Sections 90(2) and 90(3)(j) of the Act:
 - The Report of 23 June 2020 Item No. 18.1, Event Opportunity, 122/20 remain confidential until the SATC publically release the official race routes for 2022 and that this order be reviewed every twelve (12) months.

On the grounds that the document(s) (or part) relates to information the disclosure of which— (i) would divulge information provided on a confidential basis by or to a Minister of the Crown, or another public authority or official (not being an employee of the council, or a person engaged by the council); and (ii) would, on balance, be contrary to the public interest.
2. Pursuant to section 91(9)(c) of the *Local Government Act 1999*, Council delegates the power to revoke the confidentiality order either partially or in full to the Chief Executive Officer.

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| Carried Unanimously |
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DECISION 3

Moved Cr Pauline Gill

S/- Cr Chris Grant

128/21

1. Pursuant to Section 91(7) of the *Local Government Act 1999*, Council orders that the following document(s) (or part) shall be kept confidential, being document(s) (or part) relating to a matter dealt with by the Council on a confidential basis under Sections 90(2) and 90(3)(d) of the Act:
 - The Report of 27 January 2021, Item No. 18.2, CWMS Review, 20/21 remain confidential until 30 July 2023 and that this order be reviewed every twelve (12) months.

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On the grounds that the document(s) (or part) relates to commercial information of a confidential nature (not being a trade secret) the disclosure of which could reasonably be expected to prejudice the commercial position of the person who supplied the information, or to confer a commercial advantage on a third party and would, on balance, be contrary to the public interest.

2. Pursuant to section 91(9)(c) of the *Local Government Act 1999*, Council delegates the power to revoke the confidentiality order either partially or in full to the Chief Executive Officer.

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| Carried Unanimously |
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DECISION 4

Moved Cr Mark Osterstock
S/- Cr Linda Green

129/21

1. Pursuant to Section 91(7) of the *Local Government Act 1999*, Council orders that the following document(s) (or part) shall be kept confidential, being document(s) (or part) relating to a matter dealt with by the Council on a confidential basis under Sections 90(2) and 90(3)(d) of the Act:
 - The Report of 07 May 2019, Item No. 19.1, Unsolicited Approach to Purchase Community Land, 103/19 until the matter is further presented to Council and that this order be reviewed every twelve (12) months.

On the grounds that the document(s) (or part) relates to commercial information of a confidential nature (not being a trade secret) the disclosure of which could reasonably be expected to prejudice the commercial position of the person who supplied the information, or to confer a commercial advantage on a third party.

2. Pursuant to section 91(9)(c) of the *Local Government Act 1999*, Council delegates the power to revoke the confidentiality order either partially or in full to the Chief Executive Officer.

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| Carried Unanimously |
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DECISION 5**Moved Cr Kirsty Parkin****S/- Cr Pauline Gill****130/21**

1. Pursuant to Section 91(7) of the Local Government Act 1999, Council orders that the following document(s) (or part) shall be kept confidential, being document(s) (or part) relating to a matter dealt with by the Council on a confidential basis under Sections 90(2) and 90(3)(b) of the Act:
 - Clause 8 and Appendix 2 of the Report of 01 August 2018, Item No. 7.2.1, Retirement Village Review, 183/18 remain confidential until 31 July 2023 and that this order be reviewed every twelve (12) months.

On the grounds that the document(s) (or part) relates to information the disclosure of which could reasonably be expected to confer a commercial advantage on a person with whom the council is conducting, or proposing to conduct, business, or to prejudice the commercial position of the council and would, on balance, be contrary to the public interest.

2. Pursuant to section 91(9)(c) of the *Local Government Act 1999*, Council delegates the power to revoke the confidentiality order either partially or in full to the Chief Executive Officer.

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| Carried Unanimously |
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DECISION 6**Moved Cr Ian Bailey****S/- Cr Kirsty Parkin****131/21**

1. Pursuant to Section 91(7) of the *Local Government Act 1999*, Council orders that the following document(s) (or part) shall be kept confidential, being document(s) (or part) relating to a matter dealt with by the Council on a confidential basis under Sections 90(2) and 90(3)(b) of the Act:

The Report of 22 April 2014, Item No. 18.2.1, AHRWMA, 85/14 remain confidential until the matter is determined and that this order be reviewed every twelve (12) months.

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On the grounds that the document(s) (or part) relates to information the disclosure of which could reasonably be expected to confer a commercial advantage on a person with whom the council is conducting, or proposing to conduct, business, or to prejudice the commercial position of the council and would, on balance, be contrary to the public interest.

2. Pursuant to section 91(9)(c) of the *Local Government Act 1999*, Council delegates the power to revoke the confidentiality order either partially or in full to the Chief Executive Officer.

Carried Unanimously

12.10 Status Report – Council Resolutions Update

Moved Cr Pauline Gill
S/- Cr John Kemp

132/21

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 |
|--------------|------------------|---------|--|-------------------------|
| 28/07/2020 | Ordinary Council | 148/20 | Road Closure adj Posen Road Birdwood | None declared |
| 23/02/2021 | Ordinary Council | 31/21 | Tree Management | None declared |
| 27/04/2021 | Ordinary Council | 68/21 | GAROC Business Item - Boundary Reform Legislation Change | None declared |
| 27/04/2021 | Ordinary Council | 72/21 | 2021-22 Annual Business Plan & Budget Consultation | None declared |
| 27/04/2021 | Ordinary Council | 73/21 | Grant Giving Policy Review | None declared |
| 27/04/2021 | Ordinary Council | 84/21 | Advisory Group Independent Members - CONFIDENTIAL | None declared |
| 27/04/2021 | Ordinary Council | 86/21 | Advisory Group Independent Members Period of Confidentiality | None declared |

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|------------|------------------|--------|---|----------------------------|
| 27/04/2021 | Ordinary Council | 73/21 | Grant Giving Policy Review | None declared |
| 25/05/2021 | Ordinary Council | 89/21 | Gumeracha Medieval Fair | None declared |
| 25/05/2021 | Ordinary Council | 91/21 | Budget Review 3 | Linda Green - Perceived |
| 25/05/2021 | Ordinary Council | 93/21 | Burning Permit Policy Review | None declared |
| 25/05/2021 | Ordinary Council | 94/21 | Order Making Policy Review | None declared |
| 25/05/2021 | Ordinary Council | 96/21 | East Waste 2021-22 Annual Business Plan | None declared |
| 25/05/2021 | Ordinary Council | 97/21 | SHLGA Governance Arrangements - Exemption for Audit Committee | None declared |
| 25/05/2021 | Ordinary Council | 98/21 | SHLGA Governance Arrangements - Draft Charter and 2021-22 Key Action Plan/Budget | None declared |
| 25/05/2021 | Ordinary Council | 99/21 | Delegations Review May 2021 | None declared |
| 25/05/2021 | Ordinary Council | 102/21 | MWN Condolence Motion Dennis Michalk (Gumeracha) | None declared |

Carried Unanimously

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13 OFFICER REPORTS - INFORMATION ITEMS

13.1 Recovery Update

Director Community Capacity, David Waters, also updated Council on the Cherry Gardens Bushfire recovery status.

Moved Cr Ian Bailey

S/- Cr Pauline Gill

133/21

Council resolves that the report be received and noted.

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| Carried Unanimously |
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13.2 Discretionary Rate Rebate Report

9.20pm Cr Kirsty Parkin left the meeting.

Moved Cr Pauline Gill

S/- Cr Linda Green

134/21

Council resolves that the report be received and noted.

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| Carried Unanimously |
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13.3 Rate Hardship Update Report

9.22pm Cr Kirsty Parkin returned to the meeting.

Moved Cr Chris Grant

S/- Cr John Kemp

135/21

Council resolves that the report be received and noted.

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| Carried Unanimously |
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14. QUESTIONS WITHOUT NOTICE

Nil

ADELAIDE HILLS COUNCIL
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15. MOTIONS WITHOUT NOTICE

15.1 Aldgate Park and Ride

Moved Cr Mark Osterstock

S/- Cr Leith Mudge

136/21

1. That the Mayor, on behalf of Council, writes to the Honourable Josh Teague, Member for Heysen, seeking his assistance and support in seeking State Government funding of \$48,000 to compliment Council's proposed maintenance upgrade of the Aldgate Park and Ride, Mount Barker Road, Aldgate.
2. That the additional State Government funding of \$48,000 would be utilised to perform the following additional works:

Sealing:

Survey = \$1,500

Design = \$4,500

Sealing works (including line marking) = 900 m² @ \$25/m² = \$22,500

Estimating contingency = 20% = \$5,700

Estimated Total for Sealing element \$34,200

Solar lights:

Purchase and Installation (costed 3 lights) \$14,000

Total for additional scope = \$48,200.00

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| Carried Unanimously |
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16. REPORTS

16.1 Council Member Function or Activity on the Business of Council

Mayor Jan-Claire Wisdom

31 May 2021, Establishing a suicide prevention network - Lobethal
 03 June 2021, CEO Review Panel Meeting - Stirling
 05 June 2021, World Environment Day Quiet Green Achievers Awards - Norton Summit
 07 June 2021, LGA Reconciliation Industry Network Group Meeting - via Zoom
 16 June 2021, Queen's Birthday celebration - Government House, Adelaide
 18 June 2021, Stirling Community Meeting to launch Pavilion Project - Stirling
 21 June 2021, Meeting with Lobethal Lights Committee members - Lobethal

Cr Malcolm Herrmann

03 June 2021, Residents Association - Kersbrook
 09 June 2021, Park Association - Birdwood
 19 June 2021, Winter Solstice - Gumeracha

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

Mayor Jan-Claire Wisdom

18 June 2021, Southern and Hills LGA Meeting - Victor Harbor

Cr Malcolm Herrmann

08 June 2021, GRFMA Audit Committee via Zoom
 17 June 2021, GRFMA - Nuriootpa

Cr Linda Green

16 June 2021 East Waste Audit Committee Meeting

16.3 CEO Report

Andrew Aitken, CEO, provided Council with a verbal Corporate Update.

- Capital works program activities
- Work Health & Safety focus
- New Planning Code now in place
- Local Government Reform Bill now passed by Parliament

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17. REPORTS OF COMMITTEES

17.1 Council Assessment Panel – 9 June 2021

Moved Cr Linda Green
S/- Cr Nathan Daniell

137/21

That the minutes of the Council Assessment Panel meeting of 9 June 2021 as distributed, be received and noted.

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| Carried Unanimously |
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17.2 Audit Committee – 24 May 2021

Moved Cr Leith Mudge
S/- Cr Malcolm Herrmann

138/21

That the minutes of the Audit Committee meeting of 24 May 2021 as distributed, be received and noted.

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| Carried Unanimously |
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17.2.1 Strategic Internal Audit Plan and Asset Management Plan

Moved Cr Malcolm Herrmann
S/- Cr Leith Mudge

139/21

Council resolves:

1. That the report be received and noted
2. To adopt the *Strategic Internal Audit Plan v1.8a* as contained in Appendix 1.
3. With an effective date of 6 July 2021, to revoke the 26 September 2017 *Asset Management Policy* and to adopt the May 2021 *Asset Management Policy* in Appendix 2.
4. That the Chief Executive Officer be authorised to make any formatting, nomenclature or other minor changes to the May 2021 *Asset Management Policy* prior to the effective date of adoption.

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| Carried Unanimously |
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17.3 CEO Performance Review Panel – 3 June 2021

Moved Cr Mark Osterstock
S/- Cr Chris Grant

140/21

That the minutes of the CEO Performance Review Panel meeting of 3 June 2021 as distributed, be received and noted.

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| Carried Unanimously |
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17.3.1 Proposed CEO Performance Targets 2021-2022

Moved Cr Mark Osterstock
S/- Cr Chris Grant

141/21

Council resolves:

1. That the report be received and noted
2. To adopt the CEO Performance Targets 2021-2022 as per *Appendix 1*.

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| Carried Unanimously |
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18. CONFIDENTIAL ITEMS

18.1 Cyber Security Plan – Exclusion of the Public

Moved Cr Chris Grant
S/- Cr Linda Green

142/21

Pursuant to section 90(2) of the *Local Government Act 1999* the Council orders that all members of the public, except:

- Chief Executive Officer, Andrew Aitken
- Director Development & Regulatory Services, Marc Salver
- Director Corporate Services, Terry Crackett
- Director Community Capacity, David Waters
- Executive Manager Governance & Performance, Lachlan Miller
- Manager Information Services, James Sinden
- Team Leader ICT, Daniel Souter
- Governance & Risk Coordinator, Steven Watson
- Minute Secretary, Pam Williams

be excluded from attendance at the meeting for Agenda Item 18.1: (Cyber Security Plan) 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)(e) of the *Local Government Act 1999*, the information to be received, discussed or considered in relation to this Agenda Item is matters affecting the security of the council, members or employees of the council, or council property, or the safety of any person, the disclosure of which could reasonably be expected to create an awareness of Council's cyber security vulnerabilities and potentially lead to exploitation of those vulnerabilities resulting in loss/damage to information, breach of confidentiality and service continuity disruption.

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.

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| Carried Unanimously |
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ADELAIDE HILLS COUNCIL
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18.1.2 Cyber Security Plan – Period of Confidentiality

Moved Cr Malcolm Herrmann

S/- Cr Pauline Gill

144/21

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 18.1 in confidence under sections 90(2) and 90(3)(e) of the *Local Government Act 1999*, resolves that an order be made under the provisions of sections 91(7) and (9) of the *Local Government Act 1999* that the report, related attachments and the minutes of Council and the discussion and considerations of the subject matter be retained in confidence until the control deficiencies are mitigated but no longer than 30 June 2023.

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.

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| Carried Unanimously |
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18.2 Event Opportunity – SANTOS Tour Down Under 2022 – Exclusion of the Public

Moved Cr Ian Bailey

S/- Cr Linda Green

145/21

Pursuant to section 90(2) of the *Local Government Act 1999* the Council orders that all members of the public, except:

- Chief Executive Officer, Andrew Aitken
- 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, Steven Watson
- Minute Secretary, Pam Williams

be excluded from attendance at the meeting for Agenda Item 18.2: (Event Opportunity – Santos Tour Down Under 2022) 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)(j) of the *Local Government Act 1999*, the information to be received, discussed or considered in relation to this Agenda Item is information the disclosure of which –

- (i) would divulge information provided on a confidential basis by or to a Minister of the Crown, or another public authority or official (not being an employee of the council, or a person engaged by the council); and
- (ii) would, on balance, be contrary to the public interest.

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.

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| Carried Unanimously |
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ADELAIDE HILLS COUNCIL
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18.2.2 Event Opportunity – SANTOS Tour Down Under 2022 – Period of Confidentiality

Moved Cr Pauline Gill

S/- Cr John Kemp

147/21

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 18.2 in confidence under sections 90(2) and 90(3) (j) 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 Council receives written confirmation from the South Australian Tourist Commission that the event information is no longer confidential, but not longer than 30 June 2022.

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.

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| Carried Unanimously |
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19. NEXT ORDINARY MEETING

The next ordinary meeting of the Adelaide Hills Council will be held on Tuesday 27 July 2021 from 6.30pm at 63 Mt Barker Road, Stirling.

20. CLOSE MEETING

The meeting closed at 10.00pm.

**ADELAIDE HILLS COUNCIL
MINUTES OF SPECIAL COUNCIL MEETING
TUESDAY 13 JULY 2021
63 MT BARKER ROAD STIRLING**

In Attendance

Presiding Member: Deputy Mayor Councillor Nathan Daniell

Members:

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| Councillor Ian Bailey |
| Councillor Chris Grant (via electronic attendance) |
| Councillor Linda Green |
| Councillor Malcolm Herrmann |
| Councillor Leith Mudge (via electronic attendance) |
| Councillor Kirsty Parkin |
| Councillor Andrew Stratford |

In Attendance:

| | |
|------------------|--|
| Andrew Aitken | Chief Executive Officer |
| Terry Crackett | Director Corporate Services |
| Peter Bice | Director Infrastructure & Operations |
| Melissa Bright | A/Director Development & Regulatory Services |
| David Waters | Director Community Capacity |
| Lachlan Miller | Executive Manager Governance & Performance |
| Natalie Westover | Manager Property Services |

1. COMMENCEMENT

The special meeting commenced at 6.31pm.

2. OPENING STATEMENT

Council acknowledges that we meet on the traditional lands and waters of the Peramangk and Kaurna people. They are Custodians of this ancient and beautiful land and so we pay our respects to Elders past, present and emerging. We will care for this country together by ensuring the decisions we make will be guided by the principle that we should never decrease our children's ability to live on this land.

**ADELAIDE HILLS COUNCIL
MINUTES OF SPECIAL COUNCIL MEETING
TUESDAY 13 JULY 2021
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3. APOLOGIES/LEAVE OF ABSENCE

3.1 Apology

Mayor Jan-Claire Wisdom
Cr Mark Osterstock

3.2 Leave of Absence

- Leave of Absence Cr Kirrilee Boyd 25 May to 27 July 2021 inclusive, approved at Council 25 May 2021

**Moved Councillor Malcolm Herrmann
S/- Councillor Ian Bailey**

148/21

That a Leave of Absence from all duties of office be granted to Councillor Pauline Gill from 13 July to 31 August 2021 inclusive.

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| Carried Unanimously |
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3.3 Absent

Councillor John Kemp

4. DECLARATION OF CONFLICT OF INTEREST BY MEMBERS OF COUNCIL

Nil

5. PRESIDING MEMBER'S OPENING REMARKS

Nil

6. PUBLIC FORUM

Nil

**ADELAIDE HILLS COUNCIL
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7. BUSINESS OF THE MEETING

7.1 Expression of Interest – 103 Mt Lofty Summit Road Crafers

Moved Cr Malcolm Herrmann

S/- Cr Linda Green

149/21

1. That the report be received and noted
2. The communication dated 8 June 2021 received from Renewal SA advising that the land located at 103 Mt Lofty Summit Road Crafers contained in Certificate of Title Volume 5951 Folio 582 ("Land") has been declared surplus be received and noted
3. That, having given consideration to the location, size of the land parcel, topography and heritage listed ruins on the Land, the Council does not identify the Land as having a strategic value for Local Government purposes
4. To delegate to the Chief Executive Officer to communicate to Renewal SA Council's decision to decline to lodge an expression of interest in the Land but recommend that the Land be consolidated within the immediately adjacent Cleland Conservation Park and managed, with appropriate public access, as part of that public space
5. That a copy of the letter to Renewal SA be forwarded to the Minister for Environment and Water and the Hills and Fleurieu Landscape Board.

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| Carried Unanimously |
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8. CONFIDENTIAL ITEM

Nil

9. CLOSE MEETING

The meeting closed at 6.38pm.

**ADELAIDE HILLS COUNCIL
ORDINARY COUNCIL MEETING
Tuesday 27 July 2021
AGENDA BUSINESS ITEM**

Item: 11.1 Motion on Notice

Originating from: Cr Leith Mudge

Subject: Assistance to vulnerable residents on Catastrophic Fire Days

1. MOTION

I move that:

1. The CEO investigates measures that Council could take to assist vulnerable residents such as the elderly, disabled and young in bushfire prone areas of the Adelaide Hills Council district on Catastrophic fire danger days.
2. The investigation includes (but is not limited to) an exploration of:
 - a. options to provide transportation of vulnerable residents to areas designated as Bushfire Safer Places,
 - b. the establishment of shelters for vulnerable people in nearby Bushfire Safer Places, and
 - c. Federal, State and NGO partnerships (e.g. LGA, Red Cross), funding sources and grants that could be applied to a program of this nature.
3. A report on the outcomes of the investigation be discussed at a workshop and presented to Council no later than the November 2021 Ordinary Council Meeting to allow sufficient time for some measures (if identified) to be implemented for the start of the 2021/22 fire danger season.

2. BACKGROUND

The Country Fire Service (CFS) advises on days rated as Catastrophic that “homes are not designed or constructed to withstand fires in these conditions” and that “the safest place to be is away from bushfire prone areas.” It further advises that all residents should “leave bushfire-prone areas the night before or early [on] the day” (<http://www.cfs.sa.gov.au/bans-and-ratings/more-about-fire-danger-ratings/>).

In the years since the implementation of the Catastrophic fire danger rating following the 2009 Victorian Black Saturday bushfires and the introduction of the leave early advice it has become apparent that many residents are not complying with this advice, either through ignorance, lack of somewhere to go, suitable transportation, a combination of these or other reasons e.g. work.

On days when serious bushfires break out such as the Sampson Flat, Cudlee Creek and Cherry Gardens fires this has caused serious issues with reports of roads clogged by people fleeing the approaching fire front.

The recent Independent Review into South Australia's 2019-20 Bushfire Season "...heard that a traffic bottleneck occurred during the Cudlee Creek fire when a large number of locals self-evacuated from Woodside (south) towards Nairne and, at the same time, locals from Nairne, Kanmantoo, Brukunga and Harrogate evacuated (west) either towards the SE Freeway or Mount Barker. One police officer working in the area recalled hearing from a fellow patrol member that there was an estimated 6km long bank up of traffic on Woodside road (headed to Nairne from Woodside). The officer observed that, 'had this fire event continued directly towards the Nairne / Hay Valley region, there was the potential for many casualties owing to the congestion at the T-Junction'".

It is clearly a personal responsibility of residents to follow the advice of the CFS on Catastrophic days, however it is also clear that vulnerable residents such as the elderly, disabled and young often lack the knowledge or capacity to organise an appropriate place to go and/or transportation to get there. There are many stories of isolated elderly, disable and young individuals that are regularly put at unnecessary risk on catastrophic days due to this problem.

This motion calls for the administration to investigate measures that Council could take to assist these particularly vulnerable groups.

3. OFFICER'S RESPONSE – John McArthur, Manager Sustainability, Waste and Emergency Management

➤ **Strategic Management Plan/Functional Strategy/Council Policy Alignment**

Strategic Plan 2020-24 – A brighter future

Goal Community Wellbeing

Objective C4 An active, healthy, thriving and resilient community

Priority C4.1 Support community wellbeing through our contribution to public health planning, disaster recovery activities and the implementation of strategies that aim to measure and enhance wellbeing

Considering undertaking an investigation into the provision of assistance to vulnerable residents on Catastrophic fire danger days aligns with Priority C4.1 from Council's Strategic Plan.

➤ **Legal Implications**

Section 7 of the *Local Government Act 1999* relating to functions of a council includes:

- 7(c) to provide for the welfare, well-being and interests of individuals and groups within its community
- 7(d) to take measures to protect its area from natural and other hazards and to mitigate the effects of such hazards

➤ **Risk Management Implications**

An investigation into Council's capacity to explore options to assist vulnerable persons on Catastrophic fire danger days will assist in mitigating the risk of:

Committing to services with a high potential they can't be delivered leading to community expectations not being met.

| Inherent Risk | Residual Risk | Target Risk |
|---------------|---------------|-------------|
| High (4C) | High (4C) | Low (1E) |

➤ **Financial and Resource Implications**

Undertaking an investigation into providing assistance to vulnerable residents on catastrophic fire danger days is unplanned work. However, if Council resolves to undertake the investigation there is likely to be resourcing impacts on already planned priorities in the Sustainability, Waste & Emergency Management and Community Development Departments that will need to be managed.

There are no financial implications resulting from undertaking the proposed investigation as it will be undertaken internally with existing resources.

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

Undertaking an investigation into assisting vulnerable residents on Catastrophic fire danger days does not have any customer service or community/cultural implications.

➤ **Sustainability Implications**

Not applicable.

➤ **Engagement/Consultation conducted in the development of the report**

Consultation on the development of this report was as follows:

Council Committees: Not Applicable

Council Workshops: Not Applicable

Advisory Groups: Not Applicable

Administration: Director Infrastructure and Operations
Manager Community Development

External Agencies: Not Applicable

Community: Not Applicable

2. ANALYSIS

Noting the Motion on Notice comprises specific elements to be addressed but also not to be limited to those elements, the following response is provided.

While Council performs a range of functions in preparing for natural disasters, when considering this motion, a key role of Local Government in emergency management needs to be taken into account. This particular key role is predominantly focused on undertaking activities that assist in empowering residents in the preparedness space such as community education and awareness. Involvement in the response phase ahead of, and on the day of, a forecast fire danger day has been limited to positioning Council resources to be in a state of readiness and then, if requested by the emergency services, to assist as required.

The extent to which physical intervention by Council in providing direct on-ground assistance for vulnerable persons on Catastrophic fire danger days (whether undertaken internally or outsourced) may be limited and/or potentially inadvisable for a variety of reasons. This includes those related to logistical/capacity and work health and safety factors. These can be addressed in more detail as part of any investigation, should Council resolve to support this motion.

Another focus for the investigation can be on identifying those activities Council is already undertaking and further community programs, education and awareness related actions Council could take to support vulnerable residents leading up to and on Catastrophic fire danger days. Council is currently developing a Community Ready Program via Commonwealth funding and in conjunction with the State's Public Health Network. A key focus for this program is to enhance the psychological preparedness of residents, including those who may be vulnerable, in light of potential emergency and disaster-related situations, including preparing for Catastrophic fire danger days.

As a corollary to this, the investigation could address the way awareness and education assistance can align closely with the shared responsibility paradigm. Here, the investigation can also explore the extent to which beneficial emergency management outcomes can be achieved when individuals, households, community and all levels of government contribute to the process.

3. APPENDICES

Nil.

**ADELAIDE HILLS COUNCIL
ORDINARY COUNCIL MEETING
Tuesday 27 July 2021
AGENDA BUSINESS ITEM**

Item: 12.1

Responsible Officer: Jennifer Blake
Manager Communications, Engagement and Events
Community Capacity

Subject: Support for Road Closures – 2021 Adelaide Hills Rally

For: Decision

SUMMARY

The purpose of this report is to seek Council consent to road closure orders proposed in the Application Form (**Appendix 1**) for the conduct of the 2021 Adelaide Hills Rally organised by Ultimate Motorsport Events Pty Ltd. (UME).

The 2021 Adelaide Hills Rally is proposed to run over three days, with two days taking place on unsealed roads within the Adelaide Hills Council district; on Saturday 23 and Sunday 24 October 2021. This will be the fourth iteration of the event and the routes to be used and extent of closures are largely unchanged, but this year they are split across both weekend days instead of on a single day. As it was in 2020, the event headquarters will be set up at the National Motor Museum in Birdwood for public activities across the weekend.

For these events to run successfully throughout the Adelaide Hills, a number of full road closures are required. Before a road closure order can be issued by the Commissioner of Police, consent must be obtained from the applicable local council(s). The full list of proposed closures is included under Section 3 of this report (Analysis).

RECOMMENDATION

Council resolves:

1. That the report be received and noted.
2. That, in relation to the 2021 Adelaide Hills Rally, Council supports the event contingent on the organisers, to the satisfaction of the Chief Executive Officer:
 - a. Complying with Council's *Festivals and Events Policy – Guideline No. 1 for Competitive Motoring Events*
 - b. Providing evidence of satisfactory insurance to cover any damage to third party property caused by the event.
 - c. Entering into a road repair agreement with Council to cover any rectification works required as a result of damage caused by the event.
 - d. Providing confirmation that the affected business owners are aware of the road closures.

- e. Providing written confirmation that the concerns raised by affected residents have been adequately addressed (noting that not all concerns can necessarily be addressed to the satisfaction of all residents) and that arrangements for egress and ingress for those properties can be managed within the event where possible.
 - f. Written confirmation from the organisers that they will erect advance notice of road closures on the affected roads, at least three weeks prior to the event
 - g. Providing evidence of satisfactory procedures for enabling emergency services access to properties on the event route at all times.
3. That subject to the requirements of Item 2. being undertaken, Council provides consent for road closure orders in relation to the event, to be held on Saturday 23 and Sunday 24 October 2021 as follows:
- a. **Saturday 23 October 2021**
 - i. **Retreat Valley Stage**
Closure 7:00am – 12:30pm
Retreat Valley Road, Odea Road, Berry Hill Road and Langley Road closed – from Gorge Road to Cudlee Creek Road
 - ii. **Charligate Stage**
Closure 7:20am – 12:50pm
Harrison Road, Kings Road, Burnley Road, Teakles Road, Lewis Road, Bell Springs Road and Warmington Run closed – from Quarry Road to Hollows Road (then continued into Mount Barker District Council)
 - b. **Sunday 24 October 2021**
 - i. **Blumberg Creek Stage**
Closure 11:40am – 5:10pm
(From Mid-Murray Council District) Hanham Road, McVitties Road, Number Four Road and Burton Road closed – from R Hicks Road to Onkaparinga Valley Road
 - ii. **Kenton Valley Stage**
Closure 12:00pm – 5:30pm
Turner Road, Maidment Road, and Lihou Road closed – from Burfords Hill Road to Schocroft Road.
4. That the Council confirms that the Chief Executive Officer may use existing powers under delegation to consider, and determine whether or not to provide consent to, any proposals for minor changes to the road closures in the lead up to the event, so long as the overall scope of the event road closures remains similar to the proposal described above.
-

1. GOVERNANCE

- **Strategic Management Plan/Functional Strategy/Council Policy Alignment**

Strategic Plan 2020-24 – A brighter future

| | |
|----------------------|---|
| <i>Goal</i> | Community Wellbeing |
| <i>Objective C6</i> | Celebrate our community's unique culture through arts, heritage and events |
| <i>Priority C6.2</i> | Develop, support and bring events to our district that have social, cultural, environmental or economic benefits. |

Council's Strategic Plan recognises that events play a key role in connecting our community and are an important contributor to economic and social prosperity. They offer an opportunity to bring communities together, welcome visitors to the area, promote the unique culture of the Hills and build community spirit.

The Council's current *Festivals & Events Policy* contains a specific appendix with guidelines for Competitive Motoring Events wherein road closures are considered by Council on a case by case basis.

Consideration of road closures is a matter of good governance. Some events rely on road closures to proceed. It follows that the Council needs to consider the impact of the road closures on the community and balance that against the benefits of the event going ahead.

➤ **Legal Implications**

Section 33 of the *Road Traffic Act 1961* (the Act) allows the Minister to declare events to be events to which the Section applies, and then to declare road closures, part closures and exemptions to the Road Rules for that event.

Section 33 (1):

On the application of any person interested, the Minister may declare an event to be an event to which this section applies and may make an order directing—

- a. that specified roads (being roads on which the event is to be held or roads that, in the opinion of the Minister, should be closed for the purposes of the event) be closed to traffic for a specified period; and*
- b. that persons taking part in the event be exempted, in relation to the specified roads, from the duty to observe an enactment, regulation or by-law prescribing a rule to be observed on roads by pedestrians or drivers of vehicles.*

The Minister has delegated this power to the Commissioner of Police (as well as to Council for local roads).

In the case of the Adelaide Hills Rally, SA Police will issue the applicable road orders, including exemptions to the observance of certain road rules (including speed limits), for the vehicles involved in the event within the closed sections of road.

However, and importantly, subsection 33(2) of the Act states:

An order to close a road under subsection (1) can only be made with the consent of every Council within whose area a road intended to be closed by the order is situated.

While the Chief Executive Officer has delegation to act under subsection 33(2), Council always retains the powers to make road closure decisions under subsection 33(2).

➤ **Risk Management Implications**

Consent to full road closures for the 2021 Adelaide Hills Rally will assist in mitigating the risk of:

Conflicts between event participants, residents, business owners and road users leading to injuries and/or property/vehicle damage and/or financial loss to those affected parties.

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

The residual risk rating takes into consideration the provision of organisers' risk management plans, public liability insurance and on-site traffic marshals and action taken to mitigate resident and business concerns following public consultation. It also considers full road closures as approved by the Council or CEO under delegation and the event run in accordance with guidelines provided by Council and Motorsport Australia (formerly CAMS).

➤ **Financial and Resource Implications**

There is no direct financial cost to the Adelaide Hills Council for the delivery of this event.

An amount of staff time has been dedicated to working with the event organiser in the interests of achieving good outcomes for the community. This has been accommodated within normal operational resourcing and the organiser bears all the financial costs associated with the required community consultation. However, the organiser has been advised that the applicable application fee for temporary road closures will be charged in the future.

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

The Adelaide Hills Rally will have a direct effect on some residents through the closure of several roads. In line with the Council's *Festivals and Events Policy*, people on roads that are closed, or on roads that have no other access but onto closed roads, were given the opportunity to comment on the proposal. Their feedback on the road closures is detailed in the Analysis section of this report and in **Appendix 2**.

Some negative feedback has been received from one resident of a stage route regarding the road closure, and organisers have responded to the concerned resident as detailed in the Analysis section of the report and **Appendix 2**.

The business community has potential to benefit from increased tourists to the area during the event, especially Birdwood where the organisers will be setting up the public event headquarters at the National Motor Museum and have included some local businesses in planning to ensure they receive maximum benefit from this influx. The event falls outside of fruit picking season and the Administration is not aware of any businesses on the closed roads. As the event makes use of unsealed non-arterial roads, closures do not cause significant disruptions to commuters, tourists and through traffic.

➤ **Sustainability Implications**

There is potential for the event to impact the environment of residents and businesses as follows:

- Noise nuisance;
- Litter from spectators; and
- Damage or adverse impact to roads, trees, livestock and other flora and fauna.

The cars involved in the event are required to meet certain noise standards and, while there will be some level of noise associated with the event; it will be capped according to standard road rules and Motorsport Australia (MA) guidelines. Additionally, MA scrutineers will be auditing the event for compliance before, during and post-event including decibel readings.

➤ **Engagement/Consultation conducted in the development of the report**

Event organisers have been in contact with Adelaide Hills Council staff about the 2021 Adelaide Hills Rally since the conclusion of the event in 2020.

Consultation on the development of this report was as follows:

Council Committees: Not Applicable

Council Workshops: Not Applicable

Advisory Groups: Not Applicable

Administration: Executive Manager Governance & Performance
Manager Economic Development
Coordinator Civil Operations
Horticultural Officer
Events Officer

External Agencies: National Motor Museum
Apple and Pear Growers Association of SA Inc. and Cherry Growers Association of SA Inc. (to be amalgamated as Fruit Growers SA)
Ultimate Motorsport Events

Community: The organisers have undertaken consultation with affected residents which, for the purposes of the *Festivals and Events Policy*, are those properties that lie directly along the proposed rally routes, or along roads that exit exclusively onto a proposed race route. A staff approved consultation letter as contained in **Appendix 4**, was sent in May to the ratepayers of these properties by event organisers and encouraged feedback about the proposed road closures to be submitted before 15 June 2021. The consultation report is attached in **Appendix 2**. SA Police will be engaged should the event be approved by Council to approve the road closure orders. Organisers have also advised that a Police Officer attends the event and travels in a vehicle with race officials during the event.

2. BACKGROUND

In 2018 and 2019 the Adelaide Hills Rally ran from headquarters at the Mount Barker Showgrounds, with only one of four days of racing within the Adelaide Hills Council district.

In 2020 the Adelaide Hills Rally moved to set up its event headquarters in Birdwood, at the National Motor Museum, for a weekend of public activities. This arrangement is in place again for 2021 across both days.

This event is important to the unsealed road rally sporting community, as it hosts Round 5 of the Australian Rally Championship, a qualifying round of the FIA Asia-Pacific Rally Championship, and the final round of the 2021 South Australian Rally Championship. This year also sees the addition of an Introductory Rally competition designed for novice competitors to learn about the sport.

The final stage of the event will also be broadcast live through 7plus (Channel 7's online offering).

This event will be run under the jurisdiction and rules of Motorsport Australia (MA) (previously the Confederation of Australian Motor Sport [CAMS]) and carry the appropriate insurances and permits.

The Council's *Festivals & Events Policy* (the Policy) contains a specific appendix with guidelines for Competitive Motoring Events. These guidelines provide for road closures to be considered by Council on a case-by-case basis. The Policy requires six months' notice of the event followed by a Motoring Event Application with proposed road closures and a Consultation Report a minimum of three months prior to the event (**Appendix 2**). If road closures are approved by Council, written notification is required to be sent to affected businesses and residents and Council-approved advanced warning signage must be installed along routes at least three weeks before the event. Provision of reasonable traffic detour information including online maps must be made available to Council and the community at least two weeks before the event is conducted.

3. ANALYSIS

Council's *Festivals and Events Policy* provides criteria for Council staff in assessing the level of support for events. In this instance the organiser is seeking support for road closures as the event will not be able to run without Adelaide Hills Council approval.

The *Festival and Events Policy*, Guideline No.1 for Competitive Motoring Events outlines considerations to help determine whether the benefits of the event outweigh the detriments around community impact, economic impact and environmental impact. A Consultation Report (**Appendix 2**) provided by the event organiser is required by the Policy to inform Council Assessment and decision-making.

The organisers sent Council-approved consultation letters to 141 directly affected residents and received four (4) responses. The following results are as per the Report:

- One submission objected to the closures (Retreat Valley Stage)

- Three submissions supported the event (1 Birdwood, 2 location not disclosed)

The response to the objection is available in the Consultation Report **Appendix 2**. Organisers have also provided a comprehensive list of FAQs.

Further to these responses about the 2021 event, one resident was in touch with both event organisers and Council staff about alleged loss of stock and fence damage during the 2020 event. The response to this query is also included in the Consultation Report in **Appendix 2**.

An email response from the Apple & Pear Growers Association of SA Inc. and Cherry Growers Association of SA Inc. regarding the proposed road closures stated that they didn't envisage many concerns at this time of year as it will be outside of harvest periods.

Road closures

For motorsport events covering a number of roads across multiple council areas, the road closure order is normally made by a sub-delegate of the Commissioner of Police, who acts under ministerial delegation. The Council's role, albeit a critical one, is limited to providing or withholding consent to the road closure. The actual order is not made by the Council.

Council operational staff have advised that they have no general objections to the route proposed, but that some wear or damage is expected to the unsealed roads. This will be determined via dilapidation reports completed by Council staff and event organisers before and after the event. Recent years' events have not resulted in dilapidation of the road condition to any material degree. Any significant, accidental damage to the roads, boundaries, public or private property will be covered by the event's insurance with Motorsport Australia (MA).

Temporary closure of roads during the rally is requested to ensure the safety of event participants and the public in the area at the time. The event organiser has copied Council staff into communications with residents including offers to mitigate issues with affected residents as detailed in the Consultation Report (**Appendix 2**).

The organiser has undertaken to place reminder signage out at least three weeks prior to the event. Staff will recommend that the name of the event is included in the roadside signage to notify land and stock owners who were not included in the consultation area, of the event.

The full list of proposed road closures is as follows:

- a. Saturday 23 October 2021
 - i. Retreat Valley Stage
Closure 7:00am – 12:30pm
Retreat Valley Road, Odea Road, Berry Hill Road and Langley Road closed – from Gorge Road to Cudlee Creek Road
 - ii. Charligate Stage
Closure 7:20am – 12:50pm

Harrison Road, Kings Road, Burnley Road, Teakles Road, Lewis Road, Bell Springs Road and Warmington Run closed – from Quarry Road to Hollows Road (then continued into Mount Barker District Council)

b. Sunday 24 October 2021

- i. Blumberg Creek Stage
Closure 11:40am – 5:10pm
(From Mid-Murray Council District) Hanham Road, McVitties Road, Number Four Road and Burton Road closed – from Hicks Road to Onkaparinga Valley Road
- ii. Kenton Valley Stage
Closure 12:00pm – 5:30pm
Turner Road, Maidment Road, and Lihou Road closed – from Burfords Hill Road to Schocroft Road.

Timing of other road closures

The event organisers have focussed on stages that have low resident impact, and have tried to use routes that have not received a high amount of feedback in recent years. One stage (Charligate) has been modified slightly to make it a longer route from 2020, whilst two others (Blumberg Creek and Kenton Valley) have been modified slightly to reduce the number of roads closed by one on each occasion.

The Policy guidelines require consideration of any other planned road closures within six months either side of the event and there is no expected use of these same road closures.

Economic Impact

Organisers are working with the National Motor Museum to set up event headquarters on their Birdwood Grounds which will host activities and presentations for public enjoyment across the event weekend. This will bring a number of tourists into the township to view the museum, competitor cars and associated presentations and activities, with positive overflow effects expected for local businesses. The Birdwood Motel has again been booked by Rally organisers for officials and staff.

The organisers have advised their intentions to make contact with businesses in townships in line with any updates to COVID-19 restrictions in the state. Participants and spectators are expected to spend time and money in nearby townships including Woodside, Balhannah, Lobethal and Gumeracha on breakfast and lunch stops.

Environmental Impact

Minor vehicle incidents have occurred in previous years that were managed by the event response team and did not result in any vegetation damage. Fence repairs were made to a property on the day of the event in October 2020 and again in May 2021 when the owner contacted organisers to complain about the original incident and repair which he claims led to stock loss.

Post Event Report 2020

The organisers provide a post-event report each year with the 2020 report attached as **Appendix 3**. No complaints were received direct to Council on event day, and after the event staff were included in correspondence from a resident with compliments to organisers for working with them on ingress and egress during breaks in the program to accommodate spectators. Civil Operations staff reported no additional repairs required to routes post-event.

4. OPTIONS

Council has the following options:

- I. Receive the report and resolve to consent to the road closures contemplated in this report (Recommended).
- II. Resolve not to provide consent for the road closures contemplated in this report. Should the Council not consent to some or all road closures proposed for this event, significant parts of the event, or the event in its entirety, would be unable to proceed as intended (Not Recommended).

5. APPENDICES

- (1) 2021 Adelaide Hills Rally Application Information
- (2) 2021 Adelaide Hills Rally Consultation Report
- (3) 2020 Adelaide Hills Rally Post-Event Report
- (4) 2021 Adelaide Hills Rally Consultation Letter to Residents

Appendix 1

2021 Adelaide Hills Rally Application Information

The Adelaide Hills Council

63 Mt Barker Road

Stirling

Dear Council

A Request to The Adelaide Hills Council

THE EVENT: AGI Sport AGI Sport Adelaide Hills Rally

The 2021 Adelaide Hills Rally will burst into life in Birdwood at the National Motor Museum from Friday 22nd to Sunday 24th October 2021. The event headquarters will be based at the National Motor Museum and will be traversing the greater Adelaide Hills Region. These plans will still be dependent on directives from Federal and State government in relation to COVID-19 and the event will operate within these guidelines.

The event brings three days of National Rally Competition to some of the best and most technical roads Australia has to offer. The 2021 Adelaide Hills Rally will host Round 5 of the Australian Rally Championship (ARC), qualifying round of the FIA Asia-Pacific Rally Championship and the final round of the 2021 South Australian Rally Championship.

The competition is going to be tense and tight, bringing a great spectacle to the region for all that come to watch. The best rally teams the Pacific Region, Australia and SA have to offer will be on show, and thrillingly they will also be battling hard for event honours. The event is vital for the FIA Asia-Pacific Rally Championship and Australian Rally Championship teams as it will be the decider of who will be the championship leader heading into the final round in Coffs Harbour. For the SA component, this event will determine the 2021 South Australian Rally Champion!

The 2021 Adelaide Hills Rally (AHR) will also present opportunities for those that have the desire to take part in the AHR in the Introductory Rally competition. The introductory rally is designed for novice competitors to learn what rallying is all about.

The National Motor Museum, Birdwood, the central hub for the event, will be a hive of activity over the weekend. It will be the base of operations for the 2021 AHR and the location for team servicing and regroups. Adding to the excitement at the showgrounds, there will be a myriad of Adelaide Hills Rally partner displays.

