



ORDINARY COUNCIL MEETING



NOTICE OF MEETING

To: Mayor Jan-Claire Wisdom

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

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

Tuesday 14 December 2021

6.30pm

63 Mt Barker Road Stirling

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

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

Andrew Aitken
Chief Executive Officer

ORDINARY COUNCIL MEETING

AGENDA FOR MEETING
Tuesday 14 December 2021
6.30pm
63 Mt Barker Road Stirling



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
- 3.3. Absent

4. MINUTES OF PREVIOUS MEETINGS

Council Meeting – 23 November 2021

That the minutes of the ordinary meeting held on 23 November 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

7.1.1. Woodside Recreation Ground Water Reuse Proposal Environmental and Economic Analysis (from 203/21 28 September 2021 meeting)

7.1.2 Woodside Recreation Ground Water Reuse further information
That the report be received and noted.

7.2. Questions Lying on the Table
Nil

8. PETITIONS / DEPUTATIONS / PUBLIC FORUM

8.1. Petitions
Nil

8.2. Deputations
Nil

8.3. Public Forum

9. PRESENTATIONS (by exception)

Nil

10. QUESTIONS ON NOTICE

10.1. Rural Doctors – Cr Malcolm Herrmann

1. *What was the outcome of Council's representations to the Premier regarding Rural doctors?*
2. *Have any of the persons who received a copy of the letter responded?*

11. MOTIONS ON NOTICE

Nil

12. ADMINISTRATION REPORTS – DECISION ITEMS

12.1. S270 Internal Review of Council Decision

1. *That the report be received and noted*
2. *To accept the findings and recommendation of the external advisor on decision (105/21) and affirm the decision on the Multi Year Rally Proposal was reasonable and should stand.*
3. *The CEO or their delegate advises the applicant of Council's decision.*

- 12.2. Trails & Cycling Routes Framework – Draft Service Levels and Guidelines for Consultation
1. *That the report be received and noted*
 2. *That the draft Trails and Cycle Routes Service Levels in Appendix 1 and Guidelines in Appendix 2 be endorsed for consultation*
 3. *That the results of consultation and the final draft Framework be presented to Council for their consideration by June 2022.*
 4. *That the CEO be authorised to:*
 - a. *Make any formatting, nomenclature or other minor changes to the Policy prior to being released for public consultation and*
 - b. *Determine the consultation timings, media and processes while ensuring consistency and compliance with the provisions of applicable legislation and Council’s Public Consultation Policy.*
- 12.3. Assisting Vulnerable Residents Extreme and Catastrophic Fire Danger Days
1. *That the report be received and noted.*
 2. *That Council continues to collaborate with relevant agencies and stakeholders to explore, advocate for and implement opportunities to educate and support the community, including vulnerable persons, with their bushfire preparedness.*
 3. *That Council does not provide community transportation or shelter services on extreme or catastrophic fire danger days.*
- 12.4. Nomination to Dog & Cat Management Board
1. *That the report be received and noted.*
 2. *To determine that the method of selecting the nominee to the LGA for the Dog & Cat Management Board be by an indicative vote to determine the preferred person utilising the process set out in this Agenda report.*
 3. *To adjourn the Council meeting for the purposes of seeking nominations for and, if necessary, conducting an indicative vote to determine the preferred person for the nomination and for the meeting to resume once the results of the indicative vote have been declared.*
 4. *To endorse the nomination(s) of _____ for the Dog & Cat Management Board and authorise the Chief Executive Officer to lodge the completed nomination form(s) to the Local Government Association by COB 21 December 2021.*
- 12.5. Amy Gillett Bikeway
Late Report to follow
- 12.6. Status Report – Council Resolutions Update
Refer to Agenda

13. ADMINISTRATION REPORTS – INFORMATION ITEMS

- 13.1. Mylor Oval Projects – Consultation Update

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
Nil
17.2. Audit Committee
Nil
17.3. CEO Performance Review Panel
Nil
17.3.1. CEO Performance Review Panel Presiding Members Report 2021

18. CONFIDENTIAL ITEMS

- 18.1. Audit Committee Independent Member Appointment
18.2. Citizen of the Year Awards 2022
18.3. East Waste Independent Chair Appointment

19. NEXT MEETING

Tuesday 25 January 2022, 6.30pm, 63 Mt Barker Road, Stirling

20. CLOSE MEETING





Council Meeting/Workshop Venues 2021/2022

DATE	TYPE	LOCATION	MINUTE TAKER
JANUARY 2022			
Wed 12 January	CAP	TBA	Karen Savage
Tues 25 January	Council	Stirling	Pam Williams
FEBRUARY 2022			
Tues 8 February	Workshop	Woodside	N/A
Wed 9 February	CAP	TBA	Karen Savage
Mon 14 February	Audit Committee	Stirling	TBA
Tues 15 February	Professional Development	Stirling	N/A
Thur 17 February	CEO PRP	Stirling	TBA
Tues 22 February	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.

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
ORDINARY COUNCIL MEETING
Tuesday 14 December 2021
AGENDA BUSINESS ITEM**

Item: 7.1.1

Responsible Officer: Sharon Leith
Sustainability Coordinator
Infrastructure and Operations Directorate

Subject: Questions Adjourned
Woodside Recreation Ground Water Reuse Proposal
Environmental and Economic Analysis

For: Decision

Questions Adjourned - from 28 September 2021 meeting, resolution 203/21.

**ADELAIDE HILLS COUNCIL
ORDINARY COUNCIL MEETING
Tuesday 28 September 2021
AGENDA BUSINESS ITEM**

Item: 12.1

Responsible Officer: Sharon Leith
Sustainability Coordinator
Directorate Infrastructure & Operations

Subject: Woodside Recreation Ground reuse proposal environmental and economic analysis

For: Decision

SUMMARY

The purpose of this report is to provide information on the economic and environmental cost benefit analysis completed in response to a Council resolution (refer background section) for the Woodside Recreation Ground reuse project and endorsement to proceed along with additional funding from the Local Government Infrastructure Partnership Program (LGIPP). This project was listed within the 2021-2022 *Long Term Financial Plan* (LTFP) with associated funding of \$400,000.

The economic and environmental cost benefit analysis identified that this project has significant upfront capital costs ranging from \$637,000 to \$715,000 but would ensure water security for the WRG with regard to climate change impacts on groundwater. The LGIPP grant funding would provide an additional \$327,000 enabling a total of 727,000 providing enough funds to implement the project. The economic cost benefit analysis is provided in **Appendix 1**.

Council now has the opportunity to consider the economic and environmental cost benefit analysis, and to decide on whether or not to endorse the WRG reuse project and commit to the LGIPP funding and therefore proceed to completing and signing the Grant Deed.

RECOMMENDATION

Council resolves:

1. That the report be received and noted.
2. To authorise the Chief Executive Officer or delegate to negotiate and be satisfied with the SA Water Recycled Water Agreement Terms and Conditions prior to proceeding with the project.
3. Subject to a satisfactory outcome in 2 above commit \$400,000 to the Woodside Recreation Ground Reuse project and inform the Local Government Infrastructure Partnerships Program to proceed with a further Grant Deed for grant funds of \$327,000.

4. To authorise the Chief Executive Officer and Mayor to execute all documentation, including under seal as necessary, to give effect to this resolution.
 5. To authorise the Chief Executive Officer or delegate to undertake any document changes required to execute the draft Grant Deed and associated documentation.
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1. GOVERNANCE

➤ Strategic Management Plan/Functional Strategy/Council Policy Alignment

Strategic Plan 2020-24 – A brighter future

Goal 1	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 4	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 and to maximise the use of alternative water supplies (water reuse). The *2020-2021 Long Term Financial Plan* and *2020-21 Annual Business Plan* identify a budget allocation for the three projects as identified within the initial Local Government Infrastructure Partnership Program (LGIPP) grant funding. These are water reuse at the Woodside Recreation Ground, irrigation system renewal and upgrades, and investigation and implementation of a central irrigation system. These water management projects are aligned with these strategic directions and ensure the sustainable use of water.

➤ Legal Implications

There are no legal implications for the WRG reuse project. However on both parties agreeing and signing another LGIPP 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 economic and environmental cost benefit analysis and the Woodside Recreation Ground reuse project will assist in mitigating the risk of:

Not pursuing relevant funding opportunities as they arise limiting Council's ability to reduce reliance on ground water, increasing water security and improving water efficiencies for open space irrigation.

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

The LGIPP grant funding provides additional capital resources to enable the implementation of the main infrastructure requirements of the WRG reuse project.

➤ Financial and Resource Implications

Funds identified in the 2020-2021 *Annual Business Plan* (ABP) and Budget were used as the basis for preparing the initial LGIPP application. The LGIPP application required evidence of at least a 50% contribution from Council to be considered for any funding. The following table identifies the three projects and allocated funding.

Project ID	Strategic initiatives (Operating and Capital)	Area	Objective and/or Priority	Type	Budget 2020-21 (\$'000)	Long term financial plan (\$'000)	
						2021-22	2022-23
B3001	Water reuse for Woodside Recreation Ground irrigation (Investigation Year 1)	Infrastructure & Operations	B3.1	Capital	20	200	200
B3002	Implementing water efficiencies through irrigation renewals /upgrades. (Year 1 – Birdwood play space)	Infrastructure & Operations	B3	Capital	40	100	100
B3003	Investigate and implement central irrigation control system (region wide)	Infrastructure & Operations	B3	Capital	-	75	75

From that year's (2020-21) *Annual Business Plan* and budget the three projects considered for the LGIPP grant were the water reuse at the Woodside Recreation Ground, Irrigation system renewal and upgrades and the investigation and implementation of a central irrigation system. The financials for these identified projects were subsequently retimed as part of the adopted 2021-22 LTFP with \$750,000 of council contribution allocated to these combined projects over three financial years.

The successful grant funding was for \$727,000. This provided a total of \$1,477,000 with the LTFP allocation and the grant funding. The projects needed to be 'shovel ready', identified within Council's LTFP and also total over \$1 million (combined Council contribution and possible grant funding). The grant funding needs to be acquitted by June 2023.

A LGIPP Grant Deed has now been prepared for the irrigation renewals and the central irrigation system with the associated grant funding of \$350,000 as per a Council resolution from 27 July 2021.

12.4 Revised LGIPP Grant Deed for Water Management Projects

Moved Cr Leith Mudge
S/- Cr Linda Green

156/21

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.

Carried Unanimously

The preparation of the economic and environmental cost benefit analysis provided further information with regard to the available options, water usage, upfront costs, associated ongoing costs and an average comparative cost per kilolitre. The economic cost benefit analysis and change in annual operating cost is provided in **Appendix 1**.

The contribution by Council of \$400,000 as identified within the LTFP and the additional \$327,000 of available LGIPP grant funding will provide enough funding to cover the upfront capital costs of the reuse options.

Base case

As shown in the economic cost benefit analysis in **Appendix 1**, the current annual operating base cost is \$7,700 represented by operational expenditure of \$5,700, maintenance of \$1,000 and depreciation of \$1,000.

Preferred Option – Recycled water for the Hawks ad Woodside Warriors Soccer pitches

Based on the preferred option, the project will result in an increase of \$36,450 in the annual operating costs to \$44,250 including a financial opportunity cost of \$16,000.

LTFP Impact

Council's recently adopted LTFP has already incorporated the annual costs of operating, maintaining and depreciating the relevant assets based on Council's contribution of \$400,000 from this project. As such, the additional expenditure of \$327,000 relating to this grant will result in an increase in estimated additional annual costs of approximately \$12,000. This will be an annual on-going cost that is not included in the current LTFP and 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 2021-22 Annual Business Plan* from that forecast at the time of LTFP adoption.

➤ Customer Service and Community/Cultural Implications

There will be increased water security at the Woodside Recreation Ground especially if there is any potential bore failure or groundwater access issues into the future. The provision of recycled water will provide consistent and predictable availability of irrigation water for the ovals and pitches.

➤ **Sustainability Implications**

The WRG reuse project will reduce the reliance on ground water, a climate dependant water source, thereby improving the sustainable use and management of water.

➤ **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: Council Workshop Tuesday 14 September 2021

Advisory Groups: Sustainability Advisory Group 9 September 2021

Administration: Director Infrastructure & Operations
Acting Director Planning and Regulatory Services
Director Corporate Services
Manager Sustainability, Waste and Emergency Management
Manager Strategic Assets
Manager Financial Services

External Agencies: SA Water

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 as well as meeting environmental and regulatory requirements associated with water resources. Council undertook a Water Harvesting and Reuse Feasibility study in 2017 identifying that using recycled water from the SA Water Bird in Hand facility was the best option to increase water security at the WRG. Further investigations into the water supply and usage were also prepared.

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. The projects needed to be 'shovel ready', identified within Council's LTFP and also total over \$1million (combined Council contribution and possible grant funding). Following an Executive Leadership Team meeting it was decided to submit an application to supplement three water management projects as identified within the LTFP and ABP. The projects were the WRG reuse, central irrigation system and the upgrade of irrigation systems.

Council was successful in its LGIPP grant application with funding for \$727,000 and this along with the LTFP allocation of \$750,000 provided a total of \$1,477,000 available for the water management projects.

At a Council meeting on 22 June 2021 the draft LGIPP Grant Deed was provided and it was resolved that further information was required for the WRG reuse project.

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

If there is a decision to not proceed with the WRG reuse project there will be no alternate projects considered for the LGIPP grant funding. This is based on recent advice received from the Department of Treasury and Finance. However the two other projects the central irrigation system and the upgrade of irrigations systems would proceed with LGIPP grant funding of \$350,000.

The Woodside Recreation Ground Reuse project involved utilising the reuse water available from the nearby SA Water Bird in Hand wastewater treatment plant. Currently all the ovals and pitches are watered with groundwater from a bore located on Hutchens Road. During peak summer demand the bore is run 20 hours a day 7 days a week to enable adequate irrigation of the oval and pitches. The project involves the implementation of a pipeline from Pfeiffer Road for approximately 2 kilometres to the WRG, along with the installation of tanks, pumps and internal pipework.

3. ANALYSIS

The economic and environmental cost benefit analysis has now been prepared for the WRG reuse project and the associated water costs are provided in **Appendix 1**. The costs provide information on the available options, water usage, upfront costs, associated ongoing costs and an average comparative cost per kilolitre. As the bore water being used at the WRG does not cost Council anything up to the water allocation of 20,353 kilolitres the cost benefit analysis will always determine retaining the bore water for irrigation as the preferred option. If environmental values are considered then the bore water is recognised as a finite resource that will reduce during drought times and with a changing climate.

Surface water and ground water resources in the Western Mount Lofty Ranges are highly dependent on rainfall. With a changing climate and reduced rainfall this will have an impact on the groundwater availability. If there is below average summer rainfall this does increase the need for irrigation and therefore result in higher water use, putting further pressure on the groundwater leading to a potential decline in groundwater levels and water availability. According to Department for Environment and Water (DEW) in their 2020 assessment *“following the 2018–19 irrigation season, the majority (59%) of fractured rock aquifer monitoring wells with long-term data recorded levels below average to lowest on record. These wells are spread across the aquifer with clusters near Lobethal, Woodside and Mount Bold Reservoir.”*

The aim is to utilise recycled water to increase water security at the WRG. Utilising recycled water ensures a climate independent water source which is relatively consistent, has predictable availability and quality. However, there is no easy way to include environmental values within an economic and cost benefit analysis. In this case, the only way to do this is to assume that the bore water is unavailable or unviable and to provide a cost for the alternatives of potable mains water and reuse water. The last option in **Appendix 1** provides a potable water cost associated with water use of \$54,180 per annum.

Bore water availability or viability in the long term could be impacted by unknowns including:

- Ground water contamination or increased salinity
- Charging for any bore water used
- Ground water availability due to decreased water level
- Reduced extraction limits and associated water allocation
- Bore pump and casing failure

The three recycled water options have an upfront capital cost ranging from \$637,000 to \$715,000 with varying additional costs for water dependant on the quantities of recycled and potable water being used. The preferred option is that recycled water is used for the Adelaide Hills Soccer (Hawks) grounds and the Woodside Warriors soccer pitches for an average cost per kilolitre of \$2.16-\$3.03. This option also has the potential to be extended into the Warriors Oval taking into consideration the distance criteria of 50m from the creekline.

The upfront and additional costs do not include any upgrade or significant changes to the current irrigation systems for the pitches and ovals. Whilst the current irrigation systems would benefit from an upgrade to improve efficiency the systems on the soccer pitches (Adelaide Hills Soccer-Hawks and Woodside Warriors soccer) can be used for the recycled water irrigation. Therefore there is no upgrade required and no additional cost requirements. Minimal changes will be needed to the boundary sprinklers to ensure that public health obligations and restrictions are met. This is principally around the spray of the water concentrated on the pitch not the surrounding area where people congregate and view the pitches. The costs associated with these minor changes would be incorporated into the grant funding and budget allocation. Irrigation of the Warriors Oval is not part of the scope of the WRG reuse project and therefore there are no changes to this system resulting from the project. However, if the Warriors Oval is ever considered for reuse irrigation this will require a new irrigation system to ensure that the distance criteria of 50m from the creekline is

retained for bore water irrigation in line with public health restrictions. If this outcome was to be explored it would involve separate discussions about project costing and responsibility between Council and the Warriors at that time. As the creekline is a defined watercourse by the Department for Environment and Water (DEW) any changes to the creekline such as piping the water to eliminate the 50m distance criteria would result in a water affecting activity and the requirement of a permit to alter the watercourse. Whilst this would require confirmation from DEW and the Hills and Fleurieu Landscape Board, based on previous experience this water affecting activity would not be approved.

A Recycled Water Agreement would be required with SA Water to confirm quantities, pricing charges, length of contract and infrastructure requirements to ensure the long term availability of the recycled water. Council has been negotiating with SA Water to obtain clarity about the clauses and provision of this Agreement. At this stage Council does not know the length of time for the recycled water purchase Agreement and the rights of renewal within the Agreement. It is anticipated that the Agreement will include a CPI increase for the recycled water cost and in addition a pricing review which may be stipulated at intervals.

Council has recently requested an extension of time from the Department of Treasury and Finance to enable further clarity around the Recycled Water Agreement. Council has until the end of the 2021 calendar year to advise if Council will proceed with the WRG reuse project. If further clarity, to the satisfaction of the CEO, has not been provided by SA Water on their intentions for the reuse agreement by the end of 2021 this will result in the loss of the funding on offer from the Department of Treasury and Finance.

The economic and environmental cost benefit analysis has provided additional clarity around the costs involved. However this cannot be directly compared to a cost associated with climate change impacts and water security. In considering the merits of the Woodside Recreation Ground reuse proposal the Administration recognises that environmental outcomes do not always have financial returns favourable to Council.

The above outcome is the case with the Woodside Recreation Ground reuse proposal that is in many ways no different to other projects funded by Council such as footpath and road construction. Projects of this type don't provide a financial benefit to Council but do provide services to the community. In the case of the Woodside Recreation Ground reuse proposal social, environmental and sustainability outcomes are provided.

In summary there is grant funding on offer of \$327,000 to undertake the Woodside Recreation Ground reuse project, Council has allocated its co-contribution of \$400,000 in the LTFP, there are additional ongoing costs of \$12,000 which are currently not included in the LTFP and the project will provide ongoing water security and sustainability benefits.

4. OPTIONS

Council has the following options:

- I. To proceed with the Woodside Recreation Ground Reuse project leading to signing of a further LGIPP Grant Deed and \$327,000 in funding. This is recommended as climate change impacts on water availability will decrease the groundwater at the WRG and the project will alleviate the unknowns of the groundwater supply. The additional grant funding would enable completion of the project improving water security and sustainable water management into the future. (Recommended)
- II. Not to proceed with the Woodside Recreation Ground Reuse project. This would mean that the associated LGIPP funding of \$327,000 would not be available. Council could still progress with water efficiency projects (or other projects) through use of its \$400,000 co-contribution allowance but the potential to ensure water security at the WRG would not be achieved. (Not Recommended)

5. APPENDIX

- (1) Economic Cost Benefit Analysis

**ADELAIDE HILLS COUNCIL
ORDINARY COUNCIL MEETING
Tuesday 14 December 2021
AGENDA BUSINESS ITEM**

Item: 7.1.2

Responsible Officer: Sharon Leith
Sustainability Coordinator
Infrastructure and Operations Directorate

Subject: Woodside Recreation Ground water reuse further information

For: Information

SUMMARY

The purpose of this report is to provide further information on the Woodside Recreation Ground (WRG) reuse project about the Local Government Infrastructure Partnership Program (LGIPP) funding, SA Water recycled water agreement and the Woodside Recreation Ground (WRG) Committee consultation. These points were raised at an Ordinary Council meeting on 28 September 2021 through a Formal Motion and a Motion Without Notice on the environmental and economic analysis for the WRG reuse.

A request for additional funding from the Local Government Infrastructure Partnership Program (LGIPP) managed by the Department of Treasury and Finance (DTF) was made but no formal reply has as yet been received. In a discussion with the LGIPP Project Officer it was ascertained that additional funding would be unlikely. There is currently \$327,000 available to Council through the LGIPP. Council has \$400,000 allocated within the *2021-22 Annual Business Plan* and *2021-2022 Long Term Financial Plan* (LTFP) with \$200,000 for 2021-22 and \$200,000 for 2022-2023. A request to SA Water for further information on pricing and the recycled water agreement defined a contract term expiring in 2034 and no further discount on the recycled water price. The estimated annual cost of 20 ML of recycled water is \$1780.

In addition, a Motion Without Notice requested consultation be undertaken with the WRG committee. An upcoming meeting with the WRG committee was planned for the 9 December 2021 and due to this timing an update will be provided at the Council meeting. However in the interim, consultation was undertaken with members of the WRG committee including ground maintenance managers for the Woodside Warriors Oval and Soccer Pitch and the Adelaide Hills Hawks Soccer club. Feedback was varied with acknowledgement that water security is critical but they were concerned about the irrigation schedule and ability to irrigate all the grounds of an evening, requirements for a tank and a pump, associated capital and ongoing management costs. All the questions raised about the construction and scheduling would be resolved through a detailed design and implementation process. An exemption could be sought for ongoing water use, management and maintenance costs based on the nature of the project and relevant elements of the Community and Recreation Facilities Framework. This would result in no additional costs.

Council now has the opportunity to consider the additional information provided and then re-consider the economic and environmental cost benefit analysis, and to decide on whether or not to endorse the WRG reuse project and commit to the LGIPP funding.

RECOMMENDATION

Council resolves:

1. 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 1	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 4	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 and to maximise the use of alternative water supplies (water reuse). The *2020-2021 Long Term Financial Plan* and *2020-21 Annual Business Plan* included a budget allocation for the three projects as identified within the initial Local Government Infrastructure Partnership Program (LGIPP) grant funding.

These are:

- water reuse at the Woodside Recreation Ground
- irrigation system renewal and upgrades and
- investigation and implementation of a central irrigation system.

These water management projects are aligned with these strategic directions and ensure the sustainable use of water.

➤ **Legal Implications**

There are no legal implications for the WRG reuse project. However on both parties agreeing and signing another LGIPP Grant Deed the parties will then be legally bound. Council has already signed the LGIPP Grant Deed for the irrigation system renewal and upgrades and investigation and implementation of a central irrigation system. 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 consideration of the additional information (what the recommendation is aiming to achieve) will assist in mitigating the risk of:

Further informing the economic and environmental cost benefit analysis and Woodside Recreation Ground reuse project (situation) leading to in-decision or an uninformed decision (consequence).

Inherent Risk	Residual Risk	Target Risk
Medium 3C	Low 2D	Low 2D

The information is provided in addition to the previous environmental and economic analysis thereby enabling a decision on whether to proceed with the WRG reuse project and acceptance of the grant funding.

➤ **Financial and Resource Implications**

The initial successful grant funding was for \$727,000 for three sustainable water management projects. This provided a total of \$1,477,000 with the LTFP allocation and the grant funding. The projects needed to be 'shovel ready', identified within Council's LTFP and also total over \$1 million (combined Council contribution and possible grant funding). The grant funding needs to be acquitted by June 2023. A LGIPP Grant Deed has now been prepared for the irrigation renewals and the central irrigation system with the associated grant funding of \$350,000 as per a Council resolution from 27 July 2021.

The preparation of the economic and environmental cost benefit analysis for the WRG reuse project provided further information with regard to the available options, water usage, upfront costs, associated ongoing costs and an average comparative cost per kilolitre.

The contribution by Council of \$400,000 as identified within the LTFP and the additional \$327,000 of available LGIPP grant funding will provide enough funding to cover the upfront capital costs of the WRG reuse project.

The information provided in this report does not change the financial resource implications for the project especially as DTF have not formally responded to the request for further funding and SA Water has confirmed the cost of recycled water and other associated costs.

➤ **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

External Agencies: Department of Treasury and Finance, SA Water

Community: Woodside Recreation Ground grounds maintenance members

2. BACKGROUND

At an Ordinary Council meeting on 28 September 2021 the Woodside Recreation Ground reuse proposal environmental and economic analysis Council report was presented for endorsement. This report is provided in **Appendix 1**. The following Formal Motion was passed.

12.1.1 FORMAL MOTION - Woodside Recreation Ground Reuse Proposal Environmental & Economic Analysis

**Moved Cr Malcolm Herrmann
S/- Cr Pauline Gill**

203/21

That the question be adjourned for Item 12.1 Woodside Recreation Ground Reuse Proposal Environmental and Economic Analysis until the 14 December 2021 Council meeting to provide the opportunity for the CEO to attempt to renegotiate the government's contribution towards the capital cost of the project and an increase in the discounted price of the recycled water.

The formal motion was put and was...

Carried

In addition, a Motion Without Notice was also passed to undertake further consultation.

15.1 Woodside Recreation Ground Reuse Proposal Environmental and Economic Analysis

Moved Cr Malcolm Herrmann
S/- Cr Leith Mudge

214/21

In reference to item 12.1, Woodside Recreation Ground Reuse Proposal Environmental and Economic Analysis, the CEO undertake consultation with the Woodside Recreation Ground Management Committee regarding water charges should recycled water be used and this information be incorporated into that report.

Carried Unanimously

Subsequently, the purpose of this report is to provide additional requested information to Council for consideration in determining the adjourned 28 September 2021 – Woodside Recreation Ground Reuse Proposal Environmental and Economic Analysis (item 12.1).

Discount rates for recycled water

Based on the previous discussion at the Council Meeting the following information is provided for clarification on the average cost per kL and the associated discount rate as shown in the table below.

Option	Water usage	Upfront costs (including 30% contingency)	Additional cost per year	Average cost per kL
Existing system bore only	Recycled 0 ML/y Bore 19.49 ML/y Potable 0 ML/y	Bore rehabilitation costs expected within 5-10 years	Operation of irrigation system \$5,800 Water cost \$0	\$0.30
Potable/Recycled (no bore water used)	Recycled 16.3 ML/y Bore 0 ML/y Potable 3.19 ML/y	\$715,000	Operation of irrigation system \$9,700 Water cost \$11,050	\$2.77-\$3.72 (4%-7% discount rate)
Recycled water Hawks only and Bore Warriors pitch and oval	Recycled 8.6 ML/y Bore 10.89 ML/y Potable 0 ML/y	\$637,000	Operation of irrigation system \$9,700 Water cost \$1,180	\$2.08-\$2.93 (4%-7% discount rate)
Recycled water Hawks and Warriors pitch and Bore Oval	Recycled 13.0 ML/y Bore 6.49 ML/y Potable 0 ML/y	\$657,000	Operation of irrigation system \$9,700 Water cost \$1,780	\$2.16-\$3.03 (4%-7% discount rate)
Potable water for existing system	Recycled 0 ML/y Bore 0 ML/y Potable 19.49 ML/y	\$42,900	Operation of irrigation system \$9,700 Water cost \$54,180	\$3.38-\$3.44 (4%-7% discount rate)

The discount rate is a technique for converting cash flows that occur over time to equivalent amounts in a common point in time.

The difference in the cost of water per kL reflects the lower discount rate of 4% and a higher rate of 7%. A typical range of discount rates has been used as Council has not established a defined discount rate to assess projects. The choice of the discount rate and the consistency of that rate is important if Council was considering a number of different projects at the same time.

Therefore the average cost per kL is the upfront cost plus the additional cost per year calculated to enable a comparison of the recycled water cost especially when compared to potable water (mains water).

3. ANALYSIS

The following information is provided on the outcomes of the Formal Motion and Motion Without Notice.

Department of Treasury and Finance

A letter was prepared and sent to the Department of Treasury and Finance requesting consideration of further LGIPP grant funds to support the implementation of the WRG reuse project. However no formal reply has as yet been received but in a discussion with the LGIPP Project Officer it was ascertained that additional funding would be unlikely and that the remaining grant funding of \$327,000 is all that would be available for the WRG reuse project.

SA Water

A letter was prepared and sent to SA Water requesting further information on the recycled water agreement, clarification on the rates, contract term, CPI increase and price review. A response was received on 16 November 2021 providing further detail as follows:

The recycled water contract would be to 30 June 2034 with discussions to be undertaken 6 months prior to this date to renegotiate a further contractual period. SA Water standard contracts for the Bird in Hand generally expire on 30 June 2024.

That 20 megalitres (ML) and a flow rate of 7 litres per second is currently on offer for Council use. The annual cost of this water will be indexed with CPI and as of 2021 will be approximately \$1,780 per annum. This rate will be offered with indexation annually in line with CPI to 2024.

SA Water recycled water pricing follows the National Water Initiative pricing principles and the costs can be subject to a pricing review. This is similar to how the Community Wastewater Management Scheme operates. Further information on the recycled water (referred to as alternate water) pricing approach is outlined in the SA Water Alternative Water Pricing Policy Statement at https://www.sawater.com.au/data/assets/pdf_file/0006/165255/2019-20-Alternate-Water-Pricing-Policy-Statement.pdf

It outlines that prices for alternate water schemes recover at least the avoidable cost of the service, yet not more than the standalone costs of the scheme. This would mean no unreasonable increase in costs.

There will be a supply charge per quarter of \$68.60 per financial year.

Woodside Recreation Ground Committee consultation

The Manager Sustainability, Waste and Emergency Management and the Sustainability Coordinator will attend a WRG Committee meeting on Thursday 9 September and due to the timing provide an update at the Council meeting. In the interim a meeting was held with WRG Committee representatives (grounds maintenance) and the Manager Strategic Assets, further follow-up phone conversations with the Hawks Adelaide Hills Soccer Club WRG Committee representative and grounds maintenance person and additional phone calls and emails with the WRG Committee members (grounds maintenance) were undertaken.

A summary of the outcomes from these discussions are as follows:

Water security - Whilst the WRG committee grounds maintenance members recognised the critical importance of water security at the WRG now and into the future they were concerned with cost implications for the clubs. In addition concerns were raised about the current irrigation schedule and whether this could be changed to ensure adequate watering, the necessity of tank and pump infrastructure and reduced timing of watering. All these issues could be resolved through the detailed design development and therefore the option to have another source of water to ensure the ongoing irrigation and management of the playing surfaces was acknowledged.

Cost - The upfront capital cost, cost of water use and ongoing cost associated with maintenance was identified as a concern. There is currently no cost for the clubs associated with bore water use or the electricity for the bore pump. At the most recent meeting of the WRG committee the Coordinator Sport and Recreation and the Manager Property presented the Community and Recreation Facilities Framework. Depending on the decisions by the WRG committee this could impact on the water use costs for the clubs. However given that the WRG reuse project is a Council investment then Council may well choose to apply an exemption for any costs associated with water use, ongoing management and maintenance. Therefore the clubs would have no additional cost implications.

Irrigation schedule - The current irrigation schedule was identified as of concern and the ability to continue to irrigate with reuse water restrictions. These restrictions require irrigation to occur during night time hours. The schedule is carefully coordinated through a rotation for the grassed surfaces which means the bore is pumping for around 20 hours a day 7 days a week during peak demand. This is mainly due to the low water pressure and the ability to only irrigate small sections at a time. Past considerations have included enabling the Adelaide Hills Hawks Soccer club to irrigate during the day as they have experienced an underlying mould and root rot problem. Discussions with the current irrigation and turf maintenance person has not identified this as a continuing problem and this club was very encouraging of using reuse and the ability to irrigate of an evening to reduce evaporation. If reuse water is used this will require a tank and pump to enable adequate irrigation of the playing surfaces within a restricted timeframe and will require a new schedule. The installation of this infrastructure will improve the availability of reuse water for irrigation and therefore the irrigation schedule could accommodate these changes. The cost of the tank and pump has been included in the cost of the proposal.

4. OPTIONS

Council has the following options:

- I. To incorporate the further information provided on the Local Government Infrastructure Partnership Program (LGIPP) funding, SA Water Recycled Water Agreement and the Woodside Recreation Ground Committee consultation when re-considering the economic and environmental cost benefit analysis report on the Woodside Recreation Ground reuse project that was adjourned. (Recommended)
- II. To not incorporate the further information. (Not Recommended)

5. APPENDIX

Nil

**ADELAIDE HILLS COUNCIL
ORDINARY COUNCIL MEETING
Tuesday 14 December 2021
AGENDA BUSINESS ITEM**

Item: 10.1 Question on Notice

Originating from: Cr Malcolm Herrmann

Subject: Rural Doctors

1. QUESTION

1. What was the outcome of Council's representations to the Premier regarding Rural doctors?
2. Have any of the persons who received a copy of the letter responded?

2. BACKGROUND

At its meeting held on 28 September (Item 8.2.1), Council received a deputation from Dr Geoff Symonds, Gumeracha Medical Practice regarding, inter alia, Rural Doctors and the operation of the Emergency Department at the Gumeracha Hospital.

Later in the Meeting Council resolved:

11.2 Rural Doctors

**Moved Cr Malcolm Herrmann
S/- Cr Pauline Gill**

200/21

1. That the Council writes to the Hon the Premier requesting that the South Australian Government takes all actions possible (and advises Council and its Community precisely what those actions will be) to ensure that rural and regional communities can attract and retain doctors and other health professionals.
2. Copies of the correspondence to be forwarded to the Federal Member for Mayo, Rebekha Sharkie, the Member for Morialta, the Hon John Gardner, the Member for Schubert, Stephan Knoll, and the Leader of the Opposition, Peter Malinauskas.

Carried Unanimously

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

On 15 October 2021, the Mayor wrote to the Premier in line with the Council's resolution. A copy of the letter is contained in **Appendix 1**.

On 8 November 2021, the Minister for Health and Wellbeing, Hon Stephen Wade MLC, responded on behalf of the Premier. The Minister has indicated that he has written to the Commonwealth Minister for Regional Health, Hon David Gillespie MP, requesting a reclassification of Gumeracha for the purposes of providing better incentives for doctors to be located there. A copy of the Minister's letter is contained in **Appendix 2**.

Federal Member for Mayo, Rebekha Sharkie MP, has also contacted the Council to advise of advocacy she is making in relation to the matter at a federal level. Ms Sharkie provided a statement in the lead up to the Council's Community Forum held at Gumeracha on 30 November 2021. A copy of the statement is contained in **Appendix 3**.

The Council's and the community's advocacy would appear to have resulted in some positive steps being taken, however an actual decision in relation to the matter has not yet occurred. The Administration will continue to engage with key advocates and decision makers in respect to this matter.

4. APPENDICES

- (1) Letter from Mayor to Premier
- (2) Response from Minister for Health and Wellbeing
- (3) Statement from Member for Mayo

Appendix 1

Letter from Mayor to Premier

15 October 2021

Hon Steven Marshall MP
Premier of South Australia
GPO Box 2343
ADELAIDE SA 5001
Email: premier@sa.gov.au

Dear Premier

Attracting and retaining GPs in Gumeracha

Until recently, General Practitioners at the Gumeracha Medical Practice (GMP) have performed an essential role in servicing the Accident and Emergency (A&E) department at Gumeracha District Soldiers Memorial Hospital (GDSMH).

During the COVID-19 pandemic, I understand that the GDSMH, under the management of the Barossa Hills Fleurieu Local Health Network (BHFLHN), has at times closed its A&E department as a COVID precaution because it is attached to an aged care facility at the Hospital (mitigating the risk of transmission of COVID-19 from A&E patients to aged care residents). It has come to the Council's attention that despite the winding back of pandemic restrictions, the GPs at GMP have been unable to reopen the A&E department due to difficulties attracting and retaining enough GPs to safely provide the A&E service.

Following consideration of the matter at Council's meeting on 28 September 2021, the Council resolved:

That the Council writes to the Hon the Premier requesting that the South Australian Government takes all actions possible (and advises Council and its Community precisely what those actions will be) to ensure that rural and regional communities can attract and retain doctors and other health professionals.

The GMP's difficulties in attracting and retaining GPs have been attributed to the lack of Commonwealth funded incentives to practice in Gumeracha because of the town's inappropriate classification under the Australian Government's 2019 Monash Modified Model (MMM) classification.

Under the 2019 MMM classification, Gumeracha has been classified as MM2, resulting in a loss of GP incentives and supports that were previously available to Gumeracha under the prior classification system. For example, the Australian Government's Workforce Incentive Program (Doctor Stream) is only available to MM3 to MM7 locations, meaning Gumeracha is ineligible.

I am aware that a town's MMM classification is currently based on the Australian Statistical Geography Standard - Remoteness Areas (ASGS-RA), which uses Census data to divide Australia into five classes of remoteness, and that the MMM uses a formula to measure remoteness in terms of access along the road network from populated localities to each of five categories of Service Centre

based on population size. Areas classified as MM2, such as Gumeracha, are areas categorised ASGS-RA 2 and ASGS-RA 3 that are in, or within, 20km road distance of a town with a population greater than 50,000.

In October 2019, the Immediate Past President of the Australian Medical Association (South Australia), Dr Chris Hoy, wrote a letter to the federal health minister, Hon. Greg Hunt MP, copied to the state health minister, Hon. Stephen Wade MP and Ms Rebekha Sharkie MP, in support of the Gumeracha Medical Practice's application for MMM reclassification. The letter makes a detailed case for why Gumeracha's current classification of MM2 is inappropriate given its isolated location, difficult road access and 37km distance to Adelaide, amongst other reasons, and argues that the MM2 classification threatens the practice and community of Gumeracha.

Accordingly, and in line with my Council's resolution, I am writing to request that your Government take all possible steps to ensure that rural and regional communities, like Gumeracha, can attract and retain a sufficient health workforce needed to provide high-quality accident and emergency services.

Given Gumeracha's narrow and windy road access and 37km distance to Adelaide, as a first step, we suggest requesting the federal health minister to request reclassification of Gumeracha from MM2 to MM3 or higher so that the GMP can access vital incentives to recruit and retain the workforce needed to reopen and safely operate the A&E department at GDSMH.

Urgent action is required to enable the GPs in Gumeracha to resume the accident and emergency department at GDSMH so they can provide this vital service to our local community. I look forward to your response regarding this matter.

Yours sincerely



Dr Jan-Claire Wisdom
Mayor

Cc: Ms Rebekha Sharkie MP – Federal Member for Mayo
Hon John Gardner – Member for Morialta
Mr Stephan Knoll – Member for Schubert
Mr Peter Malinauskas MP – Leader of the Opposition

Appendix 2

Response from Minister for Health and Wellbeing



**Government
of South Australia**

Hon Stephen Wade MLC
Minister for Health and Wellbeing

MHW-H21-7542
PREM-fB248067

Dr Jan-Claire Wisdom
Mayor
Adelaide Hills Council
Email: mail@ahc.sa.gov.au

Dear Dr Wisdom

Thank you for your letter dated 15 October 2021, to Hon Steven Marshall MP, Premier, regarding the Gumeracha District Soldiers' Memorial Hospital. As this matter falls within my portfolio responsibilities, I have been asked to respond on the Premier's behalf.

Due to the COVID-19 pandemic, restrictions on entry to residential aged care facilities have been put in place, based on advice from the Australian Health Protection Principal Committee.

In line with these restrictions, some regional accident and emergency services with co-located aged care facilities, including at Gumeracha, have been intermittently closed to protect aged care residents from the risk of cross contamination of COVID-19.

I appreciate that the closure of the ED is disruptive, but the health and safety of our residents is our highest priority.

Community members can also access accident and emergency services at Mount Barker, Angaston and Modbury Hospitals.

The Modified Monash Model (MMM) is a Commonwealth Government managed scheme to identify region's rurality. Gumeracha is assigned a MMM classification of 2 rather than 1 due to its apparent closeness to the Modbury Hospital.

I appreciate that the route from Gumeracha to the Modbury Hospital is slow, windy and takes longer than expected, particularly at night.

Minister for Health and Wellbeing

Level 9, Citi Centre Building, 11 Hindmarsh Square, ADELAIDE SA 5000 | GPO Box 2555 ADELAIDE SA 5001 | DX 243
Tel 08 8463 6270 | Fax 08 8463 6277 | Email ministerforhealth@sa.gov.au



I have written to Hon David Gillespie MP, Commonwealth Minister for Regional Health, requesting a reclassification for Gumeracha due to the issues listed above.

The Gumeracha Medical Practice is currently experiencing staffing shortages and has indicated to BHFLHN that they would be unable to maintain the previous level of service to the Gumeracha Hospital while maintaining services to their General Practitioner (GP) practice patients.

Discussions regarding a Fee for Service agreement are continuing. I have appointed an independent facilitator to try to help to resolve the outstanding issues.

BHFLHN continues to work closely with the GPs to ensure that a successful and sustainable model of care can be agreed upon. Both are committed to having inpatient beds and to continue to provide palliative care and aged care services at the Gumeracha Hospital.

Thank you for writing about this important matter.

Yours sincerely



Stephen Wade

Minister for Health and Wellbeing

8 November 2021

cc: Hon Steven Marshall MP, Premier of South Australia

Appendix 3

Statement from Member for Mayo



Rebekha Sharkie MP
Federal Member for Mayo



Adelaide Hills Council's Gumeracha Community Forum
GUMERACHA SA 5233

STATEMENT RE GUMERACHA MEDICAL PRACTICE MODIFIED MONASH MODEL CLASSIFICATION

Apologies for not being able to attend tonight's Gumeracha Community Forum being hosted by the Adelaide Hills Council. I am in Canberra for the final sitting weeks of Federal Parliament for 2021.

I share our community's concerns regarding the future of the Accident and Emergency Department at the Gumeracha District Soldiers Memorial Hospital and the sustainability of the Gumeracha Medical Practice. I am aware and deeply concerned about the inaccurate MMM classification at the Practice and I have been advocating different Ministers over two Parliaments for change.

More recently I have met with and sent correspondence to the Minister for Regional Health, the Hon Mr David Gillespie, regarding this matter. Another meeting with Minister Gillespie is scheduled for this evening where I will be seeking advice regarding 'exemptions' that could be applied to the Practice so they can seek additional funding support and to seek clarification regarding the Government's intractable position on the Practice's MMM classification.

The recent advice I have received from the Rural Doctor's Workforce Agency and the Country SA Primary Health Network is that no program or initiative will counterbalance the challenges associated with Gumeracha's MMM 2 classification and this issue needs to be addressed as a matter of priority, and I agree.

It should be noted that the shortage of medical professionals in rural and remote Australia is a widespread national issue, and our health system has had to cope with the added pressure of COVID-19 restrictions curtailing the movement of medical professionals both interstate and overseas.

Changing the MMM classification will not be a panacea to opening the Accident and Emergency Department at the Hospital. As COVID has clearly demonstrated, the delivery of health services is a State Government responsibility. I have advised the South Australian Government and the Barossa Hills Fleurieu Local Health Network about our community's strong desire to maintain an Accident and Emergency Department at Gumeracha. I encourage the community to express their views to the South Australian Government and the Barossa Hills Fleurieu Local Health Network, so their priorities regarding the delivery of health services in this district align with the wishes of our community.

Yours sincerely



REBEKHA SHARKIE MP
Federal Member for Mayo

30 / 11 / 2021

**ADELAIDE HILLS COUNCIL
ORDINARY COUNCIL MEETING
Tuesday 14 December 2021
AGENDA BUSINESS ITEM**

Item: 12.1

Responsible Officer: Steven Watson
Governance and Risk Coordinator
Office of the Chief Executive

Subject: Internal Review of a Council Decision - Multi-Year Road Rally Proposal

For: Decision

SUMMARY

On the 24 August 2021 Council received a request for an Internal Review of a Council Decision (IRCD), being resolution number 105/21, Multi-Year Road Rally Proposal resolved at the 25 May 2021 Ordinary Council Meeting.

An external advisor was engaged to review the matter and a report has been developed. The external advisor has recommended that Council's decision to determine the Multi Year Rally Proposal be affirmed.

As the elected Council was the decision maker, under the provisions of the *Internal Review of Council Decisions Policy* (the Policy), Council must also be the reviewer and determine whether the decision should be upheld or if other actions or remedies are appropriate.

RECOMMENDATION

Council resolves:

1. That the report be received and noted
 2. To accept the findings and recommendation of the external advisor on decision (105/21) and affirm the decision on the Multi Year Rally Proposal was reasonable and should stand.
 3. The CEO or their delegate advises the applicant of Council's decision.
-

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

Priority O5.2 Make evidence-based decisions and prudently assess the risks and opportunities to our community before taking action.

Legal Implications

Section 270 of the *Local Government Act 1999* (the Act) requires that Council must establish procedures for the review of decisions by council; employees of council; and other persons acting on behalf of council. In this regard Council has adopted the *Internal Review of Council Decisions Policy* (the Policy).

Sections 58 and 59 of the Act set out the specific roles of a principal member (Mayor) and the roles of all members of council.

➤ Risk Management Implications

Dealing with internal review applications effectively and in accordance with the provisions of Section 270 and the Policy 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)

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

➤ **Financial and Resource Implications**

The cost of the external advisor engaged to investigate this matter is \$4,000.

The costs associated with managing and investigating Section 270 applications are accommodated in existing budgets and, where required, adjusted via budget reviews.

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

There is a high expectation that complaints and requests for decision reviews are managed in an appropriate manner. These can often be the source of valuable improvement opportunities in the way in which Council delivers services 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:

Council Committees: Not applicable

Council Workshops: Not applicable

Advisory Groups: Not applicable

External Agencies: Norman Waterhouse Lawyers – External Advisor

Community: Not applicable

2. BACKGROUND

On the 24 August 2021 Council received a request for an Internal Review of a Council Decision (IRCD), being resolution number 105/21, Multi-Year Road Rally Proposal resolved at the 25 May 2021 Ordinary Council Meeting as detailed in the snips below.

Minute Released, Documents in Confidence as per resolution

18.1.1 Multi-Year Road Rally Proposal – Confidential Item

Moved Cr Kirsty Parkin
S/- Cr Pauline Gill

105/21

Council resolves:

1. That the report be received and noted.
2. That, in relation to the Multi-Year Agreement Proposal submitted by Massive Events Corp Pty Ltd, Council supports the conduct of the Adelaide Rally within the district for the period of three years 2021 to 2023 and acknowledge that the Chief Executive Officer will use the delegation already provided to him to consider consent for road closures under Section 33(2) of the *Road Traffic Act 1961*.
3. That, recognising this decision is a departure from the usual requirements of the *Festival & Events Policy*, Council determines that the reasons applying for the usual requirement for road closures associated with motorsport proposals to be brought to the Council for a formal decision on each occasion are outweighed by the expected benefits to be achieved in providing multi-year support.
4. That each year, support for the Adelaide Rally road closures, will be contingent on Massive Events Corp Pty Ltd, 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. Payment of an Application Fee as per the Council's Fees and Charges Register for Temporary Road Closures
 - c. Providing confirmation that affected business owners are aware of the proposed road closures
 - d. Providing written confirmation that the organiser has used reasonable endeavours to address concerns raised by affected residents and that arrangements for egress and regress for those properties can be managed within the event where practicable
 - e. Providing evidence of satisfactory procedures for enabling emergency services access to properties on the event route at all times
 - f. Providing evidence of satisfactory insurance to cover any damage to third party property caused by the event
 - g. Entering into a road repair agreement with Council to cover any rectification works required as a result of damage caused by the event
 - h. Providing written confirmation that advance notice of road closures on the affected roads will be erected at least three weeks prior to the event
 - i. Hosting at least one significant community event within the Adelaide Hills Council region in conjunction with the rally
 - j. Hosting the principal tour lunch within the Adelaide Hills Council region
 - k. Making reasonable endeavours to contract local food and beverage suppliers for event stages within the Adelaide Hills Council district.
5. That, subject to agreeing to the requirements of Item 4 being undertaken, Council provides consent for the organisers to promote the event to sponsors and participants as 'supported by Adelaide Hills Council' for the period 2021 – 2023.

Carried

An Internal Review Contact Officer (IRCO) was appointed by the Chief Executive Officer (CEO). The IRCO conducted a preliminary investigation of the matter to determine the exact decision that was requested to be reviewed and the actions that may have already been taken to try to resolve the matter. This involved a desktop review of the information.

On the basis of the preliminary investigation, the IRCO concluded that the matter:

- relates to a Council decision (made by the elected Council at its 25 May 2021 Ordinary Council Meeting);
- is not a matter outside of the scope of the Internal Review Policy;
- did not appear to be frivolous or vexatious; and
- is one in which the applicant has sufficient interest.

The IRCO concluded from the preliminary investigation the matter required a review and with the Mayor's concurrence, Ms Felice D'Agostino, Principal, Norman Waterhouse Lawyers, was engaged to conduct the Internal Review Investigation.

Ms D'Agostino, has considerable local government experience and expertise and is an external advisor whom is used to promote an unbiased and objective assessment of the Internal Review matter. However it must be clarified that, as Ms D'Agostino is engaged by Council she is not independent of Council (nor is she required to be under the Act or the Internal Review Policy).

3. ANALYSIS

Council's *Internal Review of Council Decisions Policy* provides guidance for dealing with an internal review.

The decision to use an external advisor was made in consultation with the CEO, and determined in line with the Policy provisions of 6.3 undertaking the Review as detailed below:

- The CEO may elect to appoint another officer or external advisor for assessment and/or preparation of a report to assist in the review process. The person appointed to assist with the review must be independent of the original decision being reviewed (i.e. have no prior involvement in the matter). An external advisor may be recommended where the decision under review is complex and/or raises legal questions.

The review is being referred to the elected Council in line with the Policy provisions of 6.3 - Undertaking the Review, as detailed below:

- The CEO will refer a review of a Council decision to Council where the decision being reviewed was made by the elected Council or a Committee. A review of decisions made by the CEO will also be referred to the elected Council in accordance with this Policy.

The applicant has been invited to provide a verbal submission in line with the Policy provisions, 6.3 - Undertaking the Review, as detailed below:

- Where a request for review has been referred to Council the applicant will be advised of the date that the report will be presented to Council and will be given the opportunity to provide a written or verbal submission in relation to the report for Council's consideration.

As the review exceeded the suggested 20 business days timeframe, the IRCO kept the applicant updated on the progress in line with the Policy provisions, 6.3 Undertaking the Review, as detailed below:

- In most cases, Council will use its best endeavours to ensure that requests for review will be considered and determined within 20 business days. However, in more complex cases, or if the decision is to be reviewed by Council, Committee or an external provider a review may take longer. In the event that a review exceeds 20 days, the applicant will be provided with periodic updates on the progress of the review until the review is finalised.

The IRCO confirms the matter was so far as reasonably practicable and appropriate, kept confidential in accordance with the Policy provisions, 6.4 - Natural Justice, as detailed below:

- The details of any request for review will be kept confidential in so far as it is necessary, practicable and appropriate for conducting an effective review process.

Following Council's consideration of this matter, the applicant will be informed of the outcome in line with the Policy provisions, 6.4 - Natural Justice, as detailed below:

- The applicant will be informed in writing of the outcome of the review (even including where a determination is made that the decision under review be upheld).

If Council determines to uphold its decision, further information will also be provided to the applicant regarding further avenues of appeal/complaint.

4. OPTIONS

Council has the following options:

- I. To accept the findings and recommendation of the external advisor that the decision (105/21) to determine the Multi Year Rally was reasonable and should stand. (Recommended)
- II. To determine an alternate course of action. (Not Recommended)

5. APPENDICES

- (1) Internal Review of a Council Decision – Multi Year Rally Final Report
- (2) Internal Review of Council Decision Policy

Appendix 1

Internal Review of a Council Decision
Multi Year Rally Final Report

ADELAIDE HILLS COUNCIL

**SECTION 270 REVIEW
FINAL REPORT**

MATTER OF MULTI YEAR ROAD RALLY PROPOSAL

**Felice D'Agostino
Norman Waterhouse Lawyers**

1. SECTION 270 APPLICATION

- 1.1 The Council has received from Eberhard Frank (**the Applicant**) a request pursuant to Section 270 of the *Local Government Act 1999* (**the LG Act**) for a review of the decision made by the Council in relation to the Multi-Year Road Rally Proposal (**the Review Application**). A copy of the Review Application is attached at Appendix A.
- 1.2 The Council has engaged Norman Waterhouse to assist it with its consideration and determination of the Review Application.

2. SECTION 270 LOCAL GOVERNMENT ACT 1999

- 2.1 Section 270 of the LG Act requires the Council to, amongst other things, establish procedures for the review of decisions of the Council, employees of the Council and other persons acting on behalf of the Council.
- 2.2 The then Ombudsman stated in 2011:

‘Internal review is a key accountability mechanism for local government. It enables people to test the merits of decisions that affect them.’¹
- 2.3 The current Ombudsman has confirmed that Section 270 of the LG Act requires councils to consider the merits of the decision under review².
- 2.4 A merits review requires all aspects of a decision to be reviewed and a determination to be made as to the correct and preferable decision. All the evidence is considered as well as any new evidence.
- 2.5 Accordingly, a review of a decision under Section 270 of the LG Act encompasses a review of the legality of the decision as well as whether the decision was the best or preferable decision.
- 2.6 In reviewing the merits of a decision, the Council ought to reconsider all the information that it considered in making the original decision from a fresh perspective as well as any new information to determine the best or preferable

¹ Valuing Complaints: An Audit of Complaint Handling in South Australian Councils, November 2011, page 61.

² Right of Review: An Audit of Local Government Internal Review of Council Decisions Procedure, November 2016, page 44.

decision. This may result in the Council affirming, varying or setting aside the original decision.

- 2.7 The Council may, pursuant to Section 270(4)(c) of the LG Act, refuse to consider an application for review if the Applicant does not have a sufficient interest in the matter.

3. **DECISION**

- 3.1 The decision that is the subject of the Review Application relates to the Adelaide Rally and is the following decision made by the Council at the ordinary Council meeting of 25 May 2021:

1. That the report be received and noted.
2. That, in relation to the Multi-Year Agreement Proposal submitted by Massive Events Corp Pty Ltd, Council supports the conduct of the Adelaide Rally within the district for the period of three years 2021 to 2023 and acknowledge that the Chief Executive Officer will use the delegation already provided to him to consider consent for road closures under Section 33(2) of the Road Traffic Act 1961.
3. That, recognising this decision is a departure from the usual requirements of the Festival & Events Policy, Council determines that the reasons applying for the usual requirement for road closures associated with motorsport proposals to be brought to the Council for a formal decision on each occasion are outweighed by the expected benefits to be achieved in providing multi-year support.
4. That each year, support for the Adelaide Rally road closures, will be contingent on Massive Events Corp Pty Ltd, 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. Payment of an Application Fee as per the Council's Fees and Charges Register for Temporary Road Closures
 - c. Providing confirmation that affected business owners are aware of the proposed road closures
 - d. Providing written confirmation that the organiser has used reasonable endeavours to address concerns raised by affected residents and that

arrangements for egress and regress for those properties can be managed within the event where practicable

- e. Providing evidence of satisfactory procedures for enabling emergency services access to properties on the event route at all times
 - f. Providing evidence of satisfactory insurance to cover any damage to third party property caused by the event
 - g. Entering into a road repair agreement with Council to cover any rectification works required as a result of damage caused by the event
 - h. Providing written confirmation that advance notice of road closures on the affected roads will be erected at least three weeks prior to the event
 - i. Hosting at least one significant community event within the Adelaide Hills Council region in conjunction with the rally
 - j. Hosting the principal tour lunch within the Adelaide Hills Council region
 - k. Making reasonable endeavours to contract local food and beverage suppliers for event stages within the Adelaide Hills Council district.
5. That, subject to agreeing to the requirements of Item 4 being undertaken, Council provides consent for the organisers to promote the event to sponsors and participants as 'supported by Adelaide Hills Council' for the period 2021 – 2023.