The Adelaide Hills Virtual Rally Experience: open to all ages and skill levels, will allow punters to test their skills on state-of-the-art equipment, whilst also competing against each other and the skilful competitors of the event.

Day 1 of the competition will commence on the Friday night at the Mid Murray Motorplex for the Super Special Stage just east of Mount Pleasant. The crews will battle out against each other side by side on the 2.4km course specifically designed for spectators to see the cars throughout the entire course.

Day 2 of competition will commence on the Saturday morning with a thrilling spectacle throughout the Adelaide Hills Region. Spectators will be able to see firsthand the professionalism of the rally teams and an exhibition of the incredibly skilled crews. After the day is complete, competitors will transport back to the Adelaide Hills Rally Service Park and Headquarters at the National Motor Museum. This is where the public will take part in the country fair atmosphere melded within a motorsport festival

Day 3 of competition on Sunday will find the crews heading out to the northern areas of the Adelaide Hills and Mt Crawford Forest, again returning to the Adelaide Hills Rally Service Park.

The event will conclude with a live to air broadcast of the final stage of the event via Channel 7 plus, rolling into a podium presentation on Sunday afternoon. Following the presentations, all competitors and event officials will have the opportunity to mingle and chat and enjoy a well-deserved post event celebration.

We look forward to meeting with you to further explore the benefits to the region, and to discuss the request for 2021.

We are very excited at the opportunity for the Adelaide Hills Council to align with UME at the 2021 AGI Sport Adelaide Hills Rally and future events.

Yours sincerely

Andrew Admiraal
Director
andrew@ume.cool
0403 116 400

Michael Clements
Director
michael@ume.cool
0418 804 105

THE TEAM: Ultimate Motorsport Events

The team at Ultimate Motorsport Events (UME) are a professional, dynamic and diverse group committed to delivering a quality service in the provision of closed road and circuit rallying and racing fixtures. The UME team have won many awards for the overall events that we've run, and personally won awards as members of the organising team, it is a tried and tested, successful management group.

UME provides a total fixture solution with the most comprehensive range of equipment and experience necessary to run a safe and successful motorsport event. We will provide motorsport clients, whether they are clubs, companies or groups, the complete solution in event management from the initiation and implementation through to completion and finalisation. We provide the support of compliance management, liaising with various bodies throughout the required administrative steps and processes through to the successful and safe management of the actual competition.

UME facilitates access to experienced motorsport officials including:

- Clerks of Course, Secretaries, Safety Officers
- Incident Controllers
- Rally Control Personnel
- Compliance Checkers
- Communicators / Observers
- Stage Commanders
- Spectator Officials
- Course Cars

UME supplies an extensive range of resources, equipment and infrastructure for events including:

- Current generation Tag Heuer timing equipment
- CAMS documentation - such as permits, medical & safety plans, compliance checking etc.
- Liaising with Government and Regulatory Bodies
- Incident Response Vehicles
- Specialist Medical Teams with motorsport and trauma experience
- Fire Extinguishers
- Oil / Liquid spill clean-up materials
- Radios
- Fully equipped mobile rally headquarters

Promoters and event organisers can customise an individual package created using one or all services provided by UME to perfectly match particular event needs.

The UME management team has over 180 years of combined experience in motorsport at all levels from local club through to international events. As Australian rallying moves to a more professional level, the team at UME is embracing the changes and challenges in the provision of medical and trackside services, integrating the following elements in its operations:

- Corporate image
- Competitor focus
- Teamwork
- Training & Rigorous Quality Review
- Multi-tasking of officials in different roles

Whether the involvement in the event is small or large, UME is committed to providing an exceptional level of service that seeks to maximise competitor satisfaction in the safest environment.

Event Deliverables: 2021 AGI Sport Adelaide Hills Rally

Please note the below list of the key deliverables that are indicative of what we would bring with a round of the 2021 Motorsport Australia Australian Rally Championship (ARC).

These figures are consistent with what was achieved at the 2019 Adelaide Hills Rally Australian Rally Championship round as 2020 was affected by COVID 19 and was only a State Championship Round.

We would expect to achieve better results for the 2021 event as the ARC has had good growth in the last 12 months.

A round of the ARC would consist of approximately 55 teams;

20 Teams consist of a team of 12 people/35 Teams consist of a team of 7 people

Each team stays 5 nights

This equates to **2380 Bed Nights**

On average, each Team would spend \$3000 of food and beverage totaling **\$160,000** in revenue in

20 Senior Officials require accommodation for 4 nights totaling an additional **80 Bed Nights**

10 Motorsport Australia officials require accommodation for 4 night totaling an additional **40 Bed Nights.**

Motorsport Australia (MA) will provide (via its own media team) media messaging through all media channels (digital, social, print, daily VNR's)

Live broadcast of Power Stage for the event via Channel 7

ARC Facebook – 18,000 Followers

Motorsport Australia Facebook – 24,000 Followers

Motorsport Australia Twitter – 7,843 Followers

These media numbers would be supplemented by the AGI Sport Adelaide Hills Rally events' social media channels as well as the Ultimate Motorsport Events (and subsidiaries) media channel and the SA Rally social media channel.

The numbers stated below have genuine follower base with high ongoing engagement that has grown organically as UME events mature. As the AGI Sport Adelaide Hills Rally is a wholly new event, these numbers will grow dramatically, as will the engagement.

AGI Sport Adelaide Hills Rally Facebook – 1,980 Followers

Ultimate Motorsport Events (and subsidiaries) Facebook – 11,060 Followers

SA Rally Facebook – 1,500 Followers (currently SA centric)

DirtFish Facebook – 81,000 Followers (Worldwide Rallying Page)

FIA Asia Pacific Rally Championship – 98,698 Followers (FIA – Worldwide Motorsport Governing Body0029

The request:

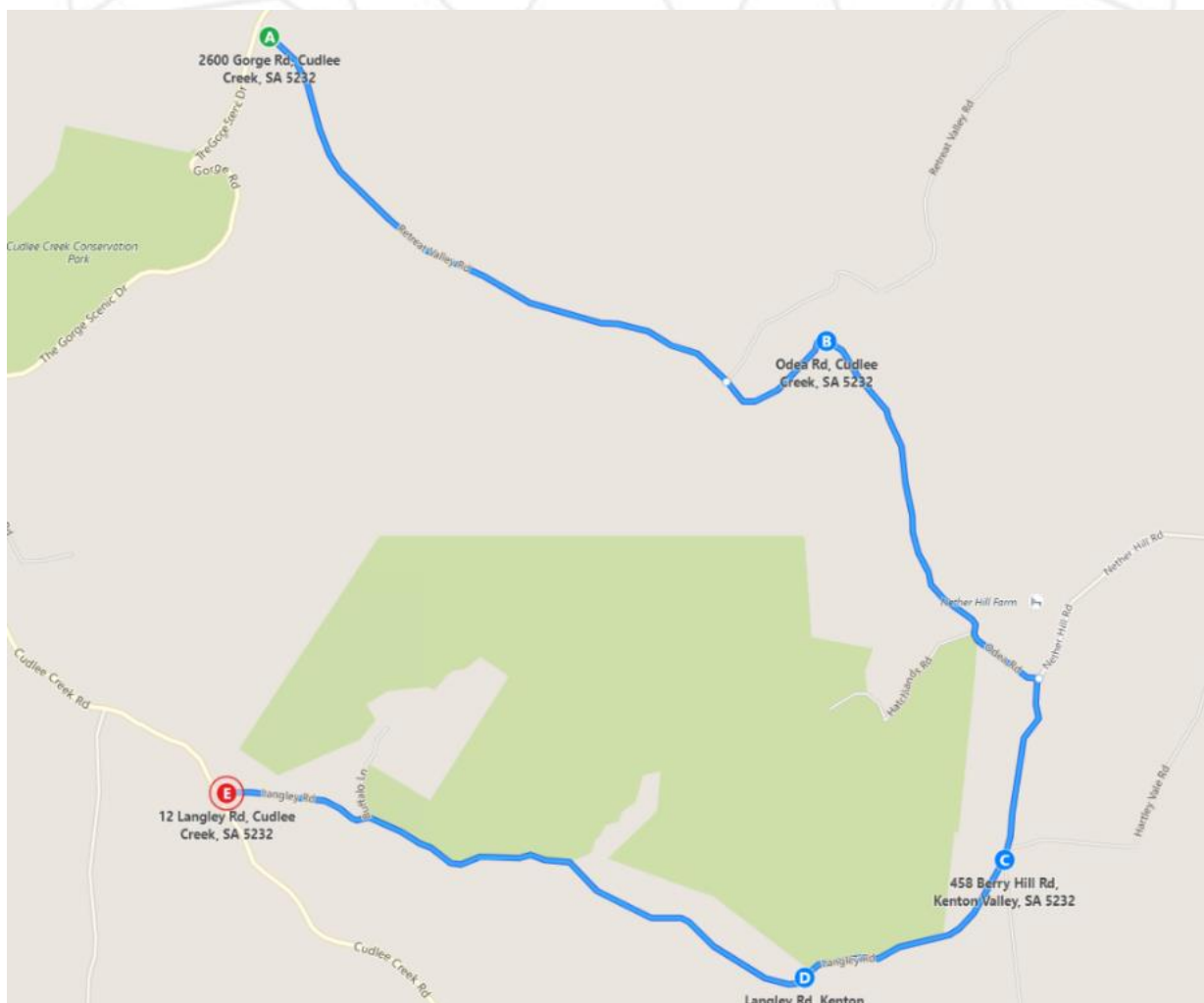
We would like to apply for the following roads to be closed by the Event.

The roads, the day & date and the times are:

Saturday 23rd of October 2021:

Retreat Valley – 0700hrs – 1230hrs

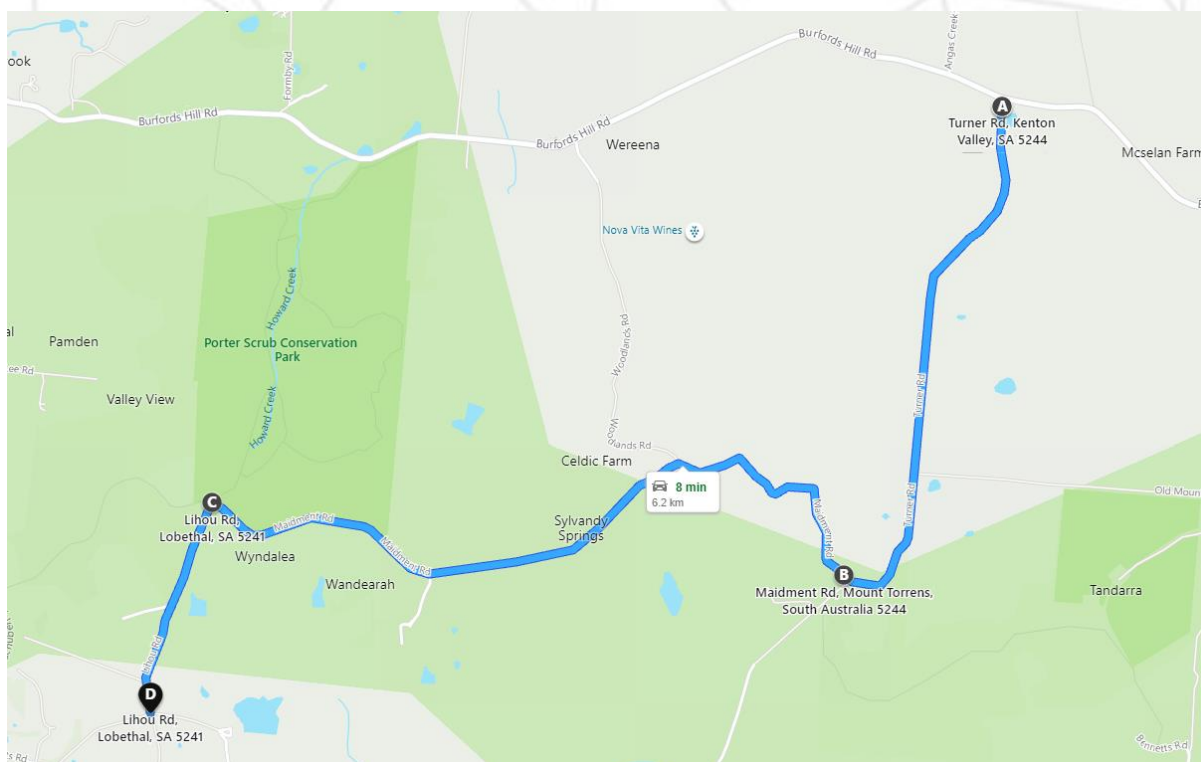
- A: Retreat Valley Road from Gorge Rd to Odea Rd
- B: Odea Road from Retreat Valley Rd to Berry Hill Rd
- C: Berry Hill Road from Odea Rd to Langley Rd
- D-E: Langley Road from Berry Hill Rd to Cudlee Creek Rd



Sunday 24th of October 2021:

Kenton Valley – 1200hrs – 1730hrs

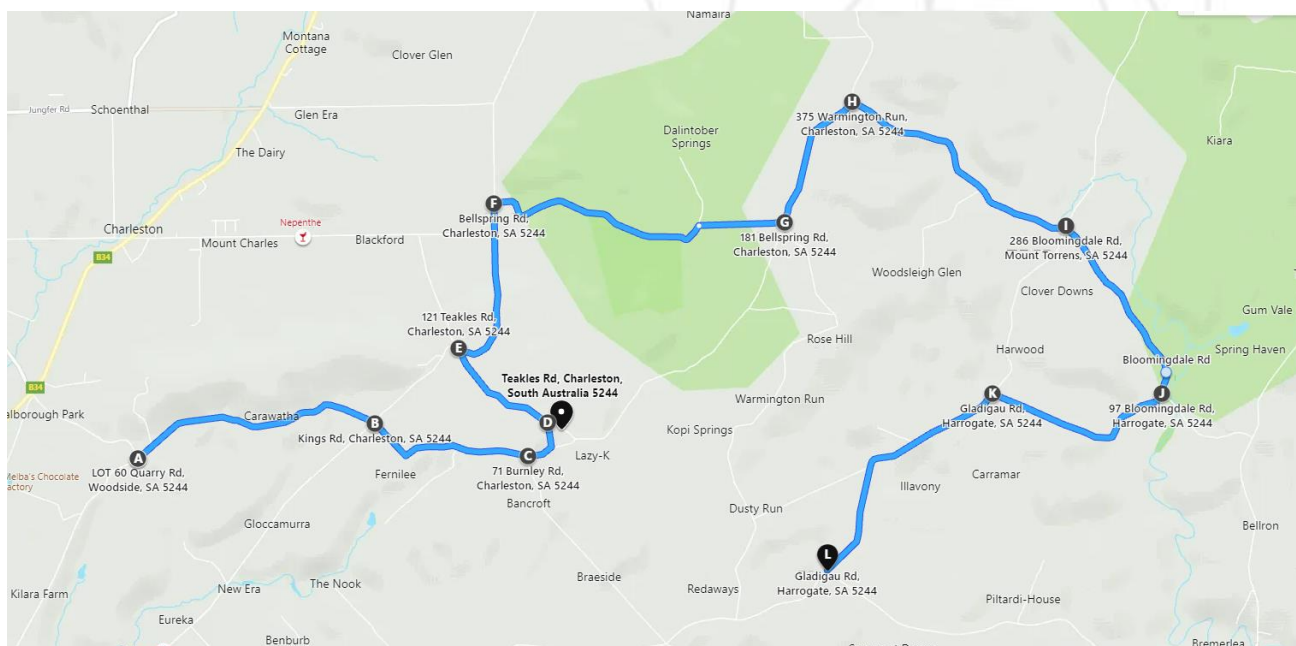
- A: Turner Rd from Burfords Hill Rd to Maidment Rd
- B: Maidment Rd from Turner Rd to Lihou Rd
- C: Lihou Rd from Maidment Rd to Schocroft Rd
- D: Schocroft Rd



Saturday 23rd of October 2021: (AHC/MBDC/MMC)

Charligate: 0720hrs – 1250hrs

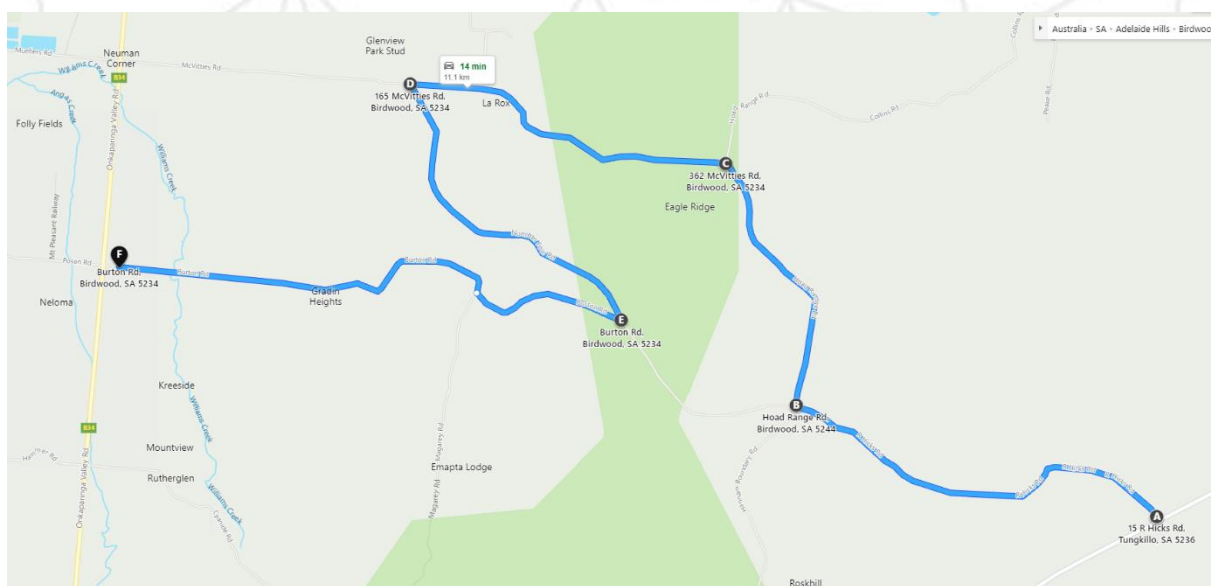
- A: Harrison Rd from Quarry Rd to Kings Rd
- B: Kings Rd from Harrison Rd to Burnley Rd
- C: Burnley Rd from Kings Rd to Teakles Rd
- D: Teakles Road from Burnley Road to Lewis Road
- E: Lewis Rd from Teakles Rd to Bell Springs Rd
- F: Bell Springs Rd from Lewis Rd to Warmington Run
- G: Warmington Run from Bell Spings Rd to Hollows Rd
- H: Hollows Rd from Warmington Run to Bloomingdale Rd
- I: Bloomingdale Rd from Hollows Rd to School Bus Rd
- J: School Bus Rd from Bloomingdale Rd to Gladigau Rd
- K-L: Gladigau Rd From School Bus Rd to Mail Rd



Sunday 24th of October 2021:

Blumberg Creek – 1140hrs – 1710hrs (AHC/MMC)

- A: R Hicks Road from Terlinga Road to Hanham Road
- B: Hanham Road from R Hicks Road to McVitties Road
- C: McVitties Road from Hanahm Road to Number Four Road
- D: Number Four Road from McVitties Road to Burton Road
- E-F: Burton Road from Number Four Road to Onkaparinga Valley Road



The consultation process:

We are accepting written feedback in relation to the proposed road closures via email and post prior to 15/06/2021. If you do not reside on the affected property and have a tenant on site, please forward this information to them.

The results of this consultation will be provided to the Adelaide Hills Council as part of the road closure approval process.

Please send feedback to:

Email: secretary@ume.cool or

Post: PO Box 10213, Adelaide BC, SA, 5000

WE WILL KEEP YOU INFORMED OF THE PROPOSED TEMPORARY ROAD CLOSURES VIA POST PRIOR TO THE EVENT

The CFS regions directly affected will be advised to CFS HQ by the Ultimate Motorsport Events team and we will have continued communication with CFS HQ, and by default, the CFS regions so that all are aware of the areas directly impacted by the events route.

The remediation process:

The Ultimate Motorsport Events team will:

Liaise with the engineering team from the Adelaide Hills Council to evaluate the route before and immediately after the event to determine if any remediation is required.

The event course vehicles, Course Closer (000) & Course Checker (00), will have front mounted cameras to provide footage of the route immediately prior to competition. Course Opener (Sweep) will also have a front mounted camera to provide footage of the route immediately after competition. This footage will be made available to the engineering team.

It is requested that any scheduled road engineering works on the route that are part of standard council practise, and within the council budget, be held until after the running of the event. This will allow any required repairs on the route caused by the event to be amortised into the scheduled ongoing maintenance.

It is requested that if the route requires remediation that is greater than that performed via scheduled maintenance, that the Adelaide Hills Council and Ultimate Motorsport Events possibly companion in the cost.

To ensure the safety of the competitors and the general public we request a short-term closure under Section 33 of the Road Traffic Act, of the roads, which we would like to add to the competitive part of the route.

If Council approves our request, we will make every effort to run the rally with minimum inconvenience to residents.

Additionally, we will:

Notify adjoining landowners in writing at least 2 months beforehand

Compile a Traffic Management Plan

Employ a Traffic Management company to undertake the Traffic Management Plan

Leave all control areas in a clean and tidy state

Notify the police of the running of the event and obtain permission to close the roads under Section 33 of the Road Traffic Act

Notify the emergency services in the area

Affect a public risk insurance policy through the Confederation of Australian Motor Sport (CAMS) which includes \$100 million public liability insurance. (A copy of the permit and insurance cover can be supplied if required).

Place advice signs along all roads 4 weeks before the event to forewarn road users of impending road closure

Advertise the road closures in the local papers the week before the event

During the event, man the access points to these roads to advise users of the temporary restrictions

We run our events to Australia's best standards and have medical vehicles at the start of each competitive stage. If a landowner has an emergency during the road closure period, upon receiving notification we will stop the event and send in our medical vehicles which have trained Paramedics and a Fire Marshal. If an emergency worker lives on one of the roads we are using, and is called for duty, we will stop the event to let them attend the emergency.

We appreciate the consideration extended to us in our efforts to organise this event.

I will forward to you a current copy of the Motorsport Australia Public Liability Cover if we receive permission to run the event.

Appendix 2

2021 Adelaide Hills Rally Consultation Report

Consultation Responses and Feedback:

141 letters were sent to affected residents. The following is all the correspondence that we have had to date as at 21/06/2021.

---Original Message---

From: Redacted

Sent: Tue 18/06/2021 10:53 AM PM

Hello,

I am writing to register our frustrations with the ever increasing number of rally events occurring past our property and in our area. We live on Retreat Valley Road at Cuddle Creek and in the past 4 years have been disrupted by a number of motorsport events closing public roads. We have been directly affected by your rally prior to 2018, where we registered our issues in relation to closing roads, Emergency service access and egress for volunteer emergency responders. We were again directly affected in 2018 by your event and were restricted from attending or returning from our places of work due to the closure of local roads in 2019, 2020 and again by yourselves and others in 2021.

These rally events, particularly past our property restrict us from coming home from work or leaving for work as both residence at this property work on rotating rosters including night shifts. We are forced to move stock away from roads to protect them from the noise and the potential for damage to fencing when a car runs off the road. This interrupts rotational grazing of animals on our property. We chose this location for peace and quiet, not to be constantly annoyed by loud rally cars. We are both members of a local emergency service, as are a number of others on the proposed closed section of road, and with all due respect your procedure for allowing emergency workers to attend incidents is just not practical. The time taken for us to contact you and for you to pass the message on to have the race stopped and a car sent to escort us etc. far exceeds the time set by Australian Standards for emergency response (6 minutes for rural areas) and for us to have an emergency vehicle on the road.

There is very little financial benefit to local business as the event cars just pass through and there is very little to no access or areas for spectators from outside of the local area.

We were willing to accept the occasional motor sport event in the area every 5 or 6 years but this is becoming ridiculous. I realise this email has been sent outside of the time limit you have given for consultation and road closure process with council however I will be forwarding this email to council for their consideration of future events. There are plenty of off road locations and recognised motor sport areas, without the need for closing public roads.

Could you please answer the following concerns I have in relation to the event planned for the 23rd of October. Retreat Valley - 0700 - 1230hrs.

1. I am an emergency services worker who works shiftwork in Adelaide. If my shift rotation has me working a 14 hour nightshift starting on the 22nd of October, I would be finishing my shift at 0700 and returning home from Adelaide. I would not arrive home until after the road closure time on the 23rd. What systems are in place for me to return to my home in a timely manner to allow me to get sufficient sleep before returning to work the following night? Simply waiting for the road to open without returning for rest is not an option. Fatigue management is taken seriously by my employer and is considered a work health and safety risk.

2. Can you please clarify the procedure in place for the local volunteer emergency workers living on the closed sections of road to attend incidents should these occur.

Thankyou for your time.

Redacted

-----Reply-----

Mon 21/06/2021 5:26 PM

Hi Redacted

Thank you for your email. It is appreciated, as your feedback and opinions are important to us.

Regarding point 1:

We always work very hard to facilitate entry and egress within a timely manner to affected residents with fair and reasonable needs/requirements. In this instance, as an example, if you were working and require entry at 0830hours, we would have our event PR person liaise with you prior to the day. On the morning, our PR Vehicle would meet you at the start of the stage and escort you to your property.

Regarding point 2:

We liaise with Emergency Services prior to the event and have them assess the stages that will be used and how it will impact their stations. They then make the appropriate adjustments and advise affected stations. If Emergency Services are required, they then utilise the stations that are unaffected by the events' running as this is the most efficient and quickest solution. To that end, the volunteer emergency worker on the closed road would more than likely not be required. However, if they were required, they would be able to call Rally HQ, notify us and we would act. Hypothetically, if a volunteer emergency worker on one of the closed roads was required for a call out, the event would already be working with Emergency Services.

Regards and thank you again

Andrew

Andrew Admiraal

-----Original Message-----

From: Redacted

Sent: Mon 14/06/2021 12:20 PM

Hi, we live on Redacted Road Birdwood and cannot wait for this rally coming past on the 24 October 2021. Hopefully you don't have too many whingers.

We look forward to watching it.

Kind Regards

Redacted

-----Original Message-----

From: Redacted

Sent: Thu 10/06/2021 10:07 AM

Good Morning,

I can say with great confidence that the vast majority of my neighbours and their guests for the day are excited and looking forward to the 2021 edition of the Rally. I have no doubt that you will however hear from the serial complainant who is known to the Adelaide Hills Council and community as one to complain about any and all things on our road, but understand that this person is a minority, and one that spends considerable time placing objections and roadblocks no matter what the cause.

Although we would have like to have been considered for a later stage in the course to enable visitors to come and spend the latter part of the day at the farm and watch the race, we have no objections to the road closure and welcome the event.

We once again request, if and where possible, an alternate opening to the road to allow people to come and or leave at the break in the race if at all possible.

Regards,

Redacted

-----Original Message-----

From: Redacted

Sent: Thu 3/06/2021 12:17 PM

Hi

I would like to lodge a compliant, please make sure this year they go faster with more Blurp blurp noises and sideways action.

Amazing event, love having go past our house!!!

Redacted Rd, Redacted

Redacted

Answers to Commonly Asked Questions:

Q – What if I need to get out for work during road closure time?

A – Yes you can if you pre-organise it with the rally organisers so they can schedule a course car to escort you out and maintain the safety and security of the closed road.

Q - I'm unwell and may need emergency help during the event.

A – If there is an emergency during the event, we stop the stage immediately and send in our own Medical team that is stationed at the start of every stage to assist in any medical emergency there is while we call an Ambulance to assist you.

Q – Will Emergency Services be notified that the event is on?

A – The Safety Officer for the Rally, corresponds the events Safety Plan with the Regional Emergency Services Offices. This Safety Plan has any information that they may need in regard to when and where the rally is at any specific time and who to contact in the case of an emergency so we can stop the event for them to respond to any incidents.

Q – Can I invite friends over for a party to watch the rally?

A – Yes you can providing they are into your property before road closure time and wait to the road is open before leaving.

Q - The rally will scare my animals with the noise.

A - The majority of animals don't even know the rally is on as they are used to vehicles driving down the road every day. The vehicles are scrutineered to meet a 96 decibel noise limit before the event. We have noticed a lot of animals like to come to the fence to watch as they are inquisitive as to what is happening especially if they are near people on road closures or start and finish lines.

Q – Why should we have the rally, what does the rally bring to the community?

A – The rally brings a large financial benefit to the community by bringing teams from all over Australia to the local area where they need accommodation, food, drinks, fuel and spare parts. Family members usually go to local tourist spots which can be promoted through the event. This normally means between 500-1000 extra people plus spectators to the local area.

Q – Who pays for the damage to the roads?

A - The event does its best to choose roads with a hard road base that will not be damages in any weather conditions. The cars are light and there is little or no extra damage to normal road use by cars and heavy vehicles. If the road is damaged, then the event pays the council to fix and damages. There is a road survey done by event with council before and after the event to assess the roads condition.

Q- Are these events legal?

A – Yes, these events are legal. The event is approved by the local councils before going to SA Police for approval. There is a large amount of regulations and approval process for the events to pass before they can happen. The senior officials need to be licenced by Motorsport Australia with adequate experience for each individual part of the event they are responsible for. The vehicles need to be road registered and pass scrutineering before being allowed to compete. They must also maintain their road worthiness for the entirety of the event.

Q – Who pays for any damages to fences or properties?

A – The event pays for any expense incurred by the vehicles to fences and properties. Any fences that are damaged are temporary repaired by the recovery vehicles before a permanent fix is done by the contractor of choice by the local landowner. Motorsport Australia as the regulator and insurer of the event, covers any large expense through the insurance that is taken out by the event.

Q – Will officials come onto my property?

A – We tell our officials at their briefings that they are not to trespass on anyone's property unless it is to help someone. Some officials might ask you if it's alright to park in your driveway if it is the safest place for their vehicle.

Q – Will there be extra traffic for weeks before as crews undertake reconnaissance runs?

A - Reconnaissance is only allowed on one day for this event, in a designate window of time consisting of a few hours, with event officials on hand to observe and manage. Any competitors that are seen to do extra reconnaissance on other days will be excluded from the event and possibly lose their competition license.

Appendix 3

2020 Adelaide Hills Rally Post-Event Report

EVENT EVALUATION



| | |
|---|---|
| Name of Event: | 2020 AGI Sport Adelaide Hills Rally – Round 2 & 3 of the Motorsport Australia SA Rally Championship - <u>COVID 19 Impacted</u> |
| Date held | 17/10/2020 – 18/10/2020 |
| Name of person completing this evaluation | Andrew Admiraal |
| Contact Number: | 0403116400 |
| Estimate - Number of participants – organisers, helpers, traders, stall holders taking part in the delivery of the event | 400 |
| Estimate - Number of attendees – spectators paying or otherwise How did you get this number? | >1000 Assessment of Event officials included Service Park, Super Special Stage and the Rally Stages. Due to the COVID 19 requirements, numbers were kept below the maximum set by SA Health. |
| Were the attendees at your event: a) nearly all local residents, b) a mix of local and regional residents, c) a mix of local, regional and tourists from South Australia d) a mix of local, regional and tourists from South Australia AND interstate | Due to restrictions, mainly local and regional South Australian officials, competitors, and teams attended. We did have a small number of interstate competitors and teams that were willing to contend with the uncertain situation. However, we had 38 entrants. Considering all the hurdles that 2020 gave us, that was a success. |
| List any Environmental Initiatives you achieved/ introduced at this year's event | All event officials and personnel had rubbish bags on hand for immediate clean up. |
| Please comment on the social benefit of your event to the local community | |
| We created a national motorsport event with all the relevant compliance, personnel, and coverage, and kept it in the Adelaide Hills. Unfortunately, mainly state based competitors entered due to restrictions and the ongoing uncertainty. It was still an event for the hills region and designed to promote the area and benefit the area. We had a major presence in Birdwood with our service park that brought in as many of the teams, their supporters and event officials that we were allowed to have. | |
| The three most positive aspects of your event are: | |
| <ol style="list-style-type: none"> 1. The event was still of international standard. 2. Birdwood and surrounding areas had a real benefit by the numbers that came to and stayed in the area. 3. The National Motor Museum and the town was buzzing. | |
| Are there any aspects of your event that caused concern or would benefit from assistance in the future? We do need further sponsorship support so that we can promote better and keep improving the event. | |
| Were there any accidents or injuries associated with the running of your event? Please provide details. A few incidents, but they were managed accordingly with the competition. | |

| | |
|--|------------------------------------|
| Did anything arising from your event require a change to / or modification of your risk assessment? Please provide details. No | |
| Were any complaints received from community members or SA Police in relation to your event. Please provide details. No | |
| | |
| Gross Income derived by the event organisers (include all entry fees, sponsorships, site fees, and other income) | \$56,100.00 |
| Total cost of running the event (include all amounts where a physical payment has been made) | \$58,242.00 |
| Total profit / loss derived from the event | -\$2,142.00 |
| If a profit has been made – how will this amount be used by your group? | |
| Number of Stall Holders at your event | non |
| Did you have a cash facility at your event (ATM) what was the total amount drawn from the machine? | \$ N/A |
| <p align="center">IN-KIND SUPPORT</p> <p>Please list all in-kind support with estimated \$ amount received for this event <i>ie. Any donations you received (what would their dollar value be should you have to purchase or hire)</i> <i>Any discounts (ie butcher gave you 50% off sausages so you saved \$100)</i> <i>Volunteer Hours</i> <i>Council infrastructure-</i> <i>ie. 3mx3m marque = \$150ea(if you had to hire)</i></p> | |
| Volunteer Hours- in the preparation of your event (how many hours did you/ committee do in the lead up x \$30 per Hour) 5 management at 40 hours per week for 3 weeks | Total Hrs= 600 \$18,000.00 |
| Volunteer Hours- During the event (how many hours did you/ committee do in the lead up x \$30 per Hour) 130 rally officials for 8 hours over the event period | Total Hrs= 1040 \$31,200.00 |
| Volunteer Hours- in the event (how many hours did you/ committee do during the event x \$30 per Hour) 10 management at 16 hours per day for 4 days | Total Hrs= 640 \$19,200.00 |

Appendix 4

*2021 Adelaide Hills Rally
Consultation Letter to Residents*

2021 AGI SPORT ADELAIDE HILLS RALLY

October 22nd to 24th, 2021

COMMUNICATION TO RESIDENTS WITHIN THE VICINITY OF

PROPOSED ADELAIDE HILLS ROAD CLOSURES



Tuesday, 6 July 2021

Dear Owner/Occupier

Re: Proposed Motoring Event

We are writing to inform you that Ultimate Motorsport Events wish to run an event named the 2021 AGI Sport Adelaide Hills Rally in the Adelaide Hills Region during the period of Friday 22nd to Sunday 24th of October 2021.

A road within your vicinity has been selected to host a closed road section within the proposed rally route (see proposed closed road maps enclosed) and we are seeking your feedback as a resident who may be impacted.

Consultation Process:

We are accepting written feedback in relation to the proposed road closures via email and post prior to 15/06/2021. If you do not reside on the affected property and have a tenant on site please forward this information to them.

The results of this consultation will be provided to the Adelaide Hills Council as part of the road closure approval process.

Please send feedback to:

Email: secretary@ume.cool

or

Post: PO Box 10213, Adelaide BC, SA, 5000

WE WILL KEEP YOU INFORMED OF THE PROPOSED TEMPORARY ROAD CLOSURES VIA POST PRIOR TO THE EVENT

Yours sincerely

Andrew Admiraal

Director

andrew@ume.cool

0403 116 400

Michael Clements

Director

michael@ume.cool

0418 804 105

The Event:

The 2021 Adelaide Hills Rally will burst into life in Birdwood at the National Motor Museum on the Friday 22nd to Sunday 24th October 2021. The event headquarters will be based at the National Motor Museum and will be traversing the greater Adelaide Hills Region. These plans will still be dependent on directives from Federal and State government in relation to COVID-19 and the event will operate within these guidelines.

The event brings three days of National Rally Competition to some of the best and most technical roads Australia has to offer. The 2021 Adelaide Hills Rally will host Round 5 of the Australian Rally Championship (ARC), qualifying round of the FIA Asia-Pacific Rally Championship and the final round of the 2021 South Australian Rally Championship.

The competition is going to be tense and tight, bringing a great spectacle to the region for all that come to watch. The best rally teams the Pacific Region, Australia and SA have to offer will be on show, and thrillingly they will also be battling hard for event honours. The event is vital for the FIA Asia-Pacific Rally Championship and Australian Rally Championship teams as it will be the decider of who will be the championship leader heading into the final round in Coffs Harbour. For the SA component, this event will determine the 2021 South Australian Rally Champion!

The 2021 Adelaide Hills Rally (AHR) will also present opportunities for those that have the desire to take part in the AHR in the Introductory Rally competition. The introductory rally is designed for novice competitors to learn what rallying is all about.

The National Motor Museum, Birdwood, the central hub for the event, will be a hive of activity over the weekend. It will be the base of operations for the 2021 AHR and the location for team servicing and regroupings. Adding to the excitement at the showgrounds, there will be a myriad of Adelaide Hills Rally partner displays.

The Adelaide Hills Virtual Rally Experience: open to all ages and skill levels, will allow punters to test their skills on state-of-the-art equipment, whilst also competing against each other and the skilful competitors of the event.

Day 1 of the competition will commence on the Friday night at the Mid Murray Motorplex for the Super Special Stage just east of Mount Pleasant. The crews will battle out against each other side by side on the 2.4km course specifically designed for spectators to see the cars throughout the entire course.

Day 2 of competition will commence on the Saturday morning with a thrilling spectacle throughout the Adelaide Hills Region. Spectators will be able to see firsthand the professionalism of the rally teams and an exhibition of the incredibly skilled crews. After the day is complete, competitors will transport back to the Adelaide Hills Rally Service Park and Headquarters at the National Motor Museum. This is where the public will take part in the country fair atmosphere melded within a motorsport festival

Day 3 of competition on Sunday will find the crews heading out to the northern areas of the Adelaide Hills and Mt Crawford Forest, again returning to the Adelaide Hills Rally Service Park.

The event will conclude with a **live to air broadcast** of the final stage of the event via Channel 7 plus, rolling into a podium presentation on Sunday afternoon. Following the presentations, all competitors and event officials will have the opportunity to mingle and chat and enjoy a well-deserved post event celebration.

The Compliance:

To ensure the safety of the competitors and the general public we request a short-term closure under Section 33 of the Road Traffic Act, of the roads, which we would like to add to the competitive part of the route.

If Council approves our request, we will make every effort to run the rally with minimum inconvenience to residents.

Additionally, we will:

- Notify adjoining landowners in writing at least 4-6 weeks beforehand
- Compile a Traffic Management Plan
- Employ a Traffic Management company to undertake the Traffic Management Plan
- Leave all control areas in a clean and tidy state and repair any damage caused Notify the police of the running of the event and obtain permission to close the roads under Section 33 of the Road Traffic Act
- Notify the emergency services in the area
- Affect a public risk insurance policy through Motorsport Australia which includes \$100 million public liability insurance. (A copy of the permit and insurance cover can be supplied if required).
- Place advice signs along all roads 4 weeks before the event to forewarn road users of impending road closure
- Advertise the road closures in the local papers the week before the event
- During the event, man the access points to these roads to advise users of the temporary restrictions

We run our events to Australia's best standards and have medical vehicles at the start of each competitive stage. If a land owner has an emergency during the road closure period, upon receiving notification we will stop the event and send in our medical vehicles which have trained Paramedics and a Fire Marshal. If an emergency worker lives on one of the roads we are using, and is called for duty, we will stop the event to let them attend the emergency.

We appreciate the consideration extended to us in our efforts to organise this event.

The Community:

The event will be utilising and supporting many sporting, volunteer emergency service and social groups through the region to aid in the running of the event. From an event perspective, all these groups will be getting both financial and social benefits.

With the national focus on the Adelaide Hills Region through the fact that it is a true Motorsport National Championship, the media coverage that the event will bring as well as all the teams that will be competing will highlight and showcase all the wonderful benefits that we know we have here. This will have positive financial flow on to businesses in the region.

The Request:

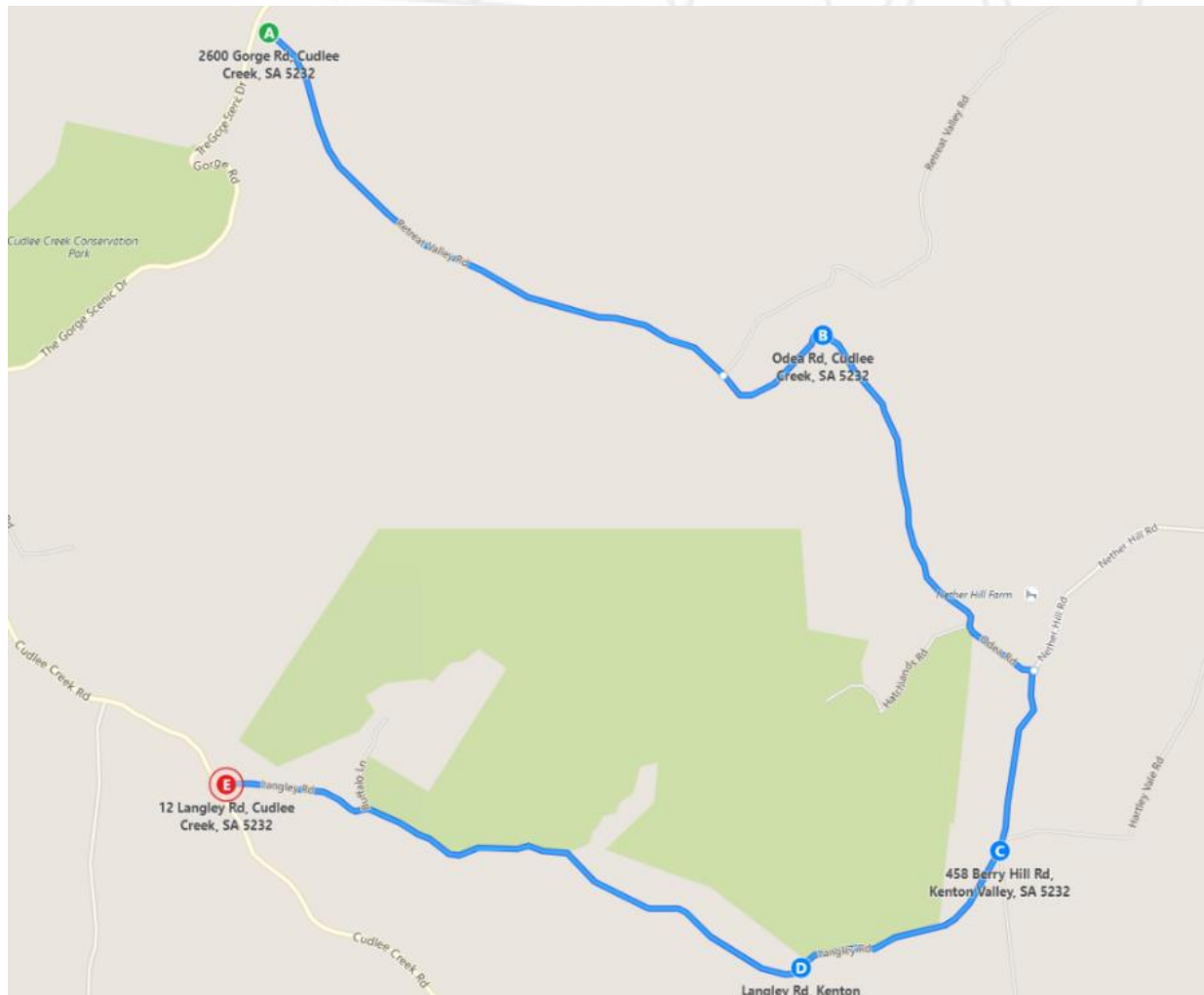
We would like to apply for the following roads to be closed by the Event.

The roads, the day & date and the times are:

Saturday 23rd of October 2021:

Retreat Valley – 0700hrs – 1230hrs

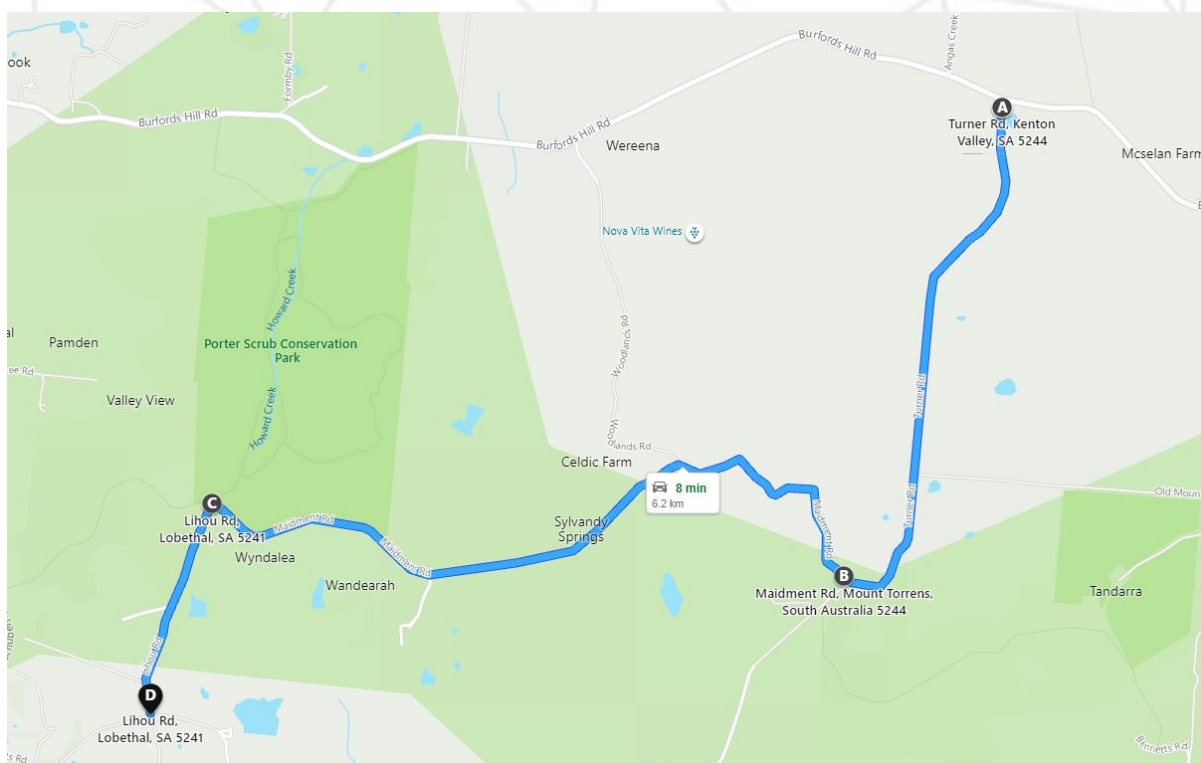
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- B: Odea Road from Retreat Valley Rd to Berry Hill Rd
- C: Berry Hill Road from Odea Rd to Langley Rd
- D: Langley Road from Berry Hill Rd to Cudlee Creek Rd
- E: Cudlee Creek Rd



Sunday 24th of October 2021:

Kenton Valley – 1200hrs – 1730hrs

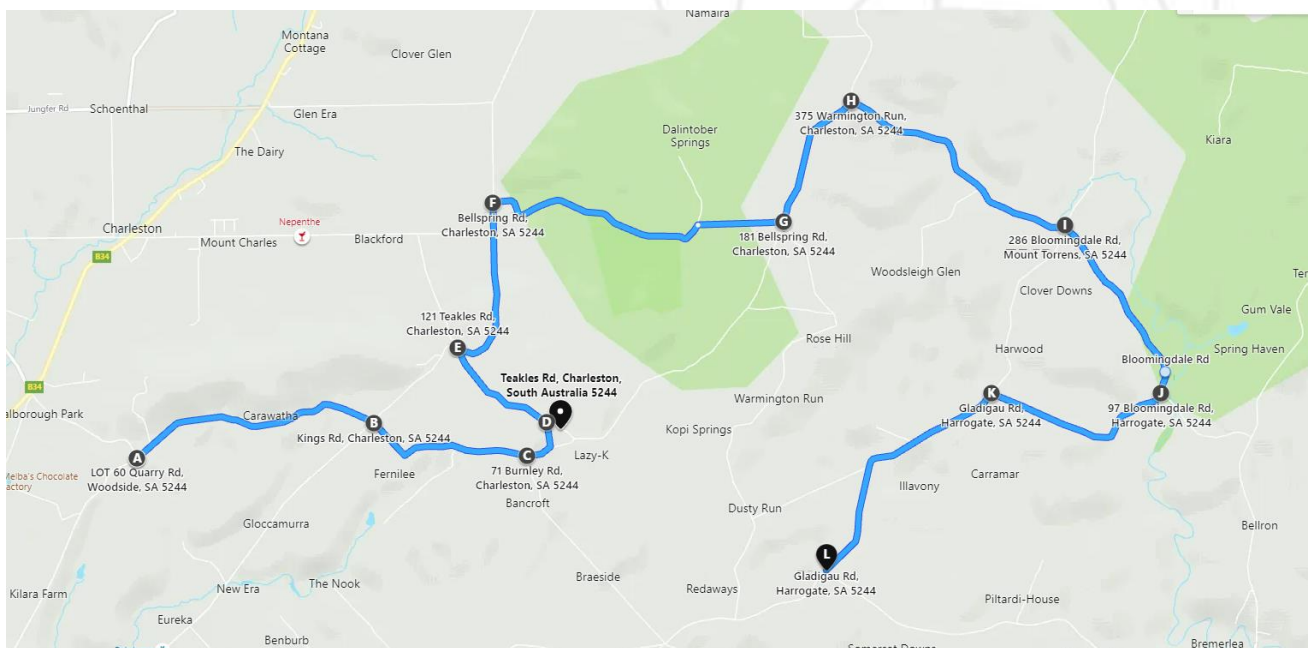
- A: Turner Rd from Burfords Hill Rd to Maidment Rd
- B: Maidment Rd from Turner Rd to Lihou Rd
- C: Lihou Rd from Maidment Rd to Schocroft Rd
- D: Schocroft Rd



Saturday 23rd of October 2021: (AHC/MBDC/MMC)

Charligate: 0720hrs – 1250hrs

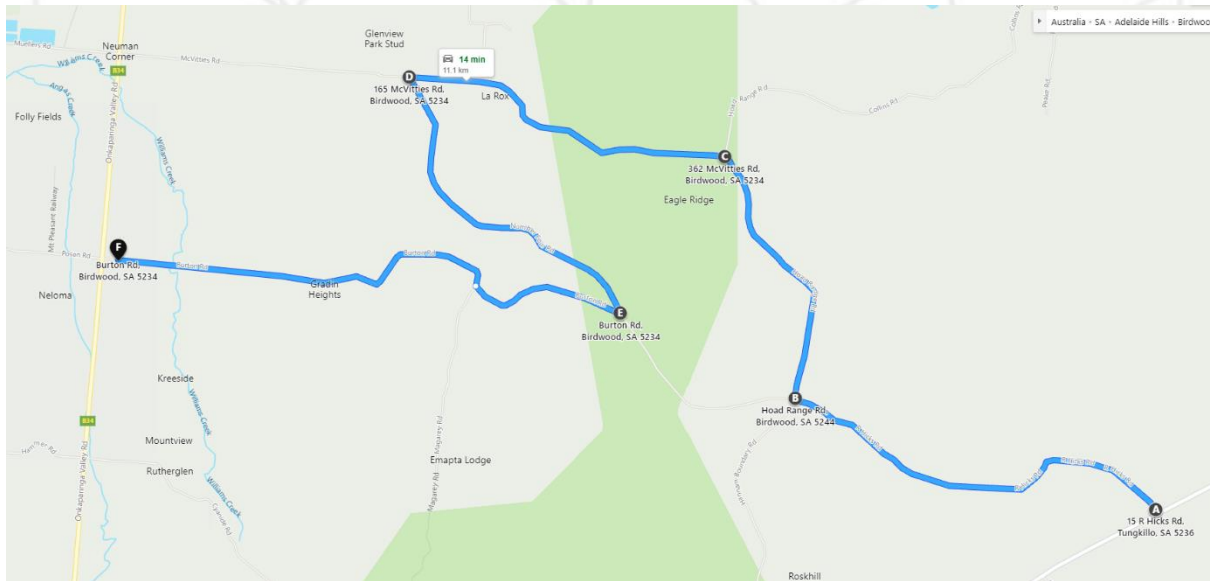
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- F: Bell Springs Rd from Lewis Rd to Warmington Run
- G: Warmington Run from Bell Spings Rd to Hollows Rd
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- I: Bloomingdale Rd from Hollows Rd to School Bus Rd
- J: School Bus Rd from Bloomingdale Rd to Gladigau Rd
- K: Gladigau Rd From School Bus Rd to Mail Rd
- L: Mail Rd



Sunday 24th of October 2021:

Blumberg Creek – 1140hrs – 1710hrs (AHC/MMC)

- A: R Hicks Road from Terlinga Road to Hanham Road
- B: Hanham Road from R Hicks Road to McVitties Road
- C: McVitties Road from Hanahm Road to Number Four Road
- D: Number Four Road from McVitties Road to Burton Road
- E: Burton Road from Number Four Road to Onkaparinga Valley Road
- F: Onkaparinga Valley Road



**ADELAIDE HILLS COUNCIL
ORDINARY COUNCIL MEETING
Tuesday 27 July 2021
AGENDA BUSINESS ITEM**

| | |
|-----------------------------|--|
| Item: | 12.2 |
| Responsible Officer: | Lynne Griffiths Community and Cultural Development Officer Community Capacity |
| Subject: | Adelaide Hills Reconciliation Working Group - Terms of Reference and Membership |
| For: | Decision |

SUMMARY

The Adelaide Hills Reconciliation Working Group (RWG) was established in April 2019 in partnership with Mount Barker District Council (MBDC). The current Terms of Reference (TOR) for the group indicate that:

The RWG will run for a 2-year (24 month) period in the first instance, this may be extended to reflect the RAP process.

The RWG continues to play a fundamental role in advising on the development of Council's Innovate Reconciliation Action Plan (RAP) which is now in first draft form, and in advising on Reconciliation matters. In addressing the future of the RWG members have reviewed the TOR and propose changes as outlined in **Appendix 1**.

This report seeks Council's adoption of the revised TOR, and, in conjunction with MBDC, to commence an expression of interest process for RWG Community Members.

RECOMMENDATION

Council resolves:

- 1. That the report be received and noted.**
 - 2. That Council adopts the changes to the Terms of Reference of the Adelaide Hills Reconciliation Working Group as proposed in *Appendix 1* with a review to take place in two years.**
 - 3. To authorise the Chief Executive Officer to make any minor alterations to the Terms of Reference, not affecting the substantive form or function of the Adelaide Hills Reconciliation Working Group, as may be required to finalise the matter.**
 - 4. That, in conjunction with the Mount Barker District Council, to commence the Adelaide Hills Reconciliation Working Group Community Member Expression of Interest process and appoint Councillor _____ to the selection panel.**
-

1. GOVERNANCE

➤ Strategic Management Plan/Functional Strategy/Council Policy Alignment

Strategic Plan 2020-24 – A brighter future

Goal 2 Community Wellbeing

Objective C5 Respect for Aboriginal Culture and values

Priority C5.1 Partner with the Aboriginal and Torres Strait Islander community to develop our second Reconciliation Action Plan (Innovate) and actively participate in Reconciliation Week.

Goal 5 A Progressive Organisation

Objective O5 We are accountable, informed, and make decisions in the best interests of the whole community

Priority O5.1 Enhance governance structures and systems to prudently adapt to changing circumstances and meet our legislative obligations

The RWG is a key reference point for insight and expertise in relation to Reconciliation initiatives and planning. This group is fundamental to developing and implementing Council's Innovate Reconciliation Action Plan and future Reconciliation Action Plans.

➤ Legal Implications

The RWG is a joint creation of AHC and MBDC and does not have a legal foundation under the *Local Government Act 1999* (the Act) such as a s41 Council Committee or s43 Regional Subsidiary. It is most akin to the Advisory Groups within the AHC Governance Framework.

The RWG meetings are not considered to be designated informal gatherings under the current Act nor is it anticipated that they will be 's90A - information or briefing sessions' under the incoming amendments to the Act under the LG Reform Program.

➤ Risk Management Implications

The involvement of Aboriginal stakeholders in the development of RAPs is fundamental to achieving a culturally appropriate approach and fostering community support. Without this level of engagement there is a significant risk that the Aboriginal community and other stakeholders will not support Council RAPs.

The continuation of a RWG that is representative of key stakeholders will assist to mitigate the risk of planning actions that are not culturally appropriate and not supported by the community.

Terms of Reference that are not seen to reflect cultural and community advice may impact on ongoing participation and future recruitment to this group. Nevertheless it should be noted that some of the changes proposed do not reflect conventional governance approaches, e.g. allowing a person not formally appointed to have a 'place at the table' and allowing proxies for members. On balance, however, the Administration considers these unconventional inclusions reasonable given that they are designed to promote inclusion of traditional custodians.

Adopting a revised Terms of Reference that incorporate RWG member's advice will assist in mitigating the risk of:

Operating the RWG under TOR that do not encourage participation in the group, jeopardising the successful development of Councils Innovate Reconciliation Action Plan.

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

➤ **Financial and Resource Implications**

Community members who participate in the RWG will be reimbursed for any out of pocket expenses such as costs involved in getting to meetings. These and any other costs will be within existing budget and shared with Mount Barker District Council.

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

Appropriate recognition of and engagement with the Aboriginal community and other key stakeholders is essential to the success of Council's Reconciliation Action Plan.

The current community members of the RWG are all residents of the Adelaide Hills region who identify as Aboriginal and bring a highly regarded and credentialed level of skills and expertise across health, education, governance and business. Members also have considerable networks and connections across both the Aboriginal and non-Aboriginal community.

This membership is well placed to offer advice with regard to an appropriate TOR for the RWG moving forward.

With regard to the Expression of Interest process and appointment of the membership of this group moving forward, existing members may apply and will be considered by the selection panel along with all other applicants.

➤ **Sustainability Implications**

Not Applicable

➤ **Engagement/Consultation conducted in the development of the report**

Consultation on the development of this report was as follows:

Council Committees: Not Applicable

Council Workshops: Not Applicable

Advisory Groups: Adelaide Hills Reconciliation Working Group

Administration: Manager Community Development
Executive Manager Governance and Performance

External Agencies: Mount Barker District Council

Community: Not Applicable

2. BACKGROUND

Establishment of the RWG

At the meeting of 28 August 2018 Council endorsed the establishment of an Adelaide Hills region Reconciliation Action Plan (RAP) Working Group in partnership with Mount Barker District Council. At this meeting Council also adopted the draft Terms of Reference for this group.

12.4 Reconciliation Action Plan Working Group

The Executive Manager Governance & Risk, as Returning Officer, called for nominations. Nominations were received for Cr Ian Bailey and Cr John Kemp. There being two nominations for one position, the Returning Officer indicated that an election was necessary.

Arising from the election process, the Returning Officer declared Cr Ian Bailey elected.

Moved Cr Linda Green
S/- Cr Nathan Daniell

199/18

Council resolves:

- 1. That the report be received and noted.**
- 2. To endorse a regional approach to the establishment of a Reconciliation Action Plan Working Group in partnership with Mount Barker District Council.**
- 3. Subject to a commitment to the same effect by the Mount Barker District Council, adopt the draft Terms of Reference as contained in *Appendix 1*.**
- 4. To authorise the Chief Executive Officer to make any minor alterations to the Terms of Reference as may be required.**
- 5. To appoint Cr Ian Bailey to the Reconciliation Action Plan Working Group for the remainder of the current term of Council.**

| |
|----------------------------|
| Carried Unanimously |
|----------------------------|

RWG Membership

On 26 February 2019, Council resolved to appoint Cr Kirrilee Boyd until 17 December 2020 and to appoint the Community Members for a period of two years (Res: 55/19).

At its 8 September 2020 meeting, Cr Kirrilee Boyd was re-appointed as the AHC Council Member on the RWG until the end of the Council term (Res: 197/20).

RWG Achievements

An Information Report on the progress of the RWG was received and noted by Council on 24 November 2020.

3. ANALYSIS

The RWG has been meeting for a period of two years as determined in the current TOR. At the meeting of the RWG held 26 May 2021 the RWG TOR was discussed and a number of changes proposed, as summarised below:

Continuance

A change is proposed to make the RWG ongoing until such time as both AHC and MBDC decide to cease the group. Given that Council's commitment to Reconciliation is ongoing (as appears to be MBDC's), the continued existence of the RWG is a fundamental reference point for connection to, and collaboration with, the Aboriginal community.

Membership

The RWG shall comprise of an Elected Member from each Council, and up to eight (8) community members. Whilst Traditional Custodians shall be encouraged to put in an Expression of Interest for membership of the RWG, in the event that membership does not include a Traditional Custodian, it was strongly felt by the current members that, as a matter of recognition and respect, there should always be a place at each meeting for a Traditional Custodian should they wish to participate.

Selection

Given the complexities of the involvement of two councils, a change is proposed to enable the appointment of members to the group by the Chief Executive Officers of both councils based on recommendations of the Selection Panel which is comprised of staff and Council Members, as opposed to by a decision of Council. The staff member who would take this role would be nominated by the Chief Executive Officer (at this point in time, the Community and Cultural Development Officer) and a Council Member nominated by the Council. Cr Kirrilee Boyd is the current Council Member appointee to the RWG and has indicated a willingness to be appointed to the Selection Panel.

The role of decision making by the CEO in this context is broadly consistent with the existing delegation to the CEO to appoint community members to casual AHC Advisory Group vacancies based on the recommendation of the selection panel.

The ongoing connection to Council is through the following means:

- Elected Member of each Council involved in the recruitment process through the selection panel
- Elected Member from each Council is appointed to the RWG
- Annual reporting by the Group to both Councils.

The Group has also requested the inclusion of a proxy option being as follows:

Members who are unable to attend a meeting may nominate a proxy to attend in their place up to, but not more than 4 occasions in the two year period.

The rationale behind this provision is to provide for attendance at meetings to facilitate robust discussion. The Group also felt that this would provide an opportunity for other members of the community to be introduced to the group and encouraged to nominate for

the group in future. It would not be usual practice for members of a group constituted by the Council to appoint their own proxies, however this group is intentionally constituted differently to a typical Advisory Group so as to facilitate a more community-led approach.

Meeting Procedure

Under the current TOR chairing of the meetings was shared by the two Elected Members on the RWG however due to absences, this was often undertaken by the staff assisting. Under the proposed TOR, chairing will be shared amongst the RWG members and determined at the beginning of each meeting.

The proposed changes reflect the wishes and advice of the current membership of the RWG based on the experience and learnings of their two year term on this group. These changes are felt by the RWG members to best support the group to actively engage in the development and ongoing implementation of the Council's RAPs, and Reconciliation initiatives and to encourage the future involvement of Traditional Custodians and members of the Adelaide Hills Community who identify as Aboriginal or Torres Strait Islander.

Council Member Appointment

Council is asked to appoint a Council Member to participate on the Selection Panel for membership of the RWG based on the Expression of Interest process outlined in the Terms of Reference. As Cr Boyd is AHC's representative on the RWG and has knowledge of the Group's role and current membership she would be well placed to take on this role. Cr Boyd has indicated a willingness to be considered for this appointment.

MBDC Approval of Revised Terms of Reference

At their meeting of 7 July 2021 Mount Barker District Council endorsed the recommended changes to the Terms of Reference for the Reconciliation Working Group that is the subject of this Agenda Report.

| | | |
|--------------|-------------------------|---|
| 12.10 | REPORT TITLE: | RECONCILIATION ACTION PLAN REPORT |
| | DATE OF MEETING: | 5 JULY 2021 |
| | FILE NUMBER: | DOC/21/73228 |
| | ATTACHMENTS: | 1. DOC/21/94911 – Draft REFLECT Reconciliation Plan 2. DOC/21/94909 – Consultation results 3. DOC/21/95442 – Revised TOR for AHRWG |

9.46pm Councillor Orr rose and left the chamber

9.46pm Councillor Leach rose and left the chamber

9.48pm Councillor Orr entered the chamber and took his chair

9.49pm Councillor Leach entered the chamber and took his chair

Moved Councillor Westwood that Council:

1. endorse the draft REFLECT Reconciliation Action Plan (Attachment 1) then submit for consideration by Reconciliation Australia; and
2. endorse the recommended changes to the Terms of Reference for the Adelaide Hills Reconciliation Working Group (Attachment 3).

Seconded Councillor Seager

CARRIED
OM20210705.13

The changes endorsed by Mount Barker District Council are the same as proposed in ***Appendix 1 Revised Reconciliation Working Group Terms of Reference***

4. OPTIONS

Council has the following options:

- I. That Council adopt the proposed changes to the RWG TOR as proposed reflecting Members' advice and approve the expression of interest process for Community Members(Recommended)
- II. That Council does not adopt the proposed changes to the RWG TOR which may impact on future participation on this group by Community Members. (Not Recommended).

5. APPENDICES

- (1) Revised Adelaide Hills Reconciliation Working Group - Terms of Reference

Appendix 1

*Revised Adelaide Hills Reconciliation Working Group -
Terms of Reference*

RECONCILIATION WORKING GROUP

TERMS OF REFERENCE

BACKGROUND

At its meeting held on 23 August 2016, Adelaide Hills Council (AHC) formalised its commitment to Reconciliation and adopted a Reflect Reconciliation Action Plan (RAP). Mount Barker District Council (MBDC) is currently developing a Reflect RAP. Both Councils are committed to working in collaboration with Aboriginal and Torres Strait Islander members of our community to further progress this process.

Forming a Working Group to advise on reconciliation at a regional level encompassing both Adelaide Hills Council (AHC) and Mount Barker District Council (MBDC) areas is deemed appropriate for the following reasons:

- The Adelaide Hills is recognised as a region
- This approach fosters a sharing of learnings, initiatives and resources for the region.

ROLE

The role of the Reconciliation Working Group (RWG) is to:

- assist AHC and MBDC with the implementation of current RAPs
- assist AHC and MBDC with the development of next level RAPs
- advise Council staff on matters that impact the local Aboriginal and Torres Strait Islander Community.

FUNCTION

The RWG functions as an advice giving body, with individuals able to provide advice freely and as requested. Advice may be sought through meetings or by other means.

The RWG has no decision making power or authority to act in its own right. For advice on specific matters a consensus will be sought, however, the views of all individual members will be taken into consideration.

The RWG will be guided by a Code of Conduct to be established by the group as a first action.

REPORTING

The RWG will report annually on progress to both Councils.

REPORTING

The RWG will report annually on progress to both Councils.

STRUCTURE

The RWG will be ongoing until such time as, by motion of both AH and MBD Councils it is decided to cease the group.

run for a 2 year (24 month) period in the first instance, this may be extended to reflect the RAP process. The Group will meet a minimum of quarterly.

MEMBERSHIP

The RWG shall comprise of an Elected Member from each Council, who will alternate the role of Chairperson and up to eight (8) community members. In addition to selected community members a place at each meeting will be available to Traditional Custodians.

The RWG will be supported by the AHC Community and Cultural Development Officer, MBDC Senior Community Development Officer and other Council staff as needed.

SELECTION

Nomination for the RWG will be by Expression of Interest. Advertisements will be placed in appropriate communication channels and mediums seeking expressions of interest. the Weekender Herald, Courier and also the Koori Mail and Adelaide Advertiser.

Whilst appointment will be at the discretion of the Chief Executive Officers of AHC and MBDC a high priority will be given to people who:

- are Peramangk or Kurna as traditional custodians of the Adelaide Hills Region
- have Aboriginal or Torres Strait Islander heritage and identify as such and live, work or have a strong connection to the Adelaide Hills Region
- are not Aboriginal or Torres Strait Islander but have experience or expertise deemed beneficial to the role and function of the group.

The selection process for community members will be conducted by a panel comprising two representatives of each Council being staff and Elected Members. Recommendations for community membership of the RWG will be made to each Chief Executive Officer - Council and appointment will be made upon both Councils endorsing each applicant by resolution. The term of office for community members on the RWG will be two (2) years. or such other time as resolved by Council at the time of appointment.

An Elected Member from each Council will be appointed to the RWG by resolution of the respective Council. The term of office for Elected Members will as resolved by the respective Council.

Members who are unable to attend a meeting may nominate a proxy to attend in their place up to but not more than x4 occasions in the two (2) year period.

STATUS OF MEMBERS

Community members of the RWG have status as volunteers of the Councils and are insured in accordance with the Volunteer Insurance Policy (s) that are part of each Council's membership of the Mutual Liability Scheme.

Community members are not indemnified by the Councils against any liability arising as a result of their actions or omissions related to their involvement with the RWG or undertaken in connection with their role as a member of the RWG.

Elected Members' involvement with the RWG constitutes the exercise of official functions and duties of office of an elected member under the *Local Government Act 1999*. Elected Members are, therefore, protected from civil liability in their role as RWG members pursuant to section 39 of the *Local Government Act 1999*.

MEETINGS

The Group will meet a minimum of quarterly.

The Chairperson will preside over meetings of the RWG. If the Chairperson is not present at a meeting, the other Elected Member will chair the meeting. If neither is present, the RWG will appoint one of its members as the acting presiding member. The role of Chairperson will be shared amongst the members, a Chairperson for the meeting will be selected at the commencement of each meeting by those present.

Meeting procedure will be as determined by the Chairperson in consultation with the RWG.

Topics for the agenda should be forwarded to the designated member seven (7) days prior to the scheduled meeting date.

The Agenda will be distributed to members no later than five (5) days prior to the next meeting date.

Members of the RWG will receive minutes and agendas by email unless other arrangements are agreed.

Minutes of meetings will be circulated to members no later than five (5) working days following a meeting.

REIMBURSEMENT OF EXPENSES

Community members will be paid a travel allowance for the use of their private vehicle to travel to and from RWG meetings with the said allowance being equal to the per kilometre rate prescribed for the purposes of calculating deductions for car expenses issued from time to time by the Australian Tax Office. Reimbursable journeys should be by the shortest or most practicable route from the place of residence or workplace.

Costs incurred by RWG community members for travel to and from RWG meetings on public transport will also be reimbursed. Costs incurred by RWG community members for travel to and from RWG meetings by taxi or other form of paid travel may be reimbursed subject to the travel by these means being pre-approved by AHC or MBDC staff prior to those costs being incurred.

If RWG community members incur out of pocket expenses as a result of their attendance at meetings, these costs may be reimbursed subject to these costs being pre-approved by AHC or MBDC staff prior to those costs being incurred.

Costs incurred without pre-approval by AHC or MBDC staff may not be reimbursed.

**ADELAIDE HILLS COUNCIL
ORDINARY COUNCIL MEETING
Tuesday 27 July 2021
AGENDA BUSINESS ITEM**

Item: 12.3

Responsible Officer: Deryn Atkinson
Manager Development Services
Development & Regulatory Services

Subject: Policy Review - Development Application Fee Refund Policy

For: Decision

SUMMARY

Council has an existing *Development Application Fee Refund Policy*. The review of the Policy was deferred pending implementation of the new State planning system and legislation.

It is now necessary to update and amend the Policy (see **Appendix 1**) with the revocation of the *Development Act 1993* and *Development Regulations 2008* and implementation of the *Planning, Development & Infrastructure Act 2016* and *General Regulations 2017* and *Fees, Charges & Contributions) Regulations 2019*.

RECOMMENDATION

Council resolves:

1. That the report be received and noted.
 2. With an effective date of 10 August 2021, to revoke the 25 September 2018 Development Application Fee Refund Policy and to adopt the draft 27 July 2021 Development Application Fee Refund Policy as contained in *Appendix 1*.
 3. That the Chief Executive Officer be authorised to make any formatting, nomenclature or other minor changes to the 27 July 2021 Development Application Fee Refund Policy prior to the effective date.
-

1. GOVERNANCE

➤ **Strategic Management Plan/Functional Strategy/Council Policy Alignment**

Strategic Plan 2020-24 – A brighter future

Goal 5 A Progressive Organisation

Objective O2 Our customers find it easier to interact and do business with Council and have an improved customer experience

Priority 02.4 Continuously strive to measure and improve performance and service delivery across all functions

➤ **Legal Implications**

Planning, Development & Infrastructure Act 2016

Planning, Development & Infrastructure (General) Regulations 2017

Planning, Development & Infrastructure (Fees, Charges & Contributions) Regulations 2019

Development Application fee refunds can only be authorised by nominated staff in accordance with delegations made in relation to the above legislation.

➤ **Risk Management Implications**

The maintenance of a *Development Application Fee Refund Policy* will assist in mitigating the risk of:

Poor governance practices which may lead to a loss of stakeholder (i.e. customer and audit) confidence.

| Inherent Risk | Residual Risk | Target Risk |
|---------------|---------------|-------------|
| High (4C) | Low (2D) | Low (2D) |

The Policy is an existing control where nominated staff are able to authorise development application fee refunds in accordance with the Policy. On this basis the risk of fees being refunded inappropriately is considered low.

➤ **Financial and Resource Implications**

Fees are refunded in accordance with the Policy where a Development Application is withdrawn and the assessment of the development by Council staff is not substantially complete, or where there are unused fees. An example of the latter is where a referral to an external agency is no longer required.

Approximately 2% of fee income was refunded in 2020-21.

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

The Policy provides consistency in the refunding of Development Application fees.

➤ **Sustainability Implications**

Not Applicable

➤ **Engagement/Consultation conducted in the development of the report**

Consultation on the development of this report was as follows:

Council Committees: Not Applicable

Council Workshops: Not Applicable

| | |
|---------------------------|--|
| <i>Advisory Groups:</i> | Not Applicable |
| <i>Administration:</i> | Director Development & Regulatory Services Executive Director Governance & Performance Team Leader Statutory Planning, Team Leader Building Services, Team Leader Administration |
| <i>External Agencies:</i> | Not Applicable |
| <i>Community:</i> | Not Applicable |

2. BACKGROUND

Development application fee refunds are at the discretion of individual Councils and there is no schedule set by development legislation. The Council has had a *Development Application Fee Refund Policy* in place since 2000 to manage customer fee refunds.

Not all Development Applications proceed to a decision and may be withdrawn part way through the assessment process. Refunds are often applied for when a Development Application is withdrawn or if fees paid (such as public notification fees or referral fees) are not utilised. The latter occurs usually in cases where a development proposal is amended.

The current Policy was adopted by Council on 25 September 2018:

12.1 Development Application Fee Refund Policy Review

Moved Cr Ian Bailey
S/- Cr Malcolm Herrmann

244/18

Council resolves:

1. That the report be received and noted
2. To revoke the 12 May 2015 Development Application Fee Refund Policy and to adopt the draft September 2018 Development Application Fee Refund Policy with an effective date of 9 October 2018.

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| Carried Unanimously |
|---------------------|

3. ANALYSIS

Development Application fees help fund the provision of the planning, building and development compliance service offered by local government to our communities. The fee framework does not allow local government to charge a fee for the provision of development advice or for the issue of development approvals where the planning and building assessments are undertaken by private accredited professionals. Application and compliance fees should be of an appropriate level to cover the cost of the administration for these services and enforcement costs. However, development fees are not set as a full cost

recovery model, and the refunding of application fees should be balanced with consideration of the other services provided in the development area.

The current version of the Policy was adopted on 25 September 2018 and has worked reasonably well.

With the revocation of the *Development Act 1993* and *Development Regulations 2008* on implementation of the *Planning, Development & Infrastructure Act 2016* and *General Regulations 2017* and *Fees, Charges & Contributions Regulations 2019* it is now necessary to update and amend the Policy.

There is a new fee framework in place under the new legislation which is considerably different to the fees under the *Development Act 1993* and *Development Regulations 2008*, including different types of development and more tiers of fees based on development value. For this reason it is considered that the use of tracked amendments in the current Policy would be confusing and the approach by the Administration has been to provide the revised draft *Development Application Fee Refund Policy* in **Appendix 1**.

Under the new legislation development application lodgement fees and agency referral fees are State government fees. Council no longer receives these fees and any refund of these fee types are at the discretion of the relevant State government agency.

Where the Council is the relevant authority for the assessment of planning, building and land division applications, the application fees are received by the Council. Under the new framework Council also receives a compliance fee for development involving new building structures with a value greater than \$10,000, regardless of whether a private accredited professional or Council is the assessing authority. These fees provide a contribution to Council for the provision of building and development compliance.

Council has the discretion to refund application fees received when an application is withdrawn and/or, a paid fee is not utilised.

If an applicant withdraws their application after paying the appropriate fees it is recommended that any refund is commensurate with the stage of the assessment process when this occurs, and the level of work the administration has invested is as follows:

| Stage of Assessment | Planning, Land Division & Building Fees |
|---|---|
| Application lodged and only preliminary assessment undertaken | Council Processing Fee (i.e., lodged over the counter or via email to Council) – <i>no refund</i> Assessment fees – <i>50% refund</i> Public notification fee – <i>full refund</i> Sign/Advert fee – <i>full refund</i> Essential Safety Provision fees – <i>full refund</i> Compliance fee – <i>full refund</i> |

| | |
|---|--|
| Stage of Assessment | Planning, Land Division & Building Fees |
| | Certificate of Occupancy fee – <i>full refund</i> |
| | Land Division Statement of Requirements- <i>full refund</i> |
| Assessment of the application has commenced but an assessment report is not substantially completed | <p>Council Processing Fee (i.e., lodged over the counter or via email to Council) – <i>no refund</i></p> <p>Assessment fees – <i>25% refund</i></p> <p>Public notification fee – <i>full refund if notification process not commenced</i></p> <p>Sign/Advert fee - <i>full refund if notification process not commenced</i></p> <p>Essential Safety Provision fees – <i>full refund</i></p> <p>Compliance fee – <i>full refund</i></p> <p>Certificate of Occupancy fee – <i>full refund</i></p> <p>Land Division Statement of Requirements- <i>no refund</i></p> |
| Assessment completed or application listed on CAP agenda as an item of business | <p>Council Processing Fee (i.e., lodged over the counter or via email to Council) – <i>no refund</i></p> <p>Assessment fees – <i>no refund</i></p> <p>Public notification fee – <i>no refund</i></p> <p>Sign/Advert fee – <i>no refund</i></p> <p>Essential Safety Provision fees – <i>full refund</i></p> <p>Compliance fee – <i>no refund</i></p> <p>Certificate of Occupancy fee – <i>full refund</i></p> <p>Land Division Statement of Requirements- <i>no refund</i></p> |
| Consent Granted or Refused or Lapsed | <i>No refund applied</i> |

In addition, it is recommended that:

- Where it is demonstrated that a fee has been duplicated or applied in error, a full refund of the incorrect fee be applied.
- Where a refund of less than \$20 is calculated, no refund will be made.

4. OPTIONS

Council has the following options:

- I. To adopt the revised Policy as amended and attached (Recommended)
- II. To alter or substitute elements of the revised Policy (Not Recommended).

Should the Council identify the need for substantial amendments to the revised Policy, it is recommended that they be referred to staff for review to allow for analysis of the implications of the amendments, prior to the matter being brought back to the Council for further consideration.

5. APPENDICES

- (1) Draft Development Application Fee Refund Policy – July 2021

Appendix 1

*Draft Development Application Fee Refund Policy
– July 2021*

COUNCIL POLICY

| | |
|---|--|
|  | DEVELOPMENT APPLICATION FEE REFUNDS |
|---|--|

| | |
|---|--|
| Policy Number: | DEV-07 |
| Responsible Department(s): | Development Services |
| Relevant Delegations: | As per the Delegations Register and as detailed in this Policy |
| Other Relevant Policies: | Nil |
| Relevant Procedure(s): | Development Administration Fee Refund Procedure Plan SA Fact Sheet – Financial Management - Refunds |
| Relevant Legislation: | <i>Planning, Development & Infrastructure Act 2016</i> <i>Planning, Development & Infrastructure (General) Regulations 2017</i> <i>Planning, Development & Infrastructure (Fees, Charges & Contributions) Regulations 2019</i> |
| Policies and Procedures Superseded by this policy on its Adoption: | DEV-07 .Adopted 25 September 2018 |
| Adoption Authority: | Council |
| Date of Adoption: | <i>To be entered administratively</i> |
| Effective From: | 10 August 2021 |
| Minute Reference for Adoption: | <i>To be entered administratively</i> |
| Next Review: | July 2024 or as required by legislation or changed circumstances |

Version Control

| Version No. | Date of Effect | Description of Change(s) | Approval |
|-------------|----------------|--------------------------|----------|
| 1.0 | 4/12/2007 | Policy adopted | B326 |
| 2.0 | 12/5/2015 | Policy adopted | 17/15 |
| 3.0 | 25/9/2018 | Policy adopted | 244/18 |
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DEVELOPMENT APPLICATION FEE REFUNDS POLICY

1. INTRODUCTION

The policy provides guidance to the Council administration and development applicants on the amount of development application fee refund an applicant will be entitled to.

2. OBJECTIVES

To provide a guide for the calculation of development application fee refunds to an applicant in the event the application is withdrawn or fees are not utilised or raised in error. In all other instances fees will be retained by Council, a Referral Agency or Planning Land Use Services (State government) as relevant. .

3. DEFINITIONS

As defined in the *Planning, Development & Infrastructure Act 2016, General Regulations 2017 & Fees, Charges and Contributions Regulations 2019*.

4. POLICY STATEMENT

The Assessment Manager for Adelaide Hills Council will be responsible for determining if a refund is to be paid to an applicant and the amount of the refund. The Council is only permitted to refund fees that are payable to the Council as part of the application process.

For development applications lodged from 19 March 2021, the development application lodgement fee and referral fee(s) are not received by the Council but are paid to Plan SA or the State referral agency respectively through the Plan SA Development Application Processing (DAP) System. A refund may be due where an application is withdrawn prior to a consent being granted or refused, the fee was not utilised or, where an administrative error has occurred during the assessment process.

For development applications lodged prior to 19 March 2021, a refund may be due where an application is withdrawn prior to a consent being granted or refused, the fee was not utilised or, where an administrative error has occurred during the assessment process, such as fee duplication.

If an applicant withdraws their application after paying the appropriate fees a refund (if any) will be based upon the stage of the assessment process as follows:

| Stage of Assessment | Planning, Land Division & Building Fees |
|---|---|
| Application lodged and only preliminary assessment undertaken | <p>Council Processing Fee (i.e. lodged over the counter or via email to Council) – <i>no refund</i></p> <p>Assessment fees – <i>50% refund</i></p> <p>Public notification fee – <i>full refund</i></p> <p>Sign/Advert fee - <i>full refund</i></p> <p>Essential Safety Provision fees – <i>full refund</i></p> <p>Compliance fee – <i>full refund</i></p> <p>Certificate of Occupancy fee – <i>full refund</i></p> <p>Land Division Statement of Requirements- <i>full refund</i></p> |
| Assessment of the application has commenced but an assessment report is not substantially completed | <p>Council Processing Fee (i.e. lodged over the counter or via email to Council) – <i>no refund</i></p> <p>Assessment fees – <i>25% refund</i></p> <p>Public notification fee – <i>full refund if notification process not commenced</i></p> <p>Sign/Advert fee - <i>full refund if notification process not commenced</i></p> <p>Essential Safety Provision fees – <i>full refund</i></p> <p>Compliance fee – <i>full refund</i></p> <p>Certificate of Occupancy fee – <i>full refund</i></p> <p>Land Division Statement of Requirements- <i>no refund</i></p> |

| Stage of Assessment | Planning, Land Division & Building Fees |
|---|--|
| Assessment completed or application listed on CAP agenda as an item of business | <p>Council Processing Fee (i.e. lodged over the counter or via email to Council) – <i>no refund</i></p> <p>Assessment fees – <i>no refund</i></p> <p>Public notification fee – <i>no refund</i></p> <p>Sign/Advert fee – <i>no refund</i></p> <p>Essential Safety Provision fees – <i>full refund</i></p> <p>Compliance fee – <i>no refund</i></p> <p>Certificate of Occupancy fee – <i>full refund</i></p> <p>Land Division Statement of Requirements- <i>no refund</i></p> |
| Consent Granted or Refused or Lapsed | <i>No refund applied</i> |

Where it is demonstrated that a fee has been duplicated or applied in error, a full refund of the fee will be applied.

Where a refund of less than \$20 is calculated, no refund will be made.

5. DELEGATION

5.1 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.

AVAILABILITY OF THE POLICY

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

**ADELAIDE HILLS COUNCIL
ORDINARY COUNCIL MEETING
Tuesday 27 July 2021
AGENDA BUSINESS ITEM**

| | |
|-----------------------------|--|
| Item: | 12.4 |
| Responsible Officer: | Sharon Leith Sustainability Coordinator Infrastructure and Operations |
| Subject: | Revised LGIPP Grant Deed for water management projects |
| For: | Decision |

SUMMARY

The purpose of this report is to provide a revised update on the Local Government Infrastructure Partnership Program (LGIPP) funding, re-scoped related water management projects and Council's successful application for information and endorsement to proceed. At the Council Meeting on 22 June 2021 there was a resolution to undertake further investigation into the Woodside Recreation Ground water reuse project by undertaking an environmental and cost benefit analysis to be completed in September 2021. It has been determined that the remaining two projects could proceed with partial funding and a revised Grant Deed. These projects are the irrigation system renewal and upgrades and investigation and implementation of a central irrigation system. Both these projects were within the *2020-2021 Long Term Financial Plan (LTFP)* with associated funding.

The total funding identified for these re-scoped projects within the LTFP is \$350,000 and this was used as evidence and the 50% Council contribution for an LGIPP funding application. The revised LGIPP grant funding would be \$350,000 providing a total of \$700,000. A revised draft Grant Deed has been prepared by the Department of Treasury and Finance (DTF) and has been provided in **Appendix 1** for information.

Council now has the opportunity to commit to the revised LGIPP funding and associated re-scoped sustainable water management projects and proceed to completing and signing of the Grant Deed.

RECOMMENDATION

Council resolves:

- 1. That the report be received and noted**
- 2. To commit \$350,000 to the Local Government Infrastructure Partnerships Program grant funding and associated sustainable water management projects.**
- 3. To authorise the Chief Executive Officer and Mayor to execute all documentation, including under seal as necessary, to give effect to this resolution.**

4. To authorise the Chief Executive Officer to undertake any document changes required to execute the draft Grant Deed and associated documentation.