(referred to as **the Decision**).

- 3.2 We interpret the Decision as a decision to support the event known as the Adelaide Rally event (**the Adelaide Rally**) and consent to the necessary road closures in the Council's area associated with the Adelaide Rally for a three year period subject to the organiser of the Adelaide Rally (**the Adelaide Rally Organiser**) undertaking in each of those three years certain steps to the satisfaction of the Chef Executive Officer of the Council (**the CEO**).

4. REVIEW - PROCESS

4.1 Process of Review

- 4.1.1 The Council's Internal Review of Council Decisions Policy (**the Review Policy**)³ provides:

³ Adopted 26 November 2019.

An internal review of a Council decision is available under section 270(1) of the Act. This is a mechanism that enables the Council to reconsider the decision making process and all the evidence relied on to make a decision, including new evidence if relevant.

....

An internal review of a Council decision will examine the correctness of the procedures followed in making the decision and, in accordance with this Policy, may also examine the merits of the decision itself.

- 4.1.2 Our engagement is to consider the legality and merits of the Decision and prepare a report to assist the Council to make a decision in relation to the Review Application.
- 4.1.3 The Applicant, on our invitation, made additional submissions and representations relevant to the Review Application in addition to the Review Application (**the Applicant's Additional Information**). A copy of the Applicant's Additional Information is included in Appendix A.
- 4.1.4 We also met with the Applicant on 12 October 2021. At that meeting, the Applicant provided additional information which is included in Appendix A.
- 4.1.5 We prepared a preliminary report which report was provided to the Applicant and he was invited to make submissions. The Applicant's submissions on the preliminary report are attached at Appendix B.

4.2 Documents and Information Considered

- 4.2.1 We considered the following documents and information:
 - (a) the Review Policy;
 - (b) the Review Application;
 - (c) the Applicant's Additional Information (included in Appendix A);

- (d) the Council report for Item 18.1 titled Multi-Year Road Rally Proposal of the Council meeting of 25 May 2021 (**the Officer Report**);
- (e) the minutes of the Council meeting of 25 May 2021 relating to Item 18.1 titled Multi-Year Road Rally Proposal;
- (f) the Council's Festivals and Events Policy adopted 27 August 2019 (**the Events Policy**);
- (g) the Council's Strategic Plan 2020-24;
- (h) Section 33 Road Traffic Act 1961 (**the RT Act**);
- (i) the Applicant's submissions on the preliminary report.

5. SUFFICIENT INTEREST

5.1 General Principles

5.1.1 Section 270(4) of the LG Act provides that the Council may refuse to consider an application for review if:

- (a) the application is made by an employee of the council and it relates to an issue concerning his or her employment; or
- (b) it appears that the application is frivolous or vexatious; or
- (c) the applicant *does not have a sufficient interest in the matter*.

5.1.2 The Act does not define what 'sufficient interest' means in Section 270(4)(c).

5.1.3 In administrative law, the issue of whether a person has the right to bring proceedings challenging an administrative decision is referred to as 'standing'. Standing enables some applicants to access the Courts whilst other applicants are excluded from gaining access. Standing requirements apply at common law and can apply under legislation.

5.1.4 Some legislation enables any person to challenge a decision or make an application and other legislation limits the person who can challenge a decision or make an application. Standing rules seek to

ensure that the most appropriate person to challenge the decision does so:

‘[T]he Courts should decide only a real controversy between the parties each of whom has a direct stake in the outcome of the proceedings.’⁴

- 5.1.5 In *Bateman’s Bay Local Aboriginal Land Council v Aboriginal Community Benefits Fund Pty Ltd* (1998) 194 CLR 24, the High Court held that standing will accrue to a party seeking to enforce adherence to any statutory provisions, if failure to comply with those provisions would adversely affect the party.
- 5.1.6 A general test as to what is a sufficient interest in any given case is that stated by Gibbs J in *Australian Conservation Foundation Inc v Commonwealth* (1980) 146 CLR 493, it is likely the applicant will have a sufficient interest if he or she is likely to gain some advantage if the action they have brought succeeds or suffer some disadvantage if it fails.
- 5.1.7 In relation to the ability of local residents to gain standing, if a resident is a member of the community with an objection to an activity occurring in the community, he or she will not have a special interest but only the interest of an ordinary member of the community⁵. The Victorian Supreme Court has held that the citizens of a town have standing to challenge a decision when the decision will have ‘*significant economic and social consequences for the residents of the district*’.⁶
- 5.1.8 We consider it appropriate to interpret Section 270(4)(c) as a limitation on the persons who may seek a review of a decision under Section 270. We consider that limitation is similar to the rules of standing in administrative law. We consider interpreting Section 270(4)(c) in that way is consistent with the objects of the LG Act.

⁴ *Onus & Alcoa of Australia Ltd* (1981) 149 CLR 277, Gibbs CJ at 35.

⁵ *Australian Conservation Foundation Inc v Minister for Resources* (1989) 76 LGRA (FCA), Davies J at 207.

⁶ *Shire of Beechworth v Attorney-General (Vic)* (1991) 1VR 325, Vincent J at 328 (VR).

5.2 What is a Sufficient Interest in Section 270(4)(c)?

5.2.1 We have had regard to the specific objects of the LG Act in Section 3 which include:

- encouraging the participation of local communities in the affairs of local government and providing local communities through their councils with sufficient autonomy to manage the local affairs of their area;
- ensuring accountability of councils to the community;
- encouraging local government to provide appropriate services and facilities to meet the present and future needs of local communities.

5.2.2 We have considered the Review Policy which states:

The CEO will consider all requests for a review and may refuse to assess such an application pursuant to section 270(4) of the Act if:

.....

- the applicant does not have a sufficient interest in the matter – this will be determined on a case-by-case basis.

5.2.3 Unfortunately, the Review Policy does not provide any further clarity as to when a person has a sufficient interest or is 'affected' by a decision.

5.3 The Applicant's Interest

5.3.1 The Applicant resides on one of the roads proposed to be closed in connection with the Adelaide Rally. On that basis, we are of the opinion that the Applicant has a sufficient interest in the Decision.

6. RELEVANT LEGISLATIVE PROVISIONS

6.1 Road Traffic Act 1961

6.1.1 Section 33 of the Road Traffic Act 1961 provides:

- (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 do either or both of the following:

- (a) make an order directing that specified roads (being roads on which the event is to be held or roads that, in the Minister's opinion, should be closed for the purposes of the event) be closed to traffic for a period specified in, or determined in accordance with, the order;
 - (b) make an order directing that persons participating in the event be exempted, in relation to 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.
- (2) 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.
-
- (10) In this section - event means an organised sporting, recreational, political, artistic, cultural or other activity, and includes a street party.

6.2 **Local Government Act 1999**

6.2.1 Section 8 of the LG Act provides as follows:

A council must act to uphold and promote observance of the following principles in the performance of its roles and functions -

- (a) provide open, responsive and accountable government;
- (b) be responsive to the needs, interests and aspirations of individuals and groups within its community;
- (c) participate with other councils, and with State and national governments, in setting public policy and achieving regional, State and national objectives;
- (d) give due weight, in all its plans, policies and activities, to regional, State and national objectives and strategies concerning the economic, social, physical and environmental development and management of the community;
- (e) seek to co-ordinate with State and national government in the planning and delivery of services in which those governments have an interest;

- (ea) seek to collaborate, form partnerships and share resources with other councils and regional bodies for the purposes of delivering cost-effective services (while avoiding cost-shifting among councils), integrated planning, maintaining local representation of communities and facilitating community benefit;
- (f) seek to facilitate sustainable development and the protection of the environment and to ensure a proper balance within its community between economic, social, environmental and cultural considerations;
- (g) manage its operations and affairs in a manner that emphasises the importance of service to the community;
- (h) seek to ensure that council resources are used fairly, effectively and efficiently;
- (i) seek to provide services, facilities and programs that are adequate and appropriate and seek to ensure equitable access to its services, facilities and programs;
- (ia) seek to balance the provision of services, facilities and programs with the financial impact of the provision of those services, facilities and programs on ratepayers;
- (j) achieve and maintain standards of good public administration;
- (k) ensure the sustainability of the council's long-term financial performance and position.

7. RELEVANT COUNCIL DOCUMENTS

7.1 Strategic Plan 2020-24

- 7.1.1 The Council's Strategic Plan 2020-24 sets out the Council's goals and objectives. We consider the following goals and objectives to be relevant to the Decision:

A Functional Built Environment

B1 Our district is easily accessible for community, our businesses and visitors

- **B1.4** Ensure that the key road network is accessible for heavy vehicles used by the primary production, tourism and construction sectors through engagement with industry and Government

- B1.5 Provide accessibility for the full range of users by ensuring Council's road, footpath and trails network is adequately maintained and service levels for all users are developed and considered.

Community Wellbeing

C6 Celebrate our community's unique culture through arts, heritage and events

- C6.2 Develop, support or bring events to our district that have social, cultural, environmental or economic benefits

A Prosperous Economy

E4 Cultivate a clear, unique and consistent regional identity that can be leveraged to attract national and international attention

- E4.3 Support and encourage events that supports the region's identity and generates social, cultural and economic benefits.

7.2 Festival and Events Policy

7.2.1 The Events Policy sets out the Council's intended approach to festivals and events in the Council's area and the district generally and provides that the Council's role may be to *'initiate, pursue, conduct, sponsor, promote or support festivals and events within the area for social, economic, cultural or environmental outcomes'*.

7.2.2 The Events Policy sets out matters for consideration relating to Council support for non-Council operated festivals or events including various matters relating to the following:

- community impact;
- economic impact;
- environmental Impact;
- timing.

7.2.3 The Events Policy also contains specific guidelines for certain types of events including competitive motoring events (**Guideline 1**). Guideline 1 provides that competitive motoring ('Motorsport') events that involve

full or partial road closures will be subject to a formal Council decision on every occasion and further that the Council will take into account information provided by the applicant in relation to the following criteria:

- community impact;
- economic impact;
- environmental impact.

7.3 Public Consultation Policy

7.3.1 The Council's Public Consultation Policy provides as follows:

1.1 Purpose

- 1.1.1 The purpose of this Policy is to set out the steps that Council intends to take under the Act in relation to public consultation. This Policy only applies to matters relating to the Act.
- 1.1.2 Community consultation prescribed under other legislation will be undertaken in accordance with the requirements of that legislation, rather than this Policy.
- 1.1.3 Council recognises that there are occasions where community engagement may be desirable, but there is no statutory requirement to undertake the same. Although the Council acknowledges the importance of these occasions, they are not covered by the requirements of this Policy.

8. REVIEW – APPLICANT SUBMISSIONS

8.1 The Applicant's submissions, as set out in the Review Application and the Applicant's additional information are summarised below together with our analysis of those submissions.

8.1.1 *Inconsistency with the Events Policy – Applicant Submissions*

- (a) The Applicant contends that the Decision is not consistent with the Events Policy and the minutes of the Council meeting provide no explanation as to the reason the Council has departed from its policy.
- (b) The Applicant further submits that departure from the Events Policy warranted the Council undertaking public consultation.

The Council has a Public Consultation Policy and it should have been invoked.

- (c) The Applicant asserts that the community did not request the Council to depart from the Events Policy but what the community does expect and deserves is a formal decision, on each occasion. This is also what the RT Act implies. The members of the Council are elected to make the Decision on each occasion that an application comes before them.
- (d) The Applicant states that the current members of the Council end their current term of office in 2022. By making the Decision, they have bound a potentially new group of elected members to the Decision.

8.1.2 ***Inconsistency with the Events Policy – Analysis***

- (a) We have considered the Events Policy and there is little doubt that the Council considers it has departed from it by supporting the Adelaide Rally and consenting to road closures associated with the Adelaide Rally for three years albeit subject to the Adelaide Rally Organiser complying with certain conditions each year to the CEO's satisfaction. The Events Policy provides at Guideline 1 that competitive motoring ('Motorsport') events that involve full or partial road closures will be subject to a formal Council decision on every occasion.
- (b) The Officer Report⁷ explains the basis for the Adelaide Rally Organiser seeking a multi-year agreement is *'...to provide certainty for stakeholders in the event including suppliers, sponsors, participants and other councils. This means the event organiser is not able to enter multi-year supply and sponsorship arrangements with other stakeholders and each year is constrained with organising and promoting the event given the*

⁷ It should be noted that the Officer Report was the subject of a confidentiality order made by the Council and therefore not available to the Applicant until the CEO revoked the order in part and on 8 October 2021 a redacted copy of the Officer Report was provided to the Applicant.

uncertainty around Adelaide Hills Council's decision to approve road closures.'

- (c) The Officer Report also outlines the benefits of the multi-year agreement sought by the Adelaide Rally Organiser relating to reducing the risk of the Adelaide Rally not being held in the Adelaide Hills region⁸ and the benefits of the Adelaide Rally for the Council and the Adelaide Hills region.
- (d) We accept that the aim of the Adelaide Rally Organiser in seeking the multi-year agreement is to provide certainty and the ability to enter into multi-year arrangements with suppliers and sponsors. We accept that the Decision achieves that aim. The Officer Report states there is a risk of the Adelaide Rally not taking place if a multi-year agreement is not reached with the Council, and we have no reason to doubt that opinion is genuinely held by the report author, and further having regard to the report author's role at the Council⁹ we accept there is the possibility the Adelaide Rally might not proceed in the absence of a multi-year agreement with the Council.
- (e) The Officer Report outlines the benefits of the Adelaide Rally to the Council and its community including benefits to the business community from increased tourists to the region and that the Adelaide Rally showcases the region to the local, state and international market. In addition, the Officer Report states in relation to benefits to other councils and their communities:

There are nine other regions, some of whom promote and highly value the social and economic benefit the event brings to their council region, who are likely to benefit from event certainty across multiple years. There is concentrated economic benefit to The City of Adelaide who enjoyed over \$1 million in economic benefit in 2019 from the Gouger Street Party (12,000 people) and East End Finale (6000 people). Multi-Year arrangements with these bodies are only workable if

⁸ The Officer Report states that the Adelaide Rally Organiser believes that the Adelaide Rally 'cannot operate without the iconic Adelaide Hills stages'.

⁹ The responsible officer for the Officer Report is the Council's Manager Communications, Engagement and Events.

one exists with Adelaide Hills Council given that the majority of the event is in the Adelaide Hills region. Four other councils are currently considering multiyear agreements.

- (f) The Officer Report also outlines the community benefits of the Adelaide Rally as follows:

The event operates an At Risk Youth Driver Training program in the Mt Barker Region that educates young drivers. This course employs a previous Adelaide Rally winner and director of Australian Driving Institute, Cameron Wearing, to deliver the course. In 2020 the event provided infrastructure to the Nairne Community Group for their annual Christmas Carol Night. The event has previously supported White Ribbon Foundation (Domestic Violence Charity) and currently supports Prostate Cancer Foundation of Australia. As part of the proposed agreement the organiser has committed to holding at least one significant community event within the Adelaide Hills Council region.

- (g) The expected benefits of the holding of the Adelaide Rally to the Adelaide Rally Organiser, to the Council and its community and the region are the bases for the Council departing from the Events Policy.
- (h) The role of policy in administrative decision making is to guide the decision maker in the exercise of discretion. Policies are not legislation and should not be applied inflexibly. Where there are cogent reasons to do so it is acceptable to depart from a policy.
- (i) In this instance, the Council has clearly enunciated the reason for departing from the Events Policy and we consider that those reasons constitute cogent reasons to do so.
- (j) It is almost always the case that a council makes decisions on its own initiative, ie not at the specific request of its community. We accept the RT Act does not expressly refer to consent being granted by a council in the circumstances provided for in Section 33 for road closures in its area for multiple years however the RT Act does not prohibit such an approach. We do not see the

basis for implying an intention to the RT Act as asserted by the Applicant.

- (k) It is not unusual for decisions to be made by councils that have effect past the term of the current members of the Council.

8.1.3 ***Section 33 Road Traffic Act 1961 – Applicant Submissions***

- (a) The Applicant submits that the intent of Section 33(2) of the RT Act is that what is delegated to the CEO with respect to temporary road closures is acted upon in good faith with the interests of all road users and person who would be adversely affected.
- (b) The Applicant considers that those persons identified as affected by the road closures associated with the event should have been given, at least equal consideration with all the other factors relevant to the Decision but this did not occur.
- (c) The Applicant submits that while Section 33 of the RT Act can be utilised to effect temporary road closures, there is not consideration of whether it is 'reasonable, appropriate and proportionate' to use it 'from a moral point of view', to allow car racing.
- (d) In addition, the Applicant submits that temporarily closing roads for the purpose of car racing and speeding is contrary to the intent of Section 33 of the RT Act.

8.1.4 ***Section 33 Road Traffic Act 1961 – Analysis***

- (a) The Officer Report states that the Adelaide Rally will have a direct effect on some residents, businesses and visitors. It is apparent the Applicant considers the Council did not give equal consideration to the effects of the Adelaide Rally as it did to other considerations however, it is not clear to us the basis for the Applicant's assertion in this regard. Whilst the Council made the Decision notwithstanding it recognised there would be a direct effect on some residents, businesses and visitors, this does not indicate that it did not give equal consideration to that

issue. To the extent this is a criticism as to the weight the Council gave to this issue, this is discussed in the merits analysis of the Decision below.

- (b) We do not see any reason to interpret Section 33 of the RT Act in a way that limits its application so that it does not apply and cannot be used for car racing events. Section 33 of the RT Act relates to 'events' and 'event' is defined as 'an organised sporting, recreational, political, artistic, cultural or other activity, and includes a street party'.

8.1.5 ***Use of Public Roads for Car Racing – Applicant Submissions***

- (a) The Applicant asserts that the members of the Council who voted in support of the Decision have never provided a reasonable argument in support of public roads being appropriate venues for car racing.
- (b) The Applicant considers that the Council in its decision making is strongly guided by the views of Ministers but it completely ignores, consistently, DPTI's statement that:

'All road users have a right to use our roads including pedestrians, cyclists, motorcyclists, users of mobility devices and wheeled recreation devices; drivers of cars, and heavy vehicles; the young, the elderly and people with disabilities'.

- (c) The Applicant asserts that temporary road closures affect people's ability to use the roads which is an essential right of people being able to get about and this right should not lightly be taken away. Whilst the Applicant accepts there are many instances where roads have to be closed, he considers there needs to be a compelling justifiable case, for example road maintenance. The Applicant is concerned with this event being run on roads as it excludes other users from the road whilst the roads are closed.
- (d) The Applicant is not opposed to motor sport but does not think it should happen on public roads. The Applicant is opposed to

using public roads as race tracks. The Applicant is opposed to a decision that allows what is normally unlawful. The Applicant is opposed to formally sanctioning speeding and racing on public roads.

8.1.6 Use of Public Roads for Car Racing – Analysis

- (a) The Officer Report states that the Adelaide Rally takes place over four days and the road closures are for up to 4.5 hours which we understand is in relation to each stage. Therefore, the period for which a road is not accessible to all users is short.
- (b) Section 33 is an express power of the Minister to:
 - (i) make an order closing a road for an event; and
 - (ii) make an order exempting persons participating in the event from complying with laws that they would otherwise be required to comply with.

We consider the Adelaide Rally is an 'event' for the purpose of Section 33 and therefore can occur on roads. The Applicant does not provide any basis for questioning the appropriateness of roads being used for car racing other than his submission regarding roads being available for all users.

8.1.7 Benefit-Cost Analysis - Applicant Submissions

- (a) The Applicant asserts that there is no explanation of how the costs are outweighed by the benefits in relation to the Decision and there is no elaboration of what exactly the 'benefits' are and that the public interest in the Decision is completely ignored. The Applicant contends there has never been any form of consultation with the public before decisions are taken to impose temporary road closures and therefore how can the public interest be determined.

8.1.8 Benefit-Cost Analysis - Analysis

- (a) The Officer Report does include a discussion of the benefits of the multi-year agreement and the Adelaide Rally. The Officer

Report also includes the number of positive, negative and neutral responses received by the public in relation to the Adelaide Rally for the last six years.

- (b) The Applicant has provided to us a letter from the Adelaide Rally Organiser dated 6 August 2021 regarding proposed temporary road closures and seeking feedback.

8.1.9 ***Licence Fee – Applicant Submissions***

- (a) The Applicant considers that the imposed 'application fee' is manifestly disproportionately small compared to the costs borne by the public (not addressed in the Decision) and the profits made by the event promoter.

8.1.10 ***Licence Fee – Analysis***

- (a) The Officer Report states there is no direct financial cost to the Council for the delivery of the Adelaide Rally however the Council has set a fee for temporary road closures. The fee set by the Council does not relate to profits or costs to the public.

8.1.11 ***Other Matters – Applicant Submissions***

- (a) The Applicant has made assertions with respect to the internal review process (rather than the Decision itself). Some of those assertions that we consider ought to be the subject of specific consideration are:

... the AHC has gone to considerable length to not publicise this IRCD. This causes me to form the view that the review is not welcomed and that it will have a narrow focus rather than be an opportunity to investigate and report on all that really should be part of the IR.

.....

I have no evidence that you, as the investigator, have taken steps, to conduct your investigation and prepare your report to cover the widest scope possible, thereby getting the best outcome from the exercise.

.....

Your statement in your email of September 22. *'I will be reviewing all **relevant** information provided to me ...'*. I interpret this that you will be the judge of what constitutes '*relevant information*', in a similar manner that Kelledy Jones Lawyers did last year. What I deem to be relevant surely should be of equal if not greater importance.

I would have expected a degree of interviewing of some sort, of some of the people to take place.

.....

The AHC's decision is 'in the making' when the event proposer first contacts the Council. The council staff who are assigned to 'manage' the proposal play a significant part toward the outcome. They are guided in their information gathering and reporting by the actions of the Minister in issuing his order and delegating to the police to effect the closures. The AHC councillors are then provided with a detailed meeting agenda report full of information (hopefully presented in a way to put the case for all affected parties) appendices and recommended courses for decision. They are the actual decision makers. The underlined parties are the minimum whom you should consult. In addition the Director Community Capacity who has delegated to him oversight of the proposal and the CEO who has ultimate responsibility should be interviewed. Another person would be the Director of Infrastructure who should be capable of providing an opinion based on his familiarity with the roads within the AHC area.

- (b) The Applicant asserts in his email of 1 October (included within Appendix A) a number of matters that he considers ought to be considered and enquiries that ought to be made as part of the consideration of the Review Application.

8.1.12 ***Other Matters – Analysis***

- (a) The Council has managed the Review Application in accordance with the Review Procedure. There is no requirement that the Review Application be published. The scope of the Council's

consideration of the Review Application is as set out in paragraph 4.1.2, namely to review the Decision and determine if it is the best or preferable decision. It is not clear to us what the Applicant means by his submission that this report ought to cover the widest scope possible. We acknowledge that the Applicant may disagree with us as to the matters that are relevant to the Review Application. In any event, we have included the entirety of the Applicant's submissions for the Council's consideration.

- (b) We do not agree that all of the matters set out by the Applicant in his email of 1 October ought to be considered as part of this Review. We have included in this report all the matters we consider are relevant to the Decision which include some, but not all, of the matters which are referred to in the Applicant's aforementioned correspondence.
- (c) The Applicant also makes a number of assertions regarding the Minister and SAPol and their decisions, actions and processes (some of which are included in his email of 1 October 2021 referred to above) however those submissions are matters that fall outside Section 270 of the Act and the Council's role and ought to be directed to the Minister and SAPol.

8.2 The Applicant made extensive submissions on the preliminary report. Our consideration of the Applicant's submissions on the preliminary report is set out below.

8.2.1 ***Road Closures for Car Racing and Section 33 RT Act***

- (a) The Applicant argues that section 33 of the RT Act should never be used to support the temporary closure of roads for car racing events. Whilst the Applicant accepts that there are circumstances where temporary road closures would be '*highly desirable or valued on social, cultural, traditional or customary grounds*' including where there is an economic benefit, the Applicant argues strongly against the use of public roads for motorsport. The Applicant contends that using public roads for

car racing is hazardous and unsafe and there are no public roads in South Australia that are fit for use for motorsport.

- (b) In our view the suitability or otherwise of particular roads being used for motorsport is mostly a matter for the Minister who will be making the temporary road closure orders for the purposes of the Adelaide Rally. The Council's consent is sought as the local authority in whose area the event is to take place and the temporary road closures are to have effect. It is noted that the Adelaide Rally has occurred in previous years.
- (c) There are of course risks with motorsport on any roads. The Applicant would argue that the risk of using public roads for motorsport cannot be mitigated as public roads have not been *'purposefully designed and constructed and possibly modified to serve the dual role of being a road for every day use and also a substitute racetrack'*.
- (d) We consider the Minister would have sought, obtained and considered advice regarding the suitability of the public roads to be closed for the Adelaide Rally. We note that the Applicant has raised these concerns at the State government level and has received responses, albeit we expect the Applicant does not consider those responses to be satisfactory. We consider that the issue of safety has been reviewed and addressed based on the following responses provided to the Applicant in correspondence to the Applicant:

*With respect to your concerns, I am advised that the event organiser has demonstrated throughout previous events that necessary action and precautions are taken to minimise the impact and risk involved with staging the event'*¹⁰.

.....

'DIT officers have spoken to South Australian Police (SAPOL) who advised that the recent closures were made correctly and appropriately advertised as per the regulations. The closures

¹⁰ Letter from the Minister for Trade, Tourism and Investment dated 12 June 2019.

were re-assessed by the relevant councils, DIT and SAPOL officials and were not simply a copy of the approvals granted in 2020.

This process determined the closures were appropriately made for the 2021 event and ensured the event organisers would take all appropriate safety measures to protect the public whilst the rally is taking place.

Each motorsport event in Australia is undertaken under a strict level of management involving specialist vehicles often heavily modified and drivers with motorsport licences involving regular approvals and tests. These licences and approvals follows the highest global standards such as Fédération Internationale de l'Automobile standards which Motorsport Australia is a member of.’¹¹

- (e) We do not accept that there is information to suggest that public roads cannot be used for car racing with appropriate safety measures in place. Indeed there is information that the relevant State government departments have considered safety.

8.2.2 **Consultation**

- (a) The Applicant considers the preliminary report did not deal with his submissions regarding consultation. We disagree. We have stated that we do not consider that the Council is required to undertake public consultation. We disagree with the Applicant that consultation is necessary having regard to, amongst other things, the duration of the event and temporary road closures. The Adelaide Rally occurs over four days once a year. In addition, the temporary road closures operate for up to 4.5 hours for each stage.

8.2.3 **Merit**

- (a) The Applicant is clearly opposed to the use of public roads for car racing. The Applicant considers that the temporary closure of public roads for the Adelaide Rally unacceptably impacts the

¹¹ Letter from Minister for Infrastructure and Transport.

public, road users and their '*rights, liberties and entitlements*'. We do not disagree that there is some impact on the public however we do not consider that the impact is as significant as the Applicant argues when considering the extent and duration of the Adelaide Rally and the associated temporary road closures.

8.2.4 **Benefits**

- (a) The Applicant disagrees with our assessment and the description in the Officer Report of the benefits of the Adelaide Rally and argues that the Adelaide Rally organiser does not have benefits to the community as its objective in conducting the Adelaide Rally. We are of the view that there are significant benefits to the community of the Adelaide Rally. These are discussed later in this report in our discussion of the merits of the decision. In relation to the Applicant's view that the objective of the Adelaide Rally organisation is not community benefit we do not consider this affects the community benefit that will be obtained.

9. **REVIEW - ANALYSIS**

9.1 **Lawfulness**

- 9.1.1 We have considered whether the Decision is lawful. We interpret the Decision as a decision to support the Adelaide Rally and consent to the necessary road closures in the Council's area associated with the Adelaide Rally for a three-year period subject to the Adelaide Rally organiser undertaking in each of those three years certain steps to the satisfaction of the CEO. We consider the Decision is one that the Council can lawfully make.
- 9.1.2 We do not consider the Council was required to undertake public consultation as Section 33 of the RT Act does not require the Council to undertake public consultation before granting consent pursuant to Section 33 of the RT Act and the Council's Public Consultation Policy does not apply to the Decision.

9.2 Merits Assessment

- 9.2.1 At the outset it is important to clarify and emphasise that the Council is not the decision maker with respect to the temporary closure of roads within its area pursuant to Section 33 of the RT Act for the Adelaide Rally. However, we acknowledge the Council does play a role by granting consent to the temporary road closures.
- 9.2.2 Whilst the Applicant is opposed to the Decision from a number of standpoints, it is clear the Applicant's opposition to the Decision stems from his view that roads should not be used for car racing at all and that public roads should not be closed¹² other than in exceptional circumstances. This is evident from the Applicant's submission that he is not opposed to motorsport and that he considers public roads should only be closed in very limited circumstances and when absolutely necessary. We expect therefore that the Applicant would be opposed to any decision to allow the Adelaide Rally to be conducted on public roads.
- 9.2.3 Before considering the merits of the Decision, we wish to address the interpretation and application of Section 33 of the RT Act.
- 9.2.4 Section 33 of the RT Act empowers the Minister to make an order declaring a road to be closed and exempting participants in the event 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 term event is widely defined and would in our view include an event such as the Adelaide Rally. The Applicant's opposition to 'making lawful what is unlawful' is we understand fundamentally in relation to speeding and racing on public roads which is ordinarily unlawful. However, the starting premise is that Section 33 permits the Minister to exempt participants in an event for which the Minister has made an order under Section 33 from complying with laws relating to conduct on roads including speeding. The question of

¹² When we meet with the Applicant the Applicant suggested he would not be opposed to the Decision if the roads in question were only partially closed so that other roads users could still use the roads during the Adelaide Rally. However, as the Applicant is generally opposed to car racing on public roads we have not considered this any further. In any event we expect it is not possible for the roads to remain open to other users during the Adelaide Rally.

whether participants in the Adelaide Rally ought to be exempted from the duty to observe rules regarding speed limits is ultimately for the Minister (or Minister's delegate) to decide. The Minister is only required to obtain the Council's consent in relation to an order to close a road under Section 33 of the RT Act.

- 9.2.5 The Decision relates to the Adelaide Rally. The Officer Report provides a summary of the Adelaide Rally. The Adelaide Rally runs on sealed roads within the Adelaide Hills Region, with a large portion of the stages within the Adelaide Hills Council area and requires road closures of various sections of roads within 13 different regions. The Adelaide Rally normally takes place in November. For the Adelaide Rally to run successfully throughout the Adelaide Hills region, a number of full road closures are required. Since 2015, the Adelaide Rally has been wholly South Australian owned and operated. The Adelaide Rally takes place over four days and is the largest in the southern hemisphere with 422 cars and 844 participants in March 2021. Other councils involved with the Adelaide Rally include Yankalilla, Mt Barker, Alexandrina, City of Adelaide, Campbelltown, Burnside, Mitcham, Tea Tree Gully and Onkaparinga.
- 9.2.6 The Council is required to make decisions in the public interest. In our opinion, making the correct and preferable decision is in the public interest.
- 9.2.7 The factors in favour of the Decision are:

(a) **Alignment with the Council's Strategic Plan**

The Council's Strategic Plan has as a Council goal to 'celebrate our community's unique culture through arts, heritage and events' and a priority, to 'Develop, support or bring events to our district that have social, cultural, environmental or economic benefits'. As set out in the Officer Report:

'... 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.'

(b) Certainty for the Adelaide Rally

There is a risk that the Adelaide Rally will not be able to take place if the Adelaide Rally Organiser is not able to secure a multi-year agreement with the Council. The Officer report states that the consideration of granting consent to the road closures for the Adelaide Rally on an annual basis '*... heightens the risk of the event not being able to operate when compared with a multi-year agreement ... the acceptance of the proposal, ...will provide the event organiser with an increased level of certainty and greater opportunities to attract long term event sponsors, hence reducing the risk that the event will be lost to the region.*'

(c) Benefits to Business

The business community has the potential to benefit from increased tourists to the area during the Adelaide Rally. We note that typically 15% of participants are from overseas or interstate and in 2019, 1,419 bed nights were associated with the Adelaide Rally. One of the events associated with the Adelaide Rally in 2021 was a lunch stop that generated 2,500 people. The Officer Report outlined other business benefits.

(d) Duration of Event and Road Closures

The Adelaide Rally is over four days once a year and road closures are for up to 4.5 hours based on the Officer Report.

(e) Community Sentiment

Based on the Officer Report, past community feedback suggests a small number of residents and businesses directly impacted by road closures have felt negative about the Adelaide Rally, while the majority are either neutral (including those residents who do not respond to direct contact asking for feedback) or positive about it. Last year there was a significant increase in the number of positive responses. The Officer Report notes that some respondents were participants or competitors, including

people from interstate, who complimented the organisation and location of the event and mentioned money spent in the region during their visit at local businesses. There were also several local residents who live on or near the road closure points who commented how much they enjoy the event. The five negative responses were from local residents concerned about hoon driving and the impact of road closures.

(f) **Community Benefit**

The event operates an At Risk Youth Driver Training program in the Mt Barker Region that educates young drivers. In 2020 the Adelaide Rally provided infrastructure to the Nairne Community Group for their annual Christmas Carol Night. The event has previously supported White Ribbon Foundation (Domestic Violence Charity) and currently supports Prostate Cancer Foundation of Australia. The Adelaide Rally organiser has committed to holding at least one significant community event within the Council's area.

9.2.8 The factors against the Decision are:

(a) **Injury/loss to Participants and Others**

As set out in the Officer Report, there is the possibility of conflict between event participants, residents, business owners and road users leading to injuries and/or property or vehicle damage and/or financial loss to those affected.

(b) **Effect of Road Closures on Businesses and Residents**

The Adelaide Rally will have a direct effect on some residents, businesses and visitors as a result of the road closures. As noted in the Officer Report, there is also potential for some businesses to be disadvantaged as a result of road closures reducing staff and customer access and therefore, revenue.

(c) **Environmental Impacts**

As noted in the Officer Report, there is the potential for the Adelaide Rally to impact the environment of residents and

businesses by way of noise, litter, damage or adverse impact to roads, trees, livestock and other flora and fauna.

9.2.9 On balance in our opinion, the factors in favour of the Decision outweigh the factors against the Decision.

10. **CONCLUSION**

10.1 Taking into account all the information as set out in this report, our preliminary view is that:

10.1.1 the Decision is lawful;

10.1.2 the Decision is the best or preferable decision.

11. **RECOMMENDATIONS**

11.1 That the Decision be affirmed.

Yours faithfully
Norman Waterhouse

A handwritten signature in blue ink, appearing to read 'F. D'Agostino', with a stylized flourish at the end.

Felice D'Agostino
Principal

T 08 8210 1202
fdagostino@normans.com.au

Appendix A

Felice D'Agostino

From: Eberhard Frank <joe.frank@bigpond.com>
Sent: Sunday, 5 September 2021 4:00 PM
To: Felice D'Agostino
Subject: Internal Review of Council Decision

Good morning Ms d'Agostino

Let me introduce myself. I am Eberhard Frank, known as Joe Frank since schooldays. I have made an application for an Internal Review of Council Decision, namely resolution number 105/21, *Multi-Year Road Rally Proposal*. It is my understanding that you have been engaged to conduct the Internal Review Investigation by the Adelaide Hills Council.

I am further informed that you are an external consultant who is used, to "promote an unbiased and objective assessment of the Internal Review matter". That is heartening news for me. Hence this contact with you.

In the interests achieving an "unbiased and objective assessment" let me propose some suggestions which, to me, seem logical and reasonable steps to take.

- Seek out correspondence between the AHC and me relating to Temporary Road Closure decisions going back to, at least, 2012, which related to the conduct of car racing on public roads
- Avail yourself of the involvement of Kellady Jones Lawyers in a similar undertaking on behalf of the AHC and the determinations and findings made, and why that firm was engaged to conduct the investigation
- Speak with the present mayor over this matter, and if possible, her previous two predecessors
- Speak to each of the present elected representatives (councillors), especially those who have a continuous service record of more than one term
- Refer to a report in *The Sunday Mail* page 17, April 24, 2021. Ask why car racing (motor sport) events, conducted on public roads are referred to as "rallies" and not "races" which they actually are
- Refer to reports in *The Courier*, an Adelaide Hills newspaper, from June 6 2021 page 40, and July 28 2021 page 8
- Invite the road-using public to provide input into the investigation you are/will be undertaking
- Familiarise yourself with the Independent Panel Review into the proposed Dan Murphy's development in Darwin and the implications of its findings, as far as "social licence" to operate by a corporate business entity, are concerned
- Make yourself aware of recent developments with respect to *the Transparency of Local Government* by changes to the Local Government Act 1999 and how the lack of full transparency by the AHC meets with those requirements
- Study the AHC's Festival & Events Policy and evaluate it on the basis that it is balanced and provides equality to all parties it is intended provide guidance and to provide clear, just and fair outcomes
- Review the RTA 1961 particularly S 32 & 33 and assess if an "event" which is totally contrary to normal and expected road usage by motorists, should be sanctionable by that Act.

I need you to know that my experiences with the AHC over TRC's have been totally negative. The Council, as an institution, has not been cooperative in engaging in a rational, evidence-based, evaluation of such decisions. It has not entered into a process of full, open, and transparent investigation which addresses all the issues, particularly the *competing claims* to access designated sections of public roads. It has chosen to prioritise the "dubious desires" of an individual entrepreneur and a minority group of motorsport (racing) enthusiasts over the **rightful** claims of the vast road-using public,, to access and use it, roads.

Finally, I have taken the pre-emptive step, of providing your business contact details (obtained from online sources) to the wider public by writing to The Editor of *The Courier* and requesting him to publish my letter. I was motivated to take this course of action to get the best outcome for all the parties that have a grounded interest in this matter.

Perhaps you can invite the public to provide you with helpful information to assist with your investigation. That would be refreshing.

I can be contacted by return email, or ph 83901918, or 12 Hunters Road Basket Range 5138. I have much more relevant material to share with you to ensure that your investigation results in positive outcomes for all.

Kind regards

Joe Frank 5/9/2021

Felice D'Agostino

From: Eberhard Frank <joe.frank@bigpond.com>
Sent: Tuesday, 7 September 2021 3:05 PM
To: aaitken@ahc.sa.gov.au
Subject: Adelaide Rally

Good afternoon Mr Aitken

Once again I am obliged to draw to your attention irregularities associated with the management of the 2021 Adelaide Rally. Whilst some of this has been delegated to the incompetent promoters of that event, ultimately the Council bears responsibility, since it provides the misguided consent for temporary road closures to enable such an ill-considered event to proceed.

This morning Mr Charles Mountain, Senior Manager Safety & Infrastructure RAA contacted me over details related to the Adelaide Rally which he had observed on the website. He mentioned to me that Hunters Road at Basket Range was among the "closed road stages". This prompted me to search the website myself for more details.

Both Hunters and Knotts Hill Roads which are used by me almost on a daily basis are shown as closed roads for both November 25 and November 26. **To date I have not yet received the notice I am meant to receive as a resident/owner/occupier** which informs me of these closures.

Item 18.1.1 Multi-Year Road Rally Proposal - Confidential Item forming part of the AHC's minutes of Ordinary Council Meeting 25 May 2021 makes it clear that people, such as I, need to be contacted. This was, in fact, the case with respect to the closure of the Lobethal Road. I did receive notification about that matter.

I hold the AHC responsible, and this includes all staff from the highest level, who have had any role in the matter of this rally event. It is manifestly apparent the AHC cannot even abide by its own policies and decisions, let alone adequately supervise the conduct of those it has delegated certain responsibility.

Please bring this notice to the attention of the Mayor and all councillors. I await your considered response.

Kind regards

Joe Frank

Felice D'Agostino

From: Steven Watson <swatson@ahc.sa.gov.au>
Sent: Wednesday, 29 September 2021 4:15 PM
To: AHC Councillors; Felice D'Agostino; Andrew Aitken; David Waters
Cc: Lachlan Miller; Jennifer Blake
Subject: FW: CONFIDENTIAL - FYI Internal Review of a Council Decision (s270) - Mr Frank resolution number 105/21, Multi-Year Road Rally Proposal
Attachments: Hand Delivered Letter from Mr Joe Frank dated 30 Sept 2021 Received 29 Sept 2021.pdf
Importance: High
Sensitivity: Confidential

Dear Council Members, Ms D'Agostino and Nominated Officers

Further to my previous email detailed below, Mr Frank has provided correspondence dated 30 September 2021, received 29 September 2021 which Mr Frank requests a copy be provided to you.

Once again may I please ask that you treat this matter with sensitivity and confidentially in order not to prejudice the process and should you have any questions please contact me on 8408 0415 to discuss.

Regards

Steven Watson
Acting Executive Manager Governance & Performance
Adelaide Hills Council

p 08 8408 0415
e swatson@ahc.sa.gov.au
w ahc.sa.gov.au

Visit me at: 63 Mount Barker Road, Stirling SA 5152
PO Box 44 Woodside SA 5244

From: Steven Watson
Sent: Wednesday, 1 September 2021 4:00 PM
To: AHC Councillors <AHCcouncillors@ahc.sa.gov.au>
Cc: AHC Executive Leadership Team <AHCELT@ahc.sa.gov.au>; Jennifer Blake <jblake@ahc.sa.gov.au>
Subject: CONFIDENTIAL - FYI Internal Review of a Council Decision (s270) - Mr Frank resolution number 105/21, Multi-Year Road Rally Proposal
Importance: High
Sensitivity: Confidential

Dear Council Members

Council has received an Internal Review of a Council Decision (s270) from Mr Frank directed towards resolution number 105/21, Multi-Year Road Rally Proposal from the 25 May 2021 Ordinary Council Meeting.

I am assisting the Chief Executive Officer with the process and through concurrence, engaged Norman Waterhouse Lawyers to undertake the review and provide an investigation report. The applicant has been advised of the engagement and process to be undertaken.

As the Elected Council was the original decision-maker it will also be the Reviewer (for the purposes of the Policy) for consideration of the investigation report. This will be programmed into the agenda for the next available Council meeting following the completion of the investigation report. At this time the matter is scheduled into the 28 September 2021 Ordinary Council Meeting, although if the investigation report is not complete in time to meet the agenda preparation deadlines, the matter will be scheduled for the 26 October 2021 Ordinary Council Meeting.

I ask please that you treat this matter with sensitivity and confidentially in order not to prejudice the process and should you have any questions please contact me on 8408 0415 to discuss.

Regards

Steven Watson
Governance & Risk Coordinator
Adelaide Hills Council

Working remotely Monday, Wednesday & Friday
p 08 8408 0415
m 0418 848 364
e swatson@ahc.sa.gov.au
w ahc.sa.gov.au

Visit me at: 63 Mount Barker Road, Stirling SA 5152
PO Box 44 Woodside SA 5244



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29 SEP 2021

Mr. Steven Watson
Governance and Risk Coordinator, AHC
P O Box 44
Woodside SA 5244

Dear Sir,

Herewith please find additional material pertaining to my request for an IRCD, originally submitted August 23, 2021. At that time, and since, I have made it clear that I will be providing additional material as my requests for information are responded to by the AHC, either directly or by determination of FOI requests. I was also awaiting a response from the Ombudsman for his review of the AHC's determination. No such information was received.

Further to these items of awaited information I searched the AHC's website, looked out for public notices in Hills Voice and other online Council communications with constituents, public notices in AHC customer service centres/libraries and local newspapers such as the *Courier* and *Hills Herald* to see if an item, as important as an Internal Review of Council Resolution/ Decision, (105/21) would be brought to the attention of a wider public. I was sorely disappointed. Neither the AHC, nor the Independent Investigator to conduct the IRCD engaged by the AHC deemed it necessary to seek wider input into the investigation to ensure that the best possible outcome would be achieved. This is reminiscent of what transpired in 2020 when Kelledy Jones Lawyers investigated and reported on the August 28, 2018 and the May 26 2020 AHC decisions relating to Temporary Road Closures.

In fact, I cannot help but come to the conclusion that the AHC wants to keep this IRCD as low key and as far removed from public involvement and scrutiny as possible. This is totally inconsistent with "HAVE YOUR SAY" and "YOUR PLACE, YOUR SAY" and many other exhortations by the Council to provide it with input and feedback on a host of matters.

To the best of my knowledge, the only people, apart from some AHC staff, the Mayor and councillors, Norman Waterhouse Lawyers and me, is the editor of the *Courier* who exercised his editorial prerogative not to publish a letter I furnished advising of the IRCD.

As my IRCD you have been singularly reticent in promoting this review. After all, the AHC, despite its best efforts to avoid scrutiny of its decision is now obliged, by its own decision to conduct an internal review, which might, depending on outcomes, lead to an external review.

Please make all of this communication available to Mr. D Waters AHC, Mr. A Aitken AHC, Mayor Wisdom AHC, each of the councillors of the AHC, and **Ms Felice D'Agostino, Norman Waterhouse Lawyers.**

My initial application for IRCD listed twelve "dot" points. Here are further matters/issues which need close examination and assessment by the Independent Investigator.

Council Failures

- Despite consenting to the conduct of motorsport involving racing and speeding, for at least the past twenty years, the AHC still does not have a register or catalogue of roads (either DPTI or its own managed) which are categorized as: 'being suitable venues' and 'not being suitable venues' on which to conduct car racing and the attributes/characteristics of the roads (or sections thereof) which render them suitable, or unsuitable. Surely such information is a basic starting point.
- There is no staff member on the AHC who is qualified, experienced or competent to make any decision about the suitability/appropriateness of any public road or section within it as a venue for car racing. Council staff depend on information input from other sources in preparing their reports, including agenda reports, and making recommendations for decisions. These are: "Material submitted by the applicants seeking consent", "Guidelines and other information from Motor Sport Australia and the International body FIA", "local community input", "DPTI input", "SAPOL input", "Tourism SA input" "Road Safety Organizations Input".
- Council staff are employed to put the interests of the ratepayers, the constituents, before other considerations. In preparing their reports and making their recommendations for decisions on which the councillors rely, they demonstrate a bias for Temporary Road Closure (TRC) and thereby favouritism for car racers rather than the protection and preservation of the rights and entitlements of **all other road users**
- Councillors are elected to represent the views of their constituents in our participatory, representative democracy. The information provided to them by council staff is their primary source on which they rely. No efforts have been made, by any party, to survey and consult with the constituents, who are supposedly being represented by the councillors, **before** any recommendations or decisions are made.
- Both Council staff and councillors, are persuaded, more by doubtful claims of social, economic and other extraneous benefits that supposedly accrue from TRC's than the reality of the mass public being denied its right of access and use of its public roads. The applications for TRC's that come before the AHC do not, as their primary purpose, propose a set of outcomes to benefit business/commercial interests and some social benefits. The **primary purpose, for TRC's**, is, unarguably, the use of public roads for car racing. The rest is "window dressing" to make an activity, normally regarded as unlawful, palatable and acceptable.
- The entire exercise of granting consent for TRC's is one of **gross deception** beginning with the proponents of using public roads for their exclusive benefit, and ending with ill-informed Council staff providing misinformation (mostly by default by not having all the information, or intentionally withholding it) to the decision-makers, the councilors.

Missing basic premises

- Roads and their purposes. The AHC is unable or unwilling to address this. Roads are public spaces to which the public has an entitlement either by statute law, common

law, agreed ordinances or regulations (National Road Rules?) or long-standing practice that is unquestioned and is the norm for our society. Every road using person knows that they can use the public road system as a matter of right without needing a permit or other approval from whatever authority exists to manage the public road network. Car racers know they do not have this right. They must either pursue their activity surreptitiously (illegal speeding or 'hoon' driving) or seek, through procedural 'rights' to be given exclusive use of a public road (or parts thereof) to the **denial of public rights** and to the **detriment of all those entitled to legally and rightfully use the road**.

- The right of the public to access and use its roads is not absolute. There are many circumstances when this has to be denied. But in **every case of denial** there must be the justification of **necessity**, or some **greater public benefit**. *Denying the public its right of entitlement to its roads to give priority to car racing does not pass the test of necessity* or the test of **greater public benefit**. The AHC has never made a substantive case to justify its decisions to grant TRC's for car racing events.

The legal or authoritative basis for granting TRC's

- The Road Traffic Act 1961 particularly Section 33.
This is the only real force to support the TRC's unless one scrutinizes how it is meant to be used and applied. The 'minister' can declare an event to be an event to justify and authorize the police, after consent from the local government has been granted, to close roads to the public so that an approved 'event' can be conducted on nominated roads. The Act and the section were not intended to condone or give support to what would be illegal pursuits such as racing, speeding and flouting the normal rules applying to public roads.

The Act was intended to extend what is normal, lawful use of roads, to some degree, to allow "events" to be conducted safely and cause no harm.

Examples: Anzac Day Marches, Military Parades, Royal and other dignitary visits, Christmas pageants, Motorcades travelling at posted speeds, Celebration of cultural, historic, religious or other significant occasions. All of these need full access to a road to be conducted safely and to the benefit of all. Such TRC's still allow a limited degree of movement and access to the public.

Temporarily closing a road for the purpose of car racing and speeding, irrespective of claims made for other "benefits" is contrary to the intent of Section 33 of the RTA. This should be tested in a court of law, or at the very least by an authority such as SACAT.

- The "force" of precedent. The AHC uses the same *recipe* each time it makes the decision to TCR's.
- It gets state government support. A minister, usually 'Roads' issues an order for an "event". The police make this operational. The CEO/Minister for Tourism are supportive of the "event" by way of direct and indirect public assistance. None of these parties concern themselves with the impact of their decisions on those directly and less directly affected. They rely on the "checks and balances" built into the **process**, namely that the local council, which best understands the impact of TRC's since it is closest to the people it serves, from being a responsible arbiter and to use its allocated responsibility to best effect. Some councils do this, and do not grant consent for TRC's. Others fail to use their powers as intended or fail to

conduct a thorough assessment of **all that needs to be considered**. The AHC has no policy, no guidelines, no statement of values or principles which it applies in its decision-making with respect to TRC's when it comes to motorsport on public roads involving speeding.

Lack of Transparency

- The public is not informed until the process is so far advanced, that commitments have been given and decisions have been made that there can be no reversal of the decision. So called "feedback" is sought **after** TRC's have been granted! Any feedback, however constructive, is ignored. Those providing it do not have the feedback acknowledged let alone responded to. A one line feedback, is given the same 'value status' as a full page of constructive and carefully reasoned argument.
- The public has no ready access to pre- and post- event reports which the Council requires.
- Objections/complaints play a disproportionate role in determining 'consent'. The AHC equates a "low level" of complaint as being equivalent to a "high level" of support. The Council is totally oblivious of the fact that no individual should ever be required to put forth an argument or reason in support of keeping their access roads "OPEN". That is the norm, the expectation of every road user. All authorities with control over roads go to great lengths to minimize disruption to road access/usage. **Our public roads are the basis on which our society functions.** With TRC's we have an ill-informed council decision, that is totally oblivious for the need of a public road system, prioritizing its use for a completely non-essential event. That is the height of absurdity and sheer irresponsibility. Where is the "**greater good**"? The Council seems to hold to a view that our public roads can be "traded off" to some "higher bidder" and the consequences of this that no one suffers any loss or harm. Those whose movement is limited by the decision suffer a "mere inconvenience", rather than a denial of fundamental rights such as the *right of freedom of movement, the right of association, the right of assembly*. Each of these and other entitlements, depend on free and ready access to public roads.

The AHC does not appear to have an understanding, or at least it does not show such an understanding in reports dealing with TRC's that TRCs fall into different categories.

There are TRC's that allow no prior notice to be provided to road users. Examples include sudden flooding, storm damage, earthquake damage, landslides and rock falls, sudden fires, road accidents, security measures. They are necessary.

There are TRC's that need to be implemented but some prior notice can be provided. Examples are road maintenance, roadside tree trimming, water pipe and sewerage pipe upgrades, street parties, arts festival activities, protest marches.

Finally there are situations where TRC's are desired by some for very personal/selfish reasons but there are no grounds of necessity. Conducting motorsport activities that run counter normal road use are an example.

What is most unacceptable about the AHC decision of May 25, 2021 is the totally absurd situation where a staff member or a set of members are assigned the task of gathering information, collating this, then preparing reports under the direction of the Director of Community Capacity, who himself has his responsibility delegated to him by the CEO of the AHC.

The event applicant/promoter speaking of the Three Year Agreement reached on May 25 2021 said, "It's a really positive thing". We've got a really extraordinary relationship with the council and the council's event staff and it really is a natural progression in the strengthening of the relationship".

One has to question where is the "really extraordinary relationship" that constituents can rightly expect of the council staff and council? After all it is the constituents who must surely be the council's highest priority.

So the "events team" under the direction from their superior who has his duties delegated to him by the CEO have engineered an arrangement whereby the responsibility for decision which should be taken, on every occasion requiring TRC's by the elected representatives of the people, the councillors has now been delegated by the councillors to the CEO. How is this consistent with the role of councillors? Why have councillors in the first place if they find the task of representing their electors so onerous that they delegate their real and expected responsibility to the CEO? How can the CEO be seen, in any manner of interpreting his role, as representing the constituents of the AHC area? Only the Mayor and elected representatives can rightly claim to represent the people.

The IRCD must find that the decision reached on May 25 is an aberration which is contrary to the legal basis of TRC's, the RTA (Section 33), deviates from councils own policies, and runs completely counter to the way participatory, representative democracies should operate. The AHC's action here can be correctly described as that of a regime of *"competitive authoritarianism"*, a regime which imposes rather than consults or negotiates, a regime which favours the private interests of a commercial enterprise over the public rights of constituents, a regime which ignores the principle of "social licence" to operate in a social setting and a regime which needs to be first and foremost representative.

Submitted by Joe Frank 30/9/2021

Felice D'Agostino

From: Eberhard Frank <joe.frank@bigpond.com>
Sent: Friday, 1 October 2021 9:39 AM
To: Felice D'Agostino
Subject: Response to your invitation to provide relevant material

Dear Ms D'Agostino

I am availing myself of my final opportunity to provide information to you relating to my request of the AHC for an IRCD of its decision (resolution number 105/21) of May 25 2021.

I have been advised by Mr Steven Watson, my IRCO, that you have considerable local government experience and expertise and are an external consultant used to promote an unbiased and objective assessment of the IR matter. He also states that since you are engaged by the AHC you are not independent of the Council, nor are you required to be under the LGA or AHC's IR policy. For your involvement to have a degree of validity, it should make an attempt to see matters from the point of view of people such as me. "Stand in our shoes!".

I respect these statements and all your legal qualifications and expertise you might bring to bear in conducting your investigation and preparing your report. In saying this I have some misgivings and shall elaborate.