1. GOVERNANCE

➤ **Strategic Management Plan/Functional Strategy/Council Policy Alignment**

Strategic Plan 2020-24 – A brighter future

| | |
|---------------|--|
| Goal | A functional Built Environment |
| Objective B3 | Consider external influences in our long term asset management and adaptation planning |
| Priority B3.1 | Improve water security by maximising water reuse opportunities, reducing reliance on ground water and improving water efficiencies for open space irrigation and building facilities |

Strategic Plan 2020-24 – A brighter future

| | |
|---------------|---|
| Goal | A valued Natural Environment |
| Objective N1 | Conserve and enhance the regional natural landscape character and amenity values of our region |
| Priority N1.2 | Manage reserves and open space to support the community, whilst balancing biodiversity conservation, resource use and environmental impacts |

These key priorities within the Strategic Plan along with a declaration of a Climate Emergency provides a framework for the progression of sustainable water management for Council.

Within the *Water Management Plan 2017* key objectives and actions were identified including to minimise and conserve Council's use of water through improving irrigation efficiencies. Specific actions include exploring the feasibility and benefits of establishing a central irrigation system and reviewing irrigation practises and opportunities to improve irrigation efficiencies (such as IPOS Code of Practice for sporting/ recreation grounds) by Council and by other organisations.

The water management projects identified within the revised grant funding are aligned with this direction and ensure the sustainable use of water. The *2020-2021 Long Term Financial Plan* (LTFP) and *2020-21 Annual Business Plan* (ABP) identified a budget allocation for the projects. These are the irrigation system renewal and upgrades and investigation and implementation of a central irrigation system.

➤ **Legal Implications**

The revised LGIPP draft Grant Deed is provided in **Appendix 1**. On both parties agreeing and signing the final Grant Deed the parties will then be legally bound. The Grant Deed is governed by the laws in the State of South Australia and is executed as a Deed with the Common Seal of Council.

➤ **Risk Management Implications**

The endorsement of the revised draft Grant Deed and associated projects will assist in mitigating the risk of:

Not pursuing relevant funding opportunities as they arise limiting Council's ability to improve water efficiencies for open space irrigation.

| Inherent Risk | Residual Risk | Target Risk |
|---------------|---------------|-------------|
| High 3B | Medium 3C | Low 2D |

The revised LGIPP grant funding provides additional capital resources to progress sustainable water management projects within a shorter timeframe for Council.

➤ Financial and Resource Implications

Funds identified in the 2020-2021 Annual Business Plan (ABP) and Budget were used as the basis for preparing the LGIPP application. The LGIPP application required evidence of a 50% contribution from Council to be considered for any funding. A further criteria is that the total project funding has to be over \$1million, however with the recent resolution from June 2021 to undertake further investigation into the Woodside Recreation Ground reuse project the DTF has recommended a two stepped approach. The first step would be to sign a revised Grant Deed for a figure of \$350,000 for the two projects as identified below. When the environmental and cost benefit analysis is completed in September 2021 a further decision can then be made as to the remainder of the grant funding. It maybe that if the WRG reuse project is not endorsed a substitute project may be considered.

| Project ID | Strategic initiatives (Operating and Capital) | Area | Objective and/or Priority | Type | Long term financial plan (\$'000) | |
|------------|---|-----------------------------|---------------------------|---------|-----------------------------------|---------|
| | | | | | 2021-22 | 2022-23 |
| B3002 | Implementing water efficiencies through irrigation renewals /upgrades. (Year 1 – Birdwood play space) | Infrastructure & Operations | B3 | Capital | 100 | 100 |
| B3003 | Investigate and implement central irrigation control system (region wide) | Infrastructure & Operations | B3 | Capital | 75 | 75 |

Within the 2020-21 ABP and Budget the projects considered for the revised LGIPP grant are the Irrigation system renewal and upgrades and the investigation and implementation of a central irrigation system. Within the LTFP \$350,000 had been allocated to these combined projects over the 2021-2022 and 2022-2023 financial years. The revised grant funding will be for \$350,000 and this provides a total of \$700,000 with the LTFP allocation and the grant funding. The grant funding needs to be acquitted by June 2023.

A revised draft LGIPP Grant Deed has been received which outlines the requirements and this is provided as **Appendix 1**. The current 2021-2022 Annual Business Plan and Budget provides a slightly different allocation for these two projects and this will be adjusted in August 2021 with other known budget requests for budgeted expenditure.

Council's recently adopted LTFP has only incorporated the annual costs of operating, maintaining and depreciating the relevant assets based on Council's contribution of \$350,000 from these water management related initiatives. As such, the additional expenditure of \$350,000 relating to this revised grant will result in an increase in estimated annual costs of approximately \$17,000 which will impact on Council's operating surplus in future years. The next update of the LTFP will factor in any changes as a result of the adopted 2021-2022 ABP from that forecast at the time of LTFP adoption.

It is noted that there will be water efficiencies and savings identified for these sustainable water management projects and therefore the additional expenditure may also realise further savings in water costs to offset the increase in operational costs. In addition there will be some labour benefit as staff will be able to monitor and control irrigation systems from a central location.

Due to the increased workload during project development and implementation the intention is that each project is assigned a project manager who may involve others via a project team to ensure delivery of the project. The Sustainability Coordinator will oversee overall delivery of the projects and report back to the State Government on the grant funding milestones, invoicing and approvals.

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

The water management projects will provide increased water efficiencies, reduce water use, improve irrigation of ovals and pitches to ensure better water coverage and turf establishment.

➤ **Sustainability Implications**

The projects within the revised LGIPP grant funding application will reduce water use by improving irrigation systems and water efficiencies and reduce the reliance on ground water thereby improving the sustainability of water use and management.

➤ **Engagement/Consultation conducted in the development of the report**

Consultation on the development of this report was as follows:

Council Committees: Not Applicable

Council Workshops: Not Applicable

Advisory Groups: Not Applicable

Administration: Manager Financial Services
Manager Sustainability, Waste and Emergency Management
Manager Strategic Assets
Director Infrastructure and Operations
Executive Manager Governance and Performance
Project Officer Civil Projects
Coordinator Open Space Operations
Senior Infrastructure Planning Engineer

External Agencies: Department of Treasury and Finance (DTF)

Community: Not Applicable

2. BACKGROUND

A sustainable approach to using and managing water is important in addressing the pressures of demand and key issues such as water security, building resilience to climate change, meeting environmental and regulatory requirements associated with water resources. With key directions within the *Strategic Plan 2020-24 – A brighter future* and *Water Management Plan* Council recognises the need to minimise and conserve Council's use of water through improving irrigation efficiencies and to maximise the use of alternative water supplies (water reuse). This has resulted in a significant investment and identification of projects within the LTFP.

Early in 2021 the Local Government Infrastructure Partnership Program (LGIPP) was established to support councils to accelerate spending on community infrastructure projects that contribute to the future economic growth of the region, or support the Government's Growth State agenda, or improve local infrastructure facilities for businesses and community organisations to enable them to grow in the future, or upgrade key community facilities. The closing date for applications was 29 January 2021.

Under the program, the State Government will provide grants to councils for up to 50 per cent of the cost of approved infrastructure projects. Councils will fund the remaining 50 per cent either through their own reserves or borrowings. Grant payments will be made to eligible local councils in line with key project milestones and as agreed with local councils in grant agreements. The program is being administered by the Department of Treasury and Finance (DTF).

A key eligibility requirement was that the proposed infrastructure projects must not be in the council's 2020-21 budget and needed to be clearly identified in council's published future budget. In addition councils must be able to commence construction within 12 months of approval of the application for funding (i.e. be shovel ready) and be of a GST exclusive cost of at least \$1 million. However this amount may comprise a group of different but related projects or a group of projects of a similar nature that could be packaged as a single program.

Following an Executive Leadership Team meeting it was decided to submit an application to supplement the water management projects as identified within the LTFP. Council was successful in its LGIPP grant application with funding of \$727,000 and this along with the LTFP allocation of \$750,000 provided a total of \$1,477,000 available for water management projects. The water management projects included in the grant application were the Woodside Recreation Ground reuse, irrigation renewals or upgrades and the installation of a central irrigation system.

A report was presented to the Ordinary Council Meeting on Tuesday 22 June 2021 outlining the three water management projects and information about the LGIPP grant funding and associated Grant Deed. The initial draft recommendation included information about the execution of the draft Grant Deed and funding arrangements.

Further discussion was undertaken and the new resolution is as follows:

**Moved Cr Nathan Daniell
S/- Cr Leith Mudge**

120/21

Council resolves that

- 1. The report be received and noted**
- 2. The CEO completes an economic and environmental cost benefit analysis for the Woodside Water Reuse Project**
- 3. This analysis be presented at a Council workshop and then subsequently a report be prepared for Council by 30 September 2021.**

| |
|----------------------------|
| Carried Unanimously |
|----------------------------|

The resolution carried focussed on the WRG reuse project, however there was discussion on the other two projects which are the subject of this report.

3. ANALYSIS

Further discussions were undertaken with DTF to determine the implications for the LGIPP grant funding. DTF have advised they would like to continue to work with Council to make sure the grant funding is still available for suitable projects. This could include the other two projects within the grant funding for the irrigation upgrade or renewal and the central irrigation system. However, as the application process stipulated over \$1 million (combined grant funds and Council contribution) any changes to the total would require the Treasurer's approval to waive the criteria for the total project cost. As the LGIPP is intended to be a stimulus measure and drive 'shovel ready' projects, this approach would allow at least some work to begin before September 2021. At the same time approval could also be sought to enter into a separate grant agreement post-September subject to Council's consideration of the WRG water reuse analysis. In addition at this time substitute projects could also be considered. Further information on the relevant projects are as follows:

Irrigation upgrades or renewals

An Oval and Court Audit along with the Water Management Plan undertaken in 2017 provided guidance of improved irrigation efficiency priorities. Those ovals and pitches watered by bore water were identified within these reports as critical to improve sustainable use of ground water. Bradwood Park and the Mylor Oval were listed within the grant application as possible sites for improved irrigation systems as both sites rely on bore water for irrigation with no option for water reuse or mains water. However there was always an intention to upgrade the irrigation systems at these sites in line with the above plans but the LGIPP grant has made possible earlier than anticipated.

Central irrigation system

The establishment of a centralised irrigation system will manage the controller network from a central location base station. This would be managed through an online network that allows standard programmability to controllers across 20 parks and reserves. Smart watering is a pre-programmed hourly implementation that receives feeds via the internet of current

weather conditions that outline current temperature, winds, rainfall and humidity. Based on this data and predicted rainfall or conditions it is able to adjust the volume of water and the frequency that is delivered to sites based on this information.

The advantage of a centralized system include:

- Installation of flow meters to sites provides real time monitoring of usage, leak detection and volume control over a site.
- Travel time and real time access to sites through mobile or desktop applications
- Real time monitoring of failures and ability to fine tune or shut down locations
- Cyclical historical application of real water usage for council/community usage where the perception of water required v water actually used is factually based.
- Reporting across the network of usage, water saving and downtime is available through a series of graphically represented reporting schema for Council and can be published to websites etc.
- Community owned infrastructure can be locked down for water usage that require administrators to increase/decrease water usage outside of varied plans.
- Alerts of usage based on quotas or excessive usage in real time.

A high level business case has been prepared for this project with the Service Shift Strategy identifying the following savings for the initial 15 sites.

- Shift 80% of field work (checking individual sites) to application based management with a reduction in travel time and fuel use
- Reduce water usage by approximately 20%
- Reduce leak and failure notification by 50% as allows notice within hours

A revised draft Grant Deed has been prepared by the Department of Treasury and Finance (DTF) with the re-scoped projects and a draft Grant Deed has been provided in **Appendix 1** for information.

Council now has the opportunity to commit to the revised LGIPP funding and associated sustainable water management projects by way of resolving to complete and sign the draft Grant Deed and delegate to the CEO any document changes as required.

4. OPTIONS

Council has the following options:

- I. Approval of the revised LGIPP funding and associated sustainable water management projects leading to signing of the Grant Deed and \$350,000 in funding. This is recommended as the additional funding would enable improvement and renewal of a number of irrigations systems and the implementation of a centralised irrigation system all improving water efficiency and sustainable water management. (Recommended)
- II. Not to approve the revised LGIPP funding and associated water management projects and reject the Grant Deed and \$350,000 funding. Council could still progress with water efficiency projects but the extent of water efficiency gains would be significantly reduced especially in the short term. (Not Recommended)

5. APPENDICES

- (1) Revised draft Local Government Infrastructure Partnership Program Grant Deed

Appendix 1

*Revised draft Local Government Infrastructure
Partnership Program Grant Deed*

DATED THE

DAY OF

2021

LOCAL GOVERNMENT INFRASTRUCTURE PARTNERSHIP PROGRAM

GRANT DEED

BETWEEN

**THE TREASURER
("Treasurer")**

-AND-

**ADELAIDE HILLS COUNCIL
("Grantee")**

**[This agreement is a DRAFT provided only for the purposes of furthering negotiations between the parties.
The State will not be legally bound unless and until an agreement is executed by the parties and any
actions taken in anticipation of such formal execution is at the risk of the person taking them.]**

THE COMMON SEAL of **ADELAIDE HILLS COUNCIL**)

was hereunto affixed, in the)

presence of:)

.....
Principal Member

Print Name:.....

.....
Chief Executive Officer

Print Name:.....

DRAFT

Attachment 1 - Grant Details

| | | |
|---------|------------------------------|--|
| Item 1 | Treasurer | The Treasurer a body corporate pursuant to the <i>Administrative Arrangements Act, 1994 (SA)</i> State Administration Centre, 200 Victoria Square, Adelaide, SA, 5000 |
| Item 2 | Grantee | Adelaide Hills Council 63 Mount Barker Road, Stirling 5152 ABN 23 955 071 393 |
| Item 3 | Grantee's Business | The operations and undertakings of the Grantee under the <i>Local Government Act 1999 (SA)</i> |
| Item 4 | Project Commencement Date | 1 December 2021 |
| Item 5 | Project Completion Date | 30 September 2023 or such later date approved in writing by the Treasurer |
| Item 6 | Last Date to Claim | 30 December 2023 or such later date approved in writing by the Treasurer |
| Item 7 | Expiry Date | 30 September 2024 |
| Item 8 | Grant (GST exclusive) | The lesser of: <ul style="list-style-type: none"> • \$350,000 (GST exclusive); and • 50% of Eligible Expenditure incurred in completing the Project. |
| Item 9 | Eligibility Period | The period commencing on 23 March 2021 and ending on the Project Completion Date |
| Item 10 | Conditions Precedent to Deed | The Grantee must provide: <ul style="list-style-type: none"> • evidence to the satisfaction of the Treasurer that the Grantee has sufficient Other Funding to complete the Project; • evidence to the satisfaction of the Treasurer that the Grantee has obtained all Authorisations and Approvals required for the Project; • copies of all Material Contracts; • where the Project Location is Crown land, the Grantee must provide evidence to the satisfaction of the Treasurer that the Minister for Environment and Water consents to the Grantee undertaking the Project on the Project Location. |
| Item 11 | Insurances | The Grantee warrants that it is a member of the Local Government Association Mutual Liability Scheme (Scheme) and is bound by the rules of the Scheme pursuant to the provisions of the <i>Local Government Act 1999 (SA)</i> and in the event that the Grantee ceases to be a member of the Scheme it will immediately, pursuant to provisions of the <i>Local Government Act 1999 (SA)</i> , effect public liability insurance to a minimum level of cover of fifty million dollars (\$50,000,000.00). |

| | | |
|----------------|--|---|
| Item 12 | Authorised Representatives | <p>Treasurer: Director, Risk and Commercial Advisory, SAFA</p> <p>Grantee: Director Infrastructure and Operations</p> |
| Item 13 | Addresses for Notices | <p>Treasurer: South Australian Government Financing Authority Level 5, State Administration Centre, 200 Victoria Square Adelaide SA 5000 Email: SAFAIndustryAssistance@sa.gov.au</p> <p>or as otherwise notified in writing.</p> <p>Grantee: 63 Mount Barker Road, Stirling 5152</p> |
| Item 14 | Form of Funding Acknowledgement | <p>During the Term, the Grantee must:</p> <ul style="list-style-type: none"> • if required by the Treasurer, display signage acknowledging the support of the Program in relation to the Project at a location or locations agreed by the Grantee and the Treasurer until the Expiry Date unless otherwise agreed by the Treasurer in writing; and • invite the Treasurer and the Minister for Planning and Local Government to attend any formal opening of the Project. |

Attachment 2 - Project Details

| | | |
|--------|--------------------|---|
| Item 1 | Project | <p>The Project is the Sustainable Water Management in the Adelaide Hills project to be constructed at the Project Location in accordance with the Project Documents. The Project includes the following works:</p> <ul style="list-style-type: none"> • The design and installation of improved irrigation systems for Bradwood Park and Mylor, two well used community facilities improving water efficiency; • The incorporation of a central irrigation system to be located at the Heathfield Depot to ensure the accurate and timely monitoring and application of irrigation aligned with climatic conditions throughout the district; • Preparation of detailed designs and documentation for the Bradwood Park and Mylor irrigation systems and centralised irrigation system at the Heathfield Depot; • Installation of controllers, water moisture sensors, required hardware and software for the centralised irrigation system located across the district and at the Heathfield Depot; • Construction and connection of water efficient irrigation systems to key open space areas; • Preparation of irrigation maintenance and operational manuals. |
| Item 2 | Project Location | <ul style="list-style-type: none"> • 308 Bradbury Road, Bradbury 5153; • 321-323 Strathalbyn Road, Mylor 5153; and • 32 Scott Creek Road, Heathfield 5153. <p>Certificate of Title:</p> <ul style="list-style-type: none"> • CT 5960/38 • CT 5753/727 • CT 5487/174 |
| Item 3 | Material Contracts | <ul style="list-style-type: none"> • Any Approvals or Authorisations required for the Project. • Any building, construction, works and supply, including equipment supply, contracts and agreements necessary for the Project. • Any finance, grant, loan and security documents entered into by the Grantee in respect of Other Funding. • Any agreement between the Grantee and any other contributors to the Project. |

Attachment 3 – Additional Obligations

[Not used]

DRAFT

Attachment 4 – Payment Schedule

| Date for Achievement | Performance Milestones | Amount of Payment (excluding GST) |
|---------------------------|--|---|
| 1 December 2021 | Performance Milestone 1 The Grantee must provide evidence to the Treasurer's satisfaction that: <ul style="list-style-type: none"> • construction of the Project has commenced physically at the Project Location; and • the Grantee has submitted a Claim Notice in accordance with Attachment 7. | \$35,000 |
| 30 June 2022 | Performance Milestone 2 The Grantee must provide evidence to the Treasurer's satisfaction that: <ul style="list-style-type: none"> • Detailed designs and documentation for improved irrigation systems at Bradwood Park and Mylor complete; • Detailed designs and documentation for centralised irrigation system at Heathfield Depot complete; • Installation of controllers, water moisture sensors, required hardware and software for the centralised irrigation system located across the district and at Heathfield Depot complete; • the Grantee has incurred Eligible Expenditure totalling at least twice the amount claimed under this Deed (in aggregate) at the date of the Claim Notice; • the Grantee has provided a Performance Milestone Report in accordance with Attachment 8; and • the Grantee has submitted a Claim Notice in accordance with Attachment 7. | Up to \$175,000 less previous amounts claimed |
| Last Date to Claim | Performance Milestone 3 The Grantee must provide evidence to the Treasurer's satisfaction that: <ul style="list-style-type: none"> • construction and connection of water efficient irrigation systems at Bradwood Park and Mylor to key open space areas complete; • preparation of irrigation maintenance and operational manuals for improved irrigation systems at Bradwood Park and Mylor complete; • practical completion of the Project as described in Attachment 2 has been achieved on or before the Project Completion Date, including as evidenced by provision of a certificate of practical completion provided by an external project consultant, project engineer, quantity surveyor or similar; • the Grantee has incurred aggregate Eligible Expenditure totalling at least twice the amount claimed under this Deed (in aggregate) at the date of the Claim Notice; • the Grantee has submitted a Claim Notice in accordance with Attachment 7; and • the Grantee has provided the Project Completion Report in accordance with Attachment 8. | Up to \$350,000 less previous amounts claimed |
| Total Grant Ex GST | | Up to \$350,000 |

Attachment 5 - Standard Terms & Conditions

AGREED TERMS

1. THE TERM

The Term of this Deed commences on the Commencement Date and continues until the Expiry Date, unless terminated earlier.

2. CONDITIONS PRECEDENT

The rights and obligations of the parties under this Deed, including the obligation of the Treasurer to provide the Grant or any part of the Grant, are subject to the Treasurer being satisfied that the conditions precedent specified in Attachment 1, if any, have been complied with to the Treasurer's satisfaction, unless expressly waived by the Treasurer in writing.

3. AUTHORISED REPRESENTATIVES

- 3.1 The Representatives named in Attachment 1 are authorised to act on behalf of the Parties and are responsible for overseeing the effective administration of the Deed. The Representatives have authority to:
- exercise all of the powers and functions of the Party they represent under this Deed other than the power to amend this Deed; and
 - bind the Party they represent under this Deed in relation to any matter arising out of or in connection with this Deed.
- 3.2 A notice served on a Representative is taken to be notice to the Party they represent.
- 3.3 A Party may vary or revoke an authorisation at will, and nothing in this clause 3 shall prevent a Party from exercising any of its rights and powers under this Deed.

4. PAYMENT OF GRANT

- 4.1 The Grantee may only make a claim for an instalment of the Grant for Eligible Expenditure incurred for the Project.
- 4.2 Unless expressly waived by the Treasurer in writing, the obligation of the Treasurer to provide the Grant, or any instalment of the Grant, is subject to the Treasurer:
- receiving, in all things to the complete satisfaction of the Treasurer:
 - a Claim Notice in the form prescribed in Attachment 7 on or before the Last Date to Claim;
 - all Reports due at the date of the Claim Notice; and
 - documentary evidence that the Grantee has sufficient Other Funding.
 - being satisfied that:
 - the Grantee has, in all respects, complied with the terms and conditions of this Deed;
 - the Grantee has achieved the relevant Performance Milestone by the date for its achievement specified in Attachment 4;
 - an Event of Default has not occurred or is not occurring;
 - an Insolvency Event has not occurred;
 - the Grantee's representations and warranties in this Deed are true in all material respects, and not misleading, when made or repeated; and
 - the Grantee has satisfied or complied with such other requirements (if any) specified in Attachment 1.
- 4.3 If the Treasurer is not satisfied that one or more of the requirements of clause 4.2 have been satisfied then the Treasurer may, by way of written notice to the Grantee, terminate or suspend the Treasurer's

obligations to provide the Grant, or any other obligations under this Deed.

- 4.4 Payment of any instalment of the Grant will be made to the Grantee's bank account specified in a Claim Notice which must be to an ADI and in the name of the Grantee.

- 4.5 The Grantee must ensure that it can properly account for the Grant received under the Deed.

5. GST

- 5.1 The parties acknowledge that compliance with this Deed may give rise to a Taxable Supply and that any consideration or payment obligation in this deed, including the payment of the Grant, is exclusive of GST unless stated otherwise.
- 5.2 The Grantee represents that:
- the ABN shown in Attachment 1 is the Grantee's ABN; and
 - it is registered under the GST Act.
- 5.3 The Parties agree that this Deed satisfies the requirement for a written agreement specifying the supplies to which the Recipient Created Tax Invoice ("RCTI") relates.
- 5.4 The Treasurer will provide a RCTI and where relevant an Adjustment Note, to the Grantee within 30 days of the making, or determining of the value, of the Taxable Supply.
- 5.5 The Grantee must not issue a Tax Invoice in respect of a Taxable Supply or, where relevant, an Adjustment Note in respect of an Adjustment Event.
- 5.6 If an Adjustment Event arises in respect of a Taxable Supply under this Deed the Parties must do all things necessary to make sure that the Adjustment Event may be properly accounted for, including the issue of an Adjustment Note.

6. REPAYMENT OF UNALLOCATED FUNDS

- 6.1 If the Grantee has not expended all of the Grant for the Purpose by the Project Completion Date, it must notify the Treasurer of the unexpended amount and may submit a written request for retention or carryover of unexpended amounts specifying:
- the amount to be retained or carried over; and
 - the purpose for which the unexpended amount will be used.
- 6.2 The Treasurer may consider the Grantee's request and notify the Grantee in writing whether it:
- agrees that the Grantee may retain or carry over all or part of the unexpended amount; or
 - requires the Grantee to repay all or part of that amount as notified by the Treasurer to the Treasurer within 30 days of receipt of the notice from the Treasurer.

7. REPRESENTATIONS AND WARRANTIES

- 7.1 The Grantee represents and warrants to the Treasurer that:
- it is duly qualified and properly accredited to carry on the Business and Project;
 - it has the power (without restriction or condition), Approvals and Authorisations to enter into this Deed and perform its obligations under this Deed and will continue to have the power to perform its obligations under this Deed;
 - an Insolvency Event has not occurred and there are no threatened actions or proceedings before any court or other body which will or are likely to materially adversely affect the financial position of the Grantee or its ability to perform its obligations under this Deed;

- (d) there are no threatened actions or proceedings before any Court or other body which will or are likely to materially adversely affect the financial position of the Grantee, its ability to perform its obligations under this Deed or to undertake and complete the Project;
- (e) it is not in material default under any law, indenture, mortgage, trust deed, agreement or other instrument or arrangement by which it is bound;
- (f) this Deed constitutes legal, valid and binding obligations on the part of the Grantee which are enforceable against it in accordance with its terms;
- (g) it has or will have available, sufficient Other Funding to complete the Project;
- (h) all information provided by the Grantee in the Application and to the Treasurer in accordance with this Deed, is true and correct in all material respects at the time it was provided, and there are no material facts known to the Grantee relating to it which could or might affect the willingness of the Treasurer to enter into an agreement with the Grantee on terms similar to the terms of this Deed which have not been disclosed to the Treasurer; and
- (i) it does not have any interests or obligations that conflict with its interests or obligations under this Deed.
- 7.2 The Grantee acknowledges that the representations and warranties made in this clause 7 have induced the Treasurer to agree to provide the Grant to the Grantee.
- 7.3 The Grantee acknowledges that each of the above representations and warranties shall survive the execution of this Deed and the provision of the Grant under this Deed and will be correct and complied with in all material respects on the date of this Deed, the dates of any Claim Notices and the dates of payment of the Grant and thereafter are repeated by reference to the circumstances existing at the time of such repetition except that each reference to financial statements or accounts shall be construed as a reference to the then latest available financial statements or accounts.
- 8. OBLIGATIONS**
- 8.1 All obligations under this Deed will apply for the duration of the Term.
- 8.2 The Grantee must comply with the Additional Obligations (if any) specified in Attachment 3.
- Purpose**
- 8.3 The Grantee must use the Grant solely for the Purpose.
- Business**
- 8.4 The Grantee must, during the Term, carry on and maintain its Business in the State of South Australia.
- Project**
- 8.5 The Grantee must commence the Project by the Project Commencement Date unless otherwise agreed in writing by the Treasurer.
- 8.6 The Grantee must complete the Project by the Project Completion Date unless otherwise agreed in writing by the Treasurer.
- 8.7 The Grantee must achieve each Performance Milestone by the date for achievement of that Performance Milestone specified in Attachment 4.
- 8.8 If the Grantee becomes aware of the possibility of a delay, which may prevent the Grantee from complying with clauses 8.5, 8.6 or 8.7, the Grantee must promptly notify the Treasurer in writing of:
- (a) the detail and likely extent of the delay and the Grantee's proposed strategies to manage the consequences of the delay; and
- (b) any request for an extension of time where such a request is necessary and reasonable in the circumstances.
- 8.9 The Treasurer may in its absolute discretion, consent to a request for an extension of time provided that:
- (a) the Grantee uses its best endeavours to minimise the delay and recover lost time;
- (b) where requested by the Treasurer, the Grantee provides a plan indicating in detail the steps the Grantee proposes to take to minimise the impacts of the delay; and
- (c) the Grantee complies with such other conditions imposed as part of the Treasurer's consent.
- 8.10 The Grantee must comply with, and must undertake the Project in compliance with, all applicable laws, rules and regulations and orders of any governmental authority.
- Keep Informed**
- 8.11 The Grantee must immediately notify the Treasurer in writing if it defaults in fully performing, observing and fulfilling any provision of this Deed, there occurs an Insolvency Event or it becomes aware of any representation or warranty made, repeated or deemed to be made or repeated by the Grantee in this Deed proving to be untrue in any material respect.
- 8.12 The Grantee must immediately inform the Treasurer of any significant changes to the nature and/or scope of the activities conducted by the Grantee which would impact on the Purpose, the Project, the Other Funding or the Grantee's ability to comply with its obligations under this Deed or the financial position of the Grantee.
- Project Assets**
- 8.13 The Grantee must not Deal With any real or personal property in relation to which the Grant has been applied by the Grantee without the prior written consent of the Treasurer, which shall not be unreasonably withheld.
- 8.14 If at any time prior to the Expiry Date the Grantee Deals With any real or personal property in relation to which the Grant has been applied (referred to in this clause 8.14 as "**the Property**"):
- (a) the Treasurer may by notice in writing given to the Grantee demand that the Grantee pay to the Treasurer a monetary amount (not exceeding the amount of the Grant) which is equivalent to the monetary payment or value received by or to be paid to or for the benefit of the Grantee in connection with the assignment, transfer, conveyance, sale, disposal or removal of the Property; and
- (b) the Grantee must then pay to the Treasurer the amount demanded by the Treasurer within the time stipulated by the Treasurer for payment.
- 9. REPORTING AND RECORD KEEPING**
- 9.1 During the Term the Grantee must keep all records (including original receipts and invoices) relating to the conduct and management of the Project, and necessary to provide a complete, detailed, up-to-date and accurate record and explanation of:
- (a) progress of the Project;
- (b) the application of the Grant;
- (c) incurred Eligible Expenditure; and
- (d) Other Funding.
- 9.2 The Grantee must provide the Reports and other documents as specified in Attachment 8, and must attend meetings as reasonably required by the Treasurer.

10. FINANCIAL REPORTING AND AUDITING

- 10.1 On the date specified in Attachment 8, the Grantee must provide an Acquittal Form in relation to the expenditure of all funds under this Deed:
- certifying that the Grant has been properly spent on the Purpose in accordance with the requirements of the Deed; and
 - signed by the Grantee's Representative.
- 10.2 Not later than each 31 October during the Term, the Grantee will provide to the Treasurer a copy of its annual report and financial statements and any other documents relevant to its operations, including management accounts if requested, prepared in accordance with the Australian Accounting Standards and signed by the Grantee's Chief Executive Officer and audited by a qualified independent auditor.
- 10.3 The Grantee agrees the Treasurer may direct that the financial accounts of the Grantee be audited at the Treasurer's cost, and the Treasurer may specify the minimum qualifications that must be held by the person appointed to conduct the audit.
- 10.4 The financial statements referred to in clause 10.2 must be prepared in accordance with Australian Accounting Standards and where this Grant or the sum of grants provided by the Treasurer over a Financial Year is in excess of \$1 million (GST exclusive), they must be in the form of General Purpose Financial Statements.
- 10.5 If the audit discloses that the Grantee has applied the Grant for a purpose other than the Purpose then the Grantee will be required to reimburse the Treasurer the costs of the audit.

11. INSPECTION

The Grantee must allow any officer or person authorised by the Treasurer on the giving of reasonable notice, to enter the premises of and to inspect the operations of the Grantee (including equipment, premises, accounting records, documents and information) and interview the Grantee's employees, agents and contractors on matters pertaining to the Project or the operations and reporting obligations of the Grantee under this Deed.

12. PUBLICITY

- 12.1 The Grantee must not make any public announcements or media releases about this Deed or the Project without the prior written consent of the Treasurer.
- 12.2 The Grantee will acknowledge the Grant by the Treasurer in any advertising, publicity or promotional material relating to this Deed in the manner specified in Attachment 1.
- 12.3 The Grantee will participate in promotional or publicity activity in relation to this Deed as is reasonably required by the Treasurer.

13. OTHER FINANCIAL ASSISTANCE

- 13.1 The Grantee must give the Treasurer full details of any financial assistance for activities in connection with the Project which the Grantee expects or receives from another source or agency (be it government or otherwise) after the date of this Deed, including the amount and source of the funding, any relevant agreements and the name of the program under which it was provided, within thirty (30) days of receiving notice that the other financial assistance has been approved.
- 13.2 The Grantee acknowledges and agrees that the Grantee must contribute at least 50% of the Eligible Expenditure from its own funds. Own funds excludes any third party funding, being funding from the State Government of South Australia and/or non-Government funding, required to complete the Project.
- 13.3 The Treasurer may reduce the amount of the Grant to reflect the amount of the other financial assistance referred to in clause 13.1.

14. INSURANCE

- 14.1 The Grantee must effect and maintain the insurance specified in Attachment 1 during the Term.
- 14.2 The Grantee must apply any monies received for any claim against a policy of insurance required by this Deed to be maintained, towards the repair or replacement of the property insured, unless the Treasurer approves otherwise.

15. DEFAULT AND TERMINATION

- 15.1 The following are Events of Default:
- the Grantee breaches any of its obligations or undertakings under this Deed and has not rectified such breach within the time frame specified in a notice given in writing by the Treasurer to the Grantee requiring rectification of the breach;
 - any representation or warranty made, repeated or deemed to be made or repeated by the Grantee in this Deed proves to be untrue in any material respect;
 - an Insolvency Event occurs, or threatens to occur;
 - if a secured party enforces its rights in relation to any asset of the Grantee;
 - if there is a Material Adverse Effect in relation to a Material Contract or the condition or stability of the Grantee;
 - if the Grantee determines to cease to complete the Project; or
 - if the Other Funding is not available for any reason.
- 15.2 The Grantee undertakes that it will promptly inform the Treasurer in writing upon the Grantee becoming aware of, or when the Grantee ought reasonably to have become aware of, the happening of an Event of Default.
- 15.3 If an Event of Default occurs the Treasurer may, then notwithstanding any previous delay or waiver on the Treasurer's part, upon giving written notice to the Grantee:
- require the Grantee to immediately pay the Repayment Amount to the Treasurer as liquidated damages upon demand by the Treasurer;
 - withhold the portion of the Grant not already paid;
 - withhold future funding from the Grantee; and/or
 - terminate this Deed.
- 15.4 If pursuant to clause 15.3 the Treasurer requires the Grantee to pay the Repayment Amount to the Treasurer then the Grantee agrees to make such repayment in full within 14 days of receipt of a written demand from the Treasurer.
- 15.5 The Grantee acknowledges that:
- the Treasurer has concluded that it is in the interests of the public of the State of South Australia that the Treasurer should provide the Grant to the Grantee but only upon the terms and conditions of this Deed;
 - it is essential to the purpose for which the Grant is advanced pursuant to this Deed that:
 - the Grantee uses the Grant for Eligible Expenditure incurred for the Project; and
 - the Grantee does not permit an Event of Default to occur;
 - if an Event of Default occurs the extent of the loss or damage sustained by the Treasurer will be extremely difficult to assess or quantify accurately or to otherwise determine precisely;
 - the Repayment Amount represents a genuine pre-estimate by the Treasurer of the compensation which the Treasurer believes is fair and reasonable; and
 - any amounts payable to the Treasurer pursuant to this clause 15 are not and will not

- be construed or deemed to be a penalty payable by the Grantee for the purposes of any applicable legal rule or norm.
- 15.6 The Grantee enters into the obligation to pay the Repayment Amount with the intention that it is a legally binding, valid and enforceable contractual provision against the Grantee.
- 15.7 The Treasurer and the Grantee intend to exclude, to the extent permissible, the application and operation of any legal rule or norm, whether statutory or common law, relating to:
- the characterisation as penalties of liquidated amounts payable under a contract on a breach occurring; or
 - the enforceability or revocability of such liquidated amounts.
- 15.8 The Grantee's obligation to pay the Repayment Amount to the Treasurer shall not be subject to any set off or counterclaim by the Grantee and the Repayment Amount shall be paid by the Grantee to the Treasurer free and clear of any withholding of whatever nature.
- 15.9 Any amount due and payable by the Grantee to the Treasurer pursuant to:
- this Deed; or
 - any other agreement that the Grantee may have with the Crown;
- may be set off against any amount due and payable by the Treasurer to the Grantee under this Deed.
- 16. NOTICES**
- 16.1 Any notice, request, approval, consent or other communication to be given or served pursuant to this Deed must be in writing and addressed and signed as the case may be, as specified in Attachment 1.
- 16.2 A notice, request, approval, consent or other communication must be delivered by hand, sent by prepaid post or email, or transmitted by facsimile.
- 16.3 A notice, request, approval, consent or other communication will be deemed to be received:
- if delivered by hand, upon delivery;
 - if sent by pre-paid ordinary post within Australia, upon the expiration of seven (7) Business Days after the date on which it was sent;
 - if sent by email, on the Business Day on which it is sent if sent before 5:00pm on that Business Day and the sender does not receive a message from its internet service provider or the recipient's mail server indicating that it has not been successfully transmitted, otherwise on the next Business Day.
- 17. CONTRACT DISCLOSURE**
- 17.1 The Treasurer may disclose this Deed and/or information in relation to this Deed in either printed or electronic form, and either generally to the public or to a particular person as a result of a specific request.
- 17.2 Nothing in this clause derogates from:
- the Grantee's obligations under any provisions of this Deed; or
 - the provisions of the *Freedom of Information Act 1991 (SA)*.
- 18. COMPLIANCE WITH LAWS AND POLICIES**
- 18.1 The Grantee must comply with the laws in force in the State of South Australia in performing its obligations under this Deed.
- 18.2 The Grantee must comply with any policies notified by the Treasurer in writing at the Commencement Date.
- 19. COSTS**
- 19.1 The Grantee must pay, on the basis of a full indemnity, any costs incurred by the Treasurer in enforcing the Treasurer's rights under this Deed.
- 19.2 Each Party will bear its own costs of and incidental to the negotiation, preparation and execution of this Deed.
- 20. GOVERNING LAW AND JURISDICTION**
- 20.1 This Deed is governed by the laws in the State of South Australia.
- 20.2 The courts of the State of South Australia have exclusive jurisdiction in connection with this Deed.
- 21. ENTIRE DEED**
- The Deed constitutes the entire Deed between the Parties in respect of the matters dealt with in this Deed and supersedes all prior Deeds, understanding and negotiations in respect of the matters dealt with in this Deed.
- 22. NO ASSIGNMENT**
- 22.1 The Grantee must not assign, encumber or otherwise transfer any of its rights or obligations under this Deed without the written consent of the Treasurer.
- 22.2 Subject to any contrary legislative intention, the Parties agree that if there is any Machinery of Government Change, this Deed is deemed to refer to the new entity succeeding or replacing the Treasurer and all of the Treasurer's rights and obligations under this Deed will continue and will become rights and obligations of that new entity.
- 23. MODIFICATION**
- No addition to or modification of any provision of this Deed will be binding upon the Parties unless agreed by the Parties in writing.
- 24. SEVERANCE & READING DOWN**
- 24.1 Each word, phrase, sentence, paragraph and clause of this Deed is severable.
- 24.2 Severance of any part of this Deed will not affect any other part of this Deed.
- 24.3 Where a word, phrase, sentence, paragraph, clause or other provision of this Deed would otherwise be unenforceable, illegal or void the effect of that provision shall so far as possible, be limited and read down so that it is not unenforceable, illegal or void.
- 24.4 If any provision of this Deed is, or becomes, defective, and the Treasurer consequently is unable to enforce any of the Grantee's obligations under this Deed, and the defect is capable of remedy, the Grantee must do all things and sign all documents which the Treasurer may reasonably require the Grantee to do or sign to remedy the defect.
- 25. COUNTERPARTS**
- This Deed may be executed in any number of counterparts each of which is taken to be an original. All of those counterparts taken together constitute one instrument. An executed counterpart may be delivered by email.
- 26. NO FURTHER OBLIGATION**
- 26.1 The Grantee acknowledges that the Grant represents a one-off contribution by the Treasurer towards the Project, and the Grantee agrees any request for subsequent funding will require a new application to the Treasurer. The Treasurer is under no obligation to agree to pay any subsequent funding to the Grantee.
- 26.2 The Grantee acknowledges the Treasurer will not be liable to reimburse the Grantee for any losses or cost over runs that may result from the operation of this Deed or the carrying out of the Purpose.
- 27. TIME OF THE ESSENCE**
- Time is of the essence in respect of any time, date or specified period either in this Deed or in any notice served under this Deed.

28. NO WAIVERS

- 28.1 No waiver of any right under this Deed is effective unless given in writing and signed by the Party waiving its rights.
- 28.2 A waiver by either Party in respect of a breach of a provision of this Deed by the other Party is not a waiver in respect of any other breach of that or any other provision.
- 28.3 The failure of either Party to enforce at any time any of the provisions of this Deed must not be interpreted as a waiver of that provision.
- 28.4 The rights and remedies contained in this Deed are cumulative and not exclusive of any rights or remedies provided at law.

29. CONSENT

If the Grantee requires the Treasurer's consent under this Deed, the Treasurer may in absolute discretion give or withhold consent (subject to any provision in this Deed to the contrary) and if giving consent, the Treasurer may impose any condition on that consent that he considers appropriate. The Treasurer's consent will not be effective unless it is in writing and signed.

30. INTERPRETATION

In this Deed (unless the context requires otherwise):

- 30.1 a reference to any legislation includes:
- (a) all legislation, regulations and other forms of statutory instrument issued under that legislation; and
 - (b) any modification, consolidation, amendment, re-enactment or substitution of that legislation;
- 30.2 a word in the singular includes the plural and a word in the plural includes the singular;
- 30.3 where a word or phrase is given a particular meaning other parts of speech or grammatical forms of that word or phrase have corresponding meanings;
- 30.4 a reference to a clause number is a reference to all its subclauses;
- 30.5 a reference to two or more persons is a reference to those persons jointly and severally;
- 30.6 a reference to dollars is to Australian dollars;
- 30.7 a reference to a Party includes that Party's administrators, successors and permitted assigns;
- 30.8 no provision or expression in this Deed is to be construed against a Party on the basis that the Party (or its advisers) was responsible for the drafting of this document;
- 30.9 a reference to legislation includes legislation repealing, replacing or amending that legislation;
- 30.10 mentioning anything after the words include, includes or including does not limit what else might be included; and
- 30.11 if any act pursuant to this Deed would otherwise be required to be done on a day which is not a Business Day, then that act may be done on the next Business Day.