- I have not been provided with any "terms of reference" or "rules of engagement" within which you are required to operate. It would be helpful and create reassurance and trust if these were provided.
- The AHC has gone to considerable length to not publicise this IRCD. This causes me to form the view that the review is not welcomed and that it will have a narrow focus rather than be an opportunity to investigate and report on all that really should be part of the IR.
- I have no evidence that you, as the investigator, have taken steps, to conduct your investigation and prepare your report to cover the widest scope possible, thereby getting the best outcome from the exercise.
- The AHC promotes its 'community consultation' credentials at every opportunity. Yet, when a real and important situation warranting community input, it avoids the opportunity. It is contradictions such as this which cause me to question a genuine intent. Unless I, at the last moment, sought to have the review, the entire secrecy of the decision would have fallen below scrutiny.
- The haste with which the exercise of the review needs to be conducted. I am aware of the requirements of the IRCD Policy. Notwithstanding that, the imperative is occasioned by the decision needing to be found "lawful, reasonable and appropriate" before late November 2021 when the Temporary Road Closures (TRC's) have to come into effect. There cannot be any doubt of any kind as to the validity of Council's decision and the IRCD has to dispell such a possibility. Yet my request for IRCD relating to a decision of August 28 2018, on TRC's, was not completed until October/November 2020 after conflating it with my request for IRCD made following the May 26 2020 decision on TRC's!
- The above referred to IRCD, was managed by a legal firm, which I assume, conducted an unbiased and objective assessment of the IR matters. It too failed to "widen" and "broaden" the scope of its investigation, it too did not share any terms of reference with me or anyone else for that matter. My experience has been that these IRCD are *exercises in futility* from the public's viewpoint since they achieve nothing positive, and confirm, to a greater degree, maintaining the status quo.
- The exercise of an IRCD relating to TRC's has two essential components. These are the legal underpinnings of the decision and the moral imperative, "doing what is right, just and fair". The AHC, as an institution, is devoid of a values base (or it ignores it if it has one) when it come to decisions of TRC's warranting the full set of values and principles on which our society is based. We happen to constitute a participatory, representative, democratic society. This should involve a considerable degree of consultation and negotiation. When it come to TRC's, decisions are determined by input from private enterprise, council staff reports and recommendations and councillors who never debate the many contending and competing items that are involved.
- Your statement in your email of September 22. "*I will be reviewing all **relevant** information provided to me ...*". I interpret this that you will be the judge of what constitutes "*relevant information*", in a similar manner

that Kelledy Jones Lawyers did last year. What I deem to be relevant surely should be of equal if not greater importance. After all my request for IRCD was deemed to have relevance, was not trivial, frivolous or vexatious, was within the scope of the IR policy, and demonstrated that I had "sufficient interest". Had I not instigated this review, you would not have been commissioned to exercise your role.

- A reluctance, to date, to speak with me, either directly or by telephone, why I find it necessary to seek IRCD's. That to me is a telling factor in assessing your degree of impartiality and objectivity.
- I have no evidence of your consultation with anyone who played any role relating to the May 25, 2021 decision in question. I would have expected a degree of interviewing of some sort, of some of the people to take place. How else can you claim to have conducted a thorough investigation, truly considered all the factors at play, and then produced a report of meaning and merit.

In your investigation I have the expectation that you will endeavour to look closely at:

- If real democracy implies people's collective ability to get control over their own circumstances and their resources, in this case, access to and use of their roads, then why is this not happening in the AHC area in 2021?
- If "the Minister" uses his discretionary authority to interpret the RTA S33 in the manner that suits him and is based on whatever advice he chooses to accept in reaching his decision, then this is in no way binding on the local government. It can act entirely independently of the Minister because that is in fact its brief. Your investigation needs to demonstrate that the AHC is acting in the best interests of its constituents and road users when it comes to the matter of TRC's for motorsport. It must determine if the decision is based purely on the roads & racing issue, as it must be, and not on "dependent" claims of benefit that might accrue to some at the expense of and report on, to the fullest extent, what entitlements or rights, promoters of motorsport events relying on exclusive access to and use of public roads, are being denied by the Council if it withholds consent for TRC's. You need also to investigate and report on what existing entitlements members of the wider public are being denied, if consent for TRC's for car racing is not provided.
- You need to investigate and report on the reports and information that is provided to councillors and on which they then make their decisions, are balanced, unbiased reports showing, as a very minimum, that there are competing claims, but also being accurate in so far that the claims of the road user to the road far exceeds the desire/want of an event promoter. The former has a real entitlement which can only be justifiably denied on grounds of need, security, or agreed upon social/cultural/historic value. Car racing fails to measure up.
- You need to, in your investigation and report show, unequivocally, why we need to have S33 as part of the RTA. If there was not the common understanding that roads are public spaces to which the public has right of access, without having to acquire some permit or certificate of right of use then such powers would not be needed.
- You need to investigate and report on the different manner of providing consent for TRC's by the AHC when it comes to the event referred to as "The Adelaide Rally" and the event referred to as "The Adelaide Hills Rally". They are essentially similar in-so-far that they have to be conducted on TCR's. The former is the subject of my current IRCD. The latter gained its consent in July 2021. It could become the target/subject of another request of IRCD from me, since the same processes are followed in providing consent.
- It is my conjecture that Norman Waterhouse Lawyers may well have provided advice to the AHC with respect to *Multi-Year Rally* proposal which resulted in resolution 105/21, now the subject of my requested IRCD. Should that conjecture have any credence then your report will have to show the extent to which the AHC has sought advice from N W Lawyers and how that impacts on the "independence" of your investigation.
- Your investigation and report need to show that the AHC has a proper understanding that roads are not assets like halls, ovals, parks, playgrounds, reserves which can be hired out or leased for longer or shorter periods. Roads are the most essential assets of any society, and for that reason they must remain "open" except when clearly justifiable and agreed upon constraints need to be applied.
- Your investigation and report needs needs to determine if the AHC actually has a concept/guidelines/policy dealing with "The Purposes and Use of Public Roads". If not as a self-contained document, then asc part of a related one e.g. Festival & Events Policy.

- Your investigation and report needs to focus on why some roads are never considered for TRC for car racing activities, whilst other roads are subjected to TRC on an almost annual basis. You need to inquire, for example why the following are exempt and how this fits with equality of treatment and fairness.

The Old Mt Barker Road between Crafers and Aldgate/Bridgewater

The Upper Sturt Road between Crafers and Belair/Hawthorndene

The Princess Highway between Crafers and Hahndorf

Greenhill Road between Burnside and Balhannah

Lobethal Road between Forest Range and Lobethal

Woods Hill Road between Ashton and Norton Summit

Belair Road from Belair to Mitcham

S - E Freeway from Glen Osmond to Crafers/Stirling

- You need to investigate and report on why, if the "event" necessitating TRC's are so popular and advantageous, that councillors do not vie strongly to have them conducted in the neighbourhoods within their Wards.
- You need to investigate and report why not a single person from the AHC, either an employee, or an elected member has ever refuted the case I have made, repeatedly, against the use of public roads for car racing events.
- You need to know that neither the Premier in both his roles as government leader and Tourism Minister, nor several other Ministers with some association with the TRC's ordered by him have chosen to acknowledge, let alone reply to my communication relating to TRC's for car racing. The CEO of Tourism SA and the Commissioner of Police, have to date not acknowledged receipt of my correspondence. Silence is a powerful retaliatory weapon for them.
- No one from either the S A government, nor the AHC has denied an inherent contradiction between campaigns and other measures enacted against speeding on our roads and active and overt support being provided to use public roads as racing venues. The standard response is the roads are closed to general public use and that measure counters all contentious arguments and unwelcome criticism.
- Whilst you have been engaged by the AHC to investigate and report on its decision, since ratepayer funds are used for you to do your work, it is therefore incumbent on you to ascertain opinions from such people as the Commissioner of Police, The Minister of Police and Road Safety, Professor Woolley from Adelaide Uni(Auto and Road Safety), to enable you to make the AHC more aware of what mix of factors need to be addressed when contemplating consent for TRC's.
- You need to investigate and report on the absurd arrangement that currently exists by which the AHC accepts an application from a racing promoter before that person has been required to enter into genuine consultation, discussion and negotiation with the communities through whose neighbourhoods fun the roads he seeks to have closed. That surely, is rationally the first step, that needs to be taken if the required exercise of "social licence" is to be honoured. Only after gaining community support should any further action be taken with the authorities to progress the process.
- You need to investigate and report on why the process of getting consent for TRC's is not controlled by the Council which is empowered to grant this? The reality is the promoter comes with a grab-bag of wants and the Council complies with very few qualifications or conditions needing to be met.
- You need to investigate and report on why, once consent is grante, the Council delegates to the event organiser the very responsibilities that rest with it since it provides the consent. Duty of care, like the responsibility of representation cannot be delegated. It is the Minister and the local council that are answerable to the people by virtue of the decisions they make. Each of these parties has the power to reject any application for TRC's.
- You need to investigate and report on the fact that no single authority has oversight of the TRC process. Each of the parties that play a role do o independently of each of the other parties. This results in the checks

and balances, that have intentionally been put in place to ensure that rights/entitlements are not trampled upon, tend to be ignored or are perceived as obstacles to solutions, rather than inalienable principles around which real solutions must be derived.

- You need to investigate and report on why an racing car event provider needs to have a three year consent, why the Council feels it must provide this and why the elected representatives consign their responsibility of decision-making to the CEO of Council? There is nothing democratic about this arrangement, nor does it put the public interest ahead of private interests, which is a basic duty of local government.
- You need to investigate and report on the fact that the AHC resists providing readily available information relating to roads used for racing and the entire process associated with this. You must further pursue why one must resort to FOI to access information and even when this is done, place the matter in the hands of the Ombudsman to have the information eventually provided?
- You need to investigate and report why the AHC, despite its great range of personnel, needs bring in investigators from outside at considerable expense to its resources?
- You need to investigate and report why the Director of Community Capacity and the Director of Infrastructure do not submit reports to the councillors since they have particular expertise related to the impact of any road closure for any reason on the immediate community and on the wider community.
- You need to investigate and report why communities such as Stirling and Uraidla do not want the events or associated activities to be located in those townships.
- You need to investigate and report on why the extent of the closure needs to be as long as the event proposer wants? Why does a particular route have to be driven on, in each direction, more than once? Why, if 70% of the participants are involved as "life style and touring" entrants, presumably driving at the normal posted speeds and abiding by all the road rules that apply, and only 30% are "competitive" entrants (meaning racers), the time of closure is not reduced by two-thirds? The whole exercise is one of gross deception and those paid (council staff) and those elected (mayor and councillors) are participants in this deception. This means that our democracy, which is premised on the principles of *freedom*, *equality* and the notion of the *collective* is effectively "trashed" and a shallow form of non-benevolent autocracy replaces it.
- You need to investigate and report on the AHC's Festival & Events Policy, how it fails to address issues of equality, rights/entitlements and despite these flaws is then not adhered to when making the decision of May 25 2021.
- You need to contact Mr Matthew Leighton, of DPTI and hear from him that neither he nor his colleagues, provide advice on the suitability or appropriateness of any public road to be used for the purposes of any form of racing. You will be told that the advice offered relates to the impact of traffic being diverted from a closed road onto other roads and whether this can be effectively managed or not. There is no person employed by the government or local government who will advocate the use of public roads for car racing. Your report will need to emphasise this.
- You will need to contact Motorsport Australia (formely CAMS) and speak to Mr Michael Smith. MsA is the governing body of all motor sport in Australia and operates within FIA, the international body overseeing motor sport worldwide. You need to ask exactly how MsA determines if a public road meets a set of criteria and what these criteria entail. You need to ask what went wrong in Tasmania earlier this year, when three drivers were killed when participating in a competitive racing event on public roads. If he is candid he will inform you that the road was the factor leading to the deaths, and not mechanical failure or human error. You will need to ask him about the differences between the event known as the Adelaide Rally promoted by Mr Possingham and the Adelaide Hills Rally promoted by Mr Admiraal as far as MsA is concerned. There is much ground work involved, and the AHC does none of this.
- You need to investigate and report why the AHC has not proposed to event organisers that a public/private company is floated to purchase/lease land on which a purpose-built racing/rallying facility can be designed and constructed to obviate the need to use public roads. Such an off-road facility will bring all the benefits and more that are presently claimed for on-road events. We have a model for this with The Bend Motor Park which caters for circuit racing. Your report should focus on this issue if it is going to be helpful in any way. We have now had more than twenty years of unwanted racing on our roads.
- You need to investigate and report on the powerful interests that are involved when it comes to the conduct of motor sport on public roads and the benefits that accrue to them at the expense of harms/costs borne by the wider public.
- You need to seek out the report how the citizens of Newcastle NSW defied the array of forces which wanted to establish, in that city, an event akin to the Superloop 500 Adelaide event (now cancelled by the

- government). You need to present, in your report, that none of the benefits claimed ever outweigh the costs when a proper independent review is undertaken, as was the case in Newcastle and now also in Adelaide.
- You need to listen to the sound recording of the May 26 AHC meeting when the matter of granting consent for the 2020 Adelaide Rally was decided. You need to tune in to the lack of actual valid reasoning that was applied, and the degree of emotional histrionics relating to the loss of business benefits if the event was not given consent. You need to analyse the business viability of some Adelaide Hills enterprises if they so desperately rely on car racing events to make them viable and sustainable. Your report need to focus on this.
 - You need to investigate and report on just how many of these events should occur in any one calendar year. According to some councillors, the more we have the better things are, as long as they are spared the decision-making and can palm this off to the CEO, as has now occurred.

I shall leave these matters for your careful and astute consideration and look forward to receiving a copy of the report and any recommendations you propose. I may, before the close of business today, forward some attachments which relate directly to council decisions on TRC's.

Kind regards

Eberhard Frank

Felice D'Agostino

From: Felice D'Agostino
Sent: Friday, 1 October 2021 3:10 PM
To: 'Eberhard Frank'
Subject: RE: Response to your invitation to provide relevant material

Dear Mr Frank

I write to address some of the matters you have raised in your email below.

1. The terms of reference or rules engagement of this matter are to assist the Council with the review of its decision made at its meeting of 25 May 2021 in relation to the agenda item titled Multi-Year Road Rally Proposal (**the Decision**) in accordance with the Council's Internal Review of Council Decisions Policy.
2. The Decision is the focus and scope of this review.
3. I cannot comment on previous reviews.
4. I will be considering all information that is provided to me. My assessment as to the legality and merits of the Decision will be based on information that in my opinion is relevant.
5. If you wish to meet with me at my office or speak with me by telephone or other electronic means (eg Zoom) I can arrange that.
6. You have suggested I ought to be consulting with "*anyone who played any role relating to the May 25, 2021 decision in question*". Please let me know who you consider that to be and what role they had in the Decision.

I advise that I anticipate preparing my preliminary report within the next 2-3 weeks.

Regards
Felice

From: Eberhard Frank <joe.frank@bigpond.com>
Sent: Friday, 1 October 2021 9:39 AM
To: Felice D'Agostino <FDAgostino@normans.com.au>
Subject: Response to your invitation to provide relevant material

Dear Ms D'Agostino

I am availing myself of my final opportunity to provide information to you relating to my request of the AHC for an IRCD of its decision (resolution number 105/21) of May 25 2021.

I have been advised by Mr Steven Watson, my IRCO, that you have considerable local government experience and expertise and are an external consultant used to promote an unbiased and objective assessment of the IR matter. He also states that since you are engaged by the AHC you are not independent of the Council, nor are you required to be under the LGA or AHC's IR policy. For your involvement to have a degree of validity, it should make an attempt to see matters from the point of view of people such as me. "Stand in our shoes!".

I respect these statements and all your legal qualifications and expertise you might bring to bear in conducting your investigation and preparing your report. In saying this I have some misgivings and shall elaborate.

- I have not been provided with any "terms of reference" or "rules of engagement" within which you are required to operate. It would be helpful and create reassurance and trust if these were provided.

- The AHC has gone to considerable length to not publicise this IRCD. This causes me to form the view that the review is not welcomed and that it will have a narrow focus rather than be an opportunity to investigate and report on all that really should be part of the IR.
- I have no evidence that you, as the investigator, have taken steps, to conduct your investigation and prepare your report to cover the widest scope possible, thereby getting the best outcome from the exercise.
- The AHC promotes its 'community consultation' credentials at every opportunity. Yet, when a real and important situation warranting community input, it avoids the opportunity. It is contradictions such as this which cause me to question a genuine intent. Unless I, at the last moment, sought to have the review, the entire secrecy of the decision would have fallen below scrutiny.
- The haste with which the exercise of the review needs to be conducted. I am aware of the requirements of the IRCD Policy. Notwithstanding that, the imperative is occasioned by the decision needing to be found "lawful, reasonable and appropriate" before late November 2021 when the Temporary Road Closures (TRC's) have to come into effect. There cannot be any doubt of any kind as to the validity of Council's decision and the IRCD has to dispell such a possibility. Yet my request for IRCD relating to a decision of August 28 2018, on TRC's, was not completed until October/November 2020 after conflating it with my request for IRCD made following the May 26 2020 decision on TRC's!
- The above referred to IRCD, was managed by a legal firm, which I assume, conducted an unbiased and objective assessment of the IR matters. It too failed to "widen" and "broaden" the scope of its investigation, it too did not share any terms of reference with me or anyone else for that matter. My experience has been that these IRCD are *exercises in futility* from the public's viewpoint since they achieve nothing positive, and confirm, to a greater degree, maintaining the status quo.
- The exercise of an IRCD relating to TRC's has two essential components. These are the legal underpinnings of the decision and the moral imperative, "doing what is right, just and fair". The AHC, as an institution, is devoid of a values base (or it ignores it if it has one) when it come to decisions of TRC's warranting the full set of values and principles on which our society is based. We happen to constitute a participatory, representative, democratic society. This should involve a considerable degree of consultation and negotiation. When it come to TRC's, decisions are determined by input from private enterprise, council staff reports and recommendations and councillors who never debate the many contending and competing items that are involved.
- Your statement in your email of September 22. "*I will be reviewing all **relevant** information provided to me ...*". I interpret this that you will be the judge of what constitutes "*relevant information*", in a similar manner that Kelledy Jones Lawyers did last year. What I deem to be relevant surely should be of equal if not greater importance. After all my request for IRCD was deemed to have relevance, was not trivial, frivolous or vexatious, was within the scope of the IR policy, and demonstrated that I had "sufficient interest". Had I not instigated this review, you would not have been commissioned to exercise your role.
- A reluctance, to date, to speak with me, either directly or by telephone, why I find it necessary to seek IRCD's. That to me is a telling factor in assessing your degree of impartiality and objectivity.
- I have no evidence of your consultation with anyone who played any role relating to the May 25, 2021 decision in question. I would have expected a degree of interviewing of some sort, of some of the people to take place. How else can you claim to have conducted a thorough investigation, truly considered all the factors at play, and then produced a report of meaning and merit.

In your investigation I have the expectation that you will endeavour to look closely at:

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motorsport events relying on exclusive access to and use of public roads, are being denied by the Council if it withholds consent for TRC's. You need also to investigate and report on what existing entitlements members of the wider public are being denied, if consent for TRC's for car racing is not provided.

- You need to investigate and report on the reports and information that is provided to councillors and on which they then make their decisions, are balanced, unbiased reports showing, as a very minimum, that there are competing claims, but also being accurate in so far that the claims of the road user to the road far exceeds the desire/want of an event promoter. The former has a real entitlement which can only be justifiably denied on grounds of need, security, or agreed upon social/cultural/historic value. Car racing fails to measure up.
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- It is my conjecture that Norman Waterhouse Lawyers may well have provided advice to the AHC with respect to *Multi-Year Rally* proposal which resulted in resolution 105/21, now the subject of my requested IRCD. Should that conjecture have any credence then your report will have to show the extent to which the AHC has sought advice from N W Lawyers and how that impacts on the "independence" of your investigation.
- Your investigation and report need to show that the AHC has a proper understanding that roads are not assets like halls, ovals, parks, playgrounds, reserves which can be hired out or leased for longer or shorter periods. Roads are the most essential assets of any society, and for that reason they must remain "open" except when clearly justifiable and agreed upon constraints need to be applied.
- Your investigation and report needs needs to determine if the AHC actually has a concept/guidelines/policy dealing with "The Purposes and Use of Public Roads". If not as a self-contained document, then asc part of a related one e.g. Festival & Events Policy.
- Your investigation and report needs to focus on why some roads are never considered for TRC for car racing activities, whilst other roads are subjected to TRC on an almost annual basis. You need to inquire, for example why the following are exempt and how this fits with equality of treatment and fairness.

The Old Mt Barker Road between Crafers and Aldgate/Bridgewater

The Upper Sturt Road between Crafers and Belair/Hawthorndene

The Princess Highway between Crafers and Hahndorf

Greenhill Road between Burnside and Balhannah

Lobethal Road between Forest Range and Lobethal

Woods Hill Road between Ashton and Norton Summit

Belair Road from Belair to Mitcham

S - E Freeway from Glen Osmond to Crafers/Stirling

- You need to investigate and report on why, if the "event" necessitating TRC's are so popular and advantageous, that councillors do not vie strongly to have them conducted in the neighbourhoods within their Wards.
- You need to investigate and report why not a single person from the AHC, either an employee, or an elected member has ever refuted the case I have made, repeatedly, against the use of public roads for car racing events.

- You need to know that neither the Premier in both his roles as government leader and Tourism Minister, nor several other Ministers with some association with the TRC's ordered by him have chosen to acknowledge, let alone reply to my communication relating to TRC's for car racing. The CEO of Tourism SA and the Commissioner of Police, have to date not acknowledged receipt of my correspondence. Silence is a powerful retaliatory weapon for them.
- No one from either the S A government, nor the AHC has denied an inherent contradiction between campaigns and other measures enacted against speeding on our roads and active and overt support being provided to use public roads as racing venues. The standard response is the roads are closed to general public use and that measure counters all contentious arguments and unwelcome criticism.
- Whilst you have been engaged by the AHC to investigate and report on its decision, since ratepayer funds are used for you to do your work, it is therefore incumbent on you to ascertain opinions from such people as the Commissioner of Police, The Minister of Police and Road Safety, Professor Woolley from Adelaide Uni(Auto and Road Safety), to enable you to make the AHC more aware of what mix of factors need to be addressed when contemplating consent for TRC's.
- You need to investigate and report on the absurd arrangement that currently exists by which the AHC accepts an application from a racing promoter before that person has been required to enter into genuine consultation, discussion and negotiation with the communities through whose neighbourhoods fun the roads he seeks to have closed. That surely, is rationally the first step, that needs to be taken if the required exercise of "social licence" is to be honoured. Only after gaining community support should any further action be taken with the authorities to progress the process.
- You need to investigate and report on why the process of getting consent for TRC's is not controlled by the Council which is empowered to grant this? The reality is the promoter comes with a grab-bag of wants and the Council complies with very few qualifications or conditions needing to be met.
- You need to investigate and report on why, once consent is grante, the Council delegates to the event organiser the very responsibilities that rest with it since it provides the consent. Duty of care, like the responsibility of representation cannot be delegated. It is the Minister and the local council that are answerable to the people by virtue of the decisions they make. Each of these parties has the power to reject any application for TRC's.
- You need to investigate and report on the fact that no single authority has oversight of the TRC process. Each of the parties that play a role do o independently of each of the other parties. This results in the checks and balances, that have intentionally been put in place to ensure that rights/entitlements are not trampled upon, tend to be ignored or are perceived as obstacles to solutions, rather than inalienable principles around which real solutions must be derived.
- You need to investigate and report on why an racing car event provider needs to have a three year consent, why the Council feels it must provide this and why the elected representatives consign their responsibility of decision-making to the CEO of Council? There is nothing democratic about this arrangement, nor does it put the public interest ahead of private interests, which is a basic duty of local government.
- You need to investigate and report on the fact that the AHC resists providing readily available information relating to roads used for racing and the entire process associated with this. You must further pursue why one must resort to FOI to access information and even when this is done, place the matter in the hands of the Ombudsman to have the information eventually provided?
- You need to investigate and report why the AHC, despite its great range of personnel, needs bring in investigators from outside at considerable expense to its resources?
- You need to investigate and report why the Director of Community Capacity and the Director of Infrastructure do not submit reports to the councillors since they have particular expertise related to the impact of any road closure for any reason on the immediate community and on the wider community.
- You need to investigate and report why communities such as Stirling and Uraidla do not want the events or associated activities to be located in those townships.
- You need to investigate and report on why the extent of the closure needs to be as long as the event proposer wants? Why does a particular route have to be driven on, in each direction, more than once? Why, if 70% of the participants are involved as "life style and touring" entrants, presumably driving at the normal posted speeds and abiding by all the road rules that apply, and only 30% are "competitive" entrants (meaning racers), the time of closure is not reduced by two-thirds? The whole exercise is one of gross deception and those paid (council staff) and those elected (mayor and councillors) are participants in this deception. This means that our democracy, which is premised on the principles of *freedom*, *equality* and the notion of the *collective* is effectively "trashed" and a shallow form of non-benevolent autocracy replaces it.

- You need to investigate and report on the AHC's Festival & Events Policy, how it fails to address issues of equality, rights/entitlements and despite these flaws is then not adhered to when making the decision of May 25 2021.
- You need to contact Mr Matthew Leighton, of DPTI and hear from him that neither he nor his colleagues, provide advice on the suitability or appropriateness of any public road to be used for the purposes of any form of racing. You will be told that the advice offered relates to the impact of traffic being diverted from a closed road onto other roads and whether this can be effectively managed or not. There is no person employed by the government or local government who will advocate the use of public roads for car racing. Your report will need to emphasise this.
- You will need to contact Motorsport Australia (formerly CAMS) and speak to Mr Michael Smith. MsA is the governing body of all motor sport in Australia and operates within FIA, the international body overseeing motor sport worldwide. You need to ask exactly how MsA determines if a public road meets a set of criteria and what these criteria entail. You need to ask what went wrong in Tasmania earlier this year, when three drivers were killed when participating in a competitive racing event on public roads. If he is candid he will inform you that the road was the factor leading to the deaths, and not mechanical failure or human error. You will need to ask him about the differences between the event known as the Adelaide Rally promoted by Mr Possingham and the Adelaide Hills Rally promoted by Mr Admiraal as far as MsA is concerned. There is much ground work involved, and the AHC does none of this.
- You need to investigate and report why the AHC has not proposed to event organisers that a public/private company is floated to purchase/lease land on which a purpose-built racing/rallying facility can be designed and constructed to obviate the need to use public roads. Such an off-road facility will bring all the benefits and more that are presently claimed for on-road events. We have a model for this with The Bend Motor Park which caters for circuit racing. Your report should focus on this issue if it is going to be helpful in any way. We have now had more than twenty years of unwanted racing on our roads.
- You need to investigate and report on the powerful interests that are involved when it comes to the conduct of motor sport on public roads and the benefits that accrue to them at the expense of harms/costs borne by the wider public.
- You need to seek out the report how the citizens of Newcastle NSW defied the array of forces which wanted to establish, in that city, an event akin to the Superloop 500 Adelaide event (now cancelled by the government). You need to present, in your report, that none of the benefits claimed ever outweigh the costs when a proper independent review is undertaken, as was the case in Newcastle and now also in Adelaide.
- You need to listen to the sound recording of the May 26 AHC meeting when the matter of granting consent for the 2020 Adelaide Rally was decided. You need to tune in to the lack of actual valid reasoning that was applied, and the degree of emotional histrionics relating to the loss of business benefits if the event was not given consent. You need to analyse the business viability of some Adelaide Hills enterprises if they so desperately rely on car racing events to make them viable and sustainable. Your report need to focus on this.
- You need to investigate and report on just how many of these events should occur in any one calendar year. According to some councillors, the more we have the better things are, as long as they are spared the decision-making and can palm this off to the CEO, as has now occurred.

I shall leave these matters for your careful and astute consideration and look forward to receiving a copy of the report and any recommendations you propose. I may, before the close of business today, forward some attachments which relate directly to council decisions on TRC's.

Kind regards

Eberhard Frank

Sophia Pishas

From: Felice D'Agostino
Sent: Monday, 11 October 2021 11:51 AM
To: Sophia Pishas
Subject: FW: Attachments as previously indicated
Attachments: img20211001_16062983.pdf; img20211001_16220119.pdf

Pls print

Felice D'Agostino
Principal



Level 11, 431 King William Street, Adelaide SA 5000 • GPO Box 639, Adelaide SA 5001
T 08 8210 1202 M 0423 301 204 F 08 8210 1234 W normans.com.au

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

From: Eberhard Frank <joe.frank@bigpond.com>
Sent: Friday, 1 October 2021 4:36 PM
To: Felice D'Agostino <FDAgostino@normans.com.au>
Subject: Attachments as previously indicated

Dear Ms D'Agostino

Please find attachments which indicate that I have pursued this matter over time and which show that the police lack credibility when they lend support to on-road car racing yet deplore speeding and other unacceptable behaviour on roads. To date I am awaiting responses from the Premier and some of his Ministers with respect to the government's support of car racing on public roads.

Kind regards

Eberhard Frank

Subject: Review of Council Decision
From: Eberhard Frank <joe.frank@bigpond.com>
Date: 1/09/2021, 11:32 pm
To: "aaitken@ahc.sa.gov.au" <aaitken@ahc.sa.gov.au>

Good morning Mr Aitken

Yesterday I spoke with Mr Michael Smith (by phone) from Motor Sport Australia (MSA), which is the governing body which has oversight over all motor sport in Australia and sanctions events if they meet set standards and conditions.

I referred him to a letter/notice I received, which provided information about the Adelaide Rally, which is to take place in November this year on sections of temporarily closed roads (trc's) within the Adelaide Hills Council area. I informed him that I had provided "feedback", as invited by the notice, but had not yet received any reply.

What concerned me was his statement that, at the time of our conversation, MSA had not yet sanctioned the event. The implication of this is significant. As I understand, from the letter/notice I received and from AHC agenda and minutes of May 26 2021 the councillors made their decision to support temporary road closures (trc's) for the November event **before** the controlling and governing body, MSA, had provided the necessary or required sanction. This is extraordinary! The assumption is that MSA will automatically provide the sanction, as has apparently, been the case in previous years.

What is also concerning is that the AHC's decision was made **before** residents/owners /occupiers/businesses and anyone else was provided with the opportunity to forward "feedback" and for this to come into consideration as far as the event is concerned. What is the point of the feedback exercise? Who receives it? Who acts upon it? What is its purpose?

You are aware that I have submitted a review of the Council's decision and Mr Watson has provided me with a response relating to this. I will now approach the Ombudsman and provide his office with all relevant information I have relating to this Council decision and the fact that relevant information is withheld from me, thus making it difficult to make a strong case for a review.

Had I the financial resources which are available to the AHC I would engage legal counsel to act on my behalf in this matter.

Once again, the Council is using "the limited resources", of which I am frequently reminded, to engage legal counsel to conduct the internal review of a very misguided and quite irresponsible decision. A reasonable assessment would have concluded, following the engagement of Kelledy Jones Lawyers, that the Council had resolved, once and for all the need to have its decisions relating trc's for car racing events determined to be beyond reproach.

Please make this communication as well as my request for review of Council decision (May 26 re trc's) available to the Mayor and each of the elected representatives. Thank you.

Kind regards

Subject: Adelaide Rally
From: Eberhard Frank <joe.frank@bigpond.com>
Date: 7/09/2021, 3:04 pm
To: "aaitken@ahc.sa.gov.au" <aaitken@ahc.sa.gov.au>
BCC: fdagostino@normans.com.au, CMountain@raa.com.au

Good afternoon Mr Aitken

Once again I am obliged to draw to your attention irregularities associated with the management of the 2021 Adelaide Rally. Whilst some of this has been delegated to the incompetent promoters of that event, ultimately the Council bears responsibility since it provides the misguided consent for temporary road closures to enable such an ill-considered event to proceed.

This morning Mr Charles Mountain, Senior Manager Safety & Infrastructure RAA contacted me over details related to the Adelaide Rally which he had observed on the website. He mentioned to me that Hunters Road at Basket Range was among the "closed road stages". This prompted me to search the website myself for more details.

Both Hunters and Knotts Hill Roads which are used by me almost on a daily basis are shown as closed roads for both November 25 and November 26. **To date I have not yet received the notice I am meant to receive as a resident/owner/occupier** which informs me of these closures.

Item 18.1.1 Multi-Year Road Rally Proposal - Confidential Item forming part of the AHC's minutes of Ordinary Council Meeting 25 May 2021 makes it clear that people, such as I, need to be contacted. This was, in fact, the case with respect to the closure of the Lobethal Road. I did receive notification about that matter.

I hold the AHC responsible, and this includes all staff from the highest level, who have had any role in the matter of this rally event. It is manifestly apparent the AHC cannot even abide by its own policies and decisions, let alone adequately supervise the conduct of those it has delegated certain responsibility.

Please bring this notice to the attention of the Mayor and all councillors. I await your considered response.

Kind regards

Joe Frank

HILLS RALLY SUCCESS

Adelaide Hills Herald
by Arj Ganesan

25-3-2021 P4

After being postponed in November last year, the Adelaide Rally returns on Wednesday, March 24 for four days of competition.

The rally will see events take place across Adelaide with stages taking competitions through the Adelaide Hills, CBD, Fleurieu Peninsula and Morialta.

The Adelaide Rally features seven main motoring events before finishing off with a street party on Gouger Street in the city.

Event organiser Tim Possingham said the Adelaide Rally is a fantastic motoring event that celebrates cars and best of South Australia.

"The Adelaide Rally is celebrating 25 years," Tim said.

"The current iteration has grown massively and we now have 400 cars and 800 participants taking part."

The main categories are the prima tour, the main tour, the sprint tour, the challenge, the competition and the heritage trophy.

The only timed events are the challenge, competition and heritage categories.

Tim said the event was a great opportunity for motoring enthusiasts and the tourism sector which has been hit hard in the wake of COVID.

"Two thirds of the event are touring based, so it's more of a leisure and tourism based event rather than a timed or competitive race.

"About 15 per cent of the people coming are from interstate.

"They bring a lot of people into the state. Not just competitors, but support teams and families.

"They bring a lot of tourism which is something we really need now. The rally is fantastic for SA."

"There is a great atmosphere, everyone congregating to getting up close and personal with cars, of course with appropriate social distancing - which honestly is a car enthusiast's dream."

The last day sees the rally visit the Bridgewater Mill.

"The area is a beautiful place to show off the Adelaide Hills at their finest and get the local community involved," Tim said.

"The Bridgewater lunch stop is one of our biggest events.

"We'll have 350 cars on the oval, an autumn fair set up in front of the mill and only local producers supplying food and entertainment as well.

"Part of our philosophy is to deliver economic benefit to South Australia - nurturing business in the Adelaide Hills."

Three-year approval for rally in Hills

By Elisa Rose

Courier 16/6/2021
Page 40



We've got a really extraordinary relationship with the council and council's event staff and it really is a natural progression in the strengthening of the relationship

- Organiser Tim Possingham

A local council has given a major car rally the green light to operate in the Hills over the next three years.

The Adelaide Hills Council agreed to back the Adelaide Rally - the southern hemisphere's largest tarmac rally - to hold its annual event on Hills roads until 2023.

The event organisers will still need to seek consent from the council's chief executive for road closures associated with the event each year, but it will no longer need approval from elected members on a year-by-year basis.

The decision was made behind closed doors at a council meeting last month with the associated documents remaining confidential.

The event regularly deals with more than a dozen councils and event organiser Tim Possingham said the Adelaide Hills Council had been one of only two of those that required year-

strengthening of the relationship." The council acknowledged that the multi-year agreement was a "departure" from its Festival and Events Policy, but said that the benefits of it outweighed the reasons for requiring annual approval from elected members.

Before road closures are approved by the chief executive each year, the organisers will still need to comply with the policy's guidelines for motoring events; notify affected businesses of the closures; reasonably try to address concerns raised by affected residents; enter into a road repair agreement with the council; and agree to host at least one significant rally-related event and the principal tour lunch within the council region.

The idea of a multi-year agreement was raised by Councillor Malcolm Herrmann in May last year when the event organisers sought permission to run the 2020 rally.

At the time Cr Herrmann said a multi-year permit could give the event organisers more surety.

by-year consent from councillors.

He said the agreement allowed forward planning and reflected the support the event had historically had from the council.

"It's a really positive thing," he said.

"We've got a really extraordinary relationship with the council and council's event staff and it really is a natural progression in the

Car rally tragedy as 3 die in 24 hours

SUNDAY MAIL 25-4-2021

JAMES BRESNEMAN
CAMERON WHITELEY

A TASMANIAN car rally has lost three competitors in two fatal crashes over 24 hours, leaving the future of the event in question.

Two men died yesterday during the annual Targa Tasmania race across the state when their Porsche hit a tree at Cygnet, southwest of Hobart, in what emergency services said sounded like an explosion.

Their deaths came just one

day after NSW driver Shane Navin died when his 1979 Mazda RX-7 crashed on Tasmania's west coast. His co-driver, Glenn Evans, escaped with minor injuries.

All drivers and navigators went into yesterday's final leg of the 2000km race wearing black armbands in honour of Navin, and all cars had a strip of black tape across their headlights as a mark of respect.

The second fatal crash happened about 11:00pm yesterday. Leigh Mundy, 68, of

Hobart, and Dennis Neagle, 59, of Withcott, Queensland, were killed.

Targa director Mark Perry said: "This has been a devastating few days for the Targa family. Our thoughts and deepest condolences go to Leigh and Dennis's family and friends.

"Both loved Targa and we knew them so well, which makes their passing so difficult for everyone in our community. They will be sorely missed."

A Cygnet resident, who did not want to be named, watched

the cars pass his property when he saw one lose control. The man's property is about 150m from where the 2019 Porsche 911 GT3 RS came to rest.

"He got airborne here and then I heard him land ... the next minute it was like an explosion, and it echoed everywhere," he said. "It's shocking. What's going to happen with the event now?"

Targa officials said the stage was abandoned at 12:15pm and competitors returned to the finish in Hobart.

Double trouble for ad fools

7-9-2021 Page 1
NICE

ION crackdown has netted hundreds of vehicles in its two months, many of repeat offenders, with h, rotten" drivers paying \$250,000 in impound to save their cars.

NUED PAGE 6

The Advertiser Sept 7 2021

FROM PAGE 1

This has come at a cost of \$248,955.

The Advertiser in June revealed drivers would have their impounded vehicles crushed or sold for scrap metal if they failed to pay a maximum \$1400 in full within 38 days of confiscation.

Offences resulting in the most impounds between July 1 and August 30 included:

DRIVING while disqualified - 239 vehicles.

DRIVING with a prescribed concentration of alcohol in blood - 208 vehicles.

DRIVING unlicensed having been previously disqualified for drug-driving - 55 vehicles.

DRIVING unlicensed having never held a licence to drive a certain car - 54 vehicles.

REFUSING a blood-alcohol test - 26 vehicles.

Six vehicles were signed over to police by their drivers, who each chose to pay a \$320 destruction fee rather than any impound costs. Five vehicles already have been crushed.

The police figures also show five drivers were caught street racing - including one more than 45km/h above the limit - and another in a manner dangerous to the public.

Another motorist, who had never held a licence, lost their vehicle for dangerous driving to escape police, while two others - with a child in the car - refused a blood-alcohol test.

Road Safety Minister Vincent Tarzia said drivers who did not want to part with their vehicle or cash needed to follow road rules or risk having it sold or crushed.

"These penalties are for the selfish, rotten drivers who show no consideration for other road users," Mr Tarzia said. "If you commit the crime, you pay the price."

"We're hitting repeat offenders, hooners and idiot driv-

ers where it hurts. We make no apologies for this crackdown."

A driver whose vehicle is clamped and impounded must pay a \$1135.50 release fee after the 28-day confiscation period ends. This increases to \$1395.50 for an additional 10 days. A vulnerable driver may apply to SA Police to have their vehicle returned on hardship grounds.

Vehicles can be impounded or clamped if a driver has been charged, arrested or reported for up to 23 offences including dangerous driving, drink and drug-driving and excessive speeding. It can also apply to driving an unregistered or un-

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The Facts

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insured vehicle, driving unlicensed, leaving the scene of a crash, failing to obey police or misuse of a motor vehicle.

Assistant Commissioner Ian Parrott said SA Police made no apologies for removing vehicles from the road and making it hard for selfish drivers to get them back.

"What's really disappointing is that nearly half the people who had their vehicles impounded in the past month have previously had their vehicles impounded before these measures came into effect," he said.

"Hopefully this encourages more people not to come back for a second time or even once."

Money collected from selling and scrapping vehicles must be used to cover costs. A court order may be issued to pay a credit provider before any funds are returned to general revenue.

PAGE 17: EDITORIAL

The Advertiser

EDITORIAL

Time to take the stick to hoon drivers

ADV 7-9-2021 P18

IT is fair to predict that most South Australians will be outraged to learn that police are confiscating a dozen cars a day from hoon drivers.

That outrage will not be directed at the police, but rather the 744 drivers who have had their vehicles impounded in just two months after being caught for a range of offences.

The shock figures make it abundantly clear there are a significant number of motorists who simply have no thought for the welfare of others. That almost half of the vehicles to be seized as a result of owners committing a second serious offence is nothing short of alarming.

It is beyond debate that many of the offence categories are major contributors to the road toll. Speeding, drink and drug driving are the obvious trio.

It is little wonder that with many motorists having such flippant attitudes towards those dangers that so far this year 66 lives have been lost on the state's roads.

While the overall figure comes as a shock, the high numbers in individual categories of offending are also

somewhat of a worry. The fact that almost a third of the vehicles were seized because the driver was already disqualified is perhaps the biggest concern. If this figure is indicative of the entire driving population, then police and the community clearly have a major problem.

While the government should be commended for this initiative - one of many strategic policy changes - it is abundantly clear there are many motorists who will continue to take risks no matter what the punishment or repercussions are.

To many individuals, losing their vehicle for 28 days and then shelling out more than \$1100 to get it back is a price they are obviously willing to pay.

If that is the case, is it time the ante was upped again in an attempt to protect innocent, law-abiding motorists?

Is it time for even harsher penalties and sanctions to be considered for repeat offenders who continue to put community safety at risk?

With the election less than 200 days away, the opportunity has arisen for either party to open that door.

A focus on regional roads is part of a plan to halve SA's road toll over the next decade.
By Elisa Rose *The Courier* 28.7.2021

Improving country roads and educating young regional drivers are key to a State Government plan to halve road fatalities over the next decade.

Earlier this month the State Government released its draft Road Safety Strategy, which aims to reduce annual road fatalities to less than 47 and slash the number of serious injuries by 30% by 2031.

Country road users are more than twice as likely to be killed or seriously injured on the road – a statistic that the Government hopes to change by improving the road network with a focus on regional areas.

That could include shoulder sealing, hazard removal, installing safety and median barriers and increasing the space between oncoming lanes in high risk areas.

Zero toll target

The strategy, which is part of a national goal to eliminate Australia's road toll by 2050, also suggests addressing driver behavior in the regions – from road safety awareness campaigns about speed and driving under the influence through to building safer walking and cycling infrastructure and expansion of alternate transport options such as rideshare and community transport.

Increasing the number of rest stops in regional areas has also been slated to combat fatigue-related accidents.

Young drivers in regional areas, who are about three times as likely to be killed or seriously injured in a crash compared with their city counterparts, would also be targeted under the strategy, with a focus on targeted road safety education and driver training, and encouraging the use of newer cars with better safety features.

Other strategies to cut the road toll across the State include:

encouraging safer road behavior across SA

improving road safety at workplaces

improving pedestrian and cyclist



Road Safety Minister Vincent Tarzia.

- working with Indigenous people to reduce their over-representation in the road toll
- promoting the use of safer vehicles
- and protecting older people by exploring incentives to encourage them to use safer cars and finding ways to make roads and crossings easier for them to use.

The strategy is out for public consultation until September and Road Safety Minister Vincent Tarzia urged the public to provide feedback.

"Your opinions, views and input will save lives and prevent serious injuries on our roads," he said.

"I cannot be any clearer – we need all South Australians to help make our roads safer."

"Whether you drive, ride, walk or are a passenger, your feedback is crucial in helping us create a safer SA for every road user."

"Our goals are ambitious, but they must be to put an end to preventable tragedies on our roads."

The full strategy can be found at

THURSDAY SEPTEMBER

WS

Police warn drivers as speeding fines triple

The Advertiser
 P12 23/9/2021



side speeding fines worth \$10.1m in 2019-20.

The revelation comes ahead of the school holidays, which

begin at the end of this week, and the Labour Day long weekend starting October 2.

"Speeding – especially on roads with limits of 90km/h to 110km/h – can have potentially catastrophic consequences for you, your loved ones and other roads users," RAA safety and infrastructure senior manager Charles Mountain said.

"Motorists must also adjust their speed accordingly when speed limits change as they approach towns or roadworks."

"This revelation comes on the eve of school holidays and the looming October long weekend, when motorists make an exodus to vacation destinations across the state."

Mr Mountain said figures also showed police were running out of patience with the worst drivers.

"Last year, 70 per cent of offenders were fined, compared to 66 per cent in 2019-20 and 60 per cent in 2018-19," he said.

The Advertiser this week

revealed police were shooting a new road safety advertisement focusing on rural roads that will go to air during the school holidays.

It aims to address statistics that show people are twice as likely to die on regional roads than those in metropolitan areas.

"The number of motorists who instantly lost their licence for speeding 45km/h or more above the limit on regional roads increased 20 per cent over these three years," Mr Mountain said.

The biggest roadside speeding detection increases happened in the Barossa Valley, which was up 133 per cent,

and Mid North and Yorke Peninsula, which were up 45 per cent over the three-year period.

The figures did not include about 26,000 motorists who were caught speeding by mobile cameras each year on country roads.

This has remained similar over the three years.

Mr Mountain said the bad behaviour was not limited to speeding.

The number of drivers pulled over by officers for unsafe overtaking had also dramatically increased from 230 in 2018-19 to 243 in 2019-20 and 277 in the past financial year.

er of motorists lining on regional alian roads by oared by more n the past three

are becoming on drivers they e country. res obtained by v officers issued e speeding fines in the past fi-

37 per cent in- e 15,560 fines regional SA in ed 18,352 road-

NO APOLOGY FOR

The Advertiser

September 7, 2021 Page 6



VINCENT TARZIA
ROAD SAFETY MINISTER

"AREN'T you sick of pushing the road safety message? Don't you get tired when drivers don't listen?"

These are questions I'm often asked by friends,

family, media and the wider community.

For me, as Road Safety Minister, the answer is a very simple but stern NO.

I will never get tired of advocating for safer road use.

Sadly, the answer to preventing lives lost and serious injuries on South Australian roads is not so simple.

There is no magical one-

HARD-HITTING SAFETY MESSAGES

The Advertiser September 7, 2021 Page 7

stop solution - but we don't give up.

So, with road safety experts from SA Police and the Transport and Infrastructure Department at our side, we continue work to keep motorists safe.

Thankfully, the majority of South Australians do the right thing on our roads.

It is clear that targeted safety campaigns on speeding and drink-driving

make people think twice. SA Police's latest "testimonials" campaign is as hard-hitting as it gets.

A killer driver, the parents of a man whose life was lost in a road tragedy and the first responders who attended the scene recount the day their lives changed forever.

It's raw insight but, tragically, it's still not enough for some.

Tougher laws and new penalties - impounding fees for example - are also needed to hold dangerous drivers to account. Rotten repeat offenders do not deserve a licence.

I refuse to apologise for my stance on this but it's important to understand penalties are just one part of our multifaceted approach to boost road safety.

We're also spending

almost \$3bn on road infrastructure and our ambitious Road Safety Strategy to 2031 aims to halve the number of lives lost within 10 years.

These initiatives go a long way but the most crucial piece of the road safety puzzle is you.

Your responsible road behaviour will ensure everyone arrives home safe. Just think - road safety!

to email on 12.6.2019



Government
of South Australia

Hon David Ridgway MLC

19TTITM/00259
19TTITM/00260
19TTITM/00253

Mr Joe Frank
Email: joe.frank@bigpond.com

Dear Mr Frank

Thank you for your email dated 14 May 2019 regarding the staging of the Adelaide Rally in the Adelaide Hills Council area, as a component of the Adelaide Motorsport Festival (AMSF).

The State Government has been a strong supporter of AMSF, with the event adding to the State's significant motorsport offering and we are pleased that the Adelaide Rally and street party will continue.

With respect to your concerns, I am advised that the event organiser has demonstrated throughout previous events that necessary action and precautions are taken to minimise the impact and risk involved with staging the event. I understand that this will again be the case in 2019.

In regard to your comments about moving the event to The Bend Motorsport Park, as the Adelaide Rally format is a road-based motorsport event The Bend, which specifically caters for motorsport track events, is unable to accommodate it.

Should you have any further queries about the road closures, I recommend that you contact the Sporting Car Club of SA as the organisers of the event.

Yours Sincerely

A handwritten signature in black ink, appearing to read "D. Ridgway", with a long horizontal stroke extending to the right.

Hon David Ridgway MLC
Minister for Trade, Tourism and Investment
12/6/2019

Minister for Trade, Tourism and Investment
Level 13, State Administration Centre, 200 Victoria Square, Adelaide SA 5000
GPO Box 11032, Adelaide SA 5001
Tel: +61 8 8226 8520 | Fax: +61 8 8226 8444 | Email: OfficeOfMinisterRidgway@sa.gov.au



19MTI3671



**Government
of South Australia**

Mr Eberhard Frank
12 Hunters Road
BASKET RANGE SA 5138

**The Hon Stephan Knoll MP
Member for Schubert**

Dear Mr Frank

I refer to your letter to the Hon Vickie Chapman MP, Attorney-General, regarding restrictions to traffic as a result of motor sport events in South Australia. Your comments in relation to the mylicence website were forwarded to me for consideration.

In accordance with the Australian Road Rules, all road users have a right to use our roads. However, the Australian Road Rules are applied in combination with other state or territory legislation such as the *Road Traffic Act 1961* and the *South Australian Motor Sport Act 1984* (the Act).

The Act provides powers to the Tourism Commissioner to conduct motor sport within South Australia and includes the power to "establish a motor racing circuit on a temporary basis," under Section 10(2) of the Act.

The Minister for Trade, Tourism and Investment declares the area, places a gazette notice, and takes over the care, control, management and use of the area under Section 21 of the Act. Once this occurs, the declared area ceases to be a public road under Section 21(2) of the Act.

I trust the above information is of assistance.

Yours sincerely



**HON STEPHAN KNOLL MP
MINISTER FOR TRANSPORT, INFRASTRUCTURE AND LOCAL GOVERNMENT
MINISTER FOR PLANNING**

M/11 /2019

**Minister for Transport, Infrastructure and Local Government
Minister for Planning**

Roma Mitchell House Adelaide SA 5000 | GPO Box 1533 Adelaide SA 5001 DX 171
Tel 08 7109 8430 | Email ministerknoll@sa.gov.au



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Mail 16/8/2021



ADELAIDE RALLY

LETTER TO RESIDENTS WITHIN THE VICINITY OF TEMPORARY ROAD CLOSURES

6/8/21

Dear Owner/Occupier

Re: Motoring Event

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Please pay particular attention to the proposed timings shown overleaf.

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We are accepting written feedback in relation to the proposed road closures should you wish to provide it via email and post prior to 22nd August. If you do not reside on the affected property and have a tenant on site, please forward this information to them.

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

All of the rally routes will be available online closer to the event, visit: www.adelaiderrally.com.au

Please send feedback to tim@adelaidemotorsportfestival.com.au or
Attn. Adelaide Rally C/O PO Box 198 Crafers 5152

CONSTRUCTIVE FEEDBACK

August 21, 2021

To the writer of the letter entitled, LETTER TO RESIDENTS WITHIN THE VICINITY OF TEMPORARY ROAD CLOSURES.

On the morning of August 16, when I collected my mail, it included the letter referred to above. The letter, really a notice, provided some essential information, and a great deal of quite irrelevant babble. It had the date of 6/8/21. It sought a response by 22/8/2021.

The letter seeks "*feedback*", whatever that means, to a decision that has already been determined.

Nowhere in the letter is there an assurance that the feedback will be acted upon in any way, or what particular purpose such feedback will serve! As already stated, a decision has been made, without any *prior consultation*, with people deemed to be affected by what has been determined. How should a recipient of such a dictum react?

The entire notice is designed to dissuade anyone from taking any steps to respond so that the claim can be made that there is *little or almost no objection* to the use of public roads as venues for conducting car racing and speeding. Let me enumerate these.

- The absolutely inadequate timeframe provided by which to respond. Fewer than 7 days in my case.
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Recipients of this notice will surely be confused. Nowhere are they informed why there needs to be any *temporary road closures* to conduct this event on a road "nearby to your property".

They, like any member of the public, have the expectation that the public road network, paid for and maintained by their rates, taxes, levies, and a range of charges, are accessible to them at all times unless circumstances arise which necessitate the temporary or longer term closure of some roads. Such closures, for self-evident reasons, must be justified on some **public need**, or some **greater good**, to be in the public interest.

How can the conduct of the Shannon's Adelaide Rally, which requires the temporary closure of some public roads or sections of these, be categorized as satisfying the criteria of *public need*, *greater good* and *public interest*? Please provide a rational, meaningful and appropriate answer.

Recipients of your notice are entitled to an explanation of these matters and to be provided with relevant information to enable them to provide reasoned responses to what is proposed(?) or already determined.

Being provided with statements such as the examples I shall list, taken from the sent notice, is totally inadequate in making the case for the **need for temporary road closures**.

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- 'Support of South Australian Tourism Commission'
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- 'Nostalgic', 'classic-themed', 'iconic', 'Major Event', 'of international note'
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- 'vibrancy' and 'cultural diversity'.

The major purpose of this notice is to distract the recipient from perceiving a clear understanding of the reality of what is to happen. The reality is as follows, but this has been carefully withheld by you.

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We do not know why a particular route length needs to be that particular distance? We do not know why a particular time of day or day of the week is chosen, or why temporary closure requires a given period? Yet, we are afforded to submit our "informed" responses, and to live in hope that these will actually be taken notice of and influence an already determined decision in some way. The whole exercise is just a poorly disguised pretence at meeting a mandatory condition of the public's need to be informed. This probably arises from a legal act such as the Road Traffic Act, which is not mentioned.

We are provided more useless information in the second sentence of the second paragraph of the notice. We do not know the difference between "competitive element" and "primarily focused on touring"? We do not understand why 'touring', which implies leisurely movement/driving at the legal limits that apply, requires temporary road closures? We do not know the levels of speed at which cars are driven, in the 'competitive' stages and how these compare with the posted limits and the many recommended/advisory lower speeds posted by the yellow and black signs?

What we can infer is that there is a great deal of obfuscation in the notice, to justify the imposition of an unwanted event, on the road using public. There is no evidence that a single community has approached any authority with a request to have roads in its neighbourhood temporarily closed for the purpose of a car racing event. Stationary, assembled cars on some oval, is what is to make the event attractive to the public. Racing on public roads is not a sport which attracts spectators, nor are provisions specially provided for this. No local community gains a direct benefit.

There has never been a presentation of a detailed, complete and all-encompassing cost/benefit analysis for this kind of event on public roads in South Australia; not for a local community, not for a local government area and not for the entire state.

There has never been a consideration and presentation of the *externalities* which apply. Too difficult? The event is a classic example of *rent seeking*, using public funds, public facilities and public support for private gain.

There has never been a self-imposed or authority-mandated consideration of the concept of *social licence* which should/ought to occur when an event such as this form of motor sport is imposed on the public. It is now a commonly understood and accepted practice, at least in societies such as ours, that enterprises which engage in business activities within our society give careful consideration to the impact they have on the society and the environment in which they operate. Most commonly we focus on the mining industry, but the principle of social licence and all that it entails applies to all.

I have extended to you the courtesy of reading and interpreting what you (whoever you are) have written and applied my best effort in understanding what is contained in the notice. I have alluded to what is not included in your notice which should have been, to enable me and others to provide informed responses. I now ask that you extend to me the same courtesy and respect by engaging with and addressing the issues I have put before you including the following:

- You have chosen to mention the Tourism Commission, which is not an elected body (nor is its Commissioner), rather than the Minister of Tourism, who is elected and therefore accountable to the public. Why?
- You have chosen to mention SA Police. It and its Commissioner are not elected. However the Minister of Police and the Minister of Roads, each of whom is accountable to the public for their actions and decisions are not mentioned. Why?

To conclude, I need you to know that I am totally opposed to any form of motorsport that is conducted on public roads that involves racing and speeding or other on-road behavior that is not consistent with the normal road rules which apply to public roads. I do this because not a single public road in SA is designed, constructed and maintained to be a racetrack. No such public road will ever be provided for obvious reasons. Temporarily closing roads does not grant licence. No amount of deluded justification, of any kind, accords you the social licence to promote and pursue such activities. The public's right to access its roads must always have priority over their use as racetracks by private enterprise.

A copy of this correspondence together with a copy of your notice, will be forwarded to all relevant authorities who have any links to this matter.

Yours respectfully,



Joe Frank 12 Hunters Road Basket Range SA 5138

Sophia Pishas

From: Felice D'Agostino
Sent: Monday, 11 October 2021 11:51 AM
To: Sophia Pishas
Subject: FW: Reply
Attachments: img20211004_08550457.pdf; img20211004_16562691.pdf; img20211004_17023572.pdf

Pls print

Felice D'Agostino
Principal



Level 11, 431 King William Street, Adelaide SA 5000 • GPO Box 639, Adelaide SA 5001
T 08 8210 1202 M 0423 301 204 F 08 8210 1234 W normans.com.au

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From: Eberhard Frank <joe.frank@bigpond.com>
Sent: Monday, 4 October 2021 9:49 PM
To: Felice D'Agostino <FDAgostino@normans.com.au>
Subject: Reply

----- Forwarded Message -----

Date: Mon, 4 Oct 2021 11:16:23 +1030
From: Eberhard Frank <joe.frank@bigpond.com>

Good morning Ms D'Agostino

Thank you for your email response of October 1 2021.

Re your item 1.

The reason I raised the matter of "terms of reference" is that they , if they exist,(and I would think it unusual if none exist) provide an additional element of transparency which has been so lacking to date.

Re your item 2

The purpose of the review surely is to determine if, in the final analysis, the **public interest** has been served and how this can be substantiated.

Re your item 3

I understand your position but that is the ongoing problem. The same procedures and processes are followed every year leading to the same outcomes. The whole purpose of a truly independent, impartial, wide-ranging review is to make progress and not remain in a rut.

Re your item 4

Clearly the legality must be determined. This, I believe is the more straight-forward part of the review process. Determining the "merits of the decision" involves the introduction of values and principles. I have yet to be provided with the values and principles the AHC. Transparency is not one of them.

Re your item 5

I would like to accept the offer to meet with you. I have hearing problems with telephone and electronic devices. I can meet at a time and place that best suits you. Previous 'independent reviewers' have avoided contact with me.

Re your item 6

The AHC's decision is "in the making" when the event proposer first contacts the Council. The council staff who are assigned to "manage" the proposal play a significant part toward the outcome. They are guided in their information gathering and reporting by the actions of the Minister in issuing his order and delegating to the police to effect the closures. The AHC councillors are then provided with a detailed meeting agenda report full of information (hopefully presented in a way to put the case for all affected parties) appendices and recommended courses for decision. They are the actual decision makers. The underlined parties are the minimum whom you should consult. In addition the Director Community Capacity who has delegated to him oversight of the proposal and the CEO who has ultimate responsibility should be interviewed. Another person would be the Director of Infrastructure who should be capable of providing an opinion based on his familiarity with the roads within the AHC area.

I have included attachments which, from my point of view are relevant. The most significant is a response from the Ombudsman, and my letter to Mr Aitken the CEO, re my contact with Motorsport Australia.

Kind regards

Joe Frank

Hills region to host major tarmac rally motoring event

By Elisa Rose

THE COURIER - Page 4

Wed Sept 5, 2018



The Adelaide Hills Council region will host part of one of the Southern Hemisphere's largest tarmac rally events later this year.

At a meeting last week, elected members agreed to several temporary road closures, across the Hills, paving the way for several stages of the Adelaide Rally.

The tarmac rally is part of the Adelaide Motorsport Festival, which showcases SA's motorsport history, including re-enactment of motorsport competitions.

The Adelaide Rally includes a four-day competition, using stretches of sealed road around Adelaide's surrounds and a

No one can make a compelling case why everyday people should lose their rights

- Joe Frank

three-day non-competitive tour. Speaking to the council last week, rally organiser Tim Possingham said last year's Adelaide Rally was larger than the Targa Tasmania rally - which has been regarded as being the Southern Hemisphere's greatest tarmac rally event - and was tracking to attract even more entries this year.

He said the rally brought "great benefit" to the State, attracting visitors from interstate and overseas, showcasing the participating regions and injecting a net economic benefit of close to \$5m. But the rally proposal was met with opposition from Basket Range resident Joe Frank who said "every individual has a substantial right to use of public roads". **substantive**

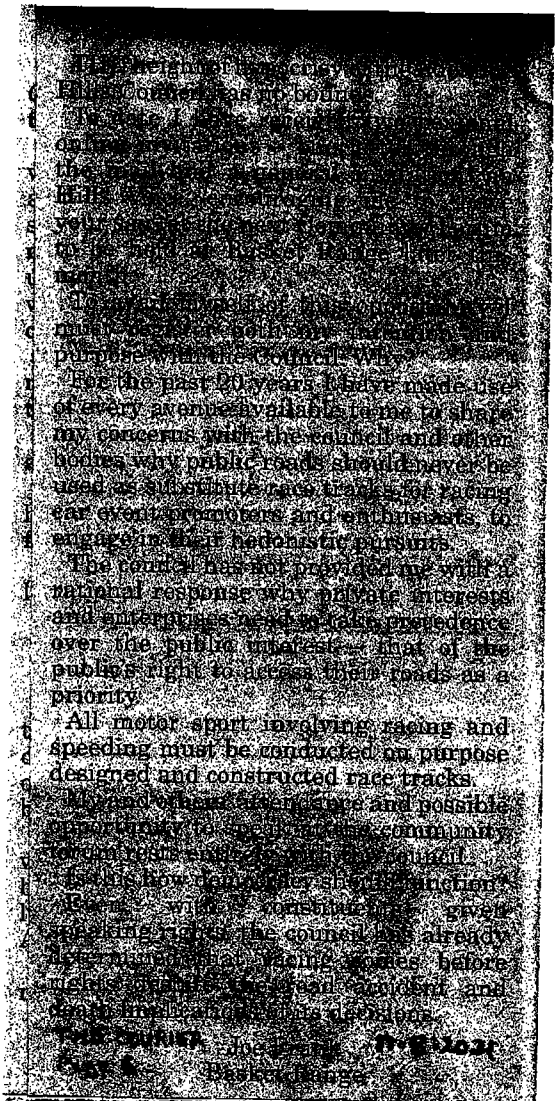
"There are reasons that exist why that right has to be restricted at times," he said. "... But those reasons have to be compelling - that means there are no other alternatives. No one can make a compelling case why everyday people should lose their rights and that's what's happening for a short period of time - they are losing their rights so that a very small group of people, quite selfishly want to have exclusive use of the public road system that they select."

Consultation

He also called on the council to change its Festivals and Events Policy to broaden the consultation requirements for motorsport events beyond those residents whose properties were directly affected by the closure.

But councillors approved about a dozen road closures to facilitate the event, including parts of North East Road in Chain of Ponds, Summit Road in Summertown and Crafters, Gorge Road in Cutlee Creek, Morgan and Scott Creek roads in Ironbank, Lobethal Road in Basket Range and New Norton Summit Road in Norton Summit.

Cr Linda Green said she believed the organisers had chosen roads that would decrease the number of people impacted by the closures and that approving the rally brought the best benefit for businesses, tourism and the State in general. The road closures will take place between November 28 and December 1.



Mail 16/8/2021



ADELAIDE RALLY

LETTER TO RESIDENTS WITHIN THE VICINITY OF TEMPORARY ROAD CLOSURES

6/8/21

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Re: Motoring Event

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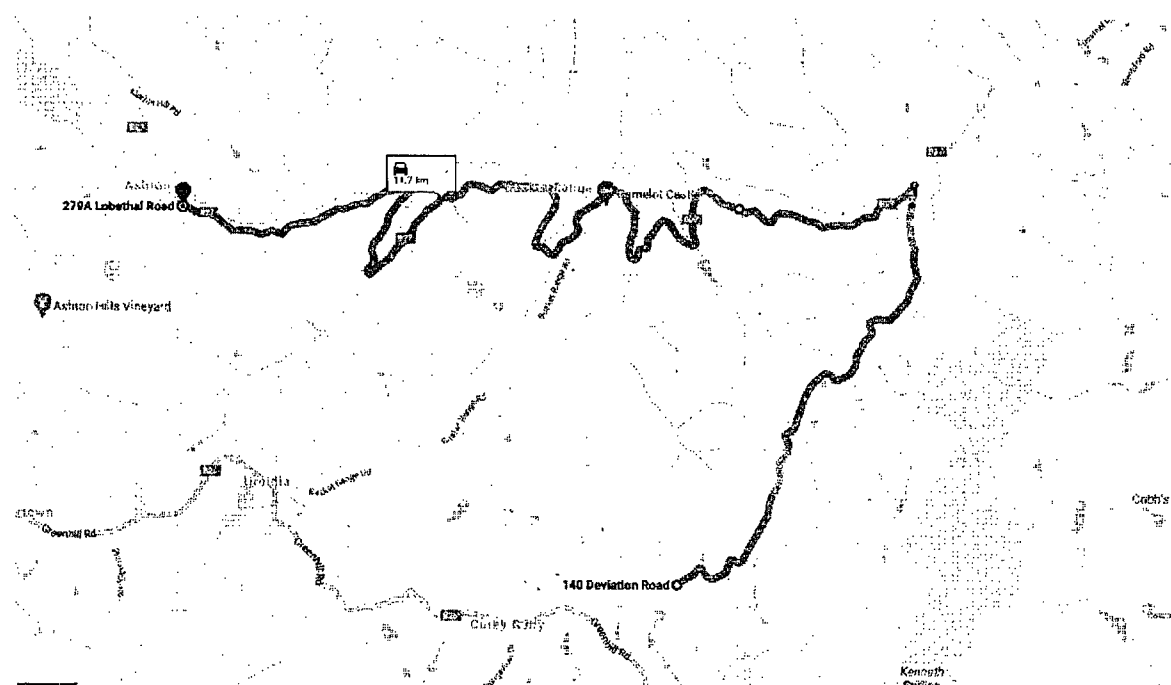
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I have extended to you the courtesy of reading and interpreting what you (whoever you are) have written and applied my best effort in understanding what is contained in the notice. I have alluded to what is not included in your notice which should have been, to enable me and others to provide informed responses. I now ask that you extend to me the same courtesy and respect by engaging with and addressing the issues I have put before you including the following:

- You have chosen to mention the Tourism Commission, which is not an elected body (nor is its Commissioner), rather than the Minister of Tourism, who is elected and therefore accountable to the public. Why?
- You have chosen to mention SA Police. It and its Commissioner are not elected. However the Minister of Police and the Minister of Roads, each of whom is accountable to the public for their actions and decisions are not mentioned. Why?

To conclude, I need you to know that I am totally opposed to any form of motorsport that is conducted on public roads that involves racing and speeding or other on-road behavior that is not consistent with the normal road rules which apply to public roads. I do this because not a single public road in SA is designed, constructed and maintained to be a racetrack. No such public road will ever be provided for obvious reasons. Temporarily closing roads does not grant licence. No amount of deluded justification, of any kind, accords you the social licence to promote and pursue such activities. The public's right to access its roads must always have priority over their use as racetracks by private enterprise.

A copy of this correspondence together with a copy of your notice, will be forwarded to all relevant authorities who have any links to this matter.

Yours respectfully,



Joe Frank 12 Hunters Road Basket Range SA 5138

Dear Commissioner

Enclosed with this letter is further material which relates to your role, duties and responsibilities in some way.

This becomes patently clear when reading the enclosed letter/notice headed "ADELAIDE RALLY 2021, which was mailed out to selected 'residents' mid-August. Residents can reasonably infer that you have used the discretionary authority of your position to allocate resources under your control to enable an event to take place in November.

What is not clear from the contents is why you took this action.

Presumably, you have been in detailed consultation and have received considerably more information relating to this event than has the South Australian public, or us, mere 'residents'. To invoke *temporary road closures (trc's)* requires:

- A circumstance or set of circumstances, which are of such significance, need or public good that it/they must take precedence over the public's right of access to, and use of, its roads. This action denies a set of **fundamental rights**.
- A justification for an action that can be deemed "reasonable" by the ordinary citizen, to use public roads as substitute racetracks for motorsport, when, at all other times such activities are **unlawful**.
- The application of relevant sections of the Road Traffic Act 1961 in a way that is contrary to its intent. Any fair-minded interpretation of this legislation leads one to conclude that the kind of *events* that ought rightfully result in *trc's* are **not** those that run counter to our laws. Examples of *events* that justify *trc's* are: Anzac Day March, Military Parades, Public Protests, Royal Visits, Motorcades, Celebrating Cultural Days of Significance, Celebrating Days of Historical Significance, Street Parties, Acknowledging the Efforts of Sporting Heroes, Motorcades that Support the Cause of Human Rights in Other Lands, Protests that Support the Cause of Human Rights both In Australia and Overseas, Labour Day Marches.

It becomes clear, from the above, that it is misguided, in fact irresponsible, to allocate any public resources to the conduct of motorsport which involves racing, speeding and non-compliance with any rules that apply to the use of public roads. Such *events* may be supported with public resources if they are conducted "off-public roads".

There are further matters you need to take into consideration.

- There is not a single public road or section within it, that has been designed, constructed, maintained or modified for the purpose of racing of any kind under any conditions. There are good reasons why that is so.
- You, as an individual do not have the expertise or competence to determine the characteristics or particular attributes of a public road that render it suitable or

appropriate for car racing. Neither does any individual who is employed directly under your control.

- There is no person, employed by local government or the state government who is qualified and would be prepared to do so, to determine which public roads are proper and safe venues for car racing, under any conditions.
- Employees of DPTI, who have discussed this issue with me, state that they do not provide advice about the use of public roads for racing or which characteristics make them suitable for this purpose. Their advice is limited to the effect of *trc's* on traffic movement and the impact of *trc's* on regular traffic using alternative roads.
- Before *trc's* can come into effect for an event, as provided for by the RTA 1961, the relevant minister must issue an order using his discretionary power/authority. That minister does not have the expertise to determine whether a road selected for racing is appropriate or meets certain standards. He seeks advice before taking action. As stated above there is no person competent to provide such advice.
- No local community has ever requested for such an event to take place on its neighbourhood roads, or wants roads to be closed for car racing. No local community has ever been consulted, either by the promoters of such racing events, local government, or the state government, about the conduct of such events. They are **imposed** rather than agreed upon by negotiation, which is the proper way.
- The primary purpose of this kind of event is to allow people to race in their cars at public expense, to allow the promoters to profiteer at public expense, and to deceive the public that this is a good thing and that they need to make sacrifices.
- This kind of event is a classic case of putting **private profit** ahead of **public benefit** and **rights** without making a valid case to justify this. No amount of promoting "spin-off" benefits to deflect from this, stands up to rational scrutiny.
- Surely the state of SA's economy is not so parlous or desperate that we need to resort to such events to benefit and further our well-being.

These events are dangerous in and of themselves, for both the participants and the public. People get killed or seriously injured. The primary reason for this is that the public roads selected for racing do not meet the standard that makes them safe for racing and for spectators to be safe. It is not the cars' mechanical failure, nor human error, that are causes for unwelcome outcomes – it is the inadequate conditions of the roads. The mechanical conditions of cars are closely checked and drivers are deemed to be competent. That leaves the matter of the state and condition of the roads.

I leave you with these comments to consider, on their merits, and await your thoughtful response.

Yours sincerely



Joe Frank 12 Hunters Road Basket Range SA 5138 1/9/2021

Three-year approval for rally in Hills

By Elisa Rose

Courier 16/6/2021
Page 40



We've got a really extraordinary relationship with the council and council's event staff and it really is a natural progression in the strengthening of the relationship

- Organiser Tim Possingham

A local council has given a major car rally the green light to operate in the Hills over the next three years.

The Adelaide Hills Council agreed to back the Adelaide Rally - the southern hemisphere's largest tarmac rally - to hold its annual event on Hills roads until 2023.

The event organisers will still need to seek consent from the council's chief executive for road closures associated with the event each year, but it will no longer need approval from elected members on a year-by-year basis.

The decision was made behind closed doors at a council meeting last month with the associated documents remaining confidential.

The event regularly deals with more than a dozen councils and event organiser Tim Possingham said the Adelaide Hills Council had been one of only two of those that required year-

strengthening of the relationship." The council acknowledged that the multi-year agreement was a "departure" from its Festival and Events Policy, but said that the benefits of it outweighed the reasons for requiring annual approval from elected members.

Before road closures are approved by the chief executive each year, the organisers will still need to comply with the policy's guidelines for motoring events; notify affected businesses of the closures; reasonably try to address concerns raised by affected residents; enter into a road repair agreement with the council; and agree to host at least one significant rally-related event and the principal tour lunch within the council region.

The idea of a multi-year agreement was raised by Councillor Malcolm Herrmann in May last year when the event organisers sought permission to run the 2020 rally.

At the time Cr Herrmann said a multi-year permit could give the event organisers more surety.

by-year consent from councillors.

He said the agreement allowed forward planning and reflected the support the event had historically had from the council.

"It's a really positive thing," he said.

"We've got a really extraordinary relationship with the council and council's event staff and it really is a natural progression in the

Rally deaths

THE lives of three participants in the Tasmanian Targa Rally were needlessly lost as a result of "accidents" last week.

Had they been engaged in joy rides at an amusement venue and lost their lives as a result of an accident, the activity would have been stopped immediately.

An investigation would have been set up to determine what went wrong.

Apart from the normal police investigation into road deaths and a report for the coroner nothing further happened.

Any rational thinking person has to conclude that our public roads are not safe, nor are proper venues on which to conduct any car racing events.

They are not designed, constructed or maintained to serve this purpose.

There are no set conditions which need to be met to make them fit for this purpose.

Because of the recent Anzac Day focus, serious Covid-19 problems in India and the loss of an Indonesian submarine the rally deaths hardly rated as news. When will we learn?

Page 6

Courier Joe Frank
Basket Range 28-4-2021

The council has not provided the with a rational response why and the interests and extended to the public interest over the public interest - that of the public right to demand their roads as a priority.

All motor sport involving racing and speeding must be conducted on purpose designed and constructed race tracks.

It is to be noted that the council has already decided that it will not support the public right to demand their roads as a priority.

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All motor sport involving racing and speeding must be conducted on purpose designed and constructed race tracks.

It is to be noted that the council has already decided that it will not support the public right to demand their roads as a priority.

le tragedy at car rally r three competitors die

Three have died in high-racing in Tasmania in a hours for motor sport. participated in the annual Tasmania rally, a "red-race" where modified compete on sealed ed for the competition. mpetition was struck dy for a second sucy on Saturday, after ld Hobart man Leigh and 59-year-old nd man Dennis Neagle d when their 2019 Por-RS crashed into a tree, m south of Hobart.

al and emergency hed to the scene but le to revive the driver -driver. iges were downgraded on Saturday to touring competitors returned in Hobart. eaths came after 68-

year-old NSW man Shane Navin died in a single-car crash about 11am on Friday, in a separate stage of the event.

Mr Navin died when his 1979 Mazda RX-7 crashed on the Lyell Highway, New Double Creek.

His co-driver, Glenn Evans, was cleared of injuries.

Targa Australia chief Mark Perry said their deaths were "devastating". The Federation Internationale de l'Automobile has launched an investigation into the deaths, headed up by Garry Connelly.

"Garry Connelly is world renowned in our sport. It is important that we work closely with him," Mr Perry said. While the deaths would have a big impact on the motor sport community around the world, "we will work through it".

ANGELICA SNOWDEN
JESS MALCOLM

Jan 24-4-2021 Page 3

WORLD OF SPORT

The Age 24-4-2021

RALLY DEATH

MOTOR SPORT: A New South Wales

man died in a crash on day five of the Targa Tasmania rally yesterday. Shane Navin and co-driver Glenn Evans were in a 1979 Mazda RX-7 when it crashed at Mount

Arrowsmith. Medical teams were unable to revive Navin, who died at the scene. Evans was cleared of injuries. Targa Australia CEO Mark Perry said: "This is a very sad time for the Targa community. Shane was a much-loved and admired member of our Targa family."

EDITORIAL

26-4-2021 P13

Leave crash debate for the experts

The EXAMINER 26-4-2021

THE loss of three lives during Targa Tasmania is nothing short of tragic. Any death on our roads is devastating, but to have three within 24 hours is simply shocking.

There have now been five deaths in the event's history, and the three recent fatalities also follow a number of driver, and rider deaths across the state over the past couple of weeks.

The Targa crashes, however, not only raise conversations about road safety broadly, but about the event itself.

While conversations around the race now need to be had, there must be a balance between constructive debate, and respect for the families who are mourning the loss of their loved ones.

It has only been a few days since driver Shane Navin, 68, died while competing in the race on the Lyell Highway near Double Barrel Creek.

Mr Navin's co-driver Glenn Evans was not physically injured, but has no doubt been impacted tremendously by the incident.

And roughly 48 hours since Hobart man Leigh Mundy and his co-driver Dennis Neagle, of Queensland, were killed on Cygnet's Wattle Grove Road in the state's South.

Public commentary around the crashes has so far been split.

From concerns the event would be cancelled, to some calling for that action.

The three men died doing something they loved dearly.

So it is not a case of cancel or don't cancel the event.

It is a case of working out what went wrong, and how it can be prevented.

On Sunday, Motorsport Australia announced a special investigatory tribunal would be established to investigate all aspects of the incidents.

The sporting body was working with the event organisers, and Tasmania Police, and the tribunal would include a number of key motorsport safety personnel, including competitors, team owners and medical and safety experts.

For now, the focus should be on celebrating the lives of three men, and respecting their families enough to allow the experts to decide the best plan moving forward.

Launceston Examiner 26-4-2021 Page 8

MOTORSPORT Australia will set up a special investigatory tribunal following the deaths of three competitors during this year's Targa Tasmania race.

Hobart man Leigh Mundy, his Queensland co-driver Dennis Neagle and New South Wales driver Shane Navin died during the event's final two days.

MA chief executive Eugene Maccata said the tribunal would allow it to look closely at all aspects of the incident and determine recommendations.

We also extend our sym-

paties to the wider Targa Australia and motorsport community impacted in recent days, including our officials. This is a difficult time for the entire motorsport family and we continue to offer our support and guidance to all," he said.

"Motorsport Australia remains in close contact with the event organisers and Tasmania Police, and is committed to working closely with other relevant government authorities as they also investigate these incidents."

The tribunal will be led by Gary Connelly, who is MA's Federation Internationale de

l'Automobile delegate and chair of the Australian Institute of Motor Sport Safety, alongside a number of motorsport safety personnel, including competitors, team owners and medical and safety experts.

Targa Australia chief executive Mark Perry shared the organisation's sincere condolences and said everyone in the community was affected by the deaths.

He said at a dinner on Saturday night a minute's silence was held in memory of the three men.

people who attend the event and take part in the event are from somewhere else," he said.

"So they don't have a lot of support on the ground, naturally, they come to compete and enjoy the incredible locations of Tasmania."

"We felt it was important to get everybody together last night and support each other and people need to talk about these things, through it and it was quite overwhelming and very emotional for everyone."

Mr Perry said extra resources were brought in to

support everyone at Targa after the deaths. He said they welcomed the tribunal and would accept all the recommendations, it handed down.

"We will learn from this," he said.

"The future remains bright from our perspective. This news is going around the world... it's tragic times and we'll work through it, but we still feel that there is a big demand for this sort of activity."


In response to concerns about the safety of Tasmania's roads, Mr Perry said all of the roads were checked

and signed off by international level safety experts each year before the event.

"We're in close contact with the families and friends and providing all that support right now and in the future we will always remember the three gentlemen that we've lost," he said.

"It's very important that their legacy is remembered. They were all long time competitors of Targa... they were very well known, all three of them. It will be important for the healing process."

Investigatory Tribunal names members

 [motorsport.org.au/media/news/detail/2021/05/03/investigatory-tribunal-names-members](https://www.motorsport.org.au/media/news/detail/2021/05/03/investigatory-tribunal-names-members)

1. Home
2. News

Tuesday 04 May, 2021

Motorsport Australia has named the members of its Investigatory Tribunal, tasked with the responsibility of examining the circumstances leading to the sad passing of three Targa competitors during competition in April.

Matthew Selley and Neal Bates have been confirmed as Tribunes, joining Garry Connelly who will Chair the Tribunal, as previously announced. Motorsport Australia's General Manager of People and Culture, Tamara Joy, will be the Tribunal's Executive Officer.

The Tribunal convened on Monday May 3.

At the opening of the Hearing, the Tribunal extended its deepest sympathies to the families and friends of Leigh Mundy, Shane Navin and Dennis Neagle.

The Tribunal has reviewed and accepted the Terms of Reference proposed by Motorsport Australia, which are outlined below:

The Tribunal is to conduct itself in accordance with the relevant procedures in Judicial Procedures, Investigatory Tribunals, of the Judicial Appendix of the Motorsport Australia Manual. The Tribunal shall:

- Consider information and submissions from various sources concerning the Incidents (involving cars 602 and 902 in the 2021 Targa Tasmania)
- Appoint experts to assist with investigation of the Incidents
- Call witnesses to provide evidence in accordance with Judicial Procedures
- Consider and review any other incidents at the Event that the Tribunal deems appropriate
- Make recommendations to the Motorsport Australia Board in relation to the Incidents and the conduct of Tarmac rallies generally.

The Tribunal has also:

- Requested a number of documents and other records and information from the Event Organisers

- Requested other information from third parties
- Requested staff from Motorsport Australia to prepare an 'Expert Report' on the fatal crashes of cars 602 and 902 and provide that report (or an interim version) to the Tribunal by Friday May 14 2021
- Requested the Event Organisers to make a submission on the two incidents and other incidents involving hospitalisation of drivers or co-drivers in this year's event by May 14.

The Tribunal noted with appreciation the many parties who have offered to provide advice and information as part of the investigation, which will be collated securely and safely over the coming weeks. Anyone wishing to make a submission will be advised on how to do so in due course.

It is anticipated the Tribunal will make its recommendations to the Motorsport Australia Board by the end of 2021.

About the Tribunes:

Matthew Selley has more than 30 years' experience as a practicing lawyer who is an FIA International Gold Steward and is a member of the FIA Stewards Panel for Formula 1 and Formula E. He is a Member of the Australian Motorsport Appeal Court and has been Co-Chair of the Motorsport Australia Supercars Stewards Panel since 2017. He was a Commissioner of the Australian Rally Commission between 2015 and 2018. Matt has competed as a driver in tarmac and gravel rallies for over 15 years, including multiple rounds of the Australian Rally Championship, Targa Tasmania, Targa High Country and Targa Adelaide. He was the outright winning Driver in the Adelaide Rally - Classic in 2018 and 2021 (tarmac) and was the South Australian State Champion Rally Driver in 2007, 2008 and 2009 (gravel).

Neal Bates is a member of the Australian Motorsport Hall of Fame and has competed across many disciplines of motorsport, most notably in rally. Neal is a four-time Motorsport Australia Rally Championship winner, a winner of the 1995 Targa Tasmania and has competed at international level in rally and circuit racing, including in the Supercars Championship. He is currently the owner of Neal Bates Motorsport, a factory Toyota team preparing cars for a number of national championships and series. Neal has extensive experience in car development and builds, with strong knowledge of safety systems currently in use at the top level of Australian motorsport.

Tribunal begins investigation into rally deaths

 [motorsport.com/rally/news/tribunal-investigation-rally-deaths/6502185](https://www.motorsport.com/rally/news/tribunal-investigation-rally-deaths/6502185)

By Andrew van Leeuwen May 4 2021

Motorsport Australia immediately announced it would establish an investigatory tribunal following a horror two days on the tarmac rally late last month that saw three competitors killed.

The members for the tribunal have now been named, Supercars steward Matthew Selley and four-time Australian Rally Champion Neal Bates joining the already-confirmed chair Garry Connelly.

The governing body also confirmed that the tribunal has begun work after meeting for the first time on May 3.

According to a statement from Motorsport Australia the initial sitting saw the tribunal agree that it will:

- Consider information and submissions from various sources concerning the incidents (involving cars #602 and #902 in the 2021 Targa Tasmania);
- Appoint experts to assist with investigation of the incidents;
- Call witnesses to provide evidence in accordance with judicial procedures;
- Consider and review any other incidents at the event that the tribunal deems appropriate;
- Make recommendations to the Motorsport Australia Board in relation to the incidents and the conduct of Tarmac rallies generally.

The tribunal has also requested documents and other records from the Targa Tasmania organisers and requested two reports on the incidents – one from Motorsport Australia staff and one from event organisers – to be provided on May 14.

It's expected that the tribunal will make its recommendations to the Motorsport Australia board by the end of the current calendar year.

The three competitors, Shane Navin, Leigh Mundy and Dennis Neagle, were killed in two separate incidents at this year's running of the famous tarmac rally.

Navin died on April 23 when his classic Maxda RX-7 rolled on the Mt Arrowsmith stage. His co-driver Glenn Evans was uninjured in the crash.

Mundy and co-driver Neagle were then killed when their Porsche crashed on the Cygnet stage the following day.

Felice D'Agostino

From: Eberhard Frank <joe.frank@bigpond.com>
Sent: Saturday, 16 October 2021 11:33 AM
To: Felice D'Agostino
Subject: Follow up to Tuesday 12/10/2021

Dear Ms D'Agostino

I write to express my sincere thanks to you for making yourself available to meet with me last Tuesday. I came away from the meeting that my views were engaged with and not just merely listened to. I now await your provisional/preliminary report which, I understand, will provide me the opportunity to provide a response.

I am possibly pre-empting the preliminary report with the material below, but I would make these comments if there was no reference to it, in my response. The AHC has never provided this sort of information to its constituents or to the councillors, who over the years, have voted in favour of consenting to Temporary Road Closures, on every occasion this issue came before them for decision.

- The state government banned the use of public roads for the purposes of motor sport, in **1951**, following a spate of serious accidents associated with racing events conducted on our roads.
- The Road Traffic Act, in its present form, became law in **1961**. It is a reasonable assumption that the provisions of the RTA 1961 were not intended to bring back car racing on public roads, since the 1951 ban was not rescinded at that time.
- No motorsport, involving racing, was conducted on SA public roads in the period 1961 to 1984, despite the possibility that S 33 of the RTA, might allow this.
- In **1984**, *The South Australian Motor Sport Act* became law to allow, on a temporary basis [S10(2)], the establishment of a motor racing circuit. [S21 & S21(2)] explain the mechanism.
- Despite the introduction of this Act, no public roads were used for car racing purposes until 1985, and then only when the designated "circuit" was used.
- In **1985**, the first of The Formula One World Championships held in Australia, was conducted on the Adelaide circuit. The last to be held in Adelaide was in **1995**. No other racing, on SA public roads, took place during that time despite the two Acts that might have been utilised.
- The cessation of the F 1 event left a gap in the "Major Events" calendar resulting in the Clipsal 500 event being conducted on the Adelaide circuit, and a selection of roads, in the Adelaide Hills, being used for the Classic Adelaide Rally which commenced in **1997**.
- The Adelaide Hills Council has provided its consent for Temporary Road Closures for car racing events every year an application has come before it. The process and procedure have remained essentially the same. A Festival & Events Policy to formalise, to some degree decision-making, was introduced about 2014.

I trust this information is helpful and useful to you in preparing your report.

Kind regards

Joe Frank

CONSTRUCTIVE FEEDBACK

August 21, 2021

To the writer of the letter entitled, LETTER TO RESIDENTS WITHIN THE VICINITY OF TEMPORARY ROAD CLOSURES.

On the morning of August 16, when I collected my mail, it included the letter referred to above. The letter, really a notice, provided some essential information, and a great deal of quite irrelevant babble. It had the date of 6/8/21. It sought a response by 22/8/2021.

The letter seeks "*feedback*", whatever that means, to a decision that has already been determined.

Nowhere in the letter is there an assurance that the feedback will be acted upon in any way, or what particular purpose such feedback will serve! As already stated, a decision has been made, without any *prior consultation*, with people deemed to be affected by what has been determined. How should a recipient of such a dictum react?

The entire notice is designed to dissuade anyone from taking any steps to respond so that the claim can be made that there is *little or almost no objection* to the use of public roads as venues for conducting car racing and speeding. Let me enumerate these.

- The absolutely inadequate timeframe provided by which to respond. Fewer than 7 days in my case.
- The impersonal tone of the notice from beginning to end. Basic courtesy is missing because it is a *declaration* rather than a polite *request*.
- No name, either of a person or a business/enterprise, has been provided to which one can address "accepting feedback". All the notice provides are a postal and an email address.

There is an inherent deception, either intentional, or inadvertent in the notice. The very first sentence states "The Adelaide Rally ----- **will** run the 2021 Shannon's Adelaide Rally -----". Subsequently, the sentence comprising paragraph 3 states, "As part of ----- *inform* you ----- of **proposed** temporary road closures ----- actioned by SA Police."

Recipients of this notice will surely be confused. Nowhere are they informed why there needs to be any *temporary road closures* to conduct this event on a road "nearby to your property".

They, like any member of the public, have the expectation that the public road network, paid for and maintained by their rates, taxes, levies, and a range of charges, are accessible to them at all times unless circumstances arise which necessitate the temporary or longer term closure of some roads. Such closures, for self-evident reasons, must be justified on some **public need**, or some **greater good**, to be in the public interest.

How can the conduct of the Shannon's Adelaide Rally, which requires the temporary closure of some public roads or sections of these, be categorized as satisfying the criteria of *public need, greater good and public interest*? Please provide a rational, meaningful and appropriate answer.

Recipients of your notice are entitled to an explanation of these matters and to be provided with relevant information to enable them to provide reasoned responses to what is proposed(?) or already determined.

Being provided with statements such as the examples I shall list, taken from the sent notice, is totally inadequate in making the case for the **need for temporary road closures**.

- 'Support of Local Councils'
- 'Support of South Australian Tourism Commission'
- 'The largest event of its type'

- 'Nostalgic', 'classic-themed', 'iconic', 'Major Event', 'of international note'
- 'Fully-sanctioned', 'peak regulatory bodies', 'appropriate insurance'
- 'vibrancy' and 'cultural diversity'.

The major purpose of this notice is to distract the recipient from perceiving a clear understanding of the reality of what is to happen. The reality is as follows, but this has been carefully withheld by you.

- The primary purpose of the event is a business undertaking designed to provide a financial return to the entrepreneur. It is quite clever. The public is expected to agree, or at least not to object to a money-making activity, using a public asset, namely roads, free of any cost. It is asked to agree to forsake its greater right of access to and use of roads to give precedence of that use, exclusively to a private enterprise for a very dubious activity.
- An almost equal purpose is to allow people, who have an interest in car racing, to be provided with access to selected public roads, on which to race. They want priority of access over that of the wider public. They want this exclusive use as some kind of unquestioned entitlement with minimal conditions that need to be addressed or met.
- All this is to happen without any *prior consultation* or engagement with the public.
- Those fortunate enough to have been designated to receive the notice, (residents/owners/occupiers/businesses 'within the vicinity') but no one else who regularly commutes using those selected roads) are invited to forward "feedback" to what amounts to much withheld information and misinformation. They have to keep their silence.

We do not know why a particular road is selected for racing? We are not informed about the various criteria that are used or applied to the selection of public roads for racing? (quality of road surface, stability of roadside verges, existence of adequate safety barriers and other safety measures in place or to be erected, clear sightlines, existence or absence of "risk objects" – large trees, Stobie poles, steep roadside drops, accident rates for that road and such-like). We do not know the advice provided by those who have the expertise, knowledge and competence to provide it.

We do not know why a particular route length needs to be that particular distance? We do not know why a particular time of day or day of the week is chosen, or why temporary closure requires a given period? Yet, we are afforded to submit our "informed" responses, and to live in hope that these will actually be taken notice of and influence an already determined decision in some way. The whole exercise is just a poorly disguised pretence at meeting a mandatory condition of the public's need to be informed. This probably arises from a legal act such as the Road Traffic Act, which is not mentioned.

We are provided more useless information in the second sentence of the second paragraph of the notice. We do not know the difference between "competitive element" and "primarily focused on touring"? We do not understand why 'touring', which implies leisurely movement/driving at the legal limits that apply, requires temporary road closures? We do not know the levels of speed at which cars are driven, in the 'competitive' stages and how these compare with the posted limits and the many recommended/advisory lower speeds posted by the yellow and black signs?

What we can infer is that there is a great deal of obfuscation in the notice, to justify the imposition of an unwanted event, on the road using public. There is no evidence that a single community has approached any authority with a request to have roads in its neighbourhood temporarily closed for the purpose of a car racing event. Stationary, assembled cars on some oval, is what is to make the event attractive to the public. Racing on public roads is not a sport which attracts spectators, nor are provisions specially provided for this. No local community gains a direct benefit.

There has never been a presentation of a detailed, complete and all-encompassing cost/benefit analysis for this kind of event on public roads in South Australia; not for a local community, not for a local government area and not for the entire state.

There has never been a consideration and presentation of the *externalities* which apply. Too difficult? The event is a classic example of *rent seeking*, using public funds, public facilities and public support for private gain.

There has never been a self-imposed or authority-mandated consideration of the concept of *social licence* which should/ought to occur when an event such as this form of motor sport is imposed on the public. It is now a commonly understood and accepted practice, at least in societies such as ours, that enterprises which engage in business activities within our society give careful consideration to the impact they have on the society and the environment in which they operate. Most commonly we focus on the mining industry, but the principle of social licence and all that it entails applies to all.

I have extended to you the courtesy of reading and interpreting what you (whoever you are) have written and applied my best effort in understanding what is contained in the notice. I have alluded to what is not included in your notice which should have been, to enable me and others to provide informed responses. I now ask that you extend to me the same courtesy and respect by engaging with and addressing the issues I have put before you including the following:

- You have chosen to mention the Tourism Commission, which is not an elected body (nor is its Commissioner), rather than the Minister of Tourism, who is elected and therefore accountable to the public. Why?
- You have chosen to mention SA Police. It and its Commissioner are not elected. However the Minister of Police and the Minister of Roads, each of whom is accountable to the public for their actions and decisions are not mentioned. Why?

To conclude, I need you to know that I am totally opposed to any form of motorsport that is conducted on public roads that involves racing and speeding or other on-road behavior that is not consistent with the normal road rules which apply to public roads. I do this because not a single public road in SA is designed, constructed and maintained to be a racetrack. No such public road will ever be provided for obvious reasons. Temporarily closing roads does not grant licence. No amount of deluded justification, of any kind, accords you the social licence to promote and pursue such activities. The public's right to access its roads must always have priority over their use as racetracks by private enterprise.

A copy of this correspondence together with a copy of your notice, will be forwarded to all relevant authorities who have any links to this matter.

Yours respectfully,



Joe Frank 12 Hunters Road Basket Range SA 5138

Received per Aust. Post
Mail 16/8/2021



ADELAIDE RALLY

LETTER TO RESIDENTS WITHIN THE VICINITY OF TEMPORARY ROAD CLOSURES

6/8/21

Dear Owner/Occupier

Re: Motoring Event

The Adelaide Rally with the support of Local Councils and the South Australian Tourism Commission will run the 2021 Shannons Adelaide Rally nearby to your property this November.

The Shannons Adelaide Rally is the largest event of its type in the Southern Hemisphere and is a nostalgic, classic themed motoring event based on the Classic Adelaide Rally of 1995-2005 which was an iconic South Australian Major Event of international note.

The rally has a small competitive element and is primarily focused on touring, tourism, vibrancy and cultural diversity. There are several free community events in Adelaide City and Adelaide Hills attached to the event.

As part of our usual planning we wish to inform you of proposed temporary road closures that may be associated with the event and actioned by SA Police (see proposed closed road map overleaf).

Please pay particular attention to the proposed timings shown overleaf.

The event is a fully sanctioned event run under the jurisdiction and rules of peak regulatory bodies and carries the appropriate insurances and permits.

We are accepting written feedback in relation to the proposed road closures should you wish to provide it via email and post prior to **22nd August**. If you do not reside on the affected property and have a tenant on site, please forward this information to them.

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

All of the rally routes will be available online closer to the event, visit: www.adelaiderally.com.au

Please send feedback to tim@adelaidemotorsportfestival.com.au or
Attn. Adelaide Rally C/O PO Box 198 Crafers 5152



SS30 & SS32 – Basket Range Long 1 and 2 - Run twice during the day

Roads Closed:

Lobethal Rd
Deviation Rd

Closure Start:

Collins Rd and Lobethal Rd Intersection

Stage Start : Approximately 100m East of Collins Rd and Lobethal Rd intersection

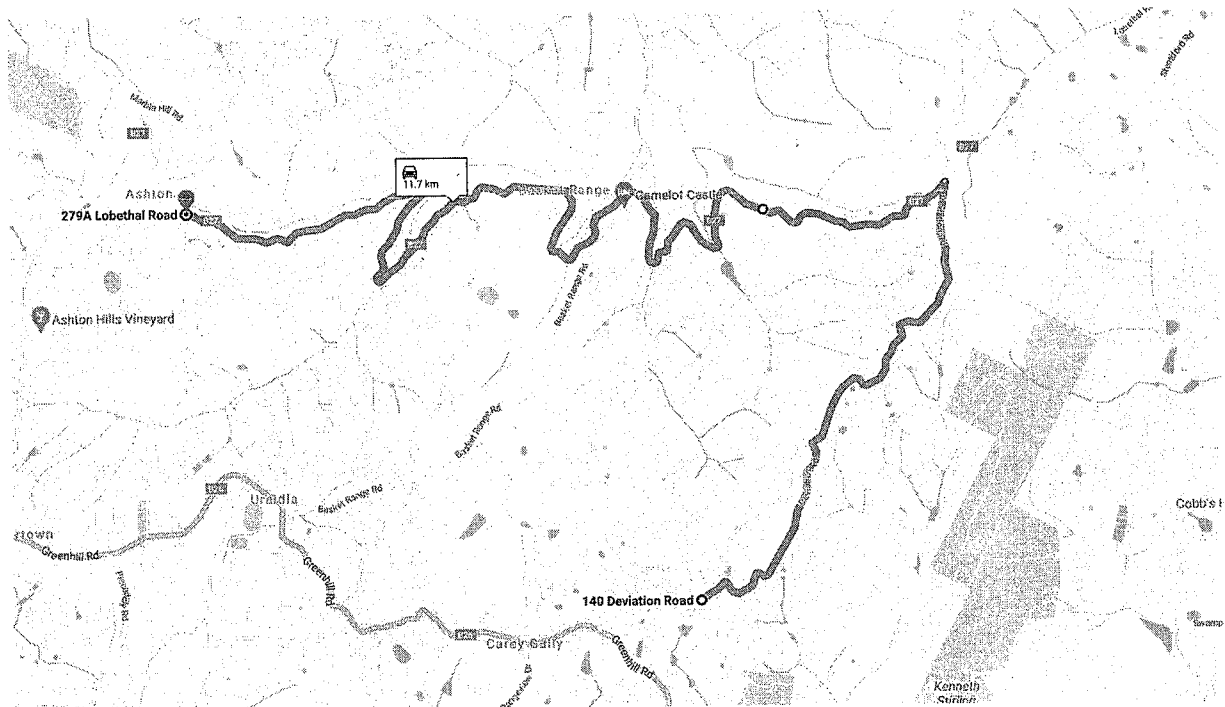
Closure Finish:

Boundary Drive and Deviation Rd intersection

Intersections along Stage:

Burdetts Rd
Range Rd
Basket Range Rd
Hunters Rd
Steer Rd
Mawson Rd
Boundary Drive
Kneen Lane

SUNDAY 28th NOVEMBER 9:15am to 5:15pm



THE THREE STEPS TEST

OR

THE THREE WAY MODEL

Whenever one considers implementing a measure which constrains prevailing freedoms, rights, or entitlements in any way, these guiding conditions must be met.

- Are the restrictions provided for in law?
- Do the imposed restrictions pursue a legitimate aim?
- Are the restrictions fair, necessary, proportionate and reasonable?

If administrators and decision-makers allow themselves to be guided by the above, then, in most instances, outcomes will be just and not contentious.

THE RIGHT OF PROPERTY OWNERSHIP

If ownership of property – real estate – is a human right, then, by extension, the right of movement to and from that property must exist to enable individuals to engage in social life.

For almost everyone, the 'right of freedom of movement' can only be exercised by having unrestricted access to and use of, the public road network. This right exists equally for all.

Administrators and decision-makers must give due regard to this circumstance to achieve just outcomes.

THE MATTER OF ROADS

Roads are the major public infrastructure investment of any progressive society.

In South Australia, the foremost duty of the Minister for Planning Transport and Infrastructure, is the maintenance and upgrading of the state's network of roads. This is to ensure that they can remain open, to be used on a daily basis, to serve the many purposes, for which they exist.

The most obvious purpose is the efficient and safe transportation of people, goods and services throughout the state. They make possible the expectation of the 'right of *freedom of movement*' and with this, the related 'rights' of *association* and *assembly*. These 'rights' are highly valued in an open, free and democratic society subscribing to 'the rule of law'.

The same conditions apply to a local council with respect to the roads for which it is responsible.

The 'rights' referred to above are not *absolute*. There will be occasions when interference with them can be considered to be justified *in order to re-establish conditions in which human rights and other benefits might be better enjoyed by everyone.*

Such conditions must be compelling, or of such necessity or emergency, that there is no appropriate alternative to constraint of rights. The matter is therefore not contentious.

Rights can be suspended provided they are limited by their action to what is strictly required to respond to the *exigencies* of the situation and that the action is *non-discriminatory*.

The temporary closure of a public road to exclude the public from its use and to provide conditions of exclusive use to a private enterprise for the purpose of motorsport involving speeding and racing *does not meet the conditions* set out above.

This is the situation, whether consent is provided on a 'case by case basis', or if consent is provided for a term into the future. It also applies if the provision of 'consent' is determined by the elected representatives or delegated to the Chief Executive Officer of the local government body.

Appendix B

RESPONSE TO SECTION 270
REVIEW PRELIMINARY REPORT
MATTER OF MULTI YEAR ROAD RALLY PROPOSAL

This report abjectly fails, on every measure, to deal with the realities and issues associated with the Adelaide Hills Council provision of consent to allow temporary road closures to be implemented and thus enable public roads to be used for motor sport involving speeding and racing.

It fails to give due regard to underlying issues and erroneous assumptions in a similar manner as has the Council when it made its decision on May 25 2021.

The report gives the pretence that all that needs to be addressed and engaged with has been done in a thorough and conclusive manner and that its findings stand the test of close scrutiny. That manifestly is not the case.

This report relies entirely on two instruments. These are:

- The Road Traffic Act of 1961, particularly section 33
- The Officers Report provided to the May 25 meeting and to the elected representatives (mayor and councillors) about a week previously.

A strong argument can be made, and has never been made by any of the parties supporting on-road racing, that section 33 of the RTA should **not be utilized** to support the temporary closure of public roads for the purposes of car racing events. The report, whilst making reference to my information and including material in the Appendix A does not engage with the essence of my reasoning, or refute the basis of the argument.

There is a range of categories or instances for which some form of temporary road closure is either **needs based** because of particular circumstances or in the **public interest** for them to be imposed. Examples of some of these are:

- Any form of road work or road maintenance
- *Natural disasters such as storms, floods rock falls, land slips, tree falls and fires.*
- Road accidents needing police and/or emergency services involvement
- Security issues of various kinds

These can all be justified on the clear basis of need. There is no contention here. They are not problematic. The intent of the closures is to keep people safe.

There is another set of categories for which a good case for temporary road closures can be made which are **not based on need** but are highly desirable or valued on social, cultural, traditional or customary grounds. These may also have economic benefits associated with them. Some examples of these are:

- Anzac Day march
- Labour Day march
- Celebration of cultural festivals e.g. Christmas pageants and other religious traditions
- Officially sanctioned protests

- Military parades
- Arts festivals

These are not justified on the **basis of need** but rather on public/social desirability. They are not contentious or problematic. The intent of these closures is to keep the participants and any spectators safe.

There is now the category of temporary road closures related to motor sport, particularly when it is classified as “competitive”. This involves selected public roads or sections of these to be used as ‘race tracks’. This obviously makes such events **hazardous and dangerous**.

Of the examples provided above which unquestioningly require some degree of temporary road closure, that which sanctions an otherwise unlawful activity, car racing, is **the only one**, which brings about unsafe, hazardous and dangerous conditions. All the others are benign or neutral in their effects.

What the Council decision has achieved, and is supported by the Norman Waterhouse Lawyers Report is to create a situation where roads, when used in the manner for which they are designed, constructed, and maintained are quite safe but become **hazardous and unsafe** when they are allowed to become substitute race tracks. This defies all good sense, rational thinking and the very purposes of our public roads.

There is not, anywhere in South Australia, a public road or section within it that has been purposefully designed and constructed and possibly modified to serve the dual role of being a road for everyday use and also a substitute racetrack.

The Adelaide Hills Council decision and the Norman Waterhouse Lawyers Report completely ignore this reality. The assumption is made that a proposal by car racing promoters for roads selected by them as venues for racing should be given support.

The support required involves a process which entails:

- The Minister of Tourism and the Tourism Commission giving support in promotional ways and/or financially to ensure that the “calendar of events” has no gaps. This authority has no expertise of any kind to make a decision about public roads or their use. Despite this it supports “events” involving racing and speeding on public roads.
- The Minister for Roads asserting his authority, even though he has no personal expertise about which roads are or are not, suitable/appropriate for use as car race tracks. He relies on advice from:
 - His departmental officers. None of these state that a particular road is suitable for racing.
 - The Minister for Police and Road safety. He does not have the expertise to determine which, if any roads, are suitable for racing.
 - The Commissioner of Police. Neither he, nor any of his officers have the expertise to determine which, if any roads are suitable for racing.
- The local council, in this case The Adelaide Hills Council providing its consent for temporary road closures as requested by the event promoter. The Council, like the other parties, does not have people with the expertise or the competence to determine which roads are suitable and/or unsuitable for racing. It has no policies to guide its decision-making about this.

Despite these realities neither the Council nor Norman Waterhouse Lawyers address this fundamental issue. It is conveniently omitted, not engaged with, left out of consideration in the Officer's Report of Council and Ms D'Agostino's Report prepared for Council. It is clearly difficult to make a valid case that our public roads can or ought to become race tracks.

Now to the matter of **Consultation**

Your report, page 12 makes reference to the Council's Public Consultation Policy. It goes no further than listing "purpose". There is nothing in your report that **no consultation** with constituents at large, let alone those directly impacted by temporary road closures (8 hours in the case of the Lobethal Road on Sunday November 28, 9.15 am to 5.15 pm) and (5 hours 15 min in the case of Hunters, Knotts Hill and Pound Roads on Thursday November 25, and again for those three roads for 5 hours 15 min from 10.15 am to 3.30 pm on Friday November 26.) has taken place. All that occurred is that letters of information were sent out with an invitation to provide "feedback". When this is done as I have, it is ignored.

I refer you to my "Constructive Feedback" document which you conveniently tucked away in the Appendix A without any reference to it or engagement with it or addressing any of valid points it contained. In fact there is no evidence in your report that you even read this document.

Consultation needs to take place between all the parties that are involved in any way in providing the support that allows public roads become racetracks. There is no evidence that this occurs and no mention in your report that it needs to occur.

Consultation needs to occur with the event promoter and the 'event officer or team' and the local council, the AHC in this case. This consultation needs to be transparent and its details need to be readily accessible to the constituents so that they have an opportunity for input **before** any undertakings are given or proposals and decisions are made and accepted. This never occurs and your report fails to recommend this procedure.

Because no consultation occurs we find the unreasonable situation where a temporary road closure of 8 hours duration on a Sunday is endorsed. This is totally disproportionate since Sundays are times when people visit, go to religious meetings or engage in social and cultural activities. Your report fails to make any reference to this or any recommendations about it. Your report also fails to address road users such as tradesmen, delivery people and tourism operators who are never informed (apart from inadequate signs placed roadside some 3 weeks before) let alone consulted. You fail here just as the council does.

Under item 8 Review – Applicant Submissions

Here your report is patently and manifestly deficient. My submissions, as I read your report are discounted, are not evaluated for merit and reason whilst the Officer Report is accorded absolute credence in its entirety. You have merely followed the Council's stance and tailored your response to ensure that the action of Council is faultless.

I put to you this hypothetical case. Had I engaged a competent, well-qualified, experienced legal practitioner and provided this person with precisely the same material I provided to you and referred him to the relevant Council documents that apply and asked for a report, would it be similar to yours? Since I would be paying for the work done that person would provide a report which was in **my best interests**.

The report you have provided, despite the claim that you are independent and supposedly impartial, reads to me that it needs to affirm and support the decisions of the Council despite the clear evidence of failures by the Council, particularly the person or persons who prepared the Officers Report. This document is what underpins the decision to provide consent. It fails in its inadequacies by omissions, by not making any reference to essential matters such as:

- **A statement about the purposes of roads**
- **A statement about the *expectations* and *entitlements* of all road users**
- **A statement about the priority of public interest over private interest**
- **A statement that differentiates between what is a real need what is no more than a want or desire.**
- **A statement about alternative interpretation or understanding of the *intent* of section 33 of the RTA 1961.** The fact that the Minister has to declare an 'event' and issue an order and exempt participants from complying with road rules applying supports a view that another body should carefully analyse the decision. Hence the requirement of local government to provide its consent being part of the Act. *If people, road users, did not have an expectation and an entitlement to access and use their roads "as a given" then clearly there would be no requirement to provide the Minister with such powers and authority.* It is because of expectations and entitlements that the Minister must be empowered **and** that **checks on that power** need to be in place in the form of local council consent.

If the Minister was absolutely determined for any road or part thereof be used for motorsport involving racing then the recourse would be to use the *SA Motorsport Act of 1984*. That would eliminate the involvement of local councils in the decision. The fact is that this **not** what happens. Councils are expected to do their job and put the expectations and entitlements (rights) ahead of the interests of car racing promoters and car racing enthusiasts. The place for these activities is in purpose-built, off road locations.

A range of considerations requiring comment

The AHC's decision relies almost entirely on section 33 of the RTA 1961, (I have commented sufficiently on this aspect which needs to be addressed more fully in your final) report and the Officers Report. That report relies heavily if not entirely on input and information provided by the event organizer. There is no evidence of any independent research on the part of Council officers into any of the aspects associated with the decision to grant consent for temporary road closures. No statistical or any other evidence is provided. All we have are statements we are to accept without scrutiny or question. There is never a recourse to another party's opinion on the matter such as RAA of SA Motorsport Australia, The

Australian Road Safety Foundation, SA's Road Safety Strategy 2020, Draft Road Safety Strategy to 2031 – LGA SA, SAPOL- Road Safety, Road Awareness Program- RAP-SAMFS. The Council, quite intentionally, limits itself to a very narrow viewpoint which of course is easier to manage and defend. Your report aligns itself with the approach and view of the Council. You had the opportunity, and I made the suggestion to go beyond the parameters of the Council so that we get better and fairer decisions. You restricted yourself. I can only conclude to ensure that your report supported and favoured the Council decision.

On page 23 under Alignment with the Council's Strategic Plan you refer to a justification for the Council decision. If that logic and manner of reasoning were still followed we would still have the death penalty, corporal punishment in schools and prisons would still be acceptable and smoking in public places would not be banned. If the Strategic Plan allows for people's rights, liberties and entitlements to be downgraded to allow several days of car racing to be imposed on the public then the Plan needs to be changed or discarded or stated in language which respects and protects the rights and liberties of all.

On page 15 (f) your report presents "The Officer's Report also outlines the benefits of the Adelaide Rally". You have been deceived (hoodwinked is the right term) as has the Council and all other parties. The Rally promoters and applicants did not, as their **Primary Application Objective**, request consent for temporary road closures to bring a range of benefits to the community. The benefits in themselves are questionable and dubious and their purpose needs to be scrutinized and assessed. **The primary and indisputable objective of the applicant and promoter in seeking consent for road closure is to conduct car racing activities on public roads for the benefit of participants and his personal financial and commercial gain.** All the rest is window-dressing, sweetener to offset a bitter pill. It concerns me that a person with your legal training, qualification, expertise and experience cannot see the strategy employed. I expect the final report to clarify all this.

On page 12, with reference to the Festival & Events Policy the terms and requirements of which have been abandoned when it comes to the matter of Competitive Motor Sport and thus render that aspect of the policy to be meaningless, it is stated "the Council will take into account information provided by the applicant in relation to the following criteria:

- Community impact
- Economic impact
- Environment impact

These terms are so broad, so imprecise so lacking in specificity that almost anything can be stated to satisfy requirements. Your report fails to comment on this or suggest any recommendation to improve the policy and thus future decisions.