31. DEFINITIONS

In this Deed:

- 31.1 **"Acquittal Form"** means a notice of financial acquittal in the form specified in Attachment 6;
- 31.2 **"Additional Obligations"** means the obligations specified in Attachment 3;
- 31.3 **"ADI"** means a deposit taking institution authorised under the *Banking Act 1959 (Cth)* to carry on banking business in Australia;
- 31.4 **"Adjustment Event"** has the meaning attributed in the GST Law;
- 31.5 **"Adjustment Note"** has the meaning attributed in the GST Law;
- 31.6 **"Application"** means the application for financial assistance from the Program submitted by the Grantee in respect of which the Grant has been awarded;
- 31.7 **"Approval"** means any approval, authorisation, permit, permission, licence, consent, clearance, exemption, filing, registration or the like, which is required by law or required to be issued by or obtained from a government authority or any other person;
- 31.8 **"Authorisation"** means any corporate action, approval or the like which is required to be satisfied or obtained in order to authorise the Grantee to undertake the Project or to enter into, deliver and perform its obligations under the Deed;
- 31.9 **"Business"** means the business of the Grantee described in Attachment 1;
- 31.10 **"Business Day"** means any day which is not a Saturday, Sunday or a public holiday in Adelaide;
- 31.11 **"Claim Notice"** means a notice of claim and compliance in the form specified in Attachment 7;
- 31.12 **"Commencement Date"** means the date of this Deed;
- 31.13 **"Crown"** means the Crown in right of the State of South Australia;
- 31.14 **"Deal With"** means:
- (a) sell, transfer, novate, assign, declare a trust over or otherwise dispose of or procure or effect the disposal of, any interest or right; or
 - (b) effect a change in the beneficial interest or beneficial unit holding under a trust which has an interest or right.
- 31.15 **"Eligible Expenditure"** means expenditure associated with the Project, reasonably incurred and actually paid, during the Eligibility Period, by the Grantee (exclusive of GST) but does not include:
- (a) amounts for which the Grantee is entitled to claim reimbursement or funding from the Government of South Australia pursuant to an arrangement other than this Deed;
 - (b) amounts for which the Grantee is entitled to claim reimbursement or funding from the Government of Australia (Cth) pursuant to an arrangement other than this Deed;
 - (c) amounts for which the Grantee is entitled to claim reimbursement or funding from other third party contributions (eg: sporting or community club) pursuant to an arrangement other than this Deed;
 - (d) any amount incurred by the Grantee prior to the Eligibility Period;
 - (e) any amount incurred by the Grantee in relation to the purchase of land, buildings or a business;
 - (f) any amount incurred by the Grantee in respect of ongoing operating costs including wages and salaries, recruitment, training, mentoring and procurement fees, rent or other property costs, grant applications and administration costs;
 - (g) any amounts incurred by the Grantee that are non-cash expenses according to generally accepted accounting principles such as depreciation, amortisation or opportunity costs;
 - (h) any amount incurred by the Grantee in respect of feasibility studies, project masterplans or business cases;
 - (i) any amount incurred by the Grantee in respect of marketing activities including websites, traditional and digital marketing, subscriptions or contract fees to third party

- marketing distributors and channel management providers; and
- (j) any other amounts that the Treasurer determines are the usual or direct requirement of business;
- 31.16 **"Eligibility Period"** means the period specified in Attachment 1;
- 31.17 **"Event of Default"** means the defaults specified in clause 15.1;
- 31.18 **"Expiry Date"** means the date specified in Attachment 1;
- 31.19 **"Financial Year"** means a year commencing on 1 July and ending on 30 June;
- 31.20 **"General Purpose Financial Statements"** has the same meaning as in the Australian Accounting Standards;
- 31.21 **"Grant"** means the funds payable under this Deed specified in Attachment 1;
- 31.22 **"GST"** means the tax imposed by the GST Law;
- 31.23 **"GST Act"** means the *A New Tax System (Goods and Services Tax) Act 1999*;
- 31.24 **"GST Law"** has the meaning given to that expression in the GST Act;
- 31.25 **"Input Tax Credit"** has the meaning attributed in the GST Law;
- 31.26 **"Insolvency Event"** means:
- (a) the Grantee ceases to carry on the Business;
 - (b) the Grantee ceases to be a council under the *Local Government Act 1999 (SA)*;
 - (c) the Grantee is or states that it is unable to pay its debts when they fall due; or
 - (d) anything analogous to or of similar effect to anything described above occurs in respect of the Grantee;
- 31.27 **"Last Date to Claim"** means the date specified in Attachment 1;
- 31.28 **"Material Adverse Effect"** means any change that has had, or is reasonably likely to have, an effect that is or will be materially adverse to the ability of the Grantee to perform its obligations under this Deed;
- 31.29 **"Material Contracts"** means those documents listed in Attachment 2;
- 31.30 **"Other Funding"** means funding or other financing in addition to the Grant that must be secured by the Grantee to enable it to satisfactorily complete the Project;
- 31.31 **"Party"** means a party to this Deed;
- 31.32 **"Performance Milestones"** means the performance milestones specified in Attachment 4;
- 31.33 **"Prescribed Rate"** means a daily interest rate being the aggregate of 2% per annum and the rate percent per annum determined by the Treasurer to be that which expresses as a percentage per annum the cost to the Treasurer of funding, on a daily basis for the period of the default, any amount due and unpaid under this Deed;
- 31.34 **"Project"** means the project specified in Attachment 2;
- 31.35 **"Project Commencement Date"** means the date specified in Attachment 1;
- 31.36 **"Project Completion Date"** means the date specified in Attachment 1;
- 31.37 **"Project Documents"** means:
- (a) All documents associated with the initial design (including any plans, designs, or specification documents), through to installation, construction, commissioning, and acceptance of the Project Description;
 - (b) All Project consents;
- (c) Any other document or agreement entered into by the Grantee for purposes of the Project;
- (d) The Grantee's application for assistance under the Local Government Infrastructure Partnership Program; and
- (e) For the avoidance of doubt, an amendment or variation to any documents or agreements referred to above is a Project Document.
- 31.38 **"Project Location"** means the location of the Project specified in Attachment 2;
- 31.39 **"Purpose"** means the purpose of reimbursing itself for Eligible Expenditure in accordance with this Deed;
- 31.40 **"Repayment Amount"** means:
- (a) all amounts paid by the Treasurer to the Grantee under this Deed up to the Repayment Date; and
 - (b) interest at the Prescribed Rate calculated from the Repayment Date up to but excluding the day on which the Grantee repays the amount in full without deduction;
- 31.41 **"Repayment Date"** means the date of the Treasurer's demand given under clause 15.4;
- 31.42 **"Reports"** means those reports specified in Attachment 8;
- 31.43 **"Representatives"** means the persons occupying the positions for each Party specified in Attachment 1;
- 31.44 **"Taxable Supply"** has the meaning attributed in the GST Law;
- 31.45 **"Tax Invoice"** has the meaning attributed in the GST Law;
- 31.46 **"Term"** means the period commencing on the Commencement Date and continuing until the Expiry Date, unless terminated earlier.

Attachment 6 – Acquittal Form

NOTICE OF FINANCIAL ACQUITTAL**TO: SOUTH AUSTRALIAN GOVERNMENT FINANCING AUTHORITY**

Director, Risk & Commercial Advisory

FROM: _____*Grantee Name*

Contact Person for enquiries: _____

Address: _____

Contact Email: _____

Contact Phone: _____ Facsimile: _____

DETAILS OF GRANT**Grant Deed** *Grant Deed dated [] between the Treasurer and [] (“Grantee”)***Purpose of Grant** *Reimburse the costs incurred by the Grantee in respect of up to 50% of Eligible Expenditure for the Project.**The Project is the Grantee’s [] (“Project”).***Grant Monies and Application**

Grant Amount: \$ _____

Total Eligible Expenditure: \$ _____

Funds Remaining: \$ _____

Representations

The Grantee represents and warrants that:

1. the Grant was solely applied to the Purpose;
1. the Project was completed on or prior to the Project Completion Date (as defined in the Grant Deed); and
2. the Grantee complied, in all material respects, with its obligations under the Grant Deed.

Signed for and on behalf of the Grantee by the Grantee’s Authorised Representative:_____
*Signature***Print Name:**

Date: / /

Attachment 7 – Claim Notice

NOTICE OF CLAIM AND COMPLIANCE

**To: South Australian Government Financing Authority
Level 5, 200 Victoria Square
Adelaide SA 5000**

Attention: Director, Risk and Commercial Advisory

[**Grantee**] provides the Treasurer with a Notice of Claim and Compliance pursuant to the **Grant Deed** dated [] between the Treasurer and [**Grantee**] (Grant Deed).
Unless the context otherwise requires, terms and conditions in the **Grant Deed** have the same meanings where used herein.

Claim

The [**Grantee**] advises that:

- (a) Performance Milestone [#] has been achieved;
- (b) the Grant instalment amount being claimed is \$[] (not to exceed the amount for the Performance Milestone achieved)
- (c) Eligible Expenditure related to the achievement of the Performance Milestone totals \$[]
- (d) the Grantee's bank account details are:
Account Name: []
BSB: []
Account Number: []
- (e) The Grantee has submitted all reports (if any) required on or before the submission of this Notice.

Attachments

The [**Grantee**] attaches the following documentary evidence of having incurred and paid the Eligible Expenditure:

- (a) [for example: invoices, receipts]

The [**Grantee**] attaches the following documentary evidence of having completed the relevant Performance Milestones:

- (a) []

Representations and Warranties

The [**Grantee**] represents and warrants as at the date of this Notice that:

- (a) the payment of the grant to be provided under the **Grant Deed** have/will be applied for the reimbursement of **Eligible Expenditure**;
- (b) no event which is, or with the giving of notice, the lapse of time or the making of any determination would be likely to become, an **Event of Default** has occurred or is continuing;
- (c) it is not in default of any of its remaining **Warranties or Representations** provided under the **Grant Deed** and they remain true as though made at the date of this certificate in respect of the facts and circumstances then subsisting;
- (d) all insurances required to be held pursuant to the **Grant Deed** have in fact been held and are presently in force;
- (e) Other Funding is comprised of:
a. [Other: \$ being []%]

DATED the day of
SIGNED for and on behalf of [**Grantee**] by the **Grantee's Authorised Representative**

.....
Name:
Title:

Attachment 8 – Reports

| Report required | Date for Provision |
|---|--|
| <p>Performance Milestone Report containing:</p> <p>A brief report, to the satisfaction of the Treasurer, which details key expenditures, activities, use of local contractors and full time equivalent employees (FTEs) used during construction, and achievements associated with the satisfaction of each Performance Milestone. The report should also detail progress of the Project.</p> | Refer Attachment 4 |
| <p>Project Completion Report containing:</p> <p>A brief report, to the satisfaction of the Treasurer, which:</p> <ul style="list-style-type: none"> • details key expenditures, activities, use of local contractors, FTEs used during construction, and achievements associated with the satisfaction of each Performance Milestone; • confirms that the Grant and Other Funding were spent for the Purpose and in accordance with this Deed and that the Grantee has complied with this Deed; and • reports on the Project as a whole and how Project outcomes (eg key achievements arising out of, or in connection with, the use of the Grant, the number of direct full time jobs created) have contributed to the Program's objectives. | Refer Attachment 4 |
| <p>Acquittal Form</p> | Within six (6) months of the Project Completion Date |
| <p>Other: Such other reports or information in respect of this Deed and the Grantee's performance, compliance with this Deed and laws, the application of the Grant, Other Funding, the Grantee's Business, the Project, and any other matters relevant to the Treasurer's grant of the Grant as the Treasurer may request.</p> | Within thirty (30) days of receiving a request for information from the Treasurer, any time prior to the Expiry Date |

**ADELAIDE HILLS COUNCIL
ORDINARY COUNCIL MEETING
Tuesday 27 July 2021
AGENDA BUSINESS ITEM**

Item: 12.5

Responsible Officer: Andrew Aitken
Chief Executive Officer

Subject: Finalisation of 2020-2021 CEO Performance Targets

For: Decision

SUMMARY

The role of the Chief Executive Officer (CEO) Performance Review Panel (the Panel) is to undertake a number of activities, including the monitoring and review of performance against the annual CEO Performance Targets and providing any recommendation to Council on the CEO's Performance Targets to ensure they remain relevant, achievable and aligned to Council's strategic objectives.

This report provides the final update on performance achieved against the CEO Performance Targets 2020-2021 and the recommendation from the Panel.

RECOMMENDATION

Council resolves:

1. That the report be received and noted
2. That the CEO has achieved the following status in relation to the CEO Performance Targets 2020-2021:

Target 1 Community Perception & Engagement Survey - Completed

Undertake a community perception and engagement survey and present an action plan of identified improvement opportunities to Council Members.

Target 2 Community & Recreation Facilities Framework - Completed

Develop a draft Community & Recreation Facilities Framework for final (Stage 3) consultation, for consideration by Council.

Target 3 Kerbside Waste Audit and Education Program - Completed

Complete a kerbside waste audit to inform and develop an ongoing education program and present to Council Members.

Target 4 Information System Cyber Security Plan - Completed

Undertake a Cyber Security Audit, and develop a Cyber Security Plan to address matters raised in the audit, to minimise the impact of cyber-attack to Council's network and systems.

Target 5 Carbon Inventory - Completed

Complete and present to Council Members an updated carbon inventory based on Climate Active (formerly National Carbon Offset Standard) emissions boundaries to support the implementation of the Corporate Carbon Management Plan.

Target 6 Recovery Action Plan - Completed

Provide quarterly progress reports to Council on the implementation of the Council's Bushfire Recovery Action Plan and initiatives supporting recovery from the COVID-19 pandemic.

Target 7 Social and Economic Recovery – Community Ready - Completed

Actively pursue opportunities to work with government and non-government partners on programs to assist communities and businesses develop resilience and readiness for future disasters. Include regular updates to Council as part of the quarterly Recovery Action Plan reporting.

Target 8 Social, Economic and Environmental Recovery - Completed

Engage with local communities and businesses in developing a Lobethal Bushland Park Masterplan. Present the draft masterplan to Council for its consideration.

1. GOVERNANCE

➤ **Strategic Management Plan/Functional Strategy/Council Policy Alignment**

Strategic Plan 2020-24 – A brighter future

Goal Organisation

Objective O5 We are accountable, informed, and make decisions in the best interests of the whole community.

Priority O5.3 Demonstrate accountability through robust corporate planning and reporting that enhances performance, is relevant and easily accessible by the community.

The requirement for the Panel to undertake regular review of performance against the agreed CEO Performance Targets enables accountability to be demonstrated and any decisions on changes to performance targets to be actively managed.

➤ **Legal Implications**

The CEO Performance Review Panel is a Section 41 Committee of Council under the *Local Government Act 1999*.

➤ **Risk Management Implications**

Regular reporting and monitoring of progress against the CEO Performance Targets via the Panel is one of the controls that will assist in mitigating the risk of:

Deficient CEO performance review practices resulting in a lack of accountability and loss of stakeholder confidence.

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

Non-achievement of CEO Performance Targets resulting in loss of community benefit and/or opportunities and/or stakeholder confidence.

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

Note: there are many other controls that also assist in managing this risk.

➤ **Financial and Resource Implications**

There are no financial or resource implications in reporting on projects against the CEO Performance Targets.

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

There is a community expectation that the CEO will manage the organisation's human, financial and physical resources to ensure the best outcomes for the community.

There is a community expectation that the CEO is accountable for, and performs against, the agreed Performance Targets.

➤ **Sustainability Implications**

Not applicable.

➤ **Engagement/Consultation conducted in the development of the report**

Consultation has been undertaken with the following people or groups on the progress achieved against the performance targets (see **Appendix 1**):

Council Committees: The Chief Executive Officer Performance Review Panel at its meeting on 8 July 2021.

Council Workshops: The CEO presented to Council Members and Executive at the workshop on 13 July 2021.

Advisory Groups: Not applicable

Administration: Director Community Capacity
Director Corporate Services
Executive Manager Governance and Performance
Executive Manager Organisational Development
Manager Communications, Engagement and Events
Manager Community Development
Manager Information Services
Manager Open Space
Manager Sustainability, Waste and Emergency Management

External Agencies: Not applicable

Community: Not applicable

2. BACKGROUND

The purpose of this report is to provide a final update to the Council on the work achieved against each of the CEO's Performance Targets for 2020-2021. This activity is defined in the Panel's Terms of Reference contained in the Specific Functions clauses and specifically Clause 3.1.2.

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.

Council adopted a new suite of CEO Performance Targets on 28 July 2020 covering the 2020-2021 financial year.

12.11 CEO Performance Target Finalisation and Proposed 2020 – 2021 Performance Targets

Moved Cr Mark Osterstock
S/- Cr Pauline Gill

150/20

Council resolves:

- 1. That the report be received and noted
- 2. That the CEO has achieved the following outcomes in relation to the 2019-20 CEO Performance Targets:
 - Target 1 – Completed
 - Target 2 – Completed
 - Target 3 – Completed
 - Target 4 – Deferred by Council decision
 - Target 5 – Completed
 - Target 6 – Completed modified target by Council decision
- 3. To adopt the proposed 2020-2021 CEO Performance Targets recommended by the Panel as per *Appendix 2*.

| |
|---------------------|
| Carried unanimously |
|---------------------|

3. ANALYSIS

The CEO met with the Panel on 8 July 2021 and discussed the final outcomes against the Performance Target. The Panel has made a final analysis of the work completed for each CEO Performance Target and made a recommendation to Council on the outcomes achieved for each of the 2020-2021 CEO Performance Targets.

The Panel made the following recommendation to Council (unofficial minute).

7.1 2020 – 2021 CEO Performance Targets Final Update

Moved Cr Nathan Daniell
S/- Mayor Jan-Claire Wisdom

PRP8/21

The CEO Performance Review Panel resolves:

1. That the report be received and noted
2. To recommend to Council that the CEO has achieved the following status in relation to the CEO Performance Targets 2020-2021:

Target 1 – Completed
Target 2 – Completed
Target 3 – Completed
Target 4 – Completed
Target 5 – Completed
Target 6 – Completed
Target 7 – Completed
Target 8 – Completed

| |
|---------|
| Carried |
|---------|

4. OPTIONS

Council has the following options:

- I. That the report be received and noted (*Recommended*).
- II. To adopt the final status of the CEO Performance Targets 2020-2021 as per the recommendation. (*Recommended*)
- III. To make alternative/additional resolutions relating to the status of the CEO Performance Targets 2020-2021. (*Not Recommended*)

5. APPENDIX

- (1) CEO Performance Targets 2020-2021 Final Update – July 2021

Appendix 1

*CEO Performance Targets 2020-2021 Final Update –
July 2021*

2020-2021 CEO PERFORMANCE TARGETS UPDATE – FINAL

| | Strategic Plan Priority | Performance Target | Comment/Update |
|----|--|---|---|
| 1. | <p>C2.1 – Work with community to provide a range of programs and opportunities to connect and engage around shared interests.</p> <p>C2.4 – Increase participation from the broadest range of our community and engage with them to shape policies, places and decisions that affect them.</p> | <p>Community Perception & Engagement Survey</p> <p>Undertake a community perception and engagement survey and present an action plan of identified improvement opportunities to Council Members. The survey will seek input from a range of community members (including those who normally engage with us and those who don't) to identify how Council is perceived and how our community prefers to engage with us. It will also inform the development of wellbeing and engagement related performance measures. Incentives to encourage community members to participate will also be explored. Also consider opportunities to use the survey to educate people on how Council functions.</p> | <p>COMPLETED</p> <p>The community perception and engagement survey was undertaken in late 2020 with the results subsequently analysed and presented, with an action plan, to Council Members at a workshop in March 2021. A public summary document is currently being finalised and will be provided to survey participants and made available on Council's website.</p> |
| 2. | <p>C4.4 – Support clubs and groups to continue to provide sport and recreation activities to the community.</p> | <p>Community & Recreation Facilities Framework</p> <p>Develop a draft Community & Recreation Facilities Framework for final (Stage 3) consultation, for consideration by Council. The draft framework is to be based on an approach that has consistency, equity and shared responsibility.</p> | <p>COMPLETED</p> <p>Draft policy positions and framework documents were presented and endorsed for consultation at the June 2021 Council Meeting.</p> |
| 3. | <p>N5.1 – Encourage and educate the community to help minimise the generation of household waste by advocating the principles of the Waste Management Hierarchy to avoid, reduce and reuse.</p> | <p>Kerbside Waste Audit and Education Program</p> <p>Complete a kerbside waste audit to inform and develop an ongoing education program and present to Council Members, with the aim of reducing recycling contamination levels and reducing waste to landfill.</p> | <p>COMPLETED</p> <p>Waste audits have been undertaken and a waste education program created to align with the audit findings. The education program was presented to the Council Members at a workshop in May 2021.</p> |

2020-2021 CEO PERFORMANCE TARGETS UPDATE – FINAL

| | Strategic Plan Priority | Performance Target | Comment/Update |
|----|--|--|---|
| | N5.2 – Support and assist the community to prevent valuable resources going to landfill and reduce contamination in kerbside recycling bins. | | |
| 4. | O6.1 – Progressively strengthen Council’s systems security to minimise the impact of cyber attack. | Information System Cyber Security Plan Undertake a Cyber Security Audit, and develop a Cyber Security Plan to address matters raised in the audit, to minimise the impact of cyber-attack to Council’s network and systems. | COMPLETED The audit has been undertaken and the development of the Cyber Security Plan has now been completed and was presented to the Audit Committee at its meeting on 24 May 2021. It was also presented to Council at its June 2021 meeting. |
| 5. | B3.2 – Aim to achieve 100% renewable energy use for our corporate operations and strive towards carbon neutrality. | Carbon Inventory Complete and present to Council Members an updated carbon inventory based on Climate Active (formerly National Carbon Offset Standard) emissions boundaries to support the implementation of the Corporate Carbon Management Plan. | COMPLETED A Carbon Inventory report and a template suitable for the collection of Scope 3 carbon emissions have been completed and this information was presented to Council Members at a workshop in April 2021. |
| 6. | O5.3 – Demonstrate accountability through robust corporate planning and reporting that enhances performance, is relevant and easily accessible by the community. | Recovery Action Plan Provide quarterly progress reports to Council on the implementation of the Council’s Bushfire Recovery Action Plan and initiatives supporting recovery from the COVID-19 pandemic. | COMPLETED Reports have been received by the Council at its September 2020, December 2020, March 2021 and June 2021 meetings. |
| 7. | C2.5 – Continue to work with government agencies and non-governmental organisations to support the community | Social and Economic Recovery – Community Ready Actively pursue opportunities to work with government and non-government partners on | COMPLETED Following a range of agency discussions and a subsequent successful application for Commonwealth Funding, a Community Resilience Program has been established. |

2020-2021 CEO PERFORMANCE TARGETS UPDATE – FINAL

| | Strategic Plan Priority | Performance Target | Comment/Update |
|----|--|---|--|
| | recovery from natural disasters and the COVID-19 pandemic. | programs to assist communities and businesses develop resilience and readiness for future disasters. Include regular updates to Council as part of the quarterly Recovery Action Plan reporting. | <p>The program's primary government partner is the Country SA Primary Health Network. Two staff (1.6FTE) have been appointed to June 2022 in line with the funding and the program is now being rolled out with the assistance of other partners including Wellbeing SA, Australian Red Cross and child mental health not-for-profit, Emerging Minds. Council staff initiated and convened the Adelaide Hills Business Support Network to encourage a targeted and more coordinated approach to business recovery. Key initiatives arising from that included BizWeek Learning from Setbacks event and ongoing State Government business support services in the district beyond the formal recovery phase. Key partners include Department for Innovation and Skills and Rural Business Support.</p> <p>Further detail of the initiatives described herein is contained in the quarterly recovery reports to Council.</p> |
| 8. | E3.3 – Work with our local communities and businesses to create active, attractive and vibrant places. | Social, Economic and Environmental Recovery Engage with local communities and businesses in developing a Lobethal Bushland Park Masterplan. Present the draft masterplan to Council for its consideration. | <p>COMPLETED</p> <p>The results of the Stage 1 engagement and initial draft masterplan were presented to Council for its consideration at the April 2021 Council Meeting. The results of the Stage 2 Engagement Outcomes Report and revised Draft Lobethal Bushland Park Masterplan were presented to Council for its consideration at the June 2021 Council Meeting. An additional targeted consultation will be undertaken prior to the masterplan being tabled for Council's further consideration at the August 2021 meeting.</p> |

**ADELAIDE HILLS COUNCIL
ORDINARY COUNCIL MEETING
Tuesday 27 July 2021
AGENDA BUSINESS ITEM**

| | |
|-----------------------------|---|
| Item: | 12.6 |
| Responsible Officer: | Natalie Westover Manager, Property Services Corporate Services |
| Subject: | Revocation of Community Land – Closed Roads R2142 (off Lenger Rd, Mt Torrens) and R1573AB (off Nicholls Road, Norton Summit) |
| For: | Decision |

SUMMARY

Council has been approached by Roger Kowald to purchase the land defined as “AA” in Road Plan No. 2142, a Closed Road located off Lenger Road, Mount Torrens (“Closed Road”). (refer **Appendix 1**).

And further, Council has been approached by Jianyang Feng to purchase the land defined as “A” and “B” in Road Plan No. 1573, a Closed Road located adjacent to 105 Nicholls Road, Norton Summit (“Closed Road”). (refer **Appendix 1**).

This report seeks Council approval to commence community land revocation processes of the Closed Roads with the intention of selling to the adjoining owners.

RECOMMENDATION

Council resolves:

1. That the report be received and noted
 2. To commence a revocation of community land process for the land described as “AA” in Road Plan No. 2142 (“Closed Road”), off Lenger Road, Mount Torrens including consultation in accordance with Council’s Public Consultation Policy and the *Local Government Act 1999* with the intention of selling the Closed Road to the adjoining owners.
 3. To commence a revocation of community land process for the land described as “A” and “B” in Road Plan No. 1573 (“Closed Road”) adjacent to 105 Nicholls Road, Norton Summit including consultation in accordance with Council’s Public Consultation Policy and the *Local Government Act 1999* with the intention of selling the Closed Road to the adjoining owners.
 4. That a further report be presented to Council at the completion of the consultation.
-

1. GOVERNANCE

- Strategic Management Plan/Functional Strategy/Council Policy Alignment

Strategic Plan 2020-24 – A brighter future

| | |
|---------------|--|
| Goal | A Prosperous Economy |
| Objective 2 | Provide local infrastructure to drive growth and productivity |
| Priority E2.4 | Manage and maintain Council assets to maximise their utilisation and benefit to the community. |
| Goal | A Progressive Organisation |
| Objective 3 | Our organisation is financially sustainable for both current and future generations |
| Priority O3.3 | Actively pursue alternative funding opportunities to reduce reliance on rates income. |

Public Consultation for this proposal will be undertaken in accordance with Section 4.4 of Council's Public Consultation Policy.

➤ **Legal Implications**

Section 194 of the *Local Government Act 1999* governs the requirements for the revocation of Community Land.

➤ **Risk Management Implications**

The sale of the Closed Roads will assist in mitigating the risk of:

Closed Roads remaining in Council ownership leading to obligations to maintain the land and assume liability for the land.

| Inherent Risk | Residual Risk | Target Risk |
|---------------|---------------|-------------|
| Medium (1A) | Low (1E) | Low (1E) |

The revocation of Community Land process is one of the current controls that result in the Residual Risk rating.

➤ **Financial and Resource Implications**

The process to obtain title to the Closed Road and negotiations with adjoining land owners for disposal of the Closed Road will be undertaken by Council staff within existing resources.

A valuation report and survey plans will be prepared once the revocation of Community Land status has occurred. These costs will be borne by the purchasers of the land, together with an expectation that the land will be sold for market value.

The cost to obtain title for the Closed Road will be paid by Council. The cost of the titles and Conveyancing costs of approximately \$600.

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

Not Applicable

➤ **Sustainability Implications**

Not Applicable

➤ **Engagement/Consultation conducted in the development of the report**

Consultation on the development of this report was as follows:

Council Committees: Not Applicable

Council Workshops: Not Applicable

Advisory Groups: Not Applicable

Administration: Executive Manager Governance & Performance
Biodiversity Officers, Open Space
Technical Officer, Infrastructure and Operations
Parks and Reserves Technical Officer, Open Space
Trails Officer, Open Space
Asset Management Officer, Open Space

External Agencies: Not Applicable

Community: Not Applicable

The results from Council's internal assessment determined that these parcels of Closed Road were suitable for disposal. Their disposal would remove risk to Council with regards to ongoing repairs, maintenance and insurance. They provide no linkage to recreational trails, together with no biodiversity value, as these Closed Road land parcels appear to be already incorporated and utilised within the adjoining land.

2. BACKGROUND

CLOSED ROAD R2142A

Council has been approached by Roger Kowald of 114 Lenger Road, Mount Torrens to purchase the land defined as "AA" in Road Plan No. 2142 ("Closed Road") being a closed road adjacent to his property refer **Appendix 1**. This closed road land parcel has been maintained and grazed as a part of this land owner's property for many years.

This Closed Road was formerly a public road which was closed on 8 September 1859 as a part of a large road closure, with instructions that the land be discontinued as roads and sold. The exchange or sale did not occur. Refer **Appendix 2**.

CLOSED ROAD 1573AB

Council has been approached by Jianyang Feng of 105 Nicholls Road, Norton Summit to purchase the land defined as "A" and "B" in Road Plan No. 1573 ("Closed Road") being a closed road adjacent to this property refer **Appendix 1**.

This Closed Road was formerly a public road which was closed on 10 May 1928 as a part of a large road closure, with instructions that the land be discontinued as roads and reserved. Refer **Appendix 5**. These closed road land parcels have since been improved upon, with the construction of a shed on the area marked “B”, and the area marked “A” provides the entrance access to the property.

Whilst a title has not been issued as yet for the Closed Roads, as the Closed Roads were not excluded as community land upon the introduction of the community land provisions of the *Local Government Act 1999*, they are now classified as community land. Therefore, before the Closed Roads can be disposed of, the community land classification needs to be revoked as regards the Closed Roads.

3. ANALYSIS

Closed Road R 2142AA

This Closed Road was declared surplus to requirements in 1859 and thus included in the road process order to be closed refer **Appendix 3**. Whilst the other closed roads in the road process order were disposed of, this Closed Road remained as untitled closed roads in Council ownership.

Council staff believe that this Closed Road is maintained and grazed by the adjoining owners as part of their property and is therefore deemed appropriate for disposal in accordance with the 1859 road process.

Closed Road 1573AB

This Road was declared closed with a view to be reserved in 1928 refer **Appendix 3**. A shed was approved for construction adjacent to the Closed Road Land “B” in 1978, however it appears that the construction occurred over the Road Land in error. Council staff believe that these Closed Road land parcels are maintained by the adjoining owners and have been utilised as part of their property and is therefore deemed appropriate for disposal.

Following the public consultation process, a report will be prepared for consideration by Council to progress to the next stage of the revocation process, being an application to the Minister for Planning for approval for revocation. At that time, approval for the sale of the Closed Road will also be sought.

4. OPTIONS

Council has the following options:

- (1) Resolve to commence the revocation of community land process to enable disposal of the Closed Roads (recommended).
- (2) Resolve not to commence the revocation of community land process to enable disposal of the Closed Roads and retain the Closed Roads as community land (not recommended).

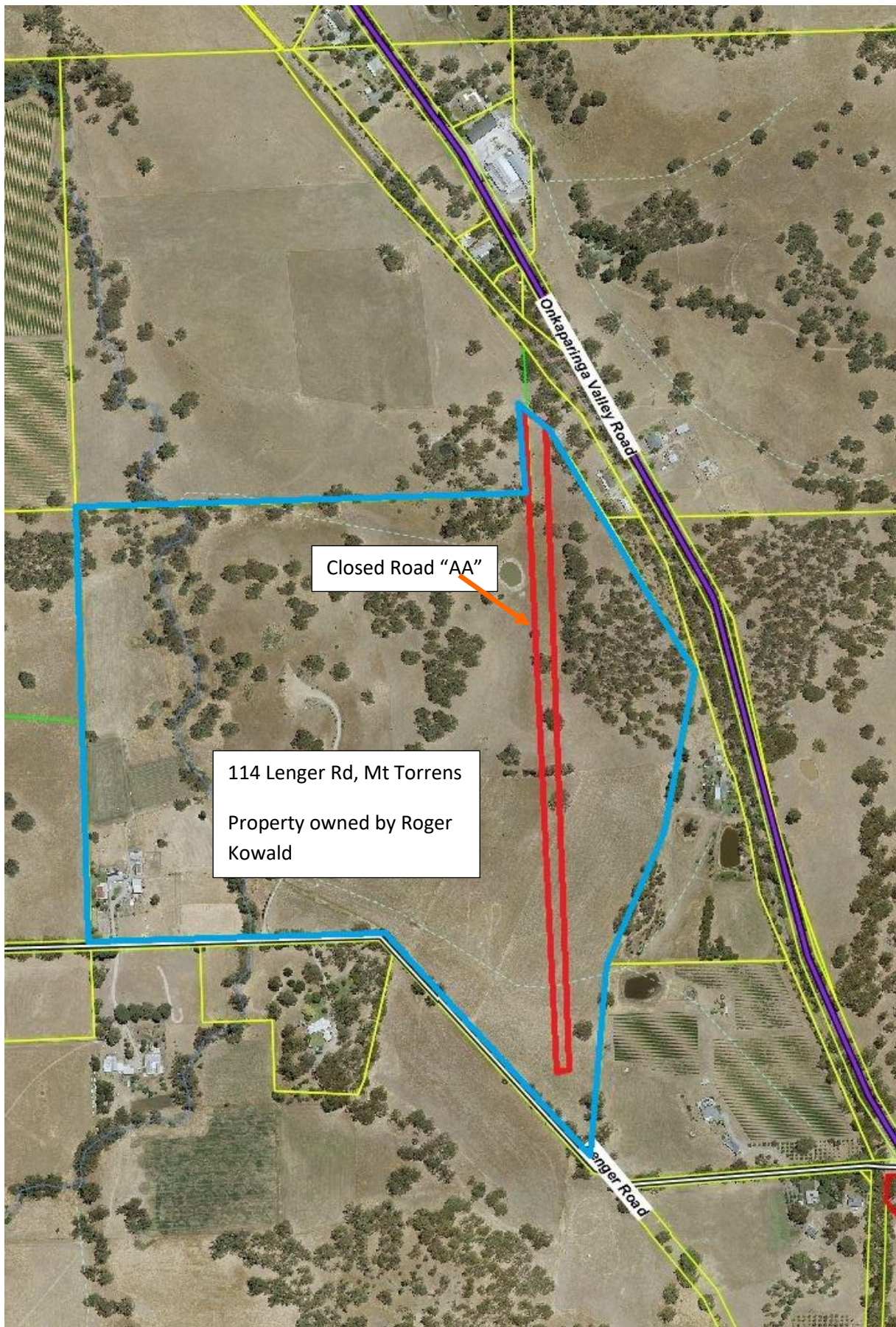
5. APPENDICES

- (1) Aerial identification of “AA” Road Plan No. 2142 “A” & “B” Road Plan No. 1573
- (2) Road Plan No. 2142
- (3) Order to Close and Sell Old Road “R2142AA”
- (4) Road Plan No. 1573
- (5) Order to Close Road “R1573AB”

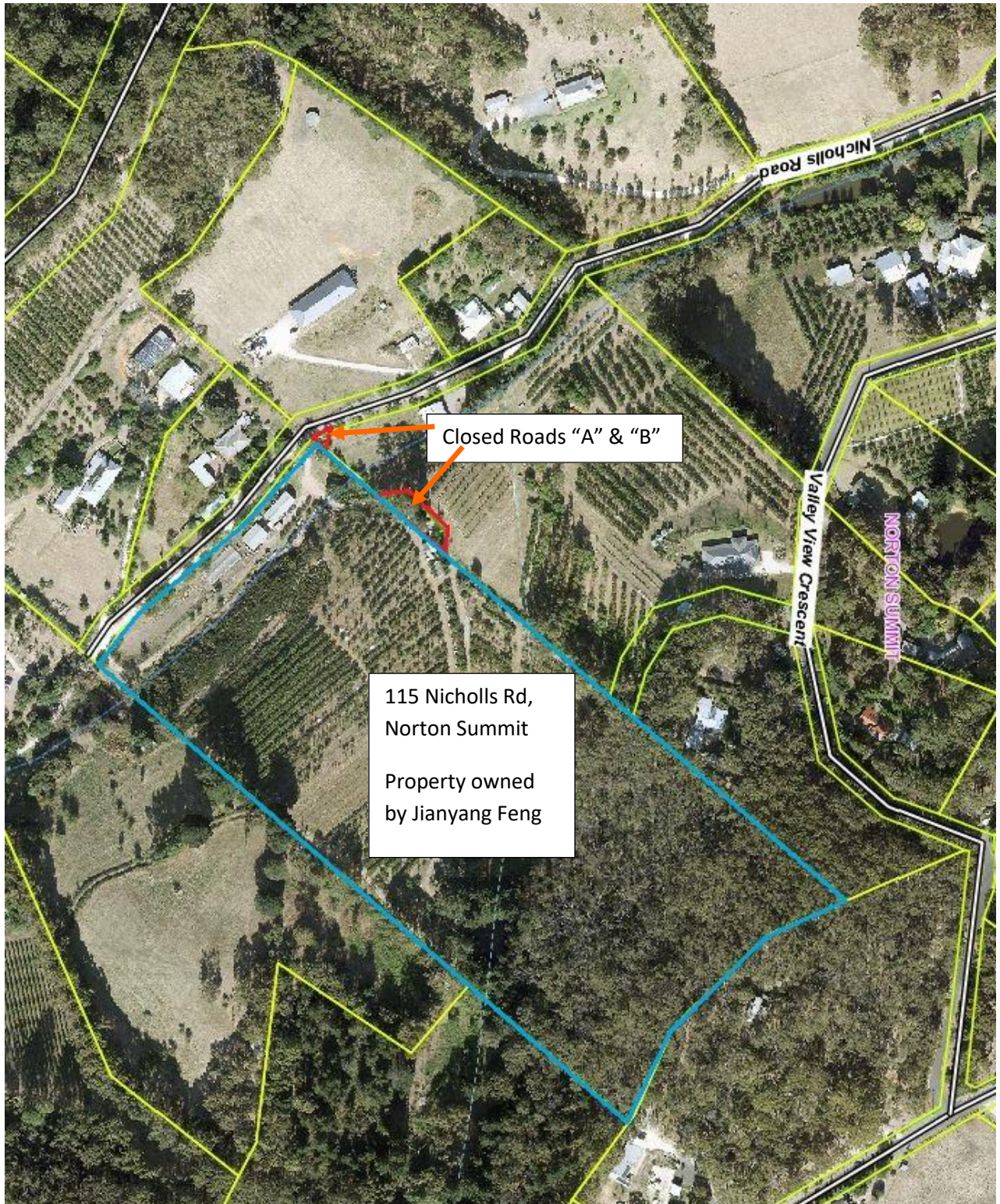
Appendix 1

*Aerial identification of “AA” Road Plan No. 2142 &
Aerial identification of “A” & “B” Road Plan No. 1573*

CLOSED ROAD RP 2142 – OFF LENGER ROAD, MOUNT TORRENS



CLOSED ROAD RP 1573 – OFF NICHOLLS ROAD, NORTON SUMMIT



Appendix 2

Road Plan No. 2142

DISTRICT OF ONKAPARINGA
Proposed Road through Sections 5142 & 5044

RP 2142

5118

5/9/55

5119

$$\frac{617}{67}$$

570° 30' E FOR 22.00 CH. S

S 70° 30' E for 11.90 CH.

5050

$$\frac{61.7}{67}$$

6705

$$\frac{6.12}{186}$$

5192

26.8.8.92

154

Confirmed
Gazette vide
of 10/11/59
page 825

Note. The New Hood is colored Red.

A. G. S. Lantier, Cash. Chairman.
 Mr. Lantier, Secy.
 Thomas May Jr. Esq.

Stella

2017-18

DISTRICT OF ONKAPARINGA

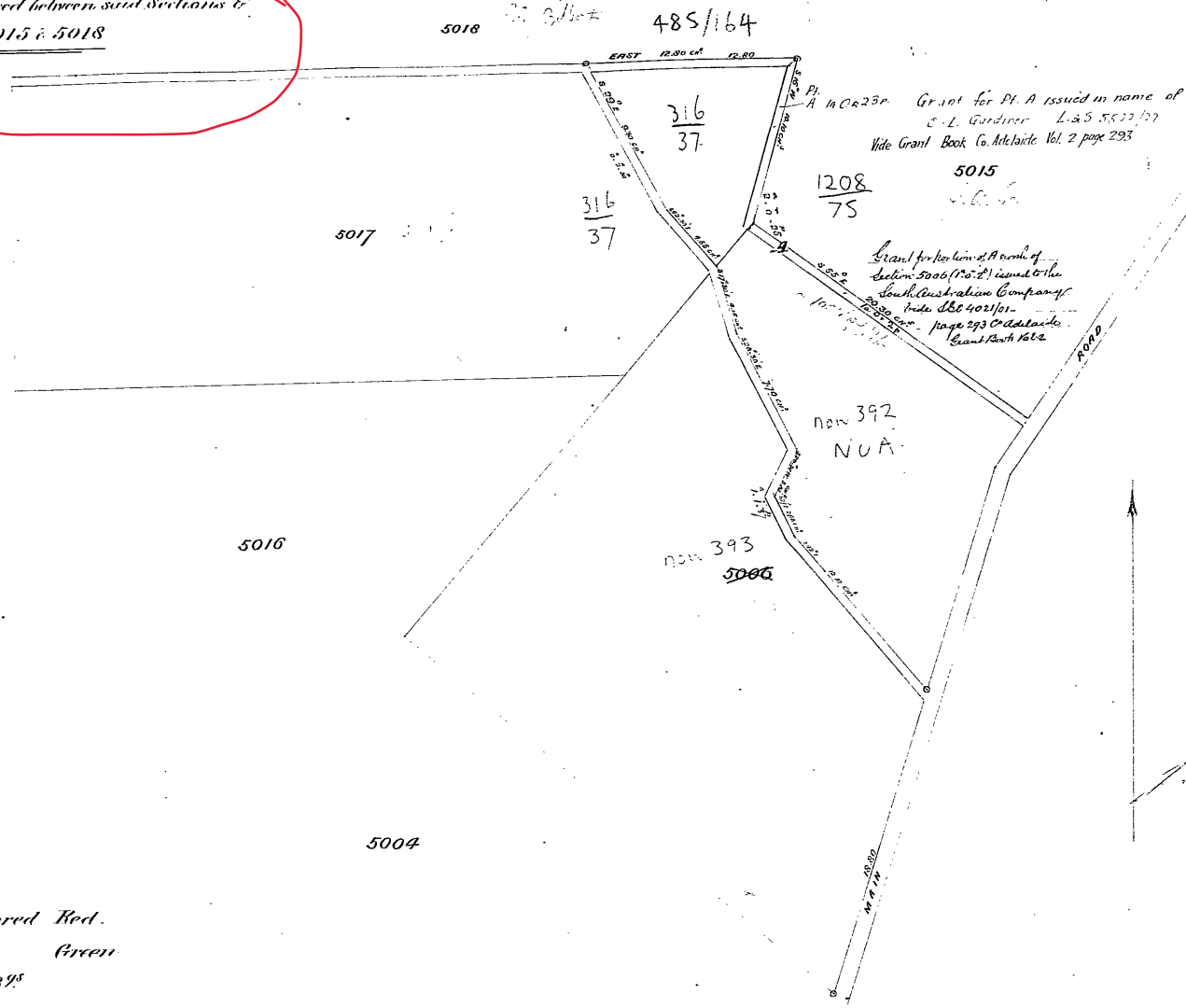
Proposed New Road through Sections 5006

8:5017

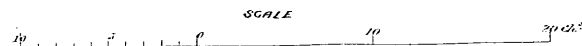
And Road to be closed between said Sections 5015 & 5018

Onkaparinga 2

RP 2142



Note: New Road colored Red.
Old do " Green
Magnetic B⁹⁵



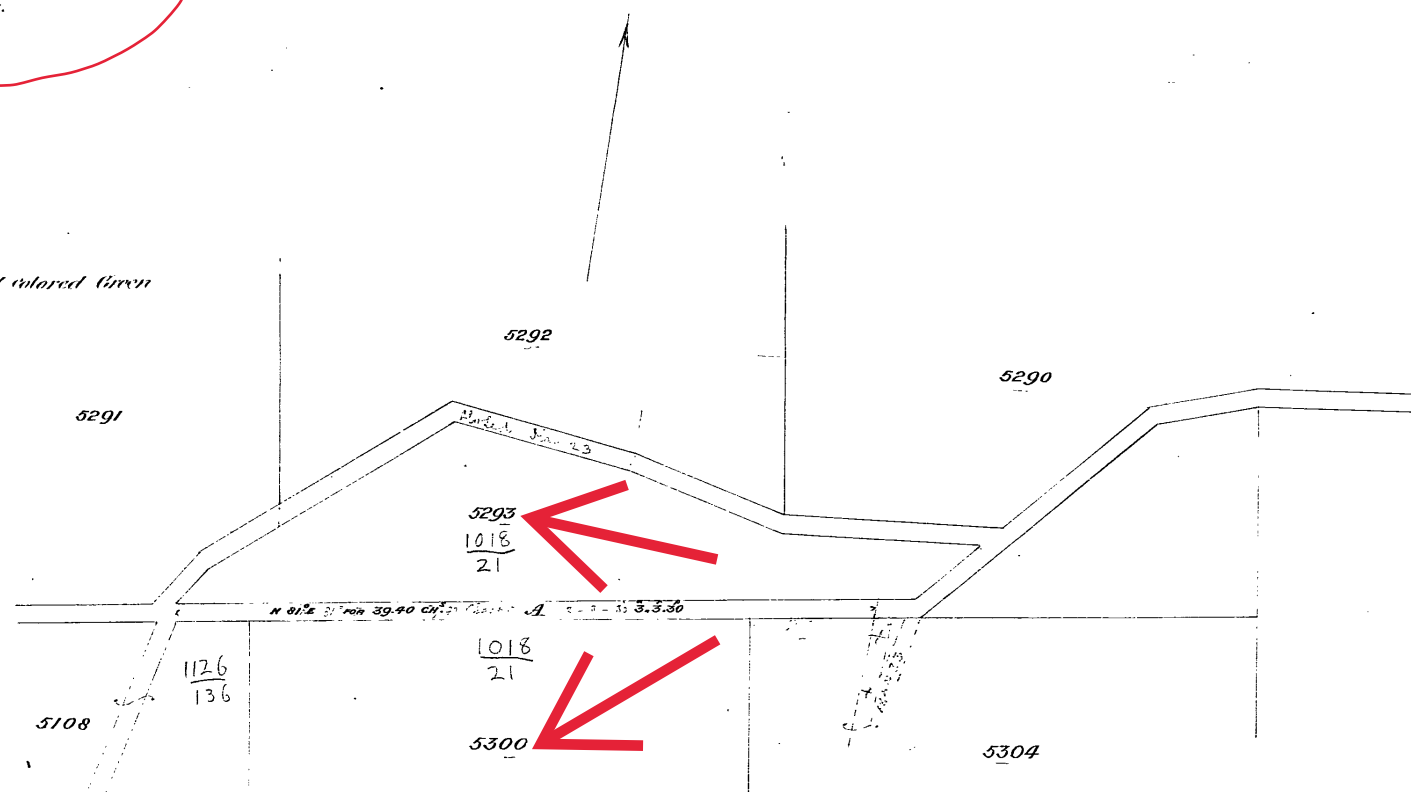
J. C. T. Lawlerbach, Chairman
Wm. Langer U.C.
Thomas Pugh J.C.