Page 11 C6, C6.2 deal with Community wellbeing. There is no rational way that preventing the public, the road users from accessing their roads as they need to, when there is no good reason for this action, can bring about the benefits claimed. Under A prosperous Economy E4 to claim that our regional identity is furthered by a car race activity and brings international recognition is delusion of the deepest kind. If the economy of businesses are so dependent on this car racing event for them to be prosperous then their business-model need careful analysis and restructuring. Your report fails to engage with this. All it does is repeat the Council platitudes.

Page 10 following Local Government Act 1999, item (g) “manage its operations and affairs in a manner that emphasizes the importance of service to the community”. If closing roads to the community, when there is no justifiable reason for doing this, and many reasons for not doing this can be regarded as providing “a service to the community” then ‘anything goes’.

On page 5 we have the nearest to what can be considered to be a set of terms of reference or statement of purpose. I refer to 4.1.2. The legality is the somewhat easier part. The merits are more challenging. In my view this report has not truly achieved either for reasons that have been stated in places above.

What a report on the AHC’s decision really warranted is a detailed Terms of Reference to ensure:

A better decision

Better decisions in the future

A recommendation that a truly thorough, all-encompassing investigation into the process and manner by which consent is provided to enable public roads to be closed for car racing activities, is conducted. This investigation needs to be conducted by a person totally independent of those authorities who presently are involved in enabling such events to occur. All parties/stakeholders need to be provided the opportunity to present information to be considered and assessed. The process must be fully transparent from beginning to end. A report of the findings and recommendations need to be made readily available to the public.

What your report fails to address or mention is that every authority that has anything to do with managing and administering the public road network, whether national, state, regional or local takes extreme measures that roads are accessible, usable and as safe as possible for all road users at all times. Closing roads to conduct car races on them is a contradiction to this. Closing roads for repairs, maintenance, emergencies, cultural, historical and ceremonial reasons is not contrary to upholding the aim of keeping roads open, since these purposes do not, in and of themselves create unsafe conditions, still allow some movement (pedestrian, cycling) and are accepted by society as a necessity.

The Matter of Certainty

The only ‘certainty’ Massive Events, or any other promoter of car racing on public roads is entitled to is that their applications to be granted consent for temporary road closures will be received with an open but critical mind.

No enterprise in the AHC area has the degree of certainty sought and claimed by Massive Events. Its business model is seriously flawed if it needs the guarantee of, what amounts to ‘automatic’ consent for three year periods.

It is in effect, a monopoly. It has at present no competitors and does not face the challenge of ‘doing business in the market’ as do other enterprises. The AHC has no obligation to, nor should it, provide the level of certainty sought. It should create a climate with appropriate service provisions, clear and helpful policies, and advisory personnel that support enterprises with viable plans. No producer of goods from land has certainty s recent

weather events have shown. No business relying on tourism has certainty as COVID restrictions have shown. Endless examples can be provided that the “uncertainty” principle does not stand the test of scrutiny and analysis. Yet AHC officers write up reports based entirely on input from Massive Events. Their requests are accepted uncritically and written up without challenging claim, and presented to elected representatives as recommended proposals on which to come to a good decision.

This preliminary report, uncritically, and without question or challenge and without seeking or demanding evidence, accepts the Officer report as ‘gospel’.

The Matter of Marketing “Hype”

To claim that the Adelaide Rally is the biggest event of its kind in the Southern Hemisphere is a totally meaningless statement. Is the AHC in the business of attracting the ‘biggest’ or the ‘greatest’ of anything? Surely it should aim to provide its constituents and visitors with a range of services and a quality of their delivery to enhance its reputation, and not rely on some outlandish claims.

The matter of ‘rent-seeking’ and ‘externalities’

Massive Events have provided no evidence, nor has the AHC, nor has this report that the conduct of car racing has resulted in:

- Ongoing employment
- Investment in infrastructure or improvement to what already exists
- The development of plans that will result in the phasing out of public roads as venues for car racing

Massive Events relies totally on receiving (sponsorship, support both public and private, unrestricted access to public assets, a range of service provision – police, emergency services – altered arrangements for public transport provision and sheer goodwill of a suffering public) to be viable. Please refer to my letter to the President of the RAA.

This report chooses not to address these matters. Hopefully the final report will.

As an example Woolworths, or Harvey Norman, do not market themselves as the biggest retailers of their goods in this state. They rely on the good reputation they have developed with their patrons for ongoing support. They do not need “hype”. They have a social conscience and meet the test of being accorded a *social licence* by the communities in which they operate. They are not perfect in this respect. Massive Events does not even understand the concept nor demonstrate that it is desirous in of engaging with the community in which it operates to improve its poor standing.

Neither the AHC, nor this report, deal with the issue of social licence missing in Massive Events’ proposals. Why not?

Benefits to the City of Adelaide

Activities such as the Gouger Street party and other events relying on the conduct of the Adelaide Rally can all be promoted and staged without the need of a single road closure anywhere in the Adelaide Hills region. Groups of cars can tour a wide range of selected Hills roads at regular speeds under normal road use conditions. The public can safely view the processions and mingle with participants at designated stops. The ‘competitive’ element

can then be conducted at The Bend Motor Park and participants then return, via Hills roads for further public interest in the activity and businesses to benefit from patronage of customers. Then participants make their way to the city for such activities that are arranged for them there. **There is simply no need for road closures or speeding and racing on public roads.** All that is presently engaged in can be achieved in another way. Neither the AHC or this report deign to consider alternatives. What Massive Events wants it gets. It is time for a change and the change needs to come from well-written reports which clearly and effectively analyse **all the issues** and make well-considered recommendations.

To date much time and many scarce ratepayer funds have been expended in reviews of Council decisions which have resulted in no change what-so-ever. They have been exercises in futility. Hopefully the final report developed from the preliminary one, my input and further research will bring about something positive on which to base future decisions.

What are the real issues?

They are not difficult to discern and have been exposed and discussed by me in correspondence with a range of parties since about 2005. I shall list them.

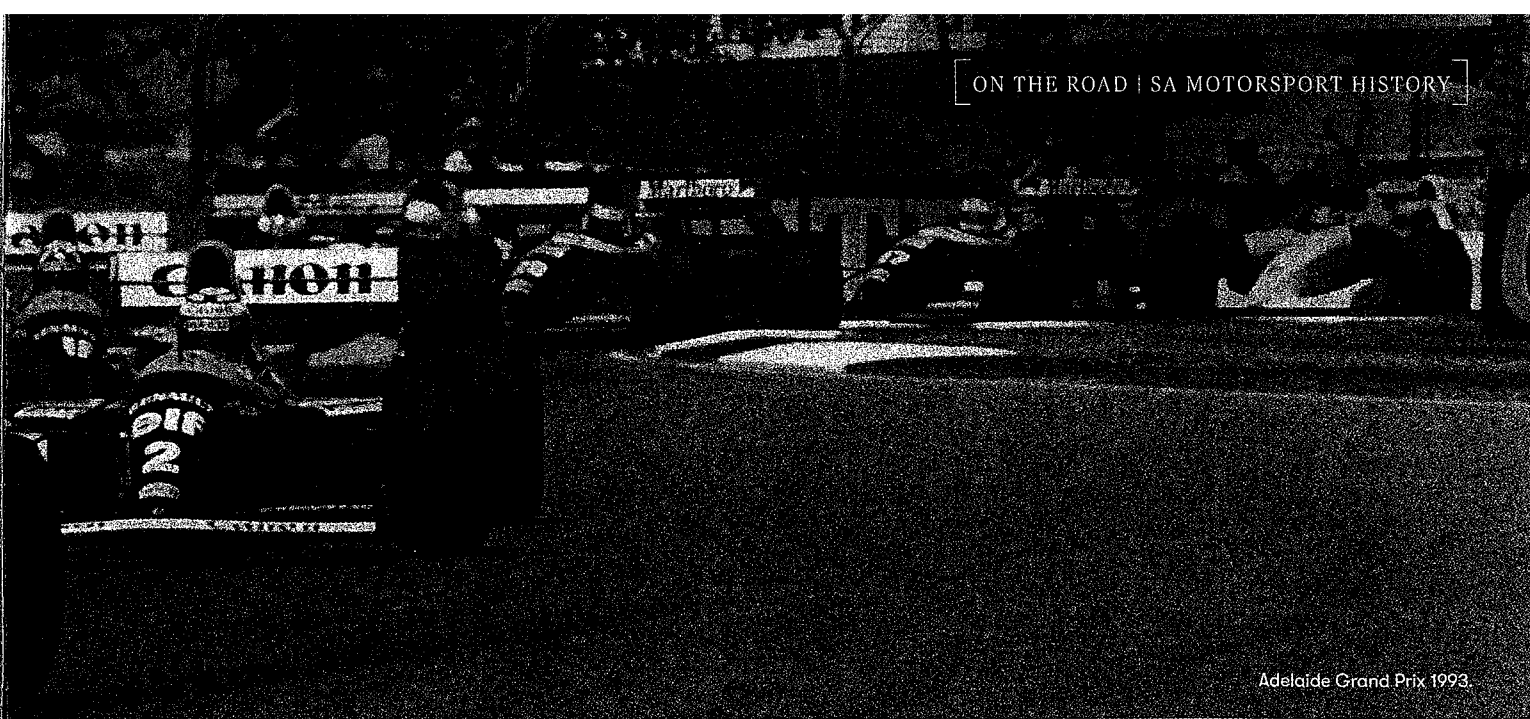
- In 1950 car racing on public roads was banned – because of the danger element.
- In 1961 the presented Road Traffic Act became law but was not utilized for car racing on public roads.
- In 1984, to stage Formula One Events and World Championship on an Adelaide street circuit The SA Motor Sport Act became law, specifically for circuit racing on the Adelaide circuit. Appropriate facilities had to be erected and then dismantled on each occasion. With the passing of this act the ban on racing on public roads ended. It should be noted that the RTA 1961 was not utilized for the purpose of the Adelaide F1 event and Super Cars events that followed.
- In 1997 the first “Classic Adelaide Rally”, on Adelaide Hills roads, was staged with an unfortunate death resulting to a participant. This did not result in any changes to the format since that time.
- There are no set criteria that need to be met in the selection of roads to be used for racing.
- There is no certification by any authority that selected routes have been closely examined to meet any criteria for high speed motoring. The AHC does not demand this nor does the public have access to it.
- There is a relatively small group of people (compared with the population at large) who are motoring enthusiasts, either as participants or as spectators.
- These people, to satisfy their interest, their passion their egos or whatever, need to race their cars or need to see racing events.
- To achieve this they lay a claim on the public road system. Since such an act is highly problematic for obvious reasons, their desires need to be “packaged” to make them palatable to the authorities. This is done by diverting attention from the racing and associated hazards and directing attention to “positive” outcomes, namely benefits expressed in very general language. Thus we get the regular *social, economic, tourism and regional identity* justifications to sanction what should never happen.

The USA and possibly some other countries sanction torture as a means to get information from captured individuals designated as terrorists on the basis that a benefit is derived for

the rest of the population. The social/economic benefit argument to justify the denial of access to and use of public roads to the road using public is akin to that form of reasoning. Hopefully the heavily revised version of this preliminary report will honestly address all the short-comings of the process used and the manner by which consent decisions are reached.

Accompanying this response is a range of other material which should be considered as part of this response. My arthritic condition has tested my capacity to put further material I to the present response.

Eberhard (Joe) Frank November 22 2021.



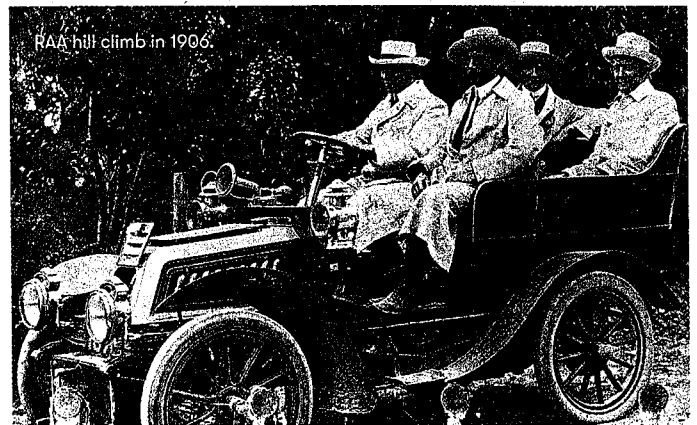
Adelaide Grand Prix 1993

RAA: a motorsport pioneer

In its first few years, RAA's world was dominated by motorsport.

On 17 December 1904, RAA held its inaugural hill climb. The climb began at the East Torrens Hotel (now the Tower Hotel) and ended atop Norton Summit.

The following year, RAA held a reliability trial with cars and motorcycles travelling to Victor Harbor and Mannum. An independent adjudicator rode in each vehicle and deducted points for a variety of indiscretions. For example, the engine needed to be constantly running and any stoppages attracted penalties.



RAA hill climb in 1906

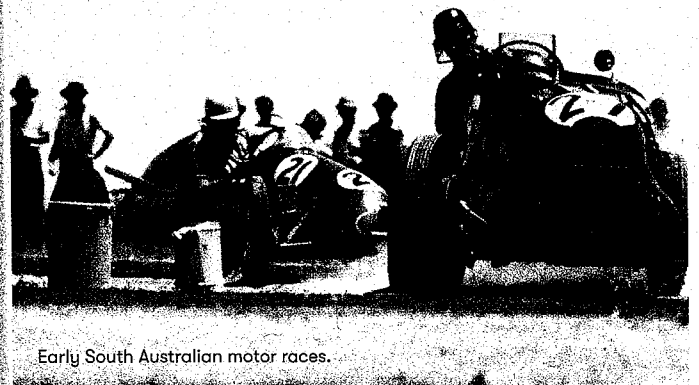
SA Motor RAA magazine Autumn 2021

From Lobethal to Port Wakefield

Long before The Bend Motorsport Park and Adelaide Street Circuit hosted international motorsport events, motor racing was held at various locations across the state.

In 1939, Lobethal became the first South Australian town to host an Australian Grand Prix. The track was the longest ever used at 14km and competitors completed 17 laps, winding their way through the Adelaide Hills. The race was won by a relatively unknown Western Australian racer, Allan Tomlinson, driving a supercharged MG T.

* In 1955, South Australia hosted the Australian Grand Prix at the Port Wakefield Circuit. It was the first to be contested at a purpose-built race circuit, after the previous 19 were held on closed roads. Future world champion Jack Brabham took home gold, completing 80 laps of the 2.89km circuit in just one hour and 26 minutes in his Cooper-Bristol. ▶



Early South Australian motor races.

This relates to racing following the 1950 ban on racing on public roads. Racing on roads did not resume in SA until 1997



BE N BAR

SA Motor - RAA Magazine Winter 2021

MYTH 3

I don't need to slow down when I see a 25km/h roadwork sign if there aren't workers present



Encountering a 25km/h roadwork sign when there aren't any workers around can be extremely frustrating, even for the calmest drivers.

Even when workers aren't present, you still need to slow down to the indicated speed. You need to maintain that speed until there's a sign saying otherwise. The roadwork sign could've been left out overnight for a variety of reasons, including potential hazards or the road condition.

Before you go ignoring the sign, consider the potential consequences if you're caught speeding. A motorist caught travelling at 60km/h in a 25km/h zone could receive a whopping \$1500 fine, plus a \$90 Victims of Crime Levy and seven demerit points.

For drivers sick of those pesky 25km/h roadwork signs being left out when work is complete, there may be relief in the future. The State Government has introduced new laws that could see road traffic companies fined \$1250 for leaving speed limit signs out after their permit has expired. If you see missing or incorrect signs at roadworks or signs you think should be removed because no work is taking place, call the Department for Infrastructure and Transport on 1800 018 313.

ROAD SAFETY, OUR PRIORITY

When it comes to advocating for speed rules and limits, RAA's main concern is the safety of all road users.

RAA regularly receives feedback from its members and the community about speed limits. The RAA Road Safety team then looks at factors such as the road's crash history, traffic volumes and the level of freight or tourist vehicles using the route.

It doesn't stop there though. Once the initial evaluation is complete, RAA assesses the site to check factors like road condition, width, curve alignment, roadside hazards, sight distance, side roads and property access points.

For example, when the speed limit was reduced from 110km/h to 100km/h on the Browns Well/Ngarkat Hwy in country South Australia, RAA undertook an assessment and found issues with the road design and quality, which greatly reduced safety for drivers. RAA lobbied to have the speed limit reassessed with consideration of 110km/h, provided road upgrades and essential maintenance were undertaken to improve safety.

Cracked wall?

Sinking floor?

Sticking door?

Jammed window?

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AS SEEN ON TV

mainmark

Deteriorating roads also make it more difficult for trucks to deliver goods around the country. Freight traffic is set to increase by 26 per cent in the next six years, according to Infrastructure Australia, and poor road maintenance and congestion are some of the biggest challenges facing the industry.

SA Motor, RAA Magazine Winter 2020

What needs to be done

It's clear many SA roads - both in metro Adelaide and in rural areas - need work to bring them up to scratch. In fact, from levelling out bumpy roads to repainting line markings that are hard to see, there's about \$723 million worth of work to be done, according to the Department for Planning Transport and Infrastructure.

To improve the quality of SA roads, RAA's asking the state government to increase the road maintenance budget to \$160 million a year, up from \$110 million in 2019-20. We're also advocating for an extra \$145 million to be spent on maintenance for the next five years to reduce the backlog of work that needs to be done, plus \$20 million for a road-resealing program in the metro area.

A big win for SA

South Australian motorists had an early win in 2020, with the state government announcing in March that it'll inject \$120 million into a number of key projects.

The money - fast-tracked to help stimulate the economy during the COVID-19 outbreak - will fund various projects, including upgrades to the South Eastern Fwy and repairing sections of the Stuart Hwy, Dukes Hwy and Riddoch Hwy.

RAA's Senior Manager of Safety and Infrastructure Charles Mountain said the commitment from the state government would improve roads and boost jobs during this challenging time.

TOP ISSUES ACCORDING TO YOU

We know road quality matters to you - our members. In a recent survey, four of the top five issues raised related to maintenance. Here's what members said they cared about.



Bumpy road surfaces



Potholes or cracks



Crumbling road edges



Rough or slippery surfaces



Lack of overtaking opportunities



Riddoch Hwy.

"RAA has lobbied for more road maintenance, and this response from the state government is excellent," Mr Mountain said. "It will help fix some of the issues on South Australian roads, making them safer and saving lives."

"The upgrades will also make travel around South Australia more efficient for commercial, local traffic, and tourists when we're on the other side of this virus."

What's next

While the recent funding injection is a great start, there's still plenty more to be done to ensure our ageing road system can handle increased traffic and freight.

As we've always done, RAA will keep advocating for better roads for our members and all South Australian road users.

And you can help too. If there's a road you think needs fixing, let us know so we can keep campaigning for improvements. SA

REPORT A ROAD

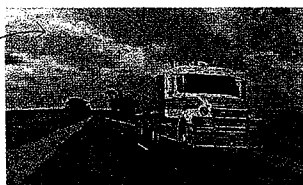
If you spot a road that needs fixing, let our road-safety team know at raa.com.au/report-a-road and we'll investigate.

\$15 million

for a refit and safety upgrade of the Heysen Tunnel.

\$12 million

to increase traffic capacity of the North-South Freight route, bypassing Adelaide.



\$6 million

to seal Adventure Way and Innamincka Airport Rd.

This is the third page in THE STATE of SA's ROADS

THE STATE OF SA'S ROADS

There are 1.8 million vehicles registered in SA. About 225,000 people hop on a bicycle each week, and South Aussies take about 61 million trips on buses and trams each year. But no matter *how* you choose to get around, we all depend on one thing - our roads. This edition, we take a look at how the quality of those roads affects everything from your hip pocket to your safety, and why RAA's been advocating hard for better road maintenance on behalf of our members.

Words: **Jeremy Rochow**

Potholes and rough roads impact us all

Crumbling road edges, potholes and faded line markings might irk you during your daily commute, but once you pull into your driveway or park your car, you probably don't give them a second thought. But here are five key reasons maintenance matters.

01. Your car and wallet

Your car bears the brunt of every rut, crack and bump you drive over. From increasing the wear and tear on your tyres to potentially damaging your suspension, road quality affects the cost of running your car.

02. Fuel bills

Basically the rougher the road, the harder your car will have to work, meaning your car will burn through more juice.

In fact, the Massachusetts Institute of Technology in the US found rough roads and potholes could increase fuel consumption by up to four per cent. That might not sound like much, but with the average Australian spending \$3500 on fuel per year, better roads could save motorists \$140 annually.

03. The environment

That extra fuel you use also means more CO2 emissions.

According to a study by Rutgers University, smoother roads will help us reduce greenhouse emissions as well. So, similar to saving fuel with better roads, we'll also be helping save our planet and emitting less CO2. It might sound like a small change, but given Australians drive the equivalent of 1000 trips to the sun and back each year, every small change becomes a big one.

04. Road safety

Confusing or vanishing line markings, crumbling edges and slippery surfaces can be dangerous for all road users and are just a few examples of how road maintenance affects your safety.

Last year was a horrific year for fatalities and serious injuries on South Australian roads, with 114 people killed and more than 900 seriously injured. While there are many factors that cause a crash, what we do know, unequivocally, is that better roads save lives.

05. The economy

As well as the immeasurable cost of lives being lost, crashes also cost the country a lot of money.

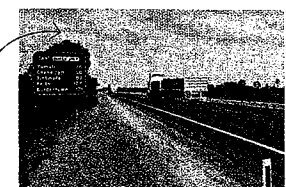
In fact, road trauma costs the economy about \$22 billion a year through factors such as loss of life, an increased demand on health services, vehicle damage and disability care. ►

FUNDING BOOST

The SA government recently announced \$120 million in funding for key road improvements. Here's how that money is being spent.

\$52 million

for road repairs and improvement along the Stuart Hwy, Yorke Hwy, Dukes Hwy and Riddoch Hwy.



\$35 million

to resurface the South Eastern Fwy between the toll gate and Crafrers.

DEATH WISH

Speed hypocrisy

MEMBERS of the public – particularly readers of *The Courier* – should not be surprised by the front page headline and story highlighting speeding in the Hills.

Those who read the editorial on page two could not fail to detect a degree of hypocrisy in the comments especially from the senior police officer.

The State Tourism Commission, SA Police and local councils all support and promote the use of our public roads for car racing events such as rallies.

Their ill-considered “official” use as racetracks encourages others to speed.

There is no justification of any kind for the use of public roads for motor sport involving speeding and racing. Such activities need to be conducted off-road.

The Courier Joe Frank 17.11.2021
Basket Range Page 6



A police speed blitz in the Hills has already caught over 2500 people in one month – 55 of them significantly over the speed limit. The campaign will run over summer and is aimed at the increasing number of motorbike riders drawn to the region for its twisting roads.

POLICE STAGGERED BY SPEEDING DRIVERS

IN 30 DAYS

By Elisa Rose

Police are pleading with the public to slow down on Hills roads after a “staggering” number of drivers were caught speeding and two motorcyclists died in the region during October.

More than 2500 road users were caught speeding in the Hills during the first month of the seven-month SA Police Operation Safe Hills campaign, which began on October 1.

The campaign targets dangerous driving on local roads during the months when recreational motorcyclists are most likely to be drawn to the Hills.

Police figures show that of the 2523 drivers or riders caught speeding last month, 45 were travelling 30–44km/h over the limit while another 10 were clocked at 45km/h or more over the limit.

Superintendent Bob Gray said the behavior was “reckless, selfish and unacceptable”.

“The statistics are absolutely

staggering,” he said. “How many people need to die or sustain life changing injuries before drivers and riders start to change their attitudes and their behavior?”

19 killed in Hills

The Hills and Fleurieu region had the highest number of road deaths of any SA region last year and during the previous Operation Safe Hills campaign – which ran between October 2020 and April this year – more than 13,780 people were caught speeding.

Supt Gray said 19 lives had been lost on Hills roads already this year.

He did not disclose whether speed was a factor in any of those deaths, but said police did know that it was a direct factor in 24 of the more than 80 road deaths across the State so far this year.

“Those who get caught and fined are the lucky ones,” he said.

“If an expiation makes a driver or rider think twice about speeding next time they’re out, this could literally save their life or the life of another innocent motorist who comes into their path.”

from above

But speeders don’t only risk their own lives. According to the Department for Infrastructure and Transport, the risk of a casualty crash doubles with each 10km/h increase in speed on higher speed rural roads.

Speeders’ actions endanger every other road user and have far reaching impacts beyond their own family and social circle.

Families are broken and survivors at fault are often trapped in a prison of guilt that lasts far longer than any court sentence.

Unnecessary and untimely deaths on our roads are tragedies that no family should face, often leaving wounds that never heal.

They also leave lasting impacts on emergency responders – often volunteers – who are forced week after week to front horrific accidents, sometimes involving people they know from their own communities.

Humans make errors and accidents will happen. But motorists have a responsibility to do everything in their power to keep themselves and others safe.

Obeying traffic laws – like following speed limits and avoiding distractions like phones – are simple ways to ensure everyone on our roads has the best possible chance of making it home.

So before we get behind the wheel or jump on the bike this month, let’s heed SA Police’s advice and slow down on our roads, lest our lives or the lives of our loved ones – or even someone we’ve never met – are changed permanently in the most devastating way.

Mr. Peter Siebels
RAA President
101 Richmond Road
Mile End SA 5031

Dear Mr. Siebels

I bring to your attention a matter I previously raised on January 21 with Mr. Charles Mountain and another RAA officer, when we met at Richmond Road. The matter discussed was the use of public roads for the purposes of motor sport, essentially car racing.

I particularly expressed my concerns about applying temporary road closures, here in the Adelaide Hills Council area, to enable such racing (referred to as rallies) to take place. The mass public is deprived of access to their roads for a *non-essential* activity.

I have heard nothing further since then.

Late in March such a 'rally' took place, deferred from November 2020 and I have now received information for another rally in November this year.

I am enclosing a copy of the letter, rather a notice, advising of the upcoming event. I am also enclosing a copy of my "feedback" to the proposal.

As an RAA member, with unbroken membership commencing in 1960, I look to my organization for support, in ending this unconscionable practice. It is totally irresponsible for any authority to support such activities. Yet we have the following being supportive.

- The Adelaide Hills Council (AHC)
- The Tourism Commission (the Commissioner of Tourism)
- The Minister for Tourism who is also the Premier of SA
- The Minister for Infrastructure which covers roads.
- The Minister for Police & Road Safety
- SA Police (The Police Commissioner)
- The Minister for Recreation & Sport
- Motor Sport Australia (formerly CAMS)

There may be other groups such as local motoring clubs and a range of businesses and tourism promoters.

There are numerous reasons why public roads should never become substitute race tracks involving speeding and racing – that is, exceeding the posted speed limits set by law.

- No public road in SA has been designed, constructed, maintained or modified for racing.
- No specific safety measures (apart from denying the public, access) are implemented.
- It is blatantly contradictory to have a road safety and road accident minimization programme and then actively supporting racing events

- The police are conflicted and subject to criticism of hypocrisy. When members of the public fail to abide by speed laws the police, rightly, declare that 'roads are not race tracks'. Yet they use their resources and actively support racing events.
- The AHC, once a year, sponsors a 'safe driver' driver programme, yet consents to temporary road closures for racing. This is contradictory.
- It takes from those who fund the roads, their right to use them as needed.

The big issue, however, is that it brings about a state where a major public asset, which exists for public use by all, becomes a playground for private enterprise as a business venture. If one analyses what actually occurs is that we have *an externality*, in fact a negative externality, where the 'social costs' outweigh the private costs. This is a classic case of *rent seeking*. The enterprise, in and of itself, adds nothing to the economy but relies on public support such as free access to the roads, free use of essential services and free support from police.

The enterprise, AS ALL ENTERPRISES that operate in our society, in pursuit of its commercial interests, fails to address the matter of *a social licence to operate*. There is a social responsibility which is totally ignored and thereby the *public interest* is relegated.

What is needed, and this is where I look to the RAA, which represents some 765,000-plus, members, is for an independent panel review to be established to examine, in total, the use of public roads for motor sport. This panel would then present the report of its findings. A model, which could be followed, is a recent review, conducted by a Sydney lawyer, into a proposed Dan Murphy's outlet by Woolworths, in Darwin. Its findings were damning.

The review needs to be deep, extensive and thorough. Parties to be invited to participate are Motor Sport Australia, Australian Road Safety, local councils, and the state government.

I seek a meeting with you and RAA staff to pursue this matter further. Thank you.

Yours sincerely



23.8.2021

Joe Frank RAA member 17586900, 12 Hunters Road Basket Range SA 5138

From: An Ethical Framework for Human Resource
Decision Making on JSTOR

14

PUBLIC ADMINISTRATION REVIEW

Managing Competing Claims: An Ethical Framework for Human Resource Decision Making

Debra W. Stewart, North Carolina State University

The core personnel management functions of the line manager are to select, develop, and evaluate people. Historically, public sector managers accepted implicit norms which formed the basis for these personnel management decisions. As Herbert Simon pointed out in his perceptive analysis of administrative decision making, such norms established the "decision premises" for the manager.¹ These premises reflected contemporary prevailing values and evolved with those values, a process well documented in Herbert Kaufman's classic *Public Administration Review* article, "Administrative Decentralization and Political Power." Kaufman describes a cycle, with shifts in values and outlook over time. "... [T]he administrative history of our governmental machinery can be construed as a succession of shifts ... each brought about by a change in emphasis among three values: representativeness, politically neutral competence, and executive leadership."² To Kaufman, this process is part of the normal expression of interest in the American political system. Central to Kaufman's analysis is the assumption that while no value is ever totally ignored, one value will always transcend others. The new emphasis comes to displace an earlier emphasis as a pressure experienced by managers.

While Kaufman's model works well to describe administrative history in American public service, observers today note a change. Rather than one interest gaining marked ascendancy, interests seem to establish footholds that prevent displacement. Thus, new interests emerge to flourish simultaneously with old interests, each pressing competing claims on government decision-making procedures and practices. It is in this context that we examine the personnel activities of the line manager.

- In performing the core personnel management functions of selecting, developing and evaluating people, the line manager today is asked to act on decision premises rooted in three distinct criteria. These premises emerge from different historical contexts, are advocated by different societal groups, place competing claims before
1. the decision maker, and each leads ultimately toward
 2. the institutionalization of practices which may impede successful achievement of important goals which other groups promote. The challenge of the 1980s is to

I wish to thank Susan E. Clarke, Jameson W. Doig, Erika Fairchild and the anonymous reviewers for their helpful comments on an earlier version of this article. I am also grateful to Barbara Toffler and Charles Powers, of the Institute on Ethics in Management, who enabled me to sharpen my understanding and use of ethical concepts.

harmonize
pacify?
concord

■ The core personnel management functions of the line manager are to select, develop, and evaluate people. These functions are carried out in an environment where three decision premises compete to regulate that decision-making process. This article identifies the three competing premises, describes the social interest each represents, and analyzes the rationale for institutionalizing each premise. Next we explore the competing claims these diverse interests place on the manager, acknowledge their potential for blunting effective leadership, and argue for a more active role for the manager as an ethical agent. Finally, we propose an ethical decision-making framework to help managers implement that active stance.

balance competing claims, deferring to the just interests of all parties through management strategies which maintain the flexibility necessary to respond to those evolving interests. The scholar's task is to help administrators find the best path toward that objective.

Responsibility in bureaucratic decision making requires careful attention to the treatment and definition of values in these competing claims encounters. Bureaucratic responsibility means that the manager becomes an active ethical agent. . . .

Guided by this task definition, we identify these three decision premises, describe the social interests each represents, and analyze the rationale for institutionalizing each premise. Next we explore the competing claims these diverse interests place on the manager and consider whether managers should play a passive role or whether the public interest calls managers to play a more self-consciously ethical role in balancing competing claims. Concluding that the public interest is best served by administrators with the courage to make "hard choices," we finally propose an ethical framework that helps structure the decision-making process implied by that ethical agent role.

The Collective Negotiations Premise

The public sector unionization movement is the driving force behind the first premise addressed. Generally

Debra W. Stewart is an associate professor of political science and public administration and associate dean of the graduate school at North Carolina State University. Her research focuses on issues in public personnel management, organizational behavior and management ethics. Her work has appeared in *Public Administration Review*, *Policy Studies*, *Publius*, and *Annals of Public Administration*.

JANUARY/FEBRUARY 1984

Abstract

The core personnel management functions of the line manager are to select, develop, and evaluate people. These functions are carried out in an environment where three decision premises compete to regulate that decision-making process. This article identifies the three competing premises, describes the

1. social interest each represents, and analyzes the rationale for institutionalizing each premise. Next we
2. explore the competing claims these diverse interests place on the manager, acknowledge their potential for blunting effective leadership, and argue for a more active role for the manager as an ethical agent.
3. Finally, we propose an ethical decision-making framework to help managers implement that active stance.

Journal Information

Public Administration Review has been the premier journal in the field of public administration research.

any elected representative. If real democracy implies people's collective ability to get control over their own circumstances and their resources, then most people have no experience of that in the present set-up.

Democracy is premised on the principles of equality, liberty and a notion of collective, but most importantly a widespread public consciousness of these principles. The world over democratic consciousness has been achieved through long and protracted political struggle against all institutions of society, social, political and economic, which obstruct the functioning of democracy. There is no shortcut to it nor space for passive onlookers. If we do not like the present system, our time to act is NOW.



SA Motor RAA magazine Winter 2021

Roadwork speed sign crackdown


Under new State Government regulations, traffic management companies could be fined up to \$1250 if incorrect speed limit signage is in place when work isn't being carried out.

Recently, peak-hour traffic on the South Eastern Fwy slowed from 60km/h to 40km/h due to roadwork signs being left in place when they were no longer necessary.

SA Minister for Infrastructure and Transport Corey Wingard said the regulations would help keep traffic flowing when roadworks ramp up over the next few years.

"We want to make sure road workers and motorists are safe, but we also want to ensure we keep traffic moving," he said.

Corporate Australia's social licence to operate: the case of Dan Murphy's in Darwin

 johnmenadue.com/corporate-australias-social-licence-to-operate-the-case-of-dan-murphys-in-darwin

By Michael Thorn

Jun 21, 2021

Woolworths has copped a right shellacking by Sydney-based lawyer Danny Gilbert's Independent Panel Review into the proposed Dan Murphy's development in Darwin. As did the Northern Territory Government. The damning Review report excoriates both Woolworths and its booze arm Endeavour Drinks for their conduct in relentlessly pursuing development approval for this big-box booze barn against the wishes of the local Indigenous community.

The report states:

"The clear evidence of the effects of overconsumption of alcohol on the wider Northern Territory community informs much of the opposition to the Dan Murphy's proposal.

"After considering the issues covered in detail in this report, the Panel has come to the view that Woolworths Group should not proceed with the Dan Murphy's Darwin development. The bases for this recommendation are fundamentally the concerns expressed about the proposal by many stakeholders – most importantly, but not only, Aboriginal and Torres Strait Islander communities – and the negative impact on Woolworths Group and its reputation." (p.125)

In late April Woolworths announced that it had received the Panel's report and that it would not be proceeding with the development in Darwin. On 9 June 2020, it released the Independent Panel's report and further announced that it had surrendered the licence to the NT Government. This is good news because it makes it difficult to resurrect the development in the future.

In the wash-up, the question is whether the decision not to proceed was about a risky liquor outlet or more about Woolworths' current and future relationship with Indigenous Australia in light of rising community sentiment towards the need for reconciliation. There is plenty to suggest it is about the latter, especially as Woolworths is in the process of hiving off its alcohol and gambling businesses into Endeavour Drinks. The equivocal public statement by the Endeavour Drinks' Chairman-elect, Peter Hearl, supports this view.

This is important for two reasons. First, because it goes to the heart of Woolworths' social licence to operate and second because while Woolworths have forsaken the Darwin licence its behaviour around Australia over many years towards communities opposed to similar developments has been just as relentless and unyielding.

Gilbert's report includes nothing about Woolworths' behaviour in securing approvals to establish Dan Murphy's stores in Maylands (WA), Coogee (NSW), Cranbourne (Victoria) and over the use of 'shopper dockets' in NSW. In these cases, Woolworths has employed the classic bully-boy tactics of the big end of town in pursuit of its commercial interests.

While the extraordinary campaign led by Indigenous interests and leaders such as Olga Havnen have won this battle, it is far from clear that they will win the war.

The importance of this case study of an important public policy process is that it has largely been driven by business. The Woolworth's Board clearly decided that they may not be getting the full story from Endeavour, and thus commissioned the IPR. The IPR clearly found that Endeavour had been engaging closely with the NT Government.

The facts demonstrate that 'when push comes to shove', the NT Government is
 ✕ unwilling and/or incapable of pursuing and protecting the public interest. Perhaps the solution is for the corporate sector as a whole to take a wider view of the issues relating to alcohol consumption across the NT, and to develop an active strategy that
 ✕ seeks to protect the public interest as well the private corporate interests they are entitled to advocate for and pursue. After all, if — as the evidence suggests is the case — governments are in the pocket of business, then perhaps it is time for the business sector to step up and pursue the public interest as well as their private interests. It is actually in business's interest that the nation is inclusive, has a vibrant economy, and a healthy citizenry. The IPR is potentially the first step towards a much more inclusive and visionary stance by corporate Australia.

My recommendation to Woolworths would be that its credibility with Indigenous Australia, and the community more generally, would be enhanced were it to actively and transparently use its market heft and influence, as well as its directorship on the Endeavour Board, to ensure that both Endeavour and the NT Government put the public interest above commercial interests in the development of future alcohol policy in the NT.

My recommendation to the NT Government is that they should take the opportunity of the publication of this report to undertake a fundamental reconsideration of their policy approach to alcohol regulation. To do otherwise will be to deepen their complicity in an entirely preventable scourge that is taking a terrible toll on many Territorians, including a substantial proportion of Indigenous Territorians. If they cant fix this, their credibility on every other area of public policy will remain in tatters.

Excerpt from [↑] -see link at foot of page

community views. In short, the NT Government pro-actively facilitated the pursuit of private interest to the exclusion of substantial evidence that it was not in the public interest.

One of the more insidious impacts of this type of behaviour by governments is the way in which trusted institutions within the public domain are politicised and pressured, with deeper and widespread implications for levels of trust in our democracy and core institutions. To take just one example highlighted by the events described by the IPR, the NT police appear to have been influenced (either explicitly or implicitly) to self-censor their perspectives on the social impacts of increased availability of cheaper alcohol in relation to the DM proposal. According to the IPR, in July 2020, the NT police gave evidence in another application for a substituted liquor licence. The IPR reported (p.57):

In Superintendent Antony Deutrom's evidence to a Liquorland application for a substitution of premises in Palmerston in July 2020, Northern Territory Police stated that the impacts of alcohol on the Northern Territory continue to be "appalling and pervasive...culminating in extra strain". At the time, demand for police services across the Northern Territory was on the rise, up 39.5 per cent compared to the previous period. Further, 15.4 per cent of those incidents were alcohol-related. Superintendent Deutrom also said, "an increase in alcohol availability could further impact on these figures in a negative manner"

In contrast, the NT Police comments to the Liquor Commission hearing into the DM proposal were much less robust:


In relation to the Darwin Dan Murphy's development, Commander of Police in the Northern Territory, Travis Wurst, gave evidence to the Liquor Commission in 2019 ... Commander Wurst also noted that the Northern Territory Police were neutral on the application by Woolworths Group and that the application was neither objected to formally, nor endorsed in any way. (p.57) [emphasis added].

Of course, the unanswered question raised by this clear NT Government strategy to support the DM proposal is 'why?' Why did the NT Government reverse course? Why did it ignore the very significant health, social and economic costs likely to flow from the DM proposal? Why did the Indigenous members of the Government remain silent and accede to this policy? Endeavour has stated that it was in discussion with the NT Government regarding the changed location of the proposed DM outlet (link here). We know that Endeavour proposed legislative change that was substantively taken up by the NT Government. What other conversations were undertaken between Endeavour and the NT Government? The short answer is that we don't know and the IPR doesn't tell us.

*Independent Panel Review - into the proposed Dan Murphy's development in Darwin
Ch 6 pages 14-22 The Shifting Sands of Corporate Purpose*

*Citizenship Reputation, Legitimacy and Trust
woolworthsgroup.com/au/content/Document/IRP/Independent%20Panel%20Review....*

Free Speech and Justified True Belief

 harvardlawreview.org/2019/12/free-speech-and-justified-true-belief

Article by Joseph Blocher

Law often prioritizes justified true beliefs. Evidence, even if probative and correct, must have a proper foundation. Expert witness testimony must be the product of reliable principles and methods. Prosecutors are not permitted to trick juries into convicting a defendant, even if that defendant is truly guilty. Judges' reasons, and not just the correctness of their holdings, are the engines of precedent.

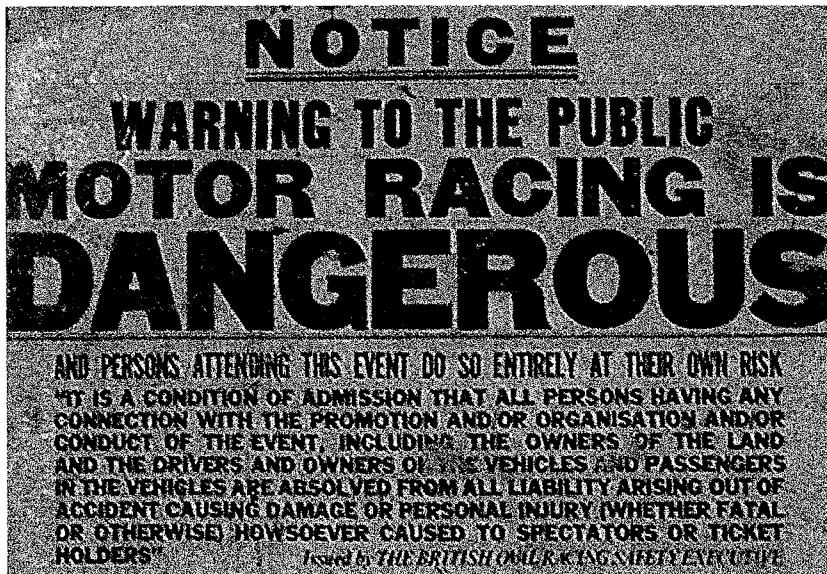
Lawyers are, in short, familiar with the notion that one must be right for the right reasons. And yet the standard epistemic theory of the First Amendment — that the marketplace of ideas is the “best test of truth” — has generally focused on truth alone, as if all true beliefs must be treated equally. This thin account leaves the epistemic theory vulnerable to withering criticism, especially in a “post-truth” era.

This Article suggests that the epistemic theory of the First Amendment might be reframed around a different value: not truth alone, but knowledge, roughly defined as justified true belief. Philosophers from Plato until the present day have explored what makes knowledge distinct and distinctly valuable; echoes of those efforts can be heard in First Amendment theory and doctrine as well. A knowledge-based account need not limit the protections of free speech to justified true belief, any more than the marketplace model covers only truth, and may even help resolve thorny First Amendment issues like those involving professional speech and institutional deference. The goal of this Article is to provide a richer epistemic account of the First Amendment at a time when it is sorely needed.

Motor Racing Is Dangerous - see other side

pitpass.com/45141/Motor-Racing-Is-Dangerous 02-11-2011

printed 9.7.2019



Motor sport has hit the mainstream headlines recently, and not for the reasons any of us would have hoped. We've gone through a terrible, harrowing and tragic few weeks which have left many of us dazed, confused and questioning exactly what motor racing really means.

Motor sport is dangerous, it says so on every ticket sold. Drivers and spectators have been killed or injured since the first competitive wheel was turned though such instances are now rare thanks to developments in circuit safety, as well as improvements in the facilities and expertise available. It wasn't always the case, drivers once preferring to be thrown clear of an accident save getting burnt alive. Sir Jackie Stewart raced with a wrench in his car so his steering wheel could be removed if needed, a result of an accident in Belgium where he was trapped in his fuel-soaked car for some time - cigarette buds were strewn on the 'medical centre' floor, the ambulance got lost on its way to the hospital. Stewart's reaction, in large part, can be credited with the transformation of safety in motor racing, though at the time incurred ridicule from even the most respected of commentators. Yet despite his efforts, there is one inescapable fact: motor sport remains dangerous.

Earlier this year I experienced the tragedy of motor sport first hand. At a club meeting ahead of the Australian Grand Prix an accident claimed the life of a friend of mine; a promising young driver just starting out in his racing career. He'd just graduated from go karts. It was his first race meeting. It was the first fatal accident in the category's 40-something year history. I was working with the category that weekend as its press officer. Maintaining a composed and professional front in such instances was all I could do to stop myself falling to pieces. For the first and only time in my career I wanted to be anywhere but the circuit.

In the wake of such incidents talk will inevitably revolve around what can be done differently. What can be improved to help protect these modern day gladiators, to improve the safety without ruining the spectacle. Those questions are quickly followed by the discussion of whether the 'spectacle' is more important than the 'sport', or if it's all really worth it anyway. Those are all valid topics, and discussions which need to be had. Important decisions will need to be made on very serious topics. However, as Max Mosley has recently eluded those decisions should only be made with clear logic and rationale.

Everyone deals with the situation differently. For me it meant returning to the circuit the following day and maintaining a professional front. I knew there would be no racing, but as one involved with the club I felt I needed to be there, to help carry the burden every person there was feeling. It was an emotional and sombre day which left all eyes tear soaked.

An investigation followed then, as will now in Las Vegas and Malaysia. Recommendations will be made and decisions reached. The important thing now, in the wake of such an awful event, is not to be blinded by emotion when reacting. Motor racing is dangerous, it's an inescapable fact and is why it's written on each and every ticket.

Motorsport is dangerous - see other side

printed 2-7-2019

 superloopadl500.com.au/event_info/logistical/motorsport_is_dangerous

Motor Sport Activities are inherently dangerous recreational activities and there is significant risk of injury, disability or death.

If you do not wish to be exposed to such risks, then you should not attend or participate in Motor Sport Activities.

WARNING: If you participate in these activities your rights to sue the supplier under the Competition and Consumer Act 2010 if you are killed or injured because the activities were not supplied with due care and skill or were not reasonably fit for their purpose, are excluded, restricted or modified in the way set out in these Conditions.

In exchange for being able to attend or participate in the Motor Sport Activities, you agree:

to release the South Australian Tourism Commission (SATC), the Crown in the right of South Australia, the Confederation of Australia Motor Sport Ltd (CAMS) and the Entities* to the extent that any or all of them are providing Recreational Services from all liability for:

- a) your death; b) any physical or mental injury (including the aggravation, acceleration or recurrence of such an injury); c) the contraction, aggravation or acceleration of a disease; d) the coming into existence, the aggravation, acceleration or recurrence of any other condition, circumstance, occurrence, activity, form of behaviour, course of conduct or state of affairs: i. that is or may be harmful or disadvantageous to you or the community; or ii. that may result in harm or disadvantage to you or the community,

howsoever arising from your participation in or attendance at the Motor Sport Activities;

- to indemnify and hold harmless and keep indemnified the SATC, the Crown in the Right of South Australia, CAMS and each of the Entities to the maximum extent permitted by law in respect of any Claim by any person; and
- to attend at or participate in the Motor Sport Activities at your own risk.


NOTE: The change to your rights, as set out in these Conditions, does not apply if your death or injury is due to reckless conduct on the supplier's part. "Reckless Conduct" means conduct where the supplier of the recreational services is aware, or should reasonably have been aware, of a significant risk that the conduct could result in personal injury to another person and engages in the conduct despite the risk and without adequate justification. See section 139A of the Competition and Consumer Act 2010.

* 'Entities' means event and competition organisers/promoters/managers, land and track owners/managers/administrators/lessees, CAMS affiliated clubs, state and territory governments and insured listed in CAMS' public/product/professional indemnity insurance policies and each of their related bodies corporate (including their related bodies corporate) and each of their organs and agencies, officers/president/directors/executives, employees, servants, agents, partners, providers, members, competitors, drivers, co-drivers, navigators, officials, crew members, pit crew, delegates, licence holders, representatives, commissions, committees, advisers, trustees, councils, panels, shareholders, volunteers, officials, appointees, delegated bodies and sponsors.

South Australia's Road Safety Action Plan 2018-2019 - DPTI - Online
 RAA Public Policy - 16 pages <https://www.raa.com.au/documents/public-policy>
 Page 6 paragraph 4 "RAA supports the temporary closure of public roads or a section of roads to enable community, recurrent and commercial events, cycling events and NON-COMPETITIVE motoring events to take place, provided the community is consulted about the closure of roads."

Adelaide Superloop 500 car race is for VR SuperCars (formerly Clipsal 500)

Good governance in six logical and easy steps

 johnmenadue.com/good-governance-in-six-logical-and-easy-steps

By Percy Allan

Oct 21, 2021

A statement of public interest should be obligatory for major government decisions. Here's why.

The generally poor quality of public policymaking in Australia at both federal and state levels is a national disgrace. *What about local government?*

Research by both right and left think tanks (IPA and Per Capita) show that for all jurisdictions surveyed (federal, NSW, Victorian and Queensland governments) only 21 of 60 case studies of recent legislation broadly meet good policymaking criteria as devised by Kenneth Wiltshire AO, Professor of Public Administration at the University of Queensland Business School.

All parliaments (especially upper houses that are not controlled by a sitting government) could make a start to rectifying the unsatisfactory situation by requiring every policy bill tabled in parliament to be accompanied by a Statement of Public Interest (SPI).

An SPI would answer six fundamental questions that every member of Parliament and interested citizen is entitled to know before a bill is considered, viz:

1. **Need.** Why is the policy needed based on factual evidence and stakeholder input?
2. **Objectives.** What is the policy's objective couched in terms of the public interest?
3. **Options.** What alternative policies and mechanisms were considered in advance of the bill?
4. **Analysis.** What were the pros and cons and benefits/costs of each option considered?
5. **Pathway.** What are the timetable and steps for the policy's rollout and who will administer it?
6. **Consultation.** Were the views of affected stakeholders sought and considered in making the policy?

An SPI questionnaire would take only a few pages for a bill's proponent (usually a government minister) to answer in the affirmative or negative so would not be onerous to prepare.

It would encourage public servants, ministers and private members who develop and submit bills to address the fundamental steps of good policymaking.

Also, it would assist the bills committee of each parliament (which reviews what to do with new bills) to decide whether a bill should be referred for inquiry by a standing committee. As such it would complement the work of that committee.

It would also help in fighting corruption by requiring each legislated policy decision to specify its public interest objective upfront and what outcome to expect from it. That would provide an explicit benchmark against which a policy's rollout could be judged. If it were used for another purpose such as private or partisan gain that would be easier to call out than asking an anti-corruption body to surmise what was its original purpose and who was meant to benefit from it.

So here is the big idea: Each parliament in Australia (most likely its upper house) adopt a Sessional Order to require all future Bills introduced in the parliament to be accompanied by a Statement of Public Interest (as outlined above).

This is not a fanciful notion. At the request of the Evidence Based Policy Research Project, the NSW Legislative Council's Procedure Committee has already viewed this proposal sympathetically. We are pressing the committee to translate it into a standing order for the NSW Parliament by 2022 since it has the support of most MLCs.

Hon Steven Marshall MP
Premier of SA and Minister for Tourism
State Administration Centre
200 Victoria Square Adelaide SA 5000

Dear Premier

I write to you as *my* Premier and *my* Minister for Tourism and not just the Premier and the Minister. I do this in the optimistic belief that reason and good sense will be brought to bear on the measure I place before you which is of great concern to me.

I am not referring to any imposed limitations placed on my freedoms and rights resulting from measures that needed to be put in place to counter the effects of the coronavirus. Whilst not necessarily agreeing with all of these, I accept them because they are for **the greater good**.

I draw your attention, as Premier and Tourism Minister, to the restrictions placed on the rights and freedoms of *all road users* (not just motorists) each year when local roads are closed to them to enable car racing to be conducted on them. These races are euphemistically referred to as "rallies", but the activity is racing on public roads which are not designed, constructed or prepared for any form of high speed motor sport.

The demand for these activities does not arise from the general public, nor from particular local communities who are adversely impacted by them. The demand comes from the members of motor sport organisations who want to indulge themselves in driving their vehicles at high speed on our public roads.

These activities are not viable in their own right. They need to be funded by the taxpaying public via the Tourism Commission. The participants need to be given free and exclusive use of the roads selected by them, be given, at no cost to them, the support of SAPOL and the Emergency Services.

The promoters of these events are in effect **rent seekers**. They draw on government provided funds to benefit a small coterie of racing enthusiasts. The activities directly generate no employment or income for others. A claim is made (see enclosed letter to residents/home owners/occupants) of a multitude of benefits that accrue to our State. No evidence is ever provided to substantiate these claims. They certainly do not accrue to each individual community whose roads are utilised. There is **no evidence that a greater good results** from these activities.

In fact the following negatives result:

- The promoters have to mislead the public by shrouding the true purpose of their intentions, racing in cars on public roads, in marketing spin and jargon
- All real costs are borne by the public – private gain at public cost
- The rights and freedoms of the road using public are undermined for *no justifiable* purpose

- The police are conflicted because providing support for these activities conflicts with or is inconsistent with its duties to encourage and ensure safe use of our roads *at all times*.
- The local council, which is empowered to provide consent to requests for temporary road closure, is compromised because it holds the view that what the state government supports/promotes must have merit and therefore needs to be supported
- The very small group of individuals invited to provide a response (only those deemed 'residents') should not be required to make a case for their rights and freedoms to be respected and protected. When they do this, their input is ignored by the promoters, the local council and the state government.
- An activity which is at all times illegal, exceeding the speed limits posted on our roads, incurs no penalties when conducted as a motor sport event
- These activities encourage 'copy-cat' drivers to use our roads for speeding

Enclosed is my response to the promoters seeking 'feedback' for their intended action. Note that they never consult. All they do is inform us residents of their intentions, invite responses but never acknowledge these or engage with them.

I call on you, Premier, to seriously consider the matter I have put before you. Car racing, all forms of it, must not take place on our public roads for all the self-evident reasons that abound. Car racing needs to be confined to purpose-designed and purpose-built venues which are safe places for competitors, support personnel and spectators. If this practice is followed there are no unwanted and unneeded restrictions placed on the rights and freedoms of the road using public. All parties benefit from such a situation.

Yours sincerely

Joe Frank 12 Hunters Road Basket Range SA 5138 8/5/2020

18

Mr Grant Stevens
SA Commissioner of Police
100 Angas Street
Adelaide SA 5000

Dear Commissioner

As I write, SA's road death toll stands at 105. Whilst not all these deaths have resulted from vehicles being driven at inappropriate speed, Supt Bob Gray, who has featured twice now in recent days on TV news reports, makes the point that travelling at speed is a contributing factor in many of the cases.

You might recall, I wrote to you in early July, following an ABC TV news segment devoted to our mounting accident and road toll then. Both you and Prof Woolley featured in that report. I followed up with Prof Woolley and met to discuss with him his opinions. He was quite clear that many of our roads are not up to the safety standards required to cater for the posted speed limits under 'good' traffic and weather conditions, let alone when these deteriorate. They are certainly not up to standard to be used as racetracks.

In my letter I tried to bring to your and SAPOL's attention, the fact that on a number of occasions each year, **SAPOL is conflicted** when it has to direct its resources to **support and facilitate** the conduct of car racing events on our public roads. For the police to be engaged in this, is, in my opinion, **not consistent** with SAPOL's duty and efforts to ensure that our roads are used **responsibly and safely**.

How can the efforts of SAPOL, with respect to road safety, be held in high regard and police officers be respected for their work, when they are engaged in, what is both, a **contradictory and incongruent**, task? Enabling the use of our roads as racetracks, for which the roads are totally inadequate, by any standards or levels of judgement and at the same time promoting road safety demonstrates a serious conflict of purpose and therefore credibility.