Confined to 8/59
a Gazette 1.026

*Road to be discontinued between Section 5293
and Sections 5108, 5300
and 5504.*

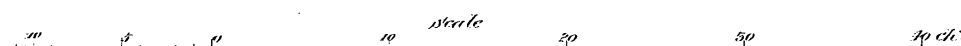
RP 2142

Note. Road to be discontinued colored Green



J. C. S. Lauterbach, Chairman
W. L. Linn Sec.
 Thomas Dugan T. C.

Confirmed Sept 8/59
v Gazette p. 825



Appendix 3

Order to Close and Sell Old Road – RP 2142

Crown Solicitor's Office, September 7, 1859.

WHEREAS, in pursuance of the Act No. 15 of 1852, "For the making and improving of roads in South Australia," the DISTRICT COUNCIL OF ONKAPARINGA gave notices in the *South Australian Government Gazette*, published on the—

28th day of April, 1859,

of an intended discontinuance of a road between Section 5293 and Sections 5108, 5300, and 5304, in the Hundred of Onkaparinga, in the County of Adelaide,

commencing at the western corner of Section 5293, and terminating at a District Road, about seven chains eastward of the north-western corner of Section 5304.

Also, of an intended new road through Sections 5142 and 5044, commencing at the south end of the District Road between Sections 5119 and 5183, and terminating at a District road between Sections 5119 and 5050, in the Hundred aforesaid.

Also, of an intended discontinuance of a road between Section 4046 and Sections 4047 and 4044, commencing

at the western corner of Section 4047, and terminating at the present road on the south of Section 4044, in the Hundred aforesaid.

Also, of an intended new road through Sections 5017 and 5006, commencing at a point in a road between Sections 5017 and 5018, twelve chains and eighty links west of the south-eastern corner of Section 5018, and terminating at a Main Road, eighteen chains and eighty links northward of the southern corner of Section 5006.

Also, of an intended discontinuance of a road between Sections 5017 and 5006, and Sections 5015 and 5018, commencing at a point twelve chains and eighty links west of the south-eastern corner of Section 5018, and terminating at the main road forming the eastern boundary of Sections 5006 and 5015, in the Hundred aforesaid.

And whereas, after the expiration of the said several notices, the said Commissioners did make and issue the necessary orders for opening and discontinuing such roads respectively:

Notice is hereby given, that His Excellency the Governor-in-Chief has been pleased to confirm the above-mentioned orders.

W. A. WEARING,
Crown Solicitor.

Appendix 4

Road Plan No. 1573

MICROFILMED

21.3.1985

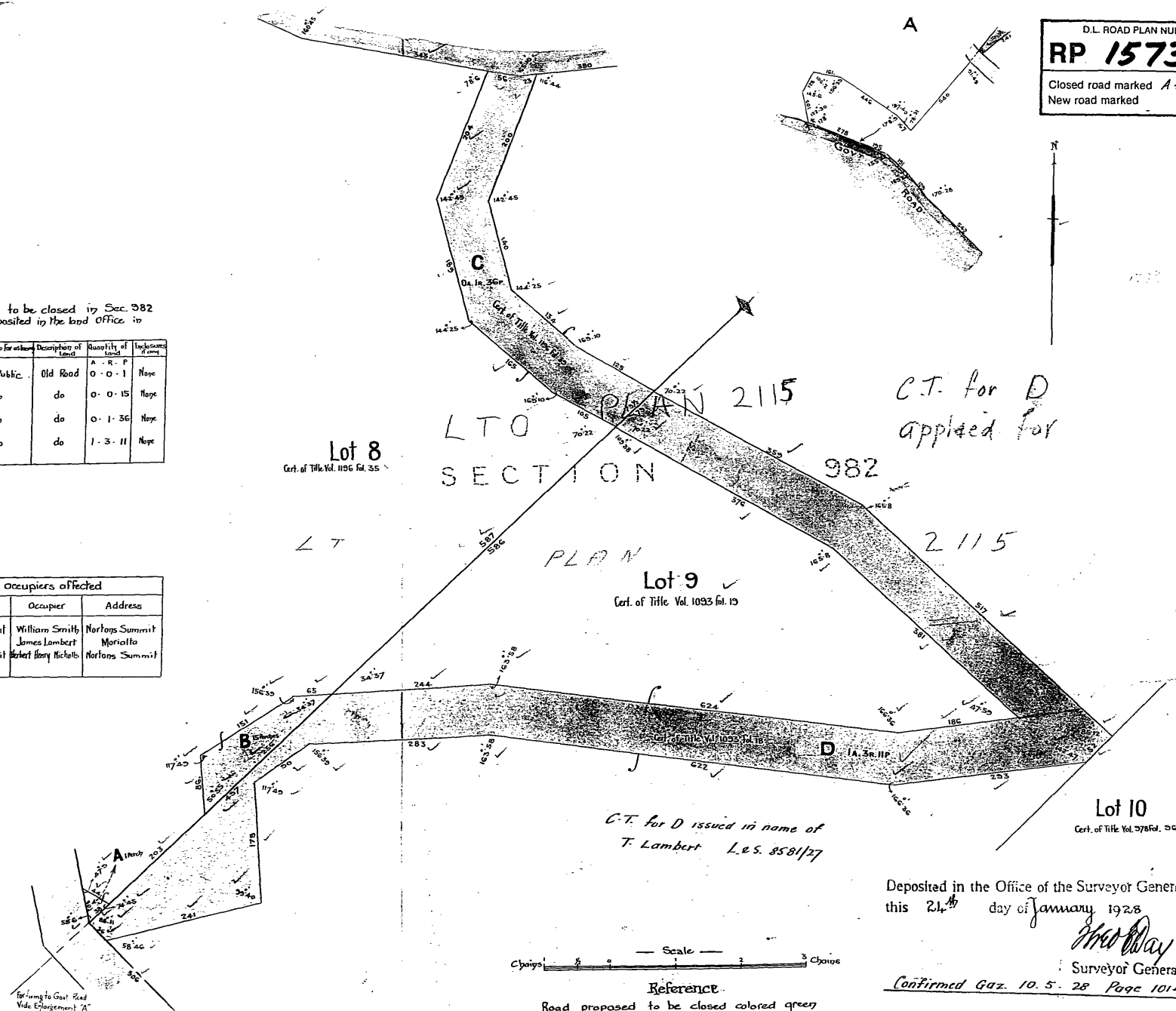
DISTRICT OF EAST TORRENS
Hd of Adelaide

D.L. ROAD PLAN NUMBER
RP 1573
Closed road marked A to D
New road marked

Reference to plan of old roads to be closed in Sec. 982
in the hundred of Adelaide deposited in the land office in
pursuance of Road Act 1884.

| Letter | Section E.P. | Owner as far as known | Occupier as far as known | Description of Road | Quantity of Land | Indication of Road |
|--------|--------------|-----------------------|--------------------------|---------------------|-------------------|--------------------|
| A | by 982 | D.C. of East Torrens | The Public | Old Road | A. R. P. 0.0.1 | None |
| B | do | do | do | do | 0.0.15 | None |
| C | do | do | do | do | 0.1.36 | None |
| D | do | do | do | do | 1.3.11 | None |

| Schedule of Owners & Occupiers affected | | | | |
|---|----------------------|----------------|----------------------|----------------|
| No of Section | Owner | Address | Occupier | Address |
| 215, 216 to 218 | William Smith | Norlans Summit | William Smith | Norlans Summit |
| 219 to 221 | James Lambert | Morialta | James Lambert | Morialta |
| 222 to 224 | Robert Henry Nichols | Norlans Summit | Robert Henry Nichols | Norlans Summit |



W. Hammond - Chairman

P. Howling District Clerk

DEPARTMENT OF LANDS
SURVEY DIVISION
Crown copyright reserved

Plan examined

Correct (subject to any C.O.T. issued) W.O.W.

Lands Titles Office for examination

W. Garman
Chief Draftsman

R.C.D. 10-1-1928

Deposited in the Office of the Surveyor General
this 24th day of January 1928

Max Day
Surveyor General

Confirmed Gaz. 10.5.28 Page 1014

I, John Bickell, Clerk of Adelaide, Licensed Surveyor, hereby
certify that the land colored green, and shown by
letters A, B, C, D is correctly drawn from data obtained
from the Lands Titles Office.

J. Bickell
Licensed Surveyor
1/10/1927

Appendix 5

Order to Close Old Road – RP 1573

NOTICE OF CONFIRMATION OF ROAD ORDER.

District of East Torrens.—Plan No. 62.

L. & S., 8581/27.

Folio 235.

NOTICE is hereby given that, by an order dated the 12th day of March, 1928, the district council of East Torrens having, at a meeting held the same day, made order that a certain piece of land, the whole of the road intersecting lots 8 and 9, and adjoining portion of the north-west boundary of lot 10, in the subdivision of section 982, in the hundred of Adelaide, county of Adelaide, shall be discontinued as a road and reserved. His Excellency the Governor has been pleased to confirm the said order, and to direct that the Commissioner

of Crown Lands shall issue certificates of title to the persons entitled respectively to the lands mentioned in such order.
Dated the 8th day of May, 1928.

THEO. E. DAY, Surveyor-General.

**ADELAIDE HILLS COUNCIL
ORDINARY COUNCIL MEETING
Tuesday 27 July 2021
AGENDA BUSINESS ITEM**

Item: 12.7

Responsible Officer: Lachlan Miller
Executive Manager Governance and Performance
Office of the Chief Executive

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 |
|--------------|------------------|---------|--|-------------------------|
| 23/06/2020 | Ordinary Council | 105/20 | Community & Recreation Facility Framework Project Update | None declared |
| 25/08/2020 | Ordinary Council | 168/20 | Gumeracha Court Resurfacing Project | None declared |
| 25/08/2020 | Ordinary Council | 169/20 | Heathfield Change Room & Cricket Net Project | None declared |

| | | | | |
|------------|---|--------|---|---|
| 22/09/2020 | Ordinary Council | 203/20 | Long Term Strategic Tree Planting Program | None declared |
| 22/09/2020 | Ordinary Council | 207/20 | S210 Conversion to Public Road | None declared |
| 15/12/2020 | Ordinary Council | 296/20 | Youth Action Plan | None declared |
| 27/01/2021 | Ordinary Council | 3/21 | MON - Cemeteries | None declared |
| 27/01/2021 | Ordinary Council | 7/21 | Hard Waste Service | Material - Cr Linda Green Material - Cr Malcolm Herrmann Material - Cr Andrew Stratford |
| 23/02/2021 | Ordinary Council Administrative Action | 33/21 | Long Term Financial Plan 2021 - Administrative Action | None declared |
| 23/03/2021 | Ordinary Council | 54/21 | Local Roads and Community Infrastructure Program Projects Phase 2 | None declared |
| 27/04/2021 | Ordinary Council | 78/21 | Public Interest Disclosure Policy Review | None declared |
| 27/04/2021 | Ordinary Council | 78/21 | Public Interest Disclosure Policy Review | None declared |
| 25/05/2021 | Ordinary Council | 90/21 | MON Passenger Rail for Adelaide Hills | None declared |
| 25/05/2021 | Ordinary Council | 106/21 | Multi-Year Road Rally Proposal Period of Confidentiality | None declared |

1. GOVERNANCE

➤ Strategic Management Plan/Functional Strategy/Council Policy Alignment

Strategic Plan 2020-24 – A brighter future

Goal 5 A Progressive Organisation

Objective O5 We are accountable, informed, and make decisions in the best interests of the whole community

Priority O5.3 Demonstrate accountability through robust corporate planning and reporting that enhances performance, is relevant and easily accessible by the community

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

➤ **Sustainability Implications**

Not applicable

➤ **Engagement/Consultation conducted in the development of the report**

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 | Due Date | Status (for Council reporting) |
|--------------|------------------|---------|---|-------------------------|--|----------------------|-------------|------------|---|
| 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 | 30/09/2021 | April 21 - The State Dioceses has advised that they are ready to progress and have engaged a valuer to provide an updated valuation. Council has engaged a valuer to undertake a valuation. A report will be presented to Council for consideration once the valuation process is completed. June 21 - The State Dioceses has advised that there has been a delay in progressing and they expect to be in a position to further engage with Council in July/August. July 21 - The State Dioceses has provided a valuation which will be discussed with Council's Property Advisory Group prior to a report being presented to Council for consideration. |
| 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 Forestry SA regarding infrastructure improvements for Cudlee Creek Forest Reserve. | Peter Bice | In Progress | 31/12/2021 | Exploring the potential for inclusion in an upcoming funding application. |
| 24/01/2017 | Ordinary Council | 7/17 | Cromer Cemetery Revocation of Community Land | None declared | a report be prepared and submitted to the Minister for Local Government seeking approval for the revocation of the community land classification of a portion of the land contained in Certificate of Title Volume 5880 Folio 219 identified in red on the plan attached as Appendix 1. | Terry Crackett | In Progress | 31/12/2021 | 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. DEW awaiting finalisation of negotiations with Dept for Mining March 21 - Council staff have requested an update from DEW as to the status of this matter June 21 - Council staff continue to engage with DEW to seek a progression of the matter. |
| 28/08/2018 | Ordinary Council | 200/18 | Proposal to enter 11 AHC Reserves into Heritage Agreements 2018 | None declared | 1. That the report be received and noted. 2. That the Biodiversity Officer be authorised to enter: Doris Coulls Reserve, 152 Old Mt Barker Road, AldgateHeathfield Waste Facility, 32 Scott Creed Road, HeathfieldKiley Reserve, 15 Kiley Road, AldgateStock Reserve, Stock Road, MylorLeslie Creek Reserve, Leslie Creek Road, MylorMI MI Reserve, 125 Aldgate Valley Road, MylorAldgate Valley 2 Reserve, 114 Aldgate Valley Road, MylorKyle Road Nature Reserve, Kyle Road, MylorCarey Gully Water Reserve, Deviation Road, Carey GullyHeathfield Stone Reserve, 215 Longwood Road, HeathfieldMylor Parklands, Mylor all being of significant biodiversity value, into Heritage Agreements. 3. That the Heritage Agreements retain the existing dog access arrangements in place for each of those reserves. | Peter Bice | In Progress | 30/06/2022 | The Heritage Applications were phased over the years in order to be accommodated within available resourcing. Heritage Agreement have been registered over: Kiley Reserve Shanks Reserve Kyle Road Nature Reserve, Leslie Creek Reserve Aldgate Valley 2 Reserve Doris Coulls Reserve Mylor Parklands Heathfield Waste Facility Heritage Assessments to be scheduled 21/22: •Berserve 26 - "Stock Rd 1" •MI MI Reserve •Carey Gully Water Reserve •Heathfield Stone Reserve Heathfield Stone needs to be rededicated as a Conservation Reserve to be eligible for a Heritage Agreement. Have provided documentation to Property and currently awaiting advice on next steps for rededication. |
| 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. The Mayor and Chief Executive Officer be authorised to sign all documents necessary, including affixation of the common seal, to give effect to this resolution. | Terry Crackett | In Progress | 30/09/2021 | 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 Awaiting advice that land division has been completed so that the boundary realignment can occur April 21 - Boral have advised that they are in the final stages of the approval process and have requested an extension of time from SCAP. No further update from Boral |
| 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 | 30/09/2021 | 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. The Attorney-General has provided in-principle support to the proposal so a design for the landscaped garden and bushfire memorial at Carripook Park will be prepared for submission to the Supreme Court. March 21 - landscape designs are being developed and will undergo a community consultation process prior to being progressed June 21 - landscape designs are nearing completion and consultation on the landscape designs can then be undertaken July 21 - draft landscape plan ready to be circulated for community consultation/feedback |

| Meeting Date | Meeting | Res No. | Item Name | Previously Declared COI | Action Required (Council Resolution) | Responsible Director | Status | Due Date | Status (for Council reporting) |
|--------------|------------------|---------|---|-------------------------|---|----------------------|-------------|------------|---|
| 11/09/2018 | Special Council | 238/18 | Ashton Landfill – Confidential Item | None declared | Until 10 September 2019. Pursuant to section 91(9)(c) of the <i>Local Government Act 1999</i> , Council delegates the power to revoke the confidentiality order either partially or in full to the Chief Executive Officer. Refer to confidential minute | Peter Bice | In Progress | 30/06/2021 | Matter continues to be progressed. Further updates will be provided when a material change occurs. |
| 26/03/2019 | Ordinary Council | 77/19 | Randell's Cottages, Beavis Court, Gumeracha | None declared | That, acknowledging that a land division in Watershed (Primary Production) is non-complying, an initial approach be made to the State Commission Assessment Panel to determine the possibility of a land division to create a separate allotment for the potentially local heritage listed building located at 1 Beavis Court, Gumeracha known as Randell's Cottages being supported. That subject to the response from the State Commission Assessment Panel, a Development Application be lodged for a non-complying land division. That, if a land division is not supported, an expression of interest (EOI) process be undertaken in respect of the local heritage listed building located at 1 Beavis Court, Gumeracha known as Randell's Cottages to determine any interest in restoring the building for tourism or other purpose (other than long term residential) under a long term lease arrangement. That the CEO be delegated to prepare the necessary documentation to undertake the EOI. That a report be presented to Council following the EOI detailing the results of that process and providing further options. | Terry Crackett | Not Started | 31/12/2021 | The land sits within the Environmental Food Protection Area and proposed use (land division) is not supported. An application will be made to DPTI for a review once the Minister announces the review, which is expected to commence in March 2021. 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). Note that the implementation of the new legislation (Planning Development and Infrastructure Act 2016) has been deferred to March 2021 which has delayed the review of the EFPA. |
| 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 | 30/06/2021 | Agreement in relation to the outcomes of the resolution have been agreed with the Scott Creek Progress Association and plaques have been ordered. New driveway access has been scheduled following approval from Native Vegetation Council |
| 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 | 30/06/2021 | Tender assessment is currently being undertaken for the Heathfield High School courts project. Works to existing courts at Stonehenge Reserve are due to commence in the coming month. |
| 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 | 31/07/2021 | Matter not requiring action at this time. |
| 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 | 28/02/2022 | Council staff have undertaken a review of the mobile library service delivery model and a revised business case considered by Council at its June 2021 meeting. This resulted in a new approach to replacing the mobile library. Draft Library Services Strategy presented at a Council Workshop 10 November 2020 for feedback. Subsequent changes to library management and the detailed review of the outreach services offering (as above) resulted in further work being deferred until the second half of 2021. |
| 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 | 24/12/2021 | The Public Lighting Working Group has established a sub-group to work with DIT on the transition of V Category lights on state maintained roads. Timing of any agreements between LG and DIT unknown. Council officers continue to be updated on sub-group progress. V Category lights identified and process to update on Council roads being developed. A new customer portal has been developed by SAPN and this will assist in light ownership and validation of V-Category (road category lighting from the Aust Standards) lighting owned by Council. DPTI request for all new lights to be V3 or V4 standard for DPTI roads. Council is also reviewing V category lighting on Council roads to determine the appropriate LED options and costs. 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. |
| 27/08/2019 | Ordinary Council | 223/19 | Review of Primary Production Incentive Grant Funding | None declared | 1. That the report be received and noted. 2. That the Primary Production Incentive Grant be discontinued and the balance of the funds be redirected to community education on rural land management issues and European Wasp control for the benefit of the primary production sector. | Marc Salver | In Progress | 30/09/2021 | Through collaboration with Council's Rural Land Management Advisory Group the rural land management education series titled "Adelaide Hills – A Shared Space" is now in advanced draft form. To finalise the content and coordinate a tailored Communications Plan will require an additional 3 months, with a spring launch scheduled. |

| Meeting Date | Meeting | Res No. | Item Name | Previously Declared COI | Action Required (Council Resolution) | Responsible Director | Status | Due Date | Status (for Council reporting) |
|--------------|------------------|---------|---|-------------------------|--|----------------------|-------------|------------|---|
| 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 | 26/10/2021 | <p>The Circular Procurement Project is now underway, and the Memorandum of Understanding has been executed.</p> <p>Amendments to Council's procurement processes has been completed to provide effect to Council's participation in the Circular Procurement trial.</p> <p>Staff training in the Circular Procurement Project has been undertaken.</p> <p>Recording of goods purchased with recycled content has commenced including bin surrounds, wheelie bins, office paper, fence posts and road construction materials.</p> <p>To date council has purchased 3446 tonnes of recycled product including predominantly recycled road base and other items such as wheelie bins, bollards, picket fence panels and steel rails.</p> <p>Training is ongoing as required, staff continue to record purchases of recycled product through the procurement process.</p> <p>Staff continue to record purchases of recycled product through the procurement process.</p> <p>Email sent to budget holders 10 March 2021 reminding them of Circular Procurement Pilot. The intent is to provide an update to Council via a Council report on the progress of the procurement process.</p> <p>Recording of relevant purchases is ongoing, training is being provided to staff as required and requirements of the trial are being embedded in all procurement documentation.</p> <p>Participation in the Circular Procurement Pilot Project continues.</p> |
| 26/11/2019 | Ordinary Council | 277/19 | MON Water Usage from Bores | None declared | <ol style="list-style-type: none"> That the CEO investigates any circumstances where Council provides water to or receives water from a person/organisation. 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 | In Progress | 31/08/2021 | <p>Investigations as to various arrangements is being undertaken with a report being presented to Council once further investigations are completed.</p> <p>May 21 - investigations have indicated some complexities with one of the sites which is being further investigated before a report is presented to Council.</p> <p>July 21 - a report will be presented to Council at the August meeting, deferred due to some recent communications which require some additional time to resolve before being presented to Council.</p> |
| 17/12/2019 | Ordinary Council | 314/19 | Road Exchange Montacute Road Montacute | None declared | <ol style="list-style-type: none"> That the report be received and noted 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> 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 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 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. | Terry Crackett | In Progress | 30/09/2021 | <p>Council has executed documents to support a process to bring land under the provisions of the Real Property Act 1886 which are being progressed with the Surveyor-General's Office</p> <p>Awaiting finalisation by the Surveyor-General</p> |
| 28/01/2020 | Ordinary Council | 11/20 | Revocation of Community Land - Bridgewater Retirement Village | None declared | That the report be received and noted. 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. The Mayor and CEO be authorised to sign all necessary documentation to give effect to this resolution. | Terry Crackett | In Progress | 30/09/2021 | Application to the Minister for Planning will be made once the trust variation scheme has been approved by the Supreme Court. The Attorney-General has provided in-principle support for the proposal. A detailed landscape design is being prepared, including some community consultation on the design, for submission to the Attorney-General and the Supreme Court. |
| 23/06/2020 | Ordinary Council | 105/20 | Community & Recreation Facility Framework Project Update | None declared | That the report be received and noted. That Council endorses the Community & Recreation Facilities Framework - Community Consultation Implementation Plan, contained in <i>Appendix 1</i> . | Peter Bice | Completed | 30/06/2021 | <p>The draft Community & Recreation Facility Framework document was presented to Council at its June 2021 meeting.</p> <p>Consultation with stakeholders and the general community will commence in August.</p> |
| 23/06/2020 | Ordinary Council | 122/20 | Event Opportunity - Confidential Item | None declared | Refer to Confidential Minute | David Waters | In Progress | 30/11/2021 | The matter remains subject to the confidentiality order. |
| 23/06/2020 | Ordinary Council | 123/20 | Event Opportunity - 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 event agreements are signed and the relevant event details are announced by the relevant Minister, but not longer than 31 December 2021. | David Waters | In Progress | 30/11/2020 | This item remains in confidence. |
| 28/07/2020 | Ordinary Council | 149/20 | Road Widening Netherhill Road Kenton Valley | None declared | <ol style="list-style-type: none"> That the report be received and noted To purchase the areas of land totalling 335 sqm identified in red on the Land Acquisition Plan attached as <i>Appendix 2</i> ("land") from Stephen Paul Cowie the land owner at 67 Nether Hill Road, Kenton Valley, for the purchase price of \$6,700 (excl GST) plus all reasonable costs to vest the Land as public road. To purchase the area of land being 188 sqm identified in red on the Land Acquisition Plan attached as <i>Appendix 2</i> ("land") from Paul Andrew Arnup and Danielle Marie Beatrice Helbers the land owner at 109 Nether Hill Road, Kenton Valley, for the purchase price of \$3,760 (excl GST) plus all reasonable costs to vest the Land as public road. The road land being acquired to be excluded as Community Land pursuant to the <i>Local Government Act 1999</i>; and That the Mayor and CEO be authorised to sign all necessary documentation, including affixing the common seal, to give effect to this resolution. To approve an expenditure budget of \$10,460 to purchase the two areas of land on Nether Hill Road, Kenton Valley, with funding to be sourced from favourable capital revenue identified within the 2020-21 Capital Works budget. | Terry Crackett | In Progress | 30/09/2021 | <p>Progress has commenced in accordance with the resolution</p> <p>Awaiting completion of the process by Land Services Group</p> |

| Meeting Date | Meeting | Res No. | Item Name | Previously Declared COI | Action Required (Council Resolution) | Responsible Director | Status | Due Date | Status (for Council reporting) |
|--------------|------------------|---------|---|-----------------------------|---|----------------------|-------------|------------|---|
| 25/08/2020 | Ordinary Council | 165/20 | Replacement LMA 3 & 5 Pomona Road Stirling | None declared | <ol style="list-style-type: none"> That the report be received and noted To enter into a deed of rescission, rescinding Land Management Agreement 10923983 dated 10 March 2008 and Variation of Land Management Agreement 12221145 dated 22 October 2014 noted on the land comprised and described in Certificate of Title Book Volume 6127 Folio 47, known as 3 Pomona Road, Stirling To enter into a deed of rescission, rescinding Land Management Agreement 13038239 dated 29 November 2018 noted on the land comprised and described in Certificate of Title Book Volume 6218 Folio 57, known as 5 Pomona Road, Stirling To enter into the new Land Management Agreement with Aldi Foods Pty Ltd attached in Appendix 1 of this report for Certificate of Title Volume 6127 Folio 47 and Certificate of Title Volume 6128 Folio 57, known as 3 & 5 Pomona Road, Stirling, subject to the acceptance by the Council Assessment Panel to the variation of the approved landscaping plan for Development Application 16/463/473 and subject to the acceptance of the State Commission Assessment Panel to the variation of the approved landscaping plan for Development Application 19/272/473 (19/E9/473) The Mayor & CEO are authorised to affix the Council Seal and execute the new Land Management Agreement, the Deeds of Rescission, and Consents to Note the new Land Management Agreement and Rescissions for 3 & 5 Pomona Road Stirling, and The costs associated with the preparation, review by Council's lawyers and registration of the new Land Management Agreement and the rescission of the existing Land Management Agreements and Variation of Land Management Agreement shall be borne by the Aldi Foods Pty Ltd. | Marc Salver | In Progress | 31/05/2021 | Council approved the minor variation to the amended landscaping plan so that it aligns with the LMA on 18 January 2021. SCAP has since approved the minor variation to the amended landscaping and the LMA is being executed and registered. Staff sent a reminder to have LMA executed by owners and other parties |
| 25/08/2020 | Ordinary Council | 168/20 | Gumeracha Court Resurfacing Project | None declared | <ol style="list-style-type: none"> That the report be received and noted. To approve the 2020-21 capital expenditure budget of \$220k to be funded by \$220k in capital grants income from the Federal Government Community Development Grants Program in accordance with initial funding documentation. That \$150,000 be brought forward from the 2021-22 LTFP allocation into the 2020-21 Capital Program to enable the lighting and associated works at the Gumeracha courts to be undertaken. That \$50,000 from the 2019-20 Capital Program be carried forward into the 2020-21 Capital Program to enable the lighting and associated works at the Gumeracha courts to be undertaken. | Peter Bice | Completed | 16/03/2021 | Detailed plans and costings are complete and tender documents are being prepared. |
| 25/08/2020 | Ordinary Council | 169/20 | Heathfield Change Room & Cricket Net Project | None declared | <p>That the report be received and noted.</p> <p>To approve an increase in the 2020-21 Capital Expenditure Budget of \$1,088,949, resulting in a total project cost of \$1,414,851, to be funded by \$1,088,949 in grants and associated contributions for the Heathfield Oval Change Room and Cricket Net Project, in accordance with the Funding Agreements.</p> | Peter Bice | Completed | 16/03/2021 | The successful tenderer has been appointed to this project, with construction due to commence in the coming months. |
| 22/09/2020 | Ordinary Council | 203/20 | Long Term Strategic Tree Planting Program | None declared | <p>That the Chief Executive Officer provides a report to inform the 2021/2022 budget process on the establishment of a long term (approximately 10 years) tree planting program. Such a report to address, inter alia Possible locations including roadsides, reserves, council and community owned landPotential involvement of schools, volunteers and/or community groupsPriorities for plantings which may inform the number of trees to be planted, and/or a \$ cost per annum.</p> | Peter Bice | Completed | 13/01/2021 | This year the program will be funded from the Local Roads & Community Infrastructure program 2021-22 with an avenue planting between Lobethal & Woodside. |
| 22/09/2020 | Ordinary Council | 205/20 | 100 Old Mt Barker Road Stirling | Material - Cr Kirrilee Boyd | <ol style="list-style-type: none"> That the report be received and noted To progress the budgeted upgrade of the old school building located at 100 Old Mt Barker Road Stirling including the replacement of the roof, gutters, fascia boards, downpipes and damaged internal ceilings, with the anticipated cost to be \$155,000. To apply to the Minister for Environment and Water for approval to lease the land located at 100 Old Mt Barker Road Stirling, including the old school building, to The Old School Community Garden Inc. Subject to obtaining the approval specified in 3 above, offer to The Old School Community Garden a 2 year lease over the land located at 100 Old Mt Barker Road Stirling, including the old school building. The rent under the lease to be \$1 per annum (if demanded). That the Mayor and Chief Executive Officer be authorised to sign all necessary documents, including affixing the common seal, to give effect to this resolution. | Terry Crackett | In Progress | 31/12/2021 | Initial information provided to Crown Lands in relation to approval for lease, Ministerial approval is required for the lease and this is being sought. April - DA granted and tender for works being undertaken June 21 - works are being scheduled subject to availability of materials and contractor. |
| 22/09/2020 | Ordinary Council | 207/20 | 5210 Conversion to Public Road | None declared | <ol style="list-style-type: none"> That the report be received and noted. To undertake a process pursuant to Section 210 of the <i>Local Government Act 1999</i> for the conversion of private road to public road for the land described as: Russell Terrace, Bridgewater being the land comprised in CT 5411/603 of 1494m2 currently owned by Bridgewater Park Ltd (in Liquidation).Lot 82 Western Branch Road, Lobethal being the land comprised in CT 5696/27 of 105m2 currently owned by Margaret Dixon Dearman, Ernest William Dearman & Burton Stirling Dearman.1 Robert Street Woodside being the land comprised in CT 5695/342 of 58m2 currently owned by James Johnston and William Johnston.Pieces 29 and Lot 30 in FP 156206 on Western Branch Road, Lobethal being the land comprised in CT 5696/31 of 446m2 and 337m2 currently owned by South Australian Company.Norman Road, Bridgewater being Allotment 16 and 17 in DP 2167 as the land comprised in CT 5890/905 of 738m2 and 1265m2 currently owned by Donald Frederick Canham & Eileen Agnes Canham. That the Mayor and the Chief Executive be authorised to finalise the above matter including signing all necessary documentation to complete all transactions. That a further report be presented to Council following the completion of the notice period required under Section 210(2) of the Act detailing the outcome of the attempts to locate the owners of the roads detailed above. | Terry Crackett | Completed | 31/05/2021 | Advertisements seeking land owners or beneficiaries of land owners have been undertaken. Council's intention to declare the parcels as public roads was listed in the Government Gazette on Thursday 4/2/2021. A report will be presented to Council in May 2021 following the completion of the mandatory 3 month notification period. 10/6/2021 - Gazette notice published which completes the process |
| 27/10/2020 | Ordinary Council | 224/20 | MON Speed Limit Reduction Longwood & Red Hill Roads | None declared | <p>That Council:</p> <ol style="list-style-type: none"> receives the residents' request as contained in Appendix 1 and undertakes a speed limit review on sections of Longwood and Red Hill Roads in response to the submission received from local residents, and communicates the outcome of the review and proposed action to Council Members via the Council and Committee Meeting Action Tracker. | Peter Bice | In Progress | 30/06/2021 | Council's traffic consultant has completed the required Traffic Impact Statements for the proposed speed reduction on Longwood Rd and Red Hill Rd. A formal request for speed limit reduction on the two roads was submitted to DIT on 19/4/21 and a follow up request was made to DIT on 20/5/21. |
| 27/10/2020 | Ordinary Council | 226/20 | Memorial Seat for former Cr Bill Gale | None declared | That, in conjunction with the Gale family, Council purchase and install a park seat with a plaque to commemorate the contribution the late ex Cr Bill Gale made to the Adelaide Hills Council and, in particular, to the Woodside area. | Peter Bice | In Progress | 12/02/2021 | Seat has been ordered currently waiting delivery, working with DIT as the land owner for approval to install and have contacted family for appropriate wording for the plaque. |
| 27/10/2020 | Ordinary Council | 235/20 | Revocation of Community Land - Closed Road R855 Upper Hermitage | None declared | That the report be received and notedTo commence a revocation of community land process for the land described as "A" in Road Plan No. 855 ("Closed Road") including consultation in accordance with Council's Public Consultation Policy and the <i>Local Government Act 1999</i> with the intention of selling the Closed Road to the adjoining owners. That a further report be presented to Council at the completion of the consultation. | Terry Crackett | In Progress | 30/06/2021 | Community consultation undertaken, report with consultation feedback to be presented to Council at the August meeting for consideration |
| 27/10/2020 | Ordinary Council | 261/20 | Confidential - Event Opportunity | None declared | As per confidential minute | David Waters | Not Started | 20/11/2020 | Subject to confidentiality order. |
| 27/10/2020 | Ordinary Council | 262/20 | Confidential - Event Opportunity - Period of Confidentiality | None declared | until the event agreements are signed and the relevant event details are announced by the relevant Minister, but not longer than 31 December 2020 | David Waters | Not Started | 31/08/2021 | Triggers for bringing this item out of confidence have not yet occurred. |

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| 15/12/2020 | Ordinary Council | 296/20 | Youth Action Plan | None declared | That the report be received and noted. That the Youth Action Plan 2021-24 be adopted for implementation. That the Chief Executive Officer, or delegate, be authorised to make any formatting or minor changes to the Plan for publication purposes. | David Waters | Completed | 25/01/2021 | The YAP has been published. |
| 15/12/2020 | Ordinary Council | 300/20 | Road Exchange Pomona Road Stirling | None declared | 1. That the report be received and noted. 2. In accordance with sections 12 and 15 of the Roads (Opening and Closing) Act 1991, enter into an Agreement for Exchange with the owner of the land of 21 Pomona Road Stirling and issue a Road Process Order to open as public road the area identified as "Road to be opened 1" on the Preliminary Plan No 20/0038 and in exchange to close a portion of Pomona Road as identified on the Preliminary Plan No 20/0038 as "Public Road A", subject to the owner of the land at 21 Pomona Road Stirling agreeing to pay all costs associated with the road exchange process including but not limited to all survey, valuation and reasonable legal costs. 3. The closed road be excluded as Community Land pursuant to the Local Government Act 1999. 4. The Mayor and Chief Executive Officer be authorised to sign all documents necessary, including affixation of the common seal, to give effect to this resolution. | Terry Crackett | In Progress | 30/09/2021 | Awaiting receipt of final plans and road process documents from surveyor |
| 27/01/2021 | Ordinary Council | 3/21 | MON - Cemeteries | None declared | That the CEO prepares a report accompanied by a draft policy on the Council's role in regard to assuming control of church (i.e. private) cemeteries, such report and draft policy to be discussed at a workshop in April 2021 prior to consideration by Council prior to 30 June 2021. | Terry Crackett | Completed | 30/06/2021 | Council adopted an amendment to the Council's Cemetery Operating Policy in June 2021 |
| 27/01/2021 | Ordinary Council | 7/21 | Hard Waste Service | Material - Cr Linda Green Material - Cr Malcolm Herrmann Material - Cr Andrew Stratford | 1. the report be received and noted 2. any additional budget requirements to meet service demand for the Kerbside Hard Waste Service during 2020-21 be addressed through Council's budget review process 3. a user contribution fee equal to 50% of budgeted costs to provide the Kerbside Mattress Service be considered during the development of the 2021-22 Annual Business Plan and Budget 4. a user contribution fee equal to 50% of budgeted costs to provide the Kerbside Hard Waste Service be considered during the development of the 2021-22 Annual Business Plan and Budget. | Peter Bice | Completed | 27/02/2021 | Matter will be progressed further after completion of the community consultation on the 2021/22 Annual Business Plan and Budget. Hard waste and Mattress collection user contribution fee included in the 2020/21 draft budget for consideration and adoption at June 22 Council Meeting. User contribution fees for hard waste and mattress collection were adopted at the June 2021 Council meeting with Council's 2021/22 Annual Business Plan and Budget and the 2021/22 Fees and Charges Register. |
| 27/01/2021 | Ordinary Council | 22/21 | CWMS Review | None declared | that the report, related attachments and the discussion and considerations of the subject matter be retained in confidence until 30 July 2021. | Peter Bice | In Progress | 30/06/2021 | |
| 23/02/2021 | Ordinary Council | 25/21 | Road Closure adjacent 9 Melrose Avenue Stirling | None declared | 1. That the report be received and noted 2. To make a Road Process Order pursuant to the Roads (Opening & Closing) Act 1991 to close and merge the pieces of land identified as "A" in the Preliminary Plan No. 20/0040 attached to this report with Allotment 34 in Deposited Plan No. 4120 comprised in Certificate of Title Volume 5489 Folio 361. 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 the owners of 9 Melrose Avenue Stirling, being the owners of the property with which it is merging for the amount of \$9,000 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 | 30/09/2021 | Commenced in accordance with resolution 9/6/21 - Plans and documents lodged with Surveyor General, awaiting approval and Gazettal notice |
| 23/02/2021 | Ordinary Council | 28/21 | Relief & Recovery Fund | None declared | 1. the CEO investigate the establishment of an Adelaide Hills Disaster Relief and Recovery Fund. Considerations must include but may not be limited to the following: What "triggers" would activate the Fund allowing donations to be made? How funds raised would be dispersed to alleviate the distress, suffering and personal hardships, brought about by a disaster or emergency in our region? How the activities of the fund would be overseen, for example, what type of Committee should be established and what operational rules would apply? Ensuring the structure of the Fund adheres to all relevant legislation. An analysis of the costs associated with establishing and administering the Fund. Steps required for the Fund to obtain Deductible Gift Recipient status from the Australian Taxation Office. 2. The results of the investigation be presented at a future Council Workshop for feedback, and that a report be provided for Council's consideration on this matter by 23 November 2021. | David Waters | In Progress | 23/11/2021 | Preliminary research has commenced to ascertain other municipalities which administer similar funds. Discussions with KI Council on their experiences have also been held. |
| 23/02/2021 | Ordinary Council Administrative Action | 33/21 | Long Term Financial Plan 2021 - Administrative Action | None declared | Commentary of LGPI rationale to be enhanced | Terry Crackett | Completed | 4/03/2021 | Draft LTFP document now out for consultation updated to include additional details for LGPI rationale in 2023-24 and future years |
| 23/03/2021 | Ordinary Council | 48/21 | MON Single-use Plastics | None declared | A report be provided to the Council before 31 October 2021 on the feasibility and cost implications for reducing and/or eliminating the use of single-use plastics in Council operations, being replaced with compostable or reusable alternatives as necessary. The report need not address those plastics already banned by State Legislation in March 2021, those proposed to be banned under the same legislation in March 2022, nor single use-plastics required for medical or disability uses. The report should consider but not be limited to: Council ceasing to purchase single use plastics; Council stipulating to contractors, event organisers, sponsorship seekers, caterers, food vans and so on, that single-use plastics are not supported by Council and alternatives such as compostable or reusable alternatives be utilised as necessary; As leases expire, update leases to include a clause that single use plastics are not supported by Council and alternatives such as compostable or reusable alternatives be utilised as necessary; The CEO, Directors, Senior Officers and Staff be trained and educated to support and implement appropriate processes to ensure operation and compliance of associated procedures. Green bins be made available at Council run events for the collection of compostable waste to ensure compostable materials are diverted from landfill. A program of community education and promotion, including approaching business owners and operators throughout the AHC area, in order to encourage a change from single-use plastics to alternatives such as compostable or reusable alternatives as necessary. | Peter Bice | In Progress | 26/10/2021 | Collection of data of Council's use of single use plastic free has begun. This has included an audit of all the main Council buildings. Initial findings were presented on 6 May 2021 to the Sustainability Advisory Group. These findings will also be presented to Council Members at a workshop on Tuesday 15 June. Workshop completed with Council Members in June 2021. Investigations into Council's use of single use plastics continues. |
| 23/03/2021 | Ordinary Council | 47/21 | MON Bushfire Safer Places | None declared | That Council engages with the South Australian Country Fire Service (CFS) to produce a report for the information of the Elected body on designated Bushfire Safer Places, both in the Adelaide Hills and across South Australia. This report should be presented to Council at the May 2021 meeting. | Peter Bice | In Progress | 25/06/2021 | Letter sent to Chief Officer of the CFS seeking assistance to obtain information relating to Bushfire Safer Places. Response received to Council's correspondence from CFS on 7 June 2021. Content needs to be considered by the Administration and next steps determined. Council report providing outcome of Bushfire Safer Places investigation to be presented to July 2021 Ordinary Council meeting. |

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| 23/03/2021 | Ordinary Council | 49/21 | Local Heritage Grant Fund Project 2020 - 2021 | Material - Cr Linda Green Perceived - Cr Leith Mudge | <ol style="list-style-type: none"> That the report be received and noted To approve the eight shortlisted projects to receive grant funding as detailed in the body of this report to contribute to the works as detailed in <i>Appendix 1</i> of this report and listed below: Our Lady of the Rosary Church, Aldgate - \$2,500Old Post Office, Crafrers - \$1,417Crataegus Cottage, Crafrers - \$2,500Circa 1850's Cottage, Mount George - \$2,500Shop, Stirling - \$2,500Stone Cottage, Stirling - \$2,500Former Aldgate Valley Church of Christ, Aldgate - \$2,500Cudlee Creek Uniting Church, Cudlee Creek - \$2,500 To delegate to the Chief Executive Officer to determine whether any changes to grant recipient's proposed works maintain grant eligibility. | Marc Salver | In Progress | 20/04/2021 | Round 2 update: Two out of the eight applications have received grant funding following successful completion of the grant application process. Five are engaged in the Developemnt Assessment process. One application is likely to be withdrawn, pending the sale of the property. Full completion of Round 2 is contingent on the individual property owners and for this reason it is difficult to estimate a likely timeline. It is hoped that the Developemnt Application compoenents are Completed prior to the launch of Round 3. |
| 23/03/2021 | Ordinary Council | 52/21 | Crown Land Revocation | None declared | <ol style="list-style-type: none"> That the report be received and noted That the consultation report (<i>Appendix 1</i>) be received and noted To apply to the Minister for Planning to revoke the Community Land classification of the following parcels of land:- i. CR 5752/186, Lot 32 Fullgrave Road, Crafrers ii. CR 5753/725, Section 1609 Illert Road, Mylor iii. CR 5753/729, Section 1657 Scott Creek Road, Scott Creek iv. CR 5753/741, Sections 53 and 54 Sandy Waterhole Road, Woodside v. CR 5753/742, Section 547 Schuberts Road, Lobethal vi. CR 5753/744, Section 553 Pedare Park Road, Woodside vii. CR 5753/745, Section 556 Tiers Road, Woodside viii. CR 5753/746, Section 565 Old Carey Gully Road, Stirling ix. CR 5753/754, Section 511 North East Road, Inglewood x. CR 5753/758, Section 262 Reserve Road, Forresteron xi. CR 5763/631, Section 1591 Silver Road, Bridgewater xii. CR 5763/634, Section 71 Magarey Road, Mount Torrens xiii. CR 5763/635, Section 72 Magarey Road, Mount Torrens xiv. CR 5763/636, Section 84 Forresteron Road, Forresteron xv. CR 6142/329, Lot 501 Greenhill Road, Balhannah xvi. CR 5926/487, Lot 20 Bell Springs Road Charleston (for rededication to the Department of Environment & Water) xvii. CR 5753/718, Section 1544 Reserve Terrace Aldgate (for rededication to Meals on Wheels) xviii. CR 5753/753, Section 495 off Kersbrook Road Kersbrook (for rededication to Forestry SA) 4. That a further report be presented to Council once a response from the Minister for Planning is received. | Terry Crackett | In Progress | 30/11/2021 | Being progressed in accordance with resolution |
| 23/03/2021 | Ordinary Council | 54/21 | Local Roads and Community Infrastructure Program Projects Phase 2 | None declared | <p>That the report be received and noted.</p> <p>To authorise the applications for the following projects, totalling \$1,572,000, to be submitted as the Adelaide Hills Council Local Roads and Infrastructure Program Phase 2 Projects for delivery in 2021-22 and the estimated associated expenditure to undertake those works: Mill Road, Lobethal, School Crossing - \$30,000Heathfield Waste and Resource Recovery Centre Upgrades - \$155,000Public Toilet Upgrades Stirling, Aldgate and Bridgewater - \$560,000Crafrers Village Mainstreet Traffic Calming & Amenity upgrade - \$300,000Birdwood Footpath, Kindergarten to Playground - \$25,000Lobethal Avenue of Trees, Woodside Road - \$100,000Lobethal Bushland Park Lookout Tower - \$45,000Merchants Road, Slip Repair - \$60,000Mylor Pump Track - \$50,000Bus Shelter Replacement (Stirling Main Street) - \$20,000Mount Lofty Gardens, Lampert Road safety upgrade - \$110,000Mount Barker Road, Aldgate 'Park and Ride' - \$20,000Aldgate Main Street amenity upgrade - \$38,000Upper Sturt Road walking path - \$15,000Bridgewater Court Resurfacing - \$22,000Strathalbyn Road, Service Road Sealing - \$12,000Hunters Road, Amenity Upgrade Concrete Blocks - \$10,000</p> <ol style="list-style-type: none"> Subject to approval, and in line with the above estimated costs, that the CEO or his delegate be authorised to enter into a necessary grant agreement with the Department for Infrastructure, Transport and Regional Development, commit expenditure to undertake the above works with any adjustments to income and expenditure be incorporated in an upcoming budget review. That should any projects be unsuccessful, or significant savings achieved, alternative projects will be recommended to Council for consideration | Peter Bice | Completed | 27/04/2021 | Project Schedule Approved by the department and all successful |
| 23/03/2021 | Ordinary Council | 63/21 | Sale of Land for Recovery of Debt, Lenswood - Confidential Item | None declared | As per confidential minute | Marc Salver | In Progress | 30/06/2021 | The lawyers have commenced the sale of land process and passed this onto the Sherriff to issue the notice to the landowner. Further updates will be provided as this progresses |
| 23/03/2021 | Ordinary Council | 64/21 | Sale of Land for Recovery of Debt, Lenswood - 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 either the Warrant of Sale process for the land in question is completed and a settlement reached or until legal proceedings have concluded, but no longer than 12 months. | Marc Salver | In Progress | 30/06/2021 | The lawyers have commenced the sale of land process and passed this onto the Sherriff to issue the notice to the landowner. Further updates will be provided as this progresses |
| 27/04/2021 | Ordinary Council | 67/21 | White Rock Quarry Proposed Mine Expansion | None declared | <p>That the Mayor, on behalf of Council, writes to the Minister for Energy and Mining, the Honourable Dan van Holst Pellekaan, together with the Honourable Vickie Chapman, Member for Bragg, advising that Council:</p> <ol style="list-style-type: none"> Acknowledges the Minister's letter, dated 14 April 2021 (refer to <i>Appendix 1</i> for a copy), in response to the Mayor's letter, on behalf of Council, dated 17 March 2021 (refer to <i>Appendix 2</i> for a copy). Notes that the Minister, has not specifically addressed several important matters that were raised by Council, that requested action on the part of the Minister, and or State Government, in relation to the Hanson White Rock Quarry proposed expansion plan, and that Council respectfully requests, once again, that these matters be addressed by the Minister; namely: [2.2] That Council "is concerned that with any expansion of the mine's current operation, that such expansion is likely to have an adverse impact on traffic management for the area. Noting that traffic management / impact has not been addressed in the MOP, Council requests that this issue be addressed by Hanson Construction Materials Pty Ltd, as a priority, in consultation with Council, prior to any approval being granted." | Marc Salver | In Progress | 30/06/2021 | Letters have been sent to both the Minister for van Holst Pellekaan and Mayor of Burnside Council on 19 May. No responses in this regard have been received. |

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| 27/04/2021 | Ordinary Council | 69/21 | Lobethal Bushland Park Draft Masterplan | None declared | Council resolves: 1. That the report be received and noted. 2. To receive and accept the Lobethal Bushland Park Draft Masterplan and Play Space Design Brief Consultation Outcomes Report. 3. To adopt the Draft Masterplan and implement Stage 2 of Engagement. 4. That the results of Stage 2 Engagement and the final draft Masterplan be presented to Council for its consideration in June 2021. 5. That the CEO be authorised to: Make any formatting, nomenclature or other minor changes to the Draft Masterplan prior to being released for public consultation and determine the consultation timings, media and processes while ensuring consistency and compliance with the provisions of applicable legislation and Council's <i>Public Consultation Policy</i> . | Peter Bice | In Progress | 7/05/2021 | A final stage of consultation is being undertaken, with the final draft masterplan to be presented to Council at it's August 2021 meeting for endorsement. |
| 27/04/2021 | Ordinary Council | 70/21 | Green Organic Service Options | None declared | Council resolves that: The report be received and noted. The budget for free green organic drop off days be increased to \$138,600 as part of the Draft 2021/22 Annual Business Plan and Budget. Funding for a detailed analysis of Option 2 be included in the budget development for 2022/23. | Peter Bice | In Progress | 7/05/2021 | Matter will be progressed further after community consultation outcomes on the 2021/22 Annual Business Plan and Budget. The draft 2021/22 budget for free green organic drop off days has been increased to \$138,600 for consideration and adoption by Council at the June 2021 Ordinary Council Meeting. Increased budget for free green organic drop off days adopted with the 2021/22 Annual Business Plan and Budget at the June 2021 Council meeting. Funding for a detailed analysis of Option 2 (Expand kerbside FOGO bin to all residents to ensure equity in kerbside services) will be included in the budget development for 2022/23. |
| 27/04/2021 | Ordinary Council | 75/21 | Road Closure & Opening adjacent 36 Pioneer Ave Lobethal | None declared | 1. That the report be received and noted 2. In accordance with sections 12 and 15 of the <i>Roads (Opening and Closing) Act 1991</i> , enter into an Agreement for Exchange with the owner of the land of 36 Pioneer Avenue Lobethal and issue a Road Process Order to open as public road the area identified as "1" on Preliminary Plan No. 21/0010 and in exchange to close a portion of Pioneer Avenue as identified as "A" on Preliminary Plan No 21/0010 as "A" and merge with Allotment 19 in Deposited Plan No. 4789 comprised in Certificate of Title Volume 5548 Folio 780. 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 the owners of 36 Pioneer Avenue Lobethal, being the owners of the property with which it is merging for the amount of \$9,200 plus GST (if applicable) and responsible for 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 | 31/12/2021 | Commenced in accordance with resolution. Awaiting completion of the process by the Surveyor-General |
| 27/04/2021 | Ordinary Council | 77/21 | 2020-21 CEO Performance Review Process & Schedule | None declared | That the report be received and noted. To undertake the 2021 CEO Performance Review using an internal process and utilise a consultant to undertake the remuneration package review. To adopt the 2021 CEO Performance Review Panel Internal Process and Meeting Schedule as contained in Appendix 1 as it relates to Council meetings and workshops. | Terry Crackett | In Progress | 27/08/2021 | Action is progressing in line with the adopted schedule of work. (Panel meeting held 8/7/21, CEO review has commenced, consultant has delivered remuneration report) |
| 27/04/2021 | Ordinary Council | 78/21 | Public Interest Disclosure Policy Review | None declared | That the report be received and noted. With an effective date of 12 May 2021, to revoke the 25 June 2019 Public Interest Disclosure Policy and to adopt the 27 April 2021 Public Interest Disclosure Policy as per Appendix 1. That the Chief Executive Officer be authorised to make any formatting, nomenclature or other minor changes to the Instruments during the period of currency. | Andrew Aitken | Completed | 7/05/2021 | Policy finalised. |
| 27/04/2021 | Ordinary Council | 78/21 | Public Interest Disclosure Policy Review | None declared | Implement Policy and communicate to staff | Andrew Aitken | Completed | 7/05/2021 | Policy has been finalised and Skytrust training module to the lodged in Q2.. |
| 25/05/2021 | Ordinary Council | 90/21 | MON Passenger Rail for Adelaide Hills | None declared | The Mayor write to the State Minister for Infrastructure and Transport to ask him to: Undertake a comprehensive study into a passenger rail service (or other suitable rapid transit service) from the Adelaide CBD to the Adelaide Hills. It should, as a minimum, service Stirling and Mt Barker with potential connections to Murray Bridge and Strathalbyn. The study should address and balance economic, environmental and community wellbeing considerations. Ensure that if such a service were implemented, the public transport network in the Adelaide Hills is modified such that it is viable and offers an attractive alternative to private vehicle travel along the increasingly congested South Eastern Freeway. Copies of the letter should be forwarded to the State members for Heyden and Kavel, Federal Member for Mayo, State Leader of the Opposition, Southern & Hills Local Government Association and Regional Development Australia Adelaide Hills, Fleurieu & Kangaroo Island. | David Waters | Completed | 11/06/2021 | The letter was sent prior to the June Council Meeting. No response has been received at the time of updating this action. |
| 25/05/2021 | Ordinary Council | 92/21 | Draft Trails & Cycling Routes Management Policy | None declared | 1. That the report be received and noted. 2. That the draft Trails and Cycling Routes Management Policy contained in <i>Appendix 1</i> be endorsed for consultation 3. That the CEO be authorised to: Make any formatting, nomenclature or other minor changes to the Policy prior to being released for public consultation and determine the consultation timings, media and processes while ensuring consistency and compliance with the provisions of applicable legislation and Council's <i>Public Consultation Policy</i> . 4. That the outcomes of the consultation and a final draft document be presented to Council for its consideration August 2021. | Peter Bice | In Progress | 11/06/2021 | Consultation is now complete, and data is currently being analysed. A final draft will be presented to Council for consideration in August. |
| 25/05/2021 | Ordinary Council | 95/21 | Properties with outstanding rates - S210 conversion to public road | None declared | That the report be received and noted. To undertake a process pursuant to Section 210 of the <i>Local Government Act 1999</i> for the conversion of private road to public road for the land described as: Russell Terrace, Bridgewater being the land comprised in CT 5411/603 of 1494m ² currently owned by Bridgewater Park Ltd (In Liquidation). Lot 82 Western Branch Road, Lobethal being the land comprised in CT 5696/27 of 105m ² currently owned by Margaret Dixon Dearman, Ernest William Dearman & Burton Stirling Dearman. 1 Robert Street Woodside being the land comprised in CT 5695/342 of 58m ² currently owned by James Johnston and William Johnston. Pieces 29 and Lot 30 in FP 156206 on Western Branch Road, Lobethal being the land comprised in CT 5696/31 of 446m ² and 337m ² currently owned by South Australian Company. Norman Road, Bridgewater being Allotment 16 and 17 in DP 2167 as the land comprised in CT 5890/905 of 738m ² and 1265m ² currently owned by Donald Frederick Canham & Eileen Agnes Canham. 3. To authorise the publication of the resolution in the Government Gazette as required by Section 210 of the <i>Local Government Act 1999</i> to declare the road to be public road. 4. To delegate to the Chief Executive Officer to execute the necessary documentation to give effect to this resolution. 5. To formally approve the write-off of \$98,025.08 for the outstanding rates on the Land identified for conversion of private road to public road. | Terry Crackett | In Progress | 30/11/2021 | The process has been commenced in accordance with the resolution |
| 25/05/2021 | Ordinary Council | 105/21 | Multi-Year Road Rally Proposal CONFIDENTIAL | None declared | Refer to confidential minute | David Waters | In Progress | 11/06/2021 | The Report and Attachments remain in confidence. |

| Meeting Date | Meeting | Res No. | Item Name | Previously Declared COI | Action Required (Council Resolution) | Responsible Director | Status | Due Date | Status (for Council reporting) |
|--------------|------------------|---------|--|------------------------------|--|----------------------|-------------|------------|---|
| 25/05/2021 | Ordinary Council | 106/21 | Multi-Year Road Rally Proposal 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 related attachments of Council and the discussion and considerations of the subject matter be retained in confidence until 31 December 2023. | David Waters | Completed | 21/07/2021 | Confidentiality will be managed through the confidential items register. |
| 8/06/2021 | Special Council | 110/21 | Annual Business Plan Consultation Results | None declared | That the report be received and noted. To receive and note the outcomes of the draft Annual Business Plan 2021-22 public consultation undertaken from 5 -26 May 2021 as contained in the Annual Business Plan 2021-22 Community Engagement Outcomes Report in Appendix 1. To endorse the following changes to the draft Annual Business Plan 2021-22:include a \$50 contribution regime for European Wasp nest removal/Remove strategic initiatives B4008 and E1001 in acknowledgement that they relate to ongoing wages associated with core service delivery already incorporated into the budget.include a new strategic initiative under the Economy Goal to "Undertake an expression of interest process for ascertaining the level of interest and viability of 'free'-camping sites in the district" include the "Rate in the dollar" table in the budget pages to assist in demonstrating how rates are calculated.Minor edits to various sections or titles of initiatives to improve reader understanding. 4. In the next LTFFP consider increased expenditure on footpath and footpath program | Andrew Aitken | Completed | 18/06/2021 | Amended ABP was adopted at 22 June 2021 Ordinary meeting. |
| 8/06/2021 | Special Council | 112/21 | Heathfield Oval Change Rooms Tender - Confidential Item | Perceived - Cr Kirsty Parkin | As per Confidential Minute | Peter Bice | In Progress | 18/06/2021 | The successful tenderer has been appointed to this project, with construction due to commence in the coming months. |
| 8/06/2021 | Special Council | 113/21 | Heathfield Oval Change Rooms Tender - Period of Confidentiality | Perceived - Cr Kirsty Parkin | 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 execution of the contract for the Heathfield Oval Change Rooms but not longer than 31 August 2021. | Peter Bice | In Progress | 25/06/2021 | Contract execution imminent at time of reporting. |
| 22/06/2021 | Ordinary Council | 117/21 | Mobile Library Replacement | None declared | That the report be received and noted. That the Administration proceed with the replacement of the mobile library with a customised van and that the amount carried forward into 2021-22 be adjusted from \$480,000 to \$200,000.That the report be received and noted. That the Administration proceed with the replacement of the mobile library with a customised van and that the amount carried forward into 2021-22 be adjusted from \$480,000 to \$200,000. | David Waters | In Progress | 31/12/2021 | Preliminary scoping for the new vehicle is underway. |
| 22/06/2021 | Ordinary Council | 118/21 | Lobethal Bushland Park Masterplan | None declared | That the report be received and noted. 2. That the CEO conducts targeted consultation with the Friends of Lobethal Bushland Park and the Lobethal Bushland Park Community Reference Group with the view of reporting the results of that consultation by 31 August 2021. | Peter Bice | In Progress | 9/07/2021 | A final stage of consultation is being undertaken, with the final draft masterplan to be presented to Council at it's August 2021 meeting for endorsement |
| 22/06/2021 | Ordinary Council | 119/21 | Community & Recreation Facilities Framework & Play Space Framework - Drafts for Consultation | None declared | 1. That the report be received and noted. 2. To receive and endorse the draft Community and Recreation Facilities Framework and the draft Play Space Framework and implement Stage 3 of Engagement (consultation). 3. That the results of Stage 3 Engagement and the final draft Frameworks be presented to Council for their consideration by December 2021. 4. That the CEO be authorised to:Make any formatting, nomenclature or other minor changes to the Draft Framework documents prior to being released for public consultation andDetermine the consultation timings, media and processes while ensuring consistency and compliance with the provisions of applicable legislation and Council's <i>Public Consultation Policy</i> . | Peter Bice | In Progress | 9/07/2021 | The draft Community & Recreation Facility Framework document was preseneted to Council at its June 2021 meeting. Consultation with stakeholders and the general community will commence in August. |
| 22/06/2021 | Ordinary Council | 120/21 | Local Government Infrastructure Partnership Program Grant Deed & Associated Projects | None declared | 1. The report be received and noted 2. The CEO completes an economic and environmental cost benefit analysis for the Woodside Water Reuse Project 3. This analysis be presented at a Council workshop and then subsequently a report be prepared for Council by 30 September 2021. | Peter Bice | In Progress | 30/09/2021 | Initial steps to undertake economic and environmental cost benefit analysis for Woodside Water Reuse project have been undertaken. |
| 22/06/2021 | Ordinary Council | 121/21 | Private Cemeteries | None declared | That the report be received and noted With an effective date of 6 July 2021 that the <i>Cemetery Operating Policy</i> be amended as attached in <i>Appendix 1</i> . | Terry Crackett | Completed | 9/07/2021 | Council's Cemetery Operating Policy has been updated and published |
| 22/06/2021 | Ordinary Council | 123/21 | Annual Business Plan Adoption - Res 1.1 and 3 | None declared | Refer to Minute | Andrew Aitken | Completed | 9/07/2021 | Adopted ABP has been published, summary to be included in rates notices. |
| 22/06/2021 | Ordinary Council | 124/21 | Draft 2021-22 Fees and Charges | None declared | That the report be received and noted.To adopt the 2021-22 Fees and Charges Schedule included at Appendix 1 to apply on and from 1 July 2021.Council notes that the statutory fees will be included on the fees and charges register available for public inspection subsequent to being gazetted. | Terry Crackett | Completed | 9/07/2021 | Fees & Charges Register including statutory charges now available for public inspection on Council internet site |
| 22/06/2021 | Ordinary Council | 125/21 | AHRWMA Annual Business Plan & Budget 2021-22 | Perceived - Cr Ian Bailey | That the report be received and noted To approve the Adelaide Hills Region Waste Management Authority Draft Annual Business Plan and Budget 2021-22. | Andrew Aitken | Completed | 9/07/2021 | AHRWMA EO has been advised of Council's resolution. |
| 22/06/2021 | Ordinary Council | 126/21 | Confidential Items Register June 2021 | None declared | Res No 126/21 - 131/21 Refer to Minute | Andrew Aitken | Completed | 9/07/2021 | |

| Meeting Date | Meeting | Res No. | Item Name | Previously Declared COI | Action Required (Council Resolution) | Responsible Director | Status | Due Date | Status (for Council reporting) |
|--------------|------------------|---------|---|-------------------------|--|----------------------|-------------|------------|--|
| 22/06/2021 | Ordinary Council | 136/21 | MON Aldgate Park and Ride | None declared | That the Mayor, on behalf of Council, writes to the Honourable Josh Teague, Member for Heysen, seeking his assistance and support in seeking State Government funding of \$48,000 to compliment Council's proposed maintenance upgrade of the Aldgate Park and Ride, Mount Barker Road, Aldgate. That the additional State Government funding of \$48,000 would be utilised to perform the following additional works: Sealing: Survey = \$1,500 Design = \$4,500 Sealing Estimating contingency = 20% = \$5,700 Estimated Total for Sealing element \$34,200 Solar lights: Purchase and Installation (costed 3 lights) \$14,000 Total for additional scope = \$48,200.00 | Peter Bice | Completed | 9/07/2021 | Letter has been sent. |
| 22/06/2021 | Ordinary Council | 139/21 | Strategic Internal Audit Plan & Asset Management Plan - Res 1 & 2 | None declared | 1. That the report be received and noted 2. To adopt the <i>Strategic Internal Audit Plan v1.8a</i> as contained in Appendix 1. | Andrew Aitken | Completed | 25/06/2021 | SIAP version 1.8 published |
| 22/06/2021 | Ordinary Council | 123/21 | Annual Business Plan Adoption - Res 1.2 - 1.13 | Nil | As per minutes | Terry Crackett | Completed | 9/07/2021 | All Annual Business Plan actions relating to Rates and Budget completed |
| 22/06/2021 | Ordinary Council | 139/21 | Strategic Internal Audit Plan and Asset Management Plan - Res 3 & 4 | Nil | 3. With an effective date of 6 July 2021, to revoke the 26 September 2017 <i>Asset Management Policy</i> and to adopt the May 2021 <i>Asset Management Policy</i> in Appendix 2. 4. That the Chief Executive Officer be authorised to make any formatting, nomenclature or other minor changes to the May 2021 <i>Asset Management Policy</i> prior to the effective date of adoption. | Peter Bice | In Progress | 6/07/2021 | |
| 22/06/2021 | Ordinary Council | 141/21 | Proposed CEO Performance Targets 2021 - 2022 | None declared | That the report be received and noted To adopt the CEO Performance Targets 2021-2022 as per <i>Appendix 1</i> . | Terry Crackett | Completed | 9/07/2021 | The suite of CEO Performance Targets 2021-2022 will now be managed through the CEO and regular reporting through the CEO Performance Review Panel. |
| 22/06/2021 | Ordinary Council | 143/21 | Cyber Security Plan - Confidential Item | None declared | Refer to Confidential Minute | Terry Crackett | Completed | 9/07/2021 | |
| 22/06/2021 | Ordinary Council | 144/21 | Cyber Security Plan - 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, related attachments and the minutes of Council and the discussion and considerations of the subject matter be retained in confidence until the control deficiencies are mitigated but no longer than 30 June 2023. | Terry Crackett | Completed | 9/07/2021 | |
| 22/06/2021 | Ordinary Council | 146/21 | Event Opportunity - SANTOS TDU 2022 | None declared | Refer to Confidential Minute | David Waters | Not Started | 9/07/2021 | The report remains in confidence. |
| 22/06/2021 | Ordinary Council | 147/21 | Event Opportunity SANTOS TDU 2022 | 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 Council receives written confirmation from the South Australian Tourist Commission that the event information is no longer confidential, but not longer than 30 June 2022. | David Waters | Not Started | 9/07/2021 | |
| 13/07/2021 | Special Council | 149/21 | Expression of Interest - 103 Mt Lofty Summit Road Crafrers | None declared | 1. That the report be received and noted 2. The communication dated 8 June 2021 received from Renewal SA advising that the land located at 103 Mt Lofty Summit Road Crafrers contained in Certificate of Title Volume 5951 Folio 582 ("Land") has been declared surplus be received and noted 3. That, having given consideration to the location, size of the land parcel, topography and heritage listed ruins on the Land, the Council does not identify the Land as having a strategic value for Local Government purposes 4. To delegate to the Chief Executive Officer to communicate to Renewal SA Council's decision to decline to lodge an expression of interest in the Land but recommend that the Land be consolidated within the immediately adjacent Cleland Conservation Park and managed, with appropriate public access, as part of that public space 5. That a copy of the letter to Renewal SA be forwarded to the Minister for Environment and Water and the Hills and Fleurieu Landscape Board. | Terry Crackett | Completed | 30/07/2021 | Action has been completed in accordance with the resolution |

**ADELAIDE HILLS COUNCIL
ORDINARY COUNCIL MEETING
Tuesday July 27 2021
AGENDA BUSINESS ITEM**

Item: 13.1

Responsible Officer: John McArthur
Manager Sustainability, Waste & Emergency Management
Infrastructure and Operations

Subject: Bushfire Safer Places

For: Information

SUMMARY

At the March 2021 Ordinary Council Meeting in response to a Motion on Notice (refer **Appendix 1**) it was resolved that Council was to engage with the South Australian Country Fire Service (CFS) to produce a report relating to Bushfire Safer Places. In response to the Motion on Notice (MoN) the Administration wrote to the CFS seeking information on Bushfire Safer Places. A reply was received from the CFS in June 2021 and is provided in this report for Council Member information.

RECOMMENDATION

Council resolves that the report be received and noted

1. GOVERNANCE

➤ **Strategic Management Plan/Functional Strategy/Council Policy Alignment**

Strategic Plan 2020-24 – A brighter future

Goal Community Wellbeing

Objective C4 An active, healthy, thriving and resilient community

Priority C.5 Take an all hazards approach to emergency management so we can support the emergency services and the community before, during and after disaster events

Bushfire Safer Places need to be considered by the community when preparing for bushfire emergencies as part of their bushfire planning process.

➤ **Legal Implications**

Not applicable.

➤ **Risk Management Implications**

Receiving and noting the response from the South Australian Country Fire Service regarding Bushfire Safer Places will assist in mitigating the risk of:

Poorly informed decision making leading to potential adverse community outcomes in regard to bushfire safety

| Inherent Risk | Residual Risk | Target Risk |
|---------------|---------------|-------------|
| High (4C) | Low (2D) | Low (2D) |

The report recommendation is an existing control and does not involve the creation of a new mitigation action.

➤ **Financial and Resource Implications**

Not Applicable.

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

Not Applicable.

➤ **Sustainability Implications**

Not applicable.

➤ **Engagement/Consultation conducted in the development of the report**

Consultation on the development of this report was as follows:

Council Committees: Not Applicable

Council Workshops: Not Applicable

Advisory Groups: Not Applicable

Administration: Director Infrastructure and Operations
Executive Manager Governance & Performance

External Agencies: South Australian Country Fire Service

Community: Not Applicable

2. BACKGROUND

At the March 2021 Ordinary Council Meeting a MoN (refer **Appendix 1**) was considered regarding Bushfire Safer Places. The MoN sought information on how Bushfire Safer Places are designed to be used on Catastrophic Days or other high risk days when there is not (or not yet) any reports of a bushfire, both in the Adelaide Hills and across the State. More specifically, the MoN sought responses to the following questions relating to Bushfire Safer Places:

1. *The definition of a Bushfire Safer Place and its purpose on a Catastrophic or similar risk fire day.*

2. *The reason some towns and cities across South Australia have been designated Bushfire Safer Places, both generally and with specific reference to the sites selected in the Adelaide Hills: Stirling, Uraidla, Woodside, Lobethal, Balhannah and Oakbank.*
3. *How Bushfire Safer Places should be used as “Places of First Resort” within the context of recommended Bushfire Plans, as per the CFS website, on a Catastrophic Risk fire day.*
4. *If there are any differences in recommendations around individual Bushfire Safer Places. That is, are some Bushfire Safer Places safer than other Bushfire Safer Places and, if so, should this alter the CFS’ direction on its website? The following resolution was carried:*

Following consideration of the MoN Council resolved as follows:

11.1 Bushfire Safer Places

**Moved Cr Kirsty Parkin
S/- Cr Leith Mudge**

47/21

That Council engages with the South Australian Country Fire Service (CFS) to produce a report for the information of the Elected body on designated Bushfire Safer Places, both in the Adelaide Hills and across South Australia. This report should be presented to Council at the May 2021 meeting.

| |
|----------------|
| Carried |
|----------------|

Pursuant with the March 2021 resolution of Council the Administration wrote to the CFS seeking information on Bushfire Safer Places. A response to the Administration’s correspondence was received from the CFS in June 2021 (refer **Appendix 2**).

Within the Adelaide Hills Council area there are Bushfire Safer Places located at Stirling, Uraidla, Woodside, Balhannah, Oakbank and Lobethal. Nearby Safer Places outside the council area include metropolitan Adelaide, Mount Barker, Nairne, Hahndorf, Blackwood and Williamstown.

3. ANALYSIS

A detailed response from the CFS to each of the questions posed in the MoN (**Appendix 1**) is provided in **Appendix 2**.

In summary, the response from the CFS acknowledges Bushfire Safer Places are considered to be places of first resort (stay, relocate to etc) for those persons who have made the decision to leave early on a day of increased fire risk. The response recognises properties on the outskirts of Bushfire Safer Place townships may face a higher level of risk as compared to those in the centre of the town.

A Bushfire Safer Place is relatively safe from bushfires due to generally low fuel loads, and their distance from continuous bushland or forest, subsequently bushfire travel will likely be interrupted and there is likely to be access available to emergency, health and other community services.

Bushfire Safer Places provide a place of relative safety compared to the broader landscape. The CFS advice is that persons who are not in a designated Safer Place should relocate to a Safer Place on days of heightened fire risk. The response from the CFS identifies that Bushfire Safer Places will be subject to possible smoke and ember impact and may be uncomfortable and unpleasant during a fire.

In regard to catastrophic risk days the CFS response advises that the safest option for people living in bushfire prone areas is not to be in those areas during high risk days. A Bushfire Safer Place may not have support available from emergency services and there are no obligations for local government to open or operate council facilities.

Bushfire Safer Places have been assessed with the same methodology which technically mean they are all equal in terms of relative safety provided however in practice the safest place is always going to be one furthest from a fire or fire risk area. Bushfire Safer Places provide areas of relative safety compared to the surrounding environment, not absolute safety.

4. OPTIONS

As this is an information report, the Council is limited to receiving and noting the report but may choose to provide commentary to the Administration for consideration or to consider a motion without notice in relation to the matter.

5. APPENDICES

- (1) Bushfire Safer Places Motion on Notice
- (2) Correspondence from the South Australian Country Fire Service

Appendix 1

Bushfire Safer Places Motion on Notice

**ADELAIDE HILLS COUNCIL
ORDINARY COUNCIL MEETING
Tuesday 23 March 2021
AGENDA BUSINESS ITEM**

Item: 11.1 Motion on Notice

Originating from: Cr Kirsty Parkin

Subject: Bushfire Safer Places

1. MOTION

I move that:

Council engages with the South Australian Country Fire Service (CFS) to produce a report for the information of the Elected body on designated Bushfire Safer Places, both in the Adelaide Hills and across South Australia. This report should be presented to Council at the May 2021 meeting.

2. BACKGROUND

The report should specifically focus on how Bushfire Safer Places are designed to be used on Catastrophic Days or other high risk days when there is not (or not yet) any reports of a bushfire, both in the Adelaide Hills and across the State.

As the climate continues to warm over the coming years, we should expect to experience a greater number of Catastrophic Risk days each summer. Clarity of communication around suggested best practice on these days will become increasingly crucial to community safety. The report should provide information that clearly states:

1. The definition of a Bushfire Safer Place and its purpose on a Catastrophic or similar risk fire day.
2. The reason some towns and cities across South Australia have been designated Bushfire Safer Places, both generally and with specific reference to the sites selected in the Adelaide Hills: Stirling, Uraidla, Woodside, Lobethal, Balhannah and Oakbank.
3. How Bushfire Safer Places should be used as "Places of First Resort" within the context of recommended Bushfire Plans, as per the CFS website, on a Catastrophic Risk fire day.
4. If there are any differences in recommendations around individual Bushfire Safer Places. That is, are some Bushfire Safer Places safer than other Bushfire Safer Places and, if so, should this alter the CFS' direction on its website?

3. OFFICER'S RESPONSE – John McArthur, Manager Sustainability Waste & Emergency Management

➤ **Strategic Management Plan/Functional Strategy/Council Policy Alignment**

Strategic Plan 2020-24 – A brighter future

Goal Community Wellbeing

Objective C4 An active, healthy, thriving and resilient community

Priority C4.5 Take an all hazards approach to emergency management so we can support the emergency services and the community before, during and after disaster events

Bushfire Safer Places need to be considered by the community when preparing for bushfire emergencies as part of their bushfire planning process.

➤ **Legal Implications**

Not applicable.

➤ **Risk Management Implications**

Engaging with the CFS regarding Safer Places will assist in mitigating the risk of:

Insufficient information leading to poor decision making.

| Inherent Risk | Residual Risk | Target Risk |
|---------------|---------------|-------------|
| Medium 1A | Low IE | Low IE |

A new risk mitigation action of engaging with the CFS will be created.

➤ **Financial and Resource Implications**

There are no financial implications relating to the Motion on Notice. Resource implications are subject to the final motion adopted by Council Members. Once information is obtained from the SACFS a report will need to be prepared for consideration by Council Members. Whilst further planning regarding resource implications is required it is envisaged that a minimum of 80 hours of staff time will be spent delivering the MON.

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

Not applicable.

➤ **Sustainability Implications**

Not applicable.

➤ **Engagement/Consultation conducted in the development of the report**

Consultation on the development of this report was as follows:

Council Committees: Not Applicable

Council Workshops: 14 December 2020 - Bushfire Safety and WH&S Obligations. The workshop provided information from the CFS on matters related to bushfire safety, bushfire safer places and from the Administration on obligations and responsibilities under the *Work Health & Safety Act 2012* in relation to officers, workers and others.

At the Council Workshop the senior members of the CFS present offered to return post bushfire season to discuss with Council Members and senior staff Bushfire Safer Places in general and, more specifically, Stirling as a Bushfire Safer Place.

Advisory Groups: Not Applicable

Administration: Acting Director Infrastructure and Operations

External Agencies: Not Applicable

Community: Not Applicable

4. ANALYSIS

Responses to each of the points raised in the Motion on Notice are provided below.

1 *The definition of a Bushfire Safer Place and its purpose on a Catastrophic or similar risk fire day.*

The following information is available on the SACFS website:

“A Bushfire Safer Place is a place of relative safety. It may be used as a first resort for people who have planned to leave high risk locations early on a bad fire day”.

The above text provides a high level definition and purpose of a Bushfire Safer Place. Engagement with the SACFS may provide more detail.

2 *The reason some towns and cities across South Australia have been designated Bushfire Safer Places, both generally and with specific reference to the sites selected in the Adelaide Hills: Stirling, Uraidla, Woodside, Lobethal, Balhannah and Oakbank.*

This information will need to be sourced from the SACFS.

3 *How Bushfire Safer Places should be used as “Places of First Resort” within the context of recommended Bushfire Plans, as per the CFS website, on a Catastrophic Risk fire day.*

The following information is available on the SACFS website:

“There are no guarantees for your safety if you choose to stay in a Bushfire Safer Place, or if you relocate to one. It is unlikely that you will be exposed to direct flame or radiant heat, but you may be exposed to sparks, embers and smoke. If you intend to relocate to a Bushfire Safer Place you should do so early in the day or the night before a high risk fire day. Last minute decisions to relocate in the face of fire are extremely dangerous.”

“If your Bushfire Survival Plan includes relocating to a Bushfire Safer Place you should:

- Identify where your nearest Bushfire Safer Place is, decide what your triggers will be to relocate and what you will take with you*
- Work out how you will get there or if there are any alternative routes*
- Consider the challenges you may face getting there, including smoke, additional traffic, fallen trees*

The above text provides a high level outline of the use and purpose of a Bushfire Safer Place. Engagement with the SACFS may provide more detail.

4 *If there are any differences in recommendations around individual Bushfire Safer Places. That is, are some Bushfire Safer Places safer than other Bushfire Safer Places, and if so, should this alter the CFS’ direction on its website?*

This information will need to be sourced from the SACFS.

It is recommended that the CEO write to the Chief Officer of the SACFS requesting their input and assistance to provide the information sought relating to Bushfire Safer Places.

5. APPENDIX

Nil

Appendix 2

*Correspondence from South Australian Country Fire
Service*

GPO Box 2468, Adelaide SA 5001
Level 7, 60 Waymouth Street, Adelaide SA 5000
P: (08) 8115 3300
F: (08) 8115 3301
E: CFSHeadquarters@sa.gov.au
DX 666

Our Ref: A1519669
Enquiries: ACO Brett Loughlin
Telephone: 08 8115 3360
Email: Brett.loughlin@sa.gov.au

Mr. Peter Bice
A/Chief Executive Officer
Adelaide Hills Council
PO Box 44
Woodside SA 5244

Dear Peter,

Thank you for your correspondence, dated 7th April 2021 regarding outcomes from the Ordinary Council Meeting held 23rd March 2021.

In response to the 4 questions asked in this correspondence the SA Country Fire Service (SACFS) provides the following information:

1. The definition of a Bushfire Safer Place and its purpose on a Catastrophic or similar risk fire day:

The introduction of Bushfire Safer Places and Bushfire Last Resort Refuges are an outcome from the 2009 Victorian Bushfires Royal Commission. The South Australian Bushfires Taskforce (formed to enact the outcomes of the Royal Commission in this State) led a project to establish a hierarchy of Safer Places and Last Resorts across SA.

A Bushfire Safer Place is considered to be a place of first resort for people who have decided that they will leave early on a day of increased fire risk. Larger rural townships, provided they meet established criteria, have been classified as being Bushfire Safer Places. However, properties on the outskirts of such townships may face a higher level of risk when compared with those nearer the centre of town. Bushfire Safer Places are shown on a map which clearly delineates their location.

A Bushfire Safer Place is relatively safe from bushfire because:

- it is located in an area of generally low levels of bushfire fuel;
- it is sufficiently distant from continuous bushland or forest to reduce the risk of spark and ember attack;
- bushfire travel will be interrupted by established gardens and lawns and road networks and other zero fuel areas; and,
- there is likely to be access to emergency, health and other community services.

Properties on the outskirts of such townships may face a higher level of risk when compared with those nearer the center of town. The relative safety of rural interface properties is dependent on property owners undertaking appropriate bushfire safety works to ensure they do not place themselves or the greater community at risk.

A Bushfire Safer Place is a place of relative safety and may be considered as a place for people to stay in or relocate to if their plan is to leave their home on a bad fire weather day. The SACFS recommends that if people intend to relocate to a Bushfire Safer Place they should do so early in the day. Last minute decisions to relocate in the face of fire are highly dangerous.

A Bushfire Safer Place remains a designated Safer Place regardless of the forecast, and the advice from the SA Country Fire Service (in line with established Australasian Fire and Emergency Services Authorities Council (AFAC) advice) is that people, who are not in a designated Safer Place should relocate to Safer Places on days of heightened fire risk (such as Total Fire Bans) or during actual fire events (if safe to relocate).

A Bushfire Safer Place will still be subjected to possible smoke and ember impact and may be an uncomfortable and unpleasant place to be during the impact stages of a fire event.

2. The reason some towns and cities across South Australia have been designated Bushfire Safer Places, both generally and with specific reference to the sites selected in the Adelaide Hills: Stirling, Uraidla, Woodside, Lobethal, Balhannah, and Oakbank:

Bushfire Safer Places were identified by a project team of SA Country Fire Service personnel, acting under the direction of the combined SA Government Bushfires Taskforce, to meet the requirements of the 2009 Victorian Bushfires Royal Commission.

The project team identified and reviewed areas for a Safer Place designation based on recommendations from a broad range of stakeholders, including Local Government. Project officers then undertook a combination of site and desktop inspections to make recommendations to the Bushfires Taskforce to either approve or reject sites as Bushfire Safer Places.