How is the mass road-using public to reconcile the contradictory messages that they receive from this? Unfortunately we have laws that make such irresponsible undertakings possible. These laws, in effect, exempt the participants engaged in racing on our public roads, from prosecution! How is the everyday road user to react when a fine is imposed for exceeding the posted limit by two or three kph whilst the 'racers' have no restrictions placed on them?

The people engaged in the sanctioned use of public roads, as race tracks, are privileged to having sole use of a public asset, to do something that ^{is} both selfish and illegal but this is set aside, at **the expense of every other road-user**. What is the public benefit? How can it be justified? What message is sent out to responsible and considerate road-users?

I ask you to use the status of your office and the mass of expert knowledge of SAPOL to prevail upon the government of the day to do what was done in the early 1950's and persuade the government to ban the use of public roads as racing car venues.

We now have an international standard racing car complex, purpose-designed and purpose-constructed where both the racers and the public can indulge themselves in their love of motor sport. The message needs to be put to all concerned; government, tourism, car racing fraternity, road safety authorities and the general public, that public roads will no longer serve as racetracks. This will restore a measure of credibility to the police and confirm their responsibility in keeping roads safe. It will also, in my opinion, have a positive effect on reducing speeding. I ask you to play a role in this.

Yours sincerely

Eberhard (Joe) Frank
12 Hunters Road Basket Range 5138

Dated early Jan 2020

Mr Grant Stevens
SA Commissioner of Police
100 Angas Street
Adelaide SA 5000

Dear Commissioner

Last July I had cause to write to you over my concerns with the high accident and loss of life rate on our roads. I tried to point out that whilst there are many contributory factors that are at play, the fact that we allow the **conduct of motor vehicle racing on our public roads** is significant.

Each time our roads are set aside from public use by enacting road closures to enable these racing car activities to take place, we send a clear signal that what is **an illegal activity**, somehow, can be justified? In the process of doing this, the SA police are both conflicted and compromised. They are *compromised* by having to use their resources to make it possible for motor car racing to take place on roads that are quite unsuitable for this purpose. They are *conflicted* because they are required to engage in something that is *contrary to their responsibility to ensure that our roads are always used in such a way as to be safe for all road users* and further *conflicted*, since our fundamental rights as road users are denied when roads are closed to us.

All this is done to allow a small group of racing car enthusiasts to indulge themselves in their need to drive cars at great speed. These activities need to be conducted on purpose-built race tracks and not on public roads. When this happens, the **public good** is furthered.

I received a response, in the way of a letter dated July 23, 2019, from Supt. Bob Gray, Officer-in-Charge Traffic Support Branch. I was astounded and confounded but mostly disappointed by the contents of that letter. He did not engage with the serious issue that the police are involved in supporting an activity which is not congruent or consistent with one of their major tasks, that of safe use of our roads. I shall quote just one statement as an example. *"South Australia is a vibrant State and as such policing of diverse activities, including racing events on public roads, is required."* Surely, to be a vibrant State, we do not have to engage in denying people their freedoms and rights as road users and to move about to exercise our Rights of Assembly and Association with one another

Currently, because of COVID-19 measures put in place, **to serve a greater good**, we accept the constraints placed on us because most of us regard them as being reasonable and essential. The same case cannot, in all good sense, be made for road closures to enable car racing to occur. I speak now specifically of roads used within the Adelaide Hills Council area.

Following a TV News Report in December last year again dealing with our high road accident and death rate I wrote to you again, (a copy is enclosed with this letter) expressing my concerns. I have not yet received a response. We are now in 2020 and once again our road accident and death rates are a cause for concern. Yet once again moves are under way (see

enclosed material) to conduct racing car events on our public roads in total disregard of **the public good** and people's rights and freedoms.

Commissioner, I call on you to carefully appraise SAPOL's role in support of racing car activities on our roads (the RAA does not support them) and take such action that all alternatives to such activities using public roads are fully explored and tested and that the **test of public good** is applied in each case.

What we have never had is any public debate with regards to this since these activities began in the late 1990's. Policy on matters such as this should be settled by all-in debate, not pre-scripted or controlled by anyone.

Thank you for attending to this.

Yours sincerely

Eberhard Frank 12 Hunters Road Basket Range SA 5138 20/5/2020

Dear Commissioner

Enclosed with this letter is further material which relates to your role, duties and responsibilities in some way.

This becomes patently clear when reading the enclosed letter/notice headed "ADELAIDE RALLY 2021, which was mailed out to selected 'residents' mid-August. Residents can reasonably infer that you have used the discretionary authority of your position to allocate resources under your control to enable an *event* to take place in November.

What is not clear from the contents is why you took this action.

Presumably, you have been in detailed consultation and have received considerably more information relating to this *event* than has the South Australian public, or us, mere 'residents'. To invoke *temporary road closures (trc's)* requires:

- A circumstance or set of circumstances, which are of such significance, need or public good that it/they must take precedence over the public's right of access to, and use of, its roads. This action denies a set of **fundamental rights**.
- A justification for an action that can be deemed "reasonable" by the ordinary citizen, to use public roads as substitute racetracks for motorsport, when, at all other times such activities are **unlawful**.
- The application of relevant sections of the Road Traffic Act 1961 in a way that is contrary to its intent. Any fair-minded interpretation of this legislation leads one to conclude that the kind of *events* that ought rightfully result in *trc's* are **not** those that run counter to our laws. Examples of *events* that justify *trc's* are:
Anzac Day March, Military Parades, Public Protests, Royal Visits, Motorcades, Celebrating Cultural Days of Significance, Celebrating Days of Historical Significance, Street Parties, Acknowledging the Efforts of Sporting Heroes, Motorcades that Support the Cause of Human Rights in Other Lands, Protests that Support the Cause of Human Rights both In Australia and Overseas, Labour Day Marches.

It becomes clear, from the above, that it is misguided, in fact irresponsible, to allocate any public resources to the conduct of motorsport which involves racing, speeding and non-compliance with any rules that apply to the use of public roads. Such *events* may be supported with public resources if they are conducted "off-public roads".

There are further matters you need to take into consideration.

- There is not a single public road or section within it, that has been designed, constructed, maintained or modified for the purpose of racing of any kind under any conditions. There are good reasons why that is so.
- You, as an individual do not have the expertise or competence to determine the characteristics or particular attributes of a public road that render it suitable or

appropriate for car racing. Neither does any individual who is employed directly under your control.

- There is no person, employed by local government or the state government who is qualified and would be prepared to do so, to determine which public roads are proper and safe venues for car racing, under any conditions.
- Employees of DPTI, who have discussed this issue with me, state that they do not provide advice about the use of public roads for racing or which characteristics make them suitable for this purpose. Their advice is limited to the effect of *trc's* on traffic movement and the impact of *trc's* on regular traffic using alternative roads.
- Before *trc's* can come into effect for an *event*, as provided for by the RTA 1961, the relevant minister must issue an order using his discretionary power/authority. That minister does not have the expertise to determine whether a road selected for racing is appropriate or meets certain standards. He seeks advice before taking action. As stated above there is no person competent to provide such advice.
- No local community has ever requested for such an event to take place on its neighbourhood roads, or wants roads to be closed for car racing. No local community has ever been consulted, either by the promoters of such racing events, local government, or the state government, about the conduct of such events. They are **imposed** rather than agreed upon by negotiation, which is the proper way.
- The primary purpose of this kind of *event* is to allow people to race in their cars at public expense, to allow the promoters to profiteer at public expense, and to deceive the public that this is a good thing and that they need to make sacrifices.
- This kind of *event* is a classic case of putting **private profit** ahead of **public benefit** and **rights** without making a valid case to justify this. No amount of promoting "spin-off" benefits to deflect from this, stands up to rational scrutiny.
- Surely the state of SA's economy is not so parlous or desperate that we need to resort to such *events* to benefit and further our well-being.

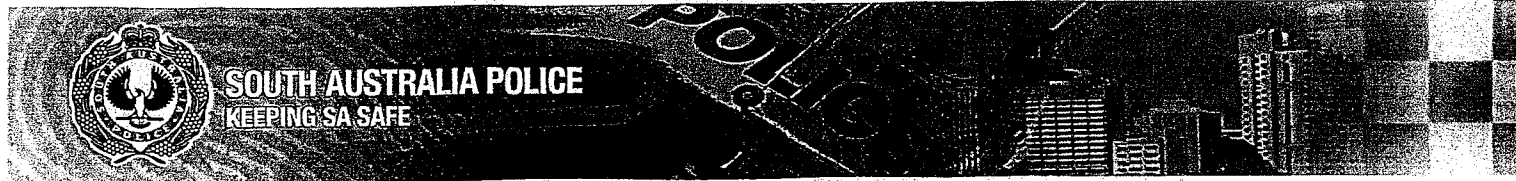
These *events* are dangerous in and of themselves, for both the participants and the public. People get killed or seriously injured. The primary reason for this is that the public roads selected for racing do not meet the standard that makes them safe for racing and for spectators to be safe. It is not the cars' mechanical failure, nor human error, that are causes for unwelcome outcomes – it is the inadequate conditions of the roads. The mechanical conditions of cars are closely checked and drivers are deemed to be competent. That leaves the matter of the state and condition of the roads.

I leave you with these comments to consider, on their merits, and await your thoughtful response.

Yours sincerely



Joe Frank 12 Hunters Road Basket Range SA 5138 1/9/2021



COPY for SACAT

25.7.2019

Your Ref
Our Ref
Enquiries Inspector J Howard
Telephone 8207 4288
Facsimile

23 July 2019

Mr Eberhard Frank
12 Hunters Road
BASKET RANGE SA 5138

Dear Mr Frank

Thank you for your letter dated 4 July 2019, highlighting your concerns about public roads being used for motor racing events post viewing the ABC television segment on 2 July 2019.


South Australia is a vibrant State and as such policing of diverse activities, including motor racing events held on public roads, is required. Significant planning occurs with key stakeholders to ensure the safety of event participants and spectators, and to ensure there is limited disruption for general road users.

SAPOL's Traffic Support Branch and State Community Engagement Section create opportunities at key motor racing events to promote positive road safety messages. We provide a highly visible presence and engage with audiences drawn to these events to remind them and their families, of the importance of their safety when driving on the road.

As a past school principal I'm sure you recognise the need to educate the positive at every opportunity. SAPOL continues to be committed to working together with the community to make our roads safer for everyone.

Thank you for taking the time to express your thoughts.

Your sincerely


Superintendent Bob Gray
Officer In Charge
TRAFFIC SUPPORT BRANCH



Government
of South Australia

9-7-2020

Mr Grant Stevens
Commissioner of Police
100 Angas Street
Adelaide SA 5000

Dear Commissioner

Last evening the ABC TV news carried a segment dealing with the driver of a vehicle involved in an accident in which two mothers were killed. One of these was a highly regarded and valued police officer.

It appears that the vehicle that caused the accident was driven at excessive speed, but the driver may have suffered "an episode" of some sort at the time.

No doubt further investigations and actions will result in some sort of conclusion.

What remains clear and is never in dispute is that excessive speed on our public roads is a major contributor to accidents, injuries and death. The police work hard to attend to this as best their resources allow.

Despite this reality, we have, what I can only refer to as an absurdity, or is it stupidity, whereby the police are actively involved in providing their resources and presence, to enable our public roads to be used as race tracks.

What message does this send to the community? How should any concerned and fair-minded person react to this blatant absurdity?

Competitive motor sport which involves racing has a place in our society but not on our public roads. It is a dangerous activity. Surely there cannot be any rational debate about this from anyone. It just must not happen.

On May 22 I delivered a large envelope containing two letters addressed to you about roads being officially used as race tracks. I included other relevant material. To date I have not received a reply although I was contacted by telephone by Inspector Joanne Howard early in June. I gained the impression that the call was related to the material addressed to you.

I welcomed the call and her discussion with me but it did not resolve the issue. I informed her that since I went to the trouble of writing to the Commissioner I held the view that protocol entitled me to a letter response.

Surely, if a citizen forwards a respectful and carefully scripted communication to the head of police, they are entitled to have that taken seriously, engaged with and responded to accordingly.

Yours sincerely

This letter delivered to Grenfell St police station 9-7-2020

11.10.2021



The Hon Steven Marshall MP
Premier of South Australia

B1126529

Mr Joe Frank
12 Hunters Road
BASKET RANGE SA 5138

Dear Joe,

I write to thank you for your letter dated 31 August 2021 sharing your concerns about motorsport events occurring on closed South Australian roads. At the outset, please accept my sincere apologies for the delay in getting back to you.

In reviewing the concerns you raised in your letter, I consulted with the Hon Corey Wingard MP, Minister for Infrastructure and Transport. I am aware Minister Wingard wrote to you on 7 May regarding your concerns about the approval for motorsport events occurring on closed South Australian roads. The minister's response also references your discussions with senior officers from the Department for Infrastructure and Transport (DIT) on these matters in March 2021.

I can confirm the information Minister Wingard provided to you in his letter remains unchanged.

In terms of the Adelaide Rally's value to the South Australian community, I acknowledge it is the largest event of its type in the Southern Hemisphere, with around 400 entries expected.

The expanded Rally in 2021 will include new CBD activations, such as an East End finale and the addition of a new Adelaide Tourist Trophy category offering up to \$20,000 in prize money. The new elements are expected to bring both competition entrants and visitors to South Australia during the event week and beyond, as well as drive valuable economic stimulus within our state.

Once again, thank you for taking the time to write and for sharing your concerns on this important matter with me.

Yours sincerely,

Hon Steven Marshall MP
PREMIER OF SOUTH AUSTRALIA

30 / 9 / 2021

Received as email attachment
Friday May 7



Government
of South Australia

Minister for Infrastructure
and Transport

Minister for Recreation,
Sport and Racing

GPO Box 868
ADELAIDE SA 5001
DX 460

T: (08) 8490 8200

E: MinisterWingard@sa.gov.au

Hon Corey Wingard MP

21MTR0614

Mr Joe Frank

By email: joe.frank@bigpond.com

Dear Mr Frank

Thank you for your recent correspondence regarding ongoing concerns with approval for motorsport events occurring on closed South Australian roads.

After receiving your correspondence, I asked the Department for Infrastructure and Transport (DIT) for advice about this matter.

DIT has advised that senior departmental officers met with you personally in March 2021 to discuss these concerns.

The road closures for the recent Shannons Adelaide Rally were performed under section 33 of the *Road Traffic Act 1961* under delegations to the Commissioner of Police.

DIT officers have spoken to South Australia Police (SAPOL) who advised the recent closures were made correctly and appropriately advertised as per the regulations. The closures were re-assessed by the relevant local councils, DIT and SAPOL officials and were not simply a copy of the approvals granted in 2020.

This process determined the closures were appropriately made for the 2021 event and ensured the event organisers would take all appropriate safety measures to protect the public whilst the rally is taking place.

Each motorsport event in Australia is undertaken under a strict level of management involving specialist vehicles often heavily modified and drivers with motorsport licences involving regular approvals and tests. These licences and approvals follow the highest global standards such as the Fédération Internationale de l'Automobile standards which Motorsport Australia is a member of.

Motorsport rallies occur on an extremely infrequent basis in South Australia and it is important to note that the decision to close roads for these events is done so involving a mixture of state and local government officials on a case-by-case basis.

19MT13671

Mr Eberhard Frank
12 Hunters Road
BASKET RANGE SA 5138

Dear Mr Frank

I refer to your letter to the Hon Vickie Chapman MP, Attorney-General, regarding restrictions to traffic as a result of motor sport events in South Australia. Your comments in relation to the mylicence website were forwarded to me for consideration.

In accordance with the Australian Road Rules, all road users have a right to use our roads. However, the Australian Road Rules are applied in combination with other state or territory legislation such as the *Road Traffic Act 1961* and the *South Australian Motor Sport Act 1984* (the Act).

The Act provides powers to the Tourism Commissioner to conduct motor sport within South Australia and includes the power to "establish a motor racing circuit on a temporary basis," under Section 10(2) of the Act.

The Minister for Trade, Tourism and Investment declares the area, places a gazette notice, and takes over the care, control, management and use of the area under Section 21 of the Act. Once this occurs, the declared area ceases to be a public road under Section 21(2) of the Act.

I trust the above information is of assistance.

Yours sincerely


HON STEPHAN KNOLL MP
MINISTER FOR TRANSPORT, INFRASTRUCTURE AND LOCAL GOVERNMENT
MINISTER FOR PLANNING

11/11/2019

Minister for Transport, Infrastructure and Local Government
Minister for Planning

Roma Mitchell House Adelaide SA 5000 | GPO Box 1533 Adelaide SA 5001 DX 171
Tel 08 7109 8430 | Email ministerknoll@sa.gov.au



Government
of South Australia

The Hon Stephan Knoll MP
Member for Schubert



20-11-2019
Received as attachment
to email on 12.6.2019

19TTITM/00259
19TTITM/00260
19TTITM/00253

Mr Joe Frank
Email: joe.frank@bigpond.com

Dear Mr Frank

Thank you for your email dated 14 May 2019 regarding the staging of the Adelaide Rally in the Adelaide Hills Council area, as a component of the Adelaide Motorsport Festival (AMSF)

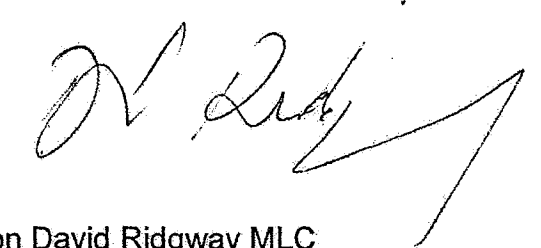
The State Government has been a strong supporter of AMSF, with the event adding to the State's significant motorsport offering and we are pleased that the Adelaide Rally and street party will continue.

With respect to your concerns, I am advised that the event organiser has demonstrated throughout previous events that necessary action and precautions are taken to minimise the impact and risk involved with staging the event. I understand that this will again be the case in 2019.

In regard to your comments about moving the event to The Bend Motorsport Park, as the Adelaide Rally format is a road-based motorsport event The Bend, which specifically caters for motorsport track events, is unable to accommodate it.

Should you have any further queries about the road closures, I recommend that you contact the Sporting Car Club of SA as the organisers of the event.

Yours Sincerely


Hon David Ridgway MLC
Minister for Trade, Tourism and Investment
12/6/2019

Minister for Trade, Tourism and Investment

Level 13, State Administration Centre, 200 Victoria Square, Adelaide SA 5000
GPO Box 11032, Adelaide SA 5001
Tel: +61 8 8226 8520 | Fax: +61 8 8226 8444 | Email: OfficeOfMinisterRidgway@sa.gov.au



Government
of South Australia

Hon David Ridgway MLC



Hon Vincent Tarzia MP



Government
of South Australia
Minister for Police,
Emergency Services and
Correctional Services

PO Box 6446, Halifax Street
ADELAIDE SA 5000

T: (08) 8303 0670

E: MinisterTarzia@sa.gov.au

21POL0341

Mr Joe Frank

By email: joe.frank@bigpond.com

Dear Mr Frank

Thank you for your further correspondence regarding the use of public roads for car rallies.

After receiving your correspondence, I asked South Australia Police (SAPOL) for further advice about this matter.

I am advised that SAPOL will continue to work closely with local councils and event planners to ensure safety of participants and spectators, and to reduce inconvenience for local residents and road users.

As outlined in my previous response to you dated 8 June 2021, if you require police assistance in future, I encourage you to contact SAPOL directly on 131 444 or 000 in the case of an emergency.

You may also wish to contact your local police station if your query relates to local policing matters and provide feedback to event organisers to express your concerns.

I trust this information is of assistance.

Yours sincerely

Hon Vincent Tarzia MP

Minister for Police, Emergency Services and Correctional Services

18 October 2021

cc: Hon Steven Marshall MP, Premier of South Australia
Hon Corey Wingard MP, Minister for Infrastructure and Transport



Government
of South Australia
Minister for Police,
Emergency Services and
Correctional Services

PO Box 6446, Halifax Street
ADELAIDE SA 5000

T: (08) 8303 0670

E: MinisterTarzia@sa.gov.au

21POL0341

Mr Joe Frank

By email: joe.frank@bigpond.com

Dear Mr Frank

Thank you for your recent correspondence regarding the use of public roads for car rallies.

After receiving your correspondence, I asked South Australia Police (SAPOL) for advice about this matter.

I am advised that SAPOL will continue to work closely with local councils and event planners to ensure the safety of participants and spectators, and to reduce inconvenience for local residents and road users.

I am further advised that on 26 March 2021, a senior member of SAPOL contacted you to discuss this matter and provide advice.

If you require police assistance in future, I encourage you to contact SAPOL directly on 131 444 or 000 in the case of an emergency. You may also wish to contact your local police station if your query relates to local policing matters.

I understand that the Hon Corey Wingard MP, Minister for Infrastructure and Transport also received your correspondence and provided you a response on 10 May 2021.

I trust this information is of assistance.

Yours sincerely

Hon Vincent Tarzia MP

Minister for Police, Emergency Services and Correctional Services

8 June 2021

cc: Hon Corey Wingard MP, Minister for Infrastructure and Transport

? recent - my letter to the police minister was forwarded on 22/3/2021 as email entitled 'Life and Death Reality' - See under 'Minister Tarzia'

Appendix 2


Internal Review of Council Decision Policy

Council Policy

Internal Review of Council Decisions



COUNCIL POLICY

 Adelaide Hills COUNCIL	INTERNAL REVIEW OF COUNCIL DECISIONS
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Policy Number:	GOV-01
Responsible Department(s):	Community Capacity
Other Relevant Policies:	<i>Complaint Handling Request for Service Unreasonable Complainant Conduct</i>
Relevant Procedure(s):	<i>Complaint Handling</i>
Relevant Legislation:	<i>Local Government Act 1999</i>
Policies and Procedures Superseded by this policy on its Adoption:	<i>Internal Review of Council Decisions Policy 28.4.17, Item 14.10, 69/17</i>
Adoption Authority:	Council
Date of Adoption:	26 November 2019
Effective From:	9 December 2019
Minute Reference for Adoption:	Item 12.4, 281/19
Next Review:	No later than November 2023 or as required by legislation or changed circumstances

INTERNAL REVIEW OF COUNCIL DECISIONS POLICY

1. INTRODUCTION

The purpose of this policy and procedure document is to provide guidelines for how Council will deal with formal requests for internal reviews of Council decisions (including decisions by its employees and other people acting on behalf of Council).

The Adelaide Hills Council recognises the importance of transparency in Council decision-making and the need to provide a fair, objective and consistent process for the review of Council decisions.

In preparing this policy and procedure document Council has had regard to the guideline procedure developed by the South Australian Ombudsman as a result of that Office's audit of Local Government Internal Review of Council Decision Procedures in November 2016.

2. LEGISLATIVE FRAMEWORK

There is a legal requirement for Council to develop and maintain policies, practices and procedures for the review of Council decisions and requests for services. The following provisions of the *Local Government Act 1999* apply to this policy:

Section 270(1) states that a council must establish procedures for the review of decisions of:

- The council;
- Employees of the council;
- Other persons acting on behalf of the council.

Section 270(2) states that the procedures must address at least the following matters:

- The manner in which an application for a review may be made
- The assignment of a suitable person to reconsider a decision under a review
- The matters that must be referred to the council itself for consideration or further consideration
- Notification of the progress and outcome of an application for a review
- The timeframes within which notifications will be made and procedures on a review will be completed
- In the case of applications relating to the impact that any declaration of rates or service charges may have had on ratepayers, to ensure that these applications can be dealt with promptly and, if appropriate, addressed through the provision of relief or concessions under the Act.

Section 270(8) states that a council must, on an annual basis, initiate and consider a report that relates to:

- The number of applications for review made under this section
- The kinds of matters to which the applications relate
- The outcome of applications under this section
- Such other matters as may be prescribed by the regulations.

3. DEFINITIONS

For the purposes of this policy and procedure the following definitions apply.

Act means *the Local Government Act 1999*.

Decision of Council is a formal decision of the Council or a Council Committee, a decision of an employee of Council made under delegation or decisions of another person acting on behalf of Council.

CEO refers to the Chief Executive Officer (including their delegate) of the Adelaide Hills Council

Applicant is a person who lodges a request for the review of a decision.

Merits Review is a process by which a person or body, other than the original decision maker, reconsiders the facts, law and policy aspects of the original decision and determines the correct or preferable decision.

Process Review is a review of the correctness of the procedures followed in making a decision.

A **frivolous** request for a review of a decision includes, but is not limited to, requests that lack seriousness, sense or are submitted without an apparent purpose.

A **vexatious** request for a review of a decision includes, but is not limited to, requests made without sufficient grounds or that are submitted only to cause disruption, delay or annoyance

Sufficient interest means the applicant must have an interest in the subject matter, over and above that of the general public

4. POLICY STATEMENT

Council (including Committees, employees of Council and a person acting on behalf of Council) makes decisions every day which impact on members of the community. It is imperative that these decisions are fair and objective. Equally, there should be an avenue to enable a person to review council's decisions.

An internal review of a Council decision is available under section 270(1) of the Act. This is a mechanism that enables the Council to reconsider the decision making process and all the evidence relied on to make a decision, including new evidence if relevant. The aim of this policy is to ensure a fair, consistent and structured review process for any party dissatisfied with a Council decision. This policy does not and is not intended to exclude other rights and remedies available at law.

An internal review of a Council decision will examine the correctness of the procedures followed in making the decision and, in accordance with this Policy, may also examine the merits of the decision itself.

Council also has processes in place for dealing with customer complaints and requests for service. As a general rule, Council will encourage use of these processes in the first instance as they offer the potential for more immediate informal resolution. Council will attempt to resolve complaints about the actions of the council, employees of the council, or other persons acting on behalf of the Council under its Complaint Handling Policy.

Reasonable requests for the provision of a service by the Council or for the improvement of a service provided by the council are dealt with under the Request for Services Policy.

The formal internal review of a Council decision process is generally a last resort in the complaint handling process, but may also be used in situations which are not able to be resolved by other means. While Council encourages the use of other resolution mechanisms, it is an applicant's right to use the formal internal review process in the first instance if that is their preference.

Pursuant to section 270(7) of the Act, a formal request for review does not prevent a complaint being made to the Ombudsman at any time. However, as a general rule, the Ombudsman prefers that matters be addressed by Council in the first instance.

5. MATTERS OUTSIDE THE SCOPE OF THE POLICY AND PROCEDURES

This Policy and Procedure will apply to all applications or requests for review of a Council decision, except for where an alternative statutory process for a review or appeal exists in other legislation.

Examples of other legislation containing statutory review or appeal processes include (but are not limited to):

- External review and appeal processes under the Development Act 1993
- External or internal reviews of decisions made under the Freedom of Information Act 1991
- A decision to issue an expiation notice under the Expiation of Offences Act 1996
- Reviews of orders made under Section 254 of the Local Government Act 1999
- Reviews of prohibition, destruction or control orders made under the Dog and Cat Management Act 1995
- Appeals against litter or nuisance abatement notices under the Local Nuisance and Litter Control Act 2016

Applicants wanting a review of a council decision should check if a specific statutory appeal or review process applies to their matter before proceeding with an application. Matters that fall outside the statutory appeals procedures will be considered for the conduct of a section 270 review on a case-by-case basis, depending on the merits of the individual application.

The purpose of this policy and procedure is to fill the gaps in the law where a complainant otherwise has no statutory right of review.

6. PROCEDURE

The following procedure will apply to any request for a review of a decision of Council:

6.1 Making an application

The review of a Council decision commences at the point where a formal request for a review of a Council decision is received.

- A formal request for a review of a decision must:
 - Be in writing, ideally using the *Internal Review of Council Decisions Application* available on Council's website

- Be addressed to the CEO (or in the case where the matter is about a decision made by the CEO, the matter will be referred to the Mayor for consideration by the elected Council and this Policy be read accordingly)
 - Provide full details of the decision for which the applicant is seeking a review (including how the decision impacts on their rights and/or interests) and set out clearly and succinctly the reasons for applying for the review
 - Be lodged within six (6) months of the original decision being made (with discretion provided to the CEO to allow a longer time limit to apply in particular cases. This will be assessed on a case-by-case basis).
- There is no fee payable for a review of a Council decision.
- It is essential that no one is excluded from lodging an application for review because of any difficulties they may have in representing themselves. Council staff will offer assistance where appropriate and provide it on request, including assistance in documenting the reasons for applying for the review in writing. Where necessary, access should be provided to interpreters, aids or advocates to assist applicants.

6.2 Acknowledging an application

- The CEO will formally acknowledge in writing all requests for a review of a Council decision within five (5) working days of receiving the request and advise the applicant of the expected timeframe within which a determination will be made in respect of their request for review.
- The CEO will consider all requests for a review and may refuse to assess such an application pursuant to section 270(4) of the Act if:
 - The request is made by an employee of the Council and relates to an issue concerning the employee's employment
 - It appears that the request is frivolous or vexatious
 - The applicant does not have a sufficient interest in the matter – this will be determined on a case-by-case basis.

6.3 Undertaking the review

- Applicants will be treated equally, in accordance with good administrative practice. Council's procedures are designed to ensure that:
 - Every applicant has the opportunity to make an application for review of a decision covered by this procedure
 - An unbiased assessment is undertaken
 - Reviews will be completed as quickly as possible, while ensuring that they are dealt with at a level of authority that reflects their level of complexity
 - Decisions are based on sound evidence
 - Applicants receive information about the outcome of the review
 - Applicants will be afforded procedural fairness.
- The CEO will assess all applicable requests for a review of a Council decision (except those which will be referred to the elected Council) and determine what action, if any, should be taken (including whether an external investigation is necessary).

- The CEO may elect to appoint another officer or external advisor for assessment and/or preparation of a report to assist in the review process. The person appointed to assist with the review must be independent of the original decision being reviewed (i.e. have no prior involvement in the matter). An external advisor may be recommended where the decision under review is complex and/or raises legal questions.
- The CEO will refer a review of a Council decision to Council where the decision being reviewed was made by the elected Council or a Committee. A review of decisions made by the CEO will also be referred to the elected Council in accordance with this Policy.
- The CEO may also decide to refer a review of a Council decision to the elected Council where:
 - The decision being reviewed relates to civic or ceremonial matters
 - The decision being reviewed is in the opinion of the CEO likely to be of interest to the wider community
 - The CEO otherwise considers, in their discretion that the matter warrants consideration by Council.
- Where a review of a Council decision is referred to the Council, the CEO will prepare a report to Council which will include all of the relevant information about the decision being reviewed.
- Where a request for review has been referred to Council the applicant will be advised of the date that the report will be presented to Council and will be given the opportunity to provide a written or verbal submission in relation to the report for Council's consideration.
- In most cases, Council will use its best endeavours to ensure that requests for review will be considered and determined within 20 business days. However, in more complex cases, or if the decision is to be reviewed by Council, Committee or an external provider a review may take longer. In the event that a review exceeds 20 days, the applicant will be provided with periodic updates on the progress of the review until the review is finalised.
- Except for in extremely limited circumstances, a merits review will be conducted. In those instances where a merits review will not be conducted, a process review will be undertaken and the applicant will be advised of this at the time the review is commenced.

6.4 Natural Justice

- Those that may be affected by a decision will be accorded natural justice, which includes the principles of procedural fairness. As part of the review process all parties with an interest in the matter will have the opportunity to make a written submission expressing their point of view and responding to issues raised, including the provision of any relevant information.
- In undertaking a review, the CEO or Council will review the decision in question to ensure that the original decision maker complied with the following procedural requirements and made the best possible decision in the circumstances having regard to the following:
 - The decision maker had the power to make the decision
 - The decision maker considered all matters which were relevant to the making of the decision at the time and did not take into account matters which were not relevant, as well as any additional relevant information or material provided by the applicant.

-
- The decision maker did not exercise a discretion or power in bad faith, for an improper purpose, or while subject to duress or the influence of another person
 - The decision maker had no conflict of interest, bias or perceived bias
 - The decision maker ensured that findings of fact were based on evidence
 - The decision was reasonable
 - The decision maker considered any relevant legislation, policies or procedures
 - The details of any request for review will be kept confidential in so far as it is necessary, practicable and appropriate for conducting an effective review process.
 - The applicant will be informed in writing of the outcome of the review (even including where a determination is made that the decision under review be upheld).
 - Adequate reasons will be recorded for all internal review determinations.

6.5 Applications under this policy relating to Rates

- This procedure applies to applications that relate to the impact that any declaration of rates or service charges may have had on ratepayers.
- Council or the CEO will give priority to such applications and consider the impact of rates and services on ratepayers and the provisions available to ratepayers for rate relief or concessions as set out in the Act (e.g. remission or postponement of payment, issuing of fines and interest, particular land use categorisation).
- Specific review mechanisms exist in the Local Government Act 1999 to try the validity of a rate or service charge. This Policy does not apply to such a decision.

6.6 Remedies

- Where the review of a decision under this Policy results in the applicant's contention(s) being upheld, an appropriate remedy will be determined that is reasonable in all the circumstances.
- The remedy chosen will be proportionate and appropriate to the outcome of the review and may include (but is not limited to):
 - Varying or revoking the original decision
 - Returning the situation to its original status (such as not pursuing the construction of something, not implementing the original decision, etc)
 - The provision of an explanation
 - Offering to enter into formal mediation
 - The offering of an apology or admission of fault
 - A change to Council policy, procedure or practice
 - The correction of Council records.
- Where appropriate, the any findings of an internal review will be considered in making improvements to Council's existing policies, practices and procedures.

7. DELEGATION

7.1 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.

8. AVAILABILITY OF THE POLICY

8.1 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 - Request for S270 Internal Review of Council Decision Form

Customer Details

Name: Date

Residential Address:
.....

Postal Address:
(if different)

Telephone: (M).....

Email:

Details of Council Decision

Date of Council Decision:

Council Decision:
.....
.....
.....

Reasons for requesting review:
.....
.....
.....

How the decision impacts your rights and/or interests:.....
.....
.....
.....

Signed: Date:.....

Printed Name:.....

**ADELAIDE HILLS COUNCIL
ORDINARY COUNCIL MEETING
Tuesday 14 December 2021
AGENDA BUSINESS ITEM**

Item:	12.2
Responsible Officer:	Renee O'Connor Coordinator Sport and Recreation Corporate Services
Subject:	Trails and Cycle Routes Framework – Draft for Consultation
For:	Decision

SUMMARY

The purpose of this report is to seek Council's endorsement of the *Draft Trails and Cycle Routes Framework* including Service Levels (**Appendix 2**) and Guidelines (**Appendix 3**) for the purpose of Public Consultation.

The *Trails and Cycle Routes Framework* (the "Framework") is modelled on other Frameworks developed by the Sport and Recreation Staff (i.e. Community & Recreation Facilities and Play Space Frameworks).

The *Trails and Cycle Routes Framework* is made up of three documents:

- Trails & Cycle Route Management Policy (adopted in August 2021)
- Service Levels
- Guidelines

The Trails and Cycle Routes Service Levels and Guidelines documents (the "Draft Documents") are considered important steps in the development and management of Council trails and cycling routes infrastructure. These two documents identify the level of services applied to different grades/classifications of trails and cycle routes and the guidelines inform other land managers or trail/route developers of the types of maintenance and upgrade work Council is responsible for.

The Draft Documents are informed by the Council's *Trails and Cycle Route Management Policy* and support the Management Framework by establishing a standard for its trails and cycling assets. The Draft Documents support Council's position with regards to the provision and support of recreation and commuter trails and cycling routes within its region, and assist in managing community expectations.

This report will outline Service Levels and Guidelines documents and the community engagement strategy for the Trails and Cycle Routes Framework and seeks endorsement of them for consultation.

RECOMMENDATION

Council resolves:

1. That the report be received and noted
 2. That the draft Trails and Cycle Routes Service Levels in *Appendix 1* and Guidelines in *Appendix 2* be endorsed for consultation
 3. That the results of consultation and the final draft Framework be presented to Council for their consideration by June 2022.
 4. That the CEO be authorised to:
 - a. Make any formatting, nomenclature or other minor changes to the Policy prior to being released for public consultation and
 - b. Determine the consultation timings, media and processes while ensuring consistency and compliance with the provisions of applicable legislation and Council's *Public Consultation Policy*.
-

1. GOVERNANCE

➤ Strategic Management Plan/Functional Strategy/Council Policy Alignment

Strategic Plan 2020-24 – A brighter future

Goal 1	A functional Built Environment
Objective B1	Our district is easily accessible for community, our businesses and visitors.
Priority B1.1	Increase accessibility to our district through the development and delivery of high priority trails and routes for all cyclists (on-road, off road, commuters, recreational and pedestrians).
Priority B1.3	Progress state-wide and inter-regional connectivity of cyclist routes by partnering with neighbouring councils.
Priority B1.5	Provide accessibility for the full range of users ensuring Council's road, footpath and trails network is adequately maintained and service levels for all users are developed and considered.
Goal 2	Community Wellbeing
Objective C4	An active, healthy, thriving and resilient community.
Priority C4.3	Recognise that trails are a destination in their own right and support both commuter and recreational trail opportunities.

Council acknowledges its responsibility to provide trails and cycling routes for all types of users, and understands that a transparent, fair and reasonable system of assessment must be implemented to develop and deliver an equitable network that defines its priorities. Council understands that trails and cycling routes must be treated similarly to other assets such as footpaths in that they must be maintained and service levels applied to them.

Council strategically acknowledges the value of trails and routes to the community, both economically and socially, and understands the contrast of providing both commuter and recreational trail opportunities.

Council's *Sport and Recreation Strategy 2017–2021* refers to recreation trends and the need to support unstructured and non-traditional activities such as walking, bike riding and horse riding for recreation and commuting within the region.

Continue to support 'non-traditional' and unstructured recreation opportunities in the region (E.G. Mountain Biking). Work and partner with relevant providers.

➤ **Legal Implications**

Not Applicable.

➤ **Risk Management Implications**

The development of the *Trails and Cycling Routes Policy* and supporting framework will assist in mitigating the risk of:

Mismanagement of trails and cycling infrastructure (new or existing) leading to lack of stakeholder confidence and inefficient resource distribution.

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

Service Levels or Management Guidelines have been developed to assist in managing existing or new trail and cycling route infrastructure. The community has the expectation that trails and cycle routes are adequately managed and equitably distributed and without these documents, these expectations may not be met. This leads to:

- Reputational risk.
- Financial risks.
- Risk to achieving corporate objectives.
- Risks to trail and cycling routes users.
- Risks to trail and cycling route infrastructure.

The development and endorsement of the *Draft Documents* will contribute to the mitigation of the aforementioned risks.

➤ **Financial and Resource Implications**

At this point in time, other than staff resources, there are no financial implications of the Trails and Cycle Routes Framework documents.

The development and endorsement of the Draft Documents will assist in prioritising investments, lowering investment costs and improving trail and cycle infrastructure assets within the region.

However, by endorsing and putting the Draft Documents out the community, Council is again presenting a position that these assets are important and will be managed. The work involved in scoping, procuring, scheduling and managing the upgrades of these trails and cycle routes cannot be absorbed within current operating budgets and future resources of approximately \$60k are likely to be required in the longer term.

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

At this point in time, there are no additional customer service implications.

There are however, community expectations which stem back to the *Adelaide Hills 20 Year Trails Strategy 2014*, and *Adelaide Hills Strategic Bike Plan 2016*, as well as those expectations fed by the recent development of the *Trails and Cycle Route Management Policy*. Through the engagement of the Draft Documents community expectations will continue to be managed through a considered engagement process.

➤ **Sustainability Implications**

As previously reported at the meeting on 24 August 2021, the social, economic and environmental benefits of the Framework far outweigh the negatives. The Draft Documents will:

- Assist in ensuring Council can improve existing infrastructure that meets the needs and expectations of the community. This will improve the community's confidence in Council and generally improve the health and wellbeing of the community.
- Establish a benchmark that will assist in identifying investments costs, savings and assist in developing more accurate long term financial planning.
- Establish a benchmark that will considerably assist in the better management of the environmental impacts of recreation use of trails and cycle routes.

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

The Draft Documents have been under development for almost 18 months. Staff have discussed the development of the Service Levels with industry stakeholders, neighbouring Council's trails counterparts and Government Agencies.

Consultation on the development of this report was as follows:

Council Committees: Not Applicable

Council Workshops: 12 October 2021

Advisory Groups: Not Applicable

External Agencies: Department of Environment and Water
Forestry SA
Bike SA
Horse SA
Walking SA
City of Onkaparinga Council
District Council of Mount Barker
The Barossa Council

Community: Not Applicable

2. BACKGROUND

At its meeting on 24 August 2021, Council resolved to note the *Trails and Cycling Routes Management Policy Community Engagement Outcomes Report* and endorse the *Trails and Cycle Routes Management Policy* (the “Policy”).

12.3 Policy Adoption – Trails and Cycling Routes Policy

Moved Cr Leith Mudge
S/- Cr Nathan Daniell

172/21

Council resolves:

1. That the report be received and noted.
2. To receive and note the draft *Trails and Cycling Routes Management Policy Community Engagement Outcomes Report* contained in *Appendix 1*.
3. With an effective date of 7 September 2021, to adopt the draft 24 August 2021 *Trails and Cycling Routes Management Policy* contained in *Appendix 2*.
4. That the CEO be authorised to make any formatting, nomenclature or other minor changes to the 24 August 2021 *Trails and Cycling Routes Management Policy* prior to the effective date.

Carried Unanimously

Along with a considerable amount of comments and support for the Policy the Council report from 24 August 2021 noted that:

“72 negative themed comments were received with the top comment being that it lacked detail and needed an action plan or Framework details.”

“The Framework and many additional details that were being sought are currently being developed and will be delivered to the community via a separate consultation process.”

This report is seeking to present two documents (**Appendix 2 & 3**) within the Framework that are being used by Council to better manage existing and future trails and cycle routes. This engagement phase will be addressing some of the community concerns regarding lack of detail, but will not provide the community with answers to questions such as “when will my trail be upgraded?” or “what classification will my local trail/cycle route receive i.e. what can I expect with regards to upgrades on my trail?”

Similar to the Community Recreation Facilities and Play Space Framework models and engagement, the community will be asked to provide feedback on the service levels and subsequent classification system Council is intending to use, and whether the guidelines that identify Council’s approach to maintenance and upgrades satisfies their expectations.

It is understood and acknowledged that the community seeks more information than this, and would like to know about their specific trail and cycle assets futures. However given the political, environmental, social and economic variables of this type of work, it is not considered appropriate to publish such information given its dynamic nature. Instead, it is proposed that this information would become available during Annual Business Plan and Budget processes each year, much like Council's process for play space upgrades.

3. ANALYSIS

The Service Levels (**Appendix 2**)

The Service Levels document has been set up to identify the level of service required for particular trails or cycle routes that are under the care and control of Council. Rather than identify every trail by name and have separate service levels for each one, each trail/cycle route will be identified by an Adelaide Hills Council classification. This Classification will then identify the minimum standard of service applied to that classification of trail or cycle route.

A matrix has been developed which includes three industry standards (walking tracks ASNZ 2156, Mountain Bike Grade, Horse Riding Difficulty Rating System) and applies a single AHC classification to it. Additionally, a Cycle Route classification and a non-Council managed classification has also been added to this matrix in order to combine all types of trail and cycle recreation assets into the one system.

In total there are 17 different variations of trail that could be classified, but to make the matrix simpler these have been modified to suit and resulted in 11 classifications that may apply to Council assets. It is anticipated that Council will seek to only apply a service level that is economically, environmentally and socially viable, and as such it is expected that those levels of service which require minimal intervention are most likely to be applied.

Guidelines (**Appendix 3**)

The Guidelines document outlines the maintenance and upgrade approach that are the responsibility of Council on Council managed trails. Any task outside of these guidelines will not be a function of the Trails and Cycle Route Framework.

These Guidelines mimic the Community Recreation Facilities and Play Space Frameworks, in that they identify what Council will do. This document provides a clear indication to the community as to what the Council will maintain and upgrade.

Much like the Play Space and Community Recreation Facilities Frameworks, the Service Levels will help to classify Council's trails and cycle assets. And along with the Guidelines these documents will result in greater understanding of required resources, and assist in developing an annual trails works schedule. The works schedule should remain an internal document, as it will be required to be adjusted when opportunities arise and threats are identified. It is expected that the community will have questions and queries about "their trail or route", such as "when will my trail be upgraded?" or "when will my cycle route be formalised?" Council's response to this will be dependent on political, environmental, social and economic opportunities and threats at that time. Council may be able to provide estimates but would need to ensure that it be made clear that any information is only current to date, and may change. This is no different to play ground upgrades or maintenance in that many factors impact the timing of works.

Engagement Strategy

This report seeks Council's endorsement to undertake community consultation on the draft documents.

Engagement will begin on 17 January 2022 and occur for a period of three weeks until 7 February 2022.

Consultation opportunities for primary stakeholders, industry stakeholders and the general community will be provided, including:

- A link to an online survey will be available on Council's website to provide feedback on the draft Service Levels and Guidelines documents. The survey will include questions regarding if they feel like the document supports the trails/cycle routes that they are interested in. They will ask if there are any concerns regarding the documents and whether they believe anything is missing.
- Primary stakeholders such as Friends of groups, trail and cycle user groups, Industry Bodies and State Agencies will be directly contacted for comment.

At the completion of this engagement phase, feedback will be considered by staff, and any necessary changes will be made to the draft Service Levels and Guidelines.

4. OPTIONS

Council has the following options:

- I. To endorse the draft Trails and Cycle Routes Framework (Service Levels and Guidelines) for consultation (Recommended)
- II. To determine not to endorse the draft Trails and Cycle Routes Framework for consultation. Doing so may result in the Trails and Cycle Routes Framework implementation being delayed. (Not Recommended)

5. APPENDICES

- (1) Trails and Cycle Routes Service Levels
- (2) Trails and Cycle Routes Guidelines

Appendix 1

Draft Trails and Cycle Routes Service Levels

Trails and Cycling Routes Framework | Service Levels






















To assist in the planning, development and management of trails and routes, all prescribed trails and routes will be captured within a classification and rating system. This practice is particularly important when assessing service levels for each class of trail and cycling route. It also provides an indication of the possible treatments that may be required for the trail and cycling route. This approach ensures diversity of trail experiences throughout the region, assists with allocation of resources and manages ongoing maintenance of the trails asset and ensures all trails are constructed and maintained to a best practice standard.

Council acknowledges its role in providing support to Regional and National Trails and accepts that its role in the day to day provision of trails is at a Local Trails level. In its 2016 publication, *Guidelines for the Planning, Design, Construction and Maintenance of Recreational Trails in South Australia*, Recreation SA describes the three levels of trails in the following way:

Local Trails	Regional Trails	National Trails
Mainly attract local users	Attract interstate and intrastate visitors	Attract international and interstate tourists
Generate economic benefits to the local area	Generate significant economic benefits to the region	Generate significant economic benefits to SA
Good quality experiential values	Excellent Quality experiential values	Outstanding quality of experiential values
Make significant contribution to the lifestyle, health and social wellbeing of the local community	Make a significant contribution to the lifestyle, health and social wellbeing of South Australians	Make a significant contribution to the lifestyle, health and social wellbeing of Australians.
<i>Most of AHC managed trails fall under this category. I.E. - Aldgate Valley Nature Walk, Stirling Loop, Mt Torrens Loop</i>	<i>Example - River Torrens Linear Park, Tom Roberts Horse Trail, Alligator Gorge Hike</i>	<i>Example - Mawson Trail, Heysen Trail</i>

Service Levels Matrix


The Table below illustrates the service level required for the different types and grades of trails/routes.

AHC Classification	Service Level	Inspection Interval	Equivalent to						On-Road Cycle Routes	Symbol
			Walk Grade	Symbol	Mountain Bike Grade	Symbol	Horse Grade	Symbol		
Easy 1	Highest	1 – 3 Month	1		N/A		Easiest			
Easy 2	High	3 – 12 Month	2		Very Easy		Easiest			
Easy 3	High	9 - 12 Month	2		Easy		Intermediate			
Intermediate 1	Moderate	12 - 18 Month	3		Easy Intermediate		Advanced			
Intermediate 2	Moderate	12 - 18 Month	4		Intermediate		N/A			
Intermediate 3	Moderate	12 - 18 Month	4		Intermediate Difficult		N/A			
Difficult 1	Moderate	18 - 24 Month	N/A		Difficult		N/A			
Difficult 2	Moderate	18 - 24 Month	N/A		Extreme		N/A			
Cycle Route	Low	18 - 24 Month	N/A		N/A		N/A		On Road Commuter/ Recreation Route	 
Class 5 Hike	Low	18 - 24 Month	5		N/A		N/A		N/A	
Non-Council managed	Low	24+ Month	Council to inspect and manage assets on Council land only, as per trail/route agreement				Trail/Route manager to manage all other aspects of the route/trail, as per agreement.			




Trail Classifications & Descriptors


The following lists the technical trail descriptions for each type of classification listed in the Service Levels Table above. Classifications have been adapted from the Walking Track Standards (AS 2156.1, 2001), Australian Mountain Bike Trail Guidelines (Mountain Bike Australia LTD, 2019), and the Trail Difficulty Rating System – Horse (Recreation SA, 2016). Council has adapted these guidelines so that the system can be retrofitted to Council's existing shared use trails and future trails and cycling routes. This classification system is a measurement tool and will evolve over time. Minimum standards are applied to every trail so that users and managers can be assured that the trails and routes are safe and fit for purpose.




The tables below outlines the minimum provisions and design considerations for each classification based primarily on existing physical attributes such as trail width, trail gradient and surface type. Maintenance requests will not replace the inspection interval times. Inspection interval times have been adapted from the industry classifications and take into account resourcing implications.




Symbol/ AHC Class	 Easy 1	Technical Description (for Land Manager use)	Trail Description (for public information)	Generic Description (for public information)	Short Classification Key
Inspection Interval 1 – 3 Monthly	Equivalent grade of trail	Easy 1 (Cycle friendly (MTB standards N/A), Grade 1 Walk, Easiest Horse Trail)			
	Description	Likely to be a flat wide track with smooth surface and free of obstacles, suitable for wheelchair use, potentially having a sealed surface.	Likely to be a flat wide track with smooth surface and free of obstacles, potentially sealed surface.	Shared use trail for beginners with basic skills. Flat even surface with no steps or steep sections. Suitable for mobility devices. Walks no greater than 5km. Frequent rest stops and signage expected, may include benches at staggered intervals.	Wide trail, gentle gradient smooth surface, no obstacles For beginners with basic skills including those with reduced mobility.
	Trail Width	Walk - 1200mm or more. Well maintained with minimal intrusions. (AS 2165.1) Horse – 3m (min)	Shared use, allows for passing by horses, bikes or persons with mobility devices.		
	Trail Surface	Broad, hard surfaced track of path suitable for mobility device use. Horse – hardened surface appropriate if horse only likely to walk.	Well Formed track		
	Trail Gradient	Grades in accordance with the AS 1428 series. (AS 2165.1) A ramp at 1:14 (7.14% slope or 4.1degrees) is the maximum slope/gradient suitable for a person in a wheelchair. Horse – no greater than 10%	Flat		
	Quality of Markings	Trail head signage and route markers expected and frequent.	Clearly Sign posted		
Mandatory Criteria	Level of Trail Exposure	Firm and level fall zone on either side of the trail corridor	Firm and level fall zone on either side of the trail corridor		
	Natural Obstacles and Technical Trail Features (TTFs)	No obstacles	No obstacles		




	Steps	Steps allowed only with alternate ramp access (As 2156.1)	No Steps		
	Experience Required	Users need no previous experience and are expected to exercise normal care regarding their personal safety. (AS 2165.1)	No experience required		


Symbol/ AHC Class	   Easy 2	Technical Description (for Land Manager use)	Trail Description (for public information)	Generic Description (for public information)	Short Classification Key
Inspection Interval 3 – 12 MONTHLY	Equivalent grade of trail	Easy 2 (Very Easy Mountain Bike, Grade 2 Walk, Easiest Horse Trail)			
	Description	Likely to be a flat wide track with gentle gradient and smooth surface free of obstacles. (May include a fire road or wide single track)	Likely to be a flat wide track with gentle gradient and smooth surface free of obstacles. (May include a fire road or wide single track)	Shared use trail for beginners with basic skills. No bushwalking experience required. Flat even surface with no steps or steep sections. Short walks no greater than 5km. Frequent rest stops and signage expected, may include benches at staggered intervals.	Wide trail, gentle gradient smooth surface, No obstacles. Suitable for beginners with basic skills
	Trail Width	1200 – 3000mm (target - 2100mm) Horse – 3000mm+	Shared use, commonly allows for passing by horses, bikes or persons.		
	Trail Surface	Hardened or smooth	Hardened with no challenging features on the trail		
	Trail Gradient	Climbs and descents are mostly shallow Ave. trail grade - less than 5% Max. trail grade - 10%	Climbs and descents are mostly shallow		
	Quality of Markings	Trailhead signs and route markers at intersections	Clearly signposted		
	Level of Trail Exposure	Firm and level fall zone on either side of the trail corridor	Firm and level fall zone on either side of the trail corridor		
	Natural Obstacles and Technical Trail Features (TTFs)	No obstacles	No obstacles		
Mandatory Criteria	Steps	Steps allowed only with alternate ramp access (As 2156.1)	No Steps		
	Experience Required	Users need no previous experience and are expected to exercise normal care regarding their personal safety. (AS 2165.1)	No Experience required.		




Symbol/ AHC Class	 Easy 3	Technical Description (for Land Manager use)	Trail Description (for public information)	Generic Description (for public information)	Short Classification Key
Inspection Interval 9 - 12 Monthly	Grade of trail	Easy 3 (Equivalent to Easy Mountain Bike, Slightly harder Grade 2 and Easier Grade 3 Walking Track, Intermediate Horse)			
	Description	Likely to be a combination of fire road or wide single track with a gentle gradient, smooth surface and relatively free of obstacles. Short sections may exceed these criteria.	Likely to be a combination of fire road or wide single track with a gentle gradient, smooth surface and relatively free of obstacles. Short sections may exceed this criteria	Wide trail with a gentle gradient smooth surface. Some obstacles such as roots, logs and rocks. Suitable for beginner mountain bike riders, bushwalkers, or moderately skilled and experienced horse riders.	Wide trail, gentle gradient, some obstacles For beginners with basic Mountain bike or bushwalking skills. Moderate level of horse riding skill required.
Guiding Criteria	Trail Width	600mm - 1200mm (target - 900mm) Horse – 1500mm +	Shared use, can allow for passing opportunities by horses, bikes or persons.		
	Trail Surface	Mostly firm and stable.	Mostly firm and stable.		
	Trail Gradient	Climbs and descents are mostly shallow, but trail may include some moderately steep sections. Ave. trail grade – 7% or less Max. trail grade - 15% for short sections	Climbs and descents are mostly shallow, but trail may include some moderately steep sections.		
	Quality of Markings	Trailhead signs and route markers at intersections	Clearly signposted		
Mandatory Criteria	Level of Trail Exposure	Exposure to either side of the trail corridor includes downward slopes of up to 10%	N/A		
	Natural Obstacles and Technical Trail Features (TTFs)	Unavoidable obstacles to 50mm high, such as logs, roots and rocks Avoidable, rollable obstacles may be present Unavoidable bridges 900mm wide Short sections may exceed these criteria	Trail may have obstacles such as logs, roots and rocks		
	Steps	Minimal use of steps	May be steps		
	Experience Required	Suitable for beginner / novice users with specialised mountain bike or bushwalking basic skills. Suitable for intermediate horse riders with moderate level of skill and experience. Suitable for off-road bikes.	Suitable for beginner mountain bikers and bushwalkers with basic mountain bike or bushwalking skills. Suitable for intermediate horse riders with moderate level of skill and experience.		