Records from the time detail correspondence between Adelaide Hills Council and the SA Country Fire Service regarding the selection and results of the inspections for various locations throughout the Adelaide Hills Council tenure.

3. How Bushfire Safer Places should be used as “Places of First Resort” within the context of Bushfire Plans, as per the CFS website, on a Catastrophic Risk fire day:

As outlined above, Bushfire Safer Places provide an area of relative safety compared to the broader landscape. The consistent advice from the SACFS (and AFAC) is that the safest option for people living in bushfire prone areas is to not be in those areas during high-risk days.

The ‘Catastrophic Fire Danger’ rating is formally described as:

- These are the worst conditions for a bush or grass fire.
- If a fire starts and takes hold, it will be extremely difficult to control. It will take significant firefighting resources and cooler conditions to bring it under control.
- Spot fires will start well ahead of the main fire and cause rapid spread of the fire. Embers will come from many directions.
- Homes are not designed or constructed to withstand fires in these conditions.
- The safest place to be is away from bushfire prone areas.

A Bushfire Safer Place provides an area for people to position themselves in order to avoid the worst impacts of a fire. A Bushfire Safer Place may not have any support from emergency services such as Police, Ambulance or Fire personnel, but will provide sufficient space for people to either occupy themselves during the risk day, or shelter during a fire event. There are no obligations for Local Government to open/operate Council facilities in these areas (aside from compliance with relevant Local Government Function Support Group Policies).

Despite the potential impact of smoke and embers into areas designated as Bushfire Safer Places, they will offer more safety and refuge than the average property outside of these designated areas. Seeking to congregate people into central, safer locations also makes management easier post fire impact.

4. If there are any differences in recommendations around individual Bushfire Safer Places. That is, are some Bushfire Safer Places safer than other Bushfire Safer Places and, if so, should this alter the CFS’ direction on its website:

All Bushfire Safer Places have been assessed against the same methodology, which means that technically they are all equal in terms of the relative safety they would afford people. However, in

practice, the safest place is always going to be the one furthest from a fire or fire risk area. In terms of absolutes, the safest place people could locate to is areas of coastal metropolitan Adelaide.

However, Bushfire Safer Places are about offering people areas of relative safety compared to the surrounding landscape – not areas of absolute safety.

Consistent feedback from the community and research partners is that people want to know about locations that are safer in the context of their local area, hence the Bushfire Safer Places and Bushfire Last Resort Refuge programme identified some 300 such locations throughout South Australia.

General Notes:

The SA Country Fire Service is currently seeking funding to undertake a comprehensive, multi-year review of all the existing Bushfire Safer Places and Bushfire Last Resort Refuges across the State. If successful, this project will commence in the 2021/2022 Financial Year and the SACFS will share the results of the audit and inspection process with a range of stakeholders, including Local Government.

Until the status of the budget bid is known, it is SACFS procedure to review Bushfire Safer Places and Bushfire Last Resort Refuges after major fires, and to assess new applications for sites submitted through the Bushfire Management Committee framework.

Reviews of the Lobethal, Woodside, Uraidla, and Lucindale Bushfire Safer Places have all recently occurred as part of this process.

I hope that this information is of assistance to the elected members of the Adelaide Hills Council. Should you require any further information please do not hesitate to contact me.

Kind Regards,

A handwritten signature in dark ink, appearing to read 'Andrew Stark', with a stylized flourish extending to the right.

Andrew Stark AFSM
Deputy Chief Officer
SA Country Fire Service

**ADELAIDE HILLS COUNCIL
ORDINARY COUNCIL MEETING
Tuesday 27 July 2021
AGENDA BUSINESS ITEM**

| | |
|-----------------------------|--|
| Item: | 13.2 |
| Responsible Officer: | Lachlan Miller Executive Manager Governance & Performance Office of the Chief Executive |
| Subject: | Local Government Legislative Reform – August 2021 Tranche Commencement |
| For: | Information |

SUMMARY

The Local Government Legislative Reform Process has been underway for approximately two years and Council has made a number of submissions during that time. The *Statutes Amendment (Local Government Review) Bill 2020* underwent many amendments during its passage through both Houses of State Parliament.

The resultant *Statutes Amendment (Local Government Review) Act 2021* (the “Amendment Act”) was assented to by the Governor on 17 June 2021. It is however uncommenced and the underlying regulations and codes are yet to be finalised.

Notwithstanding the above, the Office of Local Government (OLG) has published indicative commencement schedules for each of the 210 new or amended provisions.

There are a number of provisions that are scheduled to be proclaimed in an August 2021 (exact date unknown) tranche. These provisions are relatively straight forward and a summary of the more important elements are contained within this report.

The purpose of this report is to provide Council Members with an overview of the key legislative changes that will be proclaimed in August 2021. A number of these topics will also be the subject of professional development activities in August 2021.

To be clear, this report does not provide a summary of the Amendment Act provisions which will commence in later tranches.

RECOMMENDATION

Council resolves that the report be received and noted

1. GOVERNANCE

➤ Strategic Management Plan/Functional Strategy/Council Policy Alignment

Strategic Plan 2020-24 – A brighter future

Goal 5 A Progressive Organisation

Objective O4 We actively represent our community

Priority O4.3 Advocate to, and exert influence with, our stakeholders on behalf of our community to promote the needs and ambitions of the region

Objective O5 We are accountable, informed, and make decisions in the best interests of the whole community

Priority O5.1 Enhance governance structures and systems to prudently adapt to changing circumstances and meet our legislative obligations

A number of council policies will need to be reviewed, revised and /or revoked as elements of the Amendment Act are proclaimed and commencement.

➤ Legal Implications

The *Statutes Amendment (Local Government Review) Act 2021* (the Amendment Act) was assented to by the Governor on 17 June 2021. It is however uncommenced and the commencement dates and underlying regulations are yet to be finalised.

The Amendment Act results in approximately 150+ changes to the *Local Government Act 1999* (the “LG Act”) and the *Local Government (Elections) Act 1999* and another 50+ consequential changes to other legislation (such as *Crown Land Management Act 2009*; *Equal Opportunity Act 1984*; *Planning, Development & Infrastructure Act 2016*; *Public Finance and Audit Act 1987*; *SA Local Government Grants Commission Act 1992* and *Independent Commissioner Against Corruption Act 2012*).

➤ Risk Management Implications

Understanding and implementing the legislative changes arising from the Amendment Act 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) | Low (3E) | Low (3E) |

Many of Council’s governance-related controls have been developed to manage legislative compliance risks. Some of the existing controls will need to be reviewed and revised and there will also be new mitigations to be developed as Amendment Act provisions are commenced.

➤ **Financial and Resource Implications**

In general, the financial implications of the Amendment Act are not anticipated to be onerous although this assessment may change as subordinate legislation is developed. Any specific financial implications in excess of current budgets will be addressed for Council's consideration through the budget review process.

Notwithstanding that one of the stated intents of the Reform Program was to reduce bureaucracy, the Amendment Act provisions, in the majority of cases, will result in more administrative effort and these burdens will fall largely to the governance and finance functions of councils although other functions will also be impacted.

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

There are a number of provisions which should be well received to the community (i.e. council member integrity and behaviour, changes to election processes). Although many of the provisions will not be visible to the community.

➤ **Sustainability Implications**

Not applicable.

➤ **Engagement/Consultation conducted in the development of the report**

Consultation on the development of this report was as follows:

| | |
|----------------------------|--|
| <i>Council Committees:</i> | While there have been discussions at Audit Committee and CEOPRP Meetings on the incoming provisions, these have not occurred since the enactment of the Amendment Act. |
| <i>Council Workshops:</i> | Council had a workshop on 15 June 2021 to discuss the professional development requirements arising from the legislative reform. |
| <i>Advisory Groups:</i> | Not Applicable |
| <i>Administration:</i> | Nil |
| <i>External Agencies:</i> | Local Government Association Governance & Policy Officers Network |
| <i>Community:</i> | Not Applicable |

2. BACKGROUND

The Local Government Legislative Reform Process has been underway for approximately two years and Council has made a number of submissions during that time. The *Statutes Amendment (Local Government Review) Bill 2020* underwent many amendments during its passage through both Houses of State Parliament.

The resultant Amendment Act was assented to by the Governor on 17 June 2021. It is however uncommenced and the underlying regulations and codes are yet to be finalised.

The Office of Local Government (OLG), in conjunction with the LGA, has released a series of indicative commencement schedules for the various legislative changes.

3. ANALYSIS

For those legislative changes that do not require any subordinate legislation of other infrastructure (policies, codes, boards, committees, etc.), these are tentatively scheduled in an August 2021 tranche with a later tranche in November 2021 and the balance of provisions with commencement yet to be determined. While these indicative timeframes have been provided, the OLG advised that these are subject to change and the exact commencement date is not yet known.

The proposed August 2021 tranche has 47 changes to the LG Act and 14 changes to other pieces of legislation. Some of the changes are quite minor (a couple of words changed) through to more significant changes. The latter are summarised below:

- ***Functions (s7) and Principles (s8) of council*** – there are subtle but important changes in relation to the consideration of the financial contribution to be made by ratepayers and for councils to collaborate, partner and share resources.
- ***Leave of absence - council member contesting election (s55A)*** - this is a new section applying to any council member standing for election to SA Parliament who will be taken to be on a leave of absence from council from the date they nominate. During this absence they will not receive an allowance or be able to use any council facilities/support or carry out any function of office.
- ***Specific roles of principal member (s58)*** – the role of principal member has been expanded to include the following additional provisions:
 - to provide leadership and guidance to the council; and
 - to lead the promotion of positive and constructive working relationships among members of the council; and
 - to provide guidance to council members on the performance of their role, including on the exercise and performance of their official functions and duties; and
 - to support council members' understanding of the separation of responsibilities between elected representatives and employees of the council.
- ***Roles of members of councils (s59)*** - the role of council member has been expanded to include the following additional provisions:
 - to act with integrity; and
 - to ensure positive and constructive working relationships within the council; and
 - to recognise and support the role of the principal member under the Act; and
 - to develop skills relevant to the role of a member of the council and the functions of the council as a body; and
 - to participate in the oversight of the chief executive officer's performance under the council's contract with the chief executive officer; and
 - to serve the overall public interest.

- **Obtaining of legal advice (s78A)** – this section was originally created to enable regulations to be published regarding Members seeking legal advice. This section was never used and will be repealed. Nevertheless, Council has a *Mayor Seeking Legal Advice Policy* which will be reviewed in light of the legislative change in the coming months.
- **Quorum (s85)** – The calculation of the prescribed number for a quorum is currently achieved by dividing the number of council members in office by two and ignoring any fraction. Under the incoming provisions the number of members in office will exclude a member who is suspended from council and/or a member who has taken a leave of absence under s55 (contesting an election).
- **Meetings to be held in public except in special circumstance (s90)**
 - the grounds for excluding the public (going into confidence) will include ‘information relating to a proposed award recipient before the presentation of the award’. This provision will be well received.
 - the informal gatherings and discussions provisions will be repealed. As such Council’s *Informal Council and Council Committee Gatherings and Discussions Policy* will likely need to be significantly reviewed or revoked.
- **Information or briefing sessions (s90A)** – this is a new section that replaces the informal gatherings and discussions provisions. Notwithstanding commentary to the contrary by OLG and (surprisingly) the LGA, the practical effect of these new provisions will be considerably more onerous than the provisions they replace.

The main reason for this is that Council’s legal advice is that under the current provisions an informal gathering involved a majority of members whereas the new provisions only need to involve more than one member. Effectively a meeting of two members organised by council would require the public notification and openness provisions to be in place.

Further, the frequently used ‘planning of a strategic or general nature’ provision will no longer be grounds for a confidential meeting.

The interpretation of the new legislative provisions will be an area of focus leading up to its commencement.

- **Remuneration of chief executive officer (s99A)** – this is a new section which requires the Remuneration Tribunal to make determinations (from time to time) for the minimum and maximum payable to CEOs. As with the Council Member allowances, these ‘bands’ may differ based on any factors considered relevant by the Tribunal.

Councils must ensure that their CEO’s remuneration is within the applicable band however the remuneration of a CEO holding office on the commencement of s99A is not affected during that term of office by a determination.

The costs associated with the Tribunal’s work will be recovered from the councils.

- **Conduct of audit (s129)** – new subsections are being included to provide for, if the Auditor-General undertakes the financial statements and controls audits, the Council’s auditor is not required to undertake those audits. Further that the Auditor-General will recover reasonable costs from the council.

- ***Permits for business purposes (s222), Conditions of authorisation or permit (s224), Location rules – general (s225A) and Location rules – disputes (s225B)*** – The current requirement for permits to be granted to mobile food vending business, subject to regulations, has been repealed. Further where a permit is granted, the provisions around location rules have been repealed from the Act but may be created under regulation.

Implementation of the August 2021 Tranche

As identified above, the provisions identified for the August 2021 tranche are relatively straightforward and, as such, adapting systems and processes and undertaking training and development activities in relation to these provisions should not be onerous.

Future Provisions and Tranches

The majority of changes to the *Local Government (Elections) Act 1999* are scheduled to occur in the November 2021 tranche and will be the subject of a separate report to Council.

The more significant reforms in the Amendment Act (i.e. community engagement charters, limits of the numbers of council members, conflicts of interest, provision of the Long Term Financial Plan and Asset Management Plan to the designated authority (Essential Services Commission of SA) for comment, member behaviour, etc.) will require significant readiness arrangements to be put in place prior to commencement. As such, these provisions have not been allocated to a timeline tranche and are advised as ‘yet to be determined.’

4. OPTIONS

As this is an information report, the Council is limited to receiving and noting the report but may choose to provide commentary to the Administration for consideration or to consider a motion without notice in relation to the matter.

5. APPENDICES

Nil

**ADELAIDE HILLS COUNCIL
MINUTES OF SPECIAL COUNCIL ASSESSMENT PANEL MEETING
WEDNESDAY 14 JULY 2021
63 MOUNT BARKER ROAD, STIRLING**

[Please Note: These minutes are unconfirmed until 11 August 2021]

In Attendance

Presiding Member

Geoff Parsons

Members

Ross Bateup

David Brown

Paul Mickan

John Kemp

In Attendance

Deryn Atkinson

Vanessa Nixon

Melanie Scott

Ashleigh Gade

Amelia De Ruvo

Karen Savage

Assessment Manager
Team Leader Statutory Planning
Senior Statutory Planner
Statutory Planner
Statutory Planner
Minute Secretary

1. Commencement

The meeting commenced at 6.30pm

2. Opening Statement

“Council acknowledges that we meet on the traditional lands and waters of the Peramangk and Kaurna people. We pay our respects to Elders past, present and emerging as the Custodians of this ancient and beautiful land. Together we will care for this country for the generations to come”.

**ADELAIDE HILLS COUNCIL
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3. Apologies/Leave of Absence

3.1 Apologies
Nil

3.2 Leave of Absence
Nil

4. Previous Minutes

4.1 Meeting held 9 June 2021

The minutes were adopted by consensus of all members (33)

That the minutes of the meeting held on 9 June 2021 be confirmed as an accurate record of the proceedings of that meeting.

5. Presiding Member's Report
Nil

6. Declaration of Interest by Members of Panel
Nil

7. Matters Lying on the Table/Matters Deferred

7.1 Matters Lying on the Table
Nil

7.2 Matters Deferred

7.2.1 Development Application 20/1302/473 by Bridgewater Inn for alterations & additions to commercial premises (hotel) including a deck (maximum height 3.5m), associated earthworks & change to licensed area plan at 387 Mount Barker Road, Bridgewater

Deferred from meeting 14 April 2021

**ADELAIDE HILLS COUNCIL
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[Please Note: These minutes are unconfirmed until 11 August 2021]

"That a decision on the matter be deferred to seek the following further information and amended conditions in relation to:

- 1) *Noise from patrons and music/entertainment;*
- 2) *Landscaping;*
- 3) *Waste Management;*
- 4) *Proposed Licensed Area Plan/s;*
- 5) *Numbers of patrons and hours of operation in the areas proposed to be altered, both indoors and outdoors; and*
- 6) *Further consideration of the adequacy of the car parking for the capacity of the premises".*

Refer to Item 8.2 of these Minutes.

8. Development Assessment Applications – Development Act

- 8.1 Development Application 20/1307/473 by R Bowman & K Bissland for demolition of existing two storey detached dwelling & construction of new two storey detached dwelling, deck (maximum height 3.5m), retaining wall (maximum height 1.2m), 2 x 20,000L water tanks & associated earthworks at 19 Orley Avenue, Stirling**

8.1.1 Representations

| Name of Representor | Address of Representor | Nominated Speaker |
|----------------------------|-------------------------------|--------------------------|
| Chris Jamieson | 15 Orley Avenue, Stirling | Chris Jamieson |

The applicants' representatives, George Manos (Botten Levinson) and Max Pritchard (Architect), addressed the Panel.

8.1.2 Decision of Panel

The following was adopted by consensus of all members

(34)

The Council Assessment Panel considers that the proposal is not seriously at variance with the relevant provisions of the Adelaide Hills Council Development Plan, and GRANTS Development Plan Consent to Development Application 20/1307/473 by R Bowman & K Bissland for Demolition of existing two storey detached dwelling & construction of new two storey detached dwelling, deck (maximum height 3.5m), retaining wall (maximum height 1.2m), 2x 20,000L water tanks & associated earthworks at 19 Orley Avenue Stirling subject to the following conditions:

**ADELAIDE HILLS COUNCIL
MINUTES OF SPECIAL COUNCIL ASSESSMENT PANEL MEETING
WEDNESDAY 14 JULY 2021
63 MOUNT BARKER ROAD, STIRLING**

[Please Note: These minutes are unconfirmed until 11 August 2021]

(1) Development In Accordance With the Plans

The development herein approved shall be undertaken in accordance with the following plans, details and written submissions accompanying the application, unless varied by a separate condition:

- Site Levels and Drainage Layout Drawing 22186-C01 Issue C prepared by PT Design dated 21 May 2021 and received by Council 24 May 2021
- Site Plan Drawing 666-S-01e prepared by Max Pritchard Gunner Architects dated December 2020 and received by Council 13 May 2021
- Upper Floor Plan Drawing 666-S-02d prepared by Max Pritchard Gunner Architects dated December 2020 and received by Council 13 May 2021
- Lower Level Floor Plan Drawing 666-S-03d prepared by Max Pritchard Gunner Architects dated December 2020 and received by Council 13 May 2021
- Elevations Drawing 666-S-04d prepared by Max Pritchard Gunner Architects dated December 2020 and received by Council 13 May 2021

(2) Stormwater Overflow Directed to Street

All roof runoff generated by the development hereby approved shall be directed to a rainwater tank with overflow to the street in accordance with the Site Levels and Drainage Layout Plan prepared by PT Design Issue C dated 21 May 2021 and to the reasonable satisfaction of Council, within one month of the roof cladding being installed. All roof and hard paved water runoff shall be managed to prevent trespass onto adjoining properties.

(3) Residential Lighting

All external lighting shall be directed away from residential development and shielded if necessary to prevent light spill causing nuisance to the occupiers of those residential properties.

(4) External Finishes

The external finishes to the building herein approved shall be as follows:

WALLS: Weatherboard in white, Brick in white, or similar

ROOF: Colorbond in dark grey, or similar

(5) Soil Erosion Control

Prior to construction of the approved development straw bales (or other soil erosion control methods as approved by Council) shall be placed and secured below areas of excavation and fill to prevent soil moving off the site during periods of rainfall.

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(6) Residential Access Point – SD13

The new vehicle access point and crossover shall be constructed in accordance with Adelaide Hills Council standard engineering detail SD13 – residential vehicular crossing paves for sealed road and SD 19 – allowable crossover locations, within 3 months of occupation/use of the development.

(7) Former Access Point to be Decommissioned and Reinstated

The existing vehicle access point and crossover shall be decommissioned and the verge reinstated to the reasonable satisfaction of Council, within 3 months of occupation/use of the development.

(8) Access Requirements

Private roads and access tracks shall provide safe and convenient access and egress for bushfire fighting vehicles as follows:

- Access to the building site shall be of all-weather construction with a minimum formed road surface of 3 metres.
- The 'T'-shaped turning area, utilising the public road, shall be a minimum formed length of 11 metres with minimum internal radii of 9.5 metres on bends, including bends connecting private access to public roads.
- Vegetation overhanging the access road shall be pruned to achieve a minimum vehicular clearance of not less than 4 metres in width and a vertical height clearance of 4 metres.
- Entry and exit angles to the driveway shall be designed to accommodate safe travel for large fire-fighting vehicles with a long wheel base (length of 8.3 metres).
- The gradient of the access road shall not exceed 16 degrees (29%), in steep terrain the construction of the public road or driveway shall be a sealed surface.

(9) Firefighting Water Supply – Mains Water Supply Available

A supply of water independent of reticulated mains supply shall be available at all times for fire-fighting purposes:

- A minimum supply of 2,000 (two thousand) litres of water shall be available for fire-fighting purposes at all times; and
- The water supply shall be located such that it provides the required water; and
- The water supply shall be fitted with domestic fittings (standard household taps that enable an occupier to access a supply of water with domestic hoses or buckets for extinguishing minor fires); and
- The water supply outlet shall be located at least 400mm above ground level for a distance of 200mm either side of the outlet; and

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- A water storage facility connected to mains water shall have an automatic float switch to maintain full capacity; and
- Where the water storage facility is an above-ground water tank, the tank (including any support structure) shall be constructed of non-combustible material.

NOTES

(1) Development Plan Consent Expiry

This Development Plan Consent (DPC) is valid for a period of twenty-four (24) months commencing from the date of the decision.

Building Consent must be applied for prior to the expiry of the DPC and lodged through the PlanSA portal unless a private certifier was engaged prior to 19 March 2021.

Further details in relation to the Planning Reforms can be found https://www.saplanningportal.sa.gov.au/planning_reforms

(2) Erosion Control During Construction

Management of the property during construction shall be undertaken in such a manner as to prevent denudation, erosion or pollution of the environment.

(3) EPA Environmental Duty

The applicant is reminded of his/her general environmental duty, as required by Section 25 of the Environment Protection Act 1993, to take all reasonable and practical measures to ensure that the activities on the whole site, including during construction, do not pollute the environment in a way which causes, or may cause, environmental harm.

(4) Department of Environment and Water (DEW) – Native Vegetation Council

The applicant is advised that any proposal to clear, remove limbs or trim native vegetation on the land, unless the proposed clearance is subject to an exemption under the Regulations of the Native Vegetation Act 1991, requires the approval of the Native Vegetation Council. The clearance of native vegetation includes the flooding of land, or any other act or activity that causes the killing or destruction of native vegetation, the severing of branches or any other substantial damage to native vegetation. For further information visit:

www.environment.sa.gov.au/Conservation/Native_Vegetation/Managing_native_vegetation

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Any queries regarding the clearance of native vegetation should be directed to the Native Vegetation Council Secretariat on 8303 9777. This must be sought prior to Full Development Approval being granted by Council.

(5) Works on Boundary

The development herein approved involves work on the boundary. The onus of ensuring development is in the approved position on the correct allotment is the responsibility of the landowner/applicant. This may necessitate a survey being carried out by a licensed land surveyor prior to the work commencing.

8.2 Development Application 20/1302/473 by Bridgewater Inn for alterations & additions to commercial premises (hotel) including a deck (maximum height 3.5m), associated earthworks & change to licensed area plan at 387 Mount Barker Road, Bridgewater

8.2.1 Representations

Representations heard previously at meeting held 14 April 2021.

8.2.2 Decision of Panel

The following was adopted by consensus of all members (35)

The Council Assessment Panel considers that the proposal is not seriously at variance with the relevant provisions of the Adelaide Hills Council Development Plan, and GRANTS Development Plan Consent to Development Application 20/1302/473 by Bridgewater Inn for Alterations & additions to commercial premises (hotel) including a deck (maximum height 3.5m), associated earthworks & change to licensed area plan at 387 Mount Barker Road Bridgewater subject to the following conditions:

(1) Development In Accordance With the Plans

The development herein approved shall be undertaken in accordance with the following plans, details and written submissions accompanying the application, unless varied by a separate condition:

- Plans from Dickson Emmett - The Bridgewater Hotel Redevelopment Planning Application October 2020 Project No. DE20016

| | | |
|----------|------------|------------------------------------|
| SK000 P1 | 02/10/2020 | Location Plan |
| SK00 P6 | 26/03/2021 | Site Plan |
| SK01 P9 | 03/05/2021 | Proposed Floor Plan – Lower Level |
| SK02 P8 | 03/05/2021 | Proposed Floor Plan – Upper Level |
| SK05 P4 | 03/05/2021 | Existing / Demo Plan – Lower Level |
| SK06 P4 | 03/05/2021 | Existing / Demo Plan – Upper Level |
| SK10 P4 | 03/11/2020 | Elevations |

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| | | |
|----------|------------|------------|
| SK11 P4 | 03/11/2020 | Elevations |
| SK15 P1 | 14/10/2020 | Sections |
| SK20 P4 | 03/11/2020 | Sections |
| SK100 P4 | 03/11/2020 | Sections |
| SK101 P4 | 03/11/2020 | Sections |

02/10/2020 Summary of Licensed Areas

- Plans from Landskap Reference Number 21.019 dated 2 July 2021, Site Context Plan, Existing Site Images, Landscape Approach / Statement, Landscape Plan, Materials Elements, Planting
- CIRQA Proposed Development Bridgewater Inn, Bridgewater Waste Management Plan
- Ref:20343 | BNW 20/11/2020 Parking Assessment
- Ref:20343 | BNW 01/03/2021 Supplementary Parking Assessment 7 Pages – V126/06/2021
- Waste Management Plan V1 26 May 2021
- Tonkin Consulting Bridgewater Inn Redevelopment 23/10/2020 Flood Assessment
- SONUS Bridgewater Inn Environmental Noise Assessment March 2021, S3432.1C2 March 2021

(2) Overall Capacity

At any one time, the overall capacity of the licensed areas of the hotel shall be limited to a maximum of 646 persons as proposed by the applicant. This includes any associated outdoor areas.

(3) Noise Attenuation Measures

In accordance with the Sonus Report dated March 2021, the following measures shall be included in the construction of the approved alterations and additions for noise attenuation:

- i. All external glazing on windows and doors of the approved alterations and additions must be constructed from framed 10.38mm thick laminated glass and the windows and doors shall be installed in such a manner that they are sealed airtight when closed; and
- ii. Roof and ceiling construction of the approved alterations and additions shall comprise:
 - minimum 0.42mm BMT sheet steel roofing with *Anticon HD80* (or equivalent) under; and
 - 13mm thick fire rated plasterboard ceiling with 100mm thick insulation of minimum density 60kg/m³ (Rockwool or similar) above the ceiling.

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(4) Entertainment – Internal Amplified Music

- i. Amplified music shall be limited within the new function/dining room during the operating hours of the Hotel and only played through the Hotel sound system;
- ii. All external glazing (windows and doors) of the new function/dining room shall remain closed when amplified music is played; and
- iii. The noise from internal amplified music in the new function/dining room shall not exceed 57dB(A) between 10.00am and 10.00pm and 50 dB(A) from 10.00pm to 12.00am (midnight) within nearby dwellings.

(5) External Entertainment Noise Levels

The noise from external entertainment shall not exceed 57dB (A) between 10:00am and 10:00pm and 50dB (B) from 10:00pm and 2:00am within nearby dwellings.

(6) Flood Controls

The furniture on the lower terrace shall comprise non-fixed tables and chairs, which can be packed away in advance of forecasted high rainfall/flooding events.

(7) Prior to Building Consent Being Granted - Requirement for Stormwater Calculations

Prior to Building Consent being granted all hydrological and hydraulic stormwater calculations shall be provided together with the final drainage plan for Council approval and should consider the following:

1. Post development discharge from the 1% AEP event to be limited to pre-development discharge from the 20% AEP event,
2. Stormwater discharged to Cox Creek will meet EPA quality guidelines, and
3. Detailed designs and associated calculations demonstrating the above including the location and design of a gross pollution device and the proposed discharge point to Cox Creek.

(8) Prior to Building Consent Being Granted - Requirement for a full Civil Plan and a Soil Erosion and Drainage Management Plan (SEDMP)

Prior to Building Consent being granted the applicant shall prepare and submit to Council a Soil Erosion and Drainage Management Plan (SEDMP) for the site for Council's approval which considers site management for the proposed Civil Plan. The SEDMP shall comprise a site plan and design sketches that detail erosion control methods and installation of sediment collection devices that will prevent:

- a) soil moving off the site during periods of rainfall;

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- b) erosion and deposition of soil moving into the remaining native vegetation; and
- c) soil transfer onto roadways by vehicles and machinery.

The works contained in the approved SEDMP shall be implemented prior to construction commencing and maintained to the reasonable satisfaction of Council during the construction period.

(9) Storage of Waste

All waste including food, leaves, papers, cartons, boxes, scrap and other waste material of any kind shall be stored in closed containers having close-fitting lids. The containers shall be stored in a screened area so that they are not visible from Mount Barker Road or neighbouring properties and shall not encroach on car parking areas and, shall be in accordance with the Cirqa Waste Management Plan dated May 2021.

(10) Regular Removal of Waste from the Site

All waste shall be removed from the subject land at least once weekly. Collection of waste shall be carried out only between the hours of 8.00am and 5.00pm on any day.

(11) Landscaping

Landscaping shall be completed within 3 months of occupation of the additions herein approved, in accordance with the plans from Landskap Reference Number 21.019 dated 20 April 2021. Landscaping shall be maintained in good health and condition at all times. Any such vegetation shall be replaced if and when it dies or becomes seriously diseased in the next planting season.

NOTES

(1) Development Plan Consent Expiry

Development Plan Consent (DPC) is valid for a period of twenty four (24) months commencing from the date of the decision or, if an appeal has been commenced the date on which the appeal is determined.

Building Consent must be applied for prior to the expiry of the DPC and lodged through the PLANSA portal unless a private certifier was engaged prior to 19 March 2021. The time period may be further extended by Council agreement following written request and payment of the relevant fee.

(2) Erosion Control During Construction

Management of the property during construction shall be undertaken in such a manner as to prevent denudation, erosion or pollution of the environment.

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(3) EPA Environmental Duty

The applicant is reminded of his/her general environmental duty, as required by Section 25 of the Environment Protection Act 1993, to take all reasonable and practical measures to ensure that the activities on the whole site, including during construction, do not pollute the environment in a way which causes, or may cause, environmental harm.

(4) Department of Environment and Water (DEW) - Native Vegetation Council

The applicant is advised that any proposal to clear, remove limbs or trim native vegetation on the land, unless the proposed clearance is subject to an exemption under the Regulations of the Native Vegetation Act 1991, requires the approval of the Native Vegetation Council. The clearance of native vegetation includes the flooding of land, or any other act or activity that causes the killing or destruction of native vegetation, the severing of branches or any other substantial damage to native vegetation. For further information visit:

[www.environment.sa.gov.au/Conservation/Native_Vegetation/
Managing_native_vegetation](http://www.environment.sa.gov.au/Conservation/Native_Vegetation/Managing_native_vegetation)

Any queries regarding the clearance of native vegetation should be directed to the Native Vegetation Council Secretariat on 8303 9777. This must be sought prior to Full Development Approval being granted by Council.

(5) Works on Boundary

The development herein approved involves work on the boundary. The onus of ensuring development is in the approved position on the correct allotment is the responsibility of the land owner/applicant. This may necessitate a survey being carried out by a licensed land surveyor prior to the work commencing.

(6) Existing Encroachment Identified

The hotel encroaches over the front boundary by approximately 2 metres onto the road reserve adjacent Mount Barker Road. This development authorisation in no way implies approval from Council for this encroachment. Council's Property & Building Management Team will approach the applicant to rectify the encroachment outside of this development authorisation and either require a road closure, road rent permit or removal of the structure in question to rectify this situation.

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- 8.3 Development Application 21/304/473 (21/D010/473) by Judith Bradsen for land division – boundary realignment (2 into 2) (non-complying) at 117 Sheoak Road, Crafers West

- 8.3.1 Representations
Nil

- 8.3.2 Decision of Panel

The following was adopted by consensus of all members (36)

The Council Assessment Panel considers that the proposal is not seriously at variance with the relevant provisions of the Adelaide Hills Council Development Plan, and GRANTS Development Plan Consent and Land Division Consent to Development Application 21/304/473 (21/D010/473) by Judith Bradsen for Land division - boundary realignment (2 into 2) (Non-Complying) at 117 Sheoak Road and Pieces 2 & 3 in File Plan 151757 Sheoak Road, Crafers West SA 5152 subject to the following conditions:

Planning Conditions

- (1) Development in Accordance with the Plans

The development herein approved shall be undertaken in accordance with the following plans, details and written submissions accompanying the application, unless varied by a separate condition:

- Plan of Division prepared by Steed Surveyors, REFERENCE: 12222 P1.2 dated 30/04/21.

Planning Notes

- (1) Development Approval

This development approval is valid for a period of three (3) years from the date of the decision notification. This time period may be further extended beyond the 3 year period by written request to, and approval by, Council prior to the approval lapsing. Application for an extension is subject to payment of the relevant fee. Please note that in all circumstances a fresh development application will be required if the above conditions cannot be met within the respective time frames.

Council Land Division Statement of Requirements

Nil

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Council Land Division Notes

Nil

SCAP Land Division Statement of Requirements

(1) Requirement For Certified Survey Plan

A final plan complying with the requirements for plans as set out in the Manual of Survey Practice Volume 1 (Plan Presentation and Guidelines) issued by the Registrar General to be lodged with the State Commission Assessment Panel for Land Division Certificate purposes.

(2) The financial requirements of the SA Water Corporation shall be met for the provision of water supply. (S A Water H0111865)

On approval of the application, it is the developers/owners responsibility to ensure all internal pipework (water and wastewater) that crosses the allotment boundaries has been severed or redirected at the developers/owners cost to ensure that the pipework relating to each allotment is contained within its boundaries.

WATER PROTECTION - Due to the sensitivity of development within the Watershed areas SA Water is unable to assess this application until the Planning Decision Notification (PDN) has been issued regarding this development. Please advise as soon as the PDN has been issued and the Corporations requirements can then be confirmed.

SCAP Land Division Notes

(1) The SA Country Fire Service has no objection to the proposed land division (boundary alignment) at Lot 72 Sheoak Rd, Crafers West.

The SA Country Fire Service seeks to comment on any subsequent residential development applications on the land division.

Access

Public access created by a land division to and from the proposed allotments shall be in accordance with the Minister's Code Part 2.2.2.

SA CFS notes no public roads are being created as a result of this land division.

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(2) Planning Reform

SA CFS notes that applications for residential developments on residential allotments, made after the 19 March 2021, will be assessed against the requirements of 'The Planning and Design Code', Hazards (Bushfire – High Risk) Overlay, as published under the Planning, Development and Infrastructure Act 2016.

(3) Access to Habitable Buildings

'The Planning and Design Code', Hazards (Bushfire – High Risk) Overlay (Performance Objective 6.2) details the mandatory requirements for 'Private' roads and driveways to facilitate safe and effective firefighting and evacuation. These requirements apply when the path of travel to the furthest point of the building is more than 60m from the nearest public road.

Access shall be in accordance with PO 6.2 and the provisions outlined under DTS/DPF 6.2.

(4) Water Supply

A supply of water to the land division shall be available at all times for fire-fighting purposes. Ministerial Building Standard MBS 008 "Designated bushfire prone areas - additional requirements" July 2020, as published under the Planning, Development and Infrastructure Act 2016, provides the technical details of the dedicated water supply for bushfire fighting for the bushfire zone.

(5) Building Considerations

Individual allotments undertaking applications for development consent will require a site bushfire attack assessment in accordance with the National Construction of Australia [NCC] and Australian Standard™3959 (AS3959) "Construction of Buildings in Bushfire Prone Areas".

Please refer to the NCC, relevant standards and state provisions for construction requirements and performance provisions.

9. **Development Assessment Applications – Planning, Development and Infrastructure Act**
Nil
10. **Development Assessment Applications – Review of Decisions of Assessment Manager**
Nil

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11. **ERD Court Appeals**
Nil

12. **Delegations Review of Powers & Functions of Council Assessment Panel (CAP) as a Relevant Authority under the Planning, Development and Infrastructure Act 2016 & Regulations – Instrument C**

Moved Paul Mickan
S/- Ross Bateup

Carried Unanimously
(37)

1. That, having considered a review of the Council Assessment Panel Delegations as presented, the Council Assessment Panel hereby revokes its previous delegations to the Assessment Manager and Council (Elected Body) for powers and functions under Instrument C of the Planning, Development and Infrastructure Act 2016 and General Regulations 2017.
2. In exercise of the power contained in Section 100 of the Planning, Development and Infrastructure Act 2016, the powers and functions under the Planning, Development and Infrastructure Act 2016 and statutory instruments made thereunder contained in the proposed Instrument of Delegation (Instrument C) (Attachment 1 of the Report dated 14 July 2021) are hereby delegated this 14th day of July 2021 to the Assessment Manager and the Administration subject to the conditions and/or limitations, if any, specified herein or in the Schedule of Conditions in the proposed Instrument of Delegation.
3. Such powers and functions of Instrument C may be further delegated by the Assessment Manager in accordance with Section 100(2) (c) of the Planning, Development and Infrastructure Act 2016 as the Assessment Manager sees fit, unless otherwise indicated herein, or in the Schedule of Conditions in the proposed Instrument of Delegation.
4. That the Assessment Manager be authorised to make any formatting, nomenclature or other minor changes to Instrument C during the period of currency.

13. **Policy Issues for Advice to Council**

The Panel were advised that a report on the new Planning System for the 2020/21 Financial Year will be provided in the near future.

14. Other Business

The Panel acknowledged and thanked Amelia for her time at Adelaide Hills Council, and wished her all the best.

16. Confidential Item
Nil

17. Next Meeting
The next ordinary Council Assessment Panel meeting will be held on Wednesday 11 August 2021.

18. Close meeting
The meeting closed at 7.52pm.

**ADELAIDE HILLS COUNCIL
CEO PERFORMANCE REVIEW PANEL COMMITTEE
MINUTES OF MEETING
THURSDAY 8 JULY 2021
63 MT BARKER ROAD STIRLING**

In Attendance

Presiding Member: Cr Mark Osterstock

Members:

| | |
|-------------------------|-----------------------|
| Ms Janet Miller | Independent Member |
| Mayor Jan-Claire Wisdom | |
| Cr Nathan Daniell | |
| Cr Chris Grant | Electronic attendance |

In Attendance:

| | |
|------------------|---|
| Andrew Aitken | Chief Executive Officer |
| Megan Sutherland | Executive Manager Organisational Development |
| Steven Watson | Acting Executive Manager Governance & Performance Minute Taker |

1. COMMENCEMENT

The meeting commenced at 6.01pm

1.1. Acknowledgement of Country

Council acknowledges that we meet on the traditional lands and waters of the Peramangk and Kaurna people. We pay our respects to Elders past, present and emerging as the Custodians of this ancient and beautiful land. Together we will care for this country for the generations to come.

With the leave of the meeting, Item 7.1 was brought forward on the agenda.

7.1 2020 – 2021 CEO Performance Targets Final Update

**Moved Cr Nathan Daniell
S/- Mayor Jan-Claire Wisdom**

PRP8/21

The CEO Performance Review Panel resolves:

- 1. That the report be received and noted**

Presiding Member _____

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- 2. To recommend to Council that the CEO has achieved the following status in relation to the CEO Performance Targets 2020-2021:**

Target 1 – Completed
Target 2 – Completed
Target 3 – Completed
Target 4 – Completed
Target 5 – Completed
Target 6 – Completed
Target 7 – Completed
Target 8 – Completed

| |
|----------------|
| Carried |
|----------------|

2. APOLOGIES/LEAVE OF ABSENCE

2.1 Apology

NIL

2.2 Leave of Absence

NIL

2.3 Absent

NIL

3. MINUTES OF PREVIOUS MEETINGS

3.1 CEO Performance Review Panel Meeting – 3 June 2021

**Moved Mayor Jan-Claire Wisdom
S/- Janet Miller**

PRP7/21

That the minutes of the CEO Performance Review Panel meeting held on 3 June 2021 as distributed, be confirmed as an accurate record of the proceedings of that meeting

| |
|------------------|
| Carried.. |
|------------------|

4. PRESIDING MEMBER'S OPENING COMMENTS

NIL

Presiding Member _____

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5. DELEGATION OF AUTHORITY

The CEO Performance Review Panel operates in accordance with the relevant sections of the *Local Government Act 1999*, and its Terms of Reference.

6. DECLARATION OF CONFLICT OF INTEREST BY MEMBERS OF THE COMMITTEE

NIL

7. OFFICER REPORTS – DECISION ITEMS

7.1 2020 – 2021 CEO Performance Targets Final Update

This item was considered earlier in the meeting.

8. MOTIONS WITHOUT NOTICE

NIL

9. QUESTIONS WITHOUT NOTICE

Janet Miller - What CEO Performance target is included for Fabrik?

Cr Nathan Daniell – When is the performance review occurring and what is the timeline?

10. CONFIDENTIAL ITEMS

NIL

11. NEXT MEETING

The next ordinary meeting of the CEO Performance Review Panel will be held on Thursday 12 August 2021, 6.00pm, at 63 Mt Barker Road Stirling.

12. CLOSE MEETING

The meeting closed at 6.13pm

Presiding Member _____

**ADELAIDE HILLS COUNCIL
ORDINARY COUNCIL MEETING
Tuesday 27 July 2021
CONFIDENTIAL AGENDA BUSINESS ITEM**

Item: 19.1

Responsible Officer: Natalie Westover
Manager Property Services
Corporate Services

Subject: 46 Mount Barker Road Stirling (former Stirling Police Station)

For: Decision

1. 46 Mount Barker Road Stirling (former Stirling Police Station) – 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:

- Chief Executive Officer, Andrew Aitken
- Director Infrastructure & Operations, Peter Bice
- Director Development & Regulatory Services, Melissa Bright
- Director Corporate Services, Terry Crackett
- Director Community Capacity, David Waters
- Executive Manager Governance & Performance, Lachlan Miller
- Manager Property Services, Natalie Westover
- Minute Secretary, Pam Williams

be excluded from attendance at the meeting for Agenda Item 19.1: [46 Mount Barker Road Stirling (former Stirling Police Station)] 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) and (j) of the *Local Government Act 1999*, the information to be received, discussed or considered in relation to this Agenda Item is: commercial information of a confidential nature (not being a trade secret) the disclosure of which could reasonably be expected to prejudice the commercial position of the person who supplied the information, or to confer a commercial advantage on a third party; and would, on balance, be contrary to the public interest; and/or information the disclosure of which would divulge information provided on a confidential basis by or to a Minister of the Crown, or another public authority or official (not being an employee of the council, or a person engaged by the council); and would, on balance, be contrary to the public interest.

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

3. 46 Mount Barker Road Stirling (former Stirling Police Station) – 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) and (j) 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 minutes, report, related attachments and the discussion and considerations of the subject matter be retained in confidence until the Land has been sold, but not longer than 12 months

Pursuant to section 91(9)(c) of the *Local Government Act 1999*, Council delegates the power to revoke the confidentiality order either partially or in full to the Chief Executive Officer.