Symbol/ AHC Class	   Intermediate 1	Technical Description (for Land Manager use)	Trail Description (for public information)	Generic Description (for public information)	Short Classification Key
Inspection Interval 12 - 18 MONTHLY	Grade of trail	Intermediate 1 (Equivalent to Easy Intermediate Mountain Bike, Grade 3 Walk, Advanced Horse)			
	Description	Likely to be single track with a moderate gradient, variable surface and some obstacles Short sections may exceed these criteria	Likely to be single track with a moderate gradient, variable surface and some obstacles. Short sections may exceed these criteria	Likely to be single track with a moderate gradient, variable surface and some obstacles such as roots, logs and rocks Suitable for mountain bikers with mountain bikes, bushwalkers with minimum specialised skills, and highly skilled horse riders.	Single track, moderate gradient and some obstacles For beginner mountain Bikers and bushwalkers with basic skills, and highly skilled horse riders.
	Trail Width	550mm – 950mm (target - 750 mm) Horse – 1500m+	Shared use, with limited passing opportunities.		
	Trail Surface	Mostly firm and stable	Mostly firm and stable		
	Trail Gradient	Climbs and descents are mostly shallow, but trail may include some moderately steep sections Ave. trail grade - 7°/o or less Max. trail grade - 20%	Climbs and descents are mostly shallow, but trail may include some moderately steep sections		
	Quality of Markings	Trailhead signs and route markers at intersections	Clearly signposted		
	Level of Trail Exposure	Exposure to either side of the trail corridor includes downward slopes of up to 20%	N/A		
	Natural Obstacles and Technical Trail Features (TTFs)	Unavoidable obstacles to 100mm high, such as logs, roots and rocks Avoidable, rollable obstacles may be present Unavoidable bridges 900mm wide Short sections may exceed these criteria	Trail may have obstacles such as logs, roots and rocks		
	Steps	Steps may be common	Steps may be common		
	Experience Required	Suitable for beginner / novice mountain bikers with basic mountain bike skills, bushwalkers with specialised skills and highly skilled horse riders. Suitable for off road bikes	Suitable for mountain bikers with basic mountain bike skills Suitable for most bikes		
	Guiding Criteria				


Symbol/ AHC Class	   Intermediate 2	Technical Description (for Land Manager use)	Trail Description (for public information)	Generic Description (for public information)	Short Classification Key
Inspection Interval 12 - 18 MONTHLY	Grade of trail	Intermediate 2 (Equivalent to Intermediate Mountain Bike, Grade 4 Walk, Not suitable for Horse riding)			
	Description	Single trail with moderate gradients, defined variable surface and obstacles Dual use or preferred use	Single trail with moderate gradients, defined variable surface and obstacles	Single trail with moderate gradients, variable surface and obstacles May include steep sections Suitable for skilled Mountain bikers and bushwalkers. Not suitable for horses.	Single trail, moderate gradients, obstacles and some steep sections For skilled mountain Bikers and bushwalkers. Not suitable for horses.
Guiding Criteria	Trail Width	300 mm to 900mm (Target - 600 mm)	Shared use with minimal passing opportunities. (No Horse).		
	Trail Surface	Possible sections of rocky or loose tread	Possible sections of rocky or loose tread		
	Trail Gradient	Mostly moderate gradients but may include steep sections Ave. trail grade - 10% or less Max. trail grade - 20%	Mostly moderate gradients but may include steep sections		
	Quality of Markings	Trailhead signs and route markers at intersections	Signposted		
Mandatory Criteria	Level of Trail Exposure	Exposure to either side of the trail corridor includes downward slopes of up to 20%	N/A		
	Natural Obstacles and Technical Trail Features (TTFs)	Unavoidable obstacles to 200 mm high, such as logs, roots and rocks Avoidable, obstacles to 600 mm may be present Unavoidable bridges 600mm wide Short sections may exceed these criteria	Trail will have obstacles such as logs, roots and rocks		
	Steps	Steps may be common	Steps may be common		
	Experience Required	Suitable for skilled mountain bikers with basic mountain bike skills Suitable for mountain bikes	Suitable for skilled mountain bikers with basic mountain bike skills Suitable for mountain bikes		

Symbol/ AHC Class	   Intermediate 3	Technical Description (for Land Manager use)	Trail Description (for public information)	Generic Description (for public information)	Short Classification Key
Inspection Interval 12 - 18 MONTHLY	Grade of trail	Intermediate 3 (Equivalent to Intermediate with Difficult Sections Mountain bike, Class 4 Walk, Not suitable for Horses)			
	Description	Likely to be a challenging single trail with moderate gradients, variable surface and obstacles Dual use or preferred use	Likely to be a challenging single trail with moderate gradients, variable surface and obstacles	Suitable for competent mountain bikers or bushwalkers, used to physically demanding routes.	For competent mountain bikers or bushwalkers. Large, unavoidable obstacles and features Some steep climbs or descents and loose surfaces. Not suitable for horses.
Guiding Criteria	Trail Width	300 mm – 900mm (Target - 600 mm)	Shared use, narrow with limited passing opportunities. (No Horse)	Expect large and unavoidable obstacles and features Challenging and variable with some steep climbs or descents and loose surfaces. Not suitable for horses.	
	Trail Surface	Possible sections of rocky or loose tread	Possible sections of rocky or loose tread		
	Trail Gradient	Mostly moderate gradients but may include steep sections Ave. trail grade - 15% or less Max. trail grade - 20%	Mostly moderate gradients but may include steep sections		
	Quality of Markings	Trailhead signs and route markers at intersections	Signposted		
Mandatory Criteria	Level of Trail Exposure	Exposure to either side of the trail corridor includes downward slopes of Up to 25%	Exposure to either side of the trail corridor includes downward slopes of up to 25%		
	Natural Obstacles and Technical Trail Features (TTFs)	Unavoidable obstacles to 300 mm high, such as logs, roots and rocks Avoidable, obstacles to 1000 mm may be present Unavoidable bridges 600mm wide Short sections may exceed these criteria	Trail will have obstacles such as logs, roots and rocks		
	Steps	Rock steps may be present	Rock steps may be present		
	Experience Required	Suitable for competent mountain bikers and bushwalkers with moderate level of skills Suitable for mountain bikes	Suitable for competent mountain bikers or bushwalker with moderate level of skills Suitable for mountain bikes		

Symbol/ AHC Class	 Difficult 1	Technical Description (for Land Manager use)	Trail Description (for public information)	Generic Description (for public information)	Short Classification Key
Inspection Interval 18 - 24 MONTHLY	Grade of trail	Difficult 1 (Equivalent to Difficult Mountain Bike)			
	Description	Likely to be a challenging single trail with steep gradients, variable surface and many obstacles Single use and direction Optional lines Suitable for cross country, downhill or trials	Likely to be a challenging single trail with steep gradients, variable surface and many obstacles	Suitable for experienced mountain bikers, used to physically demanding routes Navigation and personal survival skills are highly desirable Expect large, dangerous and unavoidable obstacles and features Challenging and variable with long steep climbs or descents and loose surfaces Some sections will be easier to walk	For experienced mountain bikers Challenging trail Large, unavoidable obstacles and features Long, steep climbs or descents and loose surfaces
Guiding Criteria	Trail Width	150mm to 4500mm (Target - 300 mm)	Can be less than handlebar width		
	Trail Surface	Variable and challenging	Variable and challenging		
	Trail Gradient	Contains steep descents and climbs Max. trail grade – 25%	Contains steep descents and climbs		
	Quality of Markings	Trailhead signs and route markers may be limited	Limited signs		
Mandatory Criteria	Level of Trail Exposure	Exposure to either side of the trail corridor includes steep downward slopes or freefall	Exposure to either side of the trail corridor includes steep downwards slopes or freefall		
	Natural Obstacles and Technical Trail Features (TTFs)	Unavoidable obstacles 380 mm high, such as logs, roots, drop offs or constructed obstacles Avoidable, obstacles to 1200 mm may be present Unavoidable bridges 600mm wide Short sections may exceed these criteria	Unavoidable obstacles such as logs, roots, drop offs or constructed obstacles		
	Steps	May be present	May be present		
	Experience Required	Suitable for experienced mountain bikers with good skills, used to physically demanding routes Navigation and personal survival skills are highly desirable Suitable for better quality mountain bikes	Suitable for experienced mountain bikers with good skills, used to physically demanding routes Navigation and personal survival skills are highly desirable		

Symbol/ AHC Class	   Difficult 2	Technical Description (for Land Manager use)	Trail Description (for public information)	Generic Description (for public information)	Short Classification Key
Inspection Interval 18 - 24 MONTHLY	Grade of trail	Difficult 2 (Equivalent to Extreme Mountain Biking, Not suitable for bushwalking or horse riding)			
	Description	Extremely difficult trails incorporating very steep gradients, highly variable surface and unavoidable, severe obstacles Single use and direction Optional lines Cross country, downhill, or trials	Likely to be a challenging single trail with steep gradients, variable surface and many obstacles	Suitable for highly experienced mountain bikers, used to physically demanding routes Navigation and personal survival skills are highly desirable	For highly experienced mountain bikers All sections extremely challenging Large, unavoidable obstacles and severe features
Guiding Criteria	Trail Width	100 mm (can be up to 250mm)	Can be less than handlebar width	Severe constructed trails and/or natural features, all sections are challenging Includes extreme levels of exposure and/or risk Expect large and unavoidable obstacles and features Some sections will be easier to walk	
	Trail Surface	Widely variable and challenging	Widely variable and challenging		
	Trail Gradient	Expect prolonged steep, loose and rocky descents or climbs Max trail grade – 40%	Expect prolonged steep, loose and rocky descents or climbs		
	Quality of Markings	Trailhead signs and route markers may be limited	Limited signs		
Mandatory Criteria	Level of Trail Exposure	Exposure to either side of the trail corridor includes steep downward slopes or freefall	Exposure to either side of the trail corridor includes steep downward slopes or freefall		
	Natural Obstacles and Technical Trail Features (TTFs)	Large committing and unavoidable obstacles to 380 mm Avoidable, obstacles to 1200 mm may be present Unavoidable bridges 600mm or narrower Width of bridges is unpredictable Short sections may exceed these criteria	Unavoidable obstacles such as logs, roots, drop offs or constructed obstacles		
	Steps	May be present	May be present		
	Experience Required	Suitable for highly experienced mountain bikers with excellent skills, used to physically demanding routes Navigation and personal survival skills are highly desirable	Suitable for highly experienced mountain bikers with excellent skills, used to physically demanding routes Navigation and personal survival skills are highly desirable Suitable for quality mountain bikes		

Symbol/ AHC Class	Cycle Route  	Technical Description (for Land Manager use)	Route Description (for public information)	Generic Description (for public information)	Short Classification Key
Inspection Interval 18 – 24 MONTHLY	Grade of trail	On road (or other) promoted route (suitable for recreation or commuter)			
	Description	Likely to be a flat smooth surface with minimal obstacles, may require sharing of road or footpath with vehicles/ people respectively. Commuter routes will provide the most direct route from start to destination, whilst a recreation route will provide either linear or loop routes using a combination of roads and footpaths which are the safest and most enjoyable for the target user (family) (avoiding steep hills, may take in points of interest, rest stops).	Likely to be a commuter link route with frequent markers at points of indecision. Or alternatively likely to be a family friendly ride, requiring a level of fitness, bike skills and road rules understanding suitable for adults and supervised children.	Suitable for commuters and beginner riders. Suitable for children under supervision. Users should have bike riding experience and ability to understand and follow road rules.	Commuter or Recreation route on road/footpath bike route. Bike riding experience and understanding of road rules required.
Guiding Criteria	Trail Width	Variable, but should allow for two bikes to pass each other in same direction			
	Trail Surface	Variable but mostly smooth with potential for some small stones and rocks.			
	Trail Gradient	Variable and may exceed 20% for short periods.			
	Quality of Markings	Route Markers present and directional arrows provided at points of indecision.			
	Distance	Variable – but can range from 1 - 50km. Family friendly routes unlikely to exceed 20km.			

Symbol/ AHC Class	Class 5 Hike (unlikely to exist in AHC) 	Technical Description (for Land Manager use)	Trail Description (for public information)	Generic Description (for public information)	Short Classification Key
Inspection Interval 18 – 24 MONTHLY	Grade of trail	Class 5 Walking Track – not suitable for but may horses and/or mountain bikes may be present.			
	Description	Difficult walking track with limited modification to natural surfaces and trail alignment may be indistinct in places. Minimal clearing, and debris along track. May include steep sections of unmodified surfaces. Facilities may be present but unlikely.	Likely to be mostly undefined trail with minimal markings. Users must exercise extreme caution and have a degree of specialised skills such as navigation, some first aid and experience in remote areas. Maps available.	Suitable for highly experienced hikers, used to physically demanding routes. Navigation and personal survival skills are highly desirable.	For highly experienced hikers All sections extremely challenging Large, unavoidable obstacles and severe features

				May include extreme levels of exposure and/or risk Expect large and unavoidable obstacles and features	
Guiding Criteria	Trail Width	Not specified			
	Trail Surface	Widely Variable and challenging.			
	Trail Gradient	Expect prolonged steep, loose and rocky descents or climbs Trail grade could exceed 40%			
	Quality of Markings	Limited to nil markings			
Mandatory Criteria	Level of Trail Exposure	Exposure to steep slopes and downfall expected			
	Natural Obstacles and Technical Trail Features (TTFs)	No Specified, unavoidable.			
	Steps	May be present.			
	Experience Required	Users require a high degree of specialised skill such as navigation skills.			

References

1. Australian Standards, (2001). *Walking Tracks. Part 1: Classification and signage* (2156.1-2001) Council of Standards Australia. Australia
2. Recreation SA Trails Sub Committee (2016), *Guidelines for the planning, design, construction and maintenance of Recreational Trails in South Australia*. Recreation SA. South Australia.
3. Department of Environment and Water, (2021), *Know before you go: Mountain Biking* <https://www.parks.sa.gov.au/know-before-you-go/mountain-biking>. Accessed online April 2021, National Parks and Wildlife Service, South Australia.
4. Mountain Bike Australia, (2019). *Trail Difficulty Rating Systems*. Australian Mountain Bike: Trail Guidelines – Section 10. Varsity Lakes, Queensland, Australia.

Appendix 2

Draft Trails and Cycle Routes Guidelines

Adelaide Hills Council | Trails and Cycling Management Framework

Guidelines for Maintenance and Upgrades of existing Trails and Cycling Routes

The Adelaide Hills Council has developed a Trails and Cycling Routes Framework to guide the future direction, provision, and management of Trails and Cycling routes in the Council region.

The Trails and Cycling Routes Framework is made up of four key documents:

- Trails and Cycling Routes Policy
- Guidelines for Maintenance and Upgrades of existing Trails and Cycling Routes
- Service Levels for Trails and Cycling Routes
- Relevant Asset Management Plans

And Other supporting documents and procedures

The Framework addresses actions from Council's Sport and Recreation Strategy (2017 – 2021) and will assist Council to make strategic, sustainable and equitable decisions regarding trails and cycling routes provision in our region. This Framework and its associated documents also provide an opportunity to broaden active recreation opportunities for children and youth in our region.

In addition, the Policy document considers that while Council does not own or manage many trails within the Council boundary, we rely on these community or State Government managed trails to service a portion of our population. These documents address the management of trails and cycling routes throughout our region, on community land under the care and control of Council. New Trails and Cycling Routes on community owned land constructed after the endorsement of this policy are not entitled to the above conditions, unless endorsed by Council.

Asset	Maintenance Guidelines	Renewal or Upgrades Guidelines
Surface	<p>Trails - surfaces will be maintained in line with the relevant Australian Standard for specified trail class (AS 2156.1).</p> <p>Cycle Routes – surfaces will be maintained in line with the relevant Australian Standard for the asset class which applies to that surface(footpath, road etc).</p>	<p>Sites and timing for trail and cycling route surface upgrades will be selected based upon asset management data and usage. When considering the specific routes in the upgrade program and schedule, thought will also be given to:</p> <ul style="list-style-type: none"> • Consolidation to avoid duplication/replication • Other trail and cycle route priorities within proximity to the site/route location.

	<p>Council is responsible for the maintenance of trail and cycle route surfaces on land under the care and control of Council.</p>	<p>Renewals or upgrades will be designed to achieve relevant Australian Standards where applicable for the asset class to which the trail/cycle route applies or similar. Designs will also consider information gathered during consultation processes, demographics, and other sites in close proximity.</p> <p>Council will develop most of its trails to closely satisfy the Walking Track Class 3, with the occasional Class 2 or 4 track where the location and demand permits.</p> <p>A trail or cycle route could be considered for removal at the end of its useful life. The endorsed Trail/Cycle Route Classifications provide some factors to consider when contemplating the removal of an asset. Other considerations include demographics, population density, usage, proximity to other outdoor spaces, or more desirable locations in the local area and maintenance and inspection obligations. Community engagement will be undertaken if a trail or route has been proposed for removal.</p> <p>Surface removal requires sustainable trail closure techniques.</p>
Surface Obstacles	<p>Council is responsible for installing and maintaining all obstacles developed within the trail corridor, in line with relevant trail classification.</p> <p>Obstacles will be maintained in line with the relevant industry standards for obstacle maintenance on trails surfaces. Obstacles may include styles, stepping stones, armoured crossings, armoured corners, boardwalks, rocks, steps, jumps, stiles and more.</p>	<p>Obstacles will be renewed or upgraded in line with the relevant industry standard for obstacles on trails.</p> <p>Surface obstacles will be required to be removed and the land remediated upon closure of a trail.</p>
Markers	<p>Council is responsible for trail/route markers directly associated with prescribed trails.</p> <p>Marker will be maintained in line with relevant Australian Standards (AS 2156.1-2001), and will be installed/maintained and removed (if applicable) by Council or an authorised contractor or volunteer.</p>	<p>Markers will be renewed or upgraded in line relevant Australian Standards (AS 2156.1-2001).</p> <p>The location of directional markers on trails and cycling routes is an important aspect of trails and routes, providing the user with the information that they are following their preferred route. Markers should be installed only where necessary and for directional information. A marker</p>

		<p>should be installed at intersections and any other place of indecision.</p> <p>Trail makers do not absolve the trail user of personal responsibility.</p> <p>Markers may be applied to Posts (see below) but could and where appropriate be applied to existing Council owned and managed infrastructure if the function and purpose is satisfied and it does not detrimentally impact the existing infrastructure.</p> <p>The removal of a marker will be managed by Council and the surface to which it was attached 'made good'.</p>
Marker Posts	<p>Council is responsible for marker posts located prescribed trails/routes on land under the care and control of Council.</p> <p>Marker posts will be maintained in line with relevant Australian Standards (AS2156.1-2001), posts will be installed and/or removed by Council or an authorised contractor/volunteer.</p>	<p>Marker posts are specific assets which can house one or more markers for one or more trails. These posts are strategically located to support the user in wayfinding, and to assist the trail designer in managing user behaviour.</p> <p>Where possible, posts should be located no more than 300mm from the edge of the trail surface at an intersection of the trail/route with other trails/routes, roads, footpaths, walkways, etc. Placement of the posts should not impact users of the trail or route (prohibit or inhibit the experience), or other users of the asset to which the route is also using (footpath use, driveway crossovers, road users etc.).</p> <p>The removal of a post (if required) will be managed by Council and the post hole filled and land remediated.</p>
Trail Head Sign	<p>Council is responsible for trail head signs located on prescribed trails/routes on land under the care and control of Council.</p> <p>Trail Head signs will be maintained in line with relevant Australian Standards (AS2156.1-2001).</p>	<p>At the start/end of trails and routes Council will consider the development of a trail head sign, which is a large sign informing the user of the following;</p> <ul style="list-style-type: none"> • Trail/route classification • Type (loop, one-way, return) • Effect of weather • Elements of interest, track conditions or difficulties (e.g. facilities, waterfalls, slipper rocks etc.) • Opening and closing hours • Bushfire Danger Day permissions of entry • Distance to designated points • Map and orientation

		<ul style="list-style-type: none"> • Registration and reporting recommendations (if applicable) • Equipment recommendations (helmet, armour etc) • Personal safety precautions • Environment protection (e.g. minimal impact practices) • Skill and fitness level required • Specific conditions • User code of conduct • Warnings <p>Trail head sign locations will be designed and located in sympathy with the landscape whilst also ensuring they are readily seen and easy to read.</p> <p>Trail head signs do not absolve the trail user of personal responsibility.</p> <p>The removal of a trail head sign will be managed by Council with the land surrounding the sign site remediated upon removal of the sign</p>
Lighting	<p>Council is responsible for any lighting that falls within the corridor of a prescribed trail/route, on land which is under the care and control of Council.</p> <p>Council will maintain existing lighting on prescribed trails and routes which share an asset class with other infrastructure (footpath or road), to the relevant Australian Standard.</p>	<p>Trail/route lighting should not be considered for future trails or cycling routes unless demand for night-time use demonstrates a feasible investment is required.</p> <p>The removal of lighting will be managed by Council with the land or building to which the light is attached be remediated and/or 'made good' upon removal.</p>
Fencing	<p>Council is responsible for any fencing that falls within the corridor of a prescribed trail/route, on land which is under the care and control of Council.</p> <p>Council will maintain fencing on prescribed trails and routes which it has been proven to lower the risk of hazards where that hazard cannot be removed.</p>	<p>Trail/route fencing should only be considered where absolutely necessary for safety purposes. Where a trail/route cannot avoid a hazard or that hazard cannot be removed a fence may be installed to create a physical barrier between the trail/route and the hazard.</p> <p>Fencing removal shall only occur when the trail/route is being closed, the hazard is removed, and all remediation tasks have been completed.</p>
Trail Furniture	<p>Council is responsible for any fixed furniture that has been installed for the purposes of the trail or cycle experience, within the corridor of a prescribed trail/route, on land which is under the care and control of Council.</p>	<p>Trail/route furniture should not be considered for future trails or cycling routes unless demand for rests (benches) or group seating and tables is clearly demonstrated and the investment is considered feasible.</p>

	Council will maintain such furniture on prescribed trails and routes to the relevant Australian Standard or similar.	Trail/route furniture shall be removed when the furniture has come to the end of its useful life (according to the relevant Australian Standard) and could be considered for removal if it has been determined as surplus to need. Council will manage the removal of all trail/route furniture, with the land surrounding the furniture site remediated upon removal.
Other signage (warnings, informative/educational etc)	<p>Council is responsible for signage that is located on road verges or within trail/route corridors to inform trail/route users of hazards (exposure, traffic conditions, water crossings, gradients, other users etc) or road users of trail users (horse rider signs, walker signs etc), or that educate users of the local surrounds (Flora, fauna, historical significance, cultural significance etc.)</p> <p>Council will maintain all signage on or related to prescribed trails and cycling routes, on community land that is under Councils Care and control.</p>	<p>Hazard trail/route signage should only be considered where absolutely necessary for safety purposes. For example, at road crossings, on roads shared by trail users.</p> <p>Educational/Informative signage should only be installed at locations of high significance (historical, educational, cultural), or be part of a greater signage strategy that requires it to be installed, to the discretion of Council.</p> <p>Signage removal shall only occur if the hazard is no longer present, or need for education/information is no longer required. The removal will be managed by Council, with the land surrounding the sign site remediated upon removal of the sign. Replacement of signage that has become damaged or obsolete is to the discretion of Council.</p>

**ADELAIDE HILLS COUNCIL
ORDINARY COUNCIL MEETING
Tuesday 14 December 2021
AGENDA BUSINESS ITEM**

Item: 12.3

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

Subject: Assisting Vulnerable Residents on Extreme and Catastrophic
Fire Danger Days

For: Decision

SUMMARY

At the July 2021 Ordinary Council Meeting a Motion on Notice was carried seeking an investigation into providing assistance to vulnerable residents on extreme and catastrophic fire danger days. The investigation has been completed and the results presented in this report.

RECOMMENDATION

Council resolves:

1. That the report be received and noted.
 2. That Council continues to collaborate with relevant agencies and stakeholders to explore, advocate for and implement opportunities to educate and support the community, including vulnerable persons, with their bushfire preparedness.
 3. That Council does not provide community transportation or shelter services on extreme or catastrophic fire danger days.
-

1. GOVERNANCE

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

Strategic Plan 2020-24 – A brighter future

Goal 2 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

Goal 5	A Progressive Organisation
Objective O1	We have the right people with the right knowledge and skills in the right job and they are supported and developed
Priority O1.1	Progressively enhance our safe systems of work to maintain emotional and physical safety of our people

Considering how Council may assist vulnerable residents on extreme and catastrophic fire danger days aligns with the community support elements of Priority C4.5. Further, Priority C4.5 aligns with the disaster risk reduction elements contained within Council's Emergency Management Plan. Given the risk associated with extreme and catastrophic fire danger days Priority O1.1 is relevant in regard to work health and safety.

➤ **Legal Implications**

There are no specific legislative obligations for Councils to provide assistance to vulnerable residents on extreme and catastrophic fire danger days. Nonetheless, and broadly speaking, Section 7 Functions of council of the *Local Government Act 1999* includes the following clauses:

- 7(b) to provide services and facilities that benefit its area, its ratepayers and residents, and visitors to its area
- 7(c) to provide for the welfare, well-being and interests of individuals and groups within its community
- 7(h) to establish or support organisations or programs that benefit people in its area or local government generally

As the report subject matter relates to extreme and catastrophic fire danger days the *Work Health and Safety Act 2012* (the "Act") is relevant. Specifically, as Council is a Person Conducting a Business Undertaking (PCBU) under the Act clause 19 regarding primary duty of care applies. Clause 19 of the Act requires (in part) a PCBU to, so far as is reasonably practicable:

- Ensure the health and safety of workers
- Ensure that the health and safety of other persons is not put at risk from work carried out as part of the conduct of the business or undertaking
- Ensure the provision and maintenance of a work environment without risks to health and safety and the provision and maintenance of safe systems of work

In the case of the Council, the Executive Leadership Team, not the Council Members, are the officers of the PCBU and would be liable for any breaches of the above mentioned obligations.

➤ **Risk Management Implications**

Careful consideration of committing to a role in transporting and sheltering vulnerable persons in high risk situations will assist in mitigating the risk of:

Travelling through high risk bushfire environments on extreme and or catastrophic fire danger days leading to staff and vulnerable residents being exposed to a significant bushfire event.

Inherent Risk	Residual Risk	Target Risk
High (5D)	Medium (4D)	Medium (4D)

Committing to provide a transportation and shelter service for vulnerable residents and then not being able to provide the service leading to community expectations not being met, and loss of life occurring.

Inherent Risk	Residual Risk	Target Risk
Extreme (4B)	Extreme (4B)	Low (2D)

Committing to provide a transportation and shelter service for vulnerable residents and then not being able to provide the service leading to breach of service obligations and possible civil action.

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

Committing to provide a transportation and shelter service for vulnerable residents absent of detailed costs leading to exposure to unknown expenditure.

Inherent Risk	Residual Risk	Target Risk
Medium (1A)	Medium (1A)	Low (2D)

➤ **Financial and Resource Implications**

Council is able to assist vulnerable residents through partnering/collaborating with other relevant agencies and as part of already established programs and relationships.

Were Council to move beyond a readiness and capacity building approach and step into a hands-on support role on extreme and catastrophic fire danger days then there would likely be substantial costs involved. These costs cannot be determined until the process is known and the number of persons involved determined. Accordingly, there is a significant risk of exposing Council to unknown cost pressures. For example, costs relating to administration, transportation, accommodation, meals and other requirements would need to be included.

To undertake further in-depth analysis of providing a service to assist vulnerable persons on extreme and catastrophic fire danger days will require resourcing which is currently unfunded.

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

By not moving into the space of direct service provision in high risk circumstances, and supported by partnerships in education and capacity building with relevant agencies, the important messaging outlined in national frameworks and articulated by CFS are reinforced.

This creates certainty for those affected.

➤ **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: Workshop held 16 November 2021 with SA Country Fire Service

Advisory Groups: Not Applicable

External Agencies: SA Country Fire Service

Community: Not Applicable

2. BACKGROUND

At the July 2021 Ordinary Council Meeting the following Motion on Notice was carried unanimously:

11.	MOTIONS ON NOTICE	
11.1	Assistance to Vulnerable Residents on Catastrophic Fire Days – Cr Leith Mudge	
	Moved Cr Leith Mudge	
	S/- Cr Kirsty Parkin	152/21
	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 and Extreme 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,	
	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, and	
	d. Development of a communication campaign to allow people in the Council district to determine where their nearest Bushfire Safer Places and Places of Last Resort are located and what services (both government and non-government) will be available to them in these locations on different levels of fire danger day	
	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.	
		Carried Unanimously

3. ANALYSIS

Results of the investigation are provided below under each element of the Motion on Notice.

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 and Extreme fire danger days.

The investigation into assisting vulnerable persons on extreme and catastrophic fire danger days has considered all aspects of the July 2021 Motion on Notice along with additional information on current and planned activities which are relevant to assisting vulnerable persons. Each of these areas are discussed further within this section of the report.

The results of the investigation have also identified that there are a number of other matters (not specifically referenced in the Motion on Notice) that need to be considered. Vulnerability is not easily defined and can apply to a range of individuals dependent upon their specific circumstances. For example, a person recovering from an operation may be vulnerable for a few days whilst someone with a permanent disability maybe vulnerable for a lifetime. Further, being within a specific group of persons such as the elderly, disabled or young does not necessarily mean a person is vulnerable or at risk.

In considering providing assistance to vulnerable persons and any service to be provided would require Council to define the persons that it would like to provide the service to taking into consideration the level and type of vulnerability. From this point Council would need to identify who those individuals are and establish whether they would like assistance on extreme and catastrophic fire danger days. Logistical arrangements would than need to be scoped, procured and implemented. Examples include establishing contractual arrangements with transportation and shelter owners.

Further to the above, consideration of assisting vulnerable persons should be undertaken in accordance with current practice to ensure the most effective, contemporary and consistent approach is taken. The *People at Risk in Emergencies Framework* (the “Framework”) is such an approach developed for South Australia by the Australian Red Cross.

The Framework:

“.. provides guidance for how State and Local governments, businesses, non-government organisations, community groups and individuals can work together to strengthen the preparedness, safety and wellbeing of people who are most at risk in emergencies.”

South Australia’s Disaster Resilience Strategy 2019 – 2024 (the “Strategy”) is also a key document to take into account when considering any support to vulnerable and at-risk persons. The Strategy recognises that state and local government, non-government organisations, businesses, and communities must work together to make a more resilient South Australia. In regard to people at risk, the Strategy identifies:

“People most at risk are best supported to prepare for and respond to emergencies by the people closest to them.”

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

Broadly speaking there are three transportation options, these are:

- Council providing the service as a direct supplier
- Council providing the service through a commercial contractor
- Provision of the service in conjunction with a not for profit community type organisation such as the Australian Red Cross

Regardless of options, there are a number of factors that need to be carefully considered in regard to transportation.

As outlined in the Legal Implications section the Council is considered a PCBU under the *Work Health and Safety Act 2012* (the “Act”). As a PCBU Council has a primary duty of care to ensure the health and safety of workers while they are at work and others who may be affected by the carrying out of work which in this case would be vulnerable residents and other support agencies or contractors.

Given the PCBU requirements, travel on the day of extreme and catastrophic fire danger should be avoided given the foreseeable risks involved. Accordingly, to meet PCBU obligations and to ensure a safe work environment was provided transportation would need to occur the day before and day after the at-risk day. Provisions of the Act result in the same obligations of Council applying to other potential service providers and therefore the same restrictions would apply.

Operationally, and given the need to transport vulnerable persons the day before, it would be challenging to provide the service following declaration of the fire danger at approximately 4.00 pm. Firstly, following the declaration the Council or service provider would need to identify, from a pre populated data base, which vulnerable persons wanted assistance on that particular day.

Secondly, the Council or service provider would need on operational standby the required transportation vehicle(s). These vehicles would need to be immediately available following the declaration so the transportation of vulnerable persons to a shelter can occur in a short window of opportunity following the 4.00 pm declaration. If for whatever reason this did not occur the service could not be provided exposing Council to several of the risks outlined on the Risk Management Implications section of this report.

For the purpose of this report reference to transportation vehicles has been used for simplicity. In reality, an assessment of each vulnerable person’s needs would need to be undertaken in advance so the transportation requirements of each individual can be provided. This process would likely result in the identification of a number of vehicle types being required adding further complexity to the provision of a transportation service.

In regard to transportation of vulnerable residents to areas designated as Bushfire Safer Places the locations themselves need to be considered. The CFS advise that there are no guarantees regarding personal safety in a Bushfire Safer Place, and that there may be exposure to spark, embers and smoke and that secondary fires may start in vegetation, gardens and structures from these sparks and embers.

Noting the CFS also advise it is unlikely that persons will be exposed to direct flame or severe radiant heat in a Bushfire Safer Place, Council’s obligations as a PCBU still apply. Accordingly, to provide the safest environment for vulnerable persons they should be transported to the Adelaide metropolitan area. This approach represents the lowest risk as compared to Bushfire Safer Places located within the Adelaide Hills and complies with the “so far as is reasonably practicable” requirements of the *Work, Health and Safety Act 2012*.

b. the establishment of shelters for vulnerable people in nearby Bushfire Safer Places

Similarly to providing transportation, the establishment of shelters also represents some challenges and risks. For the reasons outlined above regarding Bushfire Safer Places and Council's PCBU obligations, vulnerable persons should not be transported to shelters in nearby areas within the hills, but for safety reasons they should be taken to the Adelaide metropolitan area.

The requirement to transport vulnerable persons the day before and the day after an extreme or catastrophic fire danger day results in a minimum overnight stay of 2 nights and possibly more if back to back high risk days are declared.

Noting the above, no Council facility could be used as shelter. Shelters would need to be identified with capacity for overnight accommodation and also meet the specific requirements of each vulnerable person (identified in advance) so shelters are appropriate and fit for purpose. This outcome may result in several different forms of shelter being required.

From an operational perspective pre-identified shelters would have to be immediately available following the declaration of an extreme or catastrophic fire danger day at 4.00 pm. If not, Council would not be in a position to provide the service with resultant risk implications (refer Risk Management Implications Section of this report). Further, Council or the service provider would need to coordinate with shelter owners at short notice on anticipated numbers and vulnerabilities involved so shelters can gear up to receive vulnerable persons.

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

Council is already working in partnership with many organisations as part of its day to day business. For example, Council is partnering with the Australian Red Cross on the Community-led Emergency Resilience workshops. Based on these existing networks and relationships Council could explore new partnerships at an appropriate time.

The current funding application submitted for the Black Summer Bushfire Grants Program (as previously reported to Council) has an element within the proposed project, *Towards Community-led Resilience and Recovery*, to assist vulnerable residents. The Current and Planned Activities section below provides further information.

d. Development of a communication campaign to allow people in the Council district to determine where their nearest Bushfire Safer Places and Places of Last Resort are located and what services (both government and non-government) will be available to them in these locations on different levels of fire danger day

Council's existing communications regarding bushfires include information on Bushfire Safer Places and Places of Last Resort. The information provided is that of the CFS and the role of Council is one of dissemination and amplification rather than content development. This approach is taken to ensure the expert information provided by the hazard leader (in this case the CFS) is in no way modified to avoid confusion and inconsistency.

Council's current communications regarding bushfires do not provide any information on services found in the various Bushfire Safer Places. In regard to Places of Last Resort the CFS advice is to not expect any services at these locations and therefore Council should not undertake any action that would be in conflict with this advice.

To provide a list of the services provided in each of the Bushfire Safer Places would in the first instance require identification of the services provided. This information would need to be regularly reviewed and updated. A risk with providing this information to the community is providing inaccurate information. For example, many business and organisations providing services may elect, as part of their bushfire planning, to not open on extreme and catastrophic fire danger days. In addition, the community should not expect or rely on any services in the smaller safer places as services may shut or be overwhelmed particularly in the event of a fire. Even if the information was kept as up to date as possible variations on the day could be problematic, such as power outages.

Rather than Council providing a list of services, a more tailored and effective approach is to encourage the community to familiarise themselves with the services provided in the Bushfire Safer Places that form part of their Bushfire Survival Plans available through the CFS website. In this manner community members can match their needs with the services provided in each of the Bushfire Safer Places noting some services may not be available subject to the individual choice made by the service providers on high risk days to stay open or not.

Current and Planned Activities

In considering the provision of a service to assist vulnerable persons there is already relevant work underway and planned that is more aligned with the role of Council rather than providing direct hands-on services on extreme and catastrophic fire danger days.

For example, Council is already undertaking the Community Readiness and Resilience Program. This program includes the Community-led Emergency Resilience project (CLER). This project, funded by the Country SA Primary Health Network, involves Council working with the community and the Australian Red Cross through community workshops with the aim of building resilience. Four townships are involved as follows:

- Charleston – Finished
- Woodside – To commence in 2022
- Lenswood – To commence in 2022
- Fourth town to be determined

In addition to the above towns, Gumeracha has been completed which was the pilot for the broader project. In summary, the CLER aims to bring communities together through local connections and networks and empower them to identify and execute local actions which are owned by communities themselves. Specific to vulnerable persons, through the CLER project the community identify which persons may be vulnerable and then assist them prepare and respond to emergency situations.

If Council is successful in its application for the Black Summer Bushfire Recovery Grants funding (outcome expected to be decided in December 2021) Council will deliver the *Towards Community-led Resilience and Recovery* project. If Council receives the funding, an additional four CLER workshops can be provided in addition to other objectives of the project. Council will also be able to participate/support other resilience activities for vulnerable persons as the grant will provide additional resourcing for community resilience.

In addition to the CLER the Community Readiness and Resilience Program is currently delivering training into communities around psychological preparedness for bushfire, including working with local CFS brigades. The content used for training has been developed in collaboration with Emerging Minds.

Council's Community Resilience Officers (through the Community Readiness and Resilience Program) have also commenced the design work for a Council-hosted website resource that will provide accessible information, resources and tools to support communities and individuals to build their preparedness and longer term resilience in relation to responding to future bushfires and other natural disasters. The Centre for Inclusive Design has been engaged to ensure that the new content meets Level AA of the Web Content Accessibility Guidelines (WCAG). WCAG specifies how to make online information accessible for people with permanent, temporary and situational disability.

A further example of work underway is Council's early involvement in the *Person-Centred Emergency Preparedness project* to be delivered in South Australia.

Person-Centred Emergency Preparedness (P-CEP) is a process for people with disability, and other vulnerable groups, to create a plan for their needs in emergencies. P-CEP was developed by the University of Sydney in partnership with the Queenslanders with Disability Network (QDN) and the Community Services Industry Alliance.

A P-CEP Workbook has been developed, and is freely available for community members to use as a conversation guide to tailor their emergency preparedness plan to meet their individual support needs. Council's Community Development team have commenced promoting this resource through our local network of disability support agencies.

In relation to transport assistance, the P-CEP Workbook guides people to self-assess their transport needs (with their support network) as an integral component of their preparedness planning as follows:

- Your plan should include alternative transportation you could call on in the case of an evacuation
- Your plan should also include any assistance you need from people or equipment (assistive technology) that you need to go with you. Make back-up transportation plans so that you can manage your health and well-being during and after the emergency
- Plan evacuation routes out of your home
- Make a map of your community and plan different evacuation routes so you have alternatives if roads are blocked
- If sheltering-in-place is not possible, you will need to plan for safe evacuation
- People with disability should plan to leave early. Discuss what will trigger your decision to leave early [On high risk fire days, very early in the morning or even the night before].

- Not everybody has a personal vehicle. In an emergency, you may not be able to rely on taxi, bus or other public transport. You need a plan for how you will leave
- After an emergency, you will need to plan for how you will get to the places you need to go

In relation to sheltering needs, the P-CEP Workbook cautions people that evacuation centres and shelters are not ideal for people with disability, and that staying with family or friends is often unrealistic because those homes are not always accessible. The Workbook guides people to talk with those they trust to brainstorm options that will work for them and to make their own arrangements accordingly.

QDN are seeking interest from people with disability in NSW, ACT, and SA to become P-CEP Peer Leaders, which involves helping people in the community living with disability to become more prepared for an emergency or disaster. In SA, this will be achieved through delivery of five online workshops from late January 2022 (dates to be confirmed). The workshops will equip people with disability to:

- Develop their own emergency preparedness plans
- Receive training in how to help others with disability in their community to create a plan for a bushfire (or other emergency), tailored to their individual support needs and local hazard risks.

Council's Community and Social Planning Officer has commenced work with JFA Purple Orange (a leading disability support organisation in SA) to recruit Adelaide Hills residents with disability to express interest in these upcoming online P-CEP Peer Leader workshops. Targeted invites have also been sent to Council's new Disability Engagement Group and Council's network of local disability service providers.

Conclusion

The investigation has identified that providing direct support to vulnerable persons through transportation and shelter services on extreme and catastrophic fire danger days is complex and challenging which could expose vulnerable persons and Council to risks. Further, from a work health and safety perspective, Council's PCBU obligations rule out any shelter and transportation services being provided on the day or within the Council area (in regard to shelters).

Council is better placed to continue work already underway and planned to assist vulnerable residents through its day to day operations rather than direct involvement on extreme and catastrophic fire danger days.

Notwithstanding the information provided from the investigation, potentially the quickest and most effective way to assist vulnerable persons on extreme and catastrophic fire danger days is for Council Members and the Administration to further encourage the community (including vulnerable persons) at every opportunity to prepare their bushfire survival plan and in doing so to seek any support they require to implement their plan from those closest to them.

4. OPTIONS

Council has the following options:

- I. To continue with current and planned activities in support of vulnerable persons and not provide community transportation and shelter services on extreme and catastrophic bushfire days. This option is recommended as it does not expose vulnerable persons and Council to risk. (Recommended)
- II. To undertake further in depth analysis (requiring additional resources) to further explore providing transportation and shelter services. This option is not recommended as further analysis is unlikely to resolve the risk and work health and safety matters identified. (Not Recommended)

5. APPENDIX

Nil

**ADELAIDE HILLS COUNCIL
ORDINARY COUNCIL MEETING
Tuesday 14 December 2021
AGENDA BUSINESS ITEM**

Item: 12.4

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

Subject: Nomination to the Dog & Cat Management Board

For: Decision

SUMMARY

The LGA is seeking nominations for the Dog and Cat Management Board for a term of up to three years following the resignation of one member and the impending expiry of another member's term.

The Dog and Cat Management Board (DCMB) is the public face for the management of companion dogs and cats in South Australia and provides policy leadership to councils.

Board Members receive a sitting fee for attendance at meetings.

Council is able to put forward up to two (2) nominations. Cr Osterstock has indicated an interest in nominating for one of these vacancies.

The purpose of this report is for Council to consider any nominations for the Board and, if so, to consider endorsing that candidate(s) to the LGA.

RECOMMENDATION

Council resolves:

1. That the report be received and noted.
 2. To determine that the method of selecting the nominee to the LGA for the Dog & Cat Management Board be by an indicative vote to determine the preferred person utilising the process set out in this Agenda report.
 3. To adjourn the Council meeting for the purposes of seeking nominations for and, if necessary, conducting an indicative vote to determine the preferred person for the nomination and for the meeting to resume once the results of the indicative vote have been declared.
 4. To endorse the nomination(s) of _____ for the Dog & Cat Management Board and authorise the Chief Executive Officer to lodge the completed nomination form(s) to the Local Government Association by COB 21 December 2021.
-

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 O4.2 Attract and develop a diverse and capable elected body that represents, promotes and reflects the composition of the 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

➤ Legal Implications

The Dog & Cat Management Board has been established pursuant to the *Dog and Cat Management Act 1995* (the DCM Act).

There is no legal requirement for a member of the Adelaide Hills Council to become a member of the Dog & Cat Management Board.

Sections 73 and 74 set out the provisions regarding Material Conflicts of Interest. As members of the Dog & Cat Management Board receive a sitting fee, this likely constitutes a personal and/or pecuniary benefit under s73 and therefore Council Members seeking to be nominated to the Board could have a Material Conflict of Interest and would need to consider declaring the interest and leave the Chamber prior to the discussion of the matter under s74(1). However the Council Member may stay in the chamber and participate during an adjournment for an Information or Briefing Session.

Council's *Information or Briefing Session Policy* created under s90A of the Act sets out the provisions for the conduct of an Information or Briefing Session.

➤ Risk Management Implications

As the Dog & Cat Management Board is entirely separate from Adelaide Hills Council, there is no direct risk in relation to the operations of the Council itself. Further any actions or omissions of a Board Member (even one nominated by Council) in the conduct of their Board duties will not attract any liability to Council. Nevertheless careful management by the incumbent of fiduciary and conflict of interest roles and obligations is required in both fora.

The nomination of appropriately qualified persons and the management of conflicts of interest are pertinent risk issues in relation to this matter and there are existing controls in place to assist in managing the risk of:

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

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

Council has many internal controls that contribute to managing the above risk and therefore the subject of this report does not in itself have an additional mitigating impact on the residual risk.

➤ **Financial and Resource Implications**

Sitting fees are paid by the Dog & Cat Management Board at the rate of \$206/meeting.

The *Council Member Allowance & Support Policy* does not provide for the reimbursement of any costs for attendance at bodies such as the Dog & Cat Management Board and therefore there are no financial implications regarding nomination.

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

The community can reasonably expect that the AHC Council Members may have representation on external bodies relating to local government.

➤ **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

External Agencies: Local Government Association

Community: Not Applicable

2. BACKGROUND

The Dog and Cat Management Board (DCMB) is the public face for the management of companion dogs and cats in South Australia and provides policy leadership to councils. The DCMB also plays a key role as an advocate and intermediary, working with vets, breeders and pedigree organisations, animal rescue and shelter organisations and assistance dog organisations to ensure South Australia's dog and cat laws meet the objects of the *Dog and Cat Management Act 1995* (the DCM Act).

Under section 12 of the DCM Act, the DCMB comprises 9 members, of whom:

- four are nominated by the LGA;
- four are nominated by the Minister; and
- one, to chair the Board, is jointly nominated by the LGA and the Minister.

The DCM Act requires that between them, the four members that are nominated by the LGA have the following attributes:

- practical knowledge of and experience in local government, including local government processes, community consultation and the law as it applies to local government;
- experience in the administration of legislation;
- experience in financial management; and
- experience in education and training.

Appointments to the DCMB are for a period of up to three (3) years.

The Minister for Environment and Water has written to the LGA requesting nominations for the Dog and Cat Management Board following the resignation of one of the LGA nominees on the Board. In addition, one of the other LGA nominated positions on the Board expires in June 2022

The Board vacancies were advised in the LGA News (10 November 2021) with nominations for councils to be received by 5pm Tuesday 21 December 2021.

Council is able to put forward up to two (2) nominations.

Cr Osterstock has indicated an interest in nominating for one of these vacancies.

As per the LGA's standard nomination process, nominations must be resolved by the respective councils and these will be collated by the LGA for recommendation to the LGA Board which will resolve to nominate the preferred candidate(s).

3. ANALYSIS

Indicative Voting Process for Determining Council Appointed Positions

Due to the implications of the Material Conflict of Interest provisions under s74 (see Legal Implications above), it is proposed that the Council adjourn the meeting for the purposes of seeking nominations for and, if necessary, conducting an indicative vote (Indicative Voting Process) to determine the preferred person for nomination to the LGA.

As the Indicative Voting Process involves discussion of a matter that is, or is intended to be, part of the agenda for a formal meeting of the Council or Council Committee, it is an Information or Briefing Session that should be open to the public for the purposes of s90A(3) and the *Information and Briefing Sessions Policy* (the Policy). As an Information or Briefing Session, the Chief Executive will conduct the meeting in accordance with the Policy.

The proposed Indicative Vote Process below is based on the Appointments to Positions Process contained in Clause 4.7 Council's *Code of Practice for Council Meeting Procedures* with modifications to suit the legislative requirements of the conflict of interest and Information or Briefing Session provisions.

The proposed Indicative Voting Process is:

- a) Chief Executive Officer calls for self-nominations for the position of Dog & Cat Management Board candidate(s).
- b) If the number of nominees is equal to or less than the number of positions (i.e. 2), no election will be required [however the candidate(s) may wish to address the session as per point (h) below] and the Council meeting can resume. If the number of nominees is greater, an election will be necessary.
- c) The CEO will appoint a Returning Officer and may enlist other Council staff to assist with the conduct of the vote and the count.
- d) The method of voting will be by secret ballot utilising the preferential counting system.
- e) Each Council Member (including the Mayor) shall have one vote.
- f) Ballot papers will be provided to each Member.
- g) The nominees' names will be drawn to determine the order on the ballot paper.
- h) Each nominee will have two (2) minutes to speak in support of their candidacy. The speaking order will be as listed on the ballot paper.
- i) Completed ballot papers will be collected by the Returning Officer and the count will be undertaken in a separate room with an observer (another Council staff member) present.
- j) In the event of a tie, the result will be decided by the Returning Officer drawing lots, the candidate first drawn being the candidate excluded.
- k) After all votes have been counted, the Returning Officer shall formally declare the result of the election (i.e. the preferred person).
- l) The ballot papers will be shredded.

Proposed Chronology of Events

The mechanics are relatively complicated due to the legislative provisions regarding conflict of interest and Information or Briefing Session requirements, as such the following chronology is suggested:

- I. Council will consider the process that it will use to choose the preferred person(s). Council would give effect to this by dealing with Recommendation 2 (or a variant) at this time.
- II. Having decided the method, Council will then have to adjourn the meeting to enable the process to be undertaken. Council would give effect to this by dealing with Recommendation 3 (or a variant) at this time.
- III. Once the Indicative Voting Process has been completed the Council meeting will resume in accordance with the previous resolution.

Upon resumption the Council Member(s) who nominated for the Dog & Cat Management Board role would be advised to make declarations in accordance with *s74 – Dealing with material conflicts of interest* and leave the Chamber.

Council can then resolve for the preferred person to be nominated as the Board candidate.

4. OPTIONS

Council has the following options:

1. Endorse the nomination of a candidate(s) to the Dog & Cat Management Board. (recommended)
2. Determine not to nominate to the Dog & Cat Management Board. (not recommended)

5. APPENDIX

Nil

**ADELAIDE HILLS COUNCIL
ORDINARY COUNCIL MEETING
Tuesday 14 December 2021
AGENDA BUSINESS ITEM**

Item: 12.5

Responsible Officer: Peter Bice
Director
Infrastructure & Operations

Subject: Amy Gillett Bikeway Status

For: Decision

Late report – to be supplied separately.

**ADELAIDE HILLS COUNCIL
ORDINARY COUNCIL MEETING
Tuesday 14 December 2021
AGENDA BUSINESS ITEM**

Item: 12.6

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
25/08/2020	Ordinary Council	165/20	Replacement LMA 3 & 5 Pomona Road Stirling	None declared
23/02/2021	Ordinary Council	28/21	Relief & Recovery Fund	None declared
27/07/2021	Ordinary Council	162/21	Bushfire Safer Places	None declared
24/08/2021	Ordinary Council	184/21	S41 Committee Independent Member Sitting Fees	None declared
23/11/2021	Ordinary Council	245/21	Community Development Grants 2021-2022	None declared
23/11/2021	Ordinary Council	255/21	CWMS Expansion Financial Impact Report	Material - Cr Herrmann Material - Cr Green Material - Cr Stratford
23/11/2021	Ordinary Council	258/21	Election of Deputy Mayor	Material - Cr Daniell
23/11/2021	Ordinary Council	260/21	Election of Audit Committee Presiding Member	Material - Cr Malcolm Herrmann
23/11/2021	Ordinary Council	262/21	Emergency Relief Fund	None declared
23/11/2021	Ordinary Council	263/21	Playford Trust Scholarship	None declared
23/11/2021	Ordinary Council	264/21	Southern & Hills Local Government Association Charter	Perceived - Mayor Jan-Claire Wisdom

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	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	<p>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.</p> <p>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.</p> <p>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</p> <p>October 21 - Matter discussed with Council's property Advisory Group and feedback provided to the State Dioceses for consideration</p> <p>November 21 - following additional communication with the State Diocese, the matter was again discussed with the Council's Property Advisory Group and feedback provided to the State Diocese</p>
26/04/2016	Ordinary Council	83/16	Croft & Harris Road Precinct, Lenswood	None declared	<p>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.</p> <p>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.</p>	Peter Bice	In Progress	Croft Road upgrade application for the Bushfire Recovery Grant Funding Program has been submitted and we are awaiting outcome.
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	<p>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.</p> <p>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).</p> <p>In the interim, consideration will be given to the granting of a right of way to ensure that the cemetery has legal access.</p> <p>DEW staff member dealing with this matter has left DEW so there may be an extended delay whilst it is reallocated and assessed.</p> <p>DEW awaiting finalisation of negotiations with Dept for Mining</p> <p>March 21 - Council staff have requested an update from DEW as to the status of this matter</p> <p>October 21 - Council staff continue to engage with DEW to seek a progression of the matter</p> <p>November 21 - no further update from DEW</p>
28/08/2018	Ordinary Council	200/18	Proposal to enter 11 AHC Reserves into Heritage Agreements 2018	None declared	<p>1. That the report be received and noted.</p> <p>2. That the Biodiversity Officer be authorised to enter: Doris Coulls Reserve, 152 Old Mt Barker Road, Aldgate Heathfield Waste Facility, 32 Scott Creed Road, Heathfield Kiley Reserve, 15 Kiley Road, Aldgate Shanks Reserve, 1 Shanks Road, Aldgate Stock Reserve, Stock Road, Mylor Leslie Creek Reserve, Leslie Creek Road, Mylor Mi Mi Reserve, 125 Aldgate Valley Road, Mylor Aldgate Valley 2 Reserve, 114 Aldgate Valley Road, Mylor Kyle Road Nature Reserve, Kyle Road, Mylor Carey Gully Water Reserve, Deviation Road, Carey Gully Heathfield Stone Reserve, 215 Longwood Road, Heathfield Mylor Parklands, Mylor</p> <p>all being of significant biodiversity value, into Heritage Agreements.</p> <p>3. That the Heritage Agreements retain the existing dog access arrangements in place for each of those reserves.</p>	Peter Bice	In Progress	<p>The Heritage Applications were phased over the years in order to be accommodated within available resourcing.</p> <p>Heritage Agreement have been registered over:</p> <p>Kiley Reserve</p> <p>Shanks Reserve</p> <p>Kyle Road Nature Reserve,</p> <p>Leslie Creek Reserve</p> <p>Aldgate Valley 2 Reserve</p> <p>Doris Coulls Reserve</p> <p>Mylor Parklands</p> <p>Heathfield Waste Facility</p> <p>Heritage Assessments scheduled for FY21/22:</p> <ul style="list-style-type: none"> Reserve 26 - "Stock Rd 1" Mi Mi Reserve Carey Gully Water Reserve Heathfield Stone Reserve <p>Heathfield Stone needs to be rededicated as a Conservation Reserve to be eligible for a Heritage Agreement. Forms received from DEW, to be filled out and lodged December 2021.</p>

Meeting Date	Meeting	Res No.	Item Name	Previously Declared COI	Action Required (Council Resolution)	Responsible Director	Status	Status (for Council reporting)
11/09/2018	Special Council	229/18	Road Exchange McBeath Drive, Skye Horsnell Gully	None declared	In accordance with sections 12 and 15 of the Roads (Opening and Closing) Act 1991, as regards the land within the Adelaide Hills Council area, enter into an Agreement for Exchange with Boral Resources (SA) Ltd and issue a Road Process Order to open as road portions of Section 906 Hundred of Adelaide numbered "1", "2" and "3" on Preliminary Plan No. 17/0066 (Appendix 1) and in exchange to close portions of McBeath Drive marked "A", "B", "C" and "D" on Preliminary Plan No. 17/0066, subject to the following: Boral Resources (SA) Ltd agreeing to pay all costs associated with the road exchange process including but not limited to all survey, valuation and reasonable legal costs; Boral Resources (SA) Ltd agreeing to pay all costs associated with a Council boundary adjustment between Adelaide Hills Council and the City of Burnside to rectify the resulting Council boundary anomaly from the road exchange process The closed road is excluded as Community Land pursuant to the Local Government Act 1999. Council approves the sale of the differential between the total area of closed road and the total area of opened road of approximately 1,242m ² 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)	Terry Crackett	In Progress	Road exchange documentation has been executed and provided to Boral for lodgement with the Surveyor-General. Submission has been prepared and lodged with the Boundaries Commission jointly on behalf of the City of Burnside and Adelaide Hills Council. The Boundaries Commission has agreed to investigate the proposal and that process is underway. Further feedback has been provided to the Boundaries Commission to progress. Boral are negotiating a Land Management Agreement with the State Government which has delayed the completion of the land division and road exchange Awaiting advice that land division has been completed so that the boundary realignment can occur November 21 - Boral have received final DA and lodgement of land division plan with Land Services SA is expected shortly, once the land division is finalised, the boundary realignment can proceed
11/09/2018	Special Council	232/18	Revocation of Community Land – Bridgewater Retirement Village	None declared	To commence a process to revoke the Community Land classification of the land located on the corner of Mt Barker Road and Second Avenue Bridgewater known as 511 Mt Barker Road Bridgewater contained in Certificate of Title Volume 5488 Folio 788 (Land) on which a portion of the Bridgewater Retirement Village is located by: Preparing a report as required under section 194(2)(a) of the Local Government Act 1999 and making it publicly available. Undertaking consultation in accordance with its Public Consultation Policy as required under section 194(2)(b) of the Local Government Act 1999. To commence a process to vary the charitable trust affecting the Land by investigating land parcels owned by the Adelaide Hills Council, including Carripook Park, Candlebark Reserve and Vincent Playground Reserve, that may be suitable for the development of a landscaped garden for the benefit of the community and for the construction of a memorial to the Ash Wednesday Bushfires of 1983 as contemplated by the charitable trust over the Land and invite community suggestions and feedback in relation to any appropriate land parcels. To approve a budget allocation in the amount of \$10,000 for legal expenses for the preparation of an Application to the Supreme Court to vary the charitable trust. That a further report be presented to Council for consideration after community consultation and further investigations have been completed	Terry Crackett	In Progress	Initial consultation to identify possible locations for the establishment of a garden and memorial concluded on 28 January 2019 with only one submission received being a suggestion from the Retirement Village residents to investigate Carripook Park as their preferred option. Council, at the meeting of 27 August 2019, approved Carripook Park as the location to vary the trust to. 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. November 21 - consultation has been undertaken and draft affidavit has been prepared for lodgement with the Supreme Court

Meeting Date	Meeting	Res No.	Item Name	Previously Declared COI	Action Required (Council Resolution)	Responsible Director	Status	Status (for Council reporting)
26/03/2019	Ordinary Council	77/19	Randell's Cottages, Beavis Court, Gumeracha	None declared	That, acknowledging that a land division in Watershed (Primary Production) is non-complying, an initial approach be made to the State Commission Assessment Panel to determine the possibility of a land division to create a separate allotment for the potentially local heritage listed building located at 1 Beavis Court, Gumeracha know as Randell's Cottages being supported. That subject to the response from the State Commission Assessment Panel, a Development Application be lodged for a non-complying land division. That, if a land division is not supported, an expression of interest (EOI) process be undertaken in respect of the local heritage listed building located at 1 Beavis Court, Gumeracha known as Randell's Cottages to determine any interest in restoring the building for tourism or other purpose (other than long term residential) under a long term lease arrangement. That the CEO be delegated to prepare the necessary documentation to undertake the EOI. That a report be presented to Council following the EOI detailing the results of that process and providing further options.	Terry Crackett	Not Started	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. August 21 - review currently underway by Plan SA
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.	Terry Crackett	In Progress	Works to the Heathfield High School site courts are well underway. Works to existing courts at Stonehenge Reserve are due to commence shortly.
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	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. Review of Library Services Strategy continues, with direct engagement with Friends groups occurring in November 2021. Mobile Library scoping continues, looking to go out to tender in early 2022. Awaiting endorsement of Strategic plan before progressing work on review of Monday opening hours.

Meeting Date	Meeting	Res No.	Item Name	Previously Declared COI	Action Required (Council Resolution)	Responsible Director	Status	Status (for Council reporting)
23/07/2019	Ordinary Council	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	Council is working with an electrical consultant to investigate the most efficient tariff structure associated with LED upgrades on Council owned infrastructure. Council is seeking quotes for Council owned lights in Aldgate, Summertown and Uraidla. The Public Lighting Working Group (including representatives from Local Government, DIT and SAPN) 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 and have nominated to join main street lighting working group.
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	Through collaboration with Council's Rural Land Management Advisory Group the rural land management education series titled "Adelaide Hills – A Shared Space" has been developed with all content finalised and ready for release. Discussions are currently being held with the Communications Team to schedule a launch date for the series. Unfortunately the previous mid-November launch could not be accommodated. It is now likely that the post xmas/new year period will be targetted, with engagement to continue periodically into the new year with ongoing reference to the series occuring via dedicated landing page on Council's website.
17/09/2019	Special Council	239/19	Circular Procurement Pilot Project	None declared	Council resolves:That the report be received and noted.To approve participation in the Circular Procurement Pilot Project.That the Chief Executive Officer be authorised to execute the Memorandum of Understanding as contained in Appendix 1 of this report.That the Council endorses, in principle, the following targets:subject to the procurement needs and requirements of Council in 2020/21 purchasing recycled plastic products or materials equivalent to 10% of the weight of plastic collected within the Council area, which is equivalent to approximately 25 tonnes based on 2017/18 data.subject to the procurement needs and requirements of Council, commencing in 2021/22 Council will incrementally increase its purchasing of recycled plastic products or materials thereafter until it is equivalent to 50% of the weight of plastic collected within the Council area, which is equivalent to 124 tonnes based on 2017/18 data.That a report be provided to Council in early 2021/22 providing an update on the Council's participation in the Circular Procurement Pilot Project for the period 2020/21.	Peter Bice	In Progress	<p>The Circular Procurement Project is now underway, and the Memorandum of Understanding has been executed.</p> <p>Amendments to Council's procurement processes 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	1. That the CEO investigates any circumstances where Council provides water to or receives water from a person/organisation. 2. Following the investigation, a report detailing, among other things, any contractual arrangements, costs, risks and liabilities, be provided to Council by 30 April 2020	Terry Crackett	In Progress	<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>August 21 - further investigation is being undertaken and report is deferred</p> <p>October 21 - advice to be sought from the Property Advisory Group in November and then report presented to Council</p> <p>November 21 - matter further discussed with Council's Property Advisory Group, report to be presented to Council in January</p>

Meeting Date	Meeting	Res No.	Item Name	Previously Declared COI	Action Required (Council Resolution)	Responsible Director	Status	Status (for Council reporting)
17/12/2019	Ordinary Council	314/19	Road Exchange Montacute Road Montacute	None declared	<ol style="list-style-type: none"> 1. That the report be received and noted 2. To execute under seal a Deed of Assignment of Rights to Occupation to bring land identified as proposed Allotment 11 in DP 72622 under the <i>Real Property Act 1886</i> 3. To, in conjunction with Giuseppe Meccariello, Filomena Sanche, Vincenzo Meccariello and Telstra Corporation Ltd, undertake the road widening process in accordance with the plan attached as Appendix 2, to vest allotments 12 and 14 as public road for nil consideration 4. The road to be closed as identified as "A" in Preliminary Plan 05/0056 be excluded as Community Land pursuant to the Local Government Act 1999 5. To authorise the Chief Executive Officer and Mayor to finalise and sign all documentation, including under seal if necessary, to give effect to this resolution. 	Terry Crackett	In Progress	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 Awaiting finalisation by the Surveyor-General
28/01/2020	Ordinary Council	11/20	Revocation of Community Land - Bridgewater Retirement Village	None declared	That the report be received and notedSubject 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	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 has been prepared, community consultation on the design is underway and submission for the Supreme Court is being prepared. November 21 - consultation has been undertaken, draft affidavit has been prepared for lodgement with the Supreme Court
28/07/2020	Ordinary Council	149/20	Road Widening Netherhill Road Kenton Valley	None declared	<ol style="list-style-type: none"> 1. That the report be received and noted 2. 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. 3. 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. 4. The road land being acquired to be excluded as Community Land pursuant to the <i>Local Government Act 1999</i>; and 5. That the Mayor and CEO be authorised to sign all necessary documentation, including affixing the common seal, to give effect to this resolution. 6. 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	<p>Progress has commenced in accordance with the resolution</p> <p>Awaiting completion of the process by the Surveyor and Land Services Group</p>

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25/08/2020	Ordinary Council	165/20	Replacement LMA 3 & 5 Pomona Road Stirling	None declared	<ol style="list-style-type: none"> 1. That the report be received and noted 2. 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 3. 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 4. 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) 5. 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 6. The costs associated with the preparation, review by Council's lawyers and registration of the new Land Management 	Marc Salver	Completed	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 applicant and applicant's lawyer, and LMA updating for PDI Act being undertaken. Signed LMA received for execution. 6/12/21 LMA signed by Mayor and CEO under the seal of Council and LMA being sent to Council's lawyers for registration.
22/09/2020	Ordinary Council	205/20	100 Old Mt Barker Road Stirling	Material - Cr Kiriilee Boyd	<ol style="list-style-type: none"> 1. That the report be received and noted 2. 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. 3. 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. 4. 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). 5. 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	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 October 21 - meeting held with occupiers of the site to discuss progression of works and leasehold arrangements including restrictions on use November 21 - works have commenced on site
15/12/2020	Ordinary Council	300/20	Road Exchange Pomona Road Stirling	None declared	<ol style="list-style-type: none"> 1. That the report be received and noted. 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. <p>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</p>	Terry Crackett	In Progress	Final Plans and Road Process Order documents have been executed by all parties. Awaiting on processing with the Surveyor- General and the Lands Titles Office
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	

Meeting Date	Meeting	Res No.	Item Name	Previously Declared COI	Action Required (Council Resolution)	Responsible Director	Status	Status (for Council reporting)
23/02/2021	Ordinary Council	28/21	Relief & Recovery Fund	None declared	<p>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.</p> <p>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.</p>	David Waters	Completed	A workshop on this topic was held on 9 November 2021. A report was subsequently considered at the November meeting, where Council resolved not to proceed with establishing an emergency relief fund.
23/03/2021	Ordinary Council	49/21	Local Heritage Grant Fund Project 2020 - 2021	Material - Cr Linda Green Perceived - Cr Leith Mudge	<p>1. That the report be received and noted</p> <p>2. 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 - \$2,500 Old Post Office, Crafers - \$1,417 Crataegus Cottage, Crafers - \$2,500 Circa 1850's Cottage, Mount George - \$2,500 Shop, Stirling - \$2,500 Stone Cottage, Stirling - \$2,500 Former Aldgate Valley Church of Christ, Aldgate - \$2,500 Cudlee Creek Uniting Church, Cudlee Creek - \$2,500</p> <p>3. To delegate to the Chief Executive Officer to determine whether any changes to grant recipient's proposed works maintain grant eligibility.</p>	Marc Salver	In Progress	Round 2 update: Currently three out of the eight applications have received grant funding following successful completion of the grant application process. One is still engaged in the Development Assessment process. One application has been withdrawn. Full completion of Round 2 (four remaining projects) is contingent on the individual property owners completing the works and informing Council and for this reason it is difficult to estimate a completion timeline. It is hoped that with more favourable weather in the coming months that works that had been delayed through the cooler months can now progress.
23/03/2021	Ordinary Council	52/21	Crown Land Revocation	None declared	<p>1. That the report be received and noted</p> <p>2. That the consultation report (<i>Appendix 1</i>) be received and noted</p> <p>3. To apply to the Minister for Planning to revoke the Community Land classification of the following parcels of land:-</p> <p>i. CR 5752/186, Lot 32 Fullgrave Road, Crafers</p> <p>ii. CR 5753/725, Section 1609 Illert Road, Mylor</p> <p>iii. CR 5753/729, Section 1657 Scott Creek Road, Scott Creek</p> <p>iv. CR 5753/741, Sections 53 and 54 Sandy Waterhole Road, Woodside</p> <p>v. CR 5753/742, Section 547 Schuberts Road, Lobethal</p> <p>vi. CR 5753/744, Section 553 Pedare Park Road, Woodside</p> <p>vii. CR 5753/745, Section 556 Tiers Road, Woodside</p> <p>viii. CR 5753/746, Section 565 Old Carey Gully Road, Stirling</p> <p>ix. CR 5753/754, Section 511 North East Road, Inglewood</p> <p>x. CR 5753/758, Section 262 Reserve Road, Forrestone</p> <p>xi. CR 5763/631, Section 1591 Silver Road, Bridgewater</p> <p>xii. CR 5763/634, Section 71 Magarey Road, Mount Torrens</p> <p>xiii. CR 5763/635, Section 72 Magarey Road, Mount Torrens</p> <p>xiv. CR 5763/636, Section 84 Forrestone Road, Forrestone</p> <p>xv. CR 6142/329, Lot 501 Greenhill Road, Balhannah</p> <p>xvi. CR 5926/487, Lot 20 Bell Springs Road Charleston (for rededication to the Department of Environment & Water)</p> <p>xvii. CR 5753/718, Section 1544 Reserve Terrace Aldgate (for rededication to Meals on Wheels)</p> <p>xviii. CR 5753/753, Section 495 off Kersbrook Road Kersbrook (for</p>	Terry Crackett	In Progress	Being progressed in accordance with resolution. November 21 - awaiting feedback from the Minister for Planning on final application for revocation
27/04/2021	Ordinary Council	70/21	Green Organic Service Options	None declared	<p>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.</p>	Peter Bice	In Progress	<p>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.</p> <p>No progress to occur on this action until development of the 2022/23 budget.</p>

Meeting Date	Meeting	Res No.	Item Name	Previously Declared COI	Action Required (Council Resolution)	Responsible Director	Status	Status (for Council 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	Scoping complete and three potential vehicles identified, staff assessing interior fit out and disability access options. Tenders planned to be called in early 2022.
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 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> .	Terry Crackett	In Progress	Framework consultation with stakeholders and the general community commenced in August 2021, and have now been extended until the 19th November. Consultation findings will be provided to Council in December. Financial implications will be considered at upcoming workshops, and a final draft for endorsement due in mid-2022.
22/06/2021	Ordinary Council	146/21	Event Opportunity - SANTOS TDU 2022	None declared	Refer to Confidential Minute	David Waters	In Progress	The Santos Tour Down Under has been replaced with a domestic event in 2022 however 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	In Progress	
27/07/2021	Ordinary Council	152/21	Assistance to Vulnerable Residents on Catastrophic Fire Days	None declared	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 and Extreme fire danger days. The investigation includes (but is not limited to) an exploration of options to provide transportation of vulnerable residents to areas designated as Bushfire Safer Places, the establishment of shelters for vulnerable people in nearby Bushfire Safer Places, Federal, State and NGO partnerships (e.g. LGA, Red Cross), funding sources and grants that could be applied to a program of this nature, and Development of a communication campaign to allow people in the Council district to determine where their nearest Bushfire Safer Places and Places of Last Resort are located and what services (both government and non-government) will be available to them in these locations on different levels of fire danger day. 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.	Peter Bice	In Progress	Investigation into assisting vulnerable residents on catastrophic fire danger days has commenced. Investigation continues in preparedness for report to Council in December 2021. Following cancellation of 19 October workshop due to CFS scheduling the workshop was held 16 November 2021 and Council report moved to 14 December Ordinary Council meeting.

Meeting Date	Meeting	Res No.	Item Name	Previously Declared COI	Action Required (Council Resolution)	Responsible Director	Status	Status (for Council reporting)
27/07/2021	Ordinary Council	154/21	AH Reconciliation Working Group Terms of Reference & Membership	None declared	<ol style="list-style-type: none"> the report be received and noted. Council adopts the changes to the Terms of Reference of the Adelaide Hills Reconciliation Working Group as proposed in <i>Appendix 1</i> with a review to take place in two years. Council authorises 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. in conjunction with the Mount Barker District Council, to commence the Adelaide Hills Reconciliation Working Group Community Member Expression of Interest process and appoints Cr Kirrilee Boyd to the selection panel with Cr Ian Bailey as proxy member. 	David Waters	In Progress	Expressions of interest have been called and are now closed, with the selection process in progress.
27/07/2021	Ordinary Council	158/21	Revocation of Community Land Classification - Closed Roads R2142AA & R1573AB	Perceived - Cr Linda Green	<ol style="list-style-type: none"> That the report be received and noted 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 <i>Local Government Act 1999</i> with the intention of selling the Closed Road to the adjoining owners. 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 <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	Commenced in accordance with the resolution
27/07/2021	Ordinary Council	162/21	Bushfire Safer Places	None declared	<p>That the CEO writes to the SA Country Fire Service (CFS) requesting:</p> <ol style="list-style-type: none"> the specific criteria for Bushfire Safer Place designation and specifically how the designated Bushfire Safer Places in the AHC district meet these criteria. what measures the CFS take to ensure safety of Bushfire Safer Places outside their normal emergency practice in the event of a bushfire Adelaide Hills Council be invited to participate in the proposed audit of Bushfire Safer Places and partner in communicating safe community practice on catastrophic and extreme fire days. the Chief Officer of the CFS be invited to attend a Council workshop prior to the commencement of the 2021/22 bushfire season. 	Peter Bice	Completed	<p>Initial contact made with CFS to progress resolution.</p> <p>Council Member workshop date currently being determined with CFS.</p> <p>Workshop with CFS and Council Members planned for 19 October 2021.</p> <p>Following cancellation of 19 October workshop due to CFS scheduling change workshop rescheduled to 16 November 2021.</p> <p>Council member workshop held 16 November 2021 and correspondence as required by the resolution sent to CFS.</p>
27/07/2021	Ordinary Council	167/21	46 Mt Barker Road Stirling - Old Stirling Police Station	Material - Cr Mark Osterstock	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.	Terry Crackett	In Progress	Minutes have been released from confidentiality.
4/08/2021	Ordinary Council	169/21	MON Natural Burials	None declared	That the CEO provides a report to Council by 30 June 2022, outlining a policy and/or procedures by which Council can effectively manage natural burials in council cemeteries, such a report to include suitable locations and indicative costs.	Terry Crackett	In Progress	Preliminary planning underway for return to Council with report by 30 June 2022.

Meeting Date	Meeting	Res No.	Item Name	Previously Declared COI	Action Required (Council Resolution)	Responsible Director	Status	Status (for Council reporting)
24/08/2021	Ordinary Council	170/21	Road Exchange Aldi Deveopment Pomona Road Stirling	None declared	That the report be received and notedIn 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 3-5 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 21/0011 and in exchange to close a portion of Pomona Road as identified on the Preliminary Plan No 21/0011 as "Public Road A", subject to the owner of the land at 3-5 Pomona Road Stirling and Council agreeing to share all costs associated with the road exchange process including but not limited to all survey, valuation and reasonable legal costs.The closed road be excluded as Community Land pursuant to the <i>Local Government Act 1999</i> .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	Commenced in accordance with resolution Awaiting Road Process Documents for Council execution from the Surveyor
24/08/2021	Ordinary Council	173/21	Closed Road Upper Hermitage Community Revocation Consultation Outcome	None declared	1. That the report be received and noted. 2. To cease the revocation of community land process for the land described as "A" in Road Plan No. 855 ("Closed Road"). 3. To retain the Closed Road on the Council's <i>Community Land Register</i> and undertake a community consultation process to adopt a <i>Community Land Management Plan</i> for the Closed Road as a Conservation Reserve.	Terry Crackett	In Progress	Commenced in accordance with resolution, consultation for the inclusion into the Community Land Management Plan will be undertaken inconjunction with the next round of consultation for updates to the Community Land Management Plan later this year
24/08/2021	Ordinary Council	174/21	Policy for Community Consultation - Memorials Policy	None declared	That the report be received and noted To approve the draft Memorials Policy as contained in Appendix 1 for community consultation. That the CEO be authorised to determine the consultation timings, media and processes while ensuring consistency and compliance with the provisions of applicable legislation and Council's Public Consultation Policy.	Terry Crackett	In Progress	Community Consultation has been undertaken. Further advice will be sought from the Cemetery Advisory Group in November prior to being presented to Council. November 21 - advice sought from Council's Cemetery Advisory Group and report being presented to Council at the November meeting.
24/08/2021	Ordinary Council	175/21	Policy Review - Cemetery Operating Policy	None declared	1. That the report be received and noted 2. With an effective date of 7 September 2021, to revoke the 22 June 2021 <i>Cemetery Operating Policy</i> and to adopt the revised 24 August 2021 <i>Cemetery Operating Policy</i> in Appendix 1. 3. That Section 4.13 – Tributes and Section 7 - Memorials be retained in the <i>Cemetery Operating Policy</i> until such time as a <i>Memorials Policy</i> is adopted. 4. That the CEO be given delegation to remove Section 4.13 – Tributes and Section 7 - Memorials from the <i>Cemetery Operating Policy</i> after a <i>Memorials Policy</i> is adopted. 5. That the Chief Executive Officer be authorised to make any formatting, nomenclature or other minor changes to the 24 August 2021 <i>Cemetery Operating Policy</i> prior to the effective date.	Terry Crackett	In Progress	Updated policy provided to Governance for uploading to website. Action to remain 'in progress' until Sections 4.13 and 7 are removed after Memorials policy has undertaken community consultation and been subsequently adopted by Council.

Meeting Date	Meeting	Res No.	Item Name	Previously Declared COI	Action Required (Council Resolution)	Responsible Director	Status	Status (for Council reporting)
24/08/2021	Ordinary Council	178/21	Operational Workplace Review	None declared	1. That the report be received and noted 2. That Council take up commercial lease space in Stirling at 85 Mount Barker Road Stirling, and the associated costs for the leasehold premises detailed in <i>Appendix 1</i> be adjusted in the 2021-22 financial year at Budget Review 1 3. Further detailed scoping be undertaken on the proposed renewal and energy efficiency upgrades to the Stirling Office, Heathfield Depot, Gumeracha Depot and Woodside Offices (current Development and Building Team offices) and presented to Council for consideration where appropriate within the 2021-22 Budget Review 1 and the next review of the Long Term Financial Plan 4. Subject to endorsement of the detailed scoping identified in 3 above, the Development and Building Team be relocated from Woodside to Stirling 5. To include budget provision in the draft Annual Business Plan for the 2022-23 financial year to undertake a feasibility study on the medium to long term needs for community and operational sites and where greater efficiencies may be obtained through consolidation of sites.	Terry Crackett	In Progress	Commenced in accordance with resolution
24/08/2021	Ordinary Council	183/21	Audit Committee Membership Independent Members	None declared	That the report be received and noted To undertake a recruitment process for the selection of two Independent Ordinary Members for the Audit Committee for a term commencing 1 December 2021 and concluding 30 November 2023 (inclusive).To appoint Cr Malcolm Herrmann, Cr Leith Mudge and the CEO (or delegate) as members of the Audit Committee Independent Member Selection Panel.	Andrew Aitken	In Progress	The Selection Panel met on 16/11 to finalise the shortlist. Interviews were conducted in the w/b 22/11 and a report prepared for the December 2021 Council meeting.
24/08/2021	Ordinary Council	184/21	S41 Committeee Independent Member Sitting Fees	None declared	That the report be received and noted That in relation to the Audit Committee and the Chief Executive Officer Performance Review Panel:To determine the sitting fees for Members, effective 1 December 2021, as follows:Independent Presiding Member - \$575 (excl GST) per attended meeting.Independent Ordinary Member - \$450 (excl GST) per attended meeting.Authorised Training - \$75 (excl GST) per hour of training attended excluding travel time but with a travel allowance being paid at the standard Council rate.That in the event that an Independent Ordinary Member is required to preside at a meeting in the absence of the Presiding Member, then that Member receives the \$575 (excl GST) sitting fee for that meeting.	Andrew Aitken	Completed	New sitting fees came into effect on 1 December 2021.
24/08/2021	Ordinary Council	185/21	Delegations Review August 2021	None declared	Refer to minutes	Andrew Aitken	In Progress	Delegations loaded onto Council website, separate instrument of delegation being prepared for staff. 30 Nov 2021 - Instruments for staff are progressing and is likely to occur over numerous weeks.
28/09/2021	Ordinary Council	202/21	MON - Community Project Update	None declared	That Council establishes additional, more accessible and visible reporting mechanisms to provide information on the progress of significant projects across the district for the community and associated sporting clubs and associations. This could include more detailed information on key milestones and target dates and would be made available on the Adelaide Hills Council website for easy accessibility. This information would be updated on at least a quarterly basis.	Andrew Aitken	In Progress	Augmented Community Project Updates will commence with the Q2 2021-22 reporting (i.e. January 2022).
28/09/2021	Ordinary Council	203/21	Formal Motion - Woodside Recreation Ground Reuse Proposal	Actual - Cr Andrew Stratford	That the question be adjourned - on Item 12.1 Woodside Recreation Ground Reuse Proposal Environmental and Economic Analysis to the 14 December 2021 Council meeting to provide the opportunity for the CEO to attempt to renegotiate the government's contribution towards the capital cost of the project, an increase in the discounted price of the recycled water.	Peter Bice	In Progress	Further information has been obtained from SA Water and the WRG committee as required by the Formal Motion. Council is still waiting on information from the Department of Treasury and Finance. A Council report will be presented on Tuesday 14 December 2021.

Meeting Date	Meeting	Res No.	Item Name	Previously Declared COI	Action Required (Council Resolution)	Responsible Director	Status	Status (for Council reporting)
28/09/2021	Ordinary Council	205/21	Roadside Trading Policy for Community Consultation	Actual - Cr Kirilee Boyd	1. That the report be received and noted. 2. To approve the draft <i>Roadside Trading (Use of Public Road Verges for Business Purposes) Policy</i> as contained in <i>Appendix 1</i> for community consultation. 3. That a further report be presented to Council for consideration following completion of the community consultation	Terry Crackett	In Progress	Consultation plan being developed. Consultation outcomes and proposed policy position will be presented to Council at a workshop in February prior to being presented to Council for a decision.
28/09/2021	Ordinary Council	214/21	MWN - Woodside Recreation Ground Reuse Proposal	None declared	In reference to item 12.1, Woodside Recreation Ground Reuse Proposal Environmental and Economic Analysis, the CEO undertake consultation with the Woodside Recreation Ground Management Committee regarding water charges should recycled water be used and this information be incorporated into that report.	Peter Bice	In Progress	Consultation with members of the Woodside Recreation Ground Management Committee has been undertaken including meetings, phone conversations and emails. The next planned meeting of the Committee is on Thursday 9 December 2021. The Manager Sustainability, Waste and Emergency Management and the Sustainability Coordinator will attend. A Council report will be presented on Tuesday 14 December 2021.
28/09/2021	Ordinary Council	198/21	Traffic Speed Review Woolcock Road Longwood	None declared	That the petition signed by 19 signatories, requesting a speed and traffic review of Woolcock Road Longwood with a reduction of speed to 60kph, be received and noted. That the CEO advise the principal signatory of the Council's noting of the petition and of any resolutions relating to the matter.	Peter Bice	In Progress	Letter sent to Petitioner advising of Council resolution. The Department for Infrastructure and Transport recently rejected a submission from Council to reduce the speed limit on Red Hill Rd, which is a comparable road to Woolcock Rd. Based on advice from DIT, we need to amend our speed limit review methodology to be more in line with the Speed Limit Guidelines or South Australia. This will take some time to do, which has delayed the review of Woolcock Rd. I believe that it is unlikely that will have completed our review of Woolcock Rd before the end of the year.
26/10/2021	Ordinary Council	220/21	Charleston Cemetery Compulsory Acquisition	None declared	1. That the report be received and noted. 2. To revoke the resolution of Council of 22 May 2001, B129. 3. To commence a process to compulsorily acquire, under the <i>Land Acquisition Act 1969</i> , the Charleston Cemetery being the land contained in Certificate of Title Volume 5066 Folio 740 located at 36 Newman Road Charleston from The Charleston Cemetery Trust Inc. To continue to manage the Charleston Cemetery on behalf of The Charleston Cemetery Trust Inc in the interim from the date of this resolution until the completion of the land acquisition process. To authorise the Mayor and Chief Executive Officer to undertake all necessary actions, including execution of documents, including under the common seal of Council, to give effect to this resolution.	Terry Crackett	In Progress	Commenced in accordance with the resolution. November 21 - letter seeking consent to undertake the compulsory acquisition has been sent to the Minister
26/10/2021	Ordinary Council	221/21	Single Use Plastic MON Response	None declared	That the report be received and noted. That the actions outlined in this report are implemented.	Peter Bice	In Progress	The Sustainability, Waste and Emergency Management team have met and prepared an action plan which identifies responsibility for the actions. Initial discussions have been held with responsible officers.
26/10/2021	Ordinary Council	224/21	S221 Permit Redden Drive Cudlee Creek CFS Water Storage Tank	None declared	1. That the report be received and noted. 2. To issue an exclusive road rent permit under section 221 of the <i>Local Government Act 1999</i> for a term of thirty (30) years to the SA Country Fire Service for the purpose of installation of a water storage tank for the provision of water for fire fighting purposes. 3. Authorise the Chief Executive to finalise and sign all necessary documentation pursuant to give effect to this resolution.	Terry Crackett	In Progress	Commenced in accordance with Council Resolution. Permit Documents have been sent to the CFS for execution.
26/10/2021	Ordinary Council	235/21	Ashton Landfill - Confidential Item	None declared	As per Confidential minute	Peter Bice	In Progress	Matter continues to be progressed. Further updates will be provided when a material change occurs.
26/10/2021	Ordinary Council	238/21	Electricity Procurement Legal Matter - Confidential Item	None declared	As per confidential minute	Peter Bice	In Progress	
23/11/2021	Ordinary Council	244/21	Cromer Cemetery Legal Access	None declared	That the CEO writes to the Minister for the Environment and Water requesting that the Department of the Environment and Water expedite a reply to Council in regard to legal access to the Cromer Cemetery.	Terry Crackett	Not Started	
23/11/2021	Ordinary Council	245/21	Community Development Grants 2021-2022	None declared	1. That the report be received and noted 2. That Council approves the awarding of Community Development Grants for 2021-2022 totalling \$42,460.45 as follows see Council Minute	David Waters	Completed	Grants have been announced and recipients advised.
23/11/2021	Ordinary Council	246/21	Community & Recreation Facility Grants 2021-2022 – Piccadilly Valley Community Recreation Centre	Material - Cr Ian Bailey	That the report be received and noted. That Council approves the awarding of a Community Recreation and Facility Grants to Piccadilly Valley Community Recreation Centre Supply & installation of rainwater tank \$2,543	Terry Crackett	Not Started	

Meeting Date	Meeting	Res No.	Item Name	Previously Declared COI	Action Required (Council Resolution)	Responsible Director	Status	Status (for Council reporting)
23/11/2021	Ordinary Council	247/21	Community & Recreation Facility Grants 2021-2022	None declared	That Council approves the awarding of Community Recreation and Facility Grants for 2021-2022 totalling \$97,119 as follows: Lobethal Cricket Club Community kitchen & storage shed \$6,500 Woodside Warriors Soccer Club Replacing an ageing & damaged fence \$4,000 Oakbank Bowling Club Partial re-roof of Clubrooms \$8,000 Stirling Districts Football Club Boundary netting \$7,000 Ashton Community & Sports Association Plumb downpipes into tank & clubroom toilet upgrade \$9,130 Bridgewater Hall Energy efficiency project \$7,000 Aldgate Cricket Club Aldgate Oval Facility Planning \$11,000 Adelaide Hills Hawks Football Club Repair and upgrade of staircase to pitch \$5,500 Lenswood Memorial Park Hall / Clubroom air-conditioning \$9,990 Cherryville Residents Association Community Centre kitchen upgrade \$9,499 Birdwood Football & Netball Club Netball Change Room upgrade \$19,500	Terry Crackett	Not Started	
23/11/2021	Ordinary Council	248/21	12.3 Memorials Policy - Community Engagement Outcomes and Adoption of Policy	None declared	That the report be received and noted. With an effective date of 7 December 2021, to adopt the 23 November 2021 draft <i>Memorials within Council Cemeteries Policy</i> as contained in <i>Appendix 2</i> with the removal of clause 5.14.11.3. That the Chief Executive Officer be authorised to make any formatting, nomenclature or other minor changes to the 23 November 2021 draft <i>Memorials within Council Cemeteries Policy</i> prior to the effective date	Terry Crackett	Not Started	
23/11/2021	Ordinary Council	250/21	Road Acquisition - Portion of Teringie Drive Teringie	None declared	1. That the report be received and noted. 2. To purchase Allotment 592 in Deposited Plan No. 127876 (<i>Appendix 3</i>) being an area of land totalling 7sqm identified in red on the Certificate of Title attached as <i>Appendix 2</i> ("Land") from the land owner at 59 Teringie Drive, Teringie, for the purchase price of \$1,000 (excl GST) plus all reasonable costs to vest the Land as public road. 3. The Land being purchased to be excluded as Community Land pursuant to the <i>Local Government Act 1999</i> ; and 4. That the CEO be authorised to sign all necessary documentation to give effect to this resolution	Terry Crackett	Not Started	
23/11/2021	Ordinary Council	252/21	CWMS Fee Adjustment	Material - Cr Malcolm Herrmann Material - Cr Linda Green Material - Cr Andrew Stratford	That the report be received and noted That it provides an efficiency dividend in total of \$143,880 to Community Waste Management Scheme (CWMS) Customers at \$71 per occupied property unit and \$35 per vacant property unit. 3. That the CEO be authorised to distribute the dividend to customers via the most effective and efficient administration process, that being a credit to the rate notice in Quarter 3	Peter Bice	In Progress	Letter drafted to LGA CWMS Subsidy Management Committee
23/11/2021	Ordinary Council	253/21	Draft 2020 - 2021 Annual Report	None declared	That the report be received and noted. The 2020-21 Annual Report, as contained in <i>Appendix 1</i> , be adopted. 3. That the Chief Executive Officer be authorised to make minor content, formatting or design changes necessary for publication purposes	Terry Crackett	Not Started	
23/11/2021	Ordinary Council	254/21	2021-22 Budget Review 1	None declared	That the report be received and noted. To adopt the proposed budget adjustments presented in the 2021-22 Budget Review 1 which results in: An increase in the Operating Surplus from \$957k to \$1.115m for the 2021-22 financial year. Changes to Capital Works, reducing capital income by \$259k and increasing capital expenditure by \$757k for the 2021-22 financial year resulting in a revised capital expenditure budget for 2021-22 of \$27.236m. 3. An increase in Council's current Net Borrowing Result from \$6.460m to \$7.348m for the 2021-22 financial year as a result of the proposed operating and capital adjustments	Terry Crackett	Not Started	
23/11/2021	Ordinary Council	255/21	CWMS Expansion Financial Impact Report	Material - Cr Herrmann Material - Cr Green Material - Cr Stratford	That the report be received and noted That Council withdraws from the current LGA CWMS Subsidy Scheme Program	Peter Bice	Completed	

Meeting Date	Meeting	Res No.	Item Name	Previously Declared COI	Action Required (Council Resolution)	Responsible Director	Status	Status (for Council reporting)
23/11/2021	Ordinary Council	258/21	Election of Deputy Mayor	Material - Cr Daniell	To appoint Cr Nathan Daniell to the position of Deputy Mayor to commence 27 November 2021 until the conclusion of the current Council term.	Andrew Aitken	Completed	Resolution contained in meeting minutes.
23/11/2021	Ordinary Council	260/21	Election of Audit Committee Presiding Member	Material - Cr Malcolm Herrmann	To appoint Cr Malcolm Herrmann to the position of Audit Committee Presiding Member to commence 27 November 2021 until the conclusion of the Council term in November 2022.	Andrew Aitken	Completed	Resolution contained in meeting minutes.
23/11/2021	Ordinary Council	262/21	Emergency Relief Fund	None declared	That the report be received and noted. That having considered the potential benefits to the community against the administrative impacts and potential detriment to other funds, the Council does not move to establish an emergency relief fund at this time.3. That in the event of a disaster, the Council actively promotes and supports appeals for other disaster relief funds which will provide support to impacted people and communities in the district	David Waters	Completed	Self-fulfilling resolution which requires no follow up action.
23/11/2021	Ordinary Council	263/21	Playford Trust Scholarship	None declared	That the report be received and noted. 2. That the Mayor write to the Playford Trust, thanking the Trust for past opportunities and advising that the Council does not wish to fund a Playford Trust scholarship in 2022	David Waters	Completed	The Trust was advised both verbally and in writing (as per the resolution) of the Council's decision.
23/11/2021	Ordinary Council	264/21	Southern & Hills Local Government Association Charter	Perceived - Mayor Jan-Claire Wisdom	1.That the report be received and noted. 2.That the Southern & Hills Local Government Association's approval of the revised draft Charter be noted. 3.That the amended draft Charter, as contained in Appendix 2, be approved	Andrew Aitken	Completed	S&HLGA Executive Officer advised of resolution.

**ADELAIDE HILLS COUNCIL
ORDINARY COUNCIL MEETING
Tuesday 14 December 2021
AGENDA BUSINESS ITEM**

Item: 13.1

Responsible Officer: Renee O'Connor
Coordinator Sport & Recreation
Corporate Services

Subject: Mylor Oval Projects – Consultation Update

For: Information

SUMMARY

In response to information provided by the community through consultation in 2020, it was recommended that a bike track be constructed at Sherry Park, Mylor. Subsequently, funding was sought via the Local Roads and Community Infrastructure Program (LRCIP) to undertake these works.

Mylor Oval Management Incorporated (MOMI) committee representatives, local bike riders and other community members presented differing opinions about the bike track's scope and size to Council via various deputations and public forum opportunities at its November 2021 meeting.

Following the November Council meeting, the Administration met with stakeholders from the MOMI, the English Ale Event, bike riders and their families. The meeting provided an opportunity for each group to outline their current thoughts and position, and what their 'non-negotiables' included.

Each stakeholder group has now provided 'in principle' support to progress altered plans for the bike track.

Changes to the location and design of the bike track will impact on the total cost of delivering this project. Following finalisation of plans and associated costings, it is proposed to allocate top-up funds from round three of the LRCIP to enable completion.

RECOMMENDATION

Council resolves:

- 1. 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 1	A functional built environment
Objective B1	Our district is easily accessible for community, our businesses and visitors
Priority B1.1	Increase accessibility to our district through the development and delivery of high priority trails and routes for all cyclists (on-road, off road, commuters, recreational) and pedestrians
Objective B4	Sustainable management of our built assets ensures a safe, functional and well serviced community
Priority B4.1	Ensure the long term management of the built form and public spaces occurs in consideration of the relevant financial, social and environmental management matters
Goal 2	Community Wellbeing
Objective C2	A connected, engaged and supported community
Priority C2.3	Facilitate opportunities for our youth to develop skills, build resilience and be actively involved in and connected to their community.
Objective C4	An active, healthy, thriving and resilient community
Priority C4.2	Support the provision of formal and informal sport, recreation and play spaces for the community to enjoy
Goal 4	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

This report and its outcomes also have linkages to *Council's Sport & Recreation Strategy 2017 – 2021*.

➤ Legal Implications

The Mylor Oval parcel of land is Crown Land, dedicated for Recreation Purposes in 1903 and is under Council's care and control. The adjoining Sherry Park is owned by Council. Both sites are leased to MOMI.

The lease of Mylor Oval and Sherry Park expired in 2013 and has been in holding over since then. As lessee, MOMI has exclusive use and occupation of the site and are entitled to “quiet enjoyment” under the lease, i.e. with no interference from Council. However, the lease refers to Council’s obligations of maintaining public toilets on the site and a playground at Sherry Park. In addition, Council staff undertake mowing at Sherry Park and the outskirts of the Mylor Oval, which sits outside the terms of the lease.

The Council cannot undertake works on the land leased to MOMI without the prior consent of MOMI. At this time, consent has not been granted by MOMI.

Like several other parcels of land used by sporting clubs, Mylor Oval and Sherry Park are listed under the ‘Multiple Purpose Sites’ section of Adelaide Hills Council’s *Community Land Register*. The *Community Land Management Plan* for Mylor Oval and Sherry Park indicates that Sherry Park should be used for ‘Informal Recreation’. The Plan states:

“Informal Recreation

Wide range of informal open space sites with varying levels of development and use. May incorporate facilities for non-structured activities such as playgrounds, walking tracks, and picnic facilities.

Many reserves in this category are essentially open space with a medium level of maintenance.

Leases will not normally be appropriate for land in this category as they would prevent the land from being used for informal recreation.

Licences or management agreements that permit continued public access may be appropriate in some circumstances.”

➤ **Risk Management Implications**

Considering the consultation data collected, and continuing to progress projects as planned will assist in mitigating the risk of negative public reaction.

Inherent Risk	Residual Risk	Target Risk
Extreme (4A)	High (3B)	Medium

Progressing projects as planned will assist in mitigating the risk of losing available grant funding.

Inherent Risk	Residual Risk	Target Risk
Extreme (4A)	High (3B)	Medium

Progressing projects as planned will assist in mitigating the risk of losing engaged contractor and timely project delivery.

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

➤ **Financial and Resource Implications**

Council has allocated (via the LRCI Program) \$50,000 towards the development of a bike track in Mylor. These funds are to be fully expended by 30 June 2022, with no extensions possible.

Council has allocated (via the Sport & Recreation capital budget) \$110,000 towards the development of the Cricket Nets for Mylor Oval.

Maintenance of the aforementioned projects will be considered and any additional funds required will be incorporated in recurrent operating budgets.

Changes to the location and design of the bike track will impact on the total cost of delivering this project. Following finalisation of plans and associated costings, it is proposed to allocate top-up funds from round three of the Local Roads and Community Infrastructure Program to enable completion. It is estimated that the additional cost would be approximately \$30-\$40k.

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

Council acknowledges the significance of the Mylor Oval to the community, and understands that keeping the oval and adjoining park accessible and aesthetically pleasing is a high priority. In addition, Council also understands that recreation and sport, (including things like cricket nets, football goals, bike tracks & playgrounds) provide an important function and deliver on community expectation at an oval site. Striking a balance between these priorities can be a challenge, but is certainly achievable.

Differing opinions between the various stakeholder groups involved in this project have caused some tension. Council staff are working with, and will continue to work with, these groups to reach a compromised position that meets all needs as practicably as possible and allows all projects to progress.

➤ **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

External Agencies: Destination Trails

Community: Mylor Oval Committee
Mylor Cricket Club
Mylor bike riders & their families
English Ale event representatives

2. BACKGROUND

In response to information provided by the community through consultation in 2020, it was recommended that a bike track be constructed at Sherry Park, Mylor. Subsequently, funding was sought via the Local Roads and Community infrastructure Program (LRCIP) to undertake these works.

In October 2021, following the finalisation of consultation and prior to commencement of works, MOMI raised concerns in relation to the scope of the bike track and removal of a poplar tree. Committee representatives and local bike riders presented to Council via various deputations and public forum opportunities at its November 2021 meeting.

At its meeting in November 2021, Council resolved the following:

**Moved Cr Nathan Daniell
S/- Cr Malcolm Herrmann**

243/21

- 1. That Council endorse and support the Administration to continue working with all key stakeholders to identify the preferred option for the Mylor Bike Track and Cricket Nets project which is broadly supported by the community.**
- 2. That a report be provided to the December 2021 Ordinary Council meeting with information on the outcomes of the consultation.**

Carried Unanimously

3. ANALYSIS

In the week following the November Council Meeting, the Administration facilitated numerous phone and email conversations and several site visits to the Mylor Oval and Sherry Park site. Ideas, plans and compromised positions were discussed. Dimensions of the bike track and space required for the English Ale event were marked on the Sherry Park site for the various stakeholder groups to view and discuss.

On Thursday 2 December, the Administration met with stakeholders from MOMI, the English Ale Event, bike riders and their families. The meeting provided an opportunity for each group to outline their current thoughts and position, and what their 'non-negotiables' included.

At this point in time, each stakeholder group has provided 'in principle' support to the following:

- Sufficient space for the English Ale and other events to be made available behind the play space
- A slightly reduced size bike track to be placed from approximately 70 metres from the Strathalbyn Road boundary of the Sherry Park land parcel, extending to the willows next to the creek.
- Removal of some willows and weedy vegetation to facilitate sufficient space for the bike track.

Before this plan is finalised and implemented by contractors, the following will need to occur:

- An on-site review and approval of the bike track dimensions by contractors.
- Advice and relevant approval from Council Biodiversity staff and any other relevant bodies.
- Minuted Committee meeting motion from the Mylor Oval Committee, providing approval for the plans and associated works.

Once plans for the bike track are confirmed, Council's Administration will recommence discussions with MOMI and the Mylor Cricket Club regarding a new location for the cricket nets. Council Administration has been corresponding with representatives from the Cricket Club Committee about the project and will continue to do so until works commence.

As previously indicated changes to the location and design of the bike track will impact on the total cost of delivering this project. Following finalisation of plans and associated costings, it is proposed to allocate top up funds from round three of the Local Roads and Community Infrastructure Program to enable completion.

4. OPTIONS

Council has the following options:

- I. That the report is received and noted. (Recommended)

5. APPENDIX

Nil

**ADELAIDE HILLS COUNCIL
ORDINARY COUNCIL MEETING
Tuesday 14 December 2021
AGENDA BUSINESS ITEM**

Item: 17.3.1

Responsible Officer: Lachlan Miller
Executive Manager
Governance & Performance

Subject: CEO PRP Presiding Member's Report 2021

For: Information

REPORT TO THE ADELAIDE HILLS COUNCIL ON THE OPERATIONS OF THE CHIEF EXECUTIVE OFFICER PERFORMANCE REVIEW PANEL DURING 2021

INTRODUCTION

As outlined in Clause 8.1.2 of the Terms of Reference for the CEO Performance Review Panel (Panel), the Presiding Member will attend a meeting of the Council at least once per annum to present a report on the activities of the Panel. This report provides an overview of the Panel's operations for the 2021 calendar year.

This report includes:

- A summary of the work the Panel performed during the year aligned to the Panel's Terms of Reference; and
- Details of meetings, including the number of meetings held during the period, and the number of meetings attended by each member.

The report is intended to invite comment from the Council on all of the above.

SUMMARY OF WORK PERFORMED AGAINST THE TERMS OF REFERENCE

For 2021, as in previous years, the Panel has undertaken its activities over the course of five (5) formal Panel meetings and a number of informal gatherings (workshops) to fulfil its role to the Council of providing advice to Council on matters relating to the performance and development of the CEO.

The following sections of this report provide a brief summary of the work undertaken by the specific function of the Panel as set out in the Terms of Reference.

Determining the Performance Targets for the forthcoming 12 month performance period

The Employment Agreement between the Council and the CEO provides for an annual performance review process which will include a review of any key performance indicators set by the Council.

To this end one of the roles of the Panel is, in conjunction with the CEO, to determine a series of performance targets for the forthcoming financial year for recommendation to the Council for adoption.

This process commenced at the Panel's 3 June 2021 meeting when the CEO proposed a series of performance targets for 2021-22 aligned to key projects in the (then) draft *2021-22 Annual Business Plan and Budget*. The Panel worked through each of the proposed performance targets to determine what success would look like and timelines. The Panel resolved to remove one of the proposed targets and identified an alternative target and made a recommendation to Council for the revised suite of proposed targets to be adopted.

Council considered the Panel's resolution at its 22 June 2021 meeting and adopted the proposed targets as recommended.

Monitoring the progress on the CEO's agreed Performance Targets for the current 12 month performance period

At each of its five meetings held in 2021, the Panel received a progress report on the implementation of the respective performance targets applicable to that financial year.

These reports detailed the progress against the performance targets, identified any barriers or risks to target completion and forecast the next actions to be undertaken. Through this process the Panel was able to ensure that steady progress was been made and issues escalated to Council as required.

For the 2020-21 performance targets, the Panel was pleased to resolve at its 8 July 2021 to recommended to Council that the CEO had completed all eight (8) targets. Council considered the Panel's recommendation at its 27 July 2021 meeting and concurred with the Panel's assessment.

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

As identified above, the CEO has a performance review annually coinciding with the anniversary of his Employment Agreement of 30 June.

Since 2017, Council, on the Panel's recommendation, has conducted the performance review utilising internal and external processes in annual rotation.

The 2021 performance review process commenced at the Panel's 18 March 2021 meeting at which the Panel considered a report setting out the activities, meetings and dates associated with an internal process. The Panel made a recommendation to the Council's 27 April 2021 meeting which resolved to undertake the 2021 review using an internal process.

The internal process involved surveys of Council Members and Executive Officers regarding the CEO's performance against the key responsibilities in the position description along with the opportunity for areas of further development to be identified. The survey feedback and the final results against each of the performance targets comprised the performance review report.

The Panel received the draft performance review report at its 12 August 2021 meeting. Following consideration of the report, the Panel resolved to recommend to Council that the CEO's performance be rated as 'exceeds expectations'. Council considered the Panel's recommendations at its 24 August 2021 meeting and also resolved that the CEO 'exceeds expectations' in relation to the 2021 performance review.

Identifying development opportunities for the CEO

As part of the performance review process described above, opportunities for further professional development were identified in the draft performance report and discussed by the CEO and the Panel.

The CEO has subsequently discussed these development opportunities with relevant respondents and taken action as appropriate.

Reviewing the remuneration and conditions of employment of the CEO

The CEO's Employment Agreement provides for an annual review of the Total Employment Cost (TEC) Package. The review is to take into account the agreed performance indicators (targets), the CEO's position description, movements in the Consumer Price Index (Adelaide), remuneration of council CEOs in South Australia, and any other factors council considers relevant.

As part of the performance review process described in previous sections, the Panel also commissioned a consultant to undertake a remuneration review of the TEC Package.

The Panel considered the report of the remuneration consultant at its 12 August 2021 meeting. In weighing up the results of the performance review and the consultant's report, the Panel made a recommendation to Council to increase the CEO's Package from 1 July 2021 by 2.5% in recognition of the CEO's performance exceeding expectations plus 0.5% as a market adjustment.

Council considered the Panel's recommendation at its 24 August 2021 meeting and resolved accordingly recognising that the TEC Package increase also incorporated the legislated superannuation guarantee increase.

DETAILS OF MEETINGS

During 2021, a total of five (5) Panel meetings were held being:

- 18 March 2021
- 3 June 2021
- 8 July 2021
- 12 August 2021
- 11 November 2021

The Panel member attendance at meetings during the year was as follows:

Name	Attendance	Comments
Cr Mark Osterstock	5/5	Presiding Member
Janet Miller	5/5	Independent Member
Mayor Jan-Claire Wisdom	4/5	
Cr Nathan Daniell	5/5	
Cr Chris Grant	5/5	

The March meeting was the inaugural meeting for new Independent Member, Janet Miller.

LEGISLATIVE CHANGE

The *Statutes Amendment (Local Government Review) Act 2021* (the "Amendment Act") was assented to by the Governor on 17 June 2021. There are a number of provisions in the Amendment Act which came into effect on 10 November 2021 relating to CEO employment which will result in changes to CEO recruitment, appointment, termination, remuneration and performance review arrangements. The Council's proactive good governance arrangements will mean that few of these new provisions will require changes from current practice.

CONCLUSION

I enjoy my role as Presiding Member of the Panel and sincerely appreciate the confidence and support that my Council colleagues have placed in me in order to fulfill this important position on their behalf.

Importantly, I would like to thank the other members of the Panel for their ongoing support and efforts in fulfilling the Panel's role and function in providing considered and prudent advice and assistance to the Council in relation to CEO employment matters.

I would also like to thank those staff (in particular, Megan Sutherland, Pam Williams, and Lachlan Miller) involved in preparing the reports and responding to questions at meetings, as their involvement has significantly aided the Panel's deliberations and decision making processes.

Finally, I would like to thank and recognise our CEO, Andrew Aitken, for his exceptional performance and leadership in 2021 and the positive and constructive manner in which he works with the Panel and Council.

Cr Mark Osterstock

Presiding Member

Adelaide Hills Council CEO Performance Review Panel

27 November 2021

**ADELAIDE HILLS COUNCIL
ORDINARY COUNCIL MEETING
Tuesday 14 December 2021
CONFIDENTIAL AGENDA BUSINESS ITEM**

Item: 18.1

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

Subject: Audit Committee Independent Member Appointment

For: Decision

1. Audit Committee Independent Member Appointment – 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 Community Capacity, David Waters
- Director Corporate Services, Terry Crackett
- Acting Director Development & Regulatory Services, Melissa Bright
- Director Infrastructure & Operations, Peter Bice
- 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 18.1: Audit Committee Independent Member Appointment in confidence.

The Council is satisfied that it is necessary that the public, with the exception of Council staff in attendance as specified above, be excluded to enable Council to consider the report at the meeting on the following grounds:

Section 90(3) (a) of the *Local Government Act 1999*, the information to be received, discussed or considered in relation to this Agenda Item is information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead), because it would disclose the personal details of candidates who have expressed an interest to be on the Audit Committee.

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. Audit Committee Independent Member Appointment – 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 18.1 in confidence under sections 90(2) and 90(3) (a) of the *Local Government Act 1999*, resolves that an order be made under the provisions of sections 91(7) and (9) of the *Local Government Act 1999* that the report, related attachments and the minutes of Council and the discussion and considerations of the subject matter be retained in confidence until the appointment have been confirmed with the applicants, but not longer than 2 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.

**ADELAIDE HILLS COUNCIL
ORDINARY COUNCIL MEETING
Tuesday 14 December 2021
CONFIDENTIAL AGENDA BUSINESS ITEM**

Item: 18.2

Responsible Officer: David Waters
Director Community Capacity
Community Capacity

Subject: Citizen of the Year 2022 Recommendations

For: Decision

1. Citizen of the Year 2022 Recommendations – 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 Community Capacity, David Waters
- Director Corporate Services, Terry Crackett
- Acting Director Development & Regulatory Services, Melissa Bright
- Director Infrastructure & Operations, Peter Bice
- 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: (Citizen of the Year 2022 Recommendations) in confidence.

The Council is satisfied that it is necessary that the public, with the exception of Council staff in attendance as specified above, be excluded to enable Council to consider the report at the meeting on the following grounds:

Section 90(3)(o) of the *Local Government Act 1999*, the information to be received, discussed or considered in relation to this Agenda Item is information relating to a proposed award recipient before the presentation of the award, the disclosure of which could reasonably be expected to reveal award recipient information before a special event.

Accordingly, on this basis the principle that meetings of the Council should be conducted in a place open to the public has been outweighed by the need to keep the information and discussion confidential.

3. Citizen of the Year Awards 2022 Recommendations – 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 18.2 in confidence under sections 90(2) and 90(3)(o) of the *Local Government Act 1999*, resolves that an order be made under the provisions of sections 91(7) and (9) of the *Local Government Act 1999* that the report, related attachments and the minutes of Council and the discussion and considerations of the subject matter be retained in confidence until the presentation of the awards on 26 January 2022, with the exception of the appropriate release of information to award recipients and their close family and friends, nominators and media outlets to enhance coverage of the awards.

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

**ADELAIDE HILLS COUNCIL
ORDINARY COUNCIL MEETING
Tuesday 14 December 2021
CONFIDENTIAL AGENDA BUSINESS ITEM**

Item: 18.3

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

Subject: East Waste Independent Chair Appointment

For: Decision

1. East Waste Independent Chair Appointment – 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 Community Capacity, David Waters
- Director Corporate Services, Terry Crackett
- Acting Director Development & Regulatory Services, Melissa Bright
- Director Infrastructure & Operations, Peter Bice
- 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 18.3: East Waste Independent Chair Appointment in confidence.

The Council is satisfied that it is necessary that the public, with the exception of Council staff in attendance as specified above, be excluded to enable Council to consider the report at the meeting on the following grounds:

Section 90(3) (a) of the *Local Government Act 1999*, the information to be received, discussed or considered in relation to this Agenda Item is information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead), because it would disclose the personal details of the candidate for the East Waste Independent Chair position.

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. East Waste Independent Chair Appointment – 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 18.3 in confidence under sections 90(2) and 90(3) (a) of the *Local Government Act 1999*, resolves that an order be made under the provisions of sections 91(7) and (9) of the *Local Government Act 1999* that the discussion and considerations of the subject matter be retained in confidence until 30 March 2022 or until East Waste advises of the Independent Chairperson appointment, whichever occurs earlier.

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